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HOUSE OF REPRESENTATIVES—*Monday, September 20, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

Know ye that the Lord He is God. It is He that hath made us and not we ourselves: We are His people and the sheep of His pasture.—Psalms 122:3.

O Thou in whose presence our souls find peace and by whose spirit we are led on our way through life, at the doorway of another week, and with our Hebrew brethren at the beginning of a new year, we pause to pray that Thou wouldst make us worthier of Thy love. Incline our hearts to seek Thy wisdom, to receive Thy grace, and to obey Thy commandments.

On this day of a new beginning—the first day of the rest of our lives—may we learn to labor in Thy love and to live in harmony with Thy laws. May we not impoverish others that we may prosper nor ignore the rights of the weak that we may make ourselves strong. Turn Thou our strength to the tasks of justice, mercy, and peace, so that, in our labors for the common good, we may find the joy and satisfaction of the righteous life.

Comfort our beloved colleague in his sorrow and be to him a tower of strength.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RESIGNATION FROM U.S. HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the U.S. House of Representatives:

WASHINGTON, D.C.,
September 16, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of the State of Vermont my resignation as a Representative in the Congress of the United States from the At Large District of the State of Vermont.

Respectfully yours,
ROBERT T. STAFFORD,
Member of Congress, Vermont.

RESIGNATION AS MEMBER OF U.S. DELEGATION TO 17TH ANNUAL SESSION, NORTH ATLANTIC ASSEMBLY

The SPEAKER laid before the House the following resignation as a member of the U.S. delegation to the 17th annual session of the North Atlantic Assembly:

WASHINGTON D.C.
September 14, 1971.

HON. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as a member of the United States Delegation to the 17th Annual Session of the North Atlantic Assembly (NATO) to be held in Ottawa, Canada, from September 24 to September 29, 1971.

Sincerely,
L. C. ARENDS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBER OF U.S. GROUP, NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. group of the North Atlantic Assembly the gentleman from Michigan, Mr. RUPPE, to fill the existing vacancy thereon.

RED CHINA AND THE U.N.

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I confess that I am puzzled by the frequent shift in my Government's policies. For years I have been proud of America's support for the Republic of China and I have watched that little country demonstrate an outstanding degree of success as an exponent of the capitalistic system of government. This is the more remarkable because Taiwan has borne a substantial share of the cost of the common defense in the Pacific and Taiwan, much more than most has demonstrated a willingness to stand beside us even in battle. Now I witness the strange spectacle of the United States embracing Red China, an enemy, and our worst critic and sponsoring that nation's membership in the United Nations. Thus, we are willing to help an enemy apparently to the point of turning our back on a friend.

I cannot think this is helpful to America's image abroad. I wonder how much reliance other nations will now place on our commitments to them.

Would it not be better to stand with Taiwan? If we are defeated in the U.N. on this matter, it would not be the first time we have been defeated for a good cause. If we do not have sufficient influence in U.N. affairs to produce a favorable decision for sound policies, would it not be just as well to leave the U.N.? For years we have known that the U.N. is of questionable value. It contributes little except aimless rhetoric toward the solution of world problems. Without our financial support—we pay 40 percent of the cost, much more than any other country—it would fail anyway. Would it really be a serious loss to the world?

BUS OR BE DAMNED

(Mr. FLOWERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, I have just received some sad and disappointing news on a Federal court ruling involving public schools of Pleasant Grove, Ala., a small town in Jefferson County in my congressional district. It seems to me that this particular ruling shows the ridiculous extent of the interference in affairs of local school districts and communities by an overzealous Federal judiciary and bureaucracy.

Mr. Speaker, the only persons who will suffer, of course, will be the people—all of the people—children, parents, taxpayer citizens, both black and white. In this instance, a local school district made up entirely of the city of Pleasant Grove has been under the gun of a Federal judge to bus or be held in contempt of court—to bus or be damned, if you will. What is different here, Mr. Speaker? Why should Pleasant Grove complain? Have not numerous communities across this Nation had their education disrupted, confused, and downgraded by unnecessary and foolish decisions of this sort? This is absolutely true, but the Pleasant Grove case goes even further. Because Pleasant Grove owns not one single schoolbus—it never has—and it never will says the local school board. What is more, the students to be bused by these nonexistent buses are not even citizens of Pleasant Grove nor do they reside in the school district, but rather live miles away. Curiously enough, they mostly live within walking distance of another public school—practically brand new—but closed by court order.

Mr. Speaker, this decision is bad, but each one seems to get worse. Surely, there must be a stopping place somewhere and a beginning of a return to emphasizing quality education in the field of education. Children and the schools should not be tools of inept social planners in a free society.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

VILLAGE OF ORLEANS, VT.

The Clerk called the bill (S. 708) for the relief of the village of Orleans, Vt.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CORRECTING DEFICIENCIES IN THE LAW RELATING TO THE CRIMES OF COUNTERFEITING AND FORGERY

The Clerk called the bill (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

There being no objection, the Clerk read the bill as follows:

H.R. 9222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 500 of title 18, United States Code, as amended by section 6(j) (5) of the Postal Reorganization Act, Public Law 91–675, is further amended to read as follows:

"§ 500. Money orders

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by or under the direction of the Post Office Department or Postal Service; or

"Whoever forges or counterfeits the signature or initials of any person authorized to issue money orders upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or endorsement thereon, or any material signature to any receipt or certificate of identification thereof; or

"Whoever falsely alters, in any material respect, any such money order or postal note; or

"Whoever, with intent to defraud, passes, utters or publishes or attempts to pass, utter or publish any such forged or altered money order or postal note, knowing any material initials, signature, stamp impression or endorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or

"Whoever issues any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States or Postal Service, or any officer, employee, or agent thereof, any sum of money whatever; or

"Whoever embezzles, steals, or knowingly converts to his own use or to the use of another, or without authority converts or disposes of any blank money order form provided by or under the authority of the Post Office Department or Postal Service; or

"Whoever receives or retains any such money order form with the intent to convert it to his own use or gain or use or gain of another knowing it to have been embezzled, stolen or converted; or

"Whoever, with intent to defraud the United States, the Postal Service, or any person, transmits, presents, or causes to be transmitted or presented, any money order or postal note knowing the same—

"(1) to contain any forged or counterfeited signature, initials, or any stamped impression, or

"(2) to contain any material alteration therein unlawfully made, or

"(3) to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, or

"(4) to have been stamped without lawful authority; or

"Whoever steals, or with intent to defraud or without being lawfully authorized by the Post Office Department or Postal Service, receives, possesses, disposes of or attempts to dispose of any postal money order machine or any postal money order form or any stamp, tool, or instrument used in preparing or filling out the blanks on such money order forms—

"Shall be fined not more than $5,000 or imprisoned no more than five years, or both."

With the following committee amendments:

Page 2, line 6, strike "endorsement" and insert "indorsement".

Page 2, line 14, strike "endorsement" and insert "indorsement".

Page 3, line 25, after "instrument" insert "specifically designed to be".

The committee amendments were agreed to.

Mr. FLOWERS. Mr. Speaker, the bill H.R. 9222 would amend section 500 of title 18, United States Code, concerning the counterfeiting and forgery of money orders by restating the existing provisions of the section and by adding language to clarify the law and to extend the scope of the section. The amendments include provisions concerning the theft or conversion of blank money order forms and the unauthorized receipt, possession, or disposition of blank money order forms. The amended section would cover the theft of money-order machines or any stamp, tool, or instrument specifically designed to be used in preparing or filling out the blanks on a money order form and also the possession or disposition of those items without the lawful authorization of the Postal Service.

H.R. 9222 was introduced in accordance with the recommendations of the Postal Service which recommends enactment of the legislation. As indicated in the communication of the Postal Service, the amendments provided for in this bill are necessary to bring the provisions of the section up to date and to correct specific deficiencies. In particular, the United States has encountered problems seeking convictions of persons accused of stealing or fraudulently passing money orders. This is indicated in investigative reports from all sections of the United States which show that the present provisions of section 500 of title 18 do not adequately cover many of the stolen and forged money order cases.

The Postal Inspection Service faces serious problems in attempting to block traffic by professional criminals in money orders stolen in blank in post office burglaries which are thereafter forged and passed throughout the United States.

An outline of the history of the provisions of section 500 of title 18 serves to illustrate how provisions developed to meet problems in the past now require amendment to meet the current situation in law enforcement in this phase of Federal activity. The postal money order system was established on May 17, 1864, by the enactment of a law during the first session of the 38th Congress (13 Stat. 76, ch. 87). Section 12 of that act provided sanctions for counterfeiting, forging, or knowingly passing any such falsely made postal money order. However, neither the original statute nor the law as presently codified in section 500 of title 18 proscribes the theft of blank money orders as such, the unlawful receipt or possession of such orders, or the theft or possession of postal money order issuing instruments and validating equipment. In policing the postal money order system and combating the modern day post office burglar and the sophisticated fencing apparatus with which the Government is now frequently confronted in these cases, postal inspectors and U.S. attorneys are now forced, at times, to rely on other statutes to provide a prosecutive means to curb the criminal acts just described. It must be recognized that these statutes were designed with other fundamental abuses in mind. They provide a rather poor fragmented substitute for the comprehensive money order law, which would be provided by section 500 of title 18 with the amendments proposed in H.R. 9222.

At a hearing on this bill, the committee was advised that in fiscal year 1970 postal accountability in terms of cash, postal stamps, or money orders, was maintained in 43,112 post offices and postal stations in our States and territories. The witness stated that a total of 1,972 criminal assaults occurred during the year on these facilities, ranging from highly professional torch attacks on walking security vaults, to simple sneak-thief attempts at service windows. Cash and stamp stock, totaling $3,141,813, were stolen, as were 78,868 blank postal money orders. Since each money order may be issued in the maximum sum of $100, this represents a potential gain of nearly $8 million to the burglars and thieves. However, the continued improvement of security features with respect to the money order system together with improved loss notification and communication procedures has made it impossible for the criminal element to realize the maximum profit from stolen orders. Thus, while over 78,000 blank money orders were stolen in fiscal 1970, only 4,868, in the total sum of approximately $450,000 were fraudulently cashed during the year.

Prior to 1962, postal personnel wrote the amount on each order at the time it was issued. If blank money orders were stolen, the thief or passer had but to write this amount in himself. In June 1962, however, each post office and station was supplied one or more money order machines to be used in imprinting on the order the amount for which issued. The following year, only 1,861 stolen money orders were cashed. A 13.04-percent decline from the previous year.

At the hearing on July 21, 1971, the Postal Service witness observed that the criminal element is adept at devising new techniques with which to counter protective devices. Increasingly, since 1962, post office burglars have been stealing the money order imprinting machines, as well as other validating stamps and instruments, when they burglarize post offices. Apparently due to a recognition that they face increasingly rapid dissemination of loss notification procedures by the Government, burglars do not attempt to prepare and negotiate the stolen orders themselves, to the extent that they did in years past. In order to avoid this relatively hazardous act, they sell the blank orders and the validating equipment to fences, who, in turn, may sell to other fences, and so on, until they reach a person willing to assume the risk of passing the stolen orders.

In reviewing the language of the bill, the committee felt that a clarifying amendment should be made to the new language concerning the unauthorized receipt, possession, and disposal of validating equipment. The committee concluded that the language should be clarified to express the precise intent of this aspect of the bill, that is, to cover offenses involving issuing and validating equipment specifically designed to be used in preparing or filling out money order forms. Accordingly, the committee has recommended an amendment adding the words "specifically designed to be" following the words "stamp, tool, or instrument" in line 25 of page 3 of the bill so as to accomplish this purpose. Thus, the language will include items particularly utilized and required in the issuance of postal money orders while excluding items of general office use such as pens, pencils, and typewriters.

The committee has determined that there is a clearly defined need for the amendments to section 500 of title 18 as provided in the amended bill. With these amendments, the law concerning illegal activities involving money orders will be included in one section of title 18. The revised language will also more clearly define the offenses which adversely affect the operation of the postal money order system. It is recommended that the amended bill be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATION OF SAMUEL R. McKELVIE NATIONAL FOREST

The Clerk called the bill (H.R. 9634) to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest."

There being no objection, the Clerk read the bill as follows:

H.R. 9634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of enactment of this Act the national forest situated in the State of Nebraska, Cherry County, known and designated as the "Nebraska National Forest", Niobrara division, shall be known and designated as the "Samuel R. McKelvie National Forest", Niobrara division. All laws, regulations, and public documents and records of the United States in which such national forest is designated or referred to under the name of the "Nebraska National Forest", Niobrara division, shall be held to refer to such national forest under and by the name of the "Samuel R. McKelvie National Forest".

With the following committee amendment:

Page 1, lines 7 and 8, strike out the words ", Niobrara division" and insert in lieu thereof a period.

The committee amendment as agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF AUTHORITY FOR INSURING LOANS UNDER THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

The Clerk called the bill (H.R. 10538) to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FACILITATING THE ENFORCEMENT OF CERTAIN SHIPPING BY THE FEDERAL MARITIME COMMISSION

The Clerk called the bill (H.R. 755) to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916 (46 U.S.C. 801 et seq.), is amended as follows:

(a) By deleting that part of the first sentence in the last paragraph of section 15, immediately preceding the proviso, and substituting the following:

"Whoever violates any provision of this section or of section 14b shall be subject to a civil penalty of not more than $1,000 for each day such violation continues:"

(b) By deleting the last paragraph of section 16 and substituting the following:

"Whoever violates any provision of this section other than paragraphs First and Third hereof shall be subject to a civil penalty of not more than $5,000 for each such violation.

"Whoever violates paragraphs First and Third hereof shall be guilty of a misdemeanor punishable by a fine of not more than $5,000 for each offense."

(c) By deleting section 18(b)(6) and substituting the following:

"(6) Whoever violates any provision of this section shall be subject to a civil penalty of not more than $1,000 for each day such violation continues."

(d) By deleting section 32 and substituting therefor the following:

"SEC. 32. (a) That whoever violates any provision of sections 14 through 21 and section 44 of this Act, except where a different penalty is provided, shall be subject to a civil penalty not to exceed $5,000 for each such violation.

"(b) Whoever violates any provision of any other section of this Act, except where a different penalty is provided, shall be guilty of a misdemeanor punishable by fine not to exceed $5,000."

(e) By adding the following as a new section 45:

"SEC. 45. Civil penalties provided for violations of sections 14 through 21 and 44 of this Act may be assessed by the Federal Maritime Commission."

(f) By renumbering present section 45 to section 46.

SEC. 2. The last sentence of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), is amended to read as follows:

"Whoever violates any provision of this section shall be subject to a civil penalty to be imposed by the Federal Maritime Commission of not more than $1,000 for each day such violation continues."

With the following committee amendments:

On page 3, line 1, insert the word "a" after the word "by".

On page 3, line 2, strike out the quotation marks.

On page 3, after line 2, insert the following: "(c) Whoever violates any order, rule or regulation of the Federal Maritime Commission made or issued in the exercise of its powers, duties, or functions, shall be subject to a civil penalty to be assessed by the Federal Maritime Commission of not more than $1,000 for each day such violation continues."

On page 3, line 12, delete the word "imposed" and insert the word "assessed" in lieu thereof.

The committee amendments were agreed to.

Mr. DINGELL. Mr. Speaker, the bill would convert the penalties of section 16—except for paragraphs 1 and 3—of the act from criminal penalties to civil penalties, with the money amounts of the penalties to remain unchanged. It also changes the general penalty of section 32 of the act by making all violations of sections under the jurisdiction of the Federal Maritime Commission, for which no penalty is specifically provided, civil instead of criminal. Authority would be vested in the Commission to fix the amount of civil penalties for violations of sections subject to its jurisdiction. Penalties assessed by the Commission would be remitted or mitigated by it under appropriate circumstances pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951–953, and regulations promulgated thereunder. Since the bill would authorize the Commission to assess civil penalties, sections 15 and 18(b)(6) would be amended to eliminate the words "to be recovered by the United States in a civil action."

As the act now stands, civil penalties are imposed for violations of section 15, which requires the filing for approval of agreements restricting competition, and of section 18(b), which requires the filing of tariffs. However, the penalties of section 14, which prohibits deferred rebates and other unfair practices, and section 16, which prohibits false billing and undue preferences, are criminal.

H.R. 755 is designed to facilitate enforcement of certain statutes administered by the Federal Maritime Commission. It was requested by the Commission so as to permit the Commission to assess civil penalties for violations of some sections of the shipping statutes in a manner similar to the enforcement machinery used by other Federal agencies dealing with industries subject to their jurisdiction. This bill would supplant a more cumbersome present procedure in which a violator must be charged with a crime and the matter must be handled by the Department of Justice as are other Federal criminal offenses and also civil offenses.

The present system has resulted in the imposition of widely different penalties for similar offenses, depending upon the court having jurisdiction. The present bill would also eliminate the necessity of a de novo district court penalty suit as is presently required and would enable the Commission to relate the amount of the penalty directly to the nature and circumstances of the violation. Thus, the Commission, with its special appreciation of the consequences of certain types of offenses and with its experience covering administration of the statutes, will be able to fix the penalties in a more evenhanded and equitable way. Such a procedure should also, in many instances, reduce the total litigation expenses to both the Government and private parties while at the same time retaining the safeguards of justice through the reviewability of Commission decisions in U.S. courts of appeals.

The committee adopted one substitute amendment which would specifically provide a civil penalty of not more than $1,000 for each day of a violation of an order, rule or regulation of the Commission. This would bring into line penalties for violations of the Commission's orders and regulations with the penalties for violation of the statute and bring into play the same procedure for their imposition and conclusion.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE KENNEDY CENTER

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, with the official opening last week of the John F. Kennedy Center for the Performing Arts, the imagination of the American public has been sparked by the potential of a cultural workshop and showplace benefiting a national capital.

To keep faith with this promise, the Congress must view this achievement as not the fulfillment, but only one plateau in a continuing effort which will require our fullest understanding and support.

Unless the center receives support in the form of Federal expenditures, the apprehensions of its critics will be vindicated and the expectations of the public frustrated.

Marquis Childs, in his recent column on the center, convincingly outlines the contributions which other nations, nations less populous or prosperous, have made to the development of the arts.

If Washington is to take its rightful place among the centers of the arts, we can do no less.

I respectfully direct my colleagues to the Childs column and ask that they recognize that the congressional support for the center must take into consideration the necessity for continuing Federal expenditures:

KENNEDY CENTER NEEDS SUBSIDY

(By Marquis Childs)

This capital has just been through a kulturkampf that left behind bruised egos and rancorous feelings, and yet with all the uproar there was a sense of moving into a new age. The occasion was the formal opening of the Kennedy Center for the Performing Arts with three dedicatory performances.

Both with the huge marble center and with the premier presentation, Leonard Bernstein's mass, it was not hard to find fault, and the professionals in this department were quick to rush into the breach. The miracle seemed, however, that with all the pulling and hauling from so many different directions, the center had actually come into being.

As first signed into law by President Eisenhower, in 1958, the national cultural center was to be built with voluntary contributions. This didn't work. Early in 1964, following the assassination of John F. Kennedy, his successor, Lyndon Johnson, rushed through bipartisan legislation calling for dedication of the center as a memorial to the murdered President and providing $15.5 million in federal money to be matched by private giving.

Two years ago President Nixon got through legislation providing an additional $7.5 million. The site on the Potomac River had been an initial contribution by Congress.

From the beginning the going has been tough. In a survival of the puritan ethic, many members of Congress have felt it was immoral to spend the taxpayers' money on the arts. If people wanted to hear opera and orchestral concerts, let them pay for it.

This makes evident the serious problem ahead for the huge $76 million center. If it is to fulfill its function and make music and theater available, not just to a few rich opera lovers, but to a broader public, there must be a generous annual subsidy that can come only from Congress. While without such a subsidy the concert halls may be filled, the vision of a center that would encourage the experimental, the new, and the untried will not come to life.

Every other Western nation has a long established tradition of public support for the arts. Without government subsidies such costly entertainment as opera could scarcely survive with any hope of a high standard of excellence and particularly in light of worldwide inflation. The contrast with the United States, rated the richest nation, is striking.

Austria has a state budget for music and theater equivalent to $3 per capita. In addition, provincial governments contribute to the arts. Granted that this is in part a practical matter, the superb Vienna State opera and the Salzburg music festivals being conspicuous tourism attractions. Nevertheless it is a national tradition that makes available to all income levels the best in theater and music.

Finland, with a population of 4,700,000, has a national opera and several subsidized theatrical companies with a remarkable standard of excellence. State and local community aid to the performing arts is about $1 per capita.

After the cloud of controversy subsides the important fact remains—the center is in being with facilities for opera and ballet long needed in this cultural desert. This is bound to mean a cross-fertilization of the arts on both the national and international level.

Among the guests coming from abroad for the opening of the center was Austria's Minister of Education and Arts Leopold Graz. With him was the new director of the Vienna State Opera, Rudolph Sarusjeger. One objective was to negotiate an appearance of the Vienna opera for the season of 1973. This has hitherto been considered all but impossible because of the union demands to pay an orchestra and singers who do not perform.

By including a variety of expenditures, many of them hardly relevant, the U.S. government in 1970 spent on the arts at the rate of 19 cents per capita. This was up from 1969, when the rate was 10 cents. The total spending figure of $39,505,000 includes $9,150,000 for the National Endowment for the Arts and $15 million for the Public Broadcasting Corp.

That is a minuscle sum for an affluent people approaching the 200th year of nationhood. The Kennedy Center provides an excellent opportunity to make up for long indifference and neglect.

CHANGE OF PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order that I might ask the distinguished majority leader if the gentleman will tell us of any change in the program anticipated for the balance of this week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the gentleman from Illinois, the distinguished minority whip, I might inform the House that due to the untimely death of Mrs. Wiggins, Mr. WIGGINS being the author of one of the amendments to the proposed equal rights amendment, we have delayed consideration of the equal rights amendment and are taking it off the calendar for this week. We will call up H.R. 10351, the Economic Opportunity Act amendments, on Wednesday, subject to a rule being granted.

LEGISLATION DESIGNED TO BRING ABOUT REFORM IN CORRECTIONAL INSTITUTIONS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, the tragedy which occurred at Attica has again pointed up the need for reform in our prisons and correctional institutions.

I want to assure the House that the subcommittee which I chair of the Committee on the Judiciary, Subcommittee No. 3, has already undertaken the difficult subject of corrections reform.

Mr. Speaker, we have already held a series of hearings on this matter. We will visit institutions throughout America in the next several months. It is our intention to report out a bill which will make some progress in the field of reform of corrections in America sometime during this Congress.

We will not, Mr. Speaker, however, be panicked by events, however tragic and however compelling they are in terms of newspaper headlines This subcommittee will proceed in an orderly fashion, and, as I have suggested, it is our intention to report out legislation during this Congress. This is our mandate and this is our pledge to the House of Repsentatives.

URGENT NEED FOR ENACTMENT OF HOUSE JOINT RESOLUTION 651

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, with the headline "Nixon Takes Backseat as Schoolbuses Roll," the Christian Science Monitor keynoted the views, as reported by the press generally, of the opening of the Nation's public schols, in early September 1971. It had been feared by some that the President's August 3, 1971, statement that he was "against busing as that term is commonly used in school desegregation" would have a disrupting effect. However, except in a few isolated instances serious trouble did not materialize when and as expected.

To be sure, in Pontiac, Mich., where 10 school buses had been destroyed the week before, nine protestors were arrested on the first day and four more on the second day of busing in an attempt to achieve desegregation. In Boston, also, there was protest; and in many southern cities there was "confusion." But Gov. George C. Wallace's threat of confrontation in Montgomery, Ala., did not occur. In Jacksonville and Orlando, Fla., the busing went smoothly and in cities where antibusing demonstrations did take place and where white students boycotted classes on the first day of school a gradual increase in white enrollment could be noted in the days that followed.

This apparent widespread compliance with the edict of the Swann decision that school boards must make every effort to achieve the greatest possible degree of actual desegregation even, if necessary, by forced busing, should be a warning signal to all lovers of liberty, whether black or white. Once the buses really start rolling, with the tremendous financial outlays that will entail, once the machinery of forcing children to attend a nonneighborhood school is put in motion, it will become harder and harder to step on the brakes.

If the vested economic as well as other interests become entrenched and the people become more and more used to such controls, the regaining of lost liberty will become more difficult. All of this makes the need for speed in the passage of House Joint Resolution 651 the more impelling. Enactment of this joint resolution, of which I am a sponsor, would be a step toward retention of what is left of the liberties of the American people.

Mr. Speaker, I insert in the RECORD at this point brief excerpts from the article in the Christian Science Monitor to which my remarks relate.

[Excerpts from Christian Science Monitor, Sept. 9, 1971, pp. 1 and 2]

NIXON TAKES BACKSEAT AS SCHOOL BUSES ROLL

(By William S. Selover)

As countless big, boxy, yellow school buses revved up this week to help carry out court-ordered desegregation of the nation's schools, the Nixon administration position "against bussing" took a distinct backseat.

The President's widely proclaimed pledge to hold federally imposed bussing "to the minimum required by law" still allows for massive amounts of bussing, in both the North and South, despite the calculated White House impression to the contrary.

While the first days of bussing in the new school year saw some rocky going, in most instances the transition has been smooth and the use of buses to achieve desegregation has been more troublefree than had been feared by administration critics.

These critics had charged that President Nixon's Aug. 3 statement that he was "against bussing as that term is commonly used in school desegregation" would have a disruptive effect when schools opened.

RELATIVE CALM

Officials here are pointing to the relative calm with which the bussing has been accepted in places where trouble had threatened.

In Jacksonville and Orlando, Fla., new bussing plans were put into effect with little trouble other than nominal confusion. This same pattern has been repeated in other Southern cities. A threatened confrontation involving Gov. George C. Wallace in Montgomery, Ala., did not materialize.

Some cities where protests and demonstrations marked the opening days of school —and where a number of white pupils boycotted classes—have seen a gradual increase of white enrollment as the school days pass. This has occurred in Savannah and Chatham County, Ga.

Pontiac, Mich., where 10 school buses were destroyed by bombs a week ago, was one of the most troubled systems. Nine protesters were arrested Tuesday for attempting to block the first day's run of desegregation buses. Four more were arrested Wednesday, but the bussing went off as scheduled.

Protests also continued in Boston over a racial balancing plan.

But in places such as Indianapolis, Ind., and Kalamazoo, Mich. large-scale bussing to achieve racial balance was carried out peacefully.

Most school administrators who had carefully put together desegregation plans under the guidance of the Department of Health, Education, and Welfare following the April landmark desegregation decision by the United States Supreme Court took the President's Aug. 3 statements as something of a rhetorical exercise.

There was a good deal of initial consternation from school boards from around the country following the President's Aug. 3 statement. Many boards had worked most of the summer to draw up desegregation plans. But most were more impressed by the Supreme Court's April ruling in the Swann case than they were with White House pledges to oppose "bussing for bussing's sake."

DAIRYMEN'S BARGAINING ACT

(Mr. SISK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SISK. Mr. Speaker, I introduce for appropriate reference, a bill to be known as the Dairymen's Bargaining Act.

Over the years, cooperatives have developed workable, relatively effective methods for bargaining for prices on behalf of their farmers.

In today's highly competitive economy, however, new legislation is needed to strengthen the ability of cooperatives to bargain still more effectively.

Why?

With ever-enlarging competitive organizations, cooperatives find it increasingly difficult to effectively represent their farmers in the marketing place. Economic inequities continue to occur, such as:

First. Prices for farmers are inadequate.

Second. Milk marketing costs often must be inequitably borne by the cooperatives and their farmer members, even though results accrue to the benefit of all farmers, the processors, and the consuming public.

Third. The lack of bargaining authority both for prices and related services results in reduced income to dairy farmers. This handicaps their ability to produce and maintain a good supply of quality milk. As well, it reduces farmers' ability to purchase essential equipment and services, and to pay for increasing cost of labor, taxes, and other items. As a result, there are also adverse economic effects on industries dependent upon farm purchasing power.

The proposed legislation would mitigate, or eliminate, many of these inequities and undesirable conditions. By providing more orderly and effective bargaining procedures, dairy cooperatives would be able to negotiate more effectively, first, for the terms and conditions under which milk will be supplied; and, second, for services rendered in connection with the marketing of milk.

During September 20 to October 1, the Subcommittee on Domestic Marketing and Consumer Relations of the Committee on Agriculture will hold hearings on general farm bargaining bills. The hearings will include consideration of the Dairymen's Bargaining Act.

At this time, I submit the proposed act for printing in the Record.

H.R. 10770

A bill to establish more orderly bargaining procedures, to enable dairy cooperatives to negotiate more effectively for terms and conditions of the sale of milk, to provide compensation for performance of services essential to the marketing of milk, to eliminate inequities in existing marketing practices, to insure an adequate regular supply of good, healthful milk to consumers, and for other purposes

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That—

Section 1. This Act may be cited as the Dairymen's Bargaining Act.

Sec. 2. Disorderly conditions in the marketing of milk, inadequate prices paid dairy farmers for milk, inadequate compensation for services performed in connection with the marketing of milk, unequal distribution of the costs of providing such services, the lack of adequate provisions concerning responsibility for the performance of such services, and the lack of adequate bargaining power of dairy farmers and dairy cooperatives, adversely affect interstate and foreign commerce, impede the free and orderly flow thereof, and interfere with the production of goods for such commerce. It is the purpose of this Act to mitigate or eliminate these conditions by providing orderly bargaining procedures whereby dairy cooperatives supplying milk to a market can negotiate effectively for the terms and conditions under which milk will be supplied and for the terms and conditions under which services will be provided in connection with the marketing of milk.

Sec. 3. For the purposes of this Act—

(a) "Commerce" means interstate and foreign commerce as covered by the Marketing Agreement Act and the interpretations and applications of that Act with regard to such commerce shall be applicable to this Act.

(b) "Board" means a National Milk Marketing Board established under the authority of this Act.

(c) "Marketing Agreement Act" means the Agricultural Marketing Agreement Act of 1937, as amended, and as the same may be further amended.

(d) "Marketing order" means a Federal milk marketing order in effect under the Marketing Agreement Act.

(e) "Cooperative" means a cooperative marketing association as defined in the applicable marketing order. It includes also a federation, or marketing agency in common, of such cooperatives.

(f) "Person" means any individual, partnership, corporation, association, cooperative or other business unit.

(g) "Certified agency" means an agency, organized by one or more cooperatives, which has been certified by the Board as the bargaining agent for an applicable marketing order for the purposes of this Act.

(h) "Producer" means a producer as defined in the applicable marketing order.

(i) "Producer milk" means milk received from producers.

(j) "Handler" means a handler as defined in the applicable marketing order.

(k) "Negotiated price" means that portion of the price, terms, and conditions of sale for milk which is over the minimum price established by the applicable marketing order for any use classification.

(l) "Department" means the United States Department of Agriculture.

(m) "Secretary" means the Secretary of Agriculture of the United States.

(n) References herein to a handler, plant, cooperative, certified agency, board, the Department, the Secretary, or any other person or entity to which this Act applies includes any officer, employee or other person authorized to act for such respective principals in any matter under this Act.

Sec. 4. There is hereby created a National Milk Marketing Board which shall be an independent agency of the United States. The Board shall consist of twelve directors to be appointed by the President of the United States after giving consideration to the nominees selected in the following manner. One director shall be nominated by the Secretary. Seven directors shall be nominated by cooperatives qualified under the several marketing orders in effect at the time of their election. Four directors shall be nominated by handlers regulated under the several marketing orders in effect at the time of their election.

Sec. 5. The Secretary shall conduct all proceedings for nominations for directors and shall certify all such nominations to the President. Voting by cooperatives and by handlers shall be related to volume of milk regulated under applicable marketing orders. The Secretary shall divide the marketing orders into seven producer districts, giving consideration to volume of milk marketed, geography, types of operations of cooperative associations and other factors. Each such producer district shall be entitled to nominate one director. The Secretary shall divide the marketing orders into four handler districts, each of which shall be entitled to nominate one director. Such districts may be revised from time to time. All such districts shall be designated, and the method of conducting all proceedings for nominations, shall be prescribed by regulation promulgated by the Secretary.

Sec. 6. The terms of directors shall be three years, except that the Secretary shall provide, by regulation, for staggered terms. Vacancies shall not impair the authority of the remaining directors to act. Seven directors shall constitute a quorum. The Board shall elect its own officers, may employ necessary staff, may utilize the services and facilities of the Department, and shall be authorized to do all things necessary to carry out its functions under this Act. The compensation of directors shall be prescribed by the Secretary by regulation.

Sec. 7. The Board shall:

(a) Designate certified agencies pursuant to this Act;

(b) Receive, investigate, hear, and adjudicate complaints under this Act;

(c) Enforce prices and the payments of rates for services determined in accordance with bargaining agreements entered into with handlers by certified agencies under this Act;

(d) Have the cooperation of the Secretary in making available necessary information relative to milk marketing orders pertinent to investigations, hearings, or enforcement actions of the Board;

(e) Promulgate regulations to effectuate the purposes of this Act; and

(f) Do all things necessary or incidental to the performance of its functions under this Act or which are necessary to accomplish the objectives of this Act.

Sec. 8. When requested to do so by one or more cooperatives, which represent substantial amounts of producer milk supplied to handlers regulated by a marketing order, the Board shall hold a public hearing to determine whether an agency is entitled to be certified as a certified agency.

Sec. 9. The Board shall certify such agency as a certified agency if the Board finds:

(a) That such agency, through its member cooperative or cooperatives, will represent more than 50 per centum of the producers, and more than 50 per centum of the producer milk, under such marketing order;

(b) That all of the cooperatives represented in such agency will be cooperatives qualified under such marketing order;

(c) That such agency will be capable of performing, or of having performed under its direction and as its responsibility, all of the services for producers, handlers, and the market, which it includes in its request for certification; and

(d) That such agency offers membership in the agency on a reasonable basis with proportionate representation to all cooperatives qualified under the marketing order, and will notify all qualified cooperatives of agency meetings.

Such representation shall be related to number of producers, or to volume of producer milk, or a combination thereof, as prescribed in the applicable certification. Those cooperatives which accept such offer shall become members of the agency.

The Board may, in any such certification, include conditions and limitations consistent with this Act and with the purposes and objectives of this Act. Certifications issued by the Board may be amended.

The name of the certified agency shall be related to the applicable marketing order and not to any cooperative.

Sec. 10. The certified agency shall have authority:

(a) To bargain with handlers for prices to be paid for all producer milk in excess of the minimum prices prescribed in the applicable marketing order, except prices for producer milk in the lowest use classification under the marketing order.

Prices negotiated by the certified agency shall be uniform as to all handlers to the same extent that uniform prices are required under the Marketing Agreement Act.

Prices for producer milk in any use classification, except the lowest use classification, negotiated by the certified agency with handlers receiving more than 50 per centum of the producer milk received by all handlers in any such use classification shall be binding on all handlers in the same manner and with the same force and effect as minimum prices prescribed in the marketing order.

Negotiated prices shall be made applicable on an equal basis to milk received by handlers in bulk form from sources other than producer milk. Negotiated prices shall be made applicable to milk received by handlers or otherwise entering the marketing area in packaged form from sources other than producer milk to the same extent that such packaged milk is subject to regulation under the terms of the applicable marketing order. Negotiated prices may be made applicable to producer milk which is disposed of outside of the marketing area or the negotiated agreement may exclude such milk. This Act shall not preclude any cooperative or producer from bargaining for a price above the negotiated price for any use classification.

(b) To bargain with handlers for services to be performed and the minimum rates to be paid for services related to the marketing of milk. The certified agency shall be primarily responsible for the performance of any services negotiated by it but it may have any or all of such services performed by others. The certified agency shall have no power to require any cooperative or other person to perform services, unless such cooperative or other person shall agree to do so. The negotiated agreement shall not preclude any cooperative from performing services for any handler, except that the rate charged shall not be less than the negotiated rate for similar services.

Rates for services negotiated by the certified agency shall not be discriminatory as to any handler, taking into consideration variations in service, cost, and circumstances.

Minimum rates for services relating to producer milk in any use classification, negotiated by the certified agency with handlers receiving more than 50 percentum of the producer milk received by all handlers in any such use classification shall be binding on all handlers in the same manner and with the same force and effect as the minimum price prescribed in the marketing orders.

Rates for services negotiated by the certified agency shall not be binding on milk received by handlers from sources other than producer milk, except to the extent that any handler shall agree to pay the same.

(c) To provide services for producers and to pay for such services, including payment to itself. The certified agency may not preclude any cooperative from performing services for its members.

(d) To provide services for the market generally and to pay for such services, including payment to itself. Except with respect to its bargaining operations, the certified agency shall not provide representation for any producer or any cooperative at any hearing, or proceeding where statements may be filed, if it is notified not to provide such representation. In the absence of such notice, the certified agency may represent all producers and all cooperatives.

(e) To collect from handlers all prices for milk negotiated by the bargaining agency in excess of the minimum prices provided in the marketing order and all charges for services negotiated by the certified agency in excess of any charges provided in the marketing order, except that the agency shall not collect from a handler, including a cooperative operating in its capacity as a handler, for services performed on its own behalf.

(f) To use any funds arising under this Act to pay such compensation and expenses as may be necessary to provide any of the services authorized by this Act, including compensation and expenses allowed and paid to the certified agency or to any of its members. This shall include operating costs, staff, and all other costs and expenses related to the performance of the functions of the certified agency.

Reasonable reserves and capital may be accumulated by the certified agency.

All such payments, allowances, reserves, and capital shall be reasonable, shall be subject to demonstrated cost, shall be subject to review by the Board upon the complaint of any interested party and may be limited in the certification of the agency.

(g) To pay producers, either directly, or through their respective cooperatives, or through handlers, the respective amounts due such producers out of any funds collected by the certified agency under the authority of this Act. Any cooperative may request that such payment be made through it. The amount due producers shall be the balance remaining from collections on the milk supplied by them less authorized deductions.

In the case of milk received by handlers from other than producer sources, the amounts collected, less authorized deductions, shall be paid to the sellers of such milk by the certified agency either directly or through the handlers acquiring such milk.

In no case will the certified agency bind any cooperative to any action which will interfere with any marketing contract or membership agreement between the cooperative and any of its members.

The certified agency may use the facilities of the market administrator of an order for a marketing area to collect funds, pool proceeds, and disburse funds in payment of prices and services negotiated under this Act.

SEC. 11. All decisions of the certified agency shall be supported by a vote of two-thirds or more of the votes represented through the certified agency.

SEC. 12. Each certified agency shall be adequately bonded.

SEC. 13. In the case of a cooperative which does not process milk, other than preliminary processing prior to shipment or sale to a processor as bulk milk, the producers and producer milk represented by such cooperative shall be counted in determining whether a certified agency represents more than 50 percent of the producers and more than 50 percent of the producer milk.

In the case of a cooperative which does processing other than preliminary processing, the cooperative may elect to be counted on the producer side or on the handler side under this Act. If it elects to be counted on the producer side, its processing volume shall not be counted in determining the percentage of producer milk received by all handlers. If it elects to be counted on the handler side, its producers and producer milk shall not be counted in determining the percentage of producers and producer milk. If it elects to be counted as a handler, it shall be considered a handler for bargaining purposes and shall not participate in the certified agency.

SEC. 14. The certification of a certified agency shall be terminated by the Board (1) if the Board finds that the certified agency is not operating in a manner consistent with the objectives of this Act or (2) if the certified agency requests such termination or (3) if the certified agency, through its member cooperative or cooperatives, shall cease to represent more than 50 percent of the producers, and more than 50 percent of the producer milk, under the applicable marketing order. The effective date of such termination shall be set by the Board, and equitable provisions shall be prescribed by the Board for the adjustment and settlement of any outstanding contracts and accounts.

SEC. 15. All contracts and commitments entered into under this Act shall be subject to modification or cancellation (1) by the Secretary in a proceeding for undue enhancement of prices, (2) by the Board upon termination of the certification of the certified agency, and (3) by the Board upon a determination that the contract or commitment is contrary to the purposes and objectives of this Act or is unlawful. Equitable conditions for any such modification or cancellation may be prescribed. The provisions of this section shall be deemed a part of each contract and commitment entered into under this Act.

SEC. 16. This Act shall be applicable to producer-handlers to the same extent that the Marketing Agreement Act shall be applicable to producer-handlers.

SEC. 17. It shall be lawful for a certified agency, or for any cooperative or group of cooperatives, to meet at the same time and place with one or more, or with all, handlers for the purpose of bargaining in good faith and at arms-length with such handlers; and any one or more, or all, handlers may meet at the same time and place with a certified agency, or with any cooperative or group of cooperatives, for the purpose of bargaining in good faith and at arms-length in the respective individual capacities of such handlers.

SEC. 18. All actions concerning the legality of this Act, or of any provision thereof, or of any action taken or contract or commitment entered into pursuant to this Act, and all actions and complaints arising under this Act, shall first be brought before the Board for its consideration and decision. This section shall not apply to enforcement actions brought by the Board or the certified agency or to proceedings for undue enhancement of prices.

SEC. 19. The procedures provided in the Marketing Agreement Act (7 U.S.C. Sec. 608c (15)) for actions before the Secretary shall apply under this Act to actions before the Board, except that actions before the Board under this Act may be instituted by any handler, producer, cooperative, or certified agency, directly affected under this Act, and except that appeals from decisions of the Board shall go directly to the United States Court of Appeals.

SEC. 20. All of the enforcement powers, and all of the actions and procedures, available to the Secretary under the Marketing Agreement Act are made applicable to this Act and shall be available to the Board and to certified agencies under this Act.

SEC. 21. Pending a final decision in any enforcement action or in any action brought before the Board, including appeals, any payments being contested shall be paid.

SEC. 22. If the Secretary shall have reason to believe that the activities of any certified agency have unduly enhanced prices for milk, he shall initiate a proceeding to determine whether such activities have, in fact, unduly enhanced such prices; and, if so, he shall cause a cease and desist order to be issued against such activities as are found to be resulting in such undue enhancement of prices.

The procedures provided in section 2 of the Capper-Volstead Act (7 U.S.C. Sec. 292) shall be applicable to proceedings under this section.

SEC. 23. The Secretary may prescribe regulations relating to his responsibilities under this Act, after notice and hearing, in the same manner that regulations are prescribed under the Marketing Agreement Act. The Board may prescribe regulations relating to its responsibility under this Act, after notice and hearing, in the same manner that regulations are prescribed under the marketing Agreement Act.

SEC. 24. This Act does not amend, alter, or repeal any provision of the Marketing Agreement Act.

SEC. 25. If any of the provisions of this Act or any of the applications thereof are held invalid, the remainder of this Act and other applications shall not be affected but shall remain in full force and effect.

SEC. 26. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

THE UNITED NATIONS

The SPEAKER. Under a previous order of the House the gentleman from Missouri (Mr. HUNGATE) is recognized for 1 hour.

(Mr. HUNGATE asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I have requested this special order today to bring the attention of the House to the United Nations and to try to emphasize the urgent need for the Congress to participate in the development of the future role of that organization and its relationship with the United States.

The United Nations today—

As Richard N. Gardner has written—

> Probably enjoys less confidence on the part of its members and the public at large than at any previous time in history. The obvious reason is its inability to deal with the central problems of war and peace in the world.

And, I would add, its failure to deal with international outlaws engaged in illicit drug traffic, skyjacking, and kidnaping. He wrote:

> The decline of the United Nations is particularly notable in the United States, the country which took the leading role in its formation and provided far and away its greatest single source of support. The present American attitude toward the organization, however, is less irritation than indifference. The American people seem less interested in the United Nations than ever before—as may be verified by the empty galleries at U.N. meetings and the decline of its press coverage.

My resolution, cosponsored by 66 of my colleagues, expresses the sense of Congress that—

First. The United States should continue in its historic role of providing world leadership in working for modernization and reform of the United Nations, and toward the establishment and preservation of a civilized family of nations in accordance with the highest aspirations of mankind.

Second. The President is requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the charter to promote a just and lasting peace through the development of the rule of law, including protection of individual rights and liberties as well as the field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before March 31, 1972, the results of such studies.

Third. The Government of the United States should support the formal calling of a conference to review the United Nations Charter in accordance with article 109 of the charter, not later than 1974.

Our aim is to encourage U.S. participation and leadership in submitting views and suggestions to the Secretary-General and to provide the opportunity for Congress to express itself on U.N. Charter review and participate in developing the U.S. position.

The basic purpose of U.S. foreign policy is achievement of a just and lasting peace and advancement of fundamental human rights and freedoms. No such peace and no such rights can exist without the development of the rule of law and of the institutions of law in the international community.

The United States, as the first nation to ratify the Charter of the United Nations, and as the nation which at the 10th U.N. General Assembly provided the leadership in obtaining an overwhelming vote favoring convening of a conference to review the U.N. Charter at an appropriate time, should continue its initiative.

With our police courts clogged and the International Court of Justice virtually unused, let us declare this an appropriate time for the reexamination and, if possible, invigoration of the machinery for the peaceful settlement of international disputes, and as a forum open to all men for the certain protection of their basic human rights.

Gen. Carlos Romulo, Foreign Minister of the Philippines, provided the leadership of the fight for charter review. General Romulo, who was a signer of the United Nations Charter, said he thinks the charter should be rewritten to cover "changed circumstances" in international politics.

> When we wrote the Charter, none of us knew anything about the atom bomb—

Romulo said—

> also, the Charter is designed for open aggression only. Since 1945, new kinds of aggression have appeared: aggression by propaganda, aggression by subversion. We need a better definition of aggression.

Romulo also points out that a provision in the charter suggested restudy of the document after 10 years.

On April 26 of this year, Ambassador Henry Cabot Lodge, Chairman of the President's Commission for the Observance of the 25th Anniversary of the United Nations, submitted the Commission's report to the President following their extensive study of the United Nations.

In his letter of transmittal to the President, Ambassador Lodge stated:

> The aim of the Commission was to recommend measures to increase the effectiveness of the United Nations and of U.S. participation therein.
>
> In order to obtain a better understanding of opinion at the grass roots, the Commission held public hearings in six cities.

On October 20, 1970, hearings were held in St. Louis, Mo., where James S. McDonnell served as General Chairman. Prince Souvanna Phouma of Laos spoke at a luncheon during the hearings which were conducted by Senator J. WILLIAM FULBRIGHT, and testimony was heard from the following witnesses: Thomas J. Badger, Hon. Doris Bass, Milford Bohm, Donald A. Bopp, Alan Braunschweiger, Dr. Estelle Brodman, Rev. Russell D. Carnagey, Prof. Nicholas J. Demerath, Miss Frances Fabick, W. O. Farwig, Julius Frazer, Dr. Patrick J. Gunkel, Miss Dorothy Helfrich, Hon. WILLIAM L. HUNGATE, Prof. Frank Klingberg, Dr. Leguey-Feilleux, James S. McDonnell, Mrs. W. D. McDowell, David A. Meeker, Dr. Robert P. Morgan, Rev. Earl Mulley, John Porter, Dr. Paul R. Schratz, Dr. Robert E. Shank, Mrs. Laurence Shayer, Hon. JAMES SYMINGTON, Mrs. B. L. Thompson, Hamilton Thornton, Rev. Charles N. Ulveling, Roy Unnerstall, and Howard B. Woods.

Opinion on the United Nations was far from unanimous, but great benefits were derived from the free exchange of views as to the proper approach to international problems affecting us all.

The Commission's report makes many general recommendations for invigorating the United Nations and the role of the United States in the organization. The summary of recommendations includes the following:

That the United States:

Undertake bold new initiatives to revitalize the peacekeeping capabilities of the U.N.;

Announce specific steps it is willing to take or support in order to overcome crucial weaknesses in the present U.N. system;

Indicate its readiness to cooperate fully with the U.N. and other countries in developing contingents and specialized units for a U.N. peace reserve;

Support measures to make the International Court of Justice more accessible and more responsive to the needs of the states, especially the developing states;

Impress on the Court the need not merely for extensive reform of its procedures, but for a fresh look at the responsibilities and opportunities of the Court as the principal judicial organ of the U.N.; and

Encourage the establishment of regional international courts which could serve as courts of original jurisdiction while allowing appeals to the International Court of Justice.

The American Bar Associations Journal offers the following critique of the report:

> It is a keen disappointment. Perhaps because it was thought that recommendations had to command agreement by all fifty members of the commission, the result is a report of broad generalities which takes positions that seem to represent the least common denominator on all troublesome issues.
>
> Although some of the recommendations are perhaps unexceptionable, there is no analysis of the problems of the present system or discussion of the difficulties that might be expected from the recommendations that are made. For example, in a five-page section on the international court of justice, the commission points out the striking circumstance that: "Except for a request by the security council for an advisory opinion of Nambia, the docket of the International court of justice, the principal judicial organ of the United Nations, is empty."
>
> But what are the commission's recommendations to cure this problem fundamental to the continued viability of the court? Well, the commission says that the court should revise what are characterized as "archaic procedural rules and the practice and attitude of the court", without giving any specific examples of what is wrong. The commission also says that the court should be transformed into an advisory institution as well as a decision-making body, but there is no discussion of the question whether the consequences of such a step might not be that all the court's decisions would come to be regarded as advisory.
>
> It is to be hoped that the President will not take the vagueness and unsatisfactory nature of this report as an excuse for inaction. There remain the hard problems of making the United Nations and the international court of justice effective. The President should request further detailed study and analysis of these problems by Federal agencies and officials, lawyers, private citizens and institutions interested in the welfare of the United Nations. Perhaps from these concerted efforts, meaningful reforms can be proposed and effected so that the United Nations can truly become, as the American public still regards it, "the last best hope of peace."

However, despite any other weaknesses in its report, the Commission recommends that the United States submit to the General Assembly a comprehensive and candid statement of the basic reforms required in its organization and procedures in order to prevent the assembly from becoming increasingly incapable of dealing with the major issues facing the world today.

The Commission also recommends that the President consider the creation of a nonpartisan citizen and congressional commission on the U.N., once in every administration to reappraise U.S. policy and participation in the U.N. to hold public hearings, and to make recommendations that stem from a national review of American opinion about the U.N.

Since the creation of the United Nations organization, the United States has recognized the one-man, one-vote principle, and we should find some corresponding principle in the United Nations, perhaps in the General Assembly.

The great powers of the world who constitute the Security Council have seen many changes in their situation in 25 years, and may see many more in the near future.

I would offer the following points for consideration:

First. It is important that the United Nations or any world peacekeeping organization that is to be effective have its own home; whether an island or other land area which is free of the stifling effects of instant urban blight. The organization needs a place with room where they can meet in a truly neutral area over which they exercise local control and where the pressures of thousands at your elbow does not impair your judgment for the benefit of the billions on your conscience.

Second. We must establish an International Court of Justice with jurisdiction to hear cases between individuals of different nations, perhaps limited as to amounts and issues, but a people-related court. If our own Federal courts only heard questions and cases between States their docket congestion would be relieved but many real human cries for justice would go unheard.

Third. United Nations voting in at least one of its legislative bodies must bear some relation to population, not just national sovereignty and raw power. Let the United Nations establish standards and conduct international voter registration. Let United Nations delegate votes be weighted according to the registered voters the Delegates represents. This action could be taken on a voluntary basis. The English and American experience has proved that those who are really chosen by the people eventually acquire an influence outweighing those who are selected to govern with no contact or direct responsibility to the governed.

Fourth. The United Nations must be made self-sufficient, perhaps through some form of sophisticated poll tax system permitting individuals to pay to vote, either in funds or through public service to the United Nations peacekeeping force, its health team or in public works programs.

The important thing is not necessarily the position we take in these international deliberations. The important thing is that these further deliberations take place.

I urge my colleagues to join in the effort to invigorate the United Nations because it remains the best hope of mankind for peace and security, for social and economic justice. If the United Nations did not exist in this day of instant communication, I believe the peoples of the world would create such a world organization to seek and safeguard peace between nations and to protect basic human rights which should belong to every individual throughout the world.

We cannot afford to jeopardize the goal of a lasting world peace by failing to provide the tools necessary for the United Nations to be effective in working toward this goal.

I yield to my colleague, the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I congratulate my distinguished friend and colleague on his resolution calling for a complete review of the United Nations charter and I am pleased to be listed as a cosponsor. As I have noted before, the world in which we now live is a world far different from that day long ago when, amid the ashes of the Second World War, a few nations got together in San Francisco to give birth to the United Nations. At that time, the aim of the U.N. was to avoid further bloodshed on world battlefields. It was to provide a forum whereby nations could settle their differences with words instead of weapons. Those great hopes have long since faded. If the chief objective of the United Nations is to maintain peace, it must be ranked as a massive failure.

There are many examples to demonstrate that either the U.N. is, itself, unwilling to seek peace, or that the machinery available to the organization renders it incapable of bringing about peace. I prefer, at this moment, to think that it is the machinery which is at fault, and it is for that reason that I join in this effort to bring about a complete review of the U.N. charter in the hope such a review will make this organization potent in the cause of peace.

Only in the case of Communist aggression in Korea by the North Koreans and the Red Chinese was there a positive effort to support the forces of freedom. It was a limited effort but in that conflict the United Nations stood for something other than conversation.

Obviously, something now is greatly wrong. When the Russians blockaded Berlin, the U.N. barely discussed the matter. It took the U.S. Air Force airlift to break the blockade.

When the Russians tried to install missiles in Cuba, the U.N. sat by and did nothing. It took the U.S. Navy to blockade the island and end this most serious threat to world peace.

In the Middle East the Russians have made pawns of the Arab States, armed them for war against Israel and dominated the Mediterranean. It is only the active negotiation of major world powers which has helped to keep a lid on this bubbling cauldron. The United Nations can claim little credit.

And, probably the most glaring example of impotence on the part of the U.N. is the war in Southeast Asia. To date, the U.N. has done nothing about bringing that conflict to an end. In fact, there has not even been very much talk about it in the U.N. except that the United States is denounced constantly by the Communist nations in that organization and for our efforts toward self determination by our friends.

Why is it, Mr. Speaker, that an organization dedicated to peace and to the prevention of incidents which could disrupt that peace is incapable of acting even in the most urgent matters? Obviously the machinery operating the organization doesn't function properly or it is not adequate.

I believe it is time Congress adopted a resolution calling for a complete review of the U.N. Charter.

To date, about the only effectiveness demonstrated by the U.N. has been that organizations ability to influence the foreign policy of the United States adversely to our own interests in our relationships with Portugal, South Africa, and Rhodesia.

Another debacle is promised on the admission of Red China to the U.N. and to its Security Council, not to our advantage.

Since the U.N. was created, many nations not then in existence have come into being, some of which have learned to play the United States against the Soviet Union for their own benefit. All of this is at the expense of world stability and at an ever increasing cost to the American taxpayer who always has carried a disproportionate share of the cost of the U.N. If the U.N. is to remain in existence or if the United States is to remain a member, it is time the U.N. reflected some very needed improvements in its purposes, policies, and commitments.

A full review of the charter could bring this about.

Mr. HUNGATE. Mr. Speaker, I thank my colleague, the gentleman from Florida for his contribution. He has pointed out some of the very difficult areas which are of great concern to the people throughout this country. It is important that we do not just paste a label onto something and consider it as doing a job when it is not. I appreciate the gentleman's contribution.

Mr. Speaker, I include at this point a list of the cosponsors of this charter resolution:

COSPONSORS OF CONGRESSMAN BILL HUNGATE'S U.N. CHARTER RESOLUTION—HOUSE CONCURRENT RESOLUTION 258, 259, 322, AND 355

1. Bella S. Abzug, (D-N.Y.)
2. Brock Adams, (D-Wash.)
3. Joseph P. Addabbo, (D-N.Y.)
4. John B. Anderson, (R-Ill.)
5. Nick Begich, (D-Alaska)
6. Edward P. Boland, (D-Mass.)
7. Richard Bolling, (D-Mo.)
8. Phillip Burton, (D-Calif.)
9. Shirley Chisholm, (D-N.Y.)
10. Frank M. Clark, (D-Pa.)
11. Jorge L. Córdova, (P.R.)
12. R. Lawrence Coughlin, (R-Pa.)
13. George E. Danielson, (D-Calif.)
14. Ronald V. Dellums, (D-Calif.)
15. John D. Dingell, (D-Mich.)
16. Harold D. Donohue, (D-Mass.)
17. Robert F. Drinan, (D-Mass.)
18. Florence P. Dwyer, (R-N.J.)
19. Don Edwards, (D-Calif.)
20. John N. Erlenborn, (R-Ill.)
21. Marvin L. Esch, (R-Mich.)
22. Edwin B. Forsythe, (R-N.J.)
23. Peter H. B. Frelinghuysen, (R-N.J.)
24. Bill Frenzel, (R-Minn.)
25. James G. Fulton, (R-Pa.)
26. Edward A. Garmatz, (D-Md.)
27. Ella T. Grasso, (D-Conn.)
28. Gilbert Gude, (R-Md.)
29. Seymour Halpern, (R-N.Y.)
30. Julia Butler Hansen, (D-Wash.)
31. Michael Harrington, (D-Mass.)
32. James Harvey, (R-Mich.)
33. Ken Hechler, (D-W. Va.)
34. Frank Horton, (R-N.Y.)
35. Robert W. Kastenmeier, (D-Wis.)
36. Robert L. Leggett, (D-Calif.)
37. Paul N. McCloskey, Jr. (R-Calif.)
38. Mike McCormack, (D-Wash.)
39. Joseph M. McDade, (R-Pa.)
40. James R. Mann, (D-S.C.)
41. Spark M. Matsunaga, (D-Hawaii)
42. Wiley Mayne, (R-Iowa)
43. Abner J. Mikva, (D-Ill.)
44. Parren J. Mitchell, (D-Md.)
45. William S. Moorhead, (D-Pa.)
46. John E. Moss, (D-Calif.)

47. Robert Nix, (D-Pa.)
48. Claude Pepper, (D-Fla.)
49. Melvin Price, (D-Ill.)
50. Charles B. Rangel, (D-N.Y.)
51. Thomas M. Rees, (D-Calif.)
52. Henry S. Reuss, (D-Wis.)
53. Peter W. Rodino, Jr. (D-N.J.)
54. Robert A. Roe, (D-N.J.)
55. Benjamin S. Rosenthal, (D-N.Y.)
56. Edward R. Roybal, (D-Calif.)
57. Paul S. Sarbanes, (D-Md.)
58. James H. Scheuer, (D-N.Y.)
59. Fred Schwengel, (R-Iowa)
60. John F. Seiberling, (D-Ohio)
61. Robert L. F. Sikes, (D-Fla.)
62. James W. Symington, (D-Mo.)
63. Richard C. White, (D-Texas)
64. Lawrence G. Williams, (R-Pa.)
65. Lester L. Wolff, (D-N.Y.)
66. Gus Yatron, (D-Pa.)

Mr. WILLIAMS. Mr. Speaker, I appreciate the opportunity today of joining Congressman HUNGATE in his special order to make some observations in connection with the 25th anniversary of the United Nations and to urge a review of the Charter of the United Nations, as is contained in House Concurrent Resolution 259, which I have cosponsored with Mr. HUNGATE.

I believe this Congress, several million persons in this country, and millions of people in a number of other countries, still warmly remember the year the United Nations was formed—one quarter of a century ago. It generated a ray of hope throughout the world. Young and old alike considered it a historymaking organization that would help bring peace among nations.

The United Nations has not been completely successful, and it has not been a complete failure. Unfortunately, as of today, this organization probably enjoys less confidence by its members and the public at large than at any previous time in its history. I believe you will agree with me that most member nations know that it has had many serious setbacks, but still hope the United Nations will be able to deal more successfully with problems of war and peace.

As an indication of need, if the United Nations did not exist in this day of instant communication, I believe that the people of the world would set about creating such a world organization, but it should be principally a peacekeeping organization.

The United Nations has been an expensive organization. The United States has been paying 31.5 percent of the total cost of the United Nations and this will drop to 30 percent within a few years. A more equitable formula for sharing the cost must be developed.

Although 30 percent may seem a large portion, the cost to the United States of the 1970 regular United Nations budget was less than 25 cents per person. The cost to the United States for the entire United Nations system, including all specialized agencies and voluntary programs, was $1.57 per person.

Although this assessment is significant, it is an indication of the unity and the aspirations for international peace by the United States and many other nations of the world. I believe it is the sense of Congress that the major problems in the United Nations is not the expense to run the organization, but its failure of sufficient concern on the part of the executive and legislative bodies of the United States and other member governments to put vigor into the United Nations Charter.

I am sure you will agree with me that peace is still the most significant human need that has faced us in this century.

Not sufficiently developed in the charter was the sense of community among men to achieve: First, deterrence of nations and groups from conflict; second, adequate basis for adjustment of differences; and third, encouragement of collective international decisionmaking procedures.

World conditions show strong need for undertaking charter revisions as soon as possible. House Concurrent Resolution 259 calls for a conference review, not later than 1974; there should be strong contributions for improvement from executive branches of governments; and its new purpose should put more emphasis on the peacekeeping capability of the organization.

Two significant contributions which prepare the United Nations for the potential charter review are vast development and international talent and the new concepts for international relations operations. When these huge advantages are applied to the charter, I believe that success for the United Nations is a great deal more eminent than it was when the charter was formed 25 years ago.

Mr. DRINAN. Mr. Speaker, by proposing House Concurrent Resolution 258, which calls upon our Government to support the convening of a conference to review the United Nations Charter, my distinguished colleague from Missouri, Congressman HUNGATE, summons the House to answer a far-reaching and, I firmly believe, an inescapable question: Does the United States seriously want the United Nations to survive? Upon any objective view of the seeds of calamity which are sown daily into world affairs by short-sighted nations, I do not see how our answer can be other than yes—unequivocally, yes we do want the United Nations to survive. More than that we want it and we require it to prevail.

It is difficult to imagine that we shall soon be provided with a more timely opportunity to seek Charter review than the one now at hand. Three factors account for this situation.

First, our Government has made known its support for membership in the U.N. for the People's Republic of China. This initiative means that for the first time in its history the U.N. may contemplate the prospect of universal representativeness. Until now, the total rejection of a voice in the U.N. and particularly in the Security Council for one-fifth of the world's people has made charter revision a premature, unrealistic speculation.

A second major obstacle to reform has been the war in Indochina. Almost from the founding of the U.N. itself, this corrosive, futile struggle has divided the organization and its members. It has brought discredit to the United Nations as a peacekeeping body and caused it to lose confidence in itself. Now, however, we can see some signs if not of a resolution of the underlying political conflict, at least of an end to the fighting. The U.N. must be better prepared to hasten the beginning of peace in Southeast Asia and then to conserve it.

Finally, in this country despite and to some extent because of embitterment caused by the war in Vietnam, many Americans still retain their belief in the concept of world organization. The Lodge Commission report of July 9, 1970, recommending ways to strengthen the United Nations, reported that Americans are aware of the U.N.'s shortcomings but, in the words of the Commission's Chairman, Henry Cabot Lodge:

> The overwhelming majority urged continued U.S. support for the U.N. and favored U.S. initiatives to make the U.N. more effective in maintaining peace, promoting economics and social development, and meeting the new challenges of science and technology in the 1970's.

The Lodge Commission report provides an excellent basis for further specific studies of the need for charter review. As a result of a resolution passed by the 1970 General Assembly, the Assembly will formally consider Charter review during its 1972 session.

The need to strengthen the U.N. specifically by means of charter revision, is just as compelling as the opportunity for doing so. The United Nations can document notable successes over the past quarter of a century in its primary task of peacekeeping. It has helped to limit conflicts in Iran, Greece, Kashmir, Korea, Lebanon, the Congo, the Middle East, and Cyprus. It has also fought disease and helped raise the living standards of millions of people.

On the other hand, the backlog of failures and defaults is growing ominously crowded:

The United Nations has been virtually impotent in the Vietnam war.

In the face of the tragedies in Hungary, Poland, and Czechoslovakia, the United Nations was reduced to summoning forums of lament and recrimination.

Challenged by what is undoubtedly the most poignant creation of international unreason—the millions of refugees of war in Pakistan, Biafra, Southeast Asia, the Middle East—the U.N. has distributed only enough assistance to dramatize the plight of those it has been unable to reach.

These continuing offenses to international order occur against the background of the arms race, which seem even farther from resolution than when the United Nations was esatblished, with disarmament as one of its principal goals. This arms race, moreover, proceeds behind nuclear stockpiles which, between the United States and the U.S.S.R., amount to the equivalent in dynamite of some 20 tons of lethal force for every man, woman, and child on the earth.

The instrument by which the United Nations will either respond to the present situation of danger and opportunity or will, in failing to respond, be threatened with further inroads upon its influence at the expense of world order, is the United Nations Charter. I do not by any means underestimate the difficulties involved in any review and amendment of this document, which is the fundamental constitution of all international organization. But I am also persuaded that certain crucial changes are feasible and mandatory for the effective continuance of the United Nations.

Although the technical intricacies of revision have been the subject of much scholarly debate, there has yet to emerge in this country a comprehensive proposal for reform, arrived at in a way that reflects the wisdom of diplomats, scholars, politicians, and concerned citizens. The Lodge report is a beginning, but a model charter revision conference, as proposed by the International Studies Association in 1966, might usefully crystallize the insights of all these sources.

Especially in these areas, revision seems urgent and appropriate. First, the voting process for General Assembly and Security Council resolutions must be revised to reflect the great changes in the composition of the United Nations. Sixty percent of the states which are now members did not belong to the organization when the charter was established. Countries representing 10 percent of the total population of the United Nations now control a majority of votes in the General Assembly; and the Security Council is immobilized and discredited by the veto. Weighted voting in the General Assembly, suspending the veto on certain substantive matters in the Security Council, or permitting a four-fifths majority of the General Assembly to overturn a Security Council veto have all been suggested as alternative solutions.

Second, existing peacekeeping procedures must be strengthened and augmented. This may require giving the General Assembly legislative authority of its own on certain questions involving major threats to international peace and security.

Third, the International Court of Justice must be vitalized. To do so, it would seem necessary, at least, that the U.N. be recognized as a legal entity entitled to appear before the Court, which it cannot now do—a comparable situation would exist if the United States were disqualified to appear before the U.S. Supreme Court.

Probably the most concise and suggestive proposal for charter review remains that of Mr. Carlos Romulo, Representative of the Philippines to the United Nations, and a former President of the General Assembly. While I do not necessarily subscribe to all of Mr. Romulo's proposals I believe they state in the clearest possible fashion a practicable foundation for change. They deserve the most serious consideration by the Congress and the Executive. Mr. Romulo presented his suggestions to a meeting of the Sixth Committee of the U.N. on November 30, 1970. The provisional record of that meeting summarizes the proposals as follows:

SUMMARY OF PROPOSALS

> Turning to the various matters to which consideration should be given in a review of the Charter, he said that the wording of Articles 53 and 107 should be amended so as to remove the reference to "enemy" States.
>
> Secondary, Article 33 dealing with pacific settlement of disputes was inadequate, in that it did no more than to recommend the solution of disputes by negotiation, inquiry, judicial settlement, and so forth, without indicating any modalities, providing any machinery or defining any specific obligations. A permanent conciliation commission should be provided for the Charter. Recourse to third parties in the case of intractable disputes should also be provided for. Further, the Charter should impose on States the obligation to accept arbitration or judicial settlement where mediation or conciliation had proved insufficient.
>
> Thirdly, addition to the measures provided for in Chapter VII, the Charter should contain specific provisions concerning the peacekeeping operations carried by the United Nations. Formal recognition of that aspect of the Organization's activities might give a new impetus to the efforts of the Committee of Thirty-three to elaborate the principles and procedures of peace-keeping. The Charter should also provide for a United Nations observer corps.
>
> Fourthly, if in the selection of the non-permanent members of the Security Council "due regard" should be specially paid "in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution", those criteria were even more important in the case of the permanent members of the Council. It was now necessary to ensure that the international community benefited from the participation in the Security Council of nations with a special contribution to make. The addition of new permanent members to the Council, or the creation of a semi-permanent regional seat to be shared by the major countries in the area concerned, might be considered.
>
> Fifthly, the Charter should be modified to suspend the use of the veto in matters involving use of armed force by the United Nations.
>
> Sixthly, the Statute of the International Court of Justice, which constituted an integral part of the Charter, should also be subject to review; in particular the United Nations should be recognized in the Statute of a legal entity entitled to bring a case before the Court against any State which had accepted the Court's jurisdiction. Additionally, the Court should have the right to determine whether a gross violation of world law had occurred.
>
> Seventhly, the authority of the Economic and Social Council should be increased with regard to the coordination of the Organization's constantly expanding efforts in the economic and development fields.
>
> Eighthly, the Charter should be amended to place the Commission on Human Rights on the same level as the Economic and Social Council and the Trusteeship Council.

The U.N. needs more than charter revision, of course. It also requires the sustained support of the U.S. Government and people. These requirements are interrelated, since unless we show more confidence in the U.N. we will not be in a position to advocate the necessary reforms and, even if the reforms are secured, they will languish along with the Organization itself unless we begin to refer more of our international controversies to the U.N. and its agencies.

Unfortunately a shortsighted, grudging attitude toward national sovereignty has made our support of the U.N. erratic and inadequate. In his extraordinary encyclical, Pacem in Terris, Pope John XXIII spoke aptly of a type of enlightened self-interest in world affairs. He said:

> The public authority of the world community is not intended to limit the spheres of action of the individual political community, much less to take its place. On the contrary, its purpose is to create, on a world basis, an environment in which the public authorities of each political community, its citizens and intermediate associations, can carry out their tasks, fulfill their duties, and exercise their rights with greater security.

In the same spirit, in 1963, only a month before his death, President John F. Kennedy said:

> The United Nations cannot survive as a static organization. Its obligations are increasing as well as its size. Its Charter must be changed as well as its customs. The authors of that Charter did not intend it to be forever frozen. The science of weapons and war has made us all, far more than 18 years ago, one world and one human race with one common destiny. In such a world, absolute sovereignty no longer assures of absolute security.

Recent events are extremely discouraging in what they reveal about this country's attitude toward the United Nations. I am particularly distressed at the continuing inaction on the part of the Congress and the Executive on certain matters which are fundamental to our obligations as a member of the U.N. The Senate, for example, has yet to ratify the genocide pact or the 1925 Geneva agreement prohibiting chemical and biological warfare. The Connally reservation to the jurisdiction of the International Court of Justice blatantly undermines our assertions of high regard for the principles of international organization. The failure of the executive branch to insist upon U.S. responsibility for payment of assessed dues to the International Labor Organization is an unprecedented disgrace and a very dangerous precedent in the United Nations. When the Lithuanian seaman, Simas Kudirka, was delivered up to his Soviet captors by Americans he might well have denied America's commitment to the provisions in the charter for the promotion of human rights and fundamental freedoms. Eight million Pakistani refugees could justly make the same charge.

In practically every aspect of our current national distress, it is daily becoming more apparent that our problems either are or will soon become global problems—narcotics control, population, the environment, municipal government. Indeed, this very internationalization could afford us tremendous opportunities for imaginative work in a more responsive United Nations. In an article in the July 1970 journal of the American Academy of Political and Social Science, the chancellor of the University of Pittsburgh, Dr. Wesley W. Povar, has described this new phenomenon as "transnationalism"—new forms of international and regional organizations, new multinational corporations, and new groupings of persons that penetrate or cross national frontiers. Transnationalism could mean, to take one example, that the United States need not inevitably struggle alone with the problem of economic conversion. A strong, active United Nations could diffuse the science, technology, and practical experience of industrial modernization in Japan, health care in northern Europe, and population programing and agricultural revolution in India in the form of multinational economic conversion.

Prof. George Wald, Harvard University's distinguished Nobel laureate in biology, has pointed out than men on earth are the custodians of life in the universe. Clearly most individuals and most governments do not now regard themselves in this light. But, as I have suggested, I think we must do so in order to survive at all. A necessary first step will be to begin the long, demanding task of reviewing and, where necessary, revising that underestimated but momentous document, the United Nations Charter, so that the U.N. may finally fulfill the pledge which it made over two decades ago to save succeeding generations from the scourge of war.

Mr. HARVEY. Mr. Speaker, when my distinguished colleague, the gentleman from Missouri (Mr. HUNGATE), invited me to join in cosponsoring House Concurrent Resolution 322 and to participate in this special order on the United Nations, I was delighted because of the special significance I place in this very important issue.

In the 25 years since its birth, the United Nations has been both a successful organization and a disappointing failure. On the positive side, it has made impressive strides to eliminate hunger and disease from the face of the globe. These humanitarian efforts, which benefits all mankind and which are often taken for granted, or even neglected, must not be overlooked in any evaluation of the U.N.'s contributions to the world order. Today, however, I would like to address my remarks toward one of the reasons for its failure as a world body—the inability of its charter to cope with the realities of the 1970's. It is in the realm of charter review that this Congress can initiate changes that might serve to correct these failings and simultaneously to rejuvenate the U.N.

I support Congressman HUNGATE's resolution which calls for the United States to initiate and to support high-level studies for the review of the U.N. Charter. I believe that the time has come for such action, because the U.N. has failed to accomplish its main objective—the maintenance of world peace. To be sure, it has served admirably as a debating society and a forum for all nations to air their grievances. We will never know how many conflicts were avoided because the General Assembly simply was there and because the Security Council spent hours discussing a particular crisis. We do know, however, about the failures: Czechoslovakia, East Pakistan, Hungary, and, of course, Vietnam. From these examples, it is obvious that the procedural mechanisms of the U.N. Charter have doomed the organization to failure when the major powers find themselves on opposite sides of a dispute.

When the United Nations Charter was drafted in 1945, approximately 50 nations signed the document. Since that time, U.N. membership has more than doubled to 127, and now, every time a new nation, regardless of size, declares its independence, one of its first official actions has been to seek admission to the United Nations. Not that I object to all nations being a part of the U.N. body—in fact, the United Nations cannot work unless all nations are members—but that under the present structure, a nation of several thousand, once admitted, has a vote equal to that of a nation many times its size. In theory this might be the ideal situation; in fact, nuclear weapons, international economies and world peace demand a more practical solution.

The so-called diluting of the General Assembly by the smaller nations has given rise to volumes of literature and numerous suggestions for charter revision. In the United States, the doctrine of "one man, one vote" has recently gained much popular support. People have often suggested that a similar concept by applied to the General Assembly of the U.N.: nations should be apportioned votes according to their population, and in this way, larger nations could regan their share of the power balance. Such a charter revision, especially with the seating of the People's Republic of China now imminent, might not be in the best interest of the United States. Instead, many people feel that voting in the General Assembly should be conducted on a formula based on financial contributions. Using such a voting system in the United Nations would mean that the United States would have more than 30 percent of the votes.

This problem of the sovereign equality of countries now facing the United Nations is, I believe, analogous to the dilemma that faced the founders of our Nation nearly 200 years ago at the Constitutional Convention. How could sovereign equality be achieved when, in fact, some States were larger and wealthier than others? One of the solutions that these men reached was, of course, our bicameral legislature. Perhaps a similar institution would work in the U.N. environment. Perhaps the solution lies somewhere in a combination of the one-man, one vote proposal and a weighted voting formula based on economic contributions. It may require all the resources and imagination of a high-level committee to develop a workable solution to the problems of charter revision. This same committee might also tackle the frustrating problems associated with major-power vetoes in the Security Council, or the inability of the United Nations to make member nations contribute their share of the operating expenses.

It is important, I believe, for the U.N. Charter to be interpreted not in a rigid manner, but rather as a document of constitutional character. As such, it should be revised or amended as warranted to reflect the changing world situation. Clearly, the United Nations of 1971, with its 127 members and the problems of the nuclear age, is not the same organization that appeared in the wake of World War II. These reasons, coupled with my earnest desire to see the United Nations regain its stature as a respected world organization, have led me to support House Concurrent Resolution 322. Only a complete and thorough review of the U.N. Charter will help it accomplish its noble goals of international harmony and world peace.

Mr. BEGICH. Mr. Speaker, few would argue that the United Nations remains as man's greatest hope for world peace. In an age where the instruments of war far surpass the instruments of peace we must renew our efforts to strengthen those institutions which serve to perpetuate order among nations.

Since the adoption of the United Nations Charter on June 26, 1945, the possibility of another world war has diminished greatly. However, many nations of the world have not enjoyed the blessings of peace.

The fact that the United Nations serves as a forum for the discussion of world problems, serves notice to all nations that civility is not a sign of weakness and that the dignity of man is paramount to international relations.

During the 26 years that the United Nations has been in existence, the possibility of world catastrophe has been averted only because of the affirmative action of the United Nations.

One need only recount the history of the 1950's and the 1960's in order to see the profound influence the United Nations has had on the cause of peace. Besides the many humane programs, inspired, organized, supported, and carried out by the U.N., efforts to emphasize the things that unite men rather than divide men have become the trademark of this great assembly of nations.

The peacekeeping forces in Korea in 1950 and its effort to secure the freedom of prisoners of war during the Korean conflict stand as testimony of the strength of the United Nations. Certainly the ability of the U.N. to secure a ceasefire in the Middle East in 1956 adds credibility to the thought that the U.N. is man's last hope for peace.

Despite the unquestionable success of the U.N., it is appropriate, after 26 years, that the members examine the foundation on which that organization rests and in which direction it shall proceed.

It is the spirit of self-improvement and the goal of world peace that demands this critical self-examination.

The principles of the Charter of the United Nations are fundamental to the continuation and success of the world community. No one challenges the principles upon which the charter is based. These principles have withstood the test of time because they are as old as man himself. Yet, when we realize that man is always in a state of change, sometimes one of confrontation and catastrophe, we must remember that the principles framed in the U.N. Charter are the supreme laws of a world community.

To meet the ever-changing needs of the world community it is essential for us to examine the United Nations, its charter and its purpose and revitalize those areas which need to be changed. Because the United Nations convenes in New York tomorrow, I urge the U.N. membership to undergo a careful introspection and begin meaningful discussions and take appropriate actions which will aid the U.N. in securing and maintaining peace throughout the world.

Mr. KASTENMEIER. Mr. Speaker, it is with a conviction born of years of study and thought about the United Nations and the problems of world order that I join my colleagues today in highlighting the future requirements of the United Nations and of U.S. participation therein if we are to achieve a world at peace. I am proud to be a cosponsor of the Hungate resolution on United Nations Charter Review and I commend my distinguished colleague from Missouri for his statesmanlike leadership in this all-important area.

The member states of the United Nations and their peoples—and I stress "their peoples," for that is where true sovereignty resides—are faced with crucial and far-reaching decisions in these next very few years. U.N. Secretary-General U Thant has said that the nations have no more than 10 years in which to submerge their ancient rivalries and to start working effectively together to solve their problems of the arms race, economic development, population, and the world's environment. After that, he believes it will be too late.

This means that we Americans and the other peoples of this small planet must find the wisdom, the creativity, and the courage to effect those measures of international cooperation which are dictated by commonsense and basic self-interest. We know that no single nation can alone save the world's environment. We know that no single nation alone can control the population explosion. We know that no single nation can alone stop the ever more wasteful and deadly dangerous race in competing armaments. We know that no single nation alone can harmonize supply and demand to assure every child on this earth the right to life, liberty, and the pursuit of happiness.

It follows, therefore, that we must see to it that world institutions to deal with these world threats are urgently established and endowed with adequate authority and power to control these threats effectively. This will not be an easy task, but it appears to me to be an essential one if we are to meet our obligations to the generations yet unborn.

This means that we can no longer treat the United Nations as a mere convenience of U.S. foreign policy. This means that we must demonstrate our willingness to participate in the processes of the United Nations if it were a parliamentary democracy. We must be prepared to fight for what we believe is best, but we must also be prepared to go along with the preponderant majority for the greater good when we are in a minority. Our country played a major role in creating the United Nations. We had a major voice in drafting the U.N. Charter. The vast majority of the present member states were not a party to that process, yet they have readily joined the United Nations and have accepted the obligations of its charter.

Why is it that report after report finds that the United States is neither fully using the U.N. nor fully living up to the potential and obligations of the charter which we helped draft? If we have reservations about the working of the charter today which cause us to refrain from fully utilizing the machinery of the U.N., then it is up to us to propose changes which we feel will make the U.N. more responsive and more effective. We dare not drift. The threats before us are too ominous. The time is too short. We must demonstrate the same genius of creativity and compromise as did our Founding Fathers when they found the Articles of Confederation lacking and drafted the Federal Constitution with effective governmental powers.

I sincerely hope that the President and the Secretary of State are giving the most serious attention to drafting the response of the American people to the request of the Secretary-General, as voted by the U.N. General Assembly, for the "views and suggestions on review of the Charter of the United Nations" of the United States of America and its citizens. As our resolution states, here is truly an opportunity for our country to "continue in its historic role of providing leadership in working for modernization and reform of the United Nations."

Many have forgotten that it was our Government, under the leadership of President Dwight D. Eisenhower and then Secretary of State John Foster Dulles, that pressed so strongly in 1953–55 for an affirmative vote to hold a charter review conference. We were honoring our obligations to the many smaller states which had not been entirely happy with the charter of San Francisco but had accepted it then with the promise written into article 109 of the charter that the question of a review would automatically be considered at the 10th General Assembly, in 1955.

With U.S. leadership, the vote was affirmative in 1955 to hold a review conference at an appropriate time and under auspicious international circumstances. That was 16 years ago and the United Nations is now almost 26 years old. Is it now high time that the member states took another hard look at the processes and the machinery in terms of the needs of the 1970s and of what we now know of the areas, such as peacekeeping, disarmament, and codification of international law, in which so little—so woefully little progress has been made? I say it is.

Mr. MATSUNAGA. Mr. Speaker, when the United Nations General Assembly convenes its 26th annual session tomorrow in New York City, it must come to grips almost immediately with the question of the representation of China. How many Chinas the U.N. will have in its membership next year—if any—is a subject of considerable conjecture. But there should be little doubt that the machinery set forth in the United Nations Charter a quarter century ago has become ill suited for dealing with such complex problems of today.

My good friend, the distinguished gentleman from Missouri (Mr. HUNGATE), is to be congratulated for arranging this forum where these internationally significant problems, and possible solutions, can be explored

The achievements of the United Nations over the past 25 years offer greater hope for international cooperation than ever before in the history of man. But the increasingly serious defects in its ability to keep the peace and promote worldwide economic and social progress must be corrected if the organization is to cope with the greater challenges the future holds.

Mr. Speaker, time is slipping away from us. The charter, drawn up decades ago for a United Nations of 51 signatories, has become outdated.

The need for review is obvious. The charter is the product of a time and a set of global circumstances which have passed into history. Twenty-five years of change—political change, social change, technological change—have dramatically transformed the nations of the world and their relationships, one to another. The great increase in the membership of the U.N.—from 51 to 127 member countries—has had a profound effect on the operations of the United Nations and an unavoidable influence on the nature of its actions.

Steps must be taken to maintain the United Nation's effectiveness as a deliberative body.

Some way of easing the burdens of U.N. membership on very small states must be explored.

The peacekeeping, and peacemaking capabilities of the U.N. must be revitalized.

The concept of U.N. Charter review is not a new one. In fact, article 109 of the charter provides for the convening of a General Conference of U.N. members for such a review. This question was fully discussed during the 1970 U.N. General Assembly session. The Assembly resolution which was adopted on December 11, 1970, calls on the members of the U.N. to provide the Secretary-General with their views and suggestions on the review of the charter so that the Secretary-General may report back to the Assembly during its 27th session in 1972.

Nor is there any lack of precedent for the proposed review. The charter has already been amended to enlarge the Security Council and the Economic and Social Council. At the very least, the time has come for members of the U.N. to reexamine the charter.

A first step in this direction has been taken in the United States. The President's Commission for the Observance of the 25th Anniversary of the United Nations, chaired by former Ambassador Henry Cabot Lodge, spent several months studying the United Nations—its operation, apparatus, and functions. While all of the 96 recommendations by the Lodge Commission do not require charter revision, they do provide a valuable checklist of the tasks the United Nations must be capable of handling. Other governments have equally helpful suggestions, which, taken together, should lead to a careful study of the charter and its appropriateness for today's world. Only such a review can determine whether the U.N. structure will be viable enough to accomplish its goals effectively and perform the important functions set out in the commission's report.

In June of this year, two distinguished Members of the other body, Senators CLAIBORNE PELL and JACOB JAVITS, endorsed charter review in their report on the 25th session of the General Assembly, saying:

> We strongly recommend that the United States give its full support to a review and reform of the United Nations Charter.

As the first nation to ratify the United Nations Charter, and as the nation that 15 years ago successfully urged the General Assembly to approve the convening of a conference to review the charter at an appropriate time, the United States must continue its leadership role, particularly in this area. Furthermore, the Congress should play an active role in formulating this country's attitudes and actions concerning charter review, a project that can be highly influential in maintaining peace and order in the world.

The best available vehicle for expressing congressional support is the concurrent resolution, of which I am a sponsor, authored by the gentleman from Missouri (Mr. HUNGATE). I trust that the visibility provided the issue by this special order today will lead to an early approval of the resolution.

Mr. HORTON. Mr. Speaker, I am pleased to join with my distinguished colleagues in focusing attention on the United Nations Charter review resolution. With the U.N. General Assembly convening tomorrow, it is an appropriate time for a meaningful discussion of the United Nations.

At the 10th U.N. General Assembly, the United States provided the leadership in obtaining an overwhelming vote calling for the convening of a conference to review the U.N. Charter. It is now incumbent upon the United States to continue its initiative and provide world leadership in modernizing and reforming the United Nations. The U.N. Charter review resolution is designed to insure that we do.

Mr. Speaker, it greatly disturbs me that all too frequently the United Nations is judged against the standards we would have expected a world government to meet. It is a tragic error to do so because the U.N. Charter was not drafted as a constitution for world government. It lacked both sovereignty over nation-states and power to attain that sovereignty.

The United Nations, it can be said, has done what the power of politics of a bipolar world in the late 1940's and 1950's would allow it to do. In the 1960's and at present, with the emergence of a world with four axes of power, it will be even more difficult to carve out a constructive role for the United Nations in world politics. The rapid rise of regionalism and the proliferation of even more nation states means that there is a splintering of world interests. For better or for worse, world events will not be as easy to control in the current era as when Washington and Moscow had a tight hand on all the reigns of power and could use their control to orchestrate the U.N.'s response to crises.

In addition to the splintering of world interests, the structure of the U.N. threatens to make it an unlikely body to be given a key role in international political decisionmaking by powerful nations. There are now 127 members of the U.N., with each having an equal vote in the General Assembly whether they represent 100,000 people or 200,000,000. As long as the voting power of member nations remains an unrealistic reflection of our world today, the U.N. is unlikely to play a determining role in major decisions of world affairs.

The structural limitations of the U.N. have profoundly limited the body's peacekeeping abilities in most of the world's crises since 1945. Nevertheless, those accomplishments which the U.N. has to its credit indicate to me that there is great potential for strengthening its role.

As we meet here, a state of war is continuing in Vietnam, and trouble spots in other areas of the world give us cause for constant uneasiness. Yet, the U.N. has contained conflicts in Korea, the Congo, Cyprus, and in the Middle East for 20 years. One rarely hears of the role the U.N. played in peaceful settlements such as the mediation between the Netherlands and Indonesia over West Iran and between Spain and Equatorial Guinea.

It is my belief that arrangements must be made to have standby peacekeeping forces and machinery properly trained in the U.N. approach for emergency situations. Such visionary steps have been taken by the Governments of Canada, Sweden, Norway, and others. Several years ago, I joined with other Members of the House in sponsoring what we called the First Brigade proposal. This called for a standby force for international relief, including a 1,000-man American brigade. It would be supplemented by logistic and support troops to aid combat units supplied by smaller nations. Units from the great powers would be limited to giving support and logistic help to earmarked units from other nations which would perform the peacekeeping duties.

However, we must not limit our actions to putting out fires. We must prevent conflicts from taking place. As part of this, I am pleased that the United States supports regular, informal meetings of the Security Council to assess the world's situation; greater use of the U.N.'s capability in factfinding, conciliation, and arbitration. In addition, we should encourage flexible use of the good offices of the Secretary-General. It is in this field of peaceful settlement of disputes that the world faces its greatest challenge and its most promising opportunities.

The United States, however, still resorts to bilateral diplomacy and action more often than multilateral forums. Two of our distinguished colleagues, Representatives FASCELL and WHALLEY, have stated it this way:

> We have extolled the virtues of international cooperation and paid our assessments while withholding from the United Nations the full measure of political support which the organization needed in order to become an effective instrument of peace and progress in the world community. We have supported the organization's right to express opinions on world problems but have not insisted that such declarations reflect a sense of responsibility, and have been guided by them only when it suited our purpose.

If more nations are to make the United Nations a cornerstone of their dealings with other nations, this will occur only if small bits of national sovereignty are slowly ceded to structures which are broader in scope than nation-states. This process, if it occurs at all, will be extremely slow. It will not take place suddenly with nation after nation turning over the sinews of their power to international command.

Mr. Speaker, to many in the world, particularly the young people of every nation, world union and world government are dreams which surround the goal of permanent world peace. I believe that the future holds greater world unity, with greater emphasis on worldwide political and economic structures. It is my hope that the United Nations can play a key part in the development of these structures and I believe that it can do so if we come to grips with its political and organizational limitations at the present moment.

The U.N. Charter review resolution will provide the Congress with an opportunity to participate in developing the U.S. position on reform of the charter. I urge each of my colleagues to support the resolution so that we may fulfill our responsibilities to the international community.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A COMPREHENSIVE WATER QUALITY PROGRAM FOR THE SEVENTIES

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA) is recognized for 15 minutes.

Mr. HARSHA. Mr. Speaker, America is the world's most dynamic society. Through dedication and determination, inventiveness and drive, we have ridden the tide of individual initiative to produce general plenty. The bountiful harvest of our agriculture and industry has succeeded in raising the American standard of living higher than any other country in the history of the world.

Until comparatively recently, our primary emphasis and aim as a Nation and a people has been on developing our natural resources and productive facilities to the maximum. We have been concerned only in a minor way with the impact on the environment that such development produced. Part of the reason for this has been that we were too busy building to worry about the consequences of our building. But it is also fair to suggest that, until comparatively recently, at least, we had neither the know-how nor the wherewithal to effectively come to grips with the environmental problems we were creating.

But in recent years, a change has occurred. On the one hand, a new awareness of the impact of pollution has begun to permeate our land. On the other, increasing affluence and advancing technology has finally provided us with the means for coping with the fallout that growth and progress inevitably produce.

It was not until the 80th Congress in 1948 that the Congress began to address itself directly to the pollution problem. In that year, the first water pollution legislation was enacted into law. A succession of related measures followed whose aim was to strengthen and enlarge our pollution abatement efforts.

But our actions to date in this field have been less than successful. While progress has been made, we have yet to fully recognize the magnitude of the problem or the steps which must be taken to end it. As a result, pollution, like a cancer, continues to grow and overspread our land.

Now, once again, the Congress is grappling with water pollution abatement legislation. The Committee on Public Works, of which I am ranking minority member, has over 150 bills dealing with the subject under consideration. Several of them were introduced by me, including four sponsored by the administration. But a realistic assessment convinces me that our sights are still set too low. The proposals before us still fall short of what we have a responsibility to do and what we must do if we are serious about cleaning up our waters.

Accordingly, I propose to my colleagues and to the American people that the Nation commit itself to a broadly based, soundly conceived, comprehensive water quality control program—implementation of which would be fully underway by the year of our bicentennial celebration, and which would contain all the ingredients necessary to achieve our water quality objectives.

Such a program must be rationally conceived and realistically implemented. It must be calculated to make the wisest use of available talent and technology. It must recognize that the goals we set cannot be achieved overnight but that they must be achieved if we are to survive and prosper as a people and as a nation.

First priority of such a program should be environmental maintenance and protection to prevent further degradation of our precious water resources. Once stabilization has been achieved, our energies can be applied to reversing the effects of despoliation which has already occurred in order that we may one day return our waters to the highest level of use commensurate with national needs.

The program I envision would proceed on three fronts.

First, it would seek to abate municipal pollution by requiring the funding and construction of treatment facilities tailored to the needs of all communities of the Nation, large and small.

Second, it would attack industrial pollution by requiring business, through a realistic permit program, incentives and competitive equalizers, to abate the pollution generated by their operations.

Third, it would accelerate a watershed development program designed to harness our total national water resource by minimizing and, where possible, eliminating agricultural runoff, silting, and other sources of pollution.

The multifaceted effort I envision would be a Federal-State-community partnership enterprise. The goals we set would be national in scope but standards and enforcement would take into account local problems and conditions. All waters—navigable and unnavigable, coastal and ground, interstate and intrastate—and land uses affecting them, would be embraced within it.

To minimize duplication and delays on the Federal level, the present splintered administration would be ended. Authority and responsibility would be consolidated in a single governmental agency.

In order to achieve our objectives, the kind of genius and talent which enabled us to get to the moon in the sixties would be put to work solving environmental problems in the seventies. As with space research, full Federal funding for promising avenues and approaches would be provided.

A massive construction program should be funded. In this regard, I believe the Federal Government should commit itself to providing at least 65 percent of the cost of construction of municipal waste treatment facilities and watershed development projects, with bonuses of up to 75 percent for States and local communities which meet incentive criteria.

Insofar as industrial pollution is concerned, the Nation's manufacturers should, in due course, be required to eliminate all sources of pollution from their operations. To minimize hardships and dislocations and to encourage early compliance, industry should be protected from the competition of imports from countries which do not require comparable investments in water pollution abatement. Such protection, in my judgment, should be patterned after the import surcharges recently imposed by President Nixon to improve the Nation's trade balances. Clearly, neither American industry nor labor should be disadvantaged or asked to carry the full burden of achieving national abatement goals. That would be both unfair and unwise. At a later date, I will spell out the details of the tax incentives and competitive equalizers I have in mind.

To finance the program I have outlined. I would recommend that the Congress authorize a continuing appropriation of $4 billion annually through this decade. Three billion dollars of this sum would be available for the construction of municipal waste treatment facilities. This level of funding would allow for the acceleration of the present construction program while, at the same time, providing for reimbursement to those jurisdictions which have advanced funds for treatment facilities at an early date. In addition, $500 million would be allocated for planning, research, and demonstration, and $500 million would be used for watershed development and other related projects.

In framing such legislation, the Congress should proceed with all deliberate speed. The kind of across-the-board authorizations, funding procedures, guidelines, and criteria needed to attack the pollution problem in this country at all levels has already been too long in the making.

We were able to muster the technology, resources, initiative, and dedication in the sixties to put a man on the moon. It is now time for us to muster an effort of similar magnitude and priority to clean up our waters here on earth.

If we are to succeed, commitment of all of our citizens—from the highest officials of Government to the man on the street—is essential. But I have no doubt that the goal of assuring clean water in all America, for all Americans, is a goal that all of us can subscribe to.

THE SHARPSTOWN FOLLIES—XXXVI

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, one of the surprising and disappointing things about the Sharpstown affair is how little interest has developed about it here in Washington. Even though newspapers as diverse as the New York Times and Los Angeles Times have commented on the scandal and felt compelled to call upon Assistant Attorney General Wilson to resign, and even though Time, Newsweek and now Life magazines, as numerous individual newspapers, have confirmed my contention that Mr. Wilson is unfit to serve there is still little official notice of the situation.

A month ago I wrote the President about this matter, for the charges I have raised are serious. To date I have received one polite brushoff letter from a White House functionary, telling me that the matter would be brought to the President's attention whenever that became possible. It never has become possible, I suppose, since I have never heard anything further.

A month ago, I also wrote the Attorney General and asked him to review this whole matter. You would think that the Attorney General might be interested in preserving the integrity of his own department, but I have not received so much as a letter of acknowledgment from him.

Just prior to the summer recess, I wrote the distinguished chairman of the Committee on Judiciary, and asked him to look into the matter. I received a note from a staff assistant telling me that the chairman was out of the country, but that the matter would be brought to his attention. I have heard nothing further.

I have raised substantial questions about Mr. Wilson, and my claims have been corroborated by countless reporters and other investigators. There has been a national disturbance over the scandal. And yet no one seems moved to take any official action. I wonder what it is that has created this peculiar immunity for Mr. Wilson. I have seen a scandal and called it what it is. Others have seen the scandal and called it what it is. There is a public responsibility facing those who have control over this matter. It is certainly not pleasant to grapple with scandal, but neither is it responsible to ignore it.

Mr. Speaker, I include in the RECORD at this point my letters to the President and to the Attorney General. I ask for a reply from them—not for myself, but for the public, which has a right to know how they stand on the question of Mr. Wilson's fitness to serve. The letters follow:

WASHINGTON, D.C.
August 20, 1971.

RICHARD M. NIXON,
President,
The White House.

DEAR MR. PRESIDENT: When you assumed office you pledged an "open Administration" and the promise was welcomed by all of us.

In recent months and weeks I have raised a number of serious questions concerning the conduct of the Department of Justice in a major scandal in Texas. In connection with this I have raised serious questions concerning the role of the Assistant Attorney General for the Criminal Division, Mr. Will Wilson, in that scandal. None of my statements has been seriously challenged and I know of no facts that would refute the charges I have made.

Yet the Department of Justice has neither investigated nor offered any serious comment. I believe that the whole integrity of the Department is open to question in this matter, and feel that it is a matter of the utmost importance that you and the Attorney General take steps to fully investigate the fitness of Mr. Wilson, and to assure that the Department fully prosecutes all those involved in the Texas scandal, including Mr. Wilson if necessary.

The importance of this matter is immense. The public has much reason to feel that a good part of the Texas government has been corrupted. Thorough and impartial action by the Federal government would do much to restore confidence. Yet as detailed in the attached copy of a letter I am sending today to the Attorney General, and in statements that I have made on the subject, to date the public has been given no reason to believe that the Department of Justice is doing its duty.

I hope that you will consider this matter with care, and take such action as is necessary to assure the integrity of the Department of Justice, and insure that complete justice is done.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

WASHINGTON, D.C.,
August 20, 1971.

Mr. JOHN N. MITCHELL,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am sure that you agree with me that if there is to be law and order in this country there must exist full public confidence in the administration of justice, and in those who enforce the law.

Late last year public revelation was made of an immense scandal in Texas, involving very large scale fraud, manipulation of stocks, looting of companies and banks and corruption of State government officials. The Department of Justice has played a curious role in this case, and I cannot help but think that your Department has undermined its own effectiveness and contributed to public mistrust and disrespect for the Department of Justice.

In the first place, the Assistant Attorney General for the Criminal Division, Mr. Will Wilson, played a central role in the aforementioned scandal. As is detailed in the attached series of statements I have made on this matter, it is clear that Mr. Wilson helped create the paper empire of Mr. Frank Sharp, and that he had knowledge of and participated in a large number of deals that had questionable legality or outright illegality.

In the second place, Mr. Wilson's superiors and subordinates arranged to have Mr. Sharp himself granted complete immunity from any meaningful prosecution. I believe that this was done so that Mr. Wilson's role in Sharp's dealings would be obscured in the public mind, and conveniently forgotten. Whatever the motivation of Messrs. Kleindeinst and Farris, it is plain to all who have eyes that one of the greatest criminals in the history of Texas or the country was given immunity not because it was necessary or in the public interest, but because it suited the political convenience of the Department of Justice.

In the third place, the Department of Justice has promoted in this case the most flagrant kind of unequal justice. The same Department and prosecutors that obtained a three year prison sentence for a chicken thief allowed a fantastic deal to be struck with one of the greatest thieves of all time, so that the latter will never serve a day in jail and will never even have to answer to his crimes before a jury. And the same Department that obtained a five year maximum sentence for a banker who entered $17,000 falsely on his bank's books somehow could obtain only an eighteen month suspended sentence for Mr. Sharp, though he made a false entry on his books in excess of $500,000. The public cannot reconcile such disparities, and neither can the Department of Justice.

As regards the role of Mr. Wilson in all this scandal, the Department of Justice has not so much as bothered to comment, let alone investigate. As evidence has accumulated, Mr. Wilson has issued desultory denials on two occasions, but after that has been reported variously to be on vacation in Mexico, in Hawaii, or simply unavailable for comment.

Serious questions have been raised regarding Mr. Wilson's fitness. I submit that any Administration that hopes to obtain renewed respect for law must begin by assuring itself and the public of the integrity and unimpeachable character of its own officials. Yet nothing has been done regarding Mr. Wilson; the Department of Justice is maintaining a wall of silence around him.

It is alleged by columnists and others that the entire handling of this case has been based primarily on political considerations rather than on any intention to see that full justice is done. From what I have seen I cannot dispute this view. If indeed this is what has been done I see no reason to believe that you either have respect for the law nor to hope that public confidence can be maintained in your Department.

We all have only one interest in this case, and that is to see that full justice is done. There is no reason in any case to seek political gain, for that can only subvert the law itself. The public has a right to expect, and the law demands, that every malefactor be brought to justice, and that every case be prosecuted with a firm and even hand. Clearly this has not been done in the Sharp case.

I believe that you have a duty to protect the integrity of your own Department. At the minimum this can only be done if you demonstrate in some way that you fully intend to see that justice is done in the matter of Frank Sharp and that you fully investigate the role of Will Wilson in the creation and operation of Sharp's immense and shameful schemes.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

PERU

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I speak today as a longstanding friend of Latin America and as a constant advocate of closer relations between the nations of the Western Hemisphere. There are few things which are more important to our long future and security than the security and well-being of the Western Hemisphere. My interest extends to all the nations of the hemisphere and I applaud those Americans who have persevered to improve mutual understanding between nations.

Today, I speak especially as a friend of Peru. This traditional and historic friend of the United States—a fact which we tend to overlook in moments of stress—needs our support and help. Devastated by a shattering earthquake a little over a year ago, Peru is faced with enormous problems of reconstruction that will continue for a long time to come. Peru has many friends in the United States. Just citing one example, the city of Pensacola, Fla., in my district, has for some years maintained a people-to-people program with Chimbote, Peru, one of the towns destroyed by the earthquake. This friendship permeates every sector of our national life, including the Congress. We appreciate demonstrations of that friendship and I am convinced that Peru will not seek to alienate those nations which show a readiness to assist in the monumental task which confronts that nation.

America can help Peru and the time is opportune. This, however, cannot be a one-way street.

Today Peru stands at the crossroads. The choice of which road she will take is Peru's. One road leads to an infusion of new foreign interest in Peru, both private and public, with programs of assistance and cooperation that will bring employment to unemployed Peruvians and the economic and social progress which is the goal of all patriotic Peruvians. The other road leads to a withdrawal of U.S. investor interest in Peru and a serious diminution of U.S. cooperative programs for our sister republic.

I appeal to Peru to take the first road I have described, because we want to see a strong Peru, a healthy Peru, a Peru on the march for economic and social progress.

There are, however, certain obstacles which only Peru herself can remove. They are not huge obstacles, but the results of their nonremoval loom large, indeed. There are minor differences between our governments. There are claims by American business enterprises for property expropriated or for funds withheld from companies for work performed. These should be settled without delay. The amounts involved for the American business enterprises in settlement are very small when compared with what can be involved for Peru's future if the claims are settled.

Again, I wish to remind our Peruvian friends that I speak as a friend. This is no time for pretty-sounding phrases and jolly compliments. That would be much easier, but that course would lead nowhere. So I say to the Peruvian leadership: Let the friends of Peru go to work and help you. Do not place obstacles in your path and in our path toward that goal. Help to bring about a solution to those problems which hold our nations apart, and let us get on with the job of mutual cooperation and mutual effort for a better and more secure Peru, and a better hemisphere for all of us.

DOMESTIC INTERNATIONAL SALES CORPORATION: A NEW TAX LOOPHOLE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, among the legislative proposals in the President's economic program, the DISC proposal stands out as the most likely candidate for elimination. It appears to have been "tossed into the pot" to provide a special "extra" tax break to a few special interests.

While I commend the President's efforts to stimulate foreign trade, I do not believe that it is wise to simultaneously use up all of the stimulants in the medicine chest. In one single effort the President seeks to stimulate U.S. exports:

First, by "floating" the dollar, a trade advantage upward of 10 percent;

Second, by a 10-percent tax on foreign imports, an additional trading advantage of 10 percent;

Third, a 10-percent investment tax credit applicable only to domestic production; and

Fourth, by creating a tax advantage to exporters through the establishment of DISC.

Any one of these ingredients is capable of vigorously stimulating exports. The application of all four constitutes strong medicine which will result in retaliatory trade action.

Of these efforts to stimulate foreign trade, DISC is the most objectionable, since it has the potential of becoming a billion-dollar tax loophole for a special segment of the American economy—our largest corporate exporters.

Harvard Law School Professor Stanley S. Surrey, Assistant Treasury Secretary for Tax Policy during the Kennedy and Johnson administrations, has prepared an excellent article on this subject which appeared in yesterday's newspapers. The article is as follows:

[From the Washington Post, Sept. 19, 1971]

DISC: A BILLION-DOLLAR TAX LOOPHOLE HIDDEN IN NEW ECONOMIC POLICY

(By Stanley S. Surrey)

The President's speeches on the New Economic Policy do not mention the "DISC" proposal, and so it receives almost no notice in the daily press discussions.

This silence cloaks the efforts of the Treasury Department once again to slide the DISC proposal into the tax law. Last year the attempt was made as part of the Trade Bill, when the fierce legislative battle waged over import restrictions permitted the DISC proposal to pass through the House, almost unnoticed and unseen and certainly not understood. Fortunately, the Senate Finance Committee then viewed the proposal with suspicion and it died at the end of the session.

There is good reason to keep the DISC proposal out of the spotlight. The proposal opens up a billion-dollar loophole in the income tax, through permitting U.S. exporters —especially our largest corporations—to escape that tax.

It would be a cruel irony to have the first significant technical income tax legislation to pass the Congress after the 1969 Tax Reform Act—the kind of legislation that only technicians and experts can follow—open up one of the largest tax escapes ever legislated by the Congress. Yet we find the Treasury Department being the moving force behind this attempt.

A DISC—Domestic International Sales Corporation—would be a new type of corporation conjured forth by this change in the tax law designed to "defer" the income tax on the "export profits" received by a domestic corporation engaged solely in the export trade. The quotation marks are used because the words they enclose turn out, as is so often the case in tax legislation, to have a significance far beyond their normal usage.

American businesses manufacturing goods that are sold abroad would be expected to organize DISCs—which need be only paper subsidiaries—through which their present exports would be channeled. The profits of a DISC from its export sales would not be subjected to income tax if the profits are used in export activities of the DISC or loaned to the parent-manufacturer corporation for "export-related activities"—again the significant quotation marks. This is the way the Treasury describes the proposal.

But under the terms of the actual legislation, it turns out that "deferral" would in practice become exemption; that "export profits" would very often include manufacturing profits; that "export-related activities" of the parent-manufacturer become activities having nothing to do with exports, extending even to investment for manufacture abroad; and that the references in title and description to "domestic" export subsidiaries cloak in practice an inducement to form foreign subsidiaries and, moreover, to form them in tax-haven countries, thus bringing back a pattern of abuse against which Congress legislated in 1962.

These are aspects that the Treasury does not talk about when it urges the proposal. For example:

1—The Treasury stresses in urging DISC that only a deferral of tax is involved, in terms that imply deferral is really not much—the tax is not paid now but must be paid a bit later on. Indeed, "deferral" for most Congressmen is a word that lulls them into believing very little is being away. But the Treasury and corporate controllers know better. Thus, a high Treasury official, in talking recently to a professional group on aspects of accounting, said:

"I need not tell this group that tax deferral is the name of the game. A tax deferred one, two, or several years is simply a lower amount of tax on those who achieve such deferral—a burden that must be assumed by all other taxpayers."

For a profitable company, the present value of 15 years deferral—at the least the period the Treasury and business have in mind under DISC; indeed the deferral for many will be indefinite—is just about worth the amount of the tax itself, which makes deferral the equivalent of exemption. The reason is that the deferred tax-money that a company keeps over such a period (in effect an interest-free loan for that period) can be put to work earning additional money. In a typical case, the real cost to a profitable company for each $100 in deferred taxes would only be $18 to $20.

2—The Treasury stresses that domestic subsidiaries will be used and that this is helpful to unsophisticated businesses. But the tax experts who study the technical details know that the arrangement which gives the greatest tax windfall under the proposal is to combine DISC with a foreign tax haven subsidiary—a Swiss or Panamanian company. In 1962 the Congress rightly legislated against tax haven abuses. Now in 1971 under the cloak of a few technical words in the DISC proposal, the Treasury is sweeping away that legislation and directly legalizing and encouraging the widespread use of these tax havens.

3—The Treasury stresses that the profits of a DISC, freed from taxes, will be used to promote export activities. But the tax experts who study the technical details know that these tax-free funds can be used for activities that have nothing to do with exports. Thus, the funds can be used by large manufacturing companies, who are presently exporters, for purely domestic activities where the favored companies are able to compete with tax-free DISC money against companies not so favored. They can be used even to build manufacturing plants abroad—and thus reduce the export trade of the United States. The DISC money is simply made available to the companies and the Treasury will ask no questions on how it is so used.

The purpose claimed for this proposed tax-favored treatment of our exporters—exempting an entire activity from the income tax—is that it will stimulate our export trade and thereby help our balance of payments. But the revenue loss in the billions occurs even if not a single dollar of new exports occurs. Moreover, no one—not even the Treasury—has offered any public documentation and serious economic study of just how and to what extent and for what goods this windfall to exporters will increase our exports. On the contrary, most economists believe just the opposite, that the change will have only a slight effect on our exports out of all proportion to the revenue loss involved. No other country, even among those most incentive-minded, has adopted such a sweeping tax escape from its income tax.

When the questions are asked why is our tax system so unfair, why are there such gross escapes for some from the tax burdens borne by others, why do we have so much difficulty in focusing our scarce funds on pressing needs, the DISC proposal is a sharp and bitter answer.

Some corporations are of course pushing for the legislation, as are some law firms which see profits for them in reorganizing the business structures of their clients to fit DISC into the corporate organization charts. But to their credit, many a business concern and its executives, as well as their tax advisers, know the proposal is wrong—wrong for them because it means a windfall received which will not materially affect their level of exports and wrong for the country in terms of our national priorities. But it comes hard not to offer support when the Treasury pushes for their backing of the proposal.

In fact, I suspect almost everyone concerned knows DISC to be a bad tax provision. Surely the House Ways and Means Committee which initiated the tax reform legislation in 1969 should know better. One can believe that it does know better—after all, a dissenting report filed last year by some committee members explained in detail how the proposal was seriously wrong and had no place in our tax system. One suspects also that the Treasury tax experts know better. Nevertheless, the proposal has found a place in the New Economic Policy of the President.

One suspects a cultural lag. Last year, pushed by Commerce, the Treasury came up with the DISC proposal to show it was trying to "do something" about exports. This year in August, however, the Treasury moved directly, to get at the crux of our trade imbalance—the unfairness to our trade that resulted from the relationship of our dollar to foreign currencies—and is now seeking a realignment of those currencies. It is also using a temporary device—the 10% surcharge on imports—to emphasize the need for currency adjustments and other trade related changes such as removal of unfair restrictive practices in other countries.

But the DISC proposal, which will not really help our exports and instead will create a large tax escape, was left around from the earlier blueprints. It is now being quietly carried along as a windfall to business, even though we have a new set of blueprints really designed to do the job that must be done to improve our trade position.

The DISC proposal should simply be dropped as a bad idea—a major loophole if viewed as a tax provision; utterly in conflict with our national priorities if viewed as an expenditure device; ineffective and now supplanted by meaningful, direct steps if viewed as a trade measure.

If Professor Surrey is correct, and I believe he is, the DISC proposal should be stricken from the President's proposals as a Treasury saving for other stimulative purposes. In the alternative, the tax saving for foreign exports should be based on the increment in export sales, over and above established base periods.

LEAVE OF ABSENCE

Mr. Wiggins (at the request of Mr. Arends), for today, on account of death in family.

Mr. Eshleman (at the request of Mr. Arends), for today and balance of the week, on account of medically ordered recuperation.

Mr. Edwards of Louisiana, effective September 8, without pay, on account of the campaign for Governor of the State of Louisiana.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Harsha (at the request of Mr. Fish), for 15 minutes, today.

The following Members (at the request of Mr. Mathis of Georgia) and to revise and extent their remarks and include extraneous matter:

Mr. Gonzalez for 10 minutes, today.

Mr. Burlison, of Missouri, for 60 minutes, on October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. Fish) and to include extraneous matter:

Mr. Crane in five instances.

Mr. Baker in two instances.

Mr. Derwinski in four instances.

Mr. Bray in two instances.

Mr. Duncan.

Mr. Steiger of Wisconsin in two instances.

Mr. Railsback.

(The following Members (at the request of Mr. Mathis of Georgia) and to include extraneous matter:)

Mr. Natcher in two instances.

Mr. Boland in two instances.

Mr. Drinan.

Mr. González in two instances.

Mr. Moss in five instances.

Mr. Begich in five instances.

Mr. Harrington.

Mr. Alexander in six instances.

Mr. Hagan in three instances.

Mr. Symington.

Mr. Celler.

Mr. Brasco.

Mr. Roncalio in three instances.

Mr. Rarick in three instances.

Mr. Rodino in three instances.

Mr. Bevill.

Mr. Dorn.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

ADJOURNMENT

Mr. MATHIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 21, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1146. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Cave Run Dam and Reservoir, Ky., pursuant to 16 U.S.C. 505; to the Committee on Agriculture.

1147. A letter from the Chairman, Washington Metropolitan Area Transit Authority, transmitting a request for action to allow the District of Columbia to meet its contractual obligation to the Transit Authority; to the Committee on Appropriations.

1148. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for fiscal year 1971, pursuant to section 10(d) of the Small Business Act; to the Committee on Banking and Currency.

1149. A letter from the Secretary of Health, Education, and Welfare, transmitting a request for a postponement of the due date for submission of a 5-year plan for the extension of family planning services and population research; to the Committee on Interstate and Foreign Commerce.

1150. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. Aspinall (for himself, Mr. Perkins, Mr. Gaydos, Mr. Gray, and Mr. Price of Illinois):

H.R. 10758. A bill to provide for cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Florida:

H.R. 10759. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10760. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

H.R. 10761. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 10762. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Louisiana:

H.R. 10763. A bill to provide for the election of circuit and district judges under the provisions of the article of amendment to the Constitution proposed by House Joint Resoltuion 436 of the 92d Congress; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 10764. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. MATHIS of Georgia:

H.R. 10765. A bill to repeal the manufacturers excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 10766. A bill to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; to the Committee on Science and Astronautics.

By Mr. MOORHEAD:

H.R. 10767. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 10768. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. REUSS:

H.R. 10769. A bill to amend section 103(c) of the Internal Revenue Code of 1954 to provide that no exemption or exception from the industrial development bond provisions shall be available for obligations any portion of the proceeds of which may be used to assist or induce the relocation of any business establishment from one area to another; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. Quie, and Mr. Meeds):

H.R. 10770. A bill to establish more orderly bargaining procedures, to enable dairy cooperatives to negotiate more effectively for terms and conditions of the sale of milk, to provide compensation for performance of services essential to the marketing of milk, to eliminate inequities in existing marketing practices, to insure an adequate regular supply of good, healthful milk to consumers, and for other purposes; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin:

H.R. 10771. A bill to provide for equitable military compensation; to the Committee on Armed Services.

By Mr. BURKE of Florida:

H.J. Res. 878. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. RARICK:

H.J. Res. 879. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

H.J. Res. 880. Joint resolution proposing an amendment to the Constitution of the United States redefining the advice and consent of the Senate, for purposes of the President's treatymaking power, so that two-thirds of the full Senate and House of Representatives must concur; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 404. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary of Israel's defense; to the Committee on Foreign Affairs.

H. Res. 603. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

H. Res. 604. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 605. Resolution establishing the Select Committee on Privacy, Human Values, and Democratic Institutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

270. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to establishment and preservation of the Thaddeus Kosciuzko Home National Historic Site in Philadelphia; to the Committee on Interior and Insular Affairs.

271. Also, memorial of the Legislature of the Territory of Guam, relative to a constitutional amendment to permit the people of Guam to vote in presidential elections; to the Committee on the Judiciary.

272. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to reimbursing States for the cost of relief afforded certain migrant recipients; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD:

H.R. 10772. A bill for the relief of Patricia Anee Rowe; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 10773. A bill for the relief of Alfred Coleman; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

133. By the SPEAKER: Petition of the Executive Board, Third Marine Division Association, relative to designation of the first week in May of each year as "One Nation Under God Week"; to the Committee on the Judiciary.

134. Also, petition of Louis Teplitsky, Bronx, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, September 20, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we undertake the tasks of a new week we thank Thee for the renewed energy gained by rest and the spiritual renewal received from Sabbath worship. Help us through each moment of this day, that we waste none of its hours, soil none of its moments, neglect none of its opportunities, fail in none of its duties. May nothing take away our joy, nothing ruffle our peace, nothing make us bitter, resentful, cynical or sinful. As we address ourselves to the complex problems of this troubled age, may all who serve in the Government be given a wisdom beyond themselves. Bring us to the evening time undefeated by any temptation, at peace with ourselves, at peace with our fellow men, and at peace with Thee.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 17, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TODAY'S U.S. ARMY

Mr. MANSFIELD. Mr. President, last Monday, I had printed in the RECORD the first three in a series of articles, carried in the Washington Post, covering today's military, written by Haynes Johnson, George C. Wilson, Peter Jay, and Peter Osnos. Today I would like to bring this up to date and ask unanimous consent that the remaining articles in this series be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, the nine-part series portrays exceptionally well, I believe, the anguish and diminishing lack of pride experienced within the Army today. The tragedy of Vietnam has played no small role for the degradation of spirit which is observed. It will continue unless and until responsible people and institutions insist on a definite end. Only then will the tragedy of Vietnam and the effect of its spirit be removed. This must and will be done, in the interest not only of the Army but also of the whole Defense Establishment.

Mr. President, I am delighted that, insofar as the Army is concerned, Mr. Kenneth BeLieu, now Under Secretary of the Army, will play a significant and important part in the rehabilitation process which is bound to get underway and which will be in the best interests and security of this Nation.

May I say, in an attempt to bring about this rehabilitation, that the Senate, I am sure unanimously—and Congress as a whole—is prepared to do its part to bring about a restoration of pride, dignity, and a spirit of service in the cause of our country. It will be a most difficult job, it will take great dedication but it must be done, it will be done, and it will succeed.

EXHIBIT 1

WAR CASUALTIES: LEADERSHIP, MORALE

(By Peter A. Jay and Peter Osnos)

SAIGON.—The general is tall, outgoing and immaculate, his green fatigues pressed and starched to paradeground crispness. He has been a U.S. Army officer for more than 30 years, and now from the vantage point of Vietnam he believes that the Army may be caught in an impossible situation.

For a military organization to function properly, the general said, "you've got to have one of two things, iron discipline or perfect leadership. You've just got to have one of the two, and at the moment we don't have either."

Because it is next to impossible simply to impose discipline on young troops conscripted from a permissive and democratic society, he said, "we're going to have to develop it through other means, and the only other means is better leadership.

"To get that kind of leaders you've got to have the government behind you, and the people thinking it's a great job and an honor to be an officer." And that, he said, is what the Army is lacking in 1971.

The general talked openly and earnestly: about the Army and the disruptive change of life it seems to be undergoing at this late stage of the Vietnam war, about the plague of drugs, about the growing rift between draftees and career men, about the difficulty of maintaining order and motivation among bored garrison troops far from home with nothing to do.

But he did not want his name to appear in a newspaper. Not because he spoke his mind, but because he felt would be too embarrassing for his two children attending college in the United States, if it became widely known that their father was an officer in Vietnam. They tell their friends, he said dryly, that their father is an international businessman.

Duty, honor, country. Where are the old values—the things old soldiers counted on, the traditions that held the Army together? Not here.

As the Army leaves Vietnam, its behavior has changed and so has its appearance.

With their longish hair, black-power wristbands and peace medallions, the rumpled, love-beaded draftees now lining up at the Longbinh urinals for predeparture heroin detection tests bear little resemblance to the tough professionals who led the way into Vietnam six years ago.

The 18- or 19-year-old Vietnam "grunt" has developed a manner all his own, a distinctly non-military style that includes a floppy "Boonie" hat, a slouching and slow-moving walk, hair parted crookedly in the middle and perhaps a sparse mustache.

Today's grunt was barely a teenager when American combat troops began to pour into Vietnam. He has seen antiwar sentiment grow into a unifying force for his generation and he wants to be a part of that—not a dispirited remnant of America's Southeast Asia fighting machine.

The mission has changed, too.

In the Mekong Delta recently, senior commanders mounted a major drive involving every one of the 18,000 men in the region. The plans were drafted in secret and sprung at dawn on June 22, starting with a general inspection. The objective was not to wipe out the Vietcong; that job has been largely turned over to the Vietnamese. The mission, as hard as any the Army has faced in Vietnam, was to curb the spread of heroin.

In the officers' clubs and generals' messes, much of the talk these days is devoted to questions in which the word "Vietnam" is used as a collective noun, representing all the ills from heroin to rebelliousness in the ranks to hostility in the United States toward all things military. How badly has Vietnam hurt the Army? If the chips were down, could my unit still fight? What will the Army be like after Vietnam?

The answers vary. But among field grade officers—majors and colonels—some of the brightest and most dedicated are also the most disheartened.

They are career men who joined the Army 10 or 15 years ago and have been in Vietnam before. Many wonder now whether the war was worth it.

"I'm leaving in three weeks," said one colonel on a plane flying to Pleiku recently, "and for sure I'm not coming back. The best thing for all of us is to go home. There is nothing more we can do here."

As he stepped off the plane and looked around at the once-bustling Pleiku airfield, now all but abandoned by the Americans and run by the Vietnamese, he shook his head. "It sure isn't what it used to be," he said. "The Vietnamese are letting it fall apart already."

A few officers react as did Col. David Hackworth, believed to be the most decorated man on active duty, who resigned recently with a few well-publicized and pointed blasts at the Army and the way it has fought in Vietnam.

"We had all the assets to win this war," Hackworth said in one interview. "We had half a million troops, unlimited amounts of money and the backing of the administration. No doubt we could have won if we'd had commanders who knew how to use these assets instead of these amateurs, these ticket punchers, who run in for six months, a year and don't even know what the hell it's all about . . ."

Although they might agree with Hackworth, it's not common for majors and colonels to speak out. Many officers disapprove of what he did, feeling that if he really cared about the Army after 25 years of service, he would have stayed in and helped pull it back together.

One officer who is staying in is a 30-year-old major who midway through his second tour in Vietnam held off a squad of Vietcong for almost 30 minutes with a pistol despite being badly wounded. He is a man with a bright future in the Army. But he recently confided that if he were starting out today, he probably would choose another career.

Another young major whose future was once bright now intends to resign. He doesn't want to be quoted, either, but what drove him out was what he sees as the Army's hypocrisy in dealing with Vietnamese who are known to be corrupt and inefficient but who are protected nonetheless.

Older officers tend to be less apocalyptic than their juniors. Many of them remember riots among occupation forces in Europe and the Pacific just after World War II and they wonder whether the troubles of today are really worse or just better publicized.

Among generals here, even those who believe the Army is facing one of its most difficult hours, there is a tendency to take the view that given a little luck and a little support from home, today's crisis can be ridden out.

"I don't see things as bad as most people," said one senior commander. "Talking about the nation now and not the Army—I'm an old hard hat and I don't agree with all this permissiveness. But as far as the Army goes, I don't think it's any worse. Christ, we've been through five years of war and nobody's supporting us. I think the Army's doing pretty well."

Gen. John H. Cushman, the ranking American in the Mekong Delta, takes a similar viewpoint: "You've got to be worried. If you're not, you don't understand the situation . . . But while the state of the Army may be bad, it's not disastrous."

Many officers express the view that the best thing for the Army to do would be to get out of Vietnam as fast as possible. They believe that a continued presence provides little help for the Vietnamese but exacerbates the problems of drugs and disaffection. "Why not just cut our losses?" one colonel suggested bluntly.

Cushman disagrees. He supports the Nixon's administration's withdrawal policy, and he has been steadily withdrawing the American forces—mostly support troops—in the Mekong Delta. "But the people who say the only way to solve the problem is to bring the boys home (immediately) are just wrong," he said.

"It would be disastrous for the Army's self-respect," said Cushman, "if people said we had to get out to save ourselves."

Cushman, a popular commander who takes pride in his efforts to stay in touch with the complaints of his men, thinks that the Army is "a pretty durable institution" that has survived difficult periods before and will again.

"There's an old saying," Cushman observed in an interview at his quarters in Cantho, "that the Army's not what it used to be and never was."

YOUNG PEOPLE KNOW THIS WAR IS WRONG

Interviews with scores of military commanders in the United States and abroad showed widespread agreement that the cost of the Vietnam war has gone far beyond the battlefield itself. These views are representative.

Gen. William C. Westmoreland, Army chief of staff:

As you know, the Army has carried the major burden of the war in Vietnam. We've taken two-thirds of the casualties; we've provided the major share of the logistics support on the battlefield halfway around the world, and we've had to cope with adapting our tactics and our organization to a new environment involving difficult terrain and difficult climatic conditions, at least for Americans, and against an unorthodox enemy.

We have done this without benefit of any substantial call-up of reserves, except a token number called up for a very short period of time. The burden therefore has been carried by the regulars—our officers and non-commissioned officers—plus the young men that have come into our ranks through the volunteer or Selective Service routes.

Vietnam, needless to say, has been our primary concern, and we've had to give priority resources to the accomplishment of our mission there. Accordingly, we have had to starve other areas.

We haven't been able to modernize our material to the extent that we'd like. We haven't been able to keep up our physical facilities. We have a very large backlog of deferred maintenance. We haven't been able to build new barracks and additional family quarters, all of which we need.

In order to support the one-year tour in Southeast Asia, plus the 13-month tour in Korea—and the short tour has been and is important in those areas and is almost a necessity on the battlefield—major problems have been created for the Army as an institution. The turnover of personnel that has evolved from the one-year tour has been our greatest liability. It has brought about a situation of personnel instability. Our company commanders, first sergeants and squad leaders are rotating their assignments to the extent that they were never able to get a grip on their organizations . . .

It's awfully difficult to maintain desired standards of discipline and esprit de corps when your units are turning over that rapidly.

We've had to absorb any number of veterans of Vietnam into our organizations in the United States and in Europe. They have an attitude—"well, we've been to war. This is garrison duty; this is not for us." Now depending on the unit, they have brought these Vietnam veterans in line in varying degrees.

But six years of war—and this has been the longest war in our history other than our War of Independence—has truly stretched the Army almost to its elastic limit. It has been a very traumatic experience for us. We had to lower our standards to provide the officers and noncommissioned officers to man this Army because the reserves were not called up. We didn't have the infusion of officers from civilian life that we've had in past wars. So therefore we had to lower our standards to meet the requirements in numbers.

Flag officer:

The young people know this war is wrong. They know we've killed more people than the North Vietnamese ever would have. We have to wait 10 years now before we can regain the trust of the young . . .

Former Vietnam division commander:

No, I can't justify it now that I see what the war has done to our country. It went on much too long. We already lost more than we can ever gain, no matter what happens . . .

Gen. Michael S. Davison, commander, American troops in Europe:

There are some highly visible scars [from Vietnam]. The Mylai thing and the courts-martial and things of that nature have certainly done serious damage to the reputation of the Army and to the prestige of the Army. But these certainly are not permanent scars.

I don't know whether there has been serious psychological harm done to the Army as an institution as a result of being through that experience or not. I used to get pretty depressed myself, from time to time about it. I haven't answered your question very well at all—no slashing, articulate, pungent statements.

But when you look at the attitudes reflected in the country today it is really hard to say that [the price of Vietnam] has been worth it. So many things went wrong right at the beginning. For example, I was in the Department of the Army staff in 1965 when we were first getting into the business of deploying troops over there . . . We planned to meet that required increase in the size of the Army by calling the Guard and Reserve . . . Twice our chief of staff marched up the line to Mr. McNamara recommending that we call the Guard and Reserve . . .

Well, the answer was to expand from 860,000 people to a million and a half by taking in people off the street, privates and 2d lieutenants. That is a very tough way to get from point A to point B. You can even make a case for not even being able to get to B that way. So we started off under very, very difficult conditions. And I know a lot of us had real reluctance about getting into the war. The wrong war, at the wrong place at the wrong time. And if you look at many of the things that came out of the Pentagon papers and so on, it was a very tough proposition.

Nevertheless, I think that on balance the Army has accomplished what it was sent out there to do. It was sent out there to create those conditions within which the political, economic and social future of the country could be established. And we have certainly created those conditions. We left the situation within which, if the Vietnamese have got the will to stay the course, and if they are willing to do what has to be done on certain issues such as corruption, certain social things that have to be done, they can make a go of it.

So you can make a case for saying that the Army accomplished its mission, but now the price—the price has been a terrible one. Terrible one. In terms of the casualties, in terms of national treasure of both men and dollars that have been spent, the price the rest of the Army had to pay. The 7th Army here in Europe is still suffering today as a result of Vietnam because we had to wreck The 7th Army in order to keep Vietnam going because the administration didn't see fit to provide enough men and things we needed to do that job and still preserve ourselves. So the Army has paid an enormous price and the country has paid a tremendous price . . .

Maj. Gen. Howard H. Cooksey, commander, Ft. Dix:

I think it (waging the Vietnam war) was something that we really had to do, to live up to our commitments in Southeast Asia. And if we had backed off from this we'd be in a heck of a worse shape than we are now. At least we have some credibility there . . . [But] it has given the Army a very tough blow . . . The longer the war goes on, the more unpopular it becomes . . . I don't think we would go at it again in quite this way. If we got the mission to go certainly we would go. But we would say let's use the entire Army and the other agencies that back up the active Army—let's bring it all to bear and fight the war and end it and come home. Or not do it at all. I can't see us ever getting into another situation like this. I just can't see it.

Maj. Gen. O. C. Talbott, commander, Ft. Benning:

Certainly in the tactical sense, in the experience sense, we've got more field experience, tactical experience, command experience in the U.S. Army than we have had since the Civil War—more than any other country in the world has. In that sense, there has been a fantastic plus.

From the doctrine standpoint, it has sort of shaken up the thinking and made people take new approaches. In those senses it has been good.

In the sense of the impact that we are a reflection of our society and the antiwar feelings on it, of course that's on the negative side.

In the long run, our Army cannot exist without the good will of the people. Draft or not draft, volunteer or not volunteer, it just cannot exist, because it is the people themselves who are coming to it. They will come to it bitterly and with distaste, or with pride and willingness to perform—based upon the national attitude of the people as a whole. And that has to be wrapped in. It is not a simple military question.

THE LACK OF A DEFINED GOAL . . . BOTHERED ME MOST

Alfred B. Fitt, now special assistant to the president and director of federal relations of Yale University, served as general counsel to the Army and later as assistant Secretary of Defense in charge of manpower throughout the Kennedy-Johnson years. As manpower chief, he was a leading Pentagon policymaker during the Vietnam buildup and played a vital part in conscripting men for the war. Here, in this recorded interview, he reflects on what Vietnam has done to America, to the armed services and to the Army.

I think Vietnam's been an unmitigated disaster for the country, for the armed forces and for the Army. I've often pondered since I left the Pentagon, and even before I left the Pentagon, how we managed to make such a mess out of things.

I don't see how anybody with the benefit of hindsight supposes that we would do it over again if we knew how it was going to turn out. It has divided the country in ugly ways, it has caused serious and harmful changes in the Army itself.

I wish I could find some consolation, some suggestion that all these people who have died have died in a cause that was worth it, but I don't find such consolation. I haven't tried to articulate for myself the ways in which the disaster manifests itself, but I see a country that's terribly distracted, and people are angry, and it's very hard to approach problems dispassionately in the context of the war.

The war has really destroyed for a great many people the conviction that the government is something which is respectable and entitled to credence in its efforts. They don't believe the President, they don't believe this President, they didn't believe Johnson—perhaps with good reason—but I think it all goes to the question of how the war has been handled. They see nothing but death and destruction and maiming and incidents like the Mylai massacre and all these other horrible things that have come out and that people don't want to hear about—and veterans organizations and others who are making Calley a national hero. This kind of distortion of values. Well, I'm very unhappy with the whole thing.

Now, I don't claim to have had any special clairvoyance or any highly moral and correct anticipation of the disaster that lay ahead. I remember—oh, it had to be before 1965—talking with a very decent and wonderful colonel. We were losing two or three men a week then. As we were talking about that, I remember thinking and articulating a belief that our goals really weren't defined very well, and that I didn't know where all this was leading, and that maybe the bloody trickle that we were then suffering would turn into a hemorrhage and that the American people wouldn't stand for it.

I've often thought back about how little discussion there was among the senior people in the Pentagon about the war. And I still am unable to account for the relative silence which prevailed until suddenly in January or February of 1968 it got to be so God-awful, and I discovered others who felt the same way I did—[Paul] Warnke and [Townsend] Hoopes and then [Clark] Clifford and [Paul] Nitze—but it's hard for me to identify just when I realized that it was as awful as it was.

I think it was the lack of a defined goal that could command my support that bothered me most. So far as I know there was never even a military plan so that you'd sit down in the last week of the year and describe what the hell it is you expect to accomplish in the next 12 months, and how is that going to make a difference in the situation. Maybe that was happening, maybe the Joint Chiefs were talking to [then Secretary of Defense Robert S.] McNamara about that, but people in my role just didn't participate in that kind of discussion. The whole thing seemed like some kind of a bloody slugging match that was aimless.

And I didn't believe that our national security was really involved in the management of the real estate over there in Indochina.

I think at that point I sort of compartmentalized in my attitudes. Like most of my friends, my evenings, when I did get home, were spent listening to my wife and children screaming about how awful the war was. My days were spent working on projects that I thought were worthy, and I didn't have any sense of being a war criminal or contributing to the looming disaster.

I was trying to get a reform on the selective service policy and fascinated with the problems of dealing with then [Draft Director Lewis B.] Hershey and a hostile Armed Services Committee, and I was fascinated by the problem of reforming military compensation. One of my pet projects has to do with the dependents' school system, which was terribly underfunded, and we were really shortchanging the kids overseas. So I felt good about making the case for increasing the dependents' school budget from, I don't know, $10 million a year to $120 million, and persuading McNamara that that's something we ought to do in justice to all concerned. So I had all these kind of personal satisfactions out of what I was doing.

And I admired the President. I didn't like him—not very many people like him—but I thought he's doing a hell of a good job except for the war, and I didn't want to create any problems for him or McNamara. I wanted to make things work in ways that would ease their tasks rather than increase their tasks.

As far as what Vietnam has done to the Army, I think—and this is a cliche—the Army reflects the society from which it's drawn. With violent divisions on the outside, you're bound to have changes on the inside.

The Army as an institution has an extraordinary ability to take young men and make them selfless in sort of a peer group situation and get them to do things that nobody would do in his right mind—you know, go out and get shot at. But that ability depends on a sustained belief in the value of what they're doing, and that sustained belief doesn't exist now, although obviously not everybody has that attitude. But enough do so that there's a critical mass of sullen, dispirited, contemptuous guys.

The leadership problem for the young second lieutenants and first lieutenants and captains must be perfectly awful. It's just changed—the whole manner in which small unit leadership is exercised.

The young officers don't believe in the war either, a lot of them, and you've got a lot of conduct which is the antithesis of the Army as we knew it. You can't get people to do things. You wink at all kinds of slovenly conduct and all sorts of things that represent individual self-assertion, which is intolerable in an effective fighting force. You've got to treat the people decently and justly, but you try to increase the groupiness—that's the only way it can work. So when there's a breakdown that permits the men to think of themselves as individuals and not as part of the group and protectors of the group, you just don't have a fighting force. You have a rabble.

I guess we started on the question of what this has done to the Army, and we've talked about what it's done on the level of the common man, of the young people coming into the Army as the mustered men. But I'm sure it's put a great many career officers in a defensive situation, whether they acknowledge it or not.

You can't be fond of being spat on, either literally or figuratively, just because of the uniform you're wearing. Why take all that grief when you can go out and use your experience in other ways? And why stick with an Army that seems to be folding up in terms of traditional values? Maybe it's good to change many of the practices of the Army and eliminate the chicken stuff, and all that. But to stay with an Army where there have had to be so many changes, in the way of abandoning practices that the Army thought to be vitally important to a successful fighting force—well, many quit in disgust.

You can see it in the attitude of the Marine Corps; they just can't bear the thought of turning into an outfit with hair down to the collar and slackness on saluting and that kind of thing. I'm sure that many Army officers feel the same way.

I do think the situation is recoverable if you can extricate yourself from a war that people don't believe in, or even if they believe in it they're weary of it and not willing to pay any more of the blood costs involved.

The Army can recover all right. It will take a while, but you know they've been running some kind of Army since 1775 and most of the ways in which you treat men have already been discovered. I'm sure we haven't lost it forever.

The Army is not a static institution, there's this great tide of people flowing through it and life goes on, and society adapts to change. Maybe what it was like 10 years ago will never recur. But I would just reject as nonsense the idea that there is this permanent sapping of the national will to fight in glorious causes. There's a clear sapping of the will to fight in an inglorious cause—but, God, what society wouldn't react that way?

BORED GI'S TURN TO "FRAGGING," HEROIN

(By Peter Jay and Peter Osnos)

DANANG, VIETNAM.—He is a black private from Moline, Ill. His name is General D. McLemore. He was lying nervously awake in the barracks to which he had just been assigned when, through the thin walls, he heard the unmistakable sound of the pin being pulled from a grenade.

McLemore was not a jumpy type. At 20, he was on his second tour in Vietnam, this time with the Americal division at Chulai. His first tour, as a radioman on an infantry reconnaissance team in the Central Highlands, had come to an early end when he was wounded in combat and evacuated to the United States, but he had volunteered to return.

The reason McLemore was on edge had nothing to do with the enemy. He was nervous because earlier on this particular evening, Sept. 25, 1970, there had been a fight between whites and blacks at an enlisted mens club and tempers were running high.

McLemore had not been in the club, nor in the fight. But he was a new man in a company that was almost entirely white, and he had been hearing whites talking loudly, outside in the night, about "getting a nigger."

Under oath some time later, he was to say that walking to his "hooch"—barrack—that night felt a little like combat. "It was like when you are out on a patrol. You are always wary and scared, you always look for danger."

So when he heard a white voice outside the hooch say "The nigger lives here, let's get him," and moments later the tinny noise of the pin coming loose from the grenade, he reacted with the instinct of a combat infantryman.

"I knew it was a frag, sir," he said later, "I thought he was going to throw it through the screen." He picked up his M-16 chambered a round, and quickly went outside in his sandals and undershorts.

There, under the window by McLemore's bunk, a white man was bending over. There are different accounts of what followed, but this much is clear:

The man bending over by the window, a grenade in his hand, was Spec. 4 Bruce Thomas, a white soldier who with three others had just been talking loudly about "getting a nigger."

At McLemore's command, Thomas stood up and approached. He kept walking until he was face to face with the black soldier, and the M-16 suddenly discharged. Thomas fell dead, McLemore dropped his rifle in horror, and the grenade—a signal grenade, not a dangerous fragmentation grenade after all—went off in a cloud of red smoke.

McLemore was subsequently court martialed, convicted of voluntary manslaughter and sentenced to 18 months imprisonment. He is now in the stockade at Leavenworth, Kan.—though the case is under review.

The sentence was a relatively light one for the offense. Henry Aronson, the civilian lawyer who assisted with McLemore's defense, believes the military judge was troubled by the case. Certainly Aronson was troubled.

"We're talking about a man who was put in extreme danger in a community where everyone lived armed, and where the racial tensions were as high as can be," he said in his closing statement.

Blacks, of course, are not the only targets of fragging—or of intimidating pseudo-fraggings with duds or smoke grenades, as in the McLemore incident. Indeed, fraggings or other violent actions are more often directed against those in authority—white or black.

Last January, for example, at Quangri combat base just south of the demilitarized zone, two white majors went out late one night to ask some black soldiers to turn their tape recorder down. There was an argument, a scuffle, and both of the officers were shot, one fatally.

The murder weapon was never found, but one of the soldiers, Spec. 4 Alfred B. W. Flint Jr., was convicted of premeditated murder and sentenced to 30 years. There is no indication in the transcript of the court martial, held here last spring, that the incident was basically racial in origin.

Although "fraggings" have received a good deal of attention, their true extent is unknown.

Aronson, who besides representing GIs is a member of the civilian Lawyers' Military Defense Committee, observed in a recent letter to his Boston office: "Fraggings are more threat in anticipation than in execution." He added, however, that many units in the field "take guns away from men except those on patrol or guard. Grenades are taken from everyone."

Pentagon figures show that incidents of fragging—defined as assaulting a person with an explosive—are climbing as the war itself winds down. In just the first seven months of 1971, there have been 210 assaults considered positively or probably "fraggings." This indicates the total for the year will be way above the 271 assaults registered last year, although fatalities from fraggings are now running at a lower rate.

The explanations for this phenomenon vary. Racial tensions, drug abuse and plain frustration of men being hassled by sergeants at a time when this war seems useless—all are cited by commanders as possible causes.

Although disturbing, interviews with commanders who are trying to hold the remnants of the American Army here together showed that fragging was not as worrisome as that phantom enemy—drugs.

Despite repeated warnings by the Army about its possible hazards, marijuana smoking was never really more than a nuisance and an embarrassment to the commanders. Marijuana was cheap, plentiful and pleasurable. But then late last fall, a new phenomenon began to appear A grainy white powder that came in neat little plastic vials which the Vietnamese peddlers learned to call "smack," "skag" or "coke." There is no word in Vietnamese for heroin but that is what it was, and before long tens of thousands of GIs were using it.

The Army then found it had made a mistake in exaggerating the dangers of marijuana, because when similar, more urgent warnings began to appear about heroin, most soldiers just didn't believe them. Also, the mistaken belief spread that heroin is nonaddictive when smoked rather than injected. Heroin in Vietnam is about 15 times as strong as the drug sold in the states, so there wasn't any need to inject it.

Another attraction was that heroin mixed with tobacco has a barely detectible smell, while marijuana has a thick, sweet odor.

"I stood there and puffed skag right while the sarge was checking me over," said one GI recently at a drug clinic in Cantho.

The Army, increasingly concerned about what was clearly becoming an epidemic, thrashed around for a solution. Some GIs were thrown in jail, others were dropped from the service as unfit, still others were admitted to amnesty programs to be "withdrawn" from heroin under medical supervision and then returned to their outfits.

Efforts were made to persuade South Vietnamese authorities that they had to take decisive steps against distributors. President Thieu was told on many occasions by ranking Americans that Congress would not look kindly on continued aid for a country that was turning thousands of its young people into junkies.

The South Vietnamese responded with some tightening of customs inspection and crackdowns on scattered drug dealers. One result has been that the supply of marijuana has dropped sharply. It is now harder to find and more expensive than heroin, which is still abundant.

Ironically, many officers in the drug field believe the army would be a lot better off if the heroin users could be converted back to pot. Lately even Army radio has been taking a notably mild line on marijuana.

The Army has now developed a reasonably comprehensive approach to the heroin problem. Amnesty for men who turn themselves in (some do it two or three times) is vastly preferred over courts-martial, and there is a determination that no man should leave Vietnam addicted.

Perhaps the most effective tactic of all has been the urine test. It took only a matter of days for the word to get around that departure from Vietnam would be delayed if you had drugs in your system. Rather than try to cheat the test, many GIs decided to withdraw.

While this provides no assurance that the troops will stay off, it offers them a fresh start when they get home where heroin is less available and less pure than in Vietnam.

There are a variety of explanations offered for the heavy drug use in Vietnam. The one most often heard is that the GIs are young and lonely, like soldiers in all wars. Also, this war is different, perhaps, because it has become so unpopular and there is so little left for Americans to do.

"They really are not doing anything they consider relevant with the possible exception of dying," said Maj. Richard Ratner, a psychiatrist who runs a drug program at the massive Longbinh support base near Saigon.

Aside from its possible link to drugs, boredom is widespread enough to be a problem in itself—although this army is better cared for, better air-conditioned and better entertained than any of its predecessors.

"The grunts do not have a job," wrote Aronson of the lawyers group, "and this explains to me why justice problems are so much greater than the other services . . . The Air Force and the Navy men have jobs for the most part . . .

"The Army does not. They just sit and smoke and count the days and worry and wonder about God knows what—and command wants them to 'Do something' which translates into ludicrous assignments and getting gear in shape. All this leads to an ongoing brinkmanship, with a grunt going as far as he can not to do what he is told to do."

It is an easily observable truth that when American soldiers are busy and under pressure, they perform better and far more cheerfully than when they're not.

At Khesanh in February, when the American forces geared up for what was clearly the last real push of the war and swept back into enemy-held country in preparation for the South Vietnamese invasion of Laos, the bored American troops underwent a remarkable transformation.

Reporters who traveled to Khesanh and other forward posts during the nearly two-month-long operation, watching the troops work feverishly as the weather turned from cold rains and mud to blistering sun and choking dust, found spirits considerable better than at any of the comfortable echelon camps.

Drugs were available—with marijuana more in evidence than heroin—but fights were few and MPs reported practically no petty thefts and other lesser disciplinary infractions.

"The only way to keep a fighting man in trim," Gen. Creighton Abrams, commander of U.S. forces in Vietnam, often tells friends, "is to give him something to do."

GI's Still Gripe—And Then Some

(By Haynes Johnson and George C. Wilson)

Fort Bragg, N.C.—It isn't "From Here to Eternity" and it certainly isn't a barracks-room ballad like "Gunga Din." But Willie and Joe, those grizzled and irreverent old soldiers from World War II, would feel right at home here in at least one respect: the griping.

The 1970s GIs of this vital garrison where a president must turn for combat ready troops in a crisis were indulging in that ancient Army pastime. As always when enlisted men gather off-duty, the longer they talked the louder the language and the more boastful the stories.

"The Army is so f——ed up," one of the young soldiers sitting around the table said. "The Army took me away from school. It took me away from a job. It put me in an environment that I don't like. I guess it's O.K. if you dig it, but I don't dig it."

Another GI spoke up immediately.

"The Army's going to be dead. They're going to run into more and more problems getting guys to re-up [re-enlist] because of the harassment and because of the cost of living. And here in the states a third of the division is in the field all the time doing bull s——, nothing more, and the rest of the division is back in their own area picking up cigarette butts. And they're sick of it. And when you don't pick up the butts you get harassed. And since the war's wound down when you don't pick up the butts you get in the last few months there's nothing to do except stand guard and things like that. The VOLAR [volunteer Army] program's a complete bust because nobody wants to go along with it.

"The Army isn't going to exist. There's going to be more and more men getting out. Not only that, the lifers [the career non-commissioned officers] are getting more and more dissatisfied because the lower ranks are getting better programs and better wages than they got. So they're getting out, too. Thank God, the military is destroying itself. Cancer eventually kills the victim."

One of his buddies, a GI with a drooping mustache, picked up the conversation. "Right now we have a guy in the unit facing a court-martial, dishonorable discharge. About a week ago, he went out and let all the air out of the tires of one of the lifer's cars. He had really been harassing us, that lifer, and we were thinking about planting a bomb in his room. And we started harassing him: kicking his door down, painting his whitewalls black. And then this guy let all the air out of his tires, and he got caught."

A Vietnam veteran showed he could top that with a story straight out of Catch-22.

"In Nam," he said, "we were going to have a parade for Gen. Malloy and we didn't think it was right for us to march.

"And so we broke in the demolition room and stole some C-4 and blew up the reviewing stand where he was going to give us a speech."

Loud laughter and cheers. "Oh, Wow, that's beautiful, man!" one soldier called out.

"You see, stateside we do it another way," a GI explained to his civilian visitor. "You try to get the guy's efficiency rating shot so that he gets transferred or else he puts himself in for Nam so he can get his efficiency rating back up. But it's damn frustrating. It's so hard to get back at them."

The soldiers went on to tell other stories: of "fragging" sergeants in Vietnam with hand-grenades . . . or destroying Army equipment here at Ft. Bragg . . . of boredom and resentment and disobeying orders . . . of questioning authority and arguing with their superiors about military and national policies.

They were exhibiting traits that commanders invariably cite when they discuss what today's young soldiers are like. Two factors distinguish today's Army from the old one of GI griping and questioning: the depth of the hostility expressed and the willingness of some soldiers to do more than merely complain about conditions.

A full colonel who commanded a brigade at Bragg was asked if the soldiers were telling the truth when they boasted about sabotaging their own equipment. "They do," he said.

"You mean it is a fact?" he was asked again.

"It is a fact."

The situation is paradoxical. Bragg is the home of the elite 82d Airborne Division and the Green Berets. To an outsider, Bragg seems a place of high discipline and motivation, espirit de corps and spit-and-polish. The chant of marching soldiers fills the air, the pace of maneuvers is brisk, the barracks neat and well-scrubbed. Mutual respect and courtesy appear to prevail. Officers and enlisted men exchange snappy salutes when they pass each other, the officer saying his good mornings, the enlisted man responding with a terse reply, "Airborne, sir."

But Bragg is also the home of strong soldier dissent. It is a place where officers sign their names to antiwar ads in the local newspaper saying they "demand the withdrawal of all American military personnel and advisers" from Vietnam by the end of 1971, and a garrison where privates voice even harsher antipathy toward the Army and the war. To hear some of these soldiers is to wonder if they will ever fight again.

Yet most paradoxical of all is the attitude of their own commanders. Although fully aware of the anti-military attitudes among many soldiers, these commanders regard today's soldier as the best in American history. In their view, these young men are the best educated, best trained, most sophisticated ever to wear the uniform. If that seems far beside the point when considering the Army's present difficulties, the commanders will cite what they see as the final test. These same young men fought superbly in the longest, most unpopular war in American history—a war the soldiers themselves came to reject.

Officers, at least some of them, even profess to find a virtue in the attitudes of today's soldier.

"The Army has to be questioned," said a major with 18 years' service, including three tours of Vietnam. "It's a bureaucracy. Like any bureaucracy, it tends to get moving in a certain direction and it takes a hell of a push to get it moving in another direction.

"These young, well-educated, questioning kids coming in today are really doing the Army a lot of good. You know, one of the things Von Steuben and Pulaski found when they came here to train American troops when the Army first started during our revolution was that American soldiers were always questioning the orders. Now all of a sudden everyone's walking around real surprised. American troops have always questioned the orders. The press has just started talking about it recently."

But saying that, few would deny that here, too, the Army faces acute problems common to other areas.

At night, soldiers gather in coffeehouses in downtown Fayetteville to voice their displeasure with the Army. They hear speakers advise them of their constitutional rights and outline protest demonstrations and the ways to disrupt the military. The walls of the coffee houses are decorated with all the slogans and posters so familiar at antiwar meetings in New York or Chicago or San Francisco.

As has been reported in a previous article, drug use is extensive here. Both enlisted men and officers say heroin—variously known as "smack," "H" or "horse"—is easier to get than marijuana. One officer explained that particular phenomenon this way:

"Heroin came in here, as I understand it, when a lot of guys came back from Nam and really had been turned on to grass. They thought, 'This is good. I like it. I like to relax with it. Then Operation Intercept came along and cut down the flow of marijuana into this area. Guys began to look for other ways to get their highs.

"And some bold and brazen individuals began to try hard narcotics, and lo and behold if they didn't get addicted the first time they tried it. Not only that, it was a fantastic high. All of a sudden they began to be connoisseurs. They say 'I like the downer you get on heroin better than the high you get on amphetamines.' And I think that's how heroin became entrenched in this area."

He went on to say:

"Now when you go to buy drugs, heroin is here. You walk down the street in Fayetteville and there's a little teeny-bopper that says, 'smack, smack, smack.' He's got it. He'll sell it to you. I talked to a guy the other day who was looking for grass. He went to three dealers and couldn't find it. You don't sell grass because it's too bulky. It's too easy to get caught."

Although soldiers here use drugs in their barracks, the common practice is to "turn on" at rented apartments, or pads, off the base in the Fayettsville area. And here, as in Germany, crime and drugs go hand in hand. Barracks thefts are common. "Personally, I'm very paranoid," said one soldier. "Like if I see anyone in my barracks I don't know, I get all uptight."

Exchanging stolen property for ready cash is no problem. The ubiquitous pawnshop dealers off base take what the soldier has to offer with no questions asked, commanders say.

But perhaps the sharpest impression of the garrison Army today is the rift between the young soldier and the veteran noncommissioned officer. They speak a different language, live a different style, view the Army and America from a different perspective.

"It's advanced Boy Scouts," said one old-time sergeant of the changes taking place in in the new Army. "You find the young trooper—well, he does things just to irritate a professional soldier. No hat, no shirt. I don't like to wear a hat either, but I do because it's part of the military. And pot smoking, I find it hard to believe there's a guy sitting right on top of a track [half-track armored vehicle], in broad daylight, 25 people around and he's smoking a big joint, and nobody says anything about it.

"I personally think the Army should take lessons from the Marine Corps. The Marine Corps says we're not joining you, you're joining us. But these young soldiers they question you. They say 'why?' They ask why you want to go to Vietnam, and you say, 'well, you go because you're a soldier.' And they say, 'you're nuts. You're out of your gourd. The Vietnamese never did anything for you.' "

The young soldier reacts no less strongly albeit differently.

"The lifers," one of them said, "everything that comes out, from the new regulation to the new hair styles, they hate it. Today I was discussing the war with my new NCO, and I'm violently opposed to the war and I wouldn't fight in it, but I didn't say it that way. I made what you might call a moral complaint about the war. You know, economically and humanistically how wrong it is. Any war that is.

"And he told me that since he was going to be my NCO that if I opened my mouth and talked about the war like that again he was going to make sure I shut up. And I said, 'well, I'm not going to make any speeches about it, because that's wrong, but I'm going to continue to talk to the guys I work with because that's normal.' And he says 'well, I'll shut you up, because I'll get you court-martialed.' He can't do it legally, I know he can't. But that's what he said."

Strangely, both groups respond the same way to another facet of Army life. They believe civilians view the man in uniform with contempt. A sergeant who served in Vietnam told of going back to his home town. "They asked me if I ever killed a child," he said bitterly.

A young soldier from Ohio, who is militantly antiwar, found his personal view made no difference when he was in uniform.

"It's weird when you go home in uniform," he recalled. "People just look down on you. They treat you altogether different when you're in uniform. I went up to the campus to see my girl and I got called pig and murderer and all other kind of things just because I was in uniform."

Such emotions come as no surprise in this period of bitter divisions over the war in Vietnam. American soldiers of all ranks feel they have been misunderstood, unfairly stereotyped and discredited by their own fellow citizens. Here, though, as at other Army installations, you meet officers who see the present climate a challenge and testing being beneficial in the long run.

Perhaps a major in the Green Berets who had served four times in Vietnam over the last decade expressed that thought best.

"Here we were, before this Vietnam war, so damn self-satisfied and smug that it was unbelievable," he said. "We were sitting on top of the world, literally, and saying we know what's best about everything. Well, we really got our nose bloodied. Things just got torn up in the United States. People spoke out. They said just because he's elected to Congress he isn't God, just because he is a general in the Pentagon he isn't God.

"They asked questions. And if nothing else comes out of this war but that, we've won a magnificent victory. If we can get the people to question some of the ridiculous as well as the intelligent decisions of people in the Pentagon and the people in the government, it's been worth it ten times over."

And for all the doubt and dissent voiced inside today's Army, that candid professional soldier's viewpoint is not unusual, either.

Commissioned Dissenters: "You're a Tool, a Machine"

The following conversation was taped with a group of about 12 Army officers, from majors to lieutenants, who are members of the Concerned Officers Movement, at Ft. Bragg, N.C., that put an advertisement in a local newspaper calling for an end to the "immoral and wasteful war" in Vietnam. Here they discuss how they feel about the Army and what prompted them to join such a group:

Captain. "When you're inside the military you really don't know what your rights are, and I think this is one of the biggest problems. This threat of intimidation from not knowing exactly what can happen to you, exactly what the regulations are.

"What happened here was a very heavy personal move for me. Armed Forces Day was coming up and I thought it was time to express something about the war. I had come into the Army sort of accepting the Army as an institution. I had, of course, anti-Vietnam and antiwar feelings but it was only after sort of living within the military that I came to the point where I no longer could accept the military as a worthy institution. So we talked about taking out an ad, and checked into it and it seemed we were within our rights under the Constitution.

"Then after the ad ran we were first told we were all going to be court-martialed. Then they offered 14 of us a chance to resign, which we did not do."

Lieutenant. "I've been opposed to the war for several years, but it's been a developing trend since I've been in the service. Within myself I just no longer can sit back and let other people represent something I don't believe in."

Lieutenant. "It's the rigidity of the military. It's the idea that when you're in, you're a tool, a machine. You're to do what you're told with no questions asked. You know, don't embarrass anybody, save your own ass kind of thing."

Lieutenant. "I felt pretty hypocritical ever since I joined ROTC. I made a lot of mistakes going back a long way. So then I was just sitting down here at Ft. Bragg and my conscience kind of bothered me, and I just came over here one night [to the private house where they hold meetings] and fell into things. Now I've come to the point, because of Vietnam, that I wouldn't participate in a war unless I were sure that the United States was right."

Lieutenant. "If New York Harbor was invaded tomorrow—or today—I'd never touch a weapon. All I could do is not participate."

Captain. "When I was a sophomore in high school I read 'All Quiet on the Western Front,' and it made a lasting impression on me. This man was writing about how these young people were totally destroyed by war. It just exhausted them. So that showed the insanity of it. That waste of human life. For what?

"What wars are ever fought for 100 per cent pure reasons? I can't say what I would do if this country was invaded. I know when I thought I was going to go to Vietnam I decided I wouldn't go because all the reasons for being in Vietnam were completely immoral. That's the way I feel about it. When I see pictures of what we've done to other human beings, I just think that we, in the world, have to find a better way of relating to one another."

Lieutenant. "I'd say at least 75 per cent of the people I know, young soldiers, lieutenants and captains, have told me privately they agree with what I've said, but either they don't have the guts to say it publicly or they don't feel it was their place to speak up. I find very few people who will say we didn't do the right thing [by publicly protesting the war]."

Captain. "I think the basic trend in our society today is to be apolitical. Our generation, too. The older generation tells us, 'Well, sit back. Wait until you come of age.' The thing is: when do you become of age? I feel I've come of age now.

"I had a long talk with my commanding officer about a month ago and he said, 'Someday the burden of responsibility is going to be placed on your shoulders,' and as I left his office I thought to myself: the burden of responsibility is on my shoulders right now. If I'm ever going to do anything in my life now is the time, because I'm 27 years old. When do you start participating in society? I'm ready to participate right now.

"This is why I'm not going to accept the idea that I could become another William Calley.

"I'm not going to become institutionalized to the point where I can go out and kill somebody."

Lieutenant. "I think most of the younger officers in the Army feel like most of the people in this country. If you're in the Army for two years and you do something like signing an antiwar ad there goes your whole future. You're not going to be able to get a job; people are going to step on you; your aunt's not going to like you. The security thing. Of course, for officers who plan to stay in the Army—well, that kind of action is unthinkable. There goes their career."

Lieutenant. "Let's face it. The big problem is the Army's not set up to change and yet society's going through tremendously accelerated change. This to me is the source of the conflict you see in the Army today.

Captain. "The Army is caught in its own trap. It can't change fast enough, and yet it's trying to do something. They realize that something's wrong and they'll ask you what it is. But they won't listen when you tell them."

Lieutenant. "Yeah, you can't say, 'Thou Shalt Not Kill.' "

Captain. "They can't step outside the system far enough to really ask why things are done in the first place. Whereas the younger people are asking. 'How come this is even being done in the first place' They show you a little bit of change and they say, 'Look aren't we nice guys, we changed this.' And we say, 'Why in hell don't you change the whole thing?' But they can't look at it that way."

Major. "The Army's reacting in this situation the same way other institutions in this country are reacting. Just like the colleges. Students are yelling that they want more of a voice, so the administration lets the girls stay out one hour extra on weekends.

"It's the same way with the Army. Everybody's screaming at the Army and the Army says, 'OK., you can grow your hair an inch longer.' That's ridiculous."

Lieutenant. "The Army's just another institution. It's just a mirror image of what society is."

Major. "But this is a special situation today in that the Army brass is asking young people who are perhaps more politically aware than any other generation in our history to fight, to risk and give their lives, in a war that they know is politically and morally unjust. And not only are these people reacting against the establishment image of the Army. They're also exerting their rights to refuse to be involved in something like that."

Captain. "While we've been talking here, it's dawned on me that the Army and society have forced me to become a citizen of the world. They've abdicated, in my opinion, from the President on down. They've pulled so many blunders that even I, way down here low on the totem pole, say I refuse to be responsible for your mistakes. So I'm having to try to educate myself to come out of my own little shell. They're forcing me to be a better citizen and a better person.

"Maybe I'm developing an ethic of suffering. In that way I can toss the blame back on them. If they had executed their responsibilities better I wouldn't have had to act this way."

Retraining the Leaders of Today's GI

(By George C. Wilson and
Haynes Johnson)

Ft. Benning, Ga.—The black lieutenant gave an order to his sergeant, a white man. As soon as the lieutenant was out of earshot, the sergeant told another white soldier in the unit: "I don't know about you, but I ain't going to work for that damn nigger."

The sequence ended and the white and black officers watching it on closed-circuit television at the Army Infantry School here, braced for the question coming next: What would you do?

The scene was just one of many from a special seven-hour course designed to help Army officers cope with the crisis on their hands compounded of race, crime, rebellion, anti-militarism.

That the course was developed here at Benning is both appropriate and ironic. Appropriate because Benning is the home of the U.S. Infantry, heart of the Army. Ironic because Benning was the site of both the training and the trial of the man whose actions impelled this retooling of Army leadership: Lt. William L. Calley Jr.

Maj. Gen. Orwin Clark Talbott, 30 years the soldier, signed the murder charges against Calley for killing Vietnamese civilians and is now heading Benning's drive to pull the Army back up to the high ground of public respect.

"I did it in absolute conscience," said Talbott of that action against Calley, which fractured the Army he loves. "Nothing made known to me since as a result of the trial—has brought me to a different conclusion, the slightest furor notwithstanding."

Now, he said in an interview, it is time for the Army to move beyond Mylai. The institution did its duty in cleaning its own house, Talbott said, and now must come to grips with the other problems.

"I am genuinely convinced that the nation requires an armed force and an Army," Talbott said. "It is just necessary to take whatever steps are required to create the sort of Army the nation needs and wants. There is not the slightest doubt in my mind that it can be done."

To show that it indeed can be done, Talbott—as commander of this base and its Army Infantry School—this year started teaching leadership to sergeants and officers all over again—no matter what their rank or experience or medals.

The Army's top command was so impressed by the effort that it has exported the new course to other training commands. And Talbott thinks civilian society could adopt it with profit; he urged visitors to see for themselves.

The race relations segment of the course, for example, opens forcefully.

"Today," said the black instructor from the stage in front of the classroom, "I'm going to be the NUF—nigger up front." He explained that the term was coined to cover blacks displayed in front offices to avert charges of discrimination.

The instructor was Maj. Tyrone Fletcher, 32-year-old son of an impoverished Baptist minister from Defuniak Springs, Fla. He spoke with a missionary zeal to the audience of sergeants and officers sitting at small tables around the classroom.

"Let's take this white soldier now," Fletcher said. "He is in the Army, and he has developed certain pre-conceived ideas about people of color. Let's face it. Let's be realistic.

"He might come from a home—come from a background—where in his home, in his environment, in his school, nigger is a household word." He shouted the word nigger at the officers. Many of them blinked.

"He might have grown up in a home," Fletcher continued, "where, if the maid drank out of a cup, the cup was boiled before anybody else used it.

"He might have grown up in an area where the only time blacks were discussed was when someone looked at the newspaper stories of rioting and said, 'Oh, oh. They're at it again.'

"The point is that even if a young soldier is from Utah, he comes to you with ideas and notions about people of color. When he starts to relate to a man of color it is going to affect him in how he performs.

"So consequently, you must be aware of this. Whether all these preconceived ideas are real or not, those are ideas and attitudes that you—the leader—must deal with. You must face up to them."

"The first thing you have to do," Fletcher told the sergeants and officers now sitting like scolded schoolboys in front of him, "is to admit to yourself that we basically are racists. We come from a racist society. And color means certain things in our society. Once we admit that, then we will be able to deal with it and develop normal relationship among people of all races."

With Fletcher's speech as the warmup, the race relations seminar went on to black history. Then came the training scenes on closed-circuit television, and the challenges for the students to say how they would handle difficult situations.

One white sergeant offered a prescription for the man who wouldn't "work for that damn nigger."

"Educate the man," he said. "If that doesn't work, then you have to discipline him."

Major Alfred M. Coke, a white instructor, provided the textbook answer to the free-wheeling discussion. "Get over the idea," Coke said, that the black captain in the scene "is a qualified individual or else he wouldn't be in this leadership position."

The themes are repeated throughout the seven-hour course; be aware, examine your own prejudices, care about your men, educate them, be sensitive.

"We must take a second look at everything we are doing with the goal of insuring that what we do makes sense and that anything that does not make good sense is examined critically and changed so that it does," the course's 135-page manual states in its preface. "Our style of leadership," the manual exhorts, "must respect the individual dignity of every man. There is no room in today's Army for the shouting, screaming, harassing style of leadership."

An example of the new guidance:

"Give the soldiers a chance to live up to their new freedoms such as getting to work on time without having a reveille formation. For those who respond correctly, the reins stay loose."

While those of us who grew up before World War II accept the necessity for hard work, the manual says, the young man coming into the Army today may work "for self-gratification, the ego needs, for self-realization . . . Hard work is no longer necessarily a virtue . . . Today's young soldier rejects and resents imposed solutions and dogmatic answers . . .

Such searching individuals, the manual says, "have re-emphasized many of the values the older people have been preaching about the value of the person, the dignity of the individual, honesty, integrity, compassion. These are excellent values on which to build a nation and a modern Army . . .

Recommended reading for the course would not be out of place at a liberal arts college. Books named include: "Like Father, Like Son, Like Hell;" "The Greening of America;" "New Patterns of Management;" "Let Them Eat Promises;" "Black Power;" "The Autobiography of Malcolm X."

In the discussion stimulated by the televised training scenes, some of the sergeants in the class were skeptical about "sensitivity" being enough to keep troops in line. One complained that today's sergeant needs "four witnesses and two television cameras" to make a case against a GI who steps out of line.

Sergeants also are unhappy about another manifestation of sensitivity. They complain that commanders now have so many open-door policies for enlisted men that the troops no longer have to go through their sergeants. The noncommissioned officer, goes the complaint, is the odd man out under the modern Army concept.

Talbott's answer to such complaints is that they are part of the communications gap that the Army leadership is closing. He contends that the reforms will be welcomed once people inside and outside the Army understand that the reforms are for the good of the service, whether a volunteer Army proves feasible or not.

Top generals assert that such efforts as upgrading leadership will make the Army well again. The cure will come from the new emphasis on understanding today's young man; restoring his unit pride as the in-and-out turbulence associated with Vietnam days passes; substituting adventuresome training for make-work duties; making the barracks safe and more comfortable to live in, and giving young officers less paperwork and more authority over their men's training.

This will take time, of course, and many junior officers contend there is not enough time to rely on the generals' prescribed remedies. They want radical change. "What is needed," said a lieutenant on this base, "is a heart transplant. But the generals, like the human body, just physically reject such a radical change." These officers think the public and the soldier want radical change.

Talbott believes there is still a reservoir of good will toward the Army on the part of the American public, and that the only way to draw on it "is to clean our house. And in the long run, I am absolutely convinced that the American people will judge us for what we are and not what anybody says we are—me or anybody else.

"And if we are straight and we are loyal, and if we are constructive as far as the country is concerned, I am absolutely convinced the American people will consider us as such."

House Units To Study Army Problems

The House Armed Services Committee said yesterday it has begun an "all-out" investigation to learn the extent of drug use, fragging, desertion and other personnel problems in the armed forces.

Chairman F. Edward Hébert (D-La.) said in a statement "there can be no doubt that the armed forces in general, and the Army in particular, face monumental challenges to their existence as fighting forces. The problems have to be identified, they have to be acknowledged and they have to be dealt with firmly, fairly and quickly. The American people have a right to know where we are headed and the seriousness of the situation."

Hebert and Rep. Leslie Arends (R-Ill.), senior Republican on the committee, announced that four special subcommittees are now or soon will be at work on the investigation.

One unit headed by Rep. Dan Daniel (D-Va.), a former national commander of the American Legion, is studying the problem of attracting and retaining enlistees and career personnel. Another under Rep. Elliott Hagan (D-Ga.) is investigating drug abuse by servicemen.

A third subcommittee under Rep. William Randall (D-Mo.) is beginning an inquiry into the United States commitments to NATO and its ability to meet them. A fourth group under Rep. Otis Pike (D-N.Y.) will look into the utilization of manpower—the desirability of rotating units located outside the United States, the ratio of support forces, and the ratio of officers to enlisted personnel.

MAJOR FLETCHER: "I FEEL WE WILL SEE MORE ERUPTIONS"

Maj. Tyrone Fletcher, 32, is one of the Army's young black leaders of the effort to improve race relations. He helped develop the race relations course for the Army Infantry School at Ft. Benning and is active in black-white committees dealing with the problems off-post in Columbus, Ga. He considers the black-white confrontation the Army's most serious problem.

Q: Do we have to go through in the Army what we went through in the ghetto—an eruption as the blacks demand what they consider their long neglected rights?

Fletcher: It might erupt in certain areas, but I don't think it will be an overall eruption throughout the Army before we get the problems solved. Overall, the Army has started to do things. It has recognized the problem. You're dealing with a system, though, that you just can't plug something and change it overnight.

Q: What is your advice to those commanders, especially in Germany, who said the blacks are ganging up on whites; that blacks are jumping ahead in the chow line, and that black-white crime is very specific—black vs. white dope rings, this confrontation business?

A: First, you have got to face the problem and deal with it in an objective manner. You have got to sit down and start talking about these things to the people who are doing it, to the soldier. The commander has to become aware—not just say, well, the blacks are doing this, the whites are doing that—become aware of some of the motivating factors. Re-education of the commander, really, is what it boils down to. The commander has to educate himself so he will be able to sit down and discuss these things with the soldier and find out why:

Q: You said in your lecture to the class here that the confrontation between black and white is the worst problem in the Army today. Is that going to get worse before it gets better, do you think? Or are we on our way out of the woods?

A: I don't feel we are on our way out of the woods. I really don't. I feel we will see more eruptions, as far as our society is concerned. The [black] nationalism is moving faster than the reforms and other factors are adding to frustrations, like the lack of jobs.

As for the Army itself, if it continues to move like it is going, the situation is going to balance out. We still have some individuals at all levels who are not sensitive but the Army has started to recognize this and said, "O.K., this is what we have to do."

Q: How do you explain the seeming contradiction of improved conditions for blacks in the Army and yet young blacks protesting more than ever?

A: When you understand the psychology of the whole thing—when you understand that the need is immediate, then you can understand why. There is a builtup hostility within blacks because there has been no outlet; they have been hiding it.

The parents of those 19-year-old kids hid that hostility from the outside world. But from their actions at home they instilled that hostility and the things those young kids saw happen built hostility within them. But now, those kids say, "I'm not going to mask my hostility. I'm going to express myself." And when the hostility does come out, it shows up in varied forms. And I don't know how far it is going to go. It is climbing now.

Q: Is there likely to be a white reaction to this black hostility—putting us back to race riots? It hasn't happened yet in Germany.

A: It has not. This is what I don't understand. And this is why I say I really can't understand the psychology of it all. It seems to me, though, that there will be something of a—for lack of a better word—white backlash.

Q: Is there any way to avoid that, now that the confrontation has gone this far?

A: I don't think there is any way to avoid it at this point. One thing we can do as a step toward preventing it from happening is to get these people into situations where they can talk out these things.

Q: Why do some of the young blacks call you an Uncle Tom?

A: Because I tend to say that you can't beat the system on the outside of it. The only way that you are going to be able to deal with a system that you feel is wrong is to become part of that system, especially if you are in the minority. You can't fight a total system by being on the outside of it. You've got to move into the mainstream and you have got to have something to offer.

LACK OF TRAINING OF NCO'S IS A REAL BIG PROBLEM

Here, in their own words from taped interviews, are representative complaints about conditions in the Army today from veteran sergeants, traditionally the backbone of the Army.

"Yesterday morning I had a Pfc. stand in front of me—we were out in the street, nobody was around—and his first comment was, 'There's no witnesses around here.' And he proceeded to tell me what he thought about me. He continued on and said he had 30 days left but there were three people in the troop who were going to kill me. They were going to blow my car up.

"This individual is so erratic that you can't pay any attention to him. Yet I've had this man since last November. He has two field-grade Article 15s [a form of non-judicial punishment, such as a fine], he has three troop-level Article 15s, he is pending another field-grade Article 15 and yet I can't get rid of him.

"He is 21 years old. He's white. I can't get him put in jail. My word is in question. He has no respect for authority whatsoever. I put up with this stuff every day."

"The NCO's word isn't taken at face value any more. If you don't have two witnesses—why, to give an Article 15 the other day it took four witnesses, four witnesses for me to get the disciplinary proceedings under way. . . . Your word as an NCO today is no better than a private's word. If a man refuses to take an Article 15, the JAG (Judge Advocate General) officer won't go into court if you are the only witness."

"The Army has to find a way to get rid of people faster who don't want to be in it. . . . They're a bad influence on the young soldiers coming in. . . ."

"The race problem for us [in Germany] isn't any different than it was 10 years ago. But at the battalion level they are afraid to get their names in Overseas Weekly and so instead of taking the strict discipline on a guy who is black, they are scared somebody will say they're prejudiced so they'll let the guy go."

"The kids coming into the Army today don't get what they expect out of the Army in the way of discipline. I think most of them are dissatisfied because they don't get the strict discipline their fathers told them to expect."

"The young soldiers have so many people they can see right now that they don't even have to see us. These officers have open-door this, open-door that. We help a lot of people solve lots of problems without going beyond the top sergeant in the unit. But now we've got guys going to the colonel telling him they haven't got any mail from their girl friend. This kind of thing leaves us completely in the dark . . .

"This has nothing to do with old Army or new Army. This is breaking the chain of command. It should never be broken. The soldier doesn't have to tell us his problem, but he should tell us he is going to take it up with the IG (inspector general). the colonel or whatever. We shouldn't be the last ones to know."

"If you have to supervise the ones (younger noncommissioned officers) who are supposed to help you supervise the men, then you have got more problems than ever. When I made E-5, boom, that was it. I was a sergeant and had to stick with other sergeants, not my old buddies of lower rank. Not any more. A lot of these E-5s and E-6s made it within two years and just keep hanging out with the men, drinking with them, too."

"Lack of training of men becoming NCOs is a real big problem. In my 16 years I've been in units where tank commanders were Pfc. because the Army did not have a bunch of NCOs. Now we have got just the opposite situation. We've got a bunch of NCOs with hardly any training at all for their jobs.

"I know for six or seven years in armor they have not had a branch school for the NCO. They used to have a 16-week school for armor NCOs at Knox. They cut it out for lack of funds.

"The way things are now, a man theoretically could come in the Army, be a private today and go all the way to an E-7 (sergeant first class)—and in some cases this has happened—and never once attend a school in his job."

"If I were a dictator tomorrow over the Army I would reinstate the policy where the commander—low unit troop commander, company commander or battery commander—could say, "Sergeant So-and-So, you're going to NCO school."

"You can't send a man to NCO school anymore. He has to volunteer to go there and learn his job. And they could not volunteer. How else can they learn their job? So they're making NCOs without training."

CIVIC ACTION: ARMY'S NEW BATTLEFIELD

(By George C. Wilson and Haynes Johnson)

CENTER, COLO.—It was a relief, after seeing the ravages of Vietnam, to look down from the gunner's seat of a Huey helicopter and this time see soft yellow farm fields unscarred by bomb craters.

Spread out below on the floor of the San Luis Valley, surrounded by the awesome Colorado mountains, was the farm town of Center, population 1,460. Sixty percent of the people are Chicanos. Most of them are poor. Center, long ignored by the rest of the world, is now the battleground for a new type of war being fought by the U.S. Army.

This time, though, the war has a constructive—if not altogether uncontroversial—purpose. There are no guns, no search-and-destroy missions and no body counts.

If the Army wins this new war, Secretary of the Army Robert F. Froehlke and other leaders believe, better days are coming for the institution.

The Army is calling its new war "domestic action." The idea is to use Army resources to help impoverished communities help themselves. Here the troops involved are the 52d Engineers based at Ft. Carson, Colo.; in North Carolina, the Green Berets are involved with health care and other sociological activities near their home base at Ft. Bragg. Their activities, although conducted quietly, are widening as the Army looks for something constructive to do in peacetime.

Antimilitarists, some politicians and many others recoil at the idea of the Army intruding into civil affairs, however good its intentions. To some, domestic action sounds like pacification all over again—despite the bitter experience with it in Vietnam.

The Army leadership knows all this. It feels, however, that such criticism can be answered successfully if the critics will only look at domestic action dispassionately and not through eyes blurred by Vietnam.

Center is one of the places the Army invites its critics to inspect. Froehlke himself went to the town and commented enthusiastically on what he saw. He wants the Army to do more of it.

The beauty of domestic action, Froehlke says, is that the soldiers can perform the training they would have to undergo anyhow and yet they can do where they can see positive results.

The young people in today's Army, the secretary says, "are far more idealistic, far better motivated than my contemporaries back in World War II. They want to feel as though they're contributing to the overall good.

"Now, if we can explain the peacekeeping mission of the Army, that's one step" toward convincing young Americans that the Army is not just "a war machine. It's a machine prepared to wage war in order to keep the peace. Now that is not just semantics; that's vital if we're going to get these young people in the Army."

Froehlke, who only took office on July 1, concedes that public relations considerations are part of the appeal of domestic action. Such projects explain "to the public generally that we have human beings in the Army that have the same human motivation, the same desires as anybody else. And they want to help a guy who is down and out, a community who is down and out."

Center—part of it, anyhow—is indeed down and out. From the helicopter, it looks like a grid of low adobe structures plopped amid yellow and green farm fields running up to the mountains. Up close, the Chicano sections are slums: abandoned cars in the alleys, wood piles to burn for heat, outside privies, no running water. Some children get sick on the poisoned water coming from backyard surface wells.

The residents, living off widely spaced harvest checks, cannot afford to pay for paved streets or running water. The surrounding beauty of the Colorado countryside mocks the pain of many of the people here.

The Army—in the form of 15 men with trucks, a bulldozer and a front-end loader—came into Center early this year. The first invitation was issued, ironically enough, by Terry Marshall, a conscientious objector who directs the federal government's Head Start program here, when he asked the Army to truck in some surplus government equipment.

Maj. Gen. John C. Bennett, commander of Ft. Carson, told a local citizens group that the Army could do more. Much of the work Center needed to have done would provide useful training for the soldiers, he said. Bennett stressed that the Army could provide only the manpower and equipment, not the money or material. Also, he said, the town itself must decide what it wanted from the Army. And it would have to submit a request.

From then on, amazing things began to happen in Center, recalls Marshall, who says that—although it is his home town—the townpeople consider him anything else connected to federal welfare as radical, if not communistic.

"The Army," said Marshall, "gave me credibility. The old attitude around here was, 'If it has to come from OEO (Office of Economic Opportunity), we don't want it whether we need it or not.' But the people around here trust the Army. So when they saw us working together, I was able to get someplace."

Besides that, the town realized it had to organize itself to obtain benefits from the Army. This gave birth to the Planning Commission where, as the citizens tell it, for the first time in years Anglos and Chicanos sat around the same table and jointly decided what Center needed most that the Army could provide.

The decision could have hardly delighted Pentagon image makers, bruised as they are from past revelations about the American role in Vietnam's "tiger cages." For the town of Center decided that what must be built first was a town jail.

That is what the Army engineers are working on now. It brings to mind the World War II novel. "A Bell for Adano," in which the Italian villagers explain to the U.S. army major that what their town needs most is a bell.

"You wouldn't want to put anybody you knew in that place," said a policeman of the jail being replaced. "We have to send our juveniles and any women to another town if they get arrested," said a Center housewife. "The jail we have now is a disgrace," said a civic leader here.

So every morning and every afternoon, the people of Center see a group of Army GIs dressed in fatigues and armed with hammers and saws building their new jail alongside the town hall.

At night, the officers retire to makeshift quarters in the white cement building still sporting the name Long Horn Cafe. The enlisted men sleep in the basement of Center's Catholic church.

One of the sergeants supervising the work at the jail is Linfred Davis, a veteran of 20 years service and, as a part Sioux, a man who has lived on an Indian reservation. "I hope," he said, "that the Army after this goes in and helps those people on Indian reservations. Nobody else will. It would really be a good thing."

Other soldiers interviewed had similar comments. Their theme was that if Army machines and men have to be kept busy anyway, why not use them where they can do some good, rather than keep them tied to a base with make-work duties?

Lt. Juan Gomez is the closest thing to a field commander for the Army effort at Center. Only 24, he is credited by local citizens with sensitivity and understanding far beyond his years. A Chicano himself, he knows what discrimination feels like.

"My teacher paddled me in front of the class once because I spoke Spanish, not English," he recalls.

Gomez found Army life miserable—until he got his chance to help his own people. Yet he realizes that if he, as a representative of the Army, offends one people here, the whole domestic action program will suffer. To walk with him around the little town of Center is like walking with a politician with a sure feel for his constituency.

To a fellow Chicano asking about whether the Army intends to pave the streets and put in water, Gomez speaks Spanish; to the mayor of Center, he speaks plain English, and to the commanders who come through the town occasionally to check up, he uses military terminology. Gomez attends meetings of the town council, planning commission, school board. All are places that may want to ask what the Army can do.

"It's good for the army," said Gomez of domestic action work, "because it gives the soldier some sense of accomplishment, some usefulness. And it is very productive training."

The townspeople find it benefits them, too. "The Army has been real good for our town," says Mayor Keith H. Edwards. "We haven't had any real trouble. I haven't had a single complaint about them. The thing of it is, we don't have any funds to do what they're doing for us."

Further testimony to the long-term poverty of Center is the town hall built by President Franklin D. Roosevelt's Works Progress Administration in 1937. Now the town fathers are asking the Army to modernize it; they still do not have enough money to pay for the labor required.

At a trailer-sized clinic the Army helped build for Center, the director talked of the unifying force of this military presence in what is supposed to be an antimilitary era in the United States.

"I don't think we could have accomplished anything without the Army bringing the community together," Jerry Archuleta said. "Each time I think the Army is going away, I shudder."

Townspeople, the local newspaper editor, civic leaders, policeman—all had praise for the Army's activities. This does not mean there is no resentment, but the prevailing view is positive. Social worker Marshall says he now regards the Army "as another resource to be drawn upon." He would like to see the Army go beyond construction and accept some of Center's young people into its training schools to learn marketable skills.

One negative comment came from Dr. Anthony John Sliwkowski, the dentist at Center's new clinic. "I was a little resentful of the Army coming in here and finishing the clinic," he said. He feared the people would come to lean on the Army as the Eskimos relied on the white traders, only to be abandoned.

Back in Washington, at the Pentagon, there also are some reservations about the Army's getting into community action programs. Brig. Gen. Robert G. Gard Jr., for one, wrote in the magazine Foreign Affairs that "it would be wrong to use military units to engage in civic action projects in American cities, for this would thrust the armed services into sensitive activities for which they are unqualified. Poor performance in these projects, or even controversy over selection of priorities, could lead to further resentment of the military establishment. . .

Defense Secretary Melvin R. Laird, like Robert S. McNamara before him, is well aware of the political explosiveness of domestic action. But he believes it is a risk worth taking. Froehlke, taking his cue from Laird, intends to increase the Army's domestic action program.

"We must do more, much more," Froehlke said. "As long as we limit it to something that will help the soldier in his training mission; as long as we can accomplish our other goals without adding more men or more dollars, I see no limitation.

"I don't see the politicians objecting," he said, "because we don't take over the leadership."

Some Army strategists argue that the time is coming when killing people will be an unacceptable form of warfare. Killing would be done only as a last resort, they theorize, just as dropping the H-bomb is looked upon as the last resort nowadays. But winning over uncommitted peoples through dramatic improvements in their surrounding may indeed be the battleground for contending world powers. If so, they reason, domestic action may turn out to be the most critical military training of all.

Froehlke believes that day is still far off, "but I think, and hope, we're heading in that direction. And as we get closer to that time, domestic action has to become more and more important."

Army's Froehlke: "We're Close To Becoming the Underdog"

Robert F. Froehlke became Secretary of the Army on July 1. In this tape recorded interview at his Pentagon office, he talks about the problems of the Army and gives his views on the future.

Question: What kind of perspective do you have on the Army's problems today?

Froehlke: First of all, crime, drugs, race—I think you'd be naive if you didn't say "Yes, the Army does have problems. It has serious problems"—and you know this—because society has those problems. And any Army that I'm involved in, I want to be a cross-section of society. Therefore, there's no way to avoid the problems of society.

Now the one area where I think we have it worse than society is probably drugs in Southeast Asia, because the drugs are cheap to come by and they're easily available.

But elsewhere in the world I don't think we have a worse drug problem, nor do we have a worse race problem. But we certainly have a problem—and I don't say that to say: therefore, it's society's problem.

As Secretary of the Army and as officers in the Army, we in the leadership of the Army have the responsibiility to try to solve these problems, and I think we have a terrific advantage because we do have a more structured society. I think we may be able to do a better job than society generally to solve the problem.

Q: What are your views on the problem of barracks crime and security?

A: I haven't been to Europe and that's specifically where the problem, according to your articles, is the worst. I haven't been there. I am going next month. I am going to specifically see for myself. I suspect it is a problem. But in talking about the degree of the problem, that has to get No. 1 priority.

We must, using any means necessary, make the barracks safe for the men. The men—that's our responsibility; it's their home for two, three or 20 years. And a man's home must be safe. Period.

Q: Mr. Secretary, would you address yourself to the race problems of the Army?

A: This sounds like a platitude. I don't think it is. I think the race problem is only going to be solved by getting all the people together around a table and talking out the problem.

It's when groups of differentt color, different cultural background, different financial background—whatever it is—form their own ghetto, that's when you have problems. What you have to do is to show that all of us in the Army have similar problems, all of us have common goals. And the only way you're going to do that is improve communiciations among people making up the Army. That's the solution.

Q: Do you think the Army's troubles have ceased, or will they increase?

A: I think the Army has, if not bottomed out, has come very close to it. For another reason entirely. In a democracy, the Army, the armed forces, have to have the support of the people. And we don't have the support of the people, in my opinion. However, most of the reason why we don't have, I think isn't too valid today.

I think that some awfully cheap potshots are being taken at the Army by politicians, by leaders, any number of other people because it's popular. The American public falls for stuff like that for a little while.

But I think that rather being the big guy who it's good to take a cheap shot at, we're close to becoming the underdog. And I predict—and I hope it's during my tenure; I think it will be—the American public is going to do more to bring the Army back up to where it should be, to becoming credible, by saying, "Gee, here's an underdog. The big guys are taking unfair pot shots at it."

Now, I also think we're giving them some ammunition. I think we are identifying our problem; we're doing something about it. But the American public loves the underdog, and the Army is coming awfully close to being the underdog, I think.

Q: Has the Army as an institution been a victim of the Vietnam war?

A: Clearly, the Army has—it has to be. I like to say our country isn't divided because of Vietnam; it's fragmented. And what one institution is more involved in Vietnam than the Army? There isn't any other. So therefore it has to follow that the No. 1 problem of the Army is Vietnam. And when we do extricate ourselves from Vietnam, we are going to make the solution of a lot of problems much easier.

Q: Mr. Secretary, would you comment on what the Army is planning to do to make service more interesting once the war is ended?

A: Maybe the keynote is that we're attempting to make the Army more professional. And by that we don't just mean the officers and noncoms; we mean right across the board. Because, in this day and age at least, people want to belong to a profession.

And with a profession you have a certain foundation of knowledge which is important, you have a code of ethics, you have an esprit among the professional types. We have a program that goes, I think, a long way toward improving this profession. So that's maybe the foundation.

There are other things—management techniques. You saw a lot of them. Out at Carson is just an example, but I think you saw a number of management techniques that I wish a lot of corporations could see. Particularly in the communications area. Particularly in the way to treat subordinates. I think our techniques are explaining *why* much more than, "Do this right now this way."

And then the third area is this life style. And in the life style we include, of course, some of the barracks which you have seen at Carson and Benning and Bragg. Not the unimportant, but the relatively simple things like letting people eat at hours that they'd like to eat, and eat what they like to eat—those things are important in life style.

But then we get to domestic action, and I would include domestic action under life style because these kids, bless them, are far more idealistis, far better motivated, I think, than my contempories back in World War II. They want to feel as though they're contributing to the overall good.

Now, if we can explain the mission of the Army, the peacekeeping mission of the Army, that's one step. It's not a war machine. It's a machine prepared to wage war in order to keep the peace. Now that's not just semantics; that's vital if we're going to get these young people in the Army.

Let me tell you what I think is a beautiful story because I think the Special Forces [Green Berets] can do more domestic action than any other unit in the country. Contrary to what many people believe about the Special Forces, their primary mission is to go into a community and help that community help itself, be it South Vietnam, be it darkest Africa, or be it in the U.S.A.

So what the Special Forces are doing in North Carolina and southern Georgia is in communities. They're helping them in the area of medical needs—where they just don't have the doctors to take care of them. When I was in Ft. Bragg I sat down, as I do wherever I go, with the E–4s and under, then E–5s and above. I sat down with 20 noncommissioned officers of the Special Forces—the "professional killers," as some people would say. And I said, "All right, now you've got your Secretary of the Army. I'm new in the job, I haven't formed too many opinions. Tell me, in 20 minutes, what can I do for you to help you do a better job?"

And I was shocked—pleasantly shocked, but shocked—at their reply. The consensus—the one thing they wanted—was to do even more in the domestic action area. They got satisfaction out of it. It was good for their training. So our people are demanding it.

Now, also, we want to do it, but we want to do it because we can. First of all, it has to be this: is it fulfilling our training mission? We can't do it solely because it's nice.

Secondly, can we do it within our budget and within the time constraints of the commander to get his mission done? See we don't get any extra money for this. And those are limiting factors. But within that, we want to do, and we are doing, I think, an increasingly large amount of this because it fulfills the mission it doesn't add any more in time or money and our men get so much satisfaction out of it.

Q: Mr. Secretary, what would you say to the idealistic young men who don't want to be sent out to kill someone and asks your views?

A: Well, really what I have told myself, because I like to think that I'm idealistic and sensitive, and I don't want to be in charge of an organization whose mission is to go out and kill somebody.

I think the best way to insure peace is to have an armed forces that are prepared to wage war.

And I think that's the only message we can give them. We can give them other fringe benefits. We're going to.

Q: What is an Army for? Why do we need it?

A: The primary mission of the Army is to insure the national security of this country, and you secure it by being ready to fulfill the commitments which the President and the Congress have entered into with other countries around this world. Now I might add, we have a lot of other commitments because the Army has some very unusual situations. And as Secretary of the Army, I wish we had no other commitments, because people can understand that. It's when we are called into a community at times of civil disturbances that our image is shattered. And yet, who among us would say, when a city is burning, "Don't send the Army in because its image is going to be hurt." And times like that the Army has to.

The Army: Its Problems Are America's

(By Haynes Johnson and George C. Wilson)

Somewhere among the millions of service records stored in the military computer memory banks there must be two of our own. One dates back nearly 20 years to the Korean War: Pvt. E–1, U.S. 51176574, Infantry, later prison guard, later Leadership School, later Officer Candidate School, later 2d and then 1st lieutenant, 04009365, forward observer, Artillery. Nothing heroic or unusual; just another American who served in the Army.

The other goes back even farther, to the last days of World War II when the big worry of a high school boy was missing it: Aviation cadet, 7695601, U.S. Naval Reserve, V–5 course at Georgia Tech, flight training, then discharge. Waste of taxpayers' money.

We realize there's no greater bore than old soldier. It was always greater, grander, more glorious when we were in. It wasn't, of course. In those days, we had our dissenters, our malcontents, our soldiers who were jockeying furiously for EUCOM (Europe vs. FECOM (Far East) orders.

And today's generals will remind you of other Army problems from the past: the time when Gen. George Washington wrote a letter to Congress complaining about the terrible discipline of his troops; the Civil War draft riots in New York City; the deteriorating and brutalizing Army conditions during the frontier Indian campaigns; the kind of public downgrading of the military at the outbreak of World War I when cattle cars had higher priority than troop trains; the "From Here to Eternity" climate in the barracks in the 1930s; the morale problems after World War II and Korea.

But no amount of personal experience or historical perspective prepared us for a return to Ft. Dix, N.J., which one of us remembered from training and another from visits in high school days.

Dix, the largest Army base in the most populous section in the country, sprawls over 33,000 acres. It is a post where new inductees come for their first look at the Army and receive their basic training—as well as a separation center for those leaving the service after duty overseas.

The new recruits had come into the base by bus at night, young men from Maine and New York, Philadelphia and Baltimore, blacks, whites, Puerto Ricans. They sat in the reception center facing a "freedom shrine" display with copies of the Declaration of Independence, Constitution and Bill of Rights. A television set flicked on and the figure of a general appeared giving them their formal Army welcome and first briefing.

"Millions of trainees, just like you," the general said, "have gone through basic training . . . If you work hard and show interest you will enjoy your service."

The general's picture dissolved and was replaced by another officer. He warned them "do not leave your personal valuables unguarded. No one here at the reception center is authorized to ask you for money for anything. . . . My advice to you is to stay alert, pay attention and be proud you are a member of the United States Army. Good luck."

The experience that followed had the same disconcerting mix of noble purposes and dismaying reality.

Minutes later, the troops filed outside into the night and inside an old, large, gray van more appropriate for transporting prisoners. An officer standing by said it is nicknamed the "cattle car."

"I've seen one of these in a riot," a young black said.

"I know where this goes—straight to Vietnam," said another.

The soldiers were driven to their barracks, the same wooden buildings that have been used since World War II. Inside, they were briefed again—and again warned to keep their belongings locked because of the possibility of theft. They were shown photographs, posted on the wall by the door, of the officers and noncoms who were in charge of them. Only those men whose pictures were displayed were to be admitted to their barracks, they were told. Anyone else, regardless of rank or uniform, had no authority to be there; they should be kept out until cleared.

Next, the soldiers were marched, still in their civilian clothes, to the mess hall for their first Army meal. Along the way they passed another group of soldiers straggling by in the opposite direction. These were veterans just returned from Germany. They were about to be separated from the service.

The old soldiers hooted and jeered at the new ones.

In the mess hall, the captain who commanded the newest Army arrivals was sitting over a cup of coffee, talking about the soldiers today. Things have got worse in the last three years, he said.

"Some of the kids come in with arms like chicken pox scratches on them from injecting heroin," he said.

When asked about all the emphasis on security and thefts, he explained that Dix has been plagued by crimes on post. There have been armed robberies in barracks, and on the main parade ground a sign had been posted warning soldiers against the possibility of attacks. The soldiers, he said, are cautioned not to walk alone on the post. They should go out in groups.

It would be interesting, we said, to talk to those soldiers back from Germany we had seen passing the recruits. They were billeted only a couple of blocks away. There was a pause. Finally the captain said he didn't think it would be a good idea. He seemed embarrassed. Then he said: "It isn't a good idea for a couple of guys to walk out alone at night. You might get mugged."

That was to become a familiar theme at bases in America and overseas. Some of those scenes of conflict already have been described in these articles. We know the sight of Merrell Barracks in Nuremberg, Germany, will remain an indelible memory. We can't imagine serving in an Army barracks like that, and we wouldn't want our sons to, either.

None of that is to suggest that every Army unit is wracked by crime, drugs, racial turmoil and all the other demoralizing factors explored in this series. For every antiwar dissenter, addict or criminal within the Army, there are countless more soldiers performing their daily jobs well. The Army is also fully aware of its complex problems—and is trying to do something about them.

Indeed, to us the single most striking fact that emerges from viewing today's Army is the extraordinary candor with which officers and men have expressed themselves, often at possible risk to their own careers. The Army cannot be accused of having attempted to ignore or minimize its problems.

Such soldiers as Gen. Michael S. Davison, the commander in Europe, and lower ranking officers and men down the line have spoken eloquently about the Army they knew in the past and the Army they see today. You can't help but wonder whether mayors, governors or congressmen would be so frank in public about problems in their own communities.

For the past eight days, we have reported voices of anger and despair, bitterness and fear, confidence and optimism. At the least, these should be proof that the Army is far from the monolith its enemies portray, an institution filled with Colonel Blimp figures and Catch-22 examples of bureaucratic stupidities.

Running through the comments have been four distinct themes: that the Army is merely a reflection of America, with all its strengths and weaknesses; that the Vietnam war has strained the Army almost to the breaking point, leaving a legacy of lowered morale and personnel turbulence; that these conditions are bound to improve as the war ends, and that, finally, the Army must rebuild and revitalize itself and thus regain the public support indispensable to an effective fighting force in a democracy.

Few persons could quarrel with this analysis. But there is more to it than that.

We don't think any fair-minded person who sees the Army today could conclude that the Army is about to strike its colors, sound a last recall and fade away. Neither is it possible to ignore the multitude of problems it faces nor to return without doubts about the future.

Some of the specific problems on which we have reported can be solved with relative ease and dispatch. If the American people are prepared to pay the price, money alone will do much of the job.

Money can buy a volunteer Army. Money can provide the kind of housing to which every soldier is entitled. Money can purchase the side benefits in recreation and other facilities that can make Army life more attractive. Security and discipline can—and must—be maintained and strengthened, even if it means cutting back on the present relaxed working schedules so that enlisted men and officers spend sufficient time supervising, or living with if need be, their men in their barracks.

Other problems will not be solved in the foreseeable future. Racial tensions and drug use will remain within the Army, as they will with American society at large. Through enlightened educational programs, leadership techniques and innovations, the Army can ameliorate them. Certainly a case can be made that the Army is making as earnest an effort in these areas as any other American institution.

Gen. Davison expressed the case for the Army as well as anyone when he spoke about race.

"I think as a group of people within the Army we have greater sensitivity towards the racial issue than you would find in any sampling of a million people any place you want to look in the United States. Now, I can't prove it, but this is my judgment from knowing how concerned we are about the racial issue within the Army and from talking to my civilian friends on the outside, most of whom couldn't give a damn, the ones with the white skins, about the racial issue.

"You can't be sensitive enough to this because there's no way to understand the problems of a group of people who have been systematically degraded and deprived for 300 years. They've got sensitivities that you and I or anybody with a white skin can't imagine. But I do think we're trying, and I do think we're sensitive to the problems and working hard."

A few days ago, and several weeks after he made those remarks to The Washington Post, Gen. Davison publicly stated over the European Armed Forces Network that black GIs in Germany face discrimination within the ranks and from German landlords and businessmen. He described that as an intolerable situation and personally discussed the problem with German Federal President Gustav Heinemann. He also said he was telling his commanders to place off limits to all American soldiers any place of business that has imposed racial discriminatory policies.

After that, Gen. Davison publicly stated that he has removed a number of company and battalion commanders throughout Germany because "they have been unable to show progress" in handling racial tensions.

But for all the good will and all the efforts, the Army's present problems are unlikely to be resolved merely by awaiting the final end of the war in Vietnam and the beginning of a new peacetime era. Attitudes, both within and without the Army, lie at the heart of the difficulties.

What the Army needs, more than one general said, is a lowered profile, a breathing spell, a time to stabilize and rebuild itself.

"What we need specifically," one commander said pointedly, "is less stories in The Washington Post."

Out at Ft. Ord, Calif., Maj. Gen. Hal Moore, the lean and trim post commander, gritted his teeth and, gesturing with clenched fists, kept repeating. "We're going to beat this, we're going to beat this." Then he said:

"I would like to see the idea brought forward to the public, from outside the Army, that military duty is honorable duty, that service to your country is honorable service.

"I would like to see corporations make it their policy not to accept a man for employment with less than an honorable discharge.

"I would like to see civilian leaders say, 'Look, let them up! They're defending our country well." I would like to see the press come out strongly and unequivocally and express what I'm sure they all believe—at least, I would *hope* they all believe—that there is a need for a strong, capable, efficient defense establishment and it's an honorable profession, and let's all of us try to get this back into perspective.

"I would certainly hope that the respect of the nonmilitary community does not reach the stage where people cause the military establishment to be less than effective in defending our country. What I'd like to see is a man walking down the street feeling proud to be in uniform—and not have catcalls of obscene remarks made at him."

Here he fingered his own uniform and said heatedly, "This is tragic, this is indeed tragic."

If it seems strange for a leading American general to feel compelled to appeal emotionally for Americans to regard military service as honorable service, it is only another indication of how deep the present problems are. Privately, some generals reflect considerable emotion about what happened. Often the evidence comes across in subtle, poignant ways.

For instance, Gen. William C. Westmoreland, the Army's top soldier and the man whose name forever will be associated with the Vietnam war, carries a small card in his breast pocket wherever he goes. When he talks about the Army, he often pulls it out and reads from it. The card bears a quotation from John W. Fortesque's history of the British Army from 1899 to 1930.

The quotation that Westmoreland reads is:

"The builders of this empire were not worthy of such an Army. Two centuries of persecution could not wear out its patience; two centuries of thankless toil could not abate its ardor; two centuries of conquest could not awaken its insolence. Dutiful to its masters, merciful to its enemies, it clung steadfastly to its old, simple ideals—obedience, service, sacrifice."

Although Westmoreland carefully cautions his visitors not to misconstrue the first sentence about the builders of such an empire being unworthy of such an Army, he says he does find the passage characteristic of the United States Army during this era.

In Germany, another American general who had spoken at length about the Army's present problems and future prospects said goodbye to a visitor; then, as an afterthought, he pulled from his wallet a quote from which he takes solace. It was a poem entitled "Don't Quit."

It begins: "When things go wrong, as they sometimes will, When the road you're trudging seems all up hill" and ends with the lines "So stick to the fight when you're hardest hit—it's when things seem worst that you mustn't quit."

Hardly distinguished verse, but revealing of Army attitude, nevertheless.

One high-ranking general tried to explain the special ingredients that make a good commander. "You must realize," he said, "that a career officer is almost like a priest. He has to live by an ideal. And I'm sure it's strange to some, but he's basically an idealist. He's not cynical."

The assaults from within and without the Army and the feeling that the service has been tarnished by the Mylais and courts-martial have shaken the officer corps. Now, it's common—and understandable—to find officers reacting defensively or in anguish to criticism.

Listen, for instance, to a general speak about the Calley case. "We shouldn't have commissioned men like Calley," he said. "But we had to. We commissioned a lot of mediocrity. And we had to. We kept people in the service that otherwise we would have discharged, because we had to meet the requirements [of the Vietnam war]."

In such remarks, you can detect a tendency to say, in effect, "Look, it isn't our fault. The fault lies in American society that created the soldiers' attitudes and habits and the civilian leaders who ordered us to fight an impossible war and then wouldn't let us employ our full military resources." Everything would have been fine, if . . .

Both true—in part.

What is often lacking is perhaps the final step in candor; to draw lessons publicly from the mistakes of the Vietnam experience, including the Army's own. Or, as Alfred B. Fitt, the former Pentagon manpower chief already quoted in these articles, said:

"I think Vietnam's been an unmitigated disaster for the country, for the armed forces and for the Army. I've often pondered since I left the Pentagon how we managed to make such a mess of things . . . I wish I could find some consolation, some suggestion that all these people have died in a cause that was worth it, but I don't find such consolation."

It's hard not to conclude that the Army for a long time was out of touch with what was happening to the country—and not just the noisy, protesting segment of society—and within its own ranks. Perhaps that's not surprising. For a long time, political leaders were, too. From the end of World War II until Vietnam, America and its Army were riding high, deluded by a vision of omnipotence, and infallibility. That led to a type of mentality that made it possible to believe you could beat ideology with technology, defeat poorly equipped peasants with a blitz of bombs.

It was also easy to forget another lesson of American history.

Americans, as our Olympics record shows, perform magnificently on the short run, but not in the marathon. We tend to be more impatient than persevering.

Within the service you often find quite different attitudes when you go from the generals down to the young colonels and majors who will inherit tomorrow's Army. A number of the latter say the Army needs a change at the top, with the kind of dynamic leadership typified by an Adm. Elmo R. (Bud) Zumwalt, the Chief of Naval Operations.

They say it needs leaders who ask harder internal questions than seen to have been raised about the old assumptions: about the fascination with new military hardware at the expense of the living conditions of the men; about the sacredness of American commitments and traditional force levels overseas, including Europe. "Why not," as some officers in Germany said, "just show the flag?"

One of our strongest conclusions from Germany is that the Army has broken one of its most fundamental rules—that a leader's first obligation is to take care of his men. Our troops in Germany, in many cases, live worse than the Wehrmacht did when American forces conquered it in World War II.

Army wives, too, have been ill treated by the leadership. Moving 10 times in 12 years, we found, is not an unusual story from Army wives who somehow grin and bear it and make homes for their husbands and children.

Senate Majority Leader Mike Mansfield (D-Mont.) already has challenged the need to keep 300,000 American troops in Europe. Congress will debate that in the coming months and again next year as part of the national debate on reordering priorities.

Without passing on the grander questions of NATO strategy here, we would like to convey some of the impressions received while spending the night with American troopers charged with patroling the German border near Coburg. Their questions are pertinent to the NATO debate.

"How come we patrol the West German border even though the Russians don't patrol the East German border? Why can't the Rads [GI for the West Germans, who refer to Americans as comrades] do it?"

"Do you really think we could stop them with this if they did come across? This is what we have to stop them with." There were three armored vehicles, one of them broken, inside the garage he pointed toward.

Army officers and men in Coburg were serious about their work and doing their jobs. But obviously no one had managed to give them a sense of mission. Such a feeling of uselessness was even deeper among troops stationed farther away from the German border.

Junior officers—the lieutenants and majors who run platoons and companies—say this listless state demoralizes their outfits. One captain said, "If Mansfield did get half the troops out of here it would solve a lot of problems, like making it easier to get good quarters."

Instead of removing troops, the Pentagon leadership now is stripping state-side outfits to fill vacancies in the forces in Europe. It's something like giving more children to a mother of 13.

The Pentagon argument is that the more troops we keep on the NATO front, the easier it will be to get the Russians to agree to a mutual withdrawal of forces—the old bargaining-chip argument. Only occasionally do World War II generals who run today's Army admit that another reason why they want to keep 300,000 troops in Germany is to prevent the German army from rising again.

Another major joint made by the Pentagon is that President Nixon must have a maximum of opinions if he has to combat the Communists along the NATO line, including having enough conventional forces to stop any invasion without resorting to dropping the H-bomb.

That sounds more convincing in Washington than it does in Germany. We found an ironic symbolism in Garmisch one night when GIs from the German border were whiling away their hours of loneliness over beers in one of those garish service clubs. They had only a few girls to dance with. Their German contemporaries, though, were dancing across the street in a glamorous cafe which had a policy of allowing no Americans.

We can only wonder whether the NATO threat is so dire today that the American Army in Europe has to heighten its problems with race, crime, drugs, and housing by maintaining the present force level or increasing it. What is deterrence? What is security? What is in the true national interest? Do not these billions of dollars in new weapons built since World War II make it possible to reduce the numbers of troops on the NATO front, especially if the Army cannot take proper care of them?

Thus the Army, just as civilians have been doing for the last few years, must conduct a reexamination of priorities as it rebuilds for the future. Obviously, such an exercise demands the highest degree of professionalism by the Army leadership.

Younger officers realize this. One colonel told us: "I would fire everybody from colonel and above, including me, so we can reorganize ourselves fast enough. There is nothing wrong with our Army that the junior officers cannot fix."

The rebuilding job comes also at a time when President Nixon, as commander in chief, has ordered an all-out drive to turn the Army into a volunteer outfit. Almost every senior officer we interviewed for this series had grave private reservations about going volunteer. They said, usually after requesting the tape recorder to be shut off, that the American Army has always been close to the people; that a cross-section of American young men keep the Army in the mainstream of our society; that at least until Vietnam, men who have served the Army look back with affection and understanding on an institution which, in peace, has built railroads and dug a canal and, in war, has fought magnificently and victoriously.

The American draftee, including today's, always has been the best soldier in the field, the generals said. He never has had the civil-service mentality of the careerist—something the American Army might have in greater number if it did go all-volunteer. The citizen-soldier also has another attribute, they said. He has the education to master the sophisticated new electronic weaponry and also the ingenuity to make, patch, fix and improvise in the field.

And never, these generals reminded us, has the American Army ever come close to threatening to take over the civilian government of this country. The separatism of a volunteer force, they said, could work against this tradition of a people's Army. The volunteer example of the Marines, they said, is not applicable because the Army needs so many more men with sophisticated skills that it would cost billions to buy.

This kind of searching questions are not unusual among Army officers today.

One of the most articulate soldiers we met was a young full colonel, the kind of man that represents the best in the Army. He is a West Pointer, has attended the Army War College, and holds an advanced degree in political science from one of the nation's oldest, most prestigious universities.

"If the Army's going to make it," he said, "it has to make it from the top down. We've got to take a good, hard look at ourselves. Our problem is that we have several armies and we're trying to appeal to several target audiences.

"As far as Vietnam goes, I think there are several lessons for the Army and the country. Maybe the most obvious is this: When faced with a choice of losing face or losing our soul, we'd better be prepared to lose face. Vietnam was real arrogance on our part. We refused to learn the lesson of France. It was our Anglo-Saxon sense of superiority, I think. We just never understood the real nature of this war.

"We are now facing a crisis of military professionalism and a crisis of the civilian-military relationship, but there's no sense in parceling out the blame.

"We must be very careful that we don't continue fighting the last war, because we now have a whole generation of officers whose experience is in fighting that strange war in Vietnam. That's one of our problems.

"There is going to be some tendency to feel the Army is being made the scapegoat, and there is inevitable resentment to that. On the other hand, there are a sufficient number of people in the Army who are very anxious to put Vietnam behind us, who want to learn from it and grow into a better professional force, to share the problems of society and do something about them—everything from race to drugs.

"But we also can't help but be influenced by the introspective mood we see in American society—this concern with moral values that we see in our youth. That I see in my own children. That maddening ability to ask those searching questions. I see it rubbing off the junior officers and noncoms.

"There are now enough of us who admit privately that over the years the military has enjoyed a very privileged role in gaining the bulk of the budget dollars. National defense has been a sacred cow, and as one consequence callouses have developed on our thinking. We must be much more thoughtful in terms of our national budget presentations, for one thing."

Then he said:

"I think we can go one of two ways—be very defensive, very introspective and impute blame and guilt to society and to civilian leadership and to specific individuals.

"Or we can learn something about ourselves that was worth learning and make us better. I am concerned over whether we'll be an effective fighting force. A lot will depend on our own inward-looking on this.

"If we handle it intelligently we might come out a better society. If we're just looking for devils, it's going to be worse."

Not only the Army faces those questions; but America herself.

Army Asks Free TV Time for Drive

Army recruiting commercials offering 16-month European tours and lots of travel may be limited to late-night reruns unless the radio and television networks respond to an Army appeal for free prime time.

Secretary of the Army Robert F. Froehlke has told broadcast industry executives that budgetary restrictions may rule out a resumption of paid prime-time advertising, for which the Army spent $10.6 million last spring in an experimental Madison Avenue-directed campaign.

In a personal letter to the heads of each of the major radio and TV networks, Froehlke reminded them their stations "are licensed by the United States government" and "should provide effective public service time to support essential national programs."

"Therefore, I turn to you for assistance in increasing substantially the amount of public-service announcements, particularly in prime time, provided by your network and its affiliated stations to support Army recruiting," the Secretary's letter said.

"I am not thinking in terms of just doubling the weight of public-service advertising; I am asking for a five to tenfold increase."

NO RESPONSE AS YET

The Army said there has been no response to the letter dated Sept. 1. A copy was made available to The Associated Press.

Broadcasting stations are obligated under Federal Communications Commission regulations to devote a certain percentage of their air time to public service announcements. However, free ads seldom are run during the lucrative prime viewing hours of 7:30 p.m. to 11 p.m. During these hours one minute of commercial time on the TV networks sells for between $45,000 and $65,000, depending on the program.

Froehlke said in the past the amount and timing of Army public-service announcements have not been sufficient to attract the number of enlistees needed if the Army is to become an all-volunteer force.

In his letter, Froehlke called the results of the experimental paid campaign remarkable. He said enlistments in the combat arms—infantry, armor and artillery—increased tenfold, and attributed 8,000 enlistees directly to the ad campaign.

PROPOSAL REJECTED

But Roger T. Kelley Assistant Secretary of Defense of Manpower and Reserve Affairs, has rejected an Army proposal to spend an additional $3.1 million for recruiting ads this month and more in December pending analysis of the initial ad campaign by three independent research organizations.

The other military services have complained that some radio and TV stations dropped their public-service ads for these services in favor of the Army's paid commercials. And there is opposition from House Armed Services Committee Chairman F. Edward Hébert (D-La.), who is against spending any more money and contends the networks should provide free air time.

Mr. SCOTT. Mr. President, my good friend, Kenneth BeLieu, in his new position as Under Secretary of the Army, will have these very important responsibilities. I can think of no one better qualified to perform them.

We do need a restoration of pride in our armed services. I believe that when we get this monstrous problem of Vietnam off our backs, the morale of the Army and of the armed services will be expected to get better. Part of the fault in morale is that people do not want to get killed, and I think that is understandable.

Mr. President, last Thursday the Senate confirmed President Nixon's nomination of Mr. Kenneth E. BeLieu to be Under Secretary of the Army. As the chief of liaison to the Senate for the President, Ken has become a familiar figure in the Halls of the Senate. His new appointment is a great and single honor. It is a well deserved promotion and recognition of a job well done.

Ken has labored tirelessly to keep the avenues of communication open between the Members of the Senate and the administration. No matter how complicated an issue, he always knew his facts. No matter how controversial an issue, his was always a voice of reason.

Ken's new assignment will return him to a job that is an old love. As a retired Army colonel, he has a deep admiration and respect for our Army. Ken is a sensitive man who told me just the other day that he was disturbed by the way some of our young people regard the military. He is the kind of man who wants to do something to correct this problem. He is the kind of man who wants to make young people aware that a profession in the military is a just and honorable one.

If anyone can do this job it is Ken BeLieu, who has been a straight shooter in this Senate and a trusted friend. I look forward to working with him in his new role as Under Secretary of the Army. I am sure my colleagues join with me in wishing Ken well and in thanking him for his most wonderful assistance.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. BYRD) is now recognized for 15 minutes.

TV STILL A VAST WASTELAND

Mr. BYRD of West Virginia. Mr. President, over 10 years have passed since Newton N. Minow, in his role as Chairman of the Federal Communications Commission, told the National Association of Broadcasters that television was "a vast wasteland."

America has just endured the first week of television's new offerings, and it appears obvious that Mr. Minow's words ring as true today as they did a decade ago. A full 20 of the 56 prime time hours of our three major networks are occupied by detective shows—blind detectives, fat detectives, private detectives, and detectives upholding the honor of local, State, and Federal governments.

If our streets were as amply patrolled as our prime time TV hours, we could all sleep a lot better at nights.

To be certain, it is not important that an entire generation which is now maturing has never seen Raymond Burr stand up. But I think it is important that Americans are coming to expect nothing better than mediocrity from television—that they are beginning to feel that the best the networks can do is to copy from each other. One network creates "Bonanza," and Americans have only to wait one season before prosperous ranchers settle down on the other two major networks. That kind of programing, Mr. President, can hardly be applauded.

I am aware that television is a hungry medium. The works of some of the finest writers are gobbled up as quickly as they are written, and the creative energies of many writers have been drained trying to keep television well fed. Yet, I am also aware that television is a powerful medium, an important medium, and it is not being used to its full capabilities.

When he was teaching in college, the famed drama critic Walter Kerr developed a number of theories that later went into his book "The Decline of Pleasure." One of those theories was that people preferred TV programs that did not require too much concentration, simply because they usually viewed television in surroundings that invited interruptions.

Someone carrying on a conversation at the movies, for instance, would be very disturbing to other patrons. But when watching television, practically any interruption is acceptable.

In fact, given the TV fare as it is today, practically any interruption is enjoyable.

This does not have to be the case. Most Americans would welcome quality programing. One has only to consider the reaction to "The Six Wives of Henry VIII" to know that. The CBS network and WTOP–TV, which carried the series locally, should be highly commended for presenting it to the public.

Besides winning critical acclaim—which could have been expected, considering what the critics usually have to review—this series also won wide public acclaim. WTOP–TV has reported very favorable comment on the series, and CBS has noted that each of the six segments was viewed by about 20 million Americans—that is a very good summer audience, indeed.

"The Six Wives of Henry VIII" caused many of us to think, not only of Tudor England and of King Henry VIII himself, but also of the fact that American television had to "import" this series from the BBC. I hope that the accolades heaped on this series will convince our three major networks to devote more attention to producing programs of similar quality.

To be sure, educational television does show a number of impressive dramas; but even on NET, much of the drama is "imported," while the dramatic productions tend to reflect the avant garde rather than the classic. "The Six Wives of Henry VIII," for example, will be repeated on WETA–TV, the local NET station, this winter.

It is true that American history had no Henry VIII, but anyone with even a passing knowledge of American history would concede that there is material aplenty, of high dramatic content, which would enliven our TV screens—and not just the screens of persons watching NET, as the audience reaction to "The Six Wives of Henry VIII" will attest. I know we have material in our history to supply the basis for quality television programs, and I am fairly confident that we have people available to write, direct, and produce worthwhile shows. And not just in the field of drama.

Talk shows, for example, are now marked by a sameness that makes watching them more a testament to the viewer's boredom than to the program's content. One network sits the host behind a desk. Another network will place its host in a swivel chair and consider this a meaningful change in programing. Directors for most talk shows seem to think that scheduling commercials for low phosphate detergents during an appearance by an ecologist constitutes a significant contribution to our way of life.

With rare exceptions, guests are scheduled on a shotgun basis—an ecologist is followed by an acid rock band that uses enough electricity to light up a city—and few of the interesting guests are given a sufficient amount of time. There even have been occasions where the main guest on one talk show has been the host of another talk show.

In their early years, these shows often proved to be informative. But the success of the first talk show caused the networks to flood the market and beat the idea to death. All the shows, in my opinion, have deteriorated—"The David Frost Show," for example.

Talk shows could play an important part in television programing, especially since network expenditures for news and public affairs shows declined by $2 million last year. And, in this area also, I believe the resources are available to make these shows important.

The only thing lacking, apparently, is the will on the part of the networks to do the job that has to be done. Perhaps they should be reminded—on a regular basis, if necessary—that the airwaves belong to all the people, and not just to the network advertisers and stockholders.

Mr. President, I am not an avid television viewer. My work schedule will not allow it. But on the few nights I get home during "prime time," and particularly on weekends, I enjoy relaxing in front of the TV set. But most of what there is to be seen makes me eternally grateful to my work for keeping me from watching more than I do.

"The Six Wives of Henry VIII" was a pleasant exception, and the pleasure which this series brought to millions of Americans was articulated in a delightful manner by Mary McGrory in a column that appeared in the Sunday Star on September 5.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows.

Henry Tudor Will Be Missed

(By Mary McGrory)

He's going to die tonight, and a lot of us are going to miss Henry Tudor. An exemplary character he was not, but week after week, wife after wife, he has come to the homescreen, bringing with him 90 minutes of delicious distraction from the heat, the freeze, the floating yen and the sinking dollar.

How can we thank the BBC enough for "The Six Wives of Henry VIII"? They have given us superlative entertainment that can be enjoyed without guilt. It is, after all, history. It really happened. Knowing how it comes out doesn't spoil the suspense. A man in my office says he kept yelling at Catherine Howard (5) to be careful as she flung her young arms around Master Thomas Culpepper. Another is still brooding over Catherine of Aragon (1). He cannot understand why Henry ever looked elsewhere.

Tudor England couldn't have been a fun period to live in, particularly if you caught Henry's acquisitive eye for one reason or another. But to watch, there's nothing like it. No commissions, committees, cost-of-living councils or marriage counselors. Government was high, individual drama, politics was passion, and the paranoia was real. Henry imagined himself surrounded by traitors and schemers, and he was. His ladies fingered their lovely necks nervously under their jeweled capes, and they had reason.

The Women's Liberation may look upon Henry as the ultimate male chauvinist pig; the BBC has tried to be fair although the going is rough. Henry wanted a male heir, not wholly out of male vanity but for succession to the throne. The penalties for failure were severe, but he was not without charm. He came near to melting the sensible German heart of Anne of Cleves (4), an extremely nice woman—as they all were in their way—and the only one who outlived him.

After such stylish, exquisitely spoken company, it's going to be grim to go back to our usual Sunday night companions, the mumbling cattlerustlers, the cement-lipped hoods, and prattling ingenues. They could fight the Indian wars over again from start to finish and never match this royal battle of the sexes.

We'll have to live with our memories a while. Who could forget those piercing moments when small favors were asked by Henry's discards: Anne Boleyn (2), the baggage become majesty in doom, begging cold-eyed Cranmer for the axe instead of the stake? Or Catherine Howard, the exquisite wanton, who beseeches her black-hearted uncle, the Duke of Norfolk, for a model block so she can rehearse her execution? And what about saintly Jane Seymour (3) and her smile so sweet it caused Aragon's terrified daughter Mary to faint dead away?

No, We'll just have to sit in the dark until next winter and another invitation to court. Six installments of "Elizabeth R" are promised. She was Anne Boleyn's daughter, despised girl-child who was the greatest monarch in English history.

Betimes, it is not quite fair to use "The Six Wives of Henry VIII" as a stick to beat American television over the head. American history just does not provide the material. Democracy tolerates rogues only as mayors. Our high politicians labor under the shadow of the Puritan ethic, which Henry's misbehavior helped bring about; no president would have lasted in office with Henry's record.

Take George Washington, an admirable man. He would not tell a lie—Henry never hesitated for a moment—and there was only Martha, a worthy matron, but she's not a series. The Adamses contributed much to our political life and thought, but they were hopelessly monogamous. Abraham Lincoln was hagridden, it is said, but he was too noble and too sad, and Warren Harding and his house on K Street just won't do after Hampton Court.

Alas, we have chosen to compete in the culture market with James Fenimore Cooper and "The Last of the Mohicans" in eight one-hour segments. It is the dreariest classic ever foisted off on bored school children, the dullest of whom can tell that Cooper wrote with moccasins on his hands. Eight hours of Natty Bumpo, Chingchagook, Alice, Cora and the rest of that wooden company! It will make monarchists of us all.

Mark Twain, who regarded the "Leatherstocking Tales" as the great literary catastrophe of his time, said it perfectly: "Its humor is pathetic, its pathos is funny, its conversations are—oh, indescribable; its love scenes odious, its English a crime against the language."

"Off with his head," as Henry so often said. We'll wait for Elizabeth.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of 15 minutes for the transaction of routine morning business with each Senator limited to 3 minutes. Is there any morning business?

THE ADMINISTRATION'S THREAT TO FREE SPEECH IN THE SENATE

Mr. ERVIN. Mr. President, one of the historical lessons that the American people seem always to have difficulty learning is the truth of the warning enunciated so long ago:

> Eternal vigilance is the price of liberty.

We can never rest on the laurels won by our ancestors, nor can we delude ourselves into thinking that our liberties, once having been obtained, are forever secure. Every generation must win for itself the liberties enjoyed by its predecessors.

Thus it was a few weeks ago that we discovered that the freedom of the press from prior restraints is not a timeless right totally immune from question. The Founding Fathers had experience with the tyranny over freedom that results from prior restraints. Out of that experience came the first amendment which, without question, has been understood for almost 200 years to prohibit Government-inspired injunctions against publishing by the press. Yet in the excitement and crisis of the Pentagon papers episode, this understanding was once again questioned by the Justice Department. Out of that controversy has arisen new doubts over whether there are circumstances in which prior restraints are necessary and proper despite the provisions of the first amendment.

The events now transpiring in Boston before a Federal grand jury put into question another principle of freedom secured by our predecessors. Once again, it remains to this generation to secure for itself the liberties won by earlier generations.

I have in mind, of course, the efforts of the administration to inquire into the actions of the junior Senator from Alaska (Mr. GRAVEL) in connection with the revelations of the contents of the Pentagon papers.

As Members may recall, a few months ago the Senator from Alaska convened a subcommittee of which he is chairman and proceeded to read into the committee record the contents of the Pentagon papers. It was, to be sure, a most unusual committee meeting. It came at a time when the Nation was in doubt over whether Congress or the people would ever see the contents of these papers. No one knew whether the administration would be successful in imposing censorship on the press, and whether it would continue to refuse to produce the papers for congressional use, as it had for years. The action of the Senator from Alaska was a demonstration of personal courage. Whether it was foolish, unauthorized, or should be condoned by the Senate is another question. But this is a question for the resolution of the Senate, not by another body.

It is apparent, however, that the administration now seeks to impose its own judgment on the Senator, and to punish him for his actions. A grand jury sitting in Boston is conducting a broad inquiry into how these papers were obtained and released to the press. The Government also seeks, it appears, to inquire into the actions of the Senator from Alaska and the speech he made before his subcommittee. It undoubtedly wants to know how he got his copies of the Pentagon papers. In pursuit of this aim, it has subpenaed the Senator's aide, Dr. Leonard Rodberg, to testify, and even asserted the right to subpena the Senator himself.

The subpena against Dr. Rodberg would not be of concern if his testimony were to be limited to his knowledge of events prior to his association with the Senator, or to his actions unconnected with his relationship with the Senator. To ensure that the grand jury does not seek to inquire into the Senator's speech, or into Dr. Rodberg's assistance to the Senator in making that speech, both the Senator and his aide have sought to have the Justice Department define the scope of the subpena and to quash it if it refused.

Not only has the Justice Department not responded to the opportunity to narrow the scope of its inquiry, but it has asserted a right to inquire into the actions of Dr. Rodberg in assisting the Senator. It has gone even further than that. It has asserted in its brief a power to subpena the Senator himself, and to question him on the details of the speech, how he came to make it, and where he got his information. It has also presumed to question the legality of the Senator's action in calling his subcommittee meeting, and to assert that it has the power to define the proper scope of a subcommittee's concerns and the range of a Senator's proper legislative interests.

In doing these things and making these arguments, the administration, through its lawyers in the Internal Security Division of the Justice Department, has made a direct and broadscale attack on the rights of all Senators, upon the prerogatives of the Senate, and upon the constitutional guarantees which have been established to protect the Congress from harassment by a vindictive Executive. It is an attack on the independence and freedom of this body, just as the attempt to enjoin the New York Times was an attack on the freedoms of the press. Both moves are sponsored by the Internal Security Division of the Justice Department, which is also responsible for the Subversive Activities Control Board order and that extraordinary new principle of "Presidential legislative power."

As Americans know, the drafting of the Constitution was a long and difficult process. Few of its provisions escaped debate, for almost all were controversial. Of these few, there was one which occasioned no debate because the Founding Fathers were in complete agreement. This was the so-called speech and debate clause of article I, section 6. The provision reads as follows:

> The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of the respective Houses, and in going to and returning from the same; *and for any Speech or Debate in either House, they shall not be questioned in any other Place.*

That last clause is designed to make free from any outside restraint the speech of the representatives of the people when they are in Congress. If the people's interests are to be represented at all, and if the Congress is to be free of outside restraint in what it debates, then Members must be protected from judicial or executive or even private interference based upon speech.

That was succinctly put by James Wilson, an influential member of the Constitutional Convention:

> In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offence.

This is a right even broader than the first amendment right granted all Americans. There are limited areas where the speech of ordinary citizens can be the subject of judicial or administrative action. In some cases, speech can be used as evidence to show intent or motive or may be an element of a crime. Obscene speech and defamatory speech can be the subject of civil legal action, and speech amounting to advocacy of immediate violations of the criminal law or of national security laws can, if it amounts to incitement to act, be the subject of criminal prosecution.

The freedom of speech of a legislator is subject to no such qualifications. His freedom is absolute. He cannot be sued for defamation in a speech before the Congress. Nor can he be convicted for an ordinary crime, if the proof of that crime requires an inquiry into what he has said as a legislator, why he said it, or who gave him the information. Indeed, a legislator does not even have to defend himself when his speech is brought into question in a judicial forum, because the privilege also protects him from harassment. All he need do is claim the privilege.

This broad immunity naturally can work to the harm of the country or to individual citizens when it is abused. But the privilege exists, nonetheless, because history has shown us the necessity of a broad privilege, and has proved that the harm which comes from occasional abuse is nothing when compared to the harm which would come if the privilege did not exist, or were narrower.

It is to history that we look to find the reasons for this broad privilege, Justice Frankfurter's summary in the case of *Tenney* v. *Brandhove,* 341 U.S. 367, puts it well:

> The privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings has taproots in the Parliamentary struggles of the Sixteenth and Seventeenth Centuries. As Parliament achieved increasing independence from the Crown, its statement of the privilege grew stronger. In 1523, Sir Thomas More could make only a tentative claim. Roper, Life of Sir Thomas More, in More's Utopia (Adams ed.) 10. In 1668, after a long and bitter struggle, Parliament finally laid the ghost of Charles I, who had prosecuted Sir John Elliot and others for 'seditious' speeches in Parliament. Proceedings against Sir John Elliot, 3 How. St. Tr., 294, 332. In 1689, the Bill of Rights declared in unequivocal language: "That the Freedom of Speech, and debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.". . .
>
> Freedom of speech and action in the legislature was taken as a matter of course by those who severed the Colonies from the Crown and founded our Nation. It was deemed so essential for representatives of the people that it was written into the Articles of Confederation and later into the Constitution. Article V of the Articles of Confederation is quite close to the English Bill of Rights: 'Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress. . . .' Article I, § 6, of the Constitution provides: '. . . for any Speech or Debate in either House, [the Senators and Representatives] shall not be questioned in any other Place.' 341 US at 372–73.

I ask unanimous consent to have included at the conclusion of my remarks, the case of *Tenney* v. *Brandhove,* 341 U.S. 367 (1950).

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. The dimensions of the privilege have been examined in a few Supreme Court cases. Contrary to the statement in the Justice Department's brief, it is a broadly read privilege. The remarks of Chief Justice Parsons of Massachusetts, quoted with approval by Justice Frankfurter in the Tenney case, and cited in other analyses of the privilege, make this clear:

> These privileges are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution of the office; and I would define the article as securing to every member exemption from prosecution, for everything said or done by him, as a representative in the exercise of the function of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules. Quoted at 341 U.S. 373–74.

I note that both Justice Frankfurter and the Justice Department brief refer to identical quotations from Madison and Jefferson. But while the Justice Department reads the quotes as evidence of a narrow construction, Justice Frankfurter in this case, and the Supreme Court each time it has considered the subject, has taken pains to state how broad is the privilege.

It is noteworthy that there are not many cases in which the Supreme Court has discussed the clause, for the privilege has not often been questioned. In two cases, citizens sought to sue for damages for wrongs done them by legislators. They were unsuccessful. In *Kilbourn* v. *Thompson,* 103 U.S. 168, a recalcitrant witness before the House of Representatives was adjudged in contempt and sent to District of Columbia jail. He sued for false imprisonment, contending that the actions of the House were illegal and unconstitutional. The Court agreed that the House of Representatives acted unconstitutionally in seeking to exercise a judicial power not granted to it by the Constitution. But the fact that the House and the Members who had ordered the imprisonment had acted unconstitutionally did not mean that their privilege had been forsaken. As the Supreme Court said in *United States* v. *Johnson,* 383 U.S. 169:

> However reprehensible such conduct may be, we believe the Speech or Debate Clause extends at least so far as to prevent it from being made the basis of a criminal charge against a member of Congress of conspiracy to defraud the United States by impeding the due discharge of government functions. 383 U.S. at 180.

I ask unanimous consent that the cases of *Kilbourn* v. *Thompson,* 103 U.S. 168 (1880), and *United States* v. *Johnson,* 383 U.S. 169 (1965) be inserted at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. ERVIN. Mr. President, in the Tenney case I have already mentioned, the privilege as it applied to State legislators was upheld even as against a suit based upon the Federal statute authorizing damage suits for violations of citizen's constitutional rights. The case was based upon efforts to silence a critic of the California Senate Factfinding Committee on Un-American Activities. The plaintiff, who had been hauled before the committee in an obvious effort to harass and discredit him, sued on the grounds that this was a violation of his freedom of speech under the first amendment. The Court had no sympathy with the actions or motives of the committee, but it said that the motives or intent of the committee were not subject to judicial scrutiny:

> The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. The holding of this Court in *Fletcher* v. *Peck,* 6 Cranch 87, 130, that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, had remained unquestioned. 341. U.S. at 377.

The privilege, as I have said, bars even an inquiry into speech when it is the core of a felony charge against the legislator. In United States against Johnson, it was alleged that a Congressman had accepted a bribe to give a speech and to do other things to help protect savings and loan institutions then under investigation. The court threw out any inquiry into the speech, how it was prepared, the motives for giving it, and where the information in it had come from. No inquiry which is dependent upon the speech itself can survive against the privilege. Despite the nature of the crime—and bribery of a legislator is the worst perversion of his office and his public trust—the privilege protects against inquiry.

While the privilege often protects legislators against civil suits, and sometimes results in venal legislators escaping justice, its central purpose is to protect legislators from retribution by the executive branch.

Justice Harlan said in Johnson:

> [I]t is apparent from the history of the clause that the privilege was not born primarily of a desire to avoid private suits such as those in *Kilbourn* and *Tenney,* but rather to prevent intimidation by the Executive and accountability before a possibly hostile judiciary. 383 U.S. at 180–181.

The privilege protects legislators not only from prosecution by the Executive and from the judiciary. Quite obviously it also protects them from instrumentalities such as the grand jury, which can be used as the Executive's instrument of harassment and persecution.

It must be stressed that the privilege does more than immunize the legislator against attempts to punish him or to exact retribution for the things he says in the course of performing his legislative duties. The privilege also protects him against having to defend or justify or explain what he has said. The privilege seeks to free the legislator from being harassed by law suits, grand juries, and prosecutors. Were this not so, the independence of the legislator might just as well be destroyed by forcing him to defend himself all over the country.

> It was not only fear of the Executive that caused concern in Parliament but of the judiciary as well, for the judges were often lackeys of the Stuart monarchs, levying punishment more to the wishes of the crown than to the gravity of the offence . . . There is little doubt that the instigation of criminal charges against critical or disfavored legislatures by the Executive in a judicial forum was the chief fear prompting the long struggle for parliamentary privilege in England and, in the context, of the American system of separation of powers, is the predominate thrust of the Speech or Debate Clause. 383 U.S. at 181–182.

And, as Chief Justice Warren said in *Powell* v. *McCormack,* 395 U.S. 486:

> [T]he clause not only provides a defense on the merits but also protects a legislator from the burden of defending himself.
>
> Our cases make it clear that the legislative immunity created by the Speech or Debate Clause performs an important function in representative government. It insures that legislators are free to represent the interests of their constituents without fear that they

> will be later called to task in the courts for the representation. 395 U.S. at 502–503.

I ask that excerpts of the case of Powell against McCormack dealing with the speech or debate clause be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. ERVIN. Mr. President, there is another reason why the privilege against inquiry into a speech does not depend on the legality or constitutionality of the act to which it is tied. That is because the privilege seeks to avoid any abridgment of the freedom of a legislator, even from fear of future retribution. If a legislator knew that he had to account for the possibility that he would have to defend or justify his speech sometime in the future, then he would not be as willing to express himself on controversial matters.

This privilege, like the first amendment, is not solely for the courageous. It is for the timid as well. And I dare say there are few legislators who would be courageous against the determined onslaughts of a vindictive Executive or a hostile judiciary.

It is against this law and this history that we must evaluate the assertions of the administration that it has the power to inquire into the speech of the Senator from Alaska, that it can determine whether the subject matter of the speech was within the jurisdiction of the committee, whether the committee meeting was timely, proper, and in order, and whether the Senator himself can be called to testify.

First, it is clear that the legality of the Senator's action cannot be put in question. Even if a law has been broken by his speech, that could not justify an examination into its background or contents. The cases are clear that, as in Johnson, neither the speech nor its motives nor its origins can be the subject of a criminal prosecution nor used as an element of its proof, nor even as evidence against him.

Nor can the question of whether the subcommittee was properly called affect the privilege. If the constitutionality of legislative action does not affect the privilege, as it did not in Kilbourn, nor the real motive, as it did not in Brandhove, then how can the fact that the formalities of times, meetings, notices, and the like, affect it. To make the existence of the privilege turn on technical matters such as that would reduce it to a petty quibble.

The Supreme Court made clear in Tenney that it will inquire no further than to assure itself that—

> The legislative committee [was] acting in a field where legislators have power to act. 341 U.S. at 379.

In Tenney, the privilege was upheld to protect a committee trying to silence a critic. Here the Government seeks to silence a critic in the legislature, and to destroy the privilege at the same time. The last part of the statement of Justice Parson's question by Justice Frankfurter is the complete answer to the Department's claim:

> I would define the article as securing to every member exemption from prosecution, for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules.

In other words, if the act in question is a "legitimate legislative activity"—if it relates to legislative concerns—then it is "absolutely privileged." As the Justice Department itself argued so well in its brief in the Dombrowski case:

> The test is simply whether the act is such as is "generally done in a session of the House by one of its members in relation to the business before it" (*Kilbourn v. Thompson, supra,* at 204) or whether the legislators "were acting in a field where legislators traditionally have power to act" (*Tenney v. Bradhove, supra,* at 379). A legislator loses immunity only for conduct "that is in no wise related to the due functioning of the legislative process." *United States v. Johnson, supra,* at 172. (Government brief in the Supreme Court pp. 31–32)

An analogous situation was presented in the case of *Cochran* v. *Couzens,* 42 F. 2d 783 (1930), decided by the U.S. Court of Appeals for the District of Columbia. There, Senator James Couzens of Michigan was sued for slander on the basis of remarks made in a speech on the Senate floor, but not during any debate. The court repeated the statement of Lord Denman in *Stockdale* v. *Honsard,* 9 Ad & E 1, which had been cited in Kilbourn:

> Whatever is done within the walls of either assembly must pass without question in any other place.

In rejecting the claim, the Court said that—

> The words forming the basis of (Cochran's) action were uttered in the course of a speech in the chamber of the Senate of the United States, and were absolutely privileged and not subject to "be questioned in any other place." The averment that the words were spoken "unofficially and not in the discharge of his official duties as a Senator"—

Words almost identical to those used by the Justice Department in referring to Senator GRAVEL's speech at the subcommittee hearing—

> Is a mere conclusion and utterly qualified by the averment that they were offered in the course of a speech. 42 F. 2d at 784.

I ask that the case of *Cochran* v. *Couzens,* 42 F. 2d 783 and the Dombrowski case be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits Nos. 5 and 6.)

Mr. ERVIN. The short of it is, as Lord Chief Justice Coleridge said in 1884, is that—

> What is said or done within the walls of Parliament cannot be inquired into in a court of law. *Bradlaugh* v. *Gossett,* 12 Q.B.D. 271 at 275.

More serious than the claim that the privilege depends on the technical propriety of the calling of the hearing is the assertion that the privilege does not exist because the speech was not concerned with public works and buildings. In the words of the Justice Department brief in opposition to Senator GRAVEL's motion:

> The reading of the paper in question can have no possible relationship to the legislative business with which Senator Gravel has sought to cloak himself. Not being engaged in official subcommittee business, Senator Gravel's actions cannot be above scrutiny by those charged to enforce the criminal statutes. (Pages 10–11.)

By so asserting the administration claims a power to define the proper scope of committee testimony and Senate speeches. This it cannot do. It is clear that infringement of a citizen's first amendment rights and intimidation of legislative critics is not within the proper scope of a committee's jurisdiction, yet the court in Tenney ruled that that could not affect the privilege. Nor can the House of Representatives, as in Kilbourn, constitutionally adjudge contempt. Certainly it is not within the proper scope and authority of a Congressman to make floor speeches for pay—Johnson. Yet, despite the fact that unconstitutional or venal conduct was involved in these cases, the Supreme Court has ruled that the speech and debate privilege remains unaffected.

Of course, the administration is really arguing that it may tell a Senator when and where and in what manner, and with what information, he may discuss the war in Vietnam. The administration would say that Senators must only comment on issues germane to a committee meeting, as it would determine germane. If the germaneness rule applies, that means that the Government or a private person can peruse committee transcripts, seeking to find remarks not within the scope of the subject of the hearing. Congressmen and Senators will have to watch what they say lest it be claimed that it is not germane, and so opens them up to harassment, law suits, and prosecutions. Legislators will spend all their days arguing the germaneness of their speeches before judges and juries, with courts and prosecutors refereeing congressional debates. Surely that is not what the privilege means and the cases I have referred to remove any doubt on that score.

The administration's motives in pressing this action are not only aimed at the privilege, but at a Senator who dared oppose it on the war, and who had the effrontery to use information the administration desired to keep from the people. If the administration were to have its way, we must remain in total ignorance of what has transpired in Vietnam, and anything else the Government does, unless it chooses to tell us. By suppressing this information, the executive branch has tried to keep the Congress and the Nation in total ignorance. Now it tries to dictate what the scope of a Senator's business is, and where and when and how he may conduct it.

The tendency, if not the intent, of this effort is to harass the Senator from Alaska, and thereby to silence him and other critics in this body along with those who are outside these halls. This action is of a pattern we have seen recently. The private citizen must fear the Army spies and the Subversive Activities Control Board which will retaliate against administration critics; the press must fear injunctions and treason charges should it publish facts which are secret only because they are embarrassing; and now Senators must face subpenas of themselves and their aides. Even officials within the administration are threatened with the insult of the lie-detector if unkind or critical information leaks out.

The administration is not slow to assert its own privileges, even when they do not exist, and even when the claim interferes with the responsibilities of this body under the Constitution.

They will not produce Army generals to testify about Army surveillance.

They will not produce Dr. Kissinger to testify about foreign policy.

They will not produce State Department plans which explain our foreign aid policy.

They will not tell us what the standards are for putting a citizen into an internal security computer.

The affairs of the executive branch are hidden from the scrutiny of the Congress and the American people. What they do is sacrosanct and immune from criticism. But if a Senator should dare to offend those in power by disclosing to the American people information improperly kept secret by the executive branch, then it claims the right to haul him before the grand jury and make him testify. Should this prove the case, the logical next step would be to assert a right to prosecute the Senator for making the speech, on the grounds that it contained stolen information.

The immediate issue before the court in Boston is whether the Government can subpena the aide of the Senator from Alaska to testify about his relations with the Senator in regard to that speech. There is no question, from reading the cases, that the privilege of a Senator is broader than that of his aide. Yet the privilege clearly does apply to aides of Senators when they are acting under the authority and direction of a Senator and are assisting him in one of his functions. The privilege ends at the point where the aide carries out actions pursuant to decisions of the legislature or a Senator and those actions are illegal. He is responsible for those illegal acts. But to the extent that he assists the Senator in the Senator's functions, he is protected even if the Senator, were he not in office, would be subject to prosecution.

Thus, one may not question how the Congress came to imprison falsely a citizen, but one may punish, or hold civilly liable, the legislative employee who actually accomplished the false imprisonment. One may not question a speech done for a bribe, but one could punish an employee for transmitting the money, just as one can punish the Congressmen for accepting the money:

> The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. A legislator is no more or no less hindered or distracted by litigation against a legislative employee calling into question the employee's *affirmative action* than he would be by a lawsuit questioning the employee's failure to act. *Powell* v. *McCormack* 395 U.S. at 505.

When considering the immunity of the aide of a legislator, the line must be drawn at least at the point where he no longer helps his superior in the performance of his superior's privileged acts but acts affirmatively on his own to execute or implement the unconstitutional or illegal order of the legislator.

Certainly, the Executive cannot inquire of an aide those things which cannot be inquired directly of a legislator. The Government cannot do by indirection what it is prohibited from doing directly. The Government cannot ask Dr. Rodberg how the Senator came to give that speech any more than it can ask the Senator himself. The protection of the aide is necessary to preserve the Senator's privilege.

Not only does the privilege serve to protect the Senator from efforts of the Government to question his speech by indirection, but it also serves to prevent the executive branch from acting so as to cut off the Senator from the assistance of his aides. To isolate a Senator so that he cannot call upon the advice, counsel, and knowledge of his personal assistants is to reduce him to impotency. If an aide must fear that the advice he offers, the knowledge he has, and the assistance he gives to his superior may be called into question by the Government, then he will refrain from doing so on those very occasions which are the most controversial and in which the Senator is in most need of counsel. If the aide must fear that a vindictive executive or hostile judiciary will seek to strike at him because it cannot reach his Senator, then the aide will not be able to give his best service to his superior. And the Senator will never be certain whether the advice he gets is the product of the best judgment of his assistants, or merely the product of their caution and fear. In order to protect the Senator from any interference from the counsel he can get from his assistants, the Government cannot delve into what passes between them.

This is the same privilege that the administration so broadly claims for itself. It seeks to protect the advisers of the President by preventing Congress from questioning that advice. When properly claimed, that is within the scope of "executive privilege." No less a privilege exists with respect to the aides of Senators, and for the same reasons.

It is noteworthy that the same administration which seeks to broaden "executive privilege" so that it appears to be coextensive with executive reluctance to discuss the embarrassing, now seeks to deprive a Senator of the equivalent "legislative privilege."

In resolving where to draw the limits of the protective mantle that a legislator's privilege places on his aide, we must recall again the ultimate purpose of the speech and debate immunity provision:

> It is apparent from the history of the clause that the privilege was not born primarily of a desire to avoid private suits such as those in *Kilbourn* and *Tenney*, but rather to prevent intimidation by the executive and accountability before a possibly hostile judiciary, 383 U.S. at 180—1 *U.C.* v. *Johnson*.

The purpose of the privilege is to protect the legislative branch from a vindictive executive and a hostile judiciary. It is an element of the principle of separation of powers. For that reason, different considerations apply when we are determining how much a legislative aide is cloaked with his superior's immunity. In the three cases in which legislative employees were held not to have the immunity of their superiors, private rights were involved. In Kilbourn, it was a civil suit for false imprisonment. In Dombrowski it was for damages for an illegal search and seizure. In Powell, it was for damages and other relief by an excluded Representative, Adam Clayton Powell. None of these cases represented a clash between the Executive and the Congress.

Here, that is precisely the case. Ultimately, I suppose the question of a criminal action may be involved. But the prosecution will be to protect the special interests of the Executive in its efforts to keep its secrets from the Congress and the people. The motive, of course, is to suppress opposition to Executive policy in the Congress and in the country.

When the speech and debate clause is involved in a clash between the executive and the legislative, the history of this legislative immunity is especially important. The immunity was finally gained only after Charles I had lost his head. And he lost his head in part at least because he imprisoned members of Parliament who had opposed him in needless and costly overseas wars, even to the extent of presuming to vote to deny him funds for the war. The establishment of the legislative privilege came during the fight by the legislature to establish its independence from a king who claimed total power.

The historical precedents are too close to be ignored. We see history repeating itself, even down to the Senator's vote on the Hatfield-McGovern amendment. In such circumstances, a Senator's aide must be given the same immunity as that of his superior, otherwise the immunity of the Senate is stripped of value.

Mr. President, the past actions of the administration raise considerable doubts regarding its appreciation of the constitutional rights of Americans. They suggest that the administration does not understand that there are limits to its powers, that other branches of Government and other institutions have rights which the executive branch cannot violate.

There is growing evidence that the administration cannot tolerate criticism. Many citizens already fear it will act against its critics, to prevent them from speaking if it can, and to punish them thereafter if necessary.

The action taken against the Senator from Alaska, by the subpena of his aide and the threats against the Senator himself, adds to these fears and suspicions, just as the attempt to secure injunction against the press added to them earlier in the summer.

The courts uniformly held that the administration had no case against the newspapers. I am confident that the administration will get no further in its efforts to silence its senatorial critics. The cases and the history I have cited show that they do not even have a whisper of an argument to support this latest attempt to suppress free speech.

Members of this body, however, cannot rest silent while leaving to the courts the protection of the Senate's prerogatives. An attack against any Member is an attack against the entire body. The rights which we have are not ours merely by inheritance. They must be fought for and jealously defended against every effort to weaken them.

I hope that the events of this summer have alerted Senators and all Americans to the threats which face our freedoms. I hope that Senators and all Americans will speak out to defend our liberties should the administration persist in its course.

EXHIBIT 1

TENNEY ET AL. v. BRANDHOVE

(Certiorari to the United States Court of Appeals for the Ninth Circuit—No. 338. Argued March 1, 1951.—Decided May 21, 1951)

Respondent sued petitioners in the Federal District Court for damages under 8 U.S.C. §§ 43 and 47 (3), alleging that, in connection with an investigation by a committee of the California Legislature, he had been deprived of rights guaranteed by the Federal Constitution. Petitioners are the committee and the members thereof, all of whom are members of the legislature. *Held:* From the allegations of the complaint, it appears that petitioners were acting in a field where legislators traditionally have power to act; and 8 U.S.C. §§ 43 and 47 (3) do not create civil liability for such conduct. Pp. 369–379.

(a) The privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings has been carefully preserved in the formation of our State and National Governments. Pp. 372–375.

(b) By 8 U.S.C. §§ 43 and 47 (3), Congress did not intend to limit this privilege by subjecting legislators to civil liability for acts done within the sphere of legislative activity. P. 376.

(c) The privilege is not destroyed by a claim that the motives of the legislators were improper. P. 377.

(d) In order to find that a legislative committee's investigation has exceeded the bounds of legislative power, it must be obvious that there was a usurpation of functions exclusively vested in the Judiciary or the Executive. P. 378.

(e) Legislative privilege deserves greater respect in a case in which the defendants are members of the legislature than where an official acting on behalf of the legislature is sued or where the legislature seeks the affirmative aid of the courts to assert a privilege. P. 379.

183 F. 2d 121, reversed.

In an action brought by respondent against petitioners under 8 U.S.C. §§ 43 and 47 (3), the District Court dismissed the complaint. The Court of Appeals reversed. 183 F. 2d 121. This Court granted certiorari. 340 U.S. 903. *Reversed,* p. 379.

COUNSEL FOR PARTIES

Harold C. Faulkner argued the cause for petitioners. With him on the brief were *Edmund G. Brown,* Attorney General of California, *Bert W. Levit,* Chief Deputy Attorney General, *Ralph N. Kleps* and *A. C. Morrison.*

Martin J. Jarvis and *Richard O. Graw* argued the case for respondent. With them on the brief was *George Olshausen.*

Briefs in support of petitioners were filed as *amici curiae* as follows: A joint brief for the States of Florida, by *Richard W. Ervin,* Attorney General; Georgia, by *Eugene Cook,* Attorney General; Idaho, by *Robert E. Smylie,* Attorney General; Iowa, by *Robert L. Larson,* Attorney General; Kansas, by *Harold R. Fatzer,* Attorney General; Kentucky, by *A. E. Funk,* Attorney General; Maine, by *Alexander A. LaFleur,* Attorney General; Maryland, by *Hall Hammond,* Attorney General; Michigan, by *Frank G. Millard,* Attorney General, *Edmund E. Shepherd,* Solicitor General, and *Daniel J. O'Hara,* Assistant Attorney General; Nevada, by *W. T. Mathews,* Attorney General; New York, by *Nathaniel L. Goldstein,* Attorney General; North Carolina, by *Harry McMullan,* Attorney General; North Dakota, by *Elmo T. Christianson,* Attorney General; Ohio, by *C. William O'Neill,* Attorney General; Oregon, by *George Neuner,* Attorney General; Rhode Island, by *William E. Powers,* Attorney General; South Carolina, by *T. C. Callison,* Attorney General; Tennessee, by *Roy H. Beeler,* Attorney General; Texas, by *Price Daniel,* Attorney General, and *E. Jacobson,* Assistant Attorney General; Virginia, by *J. Lindsay Almond, Jr.,* Attorney General; Washington, by *Smith Troy,* Attorney General; Wisconsin, by *Vernon W. Thomson,* Attorney General; and Wyoming, by *Harry S. Harnsberger,* Attorney General; and a brief for the State of Wisconsin, by *Vernon W. Thomson,* Attorney General, and *Harold H. Persons* and *Roy G. Tulane,* Assistant Attorneys General.

OPINION OF THE COURT

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

William Brandhove brought this action in the United States District Court for the Northern District of California, alleging that he had been deprived of rights guaranteed by the Federal Constitution. The defendants are Jack B. Tenney and other members of a committee of the California Legislature, the Senate Fact-Finding Committee on Un-American Activities, colloquially known as the Tenney Committee. Also named as defendants are the Committee and Elmer E. Robinson, Mayor of San Francisco.

The action is based on §§ 43 and 47(3) of Title 8 of the United States Code. These sections derive from one of the statutes, passed in 1871, aimed at enforcing the Fourteenth Amendment. Act of April 20, 1871, c. 22, §§ 1, 2, 17 Stat. 13. Section 43 provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the parties injured in an action at law, suit in equity, or other proper proceeding for redress." R.S. § 1979, 8 U.S.C. § 43.

Section 47(3) provides a civil remedy against "two or more persons" who may conspire to deprive another of constitutional rights, as therein defined.[1]

Reduced to its legal essentials, the complaint shows these facts. The Tenney Committee was constituted by a resolution of the California Senate on June 20, 1957. On January 28, 1949, Brandhove circulated a petition among members of the State Legislature. He alleges that it was circulated in order to persuade the Legislature not to appropriate further funds for the Committee. The petition charged that the Committee had used Brandhove as a tool in order "to smear Congressman Franck R. Havenner as a 'Red' when he was a candidate for Mayor of San Francisco in 1947; and that the Republican machine in San Francisco and the campaign management of Elmer E. Robinson, Franck Havenner's opponent, conspired with the Tenney Committee to this end." In view of the conflict between this petition and evidence previously given by Brandhove, the Committee asked local prosecuting officials to institute criminal proceedings against him. The Committee also summoned Brandhove to appear before them at a hearing held on January 29. Testimony was there taken from the Mayor of San Francisco, allegedly a member of the conspiracy. The plaintiff appeared with counsel, but refused to give testimony. For this, he was prosecuted for contempt in the State courts. Upon the jury's failure to return a verdict this prosecution was dropped. After Brandhove refused to testify, the Chairman quoted testimony given by Brandhove at prior hearings. The Chairman also read into the record a statement concerning an alleged criminal record of Brandhove, a newspaper article denying the truth of his charges, and a denial by the Committee's counsel—who was absent—that Brandhove's charges were true.

Brandhove alleges that the January 29 hearing "was not held for a legislative purpose," but was designed "to intimidate and silence plaintiff and deter and prevent him from effectively exercising his constitutional rights of free speech and to petition the Legislature for redress of grievances, and also to deprive him of the equal protection of the laws, due process of law, and of the enjoyment of equal privileges and immunities as a citizen of the United States under the law, and so did intimidate, silence, deter, and prevent and deprive plaintiff." Damages of $10,000 were asked "for legal counsel, traveling, hotel accommodations, and other matters pertaining and necessary to his defense" in the contempt proceeding arising out of the Committee hearings. The plaintiff also asked for punitive damages.

The action was dismissed without opinion by the District Judge. The Court of Appeals for the Ninth Circuit held, however, that the complaint stated a cause of action against the Committee and its members. 183 F. 2d 121.[2] We brought the case here because important issues are raised concerning the rights of individuals and the power of State legislatures. 340 U.S. 903.

We are again faced with the Reconstruction legislation which caused the Court such concern in *Screws* v. *United States,* 325 U.S. 91, and in the *Williams* cases decided this term, *ante,* pp. 70, 97. But this time we do not have to wrestle with far-reaching questions of constitutionality or even of construction. We think it is clear that the legislation on which this action is founded does not impose liability on the facts before us, once they are related to the presuppositions of our political history.

The privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings has taproots in the Parliamentary struggles of the Sixteenth and Seventeenth Centuries. As Parliament achieved increasing independence from the Crown, its statement of the privilege grew stronger. In 1523, Sir Thomas More could make only a tentative claim. Roper, Life of Sir Thomas More, in More's Utopia (Adams ed.) 10. In 1668, after a long and bitter struggle, Parliament finally laid the ghost of Charles I, who had prosecuted Sir John Elliot and others for "seditious" speeches in Parliament. Proceedings against Sir John Elliot, 3 How. St. Tr., 294, 332. In 1689, the Bill of Rights declared in unequivocal language: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 Wm. & Mary, Sess. 2, c. II. See *Stockdale* v. *Hansard,* 9 Ad. & El. 1, 113–114 (1839).

Freedom of speech and action in the legislature was taken as a matter of course by those who severed the Colonies from the Crown and founded our Nation. It was deemed so essential for representatives of

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Footnotes at end of article.

the people that it was written into the Articles of Confederation and later into the Constitution. Article V of the Articles of Confederation is quite close to the English Bill of Rights: "Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress. . . ." Article I, § 6, of the Constitution provides: ". . . for any Speech or Debate in either House, [the Senators and Representatives] shall not be questioned in any other place."

The reason for the privilege is clear. It was well summarized by James Wilson, an influential member of the Committee of Detail which was responsible for the provision in the Federal Constitution. "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offence." II Works of James Wilson (Andrews ed. 1896) 38. See the statement of the reason for the privilege in the Report from the Select Committee on the Official Secrets Acts (House of Commons, 1939) xiv.

The provision in the United States Constitution was a reflection of political principles already firmly established in the States. Three State Constitutions adopted before the Federal Constitution specifically protected the privilege. The Maryland Declaration of Rights, Nov. 3, 1776, provided: "That freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature." Art. VIII. The Massachusetts Constitution of 1780 provided: "The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever." Part The First, Art. XXI. Chief Justice Parsons gave the following gloss to this provisions in *Coffin* v. *Coffin* 4, Mass. 1, 27 (1808):

"These privileges are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution, of the office; and I would define the article as securing to every member exemption from prosecution, for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules."

The New Hampshire Constitution of 1784 provided: "The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever." Part I, Art. XXX.[3]

It is significant that legislative freedom was so carefully protected by constitutional framers at a time when even Jefferson expressed fear of legislative excess.[4] For the loyalist executive and judiciary had been deposed, and the legislature was supreme in most States during and after the Revolution. "The legislative department is every where extending the sphere of its activity, and drawing all power into its impetuous vortex." Madison, The Federalist, No. XLVIII.

As other States joined the Union or revised their Constitutions, they took great care to preserve the principle that the legislature must be free to speak and act without fear of criminal and civil liability. Forty-one of the forty-eight States now have specific provisions in their Constitutions protecting the privilege.[5]

* * * * *

The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. The holding of this Court in *Fletcher* v. *Peck*, 6 Cranch 87, 130, that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, has remained unquestioned. See cases cited in *Arizona* v. *California*, 283, U.S. 423, 455.

Investigations, whether by standing or special committees, are an established part of representative government.[6] Legislative committees have been charged with losing sight of their duty of disinterestedness. In times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and as readily believed.[7] Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses. The courts should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province. To find that a committee's investigation has exceeded the bounds of legislative power it must be obvious that there was a usurpation of functions exclusively vested in the Judiciary or the Executive. The present case does not present such a situation. Brandhove indicated that evidence previously given by him to the committee was false, and he raised serious charges concerning the work of a committee investigating a problem within legislative concern. The Committee was entitled to assert a right to call the plaintiff before it and examine him.

It should be noted that this is a case in which the defendants are members of a legislature. Legislative privilege in such a case deserves greater respect than where an official acting on behalf of the legislature is sued or the legislature seeks the affirmative aid of the courts to assert a privilege. In *Kilbourn* v. *Thompson*, *supra*, this Court allowed a judgment against the Sergeant-at-Arms, but found that one could not be entered against the defendant members of the House.

We have only considered the scope of the privilege as applied to the facts of the present case. As Mr. Justice Miller said in the *Kilbourn* case: "It is not necessary to decide here that there may not be things done, in the one House or the other, of an extraordinary character, for which the members who take part in the act may be held legally responsible." 103 U.S. at 204. We conclude only that here the individual defendants and the legislative committee were acting in a field where legislators traditionally have power to act, and that the statute of 1871 does not create civil liability for such conduct.

The judgment of the Court of Appeals is reversed and that of the District Court affirmed.

Reserved.

FOOTNOTES

[1] R.S. § 1980 (par. Third), 8 U.S.C. § 47(3): "If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators."

[2] The Court of Appeals affirmed the dismissal as to Robinson on the ground that he was not acting under color of law and that the complaint did not show him to be a member of a conspiracy. We have denied a petition to review this decision. 341 U.S. 936.

[3] In two State Constitutions of 1776, the privilege was protected by general provisions preserving English law. See S.C. Const., 1776, Art. VII; N.J. Const., 1776, Art. XXII. Compare N.C. Const., 1776, § XLV.

Three other of the original States made specific provision to protect legislative freedom immediately after the Federal Constitution was adopted. See Pa. Const., 1790, Art. I, § 17; Ga. Const., 1789, Art I, § 14; Del. Const., 1792, Art. II, § 11. Connecticut and Rhode Island so provided in the first constitutions enacted to replace their uncodified organic law. Conn. Const., 1818, Art. Third, § 10; R. I. Const., 1842, Art. IV, § 5.

In New York, the Bill of Rights passed by the legislature on January 26, 1787, provided: "That the freedom of speech and debates, and proceedings in the senate and assembly, shall not be impeached or questioned in any court or place out of the senate or assembly." In Virginia, as well as in the other colonies, the assemblies had built up a strong tradition of legislative privilege long before the Revolution. See Clarke, Parliamentary Privilege in the American Colonies (1943), *passim*, especially 70 and 93 *et seq.*

[4] See Jefferson, Notes on the State of Virginia (3d Am. ed. 1801), 174–175. The Notes were written in 1781. See also, a letter from Jefferson to Madison, March 15, 1789, to be published in a forthcoming volume of The Papers of Thomas Jefferson (Boyd ed.): "The tyranny of the legislatures is the most formidable dread at present, and will be for long years." As to political currents at the time the United States Constitution and the State Constitutions were formulated, see Corwin, The Progress of Constitutional Theory between the Declaration of Independence and the Meeting of the Philadelphia Convention, 30 Am. Hist. Rev. 511 (1925).

[5] Ala. Const., Art. IV, § 56; Ariz. Const., Art., IV, 2, § 7; Ark. Const., Art., V, § 15; Colo. Const., Art. V, § 16; Conn. Const., Art. Third, § 10; Del. Const., Art. II, § 13; Ga. Const., Art. III, § VII, par. III; Idaho Const., Art. III, § 7; Ill. Const. Art. IV, § 14; Ind. Const., Art. 4, § 8; Kan. Const., Art. 2, § 22; Ky. Const., § 43; La. Const., Art. III, § 13; Me. Const., Art. IV, Pt. Third, § 8; Md. D. R. 10, Const., Art. III, § 18; Mass. Const., Pt. First, Art. 21; Mich.

Const., Art. V, § 8; Minn. Const., Art. IV, § 8; Mo. Const., Art. III, § 19; Mont. Const., Art, § 15; Neb. Const., Art. III, § 26; N.H. Const. . . .

[6] See Wilson, Congressional Government (1885), 303: "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function."

[7] See Dilliard, Congressional Investigations: The Role of the Press, 18 U. of Chi. L. Rev. 585.

MR. JUSTICE BLACK, CONCURRING

The Court holds that the Civil Rights statutes[1] were not intended to make legislators personally liable for damages to a witness injured by a committee exercising legislative power. This result is reached by reference to the long-standing and wise tradition that legislators are immune from legal responsibility for their intra-legislative statements and activities. The Court's opinion also points out that *Kilbourn* v. *Thompson*, 103 U.S. 168, held legislative immunity to have some limits. And today's decision indicates that there is a point at which a legislator's conduct so far exceeds the bounds of legislative power that he may be held personally liable in a suit brought under the Civil Rights Act. I substantially agree with the Court's reasoning and its conclusion. But since this is a difficult case for me, I think it important to emphasize what we do *not* decide.

It is not held that the validity of legislative action is coextensive with the personal immunity of the legislators. That is to say, the holding that the chairman and the other members of his Committee cannot be sued in this case is not a holding that their alleged persecution of Brandhove is legal conduct. Indeed, as I understand the decision, there is still much room for challenge to the Committee action. Thus, for example, in any proceeding instituted by the Tenney Committee to fine or imprison Brandhove on perjury, contempt or other charges, he would certainly be able to defend himself on the ground that the resolution creating the Committee or the Committee's actions under it were unconstitutional and void. In this connection it is not out of place to observe that the resolution creating the Committee is so broadly drawn that grave doubts are raised as to whether the Commitmittee could constitutionally exercise all the powers purportedly bestowed on it.[2] In part the resolution directs the Committee "to ascertain . . . all facts relating to the activities of persons and groups known or suspected to be dominated or controlled by a foreign power, and who owe allegiance thereto because of religious, racial, political, ideological, philosophical, or other ties, including but not limited to the influence upon all such persons and groups of education, economic circumstances, social positions, fraternal and casual associations, living standards, race, religion, political, ancestry and the activities of paid provocation . . . ."Cal. Senate Resolution 75, June 20, 1947.

Of course the Court does not in any way sanction a legislative inquisition of the type apparently authorized by this resolution.

Unfortunately, it is true that legislative assemblies born to defend the liberty of the people, have at times violated their sacred trusts and become the instruments of oppression. Many specific instances could be cited but perhaps the most recent spectacular illustration is the use of a committee of the Argentine Congress as the instrument to strangle the independent newspaper *La Prensa* because of the views it espoused.[3] In light of this Argentine experience, it does not seem inappropriate to point out that the right of every person in this country to have his say, however unorthodox or unpopular he or his opinions may be, is guaranteed by the same constitutional amendments that protects the free press. Those who cherish freedom of the press here would do well to remember that this freedom cannot long survive the legislative snuffing out of freedom to believe and freedom to speak.

MR. JUSTICE DOUGLAS, DISSENTING

I agree with the opinion of the Court as a statement of general principles governing the liability of legislative committees and members of the legislatures. But I do not agree that all abuses of legislative committees are solely for the legislative body to police.

We are dealing here with a right protected by the Constitution—the right of free speech. The charge seems strained and difficult to sustain; but it is that a legislative committee brought the weight of its authority down on respondent for exercising his right of free speech. Reprisal for speaking is as much an abridgment as a prior restraint. If a committee departs so far from its domain to deprive a citizen of a right protected by the Constitution, I can think of no reason why it should be immune. Yet that is the extent of the liability sought to be imposed on petitioners under 8 U.S.C. § 43.[4]

It is speech and debate in the legislative department which our consitutional scheme makes privileged. Included, of course, are the actions of legislative committees that are authorized to conduct hearings or make investigations so as to lay the foundation for legislative action. But we are apparently holding today that the actions of those committees have no limits in the eyes of the law. May they depart with impunity from their legislative functions, sit as kangaroo courts, and try men for their loyalty and their political beliefs? May they substitute trial before committees for trial before juries? May they sit as a board of censors over industry, prepare their blacklists of citizens, and issue pronouncements as devastating as any bill of attainder?

No other public official has complete immunity for his actions. Even a policeman who exacts a confession by force and violence can be held criminally liable under the Civil Rights Act, as we ruled only the other day in *Williams* v. *United States*, 341 U.S. 97. Yet now we hold that no matter the extremes to which a legislative committee may go it is not answerable to an injured party under the civil rights legislation. That result is the necessary consequence of our ruling since the test of the statute, so far as material here, is whether a constitutional right has been impaired, not whether the domain of the committee was traditional. It is one thing to give great leeway to the legislative right of speech, debate, and investigation. But when a committee perverts its power, brings down on an individual the whole weight of government for an illegal or corrupt purpose, the reason for the immunity ends. It was indeed the purpose of this civil rights legislation to secure federal rights against invasion by officers and agents of the states. I see no reason why any officer of government should be higher than the Constitution from which all rights and privileges of an office obtain,

Exhibit 2

Kilbourn *v.* Thompson, 103 U.S. 168 (1880)

Mr. Justice Miller, after stating the case, delivered the opinion of the court.

The argument before us has assumed a very wide range, and includes the discussion of almost every suggestion that can well be conceived on the subject. The two extremes of the controversy are, the proposition on the part of the plaintiff, that the House of Representatives has no power whatever to punish for a contempt of its authority; and on the part of defendants, that such power undoubtedly exists, and when that body has formally exercised it, it must be presumed that it was rightfully exercised.

This latter proposition assumes the form of expression sometimes used with reference to courts of justice of general jurisdiction, that having the power to punish for contempts, the judgment of the House that a person is guilty of such contempt is conclusive everywhere.

Conceding for the sake of the argument that there are cases in which one of the two bodies, that constitute the Congress of the United States, may punish for contempt of its authority, or disregard of its orders, it will scarcely be contended by the most ardent advocate of their power in that respect that it is unlimited.

The powers of Congress itself, when acting through the concurrence of both branches, are dependent solely on the Constitution. Such as are not conferred by that instrument, either expressly or by fair implication from what is granted, are "reserved to the States respectively, or to the people." Of course, neither branch of Congress, when acting separately, can lawfully exercise more power than is conferred by the Constitution on the whole body, except in the few instances where authority is conferred on either House separately, as in the case of impeachments. No general power of inflicting punishment by the Congress of the United States is found in that instrument. It contains in the provision that no "person shall be deprived of life, liberty, or property, without due process of law," the strongest implication against punishment by order of the legislative body. It has been repeatedly decided by this court, and by others of the highest authority, that this means a trial in which the rights of the party shall be decided by a tribunal appointed by law, which tribunal is to be governed by rules of law previously established. An act of Congress which proposed to adjudge a man guilty of a crime and inflict the punishment, would be conceded by all thinking men to be unauthorized by anything in the Constitution. That instrument, however, is not wholly silent as to the authority of the separate branches of Congress to inflict punishment. It authorizes each House to punish its own members. By the second clause of the fifth section of the first article, "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member," and by the clause immediately preceding, it "may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide." These provisions are equally instructive in what they authorize and in what they do not authorize. There is no express power in that instrument conferred on either House of Congress to punish for contempts.

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[1] 8 U.S.C. §§ 43, 47 (3).

[2] See Judge Edgerton dissenting in *Barsky* v. *United States*, 83 U.S. App. D.C. 127, 138, 167 F. 2d 241, 252; Judge Charles E. Clark dissenting in *United States* v. *Josephson*, 165 F. 2d 82, 93.

[3] N.Y. Times, Mar. 16, 1951, p. 1, col. 2; N.Y. Times, Mar. 17, 1951, p. 1, col. 2. The situation was graphically described in an editorial appearing in *La Nacion* of Buenos Aires on March 18, 1951: "But no one could have imagined until this moment that Congress, properly invested with implicit powers of investigation, could decree interventions of this nature intended to carry out acts which, under no circumstances come within the province of the Legislature. In the present case this alteration of functions is unusual importance because it affects an inviolable constitutional principle. If Congress cannot dictate 'laws restrictive of the freedom of the press [Art. 23, Argentine Constitution], which would be the only possible step within its specific function, how could it take possession of newspapers, hinder their activity and decide their fate, all these being acts whereby the exercise of that same freedom is rendered impracticable? If such a state of things is permitted and becomes generalized, then it means that the repetition of these acts whenever it is deemed suitable in view of conflicting opinions, would cause the constitutional guarantee to be utterly disregarded. . . . Last year the activities of an investigating congressional commission [The Committee on Anti-Argentine Activities], appointed for another concrete purpose, served to bring about the closure of up to 49 newspapers in one day. . . . " See generally, Editor & Publisher, Mar. 24, 1951, p. 5.

[4] "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

The advocates of this power have, therefore, resorted to an implication of its existence, founded on two principal arguments. These are, 1, its exercise by the House of Commons of England, from which country we, it is said, have derived our system of parliamentary law; and, 2d, the necessity of such a power to enable the two Houses of Congress to perform the duties and exercise the powers which the Constitution has conferred on them.

That the power to punish for contempt has been exercised by the House of Commons in numerous instances is well known to the general student of history, and is authenticated by the rolls of the Parliament. And there is no question but that this has been upheld by the courts of Westminster Hall. Among the most notable of these latter cases are the judgments of the Court of King's Bench, in *Brass Crosby's Case* (3 Wils. 188), decided in the year 1771; *Burdett* v. *Abbott* (14 East, 1), in 1811, in which the opinion was delivered by Lord Ellenborough; and *Case of the Sheriff of Middlesex* (11 Ad. & E. 278), in 1840. Opinion by Lord Denman, Chief Justice.

It is important, however, to understand on what principle this power in the House of Commons rests, that we may see whether it is applicable to the two Houses of Congress, and, if it be, whether there are limitations to its exercise.

While there is, in the adjudged cases in the English courts, little agreement of opinion as to the extent of this power, and the liability of its exercise to be inquired into by the courts, there is no difference of opinion as to its origin. This goes back to the period when the bishops, the lords, and the knights and burgesses met in one body, and were, when so assembled, called the High Court of Parliament.

They were not only called so, but the assembled Parliament exercised the highest functions of a court of judicature, representing in that respect the judicial authority of the king in his Court of Parliament. While this body enacted laws, it also rendered judgments in matters of private right, which, when approved by the king, were recognized as valid. Upon the separation of the Lords and Commons into two separate bodies, holding their sessions in different chambers, and hence called the House of Lords and the House of Commons, the judicial function of reviewing by appeal the decisions of the courts of Westminster Hall passed to the House of Lords, where it has been exercised without dispute ever since. To the Commons was left the power of impeachment, and, perhaps, others of a judicial character, and jointly they exercised, until a very recent period, the power of passing bills of attainder for treason and other high crimes which are in their nature punishment for crime declared judicially by the High Court of Parliament of the Kingdom of England.

It is upon this idea that the two Houses of Parliament were each courts of judicature originally, which, though divested by usage, and by statute, probably, of many of their judicial functions, have yet retained so much of that power as enables them, like any other court, to punish for a contempt of these privileges and authority that the power rests.

In the case of *Burdett* v. *Abbott*, already referred to as sustaining this power in the Commons, Mr. Justice Bailey said, in support of the judgment of the Court of King's Bench: "In an early authority upon that subject, in Lord Coke, 4 Inst. 23, it is expressly laid down that the House of Commons has not only a legislative character and authority, but is also a court of judicature; and there are instances put there in which the power of committing to prison for contempts has been exercised by the House of Commons, and this, too, in cases of libel. If then, the House be a court of judicature, it must, as is in a degree admitted by the plaintiff's counsel, have the power of supporting its own dignity as essential to itself; and without power of commitment for contempts it could not support its dignity." In the opinion of Lord Ellenborough in the same case, after stating that the separation of the two Houses of Parliament seems to have taken place as early as the 49 Henry III., about the time of the battle of Evesham, he says the separation was probably effected by a formal act for that purpose by the king and Parliament. He then adds: "The privileges which have since been enjoyed, and the functions which have been since uniformly exercised by each branch of the legislature, with the knowledge and acquiescence of the other House and of the king, must be presumed to be the privileges and functions which then, that is, at the very period of their original separation, were statutably assigned to each." He then asks, "Can the High Court of Parliament, or either of the two Houses of which it consists, be deemed not to possess intrinsically that authority of punishing summarily for contempts, which is acknowledged to belong, and is daily exercised as belonging, to every superior court of law, of less dignity undoubtedly than itself?" This power is here distinctly placed on the ground of the judicial character of Parliament, which is compared in that respect with the other courts of superior jurisdiction, and is said to be of a dignity higher than they.

In the earlier case of Crosby, Lord Mayor of London, De Gray, Chief Justice, speaking of the House of Commons, which had committed the lord mayor to the Tower of London for having arrested by judicial process one of its messengers, says: "Such an assembly must certainly have such authority, and it is legal because necessary. Lord Coke says they have a judicial power; each member has a judicial seat in the House; he speaks of matters of judicature of the House of Commons." Mr. Justice Blackstone, in concurring in the judgment, said:

"The House of Commons is a Supreme Court, and they are judges of their own privileges and contempts, more especially with respect to their own members." Mr. Justice Gould also laid stress upon the fact that the "House of Commons may be properly called judges," and cites 4 Coke's Inst. 47, to show that "an alien cannot be elected to Parliament, *because such a person can hold no place of judicature.*"

In the celebrated case of *Stockdale* v. *Hansard* (9 Ad. & E. 1), decided in 1839, this doctrine of the omnipotence of the House of Commons in the assertion of its privileges received its first serious check in a court of law. The House of Commons had ordered the printing and publishing of a report of one of its committees, which was done by Hansard, the official printer of the body. This report contained matter on which Stockdale sued Hansard for libel. Hansard pleaded the privilege of the House, under whose orders he acted, and the question on demurrer was, assuming the matter published to be libellous in its character, did the order of the House protect the publication?

Sir John Campbell, Attorney-General, in an exhaustive argument in defense of the prerogative of the House, bases it upon two principal propositions; namely, that the House of Commons is a court of judicature, possessing the same right to punish for contempt that other courts have, and that its powers and privileges rest upon the *lex parliamenti*,—the laws and customs of Parliament. These, he says, and cites authorities to show it, are unknown to the judges and lawyers of the common-law courts and rest exclusively in the knowledge and memory of the members of the two Houses. He argues, therefore, that their judgments and orders on matters pertaining to these privileges are conclusive, and cannot be disputed or reviewed by the ordinary courts of judicature.

Lord Denman, in a masterly opinion, concurred in by the other judges of the King's Bench, ridicules the idea of the existence of a body of laws and customs of Parliament unknown and unknowable to anybody else but the members of the two Houses, and holds with an incontrovertible logic that when the rights of the citizen are at stake in a court of justice, it must, if these privileges are set up to his prejudice, examine for itself the nature and character of those laws, and decide upon their extent and effect upon the rights of the parties before the court. While admitting, as he does in *Case of the Sheriff of Middlesex* (11 Ad. & E. 273), that when a person is committed by the House of Commons for a contempt in regard to a matter of which that House had jurisdiction, no other court can relieve the party from the punishment which it may lawfully inflict, he holds that the question of the jurisdiction of the House is always open to the inquiry of the courts in a case where that question is properly presented.

But perhaps the most satisfactory discussion of this subject, as applicable to the proposition that the two House of Congress are invested with the same power of punishing for contempt, and with the same peculiar privileges, and the same power of enforcing them, which belonged by ancient usage to the Houses of the English Parliament, is to be found in some recent decisions of the Privy Council. That body is by its constitution vested with authority to hear and decide appeals from the courts of the provinces and colonies of the kingdom.

The leading case is that of *Kielley* v. *Carson and Others* (4 Moo. P.C. 63), decided in 1841. There were present at the bearing Lord Chancellor Lyndhurst, Lord Brougham, Lord Denman, Lord Abinger, Lord Cottenham, Lord Campbell, Vice-Chancellor Shadwell, the Chief Justice of the Common Pleas, Mr. Justice Erskine, Dr. Lushington, and Mr. Baron Parke, who delivered the opinion, which seems to have received the concurrence of all the eminent judges named.

Measuring the weight of its authority by the reputation of the judges who sat in the case and agreed to the opinion, it would be difficult to find one more entitled on that score to be received as conclusive on the points which it decided.

The case was an appeal from the Supreme Court of Judicature of Newfoundland. John Kent, one of the members of the House of Assembly of that island, reported to that body that Kielley, the appellant, had been guilty of a contempt of the privileges of the House in using towards him reproaches, in gross and threatening language, for observations made by Kent in the House; adding, "Your privilege shall not protect you." Kielley was brought before the House, and added to his offence by boisterous and violent language, and was finally committed to jail under an order of the House and the warrant of the speaker. The appellant sued Carson, the speaker, Kent, and other members, and Walsh, the messenger, who pleaded the facts above stated, and relied on the authority of the House as sufficient protection. The judgment of the court of Newfoundland was for the defendants, holding the plea good.

This judgment was supported in argument before the Privy Council on the ground that the Legislative Assembly of Newfoundland had the same parliamentary rights and privileges which belonged by usage to the Parliament of England, and that, if this were not so, it was a necessary incident to every body exercising legislative functions to punish for contempt of its authority. The case was twice argued in the Privy Council, on which its previous judgment in the case of *Beaumont* v. *Barrett* (1 Moo. P. C. 59) was much urged, in which both those propositions had been asserted in the opinion of Mr. Baron Parke. Referring to that case as an authority for the proposition that the power to punish for a contempt was incident to every legislative body, the opinion of Mr. Baron Parke in the later case uses this language: "There is no decision of a court of justice, nor other authority, in favor of the right, except that of the case of *Beaumont* v. *Barrett*, decided by the Judicial Committee, the members present being Lord Brougham, Mr. Justice Bosanquet, Mr. Justice Erskine, and myself. Their Lordships do not consider that case as one by which they ought to be bound on deciding the present question.

"The opinion of their Lordships, delivered by myself immediately after the argument was closed, though it clearly expressed that the power was incidental to every legislative assembly, was not the only ground on which that judgment was rested, and therefore was, in some degree, extra-judicial; but besides, it was stated to be and was founded entirely on the *dictum* of Lord Ellenborough in *Burdett* v. *Abbott*, which *dictum*, we all think, cannot be taken as authority for the abstract proposition that every legislative body has the power of committing for contempt. The observation was made by his Lordship with reference to the peculiar powers of Parliament, and ought not, we all think, to be extended any further. We all, therefore, think that the opinion expressed by myself in the case of *Beaumont* v. *Barrett* ought not to affect our decision in the present case, and, there being no other authority on the subject, we decide according to the principle of the common law, that the House of Assembly have not the power contended for. They are a local legislature, with every power reasonably necessary for the exercise of their functions and duties, but they have not what they erroneously supposed themselves to possess—the same exclusive privileges which the ancient law of England has annexed to the House of Parliament." In another part of the opinion the subject is thus disposed of: "It is said, however, that this power belongs to the House of Commons in England; and this, it is contended, affords an authority for holding that it belongs, as a legal incident by the common law, to an assembly with analogous functions. But the reason why the House of Commons has this power is not because it is a representative body with legislative functions, but by virtue of ancient usage and prescription; the *lex et consuetudo parliamenti*, which forms a part of the common law of the land, and according to which the High Court of Parliament before its division, and the Houses of Lords and Commons since, are invested with many privileges, that of punishment for contempt being one." The opinion also discusses at length the necessity of this power in a legislative body for its protection, and to enable it to discharge its law-making functions, and decides against the proposition. But the case before us does not require us to go so far, as we have cited it to show that the powers and privileges of the House of Commons of England, on the subject of punishment for contempts, rest on principles which have no application to other legislative bodies, and certainly can have none to the House of Representatives of the United States—a body which is in no sense a court, which exercises no functions derived from its once having been a part of the highest court of the realm, and whose functions, so far as they partake in any degree of that character, are limited to punishing its own members and determining their election. The case, however, which we have just been considering, was followed in the same body by *Fenton* v. *Hampton* (11 Moo. P.C. 347) and *Doyle* v. *Falconer* (Law Rep. 1 P.C. 328), in both of which, on appeals from other provinces of the kingdom, the doctrine of the case of *Kielley* v. *Carson and Others* is fully reaffirmed.

We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudged cases in which the English courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine, that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation.

This latter proposition is one which we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or non-existence of such a power in aid of the legislative function.

As we have already said, the Constitution expressly empowers each House to punish its own members for disorderly behavior. We seen no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.

So, also, the penalty which each House is authorized to inflict in order to compel the attendance of absent members may be imprisonment, and this may be for a violation of some order or standing rule on that subject.

Each House is by the Constitution made the judge of the election and qualification of its members. In deciding on these it has an undoubted right to examine witnesses and inspect papers, subject to the usual rights of witnesses in such cases; and it may be that a witness would be subject to like punishment at the hands of the body engaged in trying a contested election, for refusing to testify, that he would if the case were pending before a court of judicature.

The House of Representatives has the sole right to impeach officers of the government, and the Senate to try them. Where the question of such impeachment is before either body acting in its appropriate sphere on that subject, we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions, in the same manner and by the use of the same means that courts of justice can in like cases.

Whether the power of punishment in either House by fine or imprisonment goes beyond this or not, we are sure that no person can be punished for contumacy as a witness before either House, unless his testimony is required in a matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen.

It is believed to be one of the chief merits of the American system of written constitutional law, that all the powers intrusted to government, whether State or national, are divided into the three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other. To these general propositions there are in the Constitution of the United States some important exceptions. One of these is, that the President is so far made a part of the legislative power, that his assent is required to the enactment of all statutes and resolutions of Congress.

This, however, is so only to a limited extent, for a bill may become a law notwithstanding the refusal of the President to approve it, by a vote of two-thirds of each House of Congress.

So, also, the Senate is made a partaker in the functions of appointing officers and making treaties, which are supposed to be properly executive, by requiring its consent to the appointment of such officers and the ratification of treaties. The Senate also exercises the judicial power of trying impeachments, and the House of preferring articles of impeachment.

In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision, and in bold lines, in its three primary articles, the allotment of power to the executive, the legislative, and the judicial departments of the government. It also remains true, as a general rule, that the powers confided by the Constitution to one of these departments cannot be exercised by another.

It may be said that these are truisms which need no repetition here to give them force. But while the experience of almost a century has in general shown a wise and commendable forbearance in each of these branches from encroachments upon the others, it is not to be denied that such attempts have been made, and it is believed not always without success. The increase in the number of States, in their population and wealth, and in the amount of power, if not in its nature to be exercised by the Federal government, presents powerful and growing temptations to those to whom that exercise is intrusted, to overstep the just boundaries of their own department, and enter upon the domain of one of the others, or to assume powers not intrusted to either of them.

The House of Representatives having the exclusive right to originate all bills for raising revenue, whether by taxation or otherwise; having with the Senate the right to declare war and fix the compensation of all officers and servants of the government, and vote the supplies which must pay that compensation; and being also the most numerous body of all those engaged in the exercise of the primary powers of the government,—is for these reasons least of all liable to encroachments upon its appropriate domain.

By reason, also, of its popular origin, and the frequency with which the short term of office of its members requires the renewal of their authority at the hands of the people,—the great source of all power in this country,—encroachments by that body on the domain of co-ordinate branches of the government would be received with less distrust than a similar exercise of unwarranted power by any other department of the government. It is all the more necessary, therefore, that the exercise of power by this body, when acting separately from and independently of all other depositaries of power, should be watched with vigilance, and when called in question before any other tribunal having the rights to pass upon it that it should receive the most careful scrutiny.

In looking to the preamble and resolution under which the committee acted, before which Kilbourn refused to testify, we are of opinion that the House of Representatives not only exceeded the limit of its own authority, but assumed a power which could only be properly exercised by another branch of the government, because it was in its nature clearly judicial.

The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. If what we have said of the division of the powers of the government among the three departments be sound, this is equivalent to a declaration that no judicial power is vested in the Congress or either branch of it, save in the cases specifically enumerated to which we have referred. If the investigation which the committee was directed to make was judicial in its character, and could only be properly and successfully made by a court of justice. and if it related to a matter wherein relief or redress could be had only by a judicial proceeding, we do not, after what has been said, deem it necessary to discuss the proposition that the power attempted to be exercised was one confided by the Constitution to the judicial and not to the legislative department of the government. We think it equally clear that the power asserted is judicial and not legislative.

The preamble to the resolution recites that the government of the United States is a creditor of Jay Cooke & Co., then in bankruptcy in the District Court of the United States for the Eastern District of Pennsylvania.

If the United States is a creditor of any citizen, or of any one else on whom process can be served, the usual, the only legal mode of enforcing payment of the debt is by a resort to a court of justice. For this purpose, among others, Congress has created courts of the United States, and officers have been appointed to prosecute the pleas of the government in these courts.

The District Court for the Eastern District of Pennsylvania is one of them, and, according to the recital of the preamble, had taken jurisdiction of the subject-matter of Jay Cooke & Co.'s indebtedness to the United States, and had the whole subject before it for action at the time the proceeding in Congress was initiated. That this indebtedness resulted, as the preamble states, from the improvidence of a secretary of the navy does not change the nature of the suit in the court nor vary the remedies by which the debt is to be recovered. If, indeed, any purpose had been avowed to impeach the secretary, the whole aspect of the case would have been changed. But no such purpose is disclosed. None can be inferred from the preamble, and the characterization of the conduct of the secretary by the term "improvident," and the absence of any words implying suspicion of criminality repel the idea of such purpose, for the secretary could only be impeached for "high crimes and misdemeanors."

The preamble then refers to "the real-estate pool," in which it is said Jay Cooke & Co. had a large interest, as something well known and understood, and which had been the subject of a partial investigation by the previous Congress, and alleges that the trustee in bankruptcy of Jay Cooke & Co. had made a settlement of the interest of Jay Cooke & Co. with the associates of the firm of Jay Cooke & Co., to the disadvantaged and loss of their numerous creditors, including the government of the United States, by reason of which the courts are powerless to afford adequate redress to said creditors.

Several very pertinent inquiries suggest themselves as arising out of this short preamble.

How could the House of Representatives know, until it had been fairly tried, that the courts were powerless to redress the creditors of Jay Cooke & Co.? The matter was still pending in a court, and what right had the Congress of the United States to interfere with a suit pending in a court of competent jurisdiction? Again, what inadequacy of power existed in the court, or, as the preamble assumes, in all courts, to give redress which could lawfully be supplied by an investigation by a committee of one House of Congress, or by any act or resolution of Congress on the subject? The case being one of a judicial nature, for which the power of the courts usually afford the only remedy, it may well be supposed that those powers were more appropriate and more efficient in aid of such relief than the powers which belong to a body whose function is exclusively legislative. If the settlement to which the preamble refers as the principal reason why the courts are rendered powerless was obtained by fraud, or was without authority, or for any conceivable reason could be set aside or avoided, it should be done by some appropriate proceeding in the court which had the whole matter before it, and which had all the power in that case proper to be intrusted to any body, and not by Congress or by any power to be conferred on a committee of one of, the two Houses.

The resolution adopted as a sequence of this preamble contains no hint of any intention of final action by Congress on the subject. In all the argument of the case no suggestion has been made of what the House of Representatives or the Congress could have done in the way of remedying the wrong or securing the creditors of Jay Cooke & Co., or even the United States. Was it to be simply a fruitless investigation into the personal affairs of individuals? If so, the House of Representatives had no power or authority in the matter more than any other equal number of gentlemen interested for the government of their country. By "fruitless" we mean that it could result in no valid legislation on the subject to which the inquiry referred.

What was this committee charged to do? To inquire into the nature and history of the real-estate pool. How indefinite! What was the real-estate pool? Is it charged with any crime or offense? If so, the courts alone can punish the members of it. Is it charged with a fraud against the government? Here, again, the courts, and they alone, can afford a remedy. Was it a corporation whose powers Congress could repeal? There is no suggestion of the kind. The word "pool," in the sense here used, is of modern date, and may not be well understood, but in this case it can mean no more than that certain individuals are engaged in dealing in real estate as a commodity of traffic; and the *gravamen* of the whole proceeding is that a debtor of the United States may be found to have an interest in the pool. Can the rights of the pool, or of its members, and the rights of the debtor, and of the creditor of the debtor, be determined by the report of a committee or by an act of Congress? If they cannot, what authority has the House to enter upon this investigation into the private affairs of individuals who hold no office under the government.

The Court of Exchequer of England was originally organized solely to entertain suits of the king against the debtors of the crown. But after a while, when the other courts of Westminster Hall became overcrowded with business, and it became desirable to open the Court of Exchequer to the general administration of justice, a party was allowed to bring any commonlaw action in that court, on an allegation that the plaintiff was debtor to the king, and the recovery in the action would enable him to respond to the king's debt. After a while the court refused to allow this allegation to be controverted, and so, by this fiction, the court came from a very limited to be one of general jurisdiction. Such an enlargement of jurisdiction would not now be tolerated in England, and it is hoped not in this country of written constitutions and laws; but it looks very like it when, upon the allegation that the United States is a creditor of a man who has an interest in some other man's business, the affairs of the latter can be subjected to the unlimited scrutiny or investigation of a congressional committee.

We are of opinion, for these reasons, that the resolution of the House of Representatives authorizing the investigation was in excess of the power conferred on that body by the Constitution; that the committee, therefore, had no lawful authority to require Kilbourn to testify as a witness beyond what he voluntarily chose to tell; that the orders and resolutions of the House, and the warrant of the speaker, under which Kilbourn was imprisoned, are, in like manner, void for want of jurisdiction in that body, and that his imprisonment was without any lawful authority.

At this point of the inquiry we are met by *Anderson* v. *Dunn* (6 Wheat. 204), which in many respects is analogous to the case now under consideration. Anderson sued Dunn for false imprisonment, and Dunn justified under a warrant of the House of Representatives directed to him as sergeant-at-arms of that body. The warrant recited that Anderson had been found by the House "guilty of a breach of the privileges of the House, and of a high contempt of the dignity and authority of the same." The warrant directed the sergeant-at-arms to bring him before the House, when by its order, he was reprimanded by the speaker. Neither the warrant nor the plea described or gave any clew to the nature of the act which was held by the House to be a contempt. Nor can it be clearly ascertained from the report of the case what it was, though a slight inference may be derived from something in one of the arguments of counsel, that it was an attempt to bribe a member.

But, however that may be, the defence of the sergeant-at-arms rested on the broad ground that the House, having found the plaintiff guilty of a contempt, and the speaker, under the order of the House, having issued a warrant for his arrest, that alone was sufficient authority for the defendant to take him into custody, and this court held the plea good.

It may be said that since the order of the House, and the warrant of the speaker, and the plea of the sergeant-at-arms, do not disclose the ground on which the plaintiff was held guilty of a contempt, but state the finding of the House in general terms as a judgment of guilty, and as the court placed its decision on the ground that such a judgment was conclusive in the action against the officer who executed the warrant, it is no precedent for a case where the plea establishes, as we have shown it does in this case by its recital of the facts, that the House has exceeded its authority.

This is, in fact, a substantial difference But the court in its reasoning goes beyond this, and though the grounds of the decision are not very clearly stated, we take them to be; that there is in some cases a power in each House of Congress to punish for contempt; that this power is analogous to that exercised by courts of justice, and that, it being the well-established doctrine that when it appears that a prisoner is held under the order of a court of general jurisdiction for a contempt of its authority, no other court will discharge the prisoner or make further inquiry into the cause of his commitment. That this is the general rule, though somewhat modified since that case was decided, as regards the relations of one court to another, must be conceded.

But we do not concede that the Houses of Congress possess this general power of punishing for contempt. The cases in which they can do this are very limited, as we have already attempted to show. If they are proceeding in a matter beyond their legitimate cognizance, we are of opinion that this can be shown, and we cannot give our assent to the principle that, by the mere act of asserting a person to be guilty of a contempt, they thereby establish their right to fine and imprison him, beyond the power of any court or any other tribunal whatever to inquire into the grounds on which the order was made. This necessarily grows out of the nature of an authority which can only exist in a limited class of cases, or under special circumstances; otherwise the limitation is unavailing and the power omnipotent. The tendency of modern decisions everywhere is to the doctrine that the jurisdiction of a court or other tribunal to render a judgment affecting individual rights, is always open to inquiry, when the judgment is relied on in any other proceeding. See *Williamson* v. *Berry*, 8 How. 495; *Thompson* v. *Whitman*, 18 Wall. 457; *Knowles* v. *The Gas-Light & Coke Co.*, 19 id. 58; *Pennoyer* v. *Neff*, 95 U. S. 714.

The case of *Anderson* v. *Dunn* was decided before the case of *Stockdale* v. *Hansard*, and the more recent cases in the Privy Council to which we have referred. It was decided as a case of the first impression in this court, and undoubtedly under pressure of the strong rulings of the English courts in favor of the privileges of the two Houses of Parliament. Such is not the doctrine, however, of the English courts to-day. In the case of *Stockdale* v. *Hansard* (9 Ad. & E. 1), Mr. Justice Coleridge says: "The House is not a court of law at all in the sense in which that term can alone be properly applied here. Neither originally nor by appeal can it decide a matter in litigation between two parties; it has no means of doing so; it claims no such power; powers of inquiry and of accusation it has, but it decides nothing judicially, except where it is itself a party, in the case of contempts. . . . Considered merely as resolutions or acts, I have yet to learn that this court is to be restrained by the dignity or the power of any body, however exalted, from fearlessly, though respectfully, examining their reasonableness and justice, where the rights of third persons, in litigation before us, depend upon their validity." Again, he says: "Let me suppose, by way of illustration, an extreme case; the House of Commons resolves that any one wearing a dress of a particular manufacture is guilty of a breach of privilege, and orders the arrest of such persons by the constable of the parish. An arrest is made and action brought, to which the order of the House is pleaded as a justification. . . . In such a case as the one supposed, the plaintiff's counsel would insist on the distinction between power and privilege; and no lawyer can seriously doubt that it exists: but the argument confounds them, and forbids us to enquire, in any particular case, whether it ranges under the one or the other. I can find no principle which sanctions this."

The case of *Kielley* v. *Carson and Others* (4 Moo. P. C. 63), from which we have before quoted so largely, held that the order of the assembly, finding the plaintiff guilty of a contempt, was no defence to the action for imprisonment. And it is to be observed that the case of *Anderson* v. *Dunn* was cited there in argument.

But we have found no better expression of the true principle on this subject than in the following language of Mr. Justice Hoar, in the Supreme Court of Massachusetts, in the case of *Burnham* v. *Morrissey*, 14 Gray, 226. That was a case in which the plaintiff was imprisoned under an order of the House of Representatives of the Massachusetts legislature for refusing to answer certain questions as a witness and to produce certain books and papers. The opinion, or statement rather, was concurred in by all the court, including the venerable Mr. Chief Justice Shaw.

"The house of representatives is not the final judge of its own powers and privileges in cases in which the rights and liberties of the subject are concerned, but the legality of its action may be examined and determined by this court. That house is not the legislature, but only a part of it, and is therefore subject in its actions to the laws, in common with all other bodies, officers, and tribunals within the Commonwealth. Especially is it competent and proper for this court to consider whether its proceedings are in conformity with the Constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine in cases regularly brought before them, whether the powers of any branch of the government, even those of the legislature in the enactment of laws, have been exercised in conformity to the Constitution; and if they have not, to treat their acts as null and void. The house of representatives has the power under the Constitution to imprison for contempt; but the power is limited to cases expressly provided for by the Constitution, or to cases where the power is necessarily implied from those constitutional functions and duties, to the proper performance of which it is essential."

In this statement of the law, and in the principles there laid down, we fully concur.

We must, therefore, hold notwithstanding what is said in the case of *Anderson* v. *Dunn*, that the resolution of the House of Representatives finding Kilbourn guilty of contempt, and the warrant of its speaker for his commitment to prison, are not conclusive in this case, and in fact are no justification, because, as the whole plea shows, the House was without authority in the matter.

It remains to consider the matter special to the other defendants set out in their plea, which claims the protection due to their character as members of the House of Representatives. In support of this defence they allege that they did not in any manner assist in the arrest of Kilbourn or his imprisonment, nor did they order or direct the same, except by their votes and by their participation as members in the introduction of, and assent to, the official acts and proceedings of the House, which they did and performed as members of the House, in the due discharge of their duties, and not otherwise.

As these defendants did not make the actual assault on the plaintiff, nor personally assist in arresting or confining him, they can only be held liable on the charge made against them as persons who had ordered or directed in the matter, so as to become responsible for the acts which they directed

The general doctrine that the person who procures the arrest of another by judicial process, by instituting and conducting the proceedings, is liable to an action for false imprisonment, where he acts without probable cause, is not to be controverted. Nor can it be denied that he who assumes the authority to order the imprisonment of another is responsible for the acts of the person to whom such order is given, when the arrest is without justification. The plea of these defendants shows that it was they who initiated the proceedings under which the plaintiff was arrested. It was they who reported to the House his refusal to answer the questions which they had put to him, and to produce the books and papers which they had demanded of him. They expressed the opinion in that report that plaintiff was guilty of a contempt of the authority of the House in so acting. It is a fair inference from this plea that they were the active parties in setting on foot the proceeding by which he was adjudged guilty of a contempt, and in procuring the passage of that resolution.

If they had done this in any ordinary tribunal, without probable cause, they would have been liable for the action which they had thus promoted.

The House of Representatives is not an ordinary tribunal. The defendants set up the protection of the Constitution, under which they do business as part of the Congress of the United States. That Constitution declares that the senators and representatives "shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place."

Is what the defendants did in the matter in hand covered by this provision? Is a resolution offered by a member, a speech or debate, within the meaning of the clause? Does its protection extend to the report which they made to the House of Kilbourn's delinquency? To the expression of opinion that he was in contempt of the authority of the House? To their vote in favor of the resolution under which he was imprisoned? If these questions be answered in the affirmative, they cannot be brought in question for their action in a court of justice or in any other place. And yet if a report, or a resolution, or a vote is not a speech or debate, of what value is the constitutional protection?

We may, perhaps, find some aid in ascertaining the meaning of this provision, if we can find out its source, and fortunately in this there is no difficulty. For while the framers of the Constitution did not adopt the *lex et consuetudo* of the English Parliament as a whole, they did incorporate such parts of it, and with it such privileges of Parliament, as they thought proper to be applied to the Houses of Congress. Some of these we have already referred to, as the right to make rules of procedure, to determine the election and qualification of its members, to preserve order, &c. In the sentence we have just cited another part of the privileges of Parliament are made privileges of Congress. The freedom from arrest and freedom of speech in the two Houses of Parliament were long subjects of contest between the Tudor and Stuart kings and the House of Commons. When, however, the revolution of 1688 expelled the last of the Stuarts and introduced a new dynasty, many of these questions were settled by a bill of rights, formally declared by the Parliament and assented to by the crown. 1 W. & M., st 2, c. 2. One of these declarations is "that the freedom of speech, and debates, and proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament."

In *Stockdale* v. *Hansard*, Lord Denman, speaking on this subject, says: "The privilege of having their debates unquestioned, though denied when the members began to speak their minds freely in the time of Queen Elizabeth, and punished in its exercise both by that princess and her two successors, was soon clearly perceived to be indispensable and universally acknowledged. By consequence, whatever is done within the walls of either assembly must pass without question in any other place. For speeches made in Parliament by a member to the prejudice of any other person, or hazardous to the public peace, that member enjoys complete impunity. For every paper signed by the speaker by order of the House, though to the last degree calumnious, or even if it brought personal suffering upon individuals, the speaker cannot be arraigned in a court of justice. But if the calumnious or inflammatory speeches should be reported and published, the law will attach responsibility on the publisher. So if the speaker by authority of the House order an illegal act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles's warrant for levying ship-money could justify his revenue officer."

Taking this to be a sound statement of the legal effect of the Bill of Rights and of the parliamentary law of England, it may be reasonably inferred that the framers of the Constitution meant the same thing by the use of language borrowed from that source.

Many of the colonies, which afterwards became States in our Union, had similar provisions in their charters or in bills of rights, which were part of their fundamental laws; and the general idea in all of them, however expressed, must have been the same and must have been in the minds of the members of the constitutional convention. In the Constitution of the State of Massachusetts of 1780, adopted during the war of the Revolution, the twenty-first article of the Bill of Rights embodies the principle in the following language: "The freedom of deliberation, speech, and debate in either House of the legislature is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever."

This article received a construction as early as 1808, in the Supreme Court of that State, in the case of *Coffin* v. *Coffin* (4 Mass. 1), in which Mr. Chief Justice Parsons delivered the opinion. The case was an action for slander, the offensive language being used in a conversation in the House of Representatives of the Massachusetts legislature. The words were not delivered in the course of a regular address or speech, though on the floor of the House while in session, but were used in a conversation between three of the members, when neither of them was addressing the chair. It had relation, however, to a matter which had a few moments before been under discussion. In speaking of this article of the Bill of Rights, the protection of which had been involved in the plea, the Chief Justice said: "These privileges are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosections, civil or criminal. I, therefore, think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate, but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature and in the execution of the office. And I would define the article as securing to every member exemption from prosecution for everything said or done by him as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular, according to the rules of the House, or irregular and against their rules. I do not confine the member to his place in the House; and I am satisfied that there are cases in which he is entitled to this privilege when not within the walls of the representatives' chamber."

The report states that the other judges, namely, Sedgwick, Sewall, Thatcher, and Parker, concurred in the opinion.

This is, perhaps, the most authoritative case in this country on the construction of the provision in regard to freedom of debate in legislative bodies, and being so early after the formation of the Constitution of the United States, is of much weight. We have been unable to find any decision of a Federal court on this clause of section 6 of article 1, though the previous clause concerning exemption from arrest has been often construed.

Mr. Justice Story (sect. 866 of his Commentaries on the Constitution) says: "The next great and vital privilege is the freedom of speech and debate, without which all other privileges would be comparatively unimportant or ineffectual. This privilege also is derived from the practice of the British Parliament, and was in full exercise in our colonial legislation, and now belongs to the legislation of every State in the Union as matter of constitutional right."

It seems to us that the views expressed in the authorities we have cited are sound and are applicable to this case. It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it.

It is not necessary to decide here that there may not be things done, in the one House or the other, of an extraordinary character, for which the members who take part in the act may be held legally responsible. If we could suppose the members of these bodies so far to forget their high functions and the noble instrument under which they act as to imitate the Long Parliament in the execution of the Chief Magistrate of the nation, or to follow the example of the French Assembly in assuming the function of a court for capital punishment we are not prepared to say that such an utter perversion of their powers to a criminal purpose would be screened from punishment by the constitutional provision for freedom of debate. In this, as in other matters which have been pressed on our attention, we prefer to decide only what is necessary to the case in hand, and we think the plea set up by those of the defendants who were members of the House is a good defense, and the judgment of the court overruling the demurrer to it and giving judgment for those defendants will be affirmed. As to Thompson, the judgment will be reversed and the case remanded for further proceedings.

So ordered.

Barney v. Latham

1. The second clause of the second section of the act of March 3, 1875, c. 137 (18 Stat., part 3, p. 470), construed, and *held*, that, when in any suit mentioned therein there is a controversy wholly between citizens of different States, which can be fully determined as between them, then either one or more of the plaintiffs or the defendants actually interested in such controversy may, on complying with the requirements of the statute, remove the entire suit.

2. The right of removal depends upon the case disclosed by the pleadings when the petition therefor is filed, and is not affected by the fact that a defendant who is a citizen of the same State with one of the plaintiffs may be a proper, but not an indispensable, party to such a controversy.

Appeal from the Circuit Court of the United States for the District of Minnesota.

The facts are stated in the opinion of the court.

Mr. Thomas Wilson for the appellants.

Mr. Gordon E. Cole, constra.

Mr. Justice Harlan delivered the opinion of the court.

This case involves the construction of the second clause of the second section of the act of March 3, 1875, c. 137 (18 Stat., part 3, p. 470), determining the jurisdiction of the circuit courts of the United States, and regulating the removal of causes from the State courts.

Exhibit 3

(Certiorari to the U.S. Court of Appeals for the Fourth Circuit)

United States v. Johnson

No. 25. Argued November 10 and 15, 1965—Decided February 24, 1966.

Respondent, a former Congressman, was convicted on several counts of violating the conflict of interest statute (18 U.S.C. § 281) and on one count of conspiring to defraud the United States (18 U.S.C. § 371). The conspiracy charge involved an alleged agreement whereby respondent and another Congressman would attempt to influence the Justice Department to dismiss pending savings and loan company mail fraud indictments. As part of the conspiracy respondent allegedly delivered for pay a speech in Congress favorable to loan companies. The Government contended and adduced proof to show that the speech was delivered to serve private interests; that respondent was not acting in good faith; and that he did not prepare or deliver the speech as a Congressman would ordinarily do. The Court of Appeals set aside the conviction on the conspiracy count as being barred by Art I, § 6, of the Constitution, providing that "for any Speech or Debate in either House" Senators and Representatives "shall not be questioned in any other Place," and ordered retrial on the substantive counts. *Held.*

1. The Speech or Debate Clause precludes judicial inquiry into the motivation for a Congressman's speech and prevents such a speech from being made the basis of a criminal charge against a Congressman for conspiracy to defraud the Government by impeding the due discharge of its functions. Pp. 173–185.

(a) The Speech or Debate Clause, which emerged from the long struggle for parliamentary supremacy, embodies a privilege designed to protect members of the legislature against prosecution by a possibly unfriendly executive and conviction by a possibly hostile judiciary. Pp. 177–180.

(b) The privilege, which will be broadly construed to effectuate its purposes, *Kilbourn* v. *Thompson*, 103 U.S. 168; *Tenney* v. *Brandhove*, 341 U.S. 367, was created not primarily to avoid private suits as in those cases, but to prevent legislative intimidation by and accountability to the other branches of government. Pp. 180–182.

(c) The Speech or Debate Clause forecloses inquiry not only into the "content" of a congressional speech but into circumstances involving the motives for making it. Pp. 182–183.

(d) Prosecution under a general criminal statute involving inquiry into the motives for and circumstances surrounding a congressional speech is barred even though the gravamen of the offense is the alleged conspiracy rather than the speech itself. Pp. 184–185.

2. The Government is not precluded from retrying the conspiracy count as purged of all the elements offensive to the Speech or Debate Clause. P. 185.

3. This Court does not review the Court of Appeals' determination that the substantive counts be retried because of the prejudicial effect thereon resulting from the unconstitutional aspects of the conspiracy count since the Government does not dispute that determination in this proceeding. Pp. 185–186.

337 F. 2d 180, affirmed and remanded.

Beatrice Rosenberg argued the cause for the United States. With her on the briefs were *Solicitor General Marshall, Assistant Attorney General Vinson, Ralph S. Spritzer* and *Jerome M. Feit*.

George Cochran Doub and *David W. Louisell* argued the cause and filed a brief for respondent.

Eugene Gressman and *Edward L. Genn* filed a brief for J. Kenneth Edlin, as *amicus curiae*, urging affirmance.

MR. JUSTICE HARLAN delivered the opinion of the Court.

Respondent Johnson, a former United States Congressman, was indicted and convicted on seven counts of violating the federal conflict of interest statute, 18 U.S.C. § 281 (1964 ed.),[1] and on one count of conspiring to defraud the United States, 18 U.S.C. § 371 (1964 ed.).[2] The Court of Appeals for the Fourth Circuit set aside the conviction on the conspiracy count, 337 F. 2d 180, holding that the Government's allegation that Johnson had conspired to make a speech for compensation on the floor of the House of Representatives was barred by Art. I, § 6, of the Federal Constitution which provides that "for any Speech or Debate in either House, they [Senators and Representatives] shall not be questioned in any other Place." The Court of Appeals ordered a new trial on the other counts, having found that the evidence adduced under the unconstitutional aspects of the conspiracy count had infected the entire prosecution.

The conspiracy of which Johnson and his three codefendants were found guilty consisted, in broad outline, of an agreement among Johnson, Congressman Frank Boykin of Alabama, and J. Kenneth Edlin and William L. Robinson who were connected with a Maryland savings and loan institution, whereby the two Congressmen would exert influence on the Department of Justice to obtain the dismissal of pending indictments of the loan company and its officers on mail fraud charges. It was further claimed that as a part of this general scheme Johnson read a speech favorable to independent savings and loan associations in the House, and that the company distributed copies to allay apprehensions of potential depositors. The two Congressmen approached the Attorney General and the Assistant Attorney General in charge of the Criminal Division and urged them "to review" the indictment. For these services Johnson received substantial sums in the form of a "campaign contribution" and "legal fees." The Government contended, and presumably the jury found, that these payments were never disclosed to the Department of Justice, and that the payments were not bona fide campaign contributions or legal fees, but were made simply to "buy" the Congressmen.

The bulk of the evidence submitted as to Johnson dealt with his financial transactions with the other conspirators, and with his activities in the Department of Justice. As to these aspects of the substantive counts and the conspiracy count, no substantial question is before us. 18 U. S. C. § 371 has long been held to encompass not only conspiracies that might involve loss of government funds, but also "any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of Government." *Haas* v. *Henkel*, 216 U.S. 462, 479. No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is no wise related to the due functioning of the legislative process. It is the application of this broad conspiracy statute to an improperly motivated speech that raises the constitutional problem with which we deal.[3]

I

The language of the Speech or Debate Clause clearly proscribes at least some of the evidence taken during trial. Extensive questioning went on concerning how much of the speech was written by Johnson himself, how much by his administrative assistant, and how much by outsiders representing the loan company.[4] The government attorney asked Johnson specifically about certain sentences in the speech, the reasons for their inclusion and his personal knowledge of the factual material supporting those statements.[5] In closing argument the theory of the prosecution was very clearly dependent upon the wording of the speech.[6] In addition to questioning the manner of preparation and the precise ingredients of the speech, the Government inquired into the motives for giving it.[7]

The constitutional infirmity infecting this prosecution is not merely a matter of the introduction of inadmissible evidence. The attention given to the speech's substance and motivation was not an incidental part of the Government's case, which might have been avoided by omitting certain lines of questioning or excluding certain evidence. The conspiracy theory depended upon a showing that the speech was made solely or primarily to serve private interests, and that Johnson in making it was not acting in good faith, that is, that he did not prepare or deliver the speech in the way an ordinary Congressman prepares or delivers an ordinary speech. Johnson's defense quite naturally was that his remarks were no different from the usual congressional speech, and to rebut the prosecution's case he introduced speeches of several other Congressmen speaking to the same general subject, argued that his talk was occasioned by an unfair attack upon savings and loan associations in a Washington, D.C., newspaper, and asserted that the subject matter of the speech dealt with a topic of concern to his State and to his constituents. We see no escape from the conclusion that such an intensive judicial inquiry, made in the course of a prosecution by the Executive Branch under a general conspiracy statute, violates the express language of the Constitution and the policies which underlie it.

II

The Speech or Debate Clause of the Constitution was approved at the Constitutional Convention without discussion and without opposition. See V Elliot's Debates 406 (1836 ed.); II Records of the Federal Convention 246 (Farrand ed. 1911). The present version of the clause was formulated by the Convention's Committee on Style, but the original vote of approval was of a slightly different formulation which repeated almost verbatim the language of Article V of the Articles of Confederation: "Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress. . . ." The language of that Article, of which the present clause is only a slight modification, is in turn almost identical to the English Bill of Rights of 1689: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 W. & M., Sess. 2, c. 2.

This formulation of 1689 was the culmination of a long struggle for parliamentary supremacy. Behind these simple phrases lies a history of conflict between the Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators.[8] Since the Glorious Revolution in Britain, and throughout United States history, the privilege has been recognized as an important protection of the independence and integrity of the legislature. See, *e.g.*, Story, Commentaries on the Constitution § 866; II The Works of James Wilson 37–38 (Andrews ed. 1896). In the American governmental structure the clause serves the additional function of reinforcing the separation of powers so deliberately established by the Founders. As Madison noted in Federalist No. 48:

> "It is agreed on all sides, that the powers properly belonging to one of the departments, ought not to be directly and completely administered by either of the other departments. It is equally evident, that neither of them ought to possess directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating therefore in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary; the next and most difficult task, is to provide some practical security for each against the invasion of the others. What this security ought to be, is the great problem to be solved." (Cooke, ed.)

The legislative privilege, protecting against possible prosecution by an unfriendly executive and conviction by a hostile judiciary, is one manifestation of the "practical security" for ensuring the independence of the legislature.

In part because the tradition of legislative privilege is so well established in our polity, there is very little judicial illumination of this clause. Clearly no precedent controls the decision in the case before us. This Court first dealt with the clause in *Kilbourn* v. *Thompson*, 103 U.S. 168, a suit for false imprisonment alleging that the Speaker and several members of the House of Representatives ordered the petitioner to be arrested for contempt of Congress. The Court held first that Congress did not have power to order the arrest, and second that were it not for the privilege, the defendants would be liable. The difficult queston was whether the participation of the defendants in passing the resolution ordering the arrest was "speech or debate." The Court held that the privilege should be read broadly, to include not only "words spoken in debate," but anything "generally done in a session of the House by one of its members in relation to the business before it." 103 U.S. at 204.

In *Tenney* v. *Brandhove*, 341 U.S. at 367, at issue was whether legislative privilege protected a member of the California Legislature against a suit brought under the Civil Rights statute, 8 U.S.C. §§ 43, 47(3) (1946 ed.), alleging that the legislator had used his official forum "to intimidate and silence plaintiff and deter and prevent him from effectively exercising his constitutional rights of free speech and to petition the Legislature for redress of grievances. . . ." 341 U.S. at 371. The Court held a dismissal of the suit proper; it viewed the state legislative privilege as be-

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Footnotes at end of article.

ing on a parity with the similar federal privilege, and concluded that

"The claim of an unworthy purpose does not destroy the privilege. . . . The holding of this Court in *Fletcher* v. *Peck*, 6 Cranch 87, 130, that it was not consonant with our scheme of government for a court to inquire into the motives of leigslators, has remained unquestioned." 351 U.S., at 377.

III

Kilbourn and *Tenney* indicate that the legislative privilege will be read broadly to effectuate its purposes; neither case deals, however, with a criminal prosecution based upon an allegation that a member of Congress abused his position by conspiring to give a particular speech in return for remuneration from private interests. However reprehensible such conduct may be, we believe the Speech or Debate Clause extends at least so far as to prevent it from being made the basis of a criminal charge against a member of Congress of conspiracy to defraud the United States by impeding the due discharge of government functions. The essense of such a charge in this context is that the Congressman's conduct was improperly motivated, and as will appear that is precisely what the Speech or Debate Clause generally forecloses from executive and judicial inquiry.

Even though no English or American case casts bright light on the one before us[9] it is apparent from the history of the clause that the privilege was not born primarily of a desire to avoid private suits such as those in *Kilbourn* and *Tenney*, but rather to prevent intimidation by the executive and accountability before a possibly hostile judiciary. In the notorious proceedings of King Charles I against Eliot, Hollis, and Valentine, 3 How. St. Tr. 294 (1629), the Crown was able to imprison members of Commons on charges of seditious libel and conspiracy to detain the Speaker in the chair to prevent adjournment.[10] Even after the Restoration, as Holdsworth noted, "[t]he law of seditious libel was interpreted with the utmost harshness against those whose political or religious tenets were distasteful to the government." VI Holdsworth, A History of English Law 214 (1927). It was not only fear of the executive that caused concern in Parliament but of the judiciary as well, for the judges were often lackeys of the Stuart monarchs,[11] levying punishment more "to the wishes of the crown than to the * * *

FOOTNOTES

[1] "Whoever, being a Member of or Delegate to Congress, . . . directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States."

[2] "If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both."

[3] Only the question of the applicability of the Speech or Debate Clause to the prosecution of Johnson is before us. The Court of Appeals affirmed the convictions of co-defendants Edlin and Robinson whose appeals were consolidated with that of Johnson and, except for a brief as *amicus curiae* submitted by Edlin, questions raised in those cases have not been presented to us. The defendant Boykin took no appeal from his conviction.

[4] See direct examination by the prosecution of Martin Heflin, App. 182–191, esp. 189–190:

"Q. What, if anything, did Congressman Johnson do with the material which Mr. Robinson brought in and gave to him? A. As, I recall, Mr. Johnson said that his administrative assistant . . . would go over the material, too and if I am not mistaken, Mr. Johnson called him in and Buarque took the material and I left the office with Mr. Buarque to discuss it some more.

"Q. After that meeting did you at any time thereafter have any contact either with Congressman Johnson or his office with regard to the speech? A. I telephoned a time or two there and I think I was called by Mr. Buarque and asked him about certain figures that the Institute—background material that might be supplied, and I did supply additional material and I believe Mr. Buarque sent me a draft, himself, with certain places, blank places for figures to be filled in. We had a discussion about some of the technical phases [*sic*] and information, statistical information and so forth.

"Q. You supplied some of the facts and figures for the draft that Mr. Buarque sent you? A. Yes.

"Q. What did you do with that draft once you had looked it over? A. Returned it."

See also cross-examination of Manual Buarque, App. 488–494; cross-examination of co-defendant Robinson, App. 772–775; cross-examination of defendant Johnson, Transcript 79–93.

[5] See cross-examination of Johnson, Transcript 84–86:

"Q. And did you not tell Mr. Heflin when he came to see you in your office after that luncheon that he should work with Mr. Buarque on the preparation of the speech which was ultimately given on June 30? A. My statement is the same as it has always been that Mr. Heflin came to my office, representing himself as a public relations man, for a certain institute of Independent Savings and Loan Associations. He had the article of one of the local newspapers. A very unfair attack which he claimed had been made on savings and loans. He talked with me a very short time. I told him that Mr. Buarque, my administrative assistant, did all of my writing, all of the conversations and if there were any answers to be made—he went out with me to the next room, met Mr. Buarque and I left the two together.

"Q. You told him, did you not, that he should work with Mr. Buarque on the matter since Mr. Buarque prepared your speeches? A. I told him at the time to discuss it with Mr. Buarque and any arrangements Mr. Buarque wanted to make, why, he of course, would be cooperative with him.

"Q. Now, you say that at that time—I assume you meant at the time of the speech—that one savings association meant nothing more to you than another. Is that what you referred to? A. Not only then but following the speech, too.

"Q. I believe you testified on direct examination that you did not know the name of First Continental Savings and Loan or First Colony Savings and Loan at the time this speech was delivered on June 30, is that your testimony? A. I think my testimony is that one name did not mean more than another.

"Q. Now, your speech was finally delivered or submitted to the clerk and it was printed in the Congressional Record, and it stresses the value of commercial mortgage guaranty insurance, does it not? A. I think it has a reference to it, yes.

"O. Isn't it a fact that at the time of the speech, First Continental and First Colony were the only independent savings and loan associations in the State of Maryland which carried commercial mortgage guaranty insurance? A. I have no knowledge of that and did not know at the time.

"Q. You have no knowledge of that? A. None, whatever.

"Q. As a matter of fact, the language in your speech, Congressman, was a part of the language which Mr. Edlin emphasized in his reprint, was it not? A. May I say that I did not see any of the so-called 'reprints.' "

And see Transcript 91:

"Q. Congressman, do you mean to tell the jury that Mr. Buarque put that language in the speech about three indicted institutions and none convicted, and you did not inquiries as to which particular institutions they were? A. He did not tell me which they were, the names.

"Q. Well, let me ask you this: How could you, if you did not know which institutions were under indictment, how could you make this statement in your speech:

" 'I personally do not know any of these institutions nor any of the circumstances leading to their respective indictments. I hold no brief for any of them, one way or another.'

"That is the language of your speech, it it not? A. Yes, I said that is the prepared speech which had been testified that Mr. Buarque with some help from Heflin, prepared."

[6] See Oral Argument on behalf of the Government, Transcript 232–248, esp. 244–245:

"I submit to you members of the jury, there is no other logical explanation you can make but that that speech was made solely for the purposes of Mr. Kenneth Edlin. It was a day's work for a day's pay for the man to whom he was selling his Congressional Office and his Congressional influence.

"Congressman Johnson has claimed on the stand in this case that he did not then know that the First Colony Savings and Loan Association was then under indictment.

"Now, you will recall the language in the speech, itself, that out of 400 independent savings and loan associations in Maryland, exactly three of them have been indicted and none convicted.

"[']Personally, I do not know any of these indicted institutions nor any of the circumstances leading to their respective indictments. I hold no brief for any of them one way or the other.[']

"Congressman Johnson claimed under oath, Members of the Jury, that he did not even bother to check the facts to ascertain whether he could truthfully make such a statement in his speech.

"If so, I submit to you, it was utterly and completely irresponsible and reprehensible, but the Government submits that that is not so and that that was not a fact. The Government submits that Congressman Johnson did know at that time that both First Colony and Mr. Edlin were then under indictment in this very Court and that he, nevertheless made those statements in the speech which he delivered on June 30, 1960.

"Those statements, Members of the Jury, the Government submits were completely untrue and deceitful."

[7] See, *e.g.*, cross-examination of Johnson, Transcript 79–81:

"Q. Now, Congressman, you told Mr. Estabrock on December 20, 1961, in London, did you not, that this speech had been made at the urging of several of your own people or of your own constituents? Is that not a fact? A. Which conference are you speaking of with Mr. Estabrook?

"Q. As a matter of fact, then, except for Mr. Buarque, whom you term a constituent, no constituent of yours ever spoke to you about making that speech on the floor of the House of Congress, is that not correct? A. It could be. I do not recall.

"Q. You would be—you would not deny it? A. No.

"Q. Is it not a fact that prior to that speech Congressman, you had never discussed savings and loan programs or problems with any of your constituents on the Eastern Shore of Maryland? A. Oh, I think possibly I had. I do not know to what degree but I want to say too, that the speech you refer to there was a motivation that Mr. Buarque testified that I was interested in a statewide election for the Senate in 1964."

[8] See generally C. Wittke, The History of English Parliamentary Privilege (Ohio State Univ. 1921); Neale, The Commons' Prilivege of Free Speech in Parliament, in Tudor Studies (Seton-Watson ed. 1924).

[9] Compare *The King* v. *Boston,* 33 Commw. L. R. 386 (Austl. 1923); *The Queen* v. *White,* 13 Sup. Ct. R. 322 (N. S. W. 1875); *Regina* v. *Bunting,* 7 Ont. 524 (1885), for commonwealth cases dealing with the general question of liability of legislators for bribery in distinguishable contexts. See 78 Harv. L. Rev. 1473, 1474.

[10] The court in that case attempted to distinguish between true privilege and unlawful conspiracies:

"And we hereby will not draw the true Liberties of Parliament-men into question; to wit, for such matters which they do or speak in a parliamentary manner. But in this case there was a conspiracy between the Defendants to slander the state, and to raise sedition and discord between the king, his peers, and people; and this was not a parliamentary course.

"That every one of the Defendants shall be imprisoned during the king's pleasure: Sir John Elliot to be imprisoned in the Tower of London, and the other Defendants in other prisons." 3 How. St. Tr., at 310.

See the account in Taswell-Langmead's English Constitutional History (Plucknett ed. 1960), at 376–378. After the Restoration, some 38 years after the trial, Parliament resolved that the judgment "was an illegal judgment, and against the freedom and privilege of Parliament." The House of Lords reversed the convictions in 1668. See Taswell-Langmead, *supra,* at 378, note 55.

[11] See Holdsworth, *supra,* at 503–511.

EXHIBIT 4

(Certiorari to the U.S. Court of Appeals for the District of Columbia Circuit)

POWELL ET AL. *v.* McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES, ET AL.

No. 138. Argued April 21, 1969—Decided June 16, 1969

(Excerpts)

Petitioner Powell, who had been duly elected to serve in the House of Representatives for the 90th Congress, was denied his seat by the adoption of House Resolution No. 278 which the Speaker had ruled was on the issue of excluding Powell and could be decided by majority vote. The House's action followed charges that Powell had misappropriated public funds and abused the process of the New York courts. Powell and certain voters of his congressional district thereafter brought suit in the District Court for injunctive, mandatory, and declaratory relief against respondents, certain named House members, the Speaker, Clerk, Sergeant at Arms, and Doorkeeper of the House, alleging that the Resolution barring his seating violated Art. I. § 2, cl. 1; of the Constitution as contrary to the mandate that House members be elected by the people of each State and cl. 2 which sets forth the qualifications for membership of age, citizenship, and residence (all concededly met by Powell), which they claimed were exclusive. The complaint alleged that the House Clerk threatened to refuse to perform the service to which Powell as a duly elected Congressman was entitled; that the Sergeant at Arms refused to pay Powell's salary; and that the Doorkeeper threatened to deny Powell admission to the House chamber. The District Court granted respondents' motion to dismiss the complaint "for want of jurisdiction of the subject matter." The Court of Appeals affirmed on somewhat different grounds. While the case was pending in this Court, the 90th Congress ended and Powell was elected to and seated by the 91st Congress. Respondents contend that (1) the case is moot; (2) the Speech or Debate Clause (Art. I, § 6) forecloses judicial review; (3) the decision to exclude Powell is supported by the expulsion power in Art. I, § 5, under which the House which "shall be the Judge of the . . . Qualifications of its own Members," can by a two-thirds vote (exceeded here) expel a member for any reason at all; (4) the Court lacks subject matter jurisdiction over this litigation, or, alternatively, (5) the litigation is not justiciable under general criteria or because it involves a political question. *Held:*

1. The case has not been mooted by Powell's seating in the 91st Congress, since his claim for back salary remains a viable issue. Pp. 495–500.

(a) Powell's averments as to declaratory relief are sufficient *Alejandrino* v. *Quezon,* 271 U.S. 528, distinguished. Pp. 496–499.

(b) The mootness of Powell's claim to a seat in the 90th Congress does not affect the viability of his back salary claim with respect to the term for which he was excluded. *Bond* v. *Floyd,* 385 U.S. 116. Pp. 499–500.

2. Although the Speech or Debate Clause bars action against respondent Congressmen, it does not bar action against the other respondents, who are legislative employees charged with unconstitutional activity, *Kilbourn* v. *Thompson,* 103 U.S. 168; *Dombrowski* v. *Eastland,* 387 U.S. 82; and the fact that House employees are acting pursuant to express orders of the House does not preclude judicial review of the constitutionality of the underlying legislative decision. Pp. 501–506.

3. House Resolution No. 278 was an exclusion proceeding and cannot be treated as an expulsion proceeding (which House members have viewed as not applying to preelection misconduct). This Court will not speculate whether the House would have voted to expel Powell had it been faced with that question. Pp. 506–512.

4. The Court has subject matter jurisdiction over petitioners' action. Pp. 512–516.

(a) The case is one "arising under" the Constitution within the meaning of Art. III, since petitioners' claims "will be sustained if the Constitution . . . [is] given one construction and will be defeated if it [is] given another." *Bell* v. *Hood,* 327 U.S. 678. Pp. 513–514.

(b) The district courts are given a broad grant of jurisdiction by 28 U.S.C. § 1331(a), over "all civil actions wherein the matter in controversy . . . arises under the Constitution . . ." and while that grant is not entirely co-extensive with Art. III, there is no indication that § 1331(a) was intended to foreclose federal courts from entertaining suits involving the seating of Congressmen. Pp 514–516.

5. This litigation is justiciable because the claim presented and the relief sought can be judicially resolved. Pp. 516–518.

(a) Petitioners' claim does not lack justiciability on the ground that the House's duty cannot be judicially determined, since if petitioners are correct the House had a duty to seat Powell once it determined that he met the standing qualifications set forth in the Constitution. P. 517.

(b) The relief sought is susceptible to judicial resolution, since regardless of the appropriateness of a coercive remedy against House personnel (an issue not here decided) declaratory relief is independently available. Pp. 517–518.

6. The case does not involve a "political question," which under the separation-of-powers doctrine would not be justiciable. Pp. 518–549.

(a) The Court's examination of relevant historical materials shows at most that Congress' powers under Art. I, § 5, to judge the "Qualifications of its Members" is a "textually demonstrable constitutional commitment . . . to [that] co-ordinate political department of government" (*Baker* v. *Carr,* 369 U.S. 186, 217) to judge only standing qualifications which are expressly set forth in the Constitution; hence, the House has no power to exclude a member-elect who meets the Constitution's membership requirements. Pp. 518–548.

(b) The case does not present a political question in the sense, also urged by respondents, that it would entail a "potentially embarrassing confrontation between coordinate branches" of the Government, since our system of government requires federal courts on occasion to interpret the Constitution differently from other branches. Pp. 548–549.

7. In judging the qualifications of its members under Art. I, § 5, Congress is limited to the standing qualifications expressly prescribed by the Constitution. P. 550.

129 U.S. App. D.C. 354, 395 F. 2d 577, affirmed in part, reversed in part, and remanded to the District Court for entry of a declaratory judgment and for further proceedings.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

In November 1966, petitioner Adam Clayton Powell, Jr., was duly elected from the 18th Congressional District of New York to serve in the United States House of Representatives for the 90th Congress. However, pursuant to a House resolution, he was not permitted to take his seat. Powell (and some of the voters of his district) then filed suit in Federal District Court, claiming that the House could exclude him only if it found he failed to meet the standing requirements of age, citizenship, and residence contained in Art. I, § 2, of the Constitution—requirements the House specifically found Powell met—and thus had excluded him unconstitutionally. The District Court dismissed petitioners' complaint "for want of jurisdiction of the subject matter." A panel of the Court of Appeals affirmed the dismissal, although on somewhat different grounds, each judge filing a separate opinion. We have determined that it was error to dismiss the complaint and that petitioner Powell is entitled to a declaratory judgment that he was unlawfully excluded from the 90th Congress.

I. FACTS

During the 89th Congress, a Special Subcommittee on Contracts of the Committee on House Administration conducted an investigation into the expenditures of the Committee on Education and Labor, of which petitioner Adam Clayton Powell, Jr., was chairman. The Special Subcommittee issued a report concluding that Powell and certain staff employees had deceived the House authorities as to travel expenses. The report also indicated there was strong evidence that certain illegal salary payments had been made to Powell's wife at his direction. See H.R. Rep. 2349, 89th Cong., 2d Sess., 6–7 (1966). No formal action was taken during the 89th Congress. However, prior to the organization of the 90th Congress, the Democratic members-elect met in caucus and voted to remove Powell as chairman of the Committee on Education and Labor. See H.R. Rep. No. 27, 90th Cong., 1st Sess., 1–2 (1967).

When the 90th Congress met to organize in January 1967, Powell was asked to step aside while the oath was administered to the other members-elect. Following the administration of the oath to the remaining members, the House discussed the procedure to be followed in determining whether Powell was eligible to take his seat. After some debate, by a vote of 363 to 65 the House adopted House Resolution No. 1, which provided that the Speaker appoint a Select Committee to determine Powell's eligibility. Cong. Rec. vol. 113, pt. 1, pp. 26–27. Although the resolution prohibited Powell from taking his seat until the House acted on the Select Committee's report, it did provide that he should receive all the pay and allowances due a member during the period.

The Select Committee, composed of nine lawyer-members, issued an invitation to Powell to testify before the Committee. The invitation letter stated that the scope of the testimony and investigation would include Powell's qualifications as to age, citizenship, and residency; his involvement in a civil suit (in which he had been held in contempt); and "[m]atters of . . . alleged official misconduct since January 3, 1961." See Hearings on H. R. Res. No. 1 before Select Committee Pursuant to H. R. Res. No. 1 90th Cong., 1st Sess., 5 (1967) (hereinafter Hearings). Powell appeared at the Committee hearing held on February 8, 1967. After the Committee denied in part Powell's request that certain adversary-type procedures be followed,[1] Powell testified. He would, however, give information relating only to his age, citizenship, and residency; upon the advice of counsel, he refused to answer other questions.

On February 10, 1967, the Select Committee issued another invitation to Powell. In the letter, the Select Committee informed Powell that its responsibility under the House Resolution extended to determining not only whether he met the standing qualifications of Art. I, § 2, but also to "inquir[ing] into the question of whether you should be punished or expelled pursuant to the powers granted . . . the House under Article I, Section 5, . . . of the Constitution. In other words, the Select Committee is of the opinion that at the conclusion of the present inquiry, it has authority to report back to the House recommendations with respect to . . . seating, expulsion or other punishment." See Hearings 110. Powell did not appear at the next hearing, held February 14, 1967. However, his attorneys were present, and they informed the Committee that Powell would not testify about matters other than his eligibility under the standing qualifications of Art. I, § 2. Powell's attorneys reasserted Powell's contention that the standing qualifications were the exclusive requirements for membership, and they further urged that punishment or expulsion was not possible until a member had been seated. See Hearings 111–113.

The Committee held one further hearing at which neither Powell nor his attorneys were present. Then, on February 23, 1967, the Committee issued its report, finding that Powell met the standing qualifications of Art. I, § 2. H.R. Rep. No. 27, Cong. Rec. vol. 113, pt. 1, pp. 28–33. However, the Committee further reported that Powell had asserted an unwarranted privilege and immunity from the processes of the courts of New York; that he had wrongfully diverted House funds for the use of others and himself; and that he had made false reports on expenditures of foreign currency to the Committee on House Administration. *Id.*, at 31–32. The Committee recommended that Powell be sworn and seated as a member of the 90th Congress but that he be censured by the House, fined $40,000 and be deprived of his seniority. *Id.*, at 33.

The report was presented to the House on March 1, 1967, and the House debated the Select Committee's proposed resolution. At the conclusion of the debate, by a vote of 222 to 202 the House rejected a motion to bring the resolution to a vote. An amendment to the resolution was then offered; it called for the exclusion of Powell and a declaration that his seat was vacant. The Speaker ruled that a majority vote of the House would be sufficient to pass the resolution if it were so amended. Cong. Rec. vol 113, pt. 4, p. 5020. After further debate, the amendment was adopted by a vote of 248 to 176. Then the House adopted by a vote of 307 to 116 House resolution No. 278 in its amended form, thereby excluding Powell and directing that the Speaker notify the Governor of New York that the seat was vacant.

Powell and 13 voters of the 18th Congressional District of New York subsequently instituted this suit in the United States District Court for the District of Columbia. Five members of the House of Representatives were named as defendants individually and "as representatives of a class of citizens who are presently serving . . . as members of the House of Representatives." John W. McCormack was named in his official capacity as Speaker, and the Clerk of the House of Representatives, the Sergeant at Arms and the Doorkeeper were named individually and in their official capacities. The complaint alleged that House Resolution No. 278 violated the Constitution, specifically Art. I, § 2, cl. 1, because the resolution was inconsistent with the mandate that the members of the House shall be elected by the people of each State, and Art. I, § 2, cl. 2, which, petitioners alleged, sets forth the exclusive qualifications for membership.[2] The complaint further alleged that the Clerk of the House threatened to refuse to perform the service for Powell to which a duly elected Congressman is entitled, that the Sergeant at Arms refused to pay Powell his salary, and that the Doorkeeper threatened to deny Powell admission to the House chamber.

Petitioners asked that a three-judge court be convened.[3] Further, they requested that the District Court grant a permanent injunction restraining respondents from executing the House Resolution, and enjoining the Speaker from refusing to administer the oath, the Clerk from refusing to perform the duties due a Representative, the Sergeant at Arms from refusing to pay Powell his salary, and the Doorkeeper from refusing to admit Powell to the Chamber.[4] The complaint also requested a declaratory judgment that Powell's exclusion was unconstitutional.

The District Court granted respondents' motion to dismiss the complaint "for want of jurisdiction of the subject matter." *Powell* v. *McCormack,* 266 F. Supp. 354 (D. C. D. C. 1967).[5] The Court of Appeals for the District of Columbia Circuit affirmed on somewhat different grounds, with each judge of the panel filing a separate opinion. *Powell* v. *McCormack,* 129 U.S. App. D.C. 354, 395 F. 2d 577 (1968). We granted certiorari. 393 U.S. 949 (1968). While the case was pending on our docket, the 90th Congress officially terminated and the 91st Congress was seated. In November 1968, Powell was again elected as the representative of the 18th Congressional District of New York and he was seated by the 91st Congress. The resolution seating Powell also fined him $25,000. See H.R. Res. No. 2, Cong. Rec. vol. 115, pt. 1, pp. 15–34. Respondents then filed a suggestion of mootness. We postponed further consideration of this suggestion to a hearing on the merits. 393 U.S. 1060 (1969).

Respondents press upon us a variety of arguments to support the court below; they will be considered in the following order. (1) Events occurring subsequent to the grant of certiorari have rendered this litigation moot. (2) The Speech or Debate Clause of the Constitution, Art. I, § 6, insulates respondents' action from judicial review. (3) The decision to exclude petitioner Powell is supported by the power granted to the House of Representatives to expel a member. (4) This Court lacks subject matter jurisdiction over petitioners' action. (5) Even if subject matter jurisdiction is present, this litigation is not justiciable either under the general criteria established by this Court or because a political question is involved.

* * * * *

III. SPEECH OR DEBATE CLAUSE

Respondents assert that the Speech or Debate Clause of the Constitution, Art. I, § 6,[17] is an absolute bar to petitioners' action. This Court has on four prior occasions—*Dom-States* v. *Johnson,* 383 U.S. 169 (1966); *Ten-browski* v. *Eastland,* 387 U.S. 82 (1967) *United ney* v. *Brandhove,* 341 U.S. 367 (1951); and *Kilbourn* v. *Thompson,* 103 U.S. 168 (1881)—been called upon to determine if allegedly unconstitutional action taken by legislators or legislative employees is insulated from judicial review by the Speech or Debate Clause. Both parties insist that their respective positions find support in these cases and tender for decision three distinct issues: (1) whether respondents in participating in the exclusion of petitioner Powell were "acting in the sphere of legitimate legislative activity," *Tenney* v. *Brandhove, supra,* at 376; (2) assuming that respondents were so acting, whether the fact that petitioners seek neither damages from any of the respondents nor a criminal prosecution lifts the bar of the clause; [18] and (3) even if this action may not be maintained against a Congressman, whether those respondents who are merely employees of the House may plead the bar of the clause. We find it necessary to treat only the last of these issues.

The Speech or Debate Clause, adopted by the Constitutional Convention without debate or opposition,[19] finds its roots in the conflict between Parliament and the Crown culminating in the Glorious Revolution of 1688 and the English Bill of Rights of 1869.[20] Drawing upon this history, we concluded in *United States v. Johnson, supra,* at 181, that the purpose of this clause was "to prevent intimidation [of legislators] by the executive and accountability before a possibly hostile judiciary." Although the clause sprang from a fear of seditious libel actions instituted by the Crown to punish unfavorable speeches made in Parliament,[21] we had held that it would be a "narrow view" to confine the protection of the Speech or Debate Clause to words spoken in debate. Committee reports, resolutions, and the act of voting are equally covered, as are "things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson, supra,* at 204. Furthermore, the clause not only provides a defense on the merits but also protects a legislator from the burden of defending himself. *Dombrowski* v. *Eastland, supra,* at 85; see *Tenney* v. *Brandhove, supra,* at 377.

Our cases make it clear that the legislative immunity created by the Speech or Debate Clause performs an important function in representative government. It insures that legislators are free to represent the interests of their constituents without fear that they will be later called to task in the courts for that representation. Thus, in *Tenney* v. *Brandhove, supra,* at 373, the Court quoted the writings of James Wilson as illuminating the reason for legislative immunity: "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offence."[22]

Legislative immunity does not, of course, bar all judicial review of legislative acts. That issue was settled by implication as early as 1803, see *Marbury* v. *Madison,* 1 Cranch 137, and expressly in *Kilbourn* v. *Thompson,* the first of this Court's cases in interpreting the reach of the Speech or Debate Clause. Challenged in *Kilbourn* was the constitutionality of a House Resolution or-

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Footnotes at end of article.

Footnote at end of table.

dering the arrest and imprisonment of a recalcitrant witness who had refused to respond to a subpoena issued by a House investigating committee. While holding that the Speech or Debate Clause barred Kilbourn's action for false imprisonment brought against several members of the House, the Court nevertheless reached the merits of Kilbourn's attack and decided that, since the House had no power to punish for contempt, Kilbourn's imprisonment pursuant to the resolution was unconstitutional. It therefore allowed Kilbourn to bring his false imprisonment action against Thompson, the House's Sergeant at Arms, who had executed the warrant for Kilbourn's arrest.

The Court first articulated in *Kilbourn* and followed in *Dombrowski* v. *Eastland*[23] the doctrine that, although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employees who participated in the unconstitutional activity are responsible for their acts. Despite the fact that petitioners brought this suit against several House employees—the Sergeant at Arms, the Doorkeeper and the Clerk—as well as several Congressmen, respondents argue that *Kilbourn* and *Dombrowski* are distinguishable. Conceding that in *Kilbourn* the presence of the Sergeant at Arms and in *Dombrowski* the presence of a congressional subcommittee counsel as defendants in the litigation allowed judicial review of the challenged congressional action, respondents urge that both cases concerned an affirmative act performed by the employee outside the House having a direct effect upon a private citizen. Here, they continue, the relief sought relates to actions taken by House agents solely within the House. Alternatively, respondents insist that Kilbourn and Dombrowski prayed for damages while petitioner Powell asks that the Sergeant at Arms disburse funds, an assertedly greater interference with the legislative process. We reject the proffered distinctions.

That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision. *Kilbourn* decisively settles this question, since the Sergeant at Arms was held liable for false imprisonment even though he did nothing more than execute the House Resolution that Kilbourn be arrested and imprisoned.[24] Respondents' suggestions thus ask us to distinguish between affirmative acts of House employees and situations in which the House orders its employees not to act or between actions for damages and claims for salary. We can find no basis in either the history of the Speech or Debate Clause or our cases for either distinction. The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. A legislator is no more or no less hindered or distracted by litigation against a legislative employee calling into question the employee's affirmative action than he would be by a lawsuit questioning the employee's failure to act. Nor is the distraction or hindrance increased because the claim is for salary rather than damages, or because the litigation questions action taken by the employee within rather than without the House. Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves.[25] In *Kilbourn* and *Dombrowski* we thus dismissed the action against members of Congress but did not regard the Speech or Debate Clause as a bar to reviewing the merits of the challenged congressional action since congressional employees were also sued. Similarly, though this action may be dismissed against the Congressmen petitioners are entitled to maintain their action against House employees and to judicial review of the propriety of the decision to exclude petitioner Powell.[26] As was said in *Kilbourn*, in language which time has not dimmed:

> "Especially is it competent and proper for this court to consider whether its [the legislature's] proceedings are in conformity with the Constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine in cases regularly brought before them, whether the powers of any branch of the government, and even those of the legislature in the enactment of laws, have been exercised in conformity to the Constitution; and if they have not, to treat their acts as null and void." 103 U.S., at 199.

FOOTNOTES

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[1] Powell requested that he be given (1) notice of the charges pending against him, including a bill of particulars as to any accuser; (2) the opportunity to confront any accuser, to attend all committee sessions where evidence was given, and the right to cross-examine all witnesses; (3) public hearings; (4) the right to have the Select Committee issue its process to summon witnesses for his defense; (5) and a transcript of every hearing. Hearings on H.R. Res. No. 1 before Select Committee Pursuant to H.R. Res. No. 1, 90th Cong., 1st Sess., 54 (1967).

The Select Committee noted that it had given Powell notice of the matters it would inquire into, that Powell had the right to attend all hearings (which would be public) with his counsel, and that the Committee would call witnesses upon Powell's written request and supply a transcript of the hearings. *Id.*, at 59.

[2] The complaint also attacked the House Resolution as a bill of attainder, an *ex post facto* law, and as cruel and unusual punishment. Further, petitioners charged that the hearing procedures adopted by the Select Committee violated the Due Process Clause of the Fifth Amendment.

[3] The District Court refused to convene a three-judge court and the Court of Appeals affirmed. Petitioners did not press this issue in their petition for writ of certiorari, apparently recognizing the validity of the Court of Appeals' ruling. See *Stamler* v. *Willis*, 393 U.S. 217 (1968).

[4] Petitioners also requested that a writ of mandamus issue ordering that the named officials perform the same acts.

[5] The District Court entered its order April 7, 1967, and a notice of appeal was filed the same day. On April 11, 1967, Powell was reelected to the House of Representatives in a special election called to fill his seat. The formal certification of election was received by the House on May 1, 1967, but Powell did not again present himself to the House or ask to be given the oath of office.

* * * * *

[17] Article I, § 6, provides: "for any Speech or Debate in either House, they [Senators and Representatives] shall not be questioned in any other Place."

[18] Petitioners ask the Court to draw a distinction between declaratory relief sought against members of Congress and either an action for damages or a criminal prosecution, emphasizing that our four previous cases concerned "criminal or civil sanctions of a deterrent nature." Brief for Petitioners 171.

[19] See 5 Debates on the Federal Constitution 406 (J. Elliot ed. 1876); 2 Records of the Federal Convention of 1787, p. 246 (M. Farrand rev. ed 1966) (hereinafter cited as Farrand).

[20] The English Bill of Rights contained a provision substantially identical to Art. I, § 6: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 W. & M., Sess. 2, c. 2. The English and American colonial history is traced in some detail in Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk U.L. Rev. 1, 3–16 (1968), and Yankwich, The Immunity of Congressional Speech—Its Origin, Meaning and Scope, 99 U. Pa. L. Rev. 960, 961–966 (1951).

[21] *United States* v. *Johnson*, 383 U.S. 169, 182–183 (1966).

[22] 1 The Works of James Wilson 421 (R. McCloskey ed. 1967).

[23] In *Dombrowski* $500,000 in damages was sought against a Senator and the chief counsel of a Senate Subcommittee chaired by that Senator. Record in No. 118. O. T. 1966, pp. 10–11. We affirmed the grant of summary judgment as to the Senator but reversed as to subcommittee counsel.

[24] The Court in *Kilbourn* quoted extensively from *Stockdale* v. *Hansard*, 9 Ad. & E. 1, 114, 112 Eng. Rep. 1112, 1156 (Q.B. 1839), to refute the assertion that House agents were immune because they were excuting orders of the House: [I]f the Speaker, by authority of the House, order an illegal Act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles's warrant for levying ship-money could justify his revenue officer." Kilbourn eventually recovered $20,000 against Thompson. See *Kilbourn v. Thompson*, MacArth. & M. 401, 432 (Sup. Ct. D.C. 1883).

[25] A Congressman is not by virtue of the Speech or Debate Clause absolved of the responsibility of filing a motion to dismiss and the trial court must still determine the applicability of the clause to plaintiff's action. See *Tenney* v. *Brandhove*, 341 U.S. 367, 377 (1951).

[26] Given our disposition of this issue, we need not decide whether under the Speech or Debate Clause petitioners would be entitled to maintain this action solely against members of Congress where no agents participated in the challenged action and no other remedy was available. Cf. *Kilbourn* v. *Thompson*, 103 U.S. 168, 204–205 (1881).

EXHIBIT 5

COCHRAN *v.* COUZENS, No. 4934

[Court of Appeals of District of Columbia, Argued May 6, 1930, Decided June 2, 1930]

1. Libel and slander—37.

Defamatory words uttered during speech in United States Senate chamber *held* absolutely privileged, notwithstanding allegations they were not spoken in discharge of Senator's official duties (Const. art. 1, § 6).

"The declaration alleged that defendant Senator did in the chamber of the Senate of the United States, in the course of a speech, but not in the course of a debate, unofficially, and not in discharge of his official duties as a Senator, and concerning subject not then pertinent or relevant to any matter under inquiry by said Senator, maliciously, falsely, and wrongfully speak, publish, and declare concerning plaintiff and of plaintiff's conduct in his profession the alleged slander therein set out. The averment that such words were spoken unofficially and not in discharge of defendant's official duties as Senator were a mere conclusion and entirely qualified by averment that they were uttered in the course of a speech, in Senate chamber."

2. United States—12.

Constitutional provision that Congressmen shall not be questioned for any speech or debate in either House should be liberally construed (Const. art. 1, § 6).

"Const. art. 1, § 6, provides that in all cases, except treason, felony, and breach of the peace, Senators and Representatives shall be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same, an for any speech or debate in either House they shall not be questioned in any other place."

Appeal from the Supreme Court of the District of Columbia.

Action by Howe P. Cochran against James Couzens. Judgment for defendant, and plaintiff appeals.

Affirmed.

Harry Friedman, of Washington, D. C., for appellant.

F. D. Jones and Joseph E. Davies, both of Washington, D. C., for appellee.

Before Martin, Chief Justice, and Robb and Van Orsdel, Associate Justices.

Appeal from a judgment in the Supreme Court of the District, in an action for slander, sustaining defendant's (appellee here) motion to dismiss for want of jurisdiction.

[1] The declaration discloses that on the 12th of April, 1928, plaintiff was a tax consultant engaged in the practice of his profession in the District of Columbia, and that defendant was a United States Senator from the state of Michigan in attendance upon the meetings of the first session of the Seventieth Congress of the United States; that in 1919 defendant sold a portion of the capital stock of the Ford Motor Company which he long had owned, and filed an income tax return with the Bureau of Internal Revenue charging himself with the accruing profit; that prior to such sale a valuation as of March 1, 1913, had been placed on the stock by the then Commissioner of Internal Revenue, upon which valuation the defendant had computed his profit; that on the 12th of March, 1925, the then Commissioner of Internal Revenue assessed the defendant and other holders of such stock an additional tax liability, based upon a valuation of the stock as of March 1, 1913, different from that fixed in the earlier valuation; that the additional tax liability approximated the sum of $30,000,000; that from this assessment an appeal was prosecuted before the United States Board of Tax Appeals; that thereafter the plaintiff consulted with the defendant on two occasions; and that the defendant did "in the chamber of the Senate of the United States * * * in the course of a speech but not in the course of a debate on the floor of the Senate * * * unofficially and not in the discharge of his official duties as a Senator of the United States * * * of and concerning a subject not then and there pertinent or relevant to any matter under inquiry by the said Senate of the United States, maliciously, willfully, falsely and wrongfully speak, publish and declare of and concerning the plaintiff and of and concerning the conduct of the plaintiff in his said profession and vocation, the following false, scandalous, malicious and defamatory slander to wit."

The alleged slanderous words were to the effect that defendant, after being approached by plaintiff, had secured information that plaintiff "was quite well known around Washington as being one of the men who knew the inside tax game"; that he was a close friend of an employee of the Internal Revenue Bureau, and that the defendant had his secretary telephone plaintiff that he (defendant) was not interested in the matter; that plaintiff persisted and went to the office of defendant the following day, and was asked by defendant what interest the above-mentioned employee had in the case. Plaintiff admitted that he had conferred with this employee about plaintiff's proposition to defendant; that thereupon the defendant dismissed plaintiff, and thereafter wrote the Commissioner of Internal Revenue concerning plaintiff's activities in the case. The Senator then said he desired to emphasize what he considered a perfectly logical conclusion—of his stock, and that no one else outside of that plaintiff knew of the earlier action of the Bureau with reference to the valuation the Department had such knowledge; that "it is apparent that this information was to be delivered to me if I would arrange to pay 5 per cent on some thirty million of assessments made against my associates and myself. In other words, this former clerk who had inside information of the bureau was to obtain a fee of about $1,500,000 for his services."

Article 1, § 6, of the Constitution, provides that in all cases, except treason, felony, and breach of the peace, Senators and Representatives shall "be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place."

"[2] It is manifest that the framers of the Constitution were of the view that it would best serve the interests of all the people if members of the House and Senate were permitted unlimited freedom in speeches or debates. The provision to that end is, therefore, grounded on public policy, and should be liberally construed. Presumably legislators will be restrained in the exercise of such a privilege by the responsibilities of their office. Moreover, in the event of their failure in that regard, they will be subject to discipline by their colleagues. (Article 1, § 5.)

"In Kilbourn v. Thompson, 103 U.S. 168, 26 L. Ed. 377, the court considered whether a resolution offered by a member is a speech or debate within the meaning of article I, § 6, and whether the report made to the House and the vote in favor of a resolution are within its protection. The court said (page 201 of 103 U.S.): "If these questions be answered in the affirmative, they cannot be brought in question for their action in a court of justice or in any other place. And yet if a report, or a resolution, or a vote is not a speech or debate, of what value is the constitutional protection?"

The court then observed that, while the framers of our Constitution did not adopt the lex et consuetudo of the English Parliament as a whole, "they did incorporate such parts of it, and with it such privileges of Parliament, as they thought proper to be applied to the two Houses of Congress."

The court then quoted from the opinion of Lord Denman in Stockdale v. Hansard, 9 Ad. & E. 1, as follows: "The privilege of having their debates unquestioned, though denied when the members began to speak their minds freely in the time of Queen Elizabeth, and punished in its exercise both by that princess and her two successors, was soon clearly perceived to be indispensable and universally acknowledged. By consequence, whatever is done within the walls of either assembly must pass without question in any other place. * * *"

The court then observed: "Taking this to be a sound statement of the legal effect of the Bill of Rights and of the parliamentary law of England, it may be reasonably inferred that the framers of the Constitution meant the same thing by the use of language borrowed from that source."

The court then reviewed American decisions, including Coffin v. Coffin, 4 Mass. 1, 3 Am. Dec. 189, relied upon by appellant, and concluded: "It seems to us that the views expressed in the authorities we have cited are sound and are applicable to this case. It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it."

(We regard the decision in Kilbourn v. Thompson as controlling here. Under the declaration the words forming the basis of plaintiff's action were uttered in the course of a speech in the chamber of the Senate of the United States, and were absolutely privileged and not subject to "be questioned in any other place." The averment that these words were spoken "unofficially and not in the discharge of his official duties as a Senator" is a mere conclusion and entirely qualified by the averment that they were uttered in the course of a speech.)

Judgment affirmed, with costs.

Affirmed.

EXHIBIT 6

[Certiorari to the U.S. Court of Appeals for the District of Columbia Circuit]

DOMBROWSKI ET AL. v. EASTLAND ET AL.

No. 118. Argued February 20, 1967.—Decided May 15, 1967

Petitioners claim that respondents, Chairman of the Internal Security Subcommittee of the U.S. Senate Judiciary Committee and the Subcommittee's chief counsel, tortiously entered into and participated in a conspiracy with Louisiana officials to seize petitioners' property and records in violation of the Fourth Amendment. Louisiana courts held the arrests and searches illegal. Here, the court below, while recognizing difficulty in concluding that there were no disputed issues of fact respecting petitioners' claim, upheld summary dismissal of the action on the ground of respondents' legislative immunity. *Held:* Since there is no evidence of the respondent Chairman's "involvement in any activity that could result in liability," the complaint as to him was properly dismissed. The doctrine of legislative immunity protects "legislators engaged 'in the sphere of legitimate legislative activity,' . . . not only from the consequences of litigation's results but also from the burden of defending themselves." However, the doctrine of legislative immunity is less absolute when applied to officers or employees of legislative bodies. There is a sufficient factual dispute with respect to the alleged participation in the conspiracy of the subcommittee's chief counsel to require that a trial be had. The legal consequences of such participation, if it occurred, cannot be determined prior to the factual refinement of trial. The judgment below is therefore reversed as to the subcommittee's chief counsel.

123 U.S. App. D.C. 190, 358 F. 2d 821, affirmed in part and reversed and remanded in part.

Arthur Kinoy argued the cause for petitioners. With him on the brief was *William M. Kunstler.*

Roger Robb argued the cause for respondents. With him on the brief were *Solicitor General Marshall, Assistant Attorney General Sanders* and *David L. Rose.*

PER CURIAM.

The Court of Appeals for the District of Columbia Circuit sustained the order granting summary judgment to the respondents who are, respectively, the Chairman and counsel of the Internal Security Subcommittee of the Judiciary Committee of the United States Senate. Petitioners' claim is essentially that respondents tortiously entered into and participated in a conspiracy and concert of action with Louisiana officials to seize property and records of petitioners by unlawful means in violation of petitioners' Fourth Amendment rights.

The circumstances of the searches and arrests involved are set forth in *Dombrowski v. Pfister,* 380 U. S. 479 (1965), and in Judge Wisdom's dissenting opinion in the District Court in that case, 227 F. Supp. 556, 573 (D. C. E. D. La. 1964). Louisiana courts held the arrests and searches illegal because the warrants secured by the police had not been supported by a showing of probable cause. In a civil suit by these same petitioners against the Louisiana officials allegedly involved in the conspiracy, the Court of Appeals for the Fifth Circuit, reversing a summary judgment in favor of third-party defendants, held that plaintiffs had raised a genuine issue of material fact whether the Chairman "and the other members of the [State] Committee were 'acting in the sphere of *legitimate* legislative activity,' which would entitle them to immunity." *Pfister* v. *Arceneaux*, 376 F. 2d 821.

In the present case, the court below recognized "considerable difficulty" in reaching the conclusion that, on the basis of the affidavits of the parties, there were no disputed issues of fact with respect to petitioners' claim. It nevertheless upheld summary dismissal of the action on the ground that "the record before the District Court contained unchallenged facts of a nature and scope sufficient to give [respondents] an immunity against answerability in damages. . . ." In support of this conclusion the court addressed itself to only that part of petitioners' claims which related to the takeover of the records by respondents *after* the "raids." As to this, it held that the subject matter of the seized records was within the jurisdiction of the Senate Subcommittee and that the issuance of subpoenas to the Louisiana committee to obtain the records held by it was validated by subsequent Subcommittee ratification. On this basis, the court held that the acts for which petitioners seek relief were privileged, citing *Tenney* v. *Brandhove*, 341 U.S. 367 (1951).

The court did not specifically comment upon petitioners' contention that the record shows a material dispute of fact as to their claim that respondent Sourwine actively collaborated with counsel to the Louisiana committee in making the plans for the allegedly illegal "raids" pursuant to the claimed authority of the Louisiana committee and on its behalf, in which petitioners claim that their property and records were seized in violation of their Fourth Amendment rights. In the absence of the factual refinement which can occur only as a result of trial, we need not and, indeed, could not express judgment as to the legal consequences of such collaboration, if it occurred.

There is controverted evidence in the record, such as the date appearing on certain documents which respondents' evidence disputes as a typographical error, which affords more than merely colorable substance to petitioners' assertions as to respondent Sourwine. We make no comment as to whether this evidence standing alone would be sufficient to support a verdict in petitioners' favor against respondent Sourwine, or woulld require a verdict in his favor. But we believe that, as against an employee of the committee, this showing is sufficient to entitle petitioners to go to trial. In respect of respondent Eastland, we agree with the lower courts that petitioners' complaint must be dismissed. The record does not contain evidence of his involvement in any activity that could result in liability. It is the purpose and office of the doctrine of legislative immunity, having its roots as it does in the Speech or Debate Clause of the Constitution, *Kilbourn* v. *Thompson*, 103 U.S. 168, 204 (1881), that legislators engaged "in the sphere of legitimate legislative activity," *Tenney* v. *Brandhove, supra*, 341 U.S., at 376, should be protected not only from the consequences of litigation's results but also from the burden of defending themselves. This Court has held, however, that this doctrine is less absolute, although applicable, when applied to officers or employees of a legislative body, rather than to legislators themselves. As the Court said in *Tenney* v. *Brandhove, supra*, the doctrine, in respect of a legislator, "deserves greater respect than where an official acting on behalf of the legislature is sued . . ."* (341 U.S., at 378.) Cf. *Wheeldin* v. *Wheeler*, 373 U.S. 647 (1963). In light of this principle, we are compelled to hold that there is a sufficient factual dispute with respect to respondent Sourwine to require reversal of the judgment below as to him.

Accordingly, we affirm the order of the Court of Appeals as to respondent Eastland and reverse and remand to the District Court as to respondent Sourwine for further proceedings in accordance with this opinion.

Mr Justice Black took no part in the consideration or decision of this case.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Entitled "Criminal Justice Information Systems Security and Privacy Act of 1971"

A letter from the Attorney General, transmitting a draft of proposed legislation to facilitate and regulate the exchange of criminal justice information and to insure the security and privacy of criminal justice information systems (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Entitled "Aircraft Piracy Amendments of 1971"

A letter from the Attorney General, transmitting a draft of proposed legislation to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BIBLE (for himself and Mr. Cannon):

S. 2543. A bill to direct the Secretary of the Interior to convey to the city of Henderson, Nev., at fair market value, certain public lands in the State of Nevada, and to reserve certain public lands for acquisition by the Clark County School District, Nevada. Referred to the Committee on Interior and Insular Affairs.

S. 2544. A bill to declare that all right, title and interest of the United States in 2,640 acres, more or less, are hereby held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation, Nev. Referred to the Committee on Interior and Insular Affairs.

S. 2545. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 2546. A bill to facilitate and regulate the exchange of criminal justice information and to ensure the security and privacy of criminal justice information systems. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 2547. A bill for the protection of the bald and golden eagles. Referred to the Committee on Commerce.

By Mr. INOUYE (by request):

S. 2548. A bill to amend the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to permit an air carrier to hold both scheduled and supplemental certification; and

S. 2549. A bill to amend the Federal Aviation Act of 1958 to give the Civil Aeronautics Board the flexibility to approve air carrier-surface carrier control relationships when such relationships are found to be in the public interest. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 2550. A bill for the relief of Manuel Ramus Ochoa and his wife, Gertrudes Ochoa. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Tower, and Mr. Brooke):

S. 2551. A bill to provide for a national program for an improved national securities transfer system, including a commercial securities depository corporation, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. 2552. A bill to prohibit discrimination on the grounds of sex by institutions of higher education, to authorize intervention by the Attorney General in suits alleging sex discrimination, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GRIFFIN:

S. 2553. A bill to provide for the restriction of the distribution of phosphate detergents in interstate commerce and the establishment of standards protecting man and the environment for all detergents. Referred to the Committee on Commerce.

By Mr. TALMADGE:

S.J. Res. 157. Joint resolution to assure that every needy school child will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act. Referred to the Committee on Agriculture and Forestry.

By Mr. WEICKER (for himself, Mr. Aiken, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Cannon, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Roth, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Taft, and Mr. Tunney):

S.J. Res. 158. Joint resolution to declare May 6, 1972 "Clean Up America Day" and to urge the participation of all Americans. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIBLE (for himself and Mr. Cannon):

S. 2543. A bill to direct the Secretary of the Interior to convey to the city of Henderson, Nev., at fair market value, certain public lands in the State of Nevada, and to reserve certain public lands for acquisition by the Clark County School District, Nev. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of my colleague Senator Cannon and myself, I introduce for proper referral a bill to direct the Secretary of the Interior to sell to the city of Henderson, Nev., 5,885

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*As the Court pointed out in *Tenney, supra* (per Frankfurter, J.), in *Kilbourn* v. *Thompson, supra*, this Court "allowed a judgment against the Sergeant-at-Arms, but found that one could not be entered against the defendant members of the House." 341 U.S., at 378.

acres of public domain land immediately adjacent to this landlocked Nevada community. The proposal provides that the city pay the fair market value as determined by the Secretary.

It is a well known fact that the Federal Government owns 87 percent of the State of Nevada and that most of its cities and towns are completely surrounded by these holdings. Prior to last year, it was possible for a community who needed areas for expansion for homes or industry to acquire land under the Public Land Sale Act of 1964. Since that act has expired, the only way available to local entities to expand is through special legislation such as the bill I am now introducing.

The land in question is southern Nevada desert. It has no value for agricultural purposes. No valuable minerals have been found in its vicinity. In my opinion, its highest and best use will be for residential and industrial development under an Interior Department approved plan.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 2544. A bill to declare that all right, title, and interest of the United States in 2,640 acres, more or less, are hereby held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation, Nev. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of my colleague, Senator Cannon, and myself I introduce for proper reference a bill to relinquish the right, title, and interest of the United States to some 2,640 acres to be held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation in our State of Nevada.

Morally, the land and its agricultural potential belong to the Paiute-Shoshone Tribe. In the early 1900's when the Congress authorized the Newlands Reclamation project, a land exchange program was entered into between the Indians with landholdings in the project area and the United States of America. The program resulted in the Fallon Indian Reservation where the Indian families were located on 10-acre tracts with full water rights from the Newlands project. The acreage limits on the family allotments prohibit these people from making a proper living from the land. This legislation, we hope, will provide the base for a viable Indian community on an area inhabited by the tribal members long before the coming of the white man.

Mr. President, as part of my statement I ask unanimous consent that a copy of Resolution No. 7-67 of the Fallon Paiute-Shoshone Tribes of the Fallon Indian Reservation and Colony be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 7-67 of the Fallon Paiute-Shoshone Tribes of the Fallon Indian Reservation and Colony

Whereas, Article VI, Section 1 (a) of the Constitution and Bylaws of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony provides the Fallon Business Council with certain powers to negotiate with the Federal Government on behalf of the tribe, and

Whereas, dating back to the late 1890's a band of Indians settled in the Carson Sink area, and

Whereas, in the early 1900's with the creation of the Newlands Reclamation Project, a land exchange program was entered into between the Indians with land holdings in the project area and the United States of America. The program gave rise to the Fallon Reservation where the Indian families were to be located on 10-acre tracts with full water rights from the Newlands Project, and

Whereas, the Paiute-Shoshone Tribe of the Fallon Reservation and Colony are presently holding a water right on 4,877.3 acres, paid in full, and

Whereas, through experience and affirmed by field surveys, additional lands are required to make beneficial use of the above water rights, and

Whereas, it is the Business Council's understanding that a general review of withdrawn land status near the reservation is being made by the Department of Interior at this time, and

Whereas, members of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony have an urgent need and have demonstrated that it will make use of the water and additional lands to better their standard of living, now therefore,

Be It Resolved that the following described lands:

S½ of section 33, T. 20 R. 30 E., MDBM,
S½ of section 34, T. 20 N., R. 30 E., MDBM,
W½ of SE¼ and SW¼ of sec. 35, T. 20 N., R. 30 E., MDBM,
NW¼ of section 2, T. 19 N., R. 30 E., MDBM,
N½ and SW¼ of sec. 3, T. 19 N., A. 30 E., MDBM,
All of section 4, T. 19 N., R. 30 E., MDBM and
N½ and SW¼ of sec. 8, T. 10 N., R. 30 E., MDBM,

totaling some 2,640 acres be added to the Fallon Reservation and Colony to meet the above stated needs

CERTIFICATION

I, the undersigned, do hereby certify that the Business Council is composed of 5 members, of whom 4, constituting a quorum were present at a meeting called and held this 13 day of Dec., 1966, and that the foregoing resolution was adopted at such meeting by a vote of 4 for and none against, pursuant to Article VI, Section 1(a) of the Constitution and Bylaws of the Paiute-Shoshone Tribes of the Fallon Reservation and Colony.

S/ Vivian Hicks,
Secretary-Treasurer of the Fallon Business Council.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 2545. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator Cannon, I introduce for appropriate reference a bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies.

Prompt attention to the problem addressed by this legislation is imperative.

On July 22, 1971, the Federal Bureau of Investigation—in a circular letter to State and local government agencies—announced that pursuant to an opinion and order of the U.S. District Court for the District of Columbia in the case of Menard against Mitchell (Civil Action 39-68), the FBI is now prohibited from disseminating criminal record information in response to fingerprints submitted by State and local law enforcement and other State and local government agencies where the request is made for other than direct law enforcement purposes.

This prohibition has already been in effect since July 22. The processing of all such fingerprints has ceased, and all requests for records in such cases are being returned without action to the State or local agencies.

This means, Mr. President, that notwithstanding specific and well-considered provisions of State and local laws throughout the Nation—provisions requiring a full inquiry into the background of persons seeking licensing or employment in sensitive businesses or occupations affected with a public interest—State and local agencies have been denied access to information available only through the FBI.

It means that where an FBI record check is required under State or local law or regulation our State and local agencies have been placed in the position of not being able to fulfill their obligations under their own laws.

My own State of Nevada has established a comprehensive system of laws and regulations to assure that the State's legalized gaming industry is closely controlled and operated fairly and honestly in the public interest. Our laws require an exhaustive investigation of all who seek gaming licenses and employment in the industry. They provide the FBI, the U.S. Treasury, and the Internal Revenue Service access to confidential records maintained by State agencies. They provide a regulatory system which is vigorously enforced by dedicated public servants.

The operation of Nevada's gaming industry is closely and effectively monitored but as a result of this recent court decision the State is now denied access to vital background information on those who would enter this sensitive industry.

In other areas, Nevada statutes or regulations required criminal record checks on applicants for licensure as lawyers, doctors of medicine, real estate brokers, private investigators, for employment in the business of dispensing alcoholic beverages, and in connection with other professions, businesses, and occupations.

And Nevada is certainly not unique. I daresay most, if not all, of the States and localities throughout the Nation have similar statutory or regulatory requirements in connection with employment in sensitive public service occupations.

Mr. President, this sudden termination of an investigative service that has been available to State and local regulatory agencies for many, many years is completely unacceptable. The FBI is the only agency in the Nation in a position to provide centralized criminal records services. Its authority to render this service in nonlaw enforcement cases must be restored—and promptly.

It seems to me, Mr. President, that the

discontinuance of these essential FBI identification services is inconsistent with the Crime Control Act of 1970, which had the overwhelming support of the Congress.

The Senate will recall that the purpose of title IX of that legislation is to curb and penalize the infiltration of legitimate business by organized criminals and racketeers.

Regulated industries are among those exposed to such infiltration. Official agencies charged with the duty to monitor and police the operations of sensitive regulated industries now find themselves denied access to essential criminal record information.

It would be inconsistent with our efforts to combat organized crime to permit this information barrier to stand.

Mr. President, I ask unanimous consent that the opinion and decision of the U.S. District Court for the District of Columbia in Menard against Mitchell, Civil Action No. 39–68 and the letter of July 22, 1971 from the Federal Bureau of Investigation to "All Fingerprint Contributors" be printed in the RECORD following my remarks.

I am not going to undertake at this time any detailed analysis of the court's opinion. It will be in the RECORD for Members to read, and will be available for analysis by the appropriate committee.

Suffice it to say that in Menard the court examined the existing statutory and regulatory framework under which the FBI has provided fingerprint identification services to nonlaw enforcement agencies of State and local governments and found it wanting.

The court noted that widespread dissemination of criminal records information may place substantial obstacles in the way of a person's opportunity for employment or advancement and can raise serious questions involving several constitutional guarantees—such as the presumption of innocence, due process, and the right to privacy.

Specifically, the court found that the existing law is designed only to facilitate coordinated law enforcement activities between the Federal and local governments to assist arresting agencies, court and correctional institutions in the apprehension, conviction, and proper disposition of criminal offenders.

The court concluded that nothing in the present statute or its legislative history indicates that the Congress intended that FBI criminal record information be made available for nonlaw enforcement purposes, and held that the FBI is without authority to disseminate arrest records outside the Federal Government for employment, licensing or related purposes.

At the same time, the court recognized that this is a subject involving important questions of public policy requiring action by the Congress.

The bill I am introducing today clearly and simply authorizes the Attorney General to provide criminal records identification services for the official use of authorized nonlaw enforcement officials and agencies of State and local governments where State or local laws or regulations authorize or require such officials and agencies to acquire criminal record information in the performance of their official duties.

I recognize that court decisions in this area raise important questions bearing on individual rights, and such questions require the Congress' careful attention. My purpose in introducing this limited bill at this time is to focus the Senate's attention on the problems raised by the Menard case and provide a beginning point and a vehicle for early hearings and prompt action. I invite constructive comments and improvements.

It is imperative that the Congress act speedily to remedy this situation and clearly authorize the FBI to provide these vitally important identification services to authorized nonlaw enforcement agencies of our State and local governments.

I understand the administration is also deeply concerned over this development and is expected to recommend legislation to remedy the problem.

I urge them to do so soon. Action is needed. As pointed out in Menard, the FBI needs legislative guidance. A national policy must be developed on this subject which will make the FBI's services available and at the same time safeguard constitutionally guaranteed rights to privacy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 39–68]

DALE B. MENARD, PLAINTIFF, *v.* JOHN MITCHELL ET AL., DEFENDANTS

MEMORANDUM OPINION

Plaintiff has brought this action to expunge his arrest record contained in the Fingerprint Identification files of the Federal Bureau of Investigation. That record reads as follows:

Date arrested or received: 8/10/65
Charge or offense: 459 PC Burglary
Disposition or sentence: 8/12/65
Unable to connect with any felony or misdemeanor—in accordance with 849b(1)—not deemed an arrest but detention only.
Occupation: student

Originally the matter was presented to another Judge of this Court on cross-motions for summary judgment and defendants prevailed. The Court of Appeals reversed and remanded for the taking of testimony after expressing interest and concern with issues suggested by the pleadings which the Court apparently felt had not been fully developed in the record. *Menard* v. *Mitchell*, U.S. App. D.C., 430 F. 2d 486 (1970). Accordingly, further evidence was taken at a full hearing and the issues have been briefed and argued.

Menard, age 19 at time of arrest and subsequently an officer in the Marine Corps, contends that his arrest in Los Angeles was without probable cause and that future dissemination of the above arrest record, now in the files of the FBI, may impede his employment opportunities and subject him to an increased risk of being suspected and arrested for crimes on other occasions. He seeks expungement of the record or, in the alternative, strict limitations on its dissemination by the FBI.

Before considering the merits of the expungement issued raised, it is appropriate to set forth complete findings on two subjects indicated by the Court of Appeals as matters for particular inquiry on remand: the procedures and practices of the FBI with respect to maintaining arrest records and the circumstances of Menard's arrest.

I. THE PROCEDURES OF THE FBI IDENTIFICATION DIVISION

Fingerprint and arrest records such as Menard's are under the jurisdiction of the Federal Bureau of Investigation's Identification Division. This Division, which has been in existence since 1924, functions under the Attorney General, and proceeds by authority of 28 U.S.C. 534, which reads as follows:

> § 534. Acquisition, preservation, and exchange of identification records; appointment of officials
>
> (a) The Attorney General shall—
>
> (1) acquire, collect, classify, and preserve identification, criminal identification, crime and other records; and
>
> (2) exchange these records with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.
>
> (b) The exchange of records authorized by subsection (a) (2) of this section is subject to cancellation of dissemination is made outside the receiving departments or related agencies.
>
> (c) The Attorney General may appoint officials to perform the functions authorized by this section. Added. Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 616.

The Attorney General has made a series of rulings interpreting the statute. These are largely codified in 28 C.F.R. § 0.85(b) which provides that the Director of the FBI shall:

"Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, insurance companies, railroad police, national banks, member banks of the Federal Reserve System, FDIC-Reserve-Insured Banks, and banking institutions insured by the Federal Savings and Loan Insurance Corporation; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing persons type cases."

The FBI Identification Division has fingerprints of some two hundred million persons on file. These records are maintained in separate criminal and applicant files. Fingerprints are submitted to the Bureau by federal, state, and local agencies on a reciprocal basis. Law enforcing agencies, primarily local police and sheriff's offices, submit prints of arrested persons in order to receive information on the person's prior criminal involvement. The Bureau reports its findings and maintains the fingerprint card so submitted, along with the accompanying arrest data, in its criminal file. Information on the subsequent disposition of each arrest is posted if received from the submitting agency. The information so recorded is cryptic and formal, without explanation or elaboration. Juvenile arrests and convictions, when submitted by local agencies, are treated the same as similar adult data. The criminal file currently contains information on some sixty million arrests of approximately nineteen million people.

Fingerprint cards are also received from agencies of the state and federal governments and others who seek information on an individual's record of criminal involvement in connection with permits, licenses, and employment clearance.

After check against the criminal file, these cards are maintained in the applicant file for future reference. The Division also receives hundreds of "name check" requests from contributing and non-contributing sources, including an occasional Congressman, asking for the criminal record of an individual by name without submitting any fingerprints for comparison. Many of these cannot be processed because of inadequate identification of the person named, particularly where common names are involved. Where possible, however, and where the inquiring agency gives what the FBI considers a legitimate reason for the request, these inquiries are processed.

The volume of work of the Division is enormous, requiring about 3,300 employees. The Division receives an average of 29,000 fingerprints a day for processing, of which about 13,000 are received from law enforcing agencies in connection with arrests.

This Division, broadly speaking, considers any state, city or county official to be authorized to receive information if the agency has something to do with law enforcement or if it is authorized by statute, ordinance, or rule to fingerprint applicants for employment or for a permit or license. The laws and ordinances of various local areas vary widely. Some areas do not require fingerprinting for practically any purpose while others have highly detailed fingerprinting requirements for varied and often quite minor occupations. Examples are listed in Appendix A. The record contains a long list of state and local governments and a large number of different licensing authorities who by law or regulation are required to take fingerprints as part of their licensing duties. The Division maintains a current list of contributing or participating state and federal agencies which now numbers between 7,000 and 8,000. Of these, approximately 3,750 are local police departments and sheriff offices. Criminal record data is not sent directly to private employers, except in a few instances such as 390 banks insured by the F.D.I.C. and certain hospitals.[1]

As far as the Federal agencies are concerned, Executive Order 10450 of April 1953, 3 C.F.R. 936 (1949–53 Comp.), 5 U.S.C. § 7311, requires a check of the FBI fingerprint files on practically all applications for employment in the Federal Government whether or not engaged in law enforcement. The Civil Service Commission and the Military account for the highest volume of fingerprints submitted to the Bureau.

Given the very general nature of its purported authority the Bureau has proceeded cautiously. It investigates the authority of local agencies to require fingerprints and insists that detailed forms be filled out by contributors showing the purpose for which fingerprints are to be submitted. The Attorney General advises in doubtful situations. The Division has carried out its work in a responsible, meticulous manner. Nonetheless, the end result is most unsatisfactory. While the Division has vigorously sought to develop complete records and particularly to learn of dispositions resulting from each arrest, this effort has not been successful due to the failure of arresting agencies to send in follow-up data on forms provided. Some police departments do much better than others in this regard, but the Division has no sanctions and must be satisfied with what it can get by persuasion since the whole system functions on a voluntary basis. Even more troublesome is the fact that the Division has little opportunity to supervise what is actually done with the arrest records it disseminates. It requires that a proper purpose be stated by the agency requesting information but what is in fact done with the information as a practical matter cannot be constantly checked.

It is apparent that local agencies may often pass on arrest information to private employers. The Division makes no regular inspection to prevent this, for it has neither funds nor sanctions, and accordingly responds only to complaints. In a few instances police departments have been restricted, and in other instances when complaints were received personnel or administrative changes were demanded by the FBI and put into effect.

The FBI does not supply an individual with his arrest record except under rare special circumstances. The reasons are apparently two: the difficulty of obtaining definite identification of the person requesting the record, and fiscal considerations. There is no sure procedure for finding an arrest record by name only. A clear set of fingerprints is required for matching purposes. Thus as a practical matter an individual must submit his prints to get a check made of his record. This is cumbersome. Moreover, the Division is already so hard-pressed that it cannot now meet the demands on it from all local agencies. A regular system of servicing individual requests would require an estimated $110,000 per annum, plus appropriations for at least six additional employees.

Any agency that forwards fingerprint arrest data to the Division may request the Bureau to remove the data from the file and return it. This the Bureau does automatically, retaining no copies and without inquiring as to the reasons underlying the request. Thus control of what arrest or criminal data remain in the files rests in every case (except where an arrest on Federal charges is involved) with the local arresting authority. In 1970 over 8,000 arrest records were returned by the FBI to local authorities. Some thirteen states, including California, have laws or procedures for authorizing this form of expungement in varying circumstances.

In addition some states have laws limiting the type of arrest data that can be forwarded routinely to the Bureau.

Against this background, which was more fully developed in the record in an effort to supply the type of data requested in the decision of the Court of Appeals, it is possible to turn to the issues presented by this particular lawsuit.

II. THE CIRCUMSTANCES OF THE ARREST

Menard was arrested on suspicion of burglary by two officers of the Los Angeles Police Department. The arrest occurred around 4:00 a.m. on August 10, 1965. The police had earlier that morning received a complaint of a prowler at a sanatorium located in a high crime area. The prowler was reported looking in windows and at the back parking lot of the institution. Checking on this complaint, the police obtained a description of the man and proceeded to patrol the area. A short distance away they saw an unkempt, unshaven man fitting the description, dressed in dark clothing lying on a park bench. That man was Menard. Near him on the ground was a wallet belonging to someone else containing $10. The officers had reason to believe the wallet might have been discarded by Menard as he observed the officers approaching him through the park. The arrest was made without knowledge of any specific burglary[2] but on the basis of the prowler complaint, the suspicious presence of the wallet, and the general circumstances outlined above. Menard's arrest was with probable cause. *Ker* v. *California*, 374 U.S. 23, 34–35 (1963); *Jackson* v. *United States*, 112 U.S. App. D.C. 260, 302 F. 2d 194, 196 (1962); *People* v. *Fischer*, 49 Cal. 2d 442, 314 P. 2d 967, 970 (1957).

Menard was booked at the precinct after the Watch Commander reviewed the facts and circumstances reported by the officers. He was fingerprinted and his prints with a notation of his arrest were sent to the Bureau in accordance with regular procedures. After further investigation, Menard was released in accordance with the provisions of the California Penal Code, the police being "unable to connect with any felony or misdemeanor at this time." Plaintiff and his family then sought by lengthy correspondence with the Los Angeles Police Department to have the record expunged by the Police Department but were finally advised on May 31, 1966, that removal of the record would be possible "only upon order of a court of competent jurisdiction." This was confirmed by correspondence with the Bureau which took the position that the Bureau had no authority to determine what fingerprints should be in the FBI files.

III. EXPUNGEMENT

The Government argues persuasively that a district court is without authority to make a determination of probable cause where a state arrest is concerned, and that in any event the Court should in such cases exercise its discretion and not intervene, leaving Menard to pursue his expungement remedies in the California state courts. There is substantial authority and much common sense supporting this position.

The FBI simply records in its files information supplied by other agencies, and is in no position to make an independent investigation of the circumstances of an individual's arrest by state authorities or later developments in his case. Nor is a Federal District Court in a position to litigate the merits of arrests made by state authorities far away from its jurisdiction, as the problems of proof in this case demonstrate.

The Bureau uniformly honors requests by contributing agencies that a record be removed from the FBI files and returned to the agency. Whatever the issue as to the legality of an arrest record, an action for its expungement cannot be maintained unless administrative remedies are first exhausted; and where these efforts are unsuccessful, as were Menard's, resort should be had in the first instance to the state courts. This procedure is strongly suggested if not compelled by recent cases which hold that federal courts should refrain from interfering with a state's administration of its own criminal laws, and should abstain from deciding issues of local concern until they are first presented to the state courts. *See, e.g., Younger* v. *Harris*, 401 U. S. 37, 43–44 (1971); *Fay* v. *Noia*, 372 U.S. 391, 417–20 (1963); *Buechold* v. *Ortiz*, 401 F. 2d 371, 373 (9th Cir. 1968); *Ganger* v. *Peyton*, 379 F. 2d 709, 710 (4th Cir. 1967). The fact that the Court has made the factual determination of probable cause in this case arises solely from the specific directions given on the remand and should be no precedent for the future.

The Court of Appeals apparently felt that a finding of probable cause was relevant to a determination of the question whether Menard's arrest record is a "criminal record" of the type which the Bureau is authorized to maintain under 28 U.S.C. § 534. Analysis demonstrates, however, that the question of probable cause has little to do with the merits of the underlying controversy. An arrest whether made with or without probable cause is to be sure a fact, but one that proves nothing so far as the actual conduct of the person arrested is concerned. An arrest without probable cause may still lead to conviction and one with probable cause may still result in acquittal. Under our system of criminal justice, only a conviction carries legal significance as to a person's involvement in criminal behavior. As the Supreme Court stated in *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 241 (1957):

"The mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense. When formal charges are not filed against the arrested person and he is released without trial, whatever probative force the arrest may have had is normally dissipated. [Footnote omitted.]"

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[1] Insurance companies are aided in necessary identification work but are not furnished criminal record data by the FBI.

[2] Burglary is defined under the California Criminal Code § 13–459 as follows:

> Every person who enters any house, room apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building . . . with intent to commit grand or petit larceny or any felony is guilty of burglary.

Other cases have held that arrests without convictions may not legally be used as the basis for adverse action against an individual. In *Gregory* v. *Litton Systems, Inc.,* 316 F. Supp. 401 (C.D. Calif. 1970), the practice of an employer in denying employment to persons with arrest records was found to violate Title VII of the Civil Rights Act of 1964. The court made factual findings that such a practice disqualified a higher proportion of blacks than whites, and that "information concerning a prospective employee's record of arrests without convictions is irrelevant to his suitability or qualification for employment." 316 F. Supp. 401, 403. *See also United States* v. *Kalish,* 271 F. Supp. 968, 970 (D. Puerto Rico 1967).

Relying on these general principles, Menard argues that in the absence of a conviction, the maintenance and use of his arrest record for any purpose whatsoever violates several constitutional guarantees—the presumption of innocence, due process, the right to privacy, and the freedom from unreasonable search under the Fourth Amendment. There are few precedents which deal directly with these issues. Those that do exist usually involve special circumstances such as dragnet arrests or arrests under patently unconstitutional statutes. *See, e.g., Wheeler* v. *Goodman,* 306 F. Supp. 58 (W.D. N.C. 1969); *Hughes* v. *Rizzo,* 282 F. Supp. 881 (E. D. Pa. 1968). Others have granted relief on motion ancillary to a pending criminal proceeding, calling upon general equity principles or local rules rather than constitutional considerations. *See, e.g. Morrow* v. *District of Columbia,* 135 U.S. App. D.C. 160, 417 F.2d 728 (1969); *United States* v. *Kalish,* 271 F.Supp. 968 (D. Puerto Rico 1967); *Irani* v. *District of Columbia,* A.2d (D.C. App. Jan. 27, 1971).

Each of Menard's constitutional arguments makes certain assumptions about the uses to which his arrest record will be put. As the Court of Appeals noted, it is a fact subject to ready judicial notice that dissemination of an arrest record may place substantial obstacles in the way of a person's opportunity for employment or advancement, and may also affect aspects of law enforcement and judicial action. No court has yet examined the legality of FBI practices with respect to the dissemination of arrest records. It is appropriate, therefore, to deal fully with those issues before reaching any expungement claims. The Court is required to determine under what circumstances, if any, arrest records not reflecting a later conviction may be disseminated by the Bureau either within or outside the Federal Government.

IV. DISSEMINATION OF ARREST RECORDS

Throughout the years Courts have sought to preserve a citizen's right to privacy against changes in our culture and developing modes of governmental regulation. As early as 1886 the Supreme Court stated in *Boyd* v. *United States,* 116 U.S. 616, 630 (1886), that privacy is inherent in our constitutional form of government. Referring to earlier British precedent the Court noted that privacy was a sacred right, stating:

"The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employes of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence,—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. . . ."

A moment's thought demonstrates the wisdom of this precept, as of course many subsequent decisions and commentators have noted.[3] While conduct against the state may properly subject an individual to limitations upon his future freedom within tolerant limits, accusations not proven, charges made without adequate supporting evidence when tested by the judicial process, ancient or juvenile transgressions long since expiated by responsible conduct, should not be indiscriminately broadcast under governmental auspices. The increasing complexity of our society and technological advances which facilitate massive accumulation and ready regurgitation of far-flung data have presented more problems in this area, certainly problems not contemplated by the framers of the Constitution.[4] These developments emphasize a pressing need to preserve and to redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy.

A heavy burden is placed on all branches of Government to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to Government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm. We are far from having reached this condition today, but surely history teaches that inroads are most likely to occur during unsettled times like these where fear or the passions of the moment can lead to excesses. The present controversy, limited as it is, must be viewed in this broadest context. In short, the overwhelming power of the Federal Government to expose must be held in proper check.

Menard, formerly a responsible officer in the Marine Corps, will in all likelihood not be hurt by his arrest which proved unfounded, but as a citizen he has the right to question the largely uninhibited distribution of information about this episode in his past. Where the Government engages in conduct, such as the wide dissemination of arrest records, that clearly invades individual privacy by revealing episodes in a person's life of doubtful and certainly not determined import, its action cannot be permitted unless a compelling public necessity has been clearly shown. Neither the courts nor the Executive, absent very special considerations, should determine the question of public necessity *ab initio.* The matter is for the Congress to resolve in the first instance and only congressional action taken on the basis of explicit legislative findings demonstrating public necessity will suffice.

This brings under pointed analysis the import of the legislation under which the Attorney General has delegated fingerprint identification functions to the Bureau. The statute previously quoted, 28 U.S.C. § 534, must be narrowly interpreted to avoid the serious constitutional issues raised by Menard and noted by the Court of Appeals. Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

The statute read as a whole is obviously designed only to facilitate coordinated law enforcement activities between the federal and local governments, that is, to assist arresting agencies, courts and correctional institutions in the apprehension, conviction and proper disposition of criminal offenders. Neither the statute nor the debates[5] so much as mention employment, and it is beyond reason to assume that Congress intended that this confidential quasi-investigative data should be handed to anyone who under authority of local ordinance or statute was authorized to take a fingerprint from an applicant for a position in public or private employment. At the time the statute was passed and since, there is no rational or uniform system among the states and local governments for obtaining fingerprints from applicants, and the compelling necessity of federal action to supply criminal information cannot be established by the whim or intolerance of any local board of selectmen.

The principal faults in the present system may be briefly indicated:

(1) State and local agencies receive criminal record data for employment purposes whenever authorized by local enactment. These enactments differ state-by-state and even locality-by-locality within a particular state. See Appendix A. Thus there is no pattern that finds justification either in terms of over-all law enforcement objectives or by category of employment.

(2) The Bureau cannot prevent improper dissemination and use of the material it supplies to hundreds of local agencies. There are no criminal or civil sanctions. Control of the data will be made more difficult and opportunities for improper use will increase with the development of centralized state information centers to be linked by computer to the Bureau.

(3) The arrest record material is incomplete and hence often inaccurate, yet no procedure exists to enable individuals to obtain, to correct or to supplant the criminal record information used against them, nor indeed is there any assurance that the individual even knows his employment application is affected by an FBI fingerprint check.

(4) The demands made of the Division for employment data have so increased that the Bureau now lacks adequate facilities to service new applicants who fall within its own vague standards of eligibility.

In short, with the increasing availability of fingerprints, technological developments, and the enormous increase in population, the system is out of effective control. The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards.[6] It is not the function of the courts to make these judgments, but the courts must call a halt until the legislature acts. Thus the Court finds that the Bureau is without authority to disseminate arrest records outside the Federal Government for employment, licensing or related purposes.

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[3] *See especially* A. Miller, The Assault on Privacy (1971), and his voluminous notes and citations.

[4] See President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Science and Technology, at 74–77 (1967). Dealing specifically with arrest records, the Commission noted three serious problems in their use:

"The record may contain incomplete or incorrect information.

The information may fall into the wrong hands and be used to intimidate or embarrass.

The information may be retained long after it has lost its usefulness and serves only to harass ex-offenders, or its mere existence may diminish an offender's belief in the possibility of redemption."

[5] The legislative history is exceedingly spare. The discussion which did take place in Congress only emphasizes the limitation of the Identification Division to criminal law enforcement purposes. 72 Cong. Rec. 1989 71st Cong., 2d Sess., Jan. 20, 1930).

[6] An extended discussion of the problem and some reasonable recommendations for legislation were made in the Task Force Report on Science and Technology, President's Commission on Law Enforcement and Administration of Justice, pp. 74–77 (1967).

When the statute is thus construed there is no difficulty in upholding it for the limited purpose that was intended. There is a compelling necessity to furnish arrest data to other law enforcing agencies for strictly law enforcement purposes. Arrest records are available in uncovering criminal conduct, they play a significant role in the prosecutor's exercise of discretion, they greatly aid in setting bond, determining sentences and facilitating the work of penal and other institutions of correction. When arrest records are used for such purposes, they are subject to due process limitations within the criminal process, and misuse may be checked by judicial action. The same safeguards are not present when an arrest record is used for employment purposes, often without the knowledge of the person involved. Menard's arrest record will not be expunged where its dissemination outside the Federal Government is limited to law enforcement purposes.

This leaves open for consideration the Federal Government's use of these records for purposes of governmental employment only. Executive Order 10450, *supra*, limited as it has been by previous Court decisions, must be recognized as a proper exercise of the President's responsibilities in the name of national security. There are many Civil Service and other built-in safeguards which protect misuse of this information. It cannot be passed on to private employers, including Government contractors. The Government's discreet use of this information already in its possession for its own limited employment purposes in aid of national security cannot be said to infringe any constitutional right asserted by Menard. While the point is of no consequence in his particular case, the Court ventures to suggest that the Executive Order should be re-examined in the light of present conditions and can in several respects be made more consonant with fair play, particularly if all applicants for federal service receive a personal copy of their record in time to correct or explain any data therein contained.

Menard's prayer for expungement is denied. His arrest record may not be revealed to prospective employers except in the case of any agency of the Federal Government if he seeks employment with such agency. His arrest record may be disseminated to law enforcement agencies for law enforcement purposes. An appropriate order to this effect is attached.

The foregoing shall constitute the Court's findings of fact and conclusions of law.

GERHARD A. GESELL.
U.S. District Judge.

June 15, 1971.

APPENDIX A—SAMPLE OF PERSONS REQUIRED TO BE FINGERPRINTED BY STATE OR LOCAL STATUTE, ORDINANCE OR RULE

Glendale, Arizona: Taxicab drivers and operators; transient, itinerant or traveling merchants, peddlers, private detectives, solicitors or canvassers, massage parlor operators, and employees.

Denver, Colorado: Any applicant for a driver's license.

District of Columbia: Auctioneers, fortune tellers, hackers, junk dealers, mediums, parking lot attendants, pawnbrokers, second hand dealers, solicitors, vendors; operators of billiard parlors, bowling alleys, detective agencies, massage establishments, pool rooms, shooting galleries; ABC licensees.

Town of Manalapan, Florida: Every person employed in any club, any place handling liquor, beer or wine in any form, motels, hotels, apartment houses, health spas, hospitals, and all newspaper carriers over the age of sixteen years, service station employees, special police officers, nurses, boat captains and crew members, town employees, estate maintenance employees, including lawn men, gardeners, and caretakers, and all domestic servants in the town.

State of Idaho: All real estate salesmen and brokers.

State of Maryland: Pari-mutuel employees and stable employees, including but not limited to foremen, exercise boys and grooms.

Springfield, Missouri: Female entertainers performing in establishment serving intoxicating beverages.

State of Nevada: Every applicant for a license to practice medicine.

State of North Carolina: Applicants for admission to the Bar.

Provincetown, Massachusetts: All non-residents seeking employment.

[In the U.S. District Court for the District of Columbia, Civil Action No. 39–68]

DALE B. MENARD, PLAINTIFF, VERSUS JOHN MITCHELL ET AL., DEFENDANTS

ORDER

This cause having come on for trial and the Court having this day filed a Memorandum Opinion containing its findings of fact and conclusions of law, it is this 15th day of June, 1971,

Ordered that defendants, their agents, successors and assigns, are permanently enjoined from disclosing the fingerprint card containing the arrest record of Dale B. Menard, or any facsimile thereof, to any person other than the following:

1. Employees of the Federal Bureau of Investigation;
2. Officials of any agency of the United States Government, in the event that Dale B. Menard applies to such agency for employment; and
3. Officials of any law enforcement agency of the United States Government or of any state or local government, provided that such official certifies that the record is to be used by that agency internally and solely for law enforcement purposes. The term law enforcement agency shall include only police and other agencies authorized to make arrests for criminal violations; courts; prosecutors' offices; and penal or other correctional institutions.

Nothing in this Order shall limit the ability of the Bureau or any receiving agency from disclosing the arrest record on order of any court of competent jurisdiction.

It is further ordered that plaintiff's prayers for relief in the complaint are in all other respects denied.

GERHARD A. GESELL,
U.S. District Judge.

LETTER TO ALL FINGERPRINT CONTRIBUTORS

FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 22, 1971.

Re FBI Identification Services

DEAR SIR: The following items are of immediate concern to all of us in law enforcement. We solicit your cooperation in implementing those changes requested.

FBI NUMBER

Effective immediately all criminal fingerprint cards requiring an answer will be given an FBI number if one has not been assigned previously. As you know, the practice in the past has been to assign such a number upon receipt of the second set of prints. A number now will be assigned upon receipt of the first set. This change is deemed desirable in view of the Computerized Criminal History Program scheduled for implementation this November, wherein the FBI number is a necessary element for entry into the system. The new procedure also should materially aid in curtailing multiple fingerprint submissions applicable to the same arrest or incarceration. Such submissions lead to the costly and time-consuming task of locating fingerprint jackets which are out of file as a result of the original fingerprint submission. The key to alleviating this problem of multiple submissions is close cooperation and effort by all.

DISCLOSURE OF FBI IDENTIFICATION RECORDS TO SUBJECTS

There has been some misunderstanding on the part of certain fingerprint contributors concerning disclosure of the contents of FBI identification records to the subjects of those records. Some law enforcement agencies have been under the impression that they would be denied future access to FBI identification records if they were to comply with a court order directing that a subject be permitted to examine the contents of his own record. Whereas the records themselves, or copies thereof, should not be furnished and the caution to treat such records for official use only should be strictly adhered to, certainly compliance with a court order constitutes an official use. Please insure there is no misunderstanding within your own agency or on the part of other criminal justice agencies that the FBI does not object to disclosure of the contents of an FBI identification record to the subject of that record where disclosure is made pursuant to court order in any pending criminal or civil case.

NON-FEDERAL APPLICANT FINGERPRINTS

Acting on remand in Menard v. Mitchell, 430 F2d 486 (1970), United States District Judge Gerhard A. Gesell, District of Columbia, on June 15, 1971, handed down a Memorandum Opinion in this case (Civil Action No. 39–68) which prohibits the FBI from disseminating identification records in response to fingerprints submitted by state and local law enforcement and other government agencies in connection with non-law enforcement purposes. This prohibition also extends to Federally insured banks and savings and loan institutions as well as railroad police. This means that effective immediately the FBI can no longer accept for processing fingerprints taken in connection with licensing or local or state employment which were formerly submitted directly to the FBI from the regulatory agency or institution or through a local law enforcement agency. We will continue to process applicant prints where the position sought is directly with a state or local law enforcement or correctional agency, as such processing directly serves a law enforcement purpose. There are no other exceptions.

In examining the issue of historic statutory authority for the Government to engage in such practice, the court observed "it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks." He further noted "the Bureau (FBI) needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards. It is not the function of the courts to make these judgments, but the courts must call a halt until the legislature acts. Thus the court finds that the Bureau is without authority to disseminate arrest records outside the Federal Government for employment, licensing or related purposes."

In its study and review of the court's action, the FBI has sought and obtained guidance and interpretation from the Department of Justice. There appears to be no choice but to cease processing all types of non-Federal applicant fingerprints. You will be promptly advised of any Congressional clarification of the Bureau's authority in this area. In the meanwhile all such fingerprint submissions will be returned to the contributing agency.

ARREST DISPOSITION DATA

The response to our letter of June 2, 1971, urging the submission of final arrest disposition data has been most gratifying. We have received numerous favorable replies pledging full cooperation, offering suggestions and asking questions. One question frequently raised is whether arrest fingerprint cards should be held by the contributor until final disposition is known, which in some instances may take months or even years. The answer, of course, is to submit arrest fingerprint cards promptly and follow with disposition information when it is available. In this way you can receive any identification record the individual may have in response to your fingerprint submission, and fugitives against whose fingerprints stops have been placed in our files will be promptly identified. Another point not universally understood is that disposition information should only be sent to the FBI when arrest fingerprints for the same offense were forwarded previously. Otherwise, we have nothing in our files to support the final disposition supplied. A third point I want to stress is that disposition submissions should be individual separate communications and not in list form. The reason for this is that the forms are filed in individual jackets relating to each subject of an FBI number.

In our continuing effort to obtain complete reporting of final dispositions, we have redesigned the final disposition report (form R–84), a sample of which is set forth in reduced size as an attachment to this communication. The most radical change is that as now designed, the form is to accompany the case file (or the arresting officer's report) so that the final disposition can be reported in each case at whatever level it occurs—police, prosecutor, or court. We recognize that the adoption of such procedure will require an educational program with criminal justice agencies. The disposition form will follow the arrestee's record on the current charge(s) until final action is taken as a result of his arrest. If the case goes to the prosecutor, his office should complete the form and submit it to the FBI Identification Division when the matter is resolved at this level. If court action is required, the prosecutor's office or clerk of the court should complete the form and forward it. Note particularly the provision for four-finger fingerprint impressions and instruction number two on the reverse side of the form. This provision was included in anticipation of a possible future requirement that records of convictions in the National repository be supported by fingerprints. Also, of course, more positive controls are thereby provided for the entire system. The actual size of the form will be the same as a fingerprint card, namely, 8 inches by 8 inches.

For the sake of uniformity and standardization, particularly in light of the tremendous volumes of forms handled by the FBI Identification Division, it is essential that the new form be utilized by all contributiors in reporting final dispositions. The new R–84 form is being printed on green stock and as soon as copies are available an initial supply will be sent to each fingerprint contributor. Thereafter, you should order the form as you need additional copies.

Very truly yours,

JOHN EDGAR HOOVER,
Director.

Mr. CANNON. Mr. President, I am pleased to join with the senior Senator from Nevada in offering legislation to remedy the adverse effects of Judge Gesell's June 15 decision regarding FBI identification services.

The court ruled that the Federal Bureau of Investigation could no longer disseminate identification records in response to requests submitted by local and State governmental agencies in connection with nonlaw-enforcement purposes. This service has been halted until the Congress acts to provide the necessary authority to disseminate arrest records outside the Federal Government for employment, licensing, and related purposes.

The legislation we offer today will authorize the Attorney General to exchange criminal record information with State and local agencies. The Nevada attorney general and the director of the Nevada Commission on Crime, Delinquency, and Corrections advise me that they have been seriously hampered in their efforts to screen personnel applying for licensing and employment. Our bill will permit States to utilize the FBI identification services in the employment of schoolteachers, the licensing of lawyers, private investigators, real estate agents, and other areas of nonlaw-enforcement employment.

Our bill is very much needed in Nevada where privilege industries play such a large role in the State. It is essential that the State be able to obtain information on potential employees and employers in the gaming and liquor industries.

It is my understanding that the Justice Department is preparing a bill somewhat similar to the one being introduced today. I would urge the Department to send their proposal up as quickly as possible so that we may have an opportunity to review their approach to the problem. I am confident that we can agree upon a bill that would extend this essential service and, at the same time, provide adequate sanctions and administrative safeguards.

By Mr. HRUSKA:

S. 2546. A bill to facilitate and regulate the exchange of criminal justice information and to insure the security and privacy of criminal justice information systems. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I introduce today a bill which confronts Congress with the important issue of how law enforcement agencies—Federal, State, and local—can maintain and disseminate necessary information on criminal offenders and still protect the privacy rights of the individuals concerned.

This has become an increasingly more critical issue in the computer age, as the hearings held early this year by the Subcommittee on Constitutional Rights amply demonstrated. The problem was stated succinctly by the President's Commission on Law Enforcement and Administration of Justice, as follows:

> The importance of having complete and timely information about crimes and offenders available at the right place and the right time has been demonstrated throughout this chapter and, indeed, throughout this report. With timely information, a police officer could know that he should hold an arrested shoplifter for having committed armed robbery elsewhere. With a more detailed background on how certain kinds of offenders respond to correctional treatment, a judge could more intelligently sentence a second offender. With better projections of next year's workload, a State budget office would know whether and where to budget for additional parole officers.
>
> Modern information technology now permits a massive assault on these problems at a level never before conceivable. Computers have been used to solve related problems in such diverse fields as continental air defense, production scheduling, airline reservations, and corporate management. Modern computer and communications technology permits many users, each sitting in his own office, to have immediate remote access to large computer-based, central data banks. Each user can add information to a central file to be shared by the others. Access can be restricted so that only specified users can get certain information.
>
> The most delicate part of any criminal justice information system is the record of previously arrested people and accompanying information about them. Such information is valuable in making prosecution, sentencing, and correctional decisions. But whenever government records contain derogatory personal information, they create serious public policy problems:
>
> The record may contain incomplete or incorrect information.
>
> The information may fall into the wrong hands and be used to intimidate or embarrass.
>
> The information may be retained long after it has lost its usefulness and serves only to harass ex-offenders, or its mere existence may diminish an offender's belief in the possibility of redemption.
>
> Heretofore, the inherent inefficiencies of manual files containing millions of names have provided a built-in protection. Accessibility will be greatly enhanced by putting the files in a computer, so that the protection afforded by inefficiency will diminish, and special attention must be directed at protecting privacy. However, the new technology can create both more useful information and greater individual protection.

Since the issuance of the Crime Commission's report in 1967, a great deal of study has been given to the security and privacy aspects of criminal justice information systems. The Law Enforcement Assistance Administration, created by the Omnibus Crime Control and Safe Streets Act of 1968, soon originated as Project SEARCH—System for Electronic Analysis and Retrieval of Criminal Histories—a prototype, computerized system for the exchange of criminal history information among the States. In December 1970, having successfully demonstrated the prototype, Project SEARCH was turned over to the FBI for development of an operational system to be part of the National Crime Information System. One of the crucial decisions required to be made by the SEARCH project group was how to deal with the security and privacy problem. The recommendations of that group, which was composed of distinguished members of the law enforcement and data processing communities, contributed significantly to the development of the legislation I now introduce.

In the course of the consideration in the Senate of the proposed Omnibus Crime Control Act of 1970, an amendment was added to that legislation by the Committee on the Judiciary, to require the Law Enforcement Assistance Administration to submit legislative recommendations to promote the integrity and accuracy of criminal justice data collection. Popularly known as the Mathias amendment, for its author, our colleague from Maryland, the provision was subsequently amended in conference to make clear that the legislative recommendations should assist in the purposes of the law enforcement assistant program.

The bill which I introduce is Attorney General Mitchell's response to the legislative mandate of the 190 act.

The significant features are:

Provide for stringent controls over the security of criminal justice data systems, including that they be used only for law enforcement purposes and under the management control of law enforcement agencies. In order to permit State and local agences which cannot now meet these requirements to participate in a system, the Attorney General is authorized to grant waivers in proper cases.

Provides for limited access to covered data systems. Only law enforcement agencies—police, courts, corrections—will have direct access. Further dissemination of information must be necessary to the enforcement of a specific law and approved by the Attorney General.

Authorizes an individual to have access to his record so that he may ensure that it is accurate and complete.

Requires operating procedures to assure that each individual's record is purged from the active files after the passage of a sufficient period of time to indicate that the individual is no longer active in the criminal justice system—that is, deceased or rehabilitated.

Provides for civil and criminal penalties for the willful dissemination or use of criminal justice information in violation of the provisions of the bill.

Authorizes the Attorney General to prescribe regulations to carry out the provisions of the bill.

Mr. President, the issues formed by this bill are deserving of the serious and prompt consideration of the Senate. I urge my colleagues to join with me in according it that consideration.

I ask unanimous consent that the Attorney General's letter transmitting the legislation, the bill, and a section-by-section analysis be printed in the RECORD. I ask that the bill be appropriately referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2546

A bill to facilitate and regulate the exchange of criminal justice information and to insure the security and privacy of criminal justice information systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Information Systems Security and Privacy Act of 1971."

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "criminal justice information system" means a system, including the equipment, facilities, procedures, agreements and organizations thereof, funded in whole or in part by the Law Enforcement Assistance Administration, for the collection, processing or dissemination of criminal offender record information or criminal intelligence information.

(2) "criminal offender record information" means records and related data, contained in a criminal justice information system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release.

(3) "criminal intelligence information" means investigatory information, including reports of informants and investigators, in matters pertaining to law enforcement, contained in a criminal justice information system and indexed under an individual's name, or retrievable by reference to an individual by name or otherwise. The term does not include information from the news media or other sources accessible to the public.

(4) "criminal justice information" includes criminal offender record information and criminal intelligence information.

(5) "Law enforcement" means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control or reduce crime or to apprehend criminals, activities of corrections, probation or parole authorities.

(6) "law enforcement agency" means a public agency which performs as its principal function activities pertaining to law enforcement.

ACCESS AND USE

SEC. 3. (a) Except as provided in subsections (b) and (c) of this section, access to criminal justice information systems shall be available only to law enforcement agencies. Criminal justice information may be used only for law enforcement purposes or for such additional lawful purposes necessary to the proper enforcement or administration of other provisions of law as the Attorney General may prescribe by regulations issued under section 6.

(b) Criminal justice information may be made available to qualified persons for research related to law enforcement under regulations established by the Attorney General. Such regulations shall establish procedures to assure the security of the information released and the privacy of individuals about whom information is released.

(c) An individual who believes that criminal offender record information concerning him is inaccurate, incomplete, or maintained in violation of this Act shall, upon satisfactory verification of his identity, and in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

SECURITY, UPDATING AND PURGING

SEC. 4. Criminal justice information systems shall—

(a) Unless exempted under regulations prescribed under section 6, be dedicated to law enforcement purposes and be under the management control of a law enforcement agency;

(b) include operating procedures reasonably designed to assure the security of the information contained in the system from unauthorized disclosure, and to assure that criminal offender record information in the system is regularly and accurately revised to include subsequently furnished information; and

(c) include operating procedures designed to assure that criminal offender record information concerning an individual is removed from the active records, based on considerations of age, nature of the record and a reasonable interval following the last entry of information indicating that the individual is still under the jurisdiction of a law enforcement agency.

(d) notwithstanding any provision of section 3 or of this section, or of any rule, regulation, or procedure promulgated pursuant thereto, any criminal justice information pertaining to juvenile delinquents which is maintained as part of a criminal justice information system shall be afforded, at least, the same protection and shall be subject to the same procedural safeguards for the benefit of the individual with respect to whom the information is maintained, in matters relating to access, use, security, updating, and purging, as it would be if it were not maintained as part of such system.

CIVIL AND CRIMINAL REMEDIES

SEC. 5. (a) A person with respect to whom criminal justice information willfully has been maintained, disseminated or used in violation of this Act shall have a civil cause of action against the person responsible for such violation and shall be entitled to recover from such person actual damages and reasonable attorney's fees and other litigation costs reasonably incurred.

(b) Whoever willfully disseminates or uses criminal justice information knowing such dissemination or use to be in violation of this Act shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(c) No public official or agency shall be subject to any civil or criminal penalty under this section for the dissemination or use of information obtained or derived from sources accessible to the public.

(d) A good faith reliance upon the provisions of this Act or of applicable law governing maintenance dissemination or use of criminal justice information, or upon rules, regulations or procedures prescribed thereunder, shall constitute a complete defense to a civil or criminal action brought under this Act.

REGULATIONS

SEC. 6. The Attorney General is authorized, after appropriate consultation with representatives of State and local law enforcement agencies participating in information systems covered by this Act, to establish such rules, regulations and procedures as he may deem necessary to effectuate the provisions of this Act.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 20, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal entitled, "Criminal Justice Information Systems Security and Privacy Act of 1971." This proposal is in response to the Congressional mandate in section 7 of the Omnibus Crime Control Act of 1970 that the Law Enforcement Assistance Administration of this Department submit to the President and to the Congress recommendations for legislation to assist in the purposes of title I of the Omnibus Crime Control and Safe Streets Act of 1968 with respect to promoting the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems. Also enclosed is a section-by-section analysis of the proposal.

The draft bill provides for stringent controls over the security of and access to criminal justice information systems, contains appropriate provisions for updating of information in them, for purging of outdated information, and for allowing individuals to have access to criminal history records concerning them, in order to insure that they are accurate and complete.

The draft bill also provides civil and criminal remedies against those who violate its provisions by unlawful dissemination or use of criminal justice information and authorizes the Attorney General to prescribe regulations to effectuate its provisions.

The proposed legislation would, I believe, protect the constitutional rights of persons affected by the collection and dissemination of criminal justice information, while at the same time ensuring that the legitimate needs of law enforcement authorities for complete and accurate information may be satisfied. Its early and favorable consideration is urged.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Program of the President.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

SECTION-BY-SECTION ANALYSIS

Sec. 1 is the enactment and title clause.

Sec. 2. Definitions.

(1) "Criminal justice information system" is defined to include those systems for the collection, processing or dissemination of criminal justice information that are funded in whole or in part by the Law Enforcement Assistance Administration. Any system receiving LEAA support would be subject to the Act in its entirety, including any Federal participation. With respect to the term "equipment" in section 2(1), whenever equipment, such as central computer facilities, is shared with non-criminal justice systems, the term includes only those portions of the shared equipment which are used in the criminal justice system.

(2) "Criminal offender record information" is defined to include records of arrests and dispositions of criminal offenders. This information would include data necessary to identify individual offenders and provide a complete history of their involvement with the criminal justice system including arrest, arraignment, trial detention, parole and release. Intelligence and investigative reports are not included in "criminal offender record information".

(3) "Criminal intelligence information" includes investigatory information related to law enforcement and indexed or retrievable by individual name. Information from public sources is excluded so as to avoid the imposition of the Act's civil and criminal penalties for the dissemination or use of information that could be obtained from the newspapers or other public sources.

(4) "Criminal justice information" includes both criminal offender record information and criminal intelligence information.

(5) The definition of "law enforcement" is taken from section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(6) "Law enforcement agency" includes only agencies that are principally engaged in law enforcement activities. This would include police forces, responsible for enforcement of the general criminal law, prosecutorial agencies, courts with criminal jurisdiction, correction departments (including probation), parole commissions, and governmental agencies that are engaged principally in the collection and provision of criminal justice information. The definiton would exclude railroad police, harbor police and other agencies that are not principally concerned with enforcing general criminal laws although they may have some limited law enforcement responsibilities.

Sec. 3. Access and Use.

Subsection (*a*) provides that only law enforcement agencies shall have direct access to systems covered by the Act and that information obtained from the system may be used only for law enforcement purposes or additional lawful purposes prescribed by the Attorney General by regulation. It is intended that agencies that use criminal justice information for valid non-law enforcement purposes, as for example, counterintelligence, personnel suitability, or security, may continue to do so, but they must obtain the information through a law enforcement agency.

Subsection (*b*) permits secondary dissemination for research purposes, under regulations prescribed by the Attorney General. Such regulations must establish procedures to assure data security and to protect individual privacy.

Subsection (*c*) permits an individual to review and copy his criminal offender record file upon proof of identity and compliance with published rules concerning time, place, fees and the like. This right to individual access does not apply to criminal intelligence information.

Sec. 4. Security, Updating and Purging.

Subsection (*a*) provides that all covered systems shall, unless exempted by regulations, be used only for law enforcement purposes and be under the management control of a law enforcement agency. This is designed to prevent commingling with non-law enforcement data and to reduce the possibility of unauthorized disclosure. To be "dedicated" to law enforcement, an information system, including all equipment and facilities, must be limited to the function of serving the criminal justice community and fully independent of non-criminal justice information systems. "Management control" means the authority to set and enforce policy concerning system operation and use, including the authority to employ and discharge personnel engaged in operating the system.

It is recognized that many State and local law enforcement agencies that may wish to participate in a covered system cannot now provide system facilities, such as computers and related equipment and facilities, that are dedicated solely to law enforcement purposes. The bill therefore permits the Attorney General to prescribe regulations exempting such agencies from this requirement.

Subsection (*b*) requires system procedures designed to minimize unauthorized disclosure and to assure regular and accurate updating of offender record information.

Subsection (*c*) is designed to assure that offender record information is removed from the active records after the passage of a sufficient period of time to indicate that the individual is no longer active in the criminal justice system—that is, deceased or rehabilitated. It would also assure that record information which is required by Federal or State law to have limited accessibility, such as on juvenile defenders, is maintained separately or is removed from the active records. Purged information would be available only to agencies having a specific need for it based on statute. An example of statutory need is found in the provisions of the Gun Control Act of 1968, under which a prior felony conviction, however remote, is the basis for criminal violations. See e.g., 18 U.S.C. 922(g) (1).

Subsection (*d*) is designed to insure that existing State statutes limiting access to and use of records of juvenile offenders are not superseded by this legislation.

Sec. 5. Civil and Criminal Penalties.

Subsection (*a*) provides for civil damages for willful unauthorized maintenance, disclosure or use of criminal justice information, either offender record information or intelligence information.

Subsection (*b*) provides criminal penalties of one year in jail or $1,000 fine, or both, for willful and knowing violations of the Act.

Subsection (*c*) provides that public officials and agencies shall not be subject to penalties for the dissemination or use of information that could be obtained from public sources. The purpose of this provision is to avoid the imposition of penalties for dissemination or use of information that is not in any way confidential, sensitive or peculiar to a covered system, but which could be easily obtained from public sources by anyone desiring it.

Subsection (*d*) provides a complete defense against any civil or criminal action for any law enforcement officer acting pursuant to the Act or applicable State laws, or to regulations issued thereunder. Thus, an officer could not incur a penalty for a disclosure or use of information in the course of performing his duties in good faith reliance upon rules or procedures adopted by his agency under the Act or laws and regulations thereunder.

Sec. 6. Regulations. This section authorizes the Attorney General to establish rules, regulations and procedures to implement the Act, after consultation with appropriate persons. Such regulations could cover such matters as the content of criminal offender record files (excluded offenses, data elements and format, for example), controls on the use of criminal intelligence information, the use of criminal justice information for other than law enforcement purposes, the use of such information for research purposes, procedures for granting access to individuals to examine and copy their criminal offender record files (including procedures for verification of identity), and exemption of participating agencies from the requirement that system equipment must be dedicated exclusively to law enforcement purposes. It is contemplated that in appropriate cases a partition or segment of a centralized computer will be permitted to be dedicated to a criminal justice system, provided that the personnel responsible for the use of the partition or segment are under the management control of a law enforcement agency.

By Mr. McGEE:

S. 2547. A bill for the protection of the bald and golden eagles. Referred to the Committee on Commerce.

Mr. McGEE. Mr. President, national attention was recently focused on the State of Wyoming when my Appropriations Subcommittee on Agriculture, Environmental, and Consumer Protection held hearings into the alleged slaughter of nearly 800 bald and golden eagles. Since these revelations, Americans from across the Nation have written me expressing genuine shock and dismay that such an act could have been perpetrated in an age of growing environmental enlightenment.

To gain some insight into the reasoning leading to these alleged eagle slaughters, I would like to reveal a conversation I had with one of the individuals who participated in the shootings from helicopters. I asked if at any time it was determined that a sufficient number of eagles had been destroyed so as to no longer pose a threat, real or imagined, to sheep. I further queried him as to when he thought it would be the time to refrain from destroying these magnificent birds. He replied, "Not until they're all gone." In other words, that individual was of the opinion that the only good eagle was a dead eagle.

As this controversy gained national prominence and the first shock waves of sensationalism began subsiding, there were those who tired of the publicity being generated. This is understandable, especially when the issue suddenly became a debate of personalities on the part of those involved. This resulted in a daily game of rhetorical ping-pong running the full gamut of denials, accusations, and counterallegations.

Perhaps the public may rightfully grow weary of the subject of eagle killings. However, I do not believe we can risk becoming insensitive to deeper implications involving the destruction of a species of wildlife.

I realize the simple gesture of increasing the penalties for killing or molesting bald and golden eagles will not solve all problems concerned with the survival of these birds. It can only be an effort to control deliberate acts of destruction.

As citizens concerned with enhancing the integrity of our environment and the survival of all living species, we must not limit our response to these revelations to shaking our heads and bemoaning the irresponsible actions of a few. We cannot allow ourselves to stop here. There are many other subtle acts of man which also pose threats to other species of wildlife, as well as our American eagles. We must also concern ourselves with these threats and give them considerable scrutiny and study.

Since 1940, Federal law has protected the bald eagle from deliberate destruction or molestation. At that time there was concern that the symbol of our Nation was headed toward the point of extinction. Most Americans, I believe, can readily identify the bald eagle with a majestic image of this country; it is a beautiful bird, graceful in flight, fierce when molested, faithful and protective of its young and indigenous to our land.

It is not difficult to paint this bird in almost sanctimonious terms. But in this age of increasing environmental awareness, the real question we should be asking about the bald eagle and the golden eagle—or wildlife in general, for that matter—is how the specie fits into the pattern of a living community. We are members of this community. Those of us who must spend much of our time in the crowded corridors and streets in many of our ill-designed cities know how enriching it is to get out into the country and enjoy the wilderness and a community of wildlife that is so very much our heritage as Americans—and as human beings.

While the zoos of our great cities may be interesting places to visit, they cannot, I believe, replace the actual experience of watching a deer, or an antelope, or an eagle move and live within its habitat. It is difficult to explain this almost intangible importance wildlife has. How can we answer the stockman who so bluntly asks, "Which is more important—an eagle or my livestock?" To those with a direct interest involved, the answer may be quite simple. For the public—which has an interest in both livestock and eagles—the answer is difficult. In the months to come, Mr. President, I hope to explore the many questions raised about predators and the so-called predator-control programs of the Federal Government. I am planning to conduct hearings soon on this subject and its many ramifications before my Appropriations Subcommittee.

My bill would amend the Bald and Golden Eagle Protection Act by increasing the maximum fine from the present amount of $500 to $5,000, and the maximum term of imprisonment from the present 6-month term to a term not to exceed 1 year. Furthermore, a second or subsequent conviction would carry a maximum penalty of $10,000 and imprisonment for a period not to exceed 2 years. Each violation of this act will constitute a separate offense.

The penalty section of my bill provides for an additional sanction which is not currently contained in the law. It requires that any lease, contract, license, permit or other agreement entered into by the Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal department or agency with any person involving or affecting the public lands shall contain a provision rendering such instrument void should the contracting party be convicted of any offense under this act. I want to emphasize that this provision is not intended to single out any particular individual or group but applies equally to all persons claiming an interest in Federal lands by an agreement or otherwise.

The increase of penalties alone, I realize, will not solve all problems which we have encountered in trying to protect and preserve the eagle from deliberate destruction by man. The increased penalties which my bill provides will, however, be a strong deterrent for those who might be tempted to disregard the Bald and Golden Eagle Protection Act and the intent of Congress to promote their own interests at the expense of the general public.

In conclusion, this legislation should be just one step in a search for a compatible relationship between man and his environment. We must not only learn to control our destructive tendencies, but we must also strive for the achievement and enhancement of those environmental values we are on the verge of losing forever.

By Mr. ROTH (for himself, Mr. TOWER, and Mr. BROOKE):

S. 2551. A bill to provide for a national program for an improved national securities transfer system, including a commercial securities depository corporation, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ROTH. Mr. President, the securities business is emerging from its darkest period since the depression. At this watershed in the industry's history, it is vital that the lessons of the recent past remain fresh, not only in the minds of the industry, but also in the minds of Congress and the SEC. We in Congress and the Commission are by tradition and by law the diagnosticians rather than the surgeons of the industry's ailments. Therefore, these lessons are for us less a call for action than an inducement for a reexamination of the meaning of self-regulation. Our goal must be to insure that the securities industry has the strength and capacity it needs to avoid another period of instability during the 1970's and 1980's. The Securities Subcommittee is striving toward that goal during our extensive study of the industry's regulations and practices which began on July 1 of this year.

If it could be said that there is a single reason for our study, it would be our recognition of the need to safeguard the welfare of the small investors who own 70 percent of all stock in American corporations valued at over $683 billion. Just as the individual citizen is the cornerstone of a free society, so the individual investor constitutes the backbone of our free enterprise system. The gravest threat to that system is that practices prevalent in the securities industry will cut down the accessibility of the Nation's auction market to the average investor. I believe it essential to our system of a broadly based capitalism that the traditional openness of the securities markets, for long the envy of foreign exchanges, be preserved so that the maximum opportunity be given to the millions of individuals who want a share in the ownership of American business. The fastest way to condemn any system is to lead individuals to lose their incentive to preserve it. On the other hand, the best way to encourage a thriving free enterprise system with a maximum of individual participation, is to provide more efficient, cheaper, and more creative ways of allowing the public to gain a stake in the Nation's business.

To do so, the industry must first win the greater confidence of the small investor. Therefore, the industry must be strengthened; its regulations and practices reflect modern technology; its capital infrastructure reformed to meet the demands of the 1970's; and its continued profitability, regardless of fluctuations in volume, assured.

Nothing has done more to detract from the confidence of the average investor in our Nation's securities business than the revelation before the Subcommittee on Investigations of a national problem of securities thefts and losses. Some comprehensive and effective system is needed to safeguard the Nation's wealth in corporate stocks and bonds.

Given this immediate and pressing need for further reforms in the securities industry, the question arises whether the industry's own self-regulatory powers are capable of making them. The principle of self-regulation has long been a vital premise in Congress' continued rethinking of the Securities and Exchange Act of 1934. Long before the adoption of that act, the stock exchanges had evolved a system of internal government to regulate the admission and conduct of members. Congress chose not to preempt this self-regulation when it passed the acts of 1933 and 1934. The very purpose of those and later acts was not to replace industry regulation with Federal regulation, but to remedy deficiencies in the common law and state statutes governing deceit and fraud. In the series of acts and amendments since 1933, Congress has continually redefined the meaning of self-regulation; it has never contemplated abrogating it.

The reasons for this are sound ones. A self-regulatory approach involves industry directly in the regulatory process. One inevitable result of this involvement is that any changes are bound to be more pragmatic and hence more lasting. As John Kenneth Galbraith once said:

> Regulatory bodies, like the people who comprise them, have a market life cycle. In youth they are vigorous, aggressive, evangelistic, and even intolerant. Later they mellow, and in old age—often a matter of 10 or 15 years—they become, with some excep-

tions, either an arm of the industry they are regulating or senile.

The primary advantage of the self-regulatory approach is the reduced need for an extensive and sometimes cumbersome governmental bureaucracy and further commitments of the taxpayer's money. Therefore, any action taken by Congress to stimulate reforms should involve the industry directly and should provide for a maximum of industry-based control and participation in the spirit and within the framework of self-regulation.

It is apparent to me that the securities industry is unique among American industries in designing imaginative and constructive programs to bring about necessary reforms. It is widely recognized that these programs have relative strengths and weaknesses. The important thing at this time, however, is for the securities industry to achieve a unified approach that is effective in meeting the needs of brokerage customers in the 1970's.

Despite the many proposals for reform, so far efforts to restructure the securities industry have been fragmentary. Groups such as the North American Rockwell Corp., the Rand Corp., the New York Stock Exchange, the Banking and Securities Industries Committee, William McChesney Martin's task force, and even Congress itself have proposed plans ranging from complete abolition of the stock certificate to mere modification of existing processing procedures. As yet, however, no organization has been sufficiently representative of the interests involved nor sufficiently effective in securing their cooperation to bring about much-needed reforms in the securities industry.

The most basic need in the securities industry today is for an overall total systems approach to the stock certificate processing problem. Here the industry is faced with perhaps its greatest challenge, for estimated trading volume at the end of the decade far exceeds present certificate processing capacity. Last year the New York Stock Exchange predicted that the industry could handle a combined New York-AMEX volume of 24 million shares a day, plus a like volume on the over-the-counter market. This capacity will be surpassed long before the end of the decade, when, an industry spokesman recently predicted, average daily volume will lie between 27 to 36 million shares with occasional peak volumes as high as 63 million shares.

PROPOSALS FOR REFORM

Several proposals to deal with the time-consuming and inefficient procedures involved with the physical movement of securities merit the closest attention. One group of proposals advocates replacing the paper certificate with a machine readable certificate. The individuals who favor this approach are fully aware of the technical problems involved in designing a long-lasting punchcard which could not be counterfeited with as much difficulty as the present engraved certificate. In addition, under today's procedures, large portfolios of punched cards would still have to be transported much in the same fashion as stock certificates are today. This would be true also of the proposed "encoded" certificate or the present certificate to which machine readable information would be attached. In addition, the costs of conversion to a machine readable certificate, requiring a highly mechanized environment, may spell the end of the small and medium-size broker.

Other proposals would certainly appear to be extremely beneficial to the securities industry, but it is questionable whether they would be acceptable to all public customers. Thus, for example, there have been proposals to describe ownership of securities in U.S. corporations solely by bookkeeping positions in a manner similar to that used by bank checking services. In an industry where bookkeeping procedures are notoriously poor, however, these proposals would deprive the small investor of the stock certificate, the tangible evidence of his ownership. After the recent disclosures of widespread securities thefts and losses on Wall Street, it is understandable why customers of stock brokerage firms, in their desire for protection, should wish to possess their certificates and provide for their safekeeping. They should be allowed to do so at least in the short run.

Transition to the so-called certificateless society would in my opinion be desirable in the long run, however, provided that the industry develops procedures to furnish individual investors with more accurate periodic statements of their securities holdings and to reduce substantially the opportunities for fraudulent manipulation of records of securities holdings in the data banks of the industry's computers. In addition to these conditions, I believe that, in view of the findings of my former colleague in the House, Mr. Gallagher, any further efforts to concentrate data concerning ownership of securities should be combined with appropriate provisions for keeping such information on record with maximum confidentiality. It will be some years before these conditions can be fully satisfied and before the many State laws governing the paper certificate can be amended, so that the stock certificate may be replaced with a form of ownership similar to that of modern bank checking accounts. Such a development, however, would be most advantageous, not only for the securities business, which would be relieved of its present custodial responsibilities, but also for the millions of American investors who would benefit from a cheaper, safer, and more convenient form of ownership of their shares in American enterprise.

SECURITIES DEPOSITORY SYSTEM

Although development of a new form of securities ownership will take some years, major structural reforms in the securities business are needed now, to meet the needs of the immediate future. Thus, it is essential that we consider other possible areas for improvement in the near future. The recommendation of the Banking and Securities Industries Committee, composed of the presidents of the exchanges and other outstanding leaders in the securities business, to establish a national securities depository system deserves particular consideration.

Current depositories in operation, such as the Central Certificate Service of the New York-AMEX, maintain physical custody of securities on deposit from member brokerage houses. Transfer of ownership is made by bookkeeping entry on a net-by-net rather than transaction-by-transaction basis between brokerage houses. These systems permit large reductions in the volume of back office paperwork with resulting savings to member brokers.

Present depositories are hampered by incomplete bank participation and by separate member and nonmember recordkeeping systems. In addition, the physical movement of securities is such that another period of high trading volumes as in 1968 might well again suffocate Wall Street in its own paperwork. A national depository system, however, would effectively reduce by 50 percent the present physical movement of securities. The result would be a large savings to brokers in the form of lower overhead on certificate processing operations. The time for effecting transfers of ownership of securities would be reduced by 40 percent. In addition, the operating costs to brokers of such a system would be substantially lower due to the lesser need for physical movement of securities. This saving could be passed on to customers in the form of lower commission rates. Finally, there would be a far lesser risk of theft or loss of customer securities since fewer persons would be involved in handling certificates.

A significant advantage of a depository system is that possession of the stock certificate can be made optional. Those customers who demand the certificates may do so while those who have no real need for them will not use certificates. Since about 70 percent of present day customer transactions are institutional, I believe the optional approach can bring about a significant reduction in the number of stock certificates which must be processed by the industry.

A national depository system would be entirely compatible with the development of a machine readable certificate, if the industry should choose to embark in that direction. In fact, given the present procedures of transferring physical possession of the security, a depository system may be a necessary prerequisite to control the environment in which a machine readable certificate would be used.

Most importantly, a national depository system of the kind I have described would be an important step in the direction of what I believe is the ultimate solution to Wall Street's back office problems; namely, a new form of ownership of securities. The nationwide communications network required to allow transfer of ownership on the books of the depository system could eventually become the technological and capital base for a nationwide bookkeeping net work in the "certificateless society." Furthermore, the joint efforts required among all sectors of the industry to implement this idea may well bring about a new spirit of determination and cooperation, new approaches to the industry's problems and new forms of organization to achieve industrywide and nationwide objectives.

NATIONAL SECURITIES CORPORATION

In order to focus the industry's efforts at solving what has become a national problem; namely, the need for safer, cheaper, and more efficient means of transferring ownership in American business enterprise, I am proposing the establishment of a national program to bring into operation a nationwide system for transferring securities ownership.

This program will operate in two stages: First, it will establish a COMSAT-type, privately owned and funded, National Securities Corp. This Corporation will, as soon as practicable, commence operation as a nationwide depository system. It will act as a comprehensive settlement system, maintaining physical custody of corporate stocks and bonds placed on deposit by the Nation's financial institutions in decentralized regional depositories. Transfer of ownership of certificates will be made by bookkeeping entry, much as the Federal Reserve System accomplishes for deposits of member banks.

While direct depositors in the system will be limited to member firms of the national exchanges and the larger institutional investors, any customer of a member firm would be permitted as now to leave his certificate with the firm, which could then deliver it to the regional depository for safekeeping. When the customer decided to sell his security, the change in ownership would be reflected on the records of the corporation and the firm for the purchasing customer would be credited for the security. Thus, the functions of settling and clearing securities transactions, presently performed by brokerage houses and by limited depositories would be assumed by the Corporation. Whether the Corporation would also assume the duties of existing transfer agents; namely, insurance and cancellation of certificates, is a matter which I feel deserves further consideration and which I would hope the Securities Subcommittee would consider during hearings on this bill.

Establishment of this depository system would, as I have mentioned earlier, substantially increase the certificate processing capacity of the securities business. Significant savings in operating costs would accrue to member depositors. Opportunities for theft and loss of stock certificates would be substantially diminished. Finally, the national securities depository system will allow customers of brokerage houses to maintain physical possession of their stock certificates, at least until the securities business develops procedures for new forms of ownership that are safe, cheap, and efficient.

No solution to the industry's certificate process problem is without its relative weaknesses. To permit full participation of banks in a national depository systems, laws in 50 States will have to be amended. To permit pledging of securities on deposit as collateral for loans, laws governing the stock certificate may have to be changed. These impediments, however, would neither frustrate the establishment of a national depository system nor prevent the significant advantages which I have mentioned. To deal with these legal problems, I propose a National Commission on Uniform Securities Laws, composed of representatives from the securities business, from those charged with the administration of State securities laws, from organizations which represent the private investor, from the banking industry and from the Securities and Exchange Commission. The National Commission will make recommendations to State legislators to facilitate the establishment of an effective national securities depository system.

The National Securities Corporation, the privately owned corporation which would be created if this bill becomes law, would be charged with the task of conducting basic research into certificateless means of owning securities similar to the present system of owning many Government securities by bookkeeping entry. Once safe, efficient and confidential means of representing ownership of securities without the need for the stock certificate are developed, then the second stage of the national program would go into effect. The National Securities Corporation would then gradually convert its operations to handle certificateless means of ownership. Since this is an extremely complex problem, which will require years of further effort by the securities industry, the computer industry, and Federal and State legislatures, some central facility, such as the National Securities Corporation, should be established to devote to this task a level of attention, structure and effort beyond what it is now receiving.

I propose these two new structures, the National Securities Corporation and the National Commission on Uniform Securities Laws, with due regard for the tremendous efforts made thus far by all the groups which have given the problem their consideration— the stock exchanges, the National Association of Securities Dealers, the Association of Stock Exchange Firms, the American Bar Association, the Banking and Securities Industries Committee, and many others. They have contributed immensely to our comprehension of the problems and approaches to their solutions. It is my belief that these national organizations which I have proposed will serve to provide a useful forum where these groups may coordinate their efforts in the future.

The task of establishing a national system for transferring securities ownership will require the close cooperation of all these groups. Because of the many technical complexities involved in such a task, the Corporation which I have proposed cannot be said to be in its final form. Rather, I would hope that during the hearings on the problems in the securities business this month the Securities Subcommittee will consider this proposal and solicit the recommendations of interested parties on appropriate substantive changes. Recently, I myself have received the views of a number of industry spokesmen who have indicated their interest in this proposal. Hearings on this proposal would in themselves serve to stimulate the interest of the various industry groups, whom I urge to continue their efforts at bringing about reforms.

Mr. President, our Nation's securities markets lie at the very pulsebeat of the Nation's economy. Failure to act now during this period of relative stability in the securities business may well culminate in another period when the business is choked by its own sales efforts. Not only the securities business but also the national economy itself is at stake. Responsible and careful planning now by the Congress is essential to assist the banking and securities industries to meet the future needs of the Nation's 30 million direct stockholders and 106 million individuals who own stock indirectly through pension and insurance plans and mutual funds. Mr. President, I believe the establishment of the national program for an improved means of transfering securities ownership will afford the Nation's banking and securities industries the opportunity to meet those needs, to avoid another period of instability, and to safeguard the Nation's financial assets.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2551

A bill to provide for a national program for an improved national securities transfer system, including a commercial securities depository corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Securities Act".

TITLE I—NATIONAL SECURITIES CORPORATION

SHORT TITLE

Sec. 101. This title may be cited as the "National Securities Corporation Act".

DECLARATION OF POLICY AND PURPOSE

Sec. 102. (a) The Congress declares that it is the policy of the United States to establish, in cooperation with private industry, a national program for an improved national securities transfer system, which will facilitate the ownership of business enterprise by the people of the United States, and which will promote the stability of the securities business vital for the national economy.

(b) To carry out this policy, it is the purpose of this title to establish a National Securities Corporation which shall—

(1) establish and operate, at the earliest practicable date, a national securities depository system to provide national securities depository services until methods and procedures can be developed and implemented to evidence ownership of securities by means other than possession of paper certificates;

(2) establish, at the earliest practicable date, a national securities transfer system involving certificateless means of securities ownership;

(3) upon approval of the board of directors of the Corporation, implement recommendations of the Commission appointed under title II of this Act;

(4) adopt and utilize the benefits of modern technology in providing securities transfer services in a safe and efficient manner at a reasonable cost; and

(5) promote competition and growth in the securities industry by providing for the safe, efficient, and economic transfer of securities through a national securities transfer system.

(c) Nothing in this title shall be construed to prohibit the development or operation of additional securities transfer systems.

ESTABLISHMENT

SEC. 103. (a) There is authorized to be established in accordance with section 104 of this title, a National Securities Corporation (hereinafter referred to as the "Corporation") which shall be a corporation for profit. The right to repeal or amend this title is expressly reserved.

(b) Except as otherwise provided in this title, the Corporation shall be subject to the District of Columbia Business Corporation Act. Subject to the provisions of section 104 of this title, the articles of incorporation shall provide for cumulative voting by the shareholders under section 27(d) of the District of Columbia Corporation Act, and the rights of shareholders under section 45(b) of such Act shall apply to all shareholders of the Corporation, notwithstanding the percentage limitations contained in such section.

MANAGEMENT

SEC. 104. (a) Except as otherwise provided in this title, the management of the Corporation shall be vested in a board of directors which shall consist of 9 members of which—

(1) three shall be appointed by the President, by and with the advice and consent of the Senate;

(2) three shall be elected by shareholders of the Corporation who are also direct customers; and

(3) three shall be elected by the shareholders who are not direct customers.

(b) Members appointed by the President shall serve at the pleasure of the President. Members elected by the shareholders shall stand for election at each annual meeting of the shareholders.

(c) No individual who is not a citizen of the United States shall serve as an officer, director, or employee of the Corporation. No such officer, director, or other employee shall receive any salary from any other source during the term of his service to the Corporation.

(d) The President is authorized to appoint, by and with the advice and consent of the Senate, 9 incorporators who shall serve as members of the board of directors until the first annual meeting of the shareholders. The incorporators are authorized to file articles of incorporation, issue stock, and take such other actions as may be necessary to organize the Corporation.

SPECIAL PURPOSES AND POWERS

SEC. 105. (a) To carry out the purposes of this title, the Corporation is authorized to—

(1) develop and put into operation a national system for transferring ownership of securities;

(2) provide for safe and efficient handling of securities placed in or removed from that system and recording of ownership of securities on the records of the Corporation;

(3) adopt procedures to facilitate the trading of securities on deposit or on record without the necessity for physical delivery or possession of those securities;

(4) adopt effective methods for insuring the confidentiality of information obtained by the Corporation regarding the ownership of securities placed on deposit or on record in the transfer system;

(5) conduct research and development related to its mission;

(6) operate and maintain the securities transfer system and charge fees for operation and maintenance; and

(7) take such other actions as may be necessary.

(b) The Corporation shall furnish to each direct consumer a periodic statement of the daily transactions and the opening and closing balances with respect to that customer's account.

(c) The Corporation is authorized to provide additional services, including dividend and other reporting services to its direct customers, and to act as an agent for such customers in receiving dividends.

(d) Nothing in this title shall be construed—

(1) to require any person to give up physical custody of any securities owned by him, until such time as the Securities and Exchange Commission determines there exist reasonably safe and confidential procedures for certificateless recording ownership of securities;

(2) to prevent any person from obtaining physical possession of any securities owned by him until that time; and

(3) to annul, alter, effect, or repeal the laws of any State relating to transactions in securities except as specifically provided in this title.

CAPITALIZATION

SEC. 106. (a) The Corporation is authorized to—

(1) issue and have outstanding, in such amounts as it shall determine, one class of common stock which shall have no par value, except as provided in subsection (b), shares of such stock may be issued to and held by any person; and

(2) issue and have outstanding, in such amounts as it shall determine, bonds, debentures, and other instruments evidencing debt.

(b) (1) For the purpose of this subsection, (A) "direct customer" means any person authorized under section 108 of this title to maintain a securities account with the Corporation, and (B) "private investor" means any person who is not a direct customer.

(2) Fifty percent of the Corporation's common stock shall be reserved for purchase by direct customers. At no time shall the aggregate of the common stock held or controlled by direct customers exceed the aggregate of such stock held or controlled by private investors.

(3) Not more than 5 percent of the shares of the Corporation's common stock shall be held or controlled by only one direct customer or by any one private investor.

(4) Not more than an aggregate of 5 percent of the Corporation's common stock shall be held or controlled by individuals who are directors, officers, or employees of direct customers.

(c) All capital transactions under this section shall be conducted in a manner which insures the widest possible distribution of the Corporation's securities.

(d) The provisions of the Securities Act of 1933 shall apply to all capital transactions under this section.

INITIAL BORROWING

SEC. 107. To enable the Corporation to carry out its purposes, the Corporation is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection.

All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

REGULATION BY SECURITIES AND EXCHANGE COMMISSION

SEC. 108. (a) The Securities and Exchange Commission shall prescribe rules and regulations relating to—

(1) the types of securities which may be placed in the Corporation's transfer system;

(2) the terms and conditions upon which services of the Corporation shall be furnished;

(3) the fees and charges which may be received by the Corporation for its services;

(4) the operation of the Corporation's transfer system to insure compliance with the provisions of this title and with the laws of any State in which the Corporation does business; and

(5) such other matters as may be necessary.

(b) In authorizing any person to be a direct customer for the purposes of section 106 of this title, the Commission shall take into account—

(1) the number of securities held and the securities trading volume experienced by that person;

(2) the ability of that person to adapt to a national transfer system with minimal disruption and dislocation of his business; and

(3) the extent to which the participation of that person in the transfer system would carry out the policies of this title.

(c) The Commission may make such examinations and inspections of the Corporation and require the Corporation to furnish it with such reports and records or copies thereof as the Commission may consider necessary or appropriate in the public interest or to effectuate the purposes of this title.

CORPORATION AS A CLEARING CORPORATION

SEC. 109. The Corporation shall be held and considered to be a clearing corporation for the purposes of the laws of the United States or of any State relating to investment securities.

REPORTS

SEC. 110. (a) The Corporation shall transmit to the Congress and to the Securities and Exchange Commission, not later than 60 days after the end of each fiscal year, an annual report of its operations and activities.

(b) The Securities and Exchange Commission shall transmit to the Congress and to the President, not later than 90 days after the end of each fiscal year, a report on the operations and activities of the Corporation during the preceding fiscal year.

(c) Each such report shall include financial statements setting forth the financial position of the Corporation at the end of that fiscal year and the results of its operations (including the sources and applications of its funds) for that fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accountants, selected by the Corporation and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm.

(d) Any such report may contain recommendations for such legislative or other governmental action as may be appropriate to carry out the purposes of this title.

TITLE II—COMMISSION ON UNIFORM SECURITIES LAWS

ESTABLISHMENT

Sec. 201. There is established the National Commission on Uniform Securities Laws (hereinafter referred to as the "Commission").

MEMBERSHIP AND ADMINISTRATION

Sec. 202. (a) The Commission shall consist of the President of the National Securities Corporation and 12 members to be appointed by the President as follows:

(1) two from among persons who represent the securities industry;

(2) two from among persons who represent organizations or associations which are engaged in the preparation of uniform State laws;

(3) two from among persons who represent the private investor:

(4) two from among persons who administer State laws relating to securities;

(5) two from among persons who represent the banking industry; and

(6) two representatives of the Securities Exchange Commission.

(b) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

DUTIES

Sec. 203. (a) The Commission shall—

(1) determine the necessity for revising State laws to facilitate the establishment of an effective national securities depository system;

(2) furnish advice and assistance in the planning (development, and execution of methods to evidence ownership of securities by means other than paper certificates.

(3) prepare, in cooperation with such other organizations or persons as may be appropriate, such amendments or revisions to those laws as may be necessary; and

(4) make and circulate such reports, drafts, or other papers as may be necessary to facilitate the enactment of any such amendments or revisions in any State.

(b) The Commission shall make such interim reports of its findings and recommendations as it deems advisable, and it shall make a final and complete report of its findings and recommendations to the Congress and the President not later than February 1, 1975. Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

Sec. 204. Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings and sit and act at such times and places as the Commission may deem advisable.

COMPENSATION

Sec. 205. (a) A member of the Commission who is otherwise an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Commission.

(b) A member of the Commission from private life shall receive $125 per diem when engaged in the actual performance of duties of the Commission, and shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

ASSISTANCE OF GOVERNMENT AGENCIES

Sec. 206. Each department, agency, and instrumentality of the United States and of any State, is urged to furnish to the Commission, upon request made by the Chairman, such information and services as the Commission deems necessary to carry out its functions under this title.

AUTHORIZATION OF APPROPRIATIONS

Sec. 207. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

Mr. ROTH. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Texas (Mr. Tower) relative to the motive involed in the bill introduced today by me regarding the establishment of procedures for modernizing the process of transferring securities.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Tower

Mr. President, I would like to express my support for the motive involved in the legislation introduced today by the Senator from Delaware (Mr. Roth), regarding the establishment of procedures for modernizing the process of transferring securities. Much of the trouble faced by the securities industry in recent years has originated in the archaic process of physically transferring paper certificates from issuer to intermediaries and from intermediaries to purchasers, and so on. Adherence to this process has brought about paperwork backlogs and associated costs that have ruined some broker-dealers, caused inestimable discomfort and concern to millions of individual investors, and impaired the functioning and liquidity of the capital markets.

We have the technology to overcome this type of impediment to the smooth functioning of the capital markets, and it is now simply a problem of devising a good clearinghouse system that will adequately protect and facilitate the interests of the investing public and that will satisfactorily and equitably involve the various elements of the financial community which actually constitute the functioning securities markets. I, myself, have no particular preference at this time as to the actual form that this clearinghouse system takes. I understand that the New York Stock Exchange currently is involved in a major operation to work out the nucleus of such a clearinghouse, and I applaud their efforts in this direction. The Committee on Banking, Housing and Urban Affairs will be investigating the clearinghouse question in hearings this fall, and I encourage the interested firms and associations in the financial community to take a vital interest in making their ideas on this important problem known to the Committee.

It may well be that the industry, with the cooperation of the Securities and Exchange Commission, will be able to work out a clearing-house system without the need for further Federal legislation, a system that meets both the need for efficiency and the goal of protecting the interests of the investing public. I view the bill introduced by my able colleague from Delaware as a means of focusing attention on the issue and as a vehicle, however modified it might possibly become after hearings on the issue, for any Federal legislation that might later be needed to facilitate this modernization effort.

By Mr. BAYH:

S. 2552. A bill to prohibit discrimination on the grounds of sex by institutions of higher education, to authorize intervention by the Attorney General in suits alleging sex discrimination, and for other purposes. Referred to the Committee on Labor and Public Welfare.

SENATOR BAYH INTRODUCES BILL TO PROHIBIT SEX DISCRIMINATION BY INSTITUTIONS OF HIGHER EDUCATION

Mr. BAYH. Mr. President, just before the recess the Senate debated an amendment which I introduced to the higher education bill—an amendment which would have guaranteed that equality of educational opportunity not be denied on the basis of sex. This was a carefully drafted amendment, tailored specifically to the parliamentary needs of that day. Yet, despite the fact that the higher education bill's whole thrust was toward assuring equality of access to education to all citizens, my amendment was ruled out of order because the question of nondiscriminatory admissions was supposedly not germane to the subject under discussion.

Needless to say, I was shocked by this ruling of the Parliamentarian. As I said on the floor then, the amendment related directly to the purpose of the bill being debated. The bill itself dealt with equal access to education and, I think we can all agree that such access should not be denied because of either poverty or sex. I could not then—and I cannot now—comprehend the basis for that decision. While there is no point in refighting old battles, I do not plan to give up this effort. Today I am submitting essentially the same amendment in the form of a bill.

As we seek to help those who have been the victims of economic discrimination, let us not forget those Americans who have been subject to other, more subtle but still pernicious forms of discrimination. Let us insure that no American will be denied access to higher education because of race, color, religion, national origin, or sex. The bill I am submitting today will guarantee that women, too, enjoy the educational opportunity every American deserves.

The problem is greater than most of us realize. While over 50 percent of our population is female, there is no effective protection for them as they seek admission to and employment in educational facilities. The antidiscrimination provisions of the Civil Rights Act of 1964 do not deal with sex discrimination by our institutions of higher learning. Indeed, title IV of the act, dealing with discrimination in education, expressly provides that—

> Nothing in this title shall prohibit classification and assignment for reasons *other than* race, color, religion, or national origin.

We allow this gap in our civil rights laws to continue despite the fact that the evidence of sex discrimination is truly appalling. While racial discrimination has been explicitly prohibited for nearly 20 years, only a few months ago the Supreme Court summarily affirmed a lower court decision upholding the constitutionality of a State's maintenance of a branch of its public university system on a sexually segregated basis.

Between January 1970 and March 1971, the Women's Equity Action League found it necessary to file charges of sex discrimination against over 250 colleges and universities—fully 10 percent of all our institutions of higher learning. Among the respondents in this suit are the entire public college and university systems of Florida, California, and New Jersey.

How equal is educational opportunity when admissions brochures for a State university can explicitly state—as one did recently:

> Admission of women on the freshmen level will be restricted to those who are especially well qualified?

How can we possibly justify an arbitrary and compulsory ratio of two and one-half men to every woman at a State university? How can we tolerate discrimination by a land grant college that refuses all women admission to regular academic sessions unless they are related to employees or students and are pursuing a course of study otherwise unavailable?

Today women seeking employment in higher education face an array of obstacles almost as insuperable as those which used to face blacks. WEAL has compiled statistics indicating the Columbia University annually awards 24 percent of its doctorates to women, but that it has awarded 2 percent of its tenured faculty positions to females; and the last time the Department of Psychology at Berkeley hired a woman was in 1924. In short, just as in other professions an old axiom applies: the higher the rank, the fewer the women.

And this is not, I submit, because women are uninterested in pursuing such careers. Most female Ph. D.'s do not marry and give up their careers; 91 percent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they have received their doctorates, 79 percent had yet to interrupt their careers. The diligence of these women is worthy of note: By way of contrast 10 percent more men than women had interrupted their careers within 10 years of completing their doctoral program.

If Congress is to solve this knotty problem, if the benefits of a free and open society are to be extended to all Americans, now is the time to act. I do hope that my colleagues will give this issue their most careful attention, and that, after having looked over the provisions of my bill, they will lend their support to this important cause.

As one Member of this body who has been and is greatly concerned about the equality of opportunity for women, I would not want this argument to devolve into disputes of whether this would require equal restrooms. It seems to me that such disputes are merely strawmen to take our attention away from the real inequities that do in fact exist.

I doubt if most of our male citizens, in particular male legislators, realize the degree to which these inequities exist. Let me give but a few examples of these inequities.

In the 1968 period, there were 393,000 male bachelor's degrees conferred and 279,000 female degrees conferred. As the quality of the degree increases the discrimination increases, master's degrees for the same year show 114,000 men and 63,000 women. Among law students, only 5.9 percent were women, and among medical students, only 8.3 percent.

If there is any area in which we have a shortage, and a problem with which we have been unable to come to grips, it is in providing adequate medical care to all of our people.

My proposed bill contains three major provisions, which I would like to describe briefly. First, nondiscrimination by recipient institutions. Section 1550 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. I have included in this bill the modification suggested during the floor debate by the able Senator from New York (Mr. Javits). This modification gives the relatively small number of single sex public institutions of higher education which would be covered by this bill a year's delay before this part of the bill is effective. In addition, they would have 6 more years in which to comply with the bill's requirements of equal access. This delay, let me hasten to add, would only apply in the case of an institution which is carrying out a plan approved and supervised by the Commissioner of Education for changing from admitting only students of one sex to admitting students of both sexes.

Sections 1551 through 1553 contain enforcement, judicial review, and other technical provisions for the implementation of the section 1550 prohibition. These provisions are similar to those provided under title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Second, suits and intervention by Attorney General. Section 1554 would amend title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds—race, color, religion, or national origin—on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination. In order to conform with the changes described above, section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to intervene, on behalf of the United States, in such litigation already commended by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Third, study by Commissioner of Education. Section 1555 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions—including institutions for technical and vocational training—to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

I urge the Senate to adopt this bill and to take a forward step, both in higher education and in protecting equal rights for all Americans.

I ask unanimous consent that the text of my bill (S. 2552), a summary and excerpts from President Nixon's task force report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Women's Educational Equality Act."

Sec. 2. Title 20 of the United States Code is amended by adding at the end thereof, the following new chapter:

"CHAPTER 36—NONDISCRIMINATION ON THE GROUND OF SEX

"Sec. 1550. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity conducted by a public institution of higher education, or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity, provided that this subsection shall not apply in regard to admissions for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes without discrimination but only if it is carrying out a plan for such change, approved by the Commissioner of Education, which shall contain requirements for such reports to the Commissioner as will enable him to determine whether the plan is being carried out.

"Sec. 1551. (a) The Secretary of Health, Education, and Welfare, in extending Federal financial assistance to any education program or activity subject to the provisions of section 1551, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1551 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the law authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

"(b) Compliance with any requirement adopted pursuant to subsection (a) may be effected (1) by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement but such termination or refusal shall be limited to the particular political entity, or part thereof, or has been made and such noncompliance has been so found or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

"(c) In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to subsection (a), the Secretary shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

"SEC. 1552. Any department or agency action taken pursuant to section 1551 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any Federal department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1551, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of the chapter.

"SEC. 1553. Nothing in this title shall add to or detract from any existing authority with respect to any education program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

"SUITS AND INTERVENTION BY THE ATTORNEY GENERAL

"SEC. 1554. Section 401(b), 407(a)(2), 410 and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c-6(a)(2), 2000c-9, 2000h-2) are each amended by inserting after 'religion', the following: 'sex,'.

"STUDY BY COMMISSIONER OF EDUCATION

"SEC. 1555. The Commissioner of Education shall conduct a survey of the higher educational institutions throughout the country, including both public and private educational institutions, at all levels, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in postsecondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section."

SUMMARY OF PROPOSED TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

Nondiscrimination By Recipient Institutions. Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to seven years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes.

Sections 602-604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are similar to those provided under Title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Suits and Intervention By Attorney General. Section 605 would amend Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds (race, color, religion, or national origin) on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." (Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination.) In order to conform with the changes described above, Section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to *intervene,* on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Study by Commissioner of Education. Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions (including institutions for technical and vocational training) to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

A MATTER OF SIMPLE JUSTICE

(Excerpts from the Report of The President's Task Force on Women's Rights and Responsibilities, April 1970)

PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES

WASHINGTON, D.C.,
December 15, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberation of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false premises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore, this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discriminations against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment to Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include dental of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amounts paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted.

VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

The President today announced the establishment of the Task Force on Women's Rights and Responsibilities, with Miss Virginia R. Allan, former President of the National Federation of Business & Professional Women's Clubs as the Chairman. The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities.

The members of the Task Force on Women's Rights and Responsibilities are:

Miss Virginia R. Allan, Executive Vice President, Cahalan Drug Stores, Inc., Wyandotte, Michigan.

* * * * *

Hon. Elizabeth Athanasakos, Municipal Court Judge and Practicing Attorney, Fort Lauderdale, Florida.

Mrs. Ann R. Blackham, President, Ann R. Blackham & Company, Winchester, Massachusetts.

Miss P. Dee Boersma, Student Govt. Leader, Graduate Student, Ohio State University, Columbus, Ohio.

Miss Evelyn Cunningham, Director, Women's Unit, Office of the Governor, New York, New York.

Sister Ann Lda Cannon, B.V.M., President, Mundelein College, Chicago, Illinois.

Mrs. Vera Glaser, Correspondent, Knight Newspapers, Washington, D.C.

Miss Dorothy Haener, International Representative, Women's Department, UAW, Detroit, Michigan.

Mrs. Laddie F. Hutar, President, Public Affairs Service Associates, Inc., Chicago, Illinois.

Mrs. Katherine B. Massenburg, Chairman, Maryland Commission on the Status of Women, Baltimore, Maryland.

Mr. William C. Mercer, Vice President, Personnel Relations, American Telephone & Telegraph Co., New York, New York.

Dr. Alan Simpson, President, Vassar College, Poughkeepsie, New York.

Miss Evelyn E. Whitley, Attorney at Law, Los Angeles, California.

* * * * *

Title IV and Title IX of the Civil Rights Act of 1964 should be amended to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex

Discrimination in education is one of the most damaging injustices women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image.

There have been enough individual instances and limited surveys publicized recently to make it apparent that substantial discrimination does exist. For example, until forced to do so by legal action, the New York City Board of Education did not admit girls to Stuyvesant High School,[2] a specialized high school for science with a national reputation for excellence. Legal action recently has forced the State of Virginia to admit women to the University College of Arts and Sciences at Charlottesville.[3]

Higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason counselors and parents frequently guide young women into the "feminine" occupations without regard to interests, aptitudes and qualifications.

Only 5.9 percent of our law students and 8.3 percent of our medical students are women,[4] although according to the Office of Education women tend to do better than men on tests for admission to law and medical school.

Section 402 of Title IV, passed in 1964, required the Commissioner of Education to conduct a survey of the extent of discrimination because of race, religion, color, or national origin. Title IV should be amended to require a similar survey of discriminations because of sex, not only in practices with respect to students but also in employment of faculty and administration members.

* * * * *

Section 407 of Title IV authorizes the Attorney General to bring suits in behalf of persons denied equal protection of the laws by public school officials. It grants no new rights. While no case relating to sex discrimination in public education has yet reached the Supreme Court, discrimination based on sex in public education should be prohibited by the 14th amendment. The President's Commission on the Status of Women took this position in its 1963 report to the President.[5] Section 902 of the Civil Rights Act authorizes the Attorney General to intervene in cases of this kind after a suit is brought by private parties. Both section 407 and section 902 should be amended to add sex, and section 410 should be similarly amended.

Title II of the Civil Rights Act should be amended to prohibit discrimination because of sex in public accommodations

Title II of the Civil Rights Act of 1964 provides that "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."

Injunctive relief is provided for persons whose rights are violated, and the Attorney General is authorized to initiate suits in patterns or practice cases and to intervene in suits filed by individuals.

Discrimination because of sex is practiced primarily in restaurants and bars. While the Task Force does not consider this the most injurious discrimination against women today, it is wrong in principle.

The State of Pennsylvania and the City of Pittsburgh have amended their human rights legislation to prohibit discrimination because of sex in public accommodations.

The Task Force recommends amendment of sections 201(a) and 202 by adding "sex," between "religion" and "or."

By Mr. GRIFFIN:

S. 2553. A bill to provide for the restriction of the distribution of phosphate detergents in interstate commerce and the establishment of standards protecting man and the environment for all detergents. Referred to the Committee on Commerce.

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[2] *De Pivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[3] *Kirstein et al* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[4] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[5] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

PHOSPHATE CONTROL LEGISLATION

Mr. GRIFFIN. Mr. President, I am introducing today a bill which would reduce and limit the phosphorous content in detergents without in any way endangering public health.

The bill would prohibit manufacture, distribution, or sale of any detergent containing more than 8.7 percent elemental phosphorus.

The 8.7-percent requirement is in the lower range of phosphorous concentrations in today's laundry detergents. Although this phosphate standard is 30- to 40-percent lower than concentrations in most high-phosphate detergents on the market, it would still be possible, utilizing developed technology, to produce detergents with effective cleaning power for most uses.

The bill would also authorize the Environmental Protection Agency to establish environmental and public health standards for all detergent constituents including phosphate substitutes.

Industrial detergents would be regulated by the legislation. The impact on industry should not be great since many industries are already using nonphosphate formulations in their detergents.

Even though Government experts currently opt for phosphates over substitutes which have been found to be harmful to humans, I believe it still makes sense to require a reduction of the phosphorous content in detergents and to establish a uniform standard of Federal regulation.

This legislation is consistent with a joint statement issued recently by the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Health, Education, and Welfare.

Substantial research has identified detergent phosphates as a key factor in the accelerated pollution of many lakes and rivers. Phosphates cause excessive growth of plant life—eutrophication. It has been estimated that phosphates, in combination with other nutrients, have aged Lake Erie 15,000 years in the last 50 years.

Besides making waters undesirable for esthetic and recreational purposes, the heavy growth of plantlife reduces the oxygen supply necessary for many kinds of fish. Several popular game fish, such as blue pike, whitefish, and blue walleye are now extinct in Lakes Erie and Ontario.

Many nutrients are necessary for the growth of algae, but in most instances phosphorus is the critical nutrient. It can be controlled by man, since most of the phosphorus entering our lakes and rivers comes from human sources. In its 1970 report to the Congress, the Council on Environmental Quality indicated that—

> Phosphates are still the most important nutrient to control if eutrophication is to be successfully attacked.

While phosphorus comes from several sources, including agricultural runoff, human wastes and detergents, approximately 50 percent of the phosphorus, which is soluble and can support algae growth, comes from detergents. Thus, a reduction of phosphorus in detergents can be a significant, and hopefully an elimination, step in arresting the rate of eutrophication.

The Council on Environmental Quality in its 1970 report called for a major attack on eutrophication. The Council said:

> Three actions are necessary: One, phase phosphates out of detergents as soon as feasible; two, find better methods to control agricultural runoff; and three, remove more of the nutrients from wastes generated by towns and cities, particularly in urban centers and in critical areas such as the Great Lakes.

In addition, both the United States-Canadian International Joint Commission and the House Government Operations Committee have recommended the reduction or replacement of phosphorus in detergents.

The IJC, in its report on pollution of Lakes Erie and Ontario, states:

> The Commission is convinced that the reduction of phosphorus input into Lake Erie, Lake Ontario and the International Section of the St. Lawrence River will significantly delay further eutrophication and will allow the recovery of the Lakes to begin through natural processes.

One of the key recommendations of the IJC was the complete elimination of all phosphorus in detergents by December 31, 1972.

Some will argue that reduction or replacement of detergent phosphates, while helpful to some bodies of water, will not materially retard eutrophication in other waters such as coastal areas. This may be true, but it does not follow that we should do nothing to control phosphate detergents in the areas where regulation would alleviate serious pollution problems. My bill resolves this conflict by allowing the EPA Administrator to permit use of high-phosphate detergents in those areas of the country where such use would not lead to harmful eutrophication.

In this regard, I certainly agree with the 1970 report of the House Government Operations Committee which states:

> No one, so far as we know, claims that phosphorus is the only nutrient necessary to form algae, or even that phosphorus is in every case the limiting nutrient. But if, as the evidence shows, phosphorus is the limiting nutrient for algae growth in the Great Lakes—the largest body of fresh water on the planet—then the role of phosphorus in eutrophication is intolerable, even if it does not affect a single other lake anywhere.

Reducing or even eliminating phosphorus in detergents, of course, is not the final answer to the problem of water eutrophication. Effective treatment of municipal wastes is also needed to remove phosphorus from other sources. But treatment facilities to accomplish this purpose are costly and will not be in operation for years in many communities.

Even in Detroit and other cities where agreements have been reached between the city and the Federal Government to build treatment plants removing 90 percent of phosphorus, it will be 5 years or longer before such facilities are constructed.

A reduction of phosphorus in detergents can be accomplished much more quickly. In addition, as the IJC report pointed out, removal of phosphorus from detergents could considerably reduce the cost of removing phosphorus at the sewage treatment plants.

Despite the important environmental reasons for restricting the use of phosphate detergents, we must satisfactorily resolve all public health and safety questions affecting the use of any substitute for phosphates. Problems have arisen with nonphosphate detergents due to the highly caustic nature of some of these products.

The Surgeon General of the United States, before the House Public Works Committee, pointed out that certain nonphosphate detergents contain caustic substances which "can pose serious accident hazards, especially to children."

The Surgeon General also noted, however, that "not all nonphosphorous detergents are hazardous or costly."

Furthermore, nitrilotriacetic acid, commonly referred to as NTA and widely hailed as a substitute for phosphates, was voluntarily withdrawn from the market last year at the request of the Surgeon General. This action was based on a report by the National Institute of Environmental Health Science indicating that NTA, in combination with other heavy metals such as cadmium and mercury, might increase the likelihood of birth defects. The recent report by the Council on Environmental Quality, the Environmental Protection Agency, and the Department of Health, Education, and Welfare appears to rule out the use of NTA as a suitable substitute for the foreseeable future.

My legislation would require that every proposed substitute for phosphates, such as NTA, be thoroughly tested for possible hazards to human health.

Mr. President, the principal feature of the bill I am introducing today is that it would prohibit the manufacture or sale of any detergent after June 30, 1972, which contains more than 8.7 percent phosphorus. This standard is consistent with a number of State laws and local ordinances which have already been passed.

However, my bill would not legislate a ban or set a deadline for elimination of all phosphates in detergents. Such deadlines have been set in many State and local laws.

In addition, the Administrator would be authorized to further reduce or to ban the use of phosphates in detergents as and when a safe substitute is developed.

To assure that the environmental and public health aspects of any substitute are thoroughly analyzed and tested, the EPA Administrator would be directed to establish standards for all detergents.

The Administrator would be required to consult with the Secretary of the Department of Health, Education, and Welfare in establishing public health standards for detergents. The Secretary of Health, Education and Welfare also could propose public health standards to be considered by the Administrator.

Recognizing that highly effective cleaning detergents may be critically needed in places such as hospitals or food processing plants, the bill would authorize the Administrator to make exceptions, if necessary, from the requirements limiting the use of phosphates in detergents.

As I mentioned earlier, exceptions could also be allowed for the use of high phosphate detergents in areas where no significant pollution threat would be posed.

Finally, in order to assure that detergent manufacturers are not subjected to a multitude of conflicting State and local restrictions on the use of phosphate detergents, the bill provides for Federal preemption of incompatible State or local laws.

Mr. President, I believe that this legislation offers a rational and reasonable approach to the phosphate pollution problem. We owe it to ourselves as well as future generations to make every effort to reverse the tide of pollution pouring into our lakes and rivers.

Mr. President, I ask that the text of the bill, S. 2553, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Detergent Control Act".

DEFINITIONS

Sec. 2. For the purposes of this Act the term—

(1) "detergent" means a cleaning compound composed of inorganic and organic components, including surface active agents, soaps, water softening agents, builders, dispersing agents, corrosion inhibitors, foaming agents, buffering agents, brighteners, fabric softeners, dyes, perfumes, enzymes, or fillers, which is available for household, personal, laundry, industrial or other uses in liquid, bar, spray, tablet, flake, powder, or other form;

(2) "polyphosphate builder" or "phosphorus" means a detergent ingredient used principally as a water softening and soil-suspending agent made from condensed phosphates including the pyrophosphates, the triphosphates (frequently called tripolyphosphates) and the glossy phosphates or metaphosphates;

(3) "environmental and public health standard" means standards designed to retard cultural euthophication and protect against any injury to man and any animals living in the water including fish and shellfish; and

(4) "Administrator" means the Administrator of the Environmental Protection Agency.

DETERGENT STANDARDS

Sec. 3. (a) The Administrator shall establish such rules and regulations as are necessary to prevent the manufacture, transportation, distribution, or sale in interstate commerce after June 30, 1972, of any detergent containing in excess of 8.7 percent phosphorus expressed as elemental phosphorus or which requires a recommended use level of detergent which contains more than 7 grams of phosphorus expressed as elemental phosphorus.

(b) The Administrator may, by regulation, further restrict or prohibit the use of phosphorus or polyphosphate builders in detergents if he finds that a substitute is generally available which meets the standards established pursuant to subsection (c) of this section.

(c) The Administrator, after consultation with the Secretary of Health, Education and Welfare with regard to public health effects of detergents, or any detergent, or any detergent ingredient, shall as soon as practicable, establish environmental and public health standards for all detergents or ingredients thereof.

(d) The Administrator may by regulation exempt detergents from the requirements of this section on the basis of certain uses, such as for medical or scientific purposes, or on the basis of geographic distribution, if (1) he finds it necessary to protect the public health and safety, or (2) he finds that there is not a significant threat of pollution to surface or ground waters.

(e) The Administrator shall establish such rules and regulations as are necessary to prevent the manufacture, transportation, distribution, or sale in interstate commerce of detergents not meeting any restriction, prohibition, or standard established under subsections (b) or (c) of this section. Such rules and regulations shall take effect ninety days after they are promulgated notwithstanding the provisions of subsection (a) of this section.

(f) The Administrator and the Secretary of the Treasury shall jointly promulgate rules and regulations that prohibit the importation of any detergent which fails to meet any restriction, standard or prohibition established herein.

MODIFICATION OR RECISSION

Sec. 4. Any manufacturer, distributor or supplier of a detergent or detergent ingredient affected by standards or regulations issued pursuant to section 2 may petition the Administrator for modification or recission of any standard or regulation. The Administrator may at any time modify or rescind such standard or regulation.

ENFORCEMENT

Sec. 5. (a) (1) Any person who violates any rule or regulation promulgated under this Act shall be liable to a civil penalty of not more than $25,000 for each day of such violation.

(2) The Administrator may assess, collect, and compromise any civil penalty incurred under this Act. In determining the amount of such penalty, or the amount agreed upon in compromise, the Administrator shall consider the gravity of the violation including any good faith efforts to comply with any rule or regulation promulgated under this Act. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) The Attorney General or his delegate at the request of the Administrator may bring an action in the appropriate district court of the United States to enjoin any act which violates or appears to violate any rule or regulation promulgated under this Act and the district courts of the United States shall have jurisdiction to restrain such violations. Any violation of an injunction or restraining order shall constitute a violation subject to the penalties of subsection (a) of this section.

(c) (1) Except as provided in paragrapn (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any rule or regulation established under this Act. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such rule or regulation, as the case may be.

(2) No action may be commenced—

(A) prior to thirty days after notice of the violation has been given to the Administrator, and to any alleged violator of the rule or regulation; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the rule or regulation; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator).

REPORT TO CONGRESS

Sec. 6. On or before July 1, 1972, the Administrator shall (1) report to the Congress on measures taken toward the resolution of the detergent problem, including the development and manufacture of new types of detergents and new or improved sewage treatment processes which affect this problem; and (2) make recommendations for additional legislation, if necessary to regulate the composition of detergents in order to abate and control pollution arising from their manufacture, sale, and use.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. There is hereby authorized to be appropriated such sums as may be necessary for the purposes and administration of this Act.

FEDERAL PREEMPTION

Sec. 8. (a) It is hereby declared that it is the express intent of Congress to preempt and supersede any and all laws of the States or political subdivisions thereof relating to restrictions on or prohibiting the use of, or standards with respect to the composition of, detergents which are not compatible with any restriction, prohibition or standard of this Act.

(b) Nothing in this Act shall be construed to prevent any State from enforcing any standards, restrictions, or prohibitions pursuant to this Act.

EFFECT ON OTHER ACTS

Sec. 9. This Act shall not be construed as superseding or limiting the authority and responsibilities of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act.

By Mr. WEICKER (for himself, Mr. Aiken, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Cannon, Mr. Cooper, Mr. Dole, Mr. Dominick, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Roth, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Taft, and Mr. Tunney):

S.J. Res. 158. Joint resolution to declare May 6, 1972, "Clean Up America Day" and to urge the participation of all Americans. Referred to the Committee on the Judiciary.

Mr. WEICKER. Mr. President, with 28 other Senators I am introducing today a joint resolution that would authorize and request the President to declare May 6, 1972, "Clean Up America Day."

All of us in the Congress have, at one time or another, spoken out on the critical environmental problems facing the country. We know that the preservation and protection of our environment is a top priority for the American people and the people of the world.

The concern of the American people to clean up our land, to restore its original beauty, clearly exists. But we must now foster that concern into constructive action. By proclaiming May 6, 1972, as "Clean Up America Day" my colleagues and I are not asking for speeches or massive expressions of concern. We are calling for action. We are calling for millions of people across this land to undertake useful projects to enhance their physical surroundings.

On "Clean Up America Day" we call upon every State and local government to mobilize work projects to clean our city streets and parks, our highways and waterways. We also call upon corporations, governmental agencies at all levels, schools, colleges, and universities to lend manpower, equipment, and money to communities across the country as a constructive contribution toward the goal of a cleaner America.

All of us own a precious share in this country. The preservation of our future will not be insured unless we make an investment now to protect what we have inherited from the past. To participate and to contribute is a basic credo of our Nation. To engage in a helpful project on "Clean Up America Day" would be to transform our past words into constructive action.

Earth Day, April 22, 1970, was a massive expression of concern for the environment; "Clean Up American Day" should be an active, working symbol of our united desire to save our natural resources and enhance the beauty of our Nation. Government alone cannot heal the damages already incurred. But a cooperation between Government, private industry, the academic community, and the American people can. To confront reality and join forces against those who waste and litter our lands and waters is a long road to travel. "Clean Up America Day," bringing together the efforts of millions and millions of Americans, would be a fitting start on that journey.

I encourage the Congress to further our commitment for a cleaner America by promptly enacting this legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1081

At the request of Mr. BAYH, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor to S. 1081, a bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty.

S. 2135

At the request of Mr. NELSON, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2135, to amend title V of the Social Security Act by extending for 5 years the period within which certain project grants may be made.

S. 1734

At the request of Mr. METCALF, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1734, the Forest Lands Restoration and Protection Act of 1971.

S. 2185

At the request of Mr. BAYH, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor to S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities.

S. 2373

At the request of Mr. HRUSKA, the Senator from Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2373, to authorize the merger of two or more professional basketball leagues, and for other purposes.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Arizona (Mr. FANNIN) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 150

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor to Senate Joint Resolution 150, a resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

NOTICE OF HEARINGS ON CERTAIN BILLS

Mr. ALLEN. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry has scheduled hearings November 15, 16, 22, and 23 on the following farm bargaining bills: S. 726, S. 727, S. 1775, and S. 1972. The hearings will be in room 324, Old Senate Office Building, beginning at 10 a.m. each day. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Herbert J. Stern, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years, vice Frederick B. Lacey, resigned.

On behalf of the Committee on the Judiciary, and at the request of the distinguished chairman of that committee, Mr. EASTLAND, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, September 27, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON HANDICAPPED WORKERS

Mr. RANDOLPH. Mr. President, I should like to announce that the Subcommittee on Handicapped Workers will hold hearings on S. 2506, a bill to amend the Randolph-Sheppard Act, on Wednesday, September 22, and Friday, October 1. The hearings are scheduled to begin at 10 a.m. in Room 4230, New Senate Office Building. Further information can be obtained from the staff in room 503-annex, telephone extension 57672.

ANNOUNCEMENT OF HEARINGS—WINNERS OF THE CONTEST "WHAT SHOULD BE DONE NOW TO MAKE THE UNITED NATIONS A MORE EFFECTIVE FORCE FOR PEACE"

Mr. FULBRIGHT. Mr. President, I wish to announce that on Thursday, September 23, the Committee on Foreign Relations will hear four young winners of a contest held by the United Nations Association of New York on the topic "What should be done now to make the United Nations a more effective force for peace?"

I invite attention to this hearing because I believe it will be refreshing and interesting to hear what these young people will have to say about the United Nations. They range in age from 16 to 24, and come from high school, college—including West Point—and graduate school. I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks a list with their names, together with the correspondence leading up to their appearance before the committee which gives further details on this contest.

I hope the Committee on Foreign Relations will make the winners feel welcome. We have listened to a great many experts over the years but not very much to the youth of our Nation. It is time they were given a forum as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED NATIONS ASSOCIATION
OF NEW YORK, N.Y.
New York, N.Y., June 4, 1971.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: We thank you for your letter of May 26th and the affirmation of our efforts.

We have informed four of our winners, whose ideas we consider worthy of recognition, that they should be prepared to appear before the Committee on Foreign Relations on the morning of September 23rd. We are now awaiting their response as to their availability. To simplify matters, we attach their names and brief background data. We would like to point out that they, as well as the other contest participants, represent a broad cross section of American youth.

I will be leaving for Europe and the Middle East in a few days and hope to find your instructions for detailed arrangements upon my return later in the summer.

Sincerely,

(Mrs.) HELEN LANGE,
Cochairman, Contest Committee.

UNITED NATIONS ASSOCIATION OF NEW YORK, N.Y.

YOUTH CONTEST WINNERS

Patricia Anne Kluka, age 20, student at Alverno College, Milwaukee, Wisconsin, spending her junior year in New York City attending Marymount Manhattan College, majoring in history and sociology. Home: Kenosha, Wisconsin.

Philip R. Lindner, age 20, member of the United States Corps of Cadets (Class of 1973), U.S. Military Academy at West Point, majoring in history with special interest in international problems. Home: Dallas, Texas.

Charles E. Tandy, age 24. Studied at small Kentucky liberal arts college, now defunct. Graduate studies at the New School for Social Research in New York City. Presently employed by the Health Department of Kenton County, Kentucky. Home: Central City, Kentucky.

Paul Rosenberg, age 16, student at Horace Mann School, Riverdale, New York. Home: Jamaica, New York.

MAY 26, 1971.

Mrs. HELEN LANGE,
United Nations Association of New York, New York, N.Y.

DEAR MRS. LANGE: Thank you for your further letter of May 18, 1971, with respect to the youth contest on the United Nations. I am glad to learn that it has produced some provocative and interesting ideas and look forward to hearing the winners.

You mention "early fall", which begins September 23. How would a one morning hearing on September 22 or 23, 1971 fit into your planning? As you know, as of now the Congress plans to be in recess between August 6 and September 8 and the date will have to be reconfirmed after the recess.

The format would be simple. The four winner representatives could appear as a panel before the Committee, each one presenting a short oral statement, supported by longer written statements if desired, to be followed by a discussion with the Committee members.

This is about as precise as I can be at this time and I would appreciate having your comments.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

UNITED NATIONS ASSOCIATION
OF NEW YORK, N.Y.,
New York, N.Y., May 18, 1971.

Hon J. WILLIAM FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: We refer to your letter of June 30th of last year and your kind agreement to have the winners of our youth contest on "What should be done now to make the United Nations a more effective force for peace?" appear before the Senate Foreign Relations Committee or one of its sub-committees.

We are enclosing a preliminary report to which we would like to add that the contest gave proof to our assumption that a large number of young Americans in all walks of life are in favor of the UN. Many ideas as expressed in the entries were imaginative and constructive and will be included in our future planning and projects.

We have received an internship from the United Nations for the first prize winner of college age to attend the Conference on Human Environment which will take place in Geneva this summer.

On May 3rd, the winners received their awards at a ceremony at the UN. We were honored by a deeply moving address by Secretary-General U Thant.

After careful study of the entries and personal interviews with the winners after their return from their study trips to Europe, we would like four of them to come to Washington in early fall. We would be grateful for your advice as to how you would like to arrange for their appearance. Final arrangements can be postponed until the end of August. However, a definite preliminary arrangement as to the mechanics and time element are necessary for our planning.

Most sincerely yours,

(Mrs.) HELEN LANGE,
Co-Chairman, Youth Contest Committee.

UNITED NATIONS ASSOCIATION OF
NEW YORK, N.Y.

(Preliminary Report on the Youth Contest on "What Should be Done Now to Make the United Nations a More Effective Force for Peace?")

The winners came from all walks of life; some of them will be greatly helped in the pursuit of their studies and careers by the fact that they won the contest. They ranged from a Westpoint cadet and private school student to a daughter of a low-income railroad employee who had just lost his job and to a girl whose parents could hardly speak English. In general, we observed a predominance of entries from children whose parents were members of minority groups.

The college student who received the first prize will go to Geneva and will attend the Conference on Human Environment conducted by the UN for which we received an internship. The winner of the first prize in the high school category will go to Cambridge, England. We received a part scholarship from the Institute of Foreign Studies for this study trip abroad.

The award ceremony at the United Nations was an inspiration to the contestants, their families and our guests, especially since the Secretary-General appeared very pleased and honored us all with a deeply moving address which will never be forgotten by those who had the privilege to share in this experience.

All twelve winners and their families attended the ceremony; some of the families enjoyed a full weekend in New York through the courtesy of the companies for which the fathers of the respective winners work. Much publicity will be given to the event in the house organs of the companies the winners' families are connected with.

We anticipate the appearance of some of the winners before the Senate Foreign Relations and the House Foreign Affairs Committees in the fall. We expect one of them to be Philip Lindner, the West Point cadet who came all out for total world disarmament.

As of today, it seems that we have stayed well within the budget. We received $1,900 from the Institute for International Order. The balance was contributed by UNA-NY members, the Pepsi Cola Co., and the Tishman Realty Corp. and an anonymous donor. Mr. Harry Hochman, Vice-President of Datatron, Inc. advised us on the brochure and secured for us the layout and printing at greatly reduced costs from IPA.

The Committee received untiring help from volunteers, some of whom had come to us through the Headlines seminars. The ceremony at the UN was made possible through the advice and cooperation of Mr. Narasimhan, Mrs. Suzanne Jenssen of the Visitors' Service, Mrs. Simone of the Secretary-General's office, Mrs. David Exley, Chief of the NGO Section, and Miss Shelly of the NGO Section. Mrs. Spiegler, admirably, made time to carry out the manifold tasks connected with the contest, simultaneously attending to all the other requirements of her office. We also want to thank Mr. Spiegler for his cooperation as committee member as well as behind the scene.

Mrs. Henehan was very successful in securing the cooperation of major radio and TV stations for the purpose of publicizing the contest. We also owe thanks to her for a follow-up radio program with four winners which so inspired the program director that we were asked to be back in the fall for an hourlong program. We received newspaper coverage of the award ceremony in the New York Post and through the Associated Press. In addition, the contest winners were mentioned on the national CBS newscast by Walter Cronkite. Miss Child of the national UNA Center helped us most professionally with the press coverage.

In the most complicated task of making the contest known to the widest possible circles, we were greatly aided by many organizations (neighborhood houses, libraries, Ys, the N.Y.C. Board of Education, parochial schools, etc., altogether 50 organizations and 90 colleges), which took care of the distribution and mailing. Also, Mr. Harry Van Arsdale, President of the New York Central Labor Council, arranged for 'ads' in many union papers.

The slate of judges distinguished itself through some very prestigious members of our community, as well as through the diversity of their social and professional background. Thus we feel satisfied that the choice of winners came about in an objective way, based solely on the merit of the ideas expresed in the papers.

We have tried to justify the trust given to us by the Board and Membership of UNA-NY, as well as by the financial patrons, and hope that the contest can be repeated next year in a large context.

MARK HENEHAN,
(Mrs.) HELEN LANGE,
Co-Chairmen, Contest Committee.

UNITED NATIONS ASSOCIATION
OF NEW YORK, N.Y.
New York, N.Y., May 4, 1971.

YOUTHS WIN U.N. PEACE PRIZES

Two lucky students were today awarded prizes for European travel and study for original 500-word papers on the topic "What should be done *now* to make the United Nations a more effective force for peace?" The awards were given at a ceremony and tea held this afternoon at the West Terrace of the United Nations in the presence of Secretary-General U Thant.

Entries in the contest, held this winter under the auspices of the United Nations Association of New York, N.Y., were judged by a panel of distinguished educators, writers, and political scientists. First prize winner of the college age category was Charles E. Tandy, age 24, of Central City, Kentucky, who attended the New School for Social Research, New York City. The first prize is a trip to Geneva, Switzerland, to attend sessions at the United Nations European headquarters and to participate in the work of the International Student Movement for the UN (ISMUN).

First prize high school winner was Paul Rosenberg, of Jamaica, New York, a student at Horace Mann School, New York City. Paul's award is an American Institute for Foreign Studies scholarship, consisting of four weeks of study at a European school of his choice, and two weeks of travel. He is 16 years of age.

In addition to the opportunity for travel and study, both winners will meet with members of the Senate Foreign Relations and House Foreign Affairs Committees in Washington, D.C.

In the college group, honorable mention was awarded to Miran P. Sarkissian of New York City; Patricia Anne Kluka of New York City; Philip R. Lindner of West Point, N.Y.;

Mallory Anne-Marie Forbes of Valparaiso, Indiana; and Dennis Spiegel of New Hyde Park, N.Y.

In the high school group, honorable mention was awarded to Luda Anikienko of Cleveland, Ohio; Jon Kopel of Rye, New York; Nancy Klein of University Heights, Ohio; Keith Milkove of Cleveland Heights, Ohio; and Roslyn Holliday of Jamaica, New York.

Judges of the contest were: Mr. Michael Cavitt, former Executive Director of the World Youth Assembly; Congresswoman Shirley Chisholm; Dr. Andrew W. Cordier, Dean, School of International Affairs, Columbia University, and former UN Under-Secretary General; Dr. Richard Gardner, Professor of Law and International Organization, Columbia Univ.; Mr. Martin King, UN Correspondent, Daily News; Mrs. Eve Curie Labousse; Mr. Jack Newfield, writer, The Village Voice; Mr. Nicholas Robinson, former President of CIRUNA (Council on International Relations and UN Affairs); Mr. Dore Schary; Mr. John Spears, Executive Director, CIRUNA; Dr. John G. Stoessinger, Acting Director, Political Affairs Division, Department of Political and Security Council Affairs, United Nations; Mr. Kwami Taha, Director, N.Y. Urban League Street Academy Program; Dr. Harold Taylor, former President, Sarah Lawrence College.

DECEMBER 21, 1970.

Mrs. HELEN LANGE,
United Nations Association of New York, New York, N.Y.

DEAR MRS. LANGE: Thank you for keeping me informed, by your letter of December 8, 1970, of the progress being made in the "Speak Out for Peace" contest sponsored by the United Nations Association of New York.

I wish you success and look forward to hearing the winners next year.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

UNITED NATIONS ASSOCIATION
OF NEW YORK, N.Y.,
New York, N.Y., December 8, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee, United States Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: We refer to your letter of June 30, 1970 and want to thank you again for the great encouragement which we derived from your support.

We herewith enclose the brochure announcing our youth contest. The response from the community has been very enthusiastic. Many organizations, such as the New York City Public Library System, the Board of Education, the New York Central Labor Council, the Archdiocese of New York, YMCA, YWCA, YM/YWHA, American Friends Service Committee, are assisting us with a far-reaching distribution and publicity.

We will keep you informed of our progress and results.

Sincerely yours,
(Mrs.) HELEN LANGE,
MARK HENEHAN,
Co-Chairmen, Youth Contest Committee.

Now you have the opportunity to discuss with Senators, Congressmen and the UN Secretary-General how you feel about peace.

If you are between 16 and 25 years of age, express in 500 words or less your views on what should be done now to make the United Nations a more effective force for peace?

At 25 the UN is still young. You share its challenges and its concerns, its hopes and its frustrations. It is you who will have to build a future without war.

Prize winners in the high school and college age categories will have the rare opportunity to speak before the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and to discuss their ideas with UN Secretary-General U Thant.

In addition, the First Prize winner of high school age will be awarded an American Institute for Foreign Studies scholarship, consisting of four weeks of study at a European school of his choice and two weeks of travel. The First Prize winner of college age or over will be presented with a six-week trip to Geneva, Switzerland, to attend sessions at the UN's European headquarters and to participate in the work of ISMUN (International Student Movement for the UN).

The organization or school represented by each winner will receive $100. gift certificates from the World Affairs Book Shop. Five runners-up in each of the two categories will receive medallions commemorating the 25th Anniversary of the United Nations.

To enter, mail your paper before February 15, 1971 to: United Nations Association of New York, N.Y., 345 East 46th Street, New York, N.Y. 10017.

Indicate your name, address, age, affiliation (school or organization) if any, in the upper left-hand corner of your paper.

So hurry, start thinking, write down your ideas—then rewrite them until you are satisfied that you have spoken out clearly for peace.

All papers will be judged by a panel of leading citizens:

Mr. Michael Cavitt, Graduate student of international relations, New York University; formerly, Executive Director, U.S. Committee for the World Youth Assembly.

Rep. Shirley Chisolm, 12th District, New York.

Dr. Andrew Cordier, Dean, School for International Affairs, Columbia University; former Under-Secretary-General, United Nations.

Dr. Richard Gardner, Professor of Law & International Organization, Columbia University; former Deputy Assistant Secretary of State for International Organization Affairs.

Mr. Martin King, United Nations Correspondent, The Daily News.

Mrs. Eve Curie Labouisse, Writer and Lecturer.

Mr. Jack Newfield, Author and Editor, The Village Voice.

Mr. Nicholas Robinson, Attorney; former President of CIRUNA (Council for International Relations and UN Affairs, the collegiate affiliate of UNA).

Mr. Dore Schary, Director, Producer, Playwright; Commissioner of Cultural Affairs for the City of New York.

Mr. John Spears, Executive Director, CIRUNA.

Dr. John G. Stoessinger, Acting Director, Political Affairs Division, Department of Political & Security Council Affairs, United Nations; Professor of Political Science, the City University of N.Y.

Mr. Kwami Taha, Director, N.Y. Urban League, Street Academy Program.

Dr. Harold Taylor, Educator and Author, former President, Sarah Lawrence College.

JUNE 30, 1970.

Mrs. HELEN LANGE,
United Nations Association of New York, New York, N.Y.

DEAR MRS. LANGE: Thank you for your letter of June 1, 1970, concerning the contest "Speak Out for Peace" proposed for young adults on the occasion of the United Nations' 25th anniversary. I agree that this is a worthwhile endeavor and am particularly intrigued by the idea that an appearance before the Senate Foreign Relations Committee should be considered in the nature of a "prize" for the contest winners.

I am sure that the Committee, or its Subcommittee on Arms Control, International Law and Organization, will be glad to hear what the young people have to say. An appropriate time can be worked out after the contest has ended.

Sincerely yours,
J. W. FULBRIGHT.
Chairman.

UNITED NATIONS ASSOCIATION
OF NEW YORK, N.Y.,
New York, N.Y., June 1, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Senate Foreign Relations Committee, United States Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: We are turning to you to enlist your help and cooperation to insure the success of a dynamic project sponsored by the UNA-New York's 25th Anniversary Committee under the Honorary Chairmanship of Mayor John Lindsay, and the Co-Chairmenship of Mrs. Charles W. Yost and Mr. Whitney Young, Jr.

Called "Speak Out For Peace", the contest will afford young adults in the 16–25 age group, living or studying in the New York Metropolitan area, the opportunity to provide answers in 500 words or less, to the question:

"What should be done now to make the United Nations a more effective force for peace?"

A distinguished panel of judges, composed of prominent educators, political scientists, concerned citizens, and spokesmen for youth, will select the winners. Deadline for entries has been set for December 31, 1970. Tentatively, several valuable prizes will be offered including opportunities to study and travel abroad.

However, young people today want something more than just personal gain. They want to be *heard* by members of the established order. We feel strongly that the major prizes must have relevance in an age that demands it. Therefore, we are in touch with Ambassador Yost, who has already favorably responded to this project, to discuss with Secretary-General U Thant the possibility of one of the top winners to present his paper to an appropriate body of the United Nations.

It seems to us of equal importance to afford one of the winners the opportunity to "speak out" before the Senate Foreign Relations Committee. It would focus the attention of the anti-war advocates on the UN as the best means of attaining their objectives. The World Organization itself might benefit by the infusion of new ideas into its deliberations, as well as provide strong favorable public opinion impact. Moreover, it would impress on American youth the realization that the authority of the UN is only as strong as the willingness of nation states to use the international organization as an effective instrument in foreign relations.

May we ask for your cooperation? We do not want this to be just another "essay contest". We have informed Senator Javits, who is an active member of our organization as well as being a member of the 25th Anniversary Committee, of this appeal to you. We expect that Senator Javits will contact you in our behalf.

Please give us your support.

Sincerely yours,
(Mrs.) HELEN LANGE,
Co-Chairman, Contest Committee.

UNITED NATIONS ASSOCIATION OF NEW YORK, N.Y.—YOUTH SPEAKS OUT

(Proposed contest to engage youth in an effort to make the United Nations a more effective instrument of peace—A Challenge to Tomorrow's Leader.)

The 25th Anniversary Committee of the UNA–NY announced a unique contest designed to tap and use the constructive ideas of young adults of ages 16 to 25 residing or studying in the New York Metropolitan area.

Tomorrow's leaders are invited to answer in 500 words or less the question: "What Should be Done *now* to Make the United Nations a More Effective Force For Peace?"

A distinguished panel of judges composed of prominent educators, political scientists and spokesmen for youth, will select the winners.

Entries will be evaluated according to the creativity and constructive nature of the ideas expressed. Deadline for entries has been set for December 31, 1970.

Tentatively, several valuable prizes will be offered including an internship with a local governmental body, and opportunities to travel or study abroad.

It is hoped to provide the winners to "speak out" before an appropriate body of the United Nations, the Senate Foreign Relations Committee, and the major media.

The contest will be publicized through high schools and colleges, youth and community groups, labor unions, and settlement houses.

The primary purpose of the contest is to channel the energies and concerns of youth into the realization that the United Nations is the best means of obtaining their peace objectives.

UNA-NY COMMITTEE FOR THE 25TH ANNIVERSARY OF THE UNITED NATIONS—(INFORMATION)

The Honorable John V. Lindsay, Honorary Chairman.

Mrs. Charles W. Yost, Mr. Whitney Young, Jr., Co-Chairmen.

Mr. Roger Baldwin.
Dr. Leona Baumgartner.
Mr. Leonard Bernstein.
Mr. Algernon D. Black.
Mrs. Charles G. Gambrell.
Miss Laura Z. Hobson.
Mrs. Stanley M. Isaacs.
The Honorable Jacob K. Javits.
Mr. and Mrs. Henry Labouisse.
Dr. Julius Mark.
Mr. Seth M. Milliken, Jr.
Mr. Robert Moses.
Mrs. Louis Mizer.
Mr. John B. Oakes.
Mrs. Laurance S. Rockefeller.
Mr. Harvey Russell.
Mr. Dore Schary.
Dr. Benjamin Spock.
Miss Dorothy Stickney.
Mrs. Donald Stralem.
Miss Anna Lord Strauss.
Mrs. Arthur Ochs Sulzberger.
Dr. Harold Taylor.
Mr. Cyrus Vance.

NOTICE OF HEARINGS BEFORE SENATE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, on behalf of the Select Committee on Small Business, I desire to give notice that public hearings have been scheduled for October 5, 6, and 7, 1971, at 10 a.m. each day, in room 318—caucus room—of the Old Senate Office Building, covering the general subject of Small Business Administration oversight.

SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS TO STUDY SINGLE 6-YEAR PRESIDENIAL TERM—NOTICE OF HEARINGS

Mr. BAYH. Mr. President, over the years the Subcommittee on Constitutional Amendments, which I serve as chairman, has studied many important aspects of our system of elective government. To give but a few examples, we have studied the problem of succession to the Presidency, considered lowering the voting age in all elections, changing the term of office of Congressmen, and eliminating the outmoded electoral college method of electing our President. The first two studies led to the formulation and passage of the joint resolutions which now are the 25th and 26th amendments to the Constitution.

Today I would like to announce that the subcommittee will be starting another in this continuing series of hearings in a few weeks. Later this fall, on October 28 and 29, we will be conducting hearings on the Presidential term. The focus will be on Senate Joint Resolutiton 77—which would limit any future President to a single, 6-year term of office—introduced in the last few Congresses by our esteemed majority leader, Senator MANSFIELD, on behalf of himself and the distinguished and able Senator from Vermont (Mr. AIKEN).

PREVIOUS EFFORTS TO LIMIT THE PRESIDENTIAL TERM

While I have not yet personally decided whether I support this proposed change, I have no doubt that this subject clearly merits a thorough and scholarly investigation. No single person is more important to the successful functioning of our Government and of our Nation than is the President. And it is only restating the obvious to say that the President's powers and capabilities can be greatly altered by the length of the term he serves, and by the number of terms for which he is eligible.

Since the time of the first Constitutional Convention, the issue of the proper term of office for the President has long been debated, both in Congress and out. At that first Convention the method of selecting the President and the term of office he should serve were both debated at great length—it finally took more than 60 ballots to come to an agreement.

Arguments for change soon were heard, however. Not long after the Constitution was put into effect, the first proposal to change the term from 4 to 6 years was introduced. Since then nearly 160 similar proposals have been offered; most but not all of these proposals coupled the 6-year term with a provision making the President ineligible to succeed himself.

Several Presidents have supported such a limitation on their term. For example, in each of his annual messages to Congress, President Andrew Jackson called for limiting the President to a single term—be it 4 or 6 years. Presidents Harrison and Buchanan also called for limiting the President to a single term, as did Presidents Hayes, Cleveland, and Taft. We should not forget that the Confederate States of America limited their President to a single 6-year term.

Despite this ongoing debate, it was not until after President Roosevelt was elected to a fourth term that there was real pressure for action. The result, of course, was the 22d amendment, which limited the President to two 4-year terms.

It has now been 21 years since the passage of that amendment. We have had the chance to study and reflect on the meaning of the changes that have been made. But even though five different Presidents have been in office while this amendment was effective, there has been almost no thoughtful study of the effects which a limitation on the President's term or a limitation on his reeligibility has on his ability to govern effectively. I feel that it is high time for us to study this matter seriously—not for any political ends but in order to determine what combination of term length and eligibility for reelection will bring to this country a President who is at one and the same time responsive to the feelings of all Americans without finding it necessary to bend and change to satisfy the short term interests of powerful or electorally significant groups at the expense of the Nation's future interest.

THE SINGLE TERM LIMIT

It is clear that there is a lot to be said for freeing the President from the pressures stemming from the demands of reelection campaigns by limiting him to a single term. The most basic argument can be called the statesmanship argument. As Senator AIKEN put it so eloquently on the floor early this spring:

> This amendment would allow a President to devote himself entirely to the problems of the Nation and would free him from the millstone of partisan politics. A single term would allow a President to wear at all times his "presidential hat" and forget for a while that he also owns a "politicians hat".

Senator AIKEN contends that it is an indisputable fact that no President can give his best to the Nation or maintain our prestige in the world as long as he is constantly being fired on by those whose principal purpose is to keep him from being reelected.

Several scholars have pointed out to me that, in their view, our Presidents too often feel that they have to act like politicians seeking immediate reelection, when they should instead be acting like statesmen, expounding our national interest to the world, without regard to the consequences a necessary course of action might have on the next election. The President often is faced with incredibly difficult decisions. Unfortunately, the decision which is best for the long-term interests of the Nation is often quite unpopular when first made. I agree with the proponents of this measure that we ought to do all that we can in this time of increasingly complex international relations to so structure the term of office that every President will be encouraged to make such judgments on the basis of what is best for his country. It makes sense to minimize the importance of the President's own personal political interest.

The second basic argument for a single term limitation stems from the demands of a reelection campaign. Specifically, beginning with the end of his second year in office a President is said to spend an increasing amount of his time on the mechanics and strategy of gaining reelection. We cannot afford to have our Chief Executive spending so much of his—and the country's—time on purely partisan matters. In addition, Congress and the public often view anything the President does in the second half of his term as suspiciously partisan and not really worthy of respect. As a result, important programs are dismissed as political ploys. If the President were barred from succeeding himself, people would be more likely to realize that he was not just acting for partisan reasons and treat his proposals accordingly.

A single term is not without its drawbacks, however. Making a President ineligible for reelection could be said to remove from the political equation one of our basic sources of democratic accountability—the desire of each elected official to be so responsive as to be able to win reelection.

Another objection is that a President would be a "lame duck" from the outset of his term and thus unable to exercise all the powers which past Presidents have had at their command. Clearly we must give this issue closer study, but I am by no means convinced that a President who was barred from serving a second term by the Constitution—and not by his own unpopularity—would be a lame duck. He would have all the powers of the President while in office. Even though he could not succeed himself, he would be likely to be a powerful influence on the course of later events as an ex-President, and as a leader of his party. General Eisenhower was the only President to serve such a "lame duck" term; I have seen no evidence that his capabilities and powers were diminished noticeably at the outset of the second term.

Another charge does trouble me somewhat. Several political theorists have pointed out that in times of great crisis, such as the period following a nuclear disaster, the people should be free to reelect the same President once again. A constitutional mandate totally forbidding reeligibility might well hamstring our country in a time of great division, forcing the voters to choose between two complete unknowns when they might well be better off by choosing a man of proven ability.

I hope these hearings will lead to a detailed study of all these problems. We just do not know enough about them now, in my view, to make a careful judgment.

SIX-YEAR TERM

Obviously, it is by no means necessary to tie together the ban on reeligibility and the 6-year term, but the two seem to complement each other nicely. At the same time as we are precluding a second term it might well be wise to extend the length of the basic term to give the President enough time to learn the job, choose an effective staff, propose legislation, prod the Congress into passing it, and actually help in its implementation by the relevant Government agencies. There seems to be a popular consensus that 4 years is really not enough time to do all this. Therefore the 6-year term has been suggested. However, I do hope that our witnesses will address themselves to the following questions: it is sometimes said that one of the main reasons that the 4-year term seems too short is that the second half of most terms is taken up by reelection efforts. If we eliminate the possibility of reelection, might this give a President enough extra time to accomplish any or most of his programs within 4 years? Would 2 extra years make any real difference?

Those who oppose lengthening the term again speak of the problem of accountability. We are used to accepting whoever wins the election for 4 years. Will we be equally happy to accept a President who barely squeaked by in the election for a full 6 years? I realize, of course, that every Member of this body is elected to a 6-year term. But there is only one President for the whole country and there are two Senators from each State. And each State's two Senators are not picked in the same election. Would a President elected only every 6 years be sufficiently responsive to shifting tides of public will?

CONCLUSION

Mr. President, I am grateful to Senators MANSFIELD and AIKEN for raising this issue. These hearings will concern the rights of every citizen of this country. Their outcome could have an important effect on the ability of our Government to respond to modern demands and needs. I hope that these hearings will provoke a spirited debate both in Washington and in the States.

Anyone interested in submitting a statement for these hearings should contact the subcommittee office, room 300, Old Senate Office Building, Washington, D.C. Letters should be sent to the attention of Mr. Peter W. Coogan.

Mr. President, I ask unanimous consent that Senate Joint Resolution 77 be reprinted in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the office of President, shall be eligible for election as President for a later term.

"SEC. 2. This article shall take effect on the 1st day of February following its ratification, except that this article shall not affect the duration of the term of office of President and Vice President in which such day occurs.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

ADDITIONAL STATEMENTS

MR. FRED WILLIAMS

Mr. SCOTT. Mr. President, a patriotic American, Fred Williams, of Philadelphia, was recently presented with the Americanism Media Award by the Catholic War Veterans of the United States of America. Mr. Williams is a fitting recipient of such an honor for his outstanding work to promote an understanding and treasuring of our American heritage, for his many lectures and tapes on Pearl Harbor and especially for his inspired and award-winning editorial, entitled "Requiem for the U.S.A."

Mr. Williams is the first broadcaster to be named recipient of this award and he states:

> You can be assured that I will continue to champion the causes of Americanism. To consider anything less would be to abdicate the responsibility of a good American and a good broadcaster.

Working diligently to reinstall in our society those principles and ideals upon which our country was established, Mr. Williams has expressed the highest traditions of responsible broadcasting and has promoted an understanding and treasuring of our American heritage. He is certainly a credit to Pennsylvania.

HANDGUN TRAGEDY

Mr. BAYH. Mr. President, I was deeply moved by the testimony of a witness who appeared last week before the Subcommittee to Investigate Juvenile Delinquency during hearings on the problem of handguns and particularly those small caliber handguns, the "Saturday night specials."

Mrs. Lillian Potter of Providence, R. I., told the subcommittee of the tragedy that had befallen her and her family in December of last year, when the life of her husband, a leading obstetrician and gynecologist, was snuffed out by two young gun-wielding thugs in the parking lot of the hospital, where he was to perform an operation that morning.

Dr. Potter has devoted his entire professional career to public service; indeed, as many who knew him said, "he was a man who loved life."

Mr. President, tragedies of this sort are repeated day in and day out in these United States as tens of thousands of Americans are either killed or injured because of the easy availability of cheap handguns.

Mrs. Potter's statement needs no elaboration on my part. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LILLIAN K. POTTER

Mr. Chairman and members of the Senate Subcommittee on Juvenile Delinquency:

December 10th was an *ordinary* day. I had breakfast with my husband as I had done for the past 30 years. Now, with our children all grown, we enjoyed these moments together every morning.

As usual, he had to leave early. Dr. Charles Potter, well-known obstetrician and gynecologist was off to the Lying-In Hospital to perform his umteenth operation in this his 30th year of practice. Then he was to do his hospital rounds, see his patients in the office and perhaps usher another new life into the world. As he left, he called back to me: "Remember, 'Hon,' there's symphony tonight".

My husband was never allowed to perform that operation. As he left his car in the hospital parking lot, in broad daylight (it was 8:30 in the morning), his meaningful, dedicated life was cut short by a single blast from a small, deadly handgun. "Oh my God, oh my God", he cried out in disbelief, and then he was no more. His life ended on the very doorstep of the hospital where he had ushered in so many new lives.

He did not hear the symphony that night. Our seats were empty, but the audience stood in tribute to his memory as the conductor dedicated a symphony to the memory of Dr. Charles Potter.

This *ordinary* day which started out like every other day, marked the end of a great, a generous, a gifted man whose life had been dedicated to the well-being and happiness of others.

The whole state was stunned—thousands of letters poured in—donations were contributed to causes he supported—a clinic was named after him—a memorial library was started. Dedications, resolutions and memorials came for days and weeks after.

But this *ordinary* day left my life meaningless and without hope—except that one hope of sparing other wives, other parents, other children, the ordeal to which we were so suddenly and cruelly subjected:

Hope embodied in the spontaneous petition urging more effective gun control which brought in 11,000 signatures in our little state alone. I have brought them here to show you.

Hope in the overwhelming responses from Texas to Alaska, responses to my letters to the editor asking readers to join me in an attempt to end this plague of death by handgun.

Hope that by my presence here, painful though it is, I might sway a crucial vote or two.

Hope that another life might be spared.

Like the mother whose only child has been killed at a dangerous crossing and who then calls together all the mothers in the neighborhood to organize for action to get a much-needed traffic light installed to save the children of others, I am determined to dedicate myself to gather together the many people who, because of their similar tragedy, or their concern for the general safety, want to see the traffic in handguns ended.

A sermon preached the Sunday after his death began as follows: "There is so much violence these days, much of it so brutal that we tend to get hardened to it and forget that it is always personal".

Yes, we *are* becoming hardened to the grizzly statistics of gun murders. Every day the newspapers report the mounting toll of man-made death. Try clipping, as I have, the accounts of our murders for just one week and see how many your local newspaper reports. But, numbers, percentages, statistics, all these are so impersonal.

To me and my children, the statistic is 100%. To every family that has suffered as I have, the statistic is 100%. It is 100% to the widow of the little shopkeeper, the orphaned children of policemen or the family of the bank teller.

We share the same anguish, the same loneliness. For us the world is suddenly empty and the future bleak.

We know that all men must someday die.

Yes, men die from a heart attack, a plane crash or some act of God such as lightning or a flood; but my husband and the 23,000 others who die from guns each year, are killed by a "caused catastrophe"—a man-made plague.

The senselessness, the waste of precious human life makes it all the more unbearable for all of us. We who are the ultimate victims of crime are the "forgotten people" in our society. We live with the painful loss of a husband, a father, a friend, a contributing member of society.

In Africa, there is a saying: "A man is not dead until he is forgotten." My husband will not soon be forgotten if, as a result of his death, other lives are saved by enactment of more effective handgun control.

What kind of a man was murdered on the morning of December 10th? A man who worked hard to establish a Fertility Clinic to help childless couples to have their own children. A man who for years was chairman of an adoption committee. A man who never missed his free clinic rounds be it Christmas, New Year's Day or Thanksgiving. A man who once walked four miles through heavy snowdrifts to deliver his patient when cars and cabs were stranded. A man who, for 30 years, served as Chairman of the Medical Advisory Board of Planned Parenthood, always giving freely and generously of his time and skill so that only babies who were wanted and loved would be brought into this world.

On a more personal level, I and our daughters had known that their father was quite special, that no matter how busy he might be or how weary from lack of sleep, he always had time for us. They were so proud to bring friends home to meet their Dad who could talk so knowledgably about art, music, theater, travel, books, stamps, tennis or sailing.

A week after he was killed, the emptiness was expressed so well by our youngest daughter when she asked me: "When I bring someone home now, Mom, how will they know what a wonderful man my Dad was?"

My own private world, once so filled with warmth and love, was shattered in one blind, unreasoning blast from a tiny instrument of instant death. The sun may shine, but the world within me remains in darkness.

When people tell me how much *they* miss him, I think to myself, "If he meant so much to *you*, how can anyone measure what he meant to *me*"!

People ask why did such a man have to die—and in such a way? An editorial replied to this question:

"We are all guilty, society is guilty. The irony is that Dr. Potter and his wife were advocating amelioration of many evils in current society.

"Yet society failed them.

"His last words as he lay dying were: 'Oh my God, oh my God'! It keeps ringing in our ears. *He was the victim, but the guilt is ours.* It is because we have been silent for too long. For too long we have rationalized and condoned the evil that men do, and so now he lies in an early grave".

The sanctity and quality of human life has always been of prime concern to me and to my husband. After the assassination of Robert Kennedy, we both worked hard to get tighter gun control legislation in our own state. I was deeply concerned *before* that dreadful day in December; now, *after* my unspeakable loss, I am more determined than ever to see that others do not suffer such tragic personal loss from handguns.

In my letter to newspapers published earlier this month, I pointed out that we have been made conscious of body counts by reports of deaths on the battlefield but have not been equally aroused by the body count on the home front. And, I called on those who have suffered in silence thus far to speak up and unite to work together to ban the deadly handgun.

I will let the writers of these letters speak of their agony and concern in their own words:

From San Francisco: "I recently lost a very loved young brother by a senseless act with a handgun. The sorrow of my family could never be expressed, but my feelings about handguns have been and will continue to be expressed until some action is taken by the legislators of our country to pass stricter laws".

From a Philadelphia high-school student: "I've never lost a member of my family to a bullet from a gun. Nonetheless, I am concerned. Had you heard of the murder of a teacher named Samson Freedman? He was a good teacher. So is my mother, and I am afraid of the dangers in such a profession".

May I add parenthetically that I, too, am a teacher.

From Oceanside, L.I.: "On July 18th, my brother was shot to death while walking his dog. His murderer was 14 years old. Guns are so easily available and can fall into the hands of a child. (14 years is not much different from the age of my orphaned niece who is 7 and her brother who is 10)."

From Chicago: A man of 81 writes that in this violent society, he considers himself a "lucky survivor". Funny if it were not so tragic. Surely the continuity of one's life should be more than a lucky accident.

Why am I imploring you to restrict the manufacture and sale of handguns? Guns do not kill. People kill people. But it is with the gun in hand that people kill. It is the *combination* of the two that is deadly. The gun, a weapon so small, so deadly, so irrevocable, so quickly triggered in momentary fear, jealously or passion, does not give a second chance to the victim or the would-be murderer.

A minister in Missouri wrote: "My cousin was killed in January 1970 in an attempted robbery by a frightened 16-year-old boy who had a handgun. My cousin left a widow and four children. The boy with the gun had no previous record. He is now serving a life sentence. His life, too, is ruined. It was all so senseless—this madness must be stopped".

Most gun murders are done on impulse or in anger, and many occur within the family and among friends.

An editor in North Dakota writes: "Harsh punishment is little deterrent to murder. Murder is usually committed in a moment of blind rage. Guns are deadly and accurate and so quick; they leave no time to think of punishment".

Why are we so concerned about keeping medicines and poisons locked away where our children can't get them? Why are we careful about leaving roller skates on the cellar stairs, about using our power tools or lawn mowers with greater concern for safety, but not nearly as often do we hear about keeping deadly guns locked away where they can't be used in a fit of rage or temper—or, get into the hands of a child and used to kill or maim.

As you, the Subcommittee on Juvenile Delinquency, are well aware, 40% of firearm fatalities involve children and adolescents—with 9% being under ten years of age.

Restrictions on handguns are not the whole solution to indiscriminate murder. There must be an improvement in our prisons, a reform of our courts; our cities must be made more livable.

But, the restriction of the manufacture and sale of this weapon of death is a desperately needed part of the total solution.

It is our heritage to value human life. It is our heritage to live without fear. Yet what happened to my husband, Dr. Charles Potter, last December 10th can unless something is done, happen to you, to me, to anyone, anytime, anywhere.

May I close with the very first of dozens of letters which were sent to our local newspaper. It sums up the feelings toward him and the reaction to his senseless murder.

The headline reads: "He was a man who loved life . . .

. . . The full impact of the degeneration of contemporary American society was brought to bear on me when the radio announced that Dr. Potter had been killed. It is a society in which the essentially anonymous murder of good men has become the accepted norm. How can any society long survive when a man like Dr. Charles Potter can be shot down so mindlessly?

I remember Dr. Potter from a night over two years ago when I stood in front of the Lying-In Hospital waiting for the birth of my second child. It was three a.m. when the door burst open behind me and he came out with a broad smile to shake my hand and announce that I had a son. *He was a man who loved life.*

For a society that is so filled with hate and ignorance, the words that Dr. Potter moaned while laying on the pavement are appropriate: 'My God, oh my God' ".

BRITISH RESEARCH ON "THE PILL"

Mr. PACKWOOD. Mr. President, from time to time during the last year or so, we have been inundated with scare reports about the dangers surrounding use of the "pill." The distinguished Senator from Wisconsin (Mr. NELSON) conducted extensive hearings into possible direct or indirect hazards associated with various forms of oral contraceptives. Although these hearings were invaluable in forcing the Food and Drug Administration and pharmaceutical manufacturers to look more closely at the composition, safety, and total effects of contraceptives, the publicity that was generated had the simultaneous effect of frightening millions of American women into abandoning use of the "pill," too often with no replacement method of birth control.

The "pill" is our most effective and widely used contraceptive today. Nevertheless, we must continue to maintain vigilance in seeking evidence of any possible physical dangers associated with use of the "pill." I will support prolonged and intensive biomedical research on the oral contraceptive until we can say with absolute certainty that it has been proven safe.

Because of the importance of documenting the safety of the "pill," I was interested to read recently of research results in Britain indicating that not only are oral contraceptives and breast cancer not linked, as has frequently been suggested, but that oral contraceptives may in fact protect against benign breast disease. A report on this study appeared in the July issue of Perspectives. Because of the timeliness of this study and its interest to the millions of women now using the "pill," I ask unanimous consent that it be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

BREAST CANCER AND ORAL CONTRACEPTIVES NOT LINKED, BRITISH STUDY FINDS

No evidence of an association between the use of oral contraceptives and increased risk of breast cancer has been found in a two-year epidemiological investigation of the problem, Dr. Martin P. Vessey, senior member of a British research team, reported at the American Cancer Society's Second National Conference on Breast Cancer in Los Angeles, May 17. Instead, he said that the preliminary data suggest that "the preparations tend to protect against the development of benign disease" (M. P. Vessey, R. Doll and P. M. Sutton, "An Investigation of the Possible Relationship between Oral Contraceptives and Benign and Malignant Breast Disease").

Dr. Vessey, who is lecturer in epidemiology at the Radcliffe Infirmary in Oxford, England, and whose previous research helped demonstrate the association between the pill and increased risk of thromboembolic disease, explained that the breast cancer investigation was based on the hypothesis that if oral contraceptives speed up the rate of growth of latent tumors, or hasten the change from a premalignant state to malignancy, an effect would be demonstrable sooner than if one attempted to establish the relationship de novo, since human carcinogens seldom produce a demonstrable effect until 10 or more years after first exposure.

METHODOLOGY

In a case control study (still in progress) at five London teaching hospitals, 220 never-married women aged 16 to 39—166 of them undergoing biopsy for breast lumps that subsequently proved benign, and 54 being treated for breast cancer—were interviewed by medical social workers experienced in research, Dr. Vessey reported, and the patients' obstetrical, menstrual, contraceptive, family and social histories were taken. For each patient with breast cancer, two control patients were selected from the same hospitals' populations, but these patients were under treatment for a variety of other medical or surgical conditions. For each patient with benign breast disease, one control patient was selected. All the controls were matched with the affected patients in regard to age, marital history and parity, and were interviewed in the same way as the patients with breast cancer. Since independence between the two control series was not demanded, the same control patient might be matched both with a patient with breast cancer and one with benign disease. Thus, 216 control subjects were interviewed, of whom 58 were matched with patients in both study areas. The pathology department of each hospital provided histological material.

Contraceptive history of each patient in the study group was taken as of the time the breast lump was first noted; the contraceptive history of each study patient's matching control was taken as of the same time.

RESULTS

The research team found that of the 166 women with benign breast disease 116, or 70 percent, had never used an oral contraceptive, compared with 100, or 60 percent, of their matched controls. Of the 54 women with breast cancer 40, or 74 percent, had never used an oral contraceptive, while 69, or 64 percent, of their matched controls had done so. Thus, the investigators note, "The use of the preparations was less frequent in both series of patients with breast disease than in the corresponding matched controls."

The study also examined the length of time the oral contraceptive had been used in the different diagnostic categories. "The most striking disparity," the investigators note, "is again that between the patients with benign breast disease and their matched controls, the former having used the preparations for little more than half as long on the average (13 months) as the later (22 months)." Another finding of significance, based on histological review of the tissue excised from patients with benign disease, is that there is "no suggestion that any particular type of lesion is associated, either positively or negatively, with the use of sterodial contraceptives."

The investigators conclude, "The preliminary findings in our study are reassuring. The number of patients is small but, even so, they provide some evidence that oral contraceptives may protect against benign breast disease. . . ."

The co-authors, Drs. Richard Doll and Peter M. Sutton are, respectively, professor of medicine at Radcliffe Infirmary and reader in morbid anatomy at University College Hospital Medical School in London.

SCHOOL BUSING IN THE SOUTH

Mr. TALMADGE. Mr. President, school busing has descended like a plague on many school systems in the South.

Children are being denied the opportunity to attend schools nearest their homes. They are being uprooted from their neighborhoods and herded about like cattle.

All this is taking place in the name of school desegregation. It is being done to satisfy the misguided idea of some court or bureaucrat that a near perfect mathematical racial balance in the schools must be attained.

This is contrary to commonsense. I fail to see how the education of children can best be served by putting them on buses and shipping them clear across cities or counties. The fact is, busing disrupts education. It creates confusion in the schools and, in effect, relegates teaching and learning to secondary importance, when it ought to be the first order of business.

Busing runs contrary to the law as enacted by Congress and signed by the President. In 1964, the Congress specifically prohibited the assignment of students and teachers to schools simply to overcome racial imbalance. In other words, Congress said race should not be made the basis for school attendance—which, in fact, the U.S. Supreme Court said in the Brown decision in 1954.

Yet, because of confusion and lack of direction in the Federal courts, from the Supreme Court on down, and the administration, from the President on down, that is exactly what we have in schools today. Students are being assigned to schools and bused all about just for one reason. That is on the basis of their race. It is supreme idiocy. Arbitrary busing must cease. Normalcy and education must be resorted to our schools.

Mr. President, there appeared in the September 14 education of the Augusta (Ga.) Chronicle and the Augusta Herald two very fine editorials on this issue that I bring to the attention of the Senate.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Augusta Chronicle, Sept. 14, 1971]

RIGHT VERSUS FOLLY

Some six thousand five hundred concerned citizens assembled Sunday at the Academy of Richmond County in one of the most significant gatherings of the year—a meeting to express their support of the fundamental American right of a people to operate their own school system.

The community leaders who organized the rally have performed a notable public service, and have earned the commendation of everyone who wants the best possible education for every child in Richmond County.

What we in Richmond County face is the menace of a monolithic bloc of theorists in Washington who are determined to impose on every community an impractical, tremendously expensive system of busing children from one neighborhood to another. The object—to equalize the ratio of children of one race with that of another race—will provide far worse, not better education. It will be enormously costly, grievously wasteful of time, tragically dangerous in exposing more students unnecessarily to traffic hazards, callously destructive of parental participation in activities that support their children's schools, and shamelessly productive of needless classroom problems.

This is a situation which must be resolved, in a manner which is both equitable and law-abiding. The persons who attended Sunday afternoon's meeting demonstrated that this is the goal they seek. The meeting was remarkable for its calmness and objectivity. No displays of over-emotional and wild-eyed lawlessness were evident in the audience—just a calm, determined recognition of a problem which needs to be solved, and must be solved.

The solution must be equitable. We are sure the overwhelming majority of those in the rally who rightly oppose busing also support the principle of giving the children in every one of our schools the best possible education. They would favor equality in equipment, library resources, laboratory facilities and preparation of faculty. Nothing less will do.

But the county faces a possible solution which rejects so simple a thing as quality for all. Two educational experts in Rhode Island College are drawing up recommendations for the federal district court here which we hope will be reasonable. They could, however—judging by court orders in other parts of the country such as, for example, San Francisco and Pontiac, Mich.—be radical, extremist and contrary to the basic principle of public control of public schools.

Judge Alexander A. Lawrence of the federal court, even though of necessity working within the limits of a federal appeals court mandate (which in its insistence on following the Charlotte decision allows possibly more latitude than generally recognized) does not have to adopt the recommendations of the two Rhode Island professors. Nevertheless, their advice will be seriously considered by the court, and it is a responsibility which these two men have.

We trust that they study most carefully not merely the cold statistics of registration, residence and busing facilities, but the genuine human problems involved. We hope fervently that they ponder the destructive effects on our school system which could be brought about by any radical scheme which ignores people, and ignores basic democratic rights.

We do not believe that the lower federal courts, or their advisors such as the Rhode Island professors, will best serve the cause of justice and equity by following blindly the dictates of a Supreme Court dominated by political appointees who have promoted extremist sociological theories. Somewhere our American system has to stop and take a new look at democracy, and at the Constitution. Lower courts, in our opinion, need to start submitting realistic and equitable decisions, even though they must be appealed over and over to the highest court until that tribunal realizes how far from justice it strays in permitting busing to destroy education.

The Supreme Court's decision in this matter "interpreted" the Constitution in an area in which the Constitution not only was silent. but in which it left "all other" powers to the states. The Supreme Court's decisions have run counter to the statutes enacted by the people's representatives in Congress assembled.

Many things can serve to impress the Supreme Court with the grevious damage it has done to America. The campaigns by groups such as that which met here Sunday is one way. Court actions on a wholesale scale all over America is another.

In the final analysis, however, we need freedom from educational dictatorship spelled out in the Constitution itself. An amendment to the Constitution now awaits consideration by the Congress, which would forbid busing for the purpose of achieving racial balance. It is sponsored by Congressman Fletcher Thompson of Georgia, who was present at the Sunday meeting.

All legal means—no illegal or law defying ones—must be used to meet this crisis in education. The biggest stick of all, however, is a constitutional amendment, denying, once and for all, the right of a little handful of theorists in Washington to impose their dictatorial and ruthless rule on every school district in this country.

[From the Augusta Herald, Sept. 14, 1971]

THE VOICE OF PROTEST

Out of a gathering Sunday of some 6,500 parents and concerned citizens assembled at Richmond Academy has come an expression of will loud enough and concerted enough to penetrate the hearing of even the most obtuse sociological meddler or would-be educational dictator.

Richmond Countians on the whole want no part of forced busing to attain that ephemeral idea, a balanced racial mix.

They want no outside interference in the management of their schools, which they feel perfectly capable of directing through their duly elected school officials acting as the instruments of their will.

They want the Constitutionally-secured right to give the lives of their children the kind of direction that they, as parents, are required to give—free of the artificialities of social theorizers.

They have drawn a line marking a halt to the rapid draining away of the remaining rights of a supposedly free people, and have expressed their determination to use every legal and peaceable weapon within their grasp to reassert and secure those rights, beginning here and now.

If this is defiance, it is defiance in a chorus and concert that cannot be ignored or dismissed as a show of overheated emotionalism. There was little that was emotional or lawless or unreasoning about the audience which attended the Sunday rally at ARC. It was, rather, a calm and objective and altogether low-keyed response to what these parents and concerned citizens have recognized as an impending blow not only to the generation immediately involved, but to the future of education itself, to future generations, to the valued concept of the neighborhood school, to one of the first manifestations of a democracy—the right of a governed people to say how they will be governed.

Of immediate concern to them, of course, is what the likelihood of massive busing implies in sheer disruption—the enormous extra cost, the waste of valuable time, the extra and needless hazards to which thousands of children will be exposed, the creation of new classroom problems and tensions, the roughshod expulsion of parental participation in school activities and utter disregard of parental authority—all for the attainment of an end that does more to satisfy the pet ideas of the theorist than it does the actual needs of the intended beneficiaries.

We feel it is safe to say that few of the parents who attended the ARC rally, and carry the aforementioned concerns close to their heart, would deny the need for quality education across the board for all youngsters, regardless of race, creed or color. There would be few who would deny their espousal of such an ambition for all children.

But these same people en masse would be—in fact, have been—the first to express their deep resentment of procedures that would tamper with their schools, with their children's lives, even with the emotional make-up of some whose days, activities, school friendships and allegiances will be disjointed or destroyed by enforced, massive busing to attain an ephemeral end.

The protest of this 6,500, plus others who have maintained their silence for one reason or another, will be pressed by every legal and peaceful means. One such means will be support of a proposed Constitutional amendment which would set forth clearly, once and for all, a denial to any outside force of any power to usurp local school authority through any such device as busing. The protest, which must in justice be heard and harkened to, is intolerant in but one respect. It is intolerant of the kind of dictatorship that the protesters see descending upon their schools, their children, their familes and their daily lives.

PROTECTING OUR FUTURE AND OUR ENVIRONMENT

Mr. ALLOTT. Mr. President, during the recent adjournment of Congress, an article was published in the Denver Post. to which I would like to invite the attention of the Senate.

The August 18 article relates the voluntary efforts of the American Metals Climax Co. through its subsidiary Climax Molybdenum Co., of Colorado, in working with conservation orientated organizations to plan, and carry out, its Henderson project, a molybdenum mine not far from Denver.

This experience demonstrates that conservation organizations and miners can sit down and work together toward a common goal, the protection of our environment, while meeting our consumptive requirements.

This, I believe, is the manner in which reasoning men should approach the environmental crisis which all of us realize must be faced.

We, as I have said before, cannot bring the wheels of our industry to a screeching halt and give up our search for future raw materials. To do so may solve some environmental problems, but we likely would find the cost of products, which we now take for granted, rapidly rising because of the lack of a sufficient supply to meet our human needs. Ultimately, our whole society could have its roots withdrawn from the soil, and dying from a lack of means with which to satisfy even our most basic physical and social needs.

The Committee on Interior and Insular Affairs, of which I am the ranking minority member, through its Minerals, Mining, and Fuels Subcommittee, presided over by the Senator from Utah (Mr. Moss), recently held field hearings in Billings, Mont., and learned of the guidelines which have been voluntarily drawn and agreed upon by the Forest Service and a number of mining concerns, including American Metals Climax, Anaconda, and Johns-Manville, insofar as future exploration and mining activities in the Stillwater Mining Complex are concerned. That complex is located in the Custer and Gallatin National Forests in Montana.

I commend the mining companies, the conservation organizations, and the Forest Service for the enlightened approach they are helping to develop.

It may be that the Colorado conservation groups are being looked upon in a skeptical manner by other similar organizations in the Nation, as the Denver Post relates, but I suggest to those other organizations that if such cooperative undertakings can be developed with satisfactory results in their areas of the country it is the better way to proceed than the confrontations which have developed elsewhere. I take cognizance of the existence of points of disagreement in this undertaking. It would be unnatural if they did not exist, but the heartening thing is that minor disagreements have not been allowed to destroy the good that is being done. I wholeheartedly encourage such organizations and private enterprise throughout our land to try this approach. Our Nation will be the better for it.

Mr. President, I ask unanimous consent to have printed in the Record, the text of a Christian Science Monitor article reporting on the Henderson project. It by the way, relates that the many mining company officials were initially skeptical about the value of trying to work with the conservation groups, just as the conservation groups were skeptical. Neither reaction is surprising but, as I said, both have apparently discovered their initial reactions to have been wrong.

Lastly, I ask unanimous consent to have printed in the Record an excerpt from the statement which was made at the Montana hearings by Mr. Giles Walker, the representative of Amax, detailing the philosophy of American Metals Climax and Mr. Ian McGregor, chairman of its board of directors as well as some of the recognition it has received because of its demonstrated concern for our environment.

There being no objection, the items were ordered to be printed in the Record, as follows:

New Henderson Mine: Mining, Environment Mountain

(By Dick Prouty)

Empire.—Can a herculean mining operation costing $250 million and taking eight years just to begin production be compatible with the Rocky Mountain environment?

For the Henderson Project of Climax Molybdenum Company the answer seems to be "yes."

The Henderson Project is a plan to mine molybdenum ore under 12,315 foot Red Mountain 8 miles west of here, about 50 miles west of Denver.

The ore body, with about 4½ to 5 pounds of molybdenum being extracted per ton of ore, is large enough to last 30 or more years, Climax officials say.

FIFTY MILLION POUNDS

Annual production is to be 50 million pounds of molybdenum.

The second of three Henderson shafts now is being put down 3,100 feet into the same mountain from which Climax' Urad Mine is extracting ore. Later a third shaft will be sunk.

To get the ore to the mill, 14.6 miles away, a 10-mile-long tunnel is being bored between the mine, under the Continental Divide to the upper reaches of the Williams Fork River.

Harold Wright, Henderson mine manager, said that when full production gets under way—target date is 1975—six completely automated electric trains with 30 cars each will be shuttling back and forth between mine and mill.

"They're completely automated, there's no one in them at all," Wright said of the trains, which are a low-profile narrow-guage type.

Each train will have four, 50-ton rated locomotives of the Swedish ASEA manufacture, he said.

At the mill, where a mountain is being leveled for the site of a crusher and mill, two tailings ponds and a water reservoir also are under construction.

According to Bill Reno, Climax construction engineer, the tailings ponds will require about 130 acres of the 18,000 acres of land Climax has bought in the Williams Fork drainage.

The project isn't just Climax. It's also the product of the Thorne Ecological Foundation, Boulder, the Denver-based Rocky Mountain Center on Environment (ROM COE), the U.S. Forest Service, Colorado Water Pollution Control Commission, the Colorado Open Space Council and others.

PAYING THE BILL

But it is Climax, a subsidiary of American Metals Climax, New York City, that's paying the bill. The environmental safeguards were undertaken with "a great deal of apprehension on both sides on how it would work out," said Jim Gilliland, a Colorado native who is director of environmental controls for Climax.

How much the environmental considerations will cost hasn't been calculated. But it's plenty, a company official said.

The first environmental controls were extensions of conservation measures worked out betwen the U.S. Forest Service and Climax in the early 1960s when the Urad mine was reopened.

The Colorado Water Pollution Control Commission didn't even exist then, but the Climax representative, the late Ernie Jones, pioneered the ecological outlook with Neil Edstrom, former Idaho Springs forest ranger.

LODE DISCOVERED

The Henderson lode was discovered in the mid 1960s. The scope of mining more than 300 million tons of ore, of having water for milling, tailing ponds for nearly 1,900 pounds of mill waste per ton, power lines, roads, housing for workers and other impacts on the environment generated studies on the ecological significance of the development.

Stan Dempsey, Climax attorney, was active in conservation work and as plans for Henderson were outlined he sought a broader input on environmental aspects from the fledgling Colorado Open Space Council.

Climax officials including Dempsey, Don Stephens and Bill Distler, then Henderson Project director and now in charge of mining operations for it, Urad and the Climax, Colo., mines, met with Roger Hansen, now executive director of ROMCOE; Bob Weiner, of COSC; Dr. Beatrice Willard, of the Thorne Ecological Foundation, and with others worked out what is known as "An Experiment in Ecology."

FROM BEGINNING

"The important thing," Distler said, "is that environmental considerations were a part of Henderson from the beginning."

The cooperative attitude of conservationists surprised some company officials and vice versa. But there were environmentalists who weren't—and aren't—happy about another development invading the mountains.

"It can't be hidden," Hansen acknowledged, "the landscape is considerably disturbed. But the impact is definitely minimized. There's no question about it."

"With all the construction, you can't tell now what it's ultimately going to look like," Hansen said.

"But the way it's going, the way it has gone and is intended to go, Henderson will be an ecological model for industrial development. I don't know of anyone in the country who has done the things Climax has done," he said.

WORK WITH PEOPLE

"We've been accused of doing a 'sell-out,' of being a turncoat to the environment and all sorts of things," Hansen, a lawyer and planner, said, "but environmentalists have to accept responsibility and to work with people in good faith."

The results of that faith are just begining to show. For example:

—Ute Creek, the Williams Fork River, West Fork of Clear Creek and other streams are flowing clear and sparkling despite the enormity of the earthmoving and other work being done near them.

—Clumps of trees at the mine, near the railroad and powerline rights of way were left standing instead of being cut down. In one case a spruce fir stand with trees more than 300 years old still stands—a powerline route was changed instead of cutting the trees.

ABOUT 850 TREES MOVED

More than $20,000 was spent to dig up 850 trees—aspen, fir, spruce, pine—from 4 to 40 feet high and transplant them to provide a 100-year-long test screen to a high tailing pond. The test plot, that is watered almost daily, will show what kind of trees can best survive the transplant shock. Eventually more trees will be moved to form a screen more than a third of a mile long.

While more than 300 acres of timber were harvested much of the waste was chipped for mulch instead of being burned.

Topsoil is stockpiled until final earth moving and construction is complete and then it will be distributed, seeded and planted with grasses, shrubs and trees.

The 10,000 gallons of water needed each minute in the milling process is to be recycled, a process that saves water and avoids pollution.

WATER COOLED

The 5,000 gallons a minute of warm water encountered in sinking shafts to the working mine level is being aerated to cool and oxgenate it before it does into clear Creek via settling ponds.

New concepts in power line rights of way and screening were pioneered by Climax and Public Service Company of Colorado. No more wide, straight swathes through the mountains. The wires and towers are treated to blend instead of contrast with their surroundings.

Acres of grass now green disturbed slopes that would have been ignored before. A tertiary sewage treatment plant, almost a high-altitude experiment at 10,320 feet, is planned for the mine and offices.

In the next century, when mining is over, plans for using the reservoirs and tailings ponds already have been outlined.

Fundamental to all this are the ecological inventories made and continuing under the direction of Dr. John Marr, noted University of Colorado ecologist, and Dr. Richard Beidleman, of Colorado College, and others involved in the Colorado environmental movement.

"This way we know what the situation was, what it is, and if it changes how it's changed so we know what to do about it," Gilliland said.

"We'll have the actual data. Instead of guessing and theorizing, we'll know," he said. He was referring to plant, wildlife, water life and other continuing studies.

One of the really tough problems is tailings reclamation. Work at the old Climax, Colo., mine has proven the challenge. Dr. William Berg of Colorado State University, is seeking, reclamation answers under a Climax grant.

PROVIDE ACCESS

Not all the environmental improvements have worked. One that failed was Climax plans to open up thousands of acres of its own land in the Williams Fork Valley, and provide access to the Arapaho National Forest, for hunters and campers.

But the guests drove their vehicles across meadows, mountainsides and in other ways tore up the land. The area is now barred to vehicular access, Don Stephens, Climax, public relations representative, said.

"It's still open," he said, "you just have to walk or ride a horse."

He said Climax is considering running a twice-a-day truck route in the area this fall. Then hunters can haul their deer or elk to the access roads, and it will be brought out in the company truck to the county road.

The impact of the enormous project and anticipated satellite development on the Williams Fork is a major concern of Colorado Game, Fish and Parks officials.

"It's going to change deer and elk migration routes, population concentrations and other factors," Paul Gilbert, area supervisor at Hot Sulphur Springs, said. To the west, across the Williams Fork Mountains, development in the Blue River Valley is affecting deer, elk, upland game birds as well as stream life.

He estimated there at 500 elk and about 500 deer in the area now.

WATER COMPETITION

Competition for water by various interests, including Climax, Denver and other developers is also worrying trout enthusiasts, he said.

"They're making every effort they can to keep the stream clean, but it's the combination of effects including adequate stream flows that concern me," Gilbert said.

The opening of once closed ranches and foot access to the national forest is working out "surprisingly well," he said.

Distler said the company spent weeks searching for a mill and tailing site that would minimize the environmental impact. Of 36 sites, only two were environmentally satisfactory.

The result is a small scenic valley just west of the Williams Fork River, north of Ute Pass.

A portion of the two-track, narrow-gauge railroad between the tunnel portal and the mill will be visible from the county road that follows the river back up the valley from the Colorado River.

The tunnel will be more than 52,000 feet long. The Dravo Corporation has bored more than 3,000 feet underground from the Williams Fork side.

The tunnel and train are expected to cost $50 million.

MINING ORE WITH MINIMAL DAMAGE TO NATURAL BEAUTY

(By Robert Cahn)

EMPIRE, COLO.—Here in the mountains of Colorado, someone has changed the script.

Ordinarily, when an industry—in this case a major mining firm—plans a new development that may disrupt the environment permanently, conservationists are up in arms, writing to congressmen, threatening law suits, fighting the "polluters" every step of the way.

But, for once at least, the would-be protagonists are sitting down over a conference table and trying to work out the problems before they happen.

The new Henderson molybdenum mine of the American Metal Climax Company (AMAX) is not due to go into operation until 1974. Yet since 1963, a nine-member committee of company officials and representatives from the Colorado Open Space Council (COSC) have been holding frequent meetings.

Their purpose: to figure out ways in which the ore can be mined and a mill operated with minimal harm to the forests, streams, and wildlife and to the natural beauty of this Rocky Mountain area which straddles the Continental Divide, 40 miles west of Denver.

UNPLANNED MEETING

This "Experiment in Ecology," as it is called, is all the more unusual in that a "sister" mine of the company near Climax, Colo., is an acknowledged scar on the landscape. And conservation groups are protesting, and threatening a lawsuit, to stop a proposed molybdenum operation by another company in the Challis National Forest of central Idaho.

These days, starting any new mining development in wooded natural areas is to conservationists like waving a red flag in front of a bull.

The experiment came as the result of a mistake late in 1966 by two young lawyers. ———— Dempsey and Roger Hansen, when both of them showed up for a conservation meeting at the right place on the wrong night.

Mr. Dempsey was then assistant counsel for the AMAX molybdenum division, and Mr. Hansen was executive director of COSC, the Rocky Mountain area's biggest conservative organization. Being a week early for the scheduled meeting, they decided at least to have dinner and discuss their mutual interest in conservation.

INITIAL RESISTANCE

The talk quickly centered on the company's "Henderson" site near Empire, which Mr. Dempsey said might turn out to be one of the world's largest molybdenum deposits (molybdenum is an alloy used mostly for strengthening steel).

They agreed that a way should be found to avoid repeating the environmental damages of past operations in developing the Henderson site, and decided to see if the new mine could become an example of environmental planning. Shortly thereafter, four AMAX officials and five conservation leaders held their first meeting at the company office in Golden, Colo.

Both of the instigators of the experiment in ecology at first met doubt and resistance from within. Company officials felt that no matter how much they spent on environmental safeguards, they couldn't win—the conservationists would still be critical for the least changes that were made on the resources of nature.

The conservationists hesitated because they felt it might be just a public relations gimmick, and that the company would do as little as possible. Also, they were looked on with suspicion by other conservationists for consorting with the "enemy," and were accused of selling out their principles.

Mr. Hansen, who now is executive director of the Rocky Mountain Center on Environment, admits that if the proposed mine had been in a wilderness area, conservationists generally would have opposed it. But in this case the company had a right under existing mining laws to pursue the development and could not be legally stopped: The site was not in a protected wilderness area, nor was the land of unique and outstanding recreational or esthetic value.

FLORA AND FAUNA EXPLAINED

At the first committee meeting, Dr. Beatrice E. Willard of the Thorne Ecological Foundation showed color slides of the flora and fauna, and explained the interrelationships of resources in the fragile alpine ecology of the area.

The company executives, somewhat hesitantly at first, divulged in detail their plans for development of the mine and mill which would transform the buried ore into the powder-like molybdenum disulfide.

The major problem was: what to do with the finely ground rock tailings, the waste coming out of the mill which ordinarily is stored in ponds near the mine? More than 300 million tons of tailing are expected before the mine is exhausted.

The company planned, before the experiment in ecology started, to place the mill and the pond near the mine alongside a major highway through the scenic Rockies. But at the suggestion of the conservationists, a search was started for a new location.

EXPENSES REDUCED

After checking all possible locations within a 25-mile radius of the mine, company engineers discovered a site 13 miles away that was hidden from public view and where the mill could be built in a way that would create a minimum of pollution potential. But there was a catch. To reach this site the company would have to tunnel under the Continental Divide.

Company studies showed, however, that the $25 million cost for a nine-mile tunnel and a rail line above the Williams Fork Valley could be economically justified.

At first, the ideas for environmental improvement came from the conservationists. But now, says Mr. Dempsey, the spirit of conservation has caught hold with the engineers who seek new ways of doing things so that as much as possible of the natural setting can be preserved. And although many of the changes are costly and have to be absorbed in the interests of a better company image, some of the changes have resulted in reducing expenses.

On their part, the conservationists question everything, Mr. Hansen says. They even want an explanation for every tree the company wants to remove.

Some of the changes are small—but the cumulative effect is significant.

Instead of the ordinary galvanized steel buildings at the mine site, colored siding which blends with the setting is being used.

Culverts and trestles are planned so that the railroad will not cut off the natural animal trails.

The topsoil and dirt removed from the main mine shaft is being kept in a pile, and the land will be reclaimed when the shaft is no longer needed.

Slopes that have been denuded around the mine for construction purposes are being reseeded. And operations have been kept as compact as possible so that only 300 acres are being used for the mine.

PUBLIC ACCESS PERMITTED

The mill will use water recycled from the tailing pond. And a series of canals will be built above the pond so water running off the mountain will bypass the pond. This should remove the danger that floods might carry tons of waste tailings into the valley below the ponds.

The company is permitting public access on thousands of acres of land around the mill site which had been closed to the public by the previous owners.

The conservation spirit was even infused into the utility which provides power to the mine site. The Public Service Company of Colorado was persuaded to cut selectively only a few trees where power lines were to go instead of bulldozing a swath through the forests.

WIND PATTERNS CONSIDERED

A team of horses was then used to bring out the trees. The transmission towers were brought in by helicopter. And instead of using shining aluminum towers, the utility supplied wooden ones painted a shade of green designed to weather and blend into the setting.

Not all of the ecological problems have yet been solved. Dr. Dillard, for instance, feels that information about wind patterns in the area of the traling pond is inadequate, and that studies should be made to find out if the molybdenum tailings might be swept into the air on strong winds and carried into areas where they could affect plant life.

"We feel the experiment has been a success so far," says Dr. Dempsey. "However, we have a lot to learn about how we are going to do reclamation work on the talling ponds. And we are planning to hire a full-time ecologist next month.

"The experiment has proved that an industry can work with conservationists in developing an operation. We hope it will serve as an example to others in industry and in conservation."

Mr. Hansen agrees that the experiment has proved that conservationists can cooperate with industry in some cases. But he points out that some types of development in some locations are not consistent at all with protection of environmental values.

In the cases, where environmental damage would far outweight the gains, conservation groups may legitimately oppose any kind of development, or seek to have the development moved to an area where it will not cause damage.

EXCERPTS FROM STATEMENT BY GILES WALKER, DISTRICT GEOLOGISTS FOR AMAX EXPLORATION, INC., A SUBSIDIARY OF AMERICAN METAL CLIMAX, INC.

Before discussing our activities in the Stillwater area, I would like to outline AMAX's philosophy on environmental protection and briefly mention a few examples of the types of work that are undertaken under this policy.

AMAX is a widely diversified natural resources and minerals development company with worldwide operations in exploration, development, production, and sales of metals, non-metallic minerals and fuels. For many years, AMAX has taken the position that all feasible precautions should be taken at the Company's many different operations in order to protect the surrounding environment. The corporate policy governing all AMAX activities was expressed as follows by Mr. Ian K. MacGregor, Chairman of the Board:

"AMAX evaluates natural resource development plans with full consideration of their impact on the environment that has created these resources. There is no fundamental incompatibility between man's economic progress and the quality of life.

"AMAX management believes that the mineral wealth of this earth can be utilized for human progress in complete harmony with conservation and recreation. Protection of the environment and recycling of waste materials is implicit in the proper utilization of the world's natural resources.

"Dedicated to sound environmental planning, AMAX is vigorously attacking its own problems and making environmental considerations an integral part of the decision making process.

"We recognize a responsibility to assist in the development and implementation of appropriate environmental regulations at all levels of government. In the absence of defined environmental guidelines, AMAX will govern its actions in keeping with the highest standards of responsible conduct."

Some specific examples which illustrate the range of application of this policy are:

(a) *Air pollution control:* Sophisticated equipment was installed several years ago at our Carteret, N.J. copper smelter to further reduce emissions.

(b) *Mined land reclamation:* Our subsidiary, Ayrshire Coal Co., has had a program of mined land reclamation for over 20 years. Meadowlark Farms, an Ayrshire subsidiary, reclaims the surface mined land, after coal has been removed, to a useful state and harvests a wide variety of agricultural products from reclaimed land. They also maintain several herds of beef and dairy cattle on some of this land.

In summary, we of AMAX have worked and will continue to work to live up to the mandate incorporated in the Company philosophy that as a supplier and developer of natural resources, AMAX has a vital obligation to protect the environment in which we all must live. We pledge our support of legislation concerning exploration, development and mining activities, along with attendant mined land reclamation, which will provide a resonsable framework within which these activities can proceed.

We hope and trust that the citizens of this great Nation will never lose sight of the facts that industry is the lifeblood of this Nation, and that the minerals required by industry to supply goods and energy that our society demands are obtained by mining.

OIL INDUSTRY EVADING PRICE FREEZE, OVERCHARGING PUBLIC

Mr. PROXMIRE. Mr. President, President Nixon's price freeze is designed to give the economy some breathing time, to arrest the spiralling inflationary prices and, in most areas of the economy it is working. But not where retail gasoline prices are concerned.

The major oil companies are using their economic power, reinforced by recent decisions affecting the oil-import quota program, to get record high prices for gasoline.

The major oil companies set a retail price at which they hope to sell their gasoline. But, they do not often get it because the independent refiners and dealers force them to compete by lowering their prices. In the past year, there were only 2 weeks in which the actual average gasoline prices have been close to the major oil companies target prices.

The typical discount on gasoline from the target price set by the majors is 2.3 cents a gallon, or about 10 percent. But the majors are not discounting anymore because recent developments with the oil import quota program have given them a throttlehold on the independent refiners and dealers. The major oil companies are setting their target prices and keeping them there. The cost to the consumer is enormous.

With a domestic demand for gasoline of about 260 million gallons a day, the cost to the consumers of a price increase of 2.3 cents a gallon is $6 million a day or nearly $2.2 billion a year.

This price increase in the face of the wage-price freeze is clearly inflationary. President Nixon ought to take immediate action to roll it back.

We all know that the oil industry is not like any other industry. Under the guise of "national security" it has managed to become a Government-sponsored oligopoly with all the high prices and lack of competition that entails. This is amply demonstrated by the fact that, although inventories of gasoline are higher this year than last, prices are also higher. If the oil industry were competitive, one would expect a rise in inventories to result in a decline of prices. But this has not happened. On July 30, 1971, gasoline inventories for the United States were 4.24 million barrels higher than in 1970 and gasoline prices in the week ending 3 days earlier averaged 2.4 cents a gallon higher than in 1970. On August 13, 1971, stocks were 8.35 million barrels higher and gasoline prices were 2.37 cents a gallon higher than the year before. And, on August 27, 1971—two working weeks after the beginning of the wage-price freeze—inventories were 12.7 million barrels above the 1970 level and retail gasoline prices in the week ending 3 days earlier were 2.72 cents a gallon above 1970.

Since, as President Nixon has recognized, productivity is the key to combating inflation, the President ought to suspend the Connally Hot Oil Act which enables the oil-producing States to artificially limit the amount of oil which is produced in the United States. This would increase productivity in the oil industry almost immediately.

In order to increase productivity and lower prices in the oil industry, the President ought to make two minor changes in the oil-import quota program: All unallocated oil held by the Oil Import Appeals Board should be distributed by October 1, 1971, and unused allocations should be permitted a 2-year carry forward. Although the real solution to the high prices charged by the oil industry would be to eliminate the oil import quota program completely and use other more efficient methods to protect our national security, I realize that it would be politically impossible for President Nixon to do this and, thus, have not dwelled on it.

It is no coincidence that the two periods of extremely high gasoline prices were related to unused overseas crude oil allocations. The 1971 price increase came shortly after a special briefing with a "high administration official" that several oil reporters had on July 20, 1971. Within 2 weeks after the high administration official announced there would be no carryover, gasoline prices were at the record high.

The major east coast refiners are having the best of all worlds. Gasoline prices are high and, strange as it may seem, overseas ticket values are low. Ticket values are the hidden, indirect payments which east coast refiners pay inland refiners for the indirect use of allocations made to inland refiners.

The value received by inland refiners in the exchanges of their overseas import allocations with east coast refiners who actually used the imported oil is running about 50 cents a barrel. The value of an overseas import allocation east of the Rockies depends on the difference between the cost of crude oil in the gulf coast plus cost of transportation to the east coast and the cost of overseas oil plus tanker costs to the east coast. Based on a straight economic analysis of these costs the value of an import ticket should be between $1.55 to $1.80 a barel instead of 50 cents a barrel. On September 2, 1969, the oil industry's publication of record, Platt's Oilgram Price Service reported that overseas crude oil allocations were worth $1.25 to $1.50 a barrel on the east coast. Then the average value of crude oil there was $3.17 a barrel according to the IPAA and the spot tanker rate for moving oil from the gulf coast to the east coast was $4.42 a ton and the rate from the Persian Gulf was $7.76. Two years later the domestic crude oil price for the east coast was reported at $3.42 a barrel, an increase of 25 cents a barrel and the cost to producers of Persian Gulf oil had increased by about 27 cents a barrel. This would reduce the value of overseas allocations by 2 cents a barrel. But in the same period the spot tanker rate from the Persian Gulf decreased $4.33 a ton. With 7.1 barrels to the ton, this should enhance the value of import tickets by just over 61 cents a barrel. At the same time, the U.S. spot tanker rate from the gulf coast to the east coast decreased by $2 a ton, resulting in a decrease in the value of overseas allocations by 28 cents a barrel. Taken together, these factors indicate that the value of an import ticket should increase by 31 cents. But, instead, the value has declined sharply.

The same strange results are occurring on the west coast. Platt's reported that west coast import tickets were worth 85 cents a barrel on September 2, 1969. Assuming domestic oil prices went up 2 cents less than foreign oil prices and comparing equivalent tanker rates, our analysis indicates that the value of west coast import tickets should be about $1.18 a barrel or an increase of about 35 cents a barrel. But, according to those that I have talked to on the west coast, the value of import tickets is about 20 cents or less a barrel. Something is wrong.

The real explanation is the economic imbalance between the major oil companies and the independent refiners which has been exacerbated by the Federal Government's policies. The major companies control the east coast refiners which actually use the imported oil while the independent refiners usually have inland refiners which do not actually use the imported oil. Because the regulations under the oil import quota program prohibit selling import tickets, these refiners are forced to exchange their import tickets with major oil companies for domestic oil. This barter system favors the majors when there are major changes in the market. This imbalance was accentuated even more by the statement of the high administration official that unused import tickets for 1971 would not be carried over but would be void at the end of the year. This means the value of the allocations for those who ordinarily exchange is steadily approaching zero because of the clock. What the administration ought to do is to make all 1971 allocations good for the next 2 years.

The relationship of unused allocations to oil prices demonstrates the competitive importance of small- and medium-size companies. Under ordinary circumstances, low ticket values would mean that oil import controls were not costing the consumers much. However, under the circumstances which I have outlined, the potential competitive impact of the allocations made to medium-size refiners is blunted. In view of the demonstrated effectiveness of allocations to such refiners, the allocation scale for 1972 should be modified to assure them a larger share of the overseas allocations.

Unfortunately, but predictably, the Oil Policy Committee seems to be moving in the opposite direction. According to the Oil Daily, OEP is deeply involved in an "exercise" preparatory to the introduction of a two-step scale which would increase the allocations of major international refiners at the expense of medium-sized refiners east of the Rockies. This will compound the economic power of the majors to the detriment of the medium-sized firms and consumers. Although, according to Oil Daily, the OEP is trying to develop a system which provides "greater equities" for refiners regardless of size. Experience indicates that this will work to the detriment of the consumers by inhibiting even more competition.

The squeeze on the independent inland refiners from the refusal to permit the carryover of 1971 overseas allocations was further exacerbated by the administration's refusal to release the allocations early enough so the independents could make adequate plans. As a result, in order to use all the imported oil which was finally allocated, imports would have to exceed the rate at which east coast refineries operate by at least one-sixth for the rest of this year. Clearly, an impossible situation.

The experience of the past year has demonstrated some of the inherent weaknesses of the quota system—flaws which are accentuated by the failure to provide a carryover of unused allocations. The present low values of oil import allocations, the record-high costs of gasoline and the present low tanker rates combine to spotlight the inequities within the industry, the inefficient use of resources, and the high cost to consumers; all caused by the oil import quota system. Yet, the Oil Daily reported that the "high administration official" felt that "after the grueling experience of last year," he did not see how a tariff system could operate. The quota system does not work, but there is no inclination to examine alternatives. Amazing.

Although I have not spent much time discussing residual fuel oil prices, it is a matter which always needs attention. The oil industry claims that east coast prices of residual oil correspond to world prices, but the facts indicate that east coast consumers are paying far more for residual oil than they should. According to Platt's Oilgram Price Service, low sulfur residual oil, 1 percent, on December 1, 1970, averaged $3.18 a barrel in Rotterdam and $4.22 in Boston. On August 30, 1971, the disparity was even greater; that product averaged $1.75 a barrel in Rotterdam and $4.32 in Boston. Over twice as much. The same disparity holds true for high sulfur residual oil: on the same dates the figures were $3.04 in Rotterdam and $4.03 in Boston, and $1.87 in Rotterdam and $3.75 in Boston.

President Nixon has taken a forceful step in imposing the wage-price freeze in order to halt the inflationary spiral and to help increase productivity. He ought to carry over that policy to the oil industry. I realize that the oil industry has long held a favored spot, but it is time the major oil companies were asked to give up some of their special benefits for the common good. A few minor changes in the oil import quota program by President Nixon to eliminate some of the most blatant inequities in the program would go far toward President Nixon's goals of stopping inflation and increasing productivity. I sincerely hope he or his advisers will consider the changes I have recommended and act upon them.

A TRIBUTE WELL DESERVED

Mr. McINTYRE. Mr. President, as a Dartmouth alumnus and a New Hampshire Senator it made me doubly proud to read a front page article in a recent edition of the Boston Globe entitled "Only 100 Watts—But It Packs a Power Punch."

The article, Mr. President, deals with WDCR, the Dartmouth community radio station. I say that advisedly. Although the station is owned by the trustees of Dartmouth College, it is a commercial AM station and its media message reaches far beyond the confines of the college. It serves an entire area—Hanover, and Lebanon, N. H., as well as White River Junction and Norwich, Vt.—and it does so in a most responsible manner.

Mr. President, it would be easy for a college radio station, manned entirely by students who donate their time, to settle for playing music and reporting the latest college news, but that has never been WDCR's idea of public service.

Instead WDCR has made every effort to cover the broad community interest—meaning selectmen's meetings, school board meetings, and other events of local interest. This responsible attitude was noted by Jeffrey McLaughlin, the Boston Globe's excellent New Hampshire reporter, who wrote the piece which appeared in last week's newspaper.

Mr. President, I hope that Senators will take interest in this fine article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONLY 100 WATTS—BUT IT PACKS A POWER PUNCH

(By Jeffrey McLaughlin)

HANOVER, N.H.—Once every four years, the eyes of the nation turn to New Hampshire, when this state holds the first presidential preference primary in the United States.

Battalions of newsmen, technicians and commentators tramp around in the snow behind the hopeful politicians looking for the post position in the presidential sweepstakes.

From the time Hart's Location in the White Mountains reports its half-dozen-or-so votes until the last ward in industrial Manchester yields its tally, and then for weeks afterward, analysis is piled upon analysis by the Robert Healys, Tom Wickers, William Buckleys, David Brinkleys, Eric Sevareids and Howard K. Smiths.

But when all is said and done, the members of the electorate most informed about what really happened in a New Hampshire primary would be those who have spent a good deal of their time listening to a nonprofit 100-watt radio station run here by Dartmouth College volunteers, up to now too young to vote.

The station is WDRC (Dartmouth College Radio), and, although it was granted its first license as a standard broadcast facility just a few years ago, it has already won major awards for public service in its coverage of the 1968 presidential primary and general election and for its publicity and promotion of a wide range of community-action programs at the time of the first Earth Day.

WDCR is the only commercial, standard broadcast radio station in the country run entirely by students, and it is one of the very few in northern New England to operate 24 hours a day.

Dartmouth provides space for studios and offices in Robinson Hall on the west side of the college green, but otherwise does not underwrite the operation in any way.

The station sells advertising and rents recording facilities to cover its own expenses, and the students get neither pay on nor academic credit for the hours they spend working at the station.

As an official extracurricular activity, WDCR's policies are supervised by college officials, but the degree of control exercised falls in a narrow range between none and almost none.

However, even though the college itself does not influence the type or quality of the broadcasting, the fact that the station is a nonprofit activity run for its own sake by unpaid volunteers does account for its general excellence and its particular ability to cover elections with extraordinary thoroughness.

Senior William D. Downall of Nashville, Tenn., is this year's general manager. He estimated that about 125 students typically are involved in the station's operation. Most spend fewer than 10 hours a week at the work, but about a dozen put in 30, 40, 50 or even more hours every week.

"The purely academic part of college suffers somewhat," Downall noted, "although it is surprising how many good grade averages have emerged from the demands of the station.

"And most of us feel that the chance to become closely involved with local and state politics and occasionally with national politics, and of course with community projects, is one of the most valuable parts of our education."

The core of the station's listening area is the four communities of Hanover and Lebanon, N.H., and Norwich and Hartford, Vt. Virtually every governmental meeting in the core area is covered live by a WDRC newsman (as well as by newsmen from two other area stations and a daily newspaper in Lebanon), which means that the apathetic voter in this area is probably better informed about community activities than the politically conscious resident of a metropolitan area.

Three of the last four WDCR general managers (including Downall) have begun as newsmen, which for a profit-making radio station would be unheard of.

In addition, since there is no payroll to meet, on a busy night, four or five reporters can be out covering meetings with no thought to overtime or budget limitations.

It is in special event coverage that WDCR's built-in advantages, and the dedication of its hardest-working members, is shown to best advantage. Elections are the prime example.

Next March 7, for example, New Hampshire voters will be conducting their town meetings as well as voting in the all-important presidential preference primary. Because the state of Florida threatened to match the Granite State's first-in-the-nation status earlier this year, the New Hampshire legislature moved the date of the presidential primary back one week to the first Tuesday in March.

Vermont holds its town meetings on the first Tuesday as well, and thus, since WCDR's audience is split between the two states, the station will be faced with the responsibility of covering at least seven or eight town meetings as well as the primary.

The news director of a small profit-directed station anywhere would throw up his hands. In northern New England, where few small stations have even one full-time newsman, the prospect is hopeless.

But at WDCR, the challenge of March 7 is welcomed.

All the town meetings will be covered—two of them by live broadcast—and, even if there are four or five or 20 candidates in the Democratic race and two or three more on the GOP ballot, the WDCR reporter will be at each campaign headquarters on election night, armed at least with a tape recorder and a telephone credit card number and perhaps accompanied by an engineer.

In all likelihood, the reporter will have spent weeks researching his assignment, and it is unlikely that any public statement uttered by the candidate during the campaign will have escaped the reporter's notice.

It is not unfair to say that the WDCR reporter, who has not had to worry about the Florida or Indiana or California primaries, can be better prepared for his assignment election night than the highly paid major network newsman who must draw broad brush strokes on the political candidates.

At the anchor desk or "election central," the station has the advantage of being one of very few radio stations in all of northern New England that can afford to subscribe to both Associated Press and United Press International, and, since manpower constraints are virtually nonexistent, one student can be assigned to watch each of the major television networks to pick up commentary or nuances offered by the famous pundits.

The recording and broadcasting facilities are among the best north of Boston, and it's quite possible that the computer facilities of the college will be utilized. The concept of time-sharing on electronic digital computers was born at Dartmouth College under the leadership of Prof. Thomas Kurtz and mathematician-philosopher John Kemeny, who is now Dartmouth's president.

(Downall has a picture of the station headquarters on election night in 1960, and the deeply concentrating man behind the calculator in the foreground is Kemeny himself.)

Of course, manpower isn't everything, but the college seems to attract men of unusual journalistic ability, even though it offers no courses in the field. The list of very recent graduates of Dartmouth and WDCR (this year's top newsman, Bill Aydelott of Scranton, Pa., insists that it is a dual graduation for him since he spends more time at the station than in most other activities combined) who have gone on to almost immediate success in the commercial broadcasting business is long and impressive.

Scott McQueen and Ted Nixon, both of the class of 1968, now own several radio stations in New England and just opened a television station four miles from Dartmouth in Lebanon. John Gambling is an announcer at WOR in New York and is reported to be the highest-paid performer in the entire industry, at something like $300,000 a year.

Herb McCord is now general manager of WCBS–FM; Dave Graves is music director at WBZ at Boston; John Lippman is rising fast in the KING broadcasting ranks in the Pacific northwest; Dave Dugan is producing news programs at CBS headquarters, and the list will lengthen when some ex-WDCR men move from graduate school to the world of commerce.

Whether Aydelott and Downall and the other 123 WDCR staff members will follow in their predecessors' footsteps isn't known, of course, but many of this year's crop broke into radio broadcasting during the 1968 general election, and they want to tap this first segment of their careers with a flourish, so it is certain that one of the best places to find out what is happening in national politics next March 7 is right here in northern New Hampshire.

THE JACKSON FIVE

Mr. BAYH. Mr. President, I desire to pay tribute to a family of five young black musicians and singers from Gary, Ind., who have made a large contribution to music in the past few years.

The Jackson Five, young men ranging in age from 12 to 20, have captured the imagination of today's youngsters, especially black youth, as no musical group since the Beatles in 1964. The Jackson Five have become a symbol of pride among black youth, who can readily identify and relate to them. As special tribute, the Grambling University Marching Tigers, a predominately black university in Louisiana, saluted the Jackson Five in their half-time performance during Saturday's Morgan State-Grambling University NCAA football game.

Last year the group had four hit singles, and they have had two more already this year. In the words of 12-year-old Michael Jackson, the lead singer:

> We started singing together after Tito started messin' with Dad's guitar and singin' with the radio. It was Tito who decided we should form a group and we did, and we practiced a lot, and then we started entering talent shows and we won every one we entered.

On September 19, the Jackson Five starred in their first television special, "Goin' Back to Indiana," on ABC–TV, with athletes Elgin Baylor, Ben Davidson, Rosey Greer, Elvin Hayes, and Bill Russell, and comics Tom Smothers and Bill Cosby as their guests. In addition, the Five were featured on September's cover of "Ebony" magazine and this fall will have a Saturday morning animated TV series modeled after them.

Group members include Jackie, who is 20, Tito 17, Jermaine 16, Marlon 14, and Michael 12. They started singing for fun and soon became known around Gary. Papa Joe, a crane operator, played the guitar and wrote songs to relax away from the job. Their mother, Catherine, sang blues and as they became old enough, the kids joined in the family music sessions. As Joe Jackson says:

> It was fun the kids liked it and it was one sure way of keeping them home and not roaming in the streets of Gary.

Motown Record's recording star, Diana Ross, heard them during a benefit for Gary Mayor Richard Hatcher and the rest is history.

Despite their fantastic commercial success, members of the Jackson Five are continuing their education. Jackie has started college as a business administration major; the rest are still in secondary school and follow a rigorous schedule of homework, group practice, and classes. On weekends, holidays, and during vacations the group makes recordings and gives concerts around the country.

I think it important to recognize and pay tribute to the family unity that has made the Jackson Five the No. 1 soul group in the country. Indiana and the Nation are proud of the Jackson Five.

U.S. INTERESTS AND OBJECTIVES IN WESTERN EUROPE

Mr. ALLOTT. Mr. President, recent events have dramatized the close relationship between developments in the domestic and international spheres of economic action. Recently I had occasion to discuss some of the pressing problems of international trade with a distinguished and knowledgeable public servant, David B. Bolen, First Secretary, American Embassy, Bonn.

Today I want to share with the Senate a speech Mr. Bolen gave in Luxembourg to a group of students from Bates College. In it he gave the students a serious—and at times somber—introduction to the complexities of international trade arrangements. He said:

> It may be useful at this point to outline some of the factors involved in the growth of protectionism and neo-isolationism in the United States. Domestically, there have been serious concerns about the deterioration in the United States balance of payments. Firms whose interests have been adversely affected by the Kennedy Round negotiations complained that we went too far too fast;

they contend that true reciprocity was not received. Competitive conditions in the United States are changing rapidly owing to new technology and transfers of technology abroad. These technological transfers have improved the capacity of low-income countries to compete more effectively in the industrialized world. This is a major factor underlying protectionist pressures in the U.S. textile industry. There have been concerns about the American multi-national corporations with American labor unions charging that operations of these corporations abroad cause a loss of jobs in the United States.

Finally, there has been a tendency in the United States for traditional supporters of liberal trade to be preoccupied with racial, ghetto, student, ecological, unemployment and other domestic problems generating strain in the American society. These factors cause as a minimum European uncertainty about U.S. economic, military and other commitments.

Mr. Bolen also issued a warning that our trading partners would do well to heed. He said:

Continued proliferation of preferential trade arrangements between the EC and less developed countries is still another factor in the emergence of protectionist sentiments in the United States. This problem will be further aggravated by the enlargement of the European Community because the preferences may be extended to certain British Commonwealth countries. Historically, LDC's such as the 18 African associated states have enjoyed special links with Europe. The Community has negotiated a number of agreements recently with North African and Mediterranean states. It seeks to defend all of these agreements on historical, economic and political grounds. The Community argues that preferential trade arrangements with LDC's contribute to their economic and political stability. We agree that these countries should be helped but not by transferring the cost of others through trade discrimination.

It is in the U.S. interest to oppose these preferential trading arrangements as being inconsistent with the GATT basic principle of non-discrimination. These arrangements contain reverse preferences which are detrimental to the interests of LDC's and run counter to the well established principles of non-reciprocity for developing countries. These agreements also set up pressures for the creation of additional North-South trading blocs that will have serious political implications.

In our opposition to preferential arrangements, we are not resting our case on principle. We have been able to document specific trade injury. For example, the arrangements with Spain, Israel, Tunisia and Morocco caused a 34 percent decline in U.S. citrus exports in 1970 while sales of countries benefiting from trade arrangements increased by 43 percent.

Mr. Bolen put particular emphasis on the problem of restrictions on trade in agricultural products:

The Common Market agricultural policy is the greatest single factor contributing to the emergence of protectionism in the United States. It has threatened to jeopardize farm bloc support for liberal trade. The Common Market agricultural policy is oriented toward the marginal producer. There are no production controls. The policy is characterized by high support prices and protected by variable import levies and export subsidies to move surpluses into third country markets. U.S. exports of items covered by the Common Market agricultural policy declined from $1.6 billion in 1966 to $1.3 billion in 1969. The system is very costly to European consumers and taxpayers. It has been estimated that the annual agriculture price support and related expenditures of the Community amount to $14.5 billion. In FY '69 the Community provided $1 billion for export subsidies alone. Thus the policy not only restricted U.S. export to the EC but the massive export subsidies put us at a disadvantage in third country markets.

The extension of the Common Market high agricultural support prices to the United Kingdom and other applicants at prevailing prices would further widen the area of discrimination against the United States. There has been a theory which holds that agricultural protectionism is the cement that holds the Community together. Today the EC can stand on its own competitive feet. It appears no longer necessary for the Community to transfer its economic, political and social problems in agriculture to third countries through the restrictive CAP mechanism. Accordingly, it is in the US interest to be more vigorous in insisting on lowering the levels of agricultural protectionism in the Community and negotiating a reduction in subsidies.

Mr. President, the Bates students were fortunate to have such a learned instructor. Mr. Bolen taught them an important lesson. It is not enough to proclaim an abstract allegience to free trade. Rather, free trade is a complicated political achievement that cannot be attained without tenacious diplomatic bargaining.

We are fortunate to have men such as David Bolen serving us. So that all Senators can profit from his wise speech, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

U.S. INTERESTS AND OBJECTIVES IN WESTERN EUROPE

APRIL 21, 1971.

(By David B. Bolen)

It is indeed a pleasure to have this opportunity to address this group of young Americans from Bates College here in the city of Luxembourg. I am particularly pleased to talk to you on the topic of US interests and objectives in Europe because you will be largely responsible in years to come for United States security and welfare. You face the challenge of bringing out the creative possibilities of an increasingly pluralistic and inter-dependent world. You will be responsible for forging a durable structure of international relationships to promote world peace and prosperity. This calls for strength in securing US interests. It calls for wisdom and skill in enlisting contributions from other nations. It calls for good judgment and perception in reconciling US interests with the hopes and aspirations of other nations.

We can no longer rely on an abuandance of our material resources to achieve our objectives. Greater efficiency in policy formulation and implementation will be required. Diplomatic skills of a high order will be required as we move from an era of confrontation to an era of negotiation. The challenge you will face fully justifies your trip here for a six-week on-the-spot study of European problems.

For many years the United States did not play a significant role in international affairs. We were not active in trying to change the destructive forces of nationalism in Europe. We entered two European wars reluctantly. We entered these wars late. It took the involvement of the United States in these conflicts to convince the American people that the United States could no longer put off its emergence on the international scene. We learned through experience that peace was indivisible. We learned that the United States could not survive as an island of stability in a world of chaos. We have therefore sought in the post-war period to use our power to build a world order capable of forestalling crises.

In Europe we realized that the interests of the United States could be best served by the promotion of growth and stability. Through the Marshall Plan we provided $13.5 billion for this purpose. Today Western Europe has a combined GNP exceeding $600 billion. It accounts for 25 percent of the total world industrial output. It has a prosperous population of 300 million. It has a tremendous reservoir of scientific, technological and managerial know-how. It is rich in cultural traditions. Those elements of national power suggest growing strength and autonomy. They are indicative of the ability of Western European countries to assume greater responsibility in promoting and protecting a community of interests and goals we hold in common. Clearly, if we are to forge a structure of international peace, Western Europe must be its cornerstone. It seems to me, therefore, that our first task is to promote the evolution of a viable partnership based on equality and mutual interests.

Today I would like to focus on three basic goals of US policy and interest in Europe which have remained constant for 25 years. These are Western European integration, the defense of our security, and the quest for East-West detente.

The United States has consistently over the past 25 years supported the concept of a united Europe. It appears to us that the world would be a much safer place politically, economically and militarily if there were a strong European political community, economic community and defense community within the Atlantic alliance.

The advantages of European unity are fairly obvious. It will help contain the destructive forces of European nationalism that have erupted into two world wars in this generation. Growth and stability can be best promoted by Europeans working together rather than in separate national compartments. Economic unity is necessary to provide markets of sufficient size to take advantage of modern technology and economies of scale. European unity is necessary to capture the modern technology required for today's expensive weapons system. It is fairly clear that Western European integration and solidarity are vitally important to the pursuit of an effective detente policy vis-a-vis Eastern Europe. Finally, unity is essential if Western Europe is to regain its vitality in world political affairs and share worries, opportunities and responsibilities with the United States as an equal partner.

The current impetus toward Western European unity is the most important single development over the last two years in both its economic and political dimensions. We welcome the opening of negotiations between the EC and Great Britain, Norway, Denmark, and Ireland for the enlargement of the Community to include ten member states. The Community has also opened talks with Sweden, Austria, Switzerland and other members of EFTA looking toward some form of economic relationship.

We have not considered Western European economic cohesion as an end in itself. Our goal has been a politically united Europe. There is some short-term cost and discrimination against third countries involved in creating a common market. This is compensated by long-term dynamic growth effects which help US trade and investments. We have considered it is in our interest to bear some short-term burdens to promote Europe's economic growth and to enhance prospects of closer European political cooperation.

Some progress has been made in movements toward a politically united Europe. The Community has developed plans for economic and monetary union. Progress toward such a union will have an important impact on the evolution of basic institutions and attitudes on which political unity can be based. Economic and monetary union will involve the harmonization of fiscal and monetary policies and income policies. It will therefore cut deeply into the sovereign prerogatives of member states. The network of other arrangements created for harmonization of community policies have important political content. Public support for a united Europe seems assured. The future is bright as well over 70 percent of European youth support the concept of a unified Western Europe.

Last year the EC foreign ministers completed a plan for "political unification". This will involve semi-annual consultations by the foreign ministers on such issues as the Middle East. There has been much talk recently at the highest levels about a European government. We believe it is in our interest to encourage a single entity making policy for all of Western Europe. We are gratified to note this because we share the basic objective of European stability, Western solidarity and East-West detente. Western Europe as a sturdy pillar of peace would unfreeze some US power and enable it to be more selective in dealing with international political problems. We cannot, however, subordinate issues vital to our interests to the divided councils of an uncertain Western Europe. We need a voice with harmony.

European economic integration has been of mutual benefit to the United States and Western Europe. It has stimulated growth and stability. It has heightened the awareness of the interdependence between the United States and Western Europe. It is recognized, for example, that both surplus and deficit countries have obligations and responsibilities in the balance of payments adjustment process. There is recognition that mutual interests require prosperity on both sides of the Atlantic.

US trade and investment in the European Community have expanded substantially since 1958 when the Common Market was created. US exports to the Common Market have increased by more than 185 percent. Community sales to the United States were up by more than 240 percent. The United States has consistently recorded a substantial trade surplus with the European Community averaging $1 billion annually. A substantial and growing US trade surplus with the Community is essential if the United States is to meet its security, aid and other commitments around the world. US direct investments in the EC are estimated at $9 billion. Returns on these investments reached $1 billion in 1970. Europeans are contributing to our balance of payments adjustments process by expanding their direct investments in the United States. The percentage of increase in European direct investment to the United States now exceeds the rate of new US investments in the European Community. The expansion of the European Community to include the UK and other applicants will have a further effect in stimulating growth which will be to the long-term political and economic advantage of the United States as well as Western Europe.

The EC also provides a framework in which the Europeans can take action to improve the quality of life in the European Community. Economic and technological triumphs are not sufficient in themselves. The problems arising from material progress will require increasing international cooperation. The problems of overcrowded roads, urban ghettos, too much noise, dirty air and dirty water know no international boundaries. Some people argue we have already done great harm to the world's environment. They predict, for example, disaster from worldwide overheating of the atmosphere. One may question these predictions. The significant thing is that no one seems to be in a position to prove these alarming forecasts incorrect.

Therefore, one of our objectives in Europe is to develop cooperative programs to keep the world a fit place in which to live. As you are aware, President Nixon suggested that NATO form a Committee on the Challenges of Modern Society. The Committee was formed and has launched action programs with pilot studies on a range of problems. Cooperative production of experimental road vehicles for maximum passenger safety is underway, Agreement has been reached to end by 1975 the deliberate discharge of oil and oil waste into the sea. Problems of flood control and flood relief have been explored. The NATO Commmittee is consponsoring a major international conference on cities in Indianapolis next month. These actions will provide a body of knowledge that will be of benefit to East and West. It will help developing countries to anticipate and avoid the by-products of modernization. It is in the US interest to support and encourage these endeavors.

The dynamic growth effects of European economic integration have increased the capacity of Western Europeans to assume more of the burdens for promoting economic and social development in developing countries. It is in our interest to encourage increased contributions by the Europeans. This is also vital if we are to build an enduring structure of world peace.

In the absence of substantial transfer of resources from industrialized countries to the developing countries, social and political structures may emerge that could do grave violence to human dignity. It may well be that in years to come the chief security concern of the United States may not evolve around East-West confrontation at all. Rather, the chief area of the potential conflict will be where East-West interests clash in the developing countries.

Therefore, it is in our interest to work with the Europeans in easing the stresses and strains involved in the process of economic and social development in the third world. We have, in fact, sought to coordinate our efforts through the Developmental Assistance Committee of OECD. During the decade of the 60's net official and private disbursements from DAC countries to LDC's totaled $102 billion or an annual rate of $10 billion. The United States provided about 50 percent of this amount. By way of comparison, the annual rate of expenditures by the United States and the Soviet Union on strategic weapons alone was around $30 billion during the last 20 years.

The strained national consensus in the United States, growing neo-isolationism and concern about US over-involvement in world affairs raise some doubt about the future magnitude of the US aid contributions. In these circumstances we have been pleased to note that aid from Western Europe is increasing. These aid flows provide an interesting example of how two major sources of economic power can complement each other. For example, net official and private outflows by the European Community to developing countries increased from $2.3 billion in 1960 to $5.2 billion in 1969. US net aid outflows declined from $5.7 billion in 1968 to $4.0 billion in 1969. This decline in US aid was almost completely offset by an expansion in European aid and thus helped sustain the upward thrust of the total effort to help these countries develop free of turmoil and violence. We should recognize that US and Western European interests will not coincide as far as recipient countries or aid projects are concerned. These will be dictated by specific Western European interests which are unlikely to converge with specific American interests in individual LDC's.

It should be clear from these few remarks that the long-term economic as well as political benefits from European integration have outweighed the short-term economic costs to the United States. The Common Market has promoted economic growth and served as underpinning for military power. It has been an essential element of the Western counterweight to Soviet Bloc power and contained its expansionism. It has suppressed European nationalism and moved Europe down the road of common action and unity of purpose.

Our relations with the European Community are not without conflict. It has been assumed for years that a unified Western Europe would automatically lift burdens from the shoulders of the United States. Recently it has become evident that European integration will also pose problems for the United States. Indeed, during the past year the European Community and the United States have been on the brink of a major trade confrontation. This has been due to the rising tide of protectionism on both sides of the Atlantic. This development constitutes potential threats to world economic growth and stability and to the solidarity of the Western Alliance. Such a trade confrontation could cause serious disarray within the Western camp at the very time when solidarity is needed as an anchor for current efforts to negotiate a detente with the East.

It may be useful at this point to outline some of the factors involved in the growth of protectionism and neo-isolationism in the United States. Domestically, there have been serious concerns about the deterioration in the United States balance of payments. Firms whose interests have been adversely affected by the Kennedy Round negotiations complained that we went too far too fast; they contend that true reciprocity was not received. Competitive conditions in the United States are changing rapidly owing to new technology and transfers of technology abroad. These technological transfers have improved the capacity of low-income countries to compete more effectively in the industrialized world. This is a major factor underlying protectionist pressures in the US textile industry. There have been concerns about the American multi-national corporations with American labor unions charging that operations of these corporations abroad cause a loss of jobs in the United States. Finally, there has been a tendency in the United States for traditional supporters of liberal trade to be preoccupied with racial, ghetto, student, ecological, unemployment and other domestic problems generating strain in the American society. These factors cause as a minimum European uncertainty about US economic, military and other commitments.

A number of economic developments in the European Community tend to fan the flames of protectionism in the United States. Actions now being taken by the EC will embrace a trading bloc that includes all of Western Europe, the Middle East, Africa and part of the Caribbean area. This trading bloc will exclude the United States and account for 70 percent of total world trade.

American traders are well aware that the enlargement of the European Community will require some short-term economic sacrifices. It has been estimated that the United States will lose $100 million in agricultural exports annually if the agricultural support prices in the Community are not reduced. They were recently increased as a result of violent pressure by European farmers. The net adverse tariff effect on US non-agricultural exports will amount to about $300 million.

Some forces in the United States question whether there is need for the United States to incur any economic costs to achieve enlargement of the Community. Back in 1958 at the time Common Market was created, we could take a relatively passive attitude toward certain economic developments in the world that call for sacrifices from the United States. Today this is difficult because many Americans now question the axioms of previous generations that continue to guide our policies in some degree. It is in our interest to be more vigorous than has been the case in the past in protecting our trade interests. Failure to do so would run the danger of undermining American public support for our European policy. We have made it clear to the Europeans that we expect them to take into account the trading interests and GATT rights of the United States and other countries during the process of the enlargement negotiations.

The enlargement of the European Community will also involve the breakup of the European Free Trade Area and affect US commercial interests. The United Kingdom and the other applicants would have to raise their tariffs against the EFTA neutrals unless some other arrangement is worked out. Negotiations by the EC with the EFTA neutrals may begin this fall looking toward a customs union or free trade area type arrangement. Such arrangements will have the effect of enlarging the areas of commercial discrimination against the United States with no compensating political advantage to us.

Continued proliferation of preferential trade arrangements between the EC and less developed countries is still another factor in the emergence of protectionist sentiments in the United States. This problem will be further aggravated by the enlargement of the European Community because the preferences may be extended to certain British Commonwealth countries. Historically, LDC's such as the 18 African associated states have enjoyed special links with Europe. The Community has negotiated a number of agreements recently with North African and Mediterranean states. It seeks to defend all of these agreements on historical, economic and political grounds. The Community argues that preferential trade arrangements with LDC's contribute to their economic and political stability. We agree that these countries should be helped but not by transferring the cost to others through trade discrimination.

It is in the US interest to oppose these preferential trading arrangements as being inconsistent with the GATT basic principle of non-discrimination. These arrangements contain reverse preferences which are detrimental to the interests of LDC's and run counter to the well established principle of non-reciprocity for developing countries. These agreements also set up pressures for the creation of additional North-South trading blocs that will have serious political implications.

In our opposition to preferential arrangements, we are not resting our case on principle. We have been able to document specific trade injury. For example, the arrangements with Spain, Israel, Tunisia and Morocco caused a 34 percent decline in US citrus exports in 1970 while sales of countries benefiting from trade arrangements increased by 43 percent.

It is clearly in the US interest to continue its opposition to preferential trade arrangements and to press for a generalized preference scheme as an alternative for dealing with the trade problems of LDC's.

The Common Market agricultural policy is the greatest single factor contributing to the emergence of protectionism in the United States. It has threatened to jeopardize farm bloc support for liberal trade. The Common Market agricultural policy is oriented toward the marginal producer. There are no production controls. The policy is characterized by high support prices and protected by variable import levies and export subsidies to move surpluses into third country markets. US exports of items covered by the Common Market agricultural policy declined from $1.6 billion in 1966 to $1.3 billion in 1969. The system is very costly to European consumers and taxpayers. It has been estimated that the annual agriculture price supports and related expenditures of the Community amount to $14.5 billion. In FY '69 the Community provided $1 billion for export subsidies alone. Thus the policy not only restricted US export to the EC but the massive export subsidies put us at a disadvantage in third country markets.

The extension of the Common Market high agricultural support prices to the United Kingdom and other applicants at prevailing prices would further widen the area of discrimination against the United States. There has been a theory which holds that agricultural protectionism is the cement that holds the Community together. Today the EC can stand on its own competitive feet. It appears no longer necessary for the Community to transfer its economic, political and social problems in agriculture to third countries through the restrictive CAP mechanism. Accordingly, it is in the US interest to be more vigorous in insisting on lowering the levels of agricultural protectionism in the Community and negotiating a reduction in subsidies.

The common interests require concerted action to move toward freer trade and restraint in protecting special intests. A new round of trade negotiations, covering tariffs as well as non-tariff barriers, is indicated in order to move further toward freer trade. We need to negotiate international agreements on the level of agricultural support prices. There need to be improved consultation procedures, to deal with specific current trade problems in order to insure that commercial policy issues do not jeopardize the broader interests. Finally, there should be improved procedures and techniques for dealing with the trade and aid problems of LDC's.

I would like to turn to the subject of the defense of our security. This has been provided by NATO. The NATO system has provided a shield for continued economic, political and social progress in Western Europe. It is doubtful if the Common Market would have been possible without NATO. The fundamental goals of NATO are to insure Western solidarity, to deter aggression and to defend if deterrence fails.

Many voters, legislators, and scholars have raised questions about the continued burden of defense budgets around the world. The knowledge that Americans spend about twice the percentage of GNP as do Europeans contributes to pressure in our Congress for the reduction of troop presence in Europe. President Nixon has decided that, given a similar approach by our Allies, the United States would maintain and improve its forces in Europe, and not reduce them without reciprocal action by our adversaries.

I believe the United States troops in Europe serve American interests.

The NATO system and US troop presence should be assessed against the background of the Warsaw Pact capability. Prudence demands that we give greater weight in planning our defense to capability rather than to our estimate of Warsaw Pact intentions, admittedly a risky business. The fact is that the Soviet Union continues to improve and expand its military power. Today the Warsaw Pact countries have an estimated 860,000 combat troops in Central Europe compared with 600,000 for NATO. There are 20 Soviet divisions in East Germany as compared with a US Army combat force of 4⅓ divisions in the European theater. Furthermore, the forward position of Warsaw Pact forces and shorter supply lines give them an advantage. The substantial number of Warsaw Pact divisions along the West German border are not without significance.

The NATO and Warsaw Pact nuclear strike capabilities are about equal. The approximate balance of nuclear power means that conventional forces are more important today than ever before. These conventional forces give credibility to the doctrine of flexible response. No political leader is prepared today to be left with a choice between nuclear devastation and capitulation to Soviet threats. The presence of American troops gives credibility to our security guarantees. These troops are an integral part of the conventional defense strategy of NATO and a direct link with American nuclear power.

Politically US troop presence in Europe insulates Germany against residual Western European suspicions. The absence of US troops would make the 500,000 German soldiers, sailors and airmen appear uncomfortably large to small countries like Luxembourg and Holland. Thus US troop presence is important for continued development of Western European unity, which is important in itself for dealing with residual fears of German nationalism.

A withdrawal of U.S. forces from Europe would cause Europeans to lose confidence in our security guarantee. They would become more vulnerable to Soviet threats and blandishments. Europeans would probably devote less energy and resources to their own defense. In all probability they would seek an accommodation with the Soviet Union; this would be an accommodation sought on the basis of weakness rather than strength.

If the Soviet leadership is successful through either political or military means in extending its influence over Western Europe, it would then control an area with a GNP of $600 billion with tremendous scientific and technical know-how. This would not only change the balance of power in Europe. It would also effectively change the world balance of power. For the first time the Soviet Union would control sufficient resources to be in a position to impose its will on the entire world. U.S. national security would clearly be threatened.

In the light of these considerations it is in the U.S. interest to maintain its troop presence in order to contribute to the NATO mission of deterrence, defense and solidarity.

Our task in the future will be to induce the Europeans to share more of this total defense burden without reducing overall capability that is not warranted by objective political and military considerations. The last NATO Ministerial in Brussels highlighted the need for more conventional deterrence and set precedents in the area of more equitable burdensharing. Ten European nations agreed to provide almost $1 billion over five years for improvement of their own forces and an additional infrastructure program for better communications and aircraft shelters. About $450 million of the total will be devoted to communications and aircraft shelter programs.

Our third basic objective is to improve Western security through negotiation in order to build a more stable order between East and West. Our security depends on more than Western solidarity, military and economic power. These factors have set the stage for a negotiated settlement of outstanding issues with the Soviet Union and Eastern Europe.

East-West conflict in Europe is due in large measure to clashes involving the situation in and around Berlin, the division of Germany, confrontation of two military blocs, relations between countries of Eastern Europe and Western Europe, and issues revolving around barriers to travel and intellectual intercourse.

Problems involved in East-West relations are deeply rooted in the cold war. Solutions are to be found in deliberate and sustained effort and not in some spectacular development. It is in the US. interest to negotiate these issues. We seek a detente that provides conditions of mutual security that will allow for expanded intra-European contact and cooperation without jeopardizing the security of any one nation. As you are well aware, Soviet policy frequently interprets detente as the ratification of the status quo in Central Europe. Furthermore, the Soviet Union has tended to offer a differentiated detente. It has been prepared to negotiate with some countries on some issues of primary interest to the Soviet Union while keeping up the pressure elsewhere in the world. For example, the Soviet Union has shown an interest in expanded economic cooperation with Western Europe with the objective of gaining access to western capital and technology. Its activities on the other hand have tended to make a settlement of the Middle East crisis more difficult and, therefore, continue to threaten the southern flank of NATO.

A wide variety of negotiations and contacts are now underway to improve security through negotiation. The United States, Soviet Union, United Kingdom and France are holding the Four-Power Talks at the United Nations on the Middle East. France reached agreement with the USSR in 1970 for periodic consultations on major world issues. The Federal Republic of Germany has negotiated new treaties with the USSR and Poland. For the first time, the Chancellor of the Federal Republic met with the Premier of East Germany. Talks are continuing at the state secretary level between the two parts of Germany. Negotiations may be open soon with Czechoslovakia. The United States, Soviet Union, Great Britain and France are negotiating on Berlin. Finally, the United States is negotiating with the Soviet Union on strategic arms limitation.

These issues engage the efforts and affect the interests of NATO, the United States and Europe as a whole.

The problem of Germany remains the key to East-West issues in Europe. The United States welcomes the efforts of the Federal Republic of Germany to normalize its relations. We also welcome the treaty which was signed by the Federal Republic and the Soviet Union in August 1970. Because the issues involved affect the wide range of rights and interests, we have undertaken close consultations with the Federal Republic of Germany. We have agreed that the negotiations should not adversely affect the continuing Four-Power rights and responsibilities concerning Berlin and Germany as a whole.

The Berlin negotiations provide an opportunity for the Soviet Union to clearly demonstrate a genuine interest in improving relations with the western world. A satisfactory agreement on Berlin would require (a) improved access to the City and circulation within the City, (b) acceptance by the Soviet Union of the ties between the Federal Republic and the western sectors of the City, and (c) a reduction in discrimination by the Soviet Union and Eastern European countries against Berliners and enterprises located in Berlin. Such an agreement would make a large contribution in the reduction of tensions.

The Strategic Arms Limitation Talks have important implications not only for the security of the United States and the Soviet Union, but for Europe as a whole. For this reason, the United States considers close consultations to be in the interest of all parties whose interests are affected. The discussions so far give reason for optimism that an agreement to limit at least some strategic weapons can be reached. The successful conclusion of these talks would not only reduce tensions; it would release substantial resources that could be diverted to peaceful use. In the past twenty years the United States and the Soviet Union have spent some $600 billion on strategic forces, or an annual rate of $30 billion. It is clearly in the interest of the United States and the Soviet Union to avoid expenditures of a similar magnitude during the next twenty years.

NATO has proposed exploratory talks among interested states on the mutual and balanced force reductions. This is another specific issue on which agreement could make an important contribution in easing East-West tensions and diverting resources to productive use. The mutual objective should be to create a more stable balance at lower levels and at lower cost.

The Warsaw Pact last year revived the notion of a European security conference. It proposed two issues—renunciation of force and the threat of force—and widened commercial, scientific, technical and economic relations between states. The Soviet formulation for the European security conference would not address the main security issues, the German question, Berlin, mutual force reductions. It would deal with broad general issues. The United States and its allies are prepared to negotiate with the Soviet Union in any forum. But we are determined to deal with substance rather than atmosphere. Once a political basis for improving relations is created through specific negotiations already in progress, a general conference might build on it to discuss other intra-European issues and forms of cooperation. The NATO Ministers at their last meeting affirmed the readiness of their governments, as soon as the talks on Berlin have reached a satisfactory conclusion and insofar as other ongoing talks are proceeding favorably to enter into multilateral contacts with interested governments to explore when it would be possible to convene a conference or a series of conferences.

In conclusion I would note that the international political system is in a stage of transition. This transition will be greatly influenced by forces of change within the major centers of power. In the Soviet Union the requirements of scientific and technological innovation are increasingly dysfunctional to the Soviet political system and will produce political tensions. In the United States we face problems in urgent need of solution. Black Americans are restless and will not wait much longer for the attainment of those rights embodied in our constitution. Islands of poverty and urban ghettos in a sea of wealth cannot be tolerated much longer. American youth seem to question many of the assumptions which led to our basic post-war policies. For them, Vietnam may be more relevant to the shifting complex of today's world than earlier axioms that led to America's break with isolationism. Solutions to many of our problems will require massive expenditures and the attention of our genius. Existing pressures are bound to affect both the will and ability of Americans to pursue foreign policy goals. It is for these reasons that the United States has sought to substitute partnership for domination and negotiated agreements for situations of tension.

It is clearly in our interest to hold high the vision of a united Europe within the NATO Alliance. As Europe becomes politically revitalized and expands its horizons, it will become easier for the United States to reassess its own priorities and formulate courses of action that will serve the interests of Europeans and all mankind. We should recognize, however, that the interests of a united Europe will not always coincide with U.S. interests and that statesmanship will be required to reconcile differences and to forge a true partnership.

HON. BELLA ABZUG ON WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, women comprise 53 percent of the Nation's electorate. Yet, as New York Representative Bella Abzug, has pointed out:

> It is one of the ironies of history that ever since women won the vote . . . , they have been using it almost exclusively to elect men to office.

I think that it is wrong for Senators to say that political equality exists between the sexes in the country while only one of of our 100 Members is a woman.

It is time for the Senate to take a firm stand in favor of full representation and full involvement of women in our political system. That is why the Senate should ratify the International Convention on the Political Rights of Women soon.

Until women are regarded as fully equal participants in American politics, they cannot be regarded as fully equal members of American society.

If we believe that equality of opportunity between the sexes is a constitutional principle, then it seems to me that it would be wholly consistent with hallowed American values for the Senate to ratify the Convention on the Political Rights of Women.

And if the present Members of the Senate do not reaffirm that principle of political equality, I am certain that the underrepresented majority of the electorate will ultimately express its displeasure in a manner most displeasing to many incumbents.

I ask unanimous consent to have printed in the Record an article by Representative Abzug which spells out some of the ways in which women are excluded from positions of political power in America. The article was published recently in the New York Times.

There being no objection, the Article was ordered to be printed in the Record, as follows:

Power to the Majority—Women

(By Bella S. Abzug)

I am one of those rare creatures, a Congresswoman and that may explain why I was invited recently to appear on a Bob Hope TV comedy show as part of an all-female variety act. I turned it down, of course, because I see nothing funny about the scarcity of women political leaders in our country. In fact, I think it is a national scandal.

Women members of Congress are not only scarce. They appear to be a vanishing species. Ten years ago there were 19 women in Congress, 17 Representatives and two Senators. Today, out of 345 members of the House, only 11 are women, and we're down to just one in the Senate.

There are no women on the Supreme Court or in the President's Cabinet. There are no women Governors. President Nixon has appointed just one woman ambassador—to Barbados. Of some 10,000 top jobs in the Nixon Administration ($26,000 annual salaries and up), only 150 are held by women.

And so it goes. The freeze-out of women from political power is almost total, and it is one of the ironies of history that ever since women won the vote (51 years ago today), they have been using it almost exclusively to elect men to office.

We're going to change that. Last month in Washington several hundred women from all parts of the country met to organize the National Women's Political Caucus. The movement which we have started is catching on in cities and states all across the U.S.

Women are a majority of the population. We are 53 per cent of the electorate. As a matter of right, as a matter of simple justice, we should be fully represented in the political power structure in all branches of Government, at all levels. Women have learned that discrimination exists not only because of century-old prejudices but also because it is profitable.

When we consider that more than 31 million women work for a living (most of them because they have to), it is clear that industry has saved billions of dollars by shortchanging its women employes.

Women either are segregated into the lowest-paying drudge jobs or, if they do get good jobs, they are paid less. In 1969, the average American woman who worked full time earned only $60 for every $100 earned by the average man. Black, Puerto Rican, Chicano and Asian women—the most concentrated in low-wage, low-skill jobs—earned less than half that.

Even a high degree of education and training does not assure a woman equality of treatment. A woman college graduate typically makes about $6,694 a year. That's roughly the same income earned by a man with an eighth-grade education.

The situation is deteriorating. Compared with men, women are making less today than they did in 1955 and, as in Congress, their numbers are decreasing in the professions. Women account for only 9 per cent of all full professors, 7 per cent of physicians, 3 per cent of lawyers, one per cent of Federal judges.

Only by getting women in large numbers into positions of political power and leadership in government can this blatant discrimination end. With political power, women can secure approval of the Equal Rights Amendment and its complementary Women's Equality Act.

We can guarantee enforcement of anti-discrimination orders issued by the Equal Employment Opportunity Commission, a Government watchdog that currently exists without teeth.

We can end the states myriad anti-abortion laws that have condemned literally millions of American women to back-alley, dangerous, degrading, illegal operations.

We can set up a nationally funded system of child-care centers to provide facilities for the four million youngsters of preschool age who have working mothers. We can change the tax laws to allow working women the right to deduct the full cost of a housekeeper or nursery for her children. That is surely as legitimate a working expense as a businessman's lunchtime martinis.

Women, on the whole, bring special qualities of humanism, compassion, and creativity to society, and these are the qualities that our nation most desperately needs right now. If we had several hundred women in Congress, not just a dozen, would we still have men dying in Vietnam? I think not. But if anyone disagrees, let's put it to the test. Starting in 1972.

COMPREHENSIVE CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, during the recent Senate debate on S. 2007, I made several references to the impressive coalition of over 20 organizations who helped develop and shape the monumental child development provisions in that bill.

Through a clerical error, this list of organizations was incomplete when it was printed in the CONGRESSIONAL RECORD.

In order to correct the RECORD, I shall set forth below a complete list of the organizations at this point in my remarks:

Amalgamated Clothing Workers; AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

EDITORIAL OF THE YEAR FROM THE ARGUS-CHAMPION

Mr. McINTYRE. Mr. President, it is certainly a great honor for the editor of a weekly newspaper to win the Golden Quill Award for the best editorial of the year. It is an honor because the editorial is selected from among more than 100,000 competing pieces from newspapers throughout the English-speaking world.

It is a high honor, Mr. President, but I am not surprised to find that the 1971 editorial of the year was written by Edward DeCourcy, editor and publisher of the Argus-Champion of Newport, N.H. It must have come as some surprise, however, when the judges discovered that the runnerup editorial was also written by Edward DeCourcy.

To the people of Newport and to thousands of others across our State this award is long overdue recognition for a man who has never been afraid to call them as he sees them.

Mr. President, the editor of the Chicago Times more than a century ago said of newspapers:

> It's a newspaper's duty to print the news, and raise hell.

I suspect that in the very best sense possible, that is Ed DeCourcy's goal. He prints the news in a most unbiased fashion, but when he feels strongly about something, he tells his readers so, forcefully and eloquently, in his editorials.

I have admired and respected my friend Ed DeCourcy for many years, Mr. President, and I am proud to see that he has received this honor. I ask unanimous consent to have printed in the RECORD the text of the two award-winning editorials.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

NONE OF THEIR BUSINESS

The police state virus has infected some Legislators who want State Police to get names of those who attend Washington rallies.

Reprinted below is the Golden Quill editorial of 1971, which originally appeared in The Argus-Champion on April 29, 1971. It was selected from more than 100,000 editorials in weekly newspapers throughout the English-speaking world. The original selection was made by the staff of the International Conference of Weekly Newspaper Editors, which sent some thousand editorials on to Dr. Clifton O. Lawhorne, chairman, Dept. of Journalism, Texas Christian University, who selected the winner and the top 12, known as The Golden Dozen.

The names of New Hampshire residents who go to Washington, D.C., to participate in the Rev. Carl McIntyre's "Win the War" rally on May 8 are none of the business of the State Legislature or of the New Hampshire State Police.

Going to Washington, or Concord, or Kellyville, or anywhere else to express an opinion is a fundamental American right. It makes no difference what the opinion may be. In Russia, Cuba or Spain anyone can express an opinion, provided it is the party line, but he dissents at his peril.

But we are free. In the United States of America the Constitution guarantees "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

It was no accident that that right was written into the Bill of Rights. The American people knew in 1789 what it meant to live under despotism. They knew the terror of life in a country where dissent was unlawful. They knew more. They knew that no government could long endure unless the people had the right to dissent. They knew that difference of opinion, debated, argued, discussed, is the route to wise decisions, and wise decisions are essential if self-government is to survive.

So anyone in New Hampshire who wants to join the Rev Mr. McIntyre's demonstration in Washington on May 8 should be able to do so without fear that his act will become another entry in a State Police dossier.

Yet the terrifying truth is that 10 members of the New Hampshire House of Representatives, the supreme law-making body of this state, tried last week to have the State Police ordered to supply them a list of the New Hampshire residents who had participated in the anti-war rally in Washington last week.

The request, of course, was absurd. New Hampshire has a good State Police force, but not good enough to be able to find out who among the quarter million Americans in Washington for that anti-war rally was from New Hampshire.

And aside from all that, the law enforcement agencies in this state have more than they can efficiently handle right now, enforcing the laws of this state, preventing and solving crime.

But that is not the point. The terrifying aspect of the incident in the Legislature is that men in power in this state want to use that power to stifle the opinions of persons whose opinions differ from theirs.

The police state virus is infecting too many persons in this country. The humorous columns about persons who are offended if anyone thinks they are not important enough to be included in the FBI or Army Intelligence files, are no longer funny.

Echoes of the pre-war Nazi or Communist life, the middle of the night knock on the dissenter's door after which he was seen no more, are growing louder.

If we want America to continue to be the land of the free, all of us, State Legislators included, must remember that there is no freedom for anybody unless there is freedom for all, and that the first freedom is freedom of thought.

THE SPECTATOR

(By Edward DeCourcy)

This Spectator, originally published Aug. 13, 1970, is reprinted here because it was judged by the International Conference of Weekly Newspaper Editors as runner-up to the Golden Quill editorial, and both were written by the same editor.

THE SORCERER AND THE PEACE-LOVERS

Once upon a time there dwelt a happy people in the land of the peace-lovers. They were happy because they had no enemies. They had defeated them all in wars. They were happy because they loved their neighbors, even though they knew they were better than their neighbors.

They were happy because they had clean air and fresh water and quiet streets. They were happy because most of them had plenty to eat, and those who didn't didn't whine about it.

They were happy because they were well. They were well because they could buy ointments and nostrums for any kind of ailment, along with lemon phosphates, at the local drug store. They knew the ointments and nostrums would cure their ailments because the manufacturers told them so.

Life was good in the land of the peace-lovers. The earth was fertile. Crops flourished. Herds multiplied.

The King ruled his people with tender mercy because he loved them, and they loved him, too. The King knew the people loved him because his courtiers told him so. The happy people knew the King loved them because the courtiers told them so.

And there was apple pie with vanilla ice cream.

One day a balladier went to the castle and sang a sad song for the King. It told a dark tale of evil men beyond the sea, who looked with envy on the land of the peace-lovers, men who plotted to conquer them.

So the King clapped his hands and summoned his courtiers and he commanded the balladier to sing his song again. And the courtiers looked at one another, and they were sore afraid.

So they pondered how they should advise the King, so he could stop the evil men from destroying the land of the peace-lovers. And the King listened. And they did build many big ships to guard their shores, and they built flying ships, and they strung magic wires around their border that would tell when an enemy approached. And they built wagons and carts and put wheels on boats. And they made bigger and faster and faster and bigger guns.

And still the King was afraid, because the balladier came again, and his song told that the evil men were doing even as the people in the land of the peace-lovers. So the King summoned his alchemists and told them to build something that could destroy a whole city like magic, and they did.

And again the balladier came, and told the King it was not enough because the evil men had captured an alchemist and tortured him and he had told them also how to build something that could destroy a whole city like magic.

And the people in the land of the peace-lovers grew uneasy. They knew they were better than their neighbors whom they loved, but they did not trust them. They wondered whether some of the neighbors they loved might be cousins of the evil men beyond the sea.

Then one day there came a sorcerer to the castle, and told the King he could make a vapor that the King's men could spread quietly among the evil men and kill them all peacefully.

And the King and his courtiers were glad, and they commanded the sorcerer to make the vapor and put it in metal vessels ready to be taken to the land of the evil men.

And the years passed, and the evil men made nasty remarks, but they did not try to conquer the land of the peace-lovers.

One day a courtier happily counting the vessels of deadly vapor, discovered one leaking.

Then it was that the King and courtiers looked at each other. And the King's eyes lighted. Quoth he, "Verily, if the sourcer's vapor can kill the evil men peacefully, it can kill the happy people in the land of the peace-lovers too."

They looked for the sourcerer so they could command him to make the deadly vapor harmless, but he did not know how. And more of the vessels began to leak.

And there was panic among the courtiers. So the King commanded that the vessels be encased in concrete and put on a ship and dumped into the sea. And they were.

And the years passed. By and by the cement cracked and the deadly vapor leaked out and the fishes of the sea died happily. And the vapors spread to the shores and the beasts and the birds died happily. Then the vapors spread to the happy people, and they died happily, and once again there was peace in the land of the peace-lovers.

FORCED BUSING OF CHILDREN

Mr. BROCK. Mr. President, in the last few months, particularly in the recent days which have brought the opening of schools, I have received literally hundreds of letters from parents and others who are dismayed to the point of despair by conditions brought on by the differing degrees of forced busing of children for the avowed purpose of achieving some sort of mythical racial balance.

Each edition of the newspapers brings more distressing news of missed buses. wrong buses boarded, more enrollment in private schools, dropouts, boycotts, and even families moving or sending their children to stay with relatives to avoid the undue hardship and physical and psychological damage from arbitrary and capricious forced busing. All this while the courts and other authorities act in direct defiance of legislation written into law by this body.

It would seem that the only recourse open to the American people at this point is to amend the Constitution, and that is why I introduced Senate Joint Resolution 112 on June 9. I believe such an amendment would effectively protect the integrity of the neighborhood schools.

The Washington Star recently published an article by James J. Kilpatrick which points up the deep concern which is shared by educators in this matter. I ask unanimous consent that Mr. Kilpatrick's remarks and the text of Senate Joint Resolution 112 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE BUS ROUTE FROM EDUCATION TO MADNESS

(By James J. Kilpatrick)

ROANOKE, VA.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms: If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish its fourth, fifth and sixth grades. The object is to place 520 blacks and 280 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all the happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can produce my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

S.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this Joint Resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation."

LEASEHOLDER'S PLAN MERITS SERIOUS STUDY

Mr. HANSEN. Mr. President, the United States is fast becoming an energy deficient nation and overly dependent on foreign sources for oil.

Apparently few people realize that we are now importing more than one-fourth of U.S. needs, some 3½ million barrels a day of crude oil, residual and other refined or partly refined products.

Nor do many realize that we no longer have the excess producing capacity in the United States including all offshore production to make up the difference in demand and supply should any substantial amount of oil imports be cut off as it well could be.

The country faced an energy crisis last winter during a tanker shortage and disruption of oil supplies from the Middle East and north Africa. A crisis was prevented by concerted Government and industry action and the fact is that we still have excess producing capacity but not enough to match any substantial cutback in imports.

One of the oil deficient areas is the state of California. The west coast area must import considerable oil from Canada and other sources to meet its needs.

One of the most important sources of the west coast oil supply is from offshore including the Santa Barbara Channel.

Since the unfortunate 1969 blowout of a platform well in the channel, numerous studies have been made, congressional hearings have been held; the consensus now is that further drilling is necessary to relieve the pressure on oil seeps in the area that were flowing long before any wells were drilled from the offshore platforms.

The U.S. Geological Survey has, in fact, recommended drilling from other platforms as the only feasible means of recovering the oil and gas from the formation. Obviously, there is an urgent need for the oil and certainly the hazards of oil pollution from additional platforms are no worse than the hazards of spills from tanker accidents. The needed oil must come from one source or the other and a major tanker disaster can cause more damage to beaches and wildlife than did the Santa Barbara blowout.

I realize, Mr. President, that any oil spill from whatever source is a disaster of some proportion for those affected—the residents of the area and bird and marine life.

The U.S. Geological Survey environmental statement said in fact, that an oil spill could cause short-term damage to beaches and wildlife and that long-term or permanent effects of major oil spills are still unknown.

However, recent testimony before a Department of Interior environmental hearing by marine biologists indicates that nature recovers quickly from oil spills.

In a hearing held at New Orleans under the Government's requirement that an environmental hearing precede any future planned sale of offshore oil leases, two marine biologists testified that nature returned to normal within a year after widely publicized oil spills in the Gulf of Mexico and California's Santa Barbara Channel.

All forms of life including birds and barnacles showed good recovery 7 to 10 months after the spill, Dale Straughan, assistant professor of biological science at the University of California, told the hearing. She headed the study of the spill by the university's Allan Hancock Foundation.

The fire and oil spill off the Louisiana coast last year did not cause any detectable damage to birds, fish, and oysters or to microscopic life outside a three-quarter mile radius of the platform, according to John G. Mackin, professor of biology at Texas A. & M. University. He told the hearing that microscopic life close to the platform showed full recovery a year later.

I understand that Professor Mackin has been studying the gulf's ecology since 1947 and carried out extensive studies of the gulf oil spill.

Mr. President, offshore oil and gas deposits offer one of the best hopes of the short-term solution to our growing energy shortage and at risks far less than the pollution from tanker disasters.

In connection with the instance of the current controversy over approval of an additional platform designated as platform C in the Santa Barbara Channel, I ask unanimous consent that points submitted by the applicant and leaseholder, which seem to me to merit serious, objective consideration, be printed in the Record.

Also, I ask unanimous consent that an article from today's issue of the Oil Daily be printed in the Record.

The article entitled "District V: A Depressed Area for Drillers," emphasizes the need for exploration and development of new sources of oil for California, a State becoming increasingly dependent upon foreign oil.

There being no objection, the items were ordered to be printed in the Record, as follows:

Points in Support of Setting Platform C, Santa Barbara Channel

1. Sanctity of Contract: The oil and gas lease clearly grants to the lessee the right to set platforms and other structures on the leased land. This lease was issued in accordance with the Outer Continental Shelf Lands Act and the lessees paid to the Federal Government the sum of $61,418,000 as consideration for the leases. All legal prerequisites to the setting of the platform have been complied with approval by the Regional Supervisor and the issuance of an appropriate permit by the Corps of Engineers.

2. Governmental—Expert Studies and Recommendations: (a) The DuBridge Panel.

On May 27, 1969 the special scientific panel at the direction of the President made its report which recommended, among other things, the removal of the oil and recommended: "The Panel is of the opinion that withdrawal of the oil from the Repetto Zone is a necessary part of any plan to stop the oil seep and to insure against reoccurrence of oil seeps on the crest of the structure."

To implement the recommendations of the DuBridge Panel, the setting of Platform C is necessary.

(b) A Special Environmental Advisory Board of the City of Santa Barbara in March 1970 recommended the fullest, practical depletion of the reservoir. These recommendations were approved by the City of Santa Barbara on March 17, 1970.

(c) The Department of the Interior on August 27, 1971, after public hearings and exhaustive study also recognized the necessity and desirability of setting Platform C.

3. Navigation and Fisheries: All of the evidence indicates that the fisheries are unaffected or even perhaps even enhanced by the constructiton of platforms. The proposed platform is out of the shipping lanes and the majority of fishermen and mariners presenting testimony stated that platforms were an aid to navigation rather than a hazard. These points were covered in the Impact Statement.

4. Aesthetics: As is stated in the Impact Statement "Many people believe that the platforms will decrease the value of the Santa Barbara Channel Region as a tourist and retirement area. Others, however, find the lights across the waters attractive at night, and welcome the platform as sport fishing reefs, or as an aid to navigation for pleasure boating." Thus, the question of aesthetics is a matter of opinion. It should be noted that the platform are at least five miles from the shore, and in the Santa Barbara Channel this means that they are not visible at least half the time. The prevailing weather conditions during the "tourist season" generally shroud the platforms with fog.

5. The West Coast: It is well known that the West Coast is energy deficient and the curtailing of this potential production from Platform C wlil require the importation of fuel, thus adversely affecting the balance of payments.

6. Employment: The records of the public hearings reflect that a vast number of people in the Santa Barbara-Ventura area are dependent upon the offshore oil industry for their livelihood. The continued curtailment of this industry will cause addititonal unemployment of a significant magnitude.

7. International Ramifications: If the Federal Government ignores its contractual commitments under the lease, it will have a very poor standing to point its finger at foreign governments who similarly cancel or nullify contractual commitments.

Bill Gregg's West Coast Report—District V: A Depressed Area for Drillers

Los Angeles.—Delegates attending the annual meeting of the American Association of Oilwell Drilling Contractors which opens here Tuesday will be convening in a state which so far as their segment of the industry is concerned appears to hold the dubious distinction of currently being one of the nation's most depressed.

California drilling activity has been sharply curtailed to the point where ranks of active onshore drilling contractors have been thinned to a mere 25 (half the number operating here 10 years ago) while active onshore rigs have been reduced to approximately 40 from 110 a decade ago.

Offshore drilling has been stymied by state and federal orders. Washington has held to its ban on drilling operations on all but three Santa Barbara Channel Outer Continental Shelf leases and the state lands commission has maintained its prohibition on new drilling (save for a couple of reluctant exceptions) on state tide and submerged lands leases.

Unfortunately, the only real prospects of finding and producing significant new reserves here lie offshore. Most California majors and independents are tending to discount the state's onshore petroleum potential—at least for any really significant upland field or pool discoveries.

As The Oil Daily reported in July there have been many contractions and "consolidations" of local exploration staffs by major oil companies operating in California, and a number of majors have been quietly selling off some of their small leased tracts in California where production lately hasn't been too great.

California's crude oil production, which reached a record peak early last year, has been on an overall downtrend since then—a trend which is expected to continue until Washington decides to permit drilling of wells on more Santa Barbara Channel leases or, as an alternative, opens up to Elk Hills Naval Petroleum Reserve.

Meantime, there's been no homeless domestic California crude available for a long time, nor is there apt to be in the immediate future.

This situation is, of course, making California increasingly dependent upon imports and upon the vagaries of small Middle East, African and Asian nations whose rulers are fully aware of their new found powers over the economic destinies of the free world.

Import tickets held by small California refiners—valueless seven months ago—have gained some value now that spot charter rates for tankers have declined (last week these rates reportedly ranged between world 30 and world 45 for shipments of Persian Gulf crude to the West Coast).

One hears these tickets are now worth between 50 and 60 cents on a per barrel basis, but also that while District V majors are willing to exchange foreign crude brought here under these tickets for domestic crude, small inland refiners have not been able to secure the low gravity California crudes they need under these deals.

Low, current spot charter rates have, incidentally, brought the delivered, duty-paid cost of Persian Gulf light gravity crudes below posted prices of comparable California crudes—at least for the time being.

This situation is not expected to long prevail. Expectations are that by the last quarter spot tanker rates will begin to climb, since by that time the world currency situation should have stabilized—while crude inventories of European nations and Japan will need replenishing.

MILITARY CARGO TEST PROGRAM SHOULD BE REINSTITUTED

Mr. PROXMIRE. Mr. President, back in 1969, the Defense Department instituted a test program involving the shipment of U.S. military cargo which originated in the Great Lakes region. In the past, this cargo had always been routed overland by rail to east coast ports, where it was then loaded onto American-flag vessels for shipment overseas. The purpose of the 1969 test was to determine whether cost savings could result by loading the cargo on ships at nearby Great Lakes ports and using the St. Lawrence Seaway for routing overseas.

At the end of the 1969 shipping season, the Pentagon announced that it had lost $415,000 on the program.

Those of us who were familiar with Great Lakes shipping found this very difficult to believe. It is inherently more expensive to use rail service instead of water transportation for any part of the voyage. Shipping via the east coast means using rail transportation for the first 1,000-plus miles of the voyage—clearly a very inefficient means of carriage. In addition, shipping via the east coast makes for a substantially longer trip, particularly where northern Europe is the destination.

The following table of distance makes this clear:

From/To	Direct all water routing (miles)	Rail+ship via port of Baltimore (miles)
Detroit to Copenhagen	3, 937	4, 763
Detroit to Hamburg	3, 725	4, 551
Detrot to Leghorn, Italy	4, 590	4, 968

Although I have used Detroit in these examples, the results would be comparable for any port located on the Great Lakes.

Accordingly, I asked the General Accounting Office to make an independent study of this test program and its costs. In particular, I wanted the GAO to determine whether better management, or a different mix of cargo, might have affected the outcome. Last week the GAO made its report to Congress.

GAO's conclusions: on the basis of reported data, the excess cost of the test was $61,000—not the $415,000 as DOD announced. More significantly, GAO found that improved management could have further affected the test results. In other words, there is every reason to expect that with improved administration, such a program should be cost favorable to the Government.

Here are a few of the errors and examples of poor management cited by GAO:

DOD failed to route some 12,700 tons of cargo, mostly household goods, to the test ships even though the cargo originated at or was destined to the States for which the Great Lakes ports are cost favorable.

There was probably even more cargo in this category, but GAO was unable to identify such cargo because the shipping records of DOD were inaccurate or incomplete.

Two elements of the cost of shipping via tidal ports—indirect administrative charges and the cost of preparing vehicles for shipment—were not included by DOD, although DOD did include such items in considering Great Lakes costs.

Retrograde cargo was available which could have been used to fill ships on return voyages. GAO identified at least 1800 tons in this category which would have been cost favorable for Great Lakes ports.

GAO also identified more than 32,000 tons of outbound general cargo that originated in the Great Lakes area during the test period. DOD argues that less than 1,000 tons of this could have been included in the program, but GAO states that because of the time elapsed since the routing decisions were made it cannot evaluate DOD's justification for its failure to ship this cargo via Great Lakes ports.

Finally, GAO's attempts to identify additional shipments, that potentially would have been cost favorable via the Great Lakes, "were frustrated by the incomplete and inadequate shipping records of the military services."

Mr. President, in light of the GAO's findings, it is quite clear that the 1969 test program was never really given a chance to succeed. I think it is also clear that with improved management, and greater commitment on the part of those in charge, this program will prove its worth in no time at all.

Mr. President, I have today written to Defense Secretary Melvin Laird asking him to reinstitute the Great Lakes military cargo program for the 1972 shipping season. Once this program proves its worth, as I am confident it will, the chances are excellent that we will get regular American-flag service in the Great Lakes competing for the opportunity to carry this cargo. This will result in substantial savings to the Federal Government.

Mr. President, I ask unanimous consent that the GAO report dated September 7, 1971, and my letter to Secretary Laird dated September 17, 1971, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Appropriations,
Washington, D.C., September 17, 1971.

Hon. Melvin Laird,
Secretary, Department of Defense,
Washington, D.C.

Dear Mr. Secretary: In 1969, as you will recall, the Defense Department conducted a test involving the shipment of military cargo via the Great Lakes and the St. Lawrence Seaway. The cargo was tonnage that had originated from (or was destined to) those states having access to Great Lakes ports, and was carried by ships under charter to the military.

At the conclusion of the study, the Department reported a loss of $415,000 on the program.

The General Accounting Office has just completed its own review of the military cargo test program, and has arrived at a different conclusion. GAO found that on the basis of data reported to it, the losses should have been only $61,000. And more important, GAO concludes that "improved management could have further affected the test results."

For example, GAO identified some 12,700 tons of cargo—household goods—which should have been routed to the test ships and which would have been cost favorable if shipped via Great Lakes ports. GAO also identified another 32,300 tons of general cargo which originated in the Great Lakes area, and which might have been eligible for shipment via the Seaway. In addition, GAO cites numerous instances in which inadequate record-keeping made it impossible to determine whether still more cargo might have been available for the test program.

It's clear to me that the 1969 test program was never really given a chance to succeed. With improved management, and greater commitment on the part of those in charge, I'm confident that this program can rapidly prove its worth.

I strongly urge that the Department reinstitute the Great Lakes military cargo program for the shipping season in 1972. Once this program proves its worth, the chances are excellent that regular American-flag service will compete in the Lakes for the opportunity to handle this cargo. And the resultant savings to the federal government should be substantial.

I am enclosing a copy of the GAO report on Great Lakes shipping, which goes into this in considerable detail. I hope to hear from you on this at your earliest opportunity.

Sincerely,

William Proxmire,
U.S. Senate, Chairman, Great Lakes Conference of Senators.

Test Results Inconclusive for Determining Economics of Using Great Lakes Instead of Tidal Ports for Shipping Military Cargo

(By the Comptroller General of the United States)

Comptroller General
of the United States,
Washington, D.C.

Hon. William Proxmire,
U.S. Senate.

Dear Senator Proxmire: This is our report on our evaluation of a test made by the Department of Defense involving the use of Great Lakes ports for military cargo moving between the United States and Europe.

Our evaluation was pursuant to requests received from you and from other interested members of Congress.

This report is being sent today to these members.

Sincerely yours,

R. F. KELLER,
Acting Comptroller General of the United States.

COMPTROLLER GENERAL'S REPORT

WHY THE REVIEW WAS MADE

In 1969 the Department of Defense (DOD) decided to conduct a test using Great Lakes ports for military cargo moving between the United States and Europe. By using the lake ports DOD reasoned that it could decrease substantially cost involved in moving similar cargo overland to more distant tidal ports. (See p. 3.)

Announcement of the proposal resulted in congressional requests that the General Accounting Office (GAO) halt the test or postpone it until a determination could be made regarding the need for the test. (See p. 3.) GAO advised that the data necessary to determine the feasibility of using Great Lakes ports was not available and that it had no basis for recommending cancellation of the test.

GAO did agree, however, to monitor the test and evaluate its results. (See p. 4.)

GAO discussed its findings with DOD, but DOD was not asked to comment on the draft of this report. (See p. 14.)

FINDINGS AND CONCLUSIONS

The test was made during the period April through November 1969. Two Victory-type ships chartered by the Military Sealift Command were used. DOD reported that it cost $415,000 more to ship the test cargo through Great Lakes ports than via tidal ports. (See p. 4.)

DOD indicated that poor cargo mix was a factor in making the use of Great Lakes ports uneconomical. However, since the test ships sailed with considerable unused space on most of the outbound voyages and all of the inbound voyages, the mix of cargo was of minor importance. (See pp. 4 and 8.)

GAO, however, believes that the test results were inconclusive and not a valid basis for determining the relative economies of Great Lakes versus tidal ports (See p. 6.)

There were errors in the cost data used by DOD to evaluate the test, and areas were identified where improved management could have significantly changed the results. These and other considerations reduced the excess costs reported by DOD from $415,00 to about $61,000. (See pp. 6 and 7.)

Although GAO identified some additional cargo that should have been shipped on the test ships, it was unable to identify all such cargo because of inadequacies in DOD's management information system and the incomplete shipping records maintained by DOD. (See p. 8.)

In view of the relatively small adjusted cost difference identified during the test—about $61,000 or about 2 percent of the total program cost of $2.8 million—and in view of the possibility that better management could have further influenced the test results, GAO is not able to reach a conclusion regarding the economies of using Great Lakes instead of tidal ports. (See pp. 6 and 14.)

Chapter 1—Introduction

Prior to 1969, military cargo originating in the Great Lakes area and destined for overseas locations had been routed overland to tidal ports because there was no regular ocean service by U.S.-flag ships from nearby Great Lakes ports. In DOD's opinion, the use of this relatively high-cost overland transportation to more distant tidal ports unnecessarily increased its transportation costs.

Therefore, in October 1968, DOD requested our views concerning the propriety of using other than U.S.-flag ships for shipping military cargo through the Great Lakes ports. In reply (B–165421, dated December 23, 1968), we concluded that the diversion of military cargo from U.S.-flag ships at tidal ports to foreign ships at Great Lakes ports would be illegal. We pointed out, however, that it would not constitute a violation of the cargo preference act relating to the transportation of military supplies by sea as enacted April 28, 1904 (10 U.S.C. 2631), if ships controlled or owned by the Military Sealift Command (MSC) were used. We advised DOD that the use of such ships would not seem to deprive privately owned U.S.-flag ships of cargo because, in effect, the MSC ships would merely operate from Great Lakes ports instead of tidal ports.

Subsequently, DOD decided to test the use of MSC-controlled shipping between the Great Lakes and Europe during the 1969 shipping season. Announcement of the test resulted in congressional requests that we halt the test or at least postpone it until such time as a determination could be made regarding the need for such a test. Opponents of the test contended that sufficient cost data was available to determine the feasibility of using Great Lakes ports. They further believed that this cost data would show that the use of the lakes would result in excess costs to the Government.

We examined the matter and determined that the necessary cost data was not available within DOD. We then advised those concerned that there was no basis for recommending that the test be canceled. But we agreed to monitor the test and evaluate its results.

In March 1969 DOD established guidelines for the test. The guidelines provided that all cost-favorable cargo suitable for inclusion in the test be routed to selected Great Lakes ports with the further stipulation that the Military Traffic Management and Terminal Service (MTMTS) take steps to ensure the success of the test. These steps were to include actively seeking reduced overland transportation rates to the ports and more favorable port handling conditions and rates. MTMTS was also to check shippers to ensure that cargo was being routed to the test ships. DOD directed that serious consideration be given to including shipments of household goods and privately owned vehicles in the test program.

The test was made during the period April through November 1969 using two Victory-type ships already operating under charter to MSC. There were a total of 11 sailings outbound from the ports of Milwaukee and Kenosha, Wisconsin; Toledo, Ohio; and Port Huron, Michigan, to Bremerhaven, Germany, and Rotterdam, Netherlands. All except the last two sailings were on a round-trip basis. The Great Lakes ports involved in the test are shown on the map on page 9.

On April 2, 1970, the Office of the Assistant Secretary of Defense (Installations and Logistics) reported to interested members of Congress that 68,631 measurement tons of cargo had been transported on the test ships and that it cost about $415,000 more to ship the cargo through the Great Lakes ports than it would have cost through tidal ports.

The Assistant Secretary of Defense reported that the primary factor causing increased costs through Great Lakes ports was the inability to generate sufficient general cargo to effectively utilize the space on the test ships. Of the total cargo shipped on the test ships, 66 percent was military vehicles. The Assistant Secretary reported that vehicles were difficult to stow efficiently on conventional ships and that, if a greater proportion of the cargo had been general cargo, ship utilization would have been improved and thus would have permitted larger payloads and lower unit costs. In addition, the Assistant Secretary stated that direction of more inbound cargo to the test ships would have reduced the excess cost of using the Great Lakes ports.

Initially, DOD established an outbound ship utilization goal of 7,300 measurement tons (M/Ts) and inbound goal of 730/Ts. Considering the cargo capacity of the ships involved and the past volume of military traffic inbound from Northern Europe, we believe that DOD's goals were reasonable.

An analysis of ship utilization records showed, however, that these goals were achieved only on one outbound voyage and two inbound voyages. The average tonnage carried was 5,929 M/Ts on outbound voyages and 310 M/Ts on inbound voyages.

DOD officials concluded that the operation of controlled ships in the Great Lakes was uneconomical because of the mix of cargo and the lack of retrograde traffic. They expressed the opinion, however, that commercial U.S.-flag operators could improve substantially upon DOD's experience by carrying additional general cargo outbound and by attracting inbound nonmilitary cargo.

On the basis of our preliminary evaluation of the test results and the cost data then available, we reported to several members of Congress that we agreed with DOD's estimate of excess cost on the shipments made through the Great Lakes. We also reported, however, that we had identified cargo which had not been routed via the test ships even though routing via the Great Lakes appeared cost favorable. We reported that we planned, as a part of our overall evaluation of the test, to carefully review records relating to this cargo.

Chapter 2—Test results inconclusive for determining feasibility of using Great Lakes ports

We believe that the test results were inconclusive and cannot be used as a basis for determining the relative economies of using Great Lakes and tidal ports. We found errors in the cost data used by DOD to evaluate the test results, and we identified areas where improved management could have, significantly changed the outcome of the test. An adjustment of the test results to reflect our findings reduced the excess cost reported by DOD from $415,000 to about $61,000. A table showing our various adjustments to the cost of the test is included as an appendix to this report.

Further, although we identified some additional cargo that should have been included in the test, we were unable to identify all such cargo because of inadequacies in DOD's management information system and the incomplete shipping records retained in the DOD system. The nonavailability of adequate shipping information was the major factor in frustrating a conclusive evaluation of the test result.

In view of the relatively small adjusted cost difference—about $61,000 or about 2 percent of the total program cost of $2.8 million—and in view of the possibility that better management would have further affected the results of the test, we cannot draw any conclusions regarding the relative economies of using Great Lakes ports rather than tidal ports for cargo to and from locations near the Great Lakes.

Our findings are discussed in detail in the following sections.

DOD'S ESTIMATE OF EXCESS COST INACCURATE

On the basis of our preliminary analysis of the test results, DOD's estimated excess cost of $415,000 seemed reasonable. During our detailed examination of the cost data, however, we identified several errors in the estimate.

We found that other than cost-favorable cargo had been routed to the Great Lakes to achieve better utilization of the test ships. For example, cargo was routed from Texas to the Great Lakes to effect use of otherwise unused space on the test ships even though the gulf ports would normally be cost favorable. Such diversions distorted the results of the test because under normal operating conditions this cargo would not have been routed to the Great Lakes. Elimination of these shipments, which we estimate to have been about 3,700 M/Ts, would have resulted in a net cost increase of about $36,000 in the test results as reported by DOD.

Another error involved Army and Air Force Exchange Service cargo which was included in the test program. Since the overland cost for this particular cargo (4,462 M/Ts) was paid by the Exchange Service, the $10,000 savings in lower overland costs to the nearer Great Lakes ports should not have been used to reduce DOD's overall excess cost.

On the other hand, we found that two elements of the cost of shipping by tidal ports were not considered by DOD in its final evaluation although they were included in the cost of shipping by Great Lakes ports. These elements were indirect administrative charges incurred at the port terminals (about $44,000) and the cost of preparing vehicles for overseas shipment (approximately $20,000).

IMPROVED MANAGEMENT WOULD HAVE RESULTED IN ADDITIONAL TEST CARGO

An area where improved management could have influenced the test results involves the omission of cost-favorable cargo from the test program. The test ships sailed with considerable unused space on most of the outbound sailings and on all of the inbound sailings. This indicates that the poor cargo mix reported by DOD as a reason for the use of the Great Lakes being uneconomical was of only minor importance. As long as there was significant unused space on the test ships the cargo mix would have had little effect on the overall results of the test. Only if the ships had been loaded close to capacity would a better mix of cargo—such as the use of general cargo to replace military vehicles—been of substantial benefit.

Of prime importance to proper conduct of the test was the routing of all appropriate cargo to the test ships. We found that this was not done. For example, DOD did not route 12,719 M/Ts of cargo—principally household goods—to the test ships even though the cargo originated at or was destined to the 13 States that we considered to be rate favorable to the Great Lakes ports. (See map on p. 9.) Inclusion of this additional cost-favorable cargo would have reduced the excess cost of the test to about $61,000 after adjusting for the inaccuracies mentioned earlier. (See appendix.)

Although we believe, as explained later, that even more cargo could have been diverted to the test program, we were unable to identify such cargo because the shipping records of DOD were inaccurate or incomplete. We are currently involved in an overall review of the adequacy of the management information systems used by DOD's transportation activities.

SIGNIFICANT VOLUME OF HOUSEHOLD GOODS OMITTED FROM TEST PROGRAM

DOD did not give proper consideration to including household goods in the test program, and as a result a significant volume was omitted from the test. Our analysis of the tonnage carried on the test ships showed that only 1,597 M/Ts of household goods were shipped via the Great Lakes. Our review of household-goods shipments between points in the Great Lakes area and Germany showed that at least an additional 10,275 M/Ts should have been included in the test program.

In a memorandum dated March 27, 1969, the Deputy Assistant Secretary of Defense (Supply and Services) directed that serious consideration be given to including shipments of household goods in the test program. It was not until May 20, 1969, however, that MTMTS advised responsible transportation officers to consider shipping household goods in the program. Even then, MTMTS merely encouraged the transportation officers to use the Great Lakes ports.

Generally there are two methods available to transportation officers for moving household goods overseas. The first method is the through-Government-bill-of-lading method whereby a single bill of lading is issued to a forwarder to cover all the necessary services from origin to destination. Under this method, if the Government provides the ocean transportation, the forwarder offers a reduced rate. The second method is direct procurement whereby the Government manages the shipment and makes separate arrangements for the various services required, which are packing, movement to the port, port handling, ocean transportation, movement to destination, and unpacking.

Because the ships used in the test were chartered by the Government and the use of otherwise unused space was, in essence "free," we believe that all shipments between the Great Lakes area and Europe should have been evaluated for movement via the Great Lakes.

We estimate that inclusion of through-bill shipments alone would have added 10,275 M/Ts of cargo to the test program. We limited our evaluation of household-goods shipments to those moved under the through-bill method because DOD's records relating to direct procurement shipments were inadequate to identify the specific origins and destinations involved. We found, however, that MSC statistical data showed that it carried 70,158 M/Ts of household-goods shipments to Northern Europe (principally Germany) and 136,094 M/Ts inbound from the same area during the first 9 months of calendar year 1969. Although a portion of this tonnage involved through-bill shipments, the majority moved under the direct procurement method. The statistics did not identify the specific U.S. points involved; however, in our opinion, some of this tonnage would involve direct procurement traffic to and from the 13 States in the proximity of the Great Lakes.

In support of our opinion, we found that about 19 percent of the through-bill traffic moving during the test period involved the 13 Great Lakes States. The significance of this percentage is demonstrated when it is realized that diversion of only 2 percent of the 206,000 tons of direct procurement household-goods shipments to the test ships would have resulted in additional savings of about $104,000.

OTHER CARGO OMITTED FROM TEST PROGRAM

DOD reported that only about 3,400 M/Ts of cargo had been returned to CONUS on the test ships and that the ships had returned to CONUS empty on four of the nine round-trip voyages. In an effort to identify additional cargo which might have been handled by the test ships, we requested DOD on June 11, 1970, to furnish us with a record of all retrograde cargo movements during the test period. The requested data was furnished to us by DOD on October 8, 1970.

From this data we identified 1,826 M/Ts of retrograde general cargo which, we believe, should have been included in the test program. The DOD listing showed a total of 44,528 M/Ts of retrograde cargo which moved through tidal ports during the test period; however, we considered as potentially cost-favorable cargo only the 1,826 M/Ts destined to the 13 States in the proximity of the Great Lakes ports used in the test.

Also, from data furnished to us by DOD, we identified 32,335 M/Ts of outbound general cargo shipments (excluding ammunition and vehicles) which were routed via the east or gulf coast ports even though the shipments originated in the Great Lakes area. A review by DOD of these cargo movements showed that only 618 M/Ts could have been included in the test program. DOD explained that about 66 percent of the identified cargo was containerized either at origin or at the port, and since no container service was available via the Great Lakes, the cargo was routed via tidal ports. Other reasons given by DOD for shipping the cargo via tidal ports were:

The high priority of the cargo and the required delivery dates precluded use of the test ships.

Cargo shipped on commercial bills of lading was procured on a free-on-board-port basis, with an east or gulf coast port designated as the port of exit. Diversion of shipment to another port would have required an amendment to the procurement contract.

Because of the length of time that had elapsed since the decision was made by the various transportation officers to use a particular mode of transportation or to use expedited service, we could not evaluate the validity of these reasons.

ATTEMPTS TO IDENTIFY ADDITIONAL CARGO FRUSTRATED BY INADEQUATE RECORDS

Our attempts to identify additional shipments, potentially cost favorable via the Great Lakes, were frustrated by the incomplete and inadequate shipping records of the military services. For example, records furnished to us by MTMTS showed that the total tonnage of through-bill household-goods movements for the 5-month period May through September 1969 between Germany and 10 selected Great Lakes States was 6,286 M/Ts inbound and 1,967 M/Ts outbound. To test the validity of these figures, we surveyed actual payments made to household-goods forwarders during this period. On the basis of this survey, we estimate that more than twice as many shipments of household goods actually moved to or from the Great Lakes area than were reported by MTMTS for the test period.

MTMTS records show that approximately 26,000 M/Ts of household goods moved through east or gulf coast parts under the direct procurement method from Germany to all destinations in CONUS during the period April through September 1969. Military Sealift Command records for the same period, however, showed that 90,000 M/Ts of household goods were moved from Northern Europe, principally Germany, to all States in CONUS. Our review of payment records showed that MSC carried about 12,000 M/Ts for through-bill carriers. If MSC records are correct, the remaining 78,000 M/Ts were direct procurement shipments. This differs significantly from the 26,000 M/Ts reported by MTMTS.

Statistical data involving general cargo shipments, both outbound and retrograde, also varied significantly when comparing that furnished to us by MTMTS, MSC, and the U.S. Army, Europe. Records of MSC showed that 730,436 M/Ts moved to Northern Europe from all States in CONUS for the period January through September 1969, whereas MTMTS records for the same period indicated that only 487,265 M/Ts were shipped.

With regard to retrograde cargo, records furnished to us by the U.S. Army, Europe, showed that a total of 43,170 M/Ts were shipped during the period January through September 1969; whereas MSC records showed a total of 167,138 M/Ts for the period January through September 1969.

Although it was difficult to determine which records were unreliable, we were able to determine the inaccuracy, to some degree, of the statistical data furnished to us by MTMTS that involved outbound general cargo. We compared this data with the ships' manifests for the 11 sailings during the test program and found that about 20 percent of the tonnage onloaded was not recorded in the MTMTS statistical data. This same data showed about 5,000 M/Ts as having moved on the test ships when, in fact, the tonnage actually moved via tidal ports. Only 22 percent of the cargo manifests that we examined were recorded correctly in the statistical data.

We have discussed our findings with DOD officials, but they were not asked to comment on the draft of this report.

CONCLUSIONS

Because of the relatively small cost difference identified during the test and the possibility that improved management could have further affected the test results, we cannot draw any conclusions regarding the relative economies of using Great Lakes ports as opposed to using tidal ports. The test results, in our opinion, were inconclusive.

Chapter 3—Scope of review

Our review included an examination of pertinent test records; an analysis of data relating to the movement of general cargo, household goods, and retrograde cargo between CONUS and Germany during the period April through October 1969; and discussions with responsible transportation officials.

Our review work was done at the following locations:

Headquarters, Military Traffic Management and Terminal Service, Fall Church, Virginia.

Headquarters, Eastern Area Military Traffic Management and Terminal Service, Brooklyn, New York.

Port of Toledo, Toledo, Ohio.

Port of Milwaukee, Milwaukee, Wisconsin.

APPENDIX I.—ADJUSTMENTS TO THE DOD REPORTED COST OF THE GREAT LAKES TEST

	Actual cost of test	Estimated cost via Atlantic or gulf port	Excess cost or decrease (−)
DOD report	$2,821,000	$2,406,000	$415,000
Exclusion of cargo not cost favorable (p. 7):			
Ocean		−76,000	
Port handling	−19,000	−21,000	
Overland	−72,000	−30,000	
Total	−91,000	−127,000	36,000
	2,730,000	2,279,000	451,000
Exclusion of overland costs of Army and Air Force: Exchange service cargo (p. 7)	−$23,000	−$33,000	$10,000
	2,707,000	2,246,000	461,000
Inclusion of cost elements not considered by DOD (p. 7):			
Indirect terminal charges		44,000	
Vehicle processing		20,000	
Total		64,000	−64,000
	2,707,000	2,310,000	397,000
Inclusion of candidate household goods shipments (p. 8)	824,000	1,090,000	−266,000
	3,531,000	3,400,000	131,000
Inclusion of candidate retrograde cargo (p. 12)	25,000	78,000	−53,000
	3,556,000	3,478,000	78,000
Inclusion of candidate outbound general cargo (p. 12)	13,000	30,000	−17,000
Adjusted cost comparison	3,569,000	3,508,000	61,000

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Romana Acosta Banuelos, of California, to be Treasurer of the United States, which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there morning business? If not, morning business is concluded.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the pending business, the conference report on H.R. 6531, the extension of the Military Selective Service Act, which the clerk will report.

The second assistant legislative clerk read as follows:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the conference report on H.R. 6531, extension of the Military Selective Service Act.

PRIVILEGE OF THE FLOOR

Mr. STENNIS. Mr. President, in connection with the further presentation of this conference report, there is one member of the staff of the Armed Services Committee that I feel should have access to the floor, and that is Mr. LaBre Garcia. I have conferred with the Senator from West Virginia (Mr. BYRD) on this, and I ask unanimous consent that Mr. Garcia, who is a member of the staff of the committee, be admitted to the floor during the debate on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I do not have any extended remarks to make this morning with reference to the pending matter. I propose to review briefly what has transpired on this bill so far, and I have some additional material—we have been gathering it as fast as we could—with reference to the impact on the military services regarding personnel during that period in which we have had no law that permitted the President to make inductions into the services.

I shall put those items in the RECORD later.

As I have stated, Mr. President, I signed and filed the cloture motion on this matter last Friday after the vote solely as a matter of necessity in the protection of our national security, because I have been so overwhelmingly convinced that if we fail to have a law on the books with reference to the power of the President to induct men into the services, we would rapidly experience a decline in our capability to man our many-faceted, many-sided, worldwide military programs. I was convinced that the Army, Navy, Air Force, and Marine Corps would deteriorate so far as our home defenses are concerned. I was convinced that the 2½ months that have transpired since that law expired, from figures shown last week, have abundantly proved that that decline has already started; and in the opinion of those most qualified to give an estimate on the subject, it shows that, within 6 months, decline in personnel with ability to man our weapons would seriously impair our ability to function.

I am not rushing anyone to move in and vote for cloture tomorrow, but I respectfully submit that there has been ample time to debate this bill, and the opposition to it has been very skillfully and fully presented. I think we are faced with a proposition, now, that no draft law, at least for this 2-year interim period we are facing, would mean that we would not have proper security for our own people here at home, and I think it also means, under the present circumstances, "no draft bill, no foreign policy." I do not believe that the President of the United States would have any standing before adverse nations of the world if we do not have, at least to fill this interim period, a law that permits him to induct the right kind of men into the services to man our military forces. I believe that failure to pass this bill would be interpreted strongly by those nations that are not friendly to us as the beginning of the breakdown of the firm foreign policy that we have been following, and that if they would just push us enough and wait long enough, the head of our Nation, whoever he might, Mr. Nixon or anyone, would not be able to carry out a firm foreign policy. Mr. President, we do not want that to happen.

As to the bill itself, after a very favorable vote originally—and I do not have the exact vote now, but I shall get it—the measure now under debate passed the Senate, about the 24th or 25th day of

June, following 7 weeks of debate here on this floor, with only 16 votes registered against it. I think that reflects the sentiment and realization here that we must have a draft bill of some kind. True, it had in it at that time the full-fledged Mansfield amendment. It went on to a conference, and, let there be no argument, there was a very vigorous and complete presentation of the entire bill as passed by the Senate, including the Mansfield amendment, at that conference. I have shown before that we did not get all the Mansfield amendment agreed to by the conferees, but that we got a very substantial part, enough to have a meaning, and that is in this bill now. I shall come back to that in a few minutes.

Mr. President, referring again to that vote on final passage of the bill in the Senate on June 24, the yeas were 72 and the nays 16.

As I have stated, I assure everyone that there is a substantial part of the Mansfield amendment left in the bill that we have before us now. I think beyond doubt it as much as we could possibly have gotten. The Senator from Montana, the author of the amendment, said in debate very candidly—as he is always candid—last Wednesday, I think it was, that he agreed there was substance left in the Mansfield amendment as included in the present bill, that it was a step forward, that it had a meaning, and that except for the timetable, it had almost the full meaning of what was in the Mansfield amendment to begin with. And, Mr. President, it has this in addition: The only thing the Mansfield amendment could have represented as it passed the Senate was an expression of the Senate. But if we pass the bill as it is written now, it will be the expression of the Senate and the House of Representatives, and that makes a lot of difference. It makes it the sense of Congress that there should be as rapid and complete withdrawal from Vietnam as is practicable, and that that withdrawal should be tied only to the proposition of the surrender of our prisoners of war. Those were the two conditions that the Mansfield amendment had in it to begin with. Of course, the time then was specifically set at 9 months. But it is definitely a step forward, and this is round two in favor of the Mansfield amendment. It becomes now, if we can pass this bill, a declaration of Congress.

Then last Friday, after further thorough debate and consideration of the facts, in a direct vote on the conference report, because the motion was to table it, which would have killed it, there was a rather decisive vote, I believe, because of those who were recorded as present and voting and not paired, there was an 11-vote margin against tabling. That meant that a majority of 11 voted in favor of keeping the conference report alive. There could not be a vote at the same time on actually passing it, because the question was on agreeing to a motion to lay on the table the conference report, which would have meant that the bill in the report was killed for the time being and would have to go back through conference. But the Senate, after deliberation and with the facts before it, said, "No. No, we will not do that."

What is the implication of that "No"? I submit that the implication, Mr. President, is twofold. The great majority of the Senators present and voting voted that this bill is no longer a proper vehicle for the Mansfield amendment in its original form. Many Senators who had voted for the amendment in its original form voted last Friday to keep this bill alive. In other words, they changed, not their sentiments, for that matter, but they changed their vote because they realized it had gone as far as it could go, riding this vehicle. That is very clear. Some of the speakers who had voted for the Mansfield amendment just rose and said so. And that is the direct implication of the vote of many others.

The other implication, which is much broader, is that the great majority of those voting here last Friday said, "We are not willing to kill the bill, because we have to have a draft law. The other matter can be settled in other channels and can come in through other doors—the total meaning of the Mansfield amendment. It is not killing it. It is just leaving the subject matter aside for the time being, except for what is in the bill. We must have a Draft Act, and we think it is time to proceed."

So it is under those conditions, Mr. President, that this motion for cloture is filed. We believe the Senate should vote for cloture tomorrow, which would be just another procedural step forward toward the passage of this bill. Tomorrow's vote will be a procedural step. Senators will not be bound as to how they will vote on final passage by how they vote tomorrow. It is merely saying that we have had enough debate, that we have an important matter here, and that it ought to be voted on up or down and either become law or not.

As the vote last Friday pertained primarily to the Mansfield amendment, whether we take it in its form in this bill or demand more in the form it was in in the beginning, so the vote tomorrow is purely on a question of procedure, as provided in the Rules of the Senate; and it is necessary when it is not by unanimous consent. That is a strange situation. We have 100 Members, and it takes unanimous consent to bring a bill of this sort to a vote unless there is the imposition of what we call the cloture rule.

I am aware of the fact that I have opposed cloture many times. But when a matter has progressed as far as this one has, cloture usually has been voted. I do not know when there has been any substantial cloture fight or any substantial opposition to the extent of having to go to cloture on a conference report—not in a long, long time, anyway. When a bill has found its way through all the channels and chambers of passage and has overcome every hazard and comes in on a conference report, we usually have a reasonable debate thereon and then vote it up or down.

I have already referred to the Mansfield amendment provisions in the bill, and I want to point out again that there has been no serious attack here on the contents of the bill. I think we brought back a very major part of the Senate amendments that the committee amended originally and that the Senate further amended on the floor; and we brought back a part of the Mansfield amendment, which covers the most controversial matter we have in Congress today—that is, the duration of the war in Vietnam.

I find no real, serious objection to the provisions in this bill. It is a greatly improved Selective Service Act, a draft bill. It contains some items to which I object. Almost every Senator objects to some items in it, I suppose. But, as a whole, the substantial part has been remedied—in part, at least, or remedied altogether—and the bill now stands before this body with tremendous improvement over the law that was in effect a year ago.

We have benefited by the experience. We have benefited by conferences with many Members here. We have benefited by a very illuminating and a very complete debate. We have had the benefit of the counsel of the conference committee in the House. The bill stands before us now without any serious objection as to its content.

I point out, too, Mr. President, that this is the conference committee version of a bill that we debated here last year. Actually, hearings started here at the beginning of February of this year. There were approximately 30 days of hearings. We had dozens and dozens of witnesses and organizations. There was all kinds of criticism of provisions in the old law. We had experts here. Also, the President had appointed a commission with reference to the so-called volunteer Army. All that was taken into consideration.

We spent 3 weeks at the conference committee table, writing up the bill, and filed a very comprehensive and complete report thereon. The bill was actively debated on the floor for 7 weeks, and there was very little willful delay in that debate. Most of the debate was right on the merits, on the major amendments, and there were many rollcall votes.

I believe we went to conference with 28 or 29 differences with the House bill, and we had approximately 60 or more rollcall votes in the Senate during the entire debate. Some amendments were rejected and never saw the breath of life beyond being espoused on the floor.

I mention those things again. There is no doubt that all Senators had an opportunity to express their views and to have their views considered by this body. As floor manager of the bill throughout the 7 weeks of debate, I did not make a motion to table a single amendment. Every Senator had a chance to debate it all he wished. At the end, in the rush of things, one amendment that a Senator considered repetitious of an amendment that had already been agreed to was the subject of a motion to table. That was not done through the manager of the bill, and it was a circumstance that was well justified; and there was a rollcall vote on the motion to table.

So no one has been pushed around; and no one has been hurried. I think we have taken up too much time, to be frank about it. But it is better that the system be preserved and that every Senator's rights be protected here. So if we are going to make error, let us make error on the side of deliberation, so that the rights of the States and the Senators are protected.

Mr. President, I do not feel called upon to debate this bill any further, except just to respond to the points that might be made, unless we find some additional facts. I referred last week to the fact that we were getting additional facts which happened after debate had closed in July—August at least. I have now, in more formal form, letters from the Secretary of Defense addressed to me as chairman of the committee, and one from the Chairman of the Joint Chiefs of Staff. These two letters are dated September 17, 1971, which was last Friday. I have another letter from the Department of the Army, from the Department of the Navy, and also a memorandum from the Department of the Air Force and a letter from the Marine Corps.

For such additional information as this may contain, for the benefit of all Senators, I ask unanimous consent that they be printed in the Record.

There being no objection, the letters and memorandums were ordered to be printed in the Record, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., September 17, 1971.
Hon. John C. Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As the President said in his press conference yesterday afternoon, immediate enactment of H.R. 6531 is essential to furthering the peace initiatives of the United States around the world.

This letter and those enclosed from the Chairman of the Joint Chiefs of Staff and the Secretaries and Chiefs of the Services reemphasize the reasons for this urgency.

Readiness in all of the Services will be substantially reduced in 1972 unless Selective Service induction authority is reinstated promptly. As the Secretary of Defense, it is my duty to make absolutely clear to the Congress my conviction that this reduced readiness would be critical to our national security.

The following table puts the total Department of Defense situation in perspective:

Fiscal year	Enlisted personnel total accession requirements	Draftees	Total enlistments (including draft motivated)	Estimate of true volunteers
1970	626,000	204,000	422,000	225,000
1971	555,000	154,000	401,000	230,000
1972	480,000–500,000			

Without the draft, we would require 80,000 to 100,000 more FY 1972 enlistments than the total number we obtained in FY 1971. This would be 250,000 to 270,000 more than our estimate of the number of true volunteers obtained in FY 1971. Such an increase simply is not possible in FY 1972.

The suggestion has been made that since we have gone more than two months without the draft and without dire consequences, why not try a while longer, at least until the end of the calendar year.

We clearly are going to need the draft in Fiscal Year 1972. Any further delay in enacting H.R. 6531 would have three effects:

1. It would place an unfair burden on the CY 1972 draft pool because 1972 draft calls probably would have to be larger than otherwise would have been the case in order to make up for the absence of a draft since July 1.

2. It would sharply reduce the hope of an all volunteer force by our target date of July 1, 1973. As the Service Secretaries said earlier this week in a letter to all members of the Senate: "Too much ground already has been lost by the delay in passage of H.R. 6531, and any further delay may jeopardize beyond redemption the prospects of achieving an all volunteer force by July 1, 1973."

3. Most important, it would, as noted earlier, substantially reduce military readiness in CY 1972 for both Active and Reserve forces and thus weaken our national security.

Sincerely,

Melvin R. Laird.

Chairman of the Joint
Chiefs of Staff,
Washington, D.C., September 16, 1971.
Hon. John Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I would like to express my grave concern over the impact on our military forces of a Congressional failure to extend the Draft Law. As you know, we are currently engaged in a program designed to attain a "zero draft status" (a difficult task at best), based on an orderly, structured program providing for measured accomplishment of interim goals which permit us to evaluate the impacts of the All Volunteer Force concept on national security as we proceed. The effects of this program directly on combatant capability and indirectly on quantitative and qualitative procurement in the active component of the Services, are extremely difficult to predict with any absolute certainty. It was for this reason that the Joint Chiefs of Staff have supported embarkation on the program in an orderly way, thus seeking to minimize or to avoid any adverse impact on national security resulting from potential reduction in readiness to meet our continuing military requirements.

Within this context, it is estimated that a significant percentage of the volunteers for service in the Armed Forces currently are draft-induced. Thus, without the draft, it is estimated that the Services will incur serious manpower shortfalls by the end of this fiscal year.

Beyond mere numbers, the draft is a major source for procuring the quality of people required to maintain a viable force posture. One of our most serious problems is that of obtaining the proper distribution of skills. Thus, even if there were adequate numbers in the absence of a draft, there is no assurance that the requisite quality to cover the full spectrum of our military personnel requirements would be available.

While a detailed implementation plan based on a failure of the Congress to enact a Draft Law has not been developed, initial review indicates significant adverse impacts on worldwide military forces available to the Unified/Specific commands to achieve our national security objectives. Either minimum essential units would have to be progressively reduced to zero strength, or all units across-the-board would be progressively reduced in manning and readiness status, resulting in dangerously low combat capability. For example, the inability of the Commander in Chief, Europe, to maintain assigned units in a combat effective status would degrade the in-being deterrent in Europe, while units in the Continental United States would similarly require extended times to be made for deployment in an emergency. The loss of readiness posture within units would occur more rapidly than might be indicated by direct reduction in strength, since an increasing part of the residual unit strength would be required to be devoted simply to maintenance of equipment and facilities. Reduction in strength of Army and Marine Corps divisions would jeopardize the capability to meet the land force requirements of Commander in Chief, Europe, in the event of a North Atlantic Treaty Organization conflict and would seriously restrict our ability to meet any other worldwide contingency. The reduced operational status of Navy ships would severely restrict the capability to support essential worldwide deployments. The reductions in the readiness and deployment capability of aircraft squadrons would limit the combat capability available to Unified Commanders being reflected in reduced sortie rates which concomitant reduction in surge capability or sustaining power.

Although the long-term implications are much more indefinite, it can be concluded that there will be a intensification of the foregoing impacts with concomitant and progressive erosion in both readiness and overall capability to meet the requirement of the national security.

In summary, Mr. Chairman, I am concerned that the failure to attain early enactment of draft legislation will jeopardize the credibility of our deterrent role in world peace and have a lasting impact on both our friends and our potential enemies.

Warmest personal regards.

Sincerely,

T. H. Moorer,
Admiral, U.S. Navy.

Department of the Army,
Washington, D.C., September 17, 1971.
Hon. John C. Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: You have asked us to estimate the impact on the Army of a delay of several months in draft legislation and of the impact if draft legislation is not approved at all. Our estimate is based on these interpretations and assumptions:

The delay of several months will be called Case 1.

In Case 1, the pay bill remains tied to the draft legislation and could not be expected to be passed separately.

The lack of approval of draft legislation at all will be called Case 2.

For Case 2 we assume that increased pay and allowances in amounts similar to those in the current bill will be effective on 1 July 1972.

Data already accumulated since the no-draft condition of July and August are quite convincing.

The discussion that follows considers first quality and then quantity.

Example: In July 1970, 3,700 men were qualified for and enlisted to attend a service school of their choice; in July 1971, only 2,400 enlisted for the same option. This choice required high mental qualifications.

Example: In August 1971, there were 14,400 male enlistments. Of these, there were 3,946 who chose no option. These 3,946 are the only ones available for assignment to positions of the Army's choice. Data on these 3,946 are compared qualitatively below to the FY 71 Army-wide averages. All figures are percentages.

IMPACT OF DELAYED AND NO DRAFT LEGISLATION

	Mental			
	Higher categories I and II	Lowest acceptable category IV	Non-high school graduate	Moral waiver required
Army average, fiscal year 1971	33	25	33	1.1
3,946	19	38	54	4.4

Example: In July 1971, 3,555 men elected the combat arms as a choice upon enlistment. Data on these 3,555 compared to Army averages are shown below. All figures are percentages.

	Mental		Non-high school graduate	Moral waiver required
	Higher categories I and II	Lowest acceptable category IV		
Army average, fiscal year 1971	33	25	33	1.1
3,555	22	29	56	1.1

Example: The 13,600 male enlistments for July are compared qualitatively to the FY 71 Army as a whole. All figures are percentages.

	Mental		Non-high school graduate	Moral waiver required
	Higher categories I and II	Lowest acceptable category IV		
Army average, fiscal year 1971	33	25	37	1.1
July 1971	27	26	47	1.1

IMPACT OF DELAYED AND NO-DRAFT LEGISLATION

Jobs in the Army are available for persons of all but the very lowest mental capacity. However, as the Army continues to develop sophisticated equipment in an effort to replace men by machines, the proportion of persons of higher mental capacity and good educational background must increase. But, the trend noted since we have had no draft and as we have made great effort to increase the number of volunteers has been in the opposite direction. In both cases, the Army will be in a qualitative hole by early CY 1972 that we estimate will take from one to two years to correct.

The following discussion covers the impact on the Army from the standpoint of quantity.

Case 1: Delay for several months

Impact to Date

Current enlistments average 14,000 per month miss by 4,000 per month to meet the Army's FY 72 requirement.

Low input of new soldiers into the Army in July–September 1971 will not be sufficient to meet oversea requirements starting as early as December 1971. The deficit must be met by transferring soldiers assigned to CONUS units to oversea commands, thereby reducing readiness in CONUS units and increasing personnel turnover.

Additional Impacts Expected

By mid-FY 73 there would be a shortage of approximately 53,000 trained personnel, roughly the manpower for two divisions and their peacetime support. This shortage, spread over the Army force structure would mean: Oversea commands would suffer from lack of qualified combat arms replacements, and the ability of the Army to respond to any international or domestic emergency would be seriously impaired.

Even if the draft is resumed on 1 July, 1972, a yearly ceiling of 140,000 will stretch the rebuilidng of forces and readiness over an addition 12 to 18 month period.

The current 14,000 monthly enlistments continue to be sustained in part by draft pressure on individuals. Pre-induction physicals are continuing and the draft lottery has been held. Further delay in draft legislation will cause a reduction in these draft-motivated enlistements.

A delay in the pay bill will reduce the number of enlistees generated by this incentive. This, in turn, will increase draft requirements whenever the draft resumes.

From 80 to 90 percent of Reserve or National Guard enlistments are draft motivated: Reserve component units would be facing declining strengths while the capability to execute approved strategy is increasingly dependent upon a truly ready reserve force. Sixteen States and the District of Columbia now have no personnel waiting to join. There has been a net reduction of 10,000 in total Reserve strength in the last two months. Added delay in draft enactment would further degrade readiness of the Reserves.

Summary

Delay of passage of the draft bill creates an ever-increasing deterioration of the Army because of personnel shortages. Delays already incurred will create trained strength shortage in early 1972 that cannot be overcome because of training lead time. The longer the delay, the worse the problem becomes, while rebuilding becomes increasingly difficult. Efforts to increase enlistments and move toward a zero draft are undermined by delay in the pay raise.

Case 2: No Draft

(Pay Raise Effective 1 July 1972)

By end-FY 72, the Army would be reduced to a trained strength of approximately 750,000.

By end-FY 73, the trained strength of the Army would be down to approximately 550,000—roughly half the size of today's Army. This would mean:

The United States might not be able to meet its treaty commitments, thereby placing in jeopardy two of the three basic principles of the Nixon Doctrine: partnership and strength.

Extensive base closures and reduction in force of civilian employees.

Reduction in force or in grade of Army officers to realign officer-enlisted ratios. Approximately one of every three officers would be released.

Reduction in force or in grade of large numbers of career sergeants to provide balance between non-commissioned officers and privates.

The Army will lose all draftees plus draft-motivated enlistments estimated at 50% of the draft. Additionally, the delay of the pay raise will adversely affect recruiting efforts. The reduced accessions will fall far short of the Army's manpower requirements.

Summary

If the draft is allowed to die, by end-FY 73 the Active Army and Reserve Components would be reduced to about half of present size—a force unable to fulfill national commitments or adequately respond to either foreign or domestic emergencies. Additionally, this drastic reduction would require closing many of the Army's bases, major reductions of the civilian work force, and cancellation of major procurement plans.

We urge the early passage of draft and pay legislation in the interest of national security.

ROBERT F. FROEHLKE,
Secretary of the Army.
W. C. WESTMORELAND,
General, U.S. Army, Chief of Staff.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., September 16, 1971.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are compelled to provide to you our views with regard to the importance to the national defense effort of achieving an extension of the selective service act as proposed in H.R. 6531. In following the debates on the Senate floor, we find that a number of the arguments which suggest remitting that bill to the committee fail to recognize a central issue of significance to the readiness posture and capabilities of our Navy.

The President is dedicated to continuing and to accelerating, if at all possible, our rate of withdrawal of combat troops from Southeast Asia. The Department of Defense is currently executing a planned withdrawal that will reduce the numbers of our men in country in South Vietnam to 184,000 by December of this year. We anticipate additional reductions to be announced in October.

The role we foresee for the Navy in support of this withdrawal demands at least as great an effort on the part of our Seventh Fleet forces as we have experienced over the past two years. Our Seventh Fleet ships and aircraft will be required to operate under greater pressures and with shorter notice to respond to the enemy's thrusts as the withdrawal accelerates.

We are currently maintaining three carrier task groups and additional supporting ships as an integral part of Seventh Fleet forces today. The Seventh Fleet consists of 82 ships and is manned by 43,380 men.

In the absence of draft authority, we estimate that the Navy will fall short of authorized strength on a gradual basis during the remainder of this fiscal year. While in the past two months significant numerical shortages have not developed despite the absence of draft authority, we find that our recruiting services are experiencing more difficulty to obtain young men who meet the specific requirements for entry into the Navy. We are beginning to see some indicators of soft spots in our capability to obtain required numbers of high quality personnel in our more technical programs. Our true difficulties in recruiting tend to be masked at this time by previously committed enlistees in the pipeline. Any numerical shortfalls that develop in the out months will have a direct impact on our readiness posture.

We would anticipate, based upon our best analyses that the Navy will experience a shortfall to end strength by June 1972, of approximately seven percent overall. In numerical terms, this equates to a shortage of 30,000 to 35,000 men. This numerical shortage will be directly translated into reduced personnel assets in the fleet ships and squadrons. I anticipate that up to 40 ships and 33 aircraft squadrons would be in a lesser state of readiness and would probably not be ready for combatant operations due to overall manpower shortages of this magnitude.

This immediate numerical shortage will cause Navy to impose more severe manpower policies in order to retain skilled personnel in high priority programs and forward deploying units of the Sixth and Seventh Fleets. The obvious morale effects of undermanning would generate a self-defeating and counterproductive impact on our longer term personnel programs. Our skilled people, career and non-career, will experience longer deployments, quicker turn-arounds, and intensified family separation. Our best efforts have been put forth in the past two years to attack these vital personnel issues without adverse effect on our readiness posture. Failure to meet our overall strength requirements can only endanger progress which we have made and result in a downturn in our personnel posture from a morale standpoint.

More serious effects of this shortage will be reflected in the Navy's posture and capabilities in future years because the shortage will preclude Navy from producing the required numbers of trained specialists and tradesmen who in turn become the petty officers of the future. This indirect effect will occur because of the length of our training pipelines. For example, it currently requires 56 weeks of specialized training to produce a qualified electronics technician for our more sophisticated Navy systems.

The erosion of our numerical and quality oriented inputs may have an adverse effect in one or two years on our strategic posture as well as our replacement training capability to support our nuclear propulsion program and our polaris submarine forces. The Navy's management of these priority programs provides a cushion against an immediate shortage but the morale and attitudes of the young technicians conducting strategic deterrent patrols are vital factors which must not be overlooked. In the past year we have observed a steady decline in reenlistments of nuclear trained petty officers. Coupled with a complete suspension of the draft, this decline could affect those personnel in the training pipeline as well as the ships. Attempts to abort extended enlistment contracts may occur. This combination of events would result in additional demands upon the few remaining qualified personnel manning our submarine forces today contributing to lowered morale and initiating a downward spiral in readiness of the strategic forces.

The rate of true volunteers into our Navy is estimated to be slightly higher than 50% among our male recruits. The remainder of the young men coming into the Navy apparently do so under the direct influence of draft inducement. The pay raise portion of H.R. 6531 will help significantly in making the naval service more competitive with other sections of our national economy.

We are convinced that this major improvement to the lower rank pay scales is a sound step towards accomplishing an all volunteer force. It is premature, however, considering the serious demands placed upon the Navy to sustain immediate readiness, to suggest that draft authority can be uncoupled and that pay alone will solve the manpower requirements of the Navy. A transition period in which a draft authority continues hand in hand with the development of other incentives and inducements to serve would appear a most prudent course of action.

In short, the prosecution of the President's policies during the next year, will entail increasing responsibilities for the Navy. The manpower shortages which would result from the cessation of the draft would steadily erode our capability to guarantee the safe and expedious discharge of these responsibilities. We are submitting this letter in the hopes that it will contribute to a sound program for transition towards a zero draft.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

DEPARTMENT OF THE NAVY,
HEADQUARTERS, U.S. MARINE CORPS,
Washington, D.C., Sept. 16, 1971.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: If the draft is not extended, it is anticipated that the Marine Corps will experience a significant shortfall during fiscal year 1972 in enlisted accessions and the number of acceptable applicants for officer programs to satisfy the needs of the regular and reserve establishments.

Estimates for the past two years indicate that from 33 to 45% of Marine Corps enlistments have been draft motivated. In an immediate absence of the draft and with adherence to current prerequisites for enlistment, the Marine Corps new accession shortfall might range from 18,000 to 24,000 during fiscal year 1972. Quotas were not met during July and August in the absence of draft pressure. In July, 5256 enlistees of a quota of 5500 (96.6%) were sent recruit depots. However, 64.7% of these enlistees were personnel from the delayed enlistment pool who had enlisted prior to July 1, 1971. In August, 5280 enlistees of a quota of 5600 (94.3%) were shipped; but again, 39.9% of August shipments were enlisted prior to July 1, 1971. An utmost effort was required of Marine Corps field recruiters to achieve these recruits.

The Marine Corps is vitally concerned about the quality of its enlisted accessions which would result if an immediate cessation of the draft occurred. It would not be sufficient to satisfy technical skill requirements. In July and August, traditionally months of high quality input because of high school graduation, the percent of new accessions that were high school graduates was only 61.1%. Mental group percentages were 2.2% mental group I, 24.5% mental group II, 53.6% mental group III, and 19.7% mental group IV. Minimum requirements, to fully satisfy skill demands in light of an imposed 20% mental group IV quota, are 4% mental group I, 35% mental group II, and 41% mental group III.

Satisfying both the officer and enlisted manpower requirements of the Organized Marine Corps Reserve has been a major problem in the two and one-half month absence of draft pressure. This problem will continue to be the most difficult in a zero draft environment or in an environment where draft calls are significantly reduced. In July, 559 Reserve enlistees of a quota of 999 (55.8%) were shipped. Of this number, 63.6% were personnel enlisted prior to July 1, 1971. In August, 529 of a quota of 999 (52.9%) reported to recruit depots but 35.1% of these were enlisted prior to July 1, 1971.

In the absence of draft pressure, officer accession requirements are not presently being met. It is estimated that over 50% of officer accessions for the last two years were draft motivated. Short lead-time programs are being affected immediately. In July and August, only 430 of a quota of 724 (59.4%) were obtained. Long lead-time programs are suffering from reduced enrollments, with the major impact to be felt in fiscal years 1974 and 1975.

Draft pressure must be maintained until at least July 1, 1973 to permit programs designed to enhance the quality of service life and improve accession and retention to take effect. Proposals to improve compensation, housing, and other aspects of service life have been included in pending zero draft budget legislation. All of these programs will require time to complete and cannot reduce dependence on the draft immediately. It cannot be overemphasized that the FY 72 Special Zero Draft Budget was not designed to provide a complete program for immediate transition to zero draft. Even granting a significant initial impact, most programs, if approved, could not be implemented in sufficient time to provide optimum results during fiscal year 1972.

The Marine Corps requires immediate enactment of draft legislation. In addition, progress in adapting to a zero draft environment will hinge on approval of fiscal year 1972 zero draft proposals and on the amount of funds and additional legislation forthcoming in fiscal year 1973 to attract and retain Marines and Marine Reservists of high quality.

Sincerely,

JOHN H. CHAFEE,
Secretary of the Navy.
L. F. CHAPMAN, Jr.,
General U.S. Marine Corps, Commandant of the Marine Corps.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., September 16, 1971.

Memorandum for the Secretary of Defense.
Subject: H.R. 6531.

Any significant delay in passage of the Draft/Pay Bill will severely reduce the Air Force's capability to perform its assigned mission.

We have experienced a recruiting deficit of 1,779 for Fiscal Year 1971. Quality has declined sharply as indicated by the decline in the high school graduate rate from 93% in 1970 to 83% in July and August 1971. The number of enlistees in the two top mental categories fell from 54% in 1970 to 40% at present. Enlistment waiting lists have essentially disappeared.

The Air Force requires 100,000 non-prior service accessions in FY–72 to maintain in the Force at the required level. Over 50% of active Air Force accessions are draft motivated. If the Selective Service Bill, along with the Procurement and Retention Incentives it contains, is not passed, we expect to fall short of our FY–72 objective by at least 25,000 people. The vast majority of this shortage will be in the higher mental categories which we use in such skill areas as electronics, aircraft and missile maintenance and computer operation. The shortages in quality and quantity will impact on our operating units by March 1972 and we expect a continuous erosion in mission capability, subsequent to that time, if the current recruiting environment continues.

Unless early passage of H.R. 6531, Draft/Pay Bill, is assured, current and future Force capability will be seriously threatened.

ROBERT C. SEAMANS, Jr.,
JOHN D. RYAN,
General, USAF, Chief of Staff.

Mr. STENNIS. Mr. President, the committee stands ready, as long as debate lasts, to render such further information available and to make such further discussion possible as may be called on by the Senate. Otherwise, we will feel content to be in attendance here but not require very much more time of the Senate unless called upon to do so by a Member.

I did refer to the vote of the Mansfield amendment on June 22, 1971, and said that I would give the exact figure on that. At that time, the original Mansfield amendment passed by a vote of 57 to 42.

I thank the distinguished Presiding Officer, and I thank the membership, and, under those circumstances, Mr. President, as outlined, I yield the floor.

QUORUM CALL

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, the issue to be voted on tomorrow, will be whether this body should invoke cloture to achieve an up or down vote by the Senate on the conference report.

The case made by my distinguished colleague from Mississippi, the chairman of the Armed Services Committee, is that there has been sufficient deliberation within this body, sufficient deliberation of the issues, discussion and presentations by both sides, and that the Senate should come to an up or down vote.

In a normal situation, that would be the case. But in a situation as fundamental to our survival as the draft, it is reasonable to invoke the rules in order to delay consideration.

On the first page of Jefferson's Manual, Thomas Jefferson makes a concise case: That the majority can protect itself by its numbers and that the minority can only protect itself through the implementation of law or rules.

Certainly, my friend, the distinguished Senator from Mississippi, and numerous other distinguished Senators in the past, have not been adverse to using the filibuster, the tactic of unlimited debate, when they felt the issue warranted it, and when they felt strongly enough about the issues that they were willing to debate interminably in order to avoid the issue's coming to an up or down vote.

That is exactly the same tactic that we choose to employ now. Some of us feel so strongly about the course that this Nation has taken in its foreign policy and in the handling of its domestic affairs through the malapportionment of our resources, that we feel there should be a radical change.

I grieve, and grieve deeply, over the fact that it must be a minority and not a sensible majority that attempts to alter the direction of this country.

Mr. President, I cannot think of anything that distresses me more than the simple fact that we cannot muster a majority in this House of Congress, that we cannot muster a simple majority of Senators who would be willing to vote for an end to this unbelievable war, a war that all Americans realize is futile and that all Americans realize has gone on for too long. That we cannot seem to muster a simple majority to call an end to this war is beyond my understanding. Therefore, that we employ the tactic of a willful minority, I think, is very much in order. And I would hope that on tomorrow a sufficient number of Senators will express their desire to continue the debate on the draft issue and, of course, on the Mansfield amendment.

No case has been made, certainly, by the proponents of the draft, that the country needs the draft today. No figures have been brought forward and delineated on the number of men and the need for these men. Yet, we who oppose the draft have made a very fine case. We have come forward with figures supplied by the Department of Defense itself to show that there have been a sufficient number of people enlisting into the services on a voluntary basis so that it does not warrant the continuation of the President's induction powers.

In the last 2 months, there have been more young men to volunteer for the armed services than volunteered last year for the same 2 months. So the argument that we need the draft to force people to enlist into the armed services is not valid. That, indeed, is demonstrated by the facts of recent history. But those opposed to that argument, led by the President of the United States and Secretary of Defense Melvin Laird and the chairman of the Armed Services Committee in the Senate, raised the specter that our defense posture will be deeply endangered and that if we do not have the draft we will become a second-rate power in the world.

How tragic it is to hear these statements, because they clearly define our stength in the world in military terms and military terms alone, and say that we believe what makes us strong is the fact that we can place x number of men under arms, and the fact that we can annihilate and kill x number of people, and that is what makes us a first-rate power.

How little understanding is demonstrated here of what truly is the cause for our greatness. Stop and think of the fact that Japan today is considered a great power. In fact, it is considered the second most viable power in the free world today. Yet the Japanese spend about 1 percent of their gross national product on defense, as opposed to the 8.2 percent that we spend on national defense.

Why is it that they are such a great power if they do not have the military might and destructive capability that we have? Obviously, the true measure of greatness is not in militaristic, imperialistic muscle, but in the strength of the economic fiber that a nation has.

Our strength lies not in the Department of Defense. Our strength lies throughout this country in the productive capacity of its people. The strength of this Nation lies in its productive capacity and in its economic might, and not in its military might. So those who tell us that we have to have more people under arms, costing us more money, really do not address themselves to what is so important in understanding the situation; namely, that it is not our defense capability that enables us to compete with communism. The chance of our success lies not in our Military Establishment, but in our economic establishment.

If the Communist system fails in any degree because of the dictatorial nature of their government, they need but tighten the screws on the people they control. In so doing, they weather through any economic or sociological dislocation they might suffer as a result of their inordinate and insufficient military expenditures.

If we in the United States of America, however, make a similar mistake in the expenditures we make in the national defense, if we overspend foolishly for our defense—as I think we have been doing for the last 10 years, and are doing under the present administration—if we have 600,000 more men under arms than we need, and if this costs us $6 billion a year, and it is assumed that anything spent in the name of defense is an inadequate expenditure, then the only recourse we have is to use the tactics of the Soviets and to tighten the screws on the people through regulation, through a dictatorial form of government.

However, there is one unique difference between ourselves and the Soviet Union or communism, and that is that when they tighten the screws and intensify the dictatorial form of government, there is no great loss. They make no pretense over the fact that they are fighting fcr individual freedom or economic well-being.

But when we do it we destroy the very thing we are supposed to be fighting for or defending.

So those who think we are marching along toward a greater degree of self defense find we are marching along toward a greater loss of personal freedoms and economic well-being. This we see very clearly in the draft, because we deny freedom and justice to our young. But more importantly, I think the issue is sharpened through a comparison of history, realizing that our forefathers came to this country because they felt oppressed in foreign lands. The French, the British, Germans, Slavs, and Poles came to this country fleeing impressment into the military in the lands where they lived. They left their countries to come to America because they felt it would be a land of the free, where they would not be forced into service, unjust service to fight immoral and unjust wars.

Yet we find today the youth of this country leaving this great Nation for the same reason our forefathers came to this Nation: because they felt they were unjustly pressed into service to fight immoral wars.

That this democracy could take on the complexion of a dictatorial form of government really is something to cause great distress. That we should find ourselves in the minority in the Senate Chamber in wanting to vector away from a foreign policy that has brought us to this end is something very tragic, just as it is that we should be required to take recourse to the tools Thomas Jefferson so ably defined—tools my colleague from Mississippi is ready to say are necessary for the Members of this body if they feel strongly about the well-being of this Nation and the policies of this Nation.

I am sure my colleague will agree with me that if we feel strongly enough, and we do, to bring about unlimited debate, then certainly the only recourse is cloture. I can only say that I fully expect, God willing, to be a Member of this body 2 years from now. If we are not successful in the effort to thwart extension of the draft in this country today I certainly want to give him notice that 2 years hence, in order to reinstitute the draft—and I am sure the move will be afoot 2 years from now, just as it will be 4 years from now or 6 years from now, because there are some who feel greatness of this country is military might—it will take a cloture vote, as long as I am a Member of this body.

Let me add as an appendage that were this Nation truly in danger and under threat of invasion, were emergencies to exist, I would be the first to ask for the draft and to ask for the manpower to come forward to defend this country; but as long as this Nation is not under threat of invasion or in an emergency, I see no reason why we, as peace-loving people, should, at the point of a gun, press young people into the service of this country. I think there is enough greatness about this country that there are enough people who will want to defend it in peacetime on a volunteer basis.

I think we have set that stage, if it has not been set and proven already throughout the history of this country. We have set it with the ample pay increases that have been passed by this body and which are embodied in the conference report. I would hope that with the noninvocation of cloture tomorrow time would be provided for the Members of this body to come to their senses and realize that our security does not lessen in any measure.

We have stationed 310,000 American boys as a tripwire in Europe; 310,000 American boys that are held hostage because Europeans have no faith in our commitment, a commitment that we have honored with our blood in the First World War and in the Second World War. Europeans do not choose to do so themselves because they do not have our extreme paranoia over communism.

Under the Nixon doctrine we are supposedly moving away from the effort of physically containing communism, but, of course, we are not living under a Nixon doctrine. We are living under a Nixon rhetoric, and that is where we say one thing, hoping people will believe it, while doing something else.

For the life of me I do not know why we have 18,000 American boys stationed in the Philippines. I do not think it adds to the security of this country, yet it certainly adds to the economic burden that this country must endure.

I do not know why we have 1,700 American boys stationed in Ethiopia, except possibly to ward off any insurgency that might take place, and to guarantee and insulate the government of Haile Selassie, a monarchy, from revolutionary change.

It is interesting that garrisoning of American boys around the world, by and large, is not so much to defend ourselves; and if it is to defend ourselves, we certainly impose on the peoples of these countries what we consider our own self-interest in the world today. I think this is most unfortunate, because if there is an interest we have around the world it should be in the legitimate self-determination of the peoples of the world, and not a definition that we might develop.

This, of course, has led us to a policy of not only garrisoning American soldiers around the world so that we can make a determination of how the world should operate under our myopic inspection, but it also has caused us to take our wealth and treasure and disperse it around the world like a drunken sailor. We would be better advised to keep our treasures at home and keep our boys at home.

This is not isolationism. This is merely a new realization of wherein lies our strength; and our strength lies here at home, and not abroad with flabby troops.

To realize the true hoax of what has been foisted upon the American people one needs to read the continuing crisis of our military might in the recent series of articles in the Washington Post. I think they help us truly realize what a tragic waste we are making of our resources around the world.

Mr. President, let me conclude by saying that, certainly, if there is no other way to bring sense to this body than by extended debate, than by the use of the filibuster, then I think it is warranted. I would hope that this body tomorrow would vote not to close off debate, would vote "no" on cloture, in an effort to provide time for this body and the American people to reexamine the course we are charting under the present efforts of this administration.

I yield the floor.

Mr. STENNIS. Mr. President, I have listened very carefully to the Senator from Alaska. I want to doubly assure him that I want our Nation to be great for something in addition to and besides whatever military might we may have. Certainly it is not my goal to make it great by virtue of military might, but I certainly want the other, many great things that we do have for our people protected properly by a reasonable amount of adequate military strength, manned by personnel of a type that is absolutely necessary in order for us to have the military strength we need to support our national policies.

Military strength is not a weapon. Military strength is not a person in a uniform. Military strength comes from the right kind of person, with the right training, the right dedication, and led by the proper kind of officers. That is the kind of men we have pleaded for here.

I have cited over and over figures to show that 42 percent of our Navy forces at sea come from draft motivated enlistees. I refer to the technicians who man our submarines, our carriers, our carrier planes on the decks.

The Air Force is supposed to be all volunteer, but 47 percent of these essential, intelligent young men that make it possible for these planes to fly and the missiles to fire have been coming into the Air Force through draft motivation.

Those crews are running out. We find by these new statistics that we already have developed a situation in 75 days where very close to 50 percent of those who are coming into the Army, without the influence of the draft law being on the books, are not high school graduates and many have to be taken from the lowest of four mental categories, the lowest possible level of intelligence and ability that the services are allowed to take or that they can possibly take into the service. With all due deference, we do not get many men that way that are worth half their keep, even while they are in training. When this bill passes, the services will try, during this transition period, with their pockets stuffed full of money to go out and make an effort to get the right kind of volunteers. That is one of the things I am certainly interested in. If they come in here, after spending money on these increased salaries that go with this bill, and show that they have spent it on "category four" men they are certainly going to have trouble from us here in Congress. We are for quality men. We have enough of the others already. So we see what we will have if we do not have a draft law.

This bill is only for 2 years. During this transition period, there is going to be an opportunity during those 2 years to see if we can get along without a draft law. I would be happy if that proved to be true, but I do not think it is going to be true. I think it is going to develop that we are not going to be able to get young men of the right character and level of ability to carry out the missions, and we will have to continue the draft.

With all deference, the Senator from Alaska says that, regardless of how it all comes out, regardless of what the facts are, 2 years from now, unless there is an extreme emergency, he will still be filibustering against a like bill. That is a mighty good argument for the rest of the Members to see that there is no use to hold back on cloture any longer; that Senators who think we ought to press on as to whether we should have a draft law or not are certainly justified in going ahead and voting for cloture in view of that statement. If Senators do not want to vote for the bill, that is a matter for their judgment. After all, if they voted for cloture tomorrow, they would not be pledging to be voting for the bill. But, as a matter of commonsense, Mr. President, the Nation must have a decision made here, and every day adds to the tragedy and to the insecurity of our country. We must make a decision here as to whether or not we are going to have a draft.

The President of the United States is responsible for trying to set policies affecting world questions, and, of course, he is entitled to know how much authority he is going to have to back up those policies. I am not talking about trying to undergird the whole world and fight all its wars. I never did believe in that, nor think we could do it. but I am talking about the hard problem any President is up against in deciding what policies he can enunciate and get carried out. He wants to know whether this country is behind him or not. He has to know whether or not, if needed, he has a reasonable amount of military manpower to back up those policies. He certainly does not have it now, and will not have it 6 months from now, especially if we rely on what we have seen happen around here these last 2½ months.

I refer again to the fact that every conceivable argument has already been made about this bill. After it got to the floor, there were Senators who proposed that we have no draft bill, and we voted on that. There were others who said, let us have only 18 months of the draft, and we voted on that. I believe another one said 20 months only. All those proposals were voted down.

Finally, we settled on 2 years, and it rolled on to passage, as I say, with only 16 votes against it.

Time has run out. Reason has run out. We have had a very candid notice here that "You are always going to have to invoke cloture on me as long as I am here, in order to get a draft bill, unless there are extreme circumstances, a direct emergency far beyond what we have now."

We need no further notice than that. So let us put a stop to having to take men of this lowest category into our Army. Let us put a stop to losing the high school graduates—it has already fallen off 13 percent, Mr. President. Let us put a stop to that, vote cloture tomorrow, and then pass this bill as soon as the Senate rules will permit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CRANSTON. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Boggs). Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2:50 p.m. today.

The motion was agreed to; and (at 2:03 p.m.) the Senate took a recess until 2:50 p.m.

On the expiration of the recess the Senate reassembled and was called to order by the Presiding Officer (Mr. Boggs).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Hruska when he introduced S. 2546 are printed earlier in the Record under Statements on Introduced Bills and Joint Resolutions.)

THE RELATIONSHIP BETWEEN THE WATER QUALITY ACT OF 1970 AND THE TREATIES ON OIL POLLUTION ON THE HIGH SEAS

Mr. COOPER. Mr. President, along with Senator Muskie, I am a member of both the Committee on Public Works and the Committee on Foreign Relations. As ranking minority member of the Committee on Public Works and a member of the Subcommittee on Air and Water Pollution I participated in the hearing held by the Air and Water Subcommittee on the relationship of the Water Quality Improvement Act of 1970 to the treaties now pending before the Committee on Foreign Relations. The 1970 act, which had its origin in the Public Works Subcommittee on Air and Water Pollution, is a broad progressive act, particularly section 11 on oil pollution. I would like to add and publicly acknowledge that section 11 was, in large measure, the product of Senator Baker, a member of the Senate Public Works Committee. I also commend Senator Pell of the Foreign Relations Committee, who provided leadership in that committee, as he has on all measures relating to the oceans.

I joined with other members of the Subcommittee on Air and Water Pollution in recommending to the chairman and the Committee on Foreign Relations the reporting of the liability treaty favorably, but holding it on the Senate Calendar until the supplementary agreement, the subject of current negotiations, is completed and transmitted to the Senate for advice and consent. I believe this is an appropriate way to seek the most effective overall international agreement. It is now the recommendation of the Committee on Foreign Relations, which is now before the Senate. I continue to support granting advice and consent to the two treaties while holding the third pending further negotiations.

I believe the issues raised by the convention and the domestic Water Quality Improvement Act of 1970 are well discussed in the material which was enclosed with the letter of the Subcommittee on Air and Water Pollution to the Committee on Foreign Relations. I will not repeat them.

What I would like to do today is commend, for the Record, the administration for vigorously prosecuting the formulations of international agreements dealing with environmental controls. As President Nixon accurately pointed out in his transmittal message and repeated in his message on the environment in February of this year, environmental quality is all pervasive and cannot be obtained in any nation through the efforts of that nation alone. We have all heard, repeatedly, over the last several years that the earth, the biosphere, is a single system. When it is altered in one place it is altered in every place.

Immediately, then we have in the environment an issue which can, and I believe will, bring the peoples of the earth together. The nations of the world simply cannot proceed independently of each other, for the life support systems are not independent, and perhaps from the common base of our life support system we can take significant strides toward establishing peace and harmony on earth.

It is in this hope that I view the 1972 U.N. Conference on the Environment. For the first time we have an issue completely unrelated to ideology or economic system. We have an issue over which everyone shares great concern; an issue which should build trust among nations of the world. It is a unique issue where preserving one's own interest also preserves the interest of others.

I hope the momentum generated around the environmental issue, nurtured by all people's concern for the quality of their life, will generate new horizons of international diplomatic cooperation. I urge Members of the Congress and the executive branch to focus on the environmental issue in this context for it affords perhaps the most promising view of the future.

I believe the President recognizes the fundamental concern over the quality of the environment. It is a recognition shared by the Congress. In entering into and now transmitting to the Senate an agreement to control pollution of the sea by oil the President and the United States has moved aggressively in an area which we in the Subcommittee on Air and Water Pollution have heard for many years is causing great degradation of the biosphere of the world. This is an important treaty and one which, with the supplementary agreement, will move the world tremendous strides, not just in the control of pollution by oil, but in establishing a climate in the international diplomatic community which would enable the establishment of additional agreements over other areas of environmental control. Examples of mercury, DDT, and their general movement through the biosphere are graphic examples of the essential need for international control.

Just this spring in the Subcommittee on Air and Water Pollution, in hearings on the question of the economic impact of environmental controls we heard testimony on the potential of U.S. corporations or subsidiaries finding it cheaper to conduct business in foreign countries where environmental controls are less strict. The dimensions of this problem are truly immense, for while we should not permit U.S. corporations to construct facilities abroad that we would not accept for our own people, we must recognize the fact that there are very substantial economic disadvantages imposed on U.S. corporations in the international competitive market structure if they are required to conduct their business operations bearing costs greatly disproportionate to those costs borne by foreign competitors. Perhaps, as we are investigating in the Subcommittee on Air and Water Pollution, there are short term programs such as Government payments of the cost differential which can be enacted. However, it should be immediately obvious that any truly adequate program can be reached only through international agreement.

I would hope the convention on oil pollution, along with the 1972 United Nations Conference, combined with the growing concern among all peoples of the world for the quality of the environment, will establish a climate in which we can move to the greatly needed and expanded international controls.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

THE INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES—CERTAIN AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR PREVENTION OF POLLUTION OF THE SEA BY OIL

The PRESIDING OFFICER (Mr. BOGGS). Pursuant to the previous order, the Senate will proceed to vote on the resolution of ratification on Executive Calendar No. 8, Executive G, 91st Congress, second session, which the clerk will report.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties. (Ex. G, Ninety-first Congress, second session.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification on Executive Calendar No. 8, Executive G, 91st Congress, second session, the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote yea.

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER), the Senator from Colorado (Mr. DOMINICK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from New York (Mr. JAVITS) is necessarily absent because of religious observance.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 224 Ex.]

YEAS—75

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

NAYS—0

NOT VOTING—25

Brooke
Dominick
Eastland
Goldwater
Hartke
Hatfield
Humphrey
Javits
Kennedy
Magnuson
McGovern
Miller
Moss
Mundt
Muskie
Pastore
Pell
Ribicoff
Saxbe
Stafford
Stevens
Stevenson
Taft
Tower
Young

The PRESIDING OFFICER. On this vote the yeas are 75, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Pursuant to the previous order, the Senate will now proceed to vote on the resolution of ratification of Calendar No. 9, Executive G—91st Congress second session—certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, which will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Certain Amendments to the International Convention for Prevention of Pollution of the Sea by Oil. (Ex. G, Ninety-first Congress, second session.)

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

The question is on agreeing to the resolution of ratification. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON). the Senator from Rhode Island (Mr. PELL), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER), the Senator from Colorado (Mr. DOMINICK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio, (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) are absent on official business.

The Senator from New York (Mr. JAVITS) is necessarily absent because of religious observance.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 225 Ex.]

YEAS—75

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart

Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

NAYS—0

NOT VOTING—25

Bayh
Brooke
Dominick
Eastland
Goldwater
Hartke
Hatfield
Humphrey
Javits
Kennedy
Magnuson
McGovern
Miller
Moss
Mundt
Muskie
Pastore
Pell
Ribicoff
Saxbe
Stafford
Stevens
Taft
Tower
Young

The PRESIDING OFFICER. On this vote the yeas are 75, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TRIBUTE TO SENATOR PELL

Mr. MANSFIELD. Mr. President, with the unanimous final ratification of both the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and the Amendments to the International Convention for Prevention of Pollution of the Sea by Oil, the Senate is indebted deeply to the distinguished Senator from Rhode Island (Mr. PELL). It was mainly through his diligent and persistent efforts in steering these measures through the Committee on Foreign Relations that the Senate accepted them so overwhelmingly. Senator PELL has already established himself as one of the leading experts in this body on the environment. His work as chairman of the Subcommittee on Oceans and International Environment has been outstanding.

Unfortunately Senator PELL was away on the official business of the Senate today and could not be here to witness the completion of his work product. May I say again, however, that we are deeply in his debt and appreciate his efforts immensely.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, what is the question pending before the Senate?

The PRESIDING OFFICER (Mr. FANNIN). The Chair lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as follows:

> The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BYRD of West Virginia. Mr. President, what is the unfinished business?

The PRESIDING OFFICER. The unfinished business is the Military Procurement Act.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the junior Senator from West Virginia (Mr. BYRD) tomorrow, the distinguished Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I believe that an order has already been entered with respect to the transaction of routine morning business tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. And that such period is not to extend beyond 11 a.m. tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, unless the able assistant Republican leader or the distinguished manager of the bill has something to say at the moment, I will proceed with the program for tomorrow.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: the junior Senator from West Virginia (Mr. BYRD) and the junior Senator from New Mexico (Mr. MONTOYA).

Following this, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period for the transaction of routine morning business not to extend beyond 11 a.m.

Beginning at 11 a.m., there will be 1 hour of controlled time for debate on the motion to invoke cloture on the conference report on the extension and revision of the draft.

At 12 o'clock noon, a mandatory live quorum call will occur in accordance with Standing Rule XXII. When a quorum has been established, an automatic rollcall vote will occur on the motion to invoke cloture. That rollcall vote will occur about 12:15 p.m.

If cloture is not invoked, presumably, another cloture motion will be filed immediately, with a rollcall vote thereon to occur on Thursday next.

If cloture is invoked on tomorrow, under the rule, the adoption of the conference report on H.R. 6531, the extension of the Military Selective Service Act, shall be the unfinished business, to the exclusion of all other business, until disposed of. Thereafter, under the rule, no Senator will be entitled to speak in all more than 1 hour on the question of adoption of the conference report or motions affecting the same.

The distinguished majority leader has indicated to me today that he expects the Senate to continue its deliberations with respect to the conference report until that matter is disposed of. Hence, the Senate will not operate on any dual track system until such disposition occurs.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, Septemper 21, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 20, 1971:

TREASURER OF THE UNITED STATES

Romana Acosta Banuelos, of California, to be Treasurer of the United States.

EXTENSIONS OF REMARKS

REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on U.S. adoption of the metric system:

REPORT TO NINTH DISTRICT RESIDENTS

The National Bureau of Standards has completed a three-year study of the metric system versus the inch-pound system of measurement in this country. The study team said the United States has been "going metric" for many years, and would continue to adopt more and more metric standards. It recommended that we begin a planned change to the International Metric System.

Secretary of Commerce Maurice Stans has endorsed the study team's findings and has recommended to the Congress a careful change-over to the metric system in this country over a 10-year span. He recommended that a Congressionally-created coordinating committee work out a timetable for the conversion.

It appears inevitable that the United States will be adopting the metric system, sooner or later. This is the only major country which has not committed itself to the metric system, which in the last 20 years has become the dominant system of measurement in the world.

Most Americans are not well versed in the metric system, but statistics show that those who are informed about it tend to favor it. The key question is not one of changing or not changing to the metric system, but whether we will change by plan or no plan.

Admittedly, some measurements and some dimensions probably will never be changed, such as railroad track widths, the length of football fields, and baseball diamond dimensions. Many sectors of our society, both public and private, have changed, or are in the process of changing, to metric measurements—the pharmaceutical industry, the military, and even the space program, among others.

The question of "going metric" has raised many arguments, however. Those favoring the change point out:

Change to the metric system would enhance our position in world trade markets with nations already on the metric system.

Since metric units are related by multiples of ten, problems of calculation would be simplified as compared to the inch-pound calculations. Education in metric terms also would be simplified.

With increased trade potentials brought on by a switch to the metric system, the benefits of conversion would offset the costs of conversion.

Change to the metric system in the U.S. is inevitable, so we might as well do it now and avoid unnecessary expense later.

Those arguing against the change point out:

Conversion would incur additional work, time, and cost to re-educate the public.

There is a natural reluctance to abandon something deeply imbedded in a country's learning system.

There would be an enforced obsolescence of many machines, parts, equipment and appliances. Firms would be forced to keep, or produce, double inventories of products and parts.

Adoption of the metric system might give foreign metric countries an added edge in exporting products to the United States.

One of the most important reasons for renewed interest in the metric system during the 1960s was the decline in the U.S. share of world trade. With the possibility that the European Common Market may become stronger, the industrialized members of the bloc will offer even more competition to U.S products in the world's metric markets.

The Bureau of Standards study is now being reviewed by the House Committee on Science and Astronautics and the Senate Committee on Aeronautical and Space Sciences. To date, there has been no specific legislation proposed for conversion to the metric system.

Before Congress acts on any metrification plan it must make a thorough appraisal of all of the ramifications of conversion to the metric system in commerce, industry, and the daily domestic life styles of all Americans. The overriding question will be what measurement can best serve the future needs of the United States.

THE WAGE-PRICE FREEZE—TO THE ADVANTAGE OF INDUSTRY AT THE EXPENSE OF CONSUMER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, September 20, 1971

Mr. METCALF. Mr. President, I was impressed by the Nicholas von Hoffman article entitled "What's Good for Corporate America Isn't Good for the Country," published in the Washington Post of August 25. He points out accurately the several ways the wage-price freeze will work to the advantage of industry at the expense of the consumer. Also, I would like to endorse his recommendations for current reading on the general subject of "Who Owns America."

From Mr. von Hoffman's astute article it is clear that corporate America's conception of the shape of the economy is not good for the rest of the country. But perhaps he has proven a further point. The facts he presents would adequately substantiate an article entitled "What's Good for Corporate America Isn't Really After All."

As he describes, in striving to absorb smaller competitors, effect mergers, and wield influence over the economy and the Government, the large corporations have lost any competition-stimulated creativity that they once may have had. The giants of American industry who extol the virtues of free enterprise have lost the will or desire to compete and consequently the impetus to innovate. They have, by applying their power to deter the development of new devices and techniques that would threaten that vested power, bought short-term security at the expense of long-term progress. Not only will the consumer suffer from the absence of superior and safer goods, but corporate America will also suffer, having lost its innovative preeminence to other countries.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S GOOD FOR CORPORATE AMERICA ISN'T GOOD FOR THE COUNTRY

(By Nicholas von Hoffman)

Both the announcement and much of the reaction of the President's espousal of Democratic economics has had an America-is-going-to-war ring about it. Many exhortations to unity in the hour of crisis. Much talk about sacrifice in this moment of peril and very little discussion of the culpability of those who brought us to it.

The raising of questions is made to seem unpatriotic or eccentric. The President talks red, white and blue xenophobia, tells us we must be number one in the National Football League and in the world, and the country accepts a new and sweeping exercise of central power with docility.

The governor of Texas objects and is regarded as some kind of nut, an economic Lester Maddox. The labor leaders protest the abrogation of legally drawn contracts and are viewed as wage and salary profiteers. Ralph Nader suggests that there was advance notice of the price freeze given the automobile manufacturers by John Connally and it is implied that he is being irresponsible.

But this isn't the sort of crisis that people should hush up about. There's no enemy at the gates, and if we're in serious trouble, the fault must lie with those who let it reach this point. In terms of individual freedom, money and public policy, too much is at stake for silence.

Nader is quite right in publicly questioning the administration's good faith. Nor is he alone. The latest issue of U.S. Oil Week also questions the probity of our hypnotically dynamic Secretary of the Treasury:

"One can only wonder whether John Connally (D-Tex.) tipped off the petroleum industry to save refiners and others from the horrors of being frozen into prices prevailing across the nation late in July. Tipped off or not, major refiners put gasoline prices July 28–30 as much as six to eight cents in some depressed areas. By beating the higher price before Aug. 1, the industry can consider the higher prices as legal under the government's definition of price maximums."

Before the new economic decrees were a week old the government permitted a huge price increase in the airline industry. This was accomplished when the Civil Aeronautics Board approved reductions of as much as 38 per cent in the schedules of United, American and Trans World Airlines. Since there was no corresponding cut in the cost of tickets the Department of Transportation estimates that the decision will put as much as $151 million in these companies' treasuries.

When the decrees were put into effect, Connally told the country no big corporation would dare violate the price freeze. He didn't discuss how easy it is to get around it simply by reducing the quality of the merchandise or the service while charging the same old prices for it.

Still, we can put up with a degree of unfairness and of chiseling and conniving for a few months. What we can't do and come out of this in good health is take the suggestion that we all play good soldiers for 90 days and wait and see what happens. You know that line about giving the President a chance. He's had a chance, a lot of them; he's completing his third year in office.

These 90 days ought to be used for the most stringent kind of debate about what we want and how we can best get it. Certainly there's no reason to wait and see, because we know what we'll get at the end of this period, more measures designed to buttress the economy and produce prosperity by the use of greater federal power on behalf of our major corporations.

But is what's good for corporate America good for the real America? All of us have been schooled to answer yes. We're taught to chant it with almost the same thoroughness that Russian children say it about the Soviets. The corporation is the cheapest and best method of production; the corporation has the money, the resources and the incentives to produce the best products at the lowest prices.

The rational part of us knows this is fallacious or we wouldn't be in the fix we're in; we wouldn't be excluding the less expensive, superior products of Japan and Germany. But, in addition, over the years a large body of literature and documentation has been built up which demonstrates that the megacorporation isn't particularly innovative, that it is wasteful, dangerous and retards the prosperity and progress it claims to foster.

"I know of no original product invention, not even electric shavers or heating pads, made by any of the giant laboratories or corporations with the possible exception of the household grinder," wrote former GE vice president, T. K. Quinn, in a much quoted passage from his book "Giant Business: Threat to Democracy.", "The record of the giants is one of moving in, buying out and absorbing the smaller creators."

And then it turns out that even the household grinder was perfected by a small, Racine, Wisconsin, company. For more about that as well as a shattering analysis of the whole corporate mess, you might want to read "Monopoly Capital," a modern, American Marxist classic, by Paul A. Baran and Paul M. Sweezy (Monthly Review Press, New York, paperback, $3.95).

If the idea of reading a Marxist work bothers you, the story is well told by non-Marxists, too, most recently by Morton Mintz and Jerry S. Cohen in their superbly done book, "America, Inc.—Who Owns and Operates the United States," (Dial Press, New York, 1971, $10). In it you will learn that the Chrysler Corporation has been sitting on a perfected gas turbine engine which, if in general use, would vastly diminish our air pollution problem. You will also find out that the American steel industry, which is being allowed by the government to raise its prices during the freeze, made no research or development contribution to the new technologies that gave the Japanese and Germans such a huge jump on the great sluggards in Pittsburgh.

There was more to learn at the Aug. 7 Conference on Inventors and Non-Technical Barriers to Innovation, sponsored by Ralph Nader's Public Interest Research Group.

From this meeting it emerged the Dvorak Simplified Typewriter Keyboard would not only come close to doubling typing speed but make it possible for millions of people to learn to type who can't spare the time to master the present archaic system invented in 1878 and unchanged since.

We can also learn from the proceedings of that meeting that something in the order of 180,000 persons a year are killed and injured by rotary power lawn mowers; that there is a far safer mower which cuts grass better that isn't on the market and isn't likely to be put on the market.

The list of better, safer products you can't buy is very long. Frozen food packages could be made with a little marker which would tell you if its contents had been thawed and then refrozen; there are several extremely inexpensive devices for making harmless aerosol cans that won't explode if kids throw them on a fire; there are safety caps that could be used on pop bottles so they don't accidentially blow up and maim and blind people.

The modern megacorporation has no incentive to introduce any of these improvements. It lacks both the threat of competition or government compulsion. Moreover, a number of these products would offend the $12 billion a-year accident injury industry, as Ralph Nader calls the insurance companies, repair and medical services who make their livings off this unnecessary mayhem. (See "How to Think About the American Economy" by Ralph Nader in the Sept. 2 issue of The New York Review of Books.)

If we come out of these 90 days resolved to bolster and strengthen this set of economic arrangements we're simply suicidal, and even though we will be dying of botulism in the soup, lead in the air, oil in the water and glass in the eyes, it will actually be by our own hand.

LANE KIRKLAND, SECRETARY-TREASURER AFL-CIO SCORES NIXON ADMINISTRATION'S POLICIES

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. KARTH. Mr. Speaker, on Tuesday, September 14, during the recent Minnesota AFL-CIO Convention in Minneapolis, Lane Kirkland, secretary-treasurer of the AFL-CIO, delivered a hard-hitting speech against the shortcomings of the Nixon administration's new economic plan. Since the talk deserves a wider audience, I take the opportunity to make it available in the RECORD:

TEXT OF ADDRESS DELIVERED BY AFL-CIO SECRETARY-TREASURER LANE KIRKLAND

In recent weeks, we have been subjected to a new style of government, unusual and dangerous in a democracy: government by surprise, in the dark of the night.

Sudden shifts of the party line, so extreme that they would embarrass the Kremlin, are conceived in secrecy by a handful of men whose loyalties do not extend beyond the confines of inherited or hustled wealth. The conclusion arises that if socialism ever does come to this country, it will come at the hands of right-wing Republicans, under a Madison Avenue label, for the welfare and benefit of corporate America.

One thing can be said for those who now control the executive branch of the government—they have no shame whatever about taking care of their own and they do it brazenly and generously, confident of the protection of the press. I only wish that the so-called friends of the working-man were half so loyal to the interests of those who support them for office.

We are reminded again that labor has more than one role to play in a democratic society. The trade union, of course, exists to defend and advance the interests of workers in their places of employment. But an equally fundamental role of free trade union movement is to defend the rights of free working men against the excessive and oppressive acts of the state. We do not propose to forget or neglect that responsibility, regardless of its effects on our popularity among those caught up in the exuberance of new slogans and new rhetoric.

We will not lie down and roll over. We will not blindly follow Nixon's midnight shifts in the party line. We will resist any effort to reduce the American worker to a tool or instrument of an autocratic national policy.

Mr. Nixon called on August 15 for the adoption of a new kind of socialism for the rich at the expense of the public interest. On September 5—on Labor Day—he prescribed sterner competitive free enterprise and harder work for workers. He expressed no sympathy and offered no hope to the poor, the unemployed, the aged or the young. He didn't explain to them how they can improve themselves through fiercer competition, or how the work ethic can brighten the lives of those who can find no work to do.

Let me recall briefly what Mr. Nixon's policies have meant to America so far.

When he took office in January of 1969, he promised to bring down inflation and stabilize the value of the dollar without damaging the economy, without injuring the good and welfare of workers or any other sector of the economy.

He promised especially to avoid increasing unemployment. He promised to pursue policies that would create five million new jobs. After moving into the White House, in a letter to the AFL-CIO Executive Council, he underlined his pledge to curb inflation "without asking wage earners to pay for stability with their jobs."

His solution was to cut government spending, withdraw and reduce government services and tighten the money supply. That was Game Plan Number One. It was an unmitigated disaster.

There are not five million new jobs. Instead, five million workers are unemployed; 14½ million Americans are on the welfare rolls, not because they are fakers and chiselers, as the President implies, but because they are in need, unable to work or unable to find work. 25½ million citizens of the richest nation on earth are living in poverty.

Industrial production stands at 73 percent of capacity. More than 800 American communities are economic disaster areas.

Instead of reducing inflation, the Nixon Game Plan actually accelerated it. The 4.2 percent inflation rate of 1968 jumped to 5.4 percent in 1969, Mr. Nixon's first year in office. It climbed to 5.9 percent in 1970, and inflation is still with us.

There has been no recession for bankers and giant corporations. For 2½ years, thanks to Mr. Nixon and his Game Plan, the rich have been getting richer. America's wealth has been steadily concentrated in fewer and fewer hands.

Bank after bank has reported profit booms that raised their annual profit rates by 15 or 20 percent or more.

And because price increases kept pace with soaring interest rates, corporate earnings reports averaged 10 percent higher during the first half of 1971 than last year.

Workers and consumers paid for that. Contrary to Mr. Nixon's pledge, workers have paid not only with their jobs, but with their savings, with the welfare of their families and with their goals and hopes for the future.

Game Plan Number One did not create stability. It undermined the stability of American society precisely as labor predicted it would.

Now, after 2½ years of destructive experimentation with discredited economic theories, Mr. Nixon's new game plan, his solution to the economic mess he has created, is only to heap new burdens on wage earners, to starve the public interest still further, and to make the rich still richer.

On August 19, four days after President Nixon unveiled his Game Plan Number Two, the AFL-CIO Executive Council declared that labor has no confidence in Mr. Nixon's ability to manage the economy of the United States for the benefit of the majority of America's citizens.

Most of the discussion since then has revolved around Labor's objections to the wage-price freeze. The Council said that the President's formula was unequitable, unjust, unfair and unworkable. It is all of those things. It demands sacrifices from wage earners only, and it does nothing whatever to control speculators, profiteers and interest-gouging moneylenders, who are the greatest source of inflation.

But an even worse aspect of the President's program has had too little attention. That is his proposal to transfer even more of the public treasury—billions of dollars that belong to the taxpayers and the people—into the hands of big business.

He is asking Congress to grant a 10 percent tax credit this year and five percent in future years on any amount of money business may feel inclined to invest in new plant and equipment.

He is asking Congress to defer federal taxes on the profits of foreign export subsidiaries of U.S. corporation. He is asking for these two giveaways on top of the rapid-depreciation gimmick he gave business earlier this year.

These three programs would relieve business of $70 billion in federal tax obligations over the next 10 years. And that is $70 billion out of the pockets of ordinary taxpayers. That is $70 billion in public funds that this nation desperately needs for public purposes. And yet the President calls this trickle-down scheme a "job development tax program."

Just how badly does America need new machinery for private industry when businessmen can find no use for 27 percent of the productive capacity that already exists?

How many new jobs will be created by the sophisticated automated equipment that industry does buy?

What good will it do to increase federal subsidies for the runaway corporations that are already looting the American economy and exporting the jobs and earning power of American workers to the four corners of the earth?

What this program adds up to is a job-elimination scheme. Nothing about it is designed to increase the purchasing power or improve the well being of a single American family. Just the opposite. American families are expected to pay the cost. Look closely at how the President proposes to fund his $70 billion relief program for business:

First, he wants to take money from the poor, by delaying welfare reforms he has repeatedly urged—reforms that are long overdue and desperately needed.

Second, he wants to take money out of the pockets of federal employees by delaying wage increases they have already earned until next July.

Third, he wants to cut back federal employment by five percent and further reduce government services.

Finally, he wants to delay the federal aid that is needed to restore and maintain many of the functions of America's states and cities, and that he has promised so many times.

President Nixon has reversed America's most urgent priorities.

America's problems cannot be solved and her needs cannot be met by richer banks and fatter corporate earnings.

America's needs are public needs, and the $70 billion the President proposes to give away should be used for public purposes.

It should be used for schools, hospitals and waste-disposal systems. It should be used for low-cost housing and low-cost transit systems. It should be used for cleaning all the air and the water. It should be used for training the unemployed, and for retraining and upgrading skills to meet the nation's needs.

It should be used to promote public safety—to man and equip police, fire and public service departments. It should be used to provide day-care centers and to enlarge medical schools.

These are just a few of the things that President Nixon proposes to short-change in order to enrich corporate America.

They have been short-changed too long already. Instead of cutting back investment in these areas, America should vastly increase it. America should convert her unused industrial capacity and marshal her unemployed manpower to meet the real needs—the public needs—of the American people.

Public investment also is what America needs to strengthen the private economy.

Business needs markets more than additional machinery.

Americans need incomes and purchasing power to enable them to buy the things industry makes.

What America needs most is jobs—jobs for the five million now unemployed and for the millions more who are underemployed, jobs for hundreds of thousands of returning GIs and displaced defense workers; jobs in the public service.

Money spent in the public sector would create jobs, pay wages, buy materials, increase purchasing power and strengthen the private economy. At the same time it would make America a better, safer, healthier place for all Americans.

So that is why the AFL–CIO has called on the Congress to reject President Nixon's tax giveaway scheme.

We have a fight on our hands, and we intend to win it. The first step is to see that our fellow citizens really understand what is at stake, and that they remind their representatives what America's needs and priorities really are.

But beyond this legislative battle lies a bigger job.

America's problems stem, more than anything else, from a failure of leadership. America needs leaders who can do more than divert public funds into private pockets and exhort workers to work harder to make up the difference. She needs leaders who care about human beings. And it is our task to see that she gets what she needs.

In this last third of the 20th Century, the labor movement is the only major force still united and still fighting for the American dream, still insisting on the rights of individual men and women to share in the abundance and the opportunity that America promises.

Labor is united as never before in its fundamental aims and goals. To the greatest extent in years, labor is speaking with a single voice—and it is no secret that President Nixon deserves some of the credit for that. His policies are "bringing us together."

Over the next 14 months, in every state and in every city, labor will be conducting the greatest political education and voter registration drive ever mounted. Our aim is to see that America has, as her elected officials, men and women whose goal is to build America, and who put the interests of all the people above private greed.

The AFL-CIO is confident that the men and women of the Minnesota labor movement will, once again, do their full share.

Thank you for inviting me to participate in this convention. And good luck to you all.

U.S. DEPENDENCE ON COMMUNIST RUSSIA FOR CHROME SHOULD END

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 20, 1971

Mr. BYRD of Virginia. Mr. President, the military procurement bill now pending contains a provision which would end U.S. dependence on Communist Russia for a vital defense material; namely, chrome.

Chrome is essential for such items as jet aircraft, missiles, and nuclear submarines.

Section 503 of the military procurement bill was approved by 13 members of the Senate Committee on Armed Services. Three members were absent, but the vote was unanimous among those present.

It is not logical that the United States should spend billions of dollars to arm itself against possible aggressors, the foremost being Russia, and yet simultaneously put itself in a position of dependence on Russia for a vital material.

I ask unanimous consent to have printed in the Extensions of Remarks two editorials dealing with this subject.

One, captioned "Open a Door to Chrome," was published in the Nashville, Tenn., Banner on August 12, 1971.

The other editorial, captioned "End Stupid Boycott," was published in the Belleville (Ill.) News-Democrat of August 16, 1971.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Nashville, (Tenn.) Banner, Aug. 12, 1971]

OPEN A DOOR TO CHROME

Under the pressing order of urgent public business belongs the legislation, introduced by Sen. Harry F. Byrd Jr., of Virginia, to end dependence of the United States upon Russia for chrome ore.

That is a material vital to our national defense. It is essential for such items as jet aircraft, missiles, and nuclear submarines.

Until 1967 the Nation's chief supplier was Rhodesia—a source moved out of legal reach by the U.N.'s total embargo on Rhodesian trade, joined through unilateral action by then President Johnson. Amazing as it might seem, it is against the law to buy an ounce of chrome from that strongly-anti-Communist country, but not against the law to buy it from Soviet Russia.

That arrangement doesn't make sense now, and never did.

Says Senator Byrd: "I do not believe it is logical to continue to be dependent on Communist Russia for a material vital to our national defense.

"We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

"Russia is the Number One reason—and indeed almost the sole reason—for our huge defense expenditures."

The legislative proposal specifically: That the Chief Executive could not prohibit imports of a strategic material from a Free World country IF importation of the same material is permitted from a Communist-dominated country.

The corrective device is sorely needed, and Congress should get on with it immediately.

[From the Belleville (Ill.) News-Democrat, Aug. 16, 1971]

END STUPID BOYCOTT

Sen. Harry F. Byrd Jr. of Virginia has introduced a piece of legislation which is vital to the future of the United States as a free nation.

Byrd's bill provides simply that importation of strategic materials from a Free World country cannot be prohibited so long as imports of the same commodities are permitted from a Communist country.

The purpose of this provision is to correct an almost insane situation which has been permitted to develop and which now endangers America's capacity to defend herself in the event of Soviet aggression.

This is the refusal of the United States to buy chrome ore, vital to defense production, from Rhodesia, and its increasing reliance upon none other than Russia for this strategic material.

The United States refuses to trade with Rhodesia because it is ruled by a minority government and allegedly is a threat to international peace. As a consequence the U.S. now buys the bulk of its chrome ore from the Soviet Union, a country which is ruled by a brutal one-party dictatorship that habitually instigates threats to world peace.

The result is that the United States has hinged its defense production upon the very nation we are supposed to be defending ourselves against. Dependence now is estimated at more than 50 percent. It will go higher to the point of paralyzing American defenses unless our elected representatives stir themselves.

Byrd's legislation would have the effect of reopening trade with Rhodesia and relaxing the Soviet grip on America's defenses.

The issue is nothing less than our survival as a free and independent nation. But official Washington today is so hung up on optimistic hopes of peace that neither the administration nor Congress will act unless they hear from the people.

MIZELL NEWSLETTER AND QUESTIONNAIRE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MIZELL. Mr. Speaker, I want to advise my colleagues that I am sending to every residence in North Carolina's Fifth Congressional District a newsletter/questionnaire designed to inform my constituents of the business at hand in the Congress and, at the same time, find out how they feel about the issues facing us today.

As I said in my personal message to these Fifth District citizens, if government is to succeed, it must be government on a two-way street.

With this in mind, I intend to inform my colleagues of the opinions expressed by my constituents on the issues raised in the questionnaire, as soon as those questionnaires have been returned and the results tabulated.

I believe it will be informative and helpful to my colleagues, as it will be to me, and I would now like to read into the RECORD the text of the newsletter along with the questions that comprise my 1971 legislative questionnaire:

WILMER D. MIZELL REPORTS TO THE FIFTH DISTRICT, NORTH CAROLINA, FROM CONGRESS

DEAR FRIENDS: In my continuing effort to bring the work of the Government closer to you, the people of the fifth district, I am pleased to begin this new series of newsletters, outlining actions and positions I have taken on the various issues confronting the 92d Congress and the Nation.

With this newsletter, I hope to give you some useful information on a variety of issues—those that affect you personally and directly, and those that have been the subject of intensive national debate.

I solicit your views on all of these issues, because I believe that government that is truly effective must be government on a two-way street. This is the basis of democracy, and we must all do our part if democracy is to succeed.

I appreciate your continued trust and confidence in my efforts to serve you, and I pledge my continued best efforts to be as capable a steward of your trust, and as effective a representative of your views, as I can possibly be.

Sincerely,

WILMER D. MIZELL.

VIETNAM

The war in Vietnam continues to claim high priority in the councils of government and in the thoughts and discussions of all Americans.

Substantial progress is being made toward ending American involvement in that war, while at the same time lowering the risk of future war and enhancing the chance for lasting peace.

There now appear to be some signs of progress in the negotiations at Paris, but we have come to realize that the negotiating process is very slow, often exasperating and not given to rapid progress. All of us, however, pray that these negotiations will bring a swift and just end to the war, so that our fighting men and American prisoners of war can be returned safely home.

Beyond the negotiating front, there are even more positive signs pointing toward a total disengagement of American forces from the war. Our men are now being brought home at a rate of about 15,000 a month, and President Nixon's Vietnamization policy has already brought about the withdrawal of more than 320,000 American soldiers.

This policy of withdrawal contrasts with eight years of sustained escalation of American involvement in Vietnam, beginning in 1961. Casualty figures have reached their lowest point since the massive troop buildup began six years ago.

We will not be satisfied, of course, until there are no casualties, but we must be sure the 45,000 men who have already died in this tragic conflict have not died in vain.

We have taken positive, concrete steps which should meet with the approval of all who truly seek peace, and those steps are now leading us toward a full generation of peace for the American people.

BUSING AMENDMENT

On April 19, the United States Supreme Court handed down its decision in the case of Swann v. Charlotte-Mecklenburg Board of Education, which was regarded as a landmark case in the continuing school desegregation controversy.

The court ruled that the forced busing of school children to achieve racial balance is an acceptable policy. With thousands of you, and with millions of Americans across the country, I find the policy of forced busing completely unacceptable.

I have made my position clear on this issue on a number of occasions. In the 91st Congress, and again in the 92nd, I introduced legislation which would have preserved the right of public school students to attend their neighborhood schools.

Because the Supreme Court ruled, in effect, that the neighborhood schools concept was unconstitutional, any regular legislation passed by Congress supporting that concept would automatically be struck down and nullified as unconstitutional.

The only remaining recourse was an amendment to the Constitution itself, so that it would say, in unmistakable terms: "No public school student shall, because of his race, creed or color, be assigned to, or required to attend, a particular school."

This amendment will have the effect of forbidding forced busing, and if enacted, will be an important step toward returning our schools to their original, and still most important mission—providing an education of the highest possible quality for every American child, whether he is black, red, yellow or white.

My proposal was introduced in the House of Representatives with co-sponsors representing constituencies from all across the country.

Of particular interest is the fact that Rep. Charles Raper Jonas (R.–N.C.) is one of those co-sponsors. Rep. Jonas is the congressman from the district encompassing the city of Charlotte, where the Supreme Court's decision was primarily directed.

I have written a letter to Rep. Emanuel Celler (D.–N.Y.), chairman of the House Committee on the Judiciary (to which my amendment has been referred for consideration), and I have strongly urged Chairman Celler to hold hearings on this measure in the immediate future.

These hearings are a necessary first step toward passage of this amendment by both houses of Congress, and final ratification by three-fourths of the States, as required by the Constitution. An identical amendment has recently been introduced in the U.S. Senate.

In a further effort toward passage of this amendment, I have written to the Presidents of the Senate and Speakers of the House of every state legislature in the country, explaining why I introduced this amendment and soliciting their views and their support on this issue.

I have also sponsored a Special Order on Busing, during which a great many of my colleagues from all across the country joined me in expressing our strong opposition to forced busing. The Special Order was held in the House of Representatives just before the summer recess began.

I hope these efforts, and others I will make in the future, will speed the day when our public schools return to their primary goal of educating our children.

If you would like to participate in this effort, please write to Rep. Emanuel Celler, 2136 Rayburn House Office Building, Washington, D.C. 20515, and express your desire to see this legislation, House Joint Resolution 646, immediately considered and passed by the Congress.

TEXTILES

One of the greatest problems confronting the people of the fifth district and North Carolina today is the unchecked influx of foreign textile products that are flooding our domestic markets and causing increasing unemployment and plant closings.

Announcement was made several weeks ago that former employees of Arista Mills, a Winston-Salem textile plant which closed last year, are eligible for financial and training assistance from the U.S. Department of Labor, under provisions of the Trade Expansion Act of 1962.

These provisions offer workers unemployment, retraining or relocation allowances if it is established that "as a result in major part of trade agreement concessions an article is being imported in such increased quantities as to be the major factor in causing or threatening to cause unemployment or underemployment of a significant number or proportion of the workers of a firm."

This official recognition of injury brought on by our present textile trade policy is important, but we cannot be satisfied with providing endless government subsidies to displaced textile workers. We must get at the root of the problem—the imports themselves.

Arista Mills is only one example of the growing crisis in our local and national textile industry. There have been plant closings in several of our fifth district counties, and some established textile towns in other parts of the South are becoming little more than ghost towns.

I am trying to alleviate this critical situation through congressional action. Early in this session of the 92d Congress, I introduced legislation calling for a system of fair but effective quotas on textile imports coming into this country.

My bill would establish categorical limitations on textile imports and revert the level of those imports to the 1967–68 standard, with subsequent percentage increases proportionate to the growth of the domestic textile market.

This bill is quite similar to legislation passed by the House last year, but which the Senate did not act on before adjourning. It is needed now more than ever before: textile imports to this country rose 42 percent last year over the previous record high year of 1969, and we can expect no relief until effective quotas are enacted.

I am presently co-sponsoring still another bill which provides authority to the U.S. Tariff Commission to set automatic quotas on imports which the Commission finds injurious to domestic manufacturers of the same product.

In addition, I have made several speeches on the floor of the House of Representatives, including a Special Order on Textiles recently, in which several congressmen joined me in an effort to call attention to the plight of our domestic textile industry. I am taking every step possible in an effort to get effective legislation passed to relieve our growing textile crisis.

RURAL DEVELOPMENT

On two occasions this year, I have outlined plans for major legislation on rural development, incorporating a six-point program to overcome existing shortages in rural jobs, housing and industry, to upgrade rural education and health, and protect the rural environment.

The plan includes the following major points:

(1) Improvement of transportation systems to open isolated areas to trade routes, inviting industrial relocation. In the 91st Congress, I introduced, and the Congress passed, legislation establishing a 70–30 matching share formula for primary and secondary access road construction, a necessary first step in opening up rural America to the flow of national commerce.

(2) Industrial development to provide job opportunities. I have introduced a Rural Job Development bill that would put an end to job-searching before a young man could get past the city limits of his hometown. With a series of tax incentives provided in the bill, together with low tax bases in rural areas, an untapped industrial labor force, available land area and attractive surroundings, industry would be strongly attracted to these underdeveloped areas where job opportunities have been lacking.

(3) Vocational training. This is the best form of manpower training available for the money anywhere, providing skilled labor for local industry and a good income for the laborer. There is a strong vocational training program included in the Appalachian Regional Development Program, which encompasses seven of the fifth district's eight counties. I introduced legislation in this Congress to extend the Appalachian Regional Commission for another four years, and this topic is discussed at greater length elsewhere in the newsletter.

(4) Rural housing. This is a major need in rural America, and a program that deserves a great deal more attention than it has received in the past. I was happy to have played a major part in restoring $500 million in rural housing money—$20 million of it for North Carolina—which had been scheduled to be cut out as an economy measure in the budget for this fiscal year. These funds are administered through the Farmers Home Administration.

(5) Preservation of a quality environment, including construction of adequate water and sewage treatment facilities as areas are developed industrially; enforcement of new antipollution laws, and more careful planning to safeguard our natural resources.

I am now in the planning stage of drafting comprehensive legislation on rural development, which, in addition to the needs mentioned above, would also provide for a better system of health care centers, conveniently located and adequately staffed, to improve the overall level of health care in rural America. I plan to introduce this major legislation sometime during this session of Congress.

WELFARE "REFORM"

The House of Representatives recently passed H.R. 1, the controversial welfare reform package that provides for a guaranteed annual income of $2,400 for a family of four.

I voted against this measure, and my reasons for opposing the bill were outlined in a speech I delivered on the floor of the House during the debate. A portion of that speech is reprinted here:

"Mr. Speaker, I rise today to express my wholehearted support for the efforts being made to reform this country's welfare system.

"None of us in this chamber can take any satisfaction from the present state of the welfare program, and all of us want to see it changed.

"The overwhelming and ever-rising costs of welfare, the administrative chaos that characterizes almost every single welfare office in America, the demeaning effects that present welfare efforts have on recipients, the actual encouragement of family separation that is inherent in the present system—all of these and many more reasons tell us plainly that changes in the welfare system are imperative.

"But how can we justify the American taxpayer's having to subsidize another man's income from private employment, or contribute to public funds that will totally provide that income, when the taxpayer is having a hard enough time making ends meet for his own family?

"How can we justify adding more than 10 million more people to the welfare rolls in this country, and call that reform? How can the State of North Carolina increase its welfare load from 248,200 to 821,600—an increase of 330 percent—when welfare costs are already putting a severe strain on government treasuries?

"And why should the government-subsidized employee—or his employer, for that matter—look any further than to the Congress for future income raises?

"And how can we justify a program that offers no assurance that at some point in time welfare rolls and welfare costs will begin to decrease, rather than continuing in an upward spiral?

"How can we do all of this, and still say we have passed a welfare reform program? I say it can't be done that way. To provide welfare reform that is effective and acceptable to the people who must pay for it, we must get away from the stigma of a guaranteed annual income.

"We must provide the means of helping people help themselves, giving them the incentive to succeed on their own, to train for a job and be gainfully employed, and to get away from being a perpetual burden on the taxpayer."

APPALACHIAN REGIONAL COMMISSION

Since the early days of the 92nd Congress, I have been trying to secure a four-year extension of the Appalachian Regional Development Program, which I consider to be one of the most effective and efficient programs in the entire federal government structure.

Congress recently passed, and President Nixon signed into law, this extension measure which I had sponsored, and which also extended the Economic Development Administration and five smaller regional commissions including the Coastal Plains Commission, which serves several North Carolina counties.

The Appalachian Commission, which serves seven of the eight counties in the fifth congressional district, conducts excellent programs of highway construction, vocational education, health care centers and related services, low-cost housing, sewage and water treatment plant construction, etc.

LEGISLATURE REDEFINES 5TH DISTRICT

The North Carolina State Legislature has passed reapportionment legislation, bringing minor changes in the make-up of the 11 federal congressional districts.

Changes in the 5th District include the loss of Davie and Yadkin Counties and the addition of Wilkes County.

I have been honored to represent the good people of Davie and Yadkin Counties for almost three years, and the loss of these people as constituents is a personal one for me, since I enjoyed so much being associated with them.

At the same time, however, I welcome the opportunity to serve the people of Wilkes County, or "The State of Wilkes," as it is known, and I am sure that the citizens of Alleghany, Ashe, Davidson, Forsyth, Stokes and Surry Counties join me in welcoming Wilkes County to the 5th District.

These changes will not take effect, however, until 1973, and I hope the people of Davie and Yadkin Counties will continue to call on me through next year if there is any way I can assist them.

1971 LEGISLATIVE QUESTIONNAIRE

1. Do you favor the busing of school children to achieve racial balance?

2. Do you believe the present welfare system needs to be reformed?

3. Do you support a welfare reform that establishes a guaranteed income?

4. Do you favor Congress enacting a national health insurance program to cover catastrophic or prolonged illnesses?

5. Do you support the President's Vietnamization program for ending American involvement in Vietnam?

6. Do you support the overall objective of the President's revenue-sharing proposal to move power and control from Washington to the local level?

7. Do you think government workers and other public employees should have the right to strike?

8. Do you believe pornographic material should be sent through the mail only to those who have specifically requested it?

9. Are you satisfied with President Nixon's overall performance?

10. Do you favor restoring the right of voluntary prayer in schools and other public facilities?

11. Do you favor the President's proposed trip to mainland China?

12. Do you favor the admission of mainland China to the United Nations: (Select one)

(A) provided Nationalist China retains its seat in the U.N.?

(B) even if the result is Nationalist China's withdrawal or removal from the U.N.?

CONSTITUTION WEEK

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. DUNCAN. Mr. Speaker, I am pleased to see the display here in the Capitol in honor of Constitution Week. Throughout the land, our fellow citizens are likewise displaying documents, the

flag, and copies of the Constitution to call attention to this important time.

We are calling attention to one of the most significant dates in the history of this Nation—September 17, 1787, when the Constitution was signed. Thus, this week I join my colleagues in this Chamber and fellow Americans everywhere in the study and observance of the acts which resulted in the formation of the Constitution.

During many past years we celebrated Citizenship Day rather than Constitution Day. Now we pay particular attention to citizenship as we plan our programs and exhibits for the week that begins on September 17. After all, citizenship and the Constitution are inseparable.

I think this is a great time to welcome new citizens to this country. Naturalized citizens receive warm welcomes in their communities, I know, but this is a special opportunity for us to show our interest in them and our belief in liberty and justice that were given them, and us, with the signing of the Constitution. The community leaders can help promote unity by bringing the naturalized citizens into this week of celebration.

Another group, who is playing an even bigger role in the decisionmaking in this country, is the 18- to 21-year-olds who can now vote in all national elections. I would like to salute their knowledge and talents and recognize their entrance into civic life. With the addition of these young men and women in the voting ranks we have additional reason to celebrate.

I urge every American, native born or naturalized and new or experienced voter, to use this week to learn more about the Constitution and what insurance for freedom and prosperity it has provided.

POWER COMPANIES AND THE REAL ESTATE BONANZA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, September 20, 1971

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Power Companies and the Real Estate Bonanza," which was published on July 15 in Conservation News, an educational service of the National Wildlife Federation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER COMPANIES AND THE REAL ESTATE BONANZA

Before an electric utility can build a hydroelectric dam, it must obtain a construction go-ahead from the Federal Power Commission. When the light turns green the utility acquires the soon-to-be flooded land through the power of condemnation; and the public, through power rates, picks up the tab for its acquisition and maintenance.

As a result, the public becomes beneficiary of the development—the FPC, the trustee. The reservoir formed by the dam soon becomes a recreation focal point. And the land surrounding the reservoir (which the utility picks up in the condemnation process) in turn becomes highly salable real estate.

In order to cash in on a fast-paced game of monopoly, the utility looks once again to the FPC for permission to transfer the newly born "lake front sites" to a real estate developer who is often a subsidiary of the utility itself. At present, land transfer responsibilities rest with collective decisions by the Commission. But a newly proposed rule would give the FPC Secretary alone a routine final say.

Since the FPC complains it's deluged with utility company transfer requests, it justifies the new rule saying it would "simplify and expedite the handling of such transfers." The Commission feels that the proposed rule is not "a major Federal action significantly affecting the quality of the human environment" and therefore not subject to the National Environmental Policy Act.

The National Wildlife Federation doesn't agree, and has asked the FPC to reject the new proposal. The Federation contends the Commission's concern for the land's future should go beyond a desire "to simplify and expedite" it's transfer. For the land involved belongs to the public. And the public should have its chance to say how they want—or don't want—the land to be developed.

The proposed rule, according to the NWF, is unclear as to whether the licensee must describe what sort of use the land will be put to. Should the rule be adopted, the FPC Secretary could approve disposition of the lands even though the applicant hasn't filed an approved project recreation plan.

The NWF feels utilities bent on selling project land's aren't likely to "highlight the presence of environmental problems," which may range from public access complications to sewage disposal problems; from thoughts of high rise luxury view apartments to reflections that perhaps the land might have made an attractive community wildlife refuge.

Instead of easing land transfer decisions, the NWF has recommended that present procedural protection surrounding them be extended. At the very least, the Federation says the Commission should require notice of land sales in local newspapers; and send personal notice to state and local groups or agencies with recreational and wildlife management expertise.

In short, the applicant should do more than merely show that land disposition would not be "inconsistent" with any local land use plans; he should be told instead to prove the transfer of public acreage would promote environmentally sound public land use goals.

NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. NATCHER. Mr. Speaker, this year the week of October 3 through 9 has been set aside as National 4-H Club Week and once again it is a distinct privilege and pleasure for me to salute these clubs which are so thoroughly dedicated to the continuing expansion of their multipurpose programs to meet our present-day needs both at home and abroad.

The 4-H theme for 1971, "4-H Bridges the Gap" is most appropriate for the 4 million boys and girls now enrolled in this organization because, if ever our Nation and indeed the world, had need for group involvement of young people such as the 4-H'ers, it is now.

To me, one of the major attractions of the 4-H movement is its complete flexibility which accounts for the fact that while it was originally established as a rural organization it has, for the past two decades, been enrolling members from our small towns, metropolitan suburbs, and inner-city areas. Certainly one can truly say that today's 4 million 4-H'ers are "dynamic doers" and wherever they are these young people are superb ambassadors of goodwill. Their activities are so varied that the modern 4-H'ers have much in common with any young person—learning traffic safety rules, helping with a local antipollution program, mixing the proper feed for a dairy cow, teaching a group of inner-city girls how to sew, playing drums in a combo are but a few of the activities of a typical modern 4-H'er.

Today's 4-H program is focused on the young person, regardless of where he or she lives, providing an opportunity for personal development into strong, conscientious, and dedicated citizens.

Mr. Speaker, I am justifiably very proud of the fact that Kentucky is among the four or five States having more than 100,000 4-H'ers and certainly my pride always extends to the splendid accomplishments of these young people in the Second Congressional District.

The basic fact that 4-H is for everyone and benefits everyone, in my opinion, confirms beyond any doubt, the great good that comes from the activities of these young people together with their adult and teenage volunteer leaders, and as they prepare to observe their national week, I want to repeat that it is a distinct privilege and pleasure to congratulate our 4-H clubs in Kentucky and elsewhere and to wish them continued success in all their future endeavors.

NEW HEADQUARTERS FOR COAST GUARD'S GROUP

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. GIAIMO. Mr. Speaker, on September 15, 1971, the U.S. Coast Guard's "Group Long Island Sound" began operations in a new headquarters strategically located in New Haven, Conn.

Centralization of Coast Guard functions in this new facility, under the leadership of Comdr. James L. Fleishell, is an effort to make the most effective use of Coast Guard personnel and equipment in their police, environmental, and other coastal regulation activities.

As a recent editorial in the New Haven Register notes, this centralization of coastal and harbor expertise will be important in efforts to save Long Island Sound from both the casual desecration of some small craft owners and fishermen and the disastrous oil spills that threaten the life, commerce, and recreation potential of the sound.

New Haven and Bridgeport, and many of the coastal communities that decorate the Connecticut shoreline, have discovered that "pointing the finger" of blame gives scant satisfaction once oil leaks or dead fish are discovered, or assorted trash ruins beaches. Preventive action—the kind that a locally based, comprehensive Coast Guard unit may give—seems more promising than "after the fact" remedies in the long run.

Finally, it should be noted that coastal pollution laws, such as those recently debated by the Congress, will require the cooperative efforts of environmental policy agencies and enforcement groups such as the Coast Guard if they are to be effective. Again, a streamlined, well-located, and well-equipped Coast Guard unit will help in such efforts.

I salute the Coast Guard's Group Long Island Sound—a solid tool, not another drawing board effort to control sound pollution—and join the Register in welcoming the start of its New Haven-based efforts.

RESOLUTION OF KNIGHTS OF LITHUANIA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. RODINO. Mr. Speaker, the outrage expressed by the Knights of Lithuania over the failure of the United States to grant political refuge to Simas Kudirka is justified. This act of refusing asylum was contrary to the American tradition—counter to the very expression of our ideal: "Give me your tired, your poor. Your huddled masses yearning to breathe free."

I share the sentiments of my friends of Lithuania as expressed in the following resolution which was adopted at their past national convention:

RESOLUTION

Whereas, on November 23, 1970, a Lithuanian Seaman, Simas Kudirka, serving on a Soviet vessel, sought asylum aboard the United States Coast Guard ship, the SS Vigilant, and contrary to all American precedent, Soviet sailors were permitted to board an American vessel in American waters, seize and brutally beat him on the SS Vigilant and forcibly take him back to the Soviet ship and to Soviet-occupied Lithuania, where he is now serving a ten-year term in a communist labor camp for the "crime" of having sought freedom in free American territory,

We, the Knights of Lithuania, meeting at the Franciscan Monastery, in Kennebunkport, Maine, at our 58th National Convention, August 25–29, 1971, as Americans of Lithuanian descent, express our grief and confusion over the United States officers' disgraceful abandonment of American policy and tradition in permitting this most un-American action and thus contributing to the subsequent incarceration of one of our Lithuanian people and the harassment of his family;

We, furthermore, firmly petition the President of the United States and the Congress of the United States not merely to state words of protest to the Soviet Union over this illegal infraction of international procedure, but to use their official powers to extend every positive means to have Simas Kudirka and his immediate family brought to the United States, where, at the risk of his very life, he sought refuge.

Further, we, as Americans deeply believe that by such action our own confidence and respect in basic American principles will be refreshed; and the image of the United States, as the citadel of freedom for all men, will be restored in the eyes of all subjugated nations of the world.

LAWRENCE JANONIS,
JOSEPH BOLEY,
Presidium Cochairmen.

THE SHARPSTOWN FOLLIES—XXXV

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. GONZALEZ. Mr. Speaker, whatever else you may say about Assistant Attorney General Wilson, he sticks by his friends.

A great many people lost faith in Frank Sharp as his dreams and visions of endless business empire grew. These people knew that Sharp was in beyond his depth, and that he never had a chance to realize his dreams.

They knew that when Sharp talked about buying control of Royal Dutch Petroleum—or Shell Oil Co. as it is known more commonly, the man just was dreaming. And even a naive fellow like Astronaut James Lovell, who had been befriended by Sharp, was not long in realizing that he had been had. Lovell had enough when Sharp told him about a $120 million deal to buy control of Braniff Airlines.

But Will Wilson, if one believes his stories, never realized that good old Frank Sharp was anything but good folks, a good solid businessman. Wilson says that he feared a little bit the dazzling schemes of Frank Sharp, but he stayed with the ship, so to speak, until he had to leave it. And even after the Sharp version of the *Titanic* disaster, Wilson has never said that he doubted good old Frank.

And, of course, he can say nothing else. Having worked with and for a grand schemer and crook, Wilson can hardly maintain his crimebuster image if he admits that he knew the truth about Frank Sharp.

Yet he did know. He must have known, just from the crazy schemes Sharp talked of, that he was on a Texas version of the *Titanic*. And if Wilson dismissed all the crazy talk as just so much country club brags, or the dreams of an ambitious man, he still knew that Sharp was anything but the upright man he posed as. After all, the old crimebusters knew of Sharp's involvement in a spectacular Houston bribery scandal back in the fifties, and he knew of Sharp's involvement in an FHA scandal in 1963, the very year that Wilson went to work for Sharp.

Wilson maintains a pose of innocence and ignorance, but he knows that it is false. But you have got to credit the guy—he rode the *Titanic* until just before it hit the iceberg laid in its path by the SEC, and even then he was able to see the Justice Department throw a lifejacket to his old friend, benefactor and pal, Frank Sharp. And the life jacket says in its lining, "courtesy of W. Wilson the old crimebuster, and your pal."

TWENTY-FIVE YEARS OF THE HILL-BURTON PROGRAM

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BEGICH. Mr. Speaker, while we were on vacation last month, one of the most productive and influential legislative programs in the Nation's history marked its 25th anniversary. On August 13, 1946, President Truman signed into law as Public Law 725 of the 79th Congress, the Hospital Survey and Construction Act of 1946. This law and the great program it created became known as the Hill-Burton Act after its two original sponsors in the Senate, Senator Lister Hill of Alabama and Senator Harold Burton of Ohio.

This legislation and the many amendments that have expanded and improved the program over the years since 1946 have financed and supported the construction and modernization of general hospitals, public health centers, long-term care facilities, mental hospitals, tuberculosis hospitals, outpatient facilities, and rehabilitation facilities across the face of our country. In rural areas where health facilities were formerly few and far between, there are now hospitals and other facilities serving the people—as a result of the financial aid and the public interest that this program has generated. In large metropolitan communities the Hill-Burton has helped to provide funds for the construction and modernization of hospitals, outpatient facilities, and other necessary facilities.

In the 25 years of its existence, the Hill-Burton program has supported 10,471 separate projects in the United States and its territories, aiding 6,185 facilities in 3,808 communities, and providing 456,663 inpatient care beds. All of this construction has cost a total of $12,143,921,000 with $3,579,134,000 coming from Federal grants and the remainder from State and local contributions. In my own State of Alaska, the Hill-Burton program has aided 25 projects in 17 facilities, providing 557 inpatient care beds at a total cost of $25,578,000, with $7,484,000 coming from the Federal Government.

The Hill-Burton program is probably the most successful Federal-State program in our history. I did not want to let this anniversary pass without making note of it

Gov. William Egan of Alaska had proclaimed the week of August 15 as Hill-Burton Week. Because Congress was not in session during the month of August I wish to take the opportunity presented to me now to include the Governor's proclamation into the RECORD, as follows:

PROCLAMATION—HILL-BURTON WEEK

For 25 years the Hill-Burton program, established by the Hospital Survey and Construction Act of 1946, has helped communities throughout the state of Alaska meet the needs of its citizens for hospitals, public health centers, nursing homes, out-patient facilities, rehabilitation centers, and other health facilities.

Federal funds totaling $11,980,335, made available through the Hill-Burton program, have stimulated the construction of 27 health facility projects in the State costing a total of $42,722,240. This construction has provided the State 639 in-patient beds in hospitals and nursing homes and has added 5 other types of health facilities.

The Hill-Burton program has pioneered in new approaches to improved patient care through studies into the development and effective use of health facilities and through coordinated planning for facilities and services.

The program has been an outstanding example of Federal, State, and local cooperation to improve the health of all our people.

I, William A. Egan, Governor of Alaska, do hereby proclaim the seven-day period beginning Sunday, August 15, 1971, as Hill-Burton Week.

Dated this 12th day of August, 1971.

WILLIAM A. EGAN,
Governor.

HON. GEORGE HUDDLESTON, JR.

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. McMILLAN. Mr. Speaker, I was shocked and distressed to learn of the passing of my good friend, the late Honorable George Huddleston, Jr. The Nation has suffered a great loss in the passing of one of its outstanding leaders.

I do not know of any man that I have served with here in the Congress of the United States during the past 34 years that I had higher admiration for than George Huddleston. He was an outstanding gentleman under all conditions and circumstances; he was a man that every Member of Congress could look upon with pride and call him a statesman.

I had the pleasure of serving on the same committee with George Huddleston for a number of years. He was a tower of strength in getting to the bottom of any problem and coming up with a solution. I deeply regretted the time when George Huddleston decided to discontinue serving in the U.S. Congress; however, I understand, with his great brain, he wanted to get out of the legislative business and get into a more productive field of endeavor.

I always considered George Huddleston and his lovely family among my closest personal friends since the first day George was sworn in as a Member of Congress. Mrs. McMillan joins me in expressing our deepest sympathy for Mrs. Huddleston and the children. We have all lost a great friend and the Nation has suffered a great loss in the passing of George Huddleston.

WISCONSIN STATE UNIVERSITY AT OSHKOSH MARKS 100TH ANNIVERSARY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, this weekend I had an opportunity to help observe a benchmark in the history of public higher education. The Wisconsin State University—Oshkosh has completed 100 years as an institution of higher education.

Today's university opened in 1871 as the Oshkosh Normal School, built by money derived from the sale of swamp lands which the State had received from the Federal Government. From this modest beginning, the university has expanded to 180 acres of classrooms, libraries, lecture halls, laboratories, student commons, and dormitories. A total of 11,800 students are registered this semester.

The curriculum and the campus of this university reflect the undertaking of a bold experiment by the people of Wisconsin—the experiment to create a system of public higher education that would compare on quality terms with the best institutions in the country. Mr. Speaker, the experiment is working and continuing to grow. I am pleased to include as a part of my remarks an editorial salute from the Sheboygan Press and descriptive reports of the university from the Oshkosh Daily Northwestern:

[From the Sheboygan Press, Sept. 14, 1971]

ONE HUNDRED YEARS AT OSHKOSH

Oshkosh State University is entering its second century as an institution of higher education. A centennial convocation will be held at the school Thursday evening to mark the anniversary.

The Oshkosh institution is one of the state-operated universities that has experienced phenomenal growth since the present system was established in 1967 under a reorganization act approved by the Legislature. The enrollment for the current term—9,879 undergraduate students, 1,000 graduate students and 462 attending evening classes—is a far cry from the Normal School days when enrollment was in the hundreds. For instance, 1950 the total was 787. It was 173 in 1871.

Oshkosh State, of course, is the outgrowth of the Normal School system. Back in the 1850s it was assumed that private schools would provide the necessary training for teachers, but, as reported in the Wisconsin Blue Book, this did not work. Thus, while the state's constitution did not direct the Legislature to provide teacher training, some recognition of it was made. Beginning in 1866 with the establishment of a school at Plattville, nine schools were created in various parts of the state to train teachers.

Whitewater was next (1868), and Oshkosh Normal came into existence in 1871. Incidentally, this was 14 years prior to the opening of the Normal School in Milwaukee, which since has become the University of Wisconsin—Milwaukee.

The Normal Schools at first offered only two years of training. They later became teacher colleges and offered four years and sometimes five years of training. In 1951, these institutions became State Colleges and kept that designation until the Board of Regents of State Colleges decreed them to be universities in 1964. The Legislature gave the board the more prestigious "university" designation three years later.

It was at Oshkosh that many who taught public schools in the Sheboygan area received their training. It is probable that a large number of those still among the living will attend the dedication of the new School of Education buildings that will serve as part of the convocation Thursday or at other dedications scheduled for the near future. Unless they have visited the campus in recent years they will be amazed at the changes that have taken place. The campuses at Oshkosh and other university communities have become cities in themselves. They reflect the great attention that has been given to higher education by the people of Wisconsin during the past 100 years.

This attention currently is centered on Governor Lucey's proposal for merger of the two systems—the University of Wisconsin and the Wisconsin State Universities. Although action on this proposal has been slowed, it seems inevitable on the basis of past developments in the state's program of higher education, that a merger will come in time.

[From the Oshkosh Daily Northwestern,
Sept. 17, 1971]

QUALITY INSTRUCTION IS ONE BASIC OBJECTIVE OF SCHOOL

(By Judy Russell)

Quality instruction.
Research and innovation.
Public service.

These are basic objectives of the school of education at Wisconsin State University-Oshkosh, which not only seeks new, revolutionary approaches to teacher preparation but also attempts to streamline approaches used for many years.

"We practice what we preach" says Dr. David L. Bowman, live-wire dean of the school which averages an enrollment of 4,300 students.

He insists, "We cannot separate theory and practice. Unrest comes from students who do not see relevance between what they see and hear in a lecture and what happens on the outside. There must be a relationship between our teaching and reality."

The new school of education building "personifies the gearing up needed for changes in teacher education," according to Dr. Bowman, who stressed the "video capabilities, we have now."

"The whole technology capability is being tapped by us in teacher education preparation. We have a 5,000-foot research area in the basement of the school of education where we can innovate and research anything using a controlled group—from one child to 150, from nursery school to graduate school" Dean Bowman explained.

He emphasized, "If we can improve the quality of student teaching and lower the costs to the taxpayers, the kind of research in which we are engaged is justifiable."

"Technology relates to finding better answers to problems we face in education and in teaching students," he added.

The school has closed circuit television "to show prospective teachers what characteristics they can expect to see in certain children"; the capability for two-way communication between the laboratory school (Swart Campus School) and the school of education building, and a main console and hookup to all rooms in Campus School, with the potential for remote control from the school of education.

This complex will be hooked into the University distribution system. From there it could be put into use anywhere on the campus, according to Dr. Bowman.

The research center has a "fake floor," which could be raised for installation of an electronic response system. There are also a data control analysis room, remote control units and individual study carrels.

Overhead projectors, videotape, cassette and tape recorders, 8 millimeter film—"We not only teach students how to operate this equipment, but when to use it," Dr. Theron Freese, associate dean of the school of education, noted.

"Twenty years ago, tape recorders revolutionized education. Now video replay is more realistic. We can see if there is a contagion about student teachers' enthusiasm or if, when they speak, the kids sleep," Dr. Bowman declared.

"It is really effective when a student teacher, via videotape, sees and hears himself in operation. He begins pointing things out. A professor can also point things out to a class immediately, via videotape, without interrupting the class students are viewing," Dr. Freese stated.

To improve the teacher education program, the school took eight of the student teaching credits and two of the teaching problems credits and combined them into a 10-point package.

"We set up a clinical experience, which includes heavy use of video equipment for analysis and tie-up with methodology courses, for juniors. They are encouraged to purchase blank videotapes which they may keep, reuse or sell at the end of a semester," Dr. Bowman said.

He added, "The main purpose of this is to have students tape themselves in important segments of pupil-teacher relationships."

In so doing, WSU-O students help answer questions like the following: What do you look like when you talk to a child? Is there a barrier? How do you give directions to 20–30 kids? How do you and the children look during one minute of time? What happens when you summarize a 20-minute presentation given by the regular teacher? Do you get the kids involved in your summary?

"We try to compartmentalize this prior to the time students get admitted to student teaching. Some who have mediocre grades have a great relationship with people. The cutoff point (for entering student teaching) is purely academic—it is a pretty unreliable means for determining who goes on," Dr. Bowman commented.

He added, "In questionable cases, students can use their videotape to show their teaching capabilities. Students can build a videotape in their senior year and make it available to those hiring. In 10 years, the placement business could be a videotape of a student actually teaching. This is what a superintendent of schools would see."

Dr. Freese stated, 'If I were a superintendent, an interview would tell me something, but a 20-minute tape might help me pick out which three our four people I wanted to give contracts to. For a student looking for a job is is a chance to really sell himself."

One of the "most exciting ventures" for the school of education is the teaching-learning clinic, involving 60 juniors and seniors from Lourdes High School, 12 student teachers and one supervising teacher.

For the second year, LHS students attend classes in social science and language arts for two and one-half hours daily in the research center. "We had been doing this for five years at the elementary and junior high level at Campus School, but this is the first time with high school students," Dr. Bowman said.

The teaching-learning clinic helps maintain "high quality control," which is difficult to maintain "when a student teacher is in a school 75 to 200 miles away from WSU-O," according to the dean.

Students from Lourdes and WSU-O "talk about objectives and cooperatively plan their goals in the first day. This proved to be a very profitable experience for both student teachers and high school students," Dr. Bowman explained.

He feels "the team approach to teaching used in the clinic is unique in every respect. University students feel they could teach anywhere, and in any situation, because of it. They learn how to use the strengths of another teacher and get away from the 'My room' and 'My class' attitude."

Dr. Freese said, "Student teachers meet daily to discuss how they are doing and to talk about individual high school students and how they can help them."

By the second semester of this school year, "we hope to have a controlled situation where maybe we can match 12 student teachers with others," Dr. Bowman remarked.

"We also want to get some measurement devices to insure that we do produce as good a product—if not better—than if a student teacher worked alone in Community X with Teacher X. If this is true, we could set it up as a prototype for this area," the dean stated.

The school of education is also conducting an Oshkosh middle school pilot program for 1971–72, in cooperation with the Oshkosh public schools which will have middle schools in September of 1972, after the new high school opens.

"We have the responsibility to have the resources . . . to build with Oshkosh to better the education of Oshkosh kids, to supply better answers to educating kids and to provide better and stronger teacher education programs," Dr. Bowman declared.

The middle school project "is trying different approaches to scheduling, gradedness, non-gradedness, etc. A joint committee supervises activities of this pilot program. This may enable the Oshkosh public schools to do a little bit better job next year," Dr. Bowman pointed out . . .

Dr. Freese said the Oshkosh system "will release prospective middle school teachers to see what they asked us to try out, to participate in it or to teach. The special education people would also like to work out something along these lines."

WSU–O is also concerned about education of minority groups and in poverty areas. Students are taken to the inner city in Milwaukee to observe or student teach. They are also offered a course in "Education and Minority Groups." The University is increasing this component in other courses also, according to Dr. Freese.

He commented, "There is still a great need for teachers of the disadvantaged—those with learning disabilities, emotional disturbances, mental retardation. We have to reflect the trends . . . as well as be ahead to the point where teachers going out recognize the problems they are going to face."

Dr. Bowman added, "Many people don't know it, but the Head Start program here was written by the school of education. We are the only University in Wisconsin that has a program for four-year-old, disadvantaged children."

The school also maintains regular contact with Shawano school officials and the Indian reservation where WSU–O faculty and students work during the summer.

WSU–O's school of education has also done research recently on attrition of freshman students—research which has had national impact. "When a student fails, a teacher fails. Freshmen who come into college don't need to fail," Dr. Bowman emphasized.

He pointed out that "all freshmen enrolled in the school of education have to participate in a personal development seminar."

The school of education also houses offices of the executive secretary of the Fox Valley Curriculum Study Council, which puts it at the pulse of activities and programs affecting "at least 20 large and small school systems in the Valley. This is a very viable vehicle for us to be of service—and that brings us back to one of our basic objectives," Dr. Bowman concluded.

[From the Daily Northwestern,
Sept. 17, 1971]

FROM MODEST BEGINNING, WSU–O GROWTH IS GREAT

From its modest beginning a hundred years ago of one three-story building with 18 rooms for classes and administrative offices, Wisconsin State University-Oshkosh has grown to a vast network of structures.

Included in that vast network is close to 2,776,000 square feet of floor space.

Academic buildings account for 1,462,000 of that square footage. The balance comes under self-amortizing uses such as the Reeve Memorial Union, dormitories, food commons and Titan Stadium.

From its original six acres along Algoma Boulevard, WSU–O had grown by the time of its 75th anniversary to 26 acres. During the last 25 years has been the rapid expansion to more than 180 acres of University property.

When Oshkosh Normal School opened in 1871, its sole building, built at a cost of $70,000, already was inadequate to house the number of students seeking admission. Four classrooms were added in 1874 with the addition of a two-story wing. Two years later the building was expanded again to provide quarters for the Model Department, the name used then for today's Campus School.

Since physical education classes met in small, cramped attic rooms under the eaves, a gymnasium was added in 1888. This later was converted into an auditorium and continued in use until slightly less than 50 years ago when it was condemned and razed.

A new unit was added to the south end of the original structure in 1894. Its first floor contained offices and classrooms, the second floor was devoted entirely to an assembly hall and the third floor was used for the geological and ornithological collections.

To the northeast of the assembly building was added in 1900 a three-story "science building." On its first floor were lecture rooms, laboratories and offices for the physics department plus the third and fourth grades of the model school. The second floor had a study room for senior women. Biology and chemistry departments were located on the third floor. Manual training, introduced that year into the school curriculum, was housed in the basement.

The increasing demand for physical education training and the growth of the athletic program led to the construction of a new gymnasium in 1909. Industrial arts moved from its basement location to a new building of its own when what is now Harrington Hall was opened in 1913.

Dempsey Hall came into being in 1917 as the replacement of the original 1871 structure which had burned. It housed the grade school classes until the opening in 1928 of Rose C. Swart Campus School. Dempsey Hall is the university's administrative center now and was expanded in 1968.

Dempsey Hall and Harrington Hall are named respectively for two former members of the Board of Regents, Edward J. Dempsey and John Harrington.

Also named for a former Regent is Radford Hall, named after Frank W. Radford. Originally a dormitory when built in 1954, it now houses the student health center and faculty offices.

Past University presidents for whom buildings are named are George Sumner Albee, the school's first president, for whom the gymnasium is named; Rufus H. Halsey for whom Halsey Science Center is named, and Forrest R. Polk, whose name is borne by the library.

Albee Hall was built in 1956, Halsey Science Center in 1964 and expanded in 1969 and Polk Library in 1963 and expanded in 1969 also.

Faculty members whose names are carried on academic buildings are Rose C. Swart, a member of the first faculty and who was with the University for 51 years, for whom the Campus School is named; Frederick C. Clow, a 35-year member of the faculty in the social science field, and Robert M. Kolf, a student and for 44 years a faculty member, athletic director and coach, for whom the new Kolf Physical Education and Sports Center, which will open later this fall, has been named.

Residence halls are named for many of the former faculty members. Thus recognized with the years of their University service, are: Emily Webster (student 1871–75 and faculty member 1875–1926), Earl A. Clemans (1906–44), Barbara Donner, now Barbara Donner Montieth (1926–56), J. A. Breese (1932–52), Hilda Taylor (1928–44), Walter H. Fletcher (1918–44), N. Peter Nelson (1924–62), Maysel Evans (1929–63), May L. Stewart (1926–60), Richard E. Greunhagen (1909–47) and Louise E. Scott (1929–62).

These residence halls were built during the 1958 to 1967 period.

Several buildings are named after their donors or relatives of the donors. Reeve Memorial Union, built in 1957 and expanded in 1964, was named for Thomas T. Reeve, grandfather of Mary R. Fraker, who donated the grounds and original house for union purposes.

Buckstaff Planetarium, completed in 1964, was named for Ralph Buckstaff, Oshkosh industrialist and astronomer who also gave to the University his observatory in the north part of the city. The observatory also carries his name.

Pollock Alumni House is the former home of W. E. Pollock, an industrialist. Prior to being assigned to the WSU–O Alumni Association, it had been used for a residence hall, classrooms and offices. The Alumni Association had assisted the University in acquiring the property in 1943.

Completed during the last year were the combined School of Nursing-School of Education building, the Arts and Communication Center and Titan Stadium.

Food service facilities on the campus are Elmwood Commons, built in 1966, River Commons, also built in 1966, and Blackhawk Commons, opened in 1970.

To heat these many buildings, the central heating plant was constructed in 1965.

Also used by the University are other buildings which it had acquired in recent years such as the Intercultural Center and the Reeve Union Annex on Elmwood Street, five houses on Algoma Boulevard used for the testing center, reading center, counseling center and journalism, the Journalism Building on High Avenue, the Intercollegiate Athletics-Security Building and Hydrobiology Laboratory on Rockwell Avenue and maintenance and vehicle storage buildings along the Fox River.

WASHINGTON SENATORS FRANCHISE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. DERWINSKI. Mr. Speaker, I am sure that most of my colleagues have heard rumors or have read some of the articles in local newspapers to the effect that the Washington Senators may be sold. Tomorrow, I am introducing a "sense of Congress" resolution which, hopefully, will preclude a move by the Senators. This resolution declares that the American League should compensate the District of Columbia Armory Board for any loss of revenue resulting from a transfer of the Washington Senators' franchise to another city.

In 1957, the Congress enacted the District of Columbia Stadium Act with the understanding that a major league baseball team would use the stadium. The revenue from the use of the stadium by a major league ball team is essential to the independent operation of the facility. Therefore, it is my belief that the American League should suffer the financial consequences if the Nation's Capital is left without a major league baseball franchise.

I hope the owners of the other American League clubs will not give Short permission to move the Senators to another city. If they do give Short the votes he needs to make the move, they also should be prepared to make adequate compensation to the District of Columbia Armory Board.

RICHARD M. NIXON ON RED CHINA AFTER VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. RARICK. Mr. Speaker, writing in October 1967, in Foreign Affairs, official publication of the Council on Foreign Relations of which he was listed as a member from 1962 to 1964, Richard M. Nixon expounded his philosophy on the Red China menace in a treatise entitled "Asia After Vietnam."

Significantly, Mr. Nixon said:

> Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition to Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course. It does mean recognizing the present and potential danger from Communist China, and taking measures designed to meet that danger. It also means distinguishing carefully between long-range and short-range policies, and fashioning short-range programs so as to advance our long-range goals.
>
> Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation. But we could go disastrously wrong if, in pursuing this long-range goal, we failed in the short range to read the lessons of history.
>
> The world cannot be safe until China changes. Thus, our aim, to the extent that we can influence events, should be to induce change. The way to do this is to persuade China that it *must* change: That it cannot satisfy its imperial ambitions, and that its own national interest requires a turning away from foreign adventuring and a turning inward toward the solution of its own domestic problems.

This was Richard M. Nixon in 1967 on his way to the White House. This was not Richard M. Nixon in 1971 on his way to the Republican National Convention for reelection in 1972. And its not after Vietnam—yet.

I insert the full text of the "Asia After Vietnam" as it appeared in CFR publication Foreign Affairs in October 1967, as follows:

Asia After Viet Nam

(By Richard M. Nixon)

The war in Viet Nam his for so long dominated our field of vision that it has distorted our picture of Asia. A small country on the rim of the continent has filled the screen of our minds; but it does not fill the map. Sometimes dramatically, but more often quietly, the rest of Asia has been undergoing a profound, an exciting and on balance an extraordinarily promising transformation. One key to this transformation is the emergence of Asian regionalism; another is the development of a number of the Asian economies; another is gathering disaffection with all the old isms that have so long imprisoned so many minds and so many governments. By and large the non-communist Asian governments are looking for solutions that work, rather than solutions that fit a preconceived set of doctrines and dogmas.

Most of them also recognize a common danger, and see its source as Peking. Taken together, these developments present an extraordinary set of opportunities for a U.S. policy which must begin to look beyond Viet Nam. In looking toward the future, however, we should not ignore the vital role Viet Nam has played in making these developments possible. Whatever one may think of the "domino" theory, it is beyond question that without the American commitment in Viet Nam Asia would be a far different place today.

The U.S. presence has provided tangible and highly visible proof that communism is not necessarily the wave of Asia's future. This was a vital factor in the turnaround in Indonesia, where a tendency toward fatalism is a national characteristic. It provided a shield behind which the anti-communist forces found the courage and the capacity to stage their counter-coup and, at the final moment, to rescue their country from the Chinese orbit. And, with its 100 million people, and its 3,000-mile arc of islands containing the region's richest hoard of natural resources, Indonesia constitutes by far the greatest prize in the Southeast Asian area.

Beyond this, Viet Nam has diverted Peking from such other potential targets as India, Thailand and Malaysia. It has bought vitally needed time for governments that were weak or unstable or leaning toward Peking as a hedge against the future—time which has allowed them to attempt to cope with their own insurrections while pressing ahead with their political, economic and military development. From Japan to India, Asian leaders know why we are in Viet Nam and, privately if not publicly, they urge us to see it through to a satisfactory conclusion.

II

Many argue that an Atlantic axis is natural and necessary, but maintain, in effect, that Kipling was right, and that the Asian peoples are so "different" that Asia itself is only peripherally an American concern. This represents a racial and cultural chauvinism that does little credit to American ideals, and it shows little appreciation either of the westward thrust of American interests or of the dynamics of world development.

During the final third of the twentieth century, Asia, not Europe or Latin America, will pose the greatest danger of a confrontation which could escalate into World War III. At the same time, the fact that the United States has now fought three Asian wars in the space of a generation is grimly but truly symbolic of the deepening involvement of the United States in what happens on the other side of the Pacific—which modern transportation and communications have brought closer to us today than Europe was in the years immediately preceding World War II.

The United States is a Pacific power. Europe has been withdrawing the remnants of empire, but the United States, with its coast reaching in an arc from Mexico to the Bering Straits, is one anchor of a vast Pacafic community. Both our interests and our ideals propel us westward across the Pacific, not as conquerors but as partners, linked by the sea not only with those oriental nations on Asia's Pacific littoral but at the same time with occidental Australia and New Zealand, and with the island nations between.

Since World War II, a new Asia has been emerging with startling rapidity; indeed, Asia is changing more swiftly than any other part of the world. All around the rim of China nations are becoming Western without ceasing to be Asian.

The dominant development in Asia immediately after World War II was decolonization, with its admixture of intense nationalism. But the old nationalist slogans have less meaning for today's young than they had for their fathers. Having never known a "colonialist," they find colonialists unconvincing as scapegoats for the present ills of their societies. If dissatisfied with conditions as they see them, the young tend to blame those now in power.

As the sharp anticolonial focus blurs, the old nationalism is evolving into a more complex, multi-layered set of concepts and attitudes. On the one hand are a multitude of local and tribal identifications—the Montagnards in Viet Nam, the Han tribes in Burma, the provincial and linguistic separatisms that constantly claw at the fabric of Indian unity. On the other hand, there is a reaching-out by the governing élites, and particularly the young, for something larger, more like an Asian regionalism.

The developing coherence of Asian regional thinking is reflected in disposition to consider problems and loyalties in regional terms, and to evolve regional approaches to development needs and to the evolution of a new world order. This is not excessively chauvinistic, but rather in the nature of a coalescing confidence, a recognition that Asia can become a counterbalance to the West, and an increasing disposition to seek Asian solutions to Asian problems through coöperative action.

Along with the rising complex of national, subregional and regional identification and pride, there is also an acute sense of common danger—a factor which serves as catalyst to the others. The common danger from Communist China now in the process of shifting the Asian governments' center of concern. During the colonial and immediately post-colonial eras, Asians stood opposed primarily to the West, which represented the intruding alien power. But now the West has abandoned its colonial role, and it no longer threatens the independence of the Asian nations. Red China, however, does, and its threat is clear, present and repeatedly and insistently expressed. The message has not been lost on Asia's leaders. They recognize that the West, and particularly the United States, now represents not an oppressor but a protector. And they recognize their need for protection.

This does not mean that the old resentments and distrust have vanished, or that new ones will not arise. It does, however, mean that there has been an important shift in the balance of their preceptions about the balance of danger, and this shift has important implications for the future.

One of the legacies of Viet Nam almost certainly will be a deep reluctance on the part of the United States to become involved once again in a similar intervention on a similar basis. The war has imposed severe strains on the United States, not only militarily and economically but socially and politically as well. Bitter dissension has torn the fabric of American intellectual life, and whatever the outcome of the war the tear may be a long time mending. If another friendly country should be faced with an externally supported communist insurrection—whether in Asia, or in Africa or even Latin America—there is serious question whether the American public or the American Congress would now support a unilateral American intervention, even at the request of the host government. This makes it vitally in their own interest that the nations in the path of China's ambitions move quickly to establish an indigenous Asian framework for their own future security.

In doing so, they need to fashion arrangements able to deal both with old-style wars and with new—with traditional wars, in which armies cross over national boundaries, and with the so-called "wars of national liberation," in which they burrow under national boundaries.

I am not arguing that the day is past when the United States would respond militarily to communist threats in the less stable parts of the world, or that a unilateral response to a unilateral request for help is out of the question. But other nations must recognize that the role of the United States as world policeman is likely to be limited in the future. To ensure that a U.S. response will be forthcoming if needed, machinery must be created that is capable of meeting two conditions: (*a*) a collective effort by the nations of the region to contain the threat by themselves; and, if that effort fails, (*b*) a collective request to the United States for assistance. This is important not only from the respective national standpoints, but also from the standpoint of avoiding nuclear collision.

Nations not possessing great power can indulge in the luxury of criticism of others; those possessing it have the responsibility of decision. Faced with a clear challenge, the decision not to use one's power must be as deliberate as the decision to use it. The consequences can be fully as far-reaching and fully as irrevocable.

If another world war is to be prevented, every step possible must be taken to avert direct confrontations between the nuclear powers. To achieve this, it is essential to minimize the number of occasions on which the great powers have to decide whether or not to commit their forces. These choices cannot be eliminated, but they can be reduced by the development of regional defense pacts, in which nations undertake, among themselves, to attempt to contain aggression in their own areas.

If the initial response to a threatened aggression, of whichever type—whether across the board or under it—can be made by lesser powers in the immediate area and thus within the path of aggression, one of two things can be achieved: either they can in fact contain it by themselves, in which case the United States is spared involvement and thus the world is spared the consequences of great-power action; or, if they cannot, the ultimate choice can be presented to the United States in clear-cut terms, by nations which would automatically become allies in whatever response might prove necessary. To put it another way, the regional pact becomes a buffer separating the distant great power from the immediate threat. Only if the buffer proves insufficient does the great power become involved, and then in terms that make victory more attainable and the enterprise more palatable.

This is particularly important when the threat takes the form of an externally supported guerrilla action, as we have faced in Viet Nam, as is even now being mounted in Thailand, and as could be launched in any of a half-dozen other spots in the Chinese shadow. Viet Nam has shown how difficult it is to make clear the distinction between this and an ordinary factional civil war, and how subject the assisting power is to charges of having intervened in an internal matter. Viet Nam's neighbors know that the war there is not internal, but our own allies in Europe have difficulty grasping the fact.

The fragmenting of the communist world has lent credence to the frequently heard argument that a communist advance by proxy, as we have seen attempted in Viet Nam, is of only peripheral importance; that with the weakening of rigid central control of the communist world, local fights between communist and non-communist factions are a local matter. This ignores, however, the fact that with the decentralization of communist control has come an appropriately tailored shift in communist tactics. National communism poses a different kind of threat than did the old-style international communism, but by being subtler it is in some ways more dangerous.

SEATO was useful and appropriate to its time, but it was Western in origin and drew its strength from the United States and Europe. It has weakened to the point at which it is little more than an institutional embodiment of an American commitment, and a somewhat anachronistic relic of the days when France and Britain were active members. Asia today needs its own security undertakings, reflecting the new realities of Asian independence and Asian needs.

Thus far, despite a pattern of rapidly increasing cooperation in cultural and economic affairs, the Asian nations have been unwilling to form a military grouping designed to forestall the Chinese threat, even though several have liberal bilateral arrangements with the United States. But an appropriate foundation-stone exists on which to build: the Asian and Pacific Council, ASPAC held its first ministerial-level meeting in Seoul in June 1966, and its second in Bangkok in July 1967. It has carefully limited itself to strengthening regional cooperation in economic, cultural and social matters, and its members have voiced strong feelings that, as Japan's Foreign Minister Takeo Miki put it at the Bangkok meeting, it should not be made "a body to promote anticommunist campaigns."

Despite ASPAC's present cultural and economic orientation, however, the solidifying awareness of China's threat should make it possible—if the need for a regional alliance is put in sufficiently compelling terms—to develop it into an alliance actively dedicated to concerting whatever efforts might be necessary to maintain the security of the region. And ASPAC is peculiarly well situated to play such a role. Its members (South Korea, Japan, Taiwan, Thailand, Malaysia, South Viet Nam, the Philippines, Australia and New Zealand, with Laos as an observer) all are acutely conscious of the Chinese threat. All except Malaysia have military ties with the United States. It has the distinct advantage of including Australia and New Zealand, which share the danger and would be able to contribute substantially to its strength, without an unbalancing great-power presence.

I do not mean to minimize the difficulties of winning acceptance of such a concept. In Japan, public opinion still lags behind official awareness of military needs. The avowedly neutralist nations under China's cloud would be reluctant, at present, to join any such grouping. But looking further down the road we can project either an erosion of their neutralism or the formation of their own loose association or associations, which might be tied into a military oriented ASPAC on an interlocking or cooperative basis. One can hope that even India might finally be persuaded to give its support, having itself been the target of overt Chinese aggression, and still cherishing as it does a desire to play a substantial role beyond its own borders.

III

Military security has to rest, ultimately, on economic and political stability. One of the effects of the rapidity of change in the world today is that there can no longer be static stability; there can only be dynamic stability. A nation or society that fails to keep pace with change is in danger of flying apart. It is important that we recognize this, but equally important that in trying to maintain a dynamic stability we remember that the stability is as important as the dynamism.

If a given set of ends is deemed desirable, then from the standpoint of those dedicated to peace and an essential stability in world order the desideratum is to reach those ends by evolutionary rather than revolutionary means. Looking at the pattern of change in non-communist Asia, we find that the professed aims of the revolutionaries are in fact being achieved by an evolutionary process. This offers a dramatic opportunity to draw the distinction between the fact of a revolutionary *result* and the *process* of revolutionary change. The Asian nations are showing that evolutionary change can be as exciting as revolutionary change. Having revolutionized the aims of their societies, they are showing what can be achieved within a framework of dynamic stability.

The "people," in the broadest sense, have become an entity to be served rather than used. In much of Asia, this change represents a revolution of no less magnitude than the revolution that created the industrial West, or that in the years following World War II transformed empires into new and struggling nations. It is precisely the promise of this reversal that has been at the heart of communist rhetoric, and at the heart of the popular and intellectual appeal which that rhetoric achieved.

Not all the governments of non-communist Asia fit the Western ideal of parliamentary democracy—far from it. But Americans must recognize that a highly sophisticated, highly advanced political system, which required many centuries to develop in the West, may not be best for other nations which have far different traditions and are still in an earlier stage of development. What matters is that these governments are consciously, deliberately and programmatically developing in the direction of greater liberty, greater abundance, broader choice and increased popular involvement in the processes of government.

Poverty that was accepted for centuries as the norm is accepted no longer. In a sense it could be said that a new chapter is being written in the winning of the West: in this case, a winning of the promise of Western technology and Western organization by the nations of the East. The cultural clash has had its costs and produced its strains, but out of it is coming a modernization of ancient civilizations that promises to leap the centuries.

The process produces transitional anomalies—such as the Indian woman squatting in the mud, forming cow-dung patties with her hands and laying them out to dry, while a transistor radio in her lap plays music from a Delhi station. It takes a long time to bring visions of the future to the far villages—but time is needed to make those visions credible, and make them achievable. Too wide a gap between reality and expectation always produces an explosive situation, and the fact that what the leaders know is possible is unknown to the great mass of the peasantry helps buy time to make the possible achievable. But the important thing is that the leaders do know what is possible, and by and large they are determined to make it happen.

Whether that process is going to proceed at a pace fast enough to keep one step ahead of the pressure of rising expectations is one of the great questions and challenges of the years ahead. But there is solid ground for hope. The successful Asian nations have been writing extraordinary records. To call their performance an economic miracle would be something of a semantic imprecision; it would also be a disservice. Precisely because the origins and ingredients of that success are not miraculous, it offers hope to those which have not yet turned the corner.

India still is a staggering giant, Burma flirts with economic chaos, and the Philippines, caught in a conflict of cultures and in search of an identity, lives in a precarious economic and social balance. But the most exciting trends in economic development today are being recorded by those Asian nations that have accepted the keys of progress and used them. Japan, Hong Kong, Taiwan, Thailand, Korea, Singapore and Malaysia all have been recording sustained economic growth rates of 7 percent a year or more; Japan has sustained a remarkable average of 9 percent a year since 1950, and an average 16.7 percent per year increase in exports over the same period. Thailand shifted into a period of rapid growth in 1958 and has averaged 7 percent a year since. South Korea, despite the unflattering estimates of its people's abilities by the average G.I. during the Korean War, is shooting ahead at a growth rate that has averaged 8 percent a year since 1963, with an average 42 percent a year increase in its exports.

These rapidly advancing countries vary widely in their social traditions and political systems, but their methods of economic management have certain traits in common: a prime reliance on private enterprise and on the pricing mechanisms of the market as the chief determinant of business decisions; a pacing of monetary expansion to match growth in output; receptivity to private capital investment, both domestic and foreign, including such incentives as tax advantages and quick government clearance of proposed projects; imaginative national programs for dealing with social problems; and, not least, a generally restrained posture in government planning, with the government's role suggestive rather than coercive. These nations have, in short, discovered and applied the lessons of America's own economic success.

IV

Any discussion of Asia's future must ultimately focus on the respective roles of four giants: India, the world's most populous non-communist nation; Japan, Asia's principal industrial and economic power; China, the world's most populous nation and Asia's most immediate threat; and the United States, the greatest Pacific power. (Although the U.S.S.R. occupies much of the land map of Asia, its principal focus is toward the west and its vast Asian lands are an appendage of European Russia.)

India is both challenging and frustrating: challenging because of its promise, frustrating because of its performance. It suffers from escalating overpopulation, from too much emphasis on industrialization and not enough on agriculture, and from too doctrinaire a reliance on government enterprise instead of private enterprise. Many are deeply pessimistic about its future. One has to remember, however, that in the past five years India has fought two wars and faced two catastrophic droughts. On both the population and the agricultural fronts, India's present leaders at least are trying. And the essential factor, from the standpoint of U.S. policy, is that a nation of nearly half a billion people is seeking ways to wrench itself forward without a sacrifice of basic freedoms; in exceedingly difficult circumstances, the ideal of evolutionary change is being tested. For the most populous representative democracy in the world to fail, while Communist China—surmounting its troubles—succeeded, would be a disaster of worldwide proportions. Thus the United States must do two things: (1) continue its aid and support for Indian economic objectives; and (2) do its best to persuade the Indian Government to shift its means and adjust its institutions so that those objectives can be more quickly and more effectively secured, drawing from the lessons not only of the United States but also of India's more successful neighbors, including Pakistan.

Japan has been edging cautiously and discreetly toward a wider leadership role, acutely conscious at every step that bitter memories of the Greater East Asia Co-Prosperity Sphere might rise to haunt her if she pressed too hard or too eagerly. But what would not have been possible ten, or even five years ago is becoming possible today. Half the people now living in Asia have been born since World War II, and the new generation has neither the old guilts (in the case of the Japanese themselves) nor the old fears born of conquest.

The natural momentum of Japan's growth, the industry of her people and the advanced state of her society must inevitably propel Japan into a more conspicuous position of leadership. Japan's industrial complex, expanding by 14 percent annually since 1950, already is comparable to that of West Germany or the United Kingdom. Japan's gross national product ($95 billion) is substantially greater than that of mainland China with seven times the population. Japan is expected soon to rank as the world's third-strongest economic power, trailing only the United States and the Soviet Union. Along with this dramatic economic surge, Japan will surely want to play a greater role both diplomatically and militarily in maintaining the balance in Asia. As the Prime Minister of one neighboring country put it: "The Japanese are a great people, and no great people will accept as their destiny making better transistor radios and teaching the underdeveloped how to grow better rice."

This greater role will entail, among other things, a modification of the present terms of the Japanese Constitution, which specifically provides that "land, sea and air forces, as well as other war potential, will never be maintained." (Japan's 275,000 men presently under arms are called "Self Defense Forces.") Twenty years ago it was considered unthinkable that Japan should acquire even a conventional military capability. Five years ago, while some Japanese thought about it, they did not talk about it. Today a substantial majority of Japanese still oppose the idea, but it is openly discussed and debated. Looking toward the future, one must recognize that it simply is not realistic to expect a nation moving into the first rank of major powers to be totally dependent for its own security on another nation, however close the ties. Japan's whole society has been restructured since World War II. While there still are traces of fanaticism, its politics at least conform to the democratic ideal. Not to trust Japan today with its own armed forces and with responsibility for its own defense would be to place its people and its government under a disability which, whatever its roots in painful recent history, ill accords with the role Japan must play in helping secure the common safety of non-communist Asia.

Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition to Peking, to admit it to the United

Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course. It does mean recognizing the present and potential danger from Communist China, and taking measures designed to meet that danger. It also means distinguishing carefully between long-range and short-range policies, and fashioning short-range programs so as to advance our long-range goals.

Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this planet for a billion of its potentially most able people to live in angry isolation. But we could go disastrously wrong if, in pursuing this long-range goal, we failed in the short range to read the lessons of history.

The world cannot be safe until China changes. Thus our aim, to the extent that we can influence events, should be to induce change. The way to do this is to persuade China that it must change: that it cannot satisfy its imperial ambitions, and that its own national interest requires a turning away from foreign adventuring and a turning inward toward the solution of its own domestic problems.

If the challenge posed by the Soviet Union after World War II was not precisely similar, it was sufficiently so to offer a valid precedent and a valuable lesson. Moscow finally changed when it, too, found that change was necessary. This was essentially a change of the head, not of the heart. Internal evolution played a role, to be sure, but the key factor was that the West was able to create conditions—notably in the shoring up of European defenses, the rapid restoration of European economies and the cementing of the Atlantic Alliance—that forced Moscow to look to the wisdom of reaching some measure of accommodation with the West. We are still far from reaching a full détente, but at least substantial progress has been made.

During the next decade the West faces two prospects which, together, could create a crisis of the first order: (1) that the Soviets may reach nuclear parity with the United States; and (2) that China, within three to five years, will have a significant deliverable nuclear capability—and that this same China will be outside any nonproliferation treaty that might be signed, free, if it chooses, to scatter its weapons among "liberation" forces anywhere in the world.

This heightens the urgency of building buffers that can keep the major nuclear powers apart in the case of "wars of national liberation," supported by Moscow or Peking but fought by proxy. It also requires that we now assign to the strengthening of non-communist Asia a priority comparable to that which gave to the strengthening of Western Europe after World War II.

Some counsel conceding to China a "sphere of influence" embracing much of the Asian mainland and extending even to the island nations beyond; others urge that we eliminate the threat by preemptive war. Clearly, neither of these courses would be acceptable to the United States or to its Asian allies. Others argue that we should seek an anti-Chinese alliance with European powers, even including the Soviet Union. Quite apart from the obvious problems involved in Soviet participation, such a course would inevitably carry connotations of Europe vs. Asia, white vs. non-white, which could have catastrophic repercussions throughout the rest of the non-white world in general and Asia in particular. If our long-range aim is to pull China back into the family of nations, we must avoid the impression that the great powers or the European powers are "ganging up;" the response should clearly be one of active defense rather than potential offense, and must be untainted with any suspicion of racism.

For the United States to go it alone in containing China would not only place an unconscionable burden on our own country, but also would heighten the chances of nuclear war while undercutting the independent development of the nations of Asia. The primary restraint on China's Asian ambitions should be exercised by the Asian nations in the path of those ambitions, backed by the ultimate power of the United States. This is sound strategically, sound psychologically and sound in terms of the dynamics of Asian development. Only as the nations of non-communist Asia become so strong—economically, politically and militarily—that they no longer furnish tempting targets for Chinese aggression, will the leaders in Peking be persuaded to turn their energies inward rather than outward. And that will be the time the dialogue with mainland China can begin.

For the short run, then, this means a policy of firm restraint, of no reward, of a creative counterpressure designed to persuade Peking that its interests can be served only by accepting the basic rules of international civility. For the long run, it means pulling China back into the world community—but as a great and progressing nation, not as the epicenter of world revolution.

"Containment without isolation" is a good phrase and a sound concept, as far as it goes. But it covers only half the problem. Along with it, we need a positive policy of pressure and persuasion, of dynamic detoxification, a marshaling of Asian forces both to keep the peace and to help draw off the poison from the Thoughts of Mao.

Dealing with Red China is something like trying to cope with the more explosive ghetto elements in our own country. In each case a potentially destructive force has to be curbed; in each case an outlaw element has to be brought within the law; in each case dialogues have to be opened; in each case aggression has to be restrained while education proceeds; and, not least, in neither case can we afford to let those now self-exiled from society stayed exiled forever. We have to proceed with both an urgency born of necessity and a patience born of realism, moving step by calculated step toward the final goal.

V

And finally, the role of the United States.

Weary with war, disheartened with allies, disillusioned with aid, dismayed at domestic crises, many Americans are heeding the call of the new isolationism. And they are not alone; there is a tendency in the whole Western world to turn inward, to become parochial and isolationist—dangerously so. But there can be neither peace nor security a generation hence unless we recognize now the massiveness of the forces at work in Asia, where more than half the world's people live and where the greatest explosive potential is lodged.

Out of the wreckage of two world wars we forged a concept of an Atlantic community, within which a ravaged Europe was rebuilt and the westward advance of the Soviets contained. If tensions now strain that community, these are themselves a byproduct of success. But history has its rhythms, and now the focus of both crisis and change is shifting. Without turning our backs on Europe, we have now to reach out westward to the East, and to fashion the sinews of a Pacific community.

This has to be a community in the fullest sense: a community of purpose, of understanding and of mutual assistance, in which military defenses are coordinated while economies are strengthened; a community embracing a concert of Asian strengths as a counterforce to the designs of China; one in which Japan will play an increasing role, as befits its commanding position as a world economic power; and one in which U.S. leadership is exercised with restraint, with respect for our partners and with a sophisticated discretion that ensures a genuinely Asian idiom and Asian origin for whatever new Asian institutions are developed.

In a design for Asia's future, there is no room for heavy-handed American pressures; there is need for subtle encouragement of the kind of Asian initiatives that help bring the design to reality. The distinction may seem superficial, but in fact it is central both to the kind of Asia we want and to the effectiveness of the means of achieving it. The central pattern of the future in U.S.-Asian relations must be American support for Asian initiatives.

The industrial revolution has shown that mass abundance is possible, and as the United States moves into the post-industrial world—the age of computers and cybernetics—we have to find ways to engineer an escape from privation for those now living in mass poverty. There can be no security, whatever our nuclear stockpiles, in a world of boiling resentment and magnified envy. The oceans provide no sanctuary for the rich, no barrier behind which we can hide our abundance.

The struggle for influence in the Third World is a three-way race among Moscow, Peking and the West. The West has offered both idealism and example, but the idealism has often been unconvincing and the example non-idiomatic. However, an industrialized Japan demonstrates the economically possible in Asian terms, while an advancing Asia tied into a Pacific community offers a bridge to the underdeveloped elsewhere. During this final third of the twentieth century, the great race will be between man and change: the race to control change, rather than be controlled by it. In this race we cannot afford to wait for others to act, and then merely react. And the race in Asia is already under way.

DISC: BILLION-DOLLAR TAX LOOPHOLE HIDDEN IN NEW ECONOMIC POLICY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. HARRINGTON. Mr. Speaker, in Sunday's Washington Post, Prof. Stanley S. Surrey of the Harvard Law School, detailed what he described as a "billion-dollar tax loophole" in the President's new economic policy. The loophole is called the Domestic International Sales Corp., or DISC.

Essentially, DISC defers the income tax on export profits, but in reality the deferment may take as long as 15 years, allowing the company to invest the deferred taxes. As Professor Surrey notes, the deferral is just about worth the amount of the tax itself which makes deferral the equivalent of exemption.

All a company engaged in export trade has to do is set up a DISC which, to serve its purposes, need only be a paper subsidiary, Professor Surrey says. And tax experts say that export profits may be used for activities that have nothing to do with exports once deferred. According to Professor Surrey, the DISC proposal will not materially affect our export trade but it can reduce substantially our revenue from the tax money lost. At this point, I would like to insert Professor Surrey's article in the RECORD for my colleagues:

DISC: A BILLION-DOLLAR TAX LOOPHOLE HIDDEN IN NEW ECONOMIC POLLICY

(By Stanley S. Surrey)

The President's speeches on the New Economic Policy do not mention the "DISC" proposal, and so it receives almost no notice in the daily press discussions.

The silence cloaks the efforts of the Treasury Department once again to slide the DISC proposal into the tax law. Last year the attempt was made as part of the Trade Bill, when the fierçe legislative battle waged over import restrictions permitted the DISC proposal to pass through the House, almost unnoticed and unseen and certainly not understood. Fortunately, the Senate Finance Committee then viewed the proposal with suspicion and it died at the end of the session.

There is good reason to keep the DISC proposal out of the spotlight. The proposal opens up a billion-dollar loophole in the income tax, through permitting U.S. exporters—especially our largest corporations—to escape that tax.

It would be a cruel irony to have the first significant technical income tax legislation to pass the Congress after the 1969 Tax Reform Act—the kind of legislation that only technicians and experts can follow—open up one of the largest tax escapes ever legislated by the Congress. Yet we find the Treasury Department being the moving force behind this attempt.

A DISC—Domestic International Sales Corporation—would be a new type of corporation conjured forth by this change in the tax law designed to "defer" the income tax on the "export profits" received by a domestic corporation engaged solely in the export trade. The quotation marks are used because the words they enclose turn out, as is so often the case in tax legislation, to have a significance far beyond their normal usage.

American businesses manufacturing goods that are sold abroad would be expected to organize DISCs—which need be only paper subsidiaries—through which their present exports would be channeled. The profits of a DISC from its export sales would not be subjected to income tax if the profits are used in export activities of the DISC or loaned to the parent-manufacturer corporation for "export-related activities"—again the significant quotation marks. This is the way the Treasury describes the proposal.

But under the terms of the actual legislation, it turns out that "deferral" would in practice become exemption; that "export profits" would very often include manufacturing profits; that "export-related activities" of the parent-manufacturer become activities having nothing to do with exports, extending even to investment for manufacture abroad; and that the references in title and description to "domestic" export subsidiaries cloak in practice and inducement to form foreign subsidiaries and, moreover, to form them in tax-haven countries, thus bringing back a pattern of abuse against which Congress legislated in 1962.

These are aspects that the Treasury does not talk about when it urges the proposal. For example:

1—The Treasury stresses in urging DISC that only a deferral of tax is involved, in terms that imply deferral is really not much—the tax is not paid now but must be paid a bit later on. Indeed, "deferral" for most Congressmen is a word that lulls them into believing very little is being given away. But the Treasury and corporate controllers know better. Thus, a high Treasury official, in talking recently to a professional group on aspects of accounting, said:

"I need not tell this group that tax deferral is the name of the game. A tax deferred one, two, or several years is simply a lower amount of tax on those who achieve such deferral—a burden that must be assumed by all other taxpayers."

For a profitable company, the present value of 15 years deferral—at the least the period the Treasury and business have in mind under DISC; indeed the deferral for many will be indefinite—is just about worth the amount of the tax itself, which makes deferral the equivalent of exemption. The reason is that the deferred tax-money that a company keeps over such a period (in effect an interest-free loan for that period) can be put to work earning additional money. In a typical case, the real cost to a profitable company for each $100 in deferred taxes would only be $18 to $20.

2—The Treasury stresses that domestic subsidiaries will be used and that this is helpful to unsophisticated businesses. But the tax experts who study the technical details know that the arrangement which gives the greatest tax windfall under the proposal is to combine DISC with a foreign tax haven subsidiary—a Swiss or Panamanian company. In 1962 the Congress rightly legislated against tax haven abuses. Now in 1971 under the cloak of a few technical words in the DISC proposal, the Treasury is sweeping away that legislation and directly legalizing and encouraging the widespread use of these tax havens.

3—The Treasury stresses that the profits of a DISC, freed from taxes, will be used to promote export activities. But the tax experts who study the technical details know that these tax-free funds can be used for activities that have nothing to do with exports. Thus, the funds can be used by large manufacturing companies, who are presently exporters, for purely domestic activities where the favored companies are able to compete with tax-free DISC money against companies not so favored. They can be used even to build manufacturing plants abroad—and thus reduce the export trade of the United States. The DISC money is simply made available to the companies and the Treasury will ask no questions on how it is so used.

The purpose claimed for this proposed tax-favored treatment of our exporters—exempting an entire activity from the income tax—is that it will stimulate our export trade and thereby help our balance of payments. But the revenue loss in the billions occurs even if not a single dollar of new exports occurs. Moreover, no one—not even the Treasury—has offered any public documentation and serious economic study of just how and to what extent and for what goods this windfall to exporters will increase our exports. On the contrary, most economists believe just the opposite, that the change will have only a slight effect on our exports out of all proportion to the revenue loss involved. No other country, even among those most incentive-minded, has adopted such a sweeping tax escape from its income tax.

When the questions are asked why is our tax system so unfair, why are there such gross escapes for some from the tax burdens borne by others, why do we have so much difficulty in focusing our scarce funds on pressing needs, the DISC proposal is a sharp and bitter answer.

Some corporations are of course pushing for the legislation, as are some law firms which see profits for them in reorganizing the business structures of their clients to fit DISC into the corporate organization charts. But to their credit, many a business concern and its executives, as well as their tax advisers, know the proposal is wrong—wrong for them because it means a windfall received which will not materially affect their level of exports and wrong for the country in terms of our national priorities. But it comes hard not to offer support when the Treasury pushes for their backing of the proposal.

In fact, I suspect almost everyone concerned knows DISC to be a bad tax provision. Surely the House Ways and Means Committee which initiated the tax reform legislation in 1969 should know better. One can believe that it does know better—after all, a dissenting report filed last year by some committee members explained in detail how the proposal was seriously wrong and had no place in our tax system. One suspects also that the Treasury tax experts know better. Nevertheless, the proposal has found a place in the New Economic Policy of the President.

One suspects a cultural lag. Last year, pushed by Commerce, the Treasury came up with the DISC proposal to show it was trying to "do something" about exports. This year in August, however, the Treasury moved directly to get at the crux of our trade imbalance—the unfairness to our trade that resulted from the relationship of our dollar to foreign currencies—and is now seeking a realignment of those currencies. It is also using a temporary device—the 10% surcharge on imports—to emphasize the need for currency adjustments and other trade related changes such as removal of unfair restrictive practices in other countries.

But the DISC proposal, which will not really help our exports and instead will create a large tax escape, was left around from the earlier blueprints. It is now being quietly carried along as a windfall to business, even though we have a new set of blueprints really designed to do the job that must be done to improve our trade position.

The DISC proposal should simply be dropped as a bad idea—a major loophole if viewed as a tax provision; utterly in conflict with our national priorities if viewed as an expenditure device; ineffective and now supplanted by meaningful, direct steps if viewed as a trade measure.

MISTER NATIONAL GUARD RETIRES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. SIKES. Mr. Speaker, Gen. Winston P. Wilson has retired as Chief of the National Guard Bureau. To the Congress, to the Air Force, to the National Guard and to a very substantial segment of the American public, "Wimpy" Wilson is recognized as a dedicated, outstanding, patriotic American whose contributions to defense and to America are many and lasting. It has been my privilege for years to work closely with General Wilson in matters affecting defense in general and the National Guard in particular. It is indeed a rewarding experience to work with a man of his ability and vision. I know how very much he has meant to America's defense programs and to those who wear our country's uniform.

The Air Reservist for August–September 1971 contains an inspiring article entitled "Mister National Guard Retires." It is about General Wilson. It is with pleasure that I submit it for reprinting in the CONGRESSIONAL RECORD. I know that my colleagues who share my sentiments will applaud this fine tribute.

The article follows:

MISTER NATIONAL GUARD RETIRES

"You wouldn't believe the difference in the National Guard today and in 1929 when I joined."

These are the words of "Mr. National Guard," Major General Winston P. (Wimpy) Wilson, retiring chief of the National Guard Bureau.

The year 1929 is best remembered as the year of the big stock market crash. But Wimpy Wilson remembers it as the year he finally was accepted into the National Guard of the State of Arkansas.

General Wilson retired officially Tuesday, August 31. But the day before he was honored with what probably was the most elaborate retirement ceremony ever held for a two-star general. The Vice Chief of Staff, USAF; dozens of other generals from all services, members of Congress and dignitaries from a host of states were there to pay homage to the ranking major general in the Air Force and to the man regarded by many as the man who proved the Reserve Forces Concept as a workable and vital part of our National Defense Forces.

Reflecting back through his 42 years of National Guard and Air Force service, this colorful Arkansan said:

"Nobody would get out of the Guard—and nobody died—so I just stayed a private for 10 years. I got my private flying license in 1932 and was tow-target operator on PT–1s, O–38s and then O–47s, so I was happy, even as a private. I went to Cadet Observer school in 1938–39 and was one of two selected for commission (1940) as a second lieutenant.

"I've gone from Jennies to jets, from a private and a mechanic in the National Guard to my present job, and I have seen the Guard progress from a stepchild in the military to a full-fledged member of the first team.

"My greatest desire has been to make the Air Guard more meaningful . . . not only as a flying organization but for definite missions to meet total Air Force requirements.

"The first major improvement in the Air National Guard was in 1952 when we persuaded policy makers to let the Guard stand runway alerts with our P–51s. Today the Air Guard carries 61 per cent of the total ADC mission load in the continental U.S.

"Probably the most important innovation came in 1960 when we proposed the gaining command concept to General Curtis E. LeMay, then Chief of Staff. Guard units were taken from Continental Air Command and assigned to major air commands for supervision of training and inspections. Other innovations included replacing nightly drills with weekend drills; addition of 36 flying periods to reduce accident rates; and, after longtime non-concurrence by the Air Staff, final approval of year-round training.

"The mobilization of Air Guard units during the Berlin Crisis proved we had mobility and response capability and could move and operate anywhere in the world. Our mass movement of jet aircraft overseas—the largest in the history of the Air Force—without a single accident proved the quality of the peacetime Guard training.

"We've proven time and again—and particularly in the 1960s—that any weapon systems the Air Force has can be operated and maintained by the Air National Guard if properly supported. Many Air Guard innovations were later adopted by other Reserve components.

"One thing still disturbs me. Many in the active force still don't understand the Guard and are not willing to tap the capability we have. It's hard to convince some active officers that Guardsmen want to be part of the team—they want to be challenged—and that our units can be just as combat ready and professional as the Regulars if adequate resources are given to us. Vietnam proved that.

"There's still lots to be done but the future of the Army and Air National Guard is brighter than ever. As long as the Guard can furnish combat-ready units at a peacetime training cost, the Guard will remain a vital part of the total military structure.

"It's been fun—and rewarding."

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. FRASER. Mr. Speaker, at the hearings held in Minneapolis, Dr. Warren Lawson, the secretary and executive officer of the Minnesota Department of Health, gave a cogent statement dealing with the medical situation in the State of Minnesota. He highlighted the problems of distribution and discussed some of the existing health organizations in the State. I commend his professional remarks to all my colleagues:

A VIEWPOINT ON HEALTH DELIVERY PROBLEMS

(By Dr. Warren R. Lawson)

In the few minutes allotted there is only time to touch lightly upon a few of the problems relating to the health care system.

A visiting lecturer at a large university recently stated that the American health care delivery system had at least two weaknesses—the high cost of inpatient care and the inadequacies of the public effort at primary and preventive services, and it is certainly true that the health care system in the United States is heavily oriented toward inpatient medical services. Witness, for example, the numbers and types of inpatient care facilities in Minnesota alone. There are approximately 200 general hospitals in the State with over 18,000 beds distributed so that a patient rarely has to travel more than 25 miles to receive hospital services; seven psychiatric hospitals and 19 psychiatric units of general hospitals; three inpatient institutions for the mentally retarded and epileptic; four tuberculosis hospitals; and four Federal hospitals. There are 400 licensed nursing homes in the State with more than 30,000 beds and over 250 boarding care homes representing about 8,500 beds. Further, there exist six complete rehabilitation agencies in the State and 37 rehabilitation units associated with other care facilities.

There are over 4600 licensed medical doctors in Minnesota and about 2200 practicing dentists. The population of the State is 3,695,000. This is a ratio of one physician for each 800 persons and one dentist for each 1700 persons. Problems of distribution of physicians, dentists, and patients, however, exist. There is a poorer ratio of persons per physician and dentist in rural areas than in the metropolitan centers, as is generally typical throughout the country. Supporting health care personnel are in very short supply, both in metropolitan and non-metropolitan areas. The shortage of nurses has been especially critical for a number of years, though recently and probably related to the changing economic picture, some improvement has occurred with nurses previously inactive rejoining the work force. The problem of health manpower shortages is so complex that it will apparently be resolved only over a number of years.

The nation's health and medical care expenditures amounts to $67.2 billion in fiscal year 1970, representing an increase of 12.2 percent over the health bill for the previous year. As a representation of the Gross National Product, health represented 7.0 percent of the market value of all goods and services produced in the United States. Just one year before, that percentage was 6.7.

In another area, some observers indicate that emphasis in the care delivery system on fee-for-service medical care has fostered crisis intervention medical services. Insurance plans developed within this framework and, therefore, have been designed primarily to pay costs of hospital services and part of the fees paid to physicians. The fact that most individuals have only this kind of insurance coverage means that almost everyone wants to be cared for in the hospital rather than at home. The consequent pressures on hospitals have been enormous. In addition, inpatient medical care is the most expensive kind of health service, and since it is directed principally to remedial, palliative, and restorative procedures, the present emphasis of most insurance plans fosters a negative view of health care.

It is interesting to note that by far the larger share of the medical care dollar has always come from private funds, but as Medicare and Medicaid were added in fiscal year 1967, a shift to more public financing occurred. In fiscal year 1966 (before Medicare and Medicaid), the public share was 25.6 percent. By fiscal year 1969, the government share had risen to 38 percent. Three fifths of personal health care expenditures were met by third parties (government, private health insurance, philanthropy, and industry), with government responsible for 58 percent of the third-party bill. Expenditures for hospital care continue to be one of the fastest growing categories of expenditures. The continuing rapid rise in hospital costs, together with an increase in hospital use by the population under age 65, contributed to the continuing large increase in outlays for this purpose. Hospital utilization for the nonaged (under 65 years of age), for example, whose care is for the most part paid for privately, rose at four times the rate for the aged, whose care is in general paid for from public funds. The range of services covered by the many available insurance plans, of course, varies considerably. Privately financed health insurance actually pays less than 5 percent of the health care costs throughout the country once expenditures for hospital care and hospital-connected physician services are excluded. Most plans do not cover costs for home or office visits to physicians, out-of-hospital drugs, private duty nurses, or home nursing care.

The increasing numbers and varieties of proposals for mechanisms which will influence the existing care delivery system reflect the widespread concern about the direction of the entire system. Utilization review, a concept adopted by Congress and implemented in the Medicare Program, has encouraged physicians, hospital administrators, and others to find and implement more effective ways to evaluate patterns of care and the use of health and medical care services. Physicians also recognize their important role in guiding the changes that are inevitable, and in Minnesota the State Medical Association has just completed a study designed to establish effective arrangements and procedures to assure high quality care throughout the State. A similar effort, initiated by the Hennepin County Medical Society, is also underway in the metropolitan area. Both of these efforts are important developments within the State and they merit every possible support.

Last month in his State of the Union Message, President Nixon proposed six goals for his administration. He gave first priority to welfare reform and he pledged "a program to insure that no American family will be prevented from obtaining basic medical care by inability to pay." Although details are still lacking, the President emphasized increases in the number of doctors and health personnel, incentives to improve the delivery of health services, use of assistants, health care as opposed to medical care, and preventive medicine. President Nixon's choice of words, it would appear, reflects a recognition of the fact that the term "medical care" is not synonymous with "health care," nor with "preventive medicine," and that he recognizes that the nation is becoming compellingly conscious of what we have always known but seldom practiced, that "health" rather than "medical" care is the goal for our country. It is evident that we must begin to develop a health delivery system which will create conditions and services and will organize the necessary resources to nourish *health* and *vitality* for all persons, by the establishment of mechanisms that emphasize the promotion of health and well-being rather than the care of illness and disease.

To accomplish the objective, the medical care system must be restructured to emphasize comprehensive preventive services. The concept of health maintenance organizations, where provider groups furnish prepaid health services to enrolled patients on a per-person rather than a per-service basis is receiving increased attention in many circles, and the Federal government has indicated that it intends (probably through the Medicare and eventually through the Medicaid Program) to make HMO's an accessible option in all parts of the country for individuals and practitioners who choose this kind of an arrangement. Only time will tell whether the HMO concept represents an improvement over the more traditional methods for the provision of personal medical care. It appears to some, however, that the prepayment insurance system has built-in incentives for more provider emphasis on prevention and primary health care.

Many other proposals are being and will be made to alter the care delivery system in the years ahead, including, for instance, a greater emphasis on establishing mechanisms by which a wider range of levels of care and a greater variety of health services are available. The home health agency which has developed in the last five years, for example, has established an additional level of care, and these agencies have already demonstrated that they can be effective in reducing the need for care in more costly facilities and often with a much kinder end result for the patient.

Many other changes can be anticipated and one, in my view, needs special consideration.

Prevention is the key which may be the only hope of bringing about a significant reversal of rising health and medical care costs, and prevention of illness and disease is the only really acceptable health goal for the country. Methods are known and available for preventing much ill health. There is a great need to develop additional knowledge about techniques of prevention for many other health-robbing conditions and diseases, and the resources required must be mobilized to assure their implementation. To some extent, there is a tendency to consider disease and ill health as inevitable, but this need not be so. Tuberculosis only 50 years ago was a constant risk to every person, but today it is rapidly disappearing. Why? Medical treatment of tuberculosis has been important, but the laying to rest of this human scourge has been due primarily to the establishment of effective systems of prevention. A medical journal article recently stated that one half of all illnesses in the country are preventable. I do not know how accurate that estimate is, but why shouldn't we try to find out. The direct cost of medical care in Minnesota and across the nation are several orders of magnitude greater than the total expenditures for the promotion, protection, and preservation of the public's health.

The President has put us on notice that the period ahead will be one of intense activity and promise. Changes in the existing medical care delivery system are occurring and will continue. It might well be, however, that the really basic change that must occur is to reorganize our efforts more positively toward the promotion of wellness and health instead of concentrating all of our efforts on illness and disease, and this is the real challenge in the years to come so that we may add "healthiest" to "wealthiest" in the description of our status as a nation.

Thank you.

CHATTANOOGA AND HAMILTON COUNTY DOCTORS SUPPORT INSURANCE INDUSTRY'S PROPOSAL FOR NATIONAL HEALTH INSURANCE PROGRAM

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BAKER. Mr. Speaker, the Chattanooga and Hamilton County Medical Society, Inc., has recently adopted a resolution in support of a national health insurance program which will strengthen the free enterprise system of this country and at the same time provide for those who suffer from catastrophic illnesses. The resolution expresses a preference for the insurance industry's proposal.

Inasmuch as the Ways and Means Committee will soon begin hearings on all of the national health insurance proposals, I feel my colleagues will appreciate having the benefit of the sound reasoning behind this resolution. I am pleased to place it in the CONGRESSIONAL RECORD for their study:

CHATTANOOGA & HAMILTON COUNTY
MEDICAL SOCIETY, INC.,
Chattanooga, Tenn.

It is the belief of the members of the Chattanooga & Hamilton County Medical Society that:

1. The best medical care in the world is provided to the people of the United States of America.

2. The most important advances in medical science in recent times through basic and clinical research have been made in the United States of America.

3. Medical authorities in all nations of this earth recognize that medical training in the United States of America is the best available, as is evidenced by the large numbers from other nations who come to this country for advanced study.

We further believe that this enviable position has not come by accident, but is the results of a free people working together in a free enterprise system. We believe that the right for the patient to choose his doctor and the right for the doctor to provide the service for a fee should be retained in this country, if adequate quality medical care is to be available for the people.

It is our belief that the insurance companies of this nation have developed a fine flexible system of medical and hospital insurance to help the people meet their varied needs in prepaying medical costs.

Because of these beliefs we are unalterably opposed to the legislation which has been introduced by Senator Kennedy.

We recognize that if such legislation is enacted our system of medical practice will be completely changed:

1. The patients' freedom of choice of doctor will be eliminated drastically, altering the personal doctor-patient relationship.

2. The doctor will be salaried on some capitation basis, eliminating the fee for service system and the initiative it produces.

3. The federal government will exclude all insurance companies from the health insurance field and thus do away with competition and the economies that result therefrom.

Congressman Baker, we request that you continue to oppose socialistic legislation as has been introduced by Senator Kennedy, and to support legislation designed to strengthen the free enterprise system that has made the United States of America number one.

We recognize that the system of medical practice in the country is not perfect even though it is the best. We realize that time brings about changes to meet current problems. It is our hope that legislation that may be enacted will be based on the principles that have made our nation great.

We believe that those who can provide for themselves should do so, and that those who cannot should be helped through government support. We also believe that those who suffer catastrophic illnesses should have support to prevent family economic ruination.

Congressman Baker, we know that your beliefs in basic principles are the same as ours. For this reason we are glad that we helped elect you, and feel fortunate to have you in Washington representing our interests.

Thomas L. Buttram, M.D., Chairman, Wm. P. Aiken, M.D., Jimmy B. Davis, M.D., Joseph Graves, M.D., Paul V. Nolan, M.D., Wm. E. Rowe, M.D., James R. Royal, M.D., Harry A. Stone, M.D., David H. Turner, M.D.
Legislative Committee.

A TRIBUTE TO YOUTH

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BEGICH. Mr. Speaker, in an age when many people are highly critical of rebellious youth across this Nation, I feel it imperative to pay tribute to the large majority of our young who have constructive dreams and desires and goals. Most youngsters in this country choose to participate in the mainstream of American life. We must take note that never before have so many young minds been extremely involved in bettering us as individuals and as a country. The youth today are not content to rest on the achievements of their elders nor quietly reap the benefits of the riches they inherited. Instead they prefer to be part of actions and achievements that will further build this great land. We must credit them with a serious intent to question traditional beliefs, doubt society's institutions and to attack those willing to take many things for granted.

Youth feel a responsibility to encourage innovative solutions to age-old problems, assimilate persons of all ethnic and racial backgrounds and to further develop a world in which sensitive individuals may be proud to live. They are not doing these at the expense of shirking institutions designed by their predecessors. Our young are still attending the churches of their parents, joining leadership training groups and enrolling in youth organizations founded at the turn of this century. But within these institutions they are creating a new spirit which is awakening their elders to a deep sense of social consciousness as well as to a greater desire for intellectual stimulation. I ask each of us not to turn away from the challenges young people set forth nor from the ideals in which they ask this country to aspire. Let us recognize their commitment to better this Nation with high praise.

In tribute to the youth of Alaska, Gov. William Egan has declared September 1-7 as Youth Week. I join him in his salute to our young citizens and I include for the RECORD, his statewide proclamation:

PROCLAMATION: YOUTH WEEK

September 1 to September 7 is annually designated National Youth Week in recognition of the valuable contributions which young people make to society, and to encourage them in their efforts toward helping build an ever greater America and a better world.

This year, in Alaska, National Youth Week holds special significance. It is a year in which great strides have been made, and will continue to be made, toward continuing the closing of a gap which over the years has kept young people from full involvement in the decision-making processes of government.

The State is now in the process of implementing legislation approved during the 1971 Session for the involvement of young people in government. In this program, young people will serve in the executive offices of government, as special assistants to the Governor and department heads in the State Cabinet, and will also serve on various important boards and commissions of the State.

As a result of a constitutional amendment approved by voters, Alaskans now become voting citizens at the age of 18 instead of, as previously, at 19. The State is engaged in a concentrated effort to help young people register to vote and, in the high schools, over 4,000 have registered, compared to only a few hundred previously.

The State now has a generous new scholarship loan program which young people, in both the academic and job-training fields, can take advantage of in equipping themselves for meaningful participation in the workings of their government.

Most important, it is the performance of young people which has made possible these strides, and others, in Alaska. It has not been a matter of "giving" privileges but, instead, of recognizing deserved rights.

Therefore, I, William A. Egan, as Governor of Alaska, do hereby designate the period of September 1 to September 7 as Youth Week in the state of Alaska, as it will be in the Nation and throughout the world.

I urge that appropriate programs of observation and participation be engaged in not only by our youth but by all Alaskans.

Dated this 19th day of August, 1971.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SWEDISH LESSON IN SOCIALISM, TAXPAYERS SUPPORT OF THOSE WHO WILL NOT WORK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. RARICK. Mr. Speaker, since many of our intellectual bureaucrats run to the test tube of socialism, Sweden, for the latest theories on how to eradicate freedom and collectivize the United States. I thought the Members would be interested in the results of a recent survey from Sweden.

From Stockholm we are advised that 80 percent of the population of Sweden—the most advanced socialist state as well as the most heavily taxed people in the world—feel there is no point in working for more money because "everything is sapped off by the taxation department."

The American people are continually promised socialized medicine, guaranteed annual income, day care centers, full mental health programs, food stamps more welfare, and free homes to some, but little publicity is given to the paying end of the programs which results in higher and higher taxes. The day may not be far off, if not already here, when Americans will decline raises, additional responsibilities, and applied initiative, because there will be no financial gain after taxes.

History fails to record any country which has attained greatness by confiscation of the property and earnings of its productive working class. Regimented Sweden today is a classic example of the stagnation of socialism resulting from excessive taxation from those who work and being given to those who will not work.

I ask that the Swedish story and related news articles on educated chiselers—apparently our young people feel beating the government is the thing to do, every foreign nation does it—be inserted in the RECORD.

The articles follow:

[From the Sunday Star, Sept. 19, 1971]

NO POINT TO RAISE

STOCKHOLM.—A survey indicates that 80 percent of the population of Sweden, the most heavily taxed nation in the world, feels there is no point in working for more money because "everything is sapped off by the taxation department."

[From the Indianapolis Star, July 11, 1971]

DEFAULT, BANKRUPTCY "GIMMICKS" NOW TOP $26 MILLION IN U.S.

Defaults and bankruptcy filings—the newest gimmicks to dodge legally the repayment of interest-free, government-insured student loans—have reached more than $26 million, an investigation by The Indianapolis Star has disclosed.

The figure could reach more than $30 million with the reporting of bankruptcies filed by collegians or recent graduates who secured educational funds through state-administered programs.

The widespread use of taking bankruptcy or defaulting on educational loans already has cost the taxpayers $8 million, according to the Office of Education in Washington.

The $8 million represents taxpayer dollars paid to lending institutions to cover $6,750,000 in defaults of federally insured student loans plus 6 or 7 per cent interest.

Reports of bankruptcy filings from state-administered scholarship programs which are, in part, federally funded, have been received from only one-third of the states, say Washington officials.

Additional reports could hike the total to the $30 million figure, it was estimated.

Officials of the Office of Education at Washington minimize the disclosures which reveal:

1. Bankruptcy filings by current or recent college graduates whose educations were financed wholly or in part through student loans—involve in excess of $1,285,590. This has occurred primarily the last 18 months. This figure does not include reports from more than half the states.

2. The total defaults, which are subject to improbable collection, and do not include the bankruptcies, have reached a staggering $24,621,410 out of total loans in force of $3,684,227,000.

The loans to students come from three sources: (a) 100 percent Federal insured loans; (b) state scholarship loans involving both state and Federal funds, and (c) student loans secured through private associations funded in part by the Federal government and also by private contributors.

The federally insured program was launched in late 1967.

Nearly 30,000 students or former students, to date, have defaulted on loans obtained from one of the three sources.

Alarmed over the spiraling filings of bankruptcies, which began in California and are spreading eastward, and the "attitudes of defaultees who feel they have no obligation to repay," officials of lending institutions at Indianapolis are sitting tight before authorizing any new loans.

Their current reluctance to process any new student loans stems from the expiration June 30 of Federal legislation guaranteeing the government will make good any losses.

All the lending institutions have is a memorandum from Health, Education and Welfare Secretary Elliot Richardson saying it is his judgment that an appropriation bill still bogged down in Congress provides "adequate authority" to continue making loans to students who have not previously borrowed under the Insured Student Loan Program.

But one man's "judgment" is not official enough for lending institutions that take a dim view of making additional millions of dollars in loans without legislative assurance the government project is backed up with a promise to pay, if defaults occur.

The attitude of Howard R. Sites, vice-president in charge of installment loans of Merchants National Bank and Trust Company, is typical.

"We've had cases where a student gets a degree one week and files bankruptcy the next week," Sites said. "We've had letters from kids who obtained a loan, got their degree and something in their thinking—like the Vietnam conflict—gives them the idea they have no obligation to pay back the loan.

"Since the law expired June 30—and I've seen no publicity about it—we don't know where we stand. We tell a new applicant there's no guarantee he'll get a loan until the law is clarified."

American Fletcher National Bank and Trust Company Loan Officer G. Richard Alsip, who oversees the processing of $2 million in student loans, viewed recent defaults and bankruptcies as "upsetting."

"Most of our defaults and bankruptcies have come since the first of 1971 and it certainly hasn't reached a peak," he said. "The attitudes of defaultees are terrible. We can't even contact them."

Indiana National Bank assistant Vice-President Malcolm (Bud) Buck, whose bank has $5 million in student loans, decried the thing."

"We hear," said Buck, "the word is out to go the bankruptcy route as a way out."

Buck said one female law student backed by a student loan through INB filed a bankruptcy petition as soon as she was graduated.

"We couldn't touch her," he said.

The liberal Federal bankruptcy laws provide that all debts—no matter how great or small—are erased with the filing of a petition indicating the petitioner is broke.

Indiana—so far—has set no national records in either defaults or bankruptcies involving student loans.

But Referee in Bankruptcy Nicholas A. Sufana says such filings are growing and "there's nothing we can do about it."

Student loans in Indiana, from all sources, currently total $95.9 million, according to Robert C. Sinnaeve, manager of the United Student Aid Fund (USAF), a nonprofit educational association that has loaned more than $300 million to students across the country since 1961.

Defaults of USAF-secured loans alone total $9,371,410 involving 10,000 borrowers, while bankruptcies from such loans have reached $635,590, Sinnaeve said.

Sinnaeve said the economic factor plays a role in some states, but "the bankruptcy move, which began in California, is strictly a gimmick in that state."

As far as USAF funds are concerned, said Sinnaeve, bankruptcies first began appearing 18 months ago on student filings in California with the name of the same lawyer appearing on the petitions as counsel.

"Due to reports and evidence of the increase in bankruptcies we have begun to isolate claims against USAF so we could monitor them for a trend," he said.

"It was through this check we discovered the idea originating in California with this particular lawyer representing student petitioners."

USAF, with nearly $10 million in defaults, has recovered $2 million from delinquent student or graduate borrowers—an achievement, Sinnaeve feels, due in part to the fact USAF borrowers are required to pay the interest, plus the cost of collection of a bad debt.

Student loans secured through full Federal funding are interest-free to students whose adjusted family income is less than $15,000 a year.

And, Uncle Sam doesn't send a bill for the collection costs to the borrower.

But, the government does pay the interest, generally 6 or 7 per cent, to the lending institution.

"Defaults are the next thing to bankruptcy," said Sinnaeve.

"Not having to pay back the interest gives the student an incentive to default. By not filing bankruptcy he maintains his credit standing and the government foots the bill for collecting whatever part of the principal they can get.

In Washington, officials pooh-pooh the alarm being sounded about the rash of bankruptcies filed by collegians.

Roy A. Splitgerber, loan specialist with the Office of Education, said:

"We're not aware of any special trend in regard to the bankruptcies. We expect a certain amount of debts."

Splitgerber said he is as much in the dark as anyone about the status of the expired law guaranteeing the loans.

"Officially, we don't know what to do ourselves," he declared. "We're awaiting instructions. It's like gazing into a crystal ball to predict what Congress will do."

A low-key reaction to the bankruptcy movement also was gotten from Maurice Tansy, chief of claims and collections for the Office of Education.

Tansy said: "It's something to keep our eye on, but it's nothing alarming."

"After all," said Tansy, "it isn't cheap for a kid to file bankruptcy. It costs him a $200 filing fee and a $250 attorney fee."

He conceded, however, the route was far less expensive than paying back a loan—or loans—of several thousand dollars.

Tansy said that, while Washington isn't worrying about the situation, a collection division is being set up which will have 50 field offices to try to catch up with the borrowers who won't pay.

"WE TEACH THE PRICE OF EVERYTHING, THE VALUE OF NOTHING"

Although no one can collect legally on bankruptcies, judgments may be obtained on defaults. This legal move, however, is no assurance the bad debt will be repaid.

Sinnaeve, for one, cast a jaundiced eye toward the new collection division of the Office of Education.

"If it costs more to administer the bureaucracy of running a welfare program than the benefits provide, the taxpayer is the real loser," he said.

Ex-State Collegians Take Bankruptcy Route: Jim "Lived Like a Millionaire," Then Decided to "Go For Broke."

James Pond Sanford, a glib, handsome bachelor of 23 years, was president of his junior class at Indiana University in 1968.

He ran for his senior class presidency the next year and won.

But, the challenge of a political fight ended, handling the job was "Mickey Mouse stuff." So Jim, a Zionsville youth, turned over the gavel to his vice-president.

Less than two years after his August, 1969, graduation with an accounting degree, Jim Sanford—on Feb. 12, 1971—filed a petition in bankruptcy in Federal Court at Indianapolis.

He listed debts totaling $19,451.59, including two student loans totaling $2,237, and assets of only $500.

In the 18-month period he had "lived like a millionaire" because I thought in order to become one I should act like one.

Jim piled up a $1,250 bill at his Summit House apartment, a $1,300 bill at the William H. Block Company, a $2,600 debt through two bank charge cards and a $7,000 debt to a local businessman, among other bills.

His Aquarium Leasing Inc. venture, financed by the businessman, was an immediate failure. This "brainstorm" revolved around the leasing of tropical fish aquariums to business buildings, physicians' offices and hospitals.

Jim, now living in a $40-a-month apartment at the rear of 3843 Washington Boulevard, went back to school this summer.

He's attending Indiana University School of Law of Indianapolis, financed, he says, by the sale of $3.95 reports of his ill-fated rent-a-fish venture to fish lovers who might profit by his experience.

Jim has another idea about selling artificial fish that move like the real thing, but he has yet to find a sponsor who will finance the estimated $4,000 it will cost to manufacture the phony guppies.

Jim isn't proud of having taken bankruptcy, he says.

In fact, he's so ashamed he didn't want it in the newspaper because "the people I'm trying to do business with don't know about it."

He drives a Volkswagen purchased when Aquarium Leasing was in business.

"I feel morally obligated to pay back what I owe, including the student loans, if I make really big money in the future," Jim insists.

He feels students take advantage of the student loan "giveaway."

"I had one professor at Indiana tell me to get the money (student loan) even if I didn't need it and put it in the stock market," Jim said.

He concedes he "could have made it" (through Indiana University) without the loan, but said he wanted to participate in campus politics and other extracurricular activities and without the loan he would have had to find a time-consuming, part-time campus job.

Jim, about to be drafted in December, 1969, served four months in the National Guard—from which he receives $175-a-year income.

Mrs. Doris Jean Woods, a 38-year-old sociology graduate of Indiana University in 1968, has fared far better since she filed bankruptcy proceedings in February, 1970—a few weeks after she went to work in a "very responsible position" for the Indianapolis Urban League.

Today, Mrs. Woods, formerly of 3536 North Pennsylvania Street, Apt. 3A, is en route to Yale University, where she will enjoy the benefits of a year-long grant awarded by the National Urban Fellows Program.

Mrs. Woods secured a $500 student loan through the State Scholarship Commission in October, 1966.

Mrs. Woods' recent grant, made after letters of recommendation from Mayor Richard G. Lugar and others, is a "very substantial one," according to league director Sam Jones and Deputy Mayor John W. Walls.

Jones said he couldn't disclose the exact amount but the Urban Fellows Program "has a fantastic amount of money."

Both he and Walls said Mrs. Woods had done a "marvelous job" as director of educational and youth incentives for the league.

Both Jones and Walls said they had no knowledge of Mrs. Woods having been declared bankrupt a month after she went to work for the league.

At the itme she requested bankruptcy, Mrs. Woods listed debts of $3,873.97 and assets of $500.

Her attorney, Ronald S. Lieber, said he could not discuss the reasons why she took bankruptcy because it would be in violation of the attorney-client relationship.

Efforts to locate additional Hoosier student loan borrowers who have gone the bankruptcy route were futile.

Thomas M. Almaguer, a bachelor drama instructor at Franklin College last year whose contract was not renewed, had two student loans totaling nearly $3,000 during his undergraduate work at Emerson College at Boston, Mass., and the University of Denver.

His 1969 income was $10,000 and his 1970 income was listed as $8,400 on the bankruptcy petition he filed last month.

Almaguer's last known address was 1431 East Sturm Avenue. A next-door neighbor said a "teacher" lived there, but she didn't know his name.

Clarence E. Suthard of College Corner, Ind., now a restaurant manager at Oxford, Ohio, secured a $464.50 student loan while he was attending Indiana University.

When he filed for bankruptcy two months ago, his debts exceeded his assets by only $1,300.

It had been only 14 months earlier that he had secured a federally insured loan for $700 to help pay his educational costs.

He said he was $4,200 in debt but had assets of $1,200 when he was declared bankrupt in December, 1967.

At that time, he was living at 1711 North Talbot Street, but a bearded youth now residing there said, "Don left about a year ago. I don't know where he went."

The State of Indiana has discontinued its scholarship program.

Michael B. Cracraft, chairman of the State Scholarship Commission, said loans totaling $5,166,000, involving 5,657 actual borrowers, were made from Aug. 1, 1966, through Sept. 30, 1967.

"By that time," he said "the Federal government had jumped in and we felt there was no need to continue the state program."

Defaults and bankruptcies from the year-long project have totaled $72,363, Cracraft said.

The state program was in addition to many loans secured by Hoosier students through the federally insured and privately endowed projects.

TERRAPIN CREEK WATERSHED PROJECT IS DEDICATED

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BEVILL. Mr. Speaker, recently I was privileged to take part in the dedication of the Terrapin Creek watershed project, near Centre, Ala. On this occasion, Mr. Kenneth E. Grant, Administrator, Soil Conservation Service, delivered an excellent address. His remarks focused so clearly on the problems we faced prior to the construction of this project and on the meaning of this watershed to the people of this area, that I wanted to share it with my colleagues in the House. At this time, I include Mr. Grant's remarks and urge you to give it your close attention.

The address follows:

TERRAPIN CREEK WATERSHED PROJECT IS DEDICATED

This is a beautiful part of Alabama. And the hills and valleys of Appalachia are a beautiful part of America.

The Appalachian region, one of our earliest settled areas, has had a long and colorful history—and has produced some of the finest people and some of the most severe economic ups-and-downs that this Nation has known.

Some of those sharp dips in economic tides have been due in large part to *water*:

Not enough water on a steady basis for homes and businesses; but

Too much water, too often, that kept farmers from harvesting a healthy crop and brought chronic flood damage to farm and town property.

In the Terrapin Creek watershed project, you have been working for 16 years to solve water and related land problems. As soon as one more structure is finished and two more miles of stream channel improvement work is done, you can hang up the "construction completed" sign. That one more structure controls a third of the watershed, so although peak streamflow already has been reduced during the recent heavy rains, when site # 31 is finished the difference in flooding should be dramatic.

You've had a long struggle with funds, and planning, and construction work, and more delays than you'd like. Landowners have spent a million dollars for conservation land treatment work. But you have done the job.

This is a good time to stand back and be proud of what you have accomplished, and to assess what you want to do with your improved land and water resource.

A watershed project is a complex activity that requires a lot of local leadership and support, timely assistance from State and Federal agencies, and the ability of many people and agencies to work together. That Terrapin Creek has come this far, with structural measures nearly done and land treatment nearly 90 percent completed, is a tribute to many people:

The leaders of the Terrapin Creek Watershed Conservancy District;

Supervisors, past and present, of the five soil and water conservation districts involved;

Members of the boards of commissioners of Calhoun, Cleburne, and Cherokee counties;

Your Congressmen, Tom Bevill and Bill Nichols;

The State Forestry Commission, the USDA Forest Service and the Soil Conservation Service;

And several hundred farmers who have put conservation measures on their land to aid in flood prevention and to take best advantage of its benefits, and who have shifted bottomland acres to improved pasture and in the process made a beautiful valley along Nances Creek.

And I know that the list of people involved in your project is much longer than that.

A completed watershed project can bring many things to a community, if the citizens know what they want and will use the project to its fullest to help get there.

It can mean freedom from floods and the security that freedom can bring to farmers, townspeople, and business interests whose property formerly was threatened.

It can mean other savings related to flood protection. Roanoke, for example, was able to construct three sewage lagoons to lower pollution of High Pine Creek and save money on the effort because of greater protection from flood damage.

A project can mean more fish and wildlife and the increased income that can bring from hunters and fishermen.

It can mean more opportunity for recreation, both for local residents to enjoy themselves and to give a boost to the tourist business.

It can mean better land use, increased application of conservation practices, and a stronger agriculture.

And over the long run, the new and improved water supplies that a project provides will help attract industry.

The City of Piedmont, for example, gets its water from Terrapin Creek. That supply should be better in both quantity and quality in the future.

Conservation work on the land and the seven floodwater-retarding structures upstream from Piedmont will help keep sediment and other pollutants from reaching the stream and make for a steadier base flow in Terrapin Creek.

It may interest you to know that more than 200 communities in 29 states have thought enough of the water-supply opportunity to invest in 198 watershed projects with multiple purpose reservoirs. These combination flood-prevention and community water-storage lakes will provide more than half a million acre-feet of water supply to serve 1.2 million rural residents.

Eight of these lakes are planned in Alabama. One is near Roanoke, in the High Pine Creek watershed.

It may also interest you to know that in more than 40 States, communities have planned full-scale recreation developments as part of watershed projects, along with 99 smaller-scale water resource improvements. These will create about 60,000 surface acres of water area and provide more than $20 million in recreation benefits annually.

Nationwide, watershed projects under Public Law 566 had brought the following benefits by the end of Fiscal Year 1970:

Prevented $180 million in flood damages.

Brought $4.4 million in recreation benefits each year.

Improved wildlife habitat on 204,900 acres of land and water.

Created 56,900 new jobs and added $170,700,000 yearly to local payrolls.

That's a healthy boost to both the environment and the economy, and virtually all of it has accrued to people living in rural towns and surrounding farmlands.

The Department of Agriculture has been working for both rural development and environmental improvement for several decades. I'm encouraged by the fact that these are now important issues in the press, in legislatures and in the minds of an increasing number of citizens and citizen groups.

The Terrapin Creek watershed project is an example of rural development carried out by local people with help from their government. Local sponsors assume important responsibilities in planning, installation, and followup maintenance of the works of improvement. They assume a substantial share of the installation costs, particularly in projects that have other purposes besides flood prevention and watershed protection.

So a watershed project *requires* a lot of local leadership, hard work, and dedication—these you have had. And since the project is flexible enough to meet many local aims, it *attracts* varied groups of people who want to do something about making their community better. These you also have had.

The heightened interest in rural development today is due to the twin facts of bulging super-cities and declining rural towns that no longer can support the public facilities and services most Americans take for granted. Rural America is home for about one-third of our population. But it encompasses the bulk of our land area, nearly half of the nation's poor, and about 60 per cent of the nation's substandard housing.

USDA is willing to help rural communities achieve more adequate housing, clean water, electric and telephone facilities, and regional cooperation in planning for effective use of area wide resources.

Watershed projects like Terrapin Creek will aid in the rural development process by improving the environmental base on which economic growth and social amenities rest.

Changing the rural environment must be more than keeping what we have left, more than restoring what we once had. We need to make the rural environment of high enough quality that it will beckon some of the city people to return to the open spaces and bring their families, their jobs, and their industries with them.

For you, rural development success will be measured by what *you* want to happen in your communities and how you go about getting it. Your watershed project is virtually completed. You have already begun to reap some of its benefits. Others will follow, some of them not even hinted at in the plan. I mean to say that you can get more out of your project than was envisioned in 1955 or 1960.

Your improved resource base can accomplish several things. And you can take advantage of the relationships you've developed in these 16 years to work together in meeting other needs.

A further thought is that, in several ways, your watershed project won't be finished next spring. The conservation land treatment is a never-ending job because land uses will change, and because some measures are of a recurring nature. The dams will need proper maintenance to keep them effective and safe and the same is true of the improved channels. If their banks are not well kept or if they are allowed to fill with sediment and debris, you could have a recurrence of bottomland water troubles. You could once more have difficulty in finding the channel along Nances Creek.

I'd like to close by repeating something Under Secretary of Agriculture, Phil Campbell, said recently:

"Year by year our farm people become fewer, but their contributions to America become greater . . . farmers, ranchers, forest and woodland owners—with the help of USDA and other government agencies—have done more than any other part of our society to improve the natural environment.

"Virtually all of the soil conservation and improvement that has been achieved in this country has been done by these people.

"They have carried out the major proportion of our water conservation and flood prevention efforts.

"At the same time, through their stewardship of soil, water, and forest resources they have made possible the most abundant food supply the world has ever seen—plus safer drinking water for a higher percentage of our people than in any previous generation—plus facilities for outdoor recreation unmatched in history—plus vastly increased opportunities for fishing and hunting.

"I think these facts need to be clearly established in the public eye."

He went on to say, of course, that we must do much more if the nation is to solve its environmental problems. But I would mirror his thoughts that you have been active for a long time in *doing* a job that some Americans are just now getting interested in *talking* about. This watershed project is ample proof.

Congratulations and best wishes in your future efforts.

PEOPLE WANT WORK

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. MOSS. Mr. Speaker, the unemployment situation in my congressional district was brought into focus last week as 500 individuals stood in line for up to 24 hours seeking to qualify for 14 jobs. The 14 jobs were being offered by the county of Sacramento through participation in the Federal Emergency Employment Act of 1971.

The following article from the September 13 edition of the Sacramento Bee should dispel any thinking that people do not want to work. They do want to work, and will when jobs are available:

500 LINE UP, VIE FOR JOBS

(By Ed Dolan)

The first of Sacramento County's unemployed will know—probably next week—whether a night-long wait will be rewarded with a job under the National Emergency Employment program.

Some of the job seekers began lining up as early as 11:30 a.m. yesterday to apply for one of 14 positions for which the county was accepting applications today. With more than 500 applicants on hand by mid-morning today, the odds against success seemed great.

County officials, however, pointed out the 14 jobs are those initially funded by the federal government under the new program and chances are excellent that further funding will be received. Even with additional funds, however, the number of jobs will only be about doubled.

The 14 positions are part of 54 now funded and for which the county will be accepting applications today, tomorrow and Wednesday.

The desire for work was indicated by the first two in line.

Ken Macon and James Thomas fell into line yesterday morning at 11:30 at 8th & I Streets and stayed there until 8 a.m. today when the doors of a special county civil service office opened.

Macon, sitting on a folding chair, said he was anxious to get a job as an assistant analyst; one of these positions opened today. He had the advantage of first-hand knowledge of what he was seeking. He recently completed a session as a student trainee in the county executive's office.

He said his chances for catching up on his sleep today seemed small. He already holds a bachelor's degree but after filing his job application he headed for Sacramento State College to register for classes where he hopes to obtain a master's degree.

Thomas chose an air mattress for his long wait. He was seeking the job of assistant information officer for which applications also were being accepted today.

Thomas said he had studied to become a teacher and last year worked as a substitute teacher but found his timing was bad with teaching positions hard to come by this year.

Another applicant who fell into line last night for the assistant information job was Mrs. Mauvra Osborn who until April 30 had been seen in many Sacramento homes as the conductor of a children's preschool program on a television station.

As might be expected, former Aerojet General Corp. employes were well represented in the waiting line. One of these was Tom Wiggins who until a year ago was an operations control analyst with the liquid rocket plant of Aerojet. After a year of unemployment he joined the waiting line at 6 a.m. today.

Willard Keck was after a junior civil engineer's job. He had accepted retirement from McClellan Air Force Base rather than take a transfer as an electronics engineer. He said it was the first time in 30 years that he had ever stood in line for a job.

The wait was broken for some of the applicants when civil service officials started at midnight passing out numbered cards indicating the order in which the applicants would be taken. This allowed them if they wanted, to leave the line and get some sleep before the 8 a.m. opening.

The officials said a similar system will be instituted for tomorrow's applicants with cards again passed out starting at midnight tonight. These applicants, however, will be asked to sign the cards in order that their signatures can be compared with application signatures tomorrow to assure the cards have not been handed from one person to another.

NATIONAL WEEK OF CONCERN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MIZELL. Mr. Speaker, some months ago the Nation observed a National Week of Concern for American soldiers being held prisoner of war or missing in action in Vietnam.

In a speech I made at that time, I said these prisoners of war, far from being forgotten men, were America's most remembered citizens. And so they still are.

It has now been 7 years and 174 days since the first American soldier was captured by the enemy in Vietnam.

With my colleagues and with all Americans, I anxiously await the day when all prisoners of war can be returned home safely.

But until that time, those courageous men may rest assured they are very much on our minds and in our hearts. The National Week of Concern for Prisoners of War is being observed every week by every grateful American.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. FRASER. Mr. Speaker, at the recently completed health hearings, Mr. Jack Beidler, representing the Committee for National Health Insurance, presented the following statement summing up the major provisions of the legislation favored by the committee. The committee is playing a central role in reform of our health care system. This legislation is entitled the Health Security Act of 1971. As a cosponsor of this legislation, I found Mr. Beidler's statement to be a most accurate and clear explanation of the provisions of the bill.

As Mr. Beidler pointed out in his verbal testimony, the response in Congress has been extremely good. He indicated that in one congressional office, of 100 letters received concerning health insurance, 99 were in favor of the Health Security Act. This grassroots support for this legislation provides increased incentive for Congress to act promptly on this important domestic problem.

His statement follows:

JACK BEIDLER'S STATEMENT

Mr. Chairman, I believe that Congress is on the verge of enacting legislation to deal with the crisis situation in medical care. I know that the issues and problems in health care conflict. There is, I think, a simple choice before us and that is whether or not we are going to go about this problem by patching and tinkering with the system or whether we are going to face the fact that what we need and must have is a unified, rational, well-financed and carefully planned health care system.

There is a crisis and I think there is now wide consensus about the five major causes of that crisis. Good health care for all Americans will not be available unless we deal meaningfully with the major causes of the health care crisis. These causes are: (1) skyrocketing health care costs. We now spend over $70 million a year for health care purposes which is about 7 percent of our entire Gross National Product. Under the present system of health care, there is no end in sight for these sharply rising costs. (2) Health manpower shortage continues. We are short of doctors. We are short of nurses and we are short of all kinds of medical personnel. (3) The system for availability and delivery of medical care is grossly inadequate and it will continue to fail unless strong and directed national measures are taken. (4) The quality of medical care ranges from superb to poor and we lack necessary and sufficient controls for the assurance of that high quality of care which the American people have a right to expect. (5) Our system of medical care basically functions better for the providers of service and for the insurers of service than for the users of service.

Each of these five causes of the crisis is interrelated. A sound and adequate program must therefore deal with all of them simultaneously. The Committee for National Health Insurance has developed a most thorough and complete program for evolutionary movement in the health system. It is a plan for an improved system for the efficient delivery and financing of high-quality, continuous comprehensive health services for all in our nation. It is a plan for assured financial security for American families against the unpredictable costs of serious illness which can be crushing to almost any family and which can unpredictably come to almost any family.

Most importantly it is a single plan, it is not a piecemeal approach, it is not a hodgpodge of badly fitting mosaic pieces poorly related to the needs of the American people. It is not fragments of ideas developed to accommodated special interests rather than the general public interests. It is a plan whose operation can be readily understood and utilized by the American people. The Health Security Program as it has been introduced in the Senate by Senator Kennedy as S. 3 and in the House of Representatives by Representative Griffiths as H.R. 22. I'm happy to say that Mr. Fraser is a co-sponsor of that bill. The bill would deal simultaneously with manpower shortage, with the basic problems of cost, unacceptable variations and uncertainties in quality of care and the root cause of all these—the lack of effective organization for the delivery of services. This combined and comprehensive approach favors a rationalized system of national health insurance.

The bill would provide the framework for a living program adaptable to emerging technology and delivery mechanisms. It does not propose nationalized or socialized medicine. It does not propose that the federal government take over the nation's resources for providing medical care. The hospitals, or the physicians, dentists, nurses and other personnel, nor would it arbitrarily compel the health professionals in our country to reorganize and coordinate their fragmented services into a more efficient health care system. It leaves the furnishings of medical care in the private sector with wide choices of elections for patterns of practice carefully preserved.

The bill proposes, rather, the thoroughly American approach of utilizing national economic resources to provide the financial and professional incentives and supports to improve the health care delivery system with built-in quality and cost controls. It would provide viable and acceptable alternative payment methods to the fee for service systems without excluding this traditional practice. If the Health Security program is described as nationalization or monolithic as some are doing, it should be clear that these words fairly apply only to the basics of its financing. They do not apply to the continuing private provision of medical care which preserves diversities, alternatives and voluntary actions of many kinds. Benefits under the Health Security Program would be available to all residents in the country. Eligibility would not require either an individual contribution or any means test. With very modest limitations, the benefits are intended to embrace the entire range of personal health services including care for the prevention and early detection of disease, the treatment of illness and physical rehabilitation.

There are no restrictions on needed services, no cutoff points, no co-insurance, no deductibles and no waiting period. A special feature of this bill would provide a resources development fund. A fixed percentage of overall program funds will be earmarked and used to strengthen the resources of health personnel and facilities, and its system for delivery of care. Services covered under the health security program will be financed on a budgeted basis. Advanced budgeting will restrain the speed of rising costs and provide a method of allocating available funds among categories of covered services. By a system of regional allocation of funds, annual budgetary review and approval of institutional service expenditures, and financial reviews and controls on service costs.

The bill provides the means of effecting important health cost controls. Avoidance of waste reduction beneficiencies and many other packages in the health security bill would mean that in its first year of operation the health security program would cost no more to provide a comprehensive health services to 210 million Americans than would be expended in that year for fragmented and partial services for fewer people. Needed funds for the program would be derived in part from general revenues and in part from earmarked taxes on employers and on individuals, similar to social security tax we now pay. We believe the doctor and the patient could both be free to choose an organized health service plan as an alternative to fee-for-service. In either case there should be freedom of choice to select a doctor or accept a patient.

The program includes significant provisions to safeguard the quality and care. It would establish national standards for participating individuals and institutional providers. Independent practitioners would be eligible to participate upon meeting licensor and continuing education requirements. Provision is made for professional review and competent peer judgments to assure a level of service delivery kept compatible with good medical standards.

Mr. Chairman, this country ranks 12th among industrial nations of the world on infant mortality, 18th in life expectancy for males and 10th for females. Death rate due to diabetes, heart disease and other controllable mankillers are higher in the United States than in 10 or more other industrial nations. Reasons for this deplorable state of affairs is not a lack of medical knowledge or technique. It is a lack of a modern delivery system adequately financed. For the good of us all, it is time to modernize the practice of medicine.

STRANGE PRAISE FOR NIKITA KHRUSHCHEV

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. CRANE. Mr. Speaker, the death of former Soviet Premier Nikita Khrushchev brought forth an interesting array of comments from American political leaders. Senator HUBERT HUMPHREY, for example, declared that Khrushchev "broke the monolith of international communism" and brought down "many barriers which previously had isolated Russia from the political and economic institutions of the West." Senator EDWARD KENNEDY, to cite a further example, declared that Khrushchev "wisely chose to put the cause of peace and the fate of mankind above national interest." These laudatory proclamations by such legislators as Senators HUMPHREY and KENNEDY have been accompanied by similar statements by so-called Kremlinologists, Harry Schwartz and Harrison Salisbury of the New York Times.

This is the same Nikita Khrushchev who was Stalin's loyal accomplice all through the purge years of the 1930's and beyond. According to Edward Krankshaw, editor of Khrushchev's memoirs, even in the secret speech in which Khrushchev disassociated himself from Stalin's "excesses" he spoke "only of Stalin's crimes against the party, not of his crimes against the Soviet people as a whole."

In his introduction to the Khrushchev memoirs, Krankshaw notes that—

> The most usual estimate of the number of party members arrested is close to one million. Non-party citizens arrested were at least seven times this number. It is worth mentioning that the deliberate torturing of prisoners under the interrogation was forbidden under the regulations until 1937. Early in 1937 or late in 1936 secret instructions were issued saying that torture might be used. It was finally approved by the Central Committee in 1939.

During all these years the same Khrushchev hailed by Senators KENNEDY and HUMPHREY and by Journalists Schwartz and Salisbury was a dedicated and devoted accomplice in the murder of millions of innocent men, women, and children.

Commenting upon the strange praise heaped upon Nikita Khrushchev, the Chicago Tribune pointed out that—

> If sending tanks and Mongol divisions to suppress the freedom fighters in 1956 was a contribution to breaking the Communist monolith, Khrushchev is entitled to that dubious credit . . . Khrushchev will be remembered for his denunciation of Stalin at the 20th party congress in 1956, but he neglected to emphasize that he had been Stalin's faithful henchman in all that oriental tyrant's bloody works.

The Tribune concludes that—

> The embodiment of a certain raw power of personality he certainly was. A friend of the United States, the West, or of mankind he was not.

I wish to share this editorial with my colleagues, and insert it into the RECORD at this time:

[From the Chicago Tribune, Sept. 14, 1971]

HARDLY A FRIEND

Nikita Khrushchev went to his grave a non-person in the Soviet Union, the country he ruled for 11 years as first secretary of the Communist Party. His death was recorded in seven lines in Pravada and not one of his successors in the Kremlin hierarchy which ousted him in 1964 attended the funeral in Moscow's second best cemetery, where the burial was made in an obscure corner with elevated trains passing overhead.

Yet in the United States the passing of the one-time Soviet premier evoked effusive tributes, verging on the sentimental. Sen. Hubert Humphrey, Democratic Presidential candidate in 1968, said Khrushchev "broke the monolith of international Communism" and brought down "many barriers which previously had isolated Russia from the political and economic institutions of the West."

If sending tanks and Mongol divisions into Hungary to suppress the freedom fighters in 1956 was a contribution to breaking the Communist monolith, Khrushchev is entitled to that dubious credit. Sen. Humphrey also seems to forget the "Brezhnev doctrine," enunciated by Khrushchev's successor as party secretary, which holds that once any country is engorged by Communism, it remains in that state forever.

Mr. Humphrey talks about breaking barriers to the West. Khrushchev certainly endeavored to do so when, in 1962, he implanted Soviet missiles with a range from Lima, Peru, to Hudson Bay in Castro's Cuba. He brought the world perilously close to thermonuclear destruction.

Sen. Edward M. Kennedy also seems unduly charitable in saying that during the Cuban missile crisis Khrushchev "wisely chose to put the cause of peace and the fate of mankind above national interest." Mr. Kennedy's brother, John, as President, had to deal with the Cuban threat, and certainly it is strange that a member of the family forgets that there would have been no peril to peace if Khrushchev hadn't put the missiles there in the first place.

Harry Schwartz, a Kremlinologist of sorts for the New York Times, terms Khrushchev "a giant among men." It was this same giant who sneeringly informed the United States, "We will bury you" and "Your grandchildren will live under Socialism," which is to say Communism.

Harrison E. Salisbury, in the same publication, says that the day may come when Russians will sense that Khrushchev deserves "a place close to—if not beside—Lenin," whose mummified remains are kept under glass in Red Square. These worthies certainly deserve each other. The murderer of the czar and of Russia's brief acquaintance with parliamentary government is a fitting sidekick for Khrushchev, "the butcher of the Ukraine," who carried out Stalin's liquidation of the kulaks, some millions of whom were executed or perished of starvation.

As the apostle of "peaceful coexistence"—a phrase borrowed from his predecessor, Georgi Malenkov, Khrushchev got undeserved credit in the West for carrying on the revolutionary struggle of the Communist enterprise against the non-Communist world by all the methods of multidimensional warfare except for general and thus, in our age, nuclear combat.

Khrushchev will be remembered for his renunciation of Stalin at the 20th party congress in 1956, but he neglected to emphasize that he had been Stalin's faithful henchman in all that oriental tyrant's bloody works. Khrushchev will also be remembered for his Chesterfieldian behavior at the United Nations, where he called a Filipino deplomat a "flunky" and pounded his shoe on his desk.

The embodiment of a certain raw power of personality he certainly was. A friend of the United States, the West, or of mankind he was not.

CHANGING BLACK ATTITUDE TOWARD DESEGREGATION STUDIED

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. PUCINSKI. Mr. Speaker, recently Mr. John Mathews of the Washington Star wrote a perceptive article on the changing attitude by black leaders toward school desegregation.

I should like to call Mr. Mathew's article to the attention of the House.

On August 6 I placed into the RECORD a study which shows that massive busing ordered by some courts is actually leading to resegregation; white students are leaving the public school system where such busing has been ordered by the courts and the schools are being resegregated all black.

It occurs to me, Mr. Speaker, we need a continuing dialog on this entire matter particularly in light of Chief Justice Burger's recent statement on busing.

Mr. Mathews has performed a notable public service in placing this issue into sharp perspective. His article follows:

[From the Washington Star, Aug. 29, 1971]

CHANGING BLACK ATTITUDE TOWARD DESEGREGATION STUDIED

(By John Mathews)

Repeated instances of black parents in the South balking at school desegregation plans are making civil rights lawyers and government officials wonder whether a new outlook toward integration is developing among Southern blacks.

"We often find ourselves between what the Constitution requires and what the black community wants," said A. J. (Jay) Cooper, a black civil rights lawyer representing plaintiffs in the Mobile, Ala., school desegregation case.

"Many black communities are now pushing, as are their Northern brothers, for community control and for black studies and other programs," said Mrs. Ruby Martin of the Washington Research Project, a private organization that serves as a watchdog over desegregation.

Mrs. Martin, a former director of the Department of Health, Education and Welfare's Office of Civil Rights, added in an interview that blacks "often have a very big feeling they have been had" when desegregation plans put the burden of busing exclusively on black children and when the closing of formerly black schools results in black principals and teachers losing their jobs.

POTTINGER ON "NEW MOOD"

J. Stanley Pottinger, civil rights director of the Health, Education and Welfare Department, early this month gave HEW Secretary Elliot L. Richardson the contents of a memorandum suggesting a new black mood toward desegregation is developing. Pottinger cited specifically the acceptance by NAACP Legal Defense Fund lawyers in Southern school districts such as Mobile, Jackson, Miss., and Nashville of desegregation plans that retain some all-black schools.

Pottinger's analysis is believed to have had some influence in the administration's decision on Aug. 3 to appeal to a higher court a limited desegregation plan approved by a federal judge for Austin, Tex., but to disavow a more extensive busing plan submitted by HEW.

Some administration officials felt that, particularly in Austin, HEW was making greater demands for integration than the minority communities—blacks and Mexican-Americans—wanted. Last week, however, both the NAACP and a group representing Mexican-Americans moved to enter the appeal of the Austin case, seeking to have the 5th U.S. Circuit Court of Appeals reinstitute the extensive cross-busing HEW plan.

PREMISE IS DISPUTED

The premise that Southern blacks are turning away from integration as a long-range goal is vigorously disputed by a number of civil rights lawyers.

In the Mobile case, for example, Jack Greenberg, director of the NAACP Legal Defense Fund, said the alternative was "accepting a few black schools or going to war with an unsympathetic school board, judge and national administration. Greenberg also pointed out in a telephone interview that in Mobile and Jackson all-black schools will be eliminated in 2 or 3 years under terms of the desegregation plans.

"We have to remember that there is no black community in the South, or anywhere," Greenberg said. "There are many black communities. But, I think, generally, most of them believe still that integration is the only way to insure equality of educational opportunity."

Julius L. Chambers, the black lawyer who argued the Charlotte-Mecklenburg County school case that led to the U.S. Supreme Court's key desegregation decision April 20, also maintained the black community still demands complete desegregation.

"The black community believes that desegregation cannot be a one-way process," he said. "What they advocate is that everybody must share the burden; black teachers and principals must not be fired and black students must have equal opportunity in desegregated classes and cannot be discriminated against in desegregated schools."

WHOLE NEW BALL GAME

Chambers predicted that a "whole new legal ball game" is developing revolving around discrimination within desegregated schools.

In the Charlotte-Mecklenburg County school district, which operated last year under an extensive cross-busing and individual school racial quota system—sustained by the Supreme Court—Chambers said legal action will be needed to insure equal treatment of black students.

About 4,000 students—90 percent of them blacks—were either suspended or expelled from junior and senior high schools during the first year of desegregation, Chambers said. Black students are being discriminated against in class assignments and teachers are being denied promotions, he added.

Chambers fears increased polarization between black and white students and the possibilities of violence this year, especially in the high schools. "Black kids are not going to be willing to take what they took last year," he said, "and white kids, inspired by Nixon and Wallace, are going to feel they don't have to go to integrated schools."

LAW AND ORDER ISSUE

In Columbia, S.C., Hayes Mizell, an elected school board member and a civil rights worker for the American Friends Service Committee, said the "law and order issue is being transferred to the schools," Suspension and expulsion of black students increased last school year, although reliable figures are not available, he said.

In Mobile, authorities have instituted the unusual practice of bringing criminal charges such as breach of the peace and assault against students involved in school incidents, said Jay Cooper, the black plaintiffs' lawyer.

Two weeks ago, HEW approved a desegregation plan for Columbia schools that will result in a small amount of additional busing and retention of seven virtually all-black schools. Mizell, who is white, but was elected to the school board with extensive black support, said the black community accepted the moderate desegregation plan.

"There's a sense of emotional exhaustion about the whole desegregation issue," he said. "It has been so thoroughly discussed and debated over the years that many people are now saying, 'We don't care; we just want schools open.' "

Mizell added that the black consciousness mood, among young people particularly, has resulted in the feeling "that an all-black school can be a good school."

STATEMENT OF CHURCHES AND RELIGIOUS ENTITIES IN OPPOSITION TO PROPOSED CONSTITUTIONAL PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. CELLER. Mr. Speaker, it is of the most vital importance that every Member of the House of Representatives acquaint himself with the statement of opposition to the proposed constitutional prayer amendment, signed September 15, 1971, by various religious groups. I ask that the Members study this thoughtful statement carefully. This statement makes it clear that opposition to the proposed prayer amendment is not by any means confined to nonbelieving people. It is a sensitive statement rooted in deep religious faith.

The statement follows:

Statement of Opposition to Proposed Constitutional Prayer Amendments

The undersigned national religious organizations and leaders express their united opposition to H.J. Res. 191, now pending in the House of Representatives, and to other similar proposals for constitutional amendments to authorize "nondenominational" prayer in public buildings. We express the long-standing official positions of the nation's religious faiths which affirm the adequacy of the First Amendment to protect religious interests and to ensure religious rights.

The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. We deny that any elected body or governmental authority has the right to determine either the place or the content of prayer, as implied in the proposed constitutional prayer amendment. To authorize government by a constitutional amendment to intervene in the sacred privilege of prayer, long enshrined in the character and tradition of our nation, is to make of government a judge of theology and an administrator of religious practice. If such a proposed amendment should become a part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

The proposed constitutional amendment would introduce divisiveness into our national life and among the institutions of religion. Ostensibly proposed in behalf of religion, it would paradoxically proscribe and distort freedom of religious expression.

If the proposed prayer amendment should become a part of the Constitution, the Bill of Rights would have been amended for the first time in our nation's history. Such an amendment would open the doors for governmental intrusion into the religious affairs of the people. This we protest.

On the other hand, we affirm the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision. This right is adequately protected by the First Amendment as it now stands. For this reason we also affirm the wisdom of the Supreme Court decisions in 1962 and 1963 which properly prohibited government intrusion into the religious activity of school children.

We therefore respectfully petition the Congress of the United States to preserve the religion clauses of the First Amendment intact and to oppose any and all prayer amendments to the Constitution.

SIGNATORIES

Dr. W. Hubert Porter, Associate General Secretary, American Baptist Convention.

American Ethical Union.

American Humanist Association.

Rev. Warren R. Magnuson, General Secretary, Baptist General Conference.

Baptist Joint Committee on Public Affairs.

The Church of the Brethren.

Executive Council of the Episcopal Church.

Friends Committee on National Legislation.

General Board of Christian Social Concerns, The United Methodist Church.

Mennonite Central Committee-Peace Section.

Dr. Joseph H. Jackson, President, National Baptist Convention, U.S.A., Inc.

National Council of the Churches of Christ in the U.S.A.

Rev. G. K. Zimmerman, Executive Secretary, North American Baptist General Conference.

Joint Advisory Committee of the Synagogue Council of America and the National Jewish Community Relations Advisory Council, consisting of: American Jewish Committee, American Jewish Congress, B'nai B'rith-Anti-Defamation League, Central Conference of American Rabbis, Jewish Labor Committee, Jewish War Veterans of the USA, National Council of Jewish Women, Rabbinical Assembly, Rabbinical Council of America, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations of America, United Synagogue of America, and 85 state, county, and local Jewish Community Councils.

Rev. Richard J. Niebanck, Secretary for Social Concerns, Board of Social Ministry, Lutheran Church in America.

Office of Church and Society, United Presbyterian Church in the United States.

Dr. S. S. Hodges, Executive Secretary, Progressive National Baptist Convention, Inc.

Rev. Alton L. Wheeler, General Secretary, Seventh Day Baptist General Conference.

Dr. Carl E. Bates, President, Southern Baptist Convention.

Council for Christian Social Action, United Church of Christ.

Unitarian Universalist Association.

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.

Mrs. Marcus Rohlfs, President, American Baptist Convention.

IT IS THE END OF THE BUS RIDE THAT MATTERS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an extraordinarily fine article from the New York Times of September 15, 1971, by the distinguished president of the University of Notre Dame, Father Theodore M. Hesburgh.

Father Hesburgh has served as Chairman of the U.S. Commission on Civil Rights having been appointed to that position by President Nixon.

The perceptive and vigorous article by Father Hesburgh indicates the vacillation of the Nixon administration on the entire question of furnishing integrated schools for white and black children. The article follows:

It's the End of the Bus Ride That Matters—We Must Transcend Our "Dismal History" of Racial Inequality

(By Theodore M. Hesburgh)

Notre Dame, Ind.—After seventeen torturous years, the United States was about to desegregate many of its formerly segregated schools, North and mostly South. Following a decision of the Supreme Court, many of the school districts were using busing as a means—often the only possible means—of doing so. After more than a decade and a half of legal struggles, the law seemed clear and finally, through the heroic efforts of many school boards, mainly in the South, the law was about to be followed. The result would be that finally, more than a century after slavery was ended in America, the great-grandchildren of former slaves would finally have the opportunity to obtain a first-class education—the key to final liberation and upward social mobility.

At this strategic point, the President of the United States declared that he was opposed to busing. The case in point seemed to be Austin, Tex., which was following a plan devised by the Department of Health, Education and Welfare and seemingly approved by the Department of Justice and the White House. Then came the intervention by a powerful Texas Senator that led to the repudiation of the Federal Government's plan by its leader. All who had worked for the implementation of the Brown decision during these seventeen dreary years were stunned, but little was said. It was the August doldrums. Then came the second blow with the White House press office reiterating the President's statement, and indicating that anyone in the Government opposing it might well find himself working elsewhere.

Who could respond? Most of those who might have responded were long since gone—from H.E.W., Justice, White House. The only maverick left was the U.S. Commission on Civil Rights—an independent, bipartisan agency created under President Eisenhower in 1957 to try to discover the facts on equal protection and discrimination and to advise the President and Congress regarding corrective action. The commission is a peanut. It has a budget that is one-fourth the cost of a single fighter plane, a staff of about 150, and six commissioners who are employed full time elsewhere.

Even so, they spoke out, indicating that the President's statement, at this particular time, could only give aid and comfort to those who opposed the desegregation of schools, and render the task of those trying to comply with the law immensely more difficult.

Moreover, the President's statement, while obviously popular with those who are unwilling to pay the price for a united America with freedom and justice and good education for all, especially blacks, really ignores the facts of busing. Forty per cent of all school children in America are bused to school—two billion miles a year—at a cost of 98 million dollars for 250,000 buses. To be opposed to busing is to not want 40 per cent of American youngsters to get to school.

If the commission had hired Governor Wallace, he could not have performed better. The day after the commission's statement, Wallace began to help the President. All across the South, and also in the North where school buses were fire-bombed in Pontiac, Mich., the forces of obstruction arose anew, buoyed by the President's stance, and the battle already won, had to be joined again. Numerous Federal judges had to restate their cases and even the Chief Justice of the United States had to speak again—on the side of the angels, but with reservations.

Busing is really not the issue. What is important is the education that awaits the child, especially the minority child, for the first time good education, at the end of the bus ride. Busing never aroused emotions when it was done for all the wrong reasons—like the black youngsters in Wallace's Alabama who were bused 100 miles a day from Selma to Montgomery and back to attend a black vocational school when there was a lily-white vocational school where the buses left from in Selma. I remember Medgar Evers saying that his first recollection of busing was the new school buses passing him and other black children on the way to school—a very bad school—splashing them with mud as the white children on their way to a good school yelled out the window, "Nigger, nigger!" No objections to busing then.

One can argue about the costs of equality in America today. God knows we have known the costs of inequality—wasted talents, frustration, poverty piled on poverty, generation after generation. Laws have been grudgingly passed and more grudgingly obeyed, with every possible legal evasion tested. If we are ever to emerge from our present state of inequality, it will not be by insisting on minimum compliance with minimum laws. Generosity, magnanimity, and human understanding will alone allow us to transcend, in our day, our dismal history of racial inequality.

ROSH HASHANA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. ANDERSON of California. Mr. Speaker, sundown last evening marked the beginning of Rosh Hashana, the Jewish New Year. This begins the holy period known as the "Days of Awe" and concludes with the most sacred day in the Jewish calendar— Yom Kippur, the "Day of Atonement."

These high holidays are a time of both great joy and anxiety for Jews. It is a time when families gather and also a time that signifies a new beginning. But, before the individual begins the new year, he looks at the old and attempts to come to a greater understanding of himself and God.

On the beginning of this new year, we should rededicate ourselves to two goals. First, we must preserve the security of Israel and, second, we must take immediate and determined steps to call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by her Jewish citizens.

Mr. Speaker, efforts are being made from many quarters to pressure Israel into relinquishing those lands she captured during the 6-day war in June 1967. Efforts are being made to force Israel to trade her security for a "contractual agreement."

Mr. Speaker, too many times in the past, Israel has relied on international agreements that were violated. As far back as 1917, Great Britain promised the Jews that it would establish Palestine as a Jewish state, but later, it reneged on that promise.

In 1956, Israel was promised that the Suez Canal would be kept open for Israeli shipping—and it was not.

The United Nations promised that the Golan Heights would not be armed for Arab shelling of Israeli farmlands—but the bombardments resumed.

Mr. Speaker, over the last few years, we have witnessed a string of broken promises.

Today, with tension rising in the Middle East, we must remain a true and constant friend of Israel. We must not ask her to jeopardize her security.

Second, Mr. Speaker, we, who freely possess religious freedom, have an obligation to speak for those who do not. We cannot stand by without using our influence on behalf of those Soviet Jews whose desire is for spiritual and cultural expression.

We must exert diplomatic and moral resources in support of the courageous Soviet Jews who daily incur great risks and suffer inhuman treatment rather than submit to the destruction of their Jewish identity.

In addition, we must utilize all available channels to convey our desire to allow Soviet Jews the right to emigrate to countries of their choice. It is a tragic crime for the Soviet Government to imprison its own citizens in a society where they can neither practice their religion nor make their way to countries where they might give full expression to their religious and cultural identity.

Mr. Speaker, on the beginning of this Jewish New Year, let us reaffirm our commitment to preserve the security of Israel, and let us rededicate ourselves to make every effort to relieve the plight of those Jews in Russia who do not enjoy the privileges of free men.

FINANCING FOR THE POOR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. FAUNTROY. Mr. Speaker, this country has come to the point where the poor are drowning in a sea of opulence, and there does not seem to be any lifeboats in sight. One of the critical problems is the lack of sufficient money for meaningful programs. Even when the war in Vietnam ends, it appears that there will, unfortunately, be no peace dividend. In other words, we are at the exhausting point in finding additional sources of revenue. In this regard, I call your attention to a recent lead article published in the August 29, 1971, Washington Post, entitled "Putting Money to Work," written by Georgetown Adjunct Professor of Law Jason Newman, and Pierce H. O'Donnell, a Georgetown law student. I urge every Congressman to read it and call for the appropriate committees in Congress to hold hearings on it. A more detailed version of this article appears in the Georgetown Law Journal. The article establishes an innovative fiscal policy that releases existing funds for poverty programs without any cost.

PUTTING MONEY TO WORK

(By Jason I. Newman and Pierce H. O'Donnell)

(Note.—Newman is an adjunct professor of law at Georgetown University Law Center, teaching courses in urban affairs and poverty. O'Donnell, a third-year law student at Georgetown, was a member of Ralph Nader's task force on the First National City Bank. A more detailed version of their article appeared in the May issue of the Georgetown Law Journal.)

Now that President Nixon has announced a New Economic Policy for the United States, the time has come also for a New Fiscal Policy that would transform a multi-million-dollar wasteland into a productive resource for helping to meet the credit needs of the nation's poor and near-poor.

Only a major restructuring of our fiscal policies can free the magnitude of funds necessary to counter poverty and urban decay. By linking fiscal policies to specific programs deemed socially valuable, at least an extra $5 billion to $10 billion could be applied to fight poverty.

Without significant congressional appropriations, a series of models for creative fiscal management can be constructed:

A "National Linkage System" to require the deposit of all idle public funds, and encourage the deposit of private funds, in banks which participate in projects aimed at helping the poor and eliminating urban blight.

A "Judibank" (judicial bank) program to use funds held in trust by federal and state courts to promote economic justice.

A "Poor People's Bond" and a "National Lottery for the Poor" to raise revenue for financing otherwise unfunded social welfare programs.

A new government corporation—the "Federal Bonding and Linkage Insurance Corp." (FBLIC)—to initiate and coordinate these New Fiscal Policy programs.

A "poverty bank" classification by which the Federal Reserve Board's reserve requirement would be lowered to free more loanable funds for social welfare programs.

Although these models have been designed to assist financially hard-pressed poverty programs, they can easily be transferred to other public interest goals, including refinancing the cities, rural redevelopment and environmental protection. Hopefully, state and local governments will also adopt these models.

From the outset it should be noted that the details of any one proposal are not as crucial as the underlying conceptual framework. Furthermore, all the proposals should be viewed as interlocking—as part of a program to restructure the mechanisms by which the nation's financial and credit resources are allocated to make them less wasteful and more responsive to the needs of the disadvantaged.

THE NATIONAL LINKAGE SYSTEM

Every year billions of dollars in public funds are placed in commercial banks throughout the country.

As of October 1970 there was $6.93 billion of federal monies in interest-free demand deposits in 12,000 commercial bank tax and loan accounts.

Between $50 million and $500 million are kept in checking accounts by more than 20 U.S. government agencies and departments.

State and local governments have $30.7 billion in commercial bank deposits, much of which draws no interest.

State and local government trust and insurance systems have assets exceeding $49.6 billion.

Federal and state credit unions have more than $13.6 billion saved in interest-bearing deposits in commercial banks.

Federal and state courts are estimated to have in excess of $400 million in court registry funds.

Presently there are no provisions under federal or state law requiring banks to allocate a portion of these public monies, when idle, for secondary public purposes. In fact, the preponderance of these accounts do not even bear interest. The interest alone from the $6.9 billion in Treasury tax and loan accounts would amount to at least $350 million a year. This represents almost one-half the entire proposed OEO budget for fiscal 1972.

Under the National Linkage System the depositing of all public funds would be "linked" to, or conditioned upon, a bank's participation in programs designed to assist minority enterprise, consumer borrowing and education, ghetto redevelopment, and other top priority domestic programs. In the words of Sen. Adlai Stevenson (D.-Ill.), no longer would the deposit of public funds resemble a patronage system for "rewarding one's friends and punishing one's foes."

In addition to using idle public funds themselves for social purposes, they would also be used as an incentive for banks, credit unions and other financial units to participate in certain publicly approved government and private programs requiring financial inputs.

Public funds would also be deposited in only those banks satisfying two basic criteria:

1. At least a 40 per cent loan-to-deposit ratio, thereby indicating a proven commitment to lending as an investment alternative.

2. A past record of lending to minority

business enterprises and low-income consumers, or a commitment that future lending programs will service these needs.

Once public funds have been deposited, a portion must be used for marginal and high-risk loans to minority entrepreneurs, community development projects, low-income consumers and similar groups not otherwise capable of obtaining such financial assistance. The exact formula would depend upon the amount of funds that a bank must have at its disposal to service the account and make it modestly profitable. All linkage-connected loans would be subject to a maximum interest rate. Marginal and high-risk loans would be insured against default by the FBLIC.

Participation in the National Linkage System would not be limited to federal, state and local government deposits. Government alone cannot shoulder the enormous task of responding to the credit needs of America's poor. Therefore, an essential feature of the National Linkage System would be the active involvement of many sources of private capital. Through tax and other incentives, corporations, life insurance companies, labor unions, foundations, educational institutions, credit unions and private citizens would be encouraged to deposit their funds in "linkage banks."

The idle capital of the private sector represents the largest potential source of available funds. For example, by mid-1970 all United States corporations combined had net working capital totaling $215.1 billion, of which $49.9 billion represented cash holdings. Life insurance companies have assets exceeding $200 billion. Federal and state credit unions have combined assets of more than $16 billion. The system would have built-in inducements such as tax-free interest on a certain portion of linkage deposits and higher interest rates on these accounts. In addition, knowledge that these funds are destined for social welfare programs would serve as another motivating factor for placing private funds in the National Linkage System.

Several existing government and private programs have adopted one or more features of the National Linkage System. These precedents illustrate the soundness of a linkage program as well as the viability of new approaches to fiscal management.

In 1967, Sen. Stevenson, then Illinois state treasurer, instituted a new state investment program that sought to maximize the benefits to the public stemming from the deposit of public funds. Utilizing a linkage system, Stevenson placed almost $240 million in idle public funds with banks throughout Illnois.

One of the basic assumptions of the Stevenson program was that public funds should be used creatively to allow and encourage private investment to serve the state's neighborhoods and communities. Participating banks became involved in many varied public interest activities, including critical redevelopment and Small Business Administration loans, bank training of inner-city businessmen, and loans to hospitals, educational institutions, students and others. A Ford Foundation study has concluded that the Stevenson linkage program is a highly successful scheme for demonstrating the potential of a working partnership between the public treasury and private banks to finance public programs.

In the fall of 1970 the federal government announced a joint government-private program to augment the deposit balances in minority banks by $100 million by next Oct. 1. Government deposits would represent $35 million of this total, with the balance coming from voluntary participation by corporations, educational institutions, religious organizations, foundations, labor unions and state and local governments. By aiding minority banks, the federal government is seeking to increase the amount of loanable funds for minority borrowers.

At the time of the inauguration of the Minority Deposit Program, there were 28 minority-owned and operated banks in the United States with combined deposits of less than $300 million. If successful in raising the full $100 million, the program's deposits will thus constitute a one-third increase in total deposits in these banks. However, minority-owned bank deposits still would constitute less than one-thousandth of 1 per cent of all commercial bank deposits in the United States.

The Minority Deposit Program includes one important element of a linkage program in that it seeks to use federal funds for secondary social impact purposes. Yet, in another respect, it falls far short of a true linkage system. Deposits are conditioned only upon the ethnic ownership of the bank and are not based upon any specific lending program. Minority banks are still free to loan these funds to large corporate customers instead of marginal or high-risk ghetto entrepreneurs or low-income consumers. In many instances this is exactly what is happening. Nonetheless, even with these deficiencies, a properly administered Minority Deposit Program could form an integral part of a National Linkage System.

JUDIBANK

Every year federal, state, and local courts act as trustees for millions of dollars. Ordinarily, these funds are paid into a state or federal court pending the outcome of litigation. These suits most often involve alimony and support actions and land condemnation proceedings for the construction of interstate highways and urban renewal. Most of these funds are presently maintained in noninterest-bearing accounts with local banks. Available figures indicate that at least $400 million is involved here, with $56.2 million in 93 federal district courts and the balance coming from the 12,500 state and local courts.

The Judibank concept calls for a restructuring of the role of our judicial system so that courts may assume a more active role in promoting economic and social justice. Courts could either deposit their funds in National Linkage System banks or establish their own procedures for providing full banking facilities in low-income communities lacking them. In this manner, courts might help alleviate the serious problem that the poor face in gaining access to legitimate sources of reasonably priced credit.

Courts have an overriding duty as trustees to protect the value of funds in their care. Therefore, every Judibank account and loan would be fully insured and guaranteed by the FBLIC.

POVERTY BANKS

Another potential source of linkage funds, perhaps upwards of $5 billion, would be the monies freed by reducing the Federal Reserve requirement for linkage banks in specified poverty areas.

There are presently 6,000 Federal Reserve member banks in the United States with over 80 per cent of all commercial bank deposits. Banks are divided into "city" and "country" bank categories. Each classification has a different reserve requirement (percentage of funds that must be "frozen" and not used for loans or other extensions of credit).

The present reserve requirement distinction between city and country banks serves as a precedent for a new "poverty bank" classification. By lowering reserve requirements for linkage banks in certain ghetto or low-income communities, more funds would be released for lending programs aiding local residents.

Since more money will be flowing into the general economy, this programmatic approach would most likely require the Federal Reserve Board to raise the overall requirements in order to maintain the desired credit conditions of the entire nation. This graduated reserve requirement would constitute a flexible, innovative mechanism for responding to the localized credit needs of the poor.

POOR PEOPLE'S BONDS

Like the National Lottery for the Poor, Poor People's Bonds (PPBs) represent both a method for financing FBLIC's poverty programs as well as a device for funding social welfare programs without materially increasing appropriations. PPBs would parallel the U.S. Savings Bond program with changes in yield maturity period, denomination and tax status necessary to make the bonds competitive with comparable securities in the capital markets.

Responsibility for issuing and guaranteeing PPBs would rest with the proposed Federal Bonding and Linkage Insurance Corp. The debt service on PPBs would be funded by the proceeds from the National Lottery for the Poor and/or by the FBLIC.

Employers would be able to make tax-deductible matching contributions toward the purchase of PPBs by their employees. Students would also be encouraged to participate in the PPB program. Similar to the inducements for participation in the National Linkage System, state and local governments would receive increased revenue sharing if a certain percentage of their investment portfolios were in PPBs. Furthermore, tax-deductible contributions of PPBs to charitable organizations by individuals and corporations would not be limited by any maximums imposed by existing federal laws.

The precedent for PPBs has been established. At various times the federal government has issued certain types of special purpose bonds to finance government programs and functions—war bonds in the Spanish-American War and two world wars, and Panama Canal Bonds in 1902. In the private sector, several banks are now selling anti-pollution and environmental bonds. Proceeds from these sales are used for loans to environmental and "quality of life" projects, including housing and urban development.

NATIONAL LOTTERY

Americans are particularly fond of gambling. Legal betting at race tracks reaches a gross annual figure of more than $5 billion, and enforcement officials believe that illegal betting on horses, lotteries and sporting events totals at least an additional $20 billion annually. A National Lottery for the Poor would provide a carefully regulated outlet for this gambling instinct, while at the same time raising billions of dollars for FBLIC's efforts to assist the poor. In addition to the attraction of winning prize money, citizens would know that money from their lottery ticket was aiding worthwhile social programs.

Lotteries have frequently been proposed but rarely given serious consideration as an alternative for raising revenues. Despite the traditional objection that a public lottery is immoral, surveys have shown that the American people favor a national lottery by margins ranging from 60 to 73 per cent.

The use of lotteries to raise public revenue dates back to ancient Rome, medieval France, Elizabethan England, and colonial and 19th-century America. At least 88 foreign countries employ the lottery as a means of funding government programs. In 1965 alone, these countries took in gross receipts of almost $2.5 billion, with total net income of more than $975 million for hospitals, schools, housing, welfare, charity, science, medicare, old-age assistance and other social welfare projects.

To date, three states have tried their hand at a lottery to raise funds for public education and state programs: New Hampshire, New York and, most recently, New Jersey. As of October, 1970, New York and New Hampshire had taken in well over $166.4 million in gross lottery revenues.

A NEW AGENCY

Implementation of the New Fiscal Policy outlined in this article will require the creation of a new independent government agency—the Federal Bonding and Linkage Insurance Corp. FBLIC would act as a catalyst, coordinator and policy-maker in developing and administering a comprehensive nationwide program for encouraging public and private participation in programs generated by the New Fiscal Policy. Only with broad statutory authority could FBLIC hope to bring about the substantial reform of federal fiscal policies mandated by this New Fiscal Policy for the poor.

In fulfilling its mandate, FBLIC would perform various carefully coordinated functions. It would develop, implement and administer the National Linkage System; provide technical assistance to federal, state and local governments, linkage banks and Judibanks; monitor and evaluate the lending programs of linkage banks and Judibanks; and insure all deposits in the National Linkage System in excess of FDIC coverage.

It also would provide seed capital for the creation of low-income consumer credit unions and similar financial institutions; conduct research and development programs to identify new methods for funding social welfare programs; administer the issuance and sale of Poor People's Bonds; oversee the general operation of the National Lottery for the Poor; and insure certain high-risk loans, as well as Judibank loans.

FBLIC would have several possible proceeds—from the sale of Poor People's Bonds, profits from the National Lottery for the Poor, assessments upon linkage banks and Judibank facilities, investment income, and sale of stock if the corporation were to become profit-making or were to issue stock.

If poverty is to be eradicated, the New Fiscal Policy must be initiated. President Nixon has stated that "we are fortunate to live in a nation ... flexible enough to change its ways dramatically when circumstances call for change...." The plight of a poor man in the billion-dollar wasteland is one situation that cries out for dramatic change.

FOUR WIN MEDAL OF HONOR FROM PICKENS COUNTY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1971

Mr. DORN. Mr. Speaker, Pickens County, S.C., nurtures heroes. We know of no other small, largely rural county, in the United States with four men to win the Congressional Medal of Honor since 1944. Pickens County is rich in history, heritage, patriotism, and love of country. Pickens County was named in honor of Gen. Andrew Pickens, the famous revolutionary hero who participated in the double envelopment of and destruction of the British Army at Cowpens which was the turning point in our struggle for independence. General Pickens was presented a diamond-studded sword by the Continental Congress for his gallantry and genius in this battle. This sword is in the custody of the Order of the Cincinnati, and is on display at Anderson House on Massachusetts Avenue here in Washington. General Pickens' son, Andrew Pickens and his grandson, Francis Wilkinson Pickens, were illustrious and distinguished Governors of South Carolina.

This national service beyond the call of duty is a tradition in Pickens County. The love of liberty remains undiminished in the people of Pickens County as manifested in the heroism of these four gallant men who were awarded the Nation's highest honor. Gen. Dwight Eisenhower is reported as having said that he would rather win the Congressional Medal of Honor than win the Presidency. No Pickens citizen has yet won the Presidency, but four have been awarded the Congressional Medal of Honor. The following article by Jerry Alexander appeared in the Anderson Independent following the Medal of Honor presentation by Vice President SPIRO AGNEW last week to Mr. and Mrs. Otis Howe, parents of Cpl. James Howe:

PICKENS COUNTY LISTS FOUR MEDAL OF HONOR WINNERS

(By Jerry Alexander)

LIBERTY.—The name James D. Howe is spoken proudly by many Liberty citizens today and rightly so. The late Pickens county native was Thursday awarded posthumously the Congressional Medal of Honor for bravery during a ceremony in the Indian Treaty Room of the Executive Office Building in Washington, D.C. by Vice President Spiro Agnew.

The Lance Corporal, son of Mr. and Mrs. Odis Howe of Liberty, gave his life that others might live, on May 6, in Vietnam. His parents received the award.

In making the supreme sacrifice, the 21-year-old became the fourth Pickens County man to win the nation's highest award.

It is believed that no other comparable county in America has four Congressional Medal of Honor winners.

The solider joins in immortality three other men from other wars who left the soil of Pickens county to win the award for valor above and beyond the call of duty in war.

Pickens County Veterans Affairs Officer Carl Pilgrim said Friday that he is recommending to the county council that the name of Corporal Howe be placed on the stone marker with the three other medal of honor winners situated in front of the county courthouse in Pickens.

The other three are: Furman L. Smith, of Central was killed in Action at Lanuvio, Italy in May, 1944, and was awarded the medal posthumously in Jan. 1945.

William A. McWhorter of Liberty who died on Dec. 5, 1944, at Leyete, Philippine Islands, and was awarded the medal in Sept. 1945, and Charles H. Barker of Six Mile who died on June 4, 1953 in Sokkogae, Korea and was awarded the nations highest honor on Oct 27, 1954. All awards were posthumous.

Lance Corporal Howe was a native of Six Mile and worked in Easley prior to enlisting in the U.S. Marines in the fall of 1968.

Officials said the Marine was honored for "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty" while serving as a rifleman, with company I, Third Battalion, Seventh Marines, First Marine Division.

He and two other Marines were occupying a defensive position when enemy sapper attacks began. When a grenade landed in their midst, Howe shouted a warning and threw himself on the missile, protecting the others from death or injury.

In addition to the Congressional Medal of Honor, he has been awarded the Purple Heart, The Combat Action Ribbon, The National Defense Service Medal, The Vietnam Service Medal with one bronze Star, and the Republic of Vietnam Campaign Medal.

THE MAGIC OF "PROFIT"

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BAKER. Mr. Speaker, opponents of the current wage/price freeze are raising many arguments. None is more misleading—or more incorrect—than the attacks on profits we are hearing. These critics would have a ceiling placed on profit margins. They are saying, "If we have a ceiling on prices and wages, why not have one on profits as well?"

Anyone with any knowledge of how our free enterprise system operates knows the answer. Destroy profits, or the hope for them, and you destroy incentive, the foundation of the entire capitalistic system. Obviously, placing a limit on a businessman's potential profits would do just that.

It is evident a move to set a ceiling on profit would run exactly counter to the President's twin goals of reduced inflation and increased employment.

When we place a ceiling on the profit management can earn, we are placing a ceiling on job opportunities for the labor force. When we limit management's motivation, we limit expansion as well. Investors put capital into an operation in the hope of undetermined gain. If they know in advance profit, hence dividends, will be limited, investors will hedge accordingly. And as investment is limited, so too must be expansion and diversification into new fields.

The consumer also suffers from management's dilemma, with expansion of existing services curtailed and diversification into new fields halted.

Everybody—business, labor, the consumer—stands to suffer from a ceiling on profits. But the individual who would be gripped tightest by the resulting squeeze would be the very target of the President's expanded employment goal—the returning Vietnam veteran. He would be hurt most by the resulting slack in hiring and creation of new jobs.

As we move from war to a peacetime economy, nothing would be more detrimental to our Nation's future growth than profit limits. Nothing is further from the aim of President Nixon's economic goals.

A thoughtful and cogent argument expressing these views appeared in the September 9, 1971, Chattanooga, Tenn., News-Free Press. The following editorial expresses a well-taken point one well worthy of the attention of all members of Congress.

THE MAGIC OF "PROFIT"

In the controversial discussions over the current wage and price freeze program, some have had harsh words to say about "profits"—sometimes indicating they really don't know what makes our system work.

Do away with profits, or the chance for them, and we are all economically doomed. Assure a good chance to earn profits and everybody is going to be better off economically. Why, then, curse "profits"?

The reasons, primarily, are misunderstanding on the part of some and class warfare propaganda on the part of others.

The free enterprise system is based on the idea that for the chance of earning a profit, there are those who will invest their money at a risk. Sometimes the investors lose. Sometimes they win. This effort to earn profit results in the purchase of plants and equipment and the hiring of labor for the purpose of producing goods and services for sale at prices that will cover the costs and have a "wage" left over for the one who put up the capital and took the risk.

This procedure, of course, makes jobs for workers, promotes other industries from which machinery and buildings are purchased and provides something that consumers want to buy. This is constructive. It is the way of progress.

But there always seem to be those who object to the fact that someone earns a profit. Without the profit motive, there would be no jobs, no payrolls, no purchases and no goods.

The easiest raises that any workers ever get, and the best chance of big ones, are those paid when their employers are earning a good profit. It is far easier to pay top wages out of a good profit than it is to pay mediocre wages out of a marginal operation. For that reason, it should be clear that workers and investors should not consider themselves opponents or enemies but partners. The workers who help their employers earn a good profit are helping make dollars available for their own payroll. Workers who help prevent their employers from profiting are digging their own economic graves. Companies that are able to pay good wages are going to attract the best workers and choose the best people.

"Profit" is not a dirty word. Profit is a necessary part of success for every business and for every employe.

Right now, some are critical because there has been no federal lid placed on profits while there are limits on wages and prices. The object of the control program, is to create more jobs for more workers—to bring about full employment, which would solve a great many of our economic problems not only on a personal level but on a national one. If our object is to creat job opportunities, then it would be foolish to attack and limit and restrict the forces that are going to create them.

Encouragement of investment in factories and businesses with an opportunity to earn a profit will open up more chances for workers to get jobs and provide the means for them to be paid.

No other system in the history of the world has done so much for the working man as the free enterprise system based on the investment of capital in the chance of earning a profit. We ought not to forget it, for there are still more benefits to be won for all—through profit.

HONORING GEN. CASIMIR PULASKI

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. BEGICH. Mr. Speaker, Gen. Casimir Pulaski, the gallant Polish officer who gave his life for liberty and independence in the American Revolution deserves an honored place among the heroes and patriots who built this great Nation.

Pulaski was typical of the brave young men who came here, from various countries of Europe, caught by the contagion of the American ideal of freedom. They brought their military skills and experience in battle, and they brought selfless and idealistic devotion. In a letter to Col. R. H. Lee in 1778, Pulaski wrote:

> Honor and a true desire of distinguishing myself in defense of liberty was the only motive which fired my breast for the cause of the United States.

His example of sacrifice and devotion to our Nation's cause is a model of patriotism for all times.

For us, today, the memory of Pulaski has still a deep meaning. The recollection of the time when, he like many others, gave to America all he had, without thought of return, reminds us of the sacrifices Americans have made and are making today to preserve independence, self-determination, and freedom throughout the world. His example shines down to us through the generations, and will continue to inspire generations of Americans to come.

General Pulaski fell in the terrible struggle to retake Savannah from the British on October 9, 1779, and died 2 days later on board the American brig *Wasp*. His was a gallant death in the cause of his adopted country, and worthy of remembrance on this day by all Americans. Therefore, I urge my colleagues to set aside October 9 as Gen. Casimir Pulaski Day, both as a tribute to his great courage and sacrifices in the American cause, and as a reminder that America shall never abandon her revolutionary struggle against oppression and slavery, wherever they are found.

TESTIMONIAL DINNER HONORING LEO AND ERNA BONEM BY EZRA CONGREGATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. PUCINSKI. Mr. Speaker, recently, I was privileged to be a guest at the testimonial dinner given by the Ezra Congregation and State of Israel Bonds honoring two outstanding Chicagoans, Leo and Erna Bonem.

Victims of the Nazi movement in Germany, Mr. and Mrs. Bonem came to Chicago in 1937 and went into the cattle business. Over the years they sponsored others wishing to come to the United States seeking freedom and a new way of life.

The Bonems have been very active community leaders, giving unstintingly of their time and money for many organizations to which they belong, including the Ezra Congregation, Self-help Home for the Aged in Chicago, and projects in Israel.

Dr. Franz S. Steinitz, past president of Ezra Congregation and governor of the State of Israel Bonds Organization, delivered an excellent speech concerning the accomplishments of Leo and Erna Bonem, which I should like to place in the RECORD today.

Mr. Speaker, the address by Dr. Steinitz follows:

REMEMBERING THE PAST

(Address by Franz S. Steinitz, M.D.)

Worthy Rabbi Sud, Worthy Cantor Schwimmer, The Honorable Congressman Roman C. Pucinski, President of Ezra Congregation, Mr. Sinay, Officers and Members of the Board of Directors of Ezra Congregation, Representatives of the various organizations to which the Bonems belong and finally, Mr. Leo and Mrs. Erna Bonem, their friends and guests:

First of all I like to thank your Chairman, Mr. Al Gruen, for the privilege to address you tonight. However, when he asked me to speak to you three days ago only, he did not tell me that I would follow such an excellent speaker as the Honorable Congressman Pucinski and no one less but the Chairman of the Speakers' Bureau of the Israel Bond Organization, Mr. Milton Lambert. Then I would like to congratulate your Chairman and his committee for the fine work they have done in preparing this affair and getting the bonds together, as they did.

When, at the turn of this century, a little boy was born, named Leo Bonem, in the small village Trittenheim on the Mosel and about ten years later a girl named Erna in Lauterecken in the Pfalz—nobody of the townspeople could have possibly guessed in Germany at that time that their way of life together would lead them to prominence and culminate in a Testimonial Dinner to which we are assembled today.

Their life story reads like a saga of America—as the life story of many great Americans. After the Hitler movement in Nazi Germany had forced them to give up their cattle business and butcher shop, they moved first to Trier and emigrated from there to Chicago in the year 1937. With his brother Adolph and a Mr. Joseph Heilbrunn they founded a partnership in the cattle business. They owned one whole cattle truck. However, the cab was too small for three, so the third partner Leo had to sit with the cattle in the back of the truck! After a period of time Leo went into the meat peddling business together with his brother Morris on Fulton Street and Erna was doing the bookkeeping at home, after having quit her job as a cashier in a butcher shop. Then they had a business called Prime Beef together with partners. In 1947 Leo established, again with partners, the Cee & Bee Packing Company and worked there until he retired in 1961. Retirement became a very disenchanting occupation for Leo—he felt sickly, seemed to age all of a sudden and Erna just could not stand him home any more all the time! What did Leo do? Two years later he imposed on Arthur Berlinger to open up a new Company, called the B & B Packing Company, where an old-time friend Erich Heilborn joined them later. This certainly rejuvenated him and you can see him daily, except Saturday or Sunday, at 6:30 a.m. in front of his house, eagerly waiting to be picked up by Mr. Heilbron to go to work.

Leo has had throughout his life only three interests:

His family
His business and
How to do good!

Erna was his close co-worker in all his three interests: Leo's father and Erna's mother both lived with them and were cared for with much love and devotion until they died. They also took into their home Leo's brother Morris, whose wife had passed away and who was not well himself. In addition, Leo and Erna brought some 20 people over to this country, among others the Jacob family and they also helped to establish many of them, and gave them a start in their new country. But beyond that, they have helped Ezra Congregation, their Temple family so to say, ever since the Bonems had joined us. It was through their generosity that we were able to remodel and refurbish the Lower Level Assembly Hall and the grateful congregation named it befittingly, "Erna and Leo Bonem Hall". They have been benefactors to the Selfhelp Home for the Aged in Chicago, whose Honorary Director is Leo. Recently they were the donors in the establishment of the "Elsa, Erna and Leo Bonem Dormitory" in Rehovot, Israel.

The Bonems belong to many organizations, too many to be listed here. They have supported over the years many good causes, here as well as in Israel.

Ezra Congregation indeed is privileged to count Erna and Leo as their most faithful members. From my own experience as former President of Ezra Congregation (1949-51 and 1961-63), I can assure you that there was no more noble couple during my time of office and the same still holds true! If here or abroad, when there is a need for help—the Bonems have alawys been ready to give a hand, generously and yet with the greatest modesty.

When Erna was asked "What is the highlight of your life?", she answered: "My recent trip to Israel with my beloved Leo!" I feel sure, if Leo would have been asked that question, he would have answered the same way.

Leo and Erna: In recognition of your exemplary way of life, it is my honor and my privilege in my function as Governor of the State of Israel Bond Organization to present to you this plaque.

NEW CURRICULUMS FOR NEW CAREERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. FRASER. Mr. Speaker, the following is an excerpt of a speech given by Dr. Theodore Mitau, chancellor, Minnesota State college system. It is a challenge for exploration and change in the educational system. Dr. Mitau's main thrusts are toward the training of students to respond to the needs of our communities and developing a continuity in our lives by lessening the gap between classroom theory and job reality.

I commend Dr. Mitau's ideas to my colleagues. They challenge us to think of our educational system as an integral part of our lives that must change with us. He cautions us not to close the doors to change by conditioning educational aid to our higher educational institutions and to students on their conforming to traditional programs.

The excerpt follows:

EXCERPT OF SPEECH BY DR. THEODORE MITAU

The time may be ready for us in the Minnesota State College system to take some bold moves and structure new programs for the many men and women in this state who seek viable alternatives to teacher education.

I should like to take this opportunity to invite students, faculties, administrators and State College Board members to join in a dialogue and explore the possibility of adopting curricular options that might be called "new curricula for new careers."

These curricula would hopefully be attractive and relevant to students who would wish to combine practical internship experiences with the more theory-oriented classroom work and to earn a degree other than the traditional bachelor of arts or bachelor of science. We might begin to develop such a pilot program in four broad areas: health care; human services; business systems; environmental control.

Emphasis would be on development of the ability to work with people of different backgrounds, social settings, cultural attachments, political interests and intellectual viewpoints.

Students would be able to combine skills acquired in vocational schools, junior colleges or on-the-job experiences with further education in both specialized and general education.

Learning, special or general, would emphasize the development of problem-solving skills rather than a narrow expertise; the focus would be interdisciplinary rather than disciplinary.

A bachelor's degree in the four areas mentioned (or other areas that might be defined) would be obtained in three calendar years and include an internship with credit for on-the-job training.

Far from pointing toward the stereotyped view of vocationalism, these new careers would challenge the idealism of our young men and women by demonstrating to them how they can enlist the discipline of skill and the dignity of work—not merely for materialism, but on behalf of causes and commitments that transcend personal gain or acquisition.

Curricular experimentation or innovation is never easy. The personnel in our office is keenly aware of the fact that we are a coordinated system of cooperating but diverse collegiate institutions. The dialogue concerning the strengthening of new career alternatives to teaching that we are innovating will necessarily have to begin at each campus involving faculty, students, and administrators.

Some of our colleges, or one of them, or all of them, may wish to probe more deeply into the implications of these proposals. They may wish to structure a pilot program. This then is an invitation to such a venture.

It is important that our Minnesota State College system continues to welcome new ideas, new approaches, new methods of teaching, the building of bridges between campus and community, and greater participation in curriculum building by students and non-professional teachers.

SALUTE TO AMBASSADOR GEORGE BUSH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, tomorrow will bring the opening of the 26th session of the United Nations General Assembly. As the historic question of China's admission to the U.N. comes under consideration by the General Assembly, I want to take the opportunity to commend our former colleague, Ambassador George Bush, for the exceptional job he is producing as U.S. Ambassador to the U.N. I know that all of us join in extending heartfelt wishes for the continued success of his work as our chief representative in the world body.

As part of my remarks I wish to include a report written by Ambassador Bush, which appeared in yesterday's Milwaukee Journal. Also included are two news columns reporting the work that Ambassador Bush has been undertaking in his role as America's chief diplomat and strategist.

The items follow:

[From the Milwaukee Journal, Sept. 19, 1971]

OPENING OF THE 26TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

(By George Bush, U.S. Delegate to the UN)

United Nations, N.Y.—Plato put it this way—"The only thing permanent is change." And Justice Holmes wrote—"Behind every scheme to make the world over lies the question, what kind of world do you want?" In my view, these quotes encompass the immensely important and challenging issues confronting member nations at the 26th General Assembly of the United Nations, starting Tuesday.

In the fall of '71, more than ever, issues will be brought before the General Assembly that demand flexibility, that demand a UN that is responsive to constructive change, that demand a UN that is willing to look ahead in its quest for a world truly at peace.

TWO REALITIES

Here are some of the issues that will challenge the US this fall:

CHINA

The US has enunciated a new policy on China at the UN. It is a realistic and a simple policy. If it's successful, it will represent a significant step in helping shape the UN into a much more representative body. What we hope to accomplish at the General Assembly is to have the UN accommodate two realities—the People's Republic of China (Peking) and the Republic of China (Nationalist China), without prejudicing either's claims. This does not represent a "two China" policy as has been erroneously reported.

Our policy offers representation to the People's Republic of China, but also seeks to prevent the expulsion from the UN of the Republic of China, our friend and ally of long standing. It points up the importance of their continued representation in the UN. Importantly, our policy, unlike the Albanian resolution, avoids the dangerous precedent of expulsion of a member.

The Republic of China is bigger than 92 other countries represented in the UN. Indeed, a dues paying and important member, playing a useful role in a variety of ways. The Republic of China represents a large number of people and we want to see them stay there. We want to see the General Assembly on record as favoring their retention and will be battling every moment to achieve this goal.

On the other side of this issue, the president is determined in his effort to communicate effectively with another reality, a very large reality—the People's Republic of China. UN representation for that reality will be an important move in this direction.

A BOLD REAPPRAISAL

The fact is that President Nixon has made a bold reappraisal of our China policy. This move has the support of the American people. Through this UN policy we are not promising a millennium. We simply face up to a fact: The People's Republic of China is there. Within the context of our commitment to freedom and to peace, what are we going to do about it?

The answer is the UN offers representation to the People's Republic of China and at the same time refuses to kick out the Republic of China.

MIDDLE EAST

While the China question will certainly be a focal point for world attention, the Middle East will be the subject both of behind the scenes discussions and perhaps public debate in the Security Council or the General Assembly.

For the past several months attention has been focused on efforts to achieve an interim agreement on reopening the Suez Canal. The U.S., at the request of Israel and Egypt, has been actively seeking to promote such an agreement. While problems remain, we believe the door to an interim agreement on the canal is still open and we are cautiously hopeful progress on this front will be made. In the event an interim agreement on the canal is made, we consider that this will materially contribute to efforts to bring about an overall settlement.

When it comes to the Middle East, the U.S. believes quiet diplomacy offers the best prospect for success rather than heated debates in the Security Council and General Assembly.

While we are continuing our quiet diplomatic efforts, our basic position remains unchanged. That is, we support Security Council Resolution 242, including the efforts of Ambassador Jarring, and we adhere to the policy set forth in the secretary of state's speech of Dec. 9, 1969, and the president's foreign policy report to the Congress, Feb. 25, 1971.

INDIA-PAKISTAN

During the General Assembly, there will be discussion of the report of the UN High Commissioner for Refugees (UNHCR). This year major attention will be focused on the activities of the UNHCR in assisting refugees from East Pakistan. Here exists a situation in which the UN and the secretary can help dramatically in organizing and planning relief activities both in India and in East Pakistan.

SECRETARY GENERAL

Another question of change permeating discussion in the corridors of the UN today, and one certainly to arise during the General Assembly, is that of a successor to U Thant. He has stated publicly his intention to step down at the end of his term of office following this session. He has expressed such a desire to many UN ambassadors in private discussions and I feel he is totally sincere in this conviction. In view of this, we are prepared now to engage in the very necessary consultations that will eventually result in determining his successor.

ECONOMIC AND SOCIAL ISSUES

Narcotics, population, health, environment, food distribution, refugees—these issues of international concern will receive close scrutiny this fall.

ROOT CAUSES OF WAR

Granted these economic and social issues haven't captured the imagination of many people, nor will they garner many headlines in the fall, but they are issues on which we will be expending large amounts of time in order to find creative and meaningful new solutions; and, more important, in the knowledge that success will indeed mean elimination of some of the tensions that cause war.

In the fall of '71, we can move toward a UN system responsive to change—change on the political front and change on the entire economic and social front. For our part it's a challenge that the USA welcomes.

[From the New York Daily Mirror, Sept. 10, 1971]

AT THE UN WITH AMBASSADOR BUSH

(By Robert F. Goldman)

A member of the N.Y. State Bar Association, Robert F. Goldman is a special advisor on public opinion to U.S. Secretary of State William P. Rogers. He also serves as a special consultant to Queen District Attorney Thomas Mackell and performs in a special advisory capacity to the New York State Small Small Business Administration.

A beehive of activity these days is the striking 12-story building on the southwest corner of 45th Street and First Avenue.

Headquarters for the United States Mission to the United Nations, it houses George Bush and a staff of 111 people now engaged in preparing for the fight on China scheduled this month at the UN.

Bush, the energetic politician turned diplomat, gets off to a running start each day arriving at his desk shortly after 8:00 a.m. before many of his lieutenants arrive on the scene he is well on his way planning the round of consultations with other UN Missions on the China questions.

"All we are trying to do here is to deal with realities," he says, "and we are trying to accommodate realities." The U.S. hopes to have the People's Republic of China seated at the UN this year with the Republic of China at the same time retaining its seat.

In the four weeks following Secretary of State William Rogers' announcement on dual representation, Ambassador Bush and his staff met and discussed the proposal with 94 of the 126 other member nations of the international body.

"I think we'll win," says Bush.

"Right now I can't back that feeling up with specific numbers because it's really too early for a vote count and many of these countries are going back to their capitals for instructions on how to vote. In some cases the Permanent Representatives are going home to take part in the conferences which will decide how their country will stand."

The Connecticut Yankee who became a Texan has learned a lot in the six months he has been on the UN scene. Veteran observers give him high marks for doing his homework and fitting into his difficult role as Permanent U.S. Representative. They say he has done well filling the void in foreign affairs in his background.

Son of former Connecticut Senator Prescott Bush, the 47-year-old member of President Nixon's Cabinet was schooled at Yale, following a World War II stint in the Navy. After college he went off to Texas hoping to make his fortune. He did. He then went from the oil business to politics serving two terms in the House of Representatives. Last Fall he lost in a hotly contested battle for a U.S. Senate seat from Texas.

"While the UN General Assembly, which starts on September 21st, will be dominated by the China question," says Bush, "there are other very serious problems facing this 26th session." Secretary General U Thant, he explains, has indicated he will not seek another term.

"That alone would be a major problem for the members of the United Nations to resolve," he says. "The Middle East no doubt will come before the Assembly also. There's no question we'll have a busy time of it."

Bush came to the United Nations as a critic. Though he says he has reinforced many of his attitudes, he admits the "UN's effectiveness has always been set by how much of its Members were willing to see it do." Within those limits he says the UN has achieved a great deal. He urges the U.S. and other member nations to join in realizing how much an effective UN is in their common interest.

As a former Congressman he is continually aware of political realities. He has invested a good amount of his time working on steps to streamline and make the UN more efficient in the functions of the Secretariat, the Assembly and the thousands and thousands of various meetings.

[From the Appleton (Wis.) Sunday Post-Crescent, Sept. 19, 1971]

AMBASSADOR BUSH STAYS PHYSICALLY TRIM

UNITED NATIONS, N.Y.—The way he tackles diplomacy, Ambassador George Bush doesn't really have to be an athlete in top condition. But it helps.

The former Navy flier who will pilot U.S. policy through the U.N. session starting this week finds that a 16-hour working day has become more rule than exception.

Evidently he thrives on it. His enthusiasm for the job seems to have infected his entire staff at the 12-story U.S. mission building across the street from the U.N. complex.

The session opening Tuesday will, among other things, consider the complex question of China's representation. In his first General Assembly appearance as ambassador, Bush has a tough assignment: to champion President Nixon's "two-Chinas" policy, which both Red China and the Nationalists on Taiwan reject.

How will it work out? Ambassador Bush says that if the two-Chinas policy does not succeed, it will not be for lack of trying on his part.

"Some people are saying the United States isn't really trying very hard to keep Taiwan in but if that's so, nobody's told me about it," he says.

Bush's remarks to an interviewer suggested two outstanding traits: loyalty and irrepressible optimism. He is loyal—some say to a fault—to President Nixon and frequently quotes him in conversation. And his personality is such that pessimism for Bush would seem next to impossible.

George Herbert Walker Bush is a self-made Texas oil millionaire. He had been transplanted to Texas, however, from New England, and he combines shrewd Yankee humor with Texas affability.

As a Republican congressman from Texas, Bush once was considered a strong possibility for the 1972 vice presidential nomination. Despite loss of a 1970 U.S. Senate race, he still looks to some Republicans like a prospective answer to the Democrats' acquisition of New York's mayor, John Lindsay.

At 47, he is handsome and has the engaging manner of a natural-born vote-getter.

DEMOCRATS WISH

"I sure wish he was a Democrat," a Democratic leader was once heard to murmur wistfully.

President Nixon noted the potential in a bantering way last February when Bush was sworn as ambassador. Nixon recalled how President William McKinley had lost an Ohio race and gone on to become president, "but I'm not suggesting what office you should seek and at what time."

What about political aspirations as of now? Bush grinned.

"In this job I am not a political person. I can't be. You can't indulge in political partisanship in this job. If you asked me could I conjure up a set of facts involved in the elective political process, I would have to admit that yes, I am still a political animal and keep my interest in elective politics. But there's no time here to think of such things.

"As a Cabinet member, of course I keep up with domestic affairs and would be prepared to discuss domestic and international issues. But I am a strong believer in the policies President Nixon is embarked on now in the United Nations, and he is entitled to total advocacy here."

The President gets it; Bush does not spare himself.

The ambassador rises at about 7 and switches to a news program which takes exactly 12 minutes. That's how long Bush stays on his exercycle.

"The exercycle session is boring. Nobody wins, nobody loses, no competition, and I hate every minute of it, but I feel I ought to do it. I don't ever eat much breakfast and I leave my apartment at the Waldorf about 8, to be driven to the mission. I get here every morning about 8:10."

GREAT VIEW

The ambassador's 11th floor office commands a view of the U.N. complex. The walls have photographs of the President, vice president and secretary of state, the U.S. astronauts on the moon and various Bush family scenes. On a table near a window is a bust of Abraham Lincoln, and near the desk is an old globe on a stand, which Bush calls "the antique."

For an informal conversation, Bush abandons his desk and seats himself in an easy chair. Recently back from a stay at a vacation retreat in Maine, he looks tanned and relaxed. But as he talks, the relaxed manner fails to hide the fact that he is a bundle of energy. Glasses pushed back on his head, he pops out of his chair, reaches the desk in a couple of long strides and fishes out his appointment calendar.

"First thing in the morning, my secretary, Mrs. Aleene Smith, brings me the morning's telegrams to read, and I have a session with my executive assistant, Tom Lias."

He thumbs the desk calendar and chooses a typical day. It includes the morning staff meeting, appointment after appointment with ambassadors and U.N. officials, luncheon engagement, receptions in the evening, and formal dinner. Invariably at least one dinner and one reception must be attended. Sometimes two or three diplomatic receptions occur on the same day and he must make all of them, somehow. He regards that as devotion "above and beyond the call of duty."

"I try to get to bed by 11:30 if possible, but often my calendar is so filled that I fall behind in my work and have to take it home with me."

He travels frequently to Washington for Cabinet meetings and other chores, to say nothing of speaking engagements around the country. So it helps to be physically fit, and Bush stays in shape. At tennis, he says, "I'm still pretty tough." He plays a lot of doubles, well enough to team often with top professionals.

"I love baseball," he volunteers. He was captain of his Yale team, playing first base, in its undefeated seasons of the late 1940s.

PING PONG VIEWS

What with China's Ping Pong diplomacy, a diplomat might do well to excel in that sport. How is Bush's Ping Pong?

"Well, I have to be modest about that," he replies with a grin. "I have been crushed by my kids at Ping Pong. I can handle them at tennis, except for my second eldest, who is captain of his university team, but all four of my boys play well. We are a very competitive family."

The eldest son, George Walker Bush, like his father, a Yale man and now an Air Force pilot has completed law school. The other three sons and a daughter are still in school.

George Bush was born June 12, 1924 at Milton, Mass. His father is Prescott S. Bush, an investment banker who served as U.S. senator from Connecticut in 1952–62. His maternal grandfather was George Herbert Walker, donor of the international golf trophy, the Walker Cup.

Bush's family moved to Greenwich, Conn., the year he was born. The ambassador remembers with a trace of awe the imposing figure of his tall and handsome father presiding as moderator over Greenwich's town meeting. Bush resembles his patrician-looking father, though without his father's stern exterior.

Bush still was in prep school at the time of Pearl Harbor. On the day he turned 18 he enlisted in the Navy and before he was 19 had his commission and wings as a Navy pilot. He flew torpedo bombers from a carrier in the Pacific and was shot down off the Bonin Islands. Luckily, he spotted a U.S. submarine and swam for it; "I set a new record for free style."

Bush left the Navy as a junior grade lieutenant in 1945, with a Distinguished Flying Cross and three air medals. He completed his education, emerging from Yale in 1948 as a Phi Beta Kappa with an economics degree. With his bride of 1945, the former Barbara Pierce of Rye, N.Y., he headed for Texas, made Houston his home and entered the oil-field supply business. Eventually he founded Zapata Petroleum Corp., an international drilling contract firm, and Zapata Offshore Co.

The "political animal" in him would not be denied. He ran successfully in 1966 and 1968 for Congress from Texas' 7th district. He was critical of rock-bound Republican conservatives, feeling that the party should be dynamic and not frightened of change.

"Would you consider yourself a sort of liberal conservative?" he was asked.

PRAGMATIST

"People in Texas used to ask me that in the campaigns," he replied. "Some even called me a right-wing reactionary. I like to think of myself as a pragmatist, but I have learned to defy being labeled. I don't object, particularly, but I feel labels mean different things to different people, and it's impossible to make them objective. What I can say is that I am a strong supporter of the President. If you tell me what he is, I can tell you what I am.

"I exercise some discretion, of course, but I would not exercise any that would conflict with the President's policies. If I did find myself in conflict with them, my conscience would dictate that I get out. If I couldn't support the President's policies with enthusiasm, vigor and energy, then the United States and its President would be underrepresented here."

As ambassador, Bush must entertain extensively at his Waldorf Hotel suite, but the Bushes always have been enthusiatic hosts.

"Barbara likes it," he says—"We like people. We have a feeling of friendship and mutual respect when we deal with the various ambassadors."

In those encounters he likes to keep the atmosphere informal and avoid an atmosphere of diplomatic stuffiness. There's a place for protocol, he says, "but it can be overdone."

As ambassador, Bush cheerfully admits his lack of diplomatic background, but feels any critics on that score should withhold judgment until his first U.N. assembly session ends in December.

He admits he has changed his mind on some things, including the China question. Seven years ago he was quoted as saying that if Peking ever should be voted into the United Nations, the United States should get out.

"That was 1964, a long time ago," he observes. "There's been an awful lot changed since . . . A person who is unwilling to admit that changes have taken place is out of things these days. President Nixon is not being naive in his China policy. He is recognizing the realities of today not the realities of seven years ago."

FIRST DUTY

Bush approaches his job from the standpoint that his first duty is to his own country.

"If I became an international civil servant that would be wrong. What is going to make the United Nations stronger is its function as a melting pot for different viewpoints. The United States should be strongly represented and we should try to bring out what's good about our country, be prepared to stand up in behalf of our country whenever necessary."

At the same time he is an eager salesman for the U.N. ideal. He wants to stimulate interest in it around the world, possibly by means of a U.N. session once in a while in another country.

"For example, let's see what happens if a U.N. session is held in a Communist bloc country. Why not let others see what the problems are, what it means? It could revitalize the whole organization. The costs would be high, but if the Olympic games, for instance, can be taken to Tokyo, why not the United Nations to another country?"

Approaching his first assembly session, Bush seems assured of enthusiastic support from his staff, who seem, by the large, to have become avid admirers of their new boss.

FREEDOM RETURNS TO BOSTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. RARICK. Mr. Speaker, on June 11, 1968, I called the attention of our colleagues to the dangers inherent in the Federal programs designed to insure "equal housing for all" and the inevitable flight of the white population to the suburbs. All of this social justice was to be done under the basic premise of appeasing the extreme left wing superliberals who nurture the myth that future society must have a fixed ratio of black and white citizens equally distributed throughout the population.

On June 18, 1971, I pointed out to my colleagues that the Nixon administration was not content to destroy the cities, but was now going to force suburban housing patterns to conform to some unrealistic dream of "proper racial proportions." On that date I called the attention of the House to the fact that the Nixon administration had instituted suit against Black Jack, Mo., a white suburb of St. Louis, charging racial discrimination and demanding integrated housing. This suburb was begun in 1969–70 by whites who fled to the suburbs to escape the blackening inner city.

Today, I would like to call the attention of the House to the recent occurrences in Boston, Mass., that again illustrate the administration's obsession with achieving the impossible—forced integration of housing patterns.

The news story points out that a suburb of Boston was integrated under a Federal program that guaranteed loans to blacks of the inner city. What has occurred is that the white population of this suburb have fled to other locations where they could choose their neighbors and live without fear for their lives and possessions, leaving this previously white suburb 40 percent black in just 3 years. The article points out that the move of blacks from Roxbury to Dorchester has stimulated the drug addicts to hit the houses of the community. Crime is on the rise, and so is fear. The true impact of integration is now being forcibly brought home to our liberal Boston friends. Reality tends to destroy the liberal myth of the equality of man.

The lesson is obvious—forced integration of housing patterns does not and will not work. The experience of Black Jack, Mo., and Boston, Mass., is proof of this. The American citizen across the Nation refuses to give up his right to choose his own society, including where he lives and works. Free men just refuse to be used as a statistic to appease politicians.

Can the administration accept reality and recognize that this is not racism—that this is freedom in action, that this is free men voting by foot, because their freedom has already been so intimidated they lack the courage to speak out? In utter despair, they flee from danger and the shock of reality.

History records the tragic flight of minorities fleeing the tyranny of the majority and the dangers of the onrushing horde. This played a major role in the settling of this country.

Now, we see the strange situation of a majority fleeing a minority because of the tyranny of unreasonable, unworkable, and dictatorial practices of its own government. How will history record the leaders of this era?

I insert a related news article in the RECORD at this point:

[From the Washington Post, Sept. 19, 1971]

ANATOMY OF A BOONDOGGLE: THE BLOCKBUSTERS OF BOSTON

(By Robert C. Maynard)

BOSTON.—When Lewis Gilbert III, 7 years old and black, came home from school not long ago, he noticed a moving van across the street from his family's suburban-style, split-level home. It was one of many that have been on the streets lately in Boston's Mattapan section.

"Mommy," Lewis asked, "how come since we moved here so many people are moving away?"

His father recounted that story here last week. He shook his head, his eyes moist, and asked, "How do you explain to a kid? How?"

Lewis Gilbert Jr. was not the only person having trouble last week explaining how Mattapan, almost entirely Jewish a few years ago, is now well on its way to becoming almost entirely black.

Investigations are being conducted by a Senáte subcommittee, the Federal Bureau of Investigation and the U.S. Attorney's office here to determine whether federal laws were violated in the process by which Mattapan has become 40 percent black in just three years.

The focus of their attention, ironically is on a federally backed program that was designed to help poor black families purchase their own home outside of grossly overcrowded Roxbury, where 90 percent of Boston's blacks now live.

The plan, begun in the post-racial tensions of 1968, called for 24 Boston banks to pool $29 million to make federally guaranteed loans to about 2,000 Roxbury families for mortgages.

The Senate investigation established last week that the banks decided before granting any loans and without the knowledge of the public—to place a "blue line" around Mattapan and restrict virtually all of the loans for home purchases to that community.

Real estate speculators, armed with bank maps showing the blue line, moved in by the dozen and helped to set off a wave of panic selling by the middle class Jewish residents, who frequently sold at well below the fair market value for their homes. Many of the houses were mortgage free. They were then sold to blacks at prices well in excess of their value at interest rates of 8 per cent.

The FBI, although it is observing its usual reserve about the object of its investigation, is known to be asking a number of questions about a federal Housing Administration official whose son operates a real estate business in Mattapan.

A representative of the U.S. Attorney's office said he couldn't predict what—if anything—will be taken before a federal grand jury, but he added that, "you can be sure we aren't about to indict any bank."

An official of the Department of Housing and Urban Development, speaking in a voice of frustration, said he doubted any serious action would be taken either by the Justice Department or his department.

"There isn't any law that specifically covers what has been done to Mattapan," said the HUD official. "The most serious crime committed there is that they set black against white and have further poisoned race relations in this city. It's a shame but not a crime."

Chairman Philip A. Hart (D-Mich.) of the Senate Antitrust Subcommittee, which conducted three days of hearings here last week, said he wasn't sure whether any federal laws had been violated, either.

But he said that what he has learned here about the role of the banks and the federal government in Mattapan's transition has led him to a disturbing conclusion.

"Sooner or later," Hart said at the end of the hearing, "if we fail to remove the racial lines from our society, forces could be unleashed that would destroy us."

"UNBELIEVABLE PRICE"

Robert Fortes, friend and neighbor of Lewis Gibert and former president of the interracial Mattapan Neighborhood Block Association, told Hart that the destructive process is already well on its way and that black people "are already paying an unbelievable price."

The plan under examination was designed to bring together the banks and the federal government in a new venture to provide low-income blacks with the opportunity to purchase their own homes.

It provided that 24 of Boston's largest savings banks under the title of Boston Banks Urban Renewal Group (BBURG, pronounced bee-burg) would commit a pool of $29 million to providing mortgages for home ownership. The Federal Housing Administration agreed to guarantee the mortgages at the prevailing market rate of interest.

BBURG opened an office in Roxbury in 1968.

Boston's blacks have in recent years moved in a southerly pattern. For years they lived mostly in the South End, then moved south to Roxbury and from there to North Dorchester. Each time they replaced the Jews, who had before them replaced the Irish.

Following Blue Hill Avenue south on a map, Mattapan appeared to be the next area into which blacks might move. What was not known in 1968 is that the banks—as they later readily acknowledged—had drawn a line several miles south of Dorchester, designating that all BBURG loans would be made in or north of Mattapan. Less than 15% of BBURG loans are outside the blue line.

Joseph H. Bachellor Jr., chairman of the BBURG steering committee and retired president of Suffolk Franklin Savings Bank, was asked by Hart's subcommittee why the banks had made the bulk of their loans to blacks in Mattapan.

"We didn't always go inside the line," Bachellor said, but he conceded it was done in the overwhelming number of cases because, he said, it was a natural pattern.

Bachellor said the banks determined the line as a business—"not a social"—decision, mindful of how white depositors might react if loans were made in other sections.

THE "BBURG LINE"

Walter Smart, the relocation officer for the Boston Redevelopment Authority during the period when the BBURG home ownership program, was one of the first blacks in Boston to see a map showing what has since come to be known as the "BBURG line."

Smart testified that he complained frequently to his superiors about the line, arguing that it was unfair to restrict blacks to particular areas and that it would result in the "ghettoization" of Mattapan.

He wasn't the only person worried about that problem. The Jews of Mattapan were, by then, being deluged with telephone calls from real estate offices that had sprung up along Blue Hill Avenue.

"Don't get caught being the last white on your block," several witnesses before Hart quoted the real estate operators as warning. The operators also reportedly said that crime scares were sweeping through the community.

But Bachellor, whose group was providing the mortgages, told Hart:

"We who have been involved with the BBURG effort are proud of the contribution which we believe we have made toward retarding urban decay in the disadvantaged areas of our city."

Gibert, president of the Mattapan Neighborhood Block Association, said his group would like to call a temporary halt to mortgage lending for Roxbury blacks in Mattapan because the community is being victimized by speculators.

Some real estate records for Mattapan reflect instances in which speculators held a piece of property for less than a month, then resold it—to blacks—for profits of $5,000 to $10,000.

As Mattapan has become an unstable community, blacks like Gibert and Fortes are increasingly fearful that their investments in their homes will be lost if property begins to deteriorate. Signs of that deterioration are visible.

"A community," Gibert said, "is not a ghetto just because it's mostly black. But what is happening here is that the speculators are draining the lifeblood out of this community. They chase the whites out, they falsify the applications for loans and sell houses to people who can't afford them. Then the poor black defaults on the loan. One house in Mattapan at 72 Messinger St. has been sold three times in the last year by the same real estate man."

The move of blacks from Roxbury to Dorchester has stimulated the drug addicts to hit the houses of the community. Crime is on the rise, and so is fear.

When Lewis Gibert decided to take a brief vacation this summer, he first removed every valuable from his house that wasn't nailed down.

"We put all our winter clothing in the trunk of the car and carried it with us 900 miles to Ohio and back again," Gilbert said. "We just couldn't afford to lose our clothing."

But last Friday, after the week of hearings and what Gibert described as the "strain and tumult," he drove his family to Cape Cod for the weekend without taking the same precautions.

"I got a call down there this morning," Gibert said yesterday. "My neighbor said, 'I have bad news for you. They got you.'" Items stolen include a color television set and a new watch Gibert's wife gave him for his birthday.

Blacks here are bitter about the BBURG program's role because they are convinced it could have been carried out another way with different consequences.

"Why did they have to insist that they would only loan money in one area of the city?" Fortes asked. "If they had spread that program all over the city, it would have had a very different result."

"Maybe after all is said and done," Forbes said, "it's what all of this does to your kids that hurts you the most. Black people are paying a terrible price for change. I'm not sure it's a bearable price."

HOUSE OF REPRESENTATIVES—*Tuesday, September 21, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Finally, brethren, be of one mind, live in peace: And the God of love and peace shall be with you.—II Corinthians 13: 11.

O Lord, our God, to whom we are indebted for life and breath and all things, quicken in us all that is good, noble, and true that with pure motives and high ideals we may measure up to our faith and in its spirit transact our business and manage our relationships.

We thank Thee for the growing interest in peace and most fervently pray that it may continue to grow until it permeates the spirit of every nation and possesses the heart of every person. At peace with one another, may we use our resources to lift the lot of man and enable all men to live with self-respect, understanding, and good will.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed the following Members on the part of the Senate to attend the North Atlantic Assembly to be held in Ottawa, Canada, September 23 through September 28, 1971: Mr. SPARKMAN (chairman), Mr. KENNEDY, Mr. SPONG, Mr. COOPER, Mr. JAVITS, and Mr. STEVENS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 20, 1971.

The Honorable The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4 p.m. on Monday, September 20, 1971, and said to contain a message from the President transmitting the 25th Annual Report of United States participation in the United Nations.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.

THE 25TH ANNUAL REPORT OF U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–81).

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

It is my pleasure to transmit to the Congress the 25th annual report of United States participation in the United Nations, covering events during calendar year 1970.

In my address to the United Nations on the occasion of its 25th anniversary ceremonies, I said that the United States "will go the extra mile in doing our best toward making the United Nations succeed." This has been true of the United States ever since the Charter was signed in San Francisco in 1945, and it will continue to be the case.

If the United Nations is to succeed, I believe that we must now work diligently to make it more effective and more responsive to the demands of today's world. It is clear, for instance, that we must improve the techniques for international cooperation as well as introduce greater efficiency in the operations of the UN system as we conduct more of our foreign affairs through multinational institutions. We achieved significant progress last year in this regard, and we intend to move rapidly now to accelerate the process.

In July, 1970, I established a Commission for the Observance of the 25th Anniversary of the United Nations and asked it to reappraise the organization's potential and to make recommendations which would strengthen the organization and improve the effectiveness of U.S. participation. The thoughtful and comprehensive report which the Commission has recently submitted will help us form a fresh view of the capabilities and limitations of the United Nations, and its recommendations are now being given careful attention.

Much of what transpired in the United Nations and its related agencies during 1970 was of direct interest to the United States. For example, on October 24, 1970, the U.N. General Assembly adopted an International Development Strategy that charts an orderly course for multilateral assistance during the Second Development Decade, which began on January 1 of this year. Early in December, 1970, the Assembly adopted an American-initiated resolution calling for the humanitarian treatment of prisoners of war. The Assembly also overwhelmingly endorsed the establishment of a UN Fund for Drug Abuse Control, and appealed to members to join together in seeking the means to control the spread of drug addiction throughout the world. And on December 16 the International Civil Aviation Organization, a specialized agency of the United Nations, made progress toward controlling the crime of air piracy by adopting in The Hague a convention for the suppression of unlawful seizure of aircraft. The United States and 49 other nations signed the convention on that day. The United Nations also took significant action to deal with other world concerns such as population control, the protection of our environment, and the use of the seas and seabed. We expect much more to be done.

In its peacekeeping role during 1970, the United Nations played a major part in encouraging better relations among the states of the Middle East, including an agreement to a new cease-fire which has been vital to maintaining the peace in that critical area of the world. UN forces and observers also continued to help keep the peace in the troubled areas of Cyprus and Kashmir. As the search continued for better methods of preserving the peace, the General Assembly on the last day of the 25th anniversary commemorative session, approved by acclamation a Declaration on Friendly Relations among States.

These were only a part of the broad spectrum of developments and accomplishments during 1970. It is gratifying, therefore, to add this volume to the record of U.S. participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, *September 20, 1971.*

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. QUIE. Mr. Speaker, reserving the right to object, the dilemma I am faced with right now is that I was just up at the Committee on Rules and asked that a rule not be granted on the OEO bill this week because the Senate has passed an OEO bill with a Child Development Act in it. The House Committee on Education and Labor has not met and reported a child development bill. So if a rule is granted on the OEO bill, we will be faced with this dilemma of going to the Congress with a piece of legislation on which the Members never worked their will.

For that reason I feel now constrained to object, and I will be glad to talk to the gentleman from Mississippi about it after.

Mr. COLMER. Will the gentleman yield to me on his reservation?

Mr. QUIE. Yes. I yield to the gentleman.

Mr. COLMER. I would like to say in reply to my friend from Minnesota that it was not the intention of the Committee on Rules to have a hearing on this bill to which he addresses himself. However, certain complications arose which brought about the necessity, in order for the House to have something to do this week, because of postponing of the bill scheduled for this week, the equal rights amendment, to have some other legislation to consider. I might add this was in order to accommodate one of our colleagues on the gentleman's side of the House whose wife died. That gentleman, Mr. WIGGINS of California, could not be here. We thought it was only fair to him that we should, since he was taking the lead in this equal rights amendment, let the matter go over. So, after a conference with the Speaker and Mr. WIGGINS and I might mention also the distinguished minority leader, Mr. GERALD R. FORD, we decided that we would schedule the OEO bill for this week and consider it in the Committee on Rules today.

The committee is in the process, as the gentleman knows, of hearing the application for a rule on the OEO bill. Now, I do not know what the committee is going to do. We are going back into session at 2 o'clock to resolve this matter. Whether the rule will be granted or not, frankly I do not know.

As the gentleman knows—and I am not declaring my position on it—I am not enthusiastic about the bill under consideration, and I have great sympathy with the position taken by the gentleman from Minnesota. But, what the committee will do, I do not know.

I merely submit this request in the event that the committee should see fit to report a rule making that bill in order. If it does, then it would be in order to take it up tomorrow.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Minnesota yield to me?

Mr. QUIE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. First, let me express my appreciation to the gentleman from Mississippi, the chairman of the Committee on Rules, for working with the leadership on both sides of the aisle in expediting the approval of this rule.

This does present a somewhat unique situation, and I can understand the dilemma of the Committee on Education and Labor.

Would it be possible, if I might ask the distinguished majority leader, that we take up the poverty bill this week and then hold sending it to conference pending consideration of the Child Development Act at some future date, hopefully in the very near future?

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. QUIE. Yes; I yield to the distinguished majority leader.

Mr. BOGGS. First, let me reiterate the point that the distinguished chairman of the Committee on Rules has made; namely, if we do not get a rule on this bill there is very little legislative business for this week.

As the gentleman knows, we have been trying as hard as we know how to complete the work of this Congress at a reasonable time so that Members can go home. So, this week, if the work is light or practically nothing, it means at least a week's delay in the adjournment of the Congress.

The distinguished chairman of the Committee on Education and Labor is not here. I presume he was before the Committee on Rules this morning and I presume he asked for this rule. He certainly wants the rule, although I cannot speak for him, but insofar as I am concerned and I think insofar as the leadership is concerned, we will certainly have no objection to the request which has been made by the distinguished gentleman from Michigan (Mr. GERALD R. FORD).

Mr. QUIE. Mr. Speaker, in view of that, and if we can have the assurance that we will not go to conference on the OEO bill until the child development bill has passed the House, I will withdraw my objection.

I know that the gentleman from Louisiana cannot make that commitment for the chairman of the Committee on Education and Labor because he is not here, but I understand that the Speaker appoints the conferees and, therefore, does have control over the matter.

Could I, then, consider this as an assurance that we will not go to conference on the OEO bill until the child development bill has passed the House?

I again reiterate what I said earlier that the Senate has already passed the OEO bill with the Child Development Act contained in it.

Mr. BOGGS. Mr. Speaker, will the gentleman yield further?

Mr. QUIE. I yield further to the distinguished majority leader.

Mr. BOGGS. I appreciate the gentleman's statement and his position. I realize as well the significance of the Child Development Act. I would be very happy to give the gentleman that assurance.

Mr. QUIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TO REPEAL THE EXCISE TAX ON FARM TRUCKS

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, the economy of this Nation is in a sad state. This fact has been recognized by experts and nonexperts alike. The President has taken bold and forthright action in an attempt to stabilize the economy and stem the horrible rate of inflation. But when one looks closely at the President's package—one begins to wonder if the President and his advisers have considered all the possibilities.

The President announced to the Nation on August 15 that he was asking this Congress to repeal the excise tax on passenger automobiles in an effort to stimulate the economy. Mr. Speaker, I believe that any effort to stimulate the economy must begin with an effort to revive the heart of the economy, and that is the agriculture of this Nation.

It appears that the farmers have been ignored again. One of the most vital items in the farm operation is the farm truck—but the administration did not ask that the excise tax be removed from these trucks. In addition to being a vital part of his operation—the pickup truck is also the basic means of transportation for many farmers in the Second District of Georgia, and indeed, across this Nation.

Mr. Speaker, the administration seems to be saying, if you can afford a new Cadillac, you are chopping high cotton; but if you are only a dirt farmer, then you have got a hard row to hoe.

Mr. Speaker, on August 20 I contacted the President, asking that he include pickup trucks in his proposal to the Congress. As of today, I have received no reply. Mr. Speaker, I do not mind being ignored by the President, but I believe the time is past due when the President and this administration must stop ignoring my farmers.

I have introduced a bill, H.R. 10765, which would repeal the excise tax on farm trucks. I would invite all Members who desire equity for the American farmer to join me in sponsoring this legislation.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

The Clerk will call the first bill on the calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. FERNANDE M. ALLEN

The clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Mrs. Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 5900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Borbridge, Junior, of Anchorage, Alaska, is relieved of all liability for repayment to the United States of the sum of $1,639.61, representing the amount of costs erroneously paid by the United States to move the said John Borbridge, Junior, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, the said John Borbridge, Junior, having made such move to accept a civilian position with the Public Health Service after having been erroneously advised that the Department of Health, Education, and Welfare had authority to pay such costs. In the audit and settlement of any accounts in regard to such liability, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John Borbridge, Junior, the sum of any amount received or withheld from him on account of the liability referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

With the following committee amendment:

Page 1, line 5, strike "$1,639.61" and insert "$1,584.61".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill (S. 504) for the relief of John Borbridge, Jr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Alabama if this bill is identical to the House passed bill?

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. FLOWERS. To reply to the gentleman's question, it is identical.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill as follows:

S. 504

An act for the relief of John Borbridge, Jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Borbridge, Jr., of Anchorage, Alaska, is relieved of all liability for repayment to the United States of the sum of $1,584.61, a representing the amount of costs erroneously paid by the United States to move the said John Borbridge, Jr., his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, the said John Borbridge, Jr., having made such move to accept a civilian position with the Public Health Service after having been erroneously advised that the Department of Health, Education, and Welfare had authority to pay such costs. In the audit and settlement of any accounts in regard to such liability, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John Borbridge, Jr., the sum of any amount received or withheld from him on account of the liability referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5900) was laid on the table.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

LOUIS A. GERBERT

The Clerk called the bill (H.R. 2408) for the relief of Louis A. Gerbert.

There being no objection, the Clerk read the bill as follows:

H.R. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Louis A. Gerbert (United States Naval Reserve) of Grand Rapids, Michigan, is relieved of liability to the United States in the amount of $820.75, representing certain excess shipping charges arising in connection with the shipment, in 1966, of certain personal and other property from San Diego, California, to Grand Rapids, Michigan, at a time when said Louis A. Gerbert was on active duty with the Navy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Louis A. Gerbert an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMOS E. NORBY

The Clerk called the bill (H.R. 2118) for the relief of Amos E. Norby.

There being no objection, the Clerk read the bill as follows:

H.R. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the effective date of the separate maintenance allowance granted to Amos E. Norby, in connection with his employment with the United States Army Engineer Group, Tokashiki Island, Kerama Islands, is hereby changed from February 20, 1964, to March 11, 1962, the date of his assignment to duty on Tokashiki Island. The said Amos E. Norby shall be paid, out of applicable appropriations available for payment of separate maintenance allowances, the amount of the separation allowance to which he would have been entitled from and after March 11, 1962, to February 20, 1964, in connection with his assignment to duty on Tokashiki Island, if such allowance had originally been granted on March 11, 1962.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTELLE M. FASS

The Clerk called the bill (H.R. 4485) for the relief of Estelle M. Fass.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CAPT. CLAIRE E. BROU

The Clerk called the bill (H.R. 6503) for the relief of Capt. Claire E. Brou.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

STEPHEN H. CLARKSON

The Clerk called the bill (H.R. 7829) for the relief of Stephen H. Clarkson.

There being no objection, the Clerk read the bill as follows:

H.R. 7829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,768 to Stephen H. Clarkson in accordance with the opinion in the case of Stephen H. Clarkson against the United States, Congressional Reference Case Numbered 5–68, filed on April 13, 1971. The payments provided for in this Act are to be made in full and final satisfaction of all claims against the United States of the said Stephen H. Clarkson for the failure of the Secretary of the Interior to extend the time during which improvements were required to be made on the desert land entry described in the Congressional Reference Case Opinion.

No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORE LEKANOF

The Clerk called the bill (S. 47) for the relief of Flore Lekanof.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MR. AND MRS. ARVEL GLINZ

The Clerk called the bill (S. 415) for the relief of Mr. and Mrs. Arvel Glinz.

There being no objection, the Clerk read the bill as follows:

S. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Arvel Glinz of Eldridge, North Dakota, the sum of $3,521.26, in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the said Mr. and Mrs. Arvel Glinz from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been bought by the said Mr. and Mrs. Arvel Glinz at a judicial sale which was held to satisfy tax liens of the United States: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY G. McCARTY

The Clerk called the bill (S. 1810) for the relief of Dorothy G. McCarty.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This completes the call of the Private Calendar.

EMERGENCY SCHOOL ASSISTANCE AND CONSTRUCTION ACT OF 1971

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, I am introducing today a bill entitled "the Emergency School Assistance and Construction Act of 1971" in an effort to provide a practical legislative alternative to mass busing of schoolchildren in my district and others throughout the country. At the same time, this bill would help improve the quality of our public educational system by authorizing Federal funds for a variety of specialized educational programs.

Mr. Speaker, for several months I have been searching for some answer to the crisis in our public education system which has resulted from the recent court decisions involving the mass busing of schoolchildren to carry out integration requirements. Like other Members, I have been confused and puzzled by conflicting statements on busing by the President, top officials of the administration, interpretations and reinterpretations of court decisions on the issue, and the vast difference in the way these fuzzy guidelines have been applied in different parts of the country by different lower Federal courts.

I have followed the action of the Senate earlier this year in passing legislation to assist school districts in the carrying out of desegregation orders. My concern about this busing crisis has also caused me to follow closely the work of the House Education and Labor Committee in its efforts to find a workable legislative approach to the school busing integration dilemma.

The city of Nashville and surrounding Davidson County in my district is, like many other areas in all parts of the country, operating under a Federal district court order that imposed a massive cross-town busing plan. When public school opened this month in Nashville, almost 14,000 more children were added to the 33,500 children bused to school last year. This means that more than 47,000 children are forced to leave their homes and neighborhoods to ride buses to schools many miles away. The number of children bused this year is about half the total number of children enrolled in the public school system in Nashville. Aside from the obvious inconvenience caused to the children, their parents, and teachers, massive cross-town busing plans can only be a disruptive force in the lives of the schoolchildren and the community as a whole. It thus makes quality integrated public school education in a stable, neighborhood environment virtually impossible to attain. This massive busing also imposes an unwarranted financial burden on local communities whose citizens are already heavily taxed and struggling to finance other vital public services.

Mr. Speaker, it would be easy for Members of Congress from areas faced with such court-imposed school busing orders to sit back, avoid the controversy, and instead blame others for the destruction of our public school system. But that would be an irresponsible abandonment of our duties as representatives of our people, as well as jeopardizing the future of millions of schoolchildren who are the innocent participants in this legal and moral struggle.

The bill I am introducing today combines what in my judgment is the most workable and realistic features of the measure already acted upon by the Senate in April and several bills currently under consideration by the House Education and Labor Committee. I am not an expert on educational matters as is my friend, the able committee chairman, the gentleman from Kentucky (Mr. PERKINS) and my other distinguished colleagues on that committee, but I earnestly hope that in their deliberations of various alternative approaches to this serious problem they will study several practical provisions of my bill that may help break the impasse in the busing-integration crisis.

Mr. Speaker, the costs of busing—the acquisition of vehicles, salaries of busdrivers, fuel, maintenance, and other related expenses—are a wasteful and useless dissipation of public funds so desperately needed to upgrade the quality of our public school system. My bill would use such wasted funds for lasting and meaningful improvements in the school system while making it possible to reduce the required amount of busing and to preserve the historic values of the neighborhood school in our American society. My bill provides a reasonable method for furnishing quality integrated public education for all our children, whether they live in the inner city or the suburbs. It fully meets the current legal and constitutional requirements.

In addition to authorizing $1.5 billion Federal funds over a 2-year period for a variety of general and specialized educational programs that would improve the quality of public education, the bill would also provide a major new program to assist school districts involved in integration and busing crises. Section 18 of the bill would establish a new unit in the U.S. Office of Education called the Emergency Education Facility Bureau.

This Bureau would expedite applications from local communities to facilitate school integration plans and would be authorized to make special grants to eligible school districts to help construct new school facilities or to renovate, consolidate, or convert existing facilities suitable for educational use. It would also finance the costs of special surveys, conducted by local officials, to help develop plans that would assure, as nearly as possible, contiguous neighborhood schools having a racial balance and stable attendance areas, thus minimizing the amount of busing required to comply with integration guidelines of the courts. Expanded vocational education facilities are provided by the conversion of some existing school buildings which would be replaced under this plan. The new section 18 construction program would be carried by a separate authorization of $100 million in Federal funds for this fiscal year and an additional amount as need was demonstrated to the Congress for each of the next 5 years.

Mr. Speaker, the schoolchildren of our Nation are entitled to the best education we can possibly help provide. The Federal Government has a grave responsibility to these children, regardless of race, because they are our most precious and important asset—the future of America. These children are entitled to learn in a stable neighborhood environment—free of conflict, tensions, and fatigue from wasted hours on buses to and from school. My bill seeks to provide a different type of legislative approach to help carry out our responsibilities to America's children. I sincerely ask that those who serve on the committees of Congress having the immediate jurisdictional responsibility in the field of education to consider this bill, to perfect it or modify it as may be necessary so that we may more adequately deal with this complex and controversial problem that threatens the very existence of our public educational system.

OUR UNHEALTHLY EXPORT TRADE

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, few of us, I firmly believe, are aware of the precarious foundation on which our export trade rests. If I said that nearly half of our exports consists of machinery and transport equipment—automobiles and aircraft—I would be saddled with a credibility gap.

Yet, in the first 7 months of 1971 no less than 45 percent of our total exports consisted of these two items, or $11.6 billion.

If I said that this volume was more than double the value of our total agricultural exports—$4.4 billion—this too would be greeted with incredulity. Lastly, if I should say further that the exports of machinery and transport equipment exceeded total exports of all other manufactured goods, I would perhaps be thought guilty of careless exaggeration.

Nevertheless all our exports of iron and steel, textiles, footwear, paper and paper products, copper and aluminum products, and anything else in the long list of our exports, do not reach a total value half the level of our exports of machinery and transport equipment. Before 1958 we were in a strong export posture in steel, textiles, and many other items in which we are now in a defiicit position.

Mr. Speaker, this comes very close to putting all our eggs in one basket. Economically it adds up to a very weak foundation for our world trade position.

These facts have been uncovered in a brief analysis made by O. R. Strackbein, whose revealing analysis of the uneven impact of the 10-percent supplemental duty on imports I recently placed in the RECORD.

Because of its vital bearing on the whole question of our trade policy, which is in the process of reexamination and offer Mr. Strackbein's analysis of our extremely poorly proportioned export trade for the RECORD at this point, in the hope all will read it who are concerned over our obsolete trade policy:

LOPSIDED U.S. TRADE DEPENDENCE

(By O. R. Strackbein)

The export trade of the United States has fallen on evil days. This fact has long been concealed by the deceptive trade statistics issued by the government, more particularly, the Department of Commerce.

Until the past few months these statistics indicated an import surplus from year to year, from a high of $7.8 billion in 1964 to a low of $1.4 billion in 1968. The 1970 export surplus was shown as $2.7 billion.

During the first seven months of 1971 a deficit of $600 million has been incurred, even as reported by the Department of Commerce. On a basis of private competitive exports, stripped of governmentally assisted shipments to other countries, and imports reported on their cost landed in this country, rather than on their foreign value, as is the practice, the deficit was over $3 billion.

The mere fact of a deficit, however, tells only a part of the story. Of much greater significance is the composition of both our exports and imports. It is when the statistics are examined in that light that the true proportions of our distress come to light.

In the first seven months of 1971 nearly half or 45% of our total exports consisted of machinery and transport equipment (automobiles and aircraft). This was more than *twice the value* of our total *agricultural* exports, and 2½ *times as high as our exports of all other manufactured goods!* The latter include textiles and apparel, iron and steel, footwear, paper and manufactures, tires and rubber articles, manufactures of copper and aluminum, nuts and bolts, tools, cutlery, glass pottery, scientific apparatus, cameras, musical instruments, toys, sporting goods, books, printed matter, plumbing, heating, and lighting fixtures, optical goods, furniture, phonographs, tape recorders, plastic articles, etc.—which is to say, the whole gamut of manufactures from A to Z.

In 1950 machinery and vehicle exports were less than a third of our total exports, or 31.9% compared with 45% in 1971. As late as 1965 the percentage was only 37.1.

The great stimulus to these exports was, of course, our foreign investment expansion and the great technological leap of the other industrial countries, which created a strong demand for our machinery and equipment. Since 1965 we have exported $60 billion of machinery exclusive of automobiles and aircraft, $35 billion of it since 1968, and thus boosted foreign productivity at a lively pace.

All of this means that but for the heavy outflow of American capital into foreign branch plants, or joint ventures, plus the feverish efforts of other industrial countries to catch up with us on the technological front by installing modern machinery, our export balance would have been highly negative during the past decade, in fact, intolerably so.

Unfortunately now that the other countries have moved far forward in meeting our productivity, their dependence on us for the most productive machinery is declining. Indeed our imports of machinery have been increasing more rapidly than our exports. Our machinery exports, exclusive of transport equipment increased 154 percent from 1960 to 1970. Imports during the same period increased 267 percent. Since 1965 our exports of machinery—exclusive of transport equipment—through 1970 increased 64 percent compared with an import increase of 198 percent.

In other words, while on an absolute basis our machinery exports still provide us a big surplus, that surplus is shrinking unmistakably. This is to say that the mainstay of our trade structure itself is being eroded. Other countries need no longer look to us as the principal source of their own capital structure and will soon challenge our lead in this sector perhaps as successfully as in other fields of export. Their advantage will then be virtually complete. The vision of our world trade lead in "high technology" goods as held in official quarters, is illusory. So long as the wage-productivity gap remains the chasm it is, so long will our position continue to be untenable.

As for imports, those of finished goods have far outstripped the more moderate increase in our imports of raw materials. Since finished goods incorporate the fullest complement of labor the impact on employment in this country from imports is at its highest.

CONCLUSION

Our abject dependence on the exportation of machinery and transport equipment as the only hope of avoiding a complete foundering of our trade, is intolerable and can no longer be hidden in support of a trade policy that is absolute and highly counterproductive economically.

APPENDIX

The following table shows our exports of machinery and vehicles—more recently titled "transport equipment"—since 1950:

EXPORTS OF MACHINERY AND VEHICLES

[Dollars in billions]

Year	Machinery and vehicles	Machinery only	Total U.S. exports	Percent machinery and vehicles	Percent machinery only
1950	$3.225	$1.776	$10.142	31.9	17.5
1955	5.424	2.837	15.390	35.4	18.4
1960	7.131	4.317	20.300	35.1	21.2
1965	10.016	6.920	27.003	37.1	25.6
1970	17.875	11.371	42.593	41.9	26.7
1971 (1st 7 months)	11.619	6.801	25.820	45.0	26.3

Source: Statistical Abstract of the United States 1961, 1970; F.T. 990, U.S. Department of Commerce, December 1970.

NEW TREATMENT FOR HARD DRUG ADDICTION

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, during the past 2 months I have been made aware of a medical development which may mean the very survival of our Nation.

We are all too aware that hard drug addiction has reached epidemic proportions throughout the land and among our servicemen abroad.

No teenage American is safe from it. Few parents are not anguished by the thought that their children may become victims.

The cost in human lives and human misery cannot be counted.

Crime is out of control. More than half of it stems from hard drugs.

An ancient civilization in this hemisphere flourished for thousands of years and mysteriously vanished. The reason, we are now told, was the infusion into the culture of a hard drug akin to opium. It took but 60 years for the civilization to die. We could be starting to repeat that experience.

But there may be hope.

Dr. Albert A. LaVerne, senior psychiatrist at Bellevue Hospital, New York City, and currently on leave from that institution, one of the moving forces in internal medicine and psychiatry in the United States and the world, has applied to hard drug addicts a clinical treatment known as the carbon dioxide rapid coma technique. Dr. LaVerne is the discoverer and developer of this new and generally unknown carbon dioxide procedure.

A very high degree of success has been reported by Dr. LaVerne. Particularly impressive are the percentages when one adds together those who had no return to drug addiction and those able to abstain from narcotics simply through weekly CDT maintenance therapy. Both categories were rehabilitated to function fully.

By comparison, methadone merely substitutes a drug thought to be less damaging than the previous one and permits the patient to function in society, but at a lower than normal capacity. More specificially, methadone produces no clinical cure. It requires maintaining the patient on that drug for many months or years with repeated relapses, whereas with the CDT of Dr. LaVerne his clinical experience appears to produce effective clinical remissions, restoring the patient to the community drug free and fully functional in a relatively short period of time.

The CDT coma-inducing therapy sounds a bit awesome. I have been assured that it is not. It is reported to be thoroughly safe. As a matter of fact, Frank Manson of my staff took one of the treatments three weeks ago. Mr. Manson, of course, is not an addict of anything except hard work.

Mr. Speaker, 2 days ago I learned that one of the Nation's leading medical institutions, the Hahnemann Medical College and Hospital of Philadelphia, has determined that the LaVerne discovery for treatment of heroin addicts is worthy of immediate scientific evaluation by that institution through a program involving 200 patients. Commencement of the scientific evaluation awaits only the completion of the detailed specifications, which should be ready in a few days, and assembly of the necessary resources, including financial. Preliminary findings on the scientific evaluation and analysis may be available within approximately 90 days after the program starts.

In terms of the immeasurable costs of the spread of heroin addiction, and in terms of money already being spent on heroin treatment, the immediately needed funds are quite modest—less than $1 million.

Private foundations and other potential donors will be contacted this week.

I hope that these sources will respond favorably and quickly. I hope also that the Federal executive will make an immediate supportive grant out of funds already appropriated by this Congress and do so without delay.

I have conveyed this recommendation by telegram to the President. One day—even 1 hour's delay is unconscionable. The public and private sectors must join together in an all-out effort to find a cure for hard drugs—looking into every possible avenue—specifically and immediately into the promising work soon to be launched by Dr. LaVerne through the superb staff and existing excellent inpatient psychiatric facilities of Hahnemann, which has made such great strides in open heart surgery, kidney transplants, microbiological research and many other fields. Hahnemann is one of the major medical college research centers and hospitals in the United States.

To all Americans who have beloved ones who are victims of the dread heroin epidemic which has engulfed our Nation, I ask you to join me and communicate directly to the President your urge that this vital program be supported in order to enable Hahnemann to conduct its evaluation of Dr. LaVerne's treatment. I also ask my fellow Americans to support Hahnemann in any way possible so that it may initiate its research immediately.

Just think, fellow Americans, if indeed Hahnemann by its scientific evaluation validates Dr. LaVerne's clinical findings, then your beloved ones shall be salvaged and you will have helped to establish the world's first cure for heroin addiction.

I include the following in the RECORD:

First, an outstanding article by Mr. Jerry Finkelstein, chairman of New York City Democratic Party, and publisher of the New York Law Journel, which eloquently calls for an all-out national assault on the hard drug epidemic—New York Times, September 11, 1971.

Second, a first draft of the proposed research study by Dr. Albert A. LaVerne, which includes:

A brief description of the treatment;

A list of published articles on Carbon Dioxide Therapy, Rapid Coma Technique by Dr. Albert A. LaVerne;

A Blue Shield letter of July 20, 1971, finding the therapy safe and eligible for coverage for Blue Shield members;

"Carbon Dioxide Therapy—A More Effective Rapid Coma Technique for Psychiatric Disorders" by Albert A. LaVerne, M.D.—Behavioral Neuropsychiatry June–July 1970, graphs and illustrations omitted;

Sample random interviews of patients treated; and

Draft protocol for scientific evaluation.

The material follows:

[From the New York Times, Sept. 11, 1971]

UNHOOKING ADDICTS

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be coopted.

Redtape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arab, which then managed to turn the most fertile part of its world into a desert; and peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use for heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential by-products of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?

Blacks?

Judges and lawyers?

Physicians?

Shopkeepers?

Liberals?

Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more. I would revere any man who could wipe out addiction—and so would you.

Polio crippled, but it did not debase. Cancer kills, but it does not degrade.

We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conquerer of cancer.

Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?

The President has a unique opportunity Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas from others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish drug addiction now. We can't wait.

PROPOSED RESEARCH STUDY: CARBON DIOXIDE THERAPY—RAPID COMA TECHNIQUE FOR TREATMENT OF HEROIN ADDICTION

(Submitted to Hahnemann Hospital and School of Medicine, August 24, 1971, by Albert A. LaVerne, M.D., New York, N.Y.)

CARBON DIOXIDE TREATMENT OF HEROIN ADDICTS

Fifty heroin addicts were treated with Carbon Dioxide Therapy (CDT) of the Rapid Coma Technique. All had previously received conventional treatment methods as methadone, various psychiatric treatment, hospitalization, with no success and were considered to be hard core refractory patients. CDT results were effective and lasting in 48% (24) with no return to drug addiction for 1 to 5 years follow-up. 22% (11) relapsed but were able to abstain from narcotics when placed on weekly CDT maintenance therapy. 30% (15) were treatment failures. There were no adverse effects from CDT.

The treated group varied from ages 17 to 28. The majority of patients were male. Two-thirds were from low income families. One third were middle and high income families. Acute patients were hospitalized for a period of 2 to 4 weeks, then discharged for ambulatory CDT. Twenty percent of the group were treated with CDT while on methadone which was tapered off, discontinued, and CDT completed.

Observations

There is a dramatic loss of craving for heroin or methadone soon after CDT is initiated. An intense transference develops in the patient after only a few CDT treatments, associated with a strong motivation and genuine desire to abandon drug usage. Many of these patients begin, for the first time, to show a quality of compassion and concern for their family, friends, and people. What once was a self-centered, pleasure oriented individual, now becomes a kind, loving person with a social, personal and family conscience. The patient becomes a cooperative subject for rehabilitation with renewed hope and the will to develop his underlying potentials. Frustration level and the capacity for sustained effort become high. Most patients look forward to the next treatment and are eager to recruit their friends to join the CDT group.

There is a personality as well as a metabolic change. Sleep, eating habits are enhanced. Personal hygiene, health and mental functioning in all areas are improved, and there is an overall sense of well-being.

Grateful parents of these patients begin to demonstrate a genuine renewed interest in their children whom they had once given up as incurable and lost. There soon develops wholesome family ties and relationships with one another. Some of these families now become active in community affairs seeking to help others who might be similar victims of the scourge of drug addiction.

Published Articles on Carbon Dioxide Therapy, Rapid Coma Technique

1. LaVerne, **Albert A., and Herman, M.**: Carbon dioxide inhalation therapy, *Disease Nervous System*, 14: No. 7, 1953
2. LaVerne, Albert A.: Rapid coma technique of carbon dioxide inhalation therapy, *Disease Nervous System*, 14: No. 5, 1953
3. LaVerne, Albert A., Variations in rapid coma technic of carbon dioxide inhalation therapy, *Disease Nervous System*, 14: 269–274, 1953.
4. LaVerne, Albert A., and Herman, M.: An evaluation of carbon dioxide inhalation therapy, *American Journal of Psychiatry*, 112: No. 2, 1955
5. LaVerne, Albert A., and Herman, M.: Carbon Dioxide maintenance therapy in neuroses and alcoholism, *Disease Nervous System*, 14:10, 1953
6. LaVerne, Albert A., contributor: Carbon dioxide therapy, Charles C. Thomas, 1958, pp. 269–294.
7. LaVerne, Albert A., Carbon Dioxide Therapy, Healing and Air Pollution—A More Effective Rapid Coma Technique. *Behavioral Neuropsychiatry*, Volume 2, No. 3–4, June–July 1970
8. Other Articles Available

Blue Shield,
New York, N.Y., July 20, 1971.

Re Blue Shield Coverage for *Carbon Dioxide Therapy Rapid Coma Technique (LaVerne Technique)*.

Albert A. LaVerne, M.D.
New York, N.Y.

Dear Dr. LaVerne: Thank you for your letter of July 2, 1971, in which you requested consideration by United Medical Service of New York for your *Rapid Coma Technique*.

After investigation of this modality of treatment, along with the most recent data submitted by the Institute of Carbon Dioxide Therapy, our Medical Staff has found this to be a safe and effective mode of treatment that is superior to previously used Carbon Dioxide techniques. Therefore, coverage for Blue Shield members who are receiving the LaVerne Rapid Coma Technique has been approved.

A definite answer as to what is a reasonable allowance for this treatment under the various UMS contracts, will be decided by the Medical Policy Committee when they discuss the LaVerne Technique on their agenda. For the time being, rates will be consistent with other Biological treatment modalities.

We are pleased that we are now able to include this modality of treatment as an accepted and useful method in medicine.

Sincerely,
Anthony Lagano,
Medical Policy Coordinator,
Medical Staff.

[From Behavioral Neuropsychiatry, June–July 1970]

Carbon Dioxide Therapy: A More Effective Rapid Coma Technique for Psychiatric Disorders

(Graphs and illustrations omitted)

ABSTRACT

High concentrations of carbon dioxide (over 40%) and oxygen mixtures to induce rapid coma (Rapid Coma Technic) were first reported by LaVerne in 1952. More than 200,000 such treatments have been safely administered, and been found therapeutically more effective and less anxiety-producing than the lower carbon dioxide concentrations used by the prolonged coma (Meduna) method previously used by others. The new method used in this study, a modified Rapid Coma Technic, consisted of first aerating the patient by inhalation of 100% oxygen for 10–20 min; then, without allowing breathing of room air and while the patient is fully conscious, he is instructed to breath deeply 4–10 breaths of a mixture of 75% carbon dioxide-25% oxygen. The face mask is then removed while the patient is still frequently conscious. Immediately thereafter, he lapses into unconsciousness and hyperventilates with the return to full consciousness several minutes later. He may then abreact by narrating a dream experience which he may describe as unpleasant, pleasant, or exhilarating. Treatments are administered three times weekly for a series of 20 or more treatments. This new method of treatment has been found to be both safe and clinically effective in 35–45% of a group of 250 patients in acute and chronic psychiatric disorders of the neurotic and psychotic variety. Clinical improvement appears to be significantly greater if the patient is administered pollution-free air for 10–20 min immediately post-treatment. Control patients failed to manifest significant clinical changes. A hypothesis and rationale, re: Air Pollution vs. Healing and inferences, are postulated.

INTRODUCTION

Although carbon dioxide inhalation therapy (CDT) was first introduced in psychiatry over 40 years ago, it has never quite come into vogue as a proved scientific tool for the psychiatrist. Composed of substances (CO_2 and O_2) which are natural to the metabolic, physiological, and biochemical processes basic to life itself, and possessing the capacity to induce profound changes in these processes, CDT has repeatedly aroused the scientific curiosity of investigators. They in turn attempted to establish and renew interest in the use of CDT in their untiring search for a safe, effective, and lasting method for the alleviation of the mental and emotional ills of man. As a result, numerous modifications of CDT have been proposed and enthusiastically proclaimed by proponents as breakthroughs. However, such enthusiasm was frequently not shared by other investigators who could not duplicate comparable clinical results. For this reason and others, its popularity declined and CDT withered on the vine. The author has at one time or another been both an enthusiastic proponent and/or a disenchanted investigator. However, imagination and constructive effort are not the sole ingredients required in research. The investigator must also possess the qualities of humility, diligence, and perseverance. He must continue his search for truth via the principles of scientific logic combined with an intuitive approach that may perhaps eventually be productive of genuine results and success. * * *

In 1937, Kerr (23) first reported the use of 30% carbon dioxide in oxygen mixtures on anxiety states in neurotics. In 1948, Meduna (42) reported the use of 20–30% CO_2 in O_2 mixtures on a larger variety of neurotics. Subsequent modifications of Meduna's method, by others (38, 41, 49, 60) utilized subcoma doses or introduced pure CO_2 into the breathing bag after 15–20 breaths of the 20–30% mixture to an undetermined and unknown concentration of CO_2 in order to produce a deeper coma. The technics used by the aforementioned workers may be described as slow coma technics. The CO_2 concentration is not higher than 40%, and the patient breathes the gas for 20–50 consecutive breaths, which produces gradual and prolonged physiological changes lasting from induction phase through coma, and finally, to the return of full consciousness. For example, Meduna's multiple breath technique of a 30% CO_2 in O_2 mixture (40) requires an average of 3 min for 30 consecutive breaths to produce coma; the return to full consciousness requires 2 min, for a total of 5 min.

In contrast, the rapid coma technics, which were first reported by LaVerne (25) in 1952, consist of a higher concentration of carbon dioxide, above 40%, usually 70–80% CO_2 in O_2 mixtures. These high concentrations of CO_2 are introduced to the respiratory tract suddenly, so that rapid changes of brief duration are produced leading to subcoma or coma levels and then to the return of full consciousness. For example, a single breath of 70% CO_2 in O_2 mixture (single breath technic with breath holding) (27), is forcibly inhaled by the patient, producing unconsciousness in 8 sec and a return to full consciousness in 22 sec, for a total of 30 sec. Eight breaths of a 75% CO_2-O_2 mixture (rapid coma multiple breath technic) (27) produces a level of coma (anesthesia) comparable to that produced by 20 breaths of Meduna's 30% CO_2–70% O_2 mixture, producing unconsciousness in 15 sec and a return to full consciousness in 75 sec.

RATIONALE OF CDT AND RAPID COMA TECHNIC

Physiological Effect on the Brain

The mechanism of action of CO_2 is unknown. Various physiological and endocrinological mechanisms have been suggested. In Rapid Coma Technic, the following mechanisms have been postulated:

I. According to Gellhorn, (17), high concentrations of CO_2 reduce the excitability of the hypothalamic-cortical system, which may account for the reduction of emotional tension in the psychoneurotic.

II. According to LaVerne (30), the high concentrations of CO_2 suddenly introduced into the respiratory * * *

The adaptive stress reaction is both psychic and physiological. Psyschic stress consists of three phases: (a) apprehension prior to the treatment; (b) fear of becoming unconscious; and (c) excitement experienced during anesthesia with CO_2 during Stage II and the subsequent abreaction. It is the latter phase (c) with which we are primarily concerned in psychic stress.

Physiological stress involves endocrinological and neurophysiological mechanisms. It is assumed that by repetitive CO_2 treatments, the stress organs, which were previously in a state of hypofunction or malfunction, will become conditioned to function more effectively and eventually bring the patient into a clinical remission. There is suggestive experimental evidence that CO_2 therapy stimulates the stress organs (17,28,30,52). It is necessary to buffer the psychic stress to an optimum and to maintain adequate threshold levels of physiological stress in order to achieve satisfactory clinical results.

It can be stated that in concentrations above 20%, CO_2 acts as an irritative anesthetic inhalant with considerably less than 50% effectiveness. Its greatest disadvantage is its prolonged excitement phase in transition from consciousness to unconsciouness; that is, from Stage II to Stage III of anesthesia

(30). In the deeper levels of CO_2 anesthesia, there is inhibition of cortical control with subsequent subcortical release. This results in the abreaction which is peculiar to CO_2 therapy. The reverse neurophysiological effects occur as the CO_2 is blown off. Experiences of the Stage of excitement, namely Stage II of anesthesia, and the subcortical abreaction are replete with emotional pain for the patient. It is the recollection of the acute and crude pain on the cortical and subcortical areas that is responsible for treatment failures and treatment anxiety so frequently encountered in all forms of CO_2 therapy. It is imperative that the therapist reduce as much as possible the intensity and duration of cortical and subcortical registration of pain.

Seventy-five percent CO_2 as used in Rapid Coma significantly reduces the interval of excitement to a duration of 2–5 sec, and more quickly carries the patient into the next Stage of anesthesia, Stage III (unconsciousness). This pharmacological property presents a desirable advantage over 30% CO_2 as used in Slow Coma which has a considerably longer period of excitement with a duration of 10–25 sec. (Table I)

In order to reduce the intensity and duration of cortical and subcortical registration of emotional pain produced by CO_2, it became necessary to employ an induction anesthetic agent which would buffer these undesirable effects. Meduna (40) recognized this problem and in 1952 introduced undiluted nitrous oxide as induction anesthesia prior to CO_2 therapy. * * *

Such premedication is necessary to obtain successful clinical results and to smooth or enhance induction. It may also potentiate the CDT effect, and is invaluable for the proper clinical management of the patient. CO_2, above 15%, depresses cerebral electrical activity. On an electroencephalogram tracing (19,39) this may even approach the zero point (54), and as the CO_2 is blown-off via hyperventilation, the following sequence of electrophysiological phenomena ensue (Table II):

1. A resumption of innate neuronal activity.

2. The neuron so sensitized by the CO_2 is extremely susceptible to the intra- and extraneuronal chemical milieu, particularly the premedication or other extraneous agent administered to the patient.

This is readily demonstrated when photic stimulation is applied over the patient's eyes at this point. If the flicker frequency is substantially less than the patient's natural alpha frequency, the post treatment clinical response is often adverse resulting in irritability, confusion, insomnia. This superimposed flicker is the equivalent of a photic driving effect as the quiescent nueron reestablishes its electrical activity.

CO_2 above 15% is the most potent cerebral vasodilator known (53). It also induces unique and profound depression of electrical activity of the neuron (19) far below the resting state potential rendering the neuron relatively quiescent. Then depending upon the pharmacological cellular milieu combined with preexisting innate factors, electrical activity of the neuron is resumed as the CO_2 is blown off via hyperventilation generally establishing a healthier cortical-subcortical circuitry. Then follows a rebound period of neuronal hyperexcitability as described, lasting 15 min to several hours. Physiological rebound involves different mechanisms such as the pituitary-adrenal axis resulting in heightened physical and mental function for the first 2–4 days resulting in improved generalized functioning associated with a lowering of inhibitions, euphoria. Then on the fourth or fifth day, mild mental and physical lassitude and fatigue diminishing toward normal activity by the seventh day.

According to Lorente de Nó (36) CO_2 produces the following changes in the central nervous system: increase in membrane potential, increase in the threshold of stimulation, increased ability to release energy, decrease of fatigability. * * *

According to Schmidt (53), CO_2 has a specific vasodilator effect on cerebral vessels. Of a large variety of agents which have been found capable of dilating cerebral vessels, CO_2 produces the maximal intracranial dilatation.

Schaefer (52) has demonstrated stimulation of the pituitary and adrenal glands in animals when exposed continuously to higher concentrations of CO_2.

RATIONALE OF PRETREATMENT AERATION (100% OXYGEN) AND POST-TREATMENT AERATION (PURE AIR) IN CDT

Pretreatment aeration with 100% oxygen in all types of CDT should always be administered to avoid excess stimulation of chemoreceptors, neurogenic mechanisms, regulatory and other body mechanisms which may lead to occasional irreversible adverse cardiorespiratory reactions of prolonged apnea, fibrillation, and cardiac arrest, as described in published literature by this author (28,59) and in unpublished reports by others. Adequate pretreatment aeration with 100% oxygen saturates the vital medullary and other CNS centers including the myocardium. This serves as a buffer, provides essential reserve oxygen, and facilitates the recovery of biochemical, electrochemical, and physiological processes of the CNS and autonomic nervous systems involved in the recovery from Stage III of anesthesia to Stage I and consciousness. Oxygenation with pure oxygen and aeration with pure air removes intra- and extra-cellular toxins or pollutants, and renders tissues pollution-free or decontaminated, eliminating nociferous toxins from metabolism of body reactions. Pretreatment aeration may also create greater differentials in pH, emzyme reactions, and electrochemical voltage of neurons (19). As treatments progress, there develops a cumulative therapeutic effect comparable to a "resetting" of the normal brain rhythm and extinction of pathological reverberating circuits which may be responsible for the neuropsychopathology and the clinical symptoms of the illness. The patient will frequently describe a subjective feeling of physical well being, improved mental functioning, and rejuvenation.

METHODOLOGY

The patient lies down or sits in an upholstered chair. Patients who tend to move excessively during treatment, require restraints for their own protection. This, however, is rare.

At the initiation of CDT, the patient is instructed to always keep the mouth open, breathe deeply and slowly at all times, and to inhale and exhale fully. Reassurance is important. The patient must be told that he will be breathing more oxygen during the CO_2 treatment than there is in room air, that the CO_2 gas is pungent as "the bubbles of soda water that occasionally sting his nostrils." This is strictly a voluntary type of treatment in which the patient is "in charge." Instruct him to raise his hand as a signal if breathing becomes difficult or for any reason, and that the therapist will immediately remove the mask and stop the treatment.

The therapist must be patient, reassuring, and comforting. Most patients develop confidence and overcome fear of the treatment. The patient will eventually learn to breathe properly and deeply in order to obtain maximal benefits of treatment. Pre-treatment consists of administering 10–20 minutes of pure oxygen. Then without allowing breathing of room air, the patient is given 4–10 breaths of a mixture of 75% carbon dioxide—25% oxygen and lapses into unconsciousness (CO_2 coma) for less than a minute. Immediately thereafter, he is given 10–20 minutes of pure air, with the return to full consciousness. Face masks and gases are interchanged rapidly to avoid infiltration of room air. For the refractory patient and for more effective clinical response, use the longer duration of pre-oxygenation and post-aeration.*

Shallow breathers require more CO_2 inhalations to induce adequate coma. Those who manifest increased sensitivity or a low threshold of reaction will require fewer breaths. Instruct the patient to count each inhalation by finger counting. This prevents therapist from inadvertently overtreating.

Do not overtreat the patient with too many breaths of CO_2 that will induce too deep a coma. Observe respiratory movements via the patient and the apparatus. The optimum number of breaths or minimal effective dose (M.E.D.) is that required to produce a physiological electrochemical response of coma (unconsciousness), frequently manifested by soft clonic body movements—the equivalent of a minor seizure—lasting 3–8 sec. The patient will always be able to know that he has "passed out." Such CDT seizures are never associated with skeletal injuries or fractures.

The clinical effects of CDT must not be interpreted by brief post treatment intervals, but rather by longitudinal observations of months. Parameters of functioning in the occupational, mental, familial, and social spheres are the all important determinants of clinical improvement. The therapist must be aware that the cumulative therapeutic effects of CDT are reflected in the patient's overall behavioral patterns.

The average number of treatments is a series of 25–50 or more. Treatments are administered three times per week for the first 12 to 20, then twice weekly to once weekly as clinical improvement progresses.

The criterion for clinical improvement, in evaluating results of CDT, was the alleviation of primary symptoms to a sufficient extent, so that the patient was no longer incapacitated for at least 6 months. All patients received oral premedication 1½–2 hr prior to treatment.

Part I—Patients pretreated with 100% oxygen for 10–20 min, 4–10 breaths of 75% CO_2-25% O_2, then awaken in normal polluted environment.

Part II—Patients pretreated with 100% oxygen for 10–20 min, 4–10 breaths of 75% CO_2-25% O_2, then 10–20 min of pure air (pollution free environment).

Double blind studies were performed on random selected groups of 20 for Parts I and II.

Have patient participate in the treatment by counting with his fingers. This is especially important for shallow breathers and enables the therapist to avoid overtreating. Patient can perform this finger count for the first 4 breaths, thereafter respirations deepen and become reflex, automatic, and visible. Have all the bags filled prior to administering the treatment.

Sterilization of apparatus

1. *Wash face piece with 70% alcohol sponge for each patient and dry.* This is an added precaution to avoid transmittal of infectious organisms.

2. *Humidifiers may be eliminated to avoid the spreading of infectious organisms,* incubating more readily in the moist culture medium inside the bags and tubes since they are difficult to disinfect fully. Breathing the gases dry causes slightly more irritation on the mucous membranes, producing a sensation of coughing and choking, so that the patient tends to inhale less CO_2. If sterilizing facilities and several sets of apparatus are not available, omitting the humidifiers will become necessary. If so, encourage the patient to breathe the CO_2 slowly and deeply to ensure minimal effective dose of CO_2.

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*Conversely, 5 min pre-oxygenation and 5 min post-aeration may suffice.

Premedication

Each patient requires minimal effective dose of each drug and some variations of medication for optimal therapeutic effects of CDT. Those who show considerable apprehension require more CNS sedation to induce moderate drowsiness before CDT administration. Those who show prolonged cerebral hyperexcitability lasting several hours or days post treatment may be given: Diphenylhydantoin 0.1–0.4 gm additionally as premedication, and 0.1 gm BID in between treatments. Patients should not be excessively drowsy or ataxic prior to CDT. For patients with hypo- or hyperactive autonomic CNS syndromes, there are two groups:

1. Those with symptoms of anxiety, tension, fatigue, bradycardia, sweating, etc.

2. Those with symptoms of apathy, catatonia, tachycardia, blocking, etc. The following premedication has been effective, respectively: *

Group 1: Anticholinergic agent or cholinesterase reactivator as pralidoxime chloride (Protopam) 250–500 mg tablet.

Group 2: Cholinergic agent as ambenomium chloride (Mytelase) 5–10 mg tablet, or pyridostigmin bromide (Mestinon) 90–180 mg timespan.

Children and geriatrics require smaller doses of all medications.

Dusser de Barenne, McCulloch, and Nims (*14, 51*) found as did Lorente de Nó (*36*) that a low pH of the cortex caused by CO_2 is associated with both decreased electrical activity and excitability of the brain cortex. McLennan and Elliot found that lowering the brain pH destroys acetylcholine. Consequently, CDT creates a transient depletion of acetylcholine. Premedication with cholinergic agents therefore may in some patients facilitate clinical recovery, especially those who manifest apathy, catatonia, fatigue.

Basic Premedication Regime—CDT

One and-a-half to two hours prior to treatment the patient is administered the following medication orally:

Phenobarbital, 0.1–0.2 gm (1½–3 gr)
Pentobarbital, 0.05 gm. (¾ gr)
Atropine, 0.01 gm–0.02 gm
Ascortic Acid, 0.5 gm
Nicotinic Acid, 100–300 mg
Pyridoxine, 50–150 mg-(optional)

APPARATUS

1. The 75% CO_2–25% O_2 mixture is commercially prepared within 2% accuracy by weight. At tank pressures above 500–700 lb. the CO_2 liquefies settling to the bottom. However, it is preferable to order this prepared mixture at this pressure.

A large cylinder (H size) will last 200 treatments costing $0.08 per treatment (in New York), including preparation and delivery. Such a tank sells retail at $16 per tank. If 100% bone dry carbonic acid and 100% oxygen are drawn from separate tanks, the therapist can utilize a mechanical gas mixer and via a "y" tube hookup, titrate his own mixture. This would reduce the cost to about $0.03 per treatment but requiring more time of the therapist in being certain of the accuracy of the mixture and the initial expense of setup. When the commercially prepared mixture is used, the tank in cold weather should initially be placed horizontally at room temperature for 24 hr before usage to avoid liquefaction of CO_2 thereby impairing the desired CO_2–O_2 gaseous ratio.

2. Pure air is available commercially and obtained either from low pollutant areas or by chemical synthesis. The latter, although slightly more expensive, is preferred.

The finally prepared mixture should contain less than a total of 2 parts per million of toxic pollutants such as carbon monoxide, sulfur dioxides, oxides of nitrogen, methane, hydrocarbons. Harmless pollutants are xenon, krypton, argon, neon. The pure air mixture contains 19.95% oxygen, 80% nitrogen, 0.05% carbon dioxide. The latter component, if eliminated, reduces the cost of preparation of synethic air, but the advisability of its use must be further clinically evaluated, especially if it is to be breathed by a patient for many hours at a time. A small room or cubicle can be rendered pollution free by the use of pure air compressed into tanks, then installed into an area that is scaled to prevent external infiltration. A one way exhaust fan installed at the opposite end of the room or cubicle will, with a humidifier, increase efficiency and quality of the pure air diffusion.

3. 100% oxygen is readily available in large (H) cylinders and retails at $6–$16 per tank.

4. The CO_2 breathing bag should be preferably an 11 liter custom-made bag. If not available, then an 8 liter bag may be used provided the valve delivering the gas will deliver at least 30 liters of gas per minute since after the second breath, the demand for the gas rapidly increases due to reflex hyperpnea. If an 11 liter bag is used, apply mild pressure to minimize rebreathing by the patient.

5. The preoxygenation bag may be a 5 or 8 liter bag and should flow under continuous mild positive tank pressure of 10 liters per minute.

6. The post aeration bag should be an 8 liter bag and should provide a positive tank pressure of initially 40 liters for the first minute, then gradually reduce to 20 liters for the remainder. Connecting tube is standard corrugated 1 in. diameter, 18–24 in. long, from the breathing bag to the 3-way valve attached to the face piece. A ¼ in. diameter tube, 2–3 ft long, connects the breathing bag to the humidifier attached to the reducing flow liter valve attached to the tank. (Note: Liter flow is less without humidifiers.)

7. The humidifier should be able to moisten the gases efficiently and should be similar to the variety used in hospital oxygen tents. Dry gas is slightly more difficult for the patient to breathe, dries the mucous membranes, and then becomes more difficult for the patient to breathe the high concentration CO_2 mixture. One disadvantage is the possible growth and transmittal of microbes from one patient to another. This can be minimized or obviated by heat sterilizing all of the respiratory apparatus carrying humidified gas for each patient or once a day if not too many are treated daily. Heat tends to eventually dry out the rubber components unless made of plastic. A small quantity of a broad spectrum antibiotic (as 10 mg tetracycline) may be added to the tap water (dawn from the hot water faucet) within the humidifier and may be used prophylactically. Sensitization is unlikely to occur with the minute quantity of antibiotic inhaled. However, it is preferable to omit use of humidifiers, if possible.

8. The valve attached to the tank should have 2 meters—one for tank pressure and one for liter gas flow. In order to adapt the valve to deliver larger gas volumes per minute, the pinhole exit at the terminal portion of the valve may be enlarged by a drill.

9. The face piece should be preferably large size, as a dental anesthetic mask, constructed of a transparent plastic with a soft rubber margin that touches the patient's face rendering the mask air tight, comfortable, and permitting visibility of the mouth.

A patient with small facial features will require a smaller size mask.

10. All sensory stimuli induce a profound CNS effect during the critical reversal phase of anesthesia. It is useful and perhaps beneficial for the patient *not to hear room sounds* such as air conditioner noise, the noise of the gas issuing from the tanks under pressure, etc., which though minute, are roaring sounds to the patient during this critical phase. The use of *sound filters* (*mufflers*), similar to the kind personnel use at airports, are applied *over the ears prior* to treatment. These sound mufflers may be used after the first several visits and when the patient has adjusted to treatment.

INDICATIONS FOR USE OF CDT RAPID COMA TECHNIC

Rapid Coma Technic is most effective in the neurotic disorders. Types of illnesses include anxiety states, obsessive compulsive states, conversion hysterias, phobias, neurotic depressions, reactive depressions, psychosomatic disorders, stammerers, neurotic homosexuals, and neurotic alcoholics. Rapid Coma is not as effective in schizophrenias, manic depressive, and involutional psychoses. Mixed type of schizophrenics have been enabled to function on an acceptable level of community adjustment, requiring weekly or biweekly maintenance treatments. Epilepsy is not a contraindication for CDT. Some types of alcoholics and drug addicts may benefit from CDT.

SIDE EFFECTS OF THE NEW MODIFIED RAPID COMA TECHNIC

A persistent unpleasant quality of CDT is the fact that in high concentrations (above 20%) the gas is a local irritant upon contact with the mucous membranes of the respiratory tract. This effect is directly proportional to the percent concentration of CO_2. After inhalation of a few breaths there inevitably develops "suffocation anxiety" or "air hunger" which becomes more pronounced if transition from Stage I to Stage III (induction) of anesthesia is prolonged. Below 40% CO_2 mixture this "suffocation anxiety" is enhanced. At 75% CO_2 mixture this undesirable effect is minimal or absent. With all concentrations above 20% CO_2, after the depressed (anesthetic) phase of brain activity, there follows a rebound period of hyperexcitability which may last from minutes to hours and, if cumulative, for days. All of the aforementioned physiological effects induced by high concentrations of CO_2 (above 20%) frequently produce an undesirable side effect of "treatment anxiety" that seriously interferes with treatment, either negating initial clinical improvement or superimposing adverse symptoms of severe anxiety, apprehension, and even terror, requiring cessation of treatment. It is such "treatment anxiety" that is primarily the cause of treatment failure and/or serious adverse reactions with all techniques of CDT. It is also the foremost reason for abandonment of CDT by either the therapists or the patient.

Do not overtreat. Too many inhalations of CO_2 may cause treatment anxiety and *rarely* adverse physiological reactions, consisting of first respiratory apnea, then myocardial instability and fibrillation. The therapist is cautioned to stop a particular treatment if involuntary prolonged apnea develops. Management of prolonged apnea: secure a patient airway, extend the chin, administer oxygen, intubate if necessary. Subsequent treatments require fewer inhalations for the particular CO_2 concentration and the therapist should record the number of breaths so that he will avoid this side effect.

Transient apnea of short duration (1–3 sec) is innocuous and frequently disappears as the patient improves, develops more confidence, and learns to breathe deeply and slowly. This should not be confused with transition apnea which occurs at the initiation of the first CO_2 breath, nor with hyperventilation apnea which may occur momentarily at termination of CO_2 inhalations. *Management of certain side effects* of CDT is imperative in order to obtain adequate clinical results.

Side effects involved are: (1) treatment anxiety, (2) apnea, (3) hyperexcitability, and (4) rebound phonomenon.

CONTRAINDICATIONS

Contraindications are severe hypertension, active pulmonary tuberculosis, cardiovascular heart disease, severe emphysema, prolonged apnea, hypersensitvity, or idiosyncrasy. Occasionally allergic manifestations are caused by premedication requiring the process of elimination by the therapist and substituting the offending drug for one that would produce a comparable pharmacological effect.

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* Note: Use cautiously, only occasionally. May induce exacerbation of underlying pathological traits.

OBSERVATIONS

The use of 100% oxygen immediately post treatment seems to create depression and other adverse symptoms for reasons unknown. On the contrary, experimentally, it was found that administration of 5–10% CO_2 in oxygen, for 1–3 min, immediately post treatment overstimulates the patient, creates hyperactivity, insomnia, and treatment anxiety, but occasionally it is beneficial in the sluggish patient. In the critical reversal phase of anesthesia, in most instances, the patient should breathe normal atmospheric air for best clinical results. These and other post treatment stimuli such as photic stimulation of specific frequency, and cholinergic vs. adrenergic premedication, which produce pronounced different clinical responses, suggest a high susceptibility of the cerebral neurons during the critical reversal phase of CDT anesthesia to specific metabolites and chemical agents in the protoplasmic and intracellular milieu of cerebral neurons. In effect, it appears that the *cerebral* clock or electrochemical rhythm may be readily reset or altered. This opens to the investigator a broad avenue of research that may uncover many, as yet unknown, mechanisms of brain and CNS function.

PROGRAMMING

Carbon Dioxide Therapy causes neurophysiological effects on the brain, endocrine system and in general, on all systems. This is manifested by an observable effect on the electrical and chemical function of the cell unit that causes it to charge, discharge and recharge. Any afferent impulse (stimulus) available to that cell unit serves as a programming effect during the recharge stage of recovery. If the programming is positive, a favorable clinical response will become manifest subsequent to the recovery phase. This is easily demonstrated during the pre-coma stage or anesthetic stage when an adverse afferent stimulus such as painful pinching of the skin of the abdomen by the therapist will produce upon awakening, profound irritability, apprehension, hostility and other adverse reactions in the patient, which may last for an entire week. Then if another Carbon Dioxide Therapy treatment is administered without a painful stimulus, there results a restorative and favorable clinical response in the patient. Similarly, any painful afferent stimulus prior to recovery such as loud unpleasant sounds transmitted through the auditory nerve or any other sensory afferent system, including unpleasant thoughts by the patient, will serve to program the patient in a negative response and obviate clinical recovery.

RESULTS

Part I—Patients pretreated with 100% oxygen and post treatment of normal air (*polluted environment*)

Two hundred and fifty patients were treated with CDT Rapid Coma Technic. About 100 of these, or 40%, had previously received some form of psychiatric treatment unsuccessfully. One hundred and fifty-two (60%) were females. The age range varied from 10 to 74 years of age. The average age was 33 years.

(1) Seventy-nine patients (45%) of the psychoneurotic group improved. Twenty-eight (35%) of these were anxiety states whose symptoms were markedly alleviated. Ten (12%) showed moderate improvement of conversion hysteria. Nineteen (24%) depressions improved mildly to moderately. Twelve (15%) of phobic and obsessive compulsives improved mildly to moderately. Six (8%) had psychosomatic disorders which improved moderately. Three (4%) were stammerers who improved mildly. Two (2%) were alcoholics who improved mildly and required weekly maintenance treatment to obtain sobriety.

(2) Thirty (12%) of the psychoneurotic group discontinued because of treatment anxiety or poor motivation and did not return to complete their series of treatments.

(3) Seventy-seven (43%) psychoneurotics failed to improve. Four of this group manifested a worsening of their symptomotology.

(4) Seventy-five of the experimental group were psychotics. Sixty (80%) were schizophrenics. Of this latter group, 21 (35%) showed mild to moderate improvement.

(5) Five (7%) manic depressives showed mild to marked improvement. One was a treatment failure.

(6) Nine (12%) involutional depressives showed mild improvement.

(7) One organic psychosis showed no improvement.

Part Ia. Twenty psychoneurotics and psychotics comparable to Part I category were pre-treated with 100% oxygen and post-treated with normal polluted air as double blind controls. Neither patient nor personnel knew the nature of pre- or post-treatment aeration. Ten psychoneurotics showed 42% clinical improvement, and ten psychotics improved 33%.

Part Ib. Twenty psychoneurotics and psychotics comparable to Part I category were pre-treated with 100% oxygen and post-treated with pure air (pollution free), as double blind controls. Neither patient nor personnel knew the nature of pre- or postreatment aeration. Ten psychoneurotics showed 62% clinical improvement, and ten psychotics improved 43%.

Part II—Patients pretreated with 100% oxygen and post treatment with pollution free air

Sixty patients comprised this group chosen at random from comparable categories of Part I patients who were previously treated as Part I experimental group. The total was 60 of which 30 were of the psychoneurotic variety and 30 were of the psychotic variety.

(1) Twenty-one (70%) of the psychoneurotic group improved moderately to markedly. They comprised anxiety states, depression, obessive compulsives, conversion hysteria, psychosomatic disorders.

(2) Fourteen (56%) of a variety of schizophrenics showed mild to marked improvement.

(3) Of the schizophrenics, 35 who improved as experimental patients in Part II, 28 (80%) were less improved as experimental patients in Part I. They therefore served as controls in themselves.

An experimental group of 20 random selected patients of both categories of neurotic and psychotic varieties were treated with CDT with only post aeration. The mean average percentage of improvement was 32% (Fig. 5). A similar group was treated with CDT without pre- or postaeration. The mean average percentage of improvement was 22%.

SUMMARY

In summary, Rapid Coma Technic of CO_2 therapy has been simplified to one perferred technic. Extensive clinical experience reveals it to be safe, curative, and, in the opinion of the author, a useful tool n the armamentarium of the psychiatric therapist.

Rapid Coma is most useful in the anxiety states, obsessive compulsive disorders, reactive depressions, phobias, psychosomatic and conversion hysterias. It is less effective in the neurotic alcoholics and drug addicts, but enables these patients to function on a higher plane in the community when treated on maintenance therapy. It is least effective in the endogenous depressions, psychopathic and psychotic categories of patients. A significant proportion of ambulatory schizophrenics has improved sufficiently to permit their functioning on a more effective level. Rapid Coma has proved greater effectiveness in a larger variety of psychiatric illnesses than Slow Coma Technics.

An understanding of the pharmacology and physiology of CO_2 therapy justifies the utilization of premedication. This consists of atropine, sedative doses of barbiturate, ascorbic acid, and other adjuvant medications. A mixture of 75% CO_2-25% O_2 induces CDT anesthesia. Pretreatment oxygenation and posttreatment aeration with pollution free air enhances therapeusis. With this new method of Rapid Coma there is no possibility of anoxia at any time during treatment, and it has proved safe and effective in a larger variety of psychiatric disorders than any other method of CDT used by the author.

The diagnosis of treatment anxiety, a side effect, and its management is essential for the successful use of CO_2 therapy. Other side effects of CDT are apnea, hyperexcitability, rebound phenomenon, and CO_2 hypersensitivity, or idiosyncrasy. Most of these side effects are manageable and innocuous. Some require contraindication and discontinuance of CDT.

TABLE I.—PHARMACOLOGICAL EFFECTS OF CARBON DIOXIDE ON THE PATIENT

Number and agent	Anesthetic effectiveness	Type of inhalant	Transition stage I to III of anesthesia	Stage II (excitement) of anesthesia	Reflex excitability	Cerebral cortical registration of pain
1. Nitrous oxide undiluted 100 percent.	15 percent anoxia	Nonirritant	Smooth, rapid, 45 to 60 seconds.	Absent	Rare	Absent.
2. Carbon dioxide 30 percent (slow coma.)	Unknown 15 percent plus, no anoxia.	Irritant	Stormy, long duration, 10 to 25 seconds.	Moderate excitement, prolonged.	Great	Very severe.
3. Carbon dioxide 70 percent	do	do	Stormy, short duration, 2 to 5 seconds.	Moderate excitement, short	do	Extremely severe.
4. Nitrous oxide diluted with 20 percent oxygen.	15 percent minus, no anoxia	Nonirritant	Smooth, slower, 90 to 120, seconds.	Minimal	Rare	Absent.
5. Induction with nitrous oxide undiluted carbon dioxide 30 percent (slow coma).	15 percent plus, no anoxia	Irritant	Stormy, prolonged durations 10 to 25 seconds.	Moderate excitement, prolonged.	Great	Severe.
6. Induction with nitrous oxide diluted with 20 percent oxygen premedication carbon dioxide 70 percent (rapid coma).	15 percent plus, no anoxia	Slightly irritant	Stormy, short duration, 2 to 5 seconds.	Minimal excitement, short	Minimal	Minimal.

Note: Nitrous oxide is no longer used with rapid coma technics.

The clinical results of Rapid Coma were superior to those achieved with Slow Coma Technic. The superiority of Rapid Coma Technic may have been due to the following: the physiological effects, pharmacological effects, pre- and postaeration, premedication, and the higher concentration (75% CO_2-25% O_2) of the gas. The different pharmacological effects are presented in Table I.

CDT—both Slow and Rapid Coma Technic—induce side effects. These effects and the management of the undesirable side effects are presented in Table II.

After perusing the data offered in Tables I and II, I recommend the following points for consideration:

(1) Carbon dioxide above 20% is an irritant inhalant. This peculiarity is a double edged sword: (*a*) it initiates the physiological stress, chemical and bioelectric reactions that render it therapeutic, (*b*) it presents unfavorable complications and side effects with all technics which must be adequately controlled in order to achieve clinical results.

(2) Premedication is recommended for all CO_2 technics. It is routinely used in anesthesiology even for minor procedures, for the following reasons: (*a*) reduces Stage II excitation; (*b*) reduces reflex excitability. Most anesthetic accidents occur at this level; (*c*) potentiates induction anesthesia; (*d*) increases margin of safety of inhalant since less is required.

(3) Anoxia should be avoided at all stages of the CO_2 procedure. Preoxygenation saturates the brain and myocardium preventing adverse reactions, and may enhance clinical improvement. Postaeration with pollution free air may enhance therapeusis by facilitating more effective and sustained homeostasis during the critical recovery phase.

(4) Sedative doses of barbiturate with CO_2 is a safe combination, and when used properly does not depress respiration. Over 100,000 such treatments have been successfully administered at Bellevue Hospital. In very excitable patients it would be unsafe to administer CO_2 without premedication.

(5) The new Rapid Coma Technic utilizes the desirable pharmacological and physiological principles of CO_2 therapy and minimizes the unfavorable side effects.

(6) Oxygenation with pure oxygen and aeration with pure air removes intra- and extra-cellular toxins or pollutants, and renders tissues pollution-free or decontaminated, eliminating nociferous toxins from metabolism of body reactions.

TABLE II.—THE PHYSIOLOGICAL EFFECTS OF CARBON DIOXIDE ABOVE 20 PERCENT ON THE PATIENT

Number and organ	Effect	Evidence	Management
1. Respiratory tract	Local irritation, histamine release, Hyperventilation transition apnea. 70 percent CO_2 (rapid coma) produces greater irritation and transition apnea than 30 percent (slow coma).	Erythema mucous membrane, harsh, pungent odor, difficult to breathe, apprehension.	Sedative premedication. N_2O induction produce analgesia. Antihistamine premedication neutralizes histamine. Apnea after completion of 1st CO_2 breath or prolonged and persistent transition apnea is contraindication for treatment.
2. Brain-cortical and subcortical:			
(A) Sensory areas	(A) Pain registration—psychic pain of stage II and the abreaction. Inhibition of cortical control results in subcortical motor release and the abreaction.	(A) Clinical observation	Phychic pain must be kept minimum to avoid treatment anxiety: (1) Premedication sedative barbiturate and N_2O induction. (2) Reduce intensity and duration stage II. Avoid overtreatment.
(B) Hypothalamus	(B) Reduced excitability of hypothalamic-cortical system—reduces emotional tension	(B) Gellhorn	
3. Stress organs: (A) Pituitary, (B) Adrenal.	Adaptive repetitive stress	Schaefer—animals; La Verne—17—ketosteroids.	Minimal effective dose is therapeutic. Avoid over treatment.
4. Myocardium	Transient arrhythmias are harmless—15 percent with slow coma, 18 percent with rapid coma. CO_2 per se does not increase ventricular irritability. Serious complications rare: (1) Excess adrenalin sensitizes myocardium. Irritant inhalant may induce ventricular fibrillation. (2) Vagus overstimulation via reflex of pulmonary alveoli and carotid sinus. (A) Bradycardia. (B) Cardiac arrest. Above complications directly proportional to reflex excitability of patient and stormy induction stage 11. Incidence of occurrence about same in all CO_2 techniques.	Clinical, Goodman and Gilman, EKG studies—La Verne.	The following premedication is recommended for all CO_2 techniques: (1) Sedative doses barbiturate reduce reflex excitability and stage II excitement. (2) Atropine minimizes reflex vagus overstimulation. (3) Adrenergic blocking agent prevents ventricular fibrillation. If serious cardiac arrhythmias persist, treatment is contraindicated.
5. Autonomic nervous system:			
(A) Sympathetic	(A) Adrenergic predominance produces: Tachycardia, BP increase, flushing, pallor, palpitations, somatic tension, anxiety, panic, "raw, naked nerves."	Clinical observation	(A) Premedication with adrenergic blocking agent prevents overstimulation. (B) Premedication with cholinergic blocking agent (Atropine) prevents overstimulation. There is a delicate balance between sympathetic and parasympathetic—requires clinical use of both adrenergic and cholinenergic blocking agents—doses determined empirically. Their purpose is not to paralyze the automatic elements but to prevent overexcitation.
(B) Parasympathetic	(B) Cholinergic predominance produces: Bradycardia, irritability, restlessness, agitation.		

Note: Nitrous oxide is no longer used with rapid coma technics.

CONCLUSIONS

(1) Carbon Dioxide Treatment is not a panacea. It is, however, in the author's experience safe, significantly therapeutic, in a large variety of mental and emotional illnesses.

(2) This new Rapid Coma Technic of CDT should be used more frequently by physicians for its indications for use, and is more effective than slow coma methods.

(3) Many thousands of acute and chronically ill patients may thereby benefit from its administration and be spared both hospitalization and its prohibitive expense, cost of pharmaceuticals currently in vogue, the tremendous loss to society of occupational man-hours, and the traumatic impact upon the immediate family.

(4) The actual cost of the gases is low, and any physician can easily learn this new Rapid Coma Technic of CDT.

(5) CDT, the New Rapid Coma Technic, warrants further study and investigation.

(6) The use of pretreatment oxygenation significantly enhances the safety of CDT and appears to produce better clinical results.

(7) Oxygenation with pure oxygen and aeration with pure air removes intra- and extra-cellular toxins or pollutants, and renders tissues pollution-free or decontaminated, eliminating nociferous toxins from metabolism of body reactions.

(8) The use of post treatment aeration with nonpolluted air seems to increase clinical efficacy. However, the scientific validity of this modification has not yet been established, and further research is recommended.

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CARBON DIOXIDE THERAPY—RAPID COMA TECHNIQUE TREATMENT OF DRUG ADDICTION; SAMPLE RANDOM INTERVIEWS

INTERVIEW WITH BOB, 18 YEARS OLD

B. I started using drugs about four years ago, amphetamines for energy playing sports, and then I started smoking marijuana, then I started shooting speed, then I got into hallucinagenics and then I went into cocaine and heroin. I was doing about fifteen bags a day.

N. How much is that? Is that a $40 habit or a $50 habit?

B. That's a $75 habit in Norwalk. I would have to do fifteen bags in order not to be sick, but if I had two half a loads I would do thirty, if I could get that much dope. I wouldn't get high doing fifteen bags a day—that was just so I wouldn't get sick. In order to obtain it I would pull burglaries; I've held people up. The girl I was going with—I used to sell her on the street and I used to deal, and this was all while I was in high school. This is the year and a half before I got out of high school.

My normal procedure in the morning when I woke up would be shooting eight or nine bags so I could wake up, so I could go to school. I'd have to get high again about five or six hours later, and then I'd have to do it before I went to sleep at night, and if I didn't I just couldn't function. I didn't think it was any type of addiction until I was shooting heroin.

N. What made you start that?

B. Well, when I was into shooting speed I would take barbiturates at night so I could go to sleep and I figured I was shooting speed and I didn't like taking all the pills anyway, so I'd shoot heroin at night to depress it down and I'd be able to go to sleep. So eventually I'd wake up and wanted to shoot and eventually I was just doing it every day.

N. Didn't you know what this was doing to your body?

B. Yes, I did.

N. But you still went on and did it.

B. I didn't realize where I was headed until I was physically addicted and then the reason I kept doing it was because I didn't want to go through withdrawal. I didn't want to become sick and I would do anything so I wouldn't be sick.

N. Well, tell me about the CO_2 treatment, I understand you've been coming here for four months.

B. Yes, I've been coming four months, and since I've been coming here I'm sleeping better at night, I'm able to function better during the day, I have no urge to shoot dope, and I don't want it anymore and I finally have realized where it was, where I was at, when I was doing it. It's just unique because nothing else ever worked for me.

B. I was in a live-in. I was in two live-ins and an out-patient three or four different times. None of them even did any good for me but this is the only thing that has ever worked, and this is the best thing I've come across.

N. Now about your mental attitude? Your attitude toward life and toward other people?

B. I'm very happy now. Before I was a very treacherous person whereas if you would look at me wrong I would just kill anybody for five dollars just to get money. I didn't care about anybody else at all, including myself. I was very sour toward everybody. Like even my father—I didn't want to talk to him. My mother I just told to stay away from me, you know? My house was like I'd go home, sleep, wake up, go out. It was like a place I'd sleep and eat, and that was it. I wasn't close to my parents at all after I started taking drugs. I was sour toward everybody and didn't have one friend. For three years I didn't have one friend. Dope fiends don't have friends. Would you consider someone who steals your pocket book a friend of yours?

N. No, of course not.

B. Well, I'll give you an instance. We're all getting high, right? We're all getting high together and this kid is with us. He has a lot of dope and he's dealing. He has seven, eight half loads of it. Now he hits off. He's shot about six, seven bags and he dies, just passed right out on the floor. Now we didn't look to see if he was dead or not. The first thing we did was take his dope and his works and his money and his watch and everything we could. Then we threw him in a garbage can out in back of his house.

N. Did you know he was dead?

B. We didn't care.

N. Then you have no capacity to care.

B. You don't care about anything but yourself, about the dope, the habit. The thing about this (CO_2) as compared to the drug program, rehabilitation center, live-in, people that go there usually find out why they shot dope and why they want to shoot dope, and all they do is learn how to live with the miserable feeling they have and live with their different hang-ups, but this kills completely your urge to get high.

N. The treatment?

B. Yes. I was a dope fiend for a while and I was shooting a sufficient amount of dope so you could say I was hooked, and I don't have any urge at all to shoot dope anymore.

N. But when you were clean before, when you went off it and didn't have the support (of CO_2)?

B. Oh. I was miserable. I couldn't have money.

N. You mean you wouldn't trust yourself?

B. No, I couldn't go out of the house. If I walked out of the house and went into the center of town to see what was happening, before I'd know it I would be shooting dope, but now I even see junkies on the street and on a few different occasions I could have gotten high for nothing, but I didn't do it because I don't want it anymore. I know where it's going to bring me.

N. And now you have a steady job.

B. Correct.

N. And you didn't before.

B. No, I didn't work at all before. I didn't go to school. I was completely non-productive.

N. Enjoy your golf—

B. I play a lot of golf now.

N. You smile. The world looks good—

B. That's right. Life is a lot better now.

N. That's wonderful. Well, thank you very, very much.

INTERVIEW WITH BOB'S MOTHER, MRS. R.

N. I've spoken with your son several times and I think he's a delightful boy. I understand it hasn't always been quite like this. We'll let you tell us about it.

R. Robert has changed quite a bit since he's had this treatment. He was a very moody person. You couldn't talk to him, but now you can talk to him and he's willing to sit down and discuss his problems, which was hard to do before. I do think he's really come a long way on this treatment. I'm very happy with it. We're grateful to Doctor LaVerne because he's really helped Robert quite a bit.

N. Was Robert able to get off the drug with other treatments?

R. He tried, but he wasn't successful. It was like a nightmare, really. You don't realize what it's all about until it actually happens to you, to someone in the family. It was just awful. I didn't know whether I'd be able to take it but now, thank God, he seems to be doing real great.

N. Then when he came to Doctor LaVerne was he still on heroin, or trying to kick it?

R. He was trying to kick it, yes. He really has changed. Before he was always looking for extra money you know. You know right there that that's what he was going to do with it.

N. And did you know this, or have a funny feeling about it?

R. Yes. And you know you have that feeling inside you. You can't help but get that out of your system. But now I sit down and talk to him about it and say, "Now Robert, you know . . ." And he says, "I know, Mom. I'm not going to do that anymore. I don't even care about it." So it's really the treatment that's helped him along.

N. How long after he started the treatment did you notice the difference?

R. I'd say about after his third treatment.

N. That soon?

R. Yes. He started, you know, to change.

N. He told me first of all he began to sleep better.

R. Yes, that's true. He was very nervous, but he's calmed down an awful lot.

N. And he seems to be motivated now because he has a steady job.

R. Yes.

N. I understand he has short hours in the summer so he can play golf.

R. Yes. Right. And that's what he likes.

N. Your men are all golfers.

R. Yes.

N. About three weeks after he started the treatment you noticed a difference in his attitude toward you?

R. Yes. His general attitude changed about everything.

N. Was he hostile before, when he was on the drugs?

R. I would say so, yes. I said to him the other night, "You know, I think Grandma's chairs need to be fixed" cause that's the kind of work he does. He says, "Well, I'll call her right up and I'll go down and get them and fix them for her" where before, you know, if you said anything to him he'd go, "Well what do you want me to do about it?" Right there you can see that there is quite a bit of change in him. He eats very well now and of course me being a chef, they have plenty of good things to eat. And he sleeps good, and when you call him in the morning that he has to go to work, he gets right up. Before he would give me a terrible time. He wouldn't get up, and when he did he would start yelling at you. Now he's quiet, he gets up and he gets washed and comes out to the kitchen to eat breakfast, and goes to work.

INTERVIEW WITH JAY, 18 YEARS OLD

N. How old are you, Jay?

J. I'll be eighteen June 25th.

N. How long have you been coming to Doctor LaVerne?

J. About two and a half months, three months.

N. How often do you come?

J. Once a week.

N. What was your reason for coming?

J. Well, you see, originally it was my mother. She was very frightened because I was doing very poorly in school and I was smoking a lot of pot.

N. Were you involved in anything besides pot?

J. No, just pot.

N. What do you mean by a lot, Jay?

J. Anywhere from three to four times a day, and my marks were falling, of course. My whole world, life, was very bad because I was very slowed down. I couldn't think properly. My mother and my father and I had a very big discussion and my father had come to Doctor LaVerne several times before, just to talk, you know, and he said for me to come in, and finally I agreed and everything worked out pretty well. That was my biggest reason, though, pot smoking.

N. Tell me about the weight. How much do you weigh now?

J. About 250, a little over 250. I started about 300 pounds—over 300 pounds.

N. When you came to Doctor LaVerne?

J. Yes.

N. Had you tried to lose before?

J. Yes, but no success at all.

N. Are you in school now?

J. Yes, I'm graduating.

N. Wonderful. How are you doing?

J. Well, passing everything. Some cases I'm doing very well. Some I'm just passing it. The point is before CO_2 I wasn't making it, you know. I was failing English and I was doing poorly in history. I was just barely passing those subjects but now I'm passing those and getting 80's and 85's in my other subjects, which is pretty good for me.

N. Have you noticed any other changes since you've been coming to Doctor LaVerne?

J. Oh so many. My whole attitude about life is different. It's freer. I used to be very tense. I had a very big problem in the morning when I'd get up. I used to jump right down my mother's throat, or my father's, or whoever happened to be around at the time.

N. Was this before pot or during pot?

J. No, this was all my life. And since I've been going to Doctor LaVerne it's completely out—it doesn't happen anymore. I can control myself in the morning. I don't feel so tense. Also what happened last Friday night as Doctor LaVerne told you, I had a very bad drug experience. Some crack-pot—I guess that's the only word—evidently put some L.S.D. in some wine and I had drunk it not knowing what I was drinking, and I was hallucinating, and I was really frightened and climbing the walls just about. I didn't know what to do with myself and I finally went to sleep and when I woke up I felt o.k. I suppose if it weren't for the CO_2 going on all this time, I might never have woken up. I might be in a hospital now. Because normally when something like that happens and you get frightened, it takes weeks and weeks of therapy to come back, but with me I went to sleep and I woke up and I was fine.

N. Before you were smoking pot, even, what was your relationship with your parents? Was it as good as it is now?

J. No, but it was better than it was when I was smoking pot, but it's never been this good. It's never been where I could talk to my parents about anything openly. Never been this good. I can relate to people a lot better, also, since I've been taking CO_2. You know when you meet somebody new there's always a shield you put up immediately, and I find I can drop that shield a lot quicker when I'm talking to somebody lately since I've been under CO_2.

N. Another thing that I wanted to ask you—Do you feel that you're happier? Is life more . . .

J. Yes, it's a lot freer, you know, where you can just walk down the street and not see all the bad things I used to see when I was into the big dilemma with pot. My whole life was sort of very pessimistic at that time, and now I feel everything is a lot better. I feel that I can just understand things better.

PROTOCOL

Re: Carbon Dioxide Therapy-Rapid Coma Technique in the treatment of heroin addiction. This research project is to be conducted at Hahnemann Hospital utilizing the Medical School staff, laboratories, personnel and supervised by Albert A. LaVerne, M.D., under the auspices of Hahnemann University School of Medicine.

Research funds shall be made available for this study via grants, details to follow.

Due to the epidemiology of heroin addiction among American Troops and among civilians throughout the United States, every effort shall be made to expedite the launching of this project initially in the form of a pilot study utilizing:

(1) Alternate Ten (10) G.I. heroin addicts.

Because of the interest of the Veterans Administration in testing Carbon Dioxide Therapy-Rapid Coma Technique as quickly as possible to determine effectiveness in heroin addiction, arrangements shall be made with the Honorable Donald E. Johnson, Administrator of the Veterans Administration, to provide ten experimental and ten control G.I.'s for our study.

(2) Alternate Ten (10) civilian heroin addicts.

This group to be provided by the Hahnemann staff.

STAGE I

All patients shall be housed for the first month at a facility under the control of Hahnemann. If the G.I.'s are from a local Veterans Administration hospital, then they can be housed at the Veterans Administration hospital and transported three times weekly to the treatment clinic at Hahnemann. It will be necessary to house only twenty (20) civilian drug addicts at Hahnemann for one month.

STAGE II

All Hahnemann Hospital patients shall now be treated on an out patient ambulatory basis three times weekly for one month. The Veterans Administration patients shall be housed at the VA hospital which shall serve only as a domicile, allowing them privileges to be absent during the day and weekends and to report three times weekly for out patient Carbon Dioxide treatment at Hahnemann.

STAGE III—REHABILITATION AND MAINTENANCE

The objective shall be adjustment in the various spheres, such as familial, social, and occupational under the guidance of medical and paramedical personnel. This group shall be administered weekly maintenance Carbon Dioxide Therapy treatments for a period of one month.

STAGE IV—DISCHARGE AND FOLLOW-UP

This group will report to the clinic weekly for follow-up and urine samples tested for opiate derivatives. This period should be three-six months.

PERSONNEL

Two psychiatrists selected from the Hahnemann resident training staff who shall assist the supervising research psychiatrist, Dr. LaVerne, in administering Carbon Dioxide Therapy and interviews, including three nurses.

One social worker and one psychologist from the Hahnemann staff.

All medical and laboratory studies shall be performed by the Hahnemann staff and facilities.

A full time secretary to assist the supervisor, Dr. LaVerne.

Extensive interviews of each patient shall be conducted before and during treatment and after discharge.

ALBERT A. LAVERNE, M.D.

Associate Professor in Psychiatry, Fordham University 1957–59

Senior Psychiatrist, Bellevue Psychiatric Hospital

Diplomate, American Board Psychiatry and Neurology

Diplomate, Pan American Medical Association, Psychiatry and Neurology

Fellow, American Psychiatric Association

Qualified Psychiatrist, New York State

President, Carbon Dioxide Research Association 1956–57

Executive Vice President, Society of Medical Psychiatry 1957–58

Executive Secretary, American Society of Medical Psychiatry 1958–64

Former Faculty Member of New York University—College of Medicine

New York State Committee on Compensation Board

Member of County and State, American Medical Associations

Attending Psychiatrist, several metropolitan hospitals

Physician-in-Charge, Carbon Dioxide Research Clinic, Bellevue Hospital

Biographical sketch in "Who's Who in American Education." and "American Men of Medicine." and the Marquis "Who's Who in the East."

Author of numerous articles in leading medical journals, newspapers, and magazines, Co-Author in books on subjects dealing with criminal psychiatry, alcoholism, drug addiction, juvenile delinquency, and bio-chemical research in medicine and psychiatry.

Alumnus of Fordham and Georgetown Universities.

Editor, Journal of Neuropsychiatry

Recipient of Gold Medal and Award for Outstandnig Achievement in Medical Research, 1958

Recipient of Encaenia Award, Fordham University, 1961

Editor, Compendium of Neuropsychopharmacology

Editor, Physicians' Drug Manual

Recipient of Gold Medal Award by College of Pharmacists, Puerto Rico, November 27, 1965, for elevating standard of World Health in Drug Research and Therapy.

FORCED SCHOOL BUSING: A TRAGEDY FOR ALL AMERICA

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, the lead editorial in a recent issue of the Washington Star says that busing of children to achieve racial integration may produce outcomes more nettlesome than any other public policy ever imposed in this country. The editorial points out that black separationists do not want their children bused to the detriment of black interests and that Chinese Americans in San Francisco fear that busing will lessen the cohesiveness of their community. All Americans may well fear that enforced busing may produce a bland, totally homogenized society. This would be a tragedy for America.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the Star editorial which brings out facts and considerations supportive to the basic purpose of House Joint Resolution 651, of which I am a sponsor.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The editorial referred to follows:

SAVING A CULTURE

The busing of children to achieve desegregation may *produce aspects more numerous, peculiar and nettlesome than any public policy ever imposed in the country*. Anything that can make militants of the Chinese-Americans is quite a social temblor, for they have always been about the most un-militant, law-respecting citizens imaginable.

They are also, however, respecters of their own cultural heritage, which dates thousands of years further back than the civilized beginnings of other Americans. This Chinese culture exalts the sanctity and authority of the family, hard work without complaint, maximum personal development and a strict code of conduct. It has been one of the most successful folkway transplants from the old world to the new. And its amazing resiliency to the homogenization swirling all about is due to the fact that many Chinese-Americans have studiously kept apart from the mass culture, though they are devoted to the national principles.

But now, in San Francisco, law is colliding with culture, and there is anguish in Chinatown. Under a court-ordered desegregation plan, Chinese-American children are to be bused out of that locality to other parts of the city, and their parents are strenuously objecting. The youths receive special instructions in Chinese culture after school, but parents fear that there will be no time for that with long busing, and that the cherished cohesiveness of the Chinese community will start dissolving.

Their protestations have come to naught; they've gotten the word from Supreme Court Justice Douglas that the plan must stand. The law knows no distinctions. So Chinatown residents are planning a public-school boycott which quite likely will be unprofitable for them and their city if they carry it out.

For in the cold eye of the law, their case isn't dissimilar from that of the Southern Bourbons who considered their segregated culture the finest ever conceived, descended directly from Periclean Athens. Or *the black separatists of today, who don't want their children bused to the detriment of black culture*. The Chinese can argue that their culture was mature and stable long before others emerged from the barbaric mists, but apparently that isn't enough.

This dispute points up *the enormous difficulty of setting down a busing rule that will apply fairly to all districts in the land*. It also reminds how difficult it is to be different anymore, and that the disappearing distinctions aren't all offensive. The great mixing bowl, the inexorable blender so admired in our national youth, continues its work, speeded up by the law and technology.

We can *only hope that it doesn't finally produce a bland, totally homogenized society*. The Chinese-Americans can do us all a service by finding ways to preserve the best of their culture, which has taught us so much of civility and rectitude.

PROPOSED AMENDMENTS TO OMNIBUS CRIME CONTROL ACT

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, today I am privileged to introduce legislation forwarded by the Department of Justice pursuant to section 519 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970. Section 519(b) requires that the Law Enforcement Assistance Administration submit recommendations for legislation to assist in the purposes of this title with respect to promoting the integrity and accuracy of criminal justice data collection, processing, and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems.

This provision was offered by the senior Senator from Maryland who distinguished himself in this body as a member of the Committee on the Judiciary. The provision was retained in conference and was signed into law on January 2, 1971.

The right of privacy increases in importance in direct proportion to Government's ability to collect data. The growth of our population and the mobility of our people make data collection essential. Yet this should be done in a way that does not expose everyone's life to public scrutiny. On the other hand, the data cannot be kept so secret that it is not useful for its purpose. The individual about whom the information is collected must have access to such information so that he might insure its accuracy and completeness.

The proposed legislation would strike that balance. The information "may be used only for law enforcement purposes or for such additional lawful purposes necessary to the proper enforcement or administration of other provisions of law." In other words, the criminal justice data may only be used for law enforcement purposes; it may not be made available to anyone else—such as a prospective employer or a news reporter—unless required by a Federal or State "law." I would hope that "law" would be limited to Federal or State statutes and would exclude local ordinances lest there be a proliferation of exceptions.

The proposed legislation would affect only those systems funded in whole or in part by LEAA. Thus, the impact of the proposed legislation would be felt almost exclusively at the State and local level. However, principles embodied in this legislation are capable of wider application. I believe that in considering this legislation, we would do well to investigate the possibilities of broadening its scope.

In introducing this legislation, I am pleased to be joined by my Republican colleagues on Subcommittee No. 5 of the Committee on the Judiciary—Mr. POFF, Mr. HUTCHINSON, and Mr. MCCLORY. This is necessary legislation. I ask your support.

Mr. Speaker, I am inserting the section-by-section analysis of the bill prepared by the Department of Justice in the RECORD at this point:

SECTION-BY-SECTION ANALYSIS

Sec. 1 is the enactment and title clause.

Sec. 2. Definitions.

(1) "Criminal justice information system" is defined to include those systems for the collection, processing or dissemination of criminal justice information that are funded in whole or in part by the Law Enforcement Assistance Administration. Any system receiving LEAA support would be subject to the Act in its entirety, including any Federal participation. With respect to the term "equipment" in section 2(1), whenever equipment, such as central computer facilities, is shared with non-criminal justice systems, the term includes only those portions of the shared equipment which are used in the criminal justice system.

(2) "Criminal offender record information" is defined to include records of arrests and dispositions of criminal offenders. This information would include data necessary to identify individual offenders and provide a complete history of their involvement with the criminal justice system including arrest, arraignment, trial, detention, parole and release. Intelligence and investigative reports are not included in "criminal offender record information".

(3) "Criminal intelligence information" includes investigatory information related to law enforcement and indexed or retrievable by individual name. Information from public sources is excluded so as to avoid the imposition of the Act's civil and criminal penalties for the dissemination or use of information that could be obtained from the newspapers or other public sources.

(4) "Criminal justice information" includes both criminal offender record information and criminal intelligence information.

(5) The definition of "law enforcement" is taken from section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(6) "Law enforcement agency" includes only agencies that are principally engaged in law enforcement activities. This would include police forces, responsible for enforcement of the general criminal law, prosecutorial agencies, courts with criminal jurisdiction, correction departments (including probation), parole commissions, and governmental agencies that are engaged principally in the collection and provision of criminal justice information. The definition would exclude railroad police, harbor police and other agencies that are not principally concerned with enforcing general criminal laws although they may have some limited law enforcement responsibilities.

Sec. 3. Access and Use.

Subsection (*a*) provides that only law enforcement agencies shall have direct access to systems covered by the Act and that information obtained from the system may be used only for law enforcement purposes or additional lawful purposes prescribed by the Attorney General by regulation. It is intended that agencies that use criminal justice information for valid non-law enforcement purposes, as for example, counterintelligence, personnel suitability, or security, may continue to do so, but they must obtain the information through a law enforcement agency.

Subsection (*b*) permits secondary dissemination for research purposes, under regulations prescribed by the Attorney General. Such regulations must establish procedures to assure data security and to protect individual privacy.

Subsection (*c*) permits an individual to review and copy his criminal offender record file upon proof of identity and compliance with published rules concerning time, place, fees and the like. This right to individual access does not apply to criminal intelligence information.

Sec. 4. Security, Updating and Purging.

Subsection (*a*) provides that all covered systems shall, unless exempted by regulations, be used only for law enforcement purposes and be under the management control of a law enforcement agency. This is designed to prevent commingling with non-law enforcement data and to reduce the possibility of unauthorized disclosure. To be "dedicated" to law enforcement, an information system, including all equipment and facilities, must be limited to the function of serving the criminal justice community and fully independent of non-criminal justice information systems. "Management control" means the authority to set and enforce policy concerning system operation and use, including the authority to employ and discharge personnel engaged in operating the system.

It is recognized that many State and local law enforcement agencies that may wish to participate in a covered system cannot now provide system facilities, such as computers and related equipment and facilities, that are dedicated solely to law enforcement purposes. The bill therefore permits the Attorney General to prescribe regulations exempting such agencies from this requirement.

Subsection (*b*) requires system procedures designed to minimize unauthorized disclosure and to assure regular and accurate updating of offender record information.

Subsection (*c*) is designed to assure that offender record information is removed from the active records after the passage of a sufficient period of time to indicate that the individual is no longer active in the criminal justice system—that is, deceased or rehabilitated. It would also assure that record information which is required by Federal or State law to have limited accessibility, such as on juvenile offenders, is maintained separately or is removed from the active records. Purged information would be available only to agencies having a specific need for it based on statute. An example of statutory need is found in the provisions of the Gun Control Act of 1968, under which a prior felony conviction, however remote, is the basis for criminal violations. See, e.g., 18 U.S.C. 922(g)(1).

Subsection (*d*) is designed to insure that existing State statutes limiting access to and use of records of juvenile offenders are not superseded by this legislation.

Sec. 5. Civil and Criminal Penalties.

Subsection (*a*) provides for civil damages for willful unauthorized maintenance, disclosure or use of criminal justice information, either offender record information or intelligence information.

Subsection (*b*) provides criminal penalties of one year in jail or $1,000 fine, or both, for willful and knowing violations of the Act.

Subsection (*c*) provides that public officials and agencies shall not be subject to penalties for the dissemination or use of information that could be obtained from public sources. The purpose of this provision is to avoid the imposition of penalties for dissemination or use of information that is not in any way confidential, sensitive or peculiar to a covered system, but which could be easily obtained from public sources by anyone desiring it.

Subsection (*d*) provides a complete defense against any civil or criminal action for any law enforcement officer acting pursuant to the Act or applicable State laws, or to regulations issued thereunder. Thus, an officer could not incur a penalty for a disclosure or use of information in the course of performing his duties in good faith reliance upon rules or procedures adopted by his agency under the Act or laws and regulations thereunder.

Sec. 6. Regulations. This section authorizes the Attorney General to establish rules, regulations and procedures to implement the Act, after consultation with appropriate persons. Such regulations could cover such matters as the content of criminal offender record files (excluded offenses, data elements and format, for example), controls on the use of criminal intelligence information, the use of criminal justice information for other than law enforcement purposes, the use of such information for research purposes, procedures for granting access to individuals to examine and copy their criminal offender record files (including procedures for verification of identity), and exemption of participating agencies from the requirement that system equipment must be dedicated exclusively to law enforcement purposes. It is contemplated that in appropriate cases a partition or segment of a centralized computer will be permitted to be dedicated to a criminal justice system, provided that the personnel responsible for the use of the partition or segment are under the management control of a law enforcement agency.

A TRIBUTE TO GEORGE SEFERIS OF GREECE

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to pay tribute to a distinguished poet, George Seferis, winner of the Nobel Prize for literature in 1963.

Mr. Seferis was both a distinguished poet and an outstanding diplomat.

I insert at this point in the RECORD an article about Mr. Seferis from the New York Times of September 21, 1971:

GEORGE SEFERIS DIES AT 71; POET WON 1963 NOBEL PRIZE

ATHENS, September 20.—George Seferis, Nobel Prize-winning poet, died tonight in a hospital here. He was 71 years old.

According to the hospital director, the immediate cause of death was pneumonia aggravated by a second stroke following surgery for a bleeding duodenal ulcer seven weeks ago.

George Seferiadis, the veteran Greek diplomat and scholar who as George Seferis the poet won the Nobel Prize for literature in 1963, was a liberal thinker who inherited a strong democratic tradition from his family.

For the last four years under the Greek military rule, Mr. Seferis felt oppressed and refused to publish poetry under what he considered censorship. His last poem, "The Cats of St. Nicholas," was contributed to an anthology of anti-dictorial prose and verse published by a group of anti-regime intellectuals.

In a statement issued in March, 1969, Mr. Seferis said the military junta had caused a "state of enforced torpor in which all the intellectual values are being submerged in a swamp."

"MY OWN VOYAGES"

To those who asked him the message of his poetry, Mr. Seferis would reply:

"What is the central point in Homer's

Odyssey? Ulysses' travels in the world. Well, my poems are my own voyages over the world."

And, he said, "because there is nothing human which is pure there are no pure poets.

An example of Mr. Seferis's work, taken from "The Collected Poems of George Seferis, 1924-1955," as translated by Edmund Keeley and Philip Sherrard and published by Princeton University Press, follows:

Three years
we waited intently for the herald
closely watching
the pines the shore and the stars.
One with the plough's blade or the keel of the ship,
we were searching to rediscover the first seed
so that the ancient drama could begin again.
We returned to our homes broken,
limbs incapable, mouths cracked
by the taste of rust and brine.
When we woke we traveled towards the north, strangers
plunged into mists by the spotless wings of swans that wounded us.
On winter nights the strong wind from the east maddened us,
in the summers we were lost in the agony of the day that couldn't die.
We brought back
these carved reliefs of a humble art.

Educated in Athens and Paris, where he studied law "and a lot of literature," Mr. Seferis wrote his first verse at the age of 14. In 1931, after publishing translations of French poetry in Athens and composing his own verse, he won his place among Greece's leading poets when the critics acclaimed his collection "Stofe" ("The Turning Point.")

A consular assignment to London influenced the evolution of his work and marked the beginning of a lifelong friendship and association with T. S. Eliot, whose works he translated into Greek. He also translated the works of Ezra Pound.

In the mid-thirties, Mr. Seferis composed "Epiphany," a collection of poetry from which the Greek composer Mikis Theodorakis was 20 years later to cull songs that became among the country's most popular.

Among American poets, Mr. Seferis reserved his greatest admiration for Archibald MacLeish, whose "Letter From America" Mr. Seferis also translated. Mr. MacLeish dedicated to Mr. Seferis his "Hercules." Mr. Seferis also admired the work of Richard Lowell and Theodore Roethke, a friend.

Through all the years of shifting diplomatic assignments and wartime upheaval, Mr. Seferis continued to compose his own works and to record his experiences.

PUBLIC RECOGNITION

The first public recognition of his outstanding contribution to Greek poetry came in 1947, when he was awarded the Palamas Prize. While in London in 1960, he was awarded an honorary degree in philosophy at Cambridge.

The announcement of the Nobel Prize for his poetry was made in October, 1963, and Mr. Seferis received the prize personally in Athens that December. A year later, he was made an honorary Doctor of Literature at Oxford, and the following year Princeton awarded him an honorary degree.

In 1966, Mr. Seferis became a foreign honorary member of the American Academy of Arts and Sciences. In December, 1966, he published a new collection of poetry under the cryptic title "Three Secret Poems," which was soon translated into Italian and Spanish. His poetry has been translated into most European languages and into Chinese.

Mr. Seferis began his diplomatic career in 1926 as an attaché in the Greek Foreign Ministry. In 1931 he was posted to London as a consul, and in 1936 was serving in Albania.

Two years later, his work took him to Athens as press chief for the Foreign Ministry. An early foe of dictators, Mr. Seferis reacted against the dictatorship of Gen. Ioannis Metaxas in 1930 by printing what then seemed to be subversive poetry, and distributing it only * * *

When the Nazis invaded Greece in 1941, Mr. Seferis and his wife, Maria, fled with the Greek Government to exile in the Middle East. After the war, he was asigned to Ankara, and then to London.

Becoming a minister in 1953, Mr. Seferis was posted to Arab countries and became involved in the Cyprus problem. This special knowledge weighed on his appointment as Greek Ambassador to London in 1957, during the most crucial phase of the dispute. When agreement was finally reached in 1959, it fell to him to try to mend cracks in traditional Anglo-Greek friendship; he did well.

AN HONORARY ENVOY

After leaving the Foreign Service, Mr. Seferis was named an honorary ambassador for life. He and his wife lived in a beautiful island-style home behind the all-marble stadium of Athens.

To his frequent visitors he would say, "I am tired of traveling; I have had too much of it." But when the Athens regime refused to grant him a diplomatic passport he was entitled to as an honorary ambassador, he put up a fight and won. The ban on his exit lifted, he went on a trip last year to western Europe. The ban had been a reprisal for his public declaration against the regime in March, 1969, when he said:

"We all know that in dictatorial regimes, the beginning may seem easy, yet tragedy awaits, inescapably, at the end. It is this tragic ending that consciously or unconsciously torments us, as in the ancient choruses of Aeschylus."

Mr. Seferis, son of a French-trained lawyer, was born in Smyrna (Kizmir), Turkey, on a date that exists no more: Feb. 29, 1900.

When the switch from the Julian to the present Gregorian calendar took place in the 1920's, this extra day on the century's first leap year, was eliminated. The poet, who was amused by this, celebrated his birthday anniversary once every four years.

PRESIDENT NIXON'S ECONOMIC PROGRAM—VANIK TO OFFER TAX REFORM AMENDMENTS IN WAYS AND MEANS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, since the Ways and Means Committee will substantially adopt the basic elements of President Nixon's economic program, my efforts will be directed toward eliminating tax loopholes involved in the investment credit and to preserve Treasury revenues to permit increased benefits to the individual taxpayer. I will either propose or support amendments to provide:

First, termination of the business asset depreciation range—ADR—system as of its effective date;

Second, as an alternative, denial of the investment credit to any taxpayer who elects to compute depreciation under the liberalized ADR system;

Third, to prevent the investment tax credit from being used as a shelter for other income, the credit would be denied to an individual who buys all or part of an airplane or other depreciable property and leases it to a third person—unless leasing of such property is the individual's principal business;

Fourth, denial of the credit for any investment in plants or animals, such as orange groves and race horses;

Fifth, since the mineral resource industry already receives tax aids through depreciation allowances and intangible drilling expenses, the investment credit should not be added to existing tax benefits;

Sixth, to avoid trafficking in unused investment credits, the law must provide that the unused investment credit of one corporation cannot be acquired by another corporation. This will prevent a company with a large tax liability from acquiring companies with large tax credits solely for the purpose of reducing the acquiring company's tax payments;

Seventh, permit the investment tax credit only to the extent the cost of the machines and equipment purchased during the year exceeds the average annual purchases during the 4 taxable years preceding the current year. This will insure that the loss to the Treasury will only finance true expansion rather than just normal business replacement;

Eighth, limit the investment credit to goods or the portion thereof produced in the United States; the purpose of the tax credit is to create jobs in the United States;

Ninth, eliminate the Domestic International Sales Corporation—DISC—proposal: a billion dollar loophole;

Tenth, as an alternative, limit the tax advantages of DISC to the increment or increase of a company's exports above the export level established during a suitable base period; and

Eleventh, utilize the Treasury savings from the preceding amendments, establish a personal exemption of $750 per individual and a standard deduction of 15 percent effective for 1971 rather than in 1972. This will spur the economy through increased purchases and resulting increased production and employment.

SIXTH INSPECTION TRIP TO SOUTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 1 hour.

Mr. MONTGOMERY. Mr. Speaker, I appreciate being given this opportunity to discuss my sixth and most recent inspection trip to South Vietnam and Laos. I would like to make a few brief comments after which I will be happy to discuss in detail any of the points covered in the report which I have sent to all Members of the House. I would also like to express thanks to those of my colleagues who are present this afternoon.

The comments follow:

REPORT OF CONGRESSMAN G. V. MONTGOMERY ON SIXTH TRIP TO SOUTH VIETNAM

GENERAL SITUATION

America, as well as her Allies, are continuing to withdraw ground and air combat troops from South Vietnam. Hopefully this task will be completed by the end of this year or the middle of 1972 at the very latest. The troop withdrawal program is proceeding to the point where we only have two ground combat divisions stationed in South Vietnam, which is the same number of divisions stationed in South Korea until just a few months ago. I can foresee the need to maintain Air Force and Navy air support through the end of 1972 in order to protect the last Americans withdrawn and to give the Army of the Republic of Vietnam needed insurance to repel a possible North Vietnamese offensive once our withdrawal is complete and final. I also look upon air power through the end of 1972 as needed back-up support for the return of our prisoners of war and complete information on those listed as missing in action.

One aspect of our disengagement policy with which I was particularly pleased was the return of American equipment. This equipment for the most part is stored at Cam Ran Bay and consists of military equipment, as well as heavy construction and road building equipment. Some of the equipment has already been returned to the States and I was assured that all that is usable and not needed in South Vietnam would be returned. It is my firm hope that we would be able to reduce our military procurement expenditures in future fiscal years in direct relation to the dollar value of the equipment being returned. I am also pleased that this modern and sophisticated equipment will be made available to the National Guard and Reserve in order that they might become proficient under the Department of Defense's Total Forces Approach.

In summation, I would say that withdrawal is proceeding in an orderly fashion and as quickly as is logistically possible. Even though I am probably in the minority, I feel the South Vietnamese will be able to hold their own once we leave. In talks with General Abrams, he noted that he was also stationed in South Korea during our disengagement from that country. The General said he felt the South Vietnamese are much more advanced and better equipped to repel further aggression than the South Koreans were at the same time. If the South Vietnamese really want freedom from Communism, it is up to them from now on.

DRUG PROBLEM

The use of drugs by U.S. servicemen was more serious than I had anticipated or had found to be true on my previous trips to South Vietnam. I find myself in general agreement with the findings reported by Congressman Morgan Murphy and Congressman Robert Steele on May 27, 1971.

The use of drugs is most prevalent among those servicemen between 18 and 25 years of age with ranks of E1 to E5. As has been noted so many times before, one of the significant contributing factors to drug abuse is the easy access to marihuana and heroin and the relatively inexpensive purchase price. (A drug addict in America spends as much as $50 a day to satisfy his craving whereas the same amount of drugs can be purchased for $1.50 to $2.50 a day in South Vietnam.)

The drug urinalysis detection program has been successful up to a certain point. The test can successfully detect a drug user provided the drugs have been used by the serviceman within the last three days. In my estimation, among those servicemen tested thus far in South Vietnam, 5% of those in the Army have yielded positive tests. The figure for the Air Force is 2% and for the Navy 1%. I believe if the tests were conducted at random in the field, the tests would probably increase by 1% for each branch of the Armed forces. Another interesting statistic is that 30% to 40% of those servicemen with positive tests had experimented with or were drug users as civilians before being inducted into the Armed Forces and assigned to South Vietnam.

It should be interesting to note that the heroin available in South Vietnam is much purer than that which can be purchased in the United States. Heroin bought from pushers in America is roughly 4% to 12% pure compared with a purity of 94% to 97% in South Vietnam. Because of this high purity, the heroin can be sniffed or smoked in South Vietnam in order to reach a state of euphoria compared to the mainlining method used in the States. The high state of purity also makes detection harder and almost impossible even when one is in the presence of those partaking of heroin at the time, plus there are no tell-tale needle marks on the arms or legs of the user.

The enforcement, or rather the lack of enforcement, of drug laws in South Vietnam is most discouraging and almost nonexistent. The laws are on the books, but law enforcement efforts have been nil. This is due mainly to the lack of trained manpower and to the absence of drug abuse among the Vietnamese themselves except for a few opium smokers among the older men. Within the last three months, South Vietnamese officials have been taking more strenuous actions, but much more needs to be done. One area in which we could possibly provide assistance is to teach the Vietnamese the techniques of investigative police work.

Laos has passed legislation to stop the flow of heroin from their country. Thailand still needs to take the proper action. However, the major source appears to be Burma and I would strongly urge that the State Department "lean" on the Burmanese government to stop the drug flow in the best interest of all concerned.

I was pleased with the steps being taken by the military in the areas of drug education and the amnesty program. Even though much remains to be done, both of these programs have been of vital help in making the serviceman realize the harm he is doing to his physical well being, as well as the danger to his future once he is discharged.

In summation, I would say that the drug problem is being brought under control as quickly as possible and for the most part the efficiency of the military has not been affected. The real problem lies ahead for all of us when these young men return home, especially those who still have the drug habit. The drug legislation from the Veterans' Affairs Committee which was passed by the House will go a long way toward rehabilitating these men so they might become productive members of society. It is in the best interest of our Nation that any and all servicemen using drugs be detected and given the benefit of the detoxification program and further rehabilitation in a military or VA hospital if necessary.

PRISONERS OF WAR AND MISSING IN ACTION

On August 15th in Vientiane, Laos, I had the opportunity to meet with the Chargé d'Affaires at the North Vietnamese Embassy for approximately 90 minutes. During the meeting I renewed three proposals which I had first advanced last December. They are as follows: (1) I be given a complete and updated list of all prisoners of war and any possible information on those servicemen we list as missing in action; (2) I be allowed to go to Hanoi to visit with a representative group of POWs; and (3) One or more sick or wounded prisoners be released to my custody in order that I might return them to America or some neutral nation.

The Chargé told me that the most complete list available as far as they were concerned was given to employees of Senators Fulbright and Kennedy last year. I was told that my other two proposals had been sent to Hanoi for consideration, but no reply had been received as of yet. From the tone of his conversation, I really do not expect to receive a favorable response, if indeed I receive any response at all.

In the course of our discussion, I requested that he look in to the matter of a decreasing amount of mail being allowed to flow between the prisoners and their families since the first of this year. He said he would look into the matter and at the same time he pointed out that they had not changed their policy on the exchange of mail or treatment of prisoners.

The Chargé spent most of his time trying to "sell" me on the seven proposals advanced by Madame Binh at the Paris Peace talks. He stated that he saw no way for my proposals to be approved or to release any prisoners until the U.S. agrees to all the proposals of Madame Binh in toto. He stated that it was his feeling that President Nixon would be pressured by the American people into accepting the proposals. My reply was that he was misreading public opinion in America on the prisoner of war issue.

There is no doubt that the North Vietnamese are using the prisoners as their trump card until we have completed our withdrawal. I believe it is time to take a hard-nose approach on the prisoners of war or else we will never be able to secure the release of all of them and it is highly unlikely that we will ever obtain any information on those men listed as missing in action.

I would be less than honest with myself if I did not admit that any usefulness I might have contributed to the prisoner of war issue has come to an end, as far as discussions with the North Vietnamese are concerned. This is mainly due to my conservative philosophy. I can see where those of my colleagues who have been anointed with the title of "liberal" or "dove" could possibly serve a useful purpose in maintaining the pressure on the North Vietnamese for prisoner release. I would also recommend that future discussions take place in Vientiane, as opposed to Paris, since they can be conducted in a more informal atmosphere and without the glare and amplification of the press. Moreover, I feel that it is highly likely that if and when the prisoners are released, they will be flown from Hanoi to Vientiane for repatriation.

VIETNAMESE PRESIDENTIAL ELECTION

I share with my colleagues the frustration over the dark shadows that have been cast over the South Vietnamese presidential election. I feel that it is most important that President Thieu have a true opponent in October and not just a "straw man." In my talks with the Vietnamese living in the small hamlets and villages, it was impressed upon me that they want to have the opportunity to make a choice. I am most discouraged over the seemingly high-handed political tactics President Thieu has taken to discourage the candidacies of General Duong Van Ming and Vice President Nguyen Cao Ky. There appears to be very little support for Vice President Ky, but Gen. Minh did appear to have an outside chance for victory.

The overriding consideration is that the elections be conducted in a manner that will be a true test of the democratic processes. Upon my return to Washington, I sent a telegram to President Thieu requesting that he accede to the wishes of his people and do what he can to insure two or more legitimate candidates, even if it means he has to postpone the elections for a short time or resign and hold entirely new elections. I would urge my colleagues to take similar action. I feel there is also some merit to the proposals that we take a hard look at our aid to South Vietnam if its government leaders continue on their present course of action.

The only redeeming feature of the South Vietnamese elections is the hotly contested races for the National Assembly—both the House and Senate. The Vietnamese people are very proud of the privilege of voting and show it by turning out in large numbers on election day. When I was in South Vietnam, there was evidenced much interest in the House elections held August 29. Placards for the numerous candidates were displayed throughout the countryside and those seeking office were very much in evidence in their attempts to win the support of the people they sought to represent.

Turning back to the presidential election, I feel that the American people, rightfully or wrongly, and the people of South Vietnam have paid too dear a price to bring freedom to that country to let it be destroyed because of one man using whatever means at his disposal to remain in power. It is time for blunt talk from our State Department officials in Saigon. I would even suggest that

President Thieu might consider being a one term president, thereby leaving no doubt that the presidential election will truly be free and open.

AIR STRIKES IN LAOS

I realize there will always be questions and doubts in the minds of some over the charges that the United States has indiscriminately bombed defenseless villages in Laos. I also feel sure that some will continue to believe that we did so no matter what I or others may report on the situation. I respect the right of others to continue to hold whatever views they may wish, but I would offer my own personal opinions on the matter following my most recent trip.

There is no doubt some Laotians have been killed or wounded accidentally by U.S. air strikes. I firmly believe this has been the exception rather than the rule and that such instances have been few and far between. In fact, I believe once the entire story is known it will be shown that such incidents have been fewer than one would ordinarily expect during times of military conflict.

I could find no evidence that our Embassy officials did not always follow the most painstaking procedures before ordering air strikes that had been requested by the Laotian government. These procedures were followed in order that innocent people were not harmed and needless air strikes approved.

I had an opportunity to talk with a representative group of Laotians in three different refugee camps. In almost all instances, the refugees had fled south to escape the approaching North Vietnamese army. Even though they regretted having to leave their homes, they expressed a happiness in being able to come to an area which was controlled by the Royal Laotian Government.

There was evidence of wounded refugees in the camps. In the vast majority of the instances, the wounds were the result of land mines and booby traps set by North Vietnamese and Pathet Lao forces and not U.S. air strikes.

As I noted earlier, I feel sure the foregoing will not settle the argument of air strikes in Laos, but I did feel it was necessary for me to investigate the matter while I was in Southeast Asia and report my findings. Of course, the best way to settle any personal doubts is to make an inspection tour of the situation on a firsthand basis.

Mr. MILLER of Ohio. Mr. Speaker, I want to take this occasion today to publicly express my gratitude for the efforts undertaken to date by my colleague, the gentleman from Mississippi (Mr. Montgomery), in behalf of America's prisoners and missing in Southeast Asia. Ever aware of our needs for more information regarding the prisoners and missing, Mr. Montgomery afforded us the opportunity to conduct in our behalf whatever feasible factfinding investigation that we might desire.

Having worked closely with the POW/MIA families in the Ohio's 10th Congressional District, I asked my colleague to request information during his conference with North Vietnamese delegates in Vientiane, Laos, regarding the status of Ohio servicemen.

Though his inquiries, unfortunately, proved fruitless, I know that the families of these men, nevertheless, appreciate knowing that efforts continue—at every level—to track down information relating to the well-being of their loved ones.

We too have worked hard, and I am pleased that the Congress has been mindful of its responsibilities in this problem. But until the matter is fully resolved, we cannot lessen the intensity of those efforts—whatever format they might take. For whatever political barrier must yet be hurdled our interest and actions must first and foremost be conducive to the speedy return and a complete accounting of Americans held captive and missing in Indochina. Another Christmas cannot come and go without some movement to bring the prisoners home.

GENERAL LEAVE TO EXTEND

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RAISING THE BOOKKEEPING PRICE OF GOLD: A WAY OUT OF OUR DILEMMA

The SPEAKER pro tempore (Mr. Mathis of Georgia). Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, over a month has now elapsed since the President announced his new economic program. The outstanding departure from previous international economic policies was a decision to suspend dollar-gold convertibility and let the dollar float in international exchange markets. Despite the imposition of a 10-percent import surcharge, intended to induce our trading partners to agree promptly upon the exchange rate changes needed to restore a strong U.S. balance-of-payments position, shifts in currency values have been quite modest.

European currencies have generally risen only 1 or 2 percent above their dollar values prior to August 15. The Japanese yen has been revalued upward by slightly more than 6 percent. Market interventions by these countries continue to prevent an appropriate currency realinement. None of these changes is adequate to expand the U.S. goods-and-services surplus sufficiently to restore a healthy balance-of-payments position.

The first order of business, therefore, is to agree with our major trading partners on a set of exchange rate changes that will assure the restoration of a sound U.S. balance of payments.

Our principal trading partners have made us an offer—essentially, a realinement combining a modest devaluation of the dollar with appropriate revaluations of their currencies.

The six—France, West Germany, Italy, the Netherlands, and Luxembourg—outlined their position on September 13 as follows:

TEXT OF MONETARY ACCORD IN BRUSSELS

The Council of the European Community again examined the problems raised following the measures taken by the United States Government on Aug. 15, 1971.

It considers that the fundamental problem is that of reconstructing an international economic and monetary system on the basis of the institutions which have hitherto looked after it (the International Monetary Fund and the General Agreement on Tariffs and Trade) and bearing in mind the needs of developing countries.

The Council considers it necessary for the countries of the Community to adopt a common position in this respect, in close collaboration with the candidates for membership.

1. The Council, having taken note of the work of the [E.E.C.] monetary committee and the committee of central bank governors, as well as the commission's communication to the Council of Sept. 9, 1971, agreed that a joint Community position in the Group of Ten and in the I.M.F. should be based on the following principles:

All Reforms of the international monetary system should respect the principle of fixed parities, which should be modified as soon as it is seen that they are no longer realistic. Such a system is necessary for the security of trade transactions and the expansion of exchanges, in which the Community, the world's leading commercial grouping, is particularly interested.

A satisfactory balance in international payments relations founded on the above-defined principles will only be established if there is a differentiated realignment in the party relation's of industrialized countries. Such a realignment should include the currencies of all the countries concerned, including the dollar. It should be done in conditions such that the sharing out of the burden of the adjustment takes account of the relative economic situation of these countries and of their foreseeable development.

(B) The orderly functioning of a thus reformed international monetary system demands that measures be put into effect concerning international capital movements. These could include a limited widening of exchange fluctuation margins, so as to lessen the effects of different interest rates, as well as appropriate measures to discourage destabilizing short-term capital movements.

(C) International liquidities will continue to be made up of gold and, in growing part, of reserve instruments collectively created and managed internationally. This implies the adaptation and development of the system of Special Drawing Rights combined with a gradual decrease of the role of national currencies as reserve instruments.

(D) The new equilibrium of international payments will only be maintained if in future all countries or organized groupings of countries respect without exception the obligations and constraints of the process of adjusting their balance of payments and put the appropriate internal policies into effect.

In the framework of a reformed international monetary system, the authority and scope for action of the I.M.F. should be strengthened in all fields where its competence applies. Member states of the Community will try to adopt common positions in this institution.

Noting that the operations of the I.M.F. are made more difficult by recent events, the Council considered it indispensable that the activity of this institution should be able to continue normally, thanks to internal arrangements relative to transactions in the main currencies used by the Fund. The continuance of this activity is of interest not only to industrialized countries but, even more, to developing ones. It would in addition be indispensable to the proper functioning of an exchange system specific to the Community.

2. The Council also examined how the situation had developed in the foreign-exchange markets of the members of the Community. It noted that the proper functioning of these markets had not hitherto been seriously perturbed and took note with satisfaction of the collaboration established between Community central banks, which it wished to see continue.

Realizing that if the present monetary difficulties continued too long, they would raise undoubted dangers for the good functioning of the Community, particularly the

> common agricultural policy, the Council asked the commission to draw up a special report on the consequences of the present situation on the functioning of the agricultural common market and confirmed the mandate given on Aug. 19 to the monetary committee and the committee of central bank governors to seek as soon as possible methods enabling a stabilization of the Community's exchange relations.
>
> 3. The Council underlined the gravity of the United States decision to introduce a 10 per cent surcharge and internal investment and export tax incentives. These measures prevent the formation of realistic exchange rates. They are an obstacle to the readjustment of parities. Moreover, they can provoke serious perturbations in international exchanges. The Council therefore calls for the suppression of these measures.

The other members of the Group of Ten—Japan, Canada, Great Britain, and Sweden—have adhered to this offer, as has Switzerland. Pierre-Paul Schweitzer, IMF managing director, has indicated his general support of this offer.

But at the Group of Ten meeting in London last Wednesday and Thursday, September 15 and 16, Secretary of the Treasury Connally, according to press accounts, held to his we will never devalue the dollar position, and refused to budge one iota.

True negotiations will presumably begin only when the Governors of the International Monetary Fund convene here for next week's annual meeting.

In striking a bargain, it is unclear to what extent the Treasury is willing to accept a greater decline in the foreign exchange value of the dollar as a substitute for either larger foreign contributions to mutual defense or the reduction of foreign barriers to the purchase of U.S. goods. All three are means of strengthening our external position, and all three have been consistently mentioned in Treasury statements. I wrote Secretary Connally last week in an effort to obtain some clarification on this point:

> SEPTEMBER 18, 1971.
>
> DEAR MR. SECRETARY: You and other Treasury spokesmen have repeatedly emphasized that in exchange for removal of the 10 percent import surcharge imposed as part of the President's new economic program, we expect exchange rate realignment, a redistribution of the costs of mutual defense, and the reduction of foreign barriers to the purchase of imports from the United States.
>
> A willingness on the part of foreigners to accept substantial exchange rate changes, however, could substitute for the immediate elimination of foreign trade barriers in any program to strengthen the U.S. balance of payments. Similarly, military burden-sharing might best be discussed in terms of a willingness of the United States to station troops abroad as influenced by the disposition of foreigners to raise armies for their own defense, and to bear equitably our foreign-exchange costs.
>
> I have suggested that the United States should lift the surcharge if our industrial trading partners agree to sufficiently large exchange rate changes and if they give us their full assurances to negotiate promptly on (1) international monetary reform, (2) the ground rules governing international commerce, and (3) relative contributions to the cost of mutual defense.
>
> I am uncertain, and statements by yourself and Under Secretary Volcker have not clearly indicated, whether the United States will insist upon immediate progress in all three areas of negotiation mentioned above before the surcharge is abolished. Would immediate exchange rate changes of sufficient dimensions plus a formal agreement to negotiate the other issues be adequate to secure the removal of the surcharge?
>
> I would most appreciate an early response to eliminate my confusion.
>
> Sincerely,
>
> HENRY S. REUSS,
> *Member of Congress.*

It is clear, nevertheless, that any solution to the U.S. balance-of-payments problem must include a substantial realinement of exchange rates. The representatives of the other major industrial nations have unanimously agreed that if exchange rates are to be substantially altered, the United States must share in the mechanism of these changes by increasing the dollar price of gold. Secretary Connally apparently refuses to include dollar devaluation as part of any bargain the United States might be willing to consider.

Neither the Secretary of the Treasury nor the President, of course, has the authority to change the dollar value of gold. The Bretton Woods Agreement Act of 1945 states:

> Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States . . . propose or agree to any change in the par value of the United States dollar under Article IV, Section 5 . . . of the Articles of Agreement of the Fund.

The first section of article IV of the Bretton Woods Agreement specifies:

> The par value of the currency of each member shall be expressed in terms of gold as a common denominator.

At this point, I insert the remarks I made in this body on December 12, 1967, to the effect that only the Congress has the authority to increase the dollar price of gold. At that time, my colleagues, WILBUR MILLS, HALE BOGGS, and CARL ALBERT asked that they be associated with my remarks:

NOTE TO FOREIGN GOLD SPECULATORS: ONLY THE U.S. CONGRESS CAN RAISE THE PRICE OF GOLD, AND CONGRESS IS NOT ABOUT TO DO IT

Mr. REUSS. Mr. Speaker, gold buying is heavy on the London market again. Accompanying it is a well-authenticated rumor that Algeria has turned in $100 million for U.S. gold.

All this is as serious as it is ridiculous. Here we have the sheiks of the Middle East—some in white burnooses, some in white piping—egged on by President De Gaulle, endangering the free world's monetary system.

The gold raiders have had a relatively easy time of it. The U.S. monetary gold stock—the only stock available for exchange—is now down to something over $12 billion. Even were our international payments completely in balance, our stock would be vulnerable to huge drafts from outside the monetary system. We make it easy for the speculators by conveniently providing them with the London gold pool, and by guaranteeing them against loss by putting a floor under the price of gold.

If we go on like this, we invite a monetary panic. Worse, as we lose gold, we lessen the credibility of our commitment to supply gold to those foreign central banks and monetary authorities who have accumulated dollars, at least in part, because of our commitment. Foreign official dollar holdings are now around $15 billion. As our stock of monetary gold diminishes, our ability to validate this commitment made by three Presidents lessens.

The gold raiders are gambling on their hunch that the President will be induced in the future to raise the official price of gold, in an effort to increase U.S. reserves. I have confidence that the President means what he says when he says that we will not increase the price of gold.

But I have a word for the gold speculators. That word is this—even if he wanted to, the President of the United States cannot increase the price of gold. Under section 5 of the Bretton Woods Agreement Act of 1945, only the Congress can do that. And this Congress is never going to increase the price of gold and thus reward the speculators for their attack on the dollar.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Arkansas.

Mr. MILLS. I would like to join the gentleman from Wisconsin and associate myself with the statement he has just made.

Mr. REUSS. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I should like also to associate myself with the gentleman's statement.

Mr. REUSS. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the distinguished majority leader.

Mr. ALBERT. I also wish to commend the gentleman and associate myself with his remarks.

Mr. REUSS. Mr. Speaker, there are a variety of ways open to the free world to make sure that foreign gold speculators in the end will be left holding the bag.

One way is to "pedigree" gold—to keep the present $43 billion of gold now in the hands of central banks, and to provide that members of the International Monetary Fund will purchase or sell gold only from or to each other, and not from or to the private market. The price of gold on the outside market can then fluctuate up or down, probably down when some of the banks call their margin on present private gold hoarders, and when it is realized that speculators have to fear a decline in the price of gold below $35 an ounce. The speculators, now gloating over the "overhang" of dollars, should ponder the "overhang" of hoarded gold—many billions' worth that could come on the market once the $35 an ounce support price is abandoned.

Another way is to "dethrone" gold. The United States could announce that all foreign monetary authorities holding dollars—which they have at least in part acquired as a result of the U.S. commitment to turn them into gold—have a set period of time in which to demand gold. This announcement should be accompanied by an announcement that the United States no longer agrees to buy gold at $35 an ounce, and will not make gold available for official dollar holdings to be acquired in the future. In all likelihood, only a small fraction of the roughly $15 billion in official dollar holdings would be presented for gold—because the future of the gold price would become extremely dubious, and because most foreign official dollar holdings are necessary either for current transactions or will be held because their holders have confidence in the dollar, and wish to take advantage of the interest rate that is payable on dollar holdings. The present parity values of the dollar would then be supported, under International Monetary Fund rules, not by gold but by exchange operations, just as all other exchange rates are now maintained. If we maintain an economy aimed at full employment without inflation, there is no reason why the current exchange value of the dollar with other currencies cannot readily be maintained. If France, for example, thinks that the dollar should be devalued, let it press its position within the International Monetary Fund. I doubt very much that it would wish dollar devaluation, since this would simply cut down on American tourism into France, and on the sale of

French wines and perfumes in this country. If the free world in the future wants to change its system from one of fixed exchange rates to one of flexible exchange rates, that is a question to be argued out in the future.

The point is that only Congress can increase the price of gold. Congress will never do so. And there are many ways open to the free world, particularly now that the foundations for special drawing rights as a supplement or substitute for gold have been laid out in the International Monetary Fund, to take the wind out of the sails of the gold speculators.

I also insert an exchange of correspondence between myself and Secretaries of the Treasury Henry H. Fowler, Joseph W. Barr, and David M. Kennedy. In this exchange, these officials, both Democratic and Republican, confirmed that the authority to establish the dollar price of gold is vested in the Congress and the Congress alone:

JANUARY 2, 1968.

Hon. Henry H. Fowler,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I wish to ask you a question concerning the legal intricacies of changing the price of gold. My impression is that when one considers the various laws relating to this subject, including the Gold Reserve Act of 1934, the Bretton Woods Agreements Act of 1945, the Articles of Agreement of the International Monetary Fund, and our commitments thereunder, it becomes clear that the power to change the price of gold is placed in the Congress of the United States.

I hope that you can confirm to me that my impression that only Congress can change the price of gold is correct. I would add that it is my determination—one that I believe is widely shared in the Congress—never to authorize an increase in the present price of gold, since to do so would not only break the faith with those who have expressed confidence in the dollar, but would unjustly reward those speculators who might seek to undermine confidence in the dollar.

Sincerely,

HENRY S. REUSS,
Member of Congress.

THE UNDER SECRETARY
OF THE TREASURY,
Washington, D.C., January 28, 1968.

Hon. Henry S. Reuss,
House of Representatives,
Washington, D.C.

DEAR MR. REUSS: This is in reply to your letter of January 23, 1968, in which you state that when one considers the various laws and international obligations relating to gold, it becomes clear that the power to change the price of gold is placed in the Congress of the United States.

The use and price of gold in the International Monetary System is governed by a complex of provisions of United States laws and international obligations. These include the Gold Reserve Act of 1934, the Bretton Woods Agreements Act of 1945, the Articles of Agreement of this International Monetary Fund, and our commitments thereunder. The basic fact is that the United States has communicated to the Fund a par value of $35 per fine troy ounce of gold. This par value may not be changed without legislation by the Congress, and it is the par value of the dollar which effectively fixes the price at which the United States may buy and sell gold. While the Gold Reserve Act of 1934 authorized the Secretary of the Treasury to buy and sell gold on terms and conditions he deems advantageous, as a practical matter he cannot do so at a price other than $35 because of our commitments under the Fund Articles which have been approved by the Congress and which cannot be changed without Congressional action.

I am pleased to note that it is your view, and that of others in the Congress, that we must maintain the price of gold at $35 per ounce. As you know, this Administration has reiterated time and time again our determination to maintain the soundness of the dollar and to keep gold at its present price. As recently as last week in his State of the Union Message, President Johnson stated: "We have assured the world that America's full gold stock stands behind our commitment to maintain the price of gold at $35 an ounce. We must back this commitment by legislating now to free our gold reserves."

Sincerely yours,

JOSEPH W. BARR.

JANUARY 28, 1969.

Hon. David M. Kennedy,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

DEAR MR. KENNEDY: I enclose an exchange of correspondence between myself and the Treasury of January 22 and 23, 1968, in which the legal opinion of the Treasury is set forth that the power to change the price of gold is lodged in the Congress alone.

I should appreciate your reviewing the correspondence, and indicating to me whether the Treasury position remains the same. For obvious reasons, I hope that it is.

I look forward to the opportunity to sit down with you when you have a moment to discuss the continuing problem of our international monetary relations.

Sincerely,

HENRY S. REUSS,
Member of Congress.

THE SECRETARY OF THE TREASURY,
Washington, D.C., February 6, 1969.

DEAR MR. REUSS: I have reviewed the correspondence which you had with the Treasury Department in January, 1968. I am advised by counsel that there has been no change in the law since that time, and that the letter signed by Under Secretary Barr correctly states the legal situation.

I, too, look forward to an opportunity to discuss with you our international monetary relations.

Sincerely yours,

DAVID M. KENNEDY.

Therefore, any resolution of the present crisis that includes an increase in the dollar price of gold must ultimately be approved by the Congress.

In the past, I have consistently and resolutely opposed any increase in the price of gold. But the decision of central banks in March 1968 to stop intervening in the private gold market, and the August 15, 1971, decision by the President to close the gold window and let the dollar float, have caused me to reevaluate my position. As part of an appropriate solution to the current international economic problems of the United States, I believe—given adequate safeguards regarding the future role of gold—that it may now be wise to increase the dollar price of gold by a modest amount.

In the interests of American industry and workers, we must seek the earliest possible resolution of the current impasse.

I suggest we strike a bargain with our major trading partners that includes the following provisions:

First. A real realinement of the foreign exchange value of the dollar by an amount sufficient to enable the United States to terminate balance-of-payments deficits, as measured on the official settlements basis, within the next year, by a combination of an increase in the dollar price of officially held gold, and appropriate decreases in the yen, mark, Swiss franc, and other foreign currency prices of gold—in other words, by a combined devaluation of the dollar and revaluation of other major currencies.

Second. At no time in the future will free convertibility between the dollar and gold be reestablished; the Treasury's gold window will remain closed.

Third. The March 1968, two-tier gold price agreement should be strengthened such that the aggregate physical quantity of gold reserves held by the International Monetary Fund and the member countries remain constant at the current level with no further purchases by monetary authorities from gold producers or in the free market.

Fourth. The band within which the exchange value of each currency is permitted to fluctuate should be widened to permit greater fluctuation on either side of parity.

Fifth. The governors of the IMF should instruct the managing director and executive directors to assume the responsibility of recommending exchange rate changes to industrial, as well as developing countries, to prevent the entrenchment of persistent payments disequilibria. These recommendations would have the sanctions of refusing to loan to deficit countries that fail to follow the recommendations, and of invoking the scarce currency clause against recalcitrant surplus nations.

Sixth. The other major industrial countries should give their assurances that they will negotiate promptly and constructively on the mutual reduction of tariff and nontariff trade barriers.

Seventh. Japan and the members of NATO similarly should agree to negotiate an appropriate redistribution of the costs of mutual defense. In these negotiations the principle that no country's balance of payments should either benefit or suffer from its contribution to the mutual defense should be observed.

I have shifted my position because the conditions of the proposed agreement I have just outlined, if accepted, would restore order to the international monetary system.

Moreover, the adverse effects of an increase in the price of gold—an increase that I have always opposed—would be absent from the purely bookkeeping gold transaction proposed.

In the past I and numerous others have listed a variety of arguments against any increase in the dollar value of gold. Let me review these arguments and explain why, under my proposal, they are no longer relevant.

First. It has been argued that any increase in the price of gold would bring unwarranted profits to South Africa, the Soviet Union, and gold hoarders. But, if the agreement I have outlined is adopted in its entirety—which is the only way I believe we should accept it—the increase in the price of gold would be limited strictly to gold monetary reserves already in a sealed, self-contained international monetary system. No new gold would enter, the total number of ounces held as reserves would remain constant, and the United States would not be obliged to purchase vast amounts—or any amount from hoarders and producers, as we were in the 1930's.

Second, it has been argued that an increase in the price of gold would be inflationary. Such criticisms normally assume a doubling or even a tripling in the dollar value of gold. Under the formula I have suggested, however, the dollar value of an ounce of gold would increase by no more than a dollar or two or three. Besides, which is more inflationary: the continuation of U.S. deficits that annually pump billions of dollars into the coffers of foreign central banks, or a modest increase in the dollar price of gold? Although the President has let the dollar float, exchange rates have shifted only marginally since August 15, and the 10-percent import surcharge is expected, according to the Treasury to reduce U.S. imports by only $2 billion. Thus, U.S. deficits have not ended yet. The increase in the dollar value of existing gold reserves resulting from any modest dollar devaluation would not be much more than special drawing rights distributions in recent years. They would be substantially less than the increases in official dollar holdings this year and in 1970.

Third, it has been argued that any increase in the dollar value of gold would fuel further speculation based on the expectation of another price rise in the future. Under my proposal, no further gold would be permitted to enter the system, and the future role of gold would be circumscribed. Recently the free market price of gold has been about $42 per ounce. An increase in the official dollar price of the dimensions I am suggesting would still leave the official value well below the current free market level. Instead of fueling speculation, the solution I am recommending could very well defeat it, and result in lower free market gold prices. Given a secure position for the dollar in the foreseeable future, no prospect for another increase in the value of gold, and no purchases of nonmonetary gold by the IMF or member countries, demand for gold would depend entirely on its utility in industrial and medical applications and its desirability for jewelry. Speculation in gold based on expectations of a substantial increase in its monetary value and role would collapse.

Fourth. It has been argued that any increase in the price of gold would tend to reinforce its importance as a reserve asset, and therefore minimize the function of special drawing rights as a source of international liquidity. The solution to the present crisis that I have suggested would end U.S. official settlements payments deficits and prevent any increase in the total number of ounces of gold reserves. Therefore, the sole source of additional reserves would be distributions of special drawing rights.

Fifth. It has been argued against any increase in the dollar price of gold that we would be breaking faith with those nations that over the past decade and more have accumulated large stocks of dollars, and have refrained from presenting these at the Treasury for conversion into gold. In fact, however, the largest official dollar holders—in terms of absolute amounts—are among the group of other industrial countries that is now urging a modest increase in the dollar value of gold. Thus, we need not be concerned about wealthy industrial countries holding dollar reserves. On the other hand, we should not overlook the developing nations that have accumulated virtually no gold and have preferred to keep their reserves in the form of dollars. By and large, these nations have preferred dollars because of the interest earnings they could obtain from bonds or deposits in commercial banks. If such countries had held gold as an alternative, they would in a year or two have lost more in foregone interest income than they will lose by modest dollar devaluation. Moreover, to the extent that their payments for imports and to service outstanding debt are normally made in dollars, they will not suffer. They will experience losses only if they are large customers or debtors of industrial nations, such as Germany and Japan, whose currencies are slated to rise substantially relative to the dollar. The President's emergency program includes a 10-percent cutback in foreign aid. Probably the best restitution the United States can make to developing nations that might suffer some reserve losses as a result of our devaluation would be, as soon as our balance of payments has strengthened, to increase U.S. development assistance to the level we ought to be contributing.

In short instead of opposing the offer of the Group of Ten/IMF, we should accept it and start working out the details. Now is no time for false pride, for quibbling that we will never "devalue" when all the world knows that devaluation is in fact occurring.

We should not make the mistake of thinking that imposition of the 10-percent import surcharge, the proposed investment tax credit which discriminates against imported capital goods, and the suggested establishment of Domestic International Sales Corporations will solve the U.S. balance-of-payments problem. Even if the latter two measures are enacted, payments data for the third and fourth quarters of this year will amply demonstrate that our problems are still continuing.

The United States vitally needs, for the health of our own domestic economy and for the preservation of equitable trading and monetary relationships internationally, quick agreement on a set of exchange rate changes sufficient to once again establish a strong U.S. balance of payments. The failure to reach an early agreement on exchange rate realinement and the unreasonable continuation of the import surcharge, imposes totally useless and fruitless sacrifices on American industry and workers.

First. A substantial decline in foreign exchange value of the dollar would stimulate sales of merchandise exports and services abroad. Obviously the greater these sales, the more employment in the United States will increase.

Second. An appropriate realinement would check the flood of undervalued imports we are now experiencing. Since the average exchange rate change required is more than the 10-percent surcharge now in effect, even with the surcharge, imports are larger than they would be in the event of successful exchange rate realinement.

Third. The surchange has absolutely no effect upon international purchases and sales of services. Thus in the absence of the exchange rate changes that are needed, the present course of action encourages American tourism abroad and the use of foreign-owned airlines and ocean shipping companies. Similiarly, foreign tourists are discouraged from visiting the United States.

Fourth. The maintenance of an unreasonably high external value for the dollar discourages foreign portfolio and direct investment in the United States. Given an adequate shift in exchange rates, Wall Street would find its business nicely stimulated by a revival of foreign interest in the purchase of U.S. stocks and bonds. As long as the cost of building a factory and purchasing capital goods in the United States remains above its true level, foreigners will postpone any commitment to make direct investments in the United States. A higher level of foreign direct investment could help reduce unemployment and bring the benefits of foreign-developed technology to this country. The assumption that America is and will always be technologically superior in all respects helped instill the complacency that led us to today's sorry state.

Fifth. The maintenance of untenably high dollar exchange rates reduces the cost of, and thus encourages, U.S. direct investment abroad. Thus American technology is transmitted to other nations more rapidly than it might otherwise be, and U.S. citizens are deprived of jobs.

Sixth. The longer the surcharge is retained, the greater is the threat of retaliation from other nations. The surcharge is clearly illegal under the GATT. Thus, if other nations do resolve to introduce retaliatory measures, the United States will have no legal alternative but to passively accept these punitive actions. Retaliation would also curtail American sales abroad and thus depress domestic employment.

The import surcharge was introduced under the rationale of producing early concessions from foreigners on the problems that the administration believes have been crucial in weakening the international economic position of the United States. If an agreement is not reached soon, the rationale for this measure will have collapsed. In the meantime, the protectionist package of the surcharge, a discriminatory investment tax credit, and DISC is hardly a benefit to American industry and labor.

Collectively these measures would further impoverish low-income Americans, and do less to ease the domestic problems resulting from international economic disequilibrium than would a substantial realinement of exchange rates. As a consequence, domestic output lags, the capabilities of our businessmen and industrialists are not fully exercised, and employment fails to receive the stimulus it would from a rational solution for our international economic ills. Under the guise of doing something to help American industry and labor, the administration has produced something that hurts American industry.

The increase in the dollar price of gold I have suggested as a means of breaking the current impasse is—because of the accompanying conditions—merely an accounting manipulation. But, if this concession can help to break the deadlock and bring the benefits of significant exchange rate realinement to American businessmen and workers, this is the least we can do.

Ultimate responsibility to establish the dollar value of gold resides, of course, with the Congress. Before the Congress acts, I would want to see agreement upon all of the points included in the package outlined above. In the event of such agreement, I believe the Congress would be willing to give its assent without delay. I have discussed the matter with Speaker ALBERT, Majority Leader BOGGS, and Ways and Means Committee Chairman MILLS. I believe they share my views.

I urge the Treasury to promptly reopen its discussions with our major trading partners and quickly secure an agreement on the program I have outlined. Next week's IMF meeting here in Washington offers the proper participants, time, and place.

By making the dollar price of gold negotiable, we can obtain a satisfactory compromise without delay, and lift the burden of disequilibrium exchange rates from U.S. industry and labor. If our representatives apply themselves diligently to the task, they should be able to reach an agreement by the conclusion of next week's International Monetary Fund meetings.

THERE IS A FUTURE IN LOBSTER FARMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH. Mr. Speaker, fish farming has become almost a major industry in some sections of the hinterland of America. It is a bit ironic that some areas where cotton once reigned as "king" now produce commercially "farmed" catfish. It is a bit more than ironic that comparable efforts have not been made to "farm" our coastal waters.

The potential for such coastal water "farming" was made apparent in a most informative article which appeared, in December 1968, in Ocean Industry magazine, published by Gulf Publishing Co., Houston, Tex. The article was titled, "Grow Your Own Lobsters Commercially." It was written by Mr. John T. Hughes of the Lobster and Research Station, Department of Resources, Commonwealth of Pennsylvania.

With lobster harvests having declined, and prices having soared, this article is more valuable today than on the day of its publication. It is based on findings and recommendations stemming from the experience of 20 years at the lobster hatchery and research station, located on the island of Martha's Vineyard off Cape Cod in the 12th Congressional District which I am privileged to represent.

Since establishment of that unique station, several million lobsters have been reared and released into coastal waters. Biologists have experimented with various techniques of growing lobsters from the egg—with attention to selective breeding and special diets. Mr. Hughes summarized this 20-year effort thusly:

> From this experience has grown a wealth of valuable data ranging from biological details of mating to indications of the most productive methods of raising lobsters in commercial hatcheries.

I commend this article and its vital information to my colleagues and to all persons and institutions concerned with the Nation's supply of food—particularly from the sea. I do so because, as Mr. Hughes' article concludes:

> The "lobster"—like the cattle ranch and the chicken farm—is a definite possibility.

The article follows:

GROW YOUR OWN LOBSTERS COMMERCIALLY

(By John T. Hughes)

Of all the seas' delicacies, the lobster is one of the most popular. Yet surprisingly, harvesting of these delicious *decapods* in recent years has declined generally. Meanwhile, prices for them have soared.

An obvious reason for the decline is the fact that lobstermen still harvest their quarry in the old-fashioned ways of the early settlers. Today's technology has had little effect on the lobster industry, and the lobstermen continue to mine the ocean instead of farming it. The seeming deficiencies coupled with potential opportunities raise these questions: Is the technology available for someone to begin raising lobsters commercially? What is necessary and what pitfalls might be encountered?

In searching for some of the answers, the Commonwealth of Massachusetts established a lobster hatchery and research station on the island of Martha's Vineyard off the heel of Cape Cod. Since 1951, several million American or Maine lobsters (*Homarus americanus*) have been hatched, reared and released in coastal waters—hopefully to benefit the commercial fishery. During this time, biologists have experimented with various techniques of growing lobsters from the egg—with attention to selective breeding and special diets. From this experience has grown a wealth of valuable data ranging from biological details of mating to indications of the most productive methods of raising lobsters in commercial hatcheries.

SOME LOBSTER BIOLOGY

Because the lobster wears its skeleton on the outside and the meat (muscle) on the inside, growth is accomplished only when the lobster sheds, or molts, its hard outer shell. Molting occurs up to 10 times during the first year of life and less frequently thereafter. We and others have observed 1-lb. lobsters molting only once or twice a year—depending somewhat upon water temperature and the amount of food available. At each molt, the lobster will grow some 15 percent in length and up to 50 percent in weight. The entire shell—large claws, antennae, carapace (bony shield covering back), mouth parts, gills, stomach, eye casings—is discarded. In fact, the discard looks exactly like a live lobster.

In the natural ocean environment, nearly six years is required for the lobster to reach the 1-lb. size, which is also when it reaches sexual maturity. Unlike fishes, lobsters reproduce via physical contact much like mammals. From the moment of a successful union, it takes up to 18 months until the eggs finally are hatched.

The female is receptive to male advances only within 48 hours after she molts, according to our observations. After copulation, however, the sperm does not take the usual route directly to the ovaries; instead, the sperm is stored in the female's seminal receptacle for nine months while the eggs prepare for fertilization. At that time, she extrudes up to 60,000 eggs and cements them to the nonplumose hairs of her swimmerets (under the tail). As the eggs are extruded, sperm is released to fertilize them. Then the eggs remain glued to her swimmerets for the last nine months while cell division and embryo development take place.

Early in the summer, some 18 months after copulation, the lobster larvae hatch from under the female's tail and float away. At this point, they look more like shrimp or mosquito larvae than lobsters. However, after four moltings in a period of about three weeks, the lobster fry look like what they are.

During the first three stages (molts), the larvae live in a free-swimming state and are unable to sink to the bottom. Bunching up near the surface, they are easy prey to birds, fish, and each other—the lobster is cannibalistic. In addition, while living near the ocean's surface, the lobster fry also are affected by tides and currents, which carry many of them out to sea to perish.

Most estimates say that fewer than 0.1 percent of the larvae reach the fourth stage and become bottom crawlers. These lucky few now are no longer attracted by light but seek dark places, lead a nocturnal life, and acquire the defensive instincts of the adult lobster.

LIFE IN A LOBSTER HATCHERY

Since the critical time in a lobster's life seems to be the first three weeks—during which most of the fry are lost and only a maximum of 60 lobsters will survive from a potential of 60,000 siblings—it is evident that man might be able to improve upon nature. And so we have, in most respects.

At the state hatchery, egg-bearing female lobsters are gathered from lobstermen and placed in hatching tanks that are 10 ft. long by 4 ft. wide by 1 ft. deep, supplied with continually running sea water. "Eggers" bearing brown eggs are kept—i.e., those caught in the spring that will hatch their eggs before the end of summer. (By contrast, the so-called "green eggers" carry eggs of dark green coloration and will not hatch them until the following summer.)

Eggs are not removed from the female but are allowed to hatch naturally. During this waiting period, the expectant mothers are fed either shellfish—clams, quahaugs (American clam), or bay scallop viscera—or fish, primarily alewives. The diet depends upon what is more readily available.

Hatched lobster fry are gathered in lots of 3,000 as they drift helplessly in the circulating water and become entrapped on a fly-screen box. From there, they are placed into special rearing tanks until they grow to the bottom-crawling stage.

REARING TANKS

Cubical in shape, these tanks measure 16 in. on a side. Because the lobster fry feed on each other, circulators are used to keep the water moving evenly throughout the tank and prevent accumulations of larvae in corners. As an added precaution, tank corners are lined with triangular pieces of wood to prevent possible eddies. The circulators are plastic cups—one to a tank—perforated with twenty-eight 1/16-in. holes around the circumference and are fitted over the inlet pipe at the tank's bottom. Water drains from the surface through an overflow pipe—also fitted with perforated plastic cylinder—that prevents escape of the larvae. In this instance, as well as with the adult lobster tanks, we have found that tanks made of, or coated with, fiberglass are far superior to wooden ones because of rapid destruction of the latter by the wood-eating shipworm, *Teredo navalis*.

During their stay, the lobster fry are fed finely ground clams or frozen adult brine shrimp. The meat is mixed with seawater, and one tablespoon of the mixture is provided each tank every three hours, 24 hours a day, depending upon the rate of consumption. (By way of warning, overfeeding results in clogging of the circulator strainer and contributes to growth of an unhealthy coating of slime on the tank walls.)

Using these techniques to protect the lobster larvae from themselves and keeping them from their other natural enemies, up to 30 percent of the fry will survive. Over a period of 11 years, for example, approximately 6.6 million larvae were hatched at the Massachusetts hatchery. Up to last year, some 1,480,000—roughly 22 percent—survived. This percentage has risen recently since we substituted plastic for metal piping and quahaug meat for ground liver. One season, the record survival rate went to 42.6 percent.

Other causes of the still-high mortality rate are varied. Air leaks in the circulating system on the suction side of the pump may cause supersaturation of the water with dissolved nitrogen, which leads to a fatal gas disease. Metal parts in the piping system or elsewhere that contain copper may be lethal as copper ions are extremely toxic to lobsters. Copper or lead-based paints also are suspect. And of course insecticides used in the vicinity of the tanks could be lethal—not only to lobsters but to all *arthropods*.

At this point—when the lobster fry reach the fourth molting stage—the hatchery biologists release the fry in selected areas along the coast of Massachusetts. Little is known of how they fare or to what extent they contribute to the fishery. The primary reason for this impasse is that no satisfactory method of marking or tagging juvenile lobsters for future identification has yet been developed. (The very next molt would eliminate the lobster's entire skeleton, which would then be eaten.) Consequently, we have no way of estimating what percentage of the commercial catch is composed of hatchery-reared lobsters, nor is there any way to estimate the rate of natural mortality among lobsters so reared.

SOME DATA ON ADULT LOBSTERS

A commercial enterprise engaged in raising lobsters to maturity for sale in quantity would more than likely be interested in the *decapod's* life beyond the fourth stage. And we have compiled some interesting data on that phase too.

We have kept several hundred fourth-stage lobsters from each year's hatch for experimental purposes and year-class comparisons—some for as long as 10 years. Each lobster is kept in a separate container to guard against the ever-present problem of cannibalism. A wooden trough—10 ft. long by 6 in. deep—is partitiond off at 6-in. intervals. These compartments will serve until the lobster attains two years of age; then they are transferred to larger tanks.

GROWTH RATES

It is evident that considerable variation in growth rate exists among individual lobsters. In addition, there is no definite indication that this rate varies with sex. Although there has been an observed trend for males to grow slightly more rapidly than females up to the seventh molting stage, the number of observations has been too small to be significantly conclusive. However, two different lobsters from the same hatch will grow at different rates—some twice as fast as the others. This seems to indicate genetic differences, and—as with beef cattle—selective breeding of fast-growing lobsters could prove beneficial. Albino lobsters have been mated in the hatchery, for example, and the progeny carried the odd color characteristics of the parents.

WATER TEMPERATURE INFLUENCES

Controlled temperatures definitely influence the metabolism of the lobster in a positive way, and the lobsters can reach marketable size in shorter periods of time. In nature, we have observed that molting—and thus growth—reaches a peak at temperatures between 60° to 68° F and seldom occurs at below 50° F. However, at the hatchery, we have heated incoming sea water during the winter months in certain tanks. The results were that the heated lobsters grew faster, and eggs from heated females hatched three months earlier than normal. In addition, some of our lobsters have adapted to temperatures as high as 85° F.

DIFFERENT FOODS

We believe that certain foods or special diets can hasten the growth of individual lobsters; however, it is too early to report any growth differences resulting from these experiments. Special foods made from trout pellets (used in fish hatcheries) and cat and dog foods have been fed to the lobsters because they contain fish meal, meat meal, soy bean meal, milk products and cereals. The lobsters eat these special diets readily. Normally, they are fed fresh fish and shellfish (food that is not fresh will be rejected by the lobster). During late spring, summer and fall, feeding activity is high and the lobsters are fed daily only what they can consume in one day. During winter when they are sluggish, feeding is done once a week. (The sluggishness and slow feeding, of course, are coincident with lowered water temperatures—as indicated previously.)

BREEDING IN CAPTIVITY

One of the most important breakthroughs pertaining to potential commercial hatcheries involves producing second generations by hatchery-reared adults. Until recently, none of the successfully mated females produced fertilized eggs. We have since discovered, however, that the simple expedient of deepening the female's tank to allow coverage of at least 18 in. of water makes all the difference. She apparently requires this much depth for egg-laying, although the reasons remain obscure. In laying and fertilizing her eggs, the female lobster forms herself into a tripod—underside up—by supporting her inverted body on two claws and the tip of her tail. The eggs then fall into a natural depression, are fertilzed, and then cemented under the tail. To date, three hatchery-reared red lobsters already have been successfully bred and have hatched swarms of red lobster fry.

OTHER FACTORS

The state hatchery is located in what appears to be an ideal spot, indicating other important factors to consider. Here the water temperature is relatively moderate, salinity is high and stable (from 30 to 31 0/00), and industrial and domestic pollutant materials are absent.

By employing these techniques in raising *Homarus americanus* larvae to adulthood, we have seen hatchery lobsters reach legal size in little over three years—compared to six years in the ocean. Given these advantages over current antiquated "mining" methods, it would seem that the commercial lobster farming entrepreneur could well profit handsomely. The "lobstery"—like the cattle ranch and the chicken farm—is a definite possibility.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Nearly 48,000 teachers in 17,000 United States and Canadian junior and senior high schools are using newspapers regularly as textbooks in their classrooms, keeping students aware of current events.

IF THE BIA KEEPS MESSING AROUND THE BATTLE OF LITTLE BIG HORN WILL LOOK LIKE A TEA PARTY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Arizona (Mr. Steiger) is recognized for 5 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, the startling and almost unbelievable resurgence of life in the Bureau of Indian Affairs has recently been the subject of numerous optimistic newspaper and magazine articles commenting on the excellent manner in which Commissioner Bruce and his Indian executive team moved to translate the President's words into realities for Indian people. They did this by changing the Bureau from a management to a service organization to augment self-determination; by offering Indian tribes the option of contracting with the Bureau to operate programs for tribal benefit—programs now operated by the Bureau staff; by changing the attitude of the Bureau of Indian Affairs from a lethargic and benign protector to an effective and forthright advocate for Indian tribes in national forums; and, by attempting to increase Federal career opportunities for educated Indians to be of service to their people.

Commissioner Bruce has interpreted self-determination to mean local Indian solutions to local Indian problems—he has redefined the role of the Federal Government. Under the Indian self-determination policy, the Government must assist tribes in making a choice between the various options available to them. One such option is to enter into contracts with the Government to perform the services the Government has performed so poorly for them.

During the past 15 months, there have been two events of monumental importance to the future of American Indian tribes. Both events are related because of their resolute indication of increasing impatience by the American people as a whole with the shoddy treatment American Indians have been accorded and reflect an increasing awareness on the part of American Indian leaders of the specifics of problems that are barriers to change.

First, on July 8, 1970, President Nixon delivered his now famous message to the Congress outlining his administration's policies and proposals for resolving the problems this Nation has created for the Indian tribes. Courageously and with candor, President Nixon stated the problems and underscored the tragedy of non-Indian administered Indian affairs, institutional conflicts of interest within the Department of the Interior that does not allow that agency to singularly advance or protect the Indian interest in natural resources against hostile anti-Indian interests, and finally the archaic policies that contribute to the problems rather than offer alternative resolutions. President Nixon summarized his message by stating:

> The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy.
>
> The Indians of America need Federal assistance—this much has long been clear. What has not been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relation-

> ship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome.

Almost overnight, a change was dictated for the Bureau with the appointment of a Deputy Commissioner and the ascendancy of various advisers and technicians in the Department of the Interior chain of command who stand between the Secretary of the Interior and Commissioner Bruce:

> STEIGER, DECEMBER 8, 1970, COMMITTEE COMMENT
>
> Mr. STEIGER. I thank you for yielding. I for one member of the Committee want to sincerely congratulate you for coming forward with what I think is the most constructive effort in the fifty-plus years of the BIA construction. I say that very sincerely and not in a partisan manner. I am convinced you have struck the heart of the problem. You are trying to make the BIA responsive, as I see it, to the Indian triba' needs and not on the basis of some wholesale Washington-oriented program. For that reason, I think it's remarkable.
>
> I think it's remarkable all the more because you knew the flak that you were going to get as you would from any bureaucracy in which you were going to invoke a rather dramatic change. But there is no more entrenched bureaucracy than the one you are dealing with, that of the BIA area office and superintendent relationship structure. I have been around it now for almost twenty years and I never cease to marvel at its strength. It can overcome the most constructive logical criticism invoked. It can repeat failure. It can stack failure upon failure with no results, and it is the only thing that emerges triumphantly in the bureaucratic structure. I congratulate you and urge that you remain firm, because you are right.
>
> I would only point out that all of the objections—and they are very properly raised by the gentleman from Oklahoma because they have been raised by his constituents—can be answered very logically by your program. The idea that you hadn't consulted or were not acting in the best interests or to the wishes of the Indians simply isn't valid because the Indian—and all of us, I think would stimpulate to this—have stated that the program is not good the way it is. There are lots of theories as to why it is not good, but in the main the program is not good. I happen to believe that the program is not good because of this awesome strength of this very small group that you have attacked head on.
>
> The gentleman from Washington, Mr. Meeds, has raised the rather logical question that it seemed unfair to have an arbitrary five-year limit. I would suggest to the gentleman from Washington that without some kind of arbitrary limit you are never going to break the stranglehold that these people have. The arbitrary limit, as far as I am concerned, is generous. I recognize it is not in true democratic tradition. I recognize that it does fly in the face of objective. But you can't afford to be objective, Mr. Commissioner, because you have to deal with this at the very pragmatic level. It's very tough to tell an area director that you want these changes invoked and you know that he is going to turn around and tell his Indian friends that he has managed to gather over the years that it's no good. He has to go through the motions and whatever is born here dies in the area office. I have seen it happen in my own limited experience many times.
>
> I would tell you that it seems to me that the theme of your program is that you are going to make the BIA responsive to the Indian, whether the BIA wants it or not. I know that you are going to have nothing but grief as far as the bureaucrats are concerned, and they are capable of generating lot of support here in the Committee.
>
> I would tell you that this member of the Committee—and not on a partisan basis—is very excited about your program, that this member of the Committee endorses it wholeheartedly. I think that in your own modest manner you have understated the real benefits. Perhaps if I were in your position I couldn't say the things that I have said because I recognize that it just would open the wound further.
>
> Until you shake this outfit up, until you make it clear that the days of muscle at the bureaucratic level are over, we are not going to have any progress. We can devise the most elaborate schemes and so forth and it's going to die in the offices of these people who you are changing.
>
> I congratulate you there. I think the one understated option that you mentioned—which I think is tremendously valuable—is the option in which the tribe, upon adoption of a resolution, may employ their own field administrator, superintendent, manager, whatever you want to call him, and you will continue to fund that office. I think that is something that perhaps many of our colleagues haven't caught the significance of. This is the way to make Indian programs meaningful. There is no panacea.
>
> I resent terribly the implication that all Indian problems are similar. Indians are just as dissimilar as non-Indians. Indian tribes are just as dissimilar as non-Indian communities. The idea that somehow we can apply some standard that is going to apply to all their needs is sheer nonsense. It's comfortable for people who want to solve the Indian problem, so-called, but it just doesn't get it done. You have recognized that and you have made it very clear that you are going to provide that which that tribe needs.
>
> To me you are performing really a tremendous service and you are doing it at no small personal cost to yourself. I know. The criticism that you are going to get is going to come from some rather surprising places. But be of stout heart because you will go down as the man who had the guts to do what needed to be done, and I congratulate you.
>
> I have no questions, Mr. Commissioner.

The second event occurred 10 days ago in Window Rock, Ariz. Peter MacDonald, chairman of the Navajo Nation, in a speech that is being hailed in Indian country as one in the tradition of the warrior chiefs, expressed the feelings of disillusioned Indian tribal leaders with an astonishing call to arms which specifically reported the events that have transpired in the Department of the Interior and the Bureau of Indian Affairs as directed by a misguided group of technicians who have closed ranks to protect the BIA bureaucracy from Indian self-determination. They are on the verge of rendering the President's message on Indian affairs a fraud and a series of empty promises.

It is abundantly clear that the decision reached by the tribal leaders present in Window Rock and the stand taken by Chairman MacDonald and others was inevitable. The institutional conflicts of interest within the Department of the Interior not only taint the ability of the United States to faithfully execute its responsibility to the Indian tribes, but also the day to day administration of the Bureau of Indian Affairs.

On this very subject President Nixon said:

> The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the government holds as trustee.
>
> Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal Government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists . . .
>
> At present, the Commissioner of Indian Affairs reports to the Secretary of the Interior through the Assistant Secretary for Public Land Management—an officer who has many responsibilities in the natural resources area which compete with his concern for Indians.

These conflicts of interest make legal representation of Indian tribes by the United States at best difficult. These same institutional conflicts also place the weighting of equities and the resolution of problems in administrative decisions and implementation of policy at a disadvantage because of the divided loyalties of decisionmakers in the Department of the Interior and of those who would run the Bureau of Indian Affairs from Departmental posts. It is these same institutional conflicts of interest that render advocacy on behalf of Indians a dangerous exception rather than an ordinary part of the BIA operation. The relative autonomy of the BIA and a singular concern with advancing the interest of Indians will not and cannot be met because the Commissioner of Indian Affairs has too many masters in the Department of the Interior.

The two legislative proposals the President proposed in his message to resolve these conflicts of interest—a new Assistant Secretary for Indian and Territorial Affairs and the creation of an independent Indian Trust Council Authority—have not been acted upon by the Congress. These proposals were also decided upon during a time when the Indian tribes had gone on record opposing the removal of the Bureau of Indian Affairs from the Department of the Interior. In over a year since the President's message, it has become abundantly clear to the Indian tribes that the only recourse and the only sound, long-term solution to the majority of the problems of Indian administration is to place Indian affairs in the Executive office of the President, to elevate the Commissioner of Indian Affairs to Cabinet status and proceed forthwith to establish the independent Indian Trust Council Authority. This method may very well be the only way President Nixon can salvage his enlightened Indian policy. Unless the BIA bureaucrats are sufficiently spooked by this threat to get out of Commissioner Bruce's road.

These institutional conflicts of interest as they relate to the Bureau of Indian Affairs, the Indian tribes, and the Department of the Interior has frustrated the Indians, the Bureau of Indian Affairs, and now seemingly the President of the United States in attempts to keep the accent in Indian affairs on the Indians.

Almost a year ago in November 1970, Commissioner Bruce and members of his staff were present at a hearing before the Indian Affairs Subcommittee of the House Interior and Insular Affairs Committee to discuss the new policies being proposed and put into action by Commissioner Bruce. At that time I congratulated Commissioner Bruce on his courage and the constructive efforts he and his Indian executive team were putting into the process of making the Bureau of Indian Affairs responsive to tribal needs and not on the basis of some wholesale Washington-oriented program. I was certain that the Commissioner must have courage to propose dramatic changes because there is no more entrenched bureaucracy than the Bureau of Indian Affairs as it is maintained and nurtured through the area director-superintendent relationship and their consequent influence on the Indian tribes they work with or against whatever may be the case. I have seen this relationship endure the most logical criticisms and dash all reform efforts. It has repeatedly failed to deliver any result other than failure stacked on failure and its own protection. The area director-superintendent stranglehold on the Indian tribes has always emerged triumphant as it is protected by the indifference of most of the congressional committees and the lack of awareness of the public. The new policies the Commissioner proposed had the theme that his program was going to change the Bureau of Indian Affairs, whether the Bureau of Indian Affairs wanted to be changed or not. It is very difficult to tell an area director or a superintendent that you want a change in policy with full knowledge that he is going to immediately tell his Indian friends that the policy is without merit. I have frequently seen what is born here die in the area offices.

Chairman Peter MacDonald in another famous speech in Kansas City, Mo., spoke on this very subject warning the assembled Indian delegates that many area directors and superintendents were about to counsel their Indian constituents out of their first and possibly last chance to exercise true self-determination.

From all appearances the area director-superintendent axis has triumphed in the Department of the Interior with victories for all-line bureaucrats, Wilma Victor and her henchman, John Crow. The policies of understandable and effective change to strengthen the Indian tribes have been for all practical purposes abandoned and they are dead. The area directors and superintendents have emerged as the victors with one of their own emerging as Commissioner Bruce's overlord. Miss Victor was removed by Commissioner Bruce and Area Director Graham Holmes as superintendent of the Intermountain Boarding School in Utah because of increasing reports of brutality, handcuffing, and questionable use of a powerful drug, thorazine, to control allegedly intoxicated Indian students. All of the problems with the Intermountain School including discrimination against Indian employees in employment are part of a lawsuit filed by Intermountain students. Miss Victor was then proposed to be the Bureau of Indian Affairs director of education programs but was rejected as unsuited for the post. Oddly enough, Secretary of the Interior, Rogers C. B. Morton had served in the U.S. Army with Miss Victor and on that basis appointed her to be his special assistant for Indian affairs—Commissioner Bruce's watchdog. Miss Victor was now in a position to get even with members of the Commissioner's new executive staff.

The corporate body politic—area director-superintendent relationship—was then in a position through Miss Victor to reject new ideas. It is from this turmoil and shake-up of the traditional, entrenched Bureau of Indian Affairs that the "Super BIA" in the Department of the Interior emerged to crush innovation, Indian self-determination, and the new policies proposed by the Commissioner and his Indian executive staff.

Area Directors Can and Artichoker and aging patriarch of the bureaucrats, former Phoenix area Director Wade Head, met with Wilma Victor to place John Crow, who was rejected by former Commissioner Robert Bennett as unresponsive to change and Indian needs, into the revived position of Deputy Commissioner to patrol Commissioner Bruce and put the clamp on the Indian executive staff who had riled the area directors and superintendents with attempts to diminish their bureaucratic authority and displace authority to the Indian tribes.

John Crow and Wilma Victor were not proposed to the Indian tribes for any consultation but were summarily placed into these positions. The stage was then set for the "super BIA" in the Department of the Interior to take control of Indian affairs and destroy the policies of Commissioner Bruce in the name of good management.

On the "super BIA," Navajo Tribal Chairman Peter MacDonald said:

> First, we are on a collision course with the Department of the Interior. We thought we had one real and permanent victory when Commissioner Bruce and his new team took charge of the Bureau. It is now clear that as soon as Indians gain control of the Bureau, that the Department of the Interior created a super BIA operating out of the Secretary of the Interior's Office by the Secretary and William Rogers and Wilma Victor. The dominant interests in that Department represented by the Bureau of Reclamation, Bureau of Mines, Bureau of Fisheries and Wildlife have interests which are hostile to Indian interests. These Bureaus and these interests are once again in control of the Department and is able to stop the Bureau in its efforts to protect Indian rights and to assist the Indian people to achieve self-determination.

In the name of good management those who opposed the President's policies have killed contracting with Indian tribes. Since Calvin Brice and Harold Cox have captured contracting—more than 3 months ago—no Indian self-determination contracts have been approved nor processed. These self-determination contracts were an elemental part of the President's message to Congress. Over a hundred have lain unread and untouched gathering dust in the Bureau of Indian Affairs contract office.

While the tribes were told they were being worked on for eventual processing. Ladies and gentlemen, we all know the power and durability of the BIA bureaucracy and I am showing you how it conspiratorially is acting to defeat not only the President's policies but the wishes of the Indian people it is authorized by Congress to serve.

Chairman Peter MacDonald astutely stated:

> There has been no contracting out to Indian tribes since May. A couple months back I was told at the White House that a temporary hold had been put on the policy until they were reviewed by Bill Rogers and adequate administrative controls were provided to prevent mismanagement. It would appear that the so-called bad administrators produced more contracts than the good administrators who have produced none at all. And that seems to have been the real purpose of the management review by Bill Rogers: To create an administrative way to kill the contracting out policy despite the fact that President Nixon committed himself to that policy. Commissioner Bruce and his team moved to implement that policy as rapidly as possible. They may have made a mistake or two. But if good management is incapable of writing any contract, then maybe management Indian-style is better. At least it gets results.

The proponents of the good management of "Stop the contracting" theory usually cite recent audit reports done by the Department of the Interior Office of Survey and Review, but fail to tell us if these reports refer to contracting as it was before Commissioner Bruce took over the BIA.

In the name of the good management myth, William Veeder, an acknowledged expert in the esoteric field of Indian water rights and an unchallenged advocate of Indian rights, was to be moved from the Washington office to the Phoenix area office to participate in what Veeder calls the destruction of the Western Indian reservations. John Artichoker, Phoenix area director and an avowed opponent of Commissioner Bruce's policies, was to be Veeder's jailer. Veeder's transfer was rescinded pending a Departmental review last Friday, September 17, 1971, after bitter tribal opposition and heavy pressure from the daily press. The Veeder episode is not over.

In his message to the Congress, President Nixon stated:

> It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

On the Indian preference policy which has been held up in the Bureau by Harold Cox and Calvin Brice, of contracting fame, as part of a good management review.

Chairman MacDonald on this subject stated:

> A major attempt to improve BIA employment policies has been stopped dead in its tracks. The legal ground work for this major change has been done by Browning Pipestem in a widely publicized paper proving that the Indian Preference Act applied to promotions and historically was intended to give Indians a special opportunity to rise to top positions within the Bureau. His analysis of the law, the legislative history and his discovery of a forgotten Solcitor's Opinion written in 1946 proved conclusively that the Indian Preference Act should have been applied to promotions. Instead, we now have Indians at the bottom of the heap and non-Indians at the top within the Bureau. That is how it has been as long as any of us can remember with the exception of Bruce and his team. Statistically, the record indicates consistent discrimination against Indians who sought promotions within the Bureau. Now a new major change was to come about. Meetings were held: the research was checked; the legal theories were debated. Everything was ready to move. Then, all of a sudden, comes Wilma Victor, John Crow, and Bill Rogers and the new policy gets frozen. Mysteriously, the new policy has not even been sent to the Solicitor's Office officially. Indian Preference applied to promotions is dead. The attempt to make a bold new breakthrough has been killed by this new super Bureau run out of the Secretary's Office. By contrast, the Indian Health Service in the Department of Health, Education, and Welfare, which is governed by the same Indian Preference Law has issued a policy extending the Indian Preference to promotions. The Department of the Interior apparently has its own special version of Indian Preference. Its name is Wilma Victor.

What bitter irony that this long overdue policy on the Indian preference was delayed by Associate Commissioner Cox, Harold Cox, who came to the Bureau a little over a year ago from the Office of Education in HEW and enjoyed a two-grade promotion from a GS–14 to a GS–16 by means of the Indian preference. And Cox has recently announced publicly that he has been removed from the Creek tribal rolls and is now a white man. Good management applies apparently only when it is not in someone's self-interest to invoke it.

Also in the name of good management Indian innovators and supporters of the Commissioner, Ernest Stevens, Alexander MacNabb, and Leon Cook have been demoted by Deputy Commissioner Crow and non-Indian Cox continued in his position backed by Wilma Victor and the Oklahoma congressional delegation. Non-Indian Calvin Brice, of contracting and Indian preference fame, a non-Indian, trained by former Phoenix Area Director Wade Head took responsibility for contracting from Alexander MacNabb under the direction of William Rogers, non-Indian member of the "Super BIA." Calvin Brice functions as the General Counsel for the "Super BIA."

In the name of good management, Indian water rights champion, Leon Cook, was unceremoniously and without consultation with the Indian tribes booted out of his post as Director of Economic Development to be replaced by non-Indian William Freeman, a political appointee and a personal friend of Assistant Secretary for Public Land Management, Harrison Loesch, to whom Commissioner of Indian Affairs Louis Bruce directly reports. This was done despite Loesch's promise never to put Freeman ahead of Cook.

In the name of good management, the employment assistance program, formerly the relocation program delivering Indians to urban areas, was taken from the capable hands of Indian Ernest Stevens on the eve of its destruction. The employment assistance program was one of the principal mechanisms of the termination policies of the past to remove Indians from their ancestral lands. The employment assistance program is also one that is heavily politicized, because of the favors the field employment assistance offices have to pass out in the form of training and contracts and jobs. Stevens was attempting to return the accent of this program back to the Indian reservations and to allow Indian companies and associations to provide the training and social services for program participants in line with the President's avowed policy to wipe out the last vestiges of the old termination policy.

The untrusts, the half trusts, the misguided policies, the broken promises and treaties, the mistakes of the past have a disconcerting way of being telescoped into the present as part of never-ending problems we as a people have posed for American Indian tribes. Many of the past problems and the injustices have been perpetrated in the name of good management. Manifest destiny, the allotment of Indian lands, and other infamous governmental policies were part of good management.

Today, we face the prospect of having the most enlightened and forthright Indian policy ever developed subverted by the spiritual descendants of ancient bureaucrats. President Nixon's Indian policy is on the verge of being completely compromised by the most impregnable lobby in the United States—the 16,000 self-perpetuating Bureau of Indian Affairs bureaucrats. The heart of this bureaucracy area director-superintendent phalanx who have seemingly triumphed over President Nixon, as they have other Presidents. It is a bitter irony to see these policies destroyed in the name of good management. Several months ago, Commissioner of Indian Affairs Louis Bruce and Secretary Rogers C. B. Morton convened a high level interagency task to review BIA management. The findings of that task force headed by Mr. Edward Preston, Assistant Commissioner of the IRS for Administration, were briefly reviewed with the National Tribal Chairman's Association and a tentative outline of the report was discussed. A promise was made to review the complete report when finished. Now complete, this report is being treated as a top secret document locked in the drawer of the Secretary of the Interior and shared only with members of the Super BIA, John Crow, and their general counsel, Calvin Brice. This report is being kept from all Indian members of the Commissioner's new executive team, the Indian people, and the Members of Congress. I demand that this document be made public so that the Indian people may judge how their moneys are being used or misused. The day of secret Indian diplomacy is over. Self-determination begins with honesty. The Indian people whose moneys are appropriated by Congress and which are spent to support the bureacracy are entitled to any and all management reports which bear upon the use of these funds. It is necessary to wait for another Johnson-O'Malley scandal before the BIA releases what might be called the Indian Pentagon papers.

LEGISLATION THAT WOULD CREATE PERMANENT MECHANISMS FOR THE SETTLEMENT OF EMERGENCY RAIL AND AIR DISPUTES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, with the resumption of hearings last week by the Transportation and Aeronautics Subcommittee of the House Committee on Interstate and Foreign Commerce, this Congress again stands on the threshold of historic legislation—legislation that would create permanent mechanisms for the settlement of emergency rail and air disputes.

Since 1963, Congress has been required to pass temporary ad hoc legislation seven times to settle rail strikes that were threatening the national health and safety. Just last month, yet another rail strike threatened the economic well-being of our Nation. This strike was settled not by the existing laws, nor by congressional intervention, but by a new weapon—the selective strike. Clearly, that the United Transportation Union had to resort to such measures indicates that the existing law—The Railway Labor Act of 1926—has failed. To strengthen this act and to assure that Congress will no longer face the need for ad hoc legislation to settle rail disputes, I have introduced a proposal that offers a permanent solution to the problem of emergency rail and air strikes. Today, I am reintroducing this bill with nine new sponsors, bringing the total to 70.

At the same time, I am beginning a series of statements designed to demonstrate the tremendous need for permanent legislation of this kind. To illustrate my position, I plan to use the disastrous effects of the recent UTU selective strike on both the local and national economy. In this first installment, I plan to include the editorial comment of some of the most respected newspapers in the country. In subsequent statements, I plan to show how the UTU strike affected certain industries, including America's heavy industry, the agricultural community, and the forest products industry.

During the 19-day strike, editorial opinion was unanimous in its cry that Congress act to create permanent legislation to resolve emergency transportation disputes. Said the Detroit Free Press on July 31:

> What the nation's railroads need now, is not a spot-welding job, but a thorough overhaul of the National Railway Labor Act. . . .

As the Dallas Morning News observed on August 3:

> The rail strike had produced . . . situations described by the governors as ranging from "critical to disastrous."

And Congress should focus on those mechanisms that would provide permanent results.

With the settlement of the strike and the immediacy of the crisis having passed, many papers feared that Congress would once again forget the need for permanent legislation. The Wall Street Journal remarked on August 4:

> Congress, which hasn't exactly been setting speed records on proposed rail labor law revision, may now move even more slowly.

Such a situation, the Minneapolis Star said on August 3:

> Would be distressing, because if Congress continues to drag its feet in reforming the act that governs bargaining in the rail and airline industries, it will be inviting more emergencies and crises in these critical areas.

I include below for the consideration of my colleagues the full text of several of the leading editorials on this very important subject. We, in Congress, must act soon on permanent legislation before, as the New York Times stated on June 12:

> A fresh crisis forces the lawmakers to improvise yet another back-to-work mandate.

The editorials follow:

[From the Detroit News, July 29, 1971]

RAIL STRIKE CURB REQUIRED: PUBLIC IS THE VICTIM

The war between the nation's railroads and various rail unions has been raging, off and on, since 1959—and, invariably, the American public has suffered most of the casualties. We are long past the time for protecting the interested bystander and controlling the combatants.

Consider the present situation. The United Transportation Union is striking four railroads and plans to extend its strike to six more roads tomorrow, to five additional carriers on Aug. 6 and to three more on Aug. 11. Already, the movement of Western vegetables, Midwestern wheat, Southern poultry and Appalachian coal has been curtailed. There will, surely, be more bad news to come for producers, shippers, merchants and consumers.

Moreover, the UTU has so far shown a dedicated intransigence in negotiation. Along with three other rail unions that struck briefly last Dec. 10, it has reached agreement with management on a 42 percent wage increase spread out over 42 months. But, unlike the other unions, the UTU is unwilling to accept changes in work rules—to promote efficiency—that were proposed by a White House panel and advocated by railroad officials.

In this context, and with negotiations stalled, Labor Secretary Hodgson asked both sides Tuesday for responses to his suggestion that a three-member panel of "distinguished neutral experts" be selected to impose a binding settlement of the dispute.

The results could have been anticipated. The union, in scathing terms, rebuffed Hodgson within two hours. The railroads didn't even reply in sufficient time to indicate interest.

This kind of turmoil, so visible for so long, is no longer tolerable in a vital national industry. And if the negotiating parties themselves can no longer resolve their disputes, as history seems to show, then some other way must be found to promote agreement, railway peace and public expectations of necessary service.

One way may well be the legislation the Nixon administration proposed to Congress earlier this year. Among other things, the proposal would allow creation of a neutral three-member group to impose a binding settlement of a railroad dispute by accepting either the final offer of labor or the final offer of management.

Such a system of settling rail disputes would rest, in the final analysis, on compulsory arbitration, a labor device distrusted by both management and unions as an erosion of free and collective bargaining. Indeed, this newspaper has often defended collective bargaining and viewed binding arbitration only as a last resort—and only in labor disputes involving services vital to the national tranquility and well-being.

The present strike, it seems to us, is such a situation. It is even arguable that arbitration in such a case, or the threat posed by an available arbitration process, might rehabilitate the processes of collective bargaining. Surely final offers by both management and labor would be more reasonable, and less one-sided, if the possibility existed that the opponent's final offer might be selected as the terms of settlement.

[From the Des Moines Register, July 30, 1971]

BLAMES "LABOR-ORIENTED" CONGRESS FOR RAILROAD STRIKE DILEMMA

(By Richard Wilson)

WASHINGTON, D.C.—The stubborn, labor-oriented attitude of committees of Congress has prevented any progress at all on new methods of handling strikes that damage the whole country. So another rail strike wends its weary way toward another emergency congressional enactment requiring it be ended.

Little is being done to protect the public against inconveniences, hardships and economic stagnation which can come any time again from rail, airline, maritime and trucking stoppages.

So far as the public is concerned, the Railway Labor Act is an out-of-date flop. Since its passage 45 years ago emergency provisions have been invoked 187 times, or an average of four times yearly. Actual work stoppages after the 60-day period in which a settlement is supposed to have been reached to protect the health and safety of the nation have averaged one a year.

This poor record has cost the nation greatly in lost time and lost business and presently is closing down mines, slowing auto production and the distribution of essential commodities and raw materials.

DIFFICULT TO PASS

Earlier this year, ranking Republican and Democratic members of the House Commerce Committee informed the Rules Committee that it would be difficult to pass remedial legislation, and there the matter seems to rest, although hearings are being held on some 16 proposals.

President Nixon pledged early in his Administration that he would submit new legislation for dealing with national emergency disputes, and he has done so—without arousing any significant response from Congress except a proliferation of counter-proposals.

The President's proposal sounds too much like compulsory arbitration to labor-indebted members of Congress, and they shy away from it, just as the president of the United Transportation Union does in rejecting Labor Department proposals for binding arbitration in the latest dispute.

Administration studies have concluded that the Railway Labor Act does not work because it actually discourages genuine collective bargaining. Most of the bargaining which does take place is a stage-setting for the arrival of the feds on the scene in the form of an emergency board to determine the facts and make a recommendation.

Both sides in the dispute thus take extreme positions on the assumption that the final outcome will fall somewhere in the middle and then will be enforced by a congressional enactment, of which there have been three over the years.

NOT ECONOMIC BARGAINING

This may be bargaining on a political basis but it is not economic bargaining. Nixon wants to abolish the Railway Labor Act procedures and make the Taft Hartley Act apply to the railroads and airlines as it does now to maritime, longshoremen and trucking disputes. There would be a 80-day cooling-off period, a fact-finding inquiry and recommendation then if no settlement resulted, the President would have a greater flexibility than going to Congress for special legislation.

He could extend the cooling-off period for 30 days, or require partial operation of the struck industry, and finally he could impose a kind of arbitration called "final offer selection."

Three "neutrals" would be named to hold formal hearings and determine between the final offers made by management and labor to end the dispute. The disputants would be required to accept whichever final offer was chosen by the neutral board.

ATMOSPHERE HAS CHANGED

The procedure actually is more complicated than the foregoing, but it does have the merit of promoting more actual bargaining than is possible under present circumstances. In the end, however, the whole matter might end up in the courts or Congress, but the settlement period without a strike would at least have been stretched out considerably.

The foot is in the door on what might prove in the future to be disastrous and prolonged strikes in essential industries where they are not supposed to happen—postal strikes, police strikes, federal government employe strikes, transportation strikes.

The national atmosphere which made such strikes unthinkable or unlikely in the past has changed. Congress needs to adopt new and more workable procedures for handling such paralyzing events.

[From the Los Angeles Times, July 30, 1971]

STRIKES AGAINST THE PUBLIC

The railroad strike's cutoff of chlorine shipments threatens to contaminate public water supplies. Farmers are losing crops at the rate of $2.8 million a day. The $700 million-a-month volume of California trade is jeopardized by the closure of Pacific Coast ports.

It is a shocking inventory of what the public is paying for new disputes over wages, working conditions and work rules in the transportation industry.

And yet, there has not been a single meeting between management and the unions since the strike of longshoremen began four weeks ago. And in the spreading railroad strike, there has been only a zig-zag course between negotiations, appeals for arbitration and threats of legislation; and now the White House has stepped in.

There is no doubt that this is a time of painful readjustments in both the shipping and rail industries. Railroad employment has been declining. There are difficult decisions to make, weighing automated cargo handling in the ports and efficient work rules on the railroads against the social question of full employment.

But there are overriding questions of the public interest. There is the necessity of maintaining a working rail system as a method of moving goods that does less to pollute the atmosphere than trucks. There is the livelihood of hundreds of thousands of citizens which depends on keeping ports and railroads operating.

The strategy of labor and management in the port and railroad strikes is clear. They are using the traditional leverage of economic pressure in a game calculated to bring victory on their own terms, regardless of the impact on the public.

In the port strike, the absence of any direct negotiations is irresponsible.

In the railroad strike, the union is using the new weapon of selective strikes to try to block management's moves to push the whole matter into Congress for an imposed solution. No end to this kind of nonsense is likely until Congress writes new rules in which the public interest comes first.

[From the Detroit Free Press, July 31, 1971]

AS WE SEE IT: UPDATING OF LABOR LAWS CRUCIAL IN RAIL DISPUTE

For the third time in eight months, the Nixon administration is reported to be considering legislation to end a railroad strike, in this case one which began July 16 and is gradually spreading to create national chaos.

Having passed two laws, Congress seems reluctant to take up the cudgels again. And considering the lack of anything but temporary relief granted before, Congress has a right to skepticism.

What the nation's railroads need now is not a spot-welding job, but a thorough overhaul of the National Railway Labor Act, which was written 46 years ago and the Taft-Hartley Act, passed in 1947. As the railroads seem at last to be learning, times have changed somewhat since then.

It can well be argued that much of the problem with the railroads, including the present strike, belongs to management for not having noticed a changing world until it had changed. Certainly not until they were in trouble did railroad negotiators recognize that they were in the competitive transportation business. Yet some of the industry's work rules date back to the turn of the century.

Now the issue focuses mainly on two outmoded rules—the 100-mile district and the job rights of yard crews.

The 100-mile district rule says roughly that a day's work on a freight car is hauling the freight 100 miles. When the rule was written that was indeed a full day's work. Now it takes about 2½ hours, and the striking members of the United Transportation Union are resisting any change. The UTU represents some 190,000 brakemen, switchmen and other crewmen, excluding engineers.

The yard rule essentially means that only yard men can move trains in railroad yards. To oversimplify, a freight crew might bring a train in on Track 29 and take another out on Track 28 a half-hour later. But it takes a different crew to move the locomotive one track over.

These rules, and many others, are subject to negotiations under the present law, and despite an offer of a 42 percent wage increase over the next 42 months, the unions have rejected any changes.

In the past, a presidential emergency board has recommended a compromise and Congress has enacted it. But the law runs out when the contract runs out and the whole process must be repeated.

Given the competition railroads face, their economic plight and the fact that the rules are grossly obsolete, it seems past time for a major change. If Congress is unwilling to give the railroads the right to bring their rules up to date by decree, then it must certainly be willing to enact President Nixon's proposed labor bill with its built-in scare tactics, including an imposed settlement.

If not, as Secretary of Labor James Hodgson told a House Committee, Congress must "get ready to go into the dispute-settling basis on a massive scale." That is, as the old cliche goes, a helluva way to run a railroad.

[From the New York Times, July 31, 1971]

OFF THE RAILS

It is the considered view of at least half the governors of the United States that the current railroad strikes are having a "critical to disastrous" impact on the economy. The language may sound alarmist, but it would be foolish to belittle the effect of these strike actions, which have already shut down ten of the country's railroads.

Wheat is piling up in the streets of Nebraska towns; poultry are on the verge of starvation for lack of grain in the Southeast. Coal miners are threatened with imminent layoffs in West Virginia and Kentucky. Fast-ripening fruits and vegetables in the West may have to be plowed under for lack of transport. And this is only the beginning.

What gives the situation an air of total irrationality is the nature of the gap between the United Transportation Union and the carriers. Wages are not the issue, as both sides have agreed on a huge 42 per cent increase over the next 42 months. The impasse is over archaic work rules and the protection of those who might be seriously affected by changes in them. By far the most stubbornly contested of these changes would end the absurdity of limiting a train's crew to 100 miles a day. Out of respect for a tradition that arose in the days when steam engines hauled freight at about that speed, crews of the Metroliners between New York and Washington are allowed to make that whole 230-mile trip only if they get two-and-a-half days' pay for a run that takes three and a half hours.

Seeking an end to such arbitrary divisions, the carriers want the right to eliminate useless intermediate terminals, forcing trainmen who live near them either to move or to take longer getting to work or to be away from home for longer stretches. Some might even lose their jobs. The problem is real but the railroads' offer, already accepted by the Brotherhood of Locomotive Engineers, includes five years' pay for those discharged, moving allowances for others and even the purchase of homes from employees unable to get a fair price.

Apart from the merits of these concessions, the number of people involved would be extremely slight compared with the vast damage the strike is doing to millions of innocent bystanders. Certainly that damage is not warranted by the small difference which further arbitration would probably leave between the contending parties.

Collective bargaining has not been working well in many important areas of the economy, as evidenced not only by the rail strike but by the threatened shutdown tonight of the nation's steel industry. Now if ever is the time for organized labor to show the kind of vision that will permit a voluntary settlement through the collective bargaining process. Otherwise, as far as the rails are concerned, the only recourse is for Congress to mandate without further delay the reasonable proposals made last November by the emergency board, and to impose them on this incredibly shortsighted rail union by force of law.

[From the Dallas Times Herald, Aug. 1, 1971]

WITHOUT MORE DELAY

With more walkouts and threats of walkouts in the spreading "selective" railroad strikes, Congress is rapidly approaching the time when it must act once again to halt this danger to the nation's economy.

That is, it will have to act unless President Nixon can exert enough influence on the two sides to reach a settlement. Barring that possibility, which seems an unlikely one, Congress will have to take a direct hand once more in the crisis.

And again, as it has done numerous times previously, Congress will wait until the national economic emergency becomes acute—a state which it is rapidly approaching—then will enact hastily prepared temporary legislation halting these particular strikes but making no provisions for settling future disputes short of strikes.

Congress, in fact, has enacted four laws in 15 months to keep the trains running. But none of these contained the provisions necessary to prevent future strikes.

This, too, despite the fact that the lawmakers have repeatedly considered legislation setting up permanent legal machinery for settling management-labor disputes in the transportation industries and at the same time forbidding walkouts.

That this kind of dissembling will never do was emphasized last week by Labor Secretary James D. Hodgson in testimony before the House Transportation subcommittee. Congress, he told the panel, must soon write new legislation dealing with transportation labor problems "or get ready to go into the dispute-settling business on a massive scale."

In reply, Commerce Committee Chairman Harley O. Staggers told Hodgson that "we've been asked for some permanent legislation . . . it's going to be a little bit hard to come up with some kind of answer."

And it is going to be hard. But despite the acknowledged difficulty, Congress must "come up with some kind of answer" and that without further undue delay.

[From the Cleveland Press, Aug. 2, 1971]

THE INDISPENSABLE RAILROADS

If there had been any doubt about the key role railroads play in the national economy (and therefore the public welfare) it surely was resolved by the railroad strike.

The walkout by a single union, applied to only 10 of the railroads, crippled the economy to an increasingly serious degree, disastrously in some respects.

The pressing problems of inflation and unemployment were enormously aggravated. Food prices soared, crops were lost, poultry and cattle supplies were endangered, thousands were thrown out of work.

For nearly two years, President Nixon has been trying to get Congress to pass a law which would make it possible to settle railroad (and other transportation) disputes without strikes. There has been one day of hearing by a Senate committee.

Now that the railroad strike finally has been settled, Congress should not use this as an excuse to continue to ignore legislation that would allow such disputes to be handled without damaging work stoppages.

[From the Dallas Morning News, Aug. 3, 1971]

THE TOUGH CHOICE

The steel industry, under the gun and facing a strike that would cripple the entire economy, signed a wage contract its negotiators called "inflationary."

According to the industry the 30 per cent wage increase granted to steelworkers will boost the cost of making steel 15 per cent in the first year alone. Those costs undoubtedly will be passed on to the steel industry's customers and, in turn, to the customers' customers. The extra cost will finally come to roost on the budgetary doorstep of the consumer, as usual.

In short, the boost saves us from a strike emergency but it increases the steady climb in the prices of the many products in which steel is a major component.

The rise in cost of living will not, however, particularly bother the steelworkers themselves. In addition to the wage increase, the union also won the right to unlimited cost-of-living increases—as inflation boosts prices, the steelworkers will automatically receive extra money to cover the higher cost of living.

Most Americans, unfortunately, have no

such protection. And that means that the next round of inflation due to the steel settlement will translate into more budget trouble for the average householder.

The outlook is just as grim for the steel industry, if not more so. The American steelmakers face the prospect of boosting prices for their product at a time when they are already losing customers not only to other nations' steel industries but to the manufacturers of competitor materials.

At the time the steel industry chose to grant a costly wage hike rather than face a ruinous strike, in another bargaining crisis the railroads and the public were grappling with the other side of the choice—the rail strike had produced in 25 states situations described by the governors as ranging from "critical to disastrous."

Administration economists had estimated that the schedule of gradually escalating strikes would lop $50 billion off the nation's gross national product if it ran on through August. Needless to say, the main victim in such an economic disaster would be the innocent bystander, the public.

As matters now stand, many wage disputes present the management side with a choice between two unpleasant alternatives—a sudden work stoppage or an inflationary settlement that boosts costs and prices. This dilemma could be regarded by the public as all in the game—except that it is upon the public that both the costs and the inconveniences of either alternative fall.

It is time for Congress to provide the public with protection from economic damage caused by bargaining disputes in critical industries. Certainly the American people deserve better than to be cast always in the role of hostage in confrontations between labor and industry.

The right to collective bargaining is a valued one, but like any other right, when the exercise of that right begins to injure others the time has come to ask whether the right is being abused.

[From the Minneapolis Star, Aug. 3, 1971]

A High Price for Labor Peace

One unnecessary strike is over, and another has been averted. The news that an agreement has been reached ending the selective strikes against 10 railroads is welcome, as is the last-minute agreement, without a strike, on a labor contract for the steel industry.

The price that will have to be paid for those settlements is something else again, however. The steel contract, calling for an inflationary 31 percent wage increase for three years, plus a cost-of-living escalator clause, was hardly announced before the industry began increasing prices. It was a classic example of cost-push inflation: As labor cost rise, prices are pushed up. Neither move was unexpected, but aside from a perfunctory jawboning effort that included a call for a "constructive settlement," President Nixon did nothing to head off these inflationary steps.

The selective railroad strikes, conducted by the United Transportation Union, were unnecessary because the settlement terms on work rules changes were almost identical to those recommended months ago by a White House board. The strikes, although brief, brought layoffs to thousands of workers in industries dependent on railroads, and resulted in shortages of foodstuffs and higher prices, particularly for fresh produce. Those prices, which rose quickly, will be a long time coming down.

The rail strike proved two things: that selective strikes work, and that unless the obsolete Railway Labor Act is overhauled, there will be more of the same. If Congress continues to drag its feet in reforming the act that governs bargaining in the rail and airline industries, it will be inviting more emergencies and crises in these critical areas.

[From the New York Times, Aug. 3, 1971]

Good Sense on the Rails

The Administration has won handsomely its gamble that it could persuade both sides in the long battle over modernizing railroad work rules to settle their dispute without a fresh recourse to Congress for no-strike legislation.

The agreement worked out yesterday after marathon negotiations presided over by that new ironman of industrial troubleshooters, Assistant Secretary of Labor W. J. Usery, Jr., means a resumption of normal operations on struck roads that carry half of all the nation's railway freight.

But, much more important, the pact provides a formula for resolving once and for all the interminable wrangle over abolition of the division points that have limited the standard work day on the railroads to the time it takes a train to run a hundred miles—something under two hours on a fast freight or a passenger train. If standing committees on each carrier do not agree on mutually acceptable revisions within ninety days, a tripartite task force will make binding decisions on new standards.

The settlement involves a few retreats on the admirable reforms recommended eight months ago by a Presidential fact-finding board, but these are far outweighed by the clearance finally given for bringing railroad work practices into the twentieth century before both the century and the industry follow the Iron Horse into oblivion.

The sound precedent set by the decision of the United Transportation Union to join the Brotherhood of Locomotive Engineers and other rail unions in updating rules should now be extended to the last major holdout area, the continued refusal of the U.T.U. to close out the dispute over firemen with no fires to tend. A formula for settling that issue has been available for many months. It is time to implement it.

[From the Wall Street Journal, Aug. 4, 1971]

Limited Relief for the Railroads

The agreement between the United Transportation Union and the railroads ends the dreary series of "selective" strikes and promises the railroads some relief from the union's costly make-work work rules. The settlement, however, does little to improve the outlook for the industry and its tangled labor relations.

Included in the pact, of course, was the 42% wage increase over 42 months, a huge increase in labor costs for an industry already deep in financial trouble. Added to this will be the expensive aid to workers who are laid off or moved to lower-paying jobs because of adoption of more reasonable work rules.

Even if the industry can absorb these costs, its labor future looks far from rosy. The UTU itself is still insisting that the industry recreate jobs for many firemen displaced years ago when it was apparent—to everyone but the union—that the jobs were no longer needed. Beyond that, the fragmented labor structure of the industry insures that one or more of the many unions will be back soon with new, and heavy, demands.

Some observers in Washington seem to think that the latest episode proves that collective bargaining, under persent laws, really can work on the railroads. As a consequence Congress, which hasn't exactly been setting speed records on proposed rail labor law revision, may now move even more slowly.

In the circumstances, such a reaction appears a little silly. In the latest dispute the provisions of the Railway Labor Act were exhausted last year. After extended legal maneuvers won the union the right to stage selective strikes, union officials did agree to talk, but only after the industry agreed to substitute a committee of railroad presidents for its usual bargainers.

While it's true that Congress this time did not have to pass a special law to settle the dispute, agreement was reached only after extended administration intervention. Somehow it's hard to see either the process or the product as proof of a revival of traditional collective bargaining.

As Labor Secretary James Hodgson said, "The kind of severely damaging strike to the nation's commerce that we have had as a result of the recent rail stoppages certainly dictates that Congress must come to grips with legislation to preclude these kinds of strikes."

THE SHARPSTOWN FOLLIES—XXXVI

The SPEAKER. Under the previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, when Frank Sharp bought the National Bankers Life Insurance Co., he needed $7.5 million to carry out the deal. He got the money by borrowing $4 million from his Sharpstown State Bank, and then by undertaking some financial magic that took the rest of the purchase price out of the insurance company itself.

Will Wilson is the man who negotiated that deal. He claims that he did not know then and does not know today where Frank Sharp got the money to buy that insurance company. On the other hand, Sharp says that Wilson was one of this two principal advisers. Now this raises an interesting question. If Wilson is lying, he has no business being an Assistant Attorney General. If Sharp is lying, he has committed perjury.

If Sharp has perjured himself, the Government has a duty to prosecute him, and also to request that Sharp's immunity order be lifted. The Government has a star witness in Sharp, and to get him, they granted him immunity. If Sharp is lying about the financing of that deal, he is no good as a witness in any case.

As for the $4 million Sharp borrowed from the Sharpstown State Bank, that amount was a million dollars in excess of the bank's legal lending limit.

Wilson was at that time general counsel for the Sharpstown State Bank. By his own account he is pretty much a wizard at analyzing financial statements. It is too much to believe that the bank's general counsel was not informed about a loan that far exceeded the bank's lending limit, or that a man of Wilson's self-proclaimed talents and scruples could not have discovered and denounced it.

A letter from Wilson introduced in a Dallas court hearing a few days ago indicates that Wilson approved at least one crazy National Bankers Life financing scheme, and I think that this is the same scheme that he denied having any knowledge of.

Somebody besides Frank Sharp knew how he financed the purchase of National Bankers Life, and knew that he was doing it by taking out illegal loans from his bank, and by using the company's own money to finance its purchase. Sharp says Wilson knew. Wilson says he did not. One of them is a liar, and I think that the public has a right to know which one. If it is Wilson, he should resign. If it is Sharp, the Government ought to lift his immunity order and prosecute him for perjury as well as his many other crimes.

PICKUP TRUCK EXCISE TAX REPEAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Runnels) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, since August 15, I have been listening and reading about the Nixon administration's tax proposals with a good deal of interest. As a New Mexico Congressman, I have attempted to determine how my constituents will be affected by the various measures submitted to Congress for consideration. During the period I have served in Congress, I have come to be somewhat wary of measures which will allegedly be of benefit to consumers or the public in general. It often happens that action must be taken to insure that these proposals will benefit my New Mexico constituents.

President Nixon's proposal to repeal the excise tax on passenger automobiles is a case in point. In going over President Nixon's and Secretary Connally's remarks, I find that this proposal refers exclusively to passenger automobiles. It does not cover pickup trucks. In New Mexico, approximately two out of every seven registered vehicles are trucks. A major portion of these trucks are small pickups which are used for everyday purposes in place of passenger automobiles. The typical New Mexican who owns a pickup truck does not use it in his business. He drives it to work, to the supermarket, and to our many recreation areas. More and more New Mexicans are spending their weekends in campers carried on pickup trucks. Certain New Mexico political figures even pride themselves on their campaigns from one end of the State to the other in pickup trucks. In short, the pickup truck is to many New Mexicans what the station wagon is to many Californians.

The inequity of excluding pickup trucks from legislation which would repeal certain motor vehicle excise taxes is obvious. It is my hope that this represents nothing more than an inadvertent error made as administration planners worked through the night on their new game plan. I doubt if Mr. Nixon intended to discriminate against those Americans who drive pickup trucks instead of sports cars or limousines.

Today I am introducing the Pickup Truck Excise Tax Repeal Act of 1971. This bill would repeal excise taxes on trucks having a gross vehicle weight of not more than 10,000 pounds. It would make floor stock refunds to pickup manufacturers and would grant purchaser refunds on all pickups bought after August 15, 1971. In effect, this bill would benefit the pickup purchaser to the same extent and in the same direct way as President Nixon's proposal will benefit the purchaser of a passenger automobile.

Should any of my colleagues question the equity involved here, I suggest they contact their State department of motor vehicles to determine exactly what portion of their constituency owns pickup trucks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Wiggins (at the request of Mr. Arends), for the balance of the week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Fish), to revise and extend their remarks, and to include extraneous matter:)

Mr. Keith, today, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Steiger of Arizona, today, for 5 minutes.

Mr. Harvey, today, for 5 minutes.

(The following Members (at the request of Mr. Runnels), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Runnels, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Fish) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. McKinney.

Mr. Quillen.

Mr. Springer in two instances.

Mr. Whalley.

Mr. Chamberlain.

Mr. Morse.

Mr. Carter.

Mr. Baker.

Mr. Teague of California in two instances.

Mr. Hosmer in two instances.

Mr. Schmitz.

(The following Members (at the request of Mr. Runnels) and to include extraneous matter.)

Mr. Hungate in two instances.

Mr. Annunzio in six instances.

Mr. Waldie in six instances.

Mr. Begich in five instances.

Mr. Fraser in five instances.

Mr. Drinan.

Mr. Fountain in six instances.

Mr. Kluczynski in three instances.

Mr. Hagan in three instances.

Mr. Gonzalez in three instances.

Mr. Rooney of Pennsylvania.

Mr. Hamilton in three instances.

Mr. Long of Maryland in two instances.

Mr. Fauntroy in five instances.

Mr. Rarick in three instances.

Mr. Edwards of California in three instances.

Mr. Flowers in three instances.

Mr. Runnels.

Mr. Burke of Massachusetts in two instances.

Mr. Bingham in three instances.

Mr. Anderson of California in two instances.

Mr. Johnson of California in two instances.

Mr. Rosenthal.

Mr. Rooney of New York.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 20, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 22, 1971 at 12 o'clock noon.

MOTION TO DISCHARGE COMMITTEE

April 1, 1971.

To the Clerk of the House of Representatives:

Pursuant to clause 4 of rule XXVII (see rule on page 7), I, Chalmers P. Wylie, move to discharge the Committee on the Judiciary from the consideration of the joint resolution (H.J. Res. 191) entitled "A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings," which was referred to said committee January 22, 1971, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Chalmers P. Wylie.
2. John E. Hunt.
3. John Ware.
4. Clarence E. Miller.
5. C. W. Bill Young.
6. J. Irving Whalley.
7. Paul Findley.
8. Ken Hechler.
9. Tom Bevill.
10. Tim Lee Carter.
11. Fletcher Thompson.
12. Jack Brinkley.
13. Philip M. Crane.
14. Edwin D. Eshleman.
15. William Lloyd Scott.
16. Edward A. Garmatz.
17. James G. Fulton.
18. Walter S. Baring.
19. Kenneth J. Gray.
20. Albert W. Johnson.
21. Thaddeus J. Dulski.
22. Ben B. Blackburn.
23. John G. Schmitz.
24. William J. Keating.
25. G. William Whitehurst.
26. Robert L. F. Sikes.
27. Joseph P. Addabbo.

28. Harold R. Collier.
29. Carlton J. King.
30. Bill Nichols.
31. John M. Ashbrook.
32. Lawrence G. Williams.
33. Samuel S. Stratton.
34. Charles Thone.
35. G. V. (Sonny) Montgomery.
36. John Buchanan.
37. J. Kenneth Robinson.
38. Harold D. Donohue.
39. Elford A. Cederberg.
40. James H. (Jimmy) Quillen.
41. Durward G. Hall.
42. Donald D. Clancy.
43. John Kyl.
44. Richard G. Shoup.
45. Joseph M. Gaydos.
46. Thomas E. Morgan.
47. John H. Dent.
48. John H. Terry.
49. Elwood Hillis.
50. John J. Duncan.
51. William G. Bray.
52. Alton Lennon.
53. William L. Dickinson.
54. Walter E. Powell.
55. John N. Happy Camp.
56. John J. Flynt, Jr.
57. LaMar Baker.
58. Frank A. Stubblefield.
59. Clement J. Zablocki.
60. James A. Burke.
61. Bill Chappell, Jr.
62. Joe D. Waggonner, Jr.
63. James A. Byrne.
64. M. G. (Gene) Snyder.
65. Barry M. Goldwater, Jr.
66. William L. Springer.
67. Earl F. Landgrebe.
68. Robert H. Michel.
69. Keith G. Sebelius.
70. Robert N. C. Nix.
71. Wayne L. Hays.
72. Richard H. Ichord.
73. Charles S. Gubser.
74. John Y. McCollister.
75. Charlotte T. Reid.
76. Ed Jones.
77. Lawrence J. Hogan.
78. Louise Day Hicks.
79. James M. Hanley.
80. J. Herbert Burke.
81. James C. Cleveland.
82. George W. Collins.
83. Earl B. Ruth.
84. John M. Zwach.
85. J. William Stanton.
86. R. Lawrence Coughlin.
87. Walter B. Jones.
88. Manuel Lujan, Jr.
89. Charles W. Sandman, Jr.
90. Joseph P. Vigorito.
91. William H. Harsha.
92. Gus Yatron.
93. James A. Haley.
94. John Melcher.
95. Ray Blanton.
96. James M. Collins.
97. William A. Barrett.
98. Leonor K. (Mrs. John B.) Sullivan.
99. Charles E. Bennett.
100. G. Elliott Hagan.
101. James R. Grover, Jr.
102. Garner E. Shriver.
103. Norman F. Lent.
104. Alvin E. O'Konski.
105. Robert C. McEwen.
106. Teno Roncalio.
107. Wilmer (Vinegar Bend) Mizell.
108. O. C. Fisher.
109. John W. Wydler.
110. Guy Vander Jagt.
111. George W. Andrews.
112. Louis C. Wyman.
113. John Jarman.
114. Tom S. Gettys.
115. Walter Flowers.
116. Herman T. Schneebeli.
117. Dan Kuykendall.
118. Joel T. Broyhill.
119. Robert B. (Bob) Mathias.
120. Vernon W. Thomson.
121. Joseph M. McDade.
122. James R. Mann.
123. Frank J. Brasco.
124. James A. McClure.
125. Larry Winn, Jr.
126. Jamie L. Whitten.
127. John R. Rarick.
128. Harley O. Staggers.
129. Robert H. Mollohan.
130. William H. Natcher.
131. Bob Wilson.
132. George E. Shipley.
133. Jack Edwards.
134. Don Fuqua.
135. Ray Roberts.
136. H. R. Gross.
137. Robert Price.
138. Sherman P. Lloyd.
139. Carl D. Perkins.
140. Alexander Pirnie.
141. John Dowdy.
142. Craig Hosmer.
143. Richard H. Fulton.
144. Wm. J. Randall.
145. Louis Frey, Jr.
146. James F. Hastings.
147. Jack H. McDonald.
148. Ancher Nelsen.
149. John Paul Hammerschmidt.
150. Philip E. Ruppe.
151. William R. Anderson.
152. Mario Biaggi.
153. Richardson Preyer.
154. David N. Henderson.
155. Ella T. Grasso.
156. Don H. Clausen.
157. W. S. (Bill) Stuckey, Jr.
158. Mendel J. Davis.
159. Robert H. Steele.
160. Paul G. Rogers.
161. L. H. Fountain.
162. Nick Galifianakis.
163. Shirley Chisholm.
164. Jack F. Kemp.
165. Patrick T. Caffery.
166. James Kee.
167. Frank E. Denholm.
168. Omar Burleson.
169. Earle Cabell.
170. William R. Roy.
171. Torbert H. Macdonald.
172. Floyd Spence.
173. Harold Runnels.
174. W. C. (Dan) Daniels
175. Thomas P. O'Neill, Jr.
176. Roy A. Taylor.
177. William B. Widnall.
178. J. Edward Roush.
179. Otto E. Passman.
180. Fred. B. Rooney.
181. Sam Steiger.
182. Wright Patman.
183. Bill Alexander.
184. Seymour Halpern.
185. Frank M. Clark.
186. Ralph H. Metcalfe.
187. Charles M. Teague.
188. Martha W. Griffiths.
189. John M. Slack.
190. John H. Rousselot.
191. John L. McMillan.
192. Dawson Mathis.
193. Roman C. Pucinski.
194. Peter A. Peyser.
195. John C. Kluczynski.
196. James J. Howard.
197. Tom Railsback.
198. William S. Broomfield.
199. Tom Steed.
200. William J. Scherle.
201. Silvio O. Conte.
202. Wendell Wyatt.
203. Donald W. Riegel, Jr.
204. Watkins M. Abbitt.
205. Thomas N. Downing.
206. Paul N. McCloskey, Jr.
207. Fernand J. St Germain.
208. Robert O. Tiernan.
209. Charles Raper Jonas.
210. Speedy O. Long.
211. Thomas G. Abernethy.
212. Jackson E. Betts.
213. George A. Goodling.
214. Samuel L. Devine.
215. Joe L. Evins.
216. Jerry L. Pettis.
217. Floyd V. Hicks.
218. Charles J. Carney.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1151. A letter from the Attorney General, transmitting a draft of proposed legislation to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1152. A letter from the Attorney General, transmitting a draft of proposed legislation to facilitate and regulate the exchange of criminal justice information and to insure the security and privacy of criminal justice information systems; to the Committee on the Judiciary.

1153. A letter from the Secretary of Commerce, transmitting the eighth annual report of activities under Public Law 87–839, providing for the promotion of foreign commerce through the use of mobile trade fairs, pursuant to section 212(d) of the law; to the Committee on Merchant Marine and Fisheries.

RECEIVED FROM THE COMPTROLLER GENERAL

1154. A letter from the Comptroller General of the Untied States, transmitting a report on the limited use of Federal programs to commit narcotic addicts for treatment and rehabilitation, Department of Justice and Department of Health, Education, and Welfare; to the Committee on Government Operations.

1155. Comptroller General of the United States, transmitting a report on the environmental and economic problems associated with the development of Burns Waterway Harbor, Ind., Corps of Engineers (Civil Functions) of the Department of the Army, Environmental Protection Agency, and National Park Service of the Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BENNETT. Committee on Armed Services. H.R. 2566. A bill to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands (Rept. No. 92-482). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI. Committee on Post Office and Civil Service. House Resolution 596. Resolution disapproving the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems (Rept. No. 92-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee. Committee on Rules. House Resolution 608. Resolution providing for the consideration of H.R. 10351, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. (Rept. No. 92-484). Referred to the House Calendar.

Mr. YOUNG of Texas. Committee on Rules. House Resolution 609. Resolution providing for the consideration of 9166, a bill to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. No. 92-485). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 10774. A bill to amend chapter 35 of title 38, United States Code, so as to provide educational assistance at secondary school level to eligible widows and wives, without charge to any period of entitlement the wife or widow may have pursuant to sections 1710 and 1711 of this chapter; to the Committee on Veterans' Affairs.

H.R. 10775. A bill to amend title 38 of the United States Code to entitle widows of persons who die of service-connected disabilities incurred in Vietnam to educational assistance for courses pursued by correspondence; to the Committee on Veterans' Affairs.

By Mr. DANIELSON:

H.R. 10776. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for certain wages; to the Committee on Ways and Means.

H.R. 10777. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 10778. A bill to amend section 4492 of the Internal Revenue Code of 1954 to exempt from the tax on the use of civil aircraft, antique aircraft which received their type certificates before 1941; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 10779. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

H.R. 10780. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. HARVEY (for himself, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. FISHER, Mr. FORSYTHE, Mr. HAMILTON, Mr. HASTINGS, Mr. HUNT, Mr. NELSEN, and Mr. WARE):

H.R. 10781. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 10782. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. HORTON (for himself, Mr. BARING, Mr. COLLIER, Mr. NICHOLS, and O'NEILL):

H.R. 10783. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HUNGATE (for himself, Mr. LINK, and Mr. BROYHILL of Virginia):

H.R. 10784. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUTCHINSON:

H.R. 10785. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 10786. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mr. BEGICH, Mr. DANIELSON, and Mr. HOLIFIELD):

H.R. 10787. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 10788. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. McCULLOCH (for himself, Mr. POFF, Mr. HUTCHINSON, and Mr. McCLORY):

H.R. 10789. A bill to facilitate and regulate the exchange of criminal justice information and to ensure the security and privacy of criminal justice information systems; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 10790. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969; to the Committee on the District of Columbia.

By Mr. O'NEILL:

H.R. 10791. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. STEPHENS, Mr. WIDNALL, and Mr. J. WILLIAM STANTON):

H.R. 10792. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. PETTIS:

H.R. 10793. A bill to amend the Internal Revenue Code of 1954 to provide that the investment credit will be available for certain research and experimental expenditures; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 10794. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 10795. A bill to encourage national development by providing incentives for the establishment of new or expand job-producing and job-training industrial and commerical facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 10796. A bill to exempt low income wage earners from wage controls issued under the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

H.R. 10797. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers excise tax on certain light duty trucks; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 10798. A bill to amend certain provisions of title 38, United States Code, relating to the Mexican border period; to the Committee on Veterans' Affairs.

By Mr. FULTON of Tennessee:

H.J. Res. 881. Joint resolution authorizing the President to proclaim the year 1971 as "A Year for Action to Combat Racism and Racial Discrimination"; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 882. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Con. Res. 405. Concurrent resolution expressing the sense of Congress with respect to the American Baseball League assuming responsibility for any loss in revenues for the Robert F. Kennedy Stadium that may occur if the franchise for the Washington Senators baseball team is moved from the District of Columbia; to the Committee on the District of Columbia.

By Mr. TALCOTT:

H. Res. 606. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Res. 607. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GUBSER introduced a bill (H.R. 10799), for the relief of Mrs. Myrella Majluf, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

135. The SPEAKER presented petition of Romualdo A. Maturan, Dumaguete City, Philippines, relative to payment of the claims of members of the Philippine resistance army in World War II; to the Committee on the Judiciary.

SENATE—*Tuesday, September 21, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The prayer today is an American Indian prayer translated into English in 1887 by Chief Yellow Lark of the Sioux Tribe and recited by Chief Dan George of Canada's Squamish Indians when he appeared on the David Frost Show.

"Oh, Great Spirit, whose voice I hear in the winds, whose breath gives life to the world, hear me.

"I come to you as one of your many children.

"I am small and weak.

"I need your strength and your wisdom.

"May I walk in beauty.

"Make my eyes ever behold the red and purple sunset.

"Make my hands respect the things you have made, and my ears sharp to hear your voice.

"Make me wise so that I may know the things you have taught your children, the lessons you have written in every leaf and rock.

"Make me strong, not to be superior to my brothers, but to fight my greatest enemy—myself.

"Make me ever ready to come to you with straight eyes so that when life fades as the fading sunset my spirit may come to you without shame." Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

It is my pleasure to transmit to the Congress the 25th annual report of United States participation in the United Nations, covering events during calendar year 1970.

In my address to the United Nations on the occasion of its 25th anniversary ceremonies, I said that the United States "will go the extra mile in doing our best toward making the United Nations succeed." This has been true of the United States ever since the Charter was signed in San Francisco in 1945, and it will continue to be the case.

If the United Nations is to succeed, I believe that we must now work diligently to make it more effective and more responsive to the demands of today's world. It is clear, for instance, that we must improve the techniques for international cooperation as well as introduce greater efficiency in the operations of the UN system as we conduct more of our foreign affairs through multinational institutions. We achieved significant progress last year in this regard, and we intend to move rapidly now to accelerate the process.

In July 1970, I established a Commission for the Observance of the 25th Anniversary of the United Nations and asked it to reappraise the organization's potential and to make recommendations which would strengthen the organization and improve the effectiveness of U.S. participation. The thoughtful and comprehensive report which the Commission has recently submitted will help us form a fresh view of the capabilities and limitations of the United Nations, and its recommendations are now being given careful attention.

Much of what transpired in the United Nations and its related agencies during 1970 was of direct interest to the United States. For example, on October 24, 1970, the UN General Assembly adopted an International Development Strategy that charts an orderly course for multilateral assistance during the Second Development Decade, which began on January 1 of this year. Early in December, 1970, the Assembly adopted an American-initiated resolution calling for the humanitarian treatment of prisoners of war. The Assembly also overwhelmingly endorsed the establishment of a UN Fund for Drug Abuse Control, and appealed to members to join together in seeking the means to control the spread of drug addiction throughout the world. And on December 16 the International Civil Aviation Organization, a specialized agency of the United Nations, made progress toward controlling the crime of air piracy by adopting in The Hague a convention for the suppression of unlawful seizure of aircraft. The United States and 49 other Nations signed the convention on that day. The United Nations also took significant action to deal with other world concerns such as population control, the protection of our environment, and the use of the seas and seabed. We expect much more to be done.

In its peacekeeping role during 1970, the United Nations played a major part in encouraging better relations among the states of the Middle East, including an agreement to a new cease-fire which has been vital to maintaining the peace in that critical area of the world. U.N. forces and observers also continued to help keep the peace in the troubled areas of Cyprus and Kashmir. As the search continued for better methods of preserving the peace, the General Assembly on the last day of the 25th anniversary commemorative session, approved by acclamation a Declaration on Friendly Relations among States.

These were only a part of the broad spectrum of developments and accomplishments during 1970. It is gratifying, therefore, to add this volume to the record of U.S. participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, *September 20, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army, which was referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 20, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONFERENCE REPORT ON DRAFT EXTENSION—CONTROL OF TIME ON LIMITED DEBATE

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate at this time that on the hour to be allocated to the cloture motion before the vote thereon, half the time has been given to me.

I wish to transfer that time to the control of the distinguished Senators from California and Alaska (Mr. CRANSTON and Mr. GRAVEL) for whatever use they may see fit.

FEDERAL-STATE COMMUNICATIONS JOINT BOARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 360, H.R. 7048.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

H.R. 7048, to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as

used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 362), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of this legislation (H.R. 7048, as reported by the committee), is to establish a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate operations. It would establish a procedure whereby both Federal and State representatives participate in separations proceedings which were previously considered primarily at the Federal level, but it would retain in the Federal Communications Commission superintendence of the regulation of interstate telephone rates.

A. Separations

Title II of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201 ff. provides for regulation of interstate communications common carriers by the Federal Communications Commission. The Commission, in determining whether the rates charged by the various carriers are reasonable, must first determine a rate base for the utility. Thus it must determine the costs of rendering the service which the utility recovers from the public in the form of rates. The carrier is entitled to earn a reasonable return on its plant investment in common carrier service and to recoup its expenses reasonably incurred in furnishing the service.

Telephone utilities, however, are subject both to Federal and State regulation. The Federal Government regulates interstate carrier services while the States exercise jurisdiction over intrastate toll and local exchange services. While the jurisdictions are separate for interstate and intrastate services, the plant facilities are to a great extent the same for both. The household telephone instrument, for example, is the same whether the call is made intrastate or interstate. Thus, in order for each jurisdiction effectively to exercise its authority, procedures are needed to apportion the costs for services under each jurisdiction.

Separation of costs for each jurisdiction is not subject to precise definition. Nevertheless, the allocations of costs must be reasonable, i.e., the rate base for each jurisdiction must have appropriate correlation to the different uses of the commonly used plant. See *Smith* v. *Illinois Bell Telephone Co.*, 232 U.S. 133 (1930); *Minnesota Rate Cases*, 230 U.S. 352, 435 (1913). Accordingly, the Commission is not free arbitrarily to determine the rate base, but rather, it must first ascertain the plant costs and expenses upon which to base interstate telephone rates.

The telephone industry in the United States is vast. In 1969, for example, over 100 million telephones accounted for approximately 169 billion calls of which 9½ billion were toll calls (intrastate and interstate). The Bell System accounted for 96 million of these telephones and 160 billion calls. Out of 577 million miles of wire (including cables) for telephone carriers, the Bell System owned 554 million miles. The gross plant investment of all telephone carriers was $51.7 billion with Bell's plant investment amounting to $48.7 billion, and total operating revenues in 1969 were $16.8 billion for all carriers, $16 billion of which was Bell's. The Federal Communications Commission regulates approximately 30 percent of the Bell System plant; the States regulate the rest.

Although the States regulate, in the aggregate, 70 percent of Bell's plant investment, no one State has jurisdiction over as much as the approximately 30 percent regulated by the Federal Communications Commission, and the interests of the various States can be different. More importantly, the Federal Government preempts the States in the area of Federal jurisdiction. Thus, if the Commission declares its rate base to include certain costs, these costs are not used in determining a State's rate base; conversely, if the Federal Communications Commission does not use certain costs, the State may be left with these costs in determining its rate base—and correspondingly higher rates for local services to the local consumer.

The determination of the rate base at the Federal level, then, has a strong relation to the rates which are charged at the local level. Accordingly, the procedures for establishing the separations of plant and expenses at the Federal level have invoked great concern among the States as manifested by the interest expressed by the National Association of Regulatory Utility Commissioners (NARUC).

When, for technological or other reasons, Bell's rate of return is expected to exceed reasonable limits, the Federal Communications Commission can move to reduce interstate rates. Since the Commission was formed in 1934, it has consistently reduced interstate rates. These reductions are not to be confused with shifts in revenue requirements resulting from modifications in separations procedures. Since such shifts cannot be arbitrary, they cannot be occasioned by the fact that Bell would otherwise have excess earnings. Nevertheless, shifts of revenue requirements from intrastate to interstate operations do reduce the interstate rate of return. The Commission has made such shifts, prior to 1970, in several occasions as follows:

SEPARATIONS CHANGES TRANSFERRING REVENUE REQUIREMENTS FROM STATE TO INTERSTATE OPERATIONS PRIOR TO 1970 [1]

[In millions of dollars]

Year	Change	Revenue requirement (time of change)	Revenue requirement (current value)
1947	Simplification in methods	13	80
1952	Charleston plan	30	235
1956	Modified Phoenix	40	140
1962	Simplification in methods	46	90
1965	Exchange plant plan	134	177
1969	FCC plan	108	108
1969	Mechanical changes	35	35
	Total	406	865

[1] It should be noted that annual revenue of the Bell System increased during this period (1947-1969) from $4,000,000,000 to $14,500,000,000.

B. FCC–NARUC cooperation

The above separations revisions resulted from either the recommendations of a committee of staff members of the Federal Communications Commission and State commissions, formed in 1941 to formulate equitable and simple separations procedures, or from Federal Communications Commission hearings on the subject (such as Docket No. 16258). In addition, the Commission has provided for NARUC observers at informal conferences with the Bell System under the "continuing surveillance" procedures. "Continuing surveillance" is a continuous study and review of the carrier's interstate earnings whereby the Commission and the carrier agree to voluntary rate reductions when warranted by the company's overall level of earnings. This procedure, according to the Commission, reduces the regulatory lag which is usually present in drawn-out hearings; it also saves both public and private resources.

Since January 1969 when the FCC–NARUC Separations Manual was made part of the FCC's rules, NARUC has had at its disposal the opportunity to petition the Commission for rulemaking to change separations procedures. Nevertheless, NARUC found the existing methods of arriving at separations procedures to be insufficient for adequate expression of the interests of the States.

The FCC, by letter of March 17, 1970, to the NARUC, suggested that pending jurisdictional separations proposals be considered by a Federal-State joint board. The FCC on May 20, 1970, adopted a notice of proposed rulemaking and order convening the joint board pursuant to its authority under the Communications Act of 1934, as amended, 47 U.S.C. 410.

That joint board operated under procedures almost identical to those which would be mandatory by H.R. 7048. Thus, the board consisted of three FCC commissioners and four State commissioners nominated by NARUC, with the Chairman of the FCC serving as the chairman of the joint board.

On August 6, 1970, the joint board convened, and a week later it recommended proposed rule changes to the FCC. Shortly thereafter, the Commission issued a further notice of proposed rulemaking, calling for comments from interested parties on the proposal—the so-called Ozark plan—of the joint board. On October 28, 1970, the Commission adopted a report and order which adopted the recommendations of the joint board on jurisdictional separations. The revised procedure resulted in an additional shift of approximately $126 million in revenue requirements from intrastate to interstate operations.

Your committee was kept advised of developments as they arose during this period. These developments demonstrated a further attempt on the part of both the FCC and the States to cooperate in setting separations procedures.

During these proceedings, the FCC and the NARUC reached agreement on legislation which would write into law the procedures then being followed. This legislation is H.R. 7048 which passed the House on August 2, 1971.

PROVISIONS OF THE BILL

In essence, H.R. 7048 would make mandatory the procedures voluntarily followed last year in the formulation of the Ozark Plan.

H.R. 7048 would amend section 410 of the Communications Act of 1934, as amended, 47 U.S.C. § 410, to provide for a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate services. As in section 410(a) of the act, the proposed section 410(c) would provide that the joint board's decision in the equivalent of an examiner's opinion in that it would "prepare a recommended decision for prompt review and action by the Commission."

The joint board would have seven members: Three FCC Commissioners selected by the Commission and four State commissioners nominated by the national organization of State commissions, and approved by the Federal Communications Commission. The Chairman of the Federal Communications Commission would be the chairman of the joint board if he is on the board. Otherwise, the full Commission would designate the chairman of the joint board.

The bill would require that once the Commission institutes a proceeding pursuant to a notice of proposed rulemaking regarding jurisdictional separations it must refer the matter to the joint board. However, the Commission could deny a petition for rulemaking without first referring it to the joint board. The Commission may, in addition, refer other communications common carrier matters of concern to both Federal and State governments to the joint board except where such action would run counter to the general provisions of section 409 of the act relating to adjudicatory cases and depositions, subpoenas and other matters regarding witnesses.

When the Commission considers the recommended decision of the board, or other orders of decisional importance regarding the separations proceeding, it must allow the State members of the joint board the opportunity to sit *en banc* with the Commission for oral arguments and deliberations. In order to retain Federal superintendence in this field, however, the State members would not vote on the final decision.

C. Legislative consideration

The House Subcommittee on Communications and Power held hearings on H.R. 7048 on June 28, 1971. The Chairman of the FCC and the President of the NARUC testified in favor of H.R. 7048, and no one appeared in opposition to it.

Your committee has in recent weeks received many communications from a substantial number of State regulatory commissions throughout the United States urging immediate action. In addition, it held extensive hearings in the Ninety-First Congress on this matter. At those hearings, besides the FCC, representatives from over 40 State utility commissions appeared or filed statements.

CONCLUSION

The procedures for setting jurisdictional separations of costs and expenses for interstate and intrastate communications carrier operations should be decided with both Federal and State participation. The provisions of H.R. 7048 would achieve the purpose of joint participation without abandoning Federal superintendence in the field.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Enactment of the bill will not result in any additional cost to the Government.

The committee is not aware of any estimates of cost by any Federal agency which are different from the estimate made by the committee in the preceding paragraph.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. BYRD) is now recognized for 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against the time allotted to me.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JUDGE ALEXANDER'S INTEMPERATE BEHAVIOR

Mr. BYRD of West Virginia. Mr. President, on August 18, while the Congress was in recess, news stories appeared in the Washington press concerning the conduct on the bench of Judge Harry T. Alexander of the District of Columbia Superior Court. These articles stated that Judge Alexander, who was appointed to a 10-year term on November 3, 1966, dismissed criminal charges against a youth in his court because a police officer, testifying against the youth, referred to the complainant in the case by her name only, without the prefix of "Miss" or "Mrs." The youth who was freed was charged with receiving stolen goods and with carrying a sawed-off shotgun.

When serious charges such as these are cavalierly dismissed on a flimsy pretext, I believe that crime in the District of Columbia is encouraged. I, therefore, wrote a letter on August 19 concerning this matter to Mr. Newell W. Ellison, the chairman of the District of Columbia Committee on Judicial Disability and Tenure. In the letter I stated that a prompt investigation of the facts should be made, and that appropriate action should be taken to insure that such intemperate behavior by this judge would be halted.

Reports of my letter were carried in the press, together with comments by Judge Alexander regarding the dismissal of the case. In the Washington Post of August 20, it was stated that the judge claimed the article had not been accurate, and he was quoted as saying that the charges against the youth had been dismissed because of the "government's obstinance and refusal to go forward—after the policeman was reprimanded."

I have carefully read the transcript of the proceedings in Judge Alexander's courtroom on the day in question, and I am convinced—on the basis of the transcript itself—that Judge Alexander acted with gross impropriety.

The official transcript shows that the action, a probable cause hearing, began at approximately 12:53 p.m. on Friday, July 30, 1971, before Judge Alexander.

When the proceedings opened, Judge Alexander asked if the government was ready for probable cause hearing to which Attorney Michael Dearington, representing the government, replied in the affirmative. Thereupon the government witness, Detective Patrick T. Lanagan, assigned to the First District Detective Office of the Metropolitan Police Department was called.

The transcript then shows that the following occurred:

Q. Detective Lanagan, did you have occasion to investigate the theft of certain property from a Mrs. Mary Blackwell?

A. Yes, sir, I did.

Q. And, Detective Lanagan, would you relate the events leading up to the arrest of (name of juvenile deleted) please?

A. Yes, sir. Mary Blackwell of 1801—excuse me—1643 Potomac Avenue Southeast——

The COURT. Just a moment. How old is "Mary Blackwell"?

A. I believe she is 43, Your Honor.

The COURT. Have you ever been in my Court before?

A. Yes, Your Honor, in the old court.

The COURT. In the what?

A. In the old—

The COURT. There is no such thing in this City called old court. What Court was that?

A. The Court at Fifth and E, Your Honor.

The COURT. Did you say, Miss Blackwell?

A. No, sir, I said Mary Blackwell.

The COURT. Did you say—I know what you said.

What did you say?

Mr. DEARINGTON. Mrs. Blackwell, Your Honor.

The COURT. And, he comes back and says Mary Blackwell. Haven't you learned I don't tolerate that?

The WITNESS. I didn't know what you tolerated, Your Honor.

The COURT. I thought every policeman in the City knew that citizens had to be called Mr., Mrs., or Miss in my Courtroom. You didn't know that?

The WITNESS. I called her by her God given name, Your Honor.

The COURT. Well you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?

The WITNESS. As you direct, Your Honor.

The COURT. Who is your Superior?

The WITNESS. Inspector Dials.

The COURT. You tell Inspector Dials I don't like your impudence, and, don't you ever tell me about you calling a witness by her God given name.

Is there another witness in this case?

Mr. DEARINGTON. No, Your Honor.

The COURT. Well you get one. He is excused. We are taking a recess until 2:30, and get me another witness.

The transcript then shows that the hearing recessed at 1 p.m. and was reconvened at 2:50 p.m. When the hearing was resumed, Lanagan's superior, Inspector Dials, was present. Judge Alexander then continued his tirade against Lanagan, of which the following is a sample:

The COURT. Officer Lanagan called a 43-year-old woman by her quote, "God given name," unquote. I don't tolerate that. I thought every policeman in this City in the entire Department from Chief Wilson down knew that if in no other Court, in my Court citizens are respected. Officers are called Officer. They are detective, captain, inspector, chief or whatever. A witness in my Court calls witnesses, 43 year old, Miss, Mrs., or Mr. Officer Lanagan or Detective Lanagan, when asked why didn't he, gave the very rude insolent answer, I called her by her God given name.

The COURT. Anything the Detective wants to say?

Detective LANAGAN. No, Your Honor.

The COURT. Then get out of my Courtroom. I don't tolerate contemptuous conduct. I could put him in jail. Now that is arrogance. He does not have the sense enough to apologize, or whatever it takes.

There follows in the transcript a lengthy statement by Judge Alexander concerning "stool pigeons" in his court, a matter which had no apparent connection with the case under consideration.

During this statement, the following exchange occurred:

Detective Lanagan. If the Court feels I offended it, I apologize, Your Honor.

The Court. The Court feels it and the Court doesn't like it at all.

At 3 p.m. another recess was taken, with the court reconvening at 3:10 p.m., at which time Judge Alexander resumed his denunciation of "stool pigeons" in his court and "uncle toms." The following is a sample:

The Court. Another thing that I don't like are uncle toms, and I don't care whether they are clerks, marshals, bailiffs, prosecutors, or lawyers or Judges. I can't stand an uncle tom. I stand him less than I can stand a stool pigeon.

At 3:20 p.m. another recess was taken, with court reconvening at 3:30 p.m. Judge Alexander then asked the government's attorney if he was ready to proceed with the hearing, and the following occurred:

Mr. Dearington. No, Your Honor. At this time we are not prepared for probable cause. We would request that the Case be continued to Tuesday in compliance with the Code which provides for five days to present probable cause.

The Court. All right. I will give you the time. I won't be sitting and this young man will go home with his mother. I don't need to hear from the Social Worker.

Mr. Dearington. May it be continued to Tuesday for probable cause?

The Court. You can continue it for a month. In fact it is up to Mr. Wasserstrom (the defense attorney). How long do you want, sir? I hope it is a month.

Mr. Wasserstrom. Your Honor, I would ask that the probable cause be continued until—for a month.

The Court. You have got it. One month.

Judge Alexander made some additional remarks from the bench with respect to the continuance of the case and the conditions under which the youth would be released to his mother, and then the following occurred:

The Court. The date, one month is—since this is a Friday, it will be August 27.

* * * * *

Mr. Dearington. Your Honor, that is over the Government's objection.

The Court. Next case.

When the Government is so obstinate and arrogant, I couldn't care less about it's objection.

Mr. Dearington. Well it is in the Statute, Your Honor, not to exceed five days for probable cause.

The Court. That is for you. That is not for the Defense. That is to make the Government have its case ready and you are so obstinate today, you won't get the case ready and you had said it was ready. He can have a month.

Mr. Dearington. Can I have the date again? I am sorry, I didn't get it, please.

The Court. August 27th.

Mr. Dearington. Thank you, your Honor.

The Court. Your conduct is as obstinate as the Policeman's. There is no reason why that case couldn't have been heard today. In fact, call Mr. Wasserstrom back here. Ask him if he wants it dismissed.

(Mr. Wasserstrom was called back into the Courtroom.)

The Court. Go get your client.

(Thereupon, Mr. Wasserstrom left the Courtroom and returned with the Respondent.)

The Court. I can only handle obstinance with action.

* * * * *

Mr. Wasserstrom, I can give you, since the Government out of obstinance has declared itself not ready to go forward on this probable cause hearing today, this Court can take judicial notice and conclude that it is because this Court refused to tolerate the arrogance of one Detective Lanagan.

* * * * *

As an alternative to a continuance until August 27th I can give you a dismissal. I cannot give you a dismissal with prejudice, but sir, if it is brought back again you have a record and you can declare that the Government has been capricious and it is a denial of a speedy trial.

Mr. Wasserstrom. I would move the case—

The Court. Would you like to have a dismissal of the case

Mr. Wasserstrom. I would move the case be dismissed, Your Honor.

The Court. It is granted.

These samples taken from the transcript of the hearing indicate very clearly, I believe, that Judge Alexander acted in a highly unusual and arbitrary manner, to say the least, in dismissing this case without ever hearing any of the facts that had a bearing on it.

The judge sought to blame the dismissal on the so-called obstinance of the government, but the transcript of the proceedings shows that at one point, the judge told the government's attorney, Mr. Dearington, that Detective Lanagan—the only government witness—was excused, and the judge told Dearington to get himself another witness. Later the judge told Detective Lanagan, the government's witness, to get out of the courtroom. All of this occurred prior to the request by the government's attorney to continue the case over until the following Tuesday.

The matter apparently could have been disposed of during the afternoon, but for the fact that the judge consumed the afternoon with his lectures, following which he peremptorily dismissed the case, blaming it on the obstinance of the government and the arrogance of the officer but conveniently overlooking his own obstinance and arrogance which are so clearly revealed by the transcript of the proceedings.

To dismiss a case against a party during the preliminary phase in response to some extrinsic or extraneous circumstances brought on by a witness, as was done here, hardly comports with traditional notions of judicial demeanor, judicial restraint and impartiality.

Mr. President, I hope that all who have an interest in our courts will read the record of Judge Alexander's unseemly conduct for themselves. It is inconceivable that a judge, any judge, would let his own prejudices lead him to dismiss a case on such flimsy and irrelevant grounds.

It is especially regrettable that actions such as this should occur in the Nation's Capital, plagued as it is with so much unpunished crime. What an example to set. I sincerely hope that the Commission on Judicial Disability and Tenure, to whose chairman I wrote, will make a thorough inquiry into Judge Alexander's behavior and take appropriate action. Such capriciousness on the bench should not be allowed to go unchallenged.

I ask unanimous consent that the following be printed in the Record: The Washington Post story of August 18 dealing with Judge Alexander's action in this case; a Washington Daily News story of August 18 on the same subject; my letter of August 19, 1971, to the chairman of the District of Columbia Committee on Judicial Disability and Tenure; the Washington Post story of August 20, dealing with my letter; a Washington Post story of August 24, dealing with the District of Columbia Policeman's Association's reaction to Judge Alexander's behavior; a Washington Evening Star editorial of August 25 on "Alexander's Outbursts"; a Washington Daily News story of August 4, dealing with earlier conduct of Judge Alexander; and the transcript of the hearing.

There being no objection, the newspaper items, the letter, and the transcript were ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 18, 1971]

Gun Case Dismissed On Omission of "Mrs."

(By Maurine Beasley)

Superior Court Judge Harry T. Alexander has dismissed charges against a youth accused of possessing a sawed-off shotgun because a white policeman did not refer to a black woman complainant as "Miss" or "Mrs."

The action came at a confused proceeding at which the judge, who is black, complained of racial prejudice in court operations and accused acting Chief Judge James A. Belson of "planting a stool pigeon in my courtroom yesterday."

According to a transcript, the "stool pigeon" was a white prosecutor sent into the courtroom to pick up a file in another case involving a 12-year-old girl.

In that case Judge Belson, who is white, had received complaints that Judge Alexander had directed a court official to take the girl into his own home for the night.

The judge proposed that the girl, a runaway from Pennsylvania, go home with Alfred Burling, court fiscal officer, after Burling said the court lacked funds to carry out Alexander's original order—to place the girl in a hotel with a matron. The judge finally decided she should go to a shelter house.

In dismissing the charge against the youth, who is 16 and black, Judge Alexander referred numerous times to the "stool pigeon" sent into his courtroom. He said he disliked "the idea that white people can get together behind a black man's back no matter where he is and do their thing."

The judge also dismissed a charge of receiving stolen property against the youth. The dismissals came July 30, but court transcripts detailing the judge's actions were not made available until yesterday.

The transcripts show the judge began his stormy outburst shortly after the policeman, Det. Patrick T. Lanagan, took the stand as the government's first witness against the youth.

The defendant was charged with carrying the sawed-off shotgun July 28 in the 1800 block of Potomac Avenue SE, and receiving stolen property belonging to Mary Blackwell of 1643 Potomac Ave. SE.

According to the transcript Assistant Corporation Counsel Michael Dearington, who was prosecuting the case, asked Lanagan, "Would you relate the events leading up to the arrest of (the youth)?"

He replied, "Yes sir. Mary Blackwell of 1801—excuse me—1643 Potomac Ave. SE."

Judge Alexander then interrupted him, and the transcript gives the following exchange:

Judge Alexander: "Did you say, Miss Blackwell?"

Lanagan: "No, sir, I said Mary Blackwell."

Judge Alexander." . . . Haven't you learned I don't tolerate that? . . . I thought every policeman in the city knew citizens had to be called Mr., Mrs., or Miss in my courtroom. You didn't know that?"

Lanagan: "I called her by her God-given name, your honor."

Judge Alexander: "Well, you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?"

The judge then accused Lanagan of "impudence" and recessed the hearing until his superior, Inspector John Dials, appeared before him to apologize, describing Lanagan as using "just a poor choice of words."

The judge then launched into an attack on "stool pigeons," declaring that neither Judge Belson nor the Chief Judge (Harold H. Greene) "can stop me from doing anything I want to do."

". . . Black people are treated differently (in the court) but they can't be treated differently in my courtroom and that is not just because I am black. That is just because that is the way I am."

He then asked Assistant Corporation Counsel Michael Dowd, who he also had summoned before him, to identify the "stool pigeon." Dowd identified him as Assistant Corporation Counsel William Pease, acting at the request of Judge Belson, Replacing Greene temporarily as chief judge.

After several lengthy outbursts against the use of prosecutors as judges' "stool pigeons," Judge Alexander refused to continue the case against the youth for five days as the prosecutor's office desired, emphasizing that he "refused to tolerate the arrogance of one Detective Lanagan."

He told defense attorney Silas J. Wasserstrom to ask for a dismissal which he granted.

[From the Washington Daily News, Aug. 18, 1971]

Judges' Feud on Race Issue Reignites: "Every Citizen Has To Be Called Mr., Mrs., or Miss in My Courtroom"

(By Mary Ann Kuhn)

D.C. Superior Court Judge Harry T. Alexander dismissed charges of receiving stolen property and possession of a sawed-off rifle against a 16-year-old boy during a recent hearing after a white detective did not address the black victim as "Miss" or "Mrs."

As the detective said his first words, "Mary Blackwell," addressing the black victim, Judge Alexander interrupted. According to portions of the transcript, this followed:

Judge Alexander: "Did you say Miss Blackwell?"

Det. Lanagan: "No sir, I said Mary Blackwell."

Judge Alexander: "Haven't you learned I don't tolerate that?"

Det. Lanagan: "I didn't know what you tolerated, your honor."

Judge Alexander: "I thought every policeman in the city knew that citizens had to be called Mr., Mrs. or Miss in my courtroom. You didn't know that?"

Det. Lanagan: "I called her by her God given name, your honor."

Judge Alexander: "Well, you call her by my dictation, and that is Mrs. Blackwell. And don't you forget it. Is that clear?" (Mrs. Blackwell is 43.)

Det. Lanagan: "As you direct, your honor."

Then Judge Alexander, who asked Det. Lanagan the name of his superior, said: "You tell Insp. (John) Dials I don't like like your impudence, and don't you ever tell me about you calling a witness by her God given name."

"ARROGANT POLICEMEN"

The judge apparently called Insp. Dials to his courtroom. After the luncheon recess, the judge told the inspector: "Arrogant policemen don't make it. Arrogant policemen who are rude to the court don't make it either."

Insp. Dials told the judge that he has known Det. Lanagan "ever since he was a rookie policeman about 10 years ago and this is the first complaint of this nature I have ever had about him. I am sure he did not know that the court demanded the prefix, Mr. or Mrs."

Toward the end of the two-hour, late afternoon hearing, during which Det. Lanagan apologized to the judge, Judge Alexander accused the prosecutor of asking that the hearing be continued in several days "out of obstinance . . . because this court (the judge) refused to tolerate the arrogance of one Det. Lanagan." The judge then asked the defense lawyer if he wished him to dismiss the charges and when the lawyer said "yes," the judge did so.

"TREATED DIFFERENTLY"

The judge also said he was going to "show them (the detective) that I am supposed to have the same kind (of respect) as a white judge. Black people are treated differently. But they can't be treated differently in my courtroom . . . ."

That same day, July 30, Judge Alexander accused Judge James A. Belson of "planting" a prosecutor as a "stool pigeon" in his courtroom to "spy" on him. Judge Belson was acting as chief judge while Judge Harold H. Green was on vacation.

The day before, Judge Alexander demanded that a court official house a 12-year-old runaway girl from Pennsylvania in his home for the night or place her in a hotel room guarded by a matron rather than sending her to the Receiving Home.

"RACIST" JUDGES

The judge also accused three fellow judges, Leonard Braman, William C. Pryor and John D. Fauntleroy of fostering "racist" policies in juvenile court by allowing former offenders and those accused of crimes to counsel black children in the District.

Today, Chief Judge Greene said of Judge Alexander's remarks against other judges:

"I deplore Judge Alexander's remarks about Judge Belson and other judge's of this court. Unwarranted attacks on other judges can only injure the administration of justice. I'll be happy if you quote me on that."

In the case of the 16-year-old who was released by Judge Alexander, Det. Patrick T. Lanagan had just taken the stand at the request of Asst. Corporation Counsel Michael Dearington, to testify to the events leading up to the youngster's arrest.

In the case of the 12-year-old runaway, Judge Belson had been secretly told that Judge Alexander planned to house the runaway in the home of Alfred Burling, fiscal officer of the court, when Mr. Burling told the judge that the city government did not have the funds to place the girl in a hotel room until she received money from her family to be sent to her home in Pennsylvania.

According to court sources, Judge Belson ordered Asst. D. C. Corp. Counsel William Pease to sit in the courtroom and let him know as soon as possible what Judge Alexander decided to do with the runaway. Judge Alexander decided to house the girl at a youth shelter home for the night.

"I don't think a judge should use a prosecutor to spy on other judges," Judge Alexander told a reporter. "This young lady has no business being in a receiving home. She's no criminal."

When told Judge Greene said he felt Judge Belson had acted "properly", Judge Alexander retorted: "Did you ask Judge Greene whether he liked one judge spying . . . planting a stool pigeon in another judge's courtroom. Ask him. Ask him whether he approves of one judge spying on another."

Later, Judge Alexander said, "I think there are white people who can get together behind the back of a black man."

U.S. SENATE,
Washington, D.C., August 19, 1971.

Mr. NEWELL W. ELLISON,
Chairman, District of Columbia Committee on Judicial Disability and Tenure, Washington, D.C.

DEAR CHAIRMAN ELLISON: The Washington Post of August 18, 1971, contains a story detailing the conduct of Judge Harry T. Alexander of the Superior Court of the District of Columbia, in a recent case. In the article it is stated that charges against a youth accused of carrying a sawed-off shotgun and receiving stolen goods were dismissed because a police officer, testifying against the defendant, referred to the complainant in the case by her name only without the prefix "Miss" or "Mrs."

If this account is accurate, then Judge Alexander would appear to be guilty of capricious and frivolous conduct on the bench. The use of "Miss" or "Mrs." by the police officer would not seem to have had any bearing on the facts in this case. It is no wonder that hoodlums have a field day in the District of Columbia, when serious criminal proceedings are handled in such a manner. Judge Alexander has made a mockery of the dispensing of justice. Such petty behavior can only breed in the criminally-inclined arrogance where the rights of others are concerned and contempt for the law and the courts.

As a member of the Senate Judiciary Committee, I wish to strongly urge that the recently established District of Columbia Committee on Judicial Disability and Tenure, of which you are chairman, promptly investigate the facts of this case and take all appropriate action to insure that such petulant and intemperate behavior by this judge is halted. Conduct such as this is prejudicial to the administration of justice and tends to bring the entire judicial system into disrepute.

Prompt and vigorous action on the part of your committee in investigating judicial misconduct such as this can have a salutary effect upon the administration of justice in general and upon this judge in particular, who appears to feel that he is unbound by the American Bar Association's Canons of Judicial Ethics.

Sincerely yours,

ROBERT C. BYRD,
U.S Senator.

[From the Washington Post, Aug. 20, 1971]

Senator Assails District of Columbia Judge

(By Maurine Beasley)

Sen. Robert C. Byrd (D-W.Va) yesterday urged the local unit empowered to remove judges to take all appropriate action necessary to halt what he termed "petulant and intemperate behavior" by Superior Court Judge Harry T. Alexander.

In a strongly worded letter to the D.C. Commission on Judicial Disability and Tenure, the senator referred to a newspaper account of Judge Alexander dismissing charges against a youth because a white police officer referred to a black woman complainant by her name only, without the prefix "Miss" or "Mrs."

The 16-year-old defendant had been charged with carrying a sawed-off shotgun and receiving stolen goods.

"If this account is accurate, then Judge Alexander would appear to be guilty of capricious and frivolous conduct on the bench," Byrd wrote to Newell W. Ellison, commission chairman.

"The use of 'Miss' or 'Mrs.' by the police officer would not seem to have had any bearing on the facts in this case. It is no wonder that hoodlumns have a field day in the District of Columbia when serious criminal proceedings are handled in such a manner.

"Judge Alexander has made a mockery of the dispensing of justice," the senator, a member of the Senate Judiciary Committee, said. "Such petty behavior can only breed, in the criminally inclined, arrogance where the rights of others are concerned and contempt for the law and the courts."

Informed of the Byrd letter, the judge declined to comment except to claim the article had not been accurate.

He said the charges against the youth actually had been dismissed because of the "government's obstinance and refusal to go forward in the afternoon after the policeman was reprimanded."

The transcript of that July 30 proceeding shows that prosecutors sought a five-day postponement that Alexander declined to grant. He initially set a 30-day continuance and then reversed himself and told the youth's attorney to request a dismissal, which the judge then granted.

The Byrd letter is the second complaint against Judge Alexander made to the commission in less than a month.

The first came from a probation officer, John Gordon, who accused Judge Alexander of exhibiting "racial hatred" during a juvenile youth hearing.

The judge, who is black, severely criticized Gordon, who is white, for permitting a 16-year-old black youth charged with burglary to work with young black children. The judge charged Gordon and three other judges, two black and one white, with agreeing to "racism," by employing the philosophy that "anything is good enough for blacks."

Born in New Orleans 47 years ago, one of seven children of a shoemaker, the judge worked as a bootblack to help pay his way through Georgetown University Law School.

He says he turned to shining shoes after he tried in vain to get a job as a clerk or baliff at Wasington's old Municipal Court, now Superior Court.

In those days, the court had only one black baliff and didn't want any more, the judge recalled yesterday. After serving as a Justice Department attorney and assistant U.S. attorney, he was appointed to the bench in 1966, returning to the court where he once tried to get a job. He is one of 11 black judges out of 37 at Superior Court.

[From the Washington Post, Aug. 24, 1971]

Police Ask Review Of Court Incident

(By B. D. Colen)

The District of Columbia Policemen's Association yesterday asked the D.C. Commission on Judicial Disability and Tenure to review the recent courtroom behavior of Superior Court Judge Harry T. Alexander.

The association's request was similar to one made last week by Sen. Robert C. Byrd (D-W.Va.). Both the association and Byrd indicated their disapproval of Alexander's recent dismissal of a gun possession charge on the basis that a police officer testifying in the case failed to refer to the complainant as Miss or Mrs.

Judge Alexander, who is black, sternly reprimanded the officer, who is white, and that public reprimand, said Police Sgt. Lonnie Kishpaugh, association first vice president, "causes the average citizen to have little respect for the police officer."

Policemen, said Kishpaugh at a press conference yesterday, "should not be subject to . . . abuse, defamation and insult from the bench."

In its letter to the commission, the association, which represents metropolitan police, Executive Protective Service and U.S. Park Police officers, said, "we do not argue with Judge Alexander's belief that persons before the bench are entitled to all due respect and dignity. . . . However, we feel that Judge Alexander's demand for respect appears to be on the basis of 'do as I say, not as I do.' "

Kishpaugh said the association was not upset that the officer was corrected by the judge in open court, but rather by the manner in which the judge addressed the officer, and the judge's inference that the policeman was acting in a racist manner.

Kishpaugh said the association would prefer to see judges take policemen into their chambers if they feel reprimands are necessary, or, at least, to hold a bench conference.

The association, said Kishpaugh, hopes the commission will give Judge Alexander instructions regarding his behavior. The commission has the power of impeachment, a step Kishpaugh said the association did not advocate.

[From the Washington Star, Aug. 25, 1971]

Alexander's Outbursts

Responding to news reports of the courtroom conduct of Superior Court Judge Harry T. Alexander, Senator Byrd of West Virginia has urged the new D.C. Commission on Judicial Disability and Tenure to look into the situation as a watchdog of the court. It is fair to assume that the senator's reaction is shared by a broad spectrum of the Washington community.

Some days ago we commented in these columns on the intemperance of an Alexander outburst in which the judge, who is black accused some of his colleagus of "racism." Senator Byrd's letter was stimulated by court transcript accounts of yet antoher episode. This time, Alexander dismissed charges against a black teen-ager accused of carrying a sawed-off shotgun, after a furor in which the judge lambasted a white police officer who referred to a black woman complainant in the case by her first and last names only, without use of the prefix "Miss" or "Mrs."

Calling for whatever means are necessary to halt such "petulant and intemperate behavior," Byrd said it was difficult to see how the use of "Miss" or "Mrs." in referring to the complainant could have had a significant bearing on the facts of the case—and of course there was no bearing at all. Whatever provocation the judge felt he had to dispute the officers manner of testimony, the dropping of the case was most certainly a miscarriage of justice.

According to the quoted transcript, Alexander had said that every policeman should know that all "citizens had to be called 'Mr.', 'Mrs.' or 'Miss' in my courtroom." In a later interview with a Star reporter, he said he always insists that dignity and respect be extended everyone and asked, What's wrong with having people respected?"

The answer to that generalized question is not only that nothing is wrong, but that indeed a judge's duty is to maintain an atmosphere of dignity and respect in the courtroom. That can hardly occur, however, unless the judge abides by those same precepts in his own courtroom demeanor.

There is a healthy respect among Superior Court observers for Alexander's knowledge of the law, and there is little doubt that he takes his job seriously. But a quality of judicial temperance is no less essential. Without trying to guess what response, if any, the judicial commission will make to Senator Byrd's letter, our hope is that Judge Alexander will re-examine his own performance in the certain knowledge that too frequently it has been a cause of embarrassment destructive to fair play and justice regardless of race.

[From the Washington Daily News,
Aug. 4, 1971]

Judge Accused Of "Abusive" Conduct

(By Mary Ann Kuhn)

For the first time, a member of the D.C. Superior Court has publicly complained about a judge's "abusive" conduct to a commission which has the power to remove judges from the bench.

In a letter to the newly created D.C. Commission on Judicial Disabilities, and Tenure, John Gordon, a probation officer in the court's juvenile division, claimed that Judge Harry T. Alexander accused three judges, the court system and Mr. Gordon of "racism." Judge Alexander was complaining that former offenders and those accused of crimes are allowed to counsel young black children in the District.

The judge's outburst came as Mr. Gordon explained that a 16-year-old ex-offender, who is now accused of burglary, was employed as a counselor to black youngsters at the Hospitality House, 11th and H-streets ne.

The judge, who is black, said that the 16-year old should not be permitted to "ruin other youths." He called the counseling program "ridiculous." He charged that Judge Leonard Braman, William C. Pryor and John D. Fauntleroy were subscribing to "racism" by sending youngsters to programs in which ex-offenders are counselors.

And, Judge Alexander said, it was an insult to the black people of this city to allow such youngsters as the 16-year-old, "who needs rehabilitation," to counsel other youngsters.

"This is the hysteria of the city—keep it cool, keep it quiet and give these youth anything," the judge said. Several times the judge charged that the court was subscribing to a philosophy of "anything is good enough for the blacks."

When the judge asked Mr. Gordon, "What makes him (the youth) qualified to be a counselor?" Mr. Gordon replied, "I didn't get him the job, your honor."

At that point the judge ordered Mr. Gordon out of the courtroom, saying "I don't tolerate impudence," and asked to see Mary McDonough, his supervisor.

The judge told Miss McDonough that Mr. Gordon could not come back into the courtroom until he apologized. When she asked if the judge wanted the apology written or verbal, the judge said, "I want him—since he's big enough to come in here and be nasty, let him be big enough to come back here in person."

Mr. Gordon apologized, then explained that the youngster got the job on his own without the help of the probation department. The judge told Mr. Gordon, "Most of the souls that have your job here are not competent."

When Mr. Gordon told the judge that the reason he allowed the 16-year-old to be a counselor "is the fact I would rather see him employed than out on the streets"—the judge interrupted:

RUIN OTHERS

"Don't let him ruin other youths. Get him another job. That's what I mean—the philosophy 'anything is good enough for blacks. Even if it ruins other blacks.' You're part of the problem . . .

"That is what is wrong with this place," the judge said. "They've got too many people here who feel that they are up and mighty and above blacks and they're going to be do-gooders and try and do anything to keep the city cool and quiet, no matter who gets hurt, and that's not the role of a juvenile court and it's not the role of the probation department."

In his letter to the commission, Mr. Gordon wrote, "I am sorry to see a man so obviously intoxicated with legitimate power and racial hatred in such a position to make decisions on human lives.

"My concern and reason for writing this

letter is to express my total dissatisfaction and humiliation with the behavior of a man of such supposedly calibrated magnitude as a judge. I found Judge Alexander's remarks slanderous and entirely dogmatic and rather unbecoming to both me and my department."

[SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA, FAMILY DIVISION]

DISTRICT OF COLUMBIA VS. ———, RESPONDENT,
DOCKET NUMBERS J-4960-71

WASHINGTON, D.C.,
Friday, July 30, 1971.

The above-entitled action came on for a probable cause hearing before the Honorable Harry T. Alexander, Judge, in Courtroom Number 35, commencing at approximately 12:53 o'clock p.m.

Appearances:

On behalf of the Government: Michael Dearington, Esquire, Assistant Corporation Counsel.

On behalf of the Respondent: Silas J. Wasserstrom, Esquire, 209 Constitution Avenue, NE., Washington, D.C.

Larry F. Pavlish, Official Court Reporter.

PROCEEDINGS

The DEPUTY CLERK. In the Matter of Docket Number J-4960-71. State your date of birth.

The DEPUTY CLERK. Present in Court are—

The COURT. What was that date of birth, again?

The COURT. What school did you go to?

The COURT. At least you had a teacher who taught you to say fifty. Somewhere along the line you have learned it.

Proceed.

The DEPUTY CLERK. Present in Court are the Respondent's Attorney, Attorney Wasserstrom, the Respondent's Social Worker, Mr. Carter, the Respondent's mother.

The Petition alleges that said child, at about 11:05 p.m., July 28, 1971, near the eighteen-hundred block of Potomac Avenue, Southeast, in the District of Columbia, had in his possession a sawed off rifle in violation of 22 D.C. Code, 3214(a).

Petition number two alleges that at about 10:30 a.m., on July 29——

The COURT. That is count number two.

The DEPUTY CLERK. Thank you, Your Honor. Count number two alleges that said child at about 10:30 a.m. on July 29, 1971, at 409 17th Street, Southeast in the District of Columbia did receive or buy with intent to defraud, property stolen from Mary Blackwell consisting of one Philco TV Set and one Sony Tape Player, knowing or having cause to believe that said property was stolen in violation of 22 D.C. Code 2205.

The COURT. They are two separate and distinct petitions. Petition number 4960-71 charges possession of a prohibited weapon, to wit a sawed off rifle. Petition number two, number 4961-71 charges receiving stolen property.

Is the Government ready for Probable Cause Hearing?

Mr. DEARINGTON. Yes, we are, Your Honor.

The COURT. Let's proceed.

Mr. DEARINGTON. The Government calls Detective Lanagan.

Whereupon, Patrick T. Lanagan, having been called as a witness for and on behalf of the Government, and having been first duly sworn by the Deputy Clerk, was examined and testified, as follows:

DIRECT EXAMINATION

By Mr. Dearington:

Q. Detective Lanagan, Would you state your full name and duty assignment?

A. Patrick T. Lanagan, assigned to the First District Detective Office, Metropolitan Police Department.

Q. Detective Lanagan, did you have occasion to investigate the theft of certain property from a Mrs. Mary Blackwell?

A. Yes, sir, I did.

Q. And, in connection with that investigation, did you have occasion to arrest an (name of person deleted)?

A. I did, yes, sir.

Q. And, Detective Lanagan, would you relate the events leading up to the arrest of (Name of juvenile deleted), please?

A. Yes, sir. Mary Blackwell of 1801—excuse me—1643 Potomac Avenue, Southeast——

The COURT. Just a moment. How old is "Mary Blackwell"?

A. I believe she is 43, Your Honor.

The COURT. Have you ever been in my Court before?

A. Yes, Your Honor, in the old court.

The COURT. In the what?

A. In the old——

The COURT. There is no such thing in this City called old court. What Court was that?

A. The Court at Fifth and E, Your Honor.

The COURT. Did you say, Miss Blackwell?

A. No, sir, I said Mary Blackwell.

The COURT. Did you say—I know what you said.

What did you say?

Mr. DEARINGTON. Mrs. Blackwell, Your Honor.

The COURT. And, he comes back and says Mary Blackwell. Haven't you learned I don't tolerate that?

The WITNESS. I didn't know what you tolerated, Your Honor.

The COURT. I thought every policeman in the City knew that citizens had to be called Mr., Mrs., or Miss in my Courtroom. You didn't know that?

The WITNESS. I called her by her God given name, Your Honor.

The COURT. Well you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?

The WITNESS. As you direct, Your Honor.

The COURT. Who is your Superior?

The WITNESS. Inspector Dials.

The COURT. You tell Inspector Dials I don't like your impudence, and, don't you ever tell me about you calling a witness by her God given name.

Is there another witness in this case?

Mr. DEARINGTON. No, Your Honor.

The COURT. Well you get one. He is excused. We are taking a recess until 2:30, and get me another witness.

(Whereupon, at 1:00 o'clock, p.m., the Court recessed for lunch.)

AFTERNOON SESSION

(Thereupon, at 2:50 o'clock, p.m., the Probable Cause Hearing was reconvened, at which time the following transpired:)

The COURT. I see Inspector Dials is here. I would like you to come up with the Officer, sir.

The most important thing in this City, Inspector, is police community relations. Arrogant policemen don't make it. Arrogant policemen who are rude to the Court don't make it either. This man to your right, Officer—what is his name?

Mr. DEARINGTON. Lanagan, Your Honor.

The COURT. Officer Lanagan called a 43 year old woman by her quote God given name unquote. I don't tolerate that. I thought every policeman in this City in the entire Department from Chief Wilson down knew that if in no other Court, in any Court citizens are respected. Officers are called Officer. They are detective, captain, inspector, chief or whatever. A witness in my Court calls witnesses, 43 years old, Miss, Mrs. or Mr. Officer Lanagan or Detective Lanagan, when asked why didn't he, gave the very rude insolent answer, I called her by her God given name.

Is there anything you want to say? This is a complaint and it is a complaint made in the forum form where the misconduct occurred. I don't tolerate it. I have only sent for one Inspector, and that is you, sir, because that kind of conduct can tear the City apart. If that man has got the kind of guts to act like that in this Courtroom he must be murder on the street.

Inspector DIALS. Your Honor, Detective Lanagan has worked with me since he came on as a rookie policeman about ten years ago and this is the first complaint of this nature I have ever had about him. I am sure he did not know the Court demanded the prefix, Mr. or Mrs. He has always been very courteous.

The COURT. Did he know he shouldn't tell the Judge after the Court told him?

Inspector DIALS. I agree.

The COURT. It is rude, insolent and impudent. He may not like me and I don't care about that. But this robe stands for something and so does that flag, and anybody that can't respect those two things, I don't need them in this Courtroom ever. There are places to put contemptuous people either by fine or by imprisonment, and I am not going to tolerate his impudence.

Inspector DIALS. Your Honor, I am quite sure Detective Lanagan did not deliberately become discourteous to you, probably just a poor choice of words, and I agree with you. I don't like that reply myself.

The COURT. Anything the Detective wants to say?

Detective LANAGAN. No, Your Honor.

The COURT. Then get out of my Courtroom. I don't tolerate contemptuous conduct. I could put him in jail. Now that is arrogance. He does not have the sense enough to apologize, or whatever it takes.

Inspector DIALS. Your Honor, I would feel sure Detective Lanagan—

The COURT. I just gave him an opportunity. And, I don't care how many stool pigeons are in this Courtroom. Now lets get this straight. Yesterday there was an incident—what is the name of that Prosecutor I asked you about?

Mr. DEARINGTON. Your Honor, I am not—I have yet to ascertain his name, Your Honor.

The COURT. Who thinks that Judge Belson is my Court of Appeals, who thinks that maybe the Chief Judge is my Court of Appeals. They aren't. Neither one of them can stop me from doing anything I want to do. That goes for the Clerks Office, the Prosecutors Office or anybody else who had anything to do with a jacket leaving my Courtroom and going to Judge Belson. Now I don't know where these peoples lawyers are, but some people think white men can get together and do anything behind a black man's back. Behind mine you have got trouble. A Prosecutor or Clerk goes to an Acting Chief Judge to tell what the sitting Judge is doing as if that can turn me around. Now anybody who wants to leave here can run out of this Courtroom, go to Judge Belson. Let him go, and he will get told the same thing he got told yesterday. I don't like that kind of conduct.

All right, Inspector Dials.

Inspector DIALS. I feel sure Detective Lanagan would apologize to the Court if he offered the Court, Your Honor.

The COURT. I gave him a chance. I gave him an opportunity. He offended not only me, but the Institution of the Judiciary. I called her by her God given name. Why is he in front of you?

Detective LANAGAN. If the Court feels I offended it, I apologize, Your Honor.

The COURT. The Court feels it and the Court doesn't like it at all.

Now, Inspector, I would suggest as for the sake of a healthy city, the worst thing in this City is community-police relations. If I hadn't been a Judge my head would have been hit and split, I don't know how many times. Only me with credentials or acknowledging or stating I was a Judge stopped it. It is not only by white policemen, black too. Now something has got to be done with police-community relations when it is so bad a policeman can come into the Courtroom and be nasty to the Judge, and that is pretty bad.

Just think of what the citizens suffer on the street. If he is going to be indignant, nasty and disrespectful to me, sir, he is not going to love any citizens out there. He is not going to be no officer friendly like those who ride around on scooters and walk beats and children say hello, and they don't even answer We talk about crime and crime rising, and the people don't even have friends out there who will say hello. An Officer doesn't lose anything for a reply or a returning hello. That is the kind of things we have out in the street which stops the detection of crime, and also, it is probably responsible for some children going astray.

Now, sir, it is very important for me to send for you, and I thought it was important because this was the height of indignance and I don't think you would tolerate it, knowing you from years and years previously. When I learned it was Inspector Dials who was the Inspector, I thought I would like to have him come. Thank you for coming and I hope you understand what I am saying, I don't think the Judge has to tolerate that. For the Record, I am not going to do it. I accept Detective Lanagan's apology, but let me say this. He wouldn't have said that to Chief Judge Curran and/or Judge Sirica. He just thinks he can disrespect some people. But when they come in here with that kind of attitude I am going to try and show them that I am suppose to have the same kind as a white Judge. And, I don't pull any punches with using the words, black and white. That is the problem in this city. Black people are treated differently. But they can't be treated differently in my Courtroom, and that is not just because I am black. That is just because that is the way I am.

Judge Belson, yesterday telling me about this case, he says to me—I said, "I don't believe anything is good enough for black children" and he said, "but that young lady wasn't black, was she?" Of course she wasn't black. She was a little white young lady that I give as much protection to as black people. I do as much for one as I do for the other. But that is the kind of thinking that prevails around here and that is the kind that tauts the administration of justice, and that is the kind that has to stop with Judges, with Prosecutors, with policemen and everybody else.

Sir, I thank you for coming.

Inspector DIALS. Thank you, Your Honor.

Mr. DEARINGTON. Your Honor, I summoned Mr. Dowd.

The COURT. I won't need Mr. Dowd unless he can tell me the name of the Prosecutor that acted as stool pigeon yesterday.

Mr. DOWD. Your Honor——

The COURT. Who was the young man that ran out of my Courtroom and promptly took the jacket to Judge Belson. That is not over with. Now who was it?

Mr. DOWD. That Attorney, Your Honor, was Mr. William Pease. He is presently in trial before Judge Stewart.

The COURT. I want to see him as soon as he is available.

Mr. DOWD. Very well, Your Honor.

The COURT. I don't like stool pigeons and I want him to know it. I want him to know Judge Belson can't make me do anything.

Mr. DOWD. First of all, Your Honor, as far as your reference to Mr. Pease as a stool pigeon——

The COURT. That is my reference.

Mr. DOWD (continuing). Mr. Pease was asked to come to your Courtroom by Judge Belson. He knew nothing about this matter until Judge Belson called him.

The COURT. Mr. Pease was asked by Judge Belson?

Mr. DOWD. That is correct, Your Honor.

The COURT. Take a recess.

(Whereupon, at 3:00 o'clock, p.m., a brief recess was called.)

(Thereupon, at 3:10 o'clock, p.m., the Court reconvened, at which time, the following transpired:)

The COURT. Mr. Dowd, I have tried to reach Judge Belson. He is sitting and I put in an urgent phone call to him. He didn't tell me yesterday that he planted Mr. Pease in my Courtroom, and I want him to know that the truth does not always remain in falsehood and surrounded by venal, but that I now know that Mr. Pease was doing what he was told to do and I am sorry that happened. But there comes a time when a man just has to tell the truth.

You are not going to get in any trouble for telling the truth about this thing, but you see, I don't tolerate that kind of administration of justice. It gives you young fellows, most of whom are white if not all, the idea that white people can get together just like I told Judge Belson yesterday evening, behind a black man's back no matter where he is and do their thing. And, that is not the administration of justice and I don't want anybody in your Office to think it is. It is not. It is the height of impropriety for an Acting Chief Judge to plant a stool pigeon in another Judge's Courtroom. I am sorry I have to say that, but I have got to call it just like it is.

Now I don't care who asks you, I don't want any plants in my Courtroom. The only man that is going to be in my Courtroom is the man that is going to be trying the case. Since you have got an office that is going to be stool pigeons against me, the only Prosecutor in here is going to be the Prosecutor that is presenting the evidence, one at a time. Sorry about that. Everybody else must go. Tell that to Judge Belson.

Mr. DOWD. Your Honor, first of all without—

The COURT. I think I told him that yesterday because I don't like stool pigeons and if I got any clerks that is like that, they are not going to be in here either.

Mr. DOWD. May I say, Your Honor—

The COURT. Another thing that I don't like are uncle toms, and I don't care whether they are clerks, marshals, bailiffs, prosecutors, or lawyers or Judges. I can't stand an uncle tom. I stand him less than I can stand a stool pigeon.

Yes, sir.

Mr. DOWD. Your Honor, may I say first of all my Office, the office which I am the Acting Head, the Juvenile Division does not have all white attorneys. We have—

The COURT. I said, most of whom.

Mr. DOWD. I am sorry.

The COURT. I know your office. I said most of whom if not all.

Mr. DOWD. I stand corrected.

The COURT. I know your office and every other office in this City that phrase applies to, Local and Federal.

Mr. DOWD. May I say this, Your Honor, in response to your statement. Mr. Pease like every other attorney in our office tries to cooperate with every Judge of this Court to the best of his ability. Mr. Pease, I know, was not acting in his view as a stool pigeon. He was simply responding to a request by the Acting Chief Judge when he received the call.

The COURT. I appreciate your saying that, sir, and I want you to know this: I don't need Prosecutor's for cooperation. Now that is what is wrong with the administration of justice. A Judge is not supposed to be a Prosecutor's Judge. A Prosecutor is not supposed to be the cooperating friend. The things that canon of ethics and wisdom dictate that Prosecutors do, but cooperation about being a stool pigeon in another Judge's Courtroom does not fall within the whelm of law enforcement, and nobody can tell me differently. Now if you want to have stool pigeons, have them. But they are not going to be in my Courtroom. One man at a time, and it is the guy who is prosecuting the case and presenting the evidence. Now tell all that to Judge Belson.

Mr. DOWD. Your Honor, I have not—

The COURT. You are authorized.

Mr. DOWD. May I say, Your Honor—

The COURT. Yes, sir.

Mr. DOWD (Continuing). I have not talked to Judge Belson about this matter and I don't intend to.

The COURT. No, but I am just saying now, with your cooperative spirits, go right ahead. Now you are authorized and further more, here is a Court Reporter. Your integrity stool pigeon did not have what it takes to call Judge Belson back and even tell him what the final decision was. Judge Belson waited for me for an hour-and-a-half because he didn't know what the decision was. The stool pigeon told him one thing, and after I had the case back I gave the Government a couple alternatives, but he didn't do that. He wasn't even a good stool pigeon because he didn't finish the mission. Now you can tell him how irate I am. The Court of Appeals is a person where you take my Record, not to Judge Belson. And, I told him that, and he knows it. So why he got so weak as to succumb to one of your men's telephone calls, I guess that is what it was, otherwise how is he going to ask Mr. Pease? Somebody had to call Judge Belson and tell Judge Belson what this Judge is doing. Was that Mr. Pease?

Mr. DOWD. Your Honor, I can represent to you that it was none of the four Assistants including myself who were still in the office.

The COURT. Sir, I will take your word for it. Then there is another stool pigeon. It wouldn't have been the defense lawyer. The only other kind of stool pigeon would be a court attache, and if I find that it is a court attache he will get fired. See, you men aren't my attaches, but these other men are. I don't want no misguided loyalty. Now you don't even have to work with me if you are going to be a stool pigeon. If you are going to think that I am less than anybody else in this Court as a Judge, I don't need you. I demand as much respect as any other Judge gets, maybe more in instances because I demand that citizens be respected.

Mr. Dowd, I take your word for your saying that nobody reported initially to Judge Belson, but now you ought to think about it and maybe you ought to bring it—I don't know who your Chief is—as to whether or not your men ought to be stool pigeons and cooperate with the Judge. The defense lawyers in this city ought to raise up in arms at the idea of Judge's having Prosecutors for stool pigeons. In a sense of "cooperation" Prosecutors aren't suppose to sit on Judge laps. The Judge is suppose to be impartial. I have got many friends who are Prosecutors. I was a Prosecutor, but nobody had ever called me a lover of the Prosecution. Judges must remember that if they lean they must lean on the side of beyond a reasonable doubt. They don't lean on prosecution.

Now if he really wanted a stool pigeon he should have asked a defense lawyer, not a Prosecutor, not unless you lean that way. It is improper for a Judge to lean on the prosecution and I mean that. A lot of people have their difficulty to understand who is presumed to be innocent, against whom must the Government prove it's case beyond a reasonable doubt against whom must the Government present evidence to prove involvement beyond a reasonable doubt.

(Someone opened the Courtroom door.)

The COURT. Close that door, Mr. Marshal. When I am speaking, nobody comes in.

It is against the defendant. That is the most important person in any trial, I don't care whether it is Juvenile Court or Superior Court, and Judges, if they lean must lean toward him. That is the law. They must not lean toward the Prosecutor to win friends and obtain favors. It is completely improper.

Now if you people are going to your office to do this kind of thing with Judges that you do in your Courtroom, I am going to give it to the New York Times, I am going to give it to the Washington Post and I am going to give it to the Evening Star, and when I write my book you are going to be at the top of it—Cooperating Prosecutors, stool pigeons and, sir, I will have to do that just like I had to have the Inspector down here today. You see, I have to do my thing and I sleep at night. That is the only way I can sleep, do it the way I think it ought to be done and do it right. A lot of people in this Court are up in arms at me just because I am telling them that the procedure that has been going on here for decades is wrong and you have got some incompetent Probation Officers and incompetent Social Workers and arrogant Policemen. All that is true. I don't care if they get angry, it is true. I am not here to win any love or contest, or be loved. I am here to help improve the quality of justice and I don't care who gets angry about it.

I am sorry I had to send for you, but I had to let you know whether you have got a stool pigeon, whether he was requested to be. Your Office does not have to accept those assignments. You can accept them if you want to, but I can stop them from congregating in my Courtroom. I don't like stool pigeons.

Thank you, Mr. Dowd.

Mr. Dowd. Thank you, Your Honor.

(Whereupon, at 3:20 o'clock, p.m. a short recess was called.)

(Thereupon, at 3:30 o'clock, p.m. the Court reconvened, at which time the following transpired:)

The Court. Now that we have consumed so much time with matters that never should have occurred, one with a policeman and one with a Judge and Prosecutor, lets see if we can't expedite the business of the Court.

The Deputy Clerk. In the Matter of Your Honor, this matter was passed.

The Court. I recall the matter.

Mr. Dearington, are you ready to proceed?

Mr. Dearington. No, Your Honor. At this time we are not prepared for probable cause. We would request that the Case be continued to Tuesday in compliance with the Code which provides for five days to present probable cause.

The Court. All right. I will give you the time. I won't be sitting and this young man will go home with his mother. I don't need to hear from the Social Worker.

Mr. Dearington. May it be continued to Tuesday for probable cause?

The Court. You can continue it for a month. In fact it is up to Mr. Wasserstrom. How long do you want, sir? I hope it is a month.

Mr. Wasserstrom. Your Honor, I would ask that the probable cause be continued until—for a month.

The Court. You have got it. One month.

This young man will be with his mother. Now all I want to know is, do you have any problem with him?

The Court. Now, Madam, I am here to help.

The Respondent's Mother. Yes.

The Court. I am here to help faltering policemen, ailing Prosecutors and youth who are about to go astray. Now turning it back around since it seems like that was the order of the day, I am here first, to help your son and I want to know from you, if you know, has he got any problems like narcotics or bad hours at night or anything of that nature?

The Respondent's Mother. Yes, I have one problem with him. I have the late hours.

The Court. All right. You won't have any during this month. He is home every night at nine o'clock. Now does he work?

The Respondent's Mother. Yes.

The Court. What kind of job does he have?

The Social Worker. Your Honor, he works as a ——— for the ———.

The Court. Very well.

The Social Worker. He just got the job recently.

The Court. Very well. He will maintain his employment and he will be home at nine o'clock every evening. Any other problem you have?

The Respondent's Mother. No.

The Court. Any other recommendations from you, Mr. Carter?

The Social Worker. Your Honor, our Social worker is going to recommend release through me today. We have no problem.

The Court. Great minds run on the same track sometime.

All right, young man, do you understand the conditions?

The Respondent. Yes, sir.

The Court. All right. Good luck to you.

The date, one month is—since this is a Friday, it will be August 27th.

Mr. Wasserstrom. Thank you, Your Honor.

The Court. You are welcome, sir.

Mr. Dearington. Your Honor, that is over the Government's objection.

The Court. Next case.

When the Government is so obstinate and arrogant, I couldn't care less about it's objection.

Mr. Dearington. Well it is in the Statute, Your Honor, not to exceed five days for probable cause.

The Court. That is for you. That is not for the Defense. That is to make the Government have its case ready and you are so obstinate today, you won't get the case ready and you had said it was ready. He can have a month.

Mr. Dearington. Can I have the date again? I am sorry, I didn't get it, please.

The Court. August 27th.

Mr. Dearington. Thank you, Your Honor.

The Court. Your conduct is as obstinate as the Policeman's. There is no reason why that case couldn't have been heard today. In fact, call Mr. Wasserstrom back here. Ask him if he wants it dismissed.

(Mr. Wasserstrom was called back into the Courtroom.)

The Court. Go get your client.

(Thereupon, Mr. Wasserstrom left the Courtroom, and returned with the Respondent.)

The Court. I can only handle obstinance with action. These parties may be seated, please, on the first bench. All parties.

This is the Matter of ——.

Mr. Wasserstrom, I can give you, since the Government out of obstinance has declared itself not ready to go forward on this probable cause hearing today, this Court can take judicial notice and conclude that it is because this Court refused to tolerate the arrogance of one Detective Lanagan. Is that a safe conclusion?

Mr. Wasserstrom. I think, under the circumstances it is a safe conclusion.

The Court. Under the circumstances I would agree, and it might be under the feeling of the Prosecution because of my having found a stool pigeon planted in my Courtroom yesterday and expressed a great distaste for it. So I can put those things together and assume—maybe not Mr. Dearington—but maybe by orders of dictation, because I have never known him to do anything like that, the Government has with obstinance denied this young man his right to have a probable cause hearing today. As an alternative to a continuance until August 27th I can give you a dismissal. I cannot give you a dismissal with prejudice, but, sir, if it is brought back again you have a record and you can declare that the Government has been capricious and it is a denial of a speedy trial.

Mr. Wasserstrom. I would move the case—

The Court. Would you like to have a dismissal of the case?

Mr. Wasserstrom. I would move the case be dismissed, Your Honor.

The Court. It is granted.

Next case. Now let—no, there is no stoolie in here now. I was going to say, let the stoolie go out and call that on the telephone. You can do that, Mr. Dearington, after this case recesses.

(Whereupon, at approximately 3:35 o'clock, p.m., the above-entitled matter was concluded.)

CERTIFICATE OF REPORTER

I, Larry F. Pavlish, an Official Court Reporter for the Superior Court for the District of Columbia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced in said Court on July 30, 1971, upon Probable Cause Hearing in Docket No. 71–4960–J, in the Matter of Respondent.

I further certify that the foregoing 27 pages constitute the official transcript of the said proceedings as taken from my machine shorthand notes.

In witness whereof, I have hereunto affixed my name, this 17th day of August, 1971.

Larry F. Pavlish,
Official Court Reporter.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, do I have any time remaining?

The PRESIDENT pro tempore. The Senator from West Virginia has 4 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield the remainder of my time to the distinguished Senator from New Mexico (Mr. Montoya).

Mr. MONTOYA. Mr. President, I thank the Senator from West Virginia for his generosity in yielding to me.

The PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico is recognized for 19 minutes.

THE MAKING OF THE PRESIDENT—VIETNAM

Mr. MONTOYA. Mr. President, I recently received a short letter from a constituent in New Mexico expressing an increasingly large body of opinion in this country regarding our involvement in Vietnam. I include his letter at this point in the Record. I find the view expressed therein significant:

> Dear Senator Montoya: I have been a sort of hawk on the Viet Nam war, but since this President Thieu over there has made it so hard for any one other than himself to run for the job I feel very different. I am in favor of cutting off all aid to his government and that even includes military aid.

Mr. President, in sharp contrast to the comments expressed in this letter are the words of President Nixon as reported in a recent edition of the New York Times. He spoke at an impromptu press conference on September 16, 1971, and I ask unanimous consent to have printed in the Record the text of relevant questions and answers.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Impromptu Press Conference

6. RACE IN SOUTH VIETNAM

Q. Mr. President, might the changed political picture in South Vietnam, specifically a one-man race for the Presidency there, have any effect on your future plans as far as the level of United States troops and United States activity in that region?

A. As far as our plans for ending the American involvement in Vietnam are concerned, we have to keep in mind our major goal, which is to bring the American involvement to an end in a way that will leave South Vietnam in a position to defend itself from a Communist takeover.

Now, as far as President Thieu's political situation is concerned, I think it is well to put that subject into perspective. We would have preferred to have had a contested election in South Vietnam. We, however, cannot get people to run when they do not want to run.

It should be pointed out, however, that in fairness to the democratic process and how it is working in South Vietnam, the Congressional elections, the elections to the National Assembly should not be overlooked. Eighty per cent of the people of South Vietnam voted as compared with 60 per cent who voted in our Congressional elections in 1970, and one-third of those who were elected opposed President Thieu, and some of those who were elected to the National Assembly were those that charged that they could not be elected before the election because the election would be rigged.

Now, President Thieu has made the election in October for the Presidency a vote of confidence. There are criticisms to the effect that this vote of confidence will not be an accurate one, but he has invited foreign observers to see it and observe it.

My view is that the United States should continue to keep its eye on the main objective, and that is to end the American involvement just as soon as that is consistent with our over-all goal, which is a South Vietnam able to defend itself against a Communist takeover and which includes, from our standpoint, our primary interest in obtaining the release of our P.O.W.'s.

I note one thing, incidentally, on your question, Mr. Jarrell, that is presently apparently before the Senate or a Senate committee, and that is the recommendation or a resolution to the effect that the United States should cut off aid to South Vietnam unless President Thieu does have a contested election.

Now let's just look at what that means in terms of worldwide policy. We presently provide military and or economic aid to 91 countries in the world. I checked these various countries as far as their heads of government are concerned, and in only 30 of those countries do they have leaders who are there as a result of a contested election by any standard that we would consider fair. In fact, we would have to cut off aid to two-thirds of the nations of the world, in Africa, in Latin America, in Asia, to whom we are presently giving aid, if we apply the standards that some suggest we apply to South Vietnam.

I again say that we would prefer, as far as South Vietnam is concerned, that its democratic process would grow faster. We believe that considerable headway has been made. We believe that the situation from that standpoint is infinitely better in South Vietnam, where they at least have some elections, than in North Vietnam, where they have none, and we are going to continue to work toward that goal.

7. LEVERAGE IN SAIGON

Q. Mr. President, may I follow that up, please? Senator Jackson said that the United States need not feel helpless in this circumstance because it has leverage which could redeem the situation even now. Your answer just now suggested that we don't plan to do anything about it. What would you say to Senator Jackson's statement about it?

A. Mr. Lisagor, when we speak of leverage, of course, we have leverage because we provide military and economic assistance to South Vietnam.

Secondly, Ambassador Bunker, working diligently, I can assure you, has attempted to, in every way possible, to get people into the race so that there would be a contested election.

Third, he has, of course, worked toward the end of—once it appeared that others would not run—to get others to at least have a vote of confidence in the President. If what the Senator is suggesting is that the United States should use its leverage now to overthrow Thieu, I would remind all concerned that the way we got into Vietnam was through overthrowing Diem, and the way to get out of Vietnam, in my opinion, is not to overthrow Thieu, with the inevitable consequence of the greatly increased danger, in my opinion, of that being followed by coup after coup on the dreary road to a Communist takeover.

8. DEMOCRATIC GOAL IN VIETNAM

Q. Mr. President, on the South Vietnamese election, once it is completed, will you feel then that the American objective of achieving a democratic process in Vietnam, the objective that you stated, and before you President Johnson, so many times—do you think that with the election that objective will have been met?

A. No. As a matter of fact, that objective will not be met perhaps for several generations. But at least we will be on the road. I think sometimes we forget, as I tried to point out a month ago in my answer to the question with regard to military and economic assistance to countries around the world, how difficult the process of democracy is.

It took the British 500 years to get to the place where they had what we could really describe as a democratic system under the parliamentary setup and it didn't spring up full-grown in the United States.

I was reading a very interesting account of the battle in 1800 between Jefferson and Adams, and I was curious to know how many people were eligible to vote in that great battle of 1800 that changed the future of the United States. And that time the United States had 4¼ million people. There were only 150,000 people eligible to vote. So, as we look at our own history, we find that it took us time to come where we are.

You cannot expect that American-style democracy, meeting our standards, will apply in other parts of the world. We cannot expect that it will come in a country like South Vietnam which has no tradition whatever, without great difficulty. But we have made progress.

Mr. MONTOYA. Mr. President, I will read two paragraphs from the President's answers on that day, which are pertinent insofar as the amendment I have proposed in the Senate is concerned. The President stated:

> I note one thing, incidentally, on your question, Mr. Jarrell, that is presently apparently before the Senate or a Senate committee, and that is the recommendation or a resolution to the effect that the United States should cut off aid to South Vietnam unless President Thieu does have a contested election.

I quote the President further:

> Now let's just look at what that means in terms of worldwide policy. We presently provide military and/or economic aid to 91 countries in the world. I checked these various countries as far as their heads of government are concerned, and in only 30 of those countries do they have leaders who are there as a result of a contested election by any standard that we would consider fair. In fact, we would have to cut off aid to two-thirds of the nations of the world, in Africa, in Latin America, in Asia, to whom we are presently giving aid, if we apply the standards that some suggest we apply to South Vietnam.

President Nixon has, in effect, acknowledged that there will not be any sort of a free election in South Vietnam on October 3 under President Thieu. The President also stated that if we applied the rule of democracy to all nations receiving our aid, only about 30 would remain eligible. Did we invest 55,000 dead American boys, a quarter of a million wounded and $100 billion in each of those countries? The President, it seems, has overlooked the tragic ingredients of our Vietnam venture.

Over the years of our involvement in Indochina, one American President after another has commented on why we have committed and sacrificed so much in that far corner of the world. Presidents Eisenhower, Kennedy, Johnson, and President Nixon himself have reiterated the same arguments in response to a growing tide of national criticism of our tragic involvement in Indochina.

Time after time we have heard the same thought expressed in different words. The right of self-determination is sacred. Parliamentary institutions must be allowed to take root and grow. Participatory democracy is deserving of an opportunity in that area of the world. Again and again we have been assured this was the true rationale behind the ongoing agony our Nation has endured because of the Indochina war.

The President's recent comments, it seems to me, are totally inconsistent with our historical justification for sending American troops to defend South Vietnam. Is the United States now formally acknowledging support—with military troops—of a dictatorship in South Vietnam? If so, I respectfully dissent. Is the President saying it is acceptable to keep our troops in a nation where they are suffering as an armed force and as individuals because of heroin addiction and racial strife? Is the President saying it is fine to endure the staggering expense of this continuing commitment because it is vital to insure that a dictator stays in power? Is he saying Thieu's destruction of democracy, gagging of opponents, and abrogation of representative government is sufferable by America because he is our dictator rather than a Communist?

The United States deserves a clarification by the President of his position.

The families of those lost to this tragic war deserve an explanation.

If the United States is sanctioning the elective processes presently taking place under the Thieu regime, it should be with the full knowledge of the American people.

Our casualty lists in Indochina bear a bit of review. We have sustained a total of 45,487 killed in action. A further 9,757 Americans have perished of nonhostile causes. That is a total of 55,244 dead.

Added to this are 301,540 wounded, for a total of 356,784 casualties. These poor souls will haunt our lives, consciences, and veterans hospitals for generations to come. I feel the social and economic costs of this war at home will amount to far more than whatever we have expended in dollars upon hostilities themselves. A minimum of $100 billion spent so far will be minimal compared to what historians and actuarians will tote up on their account books some time hence.

Mr. President, I was one of those who believed Presidents Eisenhower, Kennedy, Johnson, and Nixon when they each defined our purpose in Vietnam to be to permit self-determination for the South Vietnamese. I was disturbed to learn from the President that we have abandoned this goal, but have not abandoned our support of Mr. Thieu.

Millions of Americans have been able to retain some shred of faith and justification in our commitment because of our stated purpose for being in Vietnam. The dignity of an individual as enshrined in America's founding documents is not meaningless to the overwhelming majority of the citizens of our country. Millions of Americans went abroad in this conflict, as their predecessors did in previous wars, to preserve for ourselves and others those same ideals we have preserved in our institutions.

Mr. President, a time has come for unequivocal words, leaving no doubt as to their intent and message. The time has come for our Nation to live up to our ideals—and to cease our support of Mr. Thieu.

Administration spokesmen maintain a carefully cultivated calm over the enduring state of our involvement. Under an umbrella of American protection, Thieu has turned South Vietnam into a police state, utterly devoid of even a semblance of democracy. He has destroyed any remaining rationale for any ongoing American commitment to his cause or regime. A time has come for Congress to hold the administration's feet to the fire. Public relations hyperbole would not do any more. The ugly reality of America in Indochina is inescapable and no longer excusable on any grounds.

There are far more than 200,000 American troops, that we know of, in South Vietnam alone. Previous evasions, prevarications and secrecy make it impossible to estimate with any reliability the numbers of personnel we maintain in Laos and Cambodia. Upward of 30,000 American military personnel are presently in Thailand.

We are totally subsidizing the entire South Vietnamese military effort, such as it is. It is possible that this massive force is being used more against the South Vietnamese population and to insure a victory for Thieu than for combat in the field against Communists.

Meanwhile, what is happening to our troops there? History is replete with similar examples of large military forces in a foreign, increasingly hostile land, constantly beset by native anger, inner conflict and the problems any outside military force will attract when it is interjected into what is essentially a civil war. Existing differences grow from divisions into chasms. Hostility becomes hatred. Discipline breaks down. All the inherent unfairness of military life becomes an issue, particularly where troops have little to occupy themselves with.

A chart of such findings, divided into several major categories, was just carried by the Washington Post. It deals with fragging, drug abuse, and black officers.

Mr. President, I ask unanimous consent to have printed in the RECORD the chart of such findings, and I note that the U.S. Army provided the figures.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

FRAGGING[1] IN VIETNAM IS RISING

Calendar	Actual assaults	Possible assaults	Total	Fatalities
1969	96	30	126	23
1970	209	62	271	34
Through July 1971	154	56	210	11

[1] GI slang for assaulting a person with an explosive.

DRUG ABUSE IS WIDESPREAD

[The Army has no precise measure of the extent of drug abuse. But one indicator is the number of investigations conducted by the Army's Criminal Investigating Division. Army drug abuse investigations show this rising trend]

	Calendar 1969	Calendar 1970	Calendar 1971[1]
United States	4,020	5,284	7,252
Europe	835	1,502	2,434
Vietnam	5,774	6,432	7,438
Pacific[2]	1,129	1,353	1,774
Total	11,758	14,571	18,898

[1] Total for 1st 6 months doubled to give projection for the year.

[2] Not including Vietnam.

BLACK OFFICERS ARE SCARCE

971,872 enlisted men are in the Army.

138,693—or 14.3 per cent—of them are black.

Yet only 4,661, or 3.6 per cent, of the 130,261 officers in the Army are black.

Mr. MONTOYA. Draftees today rarely show any faith in our national leaders and their own top military people. Such cynicism even extends down to the small unit level, where professional noncommissioned officers, the backbone of any armed force, are in danger of their lives from our own troops if they insist in carrying out hazardous missions.

Racism is rampant among our forces in Indochina, although it rises to the surface everywhere in America's military facilities. Knowing their presence and sacrifices will probably have minimal strategic influence upon the already decided outcome of this conflict, the average American seeks other outlets. They are all too handy, particularly in the form of heroin, supplied largely through collusion and even cooperation of those supposed to be our allies. Accusations have been leveled at people occupying some of the highest posts of the South Vietnamese Armed Forces. Although such charges have not been proven, the freshest Army replacement is still able to obtain pure heroin the day he arrives, sold openly, with South Vietnamese military personnel looking on.

President Thieu, epitome of democracy that he is, cannot even run a proper dictatorship, it seems. Or perhaps he allows this traffic for other, more profitable reasons. Be that as it may, America will pay an ultimate terrible penalty. The social costs of the problem of drug traffic in the United States are all too well known. Yet our State Department, administration, and military leaders are unable to adequately deal with this terrible aspect of the war.

Mr. President, the American people are not fools. They are taking a look at the cumulative picture presented by this spectacle. Thieu's openly expressed contempt for our principles and past sacrifices are evident to all. No one can fail to see what is transpiring in our good name, or what is left of it.

Because we are continuing to lend our endorsement to these activities, dislike for the United States is increasingly visible in Vietnam. Students and educated people are showing violent hostility toward Americans in a variety of ways. Physical attacks are only one of them.

Meanwhile, here at home the other side of the national coin is, if anything, just as ugly or perhaps more so. One quarter of the American people take it for granted that they must exist without such elementary necessities of life as adequate housing, education, food, and medical care. And these Americans have contributed by far the greatest number of their children to our Armed Forces, and to the long casualty lists from that war.

In New Mexico, I have seen too many young Anglo Spanish and Indian boys brought to early graves by this tragic war. Were there any shred of a cause remaining, I would not say this. But there is not. And I will not have it upon my conscience and soul to countenance their further commitment in the name of such a shameful fraud.

So it devolves upon us in the Congress to act. We are the counterbalancing political institution and instrument, as the Constitution so carefully delineated. It is within our power to act if we will but do so. Perhaps President Nixon finds no fault in the actions of President Thieu. I do. I am appalled and outraged by Thieu's behavior and our President's apparent insensitivity to it.

I have already introduced an amendment to the military procurement authorization bill calling for a report to Congress by the President on the upcoming Vietnamese election. If the President does not certify it as a fair exercise in participatory democracy, there is provision for no further funding and total American military withdrawal within 4 months of the October 3 election date.

Letters requesting cosponsorship are circulating among my colleagues. This time, once and for all, we can place a legislative caveat on the Military Procurment Authorization to at least insure a free election or total American military withdrawal from Indochina.

America has engaged in less than noble enterprises upon occasion in the past. We have been a party to some less than uplifting exercises in history. Yet each time we have rescued the reputation and moral integrity of our Nation by some redeeming act. Only America struck the shackles from the limbs of 4 million slaves, fighting a 4-year war to do it. Only America went to war for principle in World War I, emerging disillusioned and without spoils.

Never before in our history have we as a nation lent an aura of legitimacy to tyranny, and a military commitment in its support. It is my fervent hope that the Senate will strive to redeem our Nation's self-respect by enacting my amendment, seeing to it once and for all that we turn our face from totalitarianism in any form, no matter what the cost. How much more can it cost us in light of what we have already paid?

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of 15 minutes for the transaction of routine morning business. That time is not to extend beyond 11 o'clock. Each Senator is limited to 3 minutes.

Is there morning business?

Mr. MATHIAS. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 3 minutes.

THE WAR IN VIETNAM

Mr. MATHIAS. Mr. President, the war goes on. The American people want it to end. The Congress wants it to end. The President wants it to end. But the war goes on. We all want it to end, but nobody—not the President, and, in all fairness, not the Congress—has been willing to take the decisive steps that are necessary to end it once and for all.

We are told that the war is winding down. Yet we learn this morning that American fighter-bombers made 200 combat strikes into North Vietnam, one of the biggest raids since the bombing halt 3 years ago.

We are told that the war is winding down. Yet we continue to feed it with men and money and materiel. Our soldiers still lose their lives and their limbs, and often, as I saw at Walter Reed Hospital last week, even their faith in the candor and courage of a government that continues to prolong a war that has long since ceased to seem to have any legitimate moral or military purpose.

We openly and actively entered the war. We were originally told that we entered it to assure the people of South Vietnam the right of self-determination. And yet, after years of untold suffering and bloodshed, the Vietnamese people seem to remain as far from self-determination as they ever were.

We cannot continue to feed that war and to keep it alive with American men. We cannot continue to draft them to fight and die in a war that we all want to end.

The Senate has tried to end the war by declarations of policy, but the war goes on, and the Congress and the country are caught up in it.

Mr. President, the time to end the war is now. The place to end the war is here. And we are the men and women to do it.

Mr. President, I will vote against cloture today.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, may I be recognized for 3 minutes when the Senator from Maryland is through?

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, it has been my privilege today to listen to two most interesting and effective speeches, one by the distinguished Senator from New Mexico (Mr. MONTOYA) and the other by the distinguished Senator from Maryland (Mr. MATHIAS).

The Senator from New Mexico said—and I think I quote him exactly—"It is within our power to act if we will do so." He was referring, of course, to the situation in Vietnam.

The Senator from Maryland has said we ought to act and we ought to act now. I agree with him. The time to get out is not a day, a week, a month, a year from now, but now, or as soon to now as possible.

The Senator from Maryland stated there was a 20 plane raid in North Vietnam on yesterday, and that information was carried in the public press this morning. I wonder if the Senate knows that almost three times as many bombs, as far as tonnage is concerned have been dropped in Vietnam, Laos, and Cambodia as were dropped in the European and Pacific theaters in all of World War II?

I agree with what both Senators have said, but it is not now a question of elections, because the election for the presidency is less than 2 weeks away. It is not now even a matter of concern for the Cambodians, the Laotians, the Vietnamese, and others who have suffered greatly in this war; it is, or should be, a primary concern for our own people and the future of the Nation.

I want to say again—and I will say it again and again and again—that I derive no satisfaction whatsoever out of the fact that as of the 16th of this month, less than a week ago, the total casualties were 356,847 Americans. That is too many—too many by 356,847. This war has cost us $130 billion. That is too much—$130 billion too much.

This war is the longest war in the history of this Nation—too long. And this war is responsible in large part either directly or indirectly, for the problems and the difficulties here at home—drug addiction, race troubles accentuated, dissent, a continued rise in crime, economic recession and so on ad infinitum.

This $130 billion is just a down payment; we will be paying for this war into the next century. Even today, if my memory serves me correctly, we are still paying some of the costs of the war between the States. Not much, but here it is, a century later. We know, of course, that we are still paying for the costs of the Spanish-American War, miniscule as that was, and for the cost of the First World War, the Second World War, and the Korean War.

What we need to do is not turn inward, but do what we can for our own people, to solve our own problems and to bring this tragic, wasteful, and unnecessary war to a close just as soon as we can.

If I may conclude, as the distinguished Senator from New Mexico said—taking it a little bit out of context—and as the distinguished Senator from Maryland really said, it is within our power to act if we will do so. The opportunity will be forthcoming.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 3 minutes.

PROPOSALS FOR PRISON REFORM

Mr. JAVITS. Mr. President, I urge Congress, as well as the President, and the private sector to work together to establish a legislative framework for a substantial expansion of efforts in one of the key elements of prison reform—the provision of job training and subsequent employment opportunities for criminal offenders.

We have known for some time—and the events at Attica serve as a tragic reminder—that overall prisoner rehabilitation and related offender processes in the Nation have been in disgraceful shape. This situation has contributed to the despair of those who are in our court system and in our institutions; and to continued lives of crime of jailed offenders with resulting heavy cost for society.

As President Nixon stated on November 13, 1969:

> The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts.

Mr. President, there are many inadequacies in our present correctional process—in facilities, in drug rehabilitation, legal, psychological, and medical assistance—that contribute to this judgment—and these must be addressed with appropriate legislation or other action.

But there can be little doubt that the matter of training and employment is at the center of this analysis and a highly significant element of our prison and correctional system that requires reform. The President's Task Force on Prisoner Rehabilitation stated in its April 1970 report:

> Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process.

We have made some significant beginnings in this important area, as I shall outline, but we have failed to formulate a comprehensive national policy dealing with manpower training and employment for offenders, as a first step in the education and training urgently needed for prison inmates.

Mr. President, I shall introduce, soon, a Comprehensive Criminal Offender Training and Employment Act to provide authorization for the Department of Labor to conduct innovative programs—with emphasis on the involvement of the private sector—to coordinate those programs with programs conducted under related authority, and to provide a more sufficient level of funding.

Following are the basic elements to which the legislation I shall propose will be addressed:

First, an authorization for the Department of Labor to expand and build upon current programs.

Mr. President, the great bulk of our manpower training efforts as they relate to criminal offenders are now conducted by the Department of Labor, under the general authority of the Manpower Development and Training Act of 1962.

The programs conducted by that Department and previously administered under section 251 of the Manpower Development and Training Act which expired in June 1970—represents a significant contribution—but they only begin to scratch the surface of need.

The Department is to be commended for the priority it has given to these efforts—expanding funding from less than $1 million in fiscal 1968 to a projected $29,000,000 in fiscal 1972.

Mr. President, these model and demonstration projects have identified already the basic elements of a successful national offender manpower training and employment policy, each of which relates to a particular point in the correctional process.

A key element is the area of pretrial manpower service. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the Court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 16 to 26 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan Court project, has been conducted with success in New York City.

Mr. President, these pretrial intervention test programs conducted by the Department of Labor will reach 4,000 defendants, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time.

Another element concerns the provision of manpower training and related education during confinement in prison, where I think it is fair to say that inmates do not have the opportunity to make maximum use of their time—with idleness which in varying degrees leads directly to breakdown of the rehabilitation aspect of incarceration.

Assistant Secretary of Labor Jerome M. Rosow, noted in testimony before the Subcommittee on National Penitentiaries of the Judiciary Committee, in May of this year, that 90 percent of local penal institutions have no education or training at all, while perhaps two-thirds have no rehabilitation of any kind.

This is tragic in that prison inmates are the most disadvantaged of all elements in our society, as shown by the finding made by the Federal Bureau of Prisons, that 85 percent of the inmates lack any marketable skill.

But great inadequacies lie with the quality as well as the quantity of programs within the prisons. As the President's Commission on Law Enforcement and Administration of Justice—the "Crime Commission"—noted in its February 1967 report:

> Traditional work and vocational training programs within correctional institutions have not effectively solved such problems. A major difficulty in such programs today is the lack of incentives for achievement, which results in low motivation on the part of inmate trainees. Immediate rewards as approved employability seem distant and unreal.

Mr. President, the Department of Labor is endeavoring to improve this situation through the funding of 52 projects for approximately 5,000 inmates in more than 20 States.

These projects include some very successful and promising efforts in my own State of New York.

For example, at Greenhaven Prison in Poughkeepsie, N.Y., training will be provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

Mr. President, a survey of the results of similar programs conducted under section 251 of the Manpower Development and Training Act demonstrates the value of these efforts. The Department of Health, Education, and Welfare, working in conjunction with the Department of Labor under that authority, reported in June 1970 the following rates of recidivism:

[In percent]

State institution	Recidivism rate for inmates—	
	With training	Without training
Georgia	15	60
Minnesota	14	63
Tennessee	10	60
Florida	15	67
Texas	12	65

Again, current programs will never scratch the surface of need. While 6,000 inmates are being reached nationwide—400,000 persons—60 times that number are now confined in prisons in the Nation.

Mr. President, a further element identified by the Department of Labor and under other programs—and perhaps most crucial—is that the training must relate to a job.

The harsh fact—not surprising in terms of the level of education of most inmates and the inadequacy of manpower training services in prison—is that ex-offenders in the labor force have levels of unemployment three times the national average.

We have—in the context of our programs for the hard core unemployed or underemployed—recognized the great need to link training with jobs. The JOBS program—conducted by the National Alliance of Businessmen, in conjunction with the Department of Labor has created almost 600,000 opportunities over the last 4 years.

But we have failed almost completely to apply that experience to one of the most disadvantaged groups in our society—those who are under the correctional process.

Mr. President, the potential in this area is demonstrated in a project currently conducted in the South Carolina Department of Corrections:

Project Transition is a new program funded by the Department of Justice Law Enforcement Assistance Administration. Under the program, officials will attempt to place these ex-offenders in the best possible jobs after release from prison.

The program builds upon a work-release program which has been conducted by the South Carolina department during the past 5 years.

Under that program inmates have been working in industry and private business during the day in communities in which they plan to live on release from incarceration, returning to community prerelease centers at night. In the last 5 years, work release inmates have paid from their earnings nearly $500,000 to the department of corrections for room and board and more than $300,000 to support their families.

The Department of Labor has also undertaken programs to forge a link between training and jobs through funding, in this fiscal year, of model programs in five States—Pennsylvania, Georgia, Oklahoma, Arizona, and Massachusetts, utilizing the employment service in conjunction with prisons in those States.

Second, it is essential that we relate the new authority of the Department of Labor to existing authorities under which funds for manpower training programs and related efforts may be available.

In December 1970, the Congress added part E of title I of the Omnibus Crime Control and Safe Street Act, authorizing grants to the States and to units of general local government to develop and implement programs and projects for "the improvement of correctional programs and practices," as well as for the construction, acquisition, and renovation of correctional institutions and facilities. As I noted, funds from this source have been utilized in the innovative program in South Carolina.

I am advised by the Law Enforcement Assistance Administration of the Department of Justice, that of approximately $700,000,000 to be made available in fiscal 1972 under that act—of which $100,000,000 will be spent for prison reform—an estimated $2,000,000 will be spent on manpower training in correctional institutions.

I consider it essential that the proposed legislation reflect this alternative source of manpower training funds and I hope to work with the members of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary in developing legislatively an appropriate arrangement between this program and the program for the Department of Labor which I have proposed.

Also, I hope, that in connection with this legislation and otherwise, to work closely with the Subcommittee on National Penitentiaries of the Senate Committee on the Judiciary, whose chairman, Senator BURDICK, held very beneficial hearings on this general subject early this year.

We must also insure that the expertise of the Department of Health, Education, and Welfare developed through its programs, conducted under section 251 of the Manpower Development and Training Act and its administration of educational, vocational education, and rehabilitation programs, is brought to bear on the problem.

Finally, I consider it essential that we greatly increase our overall spending for manpower training and employment programs for offenders.

We are spending—as I have indicated—approximately $31,000,000 in fiscal year 1972 for this purpose under the Department of Labor and Department of Justice programs.

This represents a substantial increase over previous expenditures. However, viewed in total perspective, it does not reflect the priority which should be given to these efforts: From the manpower training standpoint, this amount is only about 1 percent of the $3 billion in funds expended for manpower programs generally. From the standpoint of corrections policy, it is only 3 percent of the $1 billion spent for prisons generally.

We must make a national commitment—at the very least—to double this amount for the next fiscal year, and gear up with substantial increases in subsequent years.

Mr. President, these, then are the basic elements of the legislation which I shall propose, building upon the provision which I originally included in the Employment and Training Act of 1970, which unfortunately was vetoed by the President for reasons relating to other sections of the bill.

In this connection, I am pleased to note that Senator GAYLORD NELSON, chairman of the Committee on Employment, Manpower and Poverty, of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to explore correctional manpower programs, as a part of consideration of comprehensive manpower reform.

Mr. President, as we consider legislation, I hope that the President will bring together the concerned departments of the Federal Government to determine what additional public and private sources may, under existing law, be brought to bear in the short term.

Also, I urge the National Alliance of Businessmen to investigate what it may do to help to alleviate the current situation.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

> Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.
>
> "The training programs in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations.

Mr. President, as I indicated at the outset, inadequate job training programs are only one of the elements contributing to the crisis in our prisons. The legislation which I shall introduce will be the first in a number of proposals which I shall make, to deal comprehensively with prison reform.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT ON APPROVAL OF LOAN

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Dairyland Power Cooperative of La Crosse, Wis., for the financing of certain new transmission facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON MOBILE TRADE FAIR ACTIVITIES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Mobile Trade Fair Activities, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Limited Use of Federal Programs To Commit Narcotic Addicts for Treatment and Rehabilitation," Department of Justice, Department of Health, Education, and Welfare, dated September 20, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Environmental and Economic Problems Associated With the Development of the Burns Waterway Harbor, Indiana," Corps of Engineers (Civil Functions), Department of the Army, Environmental Protection Agency, National Park Service, Department of the Interior, dated September 20, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE PRESIDENTIAL VOTE FOR PUERTO RICO

A letter from the members of the Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico, transmitting, pursuant to law, a report of that group, dated August 18, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of The Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE MONEY FOR THE ESTABLISHMENT AND PRESERVATION OF THE THADDEUS KOSCIUSKO HOME NATIONAL HISTORIC SITE IN PHILADELPHIA

"*Whereas,* General Thaddeus Kosciusko of American Revolutionary fame spent more time in Philadelphia than any other American place except West Point; and

"*Whereas,* His last American home located at 301 Pine Street in said Philadelphia has been proposed as a National Historic Site to preserve in public ownership this historically significant property associated with his life for the benefit and inspiration of the people of the United States; and

"*Whereas,* This would be a fitting tribute to a famous son of Poland, an outstanding general, patriot and humanitarian and to a respected representative of a great nation and people, many of whom are inhabitants of our commonwealth and who in their own right have contributed greatly to its well being; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully requests the Congress of the United States to provide money for the establishment and preservation of the Thaddeus Kosciusko Home National Historic Site in Philadelphia; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of the Interior, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, September 7, 1971."

Resolutions of The Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolutions Memorializing the Congress of the United States To Enact Legislation to Reimburse the Various States for the Cost of General Relief Afforded Certain Migrant Recipients

"*Whereas,* The cost of living has risen to an all-time high; and

"*Whereas,* The number of people dependent on assistance has sharply increased in many of the states; and

"*Whereas,* Many of the recipients are migrants from other states and their influx to another state causes an undue burden on that state; therefore be it

"*Resolved,* That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation to reimburse the various states for the cost of general relief to recipients who reside in the state for less than one year; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, September 8, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Finance:

"Resolution No. 172

"Relating to memorializing the Congress of the United States to enact welfare legislation to make uniform the national standards for all welfare assistance, to otherwise reform the national welfare programs, and to finance all welfare payments throughout the nation.

"*Be it resolved by the Legislature of the Territory of Guam:*

Whereas, the question of uniformity of welfare assistance is of paramount importance to the entire United States of America, the disparity of payments among the several states and territories and the lack of national standards of assistance having created crisis situations in state and territorial governments throughout the nation; and

Whereas, it is the consensus of this Legislature that only through national financing of all welfare programs can national standards be established and the various states and territories, including this territory, be relieved from the substantial financial burden imposed upon them by the financing of welfare payments; now therefore be it

Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the Congress of the United States to take action to enact legislation which will include the following: the financing by the Federal government of all welfare payments throughout our nation; the establishment of uniform national standards for all welfare assistance; the continued administration by the individual states, territories, and towns of welfare on the local level with emphasis on training and incentive programs as well as programs designed to reunite families receiving welfare assistance; and be it further

"*Resolved,* that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker of the United States House of Representatives, to the President, United States Senate, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"Resolution No. 84

"Relative to requesting the Government Comptroller to furnish the Legislature with audit reports

"*Be It Resolved by the Legislature of the Territory of Guam:*

"Whereas, the Congress of the United States which created the office of Government Comptroller for Guam has charged that office with the responsibility of auditing all accounts pertaining to the revenue and receipts, and all expenditures of funds and property, of the government of Guam; and

"Whereas, the present incumbent of that office, Mr. Floyd W. Fagg, an appointee of the former Secretary of the Interior, the Honorable Walter J. Hickel, has apparently adopted the practice of not providing the Legislature of Guam with a copy of reports of such audits as he may make, and the Legislature is therefore unaware of the contents thereof except what an individual senator may glean from personal reading of the newspaper or through other news media; and

"Whereas, the present Government Comptroller for Guam in his annual report and in his speeches has referred to millions of dollars of savings which could be effected in the operations of the government of Guam, and since under Section 1300 of the Government Code, the Legislature has the responsibility to provide an annual audit of all government of Guam accounts and financial transactions, the Legislature is hampered in the performance of this statutory audit responsibility by the lack of apparently most valuable management information which could readily be furnished by the said audit agency of the United States Government; now therefore be it

"*Resolved,* that the Eleventh Guam Legislature does hereby request the Office of the Government Comptroller for Guam to furnish the Legislature with two copies of all reports of audits issued by that office to date, as well any to be hereafter issued; and be it further

"*Resolved,* that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Mr. Floyd W. Fagg, Government Comptroller for Guam, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 25th day of June, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"Resolution No. 107

"Relative to requesting the Congress of the United States to amend the Organic Act to transfer the Government Comptroller from the Department of the Interior to the Office of the Comptroller General

"*Be it resolved by the Legislature of the Territory of Guam:*

"Whereas, Public Law 90–497, 90th Congress (the Elective Governorship Act) established within the Department of the Interior the Office of Government Comptroller to audit the accounts and review claims pertaining to the revenue and receipts of the government of Guam, the present incumbent in said office having been on the job here in the territory since 1969; and

Whereas, without re-examining the whole question as to the desirability of such a comptroller within the framework of the territorial government, the Legislature is nonetheless convinced that the proper agency to which such comptroller should report and be answerable is not the Department of the Interior but rather the Office of Comptroller General of the United States established by the Congress since, as the Legislature understands it, the principal rationale for the foisting of such a comptroller on the people of Guam was to keep the Congress properly advised as to the spending of the so-called "Federal" funds by the territorial government after the executive branch of such government ceased to be headed by an appointed Federal official, and such being the case, it would appear that the Comptroller General, having the statutory duty to oversee the expenditure of the public monies on behalf of the Congress, would be the appropriate agent to whom such government auditor should report; and

"Whereas, furthermore, in view of the present plans of the Nixon Administration to do away with the Department of the Interior, it becomes even more desirable that the Government Comptroller be transferred to the Office of the Comptroller General unless, in the necessary juggling and shifting of agencies caused by the proposed executive branch reorganization the Congress decides to eliminate the Office of Government Comptroller altogether, to which the Legislature and the people of Guam interpose no objection whatsoever; now therefore be it.

"*Resolved,* that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request, petition, and memorialize the Congress of the United States to amend the Organic Act of Guam to move the Office of Government Comptroller from the Department of the Interior to the Office of Comptroller General of the United States; and be it further

"*Resolved,* that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Comptroller General of the United States, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on the Judiciary:

"Resolution No. 75

"Relative to requesting the Congress of the United States to initiate the necessary constitutional amendment to permit the people of Guam to vote in presidential elections

"*Be it resolved by the Legislature of the Territory of Guam:*

"Whereas, the people of Guam probably constitute the most patriotic community in the whole American commonwealth, as evidenced by their participation in every American war since 1898, including the War in Vietnam where Guam's casualty rate is by far the highest of any American community; and

"Whereas, this love of country met its sternness test during the Second World War, Guam being the only American community to suffer through the agony of a brutal and lengthy enemy occupation, during which occupation no native Guamanian was guilty of collaboration or acted in any way disloyal to the interests of America even though at that time local residents were not even citizens of the United States, and under the pre-war Naval government had been without effective political rights; and

"Whereas, as a reward for this devotion to America, Congress extended American citizenship and limited self-government to the people of Guam in 1950, under which civil government the people prospered and the territory flourished; and

"Whereas, in reward for the increasing stability and political maturity demonstrated by the people of Guam after the grant of citizenship, Congress enacted the Elective Governorship Act which drastically amended the Organic Act both to provide Guam with an elected chief executive and to considerably strengthen the hand of the Guam Legislature, thereby, in effect, giving the people of Guam almost all the attributes and privileges of American citizenship enjoyed by their fellow American citizens in other American communities; and

"Whereas, one of the few such attributes not now enjoyed by the people of Guam is participation in presidential elections since under our Constitution, only the members of the Electoral College vote for the President and Vice President and the Constitution has no provision for electors from an unincorporated territory such as Guam; and

"Whereas, since the Congress has heeded the pleas of the people of Guam in so many instances in the past, it is now the hope and expectation of the Legislature that once again the necessary action will be initiated to increase the participation by the people of Guam in the American political process by amending the Constitution to permit them to vote in presidential elections, it being a most hopeful sign to the territory that in the not too distant past, Congress acted to initiate the Constitutional amendment that now permits the residents of the District of Columbia to so vote in presidential elections; now therefore be it

"*Resolved*, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully petition and memorialize the Congress of the United States to initiate a Constitutional amendment to permit the people of Guam to vote in presidential elections; and be it

"*Resolved*, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"Resolution No. 314

"Relative to requesting the President of the United States to direct the Secretary of the Interior to declare as surplus government property that property in Guam presently owned by the Department of the Interior and to order the disposition thereof to the government of Guam

"*Be it resolved by the legislature of the Territory of Guam*:

"Whereas, it has been the United States Government's announced policy for many years to dispose of lands not used by the Federal government, by declaring such lands surplus property and either donating or selling said property to the states, municipalities, or territories in which said property exists, it being agreed that an effective disposal of unneeded property would benefit both the recipient of the property and the treasury of the United States; and

"Whereas, certain property in the territory of Guam, which was at one time used and owned by the United States Navy for defense purposes, was transferred to the jurisdiction of the Department of the Interior, a majority of this property since such time becoming abandoned, such property not being utilized by the Department of the Interior, or any other department or instrumentality of the Federal government; and

"Whereas, a great portion of that property which is the subject of this resolution is composed of areas which are the most scenic within the territory of Guam, containing beautiful beaches and natural shorelines which would be ideal for the development of recreational areas for the people of the territory of Guam; and

"Whereas, the territory of Guam is desirous of developing areas within Guam as territorial parks for the people of Guam as well as recreational areas for the expanding tourist trade within the territory, this Legislature hoping that the preservation of these lands will retain for future generations the natural beauty of the area; now therefore be it.

"*Resolved*, that the Eleventh Guam Legislature on behalf of the people of Guam does hereby respectfully request the President of the United States to direct the Secretary of the Interior to declare as surplus property those lands in Guam presently owned by the Department of the Interior, and thereafter to direct the disposal of these lands to the government of Guam, either as a donation to the people of Guam, or through their sale to the territory of Guam; and be it further

"*Resolved*, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the Secretary of the Interior, to the Chairman of the House Committee on Interior and Insular Affairs, to the Chairman of the Senate Committee on Interior and Insualr Affairs, to the Chairman of the House Subcommittee on Territorial and Insular Affairs, to the Chairman of the Senate Subcommittee on Territorial and Insular Affairs, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution adopted by the Okinawa Prefectual Association, requesting currency conversion in Okinawa; to the Committee on Banking, Housing and Urban Affairs.

A telegram, in the nature of a petition, from the Association of the Village Council Presidents, Inc., Bethel, Alaska, relating to villages situated on Federal Reserve lands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Washington Metropolitan Area Transit Authority, Washington, D.C., in support of METRO; to the Committee on the Judiciary.

A resolution adopted by The Military Order of the World Wars, Washington, D.C., supporting Mr Hoover and the Federal Bureau of Investigation; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S.J. Res. 48. Joint resolution to repeal authorization for the employment of Armed Forces for the protection of Formosa and the Pescadores (Rept. No. 92–363).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary:

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office;

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit;

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit;

William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama;

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York;

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit; and

Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the district of Colorado.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MATHIAS:

S. 2554. A bill to establish a systematic and comprehensive national land use policy. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAYH (for himself and Mr. Church):

S. 2555. A bill to require a study of the changes in the amount and distribution of ozone, and other stratospheric effects, resulting from the operation of commercial supersonic transports, and the impact of such changes on life; to ban such operation pending completion of the study; and for other purposes. Referred to the Committee on Commerce.

By Mr. ALLOTT:

S. 2556. A bill to establish a Municipal Mine Demonstration Plant, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (for himself and Mr. Church):

S. 2555. A bill to require a study of the changes in the amount and distribution of ozone, and other stratospheric effects, resulting from the operation of commercial supersonic transports, and the impact of such changes on life; to ban such operation pending completion of the study; and for other purposes. Referred to the Committee on Commerce.

THE STRATOSPHERIC PROTECTION ACT OF 1971

Mr. BAYH. Mr. President, I am introducing today the Stratospheric Protection Act of 1971. This bill directs the Administrator of the Environmental Protection Agency to report to Congress within 2 years on the chemical changes in the stratosphere which will be caused by the commercial operation of supersonic aircraft, and the effect of these changes on human life. Because of the possibility of fundamental injury to human life—particularly, blindness—if the SST is allowed to fly, my bill also bans civil supersonic aircraft flights over or landing in the United States until and unless the Administrator reports that these flights pose no appreciable danger to life.

During the debate on the Nixon administration's request for continued funding of the SST, many people, including myself, expressed deep concern over the environmental impact of these airplanes. The concern for the environment, coupled with an abiding conviction that Government funding of the SST represented a distortion of national priorities, lead to the widespread opposition which defeated SST appropriations.

But we cannot now afford to forget the

environmental dangers which the SST poses. For other nations have continued developing their supersonic transports, and these planes will soon seek to fly over the United States. Indeed, it is reported that the British-French Concorde, for which many American airlines have options, will be put into commercial operation in 1974. And the Russian Tuploev 144 is expected perhaps a year later, in 1975.

While other countries have continued the development of their supersonic transports, concerned individuals around the world have continued their research into the environmental impact of commercial flights of these planes. Recently, certain studies by Dr. Harold Johnston of the University of California at Berkeley have come to public attention. I have contacted this distinguished scientist about his work. Dr. Johnston believes that the result of commercial operation of the SST will be that—

> All animals of the world—except, of course, those that wore goggles—would be blinded if they ventured out during the daytime.

In addition, some of Dr. Johnston's colleagues believe that commercial SST flights will cause the destruction of all plant life which is not underwater.

What are these frightening predictions based upon? Put as simply as possible, Dr. Johnston's theory is that nitric oxide from the exhausts of SST's will destroy the ozone in the stratosphere. Ozone is a slightly bluish gas whose presence in the stratosphere protects all forms of life from the deadly radiation of the sun. Presently, few aircraft fly in the stratosphere, which is a very dry and stable—and delicate—part of the atmosphere beginning about 7 to 10 miles above the ground. But the SST will have to fly in the stratosphere to be economically viable. According to Dr. Johnston, a fleet of 500 SST's flying an average of 7 hours a day could cut the amount of ozone in the stratosphere in half in just 12 months. And once begun, there is no certainty that the destruction of ozone could be reversed even by halting SST flights.

If Dr. Johnston is right, commercial operation of supersonic transports would spell the end of mankind as we know it. Not all scientists agree with Dr. Johnston on this point. The Massachusetts Institute of Technology's "Study of Critical Environmental Problems," concluded that the effect of nitric oxide in SST exhaust on ozone concentrations would not be significant. But all scientists seem to agree that there are gaps in our knowledge which must be closed before we will know with assurance whether the SST will—or will not— endanger the lives of every one of us. We must find out, among other things, the amount and distribution of ozone and nitric oxide presently in the stratosphere, the quantity of nitric oxide which a fleet of SST's will emit, and the characteristics of the chemical reactions expected. And we must find all this out before we permit SST's to fly.

These are the considerations which underlie the legislation I am introducing today. In summary, my bill directs the administrator of the Environmental Protection Agency to report to Congress within 2 years on—

> The impact on human, animal, and plant life which may result from alterations in the amount and distribution of ozone and other stratospheric changes caused by the commercial operation of civil supersonic aircraft in the stratosphere.

The cost of such a report is estimated to be about $20 million, surely a minimal expenditure in view of the potential seriousness of the problem.

My bill also bans all civil supersonic aircraft flights in and over the United States until and unless the administrator reports to Congress that "there is no appreciable possibility of adverse impact on human, animal, and plant life" from such flights. Because of the importance of United States travel to the air transport industry, such a ban would preclude full-scale commercial operation until this research is concluded. To insure widespread participation in the decisionmaking process, the bill requires the administrator to hold a public hearing on a draft of his report before submitting it to Congress. And in recognition of the international aspects of the problem, the bill directs the administrator to invite representatives of other nations and of appropriate international organizations to submit studies and reports to him.

I have chosen the Environmental Protection Agency to supervise this research because it is the Agency charged with broad responsibilities for our environment, and it has the experience, expertise, and established organization which will allow it to meet the strict time limits the bill must impose.

To eliminate any possible doubt, let me state plainly that the report which this bill mandates can be completed without building a prototype of the SST. For example, measurement of the actual characteristics of the stratosphere does not require a civil SST; other aircraft can fly in that part of the sky, and even if an SST were needed, existing military aircraft would be sufficient. And analyses of the SST's exhaust gases and of the chemical reactions which they may cause does not require a prototype; it can be done in scientific laboratories. Indeed, we were told as much last spring by William Ruckelshaus, head of the Environmental Protection Agency. He said:

> (M)ost of the environmental questions (about the SST), can be answered without . . . prototypes.

When questioned about this point at the hearings, Mr. Ruckleshaus agreed—

> That all the problems with respect to the environment can be solved without the production of two prototypes.

In any event, it is clear that if my bill is passed, those nations which have already built supersonic aircraft will have a great incentive to cooperate with the Administrator and to supply him with such raw data and assistance as he needs to prepare his report.

Mr. President, the ozone problem is a specific and critical problem which must be settled, one way or the other, and must be settled soon. Of course I recognize that the SST may also present other serious environmental hazards. These include, in the words of the Garwin report—

> The noise of the SST in the vicinity of the airports—particularly, high sideline noise—and the possible influence on the climate of the large quantities of water left in the atmosphere of 60,000 to 70,000 feet by the operation of large numbers of SST's.

My good friend and colleague Senator NELSON has introduced a bill which provides for a longer term study of all the environmental impacts of the SST by a special commission established for that purpose. I support that legislation. But no matter what course Congress chooses in the long run to get the facts about the overall environmental dangers of the SST, we must act now to get the facts about ozone depletion. We must act soon before the SST's are heard, even if not seen, overhead.

I ask unanimous consent that the text of my proposed legislation, a letter to me from Dr. Johnston, and a newspaper article on the ozone problem be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Stratospheric Protection Act of 1971."

SEC. 2. The Congress finds and declares that:

(1) the commercial operation of civil supersonic aircraft in the stratosphere may begin within three years;

(2) the operation of such aircraft may pose grave ecological problems including, according to the distinguished scientists and scholars, alterations in the amount and distribution of ozone in the stratosphere and perhaps other changes in stratospheric conditions;

(3) the changes which may occur in the stratosphere may cause blindness and otherwise endanger human, animal and plant life; and

(4) further research is needed on such effects of the operation of civil supersonic aircraft before the United States permits such aircraft to fly over its airspace.

SEC. 3. (a) The Administrator of the Environmental Protection Agency is authorized and directed to report to the Congress within two years from the date of this act on:

(1) the effect of the commercial operation of civil supersonic aircraft on the amount and distribution of ozone in the stratosphere;

(2) such other stratospheric effects of the operation of civil supersonic aircraft as the Administrator deems significant; and

(3) the impact on human, animal, and plant life which may result from alterations in the amount and distribution of ozone and other stratospheric changes caused by the commercial operation of civil supersonic aircraft in the stratosphere.

The Administrator is authorized to conduct in the Environmental Protection Agency, or to make grants for the purpose of conducting, such tests and other activity as he deems necessary to prepare such report.

(b) The Administrator shall distribute such report as widely as practicable to the public, to other nations, and to appropriate international organizations. Not less than four months before the date on which the Administrator reports to Congress, he shall issue a proposed report, and shall, not less than one month later, hold public hearings thereon.

(c) The Administrator shall invite and permit representatives of the public, of other nations, and of appropriate international organizations to submit for his consideration reports and studies concerning the topics on which he must report to Congress. The

Administrator shall periodically issue and distribute to the public and to other nations and appropriate international organizations such significant scientific, technical and other information as he receives or develops in the course of preparing the report required by this Act.

SEC. 4. No civil supersonic aircraft may be operated within the territorial jurisdiction of the United States,

(1) until ninety (90) days after the Administrator has completed and distributed the report required by this Act; and

(2) thereafter, unless such report shall conclude that there is no appreciable possibility of adverse impact on human, animal or plant life from the commercial operation of such aircraft.

SEC. 5. There is authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this Act.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., September 15, 1971.
Senator BIRCH BAYH,
Committee of the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I have your request as transmitted by Mr. Michael S. Helfer for a statement about my work on the possible environmental effects of the SST, about research needed to close gaps in our knowledge on this subject, and about the cost and time needed to achieve these goals. I am glad to give you my opinions on these subjects.

Because of a profound temperature inversion (produced by the photolysis of ozone), the stratosphere is extremely stable against vertical mixing at elevations of 15 to 50 kilometers, and contaminants deposited there have a half-life of about two years with respect to vertical mixing but a half-life of 10 to 100 days with respect to horizontal spreading. In the winter the polar regions cool by outward radiation, and cold surface, air-masses slide southward, which would tend to create a partial vacuum above the polar region. However, stratospheric air descends into this potential vacuum. Similarly air in the lower atmosphere rises up into the stratosphere in equatorial regions. Thus there is a more or less annual cellular circulation: up near equator, horizontal through the stratosphere over temperate zone, and subsidence downward in polar regions. This annual circulation is superimposed on the fast, stormy processes in the troposphere, the fast horizontal spreading of the stratosphere, etc.

A complete photochemical theory must be grafted on top of this grand, global cellular action and the smaller scale horizontal and vertical motions. Both chemists and meteorologists believe that such a calculation is hopelessly complicated with the present state of knowledge or with the state of knowledge as we may develop it over the next five years. People who are anti-SST tend to say that we must not fly the SST until this hopelessly difficult problem is solved. People who are pro-SST say that since the solution to the problem is so difficult nobody can prove anything anyhow, and we should just go on ahead. I have worked on this problem with an unconventional but straightforward approach (Because my method is unconventional, I have offended many established meteorologists). Since we can't solve the total problem of coupled chemistry and atmospheric dynamics, let's solve the photochemical problem for every reasonable value of the stratospheric variables: height, latitude, temperature, solar angle, and background concentration and distribtuion of NO_x. If the effect (on ozone) of added NO_x from the SST is large for all of these variables, then who cares about diffusion and air transport? If the effect is big everywhere, then air transport merely moves the big effect from one place to another, and the SST would certainly be a hazard under any circumstances.

I was introduced to the SST problem last March and the government witnesses, so to speak, presented the material from the SCEP report as gospel. They said that GE said that the SST would emit NO at a rate of 42 pounds of NO per thousand pounds of fuel, and therefore the stratosphere would build up between 7 and 70 parts per billion (ppb) of NO_x. Nobody has measured the concentration of NO_x in the natural stratosphere, but the best authorities (for example, M. Nicolet) estimate it to be between 1 and 10 ppb. Thus the SCEP report concluded that SST would increase the NO_x of the stratosphere by a factor between 1.7 and 71. In supposedly private reports to the Executive Branch last April I showed that such increases in NO_x would cause a disastrous reduction of ozone under all conditions of the stratosphere, all elevations, all temperatures, everywhere.

At this point the General Electric company said that their engines would not emit 42 pounds of NO per thousand pounds of fuel, but instead the emission would be 5 pounds of NO per thousand of fuel (I have observed the effect of corporate interests on scientific truth and on laboratory scientists, and I frankly don't believe this emission figure. I might believe a figure of 10 pounds per thousand, although I concluded earlier that 15 pounds per thousand was about right). If one accepts the current GE value, then the American SST and the Concorde give about the same emission per plane per hour. In this case the range of NO_x to be added to the stratosphere is between 1 and 10 ppb and the background NO_x in the stratosphere is presumably between 1 and 10 ppb. If we give all benefit of doubt to the SST, it increases the NO_x background by only 10% (and this is the case quoted these days by Crutzen, by Westenberg, and by others). If we give all benefit of doubt to the people of the world, then the SST will increase the natural background of NO_x by a factor of 10.

Now we have a situation where the actual concentration and distribution of the background NO_x is crucial. Also the air motions and distribution of NO_x from the exhausts becomes important. In my calculations I have shown that for a given NO_x background and for a given total increase in NO_x from exhausts, the effect on the ozone column is quite different depending on the distribution of the exhaust in the stratosphere. If the SST engines were as dirty with respect to NO_x as GE said they were in the summer of 1970, then without any doubt the projected fleets would have been a major disaster. If the SST engines are as clean as GE now says they are, then it will require a very careful analysis to see if the effect will be small or large.

The most crucial thing to measure is the present concentrations of NO, NO_2, HNO_3, N_2O_5, and N_2O as a function of elevation and latitude. Planes, balloons, and rockets now regularly go into the stratosphere. They should be equipped to measure these substances down to the absolute value of 10^8 molecules/cc. It is an extremely tough job to go down to such low values, and current instruments probably cannot do it without some further development. Analysis of these materials with the best currently available equipment should be done soon, even if such high sensitivities cannot be attained. The analytical methods must be specific for these materials, that is, one must be careful about cryogenic methods because NO_2, H_2O, HNO_3, and NO can interconvert in the condensed state. Of secondary importance is the measurement of other things such as H_2O, H_2O_2, CH_4, O_3; and the active free radicals HO, HOO, NO_2. Attention needs to be given as to the time of day when samples are taken; the reaction, $NO+O_3 \rightarrow NO_2+O_2$, is so fast that there will be no NO an hour or so after sunset.

The second line of research needed is laboratory investigations or re-investigations for the reactions.

$NO_2+O_3 \rightarrow NO_3+O_2$
$NO_3+h\nu \rightarrow NO+O_2$
or NO_2+O
$N_2O_5+h\nu \rightarrow N_2O_4+O$
$N_2O_5+O \rightarrow N_2O_4+O_2$
$N_2O_5+H_2O \rightarrow 2HNO_3$
$HO+NO_2+M \rightarrow HNO_3+M$
$HO+HNO_3 \rightarrow H_2O+NO_3$
$O+HNO_3 \rightarrow HO+NO_3$
$HNO_3+h\nu \rightarrow HO+NO_2$
$O(^1D) \rightarrow H_2O \rightarrow 2HO$
$HO+O_3+HOO+O_2$
$HOO+O_3 \rightarrow HO+2O_2$
$HO+NO_2+M \rightarrow HNO_2+M$
$HNO_2+HO \rightarrow H_2O+NO_2$
$HNO_2+h\nu \rightarrow HO+NO$
$H_2O_2+h\nu \rightarrow 2HO$
$HOO+NO \rightarrow HO+NO_2$
or HNO_3

Some of these reactions are more important than others and they are not listed in order of priority. The ones involving nitric acid HNO_3 and the radical HOO are perhaps most urgently needed. Some laboratories could make rapid progress on these studies.

The third line of work needed is to have an agency independent of the manufacturing companies (such as GE) to measure the actual exhaust from the engines and extrapolate to stratospheric conditions. One thing to guard against is control of NO_x only to increase greatly the hydro-carbon exhaust emissions. Release of large amounts of hydrocarbons might produce a world-wide Los Angeles-type smog in the stratosphere.

The fourth line of work needed is further theoretical work from several different points of view. Some people propose that experiments be done in the stratosphere with chemical releases, or following the exhaust of a plane, or other in-position experiments. Such experiments could use up a great deal of money and not come up with useful data. Such experiments should be examined very critically in advance. Also, some people want to seize this opportunity to get funds to measure all the meteorological variables of the stratosphere, with large numbers of long term studies. Such studies should be justified on their own merit for long term considerations, and care should be taken not to load down the solution of the SST problem by extraneous studies.

In summary, the needed studies are (1) chemical analysis of background substances in the stratosphere using existing state of the art as soon as possible, with later development of more sensitive tests for cases where they are needed. Here you need chemists and flight platforms. (2) Laboratory chemical studies of several chemical and photochemical reactions. (3) Chemical and engineering analysis of exhaust gases from jet engines. (4) Theoretical work with collaboration between chemists, physicists, and atmospheric scientists. (5) *Possibly* some direct measurement of stratospheric mass transfer processes.

It seems to me that atmospheric scientists have badly missed the boat on this question. They thought they knew all the answers, when they didn't. Full control of a research program on the SST should *not* be turned over to these people, but a large proportion of hard-shell physicists and chemists should be included in the scientific decision-making bodies.

You asked for my estimate as to cost and time to carry out these studies. For each reaction under item 2, pick an experienced principal investigator with a laboratory essentially ready to go. Give him a post-doctoral fellow per reaction for two years, some additional equipment, and peripheral research support. About 10 different investigators should be involved, each one studying about 2 reactions. In this way each reaction would cost about $50,000. There are about 20 such reactions. Thus about $1 million spread over two years should solve most of the problems here. For item 1, I have less direct experience. I have no idea how to estimate or apportion the costs of planes, balloons, rockets, etc. The costs for adaptation of methods of chemical analysis should be comparable to item 2 so far as personnel is concerned, but equipment may be more costly. In general new equipment will probably be needed specifically for these jobs. I estimate that 10 properly selected chemists with a budget of $2 million over a period of two years could do this job. The cost of flight platforms and flights is in addition to this.

Item 3 on the testing of jet exhausts is outside my field of experience. I have no suggestions here.

Continuing theoretical work should involve a wide range of disciplines and people. Let the theoretical atmospheric scientists try to prove that they have been right all the time, and also support brash people in different fields who have different ideas. Even seek out "environmentalists" who will push in an adversary way to see that a snow job is not done by four big governments and eight big corporations. Here, we need at least 20 investigators to be supported with about $25 thousand per year for two or three years. These investigators should be about half atmospheric scientists and half other physical scientists.

In general, my cost estimates are probably low. Even so, about $20 million spread over three years should produce about three-quarters of the desired answers in 2 or 2½ years. The last one-quarter may require so much time and money that it may not be worth it.

This response to your inquiries has been longer than I intended, but I hope it contains some information useful to you.

Sincerely yours,

Harold Johnston.

Will the World's SSTs Drive Us All Underground?

(By Claire Sterling)

Rome.—Now that Science magazine (in its August issue) has finally decided to publish one expert's chilling view of the matter—he believes all living creatures may have to go underground or be blinded once supersonic transport really gets going, in about 15 years—it might help to know what others think.

The expert, rated among the best, is Dr. Harold Johnston of the University of California at Berkeley. He was challenged sharply at an international Study of Man's Impact on the Climate (SMIC) in Stockholm this summer, by 30 of the world's most distinguished scientists.

Dr. Johnston has been studying the effects of nitric oxide on ozone on and off for 20 years. His report, presented privately to the White House and leaked to the New York Times last spring while the editors of Science were trying to make up their minds about printing it, appears to have surprised if not stunned the scientific comunity. If he is right, the hydrogen bomb would have nothing on the British-French Concorde and Russian Tupolev—144 as a fast way to finish off the planet.

Ozone is what makes the sky blue and saves us from fatal radiation. If it were not for this kindly gas absorbing the sun's utraviolet rays from 10 to 30 miles above our heads we would be done for. Already, white people are increasingly vulnerable to skin cancer as they near the Equator, where the sun's rays are more direct. A mere drop of one percent in the atmosphere's ozone content would increase radiation eight times as much on the earth's surface, and ozone itself is so "excitable" that it can go to pieces on exposure even to five parts per billion of some substances.

Nitric oxide is one of those substances. The air is full of it already, from factory smokestacks and the exhausts of cars and planes. But that kind simply goes into the subsonic troposphere, where it may drift away in days or weeks. Supersonic aircraft are the first to put nitric oxide directly into the more rarified stratosphere, where it could linger for years, Furthermore, these aircraft cruise at about a 12-mile altitude, just where the ozone layer is thickest. By latest estimates, a single commercial stratoliner will emit a ton an hour of nitric oxide in flight, each would fly four to seven hours daily, and even if Congress has killed off the American Boeing version for good, there might be a global fleet of 500 to 1,000 SSTs aloft by 1985, or soon after. In other words, SSTs would be dumping up to 7,000 tons a day of nitric oxide into the stratosphere, where five parts per billion in volume are theoretically enough to upset the ozone equilibrium within a year, and even half of one part per billion could do it in a decade.

Dr. Johnston, the first to measure this breakdown process in the laboratory, calculates that 500 SSTs flying an average 7 hours in every 24 could cut the atmosphere's ozone content by half in less than 12 months. What's more, the same nitric oxide could reform after demolishing an ozone molecule and go on demolishing them one after another in an irreversible process. By then, it would hardly matter though, since Dr. Johnston predicts that with even half the ozone gone "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime." Some of his associates at Berkeley believe practically all plant life would die off too.

To a man, scientists at last July's Stockholm conference refused to accept this. Most of them had attended a conference almost as illustrious on environmental pollution (SCEP) the previous summer, where Dr. Johnston had refused to accept their conclusion that SSTs would cause such small ozone changes as to be "not relevant in considerations of man's impact on climate." In the intervening year, they concluded at Stockholm with a pointed snub for their now absent colleague, "no new information has been developed to appreciably alter the SCEP judgment."

In fact, some tantalizing information has turned up that seemingly confirms it. Inasmuch as pollutant gases like nitric oxide are known to "leak" eventually from troposphere to stratosphere, they should presumably be breaking down the ozone right now. But a large majority of the world's weather stations report that ozone has actually been increasing in the stratosphere over the last decade. Nobody knows whether the causes are natural or man-made; as SMIC experts observed, we had better find out. Nevertheless, the phenomenon could scarcely be said to bear out Dr. Johnston's theory.

The trouble with his findings, according to SMIC scientists, was that all his work was done in the laboratory. Neither he nor anybody else has done any sampling in the stratosphere. Our knowledge of conditions there is accordingly, meager: how much of what substances are to be found, how fast they act on each other chemically, and above all, what forces carry them where, at what speed, under which conditions. Until we can be sure of this transport pattern especially, we can be sure of nothing. In effect, explained a SMIC expert, the Berkeley experiment might be described as a test of carefully measured gases in a perfectly sealed box; the reality would be more like a slatted vegetable crate in which the gases might be moved up, down, sideways—or out—by the air blowing through it.

To anybody standing above this particular fray, what leaps to mind is not as much one scientist's capacity for error as a kind of neo-neanderthal ignorance on the subject in general. Who would have thought it possible, in this age of research and development, with billions of dollars already invested in supersonic transport and both the Concorde and Tupolev very nearly operational, that not a single American, British, French or Russian scientist has yet gotten off his laboratory stool and gone out to do some relevant sampling in the stratosphere? Military SSTs have been flying in and out of it for some time after all; and the cost of adequate testing would be almost laughable compared with the amount spent on the SSTs themselves. SMIC delegates think it should not run to much more than $20 million.

Though any scientist will tell you how urgent such research is—those in Stockholm considered it indispensable before SSTs start flying commercially—none of the aircraft industries involved, or their sponsoring governments, has yet made a move to put up the money. Before we find ourselves groping sightlessly around a lifeless planet, it would be nice to think that at least one of them might.

By Mr. ALLOTT:

S. 2556. A bill to establish a municipal mine demonstration plant, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MUNICIPAL MINE DEMONSTRATION PLANT LEGISLATION

Mr. ALLOTT. Mr. President, I introduce, for appropriate reference, a bill to authorize the construction of a municipal mines demonstration plant, and for other purposes.

As Senators will recall, the Mining and Minerals Policy Act of 1970 set forth in broad terms the policy objectives of the United States with respect to our mineral resources. The second objective as set forth in clause 2 of section 2 is as follows:

> The orderly and economic development of domestic mineral resources reserves and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs.

The objective of the bill I introduce today is to help make available to our industry a significant source of metal and other mineral commodities by reclaiming them from incinerator residue.

In addition, the objectives of this bill are in consonance with objective No. 3 as contained in clause 3 of section 2 of the Mining and Minerals Policy Act of 1970, which is as follows:

> Mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources.

Mr. President, the "wise and efficient use of our natural and reclaimable mineral resources" requires us to look to all sources for the minerals and mineral commodities needed for our industry and consumers. Substantial quantities of iron, glass, aluminum, brass, copper, and other metals are being lost each year to residue burial grounds. The recovery of these commodities would have a substantial and continuing impact upon the supply, domestically, and would be a step in the direction of "the wise and efficient use of our natural and reclaimable mineral resources."

Mr. President, the Bureau of Mines has been doing some exciting work in the field of reclaiming mineral commodities, and some of it has been done at their College Park, Md., facility. At that facility, the Bureau of Mines has put together a process for the separation and treatment of the incinerator residue utilizing mineral processing and beneficiation equipment commonly in use by the mining industry and without the necessity of any special or specially designed equipment. The success of this process lies largely in its use of proven and accepted methods and of the use of equipment which can be practically bought off the shelf. The Bureau of Mines has demonstrated in its College Park pilot plant that by sequencing the various processing of the residue a substantial quantity of salable product can be extracted. Approximately 75 percent of the residue can be recovered and separated into salable commodities.

Of even greater interests are the economics. Based upon projections from it a thousand-pound-per-hour pilot plant, the Bureau estimates that operating costs for an incinerator of a 250-ton-per-day capacity are approximately $4.06 per ton of residue. This is on an 8-hour operating day. These costs diminish to $1.08 per ton of residue in an incinerator having a capacity of 1,000 tons per day. Inclusive in these costs are supplies, replacements, maintenance, utilities, labor, overhead costs, insurance, and depreciation of the plant on a 20-year life basis.

Mr. President, I ask unanimous consent that certain tables from the April 1971 Bureau of Mines technical progress report, entitled "Economics of Recycling Metals and Minerals From Urban Refuse," be printed in the RECORD at this point. Those tables are as follows: Table 5, entitled "Estimated Operating Costs for Commercial-Size Plants"; table A-1, entitled "Estimated Annual Operating Costs, 250-Ton-Per-Day Incinerator Residue Plant—8-Hour Day"; table A-4, entitled "Estimated Annual Operating Cost, 1,000-Ton-Per-Day Incinerator Residue Plant—24-Hour Day."

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 5.—ESTIMATED OPERATING COSTS FOR COMMERCIAL SIZE PLANTS

Capacity, tons per day incinerator residue (dry basis)	Operating time, hours per day	Operating costs, dollars per ton of dry residue
250	8	4.06
400	8	3.28
670	24	2.32
1,000	24	1.80

APPENDIX

TABLE A-1.—ESTIMATED ANNUAL OPERATING COST, 250-TONS-PER-DAY INCENIRATOR RESIDUE PLANT—8-HOUR DAY

	Annual cost	Cost per ton incinerator residue
Direct cost:		
Raw materials:		
Incinerator residue at $0 per ton	0	0
Flocculant at $1.60 per pound	$2,200	$0.03
Ferrosilicon at $0.07 per pound	100	.01
Replacement rods for rod mill at $0.12 per pound	1,000	.02
Total	3,300	.06
Utilities:		
Electric power at 1 cent per k.w.h.r.	$4,700	$0.07
Water, process at 47 cents per million-gallons	800	.01
Natural gas at 50 cents per mmbtu	8,700	.13
Total	14,200	.21
Direct labor:		
Labor at $2.50 per hour	36,400	.56
Supervision, 25 percent of labor	9,100	.14
Total	45,500	.70
Plant maintenance:		
Labor	29,400	.45
Supervision, 25 percent of maintenance labor	7,400	.11
Materials	24,600	.38
Total	61,400	.94
Payroll overhead, 25 percent of above payroll	20,600	.32
Operating supplies, 20 percent of plant maintenance	12,300	.19
Total direct cost	157,300	2.42
Indirect cost, 20 percent of direct labor and maintenance	21,400	.33
Fixed cost:		
Insurance, 1 percent of total plant cost	14,100	.22
Depreciation, 20-year life	70,700	1.09
Total operating cost	263,500	4.06

TABLE A-4.—ESTIMATED ANNUAL OPERATING COST, 1,000-TONS-PER-DAY INCINERATOR RESIDUE PLANT—24-HOUR DAY

	Annual cost	Cost per ton incinerator residue
Direct cost:		
Raw materials:		
Incinerator residue at $0 per ton	0	0
Flocculant at $1.60 per pound	$8,600	$0.03
Ferrosilicon at $0.07 per pound	300	.01
Replacement rods for rod mill at $0.12 per pound	4,000	.02
Total	12,900	.06
Utilities:		
Electric power at 1 cent per k.w.-hr.	17,000	.07
Water, process at 47 cents per million gallons	3,300	.01
Natural gas at 50 cents per mmbtu	35,000	.14
Total	55,800	.22
Direct labor:		
Labor at $2.50 per hour	98,800	.38
Supervision, 25 percent of labor	24,700	.09
Total	123,500	.47
Plant maintenance:		
Labor	35,400	.14
Supervision, 25 percent of maintenance labor	8,900	.03
Materials	29,300	.11
Total	73,600	.28
Payroll overhead, 25 percent of above payroll	42,000	.16
Operating supplies, 20 percent of plant maintenance	14,700	.06
Total direct cost	322,500	1.25
Indirect cost, 20 percent of direct labor and maintenance	39,400	.15
Fixed cost:		
Insurance, 1 percent of total plant cost	17,300	.07
Depreciation, 20-year life	86,500	.33
Total operating cost	465,700	1.80

Mr. ALLOTT. Mr. President, with those operating costs in mind, the significance of the economics is that the product value is $15.76 per ton of residue. In other words, as compared to the operating costs of $4.06 per ton on the 250-ton-per-day plant, the values of the commodities recovered are $15.76 per ton, or a spread of $11.70. The spread on this 1,000-ton-per-day plant is nearly $13. Consequently, these should operate at a net profit of between $11 and $13 per ton and this does not take into account the reduction in disposal costs for the residue as it is presently disposed of. Such a profit to the municipality or other political subdivision operating the incinerator, could be used to reduce the cost of refuse collection.

Mr. President, I ask unanimous consent that table 6, entitled Estimated Product Values" be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 6.—ESTIMATED PRODUCT VALUES

Product	Value	Quantity per ton of residue (pounds)	Values per ton of residue
Ferrous metal (ton)	$10.00	610	$3.05
Aluminum (pound)	.12	32	3.84
Copper-zinc (pound)	.19	24	4.56
Colorless glass (ton)	12.00	552	3.31
Colored glass (ton)	5.00	398	1.00
Total			15.76

Mr. ALLOTT. Mr. President, it should be recognized that these figures are extrapolations, and therefore, need to be proven on a commercial basis. It is the purpose of the bill I am introducing to provide authority to the Secretary of the Interior to prove out this process and the economics on a commercial sized plant.

Mr. President, I wish to take this occasion to congratulate the researchers involved in this research project. And, especially, I wish to congratulate Dr. Elburt F. Osborn, Director of the Bureau of Mines, Mr. P. M. Sullivan, Mr. S. H. Stanczyk, Mr. F. J. Cservenyak, and Mr. C. B. Kenahan for their work on this project.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2556

A bill to establish a Municipal Mine Demonstration Plant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) in accordance with the policy as established by the Mining and Minerals Policy Act of 1970, the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, is in the national interest;

(2) in order to promote the wise and efficient use of our natural and reclaimable mineral resources, research and demonstration of methods to reclaim and reuse metals and other mineral products is essential to help assure satisfaction of industrial, security and environmental needs;

(3) in view of the Nation's prodigious consumption of metals and mineral products, every potential source must be examined, evaluated, and, if economically and environmentally feasible, developed to meet the needs of industry and national security;

(4) great quantities of mineral commodities are wasted each year and, in turn, are causing environmental degradation;

(5) the objective of wise and efficient use of our natural resources would be materially aided if such wasted mineral commodities were recovered and reused in the industrial productive processes;

(6) the residue of municipal and other large incinerators represents an extensive mineral resource that is presently not utilized, and that it is in the national interest that such resources be recovered and beneficiated for the use of the consumer and industry;

(7) the Bureau of Mines has developed, on a pilot plant scale, a method, utilizing existing mineral processing and beneficiation technology and equipment, for the recovery and separation of mineral commodities acceptable for commercial use; and

(8) while the economics appear to be highly favorable in the pilot plant stage, it is in the national interest that the technology and the economics of the pilot plant be proven by the construction and operation of a commercial sized demonstration plant.

(b) It is therefore the policy of the Federal Government to bring this technology to commercial development as quickly as possible by authorizing the Secretary of the Interior to construct a demonstration plant of commercial size and to enter into such agreements as are necessary and appropriate to insure its proper operation and the demonstration of its commercial applicability to interested persons.

Sec. 2. (a) On the basis of the findings and the policy of the Congress as set forth in the first section of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to enter into an agreement or other arrangement with any State or political subdivision of a State pursuant to which the Secretary shall design, construct and equip, on land made available by such State or subdivision, a full scale, commercial size facility to reclaim, recycle, and process metal and mineral values contained in municipal incinerator residues and raw refuse.

(b) Any such agreement shall further provide, among other things, that—

(1) on the completion of such facility, the State or political subdivision entering into such agreement or other arrangement shall operate and maintain such facility for the purpose of reclaiming, recycling, and processing metal and mineral values contained in municipal incinerator residues and raw refuse;

(2) such State or political subdivision will make available, by license or otherwise, on a non-exclusive royalty free basis without territorial limitation the use of any patent obtained by such State or political subdivision under any law of the United States or any foreign country for or with respect to any invention made in the performance of any activity conducted pursuant to any such agreement or arrangement;

(3) such State or political subdivision shall make available to the Secretary all reports, plans, cost, and operating data required by it in connection with the operation and maintenance of such facility, together with such other detailed data, drawings and other information of value as the Secretary may require;

(4) such State or political subdivision shall assure the right of the Secretary to utilize such facility in connection with the testing and demonstrating of new advanced techniques involving the reclaiming, recycling or processing of metal and mineral values contained in incinerator residues and raw refuse; and

(5) such State or political subdivision will assure that such facility will be open, at reasonable times and consistent with safety, for inspection by interested parties.

Sec. 3. (a) Any such agreement or other arrangement entered into pursuant to section 2 of this Act shall provide for a plan of repayment, within a period of not more than thirty years from the date the principal benefits of the facility first becomes available, by the State or political subdivision entering into such agreement or arrangement to the United States of all amounts expended by the United States in connection with the designing, constructing, and equipping of such facility, together with interest thereon in such amount as shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which such agreements or arrangement is entered into, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations,which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum. All moneys received in connection with such repayment shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) Upon the completion of such repayment, the Secretary shall transfer all right, title, and interest of the United States in and to such facility to such State or political subdivision.

Sec. 4. The Secretary shall, by publication, make available, from time to time, to any party interested in the commercial development of any facility comparable to that authorized by this Act any reports, plans, specifications, cost and operating data, drawings, and other information of value acquired by him in connection with the construction (including designing), operation, and maintenance of the facility authorized by this Act. Such publication shall be in sufficient detail so that independent engineering and economic judgments can be made based on such publication.

Sec. 5. In carrying out his duties under this Act, the Secretary is authorized to enter into contracts, leases, or other arrangements, and to conduct research and development in connection with the carrying out of such duties.

Sec. 6. (a) For the purpose of designing, constructing, and equipping the commercial facility authorized by this Act, there is authorized to be appropriated the sum of $2,000,000.

(b) For the purpose of enabling the Secretary to carry out his duties relating to research and publication in connection with such commercial facility authorized by this Act, there is authorized to be appropriated the sum of $1,000,000.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2074

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from Washington (Mr. Magnuson), I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 2074, the Navigable Waters Safety and Environmental Quality Act of 1971: Hartke, Spong, Inouye, and Stevens.

The PRESIDING OFFICER (Mr. Brock). Without objection, it is so ordered.

S. 2135

At the request of Mr. Kennedy, the Senator from Alaska (Mr. Gravel) and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 2135, to amend title V of the Social Security Act.

S. 2509

At the request of Mr. Scott, the Senator from Kansas (Mr. Dole) and the Senator from Texas (Mr. Bentsen) were added as cosponsors of S. 2509, to incorporate Pop Warner Little Scholars, Inc.

SENATE JOINT RESOLUTION 158

At the request of Mr. Weicker, the Senator from Hawaii (Mr. Fong), the Senator from New Mexico (Mr. Montoya), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Joint Resolution 158, to declare May 6, 1972, "Clean Up America Day."

MILITARY PROCUREMENT AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 425

(Ordered to be printed and to lie on the table.)

STUDY OF 5-YEAR DEFENSE BUDGET

AN AMENDMENT TO THE MILITARY PROCUREMENT AUTHORIZATION, H.R. 8687

Mr. NELSON. Mr. President, I submit today an amendment to the military procurement authorization bill, calling for congressional studies of the 5-year outlook for the defense budget.

The studies would be conducted by the Armed Services Committees of the House and Senate, separately or jointly. Under the amendment, these committees would look ahead at prospects for the defense budget for the 5-year period including fiscal years 1973 through 1977. They would examine budget projections for these years under current strategies and world conditions and alternate budgets that might result from changes, strategies and conditions. The committees would seek to review the Defense Department's own budget and program projections for this period. At the present time, the Defense Department's 5-year defense program is not in its entirety furnished to Congress. The committees would recommend levels of defense spending for the 5-year period and also ways in which Congress could improve its ability to make and implement sound decisions on defense spending. The committees would report their findings and recommendations to the Congress as part of their reports on the next procurement authorization bill roughly a year from now, or sooner if they see fit.

The amendment is based on the conviction that if Congress is to be an effective and sound policymaker in the setting of levels of defense spending, Congress must plan ahead. There are great administrative problems in the way of making large changes in a defense budget for a given fiscal year once we are well into that year. In recent years the main defense authorization and appropriations bills have been taken up by Congress so late in the fiscal year that by the time Congress votes on them Congress has already lost much of its flexibility to make any but marginal changes. This is true again this year. Now, in September, it is already too late for Congress, as a practical matter, to consider major changes in the fiscal 1972 defense budget except for relatively minor adjustments.

While we in Congress are looking at the fiscal 1972 defense budget, the Defense Department has already done much of the planning of the fiscal 1973 defense budget. It has done this virtually without congressional guidance. In the normal course of events, by the time the 1973 budget reaches us for our decision, we will again have lost most of our flexibility.

This amendment is designed to encourage Congress and its main committees to look ahead more than we do now on this subject. It is only a step in this direction, but one which I believe is well worth taking.

I ask unanimous consent that there be printed in the RECORD at this point two entries: First, the text of the amendment and second, the text of a report prepared by my office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 425

At the end of the bill add a new section as follows:

SEC. 505 (a) The Committees on Armed Services of the Senate and the House of Representatives, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall conduct full and complete studies of the budget for the Department of Defense for the five fiscal years following the fiscal year in which this section is enacted. In carrying out such studies the committees shall consider, among other things—

(1) the projected amounts for such budget for such years under current strategies and foreign policies of the United States and under present world conditions;

(2) how the projected amounts for such budget for such years might be affected by changing world conditions or by the adoption of new or different strategies and policies by the United States; and

(3) the so-called Five-Year Defense Program of the Department of Defense, access to which the committees shall request.

(b) The committees shall report to their respective Houses the results of such studies together with such recommendations as they deem appropriate, including—

(1) levels of spending for defense purposes for the five-year period referred to in subsection (a) of this section; and

(2) ways in which the Congress might improve its ability to make sound decisions on future defense spending levels and ways of effectively implementing those decisions. Such reports shall be included as a part of the reports made by such committees to their respective Houses on the military procurement authorization bill for the fiscal year beginning July 1, 1972, except that either committee may file its report at any time prior to the filing of the report on such military procurement authorization bill if it elects.

THE FUTURE OF THE DEFENSE BUDGET

DRAFT OUTLINE

The defense budget to date

The Defense Department recently declassified Vietnam war costs for 1971 and 1972 in current and constant prices. This fills in many gaps in defense spending tables and makes it much easier to look at what has been happening to the defense budget in recent years and where it is likely to go in future.

The figures in terms of the defense outlays in recent years are reproduced below:

	Fiscal year—					
	1964	1968	1969	1970	1971	1972
CURRENT PRICES						
Outlays, full cost, SEA		26.5	28.8	23.1	15.3	10.1
Outlays, incremental costs, SEA		20.0	21.5	17.4	12.0	7.8
Baseline force	50.8	58.0	57.1	60.5	62.5	68.2
Total outlays	50.8	78.0	78.7	77.9	74.5	76.0

	Fiscal year—					
	1964	1968	1969	1970	1971	1972
CONSTANT (FISCAL YEAR 72) PRICES						
Outlays, full costs, SEA		31.9	33.2	25.2	16.0	10.1
Outlays, incremental costs, SEA		24.3	25.1	19.1	12.5	7.8
Baseline force	75.8	75.6	71.0	69.0	67.1	68.2
Total outlays	75.8	99.9	96.1	88.1	79.6	76.0

With the help of these figures it is possible to see a number of trends:

1. The cost of the Vietnam war is declining rapidly.

The full cost of the war, measured in current (that is changing) dollars, has declined from $28.8 billion in 1969 to an estimated $10.1 billion in fiscal 1972, The full cost includes forces and expenses now going into the war but which would still be present without the war. For example, some ammunition now being used in Vietnam would still be used in peacetime training, and some of the aircraft now flying flights. The incremental war cost includes war expenses actually added to the budget. It is therefore the one to look at when considering how much money can be saved as the war comes to an end. The incremental war cost, in current prices, has declined from $21.5 billion in 1969, to an estimated $7.8 billion in 1972—a drop of $13.7 billion.

2. But "inflation" is adding more to the defense budget than the Vietnam saving.

The figures, read vertically, sow the impact of increases in pay and price scales on the defense budget. The 1964 baseline (or non-Vetnam) force cost $50.8 billion at that year's rates. At 1972 rates the same force would cost $75.8 billion. Therefore, what the Defense Department calls "inflation" added $25 billion to the baseline cost between 1964 and 1972. Between 1969 and 1972 (when the war dropped $13.7 billion) inflation added $17.4 billion to the total defense budget, according to the tables.

It is worth taking a look at just what this inflation is made of. Of the $25 billion 1964–1972 inflationary increase noted above, nearly $16 billion is related to pay and a little over $9 billion represents increased costs of purchases. The pay increases included raises voted by Congress (including those designed to move toward a volunteer armed force) and other raises tied automatically to the cost of living. The Defense Department's computation for purchase price increases is based on indices for the economy as a whole, and these in turn are influenced by defense. It is probable that some of the inefficiences that go into procurement "cost overruns" have crept into the figure for "inflation". The extent of this needs further study.

3. The total defense budget, in current prices, has declined only slightly from the Vietnam peak. But measured in constant dollars, it has been squeezed back to close to the 1964 level (before the Vietnam Buildup) with the war still included. The baseline, or non-Vietnam, portion has grown in current prices. But in constant prices it is $7.6 billion below 1964, indicating a cut in the baseline defense program in real terms.

4. This has been accompanied by physical cuts in forces between 1964 and 1972—for example from 16⅔ to 13⅓ Army divisions; 24 to 16 attack and antisubmarine carriers; 24 to 15 carrier air wings; 119 to 105 Air Force tactical squadrons; 61 to 38 airlift squadrons; and 932 to 658 commissioned ships in the fleet.

5. At least through fiscal 1971, the Vietnam savings has not been used to build up the baseline force in real terms. But this saving has not become the kind of "peace dividend" for which some has hoped, available to increase domestic programs or to lower taxes, because it has been gobbled up by inflation on the overall defense budget.

The current price figures shows that between 1969 and 1972 the incremental war cost declines $13.7 billion, but the total defense budget declines only $2.7 billion. From these figures alone it appears that $11.1 billion in Vietnam savings have been used to increase the baseline budget.

But the constant dollar figures show a decline in the war, the baseline and the total defense budget. Looking at it this way, the Defense Department argues that the Vietnam saving in real terms has been removed from the defense budget and has not been used to increase the real baseline.

While the constant dollar baseline has been declining each year through 1971, a $1.1 billion increase is shown for the first time between 1971 and 1972. To this extent, following the Defense Department's way of looking at it, a small part of the Vietnam saving is for the first time apparently going to be used to increase the baseline in real terms.

However, it is not yet known just what the true 1972 outlay figures will turn out to be. Congressional cuts yet to be made in appropriations and authorizations may reduce the $76 billion total. On the other hand, since this figure was estimated, circumstances already appear to be increasing it by $1 billion to $77 billion. The Selective Service bill reported out of conference raises military pay $800 million above the level requested. There also has been a $200 million cost of living increase for retired military personnel which went into effect automatically with increases in the consumer price index.

One implication of all this is that for a number of years the Vietnam reduction has served as a cushion to offset inflation without requiring more drastic cuts in overall forces. But this cushion is now almost used up.

6. There has been a degree of change in national priorities. Between 1968 and 1972 the defense budget changes from 9.5% to 6.8% of the gross national product and from 42.5% to 32.1% of the federal budget as measured by the unified budget method.

DEPARTMENT OF DEFENSE—DEFENSE BUDGET, FEDERAL BUDGET, AND GNP FOR SELECTED YEARS

[Billions of dollars]

Fiscal years		GNP	Federal budget outlays				DOD outlays as percent of—	
			Net total	Department of Defense	Other	Offsets[1]	GNP	Federal budget
1950	Lowest year since World War II[2]	$263.3	$43.1	$11.9	$31.2	NA	4.5	27.7
1953	Korea peak[2]	358.9	76.8	47.7	29.1	NA	13.3	62.1
1964	Last prewar year	612.2	118.6	50.8	70.7	−2.9	8.3	41.8
1968	SEA peak[2]	822.6	178.9	78.0	105.5	−4.6	9.5	42.5
1970	Last actual year	956.2	196.6	77.9	125.0	−6.2	8.1	38.4
1971	Current estimate	1,013.0	212.8	74.5	145.5	−7.2	7.4	33.9
1972[3]	Budget estimate	1,123.0	229.2	76.0	161.0	−7.8	6.8	32.1
Changes	1964 to 1972	+510.8	+110.6	[4]+25.2	+90.3	−4.9		
	1968 to 1972	+300.4	+50.3	−2.0	+55.5	−3.2		

[1] These amounts are undistributed intragovernmental transactions deducted from Government-wide totals. These include Government contribution for employee retirement and interest received by trust funds.

[2] In constant dollars, and as a percentage of GNP and the Federal budget.

[3] Lowest percent of GNP since 1951; lowest percent of Federal budget since 1950.

[4] 4.9 percent of the GNP growth during this period, and 21.8 percent of the increase in the Federal budget.

On a federal funds basis, national defense including DOD military functions, MAP, AEC costs, Selective Service and emergency planning declined from 56.2% of the federal budget in 1964 to 43.8% in 1972. This excludes trust funds from the accounting. (p. 1168 House hearings)

CONGRESS MUST LOOK AHEAD

Are these the right priorities, the right percentages of national product and federal budget? Should the defense budget continue to decline in constant dollars in the years ahead? By how much? Should it stay the same or rise? These are questions to which Congress should address itself. In general there are four ways in which Congress can control defense—fixing the total budget, approving or denying individual weapons projects, setting overall force levels, and setting broad strategies and policies such as those involving U.S. commitments. To be effective, Congress must use all these approaches. If it only controls the money, then the strategic decisions are made by the administration. If it only controls weapons and forces, then the money gets out of hand. This paper concentrates on the budgetary approach, which is not to say the others are not also important.

To deal with the broad questions of national priorities and the defense budget, Congress must look ahead and possibly even legislate ahead. To what extent does Congress do this now?

1. When Congress acts on an annual defense appropriation, it is already too late to make anything but a marginal change in priorities for that fiscal year. As the following table shows, the regular defense appropriation bills are generally passed by Congress about half way through the fiscal year to which they apply:

	Fiscal year—			
	1966	1969	1970	1971
Authorization act	June 5, 1967	Sept. 20, 1968	Nov. 19, 1969	Oct. 7, 1970.
Regular appropriation act	Sept. 29, 1967	Oct. 17, 1968	Dec. 29, 1969	Jan. 11, 1971.
Last major supplemental appropriation	July 9, 1968	July 22, 1969	July 6, 1970	May 25, 1971.

Because of the lead time in planning budgets and forces, the Defense Department has little flexibility half way through the fiscal year to make major changes in its program. Now, in August, it is rapidly becoming too late for Congress to even consider the basic level of the fiscal 1972 defense budget, beyond making a marginal cut of a very few billion dollars, which the Defense Department has no doubt already anticipated.

Late last June Senators Proxmire and Mathias sought unsuccessfully to place a $68 billion ceiling on defense outlays for Fiscal 1972, a $7 billion cut from the administration's budget, or 9 percent. The Proxmire-Mathias amendment was placed on the continuing resolution, at the very beginning of the fiscal year, to avoid the argument of late legislation. But one of the main arguments raised against it on the Senate floor was that, even at that date, it would be highly disruptive of long planned programs, requiring major cuts in manpower, cancellation of procurement contracts, operation and maintenance reductions and base closings. The incident seems to suggest that even on the opening day of the fiscal year Congress has already lost much of its influence over broad priorities for that year.

2. At the present time, while Congress is looking at the fiscal 1972 defense budget, the administration is already far along in planning the fiscal 1973 budget, and is doing so without any guidance from Congress.

The administration's annual defense budget planning process consists of 27 steps. It begins in January with a Five Year Defense Program inherited from the previous cycle. It ends with the formulation of a new five year plan and its translation, just before Christmas, into a budget for the ensuing fiscal year. For the fiscal 1973 budget, this process began in January, 1971. By the end of July, 1971, 14 of the 27 steps had been completed. Included in the 14 completed steps were an analysis of strategic issues by the Joint Chiefs; strategic guidance by the Secretary of Defense; fiscal guidance by the Secretary of Defense indicating how much money could be spent in 1973 and following years; an outline of forces by the Joint Chiefs within these constraints; and Program Objective Memoranda from each of the services detailing changes in their force levels, support and activities under these policies. In September, the schedule calls for program decisions by the Secretary of Defense, and the updating of the Five Year Defense Program to cover fiscal 1973–1977. Then comes review by the Office of Management and Budget and presentation of the fiscal 1973 budget to Congress early in calendar 1972. This process actually looks even farther ahead than 1977. Step number 13, completed at the beginning of July, consisted of a strategy paper by the Joint Chiefs dealing with a defense program from fiscal 1974 to 1981.

This process takes place with no formal participation by Congress. The documents involved are regarded as internal papers of the administration and are not furnished to Congressional committees dealing with defense. Nor do these committees appear to have sought them. Some information from the documents is reflected in testimony to these committees by administration witnesses in closed session.

3. The most basic of these documents in terms of looking ahead is the annually updated Five Year Defense Program. As far as I have been able to determine, this has not been furnished to Congressional committees even on a secret basis. The five year program includes money totals for the defense department for each of the five years. These figures have not been included in the Secretary of Defense's annual report to Congress even in its classified form. The Senate Armed Services Committee has received classified information from the Five Year Program but not the document itself.

4. The Legislative Reorganization Act of 1970 requires legislative committees to estimate the 5-year costs of legislation they enact. To comply with this provision, Chairman F. Edward Hébert of the House Armed Services Committee wrote Secretary Laird last May asking for 5-year projections. Laird replied by citing the difficulty of making such projections: "As you know, any projection of Defense financial requirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years." Laird went on to say that ". . . I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year 1972 Defense budget, authorizations for procurement and RDT&E in the range of $22–23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years." The estimate covers only procurement and research and development—about a third of the defense budget—because those are the only major items covered in the authorization bill. The Legislative Reorganization Act exempts appropriations committees from making five year estimates. The above appears to be the closest Congress has yet come to estimating defense costs over the next five years.

5. Behind all this is a long tradition that the administration does not divulge budget figures until they are formally presented to Congress. The Office of Management and

Budget has a government-wide policy against such disclosures. Some believe this is the way it should be in a government of divided powers—that the executive should recommend, the Congress approve, and that Congress has no business intervening in an administration recommendation before it is made. On the other hand it can be argued that the need for Congress to look ahead requires some change in this tradition. Congress is in a serious box if, when the administration makes it recommendations, Congress has already lost much of its flexibility to entertain a range of possible decisions.

6. There is obviously a substantial question of military secrecy. No doubt a detailed breakdown of five-year costs by program and element would tell other countries a lot about U.S. military forces and strategy in the future. But this should not stop committees from dealing with future costs in closed session. Also, it may be that a general discussion of overall five year defense costs could take place in public without loss of national security. If the projected budgets were budgets of restraint, it might be beneficial to disclose the general levels to the Soviet Union in hopes that it would follow equal restraint.

WHERE IS THE DEFENSE BUDGET GOING?

What clues are presently available as to the future course of the defense budget under present programs and policies? There are a few:

Laird's on-the-record estimate of $22–23 billion for procurement and R&D over the next five years in constant dollars is close to the recent level.

Laird is understood also to have made an in-house estimate that the 1972 outlay level—$76 billion, now growing to $77 billion—when carried forward in constant dollars will provide a minimum but adequate defense program for the next five years under the world situation as it now appears and under present foreign policies and strategies. Put another way, the Defense Department appears to be contemplating a defense budget which will remain the same in constant dollars over the next five years, barring changes in situation or policy. However, there has been no public statement to this effect.

Since the gross national product and federal budget are growing, this would mean the defense share of both would continue to decline, probably reaching 6% or less of the national product in a few years and probably going below 30% of the federal budget.

Brookings Institution (Setting National Priorities, the 1973 Budget) projects present Nixon doctrine defense policies as resulting in a defense budget slightly down in real terms in five years, even after withdrawal from Vietnam. But it estimated this would represent about 6 per cent of the national output, compared with slightly under 7 percent today. It outlined higher and lower defense budget options.

The net import of Brookings' review of the entire federal budget, and all its parts, in the future is that between now and 1976 very little "fiscal dividend" or new money to meet public needs becomes available under present policies. Brookings concludes that those who believe various public needs should take higher priority must consider increases in taxes or taking funds from other parts of the budget.

It is in this context that Congress should look at whether the protected present defense program is the right level. To do this Congress must begin looking ahead now.

RECOMMENDATIONS

1. As a first step, we should request the Defense Department to make available more information on its defense budget projections. More specifically:

a. The 5-year defense program budget totals for each year in actual and constant dollars.

b. The 5-year totals broken down by programs, such as strategic forces, general purposes, intelligence and communications, airlift-sealift, etc.

c. In order for the budget totals to be meaningful, there should be an explanation of how they are arrived at. For example, one possible way is to assume a more or less arbitrary budget level. Another is to project actual programs and compute their future costs.

d. Five year projections of the defense budget as a percent of national product.

e. Five year projections of defense budget as percent of federal budget.

f. The fiscal guidance being used in planning the FY 1973 budget and beyond.

g. General budgetary policies being followed by the Defense Department. In general will the defense program in real terms be allowed to grow? Will the baseline grow or decline in constant dollars? Will any of the Vietnam saving, in terms of constant dollars, be transferred to the baseline?

Probably most of this information could be made public. It is possible that some should be given to Congress in classified form.

2. Congress should enact legislation to require its existing committees:

a. To make specific studies of the future of the defense budget, particularly for the next five years.

b. To specifically review the Five Year Defense Program and the documents involved in administration planning of the defense budget for years ahead, including the strategies, assumptions, and estimates contained in them.

c. To look at the future of defense spending in terms of the overall federal budget and national economy.

d. To formulate their own recommendations concerning the defense budget over the next five years.

e. To investigate possible ways in which Congress, while retaining control over annual appropriations, could also increase its influence over future defense budgets in advance, perhaps by legislating ahead. (One possibility: multi-year authorization bills, annually revised, and covering the whole defense budget, while retaining annual appropriations.)

Probably the committees involved should be the Senate and House Armed Services Committees, although others are possible. Such legislation could be an amendment to the Procurement Authorization Bill.

3. One possible further step would be for Congress to enact legislation this year which would set or express substantive policies as to the defense budget for the next five years. This could take the form of:

a. An expression of the sense of Congress as to general policies. For example that the defense budget in real terms should not increase and if possible should decline, that the defense percent of national output should continue to decline, that the percent of federal budget should continue to decline. Figures could be included on the goals.

b. Legislation of a 5-year defense budget ceiling on outlays or total obligational authority. This idea has some serious problems, at least at the present time. If the ceiling is set at present levels it becomes a mandate not to cut. If it is set low it would have to be an arbitrary ceiling assuming conditions in the future that cannot be known. Such legislation ahead, however, might be more realistic after thorough committee studies on the five year defense prospects. In view of this, it is not recommended now.

Broad sense of Congress policies as in (a) above, might however be included in the legislation in Recommendation 2.

AMENDMENT NO. 426

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him, to H.R. 8687, the military procurement authorization bill.

AMENDMENT NO. 427

(Ordered to be printed and to lie on the table.)

Mr. SAXBE (for himself, Mr. PROXMIRE, and Mr. MATHIAS) submitted an amendment, intended to be proposed by them, jointly, to House bill 8687, the military procurement authorization bill.

NOTICE OF HEARINGS ON HOUSING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs will hold 3 days of hearings—October 13, 14 and 15, 1971—on S. 1671, the Housing Institutions Modernization Act of 1971.

The hearings will begin at 10 a.m. each day and will be held in room 5302, New Senate Office Building.

Mr. President, the bill, S. 1671, for which I have just announced hearings, has a number of provisions which involve basic policy decisions relative to the functioning of the Federal Home Loan Bank System. The subcommittee will hold these hearings to bring out and explain these issues before the public and interested savings and loan officials, as well as Members of the Congress. The subcommittee will want to study the proposals in the bill and most likely to consider them in conjunction with the pending report by the President's Commission on Financial Institutions and Regulations which is due in December.

One of the most controversial proposals in the bill involves the Federal chartering of stock savings and loan associations and the conversion of existing Federal mutual associations to stock associations. Because of the many questions received by the subcommittee on this, I wrote to Mr. Preston Martin, Chairman of the Federal Home Loan Bank Board and requested his comments on the issues raised by the proposals.

Mr. President, I ask unanimous consent that the exchange of correspondence between me and Mr. Martin be printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 13, 1971.

Hon. PRESTON MARTIN,
Chairman, Federal Home Loan Bank Board, Washington, D.C.

DEAR PRES: You will recall that, when I introduced S. 1671, the Housing Institutions Modernization Act of 1971, I referred to the necessity for careful consideration of several provisions in the bill, particularly Title I, which would authorize Federal mutual associations to convert to Federal stock associations.

According to information I have received, this proposal raises two basic issues which I would appreciate having you explain more fully.

The first one has to do with the preservation of a strong management structure dedicated to the continuation of the institution in the best tradition of the savings and loan business. Concern has been expressed that the new authority would create possibilities for corporate raiding or corporate "take-over" by persons interested primarily in a quick profit. Conversations offer huge opportunities for abuses unless the Board exercises tight rein over the arrangements. I assume that the Board shares this concern in view of its current moratorium on conversions of State-chartered associations. A statement on the Board's plan to avoid abuses or harmful "take-overs" would be helpful. I would also appreciate any plans you may have and the procedure you would follow on lifting the current moratorium on State-chartered associations. You might also provide the Committee with opinion of Counsel on the adequacy of existing statutes to supervise the proposed Federal stock associations.

Another item of prime importance relates to the April 19 cut-off date. I should appreciate your elaboration on the probable procedure for treating the various kinds of accounts before and after that date. A question of equity has been raised about those accounts of long standing which were closed out prior to the cut-off date. Also what is proposed when the years roll by before a conversion takes place and a substantial portion of the depositors at the conversion date were newcomers since the cut-off date. I can think of other equally puzzling situations. A statement from the Board on this would be helpful.

One statement made by you on the stock conversion proposal puzzles me. I refer to the claim that equity capital raised by stock associations would remedy the reserve problem and would provide increased investment funds for housing. You made some reference to the multiplier benefit of capital raised through stock subscriptions. In your reply, I wish that you would explain how it works and make reference to such benefits now apparent among existing State stock associations.

There are other questions which need to be raised about provisions in the bill. I intend to study these further and, as necessary, submit further questions later on.

With best wishes, I am

Sincerely,

JOHN SPARKMAN.

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., Sept. 1, 1971.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 13, 1971, concerning the Board's legislative proposal to allow Federal associations to issue capital stock. This proposal is contained in section 101 of Title I of the "Housing Institutions Modernization Act of 1971" which you introduced as S. 1671.

Initially I shall summarize the Board's feelings on the questions you have raised and then I shall cover them in somewhat greater detail.

The Board is keenly aware of the need to preserve sound management and to preclude soundly operated associations being disrupted by raiding or harassment. There are many possible tools the Board could use for these purposes: managerial and financial qualification standards, disclosure of conversion plans, management contracts, and other practices normally employed by corporations to retain and provide incentives for key personnel. The Board will of course be heavily influenced by the views and suggestions of your Committee which has observed the operations of other financial systems faced with similar problems. We also look forward to the specific suggestions of industry representatives who have had extensive experience with the stock form. This Board is committed to a flexible and practical solution to this question.

With respect to the April 19, 1971 cut-off date, a number of means are available to minimize any inequities. Here too, we hope to draw on the counsel of your Committee and industry representatives. Finally, I believe we can demonstrate quite clearly that the leverage factor of equity capital makes possible substantial savings growth, thus adding to industry reserves and the availability of mortgage funds for housing.

Your first question dealt with the regulatory controls which the Board would exercise in implementing section 101 in order to preserve strong management structures.

Let me emphasize that the Board regards the preservation of existing strong management structures as a matter of the first public importance. The Board is well aware that, without a skillful and experienced cadre of savings and loan executives, the industry cannot carry out the mandates of Congress and of the several states to foster thrift and home-ownership, safety and economically. This requires long-term credit granting with a strong community service orientation, often at the expense of short-term profitability. New entrants into the industry via the acquisition route have a mixed record in this respect. The new housing programs developed in the past few years likewise require increasing housing sophistication and experience. Many of our most serious problem cases and FSLIC support cases have involved associations with inexperienced managements which have overstressed short-term, often speculative, gains.

In connection with its study of the bill, the Board has given careful consideration to managerial and financial qualification standards for persons attempting to take over associations, while preserving marketability of shares. This procedure would be an extension of existing procedures (section 408 of the National Housing Act) in proposed take overs by corporations. Also, applicants for insurance of accounts are now subject to detailed inquiry and exacting standards. Under existing regulations and under our recently revised examination procedures we obtain detailed management information. Finally, the establishment of increased controls and information on qualifications was one of the important recommendations contained in the Friend Study.

It seems appropriate that qualification standards in this area should be set no lower than those applicable to persons applying for insurance of accounts *de novo*. In fact, it seems logical that an even greater degree of scrutiny would be in order, since the Insurance Corporation's risk of loss from bad management is considerably greater in the case of an existing association with millions of dollars of deposits.

A second procedure which seems appropriate to the Board is disclosure of the conversion plan, operating results and other information to the savers. The disclosure would have to be sufficiently extensive to allow the savers to form an accurate estimation of those proposing to operate the association after conversion. In order to achieve speedy processing and to prevent an undue paperwork burden, we would develop a standard disclosure procedures with variations for local circumstances, in terms readily understood by the average saver.

There are, certain additional requirements which the Board would consider establishing in order to assure the fairness and safety of any plan of conversion. These requirements would have the effect of reducing the possibility of "raiding". Assurance of the maintenance of an adequate level of net worth would be a condition of conversion and reasonable restrictions could be placed on the payment of cash dividends on stock so that there would not be a dissipation of net worth. Moreover, management contracts might be allowable, since they are employed in other stock corporations as a method of insuring continuity of valuable executive talent.

As you can see from the foregoing, the possible tools for the prevention of disruption and raiding and the combinations in which they may be used are quite numerous. The Board very deliberately did not specify any of these tools in section 101 of the Modernization Act, but preferred to leave unencumbered its discretionary regulatory authority under section 5(a) of the Home Owners' Loan Act. We realize that the selection of the best combination of these tools is a function of both future and past experience. Because of the dynamic nature of the savings and loan industry and the difficulty of perfecting statutory provisions, we believe that the public interest in this complicated area would best be served if the Board were provided with the maximum amount of flexibility in determining the mix of regulatory procedures which would most appropriately balance the requirements of marketability, economic freedom, and stability of management.

II

You also asked two questions relating to the April 19, 1971 cut-off date. The first question concerned the treatment of accounts terminated before the date, and the second related to the treatment, after the date had long passed, of those accounts established after the date. A cut-off date is, of course, absolutely necessary in order to avoid shifts of funds among institutions for speculative purposes and to prevent windfall profits; April 19 (or an earlier date set by the institution) was selected as the last day before the public announcement of the legislation.

The Board recognizes the element of inequity in isolated cases where an account of long-standing was closed out just before the cut-off date. The essential purpose of a cut-off date is to prohibit a reward to those who make deposits after that date. The Board does not, therefore, have a fixed position against a plan whereby an association might propose to make some of the aforementioned cases eligible. Thus, a management might come up with an equitable plan which would pick up prior savers for some past time period.

There is a significant problem with respect to those associations which do not act until a substantial period of time has passed since the cut-off date, because they would have to obtain the affirmative vote of many depositors who had come in since the date who normally would not, therefore, participate in the distribution of stock in the association. We would hold to the April 19 date until such time as conversions under that date were no longer practicable and then consider confidentially, of course, the establishment of a new cut-off date.

A cut-off date which is known to be subject to a revision might itself create a problem in that it might provide an inducement for temporary flows of funds to or from unconverted associations. It would certainly be against the public interest to adopt conversion policies which might disrupt the normal flow of savings into housing in any markets. This problem is not insurmountable, however, and could be dealt with in several ways, such as restrictions on advertising by associations concerning conversions.

The questions you have raised with respect to the cut-off date again point up the great need for administrative flexibility in the handling of conversions. Many different plans may be fair to savers and consistent with stability in flow and stock of funds depending on timing and a variety of local conditions. The fixing of specific dates and procedures by law may be inconsistent with the missions the Congress has set for the Board.

III

You also asked several questions concerning equity capital which would be raised under the authority in the proposed bill: How the equity capital would provide increased investment for housing, how it would affect the reserve problem, and what its multiplier effects are.

There are essentially two types of capital which are presently unavailable to the majority of associations solely because of their mutual nature. The first and most critical is the normal equity capital raised through sale of stock. This is particularly needed in areas of rapid growth and capital deficit. Such sales therefore provide a beneficial regional reallocation of funds from areas of savings surplus to areas of housing deficit. Thus, the sale of stock supplements the Board's advances mechanism and secondary mortgage market and the power of associations to buy and sell participations—all of which were authorized by the Congress for the same reallocational purpose. The ability to offer stock in the acquisition of other associations also enables associations to achieve increased economies of scale through mergers, thus improving their ability to compete for savings to be employed for housing.

The second type of "unobtainable" capital is subordinated debt capital which, as you may recall, was made legally available to associations through the Housing and Urban Development Act of 1968. This type of capital was not made available, however, as a matter of practical fact. As you can appreciate, it is extremely difficult to induce investors to accept a subordinated capital note position in a mutual institution since the financial effect of such a relationship is to put them last in line in terms of their claim on net assets in liquidation. In other words, a subordinated capital note holder would demand that a capital stock interest be present and subordinated to his claim. In short, the effect of the proposed authorization to issue capital stock would be to make a practical reality of the existing authorization to issue subordinated debt, which would then be employed in the housing market. Moreover, while I was California Savings and Loan Commissioner, we resolved several supervisory and other problems centered around inadequate capital structure by means of the subordinated capital note device.

Your questions concerning the reserve requirement and the multiplier effect are closely related. In rapidly growing areas the normal situation is a rise in both savings flows and housing demand. Associations in those areas are hindered from meeting the housing demand since net worth does not rise as fast as savings. This causes managements to tend to slow down savings in order to avoid violation of their reserve requirements. The multiplier effect occurs here since each additional dollar of net worth will support $12 in new savings under our current reserve regulations. There is a legal limit and, from the standpoint of safety, a practical limit to our ability to achieve these effects by changing our reserve regulations. This relationship of net worth to liabilities is also germane to the advances policy of the Federal Home Loan Bank System. The Board as a matter of prudent policy takes the level of net worth of member associations into account when determining the individual and overall level of advances which may be outstanding.

Moreover, there are advantages to the ability to issue stock beyond those mentioned above. For example, stock can be issued to purchase affiliated businesses without diluting the association's assets as would be the case in a cash acquisition.

IV

We are concerned about an inappropriately timed lifting of the moratorium on conversion to state-chartered associations in an environment which would not also permit reasonable access by Federal associations to the capital stock form. However, we may be reaching the limit because of the length of time that the current moratorium has been in effect. We believe that it is manifestly unfair for Federal associations not to have the option of operating under the capital stock form and that the absence of such an option poses a threat to the continued viability of the dual chartering system.

You also asked that our General Counsel provide your Committee with an opinion on the adequacy of existing statutes to supervise the proposed Federal stock associations. This is in process of preparation and will be provided you and your Committee in the near future. I should like to take this opportunity to point out that our ability to supervise the proposed stock associations, and in particular our ability to insure stability and fairness in the conversion process, depends in very large measure on our human resources. An adequate statute is, as you suggest, a matter of prime importance; but it is equally important to have an adequate staff to insure that conversions plans fully protect the management and the shareholders.

I am sure there are many other questions that you would like to discuss, and I would certainly be pleased to review them with you. We have been studying this problem extensively for the past 18 months and are generally prepared to move ahead in implementing the Modernization Act shortly after it has been favorably considered by your Committee and the Congress.

Sincerely,

PRESTON MARTIN,
Chairman.

ADDITIONAL STATEMENTS

SENATOR MANSFIELD'S STATEMENT TO THE DEMOCRATIC POLICY COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record the text of the statement I made to the Democratic Policy Committee.

There being no objection, the statement was ordered to be printed in the Record, as follows:

GENTLEMEN: At our last meeting on July 27, we had agreed upon a legislative program that could well have assured an adjournment *sine die* sometime before November. That was before the August recess. It was before the wage-price freeze. It was before the President's request for, among other things, certain changes in the tax laws which he seeks as a way of restoring the Nation's economy.

The consideration of many of these proposals is now underway in the House Committee on Ways and Means. Obviously their consideration will consume a substantial amount of time as they wind their way through the legislative process, snuffing out any prospects, I think, for a final adjournment before late in the year.

It should be said—and I think all of us would agree both as Senators and as Democrats—that though its timing may be criticized, the call for a temporary price-wage freeze and for a close examination of the economy deserves commendation and an expeditious, thorough, and effective response by the Congress. In short, those measures—and I would include all measures from every responsible quarter—designed to stimulate employment, to control inflation, to grant tax relief where it is justified and to give consideration to those most in need, deserve our highest priority from the legislative standpoint.

By no means, in other words, do I believe that we as Senators should accept without question or rubber-stamp so to speak the program offered by the President. I do not believe it was offered with that in mind. Nor do I believe that the President seeks that kind of disposition. The fact is, by calling for the freeze on wages and prices—an action advocated by many of us long ago—the stage has at last been set to examine thoroughly from a Congressional standpoint every proposal that will get this Nation back on the road to full employment, economic stability, and prosperity; and to do so without sacrificing other priorities.

Turning for a moment to the schedule of remaining business agreed upon last July, it would appear that 12 of those items have yet to be acted upon: welfare reform, the Water Quality Act extension, Military Procurement (which will be the Senate's business pending the disposition of the Draft Conference report), the Equal Employment Opportunity amendments, a package of consumer legislation (including no-fault insurance, warranties, the consumer agency, etc.), Foreign Aid, National Transportation, minimum wage, Omnibus Crime and Narcotics, plus two major bills that require initial House action—Urban Aid/Revenue Sharing and Health Insurance. Together, then, with the 5 remaining appropriations bills—Military Construction, Department of Defense, Foreign Aid, District of Columbia and a Supplemental—this, as the Senate recessed, was to have been the legislative program.

Now added to the list is the economic package. It is to this matter that I would like the Policy Committee to address itself today. Without delving too deeply into specifics, it is quite apparent that a great deal of room remains for Congressional initiatives in this whole area. It is apparent that there is already recognition of that fact in the House. To be sure, some of the specifics put forth by the President have been met with wide support. That has been the case with the suggestion to accelerate the income tax exemption and standard deduction increases.

At the same time, much concern has been expressed about the imbalance of the President's program in favor of big business. Today more than one quarter of our plant productive capacity lies idle. In such circumstances, there is little justification, it is argued, for giving business about $5 billion more in tax relief for the year through the investment credit after already having granted it $4 billion by liberalizing the depreciation rules. At least a part of that $9 billion total in yearly revenue loss, it is said, could better be spent elsewhere by the government to achieve the same ends: jobs and economic stimulation. For much of the same reason concern has been expressed over the excise tax repeal on auto sales. This represents another $2.2 billion or thereabouts in revenue loss.

I would think, too, that we should proceed with extreme care in effecting any permanent revenue losses. That the economy is in deplorable shape today does not warrant actions that will jeopardize efforts to meet the problems of tomorrow when the economy has been restored.

Another request by the Administration which gives concern is the so-called DISC proposal whereby about a billion dollars in tax relief would be given annually to concerns engaged in the export trade. Without commenting on the merits of this suggestion, our international payments and export-import problems are well known. But there no doubt are a number of other ways to attack these problems other than tax subsidies. For example, maintaining U.S. troops abroad alone adds many billions to the imbalance every year, and it is my hope that some headway can be made in reducing this excessive cost before the year is out.

What I am saying is that there is much room for modifications and additions to the Administration's package on the economy. There is room for improvement and it is our responsibility to approach it with that in mind. What is now a proposal that is weighted towards business in its stimulative impact on the economy may perhaps be shifted to provide the stimulus through greater tax relief to consumers with low and moderate incomes. Instead of giving up $12 to $15 billion in yearly federal revenues to the business community, as is proposed in the Administration's package, a more effective recovery and job-producing effort may be generated directly through consumers and wage-earners.

And since the question of welfare reform has arisen in connection with the economic program, I think a word ought to be said about that subject. This measure is on our schedule of remaining legislation, and though it is my understanding that the Committee on Finance has given priority consideration to the President's latest requests, I would hope along with the President that welfare, too, can be reported for action by the Senate before the adjournment *sine die.* The case of Urban Aid is less clear since its revenue features remain under consideration in the House.

In discussing the various ways to approach the economic program with a view to bringing recommendations before the Caucus, I know that the Policy Committee and others who will be consulted will keep in mind the jurisdictional interests of our various substantive committees that are charged with primary responsibility in these areas—the Finance Committee, the Labor Committee, the Committee on Banking, Housing and Urban Affairs, and others. Still, I think it possible that from a procedural standpoint as Senators and as the Majority party in the Senate, we should agree upon certain fundamentals that ought to be contained in any economic program: its balance, its equity, its direction, what happens after the freeze expires, the need for welfare reform, urban assistance, and so forth.

Moreover, in considering the President's economic package, I believe we would agree that we should not oppose for the sake of opposition. When we do differ, it is incumbent on us to offer constructive alternatives. What matters is not the political fortunes of Democrats in the Senate or in the next Presidential election. What matters is the state of an economy long-neglected and its depressing impact on the well-being of the people.

In the weeks ahead, it should be made clear that the Majority in the Senate will work—not in resistance to but in cooperation with the President to the end that there may be produced an economic program which will restore the Nation's economic vigor by marshaling the efforts not only of business but of all of the people of the Nation.

WELFARE REFORM

Mr. CURTIS. Mr. President, I commend President Nixon for the bold and comprehensive attack on the Nation's economic problems which he announced during the recent adjournment of Congress. I believe this "change in the game plan" had become necessary, though I do not concur with those who say it is a year or a year and a half too late. The President's previous "game plan" slowed the inflationary spiral and created a climate in which the new policies may have an opportunity to succeed. A year ago such a policy would have been unacceptable to the vast majority of Americans. Today, I find my people in Nebraska largely willing to give the new policy a chance.

There is much of psychology in economics, as any economist knows, and I believe the President's plan is the right psychological move at the right time. I compliment him on his courage, his judgment, and his timing.

I am especially pleased that the President saw fit, as a part of his new economic package, to postpone the effective date of the proposed Family Assistance Plan for reforming welfare. I have been very much distressed by the precipitousness with which it appeared for a time this plan might be adopted by Congress.

The debate on H.R. 1 in the House showed up its many weaknesses and the need for much more exhaustive analysis of the best means for reforming the existing welfare system. House passage of the measure in exactly the form reported by the Ways and Means Committee placed heavy pressure upon the Senate Finance Committee to act quickly or face the wrath both of the welfare-at-any-price lobby and HEW.

Now the President, by his recent action, has indicated his willingness to permit the Senate time to give this issue the depth and scope of consideration it deserves. It is my hope that the Senate will avail itself responsibly of that opportunity and that, as a part of the reconsideration process, both the Finance Committee and the Department will give careful attention to the alternative I have proposed in the form of S. 2037.

After hearing Secretary Richardson's statements in defense of H.R. 1 when he appeared before the Committee on Finance on July 27, I was even more convinced than ever that H.R. 1 is not really welfare reform and that an alternative approach must be found.

So that there may be no question as to why I regard H.R. 1 as inadequate, I wish today to discuss the Secretary's statement in some detail, as I have analyzed it carefully and believe the Secretary made for the welfare reform proposals contained in title IV of the bill many claims which are open to serious question or merit comment from a different perspective.

The very first paragraph of the statement, it seems to me, contains the sort of hyperbole which is typical throughout and which does far more to mislead than to inform. The Secretary began thus:

> Today, this distinguished Committee begins hearings on H.R. 1—a bill which the President has called ". . . the single most significant piece of social legislation to be considered by the Congress in decades." It is the Nation's number one domestic priority, and it is urgent that it be enacted without delay.

While the issue of reforming our present welfare system may very well be the Nation's No. 1 domestic priority, the Secretary would be more accurate to describe H.R. 1 as the President's No. 1 domestic priority or the administration's No. 1 domestic priority, since many people in the country and in Congress, myself included, do not feel its enactment merits classification as the Nation's highest domestic priority.

Proceeding from that rhetorical beginning, the Secretary then cited statistics dramatizing the need for reform of our current programs. Contained in his statistical analysis was the following sentence:

> In the year following the President's initial call for welfare reform in August 1969, the rolls increased an additional 50 percent.

The Under Secretary has since advised, as was pointed out by the Senator from Virginia (Mr. BYRD) on August 6—CONGRESSIONAL RECORD, page 30215—that the statement is erroneous; that the 50-percent increase in relief rolls from 1969 to 1970 occurred over an 18-month period rather than a 12-month period. I tend, of course, to share Senator BYRD's opinion that, regardless of the timespan, this statistic says as much about the Department's lack of interest in reducing the relief rolls as it does about the need for reform.

The Secretary then listed six criticisms of the current programs which he said succinctly and powerfully characterize these programs and the need for reform. The criticisms had been cited in the report of the House Committee on Ways and Means and are as follows:

> (1) a large and growing lack of confidence on the part of the taxpaying public that assistance goes only to those who need it and does not go to those who are indolent or ineligible;
>
> (2) understandable bitterness from those who must depend for help upon a system that in too many cases extracts self-respect as the price of its benefits;
>
> (3) hopelessness from those who have been trapped in a life on the dole, from which the possibility of escape seems remote;
>
> (4) contempt from those who all to easily obtain undeserved benefits from an antiquated, unstable and lax welfare bureaucracy;
>
> (5) a crazy quilt pattern of benefits and eligibility requirements that makes little sense in a highly industrialized and mobile society; and
>
> (6) incentives for more and more welfare, less and less work, and for family disintegration.

I find it interesting that the Secretary should have endorsed so strongly all the points in this characterization. In accepting, for example, criticism No. 4, he admits that an antiquated, unstable and lax welfare bureaucracy is one of the primary causes for the current welfare mess. Those of us who oppose the plan in H.R. 1 to completely federalize all welfare programs do so, in part, because we share that opinion and believe the evidence points to the HEW bureaucracy in Washington as the most guilty of laxness and instability in the administration of welfare. The permissive, expansionary guidelines and regulations HEW has imposed upon the States are precisely the sort of instable action which has forced the States to the wall financially. And examples are abundant of the lax or permissive attitude underlying recent reports that HEW has accused New York State of harassment because of a law requiring employable recipients to pick up their welfare checks at a State employment office.

Given such circumstances, it is difficult for even a casual observer to understand how the present situation would be improved by turning over the programs entirely to the HEW bureaucracy to administer.

Or consider criticism No. 5. I would not quarrel with the idea that the present pattern of benefits and eligibility requirements may make little sense. The fault for that also lies, however, at least as squarely upon HEW, with its overruling of State controls and its inane and unreasonable regulations, as upon any transigence of State officials. But to suggest that it makes little sense to permit variations in benefits and eligibility standards in a nation as geographically, socially and economically diverse as ours is patently absurd.

We may be highly industrialized, but we are not entirely industrialized. To advocate that the welfare needs of people in rural America are identical with those of people residing in the inner city of a huge megalopolis is to admit to a lack of understanding of the most basic fundamental of social welfare. These are individuals whose needs vary widely; not automatons who can be programed like computers.

I greatly fear that HEW finds the diversity in benefits and eligibility standards senseless more because it impairs the ability of bureaucrats to control and manipulate the programs and the people who benefit from them than because of its concern with industrialization and mobility. Be that as it may, it should be abundantly clear to anyone who cares about the real needs of people on welfare that what we most assuredly do not need is uniform nationwide eligibility standards or a uniform Federal guaranteed income.

Yet these are principles numbers three and four of the five principles the Secretary next tells us were basic to the President's original welfare reform proposals; principles, he says, which grew out of a recognition of the criticisms cited above. Let us next analyze these five principles, which are:

> (1) There must be strong incentives for people to work.
>
> (2) All needy families with children, including the working poor, must be covered.
>
> (3) There must be uniform nationwide eligibility standards.
>
> (4) A minimum Federally financed income floor must be established.
>
> (5) Training, job opportunities, and child care must be provided so that recipients can qualify for, and accept employment.

Take, for example, item two—that all needy families with children, including the working poor, must be covered. I find nothing in the criticisms referred to by the Secretary from which one should logically deduce such a principle. Arguments may perhaps be made for it—as, indeed, the Secretary undertakes at a later point in the statement—but at this point it constituted a sweeping proposal, wholly unsupported by any of the factors in which he announced the principles were rooted.

Now look at principle number one. Certainly I would not argue with the need for strong incentives for people to work, as set out there. What I do quarrel with is the contention that H.R. 1 contains such strong incentives for people to work. Nor do I believe, for that matter, that its provisions will enable us to combat the large and growing lack of confidence of taxpayers that assistance goes only to those who need it and not to the indolent; that we will no longer be extracting self-respect as the price of welfare benefits; that those trapped in a life on the dole will be able to escape; or that we will remove the incentives for more and more welfare, less and less work and family disintegration. It was apparently from these criticisms that the need for the strong work incentives principle was derived.

The bill, in the first place, establishes separate family assistance plans for families with an employable adult—Opportunities for Families Program—OFP—and those without an employable adult—Family Assistance Plan—FAP. The former category does not receive cash benefits at all under present programs. Thus, on its face the bill adds to the welfare rolls a large category of families who in the past have taken pride in the fact that they supported themselves. By the Secretary's own admission in his summary on page 17, H.R. 1 will make about 8 million working poor persons eligible for benefits. Other estimates of the overall increase in welfare rolls under H.R. 1 range as high as 13 million or double the present rolls.

This immediately belies the claim that we will not have more and more welfare under H.R. 1 and it raises a huge question mark over the claim that recipients will have a stronger incentive to work. If that is so, why will the rolls be doubled?

Here is the Secretary's answer:

> While it is true that H.R. 1 will make eligible about eight million working poor persons, . . . we are convinced that the actual caseloads under H.R. 1, over time, will be smaller than under the rapidly growing and uncontrollable AFDC program.

To his credit, the Secretary did not try to sell the claim that other proponents of the bill have made—that over the long view welfare caseloads can be reduced below present levels if H.R. 1 is enacted.

What he does say is that caseloads will grow less than they would under the present program. But is that sufficient? Is that really welfare reform? When current caseloads are admitted to include many who should not be receiving assistance, what kind of reform is it that boasts it may increase the caseloads but not as much as if nothing were done? Here we find the Secretary, by implication, using the same erroneous argument that House proponents employed during debate on the bill; namely, that H.R. 1 is our only alternative to the present program, so no matter how little reform it may actually accomplish it is better than nothing. The simple fact is that at least one alternative exists, in the form of S. 2037. If it is rejected on its merits, well and good. To date, it has not been considered. When it is, I believe it will be found to do far more than H.R. 1 to reduce caseloads and bring real reform.

The Secretary's argument on this point is further weakened by his admission that this judgement about smaller caseloads is based upon conservative assumptions regarding participation in the new program. Assumptions of this sort, as the Secretary should know, are historically more likely to require revision upward than downward with the passing years, so that his modest claims for the bill are almost certain to prove exaggerated when the facts are in.

Before examining precisely what sort of work incentives the bill contains, let me return to the Secretary's statement.

On page 5 he lists additional objectives of the bill, added since the plan was initially proposed and designed to meet criticisms of last year's bill by the Finance Committee. They are as follows:

> (1) establish Federal responsibility for a minimum level of income maintenance, provided so as to improve Federal-State relationships and to afford significant fiscal relief to hard-pressed States;
>
> (2) fix accountability for program integrity through separate administration of programs for those able to work and for those who cannot work;
>
> (3) create work requirements and incentives for those able to work;
>
> (4) provide penalties for those who refuse to register or accept training for work;
>
> (5) build in correctives against fraud and other abuses;
>
> (6) supply remedies against parents who desert their family responsibilities; and
>
> (7) remove inequities and disincentives created by the loss of substantial benefits by dollar.

All of the objectives, which he then proceeded to discuss individually, have been achieved, he said, in H.R. 1. But have they? Let us review the Secretary's discussion of these objectives:

> IMPROVED FEDERAL-STATE RELATIONSHIPS
>
> Last year the bill called for a Federally financed payment floor of $1600 for a family of four which has no earned income, Federal matching of State supplemental payments, and food stamps for those eligible. H.R. 1 cashes out food stamps for families and the Federal sharing of State supplemental payments and instead increases the Federal income floor to $2400.

Two things must be said on this point. First, whatever the rationale, the fact remains that the minimum guaranteed annual income provision has already been increased by $800 over the initial proposal, in order to achieve its acceptance by the liberals of the welfare cult in Congress who rejected the original bill as providing too little. It constitutes tacit admission of the obvious fact that once the guaranteed income concept is accepted, political pressures will drive the minimum constantly upward, eating up more and more tax dollars and regardless of how much we may cut back spending for defense or other programs or how much the gross national product may increase, it will never be enough to lift the relative poor out of their poverty. For as the standard of living rises so does the national poverty level income. And as the minimum guaranteed income rises, back on the rolls go low income families who could otherwise have worked their way off, if the bill's work provisions live up to the claims in their behalf. Governor Reagan has called the present program "a cancer, eating at our vitals." If we adopt the concept of a guaranteed annual income, the Governor, as the old saying goes, "ain't seen nothin' yet," compared with the cancerous grip welfare will come to have on our Federal revenues.

The other observation relates to the

cashing out of food stamps. In the next paragraph of his statement the Secretary continued:

> The President's income strategy is designed to provide the poor with what they need most to get out of poverty: money. This Administration wants to get away from demeaning, restrictive in-kind benefits which prevent, rather than foster, independence. The substitution of cash payments in lieu of food stamps helps develop freedom of choice and individual dignity, two basic human characteristics which should not be affected by economic status.

That is all well and good for those to whom freedom of choice is ennobling and human dignity means something. But I would hope that the Secretary is not entirely blind to the fact that cash instead of food stamps can also help develop increased neglect of children and a rise in the incidence of malnutrition in all age groups among some low-income families. These are human tragedies which should be encouraged by Federal programs where a reasonable alternative exists.

The food stamp program is not free from flaws and abuses. But its original concept of insuring that welfare assistance was used to feed hungry children and not wasted on vices or nonnecessities was well founded. And the program was placed under the Agriculture Department rather than HEW largely because of the long and successful experience of USDA home economists and home demonstration agents in educating people about good nutrition.

If food stamps are replaced by a program which enables people to earn their own income and thus develop greater freedom of choice and individual dignity, that is one thing. If food stamps are merely replaced with cash handouts, that will, in too many cases, constitute regression and not progress in the humanitarianism of our social welfare programs.

The Secretary's next statement on this point is one of the most transparently misleading of all. He says:

> H.R. 1 also improves Federal-State relationships by changing the respective roles of the different levels of government and assigning specific responsibilities to each. Consistent with President Nixon's New Federalism, the division of responsibility in H.R. 1 assigns functions to the level of government which can best perform them.

In actual fact H.R. 1 is just about as far from the concept of President Nixon's New Federalism as it is possible to get. What it does is to remove from the hands of States and localities every shred of authority and responsibility for designing, administering, and financing the basic welfare programs. The State and local governments are left only with responsibility of financing and administering supplemental payment programs—which they may also elect to let the Federal Government administer, in which case it pays the administrative costs—and for delivering vitally needed supportive social and family services—with financial and technical assistance from the Federal Government.

The Secretary's words hardly require comment for one to see what this bill's advocates think of the ability and wisdom of State and local officials.

It hardly enhances the federal system for the National Government to take full control of programs in the formulation and administration of which State and local officials have heretofore played an important role—and with which, in many instances, they would have enjoyed greater success had they not been burdened with unrealistic and permissive HEW regulations.

I would not contest the Secretary's observation that the Federal Government is best able to provide the bulk of the financial assistance. And whether or not it is best able to, it is certainly obligated to do so, because of the extent to which it has usurped the tax bases of State and local governments, a fact which, incidentally, the Secretary notes without comment in his reference to shrinking tax bases in a subsequent paragraph. But a better ability on the part of the Federal Government to design and administer the programs is belied by present experience and far from being a demonstrated fact.

Further, the federalizing of welfare augments the flow of power away from the States, whereas the core concept of the President's New Federalism is supposed to be a reversal of the flow of power back to the States.

But that is not the end of the Secretary's analysis of the bill. He continues:

> No longer will the Federal Government be in a situation in which it must match expenditures determined solely by the States. No longer will the Federal Government be required to monitor, in every detail, each State's compliance with Federal statute and regulations.

Ask any State Governor if welfare expenditures in his State are determined solely by the State. He would probably think you a recent emigre from another planet. I am literally amazed that the Secretary could make such a statement and expect it to be taken seriously. The list of States facing financial disaster because of burgeoning caseloads grows ever longer. Why? Primarily because permissive HEW requirements allow many people to obtain welfare who are ineligible or would be ineligible if State officials designed the programs. Everytime HEW regulations require or permit new categories of eligibles, additional mandatory services or administrative procedures, the States' welfare costs go up. They must provide their share of the increased cost or lose all Federal assistance. In every such instance it is the State which must match expenditures determined solely by HEW bureaucrats.

As for Federal monitoring of State compliance, there is a far better solution than H.R. 1. My bill would restore to the States complete authority to design and administer all welfare programs, with the Federal Government providing necessary financial assistance through revenue sharing allocations.

Since the Secretary apparently feels the Federal Government should be relieved of monitoring State compliance he should be delighted with a plan which goes one step further and relieves it of the entire administrative burden; instead, he advocates adding to its woes by requiring it to assume full administrative responsibility.

I might add that, if he finds the role of monitor burdensome, the Secretary could reduce both his burden and that of State officials without any legislative action at all, simply by rescinding the many unnecessary regulations his Department has imposed.

ACCOUNTABILITY AND DIVISION OF EXECUTIVE BRANCH RESPONSIBILITY

Here the Secretary assures us that separation of the programs into OFP, administered by the Labor Department, and FAP, administered by HEW, will fix responsibility within the executive branch. No longer will it be possible for one agency to blame another for failure to achieve goals established by the Congress, he says.

I would only say that on this point, as on others, the Secretary is far more optimistic than I.

WORK FARE

We come, once again, to the issue of work incentives.

Says the Secretary's statement, beginning at the bottom of page 9:

> The new program for employables differs significantly from the current WIN program in that the decision as to the "appropriateness" for referral is not left to the discretion of a social worker. Section 2111(b) of H.R. 1 specifies that "Any individual shall be considered to be available for employment . . ." unless he or she fits into one of five limited categories of exemption. Thus, the decision as to who registers for work is prescribed in the Federal statute.

Note that the statement cleverly avoids reciting the five limited categories of exemption. Two of the five are as follows: Any individual who is—

> (1) unable to engage in work or training by reason of illness, incapacity or advanced age.
>
> * * * * *
>
> (5) one whose presence in the home on a substantially continuous basis is required because of illness or incapacity of another member of the household.

Neither illness nor incapacity is defined in the statute. HEW will define those terms by its own regulations if they are defined at all, and under delegated authority it will doubtless be local welfare caseworkers who will apply the definitions in specific instances.

Thus, we are back almost precisely to the present situation, despite section 2111 (b); that is, we are still dependent upon the nearly nonexistent support for the work ethic among welfare case workers and bureaucrats for meaningful enforcement of the work and work-training provisions. Indeed, we may well be worse off than at present, for there is now some pressure from State officials, because of the shared financial burden, to see that employables are put to work. Once the State no longer shares in the financial burden, that pressure will be off and there will be little if any local sanction to encourage caseworkers to adopt a strict interpretation of definitions or regulations.

Given these circumstances, one must be incredibly naive to the ways of welfare to accept the Secretary's assurances that the decision as to who registers for work will now be prescribed in the Federal statute.

The next paragraph of the statement reads as follows:

> H.R. 1 also contains strong financial incentives to work. The first $720 of annual earnings, plus one-third of the remainder would be retained by the family. A person who works will always be better off than a person who does not work.

But that is clearly not true. As the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, made clear on August 6—see CONGRESSIONAL RECORD, S13700—the fact is that beyond the first $720 many families will find that benefit reductions, social security deductions, income tax withholding and increased medicaid deductibles, and public housing rents—not to mention the inherent additional transportation, food, and clothing costs for people who work—may well mean the loss of more than $1 of net income for every dollar earned. In such cases, the person who works will obviously be no better off than one who does not work and may in fact find himself worse off. And this has nothing to do with his attitude or willingness to work.

Now consider the work incentives as they relate to an individual who is not enthusiastic about the idea of working in the first place. Beyond the first $720 of earned income—$15 a week or about $2 a day—the welfare recipient loses 67 cents of every dollar he earns, even if nothing else is taken out and he has no expenses. This is a substantial psychological disincentive to people of low motivation and little ability. The work for which they can qualify is apt to be rather less pleasant than they would like. Even if a person would be slightly better off financially, the psychology of the situation is this: Why should I work my head off for 33 cents at a job I dislike when the guy next to me, doing the same job, is getting $1. It is just not worth it.

This, I suspect, was an important factor in the conclusions recently drawn in a study by economists Alfred and Dorothy Tella. They found that persons who have nonwage income, which they equated with the proposed welfare payments, tend to quit work after reaching a certain level of income. Their conclusion was that the newly covered working poor would actually tend to work less than they do now, rather than being encouraged by the bill's provisions to work more.

And, of course, we must also note a number of other factors related to work incentives. First, we presently have a high level of unemployment and even if we are successful in creating the 200,000 new job opportunities anticipated by H.R. 1, they will be inadequate to provide employment for all welfare employables.

Second, anyone who does not wish to work can find ways to avoid being hired or to lose his job in short order if he is hired, particularly where the jobs are in private enterprise.

Then, there is the fact that the recipient is penalized only one-third of his benefits—$800 in the case of a family of four whose guaranteed income would otherwise be $2,400—if he absolutely refuses to register for or take job training or available work.

When such factors are considered, in conjunction with the attitude of some welfare workers toward work incentives discussed earlier, one can only conclude that any hope of reducing the newly inflated welfare rolls through work incentives that move people into the labor force is purely speculative.

Next, consider the matter of family disintegration, referred to in the last of the six original criticisms, and what the Secretary's statement has to say on that point:

> Under current law, the working poor families are not eligible for any Federally financed cash assistance benefits. The result is a financial incentive for working fathers to desert so the family will qualify for AFDC.

While it must be admitted that H.R. 1 makes some improvement over the present law in this regard, Chairman LONG in his August 6 speech, referenced earlier, clearly illustrated that under the bill's provisions there remains a substantial income bonus or incentive for the poor not to marry.

Again we fall back on the fact that if H.R. 1 were the only alternative, perhaps its provisions in this regard would have to suffice; but it is not the only alternative.

Other instances of hyperbole and unwarranted optimism in the Secretary's statement could be noted, but I believe the point has been sufficiently made.

After reviewing the Social Security Amendments contained in H.R. 1, which it is generally agreed are needed and which I shall not discuss, the Secretary concluded his statement in this way:

> As long as this statement is, it does not begin to suggest the comprehensive nature of H.R. 1. If enacted, it will make the lives of millions of people more secure, not only by establishing a completely new welfare system, but also by improving the effectiveness of the contributory social security program, including Medicare. The good that these measures will do will be to the benefit of this generation and generations to come.

My own conclusion is that, with regard to the welfare reform provisions of title IV, the harm that the measure may well do and the failure that it represents in the effort to obtain genuine welfare reform will be to the everlasting detriment of this generation and generations to come.

AMERICAN WATERWAYS

Mr. ELLENDER. Mr. President, with our current national concern over inflation, it is reassuring to come across a valuable service that costs less today than it did in 1960. It is an added pleasure to say that the Senate played a major role in providing this low-cost service for the development of America. I am speaking of our 26,000 miles of waterways that have improved our transportation system so much in recent years.

The current issue of U.S. News & World Report details some of the growth of the great navigation system we have developed in the United States.

As chairman of the Senate Public Works Appropriations Subcommittee for over 18 years, it is particularly gratifying to read that barge traffic is booming along our inland and coastal waterways. That subcommittee and the Senate have appropriated millions of dollars for the development and control of these waterways and rivers. Today we are reaping the rewards of our investment—more jobs, fewer floods, better water supplies, and more economical transportation.

According to the U.S. News & World Report, we now have 20,000 barges plying these waterways. They are carrying 200 billion miles of freight annually. This is 58 percent more freight than our waterways handled in 1960.

The barges are moving all this freight at a much lower cost than either trucks or railroads can move it.

Mr. President, this is contributing significantly to the wealth of our Nation by holding down the cost of products we ship to both American and foreign customers. It is this kind of increased productivity that made America wealthy. It is this kind of increased productivity that made America wealthy. It is this kind of increased productivity that we need more of now in our current monetary and inflationary crisis.

I shudder to think of the high prices and the transportation tieups we would be struggling with today if we had not developed the navigation channels we now have along the Ohio and Mississippi rivers and their tributaries along our coasts, and across our inland America.

Even though the benefits of these waterways are so tremendous and are so easy to see today, it has not always been easy to obtain money for their development. Too often, Mr. President, these invests have been cynically referred to as "pork barrel" legislation. Even President Nixon has used that term in recent months. We have had to carefully justify the cost-benefit ratio in each one of these navigation projects. And our estimates have usually turned out to be conservative.

Today, we must also justify these navigation projects to the ecologists and we are ready to take the steps necessary to protect our environment. We are also ready to balance the human benefits derived from these waterways against the adjustments that sometimes must be made in the streams. It is much easier to criticize than it is to build something of great value.

I have watched with pride the growth of these waterways from New England to California, from Florida to the States of Washington and Oregon. Today I am looking forward to the development of the Red River Waterway through central and northern Louisiana. Congress this month appropriated more than $5 million to control the floodwaters and develop navigation channels in the Red River. I thank Senators for their support. This is a project that has been of great interest to the people of Louisiana, Texas, Oklahoma, and Arkansas for decades.

In a few years, I hope that we realize the same kind of benefits from the Red River as the people are now enjoying along the Arkansas River waterway and the same kind of benefits that the people of Tennessee, Mississippi, and Alabama anticipate from the Tennessee-Tombigbee waterway which is now under construction.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Now: Traffic Jams on U.S. Rivers

St. Louis, Mo.—At this historic hub of river transportation, the Mississippi looks more like a busy freeway than the slow-moving Ol' Man River of the past.

Huge flotillas of barges—as many as 40 of them lashed together to form a single tow, longer and with greater capacity than the *Queen Elizabeth II*—are pushed by powerful towboats past the city's gleaming Gateway Arch.

Here, as elsewhere along the 26,000 miles of U.S. inland and coastal waterways, barge traffic is booming. Low-cost transportation is the key to this upsurge. Charges for waterborne freight are less today than in 1960, and are considerably lower than for any other form of transportation.

Lure for shippers. For $1, a ton of freight moves 330 miles by barge, compared with 70 miles by railroad and 14 miles by truck.

One reason for lower rates on water transportation, say railroad men and truck operators, is that the Government levies no user charges to pay for construction of waterways.

Rivermen say that today's sluggish economy actually is helping their business, because, according to Thomas J. Barta, an official of the Valley Line:

"Shippers are much more cost conscious, and when something can move by water, they save money by sending it that way."

A visitor to the St. Louis waterfront finds himself caught up in the excitement that is coursing along U.S. waterways.

Out in the river, the banks are lined with waiting barges. Some are freshly painted, others are rusty from tours in the brackish waters near the Gulf of Mexico. Some are empty and riding high, others are loaded and waiting to be lashed into a tow.

Inside the harbor, 17 miles in length, general commodities are handled at the municipally owned dock. But most freight moves across nearly 50 private docks, variously providing scoops, cranes, conveyer belts, storage tanks and warehouses to handle such bulk items as grain, coal and oil.

St. Louis is a major "fleeting area"—a drop-off point for barges that are not unloaded, but are picked up for towing to other ports.

Trucks and railroad cars rumble onto the St. Louis docks, delivering and picking up freight.

The city is served by four interstate highways, 21 railroads, and some 200 trucking firms.

Swarming traffic.—From upriver, barge flotillas come in swarms. Just above St. Louis, traffic from the Missouri and Illinois Rivers joins in with that moving on the Mississippi.

Downriver to the south, it is 185 miles to the confluence of the Ohio at Cairo, Ill. In the past decade, river traffic between St. Louis and Cairo has nearly doubled, increasing from about 30 million tons in 1960 to more than 58 million tons in 1970.

It is the same story along the Tennessee River, which enters the Ohio at Paducah, Ky. There, waterborne freight has doubled since 1962. In the first six months of 1971, nearly 13 million tons of cargo moved on the Tennessee. This was a rise of 12 per cent over the first half of 1970.

Nationally, a record of close to 200 billion ton-miles of freight was transported along U.S. inland and coastal waterways in 1970. That is an increase of 58 per cent over 1960.

Bigger share of business.—Rivermen point with pride to the fact that their share of intercity freight shipments also is greater today than in 1960—increasing from 9.2 to 10 per cent.

During the same period, the railroads' share of intercity freight dropped from 44.1 to 40.1 per cent, and the truckers' share eased downward slightly from 21.8 to 21.4 per cent. However, pipelines, which move growing amounts of petroleum and gas, and air freight, which transports higher-value goods, have outstripped the barges in growth since 1960.

Rivermen still wheel and deal. Theirs is the least-regulated form of transportation. Only 10 per cent of the cargo that moves on water is under federal regulation, compared with 39 per cent in trucks and 100 per cent on railroads.

Barge operators nail down deals by telephone. Decisions on cargoes often turn on less than a penny per ton.

Rivalry among carriers.—A battle is brewing between the "common carriers," who are licensed by the Interstate Commerce Commission to carry regulated commodities, such as steel, and "exempt carriers," who transport unregulated commodities such as oil, coal and grain.

The common carriers, represented by the Water Transport Association, are backing a bill in Congress that would, among other things, require publication of all dry-bulk waterway rates. This measure, the Surface Transportation Act of 1971, is strongly opposed by many exempt carriers, who met in Chicago September 3 to gather their forces. W. R. Murphy, president of Rose Barge Line, Inc., in St. Louis, calls the proposal "creeping regulation that will keep the least-efficient operator in business."

John A. Creedy, president of the Water Transport Association, says rate publication would end "discriminatory pricing" that, he believes, benefits big shippers.

Mounting capacity. Meanwhile, new developments are helping hold down increases in rates, even though the trend is turning upward. For example—

On the West Coast, one freight firm now tows two huge barges in tandem—capable of carrying 112 railroad freight cars—on a regular schedule between Seattle and Alaska, at well under the ocean freight rates of the 1960s.

In Florida, another company is using 26,000-ton, self-unloading barges, together with a modern bulk terminal, to cut the cost of transporting phosphate rock by 30 per cent.

Co-ordination between barge, rail and truck transport is cutting rates in some areas. At Ashtabula, Ohio, for instance, a coal "transloader" has been developed that permits shuttle-unit trains to bring their cargoes of coal to the docks and dump them without stopping. The coal is loaded into barges as they become available, cutting back waiting time in both operations. This arrangement is being considered now for Chicago's port.

Bottlenecks. With business booming along waterways, massive traffic tie-ups sometimes develop.

Says E. Thomas Drennan, president of the Sioux City and New Orleans Barge Lines, Inc.:

"We're starting to run out of river. On the open river, traffic jams are not too serious. Of our three boats operating between St. Louis and New Orleans, one a day will report a two or three-hour delay waiting for southbound traffic.

"But where we do encounter extremely costly delays is at the lockages. Dams built several decades ago to help maintain a nine-foot channel often have locks that are just not big enough to handle the barge flotillas of today."

Petroleum leads. Raw materials for industry comprise the main part of barge cargoes. Biggest share consists of petroleum and its products, carried by 41 per cent of today's barges. Coal and coke comprise another 16 per cent of waterway freight; sand and gravel, 13 per cent; iron ore and steel, 10 per cent; chemicals, 4 per cent; logs and lumber, 3 per cent; grains, 2 per cent; sea shells, 2 per cent; and other commodities, including sugar and molasses, 9 per cent.

Major cities on the rivers, such as New Orleans, Memphis, Louisville, Cincinnati and Pittsburgh, are benefiting most from the increased shipments by water. In the past five years, typical figures show that river freight has increased by 31 per cent at Natchez, 21 per cent at Greenville, Miss., 20 per cent at Louisville, and 68 per cent at Minneapolis.

Now Tulsa, Little Rock and other cities along the new Arkansas River Navigation Project are added to those served by large-scale barge transportation. With the opening of this project early this year, ports in Arkansas and Oklahoma are linked with the Mississippi 450 miles away.

The U.S. Army Corps of Engineers estimates that 13.2 million tons of cargo—mostly petroleum, iron, steel, wheat, coal and fertilizer—will be carried by barge along this channel each year, at an annual saving to shippers of some 40 million dollars.

New factories and mills, built or planned along the just-opened waterway, are expected to bring some 20,000 additional jobs to this area in the next five years.

Another major project costing about the same amount—1.2 billion dollars—is under way now to modernize the Ohio River, with 686 million already spent by the Army Engineers.

To date, public outlays for such improvements in America's inland waterways have totaled more than 5 billion dollars. The rate of federal spending on added navigational facilities is running at about 200 million dollars a year, plus 50 million to operate and maintain them.

Looking to the future, Mr. Creedy, of the Water Transport Association, makes this prediction:

"We expect at least a 50 per cent increase in traffic over the next 10 years. This is a conservative figure, with the present rate of growth greater than that.

"New equipment, larger towboats, bigger barges, deeper channels and new technology all are contributing to this prospect."

Life on the Mississippi 1971 Style

There's no getting away from the throb of the three 1,800-horsepower engines on the *Tri-W*, a towboat that earns her keep pushing barges up and down the Mississippi River between St. Louis and New Orleans.

But there are compensations for the crew of this relatively new million-dollar vessel. Sleeping quarters are air-conditioned. Three hot, delicious meals are served each day, starting with breakfast at 5:30 a.m. The galley's refrigerators, open around the clock for snacks, are packed with good things to eat.

Pay is good. Towboat masters average more than $14,000 a year, and experienced pilots often make as much as $25,000. These top crew members are on the river 30 days, then have 30 days off. Deckhands, at the bottom of the pecking order, rate 20 days off for every 30 days worked.

Despite the good pay, there aren't enough seasoned river pilots to man the towboats. The reason: booming business on inland waterways.

Up in the air-conditioned pilot house, the towboat master, W. O. Crowe, shifted a wad of chewing tobacco into his left cheek and tugged twice on the whistle cord. Two blasts indicated that the *Tri-W* would pass an oncoming tow starboard-to-starboard.

It would take 20 hours to cover the 185 miles from St. Louis to Cairo, where the Ohio River flows into the Mississippi.

The 22 barges ahead of the *Tri-W* carried grain and steel. The day before she had moved into the St. Louis harbor in late afternoon. Her six deckhands were eating meatloaf and watching a rerun of the Dick Van Dyke show on a television set securely mounted in the vibrating dining room just aft of the compartment housing the towboat's powerful engines.

Shortly, the deckhands went to work, rearranging the tow for the downstream journey. A small harbor tug wheeled in and out under harbor lights bringing in barges. The men lashed them together—3 and 4 and 5 abreast—with cables. At 1:50 a.m. the job was finished. The *Tri-W* eased her tow into the Mississippi's current. Radar and searchlights picked up channel markers. We were on our way. Life on the Mississippi today is a far cry from that along the river Mark Twain knew a century ago.

REASONS FOR U.S. PRESENCE IN VIETNAM

Mr. GOLDWATER. Mr. President, in one of the last issues of the late Look magazine there appeared an extremely well written and worthwhile article by Walt Rostow. As we remember, Mr. Rostow served as National Security Assistant under Presidents Kennedy and Johnson, and he was deeply involved in the decisionmaking process of the Vietnam war.

Mr. Rostow had more knowledge of and more experience in the Far East than anyone connected with the formulation of foreign policy at the congressional level at this time. Mr. Rostow's article is entitled, "Vietnam, Was It Worth It?" and in it he has presented the reasons for being in Vietnam, the whole danger to Southeast Asia, and the danger to the world if Southeast Asia and Asia fall. I feel that the article should be placed in the RECORD so that Members of Congress may have a chance to read it, and so that those editors across the broad reaches of America who depend upon the RECORD for much of their information and editorials may have available to them this worthwhile and very sensible article. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM: WAS IT WORTH IT?

(By Walt W. Rostow)

The costs to us of the struggle in Southeast Asia make sense only if you agree with the last six American Presidents that the United States will be endangered if a potentially hostile power gains control of Asia, and that control over Southeast Asia is critical to the fate of all Asia.

Southeast Asia contains nearly 300 million people—as many as Africa or Latin America. It commands the sea routes of the South Pacific and the eastern Indian Ocean. It is a buffer area separating the two giants, China and India. If any single power attempts to seize control of Southeast Asia, the other major powers must instinctively react.

America, for example, passively stood by while the Japanese took over Manchuria in 1931 and then seized the major cities of China. But in 1940–41, the Japanese moved into Indochina and toward Indonesia. President Roosevelt had every interest at that time in concentrating American attention and resources on rearming at home, and on aid to Britain and, then, to Russia. But he refused to accept passively the Japanese take-over of Southeast Asia and the balance of power in Asia, including control of the sea routes to Australia, New Zealand and India. He cut off shipments to Japan of oil and scrap metal, and he froze Japanese assets in the U.S.

Indochina was at the center of our diplomatic dialogue with Japan right down to the eve of Pearl Harbor.

For similar reasons, President Truman threw our resources behind the French in Indochina at the time of the Korean War, despite reservations about the viability of French colonialism.

The same rationale lay behind President Eisenhower's (and the Senate's) support for SEATO in 1954–55; President Kennedy's policies in Laos and South Vietnam and his flat affirmation of the domino theory on September 9, 1963; President Johnson's basic Vietnam decisions of 1965; and President Nixon's insistence that America withdraw from Vietnam in ways compatible with stable peace.

Throughout this period of at least 30 years, it has been U.S. policy to sustain the independence of Southeast Asia from potentially hostile control. But sacrifice for a policy that cannot succeed is meaningless or worse. What have the sacrifices since 1965 achieved?

Look back and consider the panorama of Asia in 1965.

South Vietnam was on the verge of defeat and take-over, as the weight of North Vietnamese regular-army units, introduced in 1964, was fully felt.

Indonesia was out of the United Nations, in confrontation with Malaysia, making common cause with Peking, and eager to complete what both Jakarta and Peking described as a pincer movement to envelop the whole of Southeast Asia, through a "Jakarta-Phnom-Phenh-Hanoi-Peking - Pyongyang Axis"—a concept enunciated on August 17, 1965, by President Sukarno himself.

Peking was proclaiming that "Thailand is next."

All of Asia knew that its future hung in the balance. Robert Menzies, then Prime Minister of Australia, said if Vietnam fell, it would be "not so very long" before Australia would be menaced. And the danger was still closer and more obvious in the other capitals—as for example, Macapagal, in Manila, and Abdul Rahman, in Kuala Lumpur, made clear.

The domino theory was not just a theory in the first seven months of 1965; every observer of the scene knew the dominoes were about to fall unless American power was rushed into the balance.

Then, at the end of July, 1965, President Johnson moved to commit American forces.

Now, six years later, there is a different Asia.

South Vietnam has harvested the greatest rice crop in its history and is about to conduct its second presidential election under a democratic constitution. Well over 90 percent of its population live under reasonably reliable government administration.

Indonesia is independent and advancing hopefully in economic and social progress, after the successful defense of its independence in October, 1965, which, incidentally, triggered the Cultural Revolution in China.

Asian regional organizations have come into being; for example, the Asian and Pacific Council (ASPAC), the Association of South East Asian Nations (ASEAN), the Asian Development Bank. These offer great promise that in the future, Asians. working together, can increasingly shape their own destiny.

Japan, now the third industrial power in the world, is evidently prepared to use its expanding economic resources to help others in the region whose modernization began much later, but who are now moving forward with astonishing momentum: South Korea, Taiwan, Thailand, Malaysia, Singapore.

China is beginning to enjoy economic progress after a decade of external frustration and internal violence and is experimenting, at least, with the idea of normalizing its relations with Asia and the rest of the world.

Without the U.S. effort in Southeast Asia, there would now be no Ping-Pong diplomacy and no presidential visit to Peking planned.

But all this is still precarious and fragile.

As the South Vietnamese assume increasing responsibility for their own defense and try to make a constitutional system work (which very few post-colonial nations have been able to manage), they feel every day the threat of hasty, total American withdrawal and the pressure of those who would cut off all military aid to them in order to guarantee a Communist victory.

North Vietnamese troops are embedded, without a shred of legality, deep in Cambodia and Laos, threatening the Mekong towns and the Thai border. Not one weapon they carry or shell they fire was manufactured in North Vietnam. Putting aside their long-neglected tasks of economic and social development, the leaders in Hanoi continue to pour young men into the infiltration pipelines to South Vietnam in an effort to destroy the process of Vietnamization.

There is a decent hope that in the years ahead an Asia could emerge in which the North Vietnamese will go back within their own borders; the independent states will survive and increasingly work together, relations with China—and, indeed, North Vietnam—will be normalized; and the American role will continue to diminish, while remaining a relevant force in Asian and Pacific affairs.

There is also a real danger that all that has been achieved since 1965 by Asians and ourselves will be lost; that a vacuum will develop in Southeast Asia which Peking, as well as Hanoi, will feel impelled to try to fill; and that Asia will move from the promise of stability and progress to chaos or a war far worse than what we now see in Indochina.

Was it worth it? Clearly, the outcome of the common effort is still uncertain. If we mindlessly walk away from Asia, we shall make sure it was not worth it. If we patiently stay the course, the suffering of these years could be repaid with stable peace and security for ourselves and the two thirds of humanity who live in Asia.

What still remains to be done in Asia may not, if we are wise, involve the use of much American military force. Asians are now able to do vastly more to defend themselves than they were in 1965. And China, with some 50 Soviet divisions on its frontiers, may now be influenced to move in more peaceful directions than in the past.

But our resources and our treaty guarantees remain a decisive margin in the Asian balance of power. We ought to ask ourselves bluntly: What is likely to happen if we bury the past and leave Asia to its own devices?

First, the end of America's commitment in Southeast Asia would change the debate now under way in mainland China. Powerful forces there are working to move China toward the long-delayed concentration of its energies and talents on the modernization of life. American withdrawal would inevitably lead Peking to exploit its new opportunities to the South. No one can predict the precise form in which a nuclear China, with its huge ground forces, would exercise its power in the vacuum we would create. But I cannot believe that Peking would remain passive.

Second, the nations of Southeast Asia, certainly as far as Singapore—quite possibly as far as Indonesia—would lose their independence, as, for example, Lee Kuan Yew, Prime Minister of Singapore, believes; or they would be forced into a protracted military or quasi-military struggle that would force them to abandon their exceedingly promising economic, social and political development.

Third, Burma, in particular, would either fall under Communist domination or become the scene of an Indian-Chinese struggle. For Burma, not Tibet, is the point of strategic danger for the Indian subcontinent—a warning consistently made to me in private by high and responsible officials of both India and Pakistan.

Fourth, Japan and India would quickly acquire nuclear weapons, and the Nonproliferation Treaty would quite possibly die elsewhere in the world as well. The willingness of many nations to forgo the production of nuclear weapons depends on a carefully balanced calculation—a calculation that says the United States can provide greater security at less risk than going it alone with a national nuclear capability. An America that walks away from a treaty commitment, after bringing into the field a half-million of its armed forces and encouraging a small ally to fight desperately for its independence, would not be regarded as a reliable ally on such a mortal issue as nuclear deterrence in Asia or anywhere else.

There are many, I know, who believe that, somehow, the United States can live safely divorced from the fate of Asia.

I do not.

Thirty years ago, an Asian power, reaching for Asian hegemony, was able to mount Pearl Harbor.

There is already one nuclear power in Asia, now moving to produce ICBM's. If we walk away from our commitments in Asia, there are liable soon to be at least three. Having come in these hard years as close as we now are to the possibility of stable peace in Asia, I think it would be disastrous to throw in our hand and leave future Americans to bear the inevitable costs of a nuclear-armed Asia.

The more than 50,000 Americans—and the more than one million Asians—who died in this struggle for a stable, peaceful Asia deserve better of us.

KEN BE LIEU TO SERVE HIS NATION'S DEFENSE AGAIN

Mr. McINTYRE. Mr. President, I am pleased with the quick action taken by the Committee on Armed Services and the Senate in confirming the nomination by the President of Ken Be Lieu, of Oregon, to be Under Secretary of the Army.

I am not surprised by the smoothness of this confirmation because few people are more deserving or capable than Ken. During his years here in Washington, he has written a record of expertise and accomplishment.

Ken wrote a brilliant record in World War II and in Korea. He is the holder of nearly every major award for gallantry and valor our Nation can award. And he gave beyond the call of duty in losing a part of one of his legs in combat in Korea.

Before and after Korea, Ken served ably in a series of important assignments in the Defense Department and with the professional staff of the Senate Armed Services Committee. He rose steadily to the position of Under Secretary of the Navy. He served in this position until 1965 when he returned to private life until recalled by President Nixon to join his staff at the White House.

This latter appointment shows the respect for Ken's abilities. When he received this appointment it meant that he had received top appointments by two Presidents from opposite political parties in the course of only a few years.

Now Ken will, in his new capacity with the Army, continue to add to the brilliant record of the past.

Our Nation is fortunate to have such dedicated and able persons as Ken Be Lieu to call upon to help lead our country.

SPECIAL REPORT ON NATIONAL SECURITY ISSUED BY THE SOUTHERN STATES INDUSTRIAL COUNCIL

Mr. THURMOND. Mr. President, an excellent report, entitled "The National Security Crisis: America's Deteriorated Defense Posture," has been issued by the Southern States Industrial Council, Nashville, Tenn.

The report, written by Mr. Anthony Harrigan, pulls no punches in revealing the dangerous trend of U.S. military preparedness.

Mr. Harrigan, who clearly illustrates the rapid advance of Soviet military power, also warns about the danger of repeated attacks on our own Military Establishment.

Mr. President, the report should help to awaken the American people to the dangers of halfway military preparedness. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE NATIONAL SECURITY CRISIS: AMERICA'S DETERIORATED DEFENSE POSTURE

(By Anthony Harrigan)

In the last decade, the American people have been witnesses to a shocking reduction in their national military power. Whereas in the 1950's the United States was the dominant country in the world, possessed of military might second to none, American strength in the 1960's and early 1970's has ebbed rapidly. The erosion of America's defense forces can be seen in terms of expenditures for defense purposes. The $71.8 billion proposed for defense in Fiscal Year 1971 was $9.8 billion below the Johnson administration budget for Fiscal Year 1970 and constituted the lowest percentage of the gross national product since 1951. In the judgment of U.S. Sen. Barry Goldwater, a member of the Senate Armed Services Committee, the United States is fast on its way toward becoming a second-rate power in the world and "is no longer in a position of parity with the Soviets."

The total significance of the erosion of America's armed might is what thoughtful citizens must seek to understand. Warships, military aircraft and missiles are instrumentalities of national purpose. The history of the U.S. armed forces is the history of the American Republic—an index to the survival instinct and goals of the American people. If the American people are unwilling to provide adequately for their own defense, it is clear that their survival instinct has been impaired.

Historically, the armed forces of the United States have been the shield of the Republic. This has been especially the case in the cold war years. Though it is fashionable now to say that the cold war has ended, realists know strife with the communist powers has simply entered a new phase. Today the communist states evidence both the capability and intention of new aggressive moves against the capitalist world.

For almost a generation, America's nuclear armaments have deterred the Soviet Union from starting a third world war—a massive strike against the free world nations. The conventional armed forces of the United States have been busily employed in the quarter-century past in fighting limited wars against communist aggression and in checking Soviet and Communist Chinese advances in many parts of the world. In the Cuban missile crisis of 1962, America's nuclear superiority and supremacy at sea prevented the Soviets from establishing domination over the West.

Today, however—less than a decade after the Cuban missile crisis—the United States no longer is the first military power in the world. In a few areas such as the design of multiple warhead (MIRV) missiles the U.S. is technologically more advanced than the Soviet Union. But in terms of overall military capability the Soviet Union is ahead of the United States. Where the Soviets are now on a basis of parity with the U.S., they are moving ahead rapidly to overtake America.

The U.S. public has heard the facts from the Joint Chiefs of Staff. But the full significance of the erosion of U.S. military strength seems to have escaped the public. In Congress the weight of opinion is on the side of reducing U.S. military expenditures. Those members of Congress who press for dramatic action to restore America's strategic superiority are in a minority. The grim facts they recite fail to impress many key legislators and large and influential segments of public opinion.

MISSILE FORCES

Yet facts are facts. The most ominous of these relate to the comparative strength of U.S. and Soviet nuclear forces. In 1965 the Soviet Union's strategic missile force consisted of approximately 220 missile launchers. The missiles were comparable to the first generation of American ICBM's. At that time the U.S. missile force consisted of 880 ICBM's. We not only had the advanced land-based Minuteman missile but we had absolute supremacy in sea-based Polaris missiles.

Today the Soviets possess approximately 1,500 ICBM's, whereas the U.S. has only 1,054.

The giant Soviet SS–9 missiles have a capability far exceeding anything in the U.S. arsenal. All in all, the Soviets have 50 per cent more land-based missiles than the United States.

That is only part of the story; the United States has stabilized its missile force, whereas the Soviets are pushing ahead with construction of new land-based and sea-based missiles. At the present rate of Soviet missile deployment, the USSR should have 2,500 ICBM launchers by 1975. Unless dramatic action is taken this year, the United States will still have only 1,054 missile launchers four years from now. This dangerous imbalance is the result of the doctrine of nuclear "parity" developed by former Secretary of Defense Robert S. McNamara and continued by the Nixon administration under the guise of nuclear "sufficiency." Other nations, with no need to resort to euphemisms, will see this nuclear situation in terms of alarming U.S. weakness.

Some recent policy decisions are nothing less than extraordinary. For example, Gen. Bruce K. Holloway, head of Strategic Air Command, told Congress that the United States has purposely passed up the opportunity to make its Minuteman intercontinental ballistic missiles more accurate. He blamed the situation on those who "fear" that the improved ICBMs might be used as a "first strike weapon."

If the nuclear balance situation is gloomy now, it will be even less cheering in the mid and late 1970's. Consider the situation with respect to missile-firing submarines. No U.S. missile-firing submarines have been built in more than two years. None are definitely scheduled for the future. The only significant change in the U.S. missile submarine force is in installation of advanced missiles in submarines conceived in the 1950's. There are studies of the ULMS (underwater long-range missile) submarine class, but no firm plans for construction. This advanced missile submarine is essential in view of the USSR's lead in land-based missiles.

The Soviets, meanwhile, are expanding their missile submarine force at a rapid rate. Adm. Elmo R. Zumwalt Jr., USN, Chief of Naval Operations, told the Society of Naval

Architects and Marine Engineers last fall that the Soviet strategic naval forces take the form of the modern "Yankee" class nuclear power ballistic missile submarines similar to our Polaris boats. They currently have 15 of these submarines in operation and are building 12 a year, a clear indication of their desire to back up their land-based missile systems with a powerful strategic naval force.

Gen. John C. Meyer, Vice Chief of Staff of the Air Force and an expert in missiles, has pointed out the long-range effects of this submarine construction program, saying that if they continue at their present rate, the Soviets will match the U.S. sea-launched ballistic missile inventory by 1974 or 1975. The Soviets also are testing a new, longer range submarine-launched ballistic missile.

MANNED BOMBERS

The situation with respect to manned bombers—another factor in strategic deterrence—is equally discouraging. In 1965, the United States had two and one-half times as many bombers as the Soviet Union, consisting of B–52's and B–58's. Today, the American bomber force has been reduced from about 750 to 450. All of the very fast B–58's have been retired from service. The proposed B–1 bomber, designed as a replacement, is receiving only limited development funding.

Another element in strategic deterrence is aircraft and missile defense. A limited anti-ballistic missile defense was authorized by the Congress—after the most difficult of struggles, but the Soviets are well along on building a strong ABM defense system. While SALT talks were in progress last year, the Soviets started construction of giant ABM radar units. Dr. M. B. Schneider, writing in *Ordnance*, has reported that "about a half dozen are operational or nearly so." Dr. John S. Foster Jr., director of Defense Research and Engineering in the Department of Defense, has warned that these radars "can in the near future provide the same radar coverage which we will have some eight years from now if all the Safeguard ABM program is completed." Dr. Foster noted that the "vast network of Soviet radars and defense sites, whether antiaircraft or antimissile, has already complicated the problem of arms control of ABM to the point where it may not be practical." It is estimated that the Soviets have more than 1,000 surface to air missile sites. The United States has one-tenth this number of SAM's and no ABM radars operational today. Moreover, U.S. surface to air missiles are Bomarc and Army missiles developed in the 1950's. The Soviets have had wide experience with operational SAM's in both North Vietnam and in the Suez area.

Tactical fighter forces still have an important role in air defense against bombers armed with nuclear weapons. Here again, the United States is at a marked disadvantage. The Soviets have 3,600 jet aircraft. The United States tactical fighter strength is about 1,600 aircraft. Moreover, the Soviets have a qualitative edge. In the last decade, they introduced nine new fighter aircraft. In the same period, the U.S. failed to develop a single new aircraft for the air-to-air combat role. The new military realities are evident in Europe where the Soviet Air Force is now using the new supersonic strike version of the MIG-23 fighter in large numbers. This fighter, labeled "Foxbat" by the NATO command, is faster than comparable aircraft used by American forces. Its reported speed is Mach 3—three times the speed of sound—compared with a speed of Mach 2.2 for the F–4 fighter.

All of these situations with respect to diminishing inventories of American weapons reflect an alarming decline in research and development—the elimination or cutback of defense programs leading to advanced weapons systems. Existing U.S. armaments date back to programs launched 10, 15, or even 20 years ago. In many cases, there is nothing in the mill to replace them. The studies undertaken during the McNamara years proved sterile. New weapons simply were not authorized. For example, the Soviet Union's new bluewater fleet is superbly equipped with surface-to-surface rockets. The United States has yet to develop such a naval missile, though the uniformed professionals have cited the need for years.

NAVAL FORCES

The deterioration of America's combat strength is especially apparent in the U.S. Navy. Failure to start a major naval construction program in the 1960's led to today's sharp curtailment of U.S. naval strength.

During the sixties, the United States depended on warships built to fight the Japanese and the Germans in the 1940's. They were patched and repaired, but replacements were not authorized. These ships have reached the end of their useful lives and are being decommissioned in large numbers. Severe budget cuts in the last two years have forced decommissioning of other ships which still have combat capability. Adm. Zumwalt is on record as noting that the budget cuts that have been taken in the last two years have been in the field of sea control forces. As a result we have, during the last two years, come down on the order of 35 percent of these forces. We can go no further without great risk.

Robert D. Heinl Jr., a leading authority on naval affairs, has said that the U.S. Navy in 1971 is likely to reach the point at which it was in 1936 in numbers of ships in commission.

In the four years from June 30, 1968 to June 30, 1972, the U.S. Navy will have retired *463 ships from the active list. During that same period, 141 new ships will have been commissioned, leaving a let reduction of 322 ships*—more than one-third of the entire American fleet.

Control of the seas depends on a complex of naval weapons systems: carriers, submarines, destroyers, intelligence-gathering ships, mine sweepers, and service ships. The United States has need of new ships in all of these categories. The current naval shipbuilding program is grossly inadequate to meet accumulated needs of many years. For example, under the fiscal year 1971 defense appropriations bill, only one new nuclear guided missile frigate was approved, only one fast combat support ship, only two general assault ships, and so forth. Great need exists for an entirely new class of fast surface-to-surface missile armed, small destroyers. Anti-defense elements in Congress oppose funds for such vessels. Yet, the Navy's manpower situation will become critical in the mid-1970's and small, heavily armed ships will be more important than at any time in decades.

SOVIET SEA POWER

Throughout the 1960's, U.S. naval forces went largely unchallenged. In the 1970's, there may be numerous direct and indirect challenges. The Soviets have powerful naval forces in the Mediterranean. They have used them in daring and dangerous ways, including collision-course tactics with U.S. warships. Soviet naval vessels frequently operate in the Caribbean. Indeed Sen. Strom Thurmond has asserted that "current intelligence reports also indicate the Soviet have broken their 1962 agreement with the U.S. by deploying nuclear missile launching submarines at Cuban bases." With the installation of a Marxist regime in Chile, it seems only a matter of time before the Soviet Navy has access to the port of Valparaiso. Then the Soviets will be in position to menace the Panama Canal from both the Pacific and Atlantic.

To see Soviet naval growth and operations in perspective it is necessary to survey the decade past. In 1960, the Soviets were engaged in major naval construction. High seas operations were rare. The first Soviet exercises in the Norwegian Sea were held in 1961. The next year saw new operations by Soviet maritime aircraft and the Cuban crisis, in which the USSR learned a lesson in the importance of sea power. In 1963, a pattern of bi-annual naval exercises in the Iceland-Faroes Gap was established. The Soviet Navy introduced missile-carrying warships in 1964 and the Soviet Mediterranean squadron was established. By 1965, the Soviets were holding numerous large exercises in the North Atlantic. The year 1966 marked the maturing of the Soviet high seas fleet. Adm. V. A. Kasatonov, first Deputy Commander in Chief of the Soviet Navy, said: "The USSR Navy flag can be seen in all parts of the world's oceans." In 1967, the Soviet fleet stepped up all its activities. A Soviet-built Komar rocket boat, operated by Egypt, sunk an Israeli destroyer, impressing on the world the power of new Soviet naval weapons. In 1968, the Soviets deployed their helicopter carriers in the Mediterranean for the first time. The next year saw large-scale relief of the Mediterranean forces by the Soviet Northern Fleet and deployment of a task force to the Caribbean. The fleet was being used to "show the flag" on a worldwide basis. In 1970, the Soviets conducted major naval maneuvers in the Atlantic and Pacific and vastly extended their Indian Ocean operations.

It is against this backdrop of Soviet military and naval activity in many parts of the world that the visible decline of U.S. strength must be viewed. In several important areas, such as the Persian Gulf, the U.S. has only token forces. And many of the units are aging vessels which compare unfavorably with the new, heavily armed Soviet warships in the same areas. For example the Soviets have dispatched rocket-armed destroyers to the Persian Gulf where the commander of the U.S. Middle East Force flies his flag from an antique seaplane tender with no combat capability. The occasional U.S. destroyer in the area usually is an old gun ship built during World War II. In the 1950's American naval forces often could be supported by land-based air forces. But the United States has been compelled to leave many key air bases throughout the world such as Wheelus Air Base in Libya. America's tactical air power is locked out of North and Central Africa and the Middle East.

While the U.S. has retreated from air bases in Libya, Morocco and elsewhere, the Soviets have created a massive military bastion bridging the zone between the Mediterranean and the Indian Ocean and providing a jumping-off point for Central and Southern Africa.

U.S. Rep. Michael A. Feighan of Ohio has summed up the character and importance of this Soviet Middle East bastion, noting:

> In the Middle East the Soviets have established a vast complex of sophisticated weaponry scattered in a 50-mile belt extending from Alexandria, Egypt, southward 180 miles to the Gulf of Suez. Stationed here are the most advanced surface to air missiles manned by Soviet crews, amphibious equipment and 8-inch artillery.

THE INDIAN OCEAN

The Soviet objective in this region seems comparable to the Japanese objective, prior to World War II, in creating secret naval and military bases in the South-Central Pacific mandated islands: a launching site for major operations. The Soviets are aiming at a new short route to the Persian Gulf, the Indian Ocean, the strategic islands and rich lands of Southern Africa and the Pacific beyond. In short, they seek total domination of the virtually unprotected Indian Ocean world.

Today the Soviet Indian Ocean fleet consists of approximately 15 warships including missile-armed ships. At times this force has numbered as many as 30 vessels, however. The Soviet ships call at ports around the rim of this 28 million square mile ocean, showing the flag and impressing weak nations with the growing naval power of the Soviet Union. The Soviets reportedly enjoy repair and fueling facilities in India, and the strategic island of Mauritius has become another frequent and important port of call for the Soviet squadron.

Another aspect of the Indian Ocean situation that should be more widely understood in the United States is the movement of Soviet and East Bloc ships through the area. In 1969 more than 3,900 Soviet flag ships rounded the Cape of Good Hope en route to Africa, Middle Eastern and Asian ports. Soviet merchant vessels have to be regarded as an arm of the Soviet fleet. Many of these ships have a military potential or carry military goods to client states of the USSR.

While the Soviet Union is engaged in the same kind of naval buildup in the Indian Ocean that it carried out in the Mediterranean, the United States has not made any attempt to provide a counter-force—except for an occasional fleet visit by ships from the 7th Fleet in the Pacific. In the late 1950's Adm. Arleigh Burke, then Chief of Naval Operations, cited the strategic importance of the Indian Ocean. Adm. John McCain, Commander in Chief, Pacific, also has stressed the U.S. security interest in the Indian Ocean in many speeches and writings. But the failure to modernize the U.S. Navy has resulted in inaction with respect to that vital global region.

TECHNOLOGICAL CHALLENGE

Even as the U.S. must prepare for new military challenges in remote global regions where America has not been involved in the past, the American people must bear in mind the importance of the technological challenge posed by the Soviet Union. It is not enough for a nation to have a strong will to win or a grasp of global strategy; a country determined to remain free must appreciate the extent to which an effective defense depends on investment in research and engineering. There isn't any technological plateau to which the United States can climb and rest comfortably thereafter. New advances in nucleonics, radar, surveillance systems, metallurgy—all have a direct bearing on America's national security. Nothing is more mistaken than the notion that the U.S. is safe against attack because it has a large arsenal of nuclear weapons. The element of surprise is still a key element in warfare—as much as it was at Pearl Harbor in 1941. And the foes of freedom are constantly seeking technological means of gaining the advantage of surprise—the advantage of a first strike that would eliminate the possibility of a retaliatory strike by U.S. forces. To deny the enemy the advantage of surprise means technological effort and vigilance on the part of the United States and this, in turn, means substantial, continuing investment in defense research and development.

To augment U.S. defenses in any meaningful way is extremely difficult these days. As Adm. Zumwalt has noted, "there is a tremendous disenchantment with the military, and a disinclination on the part of many of our countrymen to be concerned." There is no similar disenchantment on the part of the enemies of the United States. On the contrary, the Soviet Union's traditionally aggressive foreign policy is now wedded to the most aggressive military policy in the country's history. The leadership of the USSR has set its sights on the acquisition of supremacy in every military field—on land, sea and air. The Kremlin is busily establishing a global military presence to advance both the Soviet political system and to secure national strategic objectives

In the main the American people—or a very large segment of our population—do not want to hear about the Soviet Union's military buildup, its drive towards supremacy in all areas, any more than the French people in the late 1930's wanted to hear about Germany's rearmament. The American people seem tired of sustaining the defense effort—even though that effort has given them a generation free of direct enemy assault. The American people are preoccupied with social issues and with domestic expectations of one sort or another. They long to enjoy an even more comfortable existence at home. They respond to warnings about Soviet military expansionism with the counterstatement that there is not any real threat or that increasing Soviet military capabilities don't indicate dangerous intentions on the part of the USSR. It is difficult to deal with such denials of reality or to reach those who persist in arguing that danger to America is nonexistent. Thus defense budget levels are not in accord with national requirements. The capability of the U.S. armed forces to deal with threats to the nation is being reduced year by year.

ANTIDEFENSE MOOD

The problem of maintaining a moderately strong defense establishment, let alone augmenting its strength to deal with new Soviet threats, may worsen in the year ahead as the Vietnam war winds down. In the past, the end of conflicts in which the U.S. has been engaged has produced hasty dismantling of essential armed forces. This was the case at the end of World Wars I and II. The U.S. Army may face the brunt of the demands for "economy" in defense spending. Certainly, the size and composition of the Army will have to change after the Vietnam war is ended. But the Army must not be sacrificed. On the contrary, the Army will need to be re-equipped for missions elsewhere on America's strategic frontiers.

No one can deny that it will be expensive to refashion the Army, to undertake new naval commitments, and to provide new offensive and defensive nuclear systems. But since when has freedom been obtained at a cut-rate price? The British people maintained their freedom in World War II only at a staggering price in national treasure, not to speak of lives. There is no suggestion that the British are sorry they paid the price. Today the captive peoples of Eastern and Central Europe unquestionably would be willing to pay any price to be free of the Soviet yoke. If the American people, possessing the greatest amount of wealth in the world, are unwilling to make the necessary financial sacrifice for their own safety and national survival, the freedom and security they now enjoy will elude them in the future. The American people are truly fortunate in that they can, with good management and elimination of welfarism, afford *both* guns and butter—missiles and desirable public services.

The principal need today—even before military hardware—is to renew the American people's understanding of the vital importance of strong national security forces. These forces are not unreasonable burdens, as some citizens insist, but an opportunity to preserve freedom. Great peoples are willing to bear heavy burdens in order to ensure their freedom. In totalitarian countries ruling elites simply commit the nation. The people have no voice on defense issues. The American people, however, must understand the issues. They must acknowledge the need for a strong national defense and give their consent to expenditures for this purpose. It would be tragic beyond words if the American people, in their period of greatest prosperity and comfort, failed to understand the necessity of defense and refused to approve the essentials.

For America and its values to survive, it is imperative that Americans arrest the decline in U.S. military strength and acquire the arms essential to defense in the mid and late 1970's and 1980's. The American people can't afford to be outgunned by the enemies of Western civilization and freedom. Certainly, our people don't want to go the way of Carthage in the classical world. But if they want to avoid the fate of Carthage they must reject the counsels of those who are sounding the trumpets of retreat.

If the American people are awake, they will insist that the U.S. armed forces be provided with all the tools of defense—the nuclear navy, missiles and conventional forces—that spell the difference between national life and death.

A CONTRACT WHICH TIES WAGES TO PRODUCTIVITY

Mr. SPONG. Mr. President, the Virginia Metalcrafters, Inc., of Waynesboro, Va., and the United Steelworkers of America recently agreed to a contract which ties wages to productivity. It is thought to be the first such agreement of its kind negotiated in Virginia.

I am encouraged by the spirit of cooperation shown by management and labor in an effort to find a constructive answer to the wage-price spiral. This kind of voluntary restraint in the matter of wages and prices will be essential in the months ahead if we are to avoid a disastrous continuation of inflation and preserve our free market economy.

Mr. President, I ask unanimous consent that an article describing this new contract, published in the Waynesboro News-Virginian, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

VM Union Sign Unique "Productivity" Contract

Virginia Metalcrafters, Inc., and the United Steelworkers of America (USW) today executed a unique labor contract which links employe income directly with productivity.

The agreement, believed the first of its kind negotiated in this area, is subject to approval by the federal Cost of Living Council or to the termination of President Nixon's current economic "freeze."

The 28-month contract calls for no increase in basic wage scales, but establishes a Productivity and Pay Plan (PAPP) based on "manufacturing margin"—that is, the difference between the net sales value of goods produced and such direct costs as raw materials, supplies, labor and power.

When the "manufacturing margin" exceeds a specified percentage in any quarter, one-third of the increase will be divided pro rata among employes covered by the contract, plus eligible supervisors. A margin of less than the specified percentage will result in employes receiving their base pay, but no "bonus."

The PAPP, scheduled to go into effect Jan. 3, 1972, is to be administered by a Productivity and Pay Board composed of two members elected by the union and two members of management.

The overall contract signed today replaces a three-year agreement which expired on Sept. 3. In addition to the productivity clause, it provides a liberalization of certain fringe benefits.

In the PAPP section of the contract, the two parties say they recognize that "increased wages must come from increased productivity and lower material cost resulting from less waste. . . ."; that "the owners should be entitled to a minimum fair after-tax return on their investment, just as the employes are entitled to a fair wage . . .";

and that "the members of the union working closely together with management can reduce those costs and thereby increase the manufacturing margin. . ."

The contract also notes that any hike in the price of manufactured goods will increase the manufacturing margin, thus giving employes a share of the added income.

USW has served as bargaining agent for VM's production and maintenance employes since May 1968.

Virginia Metalcrafters President Charles M. Eckman said today:

"The wage-price freeze has alerted America to the absolute necessity of relating wages to productivity. A mechanism for accomplishing this is essential if we are to preserve a significant part of our traditional freedoms. Without it our road to a controlled economy, another name for socialism, is clearly marked.

"The Productivity and Pay Plan incorporated in the new contract between United Steelworkers of America and Virginia Metalcrafters is such a mechanism. It recognizes the identity of interest between workers and capital. It provides incentives for both. It gives each a fair share of increased productivity. It protects workers against higher living costs in direct ratio to the ability of their product to command a higher free market price. Yet it eliminates cost-push inflation of prices."

PROPOSED SINGLE 6-YEAR PRESIDENTIAL TERM

Mr. AIKEN. Mr. President, yesterday the very able Senator from Indiana (Mr. Bayh), who is also chairman of the Subcommittee on Constitutional Amendments, placed in the Record a rather complete and highly informative historical record relating to the efforts which have been made since the very beginning of our Government to determine the proper length of time and the manner in which a President of the United States shall be permitted to hold that Office.

Senator Bayh also announced hearings by his subcommittee on October 28 and 29 on Senate Joint Resolution 77, introduced by the Senator from Montana (Mr. Mansfield) and myself, which would limit a President to a single 6-year term in office.

In our efforts to find a fair and satisfactory method of operating a democratic form of government, we have met with many frustrations and have not as yet found complete and satisfactory answers to the problems involved.

At this time I wish to commend the Senator from Indiana, one of the most able younger Members of this body, for announcing these hearings, which I feel will be of great interest to our Nation and hopefully bring about productive results.

PRELIMINARY INJUNCTION AFFECTS TENNESSEE-TOMBIGBEE WATERWAY

Mr. EASTLAND. Mr. President, I have just learned, with great regret, that a judge in the U.S. District Court in Washington, D.C., has issued a preliminary injunction affecting the Tennessee-Tombigbee Waterway.

It is deplorable to me that a Federal judge has, with one stroke of a pen, thrown a roadblock in the path of this great and envisionary project. The Tennessee-Tombigbee represents the hopes, dreams, and hard work of countless thousands of people for over a century.

Now, as we stand within the grasp of reality on this mid-continent waterway, we are confronted with further delays. I am sure that this action by the Federal court will cost the taxpayers money, and I am just as confident that this injunction constitutes a roadblock to progress.

Mr. President, to me, this is simply another case of blatant judicial tyranny. It is deplorable and saddening that this action has been taken.

MILITARY PREPAREDNESS—A LESSON FROM HISTORY

Mr. GOLDWATER. Mr. President, recently the Chief of Staff for Systems and Logistics of the Air Force, Lt. Gen. Harry E. Goldsworthy, delivered an address to an audience of ROTC cadets.

His subject, "Military Preparedness: A Lesson From History," very succinctly, soundly, and completely states what any of us who study constantly America's position in preparedness try to get across to the American people who feel that we can dishonor in this day and age. Because of its timeliness, I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Military Preparedness: A Lesson From History

(By Lt. Gen. Harry E. Goldsworthy, Deputy Chief of Staff, Systems and Logistics, Headquarters USAF)

All of us today certainly are concerned about the many serious internal needs which face our country. There is the critical task of improving the quality of our lives in terms of health, housing, education, control of drugs, and crime prevention. And there is still much to be done in the newly recognized area of preserving and controlling our environment, as well as the more traditional tasks of providing basic resources such as food and minerals for an increasing population.

If we are to provide for these growing domestic needs, we must balance defense spending with other national requirements, and that is precisely the challenge we face as members of the military services.

A point to be made is that the administration *has* accomplished a very dramatic change in national priorities and *has* reallocated resources away from defense. The defense portion of the gross national product is 6.8 percent—the lowest it has been since 1951. The realignment of priorities within the federal budget is also reflected in the lowest percentage of the budget for defense since 1950.

With implementation of our programs for this fiscal year, we will have cut military personnel by over a million from the Southeast Asia war peak, to 180,000 lower than the prewar level. Still, it is deemed fashionable for our critics to say that we've got to get that wartime build-up out of the defense budget! Further, there is a substantial segment of our public which seems to espouse the view that, through unilateral disarmament, we can find lasting peace. History would tell us otherwise.

Several years ago, I was stationed in North Africa and assigned to a job that required extensive travel through the Mediterranean area. For a Washington State University graduate with a major in Ancient History, this was an exciting experience. In Rome, I walked among the remains of the ancient Roman Forum, visited the Colosseum where once a thousand beasts were killed to celebrate the birthday of an emperor, looked at the remains of the aqueducts that would challenge our engineers to duplicate, had lunch at a restaurant on the old Appian Way built right on the same paving stones over which Caesar's legions marched. Athens, too, is filled with the remnants of a rich culture. The Parthenon, though shattered, is still one of the most awe-inspiring sights in the world.

And as you visit the remains of those ancient societies, once so powerful and so rich in culture, you can't help but wonder as to how nations so strong and so creative, decline so that little is left of their culture. Rome ruled the world for 500 years and had an extensive empire before Christ was born. Much of our present day culture comes from the Romans—our language, our concepts of law.

In the 5th Century BC, Athens was mistress of the seas and ruled a great empire. In that golden age, Athens attained heights in culture that have probably never been equalled, with unrivaled works in literature, sculpture, and architecture. It has been said that there has not been an original philosophical thought since those days. Egypt, too, saw periods of great influence. Much of our astronomy and higher mathematics come from Egypt.

This reversal of positions of once powerful nations is an intriguing question, particularly when we contemplate the future of our nation. On return to the United States, I spent a year at one of the advanced service schools in Washington, DC, and devoted considerable study to the characteristics common to the decline of great nations. I struggled with the works of Karl Marx, Gibbons, Toynbee, and Spengler and their theories of growth and decay. I found one constant. Always there is a predator nation or society or cult ready and waiting to exploit, for its own gains and purposes, any weakening in the resolve or strength of the more affluent or favored societies. Always there are governments which regard all people outside their own domain as proper targets for deception, domination, or capture and exploitation.

Looking back over the relatively brief period since I left college, the world has experienced what may be the greatest era of technological and scientific progress in history. The first operational fighter I flew had a top speed of just over 200 miles an hour. Less than 30 years later, I was flying at twice the speed of sound. The transistor, the computer, synthetic materials, nuclear energy, our victory over polio, the lunar landing—these are but a few of the technical achievements that have touched all our lives in some way.

But with all these spectacular advancements, in one field we have not progressed a full step since the days of Abraham. This is the area of human relations. The people of today's world are subject to the same basic emotions as our ancestors of centuries ago. We have the envy of Cain, the greed of Aninias, and the weakness of Judas. Our knowledge of this universe and our technical capabilities are growing at an astonishing rate, but this growth is not paralleled by a comparable growth in our ability to subjugate basic emotions in order to handle these powers intelligently. Individually, we are little different from our ancestors of Biblical days. I must admit that at a point in my early years, I had visions of a world free from conflict and destructive competing forces. I could subscribe to the theme of the then popular playwright, Clifford Odets, who felt "the world can be beautiful if only there is love of one another . . ." But the harsh fact is, that international, national, and personal cruelties cannot be banished by a wish. The unfortunate truth is, that wars arise from the competing wills between human groups—each intent on some political or civic purpose. So long as powerful, and not so powerful, nations are under control of governments dominated by an ideology that does not put a premium on freedom, human life and dignity, there will be war, or threats of war, and a need for the military. So long as governments dominated by such an ideology regard all people outside their own domain as proper targets for deception, domination, capture, and exploitation, there will be war, or threats of war, and a need for the military. In short, when the focus is upon telling it like it is, national survival is a grinding endurance test because man has made it that way.

Our young men are entering the military service of their country at a time when the nation's potential adversaries never have been stronger, and at a time when our internal problems are severe and pressing. It is quite proper that there be a realignment of priorities toward meeting the challenges of the domestic difficulties of this nation. For if we don't have that vital inner strength, our external security is of little importance. We of the military understand this and have accommodated the budget reductions through concentration of effort on the higher priority requirements. The coming years will see even further belt-tightening. For example, next fiscal year, the aircraft buy of the Air Force will be the lowest—in number of airplanes—since 1935, and will fall far short of the anticipated attrition.

Our great problem, as a nation, is one of determining the proper balance in expenditures between internal requirements and the minimum essential defense budget. We can't look for solutions to domestic difficulties by turning away from involvement in the world. We are deeply involved whether we like it or not. Today, far too much is spoken about "parity," "near-parity," and "stalemate."

There are no static situations in today's power relationships. There is stability *only* in the dynamics of progress.

Today, nothing is safe or absolutely secure—neither the submarine, nor the bomber, nor the missile. Modern sensor technology could put an end to the protective invisibility of the ocean depths. The bomber and the missile are no longer safe unless "cocked," at the ready, and fully prepared to fight their way through the most modern of defenses.

This does not mean, necessarily, that President Nixon's dream of an era of peace will not come about. It means, simply, that our ingenuity will be taxed to the utmost to make it so.

There is also no guarantee that what has been sufficient will continue to be. This means there must be hard decisions on qualitative improvements and equally hard decisions on procurement quantities to assure the continued effectiveness of our deterrent.

We must, therefore, continue to spend the necessary amounts for the required weapon systems which will contribute to a realistic deterrence. This is the price of national security and survival, without which all the other very worthy goals we hear so much about today would be only academic.

STATE DEPARTMENT REVISES PAPER ON U.S. POLICY TOWARD GREECE

Mr. FULBRIGHT. Mr. President, I am pleased to see that the Department of State has made some major revisions in the publication issued in the "Gist" series entitled "Greece: U.S. Policy." The latest version of that paper, dated September 1971, makes a number of changes suggested in my letter to Secretary Rogers of April 21, changes which I believe make the paper more accurate and which deserve to be brought to public attention.

In my letter of April 21 to Secretary Rogers, I questioned the statement which was included in the version of the "Gist" paper on Greece then being distributed which read as follows:

> With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government.

I said in my letter that it was my understanding that the exceptions were by no means minor, that some of the so-called institutional laws had simply been published and not decreed to be in force and that not all of the constitutional provisions suspended would be put into effect by the institutional laws.

The State Department has now revised that section of the "Gist" paper. It now reads:

> However, some important constitutional articles related to civil liberties, reestablishment of political parties, elections, and the monarchy are not yet in force.

The "Gist" paper also reports that in his December 1970, statement the Greek Prime Minister stated that there would be no further constitutional developments in 1971, a statement which the January version of the "Gist" paper had ignored.

In my April 21 letter to Secretary Rogers, I also questioned the formulation used in the section of the January "Gist" paper on political prisoners. That section began by stating:

> From a high of over 6,000 in 1967, there are now approximately 300 political prisoners." I said that it was my understanding that some 340 to 380 persons were serving terms after being convicted and sentenced for political crimes, that even on the basis of a Greek Embassy press releasee it appeared that additionally there were still 50 communists in detention and some 30 in internal exile and that, furthermore, there was no reference in the January paper to the additional numbers arrested since last Fall.

The latest version of the "Gist" paper describes the situation with regard to arrests and detentions more accurately. It states that up to 75 people are in "administrative exile status"; that—

> Roughly 350–500 persons who were convicted of offenses which could be called politically motivated are now serving sentences.

And that—

> There are perhaps 50 persons suspected of conspiracy to overthrow the regime who have been held since late 1970 under investigative arrest, or who have been indicted and are awaiting trial.

In my April 21 letter I also questioned the statement in the January version of the "Gist' paper that during the operative period of the agreement between the Greek Government and the International Committee of the Red Cross "no instances of torture of prisoners were confirmed by the Red Cross." I said that it was my understanding that the Red Cross neither confirms nor denies instances of torture but makes all of its reports to governments on a confidential basis.

I see that the new version of the "Gist" paper simply states:

> In 1969–1970, the Red Cross was permitted access to Greek jails, police stations, and detention camps to investigate charges of torture but this access permission was not renewed.

Finally, in my April 21 letter to Secretary Rogers, I pointed out that the list of publications at the bottom of the "Gist" paper for "further reference" included the hearings of the House Foreign Affairs Committee but not the hearings of the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad. I am pleased to see that the latest version of the "Gist" paper does list for "further reference" not only the subcommittee hearings but also the report, entitled "Greece: February 1971," prepared by the staff of the Foreign Relations Committee.

To complete the record, I ask unanimous consent that the texts of the "Gist" paper of January 1971, of the new revision of the "Gist" paper dated September 1971, of my letter of April 21, 1971, to Secretary Rogers, of the reply from the Department of State dated May 7, 1971, and of a letter from the Department of State, dated August 27, 1971, which provides additional material on the number of political detainees and prisoners in Greece, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GREECE: U.S. POLICY

WHAT IS OUR POLICY TOWARD GREECE?

1. *The issue:* The military coup which brought the present Greek Government into power in 1967 posed a problem in U.S. relations with Greece which has persisted to the present day: how to support our mutual interest in Western security in the eastern Mediterranean, while encouraging the return to representative government we believe is necessary for Greece's long-term stability and progress.

2. *Strategic considerations:* Greece has consistently honored its NATO obligations and its bilateral agreements with the United States through a number of changes in government. The present regime has taken steps to improve relations with its Balkan and Mediterranean neighbors, notably Turkey.

The sudden Soviet invasion of Czechoslovakia in 1968 aroused grave concern about the calculations and intentions of the USSR elsewhere, particularly in the Mediterranean basin. Growing Soviet naval activity in the Mediterranean, and political and military activity in the volatile Middle East, pose dangers to NATO's southern flank, and make U.S. military facilities in Greece increasingly important to the Western position in the eastern Mediterranean.

3. *Political situation in Greece:* In 1968, the Greek regime submitted a new constitution to plebiscite, and in 1969 began to prepare the institutional laws necessary to its implementation. However, some important constitutional articles relating to civil liberties, reestablishment of political parties, elections, and the monarchy are not yet in force. Furthermore, in December 1970 Prime Minister George Papadopoulos announced there would be no further constitutional developments in 1971.

4. *Arrests and detentions:* Most of the 6,000 persons arrested in April 1967 and held

without trial have been released. Detention camps which held some 2,000 at the beginning of 1970 were closed in April 1971: the number of persons restricted to remote villages in "administrative exile status" has been reduced to less than 75. Roughly 350–500 persons who were convicted of offenses which could be called politically motivated are now serving sentences. While some of these offenses involved violence, many did not, and some of the sentences for the latter seem unduly harsh. There are perhaps 50 persons suspected of conspiracy to overthrow the regime who have been held since late 1970 under investigative arrest, or who have been indicted and are awaiting trial.

In 1969–1970, the Red Cross was permitted access to Greek jails, police stations, and detention camps to investigate charges of torture but this access permission was not renewed. The Greek regime still uses martial law, although it is technically limited to certain specific articles of the penal code.

5. *U.S. aid:* Grant economic aid to Greece was terminated in 1962; the last AID development loans were made in 1964. We have been giving military assistance to Greece since 1947.

One of our first responses to the 1967 coup was to suspend delivery of major items of military equipment to Greece. With one exception, made after the Soviet invasion of Czechoslovakia, involving delivery to Greece of some of the heavy equipment previously embargoed, that suspension continued in force until September 22, 1970 when the U.S. announced it would resume normal military shipments to Greece.

In August 1971, in passing a $3.4 billion Foreign Aid Authorization Bill the House of Representatives voted against further aid to Greece unless the President finds that "overriding" U.S. national security requirements justify waiving the ban.

6. *U.S. policy:* We provide military assistance to Greece to enable it to carry out its NATO defense obligations. We also wish to preserve our bilateral mutual security arrangements with Greece which are vital to western security interests in the Eastern Mediterranean and Near East.

We keep the security aspects of our relationship with Greece separate from the political. The decision to resume military shipments to Greece was made for security reasons alone, and does not imply our endorsement of the form of government now existing in Greece.

We are disappointed with the regime's slow progress toward its stated objective of full implementation of the 1968 constitution. Until the Greek people have completed the task of reshaping their governmental system, one of the primary goals of our policy in Greece will be the restoration of personal liberties and the reestablishment of democratic institutions.

We continue to urge the Greek Government to return to representative government and to civil as opposed to martial law. We believe that such a step, which the Greek government itself has publicly avowed as its intent, is in the interest of Greece as well as of U.S.-Greek relations and NATO solidarity. As a friend and ally, we are seeking to use our influence constructively, respecting the principle of non-intervention in the internal affairs of another country.

FURTHER REFERENCE

Senate Foreign Relations Subcommittee hearings June 9 and 11, 1970.

Background Notes: Kingdom of Greece (Dept. of State pub. 8198).

Greece: February 1971—a staff report for the use of the Senate Foreign Relations Committee, March 4, 1971.

GREECE: U.S. POLICY

WHAT IS OUR POLICY TOWARD GREECE?

1. In April 1967 an authoritarian regime overthrew the constitutional government of Greece and suspended a number of basic civil liberties. The U.S. was faced with three alternatives in responding to this development:

To support the junta;

To break relations;

To continue relations while encouraging the regime to return to constitutional, representative government.

We also had to consider Greece's role as an important NATO ally which continues to fulfill its treaty obligations, and the strategic advantages it offers to the alliance in the Mediterranean. Growing Soviet naval activity in this area poses an increasing problem for the security of NATO's southern flank.

2. *U.S. policy:* We elected to continue relations because this course of action provided the only means of exerting a constructive influence for the return to constitutional, representative government. We are continuing to urge the regime to fulfill its commitment to enact liberalization measures and to prepare for elections. In our discussions with Greek government leaders we have made our position clear, and we believe this policy has effectively contributed to a number of changes in the direction of reform.

3. *Political situation:* In September 1968, the present government submitted a new constitution to referendum. Since then the Greek government has been drafting and enacting legislation to implement the new constitution. With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek government. Although important provisions of the constitution continue suspended, legislation now in effect has eased martial law, partially restored civil rights, lifted restrictions on travel of former politicians, and relaxed restraints on the press.

While the Greek government continues to affirm its intention to return to parliamentary government, we are disappointed with the apparent slackening of progress in this direction. The Prime Minister declared in December 1970 that there would be no additional constitutional developments during 1971. He further announced that he alone would determine when the country is ready to take the next steps to restore a normal political situation.

We will continue to urge the government to accelerate the process of restoring representative government in Greece.

4. *U.S. aid:* Grant economic aid to Greece was terminated in 1962. The last AID development loans were made in 1964.

A U.S. military assistance program for Greece has existed since the days of the Truman doctrine. We suspended the delivery of major items of military equipment shortly after the 1967 coup. However, after the 1968 Soviet invasion of Czechoslovakia, certain items of military equipment previously on the suspended list were delivered to Greece as part of an effort to bolster the strength of the NATO deterrent.

With that one exception, the suspension continued in force until September 22, 1970 when the U.S. announced the lifting of the partial embargo. Approximately $56 million worth of equipment which had been withheld is now being delivered to Greece over a two-year period. The resumption of these shipments will enable the armed forces of Greece to more effectively carry out their NATO responsibilities.

5. *Political prisoners:* From a high of over 6,000 in 1967, there are now approximately 300 political prisoners. The Prime Minister has pledged to free all remaining political detainees by the end of April 1971 if security conditions permit. Last November the Greek government abrogated its one-year agreement with the International Committee of the Red Cross which permitted relatively free access by the Red Cross representative in Athens to Greek jails, police stations, and detention camps. The government held that the ICRC presence was unnecessary and reflected on Greek sovereignty. During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross.

FURTHER REFERENCE

U.S. Lifts Partial Arms Embargo Against Greece (Dept. of State Bulletin, Oct. 19, 1970).

Background Notes: Kingdom of Greece (Dept. of State pub. 8198).

House Foreign Affairs Committee hearings on H.R. 15628, a bill to amend the foreign military sales act. Feb. 5 and 17, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: A member of the Committee staff called the Department of State a few days ago and asked for the latest copy of the "GIST" paper on Greece. The paper provided, entitled "Greece: U.S. Policy," was dated January 1971. As this publication is presumably being distributed by the Department to anyone who asks, and is also now being used as a basis for replying to correspondence, I would appreciate the Department of State's comments on a number of statements made in the "GIST" paper:

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

My understanding is that the exceptions are by no means minor, that some of the institutional laws gazetted on January 5, 1971 were simply published but not decreed to be in force and that, furthermore, not all of the constitutional provisions suspended will be put into effect by institutional laws.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

My understanding is that somewhere between 335 and 355 were detained immediately after the coup (and were among the 6,000 known and alleged communists rounded up at that time) and that, as of January 1971, some 600 were in internal exile and some 340 to 380 were serving terms after being convicted and sentenced for political crimes. According to the April 9 press release of the Greek Embassy, 234 communists have been released and 27 former officers and parliamentarians who were in internal exile will have their confinement "totally lifted" (although I have heard some reports that some of these 27 are still being detained by the police). At any rate, even on the basis of the information in the Greek Embassy's press release, it would appear that there are still 50 communists in detention and some 30 who continue to be in internal exile. In addition, as noted above, it is my understanding that between 340 and 380 are serving prison sentences for political crimes not including those arrested since November. Indeed I see no reference in the "GIST" paper to the arrests that have taken place since last fall.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

My understanding is that the Red Cross neither confirms nor denies instances of torture but makes all of its reports to governments on a confidential basis. The implication of this statement is that there has been no torture of prisoners in Greece. Is this the impression the Department of State wishes to convey?

I also note that under the publications listed for "further reference," the Hearings of the House Foreign Affairs Committee of February 1970 were listed but the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad relating to Greece and Turkey, held on June 9 and 11, 1970, and released on

October 5, 1970, were not mentioned. I wondered why.

Sincerely yours,
J. W. Fulbright, *Chairman.*

Department of State,
Washington, D.C., May 7, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: The Secretary has asked me to reply to your letter of April 21 requesting the Department's comments on statements made in the GIST paper entitled "Greece: U.S. Policy."

The "GIST" on Greece was dated January 1971 and of course reflects the situation as we perceived it at the end of 1970. Moreover, as indicated on the masthead of the paper, GIST is "a quick reference aid—not intended as a comprehensive policy statement." Actually "GIST" is expected to be little more than a simplified identification of issues.

There were three statements in the "GIST" to which you drew our attention.

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

This statement is to the best of our knowledge, correct. At his April 10, 1970 press conference, the Prime Minister indicated that "a public discussion on institutional laws will start tomorrow and continue until October, at the rate of three a month. From July to the end of the year all the institutional laws provided for (by the Constitution) will be approved, again at the rate of three a month." The publication of most of the laws in the Official Gazette met that commitment and laid the groundwork for the implementation of the articles of the Constitution to which they apply. We find it most regrettable that the Greek Government did not proceed more quickly to implement the articles of the Constitution after promulgating the institutional laws. As matters now stand a number of key provisions of the Constitution remain suspended.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

The GIST to which you refer does not reflect reported changes in the status of some political detainees. The two remaining island detention camps were closed on April 10, 1971 when 234 of the remaining 284 detainees were released. Fifty detainees considered by the Government to constitute a continuing danger to public order and security had their status changed to exile in remote villages where they will continue to be subject to surveillance. In mid-1970 about 75 persons detained for alleged anti-government activity were in exile to enforced residence in various villages. By April of this year the number had been reduced to about 47. On April 7, it was announced that 27 of these persons would be released, leaving, according to the Greek press, 16 to 25 still in exile. Presumably the total number in exile, including those detainees whose status was changed, is now about 75.

In addition, there remain about 350 persons who have been tried and sentenced by courts martial to prison terms, mostly for politically motivated activities. We believe that the sentences in a number of cases were disproportionately harsh. We continue to urge the Greek Government to re-examine the sentences of all these prisoners and to exercise clemency.

As you point out, a number of arrests were made toward the end of 1970. We still have no firm information on how many were arrested or how many have been subsequently released for lack of evidence. According to the Greek Government all of these arrests were made under warrants as provided by Greek law. In any event we have made clear to the Government of Greece our deep concern over the use of arbitrary police powers and the abuse of individual liberties.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

As you indicated, during the operative period of the International Committee of the Red Cross agreement the Red Cross neither confirmed nor denied reports of the use of torture. Substantive reports dealing with the Red Cross' findings and recommendations were made directly to the government. Although there may have been some excesses, particularly during the early months of the regime, we believe that reports of torture coming from Greece were exaggerated.

I am sending you under separate cover an item of classified information on this subject. Considering all the available information, we believe that the statement in the GIST regarding torture was justified in the interest of objectivity, even though we were unable to be more specific in an unclassified document.

The omission of the publication of the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad of June 9 and 11, 1970 was a simple oversight which will be corrected in the next revision of the GIST. We are now preparing a fourth revision of "Greece. U.S. Policy" in the GIST series which will take into account developments since the end of 1970.

If I can be of any further assistance please do not hesitate to call on me.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations

Department of State,
Washington, D.C., August 27, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: During his testimony before the Foreign Relations Committee on August 4, Ambassador Tasca offered to provide additional material on political detainees and prisoners in Greece for the record. Following is the most recent information available on this subject, derived primarily from official Greek government statements and press reports. We obviously cannot guarantee the accuracy of the figures.

At the time of the April 21, 1967 coup, as many as 6,500 persons considered to be risks to the security of the state were arrested. Within a week about 1,500 were released and within four months the number detained was reduced to about 2,300. Subsequently, the number of detainees fluctuated as some were released and others arrested. The trend was downward. In April 1970, 350 detainees were released, reducing the total to 1,270 held either in detention camps or in "administrative exile" to remote villages within Greece.

In April 1971, the government closed the remaining detention camps and released some 234 detainees. With earlier releases, the number of persons detained was reduced to about 66 persons all of whom were held in "administrative exile" status. This number was reduced to about 61 in July.

Additionally, an estimated 30–60 persons were arrested by security authorities in November–December 1970. Some of this number have since been released; others are still being held pending charges.

The above figures do not include some 300–400 persons convicted of political offenses by courts-martial who are now serving prison terms.

I hope this information will be useful to the Committee. If further material is needed, please let me know.

Sincerely yours,
Harrison M. Symmes,
Acting Assistant Secretary for Congressional Relations.

SENATOR PERCY'S TRIP TO INDIA AND PAKISTAN

Mr. SAXBE. Mr. President, the senior Senator from Illinois (Mr. Percy) recently returned from a personal fact-finding trip to India and Pakistan. He is the first U.S. Senator to visit East Pakistan since the tragic events of March 25.

Senator Percy in his usual impartial and thorough manner talked to leaders on both sides of the dispute. As one of the principle sponsors of the Saxbe-Church amendment, which would suspend military and economic aid to the Government of Pakistan until the distribution of food and other relief measures supervised by international agencies takes place on a regular basis throughout East Pakistan, and the majority of refugees in India are repatriated to East Pakistan, I value Senator Percy's wisdom and advice.

Senator Percy's report was published in the Christian Science Monitor. I highly recommend it to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

East Pakistan: The Suppression Must Stop

(By Senator Charles H. Percy)

Sen. Charles H. Percy (R) of Illinois recently returned from a personal fact-finding trip to India and Pakistan. Senator Percy serves on the Appropriations committee, which includes foreign aid funding among its responsibilities.

The tale told by the hundreds of East Pakistanis I met in the refugee camps in India and Pakistan is one of endless human suffering.

I saw children die of malnutrition and disease in makeshift hospitals. While talking with refugees in mile-long food lines, I heard stories of entire families of East Pakistanis who had been executed without provocation. I saw the effects of inadequate sanitation, of food shortages, of disorientation and rootlessness.

As I walked through a cramped hospital in a camp outside of Calcutta, stopping intermittently to talk with patients, I came to the bedside of a woman who was watching her last remaining child die from dysentery and malnutrition.

Several weeks earlier, she told me, she and her husband and two children had left East Pakistan to escape the slaughter that has beset their homeland. They walked to the river and boarded a vessel that was to be their refuge for 30 days. They reached the refugee camp, but by then the absence of sufficient food and water and the presence of infectious disease had taken its toll. First her husband had died, then the first child. Now it was apparent that the last child could not survive.

No one knows for certain the number of East Pakistanis who have died since the civil war began last March 25; estimates range from 200,000 to one million. Moreover, it may not ever be possible to calculate the loss of life accurately. Even if the killings directly attributable to the West Pakistani Army and to members of the Awami League could be assessed, it would be impossible to compute the loss from malnutrition and disease.

The Indian and Pakistani Governments disagree widely on almost every aspect of the refugee problem.

Indian Prime Minister Indira Gandhi told me that 8.1 million East Pakistanis are presently being supported by the Indian Government in refugee camps. During my visit to Pakistan, Lt. Gen. Tikka Khan, then the governor of East Pakistan, put the figure at between two and three million. My impression is that the Indian figures are much closer to the facts.

The Indian Government says that 65,000 East Pakistanis are entering India each day, and few are returning. The Pakistani Government claims that more East Pakistanis are returning to its "receiving camps" than are leaving for India. Yet I personally inspected a large and woefully underutilized "receiving camp" on the border, which was processing returnees at the rate of only 30 per day, and was inhabited by only 64 persons at the time of my visit.

The Indians assert that the East Pakistanis are fleeing repression and massive brutality (a position which my own observations would support). But the West Pakistanis allege that the refugees are escaping from terrorism instigated by the rebels.

The Pakistani Government says that India is supporting military training camps for those East Pakistanis who wish to go back home to fight. The Indian Government asserts that since it also suffers from a divided, unstable Pakistan, it has no interest in involving itself in internal Pakistani matters. My own conversations led me to believe that the Indian Government winks at the trainings camps, even if it does not officially sanction them.

But if there are official differences of opinion on the extent and the cause of the refugee problem, there can be no gainsaying the appalling human tragedy that these homeless million represent, nor is it possible to minimize the staggering burden they place on the marginal Indian economy.

Almost every East Pakistani with whom I spoke wants to return home eventually. Their commitment to an independent East Pakistan is very deeply felt.

The problems in East Pakistan are immense. A breakdown in public services, in transportation, communications, distribution, and production is compounded by urban and rural guerrilla warfare. Repressive measures by army units sent from West Pakistan further inflame the people who are scared and helpless.

In India the burden of supporting millions of refugees, most of them in depression-ridden West Bengal, is very great and the leaders stress that it cannot be borne indefinitely. A prominent Indian businessman remarked to me that "it would be cheaper to make war with Pakistan than to support its refugees."

At the same time, I can report that the leaders of both India and Pakistan seem to sense the need for restraint in relations between the two countries. They did not appear to be moving toward war.

Of major importance is the secret trial of Sheikh Mujibur Rahman, leader of the now-outlawed Awami League and the symbol of resistance to West Pakistani hegemony over East Pakistan. I told Pakistani leaders that their nation would suffer the condemnation of world opinion if Mujib is sentenced to death or to a long term in prison, as has been threatened. Moreover, I said, the world knows that Mujib and his party had won a clear victory in the national elections last year and that he was looked upon as the next duly elected Prime Minister.

For the United States, the stakes are high. Our reputation in India has already been severely damaged by revelations of continuing shipments of military spare parts to Pakistan. These supplies are seen in India not as spare parts, but as tanks, planes and guns being used against defenseless civilians. I strongly feel that we should end the shipment of military supplies and of economic assistance to Pakistan.

It is difficult to see how Pakistan can ever again be united in peace. The bitterness is too strong. The determination of the East Pakistanis to provide for their own future is too great. I earnestly hope the leaders of West Pakistan will not persist in their policy of suppression, and that they will have the wisdom to reach an accommodation with the people of the East. Otherwise the bloodbath will continue. If ever there was a role for the United Nations to play, it is in this bitter area of conflict and human suffering.

REFORMS PROPOSED IN RENTAL HOUSING AND HOMEOWNERSHIP PROGRAMS

Mr. HUMPHREY. Mr. President, excellent testimony, based on solid experience in housing rehabilitation, was presented recently before the Committee on Banking, Housing, and Urban Affairs by two well-known spokesmen for community improvement in Duluth, Minn. Beverly Goldfine and Katherine Watters serve on Town View Improvement Corp., a nonprofit volunteer organization which has done an outstanding job in rehabilitating homes and apartments and in constructing new housing in the model cities area of Duluth.

Mrs. Goldfine and Mrs. Watters made incisive criticisms of the operation of the section 236 and section 235 programs of federally subsidized rental housing and homeownership and provided important recommendations for making these programs truly effective in stabilizing and improving the supply of existing housing. Mrs. Goldfine focused on the high costs confronting the homeowner who wants to improve his property, and noted the difficulty of obtaining financing under section 236 to acquire and rehabilitate older and small apartment buildings. Mrs. Watters called for a substantial increase in the actual funding of Federal assistance for housing rehabilitation and expressed strong support for Senator Mondale's proposal to expand the supply of housing for lower income families by permitting loans of up to $15,000 to be made at an interest rate not to exceed 6 percent for a period of 20 years.

Mr. President, I urge Senators to give careful attention to this important testimony, and I ask unanimous consent that the statements by Beverly Goldfine and Katherine Watters be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT OF BEVERLY GOLDFINE BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE

My name is Beverly Goldfine. I reside at 60 East Kent Road, Duluth, Minnesota. I have served as the President of Town View Improvement Corporation for the last four years. The Corporation is a nonprofit volunteer organization which has rehabilitated homes and apartments, and has constructed new housing in the Model Cities area of Duluth, Minnesota.

I appear today individually and at my own expense to relate some of our experiences with existing moderate income housing programs.

Duluth, as most of you know, is a city of 100,000 persons. Its population is relatively stable, homeownership is the rule rather than the exception, and most of its homes are over 40 years of age.

During the four years that Town View Improvement Corporation has been in existence, we have worked with Sections 221h, 235, 236 and 237 of the Housing Act. While our efforts may appear to be minimal when weighed against the need for better housing, we have operated without staff and with very limited working capital.

We have, however, had from 12 to 15 women who have devoted hundreds of hours each week to try and demonstrate what can be done to improve housing. We have completed about 50 units, and have an additional 50 units which are now going forward. We have also counseled many families who were interested in rehabilitating their own homes.

We have purposely tried to use all of the available governmental programs in our work to demonstrate their feasibility to the community. We have learned a great deal about them in the process.

(1) Section 221h is an unworkable program, at least in a city the size of Duluth.

(2) Section 235 is a workable program with faults:

(a) It does not benefit many persons in the lower income group, even if they met most eligibility requirements. Their credit ratings are frequently such that either the lending institutions or the Regional Office of F.H.A. reject their applications. This is true even if Town View is willing to write a 237 letter on behalf of the potential purchaser. Incidentally, we have found that poor credit frequently stems directly or indirectly from medical, hospital or dental expenses.

There are some circumstances in which Section 235 loans should be available to persons with questionable credit. Thus, if the housing expense of the potential purchaser would be reduced by granting the loan, if existing debt was incurred by reason of expenses which the family was not able to control, and if the family was a stable one, we feel that the risk is one that should be taken. With one exception, our experience indicates that homeownership tends to improve the stability of families to whom loans have been extended.

(b) The family-size requirements are too restrictive. We recently had two 4-bedroom homes for sale. We had 50 moderate income family applications for these homes; 40 were excluded because they did not have the correct number of children; 8 more were eliminated because of questionable credit; and the 2 eligible purchasers bought the homes. If the present family-size requirements are imposed because of the limitation on program funds, we would suggest another means be found to solve this problem.

(c) Two to 5 points are ordinarily charged by the lending institutions to finance a 235 project, and legal and closing costs usually exceed $400. Potential purchasers resent these costs and frequently refuse to buy because of them. The points and closing costs. together with higher construction costs, have made it difficult to build new housing in Duluth under Section 235. This is true for manufactured homes as well as conventional homes.

(d) The net worth restrictions are so low as to be self-defeating. They prevent older families, whose children have left home, from disposing of their older and larger homes and moving into smaller more convenient ones. They also discourage younger families from saving to achieve homeownership.

(e) So much red tape is involved in processing an application that many lending institutions are reluctant to participate in the program or refuse to do so.

(f) It is difficult to buy older homes for rehabilitation at a fair price. We must compete with slum landlords who do only a superficial job of rehabilitation, pay no taxes or insurance, charge high rents for a few years, and often abandon the buildings when they are no longer functional. Full enforcement of building codes, particularly as to absentee landlords, will help to solve this problem.

(g) The biggest weakness of Section 235, however, is that it is not available to those who own their own homes. The final alternative that such a homeowner has is to get a home improvement loan with an effective interest rate of 9¼% and 9½% if he does so. The maximum amount he can obtain is $5,000, and the loan must be repaid in a period of 7 years. The second alternative is to try and get a second mortgage on his home. To do so under existing F.H.A. regulations, he must pay 7½% interest, in addition to which most banks are charging 4 discount points and 1% service charge. We would add that many lending institutions are unwilling to make second F.H.A. mortgages, so that any second mortgages must be on a conventional basis. On these, the rate of interest is 8½%, with a 2-point discount and a 1% service charge. Furthermore, the loan can only be for 65% to 70% of the cost of rehabilitation.

Unless we find a way to solve the problem of the homeowner who desires to thoroughly rehabilitate his home, the existing public housing and moderate income housing programs will find it increasingly difficult to obtain the necessary public support. This is true because the moderate income family who wants to stay in his neighborhood and desires to rehabilitate his home simply cannot understand why he is not eligible to participate in any of the current subsidization programs. One of our other Board members, Mrs. Katherine Watters, will give you our recommendations for solving this problem.

(3) We have also worked with Section 236. It is an excellent program with one major fault. There are many duplexes, four-plexes and smaller apartment buildings in our community which are from 30 to 50 years of age. They are substantial buildings and in need of rehabilitation. We have been unable to find a way under Section 236 to acquire and rehabilitate these buildings. There are a number of reasons for these failures. First of all, we do not have the working capital to make this acquisition ourselves and to hold the buildings until we acquire a number of them on which we can go forward with a single application. Secondly, the legal, architectural, organization and application expenses are prohibitive with respect to very small projects. Furthermore, the time required to process a loan for a four-plex is almost as great as for a 30-unit apartment building. A method should be found to encourage the rehabilitation of this type of property.

Statement of Katherine Watters Before the Senate Banking and Currency Committee:

My name is Katherine Watters, and I live at 330 East Faribault Street in Duluth, Minnesota. I have been active in Town View Improvement Corporation for a period of four years. I, too, appear at my own expense.

Mrs. Goldfine has suggested a number of changes to Section 235 that we feel would make the program a more workable one. But our primary purpose in being here today is to urge a new program be adopted which will make it possible for the average homeowner to obtain a loan on reasonable terms and with an absolute minimum of red tape to rehabilitate the home in which he now lives.

Specifically, we support the proposal of Senator Mondale and Congressman Fraser which would permit loans of up to $15,000 to be made at an interest rate not to exceed 6% for a period of 20 years. The proposal would prohibit the imposition of points or service charges, and would provide a subsidy of approximately 2½% to the lender. Under the proposal, any person who owns and occupies his own home would be eligible for a loan provided the value of the rehabilitated home did not exceed $30,000 or $35,000, and the owner would be permitted to include washers, dryers, stoves, refrigerators, kitchen cabinets and carpeting within the loan. I digress for a moment to explain our reason for advocating that these items be eligible for a loan. We have found that unless they are included in the loan, the tendency is for families to buy them on an installment plan after the rest of the house is rehabilitated. The purchasers are required to pay from 12% to 18% interest on the purchased items, and must pay for them over a period of 3 years. Ordinarily, this means that the family has an additional substantial monthly payment that was not considered by the lending institution at the time the home improvement loan was made.

Sufficient funds ought to be appropriated to permit the rehabilitation of approximately 500,000 units per year. To translate it to Duluth, it would mean that our community could rehabilitate approximately 300 units per year. We estimate that the annual cost of the program would be $75,000,000 and would grow to $750,000,000 by the end of the tenth year, and would level off at that point. We feel that this is a small price to pay for a program that would do the good that this one will.

The population of Duluth, Minneapolis and St. Paul has remained relatively stable over the past 10 years. On the basis of the recent census, the population of many other cities has also remained stable. All of the major cities of the United States have thousands of older homes that are in need of major rehabilitation today. Each year, many of them pass beyond the point of repair. We think it important that we save our cities, that we rehabilitate those homes that we can and that we do it now. We cannot continue to discard sound homes as if they were empty beer cans. The more homes we rehabilitate, the less the need to build new streets, new schools and new sewers in the suburbs and other newly developing communities. This is not to say that we feel that the housing problem can be solved without the development of new projects, but it is a waste of money to permit existing housing to deteriorate beyond the point of rehabilitation.

We would like to make one final point. There is considerable resentment against existing housing programs by moderate income families that own older homes and desire to rehabilitate them. The present home improvement loan program is too expensive and too limited to solve the problem. We need a new program and we need it now. We repeat that it ought to be simple and have a shallow subsidy. If we adopt this program, we not only will help to preserve our communities but will provide good housing for thousands of families.

SENATE ACTION STILL NEEDED TO IMPROVE H.R. 1

Mr. WILLIAMS. Mr. President, one of the key legislative proposals to be considered during this Congress is the 1971 Social Security Amendments, H.R. 1.

Earlier this year, a stopgap 10-percent boost in benefits was approved to protect the elderly from the ravages of inflation.

However, much more is needed if our Nation is to come to grips with the economic crisis which now affects millions of older Americans and threatens to engulf many more approaching retirement age.

Today 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. For elderly persons living alone or with nonrelatives, 60 percent would be considered poor or near poor. And for elderly Negro women living alone, more than 88 percent—or nearly nine out of every 10—live in poverty or are marginally poor.

Even with the recent 10-percent increase, the typical retired worker can expect to receive only about $1,570 in social security benefits per year. Yet, this is nearly $300 below the $1,852 poverty threshold for an elderly person.

According to the Bureau of Labor Statistics, an intermediate budget for an aged couple would be around $4,200 per year. Yet, approximately 41 percent of all aged couples have total incomes below $4,000.

The net impact of these statistics is that our Nation, as wealthy and powerful as it is, still permits one out of every four older Americans to live in abject poverty. Moreover, these figures clearly underscore the need for bold, imaginative, and comprehensive reforms in our social security programs.

H.R. 1

The recently approved social security bill, H.R. 1, provides, I believe, a good foundation for improving the social security system.

Several measures in the House-passed bill, I am pleased to say, are either identical or similar to proposals I have advanced in my omnibus social security legislation, S. 923. For example, both measures would provide:

An across-the-board increase in benefits;

Cost-of-living adjustments to protect the aged from inflation;

Substantial raises in minimum monthly benefits for persons with long periods of covered employment;

One hundred percent benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test;

More equitable treatment for couples with working wives;

An age-62 computation point for men, the same as now exists for women; and

Updating the retirement income credit for former policemen, firemen, teachers, and other government annuitants.

Mr. President, I ask unanimous consent that a table describing these provisions in greater detail be printed at the conclusion of my remarks.

However, essential finishing touches must still be made by the Senate to perfect the House proposal.

BENEFIT INCREASE

One major area for improvement is the need for a larger increase in social security benefits. Under the House bill, benefits would be raised by only 5 percent. Moreover, the effective date of this proposal would be June 1972.

But with the rapid rise in the cost of living since the last social security raise, this proposed 5-percent increase can hardly be expected to protect the elderly in their desperate race with inflation. For the average retired worker, this will raise benefits by only about $7 per month, from $131 to $138.

Quite clearly, timid tinkering or piecemeal benefit increases are just not going to solve the retirement income problems confronting our elderly. With poverty on the rise for the aged, a more substantial increase is urgently needed.

For these reasons, I am proposing that the Senate approve a 15-percent boost in benefits. In addition, I am urging that this increase take effect this coming January, instead of next June. For a retired worker, this would provide an additional $160 above the annual benefit raise under H.R. 1. For an elderly couple, this approach would mean $265 more per year than under H.R. 1. And in my own State of New Jersey, a 15-percent increase in social security benefits would provide an additional $160 million in annual income to nearly 875,000 recipients.

For elderly persons struggling to make ends meet, these are compelling reasons to raise social security benefits to a more realistic level.

GENERAL REVENUE FINANCING

Another important consideration is the means for financing our social security program. Our present method of relying almost exclusively on payroll taxes places a regressive tax burden on today's workers.

Because the existing tax is uniformly applied at the same rate to all covered wages, workers with lower earnings are taxed on a larger proportion of their total income than higher-paid individuals.

A much more progressive method, I firmly believe, would be to use general revenues to finance a greater portion of the social security program.

This approach would not only provide a strong foundation for making major future improvements in social security but would also protect today's workers—and especially the lower-paid wage earner—from burdensome payroll taxes.

COVERAGE OF OUT-OF-HOSPITAL PRESCRIPTION DRUGS

Equally important are vital reforms in medicare because illness strikes with much greater severity for persons living on fixed incomes. Even with medicare, the single greatest threat to the economic well-being of the aged is the high cost of illness.

Today persons 65 and older comprise about 10 percent of our total population. Yet, they account for nearly 27 percent of all health care expenditures in the United States.

Unfortunately, gaps in medicare coverage make it necessary for the average elderly person to pay $226 per year for medical expenses, 125 percent more than younger persons with larger incomes. A classic example is out-of-hospital prescription drugs, which constitute a large expenditure for many elderly individuals.

Drug expenditures for older Americans now average three times as high as for younger Americans. And for aged persons with severe chronic conditions—about 15 percent of all individuals 65 and older—prescription expenditures are six times as great as for younger people.

Prescription expenses now account for about 20 percent of all out-of-pocket health expenditures for the aged. In fact, drugs constitute their largest personal health care cost.

For these reasons, I urge that the Senate broaden medicare coverage to include out-of-hospital prescription drugs. Several renowned authorities, including the 1971 Social Security Advisory Council, have already recommended that this measure be enacted into law.

ELIMINATION OF PART B PREMIUM CHARGE

Another significant health expenditure for the elderly is the $5.60 monthly premium charge for supplementary medical insurance—part B—of medicare. On an annual basis, this amounts to about $135 for a couple. And for the great majority of older Americans, this charge constitutes a rather heavy financial burden.

Again, I recommend—as I did in my omnibus social security bill, S. 923—that this premium cost be eliminated for the elderly. This change alone would amount to about a 5-percent increase for the typical retired worker. This proposal is also strongly endorsed by the Social Security Advisory Council.

OPPOSITION TO CUTBACKS

In my earlier remarks, I have attempted to outline my suggestions for improving H.R. 1. Now, I would like to discuss some provisions in the bill, which I believe would cut back the availability of health care to the elderly.

The first is a measure to raise the deductible for part B of medicare from $50 to $60.

In addition, H.R. 1 would make the elderly subject to a $7.50 daily co-payment charge for each day in the hospital from the 31st to the 60th day. This would be in addition to the first $60 which the elderly would be required to meet out of their own pockets.

For an elderly person in the hospital for 60 days, this could mean an additional charge of $225.

Moreover, this measure would probably fall most heavily on the patient medicare is supposed to help the most—the person who may be exposed to catastrophic health-care expenditures because of a prolonged period in the hospital.

Another provision is section 207 which is designed ostensibly to establish incentives for States to encourage greater outpatient care under medicaid. But I fear that this measure may ultimately result in a crippling blow to the availability and quality of care for the aged, blind, and disabled.

Especially shortsighted is the proposed one-third reduction in Federal funds to States when patients have been in the hospital after 60 days or in a mental hospital after 90 days. This is in spite of the fact that these individuals may have a long, lingering illness requiring an extensive period in a general, tuberculosis, or mental hospital.

In all probability, this crushing burden will fall most heavily upon the States because medicaid patients are unable to pay for their own health care. Yet, most States lack sufficient resources to take on this additional burden.

These three provisions, I strongly believe, can do serious damage to the availability of care for the elderly, as well as result in significantly higher costs for persons with limited resources. Therefore, I urge that these counterproductive measures be deleted from H.R. 1, or substantially changed to remove their onerous impact upon the aged.

NEED FOR FAST ACTION

In Congress now, I believe that there is widespread agreement concerning the need for prompt action on H.R. 1.

We owe this pledge to our 20 million older Americans, who have worked most of their lives for the progress we now enjoy. And we also owe this commitment to the retirees of tomorrow—today's workers—because unless major policy changes are made, they will also experience a similar income crisis during their retirement years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SIMILAR OR IDENTICAL PROVISIONS (H.R. 1 AND WILLIAMS' SOCIAL SECURITY LEGISLATION)

1. Benefit Increase: H.R. 1 provides for a 5% increase effective June 1972. S. 923 would raise benefits by 15%, effective January 1972.

2. Special Minimum: Equal to $5 multiplied by the number of years of covered employment for persons with 15 or more years of covered work experience. The highest minimum benefit for a single person would be limited to $150. S. 923 would provide a $120 minimum monthly benefit for single persons.

3. Automatic Adjustments: Benefits would be adjusted annually according to rises in the cost-of-living, provided (1) the Consumer Price Index increased by at least 3 percent and (2) legislation increasing Social Security benefits had neither been enacted nor become effective during the previous year. To finance the automatic benefit raises, the wage base would be automatically adjusted according to the rise in average wages covered under the Social Security program. Similar provision in S. 923.

4. Full Benefits for Widows: Widows aged 65 and older would be entitled to benefits equal to 100 percent of their spouses' primary insurance amount. Identical provision in S. 923.

5. Liberalization of the Retirement Test: Major changes include: (1) The annual earnings limitation would be raised from $1,680 to $2,000. (2) For earnings in excess of $2,000, $1 in benefits would be withheld for each $2 of earnings (under present law the $1 for $2 feature applies only to the $1,200 band above $1,680; thereafter, benefits are reduced for each dollar of earnings above $2,880). (3) The earnings limitation would be adjusted automatically by the same percentage by which the wage base is automatically adjusted. Similar provision in S. 923.

6. Age-62 Computation Point for Benefits for Men: Men, as is the case for women under present law, would only take into account years up to age 62 in computing their Social Security benefits.

7. Working Wives: A working couple would be able to combine their wages for purposes of computing benefits if this would result in higher benefits, provided they each have at least 20 years of covered earnings after their marriage. Similar provision in S. 2098.

8. Waiting Period for Disability Benefits: The waiting period to qualify for disability would be reduced from 6 to 5 months. S. 923 would reduce the waiting period to 3 months.

9. Extending Medicare to Disabled Under Age 65: H.R. 1 would extend Medicare coverage to disabled Social Security beneficiaries under age 65, provided that they have been entitled to disability benefits for at least two years. Similar provision in S. 923, but without the requirement that the individual must have been entitled to disability benefits for at least two years.

10. Liberalization of the Retirement Income Credit: Raise maximum amount for computing the 15 percent credit from $1,524 to $2,500 for a single person and from $2,286 to $3,500 for a couple. Similar provision in S. 1506.

11. Childhood Disability: Disability benefits would be paid provided the disability begins before age 22, rather than at 18 as under existing law. Similar provision in S. 923.

12. Wage Credits for Members of the Military for Service Between January 1957 and December 1967: H.R. 1 provides for a Social Security noncontributory wage credit up to $300, in addition to the contributory credit for basic pay, for each calendar quarter of military service from January 1957 to December 1967. Identical provision in S. 923.

13. Federalized Welfare Program for Aged, Administered by Social Security Administration: Under H.R. 1, the Social Security Administration would be required to make payments sufficient to bring an individual's monthly income up to $130 ($195 for a couple). Under S. 1645, the Federal income standard would be $155 per month for an individual and $195 for a couple.

14. Benefit Increase for Persons Receiving Special Age-72 Payments: H.R. 1 provides for a 5 percent increase. S. 923 authorizes a 15 percent raise.

SENATOR WINSTON PROUTY

Mr. DOLE. Mr. President, this month the Senate, the Republican Party, and the country lost a devoted and conscientious servant, Senator Winston L. Prouty of Vermont.

First, the mayor of his hometown, Newport, Vt., then a distinguished member of the State legislature, a Representative in Congress and finally a U.S. Senator, Win Prouty exemplied the selfless, public-spirited sense of responsibility and dedication to progress which is so vital to the functioning of our democratic system of government. During his 13 years in the Senate, he earned the respect and admiration of all his colleagues through hard work—attention to the needs and concerns of his State and by demonstrating his quiet, thoughtful leadership in behalf of his Nation's best interests. For, while a steadfast Republican and often in a position of opposition to the administration in office, he always viewed his responsibilities in the Senate from a national rather than a partisan perspective. His leadership on issues affecting the strength of the American economy and the needs of the aged, the workingman, the handicapped and the poor will be felt and appreciated for many years to come.

Win Prouty's absence will diminish the Senate, for his expertise, compassion and understanding cannot be replaced. However, his contributions to the Congress, to his State of Vermont and to the United States will be fitting and enduring memorials to his life and work.

He was held in high regard by his fellow Vermonters of all political persuasions, and having served in the Senate with him, I know that his contribution to the work of this body was recognized and valued by all his colleagues from both sides of the aisle. Speaking as chairman of the Republican Party, I know how deeply his loss will be felt by his associates and many friends throughout the Nation who knew him as one of the party's most conscientious, hard working and valuable leaders.

He was a man of integrity and compassion who valued and revered the ideals of America, and his lifetime of public service contributed significantly to the realization of those ideals for all Americans.

ATTITUDES TOWARD CONSERVATION IN THE SOVIET UNION

Mr. CHURCH. Mr. President, while glancing through a recent issue of the Living Wilderness, I came across an intresting article on conservation in the Soviet Union. It further caught my eye because Mr. William Mathews, who is now the Idaho State Director for the Department of Interior's Bureau of Land Management, accompanied the article's author on an extensive trip through the U.S.S.R.

The conclusions author Charles Luscher reached deserve our attention for they bear on our efforts to refine our own conservation ethics.

Mr. Luscher observes that the American visitors had started with the premise that "in a country where all property is owned by the State, it would be a simple matter to apply sound and scientific principles of resource management."

The author observes:

> This is not true in the U.S.S.R. Even though the nation has many capable scientists who have compiled a vast backlog of knowledge about its natural resources, these scientists have enjoyed only limited success in their extensive efforts to transform their research into actual management practice.
>
> As a nation that has suffered devastation at the hands of its enemies and still has memories of inadequate food supplies, the Soviets are now preoccupied with growing food and are still unwilling to forgo short-term production goals for the sake of long-range protection of the environment.

The author goes on to state:

> The second conclusion is in almost direct conflict with the first. We would have expected, under the conditions described above, that agricultural managers would be willing to take any short-cut that would promise an increased production, yet there is a deep aversion in the country toward the use of chemical pesticides and herbicides. The use of DDT is banned throughout the Soviet Union, and very few herbicides are used to control weeds on croplands. In fact, the Soviet wheatfields are a riot of beautiful color due to the invasion of a wild poppy that drastically reduces the yield of wheat. So far they have resisted what must be a great temptation to resort to herbicides to destroy these beautiful but definitely unwanted pests. There is a large faction which feels that the use of pesticides is essential to ensure the agricultural production needed to feed a growing population, yet there are many others who favor biological controls and there is considerable research along this line.

Finally Mr. Luscher notes:

> It was apparent to us that the Soviets are making strenuous efforts to diversify and moderinze their economy in order to provide a better standard of living for their people. There is a shortage of nearly all consumer goods. At the present, the great emphasis is on education, housing construction, health, and the arts. Our impression was that the Soviets are, for the most part, a happy, satisfied people, proud of their recent progress, and thankful for what they have.
>
> It is apparent that there is much progress. Agricultural productivity is increasing, and this is being followed closely by an improved standard of living. More and more, attention is turning toward the environment and the need to protect it. A recent law, which took effect July 1, 1969, makes pollution, through mismanagement of soil, vegetation, and other resources, illegal. The Soviets have the technical know-how to meet the challenge of wise resource management. As they solve the critical problems of domestic production, it seems almost certain they will make better use of this knowledge.

We can learn much from the societies around us. No matter what political system a nation embraces to manage its affairs, mankind faces the same fundamental issues. In these exchanges we learn from each other, we build bridges of understanding and we serve the common goals of mankind.

I ask unanimous consent that Mr. Charles Luscher's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Living Wilderness, Autumn, 1970]

ATTITUDES TOWARD CONSERVATION IN THE SOVIET UNION

(By Charles W. Luscher)

During the spring of 1969 I visited the Soviet Union in the company of two resource specialists and fellow employees of the Department of the Interior's Bureau of Land Management. For two months we traveled through the southern Soviet Union in the Armenian, Turkmen, Uzbek, and Tadzhik Republics, as well as the Leningrad and Moscow districts of the Russian Republic. The trip afforded us an unusual opportunity to observe on-the-ground resource management practices and to study the attitudes of the Soviet people toward conservation.

Accompanying me were William L. Mathews, Chief of the Division of Watershed, and Robert J. Smith, Chief of the Division of Wildlife. Our trip was made as part of the 1968–1969 U.S.-U.S.S.R. Exchange Agreement. Our purpose was to investigate and observe resource programs and conservation practices in the Soviet Union and to exchange information about native rangelands. We especially wanted to see range, watershed, and wildlife habitat management on the arid and semi-arid lands that are comparable to much of the land in the western United States. As we traveled, we were often reminded of how similar much of the land, particularly in Uzbekistan, is to northern Nevada.

Since none of our party spoke Russian, we were fortunate to have Mr. Vasily Brusov of the Soviet Ministry of Agriculture as our interpreter. Mr. Brusov had taken postgraduate work in agriculture at the University of Minnesota, and, until December 1968, had served as an agricultural attaché at the Soviet Embassy in Washington, D.C. Mr. Brusov's gracious assistance added greatly to the success of the visit.

Throughout our trip, we were warmly received. We were treated to all the native foods and drinks, and special efforts were made for us to attend cultural activities such as the ballet and other performing arts. While we were not allowed to visit certain areas along the Soviet border or to take pictures from airplanes, our visit was not otherwise restricted. We were encouraged to sightsee and to take other photographs.

The regions we visited have remarkable contrasts. Altitudes range from near sea level in the Turkmenian sand dunes to more than 25,000 feet in the Pamir Mountains of Tadzhikistan. The Pamir Mountains mark the northern edge of the Himalayas, and their higher altitudes contain numerous glaciers and are covered with snow throughout the year. This area has a sharp continental climate with high summer temperatures and cold winters. Annual rainfall may be three inches in the deserts but more than 50 inches in the higher mountains.

Man has occupied and used the land now within the Central Asian Republics since the beginning of recorded history. The influence of Arabian conquerors is seen in fortifications built by Alexander the Great in 330 B.C., and in the mosques built by the Mongolian Khans in the thirteenth century. This influence is especially noticeable in the Uzbek Republic and in the city of Samarkand and its surrounding area. Some areas show a fair tolerance to the centuries of man-use, but others have suffered extensive damage. The history of intensive use may account for the general dominance of annual grasses and forbs throughout the area and the lack of shrubs or trees at even the higher elevations that have adequate moisture to support them.

There is a deep interest and growing concern for the natural environment throughout the Soviet Union. This is especially so among research people and some government officials. Tremendous reconstruction was underway in nearly all of the cities we visited, and a concern for aesthetic and environmental values is evident in these undertakings. Their urban plans emphasize broad avenues, beltways, beautiful parks, rapid transit systems, and recreation facilities. With our background of experience in American cities, however, it seemed strange to us that practically no provision is being made for off-street parking for private automobiles. Even new high-rise apartments have been designed without sufficient parking space. On the other hand, noise abatement regulations have almost eliminated the use of the automobile horn, and airports are located well outside the cities so that airplanes rarely fly over urban areas.

The Soviets are faced with two urgent and seemingly conflicting problems:

(1) They must use vast quantities of their natural resources to satisfy the needs of their growing population and to develop the basic production machinery necessary to meet the growing demand for consumer goods.

(2) They are trying at the same time to preserve and protect their resources from the over-exploitation that is threatened by expanding production.

In many ways the Soviets have the same kinds of problems we face here in the United States, but it seemed interesting to us to note the difference in terminology. For example, we talk about "protecting the environment" while they speak of "protecting nature." The Soviets have drawn attention to the problem of protecting nature in words, if not always in deeds. As far back as May 1918, a national Decree of Forests was adopted that specified that the management of forests, reforestation, and the protection of monuments of nature were the responsibilities of the local authorities. Even prior to the Revolution, various groups advocated the preservation of unique natural relics, hunting areas, forests, and waterfowl concentration areas. A decree of January 1919 established the first forest preserve on the Lower Volga.

The Soviets cite the Revolution as the real beginning of a program to develop nature reserves in their country. In 1921, Lenin signed a decree concerning the "Conservation of Natural Relics," and attached great significance to the preservation of forests, which help prevent erosion and deterioration of the soil.

By the mid-1940's a substantial network of natural reservations had been established. However, it seemed to us that in setting aside these reservations the Soviets had failed first to develop a well-conceived master plan. Usually a reservation was established to meet the urgency of conserving plant or animal resources of a specific area at a specific time. But on most of these reservations, they had improved their management techniques and were engaged in extensive research when the program was disrupted by the Second World War. The war had a devastating effect on the nation's natural resources.

After the war the effort was renewed, and by 1968 the Soviet Union had approximately 80 reservations covering about 14 million acres. Over 80 per cent of this acreage is in the Russian Republic, the largest of the fifteen Republics. A few small reservations are located in the other Republics.

The U.S.S.R. is considerably larger than twice the area of our 50 states, and in spite of its northern latitude it has an extremely diverse ecology. The existing reservations do not begin to reflect the total ecological spectrum of the nation. Most are related to forest zones, and rarely is a reservation found in a populated area. Approximately 30 per cent are located in mountainous areas. Only a few small areas in desert or semi-desert country have been preserved in their natural state. Today, the emphasis is on the proper organization and management of existing areas rather than on the establishment of new ones.

Prior to 1951 the management of natural resources was a responsibility of the various Republics. In 1951 the central government in Moscow assumed this responsibility, only to return it to the Republics in 1955. Today there is dual management very similar to our own system of parks, monuments, and recreation areas.

The Soviets have always thought of their reservation system as a means of preserving those sites that were typical of pristine ecological zones or geographic areas. It has also been used to preserve areas notable for aesthetic or scenic values, atypical vegetative zones, areas known to contain rare or relic plant and animal species, and sites with unique plant associations. All were set aside "for the good of future generations."

In many instances, hunting reserves are classified as natural reserves. However, sport hunting societies have now been established in most Republics. These have their own hunting grounds where they regulate hunting, improve the habitat, and initiate breeding programs.

In the U.S.S.R., reservations have always been considered research institutes. A permanent staff of scientific workers is assigned to each, to live on the reservation and research all facets of its natural resources, including the landscape.

Special attention is given to rare and disappearing species of wildlife, and the Soviets take justifiable pride in this aspect of their resource program. Each Republic sets its own hunting seasons, makes its own regulations, and each year determines which species will not be hunted, except for waterfowl. Those species having complete protection may vary from year to year. The Soviet winter of 1968–69 was in many areas the worst in the history of living man and has resulted in a nationwide five-year ban on the hunting of all big game and most upland game species to allow populations suffering high winter-kills to be replenished. Polar bears, tigers, snow leopards, Sitka deer, Mongolian gazelle, goral (similar to the American elk), wild goats, mouflon, forest bison, wild asses, and many other lesser animals are completely protected. So are all species of swans, blue geese, emperor geese, and many other birds.

But protection is seldom extended to predatory animals. The wolf has completely disappeared from some regions and its numbers are few throughout the entire Soviet Union. The Soviets consider it a predator of domestic livestock and accordingly provide it no protection; even on the reservation wolves are controlled to prevent their spreading into surrounding areas and attacking livestock.

In their program of conservation, the Soviets initially gave little consideration to recreation. In recent years recreation use of the resources has increased. This has created many problems. Few of the reserves are capable of handling a large volume of visitor traffic. The Soviets basically do not want their reserves to be converted into recreation areas, preferring instead to keep them in a totally natural state for research purposes. They are now attempting to limit visitor use. They are now considering a new system to establish a network of national parks to meet the demands for outdoor recreation. However, in some instances they have allowed summer rest or resort areas to be developed within the reserves. These rest areas are not for the general public, but built and operated by a specific state farm, industrial plant, etc., for their workers.

Although the Soviets have a deep and widespread concern for the natural resources within the reserves, we found far less concern with the vast areas outside such boundaries. Figures compiled in 1965 indicate that some 125–160 million acres are eroded to some measurable degree, including some 50 million acres of native rangelands located principally in the arid or semi-arid regions. In most of the agriculturally developed regions, at least in Central Asia, erosion is extensive. Along with the loss of top soil and the development of gullies, there is a considerable economic loss from earth flows and floods that result from the rapid run-off caused by the lack of adequate vegetative cover. The Council of Ministers of the U.S.S.R. recognized the seriousness of the problem in March 1967 when their report "On the Urgent Measures for Protecting Soil Against Pests and Water Erosion" cited soil protection as the nation's most important task.

There is still little evidence of a concerted effort to check the harmful effects of erosion on the ground. Even the research institutes have limited their efforts to the use of terraces in conjunction with three plantings, and the sterilization of sandy areas coupled with windbreak plantings on both farm and rangelands. We were unable to find any evidence of research directed toward other soil stabilization methods. Apparently the effect of soil erosion on water quality has attracted little attention. Landslips are considered to be geologic phenomena not closely associated with man's use of the land. From our observations we believe that the conversion of perennial grasses and shrubs to annual grasses that has resulted from many centuries of grazing use is a significant factor in causing landslips as well as other erosion phenomena.

From those areas we visited, we gained the distinct impression that the major agricultural concern is meeting short-term goals of commodity production, and that long-range resource programs are often sacrificed to satisfy the nation's immediate need for food, fiber, and other commodity products. Meeting, or exceeding, annual production quotas set by the state receives the highest priority in resource management. This has resulted in tremendous costs in terms of lost soil, degradation of water quality, and direct damages from floods and siltation.

The natural pasture lands of the U.S.S.R., amounting to about 70 million acres, are used almost exclusively for domestic livestock grazing. Another 860 million acres of tundra range are used for reindeer pasture. Grazing land accounts for 30 per cent of the total land area of the Soviet Union.

Most of the native rangeland lies in the semi-desert zones of Central Asia. The quality of these lands is relatively low. Livestock is extremely crucial to the economy of the Republics. Basically all livestock belongs to the state, but the individual may own a few head for his personal use. How many and what kind is determined by the government.

Sheep are more common than cattle. All lievstock is herded—none is allowed to graze free. Fences are seldom seen throughout the vast landscape.

Over the years, there has been a tremendous amount of rangeland research by well-qualified scientists, but little of this research has been applied to the land. There is a shortage of red meat in the Soviet Union, and range resources are exploited in an effort to meet the demand. As a result, native ranges are in poor condition, producing only a fraction of their potential.

Unlike the United States, the Soviet Union esteems fish and wildlife primarily for their commercial value. Big-game animals are hunted, but even after being killed, the carcass remains the property of the state and must be surrendered for commercial sale. The proud hunter can keep only the antlers. Game birds and fish caught by sporting methods may be kept for the personal use of the sportsman.

Only shotguns are used for hunting. Firearms are closely regulated and no citizen can legally own a rifle or handgun. Before a Soviet citizen can hunt, he must be 18 years old and have completed up to four years of training. No training or license is required of fishermen.

By the time we had completed our trip some of our preconceived notions were upset by two rather startling conclusions. First: We had suspected that in a country where all property is owned by the state, it would be a simple matter to apply sound and scientific principles of resource management. This is not true in the U.S.S.R. Even though the nation has many capable scientists who have compiled a vast backlog of knowledge about its natural resources, these scientists have enjoyed only limited success in their extensive efforts to transform their research into actual management practice.

As a nation that has suffered devastation at the hands of its enemies and still has memories of inadequate food supplies, the Soviets are now preoccupied with growing food and are still unwilling to forgo short-term production goals for the sake of long-range protection of the environment.

The second conclusion is in almost direct conflict with the first. We would have expected, under the conditions described above, that agricultural managers would be willing to take any short-cut that would promise an increased production, yet there is a deep aversion in the country toward the use of chemical pesticides and herbicides. The use of DDT is banned throughout the Soviet Union, and very few herbicides are used to control weeds on croplands. In fact, the Soviet wheatfields are a riot of beautiful color due to the invasion of a wild poppy that drastically reduces the yield of wheat. So far they have resisted what must be a great temptation to resort to herbicides to destroy these beautiful but definitely unwanted pests. There is a large faction which feels that the use of pesticides is essential to ensure the agricultural production needed to feed a growing population, yet there are many others who favor biological controls and there is considerable research along this line.

It was apparent to us that the Soviets are making strenuous efforts to diversify and modernize their economy in order to provide a better standard of living for their people. There is a shortage of nearly all consumer goods. At the present, the great emphasis is on education, housing construction, health, and the arts. Our impression was that the Soviets are, for the most part, a happy, satisfied people, proud of their recent progress, and thankful for what they have.

It is apparent that there is much progress. Agricultural productivity is increasing, and this is being followed closely by an improved standard of living. More and more, attention is turning toward the environment and the need to protect it. A recent law, which took effect July 1, 1969, makes pollution, through mismanagement of soil, vegetation, and other resources, illegal. The Soviets have the technical know-how to meet the challenge of wise resource management. As they solve the critical problems of domestic production, it seems almost certain they will make better use of this knowledge.

COMMENT ON THE PENTAGON PAPERS

Mr. ANDERSON. Mr. President, aside from the key issues of freedom of the press and national security which the case of the Pentagon papers surfaced, there is another crucial matter which deserves our careful scrutiny—that of classification of Government documents. No matter where one stands on the larger issues, I think there can be general agreement that the practice of overclassification has become rampant.

Commenting on the Pentagon papers case, Mr. Justice Stewart said:

> For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical and careless and to be manipulated by those intent on self-protection or self-promotion.

Mr. Justice Stewart added that a genuinely effective security system would be marked by "the maximum possible disclosure, recognizing that secrecy can best be preserved when credibility is truly maintained."

A particularly useful and thoughtful analysis of the classification system was written by Lloyd Shearer and published in Parade magazine for August 22, 1971. I ask unanimous consent that Mr. Shearer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT PRICE SECRECY?

(By Lloyd Shearer)

WASHINGTON, D.C.—One of the most shocking snafus in the United States Government is its secrecy classification system.

Like some million-footed, multi-webbed fungus, it grows wild, almost always expanding, practically never contracting.

Would you believe, for example, that someone in the Navy Department has been stamping newspaper clippings "Secret"? and that as a result the Defense Department has had to publish a special directive ordering employees not to classify newspapers?

Would you believe that the Air Force Electronics Systems Division issued the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned an overall classification of confidential"?

Would you believe that no one in government knows how many people in this country have the right to classify government documents top secret, secret, or confidential? One Defense Department estimate given to a House subcommittee on June 29, 1971, is "hundreds of thousands."

TWENTY MILLION SECRETS

Would you believe that there are, according to the testimony of William G. Florence, a classification expert with 43 years of experience in government, 20 million classified papers currently held by the government of which 99½ percent should not be classified at all?

Or that unnecessary classification is wasting $50 million of the taxpayers' money each year?

Or that, according to the testimony of Walter Pincus, a former chief consultant to the Symington subcommittee of the U.S. Senate Foreign Relations Committee, classification is used by the government not only to keep valuable information from the nation's potential enemies but to hide the mistakes of government officials, to prevent documentation of White House errors, and to limit the extent of internal opposition to and criticism of government policy?

Whether one believes it or not, the evidence is sufficient that the Federal government suffers from massive overclassification of information.

There is no penalty for overclassification in this country. The result, in the opinion of some critics, is that a small army of "fearful bird-brains" has grown up who believe in classifying everything—and not without cause. For, as William G. Florence recently testified: "To my knowledge, no one in the Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone 'up the line' thinks that a classification should have been applied."

However one feels about Dr. Daniel Ellsberg and his leaking of the once top secret, still classified Pentagon Papers, the fact is that the disclosure of those papers has made imperative a thorough overhaul of a faulty, outdated classification system.

At this moment, in one branch of the government alone, the Armed Forces, there are 31,048 people who have the original authority to classify documents.

Of this number, 803 have the authority to classify them "Top Secret" originally.

Another 7687 have the authority to classify them "Secret" originally.

And all have the authority to classify them "Confidential."

From these 31,048 persons emanates a derivative classification authority flowing to countless civilians, assistants, consultants, and others connected or under contract to the Defense Department. No one seems to know exactly how many.

CAN DECLASSIFY, TOO

In addition to the authority to classify documents, all these 31,048 people have the authority to declassify documents.

"But in most cases," affirms Daniel Z. Henkin, a Defense Department secretary in charge of public affairs, "people are generally too busy to declassify. There are millions of documents still classified 'Top Secret' and 'Secret' which don't belong in that category at all. It is the position of the Secretary of Defense Melvin Laird that as much material as possible be declassified."

History, however, will record Melvin Laird as the Defense Secretary who, from November, 1969, to the end of June, 1971, refused to make available, even on a classified basis, to the U.S. Senate Foreign Relations Committee a single page of the 7000-page-long Pentagon Papers.

At about the time he was publicly espousing declassification, Laird was writing Sen. J. William Fulbright of the Foreign Relations Committee such negations as ". . . Access to and use of this document [the Pentagon Papers] has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely." (Dec. 20, 1969.)

On April 20, 1970, addressing 1500 people at the annual luncheon session of the Associated Press in New York, Laird said: "Let me emphasize my convictions that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country."

Months later, Senator Fulbright again asked the Defense Secretary to turn over the Pentagon Papers to the Senate Foreign Relations Committee. Laird ignored the request.

SENATORS REBUFFED

On June 14, 1971, Sen. Stuart Symington, another member of the Foreign Relations Committee, once more beseeched Laird for the Pentagon Papers on any kind of a classified basis. The committee members, he said, might study and glean from them some truth about our involvement in Vietnam so that they could legislate wisely on that prickly subject. Laird refused again, invoking his judgment which held that allowing a handful of U.S. Senators to see the documents would be contrary to the national interest.

Laird certainly did not read all 47 volumes of the Pentagon Papers before he himself refused to show any of them to the Senate Foreign Relations Committee. Says one of his assistants: "God, he was much too busy for that. I assume someone told him about them or he skimmed some of the papers, then decided against releasing any of them."

Had Melvin Laird declassified some of the Pentagon Papers, a large share of which are harmless, repetitious and incomplete history, Daniel Ellsberg might never have leaked them to *the New York Times*.

COPY TO FULBRIGHT

According to Dr. Ellsberg, he felt that Congress was entitled to know as much about the Pentagon Papers as he who was not a member of Congress. Which, he declares, is why he gave the first copy of the papers to Senator Fulbright in October, 1969. He hoped that Fulbright would get them declassified or made available to members of the Senate Foreign Relations Committee. Instead, Fulbright locked them in his safe and showed them to no one.

Ellsberg waited a year for Fulbright to surface the papers. Fulbright tried. He pressed the Secretary of Defense to release them on any basis. But Laird would not budge. He simply responded to Fulbright with a constant no.

Ellsberg thereupon consulted other members of the government who, themselves afraid to accept the papers, suggested that he leak them to *The New York Times*. Two who accepted the papers were Rep. Paul McCloskey of California and Sen. Mike Gravel of Alaska. Both felt that the people were entitled to some basic truths on how this nation went to war in Vietnam.

It was only after Daniel Ellsberg leaked some but not all of the Pentagon Papers to *The New York Times* two months ago, that Laird finally made the documents available to the House and Senate leadership on a classified basis.

By then two district Federal courts had held that there was nothing in the papers which clearly threatened the national interest, and the Supreme Court held that newspapers could not be restrained, prior to publication, from printing the Pentagon Papers or some similar study on the grounds of national security.

Ironically enough, it was not Robert McNamara, the Defense Secretary who originally ordered the Vietnam study, who classified it "Top Secret."

The Pentagon Papers were so classified by Leslie Gelb, the civilian head of the task force whose members wrote them. Says Gelb, now with the Brookings Institution: "I just assumed I had the right to originally declare them 'Top Secret.' I don't know who gave me that right. I remember discussing it with someone. Since some of the material used in the papers was top secret, I classified all of them top secret. I never knew I also had the right to declassify them since I also had the right to originally classify them: That comes as news to me. I guess I don't know the classification setup too well."

If there are 31,048 persons in the Armed Forces who have the authority to classify documents, how many are there in the State Department, the Justice Department, the Atomic Energy Commission, the Secret Service, the Treasury Department, and hundreds of other government branches and agencies?

Moreover, who are these classifiers? Who chooses them? What are their qualifications?

People in and out of government are given the authority to classify and declassify information not by any law legislated by Congress but by virtue of Executive Order 10501 issued in November, 1953, by Dwight Eisenhower and amended in February, 1963, by John F. Kennedy.

There is no section of the U.S. Constitution which grants the President express authority to issue any such order. One can find implied authority in Article II, Section 3, ". . . He [the President] shall take care that the laws be faithfully executed." But that is all.

EXECUTIVE ORDER 10501

Executive Order 10501 empowers persons in and out of government with classification authority by virtue of the position they occupy and not by their qualifications.

What about former Presidents of the United States? Are they allowed to take "Top Secret" documents and draw from them in writing memoirs for private gain? Or take Dean Acheson, Secretary of State under Truman and author of *Present at the Creation*—is it permissible for him mentally to declassify top secret information gleaned from top secret papers and incorporate them in his books? Or how about Acheson's son-in-law William Bundy, who advised Lyndon Johnson on escalating the war in Vietnam? As the editor-to-be of *Foreign Affairs*, will Bundy filter from his mind all the top secret information he obtained while in government?

Presidents have always had broad discretion in selecting the documents, memoranda and other papers they take with them when they leave office. When Lyndon Johnson departed the White House he took 29 truckloads of documents for transplanting in the LBJ Library in Austin.

AUTHORITY UNTESTED

"Since the authority for classifying information came originally from the President while he was in office," says a Department of Justice spokesman, "the authority of a former President to declassify documents which originated during his tenure has rarely been questioned and never tested. While the government has strict rules prohibiting officials or former officials of the government from selling information which came to them as a result of their government work, these rules have not been applied to Presidential memoirs."

Neither have such rules been applied to the memoirs of generals, former Cabinet officials, secretaries or anyone else in government.

Lyndon Johnson who received a $1 million advance for his soon-to-be released memoirs entitled *The Vantage Point*, was so concerned about what his key White House aides might write about him and his Administration that again, according to the Justice Department, "He gave serious consideration to proposing that his appointees sign an agreement not to disclose information which came to them as a result of their work. Although Justice Department attorneys did considerable research on the legality of such an agreement, the whole project was finally shelved."

INCONSISTENCIES NOTED

All this of course is not to argue that the government has no right to or should not classify certain sensitive information. It *must* have that right. What it boils down to is that the government's present secrecy classification system is an undeniable mess riddled with inequity, stupidity and inconsistency.

It is quite in order for Lyndon Johnson, Walt Rostow, McGeorge Bundy, Dean Acheson and dozens of others in and out of government to make use of the raw materials which constitutes the McNamara study. But the public is not allowed to see a single page.

Reform is in order—is it not?

APPOINTMENT OF REPRESENTATIVE DERWINSKI, OF ILLINOIS, AS U.S. AMBASSADOR TO UNITED NATIONS GENERAL ASSEMBLY

Mr. ALLOTT. Mr. President, the President's appointment of the Honorable Edward J. Derwinski, Member of Congress from Illinois, as Ambassador to the fall session of the United Nation's General Assembly is to be highly applauded.

Representative Derwinski is a member of the House Committee on Foreign Affairs and has been a delegate to the Interparliamentary Union. He is admirably equipped by experience, disposition, character, and ability to serve capably and effectively as a member of our U.N. mission.

An editorial published recently in the Chicago Tribune realistically evaluates the merit of Representative Derwinski's appointment and the approach he can be expected to take to the problems and issues facing the General Assembly.

I want Mr. Derwinski to know that I, for one, wholeheartedly support him in this difficult assignment, and I congratulate the President on this appointment.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Derwinski to U.N.

President Nixon has made a good choice in his selection of Rep. Edward J. Derwinski of Chicago's southwest suburban district as delegate with rank of ambassador to the United Nations general assembly's fall session. A number of important matters are coming up in the assembly and it will be wise to have a spokesman who is steady and has his feet on the ground.

Mr. Derwinski is no raving world federalist and has a skeptical attitude toward U.N. and its works. He has no illusion that U.N. offers the key to global salvation.

The congressman proposes to address himself to the inequity that finds the United States paying about 32 per cent of the regular budget of U.N. and up to 45 per cent of some of its special operations, such as Palestinian refugees and the world food program. Mr. Derwinski says there are too many deadbeats in the organization, but each has one vote as we do.

Among the issues on which Rep. Derwinski will express U.S. Policy are representation of Red China, which Mr. Nixon supports; the military repression by West Pakistan of East Pakistan; explosive tendencies in the Middle East, and South-West Africa, which U.N. and the World Court have been trying to pry loose from South Africa. If anybody can approach these jittery problems with balanced judgment, Mr. Derwinski would seem to be the man.

CANNIKIN—DANGER TO OUR ECOLOGY AND OUR DIPLOMACY

Mr. BAYH. Mr. President, I invite the attention of Senators to the Associated Press story this morning that the Atomic Energy Commission has begun to furlough workers at the Amchitka atomic test site. The story states that a spokesman for the distinguished junior Senator from Alaska (Mr. Gravel) explained that this could be an indication that President Nixon intends to suspend the test. I hope that it is.

It is not necessary for anyone to repeat all of the scientic arguments against this test. It is not necessary to point out that ABM is a most dubious weapon system, whose deployment still might be ended by a SALT agreement.

It is not necessary to mention again that five out of seven Government agencies consulted oppose the test.

No one need remind this Chamber that the warhead to be tested is reportedly not the one the Defense Department intends to use on the Spartan interceptor.

No one has to describe or analyze the probability of environmental damage to the wildlife of the area or of a radiation effects on sealife.

No one has to explain the risks of earthquake or tidal wave.

No one need do these things because of the efforts over the past year of a number of my distinguished colleagues—particularly the junior and senior Senators from both Alaska and Hawaii—efforts in which I have been proud to play some small part.

Apart from the environmental and ecological questions, Cannikin has the most serious international implications. First, there is the possible impact on the SALT negotiations. This Amchitka test would come just at the time when the SALT negotiators are at long last reported to be coming to grips with the details of an ABM. Some observers have speculated that the effect of such poor timing on SALT might be comparable to the disastrous impact of the U-2 incident on the Eisenhower-Khrushchev summit meeting.

It is not overstating the risks to point out that we simply do not know the way in which the Soviet leadership reached its decision to try to negotiate an ABM agreement. We do not know the strength of the opposition to such an agreement which might persist among the Soviet generals or in the Central Committee. In light of the uncertainty in the Soviet mind regarding the Chinese threat they perceive and the Nixon trip to Peking, the unnecessary provocation of the Amchitka test could cause reconsideration in the Kremlin of the desirability of the ABM agreement now being negotiated at SALT. That would be a tragedy for us all.

Then, too, there is the possible impact of the test on the delicate China situation. Some administration officials have denied that the ultimative objective of the ABM system for which this warhead is ostensibly intended is a thin, area defense intended for a conflict with Communist China. However, others, particularly in the Defense Department, have continued to hold open that possibility. As in the Russian case, for United States-Chinese relations, too, it would be uniquely bad timing to carry out this test now.

But apart from the possible impact on the delicate and critical efforts to achieve better relations with China and Russia is the effect of Cannikin on our relations with two of our closest allies and friends—Canada and Japan. Both made the strongest public and private representations for postponement or cancellation of the test.

When friendly governments put themselves on the line in that manner, it is the worst kind of alliance politics to ignore them—particularly when compensating gains to our national security are not only marginal but nonexistent.

Compounding the potential damage to our relations with Canada is the fact that Cannikin would come on the heels of the surtax on imports. The Canadians regard that surtax as grossly unfair to them since they themselves had already taken the steps necessary to bring the exchange rate of their currency and ours into equilibrium. Furthermore at a time when Canada is seeking, as is her sovereign right, a separate role and identity beyond that of adjunct and ally of the United States, it is important that we not embitter that process by shortsighted and callous disregard of Canadian interests.

As for Japan, the problem is even more acute. Three times over the past 3 months the Nixon administration has gravely damaged our relations with the Japanese through its insensitivity to Japanese interests and dignity. First, were the hints during Secretary Laird's visit to Tokyo that Japan needed not only to bear a greater portion of our Asian defense burden but also that it might not be a bad idea if she went nuclear. This bit of unbuttoned diplomacy struck at a basic element of Japanese policy and national psychology since Hiroshima and Nagasaki. It stimulated consideration of an issue deeply divisive not only of the Japanese body politic but also of grave sensitivity for China and for all the other nations of Asia and the Pacific.

Hard on the heels of the Laird misstep came the President's announcement of the Kissinger visit to Peking and his own plans for a trip. Let me point out that I have called for and welcome steps to improve our relations with China. But I do think that the administration badly mishandled the Chinese development as far as Japan is concerned. Instead of prior consultation or even notification, the administration chose sensational unilateral action on a question of the most vital interest to the Japanese. It is not unreasonable to expect that such disregard of this loyal ally and friend will result in a revision of Japanese attitudes regarding American reliability and policy. It is already obvious that the way in which the President moved on China policy has gravely embarrassed the Sato government and seriously damaged its chances for survival.

While improvement of relations with China is critically important, we should not forget that the real key to a stable, developing Asia is the world's third greatest economy, Japan. To forsake Japan is to forsake the paramount American interest in Asia and the Pacific.

The administration's insensitivity regarding Japanese political interests had its economic counterpart in the abrupt announcement of the surtax and unpegging of the dollar.

I do not for a moment suggest that Japanese rigidity about export-limiting agreements, about the undervalued yen and about foreign access to Japanese markets and investment opportunities are not serious problems for the American businessman and worker. They are. But I do suggest that lack of a serious high level effort to resolve these issues before the surtax was imposed and a failure to consult or advise the Japanese before the President's announcement makes the resolution of those issues and the future of Japanese-United States relations more difficult. I suggest, too, that together with the Laird hints, and the Peking announcement, it must set the Japanese to wondering whether we have any understanding at all of their sensitivities and interests, whether we care at all about the substance of our relations with them. The tough talk that surrounded the cabinet level meetings in Washington a few days ago was hardly calculated to reassure anyone on that point.

Now on top of all this most recent and painful history would come the nuclear test at Amchitka. For Japan with its reliance on Pacific fisheries for sustenance the possibility of radiation damage is a serious one. For Japan with its frequent and tragic experience with earthquakes, typhoons and other natural disasters, the possibility however remote of a blast-triggered upheaval is horrifying. Finally, for Japan, the only nation to have suffered the dreadful cost of nuclear war, this test, literally in her own backyard, touches a most sensitive and painful nerve.

Let me urge, therefore, for all these reasons—diplomatic as well as environmental—that the President announce that the United States will not proceed with the Cannikin test. Such an announcement made in the context of his meeting with Emperor Hirohito in Alaska would be a genuinely sensible act of diplomacy. Such a gesture would be a first but not insignificant step toward repairing the damage done to our relations with Japan.

Mr. President, I ask unanimous consent that the Associated Press article from the Washington Post of September 21, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ATOM-TEST WORKERS REPORTED FURLOUGHED

The Atomic Energy Commission has furloughed its workers for at least three weeks at the Amchitka atomic test site in Alaska's Aleutian Islands, Sen. Mike Gravel said yesterday.

The Alaska Democrat's office said the decision was made in Alaska Thursday. No details were available on the layoffs, but a spokesman for the senator said the action could indicate that the administration wants to postpone the controversial test to overcome the misgivings of Japan.

The Tokyo government has expressed concern over the tests, as have Canada and conservationists in Alaska and other states.

The Atomic Energy Commission and the State Department said they had no confirmation of Gravel's report, pointing out that no official decision has yet been made to go ahead with the test. They also said no time was ever set, although fall was the tentative schedule.

However, Gravel's office insisted its source was accurate.

The proposed five-megaton blast, which would be a test for antimissile warheads, has been under intense criticism since officials said it would go off sometime this fall.

However, in recent weeks President Nixon has been reviewing the planned underground explosion in light of the international ramifications, particularly the current sensitive state of relations with Japan.

He also is said to be considering the opposition of some scientists and weapons experts who are said to feel the test is unnecessary because the missile system it is designed for will soon be outdated.

RESOLUTIONS OF NATIONAL ASSOCIATION OF MANUFACTURERS SUPPORT PRESIDENT NIXON'S ECONOMIC ORDERS

Mr. DOMINICK. Mr. President, recently I received copies of a statement and accompanying resolutions of the board of directors of the National Association of Manufacturers. These resolutions not only support the President's economic orders of August 15, 1971, but also make recommendations with regard to the proposed phase 2 regulations. In view of the extraordinary importance of the new economic policies and the broad base of business support represented in the National Association of Manufacturers, I ask unanimous consent that the statement and accompanying resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution

Rarely in the history of the United States has there been a time when the economic interests of this country, both domestic and international, have been more seriously threatened. It is imperative that American industry make every effort in the months immediately ahead, both in its own and in the overriding national interest, to constructively contribute by taking concrete actions to quickly and effectively restore our economy to a position of real strength.

The NAM Board of Directors believes that no single remedy in itself, will prove to be effective in the process of attacking the problems of inflation, unemployment, fiscal and monetary stability and international trade, rather, that a systematic, comprehensive approach, including a series of incentives to accelerate economic growth, will be required, some on a permanent, and others on a temporary basis. The accompanying resolutions embody such an approach.

The Board of Directors of the NAM believes that some of the measures recommended by these resolutions are contrary to the basic principles of a free, competitive enterprise system, and should only be imposed on a temporary basis. The Board refers specifically to the wage-price guidelines and the implementing control mechanism established thereto.

Be it resolved, that the Board of Directors of the NAM, in an attempt to advance the economic well-being of the nation and in recognition of the national emergency that now exists, temporarily suspends its existing policy in opposition to wage and price controls, or to any governmental mechanism implemented in connection with stabilizing wages and prices.

Be it resolved, that the NAM Board of Directors believes that the following program will prove to be the most effective approach following the termination of the 90-day "freeze" announced by the President of the United States of September 9, 1971.

That there should be designated by the President of the United States, through his authority under the Economic Stabilization Act of 1970 (as amended), an advisory Wage-Price Stabilization Board, operating directly under the Cost of Living Council; and, that this Stabilization Board be empowered to recommend to the Council guidelines for controlling increases in both wages and prices; that the guidelines with respect to wages, including fringe benefits, be based upon productivity; and that the guidelines with respect to prices be predicated upon a "pass through" formula reflecting cost increases from an appropriate and equitable base, and that individuals appointed as members of this Board should be selected solely on the basis of their known objectivity, and not as "special interest" pleaders. Any such Board established because of the national emergency should be designated as a temporary mechanism.

Be it resolved, that the NAM Board of Directors, in the interest of healthy, stable and sustained economic growth,

1. Urges the immediate enactment of an investment or other job development tax credit, established on a permanent basis, at the rate of 10% designed to stimulate widespread industrial investment in new and rebuilt equipment, and thereby providing, through rapidly accelerated investment, a great stimulus to employment in the industrial sector, and

2. Endorses the liberalization of depreciation rules (the ADR system) and urges that this remain in effect on a permanent basis, and

3. Endorses the elimination of the excise tax upon the sale of automobiles, and

4. Endorses the temporary 10% surcharge upon products imported into the United States, as part of a broader long-range program to be developed after consultation with industry and designed to improve our balance-of-payments and the climate for fair and equitable international trade. At the same time, however, due care must be exercised that the position with respect to raw materials already in short domestic supply is not worsened.

Finally, the Board of Directors believes that in both the short and long run, it is imperative that the Federal government be always aware of, and act in full accordance with, a concern for sound fiscal and monetary policies, taking whatever steps are necessary to ensure that no measures temporarily adopted, act to re-stimulate the inflationary pressures that have marked our recent economic history.

CHILE, SUMMER 1971

Mr. CHURCH. Mr. President, this past summer, Douglas Wilson, of the Providence Journal-Bulletin, spent 2 weeks on assignment in Chile. This talented and resourceful reporter closely observed a country rapidly changing under the democratically elected Marxist government of Salvador Allende and a country in a sensitive, transitional phase in its relations with the United States. Mr. Wilson talked to Chilean Government officials and supporters, as well as its various critics in Santiago, the capital, in Concepcion, the southern industrial and university city, and in the agricultural region of Chile's Central Valley.

"Signs of political controversy were close at hand," writes Mr. Wilson, while a "vigorous freedom of speech" and "a robust freedom of the press" were in full swing. According to Mr. Wilson, Chile's long and rich democratic tradition shows much vigor. However, he found the country to be apprehensive, in a "rising mood of doubt," even fearing "broad-scale violence."

Economic problems are also mounting. "The signs of a failing agricultural economy," Mr. Wilson observes, "may be only slightly more ominous than the storm clouds now threatening the country's economy as a whole." The rate of copper production is down, Chile's foreign currency reserves are down, and the national debt is rising. Mr. Wilson reports that "the greatest harm that could come from economic troubles" is political radicalization. In other words, "the government will have to put the blame on someone—the more severe conditions become, the more radical the moderates will become."

In his final and most important article, Mr. Wilson looks at United States-Chilean relations with a fine eye. Much of what he sees coming up in the future is cloudy; what has taken place over the last several months is that the United States has "maintained cool but correct relations with Allende; and so far the dangers of 'another Cuba' have been avoided." Mr. Wilson writes:

> The United States will not become antagonistic toward Chile simply because that country's new, governing coalition of Socialists and Communists is moving toward Marxist control over Chile's internal affairs. We will worry, instead, about measures which might be hostile to the interests of the United States or other American countries.

A major stress in the current relationship concerns the nationalization of American-owned copper complexes. President Nixon has said that we expect Chile to recognize "international rights and obligations" in handling its own new economics. I think the U.S. Congress will fully back the President on this matter of adequately compensating American owners for their expropriated property.

Mr. Wilson concludes his observations of Chile in the summer of 1971 and its relationship with the U.S. with several important "ifs." He comments:

> If Allende can still avoid antagonizing these U.S. interests on the copper issue, or at least avoid hostility toward Washington on other matters, and if Washington recognizes that other issues, in the long run, are more important to its interests than copper, then relations may remain on an even keel and continue to be more relaxed and sophisticated than a lot of people would have anticipated.

I ask unanimous consent that Douglas Wilson's excellent five-part series on Chile be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence Journal-Bulletin, July 18, 1971]

CHILE'S CRUCIAL EXPERIMENT WITH MARXISM

(By Douglas C. Wilson)

SANTIAGO.—The martial, poignant strains of the national anthem welled up in Santiago's Plaza De La Constitution, and the spotlights turned to the Marxist president of Chile, Salvador Allende, in a moment of paradox.

Thousands of his partisans, mostly students and workers, cheered as the small, correct figure appeared at the microphones set high on the grandstand in front of the presidential palace—a building of classic proportions, illuminated softly.

The contradictions of this night rally on June 16 were those of Chile itself, a country with a stable past, but a country now embarked on a new Marxist "experiment" that carries much uncertainty—maybe danger.

The outcome is crucial not only for Chileans, but also for the United States and its relations with South America. If events should lead to hardline Communist policies in Chile, or a hard-line U.S. policy toward that country, this could cause serious problems throughout the continent. But if calm and flexibility prevail instead, it would demonstrate that North and South America can get along peaceably with change.

GAINED STRENGTH

Backed by a coalition of Communists, other leftist organizations, and his own Socialist Party, Allende won the presidency in a three-way contest last September by drawing 36 per cent of the vote, edging out the candidate of the right, Jorge Alessandri, by one percentage point, and leaving 28 per cent for Radomiro Tomic, candidate of the Christian Democratic Party which was in power before Allende.

Since then, Allende's "Unidad Popular" has increased its strength at the polls; and with the world watching the Socialist-Communist alliance has moved skillfully ahead on its "road to socialism."

A week before the rally, however, the new government and Chile were jolted by the terrorist killing of a prominent conservative politician, Perez Jugovic, the former Minister of Interior.

Violence, traditionally, has not been part of Chilean politics, and now Allende needed to stage the rally to show that Chile was still nonviolent—Chile was still intact.

To show this, he delivered a vigorous, two-hour speech in the open plaza, dramatizing his own confidence—and Chile's.

Throughout the evening, however, floodlights dramatized a contrary theme as they probed every shadow of the dark buildings around the square, looking for snipers.

While Allende spoke boldly and forcefully, the prowling searchlights dramatized not Chile's confidence, but its rising mood of doubt, and its apprehension.

"VERY CIVILIZED"

On a visit to Chile today, one finds both themes in the attitudes of the people.

On the one hand, they show a vigorous political freedom and tolerance, suggesting that the country's democracy remains strong. This is traditional, and it is more traditional in Chile than in any other country of South America.

Not long after the mass rally, Domingo Santa Maria, a Christian Democrat and former ambassador to Washington, said in an interview that the most important thing was "that the rally was held and nothing happened. . . . Not even a window was broken."

"I am happy that we are still a very civilized country," he said.

But now, on the other hand, there is a darker side of Chile: anxiety, polarization, talk of danger, and even—here and there—a fear of broad-scale violence. So far, it is only talk.

Such talk comes from Nena Ossa, a bright, outspoken writer for "PEC," a conservative weekly.

"In Chile before this nobody killed anybody. We never had armed commandos. We never had a president who couldn't walk freely in the streets of Santiago. We never had hate among Chileans. Now there is hate," she said in an interview.

If you judge by the slogans, she appears to be right.

Chilean peasants and workers, cued by a virulent, left-wing press, talk against the upper classes, condemning them as "mommios" (mummies), a favorite epithet.

One-fifth of Chile's population is European in background, and the rest is Mestizo, a mixed Spanish and Indian ancestry. Many of the "mommios" are European.

"There is hate being created in the lower classes," Mrs. Ossa said. "They consider that we're Europeans who took South America away from the South Americans."

In June it is winter in Chile, and on that cool night in the Constitution Plaza, part of the crowd warmed itself suddenly by jumping up and down to a spontaneous chant:

"Death to the mommios, death to the mommios."

But their manner belied their message. Like mischievous schoolboys, they laughed in surprise at their daring. They didn't seem to mean what they said.

Vendors at the rally sold another slogan, another paradox. This was a plastic souvenir poster with portraits of a new Latin American trinity: Fidel Castro, Che Guevara, and Salvador Allende, above the words "Chile and Cuba—free countries of America."

This is like one of the slogans painted in large, brilliantly colored letters along the highway into Santiago from the city's Pudahuel Airport: "Cuba no esta sola"—Cuba is not alone.

Chile's Marxist and non-Marxists alike emphasize that their country is not Cuba. Of course, they are right. Allende himself has stressed the obvious difference, observing that Cuba's was "a revolution that attained power with arms in its hands," whereas Chile, he insists, is embarked on "a revolution which we are going to do by legal means"—that is, without violence.

Even Allende's opponents are convinced he is sincere in his commitment to orderly change.

But doubts are stirred not by the commitment, which the government, so far, has been carrying out. Instead they stem—again—from the contradictions, from the fact that while Chile still lives in peace it talks of violence.

A typical example was the sudden comment by a young architect who had pointed out, with much enthusiasm, the magnificent new campus being planned by Chile's Catholic University. Most of the buildings are still on the drawing boards, and he was speaking confidently of their reality in the future. But later the conversation turned to politics, and he interjected:

"If there is a civil war in Chile, I hope your country will not intervene."

This surprising talk of possible violence has come even from Allende. "The right of our political enemies will be respected as long as they express themselves through legal means," he told students earlier this year at the University of Concepcion ". . . But if the dam of legal channels is broken and if other people utilize counter-revolution and wish to use reactionary violence, I have said it as a candidate and I say it as a president, we will use the force of the law and if there is not time to apply it, we will oppose reactionary violence with revolutionary violence."

Yet, while Chileans talk the language of polarization, they still continue to mingle, and mingle closely. Many people of opposing political creeds are related by family; it is a small country crowded against the sea by the towering Andes. Here, too, is the paradox: the people are sharply divided, but they still remain close. Even Mrs. Ossa acknowledges she "can still talk to anybody who's not a young fanatic."

An example of this was an experience one night in a famous Santiago hangout. A Chilean friend came to the city from his magnificent hacienda in the countryside. Most of his vast farmland estate has been expropriated by the new government, and he is bitter. After baring his opinions, he asked me to change his name for publication. So call him Valdivia—Eduardo Valdivia.

Valdivia and his friends decided to drop in on a famous nighttime hangout in the city called La Pena De Los Parra, where young leftists gather at tables crowded in a suite of darkened rooms to hear political folk songs.

No one batted an eye when Valdivia, an arch-mommio if there ever was one, parked his Cadillac in the alley and led our small group inside.

Against an adobe fall, on a makeshift platform, a bearded youth picked his guitar and sang, "Now we have a new country, and justice is here at last."

When the singing was over, Valdivia engaged the young singer in political conversation. Valdivia talked excitedly, criticizing Allende and the Unidad Popular. He could understand their goal of redistribution, but he didn't like their methods.

Impassively, the younger man noded. He understood. But before the September election, he was the protester. Now it was Valdivia's turn.

A crucial question in Chile is whether this deep strain of nonviolent socialability will keep the country together.

Domingo Santa Maria, the former ambassador, said he was glad that it is "still a civilized country." But he, too, is worried; and his worries are disconcerting.

He is now the financial officer for the Christian Democratic Party, the main element of Allende's opposition. The "Christian Democracy" is still the largest single party in Chile, having won 25 per cent of the vote in last April's elections (compared to 22 per cent for the socialists, and 17 for the Communists).

"I am convinced now," Santa Maria said, "that what Allende is trying to do—his attempt to take this 'second road to socialism'—is impossible without a very substantial political and institutional majority. But as of today, I don't see it happening. They are not building the conditions to bring about a rapprochement.

"Now, if rapprochement is impossible, then I don't know how he's going to do what he wants. And this is a political tragedy in the country today."

Instead of "building the conditions to bring about a rapprochement, Santa Maria said, the Unidad Popular has fostered the polarization, intensifying the partisan feeling that one is either with the "people's" government, or against it.

He appears to be right. To give one example, there are reports that Nemesio Antunez, the director of Chile's Contemporary Art Museum in Santiago, is now under great pressure from his colleagues in the art world, who are ardent Marxists, to declare himself a member of either the Communist or Socialist parties.

"Before," said Nena Ossa, "we were all Chileans. But now we must belong to a creed. One day they just close in on you, as they did in Cuba. Except that in Cuba, it was faster. In Chile, we are more sophisticated . . . more is at stake."

Most Chileans spoke quite candidly, but often asked that their names not be used. Typical was a health official who was a veteran of government service.

"Even if you are not prevented from talking openly," he said. "You feel a kind of oppression." He then described a recent, left-wing campaign of public vilification against another doctor who was accused—unjustly, he said—of malpractice.

He complained that the Allendistas "have been whipping up the people. In the past we didn't worry about politics until the elections came around, but now it touches everybody's life, every day. Physicians are being put under such tremendous political pressures that every day I learn of more who want to leave the clinics, or even the country.

"If the pressure keeps up," he said, "we're going to have a civilian revolution. . . ."

Almost startled by his own analysis, he then softened the diagnosis.

"But I have faith in this country, the government is bound to change its ways."

Chile Leftists Split

(By Douglas C. Wilson)

Concepcion, Chile.—Salvador Allende, the self-proclaimed Marxist revolutionary who is now president of Chile, was booed recently by student comrades in a confrontation at the University of Concepcion.

The youthful audience had just heard the president of the student body, Nelson Gutierrez, express the feelings of Chile's extreme left:

"The seizure of political power by a social revolutionary force, the alliance of workers and peasants," Gutierrez said, "is only possible as a result of the class struggle reaching a maximum of confrontation—that is armed confrontation."

The young speaker went on to say that the left must press ahead toward a "dictatorship of the proletarians and the realization of proletarian democracy, which is democracy for a majority of the people and a dictatorship for a minority."

In an extraordinary rebuttal, Allende, who has chosen president of the country in a democratic election last September, rose to say politely that "comrade" Gutierrez was "mistaken."

At this point, there were boos, and Allende's words caught fire.

"I am not moved either by booing or by applause! I have been too many years in the social struggle to feel uneasy about some people rejecting my words. . . .

"Here I have some quotations from Lenin—and do not boo me, because you will be booing Lenin, not me." Allende then read a quotation stating that Marxism has "nine chances out of ten to triumph without shedding blood."

"Marxist theory has taught us," Allende added, "that it is necessary to let the positive aspects remain in a society and to use them in the process of creating another society."

The Allende-Gutierrez debate is now famous in Chile. Gutierrez is not just a student leader. He is a prominent spokesman of Chile's revolutionary left movement (MIR), an armed extremist group which belongs to Allende's broad coalition, the Unidad Popular.

The remarks of Utierrez showed the restlessness that the ultraleft is beginning to feel under Allende's careful leadership down the "peaceful road to socialism."

"Confound it!" Allende exclaimed to the students: "No one has ever brought about a social revolution in one day, nor in a year, but only in many years."

This family quarrel was of crucial importance, because it raised the question that most divides Chile's new, ruling coalition of Marxists. It is a question that may cause trouble for the future.

This issue involves the method to be used in bringing socialism to Chile: Should the country's "socialist revolution" be a slow, peaceful and orderly transformation, as most elements of the Unidad Popular believe? Or should it be quick and violent, as the MIR extremists say it must be?

Today Allende and the large majority of moderates in his Socialist-Communist coalition are having their way. Slowly, deliberately, Allende is revolutionizing Chile, converting the country from a capitalistic to a socialistic economy; but he is doing it through skillful compromise, and—though he may stretch the terms a little—he is doing it through "legality, constitutionality and pluralism."

In Concepcion, I listened to a Socialist and avid Allende partisan, Heriberto Espinoza, an officer of the Industrial Union at Chile's government-owned Pacific Steel Co. After speaking warmly of improvements in worker-management relations which have come about under the new government, Espinoza assured me that "the people are confident."

"It's only the frustration of minorities—small armed groups—that could lead to violence," he said. "But if that happens, it is something that the people of Chile will repudiate."

In the debate several weeks earlier, Gutierrez had pointed to one potential source of frustration for the far left when he suggested that the government should "decide justly not to pay . . . for the expropriation of copper."

The Marxist government under Allende is now deeply involved in doing just the opposite—negotiating payments to U.S. copper companies which have owned the principal mines in Chile's largest industry.

To illustrate the need for patience and compromise, after telling the students that "reality is stronger than theory," the president asked which of them "would dare to ask Fidel Castro to take the Bay of Guantanamo tomorrow, which is in the hands of the Americans?"

Reluctant to provoke the extremists, however, Allende has done little to prevent the Miritas from taking land within Chile—a practice they began during the previous administration of Eduardo Frei, the Christian Democrat.

The MIR is said to have only about 2,000 members, but the organization has precipitated widespread seizures of land by armed peasants in the countryside and by slum-dwellers close to the cities.

Allende and the MIR are both products of the Socialist Party, and it is said that members of Allende's personal body guard are drawn from the MIR.

It is, to say the least, an odd alliance.

Yet despite the mutual toleration that has existed up to now between Allende and his radical left, the main backing for his moderate course of peaceful revolution comes from the 50-year-old Chilean Communist Party, which has long had a reputation of being one of the tamest and most conservative Communist organizations in the world.

The party is also well-organized, hard-working, and almost blindly faithful to Moscow.

Domingo Santa Maria, who was the Christian Democrats' ambassador to Washington under Frei, said that the communists in the new government—who head the finance, public works and labor ministries—are diligent bureaucrats who "work hard, appear humble, and behave very properly." He added: "They all look damn serious, and that confuses everybody. So far, they have shown the most conservative face."

This was accurate in the case of the two stone-faced Communist union officials in drab overcoats who accompanied Heriberto Espinoza during an interview at the steel plant. They sat pretty much in silence and let the Socialist do the heavy talking.

"But are the communists honest?" Santa Maria then asked. "Or is it just a matter of tactics for the time being? That is the whole question."

According to some observers, the Communists have shown themselves to be adept at quietly consolidating their power within the government. In the ministry of health, for instance, the true strongman is not the minister, who is a Socialist, but his Communist deputy, Mariano Raquena, who heads the technical division.

One person who has watched developments in the health ministry concludes that "the Communists could never get a majority of popular support, but in terms of power, and in terms of patronage, the Communist Party could very well become the tail wagging Allende."

Today, however, the more immediate threat to the tradition and the stability of Chile may come from the younger, more impatient and dissatisfied element of the coalition—the ulta-left Socialists and the MIR.

There is little comfort in the words of one Chilean political analyst, Claudio Veliz, who has observed that Miristas "now find themselves in the unenviable position—for a left-wing movement—of having to depend on the failure of the Unidad Popular government for their survival, realizing that if the present government succeeds, their raison d'etre will slowly disappear."

In one jarring episode last month, an extremist group brutally underscored the seriousness of this problem.

On June 8, terrorists in daylight machine-gunned a conservative politician to death as he drove near his home in Santiago.

The victim, Perez Jugovic, had served as interior minister in the past administration of President Frei. For many months the left had waged a campaign of newspaper attacks against Jugovic, holding him responsible for the killing of 18 armed workers by police in a 1969 uprising.

The men who killed Jugovic were members of a violent leftist splinter group called the Organized Vanguard of the People (VOP)—reported by some to be an offshoot of MIR.

In speeches given after the killing, Alende condemned the VOP as "delinquents" but also hinted that they may have been used by the right in "deliberate attempt to alter the march of the country."

More believable, though, was the reasoning of Fernando Leniz, president of Santiago's leading morning newspaper, El Mercurio—the most even-tempered of the city's many dailies, which cautiously opposes the government.

In an interview, Leniz reasoned that the killing was "most logically related to the spirit of the extreme left, to the people who say that a violent confrontation is inevitable and that a peaceful revolution won't work."

Whatever frustration drove the VOP to kill Jugovic, the killing probably will mean more frustrations for Alende, because the episode—added to other, less spectacular actions by the Left—has stiffened the non-Marxists, especially Christian Democrats, in their opposition to the Unidad Popular.

Non-Marxists still command a majority in Chile's Congress, and if they throw new obstacles in the coalition's path to socialism, the ultra-left may be strengthened in its family argument that the revolution can be won only through a violent confrontation.

Would Allende then try to save his ideological marriage on the left by subscribing to a harder line? Or would greater obstacles to his Marxist reforms lead him to greater compromises with the opposition? The answer remains to be seen. More concessions toward the right, of course, would mean still more discontent among ardent leftists.

Against this setting, there are still many optimists in Chile.

More than one Chilean argues that if a crisis develops, the armed forces will guarantee the safety of the constitution and democracy in the Country.

"Our army and navy are absolutely constitutional and will be able to enforce the constitution and the law," Sergio Diez, a leading member of the conservative National Party, stated in an extended interview. "The army would not let us take over an election that we did not win. But they will allow us to take the positions that we do win. "Because of this, there's a good chance for a satisfactory outcome."

"Leniz talks hopefully, too: "It worries many of us that Allende has been very tolerant of groups of the extreme left, but it is a mistake to believe that he is soft. He appears to be a very strong man. And I believe he is honest—that he really intends to develop a different kind of socialism here and not pay the price that other countries have paid."

A week later, however, a talk with the publisher's younger brother, Patricio Leniz, a civil engineer, disclosed a less confident attitude: "I don't doubt Allende's intentions. What I doubt is whether he can carry them out."

OPPOSITION VISIBLE EVERYWHERE IN CHILE

(By Douglas C. Wilson)

NUBLE PROVINCE, CHILE.—Above the tiny village of Ninhue, 300 miles south of Santiago, there is a breathtaking view of the countryside.

Stretched nearly the width of Chile's central valley are rolling vineyards, olive-green hills dotted with magnificent dark eucalyptus trees, pine forests and tiny orchards, and foothills that rise to the Andes—the snowy "Cordillera" along the horizon.

On a visit to a large, spacious home for boys who are wards of a state-supported philanthropy called the Fundacion Nino Chileno on a hilltop, the splendid view made Chile's present political fever seem somehow remote.

Yet even here the signs of political controversy were close at hand. On a rough boulder by the roadside, the name of Jarge Allessandri, presidential candidate of Chile's conservative National Party in the past election, stood out in bold letters.

Ricardo Henriquez, an idealistic 25-year-old who directs the boys' home, said his own preference in the election had not been for Allessandri. He had voted for the winner, Salvador Allende, and his Marxist coalition.

But the opposition, like the advertising of the past election, remains visible everywhere; and ever since his election 10 months ago, Allende's ruling alliance of Socialists and Communists has had to live with it.

Executive power in Chile is now in the hands of a Marxist coalition, but the Chilean Congress and the country as a whole are still divided, roughly half-and-half, between the Marxists' supporters and their opponents.

When I saw the disciplined ranks of nearly 200 children at the boys' home, it occurred to me that an institution of this sort might be one of the first places a strongly Communist regime would try to mold to its purpose, by introducing one sort of youth indoctrination program or another.

I asked Henriquez if there had been any such attempt at all, and he was quick to say that there hadn't.

"It would have to be done by force," he said, "because our inspectors wouldn't allow it. There would be open resistance if that happened."

The young director went on to say that he expects Allende to improve the conditions of the poor in Chile.

"But if the reforms are not made," he said, "the people will vote for the opposition and against Allende."

There are many people in Chile, older and probably more knowledgeable than Henriquez, who share his faith in the durability of the country's democratic process and stand ready, it appears, to resist anything that would smack of totalitarianism.

Domingo Santa Maria, financial officer of the Christian Democratic Party, reminds foreign visitors that the Allende coalition of the Unidad Popular faces two opposition parties, not one; and he stresses that these two forces, the Christian Democrats and the Nanalists, are not united.

"These people are not organized as anti-Marxists," he said. "They are organized in favor of things, but not against anything."

However, as Allende presses ahead in his program to convert the nation's economy to socialism—a program fueled by the Left's emotional and highly-charged ideological fervor—polarization has been unavoidable. Allende's opposition is beginning to harden, and the recent assassination of Christian Democrat Perez Jugovic by ultra-left terrorists has accelerated the process.

Santa Maria acknowledged that the killing has "pushed the Christian Democrats away from the government into a tougher, more unified opposition."

As the Christian Democrats move away from Allende, they necessarily draw closer to the National Party on the Right. This development is warmly welcomed by a rising star and leading spokesman of the National Party, Sergio Diez, who believes there is one political question that overshadows all others in Chile today: "The issue," he said, "is what's going to happen to democracy."

Young, bald, and extremely vigorous, Diez is not one to mince any words. "I believe profoundly in the need to form a union of opposition to Allende," he said in his Santiago law office.

Diez is an active man who divides his time between National Party politics, law, teaching as a professor of political science and constitutional law at Chile's Catholic University, and participating in a weekly political discussion program that is nationally televised.

Taking note of the Christian Democrats' growing opposition to the Allende forces, he smiled cautiously.

"I'm no longer interested in pursuing any past quarrels with the Christian Democrats," he said, explaining that he now sees a good chance that an opposition unity can come about.

There are signs that he may be right. After the Jugovic slaying, for instance, the two parties—which together can command a majority in the legislature—voted out the pro-Allende congressional leadership which the Christian Democrats had earlier supported.

Still more significantly, the two non-Marxist parties have learned that they can put together a winning combination when they unite behind a single candidate, as they did in a special congressional election held last Sunday in the port city of Valparaiso. The Christian Democrats and the Nationalists, backing Oscar Marin defeated the government's candidate, Hernan el Cantro, a Socialist.

"Our political unity is going to occur naturally because of what's happening," Diez said. "It's not going to be imposed from above."

Former President Eduardo Frei, a Christian Democrat, still enjoys an immense popularity in Chile, and he provides a strong rallying point for Allende's opponents. Chile's presidents are elected to six-year terms and are not allowed two terms in succession; but Frei could run again when Allende's term is over.

While 1976 is a long way off, the former president stands as a real threat to the Marxists' plans for the future. In the meantime, the first major test for Allende and his opponents will come earlier, in 1973, when nationwide congressional elections are scheduled.

The opposition has won early signs of encouragement, however, not only in Valparaiso. The University of Chile recently passed through a hotly-waged election battle to choose a university rector, and the candidate fielded by pro-government forces, Eduardo Novoa, was defeated by his non-political opponent, Edgardo Boeninger.

A few days before the campus election, Mrs. Francisco Prieto, a conservative woman in Santiago who had watched the race closely, gave me her view of the matter.

"I think it is important that the government take a good licking," she said firmly "so the opposition will appear strong and take heart. Then the government will know it has to watch its step."

In Chile there are no curbs on freedom of speech. If this is shown by outspoke people like Mrs. Prieto, it was dramatized even more on the night of June 6 when antigovernment partisans, angered by the Jugovic murder, went to Allende's palace and shouted "Assassin!"

This vigorous freedom of speech in Chile has been matched, up to now, by a robust freedom of the press as well.

The strongest evidence of press freedom is the bold, free-wheeling publication called "PEC," an arch conservative weekly. A full-page cartoon on the cover of a recent issue attacked the Left with typical fury. It showed several ranks of crosses marking graves in a cemetery, with a label taken from the Allende regime:

"La Via Chilena Hacia El Socialismo"—The Chilean Road to Socialism.

Santiago's newsstands are cluttered with journals of every opinion, although progovernment papers are in the majority. Tabloids, daily papers, and magazines in Chile are so numerous—and so clamorous—that when I raised the subject of press freedom with a Bolivian who works in the United Nations mission in Santiago, he laughed.

"Freedom of the press? Yes," he said, "there's too much of it."

Still, there are valid complaints about government and left-wing pressures on the printed media. These pro-Allende forces also are buying up radio stations, and there is concern about leftist control of the country's television channels.

Government tax officials have troubled the managers of El Mercurio, the country's independent, leading newspaper, with a lengthy investigation of the paper's finances. More subtle and indirect is the potential pressure that may come from the pro-Marxist reporters' unions, which called recently for gaining control over privately owned newspapers and declared that the credo of "objectivity" in journalism is simply a bourgeois tool used to stand in the way of the revolution.

At El Mercurio, however, the publisher, Fernando Leniz, is still optimistic about both the printed and broadcast media. Late one afternoon he listened in his office to a transistor radio for latest developments in the Jugovic killing.

Political editorials were being broadcast by one political group after another. In one strongly-worded message, a spokesman for the Christian Democrats blamed Allende's coalition for creating a "climate of violence" and called on the government to suppress, immediately, all of the armed extremist groups in the country.

"So you see," Leniz said as he switched off the radio, "there is still freedom of expression."

Events other than the assassination, of course, also have disturbed the opposition. One of these is Allende's relentless program of nationalizing all of Chile's banks, accomplished through a combination of stock purchases and harsher methods such as government or union intervention and heavy fines for banking irregularities.

"I don't believe that what they're doing is illegal," said Santa Maria, the Christian Democrat. "But the problem is that they're taking over the banking system through legal gimmickry, without going to Congress with a proper law which we could discuss and maybe approve, after full debate."

There is the understandable fear in many quarters that Allende's Socialist revolution in the economic sector, his goal of complete state control over the country's sources of credit as well as its industries, would give the Marxist government its ultimate power: the ability economically to control all other enterprises, including the press, if it chose to do so.

This is the main reason that the National Party spokesman, Diez, believes that democracy now is at stake. But he is not pessimistic.

"Complete state control of the economy would make an electoral defeat of Allende's partisans difficult," he said, "but not impossible. The Chilean is a very practical person. If he sees that a particular government has done him great damage, he can easily turn against the party in power."

A chief concern of his is Marxist control of Chile's television. Diez speaks energetically against Allende's policies almost every week on a Sunday "talk" show, but he is concerned about an increasingly Marxist slant to the broadcasting on the country's five channels, all of which are controlled either by the government or by the leftist universities.

"It's not the programs as such," he said, "but things like the way the news is read and the clever way the cameras are used either to 'sell' something or degrade it."

An American who is officially stationed in Santiago reports "a progressive disappearance of what we would call objective reporting on television. The opposition is not geting a fair shake any more," this observer finds, "though things are still open to some give-and-take. Almost every prominent anti-Marxist commentator has disappeared from broadcasting."

Inevitably, there are some Chileans who have chosen to leave their country rather than stay and live under the Socialist-Communist regime.

A civil engineer explained his own mixed feelings on this score. For the present at least, he is staying in Chile.

"It is not an easy decision for anyone," he said. "Personally, I find it very interesting to be here and observe. But I don't know up to what point it is good for me to share the problems and dangers with my family. After the election I thought the picture was very black. But so far, things have not been so bad as I feared."

It is reported that between 400 and 600 Chileans have sought asylum in the United States. Hundreds of others have moved to Australia. An administrator in Chile's National Health Service told me that 15 per cent of the professionals in that agency have left the country.

"If we begin to lose our skilled professionals, medical doctors, and engineers in a country this size," Santa Maria said, "it is very difficult to replace them. I'm not so sure we can replace them. If it became a significant flow it would be very bad for the country."

The situation is nothing like the exodus from Cuba, however. In Chile, most of the Marxists' oponents are staying, and they are staying as a force to be taken seriously.

Sergio Diez, who thinks that bright possibilities lie ahead for the anti-Marxists, said confidently that "not many Chileans are going to leave.

"Most Chileans will stay," he said. "They will stay here and fight for their rights."

CHILE'S LAND BARONS NOT INVESTING

(By Douglas C. Wilson)

NUBLE PROVINCE, CHILE.—In the vineyards of Chile, June is the time for pruning. But the vines on the slopes around Eduardo Valdivia's hacienda last month were left untouched. They covered the rolling land in a spidery tangle.

Valdivia, one of Chile's land barons, is like many aristocrats in the countryside who are now the targets of Marxism under the government of Salvador Allende.

Faced with an uncertain future, he is not investing anything in agriculture for the time being.

This is true at many other large farms in Chile. And because of this situation, farm production is almost certain to fall off sharply—development that spells trouble for Chile in the year ahead.

What's more, the signs of a failing agricultural economy may be only slightly more omnibus than the stormclouds now threatening the country's economy as a whole. Thus, the new Marxist government faces a serious prospect as it tries to maintain stability while converting the country to out-and-out socialism.

Valdivia wore a harried and tired look when I visited him recently at his century-old farmhouse in the rich Central Valley south of Santiago, near the village of Ninhue.

"I should be pruning the vineyards," he said. "But who's so crazy that he starts pruning what he may not own? They won't guarantee that I own the grapes, so why should I invest 60,000 escudoes in having them pruned?"

In its effort to speed up land reforms, the Allende government plans to expropriate 1,000 large farms this year. Valdivia's 6,000-acre farm is already in the process of expropriation; and while the law, he said, entitles him to buy back a "reserve" consisting of the house itself, and a parcel of land around it, the government isn't making any promises.

So the work in the vineyards has stopped.

The story is much the same at other farms, and the results are being reflected in more ways than one. There has been a drop in seed and fertilizer sales; and the country has just arranged to import 100,000 tons of frozen chickens from abroad, in a drastic turnabout from the problem faced only a year ago when there was overproduction in poultry.

Valdivia warmed his hands impatiently one night over an elaborate kerosene stove as servants brought food and bottles of wine to the dining room. Coals were dying before the hearth—an area taken up by Valdivia's large retriever dog—while the globes of a handsome Victorian lamp, hung from the shadows of the ceiling, cast a pale light over the shuttered windows, the heavy, antique furniture, and the settings of silver and linen.

It wasn't hard to feel that Valdivia and his way of life were something that is ending in Chile, and ending fast.

He said there are now only nine helpers at the farm.

"I keep paying their wages. For what? For nothing in the end, I suppose. But if I don't pay them, they will turn against me," he said.

Their net wages are 20 escudos a day, equivalent to $1.40 at the official exchange rate but actually worth less than a dollar. The campesinos live on the farm, with the house servants quartered in a wing of the hacienda.

While Valdivia's people would not "turn against him" in any personal way, they are excited about the changes that lie ahead.

They are not so excited about the changes being planned by the Marxists.

It was on a Saturday that they and other campesinos from the farms in the region were called to a special meeting in Ninhue to discuss what would be done with the expropriated farmlands. Wearing wide-brimmed hats above their ponchos, they left their adobe cottages and walked or rode horseback on the hilly dirt roads to the village, where government and union officials called the meeting to order.

The campesinos originally had been led to believe that the new land would be divided up among them. In the past month, however, the officials had talked of a new plan: certain farms, like those around Ninhue, would become "regional enterprises"—in effect, state farms.

One villager, Diaz Ramirez, told me that the campesinos were "disillusioned."

"Everybody thought they would get land and be owners," he said. "Now, instead of everybody getting a little piece, it's going to be communes."

But the campesinos have yet to be persuaded. They voted overwhelmingly at the meeting against the "regional enterprises" and in favor of the earlier plan for separate landholdings, called "asentamientos."

Galvarino Andrade, president of the farm worker's union in Ninhue, told me the next day that the government would try again. "Since the people aren't used to this kind of arrangement," he said, "we'll have to educate them."

Were the "regional enterprises" to be modeled on the state farms in Cuba or Russia? The question puzzled Andrade. Finally he answered, "We have no vision of that. We are new in this. . . ."

In the process of taking over farmlands and setting up a new agricultural system, Allende's Marxist "experiment" must contend not only with a drop in farm production, but also with this uncooperative spirit of would-be capitalism among the peasants.

To be sure, the government so far has won the strong backing of the country's poor. In less than a year's time, by forcing employers to pay much higher wages while they freeze prices, and by sharply increasing the money supply, Allende has substantially raised the workers' standard of living.

The streets of Santiago are filled with the clattering traffic of trucks and patched-up American and European cars from the 1950s. Thousands of tiny stores line the narrow passageways that honeycomb city blocks, and these are crowded with hurrying shoppers now caught up in a spending spree that rivals the rush at Christmas.

I talked with a nurse who works in one of Santiago's worst "callampas"—the "mushroom" slum areas that fester on the edge of the city.

The stretching miles of wretched, tumbledown shacks reminded me of a comment which had been made by another Chilean as he explained that most of the country's politicians—Marxists and non-Marxists alike—recognize the need for reform.

"In a country where so many of the people are poor," he said, "it's awfully hard to support the status quo."

The nurse spoke of the new government's efforts to change the status quo in the callampas. Some roads have been paved, sewers have been built, community telephones have been installed, and bus fares have been cut in half.

Allende also has introduced a massive program to provide all slum children with half a liter of milk every day.

"The people," she said, "are happy about the changes."

But while Chileans are getting and spending now, many observers fear they will pay later. They say that shortages will occur and production will suffer as the nation makes the radical shift from private to state-controlled enterprise.

The dominant copper-producing industry, the key to Chile's economy, is under severe strain as the new government moves rapidly to nationalize the large American-owned mines. A major problem in this all-important sector has been the flight of skilled professionals. More than 100 top technicians, mostly Chileans, have left the big El Teniente mine, for example; and operations there are said to be near chaos.

Allende has announced that the present rate of copper production is eight per cent above last year's figures. This is well below the 40 per cent increase which had been predicted earlier; and some even dispute the eight per cent figure, saying production may actually have dropped instead by nearly 12 per cent.

There are other signs, too, of potential trouble. Chile's foreign currency reserves are said to have dropped from $480 million to about $220 million since Allende took office. The government stopped releasing its balance-of-payments figures last January.

"That in itself is enough to make any banker nervous," observed an American banker in Santiago. It is estimated that a decline of only 10 per cent in the country's agricultural production would lead to a program of food imports costing $400 million in foreign reserves.

"And with all of the foreign interests that the government is buying," the banker said, "the debt they'll have to service annually could be high. That won't leave all that much for their plans and programs."

Chilean economists have recently visited foreign capitals on both sides of the Iron Curtain in an urgent quest to open up new lines of credit; but some old lines are drying up as international bankers decide to hold off on new investments, being skeptical now about the country's economic reliability.

Domingo Santa Maria, who at one time served as minister of the economy in the administration of the Christian Democrats under Allende's predecessor, Eduardo Frei, said Allende "is beginning to understand that he may have trouble if he's not able to create a kind of mystique (to stimulate increased production by the workers). But the workers have not been convinced that their revolutionary duty is to work more," he said.

At his farm in Ninhue, Valdivia said caustically that falling production should not surprise anyone.

"Allende's been raising wages and freezing prices, and the Chilean would have to be a damn fool not to discover that he should simply work less," he said. "Instead, Allende should lower their wages but increase their share of the profits. That's the only bloody way he'll make them trot."

Calmer, but no more cheerful, was the judgment of Fernando Leniz, publisher of El Mercurio. "My personal fear," he said, "is that if we have severe economic trouble, the government will have to put the blame on someone. Most of Allende's people are moderate Socialists and Communists. But the more severe conditions become, the more radical the moderates will become."

This political danger is probably the greatest harm that could come from economic troubles in Chile. A turn to "more radical" policies could mean harsher steps by the government to confiscate farmlands, business and industry, with no compensation to private owners. It might also bring about repression and more government control; and it certainly would sharpen the conflict between the pro-Marxist forces and their opponents, pushing them closer to violence or driving more and more moderates out of the country.

Here, Allende is not reassuring. The President has warned that "a government must weigh what obstacles it will encounter. Perhaps if obstacles are artificially created, if there is conspiracy by ultrareactionary sectors, if the current attempt to provoke economic chaos is accentuated, we'll be forced to take our steps more quickly and decisively—that is, the process could be radicalized, not because we want it to be, but because we have no other choice."

IN CHILE, A NEW CASTRO?

(By Douglas C. Wilson)

SANTIAGO.—When partisans of the government rally in Chile, workers carry the red flags of communism and students wave portraits of Che Guevara, Fidel Castro, and a third, new Marxist hero in Latin America.

The newcomer is Chile's own head of state, Salvador Allende.

The year before Allende came to power, President Nixon sent New York's Gov. Nelson A. Rockefellor on a fact-finding tour of Latin America.

Rockefeller returned with a grim warning. "At the moment," he wrote in 1969, "there is only one Castro among the 26 nations of the Hemisphere. There can well be more in the future. And a Castro on the mainland, supported militarily and economically by the Communist world, would present the gravest kind of threat to the security of the Western Hemisphere and pose an extremely difficult problem for the United States."

Now, less than two years later, a superficial glance might suggest that Latin America does harbor a new "Castro on the mainland"—another Cuba. Bright murals in Chile proclaim that "Cuba is not alone" and link Chile and Cuba together as the only "free countries of America."

But a closer look shows that Castro's Cuba and Allende's Chile are alike only in the sense that they both embrace Marxism as their official ideology and show friendship to Communist countries which share this outlook.

By itself, this does not present "an extremely difficult problem for the United States."

Unlike Castro, Allende came to power peacefully, through a democratic election; and unlike Cuba, Chile is a civil-libertarian democracy where the government still faces a viable opposition.

Unlike Castro, Allende does not encourage violent revolution in neighboring countries.

Unlike Cuba, Chile is not located a sensitive 90 miles off the U.S. coastline; and unlike Castro, Allende has not allowed foreign powers to use his country as a base for offensive weapons.

Allende also has not seized U.S. properties in his country without taking steps toward compensation. In Chile the most important properties are the largest copper mines, which until now have been owned jointly by U.S. companies and Chile.

In yet another distinction between himself and Castro, Allende is being careful to preserve political and economic ties with the United States and the rest of the Hemisphere.

It is for some of these reasons that the United States, in turn, has not broken its ties with Chile, as it did with Cuba; has not staged a Bay of Pigs invasion of Chile, as it did with Cuba; and has not moved to isolate Chile politically and economically, as it did with Cuba.

In Washington, a Latin American specialist expressed the prevailing opinion when he said, "There is a pretty widespread feeling that so far, the United States has behaved in a much more relaxed and sophisticated manner than a lot of people would have anticipated."

He reported that in private conversations recently, one fascinated observer, India's ambassador in Washington, has been "almost lyrical in his praise of U.S. policy toward Chile, saying that it demonstrates much more maturity that we have demonstrated in the past."

But U.S.-Chilean relations are sensitive nonetheless and the future is far from clear.

The problem is not that Chile under Allende is likely to follow Cuba's lead, either domestically or internationally. The danger, instead, is that events—sooner or later—might lead to similar results by pushing Chile toward a Cuba-like position in its relations with the United States.

This would happen if the policies and actions of the Chilean government turned sharply antagonistic toward the United States, or if—on the other hand—Washington antagonized Chile's new government and drove it to such hostility.

"Another Cuba," in this sense, might evolve; and two Cubas would be a new political force to reckon with in the Hemisphere—one whose very existence could further divide the region and add to its problems.

In neighboring Argentina, the Chilean situation already stirs mixed feelings on the part of one observer, Albert Gainza Paz, director of La Prensa in Buenos Aires and the dean of all Latin American newspapermen.

"Most Argentinians don't want to follow Chile," he said one evening recently. "For one thing, there is a natural desire not to imitate a neighbor with whom we have many problems. But the fact that we have a Communist-oriented regime in Chile is a constant threat to all other Americas, it encourages all the leftists and gives them hope."

Yet the Americas—including the United States—have maintained cool but correct relations with Allende; and so far the dangers of "another Cuba" have been avoided.

President Nixon has said that U.S. policy in Latin America is to "deal with governments as they are." He explained that "our relations depend not on their internal structures or social systems, but on actions which affect us and the inter-American system."

The new Marxist government in Chile "is a case in point," he said, and the United States would "therefore observe closely the evolution of Chilean foreign policy." For one thing, we would expect Chile to recognize "international rights and obligations."

The President's words were couched in generalities, but their meaning was clear:

The United States will not become antagonistic toward Chile simply because that country's new, governing coalition of Socialists and Communists is moving toward Marxist control over Chile's internal affairs. We will worry, instead, about measures which might be hostile to the interests of the United States or other American countries.

The President's meaning is clearest when he refers to "international rights and obligations."

In a word, he means copper—the most direct interest that American private enterprise, if not the American government, has in Chile. Just now, this is the most immediate concern of the administration as well.

One U.S. diplomatic source is blunt about it. He said there are still "some corners to be turned" in our relations with Chile "and their names are Anaconda, Kennecott and Cerro."

The mines of all three copper companies are to be nationalized in a unanimously-supported move by the Chilean government to gain full control of the country's principal resource.

Copper accounts for three-fourths of Chile's export earnings. The government expects to take in $800 million a year from foreign sales of the copper from the Anaconda, Kennecott and Cerro Corp. Mines.

U.S. government officials have no quarrel with nationalization; but they stress that Chile must provide adequate compensation to the owners.

The nationalization law which Allende signed last week allows for compensation; the copper companies still have from three to six months to work out the terms with his government. Behind the scene, U.S. Embassy officials in Santiago are working as midwives, discreetly helping to smooth the way for settlements satisfactory to both parties.

One American directly involved in this process said the U.S. officials hope Chile will agree to pay book value, at least, for the properties. He said the market value of the holdings is 50 per cent above this.

The picture is complicated, however, by conflicting figures and the likelihood of substantial adjustments. One estimate is that the three copper companies, combined, have a net investment total of $700 million in Chile. But Allende is authorized to deduct the companies' "excess profits" from this figure; he also can make other adjustments for "mine depletion."

Washington does have one direct financial and diplomatic stake in the matter: If the companies don't like Chile's terms, they may throw in the towel and instead collect their insurance from the Overseas Private Investment Corp., a U.S. government-supported agency.

If this happened, the government itself would be billing Allende. "This would make the United States into a collection agency," an American spokesman explains, "and that isn't the sort of thing that satisfactory relations are made of."

Chile's impending takeover of properties held by U.S. copper interests is now the most active issue between the two countries. But despite Nixon's hands-off policy, internal developments in Chile could also have major consequences for U.S.-Chilean relations.

While Allende tries to carry out his "peaceful revolution" at home, his progress may be frustrated as more radical leftists try to speed up the process and conservatives mount new efforts to slow it down.

Economic hardships, which also threaten the country, would make matters still worse.

One prospect, considered by Zbigniew Brzezinski, a leading U.S. authority on Communist affairs, is truly black. He has suggested that "the internal dynamics in Chile are likely to polarize the country and introduce a vicious spiral; the flight of capital will compel the government to tighten the belt; internal difficulties will prompt charges of sabotage; repression will heighten political insecurity; heightened insecurity may lead either to a left dictatorship or a belated military coup."

While Brzezinski's picture is overdrawn because it fails to account for the durability of Chile's democratic tradition, it does highlight the trouble spots.

Under pressure, Allende might very well make more concessions to his left than he does to his right. After all, the radicals on his left are part of his coalition; the conservatives are not.

The radicals could not prevail on domestic issues without running up against strong pressures for moderation from the coalition's Communists, who prefer orderly change. But both groups have one thing, at least, in common: They are more antagonistic toward the United States than Allende is himself.

The radicals emulate Castro's revolution, with many contending that revolutionary change can come to the rest of Latin America—even Chile itself—only through violence. The party-line Communists, on the other hand, are non-violent; but they have a strong penchant for blaming most problems on U.S. imperialism.

If Allende succumbs to pressures from either group, the government might take a more antagonistic an anti-American line in the future.

Recent developments regarding copper show one way that the hardliners may affect U.S.-Chilean relations.

A month ago, it was thought that Allende and the Cerro Corp. had reached an agreement on the compensation Chile would pay for nationalization of the company's Rio Blanco mine. The payment was to be about $55 million. This agreement has fallen through, however—vetoed, apparently, by hardliners in Allende's coalition who said the figure was too high.

Last week Allende appeared to be moving even closer to a hawkish position as he charged the Anaconda and Kennecott companies with profiteering and mismanagement.

Allegations like these fit the Brzezinski thesis about "charges of sabotage." They also give Chile an excuse to pay minimal compensation to the Americans.

If Allende can still avoid antagonizing these U.S. interests on the copper issue, or at least avoid hostility toward Washington on other matters, and if Washington recognizes that other issues, in the long run, are more important to its interests than copper, then relations may remain on an even keel and continue to be "more relaxed and sophisticated than a lot of people would have anticipated."

GENOCIDE: SUITABLE FOR GENERAL AUDIENCES?

Mr. PROXMIRE. Mr. President, a couple of years ago Michael J. Arlen, Jr., published a volume of his New Yorker magazine commentaries on television coverage of the war in Indochina. The book was entitled "The Living Room War."

It is not my purpose here to discuss the merits of Mr. Arlen's writings. But I do believe that it might be worthwhile to ponder for a moment the significance of his book's title. He was referring to the phenomenon of being able to watch actual combat scenes from the Asian theater on the evening news, while munching on a TV dinner amidst the comforts of home.

In other words, Mr. Arlen suggests that we in the home audience tend to become inured to the film clips of war brutality. After all, violence on the news programs is only sandwiched in between episodes of violence on the many espionage, western, and fictional-combat entertainment programs on the airwaves.

We Americans have lately been accused of becoming insensitive to violence and brutality. Although television has brought us closer to the violence of everyday life by enabling us to watch it on video tape, it has also pacified our natural sense of outrage by making violence seem almost acceptable. Or we may think that violence is certainly unacceptable, that it should be heartily condemned, but alas, nothing can be done to prevent it.

We become resigned to the use of violence, and that sense of resignation can be as tragic as the act of violence itself. That is why I urge the Senate to ratify the Genocide Convention soon. This treaty would establish genocide as an international crime and create procedures for trial and punishment of violators. I believe that U.S. ratification of the Genocide Convention would reawaken our citizens to the kinds of horrible crimes against which the Allies fought so courageously during the Second World War.

The Genocide Convention was inspired by civilized man's outrage at the infamous crimes perpetrated against masses of innocent people. Civilized nations vowed never to forget the criminal acts which took place during that time, and further vowed to take steps to prevent the recurrence of those awful events. That is why over 70 nations have officially ratified the Genocide Convention.

It is time for the United States to take the same step. It is time for the United States to join the world community in reaffirming our opposition to the crime of genocide.

In one of his more frequently quoted remarks, the French philosopher Albert Camus wrote:

> Perhaps we cannot prevent this from being a world in which children are tortured, but we can reduce the number of tortured children. If we do not do this, who will do this?

By ratifying the Genocide Convention, the Senate will show to the world that the United States has risen to this noble challenge.

REVENUE SHARING AND ITS ALTERNATIVES

Mr. HUMPHREY. Mr. President, one of the best discussions of the pros and cons of revenue sharing that has come to my attention has just been published by the National Academy of Public Administration and the John C. Lincoln Institute, of Hartford, Conn.

The two organizations convened 26 leaders in the public administration field—including representatives of Federal, State, and local government—or a 3-day seminar at Hartford to discuss what they called "the federalism crisis." They debated the merits of revenue sharing, welfare reform, and expansion of categorical grant programs as alternative responses of that crisis.

At the end of the seminar, a statement was prepared summarizing the consensus of the participants. They concluded that the general revenue sharing proposal of the Nixon administration should be substantially rewritten, if it is passed at all. They enthusiastically endorsed the assumption by the Federal Government of full responsibility for public assistance. And they favored expansion of the categorical grant system, along with consolidation of the categories into block grants along the lines of—but not necessarily going as far as—the President's special revenue sharing proposals.

The seminar discussions were based upon three papers; by Prof. York Willbern of Indiana University, Assistant Secretary of the Treasury Murray L. Weidenbaum, and Lyle C. Fitch, president of the Institute of Public Administration, which is located in New York City. The summary of the views of the seminar was prepared by James L. Sundquist, a senior fellow of the Brookings Institution here in Washington.

I ask consent to have printed in the Record Mr. Sundquist's summary. I am advised that the publication containing all four papers is available to any Member of the Congress, upon request, from the National Academy of Public Administration, 1225 Connecticut Avenue NW., Washington, D.C.

There being no objection, the article was ordered to be printed in the Record, as follows:

REVENUE SHARING AND ITS ALTERNATIVES: A REPORT FROM THE HARTFORD SEMINAR

(By James L. Sundquist)

If the twenty-six men who met in Hartford, Connecticut, over three June days to discuss the crisis in American federalism are representative of the profession of public administration, then it is that profession's considered judgment that President Nixon's proposal for general revenue sharing is not well-designed to overcome the strains and weaknesses in the federal system.

At the conclusion of their fourteen hours of intensive discussion and debate, most of the participants could be counted in two groups: those who approved general revenue sharing but favored major changes in the Administration bill, and those who would abandon general revenue sharing altogether and seek to provide additional federal assistance to states and local governments through other means.

As one of those means, the Seminar as a whole enthusiastically endorsed welfare reform. It was all but unanimous that the federal government should assume full administrative responsibility for public assistance, as the President has proposed in his Family Assistance Program, and should assume greater financial responsibility as well, at least on the scale he has recommended.

Most of the participants also favored expansion of the existing categorical grant system as a means of extending federal assistance, and they favored as a general principle the consolidation of narrow categories into broader "block grants," along the lines of—but not necessarily going as far as—the President's "special revenue sharing" proposals.[1]

On the whole, there was more agreement than disagreement in the course of the discussions. The Seminar had little trouble agreeing on the advantages and disadvantages of each of the three principal alternative ways of providing additional federal aid to state and local governments. The disagreement was on the values assigned by individual participants to those advantages and disadvantages. Practitioners and students of public administration can claim no particular superiority in making value judgments. But if they can assert a special competence to assess the consequences of particular choices upon the federal system, then the points of consensus or near-consensus that were developed in the discussion, and the points of non-consensus that remained at the end, are worth attention.

What follows is an attempt to identify those points. It is labeled a report *from*, rather than *of*, the Hartford Seminar, since it was neither prepared nor reviewed by the conferees collectively. It is, however, based upon a transcript of the proceedings, and the rapporteur also had the advice of Seminar participants who reviewed an initial draft.

Three papers served as points of departure for the several stages of the discussion—York Willbern's outline of what is wrong with the federal system; Murray Weidenbaum's description of the Nixon revenue sharing plan; and Lyle Fitch's analysis of alternatives to that plan. The response of the Seminar to general revenue sharing and to the two principal alternative ways of aiding state and local governments—welfare reform and expansion of categorical grants—will be summarized in that order.

GENERAL REVENUE SHARING

Weidenbaum based his case for the Administration's general revenue sharing proposal on four arguments:

(1) It would ameliorate the "fiscal mismatch" between needs and resources.

(2) It would improve the progressivity of the national tax system as a whole.

(3) It would encourage government reform.

(4) It would decentralize power from Washington to the states and localities.

The Seminar agreed that the first three of these are desirable objectives, if they are in fact served by general revenue sharing. But the fourth provoked a debate over basic principles that remained unresolved. Weidenbaum, in urging decentralization to "reverse the course of recent history," contended that many of what have been labeled national problems—water pollution control, for example—are really local problems. The attempt to solve local problems from Washington, he argued, had attenuated state and local governments, reducing them to the role of agents of the national government. He was supported by some who deplored the incompetence of the federal government in discharging the responsibilities it had assumed. The national government is handicapped by weak party discipline, by the seniority system, by deadlocks between the President and the Congress, by cumbersome bureaucratic processes. "It is the inability of the national government to deal with problems that gives revenue sharing its plausibility," observed John Shannon.

Defenders of recent history responded that states and cities, too, suffer from the ills that handicap the national government—policymaking deadlocks, inertia, and administrative incompetence. They contended that state and local governments had in fact not been weakened but strengthened and broadened by being thrust into new fields of action. In any case, national leadership in setting national priorities and coping with current problems was indispensable.

Perhaps the consensus on this question, if one were reached, was that ideological disputation was fruitless. Moreover, it could only damage the revenue sharing cause. Among those who support the view that only the national government can set national priorities are many who are prepared to accept revenue sharing as itself serving a high-priority national purpose and hence not incompatible with their philosophy. To present the proposal as a rejection of that philosophy is to alienate potential support.

So that Seminar terminated quickly the ideological debate and concentrated instead upon a consideration of how well the President's revenue sharing proposal serves the first three of Weidenbaum's objectives. Is it the best instrument for correcting the fiscal mismatch—indeed, does it define the mismatch properly? Is it the best means of improving the equity of the tax system? Is it the most effective device for bringing about governmental reform? The consensus in each case, for reasons that will be set forth in the appropriate section below, was in the negative.

THE FISCAL MISMATCH

The term "fiscal mismatch" refers to the contention that states and local governments face far greater difficulty than does the federal government in raising revenues to meet the demands placed upon them. This disparity goes back to the nature of the two taxing systems. As the national income rises, the taxes upon which the federal government mainly relies (individual and corporate income taxes) rise automatically at a rate faster than income, while those upon which state and local governments depend most heavily (sales and property taxes) rise, in the aggregate, at a rate slower than the national income. Thus the federal government, as the economy has grown in the postwar years, has found it possible to reduce its tax rates repeatedly; tax cuts since 1964 amount to $25 billion annually, at current income levels.[2] On the other hand, state and local governments have been forced to raise their tax rates at regular intervals ever since 1945, just to keep pace with inflation and maintain a constant level of services.

City Manager John Wentz put the case for the cities:

"City officials are not advocating revenue sharing in the sense of raiding Uncle Sam's pocketbook, because it's worn thin, too, and we know it. It's just that, somehow or other, the cities need to be tied to an automatically-escalating revenue base. It's just coincidence, perhaps, that that happens to be the income tax as structured and collected by the federal government. It isn't that cities particularly like to go to the federal government; it's just that they will be underfunded as long as they are tied to a revenue base that doesn't grow at about the same rate as expenditures increase for continuing established service levels."

The cities' plea encountered some misgivings, expressed by various members along these lines:

1. The "crisis of the cities" is overstated. Sure, it is painful for city officials to reduce budget requests, deny wage increases, and raise taxes, but most cities have been able to balance their budgets and still maintain an adequate level of services.

2. Insofar as cities are in trouble, it is in part their own fault and within their power to remedy. They have yielded too readily to excessive wage and salary demands, and they have failed to insist upon reasonable standards of productivity. The normal workweek in the city of Newark, as an example, is thirty hours. Unrestricted funds to cities would contribute to salary and wage inflation because the supply of local government services tends to be inelastic. "Where funds are at hand, or where people have the idea they can get funds without going to the taxpayer, there is much greater pressure from the negotiating parties—such as unions—than there is where they have to go directly to the taxpayers," James Norton argued. "And the possibility of changing programs is much less if you have to do it out of unrestricted funds. So free money is not going to show up significantly either in program changes or in increased productivity."

3. The states have both the responsibility and the resources to rescue their cities. Not only are they abdicating their responsibility to the cities but they are compounding their default by asking for additional federal assistance themselves. If the people of the other forty states made as great a tax effort as those in the ten states with the greatest effort, Arthur Fefferman pointed out, they would raise another $18 billion for state and local purposes.

4. The "crisis" is therefore not just a money crisis but also what William Robinson called a "crisis of citizen support"—political as well as fiscal. City executives do not enjoy enough citizen support for their taxing systems, which are challenged on equity grounds and yet must be turned to for annual rate increases. Nor have the cities been able to muster the political will in their respective states to cope with growing urban problems.

5. But the national government, whatever its political will, does not have unlimited resources either. It is currently running a large deficit, and its fiscal outlook is far less favorable than it was a few years ago, when the revenue sharing idea was first put forward. Moreover, if it assumes responsibility for solving the urban crisis, that will only set back the day when city and state governments will come to grips with problems of productivity, inflation, and inadequate revenue systems.

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[1] At the conclusion of the seminar, each participant was asked to express his views in answer to a general question: Given the approximately $9 billion set aside in the President's budget for major new forms of assistance to state and local governments (general revenue sharing, $3.7 billion, and welfare reform, $5.5 billion), how should that money be used to get the best results? The above generalizations as to the views of the Seminar, and other generalizations that appear below, are based on the responses to that question, as well as on comments made during the three days of discussion.

[2] Increases in social security taxes have offset part of this loss.

Despite these widely-shared misgivings, the Seminar did not deny that a mismatch, in some form and to some degree, does in fact exist. Nobody proposed that the pleas of the cities be simply rejected outright and the federal funds now set aside for revenue sharing diverted into another round of federal tax reduction. If the "crisis" is not universal, at least many central cities—overwhelmed with the problems of a poverty population as affluent taxpayers have fled to the suburbs—are in what Willbern called their "death throes" and desperately need a financial transfusion, and all cities are trapped by reliance on revenue sources insensitive to fluctuations in the economy. While instances of excessive salary and wage increases can be cited, that is certainly not the whole of the problem, and the facts about wage levels are by no means clear; some increases have been necessary to bring underpaid public employees up to the standards of their counterparts in the private economy. So some help, at least, is justified, and only the federal government is likely to provide it. Even if the problem is conceded to be, in large measure, a disparity of political rather than fiscal resources, then that too is a fact of life, and the superior political resources of the national community should be utilized to cope with the problems that states and cities have lacked the will to solve.

Moreover, the fiscal plight of state and local government is in part a reflection of the national government's own default, for some of the heavy burden placed on those levels—notably welfare and education costs—are for functions that are logically national responsibilities. The logical justification for the property tax, argued Carleton Sharpe, is to pay for services that benefit property. Welfare and education are services to people, not to property. They are "equality of opportunity" functions (in Wilbur Thompson's words) or "redistribution of wealth" functions (in Howard Hallman's), and opportunity should be equalized, or wealth redistributed, not just locally but nationally.

So the Seminar was unanimous that some kind of federal action was demanded. But insofar as local fiscal problems arise because inappropriate functions—that is, welfare and education—are made the financial responsibility of local government, the solution is not to pass funds down to the localities to help them support those functions, but rather to reallocate upward the basic financial responsibility. The Seminar therefore gave its specific support to the proposed reallocation of responsibility for public assistance, discussed below.

Even when that action is taken, some degree of mismatch will remain. But to cope with it, the Seminar would prescribe a course quite different from the one the President had followed.

The prime weakness in the Nixon plan, in the majority view, was that it dealt with only one aspect of the fiscal mismatch, and perhaps not even the most important one. While it would serve to reduce the disparity between the needs and resources of the federal government, on the one hand, and the totality of state and local governments on the other, it would do nothing at all to overcome the enormous disparities *among* the fragmented local jurisdictions that make up metropolitan areas. If the central cities had access to the resources of the rich suburbs that surround them, most of them would need no additional federal assistance. It becomes, therefore, "almost an obscenity," as one participant called it, for a federal revenue sharing plan to give as much—or nearly as much—assistance per capita to the rich enclave of Edina, Minnesota, as to Minneapolis, and even more to Beverly Hills, California, than to Los Angeles (even though these are exceptional cases). Inclusion of the Edinas and Beverly Hills among the beneficiaries of revenue sharing might be required as a matter of political tactics, the Seminar acknowledged, but it could be defended on grounds of equity. Leaving political considerations aside, the members all but unanimously agreed that "the money should go where the needs are." The needs were in the central cities; the limited available funds should be concentrated there. There was no attempt to agree on any single distribution formula: to make more money available for the central cities, some would simply substitute a formula which gave far greater weight to need, but others would eliminate entirely certain classes of beneficiaries. Fewer than a third of the participants favored general revenue sharing aid to state governments. Only the same proportion would support aid for all local jurisdictions. The two-thirds, if they supported general revenue sharing at all, would confine it to the needy cities or, at most, cities and rural areas that demonstrated need.

The preference for needy cities over needy states reflected another point of consensus or near-consensus: the states have it within their power to solve their own problems, while the cities do not. Most state governments, dominated by rural and suburban interests, not only have refused to come to the aid of their desperate cities but have also failed to reorganize local government so that the cities can help themselves. They have acquiesced in the fragmentation of local government that has permitted affluent residents in each metropolitan area to flee the central cities for suburban tax enclaves and thus escape responsibility for shouldering their share of the fiscal burdens of the area. If the federal government gives aid to communities made up of persons dodging their responsibilities, it will be underwriting that undesirable trend and "rigidifying the fragmentation."

Proponents of including the states among the beneficiaries argued that to exclude them would be to encourage them to divest themselves even further of responsibility for urban problems. The object, they contended, should be just the opposite—and that course holds promise, for many states are already assisting local jurisdictions in a significant and constructive way. (New York, for instance, has a $500 million revenue sharing program to aid its own local governments.) Altogether, the states now provide ten times as much aid to local governments as does the federal government. Cutting off the growth of those resources would be a major loss.

Moreover, the states, if they are not brought to change their attitudes, hold enormous power to thwart the cities. If the aid goes only to the cities, the states can simply cut back on present assistance so that nothing will be gained. "By-pass the states completely, and there are a hundred and one ways that they can take it out on local government," commented Shannon. "It will be the night of the long knives. The cities cannot afford to become wards of the federal government." And perhaps a factor contributing to the states' lack of leadership is financial stringency that has inhibited imaginative new departures in urban policy; revenue sharing would thus be a key to releasing the energies of the states.

Finally, if the federal system is a "system" at all, it would be folly to attempt to deal with pieces of the problem separately—without taking into account that those pieces must be put back together to operate effectively as a system.

But the majority was unconvinced. The states, in the majority view, are not standing by with innovative measures, just waiting for funds. Some participants expressed profound skepticism that state government can ever be reoriented toward a concern for urban problems, no matter what the federal government may do; for some reasons that are little understood beyond the speculation in the Willbern paper, the combination of political forces that comes together at the state level seems to be inherently and inevitably less responsive to the large cities than those that come together at the national level. Most states, George Graham suggested, "have lost the habit of mind, the capacity, the willingness to be effective governing agents, in the sense that they take initiative, address problems positively, and devise programs." Dominic DelGuidice thought the states would be slow to create strong metropolitan governments that would "present elected state officials, particularly governors, with a direct challenge in terms of power and influence within the state." The national government should recognize, then, that city problems have to be solved through the combined initiative of local and national leadership, and that combination can best be effected through direct relationships between Washington and the cities without the intervention of the states. Other participants did not accept this line of argument but would exclude the states on the narrower ground that the cities' needs were so urgent that the limited funds should not be divided with the states. Little of the states' share it was assumed, would "trickle down" to the cities.

TAX EQUITY

No one denied that general revenue sharing would help to preserve the progressivity of the national tax system, insofar as it forestalled cuts in progressive federal taxes and retarded increases in regressive state and local taxes. But a given amount of federal assistance to state and local governments, whether $3.7 billion or $5 billion or more, would have approximately the same effect in any form in which it came—provided it was not financed by adoption of a regressive federal tax, such as a value-added levy—and an increase in federal aid, by itself, would appreciably improve the present degree of progressivity. That would depend upon the substitution of progressive taxes for regressive ones, primarily at the state level, and neither the revenue sharing plan nor its alternatives would influence the states to recast their revenue systems.

To those who felt most strongly about the objective of tax equity, the failure to seize upon the opportunity to bring about state tax reform was a major weakness in the President's revenue sharing program—as well as in most of the modifications of that proposal currently under discussion. The introduction of a broad new form of financial assistance into the intergovernmental system presents a chance to influence state and local tax structures that may never appear again. Yet, as proposed, the revenue sharing plan is not made contingent upon tax reform. It contains no requirement, or even any incentive, for states that have failed to adopt progressive income taxes to do so. It provides no bonuses for those that have. The President's proposal does offer rewards for greater tax effort, but it gives the same reward to states that increase taxes falling heavily on the poor as to those that increase taxes borne mainly by the affluent. It does nothing to bring about professionalization, and equalization, in property tax assessment. It would be a simple matter, contended Laszlo Ecker-Racz, to devise a revenue sharing plan that would serve these purposes of tax reform (a suggestion the Administration has not opposed)—but it would mean abandonment of the principle that revenue sharing should be "unconditional." Ecker-Racz also insisted that a tax credit plan could readily be developed as a substitute for revenue sharing, that would overcome the objections set forth in Weidenbaum's paper.[8]

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[8] See his "The Federal Income Tax Credit," Chapter 10 of *Federal-State-Local Fiscal Relationships* (Tax Institute of America, 1968).

GOVERNMENTAL REFORM

Tax reform is only one aspect of governmental reform at the state and local levels. The Seminar agreed with Willbern's identification of the major weaknesses of state and local government and agreed, also, that one of the criteria to be used in judging any revenue sharing or alternative proposal should be its effect upon those weaknesses. There was little sympathy for the suggestion that the federal government should refrain from passing judgment on state and local governments and leave it entirely to them to identify their own shortcomings and deal with them. The weaknesses of those levels of government are, in the general view, so important an impediment to the achievement of national objectives that they are in themselves a national problem to be solved through national action. Indeed, it is those deficiencies that have created the crisis of federalism that the federal government is now moving, through revenue sharing or an alternative, to meet. It would be folly, the Seminar held, if the federal government in pouring out funds to overcome the consequences of those deficiencies did nothing to remove the causes. As a condition of its grants, the federal government is duty bound to make certain that the recipient administrative organizations attain at least a minimum level of competence. Yet general revenue sharing ignores that necessity and, in the view of many Seminar participants, would actually reinforce institutional weaknesses by "handing out large chunks of money to incompetent organizations."

There is much precedent for federal action to bring about reform of state and local government. These precedents were cited:

(1) Merit systems have been required in agencies administering federally aided programs.

(2) Planning has been required as the basis for grant applications, and planning agencies have been financially assisted.

(3) Councils of Government (COGs) and metropolitan planning agencies, with authority, have been created or strengthened as the result of financial assistance and requirements that applications for federal grants be reviewed by such bodies.

(4) Multi-county bodies have been created in nonmetropolitan areas by state and local governments, as the result of federal initiative and assistance.

(5) Citizen participation in planning and administration of various federally aided programs has been a federal requirement.

Individuals might disagree—and they did, in the Seminar—as to the desirability of some of these requirements. But in any case the efficacy of federal intervention has been proved. Through carefully-designed conditions imposed on grants, the federal government can now induce reforms of many other kinds. It can move to strengthen the power and administrative capability of governors and mayors. It can require an adequate fiscal effort by recipient governments. It can encourage tax reform. It can provide inducements, Theodore Smith suggested, for suburban communities to accept the movement of poor people out of the central cities. It can stimulate states to take the necessary initiative to rationalize—perhaps through two-tier government—the fragmented governmental structures in metropolitan areas. It can further strengthen the emerging multicounty coordinating bodies in nonmetropolitan areas and encourage the establishment of effective substate districts to administer certain functions. "Profound, fundamental, basis institutional reform" is needed in local government, Arthur Naftalin argued; that requires action by state legislatures, and state action will not occur unless the federal government offers "a great, big, irresistible carrot."

A general revenue sharing program might be made the vehicle for federal intervention in some of these matters, but it would be unsuitable for most. Many of the structural reforms to be desired are too specific to be made conditions of a broad and general grant. Fiscal reform would be appropriate; revenue sharing could be made contingent, for example, upon state adoption of income taxes of a prescribed degree of progressiveness. But even in the fiscal field, a more direct and probably more effective way to bring about the professionalization of property tax assessment, for example, would be to provide federal assistance to help pay the salaries of professional assessors.

The participants expressed little support for the plan of Senator Humphrey and Representative Reuss to require the development of state governmental reform plans as a condition of revenue sharing. Since the state plans would be unenforceable, the planning process would be only an exercise. For most types of governmental reform that the national government might elect to foster, the categorical grant system provides the most suitable and effective means.

WELFARE REFORM

The Seminar was unanimous that the federal government should assume (a) administrative responsibility for the public assistance program that is now administered by the states and (b) greater financial responsibility for that troubled program.

A majority of the participants gave welfare reform a higher priority than general revenue sharing because major improvement is needed in the welfare system as an end in itself, quite apart from the fiscal relief it may give to state and local governments. Fundamentally, as observed earlier, welfare is a national—not a state or local—problem and should be accepted as a national responsibility. This is accomplished in the Family Assistance Plan proposed by the President. That plan places an income-redistribution function at the right level of government; "the local community is a very difficult arena in which to negotiate the transfer of wealth from the haves to the have-nots, for the constituency is too narrow," observed Henry Schmandt. Not only is it difficult but it exacerbates tensions in the community, as described by Fitch:

> "It [local administration of welfare] gets in the way of the whole civic process and the civic debate. The city employees say, "Why can't you raise our salaries instead of supporting those welfare deadbeats?" Then, when they do raise the salaries, the tax rate goes up, and the taxpayers say, "Why do we have to pay higher taxes to support the welfare deadbeats?" The fact that the salary and tax questions are related doesn't come through, and the whole process of civic confrontation gets more muddled. I submit, largely as a trial balloon, that the process of civic debate would be enormously improved if you moved this and other income-redistribution issues out of the local and up to the federal arena."

In accepting national responsibility for welfare, the national government would at once raise to a minimum national standard the welfare payments in those states that now have deplorably low levels of public assistance. It would establish uniform rules for eligibility. It would extend assistance for the first time to the working poor. And it might reduce somewhat the migration of the indigent from the present low-standard states. In short, the assumption of welfare responsibility by the national government has the effect of a conditional grant, in that it accomplishes a national objective while providing financial aid as well.

From the standpoint of the states, there is little to be gained by the maintenance of a federal-state system. Policy directives from Washington to the states are profuse and conflicting. Federal departmental officials say one thing and General Accounting Office auditors another. "It's a long history of negotiating back and forth," said State Auditor Ernest Davis, "and state legislatures become increasingly tired of being told, 'You have to do this because the federal grant requires it.' Let's get the states out of this business of simply being the sprinkler head through which all this federal largess flows. If you are going to have a *federal* welfare system—which is what we have—then let's get the states out of it altogether. There is no reason for us to be there."

As a form of financial relief for state and local government, however, welfare reform was criticized on two grounds. First, like revenue sharing, it does not necessarily channel the federal financial assistance to the places where the needs are greatest. The bill approved by the Ways and Means Committee would establish a uniform national standard of $2400 for a family of four. States now paying less than that amount would be relieved of their entire welfare expenditure but states with the highest standards would receive proportionally less financial relief (though in many cases more dollars).

But, came the reply, the formula approved by the Ways and Means Committee is not the final one. It can and should be improved—this year if possible, certainly in future years. By any of several ways, financial aid could be channeled to the high-standard states that get no fiscal help from the bill now pending. One way would be to raise the $2400 level. A second would be to establish differences in payments based upon living costs (high-standard states are usually also high-living-cost states). A third would be to provide for federal assumption of all or part of the added cost of maintaining payments in the high-standard states at their present levels.

A second line of criticism was that few cities would be directly helped by welfare reform, for welfare is a federal-state or federal-state-county function. To this the advocates responded that cities would get some help indirectly. If county taxpayers are relieved of welfare costs (less than ten percent of the total is paid by the counties), then those taxpayers who live within cities can be taxed more heavily for municipal functions. If the states (which provide 35 percent) are given fiscal relief through federal assumption of welfare burdens, they would be in a better position to help the cities. The governor of Pennsylvania, for example, has committed himself to recommending that any such relief to his commonwealth be passed on to local jurisdictions through state assumption of responsibility for financing education.

However slow, uncertain, and indirect any such aid to the cities might be, it was noteworthy that the Seminar appeared receptive to the argument that some aid would "trickle down" as the result of welfare reform—even though it had earlier rejected the same argument when it was advanced in support of including the states among the beneficiaries of general revenue sharing. If the prospects of any direct help for the cities as a result of aid to the states is the same in either case, the explanation for the difference in the Seminar's reaction must lie in its endorsement of welfare reform as a basic advance in public policy and administration apart from its fiscal impact. Welfare reform appealed to the participants precisely because it is a reform, while the absence of any kind of structural reform in unrestricted revenue sharing made it less attractive as an instrument of fiscal aid.

EXPANSION OF CATEGORICAL GRANTS

The Seminar agreed with the criticisms of categorical grants set forth in the Willbern paper. There are too many categories. They are too narrow. They are too rigid. Many have lost their relevance. The conditions imposed by the administrators are too detailed and too arbitrary. They result in red tape, misunderstanding, delay, tension and conflict between administrators at different governmental levels. They enhance the authority of program specialists at the expense of governors and mayors, and lend themselves to influence and control by special interest groups. They vitiate local planning and distort local priorities; in Hartford, said John Walsh, $1.5 million was being spent on low-priority streets, because of the availability of a federal grant, while high-priority arterials were neglected. As seen by the recipients, the categorical grant system has the inherent shortcoming of being categorical—it provides no relief for the increasing costs of basic state and city operations that do not fall within the list of aided functions. And if the fund distribution at any given time does not accord with state or local judgment as to priorities, neither does it embody a rational balancing of needs from the national perspective. The whole categorical grant system, in Norman Lourie's summation, reflects "professional self-interest rather than the public interest."

Yet two-thirds of the seminar participants advocated expansion of the total volume of categorical grants. Some of those specified their favorite categories—education, anti-pollution programs, urban programs, or something else—but all of them saw a need for the national government to establish national objectives, in whatever field, and employ the national resources for their achievement. If the proponents of general revenue sharing based their case in part on the view that decentralization of some of the decision-making now centered in the federal government will produce better decisions as to how the national resources should be spent, the proponents of categorical grants based their case on the opposite view—that only the national government can exercise the power and leadership necessary to solve critical social problems in a society whose economy is nationally integrated and whose population is highly mobile. The states and localities must be induced to use their own power and leadership in support of the national objectives, and the means of inducing them is the categorical grant. With all the acknowledged deficiencies of the existing categorical grant system, it had succeeded in concentrating the national energies on certain priority problems—the plight of the poor and the black, the needs of the cities, environmental pollution, and so on. Moreover, its deficiencies could be overcome. Rather than being scrapped, it should be repaired and utilized. And, said Phillip Hughes, such remedial action would not be insuperably difficult:

"We know we have too many categories, and we know what could be done about that, if we set out to do something. It would not be something that you could label "new," "different," "spectacular," "power to the people," and so forth, but it is doable and it would be profitable. And we know there are too many conditions on the categories that we have, and we could do something about that—tomorrow, the next day—by simply eliminating some of the review processes.

"It seems to me, the way out of our mess is to do what we know, with reasonable assurance, is worth doing. And, somehow, we avoid that, in the interest of remaking the world, and I think revenue sharing is an example."

Perhaps Naftalin expressed the central reason that brought from a majority of the Seminar its strong endorsement of expansion of the categorical grant system either as a substitute for, or a supplement to, general revenue sharing:

"The most urgent need today is for a definition of priorities, of what this nation ought to be doing. That definition cannot emerge from fifty states and countless localities. It is a study in illogic to devolve responsibility for making national policy upon units of government incapable of doing that. To follow that approach would be to run away from responsibility.

"The only solution we have is to assist upon national attention to national problems—problems of wealth distribution, of education, of the social condition of the people, of drugs, crime, delinquency, and all that goes into that. As a mayor, I have found myself, personally, paralyzed in trying to deal with the problems of a locality when there is no national commitment. And if it's bad in 1971, it's going to be worse in 1975, because our needs are going to become more national. Nothing is going to happen at the municipal level until the states enable the cities to move, and the states aren't going to move until they move within the framework of a national commitment."

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RECENT CHANGES IN U.S. POSITION TOWARD COMMUNIST CHINA

Mr. DOMINICK. Mr. President, many people in this country are extremely dubious of recent changes in our position with regard to Communist China, particularly with the lack of apparent reciprocal changes on the part of the Chinese. Mao's government continues to affirm its belief in the use of force to aid the "liberation" struggles of people everywhere.

A part of this skepticism can be attributed to increased Chinese efforts in Latin America, including the establishment of diplomatic relations with Chile, reestablishment of top-level diplomatic relations with Cuba, expansion of trade relations with Chile and Peru, and recent exchange visits of Latin American and Chinese officials.

Shifts in the positions of our own allies, such as Japan and Canada, and the new diplomatic initiatives of the U.S.S.R. toward our friends around the world should also cause us some concern. In U.S. attempts to establish a new understanding with the Communist Chinese, we must not fail to continue consultation with our allies, lest we become unnecessarily isolated and serve as the catalyst for hasty new alliance among Asian countries.

Mr. President, I ask unanimous consent that various articles dealing with the question of admission of Communist China to the United Nations, Chinese intervention in liberation movements, shifts in the positions of our allies, and changes in our own policies in the Far East be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 29, 1971]

PEKING'S EFFECT ON THE U.N.: SOME SPECULATIONS

(By Stephen M. Schwebel)

The prospect of the People's Republic of China's being seated in the United Nations this year or next is promising enough to merit consideration of its probable effects. These should be considerable.

The principal positive effect may be to revive the United Nations as a focal point of world diplomacy. For some years that role has been diminishing. Apart from the Middle East, the major political problems of the day have increasingly been dealt with, or fought over, outside the United Nations framework. And even in the Middle East the genuinely important negotiations have been conducted not under its auspices but those of the United States. What were hallmarks of successful United Nations endeavor—conciliation and the cease-fire—became triumphs of great power diplomacy with Tashkent and Suez.

It has been thought by some that a factor in the declining U.N. role has been the absence of Communist China. To be sure, Peking, apart from a fleeting appearance in 1950, has always been absent—but Peking has not always been so important. How, it was asked, for example, could Vietnam be dealt with in a Security Council from which one of the real parties-in-interest was debarred? How would the United Nations grapple with wars of liberation when their most vigorous great power sponsor was excluded? How could the organization hope to promote worldwide reduction of armaments through agreements which an atomic power was not invited to negotiate? How could the United Nations deal effectively with the border war between India and a China whose representatives it refused to seat?

Beginning with Trygve Lie in 1950, three secretaries general of the organization have recurrently raised questions such as these. They, and devoted U.N. members like Sweden, have pressed over the years for the seating of Peking. A member of the organization, Mr. Lie said in 1950, should be represented by the government that "in fact is in a position to employ the resources of and direct the people of the state in fulfillment of the obligations of membership." That, he said 21 long years ago, was the government in Peking.

That questions such as these have some point, however, is hardly to suggest that the seating of Peking will bring the answers. The United Nations as a forum for diplomatic negotiation of great problems may revive. But whether that negotiation will then be productive is anything but certain. In fact, the prospects of progress, of achieving equitable solutions of international problems through peaceful means may, at least for a time, be retarded rather than advanced by Peking's emplacement in a position of United Nations power. Moreover, the prospects of the United Nations progressing beyond a facility for conference diplomacy to an agency for effective collection action for the international common good surely will not be promoted by the participation of a second Communist great power.

With Peking's accession, the Security Council may well revert to the days of the Stalinist freeze. The veto may find itself more than ever in vogue. Charges of Stalinist wrecking tactics might seem sweet to those to whom Stalinism is an expression of stalwart ideals and institution-wrecking an expression of "cultural" revolution.

The Security Council could become a cockpit of a competition of which the United Nations as a whole will be the stage: a competition between Moscow and Peking as to which is more radical, which is more truly Communist. Each may seek to outdo the other in demonstrations of attachment to manifestations of extremism in the Third World. There is the danger that the admission of an intractable Communist China will make the Soviet Union more intractable than it has been in years—the years since Stalin's death. If so, it is not unlikely that Moscow will find that this is a competition it cannot win, that it can always be outflanked on the left by irresponsible proposals it pays neither to top nor take. In any event, the spectacle will be worth watching.

If the Security Council is immobilized, there should be a revival of interest in the much, perhaps deservedly, depreciated General Assembly. In the years before the General Assembly came under the sway of the Asian-African caucus, it was the focus of American hope for the United Nations. The "Uniting for Peace" resolution of 1950 was the high point of that hope, investing the Assembly with the means of recommending collective measures to maintain peace. The hope was maintained and implemented until the fateful struggle, a dozen years later, over whether peacekeeping assessments of the General Assembly could be made to stick. The Soviet bloc and France refused to pay their legally binding financial obligations (which they have not paid to this day). In the midst of that struggle, some leading figures of the American establishment were stricken with the thought that preservation of the Assembly's power of assessment was more dangerous than desirable. The Assembly has never regained the confidence it then lost,. not, paradoxically, because the small states which controlled it took action against the great powers which did not; on the contrary, it was because the small powers demonstrated that they were not, whatever the provocation, prepared to assert United Nations prerogatives against certain great powers. Moreover, the Assembly's stock has declined as its bounds have widened; the larger the inflow of mini-states, the less seriously can the Assembly be taken.

But if Peking immobilizes the Security Council, the potential of the General Assembly will necessarily revive, or the organization will suffer new lows of ineffectiveness. It will be interesting to see what Moscow does in these circumstances. It could adhere to its ingrained support of a Security Council monopoly in the peacekeeping sphere. But it is perhaps likelier that its pragmatism will episodically govern. In the Suez crisis of 1956, when British and French vetoes frustrated the Security Council, the Soviet Union acquiesced in bold action which a bold secretary general led the General Assembly to take. That precedent could have much wider field for play when Peking comes to sit in the Security Council.

Prospects for the remaining principal organs of the United Nations being reinvigorated by Peking's accession are uncertain. The doctrines of cooperative economic development cherished by the Economic and Social Council (and the U.N. Specialized Agencies) do not seem calculated to appeal to Mao Tse-tung. It would be surprising if Peking is more than vaguely aware of the existence of the International Court of Justice. (It doubtless will be brought to its attention, however, that the court lacks a Chinese judge.) Lack of interest in Peking in the Trusteeship Council may be excused, since only two Trust Territories remain, though the fact that both of them are in strategic corners of the Pacific may not go unnoticed in Peking after all.

That leaves the Secretariat and its chief, the secretary-general. The seating of Communist China is likely to cause distress to, perhaps even dismissal of, some Chinese members of the secretariat. As international civil servants responsible only to the organization, in law they should be unaffected. As Chinese who have not demonstrated their attachment over the years to Peking, they may in practice be profoundly affected. Totalitarian regimes, whether Fascist, Communist, or bare-faced, have rarely shown comprehension of, still less sensitivity to, international obligations to respect the independence of the international secretariat. Here much will depend on the courage and skill of the secretary-general.

That, in turn, will depend on the person of the secretary-general who, if Peking is not seated until next year, may not be U Thant. U Thant has indeed repeatedly disclaimed willingness to be re-elected. His term expires in less than six months. The United States, the Scandinavian members, and some others appear to be taking seriously U Thant's indication that 10 years are enough. But not the Soviet Union, which seems to be avoiding negotiations over his successor on the ground that there will be none. Moscow appears content with the *status quo*. It may accordingly turn out that U Thant is kept in office, if not for a third five-year term, then for an interim period of some two years. That should be long enough to ensure that negotiations over his successor will take place not only with Washington, London and Paris, but Peking. Why that should be an aim of Soviet policy is a special puzzle.

The answer to that puzzle may be that Moscow does not much care if there is a secretary-general. In fact, its proposal for a troika, at the height of its feud with Dag Hammarskjold, demonstrated that it then wished to institutionalize destruction of the office of secretary-general by displacing it with a triumvirate consisting of representatives of the East, the West, and the Third World. Where, it may be wondered, would Moscow see Peking's place in that kind of setup?

[From Life magazine, Aug. 27, 1971]

How To Live With Both Peking and Taiwan

(By A. Doak Barnett)

President Nixon's stunning decision to hold a summit meeting with China's leaders in Peking has shattered old myths and set off reverberations that will be felt around the world for many years. But summitry is, at best, a tricky business. What are the meeting's chances of success?

The most pressing and seemingly intractable barrier to bilateral U.S.-China relations, above all else, is the question of Taiwan and its future. The eventual recovery of Taiwan is one of Peking's fundamental national aims. The Chinese Communists cannot abandon this as a long-term goal, although they are capable of adopting a flexible tactical approach to achieve it. The U.S. while now prepared to be flexible on many aspects of China policy, cannot consider cutting its present ties with Taiwan or abandoning its defense commitment to the island. Essentially, we have only one fundamental obligation to Taiwan: to defend it against the possibility of military attack and prevent the imposition of any unwanted change on the people of Taiwan by outside military force. To cancel the American defense commitment under existing circumstances would involve totally unacceptable costs. Among other things, this might lead the Japanese to question the reliability of Washington's defense commitments and increase the chance of Tokyo's opting for a go-it-alone policy of independent remilitarization. Such a move would run counter to both American and Chinese interests, and could seriously destabilize the entire situation in Asia.

The most immediate Taiwan decision we face arises in the U.N. Secretary Rogers says that the U.S. will support Peking's admission to the U.N. and will try to keep a seat for Taiwan in the General Assembly. Peking currently insists that it can only accept a seat in the U.N. if and when Taiwan is expelled. It should be noted that Taiwan, with its more than 14 million people, has a larger population than two-thirds of the U.N. members.

Clearly, the U.S. cannot simply stand pat on policies that are obviously obsolete. It is equally clear that Washington cannot simply accede to Peking's views on the most critical issues. What then should be the basis for a new and more realistic U.S. policy toward China?

First of all, the U.S. government must now make explicit what is already implicit in President Nixon's decision to visit Peking, namely that we fully accept the People's Republic of China's sovereignty over the China mainland and now wish to establish formal diplomatic relations with Peking without prejudice to the future of Taiwan.

Second, we should continue to maintain friendly relations with the Nationalist regime, but we should also make clear to both Peking and Taipei that we intend to deal with and support the Taiwan regime only as the existing authority on that island, without in any way supporting its claim to be the government of all China.

Third, we should continue to honor our commitment to defend Taiwan against any external military attack, but we should remove all American military forces from the island and make clear that we have no intention or desire to use Taiwan as an American military base.

Fourth, and perhaps most important of all, we should adopt a completely open-ended position regarding the long-run political future of Taiwan. Our basic position should be that the ultimate solution of Taiwan's future is a matter that must be worked out over time, peacefully, by the Chinese people themselves. We should make clear that we will be prepared to accept any outcome—whether it is reunification, independence or some intermediate solution such as a Taiwan linked to China but with autonomous status—that is a result of peaceful processes and is acceptable to the people on Taiwan. If it seems desirable in our negotiations with Peking, we should be prepared to "take note" of Peking's claim to Taiwan, but without either endorsing or challenging it, making clear that we will not ourselves foster any particular long-run outcome, whether it be a "one China, one Taiwan" solution or a "one China" solution.

In the U.N., we should vote this coming fall for the seating of Peking in the Security Council as well as in the General Assembly. We should also continue to support—even if both Peking and Taipei oppose—separate representation for Taiwan in the General Assembly under a formula for "dual representation." Such a formula should be carefully worded to allow both Peking and Taipei to view it as providing "two seats for one nation," if they so choose, on the analogy of the triple representation which the Soviet Union now enjoys in the U.N. (with the Ukraine and Belorussia). But we must be prepared to accept the seating of Peking in Taiwan's place if majority support for a "dual representation" formula cannot be obtained.

If we adopt such a new China policy based on these positions, will we have gone far enough in changing our policies to induce significant compromises on Peking's part? Would there then be a basis for "normalization" of relations between Washington and Peking? Even if Peking is not likely to accept this "dual representation" formula immediately, this disagreement is not likely, in and of itself, to pose any insuperable barrier to normalization of U.S.-China relations. If the Chinese strongly feel that such normalization is in their interests, they are quite capable of dealing separately with problems of bilateral U.S.-China relations and those relating to the U.N.

The question of Taiwan's own long-run future is more difficult. It is certainly conceivable that if the U.S. changes its policies in the ways suggested above, Peking might show greater flexibility on its part over Taiwan. China's fears of the Soviet Union and anxieties about Japan could induce Peking to make major compromises to normalize Sino-American relations. Despite hints of flexibility, however, we must not expect too much. Peking might well stand pat on its long-established position that no formal diplomatic relations are possible with a country that maintains diplomatic ties with Taiwan. Would this mean that the forthcoming summit meeting is predestined to failure? Not necessarily, if the U.S. is prepared, as Peking might well be, to take major steps *toward* normalization of relations even if total normalization is not immediately realizable.

Despite the lack of official diplomatic relations between Peking and Tokyo, for example, China has more extensive unofficial contracts and trade relations with Japan than with any other foreign country. Perhaps even more to the point, Peking and London exchanged official missions long before China was willing to label them embassies or to acknowledge that official diplomatic relations had been established.

In short, if Washington and Peking are both determined to devise mechanisms to establish a new relationship, it should be possible to do so. We, on our part, should be prepared to approach the problem with open-mindedness and imagination. The reality of increased contact, communication and interaction will be more important than the form. If we can take the first steps on the road of mutual accommodation, this will constitute a great leap forward, even if full diplomatic relations are not immediately realizable.

[From the Christian Science Monitor, Aug. 28, 1971]

PEKING PLANS FOR CONGRESS

(By Henry S. Hayward)

HONG KONG.—Communist China's vast task of reorganizing its internal political structure at last apparently is complete. It is likely to have considerable future signifiance.

With the formation of new Communist Party committees in northernmost Heilungkiang province and in the Ningsia Hui autonomous region, a central desert area, the final 2 pieces in the array of 29 provinces now have fallen into place.

It has taken nine months to do the job, but when one remembers the control of an estimated 850 million mainland Chinese at provincial level was involved, the immensity of the task can be visualized.

Now that all the regional organizations have named their leaders, the way almost certainly has been opened to hold the long-awaited fourth National People's Congress (NPC).

One of the favorite guessing games of China-watchers long has been to set the date for this important NPC meeting, the first since 1964. The guessing began at least a year ago—and has proved consistently incorrect.

Since the Chinese themselves have officially announced the NPC would meet by the end of 1971, however, speculation now revolves around the date of Oct. 1, China's National Day.

"But," says one informant here, "remember that the important thing about the NPC for the Chinese is to get the party structure right. So long as the conference is eventually held, the date is not important.

"What is important is that the structure should not be thrown together just for the sake of appearances."

Among the duties of the congress, whenever it convenes, will be to announce a new state constitution and to name a replacement for ousted Liu Shao-chi as head of state.

It also must set a formal stamp of approval on other major appointments in the government.

Among leading contenders for the deposed Liu Shao-chi's title is believed to be Chairman Mao Tse-tung himself, the former holder of the title and the man who purged and vilified Mr. Liu at the onset of his "great proletarian cultural revolution" in 1966.

Some observers feel the Chinese would consider it appropriate—although not essential—for Chairman Mao to have his title restored officially before the visit of President Nixon. And that cannot be accomplished properly without a meeting of the elusive National People's Congress.

Before all the provincial committees, which had been thrown into chaos during the "cultural revolution," had been reconstituted, such a parley was difficult if not impossible. Now all the proper preliminaries seem to have been completed.

In common with most of the other provinces, the last two are headed by military men of the People's Liberation Army. This is believed to testify not only to the need for committee leaders with military experience in order to maintain order in some of the restive regions, but also to the Army's increasing involvement in political affairs even where no threat to internal security is apparent.

One of the few exceptions to this rule is the city of Shanghai, which has the status of a province due to its size. There the party committee is still dominated by protégés of Chairman Mao's politically minded wife, Chiang Ching.

Heilungkiang, meanwhile, has a long and disputed border with the Soviet Union. It was in the Ussuri River area there that Soviet Army troops clashed with Chinese soldiers in 1969.

Formidable troop concentrations still are maintained on both sides of this frontier, which may be one reason why the province was among the last to complete its party roster.

Ningsia Hui borders on the Inner Mongolian autonomous region, another sensitive area. Aside from such separate municipalities as Peking, Tientsin, and Shanghai, Ningsia Hui has the smallest area of any of the Chinese provinces and a small (by Chinese standards) population of 2 million.

[From the Christian Science Monitor Aug. 27, 1971]

JAPANESE GREET WANG WITH OPEN ARMS

(By Elizabeth Pond)

TOKYO.—Wang Kuo-chuan is fishing in troubled—and crowded—waters in Japan.

Officially Mr. Wang is in Tokyo to attend the funeral of Kenzo Matsumura, a long-time Liberal Democratic Party stalwart and advocate of better Japanese-Chinese relations.

But personal deference to a friend is far overshadowed by the political and diplomatic implications of a visit by the man who was the chief Chinese negotiator at the Warsaw talks with the U.S., is the first major mainland Chinese leader to come to Japan since the "cultural revolution," is most assuredly the first such to come here since President Nixon announced his trip to China and is believed to be Peking's top official directly concerned with Japanese relations.

All this means that businessmen eager to share orders from China and politicians eager to reap political advantage out of—or defend themselves against—the China issue are courting Mr. Wang's favor.

OTHERS TALK OF MEETING

Thus, the present secretary-general and a former chairman of the Japanese Socialist Party, the chairman of the Komeito Party, the chairman of the Democratic Socialist Party, the head of the Japan-China memorandum trade office, three members of the pro-Peking wings of the ruling Liberal Democrats, and even Prime Minister Eisaku Sato's chief Cabinet secretary were on hand to greet Mr. Wang when he arrived at Haneda Airport.

Pro-Peking LDP members have been meeting with Mr. Wang. The opposition JSP and Komeito, which have been badgering Mr. Sato to recognize Peking ever since President Nixon's China demarche became known, have said they will have functions welcoming Mr. Wang during his approximate week-long stay here.

The president of Sumitomo Steel has expressed a desire to meet with Mr. Wang. So has Prime Minister Sato himself, indirectly. And Mr. Sato, Tokyo journalist duly noted, went up to Mr. Wang both before and after Thursday's funeral service, shook hands with him, thanked him for coming such a long way, and sent his best regards to Chou En-lai.

Observers do not believe any more substantive Sato-Wang meeting will materialize. China has scorned the LDP China committee Mr. Sato established last spring during an election campaign and has been getting as much mileage as possible out of the pro-Peking opposition parties in Japan.

Additionally, Peking has been running a campaign against Prime Minister Sato and alleged Japanese militarism.

Meanwhile, Mr. Sato, tied to Taiwan by history and his party's right wing, and convinced that any overture to Peking by his government at this late date would only be rebuffed, preserves his China policy unchanged.

Mr. Sato is resisting American pressures to have Japan champion Taiwan's seat in the UN once more. Last week the government, pleading dissension within LDP councils, stalled past the deadline for submitting any resolution of its own on China to the General Assembly. But otherwise Mr. Sato is attempting no rapprochement with Peking.

[From the Christian Science Monitor, Aug. 27, 1971]

China's New Latin-American Policy

(By Prof. William E. Ratliff)

President Nixon's decision to visit Peking will give impetus to the rapidly improving position of the People's Republic of China in Latin America. This change may first be felt in the United Nations General Assembly this fall, when the issue of the admission of the Peking government comes up for discussion. But its longer-range effects may be important to domestic politics.

For two decades Latin America, partly as a result of pressures applied by the United States, has formed the largest and most predictable bloc opposing admission of Communist China to the United Nations. Prior to 1970 only Cuba, which recognized the Peking government in 1960, supported admission to the UN. After the inauguration of Salvador Allende Gossens as President in November, 1970, Chile became the second Latin-American country to vote for Peking's admission and, in December, the second to establish bilateral diplomatic relations.

The United States' move to "normalize" relations with Peking will doubtless encourage more Latin-American countries to begin serious negotiations for diplomatic recognition in the near future. Several countries, including Peru and Bolivia, who abstained from voting on the China question in the UN in 1970, have already taken tentative steps in this direction.

Chinese interest in Latin America has always been more political than economic, mainly because Latin America is in the United States' backyard. In recent months it has been demonstrated by:

Establishment of diplomatic relations with Chile;

Reestablishment of top-level diplomatic relations with Cuba for the first time since the Sino-Cuban dispute of the mid-1960's;

Expansion of trade relations, most importantly with Chile and Peru;

A contribution to storm relief in Chile in July valued at 2.5 million;

The reappearance of exchange visits of Latin-American vistors to China, and of some Chinese to Latin America.

The policy of the early 1970's seem to mark the beginning of a third major period of Chinese policy toward Latin America since the formation of the People's Republic in 1949.

During the first period, between 1949 and the early 1960's, the Chinese emphasized friendship with a broad cross-section of Latin Americans, based on an appeal to real and imagined common history, goals, and interests. Stress was placed on overcoming underdevelopment at home and opposition to "U.S. imperialism" abroad.

Chinese policy during the second period, the bulk of the 1960's, became increasingly doctrinaire as a result of the emerging Sino-Soviet dispute, the conflict with Cuba, and the Cultural Revolution. Guerrilla warfare was advocated in the seizure of political power, and continual criticism was leveled at the Soviet Union as well as the United States. During this period the Chinese were chiefly concerned with forming pro-Chinese Communist parties which shared their objectives.

The policy emerging today combines elements from the two earlier periods. The Chinese continue to appeal to a broad cross-section of Latin Americans. They speak mostly in terms of "nationalism" and the growing unity in the "antiimperialist struggle." An authoritative Chinese article last March, commemorating the centenary of the Paris Commune, stated that in Latin America "a new situation has emerged characterized by joint struggle for the defense of national rights and state sovereignty."

Recent Chinese commentaries make clear that the Latin-American governments are for the moment considered leading elements in the "antiimperialist struggle." The Chinese pledge support to these governments against the encroachments of both "superpowers"—the U.S. and the U.S.S.R.

At home, the Chinese call for Latin Marxist-Leninists to "revolutionize the masses" for the eventual confrontation with the domestic "reactionaries" who are for the moment a part of the "antiimperialist struggle." For in the end, the March article concludes, "historical experience shows that the seizure of political power by the proletariat and the oppressed people of a country and the seizure of victory in their revolution are accomplished invariably by the power of the gun."

Thus official Communist Chinese rhetoric appears to hold recent and future friendly contacts with Latin-American governments as temporary means. When (according to their own analysis) the revolutionary movement is sufficiently advanced, they fully support, and not merely from the sidelines, the violent seizure of power by "the masses and their party" in that "inevitable" people's war.

[From Intelligence Digest, May 1971]

China: A Frank Warning Ignored in the West

With China gaining so rapidly in international respectability—seven additional countries have established diplomatic relations with Peking in the past 12 months alone and more are in the process of doing so—the belief that she is genuinely bent on mending her violent, destructive revolutionary ways is becoming widespread. All seems set, in fact, for China's acceptance into the United Nations at an early date.

The Chinese, however, themselves seem disturbed about this tame international image they are gaining. They have therefore made a major effort to set the record straight. But, peculiarly, this has been almost totally ignored in the West lest it disturbs the prevailing mood.

UNBOUNDED CONFIDENCE

Peking's attempt to set the record straight has taken the form of a long re-statement of its revolutionary principles and guidelines, issued in commemoration of the centenary of the ill-fated Paris Commune under the title "Long Live the Victory of the Dictatorship of the Proletariat". It can correctly be called a fresh manifesto.

Of the centenary it states:

"The cause of the Paris Commune is [today] spreading far and wide, and at a higher stage in the new historical conditions. . . . Today the flames of the revolutionary torch raised by the Paris Commune are ablaze throughout the world, and the days of imperialism, social-imperialism and all reaction are numbered. In celebrating the centenary of the Paris Commune at such a time, Marxists-Leninists, the proletariat and the revolutionary people the world over have all the more reason to shout with unbounded confidence."

A FATAL ERROR

However, the important part of the re-statement of principles is under the heading: "It is of the Utmost Importance for the Revolutionary People To Take Hold of the Gun." The following extracts are taken from this section. According to Peking it reflects the thinking of the Chinese leaders today, and it is therefore best to quote it in the words chosen by the Peking leadership.

"This historical experience of the Paris Commune", it states, "has fully demonstrated that taking hold of revolutionary arms is of the utmost importance to the proletarian revolution and the dictatorship of the proletariat. . . . The 72 days of the Paris Commune were 72 days of armed uprising, armed struggle and armed defence. But the fatal error of the Paris Commune lay precisely in the fact that it showed excessive magnanimity towards counter-revolution. . . .

"VIOLENCE IS NECESSARY

"Violent revolution is the universal principle of proletarian revolution. A Marxist-Leninist party must adhere to this universal principle. Historical experience shows that the seizure of political power by the proletariat and the oppressed people of a country, and the seizure of victory in their revolution, are accomplished invariably by the power of the guns; they are accomplished [by] fighting a people's war on the basis of arousing the broad masses to action and by waging repeated struggles against the imperialists and reactionaries. . . .

"In the past decades, many Communist parties have participated in elections and parliaments, but none has set up a dictatorship of the proletariat by such means.

"THE PEOPLE MUST USE THE GUN

"Even if a Communist party should win a majority in parliament or participate in the government, this would not mean any change in the character of *bourgeois* political power, still less the smashing of the old state machine. If a proletarian party rejects armed struggle and makes a fetish of parliamentary elections, it will only lull the masses and corrupt itself. . . .

"The proletariat must use the gun to seize political power and must use the gun to defend it. The people's army under the leadership of a Marxist-Leninist party is the bulwark of the dictatorship of the proletariat, and among the various factors for preventing the restoration of capitalism it is the main one. . . .

"A TRIAL OF STRENGTH

"The contemporary liberation movement of the oppressed nations is an important component part and a great ally of the proletarian world revolution. The national democratic [liberation] revolution and the Socialist revolution are related to each other and at the same time distinct from each other; they represent two different stages and are different in character.

"However, to win complete victory in the national democratic revolution, it is likewise necessary to get prepared for a trial of strength with the imperialists and reactionaries. For the oppressed nations it is likewise most important to take hold of the gun."

DEMOCRACY REJECTED

There is, of course, much more in the same vein, and much repetition, to spell out clearly that China regards revolutionary violence and the seizure of power by violent means as the sole acceptable means of readjusting society on both a national and international scale. Democratic means, through parliamentary or electoral processes, are totally rejected.

Moreover, it is made equally clear that these are the principles which guide, and will continue to guide, Chinese foreign policy. For instance:

"The Chinese revolution is part of the world revolution. The revolutionary cause of the Chinese people is closely bound up with that of the other peoples of the world. We always regard the revolutionary struggles of the people of other countries as our own. We should firmly support their struggles and fulfill our bounden duty. . . .

"The revolutionary movement of the proletariat is always international in character. . . . [We] who have triumphed in our own revolution should help the people who are still fighting for liberation. This is the principle of proletarian revolution. [Likewise] the proletariat of the capitalist countries should support the struggle for liberation of colonial and semi-colonial peoples, and the people of the colonies and semi-colonies should support the proletariat of the capitalist countries."

ONLY THREE CHOICES

And, looking at China's position in the world today:

"Reviewing the past and looking into the future, we declare with increasing conviction: The final destruction of imperialism, modern revisionism and all reaction is inevitable, and so is the complete emancipation of the proletariat, the oppressed people and the oppressed nations."

There are, it is claimed, only three choices in conducting the foreign policy:

1. To march at the head of the masses and lead them.
2. To trail behind them, gesticulating and criticizing.
3. To stand in their way and oppose them.

And China has chosen the only honourable way:

"Warmly to support the revolutionary actions of the masses, to march firmly at the head of the mass movement and lead the masses forward."

THE MOST IMPORTANT STATEMENT FOR YEARS

This Service considers the Peking "manifesto", which was issued, not at the height of the Cultural Revolution, and not last year or the year before, but in March, 1971, and not by a bunch of Red Guards but by the responsible leadership, as one of the most important political statements to have emerged in Peking in recent years. It is therefore most puzzling that it has been so strangely overlooked in the West. We refuse to believe that this has been accidental.

The timing of the "manifesto" is equally important. The centenary of the Paris Commune could have been worthily commemorated in other ways, or with a more innocuous, general statement.

The fact, however, is that China chose to use it as an occasion to make it quite clear where she stands *vis-à-vis* the rest of the world, with her total rejection of so-called peaceful co-existence, at this moment when it is not she, but the rest of the world, that is proclaiming her new-found respectability.

It seems that the leaders in Peking wanted there to be no mistaken assumptions in the West. If the West now wants to embrace China it must be because it is in the West that policy (and ideological) changes have taken place, not in China. If the West now wants to accept China, then it must know that it is accepting a self-proclaimed catalyst bent on revolutionary destruction.

That, at least, is more honest than Brezhnev's protestations of brotherly love and a quest for peace. Unfortunately, it seems that the Chinese statement has either been misunderstood or ignored by the West. Such is our capacity for self-deception.

Perhaps the most extraordinary demonstration of that self-deception has been the widespread publicity and the sweeping conclusions arising from a few civil words addressed by Chou En-lai in April to an American ping-pong team.

[From the La Crosse (Wis.) Tribune, Aug. 11, 1971]

Peking's No Help

It never was likely that Communist China would give the United States any help in getting out of Vietnam militarily except in a posture of full retreat. And the Nixon administration probably didn't expect anything new as a result of that upcoming trip to Peking.

But if there were any such hopes Premier Chou En-lai laid them to rest in an interview with James Reston of the New York Times the other day.

Chou told Reston that the mainland government "will not mediate in any way," and will continue to supply North Vietnam with weapons and transportation until all American forces are withdrawn.

In Red China's book, withdrawal is defined as cutting off air support and economic-military aid as well as ground troops.

Historically, there never has been much love lost between the Chinese and the Indochinese and the coolness continues down to the present.

Red China has sent small arms and ammunition to help North Vietnam and built roads and rail lines for Hanoi. But North Vietnam hasn't wanted massive Chinese help of the kind provided with "volunteer" troops to North Korea in 1951.

Meantime, the U.S. has switched away from its long time opposition to a U.N. seat for Red China in order to get the ball rolling, and liberalized trade policies. If Chou or Mao or other Chinese leaders have made any comparable concessions we haven't heard of them.

[From the San Angelo (Tex.) Standard Times, Aug. 8, 1971]

No Change

President Nixon's decision to visit Peking and to drop U.S. opposition to Red China's membership in the United Nations may have engendered a relaxation of attitudes in this country toward the Asian giant—but Peking isn't reciprocating.

Secretary of State William Rogers announced the United States will favor Red China's U. N. membership this fall, while opposing expulsion of Chiang Kai-shek's Nationalist regime—the two-Chinas policy. And U.N. Ambassador George Bush immediately called a meeting of friendly delegations to formulate strategy along those lines.

But from Peking, the response has been a heated blast at "imperialist tricks"—that same two-Chinas policy.

The tone of the Peking response is hardly different from what has previously issued from Red China regarding the United States. There is no hint of conciliation, no weakening of the hard line taken previously toward Washington, no hint of an approach to friendliness.

Evidently Peking intends to remain adamant; nothing will suit except the expulsion of Nationalist China from the United Nations, the withdrawal of U.S. troops from Formosa, the recognition of Formosa as part of mainland China—in short, total rejection by this country of the Chiang Kai-shek regime.

Of course, totalitarian governments can manage swift reversals of policy: all it takes is a pronouncement from on high and presto! A 180-degree turn accomplished. Perhaps that is what is shaping up now; perhaps the outpouring of bile from Peking will be replaced at some time soon with compromise on the U.N. question which will result in both seating Peking and allowing the continued existence of Chiang Kai-shek's government, at least during his lifetime.

If not, then President Nixon's visit to Peking would appear to have bleak, bleak prospects.

[From the Barre (Vt.) Times Argus, Aug. 11, 1971]

U.S.-China Chess Game

It may be that the Nixon administration, and its supporters on the issue of Red China, are beginning to see examples of what may be expected to happen on the world front in reaction to the recent overtures made by the United States toward that country.

As in a chess game, a sudden, dramatic move on the part of one opponent is likely to prompt more bold moves on the part of the other. Such seems to be the case on the issue of the President's "two-China" policy.

News reports of recent days have indicated at least a hint of a restructuring of the world stage that could upset the delicate balance of power in many places where the Soviets and the US have been sparring mostly on a limited and covert basis up to now. Soviet overtures in the Middle East, Monday's announcement of a Soviet-Indian friendship treaty, the increasing presence of the Soviet Navy in the Indian Ocean and the dismay of the Japanese all serve as reminders that the China policy will undoubtedly have a price.

The discouraging part is that free-world news reports from inside Red China are nothing less than gloomy about the actual gains that may be made through President Nixon's proposed visit there. New York Times writer James Reston, who is just now ending several weeks in Peking, has been saying that Chou En-lai is firmly entrenched in the same political philosophy that has motivated him in the past, namely that there can be only one China and that before meaningful relations can exist between his country and the United States, the US must pull out its troops from Taiwan.

Unless the President is holding cards that have yet to be disclosed—and he keeps hinting that he does—the United States could have succeeded in escalating the cold war into a rapid search for allies that could end who knows where, and which could reap fewer rewards than most have hoped.—NM

[From the New York Daily News, Aug. 2, 1971]

Committee of One Million

Against the Admission of Communist China to the United Nations (Suite 500, 1735 DeSales St., N.W., Washington, D.C. 20036; Dr. Walter H. Judd, chairman) is reacting in an interesting fashion to President Richard M. Nixon's planned visit to Peking, Red China.

The committee has drawn up a set of seven questions which it hopes the President will put to Red China's Premier Chou En-lai when the twain meet face to face.

We find these questions so illuminating and provocative of thought that we print them in full:

1—When will you release the American servicemen whom you have held as prisoners for as long as 20 years?

2—Do you now accept the United Nations designation of Communist China as the aggressor in the Korean War?

3—Do you now concede that you committed genocide [deliberate extermination of a national or racial group] in your invasion of Tibet as the International Commission of Jurists in Geneva has so stated?

4—Do you admit that you are responsible for the deaths of thousands of American servicemen in Vietnam through your supplying most of the small arms and ammunition to the Viet Cong?

5—Will you now apologize to my country and to me personally for describing me as a "chief butcher" and an "arch criminal" in your official publications?

6—Are you now prepared to abandon Mao Tse-tung's philosophy that political power grows out of the barrel of a gun?

7—Do you still believe that the U.S. is an "imperialist aggressor" and is surrounded by "running dogs"?

Take 'em away, Mr. President, and let's see Chou wriggle off those seven hooks if he can.

[From the Milwaukee (Wis.) Sentinel, July 24, 1971]

Listen to Mao

Of all the sayings of Chairman Mao, probably the best known one is: "Political power grows out of the barrel of a gun."

Westerners frequently cite this thought of Mao as evidence that the Communist Chinese regime is based on crude force.

True as this is, it is insufficient reason for dismissing the Mao saying as nothing more than a catchphrase capsulizing the philosophy of ruthless rulers.

For the saying that political power grows out of the barrel of a gun is applicable to all societies, including ours. It means simply that ultimate control rests with the strongest force, which may be benign but is more likely to be evil.

In America, according to the Declaration of Independence, political power is derived from the consent of the governed. As our system has evolved, it is supposed that political power grows out of the will of the majority.

Nevertheless, even in the United States, if one traces political power back to its ultimate source, one will find that it comes from the barrel of a gun or whatever instrument for exercising force prevails.

Thus Mao is merely being realistic when he says that political power grows out of the barrel of a gun. Rather than excoriating Man for his brutal candor, we should be heeding the wisdom of his observation and thanking him for opening our eyes to the realities of politics.

Conditioned by years of rule by ballots instead of bullets, Americans have lost sight of the fundamental fact of life that political power is, in the ultimate, based on force. In this regard, it is especially ironic to see clergymen involve themselves in politics, for in effect they are making alliance with those who govern by the use of aggressive force.

As for President Nixon's efforts to normalize relations with the political power on mainland China, it is to be hoped that he fully understands and keeps in mind what Mao is telling us when he says that political power grows out of the barrel of a gun.

When you are in a match with those who govern by aggressive force, you play by their rules, not by your own. And their basic rule is that the one with the strongest force, and the will and the skill to use it, wins.

That's not a sweet or pleasant thought, but that's the way it is in the real world.

[From the Lowell (Mass.) Sun, Aug. 4, 1971]

QUID PRO QUO

The admission of Red China into the United Nations is now a foregone conclusion. The question is only when and under what conditions.

The same can't be said for the future of Nationalist China's seat. By throwing that question to the membership—even while stating the U.S. would fight the ouster of Nationalist China—the administration probably has sealed the doom of Taiwan.

Red China and Taiwan both have said they don't want a two-China policy. For more than two decades we have chosen to ignore one of the largest countries in the world. The realities of current world politics make it necessary to recognize the mainland Chinese and, at the same time, insist we will fight to continue our relations with our friends on the off-shore island.

But, what does Red China intend to give the United States in return for our opening the door to the UN for them after all these years. Absolutely nothing, as near as we can see, except for another forum from which to castigate this country's policies.

For instance, all they want for easing the world's tensions is for the United States to withdraw all troops from Japan, Korea, The Philippines, Taiwan and Southeast Asia. That means, move our defense back to the Pacific Coast.

Perhaps they'd like to borrow the USS Missouri and arrange a proper surrender ceremony.

[From the San Diego (Calif.) Union, Aug. 6, 1971]

NATIONALISTS CAN BAR RED CHINA

Secretary of State William P. Rogers makes the point that the "realities of the world" require that both the Nationalist and Communist governments of China be represented in the United Nations. Thus he makes public what had been anticipated—that there is to be an alteration in the historic position of the United States of America opposing the admission of Red China to the U.N.

In Peking, meanwhile, Chou En-lai has let it be known that the Communists see their own "realities." They view themselves as the "sole legitimate government representing the Chinese people." If Nationalist China remains in the U.N., Chou declares, "we will not go there."

These mutually exclusive interpretations of reality arise from a failure to view the question of Chinese representation in the United Nations within the context of the U.N. itself. It supports the right of the Nationalist government to remain in the U.N. and to play a major role in its affairs as a member of the Security Council.

The charter states that the Republic of China, whose delegates signed the charter in 1945 and have represented China continuously and honorably in the U.N. ever since, shall be one of five permanent members of the Security Council. It is hard to see how the Republic of China could be removed unwillingly from the council without amending the charter.

Further, the powers given to the Security Council under the charter put the Republic of China in a powerful position to defend the principle that it is the bona fide representative of China in the U.N. New members are admitted to the U.N. "upon the recommendation of the Security Council." Such a recommendation must have the concurence of all five permanent council members—including the Republic of China—if it is a "substantive" rather than a "procedural" question. Surely a recommendation in behalf of one nation which is conditioned upon the expulsion of another—itself a member of the Security Council—would fall into the former category.

Further, any attempt to resolve this issue by an amendment to the U.N. charter would also encounter the requirement that all five permanent Security Council members concur in the amendment. Clearly, Nationalist China's veto power in the Security Council stands as a formidable roadblock to any legitimate formula for admission of Red China.

No amount of procedural shoehorning can squeeze a Peking delegation into the U.N. as a representative of a single person in China so long as the rights of the Nationalist delegation under the charter are respected.

That is a reality which Peking and its friends must face in the jockeying for representation at the U.N. It is also a reality that could keep the widely touted "two China" policy from getting past the door at the U.N.

RED CHINA PAYS ITS BILLS

(By John Chamberlain)

WASHINGTON.—George Watt, a British civil engineer who spent three years in Red Chinese prisons, came to the U.S. "with a story to tell" about the difficulties of making money in Red China.

The Committee of One Million Against the Admission of Red China to the UN tried to get him before the Senate Foreign Relations Committee only to be curtly informed that there is a rule against hearing "foreigners" on the subject of foreign relations. This is sort of like excluding Nils Bohr from a hearing on atomic energy.

The exclusion of George Watt was a phony; he could have been heard by a special subcommittee or at a privately organized senatorial luncheon. But Sen. Fulbright apparently just doesn't want to know about the difficulties of doing business with Mao or Chou En-lai.

So let Mr. Watt pass on his story through the medium of this column. The man, immensely earnest though not without humor, was jugged on a spy charge in Lanchow in the far interior of China after completing the construction of a synthetic fiber plant.

He insists that the espionage case against him was entirely false, which is believable when you consider that he was sentenced for only three years. (If he had been spying the Red Chinese could only have assumed that his knowledge would have remained dangerous for a longer period.)

Mr. Watt did not, however, come to the U.S. seeking any personal vindication. He wanted simply to warn American businessmen to get cash on the barrelhead before performing services for Mao Tse-tung, who in Mr. Watt's opinion is just about as safe a contractual partner as Fidel Castro.

Mr. Watt went to China in charge of a Vickers-Zimmer Company crew of engineers who had been hired by the Red Chinese to build a fiber plant in the Red Chinese atomic development center. Vickers-Zimmer is an Anglo-German firm which specializes in doing business in Communist countries.

Mr. Watt did not particularly enjoy his stay for Vickers-Zimmer at Chernivog in the Ukraine, but at least the Soviet paid for the services they got. The Red Chinese, however, turned out to be an entirely different risk. They confiscated the Lanchow fiber plant the minute it was finished and demanded that Vickers-Zimmer directors fly at once to Peking to answer charges of cheating on the construction.

When the Vickers-Zimmer directors, scared out of their wits by the seizure of Mr. Watt in Lanchow, failed to appear in Peking, the Red Chinese declared that this "signified guilt." The Vickers-Zimmer directors were "fined" in absentia for a million dollars, which "absolved" Peking from paying the Britishers and the Germans for the construction job they had done.

The plant, incidentally, was worth three million pounds. The British taxpayer has been stuck with the loss, for the British government has a special set-aside fund to cover the risk of being defrauded by totalitarian states.

Mr. Watt says his own experience in China was no isolated case. Lurgi, a West German company, had its site manager, a Herr Von Xylander, sentenced for 10 years on a charge of spying. Von Xylander was subjected to two years of "interrogation," a word which covers a multitude of cruelties.

Watt himself, in a six-month period of interrogation, had his shoulder dislocated, and was stabbed in the hand. The sight of his right eye and the hearing in his left ear are still defective because of the "help" he received in answering questions. He was "tried" by an open air mob and was sentenced by a female judge who spat in his face.

After the trial, the judge led the mob in a cheer, the spot at Watt a second time. Before starting on his three-year sentence. Watt was beaten by troops until he lost consciousness. His worst torture was still to come: In prison, he had to read four volumes of Marx's "Das Kapital" through. This was called "remolding."

Any American civil engineers who want to volunteer to build plants in Red China? On the basis of the Watt experience, they can count on a good education in Marxist economics, both practical and theoretical.

[From the Washington Post, Aug. 13, 1971]

Hill Study: 34 Million Died in China

A study published yesterday by the Senate Internal Security subcommittee estimates Chinese communism has cost at least 34 million lives and possibly as many as 63 million in the past 50 years.

The author of the study, Richard L. Walker, director of the Institute of International Studies at the University of South Carolina, said: "A reasonable estimate would be that the figure approaches 50 million Chinese."

The study, titled "The Human Cost of Communism in China," was ordered printed by the subcommittee July 27, nearly two weeks after announcement of President Nixon's forthcoming "journey for peace" to Peking.

Sen. James O. Eastland (D-Miss.), subcommittee chairman, said in an introduction to the study that its publication "comes at a particularly opportune moment."

He said, "there is nothing new historically about accommodations or alliances of convenience between basically hostile powers," adding that "in certain situation, such arrangements are not only desirable but well-nigh unavoidable."

"But if we are to have relations with Red China," Eastland said, "let us do so with our eyes open."

He described Walker as "widely recognized as one of this country's foremost China scholars" and said he was requested by the subcommittee last fall, on the initiative of the late Sen. Thomas J. Dodd (D-Conn.) to prepare the study.

Eastland said the great merit of the study was that "while it does not deny the Communists credit for certain important economic and social accomplishments, it paints the picture whole by assessing and bringing to life the terrible human cost at which these accomplishments were achieved."

"The cost of progress achieved under Communist rule is too high for the conscience of the world to absolve its perpetrators," Walker said. "In terms of human life and human suffering and in terms of destruction of moral and cultural values this cost cannot be condoned by any rationalization.

"The high Chinese Communist Party leaders who sit down at convivial banquests with visiting Americans may be guilty of as great crimes against humanity and their own people as were Hitler and Stalin and their followers," he said.

"In the case of Chou and Mao," Walker said, "their commitment to their Communist faith has been one of more than a half-century, and in its name they have not hesitated to commit any act."

"For some strange reason," Eastland said, "most of the newspapermen who have traveled to China for the American press in the wake of Peking's invitation to the American Ping Pong team felt called upon to paint Communist China in the most positive hues and to ignore the massive evidence of inhumanity and aggression that has characterized Communist rule in China."

Walker said "the direct cost in human lives" of the Chinese Communist movement is difficult to measure but he drew on various sources in and out of China in offering estimates of the possible toll.

Moscow Radio, which he at one point calls "obviously not the most reliable of sources," nevertheless is quoted as charging that "in the course of 10 years, more than 25 million people in China were exterminated."

Walker said in the study, "it is probable that the Chinese forced labor camps have exacted a higher toll in human life than the mass executions."

[From the New York Daily News, Aug. 21, 1971]

The Nature of These Enemies

As for Communists, an interesting report on—The Nature of These Enemies—has just been released by the Senate Internal Security subcommittee of which Sen. James O. Eastland (D-Miss.) long has been the distinguished chairman.

It is entitled, "The Human Cost of Communism in China," and can be obtained at 20c a copy from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The key figure in the report, by China expert Dr. Richard Walker, is an estimate that the Chinese Reds, since driving Generalissimo Chiang Kai-shek's Nationalists off the mainland in 1949, have killed at least 34 million persons in one way or another. These victims opposed Communism or were deemed dangerous to Mao Tse-tung, Chou En-lai and their comrade butchers.

Communists, in countries they control, don't trifle with the opposition. They kill it off, fast or slowly—just as the Russian Reds have slaughtered an estimated 35–45 million persons to keep the Kremlin bosses in power.

President Richard M. Nixon knows these grisly facts. Let us hope that he will keep them firmly in mind when he goes calling on Chou En-lai in Peking some time soon.

To kid himself that these professional killers can or will change their characters in any important respect could be extremely dangerous, both for the President and for the American people.

[From the St. Louis Globe Democrat, Aug. 17, 1971]

Grisly Toll in Red China

A study published by the Senate Internal Security Internal Security subcommittee puts Red China in a light which all Americans would do well to observe carefully.

Titled "The Human Cost of Communism in China," the study reveals that the first 50 years of the Chinese Communist movement have been extremely costly ones in terms of human life. It estimates that at least 34 million persons and possibly as many as 63 million have lost their lives as a result of mass political executions, purges, slave labor camps and terror tactics.

Author of the study, Richard L. Walker, director of the Institute of International Studies at the University of South Carolina, said, "A reasonable estimate would be that the figure approaches 50 million Chinese."

This is a grisly price to pay for progress achieved under Red rule. This awesome toll of humanity should be remembered by those who tend to feel politically compassionate toward the mainland Communists.

Mississippi Sen. James O. Eastland, subcommittee chairman, notes in an introduction to the study that its publication "comes at a particularly opportune moment." In declaring "there is nothing new historically about accommodations or alliances between basically hostile powers," and the Senator observed that in certain situations "such arrangements are not only desirable but well-nigh unavoidable.

But Eastland cautions that if we are to have relations with Red China "let us do so with our eyes open."

This is sound advice. There is no indication that the Peking government has mellowed in its rise to power. The Administration should be wary in any new dealings with Peking China.

[From the Richmond (Va.) News Leader, Aug. 16, 1971]

Human Cost of Communism in China

(By Holmes Alexander)

Washington.—In July, 1970, which was to be the last summer of his public and mortal life, the late Sen. Tom Dodd noted that Robert Conquest's superb work of research and expose, "The Great Terror," dealt only with the 20 years of Stalinist terror and did not cover the whole half-century of communism in Russia.

Dodd thought it would be useful for the Senate to ask Conquest to do a 10,000-word study of Soviet inhumanity to man, and to find an authority to do a similar study on Red China.

At Dodd's request, Conquest and Dr. Richard Walker (University of South Carolina) were commissioned to write the two pamphlets. The second of them is entitled, "The Human Cost of Communism in China," and gives this fatality list on page 16, with both high and low estimates of fatalities reported as follow:

	Low estimate	High estimate
(1) First Civil War (1927–36)	250,000	500,000
(2) Sino-Japanese War (1937–45)	50,000	1,250,000
(3) Second Civil War (1945–49)	1,250,000	1,250,000
(4) Land reform (purging "feudal bullies")	500,000	1,000,000
(5) Political liquidation (purging defeated leaders)	15,000,000	30,000,000
(6) Korean war	500,000	1,234,000
(7) Great Leap Forward (modernization drive)	1,000,000	2,000,000
(8) Subduing minority nationalities, including those in Tibet	500,000	1,000,000
(9) Cultural Revolution	250,000	500,000
(10) Deaths in forced labor camps and frontier development	15,000,000	25,000,000
Total	34,300,000	63,784,000

Professor Walker, director of the Institute of International Studies at the University of South Carolina, is too honest a scholar to call these figures anything except "estimates" (some come from tainted sources in Russia), but there is no historical doubt that the "People's Republic" is built on people's skulls.

As Chairman Mao said in 1927 when it all began, "A revolution is not a dinner party . . . To put it bluntly, it is necessary to create terror for awhile in every rural area." Defectors and fugitives are still escaping to tell of the continuing assassination and execution. The Communists in China and everywhere believe that the end of building a socialist state justifies the means, however barbaric.

If any or all of these are Chinese purposes, we must assume that they will be pursued with the opposite of a no-win policy, and that the human cost of Chinese communism is not yet accounted for.

[From the Jacksonville (Fla.) Times Union, Aug. 15, 1971]

China: Morality and Pragmatism

President Nixon's forthcoming trip to Red China has given rise to much study and analysis of Mainland China.

Consider, on one hand, a study just published (and the timing probably was no coincidence) by the Senate Internal Security Subcommittee. The report was prepared for the subcommittee by Richard Walker, director of the Institute for International Studies at the University of South Carolina, and it isn't one which pulls any punches.

"There has been the same monumental inhumanity and the same commitment to political terror as a means of crushing the opposition," Walker wrote, as existed during the Stalin era in Russia.

Political liquidations and forced labor under unbearable conditions have taken the lives of "more than 30 million Chinese," Walker found.

"Those who wish to rationalize public assassinations, purges of classes and groups of slave labor as a necessary expedient for China's progress," he concluded, "are resorting to the same 'logic' which justified a Hitler and his methods for dealing with economic depression in the Third Reich."

The report concluded that the total of all progress achieved on the China mainland has been with a cost "too high for the conscience of the world to absolve its perpetrators . . ."

All this is quite true. It must not be dismissed, or mentally shoved aside, by anyone under the current emotional impact of "tearing down walls."

However, just as true—and just as much to the point—are the words, made public almost simultaneously albeit half a globe apart geographically and even further apart in viewpoint and motivation, of one Yuri Arbatov, who happens to be the Politiburo's chief advisor on American affairs.

Arbatov wrote in Pravda, the official organ of the Soviet Communist party, a wounded assessment of what is going on.

First he pointed out that Red China's fierce propaganda attacks against the U.S., its unconcealed support of our enemies, should "have shocked and frightened bourgeois-Philistine America.

"But in fact something different happened. This America proved not at all so gullible, and it formed its opinion not on the basis of Peking's loud words but its deeds.

"These deeds convinced the pragmatic American bourgeois that China by no means presented a real threat to United States policy . . .

"(These deeds) engendered the hope that with Peking's help the United States would be able to end the Vietnam war on terms acceptable to the American bourgeois. . . ."

Arbatov went on to rant about the move as a threat to "the Soviet people" and to "world socialism," etc. But already he had made the valid point, as far as the U.S. is concerned.

Richard Nixon is not going to Peking to pin a "good conduct" medal on Mao; nor does in any way the decision, for two leaders of conflicting ideologies to talk, apply any moral approbation on part of either. The motive for the talk, on both sides, is pragmatic.

[From the Wall Street Journal, Aug. 3, 1971]

AN "OLD CHINA HAND" IS WORRIED

(By Bruno Shaw)

Having lived in China from the beginning of the Chinese Communist movement, witnessed the murder of countless Chinese farmers in Bunan Province at the hands of Mao Tse-tung in the mid 1920s and had a first-hand personal acquaintance with the leadership and the program of the Chinese Communist crusade, I am firmly convinced that if President Nixon persists in the folly of a visit to Red China in pursuit of world peace, he will go down in history as:

In China, a barbarian chieftain who was permitted to enter the Middle Kingdom bringing tribute to Peking;

In the West, as the Neville Chamberlain of our time. And Taiwan will become the disposable Sudetenland of the East, no matter what fine words are uttered by the politicians who are presently in charge of our destiny.

American journalists, in their eagerness to applaud the Nixon adventure, have used the same Mao Tse-tung phrase to describe its portent: "a great leap forward."

The fact is, of course, that Communist China's "Great Leap Forward" under the inspiration and guidance of Mao Tse-tung in the early 1960s was the greatest man-made disaster in the history of modern China. And its calamitous results compelled Chairman Mao to institute his Cultural Revolution to maintain his control of government and party; and in this dreadful aftermath of the Great Leap Forward, thousands of innocent Chinese people were slaughtered, and hundreds of thousands were exiled into hard-labor concentration camps in China's rugged northwest.

In his TV address to the nation on July 16, President Nixon said that he was taking this step to seek normalization of relations between the two countries with a "profound conviction that all nations will gain from a reduction of tensions and a better relationship between the United States and the People's Republic of China."

What the President and his counsellors utterly fail to comprehend, apparently, is that the Chinese Communist revolution is not merely a revolt against oppressive economic and political conditions in China, but a crusade against the peace and security of the world. It is a repetition on a vastly broader scale, of the Thai Pling Rebellion of the mid-nineteenth century in China, led by a fanatical sect whose leader, one Hung Hsiu-ch'uan, inspired by a Protestant bible on which he had been doing some translation work, believed that he was called by God to transform his country. And be began by leading his fanatical followers on a crusade in which millions of Chinese were murdered—a crusade that lasted a full decade until, because he was lacking in organizational ability, it collapsed.

Mao Tse-tung was inspired by the Marx-Lenin bible. He is a far better master of organization and propaganda than was Hung Hsiu-ch'uan. And because he has had at his command far more effective weapons, he has been able to kill many more millions of his people in sacrifice to Marx-Lenin than did Hung in his muddle-minded service to God.

Mao Tse-tung, and his chosen successor Lin Piao, and Chou En-lai, are the leaders of this Communist crusade to remold not only the minds of the Chinese people by means of violence and terror, but the minds of all the people of the world. And these are the men whom the President of the United States is going to visit "with pleasure" for the purpose of "normalization of relations between the two countries." How much is an American President able to know of what goes on in the world about him?

In his essay on coalition government ("Selected Works") of April 24, 1945, Mao said very clearly: "We Communists never conceal our political views. Definitely and beyond all doubt, our future or maximum program is to carry China forward to socialism and communism. Both the name of our party and our Marxist world outlook unequivocally point to this suprfeme ideal of the future, a future of incomparable brightness and splendor."

But Mao Tse-tung also said, on Dec. 30, 1948, "The enemy will not perish of himself. Neither the Chinese reactionaries nor the aggressive forces of U.S. imperialism in China will step down from the stage of history of their own accord."

And how will "U.S. imperialism" be brought down from the stage of history? Mao has given us his prescription for this in his New Democracy, as long ago as 1945: "It is only the Communist ideology and social system that grow and spread in the world, with a mighty thundering force that can level mountains and overturn seas. . . . The world now depends on communism for its salvation, and so does China."

On Nov. 17, 1957, when Mao visited Moscow during the period of the Communist Sino-Soviet honeymoon, he made one of his customary "We desire peace, but . . ." speeches. "We desire peace," he said. "However, if imperialism insists on fighting a war, we will have no alternative but to take the firm resolution to fight to the finish before going ahead with our reconstruction."

In reading Mao Tse-tung's "Selected Works," one has the clammy feeling that all this has happened before, in our time. And it has. Adolf Hitler, who gave us his blueprint of the barbaric catastrophe he intended to inflict upon the world, on May 21, 1935, made one of his customary pledges of peace. "Nationalist Socialist Germany wants peace" he said, "because of its fundamental convictions."

But, alas, no one, it seems, paid much more attention to Hitler's "Mein Kampf," which was published as early as 1925, than they are paying now to Mao Tse-tung's "Selected Works." Or gave much thought to the fact that in 1936, while Hitler was plotting his assault upon the world, Berlin was the site of that year's Olympic Games, not mere Ping-Pong matches. And in that year, we were told, "The problem of unemployment in Germany had been largely licked" and visitors to the Olympic Games, "especially those from England and America, were greatly impressed by what they saw; apparently a happy, healthy, friendly people united under Hitler."

Now again, as in the 1930s, dozens of books, hundreds of reports and columns and countless editorials in our leading newspapers have falsified and misled their readers about the Chinese Communists as they did then about the Nazis, and are assuring us that we can get along with Mao as they were assuring us then that we could get along with Hitler—and, after World War II, with Stalin.

There should not have been quite as much astonishment as there was about Peking's invitation to the Ping-Pong players, or about Mr. Nixon's ploy against his principal enemy here—the Democratic Party—in his "I will go to China" announcement. He did, after all, make a commitment to attempt just that in his inauguration speech on Jan. 20, 1969, when he said, "We seek an open world—open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation."

And the People's Republic of China is the only country in the world that has been so described by him and by other members of the Nixon administration. Actually, as we know now, he had been putting out feelers to Peking for some time.

Two things should be borne in mind in connection with the projected visit of the President of the U.S. to Communist China. One, that once having gone, there will be no turning back, and this great country will be involved, and become increasingly involved, in shady deals with the leaders of that present-day scourge, as we became involved with Stalin at Yalta, where the possibility of a free China was sold down the river, a further result of which was President Truman's invitation to the Soviet Union temporarily ("to fill a vacuum") to occupy North Korea on conclusion of the war with Japan—which Moscow did, and then, much to Mr. Truman's chagrin, refused not only to move out and let the legitimate government of Korea come in, but refused even to allow a representative of the U.S. government to cross the 38th parallel.

The basic motivation of the Chinese people on mainland China today is fear—a dreadful fear that shows in their eyes and in their trembling voices when explanations are demanded of them by People's Liberation Army representatives in their commune, their factory or their school.

I only hope that the action our President is taking will not lead one day to a similar look in our eyes. I would feel more assured that it will not, if he were to call off his trip for reasons of more important business—the need of trying to do something about conditions in all the deteriorating areas of life here at home.

[From the Fort Worth (Tex.) Star Telegram, Aug. 15, 1971]

SUBVERSION MAKES CHINA UNFIT FOR U.N.

(By Victor Lawren)

WASHINGTON.—Can the President of the United States successfully practice personal diplomacy as Richard Nixon is seeking to do with Communist China?

Sen. Peter Dominick, Colorado Republican, doesn't think so and cites these examples:

President Roosevelt did and Yalta was the result.

President Truman did and Potsdam came out of it.

President Kennedy did and we wound up in the rose garden in Vienna. Subsequently came the Berlin Wall and the Cuban crisis.

Dominick has been an outspoken critic of Red China and long before President Nixon's dramatic announcement that he would meet with Red leaders in Peking to discuss improvement of relations between the two countries.

The senator says he is determined to continue opposing admission of Communist China to the United Nations until such time as Peking demonstrates compliance or at least a willingness to comply with international law and the terms of the UN Charter.

The pattern of Red Chinese subversion in Latin America, Africa and other world trouble spots is well known. But not so well known, claims Dominick, is the role Red China is playing in the Middle East.

He points out that ever since Palestinian guerrillas have been active in the attacks on the Israelis they have taken arms, training and guidance from Communist China. In May, Palestinian Liberation Week was held in Peking and 10,000 Red Chinese showed up at a mass rally. On the same day, People's Daily published an editorial calling on the guerrillas to "firmly grasp the gun and recover their lost homeland through armed struggle—this is the only road chosen by the Palestinian guerrillas and people."

Dominick asserts, "We must once again ask ourselves if this is a government we want seated in a world organization dedicated to peace, when it openly and enthusiastically fans the flames of revolution around the world."

In the senator's opinion, to grant Red China a seat in the United Nations would simply be opening the doors to a new headquarters for espionage and subversion—a Red Chinese mission in New York.

"Of course, we all know that Peking would not be the first nation to spy on us from its diplomatic residence here, and one might say, at first glance, that this is not sufficient justification to deny admission to the United Nations," he explains.

"I would be inclined to agree, except that the government of which I speak has declared in every possible way its support for those who would destroy this nation from within, and it has contributed men and material to wars of liberation throughout the world."

Dominick says an object lesson is visible just over the border in Canada. Since establishment of the Communist Chinese embassy in Ottawa, Peking has dispatched Huang Hua as its ambassador to Canada. Huang is known to be a key Chinese operative in the field of subversion and espionage, whose activities span 35 years and much of the globe while engaged in helping to spread the revolutionary concepts of Mao.

There is no question but that President Nixon has a selling job before him to convince the American people the time has come to change their view on Red China.

A recent survey in six states showed 42 per cent opposed the admission of Red China to the United Nations, 40 per cent favored Peking's admission and 18 per cent were undecided. But when those who favored the admission were asked if they would favor admission even if it meant the elimination of Free China as a U.N. member, the percentages shifted dramatically—66 per cent opposed admission of Peking while only 10 per cent favored her entry. The remaining 24 per cent had no opinion.

[From the N.Y. Times, Aug. 17, 1971]

Mao's Red Shadow

(By J. Edgar Hoover)

Red Chinese intelligence in the United States, as compared with Soviet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies.

Peking is attempting espionage in a variety of ways. One is to endeavor to introduce deep cover intelligence agents into the United States, trained Peking agents who clandestinely enter this country using false identities and identifications and attempt under the cover of being an American to conduct spy operations.

Third countries are used as bases of attack against the United States. The New China News Agency, an agency of Communist China, has an office in Canada. Though claiming to be a legitimate news-gathering organization, it is obvious that the New China News Agency serves as Red China's chief propaganda outlet abroad and has the potential of supplying Peking with intelligence of all types.

Penetration of Chinese ethnic groups in the United States is also tried. The overwhelming majority of Chinese Americans are loyal to this country, and only a very small percentage are sympathetic to Peking.

The shadow of Mao Tse-tung can be seen and felt in the United States today. We can expect the subversive danger to grow as time passes. The only way to meet it is to be prepared. This the FBI is doing through its investigations and the training of its personnel. For example, we are giving instruction to FBI agents in the various Chinese dialects. In this way, our agents are capable of conversing in the native tongue, and the FBI will be able to handle present and likely future contingencies.

AFRICAN POLICY

Mr. BAYH. Mr. President, among the aspects of our foreign policy most neglected by the Nixon administration has been our policy toward Africa. Each year in the President's state of the world statement, that continent has been dispensed with in a couple of pages. These pages, like the administration's policy, lack positive programmatic content. Instead they are littered with pious rhetoric about racism in Southern Africa and simplistic homilies about how the independent nations of black Africa need little more than pull themselves up by their own boot straps. A few such words and a visit by a Secretary of State or Vice President is supposed to suffice as an African policy.

Because I felt that such a policy was inadequate, because I believed it important that we not ignore the people of black Africa, I asked Ulric Haynes, Jr., a deeply knowledgeable expert with wide personal contacts throughout Africa, to visit a number of African countries on my behalf and report his observations to me. On the basis of his report and discussions with others involved in our relations with Africa, I issued a statement on August 31, 1971. I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on African Policy by Senator Birch Bayh

Several weeks ago I asked my friend Ulric Baynes, Jr., a black management consultant from New York to go on a fact-finding tour of Africa on my behalf. Rick is a former member of the National Security Council staff and African affairs advisor to President Johnson. He visited the Ivory Coast, Ghana, Nigeria, Ethiopia, Tanzania, Kenya and Zambia for discussions with the leaders of those countries. In the course of his travels he had meetings with President Julius Nyerere of Tanzania, President Kenneth Kaunda of Zambia and President Felix Houphouet-Boigny of the Ivory Coast. He also spent some time in the Republic of South Africa.

On the basis of Rick's report and my discussions with others interested in our relations with Africa, I urge the Nixon Administration to put African affairs higher on America's list of priority foreign affairs matters. I do not believe a visit to Africa by the Secretary of State is an adequate substitute for a vigorous and understanding policy. I don't think using an African trip as a platform for an attack on American black leaders, as Vice President Agnew did, does anything to help Africa meet the challenges of economic and social development. Nor does it help solve the problems of racism and continued colonialism in Southern Africa.

In light of current developments on the African continent, what is needed now is an extensive program of affirmative action in the conduct of our relations with the nations of sub-Saharan Africa. The U.S. must play a timely and positive role in the solution of world problems—not just when they suddenly confront us as major threats to our national interest—but before they reach crisis proportions. I can think of few better places to demonstrate that kind of foresight and leadership than on the African continent.

Let me, therefore, propose a twelve-point foreign policy program for Africa:

1. We should support the principles of the Lusaka Manifesto, which call for a dialogue between the independent nations of Africa and South Africa only if South Africa's non-white population is involved and if a subject is the elimination of apartheid.

2. We must reaffirm the principle of self-determination for all peoples under colonial rule or in so-called dependent territories.

3. In the context we should urge the Portuguese Government to begin the process of granting self-determination to its African subjects in Portuguese Guinea, Mozambique and Angola. Our government ought to enlist the support of the Vatican, Brazil and Spain in this persuasive effort.

4. In light of South Africa's flagrant disregard of the recent World Court decision on Namibia (Southwest Africa), the U.S. government should terminate all diplomatic and other actions which in anyway imply acceptance of South African control over Namibia. It should take vigorous steps to encourage a similar posture on the part of U.S. corporations in Namibia.

5. With regard to the role of American corporations doing business in South Africa, we should adopt a policy of "active engagement" rather than passive acceptance of the status quo. The objective would be the erosion of apartheid's limitations and the rapid upgrading of non-white South Africans' opportunities for training, advancement and increased income. Non-white Africans both in South Africa and elsewhere make it clear they want us to use the considerable economic leverage already available to us through our investments in South Africa for the purpose of helping effect an evolution in race relations. American corporations can and should use their presence and their influence to accelerate creative social change in South Africa.

6. To implement this policy, the Administration should convene a meeting in Washington of representatives of all American companies with operations in the Republic of South Africa. The purpose of that meeting would be to present them with guidelines for the equalization of wages and benefits for their non-white South African employees and for the improvement and expansion of company-supported social services. It is my understanding that the ex-

pertise necessary to establish such guidelines already exists in the Department of State and other governmental agencies.

7. We should now begin to assign non-white American Foreign Service Officers to the Republic of South Africa. The major purpose of this step would be to enhance U.S. contacts with South Africa's isolated and oppressed non-white majority population.

8. We must encourage more private U.S. investment in Black Africa by liberalizing and expediting existing procedures for investment guarantees.

9. Our aid programs in Africa must stress revenue-producing and job-producing industries. Most African countries desperately need to increase their foreign exchange earnings. Inability to earn adequate amounts of foreign exchange hinder development, contribute to internal instability and leave them vulnerable to external political and economic pressures.

As to jobs, Africa, like Asia and Latin America, is faced increasingly with truly massive problems of unemployment or under employment. It is becoming clear that the transfer of Western technology, which is capital-intensive rather than labor-intensive, does not fully meet the desperate need to create constructive, gainful employment. What is needed is the development of a new technology which can absorb these unemployed masses into the economy in a way that is beneficial to them and constructive for their societies. There are some promising examples in East Asia of how modern but labor-intensive agriculture and industry can lead to increased employment and higher standards of living. We would make a unique contribution to the future of mankind if we were to join with the developing nations in a serious program for the development and application of such a modern manpower-intensive technology.

Furthermore, we should show new leadership in encouraging and assisting African nations to undertake cooperative regional projects such as the development of rail and road networks, telecommunications networks, river basins, irrigation and power projects, and the protection of the continent's ecology. As the Congressional Black Caucus has recently pointed out, we should work in close collaboration not only with other donor nations and international organizations, but also regional bodies such as the African Development Bank and the Organization for African Unity.

10. We should facilitate the recruitment of black American professionals and technicians by those African nations especially desirous of having them. This would not only help meet African needs but would also provide a most constructive outlet for the interest and concern which many black Americans have toward Africa.

11. Africa's hopes for the future lie in the rapid development of far sighted and constructive political leadership. We could encourage that development by sponsoring a fellowship program for middle level African leaders—the young African professionals, and technicians who will lead their countries in the decades to come. Such a program could include study of the latest techniques of management, of the conduct of public administration and of international affairs.

12. Finally, it is important for America to unequivocally oppose "racism" wherever it exists in the world and in all its forms whether it be labelled "tribalism," "religious persecution," "oppression of ethnic or national minorities," "color prejudice" or whatever. In this regard our government must make the strongest private and public representations against flagrant violations of human rights in Southern Africa even when they occur under the guise of "antisubversion" activities or judicial prosecutions to "suppress communism." As past experience shows, our failure to condemn such actions appears to condone them.

ONE HUNDRED MILLION VOTERS BY 1976

Mr. KENNEDY. Mr. President, one of the most glaring weaknesses of our American democracy is the lack of participation of our citizens in the most basic right of all in a democratic society—the right to vote. In the presidential election of 1968, only 73 million citizens went to the polls. This low turnout, representing only 61 percent of the eligible voters in the Nation, ranks the United States significantly behind most of other democratic nations of the world.

More than a year ago, the American Jewish Committee recognized the need for a strong national effort to improve voting participation. In an imaginative recommendation in April 1970, the committee suggested that, as part of the Nation's goals for the American bicentennial celebration in 1976, we should seek the participation of at least 100 million voters in the presidential election of that year. Since that proposal was made, the reduction of the voting age to 18 and the extension of the Voting Rights Act have brought the Nation closer to realization of the goal.

One of the largest remaining obstacles to achievement of the goal of increased voter participation is our archaic system of voter registration. A number of bills are now pending in the Senate to achieve the reforms we need, including a bill I have introduced to establish a universal voter registration system for Federal elections. It is my hope that the Congress will be able to act promptly in this area, so that we can eliminate as rapidly as possible the enormous inequities that exist under the present system.

Mr. President, in light of the new interest now being generated for increased voter participation, I believe that the recommendation of the American Jewish Committee will be of interest to all of us in Congress. I ask unanimous consent that it be printed at this point in the RECORD, together with an accompanying letter I received last week from Mr. Hyman Bookbinder, the Washington representative of the committee.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE AMERICAN JEWISH COMMITTEE,
Washington, D.C., September 14, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read with much interest your speech in the Senate on July 26 dealing with the establishment of a Universal Registration Administration. The proposal makes a lot of sense and should contribute substantially to the attainment of a more appropriate level of voter participation.

In this connection, I think you may be interested in a program proposal developed by the American Jewish Committee last year and submitted to the Bicentennial Commission. Briefly, the proposal calls upon the Commission to set as one of the nation's goals for the year of its 200th Anniversary the participation of at least 100 million voters in the Presidential election of that year. Though Commission officials commended us highly when they received the proposal, there was no reference to it in the report they made to the President last year. However, we continue to believe that this 100 million goal is an exciting, yet realistic, goal for the nation.

Happily, one of the principal limitations on the size of the electorate has been eliminated with the adoption of the Constitutional amendment granting the right to vote in all elections to all citizens 18 years of age and over. The 100 million goal thus becomes even more realistic—if we take the necessary steps to assure massive participation in the electoral process by the newly enfranchised young people. Extension of the Voting Rights Act will similarly contribute to increased voter participation. Your universal registration proposal can mean even more than either of these two in actual numbers of citizens who could be added to the registration and voting rolls. It fits perfectly into the framework of our general proposal, a copy of which I am pleased to enclose herewith.

Getting many more Americans to vote is, of course, not the only step we must take to broaden citizen participation in the political process, but it most certainly is the most basic one of all. I am so pleased that you and your colleagues will be asking the Congress to take another bold step forward.

Sincerely,

HYMAN BOOKBINDER,
Washington Representative.

THE AMERICAN JEWISH COMMITTEE

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A Program Proposal for the Bicentennial Commission: 100 Million Voters by 1976

THE AMERICAN JEWISH COMMITTEE,
April 1, 1970.

The American Jewish Committee agrees with President Nixon that the 200th anniversary of the birth of our nation should be taken as an opportunity to make a dedicated effort to fulfill those national aspirations yet unattained. Recognizing the importance of the electoral process as the cornerstone of American democracy, we urge that one central goal of the Bicentennial be greater participation in the political process, with special emphasis on the fullest possible exercise of the right to vote.

The AJC urges the Bicentennial Commission to initiate at once a program involving both public and private efforts to best realize the objective of full electoral participation. *As a symbol of this goal, we propose that we* *seek to involve at least 100 million voters in the Presidential election of 1976.*

In 1968, seventy-three million citizens voted their choice for President and Vice President, but there were an additional 47 million Americans old enough to vote who did not vote. This voting participation rate of 61 percent is substantially below that of most democratic nations.

We seek to increase the number of American voters, but we must seek more than an increase in numbers. There must be also an increased involvement in every phase of the political process if we desire an increased confidence in our political system.

One of the great guiding themes of our democracy is that government "derives its just powers from the consent of the governed." There is no greater single manifestation of that consent than the vote. Yet, the tragic fact is that in the 1968 Presidential election only 3 out of 5 eligible Americans registered their consent, or lack thereof, to the programs enunciated by candidates for the highest office in the land. More than one-half of the nonvoters in the 1968 Presidential election, moreover, reported that they were simply *not interested* in voting. At a time when the decisions of our government vitally affect all our people, the sense of alienation, disaffection or apathy that such non-participation conveys is a tragic commentary on our times. Quite simply, people who vote feel that they have a stake in and a sense of connection to the government. People who don't vote are saying that they as individuals do not count or, what is worse, that the democratic institutions do not count. Much greater efforts must be made, therefore, to persuade these nonparticipants that an individual's vote does count, and, at the same time, that it can be made more effective and meaningful.

The national participation rate of 61 percent is bad enough; the rate for state and local, including Congressional, elections is even worse. In most local elections less than half of the potential votes is cast. Every town, county, and city must be brought into this national effort to increase and deepen voter participation.

Not all of the voting gap is due to indifference, of course. Obstacles to voting, whether due to racial discrimination, residency requirements, or other factors, must finally be completely eliminated,

The 100 million goal

As a dramatic symbol of our concerns, and as an ambitious yet realistic undertaking, we recommend that at least 100,000,000 voters in the elections of 1976 be declared as a Bicentennial goal. The goal is clearly attainable:

If the present participation rate of 61 percent continues until 1976, about 8 or 9 million additional voters would participate that year as a result of population growth alone; if the 18-year-old vote is operative that year (a goal which AJC enthusiastically supports), this would add about another 5 or 6 million voters.

These two developments alone would increase to about 87 or 88 million.

Increasing the participation rate to about 70 percent from the present 61 percent would add another 13 or 14 million voters in 1976—thus reaching the 100 million goal. As the following will indicate, this should be possible if a concerted drive is conducted over the next six years.

Of the 47 million Americans who failed to vote in 1968:

About 8 million were actually registered but failed to vote;

About 8 million more were unable to register under state eligibility requirements, of whom 5 million were eliminated because of state residency rules;

About 31 million either did not even try to register to vote or were prevented from so doing, for one reason or another.

If 11 million of these 47 million had voted in 1968, the participation rate that year would have been 70%. Surely, this should have been possible.

RECOMMENDATIONS

We recommend that a broad array of programs, involving all the major groups in American society—government at every level, the educational system, the political parties, business, labor, the wide range of civic and social organizations, the media—be developed to:

1. Increase the number of people involved in the electoral process;

2. Encourage participation by a greater number of people in the larger political process, i.e., party primaries, caucuses and conventions; campaigning; voter-registration drives.

3. Enhance the quality of voter participation through a program of education in the essential processes of democracy and the great documents on which they are founded.

Closing the minority voting gap

Due primarily to the 1965 Voting Rights Act—but due also to greater voter consciousness and confidence in the electoral process—the Sixties saw an increase of over 1½ million Negro voters in the South. The significance of this trend is clearly evident in the fact that the number of black elected officials in the 11 Southern states rose from 70 in 1965 to more than 500 in 1968. In turn, this pattern has further increased interest in the electoral process and even higher registrations can be expected in the years ahead.

But the voting participation rate for Negroes, for Puerto Ricans, for Indians, for Spanish-speaking Americans remains substantially below that of the general populace. Renewal of the Voting Rights Act for another five years (and with the addition of a national ban on literacy tests) should provide the basis for continued gains in minority voting patterns. But rigorous enforcement by the Federal government must be pursued if the full effect of the law is to be realized.

Federal law alone, however, will not produce the level of black and other minority voting needed to close the gap. Every ruse to disenfranchise the minority citizen (de jure or de facto) must be eliminated: redistricting, use of at-large elections, obstacles to becoming candidates or delegates, rigged nominating and related procedures, lack of adequate polling facilities—to say nothing of continued use of harassment and intimidation to discourage registration or voting.

Youth—A special challenge

The American Jewish Committee is pleased to note that the likelihood of lowering the voting age to 18 has been greatly increased as a result of the Senate's action in adding this provision to the Voting Rights Act. If the House should refuse to go along—and it is our hope that it will go along—then the Congress should proceed immediately to initiate the Constitutional amendment process toward the same end.

Whatever else might be said about today's youth, it is more informed and more involved in the major issues of our times than any preceding generation. But it is not sufficiently involved politically. It therefore too often looks for and adopts extra-political and extra-legal ways to correct the social ills which it perceives. The very preservation of our democratic way of life may depend on the success we have in bringing our young people into the political process—not only in that final act of voting, but in the full range of political action.

While we work toward a lowering of the voting age, it is important to cite the fact that the youngest group of those now eligible to vote actually have the *lowest* participation rate. In 1968, the 21–24 age group had only half the participation rate as those in their middle-age. This regrettable fact, instead of being used as an argument *against* lowering the voting age, reminds us rather that making the vote possible is only one-half the job facing us; we must make the vote seem relevant and significant.

Residency obstacles

In the 1968 Presidential election, about 5 million otherwise eligible voters were barred from voting because of state residency requirements. In this mobile society of ours, over 20 percent of all Americans move every year. It is therefore only right that new state residents be allowed to vote in a Presidential election, regardless of the length of time they have resided in the new state.

Similarly, in state and local elections there should be the least possible restrictions on the right to vote because of residency.

Facilitating voter participation

More important even than elimination of literacy tests is the elimination of illiteracy itself if full and meaningful participation is to be achieved. While there are of course other vital reasons for the total eradication of illiteracy in America—and this might well be a major Bicentennial program itself—greater political sophistication and discrimination requires the ability to read, to understand, to communicate.

Both government and the private sector should develop improved programs to foster better understanding of the rights and duties of citizenship and the significance of voting. Better use should be made of programs of adult education, literacy and community action which are administered, at the Federal level, by HEW, the Departments of Labor and Agriculture, and the Office of Economic Opportunity. At the State and local levels, there are innumerable activities that could appropriately add or extend citizenship education. There is almost no limit to what more could be done by the hundreds of national private organizations—religious, women's, veterans', student and youth, fraternal, etc.

The proposal for a National Election Holiday should be given careful consideration and, if found feasible, enacted in time for the election of 1976. Further study should be encouraged on most appropriate hours for registration and/or voting, location of voting facilities, greater use of absentee ballots, and every other aspect of the electoral process which could affect the level of participation. Both the business and the labor communities should examine what more they could do to increase participation.

Challenge to State and local governments

The Bicentennial Commission should urge every state and local jurisdiction to become part of this program. If the 100,000,000 goal is to succeed, every county in the nation should set a goal for itself—not only one for 1976, but interim goals for every year till then. Governors should charge each state Bicentennial Commission with particular responsibility for this program. As indicated above, political participation rates in many states and localities is shockingly low.

Challenge to educational institutions

The role of education in expanding and improving the electoral process is self-evident. From the grade schools through graduate work, there is an urgent need for improved curricula, for better materials, for easier access to people and information. Efforts should be made to involve the students actively in some aspect of the political process, as well as in the classroom.

The political parties have major responsibility

After all is said and done, of course, the prime responsibility in a free society must be that of the political instrument itself. Government can and should eliminate barriers. But it cannot force participation. We do not seek to achieve the 99% participation rates of totalitarian regimes—at the cost of our freedom. The parties in a democratic society, moreover, must not be authoritarian or totalitarian themselves.

Each of our parties should be encouraged, during this Bicentennial period, to make an active effort to encourage young people, new voters, Blacks and other minorities, and all other groups that have hitherto remained pretty much outside of the political process, to participate in party activities, from the precinct level to the national committee level.

If each potential voter is to take that crucial step of voting on Election Day, he must not be permitted to feel that the final choices available to him were decreed by a handful of individuals, that his views and preferences had not been solicited, that the real issues of the day had not been truly involved in the selection of candidates.

Each party must examine its entire structure and its operations—to make sure that they are fully responsive to the needs and the desires of the citizens who support that party.

CONCLUSION

As the nation's oldest human relations agency, the American Jewish Committee is deeply committed to the democratic system. We are disturbed by evidences of alarming numbers of people who have abandoned faith in the ability of that system to provide justice and progress and security. Their disaffection, their alienation, their apathy is too frequently reflected in their failure to participate in the political process, especially in exercising their right to vote.

We urge the Bicentennial Commission to set as one of the goals in its general plan "to fulfill those national aspirations yet unattained" the fullest possible participation by all Americans in the political process which our Founding Fathers so carefully designed, including the power to effect changes in that process itself.

As a symbol of that greater participation, we have proposed the goal of 100,000,000 voters in the Presidential election of 1976. With such increase in numbers, moreover, we hope that at every step in the political process there will be greater and deeper involvement by more Americans. These goals will be achieved only if government at all levels, our private institutions, the media, and our educational institutions all play an active role. We are confident that, in such an effort, all of these institutions will indeed do their part. They should be challenged to do so.

PHILIP E. HOFFMAN,
President.

MEXICAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, last Thursday, while the Senate was embroiled in debate concerning the draft, our Mexican friends were celebrating Diez y seis de Septiembre, the Mexican equivalent of our July 4 Independence Day.

And it was a good day for all of us to give thanks for the heroic service rendered to the United States by American citizens of Mexican, Puerto Rican, and Cuban extraction.

An article published recently in Soldiers, an official Army publication, calls attention to this service. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMIGAS—AMERICANS ALL

(By Philip R. Smith, Jr.)

In the U.S. it's July 4—the grand and glorious Fourth—Independence Day.

South of the border Mexicans celebrate *Diez y seis de Septiembre*—September 16—as their grand and glorious independence day. And Fort Sam Houston and Headquarters, Fifth U.S. Army at San Antonio, TX, will join Mexican-Americans in our Southwest again this year as in past years to mark the occasion.

The gesture of friendship, amity and goodwill between the two nations is particularly appropriate because from the surrounding area—and in fact from Mexico itself—have come many fighting men who added to the luster of the U.S. Army. It's even more appropriate since, in the latest gesture of friendship and amity between the two nations, some of the disputed lands along the Rio Grande have recently been returned to Mexico.

The Mexicans celebrate September 16 as the anniversary of their independence although the revolution begun on that day in 1810 with a proclamation by the priest Miguel Hidalgo y Costilla failed. Independence from Spain did not come until 11 years later. But ever since, the day has been to Mexicans what July 4 is to Americans. Last year Fort Sam Houston sent marching units, bands, floats—one carrying Miss Fort Sam Houston and a court of princesses—and mounted horsemen to the festivities as thousands lined the streets and cheered. Fort Sam will join the celebration again this year.

Although men from south of the border and their descendants have long made contributions to this Nation, it is a little known fact that Spanish soldiers aided the American cause even before our independence had been gained. Spain declared one of its perennial wars against Great Britain in 1779 and although the Spanish crown wouldn't consider joining another old enemy, France, in a concerted effort, Spanish troops actually did serve in what is now the United States.

Operating from New Orleans, Spanish troops captured the Mississippi River posts of Manchac, Baton Rouge and Natchez. They then went overland to take Mobile and force the surrender of Pensacola. Spain had earlier lost the area to the British in the many European wars. Spanish military posts were established on the west bank of the Mississippi all the way to St. Louis.

After the Revolutionary War ended in 1783 the young country encountered border problems with the Spaniards. However, Napoleon acquired the Spanish holdings and then sold the whole of Louisiana Territory to the United States in 1803. Spanish-speaking groups flourished in the old holdings and many Spaniards remained in the settlements, especially in and around St. Louis, Spain still held its Mexican possessions including much of what is now part of the Southwestern United States.

The fact that many Hispano-Americans in what had been New Spain served the United States has all too often been overshadowed by various frictions through the years between Mexico and the United States. Even at the siege of the Alamo some of those who died fighting for Texas were Mexicans. Not many today recall the deeds of Colonel Juan Seguin, one of the garrison who with his orderly and another Mexican made their way through the besiegers' lines to seek aid for the Texans. They fought their way through one road block and got messages out but no reinforcements could be sent in to aid the few who were holding the fort.

Later, during the Mexican War, a Mexican spy company was formed as part of General Winfield Scott's forces. All in all, some 2,000 men served him so well during the war that members of the company were offered $20 each and a trip to Texas.

CIVIL WAR SERVICE

With the advent of the Civil War and with Texas in the Confederacy, many Mexican-Americans recalled their defeat at the hands of the Texans and threw in their lot with the Union. Several volunteer companies were raised in New Mexico and in 1862 Colonel E. R. S. Canby commended Colonel Pina, Lieutenant Colonels J. I. and Manuel Chavez and other officers of the New Mexico Volunteers "for their zeal and energy."

Again, a spy company is mentioned in Union dispatches as having "rendered eminent service" by watching Confederate movements. However, other Mexican-Americans served in the Confederate Army and they were frequently mentioned for their heroism and general good military conduct. One Confederate officer sent in a report recommending forming companies exclusively of Mexican-Americans. Apparently nothing ever came of that suggestion and later many Mexican-Americans defected to Union units.

Of all the persons of Spanish descent who served the Confederacy, one of the most interesting was a woman. Born in Cuba, Madame Loreta Velasquez was living in New Orleans when the war broke out. Determined to fight for her adopted country, she made a wire frame that concealed her voluptuous figure and over it she wore a man's uniform, glued on a false mustache and became "Lieutenant Harry T. Buford."

She went from New Orleans to Arkansas where she actually recruited a company of volunteers. Then she enlisted in the Twenty-First Louisiana Regiment. She saw action in the battles at Bull Run, Ball's Bluff, Shiloh and Fort Donelson. Every now and then the intrepid lieutenant "disguised" himself as a woman and as Loreta Velasquez worked her feminine charms as a spy. Although her identity was exposed, she managed to get back to the Confederate lines and went on posing as a man, spying and carrying on various plots until the end of hostilities.

After the war many Spanish-speaking residents of New Mexico served with one of the militia organizations that specialized in putting down rustling and maintainng the peace. One battalion of this regiment served with regular Army troops in the Geronimo campaign. This unit also engaged in several other Apache campaigns.

With the Spanish-American war looming on the horizon, Governor Miguel A. Otero of New Mexico wired the Secretary of War: "In case of hostilities New Mexico tenders you a full regiment of cavalry, 95 percent Spanish-speaking, who will respond immediately on first call, and go where ordered. Can send more regiments if desired. It occurs to me that our volunteers would be very desirable in a Spanish-speaking country."

The Army accepted the offer and soon a unit called the Otero Guards had been organized in Las Vegas.

Lieutenant Colonel Theodore Roosevelt was another "Anglo" who recognized good fighting men. Some of his famous Rough Riders were men of the Otero Guards who served with other hard-riding, hard-fighting men of the Southwest.

After the operations in Cuba Teddy Roosevelt wrote: "In all the world there could be no better material for soldiers than that afforded by those grim hunters of the mountains, those wild rough riders of the plains. They were accustomed to handling wild and savage horses; they were accustomed to following the chase with the rifle . . . the captains and lieutenants were sometimes men who had campaigned in the regular Army against Apache, Ute and Cheyenne . . ."

After the war many of these men found life pretty tame back in the American Southwest. The Indians weren't troublesome and the militia wasn't needed in combating rustling or gunslingers. Some, of course, found an outlet for their energies and their skills as riders on the big cattle spreads or as peace officers. Then came the Mexican border troubles which reached a climax with the raid by Pancho Villa on Columbus, NM, in 1916. Many of the old Rough Riders and others who had served in 1898 were still around and rode out when Black Jack Pershing led the punitive expedition into Mexico. They went with the others of Spanish descent when the New Mexico National Guard was mobilized in May 1916. Not long after the border incident was finished—inconclusively—the Nation was in the thick of World War I and again the ranks of units from the Southwest were heavy with Latin names, many of whom had served in the Spanish-American War.

In World War II the rosters of Reserve divisions from the Southwest were heavily laden with Spanish and Mexican names. The late Ernie Pyle, writing in his book "Brave Men," tells of some whom he observed with the 45th Division in Sicily—

"A large percentage of the battalion spoke Spanish and occasionally I heard some of the officers talking Spanish among themselves, just to keep in practice, I suppose. That New Mexico bunch missed more than anything, I believe, the Spanish dishes they were accustomed to back home. Their folks occasionally sent them cans of chili and peppers, and then they had a minor feast.

"They were part of the old New Mexico outfit, most of which were lost in Bataan. It was good to get back to those slow talking, wise and easy people of the desert, and good to speak of places like Las Cruces, Sonora and Santa Rosa."

In the 36th Division Company E, 141st Infantry, was composed of Spanish-speaking soldiers—Mexicans from Old Mexico as well as Mexican-Americans and some other Latin Americans. Many could scarcely speak English.

It was Company E that spearheaded the crossing of the Rapido River on January 21, 1944. The Germans holding the opposite bank had prepared well. Trees had been cut down to improve their field of fire and the trunks littered the bank. Nature aided the Germans with a low fog that morning; water filled the foxholes as rapidly as entrenching tools could bite into the soil.

Suddenly the fog lifted and the men of Company E were clearly visible to the defenders. Rockets and mortar and artillery shells rained down on the exposed troops as the Germans in their defensive positions shouted "Give up, Give up!" Even those in the American lines who didn't speak very good English knew what that meant—but not one of them gave up. Their line held despite the heavy fire and there in the shallow, water-filled foxholes the men of Company E hung on until the attempted crossing of the river was abandoned. German dispatches expressed amazement at the performance of the Spanish-surnamed Americans.

PUERTO RICANS, TOO

Not all of the Spanish names on Army rolls through the years were carried by men from the American Southwest. Many came from Puerto Rico which even today produces soldiers serving in Vietnam. Puerto Rico had formed a militia unit that fought against Sir Francis Drake in 1595, several years before the appearance of English settlements in Virginia and Massachusetts. Today's Puerto Rican National Guard units trace their origin almost 200 years before this Nation was formed. An Irish adventurer, one Marshal Alexander O'Reilly, is called the "Father of the Militia" because he accomplished a reorganization of the Puerto Rican units in 1759. A century later when the Spanish possessions in the Caribbean and South America were fighting for their independence, Spain disbanded the militia. When U.S. troops landed in the islands during the Spanish-American War many former members of the old militia served them as scouts and interpreters.

After World War I a U.S. Army National Guard unit, the 65th Regimental Combat Team, was formed and today the Puerto Rico National Guard has a dual responsibility—to the United States and to the Commonwealth of Puerto Rico. In both World Wars and in Korea and Vietnam, many Puerto Ricans who had immigrated to the mainland—settling largely in New York, Florida and Washington, DC—served in many U.S. Army units.

Of the 30 or so U.S. recipients of the Medal of Honor whose names show their Latin backgrounds, Captain Euripides Rubio, Jr., a native of Puerto Rico, is one who typifies the gallant actions of Puerto Ricans. He was awarded the medal posthumously.

To name but a few of those who earned their Medal of Honor in World War II, there are Joe P. Martine of Taos, NM, awarded for action on Attu Island May 26, 1943; Jose M. Lopez of Mission, TX, awarded the medal for action near Krinkelt, Belgium, December 17, 1944; Marcario Garcia of Ville de Castano, NM, for action near Grosshau, Germany, November 27, 1944; Jose F. Valdez, Governador, NM, for an action near Rosenkrantz, France, January 25, 1945.

The tradition of service and of heroism continues today. In a speech to the Senate on May 6, Senator Joseph M. Montoya of New Mexico told of contributions of the Spanish-speaking Americans in Vietnam. He stated that while they represent only 11.8 percent of the total population of the five Southwestern states, they account for 15.8 percent of U.S. casualties.

When the citizens of Mexico and of those same Southwestern states celebrate anew the *Diez y seis de Septiembre,* San Antonio, Fort Sam Houston and Headquarters, Fifth U.S. Army will be joining their neighbors south of the border to honor a long tradition of independence.

RHODESIA

Mr. KENNEDY. Mr. President, from Angola, through Namimbia and South Africa and Rhodesia, and on into Mozambique, the rigid humanity of legalized racism has distorted life for millions of black and white African citizens.

The United States is deeply concerned about the effect of those policies. Our Government has consistently pronounced disagreement with the refusal by those regimes to provide basic economic and human rights for all their citizens.

In 1965, the United States voted with other members of the United Nations to assert its opposition to the unilateral declaration of independence announced by the rebellious Rhodesian Government of Ian Smith. Since then, this Nation has complied with the economic sanctions against Rhodesia as an effective inducement for that government to consummate a political agreement with the United Kingdom.

I firmly believe that this Senate must reaffirm the United States commitment to oppose the very repugnant policies of the racist Rhodesia regime. We must therefore reject any effort to reverse our position. We must especially reject the current move to permit U.S. purchases of chrome ore extracted from Rhodesian mines. Buying Rhodesian chrome not only violates the U.N. sanction that we voted for in 1965, but it would also reject the judgment of the Office of Emergency Preparedness—OEP. According to OEP, current stockpiles of chrome ore exceed projected domestic needs to such an extent that the passage of legislation now pending in the Senate would authorize disposal of 2,250,000 tons of excess stockpiled chrome ore. By using ore from the stockpile at current rates of consumption, the need for annual imports of chromite would be substantially reduced.

In the current issue of Atlantic magazine, John Grimond presents a clear perspective of U.S. and European involvement with Rhodesia. He explains why economic sanctions against Rhodesia must be continued. I believe Mr. Grimond's presentation is a concise and telling account of the Rhodesian situation and I commend it to this Senate.

Mr. President, I ask unanimous consent to have printed in the Record the article entitled "Rhodesia," published in the Atlantic magazine for October 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

RHODESIA

Over the five and a half years that have elapsed since Prime Minister Ian Smith declared Rhodesia independent, the problem of this relatively insignificant British colony has proved as intractable as a wart on the face of John Bull. From time to time hopes have been expressed that this final blemish on Britain's colonial record could be charmed away, perhaps by foreigners. Would the independent states of Africa mount an army of liberation to free their black brothers in Zimbabwe (as they call it)? Might the United Nations shoulder the burden? Could the United States be persuaded to intervene? The answer to the first two questions never looked like yes; and a negative to the third came last year when President Nixon, by withdrawing the U.S. consul from Salisbury, showed that he would not deviate from the general line adopted by his predecessor—that of offering no comfort to Mr. Smith.

This attitude probably owed much to Secretary of State William Rogers, whose tour of a number of black African countries in February, 1970, resulted in a State Department announcement of increased support for the "smaller independent States south of the Zambezi"; this was a poke in the eye for the Rodesians who had hoped that Rogers' visit to the North would show him the follies of black rule. But the general U.S. position was confirmed by the passage in President Nixon's State of the World report declaring that "the United States stands firmly for the principles of racial equality and self-determination in southern Africa." Since then the United States has not intervened.

"HISTORY IN ROCK"

So it was with a distinct feeling of *deja vu* that Rhodesians and Britons alike watched the latest round of Anglo-Rhodesian diplomacy that began to unfold in June. Edward Heath's Conservative government chose to retain the services of its predecessor's emissary, Lord Goodman, sending him to the Rhodesian capital, Salisbury, to prepare the ground for full negotiations.

The difficulty with negotiations is that in Rhodesia so little seems to change. It was Sir Robert Tredgold, a former chief justice and acting governor-general, who once asked, "Do you remember what old John Burns said of the Thames—that it was liquid history? I think we may claim that here we have history in rock."

That was in 1953. The rock has not crumbled since, nor are there many signs that Lord Goodman, though a formidable man, will succeed in cleaving it. Far from crumbling, it has been compressed and compacted by the combined force of trade sanctions, international ostracism, and the official opprobrium of the community of nations. The effect of this has undoubtedly been to increase the ioslation of white Rhodesians, from which they have found solace by progressing further and further down the road to apartheid. There is now a *laager* feeling, a feeling of encampment, in Rhodesia which drives the whites in upon each other, shuts them off from outside influences, and takes this already provincial country ever further away from the mainstream of European or African thought.

The inevitable effect of this isolationism is to create another *laager*, a black one. It is now difficult for a white man to meet and talk freely with Africans unless their friendship is long established. Whites and blacks work together; indeed, because of the skilled-labor shortage, blacks find that ever more frequently they are working side by side with whites in jobs that have hitherto been filled by Europeans. But blacks treat whites with deference, and there is little interchange of thoughts or ideas. Few whites speak either of the two main African languages of Rhodesia—Ndebele and Shona—though in Kenya or Tanzania, for instance, it is rare to find resident Europeans who cannot get along in Swahili.

Sir Robert Tredgold, referring to the paradoxes of Rhodesia, has written that "often the best personal relationships go with the most reactionary views. The Rhodesian law says 'Thou shalt not live with thy neighbour.' The people so often insist on liking him and getting on with him. Government policy says 'You must keep the other race at arms' length.' Whenever the people—white and black—get to know one another well, there grows a strong sense of our common humanity." In part this is still true, but as Sir Robert would admit, it is noticeably less true today than it was when those words were written in 1968. The trouble is that white and black now seldom get to know each other well.

This population figures to help to explain why. There are today 5,130,000 Africans in Rhodesia and 243,000 whites—more than 21 blacks for each white. Furthermore, the African population is reproducing at the rate of 3.6 percent each year—one of the highest rates in the world—which means that by the end of the century, the ratio could be 40 to one. Little wonder then that the whites feel threatened. When one understands that 79 percent of the Europeans live in the cities (40 percent of them live in Salisbury alone), whereas only 14 percent of the Africans live in the cities, then one sees that in the vast majority of this country of 150,000 square miles, the whites are pretty thin on the ground.

Rhodesians are aware of this, and it frightens them. More than anything else it is fear that motivates the white community. In consequence the approach of the ruling party, the Rhodesian Front, is to allay fear. It tries to do this first by ensuring that the top jobs are reserved for whites and second by dispatching the urban Africans to black townships and their rural counterparts to "tribal trust lands."

If all this sounds reminiscent of South Africa, it is because what exists in Rhodesia is almost the same as apartheid. It is true that in Rhodesia the Africans have been allotted 50 percent of the land area, whereas in South Africa they have been given only 13.7 percent. But in Rhodesia, the Africans constitute 96 percent of the population; in South Africa the corresponding figure is 71 percent. As in South Africa, the Africans in Rhodesia have been given the poorest and least fertile pieces of land. Residential segregation has not gone as far as in South Africa, but here too the trend is clear. Last year, details of the Residential Property Owners' (Protection) Bill were published. This bill would enable residents of a street to evict any "colored" (of mixed racial descent) or Indian family from the street simply by collecting fifteen signatures; the names of the signatories would not be made public. Since Africans are already residentially segregated from other races, this bill, if passed, could almost bring to an end such residential integration as exists. It is not because of last-minute scruples of conscience that the government has reconsidered the bill, but it is now thought that there may be changes before it is brought before Parliament.

Disillusion with Britain and the trend toward the South African system, as well as a heavy dependence on the South African economy, have actually resulted in a desire in some quarters for integration with the republic next door. What is seldom understood by those who call for such a union is that in the course of time Rhodesia would almost certainly be turned into a *bantustan* (homeland for blacks only) by South Africa. Nothing would delight the government in Pretoria more than to have Rhodesia as a buffer state onto which it could unload some of its own black population, thus keeping the prize territory for itself. No doubt Prime Minister Smith is sufficiently shrewd to realize this.

His main preoccupation is to attract European immigrants, both to help redress the imbalance between the races and to fill the skilled jobs that the dictates of white supremacy forbid to Africans. Rhodesia boasts that net immigration of Europeans last year was 6340 (1300 more than the previous year) and that the figure of 2270 for the first three months of this year (450 up on the corresponding figure last year) suggests another increase in 1971. These figures are hard to verify, and there is suspicion that some emigrants are merely classified as residents on vacation, a device which would inflate the net totals. An anomaly arose at the time of the last census in March, 1969, when the white population was found to be 229,000. The same year's Annual Economic Survey gave the white population ten weeks earlier as 241,000. If both figures were correct, there had been dramatic emigration over a very short period.

Whatever the true figures, the trend among the young is clear. A survey of the intentions of two hundred sixth formers in February of this year showed that 50 percent wanted to leave the country, and of these, half declared that they did not want to return. John Bishop, who one month later carried out another survey among university candidates on behalf of the University of Rhodesia, found an overriding desire, particularly among the more intelligent young people, to leave the country. "They want to leave home, parents, Rhodesian society, the lot," he said. Statistics bear him out. Between 1961 and 1969 the proportion of whites in the most economically active age group, twenty-five to forty-four, dropped by 4.3 percent, while the proportion of those over forty-five increased by 3.9 percent. At the same time, the natural rate of increase among whites has dropped from 2.1 percent in 1959 to 1.1 percent today.

But for those who remain, life is still comfortable. Average earnings for non-Africans (Europeans, Asians, and those of mixed racial descent) are R$258 per month (one Rhodesian dollar = U.S. $1.40), which compares favorably with average disposable income in Britain of £51 per month and average earnings for black Rhodesians of R$26 per month. And there is no difficulty in spending it. Salisbury abounds with shops, and though the stock of the boutiques does not always live up to the window dressing, Rhodesians do not want for much—if they are prepared to pay for it. For instance, one of the bookshops, Kingstons, can boast of a selection far superior to its namesake's in Zambia's Lusaka to the north. And in Rhodesia, South African tourists find to their delight that *Playboy* magazine (banned in South Africa) scrapes past the censor five or six times a year, and most movies shown on Rhodesian screens would still be recognized by their directors. But the Rhodesia *Herald*, the nation's foremost daily paper, has now all but relinquished the role of critic and adviser that for some time it fulfilled, and the state-run radio and television give a somewhat one-sided view of world events.

MYOPIA

Such a state of affairs may cause myopia but, in the short run at least, no discomfort. Salisbury has much of the opulence of a small American Midwestern city—indeed, the city center, made up of blocks of high-rise buildings divided by avenues running east and west and streets running north and south, strengthens the resemblance. As in America, most citizens live not in the downtown area, which is given over to trade, business, and commerce, but in the suburbs, where rows of bungalows with scorched lawns and arid rose gardens pay tribute to the tenaciousness of the British character in the face of the tropical sun. Only the aquamarine of the ubiquitous swimming pool reminds the casual visitor to the suburbs that he is not in suburban England in an unusually hot summer. Only the few colonial features, such as the unimpeachably respectable atmosphere of Meikles Hotel, remind the casual visitor to the city center that he is not in North America.

Salisbury is in fact an African city in that it has 320,000 black inhabitants and only 105,500 whites. But no Africans live in Salisbury proper, except as domestic servants; they live in black townships suspended in the white hinterland like sea urchins in surf. The drab exteriors of the serried ranks of identical boxes betray nothing of what goes on inside, particularly at night when—work over—drinking, dancing, and discussion, all accompanied by music from the radio, may recapture something of the vitality of traditional African life. But this is not always the pattern. Too often city life for Africans, condemned to be commuters from a ghetto to a white man's city, lacks the *joie de vivre* that is to be found in the countryside. There, though poverty is more acute, life is less artificial, and the indignities of racial discrimination are less apparent. As it is, much of the extra money that comes from having a regular job often goes toward drowning sorrows at the beer halls, though some, it is true, is usually sent off to rural relations.

MONEY VS. SUBSISTENCE

How has the economy fared under sanctions? According to official statistics, the average real rate of growth since Rhodesia's unilateral declaration of independence in 1965 has been 4 percent. In 1970 it was higher than this, nearer 4.5 percent. That figure failed to meet the forecast of 7 percent, but it reflected no mean achievement, particularly in light of the famous words of Harold Wilson in January, 1966: "Sanctions might well bring the rebellion to an end in a matter of weeks rather than months." It is clear now that sanctions will never bring the rebellion to an end. But it is equally clear that they do have an effect, and this effect is not simply to make life harder for the African. Prime Minister Smith and his supporters are fond of making two points: that sanctions are merely an irritation to Rhodesia and that they hurt not the white population but the African. Neither of these is true.

There is in Rhodesia, as in most underdeveloped countries, not one economy but two. There is the money economy, which embraces all the white population plus some 14 percent of the African population, and there is the subsistence economy, which is exclusively African in composition. Sanctions affect only the money economy and hence leave over 85 percent of the African population untouched. It is true that the remaining 14 or 15 percent are more likely to be affected than the white population simply because in times of economic recession it is the blacks who are laid off before the whites. But where the blacks are doing jobs that are so menial that no white would do them—such as being a laborer or messenger boy—black employment is secure. Therefore, while it is true that some Africans will have suffered through sanctions, the proportion is so small as to be negligible. Furthermore, an African who loses his job in the money economy finds it quite easy to slip back into the subsistence economy; this is not true of a white. Therefore, the degree of suffering involved for a black is markedly less than for a white. This is borne out by the attitude of Africans toward the continuation of sanctions: insofar as one can find out, most Africans are in favor of their perpetuation.

In the money economy the situation is more complex, though here too sanctions have had only a limited effect. As much as a third of the white work force is directly or indirectly employed by the government. Therefore, sanctions affect them only to the extent that they affect the government's ability to pay salaries, and this appears to be relatively little. The section of the white community hardest hit is undoubtedly the farmers—particularly those who grow the main export crop, tobacco. In 1968, a Rhodesian Tobacco Association survey found that only 5 percent of the growers could break even. The number of tobacco farmers had dropped by 1100 to 1700 between 1965 and 1970, and the value of the crop had dropped from R$70 million to R$27.4 million over the same period. It has been estimated that over one third of the total crop between 1965 and 1970 was stockpiled. Tobacco farmers are therefore kept in operation thanks only to massive subsidies from the government.

The other people potentially vulnerable to sanctions are those employed in the financial, industrial, and mining sectors. How have these fared? The reaction of Mr. Smith's Administration to the imposition of sanctions was to encourage largescale domestic industry, not simply to make the goods that Rhodesia could no longer import but also to provide employment. The government was also anxious to foster new projects to accelerate the economy's rate of expansion. This policy continued until 1969, but since then one critical problem has arisen—a shortage of foreign exchange. In spite of sanctions, much trade could and did continue, notably with South Africa but also with countries such as Germany and Japan. Therefore, some foreign exchange flowed into the country, but this was not enough to satisfy the needs both of existing enterprises and of the new projects for foreign exchange to pay for imported machinery.

However, the most important effect the sanctions have had has been to prevent the Rhodesian government from raising foreign currency loans on international markets. And since there is now a sharp demand for foreign currency which exceeds the supply from exports, the Rhodesian Reserve Bank is very concerned.

The mining sector has found little difficulty in exporting its products through South Africa or the Portuguese territory of Mozambique. Some difficulty has been experienced in marketing Rhodesia's asbestos, largely because this is of such a high quality that its country of origin can easily be determined. Chromium exports too have suffered, though earlier this year the United States government permitted the shipment of 150,000 tons of chromium ore from Mozambique where it had been blocked since before Rhodesia's unilateral declaration of independence (UDI).

The Nixon Administration is under strong pressure to resume importing Rhodesian chromium, since America is now buying over 50 percent of its chromium ore imports from Russia at a price of $65 to $70 per ton in contrast to the $26 per ton that it was paying for Rhodesian chromium ore in 1965. One of the ironies of this situation is that it is rumored that some of the Russian ore in fact originates in Rhodesia.

Earlier this year the Nixon Administration permitted Union Carbide, a firm which favors closer relations with South Africa, to sell 150,000 tons of chromium ore—worth $2 mililon—that had been mined before UDI and held stockpiled in Rhodesia since 1967, but there has been no general relaxation of the official American attitude toward sanctions. Indeed, David Newsom, the Assistant Secretary of State for African Affairs, hotly opposed a bill introduced in early July by Senator Harry Byrd (Dem., Va.) to allow Rhodesian chromium to be imported into the United States. Mr. Newsom said that Rhodesia's course since 1965 "has contributed toward a heightening of the black-white confrontation in southern Africa."

Nickel and copper exports remain high, and it is expected that Rhodesian mining will continue to prosper. The only other sector of the population to suffer from sanctions is the consumer. To him sanctions usually mean the irritation of not being able to find a spare part for the power mower; to her it means a restricted choice in the shops and, more inconveniently, an occasional shortage of the Pill. To the consumer, sanctions are just a great big bore—no more than that.

But sanctions could become more if, as the Reserve Bank fears, inflation prompted by consumer demand for goods catches on. This danger now looms for two reasons: first, the shortage of foreign exchange threatens to level off supply; and second, surplus funds (in the form of time deposits which have risen from R$7.4 million in 1965 to R$94.8 million in 1970) could lead to a consumer spending spree. To be sure, an inflationary spiral is something that many other countries in the world have to deal with, but Rhodesia under sanctions is particularly ill suited to tackle it.

STAMP

White opposition to the regime has almost entirely evaporated with the defeat of all the white candidates who ran last year for Pat Bashford's multiracial Center Party, leaving the Rhodesian Front with all the fifty "white" seats. Eight black candidates were returned by voters on the African roll, but their position in Parliament is totally powerless. Faced with such a substantial phalanx, they cannot hope to influence policy in Parliament. Indeed, all policy decisions seem to be settled by caucuses of the Rhodesian Front. This leaves Parliament in the position of being little more than a rubber stamp. It has even ceased to be an effective forum for discussion, partly because it sits for only some months of the year, partly because the press and radio devote so little of their capacity to airing critical opinions, and partly because the eight elected opposition members are not representative of the body of black opinion—after all, only 8192 Africans were allowed to vote, and fewer than half of these did.

Far more outspoken than the Center Party—which has declared itself loyal to "the sovereign independent State of Rhodesia"—have been the several churches. Through the letter columns of the papers, through statements (which have been reported), and through their own publications, church leaders of all denominations have castigated the government, although with very limited effect. Ironically the reaction of one Rhodesian to a pastoral message, issued by the Roman Catholic bishops of Rhodesia, called "A Crisis of Conscience" was to place advertisements in the press headed: "Rhodesians, wake up! Your political freedom is being challenged (not by Great Britain—they tried and lost the battle) but by a much more experienced adversary—the Roman Catholic Church. . . ." But most white Rhodesians are oblivious to the erosion of their freedoms from whatever quarter it comes: the freedoms they have lost have not been freedoms they have used.

The most provocative threat to the regime—an example of multiracial living—was snuffed out by the government earlier this year. Cold Comfort Farm was a multiracial cooperative that existed just eight miles from the center of Salisbury on land that was designated by law virgin white. It was able to exist because the ownership of the land was in the names of whites, but the society that ran the farm was multiracial. Last November the society's chairman, Didymus Mutasa, was taken into detention, without trial, and is now languishing in Sinoia Prison. Guy Clutton-Brock, the treasurer, had his Rhodesian citizenship removed and was subsequently deported to Britain. The farm was then closed down. Since the principles on which the society was run owed more to Baden-Powell than to either Marx or Mao, it was impossible to find a pretext for its closure that would stand up in a court of law. However, this is not necessary in Rhodesia—the signature of the Minister of Lands is sufficient.

The only other notable case in which the government has encountered passive resistance has been that of the Tangwena tribe and their leader, Chief Rekayi. Since 1965, successive governments in Salisbury have endeavored to drive the Tangwena from the land in the eastern highlands that they have occupied since the last century. The reason for this uncivilized behavior is that the white man wants the land for himself; the land was in fact declared "white" in 1930. The Tangwena, however, will not be moved—not, at any rate, by legal writs nor even by use of force. Several times in the past year the government has destroyed the houses of the Tangwena, but each time Chief Rekayi has brought his tribesmen back. Now he is remanded in custody, charged with four offenses under the Law and Order (Maintenance Act), but his followers are still in the hills waiting to rebuild their houses.

In Zambia's capital, Lusaka, are headquartered the two Rhodesian guerrilla groups, the Zimbabwe African People's Union (Zapu) and the Zimbabwe African National Union (Zanu). Some of their leaders are among the 144 detainees at Gonakudzingwa and other camps in Rhodesia, but others organize incursions into Rhodesia from Zambia and Botswana. Though they do not at present constitute much more than a nuisance, they do from time to time have successful encounters with Rhodesian security forces. Certainly they are taken sufficiently seriously for the South Africans to have police permanently stationed in Rhodesia. If, as now seems possible, Zanu and Zapu manage to settle their age-old differences (which, though Zanu is Chinese-supported and Zapu Soviet-supported, owe more to clashes of personality than to ideological disagreements), their combined and coordinated efforts may prove more dangerous to the Rhodesians than their present fragmented ones. But the day of liberation for the Rhodesian African, however it is to come, still seems very far away.

John Grimond.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous unanimous consent agreement, and the hour of 11 o'clock having arrived, the Chair lays before the Senate the pending business, the conference report on H.R. 6531, to amend the Military Selective Service Act of 1967; to increase the military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the cloture motion.

Mr. MANSFIELD. When does the time start on the limitation of debate?

The PRESIDING OFFICER. At 11 o'clock; now.

Pursuant to the unanimous consent agreement, the time from now until noon will be equally divided and controlled by the Senators from Alaska and California (Mr. Gravel and Mr. Cranston), and the Senator from Mississippi (Mr. Stennis).

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, there is one significant and outstanding fact that we have been over several times here even though it has just become known. But whenever the record is open for debate on the subject the point should be emphasized again, so that it will be crystal clear in the record as to what that fact is.

The fact is that even in the brief span of time that we have operated without a draft law on the books, in round numbers 75 to 80 days, the percentage of high school enlistees in the Army has been steadily going down. Those that are not high school graduates, up until the draft expired, had been running on the average at 37 percent.

In the brief span of that 75 to 80 days, during July and August and part of September for which we have the records, that 37 percent has quickly grown to about 50 percent of enlistees who are non-high-school graduates.

That brings us immediately to the point mentioned so many times, the problem of getting enough young men who have had enough of a formal education, enough of a basic knowledge of mathematics and related subjects, to have the ability to grasp training in military technology.

All the services have many of these technical groups which have to be highly trained. That means the men have to be capable of taking the training, they have to have the background of schooling necessary, they have to have been introduced to the necessary science and technology needed to make some kind of start. Those are the kinds of men the services have all used in crews to operate in the fields of electronics, radar, avionics, and so forth. The services all need crews for attack submarines, for Polaris missile submarines, for the carriers at sea and for airplanes—the Navy, the Marines, the Air Force, the Army, they all have aircraft and other hghly technical systems.

So the rate of enlistment of the necessary kind of men has taken a toboggan slide. When we project the showing over these 2½ months over to a period of 6 months, it is unmistakably clear, and proof is abundant, that there will be a rapid deterioration in the services. They will have to abandon various units in order to take what is left of the crews and consolidate them, in order to keep some of our airplanes ready to go, and some of our submarines ready to operate.

Every day that we lose in those fields, will cost us not just a little more money but will eventually cost us—and is beginning to cost us now—billions of dollars.

Mr. President, I am not in favor of rushing any Senator, but with all deference to everyone, this bill has been before the Senate so long and so much, and every Senator has had his opportunity to speak for or against it, that it is time for the Senate to vote on it.

Bad as the problem is about the war, the Senate determined last week that this bill is not a vehicle for the contents of the Mansfield amendment.

There will be other doors opening—they are open all the time—and I assume the Mansfield amendment will be before the Senate again. My judgment is that it will be.

Mr. President, let us talk about the Senate a little bit, not just the membership, but the Senate. Today is September 21, and we are running far ahead of schedule, in many ways, over the past few years. All the appropriation bills have emerged from conference except foreign aid and the two Department of Defense appropriation bills. I refer specifically to the military construction appropriation bill on which there is no problem, as it passed both Houses and will come back here soon. But this appropriation bill for the Department of Defense cannot be marked up over in the House. It is lying there. The House is waiting on us to pass the authorization bill. They do not know what will be in the bill or what will be left out of it. They know what the committee has recommended but they do not know about the reductions, whether they will be sustained by the Senate, or whether the recommendations of the committee on weaponry will be sustained by the Senate.

As a member of the Appropriations Committee, I assure all Senators that there is no way to get at it, writing up the appropriation bill, until the authorization bill is passed. We have made some headway on it. The hearings have been held to give consideration to matters which do not have to be authorized but we cannot formalize the appropriations bill until it is known what the authorizations will be. Until then, we are stagnating. If we could conclude the bill today, no harm would be done to any Senator, and we would save the rest of the week and be able to get on to the Military Procurement bill. We already have an outline of a system to try to get the work moving. When we do start, we are going to have assistance from our leaders, as well as from the chairmen of the subcommittees, who are specially prepared to debate the items that come within their categories. We will have the minority and majority members of our committee coordinating.

The leadership on both sides of the aisle, the Senator from Montana, the Senator from West Virginia, the Senator from Pennsylvania, the Senator from Michigan, and also the Senator from Maine (Mrs. Smith), the ranking minority member of the committee, all in a team, have already agreed on a broad outline of the activities and operations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, I know that a lot of amendments will be offered. They are already piling in. They are going to concern the war in Vietnam again. I am not objecting to that, nor am I complaining about that. They will concern the ABM and much of the weaponry. They will concern the money matters for all of Southeast Aisa and military aid. They will concern perhaps an overall ceiling.

I am not predicting the cost, but I would be greatly surprised, with the best of luck, if we are able to finish this bill with less than several weeks of debate.

I know that we need to get along with the draft bill. The Mansfield amendment matter will, I assume, come up again, and perhaps more than once in this session.

So, on this measure, I respectfully submit the facts. The arguments have been made over and over and over again. It is time to act. Anything less than action now would be a failure to move forward in the face of circumstances that should be given consideration.

Mr. President, I yield the floor and reserve the remainder of my time.

ORDER OF BUSINESS

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, unless someone wishes to speak.

Mr. CRANSTON. Mr. President——

The PRESIDING OFFICER. Would the Senator withhold that request?

Mr. STENNIS. Mr. President, I withdraw that request.

Mr. CRANSTON. Mr. President, I yield myself such time as I need.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, President Nixon said last week that it would be "irresponsible" for the Senate to delay extending the draft.

He implied that such a move would endanger our security.

I believe that statement is utter nonsense.

The Nation has already gone nearly 3 months without draft law and, short of a national emergency which is nowhere in sight, we can go many more months without a draft.

The Defense Department has indicated that even with the draft, fewer than 30,000 men would be inducted between now and the end of the year.

I find it hard to believe that the security of the United States depends on that number of raw recruits.

Plainly we have plenty of time to debate fully the necessity of the draft—and the relationship of the pending bill to Vietnam—without endangering national security in any way, shape, or form.

Indeed, I am convinced that by making wiser and more prudent use of our manpower we can go forever without a draft and be better off economically, morally, and militarily.

But if the President feels that immediate extension of the draft is absolutely vital to the Nation's security, he can get that extension at once by accepting the original Mansfield amendment.

The 61 Senators who voted for that amendment include the bulk of the Senate opposition to the draft bill.

Among them lies all our hopes for a successful extended and lengthy discussion of the draft.

Were President Nixon to accept the original Mansfield amendment, most of the opposition to the draft bill would evaporate.

The delay and the debate would end; cloture would be voted at once.

I am confident that we can defeat the cloture motion today.

And, if we display the same determination on this matter this week and thereafter that President Nixon displayed last week, we can go on defeating cloture as long as cloture petitions are filed.

But without the support of pro-Mansfield amendment Senators, I repeat, our filibuster would not stand a chance.

We would lose even this very first cloture vote. The issue of extended debates and cloture votes to end them are also deeply involved in the matter. Some Senators who favor the draft and oppose the Mansfield amendment will nonetheless vote against cloture, and some Senators who oppose the draft and favor the Mansfield amendment will nonetheless vote for cloture.

The administration has already made one major concession in its effort to push its draft bill through the Senate quickly.

The President promised the distinguished Senator from Colorado (Mr. ALLOTT) that he would support the Senator's compromise proposal to increase military pay $380 million more than the administration wanted.

As an advocate of an all-volunteer army, and as a man who worked closely with the Senator from Colorado in getting his original amendment approved by the Senate, I applaud the President's move, though I recognize that no one can guarantee the final fate of that compromise once it gets to the House.

But the significant fact is that the President did make that important concession.

For an administration that is at present so vocal and active in its opposition to increased Government spending, to agree to boost spending by $380 million is almost as big a concession, economically, as accepting the Mansfield amendment would be politically.

The root question is this: Just how big a concession would accepting the Mansfield amendment be?

The President has frequently declared his intention of withdrawing our men from Vietnam.

But he has never said he would withdraw all our men.

And there is talk of a residual force of 50,000 men with continued American involvement in aerial and naval combat, and perhaps even in ground combat through undefined support activities.

If that is really the President's plan, then, of course, he will not accept the Mansfield proposal that we withdraw all American Armed Forces from Vietnam within 9 months.

He will not accept it no matter how hard the Senate insists.

But in that case, we and the Nation will know where we stand.

We will know that despite the President's talk of winding down American participation in the war, we are not going to be getting out of the war for a long time to come, if ever.

If, on the other hand, the President truly intends to get all our men out and to get them out safely and systematically within a reasonable time, then he can accept the Mansfield schedule.

The difference between the explicit Mansfield timetable and the implicit timetable which, we are told, the President has in mind, is merely a difference of a few months.

The only concession the President would make would be to accept the Senate as a constitutional partner in the conduct of foreign policy, sharing full responsibility with him for ending our participation in the war.

I believe that if we in the Senate continue to hang tough, we can find out just how important the draft really is to the White House.

And we can make the Mansfield amendment the acid test that will reveal the President's true intentions in Southeast Asia.

Mr. DOLE. Mr. President, I wish to speak to the problem of the draft, one which has occupied the attention of the Senate throughout a long and arduous legislative process begun last winter and carried forward to culmination in the legislation now under consideration. This bill is the careful product of hearings, study, debate, compromise, passage by the House and Senate, and approval by a conference of both bodies. It is a well-considered, thoroughly studied, and vitally important bill. It meets a crucial national need, and it should be passed without further delay.

RESPONSIBLE APPROACHES TO ENDING THE DRAFT

The Senator from Kansas has long been an advocate and supporter of filling the manpower needs of the Armed Forces through voluntary enlistments. Ending reliance on the draft is an extremely important national goal, but that goal must be achieved in a responsible way.

The draft system—and its replacement by something better—are issues too important to be treated unsystematically and in the heat of emotional appeals to the anxieties of the people. Responsible men in both the Congress and the executive branch have devoted months to serious and thorough investigation of how best to end the draft and with what better system it might be replaced.

Many Senators and Congressmen have labored conscientiously, conducting hearings and research, to address this question systematically and to offer constructive proposals. The President has submitted a comprehensive plan for an all-volunteer army by June 1973, and as the war winds down, we are on the verge of seeing the idea become a reality in carefully developed stages.

But a volunteer army will not come into being without serious thought and planning. A majority of both Houses of Congress confirmed this fact when they voted to extend the draft for another 2 years. To block the draft through procedural delay with no consideration of an alternative system, and with no regard for the consequences, is no solution.

It would be unfortunate if the intemperance of feeling peculiar to debate on Indochina were allowed to infect the very process of orderly legislation. The legislative process has run its course on this bill; the collective judgment has been rendered. To obstruct this bill further does no service to the American people, for the draft bill in its current state has ceased to be an appropriate vehicle for criticism of Indochina policy.

MAINTENANCE OF THE ARMED FORCES' QUALITY

In the context of this discussion, I would also like to point out that the delay or failure of this bill would seriously impair the quality of our Armed Forces.

Contrary to the speculation of some, the result of Congress' failure to provide the President promptly with continued draft authority is severe. In the interval between today and the creation of an all-volunteer Army—by June 1973 under the President's plan—Department of Defense studies confirm that the authority to draft is vital to maintain enlistments at the minimum level needed to meet today's defense needs; for our Armed Forces at the end of fiscal year 1972 will be trimmed by 245,000 and will still require about 2.45 million men. To maintain these forces will require 500,000 new men, almost half of whom will be needed by the Army. However, we know that volunteers will meet only half of these requirements. The other half under present circumstances is provided by draftees and men who enlist because they are subject to the draft. The increase in military pay and other expenditures recommended by the conference will increase voluntary enlistments significantly. But in the absence of a draft, even with the proposed pay increase, volunteers will meet only three-quarters of our overall military manpower needs and less—or about two-thirds—of the manpower needed to support the U.S. Army.

The inescapable conclusion is that, if the draft bill dies, America's military strength will decline dramatically; the U.S. Army will lose the equivalent of about one combat division per month. By the fall of 1972, the Army's strength will level off at a total strength of about seven divisions—compared to the 13 divisions we need, and contrasted further to the 16 divisions we maintained prior to Vietnam. The other services will suffer comparable proportionate reductions in capability.

Such a drastic and precipitate collapse of American military strength cannot be advocated by responsible men. The effect on the entire spectrum of our strategic relations would be immediate and devastating—no less in London and Bangkok than in Moscow and Peking.

Certainly this cannot be allowed to come about because of impulsive impatience for ending the draft. The President is already committed to end this Nation's peacetime reliance on the draft by June 1973. In fact, under his plan, our forces will probably require inducting fewer than 60,000 between June 1971 and June 1972 out of over 2 million men coming of age during this period—less than 3 percent. In the following year, our reliance on the draft to meet military manpower requirements will be even less.

HAZARD TO MILITARY REFORM

The impact of no draft authority is not just a problem of numbers. Over the past 12 months, President Nixon has moved positively to improve the combat readiness of our forces and especially of those not assigned duties related to Vietnam. Studies conducted by the Department of Defense indicate that many of the problems associated with lagging Army discipline, morale, and poor performance are directly related to the drawdowns forced on our units here at home and in Europe. The rebuilding of these units has already been a contribution to overcoming the scars of Vietnam. Failure to continue with the draft will place the progress made thus far, and the improvements still required, in great jeopardy.

Thus, an undeserving victim of this irresponsible attempt to frustrate the legislative process is the American GI. The critics of the war do not hesitate to exploit him in his suffering and his hardships to suit their legislative ends, but they have not the slightest hesitation in threatening his security by forcing severe shortfalls, and they would dismiss his long overdue pay raise, lifting him at last above the poverty minimum, with a legislative wave of the hand.

The pay recommendations in the conference report are clearly adequate and fully responsive to service needs.

For enlisted personnel with under 2 years' service, the pay provisions in the conference report would eliminate completely the inequities in pay rates which have evolved since 1952. On a cumulative basis, 1952–71, the basic pay increases in the conference report represent an increase of 189 percent for the "under 2" category compared to 151 percent for career members.

A decision on applying the wage-price freeze to the military pay increases will be deferred until passage of the bill in its present form.

STRATEGIC BALANCE OF POWER

The prolonged delay or failure of the draft bill would have undesirable effects far beyond the well-being of our military institutions. It would reduce the capabilities of the United States to react to potential regional conflicts in areas of the world deemed critical to our strategic interests.

While strategic sufficiency is most popularly seen in the more publicized components of the sufficient defense capability, the very foundation of strategic deterrence is an efficient, mobile, well-trained force of men in place. Without conventional forces, a President in a crisis would be left with no choices except capitulation or strategic nuclear war. To degrade and diminish this element below the strategic minimums—at which level we have arrived—puts the balance of parity in jeopardy as surely as scrapping numbers of minutemen, or substantial increases in the Soviet ICBM force.

Because of the sustained drive by the Soviets to gain strategic parity and now apparently superiority in nuclear and conventional weaponry, the overall military balance is now measured in very small increments—the fine measure of sufficiency. The magnitude of the shift caused by shortfalls of 15,000 per month would cause this even balance to be tipped suddenly and dramatically. Sufficiency would, within short months, become strategic inferiority. The state of the global balance directly affects both America's options and potential adversaries' assessment of their opportunities. Every crisis area of the world would be immediately affected.

IMPACT ON AMERICAN FOREIGN POLICY

The effects upon the Middle East situation would be disastrous. The ability of the United States to react promptly and effectively with ground forces throughout the Middle East, as was done in Lebanon in 1958, has been an essential deterrent to Arab and Soviet adventurist temptations. The Jordanian crisis in September 1970—the Syrian invasion of Jordan, and the bold but discreet movement of U.S. forces in Europe and the Mediterranean—was a dramatic example of the stabilizing influence of American military power. This very capability—as well as our global power to deter—would immediately be called into question.

In Europe, where diplomacy is more fluid today than at any time in the last 25 years, unilateral slashing of U.S. military power would undercut the entire bargaining position—and very possibly the unity—of the Western Alliance. The result would be not detente—as some people think—but an imbalance of power on the continent, and overbearing pressures on Western Europe from the Soviet Union. The President's approach—keeping our pledges to our allies and bargaining on an equal basis with the East—has proven its value in the Berlin talks.

Communist China's principal interest in normalizing relations with the United States is to seek a counterbalance to Soviet power. If the United States dismantles its military establishment and withdraws precipitately from Asia, China will have no interest in maintaining a dialog with the United States.

A deplorable consequence of the lapse of the draft will be the impact upon our allies and friends, especially in Europe. In going more than halfway for peace, in our discussions with the Soviets, the Berlin agreement, our pending discussions with the Chinese, our economic policies—we have depended upon and fully taxed the trust and forebearance of our friends that we would not fail them in maintaining the strategic balance upon which their very existence or independence in many cases depends. If this balance collapses through the lapsing of the draft, the consequences are likely to be of historic proportions.

Around the world, our allies and friends fear a new wave of isolationism in America. Thirty years ago we were isolationist because we thought we were better than everybody else; today many are isolationist because they think we are worse than everybody else—but the disastrous effect on peace and stability in the world would be the same. What would be more suggestive of a plunge into isolationism than such an impulsive and devastating blow against the very Military Establishment that underpins our capacity to contribute to peace in the world?

CONCLUSION

The enactment of a draft bill is indispensable to the maintenance of our security and the conduct of our foreign policy. In no recent period of history has the maintenance of a strong defense posture been more crucial as the underpinning of an effective diplomacy. The President's dramatic achievements thus far have been the achievements of a nation determined to remain strong, to defend its interests, and to bargain patiently and seriously to resolve conflicts. To undermine this posture in the eyes of our adversaries and our friends would be a blow to our hopes for an era of negotiation and a generation of peace.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am happy to yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, the Senate debate on the proposed 2-year extension of the Selective Service Act began on May 6. The legislation was approved by the Senate 7 weeks later, on June 24. It already had been approved by the House of Representatives.

The conference committee to iron out the differences between the two Houses of Congress met on June 28—and reached agreement 4 weeks later on July 30.

The current debate on the conference report began September 13.

I favor full debate on vital issues—and this matter has been debated to the fullest.

It seems to me that the best interests of the Nation require that this question dealing with national defense and national security be disposed of one way or the other.

I voted against cloture on June 23—but 3 months have now passed and still no action has been taken by the Senate.

As the only way to bring the issue to a conclusion, I shall vote to invoke cloture as I see no advantage to our Nation in continuing the debate and the uncertainty.

Mr. STENNIS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what remaining time do I have left?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. STENNIS. I yield 4 minutes to the Senator from South Carolina (Mr. Thurmond).

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending draft extension bill represents the best consensus available on a difficult issue. This bill has been before the Congress since the first of the year. The will of the Congress is certainly embodied in the legislation now before the Senate.

The issue today is whether or not cloture should be invoked to terminate debate on the draft bill. I personally find it distasteful to support cloture, but I am convinced our national security will be weakened if the draft remains inoperative.

There are two central issues the Senate must consider. First, if the draft ends the chances of an all-volunteer armed force will end with it. While I remain unconvinced the all-volunteer force idea will produce a military force of the needed size and quality, such a goal will never even be tested without an orderly and gradual move in that direction. To insure that move has a chance to succeed, the draft is required for at least 2 more years.

Second, the draft is needed to bring in the quality of men needed to man the complex systems involved in the security of our own people—not Vietnam, not Europe—but the United States of America. Highly qualified men must man the Polaris submarines, the bombers, and the Minuteman missiles. These are complex weapon systems and at present the services have only been able to obtain through the draft the high quality type man needed for these systems.

Mr. President, the warnings of the Joint Chiefs of Staff and the service secretaries should also ring through this Chamber as the vote draws near. Hear some of the warnings they issued last week:

First. Army enlisted strength will fall below minimum levels if the draft is delayed past September.

Second. In July, 36 percent of the men enlisting in the Army were in the lowest acceptable qualification category and 47 percent of those enlisting did not have a high school diploma.

Third. The Navy manpower pool of likely enlistees has plunged 35 percent in the past 2 months.

Fourth. Without the draft Admiral Zumwalt says the Navy can obtain only 62 percent of its needed enlisted force.

Fifth. The Marines estimate only one-half to two-thirds of the required force can be obtained without the draft.

Seven. Air Force enlistees indicate a shortfall of nearly 10,000 enlisted men for the first quarter of fiscal year 1972.

Eighth. ROTC enrollments are down and reserve and guard strength levels are declining rapidly.

In closing, Mr. President, I urge the Members of this body to bite the bullet and make the hard decisions necessary to provide this country with a military strength second to none.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the Senator from Mississippi reserves his time.

The PRESIDING OFFICER. If time is not yielded, it will be charged equally against both sides.

Mr. STENNIS. Mr. President, I yield myself one-half a minute. There could not be clearer evidence that the debate is over, if no Senator wants to speak. That is an additional reason, I respectfully submit, for invoking cloture.

I reserve the rest of my time, Mr. President.

The PRESIDING OFFICER. Time is now being charged equally against both sides.

Mr. CRANSTON. Mr. President, this morning, in the Post, a very eloquent letter appeared by a distinguished former Member of this body, Senator Ernest Gruening. I would like to read that letter. I think it speaks very eloquently to the issue before us at this time. His letter reads as follows:

Former Senator Gruening on the Need To End the Draft Now

The opposition to letting the draft expire, as it already has, on June 30, last, is based on dire predictions. One columnist labels the prospect of non-resumption of the draft as a "catastrophe" and forecasts that in that event the United States would become a second-class power in six months! And some of the same prophecies of doom have characterized the eloquences of draft supporters in the White House, the Pentagon and the Congress. Our nation has now been without a draft for two and a half months and the foundations of the Republic, however, impaired by economic problems, by mounting inflation, mounting unemployment, mounting pollution and mounting crime, have not been noticeably impaired by the draftless interlude.

Is it not high time that the Congress faced the human aspects of the basic moral issues involved in human liberty? For a century and three quarters our country was free of a peacetime draft. It was imposed only in time of war, in times when our nation was seriously threatened—the Civil War and World Wars I and II. It was not until a quarter of a century ago that, for the first time, Congress adopted peacetime conscription, thus reversing a hallowed tradition. One which had long established the difference between America, the land of freedom and the Old World. Since then we have steadily become a more and more militaristic nation. Our military costs—so-called "defense"—have mounted to astronomical levels to the neglect of our vital domestic problems, solution of which would restore the strength, unity and well-being and confidence of our people previously enjoyed. Despite these war outlays, the people feel less secure than when we did not have the greatest Navy, Air Force and "defense" establishment on the earth.

It was the draft that made it possible for our leaders to deceive the American people into the longest, costliest, least justifiable and most unpopular war in our history. Even though the Tonkin Gulf Resolution based on spurious incidents has been repealed, the war goes on at costs not yet computable, and the resumption of the draft would be another potent factor in keeping the monstrosity going. It is at the root of our unprecedented domestic troubles.

We have been told by the White House for four and a half years that the war is about to be ended. "Winding down the war" is the phrase echoed on the Hill. Every so often the President announces the withdrawal of more thousands of troops. Why then is it necessary to draft more kids and send them in the opposite direction to engage in senseless slaughter?

The draftee is the victim of unique discrimination. Those in the various armed services, Army, Navy, Air Force, Marine Corps, who enlisted voluntarily know that they would have to go when they are ordered to go. The draftee on the other hand is subjected in the vast majority of cases to the involuntary servitude which our Thirteenth Amendment prohibits.

By now our young people know that our nation was lied into this war. (Some of us knew it before the publication of the Pentagon papers.) Quite properly then object to being compelled to fight in a war in which no vital American interest is in jeopardy, to kill people against whom they feel no grievance, participate in what has become a mass slaughter of civilians, and maybe to get killed or maimed in the process. But if they refuse to go, if they follow their consciences, they face imprisonment at hard labor with all the disastrous consequences for their future.

This is an infamous dilemma to which no citizen of a people that calls itself "free" should be subject. This issue transcends all others. It is crucial. Upon its solution will depend in large part whether our long great peace-loving society will return to what we have loved and cherished, or whether we shall slide further into the abyss into which misleadership has plunged us.

A heavy responsibility rests on every senator. He will have to decide whether or not he will sentence more young men to fight and possibly die or be maimed and kill others in an utterly discredited cause.

Ernest Gruening,
Former U.S. Senator From Alaska.

Washington.

Mr. GRAVEL. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Seven

minutes to the Senator from Mississippi and 10 minutes to the Senators from California and Alaska.

Mr. GRAVEL. Mr. President, the chief argument for the draft seems to be that we need it in order to defend ourselves. I think that is the case that has been made this morning.

I submit that the opposite is true. The draft impairs our defense ability. The existence of the draft does maintain our ability to wage war; not to defend ourselves. So when the Senator from Mississippi makes the point that we need the draft so we can get the young men who are first in mathematics and first in the natural sciences, so that those young men can be drafted and used to man our complicated defense structure, the Polaris submarines, the Poseidons, the Minuteman missiles, and other elements of our strategic defense, I submit that argument is folly. After you draft the young men, then it takes 18 months to 2 years to train them, and then their term of service is over, and all you have done is perform an educational exercise that does not add one iota to our defense, because obviously those people, since they are forced into the service, will not stay in the service, but will get out at the earliest opportunity.

So what, really, have you done? The question here is, How do you entice people into staying in the service after you have trained them? Obviously you do not do that with the draft. You do it with proper pay, and you do it with proper conditions of service. That, of course, is exactly the case which was made by the Gates Commission when it stated that the end of the draft would not impair our defenses one iota. So those who seek to make the case that we need the draft in order to maintain a defense posture, I think, miss the mark. What they are really saying is that our ability to wage war depends upon the draft.

That has been amply proved by events in Southeast Asia. In 1961, we had no draft calls. But in 1965, when the Chief Executive of this Nation decided upon waging war in Southeast Asia, he relied not on the Reserves or on volunteers, but on the draft. I think that case is amply made.

When we talk about the defense of this country, let us be sure we understand that of which we speak. The defense of this country rests upon a force of 134,000 men. That is the number of men required to man our submarines, our missiles, and our offensive and defensive strategy capability in the Air Force.

We have under arms today about 2.7 million men. That, of course, is a far cry from the 134,000 strategic forces necessary to our defense. Obviously, the difference is made up of a force which permits us, as a part of our foreign policy, to garrison the world. To garrison and defend Europe, when they do not have a similar resolve to defend themselves. To station men in Ethiopia, to station men in Spain, to station men in the Philippines, Korea, Thailand, Cambodia, Laos—all over the world, garrisoning the world in what some call defense. But it is a very false defense, because in this approach of seeking to garrison the world with our troops, we truly impair our defense capability. Our defense rests squarely, first, on our strategic forces, the 134,000 men, and second, upon our economic ability to maintain a defense.

That economic ability is in jeopardy today, as demonstrated by the economic gyrations we are now going through in order to place our house in order. But I submit that by no amount of economic methods that we may be able to foist upon our economy will we be able to put ourselves in order, until we realize that spending in the name of false defense is wrong.

As I say, our strength rests, first, upon our strategic capability and, second, on our economic viability. In the third place, it rests on our moral fiber and upon the professionalism that we must have in our military services, a professionalism that has been sorely eroded by the draft, by a society and a government that at gunpoint impresses its young into service, to go away to wage a war.

The President of the United States does not need the draft, today nor in the future. The only reason I can think of for the draft is to populate the front ranks of those fighting and dying in Vietnam. That is the only reason why he wants the draft. That can be demonstrated very simply by looking at the figures representing those who are in the frontlines in Vietnam. The figures show that they are not volunteers, they are not the professionals; they are the draftees who are forced at gunpoint to go to die there, when we all recognize, including the President of the United States, that this is a war that is going to end within the next 6 or 9 months. That we should continue to press these young people into fighting a war that none of us have the stomach to fight, I think, is a tragedy, and one that tears at the fabric of moral justice; and that is what truly impairs the ability of this Nation to defend itself.

The only other point I would like to add to this dialog before the vote today is that we must grieve over the tragedy of the U.S. Senate and its inability to act.

What is the Mansfield amendment really all about? It is a statement indicating a clear recognition that this war is wrong and should be ended, but it should be ended some time in the future. This in itself, I think, is no great strength. Certainly, it is all we could get at one point in time in the Senate. But if the Senate votes to close off debate and agrees to a watered-down Mansfield amendment, certainly it has retreated from the high water mark of the 60-plus votes we had when this body showed a certain degree of resolve.

I do not know what has transpired in the meantime for the Senate to back down from that high water mark. Certainly, the events in the election process in South Vietnam would lead one to expect that we could demonstrate a higher resolve and move to a higher water mark than that. I do not know what it could be other than the fact that the President has now entered the contest and is using the full force of his office to do away with the Mansfield amendment and to reinstitute the draft. If that is the case, then we have ample proof here today that the strong executive far outweighs any influence, any power, that the legislative arm of this Government may have. If that is the case, then I submit that if ever there was a need to have unlimited debate, to have the will of the minority impose itself upon this body, certainly that time in history is now.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, today I shall join with the distinguished Senator from Mississippi in his vote for cloture.

I am sorely disappointed to see the draft bill not have the language of the Mansfield amendment or similar language that would express the will of Congress, especially of the Senate, that we believe there should be a fixed date for the withdrawal of all our forces from Vietnam. This Senator supported all the amendments that would have set a fixed date for the termination of our involvement in Vietnam.

I was delighted to see that more than 60 Members of the Senate expressed themselves on the Mansfield amendment and that we went to conference with the draft bill containing language indicating that Congress is in favor of a fixed date for withdrawal.

I was sorely disappointed with the way the bill came back from conference. But I know the work that the distinguished Senator from Mississippi and the other members of the conference put forth in trying to hold that language. Still, because I felt that perhaps something could be gained in having a new conference in which the Senate would again go on record as determined to have a set date, this Senator voted to table the conference report. The Senate again, with substantial numbers, expressed itself on that proposition as feeling that at this time we could get nothing stronger than the language in the conference report.

I have always felt that we had to have a draft bill during this session, that we did need a continuance of the draft, because I have grave misgivings about whether we can have a volunteer army at this time. I think that, in a way, some of those misgivings stem from the question of whether this would be a volunteer army or a professional army. If we could get out of wartime mobilization, certainly we should be able to exist with a volunteer commitment to the Army.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. I yield 1 additional minute to the Senator.

Mr. CHILES. But until we can do that, I am afraid that it will be impossible to do so, and it will be necessary to continue the draft.

If we are going to have a draft, I think this is the time to put an end to the uncertainty as to when it is going into effect.

Major legislation pending in Congress is beginning to become backlogged, and I think the time has come to put an end to this.

During the early days of this session, I voted to maintain the present number required for cloture, after much study of that question, because I thought it was necessary that Senators be able to speak on the floor, to have an opportunity to alert the Nation to determine whether something is being pushed through Congress. I do not feel that is true on this question. I think we have been debating it long and hard. There has been ample opportunity for the public to express itself. There has been ample opportunity for the Senate.

So today I will vote for the cloture motion and for the draft bill, as soon as we can get that question before us.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. I thank the Senator from Florida.

Mr President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes.

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, the Senator from Alaska has worked on this matter of manpower requirements, and he has in his mind the figure of 134,000 men in our strategic forces. But, as has come up in debate before, that figure does not include a great many of the forces I have been referring to as requiring trained men to maintain our submarines and aircraft and other items.

I am talking about draft-induced men, not 2-year selectees. We have the figures I have shown over and over, that these men are drafted-induced. I can assure the Senate that these figures have been checked out very carefully.

The 134,000 men the Senator from Alaska mentions as being in our strategic forces do not include the men who man our aircraft carriers, who support and maintain our tactical air force, and these are no less immediately important to American security than those who serve in our strategic forces.

I have been quite explicit, Mr. President, to point out to the Senate that it is not only our "strategic" forces with which I am concerned, but all those forces which require highly trained and highly skilled men to protect us here at home. A large number of these men serve in the "general purpose" forces of the Department of Defense, such as carriers, nuclear hunter-killer submarines, antisubmarine warfare forces, and so forth. To list just a few examples our general purposes naval forces, including our carriers, require 263,000 men in fiscal year 1972. The men who keep the aircraft flying, who keep the destroyers looking for enemy submarines beneath the sea, and who man our own nuclear hunter-attack submarines must be technically trained to a high degree.

As I have pointed out often, Mr. President, the only way to insure that men of high capabilities will enter the Armed Forces in the near future and be able to assume these demanding and important jobs is to continue the draft.

Once again I urge the Senate to approve the conference report on the selective Service bill.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute.

Mr. President, what is the business of the Senate for the remainder of this year? It is now September 21. We have the long military procurement bill I have described. Appropriations in the House cannot move until this procurement bill is passed. We have the President's economic package, including investment tax credits, tax relief for personal income, appropriations for foreign aid, and at least one Supreme Court nominee. One Supreme Court Justice has retired and another is in the hospital, and I hope he will leave the hospital. But certainly we cannot leave here without giving consideration to filling the vacancy on that highly important tribunal.

My plea today is that we move on now to the final vote on this bill, purely a question of procedure.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. One minute.

Mr. GRAVEL. Mr. President, I think it noteworthy that the three major issues of 1971 involved use of rule XXII; namely, the SST, Lockheed, and the draft.

That brings into focus the simple fact that this body—the Congress—in juxtaposition to a strong Executive, or any Executive, cannot work its true will or the will of the American people.

That is the reason we have recourse to unlimited debate.

The American people are against the draft in peacetime. I would hope that this body would sustain that will.

CLOTURE MOTION

The PRESIDENT pro tempore. The hour of 12 noon having arrived, under the unanimous consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the adoption of the conference report on H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.
>
> 1. Hugh Scott
> 2. John Stennis
> 3. Lowell Weicker
> 4. Robert Griffin
> 5. Robert Dole
> 6. Gale McGee
> 7. Robert Taft
> 8. Glenn Beall
> 9. John Tower
> 10. Charles Percy
> 11. J. Caleb Boggs
> 12. Hiram Fong
> 13. Edward W. Brooke
> 14. Marlow W. Cook
> 15. Peter Dominick
> 16. Bill Brock
> 17. Lloyd Bentsen
> 18. Wallace Bennett
> 19. Margaret Chase Smith
> 20. Jennings Randolph
> 21. Clifford Hansen
> 22. Howard Baker

CALL OF THE ROLL

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 226 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

VOTE

The PRESIDENT pro tempore. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on the conference report on H.R. 6531, the extension of the Military Selective Service Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON), the Senator from

Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Indiana (Mr. HARTKE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The yeas and nays resulted—yeas 61, nays 30, as follows:

[No. 227 Leg.]

YEAS—61

Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
McGee
McIntyre
Miller
Montoya
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—30

Aiken
Allen
Bayh
Burdick
Case
Church
Cranston
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hughes
Humphrey
Inouye
Mansfield
Mathias
McClellan
McGovern
Metcalf
Mondale
Muskie
Nelson
Proxmire
Stevenson
Symington
Tunney
Williams

NOT VOTING—9

Hartke
Magnuson
Moss
Mundt
Pastore
Pell
Ribicoff
Stevens
Taft

The PRESIDENT pro tempore. On this vote there are 61 yeas and 30 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

PARLIAMENTARY INQUIRIES

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. In view of the Chair's announcement of the vote, what is the parliamentary situation now with reference to the time that each Senator may use in further debate?

The PRESIDENT pro tempore. The question is on the adoption of the conference report, and each Senator is entitled to 1 hour altogether.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. That time cannot be yielded or transferred from one Senator to another. Is that correct?

The PRESIDENT pro tempore. Except by unanimous consent.

Mr. STENNIS. Mr. President, what is the pending order of business?

The PRESIDENT pro tempore. The Chair wishes to announce that time is running against Senators who take the floor.

Mr. STENNIS. Mr. President, I yield the floor.

VOTE ON CONFERENCE REPORT

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Wyoming (Mr. MCGEE), the Senator from North Carolina (Mr. JORDAN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Washington (Mr. MAGNUSON), and the Senator from Indiana (Mr. HARTKE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. BOGGS) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Kentucky (Mr. COOK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 55, nays 30, as follows:

[No. 228 Leg.]

YEAS—55

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Long
McClellan
Miller
Montoya
Packwood
Pearson
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Talmadge
Thurmond
Weicker
Young

NAYS—30

Baker
Bayh
Brooke
Burdick
Church
Cranston
Fulbright
Goldwater
Gravel
Hart
Hatfield
Hughes
Humphrey
Inouye
Kennedy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Percy
Proxmire
Schweiker
Stevenson
Symington
Tunney
Williams

NOT VOTING—15

Boggs
Cook
Harris
Hartke
Jordan, N.C.
Magnuson
McGee
Moss
Mundt
Pastore
Pell
Ribicoff
Stevens
Taft
Tower

So the conference report was agreed to.

Mr. STENNIS. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate a message from the President of the United States submitting the nomination of Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals, which was referred to the Committee on Armed Services.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate the unfinished business, Calendar No. 355, H.R. 8687, which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, we have quite a few amendments that have been filed. So far as I can ascertain now, no one is ready to proceed with them. I had hoped that we could start on them. The committee, of course, has no control over what amendments will be taken up, or when. The vote just taken on the conference report was a surprise to some Senators and I believe that explains the reason why.

The Senator from Wisconsin has three amendments that he can be ready with tomorrow morning. There are members of the committee that have not yet had an opportunity to present some of their own overall presentations regarding items in the bill that they and their subcommittee are handling.

Further, subject to the situation with reference to our acting majority leader, I would say that if we could take a recess, unless there is other business, I will get in touch with other members of the committee and we could utilize some time this afternoon, but I will leave that to the acting majority leader.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as the Senator from Mississippi knows, the vote on the conference report did catch some of us by surprise. I do not believe that anyone expected the vote so swiftly after cloture was voted.

There are a number of Senators who have amendments pending. I know that the Senator from South Dakota (Mr. McGovern) indicated that he would probably be willing and able to call up his amendment on the B-1 bomber tomorrow and that the Senator from Missouri (Mr. Eagleton) may be able to call up his amendment on the main battle tank tomorrow. There are a number of other Senators who have amendments pending, as I have said, and would expect to call them up this week. But, as I say, they were caught by surprise and are embarrassed because they are not able to call up their amendments right away.

Mr. STENNIS. The Senator from Wisconsin has spoken to me about an amendment of his own regarding the F-14.

Mr. PROXMIRE. That amendment is an amendment by the Senator from Indiana (Mr. Hartke). I would be happy to call up the amendment now. I am prepared. We have a speech ready on it. But I understand that the Senator from Indiana, who is the author of the amendment, wants to call it up again. I support that amendment, but I understand that the Senator from Indiana wants to wait for a day or so.

Mr. STENNIS. With all deference to everyone, the committee is ready and we invite these amendments to be presented. We will try to agree on control of time for debate, of course, and I think we can be ready to move on most of them. A great deal depends on attendance of Senators here—rather, I should say on how many Senators will be absent, and when they are expected to return. I mention that because it can present problems.

I want to thank the Senator from West Virginia (Mr. Byrd) for his willingness to take the amendments under his wing, so to speak, with reference to arranging time for control of debate and getting them up. I certainly will do so for my part. The committee expects to back him up in every way and the committee also expects to back up Senators in every way.

Mr. BYRD of West Virginia. Mr. President, by way of explanation, permit me to say that the announcement of results of the rollcall vote on the conference report just taken was delayed beyond the normal limitation of 20 minutes. It was not delayed simply on the basis of one or two Senators not yet having voted; it was delayed because of certain extenuating circumstances, these being, first of all, that the vote on the conference report came with extraordinary suddenness following the vote on the cloture motion, and I believe that this may have been beyond the expectations of some Senators.

Additionally, the so-called hot line in one of the cloakrooms broke down so that Senators could not be notified expeditiously with respect to the taking of the sudden vote on the conference report, which came immediately following the approval of the motion to invoke cloture.

For these reasons, Mr. President, the vote was delayed for several minutes. I believe that the Record should show that expressly, because we do not intend to create a precedent here, but these were extenuating circumstances which I think justified deviating from the normal rule.

Mr. STENNIS. If the Senator from West Virginia will yield briefly, I agree heartily with him about the suddenness of the vote on the conference report, but the wisdom of the Senate in the vote that was set down for today should have been anticipated and not discounted. I am in real sympathy with wanting everyone to get here and have the opportunity to present their amendments. I hope they will state their position in the Record as to how they would have voted on the conference report.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to; and (at 1:08 p.m.) the Senate took a recess until 2 p.m.

On the expiration of the recess the Senate reassembled and was called to order by the Presiding Officer (Mr. Brock).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. Ruppe as a member of the U.S. Group of the North Atlantic Assembly, vice Mr. Arends resigned.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.R. 9634. An act to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest".

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Commerce.

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; to the Committee on the Judiciary.

H.R. 9634. An act to change the name of the "Nebraska National Forest", Niobrara division, to the "Samuel R. McKelvie National Forest"; to the Committee on Agriculture and Forestry.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. Brock). The pending order of business is H.R. 8687.

The bill is open to further amendment.

BACKFIRE AT THE PENTAGON: THE LATEST GAP FLAP

Mr. PROXMIRE. Mr. President, the bleak history of the strategic arms race has been shaped by a variety of influences, with calm and dispassionate discussion too rarely among them. A peculiarly American phenomenon over the last 20 years has been the scare tactic of various defense gaps: the bomber gap of 1955, the missile gap of 1960, the ABM gap of 1967, the big-missile gap of 1969, and the presently fashionable R. & D. gap of 1971. Now it appears that a new gap has been born, and just in time to add a colorful stimulus to the annual autumnal rites in Washington known as the military procurement debates. This gap, whether by design or circumstance, neatly assists Pentagon arms advocates both in topic and timing: America is now in the midst of a supersonic bomber gap.

Recent news articles—in the New York Times, Time magazine, and elsewhere—

have reported that the Soviet Union has test-flown a swing-wing supersonic bomber that "has profound implications for the strategic power balance between the United States and the Soviet Union." The article implies that in one fell swoop, the new Soviet bomber now surpasses anything in the American arsenal, and that even a proposed new U.S. bomber, the B-1, would only partially offset this grave new threat. It is also stated that the United States is now at least 5 years behind the Russians in strategic bomber development.

DRESSING UP MINOR DEVELOPMENT

In what must be considered a classic example of "the Russians are going to get you if you don't watch out," a fairly minor Soviet weapons development has been dressed up and promoted as a major new escalation of the arms race that demands a prompt United States response in kind. This new Soviet bomber, dubbed the Backfire, is only the latest in a long line of Soviet prototype aircraft, few of which ever go into production. Contrary to the assertion made in the news story, the Backfire is not the first swing-wing strategic bomber ever developed. The United States designed, developed, and deployed the FB-111, a swing-wing strategic bomber, a number of years ago. This more advanced plane is now operational in the Strategic Air Command inventory, while it is doubtful that the Backfire will ever go into production. Even the French have developed a swing-wing strategic bomber, the Dassault Mirage G8. A first for the Soviets? Not the **Backfire.**

In the unlikely event that the Backfire goes into production, the threat it would pose to the United States would be minor indeed. Although the Pentagon refuses to comment, the unrefueled range of the Backfire has been placed by authoritative aeronautical sources at approximately 2,000 miles, putting it in the medium range class of bombers. This range restriction, much more severe than for the B-52 or FB-111, makes the Backfire of limited worth for use against the United States. This range is a tipoff that the Backfire is intended to be compatible with targets in Western Europe or Asia, especially China. Medium range bombers, such as the Backfire, "do not figure prominently in Soviet plans for an initial attack on the North American continent", according to Secretary of Defense Melvin Laird.

BACKFIRE NO GREAT THREAT

Additional evidence that the Backfire poses no great threat to this country is seen in the very design of the airplane. Its supersonic capability is virtually worthless in any strategic capacity against this country. When the Backfire flies at Mach 2, it will do so by putting its Kuznetsov NK-144 turbofan jet engines on reheat—afterburning. Such thrust augmentation entails a tremendous loss in range; each pound of thrust generated in this condition will consume two to three times as much fuel as in normal subsonic operation. A range-limited aircraft such as the Backfire could ill-afford such a flight mode if it were to be used against the United States. Afterburning jet engines also have a tremendously greater infrared signature making the plane more vulnerable to interception by United States heat-seeking missiles. Furthermore, the only possible justification for making any bomber supersonic, as our Air Force agrees, is to enhance its penetration capability. As the Backfire can fly supersonically only at high altitude, this would be a dangerous and frivolous flight mode in an attack against the United States. The Russian bomber would try to penetrate U.S. airspace, if at all, only at low altitude in an attempt to avoid detection by U.S. radar. Supersonic speed is much more suitable against a less sophisticated air defense, such as that of the Chinese mainland.

Further perspective on this alleged Soviet weapons advance is gained by making a simple comparison with the FB-111, using public information from Jane's All the World's Aircraft, 1970-71, and other similar sources.

	USA/FB-111	USSR/Backfire
Range (miles)	More than 3,800.	More than 2,000.
Payload (pounds)	37,500	Less than 20,000.[1]
Maximum mach number	2.5	2.0.
Maximum low-level penetration mach number.	1.2	0.85.
Lower of 2 in radar cross-section?	Yes	No.
Lower of 2 in infrared signature?	Yes	No.
How much of wing is variable geometry.	All	Only outer section.
Ratio of thrust to weight at takeoff.	0.55	0.42.[2]

[1] Based on generous extrapolation of TU-22 Blinder payload of 12,000 pounds.

[2] Based on conservative assumption that the Backfire weighs no more than the Blinder.

This comparison clearly shows that the Backfire does not represent a major breakthrough in weapons technology.

TIMING INSIDIOUS

Perhaps the most insidious aspect of this whole question is the timing of the publicity given this gap. The United States has long been aware of the Soviet work on the Backfire. The authoritative Jane's All the World's Aircraft, in its 1970-71 volume, states that

> Official U.S. sources are reported to have stated in the Autumn of 1969 that a new twin-jet variable-geometry ('swing-wing') medium bomber developed by the Tupolev design bureau was being flight-tested in the U.S.S.R. At least two prototypes are believed to have been completed by that time. Design cruising speed was quoted as Mach 2 and range as more than 1730 nm (2000 miles; 3,200 km).

In his 1970 defense posture statement, Secretary Laird predicted the development of a Soviet followon to the TU-22 Blinder but expressed no concern over this possibility, merely noting the limited potential of Soviet medium-range bombers against the continental United States. Thus, that the existence of the Backfire has been known for some time is a documented fact; that it should not be a cause for serious concern is confirmed by authoritative sources and by the very performance characteristics of the plane itself. To alarm the country over this bomber and to issue a call to arm on the eve of congressional debate over the military procurement bill is a suspicious and disturbing coincidence. The timing and content of this disclosure seem more designed to stampede the Congress into buying a stable full of B-1's than to provide impartial information on Soviet military posture.

Calm, reasoned, and rational debate in the halls of Congress is essential if this Nation is to maintain the defense posture it requires. This process will be greatly facilitated by consigning the supersonic bomber gap to the graveyard of defunct and disproved weapons scares, a fate it richly deserves.

Mr. DOMINICK. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I want to ask one or two questions of the Senator. I gather that what the Senator is attacking in general is the question of whether the new Soviet bomber is an effective weapon; is that correct?

Mr. PROXMIRE. I am discussing whether the new Soviet bomber, No. 1, is a breakthrough and, No. 2, represents a threat to the United States as a bomber.

Mr. DOMINICK. Mr. President, I think the Senator from Wisconsin is aware, is he not, that for a number of years an effort has been made in the Soviet Union to develop a new bomber and that the intelligence agencies have been denying this. Yet all of a sudden out of the barn comes a new bomber which is appreciably faster than the old bomber. Is that correct?

Mr. PROXMIRE. I do not think that is entirely correct. As I pointed out as long ago as 1969, it was announced, and it was announced by the Secretary of Defense—and I do not think any intelligence agency refuted it—that the Soviet bomber being discussed, the Backfire, was not only in the research and development stage, but its prototypes have been produced and tested. So that should not come as a surprise 2 years later.

Mr. DOMINICK. I am not sure it did come as a surprise. I think the disagreement, as far as I could find out, was over the question of whether they would go forward with any increase in the bomber force.

Mr. PROXMIRE. I do not think that has been determined either. They may well go into production. However, that has not been determined (and if it does, it will not compare favorably with our current bombers and does not constitute a challenge to what we have in our inventory and does not represent a significant threat to the United States.

Mr. DOMINICK. I understand that we will not get into a debate over this plane today.

Mr. PROXMIRE. The Senator is correct.

Mr. DOMINICK. Mr. President, for a long period of time a number of people have been pointing out that the Soviets would be defending their bomber force. It would now look as though this is exactly what they are doing with this swing-wing bomber. It would also look as though, with refueling mechanisms which could obviously be put in, it could become much more than a medium range bomber.

Mr. PROXMIRE. It conceivably could. However, without that, it has only half the range of our FB-111, as I have said. It is awfully hard for me to understand why, even if we assume that the Backfire is going into production, why this should by itself be an argument for our proceeding with the B-1. I do not think it contributes to the argument.

AIR FORCE MODERNIZATION

Mr. President, one of the most dubious defense programs we are pursuing today is the Air Force plan for a modernization of our continental air defense system against Soviet bomber attacks. The modernized system involves several new programs—an Airborne Warning and Control System—AWACS, the CONUS Over-the-Horizon back-scatter radar—OTH-B, a new surface-to-air missile—SAM-D, and an improved interceptor—presumably the F-15.

The cost of this program is officially estimated by the Air Force at $5.7 billion, and unofficial estimates have already reached double that amount—more than $10 billion.

Thankfully, the funds contained in this year's budget for the program are rather limited, and no production decision is required on any of the systems involved. For these reasons—and because the Armed Services Committee itself made clear that approval of this year's funds meant no commitment to the total program—I intend to offer no amendments and precipitate no fight on the bomber defense question this year.

FIGHT ON BOMBER DEFENSE

Next year, however, a production decision on AWACS will probably be sought, and the costs of other component systems are also likely to rise. I can assure my colleagues that there will be a fight on the bomber defense issue at that time, unless constructive action is taken first by the Armed Services Committee.

What I would like to do today, is to make clear why I think bomber defense is such a dubious proposition. There are essentially three reasons.

First, we have already decided that it makes no sense to protect the American population against large-scale Soviet missile attacks. An ABM defense of population would be only marginally successful in reducing casualties, and it would escalate the arms race tremendously. Accordingly, we are negotiating at SALT for a strategic arms limitation agreement which would outlaw ABM systems altogether or relegate them to a very limited role, either defense of a national capital area or protection of one's strategic deterrent.

Well, bomber defense of population is subject to the same arguments as ABM defense of population. And bomber defense without ABM defense makes no sense at all. Without an effective missile defense, even a perfect bomber defense would not save many lives, since the Soviets could simply strike U.S. cities with their missiles. A Soviet strike with missiles alone could kill over 100 million Americans. Their bombers could add less than 10 million, even if the United States had no air defense at all. And it would cost $5 to $10 billion for a new system which would cut this figure only in half. The first, and most important, reason that I am against bomber defense improvements is that it makes no sense at all to spend $5 to $10 billion over the next 5 years to reduce the number of American dead, in the event of a nuclear war, from 110 million to 105 million.

NO STRONG U.S.S.R. BOMBER THREAT

The second reason I am against bomber defense improvements is the fact that the Soviets do not even have a strong bomber force at the present time. They have a force of 145 Bear and Bison long-range bombers and about 50 long-range Bison tankers—planes about 15 years old and inferior to all 500 of our B-52's in range, speed, and maximum weapons payload. They also have a handful of prototypes of a new swept-wing bomber to which the nickname "Backfire" has been applied. But the Backfire has been sitting around for at least 2 years, with no evidence that the Soviets plan to produce it. And even if they did, they would have a bomber inferior to the FB-111, which we have stopped producing because of its own limited range and payload. Particularly important is the Backfire's limited range, which makes it clearly a medium-range bomber with little capability for a strategic attack on the United States.

Finally, I am opposed also to arguments designed to gain approval of bomber defense systems through the back door. Unfortunately, the Air Force is beginning to resort to such arguments, perhaps recognizing the simple truth of the points I have just made. It is trying to justify AWACS, for example, as a system which could also be used for tactical command and control functions.

AWACS NOT USEFUL IN THIS ROLE

Actually, AWACS would not be very useful in this role. It is a terribly unmaneuverable system whose vulnerability would be increased further because it would radiate its presence for hundreds of miles around. It would surely be shot out of the sky as soon as an enemy attack began. This would be acceptable if AWACS were part of a bomber defense system, since its main purpose would be to provide warning of a strategic bomber attack from a specific area. But we cannot afford to lose $50 to $100 million airplanes every time a tactical air-to-air engagement takes place. And if they were lost, they would not be able to provide any tactical command and control assistance.

These, then, are the main reasons why I am opposed to a new bomber defense system for the United States. Perhaps the best in-depth statement of the case against such a system was provided in testimony earlier this year to the Armed Services Committee by Dr. Jeremy J. Stone, director of the Federation of American Scientists. I ask unanimous consent to have a copy of Dr. Stone's testimony printed in the RECORD at this point, so that it will be readily available to all students of this debate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. STONE

At the outset, Mr. Chairman, the Federation would like to thank you, most sincerely, for this opportunity to testify on the question of bomber defenses. As we noted, in asking for this opportunity, we feel strongly that the Defense Department cannot be kept on its toes, and the Committee members cannot be truly well informed, unless more than one point of view is provided on matters of this kind. We hope to be able to present a responsible point of view—and some analysis—for your consideration.

One of our primary purposes today is to urge the Senate Armed Services Committee to require the Department of Defense to state the purpose of U.S. defense against enemy bombers, to explain how present and projected U.S. bomber defense programs fulfill that purpose, and to provide the Committee with alternative bomber defense purposes and related programs. In this matter, as in others, the Committee ought to be provided with a real choice between options that reflect different basic national security decisions that the Committee might want to make. The Committee should not be forced to make a "yes" or "no" choice to whatever single proposals the Defense Department wants to make. It must be provided with a live opportunity to choose.

Below we give some examples of the rationales DOD might put forward.

RATIONALES FOR CONTINENTAL BOMBER DEFENSES

Purpose I: Facade defense

Here the purpose is to prevent the Soviet bombers from getting a "free ride," to "complicate" the Soviet bomber penetration problem, and to avoid our own feeling of being "naked" against the Soviet bomber threat. In this case, funds are not invested to make or keep the bomber defense truly effective in destroying Soviet bombers.

This is, in our view, the posture in which the country has been for most of the last decade. The SAGE-BUIC bomber defense has been in existence and operation, but it has been no secret that a small number of Soviet missiles could disrupt its effectiveness. For Purpose I the United States could continue to fund the SAGE-BUIC air defense.

Purpose II: Defend America against full-scale attacks by Soviet bombers

In this case, it would be necessary to buy a defense against bombers that could not be destroyed in an initial missile attack. The bomber defense would have to be effective far beyond the U.S. borders because the Soviet Union might buy a very fast (supersonic) plane or long-range stand-off missiles. Finally, the defense would have to have the longest possible warning of bomber attack in order to get off the ground and in position.

The projected Air Force program seems to be designed to have these characteristics. With AWACS, command and control of interceptors is put in the air. A new, fast interceptor arising from a modified F-14 or F-15 would seek out incoming bombers. An Over-the-Horizon Radar (OTH) would detect the Soviet bombers and sound the alarm at the earliest possible time.

Purpose III: Coast Guard of the air

Here the purpose is to survey U.S. airspace and to announce unauthorized entry in U.S. airspace. No attempt is made to maintain the capability to destroy large numbers of incoming aircraft.

We believe that this posture could be maintained by phasing out SAGE-BUIC and using Federal Aviation Administration (FAA) surveillance capabilities, normal U.S.-based fighter squadrons, combat training squadrons, and the Air National Guard.

Purpose IV: N-th country bomber attacks

For this purpose, parts of the existing SAGE–BUIC bomber defense might be maintained for defense against bombers of the People's Republic of China or, conceivably, against attacks of the Republic of Cuba. For this purpose, we would not need to fear widespread disruption of the bomber defenses. Alternatively, some kind of mobile emergency air defense might be purchased and added to the "Coast Guard of the Air" posture, in order to gain efficiency, or to save the large operating costs of the SAGE–BUIC system.

Undoubtedly the Defense Department could make further distinctions, but these will serve for the purpose today.

FACADE DEFENSE SEEMS WASTEFUL

The Federation opposes the idea of a Facade Defense. We believe for reasons of economy, that the SAGE–BUIC defense should be dismantled as rapidly as possible—insofar as its purpose is to defend against Soviet bombers. The Defense Department does seem to have conceded that the SAGE–BUIC bomber defense is, indeed, a facade as an anti-Soviet defense. For example, the Committee has been told by the Defense Department that:

> The current bomber defense system, as the Congress is aware, has a limited combat effectiveness and is expensive to operate.—Posture statement, fiscal 1971.
>
> Our present detection radars are ground-based and vulnerable to enemy missile attack. They might be eliminated before the bombers arrived, and our interceptors would be left blind. Also, our present ground-based system has a very poor low altitude capability.
>
> —Secretary Seamans, Senate posture hearings, fiscal 1971.
>
> Present air defense ground environment is vulnerable to missile attack.—DOD prepared statement, House Committee on Armed Services hearings: Air Defense of Southeastern United States, page 5564.

What is the significance of such rationales for this facade defense as preventing a "free ride"? This rationale simply means that the Soviet Union will be forced by our bomber defense to expend a relatively small number of missiles to disrupt the bomber defense and then, perhaps, the Soviets will also lose a small fraction of their attacking bomber force to the residual bomber defense. It is not a sensible defense policy to build and maintain a bomber defense just because the Soviet Union would then have to expend some missiles to destroy it (and a few bombers to penetrate it). The United States should not be in the business of providing expensive targets for Soviet missile attack—just to use up Soviet missiles.

The idea of using a facade bomber defense to "complicate the Soviet penetration problem" is similarly untenable. We should try—and we do try—to complicate the Soviet problem of destroying our offensive retaliatory weapons. This provides us with deterrence; it raises the risks to the Soviet planners that American retaliatory weapons will survive Soviet attack. But Soviet bombers are most unlikely to have our retaliatory force as their main target; after all, our bombers and our missiles are likely to be gone before the bombers can be sure of arriving. Hence Soviet bombers are usually assumed to have as their essential mission the destruction of our cities. Complicating the Soviet penetration problem in this case—without actually defending the cities—is not worth large investments. Making Soviet planners wonder how many cities they might get with their bombers does not provide significant additional deterrence. It is not the job of the Defense Department to build expensive defensive systems just so the Soviet Union will have to employ more systems analysts to plan ever more sophisticated Soviet bomber attacks.

Finally, the notion of building and/or maintaining an expensive bomber defense simply to avoid being "naked" against the Soviet bomber attack is even harder to justify. This is the defense of the ostrich. We feel better, but we get no safer, and it is expensive building the hole that provides the psychic protection.

BOMBER DEFENSE WITHOUT A CITY MISSILE DEFENSE IS LIKE A CHAIN WITH A MISSING LINK

The Federation also opposes Purpose II, the bomber defense designed to protect population against full-scale Soviet bomber attack. We reason, as the metaphor goes, the "chain is only as strong as its weakest link." The major threat facing the United States, and the weakest link in our defense, concerns Soviet missiles. By themselves, Soviet missiles can devastate this country. And the extent to which our country is devastated by these missiles can be determined by the Soviet Union—unilaterally—by building more or fewer missiles.

On March 14, 1969, President Nixon said there was "no way" we could "adequately defend" our cities with a missile defense. He noted that to try to do so would be "provocative." Only two days ago, on March 9, 1971, Secretary of Defense Laird testified that "We continue to believe that an effective defense of our population against a major Soviet attack is not now feasible." (Posture Statement, Fiscal 1972.) If this is our position on missile defense, a heavy bomber defense is not justified. Whatever protection we might achieve against Soviet bombers could be overwhelmed by increases in Soviet missile numbers or yields.

These Soviet missile increases need not be very large either, because the Soviet bomber threat is not large. As the same posture statement reveals, the Soviet heavy bomber threat is "continuing its slow downward trend of the past few years." The Chairman of this Committee noted last year that the United States was faced with the "same old bombers," a threat that he said, correctly, was getting "thinner and thinner" every year. This is a force of 145 Bear and Bison long-range bombers and about 50 long-range Bison tankers—planes about 14 years old and inferior to our 500 retained B–52's in range, speed, and maximum weapons payload. In addition, the Soviets have about 730 medium bombers of the Badger and Blinder class with only a "one-way" mission capability against us.

Rough unclassified calculations of the ability of the Soviet land-based missile force to devastate portions of the earth's surface suggest a value for what is called $NW^{2\,3}$ of slightly more than 4,000; in other words, if we subtract from the megatonnage of the Soviet land-based missile force the "wasted" explosive force that goes into the ground or air, we get what we might call a surface-area-destruction-potential of about 4,000. One similar calculation for the Soviet bomber force suggests an $NW^{2\,3}$ of between 500 and 1300 with different assumptions on force loading. If this is so (and the Committee staff can perform its own illustrative calculations) then the Soviet threat to our population is between 90% missile and 10% bomber and 75% missile and 25% bomber (assuming equal probabilities of arrival on target). Hence only an 11% to 33% increase in the size of the Soviet missile force would be necessary to make up completely for an impenetrable U.S. bomber defense that neutralized *all* Soviet heavy bombers.[1]

In a single year, the Soviet Union could build 250 more missiles. In the six years it would surely take the United States to build a heavy bomber defense, the Soviet Union could therefore build 1,500 more missiles. This would be a 100% increase in Soviet missile destructive capability.

An effective bomber defense would be very expensive also, necessarily involving AWACS, and the Over-the-Horizon Backscatter radar, and new air defense interceptor. (In answer to a question of Senator McIntyre, General Glasser testified last year that all three were necessary to have a "meaningful and effective" air defense capability.) [2] The Committee knows better than the Federation what this would cost. But in 1969, Congressman Henry S. Reuss of Wisconsin argued that a ten-year cost estimate of AWACS/W–106X would be $12.1 billion, the OTH–B program would cost $100 million and related SAM–D missile interceptors, if desired, could cost another $2.5 billion.[3] Professional studies of high-risk electronic systems of this kind always suggest the likelihood of cost-overruns of 200% or 300%.[4] The major work in this field, by Peck and Scherer, "The Weapons Acquisition Process," talks of an average cost-overrun of 320%, for major weapons systems. In short, ten year costs for a bomber defense that proposes to be effective would be a few tens of billions of dollars.

If ten-year costs of an average Soviet missile were $10,000,000, the Soviet Union could buy the additional 1,500 missiles mentioned above and maintain them for ten years for $15,000,000,000—our programmed, *much less our actual,* expenses for the bomber defense. In short, *even if our bomber defense were perfect,* for less than it would cost us to try to neutralize the Soviet bomber force, the Soviets might double their missile capability. Evidently, a large bomber defense can be the kind of strategic waste of resources which—when the Soviets make the mistake—delights our strategic planners. In fact, our Air Force has argued for years that its bomber force was useful in leading the Soviets to continue to *divert* Soviet resources from Soviet missiles into Soviet bomber defenses.

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[1] This illustrative calculation assumed 276 SS–9's of about 25 megatons, 200 older missiles of about 5 megatons, 964 SS–11 and SS–13 missiles of about 1 megaton, and 145 Bison and Bear with various payloads. MIRV will make no important difference to these calculations so long as the process follows the rule of substituting three warheads of one-fifth of the original megatonnage for one warhead of the original size. This seems a useful rule of thumb. For example, U.S. planners talk of Soviet replacement of a 25 megaton SS–9 warhead with three five-megaton warheads or of U.S. replacement of a 1 megaton warhead with three of 200 kilotons. In these cases, $NW^{2\,3}$ changes by only 2 percent.

[2] Senator McINTYRE. On CONUS Air Defense, unless the AWACS, CONUS Over-the-Horizon Backscatter radar and CONUS Air Defense Interceptor are employed together, do we have a meaningful and effective air defense capability?

General GLASSER. No, sir. In order to have a truly meaningful and effective air defense, we not only have to have the over-the-horizon radars, which I indicated earlier will take care of the northeast and northwest accesses and off the eastern and western coasts [deleted] and this is expected to be handled by AWACS. [Deleted.]—*Procurement Hearings, fiscal 1971.*

[3] Congressional Record, H8556, Sept. 29, 1969.

[4] This is the estimate suggested in the well-known study of Richard A. Stubbings, "Improving the Acquisition Process for High Risk Electronic Systems"—a study of 13 major Air Force/Navy aircraft and missile programs with sophisticated electronic systems. (This study is reprinted in: Committee on Foreign Relations, Hearings on Strategic and Foreign Policy Implications of ABM Systems, part I, p. 453–464, March 1969.)

Still worse, the bomber defense might not work at all. The Stubbings study to which we referred revealed that aircraft and missile programs with sophisticated electronic systems produced acceptable performance only 40% of the time. AWACS is definitely a high-risk electronic project and low performance in such systems is common.

Even if the system worked from an electronics point of view, the Soviet might be able to neutralize it with countermeasures. We believe, for example, that our Air Force would not be decisively hampered by a Soviet AWACS. There is no reason to believe that the Soviet Union could not deploy countermeasures comparable to those that we might think up. For example, an excellent question of Senator Dominick's revealed last year that AWACS might not be able to discriminate between decoys and bombers if the Soviets bought a sophisticated penetration aid such as our proposed SCAD.[5] Even if AWACS worked, it might be neutralized.

Some statements presented to your Committee fall somewhere between arguments for a facade defense and arguments for an effective defense. For example, in the March 1970 hearings last year, Secretary Seamens said:

> If our air defenses are allowed to deteriorate, the Soviets can use their bomber force not only as a deterrent, but to further increase their first-strike potential.

If "first-strike potential" means potential against our retaliatory forces—what that phrase usually signifies—then the statement is misleading. Bombers have little, if any, ability to neutralize our retaliatory forces *whether or not bomber defenses exist* so long as warning is available. And if the phrase "first-strike potential" means potential against cities then the statement only says that less bomber defense means, in principle, greater Soviet ability to drop bombs on us—which we concede but consider irrelevant in view of the enormous and open-ended Soviet missile threat.

In the 1968 Status of U.S. Strategic Power hearings of the Preparedness Investigating Subcommittee, Dr. Harold Brown—then Secretary of the Air Force—argued that a "moderate level" of air defense was necessary to "help deter an enemy attack" and to "limit damage if an attack occurs," (p. 182).

He argued that if U.S. air defenses were "very weak" the Soviet Union might use their missiles to "disrupt the launch of our retaliatory forces until their bombers could arrive" and destroy "most of our remaining weapons." This argument completely overlooks the existence of POLARIS submarines. It is significant that Dr. Brown argues that the Soviets "cannot succeed" in a first strike and explains why (on page 187) without any reference whatsoever to our bomber defenses. Indeed, if the security of our retaliatory weapons depended critically on our bomber defenses, the Nation would be in serious danger. In that case, the Soviet Union could first destroy the air defenses with the same attacks of missiles that were "pinning down" our missiles. In fact, if the Soviet Union wants to gamble on an esoteric and risky idea of "disrupting the launch" of our retaliatory forces, they might as well gamble that the air defenses are hopelessly ineffective anyway—a much better bet, I would guess, in the minds of most American strategists.

But in any case, if the purpose of the bomber defenses is to protect our retaliatory forces, the Defense Department should make this explicit and provide not only cliches and one sentence explanations but detailed analysis to support the *necessity and effectiveness* of the existing program in fulfilling that purpose. Perhaps bomber defenses should then be put around the missile fields in a "hard point" bomber defense. In my view, however, it is self-evidently absurd to justify a bomber defense of the continental United States as a supplementary ("help deter") method of preventing an over-sophisticated and already thoroughly deterred attack on our retaliatory forces. No one would consider initiating a bomber defense on the basis of this rationale, why should the argument be used as a justification for rebuilding such a defense into a form that would do the job—no less expense is involved.

Dr. Brown also argued that the air defense would permit the Soviet Union to "feel free" to use all its missiles on our retaliatory forces, counting on its bombers to attack our cities. In fact, the Soviet Union can do that anyway. No bomber defense is perfect and no immediate over-riding Soviet interest exists in destroying our cities either promptly or to any fixed extent. The Soviets could rely upon the bombers which "got through"—as some surely will and upon submarine launched missiles that had not been on station at the time the war started and hence were unusable for counterforce purposes. Alternatively, the Soviet planners could wait a few months until they had a few extra missiles for use against cities as well as their "surprise attack" number of missiles. In short, this argument seems "manufactured".

It is significant that Dr. Brown gave a second explanation for a "moderate level" of bomber defenses and did not rely only upon deterrence of enemy attack. In arguing that air defense would "limit damage," he noted that they prevented "large numbers of enemy aircraft" from operating "freely" against U.S. targets thus preventing a "free ride." He went on to show that the air defense reduced Soviet bomber effectiveness against either cities or missiles by encouraging changes in Soviet tactics. But as we noted this simply encourages the Soviet Union to increase somewhat the weapons required for whatever purpose it has in mind.

I know, Mr. Chairman, that I speak for the Federation when I say that we do not believe that the defense of the United States should be based on the "complexities" of an enemy attack or on subtle arguments. It is possible to maintain an over-whelming retaliatory capability that does not depend on such hopes. And the United States is maintaining such a capability in our view. *Subtle arguments for large expenditures are symptoms of the security we have achieved.* Since every weapon system has some argument for it, the Committee should be cautious in accepting such arguments lest public funds be wasted.

Finally, General Ryan told the Committee, in last year's hearings:

> If our quantitative reductions are not offset by significant improvement in quality, we expect the Soviets to re-evaluate their bomber options.

In effect, General Ryan is saying that we should build bomber defenses to discourage the Soviet Union from building a new bomber. Does he prefer that the Soviets put their money into new missiles?

These confusing official statements show how important it is to require the Defense Department to make explicit the goals it is trying to achieve with its bomber defense—and to relate its programs and arguments to that goal.

In summary, as far as purposes of air defense are concerned, we believe that the Government could save large sums by explicitly accepting the premise that defense against Soviet bombers—without defense against Soviet missiles—is an absurdity adding little if anything to our defense posture.

We, therefore, see no reason to move ahead with a defense against Soviet bombers. Few arguments against a weapon system are as clearcut as the argument that bomber defense without missile defense is pointless. In the present circumstances, it makes no difference whatsoever to our foreign policy whether we have an impenetrable bomber defense or no bomber defense whatsoever. And considering the Soviet ability to buy fewer or greater numbers of missiles—in such proportion as we buy bomber defense—there is no reason to believe that American casualties in major nuclear war will be appreciably different whether we have an impenetrable bomber defense or no bomber defense at all.

FAS SUPPORTS COAST GUARD OF THE AIR CAPABILITY

We support the notion, Purpose III, of maintaining the "Coast Guard of the Air" capability which we believe would save several hundred million dollars a year over the costs of maintaining the present system. We have not had the opportunity to make an independent estimate of this saving but simply record estimates from Congressional Quarterly (June, 1968) that $1 billion might be saved in this way and estimates this year of the National Urban Coalition that $800,000,000 might be saved.

TACTICAL AWACS QUESTIONED

Whether or not further efforts are made to provide some capability against bombers from the People's Republic of China or from the Republic of Cuba is a matter on which we will not comment here. We recognize that AWACS might be useful for this purpose and that it might be useful also for tactical command and control, if not bomber defense, in wars outside the United States in which the United States might become involved.

Again, however, we believe that the Defense Department must be required to state precisely the purposes for which a tactical AWACS might be used abroad and the alternative methods that might achieve the same purpose.

If, for example, the Committee concludes that AWACS is not a desirable purchase for strategic defense, it is hard to believe that the very same system is necessarily the best possibility for tactical purposes. After all, in local wars, it is not necessary to have all our command and control off the ground—one might put the radar into the air but not the command and control. Why be so sophisticated—and expensive?

Second, in local wars, it is dangerous to put airplanes that cost $40 to $50 million over enemy territory. The other side is likely to be supplied with Soviet anti-air weapons of some sophistication, and we might lose these very valuable and vulnerable planes.

Finally since, outside the Soviet Union, all nations of the world are acutely aware of the fact that the United States can bomb them much, much more effectively than they can bomb us or our allies, adversary bomber attack may often be deterred and hence less important than command and control of U.S. fighters. Again, we may be buying the wrong system in AWACS.

In essence, the Defense Department may be making the "commonality" mistake it made with the F-111—trying to justify the same weapon system for quite different purposes when two (or more) different systems are called for.

Quite apart from effectiveness, many members of the Federation would undoubtedly argue that a tactical AWACS would encourage the United States to interpose itself in conflicts, associated with bombers, that involve other parties. Once the United States had actively intervened by placing its bomber defense screen between the parties, U.S. continued involvement—with all that it entailed—would be unavoidable. As was the case with Fast Deployment Logistic Ships (FDLS), the Committee may wish to consider the political implications of this purchase—a purchase that might provide the Executive Branch with an option, and a temptation, to become the world's policeman against bomber threats.

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[5] *Question. What capability will this radar have to discriminate between bombers and sophisticated penetration aids such as our own proposed SCAD?*

Answer. The techniques SCAD will employ include jamming, signal augmentation and possibly false target generation. It would be expected that if the design objectives of SCAD are achieved, it would be difficult for AWACS to discriminate against it under certain conditions.

Further, I would call the Committee's attention to the President's assertion yesterday that "in fact, I seriously doubt if we will ever have another war. This is probably the last one." Of course this is a speculative statement of the President's and it certainly does not mean that there is no case for preparedness. But it does underline the importance of requiring the Defense Department to provide reasonably plausible scenarios in which a tactical AWACS plays an important role for which other American weapon systems cannot substitute. This is not a time in American history when we can afford to buy unnecessary weapons. Today our domestic needs are not simply another priority but a threat to domestic tranquility. Our security is threatened not only by the Russians but by crises in our cities and in our rural areas.

In conclusion, Mr. Chairman, I would like to quote from an exchange between Senator William Proxmire of Wisconsin and Mr. Charles Schultze, the former Director of the Budget, before the Joint Economic Committee.

Chairman PROXMIRE. Let me ask you, why were the bad decisions not ferreted out as the defense budget went through the review process in White House deliberations?

Mr. SCHULTZE. Let's take the example of the new proposed so-called AWACS system, which is a complex downward-looking radar for a new continental air defense system. I do not remember the specifics of it very well, but I do recall when it was proposed it was looked at very carefully by the Budget Bureau and you will find that as a matter of fact when you compare various air defenses, it turns out this system is about the best you can get, as far as I can tell.

If you compare a number of alternatives, it is more effective at slightly lower cost than most. And this kind of thing the Budget Bureau did look very carefully at.

Quite frankly, however, what we did not look at so closely was, do you need an air defense system of this magnitude at all?

Chairman PROXMIRE. You did not look at it, you say?

Mr. SCHULTZE. Well, those are the—

Chairman PROXMIRE. That question was never brought out, was it?

Mr. SCHULTZE. *They did not get looked at that way.*

—June, 1969, Joint Economic Committee Hearings.

In short, Mr. Chairman, the Executive Branch cannot be depended upon to ask the fundamental "why?" questions about bomber defense or many other weapon systems. This is one important reason why my Federation of American Scientists is appealing to your Committee to ask these questions.

Mr. PROXMIRE. Mr. President, finally I would like to ask the Chairman of the Armed Services Committee, the distinguished Senator from Mississippi (Mr. STENNIS) some questions about the committee's own position on the bomber defense issue. The committee's report says, in effect, "we are keeping our options open." But just what are our options, and what factors will influence our choice among them?

I ask the distinguished Senator:

First. If a SALT agreement is reached which prohibits large-scale ABM defense of population centers, will he agree with me that our bomber defense improvements should be stopped? If not, why should we spend $5 to $10 billion just to reduce civilian casualties from 110 to 105 million people in the event of a nuclear war?

Mr. STENNIS. Mr. President, this is a subject that I have been concerned about for many years. I have grave concern about it. It is one of the things on which we cannot say that it is all this way or all that way. I have not been able to say that we could abandon bomber defense. I could not begin to say anything about what our position will be next year if these facts do or do not occur at the SALT talks.

I want to make it clear that in the committee report we are not committing ourselves, as far as I am concerned, to anything next year. We are not promising this or promising that. We were just keeping our options open.

The next fiscal year is the big decision year. We will at that time do the best we can based upon all of the facts.

Mr. PROXMIRE. What concerns me is that if we should reach an agreement in which we would agree with the Soviet Union not to use the ABM to protect our cities against missile attack, it seems to me that to have the bomber defense under those circumstances would make little sense.

Mr. STENNIS. It would not be relevant if that should come about. I wish to add that I can speak only for myself.

Mr. PROXMIRE. Does the Senator agree with me that the Soviets have a far less offensive strategic bomber force than our own, and that the Backfire is a medium range bomber which poses little threat to the United States?

Mr. STENNIS. Generally, I agree with that. Based on what they are known to have now, I think their bomber forces are old and their capability is not as great as ours.

Mr. PROXMIRE. Does the Senator from Mississippi agree with me that AWACS cannot be justified for its alleged tactical applications?

Mr. STENNIS. I would not want to go too far, but with respect to AWACS, primarily it is not for tactical purposes and, as I recall, it has fairly limited potential in that field. Its primary justification would be for detection of bomber attack against the United States.

Mr. PROXMIRE. I thank the Senator. I appreciate the Senator responding to my questions and I apologize for having sprung these questions on him without warning. I thank the Senator for his courtesy.

Mr. STENNIS. I would not want to be hide bound next year on something I said today, or the implications thereof. My options are still open.

Mr. McINTYRE. Mr. President, will the Senator from Wisconsin yield for a question or two?

Mr. PROXMIRE. I yield.

Mr. McINTYRE. Those of us who are supporting the measure now before the Senate are faced with such an array of items that I wonder if the Senator could give me some idea of what amendments the Senator plans at this time to offer, and especially in that area of research and development, where I may be called upon.

Mr. PROXMIRE. This particular Senator does not have any particular amendments to offer. I have been working with other Senators who do have, but I know of no amendments in research and development. I have spoken with Senators who may have amendments aimed at the development of weapons systems, which may be controversial and which represent a waste of resources.

As soon as I have any information on this matter I will be happy to let the Senator know.

Mr. McINTYRE. We appreciate that because I think the Senator recognizes from his study of the project, as it applies to military weapons, that any kind of notice we get will be helpful.

Mr. PROXMIRE. We will be happy to do that. I have no information now of any amendments that would relate to research and development.

THE CASE FOR DEFENSE RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, on September 10, 1971, in support of the fiscal year 1972 military procurement authorization bill which is now pending, I spoke in some detail to the part of the bill which involves the research, development, test, and evaluation programs for the Department of Defense. At that time I indicated that it was my plan to provide further information and detail at an early date.

To refresh the memories of my colleagues, I will summarize the recommendations of the committee concerning the total amount of funds for research and development. The fiscal year 1972 authorization request for R.D.T. & E. amounts to $7,950,767,000. The bill, as passed by the House, increased the amount requested by $12.5 million, resulting in a total of $7,963,312,000. The committee is recommending authorization of $7,607,312,000, which is $343.5 million below the amount requested and $356 million less than the amount passed by the House.

To provide an insight into some of the detail that the Ad Hoc Subcommittee on Research and Development examined, I ask unanimous consent that a list of the hearings and briefings conducted by the subcommittee and the subcommittee staff be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RESEARCH AND DEVELOPMENT SUBCOMMITTEE SUMMARY OF FISCAL YEAR 1972 HEARINGS

No.	Date	Service	Program	Hours
1	Feb. 11	Navy	Surface effect ships	2.0
2	Mar. 2	do	Advanced underseas surveillance	1.5
3	Mar. 3	do	Advanced mine development	2.0
4	Mar. 10	do	Destroyer helicopter system (LAMPS)	2.0
			Advanced ASW detection	1.0
5	Mar. 11	do	S–3A	1.0
			Carrier ASW Tactical Support Center	.5
6	Mar. 22	do	Underseas long-range missile system (ULMS)	2.0
			Advanced surface missile system	1.5
7	Mar. 23	Army	Prototype hardsite development	2.0
			Technical support of the military man	1.5
8	Mar. 24	do	Advanced ballistic missile defense	1.0
			Terminal homing	1.5
9	Mar. 31	do	Advanced helicopter development	1.0
			Utility tactical transport aircraft system	2.0
10	Apr. 1	OSD	Defense Atomic Support Agency	1.5
			Advanced Research Projects Agency	3.0
11	Apr. 5	Army	Assistant Secretary for R. & D. and Chief of R. & D.	5.0
12	Apr. 6	Navy	Assistant Secretary for R. & D.	4.0
13	Apr. 20	OSD	Defense Communications Agency	2.0
14	Apr. 20	OSD	Defense Supply Agency	1.0
			Deputy Director of Defense Research and Engineering.	2.0
15	Apr. 26	Air Force	B–1	3.0
16	Apr. 28	do	Minuteman	2.0
17	Apr. 29	do	Assistant Secretary for R. & D. and Deputy for R. & D.	5.5
18	Apr. 30	do	Subsonic cruise armed decoy (SCAD)	2.5
19	May 3	Army	Surface-to-air missile (SAM–D)	2.5
20	May 5	Air Force	Airborne warning and control system (AWACS)	2.0
21	May 6	OSD	Assistant to Secretary of Defense for Telecommunications.	2.5
22	May 10	Army	Heavy lift helicopter	3.0
23	May 19		Federation of American Scientists	2.0
			Total hours	66.0

SUMMARY OF R. & D. SUBCOMMITTEE STAFF BRIEFINGS

1	Feb. 18	Navy	Visual target identification	1.0
2	do	do	Advance aircraft propulsion system	1.0
3	Feb. 19	do	New ship design	1.0
4	do	do	Advanced surface craft	1.0
5	do	do	Navy special warfare	1.0
6	do	do	Remote unattended sensors	1.0
7	Feb. 23	do	Long-range surface weapons	1.0
8	do	do	Aircraft propulsion evaluation	1.0
9	do	do	Aircraft flight test, general	1.0
10	do	do	Modular guidance weapons improve	1.0
11	Feb. 25	do	Advanced meteorological satellite equipment	.5
12	do	do	Other exploratory development	1.0
13	do	do	Strike warfare weaponry	1.0
14	do	do	Satellite communications	1.0
15	Mar. 4	do	Electronic intercept system	1.0
16	do	do	Other Marine Corps advanced development support.	.5
17	do	do	Other Marine Corps systems	.5
18	do	do	Special laboratory support	.5
19	Mar. 9	do	Advanced antiradiation missile	1.0
20	do	do	SSBN defense	1.0
21	do	do	Blue Mail	.5
22	Mar. 11	do	ASW management and technical support	1.5
23	do	do	ASW acoustic warfare	1.0
24	do	do	Laboratory independent exploratory development.	.5
25	Mar. 25	Army	Advanced forward area air defense	2.0
26	do	do	Institute of the individual soldier	2.0
27	Mar. 26	do	Nuclear munitions	2.0
28	do	do	Tactical automatic data processing system	2.0
29	Apr. 7	Air Force	Tactical information, processing and interpretation.	1.5
30	do	do	Hound Dog II	1.0
31	do	OSD	Joint tactical communications system (Tri-Tac)	1.5
32	do	do	Satellite communications	1.5
33	Apr. 8	Air Force	Advanced radiation technology	1.5
34	do	do	Flight vehicle subsystem concepts	2.0
35	Apr. 14	do	Advance surveillance technology	1.0
36	do	do	Satellite data relay system	1.0
37	Apr. 15	do	Survivable satellite	1.0
38	do	do	Aerospace defense program	1.0
39	do	do	Electronic warfare	2.0
40	do	OSD	Tri-Tac (second briefing)	2.0
41	Apr. 19	Air Force	Advanced ICBM technology	1.5
42	do	do	Advanced ballistic reentry system	1.0
43	Apr. 22	do	Improved capability for operational test and evaluation.	1.0
44	do	do	Protective systems	1.5
45	May 4	do	F–5E	1.0
46	May 6	OSD	Defense Special Projects Group	2.0
			Total hours	54.5

Mr. McINTYRE. Mr. President, in addition to these hearings and briefings, other major programs with R.D.T. & E. funding requirements for fiscal 1972 were included in hearings conducted by the Tactical Air Subcommittee under the able chairmanship of my colleague Senator CANNON, and the Bomber Defense Subcommittee headed by my esteemed chairman, Senator STENNIS.

The Research and Development Subcommittee and its staff during this same period of time undertook to visit numerous research and development activities of the Department of Defense and a number of contractors involved in important Defense research and development programs. I found it of particular interest to observe some of these activities during visits to the Army Yuma Proving Ground, Ariz., where I observed a demonstration of the Cheyenne helicopter; and to the National Security Agency, Fort Meade, Md., where I was provided with an insight into the operations of that organization.

I ask unanimous consent that a list of the subcommittee staff visits be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE STAFF VISITS

ARMY ACTIVITIES

Harry Diamond Laboratory, Washington, D.C.

Yuma Proving Ground, Arizona (CHEYENNE Demonstration).

NAVY ACTIVITIES

Naval Research Laboratory, Washington, D.C.

Pacific Missile Range, Point Mugu, California.

Naval Missile Center, Point Mugu, California.

Naval Undersea Research and Development Center, San Diego, California.

Naval Electronics Laboratory Center, San Diego, California.

Naval Personnel Research Activity, San Diego, California.

Naval Facility, Bermuda.

Naval Underwater Sound Laboratory, Bermuda.

Naval Ordnance Laboratory, White Oak, Maryland.

Naval Ship Research and Development Center, Carderock, Maryland.

Exercise involving flight on P–3C engaged in exercise against a nuclear submarine.

Naval Air Test Center, Patuxent River, Maryland (HARRIER Demonstration).

AIR FORCE

Western Test Range, Vandenburg Air Force Base, California.

Space and Missile Systems Organization, Los Angeles, California.

Headquarters, Air Force Systems Command, Andrews Air Force Base, Washington, D.C.

OTHER

Defense Atomic Support Agency at Nevada Test Site.

National Security Agency, Fort Meade, Maryland.

Aerospace Corporation, Los Angeles, California.

McDonnell-Douglas, St. Louis, Missouri.

Lockheed Aircraft Company, Los Angeles, California.

Boeing Company, Seattle, Washington.

Takoma Boat Company, Takoma, Washington.

Mr. McINTYRE. Mr. President, the fiscal year 1972 R.D.T. & E. program consists of 475 individual programs, which include literally thousands of separate projects and tasks. Because of the constraints of time and size of the subcommittee staff, we were obliged to concentrate on programs which fell into the following general categories:

New programs proposed for initiation in fiscal 1972;

Programs for which large dollar amounts were requested for fiscal 1972;

Programs which reflected substantial increases over the amounts provided in fiscal 1972; and

Programs determined to be of special interest.

The programs of special interest which were examined, and most of which are the subject of special treatment in the committee report, included the following:

Independent research and development—I.R. & D.;

Relevancy of research;

Augmentation of basic research;

Soviet threat to U.S. technology lead;

Chemical and biological warfare;

Federal contract research centers—FCRC;

Denial of funds for universities whose policies bar military recruiters from campus;

Behavioral and social sciences;

Proposed language covering 2-year limitation for obligation;

Need for uniform Department of Defense policy on forward financing;

Department of Defense laboratories;

Prototype—new approach to weapons development;

Electronic warfare;

Defense Special Projects Group; and

Augmentation of technology.

I have provided this long list of items, Mr. President, not to impress my colleagues but to inform those who are not knowledgeable of the internal workings of the R. & D. Subcommittee; of the depth and broadness of coverage which this subcommittee accomplished in reviewing the R.D.T. & E. programs proposed for fiscal 1972. The actions of the committee, which resulted in the net reduction of $356 million from the amount passed by the House, may be grouped in the following manner:

[In millions]

Funds determined to be excess to prior year program requirements and which therefore are available to support the fiscal 1972 program	—$135.1
Funds determined to be in excess of fiscal 1972 requirements because of reasons such as delays, slippage, or unrealistic schedules	—70.5
Programs reduced for reasons which are addressed in detail in the Committee report	—219.5
Transfer of program requirements from procurement to RDT&E program for the AIM-7F Air-to-Air missile and the XM-803 Main Battle Tank, both of which are discussed in detail in the Committee report	+69.1
Total net reductions	—356.0

In the conduct of its hearings and discussions, Mr. President, the members of the subcommittee expressed uniform concern regarding the increasingly high cost of weapons system development. The subcommittee was troubled by the accelerating trend of cost growth, aggravated by continued inflation and complicated by the increasing complexity and sophistication of weapons systems. For my part, criticisms of unnecessary paperwork, gold-plating, excessive concurrency, and cases of over-selling, which have been directed to the Department of Defense, in far too many cases are valid and bear repeating. I consider it a tribute to the thoroughness of the work of all of the members of the subcommittee and staff that the subcommittee report was unanimously approved by all of its members. Moreover, despite the diversity of views on the part of the full committee membership and the length of debate which occurred on certain recommendations, these recommendations with minor exceptions won the unanimous approval of the full committee.

At this point, Mr. President, I would like to invite the attention of my colleagues to some of the significant considerations of the subcommittee. I should mention first that the actions of the subcommittee resulted in the reduction of items in the total amount of $425.1 million and that the $356 million is a net reduction from the amount approved by the House. In looking at the total of $7.951 billion requested by the Department of Defense, it is not apparent as to what accounts for the increase of some $630 million above the amount appropriated for fiscal 1971.

If I may digress for a moment, I would like to refer to the statement made on September 10, 1971, by the distinguished senior Senator from Wisconsin in commenting upon the committee report on the military procurement bill. He stated that what most likely would happen in the conference committee would be an increase of from $700 million to $1 billion over fiscal 1971. He described this as a "colossal" increase. To provide a proper focus and place this statement in correct perspective, let us examine what constitutes this "colossal" increase. First of all, if we were to compute half the difference between the amounts approved by the House and reported by the committee it would be $178 million. Adding this to the amount recommended by the committee would raise the total to $7.785 billion, which would be about $800 million above the amount appropriated for fiscal 1971. Continuing this academic approach, this increase may be identified substantially with eight separate programs. These programs, which I will itemize, comprise almost $700 million of the $800 million increase. In effect, all other increases in the program are essentially compensated by offsetting decreases aggregating about the same total. These eight increases are:

	Millions
B-1	$295
Safeguard (including prototype hardsite)	75
F-15	67
ULMS	59
Airborne warning and control system	58
International fighter	39
AX	20
Civilian pay raises pursuant to law	60
Total	673

There are no surprises in this list, Mr. President. These are programs which are known to the Members of the Senate and which, for the most part, are required to continue programs that have been approved in prior years. Yet, my esteemed colleague conveys the impression that the increase in terms of magnitudes of dollars alone is colossal. The point I wish to emphasize here, Mr. President, is that a meaningful and constructive opinion on any program of this kind must necessarily address the specific detail. Generalizations tend to obscure the facts rather than shed light upon them.

The major programs, measured in dollar magnitudes, which are included in the committee recommendations are the F-15, the B-1, Safeguard, the S-3A, the F-14, the ULMS, Minuteman, and AWACS. These will constitute the very backbone of our future defense capability. The B-1, ULMS, and Minuteman are vital elements in our strategic deterrent capability. Safeguard will insure the survivability of our strategic land-based missile deterrent. The F-14 and F-15 air superiority fighters will insure our Air Force and Navy tactical fighters supremacy in the future. The S-3A will provide a much needed improvement in the protection of our naval forces from undersea attack. AWACS is the answer to a critical need in the defense of the United States against bomber attack, as well as an important contributor to tactical air operations. Other major developments included, which are designed specifically to meet unique operational requirements are: the AX close air support aircraft, the surface-to-air missiles SAM-D for defense of the field army, the advanced surface-to-surface antiship missile—AEGIS—and the utility tactical transport aircraft system—UTTAS.

The research and development program recommended by the committee will provide approximately $1.3 billion or 18 percent for research and exploratory development combined, which substantially represents the technology base. A similar amount is provided for the advanced development program. The major portion of the program which supports the development of weapons systems that are planned for production and use by our operating forces amounts to some $3.8 billion or 50 percent. This includes $1.7 billion for engineering development and $2.1 billion for operational development; $1.1 billion, or 14 percent, is provided for management and support of all of the Department of Defense activities engaged in research, development, and related testing. This includes the pay of civilian personnel engaged in these activities as well as the day-to-day costs of operation and maintenance.

In summary, the major program increases, comparing the recommendations for fiscal 1972 to the program for fiscal 1971, involve the areas of advanced development and engineering development in which are included some of the major programs which I have previously identified. The increase in emphasis in these two areas is evidence of the determination of the Department of Defense to emphasize the development of sorely needed major weapons systems while at the same time bolstering major subsystem and component developments which are needed to support the next generation of weapons systems.

Earlier in my statement, Mr. President, I had enumerated items of special interest which the subcommittee considered. These included a number of general provisions which were enacted last year. The subcommittee questioned various Defense witnesses on the implementation and effects of these provisions and is satisfied that further action on these, except as specifically addressed in the committee report, is not required at this time. A major provision which the subcommittee proposed and which the committee approved is the language of section 201(B). The effect of this language, if approved by the Senate and enacted into law, will be to place a limitation of 2 years on the obligation of research and development funds appropriated pursuant to this bill. Because the research and development program is based on a principle of annual incremental funding, a period of 2 years is considered adequate to enable the Department of Defense to accomplish the research and development program in an orderly and timely manner This language will prevent the undue accumulation of funds by the Department of Defense, which in fact are in excess of approved research and development programs. This action will conform with those of the Congress last year on the Appropriations Act, which contained such a provision for the fiscal 1971 appropriation, and will provide a significant improvement in congressional control of Defense Department spending.

Mr. President, I hope that this lengthy presentation will be useful to my colleagues in their better understanding of this highly complex and technical research and development program.

Mr. President, it is with pleasure that I take this opportunity to express my appreciation to each of the members of the Research and Development Subcommittee (Mr. BYRD of Virginia, Mr. BENTSEN, Mr. DOMINICK, and Mr. GOLDWATER) for his full support in shaping the research and development program to the needs of the Department of Defense and the Nation. In recommending a reduction of $356 million from the amount approved by the House, the subcommittee, as well as the full committee, is confident that the level of dollars recommended is the minimum needed to support the fiscal 1972 R.D.T. & E. program.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES IN COMMITTEE ASSIGNMENTS

Mr. SCOTT. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. RES. 170

Resolved, That the Senator from Alaska (Mr. STEVENS) is hereby excused from further service on the Committee on Veterans' Affairs, and that the Senator from Maryland (Mr. BEALL) is hereby excused from further service on the Committee on Public Works; and be it further

Resolved, That the Senator from Alaska (Mr. STEVENS) be and he is hereby assigned to service as the ranking Minority member on the Committee on Rules and Administration; that the Senator from Maryland (Mr. BEALL) be and he is hereby assigned to service on the Committee on Commerce, and that the Senator from Vermont (Mr. STAFFORD) be and he is hereby assigned to service on the following committees: the Committee on Public Works, the Committee on Labor and Public Welfare, and the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Res. 170) was considered and agreed to.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT WITH JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the agreement with Japan concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971—Executive J, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I am transmitting for the Senate's advice and consent to ratification the Agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971. The Agreement was negotiated in accordance with the understandings I reached with Prime Minister Sato during my meetings with him in November 1969.

I transmit also, for the information of the Senate, the following related documents:

Agreed Minutes,

Memorandum of Understanding concerning Article III,

Exchange of notes concerning the Voice of America facility in Okinawa,

Exchange of notes concerning submerged lands,

Letter from Minister for Foreign Affairs Kiichi Aichi to Ambassador Meyer concerning treatment of foreign nationals and firms,

Memorandum of Understanding on air services to and through Okinawa;

And the Arrangement concerning Assumption by Japan of the Responsibility for the Immediate Defense of Okinawa.

The enclosed report from the Secretary of State describes the Agreement and the related documents.

When Prime Minister Sato arrived in Washington on November 19, 1969, I observed that "whether peace survives in the last third of the century will depend more on what happens in the Pacific than in any other area of the world." I took that particular occasion to emphasize this fact to the American people and to the world because of my strong feeling then, as now, that Japan, as one of the major powers in the Pacific area, will play a central role in determining what happens in that vital region.

Japan's phenomenal economic growth represents a most significant development for us and for the other nations of the Pacific. Japan is now the third largest producer in the world and has developed with us the greatest transoceanic commerce in the history of mankind. The potential for cooperation between our two economies, the world's most productive and the world's most dynamic, is clearly immense. For this among other reasons, Japan and the United States have a strong mutual interest in the peace and security of the Pacific area. This interest is recognized in our Treaty of Mutual Cooperation and Security, which both our countries recognize as a keystone of our security relationships in that part of the world. I think all Americans also realize that a close and friendly relationship between Japan and the United States is vital to building the peaceful and progressive world both of us want for all mankind. The problems involved in strengthening the fabric of peace in Asia and the Pacific will undoubtedly be challenging. But if Japan and the United States go separate ways, then this task would be incomparably more difficult. Whatever differences may arise between our nations on specific policy questions, it is essential that the basic nature of our relationship remain close and cordial.

When Prime Minister Sato came to Washington in 1969, there was still one great unsettled issue between the United States and Japan arising out of World War II: the Okinawan question. Almost one million Japanese on Okinawa were still living under foreign administration nearly 25 years after the end of the Second World War. This situation subjected the entire relationship with our major Asian ally to strain. It was clear that our continued administration of Okinawa was incompatible with the mature relationship which both we and Japan recognized as the only possible basis for lasting cooperation between nations, especially between two great world powers such as the United States and Japan.

The Prime Minister and I therefore agreed that our two Governments would immediately enter into consultations concerning specific arrangements for accomplishing the early reversion of Okinawa to Japan. We determined that it was essential for this to be done without detriment to the security of the Far East, including Japan. We further agreed that the consultations should be concluded as quickly as possible with a view to accomplishing the reversion during 1972, provided that agreement could be reached on the terms and conditions of the reversion and that the necessary legislative support in both countries could be secured.

In undertaking these negotiations, the United States recognized, as a matter of basic principle, that it was consistent with neither our national character nor our national interest to continue to administer a territory which has been historically connected with Japan and whose people desire to rejoin their mother country. Japan recognized that the presence of United States forces in the Far East constituted a mainstay for the stability of the area, and that the security of countries in the Far East was a matter of serious concern for Japan. More specifically, Japan recognized that United States forces in Okinawa played a vital role in the present situation in the Far East and agreed that the United States would retain, under the terms of the Treaty of Mutual Cooperation and Security, such military facilities and areas in Okinawa as required in the mutual security of both countries.

After intensive negotiations, agreement was reached on the terms and conditions for reversion and the Agreement which I now commend to the Senate was signed on June 17, 1971.

This Agreement is founded upon the common security interests which are reflected in the United States-Japan Treaty of Mutual Cooperation and Security signed in 1960 and in the Communique which Prime Minister Sato and I jointly issued on November 21, 1969. The Agreement stipulates that, even after reversion, the Mutual Security Treaty and related arrangements, such as the Status of Forces Agreement of 1960, will apply to Okinawa without modification. The same will be true of the Treaty of Friendship, Commerce and Navigation, signed in 1953.

The new Agreement provides that after reversion Japan will grant the United States the use of facilities and areas in the Ryukyus in accordance with the Mutual Security Treaty of 1960 and its related arrangements, such as the Status of Forces Agreement. This means that the United States will continue to have the use of bases in Okinawa necessary for carrying out our mutual security commitments to Japan and for maintaining peace in the Far East. Under this Agreement, these facilities will be provided to us on the same terms as those now available to us in Japan. After reversion, a sovereign friendly government will give us permission to maintain these facilities in the Ryukyus, as in Japan, in recognition of mutual security interests. This is the only sound basis for long-term cooperation and I am convinced that it will enable us effectively to protect our own security interests.

The Agreement and related arrangements also deal with other important matters. They provide for appropriate payment to the United States for assets to be transferred to the Government of Japan and for certain costs which will be involved in connection with reversion. They provide protection for United States business and professional interests in Okinawa after reversion. They transfer to Japan responsibility for the immediate defense of the Ryukyus, which will result in substantial savings for the United States, in terms of both budget and foreign exchange.

In summary, then, I am strongly convinced that this Agreement is in the best interests of both countries. It meets United States security needs and it places our relationship with our major Asian ally on a more sound and enduring basis. It fulfills long-held aspirations of the Japanese people, including the people of Okinawa, for the reunification of these islands with Japan.

I believe the return of Okinawa to Japanese administration will be one of the most important accomplishments of our postwar policy in the Far East. It should enhance the prospects for peace and stability in that area, and it is essential to the continuation of friendly and productive relations between the United States and Japan. I therefore urge that the Senate give its early and favorable consideration to this Agreement so that reversion can take place during 1972.

RICHARD NIXON.

THE WHITE HOUSE, *September 21, 1971.*

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. What time did the Senator indicate we were coming in tomorrow?

Mr. BYRD of West Virginia. Eleven o'clock.

Mr. STENNIS. We are not going to convene until 11?

Mr. BYRD of West Virginia. That was the order.

Mr. STENNIS. That will help us get ready. I thank the Senator.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session and, notwithstanding rule XXXVIII of the Standing Rules of the Senate, that the Senate proceed to the immediate consideration of certain nominations which were reported unanimously from the Committee on the Judiciary earlier today, such nominations now being at the clerk's desk.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. BROCK). The nominations will be stated.

U.S. PATENT OFFICE

The legislative clerk read the nomination of Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac G. Stone, resigned.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT COURT

The legislative clerk read the nominations in the U.S. circuit court, as follows:

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit, vice William F. Smith, deceased.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit, vice William H. Hastie, retired.

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit, vice Herman S. Boreman, retired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. DISTRICT COURT

The legislative clerk read the nomination of William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama, vice Daniel H. Thomas, retiring.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the District of Colorado, vice William E. Doyle, elevated.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ATTORNEY

The legislative clerk read the nomination of Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years, vice Edward R. Neaher.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I had previously cleared with the distinguished minority leader, the distinguished assistant minority leader, and the distinguished majority leader, my request that these nominations be acted upon today by unanimous consent.

Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 4 p.m. today.

The motion was agreed to; and at 3:40 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:59 p.m., when called to order by the Presiding Officer (Mr. Brock).

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in further recess, subject to the call of the Chair, with the understanding that it not extend beyond 4:30 p.m. today.

The motion was agreed to; and at 4 p.m. the Senate took a recess subject to the call of the Chair.

At 4:30 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Brock).

The PRESIDING OFFICER. The pending business is H.R. 8687, the military procurement authorization bill.

CERTAIN ACTIVITIES OF PUBLIC HEALTH SERVICE HOSPITALS

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 6.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics which were to strike out all after the resolving clause, and insert:

That it is the sense of Congress that all Public Health Service hospitals and outpatient clinics, and the clinical research centers located at Lexington, Kentucky, and Fort Worth, Texas, should remain open and remain within the Public Health Service at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation or other use, and which facilities, if any, should be closed.

Sec. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and clinical research centers of the Public Health Service should be considered an integral part of the national health care delivery system.

And amend the preamble so as to read:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coastguardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis on the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics and clinical research centers are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it.

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to Senate Concurrent Resolution 6 and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Dominick, Mr. Javits, Mr. Schweiker, Mr. Packwood, Mr. Taft, and Mr. Beall conferees on the part of the Senate.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 423

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. McGee), I ask that amendment No. 423 be stated by the clerk and made the pending question.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 423) as follows:

On page 16 strike out lines 9 through 23; on page 16, line 24, strike out "Sec. 504" and insert "Sec. 503".

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed this amendment with the distinguished Senator from Wyoming (Mr. McGee), with the distinguished manager of the bill (Mr. Stennis), with the distinguished senior Senator from Virginia (Mr. Byrd), and with the distinguished assistant Republican leader (Mr. Griffin).

I ask unanimous consent, therefore, based on those consultations, that time on amendment No. 423 be limited to 2 hours, the time to be equally divided between the mover of the amendment (Mr. McGee) and the distinguished Senator from Virginia (Mr. Byrd); provided further that time on any amendment to the amendment be limited to 1 hour, the time to be equally divided between the mover of such amendment in the second degree and the senior Senator from Virginia (Mr. Byrd).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY PENDING BUSINESS BEFORE THE SENATE TOMORROW AT CONCLUSION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT TIME ON AMENDMENT NO. 423 BEGIN RUNNING WHEN UNFINISHED BUSINESS IS LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 423 begin running when the Chair lays before the Senate the unfinished business on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT SENATE PROCEED TO CONSIDERATION OF AMENDMENT NO. 426 UPON COMPLETION OF ACTION ON AMENDMENT NO. 423 ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of amendment No. 423 on tomorrow, the Senate proceed to the consideration of amendment No. 426, which has been proposed by the distinguished junior Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, a few days ago an order was entered limiting time on Amendment No. 426 by Mr. NELSON to 2 hours, to be equally divided. Am I correct?

The PRESIDING OFFICER. That is correct, and there will be one-half hour on any amendment thereto, to be equally divided.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

The unanimous consent agreement reads as follows:

Ordered, That effective at the close of the morning business on Wednesday, September 22, 1971, the unfinished business, H.R. 8687, the so-called military procurement authorization bill, be laid before the Senate and that there be a limit of 2 hours of debate on the pending amendment No. 423, to be equally divided and controlled by the Senators from Wyoming (Mr. MCGEE) and Virignia (Mr. BYRD). Provided further, that on any amendment to amendment No. 423 there be 1 hour of debate, to be equally divided and controlled by the mover thereof and the Senator from Virginia (Mr. BYRD).

Ordered further, That following the disposition of amendment No. 423, amendment No. 426, to be offered by the Senator from Wisconsin (Mr. NELSON), become the pending business and debate thereon be limited to 2 hours, to be equally divided and controlled by the Senator from Wisconsin and the Senator from Mississippi (Mr. STENNIS). Provided that on any amendment to amendment No. 426, debate be limited to one-half hour thereon, to be equally divided between the mover and the Senator from Mississippi (Mr. STENNIS).

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes. At the conclusion of the routine morning business, the Senate will return to the consideration of the unfinished business, which is the military procurement authorization bill. The pending question at that time will be on the adoption of Amendment No. 423. There is a time limitation on that amendment of 2 hours, to be equally divided, with an additional time limitation on any amendment thereto of 1 hour, to be equally divided.

Upon disposition of that amendment, the Senate will proceed to the consideration of the Nelson amendment, on which there is a 2-hour limitation.

There will undoubtedly be a rollcall vote on amendment No. 423 by Mr. MCGEE. So the Senate is on notice that a rollcall vote could occur at about 1 p.m. tomorrow, if all time on the amendment is used and not yielded back.

Upon the disposition of that vote, it is then assumed that there will be a rollcall vote following the expiration of the time on the Nelson amendment. So the Senate will further be on notice that there could be a number of rollcall votes on tomorrow.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 37 minutes p.m.) the Senate adjourned until tomorrow, September 22, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1971:

DEPARTMENT OF DEFENSE

Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

U.S. COURT OF MILITARY APPEALS

Robert M. Duncan, of Ohio, to be judge, United States Court of Military Appeals, for the term of 15 years expiring May 1, 1986.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1971:

U.S. CIRCUIT COURTS

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit.

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit.

U.S. DISTRICT COURTS

William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama.

Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the district of Colorado.

DEPARTMENT OF JUSTICE

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

U.S. PATENT OFFICE

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office.

EXTENSIONS OF REMARKS

FRESH FISH FOR ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BEGICH. Mr. Speaker, while the fishing industry is one of the most important segments of the Alaskan economy, many Alaskans find fresh fish products unavailable in their local markets. Most fish caught in Alaska and available for distribution in the State are first shipped to the "lower 48" for processing. Needless to say, this is an unnecessary expense to the Alaskan consumer and an unfair practice to those Alaskans who enjoy fresh fish.

Recently, John Wiese, writer for one of Alaska's most distinguished newspapers, the Anchorage Daily-News, wrote an interesting article regarding the problem of making fresh fish available to Alaskans. At this time, I would like to include into the RECORD the article Mr. Wiese wrote.

The article follows:

FRESH FISH FOR ALASKA

(By John Wiese)

A gripe that has persisted for fully half a century has been the unavailability of fish products for local retail distribution unless they had been first shipped to the lower 48 after being processed from stocks caught in Alaska waters.

A program instituted in Anchorage by the Whitney-Fidalgo people promises to substantially reduce some of the adverse effects of this situation.

In the past, with rare exception, items like canned salmon or crab meat or clams that grocers have stocked for urban Alaskan customers could not be obtained by the store keepers directly from plants where the products had been packed. This has been especially true with "name brands."

These items had to be ordered by the retailers through their established wholesale suppliers who shipped them north through Seattle. Obviously, convenience and cost suffered adversely.

Several reasons were always offered for this practice.

Processing plants in Alaska were not adequately equipped to make the relatively small sales represented in local consumption requirements.

Products are required to go through quality-control inspection procedures and these are arranged only in Seattle or Astoria or San Francisco or Bellingham. Changing this would cause undue costs.

Labeling or repackaging or otherwise finalizing the fish products was almost never done at the Alaskan plants so the trip Outside is mandatory before they can be available for retail sales.

Whitney-Fidalgo has started an Alaska distribution facility in Anchorage that changes things. They are even warehousing a total of 3,000 cases of various types of canned salmon in Anchorage to be distributed to retailers and institutions in the state, according to Tom Doyle, superintendent of the firm's freezer and cold storage plant here.

The plan calls for a year-'round operation from this plant which is located near Anchorage International Airport.

In addition to the canned products, fresh and frozen fish products are also to be stocked. Some items are to be especially processed here for intrastate trade.

An instance of this is king and Dungeness crab. The firm has been bringing crab in from receiving points (chiefly Homer at present) and processing it here to accommodate a fresh-never-frozen requirement on a sustaining basis and, at the same time, preparing some of it for later sales by freezing it in both household and institutional packaging.

Stocks have also been arranged so that fresh halibut, sablefish and salmon is on hand locally with frozen products available when the fresh items are out of season.

A unique feature of this venture is an offering of filets and other prepared forms of ground fishes such as red snapper, ocean perch, sea bass, etc. that are being purchased from fishermen augmenting their otherwise-normal salmon fishing operations in places like Homer, Seward and Kodiak.

When these items have been offered in retail outlets heretofore they have been products brought here from Seattle, usually fresh-frozen. And some of them are actually stocks that were originally taken from coastal waters of the state.

This local fileting operation is on a pioneering basis and is contingent on the dual conditions of fishermen's persistence and successes as well as developing acceptable skills in the plant's crew of fish butchers and fileters. But if it succeeds technologically it should be a real boon for the local marketplace and consumers.

A major prospective user of this source of fish stocks is the military complex in Alaska. Included in the promotion is an effort to furnish the fish needs for both the military messhalls and the retail counters (PX) that provide foodstuffs for military families. Most of the fish products are now supplied from out of state.

Doyle reports that the Whitney-Fidalgo volume of business being handled at the present time is near the 6,000-pound-a-week level. And it has been in operation for less than two months.

The motivation for this innovation was admittedly no exclusively an altruistic desire to correct a chronic inequity by providing Alaska's non-fishing community with fresher and (hopefully) less costly products from their neighboring seas.

The major reason for the operation is strictly economic.

Whitney-Fidalgo operates two plants in Anchorage which is in a district that is not much of a fish source for industrial purposes. One of these plants is the cold storage plant and the other is the salmon cannery on Ship Creek flats that is usually termed the "Emard cannery" by old-timers.

These operations work with raw material that is hauled great distances, compared to the otherwise-normal processing stocks of fish factories. Some of their salmon was hauled all the way from Kotzebue in the Arctic (by air yet!) and some of their raw stocks come from as far east as Yakutat and as far west as Kodiak and Naknek.

Whitney-Fidalgo executives have said that they are convinced that the future is certain to witness the development of airlifted fish products—especially the more valuable varieties like some of the salmon species and shellfishes—and they are determined to be a part of such developments.

This means that they must operate, as economically as possible, on a year-'round basis and must put together a technically efficient staff and labor force that can handle the stuff they hope to trade in.

These requirements obviously should also be able to provide the necessary skills to produce and handle the fish needs of Alaska without exposing the products to a needless round trip to Seattle.

NEW IDAHO HIGHWAY ENFORCEMENT PROGRAM

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, September 21, 1971

Mr. CHURCH. Mr. President, the current issue of the FBI Law Enforcement Bulletin contains an article by Capt. Ervin T. Dunn, of the Idaho State Police, in Boise, describing a new system developed by his agency to help enforce highway speeding laws by use of aircraft.

Captain Dunn writes:

> In our program, we attempted to reduce violations where they were known to be excessive and, at the same time, to make it possible to measure the reduction for evaluation purposes. We developed some new methods that could make the use of aircraft in speed control programs much more practical and effective.

I am highly pleased that my own State has taken the lead in finding new ways to reduce measurably the incidence of excessive speed on our highways, which is a prime cause of traffic fatalities.

I ask unanimous consent that Captain Dunn's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AIRCRAFT ENFORCEMENT TEST PROGRAM

(By Capt. Ervin T. Dunn)

Aircraft enforcement of speed regulations is not a new technique; it has been used and is still being used by many States. Even though the procedures from State to State vary to some degree, in a broad general sense they are quite similar.

These programs use various types of aircraft, different lengths of measured distances for determining speeds, and many methods of planning when and where the planes are to be used. There are numerous and varied markings on the highways for pilots to use in making their calculations and for the motoring public to see. Most of them have a decided psychological effect on the motorist.

In our program we attempted to reduce violations where they were known to be excessive and, at the same time, make it possible to measure the reduction for evaluation purposes. We developed some new methods that could make the use of aircraft in speed control programs much more practical and effective.

Our project was conceived on November 2, 1970, but, because of pilot difficulties and pilot training, it was December 8 before speed enforcement on the selected area began. Two months was the period of time allocated to the program, a short time as tests go, but we hoped this period would give the same picture as if it had been set up several months, or even a year. The program was to test whether aircraft patrol would reduce the number of accidents and fatalities on a given stretch of road; in this particular case, 150 miles made up of 82 miles of 70 m.p.h. divided interstate, 20 miles of 2-lane 70 m.p.h. road, and 48 miles of 2-lane 60 m.p.h. road. One hundred fifty miles is a long distance, of course, to patrol with one piece of equipment in hopes of influencing the behavior of drivers and, at the same time, measuring the effect within a 2-month period.

The program began with two main assumptions that seemed reasonable and valid. First, the bulk of serious accidents and fatalities are caused by speed, which almost always ranks first on "accident causes" lists. Second, data collected on fatalities over a specific collected on fatalities over a specific stretch of road can be misleading because one accident can produce several fatalities and render the information practically useless or, at least, difficult to understand as far as control of fatal accidents over the given distance is concerned.

Further, we also knew that any data collected on accidents or accident rate for the test span of roadway could be adversely affected because this was the time of year when slick roads and sudden storms could bring a rash of accidents that would not be indicative of normal accident rates.

PRESSING NEED

Our need to have the information by a certain date was the reason the program was put into effect in the late fall and winter, but we were reasonably certain there would be enough clear days and clear highways to finish the survey. The program was designed to cover 60 days with approximately 44 days of flight time. However, because of inclement weather, the 44 days were reduced to 27 days in the air. On several of these days flight time was reduced by more than half, and it was impossible to cover all of the 150 miles of selected highway on those days. We checked all 150 miles only 14 times during the program.

Since the fatality rate and the accident rate would require such a long period before either would or could show a reasonable response to the aircraft enforcement program, a plan was adopted to control the speed violation rate which included measuring this rate from time to time to make certain of the desired results. We felt the control of the violation rate would eventually control the accident and fatality rates because both seemed to be directly related to the violation rate.

Vital parts of the survey, we feel, were the system used to measure the size of the problem before the aircraft was employed and the system used to measure the effect of the aircraft on that problem, from time to time, to determine if the program was doing the job of reducing the violation rate, and to what degree. This was done with a speed computer system the author designed and copyrighted. This computer system makes it possible to place the survey car from three-eighths to one-half mile away from any highway and instantly and accurately compute the speeds of vehicles seen traveling on that highway from that vantage point.

The advantages to this system are that speed surveys can be taken without the motorist's being aware that his speed is being computed, and his speed is not influenced by cars or equipment on the right-of-way, which does have a deterrent effect on getting accurate figures for speeds.

One feature of the program was the method of selecting cars to be checked. The speed of the driver was not necessarily considered for putting him in the survey or leaving him out. The chief requisite had to be that he was free to travel at any speed he might choose. In other words, it would not be beyond belief to visualize 100 cars strung out behind a truck they could not pass, and the result would be a 100-car survey with no violators of the posted speed. Large trucks were also eliminated from the survey because we felt aircraft would have little or no effect upon their speeds, and most of them were not free to travel at any speed they chose, being restricted by company policies, tachometers, and revolutions-per-minute recommendations for equipment. Loads, themselves, would be restrictive to some degree. If a motorist was free to travel at any speed he might choose, he was entered in the survey. If not, he was left out.

100-CAR SEGMENTS

Almost all of the tests were based on 100-car segments because it was learned that 100 cars passing a given point on the highway would be indicative of how all traffic by that point for the balance of the day would proceed. Two studies were run for a 24-hour period to give a clearer picture of driving behavior at different hours of a day, but they merely bore out that a 100-car test would give a good cross section of what could be expected of the traffic.

The No. 1 survey, prior to putting the aircraft in the air on speed enforcement, was actually five separate surveys of the 150-mile selected stretch and was done to give a picture of the violation rate on the stretch under normal conditions. Most of the figures shown as violations in the surveys (see chart) represent speeds of 1, 2, 3, and up to 10 m.p.h. above the posted speeds. Speeds of 80 to 90 m.p.h. represented approximately 10 percent of the violations, and there were speeds of well above 100 m.p.h. (a little over one-half of 1 percent) on the freeway sections of the test area. Excessive rain at one position prevented the collection of any conclusive data.

SECOND SURVEY

The No. 2 survey was also five separate surveys and was taken after the program had been put into effect. One plane had flown the area for a total of about 60 hours and had assisted ground crews in making 87 arrests for speeding and in issuing 30 warning cards. The violation rates during this survey are shown in the chart. Milepost 162 on this survey represents the one that had previously been rained out. There are a noticeable reduction in the violation rates at three sites and an increase at Milepost 109.9 which was shocking to the survey crew. We later discovered that this was a patrol area posted 60 m.p.h. and bound on each end by a 70 m.p.h. posting. Drivers were coming off a 70 m.p.h. freeway, going through a small town, then right out into the 60 m.p.h. zone. In all probability, a reevaluation of the 60 m.p.h. posting will be seriously considered.

An aircraft enforcement program could well be a means of pointing out needs for speed posting reevaluations from time to time.

EVALUATION

A second evaluation of the aircraft program was made at the close of the flight program (completed after 141 hours flight time). At that time, the violation rates were taken again at four of the five selected locations, and most showed the movement of the extremely high speeder downward into speeds within our tolerance areas. We were again unable to make a survey at Milepost 162 because the road was broken up and repair crews were in the area. Milepost 109.9 continued to show increases in some of the high speeds. There were, however, excellent enforcement results on each flight, with many arrests made in the 90 to 100 m.p.h. range. There were approximately 140 arrests made during the program with almost all violations for 85 m.p.h. or more. In addition, there were 40 warning cards issued for speeds above 75 m.p.h.

DOUBLE USE

Another interesting part of the Idaho Aircraft Enforcement Test System is that the same computer system used to make the initial survey was used in the aircraft to determine speeds of the motorists. The system does not require special measured distances or marks on the highways other than the white centerlines that are already there. The white centerlines are placed with mechanical accuracy that can be predetermined.

The three big advantages are: The system does not require measured distances painted on the surface of the highway and does not confine the plane to those places where measured distances appear. Because the speed of an approaching car can be checked in 4 to 5 seconds, it is possible to check the speeds of traffic coming toward the plane, and turnarounds are unnecessary except in those cases where an already checked violator is wanted. The third factor is that one patrol car can follow the plane at approximately 55 m.p.h. over long distances. The patrolman's getting 4 or 5 miles behind creates no problem because the pilot is checking the speeds of the heavy traffic going in the opposite direction from the plane. When the pilot finds a violator, he turns around and follows the speeder back to the trailing car, describing him to the patrolman by radio. It is possible to check the violator's speed several times while going back to the trailing patrol car.

The computer system makes use of the fact that every speed is directly related to every other speed through time and does not need measured distances to make the computations. The system has been in use in Idaho as an enforcement tool on the ground since 1956 and has been used from aircraft several times in selected cases.

EFFECTIVENESS

The aircraft enforcement program has proven a very effective instrument for bringing enforcement pressure on exceedingly high-speed drivers. One plane and a trailing patrol car using the system can cover from 50 to 75 miles of assigned highway with plenty of work to keep both pilot and patrolman busy. Highways with 300 to 400-cars-per-hour volume are ideal for this situation.

From his 1,000 to 1,500-foot up-in-the-air seat, the pilot can observe 5 to 6 miles of highway most of the time, check the entire 50 or 75-mile length in a very few minutes and pick out almost every violator of the posted speeds.

In addition to speed enforcement, the plane can also be used for other functions, such as, search for lost hunters, surveillance of slow-moving traffic problems, surveillance of school bus routes and problems, check of little-used highways occasionally, observation of double-line areas, and location of stolen, abandoned, and stripped cars in out-of-the-way places. These additional uses make the plane a valuable piece of standard equipment even if it were only assigned to speed enforcement on selected occasions.

Generally, the program was too short in length and covered too many miles. It is a good program where enforcement results are needed in connection with high speeds over open highways. There were problems with weather and a definite problem in connection with assignment of personnel to work the program. The program would work much better where plane and personnel needed are assigned to the project for the duration. Then one car could follow the plane over long distances and return the same day without assignment from separate districts.

COMPARISON OF COSTS

After making a comparison of costs for lease and purchase of a tandem 2-place plane and a 4-place plane, we decided to lease a 2-place aircraft. The cost of the program will run slightly over $2,300 over and above regular budget items. There will be around $2,000 collected in fines and costs.

OBSERVATIONS

Final reports on arrests and fines are not complete at this time. The program can bring a tremendous amount of enforcement pressure on speeders in well-selected areas. Results can be tabulated and evaluations made, but a continuing program of this nature needs much more planning and preparation than was possible for this project. The project would work exceptionally well for special occasions and problem assignments.

MILEPOST 90

[In percent]

	Survey No. 1 (928 cars)	Survey No. 2 (100 cars)	Survey No. 3 (100 cars)
71 to 79 m.p.h	20.6	20	34
80 to 89 m.p.h	10.5	9	6
90 to 99 m.p.h	1.6	1	0
100 and above	0	0	0
Nonviolation	67.3	70	60

MILEPOST 109.9

[In percent]

	Survey No. 1 (100 cars)	Survey No. 2 (100 cars)	Survey No.3 (100 cars)
61 to 69 m.p.h	34	45	55
70 to 79 m.p.h	24	30	21
80 to 89 m.p.h	4	3	6
90 to 99 m.p.h	1	0	0
100 and above	0	0	0
Nonviolation	37	22	18

MILEPOST 147

[In percent]

	Survey No. 1 (100 cars)	Survey No. 2 (100 cars)	Survey No.3 (100 cars)
71 to 79 m.p.h	38	40	27
80 to 89 m.p.h	22	3	5
90 to 99 m.p.h	3	0	0
100 and above	1	0	0
Nonviolation	36	57	68

MILEPOST 162

	Survey No. 1	Survey No. 2 (100 cars) (percent)	Survey No. 3
71 to 79 m.p.h	(1)	28	(2)
80 to 89 m.p.h	(1)	8	(2)
90 to 99 m.p.h	(1)	0	(2)
100 and above	(1)	0	(2)
Nonviolation	(1)	64	(2)

[1] Rained out.

[2] Road broken up, survey impossible.

MILEPOST 195

[In percent]

	Survey No. 1 (1,297 cars)	Survey No. 2 (100 cars)	Survey No. 3 (100 cars)
71 to 79 m.p.h	40.7	25	39
80 to 89 m.p.h	12.7	9	8
90 to 99 m.p.h	1.3	1	2
100 and above	.003	0	0
Nonviolation	45.3	65	51

Note: The groups of numbers under surveys 1, 2, and 3 show the percent of violations at five separate locations taken under similar circumstances and weather conditions.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. FRASER. Mr. Speaker, the health needs of our youth were aptly demonstrated by two witnesses who testified during the recently held Minneapolis health hearings. Pointing out that the health needs of our youth are vastly different from those of other age groups, Mr. Jim Brink discussed the operation which he heads, the Southeast Drop-In Center.

This organization, comprising interested laymen, attempts to deal with problems facing juveniles on a preventive basis. Recognizing that most young people with drug problems will come to the center needing treatment, members of the center attempt to move from strictly treating bad trips to discovering the underlying reasons for drug use. These dedicated laymen have discovered that some of the young find it extremely difficult to deal with the larger, public institutions in the twin cities. The drop in center, therefore, provides a middle ground between the public institutions and the concern which leads to involvement of those people who wish to help. When the problem becomes extremely serious, referrals to professionals are made.

Mr. Brink argued persuasively for everyone to consider youth drug problems as essentially mental health problems. It is his belief that only by starting from this premise and involving the lay members of the community can the serious drug problem of youth be prevented.

Another center attempting to solve some of the problems facing youth in the twin cities is the Children's Health Center and Hospital. This organization established a teen-age medical service and a walk in counseling center.

At the hearings, Dr. Elizabeth Jerome detailed some of the activities of the center. The medical center, for example, is staffed by 15 volunteer physicians, 35 nurses, and five volunteer lab technicians. These professionals see approximately 500 youths per month. Open 3 nights a week and 3 mornings during the week, the medical center draws from all areas of the twin cities.

The walk in counseling center is opened every evening and is staffed by 30 volunteer professional psychologists. These psychologists supervise approximately 50 students in training who serve approximately 6 months at the center. A further breakdown of the services provided is enclosed at the end of the report.

One of the startling discoveries related by Dr. Jerome was the degree of alienation of these youth. Many were medically alienated from their family physician or from their own parents. These youth sought service at the clinic. Also, many parents bring their own children to the center. That is a significant tribute to the need that the center fills.

Since the hearings, the Children's Health Center has received financial assistance to continue these two programs. A statement explaining that financial award in more detail appears below.

These centers, the teenage medical service and the walk in counseling center are major innovative steps attempting to deal with the specific problems facing youth. They deserve encouragement from elected officials and require broad support from the community. They are examples of a response to a need that is not based on financial incentives. We should look at the motivation of the laymen and professionals who donate their time and expertise. Ignoring these motivations may cause us to develop a system concerned only with financial rewards.

The statement follows:

CHILDREN'S HEALTH CENTER, INC.

TEENAGE MEDICAL SERVICE

Annual report for 1970

The following is a summary of the work done at the Teen-Age Medical Service, 2425 Chicago Avenue, during the year of 1970. This is a clinic staffed with voluntary nurses and physicians. The ages of patients treated range from 10 to 20 years old. There is a social worker available every evening as well as psychological counseling services available every evening.

Area of residence

Model neighborhood	705
Other neighborhood	862
Suburbs of Minneapolis	546
Out of city and/or State	247
Total patients seen in 1970	3, 762
Patients seen in January 1970	80
Patients seen in December 1970	423

Patients referred by

Friends	968
Yes	549
Schools, organizations and agencies	504

Reasons why seen

Physical exams with forms to fill out	306
Medical patients	725
GYN patients	473
Suspected venereal disease	631
Confirmed venereal disease	124
Rechecked venereal disease (Past 5 mos. only)	58
Birth control interviews (Past 7 mos. only)	385
Birth control exams (Past 7 mos. only)	238
Possible pregnancy	582
Confirmed pregnancy	382

MAJOR GRANTS TO CHILDREN'S HEALTH CENTER BROADEN AID TO TEENAGERS

Two grants totaling $132,930 have been awarded to Children's Health Center, Inc. of Minneapolis (CHC) for its satellite clinics, the Teen-Age Medical Service and affiliated Walk-In Counseling Center.

A grant of $72,460 was awarded from the Department of Health, Education and Welfare to develop demonstration projects in the two clinics for the health care of teenagers. "The money is to be used to develop a more personalized style of health services for that group of teenagers who are currently not accepting health services through our established institutions," according to Dr. Arnold S. Anderson, Principal Executive Officer of Children's Health Center, Inc.

The two clinics function as a bridge across the "generation gap" and the developmental monies from this grant will be used to strengthen that bridge.

"Initially, development funds will be used to explore means of re-establishing family involvement in health problems of "alienated" teenagers, and to explore the use of consumer inputs from the teenagers themselves in the management of the operations," said Dr. Anderson.

Fifth District Representative Donald Fraser was helpful in making known to the Office of Child Development in Washington, D.C. the unique value of the functions of the two clinics.

The second grant, totaling $60,470, comes from the Governor's Commission on Crime Prevention and Control through the City of Minneapolis. It will enable the clinics to establish a project to evaluate their programs and centers; to coordinate their activities; to establish liaison with criminal justice and health agencies; and to gather data on the kinds of problems they see and treat. The information will be made available to other community resources and to colleges and universities for use in training social workers, police officers, health professionals, etc.

The Teen-Age Medical Service and Walk-In Counseling Center operate out of two older houses located side by side at 2425 and 2421 Chicago Avenue, Minneapolis. Opened in 1969, the Teen-Age Clinic has treated over 8,500 youths between the ages of 10 and 20 free of charge. Together, both clinics have seen over 11,000 patients.

The site of the new Children's Health Center building, now under construction, is a half block south of the free clinics at 25th and Chicago Avenue.

U.S. CHROME ORE SUPPLY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 21, 1971

Mr. BYRD of Virginia. Mr. President, an excellent editorial on the subject of the U.S. position with respect to its chrome ore supply was published in the Hopkinsville, Ky., New Era of August 28, 1971.

I ask unanimous consent that the editorial, entitled "Wrong Direction," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRONG DIRECTION

Does it make sense that a nation should be dependent upon a potential enemy to supply a material which would be needed in case of armed conflict?

Sen. Harry F. Byrd Jr., the Virginia Independent doesn't think so, but he seems to be having a hard time convincing enough people around official Washington that the old cavalry would never have pushed the Indians out of the West if the Army had had to wait for the Redmen to sell the soldiers enought arrows to wage war.

But the Virginia senator refuses to be discouraged and has introduced a piece of legislation which is vital to the future of the United States as a free nation. Presumably the Congress will get around to taking up the Byrd bill when the recess is over next month.

Byrd's bill provides simply that importation of strategic materials from a Free World country cannot be prohibited so long as imports of the same commodities are permitted from a Communist country.

The purpose of this provision is to correct an almost insane situation which has been permitted to develop and which now endangers America's capacity to defend herself in case of Soviet aggression. This is the refusal of the United States to buy chrome ore, vital to defense production, from Rhodesia, and its increasing reliance upon none other than Russia for this strategic material.

The United States refuses to trade with Rhodesia because it is ruled by a minority government and allegedly is a threat to international peace. As a consequence, the U.S. now buys a major portion of its chrome ore from the Soviet Union, a country which is ruled by a brutal one-party dictatorship and constantly instigates threats to world peace.

The result is that the United States has made its defense production dependent upon the very nation we are supposed to be defending ourselves against. Dependence now is estimated at more than 50 percent. It will go higher to the point of paralyzing American defenses unless our elected representatives stir themselves.

Byrd's legislation would have the effect of reopening trade with Rhodesia and easing the Soviet grip on America's defenses. The issue is nothing less than our survival as a free and independent nation, but official Washington today is so caught up in false hopes of peace that neither the administration nor Congress will act unless they hear from the people.

We may be foolish enough to arm the Soviets in case a shooting war gets near, but you can bet the Russians wouldn't do the same for us.

PROSPERITY AND PRODUCTIVITY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. PELLY. Mr. Speaker, the nationwide response to President Nixon's wage-price freeze has surprised some of the previous critics of his economic policies. In the first month following the President's historic speech on the economy, Americans in all walks of life have indicated newly restored confidence in the measures proposed by Mr. Nixon to end inflation and bring prosperity to the Nation. Meanwhile, there seems to be a willingness to sacrifice, and, while the program, and especially the wage-price freeze, creates some inequities, and, in some instances, hardships, the reaction of Americans in general is one of patriotic determination to do their part toward making the freeze work voluntarily.

So, Mr. Speaker, we can look back at the last 30 days with satisfaction and now turn our attention to a phase 2 plan to follow the 90-day freeze. This issue is not to play politics with the presidential election next year. The plan to protect our economy involves the living standard and livelihood of the American worker who has a vital stake in the stability of the American dollar and the ability of our Nation to maintain its industrial leadership in the face of ever-growing foreign competition.

Economists do not all agree as to the proper and fairest solution. However, I venture to say America will not halt its inflation and restore prosperity until in this country production per man-hour is in balance with the cost per man-hour. Rising costs have priced U.S. goods out of the marketplace both abroad and at home and U.S. capital has fled to foreign countries to meet this situation.

I do not blame labor for seeking more for its services. I do blame management for yielding on wages without gaining assurances of increased production. Collective bargaining seems to be failing and the strike weapon seems neither to benefit the worker nor management but instead penalizes the consumer and the public.

So, Mr. Speaker, as I see it today this country must seek alternatives in labor-management relations and greater production should be the basis of increased wages if we are going to curb inflation and reduce unemployment.

Congress will try to meet the economic crisis with a new tax program, but I doubt if such a plan succeeds unless there is greater incentive to workers and management alike for increased productivity.

AMERICANS WANT TO PRAY; CHURCHES DO NOT WANT THEM TO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. RARICK. Mr. Speaker, while the people of America want their children to be able to pray in school, the churches object, claiming this would "take away religious freedom."

We now learn that 208 of the 218 required Members of the House have responded to public opinion and the outpouring of faith from the people and signed the discharge petition to force a House vote on the prayer amendment that would restore the right of American schoolchildren to engage in nondenominational prayer, a right that all Americans had enjoyed until abrogated by judicial fiat in the Supreme Court decisions of 1962 and 1963.

We are also told that the principal opposition to such a prayer petition comes from religious groups including the American Baptist Convention, Baptist that would restore the right of American Baptist Conference, the executive council of the Episcopal Church, United Methodist Church, Church of the Brethern, Lutheran Church in America, United Presbyterian Church, Unitarian-Universalist Association, Churches of Christ, Mennonites, and 12 different Jewish groups.

I include a related news article detailing this paradox in the RECORD:

[From the Washington Star, Sept. 20, 1971]

SCHOOL PRAYER FIGHT REKINDLED IN HOUSE

(By Ronald Sarro)

The long-smoldering school prayer controversy has been rekindled in the House and may come to a vote soon.

Few members anticipated that Rep. Chalmers P. Wylie, R-Ohio, would have much success when he filed a petition April 1 to force a House vote on the issue.

But at the close of House business last week, 208 of the 218 members required had signed the petition, and it appeared Wylie might obtain the remaining 10 signatures.

Opposing religious groups have just launched a counter campaign to get Congressmen not to sign, or to remove their names if they have signed.

At issue is a proposed constitutional amendment, locked in the Judiciary Committee for years. Wylie's petition would force the committee to release the amendment for a House vote.

Supporters say the amendment would put prayer back in the classrooms and overcome 1962 and 1963 Supreme Court decisions banning organized prayer in public schools.

Opponents say the amendment actually would take away individual religious freedom. A committee of 38 national religious leaders and organizations urged Congress Friday to reject the amendment.

Support for a vote in the House has been building steadily, mainly because of the lobbying efforts of Mrs. Ben Ruhlin of Cuyahoga, Ohio, and her 30-member Prayer Campaign Committee. They have lobbied both in Washington and in home congressional districts for signatures on the discharge petition.

Wylie says public petitions bearing more than 100,000 names stimulated him to take up the school prayer fight, which previously had been led by the late Sen. Everett M. Dirksen, R-Ill.

Wylie is critical of the Judiciary Committee, which decided against any action after extensive hearings on the prayer issue in 1964, for refusing to bring the issue to the House for a vote.

Wylie says, "Every public opinion indicator shows that (a school prayer amendment) has been continuously supported by an overwhelming percentage of the American people."

The Rev. Robert G. Howes, an associate professor at Catholic University and national coordinator of Citizens for Public Prayer, says a poll earlier this year by Opinion Research of Princeton, N.J., indicated 80 percent of the nation favors the return of school prayer.

The Judiciary Committee chairman, Rep. Emanuel Celler, D-N.Y., says it carefully considered in 1964 all of the proposals for prayer amendments, including Wylie's language, and came to the conclusion that it would be highly dangerous to tamper with religious freedom under the Constitution.

Wylie's proposed amendment says: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

Celler and others have attacked the specific language, particularly the term "nondenonminational prayer." One opponent contends such a prayer could only begin with the words, "To whom it may concern."

The petition opposing the amendment was sent to Congress last week by religious groups including the American Baptist Convention, Baptist General Conference, North American Baptist Conference, the executive council of the Episcopal Church, United Methodist Church, Church of the Brethren, Lutheran Church in America, United Presbyterian Church, Unitarian-Universalist Association, Churches of Christ, Church of the Brethren, Mennonites, and 12 different Jewish groups.

"We express the long-standing official position of the nation's religious faiths which affirm the adequacy of the First Amendment to protect religious interest and to insure religious rights," the petition said.

The proposed amendment would wrongfully allow government to determine both the place and content of prayer, they added.

They added that "we affirm the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision. This right is adequately protected by the First Amendment as it now stands."

TRIBUTE TO A POLICEMAN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. QUILLEN. Mr. Speaker, recently the members of the Johnson City, Tenn., police department were presented with the First Union of Policemen Charter in the State of Tennessee. In honor of these fine members and the law enforcement profession, Mr. U. S. "Steve" Nelson authored a special poem entitled "Tribute to a Policeman."

Mr. Nelson is a young man who is active in civic affairs related to young people and public education. A native of Erwin, Tenn., he serves as a staff writer for the Johnson City Press-Chronicle, in addition to being director of public information for the Sullivan Central High School, Blountville, Tenn.

He attended Steed College and East Tennessee State University, Johnson City, Tenn., and often assists in projects at local high schools, civic, and religious organizations.

He was awarded the 1969 George Washington Honor Medal by the Freedom's Foundation, Valley Forge, Pa., and he has received numerous other awards.

The members of the law enforcement profession are certainly to be commended for their dedication and devotion to the well-being of all Americans. Mr. Nelson's tribute is excellent, and I feel it is a very fitting tribute to this profession. It is my pleasure to make it available to readers of the RECORD:

TRIBUTE TO A POLICEMAN

(By U. S. "Steve" Nelson)

His is a noble profession, an honorable profession.
The dignity of his profession is surpassed only by a sincere dedication to duty.

Caution is his unwritten, unbreakable law of survival, and justice is the only yardstick with which he can measure his actions.

His is an awesome position of power.
A decision, made in a split-second of justice and judgement can open the door of opportunity for a productive life, or, it can slowly and surely close that door, ending that life itself.

His is a continual effort of understanding, but compromise is the cardinal violation of his oath.

His first rule is to respect, but his due is to be respected by those whom he may serve.

His service knows all hours of the clock,
And his vigilence finds its conclusion only in the exhaustion of a total effort.

His effort is limited only by the demands placed upon him by those who request his services.

His mission is destruction—Destruction of those forces which would undo our civil way. At the same time, however, his is a mission which demands the building of a stronger force, free from any and all political manipulation.

The tool of his mission are ideals of constructive purpose, and nothing less than total commitment to his purpose will suffice if his mission is to be successful.

He is a servant of destiny.
His presence insures the continuation of justice and protection.
His absence is the guarantee of chaos, confusion and less than desirable conditions for the society in which we live.

He is not the toy of selected officials.
Nor is he to be abused, misunderstood, disrespected, nor taken for granted.

His appointment to his office demands gratitude and respect as our citadel of security and our first line of civil defense.

His satisfaction in his service and knowledge of a job well done, places him far above the judgment by any of us whom he so faithfully serves.

U.N. AMBASSADOR GEORGE BUSH

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. SPRINGER. Mr. Speaker, our former colleague from Texas, the Honorable George Bush, has made an excellent impression on the international community in New York City in his new role as U.S. Ambassador to the United Nations. This is no surprise to those of us in the Congress who became familiar with his engaging personality and the energetic way in which he went about discharging the responsibilities of his office. As the U.N. General Assembly opens another session I believe we can all be satisfied that the interests of the United States will be well represented by George Bush.

The following profile of George Bush by Associated Press U.N. Correspondent William L. Ryan appeared in the Washington Sunday Star of September 19:

U.S. ENVOY

(By William L. Ryan)

UNITED NATIONS, N.Y.—The way he tackles diplomacy, Ambassador George Bush doesn't really have to be an athlete in top condition. But it helps.

The former Navy flier who will pilot U.S. policy through the U.N. session starting this week finds that a 16-hour working day has become more rule than exception.

Evidently he thrives on it. His enthusiasm for the job seems to have infected his entire staff at the 12-story U.S. mission building across the street from the U.N. complex.

The session opening Tuesday will, among other things, consider the complex question of China's representation. In his first General Assembly appearance as ambassador, Bush has a tough assignment: to champion President Nixon's "two-Chinas" policy, which both Red China and the Nationalists on Taiwan reject.

How will it work out? Bush says that if the two-Chinas policy does not succeed, it will not be for lack of trying on his part.

"Some people are saying the United States isn't really trying very hard to keep Taiwan in, but if that's so, nobody's told me about it," he says.

Bush's remarks to an interviewer suggested two outstanding traits: loyalty and irrepressible optimism. He is loyal—some say to a fault—to President Nixon and frequently quotes him in conversation. And his personality is such that pessimism for Bush would seem next to impossible.

George Herbert Walker Bush, 47 years old, is a self-made Texas oil millionaire. He had been transplanted to Texas, however, from New England, and he combines shrewd Yankee humor with Texas affability.

As a Republican congressman from Texas, Bush once was considered a strong possibility for the 1972 Senate race. He still looks to some Republicans like a prospective answer to the Democrats' acquisition of New York's Mayor John Lindsay.

VOTE GETTER

He has the engaging manner of a natural-born vote-getter.

"I sure wish he was a Democrat," a Democratic leader was once heard to murmur wistfully.

President Nixon noted the potential in a bantering way last February when Bush was sworn as ambassador. Nixon recalled how President William McKinley had lost an Ohio race and gone on to become president, "but I'm not suggesting what office you should seek and at what time."

What about political aspirations as of now? Bush grinned.

"In this job I am not a political person. I can't be. You can't indulge in political partisanship in this job. If you asked me could I conjure up a set of facts involved in the elective political process, I would have to admit that, yes, I am still a political animal and keep my interest in elective politics. But there's no time here to think of such things.

"As a cabinet member, of course I keep up with domestic affairs and would be prepared to discuss domestic and international issues. But I am a strong believer in the policies President Nixon is embarked on now in the United Nations, and he is entitled to total advocacy here."

The President gets it; Bush does not spare himself.

The ambassador rises at about 7 and switches to a news program which takes exactly 12 minutes. That's how long Bush stays on his exercycle.

"The exercycle session is boring. Nobody wins, nobody loses, no competition, and I hate every minute of it, but I feel I ought to do it. I don't ever eat much breakfast and I leave my apartment at the Waldorf about 8, to be driven to the mission. I get here every morning about 8:10."

The ambassador's 11th floor office commands a view of the U.N. complex. The walls have photographs of the President, vice president and secretary of state, the U.S. astronauts on the moon and various Bush family scenes. On a table near a window is a bust of Abraham Lincoln, and near the desk is an old globe on a stand, which Bush calls "the antique."

For an informal conversation, Bush abandons his desk and seats himself in an easy chair. Recently back from a stay at a vacation retreat in Maine, he looks tanned and relaxed. But as he talks, the relaxed manner fails to hide the fact that he is a bundle of energy. Glasses pushed back on his head, he pops out of his chair, reaches the desk in a couple of long strides and fishes out his appointment calendar.

"First thing in the morning, my secretary, Mrs. Aleene Smith, brings me the morning's telegrams to read and I have a session with my executive assistant, Tom Lias."

He thumbs the desk calendar and chooses a typical day. It includes the morning staff meeting, appointment after appointment with ambassadors and U.N. officials, luncheon engagement, receptions in the evening, and a formal dinner. Invariably at least one dinner and one reception must be attended. Sometimes two or three diplomatic receptions occur on the same day and he must make all of them. He regards that as devotion "above and beyond the call of duty."

"I try to get to bed by 11:30 if possible, but often my calendar is so filled that I fall behind in my work and have to take it home with me."

He travels frequently to Washington for Cabinet meetings and other chores, to say nothing of speaking engagements around the country. So it helps to be physically fit.

Bush was born June 12, 1924 at Milton, Mass. His father is Prescott S. Bush, an investment banker who served as U.S. senator from Connecticut in 1952–62. His maternal grandfather was George Herbert Walker, donor of the international golf trophy, the Walker Cup.

Bush's family moved to Greenwich, Conn., the year he was born. The ambassador remembers with a trace of awe the imposing figure of his tall and handsome father presiding as moderator over Greenwich's town meeting.

Bush still was in prep school at the time of Pearl Harbor.

On the day he turned 18 he enlisted in the Navy, and before he was 19 had his commission and wings as a Navy pilot. He flew torpedo bombers from a carrier in the Pacific and was shot down off the Bonin Islands. Luckily, he spotted a U.S. submarine and swam for it; "I set a new record for free style."

Bush left the Navy as a junior grade lieutenant in 1945, with a Distinguished Flying Cross and three air medals. He completed his education, emerging from Yale in 1948 as a Phi Beta Kappa with an economics degree. With his bride of 1944, the former Barbara Pierce of Rye, N.Y., he headed for Texas, made Houston his home and entered the oil-field supply business. Eventually he founded Zapata Petroleum Corp., an international drilling contract firm and Zapata Offshore Co.

HOUSE RACES

The "political animal" in him would not be denied. He ran unsuccessfully in 1966 and 1968 for Congress from Texas, 7th District. He was critical of rockbound Republican conservatives, feeling that the party should be dynamic and not frightened of change.

"Would you consider yourself a sort of liberal conservative?" he was asked.

"People in Texas used to ask me that in the campaigns," he replied. "Some even called me a right-wing reactionary. I like to think of myself as a pragmatist, but I have learned to defy being labeled. I don't object, particularly, but I feel labels mean different things to different people, and it's impossible to make them objective. What I can say is that I am a strong supporter of the President. If you tell me what he is, I can tell you what I am.

"I exercise some discretion, of course, but I would not exercise any that would conflict with the President's policies. If I did find myself in conflict with them, my conscience would dictate that I get out. If I couldn't support the President's policies with enthusiasm, vigor and energy, then the United States and its President would be underrepresented here."

As ambassador, Bush must entertain extensively at his Waldorf Hotel suite, but the Bushes always have been enthusiastic hosts.

"Barbara likes it," he says. "We like people. We have a feeling of friendship and mutual respect when we deal with the various ambassadors."

In those encounters he likes to keep the atmosphere informal and avoid an atmosphere of "diplomatic stuffiness. There's a place for protocol," he said, "but it can be overdone."

As ambassador, Bush cheerfully admits his lack of a diplomatic background, but feels any critics on that score should withhold judgment until his first U.N. assembly session ends in December. He admits he has changed his mind on some things, including the China question. Seven years ago he was quoted as saying that if Peking ever should be voted into the United Nations the United States should get out.

"That was 1964, a long time ago," he observes. "There's been an awful lot changed since . . . A person who is unwilling to admit that changes have taken place is out of things these days. President Nixon is not being naive in his China policy. He is recognizing the realities of today, not the realities of seven years ago."

Bush approaches his job from the standpoint that his first duty is to his own country.

"If I became an international civil servant, that would be wrong. What is going to make the United Nations stronger is its function as a melting pot for different viewpoints. The United States should be strongly represented and we should try to bring out what's good about our country, be prepared to stand up in behalf of our country whenever necessary."

At the same time he is an eager salesman for the U.N. ideal. He wants to stimulate interest in it around the world, possibly by means of a U.N. session once in a while in another country.

"For example, let's see what happens if a U.N. session is held in a Communist bloc country. Why not let others see what the problems are, what it means? It could revitalize the whole organization. The costs would be high, but if the Olympic games, for instance, can be taken to Tokyo, why not the United Nations to another country?"

CHRISTINE VALMY—AESTHETOLOGY PIONEER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. HOGAN. Mr. Speaker, we are all aware that the very foundation of our Nation's history is anchored to the promise of new beginnings and unlimited opportunities for people from other lands. The pages of our history books are rich in reminders of the contributions made to the strength and character of America by immigrants in the pursuit of happiness, but it becomes too easy amid today's whirl of national and international controversy to overlook more recent inspiring examples of this basic human right.

I would like, therefore, to bring to the attention of this Congress, the achievements and contributions to our Nation that have been made by a most remarkable woman, Mrs. Christine Valmy. Born and educated in Rumania, Mrs. Valmy came to the United States in 1961, as a pioneer in her chosen field of aesthetology—skin care—and cosmetology, and during the past 10 years, has succeeded in establishing her field as an honored profession in this country.

In doing so, she has gained the highest respect and admiration of her worldwide colleagues, as well as that of the American public, and has made numerous contributions to this country's structure and image, both here and abroad.

Her contributions to education in America have been realized through the creation of the first school for skin care specialists in the United States, the Christine Valmy School for Aestheticians in New York City. Licensed by the University of the State of New York—Education Department—the school offers in-depth training in the latest techniques, theories, and methods of scientific skin care, and the entire curriculum was devised by Mrs. Valmy. She has, in effect, created a new, exciting avenue of careers for the young people of America, and already hundreds of her graduates are building enterprising careers at their own skin care salons throughout the country.

In the same way, Mrs. Valmy has created a much needed new outlet for many of the Nation's unemployed, who have retrained and attained new skills at her school, and then gone out to take their place among the productive work force in America. She has further assured these people of continued employment, and in fact heightened the dimensions of this new job market, by striving to educate the American public to the importance of personal hygiene through proper skin care, to the point where there is an increasing demand for skin care salons across the country.

Her success in this venture has attracted the attention of her colleagues around the world and has attracted other aestheticians and cosmetologists to America. She has organized this group into the American Association of Aestheticians, which she serves as president, and represents them as president of the Friends of the International Committee of Aesthetics and Cosmetology, Zurich, Switzerland. In holding these offices, she has heightened our Nation's image throughout the world and provided a shining example of the opportunities available here through the free enterprise system.

She brought further honor on herself and America in 1968 by receiving the highest honorary award ever presented to an American citizen in her profession. This award was presented by the Eighth French National Congress of Aesthetics and Cosmetology in Paris for special merit in promoting esthetics in the United States.

Mrs. Valmy has also served America as a member of the Advisory Committee of the Jersey City Job Corps Center for Women in New Jersey, the largest of its kind in the Nation. By working personally with many of the girls at the center, and advising on the center's curriculum of beauty and fashion training, she has helped avert many dead end careers, and turned many potential social misfits into concerned and productive citizens of their community.

All of Mrs. Valmy's achievements will be culminated in August 1972 when the American Association of Aestheticians plays host to the 26th International Congress of the International Committee of Aesthetics and Cosmetology in New York City. It is through her efforts alone that the American Association of Aestheticians was able to attract the over 2,500 members of the committee, representing all Europe, South America, Africa, and the Orient to America, arrange their itinerary, and act as good will ambassador for this country in welcoming these visitors. I have no doubts that every one of them will leave with the highest regard and respect for American society and our democratic way of life, and will carry this image back to their countries of origin.

Mr. Speaker, I think Mrs. Christine Valmy deserves special recognition for her service to America, and for exemplifying our basic tenets of free enterprise, unlimited opportunity, and democracy to the entire world.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE UNITED NATIONS: A NEW CHALLENGE

SPEECH OF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. RODINO. Mr. Speaker, the U.N. General Assembly convenes today and I would like very much to salute U.N. officials and offer my continued support in their daily deliberations in the quest for peace throughout the world.

We have in the past experienced many anxious days for mankind and the United Nations has, by accepting its responsibility, helped reduce the tensions, and ease the frustration. Today we are still somewhat shadowed by past crises, but we are surrounded with rising hope.

Never before has man had such capacity to control his environment, to overcome his hunger and thirst, to conquer poverty and disease and put an end to human misery.

It is with these goals in mind that I see an overriding need for world organization. To accomplish this necessitates the long overdue restructuring and strengthening of the U.N. Charter.

The U.N. Charter was formulated at the end of World War II and no longer meets the needs of our changing world. If the United Nations is to be effective, certain reforms must be made.

The gap between rich and poor nations is expanding. Elements of mistrust and fear accompany this situation and it is becoming more difficult for nations to work together. Each nation is becoming increasingly protective so that she may ward off any encroachments on her sovereignty.

The United Nations has during the past decade made a number of solid achievements. The decade of the 1970's has been declared as a disarmament decade. A Treaty on Principles Governing the Activities of States in the Exploration and the Use of Outer Space has been unanimously acclaimed. Another concern to the United Nations has been the development of the seabed and ocean floor. The General Assembly has urged all States and organizations to help the oppressed people of South Africa against the policies of apartheid.

The General Assembly designated the 1960's as the United Nations development decade and now in 1971, the United Nations second development decade is in process. It has launched an unprecedented effort to raise living standards in the less developed countries and to insure the maximum use of natural and human resources.

The promotion of human rights and the elimination of racial discrimination are of utmost importance to the United Nations. And, it has also speeded the process of decolonization and eased the transition to independence for over a billion people.

We should not only allow ourselves to celebrate the achievements of the past but we should strive for renewal and reform so that we can continue to meet the future problems of mankind.

The task of building peace and a better world for all lies with every nation's leaders and none can remain uncommitted.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. FRASER. Mr. Speaker, Mrs. Mary Mantis testified before the recently concluded Minneapolis health hearings on the cost to the United States for our misuse of our environment. As Mrs. Mantis so aptly demonstrates in her prepared comments which follow, the cost to the United States is staggering, about $35 billion a year. She also points out in her remarks that even though the fertility rate is declining, demands for power, fuel, consumer goods, and services are rising. In 1950 the fertility rate for all women of child-bearing age in the United States was 3.35 per thousand; in 1960 it was 2.78 per thousand, and in 1970 it was 2.45 per thousand. I commend the very important remarks of Mrs. Mantis to all my colleagues:

HIGH MEDICAL COSTS DUE TO THE ENVIRONMENT

First I would like to commend Congressman Fraser for introducing a Health Package Bill that is designed to serve all the people. However, my statement does not intend to support or oppose the cost of medical bills but simply to bring to your attention that we, the people, are partly responsible for this outcome.

Even though the birth rate is decreasing in this country, the per capita demands for power, fuel, consumer goods, and services continue to rise dramatically. As a result we have many and varied ills.

Dr. Paul Kotin, Director of the National Institute of Environmental Health Science, spoke before the 17th Biological Sciences, said that man's misuse of the environment is costing the Americans 35 billion dollars a year. This loss would not be tolerated if it were not hidden by steady increases in the over-all cost of health services. He said that the nation's total bill for health services is now (Oct. 6,) about 70 billion a year, and that 7 billion of this goes for treating illnesses resulting from the environment. Americans lose 25 billion dollars a year additionally through missed wages and services attributable to environmentally caused illnesses.

Of all pollution, air may be the most serious, because it has direct impact upon our health. There are two kinds of air pollution: First one is made up of smoke containing sulfur dioxide, and the other chemical substances from industry and power production. The second is the photochemical pollution for which the automobile is primarily responsible. The director of the air pollution control for the Federal Government said that 12 ppm (parts per million) of carbon monoxide has been measured in the streets of Chicago and Philadelphia. Even though 12 ppm is not enough carbon monoxide to cause death, many scientists believe that the steady exposure to the above levels do cause many physical and mental illnesses. The danger level is exceeded from 30 to 50% of the time in those two cities and 40% in Los Angeles. According to Dr. Steward, former U.S. Surgeon General "there is little doubt that air pollution is a contributing factor to the rising incidence of chronic respiratory disease, lung cancer, emphysema, chronic bronchitis, and asthma."

Union Carbide has a plant in Alloy, W. Va., that disperses 28,000 tons of black smoke and dust particles each year. Mr. Nader accuses the company of spreading poisons and bringing threat of early death and diseases to the 228,000 people of this industrial and coal mining valley. The smoke is so thick that it blacks out the sun. I think there is a suit brought against Union Carbide by the local residents.

Each year 700 million lbs. of lead is used in high octane motor fuel, and the lead impairs the function of the blood, kidneys, and the central nervous system, and leads to heart disease. Asbestos dust is known as a cause of cancer, especially among people who work with the material. Autopsies of 1100 people in three cities showed that 25% had asbestos dust lodged in their lungs. Dust burnt off auto brake linings by friction may be a health hazard to a fourth of all Americans.

Dr. Kotin said that a health policy based on preventive measures including the achievement of a more healthful environment was the only adequate solution to the problem.

Health costs could be reduced substantially if future legislation includes enforcement provisions for controlling pollutants.

ROSWELL PARK INSTITUTE HEAD SUPPORTS CANCER BILL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. DULSKI. Mr. Speaker, the House Subcommittee on Public Health and Environment of the Interstate and Foreign Commerce Committee is holding hearings on the Conquest of Cancer Act and related legislation.

At today's hearing, chaired by our colleague from Florida (Mr. ROGERS), testimony was heard from Dr. Gerald P. Murphy, director of Roswell Park Memorial Institute, located in my home city of Buffalo, N.Y.

Roswell Park is the oldest and one of the largest cancer institutes in the world, receiving financial support from New York State, as well as from Federal and private funds.

I am a cosponsor of the Conquest of Cancer Act which was introduced earlier in the session and I am familiar with S. 1828 which has been approved by the Senate.

I support the Senate measure, but I recognize that questions have been raised by the House subcommittee which open the possibility that the legislation can be improved as a result of the current series of hearings.

I am gratified at the announcement by Chairman ROGERS and a distinguished member of his subcommittee, the Honorable James F. Hastings, my neighbor from western New York, on plans for a hearing by the subcommittee at Roswell Park Institute next month.

Roswell Park is an outstanding example of a cancer research facility and I am certain that the subcommittee can benefit greatly from a visit as well as the opportunity to hear testimony from experts in the field.

There is no question about the need for improving the budgetary control and the access to funds for cancer research. There also is need for speeding-up and improving the system for handling grants.

As part of my remarks I include Dr. Murphy's statement before the subcommittee today:

STATEMENT OF DR. GERALD P. MURPHY, DIRECTOR, ROSWELL PARK MEMORIAL INSTITUTE, BUFFALO, N.Y., BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT

The proposal of a greatly expanded cancer research program based upon the expert advice of large numbers of scientific and medical leaders throughout the United States has presented convincing evidence to many that recent scientific advances and research developments are sufficiently promising to merit a national major commitment to a Conquest of Cancer program.

While cancer may be the second leading killer in the United States today, it is the number one health concern of the American people, as confirmed by recent national polls.

Launching a major cancer research effort is felt to be justified by recent advances in work in cancer research and by the scientific opportunities that now exist for making significant strides toward more effective treatment and prevention of a number of cancers.

A realistic plan of a cancer research program should include three essential ingredients: first, effective administration with clearly defined authority and responsibility; secondly, the development of a comprehensive national program for a combined and systematic attack on the complex problems of cancer; third, sufficient long-term fiscal support.

These plans must essentially include not only individual research but also, where appropriate, additional increases of more coordinated researches between individuals and institutes throughout the country and perhaps, if justified, with certain cancer institutes abroad.

ORGANIZATION AND GOALS

Previous national consultants for the most part have set forth a scientific and managerial program for the fulfillment of these objectives of a cancer research program.

They have proposed a large-scale coordinated multidisciplinary research and development effort aimed at producing the means by which significant reductions in mortality in human cancers may be achieved over the next five to twenty years.

The program and its attendant problems have been identified by national consultants and other people working in the field of cancer. At present, it would seem that in delineating these program approaches, great concern has been manifested for further detailing the plans and requirements necessary for implementation.

To effect proper implementation, all concerned with the cancer problem must join in a single national cancer program. Commitments to the program objectives, accompanied by high-quality performance, must be achieved in a timely manner. Some of our current efforts are able only in part to handle this expanded requirement.

NEED FOR CENTRAL PROGRAM

Previous proposals for a new governmental agency responsible for carrying out the current activities of the National Cancer Institute (NCI) plus additional activities required for such expanded research programs on cancer have been distributed.

It has been recognized that a National Cancer Agency should be responsible for the fundamental and clinical training programs, development and demonstration of methods of treatment, and the establishment of international cancer research data banks.

Construction of cancer research facilities with federal support should also be expanded and new ones established.

As Institute Director of the oldest and one of the largest cancer institutes in the world —supported by New York State as well as federal and private funds—I feel as my colleagues do that there is much to commend this national effort to conquer cancer as proposed in S. 1828.

This proposal keeps the Cancer Agency within the National Institutes of Health (NIH) where it still can derive all the closeness of cooperation of all the biomedical sciences whenever necessary.

Moreover, peer review in grant and contract mechanisms I believe are enhanced and strengthened by such an Agency approach, and thus may eliminate possible existing or proposed layers of bureaucratic delay. Cross-fertilization and intellectual interactions are strengthened rather than hampered by such a Cancer Agency.

MUST HAVE AUTONOMY

The Agency, however, must have the kind of autonomous organizational framework administratively and fiscally so that funds and other resources may not be diverted from it. Only in this way, then, can cancer related programs not be changed by the individuals who do not have a close commitment and who are not familiar with or involved in cancer research.

The maintenance of the grant mechanism and the systems underlying it, such as peer review and study sections, obviously can and should be maintained. Grants and contracts for funds for research to individuals and institutes should be increased on a long-term basis whenever necessary.

Since the objective of the Cancer Agency is the conquest of cancer at the earliest possible date, immediate support for clinical and research training programs must be expanded.

Cancer research programs not only require integrations of various disciplines in a climate of free exchange of ideas with individuals with personal commitments to cancer research but, too, the mobilization of resources must be integrated.

In my opinion and as well as those of my colleagues at Roswell Park Memorial Institute, this can best be achieved by the establishment of a Conquest of Cancer Agency being an independent agency within the National Institutes of Health.

PROBLEMS OF BUDGETING

It is well recognized that at the present time the budget administration policy of the various Institutes within the NIH must be reviewed and approved by six higher levels of bureaucracy before there is a final funding of research and contract grants.

At every level there is administrative scrutiny of all budget activities with competing priorities. With the continuance of this type of organizational framework undoubtedly funds and resources necessary to accelerate objectives of a Cancer Agency would be hampered.

By giving the Director of a new Cancer Agency the prerogative of formulating his own budget and submitting it directly to the Office of Management and Budget for Presidential approval, we feel will by-pass this constant competition for funds and other resources. Also, it would make the handling of problems and programs of a specific medical subject, cancer research, more efficient since the Director of the Cancer Agency would report directly to the President.

Needless to say, more often than not, the reality of this administrative arrangement would allow personnel in the Agency to speed up the approval of worthy grants and contracts, to pinpoint areas in need of administrative support and to respond to changing priorities.

It would in no way obliterate the NCI nor even alter drastically its internal processes, as some people have feared, since the present NCI would become a part of the Cancer Agency. With this arrangement, NCI could launch and fulfill the objectives of coordinated cancer research program as outlined in S. 1828.

REMAIN ON N.I.H. CAMPUS

By the NCI being part of the Cancer Agency and with the National Cancer Advisory Board with its wide proposed representation evaluating annually cancer programs and budgets, the location of the Cancer Agency on the Bethesda campus of NIH would maintain all the cooperative benefits the NCI and NIH have previously enjoyed.

Moreover, with this new administrative arrangement for NCI, it could achieve more effective inter-relationships with other Institutes on the Bethesda campus of NIH.

The great interest in cancer research today and the establishment of a Conquest of Cancer Agency will generate increasing concern with all health problems and will encourage developments of other biomedical programs.

It must be remembered that cancer is a multifaceted problem involving all disciplines of science and these disciplines have to be brought together on a coordinated level to meet the objectives that we want to fulfill. We do feel by a creation of a Cancer Agency, a closer association with all aspects of biomedical research and the scientific community within NIH and throughout the country can be achieved.

The scientific community should not fear that funds will be expended on contracts seeking specific objectives to the detriment of less goal-oriented structured grant mechanism.

NO FEAR RE NATIONAL APPROACH

As directors of existing cancer institutes, we do not fear a national coordinated attack on a disease that causes such disability and death. Many cancer institutes have had to mobilize their funds and resources toward a coordinated attack on cancer and in doing so have not deprived the rights of clinicians and scientists to the high degree of independence needed for creativity in cancer research.

The American public expects this type of coordinated effort on cancer and is anticipating its implementation that might lead to scientific breakthroughs in controlling and curing cancer.

A new Cancer Agency with streamlined administrative support, as outlined in S. 1828, could produce the means to achieve the greatest benefits leading to a solution of the cancer problem.

Therefore, Mr. Chairman and members of the Subcommittee, I as well as my colleagues at Roswell Park Memorial Institute strongly support the enactment of S. 1828.

Mr. Chairman, I am pleased, as Institute Director of Roswell Park Memorial Institute, to be able to present some of our views on S. 1828 and I thank you for the opportunity to present this testimony. Whatever opinions we share on implementation of the federal effort for the Conquest of Cancer, it is not the intentions of any of us to impede the fulfillment of the program.

AMERICAN MERCHANT MARINE MUST BE ACTIVE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. MILLER of California. Mr. Speaker, during a recent visit to California, I had the privilege of attending a banquet sponsored by the National Defense Transportation Association in San Francisco. Mr. Harold J. Romain, Chief, Office of Market Development for the Western Region of the Maritime Administration, was the principal speaker on this occasion. Mr. Romain made reference to the Merchant Marine Act of 1970 which he said:

> Has opened the door for a modern and realistic Merchant Marine, but only if American capital is willing to invest in the potential future of our industry.

He stressed the necessity of an active and aggressive merchant marine to carry the products of this country across the oceans which surround us. I was very much struck by his pertinent and timely comments and I am happy to insert his speech as a part of these remarks.

Remarks by Harold J. Romain

I must preface my remarks by acknowledging the current situation that exists in our industry. The devastating strike is indeed critical to all involved in or about the maritime industry. However, we in the Office of Market Development must look forward to the time when the Pacific Coast ports are again working. The references I will make to labor are about the partisan labor organizations that man our ships.

The Office of Market Development has been established to assist the American Merchant Marine in their endeavor to survive. The use of the word survive is not a trite statement. If the American Merchant Marine continued on the path it was going, there would have been a rate of attrition which could have conceivably phased out this segment of our American economy. This obviously cannot come about. Our market development program will stress the positive aspects of our present fleet, but most important, the modern fleet that we anticipate in the short years ahead. The United States has pioneered the Merchant Marine from the sailing class to steamship to container vessels, and now the lash and seabee concepts. The Merchant Marine must utilize the great assets possessed by American ingenuity for efficiency and must continue to use this capacity for innovation. The Clipper ships were unsurpassed in their day, the U.S. flag container ship led the way in the container revolution, and now the LASH and Seabee is further evidence of our efforts to keep ahead.

The Merchant Marine Act of 1970 has opened the door for a modern and realistic Merchant Marine, but only if American capital is willing to invest in the potential future of our industry. These ships will only be built if there is a demonstrated profit potential from adequate cargoes at compensatory rates and equally important, a labor management relationship which will insure the confidence of American and Foreign shippers on these vessels. No longer can the labor management gap exist as it did a few years ago as both these groups have mutual interests—one is to operate ships profitably and the other is for job opportunities on them.

The Maritime Administration, in setting up its Market Development program, has decentralized and established areas of responsibility on the East Coast, Gulf, and Pacific Coast, as well as Chicago for the Mid-West Area. The initial step, in the program, for the Western Region (San Francisco, Pacific Northwest and Southern California) was to find a staff of experienced professionals. This we have accomplished. These people have cumulative experience of nearly three quarters of a century with U.S. flag steamship companies. This experience encompasses container development, freight forwarding, intermodal operations, statistics and varied marketing and management responsibilities.

The first problem that we addressed ourselves to was to insure that government impelled cargo destined by law for American flag carriers, did move in U.S. flag ships. This has been accomplished by publishing in the Federal Register, new standards to be observed by all government agencies handling cargo subject to U.S. flag preference laws. The responsibility to set up these procedures was enacted in the Merchant Marine Act of 1970 and delegated to the Maritime Administration.

For example, in the recent past a National Aeronautics and Space Administration Tracking Station was booked by their contractor from Seattle to Australia on a Chinese flag vessel, until Bob Manahan, our representative in the Pacific Northwest, alerted us. Through quick action by the Seattle, San Francisco, and Washington offices of Market Development, an official ruling that this was government-impelled cargo was obtained. The shipper was required to use an American flag vessel. In this instance, some $350,000 in freight revenue was put back into our economy. Another example—the 1970/71 movement of Export/Import Bank financed cotton totaled 800,000 bales. Under the cargo preference law, at least 50 percent of this must move on American flag vessels. In this case, 500,000 bales were to move from the Gulf with 300,000 bales for Pacific Coast loading. As the one American line in the Gulf was able to accommodate only 100,000 bales, a determination was made in Washington that to make an even fifty-fifty split, all 300,000 bales on the Pacific Coast must move on American flag vessels, and it has now moved on American ships. The Pacific Coast U.S. flag operators are very pleased to have this additional cargo available to them.

The preference cargo problem is better and will continue to improve as it is our intention that American flag carriers are not to just receive 50 percent, but are to receive *at least* 50 percent—this rule is a floor, not a ceiling. But we still have a formidable situation with commerical cargo. Obtaining commercial cargo for U.S. flag ships is our primary objective. We conduct a planned program of interviews with Exporters and importers which is designed to influence them to use American flag vessels. In the main, the response to these interviews has been favorable. However, there are shippers who are not easily persuaded to use American flag ships. We try to determine the reasons for their reluctance.

It may be that the shipper feels it costs more to ship on American flag vessels. This is completely untrue when using conference vessels. It is frightening to find that knowledgeable people in our industry are still under the impression that it costs more to ship on an American coaference vessel. We must dispel this misinformation. All conference members charge the same ocean freight rates.

It may be that the shipper thinks he can get better service from foreign flag operators. This again is untrue. American flag service in principal trade routes is more than adequate. The liner services of American carriers feature all varieties of technological advances. Container ships are in plentiful supply, the finest break bulk services and unitized cargo facilities are available, and the LASH and Seabee vessels with the best features of breakbulk, unitization and containerization are now sailing under our ensign.

It may be a fear of disruption of service because of seagoing labor problems. We try to get the user of ocean transportation to share our conviction that labor and management now are aware of the need for cooperation in order to survive. This is substantiated by recent statements in the press by many labor leaders. Sometime ago Paul Hall, speaking in New Orleans said, and I quote, "We've got to stop the work stoppages that exist now, from the beginning of a contract to the end . . . it doesn't make sense to die together, when together we can live a wonderful way of life." Unquote. When Mr. Hall says "All of us", he means labor and management—the industry as a whole.

Even though we meet with these objections at traffic management levels, the encouraging aspect is that in most cases top executives are cognizant of the need for American ships and are *determined* not to be dependent on other nations to carry their products to and from the United States.

We have been successful in alerting these executives to the need that their corporate policy to ship American flag is carried out at all levels in their organizations. Top level contact by the Office of Market Development has made it possible to arrange productive executive meetings between carriers and shippers. This door opening technique has already benefited American flag steamship companies.

The demands of the marketing process will of necessity bring carriers and shippers into close working relationships that should revive the ancient concept of trade as a joint venture. This partnership of interest also requires the shipper to articulate his needs. The ocean transportation services ultimately available to shippers will be in proportion to the rapport they establish now with the carriers.

The Maritime Administration, knowing full well the need for positive action, has come up with some ideas that had not been tried before. One such idea is a new way of encouraging industry to cooperate and work together for the general cause. That is why the United States Maritime Industry Foundation has been conceived. Through cooperation of labor, management, shipbuilders and allied industries, a concerted effort will be made to impress upon all segments of our citizenry the vital need for a well staffed, efficient and modern merchant marine. The Foundation has been set up as a nonprofit organization and is sponsored and supported by leaders at the highest level in the industry.

Tom Patterson, Bill Galstan, other members of the Western Region MARAD staff, and I have made joint visits to leaders of labor and management. The results of these meetings have proven one thing—a genuine desire of all segments of the maritime industry to promote their mutual interests in this positive manner. We have laid to rest the widespread opinion that labor and management cannot get along together. In fact, the Unification Dinner held on June 2nd which sat together the leaders of all these segments, showed the shippers in attendance the solidarity of the maritime group.

This dinner was so conceived that the shippers sat with the labor and industry leaders and had an opportunity to engage in conversation with these executives. There was no head table and speech making was held to a minimum. It was the intent of the dinner for the attendees to get acquainted or reacquainted with each other. As one leading member of the steamship fraternity said, "This was not a dinner, it was a miracle."

The Foundation is nonprofit and open to anyone who is a friend of the maritime industry. A donation is not required to become involved in this Foundation. However, should an individual as well as a company wish to donate to this project, it will be most welcome. The main point is not the amount of money, but to get people interested and involved. Of course, the Foundation does need funding to conduct its activities.

The first concrete project was a painted billboard depicting our past heritage as a leader on the high seas and our present superior technology. This billboard carries the theme "IT COSTS NO MORE." The billboard is presently located on the Bayshore Freeway, South of Grand Street in South San Francisco.

We are following up this initial billboard with some 100 free public service billboards which will be erected up and down the Coast and as far inland as Chicago. These are on a space available basis. Those of you who will be attending the luncheon at the Oakland Hilton Inn during the International Containerization Exposition and Congress will probably pass by the first billboard which is erected on Doolittle Drive near the entrance to the Airport.

Future plans will be continued use of public service TV and Radio spots and soon messages will appear in printed media and direct mail.

On the broader National scene, Andrew Gibson, Assistant Secretary of Commerce for Maritime Affairs, has convened and is sponsoring the new National Maritime Council. This joint council is also a nonprofit corporation and has a membership drawn from carriers, shipyards, shoreside and seagoing labor and the Maritime Administration. It is planned that the United States Maritime Industry Foundation will carry on the Western Region activities of the National Council.

To augment the program I have mentioned we are planning an SOS (Ship our Ships) Task Force Program. This concept embodies an American Merchant Marine marketing team composed of MARAD OMD and top level representatives from Unions, Operators, and in some areas will include banks, insurance companies, shipyards, or other elements of the industry.

This team will approach participants in American International trade throughout the Western Region to convince them that they should be substantial supporters of U.S. flag ships. The contacts will be through sponsoring groups such as transportation clubs, foreign trade associations, Chamber of Commerce, etc., who will provide the forum for the presentation. This team will provide the sponsoring group a packaged program in which MARAD would present the OMD program and introduce the carrier and labor representatives, who in turn would talk in a positive manner about the harmony within the industry.

Time will be allowed for a question and answer period. This meeting will be supplemented by press conferences including TV and radio. To capitalize on the good will created in the general meeting. The team would make personal calls on executives of the major exporters and importers in the area.

Denver has been chosen for their initial effort and will be followed by visits to other major cities within the 15 state Western Region. The Director of the Office of Market Development, Washington, D.C., will coordinate a National Task Force unit involving teams from our Western, Eastern, Central and Midwest Regions.

These programs I have discussed tonight all converge on the same goal—a healthy Merchant Fleet which will not only have the capacity to carry our exports and imports during times of peace, but will have sea lift capabilities to move vital supplies and equipment should an emergency arise. No one questions the role our fleets have played in past crises, and this fourth arm of defense ability is a critical part of our National security.

Our dedication is to foster the American Merchant Marine and all of you have a sincere interest in the continuing prosperity of our Merchant fleet. Your help is solicited and your ideas are encouraged to help us achieve the goals of the Office of Market Development and those set forth in the United States Maritime Industry Foundation.

A SLIPPED DISK IN THE NEW ECONOMIC POLICY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BINGHAM. Mr. Speaker, it has been widely heralded that President Nixon's new economic policy contains many inequitable elements which provide greater relief for corporate America than working America. One proposal which has not received much attention to date is the President's plan to provide a tax deferral for a new kind of subsidiary corporation known as DISC—domestic international sales corporations. This proposal would provide a billion dollar tax loophole for existing large corporations with little, if any, additional benefit for the American economy, says Harvard law professor Stanley Surrey in the Washington Post, September 19, 1971. By enabling companies with foreign sales to establish a paper subsidiary through which exports could be channeled, corporations could escape paying income taxes on profits earned. Cloaking the relief in terms of a deferral, the administration seeks to encourage exports. But, the deferral is in truth a tax exemption according to Mr. Surrey. Furthermore, he notes:

> No one—not even the Treasury—has offered any public documentation and serious economic study of just how and to what extent and for what goods this windfall to exporters will increase our exports. On the contrary, most economists believe just the opposite, that the change will have only a slight effect on our exports out of all proportion to the revenue loss involved.

Mr. Surrey's article follows:

DISC: A BILLION-DOLLAR TAX LOOPHOLE HIDDEN IN NEW ECONOMIC POLICY

(By Stanley S. Surrey)

The President's speeches on the New Economic Policy do not mention the "DISC" proposal, and so it receives almost no notice in the daily press discussions.

This silence cloaks the efforts of the Treasury Department once again to slide the DISC proposal into the tax law. Last year the attempt was made as part of the Trade Bill, when the fierce legislative battle waged over import restrictions permitted the DISC proposal to pass through the House, almost unnoticed and unseen and certainly not understood. Fortunately, the Senate Finance Committee then viewed the proposal with suspicion and it died at the end of the session.

There is good reason to keep the DISC proposal out of the spotlight. The proposal opens up a billion-dollar loophole in the income tax, through permitting U. S. exporters—especially our largest corporations—to escape that tax.

It would be a cruel irony to have the first significant technical income tax legislation to pass the Congress after the 1969 Tax Reform Act—the kind of legislation that only technicians and experts can follow—open up one of the largest tax escapes ever legislated by the Congress. Yet we find the Treasury Department being the moving force behind this attempt.

A DISC—Domestic International Sales Corporation—would be a new type of corporation conjured forth by this change in the tax law designed to "defer" the income tax on the "export profits" received by a domestic corporation engaged solely in the export trade. The quotation marks are used because the words they enclose turn out, as is so often the case in tax legislation, to have a significance far beyond their normal usage.

American businesses manufacturing goods that are sold abroad would be expected to organize DISCs—which need be only paper subsidiaries—through which their present exports would be channeled. The profits of a DISC from its export sales would not be subjected to income tax if the profits are used in export activities of the DISC or loaned to the parent-manufacturer corporation for "export-related activities"—again the significant quotation marks. This is the way the Treasury describes the proposal.

But under the terms of the actual legislation, it turns out that "deferral" would in practice become exemption; that "export profits" would very often include manufacturing profits; that "export-related activities" of the parent-manufacturer become activities having nothing to do with exports, extending even to investment for manufacture abroad; and that the references in title and description to "domestic" export subsidiaries cloak in practice an inducement to form foreign subsidiaries and, moreover, to form them in tax-haven countries, thus bringing back a pattern of abuse against which Congress legislated in 1962.

These are aspects that the Treasury does not talk about when it urges the proposal. For example:

1—The Treasury stresses in urging DISC that only a deferral of tax is involved, in terms that imply deferral is really not much—the tax is not paid now but must be paid a bit later on. Indeed "deferral" for most Congressmen is a word that lulls them into believing very little is being given away. But the Treasury and corporate controllers know better. Thus, a high Treasury official, in talking recently to a professional group on aspects of accounting, said:

"I need not tell this group that tax deferral is the name of the game. A tax deferred one, two, or several years is simply a lower amount of tax on those who achieve such deferral—a burden that must be assumed by all other taxpayers."

For a profitable company, the present value of 15 years deferral—at the least the period the Treasury and business have in mind under DISC; indeed the deferral for many will be indefinite—is just about worth the amount of the tax itself, which makes deferral the equivalent of exemption. The reason is that the deferred tax-money that a company keeps over such a period (in effect an interest-free loan for that period) can be put to work earning additional money. In a typical case, the real cost to a profitable company for each $100 in deferred taxes would only be $18 to $20.

2—The Treasury stresses that domestic subsidiaries will be used and that this is helpful to unsophisticated businesses. But the tax experts who study the technical details know that the arrangement which gives the greatest tax windfall under the proposal is to combine DISC with a foreign tax haven subsidiary—a Swiss or Panamanian company. In 1962 the Congress rightly legislated against tax haven abuses. Now in 1971 under the cloak of a few technical words in the DISC proposal, the Treasury is sweeping away that legislation and directly legalizing and encouraging the widespread use of these tax havens.

3—The Treasury stresses that the profits of a DISC, freed from taxes, will be used to promote export activities. But the tax experts who study the technical details know that these tax-free funds can be used for activities that have nothing to do with exports. Thus, the funds can be used by large manufacturing companies, who are presently exporters, for purely domestic activities where the favored companies are able to compete with tax-free DISC money against companies not so favored. They can be used even to build manufacturing plants abroad—and thus reduce the export trade of the United States. The DISC money is simply made available to the companies and the Treasury will ask no questions on how it is so used.

The purpose claimed for this proposed tax-favored treatment of our exporters—exempting an entire activity from the income tax—is that it will stimulate our export trade and thereby help our balance of payments. But the revenue loss in the billions occurs even if not a single dollar of new exports occurs. Moreover, no one—not even the Treasury—has offered any public documentation and serious economic study of just how and to what extent and for what goods this windfall to exporters will increase our exports. On the contrary, most economists believe just the opposite, that the change will have only a slight effect on our exports out of all proportion to the revenue loss involved. No other country, even among those most incentive-minded, has adopted such a sweeping tax escape from its income tax.

When the questions are asked why is our tax system so unfair, why are there such gross escapes for some from the tax burdens borne by others, why do we have so much difficulty in focusing our scarce funds on pressing needs, the DISC proposal is a sharp and bitter answer.

Some corporations are of course pushing for the legislation, as are some law firms which see profits for them in reorganizing the business structures of their clients to fit DISC into the corporate organization charts. But to their credit, many a business concern and its executives, as well as their tax advisers, know the proposal is wrong—wrong for them because it means a windfall received which will not materially affect their level of exports and wrong for the country in terms of our national priorities. But it comes hard not to offer support when the Treasury pushes for their backing of the proposal.

In fact, I suspect almost everyone concerned knows DISC to be a bad tax provision. Surely the House Ways and Means Committee which initiated the tax reform legislation in 1969 should know better. One can believe that it does know better—after all, a dissenting report filed last year by some committee members explained in detail how the proposal was seriously wrong and had no place in our tax system. One suspects also that the Treasury tax experts know better. Nevertheless the proposal has found a place in the New Economic Policy of the President.

One suspects a cultural lag. Last year, pushed by Commerce, the Treasury came up with the DISC proposal to show it was trying to "do something" about exports. This year in August, however, the Treasury moved directly to get at the crux of our trade imbalance—the unfairness to our trade that resulted from the relationship of our dollar to foreign currencies—and is now seeking a realignment of those currencies. It is also using a temporary device—the 10% surcharge on imports—to emphasize the need for currency adjustments and other trade related changes such as removal of unfair restrictive practices in other countries.

But the DISC proposal, which will not really help our exports and instead will create a large tax escape, was left around from the earlier blueprints. It is now being quietly carried along as a windfall to business, even though we have a new set of blueprints really designed to do the job that must be done to improve our trade position.

The DISC proposal should simply be dropped as a bad idea—a major loophole if viewed as a tax provision; utterly in conflict with our national priorities if viewed as an expenditure device; ineffective and now supplanted by meaningful, direct steps if viewed as a trade measure.

NORWALK LIBRARY OBSERVING ITS 75TH BIRTHDAY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. McKINNEY. Mr. Speaker, an inscription on the State library at Berlin reads "food for the soul." What better way is there to describe a library—a vast wealth of knowledge which never falters—but can continually enrich and fulfill the individual.

The library is one of the most useful public services available today and in that light, Mr. Speaker, I would like to offer by congratulations today to the Norwalk Library, which is celebrating its 75th aniversary this year. Its dedicated staff, not only of today but of yesterday, deserves the heartfelt gratitude of all for its superb contributions to the people of Norwalk, Conn. over the years.

I know that the Members of this House will join with me in saluting this fine institution on its birthday year.

Recently, Mr. Speaker, the Hour, Norwalk's newspaper, presented an indepth look at the history of the Norwalk library. I would like to share that fine article, written by James T. White, with my colleagues today:

ANNIVERSARY YEAR: NORWALK LIBRARY OBSERVING IT'S 75TH BIRTHDAY

(By James T. White)

The history of the Norwalk Public Library is an interestingly unique one. The library, which observes its 75th anniversary this year, and which has been in its present location at the corner of Belden and Mott avenues for 68 years, was incorporated in May, 1879, as a small circulating library with a membership fee of $2, and became the old city of Norwalk Library in 1896.

At a meeting of the Common Council, held on Feb. 3, 1896, at the Town House on Mill Hill, Councilman Smith, chairman of the Library Committee, reported that the committee had leased a small store at 20 Wall street for the library room—the yearly rent to be $400. Situated next to the Boston Store, a familiar landmark for many years on the northwest corner of Wall and Main streets, in a new business block (demolished in recent years during the re-development of the uptown business section) that had been recently constructed, the library was immediately a busy center of cultural activity. Subsequently, as the facility's book collection continued to expand in size, the Library Committee was forced to seek more spacious quarters in the First Taxing District area, and when the library was moved to temporary quarters in the old Norwalk Club building at 67 Wall street, its shelves, thanks to the generosity of an enthusiastic group of local citizens, contained an impressive collection of volumes for use by its members. Thus, before the turn of the century, the Norwalk Public Library was fulfilling its purpose and being brought to a reality. Its earliest years saw the modest institution render an invaluable service to the residents of the area—years during which those with an appetite for varied reading material (long before the advent of radio, talking pictures or television)—could enjoy the leisure company of good books.

The original charter of the old City of Norwalk did not make any reference to the Norwalk Public Library. But, research into the historical background of the library prior to the year 1903, however, while being greatly limited due to lack of available material, has not been entirely fruitless especially in the examination of city news items that have appeared in old issues of The Hour, which has produced a considerable amount of pertinent information in regards to the early years of the library.

THE BEGINNING

Prior to 1893 there was a private voluntary organization known as "The Norwalk Library Association," which maintained a "circulating" reading room at various locations in the area that now comprises the First Taxing District. Ancient records of the minutes of a meeting of the Common Council of the old City of Norwalk, held at the Town House on Mill Hill on Sept. 2, 1895, reveals what is undoubtedly the first official mention of the library. At the historic meeting "A communication was read by the mayor from the Norwalk Library Association tendering the books and fixtures of the library to the city for a public library. After debating the matter it was voted that the mayor appoint a committee to look into the matter and to report at the next meeting.

Minutes of the next meeting of the Common Council on Nov. 4, 1895, two months later, reveal that the committee appointed by the Mayor to look into the matter of a public library (composed of Messrs. Wheeler, Smith, Chinery and Boyer, members of the Common Council of the City of Norwalk at the time), rendered a unanimous report in favor of accepting the offer of the Norwalk Library Association and recommended that the matter be brought before a special city meeting. Said meeting, attended by more than sixty interested voters, was held in the Old Town House on Nov. 21, 1895.

Eugene Olmstead, a prominent resident of the city, presented a resolution at the historic meeting whereas the offer of the Norwalk Library Association to give the city its books, shelves, furniture and fixtures upon the conditions outlined in said offer be accepted. Other resolutions voted upon and declared that same evening were that "The Council of the City of Norwalk be hereby instructed to establish and maintain a public library, and that the thanks of the city be extended to the Library Association for its generous offer."

Commencing in 1897. In accordance with the by-laws adopted the previous year (by the nine directors of the Norwalk Library and Reading Room, who had been appointed by the mayor at a meeting held on July 6, 1896), governing the operation of the institution, the board of directors began submitting an annual report to the City as well as to the District.

It is of interest to note that at one time during the late 1890s a tax of one mill for support and maintenance of the library was levied against the properties of the district. In February of 1898 the mayor was advised by the attorney for the city that the library was definitely a city-operated institution and that all bills for the library should be presented, and paid, in the same manners as for other city departments. Also, as adopted in October of 1896 by the Common Council in its ordinances relative to the rules governing the operation of the library facility, the Chief of Police was responsible for collecting fines for late returns of volumes. Also in regards to the city's participation in the operation of the library, the ordinance also stipulated that the Chief of Police of the old city officially assist the library in the return and recovery of lost or stolen books.

ANDREW CARNEGIE GIFT

In 1902, a few years after the library had been taken over by the old city of Norwalk and opened as the city of Norwalk Public Library, a concerted drive was launched to establish larger and more modern quarters to house the rapidly-growing library facility. Again, prominent local citizens who had created and sustained the Norwalk Public Library, eager to aid in accommodating the reading public of Norwalk, came forth to assist in outlining a plan. And their efforts again proved fruitful. The drive skillfully carried out under the direction of Dr. James G. Gregory, the first president of the library's board of directors; Congressman E. J. Hill; Miss Dotha Stone Pinneo, head librarian, who had been appointed by the board in July of 1896; members of the library's board of directors as well as other prominent citizens who were dominant figures in the effort to gain for the library a new and permanent home of its own, a tremendous success. Andrew Carnegie, the industrialist and philanthropist gave $20,000 for the construction of the building and Hubert Bishop, a prominent resident of the city, donated the grounds on which it stands.

In 1903, the main floor of the present structure was erected on the corner of Belden and Mott avenues. The lower floor facility was completed in 1912 through the efforts of Miss Pinneo, the Civic League and Mrs. Marie P. James, who bequested the library the sum of $1,000. Again a number of interested citizens joined in the movement to see the Norwalk Public Library prosper, and through their efforts and generosity more than $5,000 was raised in contributions to be used for furniture and fixtures. Library records state that under Miss Pinneo's direction, the library, regarded as a highly essential institution for residents of the area, steadily prospered.

The terms of the Carnegie Grant had been that the foundation would give $20,000 to construct a suitable building for Norwalk if the community would (besides providing a suitable site) agree to contribute the sum of $2,000 a year for the maintenance of the library. A stipulation to which officials of the Norwalk City Council readily agreed. Under the direction of John A. Osborn, head of the building-committee appointed by the City Council (also consisting of Mayor Charles L. Glover, John P. Treadwell, Mr. Bishop and Dr. Gregory), the committee accepted plans drawn-up by the architectural firm of W. & G. Audsley of New York city and advertised for bids from local contractors. Scaling the exterior and interior in size to fit within the range of the $20,000 Carnegie appropriation, Norwalk contractor Albert R. Malkin had the building finished in April of 1903. Generous donations from some 15 local citizens was sufficient to adequately furnish and decorate the upstairs rooms.

Conceding to Mr. Bishop's wish not to use his name on any plaque or memorial as donor of the land, the plaque beside the entrance mentions only "a citizen of Norwalk" as the one who gave the land. The name engraved in the stone above the door is "City of Norwalk Library."

In 1913, the year Norwalk and South Norwalk were consolidated into one city, several paragraphs in the new charter as specifically related to the First Taxing District stated that "It (the First Taxing District) should succeed to and possess all the rights and privileges heretofore possessed by said City of Norwalk in respect to the Public Library of said City and shall continue to support and maintain the same."

Another paragraph of the 1913 charter duly authorizes the Commissioners "to appoint directors of the Public Library of said district as vacancies shall occur." The charter further states, in defining the responsibility of funds for support and maintenance, of "making the annual appropriation for the maintenance of the Public Library" at the yearly meeting of the District.

By 1912 the institution could boast of some 12,000 volumes and over 6,500 card holders and the staff of two was increased to three when Miss Pinneo and Miss Margaret Wilson (the assistant librarian) were joined by Mrs. Anna Risi. The library prospered and continued to grow in popularity.

Library records of 1930 show that the local facility was constantly maintaining its popularity and useful service to its ever-widening circle of readers under the capable direction of Miss Wilson, successor to Miss Pinneo. Offering residents of the community a well-organized library service, under the guidance of a staff thoroughly trained and experienced in library science, the Belden avenue institution had a collection of well over 30,000 volumes on its shelves. Miss Wilson, who made the Children's Book Week, an annual program initiated by Miss Pinneo in 1918, one of the most successful of the library's numerous undertakings, also found time outside of her regular work-schedule to give explanatory talks before schools, civic groups and clubs as well as to groups of boys and girls at the library. The records of 1930 also show that working with Miss Wilson were nine directors, each appointed for a term of three years. Dr. James G. Gregory was president of the board and Thomas C. Balcom was secretary and treasurer. The First Taxing District supported the institution with an appropriation of $9,000, and the circulation of books in a yearly total was said to be nine to every man, woman and child patronizing the facilities.

HEADS STATE ASSOCIATION

Miss Wilson was also recognized in library circles outside of Norwalk by being elected vice-president of the Connecticut Library Association for 1929–30 and in 1931 she became president. Miss Marion L'Hommedieu succeeded Miss Wilson as head librarian and on her retirement in 1946, Miss Ruth Currie, who had joined the staff in 1925, succeeded her.

With many more people using the facilities offered in the building for study, reference and research, there was a substantial increase in book withdrawals shown for each successive year; particularly the years 1933–1935, at the peak of the depression, the two years marking the highest annual increase on record for the institution up to that time.

There was a significant drop in book-circulation and library activities during the years of World War II, but the building was doing its bit for the war effort, with the lower level being used first by the Red Cross Volunteers and then by the Civilian Defense Agency. But beginning in late 1945 there was a tremendous increase in circulation. Many of the returning servicemen were attending school on the GI Bill, and this created a significant demand for all types of literary and technical volumes and material.

In the library's 50th annual report, released in March of 1947 by Miss Currie, it indicated that the landmark on Belden avenue had one of its most active years in the long period of ministering to the cultural needs of the community, with the total circulation of books reaching a high 87,786 in 1946, an increase of almost 9,000 over the preceding year.

CHANGES OCCUR

Departing from the standardized procedure of appointing head-librarians from among the members of the staff, the trustees selected an experienced person from an out-of-town library, with Mrs. Jane Mitchell being chosen to succeed Miss Currie who resigned in 1951. Mrs. Mitchell had a BA and a BS in Library Science and had been librarian at the Seventh Day Adventist Theological Seminary before she came to Norwalk. By 1953, when Mrs. Mitchell was required to leave Norwalk due to her husband's illness, the library had a total of 38,500 volumes and an annual circulation of close to 95,000. After Mrs. Mitchell left Mrs. Risi served as acting librarian until her death in 1954. Alfred E. Poneleit served as librarian to September of 1955 when he left to accept a position at another library.

Since 1955, when John J. Hallahan was appointed to direct the library, up to the present year, the library's growth has been truly phenomenal, particularly in the increase in circulation. Norwalk residents do read books! Vividly evident, statistically, is the steadily-increasing card memberships—men, women and children, of all ages. In 1962 the total circulation was over 192,000 with more than 50,000 volumes in the library's collection. And last year, in accord with the yearly trend of steadily-increasing growth, the total circulation was close to 200,000 with some 57,000 books available for circulation.

During the past fiscal year (which runs from July 1 to June 30), there were close to 4,500 families holding cards at the library. Donald Yazgoor, who came to the Norwalk Library in 1960, and who succeeded Mr. Hallahan as head librarian in 1966, pointed out that with the steadily-growing increase in the number of members who borrow books throughout the year from the local library, the number of volumes presently on hand should be greatly increased in quantity—at a minimum of 150,000 to 200,000 volumes. Mr. Yazgoor also explained that the library is presently having a statement of building program undertaken by a consulting firm from Chicago to determine precisely what type and degree of refurbishing and expansion the local institution should undergo to improve its efficiency and services to its ever-increasing numbers of members.

In April of 1970, the Common Council approved in principle the city take-over of the First District Library (effective July 1 of that year) for use as a central library to serve the entire city, something the city has wished to establish for several years.

Under the terms of the agreement worked out between the city and the district commissioners, as stated in a news item in The Norwalk Hour of April 15, 1970, "the city will take over the facility to use as a library with the stipulation that the property shall revert to the district if the city should fail to maintain a library at the location."

The city news item further went on to relate that "The city will also take over the responsibility for the salaries of the library staff, who will henceforth be considered and treated as city employes except in regard to already established pension equities." The only other restriction listed was that at least six of the nine members of the library board shall be First District residents. Thus the Norwalk Public Library became a central unit for the entire city.

Members of the library's board of directors are Louis Padula, chairman; Louis E. Bredice, vice chairman; Howard F. Hall, Richard E. Hallooran, Charles S. Marshal, Mrs. Frank E. Raymond, Mrs. Bettye Nash, and Mrs. Martin E. Karp, secretary. Mrs. Aase van Dyke is children's librarian and Mrs. Barbara Hudgens is in charge of the cataloguing and reference departments of the library.

THE "JOB DEVELOPMENT CREDIT" MEANS HIGHER PROFITS, NOT MORE JOBS, TIMES REPORTS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. REUSS. Mr. Speaker, an excellent article in the September 20 New York Times demonstrates what those of us opposed to the investment tax credit have been saying right along—it is not a device to create jobs, as the administration contends, but rather a scheme to pad corporate profits. After surveying businessmen and economists throughout the country, the Times reporter concluded that the proposed "Job Development Credit":

Appears more likely to increase corporate profits than to create additional jobs for unemployed workers next year.

I include the article in the RECORD at this point:

TAX CREDIT SEEN AS A SPUR TO PROFITS, NOT JOBS; MINOR IMPACT ON SPENDING EXPECTED

(By Michael C. Jensen)

President Nixon's proposed tax credit of 10 percent on business investments in new machinery and equipment appears more likely to increase corporate profits than to create additional jobs for unemployed workers next year.

And although the tax credit has been almost universally welcomed by business leaders, it probably will not have a major effect on capital spending plans for 1972, particularly during the first half of the year, according to a New York Times survey.

Most companies said they will replace machinery and equipment at about the same rate they had planned before last month's announcement of the proposed tax credit.

The program that was billed by President Nixon as one that will create more jobs for Americans may do precisely that in the long run.

IMPACT IS ASSESSED

But for the next six months to a year at least, its impact will be more strongly felt on corporate profit-and-loss statements, industrialists and economists asserted.

Few new jobs will be created quickly through plant expansion or in the industries supplying new machinery, the survey indicated. Most businesses, however, will reap extra profits if the tax credit is passed, because it applies to equipment already ordered and to machinery that would have been ordered even if the tax credit had not been announced.

It was generally agreed by those surveyed that the consumer holds the key to prosperity because of his accumulated savings. Also the general level of economic activity will be a more important factor in determining capital spending than the investment tax credit.

No businessmen were willing to go on record as opposing the credit, since it gives them a significant tax advantage for their machinery and equipment spending, whether or not such spending was planned before the announcement.

Most industries, however, said they would not substantially increase their level of capital spending. An exception was the railroad industry, which predicted a heavy influx of freight car orders if the tax credit is passed.

Many businesses, it was pointed out, have long lead times for their major capital projects, sometimes as long as five or six years. This reduces the short-term impact of a tax credit.

Economists generally agreed that the immediate impact would be slight. Albert H. Cox Jr., chief economist of Lionel D. Edie & Co., the economic forecasting arm of Merrill Lynch, Pierce, Fenner & Smith Inc., said capital spending will probably rise by about 8 per cent next year if the credit is allowed.

He explained, however, that the increase would probably be 6 per cent even if the tax credit were not passed by Congress and if new, liberalized depreciation guidelines were eliminated.

Mr. Cox noted that "a goodly part of capital spending for 1972 is already firmly in place," and said "remaining decision over the next six months at least, will depend to a very large extent on the tempo of incoming orders and production."

Martin R. Gainsbrugh, chief economist of the Conference Board, an organization of businessmen, agreed that the tax credit historically has had a stimulating effect, but with a six-month to nine-month time lag.

"Its impact won't be very great," he said. "It will be a minor rather than a major role, but is nevertheless a significant one."

Mr. Gainsbrugh was critical of the provision of the tax credit that restricts it to purchases of equipment made in the United States.

"Exclusions of that type can only lead to restraint of trade," he asserted. Furthermore, he said, for maximum effectiveness, a tax credit should be spread out over a protracted period. The President's proposed 10 per cent credit is for one year, with a 5 per cent credit thereafter.

Pierre A. Rinfret, president of Rinfret-Boston Associates Inc., a consulting company, predicted that the credit may be made retroactive to April 1 rather than Aug. 15 as proposed by Mr. Nixon. He also was optimistic about its impact on spending.

"My hunch is that it will make a difference next year," Mr. Rinfret said, noting that it usually takes three months after passage of such a tax credit for investment decisions to be made, and six months for the impact to be visible.

The tax credit, Mr. Rinfret pointed out, applies to machinery and equipment at the point it is placed in service, not when it is ordered or paid for.

NO SPEED-UP PLANNED

This means, he said, that the formula specifying a topheavy 10 per cent credit for one year is virtually meaningless, because most heavy machinery cannot be ordered and put into service within a year.

It seems likely, he observed, that a flat 7 per cent continuing credit will be adopted.

"The tax credit's initial impact will clearly be an improvement in the bottom line (of the profit statement)," he said, "but we should begin to see new orders moving forward by the second quarter of 1972."

Many businessmen asserted, however, that they had no intention of substantially speeding up their purchases of machinery and equipment next year.

A spokesman for American Metal Climax, Inc., a mining and manufacturing company, said the concern's capital spending next year probably will match this year's $170-million rate.

"The tax credit isn't going to make an awful lot of difference to us," he said. "On a one-year basis it's really meaningless in making decisions. We're in favor of it, though, because it will help business generally and stimulate demand for the things we produce."

An executive for one of the country's large steel producers said it was doubtful whether any capital spending programs in his company would be accelerated by the tax credit.

He pointed out that the industry has just finished a major round of capital improvement and is currently operating at only about 50 per cent of capacity.

A generally cautious attitude was found in the chemical industry. A spokesman for E. I. du Pont de Nemours & Co., Inc., said it would be difficult to pinpoint any short-term effect of the tax credit on du Pont's capital investment program.

NEEDS ARE CONSIDERED

The company makes decisions based on the needs of the business, he said, rather than on tax advantages. He noted, however, that over the long term, the credit will provide more funds for investment and could have a stimulating impact on future construction spending.

Gordon Grand, president and chief executive officer of the Olin Corporation, a chemical and metal producer, said that the investment tax credit would have little or no short-term effect, since the company's capital spending is scheduled on a long-range basis.

"However," the executive said, "to the extent that the credit would make additional cash available for capital projects, it would tend to speed up spending on those projects that were being deferred until more funds were available. The question often is not whether to go ahead with a certain project but when, and the tax credit might reduce the waiting time."

The impact of the tax credit in the chemical industry may be diminished, one observer said, by the amount of excess plant capacity, currently about 25 per cent. Surges in capital spending normally occur only when production reaches about 90 per cent of capacity, he asserted.

SOME CRITICISM VOICED

In other heavy industries, similar comments were voiced, as well as specific criticisms of the proposed credit. The controller of a major glass producer, who asked not to be identified, said he would like to see the Government be more consistent on the percentage of the credit.

Changes in either direction, he said, made corporate investment planning very difficult. President Nixon recently indicated he would accept a 7 per cent tax credit if he could not get a 10 per cent credit through Congress.

In the airline industry, the official position was spelled out by Stuart G. Tipton, president of the Air Transport Association.

He said restoration of the investment credit "would be one of the most important steps that could be taken to ease the financial distress within the airline industry."

However, Donald Lloyd-Jones, executive vice president for finance of American Airlines, said he doubted whether a restoration of tax credit would have much effect initially, because the airlines have most of their equipment purchases in place for the next few years.

RISE IN ORDERS UNLIKELY

"Because of a certain amount of overcapacity," he said, "it is doubtful that orders will be increased by the domestic carriers for some time."

Mr. Lloyd-Jones explained that the airlines have been unable to take full advantage of accumulated investment credits in recent years because their earnings "have been so low." His own company, he said, has $39-million in unused credits.

One exception to the generally reserved outlook for increased capital spending was the railroad industry. Frank E. Barnett, chairman of the Union Pacific Railroad, predicted a "great influx" of orders for new railroad equipment if the investment credit is restored.

He recalled that in 1966, when a 7 per cent credit was in force, the railroads ordered 112,898 new freight cars, whereas last year their new orders fell to 58,201.

Mr. Barnett emphasized that the investment credit was critically important to the railroad car and equipment builders. "I hope to God they don't mess with it too long," he said.

INQUIRY ON ORDERS

Mr. Barnett's prediction was borne out by Samuel B. Casey Jr. president of Pullman, Inc., the world's largest freight car builder. He said that within 72 hours of the President's speech, his company had received inquiries regarding possible purchases of about 10,000 cars representing an investment of $150-million to $200-million.

"This is the same kind of exercise these railroads went through in 1961 and again in 1966 so they could be assured of delivery of cars in the event the credit was granted," he said.

A spokesman for the Norfolk & Western Railway, said the investment tax credit deliberations would be a "significant factor" in his railroad's consideration of its 1972 capital budget. In 1971 the N. & W. is spending $103.2-million on upgrading and improving its plant and equipment.

Representatives of leading paper companies said the investment tax credit was not likely to have much impact on their capital spending plans. The key reason, they said, was the current level of sluggish demand in the industry, a situation that has created considerable amounts of spare productive capacity.

Paul A. Gorman, president and chairman of the International Paper Company, the largest in the industry, offered this comment:

POLICIES SUPPORTED

"While the International Paper Company solidly supports the Administration's economic policies, the capacity situation in the paper industry is such that investment tax credit proposals are not likely to have an immediate influence on our capital spending plans."

Peter J. McLaughlin, a vice president of the Union Camp Corporation, Wayne, N.J., said it was difficult to gauge the impact of the investment tax credit until its exact terms were known.

"A 7 per cent or 10 per cent credit by itself," he said, "should not be enough to sway a decision on equipment that's going to be used for 20 years."

A more important factor, Mr. McLaughlin explained, is the rate of return on investment. "Right now, returns in the paper business are so low that we are not planning any major expansion of capacity," he said.

"A more logical avenue" for paper companies, Mr. McLaughlin said, would be expenditures for relatively minor types of equipment that can help to reduce costs and improve the efficiency of existing larger equipment.

ACCELERATION OF PROJECTS

J. W. McSwiney, president of the Mead Corporation, Dayton, Ohio, said the company's capital spending plans would not be "much different" because of the investment tax credit but said some projects might be accelerated from 1973 into 1972.

Mr. McSwiney said the credit would be "a welcome help to cash flow and a good incentive for the future."

In the same vein, Mr. McLaughlin of Union Camp said that the investment tax credit would "help profits" and also be a "significant" contributor to cash flow.

He noted that Union Camp's earnings in 1970 and early 1971 were enhanced substantially by the completion of projects that began under the earlier investment tax credit program.

Some businessmen were wary of the tax credit. For example, L. Allan Schafler, president of Elgin National Industries, Inc., which imports and assembles watches and other consumer products, said the uncertainties about the timing of the credit have created confusion.

Some industries that are not capital intensive, like the pharmaceutical industry, said they did not oppose the tax credit, but did not find it particularly helpful either.

A spokesman for the Warner-Lambert Company said: "We believe the investment tax credit will be helpful to business in general and to Warner-Lambert. But since we are not a capital intensive industry, we won't be making 'go-or-no-go' decisions on plant expansion based on the proposed regulations.

"Our capital investment program in 1971 will again be in the area of $60-million, and therefore the proposed regulation should have a favorable effect."

A Pfizer, Inc. spokesman added that there had been no decisions on capital spending that were induced by the President's proposals.

The textile industry, like others, welcomed the investment tax credit as a significant earnings development.

James D. Finley, chairman of J. P. Stevens & Co., Inc., said:

"The investment credit proposed by President Nixon could be very significant to the United States textile industry. The industry is losing jobs because of imports, and I believe the investment credit will do some good toward rectifying this situation."

PLANS HELD UNCHANGED

James Robison, chairman of Indian Head, Inc., said: "The tax credit is very welcome but it does not change any of our plans. We lay out our capital expenditures program on a three-year model plan—and any single type of credit is not enough to make a margin investment viable. We have been investing $17 or $18-million a year steadily over the last few years—and it doesn't change much when business gets bad. Of course, we do take advantage of special situations as they arise, but that has nothing to do with a tax credit.

Ely Callaway Jr., president of Burlington Industries said his company's investment plans are based on the needs of the market and are not particularly influenced by tax credits. In the case of Burlington, he said, it has been subject to a disadvantage by the fact that large investments for knitting machinery made in Europe constitute a large part of the company's capital improvement, and there is no tax credit on foreign machinery.

Capital spending in the auto industry is expected to rise in 1972 spurred by both the incentives of the President's new economic policy and the sweeteners offered to car buyers by the elimination of the excise tax on purchases, observers said.

The elimination of the excise tax should increase the number of cars sold, putting pressure on existing plants and equipment while the capital spending portion of the program will encourage equipment purchases in 1972 rather than 1973.

The lower labor costs of foreign cars manufacturers will make plant automation more attractive, with a likely increased commitment to this form of capital spending.

CAPT. LARRY J. KLUEVER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Capt. Larry J. Kluever, was recently killed in action in Indochina. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

MARYLANDER DIES IN INDOCHINA

The Defense Department yesterday released the name of a Maryland Army Officer who was killed in action in Indochina.

He was Capt. Larry J. Kluever, son of Col. and Mrs. Emile E. Kluever, of the 4600 block West Ridge place, Camp Springs.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. FRASER. Mr. Speaker, Mr. Marvin C. Lundin, the administrative director of the Minnesota Optometric Association, expressed his concern for the visual health of all Americans at the hearings I recently held in Minneapolis. In his statement, he focused on the young and the old and their need for adequate health care. His very articulate statement follows:

PROFESSIONAL HEALTH CARE DELIVERY AS A LOCAL AND NATIONAL PROBLEM

Congressman Frazer: I recall the pleasant experience I had about two years ago in meeting with you, and other members of the Minnesota Congressional delegation, in Washington on basically this same subject. Your interest and concern for public health were most apparent at that time. We wish to compliment you for your continued leadership in this most complex problem of society.

The members of the Minnesota Optometric Association would like to express their concern for the visual welfare of the people of your district as well as all citizens in the State of Minnesota. Optometry as a profession is concerned with the visual well being of our citizens. Our concern begins when the child enters school and is faced with the processes of learning which is predominently visually oriented. To aid this child in his learning years, optometry sees the necessity for a more comprehensive health care program with vision care being a primary need.

There is ample evidence and ample rhetoric identifying the need for youth and children to succeed in our academic environment. If the literacy battle is to be won, there must be greater understanding of the learning processes of every child. Literacy is dependent on the ability to read. Reading is dependent on vision and perception, which leads to performance. The development of these skills are called learning. As our young adults enter their productive years, we are concerned with the visual welfare of our work force. Labor's visual skills have become more demanding with the greater complexity of our industrial society.

Emphasis should be placed on the aging since the prevalence of blindness increases with age. Almost one half of the legally blind population are past 65 years of age. More than 50% of new cases of blindness occur in persons 65 years or older. We feel that vision care under a federally sponsored program is justified to provide more adequate vision care to the elderly.

The average American has a visual examination every several years. This is too infrequent. Project "Find", a report prepared by the Office of Economic Opportunity lists poor vision as the leading ailment amongst the elderly.

We feel more adequate programs of vision care should be emphasized by public and private agencies to meet the needs of children and youth. Greater concern should also be shown for the prevention of blindness in the elderly. Our profession looks forward to working with all interested groups, political leaders and agencies of government to bring about better utilization of our skills so that people of all economic groups will benefit from our services.

God's most precious gift next to life itself is good vision. Thank you for this opportunity and your personal attention.

SPECIAL GREETINGS TO WORLD FEDERALIST, U.S.A.

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. DRINAN. Mr. Speaker, I had the honor of giving the address on the occasion of the 25th General Assembly of World Federalists, U.S.A. in Boston on September 11, 1971.

Many national and internationally recognized persons sent their greetings and congratulations to this very important organization on the occasion of its silver anniversary.

I am pleased to attach herewith some of these messages addressed to the distinguished Senator Joseph S. Clark who for the past 2 years has exercised his characteristic resourcefulness, his great ability and his profound idealism in his role as the President of the World Federalists, U.S.A.:

SPECIAL GREETINGS EXTENDED TO WORLD FEDERALISTS, USA

Mr. Joseph S. Clark,
President, World Federalists, USA:

Best wishes for a successful conference. Your deliberations will help us and other World Federalists to go forward towards one world.

Harry Weiths,
President, World Federalists of Canada.

[Telegram]

To the World Federalists of the United States gathered for their 25th Anniversary I send my best wishes and warmest regards. May your efforts bear fruit and may your ideals be echoed far outside your own ranks and guide the steps of the decision makers of your country, thus rendering a service of paramount importance to your nation and to our common world community. Good luck.

Thor Heyerdahl.

Hon. Joseph S. Clark,
President, World Federalists, USA:

Dear Joe: It is a pleasure to send greetings to the 25th General Assembly of the World Federalists, USA, as it meets in Boston.

In this era of negotiation, there is always a demand for new thoughts and new conceptions of what we can do for our country. We appreciate the dedicated work of World Federalists, USA, as a citizen-based contribution toward the achievement of a strong and permanent world peace and welcome your continued support in this effort.

With best personal regards.

Sincerely,

William P. Rogers,
The Secretary of State.

Hon. Joseph S. Clark,
President, World Federalists, USA:

My thoughts are with you and all the World Federalists as you continue your good work for peace and international understanding. Warm regards.

Charles H. Percy,
U.S. Senator.

SPECIAL GREETINGS TO WFUSA

Miss Nancy Wesselman,
Chairman, World Federalists Youth, USA:

On behalf of the WFY-International Executive Committee and the 35 member country organizations around the world, I wish to extend my greetings to the Assembly and Cabinet Meeting of WFY-USA.

The past year is another page in the history of the advancement of the Federalist Youth movement: the emergence of new national organizations in Hong Kong, Singapore, Gambia, India, West Cameroon, and East Pakistán; the establishment of a WFY Sub-Office in Nice, France; the opening of regional offices in Bogota, Colombia and Lagos, Nigeria; the development of concrete relationships and contacts in Moscow and Geneva; political action to protect the human environment, fight for human rights in Greece, and abolish Apartheid all contribute to the development of WFY-International.

On a bilateral plain, WFY-International appreciates greatly the consistent outflow of information about your activities received here at IHQ from the WFYUSA office in San Anselmo. In particular we are impressed with the WFYUSA newspaper, "To Free Mankind", and its superb quality and value for the instruction and stimulation of political action. I congratulate WFY–USA's leaders and Executive Director for this indispensable publication which sets an example for all our member organizations.

We also wish to congratulate you on such activities as the telephone war-tax suit, draft repeal and your relation with the People's Coalition all of which confirms WFYUSA's political significance in accord with the WFY-International principles and approach. We are especially impressed by WFYUSA's achievements in Mundialization activities this past year, and encourage further efforts in this area.

Wishing you continued successes for your work in the USA,

Sincerely,

Ichi Morita,
Executive Director,
World Federalists Youth.

Copenhagen, Denmark.

Mr. Joseph S. Clark,
President, World Federalists, USA.

Dear Joe: I am delighted to have this opportunity to extend to you and all of the other delegates to the 25th General Assembly of World Federalists, USA, my warmest best wishes for a fruitful and effective gathering September 9–12 in Boston. May you enjoy continuing success in the vigorous pursuit of your objectives.

Sincerely,

Nelson A. Rockefeller,
Governor, State of New York.

Hon. Joseph S. Clark,
President, World Federalists, USA.

Dear Joe: My praise for World Federalists is infinite and you have done a fine job in carrying on its excellent tradition.

World Federalists has been an extremely throughout our country on such vital issues significant force in mobilizing support as arms control and the strengthening of the United Nations. The work of this great organization, which means the work of all its chapters throughout the country has been instrumental in fostering a faith in the necessity for world peace through world law and through a strong international organization.

The job is not done. The world is still plagued by war and is still threatened by nuclear holocaust. Many of our leaders are still skeptical about throwing their weight behind world government.

But I firmly believe that time marches against the skeptics and in favor of the "world federalists". In 25 years the seed has been planted and has begun to grow. In the next 25 years I am convinced it will begin to bear fruit.

What we harvest will depend upon how we care for what we are growing. For the care and for the harvest, I look to the support and guidance of World Federalists, USA.

My most sincere congratulations! With best regards,

Sincerely.

Hubert H. Humphrey,
U.S. Senator.

Hon. Joseph S. Clark,
President, World Federalists, USA.

Dear Senator Clark: As one who is working in the field of arms control, I would like to express my appreciation for the unfailing support which you and the members of your organization have given to Arms Control and Disarmament efforts. The road to world stability and peace is a difficult one at best, but how much more difficult it would be if there were not men, such as those in World Federalists, with ideals and the courage to express them. Particularly on the occasion of your 25th General Assembly, I am sure that thoughtful men everywhere must applaud the example you have given.

With all best wishes,

Sincerely,

Girard Smith,
Director, Arms Control and Disarmament Agency.

Washington, D.C.

Hon. Joseph S. Clark,
President, World Federalists, USA

Dear Joe: It is with great pleasure that I note the 25th Anniversary of the World Federalists, USA, and the World Federalists Youth, USA. I regret very much that my obligations in the Senate will prevent my being with you on this occasion.

The efforts of World Federalists, USA, over the last 25 years to establish a community of mankind has been one of the few hopeful developments toward international stability and the creation of a livable universe in the post-World War II period.

I commend you, and wish you future success.

Sincerely yours,

J. W. (Bill) Fulbright,
U.S. Senator.

Joseph S. Clark,
President, World Federalists, USA

Dear Joe: It is a great pleasure for me to salute the World Federalists, USA, on the occasion of their 25th General Assembly.

Founded in the dying flames of a desperate world struggle dedicated to the belief that men and nations can indeed resolve their differences without resort to war, the world federalists have provided insight and inspiration to a generation of our people.

I salute the courage and the vision which is yours, and pray for the fulfillment of our common goals.

Sincerely,

Edward W. Brooke,
U.S. Senator.

25th General Assembly,
World Federalists, USA.

Dear Friends: It is a sincere pleasure to extend warm and sincere greetings to all attending the 25th General Assembly of World Federalists, USA. Through my past association as a U.S. Delegate to the United Nations 25th General Assembly, I share your deep commitment to a strong and vital United Nations.

The United Nations is imperative to the establishment and maintenance of peace and freedom throughout the world, and your organization may take pride in its accomplishments in support of a good and just life for all men.

With best wishes.

Sincerely,

Jacob K. Javits,
U.S. Senator.

World Federalists Youth, USA:

Congratulations on the occasion of your 25th Anniversary. In a world divided by suspicions and conflict your efforts to bring about a harmonious community of mankind is to be commended.

I share your concern, commend your endeavors, and support your objectives.

The work you are doing is of the highest order. Your have my best wishes for a most productive and successful meeting.

Senator Mike Gravel.

Rev. Norman E. Leach,
Executive Director, World Federalists Youth, USA:

Deeply regret that expected votes in the Senate this week will prevent my attending what I know will be a most inspiring assembly of the World Federalist Youth. Warmest best wishes to you and your colleagues as you sit down together in the spirit of cooperation and international brotherhood. Cordially,

Edward W. Brooke,
U.S. Senator.

Message to the 25th General Assembly of World Federalists, USA

It is natural, I suppose, for you to feel depressed at the sad state that the world is in, in spite of your efforts during the last year and before. Violence, civil and international, continues in many parts of the world, accompanied by unspeakable horrors in some places. Racial, religious and ethnic prejudices remain a feature of our lives. We seem to be as far removed as ever from the kind of world that you have been labouring to bring about in the last twenty-five years.

But are we really? I wonder, for there are one or two sizeable mercies for which we should be thankful and from which, I submit with respect, you might take comfort as you enter upon the next span of your useful existence. The famous "China question" seems headed for a realistic resolution. So does the question of Berlin. Equally importantly, the student protest is becoming less violent in the physical sense and at the same time more meaningful in terms of constructive goals.

So, dear friends, be of good cheer and soldier on, knowing, as you do, that your labour is not in vain.

S. O. Adebo,
Executive Director, United Nations Institute for Training and Research.

Joseph S. Clark,
President, World Federalists, USA.

Dear Mr. Clark: My own message would be to say that any words coming from a citizen of the D.K. (Disunited Kingdom) at this time should be more like an appeal along the lines of,

"O World Federalists gathered in Boston, now we have another tea party on our hands, this time in Belfast, Ulster. The Picts and Celts are at it again; can you send us a world governess?"

Yours sincerely,

Patrick Armstrong,
Honorable Clerk, Parliamentary Group for World Government, House of Commons, London, England.

CAN ARMY SURVIVE THE QUESTION: "WHY?"

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. CARTER. Mr. Speaker, an editorial in the Louisville Courier-Journal goes to the heart of the causes of disaffection within our own Army. It is recognized by the vast majority of our country and the vast majority of its representatives here in the House that the gravest mistake in the history of the United States was made when we first intervened in South Vietnam.

Let us take heed that when our troops are committed they are committed for the defense of the people of the United States. The article follows:

Can Army Survive the Question "Why?"

Soldiers who wish to be a hero
Are practically zero;
But those who wish to be civilians,
Jesus, they run into millions.

Anonymous

The two ultimate functions of a soldier—to kill and be killed—have never been particularly popular among the majority of civilized men. And to persuade men to engage in them, it often has been necessary to clothe those functions in trappings magnificent enough to make killing and dying appear to be worthwhile. Glory. Honor. Country. Flag. The sacrifice of the few for the many, we've been told, is beautiful and good. There are values more precious than life itself.

But in a nation based on the idea that human life is intrinsically precious, a society in which each individual is said to have the right to help guide his own destiny, the benefits accruing from killing and dying must be particularly read and important if arms are to be shouldered willingly. If Americans believe they're being called upon to kill and die for goals that are less than vital, all the beautiful reasons for sacrifice become mockery. Free men won't be sacrificed willingly for cheap goals.

FIGHTERS WITHOUT A CAUSE

That's why the war in Southeast Asia threatens to destroy the U.S. Army. The men who have served in that long, bitter war, the generals tell us, are among the finest fighting men ever to wear their country's uniform. They're stronger, brighter and better equipped than any of their predecessors, we're told. Yet, they've been sent to kill and die over the protest of a large number of their fellow countrymen. The reasons for their killing and dying remain unclear or uncompelling to many of them. Huge sacrifices are being required of the few in the field, while no sacrifices at all are being rendered by the many at home. The nature of the war itself, and now our dwindling role in it, have left our confused young soldiers with hours and days of idleness to fill, as best they can, in a strange and hostile land.

The disillusion and bitterness acquired in Vietnam accompany the soldiers back home, or to their new bases in Germany, Korea or elsewhere, and are transmitted to other young soldiers who have never experienced the war themselves.

The results: thousands of drug addicts. Robbery, thievery and extortion in the barracks—necessary for the support of an expensive vice on soldier's pay. The death of esprit de corps. Time and the inclination to engage in racial discrimination, racial rhetoric and racial conflict. Time to read and ponder accounts of American military atrocities and scandals. Time to wonder about the honor of officers who lie—who say the Army has no drug problem, when there's a narcotics ring operating in one's own barracks.

Besides the effects of the war on individual soldiers, there's the cost it has wrought on the Army as a whole. Pentagon officials say that at least nine of the 11 American divisions on duty outside Southeast Asia are incapable of waging immediate, full-scale war because of the manpower and training shortcomings created by our involvement in Vietnam. This is the legacy of the Johnson administration's decision five years ago to wage war abroad without waging it at home—to allow politics and economics to prevent the call-up of reserves, the levying of a huge draft, the mobilization of the nation's economic resources in support of a war.

Then there's the plight of the veterans when they come home—many of them not only maimed but also wondering what purpose their lifetime handicaps have accomplished. Many of them decorated for valor abroad, yet ignored or rejected at home, their lament was summarized succinctly by a much-decorated former staff sergeant for *Courier-Journal* reporter Bill Peterson: "Sometimes I feel like crying. You risk your life and then you come home and can't find work."

Meanwhile, our President, reflecting the rising anti-war sentiment in the country, promises an all-volunteer Army by 1973.

A TIME FOR QUESTIONING

How? Who will join once the risk of the draft has expired? Those questions worry the Army itself, and they should worry the nation's citizens as well. The Army's leaders are trying desperately to regain the respect of the citizenry. Their sincerity is attested by their uncharacteristically candid appraisals of an Army in the current *Courier-Journal* series, written by a team of *Washington Post* reporters, about the Army's problems. They've hung out the Army's dirty linen for all the country to see. And the guidelines handed down by General Westmoreland for reform and humanization of the nation's largest fighting force may—if they're really followed—finally save the Army.

But they can't succeed without accompanying reform in the thinking of those who guide the destinies of our Army and the young men and women who serve in it. The Commander-in-Chief and the Congress—and the public—must restore the Army to its rightful role as the defender of the homeland. It must be used no longer as the helpmeet of one faction against another in the internal affairs of another sovereign country.

"These young soldiers, they question you," says a disgruntled non-com in the *Post* series. "They say, 'Why?' They ask why you want to go to Vietnam, and you say, 'Well, you go because you're a soldier.' And they say, 'You're nuts. You're out of your gourd. . . .' "

Asking questions is a fine old American tradition. If the country wants to keep its Army, and its security, it must have some better answers ready the next time it wants somebody to do some killing and dying.

NOT NATURE ALONE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. HUNGATE. Mr. Speaker, a solution to the problems of ecology and the environment is not as simple as it may seem at first blush. In fact, it may be important to make certain we are moving in the proper direction before we try to move too rapidly or spend too much money on what may be ineffective programs. The following article "Not Nature Alone" outlines some of the dilemmas we confront:

NOT NATURE ALONE

(By Richard Neuhaus)

Some of my best friends are card-carrying members of the ecology movement. Real friendship is enriched by honest disagreement; or so I will have reason to hope when they have read this. I am presumptuous enough to think they should read it, because those inside the movement are best able to change its direction. I believe some thorough changes are in order, for what has emerged as the ecology movement is in important respects a diversion from—and a distortion of—the radical demands of justice in a hungry world.

At its least exceptionable, ecology is a housekeeping movement, wiping up the mess, teaching industry better toilet habits, and exerting political pressure to restrain the engineers of technology who give little thought to the social or natural consequences of "progress." At this level the ecology movement makes an important contribution, nurturing a type of modesty and care not usually characteristic of American actions at home or abroad. The movement has also asked us to consider the possibility that the biosphere is in imminent danger of collapse—a prospect that, if true, is indeed a serious problem.

We must not forget, however, that the ecology "crisis" is in part simply a result of our successful indoctrination in ever-rising needs and ever lower levels of tolerance. The idyllic past wasn't always so idyllic. In fact, much of nineteenth-century life would strike us today as being brutally harsh. As late as 1850, the life expectancy of the average American was less than forty years. As for pollution, the mid-nineteenth-century home in the major American cities took in more carbon monoxide than it does today. In Manchester, England, in 1843, there were thirty-three privies for 7,000 people, and even where there were sewers they ended abruptly, dispensing their contents into the middle of a street. Equally abhorrent conditions existed in America.

Subsistence has been redefined; what was luxury becomes necessity; inconveniences once accepted become intolerable. The man for whom enough food might once have been a political issue now has two cars, and he and his family are irritated by the crowded conditions in the parks where they go camping, and indignant that the air in Queens does not smell as sweet as that of the remotest valley of Vermont. The point, obviously, is not that we should be satisfied with things as they are. The point is that we should not permit ourselves to be seduced into mislocating the "crises" of our times.

We should also beware of mislocating the ecological villains. Telephone service in New York City has now regressed to about the level of pre-World War II France. It has become fashionable to describe this abominable service as a sign of "technology reaching its limits." Public hearings have established that, far from being overwhelmed by technological demands, the New York Telephone Company knew five years ago what would be required to maintain the system in the 1970s but deliberately skimped on the necessary expenditure. In the same vein, it was announced in the fall of 1970 that there would be a dire shortage of oil and natural gas for heating in the coming winter. The eco-prophets immediately pounced on this further evidence of our technological exhaustion of the earth's resources. The problem, as it turned out, was avaricious oil companies attempting to maintain artificially high prices.

Pogo's observation that "we have met the enemy and he is us" is frequently encountered in ecology meetings and literature. Considering the strong accusation carried in Pogo's judgment, it is repeated with suspicious ease.

Sometimes one might suspect that "us" is nobody, a ghostly diversionary tactic. Most of the choice places at the barricades are taken by the executives of the corporate giants. According to the trade paper *Advertising Age*, companies rushing to buy prime time for Earth Day included Procter & Gamble, General Electric, Goodrich, Standard Oil of New Jersey, DuPont, International Paper, Phillips Petroleum, Chevron Oil, General Motors, and Atlantic Richfield. There they stood, bold and unflinching in the face of nobody.

The spectacle of polluters leading the antipollution crusade puts one in mind of Herbert Marcuse's theory that the masters of a society can control protest by bringing it out in the open and even appearing to identify with it, thus neutralizing the protest and even gaining credit for responsiveness. The process is sometimes called "repressive tolerance." If there were no antipollution movement, the polluters would have to invent one; which, of course, is precisely what some people think happened.

Consider one TV commercial. First on the screen is a little baby, then we see it being taken home from the hospital by its young mother and father. In the background is the gentle strumming of a guitar, accompanied by the humming of a very "folkish" singer, creating the mood for the "message." The young father, wearing modified granny glasses but otherwise quite respectable, looks out-over the landscape. There is the skyline of a city, blanketed in smog. The young father frowns, looks concerned, and then his face is transfigured by one of those idealistic looks. The folk singer breaks into song: "What can one man do, my friend?/What can one man do?/To fight pollution in the air/Closing in from everywhere?" The young father knows what one man can do. He and his wife and their little baby get in his big red car and, with the determined yet somehow calm air of the revolutionary who has made his irrevocable decision, he pulls up at the Amoco leadfree pump and says, "Fill 'er up." This commercial brought to you by courtesy of the ecology movement.

Ecologists who would be quick to object to the cynicism of this commercial are less able to detect the cynicism in the easy use of Pogo's judgment. Doesn't "us" usually mean "them"—other people? Like aristocrats of other times, we fear the masses and find our own technique for keeping out the poachers—whether it be America lecturing the world on the population explosion or conservationists trying to preserve the wildlands.

Loren Eiseley, in *The Invisible Pyramid*, mourns the loss of "the unfrequented wilderness" of his youth to the "fungus" of spreading suburbia with its "radiating lines of transport gouged through the naked earth [leading] to cities clothed in an unmoving haze of smog." He decries "the incipient illness as it spreads with all its slimy tendrils through the watershed." What formed this "fungus upon a fruit"? People, of course, fortunate enough to acquire their own homes and wanting a way to get from house to work to school to play. It may be bad urban planning, but they are not fungus; and their neighborhoods, such as they are, are not slimy tendrils.

Shouldn't Eiseley's real sorrow be for the poor people who must live in the "cities clothed in an unmoving haze of smog"? There is nothing in the context of *The Invisible Pyramid*, nor in the larger context of the ecology movement, to suggest that this is the focus of concern. Were the concern for the poor, it might be assumed that the movement would be informed by the demands of the poor: demands for decent housing, equal job opportunity, a chance at an education, honest cops, and a fair share of political power. As the man said, "Who wants to breathe clean air in a racist society?" No poor person should be fooled, nor do I know any who are, by the ecology movement's professed concern for their welfare.

Many ecologists resent such suggestions of class bias. And it is possible that they have reason to take offense, though not the reason they think. In a chillingly profound way, they sometimes seem to be saying that "the enemy" is a most egalitarian "us," thereby revealing a suspicion of mankind altogether, not just the poor or powerless.

YOGIS AND COMMISSARS

Wilderness is a bench mark, a "touchstone," writes eco-enthusiast Kenneth Brower. "In wilderness we can see where we have come from, where we are going, how far we've gone. In wilderness is the only unsullied earth sample of the forces generally at work in the universe."

What kind of history would be written by "the bench mark" of wilderness? Man's religions, music, philosophy, politics, cities, and friendships as well as his wars, acts of genocide, and abiding brutalities—these presumably only obscure "where we have come from, where we are going, how far we've gone."

There is no denying the allure of the natural in a world of plastic packages, synthetic clothes, and artificial stimulants. Everyone who suffers at times from urban shell shock can be enticed by the call of the wilderness and the country. There are nights when, before I sleep, I turn my mind from the cacophony of Brooklyn's crises to the tranquillity of the Ottawa Valley: the pure cold water of the Ottawa River flowing by the azure backdrop of the Laurentian Mountains, where it was possible for the child that is me to believe that he discovered forests and groves where never man had set foot before.

Escape to the country can be more than escape, more than temporary relief or the indulgence of idiosyncrasy. It can supply, as it did for Thoreau, "a place to stand"—a frame of reference distinct from the present turmoil.

But the wilderness has never provided an adequate set of values for man, as H. Paul Santmire suggests in *Brother Earth*: "The American passion for wild and cultivated nature in the nineteenth century and later was predicated more often than not on a flight from oppressive social realities." We turn toward nature as a mistress who yields to our every fantasy because she cannot talk back, except with the words our projections give her. In this she is so unlike the city, so unlike politics, so unlike people.

Nowhere is the weakness of this vision more evident than in its political implications. The goal is to put an end to politics. Charles Reich writes about "transcendence" and "liberation" from the strictures of politics. But when the "new consciousness" moves beyond privatized tripping and conceives of a new order of humanity it becomes emphatically political. It becomes the worst kind of politics: the politics that refuses to see itself as politics. Far from being radically progressive in its consequences, this kind of politics is almost always conservative and reactionary. The Church, for example, has usually considered itself "above politics" all the while its supposed neutrality was reinforcing the sanctity of things as they were.

This apolitical dream leaves one to wonder just how some eco-enthusiasts really plan to implement coercive measures for which they see an urgent need. Garrett Hardin, one of the chief prophets of doomsday, writes that it has become necessary for a central authority to start determining who should be permitted to have children, how many children they can have, where they can live, and what they are allowed to consume. "A Madison Avenue man," writes Hardin, "might call [the necessary measures] persuasion; I prefer the greater candor of the word coercion. Coercion is a dirty word to most liberals now, but it need not forever be so." Hardin goes on to assure the reader that he has nothing to fear from this kind of coercion. "The only kind of coercion I recommend is mutual coercion, mutually agreed upon by the majority of the people affected."

Hardin is only one of the "commissars" in the ecology movement, and their prescriptions should jar every one of us back into the most earnest kind of politics. These hard-nose defenders against eco-catastrophe may share at times the romanticism of nature's yogis, but they want to be understood as relentless realists. Others in the movement, the gentler folk, do not always look carefully at what the warriors are up to. But they know the more brutal types are necessary for the dirty work that will preserve their gentle world. So they pay their soldiers' bills, promote their field manuals, and welcome them into the charmed circle of the ecologically conscientious.

How far the relentless are willing to go can be seen in the works of Paul Ehrlich. "The battle to feed all of humanity is over," writes Ehrlich. "In the 1970s the world will undergo famines—hundreds of millions of people are going to starve to death in spite of any crash programs embarked upon now. . . ." Ehrlich further explores the prospects in a new book appropriately titled *How To Be a Survivor*. What are the risks we should take, he asks, now that it is clear that the United States "does not have the capacity to feed the needy of the world over the next decade or so"? There has been "only one realistic suggestion in this area," says Ehrlich. He endorses the proposal put forward by William and Paul Paddock in their book, *Famine—1975!*

The proposal, Ehrlich explains in *The Population Bomb*, employs the concept of "triage," borrowed from military medicine.

The idea briefly is this: When casualties crowd a dressing station to the point where all cannot be cared for by the limited medical staff, some decisions must be made on who will be treated. For this purpose the triage system of classification was developed. All incoming casualties are placed in one of three classes. In the first class are those who will die regardless of treatment. In the second are those who will survive regardless of treatment. The third contains those who can be saved only if they are given prompt treatment. When medical aid is limited, it is concentrated only on the third group—the other are left untreated.

We should, Ehrlich says, "devise a similar system for classifying nations." Libya might be an example of the country that should be cut off from food aid because she could probably survive without it. India, on the other hand, is probably one of the countries that should be cut off because its people "are so far behind in the population-food game that there is no hope that our food aid will see them through to self-sufficiency." Ehrlich expands the Paddocks' proposal in terms of giving nations in "the last tragic category" at least one more chance. If they are prepared to undertake rigorous measures of population control right now, we might continue to give them some food aid.

It is difficult to know just how Ehrlich would impose his solution should India fail to respond as we demand. But if the predicted famine were to follow, enforcing the "triage" solution would undoubtedly produce crises involving desperate emigrants and unsanctioned relief efforts. Can we foresee United States soldiers firing on emaciated Indians trying to flee into Burma, or American jets shooting at planes trying to smuggle in food packages from the Ladies Aid of the First Baptist Church of Kankakee, Illinois? It is not clear whether Ehrlich wants all 540 million Indians dead before the embargo is lifted. That would seem most sensible, however, since any survivors of several years' rampant cannibalism and total absence of social order would be unlikely candidates for the "quality environment" we desire.

SURVIVAL AS MORAL PURPOSE

I have, of course, met conservationists of gentle and humane temperament who are embarrassed by Ehrlich and the other commissars.

These innocents who have joined the ecology movement believe its basic purpose is to preserve some uncrowded land for wandering and recreation, to make the rivers fit for swimming and fishing, to reduce the number of beer cans along the highways, to end strip mining and other despoliations of the countryside. These are all eminently desirable goals. The movement's followers would do well, however, to listen to some of the commissars and to entertain the possibility that the movement is in fact much more ambitious than these goals suggest; that its propagandists are serious when they claim the movement is a "revolution in values."

The essence of this revolution has received perhaps its most cogent treatment in an oft-reprinted essay by John Fischer, former editor in chief of *Harper's*. Although he starts with a program for the renewal of higher education, he ends up proposing a redirection of the whole society.

The problem, says Fischer, is with the liberal-arts schools, which, unlike the professional schools, do not train toward any "coherence and visible purpose." Education was not always like this, he writes, and it need not be fragmented now. In the earliest European universities, students were trained "for the service of the Church," and in nineteenth-century England they were trained "to run an empire." Today the university must be reshaped, "founded on a single guiding concept." Fisher has been checking out his fretwork with professors, administrators, and students, and he thinks he has struck upon the one idea that might pull everything together. "It is simply the idea of survival."

Fischer's "Survival U" will be unabashedly moralistic. The professor "will be expected to be a moralist; for this generation of students, like no other in my lifetime, is hungering and thirsting after righteousness. . . . In every class it will preach the primordial ethic of survival." Students will be trained to wage holy war against "the earth's cancerous growth of population" and a long list of thoughtless technology's violences to the earth and our "quality of life." Mobilizing this society and the world against ecological disaster requires the asking of "hard questions." Fischer has the courage to contemplate the possibility that we might have to "sacrifice some of our hard-won liberties" in order to assure the coherence of society around the theme of survival.

A doctrine of survival may grow appropriately from a Darwinian interest in nature, and the argument may sound attractive, but it is wrongheaded and misleading. Survival can never provide for man a moral purpose for his life. Survival may be a precondition for developing a moral purpose, but survival itself is not a moral purpose.

In his brilliant study, *Death in Life: Survivors of Hiroshima*, Robert Jay Lifton reports on his searching interviews with the *hibakusha*, those Japanese who survived the atomic bombing.

By speaking of "true hellfire" the survivor means not only massive death and devastation, but the psychic flames of death guilt. . . . The survivor [feels] that his survival was made possible by others' deaths: if he had not survived, someone else would have. . . .

Lifton was dealing as a social psychiatrist with people who had, if anything happens by chance, survived by chance. Many of them had performed acts of great heroism in attempting to save other victims of the bomb. The "flames of death guilt" would be infinitely more searing if, as some ecological enthusiasts recommend, the American people were deliberately to sit back and observe the death by famine of hundreds of millions of fellow human beings, and not to take any action to prevent it but, in fact, to accept—if not to welcome—it, as the necessary price to be paid for our continued existence and quality of life. Under such circumstances and among such a people, survival would be a damnation.

To say this does not mean we should dismiss the ecologist's concern with survival. We have every reason to try to achieve a stationary world-population level before it is brutally forced upon us by the absence of space for more people. One of the real contributions of the current ecology consciousness is to challenge the simplistic creed of "the bigger the better." The evaluation of life in qualitative rather than quantitative terms is an enormous step forward.

But the fundamental answer to the commissars is that the important questions are political and moral, demanding the intelligent participation of all of us. The goal is not survival, but survival as human beings.

Gunnar Myrdal is among those wise people who understand that realism without morality is politically unrealistic. He noted, in *An American Dilemma*, that the greatest strength of the United States in dealing with its racial problems was the popular idealism by which the majority restrained itself from the most obvious and "natural" course, namely some Germanic "final solution." This was the popular idealism later seized upon by Martin Luther King. It is the same idealism so distrusted and denigrated by American intellectuals. Myrdal's argument is that political leaders have set the American people up for disappointment when they choose realism over idealism, as when they cast foreign aid in the rationale of Cold War self-interest.

LOAVES AND FISHES

I suggest that we should strive to redefine American purpose by developing a new, and yet very old, covenant of accountability—a "Covenant with the Poor." The metaphor of the Covenant is rooted in the Biblical tradition that lays the foundation for our society's moral constructions. It is an integral part of America. This metaphor suggests approaches and priorities in meeting a whole range of ecological questions. Consider, as an example, the problem of world hunger.

If six of us sit at the head of the table with great heaps of food—almost half of everything available—while twenty starving brothers are at the other end of the table, the humane decision is not, as some ecologists urge, for us simply to eat less—a desirable action, but no response to the real problem. As Pope Paul urged in his 1965 speech before the United Nations:

> You must strive to multiply bread so that it suffices for the tables of mankind, and not, rather, favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life.

I am not a Roman Catholic and have little sympathy for what I believe to be the Pope's regressive record on numerous Church and social issues, including the issue of contraception. Nevertheless, I believe his U.N. declaration is an admirable statement. It suggests a theme, an overarching metaphor that, unlike survival, can motivate and satisfy our humanity.

The "Covenant with the Poor" could take dramatic form if the United States were to devote 2 per cent (approximately $20 billion) of its annual Gross National Product in nonmilitary assistance to underdeveloped countries. Some will immediately decry paternalism and condescension, but we should not reject compassion because it is so easily distorted. Others will say that the Covenant falsely assumes that America has what other people want. In fact, we do have enough food, reasonable freedom from onerous physical labor, and a life expectancy beyond age thirty-five. And there are millions of people on this planet who desperately want to share these despised elements of our decadent system.

On a more intelligent political level, others will point out that there is a real danger that the United States, even with the most generous motives, will try to impose its social systems and values upon others. They are right, of course, and this is precisely why political attention in this country must be relentlessly focused on the nature and consequences of American aid. In a nation revived by its "Covenant with the Poor," political activists must press to see that American aid is *responsive to* and not *prescriptive for* the will of other nations. This means that assistance must be thoroughly demilitarized. At the same time, U.S. commercial interests abroad must be brought under stronger political control.

It is not our business as Americans to take sides in the conflicts and revolutions of other countries. And the power we have should be used only the way each nation desires it. Given the fact that many countries have bureaucratically incompetent and unrepresentative governments, the American people should make sure only that the assistance it offers is utilized in as effective and equitable a manner as circumstances permit. It may be that our motives will be better trusted if our Covenant is carried out by multilateral and international institutions.

I am aware that I have vastly oversimplified some of the most complicated questions involved. But it all comes back to the question the ecologists have raised: Do we multiply and redistribute the bread, or reduce the number of guests at the table?

Ehrlich's choice is the latter. His response to the Pope's statement is, "We have already seen that the 'banquet of life' is, for at least one half of humanity, a breadline or worse." There may indeed be a breadline, but even that may sustain life itself and the hope for justice that is life's constant companion.

There is an elitist arrogance in the assumption that life on a breadline is not worth living. A distinguished medical proponent of abortion on demand once assured me that no one should be forced to be born who was not guaranteed "the minimal requirements for a decent existence." Among the minimal requirements he included a stable family life, loving parents, quality education, and the economic security to have an equal start in competition for the best that American life has to offer. When I pointed out that by his criteria, most of the people I work with in Brooklyn should have been aborted in the womb, he responded with utmost sincerity, "But surely many, if not most, of the people who live in our horrible slums would, if they could be objective about it, agree with me that it would have been better for them not to be born." This naive viewpoint is by no means rare among more affluent Americans, who apparently find it inconceivable that life itself could be as precious—yes, even a banquet—to the wretched of the earth as presumably it is to the rich.

ASW IN DEFENSE OF THE TRIAD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert an extremely interesting article which appeared in the September issue of the U.S. Naval Institute proceedings. It deals with a possible Soviet SLBM—Submarine Launched Ballistic Missile—attack on the continental United States and the role of ASW forces—Anti-Submarine Warfare—in defending the land based increments of our strategic deterrent.

The authors point out that there is no point within the United States which is more than 900 nautical miles from open sea, that approximately half of our urban industrial targets lie within 500 nautical miles of many SLBM launch points in the Atlantic Ocean, and that an SLBM having a maximum range of 1,500 nautical miles and a normal flight time of 15 minutes using a depressed trajectory could reach any target in the continental United States in less than 7 minutes. I might point out that Soviet Y-Class ballistic nuclear submarines, of which there are currently 20 operational and which the Soviets continue to build at the rate of 8–10 per year, each have 16 SLBM's with a range of approximately 1,500 miles.

It is heartening to see an article appearing in a naval publication and coauthored by a Navy man which emphasizes that land based bombers and missiles are key elements of our nuclear deterrent and views one of the jobs of our naval forces as contributing to the defense of these vital increments of our triad through countering the Soviet naval threat to same, rather than arguing for their abandonment in favor of what is known as the "blue water option."

I think that all my colleagues will find this article well worth reading and be particularly interested in the scenario with which Captain Winnefeld and Mr. Builder lead into their argument for an ASW role in defense of the continental United States.

The article follows:

ASW—NOW OR NEVER

(By Capt. James A. Winnefeld, U.S. Navy, and Carl H. Builder)

(NOTE.—The U.S. Navy must rethink the ordering of its ASW mission priorities for, with the emergence of a significant Soviet sea-launched ballistic missile capability, the survival of essential elements of all our nuclear forces is now, more surely than ever, measured in minutes.)

Item from page 2 of the London Times, Wednesday, 25 September 1974: "It is only now, some three months after the terrible events of 17 June, that some of the extraordinary details of the surprise attack on the United States are becoming available through the deductions of Western European military experts. While it was almost immediately apparent that the attack was intended to neutralise the United States in a single, stunning blow, most of the world found the outcome to be either incredible or inexplicable. Now, however, it is even more astonishing to learn that the attack was far from an all-out effort. Early accounts assumed that the crippling of U.S. strategic nuclear forces resulted from a massive attack by intercontinental ballistic missiles. But experts sorting through the available evidence have concluded that not a single ICBM was fired by either side. Perhaps the most revealing statistic of the attack has come from an Admiralty report recently submitted to the Defense Minister showing that the entire attack, from the closing of the first switch to the last nuclear blast, probably took no more than 10 minutes.

"The Admiralty report summarises a priority study demanded by the DM immediately after the Havana Conference in July. It provides, for the first time, an official explanation of how U.S. nuclear forces were either destroyed or paralysed in a matter of minutes and why the Soviets were able to take over most of West Germany in the ensuing strategic standoff. Up to now, there has been much speculation on why the U.S. strategic forces, despite elaborate precautions to insure their survival, were unable to respond during the world's first nuclear war. The explanation offered in portions of the Admiralty report released yesterday. . . ."

Excerpt from Admiralty Report No. NAV–ANAL/PLAN–0014, dated 7 September 1974: "From the foregoing consideration, we believe that the following conclusions may be reasonably drawn:

"1. The attack while carefully planned and executed, was both daring and risky. The opportunities for failure were numerous, and the remarkable success of the attack must be attributed to the bold acceptance of the enormous risks. There was no certainty of the U.S. response even if the attack was a technical success; but this risk, too, was apparently accepted by the Soviets because of the gravity of the German situation. Reference 14 shows that the German political crises of May were far more alarming to Moscow than to London or Washington.

"2. The attack on North America appears to have been carried out entirely by means of missile submarines in a carefully coordinated strike from close upon the Atlantic. Pacific, Caribbean, and Hudson Bay coastlines. Two types of submarine-launched ballistic missiles were employed, one type having multiple warheads. Most of the missile trajectories were purposefully lowered to shorten flight times and delay detection. It is estimated that the total number of submarines involved need not have exceeded a dozen, but the actual number may have been higher. In any event, there is no evidence that the Soviets augmented their normal on-station submarine forces for the attack.

"3. The most demanding aspect was precise timing as to launches and impacts. It is certain that the authorities and equipment exercising control over U.S. nuclear forces were the priority targets in time. The patterns of nearly 100 detonations, most of them on the U.S. mainland, correspond to our understanding of their nuclear control and communications structure. While some elements of that structure did survive the attack, the losses were so sudden and extensive—for example, only two secondary transmitters for communicating with the U.S. Poseidon submarines are known to have survived—it required nearly 15 minutes to clarify the vestment of authority. By that time, the attack was over, a substantial portion of the U.S. nuclear forces had been destroyed, and the Soviet ultimatum was being transmitted on all frequencies and the one surviving hot-line. It is estimated that most of the command and communications targets were struck within about six minutes of the first launch. It is doubtful that any of these targets enjoyed more than four minutes of general warning or more than two minutes of certain prior awareness that the country was under attack.

"4. The second-priority targets were the strategic bomber bases. The detonation patterns here suggest that airborne aircraft were also the object of attack at many inland bases. All of the bomber and tanker bases were probably struck within nine minutes of the first launch. Even so, a rather substantial fraction of the alert aircraft may have become airborne. The only reasonable explanation for the small numbers of bombers surviving (we estimate about a dozen) is the extensive targeting of aircraft flight areas near the inland bases that could have received the greatest warning. We doubt that any bomber base had more than six or seven minutes of warning.

"5. The third priority was apparently given over to the new antimissile installations protecting U.S. ICBMs in the northwestern states. The attack scheme here is readily apparent: only the radars and fire control centers were hit. Since the U.S. ABM system was designed specifically for self-protection and survival against an ICBM threat, the sensors were misoriented for a submarine missile attack. For example, the BMEWS radars here and in North America were not attacked and provided no indications that an attack had been launched, further adding to the initial confusion of U.S. authorities. It is estimated that all of the critical ABM sites were struck within about ten minutes of the first launch.

"6. The lowest priorities in time seem to have been the overseas communications installations and submarine bases for U.S. strategic forces. We have fairly reliable data on the one weapon that destroyed U.S. submarine forces at Holy Loch; it was delivered from a surfaced diesel-electric submarine. (We have intermittent radar and acoustic records on the transit of that submarine.) Radio message traffic intercepted here indicates that the few attacks outside the U.S. mainland (only 14 weapons in all) were withheld until it was certain that the attack upon the U.S. mainland was successfully launched. They could have been executed with older, less-sophisticated submarines launching ballistic or cruise missiles from the surface at relatively short ranges from their targets. These attacks, also, were completed within 10 minutes of the first launch off the U.S. mainland. The weapon at Holy Loch destroyed four Poseidon submarines and we presume that about 12 more U.S. missile-firing submarines were destroyed at their bases.

"7. We believe that the U.S. ICBMs would have been included to the attack except for the limited numbers and accuracy of the multiple warheaded missile carried by some Soviet submarines. Because of these limitations and the daring Soviet decision to withhold the use of ICBMs in the initial attack, the U.S. bombers and submarines in port offered the most lucrative targets for achieving a decisive shift in the balance of strategic forces.

"8. Any U.S. response to the attack appeared to be highly disadvantageous. Private discussions with General Tyer at the Havana Conference have shed some light upon the dilemma that the U.S. authorities faced immediately after the attack. By the time General Tyer was certain of his responsibilities, the following aspects of the attack were clear:

(a) The first phase of the attack was obviously over for no new detonations had been reported for seven minutes and BMEWS stations continued to report no incomings.

(b) The attack was directed primarily at U.S. authorities, command and control, but not against the population (as noted earlier, only three large metropolitan areas received substantial damage).

(c) No Soviet ICBMs had been employed in the attack, and they could be presumed temporarily withheld in a high degree of readiness.

(d) No U.S. weapon had yet been released and enemy defenses were undegraded. (The few bombers that had escaped destruction were recalled when it became clear that U.S. ICBMs were not under attack.)

(e) While it was apparent that the U.S. ICBMs had survived and could be fired upon any warning of further Soviet attacks, the same was true of an even larger Soviet ICBM force. The situation for the Polaris and Poseidon submarines at sea could only be presumed over the next several hours and days. But it was also obvious that the only rational option was to withhold these forces in the hope of not being forced into what would now be a lopsided exchange of either military targets or cities.

(f) A full text of the ultimatum was available. General Tyer said that the terms were such that there was little alternative but to acquiesce to the Soviet fait accompli in West Germany. . . ."

Excerpt from cover letter from the Defense Minister to the Prime Minister. ". . . so there isn't too much here that I haven't passed on to you at cabinet. It would seem to me that the key in this wretched mess was time. If the Americans had had even three or four more minutes, I believe that much of the apparatus that didn't work would have had a good chance. With a few more minutes I believe the President would have been safe, the bombers would have made it off, and we would have had an entirely different match to be played out. More important, I think it likely that if the attack had required more time for execution, the greater risks would have discouraged the entire enterprise and we would have had a chance to work things out at the conference table.

"Geoffrey tells me that the subs could have been kept far enough off to prevent anything as sudden as that from happening—something about conventional antisubmarine forces being used to control certain water areas. I keep telling him that I rather suspect he has an ax to grind, but if there is a way to buy a margin of time, we should probably look into it. . . ."

Fiction is a convenient technique for avoiding many complicated questions that must be faced and answered in order to make a scenario credible, and it would be imposing to argue for the credibility of this fictional autumn in 1974. The purpose was to dramatize the special capabilities and characteristics of a threat that is now present and growing in our coastal seas.

As a nation, we certainly are not in need of any new strategic threats to further justify the many valid concerns for our strategic posture. There are hobgoblins enough in the SS–9 and Fractional Orbital Bombardment System without our searching for new possibilities to scare ourselves. However, the first-strike threat posed by Soviet submarine-launched ballistic missiles (SLBMs) has three ugly aspects that set it quite apart:

1. The required hardware types are already developed and operationally deployed. The principal future uncertainty is not the projected competency of the hardware, but the locations and concentrations of this hardware off our coasts, and Soviet intentions that "bear watching," although the observation of Soviet SLBM flight tests could verify estimates of how far the trajectories might be depressed.

2. Not just one, but all of our strategic forces (or their supporting systems) fall under the shadow of this threat. Our strategic bombers have, for several years now, had their survival measured against the quarter-hour clock of an SLBM following a conventional, maximum-range trajectory. But if these flight times can be cut in half and if the numbers of missiles continue to increase, the SAC Wing Commanders will soon be joined by other worries. Many important things that can reasonably be accomplished by human beings in 15 minutes become extraordinarily difficult and questionable when the time is cut to seven or eight minutes, or even less.

3. U.S. perceptions of strategic stability and arms control would appear to encourage the expansion of the SLBM threat. During the past year, the open literature in the United States has extolled the arms control virtues of SLBM forces, largely because of their relative invulnerability at sea. Many U.S. experts would apparently welcome a Strategic Arms Limitations Talks agreement favoring greater reliance by both sides upon SLBM forces. Thus, we can expect to see a growing Soviet SLBM threat, with or without a SALT agreement.

While the daring of the attack described in the opening scenario may seem incredible, the technical capabilities assumed for the attacking SLBM's should not. There are no points within the United States that are more than 900 nautical miles from open seas. An SLBM having a maximum range of 1,500 nautical miles and a normal flight time of 15 minutes theoretically could, by means of a depressed-trajectory, reach any Continental U.S. target in less than seven minutes. If it were assumed that the longest-range shots were fired first, and that the firing rates of the SSBN's were about four missiles per minute, then perhaps the time allowance of the opening scenario was too generous; it could all be over in seven minutes instead of ten. Even assuming reliable warning within one minute after the launching of the first missiles in such an attack, we could be left with less than six minutes to remove from harm's way the critically important people and equipment that do not lend themselves to protection through constant mobility or hardening.

It would be unfair to imply that compressing the time for an SLBM strike is a cost-free option to the attacker. Resorting to extreme depression of trajectories to shorten the time of flight, cuts into the range of the missile. As already indicated, however, SLBM range is not a very severe requirement for U.S. targets. (This is one situation where the U.S. maritime geography is unfavorable as compared to that of the U.S.S.R. For example, about half of the CONUS urban-industrial targets lie within 500 nautical miles of many potential SLBM launch points in the Atlantic Ocean.) However, reductions in SLBM range and time of flight will force the SSBNs to move in closer to shore, increasing the risks of exposure. The shallow reentry angles associated with depressed-trajectories can degrade the accuracy of the missile (because of greater sensitivity to atmospheric uncertainties), but high accuracy is not required for many of the soft targets, such as antennas and buildings, associated with our strategic command and control structure.

What are our options for coping with the first-strike threat posed by the growing number of Soviet SSBNs that could concentrate close to our shores? Even though the sharp edge of this threat is keenly felt by the Air Force in its concern for the pre-launch survivability of the SAC bomber force, it would be short-sighted to accept the threat as another example of the superiority of sea-basing strategic forces. Land-based bombers and missiles are key elements of our nuclear deterrent and will probably remain so for the foreseeable future. Additionally, most command and control facilities, including national command authorities, must by their nature be land-based. People, institutions and equipment of vital importance to our strategic capabilities will always be ashore. As the SLBM threat grows, so will the national interest in counter-options.

We might want to limit the consequences of a sudden SLBM attack. Without discussing all of the alternatives and problems that lie in these directions and without denigrating their importance, it is fair to note that limiting the *consequences* of an attack is a different form of deterrence from limiting the *means* of attack.

International agreements offer some possibilities. It is not the SLBM forces per se that we would want to restrict, since the relative invulnerability of SSBNs on patrol to a sudden nuclear attack is a quality we prize for deterrent forces. But, to preclude the use of SLBM forces for the kind of attack described in the opening scenario, we would have to forbid SSBN patrol areas close to shores. Would we be willing to give up some of our own SSBN patrol areas close to the U.S.S.R.? Could we confidently and unilaterally inspect for compliance?

A more direct counter to the first-strike threat posed by a minimum range/time SLBM attack might be based upon conventional ASW forces deployed to provide relatively dense ASW coverage of those ocean areas from which such SLBM attacks are feasible. While not denying peacetime passage to enemy submarines in our coastal seas, we might bring sufficient ASW attack capability to bear upon "excessive" enemy submarines to convince the enemy that provocative concentrations in our vital ocean areas will only degrade his nuclear delivery posture. The intent of this defensive option would be the intimidation of those SLBM forces that concentrate in areas where minimum range/time attacks are feasible. By exercising a very deliberate and finite amount of control over selected ocean areas, ASW forces could demonstrate to a potential enemy that his interests are best served by standing well off our coasts and that concentrations in ASW-controlled waters are almost certain to be counter-productive.

The enforcement of this control over the SLBM threat within certain vital ocean areas should not be destabilizing since it does not threaten the accepted retaliatory role of SLBM forces. The continuous targeting and timely response against retaliatory targets. using conventional near-maximum-range SLBM trajectories, should not be threatened because of practical limits on the size of the ASW-controlled areas. (As a first approximation, potential SSBN deployment areas increase with the cube of the range to target.) Development of longer-range SLBMs. such as Underwater Long-range Missile Systems, would be made more attractive, and the experience gained in the operation of ASW forces in the counter SLBM role would be the best possible insurance of timely recognition of developing ASW threats against our own SSBNs on patrol.

Two basic functional capabilities are needed in order to exercise this kind of preventive defense against minimum range/time SLBM attacks: (1) the ability to maintain a reliable head-count on submarines within the controlled-sea areas; and (2) the ability to position obviously competent attack forces in the vicinity of "excess" SSBNs and, if necessary, to escalate force levels at a reasonable cost exchange until the alerting of other strategic forces is clearly warranted.

The ASW force levels and compositions required to provide these capabilities appear to be fairly quantifiable and, hence, profitable opportunities for analytical study. A major issue in the economic feasibility of this continental defense concept is the amount of ocean area and the perimeters that would have to be controlled. Fortunately, geography is a little kinder to us in this problem. If the Hudson Bay is controlled (requiring a relatively small control perimeter), some key SAC bases in ConUS would be 200 more miles and about two more minutes away from an SLBM attack. Controlling the Caribbean also would greatly enlarge these time-sanctuary areas, and SAC could probably start to breathe a little easier. Controlling the North Atlantic, out as far as the arc from Newfoundland to Bermuda to the Bahamas would add 500 miles of range and more than four minutes of additional time for many potential targets of an SLBM attack. This would require controlling a perimeter of about 1,800 nautical miles. Control of the coastal areas of the Pacific would appear to be more difficult because of the long perimeters and lack of island bases.

Is ASW technology sufficiently advanced to provide the necessary hardware capabilities? Under satisfactory water and weather conditions, and with the correct mixture and quantity of both forces and surveillance sensors, nuclear submarines can be detected and tracked for extended periods with the products of existing technology. Much remains to be done, however, to improve the assurance that detection and tracking can be accomplished under less optimum conditions and with smaller forces. Improved sensors must continue to receive first priority in this effort. Our previous neglect to improve some of our sensor platforms will continue to plague us for years to come, but that problem is beginning to receive the attention it deserves. In sum, we face significant and continuing efforts if we are to have adequate tools to close the margin now enjoyed by nuclear submarines. But the evidence available indicates that the technical problems are not insuperable, particularly if sensor and weapon development receives the funding which the gravity of the developing strategic threat justifies.

Are the ASW forces required for continental defense reasonably attainable? The answer to this question requires an assessment of the importance of the threat in relation to others, the cost of the forces necessary, and our willingness to pay that cost. If one accepts the importance of the threat as dramatized in the opening scenario, the question becomes one of finding the most cost-effective way of doing the job. The design of the most effective force is beyond the scope of this essay. Further on, some force design considerations will be suggested based on a comparative analysis of ASW missions. But at this point, reference may be limited to the obvious: we require an initial detection capability, a tracking capability, and a kill capability against enemy SSBN's on-station off our coasts. For selected targets we have these capabilities now. However, the evidence indicates that current forces will be inadequate to cope with a Y-class SSBN force which could be comparable in size to our present Polaris/Poseidon force by 1974.

Although an ASW force to counter such a threat will be expensive, it probably would not be any more expensive, relatively, than our investment in continental air defense undertaken in the 1950s and 1960s. Rather, there is good reason to believe it would be considerably less, since ASW forces are required for missions other than continental defense. Other required ASW forces could be made available to augment continental defense ASW forces if they were in danger of being saturated. Because SSBN forces cannot be deployed from bases to firing stations overnight—with the obvious exception of Cuban basing possibilities—some strategic warning is available for reasonable augmentations of any dedicated continental defense ASW force. Hence, the alert (or nucleus) continental defense ASW force need only be adequate to meet the routine on-station threat (plus some safety margin). Such capabilities should be within our means if we establish the necessary resource allocations and mission priorities.

The question of priorities hinges on the relationship of the ASW missions to one another and to the total threat. Three principal ASW missions can be identified: continental defense, Fleet defense, and sealane defense. The force requirements in both quantity and mix are likely to be different for each of these missions. The evidence suggests we have optimized our forces for Fleet and sea-lane defense. Such emphasis in the past is understandable in view of the Navy's traditional sea control mission. However, the emergence of the Soviet SLBM threat should force us to reevaluate the old priorities.

As the opening scenario demonstrated, the survival and effectiveness of all our nuclear deterrent forces could be threatened by enemy SLBMs. The key position of our nuclear deterrent capabilities in the strategic balance logically leads to the conclusion that no Navy forces are more important than those that either comprise or defend our nuclear deterrent capabilities. It follows that those portions of the Fleet which provide for continental defense against missile attack and which protects our own SSBNs from enemy countermeasures deserve top priority, second only to our SSBNs, in the resource allocation process. Further, since Fleet defense is essential to sea lane defense, we can postulate the following order of ASW priorities: first, continental defense; second, Fleet defense; and third, sea-lane defense.

If this ordering of ASW priorities is accepted, our first order of business should be to design and deploy a nucleus continental defense ASW force and identify the augmentation forces required to keep pace with surges in the strength of enemy SSBNs on-station. That part of our Fleet defense forces (both ASW and strike) associated with protection of both our continental defense ASW forces and our own SSBNs should also be in the first priority category. Our second ASW priority should be Fleet defense of our carrier and amphibious forces. Finally, we must be capable of protecting our sea-lanes in such extended conflicts as the enemy may undertake.

The foregoing discussion suggests the following bare minimum ASW force for national survival:

Nucleus continental defense ASW forces.

Covering ASW forces to defend the continental defense force and our own SSBN forces from submarine attack.

The covering force is of marginal utility in some situations, such as the opening scenario, where the enemy would not risk losing surprise by a prior attack on either the continental defense or the covering forces. However, covering forces are necessary to discourage or counter non-nuclear attacks intended to reduce naval forces comprising or protecting our strategic deterrent.

These bare minimum forces, by definition, would not be adequate to cope with a surge increase in numbers of SSBNs on-station. Neither would they be adequate to provide the necessary ASW protection for our seapower projection forces. In order to meet these minimum requirements, we need two additional ASW force increments:

A continental defense augmentation ASW force to counter surge increases in numbers of enemy SSBNs on-station (up to the numbers justifying a wider alert of strategic forces).

A Fleet defense ASW force adequate to provide minimum cover for our seapower projection forces.

These forces in the aggregate must form the basis for our minimum acceptable ASW force if we are to retain the ability to project our power overseas and meet our mutual security commitments. However, these forces do not provide a capability to protect our sea lanes from enemy submarine attack, if the enemy simultaneously escalates his SLBM threat and engages our seapower projection forces with his attack submarines. The risk of the enemy's undertaking a "war at sea" is one of the key imponderables of naval force planning. Prudence dictates that we should develop and maintain some forces for this mission. This requirement generates a fifth ASW force increment:

A sea-lane defense force adequate to meet essential requirements until mobilization generates the additional forces required.

Two world conflicts have demonstrated that we have paid a high price in war for economizing in this area during times of peace. Given the temper of the American people, it is probably unreasonable to expect them to maintain in peacetime the forces required to provide an adequate counter to a war at sea. Nevertheless, we need to define more clearly the risks we run in this area. If, in fact, our fiscal constraints leave little or nothing left over for this mission, we gain little in configuring any of our remaining ASW forces specifically for sea-lane defense. Previous ASW force level decisions indicate that we have tended toward spreading the risk among all ASW mission/force increments rather than concentrating it on the lowest priority missions and forces. Our large investment in DE/DEGs is an instance of such a practice, even though other factors were influential in their procurement.

The foregoing assessment of priorities in ASW force design has not addressed the optimum mix of forces. In view of the different missions of each of the five force increments, it is apparent that a high premium must be placed on employment flexibility. This flexibility must be such that forces are optimized for the higher priority missions, which in turn leads to emphasis on quality rather than numbers. Additionally, emphasis should be placed on forces in being rather than on mobilization capability. Thus, our NRT escorts and hardware air reserve ASW units should be dedicated to the sea lane defense mission where a modicum of time is available to generate forces in response to an enemy threat. Some fast reaction reserve forces may be suitable as augmentation forces for our continued defense posture.

The place of Allied ASW forces in meeting the five ASW mission requirements is almost entirely dependent on political assumptions. Because the first three ASW force increments are clearly related to protection of U.S. nuclear deterrent forces where rapidity of decision and response is of the essence, only limited reliance can be placed on Allied ASW forces for these functions, with the exception of Canadian forces similarly committed to defense of tthe North American continent. Allied ASW forces can and do make a significant contribution by their surveillance of the routes that Soviet submarines are constrained to use. However, these early warning functions supplement rather than substitute for the surveillance capability we require in our coastal sea areas.

This essay has examined a threat that the growing Soviet SSBN force poses to the survival of essential elements for all of our nuclear deterrent forces. In evaluating the nature of this threat, the critical dimension appears to be time: minutes that we can no longer afford to give away against a large-scale attack. With the emergence of a significant Soviet SLBM capability, we may find that conventional ASW forces are the most practical approach for denying the enemy an otherwise attractive option for a surprise first strike on the time-urgent targets. Such ASW forces may not be cheap, but they should be attainable if we establish mission priorities in accordance with the risks we face.

In evaluating the various ASW missions, the critical dimension appears to be our requirements for continental defense ASW forces. If so, the Navy must rethink the ordering of ASW mission priorities, and then design and deploy forces to meet the highest priority missions with a reasonable balancing of the risks. Our traditional view of the pre-eminence of Fleet and sea-lane defense is confronted with the new realities of the strategic nuclear power equation. We are up against a potential enemy who has learned that the sea presents him with a new opportunities as well as the old perils. Our task is to deny him those opportunities whenever they tempt misuse.

(NOTE.—A graduate of the U.S. Naval Academy with the Class of 1951, Captain Winnefeld served in the USS *Halsey Powell* (DD–686) from 1951 to 1952, and, following flight training, was assigned to Air Antisubmarine Squadron 23 from 1953 to 1957. He attended Stanford University from 1958 to 1960 and was awarded an M.A. in foreign affairs. He then served on the staff of the Commander Fleet Air Mediterranean (1960 to 1962), in Air Antisubmarine Squadron 26 (1963 to 1965), in the Strategic Plans Division, OpNav (1965 to 1967), in Air Antisubmarine Squadron 21 (1967 to 1969), and in the Bureau of Personnel (1969 to 1971). He is now assigned to the Staff of Commander Carrier Division Six.

(Mr. Builder enlisted in the Navy in 1948 and served in the USS *Amphion* (AR–13). He was a Midshipman at the U.S. Naval Academy with the Class of 1954. He received both his B.S. and Master of Engineering degrees from the University of California at Los Angeles. His 18-year career in aerospace engineering has been devoted to advanced systems planning and analysis for a broad spectrum of military and civil systems. His industrial associations have been with the Marquardt and United Aircraft Corporations, directing analytical planning studies for weapon and transportation system. Mr. Builder has also been associated with the non-profit aerospace and RAND Corporations in the areas of space and strategic system analysis.)

LOW-INCOME WAGE FREEZE EXEMPTION BILL

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. RUNNELS. Mr. Speaker, today I am introducing an important bill which provides that the lower strata of wage earners in America will be exempt from any future wage freeze which may be imposed under the Economic Stabilization Act of 1970.

The recent wage freeze issued by President Nixon has brought to light several gross inequities which arise when a wage freeze is applied to all wage earners. Although the 1970 act provides for making "such adjustments as may be necessary to prevent gross inequities," our present experience clearly demonstrates that some administrations do not consider the application of a wage freeze to Americans living at or below the poverty level to be a gross inequity.

I, for one, think the low-income employee needs all the help he can get. To freeze the wages of those Americans who are barely able to feed themselves is a tragic bureaucratic absurdity. It ranks just above the ridiculous proposition that these workers will benefit from other actions taken by President Nixon such as being able to purchase more new automobiles because of a repeal of the automobile excise tax.

Congress must act to prevent Americans located at the low end of the economic spectrum from giving up and becoming another name on our monstrous welfare rolls.

The low-income wage freeze exemption bill I am introducing applies to wage earners and salaried employees whose hourly earnings for the year preceding the issuance of a wage freeze are less than the minimum wage.

It should be pointed out that under the present minimum wage of $1.60 per hour, a worker earns $3,328 a year working a 40-hour week. If you consider that the generally accepted poverty level for a four-member family is $3,900 today, you can see that the legislation I am proposing will be an exemption to the Economic Stabilization Act which will benefit only those in greatest need. I have also included a maximum prefreeze income limit of $4,680 to insure that this exemption will not be employed to circumvent the freeze by those having other sources of income; $4,680 is what a $2.25 per-hour employee receives working a 40-hour week for 52 weeks.

The following is a text of my bill:

That section 202 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof a new subsection as follows:

"(c) Orders and regulations to stabilize wages and salaries issued under the authority conferred on the President by this section shall not apply to any wage earner or salaried employee whose hourly earnings, for the twelve months preceeding the implementation of said orders and regulations, have been at a rate less than the minimum wage as set under the Fair Labor Standards Act of 1938, as amended, and whose total income for this twelve month period did not exceed $4,680.00."

MOUNTAIN MICROWAVE SYSTEM DROPS THE TRADITIONAL APPROACH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. JOHNSON of California. Mr. Speaker, in some of the more remote rural areas of our Nation, it is sometimes difficult to maintain services most of us take for granted. The Siskiyou Telephone Co., serving the rugged and mountainous area of Scott Valley in my district, has taken a novel and unique approach to improve service to their customers. Though located in a relatively isolated area, the Siskiyou Telephone Co. is anything but backward or old fashioned. The cover story in Telephone magazine for August 23, 1971, describes the innovative microwave system installed by the Siskiyou Telephone Co. The story was written by Mr. Brent Wilson, microwave supervisor for Siskiyou Telephone Co.

The article follows:

MOUNTAIN MICROWAVE SYSTEM DROPS TRADITIONAL APPROACH

(By Brent Wilson)

High on the summit road leading into the Scott Valley in Northern California sits a large "Robber's Rock" which once was the site of many a stage coach holdup. And in the remote valley below, there are still people in the town of Ft. Jones who remember the last stage coach robbery in the state of California.

It is a rugged, mountainous area sprinkled with small towns and villages, all with close ties to the historic past. Snow covers some of the ranges five months out of the year. Summers can be hot in the valley.

Today, the mountain peaks which once lured men to find gold and rob stages are the setting for a different kind of pioneering story. In order to better serve approximately 2,400 customers spread over an area the size of the state of Connecticut, the Siskiyou Telephone Company broke with tradition to install a unique microwave system. Not only was the system the first REA-approved installation of fully solid-state 6 GHz microwave, but it also used passive repeaters extensively to eliminate problems associated with remote and isolated active repeater sites.

To understand why our relatively small Independent company took the lead in using new microwave equipment and techniques, let us first look at some of the problems we had with our existing microwave system and then discuss our selection criteria and eventual system design. Siskiyou Telephone Co. has had extensive experience with microwave equipment, and we've had ample opportunity to establish what we believe to be valid standards for operating a good system. The design of our new microwave system is based on the lessons learned over the years since our first system was installed. Later in this article we include a list of guidelines which we hope other rural telephone companies can use to their benefit when planning a new system or upgrading an old one.

The project planning began early in 1967 when our existing system consisted of tube-type equipment almost ten years old in a configuratiton as depicted in Figure 1. Ft. Jones, the toll center and company headquarters, is also the permanent station for all technical service personnel.

Central Dial Offices are located in Happy Camp, Hamburg and Etna. Active repeaters were situated on mountain tops at Slater Butte and Gunsight Peak.

RELIABILITY CRUCIAL

System reliability problems were the key factor which led us to search for a more efficient, economical system to serve our customers. Some of the Communities we serve have no doctors and our telephones are the only link between the remote areas and the rest of the world. We feel personally responsible to serve these customers.

About 80 to 90 per cent of our problems were from transients on the power line. In addition, our radio and multiplex were unstable and required high maintenance. Parts were often impossible to get, or if available, only after long delays. The multiplex was not compatible with CCITT or other systems and we found it difficult to expand and almost impossible to maintain noise level standards.

Getting power and access to the sites was another continuing problem. All central offices and mountaintop terminals were equipped with emergency generators. Their maintenance, especially at the remote sites, added to our mounting concern about the system.

Added to these problems was the rough task of getting our technical personnel to the site of the problem. For instance, it is a 60-mile drive to Happy Camp, and in bad weather it can be a hazardous three-hour drive. Gunsight Peak, the former site of an active repeater, is snow covered up to five months a year. During those times, a snow-cat was required to make the trip. There were occasions of 24-hour-long trips by snow-cat to reach the mountaintop repeater station. These were extremely dangerous excursions for our people to make, but the equipment had to be serviced.

As these problems compounded, we began looking at ways to overcome them efficiently and economically. Our beginning approach was to replace the equipment terminal-by-terminal plus adding a path for a new dial central office at Oak Knoll. This attack did not solve either the power or access problems for the mountaintop sites, however.

UNIQUE USE OF PASSIVES

It was at this point that we began looking into the possible application of passive repeaters in conjunction with new, fully solid-state microwave and multiplex. Our initial research step was to take a field survey of the area to be covered. The field survey showed that possible use of passive repeaters was not only feasible but an affirmative approach to solving access problems for our remote mountaintop sites.

Following this conclusion, studies were initiated to compare costs of direct replacement with costs of redesigning the system to make maximum possible use of passive repeaters. The comparison demonstrated to us that by utilizing passive repeaters wherever possible the company's initial investment in equipment and installation costs would be six per cent higher than by direct replacement. However, it was estimated that annual maintenance costs would be six per cent lower than with an active repeater system.

The results of our intial studies led us to consider a system unique in Independent telephone company experience. We were pioneering in an area where no one had gone before by making such extensive use of passive repeaters. This led us to search for the optimum radio and multiplex equipment to fit into our new venture.

Because of earlier problems with our old equipment we knew that the electronics chosen must have high reliability, very low noise, low maintenance and not be interrupted by power failures. We also determined that a faithful alarm system should be included in the equipment, along with an order wire.

Compatibility with CCITT was an essential criterion for the multiplex; diversity, protection techniques and expansion capabilities were musts to be configured into the system. (Because of recent FCC action, new microwave systems will normally use space diversity protection rather than frequency diversity, which was the standard method of protection at the time the Siskiyou system was designed. The microwave equipment described here can be used in either type of system.)

We selected the 6 GHz band as a good all-around band and one especially suited for use in a passive repeater system for high quality voice transmission.

After a survey of the latest equipment available, we selected Type SS 6000 Microwave and Type FC–600 Multiplex equipment manufactured by Farinon Electric of San Carlos, California.

The 600-channel equipment was specified to handle future growth in our service area and also to cover the eventuality of utilizing the equipment for data transmission.

The Farinon microwave system provided the required diversity protection performance capabilities we required for our system. In addition, SS 6000 Microwave was the only fully solid-state equipment available at the time our system was being designed. The FC–600 Multiplex system offered the all solid-state construction desired plus the CCITT compatibility required.

The basic engineering concept therefore evolved into a total system using passive repeaters in our remote sites, coupled with the most advanced and reliable electronics at our Toll Center and Central Dial Offices.

As an interesting sidelight, our unique coupling of technologies to create the total system brought around another first. Separate contracts were awarded for the passive repeaters and the microwave equipment.

Figure 2 shows the configuration of the new system. There are a total of eight passive repeaters, including a unique double passive near Gunsight Peak (shown on the cover). All passives, towers and antennas were installed by Microflect, Inc. of Salem, Oregon. New microwave and multiplex equipment is located at Happy Camp, Hamburg, Oak Knoll, Ft. Jones and Yreka where we tie in with Pacific Telephone & Telegraph. All microwave and multiplex equipment was installed by Farinon.

Construction of the new system began in December, 1969 and most of it was cut over by December 3, 1970. The first construction phase was to set up the new terminals in Ft. Jones and Oak Knoll. This was an initial test of our theories, and it proved that the system worked in reality as well as on paper. The electronic equipment was installed without problems and the engineering and placement of the double passive repeaters proved flawless.

As construction progressed, this pattern was repeated again and again. The electronic equipment was trouble-free and installed with ease. This was especially gratifying to us because we were the first common carrier to specify the new Farinon Electric equipment.

In the final analysis, the performance of our new system matches the basic criteria we were concerned with in the design phase: reliability, low noise, economical cost and removal of hazards to service personnel.

HELPFUL CHECKLIST

In designing and installing this system, we developed a list of guidelines which may be of help to others. While each company will have its own special needs, we believe these points will help the engineer begin his investigation with the right focus of attention.

1. Select the equipment manufacturer carefully. Be sure he will be in business in the future. He is the source for spare parts and solutions to any future service problems.

2. Frequency band should be decided. While 2-, 4-, 6- and 11-GHz bands are in use today, we believe 6 GHz is the best all-round band for use with passive repeaters.

3. Be sure the system you select provides a reliable protection system. When our system was installed, frequency diversity was an appropriate choice. Today, space diversity would be required.

4. Path survey is extremely important. This applies not only to the feasibility survey but in layout of the permanent locations.

5. Land availability must be investigated. Avoid locations requiring difficult access.

6. Good alarm systems are essential for trouble shooting.

7. Don't overlook the service channel or order wire.

8. Battery operation is a must today.

9. Avoid cutting corners, the multiplex is as important as the radio.

10. Go only solid state for multiplex equipment.

11. Be sure the total system capabilities can handle future expansion.

12. Consider CCITT compatibility standards to be sure that your new system will interface with others, and that you will have a choice of suppliers for future additions and modifications.

13. If passive repeaters can be used in your system, remember they require little or no maintenance.

14. Passive repeaters require fewer frequencies than active repeaters.

15. Judge your system design from the standpoints of reliability, low noise, costs and probable hazards to personnel.

A final point: Should your system appear to be an ideal candidate for new equipment and techniques, don't be afraid to break with tradition. Founded in 1892 and serving a pioneer area, the Siskiyou Telephone Company broke with tradition and is reaping the rewards in reliable, economical performance for its customers.

DRAFT EXTENSION VOTE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1971

Mr. VANIK. Mr. Speaker, last Friday, in order to assure another vote in support of the administration's efforts to extend the draft, the White House dispatched a military jet plane to Burlington, Vt., to carry a newly appointed Senator to Washington for his vote.

In my judgment, it was a gross abuse of discretion by the White House to spend taxpayers' money and use military personnel to deliver a vote for its position on a legislative program.

This kind of abuse of Executive power tends to corrupt the legislative process.

I am requesting the General Accounting Office to rule on the propriety of spending of taxpayers' funds to deliver a specific vote on a measure before the Congress of the United States.

THE FUTURE OF BONDS, PUBLIC BOND ISSUES, AND BOND FINANCING IN CALIFORNIA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. JOHNSON of California. Mr. Speaker, State and local governments throughout the Nation are experiencing an especially acute budget crisis as they try to meet demands for expanded services while faced with declining revenues during our current economic difficulties. I would like to share with my colleagues the thoughts of Mr. Alan K. Browne, retired senior vice president, Bank of America NT & SA, on the future of bond financing in California. Mr. Browne gave his opinions in a speech before the Commonwealth Club of California, in San Francisco, Calif., on September 3, 1971.

A text of Mr. Browne's remarks follows:

THE FUTURE OF BONDS, PUBLIC BOND ISSUES, AND BOND FINANCING IN CALIFORNIA

OPENING REMARKS

One of the initial Acts (Chapt. 10 Passed Feb. 1, 1850) passed by the Legislature of the State of California in its First Session, which lasted from December 15, 1849 to April 22, 1850, in San Jose (Puebla De San Jose) was the authorization of a temporary State loan in the amount of $300,000 with a maturity of six months and interest at a rate of 3% per month. The bonds to be issued were to be paid out to the creditors of the State if there was insufficient cash in the Treasury.

In a report of a special Senate Committee on State debt to the Eighth Session of the State Legislature in 1857, the following statement was made:

"The wealthiest of States, and those whose credit is best, have frequently, by funding postponed payment of claims to remote periods, and thus have distributed the burdens over a series of years in such a manner that the weight is hardly felt. It is for us to profit by the example and so distribute the payment of our debts as not to cripple the energies of our young State.

Forced imposition for immediate payment cannot be borne by the people, and the debt presented in that shape seems high and monstrous, while in the form of a funded debt, to be paid in portion, year after year, for twenty years, while the State is growing and developing resources not had by any other country, the debt is insignificant, financially considered for the California of ten years hence."

So in a few short years the young State of California had accumulated a substantial debt for that time amounting to approximately $3,900,000, not including approximately $1 million Indian War Debt. It still owed a portion of its 1850 debt.

I mention this historical background material to stress the fact that California has been concerned with bond financing since it became a State. A more detailed search of the records would disclose that California has continued to face periodic crises in meeting its budgetary goals, providing the necessary cash flow to pay its bills and to do all the things the legislative process will authorize and the voters will approve. The same situation has also existed in our counties, cities, school districts and special taxing districts.

The fact that Calfornia and its political subdivisions have survived over one hundred and twenty years without any major default of general obligation debt, with a minimum of debt adjustments and repudiations, attests to the financial soundness of the State's economy and the excellence of its constitutional and statutory provisions pertaining to public debt. The capacity of the voter to cast his ballot intelligently and the taxpayer to be credit worthy whether it be property taxes, business cycle taxes or as a user of a public facility has sustained the investors interest in the excellence of the State's bonds and those issued by lesser units of government. The successful marketing of California's annual input into the capital markets of the United States, amounting to 10–15% of the national total has been primarily the efforts of competitive underwriting groups or syndicates, varied according to the size of the individual bond issue and eligibility for underwriting. Except for large issues requiring wide geographic representation of underwriting partners, most syndicates are comprised of and led by California based dealer banks and investment dealers, including branch offices of out-of-state organizations. Even the largest issues are frequently purchased by California-managed syndicates.

If the record has been excellent, should there be any question as to the future? Are there any problems that can be seen on the horizon? Are there developments that could impact California's role in the marketplace? How can these problems be dealt with in order to insure that California and its public entities will be able to continue tapping the bond market at reasonable rates in order to finance needed public improvements and to meet their cash needs?

I intend to touch briefly on the sensitive problems, as I view them. Some will be familiar to you, while others may have escaped your notice. Finally I shall offer some suggestions which may be helpful in problem solving.

INTERGOVERNMENTAL FINANCE RELATIONS

No discussion of public finance is complete without examining the growing importance of intergovernmental finance relations—whether it is Federal, State or local. Such relations are not new in the history of our country. You will recall the compromise of 1970 in which the Federal Government assumed the State debts. However, the impetus to intergovernmental finance relations can be traced to the social legislations of the New Deal. The Federal grant-in-aid program which was an integral part of the New Deal has become a permanent fixture in our intergovernmental relations.

The population explosion following World War II and the problems of our cities created a need by all levels of government for remedial actions. Slowness on the part of some units of government and failure by others to treat these problems as matters of national concern set the stage for a greater Federal role. Today Federal financial aid is a major source of funding of many State and local government services. Between 1962 and 1967 individual grant authorizations increased from 160 to 379 and the trend continues. In terms of dollars, in fiscal 1970, total direct Federal financial assistance to State and local governments, including grants, shared revenues and loans, was estimated to be in excess of $24½ billion.

How does this affect bond financing in California? To the average individual it would seem that the flow of Federal funds would reduce the amount of bond financing required to provide "needed" capital improvements. I am sure all of you are familiar with statements by public officials that application will be made for certain specified Federal funds which will offset some of the costs of a new facility. As a result, it has become an important municipal function to deal with Washington. Ability to pry loose Federal funds and to expedite applications is the name of the game. However, what is seldom publicized are the alternatives to Federal aid. Too frequently programs are geared to the availability of Federal funds, rather than what State and local government can afford, and more important, such Federally assisted projects may be moved from a low priority of local needs to a high priority. The point I would like to make is that many bond issues would not have originated if it were not for the Federal grant aspect, while other bond issues would have been tailored to what the local unit of government can afford. There are other aspects of Federal credit programs directly related to Federal taxation which I will discuss later.

State and local government finance relations are also an important ingredient in public finance. In California, the State's input to assist in financing education, highways and welfare at the local government level is substantial. The State School Building Aid Program is a prime example of the State substituting its borrowing capacity to aid local school districts which have reached their debt limits.

Looking down the road it is apparent that local units of government that rely heavily on the property tax for revenues, are finding it more difficult to meet the expectations of the public not only for the quality of services, but also an expansion of services. This places a limit on what such governmental units can provide as matching funds to participate in Federal grant-in-aid programs.

To meet this growing problem State government may find it desirable to provide some of the local matching funds. Other than abandoning participation in the so-called national priority programs envisioned by Congress, there is the alternative of revenue-sharing. What form revenue-sharing will assume, and when it might be available, is anyone's guess.

LEGISLATIVE PROCESS AND VOTER ATTITUDES

The California Constitution, Statutes and Court decisions define how units of government may be created, specifies their sources of revenue and taxation, and establishes procedures for incurring debt. Each legislative session produces a substantial volume of bills that refer to public financial matters. Unfortunately the Acts of the Legislature are spread among various codes. There is no compendium or code that would bring together in one volume all Acts relating to State and local debt matters. Consequently, some Acts fall into disuse—some are never utilized—while others are subject to frequent amendments. Uniformity as to specific provisions common in most Acts is by accident. New legislative Acts are introduced without reference to existing Acts which could probably be utilized.

If it were not for the relentless eyes of interested individuals and organizations, particularly the legislative Advocates, the State of California would be literally drowning in a sea of public credit proposals to meet every possible American dream.

As you are aware, the extraordinary majority voting requirement on county, city and school district obligation bond issues in California has been before the Supreme Court, with the existing two-thirds voting requirement set forth in Sec. 18 of Article XI of the State Constitution being upheld. Moves are under way to seek a constitutional change to either a simple majority or a 60% majority. Without debating the pros and cons of the issue, if it is desired to curb debt that would impact the tax rates, then some of the loopholes should be closed.

This is an era, for better or worse, of creative public finance. Where the need exists, a way will be found to fund it.

I have often recommended that Article XVI of the State's Constitution be amended so that debt as interpreted be redefined for State and local purposes to include any obligations that represents a lien on property.

A constitutional amendment, I am happy

to see, has been proposed to require debt incurred through joint powers or lease purchase, which is not voted on by the people, as it is not interpreted as debt, must go to the voters for a 60% vote to gain approval. The Act also reduces the voting requirement to 60% on general obligation bonds.

BUDGET PROCESS AND BUSINESS CYCLE TAXES

We have been spectators viewing the annual battle of the budgets—Federal, State and local. What has been apparent is that budget footings in total tend to rise while anticipated revenues tend to decline. To close the gap the usual remedies are higher taxes, increased Federal or State aid, shifting, funding to a higher level of government or deferring, reducing, or eliminating some budget items. This last alternative is the most onerous, though higher taxes can also be a political misstep.

The State of California, as you know, does not levy a property tax but has the authority to do so, it being kept on the books as a backup credit device for the State's general obligation bonds. General fund revenues of the State are derived mostly from business-cycle taxes, including sales and income taxes. While local government has access to the property tax for its principal revenue source, business-cycle taxes are also being tapped and have increased in proportion.

It is obvious that when business is in a slump, revenue based on an improving economy shrinks, yet government has not been able to effectively anticipate its revenue take, so it either borrows in the marketplace, resorts to inter-fund transfers or taps a new source of revenue. The only trouble with these alternatives is they are difficult to duplicate from year to year.

There is great concern for the taxpayer—particularly the property taxpayer—yet units of government in the quest for funds either to finance governmental operations or to carry out improvement programs, tend to hide from the taxpayers the fact that they are really raising taxes. They can increase assessed valuations on individual property, keeping the tax rate at the previous year level or even reduce it, but still extract more dollars. The imposition of a sewer tax on the users water bill is another indirect tax on property. A popular source of funds to support sewer revenue bonds, a sewer tax can be used for capital improvement purposes, presumably for the designated purpose of improving sewers. Another device is to transfer funds from a municipally owned utility to assist in balancing the budget. If such funds were set aside for reserves, maintenance and capital improvements, it is difficult to see how the general fund could return the transferred funds or anticipate that a similar amount would be available in the next fiscal year, unless utility rates were raised to purposely accumulate excess revenues. Another example occurs when a transfer of dedicated revenues subvented to the unit of government for specified purposes is shifted to a related budget expenditure. What happens in the following fiscal year?

Previously I mentioned non-voted debt in the form of joint powers authorities and lease-purchase contractual agreements to which should be added the non-profit corporation. These forms of financing from simple beginnings have flourished and expanded and have become a way of life for some of our larger units of government. Under existing law and court decisions, they do not constitute debt, require no vote by the electorate and are not included in local debt limits. By the sale and lease-back arrangement, financing is supported by the revenues estimated to be produced by the improvement to be constructed, but are in effect fully supported to the extent necessary, out of the general fund of the local government. This easy method of incurring debt costs the taxpayers much more than voted debt and can conceivably increase their taxes. It has encouraged behind the scene arrangements—negotiated transactions without the discipline of the competitive marketplace. All tending to undercut the taxpayer and dilute municipal credit.

Despite repeated warnings and testimony to the contrary, the State Legislature continues to expand the statutory authority for non-voted general obligation debt by special districts. This is a dangerous trend and calls for re-examination of the need for relaxing the sound financial safeguards established in the Constitution and Statutes of the State.

Taking a look at the budgetary process there are areas within government, particularly related to larger units of government, where the performance budget approach as recommended by the Commonwealth Club section on Governmental Finance is quite appropriate. The snow-balling effect of worthy programs being carried on and expanded year after year without a thorough review as to need, adequacy or duplication can perpetuate unnecessary bureaucracy and direct needed funds from other priorities. This can lead to unneeded bond proposals and excessive capacity.

One aspect in bond financing that is frequently overlooked by the legislative body that initiates the bond proposal is the necessary public education program to acquaint the voting public with facts concerning the bond proposal. Bond issues just don't pass because some legislative body has approved their submission to the voters.

The purposes for which bonds may be issued will have supporters among those who will benefit, but this is seldom a shoo-in fact. Even those who benefit may find it difficult to appreciate the fact. On a State bond issue, requiring only a simple majority approving vote, the stakes are large. One vote to win or one vote to defeat. Consequently a successful bond vote requires a citizens committee, employing a public relations firm and with adequate financial support. A campaign must be waged professionally and intelligently. To provide the money to carry out such a campaign requires many public service oriented corporations to foot most of the bill. This is not self-interest, though there are probably benefits to be derived. It is really an assist to government in support of their program to insure that the voter is adequately informed of the merits of the issue.

Poor planning on the part of the governmental unit by over-looking the election calendar, by splitting the support into competing camps in seeking financial backing and pre-occupation with other issues, can spell defeat for the bond issue at the polls. It can lead to inadequate funding of campaigns, or worse still, deficits. The dedication of many who render their services without compensation can be negated and their support on future issues unavailable.

TAX EXEMPTION AND THE FEDERAL ROLE

The immunity from taxation by the Federal Government of the interest income of State and local securities rests, since 1913, upon the specific statutory exclusion of such income by Congress. Justice Holmes once declared "most people, not lawyers" would assume that the Sixteenth Amendment to the Constitution gave the Federal Government the right to tax all income, but when the amendment was in process, assurance was given to some State governors that the amendment was merely to remove the constitutional requirement that a Federal income tax, as a "direct" tax, be apportioned among the States according to population. When Congress passed the individual income tax of 1913, it implicitly accepted this position by providing that interest on State and local securities be excluded from taxable income. This statutory exclusion has been retained to the present. The recent scars of the battle over tax exemption, emerging in the Atlas Life Insurance case, and the related IRS regulation, the Tax Reform Act of 1969, and the IRS regulation dealing with Municipal Industrial Aid Financing, arbitrage and bank borrowing, indicate the continuing pressure to invade this import ingredient of State and local finance.

The need for additional Federal tax resources, the Federal bureaucracy ocntention that tax exemption is a very inefficient method of "subsidy" for State and local governments, and the pent up need for expanded municipal finance, will again bring to the surface the advocates who desire to eliminate tax exemption.

Caught in the credit squeeze of 1969–1970, when tight money forced interest rates and borrowing costs to record high levels for all sectors of the economy, State and local governments reacted by either withdrawing bond issues from the marketplace so-called "displacements", raising statutory and constitutional interest rate limitations and resubmitting proposals to the voters at the higher interest rate limits.

The fear of taxpayer revolt at the polls either through rejection of bond issues or candidates or both, plus the lure of Federal "goodies", including grants-in-aid and the end-of-the-rainbow pot of revenue sharing, has brought about a major shift in the attitude of many public officials long staunch defenders of tax exemption.

A special committee of the National League of Cities at its National Convention in November 1971, will recommend two proposals calling for Federal subsidies for municipal bond issues to enable them to pay higher interest rates on municipal bond issues.

Meanwhile Congress is considering a number of proposals that in one form or other will bring the Federal Government into a more direct participation in financing by State and local government. These include the Environmental Financing Authority (EFA–H.R. 5870), National Development Bank (S 580), State and Metropolitan Development Agency Act (HR 7594), Rural Development Bank (S 742), Coastal Zone Management (S 582), National Domestic Development Bank (S 1958), Small Community Development Agency (S 2058), to name a few.

PITFALLS OF PUBLIC FINANCE

Periodically the States and their local units of government get the notion that to serve the best interests of their inhabitants requires them to either promote, support or try various schemes and devices that presumably will bring about economic well being, ease tax burdens, increase revenues, or shift tax burdens to a stronger base and provide all of the facilities demanded or imagined by the individuals and organizations, including politicians and bureaucrats.

No one can question the right of the States to determine for themselves what activities shall be carried on by the State and its local government agencies, including the right to make mistakes.

The lessons of the past seem to be too readily forgotten and each generation shows a tendency to make the same mistakes which were made in prior years. If we can set up directional signs and warning signals, the future of bond financing in California may well achieve its objectives to finance all needed public improvements at reasonable costs and to insure adequate and timely flow of funds to support governmental services.

1. Our States are unique under our constitution. They are free to do anything not forbidden by that document. They have constitutional equality of status and equal representation in the Senate. They act as middlemen between the national government and local governments, competing for power and politically interlocked with both.

Our State governments, despite a substantial degree of authority, are part of a Federal system of government. However, failure of the States to assume their responsibilities and serve as viable members of the intergovernmental partnership, increase "direct Federalism".

We should insist that our States use their own resources to provide effective and innovative remedial measures for the needs and problems of urban areas and reject the trend towards becoming primarily administrative units for the implementation of policies determined by the Federal Government.

2. Our counties are in effect agents of the State government. They are often neglected by the citizenry, yet they are fundamentally a form of regional or metropolitan government. The proliferation of special districts and authorities usually under county supervision, and frequently without regard to need, tend to limit public participation, create competition for tax revenues, and lessen the efficiency of existing governmental units.

We should strengthen our county governments in the areas they are best qualified to administer and resist the tendency to dilute the democratic process through creation of excessive taxing units. Creation of metropolitan area government, county consolidation, consolidating city-county government, merging school districts and special districts, should be encouraged. Not because of improved efficiency by creating larger units and eliminating many smaller ones, but to improve public participation. The stronger the unit of government the better able to meet its financial commitments and service requirements.

3. It has been popular in recent years for State and local governments, where constitutionally possible, to encourage private industry through a variety of inducements. One facet has been to use public credit as an aid to induce industry to locate within a particular area. Historically this has led to defaults on debt and has prompted the IRS to prescribe what public purposes can be financed through tax exempt borrowing and that which is taxable. It has led to what is in effect tax exempt financing for private enterprise, an abuse of tax exemption.

California as a State cannot afford to use its credit for this purpose. Despite how glittering the promise—there simply is not credit available. There are too many priorities. Despite the existing constitutional prohibition, each legislative session produces one or more bills that seek to circumvent the letter of the law. This includes involving the State in private mortgage financing and governmental loans to individuals and private industry.

4. None of us can anticipate when emergencies will arise or disasters strike, yet we tend, through the political process, to limit the flexibility of State and local governments meeting such crises. We even on occasion limit government to adjust to changing times and conditions thus reducing their efficiency.

We are familiar with earthquake, fire and water damage, and have been providing remedial legislation so that funds can be quickly raised to meet the need without the usual due process delays. However, we take a different view when other types of emergencies arise such as loss of anticipated revenues—usually a result of changes in the economy—inability to sell bonds because of interest rate limitations or failure to vote needed bond issues because the required majority approving vote was not obtained.

If we are to preserve the financial viability of State and local government, we should insist on legislation that will permit meeting such emergencies when they arise, provided there is a demonstrated need and ample safeguards against abuse are incorporated.

5. By any measure, public education is the largest and most important State and local government activity. It has accounted for a substantial amount and number of bond issues reaching the market from year to year. With such heavy reliance on the property tax to support local government, taxation in support of school bond issues of all types has reached a crisis stage. Voters have rejected tax increases and new bond issues. To meet rising costs, expanding school population and to equalize tax revenues between districts to insure equality as well as quality of education, a variety of plans and formulas have been recommended. Even a Statewide property tax has been suggested. Without attempting to rationalize all of the arguments for and against specific proposals, I would strongly urge consideration of State government assuming substantially all local costs of elementary and secondary education, particularly in view of the Supreme Court decision of August 30, 1971. Bond financing should be shifted to the strongest possible base to insure adequacy of funds and lower borrowing costs. This could be accomplished by merging districts, establishing metropolitan area districts and even countywide districts. Another approach could be through a State School Building Authority, comparable to the methods of certain other States. To provide the State with the necessary funds, rather than a Statewide property tax, as has been proposed, sales tax and income tax resources could be expanded, even a value-added tax could be used to supplement or replace existing levies.

6. The State of California has vied with New York State as being the most prolific borrower in the long term bond market in recent years. Only the tight money period of 1968–69 materially curtained California's input due to interest rate limitations. With approximately $5 billion bonds outstanding, $1 billion authorized but unsold and almost $1½ billion new bond issues to be submitted to the voters in June or December of 1972, raises a number of provocative questions. Can California continue to sell $500–$600 million bonds a year? Are all of the purposes for which bonds are authorized or to be authorized really necessary? What determines the priority of bond sales by purpose? How long between voter approval and the final bond sale? In other words, do needs change and what about inflation? Does the Legislature understand the mechanics of the marketplace, voter attitudes or investor appetites? Further, as I stressed earlier—are public-minded corporations willing to foot the public information bills campaign after campaign just because they are asked to even though they are not consulted in advance of legislative action?

I do not wish to indicate there are not reasonable answers to these questions, but I am confident they are not being asked or not being asked by those who should know. Which leads me to my thesis—that the State of California cannot willy nilly continue to approach its long term bond financing as though it had the resources of the Federal Government. The State must set priorities on the need for State financed projects. It must establish some guidelines on what amount of long term debt it can afford. Above all, it should recognize its plenary power over local government and seek ways to insure sound local financial procedures and not so overwhelm the market with State bond issues to the extent that local government trips to the auction mart suffer by the dilution that forces higher interest rates.

7. This sets the stage for creation of a new State agency which I have proposed on several occasions. For want of a better name to be called the "California Bureau of Intergovernmental Relations".

The principal objective of the Bureau would be to ensure the prime effectiveness of local administrative and financial management. This objective could be realized, for example, by:

(a) Discouraging the survival or proliferation of inactive, redundant, or ersatz overlapping units in favor, where indicated, of abandonment or of stronger consolidated entities;

(b) Coordinating Federal and State aid programs, with a view to concentrating such assistance in the most vital areas;

(c) Provide educational seminars in municipal finance, administration, debt markets and law, for civic officials on both the State and local levels;

(d) Publish timely reports on subjects of special interest, such as tax reform proposals, new budgeting techniques, property assessments, zoning or technical innovations in transit or utility service;

(e) Fostering more orderly debt marketing schedules by serving as an advance clearing agent for tentative offerings or major State and local borrowers;

(f) Codify existing debt legislation. Review all proposed legislation for uniformity of bond provisions and initiate proposals for model legislation;

(g) Assemble credit files on State and local debt. Disseminate data on local government finances and assist in obtaining credit reviews to insure adequacy of credit ratings.

These are but a few of the possible functions that could be performed by the proposed California Bureau of Intergovernmental Relations. It could be tailored to meet California's special needs, though experiences of other States could serve as a source. Fortunately California already has in being a State Agency which has served local government concerned with water, namely, the former California District Securities Commission, which is now attached to the Office of the State Treasurer. Its duties can be expanded to serve the broader public purpose. While it will be able to generate revenues to assist in underwriting its operational costs, the potential annual savings to the taxpayers in carrying out its mission could be substantial.

MUNICIPAL BOND MARKET—ITS NATURE AND SIZE

So far my remarks have dealt principally with the political and governmental aspects of public bond financing in California.

I have stated that California has been able to market its billions of dollars of bond issues successfully. While pointing out the problems of State and local governmental financing and suggesting ways to cope with them, I have said very little about the capital markets which must be looked to for the dollars needed to float California's many bond issues.

Some of you are aware of my concern as to the trends in the marketplace as I have been outspoken in my criticism of certain practices.

Last year the dollar volume of new long term State and municipal bond issues in the United States totaled $17¾ billion. In 1971 the total so far is at an annual rate of $25 billion—almost three times the amount in 1961 and eight times the amount of 1951.

The effect of tight money substantially increased the cost of borrowing, reaching a record high in 1970. This period has also been one of great stress in the securities industry evidenced by back office problems, inadequacy of capital, record volume, regulatory changes, rising operating costs and loss and theft of securities.

To provide the investment funds to purchase the record volume of new municipal bond issues, the traditional institutional investors were assisted by the return of the individual investor. As a matter of fact, with a record high volume of corporate and Federal Agency issues, in addition to substantial U.S. Treasury borrowing, the distributors welcomed any new source of investment funds.

The Common Trust Funds, consisting of tax exempt securities administered by banks and trust companies, were less of a market factor than in prior years. However, the expansion of tax exempt bond Funds catering to individual investors made an important contribution to the marketplace.

To reduce borrowing costs and to enhance market acceptance, two new concepts were introduced. One was a State Bond Bank which would purchase local issues and issue its own paper and the other the insuring of principal and interest on municipal bonds by a private insurance company. While these vehicles have not had wide acceptance they are manifestations of a growing concern over the cost of money and the need for new marketing techniques.

Governmental securities, including State and municipal bonds are exempt from the Securities and Exchange Act, except for fraud. This means that the multi-billion dollar market in public securities is virtually unregulated in its over-the-counter operations.

Periodically abuses arise short of fraud, but unethical in relation to the closely regulated corporate securities business.

These abuses can involve misrepresentation of a security, excessive fees charged a customer to buy or sell, and over-trading to name a few. Fortunately the number of organizations engaged in these practices are few but their efforts have been widespread.

What the investor must know is with whom he is dealing. He should insist on exact details on each transaction and be sure that his confirmation and the prospectus or circular describing the issue coincide. He should avoid "swaps" unless they clearly benefit his tax status. He should insist on physical delivery of securities against payment. If any doubt, he should compare notes with any Stock Exchange member firm, Investment Bankers Association member firm, his bank and tax consultant.

While there was almost a solid front of State and local government officials who successfully opposed the inclusion of municipal financing in the adoption of the Maloney Act Amendment to the SEC Act in 1938, today there may be some second thoughts. It is inconsistent that the issuer and investor alike do not have equal protection under existing laws. There is one set of rules for corporate finance and another for governmental finance. While there may be many who would strongly oppose a Federal umbrella over State and local financing, they have yet to make their case when practices inimical to the public interest are being perpetrated.

Recently I publicly expressed my views in opposition to some of the municipal bond underwriting practices which have surfaced in the past two years. Like so many other innovations of today, what is considered new is really no more than a manifestation of the past. John Brooks in his book "Once in Golconda, A True Drama of Wall Street 1920–1938" touches on some of the practices which underly some of the areas of my concern.

California is a regional securities market. It not only is the source of a substantial amount of new financing, both municipal and corporate, but it is also the source of a growing volume of Investment Funds, both institutional and private. Its financial institutions are able to assemble funds statewide, nationally and globally, making it an important money market center serving the world.

To serve the financial community and its customers, the Pacific Coast Stock Exchange has emerged as one of the leading auction markets in the country. Brokers, dealers, underwriters, investment companies, investment advisors and trust departments have expanded their geographical coverage and their services in competing for the California investor.

Yet growth has had its problems despite its rewards. The problems of the securities industry, which I mentioned earlier, have been felt in California. The closing of firms, attrition of branch offices, cost cutting and mergers have all occurred. The small locally owned and managed firm has frequently become a part of a larger nationwide organization.

On top of this, California continues to be a net importer of capital. In other words, it still must seek outside funds to finance its growth. This is why it is important for California to have a strong and viable marketplace. It insures local distribution of securities, both primary and secondary issues, it insures a responsive nationwide outlet for its offerings and it exerts significant leverage on the cost of money for California borrowers.

This is where I have become concerned. Can California continue to exert its influence successfully in the marketplace or must it give way to out-of-State leadership? California is not alone in facing this problem, but California of all the States has demonstrated its capacity to be a successful leader in competing with Wall Street.

A strong regional market and an effective regional dealer mechanism is essential, in my opinion, to successfully handle the annual multi-billion dollar new issue volume. Wall Street cannot do it alone, even with its branch offices in other parts of the country. All investment and investment banking decision cannot be relegated to the Atlantic Seaboard.

The trend towards underwriting syndicates measuring relatively few in terms of membership with very substantial liabilities, while enhancing the profitability of its team, must also face possible potential losses if unsuccessful. This can be unsettling to the bond market when underwriters jettison unsold balances. The expectation that regional dealers will always fill their orders at a price concession, not including underwriting profits, is unrealistic. The technique of creating illusions of how successful a new issue has been received, in comparison with the corporate new issue regulations, can be harmful to the investor and the bond market as well. Ultimately the issuer, who frequently must rely on local sources to provide urgently needed financing, suffers as it faces the pressing need for additional financing. The out-of-state underwriters have little or no rapport with local problems. Their interest may not coincide or coincide at the same time with the need of others. Previously acquired commitments may preclude a willingless to accommodate or accommodate at a price.

To repeat, it is my contention that California must continue to exert its influence in the marketplace. It cannot afford to delegate its responsibility for decision making to other parts of the country.

SUMMARY AND CONCLUSIONS

In conclusion—I have great faith in the ability of California to meet its bond financing needs in the years ahead.

One day we may see the disappearance of the coupon bond we know today. It may take the form of a stock certificate registered in the name of the holder—or it may be a bookkeeping entry without physical possession of the security.

General property taxation as a back-up source for bonds may give way to a general tax and revenue type security with access to all general and special fund revenues.

We may see greater Federal intervention and perhaps a new type of Federal security to aid State and local government.

State government will be more responsible to local government. This may take the form of guaranties, substitution of State credit, inducements to form stronger units of government and creation of a Bureau of Intergovernmental Relations.

State and local municipal bond markets may be regulated to eliminate abuses and to insure ethical practices.

Statistical reporting, credit rating, financial consulting and forward planning will be come more sophisticated and more widely used by governmental units.

Tax exemption of interest on municipal bond issues may end and create an entirely new type of taxable bond market and investor.

As I look down the road—I think all of these are possibilities. Not that I would agree with each and every one as a premise. Rather I firmly believe in the capacity of our free enterprise system to continue to adjust to changing conditions. Not as rapidly as we would like on occasion, but to keep probing and hoping to find a better way to meet our commitments and to achieve our goals.

I hope I have offered you some new ideas and new concepts without undermining one's faith in tradition.

Remember "The Power of the Purse" controls all government and bond financing helps keep the purse filled.

THE NORTHERN IRISH SITUATION: A REPORT—NO. 4

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BIAGGI. Mr. Speaker, during this series on the Northern Ireland situation, I hope to bring to the attention of my colleagues some of the many horrifying incidents of repression that occur daily in that beleaguered country.

Most of the information I have was taken out of the country by my daughter, Jackie, and her friend, Carol Nolan, on their recent trip to the area. Mail sent out is censored, so these reports will be among the few that will actually make it to the free world.

Today, I will include in the RECORD two more affidavits by Northern Irish Catholics and their experience with the Special Powers Act. This insidious law permits the authorities—notably the British soldiers—to arrest and intern civilians without charging them with specific crimes:

ASSOCIATION FOR LEGAL JUSTICE, INTERNMENT—NORTHERN IRELAND, 1971

Report on arrest, interrogation and treatment of: Peter Eugene Collins, 21 Walker Street, Armagh.

Age: 32.

Occupation: Boilerman.

At 4:30 a.m. on August 9th, the soldiers arrested me at my home and brought me to the Military Barracks and then to Ballykinlar Camp.

There we were brought into a hut and made stand with face to the wall for about an hour. I was taken to see two Special Branch men and two Military Policemen. They said, "You know you are being interned for being a member of the Provisional I.R.A." I said, "I did not know about that." Then I went to the Doctor. I said I had bronchitis. He said that I would have to go to the prison hospital. Then he said to go back to where I came from.

I was brought to another hut and made to sit on the ground with my back to the wall. A soldier (with blue beret) came over to me and he said, "Do you fancy me?" I said, "No I don't." He said, "Turn and face the wall." He said "Put your hands facing the wall, sitting, your legs out straight facing the wall." I had to do different exercises with my arms and legs for four hours. I found this made my legs sore, my back-end and my back sore and the whole thing was very difficult. Once when I turned my head, I got a crack on the head.

Then we got a meal of slops. It was the

worst muck I have ever eaten. A soldier came in and said, "You can smoke one cigarette. Another soldier said, "They got all taken off them." The first soldier said, "Then you cannot smoke." We were mentally tortured by them blowing their smoke in our direction.

We renewed the exercises for about one hour.

A soldier came in and said, "Is there a Collins here?" He took Jim Collins out and he was away for ten minutes. Then I was called out and I went to see Detective Murphy. He repeated the same questions about organisations. He said, that he was talking to the Doctor and that the Doctor said he was going to let me home. I waited about 10 or 12 minutes and they took me home by helicopter to Armagh Barracks and pushed me out on to the road to walk home.

To the best of my knowledge the information which I have given above is a true and accurate account of what happened.

Date: 16th August, 1971.

PETER COLLINS,
Signature.
REV. DENIS FAUL,
Witness.

ASSOCIATION FOR LEGAL JUSTICE, INTERNMENT—NORTHERN IRELAND, 1971

Report on arrest, interrogation and treatment of Felim O'Hagan, 81 North Street, Lurgan.

Age: 16.

Occupation: Student at Grammar School.

Statement by mother of Felim O'Hagan (Mrs. Bernadette O'Hagan).

The Army had our house surrounded by 4:30 a.m. on Monday 9 August, 1971—my daughter was the first to hear them on the kitchen roof at the back. She aroused me and I looked out of the front bedroom window to see soldiers squatting on the opposite side of the street. I opened the window and looked out to see about eight or nine standing along the front of the house. I asked what they wanted and an officer in charge, who had a lot of papers in his hand, asked was Mr. O'Hagan at home. I told him he had just gone for a walk as he loved an early morning walk when everything was quiet and peaceful, and if they hurried they might catch him along the road. He appeared angered by this answer and asked could they come in. I said "no" as they had been to search the house a couple of weeks ago, and that I wasn't opening the door to them again. He said "If you don't open I'm afraid we'll have to break in." I immediately shut the window and we (my son Felim, daughter and myself) sat on the bed to see what would happen. They started to thump on the door and kept a finger on the bell for about two minutes. This awakened my younger daughter aged 6, who started to cry and got very agitated. The army then broke the glass panel on the door and burst in. We all ran down the stairs and I asked what they wanted this time. The officer in charge said, "We want all the occupants of the house down." "Here we all are." I said. He ushered us into the living room and kept asking was this all the occupants. He then ran upstairs with an armed soldier behind him, going in and out of the rooms two or three times. While I was upstairs I heard my two daughters screaming. Thinking the soldiers were hurting them, I ran down and asked Siobhan (aged 17) what they were doing. But it was because they were dragging Felim out (aged 16). My younger daughter Dara was hysterical by this time and screaming that he was Felim, not Fintan. My son told me later they insisted that he was Fintan and were arresting him under the Special Powers Act. They had warrants for my husband Joe and three older sons, Barry 21, Kevin 20 and Fintan 18. They kept insisting that Felim was Fintan despite our protests and he was dragged over a chair, knocking it down. At this stage I told Felim not to struggle as he would get the worst of it. He didn't resist at any time, but despite this, he was pulled up the hall with his arm twisted up his back and was struck with a baton across the shoulders. When he was being brought to Army H.Q. at Pinehurst, one soldier said to the other, "Trust the ——— British Army to miss out; we have planned this for a long time, but we've missed them." He was questioned in Pinehurst and they asked him: "Are you Finbarr, are you Kevin, are you Fintan?" he didn't answer and they asked was he refusing to answer to his name. He said, "my name is Felim". He was photographed and they brought him to R.U.C. Barracks where he was finally identified by Special Branch. They told him he could go and when he asked were they not bringing him back as they had brought him up one soldier said "I know where I would like to bring you." He finally got home after two hours. Meanwhile, the officer asked would I answer some questions to fill out a form but I refused and told him he already knew my name and address and I would answer nothing. They left at about 5:30 a.m.

To the best of my knowledge the information which I have given above is a true and accurate account of what happened.

BERNADETTE O'HAGAN,
Signature.
REV. DENIS FAUL,
Witness.

TRIBUTE TO MISS MARIE AHEARN, HYDE PARK SCHOOL TEACHER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I invite my colleagues to join with me in paying tribute to a dear friend of mine, Miss Marie Ahearn, a teacher at Hyde Park High School in the Boston school system, who is retiring after many years of dedicated service to the young people of Hyde Park, Mass. Miss Ahearn was honored last week at a reception by her associates, friends, and former students.

I have on more than one occasion in the past, had the opportunity to observe and participate in Miss Ahearn's American democracy class and I can testify as to her superior qualities as a teacher and as to her fine teaching methods.

Her ability to conduct meaningful dialog with young people was unexcelled. Her compassionate understanding of the problems facing young people today resulted in excellent results with her students. A hard worker, blessed with an abundance of commonsense, Miss Ahearn exhibited an unselfish devotion to her high calling.

There are many who owe a great deal to Miss Ahearn. Our community back home has benefited and many of our young people have a better understanding of our beloved Nation because of her efforts.

The Boston school system is losing one of its greatest assets upon her retirement, I know that Miss Marie Ahearn will continue to be active in the years ahead. I know that somehow she will use every moment to assist her fellowman.

It can be truly said that Miss Ahearn during her entire teaching career had only time for the best. My best wishes go to her in the challenging years ahead.

CANCER CONTROVERSY—ITS SOUND AND FURY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. ROONEY of New York. Mr. Speaker, the September 10 issue of Medical World News magazine contains an article entitled "Cancer Controversy—Its Sound and Fury," which expresses the views of Dr. H. Marvin Pollard on a subject of urgent importance to millions of Americans.

Dr. Pollard, president of the American Cancer Society and one of the country's most eminent gastroenterologists active in cancer research, speaks clearly and convincingly on the need for legislation to help conquer this dread disease, even as testimony on the Conquest of Cancer Act (S. 1828) and other cancer-related bills is being heard by the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce.

This excellent and timely article is worthy of the attention of the Members of this body. Under the permission heretofore granted me by unanimous consent of the House, I include Dr. Pollard's statement:

CANCER CONTROVERSY—ITS SOUND AND FURY

For the past year, I have been carefully studying the proposals and efforts to establish a Conquest of Cancer Agency. And after spending some time in Washington trying to learn firsthand how the present system works and how the new system would function. I have become convinced that a cancer research effort involving possibly as much as a billion dollars a year would be handled most effectively by such an authority.

Thus, I do not share the fears of some of my cohorts, especially those expressed by the Association of American Medical Colleges, the Association of Professors of Medicine, and various editorialists. The creation of a cancer agency, whose chief would report directly to the President, will simply represent another step in the line of historical progress.

There was a time when the National Institutes of Health handled relatively small amounts of money. In 1946, for example, the federal appropriation to the NIH was $50 million. In 1956, it was $90 million; and in 1966, it was $1.2 billion. With such a rapid rise in funding, administrative activities obviously had to be altered and will continue to be changed in order to deal with future increases.

At the present time, the budget and administrative policy of the various institutes must be reviewed and approved by six higher levels of bureaucracy before there is final funding of research grants. At every level, there is administrative scrutiny of all the activities and priorities of each institute. By giving the director of the agency direct access to the President, we can bypass this constant competition and make the handling of one specific medical subject more effective and efficient. Worthy grants will receive speedier approval. Administrators will be able to pinpoint support. It should be emphasized that this proposal will not "obliterate" the National Cancer Institute nor even alter its internal processes as greatly as some people have feared. The NCI will, in fact, become the Conquest of Cancer Agency itself, and I would assume that its director will still be the most important man scientifically, while reporting to the new agency head. The study and advisory groups should remain much the same, and the center will even stay at its present location on the Bethesda campus of NIH, thus maintaining all of the cooperative benefits that it has enjoyed there.

Nor do I think that this program will make "poor sisters" of other research institutes. The National Cancer Institute led the way as the forerunner of the National Institutes of Health in 1937. This greater emphasis on cancer today will help generate an increasing concern with all health problems. And as a result, the health of our citizens should, therefore, assume a higher priority in the federal interest than such items as defense and outer space.

Although this approach could mean a fundamental change in the top structure of NIH, it does not represent a dismantling of the institutes or a disaster for biomedical research by any stretch of the imagination, If the cancer agency achieves the expected efficiencies, I would expect other NIH components to follow. Their funding ceilings will be higher and their responsibilities broader. But from the standpoint of the way grants are handled, for instance, I don't foresee much change.

Nor is the contention that this move would destroy or even disrupt relationships within NIH realistic. At present, the NCI is collaborating with several of the other health institutes on studies of primary interest to cancer research. I have no doubt that this collaboration will continue and even expand. Since the legislation very pointedly keeps the cancer research program within NIH, the important scientific relationship between the cancer agency and the other institutes should be strengthened rather than weakened.

The NIH has now been around long enough to represent a paramount fixture in the entire research careers of some investigators. It is natural, I suppose, that individual researchers or leaders in research-dependent medical schools should develop feelings of insecurity when they hear people discussing any modifications. But research programs are not going to be interrupted.

Besides, the fundamental approach to any research question cannot be altered simply by the way it is funded. I lived in a period in which there wasn't any NIH, and scientific investigators still produced. A good man is not going to be upset; research will remain research.

However, to the clinician and his cancer patients, this program potentially offers great benefits. The cancer agency will be able to mobilize support quickly to exploit promising developments. And three of the most exciting areas today include: the increasing understanding of cancer that epidemiology has brought us; new diagnostic tools, such as the carcinoembryonic antigen; and improved treatment methods, such as radio-therapy, using cobalt sources of even the subatomic particle, the pi-meson. Building new cancer centers will also help spread such benefits across the nation.

An even greater impact on cancer may be made by allocating large amounts of support to professional training and education. When you don't have a cure for a disease, it is hard on the patient and tough on the clinician. He has trouble justifying any treatment and is put on the defensive because he doesn't have much to offer. I am particularly hopeful that as a part of this effort we will be able to draw the attention of all clinicians, particularly the young men in internal medicine and family practice, to this vital field. It is they who must identify cancer earlier if the surgeons and radiotherapists are to have any chance of improving our results.

Many pitfalls may await such a national drive. The administrative model currently considered by the House of Representatives seeks to take advantage of the efficiencies achieved by the Manhattan Project and the National Aeronautics and Space Administration. However, they had much fundamental information on which to base their projects. This is not the case in the field of cancer at the present time.

The leaders of such a cancer agency will have to guard against the temptation to go out in all directions. I don't question for one minute that a host of mediocre researchers and mediocre bureaucrats could be attracted to the program: The present system is not entirely without fault in this regard. But I hope that the directors of any new cancer effort will use their skills to correct and control this situation.

Research grants will continue to comprise the majority of the funds. Nevertheless, increasing interest is being shown in programmed research and contracts. The contract mechanism, however, can be fraught with personality weaknesses—such as poor selection and favoritism—even greater than those encountered in study groups that evaluate research grants. Still, I think that most contracts will produce excellent results. They make it possible for the director to step out with a new subject, find a research team with the necessary capabilities, subsidize them quickly, and let them concentrate on a specific area.

Doctors should not be so afraid of introducing a businesslike approach into such a national program. Over the past few years, I have had the opportunity to compare the inside administrative activities of several strictly medical organizations with those of the American Cancer Society. Never have I seen so careful an allocation of funds as made by the half-lay and half-professional groups in the ACS. I now believe that business should definitely be involved. Physicians, and particularly scientists, do not really have the concept of handling the huge financial structure involved. There may even be some advantages in choosing a businessman—or businesswoman—to head up the Conquest of Cancer Agency.

Any program that strikes out into new territory must be prepared to come to grips with a multitude of problems. However, the notion that the cancer agency has been oversold to the Administration, Congress, or the American people is ridiculous. The public wants this type of effort, and in fact is almost demanding it. The medical profession has just been a little shy in facing up to this challenge and meeting it. However, if the attention of the federal government can be channeled even more strongly toward cancer and other health fields, I believe that everyone will benefit immeasurably.

(Even as the Senate was voting 79 to one in favor of a special program to mount a massive research drive against cancer, a vocal and increasingly strident band of critics arose to attack the proposed Conquest of Cancer Agency. American Cancer Society President H. Marvin Pollard, a renowned gastroenterologist and cancer researcher at the University of Michigan, feels that much of their fear stems from confusion over the structure and philosophy behind this approach. Here he sets forth some of his reasons for believing that the program now being considered by the House of Representatives will not only preserve the orderly advance of science but also speed the benefits of research to clinicians and their patients.)

BUSING CONFUSION

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. WHALLEY. Mr. Speaker, I attach herewith, an extraordinarily fine editorial from the Stars and Stripes—the National Tribune, dated September 16, 1971.

I call this splendid article to the attention of the House:

BUSING CONFUSION

Watching at first hand and reading of more distant cases involving the troubles coming from school bussing, we are brought to wonder if the Supreme Court could not come up with a rather simple decision to solve the problems others of its dicta have generated.

Why not permit pupils and their parents to decide which school a child should go to? If he favors one 10 or 15 miles away on the other side of the city in which he lives, let him climb on a bus and proceed to that school. If on the other hand, he elects to attend the school in his own neighborhood, perhaps only blocks away, why not let him attend that school.

We are all Americans with the same basic rights and privileges. Why should our children be hauled around like livestock to accomplish some theoretical balance of color, brains, economic status or other factor?

In the happy days of the horse and buggy age, no one would have ever thought of moving children from one corner of a city to another. The time element would not have permitted such nonsense. Also, school boards in those days who had a job digging up adequate funds to run educational institutions, would have been tossed out bodily had they proposed such costly shifting around of a very great percentage of our people.

We have an idea that over the fairly near future, the costly bussing idea with all the problems that it has created will be junked for a more sensible solution.

FREE MEN ACT TO PRESERVE FREEDOM IN CALIFORNIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. RARICK. Mr. Speaker, the President of the United States seems bent on the destruction of Chinese culture both in his attack on the free Republic of China by supporting the Communist government of Peiping for the China seat on the UNO Security Council and here at home in his own State of California where his agents have forcibly tried to abduct Chinese-American children and bus them across town to achieve some pseudo-intellectual's left-wing liberal goal of proper racial mixing.

The brave Chinese-Americans in his home State of California have refused to yield to such tremendous pressures against their cultural pride. Feeling that "the culture of our Chinese background is worth saving." the Chinese-American people of San Francisco have banded together in the true American way to open their own private neighborhood schools, not because they oppose integration, but because they believe in preserving their own culture. The spokesman for the Chinese Americans said:

> Our concept is neighborhood schools, and we welcome anyone who lives in the area.

Such actions by the noble Chinese Americans are worthy of the praise and admiration of all Americans.

Likewise, we can expect the free Chinese of Taiwan not to bend like so many bamboo shoots in the wind to the political whims and dictates of President Nixon in his moves in the UNO.

I include a related news article detailing the courageous stand of the Chinese Americans in California against threatened destruction of their culture by busing in the RECORD:

[From the Washington Evening Star, Sept. 21, 1971]

CHINATOWN OPENS OWN SCHOOLS

SAN FRANCISCO.—About 1,000 Chinese-American children are attending four new private "neighborhood schools" formed because of their parents' opposition to court-ordered busing to desegregate San Francisco's public elementary schools.

"We were forced to open these schools because of the strong desire of parents for a free choice of where to send their children," said James Wong, a spokesman for the sponsoring group, called Chinese Parents for Quality Education.

A boycott of the public schools, which opened Sept. 13 with 58.6 percent of expected enrollment, has been most noticeable in Chinatown, the largest Chinese community in the United States.

The new "neighborhood" schools opened yesterday in four private Chinese cultural school buildings where many Chinatown children have for years attended bilingual classes after regular school hours.

Wong said at a news conference yesterday that another 1,500 children are on a waiting list for admission when more classrooms can be obtained. Total elementary school population in Chinatown is about 5,500.

"There's a very strong feeling in Chinatown that the culture of our Chinese background is worth saving," Wong said.

Public school officials reported some picketing of schools yesterday as attendance rose to 71.7 percent, still well below the normal 90 percent.

The school district's plan to bus 26,000 of the city's 47,000 elementary school pupils stemmed from a finding by U.S. District Judge Stanley Weigel earlier this year that the 97 elementary schools were "racially imbalanced."

"We're for integration," said Adam Gee, co-chairman of the anti-busing parents' group. "Our concept is neighborhood schools, and we welcome anyone who lives in the area." He said a few white students were attending.

Bertha Chan, the other cochairman, said her group is seeking state accreditation for the schools, which charge $5 per child per semester. Teachers are mostly volunteer housewives, she said, who get a "token fee."

Wong said the group hopes eventually to raise sufficient money from parents and local merchants to pay the staff regular salaries.

Some 30 classes covering grades one through six are operating on double sessions, using surplus textbooks donated by the state.

Mrs. Chan said that because each child is in the schools only 2½ hours and the state requires a minimum of three, all pupils are being asked to watch a half-hour of educational television daily.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. MORSE. Mr. Speaker, 7 years and 179 days ago, on March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Indochina. Since that time, an additional 1,600 Americans have been either captured or listed as missing in action in Southeast Asia. The plight of these prisoners and the suffering which their families have undergone is a matter of deep and abiding concern to us all.

We can take some small comfort from the realization that public pressure in the United States and throughout the world has caused, within the last few years, some shift in Hanoi's position regarding the treatment of prisoners. Surely, for example, the impact of the resolution passed last December by the Social Committee of the 25th United Nations General Assembly, calling for compliance with the Geneva Convention and reaffirming the fundamental principle that prisoners are entitled to basic protection, care, and communication with their families, reverberated forcefully in Hanoi. The pressure of private groups within the United States has also been keenly felt. Positive evidence of the impact of these actions has been the increase in flow of mail to prisoners and the occasional visits by Westerners to POW camps now allowed by Hanoi.

But we must not allow our efforts to stop here. Our energies must not be dissipated. All of us, whatever our views about the war, owe a great debt to these 1,600 Americans held prisoner in the North or listed as missing in action. We must continue to make every effort to alleviate their terrible plight and to rectify the grave violations of human rights which they and their families continue to endure.

JOSEPH L. ANTONUCCI—FLORIDA'S HORATIO ALGER

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. ANNUNZIO. Mr. Speaker, Joseph L. Antonucci of Hallandale, Fla., has become in 3 short years one of Broward County's most influential businessmen. He is a pioneer in the mobile home industry and has proven once again that in America, individuals with initiative, ingenuity, resourcefulness, and willingness to work hard, can and do achieve tremendous successes.

A native of my own city of Chicago, Joe Antonucci heads Cook County Mobile Homes, Inc., one of the largest mobile home facilities in my own county. He spent 30 years in the mobile home industry in Chicago, and since, has moved to Florida where he has developed his 252-acre ESCOM Estates, turned run-down Hallandale acreage used for an auto dump into fancy Park Lake Estates mobile home park, and secured approval for a mobile home development on 260 acres of Seminole reservation land.

"Miccochobee," or Big Chief, as the Seminole Indians call him, has already produced over 5,000 homes for more than 5,000 families at prices they can afford to pay—which is no small feat in these inflationary times. Antonucci projects that through his ESCOM Enterprises Corp., he will produce more than 10,000 more low-cost housing units within the next 3 years. And he has accomplished all of this virtually without Government subsidies of any kind.

As a member of the Banking and Currency Committee of the House of Representatives, which has jurisdiction over all housing authorization bills, I was pleased to support passage of the Housing and Urban Development Act Amendments of 1969 which authorized for the first time in the history of our country loan insurance to finance the purchase of mobile homes. This legislation also increased the loan amounts that may be approved for land for mobile home courts. As a Member of the Congress, I was also glad to support passage of the Veterans Housing Act of 1970 which provided for the first time VA-guaranteed mobile home and site loans. The Congress has recognized the need for this type of low-cost housing and has taken the necessary steps to provide these guaranteed mobile home loans for those who wish to secure them.

In the Florida mobile community homes of ESCOM Enterprises, Joe Antonucci has created more than 200 acres of spring-fed lakes whose waters are suitable for fishing, boating, and swimming. The lakes are crystal clear, stocked with fish of all kinds, and marine life thrives in these waters which meet even the State of Florida's high standards for drinking water. Antonucci's mobile home communities have indeed met with commendable success in coping with the serious pollution problems that other communities are having difficulty resolving.

Additionally, through the Bureau of Indian Affairs, Joe Antonucci is developing a program of on-the-job training for thousands of Seminoles under the Federal wage-hour law. Their product will be the creation of mobile homes, and it is expected that these trained Seminoles will assume the responsibilities of supervisory positions in the manufacturing of the mobile homes. Lease payments alone for the Seminole lands, it is projected, will return to them an annual income rising from $250,000 to as much as $1 million per year.

I am proud of the record of Joe Antonucci for his is truly a modern-day Horatio Alger story. He is an enterprising builder who has provided low-cost homes for people in retirement, for servicemen, and for countless citizens in almost every walk of life who increasingly are finding it harder to meet the rising costs of owning a home.

Sunday, September 19, 1971, was Joe Antonucci's birthday, and in honor of the occasion, I had an American flag flown over the Capitol of the United States. Mr. Speaker, because our Nation's flag has always been the symbol for our democratic way of life that provides opportunities for achievement for all, it is indeed appropriate that a flag flew September 19 over our Nation's Capitol in honor of Joseph Antonucci—Florida's modern-day Horatio Alger.

A TRIBUTE TO MAYOR GILBERT SMITH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. ANDERSON of California. Mr. Speaker, since the city of Carson was incorporated, it has been the tradition to honor the mayor with an appreciation dinner at the conclusion of his 1-year term. That tradition was continued on August 27, when the citizens of Carson paid tribute to Mayor Gilbert D. Smith, a man who is far more innovative than traditional.

Mayor Smith has been a member of the Carson City Council since the day of incorporation and was returned to office last year by the biggest vote talley any councilman has recorded in the young city's history. In any other city in the Nation, he would have been hailed as the first black mayor, but in Carson, where race relations have set a high and happy standard, which I pray the Nation will soon achieve, Gil Smith was picked as the best man for the job.

Expressing the idea that progress toward the goals of the people is the manner in which a city shows a profit, Mayor Smith brought Carson its most profitable year to date and began programs that will assure even better years ahead. Under Mayor Smith's leadership, nearly 2 square miles of additional industrial land was annexed to the city—land which, even in its present undeveloped state, brings more than $250,000 a year to the city treasury. Gil Smith was instrumental in bringing the city to participate in Federal programs to provide summer jobs for low-income youth, in providing additional recreational areas, and in establishing the Citizens Goals Committee that is now making long-range plans for the city.

But service as councilman and mayor was not the begainning of Gil Smith's leadership in Carson. His leadership began even before the long dream of city hood was realized. Mr. Smith helped organize the Centerview Homeowners Association in 1963 and served as its president from that time until he was elected to the city council in 1968. In the days before incorporation, Gil often represented the community before the County Board of Supervisors, the Regional Planning Commission, and other county agencies.

It was this leadership and community interest which led to Smith's selection as the first president of the Carson-Dominguez Citizens Committee for Incorporation, a position which helped sweep him to a seat on the city council by a substantial margin during the special election in 1968, which made the dream of cityhood a reality.

Mayor Smith has always taken an active interest in education and his leadership of a citizens committee helped win approval of the Dominguez Hills area of Carson as the site for the newest campus of the California State College system. In 1969, he was appointed to the advisory board of California State College at Dominguez Hills, and is currently enjoying the sight of modern buildings going up as rapidly as they can be constructed—and being filled just as rapidly with eager young students.

Mayor Smith has also turned his attention toward education on the elementary and secondary levels by serving on the advisory boards for Ambler Avenue Elementary School, and the Glenn Curtiss, Carnegie, and Robert Peary Junior High Schools. In 1967, he was selected as a life member of the Towne Avenue Elementary School PTA and, 2 years later, was the recipient of the 1969 Community Service Award from the Association of Elementary School Administrators. In addition, Mayor Smith helped the Los Angeles Unified School District develop its plan for decentralization and continues to serve as a member of the Community Advisory Committee on Decentralization.

A native Californian, Gil is a graduate of Manual Arts High School and Los Angeles Trade Technical College. He is a commercial artist and has served as an officer of the Los Angeles Society of Illustrators. He and his charming wife, Glenda, have lived in Carson for more than 8 years and have three fine sons—Gilbert, Jr., Jeffrey, and Christopher.

In 1970, Mayor Smith was chosen as an Outstanding Young Man of America by the International Junior Chamber of Commerce; and, on March 2, 1970, he was selected as Citizen of the Day by radio stations XTRA and KOST. Gil is a member of the Board of Managers of the Wilcardo YMCA, a member of the Carson Lions Club, and a commissioner-at-large for the Boy Scouts of America in the harbor area of Los Angeles.

Mr. Smith is vice chairman of the Transportation Committee of the League of California Cities, and is acting chairman of the Human Resources Committee of the Southern California Association of Governments. He is also Carson's official representative to the League of California Cities and to the California Contract Cities Association.

Above all, Gil Smith is a warm and honest person who is sincerely interested in the well-being of his fellow human beings, and I am proud to have him as a close personal friend and valued adviser.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. FRASER. Mr. Speaker, for a number of the witnesses at the recently concluded Minneapolis health hearings, the question of maternal health was of foremost importance. Mrs. Bruce Cutler discussed the problem of maternal and child care. She pointed out that in her opinion many times medical care is given at the convenience of those providing the services and not at the convenience of those needing it. She cited in the case in which she was particularly interested, the conditions under which children are born in the United States.

It is Mrs. Cutler's firm viewpoint that childbirth which does not involve participation by the mother, and at times is under conditions which are a threat to the health of the mother and child, must be stopped. She delineates the four areas of maternal and child health care in which the Federal Government has a role. I commend her remarks to my colleagues:

REMARKS OF MRS. BRUCE CUTLER

(Refer to Scientific American chart which ranks the U.S.A. as 13th among nations in infant mortality (per 1000 live births.), and 7th in maternal mortality.)

GENERALIZATIONS

Conditions under which children are born in the United States include many medically accepted procedures which actually jeopardize the physical and mental health of both mother and child.

These unwarranted and dangerous procedures include the procedural use of drugs during labor and delivery, the horizontal delivery table, isolation of the mother from her husband (or other chosen companion), isolation from her baby, prevention of immediate breastfeeding etc.

Pre-natal care is superficial and causes mother to rely on medical personnel and artificial techniques instead of simple techniques to help her maintain control of her own body and birth process.

Post-partum care effectively interferes with normal breast-feeding and with normal mother-child relationships for both breast and artificially feeding mothers. Hospital procedures can interfere to the point that the arrival home is fraught with unnecessary difficulties ranging from a sense of alienation from the child to breastfeeding failure.

Post-natal care is supervised by doctors whose lack of adequate knowledge causes them to impede and even halt breastfeeding even without medical justification.

We hope the federal government will approach these four areas of peri-natal care: 1. Improve pre-natal care and training. 2. Improve childbirth facilities in the hospitals. 3. Provide alternative facilities for home deliveries. 4. Provide information available to medical personnel as well as general public concerning breastfeeding.

In addition to improving health of mother and child definite financial advantages will accrue to those using the healthier procedures.

1. Decrease of time spent in hospital and of drugs used. Prepared mothers need and use fewer drugs. Their labors are shorter; deliveries quicker and easier, and they recover faster, being able to leave the hospital in a day or two, or even just a few hours.

2. Decrease the time spent by medical personnel with the woman and with the baby. A prepared mother has an easier labor and therefore needs less medical attention. Her husband (or other chosen companion) can easily attend her needs (bed pans, pillows etc.) and can meet her emotional needs better than any strange though trained member of the hospital staff. Faster births require less time of the attending physician. Mothers with better labor and deliveries are better able and more eager to care for their babies thus taking the pressure off the nursery staff.

3. Improvement of childbirth and infant care techniques will lessen the costs of correcting unnecessary damage to the mother and child. For example: all the cost of highly technical procedures concerning Rh babies can be eliminated if the mothers are allowed to nurse naturally at birth. (Dr. R. Bradley, Denver, Colorado has found that nursing,

which causes the blood vessels to close as the placenta is being expelled actually prevents the back-mixing of the infant with the maternal blood supply, thus preventing the complications of later immunity to subsequent babies.) The attached sheets represent the work of Dr. Herbert Ratner and Karen Pryor in listing some of the problems less likely to be encountered by children who are or were breastfed.

4. Home deliveries would decrease wasteful use of much needed hospital beds.

RECOMMENDATIONS

The Federal Government should:

1. take leadership role in humanizing and improving medical services for maternity care.
2. emphasize pre-natal training as well as care. (This training should be the kind provided by the International Childbirth Education Association, which prepares the mother for childbirth and provides her with knowledge and techniques which not only ease and speed labor, but have been proven to be healthier for both mother and child (as well as the father.)
3. supervise and control materials put out by formula companies, and represent the people by counter-balancing with accurate information and advertising concerning breastfeeding.
4. encourage the establishment of milk banks.
5. encourage training and use of para-medical personnel such as nurse-midwives (who practice under doctors' supervision) and full midwives (who are independent practitioners.)
6. use its influence to correct and increase information taught to medical personnel concerning childbirth and breastfeeding.
7. establish maternity clinics, independent of hospitals, where only the best medical care is provided, as an alternative facility for the public and as example for consideration by obstetric units in hospitals.
8. establish home delivery facilities using midwives, perhaps doctors, and mobile obstetrics units.
9. encourage breastfeeding by increasing information available to the public (as well as to medical professionals) via pamphlets, public service advertising, perhaps free advertising for the La Leche League, International, extension services etc.

A SLICK LOOK AT SANTA BARBARA

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. TEAGUE of California. Mr. Speaker, last evening the Secretary of the Interior denied the application to install two additional platforms seaward of Santa Barbara, Calif. This decision was the culmination of public hearings, a draft impact statement, and a final statement, all of which preceded active lobbying by environmental organizations and the oil industry and their personnel. It was not an easy decision for the Secretary to make. I think he made this decision consistent with the present Federal sanctuary concept he has in effect. The Secretary is now holding 35 leases seaward of Santa Barbara and around the Channel Islands in moratorium for the remainder of the Congress. The Secretary chose not to violate this tentative sanctuary, certainly at the risk of incurring an expensive lawsuit. Secretary Morton has not waivered on this concept; now Congress must act.

But what Congress should do is also not simple. We all recognize the need for the valuable energy reserves of oil, and valuable reserves are present in the Santa Barbara Channel. We are all also concerned with oil pollution. This very split is also well-voiced in my district. Santa Barbara is generally antioil and Ventura pro oil. The oil industry has long been a part of this area of California, but previously on land.

Fortunately, the choice before us can be made in a realistic compromise fashion. To date, there have been no oil discoveries on the 35 leases in question. There is a Federal Government buffer zone north of this sanctuary area and the State of California has created a 16-mile sanctuary northward of this; all seaward of Santa Barbara.

Seaward of Ventura and northwest of the city of Santa Barbara a different situation exists. Approximately 2 billion barrels have been discovered in the area directly south of Point Conception and Gaviota. It is unpalatable for the Congress to accept the notion that the taxpayers would pay the oil companies $3 a barrel to leave the oil in the ground. My legislation places no congressional restrictions on the production of oil in the area, as long as drilling and production of oil can be done safely and in compliance with Department of the Interior safety regulations. The oil industry is investing millions of dollars to achieve the goal of safe oil drilling.

Let us work out a compromise. Let us clarify the situation in the channel. Let the oil companies know they can pursue the tremendous reserves that area relatively speaking, remote from the population centers, if they can pursue it safely. They have spent millions of dollars attempting to insure this safety. And let us let environmentalists know the Government listens and cares.

My legislative assistant, Charles Seeger, has written an article explaining the history of the Santa Barbara legislation and outlining this compromise. I include this article from Environmental Quality magazine in the RECORD at this point:

A SLICK LOOK AT SANTA BARBARA

(By Charles Seeger)

(Charles Seeger is the Legislative Assistant to Santa Barbara Congressman Charles M. Teague. Part of his responsibility includes the handling of the Santa Barbara Channel Legislation. He is responsible for the drafting of numerous bills in conjunction with Santa Barbara residents, as well as drafting some legislation on his own.)

Albert Camus tells us, "We are all condemned to live together." Those who were in Santa Barbara, California, on January 28, 1969, understand all too well this fateful condemnation of togetherness. They understand it because on that day a drilling rig over federally leased ocean land in the Santa Barbara Channel blew out, belching thousands of barrels of oil from the ocean floor. This oil oozed northwest with the current to blacken the beaches of a city that, ironically, had years before cajoled the State Legislature into creating an "oil free" sanctuary in the surrounding state waters.

Santa Barbarans were condemned by togetherness because the decision to allow oil drilling in the Channel was one over which they had no control, or at best very little. The decision itself was irresponsible; not because the threat of oil pollution was new to Santa Barbarans, who have on record 53 natural oil seeps releasing anywhere from a trickle to 50 barrels a day, since such circumstances were first recorded by Padre Pedro Font in 1776—and not because there exists no need for the estimated several billion barrel reserve—but irresponsible because a decision is only responsible when the man who makes it is held accountable by those most affected by its results.

The Channel leasing decision was dictated in Washington by the immediate lure of badly needed revenues to cover the increasing cost of the Vietnam war in 1968, and the continually increasing national energy needs. The lease bidding netted the Federal government a quick 624 million dollars. Santa Barbarans endured the consequences.

Whether or not the spill was an ecological disaster with permanent marine damage is debatable, but importantly, that is only one concern. It was an environmental disaster in the sense of defacing the surroundings. The city has long made planning and development decisions in the name of beauty; the oil operations undermine this approach. Although the environmental disaster was temporary, the threat of another looms on the horizon, just beyond Santa Barbara's shores, and without her consent. This situation needs correction.

HASTY DECISION

In retrospect, it appears the leasing decision was made hastily. Stuart Udall, then Secretary of the Interior, today admits this. Unfortunately, too many governmental actions seem to have stemmed from decisions that were not always preceded by a careful evaluation of the objectives sought and the cost involved. But because of the events in Santa Barbara, a more balanced evaluation process will hopefully be part of all future environmental decisions.

The spill provided the emotional impetus which thrust the problem of oil pollution into the national political arena. Commentary on the results of that thrust are needed, not as an eulogy for environmentalists' efforts (as the Channel problem is still before the Congress), but rather to gain the perspective that evaluations of the past offer.

Lewis Carroll offers an insight into the reaction of Santa Barbara in his work Alice in Wonderland. The king shouts, "the horror of the moment; I shall never, never forget." But the Queen of hearts promptly reminds him "you will, though, if you don't make a memorandum of it." The Santa Barbara spill might, in time, possibly have been forgotten, but if Carroll's criteria hold true and memoranda guarantee remembrance, then few are likely to forget that event.

GOVERNMENT'S ADMITTED ERROR

The memoranda on the Santa Barbara oil spills are voluminous. Its forms are White House scientific panels, reports, Department of Interior regulations, Congressional bills and hearings, newspaper, magazine and journal articles, and letters. These memoranda are a tribute to the citizens' environmental concern and, to a consequential extent, to a government that has admitted its error. The horror has not been forgotten.

But, despite these memoranda, the problem still exists. Its form is no longer expressed in the immediate crisis of blackened beaches, but rather in the continuing threat of marine and aesthetic pollution. It continues because the oil companies still have legal rights to drill, produce, and sell oil and gas deposits, and to maintain drilling platforms seaward of a city whose citizens, for the most part, never wanted oil produced there. The problem can be eliminated by cancelling the oil companies' lease seaward of Santa Barbara.

The Congress should do this. It has not.

Over 25 bills have been introduced in Congress affecting oil operations in the Channel. The bills have ranged from immediate termination of the leases, to the creation of marine sanctuaries, to amendments to the 1924 Oil Pollution Act, to a transfer of rights from the Channel to the Elk Hills Naval Petroleum Reserve No. 5 near Bakersfield, California, to a complete suspension of operations in the Channel pending technological developments.

Each of these proposals has specific objections, but the underlying problem is quite basic: The oil companies paid 624 million dollars on a gamble that there was oil under the Channel. The choice is simply to let the oil companies pursue their gamble, or Congress must take away their rights to do so, and pay them back.

If Congress is going to take away these rights, then just compensation must be provided; the due process clause of the 5th Amendment applies. Just compensation for these leases varies considerably depending upon one's perspective. The oil companies paid 210 million dollars for the leases directly seaward of Santa Barbara, and have paid several million more in rental fees. They did not pay this money on the assumption those lands were worthless. Yet, they have been unable to determine the resources, if any, below their lands because the Interior Department's reaction to the blowout in January of 1969 (political pollution to oil executives) has obstructed exploratory drilling.

JUST COMPENSATION

In effect, the lease evaluation process has been stopped, save for some seismic information indicating the presence of oil. But this information has been satisfactory enough for oil companies who have yet to fall delinquent in their rental payments. From the perspective of a potential reserve in the billion barrel magnitude, with oil selling at $3 a barrel, just compensation is indeed considerable.

On the other hand, some Santa Barbarans argue the money problem is peripheral—they believe just compensation for the leases should be zero. For example, they cite one instance in which all of Humble's information indicated an oil rich lease; Humble paid 45 million for it, drilled two dry holes, and then relinquished it as valueless. If this were true in one instance, the argument continues, it may be true in others. However, this argument requires exploratory drilling and its consequences—circumstances which contradict the sanctuary argument.

With these conflicting views, a court alone can decide just compensation for each lease. A reasonable amount for the court to adopt might be the lease cost figure. Crucially, whatever the value of the judgment, Congress must be previously committed to pay it. No such commitment has yet been made.

As Secretary of the Interior, Walter Hickel helped draft legislation to surmount the money problem and to meet the energy needs. This latter issue was met head-on by Hickel when he testified before the House Interior and Insular Affairs Committee. He admitted that the need was valid and that valuable oil reserves might well lie beneath the proposed Santa Barbara sanctuary area. But he also clearly stated the need for environmental protection.

"ECOLOGIZING"

The two needs must now be weighed together. Hickel further testified that the "highest and best use" for the area seaward of Santa Barbara was not for oil production. His statement was indicative of an "ecologized" decision.

"Ecologizing" decisions are needed. As a White House panel stated, post-Santa Barbara, this means offshore mineral resources cannot continue to be evaluated only in terms of the number of barrels of oil or cubic feet of gas producible, nor only in terms of money into the economy, nor only in terms of additional energy supplies, nor only in terms of dollars for the Federal Treasury from lease bids and royalties. There ought to be a conscious choice to set aside resources which may be developed eventually, but which careful examination indicates ought not be developed now. This approach reflects conservation in its truest sense.

In the Santa Barbara Channel perhaps this means a compromise; producing the several billion barrels of oil in the Santa Ynez Basin, up the coast of Santa Barbara and away from people, and creating a sanctuary seaward of the city.

Such a compromise between proven oil deposits in the Santa Ynez Basin and unproven areas of the proposed Santa Barbara sanctuary makes sense. It has proved futile to attempt to persuade Congress to pay Humble and other oil companies $3 a barrel, for several billion barrels, to leave that oil in the ground. However, it might not prove so futile to persuade Congress to terminate the leases seaward of Santa Barbara and around the Channel Islands where no oil has been discovered. This approach is before Congress and relegates the problem of just compensation, conceivably, to what those oil leases cost: $210 million.

It is this approach that Santa Barbara Congressman Charles M. Teague's bill calls for: a moratorium in the Santa Ynez Unit until certain criteria can be met to insure the safest possible oil drilling operational procedures, and termination of the leases seaward of Santa Barbara and the Channel Islands, creating a 37-lease sanctuary.

The Teague bill still faces the money problem, but it realistically recognizes this and states if Congress is serious about dealing with this problem, then it will pay the price.

Hickel tried to surmount the money problem by drafting a bill that provided court determined just compensation for cancelling 20 leases seaward of Santa Barbara, through oil sales from the Navy's petroleum reserve at Elk Hills, a producing oil field near Bakersfield, federally owned as an energy reserve. This was an economically sound approach; creating revenues for the pay-off in a palatable fashion, budget-wise.

But the Navy did not want its oil reserve depleted. Navy admirals politely testified before the Senate Interior Committee on the history of the Elk Hills Reserve and stated that they had no objection to the Secretary of Interior's idea. Then, figuratively speaking, the Admirals slipped around to the back door of the House Armed Services Committee, which has jurisdiction over Naval Petroleum Reserves, and conveyed their strong opposition to this suggestion to Chairman Mendel Rivers. The House Interior Committee Chairman's opening remarks at House hearings indicated this chain of events. The legislation languished.

Since then Hickel was fired and Rivers died. The new Secretary of Interior, Rogers Morton, has now proposed the same legislation expanded by 15 leases in accordance with Congressman Teague's bill. If the Morton legislation is to become law, the Armed Services Committee must be convinced the Navy will not suffer by having its Elk Hills reserve depleted.

ALASKA FOR SANTA BARBARA

Remotely, this seems possible. The new Morton proposal again establishes reimbursement through the sale of Elk Hills oil. It also allows the continuing sale of that oil after just compensation has been rendered to the Channel oil companies, and thereafter earmarks those revenues for the preparation of Navy Petroleum Reserve No. 4, due west of the North Slope of Alaska. The Navy, as the saying goes, does not lose Elk Hills but gains Alaska.

Perhaps this enticement of the Armed Services Committee is indicative of the evaluation process—including a comparison of Santa Barbara and Alaska. This comparison is apt as a potential spill is the issue in either place. In the Channel the threat is from a drilling platform; in Alaska it is from a rupture in the pipeline that is essential for the development of the North Slope oil reserve.

This comparison is offered because it is the implicit comparison in Secretary Morton's bill now before the Congress as the attempt to solve the Armed Services Committee—money problem involved.

Santa Barbara: There are presently 2-4 billion barrels of oil in the Channel; there are 200,000 people along the Santa Barbara coast; three million tourists visit there annually; and the third largest city in the country is an hour and a half away. The area's recreational value is considerable. There exists no effective oil containment procedure for the open sea. Increased numbers of platforms have to mean increased navigational hazards for tankers.

Alaska: There are an estimated 25-40 billion barrels under the North Slope of Alaska; there are only 15,000 people in the entire western portion of the State; the pipeline would be a tube 48 inches wide and across an area where no one lives, and 99% of all Americans will never see. Oil containment on land is operative.

However, this is a bluntly phrased comparison. Certainly these are not the only considerations. Santa Barbara's coast is beautiful and Alaska's wilderness is a valuable and diminishing commodity. A spill in either location would be disastrous. The decision to produce should not be an either-or decision; it should be made individually and with care.

The most candid approach is again simply to pay what it costs to cancel the leases seaward of Santa Barbara, require technological improvement before allowing drilling elsewhere in the Channel, and deal with Alaska separately.

But even a decision not to develop one area involves the comparison because the oil energy supply would be accordingly diminished. As domestic resources diminish, for whatever reasons, oil importation will increase, consequently increasing the probability of a tanker spill. It seem a circle.

The interrelationship exists because at issue is the dichotomy between the need for environmental protection and the need for the energy resource oil. This is not an irresolvable dichotomy. The balance outlined here within the Santa Barbara Channel is one resolving attempt. But the parameters seem narrow.

The oil spill problem is merely one aspect of the encompassing environmental problem we face today. But spilled oil is unlike phosphates in detergent, or mercury in fish, or even a foul smelling and dirty river—spilled oil is strikingly visible. Unlike most of the pollution we tolerate, a black sludge can't be ignored. People see it and they see its consequences in the black and sticky beaches and oil-poisoned birds. This elicits a cogent response from those who raked oil soaked straw from their darkened beaches; from those who spent hours collecting oil-coated birds which were terrorized because they could not fly; from those who cleaned the birds' feathers with solvent only to see many die in spite of their efforts.

Santa Barbarans have done these things and accordingly react vehemently to the thought of an oil spill. They should. For if those who exerience an environmental disaster remained complacent, and unradicalized by their emotions, the hope for environmental protection would be dim indeed.

Part of any improvement is being incensed enough yourself to be willing to exert whatever energy it takes to prompt positive action from those who make decisions. Congress must make this one.

REFORM NEEDED IN HANDLING RIOTS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BAKER. Mr. Speaker, a great deal has been written and said about what took place at Attica prison. A thoughtful editorial has appeared in the Daily Post-Athenian of Athens, Tenn., which makes a contribution to the assessment of this tragedy. Viewed from that distance, the opinion expressed could be representative of American opinion in general and, therefore, should carry weight. It will always be a source of regret that a settlement might have been near but under the circumstances, there was no way for the authorities to know. In this regard, I think the editorial's comments about the disruptive role of William Kunstler are well taken. Even those he purports to help should have trepidation about his appearance on the scene.

Mr. Kunstler, notwithstanding, prison reform will take place and priority consideration should be given to the segregation of types of offenders. The tragedy is that it takes an incident of this magnitude to bring about this and other reforms which are so necessary.

The Post-Athenian editorial, "Reform Needed in Handling Riots," follows:

REFORM NEEDED IN HANDLING RIOTS

The tragedy of Attica prison in New York Monday was inevitable under the pattern of operations for penal and correction institutions the past few years.

Without disputing the validity of instances of cruel guards, prisoner abuse, bad living conditions, poor food and lack of concern on the part of state officials to prison situations, solutions to the problems are not found by inside riots but through outside reasoning of interested persons.

Sincere individuals with widely different opinions on the way the rebellion was settled will differ strongly about the violent climax.

The quelling of the uprising will be listed every way from blatant murder to waiting too long before subdiving the prisoners.

As we review the disturbance a great deal of the trouble stems from the mediating team headed by William Kunstler.

We can't recall of an incident touched by Kunstler that has not erupted into violence or at least presented an inflamatory situation.

Mediators are supposed to effect compromises and we have yet to find Kunstler and his ilk offering any peace tokens on the part of prison rioters, campus disturbers, street demonstrators and outspoken foes of the present system of government.

In the Attica episode it would be interesting to know why the prisoners refused to bend any of their demands even when assured they would get all they requested except amnesty and the removal of the prison warden.

Society's temperament ebbs and flows.

After quiet follows din the state police and national guardsmen are cast in the roles of needless killers and trigger happy slayers.

Lost is the fact that each man in Attica was put there because society didn't want him on the loose in its midst.

Many of those are fanatics, psychos and violent men.

Violence with zip guns, crude knives, flame bombs and hand-made weapons will kill prison guards as easily as guardsmen bullets will kill prisoners.

All the nations groans when a sore spot on the body politic festers and runs.

It is groaning today about Attica.

But as long as revolutionaries are permitted to goad men either behind or outside prison walls such unfortunate debacles will happen.

ARMY PILLORIES VIETNAM HERO

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mrs. ABZUG. Mr. Speaker, we have seen in every public medium the evidence of the atrocities committed by our forces and allies in Southeast Asia. We have heard war crimes described by thousands of young Vietnam veterans during hundreds of public hearings, including those conducted here on Capitol Hill by an ad hoc congressional committee just a few months ago.

Yet, many of us refuse to face the truth and permit our institutions to suppress the truth in systematic ways.

Many of us refuse to acknowledge the tragic truth that U.S. war crimes are not just isolated phenomena, but the inevitable result of the kind of war we have made.

And perhaps most important, many of us refuse to believe that these crimes are being covered up systematically by our Military Establishment.

Apparently, still more proof, still more testimony is needed to convince this Government of the immorality of its war.

To serve that need I am inserting into the RECORD a study published in the New York Times of September 5, 1971, which traces the experiences of a remarkable Army officer, Lt. Col. Anthony B. Herbert. Colonel Herbert is one of the most highly decorated, exemplary military leaders this country has ever produced. Herbert has been recognized for his extraordinary moral courage and devotion to duty almost since the day he enlisted in the Army in 1947.

When he attempted to report to his superiors the war crimes which he witnessed in the line of duty in Vietnam, Colonel Herbert was ordered to keep silent. When he persisted in exposing more and more of the atrocities he saw happening around him he was summarily relieved of his command, labeled disloyal, and even threatened with criminal prosecution. Meanwhile, his superior officer in Vietnam who, according to Herbert, suppressed Herbert's well-substantiated reports, was assigned to serve on the prestigious Peers Commission, which was charged with investigating the Mylai massacre.

Mr. Speaker, this case amounts to nothing less than a national disgrace; it deserves the concern and attention of every Member of this body. We must demand that the Army exonerate Colonel Herbert and go forward with a full investigation of the charges he has brought. But we must also recognize that disgraces such as this will continue to plague us until we have withdrawn from Vietnam completely, permitting that tortured nation to work out its own future.

I here insert the Times article on Colonel Herbert into the RECORD, and commend it to your attention:

[From the New York Times Magazine, Sept. 5, 1971]

HOW A SUPERSOLDIER WAS FIRED FROM HIS COMMAND

(By James T. Wooten)

ATLANTA.—In 1952, the U.S. Army after what must have been considerable cogitation, decided that United Nations countries involved in the Korean police action might enjoy a glimpse of its most decorated enlisted soldier. He would be an American, of course—the other contingents were not surveyed—and he would be a sort of latter-day Sergeant York or Audie Murphy, reflecting all this good nation's courage and strength. His mission would be to personify his people's deep commitment to their divinely ordained task of saving the entire universe from Communism. The Pentagon files were exhaustively searched and it was determined that a skinny young man from the coal fields of Pennsylvania was precisely proper for the job.

His credentials were indeed appropriate. He had been a teen-age dropout volunteer in 1947 and had been eager to get involved in the Korean conflict. He had survived its miseries and mayhem, won his sergeant's stripes and, in the process, picked up a Bronze Star, three Silver Stars, four Purple Hearts and a glittering collection of lesser medals and awards from our Government and others. What was even better was that all the hell and snow and mud and blood hadn't changed him much from the good-natured, slow-talking, gentle-handed, church-going boy his mother had raised. He was a hero—there was no doubt about that—but he had a grand, quick, crooked smile and a deferential way of calling nearly everybody "sir" and "ma'am" and the Army's public-relations people were ecstatic. They had a winner and they knew it.

He was 22 years old then, and he set off on a whirlwind tour of the world capitals that had, like Washington, contributed men and money and matériel to the war; he was all the Army could have wanted. When he came back home to the coal fields, his friends and relatives threw a big, daylong party for him, and after putting his uniform away, he married the pretty girl from down the street, finished what remained of his high-school requirements and went off to college, and almost everyone thought that was that.

They were wrong.

By 1956, he was back in service with a bachelor's degree in his pocket, second lieutenant's bars on his shoulders and a white-hot urge to do something and be somebody burning in his soul. The promotions were steady, always early by the Army's standards, and over the years he became an accomplished, astute man of war. He was a Ranger, that tough epitome of military ruggedness, and then a Ranger instructor, and then commander of all Rangers stationed in Germany. He was a Pathfinder, the best of the paratroopers, and then a Green Beret, and his profession took him from Europe to Africa to Canada to the Middle East to the Dominican Republic, and with each journey came more and more responsibility, and the ever watchful Pentagon liked what it was seeing and kept its eye on him because it is always very difficult to find men who have what he seemed to have had in such ample quantities.

Finally, in 1968, he went to Vietnam. In early 1969, as a lieutenant colonel and a battalion commander in one of the Army's toughest outfits, he won another Silver Star, three more Bronze Stars, two Air Medals, the Army Commendation Medal for Valor, and a recommendation for the Distinguished Service Cross—all in only 58 days of combat duty. "This guy is absolutely incredible," one of the younger officers in his battalion wrote in a letter to his wife back home. "He is the perfect warrior—a supersoldier, if I ever saw one. He is brilliant yet simple, tough but gentle, and I believe he is absolutely fearless even though he recognizes and compensates for the fact that normal men at war must live with fear." A general who knew him over there called him "one of the best, if not the best combat commander in the whole goddamned Army," and in early 1969 it was generally conceded by those who know about such things that in a few years the once skinny private from the Pennsylvania coal fields would be wearing a star.

They were wrong.

On April 4, 1969, he was abruptly relieved of his command by the general who commanded the brigade in which he served. The general recommended to the Pentagon that the most decorated enlisted man in the Korean war—the mustang everybody thought was the perfect commander—never be allowed to command in the U.S. Army again.

Nobody ever mistakes Lieut. Col. Anthony Bernard Herbert for anything other than what he always dreamed he would be: the complete military man. His visage is a gathering of sharply defined planes and angles held together by ruler-straight creases. His chin juts and his jawline rises flatly with little deviation to the Prussian-cropped hair that stands stiffly erect like a legion of palace guards. He seems taller than his 6 feet 3 inches, an illusion produced, no doubt, by the Spartan leanness of his frame and the absolute perfection of his posture—and even when he is sprawled in a chaise lounge beside the tiny swimming pool outside his comfortable home in the fringes of Atlanta, he seems but a flick away from rigid attention. He is a caricature of the Army man, an eerie reflection of some Pentagon promoter's creative billboard thoughts.

But on these long summer evenings beside the pool, he is having some very unmilitary thoughts. He knows all the facts, down to the tiniest detail, and they march with military precision across his military mind—an orderly gathering of names and dates and places and rules and regulations—and he knows from past, vast experience that, given adequate information, the problem at hand should be solved or the question promptly answered. He knows he should be able to understand why, after more than two decades of honorable service in the U.S. Army, his official records are "tagged," a veritable state of limbo which makes promotion impossible and responsible assignments unattainable.

He believes he should be able to grasp the logic behind the Pentagon's decision to keep him out of the Command and General Staff School at Fort Leavenworth, Kan., one of the stations where the tickets of the Army's future generals are punched on their way to the top. He feels that with his extensive, intimate knowledge of the way things work in the military, he should understand why he spends his days in a nondescript recruiting office at Atlanta's Fort McPherson. He knows he should understand, but regardless of how long he sits there by his pool sorting things out, he doesn't.

When Tony Herbert went to Vietnam, he was assigned to the 173d Airborne Brigade, an outfit known in military jargon as a "hot unit." There was a long list of senior career officers just waiting and itching for the chance to get into the 173d. They knew that a lieutenant colonel who got a combat command in the 173d would come out of it a colonel, and a colonel could reasonably expect a star. It was a tough organization, reputed to have been the favorite of Gen. William Westmoreland—8,000 airborne soldiers on whose individual heads the Vietcong had placed a bounty.

Herbert became the acting Inspector General, a job similar to the chief of detectives on a small-town police force. Like all the rest, he was waiting for a combat command, but while he waited, he tackled his assignments with the enthusiasm that had characterized his approach to every responsibility the Army had given him over the years. "Jesus H., he was a terror," a colleague remembers. "Always by the rules. Every little thing that came to his attention through the channels, he investigated—and always exactly by the book."

His task was, in general terms, to make official inquiries into alleged violations by men in the 173d of military rules and regulations. The scope of his responsibility included the petty and the important—a spare tire missing from the motor pool, the disappearance of beer from the officers' cache, the brutality of a sergeant—and, as it had been throughout his career, his performance of his duties was a blend of expertise and incredible energy.

"Being an I.G. isn't very exotic or complicated," Herbert explained. "It's really a basic, by-the-book kind of job. The Army says that anybody who witnesses a violation—whether it's something that breaks a minor rule or regulation or a war crime or an atrocity or something like that—the Army says if you see it, you're supposed to report it to your commanding officer. Then he's supposed to pass it up the channel, you see to the I.G., and then he's supposed to investigate the report that something or other was done and find out if it really happened or if there's the kind of evidence that makes it look like it happened. If he establishes that after his investigation, then his report generally becomes the basis for some further action—sometimes another investigation, sometimes a court-martial. If he doesn't, then the matter is dropped."

Another Vietnam colleague believes Herbert's style as the acting I.G. of the 173d was the beginning of what Herbert now believes to be the end of his military career. "He was an unusual breed of soldier," the friend remembers. "An order was an order, a rule was a rule, and he didn't screw around. When something came to his desk he, by God, investigated it. If it meant rolling away the stone, he rolled it away—and after a while, he got on a lot of guy's nerves. I mean, they'd look at Tony running his tail off doing his job better than anybody had ever done it, and they'd say, 'What kind of a mother is this, anyway?' and before long, even the guys above him began to feel that way, too. They knew, by God, that when it came right down to the crunch, old Tony would investigate the hell out of them, too, right on up to the old man."

None of his old friends in his home town of Herminie, Pa., are surprised by that appraisal of Herbert. They recall a gangling boy who displayed a stubborn singleness of mind in almost everything he did. His father, now dead, was a coal miner, and to help out with the meager family income, young Herbert took on the job of delivering the Pittsburgh paper every morning. His customers raved about him. They never missed an issue, come rain, sleet or snow.

When his older brothers went into the service during World War II, Herbert decided on his own career, and when he was 14, he ran away from home and enlisted in the Marines. They accepted him and the lie about his age until his mother and school principal showed up and told them otherwise. He went back to Herminie a sad ex-Marine, but his visions of a life in the military were no less bright as a result of his experience.

"After that, all he could talk about was staying in tiptop shape so when he got old enough, he'd be ready for the service," remembers Herbert's buddy, Jim Strenner, now a clerk in the Herminie post office. "Every morning, he'd be up before dawn and out running in the streets. People on his route would set their watches by him. He was a sight, man, a real sight. It could be raining—I mean, really pouring—or snowing and colder than a well-digger's shovel, and it wouldn't make any difference. Tony would be out there running—all arms and legs—just pumping away."

Herbert's dream came true in 1947 when he was 17 years old. He quit high school, just a few weeks before graduation, joined the Army, and ended up three years later in an infantry platoon in Korea. He was a natural, and no one back in Herminie was surprised when the local papers published stories about his heroism, his bravery and his coolness under fire. When the Army selected him as the war's most decorated enlisted man, however, the town departed from its traditional reserve and staged a "Tony Herbert Day," welcoming him home with bands, floats, tears and speeches. "But once I had tasted the Army, I wanted more," he recalls now. So after his marriage and a B.A. in English from the University of Pittsburgh, he went right back into the Army, to begin again the only life he had ever wanted. The Army quickly selected him for Officer Candidate School. "When I got those second-lieutenant's bars, I felt like the luckiest guy in the world," he remembers. "From then on, I just had two things in mind: to be the best damned soldier I could—I wanted to be the best in the Army—and to show them that they hadn't made a mistake when they made me an officer."

Up until February, 1969, that particular thought hadn't been seriously entertained by anyone in any position of authority in the Army. If Herbert's role as I.G. of the 173d had seemed to some to be a bit overplayed, it had presented no major stumbling block to his career. He got what he wanted: a combat command of the battalion. For the next two months, he and the 500 paratroopers under his command did their damnedest to win the war there and then, and Herbert's reputation as a leader, strategist and fighter became the talk of the brigade. "We started calling him General Dayan," a lieutenant in his battalion says. "He just never made mistakes. He had big victories with small casualties, and the son of a bitch was always in the middle of things."

He concedes that he operated in precisely that manner. "Fear, you know, is not something to be disregarded," he explains. "You can tell a child not to be afraid of the dark, for instance, and tell him there's really nothing to be afraid of and that doesn't do a thing for him. The fear is still there, you see? Well, the same thing applies to combat. Fear is there, down there in everybody's gut, including mine; but you have to control fear—keep it to a minimum, so that you can operate as a soldier. I ought to point out that fear, if it's controlled, is an asset to a man in combat. It keeps him from doing foolish things that could get him killed. But if you let it control you, rather than you controlling it, you probably will get hurt, too, and you won't be worth a damn to yourself or anybody else. So, that's why I tried to stay with my people as much as I could—to show them, not tell them, it's possible to operate with fear—to pull rather than push. It's the only way to handle that many men in a fire fight."

On Feb. 14, two weeks after he took over the battalion, his men and a group of South Vietnamese troops were ferried by helicopter into a bloody battle with a Vietcong contingent near the village of Cu Loi.

"It was hot from the minute we got to the L.Z. [landing zone]. We killed about two dozen, and one of the platoons cornered a bunch who surrendered. Actually, they aren't really 'prisoners,' according to the book, not even if they're in their black pajamas or carrying a weapon. They're 'detainees' and before they can be called 'prisoners' they have to be interrogated and processed by intelligence. They could be anything, you know, a double agent, or something.

"Anyway, after the fire fight, I walked up on these detainees—there were about 15 of them—and they were in the custody of an ARVN [South Vietnamese] unit and an American lieutenant.

"There were four dead already, and when I walked up, they had a knife at the throat of a woman. Her baby—there were several kids in the bunch—her baby was screaming and grabbing at her leg, and her other child—I don't remember if it was a boy or a girl—anyway, her other kid was being suffocated by an ARVN who was pushing its face into the sand with his foot.

"I ordered them to stop, but with me just standing there looking, they proceeded to slit the woman's throat. I asked the lieutenant what the hell was going on and then I ordered him to get his tail out of the area and take his ARVN with him. They left and I sent one of my sergeants with the detainees to the L.Z. I told him to get them out and back so they could be processed.

"Well, it wasn't long after he left that I heard firing in the direction he'd taken them. He came running back, yelling, mad as hell. He told me the American lieutenant and the ARVN's had jumped him, overpowered him and killed all the detainees. I followed him back and found the bodies. All of them. The children, too."

When Herbert returned to brigade headquarters later that day, he reported the incident to Lieut. Colonel J. Ross Franklin, the deputy commander of the 173d. It was, Herbert says, simply a matter of doing what the Army prescribed. "I assumed that the allegations would be properly forwarded to the I.G. and that an investigation would be ordered," he remembers. "But instead, Franklin called me a liar. He said the whole thing didn't happen and that I was exaggerating. Those were to become pretty familiar words for me."

Herbert claims he reported seven other incidents to Franklin over the next few weeks, including three to which he was an eyewitness. The others, he says, were reported to him and passed along to the deputy commander. "One of them involved the use of water torture on a Vietnamese man by American military intelligence personnel. What they were doing was stuffing a wet rag down the guy's throat, trying to get him to talk. I stopped it and reported it to Franklin. He told me what they were doing was a 'legitimate field interrogation technique' and he also said it was none of my business how intelligence went after its people. He said if I was so damned morally offended by that, I ought to think about leaving.

"Later on, one day at brigade headquarters I saw a Vietnamese girl being interrogated by American intelligence people. They had wired her up to a field telephone. Every time they asked a question, they gave her an electrical shock. She was just squatting there, shuddering, saying nothing. Just trembling and sort of moaning down in her throat. I stopped the whole thing, took everybody's name and went to Franklin again. You know what he told me? He said the military intelligence area was off-limits to me. Just like that. He ordered me never to go near the intelligence area again and, like before, he said it was just none of my damned business what they did to prisoners.

"Not long after that, a big bunch of people were captured in a major operation. Must have been at least 75 or maybe a hundred of them, and intelligence was pretty sure there were some pretty important VC figures in the bunch. The ARVN's were handling them, and one afternoon an American sergeant came crying, actually crying—you ever see a sergeant cry?—and told me to come over to the compound where ARVN was holding these people. I went back with him to the fence. They had herded most of them into these metal containers the Navy uses for overseas shipping. It must have been 150-degrees inside and there was a lot of moaning and groaning from inside the containers.

"But the sergeant said that wasn't what he came to get me for. He pointed to some ARVN people inside the wire and I saw they were flailing some women prisoners with bamboo rods that had been splayed at the end. That's mean weapon. The bamboo cuts flesh like a razor. They were using it on the women's faces and hands, but there wasn't any way to stop it because the ARVN's were inside the fence—inside their own compound, you know. I guess I could have shot them. That would have stopped them. I went to Franklin again. Guess what? He gave me the 'decency' thing again. He said if my sense of decency was offended to just stay away from the ARVN compound. It was the same old hassle. Nothing was done. Franklin just always responded the same way. "It's none of your business. Stay away if you're upset by that. If you're offended, maybe you ought to leave.'"

Lieut. Col. J. Ross Franklin, like Herbert, was also a comer, but unlike Herbert, he had not risen through the ranks. He was a West Point graduate "with general written all over him," one of his fellow officers says. There were many in the 173d and throughout South Vietnam who believed Franklin would be the next commander of the proud outfit, succeeding Gen. John Barnes. First, the scuttlebutt went. Barnes would get a new assignment, Franklin would get a promotion to full colonel and take over the outfit, and when his tour in command was finished, he'd get his star. It didn't matter that such a rapid progression defied the traditions of Army rhythm, the speculators argued. What mattered was that Franklin was "in." His association with the higher brass was cordial and intimate. General Barnes and he were "extremely close." an officer in the 173d recalls. "It was great for the outfit, too—that kind of relationship between the number-one man and the number-two man."

General Barnes was an old Vietnam hand. Before he got his star and command of the 173d, he had worked at various levels and in a variety of operations there. His last assignment as a colonel was as a senior advisor to a South Vietnamese general and corps commander. He was also a "very close friend of President Nguyen Van Thieu." General Barnes's relationship with Herbert was, as a matter of the order of things, less personal than his relationship with Franklin, but he was aware of Herbert's image in the brigade as a tough, shrewd combat commander. In one document, he described Herbert as a "brilliant tactician," but sometime in early April, another document arrived at brigade headquarters and moved through the channels to the general's desk. It was Herbert's officer's efficiency report, a kind of periodic report card on which an individual officer is evaluated. Herbert's O.E.R. had been prepared by Franklin.

The report was devastating, especially for Herbert, whose official military records indicated a previous tradition of excellence and superior ratings. Herbert, according to Franklin, had no ambition, terrible appearance, was undependable, did not cooperate, had no integrity, moral courage, loyality or will for self-improvement. Moreover, the report continued, he had a tendency to exaggerate and had on occasions deliberately lied as well as pitted himself against the brigade commander and his staff.

Based on those opinions, General Barnes officially relieved Herbert of his battalion command and recommended that he should not be allowed to command ever again.

It was like getting shot," Herbert says about the news that he was no longer a combat commander in the 173d. "Wham! Out of the blue. One day you are, the next you aren't."

Herbert knew what it would mean. Everybody in the Army knows what being relieved of command means, especially under combat conditions. It makes an abrupt end to any plans for future achievements in the military. It's like the scarlet letter, and the word gets around. They knew about it in Saigon, where he went immediately to contest Barnes's action on the grounds that it was arbitrary, capricious and unwarranted.

Maj. Gen. Joseph R. Russ conducted the hearing on his appeal, and as the findings were read, Herbert was elated. He was being exonerated—and within the system, by the book. The official findings of the hearing concluded that Herbert was "a strong, aggressive, outspoken personality who was respected and admired by his subordinates." There was no question, the hearing concluded, "as to Herbert's personal bravery or leadership quality" and there was "no positive evidence presented reflecting on Herbert's loyalty."

There was "friction between Herbert and certain members of the brigade staff, stemming mostly from [his] I.G. assignment," the hearing's findings said. "Herbert is a strong individual with an insatiable desire to excel, often utilizing unconventional means to achieve results, thus causing tension and strained relationships. . . . Herbert did on a number of occasions conflict with Franklin, another strong, aggressive, individual, which led to a collision course between the two strong-willed individuals. Franklin was prone to reach judgments regarding Herbert's performance of duties, his loyalty and integrity, and render opinions thereon to General Barnes without, in most cases, determining the facts. General Barnes formed evaluations of Herbert's performance based on information primarily received from Franklin, as well as his own feelings, observations and intuitions. Some of the specifics that were told to General Barnes have not been substantiated by evidence adduced in this investigation."

Herbert sighed with relief as he heard the words. It was going to be all right, he thought. There was, however, one more paragraph. In it, General Russ, as head of the hearing, concluded that "General Barnes, as brigade commander, acted on the facts as he knew them . . ." and recommended that "no redress be granted concerning Herbert's relief from command."

No redress. It stood as it stood. Herbert was relieved, finally and permanently—and by the book. "It almost blew my insides out," he recalls. "It was incredible. They made the investigation, got the evidence, presented a firm case for redress and then—just like that—said no redress should be given. Unbelievable."

So, Tony Herbert came home. Twenty-one years in the Army, a chestful of medals and decorations and some deep friendships in the ranks weren't valueless, though, he thought. His orders were to report to the Command General Staff School at Fort Leavenworth. Maybe it was going to work out, he concluded—but then the orders were inexplicably revised and he was assigned to the Third Army's recruiting office at Fort McPherson, here in Atlanta. He bought a house on a street called The Fountainebleau and moved his wife and 11-year-old daughter, Toni Janell, into its comfort.

But Vietnam gnawed at his stomach, day and night. Everything had been by the book, to be sure, but he had ended up on the short end of the stick and everybody else was doing fine. Barnes had been rotated to the Pentagon—he became a major general early this year—and Franklin after having taken command of a battalion in the 101st Airborne, had become a member of the prestigious Pers Commission. It was a group of senior officers, headed by Lieut. Gen. William Pers and charged with investigating the alleged atrocities at Mylai in March, 1968. General Pers asked Congress personally to assign Colonel Franklin to the commission. It was the kind of assignment dozens of senior officers coveted and reflected Franklin's close relationship with the brass that mattered. Herbert, though, was in Atlanta, driving back and forth to the post, spending his days in the recruiting office. It burned.

He began to discuss his experience with some Army lawyers at Fort McPherson. "They kept recommending that I'd better make sure those things I'd seen were investigated," he said. "It made sense to me to try to follow the book on this and clear myself." So in late 1970, he went to Washington, to the Pentagon, and reported the incidents again—just as he had to Franklin. "I waited and waited and they told me the C.I.D. (Criminal Investigation Division) was working on it—but nothing happened," Herbert said. "I was threatened, cajoled and told to forget about the whole thing—and I was getting more and more frustrated."

Finally, on March 12, 1971, nearly two years after he was relieved of his command, and less than a month before the expiration of a statute of limitations, Herbert preferred formal charges against Franklin and Barnes, accusing them of dereliction of duty, misprision (concealment) of a felony and failure to obey regulations. He said in his affidavits that had reported a total of eight criminal allegations when he was a battalion commander and that no inquiries were made until he returned to this country. By the time he preferred his charges, the C.I.D. was willing to admit confidentially that its investigation had confirmed that all of the incidents Herbert reported had in fact occurred.

But, at that point, the C.I.D. inquiry had not included an interview with General Barnes in Washington. He responded to a reporter's questions by describing Herbert's charges as unfounded and saying that Herbert had not reported any alleged violations to him, so far as he could remember. "My policy," the general said, "was to make sure no atrocities were committed. Everybody knew it was much worse for us to kill the wrong people than to let a few of the enemy get away."

Franklin, still stationed in Vietnam, has consistently declined to comment on Herbert's charges. The official Pentagon position throughout the investigation has been the same. "It is inappropriate for United States Army officials to comment on matters under official investigation," a Pentagon spokesman has said repeatedly.

On the morning of April 15, Maj. Carl E. Hensley, the 56-year-old investigator who was supervising the inquiry into Herbert's charges against Barnes and Franklin, walked into a bedroom of his home in Clinton, Md., and shot himself. He left no notes. Herbert said he had been extremely despondent about the case and that Hensley had told him he was under heavy pressure when they had met the previous month. But an Army spokesman quoted the chief of the C.I.D., Col. Henry H. Tufts, as saying that he had "fully explored" the circumstances of Hensley's death and "can find absolutely no connection between the investigation and Major Hensley's death."

Now, six months after they were filed, the Army says it is still investigating Herbert's charges against Barnes. The investigation against Franklin has been dropped. Pentagon insiders are giving healthy odds that the other project will also be forgotton, despite the C.I.D.'s confidential admission to the veracity of Herbert's reports.

"That's not much help," Herbert said not long ago. "I established that pretty quick. In fact, I don't think that was ever really a legitimate question. The important issue is whether anything is going to be done about them or about the fact that senior officers who knew about them ignored them."

That is essentially what he said in an interview with Life magazine earlier this summer. Asked about the tortures he and other combat veterans of Vietnam have reported over the past two years, he said it would stop "if we'd hang a couple of senior commanders." On July 27, about two weeks after the interview was published, Herbert was directed by Col. C. W. Guelker, the chief of the investigative branch of the Third Army Inspector General's office, to report to him that afternoon. Herbert asked if he might bring along a secretary or a tape recorder. Guelker said no and discouraged him from bringing an attorney with him.

When Herbert appeared at Guelker's office, however, his attorney was with him and the colonel made no issue of the matter. First, Guelker advised Herbert of his rights under the Uniform Code of Military Justice and then told him that he had orders from Gen. William Westmoreland, the Army's Chief of Staff, to investigate the remarks attributed to him in the article. Guelker said he was going to ask Herbert some questions—but before he could begin, Herbert said he did not choose to hear them and left.

The next morning, as he had been directed, Herbert reported to Guelker again and again was told that the questions were about to begin. Herbert said he chose to remain silent, would make no statement and requested permission to leave. Guelker pressed the issue but finally allowed Herbert and his attorney to leave. Later that same morning, Guelker called again and ordered Herbert back to his office where the earlier scene was re-enacted.

The American Civil Liberties Union, with whom Herbert had been in consultation, immediately complained to the Secretary of the Army, Robert Froehlke, and asked that he suspend the "harassment" of Herbert. "Although Colonel Guelker never formally put questions to Colonel Herbert, he indicated that the Chief of Staff, General Westmoreland, wanted to know how Colonel Herbert came to hold his opinions about atrocities in Vietnam and where the responsibility for those atrocities should be placed." Aryeh Neier, executive director of the A.C.L.U., wrote Secretary Froehlke. "The only conclusion to be drawn from the investigation initiated by General Westmoreland is that Colonel Herbert is suspected of committing a criminal act by making the remarks quoted in Life."

Tony Herbert goes to Washington occasionally "to answer a few questions," he says, but generally his days are a blend of the humdrum work at the recruiting office and life with his family around the pool.

"They're going to get rid of me in February, I think," he says. "Forced retirement a nice way of drumming you out, and I just don't understand.

"Hell, that's not true. I understand it, but I just don't want to admit that I'm being systematically screwed by the Army. I don't want to admit that I chose the Army as the expression of my life. I gave to it, took from it, believed in it. Now this.

"But somebody has to follow through on this kind of thing. The Army has to purge itself from within of this kind of dirt. It has to be done by the book—and I'm going to keep trying to do it that way."

In World War II, the Army coined its special code word—SNAFU, or, politely translated. Situation Normal All Fouled Up. Today's Army has its code word, too—CYA, or Cover Your Ass.

"When you get down to it, I guess, I made one mistake," Colonel Herbert says. "I forgot to cover my ass."

NIXON PLAN DEPENDS ON BIPARTISAN SUPPORT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the President's bold new economic policies announced last month have been well received by the American people. While there have been, as anticipated, differences of opinion on various aspects of the proposals, in general the program has been hailed as an important step forward to meet the serious economic ills that beset us. Last week President Nixon appealed to the Congress for help to implement these comprehensive initiatives and on September 10, 1971, the State Journal of Lansing, Mich., expressed in an editorial the hope that Mr. Nixon's plan would receive the bipartisan support so vital to its success. Since, I, too, believe that the cooperation of the Congress is essential to the realization of our common goals to improve the economic climate, I commend the editorial, entitled "Nixon Plan Depends on Bipartisan Help," to my colleagues of the House.

The editorial follows:

NIXON PLAN DEPENDS ON BIPARTISAN HELP

If President Nixon's new economic proposals, designed to attack runaway inflation and revitalize the nation's economy, are to have any long range chance of success they will have to have the reasonable support of the U.S. Congress.

The President went before a joint session of Congress Thursday and asked for that help. And we hope the lawmakers will respond by putting aside political bickering and developing a package on the various key tax and spending proposals the President has recommended.

In spite of the barbed attack of some top labor leaders and the predictable negativism of presidential hopefuls like Sen. George McGovern, the issue is not whether Nixon's so-called game plan is the last word and there will be no other.

The issue is whether Congress, big business, labor and other interests will work together, debate and compromise to come up with those programs necessary to the best interests of the entire nation.

The President has laid the groundwork for that approach by announcing Thursday that the 90-day wage-price freeze will not be extended beyond that time but will be replaced by some form of a wage and price stabilization format about which Congress, business, labor and agriculture interests would be consulted.

Hopefully this will answer some of AFL–CIO leader George Meany's complaints about the need for equitable controls over prices as well as wages. It is certain that there must be a followup to the wage-price freeze and a wage and price stabilization program is a reasonable next step.

Probably the most hopeful sign to date is the evidence that Nixon's economic overhaul proposals have passed the first tests of public opinion in spite of some political harping.

A recent Harris public opinion poll estimated that 73 per cent of the American people favor the 90-day wage-price freeze, 78 per cent favor the proposed removal of the auto excise tax and 72 per cent favor the imposition of a 10 per cent surcharge on imported goods.

A lesser number (45 per cent) in the Harris poll favored Nixon's proposed 10 per cent tax credit to corporations for new investment, while 37 per cent opposed it and 18 per cent were undecided.

Another poll by the Opinion Research Corporation of Princeton, N.J., brought similar results on a nationwide scale and the percentages also emphasized that rank and file union members gave majority approval to the President's proposals in spite of the protests of Mr. Meany.

The success or failure of Nixon's plans rest largely with the Democrat controlled Congress, and it will take a powerful bipartisan effort to make any kind of an anti-inflation program work.

The President has presented a framework within which all political interests, business, labor and other groups can work toward an equitable solution to the nation's economic problems.

The public will be watching to see what happens.

ARMS TO PAKISTAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. HAMILTON. Mr. Speaker, recently I have had some correspondence with the State Department on the subject of arms shipments to Pakistan. There is a considerable amount of background information contained in these letters which should be of interest to my colleagues.

I urge them to examine this material, which follows:

STATE DEPARTMENT,
June 24, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State, U.S. Department of State, Washington, D.C.

DEAR MR. SECRETARY: It has recently come to my attention that we have sent two shipments of military equipment to Pakistan, in apparent violation of current official policy.

I would like to have an explanation of why such shipments were allowed to occur.

I would also like to know if there have been any other shipments of military equipment to Pakistan since March 25.

Thank you for your consideration of this matter.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., July 28, 1971.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary has asked me to reply to your letter of June 24 requesting information concerning shipments of military equipment to Pakistan.

Military equipment licensed for shipment to the Government of Pakistan since 1965 has consisted exclusively of nonlethal items and spare parts and components for lethal items in the Pakistani inventory, with the exception of some ammunition.

Under our current policy there is no formal embargo. Instead, only Foreign Military Sales (FMS) items duly licensed which were turned over to the Government of Pakistan or its agents in this country prior to March 26 may continue to be shipped. Items purchased commercially and on the United States Munitions List (Title 22, Code of Federal Regulations, section 121.01) for which there are valid outstanding licenses issued on or before March 25, may also still be shipped. No new export licenses for either FMS or commercial purchases have been issued since early April and expired licenses have not been renewed.

I assume that the two shipments you referred to were those aboard the two vessels, the *Padma* and the *Sunderbans*. The *Padma* departed New York City on June 22 after $1,231,158 of Munitions List articles were loaded there. The *Sunderbans* departed the same port on May 8 after loading $996,613 of Munitions List articles. In addition, approximately $1.9 million of Munitions List articles, or a total of approximately $3.3 million have been exported from the United States since March 25. For your information I am enclosing a general breakdown of the major types of military items shipped on the *Padma* and the *Sunderbans*.

In view of the considerable current public interest in our military supply policy for Pakistan, we have prepared the enclosed full statement of our policy, including an explanation of the interim actions we have taken since March in light of the outbreak of civil strife in East Pakistan.

I hope this information will be helpful to you. If I can be of assistance at any time, please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

TOTAL VALUE OF MUNITIONS LIST ITEMS LICENSED AND DECLARED AS LOADED ON THE PADMA AT NEW YORK—$1,231,158

1. Components, Parts, Accessories and Attachments for Military Aircraft—$924,239.

(This category includes items as follows: (3) Turbo-prop Engines T56A7B ($273,000), (1) Test Stand for Aircraft Engines ($50,000), Pneumatic Aircraft Tires, Gas Tank Assemblies, Shield Assemblies, Parts Kits, Harnesses, Line Delay Adapters, Seal Assemblies, Cable Assemblies, Sheet Aluminum, Head Assemblies, Armatures, Batteries, Clutches, Nuts, Flangers, Bearings, Hose Assemblies, Adapters, Tube Assemblies, Lead, Poppets, Meters, Cushion Assemblies, Carburetors, Gears, Steel Ribs, Batteries, Rectifiers, Indicators, Rings, Brakes, Pistons, Pump Assemblies, Seat Assemblies, Starters, Gear Boxes, Tailpipe Assemblies, Chemical Fire Extinguishers, Jet Igniter Assemblies, Release Assemblies, Nose Canopy Assemblies)

2. Components, Parts, Accessories and Attachements for Military Vehicles—$184,187.

(This category includes items as follows: Wheel Truck Assemblies, Mount Knobs, Switches, Shafts, Cam Controls, Screws, Mountings, Transformers, Cables, Gear Drives, Bearings, Seals, Coil Wires, Brakes, Journals, Joints, Nuts, Rods, Springs Brackets, Gaskets, Clamps, Dowels, Flanges, Generators).

3. Components, Parts, Accessories and Attachments for Military Electronics—$25,417.

(This category includes items as follows: Power Supplies for GR-8, Height Finders, Holder Assemblies, Fuse Cartridges, Transformers, Audio Freq. Meters, Cable Assemblies, Cranks, Post Binders, Meters, Voltage Regulators, Door Handles, Horn Covers, Motors, Transmitters, Straps, Blocks, Resisters, Fuze Cartridges).

4. Components, Parts, Accessories and Attachments for Vessels—$45,117.

(This category includes items as follows: Springs, Rocker Arms, Screws, Ring Sets, Bearing Assemblies, Cable Assemblies, Clamps, Shafts, Blocks, Cable Repair Kits).

5. Components, Parts, Accessories and Attachments for Artillery—$49,368.

(This category includes Parts Kits).

6. Pyrotechnics—$2,830.

(This category includes Signal, Smoke and illumination Marine (Distress Signals).

The total dollar value of Munitions List articles licensed and declared as loaded on the *Padma* was $1,231,158. Of this amount $16,724 is Commercial Sales and $1,214,434 is Foreign Military Sales.

The breakdown by category and value is:

FOREIGN MILITARY SALES

CPA&A*, Military Aircraft	$924, 239
CPA&A, Military Vehicles	183, 149
CPA&A, Vessels	45, 117
CPA&A, Military Electronics	9, 731
CPA&A, Artillery	49, 368
Pyrotechnics	2, 830
Total	1, 214, 434

COMMERCIAL SALES

CJA&A, Military Electronics	15, 686
CPA&A, Military Vehicles	1, 038
Total	16, 724

*Components, Parts, Accessories and Attachments.

TOTAL VALUE OF MUNITIONS LIST ITEMS LICENSED AND DECLARED AS LOADED ON THE SUNDERBANS AT NEW YORK—$996,613

1. Components, Parts, Accessories and Attachments for Artillery—$4,300.

Included in this category are Slide Assemblies and Legs.

2. Components, Parts, Accessories and Attachments for Vessels—$35,897.

Included in this category are Angle Irons, Bearings, Bearing Sets, Ring Sets, Rocker Arms and Springs.

3. Components, Parts, Accessories and Attachments for Tanks and Military Vehicles—$158,668.

Included in this category are Armatures, Claws, Claw Shafts, Air Brakes, Valves, Screws, Switches, Shims, Shafts, Cam Controls, Mount Knobs, and (1) Telescope.

4. Components, Parts Accessories and Attachments for Aircraft—$767,077.

Included were (10) J69-T25 Aircraft Engines (new and used) ($443,530), Aircraft Tires, Nose Canopy Assemblies, Electric Generator Assemblies, Power Pumps, Steel Tubings, Magnetos, Bushings, Electrical Jumpers, Armatures, Batteries, Cable Assemblies, Head Assemblies, Parts Kits, Meter Assemblies, Lead, Turbine-Factor Simulators, Spar Webbs, Tank Assemblies, Shield Assemblies, Cushions, Cover Fronts, Ducts, Handles, Actuators, Brake Armatures, Heaters, Wheel Assemblies, Starters, Nozzle Assemblies, Sensing Devices, Housings, Supports, Rotor Assemblies, Box Assemblies, Finished Steel Structures, Steel Bars, Asbestos Packing, Modules, Cell Assemblies, Block Assemblies, Hose Assemblies, Indicator Assemblies, Aluminum Sheets, Fans, Signal Generators, Starter Generators, (2) Aluminum Tanks, (1) Carton of Parts for Repair/Overhaul of Internal Combustion Engines and Miscellaneous Aircraft Parts.

5. Components, Parts, Accessories and Attachments for Protective Personnel Equipment—$5,551.

Included were (2,000) Neck Bands for Soldiers Helmets, (5) Sets of Parachute Kits which included (5) Flying Helmets, (5) Back Parachutes, (5) Chest Parachutes and (5) Oxygen Masks.

6. Components, Parts, Accessories and Attachments for Military Electronics—$18,745.

Included were (15) dipole antennas ($709), Radio Cases, Cable Assemblies, Resistors, Navigational Aids (height Finders), Electrical Wires, Electrical Power Cables, Special Purpose Electrical Cables, Toggle Switches, Electronics Repair Tools (Screwdrivers, Pliers, Sockets, Wrenches), Antenna Electrical Connection Receptacles, Antenna Strain Insulators, Observation Window Housings, and (22) Telephone System Intercom Control Kits.

7. Components, Parts, Accessories and Attachments for Sighting and Fire Control Equipment—$6,375.

Included were (13) M76F telescopes with spare parts for same.

The total dollar value of Munitions List articles licensed and declared as loaded on the *SUNDERBANS* was $996,613. Of this amount $32,495 is Commercial Sales and $964,118 is Foreign Military Sales.

The breakdown by category and value is:

FOREIGN MILITARY SALES	
CPA&A *, Vessels	$35,897
CPA&A, Tanks & Military Vehicles	155,742
CPA&A, Aircraft	765,897
CPA&A, Military Electronics	6,582
Total	964,118

COMMERCIAL SALES	
CPA&A, Artillery	4,300
CPA&A, Vehicles	2,926
CPA&A, Aircraft	1,180
CPA&A, Protective Personnel Equipment	5,551
CPA&A, Military Electronics	12,163
CPA&A, Sighting & Fire Control Equipment	6,375
Total	32,495

* Components, Parts, Accessories and Attachments.

JULY 1, 1971.

STATEMENT OF U.S. MILITARY SUPPLY POLICY FOR PAKISTAN

In 1965 when hostilities broke out between India and Pakistan, the United States placed an embargo on the supply of all military equipment to both countries. All grant assistance was terminated and none has been resumed except for modest military training programs.

In 1966 the embargo was modified to permit the sale to both countries of non-lethal end-items such as communications, medical and transportation equipment.

In 1967 the policy was further modified to permit the sale of ammunition and spare parts for those items of military equipment, such as aircraft and tanks, provided by the United States prior to the 1965 Indo-Pakistan conflict. A one-time exception to the continuing embargo on lethal equipment was announced in October, 1970. This authorized the sale to Pakistan of 300 armored personnel carriers and about 20 aircraft.

This policy on military supply to Pakistan has been based on the judgment that it is desirable for the United States to continue to supply limited quantities of military items to Pakistan to enable us to maintain a constructive political relationship. We have also wanted to ensure that Pakistan is not compelled to rely exclusively on other sources of supply.

The Government of Pakistan purchases Munitions List items either through the Foreign Military Sales (FMS) Program or commercially from the manufacturer or distributor. Items under the FMS program are purchased either from stocks which are under direct Department of Defense control or from the Defense Department's commercial contractors. All equipment either obtained commercially or delivered under the FMS Program to Pakistan Government representatives in the United States must be licensed for export by the State Department's Office of Munitions Control before it may be exported.

There are also items which are common to military as well as civilian use (such as certain automobile and truck spare parts) which are not on the Munitions List, but which may require a Department of Commerce license.

In light of the outbreak of fighting in East Pakistan on March 25–26, we have taken certain interim actions with regard to military supply for Pakistan. While no formal embargo was imposed, the following interim actions were taken in early April:

(A) A hold was put on delivery of FMS items from Department of Defense stocks; no such items have been released to Pakistan since then.

(B) The Department of State's Office of Munitions Control has suspended the issuance of new licenses and renewal of expired licenses (valid for one year) for items on the Munitions List—for either FMS or commercial sales.

(C) We have held in abeyance any action on the one-time exception arms supply offer announced last October; no item in that offer has been delivered to Pakistan or its agents, and nothing is scheduled for delivery.

By early April, when these interim actions were taken, the Government of Pakistan or its agents had obtained legal title to, and were in possession of, some items still physically in the United States. In addition, DOD commercial contractors under the FMS program, and other commercial suppliers, continued to utilize valid licenses issued before the actions taken in early April. Some of these items, legally the property of the Government of Pakistan, have been shipped to Pakistan from U.S. ports and it is likely that additional military supplies, under valid licenses, will be shipped in the future.

Our overall military supply policy toward Pakistan continues under close review.

DEPARTMENT OF STATE,
Washington, D.C., Aug. 13, 1971.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary has asked me to reply to your letter of June 24, 1971, regarding recent shipments of military equipment to Pakistan and requesting an explanation of why such shipments were allowed to occur, in apparent violation of current official policy.

In view of the considerable current public interest in this subject, we have prepared the enclosed full statement of our military supply policy for Pakistan, which includes an explanation of the interim actions we have taken since March in light of the outbreak of civil strife in East Pakistan. It also explains the basis under which limited quantities of military items, mainly spare parts for previously supplied U.S. equipment and all licensed for export prior to the military action in East Pakistan last March, continue to be shipped. We are aware of four Pakistani vessels that have carried, among other cargo, some of these licensed items. It is possible that further shipments may be made as this dwindling pipeline is drawn down. As of the middle of August, the total value of valid licenses will have declined to about $4 million, and will continue to decrease during the months ahead as licenses expire and are not renewed. To put this policy in perspective I also enclose a copy of the Department's statement of June 12, 1971, setting forth the main elements of our overall policy toward the East Pakistan situation.

I hope that this information will help clarify for you our present military supply posture which, as you will note, is under continuing review.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE FOR THE PRESS

[June 12, 1971, No. 131]

EAST PAKISTAN RELIEF

The Department of State announced today that three U.S. Air Force C–130 aircraft would leave Pope Air Force Base in North Carolina at 11:30 p.m., June 12, to join a fourth aircraft already in India, to carry out an airlift of East Pakistani refugees from the crowded Indian state of Tripura.

These aircraft, which were requested by the Government of India through the United Nations High Commissioner for Refugees, will carry one million doses of cholera vaccine produced in the United States to help contain the serious cholera outbreak which has occurred among refugees in eastern India.

The Department also announced that the U.S. has agreed to provide air transport for up to 300 tons of rehydration fluid and other anticholera supplies being assembled by the World Health Organization in Geneva.

In addition, the U.S. has agreed to provide to the Government of Japan, on a reimbursable basis, US Air Force aircraft for transporting to India ten Jeep ambulances which the Japanese Red Cross is donating for medical work among the refugees in eastern India.

In connection with these announcements, Joseph J. Sisco, Assistant Secretary of State for Near East and South Asian Affairs, explained the three basic elements of US policy in regard to the situation in East Pakistan. "The first", he said, "is that we are fully supporting international efforts to provide humanitarian relief assistance to the peoples of East Pakistan who have been affected by the civil strife. We are also providing full support to the international efforts to provide such relief assistance to the refugees from East Pakistan in India. Second, because of the possibility that the situation in East Pakistan and eastern India could escalate dangerously, we have counseled restraint on both sides. Third, we have made clear our belief that normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation."

In regard to the last point, Sisco explained that a political accommodation in East Pakistan is important both to stem the flow of refugees and to create conditions in East Pakistan conducive to their return. In this connection, he noted the current visit to Pakistan and India of Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, and hoped it would be helpful in seeking resolution of the refugee problem.

Summarizing US participation in international relief efforts in East Pakistan and India, Sisco said that the US has now announced contributions of $17.5 million worth of relief assistance for East Pakistani refugees in India.

This U. S. Relief Program is being coordinated by an inter-agency committee on Pakistani refugee chaired by Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs, who departed for Geneva June 11 for discussions, Kellogg will be visiting India for discussions with relief officials there and for an on-the-spot examination of the problem.

The US will provide food for 1,250,000 refugees and provide other assistance, such as medical supplies, shelter, and transportation. In Pakistan, the US has urged the Government of Pakistan to request, and the United Nations to coordinate, a prompt and effective international relief effort. "We have been encouraged by reports of productive conversations this week between Pakistani officials and Mr. Ismat Kittani, the Special Representative of United Nations Secretary General U Thant, and indications that a coordinated international relief operation in East Pakistan is being organized," Mr. Sisco said.

Within the framework of this international effort, the US this week has signed an agreement with the Government of Pakistan to provide $1 million in grant assistance for the charter of boats with crews from third countries to deliver food grains and other essential relief supplies to the cyclone affected areas in East Pakistan where serious food shortages now threaten. The US stands ready promptly to provide additional assistance in water transport, food and other supplies as may be required in East Pakistan.

AUGUST 3, 1971.

Mr. DAVID A. ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State,
Washington, D.C.

DEAR MR. ABSHIRE: Thank you for your letter of July 28, concerning U.S. shipments of military equipment to Pakistan.

Your letter did not include an explanation of the total dollar amount of military aid to Pakistan in the "pipeline".

Consequently, I would like to know what the total dollar value is of Foreign Military Sales items duly licensed for shipment to Pakistan prior to March 26, 1971, which were turned over to the Government of Pakistan or its agents in this country, and which have been shipped since that date or are awaiting shipment.

I would like the same information for items purchased commercially and on the U.S. Munitions List.

If any licenses for such shipment were issued between March 25, and the date in early April when a hold was placed on delivery of foreign military sales items, I would like to know the value of those shipments as well.

Finally, I would like to know if there is any legal way the U.S. can halt the delivery of licensed shipments.

Thank you for your consideration of these matters.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., August 13, 1971.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: I have for reply your letter of August 3 in which you request further information concerning military equipment licensed by the Department of State for export to Pakistan.

Your first request concerns the value of licensed Foreign Military Sales items as of March 25 that had been turned over to the Pakistan Government or its agents in the United States and were in the pipeline (awaiting shipment or shipped) until the present time. You also request information for the same types of items purchased commercially.

In providing this information, time and circumstances play an important part in the nature of actual export transactions. Accordingly, the data should be read in conjunction with the explanation which follows:

Pipeline categories

July 13:	
Foreign military sales	$13, 549, 893
Commercial transactions	1, 334, 463
Totals	14, 884, 356
August 4:	
Foreign military sales	7, 395, 490
Commercial transactions	1, 328, 462
Total	8, 723, 952

The July 13 data represent the results of a long analysis completed as of that date. Due to the expiration of a number of licenses since July 13, not more than the indicated $8.7 million was in the pipeline as of August 4.

This figure will be reduced further for a total of $3,768,173 as of midnight, Augsut 13, when a number of additional licenses will have expired.

I should emphasize that these are outside figures of what may be exported because the Department has no way of knowing how much material can reach ports of embarkation before licenses expire.

While on the subject of actual exports since March 25 I am sorry to inform you that the $3.3 million figure given to you in my letter of July 29 was in error. An audit of those hurriedly-compiled figures has subsequently revealed clerical error involving shipping documents. The correct figures are as follows:

Foreign military sales	$2, 553, 738
Commercial transactions	180, 819
Total	$2, 736, 557

The Department issued two export licenses for commercial transactions subsequent to March 25 and prior to its formal decision to change the policy on exports to Pakistan. One license was issued on March 31 for $7,450 of frequency calibrators for use with meteorological equipment. The second license was issued on April 6 for $2,000 of parts and accessories for S2F aircraft piston engines. Both licenses were revoked in June, but the license for engine parts had already been used and the articles had been exported.

The Department may revoke or suspend licenses in accordance with Title 22 of the Code of Federal Regulations, section 123.05 (a). With the exception of the two licenses mentioned above, however, the Department has for policy reasons determined that to revoke the balance would not be in the United States' interest.

I hope this information will be helpful. If I can be of further assistance please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. ABSHIRE: Thank you for your letter of August 13 concerning shipments of military equipment to Pakistan.

I am unclear from your response as to the total value of licensed goods shipped since March 25, 1971. I am speaking of Foreign Military Sales goods and Munitions List items. Receipt of this figure would be appreciated.

You mentioned "policy reasons" for not revoking the outstanding export licenses. I wonder if you could enumerate these for me.

Thank you for your consideration on these matters.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., Sept. 15, 1971.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: I have for reply your letter of August 26 in which you request further information related to my letter of August 13 concerning dollar export figures for military equipment shipped to Pakistan.

As explained to Mr. Rasmussen of your office on the telephone on September 1, there is no direct correlation between the "pipeline" figures on page 1 and the "exported" figures on page 2 of my August 13 letter. Many export licenses routinely expire before the licensed articles are exported. This occurs in some cases because the purchaser of a commodity may change his mind about the quantities he wants delivered after he has obtained a license; in other cases the suppliers may be unable to deliver the ordered commodities to a port before license expiry. Changes in purchase orders and contracts are not unusual after a license has been issued, often requiring applicants to seek new licenses.

For these reasons I have emphasized that the "pipeline" data represent "outside" figures. Thus, whereas the total pipeline figure on August 4 was calculated at $8.7 million, the expiration of certain licenses and the moderate use of still valid licenses have reduced the pipeline figure to only $2.57 million as of August 18.

Between March 26 and August 24, 1971, Munitions List articles have been exported to Pakistan as follows:

Foreign military sales	$3, 226, 414
Commercial transactions	447, 609
Total	$3, 674, 023

With respect to your second question, I believe you will find the policy reasons for not revoking licenses contained in the statements I enclosed with a second letter I sent to you on August 13.

If I can be of further assistance on this or any other matter please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

CANADIAN PIPELINE ALTERNATIVE SHOULD BE STUDIED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. ASPIN. Mr. Speaker, today I would like to place in the CONGRESSIONAL RECORD a copy of the Mackenzie Valley Pipe Line Research Limited Preliminary Report, which is dated June 1970.

This 33 page report concludes that a Canadian pipeline to the Midwest could be constructed for less than the Alaska pipeline transportation system and also that the operating costs of the Canadian pipeline would be about the same or less than the trans-Alaska pipeline and its tanker transportation. Canadian Bechtel Limited was commissioned to do the study.

The study states that the cost of building a Canadian line from Prudhoe Bay to Chicago would cost less than $2 billion. Most estimates of the cost of the Alaska route, including sea transportation, have been between $3 and $4 billion.

This report also means that the operating costs of the Canadian pipeline could be up to 50-percent cheaper than the Alaska transportation system. This would allow oil to be piped to Chicago via the Canadian pipeline at about the same cost that oil could be shipped to the west coast via the Alaska route. Since oil presently sells for 65 cents more in the Midwest than on the west coast, this would mean that the State of Alaska's profit would be $95 million more per year if the Canadian pipeline is built and carries the expected 2 million barrels of oil per day. This is so because Alaska's 20-percent royalties on all North Slope oil are based on the price that the oil is sold for at market minus transportation costs. Thus, with the same transportation cost, oil in Chicago would sell for at least 65 cents more per barrel than would oil on the west coast. At 20-percent royalties, this would net 13 cents per barrel more for the State of Alaska. That multiplied by 730 million barrels annually would net $95 million more for the State of Alaska each year.

Mr. Speaker, simply put, this study provided strong evidence that the Canadian pipeline would be superior to a trans-Alaska pipeline both environmentally and economically. The cost of constructing a Canadian pipeline would be around $2 billion, not the $5 billion that many officials of Alyeska—the Alaska pipeline company—have been estimating. As it turns out, the $5 billion figure that they have been throwing around for so long is a gross overstatement, not untypical of Alyeska's past statements.

As you know, the Interior Department is expected to issue its environmental impact statement on the proposed Alaska pipeline, as required by the National Environmental Policy Act of 1969, probably within the next month. In the past, I have argued that a Canadian pipeline alternative should be fully evaluated before any permits are granted to build the proposed Alska pipeline. It is clear to me that a Canadian pipeline would be ecologically superior to the Alaska line primarily because the Canadian pipeline would not be exposed to the risk of rupture due to earthquakes and because it would not require the use of tankers as would the Alaska route. A Canadian pipeline would, I believe, make more economic sense because it would bring oil into the Midwest and East where the price of oil is higher and where its shortage is much greater than on the west coast, where much or all of the oil from the Alaska pipeline would go.

Unfortunately, it appears likely that the Interior Department will not include a complete and independent evaluation of the Canadian pipeline as an alternative to the Alaska pipeline in its environmental impact statement. This appears to be the case because, after having promised that the Interior would study the Canadian pipeline alternative, Secretary of the Interior, Rogers Morton, then changed his mind and simply asked the North Slope oil companies to confer with the Canadian Government about the possibility of constructing such a line. It is clear that this hardly is an adequate substitute for the Interior Department independently studying and negotiating over the possibilities of building the Canadian line. The decision by Mr. Morton not to have Interior independently study the Canadian pipeline was a very unfortunate one, and I believe, a sign of bad faith—especially in light of the mounting evidence that a Canadian pipeline would be superior to the Alaska pipeline in virtually every respect.

It is incredible to me that the Interior Department could consider granting permits for the construction of the Alaska pipeline before a thorough study has been completed on the Canadian pipeline. But it does appear that this is exactly what they are going to do. If this is the case, and the Canadian alternative is not fully discussed in the final environmental impact statement, it will be, in my opinion, a flagrant violation of the National Environmental Policy Act, and the courts will not allow the pipeline to be built.

At this point, Mr. Seaker, I would like to insert in the RECORD a copy of the Mackenzie Valley Report on the Canadian pipeline. No report that I have seen, written before or after this report was written in June 1970, systematically disputes the figures contained in this report that a Canadian pipeline would be less expensive to build and operate than would the trans-Alaska pipeline transportation system.

I urge those of my colleagues who are interested not only in the Alaska pipeline issue but in our country's energy policies to read this important report, which follows:

MACKENZIE VALLEY PIPE LINE RESEARCH LIMITED, PRELIMINARY REPORT, JUNE 1970

One of the most prospective regions for new supplies of oil in North America is the northern extremity of the continent. The major discovery on the North Slope of Alaska and the promising prospects of the Mackenzie Delta and the Arctic Islands indicate prospects for oil accumulations capable of an eventual production potential of several million barrels per day.

Alternate methods of transporting this oil to market are as follows:

1. Tankers through the Northwest Passage.

2. A pipe line across Alaska and tankers to markets in the United States. This line has already been announced (Trans Alaska Pipeline System) and the present Prudhoe Bay producers are committed to it. In order to serve the Eastern markets in this alternative, additional pipe line facilities would have to be constructed from the U.S. West Coast to the central United States.

3. A pipe line up the Mackenzie River Valley to Edmonton and from there directly to Chicago and ultimately to East Coast markets. In this alternative, a second line could also be constructed from Edmonton to the West Coast.

Recognizing that any oil pipe line out of the Arctic would require an unusually long planning period because of problems hitherto not faced by the pipe line industry, Mackenzie Valley Pipe Line Research Limited was formed under the Canada Corporations Act by Letters Patent dated June 2, 1969. Its purpose is to conduct research to permit evaluation of a practical and economic method of constructing and operating suitable pipe line facilities from the North Slope of Alaska to Edmonton.

Present shareholders are as follows:

Atlantic Richfield Canada Ltd.
BP Oil Limited
Cities Service-Canada, Inc.
Elf Oil Exploration and Production Canada Ltd.
Gulf Oil Canada Limited
Hudson's Bay Oil and Gas Company Limited
Imperial Oil Limited
Interprovincial Pipe Line Company
Mobil Oil Canada, Ltd.
Shell Canada Limited
Standard Oil Company of British Columbia Limited
Texaco Exploration Company
Trans Mountain Oil Pipe Line Company
Valvoline Oil Company of Canada Limited

In addition, TransCanada Pipe Lines Limited is participating in the technical studies, but by arrangement is not a shareholder. Shareholders have certain continuing rights if and when the line is constructed.

The North American market and reserve situation for natural gas is similar to that for oil. Accordingly, it follows that means will have to be found to transport the natural gas that will be produced in conjunction with the oil—and independently of the oil—to market. In view of the common problems in pipe line transportation out of the Arctic, it is desirable that both an oil line and a gas line be considered at the same time. Economies could be derived in many ways such as mutual use of right-of-way, sharing of maintenance and communication facilities and availability of fuel supplies. While these factors are all under serious consideration, this report will deal basically with the transportation of oil.

Preliminary studies by several companies have suggested that a pipe line through Canada to central North American markets could have an economic advantage over the other distribution alternates to this specific market. In addition, such a line would traverse an area potentially rich in oil and gas reserves and would interconnect with existing crude oil pipe line networks serving current Canadian and U.S. markets. The Mackenzie Valley pipe line reasearch effort has, therefore, been concentrated on this pipe line route.

Canadian Bechtel Limited was commissioned to undertake the necessary study. In view of the insufficient knowledge to the effects of construction and operation of pipe lines on permafrost terrain, a test loop was constructed at a site near Inuvik, N.W.T. which was known to have high ice content type of permafrost; and oil is being circulated through it at temperatures up to 160° F. This loop consists of two 1,000-foot sections of 48-inch diameter pipe. One thousand feet has been constructed on piles above ground and 1,000 feet has been laid in a gravel berm on top of the tundra.

The research also included aerial surveys, oil analyses, evaluation of logistics of construction and operation, effect of construction on soil and wildlife, operation and maintenance procedures, ecological studies, and precautions necessary to protect the environment. These investigations, together with other related factors, were incorporated in a study to assess the economic merits and feasibility of the project.

Indications to date confirm the feasibility of construction and safe operation of a 48-inch diameter system from Prudhoe Bay to Edmonton, a distance of approximately 1,700 miles. The line could likely be constructed in two years at a cost of $1.5 billion. For a good portion of the route north from Edmonton, pipe line construction would be reasonably conventional and similar to that with which pipe line contractors have had considerable experience. The most difficult terrain is encountered in the more northerly sections. While estimates of probable costs have been made, it is recognized that additional data from the Inuvik test section and extensive further research will be required to provide the necessary confidence in construction techniques and estimates. Consequently, this report is strictly preliminary.

The route selected by Bechtel calls for the pipe line to be constructed through the Brooks Range in Alaska. This route minimizes the detrimental permafrost to be crossed, and avoids the Arctic Wildlife Range in the northeast corner of Alaska, but it has its disadvantages. An alternative route close to the Beaufort Sea shoreline, or possibly offshore, is therefore being investigated.

In order to extend the study to permit evaluation of the cost of transportation to the major markets, Interprovincial and Trans Mountain pipe line companies have made comparable evaluations of the costs of construction and tariffs between Edmonton and the central U.S. and Pacific Coast market places. The total capital cost and tariff, Prudhoe Bay to Chicago and Prudhoe Bay to the Puget Sound area via Edmonton, are summarized on Tables 7 and 10. The tariffs shown are for comparable purposes only and should not be considered absolute, since changes to any of the basic assumptions could appreciably change the tariffs.

Mackenzie Valley is extending its research program in order to ensure the practicability of construction of a pipe line system out of the Arctic. There is concern, however, that despite favourable results from the research project, restraints could be imposed which would prevent the ultimate consummation of such an undertaking.

One area of concern is that unfavorable attitudes could develop because of potential disturbances to the ecology. Such attitudes overlook the fact that the oil industry would not consider the construction of any pipe line which could not be built safely with a minimum affect on the environment. It is recognized that there are still problems for which a satisfactory solution has not been determined. Further research is planned to resolve the outstanding problems.

Another area of concern is with financibility. Because a substantial portion of any pipe line constructed from the North Slope of Alaska would be located in U.S. territory, a United States company as well as a Canadian company is contemplated. It is not possible to conceive of Canadian sources supplying the $1.5 to $2 billion or more that would be required. It will be necessary therefore to seek outside capital. Regardless of source, it is incumbent that no unnecessary uncertainties be introduced that would destroy the confidence of the financial community.

The most practical way of financing a project of this magnitude would be by means of long term debt to the maximum extent possible. In order to raise this type of capital some form of throughput or deficiency agreements, guaranteeing the interest and principal payments, would be required. In all probability, before these commitments would be forthcoming, a clear undertaking or agreement would have to be reached by both governments covering crude oil movements between Canada and the United States.

Depending on these considerations and the financial ratings of the companies involved, present indications are that possibly as high as 80% of the required capital could be raised in the form of long term debt. This would still leave at least $300 million to be raised by the sale of equity for the Mackenzie Valley project alone.

In view of the many novel features of the project, an early start on financing would be necessary. A high degree of cooperation between industry, government, and financial institutions would be required.

In summary, while this report is preliminary, it is felt that the Mackenzie Valley project offers economic and strategic advantages which would be to the benefit of both Canada and the United States. Such a system could:

1. Offer the lowest cost transportation of Arctic crude oil to potential markets.

2. Provide an overland corridor suitable for movements of other energy resources.

3. Develop interest in and provide access to unexplored prospective land areas adjacent to the route of the Mackenzie Valley system.

MACKENZIE VALLEY PIPE LINE RESEARCH LIMITED: INTRODUCTION

In mid-1969 a consulting firm, Canadian Bechtel Limited, was retained to investigate the technical and economic feasibility of a crude oil pipe line from Prudhoe Bay to Edmonton. In order to continue this research, industry task groups are being formed to supervise concurrent programs that will be contracted to specialists in their various fields.

Research expenditures to May 31, 1970 have amounted to $2,177,000 of an authorized budget of $2,340,000. An additional $1,680,000 has been budgeted for continuing research into 1971. There is a possibility that further research, which could cost up to $2,000,000 may be required, depending upon the results of the 1970–1971 program.

In order to evaluate technical feasibility, estimate costs, and develop economics, considerable work is required to determine the best method of designing and constructing the pipe line and related facilities. Information on the geology, surface terrain, soil composition, and ground ice content of the permafrost areas along the proposed route is necessary in order to assure structural integrity of the system and to develop techniques which will allow operation of a warm oil pipe line without adversely affecting the ecology.

The severe weather conditions encountered in the northern areas require the development of special techniques for construction and operation of the line, and special designs for many of the facilities. Items which require further investigation include protection of wildlife and preservation of the environment, surface restoration, heat conduction in gravel and frozen soils, comparison of various insulating materials, pipe line anchor design, et cetera.

In order to evaluate the unknowns and develop the required knowledge, the following three-part program was instituted:

1. Technical Investigation.
2. Field Test Installation.
3. Economic Evaluation.

TECHNICAL INVESTIGATION

After preliminary studies of the following items, it is concluded that solutions to all of the problems inherent in northern pipelining are technically feasible.

1. Crude oil characteristics.
2. Pipe line hydraulics and thermodynamics.
3. Pipe line start-up and shut-down.
4. Pipe line control under low temperature conditions.
5. Pipe stresses.
6. Hydrology of streams and rivers.
7. Soil mechanics.
8. Performance of materials under low temperature operation.
9. Protection of personnel and equipment under Arctic conditions.
10. Construction methods in the Arctic environment.
11. Maintenance of equipment in the Arctic environment.
12. Foundation design in regions of continuous and intermittent permafrost.

The research to date has indicated certain definitive problem areas which will be investigated in depth.

PIPE LINE ROUTE

A proposed pipe line route from Prudhoe Bay to Edmonton, shown in Figure 1, is approximately 1,700 miles in length. The envisaged connecting carrier systems for transporting the crude oil to market areas are Interprovincial Pipe Line Company and Trans Mountain Oil Pipe Line Company. Their proposed routes are shown in Figures 2 and 3.

The proposed Mackenzie Valley pipe line route travels south-east from the Prudhoe Bay tank farm across the Arctic Slope to the Canning River, follows the Canning River Valley into the Brooks Range to the Continental Divide, then continues in a more easterly direction to the Yukon, skirting the southern edge of the Arctic National Wildlife Range in Alaska. Proceeding east, the route traverses the plateau of the Porcupine River and crosses the Richardson Mountains to Fort McPherson. From Fort McPherson the pipe line route turns southward, crossing the Peel Plateau, to the Mackenzie River. Crossing the Mackenzie River at the Sans Sault Rapids, the route continues along the east side of the river to Fort Simpson. After crossing the Mackenzie River at Fort Simpson, the line continues in a south-easterly direction to the north-west corner of Alberta, then directly to Edmonton, passing on the east side of Lesser Slave Lake.

Areas of high water content permafrost are encountered along the Arctic Slope of Alaska. Through the Yukon and Brooks Range the route is generally in rocks, non-detrimental permafrost and intermontane terrain. The level section of route through the Peel Plateau has a heavy organic cover underlaid by permafrost. The route south to the border between the Northwest Territories and Alberta is in discontinuous permafrost. Flat, poorly drained areas with portions of slightly rolling terrain are encountered. Most of the route from the Alberta border to Edmonton has a water table at or near the surface.

A detailed evaluation of the surface and subsurface soil conditions has been conducted along the proposed route with the exception of the northernmost 400 miles. Before finalizing the specific details of the route, all soil conditions will be checked to ensure construction methods conform to the requirements of the terrain. A further investigation of surface and subsurface soil conditions will be conducted over the next year. It is hoped that a correlation between photogrammetry and soil sampling can be established. Particular attention will be given to the sections of the route through the Brooks Range and the Peel Plateau. Coastal routes along the North Slope will be studied as alternatives.

FORECASTS THROUGHPUTS

The forecast throughputs used for the design and economics in this study are those being used by the various industry study groups. They are as follows:

Year:	*Throughputs (Barrels per day)*
1	600,000
2	800,000
3	1,000,000
4	1,100,000
5	1,200,000
6	1,300,000
7	1,400,000
8–30	1,500,000

MAIN LINE DESIGN

The pipe line design calls for 48-inch diameter, API–5LX–60 pipe with a wall thickness of 0.438 inches. Design is based on a 95% throughput to capacity ratio during the critical winter months. Hydraulic gradients are based on a crude with a gravity of 27.7° API and with varying viscosities, due to the thermal gradient along the line. Oil will enter the line at about 150° F. An overall design viscosity of 220 SUS at 45° F. provides a reasonable approximation of the changing conditions.

In order to handle initial throughputs of 600,000 barrels per day, 8 pump stations will be required. When the line is ultimately pumping at a capacity of 1,500,000 barrels per day, 23 stations will be required. Aircraft jet-type gas generators with turbine drives rated at 12,500 horsepower are considered as the prime movers for all stations. A spare pumping unit will be installed at each of the initial pump stations. This unit will be required for the ultimate operation.

Tankage volume considered for Prudhoe Bay amounts to 900,000 barrels initially and increases to 1,500,000 barrels for the maximum throughput. Tankage at Edmonton is assumed to be supplied by others.

The final selection of a specific method of main line installation must await completion of the test loop operation and other investigations. Several installation concepts for the Arctic Slope area are under investigation at the Inuvik test loop. Some of these are shown in Figure 4.

Five manned and nine unmanned maintenance bases will be located along the pipe line route. These bases will be supplied with heavy construction equipment and fuel caches. The relatively high number of maintenance bases is considered necessary for a thorough and responsive maintenance program.

Major system facilities are presented in Figure 5.

FIELD TEST INSTALLATION

The test section which consists of roughly 2,000 feet of 48-inch diameter steel pipe is located at Inuvik and has been under continuous operation with heated oil since February 1970. It is planned to extend operation of the line into 1971.

The objective of this experimental field test installation is to evaluate methods of northern construction and to obtain design criteria for the construction and operation of a pipe line across a region of permafrost. Several types of construction are under test and the effects on both the pipe line and the environment are being monitored. The thermal performance of several forms of insulation as well as non-insulated pipe are being tested in the loop. Cooling-off factors, during shut-down, which will affect normal operation of a pipe line are also being evaluated. Experience gained in the construction and operation of the test loop will provide a basis for design, route selection, and protection of the environment along the route that the pipe line traverses.

The terrain in the test site area at Inuvik is mantled with approximately one foot of moss lichen and other organics. There is a layer of light brown silt beneath the organic material which rests on a silty gravel base. This silt is characterized by ice lens crystals and has an ice content of 70 to 95 percent by volume. Soil samples taken confirm that these conditions are representative of the detrimental permafrost sections that will be encountered along the route.

Although valuable information on transporting heavy equipment and materials down the Mackenzie River to the job site and on construction of the test section in the Arctic environment has been obtained, analysis and evaluation of operational data is required before significant conclusions can be drawn from this experiment.

ECONOMIC EVALUATION

The economic evaluation includes the preparation of order-of-magnitude estimates of capital, operating, and unit transportation costs to ascertain whether or not a Mackenzie Valley project is economically feasible. Sensitivity tests also serve to identify those areas of technology which have a significant effect on project viability and thus require further investigation.

The foregoing pipe line design and subsequent economics presented are based on a throughput forecast that is common to all of the industry studies, thus easily compared tariff schedules are provided. Further investigation is necessary, however, to establish an optimum design with respect to station spacing. The ultimate design would be strongly influenced by the discovery of substantial oil reserves in the Canadian Arctic.

Tables 1 and 2 summarize the investment and operating costs over a 30-year period and are based on 1970 costs. All costs are in Canadian dollars except those presented separately for Alaska, which are in U.S. dollars. Conversion is at the rate of $1.00 Canadian equals $0.93 U.S.

The criteria used for economic calculations are outlined on Table 3 and are the same criteria used for comparative studies throughout the industry.

D.C.F. TRANSPORTATION COSTS

Constant tariff transportation costs have been developed for after tax discounted cash flow (DCF) rates of return of 8, 10, and 12 percent on total investment. These tariffs, based on the estimated capital and operating costs and the specified rate of throughput growth are calculated for 100 percent equity with a 30-year project life and no allowance for salvage value. These unit charges provide an amortization of capital at the specified rates of return and all direct operating charges, including operating labour, system maintenance, power, fuel, and contracted services, as well as ad valorem and income taxes.

The discounted cash flow total transportation costs, in Canadian currency, are as follows:

D.C.F. transportation costs

(Prudhoe Bay to Edmonton)

Rate of return:	*Tariffs (cents per barrel)*
8 percent	51
10 percent	62
12 percent	73

I.C.C. TARIFFS

For comparative purposes, transportation costs which reflect declining tariffs over a 30-year period based on a seven percent return on rate base have also been calculated. The rate base used was derived from a projection of a United States Interstate Commerce Commission valuation. The total system tariffs, based on a 20/20 debt/equity ratio, are shown, by year, in Table 4. Financing is at an interest rate of nine percent per annum on the outstanding balance. Principal repayments are based on a 5-year moratorium with full debt amortization occurring evenly over the ensuing 25 years.

In the development of transportation economics, U.S. tax depreciation is based on a 22-year life and the "sum of the years digits" method of calculation. Canadian tax depreciation is on the following capital cost allowance rates:

CANADIAN CAPITAL COST ALLOWANCE

Pipe line, 6 percent per annum.
Stations, 20 percent per annum.
Storage, 10 percent per annum.

Income tax rates used are 51 percent on taxable income in Canada and 48 percent federal, plus 9.4 percent state on taxable income in Alaska. This results in a composite U.S. income tax rate of 54 percent. Book depreciation for the I.C.C. tariffs is 2.85 percent per annum.

MACKENZIE VALLEY PIPELINE RESEARCH LIMITED—PRELIMINARY REPORT, 48-INCH PRUDHOE BAY-EDMONTON PIPELINE—INVESTMENT SUMMARY

	Capital costs (thousands)		
	Alaska, United States dollars	Canada. Canadian dollars	Total, Canadian dollars
INITIAL 600 MBD SYSTEM			
Pipeline:			
Lands and R.O.W	$300	$1,700	$2,000
Materials	93,200	322,300	423,000
Installation	251,900	288,000	5601000
Total pipeline	345,400	612,000	985,000
Pump stations	14,800	41,000	57,000
Tank farm, meter stations, communications, and other plant	13,900	9,000	24,000
Total direct cost	374,100	662,000	1,066,000
Indirect costs and contingency	96,000	180,000	284,000
Total initial capital cost	470,100	842,000	1,350,00
ULTIMATE 1,500 MBD SYSTEM			
Future additions	27,900	107,000	137,000
Total ultimate system	498,000	949,000	1,487,000

MACKENZIE VALLEY PIPE LINE RESEARCH LIMITED—PRELIMINARY REPORT, 48-INCH PRUDHOE BAY-EDMONTON PIPELINE—OPERATING COST SUMMARY

[In thousands of Canadian dollars]

	Operating costs—year of operation							
	1	2	3	4	5	6	7	8
Facilities:								
Installed units (number)	16	30	32	42	46	46	47	51
Operating units (number)	8	15	20	24	29	34	41	50
Operating horsepower (thousands)	93	161	255	310	371	440	515	600
Stations (number)	8	15	16	21	23	23	23	23
Volumes (MBD)	600	800	1,000	1,100	1,200	1,300	1,400	1,500
Expenses:								
Personnel	$3,400	$3,400	$3,600	$3,700	$3,700	$3,700	$3,700	$3,700
Materials and maintenance	5,300	5,800	6,100	6,100	6,400	6,600	7,000	7,400
Services and other expenses	6,800	6,000	6,900	6,900	6,900	6,900	6,900	6,900
Administration	2,500	2,500	2,600	2,600	2,700	2,700	2,700	2,700
Oil measurement losses	700	900	1,100	1,200	1,300	1,400	1,500	1,600
Fuel	4,900	8,500	13,000	6,700	8,000	9,500	11,100	13,000
Subtotal	23,600	27,900	33,300	27,200	29,000	30,800	32,900	35,300
Property tax	15,500	16,200	16,200	16,600	16,800	16,800	16,900	17,100
Depreciation	38,500	40,100	40,300	41,400	41,900	41,900	42,000	42,400
Interest	97,200	101,300	101,800	104,600	105,900	105,900	101,900	98,500
Subtotal	151,200	157,600	158,300	162,600	164,600	164,600	160,800	158,000
Total	174,800	185,500	191,600	189,800	193,600	195,400	193,700	193,300

Notes: 1. Depreciation expense is based on a composite rate of 2.85 percent; 2. Interest expense is based on a 80/20 debt/equity ratio; 3. Expenses for the years 9-30 are the same as the 8th year expenses except interest charges decline annually.

MACKENZIE VALLEY PIPE LINE RESEARCH LIMITED, PRELIMINARY REPORT, 48-INCH PRUDHOE BAY-EDMONTON PIPELINE, ECONOMIC CRITERIA

Capital costs

Shall be estimated and reported on a basis of present day value. Escalation of costs shall not be included. They shall be broken down by item and reported as a time schedule.

Interest during construction shall be included.

Line fill shall not be included as a capital item.

Operating costs

Shall include oil measurement losses of 1/10% of throughput valued at $3/barrel.

Economics

Shall be analyzed for a 30-year life on a basis of:

(a) Total present value of capital and operating costs (excluding return and interest costs).

(b) Level tariff based on 8%, 10%, and 12% D.C.F. return on total project.

(c) Full I.C.C. tariff profile based on the following financial data:

80%/20% debt/equity ratio.

9% interest on debt with 5-year moratorium followed by 25-year payback.

7% return on approximate assessment of I.C.C. valuation.

DEPRECIATION RATES

	Return on ICC valuation	Income tax	
		Canada (percent)	United States
Pipeline	Composite rate of 2.85 percent.	6	22 year S.Y.D.
Stations		20	
Tankage and warehouses.		10	

Taxes

No investment tax credit.

Income Tax—51% Canada; 54% U.S.A. and Alaska.

Ad valorem at state and provincial rates.

Salvage

Zero asset value at the end of 30 years.

MACKENZIE VALLEY PIPE LINE RESEARCH LIMITED—PRELIMINARY REPORT, 48-INCH PRUDHOE BAY-EDMONTON PIPELINE—ICC TARIFFS

[Cents per barrel—Canada]

Year	Throughput (MBD)	ICC Tariff (cents per barrel)
1	600	144
2	800	112
3	1,000	92
4	1,100	83
5	1,200	77
6	1,300	72
7	1,400	67
8	1,500	63
9	1,500	62
10	1,500	62
11	1,500	61
12	1,500	60
13	1,500	60
14	1,500	59
15	1,500	58
16	1,500	58
17	1,500	57
18	1,500	56
19	1,500	56
20	1,500	55
21	1,500	54
22	1,500	54
23	1,500	53
24	1,500	52
25	1,500	51
26	1,500	49
27	1,500	49
28	1,500	47
29	1,500	46
30	1,500	45

Note: Tariff is based on a 80-20 debt/equity ratio.

INTERPROVINCIAL PIPE LINE COMPANY

Introduction

This study investigates the capital cost and tariff requirements for a 48-inch diameter pipe line routed directly from Edmonton to Chicago. To study incorporates inherent economies by considering construction and operation of the line as an extension of the Interprovincial/Lakehead system. The alternative of expanding the system in steps through a looping program will be investigated in a future study.

Summary

The following table is a summary of throughputs, investments and tariffs for a 48-inch diameter crude oil line from Edmonton to Chicago. The study results presented are based on the same throughputs and economic criteria being used within the industry. Consequently, the tariffs can be readily added to or compared with tariffs developed in other industry studies.

Economic Summary

Throughputs—(000) B/D:	
1st year	600
2nd year	800
3rd year	1,000
4th year	1,100
5th year	1,200
6th year	1,300
7th year	1,400
8–30th year	1,500
Investments—(Canadian currency):	
Initial	$445,000,000
Ultimate	$520,000,000

Tariffs—(cents per barrel):

Constant tariff—30-year average, D.C.F. rate of return at 8 percent, 22; at 10 percent, 26; at 12 percent, 30.

Declining tariff—7-percent return on I.C.C. valuation—Debt/equity ratio—80/20.

Tariff (cents per barrel)

Year 1, 600 MBD	45
Year 3, 1,000 MBD	30
Year 5, 1,200 MBD	30
Year 8, 1,500 MBD	27
Year 15, 1,500 MBD	25
Year 30, 1,500 MBD	21

PIPE LINE ROUTE

A direct pipe line from Edmonton to the east side of Chicago near Griffith is estimated to be 1,489 miles in length. The proposed route is shown on Figure 2. The following is a list of the pipe line miles through each province and state traversed:

	Miles
Alberta	171
Saskatchewan	440
Manitoba	21
Canada—subtotal	632
North Dakota	244
Minnesota	246
Wisconsin	242
Illinois and Indiana*	125
U.S.—subtotal	857
Total	1,489

*The 40 miles of relatively high construction cost through South Chicago was considered as a separate section of this study.

The new pipe line route would follow the Interprovincial right-of-way from Edmonton to Regina, then continue in a south-easterly direction, crossing the Mississippi River into Wisconsin just north of Minneapolis. The line would parallel the Mississippi River on the north side as far as La Crosse, then cross Wisconsin and Illinois to the Chicago Sanitary and Ship Canal at the point near Romeoville (south of Lemont). The canal crossing is assumed to be near the present dual Lakehead pipe line crossing, thereby establishing the possibility of utilizing the idle leg. The $700,000 cost of a new crossing is, however, included in this study. The line from the canal crossing to the terminal in Indiana is assumed to follow the Lakehead pipe line right-of-way. The location of the terminal is approximately one mile west of Lakehead's Griffith terminal, and is the terminalling point chosen by the Trans-U.S. study group. Property is available immediately north of the Lakehead terminal, although part of it would require draining because of the high water table.

The above list of mileages includes an allowance for contour and deviations. A relatively high allowance (2%) is used in the Illinois section since it may be necessary to direct the line to public utility right-of-way in certain areas. In fact, a high percentage of the Illinois section of line may require permission to use power, railroad, and state highway right-of-way on an annual rental basis. This study, however, is based on obtaining right-of-way easements throughout the entire length.

FORECAST THROUGHPUTS

The forecast throughputs used for the design and economics in this study are those being used by industry study groups and are as shown in the Economic Summary.

MAIN LINE DESIGN

A 48-inch diameter pipe line with a wall thickness of 0.406 inches using API-5LX-52 pipe was established as the most economical installation. Design is based on a 95% throughout to capacity ratio during the critical winter months. Crude characteristics of 27.7° API gravity and 220 SUS viscosity at 45° F. were used for the design.

In order to handle initial throughputs of 600,000 barrels per day, 7 pump stations will be required; whereas a total of 28 stations will be required when the line is pumping at a capacity of 1,500,000 barrels per day. Electric motors are considered as the prime movers for all stations. Each of the 12 Canadian stations and 16 U.S. stations will have 20,000 horsepower and 18,500 horsepower, ultimately.

Receiving and delivery tankage terminals are included in Edmonton and Chicago, respectively. At each location tank volume requirements for each year are based on three times the daily throughputs. Five pipe line maintenance crews and warehouses are considered necessary. One would be located at each terminal with the other three spaced along the line; one in Canada and two in the U.S.

Tables 5 and 6 summarize the investment and operating costs over a 30-year period and are based on 1970 costs. No provision has been made for engineering management costs in the investment profile, although construction supervision has been included in the estimates. It is felt that Interprovincial would do the engineering management of the project with a minimum of additional personnel, provided a reasonable lead time is available. Similarly, administration costs have not been included in the annual operating cost profile because if Interprovincial were to undertake the project, the additional administration would be negligible.

An economic summary of the Prudhoe Bay to Edmonton and Edmonton to Chicago system is presented in Table 7. Currency conversion is at the rate of $1.00 Canadian equals $0.93 U.S.

The criteria used for economic calculations are similar to those presented in Table 3 and used in the Mackenzie Valley pipe line study.

INTERPROVINCIAL PIPE LINE CO., 48-INCH CRUDE OIL PIPELINE, EDMONTON-CHICAGO

INVESTMENT SUMMARY

[Capital costs—(Thousands of dollars) Canadian]

	Year of construction								
	1	2	3	4	5	6	7	8	9 to 30
Main line	415,800								
Stations	16,000	19,000		42,600					
Tankage	11,700	3,100	3,100	1,500	1,500	1,500	1,500	1,500	
Other direct costs	1,300								
Total	444,800	22,100	3,100	44,100	1,500	1,500	1,500	1,500	
Cumulative total	444,800	466,900	470,000	514,100	515,600	517,100	518,600	520,100	520,100

Note: Engineering management is not included. Construction supervision is included.

INTERPROVINCIAL PIPE LINE CO., 48-INCH CRUDE OIL PIPELINE, EDMONTON-CHICAGO

OPERATING COST SUMMARY

	Operating costs (thousands of Canadian dollars)—Year of operation							
	1	2	3	4	5	6	7	8
Facilities:								
Volume-MBD	600	800	1,000	1,100	1,200	1,300	1,400	1,500
Number of stations	7	14	14	28	28	28	28	28
Installed horsepower	94,000	212,000	212,000	536,000	536,000	536,000	536,000	536,000
Expenses:								
Power costs	$2,420	$5,900	$11,450	$15,120	$19,460	$24,540	$30,370	$36,960
Station costs	180	360	360	720	720	720	720	720
Pipe line costs	1,770	1,770	1,770	1,770	1,770	1,770	1,770	1,770
Oil measurement losses	710	940	1,180	1,300	1,420	1,540	1,660	1,770
Subtotal	5,080	8,970	14,760	18,910	23,370	28,570	34,520	41,220
Property tax	6,730	7,050	7,090	7,770	7,790	7,810	7,820	7,840
Depreciation	12,680	13,310	13,400	14,660	14,700	14,740	14,780	14,830
Interest	36,040	37,820	38,080	41,660	41,060	39,700	38,320	36,850
Subtotal	55,450	58,180	58,570	64,090	63,550	62,250	60,920	59,520
Total	60,520	67,150	73,330	83,000	86,920	90,820	95,440	100,740

Notes: 1. Depreciation expense is based on a composite rate of 2.85 percent. 2. Interest expense is based on a 80/20 debt/equity ratio. 3. Expenses for the years 9 to 30 are the same as the 8th year expenses except interest charges decline annually.

INTERPROVINCIAL PIPE LINE CO.—48-INCH CRUDE OIL PIPELINE, PRUDHOE BAY-EDMONTON-CHICAGO—ECONOMIC SUMMARY

Throughputs—(000) B/D: 1st year—600, 2d year—800, 3d year—1,000, 4th year—1,100, 5th year—1,200, 6th year—1,300, 7th year—1,400, 8 to 30th year—1,500.

INVESTMENTS—$(000) CAN.

	Miles	Initial 600 M b.p.d.	Ultimate 1,500 M b.p.d.
Prudhoe Bay to Edmonton	1,696	$1,350,000	$1,487,000
Edmonton to Chicago	1,489	445,000	520,000
Total	3,185	1,795,000	2,007,000

TARIFFS—CENTS PER BARREL CAN., CONSTANT TARIFF—30 YEAR AVERAGE

	D.C.F. rate of return		
	8 percent	10 percent	12 percent
Prudhoe Bay to Edmonton	51	62	73
Edmonton to Chicago	22	26	30
Total	73	88	103

DECLINING TARIFF—7 PERCENT RETURN ON I.C.C VALUATION—DEPT/EQUITY RATIO, 80/20

	I.C.C. tariff (cents per barrel) Can. (year of operation)				
	1	3	5	8	30
Prudhoe Bay to Edmonton	144	92	77	63	45
Edmonton to Chicago	45	30	30	27	21
Total	189	122	107	90	66

TRANS MOUNTAIN OIL PIPE LINE COMPANY

INTRODUCTION

This study investigates the capital cost and tariff requirements for expanding the Trans Mountain system by adding a 36-inch diameter pipe line parallel to the present line from Edmonton to Puget Sound. The new pipe line system is designed to handle Arctic oil shipments. Requirements for Alberta oil would continue to be handled in the present system. To reduce construction costs initially, the existing 100 miles of 30-inch diameter looping would be included in the 36-inch line. This would later be replaced with 36-inch pipe and the two 30-inch loops would be returned to the basic 24-inch system.

All volume growth in the Puget Sound area is assumed to be with Arctic oil. Certain additional volumes are also included for transshipment to California from the Puget Sound area. For the purpose of this study, it is assumed that nominations for Alberta and British Columbia oil in the West Coast market areas will not exceed the 355,000 barrels per day capacity of the present system.

SUMMARY

A summary of throughputs, investments, and tariffs for the 36-inch diameter system, based on the same economic criteria used for other related studies within the industry, is included in the following table. All figures are in Canadian dollars at a ratio of $1.00 Canadian equals $0.93 U.S.

ECONOMIC SUMMARY

Throughputs—(000) B/D: (Arctic oil)

1st year	300
2nd year	370
3rd year	460
4th year	570
5th year	690
6–30th year	800

Investments—(Canadian currency):

Initial	$190,000,000
Ultimate	$290,000,000

Tariffs—(cents per barrel):

Constant tariff—30-year average, D.C.F. rate of return, 8 percent at 20; 10 percent at 23; 12 percent at 27.

Declining tariff—7 percent return on I.C.C. Valuation—debt/equity ratio—80/20.

Tariff (cents per barrel)

Year 1, 300 MBD	40
Year 3, 460 MBD	31
Year 5, 690 MBD	25
Year 8, 800 MBD	24
Year 15, 800 MBD	24
Year 30, 800 MBD	19

PIPE LINE ROUTE

The expanded pipe line system to accommodate Arctic oil will follow the present routing of the Trans Mountain system over the 698-mile route from Edmonton to Puget Sound. Routing is shown on Figure 3 and is comprised of 252 miles in Alberta, 417 miles in British Columbia, and 29 miles in the state of Washington.

FORECAST THROUGHPUTS

The forecast throughputs are based on the assumptions shown in the Economic Summary and visualize Trans Mountain moving a portion of Mackenzie Valley pipe line volumes to the Puget Sound area.

MAIN LINE DESIGN

A 36-inch diameter pipe with the wall thicknesses listed below was chosen as the most economical installation. The mileages include an allowance for contour and deviations of 0.5%. Design is based on a 95% throughput to capacity ratio. Crude oil characteristics of 27.7° API gravity and 220 SUS viscosity at 45° F. were used in the design.

SUMMARY OF PIPE QUANTITIES

36-inch O.D. API-5LX-60

Wall thickness in inches:	*Total miles*
0.531	1.0
0.469	4.2
0.438	19.0
0.406	44.0
0.375	71.3
0.344	80.4
0.312	482.1
	702.0

Horsepower for the new line will be installed at the existing 14 pump station sites on the Trans Mountain system. Initially, 25,000 horsepower will be required. This will be built up to an ultimate requirement of 220,000 horsepower.

Trans Mountain's tankage at Edmonton will be increased by 600,000 barrels initially and increased to 1,200,000 barrels ultimately for receipts from the Mackenzie Valley line. Shippers are required to provide receiving tankage at the delivery end of the system.

Tables 8 and 9 summarize the investment and operating costs over a 30-year period, based on costs escalated as shown.

An economic summary of the Prudhoe Bay to Edmonton and Edmonton to Puget Sound systems is presented in Table 10.

TRANS MOUNTAIN OIL PIPE LINE CO.—36-INCH CRUDE OIL PIPELINE, EDMONTON-PUGET SOUND—INVESTMENT SUMMARY

	Capital costs—Dollars Canadian—Year of Construction					
	1	2	3	4	5	6
Main line	127,670	170	10,920	10,920	510	340
Stations	4,760	2,850	4,630	6,660	11,290	14,970
Tankage	1,770	0	780	0	780	
Other direct costs	2,630	80	130	120	170	140
Subtotal	136,830	3,100	16,460	17,700	12,750	15,450

	Capital costs—Dollars Canadian—Year of Construction					
	1	2	3	4	5	6
Indirect costs	26,000	560	3,130	3,350	2,420	2,930
Escalation	22,790	740	4,710	5,950	4,830	6,620
Working capital	1,080	0	0	0	0	0
Subtotal	49,870	1,300	7,840	9,300	7,250	9,550
Total	186,700	4,400	24,300	27,000	20,000	25,000
Cumulative total	186,700	191,100	215,400	242,400	262,400	287,400

TRANS MOUNTAIN OIL PIPE LINE CO.—36-INCH CRUDE OIL PIPELINE, EDMONTON-PUGET SOUND—OPERATING COST SUMMARY

	Operating costs—thousands of Canadian dollars—Year of operation						
	1	2	3	4	5	6	30
Facilities:							
Volume MBD	300	370	460	570	690	800	800
Number of stations	4	5	7	9	12	14	14
Installed horsepower	25,000	40,000	60,000	95,000	150,000	220,000	220,000
Expenses:							
Power costs	$1,030	$1,652	$2,646	$4,035	$6,766	$10,360	$10,360
Station costs	200	300	440	655	990	1,380	1,380
Pipe line costs plus administration	180	218	274	360	494	650	650
Subtotal	1,410	2,170	3,360	5,050	8,250	12,390	12,390

	Operating costs—thousands of Canadian dollars—Year of operation						
	1	2	3	4	5	6	30
Property tax	2,430	2,490	2,800	3,150	3,410	3,740	3,740
Depreciation	5,320	5,450	6,140	6,910	7,480	8,190	8,190
Interest	13,440	13,760	15,150	17,450	18,900	20,700	830
Subtotal	21,190	21,700	24,450	27,510	29,790	32,630	12,760
Total	22,600	23,870	27,810	32,560	38,040	45,020	25,150

Note: 1. Depreciation expense is based on a composite rate of 2.85 percent. 2. Interest expense is based on an 80–20 debt/equity ratio. 3. Expenses for years 7 to 30 are the same as the 6th year except interest charges decrease annually. 4. An allowance for oil measurement losses is not included in this operating cost summary.

TRANS MOUNTAIN OIL PIPE LINE CO.—ECONOMIC SUMMARY

48- AND 36-INCH CRUDE OIL PIPELINE SYSTEM, PRUDHOE BAY-EDMONTON-PUGET SOUND

		Prudhoe Bay to Edmonton	Arctic oil from Edmonton to Puget Sound
Throughputs—(000) B/D:			
1st year		600	300
2d year		800	370
3d year		1,000	460
4th year		1,100	570
5th year		1,200	690
6th year		1,300	800
7th year		1,400	800
8th to 30th year		1,500	800
	Miles	Initial	Ultimate
Investments—$(000) Can.:			
Prudhoe Bay to Edmonton	1,696	$1,350,000	$1,487,000
Edmonton to Puget Sound	698	190,000	290,000
Total	2,394	$1,540,000	$1,777,000

	D.C.F. rate of return (percent)		
	8	10	12
Tariffs—¢/bbl. Can.: Constant tariff—30-year average:			
Prudhoe Bay to Edmonton	51	62	73
Edmonton to Puget Sound	20	23	27
Total	71	85	100

Declining tariffs—7 percent return on I.C.C. valuation; debt/equity ratio—80/20.

	I.C.C. tariff (¢/bbl) Can.—Year of operation				
	1	3	5	8	30
Prudhoe Bay to Edmonton	144	92	77	63	45
Edmonton to Puget Sound	40	31	25	24	19
Total	184	123	102	87	64

NEWSPAPERS PUBLISH IN PITTSBURGH AGAIN: FORUM FILLED NEWS GAP DURING STRIKE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. MOORHEAD. Mr. Speaker, the newspaper strike in Pittsburgh is over. After 4 months without the afternoon Pittsburgh Press and the morning Post Gazette, the people of Pittsburgh are again reading their local newspapers.

The strike hurt our city but, as with most serious strikes the people most affected responded in ingenious and unselfish ways. The local radio and television stations beefed up their coverage of news and reported vital statistics. Out-of-town newspapers from Cleveland, New York, and Washington made their appearance and were sold as soon as they hit the stands in Pittsburgh. And the still functioning weekly newspapers in the Pittsburgh area began turning out editions with more and more pages.

One of these latter publications was the Pittsburgh Forum, a sometimes muckraking, wheeling-dealing, pull-no-punches tabloid that leaped into the fray when the dailies ceased to publish.

Filling its pages with political and social commentary, the Forum, struggled and strained its capacity to turn out two and three times its normal number of pages.

Much credit goes to the publisher of the Forum, Tom Hennessy, and his excellent staff for the contribution they made to the city in the past 4 months.

I only hope the many readers and new advertisers who turned to the Forum during the drought maintain their ties to this very necessary and delightful paper.

My friend, Tom Hennessy, soon is going to take a new bride. I want to take this opportunity to congratulate Tom, and the soon-to-be Mrs. Hennessy, Debby Tien, and wish them many years of good luck and happiness.

SOYBEANS TOO VALUABLE TO WASTE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. SPRINGER. Mr. Speaker, the National Soybean Crop Improvement Council, whose headquarters are in Urbana, Ill., is spearheading a campaign to reduce losses of soybeans at harvesttime.

For more than a year the council has worked closely with researchers from the land-grant agricultural colleges and the U.S. Department of Agriculture. Their studies show that in combining soybeans at harvesttime growers are losing one out of every 10 bushels of soybeans that they grow.

The following news release, issued by the council's managing director, Robert W. Judd, specifies what growers can do to reduce their losses to a minimum. In this era of strong demand throughout the world for soybeans, they are much too valuable to let go to waste.

The material follows:

BETTER HARVESTING IS KEY TO HIGHER SOYBEAN PROFITS

URBANA, ILL.—Better harvest management can add $6.00 or more to soybean cash returns this fall. That's the finding of leading USDA and university researchers. These specialists say that average soybean growers lose as many as three bushels per acre through poor harvest management—a staggering $350 million annual loss to U.S. agriculture.

"Soybean growers are losing one out of ten bushels of soybeans they grow," confirms USDA Secretary Clifford Hardin. "In a year when soybeans are in strong demand, there should be a special premium on minimizing harvest losses."

Spokesmen with the National Soybean Crop Improvement Council say at least two-thirds of the annual harvest loss is unnecessary. They say growers can retain as many as two bushels more per acre—an added $600 or more from each 100 acres planted in soybeans.

The "secret" is a planned program of soybean harvest management—a step-by-step "checklist" for growers to follow this fall. Nucleus of the fall harvest program is adjustment and management of the combine.

"Prime problem areas in every combine are ground speed, reel speed, cutter bar height, and separation of soybeans from pods," says University of Illinois' Ralph Nave. "Each can help prevent sizable harvest losses."

Nave, an agricultural engineer, is the nation's only such specialist assigned exclusively to soybean harvest research.

Soybean industry leaders recently endorsed a fall "Soybean Harvest Proclamation" that incorporates some of Nave's harvest recommendations. The formal document lists seven specific "steps" to a more profitable soybean harvest, pointing out that U.S. soybean growers could lose up to 123 million bushels of soybeans through improper harvest management. A total of 20 agronomists endorsed the program.

SEVEN PROFITABLE STEPS

The Council's Seven-Step Harvest Plan, as endorsed by USDA Secretary Hardin, begins with moisture levels:

1. Begin harvesting when soybean seed moisture reaches 13 percent. Shatter losses increase markedly when moisture levels drop below 11.5 percent, according to Illinois research. How does a grower determine moisture levels? Veteran growers can judge by biting the seed to check interior moisture, but most growers take field samples to the local elevator for a moisture meter test.

2. Harvest at an average combine speed between 2.5 and 4.0 miles per hour. Combines operate most efficiently at that range—and the cutter bar is allowed to ride down for maximum cut. Combines don't have speedometers, but Illinois' Nave says growers can judge ground speed by dividing the number of three-foot strides in the area covered by the combine in 20 seconds—by a factor of ten. This gives an accurate mph figure.

3. Count lost soybeans already on the ground before harvest—so that pre-harvest losses are not charged against combining. This permits accurate checking of harvest loss. Count the number of soybeans lying on the ground. Four beans per square foot indicate a bushel lost per acre.

4. Match ground speed to combine reel speed. Best speed ratio is a reel speed of 1.5 times the combine ground speed, according to Nave. A low reel speed reduces shattering, he points out, and reduces the number of bean pods that "pop out" of the combine after cutting. Another good guideline is maintaining 12 rpms of reel speed per each mph of combine ground speed.

5. Cut soybeans as close to the ground as possible. The goal is to harvest all of the pods—even the very lowest. A 3.5 to 4-inch stubble height is not good, according to Nave. His Illinois tests showed a 10 percent reduction in harvest losses when soybeans were cut off at 2½ inches. How is a low stubble height possible? Nave says by harvesting slow, and by using a "floating cutter bar" or automatic header control. Some soybean varieties have pods only two inches off the ground, he points out.

6. Measure soybean losses from cutting, gathering, and threshing operations to pinpoint necessary adjustments. The key guideline here, says Nave, is to "go by the book"—the combine operator's manual. Check the losses resulting from each area of operation, then re-adjust individually to optimum operating conditions.

7. Continually adjust the combine to changing crop conditions. Early morning dew and dampness must be compensated for during combining, Nave advises. Cylinder speed should be increased to 500 rpms or faster for tough bean pods, while combine concaves should be set closer. As the beans dry out in fall sunshine, the cylinder speed can be slowed, and the concaves adjusted open. The combine's blower fan should also be slowed down—to prevent beans from being "blown out the back." Another changing crop condition is lodging. Nave advises to combine into the down soybeans—with reel tines set vertically. Angled tines may "hold" the soybeans, and increase losses.

"We support a national plan to assist growers in keeping their share of soybean profits through better harvesting methods," says the National Soybean Crop Investment Council's Robert W. Judd. "And the time spent by individual growers doing a more careful job of harvesting—could earn them $15.00 or more per hour!"

VOLUNTARY RETIREMENT OF FEDERAL EMPLOYEES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. HOGAN. Mr. Speaker, the Subcommittee on Retirement, Insurance, and Health Benefits of the Post Office and Civil Service Committee, on which I serve, today commenced hearings on pending Federal employee retirement legislation.

As the sponsor of H.R. 7403, which would liberalize the conditions under which Federal employees could elect voluntary retirement, I testified in support of this legislation. I include my testimony in the RECORD at this point:

TESTIMONY OF LAWRENCE J. HOGAN

Mr. Chairman, I am pleased to appear as a witness and advocate for my bill, H.R. 7403, which would liberalize the conditions under which Federal employees could elect voluntary retirement.

Under the present law, the earliest age at which voluntary retirement with an immediate annuity is permitted is 55 and then only for people who have at least 30 years of Federal employment. In addition, people whose separation is involuntary (but not for misconduct or delinquency) can qualify for an immediate annuity at any age if they have 25 years of service, or as early as age 50 if they have at least 20 years of service. However, when an annuity begins before age 55, the annuity is reduced by 1/6th of one percent of each month (2 percent a year) that the person is under age 55.

My bill would liberalize these provisions by:

1. allowing voluntary retirement whenever an individual's age and years of service add up to 80;

2. allowing voluntary retirements to people of any age who have 25 years of service and to people age 50, and over, who have at least 20 years of service, provided that the Civil Service Commission determines that a major reduction in force is under way;

3. cutting in half—to 1/12th of one percent—the reduction factor that applies to people who retire before age 55.

These liberalizations are designed to introduce a greater element of flexibility into the Federal civilian retirement program. While I have no idea how many people will opt for retirement under these provisions, it is my understanding that about 180,000 employees who are not now eligible for immediate retirement could become eligible if my bill were enacted. I might point out that this would assist the President in his efforts to reduce the size of the Federal employment rolls through attrition.

I would like, at this point, to make an important observation about retirement and retirement age. Authorities on the subject are of the general opinion that there is no single age that is the retirement age for everyone. The age that any given individual should retire depends on the individual and the type of work he does. For some people in some jobs, retirement should come as early as 45 or 50, while others can function in their jobs up to 70, 75, or even 80. Retirement age, then, is a very individual characteristic. It varies from person to person and depends on how an individual is fitted to his job. Therefore, it would seem that the appropriate thing to do would be to build as much flexibility as is consistent with good management into the Federal retirement system. In my opinion, that is what the "sum-equal-to-80" provision would do. Not only would it allow an individual greater latitude in determining when he would retire but it would also guarantee the Government that the individual would have spent a considerable part of his life in Federal employment. For example, the man who starts working for the Federal Government at, say, age 20 could retire at age 50 with 30 years of service—5 years earlier than under present law. On the other hand, the man who starts Federal employment at age 30 could retire at age 59½ with 20½ years of service—only 6 months earlier than is possible under the 60–20 provision of present law.

The second liberalization proposed by my bill would operate only when a major RIF was in process. The proposal is simply to allow a person who wants to retire to do so, so that someone else will not lose his job. The provision would operate in the following manner. Suppose that there are two people both age 50, both doing the same type of work and under the RIF one has to lose his job. If one of the men has 19 years of service and the other 20 years, the man who will lose his job is the one who has only 19 years of service; the man who would not qualify for a retirement annuity.

Under my amendment, the man with 20 years of service could, if he wanted to, retire and get an immediate annuity. In such a case, the man with 19 years of service could stay on the job. I want to make it clear that this is a voluntary retirement provision; the choice would be up to the man with 20 years of service. There is nothing in this bill that would let the employing agency or any other person force an employee to retire.

The third change which my bill would bring about grows out of the other two. The reduction factor that is applied when a person becomes entitled to an annuity before age 55 would be changed from $\frac{1}{6}$th of one percent to $\frac{1}{12}$th of one percent for each month the employee is under age 55 at the time of retirement. This changes seems necessary just to assure that people who retire early receive annuities that bear a meaningful relationship to the employee's pre-retirement income. For example, the man I mentioned earlier who could elect to retire with 20 years of service because a RIF was in process would get under present law an annuity equal to about 36 percent of his high-3 average salary, reduced by 10 percent to about 26 percent because he was under 55. Under my proposal, the reduction would be only 5 percent, to about 31 percent of the high-3 average.

Mr. Chairman, I appreciate being allowed to make this statement in support of H.R. 7403 and I hope that a favorable report will permit the legislation to get to the full House in the near future.

IT IS KEEPING FREEDOM THAT MATTERS—NOT RACIAL EQUALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. RARICK. Mr. Speaker, the use of Father Theodore M. Hesburg as a spokesman for the advocates of busing schoolchildren to achieve racial balance is about as relevant as the busing is to education.

Father Hesburg is a priest who is unmarried and has no children. But like any of our intellectual experts on everybody else's problems, he would permit his position as "father" to be exploited.

A bachelor is about as well qualified to speak as an expert on the duties and responsibilities of a parent in the busing conspiracy as the northern super-liberals are on race problems; ministers, baby doctors, and draft dodgers on military problems or nonworkers on taxes.

Uninvolved people who have never experienced reality in situations in which they purport to have solutions are always the first to offer self-styled expertise.

Perhaps people like Father Hesburg, despite their sincerity and dedication, do not realize that their actions clearly show they reject democracy, the rule by majority vote, when it does not fit their goals and objectives.

Or perhaps the busing priest would equate his approval of forcible kidnaping with a "new" teaching of love—do unto others as you would not have them do unto you. Quite obviously, Father Hesburg, a member of the CFR, qualifies as a member of the establishment. However, his actions, like those of many others in the "modern" ministry, are inconsistent with Holy Scripture.

Furthermore, as a salaried Nixon appointee on the Civil Rights Commission, his views can hardly be considered as impartial and without prejudice.

EQUAL RIGHTS FOR WOMEN—HEARD, BUT NOT SEEN

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. ROSENTHAL. Mr. Speaker, women's rights advocates have been actively lobbying for an equal rights amendment for 47 years. Scheduled for a vote next week by the House is the same 47-year-old amendment, which has been ignored and delayed by the Congress since 1923.

The need for an equal rights amendment which would not only reinforce, but substantiate the equal status of women, is reflected in the numerous State laws which blatantly segregate and amplify alleged differences between male and female roles and capabilities in society. There are more than 1,000 State and Federal laws which encourage the discrimination of the sexes through age qualifications and physical restrictions. The controversial Wiggins amendment to House Joint Resolution 208 is simply another attempt to nullify the impact of this legislation by allowing the continuing enforcement of this type of inequitable prejudice.

The role of women in society is undergoing dynamic change which cannot be ignored. Enactment of the equal rights amendment without the Wiggins amendment is the vehicle of governmental affirmation and responsiveness to this eventful transformation. Recognition of the woman in her new role must begin through practicable legislation, and not in passive theoretical lethargy.

SUPPORT FOR MINING LAWS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BEGICH. Mr. Speaker, the Alaska Miners Association has forwarded to me a petition circulated among Alaska miners stating their strong support for current American mining laws.

I have forwarded a copy of the letter I received to my able colleague Ed Edmondson, chairman of the House Subcommittee on Mines and Mining of the Interior and Insular Affairs Committee. I believe, Mr. Speaker, that my colleagues in the House would find this letter most interesting and I, therefore, include it in today's Record:

Alaska Miners Association,
Fairbanks, Alaska, September 14, 1971.

Hon. Nick Begich,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Begich: Enclosed are copies of a petition circulated by the Alaska Miners Association last year. There are approximately 3,429 names on this petition, which very simply says that the signers believe in the American Mining laws and what they stand for. These signatures were acquired without making a special effort. Association members merely showed the petition to friends and acquaintances.

In this day of bigness and concentration of power, we can ill afford to scrap one of our great bulwarks of grassroots democracy, and it has baffled me to see men who otherwise profess to be friends of the small man rushing to do so. Those of us who have worked with these laws for years recognize that they grew out of true democracy and self government. The genius of the men who codified them lay in recognizing that the early miners had hit upon the most efficient and orderly system that could be devised, and also the most remunerative to society. We must remember that it matters little where revenue is called a tax or a royalty.

The Alaska Miners Association asks that you do all that you can to retain these laws.

Sincerely,

Ernest N. Wolff,
President.

HOUSE OF REPRESENTATIVES—*Wednesday, September 22, 1971*

The House met at 12 o'clock noon.

The Reverend Horace C. Bass, Tulip Street United Methodist Church, Nashville, Tenn., offered the following prayer:

Sometimes, Lord, when we come to You in prayer, all we are concerned about is getting finished with the task at hand. But the Psalmist has so aptly said, "Be still and know that I am God." More important, Lord, cause us not only to listen for You, but to hear; and having heard, to act. Especially in this day and time of need for guidance from a higher power than we have here on earth do we seek for Your guidance. For the Congress of the United States of America we seek special guidance.

We thank You, O God, for the past history of this august body, but we are especially grateful for the opportunities that lie ahead. So we pray that every opportunity to do good for our country and our world will be utilized to the fullest, beginning with this moment. Our prayer is in the name of the Father, the Son, and the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6531) entitled "An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. Con. Res. 6) entitled "A concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Williams, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Pell, Mr. Mondale, Mr. Dominick, Mr. Javits, Mr. Schweiker, Mr. Packwood, Mr. Taft, and Mr. Beall to be the conferees on the part of the Senate.

ARE THE EMBERS OF WAR BEING STIRRED BY OUR ACTIONS IN VIETNAM?

(Mr. DOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOW. Mr. Speaker, we should be seriously alarmed when we learn today that 200 planeloads of U.S. bombs were dropped on North Vietnam yesterday.

Instead of winding down, the war seems to be winding up. The fighting continues on many fronts, with Vietnamese still dying in numbers, and U.S. bombing persisting on a tremendous scale. Let us ask if our declared moratorium on bombing in North Vietnam still holds.

The hypocrisy of our actions is appalling. To justify our aggressive perpetuation of this war, we use terms of innocence, speaking of our "unarmed reconnaissance planes," when we know they are accompanied by armed fighters. Our military still call the bombing a "protective reaction." Yesterday's raid is justified because North Vietnamese targets are called "a threat to the safety of U.S. forces."

If the safety of our forces is all we are fighting for, why do we not bring them out to a safe place, such as home in the United States?

Mr. Speaker, Southeast Asia is an oven where hot embers of war still glow beneath the ashes of the past devastation. Under the wind blown by American air raids, these embers could flare into renewed and widespread war at any time. Sometimes I wonder if our own people are not purposely stirring the embers, Mr. Speaker.

WE MUST HAVE SUFFICIENT INCOME TO MEET OUR EXPENDITURES

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I regret that the House Ways and Means Committee will recommend reducing the proposed 10-percent investment tax credit to 7 percent and is contemplating tax relief for low-income families beyond that proposed by the administration.

The 10-percent tax credit would spur our economy by encouraging industry to expand and modernize, and would provide many more jobs for our workers.

The 10-percent tax credit would enable U.S. industry to more quickly become competitive with our foreign industrial competitors. The 7-percent tax credit will decrease the efficiency of this program by 30 percent.

Further tax relief at this time for anyone is impractical. Our total deficit of over $30 billion last year has increased our national debt to well over $400 billion, and Federal deficits are a major cause of inflation.

The House Ways and Means Committee should devote their efforts to making certain that we have sufficient income to meet our expenditures.

THE LATE MRS. CHARLES WIGGINS

(Mr. SMITH of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, on behalf of Congressman Holifield, the dean of the California delegation, it is my sad duty to inform the Members of the House of Representatives that memorial services for Mrs. Charles Wiggins will be held on Friday, September 24, 1971, at 3 p.m., at the Potomac United Methodist Church, Falls Road and South Glenn Road in Potomac, Md.

Mr. Speaker, on your behalf and on behalf of all Members of the House of Representatives, may I express our sincere sympathy to our colleague, Chuck Wiggins, upon the death of his beloved wife, Yvonne, and to their children upon the death of their wonderful mother.

BASEBALL TEAM LEAVES WASHINGTON, D.C.

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I am both disappointed and angered today over the decision to strip Washington, D.C., of its major league baseball team. But while I decry the loss of the Senators from our city, I certainly do not feel any regret over the loss of Robert Short from the local scene.

Besides trading away the nucleus of a future team—Coleman, Brinkman, Rodriquez, and others—for box office names that did not produce, Mr. Short brought our city and its fans the highest ticket prices in the league.

The rest of his time, apparently, was spent pressuring for concessions from the District of Columbia to make the quickest return possible on his investment.

With the exception of bringing an outstanding manager here, Ted Williams, Mr. Short has brought nothing but grief to the baseball scene in this city.

At this time, Mr. Speaker, it is not clear exactly what can be done to maintain the tradition of major league baseball in Washington. But the fans of this city deserve a team, and they deserve the type of good business management they have not received over the past 3 years.

I intend to do anything and everything I can in this Congress to influence the continuation of major league baseball in Washington.

CONFERENCE REPORT ON H.R. 10090, PUBLIC WORKS-AEC APPROPRIATIONS, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 14, 1971.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Speaker, we bring you the conference report on the public works and atomic energy appropriation bill for fiscal year 1972. May I say at the outset that this bill passed the House on July 29th by a vote of 386 to 4. It passed the Senate on July 31 by an equally large vote of 72 to 2. The new rule adopted in the House requires a 3-day layover before conference reports can be called up for consideration. But for that rule the conference report would have been brought up prior to the recess. Here is one example where the rules have brought about delay.

The original House bill provided a total new obligational authority of $4,576,173,000. This was $39,772,000 under the budget estimate.

The Senate bill provided $4,716,922,000, an increase of $140,749,000 over the House bill. This included provision for $10 million submitted in a budget amendment not considered by the House.

We are recommending today an appropriation of $4,675,125,000 agreed to by the conferees.

The bill total is $59,043,000 over the budget estimate. The final figure is $98,952,000 over the House bill and $41,797,000 under the Senate bill.

The bill is $210,140,000 over the new obligational authority for 1971.

Of this increase, $173,555,000 is in the appropriations for the Corps of Engineers, including $80.7 million for additional operation and maintenance requirements and $76.7 million primarily to provide more adequate funding for projects under construction.

The largest item in the bill is the AEC appropriation, totaling $2,294,380,000.

This is $43,822,000 under the budget estimate and a decrease of $13.9 million from the appropriation for fiscal year 1971.

The managers have agreed to the Senate language in reference to the Cannikin underground nuclear test at Amchitka Island, Alaska, providing that none of the fund appropriated by the act shall be obligated or expended to detonate the test unless the President gives his direct approval for such test.

In reference to the NERVA program, the managers have agreed on a total appropriation of $30 million, an increase of $15 million over the budget request and have requested in the report that consideration be given by AEC to providing within available funds such additional amounts as may be necessary to match any funds earmarked for the program in the NASA appropriation.

In reference to the National Radioactive Waste Repository site at Lyons, Kans., the managers have agreed to an increase of $250,000 over the House bill amount to be available solely for obtaining necessary leasehold interests, including options to purchase, and suspension of mineral rights. No funds shall be utilized for land acquisition in accordance with the authorization.

The managers have given priority to the provision of more adequate funding of projects under construction and have adhered to the restrictive policy followed by the House in making provision for only a very limited number of low cost new construction starts.

The recommended appropriation includes a total of only $11.9 million to initiate construction on only 22 projects for the Corps of Engineers with an estimated total cost of $252.3 million.

This compares with 24 projects to be completed during fiscal year 1972 with a total estimated cost of $468.8 million.

A restrictive policy has also been followed in reference to new planning starts.

For the Corps of Engineers only $2.7 million has been included in the bill for the funding of 28 new planning starts with a total cost of only $287.6 million.

No new Corps project was approved either for the initiation of planning or construction which had a total estimated cost in excess of $40 million. A majority of the projects involved a total cost of less than $10 million.

Only four new construction starts are included for the Bureau of Reclamation with a total cost of only $77.7 million.

Only two new planning starts with a total cost of $68.4 million have been approved for the Bureau.

No funds are included in the bill for planning of the Dickey-Lincoln School project in accordance with the House action.

The managers agreed to an increase of $15 million in the House bill amount for the nonhighway programs under the Appalachian regional development appropriation.

This includes $5 million for the health demonstration program; $5 million for vocational education facilities and $5 million for supplemental grants.

The total appropriation of $297 million, including $175 million for the highway program, is $5 million less than the appropriation for fiscal year 1971.

As indicated in the House committee report on the bill, we are deeply concerned over the impounding of the planning and construction funds added by Congress to the public works appropriation bill for fiscal year 1971 and expect that the funds involved will be released from reserve for availability during the current fiscal year, including those which were not budgeted for release until after fiscal year 1972.

We feel strongly that Congress has the prerogative to make adjustments in the budget request and establish its own priorities to the extent it believes necessary. We expect, therefore, that the allocations to projects and activities agreed upon for fiscal year 1972 will be adhered to and the funds apportioned for obligation during the current fiscal year.

This is an austere bill considering the large backlog of authorized projects which have not yet been funded which are urgently needed to provide water quality and supply, additional power generation, flood control, and other water resource requirements.

I regret that more adequate funding could not have been made for new planning and construction starts. However, priority had to be given to more adequate funding of projects underway.

In the Corps of Engineers program, there is a current backlog of over 450 authorized projects on which construction has not yet been started and yet it was possible to make provision for only 22 new starts in the bill. This is less than half the new starts provided in last year's bill and compares with an annual average of 52 new starts during the last 10 years.

Despite the backlog of 220 authorized projects on which planning has not even been initiated it was possible to approve the funding of only 28 new starts. This compares with an annual average of 50 new planning starts over the last decade.

The committee and conference felt that we must move forward with our planning and construction schedule, or the Nation would face water and power crises in the future We are all aware of this. Also we would invite continued flood damage in critical areas, if these funds are not provided.

With the demands for electricity doubling every 10 years, and with pressing demands for water supplies and expanded waterways to accommodate record traffic volume, we find that efforts to respond to these needs are caught in a squeeze between the Office of Management and Budget and those who are attempting to block projects in the guise of environmental protection.

The committee is increasingly concerned over the delays in water resource development caused by OMB freezes, injunction proceedings and law suits filed to stop progress of public works programs.

On yesterday we were advised that a judge of the local Federal district court issued a preliminary injunction halting construction of the Tennessee-Tombigbee Waterway Canal for which $6 million is included in this bill for construction this year.

The court in hearing the arguments of a few environmentalists apparently was swayed and influenced by their statements rather than the long considered and thorough studies and evaluations by the U.S. Corps of Engineers.

The Tennessee-Tombigbee project has been studied and restudied—evaluated and reevaluated—and the committee and the Congress would not have approved this project without these thorough studies, evaluations, and investigations.

The judge may be assured—and the Nation may be assured—that this project has been thoroughly considered—and that these studies and evaluations have demonstrated a favorable cost-benefit ratio. In other words, the economic benefits from this vital and important waterway will exceed the costs of construction. The environmental impact also has been thoroughly considered by the Congress and weighed against benefits to the American people.

For many years special interest groups—the railroads, for example—opposed this project. With the declining service of the railroads there is an increased need for water transportation.

The completion of this vital link would serve to connect Middle America—the heartland of America—with the South, the Northeast in an intra-America water transportation system.

It is my personal feeling that this project should go forward.

The Congress has heard much more testimony over the years concerning this project than any judge will ever hear.

I trust that the preliminary injunction may be lifted—and I trust the funds carried in this conference report will be utilized to move this project into construction.

We must restore these vital and important projects to their original timetables—or we are going to find our Nation with its ever-increasing population facing ever-increasing problems of shortages in electric power, water supply and other vital services.

We must move forward.

We must not stop progress.

We must not halt progress at a critical time when our economy needs added stimulus and unemployment is critical in many areas.

It is my view that we must achieve a balance between the preservation of our environment and the need for progress.

We must achieve a balance between protection of our green heritage and development of natural resources required to serve our expanding population.

This conference report itself strikes this balance between need and fiscal restraint.

Despite our effort to restore many projects to normal timetables of construction, there still exists a tremendous backlog of needed projects.

Mr. Speaker, I want to repeat that this is a well-considered and a prudent report. It is a report in keeping with fiscal integrity and sound judgment. I urge approval of the conference report. I will insert at this point a table outlining the conference action by appropriation item compared with the 1971 appropriation and the 1972 budget and estimates.

The table follows:

PUBLIC WORKS AND AEC APPROPRIATIONS FOR FISCAL YEAR 1972—SUMMARY TABLE

Item	New budget (obligational) authority, fiscal year 1971 (enacted to date) (Excludes anticipated pay supplemental, 1971)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority in House bill	New budget (obligational) authority in Senate bill	New budget (obligational) authority in conference allowance	Conference action compared with— New budget (obligational) authority fiscal year 1971 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—ATOMIC ENERGY COMMISSION									
Operating expenses	$1,929,160,000	$1,966,751,000	$1,926,000,000	$1,963,720,000	$1,950,130,000	+$20,970,000	−$16,621,000	+$24,130,000	−$13,590,000
Plant and capital equipment	[1] 379,100,000	371,451,000	344,000,000	345,000,000	344,250,000	−34,850,000	−27,201,000	+250,000	−750,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,308,260,000	2,338,202,000	2,270,000,000	2,308,720,000	2,294,380,000	−13,880,000	−43,822,000	+24,380,000	−14,340,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
Corps of Engineers—Civil									
General investigations	[2] 39,897,000	50,169,000	49,364,000	52,094,000	50,714,000	+10,817,000	+545,000	+1,350,000	−1,380,000
Construction, general	851,256,000	[5] 859,179,000	889,088,000	937,118,000	927,926,000	+76,670,000	+68,747,000	+38,838,000	−9,192,000
Flood control, Mississippi River and tributaries	84,000,000	80,966,000	80,966,000	91,501,000	86,000,000	+2,000,000	+5,034,000	+5,034,000	−5,501,000
Operation and maintenance, general	[3] 303,331,000	[6] 393,966,000	376,000,000	390,000,000	384,000,000	+80,669,000	−9,966,000	+8,000,000	−6,000,000
Flood control and coastal emergencies	3,000,000	7,000,000	5,000,000	5,000,000	5,000,000	+2,000,000	−2,000,000		
General expenses	27,601,000	[7] 29,205,000	28,900,000	29,138,000	29,000,000	+1,399,000	−205,000	+100,000	−138,000
Total, Corps of Engineers—Civil	1,309,085,000	1,420,485,000	1,429,318,000	1,504,851,000	1,482,640,000	+173,555,000	+62,155,000	+53,322,000	−22,211,000
Cemeterial Expenses									
Salaries and expenses	18,830,000	22,588,000	22,588,000	22,588,000	22,588,000	+3,758,000			
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,327,915,000	1,443,073,000	1,451,906,000	1,527,439,000	1,505,228,000	+177,313,000	+62,155,000	+53,322,000	−22,211,000
TITLE III—DEPARTMENT OF THE INTERIOR									
Bureau of Reclamation									
General investigations	20,097,000	22,025,000	21,975,000	22,650,000	22,400,000	+2,303,000	+375,000	+425,000	−250,000
Construction and rehabilitation	186,793,000	190,500,000	208,845,000	206,956,000	208,845,000	+22,052,000	+18,345,000		+1,889,000
Upper Colorado River storage project	25,375,000	19,756,000	20,589,000	21,219,000	21,089,000	−4,286,000	+1,333,000	+500,000	−130,000
Colorado River Basin project	2,013,000	1,575,000	1,775,000	1,775,000	1,775,000	−238,000	+200,000		
Colorado River Basin project (appropriation to liquidate contract authorization)	(5,748,000)	(31,500,000)	(31,500,000)	(31,500,000)	(31,500,000)	(+25,752,000)			
Operation and maintenance	59,289,000	72,884,000	70,000,000	72,000,000	71,500,000	+12,211,000	−1,384,000	+1,500,000	−500,000
Loan program	8,550,000	9,975,000	10,795,000	10,795,000	10,795,000	+2,245,000	+820,000		
Emergency fund		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000			
General administrative expenses	14,753,000	15,525,000	15,525,000	15,525,000	15,525,000	+772,000			
Total, Bureau of Reclamation	316,870,000	333,240,000	350,504,000	351,920,000	352,929,000	+36,059,000	+19,689,000	+2,425,000	+1,009,000
Alaska Power Administration									
General investigations	600,000	618,000	500,000	500,000	500,000	−100,000	−118,000		
Operation and maintenance	400,000	457,000	457,000	457,000	457,000	+57,000			
Total, Alaska Power Administration	1,000,000	1,075,000	957,000	957,000	957,000	−43,000	−118,000		

Footnotes at end of table.

PUBLIC WORKS AND AEC APPROPRIATIONS FOR FISCAL YEAR 1972—SUMMARY TABLE—Continued

Item	New budget (obligational) authority, fiscal year 1971 (enacted to date) (Excludes anticipated pay supplemental, 1971)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority in House bill	New budget (obligational) authority in Senate bill	New budget (obligational) authority in conference allowance	Conference action compared with—			
						New budget (obligational) authority fiscal year 1971 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1972	New Budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Bonneville Power Administration									
Construction	$91,600,000	$94,000,000	$90,000,000	$91,630,000	$91,000,000	−$600,000	−$3,000,000	+$1,000,000	−$630,000
Operation and maintenance	25,220,000	27,825,000	27,825,000	27,825,000	27,825,000	+2,607,000			
Total, Bonneville Power Administration	116,820,000	121,825,000	117,825,000	119,455,000	118,825,000	+2,005,000	−3,000,000	+1,000,000	−630,000
Southeastern Power Administration									
Operation and maintenance	836,000	908,000	870,000	870,000	870,000	+34,000	−38,000		
Southwestern Power Administration									
Construction	950,000	1,891,000	1,050,000	1,050,000	1,050,000	+100,000	−841,000		
Operation and maintenance	5,294,000	5,513,000	4,500,000	5,000,000	5,000,000	−294,000	−513,000	+500,000	
Total, Southwestern Power Administration	6,244,000	7,404,000	5,550,000	6,050,000	6,050,000	−194,000	−1,354,000	+500,000	
Office of the Secretary									
Underground electric power transmission research	750,000	1,000,000	750,000	1,000,000	875,000	+125,000	−125,000	+125,000	−125,000
Total, title III, new budget (obligational) authority, Department of the Interior	442,520,000	465,452,000	476,456,000	480,252,000	480,506,000	+37,986,000	+15,054,000	+4,050,000	+254,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)									
Appalachian Regional Commission: Salaries and expenses	968,000	1,113,000	1,113,000	1,113,000	1,113,000	+145,000			
Appalachian regional development programs (funds appropriated to the President)	[4] 302,000,000	282,000,000	282,000,000	302,000,000	297,000,000	−5,000,000	+15,000,000	+15,000,000	−5,000,000
Delaware River Basin Commission:									
Salaries and expenses	62,000	64,000	64,000	64,000	64,000	+2,000			
Contribution to the Delaware River Basin Commission	175,000	179,000	179,000	179,000	179,000	+4,000			
Total, Delaware River Basin Commission	237,000	243,000	243,000	243,000	243,000	+6,000			
Federal Power Commission: Salaries and expenses	19,910,000	22,582,000	22,200,000	22,200,000	22,200,000	+2,290,000	−382,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	5,000	20,000	20,000	20,000	20,000	+15,000			
National Water Commission: Salaries and expenses	1,840,000	1,200,000	1,200,000	1,200,000	1,200,000	−640,000			
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	56,180,000	56,600,000	64,950,000	67,650,000	67,150,000	+10,970,000	+10,550,000	+2,200,000	−500,000
Water Resources Council: Water resources planning	5,150,000	5,460,000	5,960,000	5,960,000	5,960,000	+810,000	+500,000		
Susquehanna River Basin Commission:									
Salaries and expenses		62,000	50,000	50,000	50,000	+50,000	−12,000		
Contributions to Susquehanna River Basin Commission		75,000	75,000	75,000	75,000	+75,000			
Total Susquehanna River Basin Commission		[8] 137,000	125,000	125,000	125,000	+125,000	−12,000		
Total, title IV, new budget (obligational) authority, independent offices	386,290,000	369,355,000	377,811,000	400,511,000	395,011,000	+8,721,000	+25,656,000	+17,200,000	−5,500,000
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,156,725,000	2,277,880,000	2,306,173,000	2,408,202,000	2,380,745,000	+224,020,000	+102,865,000	+74,572,000	−27,457,000
Total, new budget (obligational) authority, titles I, II, III, and IV	4,464,985,000	4,616,082,000	4,576,173,000	4,716,922,000	4,675,125,000	+210,140,000	+59,043,000	+98,952,000	−41,797,000
Memoranda:									
Appropriations to liquidate contract authorizations	(5,748,000)	(31,500,000)	(31,500,000)	(31,500,000)	(31,500,000)	(+25,752,000)			
Total appropriations, including appropriations to liquidate contract authorizations	(4,470,733,000)	(4,647,582,000)	(4,607,673,000)	(4,748,422,000)	(4,706,625,000)	(+235,892,000)	(+59,043,000)	(+98,952,000)	(−41,797,000)

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[1] Includes $25,500,000 appropriated in Supplemental Appropriation Act, 1971.
[2] Includes $300,000 appropriated in Supplemental Appropriation Act, 1971.
[3] Includes $1,000,000 appropriated in Supplemental Appropriation Act, 1971.
[4] Includes $8,500,000 appropriated in Supplemental Appropriation Act, 1971.
[5] Includes $2,250,000 in H. Doc. 92-93; and $10,000,000 in S. Doc. 92-32, not considered by the House.
[6] Includes $4,966,000 in H. Doc. 92-93; and a decrease of $10,000,000 in S. Doc. 92-32.
[7] Includes $1,460,000 in H. Doc. 92-93.
[8] Submitted in S. Doc. 92-35, Aug. 6, 1971.

Mr. Speaker, I yield 30 minutes to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. Edwards).

Mr. EDWARDS of Alabama. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Tennessee insofar as he was discussing the ruling of the judge on the Tennessee-Tombigbee Waterway.

Mr. Speaker, Tuesday's ruling by U.S. District Judge John Lewis Smith granting a preliminary injunction against start of construction on the Tennessee-Tombigbee Waterway, until an ecology suit can be resolved, has been a bitter pill to swallow.

It is so unfortunate that the hopes and dreams of a great section of this country can be thwarted by such a few extremists. There is now the unpleasant possibility that start of construction on the waterway may be delayed up to a year until the suit is settled.

This is preposterous. It is thoroughly inconceivable to me that a judge could further delay this much needed and long awaited project.

Sure, everyone wants to protect the ecology. I certainly share that desire. Pollution of the air and water around us is a menace that we can ill afford to downgrade as simply a passing thing. My record in supporting antipollution measures in Congress has been consistent.

Only recently I supported a bill in the House which would regulate the dumping of polluted waste into the oceans surrounding us.

And I have introduced air and water pollution bills, some of which has been passed.

When it comes to protecting the ecology, the Tennessee-Tombigbee Waterway project stands out as a model of thorough planning. Dating back many years, the Corps of Engineers has made a conscientious effort to make certain that construction of the waterway would not prove detrimental to the ecology of the area. Their studies have indicated that fish and wildlife will, if anything, become more bountiful in and around the lakes and streams surrounding the waterway. The area will provide a vast network of fishing, hunting, boating and camping havens for millions of Americans.

Does all this sound like a threat to ecology? Nothing, in my estimation, could create a more serene and beneficial effect on the environment.

Mr. Speaker, all of this concern over the ecology is praiseworthy. But, there is still another vital factor which neither Judge Smith nor the environmental plaintiffs really considered—the pursuit of a sound, healthy economy for an area of this Nation which has long been in the throes of a struggling job depression. The economic lifeblood of 23 States within the heartland of America will, with the advent of the Tenn-Tom, begin prospering as never before. Thousands of hard-pressed citizens will find themselves being removed from the welfare rolls to join the ranks of the employed in jobs such as transportation, industry, and agriculture which will result once the Tenn-Tom is completed.

And for the Port of Mobile, the Tenn-Tom system promises to provide a totally new concept in commercial trade. According to project planners, the impact of increased barge and river traffic on the Port of Mobile will ultimately result in a doubling of its present shipping tonnage.

Unfortunately, all of this—the economy, the environment and, most important, the future prosperity of millions of Americans—is being detoured from the road of progress by one judge and a handful of unbending ecologists.

But the battle is not over yet. We will continue to fight for the Tennessee-Tombigbee Waterway, because it is right for this country.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am in thorough agreement with the statements of the gentleman from Tennessee concerning the conference report. The report is unanimous. It was signed by all the conferees on the part of the House. I think it is as good a report as could be brought before the House at this particular stage of our history, bearing in mind the fact that we are in budgetary stringency. I believe we can say that this is a Spartan bill.

It is in excess of the budget by $59 million, which is 1¼ percent over the budget. We should also bear in mind that the bill as it passed the House was under the budget and the Senate bill was somewhat in excess. The conferees, I believe, picked and chose wisely in picking those projects which are most worthy and which are most necessary for the well-being of the country.

I believe the conferees have come up with a good piece of work, a good report.

I should like to comment just briefly on one or two of the items which are funded.

The NERVA program, which is a program to provide a vehicle for operation in deep space, was funded on a limited basis. This is, I believe, a very important step. It is necessary for us to proceed with this most important project in order for us to have a vehicle which cannot only navigate in outer space as well as that space near the earth, but also can maneuver in this very important part of the universe as it pertains to us, to our defense, and to our well-being. I hope that this project will in the future be funded at a higher level, so that it can proceed to completion and the day can come sooner than we now expect that we will have such a vehicle in operation in outer space.

It is also important to remember that the gentleman from Tennessee is absolutely correct when he says we have unmet needs insofar as water development is concerned and that we face a power shortage in this country. We are in a position now of having very soon to make a choice between the type of obstructionism which we see in certain elements in the environmental movement and the probability of brownouts or blackouts very shortly.

Mr. Speaker, I am just as much in favor of a proper and healthy environment as anybody could possibly be. I feel if we do not panic and are able to plan wisely we can have that kind of environment and also have the facilities required in this 20th century world to give the American people the type of life they want and to give them the type of advantages which only come in a Nation which is rich in the production of power.

Our utility industry has been able to stay ahead of the needs of the country.

However, now those needs are rapidly catching up with the supply. It is certainly up to us to do our best work in planning for the future so that we will have an abundance of power rather than a shortage.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Kansas (Mr. Winn).

Mr. WINN. I thank the gentleman from Arizona for yielding.

I, too, want to congratulate the committee, the chairman, Mr. Evins of Tennessee, and the ranking minority Member, Mr. Rhodes, for the fine work and the many hours they have put in trying to come up with a bill in an effort to satisfy the many, many demands of people across this Nation.

I was disappointed, however, over the fact that the conference committee action was not what I had hoped for on the $350,000 of items, broken into three subject matters, as a part of the Blue River project.

The Senate committee previously had sent over a request for $150,000 for Tomahawk Lake, $100,000 for Wolfe Coffee Lake, and $100,000 for Indian Lake.

I might say, Mr. Speaker, I was very glad that the committee did see fit to include the $100,000 for the Wolfe Coffee Lake, though I was very disappointed.

I wonder if I might ask either the chairman of the committee or the gentleman from Arizona (Mr. Rhodes) what chances he believes we might have for getting these other two lakes included in the Blue River project next year?

Mr. RHODES. Mr. Speaker, first I want to congratulate the gentleman from Kansas on the diligence which he has shown in bringing to the members of the committee the needs of his district in general and particularly in regard to the Blue River projects.

As the gentleman mentioned, there are three lakes which are projected for the Blue River. They are Tomahawk Lake, Wolfe Coffee Lake, and Indian Lake. Wolfe Coffee has by far the best benefit-to-cost ratio of any of the three.

There is no controversy, as far as we know, about the construction of Wolfe Coffee Lake. As is the policy of this subcommittee, we try not to have any more than one unbudgeted start in any congressional district. Therefore we felt constrained to pick what we thought was the best project in the gentleman's district. We could not go along with the idea of funding all three in this bill. Therefore we picked the Wolfe Coffee Lake project to be funded here.

As far as the future is concerned, I would like the gentleman to know that the Indian Lake project has a benefit-cost ratio of 1.08 to 1. This is very close to unity, and the project should be carefully reviewed for economic feasibility before consideration is given to getting into the initial planning stage. We hope the Corps of Engineers will be doing this and that they can give us an up-to-date benefit-to-cost ratio next year which will allow us to consider this project.

As to the Tomahawk Lake project, the committee received extensive opposition from the people in the area. Matters there should be reconciled before we proceed with this project. As has been said on this floor often, the Congress does not like to be the arbiter in deciding local controversy. We will make these decisions if necessary, but we like to give the local people a chance to get together before we make a decision which might offend a large portion of the persons in any given area. Those are the reasons why the committee acted as it did.

Mr. WINN. Will the gentleman yield further?

Mr. RHODES. Yes. I yield to the gentleman.

Mr. WINN. The gentleman from Arizona happens to have a Kansas background, and I appreciate the work and time that he spent on this matter.

I would like to ask him a question. You pointed out the Indian Lake project has a benefit-cost ratio of 1.08 to 1, which falls below unity, which I understand is 1.1.

Mr. RHODES. If the gentleman will permit me, it is near unity and so close that we feel it should be restudied before we begin planning.

Mr. WINN. Did the committee fund any projects below 1.1 to your recollection?

Mr. RHODES. Not knowingly. As far as I know, all of the unbudgeted starts are much higher in benefit-cost ratios than this one.

Mr. WINN. In a letter I received from the gentleman from Ohio (Mr. Bow) in response to my request that all three projects be funded, he pointed out the fact that none of these three lakes requested were in the budget of the President, and the committee took that into consideration. Possibly one alternative for those of us in the Blue River project would be to try to get them included in the President's budget.

Mr. RHODES. As the gentleman well knows, there is great advantage to having any project like this included in the budget. The committee is very chary about adding unbudgeted starts. We do make additions from time to time, but they are mostly quite small and only where a great need has been demonstrated. The gentleman is absolutely accurate when he says that it would be much better for the entire Blue River project if these requests could be included in the budget in the next fiscal year.

Mr. WINN. I thank the gentleman.

Again I want to thank the committee for the time they spent in trying to resolve the problems we have in the Blue River project. I hope the committee will give every consideration to funding next year to the Indian Lake and Tomahawk Lake projects.

Mr. RHODES. I thank the gentleman and, again, I want to thank him for his diligence and for the manner in which he has worked with the subcommittee and to assure him that my boyhood days in Kansas are well remembered. I remember well the loss and danger to life that occurs when these rivers in Kansas flood, as they frequently do. We will certainly do the very best we can as a subcommittee to make sure that such dangers in the future are minimal.

Mr. ROBISON of New York. Mr. Speaker, will the gentleman yield?

Mr. RHODES. Mr. Speaker, I yield 5 minutes to the gentleman from New York.

Mr. ROBISON of New York. Mr. Speaker, the conference report suggests and recommends to the House a number of increases in the Atomic Energy Commission portion of the bill. Of those increases, there are two which I believe are worthy of special mention, one of which is of long-term personal interest to me, and that is the $500,000 increase over the House figure for research on the cardiac pacemaker program under the terrestrial electric power development program.

Mr. Speaker, this is a project of great importance to all Americans and one of untold potential value and promise if it leads to the development of an implantable, nuclear-powered, artificial heart.

I am glad to see that we are agreed that the program should go forward at a slightly increased level.

Second, the gentleman from Arizona mentioned a few moments ago his opinion that there might be a need for additional increases in the level of funding of the NERVA program as carried on by the Atomic Energy Commission and, along the same lines, I would like to mention for the record that there has also been allocated to the Atomic Energy Commission an additional $1.2 million for controlled thermal nuclear research, which is, of course, the program of research and development into the possibilities of fusion.

I would like to ask the gentleman from Arizona if he does not agree with me that, in future years, this program will also deserve a higher level of funding than we have so far given it.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Arizona.

Mr. RHODES. The gentleman is absolutely correct. As the gentleman knows, he and I have teamed together on the subcommittee, along with other members of the subcommittee, in pushing the Atomic Energy Commission to search even more diligently than they have for breakthroughs in the thermal nuclear energy field.

I think the gentleman from New York is accurate when he says that this is undoubtedly the way of the future. Of course, we are all aware of the environmental problems involved, but we must meet the needs for added electric power, and I agree with the gentleman.

I am glad that the Atomic Energy Commission felt it could spend more money this year than it had in the past and I hope next year they will come in with a greatly expanded program.

Mr. ROBISON of New York. I believe the distinguished chairman of our subcommittee, the gentleman from Tennessee (Mr. EVINS), has already pointed out to the House the language added by the Senate pertaining to the Cannikin nuclear test which is scheduled to be conducted on the island of Amchitka, in Alaska.

That language as now in the Senate bill, and as recommended to you by the conferees, reads as follows:

> None of the funds appropriated by this Act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test.

Presumably, Mr. Speaker, the President would, in any case, have to give his personal approval, or a personal direction to go ahead with this test without this language, and I do not know that the language changes the situation to any extent. However, I would like to express the personal hope that it will be possible for the President, given the proper climate at the disarmament talks, or the so-called SALT talks, to postpone this particular nuclear test. I am sure that such a decision on his part, if our national security interests permit, would be most welcome to all people, everywhere, who share his dream of a "generation of peace."

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would like to commend the committee on its report and, in particular, I would like to salute them for adding the $500,000 for research in the cardiac pacemaker program. This, as I understand it, and as has been stated by our colleague from New York, is of interest to people not only in the Atomic Energy Commission, but the entire medical profession of the world. If this is successful, as every indication points to at this time, it will mean that instead of having to replace batteries about once a year or every 2 years, the nuclear powered pacemaker could go as high as 11 to 15 years.

The other item I want to ask about, Mr. Chairman, is concerning the Department of the Interior and its Bureau of Reclamation. I am greatly concerned over the changes that have been undertaken in a number of projects by the Bureau of Reclamation—changes which are being financed here without having had the approval of the basic authorizing committee. I would sincerely hope that when these people from the Department of the Interior come up and request moneys providing for a basic change in the overall plans of a project that the Committee on Appropriations would not give them the funds and authority but would send them back to the committees having jurisdiction of the House and the Senate for a change in the basic authorizing act.

For example, one of the projects in Arkansas has been changed materially from what was originally authorized and, while I do not doubt but that all of the changes would have been approved by the committee, I do not believe they should have been given the permission to go ahead with this project without coming back to the authorizing committee.

Mr. RHODES. Mr. Speaker, the gentleman from Pennsylvania (Mr. SAYLOR) is making a very good point, and I would like to assure the gentleman that it has always been the policy of the subcommittee to do exactly what the gentleman from Pennsylvania has suggested when we have detected changes which we thought were so substantial that they would vitiate or cast some doubt on the original authorizing act. I would also like to say to the gentleman from Pennsylvania that we did not feel that the change in the project the gentleman refers to in Arkansas was of that magnitude, and therefore we felt we should go ahead and fund it since it had already been started.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BROYHILL).

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to speak out of order.)

REASONS FOR OPPOSITION OF BLACK PARENTS TO FORCED SCHOOL BUSING

(Mr. BROYHILL of Virginia asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. BROYHILL of Virginia. Mr. Speaker, one of the most important reasons for the widespread opposition of many black parents to schoolbusing for racial integration is their grave concern over how they would get to their children in a distant school or get their children home quickly from such a school in case of emergency. Another important objection by many black parents to busing is that the time actually spent in school is shorter for pupils who are transported long distances. It has been suggested that, instead of trying to achieve artificial integration by busing, the money spent for buses and drivers should be used to improve schools in the communities where blacks live.

Other reasons for the objections of black parents to busing for integration are set forth in a letter written by a black educator to the editor of the Washington Star. I include this letter in the RECORD directly following my remarks:

SIR: Many of us black educators have observed for nearly two years the legalistic and political shenanigans used to achieve "equal" education for black children in this country. To be sure, fifteen years ago, black educators had great expectations, which some of us have completely abandoned today, mainly because we realize that the white establishment capitulates to black demands when it does not cost the establishment too much.

Busing, although considered by some to be an acceptable mechanism for achieving school integration a few years ago, is today unrealistic, makeshift, often farcical and skirts the real problem. Further, it is usually done at no hardship to white children, only to black ones.

For example, black youngsters must be at their home school or some other staging center earlier than usual every day, in order to endure a long trip to the white school. Usually, they must be prepared early in the afternoon, often around 2 p.m., for the ride back to the home school. Thus, the amount of time actually spent in the classroom is shortened considerably.

Not only this; frequently the transported children are moved intact to separate classrooms once they reach the predominantly white school. Although this fact is usually denied by schol officials, where the practice is standard procedure it is almost necessary to do so, for administrative reasons. Since the transported children arrive late and leave early, it would short-change the white children if every day at quitting time (that is, for blacks) they, the white children, had to quit, too. Also unfortunate is the practice of assigning temporary, substitute or otherwise untried teachers to teach the bused children.

Most black parents with whom I have talked over the past ten years are not very excited about busing to achieve an unnatural integration. They maintain, and rightfully so, that they want their children to go to school as close to where they live as possible. Although several reasons are usually cited, the one that stands out is the terrible concern over how they would get to their children if something happened to them at school, or if some tragedy occurred at home and the children had to be fetched hurriedly.

Instead of trying to achieve artificial integration by busing, the money spent for new buses and their drivers should be used for improving schools in communities where blacks live. Every study which I have read indicates that less money is spent in schools which are predominantly black than in those attended mainly by whites. Studies also report consistently that the best teachers, by any criteria, and teaching equipment are in white schools, not black ones. What is needed is the improvement of ghetto school. This means that compensatory efforts—special reading programs, special services and facilities—must be provided children who are short-changed from the beginning; for they usually enter school ill equipped to communicate in the language of the school. Improvement of the schools would also suggest that we pay outstanding teachers extra pay to work in ghetto schools. A stop must be put to staffing black schools with temporary, probationary and otherwise unproven teachers.

In fine, nothing is more demoralizing to the children and their parents than shipping out and returning every day the learners to the slums. For one thing, it encourages unfortunate comparisons which may not be healthy for the self-concepts of the black children. I, for one would prefer to keep the children in their neighborhood schools and teach them more about the society which has spawned our racial nightmare, which created the busing issue in the first place.

Finally, busing almost invariably results in further neglect of schools in black communities.

CLEMMONT E. VONTRESS, Ph. D.,
Associate Professor of Education, The George Washington University.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, if I understand the report correctly, the committee has agreed to allow $250 million for the procurement of land in Kansas for the atomic garbage dump. Is that correct?

Mr. RHODES. The amount of money the gentleman refers to is $250,000.

Mr. SKUBITZ. I stand corrected.

Mr. RHODES. And it is for the purpose of leasing land for making whatever drillings are necesary to discover the nature of the underground structure of the land so that plans can be made which can then be evaluated as to the safety of the proposed project. Then either the project can go ahead or it will be abandoned if it is not safe.

Mr. SKUBITZ. Let me point out to my colleague, the gentleman from Arizona, that the $250,000 that has been allocated for this purpose at the present moment amounts to approximately $200 an acre. I do not understand why the committee allowed $200 per acre in order to lease the land.

If the allowance is made to permit the agency to take options on the land this is circumventing the action taken by the authorizing committee that stated that no land should be purchased until after 3 years. If we permit the AEC to take options on the land and to spend $250,000 we may find that this land is totally unsuitable. If this occurs we will have thrown $250,000 down the drain at a time when the President is asking us to cut back on our expenditures.

Mr. RHODES. I certainly am sure that the rest of the committee will agree with me when I say that it was our intent for the Atomic Energy Commission to spend only so much money as is necessary to acquire rights to the surface and rights to drill under the surface to determine what the underpinnings of the earth are in that particular point, so that facts can be found which would either indicate safety or lack of safety. We do not intend for the Atomic Energy Commission to take any steps whatsoever which are not necesary for this particular purpose.

Mr. SKUBITZ. I have no objection if the committee feels that they want to permit the AEC to lease the land in order to make the necessary studies, but the thing that bothers me is the right to take options on the land at $200 per acre if the AEC determines to do so and past experience with the agency tells me that is exactly what it will do.

Mr. RHODES. I would have to trust the good judgment of the Atomic Energy Commission to make sure that they do not squander the Government's money on matters which are not absolutely necessary for the purposes I have already stated.

Mr. SKUBITZ. I am fearful that that is wishful thinking when you are dealing with the Atomic Energy Commission.

I realize that there is not anything I can do at this late date on this matter. But I just want to call it to the attention of the committee. I am sure that the

State of Kansas will take cognizance of this because the Governor himself is quite interested in whether or not this land is to be purchased or optioned before the necessary studies to prove that it is safe are completed.

Mr. Speaker, I thank the gentleman.

Mr. RHODES. The gentleman from Kansas, I hope, understands that the subcommittee, and the full Committee on Appropriations share the desire expressed by the gentleman and by other responsible officials in the State of Kansas to make absolutely certain that the project is completely safe before there is any thought of proceeding with it.

Mr. SKUBITZ. I want to say to my colleague that I do not question the subcommittee or the committee. It is the AEC and what it can do that bothers me. One page of history is worth more study than a thousand pages of promises. I judge the Atomic Energy Commission by its past performance.

I thank the gentleman.

Mr. RHODES. I thank the gentleman.

Mr. EVINS of Tennessee. Mr. Speaker, I yield such time as he may require to the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, today we bring to you our bill providing funds to continue to have the Federal Government assist in the development of rivers and harbors, to protect life and property from floods, to aid navigation, and to continue to maintain our standards of living; and, yes, Mr. Speaker, to aid in the restoration and protection of our environment. In this bill we provide funds for the Appalachian programs which have meant so much to the development of much of my district; projects which in other areas are largely handled by Economic Development Administration.

Mr. Speaker, it is a pleasure to serve on the 55-member Committee on Appropriations where I rank right next to Mr. MAHON, the chairman. Particularly do I feel fortunate in serving on the subcommittees on Public Works and on Agriculture—Environmental and Consumer Protection, where I serve as chairman.

WE NEED TO REMEMBER

The former Chief Justice of the Supreme Court, Mr. Warren, in the redistricting cases went so far as to say that Members of Congress did not represent acres and trees, but represented people.

My friends, if somebody does not represent the land and the trees and the natural resources and see that those who produce food for the rest of us get a fair shake, there will not be any people to represent.

MAN'S WASTE OF HIS NATURAL RESOURCES

Perhaps the greatest single fault of mankind through the annals of recorded history has been his failure to preserve and protect the natural resources which provide him with his basic necessities of life—food, clothing, and shelter. History indicates that each civilization developed by mankind through the course of the centuries, regardless of the degree of sophistication and advancement attained, has disappeared from the earth because of man's abuse of the soil, water, forests, and other basic resources passed on to him for his use and custodianship.

One of the most serious questions facing our highly developed civilization of the 20th century is whether or not, through more intelligent use of our natural resources and more advanced agricultural technology, we can meet the ever increasing demands of rapidly expanding populations for food, clothing, and shelter.

A review of the earlier civilizations of the wornout and food-deficient areas of the world indicates what has resulted from the failure of man through the ages to apply an adequate portion of his wealth to the protection of the soil, the forests, the rivers and lakes, and other resources as he used them to feed and clothe himself.

In 3500 B.C. the valleys of the Tigris and Euphrates Rivers supported a large and prosperous civilization. By the year 2000 B.C., great irrigation developments had turned this part of the Middle East into the granary of the great Babylonian Empire. Today, however, less than 20 percent of this area is cultivated because, as they became urbanized, the people of that civilization failed to continue to preserve the production capacity of the land. According to LaMont C. Cole of Cornell University:

> The landscape is dotted with mounds, the remains of forgotten towns; the ancient irrigation works are filled with silt, the end product of soil erosion; and the ancient seaport of Ur is now 150 miles from the sea, its buildings buried under as much as 35 feet of silt.

Extensive irrigation systems were established in the Valley of the Nile before 2000 B.C. to create the granary for the Roman Empire. This land, which was made fertile by the annual overflowing of the Nile, continued to be productive for many centuries. However, in recent years, as the result of more intensive use of the land and inadequate attention to conservation measures, the soils have deteriorated and salinization has decreased the productivity in the valley to the point where this area is now largely dependent on food shipments from other parts of the world to feed its people.

Ancient Greece had forested hills, ample water supplies, and productive soil. In parts of this area today, the old erosion-proof Roman roads stand several feet above a barren desert. Ancient irrigation systems in many parts of China and India are abandoned today and filled with silt. Most of India's present land problems are due to excessive deforestation, erosion, and siltation made necessary by tremendous population growth during the past two centuries.

The highly developed civilizations of ancient Guatemala and Yucatan are merely history today. Archeologists believe that they exploited their land as intensively as possible until its fertility was gone and their prosperous civilizations vanished.

The city-states throughout history have failed to realize that the cost of food, clothing and shelter is going to be paid, either by the consumer or by the land from which they come. They have ignored the fact that soil cannot be cultivated year after year unless as much fertility is put back each year as is taken out.

A PRESIDENT'S VETO—OUR REPLY

Some years ago, when President Eisenhower vetoed the public works appropriations bill providing funds for rivers and harbors in every nook and corner of the United States, and the Congress was unable to override the veto, the bill came back to the Appropriations Committee. At that time the President said that he was vetoing the bill because we could not afford the expense of 59 new starts for developing rivers and harbors. I made the motion to send the bill back to him, with the objected-to starts remaining in the bill. After a bitter fight in the committee the motion was adopted 19 to 17. It went on through the Congress, was vetoed again, and when it came back on this second effort we overrode the President's veto. At that time I said:

> My friends, the larger the debt we owe, the greater the obligations we have, the worse the financial predicament we are in, is not argument to do away with development of and protecting our resources. It is the strongest argument for protecting and developing them, for after all, it is to those material resources that we must look to meet these problems.

ENVIRONMENTAL PROTECTION NECESSARY, LAW SHOULD NOT BE USED TO DESTROY ECONOMY

I have long recognized the necessity for improving and protecting our environment. In my book, "That We May Live," published by D. Van Nostrand in 1966, copies of which are in the Congressional Library and in most of the public libraries in the country, I pointed out on pages 176 through 181 that we must do something to protect our environment—and I detailed why. I pointed out also that we must maintain our country's economy, retain our standard of living, protect our resources, while we use all the tools at our command to protect and restore our environment. It would be fine if we could quit driving our cars or move the people out of our cities for a few weeks while we cleaned up, but we had to live while we got the job done, as we continue to produce for our people. I quote from my book:

> This is not to say that pollution of air and water does not exist, for, of course, it does. Pollution in part and parcel of man's unplanned and unthinking change of his environment; and particularly is it a part of the subject under discussion in *Silent Spring* and here. Public opinion here seems to be on the move toward action. This public temper can be good if held in balance. It can do more harm than good if not kept on an even keel.
>
> Pollution comes from many sources and becomes greater as our population increases; unless we take corrective action, it will become worse as we become more and more industrial. We do have pollution of the air and water and apparently are going to do something about it. These facts lead me to point to some of the factors with which we must deal as we attempt to meet this problem.
>
> "The fact that air is essential to life is as

old as knowledge. The fact that polluted air can cause discomfort is probably just as old. As soon as primitive man moved his fire into his cave, he certainly became aware of air pollution in the form of smoke. He also probably soon learned to reduce the smoke in his cave by careful placement and stoking. He then decided to accept some smoke in return for the warmth and convenience of the fire nearby.

"We have been weighing pollution against convenience ever since. Now we are beginning to realize that more than convenience is involved and that the air around us is not a limitless sea into which we can continue to pour waste without serious consequences.

"Our health and our well-being are threatened."

Thus did the Agriculture Yearbook of 1963. "A Place To Live," describe one of the serious problems of our day, air pollution.

The increasing pollution of our water unquestionably is a threat to fish and health. This became a matter of public concern in the United States in the late nineteenth century, when virulent typhoid epidemics appeared in various cities. The then new science of bacteriology identified many of these outbreaks as the result of contaminated water supplies. The public outcry against pollution was great. Public health officers attempted to meet this challenge in two principal ways.

The first was to select certain streams for waste disposal and to reserve other, and protected, streams for municipal supplies. This is the method followed by communities fortunate enough to own or control adequate watersheds. However, with our increasing population, it is virtually impossible today for one city to live separately and apart from another. While one city may protect its water supply, it will be adversely affected if those in adjoining areas do not do likewise.

The other method was the filtration and disinfection of water. This has permitted many cities to have reasonably safe and palatable water, even from such heavily polluted sources as the Missouri, the Mississippi, and the Ohio rivers.

While these systems have worked for many years, we now face a period when we must give full attention to water pollution, or else pay substantial penalties in the future. We have some 30,000 sewerage systems and industrial complexes pouring waste into our streams. Included are 10,000 municipal sewerage systems, serving more than 100 million people, which dump sewage into the waterways. Twenty-five per cent of this load is without any treatment whatsoever.

Pollution degrades the physical, chemical, biological, and esthetic qualities of the water. The degree depends upon the kind and amount of pollution in relation to the extent and nature of reuse. Pollution can be just as effective as a drought, or excessive withdrawals, in reducing or eliminating water resources.

Over 2600 new or enlarged sewage treatment works are needed to serve 27.8 million persons living in communities presently discharging untreated or inadequately treated sewage. Another 2598 new sewage collective systems and treatment works are required to serve a population of 5 million living in urban areas where individual disposal systems have failed to function properly.

By the year 2000, thirty-four years from now, we will be around 330 million Americans as against today's 194 million. We will have nearly doubled the quantity of sewage going into our streams and protecting the public health will really be a problem.

Today's 194 million Americans are abusing our resources so far as our use and handling of water is concerned. Our lakes and rivers have become catch basins for the residues of our factories, automobiles, household and agricultural chemicals, for human wastes from thousands of villages, towns, and cities. How well we clear up this situation and learn to handle it without restricting man's means of providing our high standard of living may well determine the future of our nation.

As we approach this problem we must keep in mind that the power to control water quality or quantity is not only the power to make or break business but is a power over the life of the nation itself.

Since water is an absolute essential to health and to all man's activities, any group we set up to control water on any basis, by restrictions for protection of its quality or quantity and use, must have not only the cooperation and co-ordination of all departments and agencies, but all interests must be represented. The Department of Agriculture and the Department of Health, Education and Welfare whose interests are tied together, should have a place in any such group, as should the Department of Commerce; but these are not enough. The states and municipalities must be represented so that the varied interests of all our citizens may be recognized and provided for, including riparian rights, established use, and the determination of priority to use. All this need carries with it the problem of built-in bureaucracy, of too many cooks, yet there is seldom an easy answer to a difficult problem.

If we closed all our manufacturing plants, that would greatly improve the purity of the water in our streams; if we stopped driving automobiles, just think what that would do to improve the atmosphere—and a single departmental head could have done that under several bills, if we could return to the 800,000 population level of this country at the time it was discovered by Columbus, nature would be able to largely eliminate the pollution problem. But with 194 million people we could never live in the simplified way of that day. Neither can we ask nor could we force the residents of New York City to quit eating, quit living, and quit breathing while we clean up the Hudson. The same is true for Washington and the Potomac, as well as the people of thousands of towns and villages. The power to set standards is the power to control, yet some Members of Congress have urged that such power be granted to a single government department.

Agriculture's claims and responsibilities for the use of water are second to none, for agriculture provides our food, clothing, and shelter, the basic necessities for life. In addition, agriculture has a great responsibility in the use of water, for land is the great gathering place and reservoir for storage of water. Just a few years from now we will need three times the water we use today, all of which points up the need to protect and manage the quality and quantity of our water supply.

In our work with the Appropriations Subcommittee for Agriculture, we find the close cooperation and coordination of efforts by both the Corps of Engineers and the Soil Conservation Service are necessary in watershed and flood control programs, both of which are highly essential to water protection. We would not expect a skilled surgeon to use only one instrument for all operations, nor a mechanic to fix our car with a sledge hammer. Thus it is with water pollution; we must use the tools required for the job; and most importantly, we must keep the factory running in the process and not turn the surgeon's scalpel over to the mechanic or vice versa.

To do the cleaning up job on pollution, we must call on industry, on the federal, state, and city governments, and on individuals. We need financing and regulations; in the meantime, we must maintain a sense of balance, so that we do not tear up more than we correct. We are not merely limited to the practical but to the possible.

I am proud of having had the foresight in 1966 to see the necessity for action. Unfortunately, however, today, Mr. Speaker, many of those who recognize the need to protect the environment want to do everything now, regardless of consequences. In their zeal, we must not let them eliminate projects and progress. They should remember hungry people do not worry about the environment, as proven around the world.

REPORTS CAUSE DELAY

Today we are engaged in further controversy, not only with regard to public works but in the development of watersheds and flood prevention items which come before the subcommittee where I am chairman—that for Agriculture—Environmental and Consumer Protection—and with the Bureau of the Budget.

It is becoming more apparent each day that the amount of detail called for in reports on projects as to the effect on the environment cause delay, greatly increase costs, and in many cases will actually add to pollution and can well destroy the project.

Our Committee on Appropriations directed that each agency or department required to make such report file a report on the ill effects of delay in proceeding with the project. This should help to present a balanced case, but will not cure the dangers caused by present unreasonable demands and delays caused by the EPA and in some cases by the Federal courts.

All recognize we must protect and improve our environment. I am greatly disturbed, however, that those who make the most noise on this issue many times are increasing the accumulation of pollution instead of reducing it. They add cost to the people and the Government by making changes and causing delays by refusing to release funds provided by Congress in watershed projects.

TENNESSEE-TOMBIGBEE NAVIGATION

Lawsuits are seriously crippling actions of the Corps of Engineers, the Soil Conservation Service, and other agencies where commitments have been made, people have levied taxes, and the projects are long overdue. Federal judges, assuming the powers formerly claimed for kings under divine right, are actually holding up construction of such projects as the Tennessee-Tombigbee navigation project, on letters filled with innuendos and unproven charges. This is the record of yesterday. We are busy now working on this problem to determine how best to get these funds released.

We have provided the money. We must now overcome actions of these overenthusiastic groups who by demanding delays, new studies, and injunctions are really destroying or making worse that which they profess to want to improve, and in the process retarding the development of a great section of the Nation, the central South.

OTHER ITEMS

The bill we have before us now covers projects throughout the United States. There is not a district in our country which is not affected by efforts through the Federal Government to assist in the work to be carried on here. Most of this has been covered by our distinguished chairman, the gentleman from Tennessee, Mr. EVINS, and my colleagues.

MISSISSIPPI PROJECTS

There are numerous projects in my own area, where I have a great obligation and deep interest. These projects include $86 million for the Lower Mississippi River and tributaries. We must remember that approximately three-fourths of all the water that falls in the United States flows down this great river valley, gathering in quantity and momentum as it goes.

Other projects in our section are the Ascalmore-Tippo and Opposum Bayous, $100,000; the Upper Auxiliary Channel, $200,000—the full amount that can be used for preliminary planning and construction; Yazoo backwater, $2,450,000; Tombigbee River and tributaries, flood control, $1,300,000; Tennessee-Tombigbee Waterway, $6,000,000; Yellow Creek Port project—TVA—$2,050,000.

RESERVOIR DEVELOPMENT

I take note, too, of the fact that for four major reservoirs in my district we have provided, for the regular program, the sum of $168,000 for Arkabutla Lake; $195,000 for Grenada Lake; $271,000 for Enid Lake; and $185,000 for Sardis Lake.

These varying amounts, Mr. Speaker, come from the degree of development that we have had heretofore.

Our conferees directed the Corps of Engineers to expedite a study of these four reservoirs, built for flood control, to bring their recreational facilities, particularly marinas, boat ramps, and sanitary facilities, up to the national level, particularly for the purpose of promoting additional development by States, local interests, and private enterprise.

NEW LAW TO MEET SOIL EROSION AND BANK CAVING IN HILLS AND DELTA

Mr. Speaker, this year we changed the law to authorize the Corps of Engineers to work with the Soil Conservation Service to meet the soil erosion and bank caving problems in the hills and creek bottoms of the foothill area of the Yazoo Basin. This is permanent law, an amendment to Public Law 40, 84th Congress. Several hundred thousands of dollars is being spent now on experimental work.

The Mississippi River Commission has recommended to the Chief of Engineers, following a study of bank caving which our committee financed about $9 million for protecting the creeks and creek bottoms in the hills and adjacent delta areas from Memphis to Vicksburg. I hope we will be able to move ahead in saving this great area and save hundreds of millions of tons of soil which is being washed away each year, adding to pollution.

RURAL ELECTRIFICATION AND RURAL WATER SYSTEMS

Mr. Speaker, you can understand why I enjoy serving on the Appropriations Committee. It gives us such a wonderful opportunity to aid in things so essential to our well-being. My subcommittee provided funds for rural electrification, where we will never be satisfied until we reach everybody that we possibly can and eventually have area coverage here; for school milk funds for which we added over the budget; for school lunches where we made great increases which the department is trying to divert; for 4–H Club work, where we made 4–H available to youth in our cities; for nutrition aids in city and county; for the ACP—now REAP—and the SCS; and now our most pressing problem is that the executive branch is holding up the funds, thereby adding to costs and further damage to our environment.

I quote from the conference report which we made on the appropriations for Agriculture—Environmental and Consumer Protection. Many of these funds have been held up by the Bureau of the Budget, which has released many of them today—September 22, 1971:

> This bill is over the budget by $544 million for urban and rural water and sewer grants with their important contributions to community growth and pollution control.
>
> It is over the budget by $221 million for electric and telephone loan programs, again so important to balanced growth and at a time when the power needs of this country are in danger.
>
> It is over the budget by $326 million in the people programs—food stamps and milk for children.
>
> I would say, then, that this bill is large but clearly in keeping with the objectives of Congress and the people, and I urge that the Conference Report be adopted.

Funds for REA, water and sewer grants, SRS, and farm operating loans are still being held up. Unfortunately, by regulation, the Department is not making the funds for school lunches available as Congress intended.

RURAL HOUSING

We are proud of our record on rural housing where, by changing one word "farm" to "rural" in the housing program, we led to the building of millions of rural homes. The money will be repaid. We are merely providing, for rural people, Government guarantees for loans which those in our urban areas have had for many years.

Again, Mr. Speaker, I repeat what I said when the Congress overrode the President's veto on our second effort: The more we owe, the greater our problems, the more important it is that we protect the base on which it all depends—our land, our rivers and harbors, and natural resources—for without them not only could we not make it, but our children would not have a chance. They can set up their own monetary system, but leave them a wornout and flooded land and they have nothing on which to build.

I urge the support of this conference report.

Mr. EVINS of Tennessee. Mr. Speaker, I yield such time as he may require to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I think the Subcommittee on Public Works and the Committee on Appropriations, and the House itself has done a good job this year in the overall handling of the annual public works—AEC appropriation bill, and special commendation should be accorded to the distinguished gentleman from Tennessee and the distinguished gentleman from Arizona.

APPROPRIATION AND SPENDING: WHERE ARE WE AND WHITHER ARE WE TENDING?

Mr. Speaker, this is the last regular appropriation bill scheduled to be before the House for probably some little time. Therefore, it seems to me that now is a good time to make some general comments about the current appropriation and fiscal situation.

APPROPRIATION MEASURES OF THE SESSION

This has been a year of great fiscal turbulence and fiscal innovation and I will have more to say about that in a few moments.

The bill before us today is the 10th regular annual appropriation bill for the current fiscal year, 1972, to be cleared by the Congress and sent to the President. The other nine were cleared to the President prior to the August 6 break, and of course, have long since been signed into law. To the figure of 10 bills, we must add two additional bills, the $1 billion emergency public jobs appropriation bill and the measure which provided funds for the feeding of schoolchildren during the summer. That adds up to 12 measures that have been enacted. Then to those 12 bills, we must add four appropriations bills which were enacted earlier in this session relating to the fiscal year 1971 which ended on June 30 last.

This runs the total number of appropriation bills and resolutions for the session up to 16. Now if we add to that the two continuing resolutions which were necessary in order to enable the Government to continue to operate pending enactment of certain regular bills, then we have a total of 18 measures thus far for the current session.

APPROPRIATION BILLS PENDING

There will be a necessity for five additional appropriation bills, and for another continuing resolution. There will be the defense appropriation bill, the military construction bill, the foreign aid bill, the District of Columbia bill, and there will be a wrap-up supplemental bill.

FULL EMPLOYMENT BUDGET

As I said a moment ago, this has been a year of great fiscal turbulence and fiscal innovation. When the time came to submit a budget to the Congress last January, the administrative branch of the Government was confronted with the practical reality of a whopping budget deficit. So a technique was devised, called "the full employment budget," which, as I see it, is a sort of cosmetic kind of thing.

A major complaint with the full employment concept as a foundation for the Federal budget is that it has tended to relax our concern over the fiscal dangers confronting the country and tended to make us feel that the fiscal picture is far better than it really is. So rather than submitting a budget officially embracing a whopping deficit, as would have been the case last year, had former concepts been followed, the administration decided to submit a balanced budget under the full employment technique.

Actually, the budget as submitted in January, for fiscal 1972, estimated a $23.1 billion deficit on the Federal funds basis and a $11.6 billion deficit on the unified budget plan, the difference between those two being that surplus trust funds have been borrowed and are being borrowed to meet general Federal expenditures and must be repaid with interest. These borrowings are not counted in the unified budget plan as a part of the unified deficit but they do add to the public debt.

A razor-thin balanced budget on the full employment concept was submitted to the Congress in January; it provided a $100 million surplus projection for the current fiscal year 1972.

It was pointed out at that time that while this technique was fully and officially embraced by the administration, it was necessary to warn that we must not let spending breach the full employment budget calculation of revenues, the clear implication being that dire consequences would ensue. As with most rules, there were minor caveats with respect to this warning but the thrust was clear that the full employment line must be held.

This was the first full employment Federal budget ever submitted to the Congress. Stated simply, the concept means this: Let us play like we have reasonably full employment. Let us play like we are receiving revenues that we would get from reasonably full employment; let us play like we have the money in the Treasury. And let us therefore proceed on the basis that under all those circumstances we are going to have a surplus if everything in the budget materializes as projected. That, generally, is the essence of the full employment budget concept. As I have said, in my judgment this procedure tends, in a very real sense to remove the harsh realities of our fiscal situation from clear view.

DEEPENING DEFICITS—HIGHER DEBT

Since 1960, the public debt subject to the statutory debt ceiling has increased about $114 billion—an average in excess of $10 billion a year over the 11-year period, June 1960 through June 1971. But taking just the last 2 fiscal years, fiscals 1970 and 1971, the debt went up by $42.6 billion—by $16.5 billion in fiscal 1970 and by $26.1 billion in fiscal 1971 which ended just 3 months ago. This was bad. We were fighting a war during a large part of this period, and in addition otherwise we overauthorized, we overappropriated, we overspent. We went heavily into the red.

I think this Congress has done a fairly good job of cooperating with the President in fiscal matters. But what has happened fiscally is appalling. I think it is fair to estimate that the national debt will increase for the 3 fiscal years ending next June 30, 1972, as much as $80 billion. This presents a very sobering situation to Democrats and to Republicans and to the administration and to the Congress and to the country—to the taxpayers generally. It is a matter that concerns all thoughtful Americans very much, and if we do not give it proper attention, this country is going to collapse fiscally.

So the question is: Shall we give this matter proper attention? I hope we do. We must.

The Director of the Office of Management and Budget, Mr. Shultz, has said that we must continue to grapple with the herculean task of reducing governmental expenditures. He is confronted with a herculean task with respect to the fiscal year 1973 budget, which is now in process of being put together. If present trends continue, I would not be surprised at all if this Federal Government went in debt a total of as much as $100 billion or more, during the 4-year period which ends on June 30, 1973.

No wonder it was necessary to close the gold door in Europe at a time when we have done such a poor job—and we must all share in the responsibility—of managing our national fiscal affairs. How could one expect the bankers of other countries to properly respect the American dollar and tie their currencies to the American dollar at a time when we were flaunting the dollar about in such a way as to indicate we were not too interested in maintaining its integrity.

So the problem before us needs our very best attention and consideration.

MANAGING THE ECONOMY

There is a great deal of talk about how to manage the economy, but economists differ, and we have not found a way to manage the economy. Someone has said, and it has been repeated many times, that if we line up all the economists end to end, they would reach no conclusion. Nevertheless, the Government has been trying to manage the economy, but we are not succeeding very well at managing it.

We propose now to reduce revenues—which is a proposal of the administration, and the Congress is proposing probably to go even deeper in reducing revenues. If we continue to reduce revenues, it is almost a certainty that the deficit will increase. It is true that we did reduce revenues through tax cuts in the sixties and eventually revenues did increase, but we had the tremendous spending incident to the war. So we cannot rely upon anybody's plan as being totally successful in managing the economy.

Mr. RHODES. Mr. Speaker, will my chairman yield?

Mr. MAHON. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank my chairman, the gentleman from Texas, for yielding.

I just wish to point out that part of the administration's economic plan, of course, is to reduce expenditures by reducing the number of Federal employees by 5 percent and also by postponing a pay raise for Federal employees if the Congress will go along with it.

This I am told—and I believe it is true—would practically balance whatever revenue losses which would result from the measures now being considered for tax reduction by the Ways and Means Committee.

Mr. MAHON. I thank my able friend for his contribution.

The administration now estimates that if the administration's new economic plans are carried out we will spend this current fiscal year $232 billion, which is about $3 billion-plus more than had been estimated in January. That assumes, as I understand, reduction of about $5 billion in expenditures otherwise estimated.

The current administration revenue projections are estimated to be about $13 or $14 billion less for fiscal 1972 than had been estimated in the January budget.

THE FULL EMPLOYMENT BUDGET—ALREADY IN DEFICIT

With further regard to the full employment budget, the Director of the Office of Management and Budget admitted recently before the Ways and Means Committee that the budget for 1972 is already about $8 billion in the red on the full employment basis according to his current estimates. That budget, you will recall, was originally projected with a razor-thin surplus. It has already come unglued. What will the final result be? What about fiscal 1973?

It is too bad, in my opinion, that we have gotten away from the old philosophy that we ought not spend money unless we have it in hand or unless we have it in sight. This has led us into many difficulties fiscally.

I believe the time is coming when we ought to pay more heed to trying, really, to balance the budget. It is not that we can balance it immediately, but if we could stimulate the confidence of the people in the dollar at home and abroad by coming nearer to balancing the budget we could go a long way toward licking inflation.

Probably the greatest engine of inflation is spending far beyond the funds we have on hand to expend as a Federal Government. When the Federal Government over a period of 3 years expends probably $80 billion or so more than it receives in Federal funds and thus hikes the national debt, it is bound to have a very serious impact, if not a disastrous impact.

THE FISCAL MARGIN OR DIVIDEND—WILL IT DISAPPEAR?

There are people—our so-called liberal friends; and I believe we hardly know what a liberal is or what a conservative is anymore, if we ever did—who expect some fiscal dividends from the peace, I would estimate that perhaps the war now is costing us less than $10 billion a year, a large sum of course.

People are wondering what we are going to do with this surplus money when peace comes; but we are not going to have larger surplus moneys, as most people are beginning to realize. And if we continue to reduce and erode and eat at the tax base, we will not have a fiscal divided or margin of revenues arising from a growing economy which many Members and others want for the purpose of financing new programs. The margin is apt to vanish. There are built-in expenditure growths that tend to have first claim on added revenues. So if we cut taxes in order to improve the economic conditions it is going to be very difficult to raise those taxes at a later time and get the money that many want to spend for all these new initiatives.

This is one of the matters which concerns me as we confront the problem here of what to do about the situation which confronts us, which we recognize is very serious indeed.

I shall not undertake to belabor these matters at greater length at the moment, and probably I have about exhausted the time available for the conference report, but I shall ask permission to revise and extend my remarks and in a more orderly manner I shall undertake to elaborate on the status of the appropriations and spending business of the session.

CONGRESSIONAL ACTIONS ON THE BUDGET

Let me conclude by saying that I do not think Congress is going to be a reckless bestower of further tax benefits. We would all like to be free from taxes, but we want to save the country and we cannot save the country and be free of taxes.

I do not think the Congress will go wild in spending in relation to the budget. It is true we are over the budget at this time in appropriation bills to the extent of about $1.7 billion in new budget obligational authority, but by the time we handle the remaining five bills I think it is fair to estimate we will be roughly level with the budget requests considered in the appropriation bills. So, while we have modified the President's budget—and we will have changed priorities to some extent—in the appropriation bills we will give the President for the purposes of expenditure at this session approximately the amount that he has requested.

With regard to nonappropriation bills which provide for spending, we are exceeding the budget. I cannot give exact figures on that at this time. When we increased social security payments beyond the amount suggested by the President in his budget, then by that amount—about $1.4 billion—we were above the budget on that item. There are some others but they are not all yet finalized.

I think we have acted responsibly, and I think it is up to the Congress to cooperate with the President in an effort to slow down inflation and stimulate employment and do an adequate job in managing the fiscal affairs of this Government. I would not discount the initiatives taken earlier and more recently by the Congress.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. RHODES. Mr. Speaker, does the gentleman desire additional time?

Mr. MAHON. I do desire 1 additional minute.

Mr. RHODES. I yield the gentleman 1 additional minute.

Mr. MAHON. I shall undertake, as I said, in the RECORD to outline some of these matters which I think we need thoroughly, profoundly, and prayerfully to consider as we move into the final months of this session.

As I say, I think we have done reasonably well in all departments and we can do an even better job as we try to continue to serve the best interests of the Nation.

Mr. Speaker, under leave granted to revise and extend my remarks, I am inserting considerable additional detail with respect to the appropriations and spending measures of the session. I have touched upon some of the matters, and expanded on some, but I thought it would be helpful to include this prepared statement at this point:

The public works-AEC bill is the 10th regular annual appropriation bill for fiscal year 1972 that has been finalized.

BILLS FOR FISCAL YEAR 1972 STILL PENDING

Five appropriation bills relating to fiscal year 1972 remain to be reported—four regular bills and a catchall supplemental. The four regular bills are: Defense, military construction, foreign aid, and District of Columbia. Counting in items deferred from the earlier regular bills because legislative authority was lacking, and allowing for supplemental items soon to be received, the budget requests for new appropriations in these bills will total something in excess of $83 billion.

It may be asked, why does not the committee report the remaining bills so that we can conclude the appropriations business on a more timely basis, thereby hastening the adjournment of Congress and enabling the agencies and departments of Government to administer programs in a more orderly way? The answer is: lack of timely legislative authorizations.

The Committee on Appropriations is in position to move promptly once the related authorization bills are sufficiently far advanced to enable the committee to mark up the appropriation requests.

Hearings on the Department of Defense appropriation bill were concluded more than 3 months ago. The related authorization bill is now pending in the other body.

Hearings on the military construction appropriation bill were concluded nearly 3 months ago. The related authorization bill is pending conference action.

Hearings on the foreign assistance appropriation bill were concluded nearly 3 months ago. The related authorization bill is pending in the other body.

Hearings on the District of Columbia appropriation bill were concluded prior to the summer recess but that bill is significantly dependent on revenue legislation which the House has yet to consider.

THE APPROPRIATION MEASURES OF THE SESSION

Let us examine the actions of Congress on the appropriation requests of the President at this session. This would include actions which relate to both fiscal year 1971 and the current fiscal year, 1972.

Including the conference report on this public works-AEC bill today, in the 12 appropriation measures—that is, in 10 of the 14 regular annual bills plus two special resolutions dealing with emergency public jobs and summer school feeding programs for children—Congress, in these 12 measures in respect to fiscal year 1972, approved $77.2 billion, a net increase of $2.3 billion above the specifically related budget requests considered. But this net increase is misleading and needs two important qualifications for more complete comparability:

First, in relation to the overall budget recommendations of the President, it is an overstatement of congressional action to the extent of $1 billion which is in the budget as a proposed supplemental for special revenue sharing relating to certain housing and urban development programs as a substitute for only 6-month funding of some of those programs; Congress, in the appropriation bills, revenue sharing not having been adopted, decided to fund them on the regular 12-month basis rather than half the year as proposed. The extra 6 months shows up as an increase but it is not a bona fide increase.

Second, likewise, in relation to the overall budget recommendations of the President, the $2.3 billion is an understatement of congressional action to the extent of $400 million in connection with proposed legislation in the budget relating to student loan funds dealt with in the education appropriation bill.

In other words, taking into account these two factors, the net increase is approximately $1.7 billion above the overall budget requests for appropriations thus far.

OVERALL APPROPRIATION REQUESTS WILL NOT BE EXCEEDED

But in my opinion, meaningful reductions will be made in the remaining appropriation bills—to the point where, in the aggregate and in the overall, in appropriation budget requests, Congress will not exceed the President's requests.

1972 APPROPRIATIONS CONSIDERABLY ABOVE 1971 LEVEL

Note this significant factor. In relation to last year, that is, fiscal 1971, the amounts requested in the President's budget are a good many billions higher, and Congress in a general way has and will accede to those requests. In the original budget, the President tentatively proposed $249 billion—a quarter of a trillion dollars—in new budget obligating authority for 1972. Roughly, some $80 billion of that quarter trillion is in so-called permanent appropriations such as interest on the debt and various trust funds on which Congress does not have to annually take action. The other $170 billion, roughly, would require action by the Congress, and I should add that several billions of it—such as general revenue sharing, the all-volunteer army proposal, and emergency school desegregation assistance—hinge on new enabling legislation not yet enacted and for which specific budget requests have therefore not been submitted. At the moment, we have in hand—acted upon and not acted upon—roughly $157 billion in fiscal year 1972 budget obligational requests.

The following table summarizes the totals, with comparisons of the 12 appropriation measures relating to the current fiscal year 1972:

APPROVED FISCAL YEAR 1972 APPROPRIATION MEASURES (FISCAL YEAR 1972 NEW BUDGET (OBLIGATIONAL) AUTHORITY ONLY) AS OF SEPT. 22, 1971

	Total approved	Over or under fiscal year 1971	Over or under fiscal year 1972 budget requests
1. Education	$5,146,311,000	+$563,104,500	−$6,875,000
2. Legislative	529,309,749	+86,405,430	−6,039,858
3. Treasury-Postal Service-General Government	4,528,986,690	−1,038,472,210	−280,229,310
4. Agriculture-Environmental and Consumer Protection	13,276,900,050	+3,727,992,500	+1,172,086,200
5. State-Justice-Commerce-Judiciary	4,067,116,000	+243,763,700	−149,686,000
6. Interior	2,223,980,035	+189,759,135	+29,386,000
7. HUD-Space-Science-Veterans	18,339,738,000	+1,342,850,000	+882,721,000
8. Transportation	2,730,989,997	−253,630,608	+44,983,000
Advance 1973 appropriation	(174,321,000)	(+174,321,000)	
9. Labor-HEW	20,704,662,000	+3,149,983,500	+581,025,000
10. Public Works-AEC	4,675,125,000	+210,140,000	+59,043,000
11. Emergency Employment Assistance (H.J. Res. 833)	1,000,000,000	+1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)	17,000,000	+17,000,000	+17,000,000
Gross subtotal, these 12 measures	77,240,118,521	+9,238,895,947	+2,343,414,032
Net adjustment of $600,000,000 to the budget requests (that is $400,000,000 not included in the bill but requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted and $1,000,000,000 in the budget as a proposed supplemental for special revenue sharing, or ½-year funding in certain housing and urban development programs which was included)			−$600,000,000
Net total, these 12 measures	$77,240,118,521	+$9,238,895,947	+1,743,414,032

APPROPRIATION MEASURES FOR FISCAL YEAR 1971 AT THIS SESSION

At this session, we have passed four appropriation measures relating to the fiscal year 1971, that ended on June 30 last. They had the effect of appropriating $8,061,000,000 in new money for expenditure by the Government. The budget obligating authority requests were reduced $910,000,000.

FISCAL ACTIONS IN NONAPPROPRIATION BILLS

Mr. Speaker, I have undertaken to sum up the fiscal picture as it now stands in relation to the appropriation bills, and while the appropriation bills encompass the bulk of the outgo side of the budget, there are significant actions in the legislative mill outside the appropriations process that bear on what is happening to the President's fiscal proposals. Measuring the full dimensions of these nonappropriation actions with precise figures is difficult because several of them are at various stages of consideration but they point to going well above the budget recommendations.

For example, the social security bill, Public Law 92–5, would increase budgeted expenditures—I refer now to expenditures, not appropriations—in the current year by about $1.4 billion. There are a number of others. The August 6 budget-scorekeeping report of the Joint Committee on Reduction of Federal Expenditure identified and reported—and I refer only to nonappropriation bills out of the legislative committees—bills that would increase the President's fiscal year 1972 budgetary proposals by about $712 million in terms of budget obligational authority and about $2.4 billion in terms of budget expenditures. These figures will, of course, come into a more refined state as the bills move.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, I should like to say that I concur with most of the remarks made by the gentleman from Texas, the chairman of our Committee on Appropriations.

He has raised some very serious questions that have been raised by some of us for the last 22 years about spending and budgets.

I would like to point out that the gentleman from Arizona (Mr. RHODES) made a very important observation on a vote we are going to have here in the next week or 10 days on the delaying of the Federal pay increase. This is a part of the project we have now to try to get the economy back in shape.

I would like to point out, as I did once before on this floor, that in one day, in one day alone, this Congress increased the budget by $1.8 billion. I hope this does not happen again. I hope that the Congress will not increase budgets by that amount.

There has been great criticism at times with reference to the nonspending of funds because of the freezing of funds. If they had not been frozen, our deficit would have been much larger and we would have been in real trouble fiscally. I believe that those criticisms should be considered.

Mr. Speaker, I should also like to say with reference to this particular bill which we are considering, that I congratulate the gentleman from Tennessee (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) upon a very fine bill. I think this is a good public works bill. It certainly cannot be called a pork barrel bill this year. I think the subcommittee has done an excellent job.

Again, Mr. Speaker, the gentleman from Texas (Mr. MAHON) has raised very serious questions. I hope that all Members will read what he has to say and what he will have in his revised speech because it is so important in the future.

Mr. Speaker, I hope that we will get our authorization bills through so that we can move forward with the appropriations, because the committee is ready to act.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 377, nays 9, not voting 46, as follows:

[Roll No. 265]

YEAS—377

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating

Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—9

Cleveland
Conyers
Dellums
Landgrebe
Reid, N.Y.
Ryan
Scheuer
Schmitz
Steiger, Wis.

NOT VOTING—46

Adams
Anderson, Tenn.
Biaggi
Blackburn
Cabell
Carey, N.Y.
Celler
Clark
Cotter
Crane
de la Garza
Derwinski
Diggs
Dorn
Downing
Edwards, La.
Eshleman
Fisher
Flynt
Gallagher
Giaimo
Gray
Griffin
Halpern
Hanley
Hastings
Holifield
Jones, Tenn.
Kemp
Long, La.
Lujan
McEwen
Mann
Michel
Mikva
Mink
Monagan
Murphy, Ill.
Pirnie
Poff
Smith, Iowa
Thompson, N.J.
Vander Jagt
Waldie
Watts
Wiggins

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Crane.
Mr. Adams with Mr. Derwinski.
Mr. Biaggi with Mr. Eshleman.
Mr. Fisher with Mr. Kemp.
Mr. Flynt with Mr. Blackburn.
Mr. Hanley with Mr. Hastings.
Mr. Carey of New York with Mr. Halpern.
Mr. Mikva with Mr. Michel.
Mr. Thompson of New Jersey with Mr. Pirnie.
Mr. Waldie with Mr. Wiggins.
Mr. Celler with Mr. Poff.
Mr. Dorn with Mr. Lujan.
Mr. Diggs with Mr. de la Garza.
Mr. Monagan with Mr. Vander Jagt.
Mr. Giaimo with Mr. McEwen.
Mr. Anderson of Tennessee with Mr. Cotter.
Mr. Clark with Mr. Edwards of Louisiana.
Mr. Griffin with Mr. Long of Louisiana.
Mr. Smith of Iowa with Mr. Jones of Tennessee.
Mr. Mann with Mrs. Mink.
Mr. Murphy of Illinois with Mr. Downing.
Mr. Cabell with Mr. Watts.
Mr. Gallagher with Mr. Gray.

The result of the vote was announced as above recorded.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore (Mr. BOLLING). The Clerk will report the amendment in disagreement.

The Clerk read as follows:

"SEC. 103. None of the funds appropriated by this Act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the motion was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just agreed to and to include extraneous matter and tables.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUSE WILL EULOGIZE THE LATE HONORABLE WINSTON L. PROUTY THURSDAY

(Mr. KEITH asked and was given permission to address the House for 1 minute.)

Mr. KEITH. Mr. Speaker, the passing, Friday, of the distinguished gentleman from Vermont, the Honorable Winston L. Prouty, is mourned in the House as it is in the Senate.

Before being elected to the Senate in 1958, Mr. Prouty served four consecutive terms in this body. Here, as in the Senate, he served with prudence, compassion and distinction. Here, as in the Senate, he was known as a warm, friendly and cooperative colleague. Here, as in the Senate, he will be missed.

The senior Senator from Vermont, Mr. AIKEN, has arranged a special order for 10 a.m., tomorrow, to permit Mr. Prouty's former colleagues in that body to eulogize him. At the request of our good friend, BOB STAFFORD, I have requested a 60-minute special order for tomorrow in order to give all those in this body the opportunity to deliver their eulogies to this most remarkable man and memorable colleague.

PROVIDING FOR CONSIDERATION OF H.R. 7072, AIRPORT AND AIRWAY TRUST FUND

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules. I call up House Resolution 593 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 593

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7072) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of the substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 593 provides an open rule with 1 hour of general debate for consideration of H.R. 7072, to amend the Airport and Airway Development Act of 1970. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 7072 is to amend the act of 1970 to clarify the intent of modernization of airports and air navigational facilities and to restrict to those purposes the expenditure of aviation user fees which are accumulated in the trust fund.

Additional revenues made available by user taxes must be applied in the full specified minimum amounts for capital expenditures for airport development and for the acquisition, establishment and improvement of navigation facilities.

It is estimated that the legislation will not increase Federal expenditures.

Mr. Speaker, I urge the adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as indicated by the gentleman from Massachusetts (Mr. O'Neill), the purpose of the bill, H.R. 7072, Airport and Airways Trust Fund, is to amend the Airport and Airways Development Act of 1970 to insure that unused moneys in the trust fund created by the act are used only for modernization of our airports and air navigational systems.

The language of the act is ambiguous and vague on this matter. Due to this weakness in the language, the Department of Transportation has taken the position that trust funds not requested to be appropriated for airport and airway safety facilities could also be used to fund the general maintenance and operational expenses of the Federal Aviation Administration.

To insure that trust funds would not be so used before all possible needs of the safety systems were met, the Congress specified minimum amounts to be allocated to airport and airway system improvement.

In 1971 the Department of Transportation requested $204 million less than the minimum specified by law. While the 1972 amended request is for the legally required minimum, the Department intends to use the $403 million carryover from fiscal 1971 for operations and maintenance expenses.

The committee believes that the clear intent of the Congress was to stress improvements in the safety and navigational systems of our airports. The bill will amend the act to make clear that no authority exists to use trust fund balances for maintenance and operation expenses. This is to be prospective and will not affect fiscal 1972.

There are no minority views. The administration opposes the bill as evidenced by letters from the Office of Management and Budget and the Treasury. The Department of Transportation testified in opposition.

The resolution provides for an open rule with 1 hour of debate by the Committee on Rules which makes in order the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time so that I may make the announcement to the Members that the bill originally scheduled for tomorrow will not be called up tomorrow at the request of the chairman of the committee. In place of this bill will be the Peace Corps bill.

APPOINTMENT OF CONFEREES ON SENATE CONCURRENT RESOLUTION 6, PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER (Mr. Bolling). Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Staggers, Rogers, Satterfield, Springer, and Nelsen.

There was no objection.

AIRPORT AND AIRWAY TRUST FUND

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7072) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

The motion was agreed to.

The SPEAKER pro tempore (Mr. Bolling). Without objection, the Chair designates the gentleman from California (Mr. McFall), to preside as Chairman of the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 7072, and requests the gentleman from California (Mr. Sisk) to kindly take the chair pending the arrival of the gentleman from California.

There was no objection.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7072, with Mr. Sisk (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 7072. This bill would amend the Airport and Airway Development Act and further define the intent of Congress with respect to the priorities for modernization of the Nation's aviation system.

Only slightly more than a year ago, Congress enacted the Airport and Airway Development and Revenue Acts of 1970 which called for a multibillion-dollar effort over the next decade to maintain and expand our airports and to improve the air navigational network.

The Revenue Act levied substantial new and increased taxes on aviation users to support the development program. Also, to assure that the modernization and expansion effort would be fully funded and conducted expeditiously, a trust fund was set up to accumulate the user revenues. The act established specified minimum amounts to be allocated in each fiscal year to improve the airport and airway system. This is a departure from the more usual practice of imposing maximum limitations on spending.

Unfortunately, I must report to you that the very first budget requests relating to this program failed to meet the minimum requirements specified by Congress. Instead, these requests seek to divert large amounts of trust fund moneys to general maintence and operational expenses of the Federal Aviation Administration.

The amounts involved are substantial. The total capital investment in airports and navigational aids for fiscal year 1971 was $122 million short of the minimum commitment specified by Congress. Moreover, fiscal 1972 budget plans call for the allocation of approximately $450 million of trust fund moneys to carry routine FAA maintenance and operational expenses.

The Department of Transportation has consistently maintained that it is committed to the long-range goals of the act and that it will speed up its allocations to airport and airway development in later years. This explanation fails to understand the spirit of the act or its rationale. This legislation was designed, from the first, as a catch-up program to deal with a crisis in our Nation's aviation system. Air safety cannot await speed-up programs in the late 1970's.

Accordingly, our committee recommends amendments to the act which are designed to require retention of amounts within the trust fund until the specified minimum investment in airport and airway development is made. Also, to assure that large amounts of trust fund moneys are not diverted for other purposes, these amendments propose to withdraw all residual authority to use these moneys for the general operational and maintenance expenses of the FAA.

With respect to this last matter, I should point out that the Department is required by the original legislation to submit a cost study to the Congress in May 1972 upon which Congress may determine an equitable distribution of the burdens of supporting the system between users and the general taxpayer. At that time, it may be appropriate to consider whether authority to employ user trust funds for FAA maintenance and operational expenses should be restored.

I should point out that the administration argues that its actions have been consistent with the provisions of section 208 of title II of the Airport and Airway Revenue Acts of 1970. H.R. 7072, in part, seeks to remove any ambiguities which may have arisen in connection with the interpretation of section 208. Inasmuch as this section lies within the jurisdiction of the Committee on Ways and Means we advised that Committee of the proposed amendments embodied in H.R. 7072. We are informed that the provisions of H.R. 7072 are "properly within the jurisdiction of the Committee on Interstate and Foreign Commerce and that no conflict with title II of the act exists."

This bill was reported by our committee unanimously. It entails no increase in taxes and authorizes no increases in Federal expenditures, but merely restates and reemphasizes our original intent. We believe that Congress cannot allow established priorities to continue to be ignored, nor can we allow nonaviation budgetary demands to further postpone the modernization of our aviation system.

Mr. Chairman, I yield such time as he may require to the chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN), who held hearings on the bill.

Mr. JARMAN. Mr. Chairman, I believe it may be helpful to our consideration of this bill to recall the circumstances which led to our enacting the original legislation.

In the late sixties evidence of sharply increasing airport and airspace congestion and shrinking margins of safety foretold a virtual crisis in air commerce. Every Government and non-Government segment of air transportation attested to the need to make substantial capital improvements in the aviation system as expeditiously as possible. All agreed that the situation required urgent remedy.

The Congress responded by enacting the Airport and Airway Development and Revenue Acts of 1970 which called for a comprehensive capital development program over the next 10 years. At the time we passed this legislation, we were well aware that historically general appropriation requests for air system improvements had been substantially reduced in deference to nonaviation budgetary demands. We did not want the capital investment program embodied in the Airport and Airway Development Act to suffer a similar fate. Accordingly, a trust fund was established to accumulate the aviation user taxes. And, to assure that the modernization program be conducted on a priority basis, we took the somewhat unusual step of specifying minimum amounts to be allocated in each fiscal year for improvements in the aviation system.

Members of this House and the aviation community were dismayed to learn that, in the first year of operation under the act, the Department of Transportation not only failed to make the specified minimum allocations but intended to use substantial amounts of trust moneys for general expenses of the FAA rather than request these amounts from general funds. In hearings before the Subcommittee on Transportation and Aeronautics, which I chair, it became apparent that nonaviation budgetary considerations were responsible for the deficiency, and that the Office of Management and Budget had discovered certain ambiguities in the act which it claimed made it unclear whether Congress had, in fact, required that minimum amounts be allocated each year for capital improvements in airports and navigational facilities.

The amendments proposed in H.R. 7072 would make our intent unmistakable. To the extent that any loophole existed in the original legislation—which I doubt—this bill would close it.

The subcommittee is unanimous in its conclusion that these amendments are essential if we are to maintain the sanctity of the trust fund and insure that the modernization effort will be fully funded and conducted expeditously.

As Chairman STAGGERS stated, this legislation does not contain any new or additional authorizations for money. This bill is worthwhile and necessary, and I strongly urge that it be supported by the membership.

Mr. SPRINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Members will no doubt readily recall that in 1970 the Committee on Interstate and Foreign Commerce brought before the House a bill designed to speed up the building of necessary airports and the needed improvements in hardware and operation of the Nation's airways. So important did we then feel that such measure had become that the legislation included new and substantial taxes upon those who make use of our airport and airways facilities. These taxes were designed to bring in about $600 million a year at the beginning and even larger sums later on.

It was estimated that immediate needs would require expenditures at a rate of about $250 million per year for airways facilities and slightly more per year for airports of all categories. The bill was designed to speak about minimum expenditures rather than maximum expenditures as is usually the case. It was clearly intended that as long as the airway users and the airline passengers were being called upon to put up the funds, they would be used for such facilities and work would start at once.

Because the nature of the effort lies partly in the use of manpower, there was a certain amount of latitude left in the bill for paying some expenses connected with the job. This did not mean that Congress intended the Federal Government to run FAA on a prepaid basis from these taxes. On the contrary, it was clearly intended that capital facilities would be increased and improved and that expenses incidental thereto should also be covered. This slight opening in the language of the bill led to an immediate misunderstanding which we are here today to correct.

The first request for funds under the act came in the 1971 supplemental, and it was substantially less than the amounts set out in the act. It was also very clear that the executive department intended to divert any additional funds coming to the trust fund to operational expenses of the Federal Aviation Administration. After considerable discussion, adjustments were made.

When the 1972 regular budget came forth, however, practically the same situation pertained. Language in two different parts of the act—section 14(b) handled by our committee and section 208 handled under the jurisdiction of Ways and Means—was just different enough to create a doubt and therefore a loophole. Again some adjustments were made and the full amount has been requested and allocated to capital improvements. Even so, considerable money will be used for operational expenses in the 1972 budget year.

The legislation before the House today is intended to make very clear the intent of Congress. It is our purpose to restrict the use of trust fund money to those administrative expenses which can be directly attributed to the airways and airport improvement programs or the research programs directed at safety. This is a very tight interpretation and perhaps goes somewhat further than we might have felt necessary at first. We thought the idea of using money taken from passengers and private pilots for fairly direct benefit to them was easily understandable. Apparently not so. It becomes necessary then to tie it down very hard.

There is one more factor involved. When the whole problem was under consideration in the committee we found that no one could tell us with any degree of certainty what the share of the general public ought to be in the creation of air facilities. The airways are not used exclusively by airlines and privately operated aircraft. Government—Federal, State, and local—makes extensive use of both ground and air facilities. Largest of these, of course, are the operations of military aircraft. All this activity puts great strain on the system and incurs large expense in maintaining the system. What part of the total cost should come from general taxes? How much should come directly from the private users? No one could tell us at the time the airport and airways bill was under consideration, so the Department of Transportation was directed to study and find out. A report is due next May. At that time we may be better able to allocate the costs between private and public users. Meanwhile, however, it is imperative that the minimum amounts designated by the act be put to work in creating facilities.

There are no costs connected with this legislation. The trust fund is alive and well. We are merely clarifying how it can be used at this time. I recommend the passage of H.R. 7072.

Mr. Chairman, I yield to the distinguished gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I want to go on record as supporting H.R. 7072, the Airport Trust Fund Act.

This measure simply restricts the spending of airport trust fund moneys to expanding and improving airport facilities and to make the skies safe for our growing number of air travelers.

These moneys should not be used for any other reason.

The trust fund is financed by users' tax. And just as travelers on our Nation's highways expect their tax money to improve these highways, our air users believe that their money should be used to improve the airways and airport facilities.

There is no question that better approach facilities are needed in many of our Nation's airports.

There is also no question that our air controllers are overworked and that they need modern computers and the most sophisticated equipment to help make the airways safe for all.

Many new airports are needed and some of the old ones need improving.

I want to urge all my colleagues to support this measure.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Chairman, I thank the gentleman for yielding to me. I wish to commend the chairman of the Interstate and Foreign Commerce Committee and the ranking member of that committee for bringing before us today this legislation to clarify the intent of Congress on expenditures of funds from the airport and airways trust fund. Even though the Ways and Means Committee has a secondary role in this matter, I am happy that my committee has cooperated with this committee in bringing about a proper understanding of the legislation as it was originally cast by this House. If we pass this measure today, which I am sure we will, there will be no opportunity for anyone to misunderstand what moneys from this trust fund are to be spent for. I commend the committee for bringing the legislation to the floor, and I hope that it is passed.

Mr. SPRINGER. I thank the distinguished gentleman from California for his remarks and for his confidence in this committee.

I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. KUYKENDALL), a member of the committee and the subcommittee which considered this legislation.

Mr. KUYKENDALL. Mr. Chairman, I wish to join in the statement of the distinguished chairman of the committee, and the distinguished ranking minority member of the committee. I would like to cover about three points that I think are important for the Members of this body to have clarified because of misunderstandings that have existed. The original legislation that was recommended to the Interstate and Foreign Commerce Committee involved the Department of Transportation, but the Department of Transportation did not have it in a trust fund. It had in it what they called a designated account. The committee in its wisdom chose to discard that idea of the designated account and create a trust fund. So there can be no doubt, even if you consider nothing but this particular action, because the committee very deliberately discarded the designated-account idea and created a trust fund.

Secondly, there have been some points made that there are expenses of running the FAA, the Federal Aviation Administration, over and above what is collected in user taxes, and therefore some people have stated the idea that the user tax should be used in its entirety—for, if necessary, general administrative purposes.

Let me lay this to rest now, if I might.

Approximately 26 percent of the usage of the airports and airways systems of this country is done by nonuser taxpaying aircraft which is primarily military and other Government-owned aircraft. Twenty-six percent, a little over one-quarter of the entire traffic on our airways does not pay any user tax, so it is certainly fair and logical to assume that their part of the upkeep of the systems should come from general revenue.

Another point about the use of funds and their adequacy—in his original testimony before our committee and also before the Senate committee, the Secretary of Transportation, himself, in projecting the needs for 10 years in building the airport and airways systems to a point that is necessary for our traffic and our safety, estimated that the total projected income from the user tax would be about $4 billion short of our needs. He stated in his testimony that it would probably be necessary to have some general revenue money used for capital expansion instead of the other way around, which some people have tried to do the last 2 years.

The one point I wish to close with: There was, I think, a very serious misunderstanding about the $280, $250 and $50 million combined figures that are in the original legislation. As the chairman has so ably stated it, there is $280 million for safety, $250 million for capital expansion, and $50 million for research and development, or a total of $530 million which is in the legislation, placed there not as a spending authorization, but as a mandatory spending minimum. I think this has been misunderstood. The DOT by law is supposed to spend that amount, but in several bits of testimony it has been presented as a regular authorization instead of a mandatory spending minimum.

Mr. Chairman, I urgently recommend that for these reasons of clarification, the legislation brought before the House today by the committee be approved.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. BROYHILL), a member of the committee, such time as he may consume.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of H.R. 7072, which would amend the Airport and Airway Development Act of 1970. The purpose of this measure is to clarify the intent of the Congress regarding the priorities for airway modernization and airport development and to insure that aviation user taxes are restricted to these uses.

The passage of this measure is vital if we are to assert the will of the Congress and accomplish the many needed improvements which are so important to the Nation's aviation system. Last year, the Committee on Interstate and Foreign Commerce spent a great deal of time, thought, and effort in writing the Airport and Airway Development Act and at that time provided for the expansion and modernization of the airport and airway system. These much-needed improvements were to be financed through user taxes imposed on the aviation industry, to be deposited in a special trust fund for this purpose.

In this original legislation, the Congress specified minimum amounts to be allocated to airport and airway system improvements from the trust fund. However, the Department of Transportation budget request submitted earlier this year was for a lower figure than that specified by the Congress. It appeared that the intent of the Department was to divert the remainder of the trust fund revenues for routine operation and maintenance programs of the Federal Aviation Administration.

The legislation before us today would clarify and strengthen the intent of the Congress in passing the original act last year. It would restate congressional priorities for modernization of the Nation's aviation system and would restrict moneys in the airport and airway trust fund to such purposes.

This bill was reported from the Interstate and Foreign Commerce Committee by a unanimous vote. I urge its passage by the House in order to meet the important need for improvements to our Nation's airports and navigational systems.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield myself 5 minutes and yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, is there anything in this legislation that would in any way adversely affect legislation we have previously passed instructing the FAA to establish maximum noise standards for jet aircraft at airfields?

Mr. STAGGERS. No. None at all.

Mr. PUCINSKI. There is nothing in this?

Mr. STAGGERS. No.

Mr. PUCINSKI. Would the research money in this bill provide funds for further research in trying to deal with problems of jet noise at airports?

Mr. STAGGERS. It could be used for anything which has to do with safety.

Mr. PUCINSKI. Another question. Is there anything in this bill or any other legislation the chairman might be aware of which could indemnify public buildings, such as schools, churches, and hospitals, which are in the immediate path of jet aircraft and suffer jet noise, for providing funds to soundproof those buildings and protect those buildings from the excessive noise of approaching or departing aircraft?

Mr. STAGGERS. This bill does not authorize it.

Mr. PUCINSKI. This does not?

Mr. STAGGERS. This does not. All this does is correct a misunderstood part of the other bill.

Mr. PUCINSKI. I thank the gentleman. It is my hope that we will be able to develop a program under which public buildings which suffer excessive jet noise will be able to be soundproofed with some financial help for such soundproofing coming from the aviation authority.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, I commend the committee on the action they have taken—I know it is going to meet with a hearty response from all those in the aviation community and especially those in general aviation, because they feel they have been getting the short end of the stick the way the FAA and the Department of Transportation interpreted the last legislation. I think this is a step in the right direction and will do much to help put the user fees in the proper places as Congress originally intended.

Mr. CONTE. Mr. Chairman last year we enacted the Airport-Airway Development Act, which did two things—it set firm fiscal goals for the development of civil aviation and it extended to the field of aviation the proven principle that those who use a system should provide for its support.

I believe we would still agree that the law is a good one and that it serves a vital purpose. However, like many new products, new legislation sometimes has a few bugs in it. We have encountered a few with Public Law 91-258.

Several of my distinguished colleagues, in seeking to "debug" the Airport-Airways Development Act, have proposed amendments which in my opinion go beyond the limits needed to correct an ambiguity in interpretation, and which, if approved, might actually impede the effective administration of the Nation's overall airport-airways program.

I refer specifically to H.R. 7072 which, if approved, would appear to preclude the use of any trust fund revenues for operation and maintenance expenses in support of the airway system. Title II, section 208, of the Airport-Airways Development Act authorizes trust fund expenditures for planning, for research and development, construction, and operations and maintenance of air traffic control, air navigation, communications or supporting services of the airways system, as well as for portions of the administrative expenses attributable to those activities.

To constrain that authority, to depend solely on appropriations from the general fund to sustain operations and maintenance requirements which have increased dramatically in the past few years and will certainly increase again in the future, would contradict the user charge ethic. It would also infringe on the flexibility which the Department of Transportation must have to manage the system effectively and efficiently.

Now, Mr. Chairman, I am well aware that the administration did not obligate the full amounts for airport development grants in fiscal year 1971 that were stipulated in title I of the act. But the Department of Transportation has since increased the obligation level in fiscal year 1972 to the full amounts called for. In testimony before the Senate Appropriations Committee last June, Mr. John P. Olsson, Deputy Under Secretary, stated that the administration will obligate $280 million for airport development in 1972, as prescribed by the act. Mr. Olsson also testified that the Department's budget calls for $250 million for airway facilities in fiscal year 1972—again, the minimum amount provided for by the law. Mr. Olsson also is on record as assuring the Congress that the administration "plans to continue the airport program at the $280 million level," and that the "balance of $403 million in the trust fund at the end of fiscal year 1971 . . . will be completely eliminated during fiscal year 1972 as the proper adjustment is made to balance out the 2-year period."

My colleagues have expressed concern that using any part of trust fund revenues for operation, maintenance or other authorized purposes would detract from the capital improvements needed to expand and upgrade the system.

I understand their apprehension, but I do not share it. I would remind my esteemed associates of two things: First, the funds now available for the acquisition of airport and airway facilities, even on the basis of the minimums established by the act, far exceed the average annual appropriations that were available for civil aviation purposes before the act was passed. Second, the user charges enacted by our postal and highway programs help pay for the operation and maintenance of those systems, as well as for the capital investments required. No system is complete or functional unless it is skillfully operated and properly maintained. The operation and maintenance functions serve the users of the system just as surely and as ably as the runways, radars and instrument landing systems.

During fiscal year 1971, the FAA obligated $170 million for airport development, despite a late start and an increasing nationwide resistance to projects for new or enlarged airports.

As an example of the progress being made in airway developments, the Federal Aviation Administration is adding 135 new instrument landing systems—an increase of 50 percent over the 295 such systems available when fiscal year 1971 began.

New automated radar terminal systems—ARTS—are being delivered at the rate of two units per month. Four of the systems, which provide controllers with an automated display of vital flight information, already have been installed. By the end of calendar year 1973, 64 ARTS III systems will be in operation at major airports.

Thirty-six new airport surveillance radars are under contract, to provide improved aircraft surveillance in terminal areas. Added to the 88 ASR's in use at the beginning of fiscal year 1971, the new surveillance equipment being acquired represents a 40-percent improvement.

Automation of the enroute traffic control centers, the NAS stage A system, is continuing at the fastest practical rate. The 20 centers covering the continental United States will be automated by late 1974.

It was obvious during our deliberations preceding passage of the Airport-Airway Development Act that the nonflying elements of our Nation's civil aviation system have lagged behind the expanding capacity and rapid developments of the airborne portions. This situation is changing. But capital equipment additions alone will not enhance system capacity, safety, and efficiency. In the past 18 months, the FAA has hired 6,480 controllers. Every new radar added to the system carries an additional cost in personnel to man and maintain it. If we were to limit trust fund revenues to the purchase of hardware and concrete, we would, in effect, be buying half a system—perhaps the least important part.

I understand that under the amendments proposed, operation and maintenance costs would be paid for from the general treasury revenues. Even under the terms of the act as it now stands, a portion of the costs of acquiring and maintaining the national aviation system is paid for from the general fund, even though aviation-related revenues no longer filter into the general fund.

To separate operation costs of the system from trust fund resources would defeat the logic of user revenues. Moreover, as the airport-airways system of our Nation expands, O. & M. costs will unavoidably increase, placing a disproportionately high burden on the taxpayers who do not benefit from aviation services. The effect of the changes we are considering today is to force the 85 percent of the people of this country who do not use the airways to subsidize the 15 percent who do. This to me constitutes an unwarranted and unfair compromise of the user charge principle.

Even under the present setup, users of the system would not be paying the full cost of services until the 10th year of the airport-airways revenue program. Cost allocation studies currently being conducted by the Department of Transportation will paint a more accurate picture of the actual relationship between the costs of airway services and the shares paid by the airlines and general aviation. I personally suspect the facts will show that the users of the Nation's airways are not being charged unfairly.

I believe, Mr. Chairman, and I hope this assembly will agree, that we have exposed the bugs that were frustrating the intent of the Airport-Airway Development Act. Testimony from the Department of Transportation demonstrates that the administration now has a clear understanding of its responsibilities in funding airport-airway developments at the rates prescribed by Congress. I urge against any further action which would restrain implementation of the act's provisions, or restrict the flexibility of those managing the system to use the resources available with the utmost efficiency. I believe H.R. 7072 would have that effect, and I ask that it be rejected.

Mr. BOLAND. Mr. Chairman, under the bill we are now considering, H.R. 7072, no trust fund moneys could be used for the operation and maintenance of the airways system, except for those expenses related to the acquisition, establishment, and improvement of air navigation facilities.

This would mean that virtually all of FAA's operating expenses—for example, air traffic controller—would be funded with General Treasury funds rather than user taxes.

I am aware that this proposal is designed to clear up some ambiguities in the present law respecting the use of funds from the Airport and Airways Trust Fund. The pending proposal makes it clear that no amounts may be appropriated from the trust fund to carry out any program or activity except those designated—that is, airport development, facilities, and equipment—and those research and development and administrative expenses related to capital improvement programs. The bill also requires that amounts equal to the minimum amounts authorized for development grants and airways facilities shall remain in the trust fund until appropriated for those functions. The amounts involved are $280 million and $250 million a year, respectively, through fiscal year 1975.

Frankly, Mr. Chairman, I am of the opinion that a good part of the maintenance and operation of the air navigation facilities and the airways system should be paid for by the users of the airways. I do not believe that persons who do not use the system should be taxed and pay for the heavy burden of maintaining and operating it. And this is precisely what is done when General Treasury funds are used for this purpose.

I have noted that a study by the Department of Transportation is required under this legislation. This study will center on the costs associated with the use of the aviation system to develop information on which Congress may determine an equitable distribution of the burdens of supporting between users and the general public. This report is to be submitted to the Congress by May of 1972. I commend the committee for this recommendation and, because of it, I see no useful purpose in opposing this bill today.

My distinguished colleague from Massachusetts (Mr. CONTE) with whom I serve on the Subcommittee on Appropriations dealing with the funding of the Federal Aviation Administration, has already discussed his feeling and concern with the pending proposal. I share these opinions.

Mr. Chairman, I also insert in the RECORD at this point the statement of John P. Olsson, Deputy Under Secretary, Department of Transportation, delivered to the Committee on Interstate and Foreign Commerce. It reflects the view of the Department.

The statement follows:

STATEMENT OF JOHN P. OLSSON, DEPUTY UNDER SECRETARY, DEPARTMENT OF TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, REGARDING H.R. 7072, AND SIMILAR BILLS, TUESDAY, JUNE 8, 1971

Mr. Chairman and members of the Committee: I appreciate this opportunity to appear before you today to discuss H.R. 7072 and similar bills amending the Airport and Airway Development and Revenue Acts of 1970.

The thrust of these bills is to preclude the use of monies in the Airport and Airway Trust Fund to meet expenses attributable to research and development and the operation and maintenance of the airway system each year in which appropriations are not made of the minimum amounts for airport development and airway facilities specified in Section 14 of the Act. The Department opposes the enactment of these bills. We do not believe they are necessary to the achievement of the long-range goals established in the Airport and Airway Act, and we believe that, in some instances, the rigidity they would impose might be harmful to the effective administration of the airport and airway program.

Just last month we marked the first anniversary of the enactment of the Airport/Airway Act. At the time the Act was passed, we regarded it as the most significant legislation in the aviation field since the enactment of the Federal Aviation Act in 1958. The Act was needed to give us during the decade of the 1970's the means for improving and expanding our airports and for upgrading and modernizing the airway system to ensure the safe and efficient movement of air traffic. The Act fulfilled that need most satisfactorily, and established firmly in the field of aviation the principle that those receiving benefit from the aviation services provided by the Government—the users of the airport and airway system—should pay through special charges sums needed for the development and operation of the system. Let me say that our enthusiasm over the enactment of the Act is as keen on its first anniversary as it was on the day President Nixon signed it into law.

We recognize that controversy exists respecting the administration of the Act, particularly with respect to funding the development of airports and the installation and improvement of airway facilities, and that this has contributed impetus to the introduction of the amendments in the bills before the Committee. Therefore, I would like to take a brief look at our funding to date, our future funding plans, and how these square with the long-range funding goals of the Act, as well as discuss the general operation of the Trust Fund during FY 1971 and 1972.

First, let's take a look at funding for airport development. The declaration of policy of the Airport/Airway Act states that the obligational authority during the period July 1, 1970, through June 30, 1980 for airport assistance should be $2.5 billion. So far, the Department's budget estimates provide for the obligation for airport development and planning grants of $180 million in 1971, and $220 million in 1972. The FAA Ten-Year Plan under the Act for the subsequent three fiscal years calls for the obligation of $280 million in 1973, and $285 million in each of the fiscal years 1974 and 1975. Under any forseeable circumstances we would expect these amounts to be made available. The Administration's budget plans and legislative proposals for the FY 1972 budget and beyond have been predicated upon these planning amounts. From the standpoint of meeting the ten-year goal of the Act our program is right on the target.

On an annual basis, the Act authorizes not more than $15 million of planning grant obligations and not less than $280 million of development grant obligations. Thus, after the initial start-up period of the airport program our plans calls for making funds available at approximately the annual obligational levels authorized by the Act. We will be requesting appropriations for the cash payments to meet these obligations as required. Therefore, the true program level for the airport program is best measured by the obligations made during a given fiscal year rather than by the liquidating appropriations in that year.

Now let's turn to the funding on the airway side. The Act states that the annual obligational authority during the period July 1, 1970, through June 30, 1980, for the establishment and improvement of air navigational facilities should be no less than $250 million. The Department's budget for airway facilities contained $238 million for 1971 and $250 million for 1972. Our planning for the subsequent three fiscal years calls for the obligation of at least $250 million for each of those years. Thus, the total amount we would obligate for airway facilities for the five-year period is expected to be at least one billion 250 million dollars which, again, is on schedule from the standpoint of meeting the 10-year goal of $2.5 billion contemplated by the Act.

In the area of research and development, we are exceeding the annual amounts stated in the legislative history of the Act. At the time of the hearings on the bill we contemplated an annual program of some $50 to $60 million. For 1971 our budget for research and development was $62 million, and for 1972 it is $73 million. The larger outlays we will be making for research and development early in the 10-year program should enable us to achieve greater cost effectiveness from our capital investments for airway-facilities than otherwise would be possible as we move through the 1970's.

Mr. Chairman, I have here for the record a table which shows these funding levels by major category for the fiscal years 1971 and 1972.

Now I would like to discuss the manner in which we are applying to our airport/airway program the sums in the trust fund available from the aviation user taxes and from the General Fund of the Treasury.

There has been considerable confusion and misinformation prevalent concerning the operation of the trust fund. Let me take just a minute here to clarify the situation and hopefully put things into the proper perspective.

First, there are certain expenditures which cannot be funded out of the trust fund. These include both the operations aspects of safety regulations and enforcement, and the associated R&D. Another non-trust fund item is the operation of National and Dulles Airports. These programs are financed by separate appropriations from the general fund of the Treasury and are not related to the trust fund or the user taxes.

Secondly, that portion of the airspace system considered to be chargeable to military operations is not financed from user charges, and properly so. While from a bookkeeping standpoint these expenses are included in the trust fund, the source of funds is the general fund, not user charges.

Thus, the expenditures actually financed by aviation user charges are limited to the areas directly benefiting the aviation user. The Airport/Airway Act states that amounts in the trust fund shall be available, as provided by appropriation Acts, for making expenditures for (1) airport assistance; (2) construction of air traffic control and air navigation facilities; (3) research and development with respect to the airway system; and (4) the operation and maintenance of airway facilities, including supporting services. All of these four major areas may be financed from trust fund monies if appropriations Acts so provide, whether those monies are derived from user taxes or other taxes.

Our current estimate of user charge receipts indicates that it will not be until the tenth year that user charges would cover completely the cost of services rendered under the Act. In fact, during FY 1971 and 1972 it is estimated that user charges will cover only about fifty percent of the cost of trust fund activities.

I would also like to take this opportunity to clarify the true status of the so-called "balance" in the trust fund at the end of FY 1971. The regular FAA appropriation for FY 1971 was not made from the trust fund. However, the FY 1971 supplemental appropriation for the FAA was made from the trust fund. The effect of this was a build up of a balance of approximately $403 million in the trust fund by the end of FY 1971, which normally would have been applied to eligible Airport/Airway programs in that year. This balance will be completely eliminated during FY 1972 as the proper adjustment is made to balance out the two-year period.

To return now to the specifics of H.R. 7072, we would not like to see absolute minimums established respecting the funding of airport assistance and airway facilities, nor a provision in the law prohibiting the use of trust fund monies for R&D and O&M when such minimums are not met. We regard all four of the major functions financed by the Act as important, and the law should remain flexible so that special emphasis may be placed on any one of these areas in a particular year as necessary to meet the need at hand. We believe it appropriate to allow all four of the areas to be financed by any monies in the trust fund. In fact, toward the end of the decade the Act is designed to provide sufficient income from user taxes to meet nearly all of the costs of all of the eligible functions carried out under the Act, including the operation and maintenance of the airway system. And this is as it should be. Certainly the crucial service afforded the users by air traffic controllers and systems maintenance personnel need not take a back seat to any of the other major parts of the program. The costs incurred in the provision of this service not only are proper ones to be charged to the users, but they are deserving of a very high priority in the application of available tax revenues to the various facets of the airport/airway program.

In summary, we do not believe that provisions in the Airport/Airway Act for the administration of the trust fund require amendment along the lines proposed in the bill. As we have shown, our current program is proceeding at a pace which should insure the attainment of the long-range funding goals of the Act for airport assistance and the installation of airway facilities. At the level for 1971 ($170 million for airport development), we have made a dramatic jump in obligations over previous years when under the old Federal Airport Act the maximum annual authorized level was $75 million, and actual appropriations sometimes fell short of that level.

As far as airway facilities are concerned, again we are very close to the funding schedule prescribed by the Act, and if you take into account the added emphasis we are placing on R&D, I would say we are a step ahead in this field.

We believe it is essential that trust fund monies be available for all aspects the airport and airway development program. All of these functions are essential to affording the users a safe and efficient system of airports and airways, and the Act should remain flexible to allow effective administration of these functions, including necessary increases or decreases in funding on a temporary basis to accommodate urgent needs in different areas of the program.

Mr. Chairman, that concludes my prepared statement. Now I would be happy to answer any questions the Committee may have.

AIRPORT/AIRWAY PROGRAM, FISCAL YEARS 1971 AND 1972

[In millions]

Appropriation/estimate	Amounts mentioned in Public Law 91–258	1971 appropriations	1972 estimate	1971 and 1972 total
Operations		$902.8	$991.8	$1,894.6
Airway system investment/development	$300.0	300.4	322.8	623.2
Facilities and equipment	(250.0)	(238.0)	(250.0)	(488.0)
Research and development	(50.0)	(62.4)	(72.8)	(135.2)
Grants-in-aid for airports: planning grants	15.0	10.0	15.0	25.0
Development grants:				
Obligations	(280.0)	(170.0)	(205.0)	(375.0)
Appropriation to liquidate obligations		60.0	92.0	152.0
Aviation Advisory Commission	$2.0	$1.5		$1.5
Total appropriations		1,274.7	$1,421.6	2,696.3
Funding:				
General fund appropriations		1,097.2	293.1	1,390.3
User tax revenues applied		177.5	1,128.5	1,306.0
Estimated user tax revenues (existing and proposed legislation)		580.0	726.0	1,306.0

Mr. SHRIVER. Mr. Chairman, I strongly support H.R. 7072 which is before the House today: The Airport and Airway Development and Revenue Amendments of 1971. Overwhelming passage of this bill will make clear the intent of Congress that the user trust fund established under the 1970 act be used solely for airport and airway development.

This bill, which is similar in effect and identical in intent to H.R. 3249, which I cosponsored in February, does not represent a radical departure from earlier policies. Secretary of Transportation John A. Volpe testified during the hearings on the 1970 act which established the user trust fund as follows:

> The bill would establish a designated account into which all user tax receipts would be deposited. Funds could be appropriated from the account only for the purpose of airport development and airway development, operation and maintenance. Any fears that moneys received through user taxes will be diverted to non-aviation purposes are more theoretical than real. To the extent these fears are real, the establishment of a designated account should completely allay them.

This statement was made on July 21, 1969. Congress reacted favorably to the administration's proposals by setting up the fund designed to provide $2.5 billion over a 10-year period for airport and airway development. The funds were not to come from general tax revenues, but were to be collected from those who benefit directly from airport development—the air transportation industry, including general aviation.

While we are all aware of the genuine demands which face Federal administrators for which adequate financial revenues are often not available, the subsequent use of this separate user trust fund for general administrative expenses of the Federal Aviation Administration was puzzling and frustrating to the air transportation industry and to Congress. In the fiscal 1971 and 1972 budget requests, the administration proposed extensive payments from this fund to be used for maintenance and administrative functions of the SAA which had no direct relationship with airport and airway development and which had previously been funded from general revenues, just as all other maintenance and administrative functions of the Federal Government.

In answer to the many complaints concerning this use of the trust fund, Congress provided additional Federal payments into the fund to cover these operational expenses. While this alleviates the problem of a shortage of funds for airport and airway development and is as far as we can go in an appropriations bill, this is not the best solution.

In effect, the 1972 appropriations bill accomplishes the intent of this bill—to use general funds for general purposes and leave the trust funds for development. However, it requires one additional step and does not insure that the funds for airport and airway development will be spent.

H.R. 7072 more narrowly defines the purposes for which the trust fund can be used and the report accompanying this bill stipulates that, in one case, should the lanugage be interpreted to include maintenance and operational expenses of the FAA.

In addition, the report states:

> To make absolutely certain that our intention is understood and the specified minimum amounts are channeled into airports and airways development, the amended language would require that the minimum authorized amounts be retained in the fund until allocated for capital investment in the aviation system.

Thus, this bill clarifies without any doubt the intent of Congress that the trust fund shall be used for the purpose of developing our overburdened airports and airways system. As of the beginning of this fiscal year, we have more than $300 million worth of environmentally sound but unfunded airport projects that are ready to go and for which local matching funds are available.

More adequate facilities are badly needed for our growing air transportation industry to insure better service and safety to users. A heavy vote in favor of this bill today will make it clear to the Department of Transportation that

Members of Congress strongly favor going ahead with this effort.

Mr. BYRNES of Wisconsin. Mr. Chairman, I am certainly sympathetic to the purposes toward which this bill is directed, but I have the feeling the bill involves "overkill" that frustrates the intent of the Airport and Airway Development Act of 1970, in attempting to resolve a very real problem.

It may help to put the issues in context to review the intent of the Airport and Airway Development Act. Congress enacted this legislation to deal with a continuing crisis resulting from inadequate airports and navigation facilities, particularly in view of the tremendous current and anticipated growth in aviation. The lack of adequate airport and navigational facilities both undermined the convenience of the traveling public and impaired air safety. The Airport and Airway Development Act dealt with this problem by establishing a trust fund into which user taxes imposed by the act would flow. It was clearly the intent of Congress that the commitment contained in the act for appropriations for airports and airway facilities be given priority in dealing with our current problems.

However, it was also understood that after the first few years of the new program, the new taxes would generate revenues in excess of contemplated expenditures for airport and airway facilities, and that these expenditures would be associated with operation and maintenance of our airport and airway system. Consistent with honoring our commitment to the construction of airport and airway facilities, it seems both logical and appropriate to use additional revenues for these purposes. I see no distinction in terms of the convenience and safety of air transportation in using the taxes imposed on airway users, not only to provide for modern radar facilities, but also to train and employ people qualified to make maximum utilization of this equipment.

There was legitimate public concern, based on actions taken by the administration and the Congress, that the full amount intended to be appropriated for airports and airway facilities in the near future would be reduced, and the additional money in the trust fund used for expenses incident to operation and maintenance. I certainly support action to insure that the commitment of Congress to construction of airway and airport facilities is honored. However, the present bill goes too far in precluding the use of trust fund receipts for operations and maintenance, not only in the near future, but indefinitely, even though the basic commitment of Congress to the construction of airway and airport facilities is met. For that reason, I believe the bill goes too far, and I want to alert the Congress that we will have to deal with this issue again.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That section 12(h)(5) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(h)(5)) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 1, 1973".

SEC. 2. The first sentence of section 14(d) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(d)) is amended to read as follows: "The balance of the moneys available in the trust may be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a), (b), and (c) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958.".

SEC. 3. Section 14 of title I of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new subsection:

"(e) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—

"(1) Notwithstanding any other provision of law to the contrary, no amounts may be appropriated from the trust fund to carry out any program or activity under the Federal Aviation Act of 1958, except programs or activities referred to in subsections (c) and (d) of this section, as amended.

"(2) Amounts equal to the minimum amounts authorized for each fiscal year by subsections (a) and (c) of this section shall remain available in the trust fund until appropriated for the purposes described in such subsections.

"(3) No amounts transferred to the trust fund by subsection (b) of section 208 of the Airport and Airway Revenue Act of 1970 (relating to aviation user taxes) may be appropriated for any fiscal year to carry out administrative expenses of the Department of Transportation or of any unit thereof except to the extent authorized by subsection (d)."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there any objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 7072) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, pursuant to House Resolution 593, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on H.R. 7072 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MID-DECADE CENSUS PROPOSAL IS STILL UNDER ACTIVE CONSIDERATION

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON. Mr. Speaker, following our hearings on mid-decade census legislation held in May and June of this year, we have been encouraged by the amount of support and expressions of solid concern given by the Members of Congress on this program. Realizing that a great number of Members have a vested interest in this subject, I felt it worthwhile to make a general report on the status of this legislation.

At the conclusion of the last of three hearings held on mid-decade census legislation, I publicly expressed disappointment and surprise at the position of the administration at this time opposing the establishment of a mid-decade population census series, but proposing the further development and better utilization of existing administrative records as a substitute for census data. A few days later on June 14, I introduced into the CONGRESSIONAL RECORD a statement of the administration's position, a review of the findings by the Subcommittee on Census and Statistics on the overwhelming support for such a census, and my plan to contact every witness who has appeared before us—Governors, mayors, county supervisors, representatives of census user organizations, and members of the business community—asking them to contact the President advising him of their desperate need for a mid-decade census.

Accordingly, we have communicated with a large number of the people and organizations represented above and their petitions requesting the President to endorse a mid-decade census to be undertaken in 1975 and every 10 years thereafter have been most impressive in terms of quality of justification, delineation of informational needs, and forthrightness of presentation. These reactions have reinforced the determination of the subcommittee to continue its interest and enthusiasm in support of the need for such legislation.

In general accordance with an implicit request of the administration but particularly in recognition of its new economic policy relating to reduction of Government expenditures, the subcommittee will cooperate by not submitting legislation proposing a mid-decade census during the balance of this year. During this period, we do not plan to conduct further hearings but we do expect to continue our negotiations with the administration with the expectation of arriving at a mutually agreeable position on the initiation of a mid-decade census program.

It should be noted that the Decennial Census Review Committee appointed by the Honorable Maurice Stans, Secretary of Commerce, submitted its report in July 1971. Included among its findings was a strong recommendation for a mid-decade census designed to collect basic population data on a complete enumeration basis. This report in its entirety was introduced by Senator HIRAM FONG, Hawaii, in the CONGRESSIONAL RECORD on August 4, 1971.

Furthermore, in response to my request at our initial hearings on May 18, 1971, Mr. John Aiken, executive director, Federal Statistics Users' Conference, surveyed the regular members of the conference as to their views on the establishment of a mid-decade census. With the results obtained thus far, this survey has revealed an overwhelming support for such a census and a definite need for data on a small area basis. It should be noted that this users' conference represents a broad cross-section of business firms, State and local governments, universities, nonprofit research organizations, trade associations, and labor unions.

Within a few weeks, we expect to receive from the General Accounting Office a report on the data that can be obtained from and the overall effectiveness of a mid-decade census versus a determination of the data that can be gleaned from existing administrative records. I requested this report so the Congress could get the benefit of an independent evaluation of the two approaches in comparative terms of costs, efficiency of utilization, and resultant benefit in compiling and using the data to meet current informational demands. Inasmuch as the administration has decided to study the possibilities of using administrative records as a substitute for a mid-decade census, I felt the Congress should become better informed on this development.

However, if the GAO report should recommend a mid-decade census program, and assuming the widespread momentum for such legislation continues, I plan to introduce an appropriate bill at the earliest possible opportunity next session. This timing will hopefully permit passage of the bill into law before the summer recess. With this schedule, there should be sufficient time to allow the Bureau of the Census to plan, prepare, and launch a complete enumeration census as of April 1, 1975.

In response to the many requests and proposals that we in the Congress are constantly receiving on the need for current information necessary for efficient planning and administration in the public and private sectors, we must continue giving priority attention to the establishment of a program to provide census type data more often than once in 10 years. The wealth of excellent testimony presented in recent years to the Subcommittee on Census and Statistics at hearings on the establishment of a mid-decade population census series can no longer be ignored. As chairman of the Subcommittee in Census and Statistics, I am committed to providing the leadership for initiating such a program, as warranted, as soon as possible. It would be most desirable if the administration would join forces in this activity for the overall benefit of the country.

INDIANA LOUSY WELFARE STATE

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, we have all heard that song, "The Welfare Cadillac," and we recognize it as an exaggeration of some of the conditions.

However, last Sunday the Indianapolis Star carried an article about a family that left California and selected Indiana. Unfortunately for my congressional district, they selected one of the counties I have the privilege of serving here, as their home. This family, however, is leaving Indiana and returning to California because they say that Indiana is a lousy State for welfare. Further, they state it is a disaster State.

I recommend this article I am putting in the RECORD today for reading by every Member here because I think it very vividly illustrates the welfare conditions in this country and the need for welfare reform that is now resting in the other body.

Mr. Speaker, I hope every Member will read this. This not unique to Indiana or California—it is the situation I think to almost every community throughout the Nation. But, this particular instance today, however, is going to be California's loss and Indiana's gain.

The newspaper article to which I have referred is as follows:

[From the Indianapolis Star, Sept. 19, 1971]

INDIANA "LOUSY," WELFARE COUPLE LEAVING IN $10,000 LAND CRUISER

(By Carolyn Pickering)

SPENCER, IND.—Melvin, 39, and Lorraine Stewart, 49, fed up with Indiana because it's a "lousy" state for welfare benefits, are packing up their $10,000, air-conditioned, mobile land cruiser to return to California where "they really take care of folks on welfare."

The Stewart couple, both unemployed, now live with her two children in a four-room house at New Hope, a tiny rural community 12 miles south of Spencer.

The Stewarts call Indiana a "disaster state" and their village "No Hope."

They'll rent a trailer and hook that and their 1966 Pontiac Bonneville onto the rear of the land cruiser for the trip west.

Into the land cruiser, purchased in California, and on which they make $118.91-a-month payments, will go the two children, aged 12 and 9, and the family's handsomely clipped poodle, Sassy, whose tonsorial treatment cost $10 a snip.

Although the Stewarts say they're in too poor health to work, among the personal belongings they'll load into the trailer are four television sets, an up-right deep freeze, a king-size, six-position vibrating recliner and a pair of elegant parlor chairs reupholstered in red velvet at a cost of $248.

All, of these, except the vibrating chair, were bought in Indiana since January at taxpayers' expense.

They hope to take a coppertone refrigerator-stove combination, complete with hood and circulating fan, but they may have to leave them behind. They have not finished paying for them.

Mrs. Stewart, who says she's been living off welfare, Social Security and trustee aid since 1959, is more than a little miffed at the Owen County Welfare Department.

She says:

"Mr. Chambers (Barry Chambers, eligibility case worker) told us when we came here last January we'd get $70 a month from them. We didn't.

"A month or so ago he told me how to change my budget around so we'd get a $28-a-month increase in our benefits. I did what he told me, but the board turned us down.

"He also told us he'd try and get welfare money to pay for the stove, but he didn't."

The plump mother also charged that Chambers promised he'd obtain welfare funds to pay for exterminators to rid the Stewart home of termites if the Stewarts could obtain a loan from a bank.

Mrs. Stewart said they were unable to obtain the loan, which was to have been paid off with the extra welfare money.

Chambers, a 24-year-old conscientious objector from New Castle, who said he has a degree in anthropology from Ball State University, said he couldn't discuss individual cases.

However, Mrs. Ann Rein, Owen County welfare director, said:

"There is a certain element of truth in what Mrs. Stewart told you. Their case is unique."

Mrs. Rein said regulations prohibit discussing details but she confirmed that Chambers "did talk with Mrs. Stewart about the condition of her home."

"The Stewarts," according to Mrs. Rein, "couldn't obtain a loan for termite extermination so it was a moot issue."

She conceded, however, that had the loan been secured "we would have made a division of the payments."

Mrs. Rein said she wasn't going to be "put on the spot" by discussing other matters allegedly discussed by Chambers with the Stewarts.

Mrs. Rein said she feels the situation in Owen County is "typical of all counties in the state."

As a welfare recipient, Mrs. Stewart has served on the county's Citizens Advisory Council to the welfare department, but she resigned last week, saying the group is useless.

"People have complaints but they're afraid to talk for fear of getting kicked off the rolls," she said.

"Why, if a welfare person has to go to the doctor they're (welfare department) supposed to send a cab and pay the fare, but they won't. We're entitled to it, but they don't treat you right down here," she lamented.

In California, where she lived previously, Mrs. Stewart said she was on the "aid for the totally disabled" rolls—a category that doesn't exist in Indiana.

"I got $146 a month for that, plus $50 a month for a lady to clean the house and unlimited medical expenses," she said.

Mrs. Stewart said her principal health problems were caused by being overweight, high blood pressure and an enlarged heart.

Welfare benefits, $141 a month in Social Security for a daughter by a previous husband, Stewart's Social Security of $136 a month, surplus commodities and ADC of $232 gave them income of well over $500 in California, she said.

"We bought the mobile cruiser out there—brand new—two years ago, and had a ball," she said.

"We joined a camper club and traveled all over California—it was really fun," he reported.

But, in Indiana, the Stewarts say, combined ADC, Social Security for Stewart and the daughter, plus surplus commodities which "we don't like" gives them an income of only about $325 a month.

Yet they've kept up the $181 mobile cruiser payments and, two weeks ago, took a little vacation to Mammoth Cave in Kentucky.

And they don't intend to give up the cruiser "because we have too much invested."

Stewart, who claims a back injury prevents him from working, looks over the acre of ground around their New Hope home and says he hasn't put in a vegetable garden because "the weeds would get ahead of us."

He and his family say the surplus commodity program which gives them foodstuffs, including four pounds of butter a month, is inadequate.

Mrs. Stewart says she needs to be on a high-protein diet.

"I keep telling them I need things like lean beef, chicken, eggs and cottage cheese, but they don't pay any attention," Mrs. Stewart charges.

"Instead," she laments, "we're green-beaned to death and my kids don't like oatmeal for breakfast."

Chambers, speaking cautiously, blames the alarming rise in aid to dependent children welfare cases in Owen County on "part of a national trend."

Two years ago only 13 families with a total of 46 children were receiving such benefits and the cost to the taxpayer was $3,256 for 1969.

Currently, there are 77 families involving 195 children receiving a total of $9,984 in Owen County—a dilemma that has forced the welfare department to obtain an additional $37,000 appropriation, bringing their total 1971 budget to $284,895 for all types of assistance.

Chambers says there are a great many more folks in Owen County who probably qualify for benefits, but "they just don't know about it."

With 3 per cent of the 9,000 Owen County population now on welfare rolls, Chambers says this figure is low compared to the national average of 7 per cent of the population.

One of the more vocal citizens on the subject is Owen Circuit Court Judge William T. Sharp, who says the entire welfare concept is "destroying any incentive for self-sufficiency.

"People are being told they're suckers to be self-sufficient—that it's easier to get a free ride. We're on the wrong track, subsidizing laziness and dependency by making it easy," he declares.

Judge Sharp, utilizing the authority of his office, already has clamped down in cases where he has legal jurisdiction.

Last week, on a petition filed by the welfare department, the four children of Mrs. Margaret Corns of Spencer were made wards of the court and placed in foster homes. Mrs. Corns has left Spencer.

Judge Sharp said Mrs. Corns has been receiving $205 a month for the children, who were "neglected and getting poor training."

The father of the last child, Judge Sharp said is an 18-year-old serving a term in the Indiana State Youth Center on his conviction for assault and battery with intent to kill on Mrs. Corns' father.

In another case, $50-a-week support payments being made by the father of five of the 13 children mothered by Mrs. Phyllis Owens of rural Poland were ordered placed in the general fund rather than being given to Mrs. Owens.

The woman, with nine of the children living with her in a trash-littered farmhouse, receives $355 a month in welfare benefits. She has received at least $8,000 from the Owen County department since she moved from Marion County several years ago, according to the judge.

Judge Sharp said evidence in court indicated Mrs. Owens was living rent-free in the house although she had told welfare workers she paid $50 a month rent to the father of the five children, who owned the house.

Spencer druggist Jack Money said welfare recipients "are being counseled by someone to load up on prescriptions if they're about to go off the welfare rolls."

He said a surge of recipients, in recent months, also had become irate when he wouldn't permit them to put things such as toothpaste and shaving cream on their Medicaid cards.

"Medicaid pays for only medicinal items, but someone has been telling them the government would pay for most any drug store item," he said.

Money said that after Mrs. Rein was apprised the situation was corrected.

New Owen County Welfare Board member Frank Stewart (no relation to the recipient Stewarts) calls the entire welfare program a "form of blackmail by the Federal government."

He adds:

"I think there are responsible citizens at both the state and local level, but Federal regulations make it impossible for us to use our own judgment and I, personally, resent being rubber-stamped. It's sheer frustration."

OUTMIGRATION FROM RURAL AREAS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, last month a national television broadcasting system aired a lengthy broadcast dealing with out-migration from rural areas. As a part of it, a broadcast team visited a small North Carolina town and talked with youngsters who had just received diplomas from the local high school. Each of the youths were asked if they were staying in their hometowns or leaving. Most of them were "going North." Most of them said they were leaving because there were no jobs for them where they had grown up.

Figures from the 1970 census and those for 1960 and 1950, indicate that this same story could have been filmed in hundreds of other schools in as many sparsely populated areas. And, we have good reason to believe the answers would have been the same. Many of the young people of these areas are leaving, not because they want to go to strange cities hundreds of miles away. They have had little choice, if they wanted to be self-supporting.

So, the nonmetropolitan areas become more and more empty of the people who once made them bloom with crops and small thriving towns. And, the populations of metropolitan areas must ever increase their struggle to assimilate the newcomers, to provide them with the services, jobs, and housing they need.

More and more frequently, we can drive through the countryside of these low-population areas and see the mark of desertion on the face of the land. Homes have been vacated. Stores along the streets of the small towns lie empty. The shadow of discouragement, disappointment, and even desperation lies heavy in the faces of the adults who have watched their young leave their homes.

In the larger cities and metropolitan areas, the same shadow of hopelessness can be seen. Too often it has its origin in the constant, never-ending struggle for solutions to the problem of too many people crowded in too little space competing for too few public services and job opportunities.

In terms of our Nation's history, it has been only recently that leaders of our governments have begun to realize that the problems of Smalltown, U.S.A., and metropolis have a common root—migration. Smalltown is starving to death, because its people are being forced to leave in search of jobs. Metropolis is deteriorating from the economic and spiritual exhaustion brought on by what has appeared to be a hopeless struggle with the problems of expanding population.

For many years, this phenomenon has been of deep concern to me. A decade ago, I became firmly convinced that the problems of the cities and the small towns and nonmetropolitan areas could not be separated. The problem is national. It must be treated as such. I am convinced that a major element in the solution of it is community development—in the small towns and counties where the migration begins.

I believe our Nation has for too long hesitated at the crossroads—marking time with temporary, partial solutions. In recent months, I have become convinced that a growing number of leaders in our Nation are also reaching that conclusion, and have been encouraged.

My concern for this problem has prompted me to spend more than a year in search of a proposal which would offer usable, realistic new sources of aid to the small towns and counties whose people are intent on surviving and achieving vigorous economies again.

As a part of my effort, I have conducted the first in a series of hearings I plan to hold in my district—the First Congressional District of Arkansas—to give local leaders an opportunity to discuss what they believe are their principal problems and news in community development.

The interest which these hearings have generated has been great. More than 33 newspapers from all across the State, two metropolitan papers from a nearby State, and a number of radio and television stations gave considerable attention to the problem being discussed at the hearings.

Because I am convinced that my colleagues in Congress will be interested in what I have been hearing from local leaders at these hearings, I wish to have included in the Congressional Record two news stories concerning the hearing and portions of the testimony relating to the need for community development.

I plan, during the coming weeks, to provide this information on a regular basis. Today, I would like to include in the Record, news stories relating to this question which were published in the Arkansas Gazette of Little Rock and the Commercial Appeal of Memphis, Tenn.

On next Wednesday, I will ask that the excellent testimony presented by Mayor Adrian White, of Pocahontas, Ark., president of the Arkansas Municipal League, the first witness at my community development hearing on August 30 in Brinkley, Ark., be included in the Congressional Record.

The item follows:

[From (Little Rock) Arkansas Gazette, Aug. 31, 1971]

Alexander Hears Economic Woes of First District

(By Leroy Donald)

Brinkley.—In sometimes desperate and always frustrated tones, more than a score of mayors, county judges and state officials brought their economic woes to Representative Bill Alexander here Monday at his first hearing on a community development bank proposal.

Their over-all problems and specific troubles were not new, but the young congressman hopes to put together a portfolio which by sheer volume will help turn a reluctant Congress' attention to the desperate needs of nonurban areas.

As summed up by Henry P. Jones III, executive director of the East Arkansas Planning and Development District, Alexander's First Congressional District is "one which represents an embodiment of all of the problems of rural America * * *."

It's a region that has experienced a loss of population, has one of the poorest income levels in the country, is struggling to establish itself as its agricultural economy becomes an industrial one, has a low educational level and a high minority group population, yet is a region with "limitless" vacation and recreation resources and a chance for economic greatness with development along the Mississippi River.

The meeting, which was held at Brinkley City Hall, was begun in an atmosphere of apprehension. Reports had it that Rev. Ezra Greer of Earle, a leader in the black civil rights movement in East Arkansas, would attempt to disrupt the proceedings to attract attention to problems of the great number of blacks of the District. City police were evident in the Municipal Courtroom in the morning, but had disappeared from the room by afternoon.

The only blacks who appeared were three mayors and a city recorder—Mayors Willard Whitaker of Madison, Emmitt Conley of Cotton Plant and T. H. Green of Sunset, a brand new all-Negro community on the outskirts of Marion, and his city recorder W. C. Potts.

Others who appeared included Adrian White, the mayor of Pocahontas and president of the Arkansas Municipal League; Mississippi County Judge A. A. (Shug) Banks, president of the Association of Arkansas Counties and Frank Bizzell, the executive director of the Association; William S. Bonner, chairman of the City Planning Division of the University of Arkansas, and J. Dan Roebuck, executive director of the Arkansas Industrial Development Corporation.

TWO MORE MEETINGS ARE PLANNED

Alexander, 36, hopes to hold at least two more hearings, one at Jonesboro and another in the western part of his newly expanded district.

He opened the meeting here, telling the officials that a co-operative effort could bring about a change in national priorities.

He said the message he wants to get across to bring about this change is:

"Community development in areas of low and decreasing population is a vital element in the solution of urban problems."

The salvation of the New York city; the Bostons; the Detroits and the Chicagos, he said, lies in the salvation of the Cherry Valleys, the Madisons and the Brinkleys of the country.

"For too long, we have sought to develop programs to deal with the problems of the untrained or poorly trained rural migrants who swell our cities, while, ironically, we ignored the causes that force them to flee the nations' non-metropolitan areas," he said.

Such areas—and Arkansas is one of them—have the technology, the desire and the manpower to develop, he said, but lack capital resources.

His community development proposal, which would bring on more flexibility in federal funding, is one answer, Alexander said.

This proposal, speaker after speaker agreed Monday, could well be the salvation of small towns and nonurban areas.

ALL VOICED SIMILAR COMPLAINTS

Again and again, from Mayor Tilden Rodgers of fast-growing West Memphis to Howard W. Beasley, the executive vice president of the Bank of Cherry Valley and recorder-treasurer of that small Cross County community, the woes were the same—governmental red tape, lack of money to match grants, bewilderment of the "shell game" of bureaucracy, unrealistic constitutional limitations, and the inability of well-meaning citizens to come up with more taxes.

There is no indication that state legislation will give much more help, Mayor Rodgers said, so it was his city's conclusion that development can come only through programs initiated and assisted by the federal government, either through direct grants, revenue sharing, or "extremely" long term loans with acceptable and realistic rates of interest available under the existing state constitution.

"The attitude * * * of small town residents is, 'Yes, we need to develop and our towns need to grow, but not if my taxes have to be increased,'" Mayor Whitaker said.

And, as he and others put it, "The problem which we encounter most frequently is that if we are not large enough, we can't get funded. How can we get large enough to qualify if we can't get money to grow?"

Too many times, Mayor White said, federal grants to aid in securing industry fail to materialize fast enough to sew up the selling job.

"BIRD IN HAND" CLAUSE CALLED DILEMMA

Then there was the "bird in hand" provision in federal aid that many of the officials complained of and which Alexander said he had tried his best to eliminate. This is the provision that a political unit must have an industrial prospect in hand before the money will come through to pay for water and sewer and other facilities needed to locate the industry.

There is some difference between Alexander's proposal and President Nixon's revenue-sharing plan. Mayor White told the hearing that most of the members of his Arkansas Municipal League were opposed to the president's proposal "because when you take too much from the federal government you give away something. * * * I think that in the future, the federal government would control our cities and counties."

Roebuck suggested that there might be a lack of leadership in the communities, leading to the inability to guide development.

"We need to encourage our elected officials * * * to identify the community problems and plan approaches to solve these problems. * * * These community leaders should place service above their self and personal interest and make this contagious in their communities."

[From the Commercial Appeal (Memphis, Tenn.) Sept. 1, 1971]

Alexander Cites Frustration of Small Town Governments

Brinkley, Ark., Aug. 31.—Representative Bill Alexander (D-Ark.) said here Tuesday that most local government leaders have lost confidence in the effectiveness of the federal government to deal with survival of small towns.

Alexander was reflecting on Monday's hearing in Brinkley where he heard testimony on his proposal for a community development bank.

Testimony came from municipal and county officials in the seven southernmost counties in the First Congressional District and also from statewide planning experts.

"Witness after witness told me that government red tape discouraged local initiative," Alexander said, "In too many cases, federal officials have been dictatorial to local communities in telling them what their problems are, but they have been offered little help solving them."

Alexander said that he was told that the "red tape" was not only exasperating, but was expensive. "The cost of every project is increased, some by as much as 100 per cent, due to red tape," he said.

There was much criticism of the "bird-in-hand" theory which Alexander called, "ridiculous." The theory prohibits a community from obtaining funds for certain development projects until the community has a firm commitment from an industry to settle in that community.

Alexander also said that most federal programs are "not truly responsive to the needs of the local people."

The representative said almost every witness agreed that a bank like the one he has proposed could be beneficial.

Alexander said he will schedule a conference for the northern part of the district in the near future.

ASSEMBLY OF CAPTIVE EUROPEAN NATIONS CONVENE IN NEW YORK CITY

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on Monday and Tuesday of this week the annual convention of the Assembly of Captive European Nations was held in the Carnegie Endowment International Center in New York City. Many of the delegates of the assembly attended the opening of the United Nations which convened its fall session on Monday of this week.

The organization, Assembly of Captive European Nations, is international and is carrying on its constant campaign of alerting world public opinion to the true facts of the methods used by international communism to enslave the world.

I am herewith including with my remarks excerpts, of a speech I made in New York City before the Assembly of Captive European Nations last evening:

EXCERPTS FROM SPEECH OF CONGRESSMAN RAY J. MADDEN

Mr. Chairman, your organization is to be commended for continuing over the years your fight against communist rule and your efficient work in alerting the free people of the world to the circumstances of freedom-loving folks now enduring life in the captive nations under communist tyranny.

The Congress of the United States must also be commended for its proclamation in authorizing the Captive Nations Resolution twelve years ago. One of the principal provisions in that Resolution was, "That the enslavement of millions in European satellite nations makes a mockery of the communist idea of peaceful co-existence."

The unanimous enactment by the Congress of the Captive Nations Resolution was one of the most devastating diplomatic acts that the free nations have taken against the communist conspirators since World War II. This Resolution called the attention of millions throughout Europe, Asia, South America, and the free world that the Soviets, through duplicity, infiltration and unlawful aggression, forced many small European nations into the communist orbit.

Over the years, the communist planners have succeeded in creating a myth or an illusion with reference to "peaceful co-existence". The idea that the only alternative for "peaceful coexistence" is war should be exposed as an international sham based on clever Soviet propaganda.

When the Soviet leaders talk about peace through disarmament we must remember that this is merely a shallow communist slogan. Disarmament means that the free world must depend on agreements instead of strength. International agreements are useless unless both parties are honest and sincere. We must, to be safe, judge the future by the past. For forty years the Soviets have broken fifty out of fifty-two agreements with free world nations.

OUR GREATEST AND CHEAPEST DEFENSE

Our government should perfect a well-organized department to disseminate truth and information, not only to the free world, but also to the people behind the Iron Curtain. True facts and information about communism, its methods and history sent to the neutral and backward nations throughout the globe, is the cheapest and most effective weapon we can use to curtail and eventually destroy communism.

The communist conspiracy has been allowed to run rampant until it has gained control over one-third of mankind and it is steadily pursuing its vicious goal of control over the rest of the world. It is now time and past time for us to be alarmed and take the initiative propaganda-wise and place these international criminals on the defensive.

HOPE FOR FUTURE

According to authentic reports from over the world, all is not well in the Communist world. The Soviets are in deep economic trouble. Food is scarce everywhere in the Communist empire. Colonies in Eastern Europe are not happy. Embezzlement and lawlessness is rampant in Russia and its satellites. The Communists' farm program is one of the most wasteful experiments in economic history. Six hundred million hungry Chinese are looking toward the wide open spaces in Siberia for future habitation and this worries the Soviet Communists. Very few of the inhabitants of the Soviet Captive Nations have any use for Communism.

These facts, along with world history recording that no tyrant or group of tyrants ever ruled long by slave labor camps, mass murders, prison camps, executions, threats, tortures and fear. These reports offer some hope for the millions now living in Communist captive nations.

I think that it would be indeed a worthwhile and valuable project if our Government or the United Nations would foster the expense of printing pamphlets and exposing the Communists' brutality, barbarity and methods of enslaving peoples under its domination. These reports could be printed in various languages and placed in the homes of all peoples in nations threatened with Communist domination and subjection.

The Communist leaders make every effort through their highly organized propaganda machine to hide from the people of the world the real truth about Communist enslavement and their barbarous methods.

VIETNAM, KOREA, CAPTIVE NATIONS

If the free nations of the world would only join in concentrating the fight to expose the true facts against communism and educate the so-called backward nations concerning the criminality of Communist enslavement methods, and the true living conditions under their domination, there is no doubt but what the collapse of the Communist goal of world enslavement would take place in a short time. Too many of the new and backward nations have been victims of Communist misrepresentation and also of the false propaganda circulated concerning the governments of the so-called free world.

Communism has been one of the greatest, most powerful, well-organized international threats to human freedom in world history. Our Government has spent billions of dollars fighting this international menace. There is no doubt in my mind that the Communist threat today is not as dangerous and as imminent as it was 20 or 30 years ago. The greatest evidence of this fact is that their economic system has been a total failure.

Stalin's government was an economic failure and at his death great discontent was rampant in not only the Soviet realm but the satellite nations. He was succeeded by Khrushchev, and his economic government was a total failure as was evidenced by his overthrow and collapse from forces within his own government. If the present opposition to Communist aggression continues by the free nations, the rulers of today's Soviet tyranny will be overthrown and that will end the Communist myth of world domination. The free nations have the ability, the education, the defense machinery, and the assets to curtail the further spread of the Communist menace and we must continue our fight.

Our State Department has been negligent in not utilizing the true facts of communist aggression as recorded in testimony and reports of two Congressional Committees in 1952 and in 1954—in the 82nd Congress the Katyn Committee and in the 83rd Congress the Select Committee on Communist Aggression.

These two Congressional Committees held hearings in America, England, and Europe. Sworn testimony was received from Poles, Hungarians, Bulgarians, Rumanians, Estonians, Latvians, Lithuanians, Ukrainians, Byelorussians, Germans, Czechs, Slovaks, and Russians. The cross section of witnesses also included members of and former leaders of now captive nations. Witnesses included people who escaped from the communist-controlled homelands just a few months before our hearings as well as those who escaped during and after World War II. All who testified had one thing in common; they experienced and suffered the tortures of communism.

A great number of former leaders and officials of captive nations testified that the Soviets succeeded in enslaving their countries by violating agreements, promises and treaties, then through infiltration, intrigue and subversion which was supported by the Red Army and supervised by the Kremlin, took control of their government. The Committee on Communist Aggression after its exhaustive hearings, unanimously adopted twelve separate findings from the evidence. I will read only three of the twelve Committee findings.

1. Page 24, Interim Report:

(5) As far as the Communists are concerned, treaties, mutual-assistance pacts, non-aggression pacts of solemn covenants are mere scraps of paper. Agreements or pledges made at the conference table are broken any time such action serves the Communist timetable for world conquest.

2. Page 23, Interim Report:

(1) Communism never has come to power by legal or by democratic processes in any of the areas now under its ruthless domination. It uses the tactics of penetration, subversion, threat of military invasion, and finally occupation by military and political elements under the direction and control of the Kremlin.

3. Page 23, Interim Report:

(2) Once communism seizes control it immediately seeks to cloth itself with respectability and legality by conducting so-called elections which are in no sense of the word free elections guaranteed by the secret ballot. Moreover, the results are predetermined long in advance of the first vote cast.

I again repeat that the testimony and reports, in full, of these two above-mentioned Select Congressional Committees are available to our State Department. The disgraceful record of the Communist leaders in the past for maliciously violating international treaties, agreements and pacts are recorded for all people and future generations to read.

COMMUNIST PROPAGANDA MACHINE A SUCCESS

When the Congressional Committee was in Europe holding hearings in 1952, the journalists of Eastern and Western Europe were holding a convention in Berlin. As Chairman of the Katyn Committee I was invited to attend a luncheon given by the leaders of this organization. These European journalists were unanimous in the opinion that the Communist leaders made their greatest progress in enslaving the captive nations through well-organized propaganda. This communist propaganda has not been confined to Europe but has been organized and effectively used in all the nations on the globe. These journalists also were of the opinion that the worldwide publicity given to the testimony recorded by the Katyn Committee was the first time the Soviet communist propaganda machine was placed on the defensive. They had no answer. They had no defense. They had no explanation of the expose and the global publicity given the devastating testimony of witnesses who narrated in detail the brutal murders and methods used by the communist hierarchy in exterminating and massacring approximately 14 thousand Polish leaders in the winter of 1939–40. I mention this fact because the United Nations and the free world have been negligent in not informing the world—especially the younger generations—of the true facts about the international communist conspiracy and its methods and tyranny.

After the Katyn Congressional hearings in London, President August Zaleski of the Polish Republic in Exile said:

"By exposing this plot to eliminate those who subsequently would have opposed the communizing of Poland, you have rendered a great service not only to Poland but to humanity as a whole."

His message continued with:

"Your action proves that the U.S. Congress stands always as a defender of justice and righteousness. I am sure that I express the sentiments of the whole Polish nation when I express to you and your colleagues our most sincere thanks."

The Katyn Massacre evokes horrible memories of other senseless, brutal annihilation of peoples during World War II, as well as the brutalities and crimes in Hungary, Slovakia, Rumania, the Balkans, etc. In the course of its investigation, the select committee observed a striking similarity between Katyn and the events which have taken place in Korea, Viet Nam, and Cambodia. It is indeed the responsibility of every individual in society as well as every nation to combat this inhumanity in man and to ensure that the horrors of mass murders are not repeated.

The Katyn massacre was the only international crime in World History where one tyrant accused another tyrant . . . Stalin accused Hitler . . . Hitler accused Stalin!

Stalin and his Soviet successors have been guilty of murdering millions of helpless humans because of their courage, spirit and loyalty to protect their liberty and free government in their homelands.

Your Assembly of Captive European nations must continue your valiant fight to expose the true facts concerning methods of criminal conspiracy to enslave the world used by Communist leaders.

PCB'S: THE NEED FOR CONTROL

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is with grave concern that I bring to the attention of the House the fact that the U.S. Department of Agriculture has discovered that a large number of turkeys in the State of Minnesota have been contaminated with a highly toxic DDT-like chemical—polychlorinated biphenyl—PCB. I am informed that some 50,000 turkeys are now under retention and that PCB levels up to 300 parts per million in fat have been found. That is significantly above the Food and Drug Administration's interim guideline of 5 parts per million in edible tissue.

For 2 years, I have urged the appropriate Federal agencies to take certain specific measures that would have forestalled such an occurrence. During that time, I have called upon the Food and Drug Administration, the Department of the Interior, the Department of Agriculture, the Council on Environmental Quality, the President's Commission on Product Safety, and the Environmental Protection Agency to undertake preventive measures that would have safeguarded the public from the hazards of PCB's. Yet in an almost unprecedented display of callous disregard for the welfare of our citizens, that action was not forthcoming.

The results are now tragically apparent.

Nor is this incident in Minnesota the first such occurrence of food contamination from this deadly chemical. On July 26, I brought to the attention of the House the fact that a significant proportion of poultry raised in 12 Southeastern States had been contaminated by PCB's. Subsequent investigation has shown that this contamination was not limited to poultry, but affected swine, shell eggs, broken egg products, and catfish as well.

Previously, I have alerted this body to PCB contamination of poultry in New York State—contamination resulting in the slaughter of 146,000 chickens. And I have made known the contamination of dairy milk in the State of Ohio.

Perhaps the most startling aspect of this most recent contamination in Minnesota is that despite 6 weeks of effort, the government has been unable to ascertain the source of the contamination.

The implications of this and previous incidents are clear. As long as PCB's are allowed to be used unfettered, our environment, our food supply, and our health will be increasingly threatened. We cannot continue to attempt to meet each incident of PCB contamination as it occurs; we must insure that this contamination does not take place at all.

Therefore, I have introduced legislation—H.R. 10085—which will insure that the public will be safeguarded against such future contamination. That legislation will do what is necessary in view of the dangers of PCB's: Ban them entirely.

It is important that hearings be held on this legislation at the soonest possible time and that they consider not only the need to control this deadly chemical, but the unconscionable failure of the Federal agencies to take the necessary administrative actions that might have prevented widescale contamination of our food supply and our environment with PCB's as well.

SUBSURFACE WASTE DISPOSAL CONTROL ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, today I introduce H.R. 10800, the Subsurface Waste Disposal Control Act, with 12 cosponsors. The cosponsors are: Mr. JOHN DELLENBACK, of Oregon; Mr. EDWARD DERWINSKI, of Illinois; Mr. HAROLD DONOHUE, of Massachusetts; Mr. DON EDWARDS of California; Mr. GILBERT GUDE, of Maryland; Mr. SEYMOUR HALPERN, of New York; Mr. RICHARD HANNA, of California; Mr. CARLETON KING, of New York; Mr. SHERMAN LLOYD, of Utah; Mr. CLARENCE LONG of Maryland; Mr. AL PIRNIE, of New York; and Mr. DONALD RIEGLE, of Michigan.

Mr. Speaker, I introduced H.R. 8532, the "Liquid Waste Subsurface Disposal Control Act," on May 18. Because of the number of calls I have received and the interest expressed by colleagues, I reintroduced a revised and improved bill. Two major changes are the elimination of dual compliance and the exemption of secondary recovery.

Although we are all familiar with the urgent need to preserve and restore our surface waters, the environmental protection of ground water and the subsurface environment has almost entirely been overlooked. Current legislation makes infrequent mention of ground water and the subsurface environment. Where it is mentioned, it is in such language that EPA is not given a solid base for arranging to guarantee that ground water and the subsurface environment be protected.

Mr. Speaker, the fresh water in storage, at 8 o'clock this morning in the United States can be divided into—surface water—the Great Lakes—all other lakes—all Bureau of Reclamation reservoirs—all rivers—and ground water. There was 32 times more ground water than surface water at that moment. Today more than 90 percent of fresh water available at any one time is ground water and more than 55.8 million people depend directly on this water.

The subsurface environment must be protected so as to yield the maximum environmental benefits to man. My bill will help accomplish this by giving EPA exclusive authority for determining, first, those subsurface areas and stratigraphic zones which are suitable for subsurface disposal or storage of wastes; second, those wastes—including sewage—which are suitable for subsurface disposal; and third, criteria for the construction and operation of wells for the disposal or storage of such wastes.

We must act now before our subsurface environment has gone the way of Lake Erie and our other surface waters.

Mr. Speaker, we are all aware of the fact that the House Committee on Public Works is holding hearings this week on water pollution control legislation. Tomorrow I will testify in support of my bill, H.R. 10800, and, at the end of my remarks, I will include a copy of my testimony.

Mr. Speaker, one of the reasons I became interested in this legislation is because of the dilemma faced by the Bethlehem Steel Co. in my district. Bethlehem officials would prefer to have Buffalo's sewage treatment plant use all of the plant's pickle liquor, but at this time, the sewage facility could not use all that the steel company produces. The company would like to use the well as a back up system. The well has been completed at a cost of $750,000.

However, the State of New York has not issued a use permit and a public hearing has indicated substantial opposition to the well. At the end of my remarks, I will include a statement by Dr. Robert A. Sweeney, director of the Great Lakes Laboratory, made at the public hearing, which exemplifies the opposition. It should be pointed out that Bethlehem officials are doing their very best to protect the environment by utilizing sophisticated machinery at great expense.

But the State of New York recognizes the importance of using extreme care. The State will continue to consider this means of disposal only as a last resort and only where all environmental policy is satisfied. Henry L. Diamond, Commissioner of the Department of Environmental Conservation wrote to me on August 27, 1971, and said:

> I'm sure the restrictions imposed by the State coupled with a scarcity of new deep-well projects will give Congress sufficient time to work on effective legislation. Please keep me apprised of any new federal developments.

Mr. Speaker, I feel H.R. 10800 is drafted in the best interests of all concerned. At this point I include my testimony, the bill, and Dr. Sweeney's statement:

TESTIMONY OF CONGRESSMAN JACK KEMP BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS, SEPTEMBER 23, 1971, IN SUPPORT OF H.R. 10800

Mr. Chairman, my name is Jack Kemp and I represent the 39th Congressional District of New York. This District is in Erie County and includes a portion of the city of Buffalo.

I very much appreciate the opportunity to testify concerning a matter which I consider to be of vital importance to the success of water pollution control, that is, the preservation and protection of ground water and the subsurface environment.

Since I represent a District which touches Lake Erie, I am well aware of the ravaging effects of pollution upon our irreplaceable surface waters. And here in Washington, we have only to look at the Potomac River to see the result of man's careless use of a priceless natural resource.

For some 200 years, we have been dumping wastes into our waterways until today we have dying lakes, oil-soaked seashores, and rivers that catch fire. The price tag for cleaning our waters has been estimated by one source at $42.3 billion over the next five years alone.

As we look today at a polluted Lake Erie, or a Potomac River with water so dirty we are warned not even to touch it, we might well wish that we could go back 200 years so that we might prevent pollution of our waterways. If we had, today we might be making plans to use that $42 billion for education, health care, and the many other pressing needs of Americans.

Although, unfortunately, we can't go back in time and erase the existing costly damage to the environment, we do have the power to preserve and protect those portions of the environment which have so far remained comparatively unharmed.

Up to now, pollution of our subsurface workers is relatively mild. We are at the same place in time with much of our subsurface environment that we would be if we could go back those 200 years and have a fresh start with our surface waters.

The pollution of our waterways is readily visible and so has received much attention—and rightly so. However, the environmental protection of ground water and the subsurface environment has almost entirely been overlooked.

As shown in the graph, which I am enclosing with my testimony, the fresh water in storage, at 8 o'clock this morning in the U.S. can be divided into:

(1) Surface Water, which includes the Great Lakes, all other lakes, all Bureau of Reclamation reservoirs, and all rivers.

(2) Ground Water—there was 32 times more ground water than surface water at that moment.

Although today more than 90% of fresh water available at any one time is ground water and more than 55.8 million people depend directly on this water, current legislation makes infrequent mention of ground water and the subsurface environment. Where it is mentioned, it is in such language that EPA is not given a solid base for arranging to guarantee that ground water and the subsurface environment be sufficiently protected.

On May 18th, I introduced H.R. 8532, the "Liquid Waste Subsurface Disposal Control Act", and yesterday I introduced, with cosponsors, a revised and improved version of this bill, the "Subsurface Waste Disposal Control Act."

The purpose of both these bills is the protection of ground water and the subsurface environment by regulating the disposition of wastes by subsurface injection, that is, the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture.

The Administrator of the Environmental Protection Agency would be responsible for the implementation of this Act, in keeping with his responsibilities for the regulation of other aspects of waste treatment and disposal. He would have exclusive authority for determining: first, those subsurface areas and stratigraphic zones which are suitable for subsurface disposal or storage of wastes; second, wastes (including sewage) which are suitable for subsurface disposal; and third, criteria for the construction and operation of wells for the disposal or storage of such wastes.

Section 5, on page 2 of my bill, describes in detail how the Administrator is authorized to carry out his authority under this Act.

Section 6, on page 4, authorizes the Administrator to develop, promulgate, and revise standards and regulations necessary to carry out this Act.

Three of the States—Missouri, Ohio, and Texas—have statutes specifically to regulate injection of industrial wastes. Other States impose various methods and degrees of control over disposition of wastes by subsurface injection. In order to eliminate dual compliance, a provision of my bill states that "If the Administrator determines that any State or political subdivision has and is enforcing a program which regulates the disposition of wastes by subsurface injection and which substantially meets all of the requirements of this Act and the regulations and standards issued under this Act, he may publish such determination in the Federal Register; and the provisions of this Act shall not apply . . ." unless there is a subsequent finding that the program of the State no longer meets the requirements of the Act.

My bill exempts properly controlled secondary recovery efforts. Consultations with environmental experts have convinced me that this can be done without harm to the subsurface environment.

Brine injection (secondary recovery) as used by the petroleum industry is substantially different from industrial waste injection. As noted by research geologist, Arthur M. Piper of the U.S. Geological Survey, "Where the brine is returned to the same stratigraphic zone as that from which it had been extracted (along with petroleum and gas), such return tends commonly to restore, at least partially, the hydrodynamic gradient that had been disturbed by the antecedent extraction—in other words, at least partially to restore the natural equilibrium. Also, part of the native fluid being gas, which is very compressible, return of brine commonly induces relatively little change of hydrodynamic potential."

My bill also contains, as a matter of equity, a provision that provides for just compensation for the previous construction of a well which the Environmental Protection Agency might subsequently rule as unsafe.

I am told that subsurface injection has been used for over 40 years by the petroleum industry to dispose of oilfield brines. Disposal of other wastes by this method is comparatively recent. Although considerable work has been done in the area of disposal of wastes by injection underground and the U.S. Geological Survey has looked at the problem in some depth, areas of uncertainty still remain. Many technical people feel that a new technology must be developed to evaluate fully the effects of this type of waste disposal.

Injecting wastes under pressure in deep wells is not really a solution to waste disposal. It can be thought of as a detained storage center with the possibility of waste eventually getting into usable waters.

Flow in the ground waters is determined by the hydraulic pressures. As one injects a fluid into these waters under pressure, it changes the flow characteristics in the injection zone. Almost always the zone of injection has some other fluid in it. Chemical reactions with this fluid are possible. The increased pressure often forces water from this zone into more usable zones. There have been cases of this type of waste disposal contaminating fresh water aquifers. As a result of an interaction with fluids in the injection zone, careful studies must be made of what the effects will be as the waste material combines with the fluid in this zone.

A Federal water-quality study survey released last year warned that several million Americans drink water containing potentially hazardous amounts of chemical or bacteriological contamination. 12,000 different toxic chemical compounds are in industrial use today—and more than 500 new chemical compounds are developed each year. Add to this a growing roster of weedkillers, fungicides, fertilizers, phosphates and numerous other substances—all of which are finding their way into our water systems and overburdening water treatment facilities.

As I pointed out, more than 90% of fresh water available at any one time is ground water and more than 55.8 million people depend on this water. There are more than 15.8 million water wells in the United States, with 400,000 new water wells drilled in 1970. The average daily livestock use of water is 1.7 billion gallons, 1 billion of which is ground water.

Ground water is extremely vulnerable to pollution and is being polluted by numerous urban, rural, industrial, agricultural, private and governmental activities. Once polluted, an aquifer requires a very long time to recover and we're talking about decades and centuries. Threats to the subsurface environment in general, as well as specific threats to ground water, include all subsurface extraction, injection, recharge, and discharge activities.

The best and surest way to accomplish the removal of contaminants from our precious ground waters is to prevent their introduction in the first place. The provisions contained in my bill would help prevent any further contamination of our waters which might result from the growing tendency to dispose of wastes by subsurface injection.

The Environmental Protection Agency has confirmed that the disposition of wastes by subsurface injection can also cause geological disturbances. Earthquakes have been observed in areas of Texas, Utah, and Colorado as a result of these injections.

The provisions contained in my bill would guard against future geological disturbances resulting from the disposition of wastes by subsurface injection.

Disposal of wastes by this method is exactly what it states: disposal—not treatment, and hence it should be clearly established that this method of disposal, in most cases, is not an acceptable substitute for effective waste treatment, especially if those wastes can be treated by conventional methods, nor can it became a means of circumventing the intent of the various environmental protection laws.

However, because of rising pressure on industry caused by increasingly stringent regulatory agency standards regarding the quality of surface waters, the popularity of disposition of wastes by subsurface injection has increased markedly. There were less than a half dozen industrial injection wells in the United States in the early 1950's. Today a conservative estimate includes about 1,100 wells involving waste disposal, ground water recharge, and protection against salt water intrusion.

The mushrooming complexity of waste products coupled with the growing severity of surface water pollution is causing industry to view the disposition of wastes by subsurface injection as an expedient and economical method of waste disposal and so this number is apt to increase.

In conclusion, you, as Members of this Committee, as well as all of us in the Congress, have the opportunity to save our still unspoiled ground waters from the tragic destruction which has taken such a devastating toll of our waterways. I respectfully urge that the provisions of my revised bill, the "Subsurface Waste Disposal Control Act", which would help protect the subsurface environment, be included in your water pollution control bill.

Thank you.

H.R. 10800

A bill to regulate the disposition of wastes by subsurface injection

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Subsurface Waste Disposal Control Act".

SEC. 2. For the purposes of this Act—

(1) the term "subsurface waste disposal" means the injection into subsurface strata of sewage or any material used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture;

(2) the term "Administrator" means the Administrator of the Environmental Protection Agency; and

(3) the term "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and all lands within the jurisdiction of the United States for any purpose.

SEC. 3. The Congress hereby declares it is the policy of the United States that there shall be no subsurface injection of wastes in the United States except in accordance with the provisions of this Act.

SEC. 4. The Administrator shall have exclusive authority for determining (1) those subsurface areas and stratigraphic zones which are suitable for subsurface disposal or storage of wastes, (2) those wastes (including sewage) which are suitable for subsurface disposal, and (3) criteria for the construction and operation of wells for the disposal or storage of such wastes.

SEC. 5. In carrying out his authority under this Act, the Administrator is authorized—

(1) to regulate the construction and casing of injection wells so that wastes are excluded, completely and permanently, from the zone between the land surface and the zone into which they are released;

(2) to promulgate and enforce safe injection pressures and rates of injection, which shall vary as hydrodynamic conditions may require;

(3) to prescribe an aggregate volume of waste permitted to be injected into a particular area or zone;

(4) to require any waste to be treated before injection, as may be necessary to render it chemically compatible or stable;

(5) to prohibit injection of chemically incompatible or excessively noxious wastes;

(6) to declare any area or zone to be unsuitable for injection, permanently or temporarily, as may be necessary to achieve or maintain suitable hydrodynamic and geochemical balances;

(7) to reserve, as warranted, any particular area or zone for a declared resource-management purpose;

(8) to preserve the integrity of the confining layer above any designated area or zone, by requiring that all wells or other openings penetrating that layer for any purpose be adequately cased, and plugged when abandoned;

(9) to conduct a continuing search for alternative and economically competitive methods of waste handling, to the end of minimizing encroachment on the land surface environment while prolonging capacity for injection underground; and

(10) to provide specific exemptions for the injection of materials into an oil-production zone for the purpose of stimulating oil production, or for the injection of oil field brines into the porous zone from which they were produced or a deeper zone containing brine with a similar or higher concentration of dissolved solids.

SEC. 6. (a) The Administrator shall develop, promulgate, and revise, as may be appropriate, such standards and regulations as may be necessary to carry out this Act.

(b) Notwithstanding any other provision of law, this Act, and the standards and regulations issued under this Act, shall be applicable to all departments, agencies, and instrumentalities of the United States.

(c) Sections 551 through 559, inclusive, and 701 through 706, inclusive, of title 5, United States Code, shall apply to standards and regulations issued under this section.

(d) The district courts of the United States shall have jurisdiction to restrain violations of standards and regulations issued under this Act. Actions to restrain such violations shall be brought by, and in the name of the United States. In the case of contumacy of refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Any person who violates a standard or regulation issued under this section shall be liable to a civil penalty in an amount not to exceed $10,000. The Administrator may assess and compromise any such penalty but no such penalty shall be assessed until the person charged shall have been given notice and opportunity for hearing on the charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notice, shall be considered by the Administrator.

SEC. 7. (a) Except as provided in subsection (b), no State or political subdivision thereof may adopt or attempt to enforce any law, ordinance, rule, regulation, or standard respecting the subsurface disposal or storage of wastes, on or after the date of the enactment of this Act, unless such law, ordinance, rule, regulation or standard is specifically approved by the Administrator as meeting the requirements of (and as being consistent with) this Act and the regulations and standards issued under this Act.

(b) If the Administrator determines that any State or political subdivision has and is enforcing a program which regulates the disposition of wastes by subsurface injection and which substantially meets all of the requirements of this Act and the regulations and standards issued under this Act, he may publish such determination in the Federal Register; and the provisions of this Act shall not apply with respect to the subsurface disposition of wastes within such State or political subdivision, from and after a date specified in the determination as published, so long as such determination is in effect and has not been revoked by a subsequent finding that the program of such State or political subdivision no longer meets such requirements, regulations, and standards. Any such subsequent finding, which shall be made only after reasonable notice and opportunity for hearing to the State or political subdivision involved, shall be published in the Federal Register and shall be effective from and after a date (no earlier than 30 days after the date of publication) which shall be specified in the finding as published.

(c) On and after the date of enactment of this Act, any license, permit, or authorization issued by any officer or employee of the United States under authority of any other provision of law shall be terminated and be of no effect whatsoever to the extent that such license, permit, or authorization authorizes any activity to which this Act applies.

SEC. 8. (a) As soon as practicable, the Administrator shall determine the number and extent of injection wells in operation on the date of the enactment of this Act. The Administrator shall determine with respect to each such well whether the disposal or storage of wastes from such well is in accordance with this Act and, in each case which is not so in accordance with this Act, shall terminate such disposal or storage.

(b) In the case of any injection well the disposal or storage of wastes from which is terminated under subsection (a) of this section, the United States shall pay just compensation to the owner of the property involved.

PROPOSED OPERATION OF A DEEP WELL FOR THE DISPOSAL OF LIQUID ACID WASTES BY THE BETHLEHEM STEEL CORP., LACKAWANNA, N.Y.

(Statement by Dr. Robert A. Sweeney, director, Great Lakes Laboratory)

INTRODUCTION

The Great Lakes Laboratory of the State University College at Buffalo, an institution that has been conducting applied environmental research in Western New York for more than five (5) years and whose activities have been commended by both the Congress of the United States and the New York State Legislature, respectfully requests that the permit for the operation of the deep-well for the disposal of waste acids at Bethlehem Steel Corp's Lackawanna Plant be denied. Our opposition is based on four (4) major factors:

1. State of the art of deep-wells with respect to safety and the proximity of Bethlehem's well to the public drinking supply of more than a million individuals.
2. Lack of definitive information regarding the geological stability of the subsurface strata in Western New York.
3. Lack of a mechanism on the proposed well to rapidly withdraw liquids from the well once injected.
4. The availability of an economic alternative to deep-welling that may remedy other problems. The latter concerns the mixing of pickling liquors with domestic sewage to precipitate phosphates.

The concept of the deep-well disposal of wastes has been repeatedly questioned by recognized unbiased authorities of the topic:

"While underground injection of liquid wastes is proving to be economically attractive to individual producers, from a social standpoint broad extension of this practice could be regarded as one of the least satisfactory of the available options for pollution control. Limited experience suggest that it is premature for proponents of this practice to postulate that injection wells offer 'a complete and final solution to the disposal problem.'" (Cleary, 1969).

Likewise, the state of the art of deep-welling, despite the experiences of the oil industry with respect to the disposal of brine is limited:

"Effects of deep injection are complex and not at all understood clearly. In a responsible society, injection cannot be allowed to put wastes out of mind. Injection is no more than storage—for all time in the case of most intractable wastes—in underground spaces of which little is attainable in some areas and which is exhaustible in most areas." (Piper, 1969).

We hasten to add that the disposal of brine, which in most instances does not chemically react with the subterranean strata, is not comparable to the deposition of acids. Acids do react with both the liquid and solid components of the subsurface. In the case of the proposed deep-well, these reactions will occur at depths where they will not be readily observed. Precipitation of salts, resulting from the neutralization reaction could clog the pores in the rock, leading to a buildup of pressure and increasing the likelihood of a blow-out. Therefore, if a problem did occur, irreparable damage could occur before the problem was detected.

Failures by deep-wells have been all too common. In 1968 a "fail-safe" well of the Hammermill Paper Company at Erie, Pennsylvania ruptured. The end result was a flow of approximately 150,000 gallons per day over a three (3) week period of spent sulfite liquor into Lake Erie. The Santa Barbara incident, as well as the numerous drilling accidents in the Gulf of Mexico, attest to our inability to design safe equipment and to stop submarine leaks (Evans and Bradford, 1969). If Bethlehem were permitted to operate the well and a leak were to occur beneath Lake Erie, which is directly or indirectly related to the drinking water supply for more than a million Western New Yorkers, the results could be catastrophic.

Deep-wells have been demonstrated to be responsible for the increase in frequency of earthquakes in Colorado (Ibid, 1969). The Western New York area has a history of earthquakes. The United States Geological Survey has recorded more than twenty-five (25) quakes that were of high intensity in the Lake Erie Basin region since 1938 (Anon, 1956). Whether or not the frequency of quakes could be increased by the operation of Bethlehem's deep-well is subject to debate. However, the danger of the well's casing being ruptured by an earthquake is quite real.

The proposed deep-well has neither the equipment to pump material from the well once the operation is underway nor the storage capacity to hold the liquids in event the well fails. Both of these constitute major engineering inadequacies that increase the percentage of environmental damage in event of an accident.

Our major opposition to the deep-well is based on the fact that spent pickle-liquors can be utilized to remove phosphates. Phosphates are components of domestic sewage which stimulate the growth of algae. When these organisms undergo population explosions, they frequently crowd and poison themselves. The result is a lowering of the oxygen and the production of foul tastes and odors in the affected waters. The New York State Department of Environmental Conservation has stipulated that all sewage treatment plants that handle more than a million gallons per day of sewage have to have phosphate removal. The utilization of pickling liquors to precipitate phosphates from domestic sewage has been demonstrated both in the laboratory and in the field. Currently, the Sewer Authority of the City of Detroit, one of the largest agencies bordering the Great Lakes, is employing pickling liquors to successfully remove phosphates. Recently, Bethlehem Steel and the Buffalo Sewer Authority entered into a contract to explore the feasibility of using spent acid from the Lackawanna Plant to treat the city's liquid waste (Laehy, 1971).

To allow the Lackawanna deep-well to become operational would be a reinforcement of the belief out-of-sight, out-of-mind. For the sake of a short-term economic gain, we may be putting our necks into an environmental noose while standing on a platform of questionable stability. If a problem does occur, the damage would not be borne by those causing the problem but by the general public. As long as an economically feasible and environmentally sound alternative exists—namely, the use of the acid for phosphate removal—we ask that the application for the operation of the deep-well be turned down.

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TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Beef is America's favorite food. In 1960, Americans were eating about 85 pounds of beef per capita and today we are enjoying 114 pounds. American beef is the most wholesome in the world. Beef production during the last decade has increased by more than 8 billion pounds.

STOPPING ALASKA PIPELINE COULD MEAN $4 BILLION TO MIDWEST AND EASTERN STATES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I placed in the RECORD a copy of the Mackenzie Valley Pipe Line Research, Ltd., preliminary report, which concluded that a Canadian oil pipeline could be constructed and operated for less than could the trans-Alaska pipeline transportation system.

Today, I would like to include in the RECORD a letter that I have sent to Gov. Patrick Lucey, of Wisconsin, and to all the members of the Wisconsin Legislature. In the letter I state that construction of a Canadian pipeline would save Wisconsin businesses and consumers $49.5 million per year, but that there would be no direct benefit to Wisconsinites if the Alaska pipeline is built.

It is important to note that I have used Wisconsin as an example of what is at stake to Midwest and Eastern States in the decision over whether the trans-Alaska pipeline should be built. Other Midwestern and Eastern States would be similarly benefited by the construction of the Canadian pipeline. In fact, businesses and consumers in Eastern and Midwestern States could save over $4 billion annually if the Canadian pipeline is built.

My letter to Governor Lucey and the Wisconsin State legislators follows:

SEPTEMBER 20, 1971.

Gov. PATRICK LUCEY,
State House,
Madison, Wis.

DEAR PAT: I would like to bring to your attention an issue which I think should be of great concern to both Wisconsin businesses and consumers: that issue is the question as to whether or not the Alaska pipeline will be built.

As you know, I have strongly opposed the Alaska pipeline and preferred the Canadian pipeline for environmental reasons. But there are equally important *economic* reasons for supporting a Canadian pipeline.

Simply put, if the Alaska pipeline is built, the oil would be tankered to West Coast ports for consumption there. A Canadian pipeline, however, would route the oil totally overland, and would terminate in Chicago.

It is officially estimated that there are fifteen billion barrels of oil in Alaska. Many experts estimate that the North Slope contains thirty billion barrels or more, which could mean that there is more oil in Alaska than in all the rest of the United States put together. Thus, the decision of where this oil is to be shipped is of tremendous economic significance not only to the State of Alaska, but to the country as a whole.

The table which follows shows present oil prices on the West Coast, the Midwest and the East Coast, and what will happen to those prices if the Alaska pipeline is built, or if the Canadian pipeline is built.

WHERE SHOULD THE NORTH SLOPE OIL GO?

Prices per barrel	West coast	Midwest	East coast
Prices now	$3.17	[1]$3.82	$4.07
Prices if Alaska pipeline is built	2.40	[1]3.82	4.07
Prices if Canadian pipeline is built	3.17	[1,2]3.40	[2]3.60

[1] Prices in the Midwest should normally be 20 cents per barrel higher than the west or east coast because of increased transportation costs.

[2] This assumes that half the oil from the north slope—1,000,000 barrels per day—would be shipped to the east coast.

As the chart shows, oil is presently much more expensive in the Midwest and East than it is in the West. Bringing more oil into the West, as the trans-Alaska pipeline would do, would only serve to further decrease their prices, and increase price differentials. If the Canadian pipeline is built, however, these price differentials would be significantly decreased, and actually, almost eliminated.

This is what is so critical for Wisconsin consumers and businesses: If the Canadian pipeline is built, Wisconsinites—consumers and businesses—will pay 11 percent less per year for oil, gasoline and other petroleum products than they now pay.

In dollar amounts this is tremendous. It comes to $49.5 million per year. In fact, the amount saved in fuel costs because of the Canadian pipeline will be almost four times as great as the extra revenues the state would receive from a twelve percent increase in the state corporate income tax rates! What this means is that the extra savings in fuel costs that would accrue to Wisconsin businesses if the Canadian pipeline is built would more than offset the additional tax burden placed on these businesses by the proposed new corporate income tax rates.

The cost of petroleum products is an expense for businesses, just as taxes, labor and other costs of production are. We are and have been concerned over industry moving from Wisconsin to other states. If we want to attract industry and economic growth to Wisconsin the decision in the Alaska pipeline issue becomes extremely critical.

There are further economic ramifications of this decision for Wisconsin. We now have a critical shortage of natural gas. Large deposits of natural gas have been discovered in Alaska along with oil deposits. If a Canadian pipeline is built a natural gas pipeline will be built alongside it and both cheaper oil and natural gas will be piped to Chicago.

But if the Alaska pipeline is built there will be no natural gas pipeline to go with it. It is too expensive to liquify the natural gas and put it in tankers to ship it down the West Coast. The natural gas will be pumped into the oil wells to increase the flow of oil, and our shortage of natural gas will continue.

A decision on the Alaska pipeline is to be made soon. I urge you to communicate to the President and to the Secretary of the Interior Rogers Morton your concern that the Canadian pipeline alternative be fully studied and evaluated before any decison is made. If there are any other steps that you can think of that we might take please let me know.

Sincerely,

LES ASPIN,
Member of Congress.

THE SHARPSTOWN FOLLIES—XXXVII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a few weeks ago Time magazine sent out some reporters to explore the wonderful world of Sharpstown, and to see what it was that Will Wilson did to earn his keep while working for Frank Sharp, the fabulous fraud with the magical immunity order from Crimebuster Wilson's Department of Justice. I believe that what they found is most instructive, and include their story in the September 13 issue of Time for the RECORD:

TAINT IN THE JUSTICE DEPARTMENT

Assistant Attorney General Will Wilson boasts a distinguished 25-year career fighting crime and corruption. He first made his mark as a district attorney in Dallas, then rode his rackets-smashing reputation to two terms as Texas attorney general. There he burnished his image as a tough prosecutor and in 1960 was chosen the nation's outstanding state attorney general by his peers. When President Nixon appointed Wilson to head the Justice Department's Criminal Division, the choice of the Texas Democrat-turned-Republican was considered a natural one. In 2½ years at the Justice Department, Wilson has lived up to his reputation, launching unparalleled attacks on organized crime and political corruption. But now an episode from the past threatens to end his public career.

During six years spent in a law firm in Austin, Wilson was the principal attorney of Banker-Land Developer Frank Sharp. Sharp pleaded guilty earlier this year to federal fraud charges and, in testimony before Securities and Exchange Commission investigators, implicated Wilson in some of the business deals that preceded his downfall. The massive swindle masterminded by Sharp is the biggest Texas fraud case since Billie Sol Estes' capers of a decade ago. Sharp's manipulations have cost a Jesuit preparatory school $6,000,000, pushed two insurance companies into receivership, and led to the first bank failure in Houston's history.

TWISTED AFFAIRS

Wilson issued a statement last week explaining his relationship with Sharp and denying any wrong-doing. But new information has come to light that could have more serious repercussions. Time has learned that Wilson paid for the installation of eavesdropping devices used against federal and state bank examiners investigating irregularities in the Sharp-controlled Sharpstown State Bank.

The incident occurred in late 1967 when bank examiners were beginning to delve into Sharp's twisted financial affairs. The electronic bugs were concealed in offices used by the examiners poring over the Sharpstown State Bank's books. They were installed for a $2,500 fee by an electronics expert hired by Sharp. Wilson was then called by Joe Novotny, president of the bank, and told to pay the fee through his law firm. A memorandum Wilson wrote and initialed for his records on Nov. 6, 1967, detailed the transaction: "I received a telephone call from Joe Novotny and he said they had a bill for some construction work that they did not want to run through the books and that he preferred not to tell me why but that it was all right. They wanted me to send them a statement and they would send me $2,500 as a fee and for me to pay the bill. I told him I would."

PAID FOR BUGS

Wilson received a bill for $2,500 on the letterhead of Construction Consultants, Inc.; the charge was described as a "consulting fee." The bill was paid, and Wilson billed Sharp for $2,500 in "legal services." In an interview with TIME Correspondent Dean Fischer, Wilson said that he had no idea that the fee was for the bugging devices. Wilson did not question the request from Novotny: "I trusted those people. As it turned out, I was a patsy." Technically, Wilson did not break the law when he paid for the bugging. Texas has no law against eavesdropping, and the incident took place before passage of the 1968 federal Omnibus Crime Control Act made eavesdropping by private individuals illegal. Nonetheless, Wilson did play a part in breaching the security of official investigations.

According to Sharp, who was given a $5,000 fine and put on probation in exchange for testifying against his cronies—many of whom are key Democratic politicians—Wilson was involved in other Sharp deals. Sharp says that Wilson advised him to circumvent state banking regulations that set a limit on the amount an individual can borrow. Wilson denies it.

At Sharp's urging, Wilson also bought 1,000 shares of stock in another Sharp corporation for the wife of a bank examiner involved in the investigation of the Sharpstown State Bank. Since the examiner did not have a stock broker, Sharp asked Wilson to make the purchase through his Austin broker; Wilson complied. He says that he did not know who Sharp's client was. Why he did not recommend a broker or why Sharp did not handle the roundabout transaction, Wilson has not explained.

Records at the Sharpstown State Bank show that since 1964 Wilson has borrowed $297,100 from the now-defunct bank. The most recent financial transaction between Wilson and the bank took place 1½ years after Wilson became Assistant Attorney General. A year ago, Wilson received a $30,000 unsecured loan. He has enjoyed a line of credit at the bank ranging from $50,000 in 1964 to a high of $200,000 in 1967, though that is not unusual for a man of Wilson's assets($1.3 million).

Although the disclosures in the Texas scandal have not yet uncovered any illegal behavior on Wilson's part, it is unlikely that he can continue as head of the nation's most prestigious crimefighting body. The White House has expressed confidence in Wilson in the past, but in the wake of the eavesdropping revelations, he is likely to resign.

FOREIGN TRADE

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the country has been treated for the past several months now to nothing short of a tale of increasing woe and pain as far as our foreign trade is concerned. There is no doubt in my mind that the dismal statistics behind our foreign trade performance prompted the administration to get moving and come up with a whole new approach to our economic problems. To the extent that the 10-percent surcharge directly addresses itself to one of the most serious features of our problem, the increasing flood of foreign imports, it is a welcome, even if long overdue, measure, even though it must be admitted that its value for many industries will have more symbolic than practical value. To be precise, a 10-percent surcharge obviously is not going to be much of a deterrent to the rising tide of mass produced foreign imports—for instance, the products with which I am most familiar in my district, shoes, textiles, and electrical components. Ten percent of $1.50 or $2 obviously does not begin to meet the competitive disadvantage of American shoe manufacturers vis-a-vis foreign imports: but it is at least an admission for the first time on the part of this administration, it would seem, that we have problems which can no longer be ignored and that our past trade policies have been found woefully wanting.

I will have more to say on all of this as we have a chance to observe the effect of the President's August 15 announcements in the days and weeks ahead. I rise today to remind this House that we, as the Nation's lawmakers have a responsibility to concern ourselves about the damage that has been visited upon major industries in the past few years, largely because of the misguided trade policies we have been pursuing over these years. I am referring to those who have lost their jobs, faced with an increasing tide of cheap foreign imports. I am referring to whole communities which have been disrupted almost to the point of destruction by our foreign trade policies. Now, there are those of us who could see the handwriting on the wall when the Foreign Trade Expansion Act of 1962 was being debated and passed in this House and the other.

In our rush to tear down what few remaining protective barriers we had, to stand increasingly disarmed and naked to the outside world, the question was raised: "What about those who suffer as result of the inevitable dislocation which would surely follow increasingly unbridled flooding by cheap foreign imports?" The answer at the time was the inclusion of provisions which can be referred to as the trade adjustment assistance provisions of that act. I said "answer." But time has confirmed misgivings and shown that far from being an answer to the problem, it was simply a sop to gain labor support for legislation which would be difficult to swallow. The performance of the Tariff Commission under the terms of the legislation has been a sorry example of quibbling and legal hair-splitting. The best deal that industry seems to have received is for the Commission to split on a 2-to-2 tie to give the President the opportunity to decide favorably. The result is that the faith of Congress in the adjustment assistance provisions of the act has been found to have been misplaced. Even though, as the former shoe capital of this country, the Greater Brockton, Mass., area which I represent, has been one of the hardest hit by the flood of cheap foreign shoe imports, the unemployed workers have been successful in only one instance in getting adjustment assistance. In all the many other cases the workers have been left to live off the crumbs of unemployment compensation, welfare, and relatives. I am not exaggerating when I say that the resulting low morale this has produced has hung over the city as a grim reminder to those who still are lucky enough to be working that, they too, stand every chance of suffering the same fate. Workers all over the country have contacted me after their petitions have been rejected by the Tariff Commission expressing their lack of faith in the system. I think it is time that we in Congress, therefore, wake up to the facts of life and see trade adjustment assistance for the false hope, the mirage, and the bitter disappointment that it is.

Because I have become increasingly dispairing of any hope of getting favorable consideration from the Tariff Commission on workers' petitions, I recently turned to the President of the United States once again and implored him to act without further delay on a measure of industrywide relief to unemployed shoe workers, a proposal which has been pending before him now for close to a year and on which he has but to act to cut through the bind which both the workers and the Tariff Commission find themselves in. Because of the importance of the matter, I am inserting in the Record at this point the full text of my letter to the President dated September 11, 1971:

September 11, 1971.

The Hon. Richard M. Nixon,
President of the United States,
White House,
Washington, D.C.

Dear Mr. President: In writing to you to request favorable action by you on the petition referred to after a tie vote by the Tariff Commission, for industry-wide relief to unemployed shoe workers under the provisions of the Trade Expansion Act of 1962 relating to trade adjustment assistance, I am aware I am repeating myself. We have, in fact, had previous correspondence on this subject. However, hope springs eternal, and in view of the August 15th economic policy statements, I feel there may be some merit in contacting you once again. Insofar as your speech addresses itself to the problems created by increasing imports into our economy and is motivated to a large degree by a concern for rising unemployment, I felt that it might be an opportune time to remind you that you still have before you a measure which would provide a measure of decent relief to thousands of unemployed workers in an industry which few would dispute has been hardest hit in all this land by skyrocketing imports.

There is little doubt that another reason I have decided to write to you once again on this matter is the fact that the Tariff Commission has recently handed down three negative decisions in a row in cases involving shoe workers in my District. That is not to mention the unfavorable decision involving workers in surrounding Congressional Districts in my State. Discussions to date with the Tariff Commission indicate that they are laboring under a definite handicap in the legislative language of the Trade Expansion Act of 1962 and find it next to impossible to find injuries from imports a major factor on a firm-by-firm basis. I am led to believe from these discussions that the only hope for the shoe workers in the near future appears to be a favorable decision on your part to grant industry-wide relief to the workers.

As if I needed an additional reason to write you at this time, two days ago the major newspapers in Massachusetts all carried stories of the cutback in pension payments to former shoe workers because of the dwindling contributions to the system. In other words, so many firms have closed down and the shoe worker labor force has been so markedly reduced that it is no longer possible for the pension fund to continue to pay unemployed workers at the former rate. I think this Nation has some responsibility toward those who have given some of the best years of their lives to a once proud industry in this Nation, only to find that in their declining years what little bit they got from their pension funds is being reduced and could possibly disappear altogether in the months ahead. In view of the fact that the Tariff Commission split two to two on the question, there is clearly evidence that there is more than a shadow of a doubt that imports are at fault and as one of the Congressmen who insisted on some form of trade adjustment assistance provision in the Trade Expansion Act of 1962, I feel that it is incumbent upon those of us in positions of leadership to do all within our power to assist these people. This is particularly true in view of the lack of action to date on any form of quota legislation for this industry.

Thanking you in advance for your favorable consideration of this matter at this time, I remain with all good wishes,

Sincerely,

James A. Burke,
Member of Congress.

I would also like to include in the Record at this point an article from the Journal of Commerce, that most respected publication, which reports the unpromising future unemployed workers in any industry face at the hands of the Tariff Commission if the present situation is allowed to continue.

The article follows:

[From the Journal of Commerce, Sept. 2, 1971]

Tariff Commission Toughens Stance—U.S. Industry Finding It Harder To Obtain Relief From Imports

(By Richard Lawrence)

Washington, Sept. 1.—American industry is suddenly finding it harder again to obtain government relief from rising imports through the eight-year-old Trade Adjustment Assistance Program.

The Tariff Commission, a key agency in processing requests from management and workers, is apparently taking a harder stance toward clearing the way for federal aid.

The changing pattern of commission decisions comes ironically at a time when the Nixon Administration is trying to do more to help import harried industries.

Under adjustment assistance, the government may provide companies with special credits, tax help and technical counseling, and give workers cash allowances as well as retraining and relocation benefits.

Since late May, the commission has approved only one of 11 applications from workers groups in the steel, shoe, electrical and musical instrument industries for possible aid. It has given the green light to only one of four applicant companies.

THOUSANDS TURNED DOWN

The workers turned down in the last three months run into several thousand. They include jobless personnel from seven plants of Sprague Electric Co., former workers at an RCA factory in Cincinnati, nearly 500 employes at a Detroit Steel Co., plant, also in Ohio, and over 1,000 workers in seven eastern shoe factories.

But, insiders say, the commission is hewing a still tougher line behind the scenes. In recent weeks it has rejected two petitions—although neither was announced formally—from steel and shoe workers.

A United Steel Workers local claims that imports of cotton gins have led to the loss of American jobs. A footwear union is trying to get relief from imports of heel "counters," a type of shoe support pad.

But the tariff panel has denied entertaining the applications because, it says, there are no specific import statistics on the items involved. The gins, for example, are not counted separately but under a "basket" category containing other kinds of merchandise.

The commission's new orientation follows a period of about 18 months in which the tariff panel liberally approved incoming petitions.

Starting in late 1969, at least two commissioners, Bruce Clubb and George Moore, took a new interpretation of 1962 Trade Act, which authorizes the adjustment assistance program.

MORE FLEXIBILITY

They viewed the law with more flexibility than had the commission during the seven previous years. Within somewhat over a year, the commission paved the way for government help for more than 40 worker groups and 16 firms.

It previously had approved no petitions.

But in June, Commissioner Clubb's appointment was not extended by President Nixon, apparently because of political reasons. There may have been resentment in the administration of his "activist" role.

Since then, the commission has been turning thumbs down on almost all adjustment assistance petitions. Only workers at a pipe organ plant and a company making stainless steel flatware have won a favorable commission finding.

Just as the Labor and Commerce departments were beefing up their trade adjustment assistance programs, the prospect is that they will be getting fewer cases.

The Labor Department has certified roughly 20,000 workers in the last year and a half as eligible for aid, and is requesting another $75 million this fiscal year for worker payments. But now there are no further worker petitions pending before it.

The Commerce Department has certified 15 import-stricken companies to apply for federal aid, and has approved specific loan and technical assistance programs for two of them. The department has just won $65 million from Congress for its assistance activities this fiscal year.

After the commission approves a petition, it is up to the two departments to actually make the assistance available.

This week with the de facto revaluation of the yen up to 5.8 per cent and the dollar relatively firm—today fixing was at DM3.4070 as compared with the 3.9660 yesterday and a record low of 3.3810 on Aug. 26, the "genuine" overall deutschemark revaluation is no more than 4.5 per cent.

The 15 countries on which those calculations are based account for just over three-fourths of the German exports. But it must be borne in mind that the calculated average camouflages the specific problems of different industries and individual companies with a high proportion of sales on the markets on which the deutschemark has gained the most in value, primarily U.S., France, Italy, Spain.

I also want to have included in the Record a very thoughtful speech on the subject of foreign imports by the senate minority leader of the General Court of Massachusetts, the Honorable John F. Parker, Republican, of Taunton. It is first-class evidence of the increasing dissatisfaction at the local level throughout this country with our present foreign trade policies:

THE SWAMPING OF AMERICA

There is an ancient biblical expression that says, "No man can live by bread alone . . ."

It applies not only to men as we know them, but also to nations, for like men, no civilized nation can live by bread alone nor by spirit alone.

As individuals, we need a mixture of things to survive, and as a nation, we need also a mixture of things. Our lives cannot be all bread. We know this, and that is why we eat vegetables, meat, fish, cereals, and other foods. A nation likewise survives economically and materially on an equal mixture of things produced in that nation and brought in from abroad.

And yet, whenever the mixture gets too overbalanced—too much meat, too much fish, too much bread—we suffer, for our bodies function best on balanced diets. Our nation also can function best on a balanced economic diet. I need not tell you ladies present what happens when diets go askew. Everybody who has had a weight problem has been told that they are taking in too many sweets, too many potatoes, too much bread, and on it goes. If you want to survive, you pay attention to the doctor and you cut down. If not, you know the answer.

Nations are no different than people. If the intake is too heavy on special items, the nation takes on excess weight of products. It functions poorly, economic stress sets in, it balloons and finally explodes and collapses.

The trouble with America today is that its diet of imports is too rich. It is taking on too much weight. It is heading for trouble and needs above all else some serious economic weight watching, so far as imports are concerned.

And, so, we meet here today in this fine motel in Andover, Massachusetts, one of thousands of like motels, products of American initiative and energy. It is summertime, the beautiful month of August, the very height of vacationtime in the United States.

Of course, summertime means different things to different people. For most people we know, middle-class American working people, summertime means vacationtime.

In the mountains, maybe,
Or a trip across the land,
Or beside some lake, stream or oceanfront.

For many people, vacationtime means staying at home and relaxing, free for a time of the responsibilities of work, free of the discipline which the rest of the year requires.

At vacationtime, we are free for awhile to be aware of what we want to be aware, and free to ignore what we wish to ignore.

But, as we all know, vacations end and we have to assume the responsibilities of work. These responsibilities extend to feeding and clothing our families, perhaps buying a home, purchasing goods, saving again for vacations, a few dollars for a rainy day, putting money aside for college for the youngsters.

In other words, when we return from vacation to our workaday world, we must shed the atmosphere of vacationtime, since obviously we would get little or nothing accomplished.

As I came in here today over massive Routes 495 and 93, I was caught up in the tremendous flow of vacation travellers going north for the open spaces of New Hampshire, Maine and beyond. Automobiles packed with people, trailers, license plates from every state in the union, happy American faces speeding along to their destinations, eager to eat up every minute of their vacations, forgetting for the moment that job back home, happy to get away from the tedium of work, but hopefully secure in the knowledge that their jobs will be there when they get back.

Not only coming along the expressway this morning, but also on visits to the beaches, resorts, and other places where vacationers gather, I feel the almost cavalier attitude toward something that is throwing America's economic diet into a cocked hat. For the American workingman is buying foreign cars as never before, Japanese radios and cameras, Spanish and Italian shoes, Hong Kong suits, English bicycles, French tooth paste, Swiss watches, and what have you—and despite that, he expects his job back when he gets home from vacation.

So, whether or not we are on vacation retreating from our workaday lives, we cannot afford to retreat from or ignore the incredible phenomena of the past 20 years so far as imports into America are concerned. It is an increasingly serious problem, this expanding glut of foreign-produced goods pouring freely across our shores.

And I am referring to the problem of an unconcerned army of American consumers who snatch up these foreign goods in ever-increasing numbers, blissfully unaware of the growth of another army across the land.

An army of unemployed Americans. An army which, in many cases, owes its existence to the unrestricted flow of foreign imports into the United States.

As Americans, we seem to ignore the fact that the economics of imports is the economics of people.

As Americans, we seem to ignore the fact as of today, we have almost 6 million persons unemployed in America, a substantial number of whom lost their jobs because of the unchecked influx of imported products into this country.

That is the economics of the people.

As Americans, we seem to ignore that fact that over 2 million jobs had been lost to foreign imports by the end of 1969, and that current projections indicate that 5 million jobs will have been lost by 1980.

That, too, is the economics of the people.

So the question arises—why do we continue to ignore these figures?

Why do we place the problems of foreign imports at the bottom of our economic concerns?

The first reason, I think, is a very simple one.

With some notable exceptions, foreign imports seem to cost less than their American counterparts.

Never mind that the quality of imported goods is often markedly inferior to domestically produced goods.

Never mind the number of American jobs that are wiped out with every new import agreement.

Foreign goods cost less—and that's it!

Never mind that I am demanding $7.00 an hour for my efforts as an American working man; if I can buy something that some foreign worker produced for 35 cents an hour, I'm buying it. In America today, that's the attitude.

The fallacy of this argument is simply explained—and a lot more to the point.

The American jobs which go unfilled because of imports means a growing number of American consumers who are unable to **consume.**

And that applies to the consumption of foreign goods as well as American goods.

In other words, we are diminishing—or eliminating outright—the buying power of our citizens.

The power to buy anything.

And that economic fact of life has some pretty far-reaching implications, because the strength and very existence of the American economy rest squarely on buying power. Unemployed people don't buy much other than the bare necessities of life.

When you weaken buying power, industry suffers and very often must go out of business.

Labor suffers, for if the doors of the factory are closed, where do you go?

Communities and States suffer. People cannot pay real estate taxes which affect communities, they cannot earn enough to pay income taxes and the state suffers, and if there are no industries, there are no corporation taxes.

The Federal Government suffers because its tax base is eroding. Instead of providing moneys to stimulate the economy, it finds itself having to subsidize a sharply increased number of former taxpayers.

Former taxpayers who have no desire to become wards of society.

Former taxpayers who have no desire to become recipients of welfare.

Former taxpayers who have no desire to be forced to use up their unemployment benefits and unemployment compensation.

And former taxpayers who, in fact, had every reason to believe that their incomes and their standard of living would improve as the American gross national product and standard of living improved.

Man, what a cruel awakening!

What a cruel awakening to find that neither they, as individuals, nor their companies, nor their unions, have any power to turn things around to protect themselves and to protect the goods which they produce from being swallowed up in an ocean of freely imported goods.

Which leads me to my second reason. The Federal Government and our Congress continues to exercise its policy of "Indifferent Neglect" toward the whole problem of unrestricted foreign imports.

The United States, which almost single-handedly rebuilt the economies and production of the war-ravaged nations of the world, refuses to extend similar assistance to American industries and American workers suffering from unfair foreign competition.

Unfair competition, I say, because the very nations which we rescued have turned around and set up a whole series of insurmountable hurdles to trade.

They have set quota restrictions, import levies, so-called "equalization taxes", and unequal dollar exchange rates.

They are giving us the business of a different nature. We, in turn, provide virtually no protection to foreign importation.

And the result is just what you would expect—a flood-tide of foreign goods that threatens the American economy at home and the position of the United States in the World Market.

The government up to this point has done little to stem the tide of imports, but encourages through its inaction, the flight of giant American corporations abroad.

The runaway American plants who close down production at home, lay off their workers and open up operations overseas where they can pay subsistence wages in Europe and slave wages in Asia, turn around and sell their products in America, cutting sharply below prices of goods produced by American workers.

And the American worker suckers himself into the whole mess by eagerly buying everything in sight based upon price alone. In fact, the greatest outlets for foreign-produced goods are the low income areas where huge market outlets and stores sell everything imaginable to factory-worker Americans. A trip through a shopping center in middle-income America will find the parking lot filled with foreign cars and the shopping bags filled with foreign merchandise. And then the working man complains he has no job or is on short time. *Price blinds him to the realities of life and economics.*

It is not only the working man who has become caught up in foreign imports, it is almost everybody all the way up to the politicians. The rich are buying their boats in Holland or Sweden. The union member loves Italian shoes and doesn't feel ashamed to be driving a foreign car. Even politicians are involved. Years ago, every politician I know would wear nothing but a union-made suit or sports coat. He made sure he drove an American made car. He made an issue of his union-workingman orientation. Now, they are like everybody else. They boast about their Datsuns, Toyotas and Volkswagens. They park them in the State House parking lot and tell about their performance to fellow legislators. They feel no guilt in their Hong Kong suits, nor do they fear any retaliation from unions, who are doing the same thing. They profess concern for the unemployed and legislate to help them—and campaign in a Volkswagen or a Toyota. Times surely have changed since we cried, "Buy American". My, how old fashioned that phrase has become!

Imports of electronic products and components has increased 328% since 1964. Is it any wonder Route 128 is a disaster area? Footwear imports have increased 311% since 1964. Is it any wonder there are only two shoe factories left in Brockton? Hardware imports have increased 306% in seven years. What has this done to some of our shops and foundries? Leather goods imports have increased 183% in seven years. This means ladies pocketbooks, suits, belts, baseball gloves, etc. It has practically killed the leather business in Massachusetts and the United States.

Foreign companies and foreign nations have literally dumped their goods on the American market, endangering every facet of American industry. United States imports of automobiles rose to 1,847,000 in 1969, a 237% increase over 1964.

In the area of automotives, textiles, steel, electronic equipment, television, radios, shoes, etc., the trade balance, U.S. foreign is now listed at a 6 billion dollar deficit.

Foreign imports are not just nibbling at the American market. They are gobbling huge slices of it. Kids ride up to my house on Honda motorcycles and tell me they can't find a job. Veterans just out of the service are as infected as anyone else. They buy foreign whenever they can. "Buy foreign" has replaced "Buy American" and it's getting more serious every day.

Japan alone is making inroads into United States consumers that is beyond belief. 25% of the United States television market is now Japanese; 50% of the American motorcycle registrations are Honda; 90% of the white shirts sold here are made in Japan; 50% of the fabric for American suits is made in Japan; a 200% increase in Toyota and Datsun cars has left the American auto dealer on his heels.

Japan will sell two billion dollars more goods this year to the United States than it will buy from this country. While nearly 90% of Japan's exports to the United States are manufactured products, about 70% of the items Japan buys from this country are raw materials and agricultural products. Take note of that!

And yet, Japan maintains import quotas on at least 120 categories. In other words, it is difficult for the United States to sell certain finished products to Japan. As a comparison, Japan's duty on imported cars is 10%, compared with 3.5% on foreign cars entering the United States market. On top of this, retailers of American cars in Japan must pay commodity taxes ranging from 15% to 40%. So what do we do? Give up.

So we stand, this week in August, with an awesome array of figures, imports versus exports. The government reported that Americans spent $374 million dollars more for imports than the economy earned from exports during the first six months of the year. *We may go over a billion dollars before the year is out. It is impossible to maintain that ratio and have a solid economy* and everybody knows it.

The terrible crush of all this has adversely affected New England as well as the rest of the United States. 549 textile mills have closed in the last few years, with 33 of these in New England alone. From 1962 to the present, 115 shoe plants have closed down as imports skyrocketed to 236 million pairs of shoes.

My good friend, Congressman James Burke of Milton, in a speech before the American Federation of Labor, C.I.O., declared that for the first time since the Korean War, the United States has registered two successive months of trading deficits. He further stated that the free trade lobby was the most powerful in Washington and that their efforts to open wide the doors for imports has resulted in frightful pockets of unemployment in this nation's industrial sectors.

Congressman Burke further stated that the United States Congress should create a policy of balance on imports and exports and substitute orderly growth for runaway flooding. "Nothing short of an across-the-board review of this nation's foreign trade policies can guarantee full employment for the people of this nation," said Burke. "We must get off the disastrous course of the last 20 years or foreign imports will eat us out of house and home and the American worker will be forced to subsist off the crumbs of employment, unemployment benefits, and worse still, public welfare."

There is a new book on the best seller list. It is called the "Greening of America". It is a fine book and all should read it. On the import front, someone should put together all the facts of foreign imports as they apply to America and the percentage escalation of those imports and then write a book entitled the "Swamping of America".

When I started to write this speech some few days ago, I was not aware that something would be done on the national level to hold the line and turn back the tide. You know, as well as I, that President Nixon this past week took a dramatically bold step in his price and wage freeze which goes into effect for the next 90 days.

I am not going to burden you with details of that far-reaching decision by President Nixon. It is all in the papers for you to read. However, one point you will note, and it ties in with what I have to say, is that the President has imposed a 10% extra tax on imports of foreign goods. He hopes through this method to slow down the incredible flow of goods into this country.

The President stated that the import tax is a temporary action not directed at any other country, but an action to make certain that American products will not be at a disadvantage because of unfair exchange rates. When the unfair treatment is ended, the President said the tax will end. Through this method, the President hoped the products of American labor will be more competitive and the unfair edge that some of our foreign competition has had, might be removed.

The President further said that the time has come for exchange rates to be set straight and major nations must compete as equals, and that the United States cannot compete any longer with one hand tied behind its back.

How much long-term effect it will have, I cannot say for sure. All I know is that there is a "Filene's basement rush" to buy foreign cars, diamonds, French wines, and other commodities that are stockpiled in this country and thus not subject to the new tax surcharge. I might add, the stockpiles of foreign merchandise are tremendous, so what effect the price freeze and 10% surcharge will have over the next 90 days remains to be seen.

Other than President Nixon's bold step to hold the line, Congress has done little to balance imports and exports. *Here in my hand I hold a report of the Congressional Committee on Ways and Means background material on selected trade legislation.* It is filled with the story of the agony of American business. I suggest you read it, then get on the line to your Congressman.

Typically, House Resolution 17481 reads:

"The Congress finds that the markets for certain leather goods, particularly footwear and personal items of leather in the United States, have been disrupted by the large and increased volumes of foreign imports . . . ", and on it goes, pleading for quota restrictions and other proposals.

While these bills and many others languish in Congress, the flood-tide continues by land, sea, and air, and Americans continue to lose their jobs.

Despite these bills, Government still maintains its vacation-time attitude—all year round.

This attitude is creating permanent vacations for employers, for employes, for working men and women, who find themselves cut off from the mainstream of the American economy.

The once full-time jobs of many Americans have become full-time vacations:

Vacations without benefits,

Vacations with no pay,

Vacations of frustration and aggravation, and

Vacations with no future.

All this doesn't mean, of course, that we should tear down the machinery of trade, close our ports, and retreat behind impenetrable walls of tariff restrictions. It means we must re-cast our economic philosophies and mold them into 1971 thinking and conditions as they now exist.

Unless we do this, and wake up to what is going on, who knows, this nation and its people might well have to live on bread alone. It is that serious.

I intend to keep on focusing on this problem in the weeks ahead because I think now is the time to press for action, while our traditional policies are being publicly reexamined and heretofore impregnable attitudes are now being increasingly challenged.

BUCHWALD ON THE HIGH PRICE OF THE PRESIDENT'S FREEZE

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert at this point in the Congressional Record an excellent commentary by Mr. Art Buchwald on the administration's wage-price freeze, which appeared recently in the Los Angeles, Calif., Times:

Buchwald on the High Price of the President's Freeze

(By Art Buchwald)

Here are some questions that you have probably been asking concerning the Nixon administration's wage-price freeze:

Q. Why is there a wage-price freeze in the United States?

A. Because President Nixon's economic game plan didn't work.

Q. What was his economic game plan?

A. To lick inflation by having a reasonable amount of unemployment.

Q. What happened?

A. He was only successful in 50 percent of his goals. He didn't lick inflation, but he did manage to have a lot of unemployment.

Q. Who is affected by this wage and price freeze?

A. Everyone but banks and insurance companies.

Q. Why are they not affected?

A. Because they are hardship cases.

Q. What about school teachers, policemen, firemen and government employes?

A. They are not exempted because they can weather a wage-price freeze much easier than banks and insurance companies.

Q. Did President Nixon devalue the dollar?

A. Absolutely not. He asked Germany, France and Japan to devalue it for him. The dollar is floating.

Q. Where is it floating?

A. Probably at sea. Two things can happen now. The dollar can be rescued or it can sink.

Q. Who will decide what happens to the dollar?

A. The gnomes in Switzerland.

Q. Who are the gnomes in Switzerland?

A. They're tiny little men, three feet tall, who buy and sell dollars all over the world.

Q. Can President Nixon do anything about the gnomes in Switzerland?

A. He can. Just before the elections he will announce that if he is re-elected he will go to Zurich.

Q. Could President Nixon have done anything to avoid a wage-price freeze?

A. Yes. He could have sold Alaska. As a matter of fact there is a rumor he might still do it. That's why he asked Emperor Hirohito to meet him there, so Japan could make him an offer.

Q. How will the wage freeze affect poor people?

A. They have nothing to fear from it. It's been set up in such a way that their poverty will be protected.

Q. Why did the stock market go up so high when the President clamped the freeze on?

A. Many top-flight Wall Street investors and brokers were called back from their vacations. They figured as long as they were there and didn't have to go home to dinner, they might as well buy stocks. As soon as their wives come home they'll probably sell.

Q. If my boss promised me a raise and he can't give it to me because of the wage freeze, what does that make him?

A. The happiest man in the world.

Q. How could this have happened to the dollar when it says right on it "In God We Trust?"

A. God didn't do this to us. It was the Germans, the French, and the Japanese.

Q. But why should God allow this to happen if he knows we put all our trust in him?

A. The President has asked Billy Graham to head up a blue-ribbon panel to find an answer to this question.

Q. When will we know?

A. Next Sunday.

TITLE III OF H.R. 9688, THE 1971 HOUSING AND URBAN DEVELOPMENT ACT

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, considering the billions of dollars we have appropriated over the years for the multitude of housing programs we have enacted, one can wonder why it is that we have not progressed further toward the achievement of our housing goals. One reason is that the tremendous costs associated with housing and urban development programs make it impossible ever to allocate as much money to these efforts as we could use. Another is that solutions to some of the problems often turn out to be more complicated than anyone anticipated.

There is no better example of this than the problems associated with the provision of housing for low-income people. Under the present administration, production of low-income housing, both purchase and rental, has soared until for the first time this year we expect to reach the level contemplated in the goals set forth in the housing bill of 1968.

Unfortunately, the value of this accomplishment now stands in jeopardy as a result of those unanticipated problems of which I spoke. Experience with units built to date has now shown that the mere act of making a good, standard, living unit available to previously deprived people is not enough by itself to improve their standard of living. The record is replete with case histories of uneducated and inexperienced people wrecking good new housing units because, basically, they lack the knowledge and experience to avail themselves of the opportunity such a unit presents.

Realistically, we have come to recognize that one does not automatically make the transition from a slum dwelling, which may be limited in its amenities to a kerosene stove for heat, a hot plate for cooking, a cold water tap, and an outside privy, to even the most modest dwelling with a furnace, a modern range, a hot water heater, and modern plumbing. We have come to recognize that if these simple amenities seem to work faultlessly and economically for most of us, it is not because they are infallible, but because we have learned their limitations—and I might add reluctantly, we have come to appreciate the costs and inconvenience of obtaining service when they are abused.

It has become increasingly apparent that the inability of the occupants of low-income housing to assume the most basic responsibilities associated with it is a major problem. Not only are the occupants disheartened and dissatisfied—so, too, are the taxpayers who see the product of their sacrifices being wasted by seemingly ungrateful beneficiaries. But in those areas where adequate counseling services have been available, delinquencies, disappointments, and destruction have been materially reduced. There is good evidence that counseling is essential to the proper transition from a life of despair to one where the spark of hope may begin to burn. Furthermore, it is evident that we cannot afford to let new federally subsidized units be destroyed within 5 and 10 years of erection.

Recognizing the critical need for counseling services, I was pleased to note that title III of H.R. 9688, introduced by Chairman PATMAN and 16 Democrat members of the committee, dealt with counseling and improved management services. Unfortunately, it is delinquent in several respects, but most importantly in that it fails to recognize the urgency of the problem. It authorizes the Secretary of Housing and Urban Development to undertake the necessary studies, et cetera, to develop a counseling service, to publish bulletins, undertake training of counselors and provide counseling. I see this clearly as a 1- or 2-year task at best during which time present units will deteriorate further and the 600,000 units a year we propose to provide, will get off to a bad start.

There is no reason for this kind of slow and costly approach. With two telephone calls to the Department of Agriculture, I obtained on my desk, in less than 1 week, a stack of printed material 8 inches high, covering every aspect of counseling you can imagine.

There were pamphlets for example, on how and why to clean a house, clothes, kitchen closets, et cetera; care for all sorts of mechanical appliances; paint, inside and out, and make minor repairs of all sorts; buy all sorts of foods; plan and cook meals; plan and manage money.

Some of these pamphlets were written in the simplest possible language and dealt with the most basic ideas. Anyone with a third-grade education could understand them.

Others were for the instructors covering all aspects of planning and teaching courses. In toto, they represent a complete counseling program.

Why, I ask, should we authorize HUD to spend millions of dollars and years of time, to duplicate what the Agricultural Extension Service has been doing successfully for years. In order to save money and make good counseling service available within months instead of years, I propose to introduce an amendment to title III to authorize and direct the Secretary of Housing and Urban Development to consult and contract with the Department of Agriculture for the purpose of using all publications and manuals appropriate for consumer counseling, and such personnel as may be appropriate. There is no doubt whatsoever that by directing HUD to utilize the facilities and experience of the Department of Agriculture we can avoid much duplication in Government, save millions of dollars, and most importantly, get some decent counseling material available in the field in a very short time.

One other deficiency in title III regards the means proposed to finance counseling and management services. The bill proposes to allow HUD to expend for these purposes 100 percent of the premium income from mortgage loans which are obligations of the special risk insurance fund and which are unused after the bill's enactment for the first year after the loan's closing and 50 percent thereafter.

It is impossible to say with certainty what amount of money this would be as there are no limitations, except on the subsidized programs, on the amount of insurance which FHA can write. However, HUD has provided me with some figures on which some estimates can be based.

During calendar year 1970, premium income to the special risk insurance fund, was approximately $16.5 million. For fiscal year 1972, this is estimated to rise—due in part to the large increase in subsidized programs like sections 235 and 236—to approximately $34.5 million. Assuming this growth pattern prevails in the year following enactment of the bill, it would result in making $18 million available for counseling services the first year and 1½ times that much, or $27 million, in the following years.

To put these figures in perspective, let me say that HUD informs me that of its total budget, only about $189 million is allocated for all of FHA's operations, not including subsidy payments. In other words, this bill would appropriate an amount equivalent to 10 to 15 percent of FHA's total budget for this one function—among the multitude of functions FHA performs. It is clearly excessive. Additionally, this represents an appropriation—in an unspecified amount—in a legislative bill contrary to the rules of the House.

I will, therefore, offer a further amendment to title III, authorizing the appropriation of $5 million a year for 2 years for counseling services. With the vast amount of material available through the Department of Agriculture, and by utilizing to the maximum extent possible the voluntary services which are already doing counseling, I believe this will be adequate. The money we save can be well used in other ways by HUD or just left in the insurance reserves. As important as I think counseling services are, I do not think we should delay 1 or 2 years in providing them through a new bureaucracy.

RAIL STRIKE LEGISLATION

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, yesterday, I set forth in the CONGRESSIONAL RECORD a compilation of editorial opinion on the need for permanent rail strike legislation. Those remarks were the first in a series intended to demonstrate the need for such legislation by using the recent UTU selective strike as an illustration of the drastic effects a rail stoppage can have on our Nation's economy.

During the August recess, I contacted some of the country's major trade and manufacturing associations. I requested data on the effects of the UTU strike on their particular industry. Today, I would like to share with my colleagues some of those responses, specifically those from the heavy manufacturing industries.

Heavy industry was one of those most drastically affected by the recent strike, as it is by any form of rail service curtailment. The sheer weight and bulk of its finished products, or raw materials, preclude shipment by alternative means. Trucks simply cannot handle oversized airplane frames or large steel shipments, and it is simply impractical to send coal by means other than rail. For those industries that were able to ship by alternate means, the cost of transportation was greatly increased, approaching 400 to 500 percent in some areas of the Aerospace industry.

For those heavy industries that were unable to ship their goods by rail, or could not receive raw materials, production slowdowns and layoffs were commonplace. In the automobile industry, so vital to the economy of my home State of Michigan, both General Motors and Ford reported plant closings. Luckily, the strike ended when it did, for Chrysler would have been forced to shut down 35 plants and lay off an estimated 110,000 workers if it had continued for another 2 weeks.

These secondary effects of a rail strike are magnified when those industries which stockpile goods either run short of raw materials or no longer have room for the finished product. Two-thirds of all bituminous coal is shipped from the mines by rail, and if a strike ends this service, there is only a limited amount that can be stockpiled. During this strike, the steel mills were already in a production slowdown due to anticipated labor problems in their own industry. However, the inability of these same mills to ship, receive, or stockpile goods would have had far-reaching effects on all phases of our economy.

Mr. Speaker, I think from these few examples, you can see the drastic effects of a rail strike on our Nation's heavy industries. Without permanent legislation to correct this very grievous situation, these industries will continue to face similar crises in the future. I include now, for my colleagues' information, several of the very best replies from the heavy industry associations to my receipt inquiry:

AEROSPACE INDUSTRIES ASSOCIATION
OF AMERICA, INC.,
Washington, D.C., September 13, 1971.

Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HARVEY: The attached material is forwarded in response to your letter of August 9, 1971 requesting advice as to the impact on the aerospace industry of the recent railroad strike.

Please let me know if we can be of further assistance to you in this matter.

Yours very truly,

KARL G. HARR, JR.

RAILROAD STRIKE IMPACT

(Response of the Aerospace Industries Association of America, Inc., Washington, D.C.)

1. *To what extent was your industry affected by the rail stoppage?*

The impact on airframe manufacturers, including engine manufacturers, was greater than on other aerospace manufacturers of missiles, rockets and their components. Large aircraft wing and body sections are pretty well captive to rail service and move on specially-designed and equipped rail cars. Although some of these sections may be transported in oversize aircraft of the Pregnant Guppy type, such handling is extremely costly, as much as 500% higher than rail. Additionally, Guppy aircraft are in extremely short supply and cannot be considered as a suitable alternative to rail. If the strike had been of longer duration, the impact on airframe manufacturers would have been extremely severe and resulted in a complete stoppage of production lines.

Aerospace manufacturers other than airframe were affected much less from a service standpoint. From a cost standpoint, however, diversion of rail traffic to motor and air increased transportation charges, generally, by 100%. But again, if the strike had lasted only a short while longer, the impact on these manufacturers would have also been severe because of the inability of the alternate modes of transportation to handle the additional tonnage.

Attached as an Appendix hereto is a tabulation of responses received from AIA members to your questionnaire. We have broken the replies into two categories: "Airframe" on page 1 (15 responses) and "Other Aerospace" on page 2 (16 responses). The effect of the strike on the two categories of members is made clear by the individual responses contained in the tabulation.

2. *During this past selective rail strike, were or could provisions have been made to ship or receive goods by other rail carriers or alternative means of transportation?*

Alternative service to rail was not always available to Airframe manufacturers because of the size of the articles requiring transportation, as noted in the response to Question 1 above. Page 1 of the attached Appendix lists 6 of 15 Airframe manufacturers who were able to partially divert rail tonnage. Other Aerospace manufacturers fared better as indicated on page 2 of the Appendix, only 1 of 16 not being able to use alternate service.

3. *If so, are figures available for the percentage of goods that could have been rerouted or on the time delays involved?*

With respect to Airframe manufacturers, 9 of 15 were able to reroute all of their rail traffic to other modes. The remaining six manufacturers rerouted rail frustrated traffic in quantities ranging from 10% to 90% with the average being 25%. Records were not maintained of time delays.

Other Aerospace manufacturers fared better with only 2 of the 16 being unable to employ alternate service in all cases. One of the two was able to divert 95% of its tonnage, the other 65%.

4. *Have you any estimate of the cost of this rerouting?*

Overall, no. However, you will note from the Appendix that transportation charges were increased in amounts ranging from zero to 500 percent.

5. *In future selective rail strikes, will alternative means of transportation be open to your industry, or will you be forced to rely exclusively on the railroads?*

The answer to this question depends upon the number of railroads struck, their identity and service areas and the duration of the strike. For example, if the Burlington Northern were to be struck for any period of time, Boeing Aircraft in Seattle would be immediately cut off from the nation's railroad network and the movement of large airframe components from the east, midwest, California and the southwest stopped. The same will be true of other principal aircraft manufacturers if the carriers in their areas are struck.

Other Aerospace manufacturers would be similarly affected by selective strikes of more than short duration. Their ability to divert to other modes of transportation would survive only as long as would the capability of the other modes to carry the added tonnage diverted from the struck railroads. **Not too long, we fear.**

6. *If rail transportation is the only alternative, do you have a choice of carriers or are you limited to only one railroad line?*

Generally, as with most manufacturing companies, aerospace shippers are provided plant switching service by one railroad. When that carrier is struck, access to the nation's rail network is cut off. In the attached Appendix where the word "choice" appears, it indicates a choice of carriers from off-plant carrier teamtracks. However, during the recent rail stoppage, teamtrack delivery from non-struck carriers became very uncertain because of congestion.

7. *Was the effect of the recent U.T.U. selective strike felt by your industry on a regional or on a national basis?*

The effect varied from company to company as indicated in the Appendix. The short duration of the work stoppage limited the effect either nationally or regionally. Given another week we may be sure that the effect would have become national as will be stated in response to Question Number 8.

8. *If you were forced into a production slowdown, could you estimate the secondary effects of such a reduction on other industries and on the economy of your region or the nation in general?*

The secondary effects of a production slowdown in the aerospace industry would be considerable. AIA member companies are employers of approximately 1,000,000 people and collectively are one of the Nation's largest individual employers. Aerospace plant facilities are located throughout the United States. The manufacture of aerospace articles and their components and parts involves an extremely complex supply and distribution operations. The assembly and production facilities at any one aerospace plant can involve the inbound movement of material from thousands of vendors and subcontractors scattered throughout the United States and overseas. Aerospace production lines are dependent upon a well-planned, smoothly-flowing and time-saving movement of material. Accordingly, a production slowdown at an aerospace plant facility immediately impacts on thousands of subcontractors and vendors throughout the nation, many of whom, approximately 50%, fall within the category of small business. To be considered also is the fact that a considerable portion of the industry's production capacity is devoted to vital defense programs. A forced production slowdown brought on by either a selective or general strike would have a direct effect on those programs.

9. *Does your industry have any procedures to stockpile reserves to counter the effects of a rail strike and thus prevent shutdowns?*

Generally, no.

10. *If so, how long could you operate effectively without rail service?*

With or without stockpiling, the responses to this question varied from four days to indefinitely. It should be emphasized, however, that a disruption of rail service places an added burden on other modes of transportation which has the effect of reducing the amount of service available from such modes to any one shipper.

AEROSPACE INDUSTRIES ASSOCIATION—RAILROAD STRIKE IMPACT

AIRFRAME

	(1)			(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Percentages			Alternate service to rail available	Percent rerouted	Reroute cost increases	Dependence on rail	Rail service available	Regional or National effect of strike	Effect of a production slowdown	Stockpile	How long operate w/o rail service
	Rail	Truck	Air									
1	60	30	10	Partially	30 percent	500 percent	Yes	1 line	National	Considerable	No	4 days.
2	5	65	30	Yes	100 percent	100 percent	No	Choice (3)	Regional	Considerable	No	Indefinitely.
3	5	94	1	Yes	100 percent	Increased	No	1 line	do	Not known	No	Indefinitely.
4	14	86		Yes	100 percent	None	No	Choice	do	Considerable	No	Breifly.
5	15	80	5	Partially	Very little	+400 percent	Yes	1 line	do	do	No	20 days.
6	55	40	5	do	25 percent	None	No	do	do	No	Partially	45 days.
7	20	70	10	do	15 percent	Increased	Yes	do	National	Considerable	No	30 days.
8	11	84	5	Yes	100 percent	+30 percent	No	do	Little effect	Some	Yes	Several months.
9	36	54	10	Partially	10 percent	Increased	Yes	do	Regional	Not known	Yes	Briefly.
10	60	10	30	Yes	100 percent	None	Yes	Choice	National	Considerable	Yes	21 days.
11	50	49	1	Partially	70 percent	30 percent	Yes	1 line	do	do	No	7 days.
12	2	89	9	Yes	100 percent	None	No	do	Unknown	Unknown	No	Indefinitely.
13	2	83	15	Yes	100 percent	Increased	No	Choice	Neither	Considerable	Yes	Do.
14	1	88	11	Yes	100 percent	None	No	do	do	do	No	Do.
15	60	40		Yes	100 percent	do	No	1 line	do	do	Partially	60 days.
1	70	25	5	Yes	100	Slight increase	No	Choice	do	do	Yes	Indefinitely.
2	5	95		Yes	100	Not significant	No	do	Regional	do	Yes	Do.
3		75	25	Yes	None	None	Yes	do	Neither	do	No	Do.
4		32	68	Yes	NA	NA	No	do	do	do	No	Do.
5		70	30	Yes	NA	NA	No	1 line	do	do	Yes	Do.
6	6	91	3	Yes	100	Increased	No	do	do	do	No	Do.
7	4	82	14	Yes	100	do	No	do	National	Unknown	No	Do.
8	5	75	20	No	None	NA	Yes	do	Neither	do	No	Unknown.
9	59	39	2	Yes	65 percent	Considerable	Yes	do	National	Considerable	Partially	30 days.
10	10	75	15	Yes	100 percent	Slight	No	2 lines	Neither	do	do	60 days.
11	1	30	69	Yes	95 percent	do	No	Choice	National	do	No	Indefinitely.
12	1	96	3	Yes	100 percent	do	No	1 line	Neither	Unknown	No	Do.
13		94	6	Yes	None	None	No	NA	do	Considerable	No	Do.
14		50	50	Yes	do	do	No	NA	do	do	No	Do.
15	2	70	28	Yes	100 percent	50 percent	No	Choice	do	Unknown	No	Do.
16	7	77	16	Yes	do	None	No	1 line	Regional	Not known	No	Do.

NA: Not applicable.

NATIONAL COAL ASSOCIATION,
Washington, D.C., August 16, 1971.
Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR JIM: This will acknowledge your letter of August 9 with which you enclosed a copy of your recent statement concerning permanent rail strike legislation.

I am enclosing the completed form concerning the impact of the recent railroad strikes on the coal industry which you enclosed with your letter.

There is also enclosed a copy of my statement. As you know, based upon my testimony before the Subcommittee on behalf of the National Coal Association, our members believe that legislative action should be taken by the Congress that will provide for a quick and rational settlement of railroad strikes.

If you need additional information, please let me know.

Sincerely,

CARL E. BAGGE.

RAILROAD STRIKE IMPACT

1. To what extent was your industry affected by the rail stoppage? (We would appreciate any figures that you might have on the percentages of goods shipped or raw materials received by rail, as well as by other modes of transportation.)

There were 224 mines on the Norfolk & Western Railway which were closed down and more than 30 on the Southern Railroad's line. Approximately 25,500 miners were thrown out of work by the recent rail strike. We estimate the loss of coal output at between 1 and 2 million tons. In 1970 Class I railroads originated 399 million of the 596.5 million tons of bituminous coal produced. As of July 30, railroads which originated more than 100 million tons of bituminous coal last year were strikebound.

2. During this past selective rail strike, were or could provisions have been made to ship or receive goods by other rail carriers or alternative means of transportation?

No. The railroads serving the mines closed by the recent strikes are the only carriers available to those mines. It is possible that a portion of the tonnage originated by the railroads which were on strike could have been moved by truck, although we have no way of determining such movement.

3. If so, are figures available for the percentage of goods that could have been rerouted or on the time delays involved?

4. Have you any estimate of the cost of this rerouting?

See question 2.

5. In future selective rail strikes, will alternative means of transportation be open to your industry, or will you be forced to rely exclusively on the railroads?

The railroads historically have been the nation's principal carriers of coal and there is no other method of transportation which seems likely to displace them in the foreseeable future.

6. If rail transportation is the only alternative, do you have a choice of carriers or are you limited to only one railroad line?

This depends on the location of the mines but most of them are served by a single railroad.

7. Was the effect of the recent U.T.U. selective strike felt by your industry on a regional or on a national basis?

The effect was largely on a regional basis because of the railroads on strike. Attached is a list of those railroads together with the amount of coal originated by them in 1970.

8. If you were forced into a production slowdown, could you estimate the secondary effects of such a reduction on other industries and on the economy of your region or the nation in general?

Yes, with a given set of circumstances.

The estimated loss of between 1 and 2 million tons of coal due to the recent rail strikes had a short-term effect on the economy of the areas in which the closed mines were located.

The secondary effects on other industries due to this loss would be minimal.

9. Does your industry have any procedures to stockpile reserves to counter the effects of a rail strike and thus prevent shutdowns?

Coal can be stockpiled both at the mines and at the point of consumption; however, stockpiling facilities are limited at most of the mines because of the bulk of the commodity.

10. If so, how long could you operate effectively without rail service?

This would depend on the amount of coal stockpiled at the mine and at the point of consumption.

STATEMENT OF CARL E. BAGGE, PRESIDENT, NATIONAL COAL ASSOCIATION, BEFORE THE SUBCOMMITTEE OF TRANSPORTATION AND AERONAUTICS, AUGUST 3, 1971

My name is Carl E. Bagge. I am president of the National Coal Association which represents most of the major commercial bituminous coal producers and coal sales companies in the nation.

I appear here today to urge immediate action on permanent legislation that will avoid further interruptions in the rail movement of coal and other commodities which are of overriding importance to the nation.

We applaud the recent rail strike settlement. However, that does not obviate the need for some method of avoiding these recurring problems. Now is the time to secure a permanent solution, one that is arrived at in a calm and objective atmosphere.

Periodic railroad strikes such as those we have just witnessed interrupt coal production, put thousands of men out of work, and threaten our economy which relies heavily on coal for a major part of its energy requirements. Our electric utilities, for example, depend on coal for half the fuel they need to generate electricity. A prolonged strike could lead to brownouts in many areas and ultimately to blackouts.

The nation's railroads haul more coal, and derive more revenue from moving it, than from any other commodity.

Two-thirds of all the bituminous coal produced in the United States leaves the mine by railroad. In 1970, Class I railroads originated 399 million of the 596.5 million tons of bituminous coal produced. The carriers received $1.4 billion for moving coal, or 12 per cent of their total freight revenue in 1970.

As of July 30, railroads which originated more than 100 million tons of bituminous coal last year were strikebound. Hundreds of mines were shut down, most of them in the Appalachian area, and thousands of families had their source of income cut off. Approximately 25,500 miners were idle during the recent rail strikes.

The strike of the Norfolk & Western Railway alone, the largest coal originating road in the country, put over 20,000 miners out of work in six states. There were 224 coal mines closed down on the N&W lines. More than 30 mines on the Southern Railroad's lines also were shut down because the idle coal cars as well as storage facilities were full.

There is no accurate way to determine at this time precisely how much coal production was lost due to the rail strikes which began July 16. However, we estimate this loss of coal output at 1 to 2 million tons.

Railroad strikes also seriously affect U.S. coal exports which in 1970 contributed more than a billion dollars to the nation's balance of trade. The value of coal exports represented about 2.5 per cent of the total nation's export value of $42.7 billion (excluding shipments for defense), and nearly 40 per cent of the nation's trade surplus of $2.7 billion in 1970.

The Norfolk & Western Railway handles approximately 50 per cent of total U.S. bituminous coal exports. Coal loaded at tidewater by the N&W for export overseas and at the Great Lakes for shipment to Canada originates in Appalachia.

As of Monday of this week, there were 16 vessels at Norfolk & Western's Lamberts Point piers at Hampton Roads, Virginia, which could not be loaded with coal for export overseas because of railroad strikes. Eight additional vessels will be arriving in the next few days.

My interest in this issue is not based solely upon the position of the National Coal Association and the interests of the coal producing industry. It also reflects a personal view which evolved during my six years as a regulator of the nation's electric and gas utility industries while serving as a member of the Federal Power Commission.

During my period of service on the Commission, even localized rail strikes affecting a single carrier seriously disrupted critical coal movements to electric utility generating plants. This required the Federal Power Commission to request Presidential intervention in rail labor disputes by invoking emergency board procedures under the provisions of the Railway Labor Act. Fortunately, in each such instance Presidential emergency board procedures had not yet been exhausted and their invocation for the requisite period of investigation and reporting afforded sufficient time for stockpiling coal reserves at the affected utility generating plants. Had the Presidential emergency board procedures of the Railway Labor Act already been exhausted, there would have been no remedy and the utilities' fuel supplies at the affected generating plants would have been completely exhausted. Furthermore, since transmission capacity from adjacent electric utilities was inadequate to handle the volume of bulk power required, the impact upon the health and welfare of the public would have been nothing less than disastrous.

This illustrates that there exists a dimension to the problem of the reliability of utility service which is, it seems to me, wholly ignored in the current national discussion of the issue. Ever since the Northeast blackout in November, 1965, there have been numerous proposals introduced in the Congress which are intended to enhance the reliability of the nation's utility industry and to protect the public from the possibility of further blackouts or brownouts. My former colleagues and I have appeared before another subcommittee of this Committee on numerous occasions during the past several years in a discussion of the reliability of utility service for the nation. In none of these discussions, nor in any legislative proposal which received the attention of the Congress in connection with this issue was consideration given to this vital dimension of the problem of utility reliability.

I believe that the goal of achieving permanent and equitable resolution of railroad disputes which is involved in the various proposals before this Subcommittee could provide a major contribution to securing more reliable utility service for the nation. The cessation of essential utility services such as gas and electric power in a single region can today have as disruptive an influence upon the nation's economy and the health and welfare of the American public as a national rail strike. The standard for decisively resolving these disputes must now therefore be something other than national chaos and total disruption of our national economy.

Our society today is too complex and our economy is simply too interdependent to permit industrial disputes to cripple our economy and to threaten the health and welfare of the American public. The public interest today demands that we forge new mechanisms to deal with industrial disputes which reflect the reality of that complex and interdependent society. Existing transportation labor legislation spawned in the decades of the twenties is wholly inadequate to deal with these present realities which have evolved in the past fifty years since these mechanisms were established.

Nothing less than the economic security of the nation and the health and welfare of the public is involved in this issue. I therefore both personally and on behalf of the Association which I represent endorse any legislative action which in Congress' determination, will provide for the swift and rational settlement of railroad disputes.

Mr. Chairman, I have attached to my statement a statistical compilation which shows the coal originated in 1970 by all Class I railroads. I am also attaching schedules showing the railroads which serve bituminous coal mines along with the states in which they operate.

Thank you for the opportunity to appear before you today.

BITUMINOUS COAL HANDLED BY CLASS I RAILROADS AND REVENUE RECEIVED DURING 1970

[Net tons]

Railroad	Originated and terminated on line	Delivered to connections	Total originated	Total carried [1]	Revenue received
EASTERN DISTRICT					
(Incl. Poc. Reg.)					
Akron, Canton & Youngstown				208, 108	$180, 510
Ann Arbor				2, 343, 098	1, 425, 608
Baltimore & Ohio	11, 165, 934	24, 860, 554	36, 026, 488	48, 084, 331	109, 715, 633
Bangor & Aroostook	25		25	11, 510	27, 013
Bessemer & Lake Erie	186, 883	4, 760, 804	4, 947, 687	10, 558, 311	17, 059, 344
Boston & Maine				1, 372, 750	2, 166, 073
Canadian Pacific (lines in Maine)				2, 216	2, 743
Central Railroad of New Jersey	7, 116	61	7, 177	3, 736, 601	2, 530, 886
Central Vermont				127, 320	195, 635
Chesapeake & Ohio	25, 336, 723	33, 925, 442	59, 262, 165	73, 299, 008	214, 040, 554
Chicago & Eastern Illinois	2, 127, 689	434, 899	2, 562, 588	2, 968, 578	5, 087, 255
Chicago & Illinois Midland	2, 554, 368	390, 441	2, 944, 809	4, 309, 967	4, 260, 351
Delaware & Hudson				1, 461, 300	2, 744, 894
Detroit & Toledo Shore Line				1, 751, 531	1, 181, 828
Detroit, Toledo & Ironton		360	360	2, 538, 750	2, 251, 179
Elgin, Joliet & Eastern		195	195	9, 743, 563	8, 612, 241
Erie-Lackawanna	1, 002	319, 888	320, 890	5, 359, 608	10, 627, 186
Grade Trunk Western	1, 267	77	1, 344	1, 550, 562	1, 833, 487
Illinois Terminal		66, 492	66, 492	1, 800, 745	624, 565
Lehigh Valley	112	3, 268	3, 380	1, 932, 567	2, 410, 077
Long Island				125, 041	215, 297
Maine Central				59, 648	107, 553
Missouri-Illinois	1, 415, 256	519, 719	1, 934, 975	2, 325, 418	1, 546, 802
Monon	135, 474	128, 599	264, 073	1, 341, 393	2, 502, 727
Monongahela		6, 755, 422	6, 755, 422	6, 756, 566	4, 861, 370
Norfolk & Western	48, 658, 955	30, 721, 486	79, 380, 441	90, 308, 628	293, 524, 589
Penn Central	29, 875, 757	15, 893, 517	45, 769, 274	93, 263, 031	222, 546, 656
Penna-Reading Seashore Lines		116	116	1, 188, 660	1, 428, 918
Pittsburgh & Lake Erie	2, 217, 886	888, 785	3, 106, 671	7, 327, 617	9, 163, 697
Reading	443		443	14, 787, 542	20, 297, 274
Richmond, Fredericksburg & Potomac	48	67	115	586, 144	799, 718
Western Maryland	1, 866, 775	4, 860, 422	6, 727, 197	15, 539, 962	18, 110, 670
Total, Eastern District	125, 551, 713	124, 530, 614	250, 082, 327	406, 770, 074	962, 091, 313

[Net tons]

Railroad	Originated and terminated on line	Delivered to connections	Total originated	Total carried[1]	Revenue received
SOUTHERN DISTRICT					
Alabama Great Southern	284,619	4,475	289,094	1,770,934	$2,533,706
Central of Georgia	108	141	249	3,765,911	4,557,941
Cincinnati, New Orleans & Texas Pac	128,411	367,043	495,454	2,685,968	2,890,377
Clinchfield	2,738,162	4,224,666	6,962,828	14,937,435	20,167,398
Florida East Coast		69	69	69	445
Georgia		40	40	1,779,774	2,795,656
Georgia Southern & Florida		2,766	2,766	96,754	118,428
Gulf, Mobile & Ohio	3,079,676	2,832,398	5,912,074	6,257,123	7,633,678
Illinois Central	15,496,281	10,112,094	25,608,375	26,503,364	47,503,742
Louisville & Nashville	19,165,750	28,980,523	48,146,273	50,076,293	96,635,061
Norfolk Southern	77		77	556,384	1,054,514
Savannah & Atlanta	131		131	119,326	162,093
Seaboard Coast Line	3,531	144	3,675	17,823,957	26,805,551
Southern	9,735,325	3,232,797	12,968,112	28,816,431	50,978,415
Total, Southern District	50,632,071	49,757,156	100,389,227	155,189,723	263,837,005
WESTERN DISTRICT					
Atchison, Topeka & Santa Fe	1,253,664	233,706	1,487,370	4,455,772	9,303,018
Burlington Northern	14,455,952	4,278,399	18,734,351	21,258,071	42,086,472
Chicago & North Western	2,217,022	126,831	2,343,853	8,112,572	16,903,990
Chicago, Milwaukee, St. Paul & Pac	3,138,626	571,663	3,710,289	6,164,302	10,403,930
Chicago, Rock Island & Pacific	742,700	1,079,064	1,821,764	2,629,270	4,155,865
Colorado & Southern				361,307	456,674
Denver & Rio Grande Western	4,536,852	2,802,119	7,338,971	8,698,423	13,182,468
Duluth, Missabe & Iron Range	626,774	78,888	705,662	948,581	951,296
Duluth, Winnipeg & Pacific		3,802	3,802	74,239	148,411
Fort Worth & Denver				11,813	28,684
Green Bay & Western				171,291	176,915
Kansas City Southern	217,065	195,398	412,463	887,543	2,119,845
Lake Superior & Ishpeming				601,453	510,749
Missouri-Kansas-Texas	819,428	844,174	1,663,602	1,705,562	1,943,662
Missouri Pacific	2,860,506	891,122	3,751,628	4,654,042	6,038,710
Northwestern Pacific				248	680
St. Louis-San Francisco	680,229	2,047,291	2,727,520	2,778,879	3,902,572
St. Louis Southwestern	873	510	1,383	2,207	18,993
Soo Line	125,743	303,494	429,237	959,122	1,692,264
Southern Pacific	1,407	739	2,146	274,432	965,215
Texas & Pacific (Incl. Kans., Okla. & Gulf)	486	191,562	192,048	262,889	346,461
Toledo, Peoria & Western	634,707	1,117	635,824	1,560,091	933,269
Union Pacific	1,394,968	1,001,731	2,396,699	6,015,767	19,322,835
Western Pacific				186,658	429,157
Total, Western District	33,707,002	14,651,610	48,358,612	72,774,534	136,022,135
Total, United States	209,890,786	188,939,380	398,830,166	634,734,331	1,361,950,453

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[1] Includes duplications.

RAILROADS SERVING BITUMINOUS COAL MINES IN THE UNITED STATES

Algers, Winslow & Western: Indiana.

Atchison, Topeka & Santa Fe: Colorado, Illinois, New Mexico.

Baltimore & Ohio: Illinois, Ohio, Pennsylvania, West Virginia.

Bessemer & Lake Erie: Pennsylvania.

Bevier & Southern: Missouri.

Burlington Northern: Illinois, Iowa, Missouri, Montana, North Dakota, Washington, Wyoming.

Cambria & Indiana: Pennsylvania.

Carbon County: Utah.

Carolina, Clinchfield & Ohio: Kentucky, Virginia.

Chesapeake & Ohio: Kentucky, Ohio, West Virginia.

Cheswick & Harmar: Pennsylvania.

Chicago & Eastern Illinois: Illinois, Indiana.

Chicago & Illinois Midland: Illinois.

Chicago, Milwaukee, St. Paul & Pacific: Indiana, Montana, North Dakota.

Chicago & North Western: Illinois, Iowa.

Chicago, Rock Island & Pacific: Illinois, Iowa.

Colorado & Southern: Colorado.

Colorado & Wyoming: Colorado.

Denver & Rio Grande Western: Colorado, Utah.

Detroit, Toledo & Ironton: Ohio.

Erie Lackwanna: Ohio.

Gulf, Mobile & Ohio: Illinois.

Illinois Central: Illinois, Kentucky.

Illinois Terminal: Illinois.

Interstate: Virginia.

Kanawha Central: West Virginia.

Kansas City Southern: Oklahoma.

Kentucky & Tennessee: Kentucky.

Lake Erie, Franklin & Clarion: Pennsylvania.

Louisville & Nashville: Alabama, Kentucky, Tennessee, Virginia.

Mary Lee: Alabama.

Missouri-Illinois: Illinois.

Missouri-Kansas-Texas: Kansas, Missouri, Oklahoma.

Missouri Pacific: Arkansas, Illinois, Missouri, Oklahoma.

Monon: Indiana.

Monongahela: West Virginia.

Montour: Pennsylvania.

Norfolk & Western: Illinois, Iowa, Kentucky, Missouri, Ohio, Virginia, West Virginia.

Penn Central: Illinois, Indiana, Ohio, Pennsylvania, West Virginia.

Pittsburgh & Lake Erie: Pennsylvania.

Pittsburg & Shawmut: Pennsylvania.

St. Louis-San Francisco: Alabama, Arkansas, Kansas, Oklahoma.

Soo Line: North Dakota.

Southern: Alabama, Indiana, Kentucky, Tennessee, Virginia.

Tennessee: Tennessee.

Toledo, Peoria & Western: Illinois.

Union Pacific: Colorado, Wyoming.

Unity: Pennsylvania.

Utah: Utah.

Western Maryland: Maryland, Pennsylvania, West Virginia.

Woodward Iron Co.: Alabama.

Youngstown & Southern: Ohio, Pennsylvania.

RAILROADS SERVING BITUMINOUS COAL MINES IN THE UNITED STATES

STATE, RAILROAD, AND COAL DISTRICT

Alabama: Louisville & Nashville, Mary Lee, St. Louis-San Francisco, Southern, Woodward Iron Co.; 13, 18.

Arkansas: Missouri Pacific, St. Louis-San Francisco; 14.

Colorado: Atchinson, Topeka & Santa Fe, Colorado & Southern, Colorado & Wyoming, Denver & Rio Grande Western, Union Pacific; 16, 17.

Illinois: Atchinson, Topeka & Santa Fe, Baltimore & Ohio, Burlington Northern, Chicago & Eastern Illinois, Chicago & Illinois Midland, Chicago & North Western, Chicago, Rock Island & Pacific, Gulf, Mobile & Ohio, Illinois Central, Illinois Terminal, Missouri Illinois, Missouri Pacific, Norfolk & Western, Penn Central, Toledo, Peoria & Western; 10.

Indiana: Algers, Winslow & Western, Chicago & Eastern Illinois, Chicago, Milwaukee, St. Paul & Pacific, Monon, Penn Central, Southern; 11.

Iowa: Burlington Northern, Chicago & North Western, Chicago, Rock Island & Pacific, Norfolk & Western; 12.

Kansas: Missouri-Kansas-Texas, St. Louis-San Francisco; 15.

Kentucky. Carolina, Clinchfield & Ohio, Chesapeake & Ohio, Illinois Central, Kentucky & Tennessee, Louisville & Nashville, Norfolk & Western, Southern; 8, 9.

Maryland: Western Maryland; 1.

Missouri: Bevier & Southern, Burlington Northern, Missouri-Kansas-Texas, Missouri Pacific, Norfolk & Western; 15.

Montana (bit. & lignite): Burlington Northern, Chicago, Milwaukee, St. Paul & Pacific; 22.

New Mexico: Atchinson, Topeka & Santa Fe; 17, 18.

North Dakota (lignite): Chicago, Milwaukee, St. Paul & Pacific, Burlington Northern, Soo Line; 21.

Ohio: Baltimore & Ohio, Chesapeake & Ohio, Detroit, Toledo & Ironton, Erie Lackwanna, Norfolk & Western, Penn Central, Youngstown & Southern; 4.

Oklahoma: Kansas City Southern, Missouri-Kansas-Texas, Missouri Pacific, St. Louis-San Francisco; 14, 15.

Pennsylvania: Baltimore & Ohio, Bessemer & Lake Erie, Cambria & Indiana, Cheswick &

Harmar, Lake Erie, Franklin & Clarion, Montour, Penn Central, Pittsburgh & Lake Erie, Pittsburgh & Shawmut, Unity, Western Maryland, Youngstown & Southern; 1, 2.

Tennessee: Louisville & Nashville, Southern Tennessee; 8, 13.

Utah: Carbon County, Denver & Rio Grande Western, Utah; 20.

Virginia: Carolina, Clinchfield & Ohio, Interstate, Louisville & Nashville, Norfolk & Western, Southern; 7, 8.

Washington: Burlington Northern; 23.

West Virginia: Baltimore & Ohio; Chesapeake & Ohio, Kanawha Central, Monongahela, Norfolk & Western, Penn Central, Western Maryland; 1, 3, 6, 7, 8.

Wyoming: Burlington Northern, Union Pacific; 19.

RAILROAD STRIKE SITUATION

[As of July 28, 1971]

Railroad	Date	Bit. coal originated 1970 (net tons)	Total carried[1] 1970 (net tons)
Southern	July 16	12,968,122	28,816,431
Union Pacific		2,396,699	6,015,767
Norfolk & Western	July 24	79,380,441	90,308,628
Southern Pacific		----------	----------
Long Island	July 26	----------	125,041
Atchison, Topeak & Santa Fe	July 30	1,487,370	4,455,772
Duluth, Missabe & Iron Range		705,662	948,581
Elgin, Joliet & Eastern		195	9,743,563
Bessemer & Lake Erie		4,947,687	10,558,311
Houston Belt & Terminal		----------	----------
Chicago, Rock Island & Pac	Aug. 6	1,821,764	2,629,270
Chicago, Milwaukee, St. P. & Pac		3,710,289	6,164,302
Missouri-Kansas-Texas		1,663,602	1,705,562
Baltimore & Ohio		36,026,488	48,084,331
Chesapeake & Ohio		59,262,165	73,299,008
Erie-Lackawanna	Aug. 11	320,890	5,359,608
St. Louis-San Francisco		2,727,520	2,778,879
Louisville & Nashville		48,146,273	50,076,293
Total 18 roads		255,565,167	341,069,347
Total all class I RRs		64.1 percent of 398,830,166	53.7 percent of 634,734,331

[1] Includes duplications.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Frelinghuysen (at the request of Mr. Gerald R. Ford), for September 23 through October 12, on account of official business as a member of the House Committee of Foreign Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Fish), to revise and extend their remarks, and to include extraneous matter:)

Mr. McCloskey, today, for 1 hour.

Mr. Keith, on September 23, for 1 hour.

Mr. Kemp, today, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. McKay), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Burke of Massachusetts, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include extraneous matter.

Messrs. Conte and Boland (at the request of Mr. Springer) to extend their remarks prior to passage of H.R. 7072, today.

(The following Members (at the request of Mr. Fish) and to include extraneous matter:)

Mr. Burke of Florida in two instances.

Mr. Springer in six instances.

Mr. Archer in four instances.

Mr. Broomfield.

Mr. Schmitz in two instances.

Mr. Kemp.

Mr. Veysey.

Mr. Pettis.

Mrs. Heckler of Massachusetts in three instances.

Mr. Miller of Ohio.

Mr. Anderson of Illinois in two instances.

Mr. Hunt in two instances.

Mr. Coughlin.

Mr. Chamberlain in two instances.

Mr. Wyman in two instances.

Mr. Brotzman.

Mr. Widnall in two instances.

Mr. Wydler.

Mr. Bray.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Diggs.

Mr. Dingell.

Mr. Evins of Tennessee in four instances.

Mr. Cotter.

Mr. Stokes in two instances.

Mr. Hagan in three instances.

Mr. Moorhead in six instances.

Mr. Carney.

Mr. Bingham in two instances.

Mr. Harrington in three instances.

Mr. O'Neill in two instances.

Mr. Fraser in five instances.

Mr. Gonzalez in two instances.

Mr. Waldie in six instances.

Mr. Hanna in six instances.

Mr. Gallagher in three instances.

Mr. Mathis of Georgia.

Mr. Brinkley.

Mr. Rodino in two instances.

Mr. Rarick in six instances.

Mr. Hechler of West Virginia in three instances.

Mr. Begich in five instances.

Mr. Byron in three instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; and

H.R. 7048. An act to amend the Communication Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz; and

S. 504. An act for the relief of John Borbridge, Jr.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1156. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for fiscal year 1972, has been apportioned on a basis which indicates a need for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1157. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the statistical supplement to the stockpile report for the 6 months ended June 30, 1971, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

1158. A letter from the Secretary of Labor, transmitting a report on the progress and present status of negotiations between most of the Nation's railroads and the Brotherhood of Railway Signalmen, pursuant to

Public Law 92-17; to the Committee on Interstate and Foreign Commerce.

1159. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 21, 1971, submitting a report, together with accompanying papers and an illustration, on Fleschmans Bayou, Ark., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 8, 1964. No authorization by Congress is recommended as the improvements desired by local interests have been provided by the Soil Conservation Service under Public Law 566; to the Committee on Public Works.

1160. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army dated July 23, 1971, submitting a report, together with accompanying papers and illustrations, on Double Bayou, Tex., authorized by the River and Harbor Act approved March 2, 1945. No authorization by Congress is recommended as the desired improvements have been approved by the Chief of Engineers for accomplishment under Section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

1161. A letter from the Administrator of General Services, requesting that approval of various public buildings projects covered in his annual report for 1970 be rescinded; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 10645. A bill to require the establishment, on the basis of the 19th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; with an amendment (Rept. No. 92-486). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; with amendments (Rept. No. 92-487). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. H.R. 10422. A bill to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes (Rept. No. 92-496). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RYAN: Committee on the Judiciary. H.R. 1867. A bill for the relief of Han Choon Hee; with amendments (Rept. No. 92-488). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 3082. A bill for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris; with amendments (Report No. 92-489). Referred to the Committee of the Whole House.

Mr. MAYNE. Committee on the Judiciary. H.R. 3425. A bill for the relief of Helen Tziminadis; with an amendment (Rept. No. 92-490). Referred to the Committee of the Whole House.

Mr. HOGAN: Committee on the Judiciary. H.R. 5579. A bill for the relief of Mrs. Marina Munoz de Wyss (nee Lopez); with an amendment (Report No. 92-491). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes (Rept. No. 92-492). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 617. An act for the relief of Siu-Kei-Fong (Rept. No. 92-493). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 1489. An act for the relief of Park Jung Ok (Rept. No. 92-494). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza (Rept. No. 92-495). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KEMP (for himself, Mr. Dellenback, Mr. Derwinski, Mr. Donohue, Mr. Edwards of California, Mr. Gude, Mr. Halpern, Mr. Hanna, Mr. King, Mr. Lloyd, Mr. Long of Maryland, Mr. Pirnie, and Mr. Riegle):

H.R. 10800. A bill to regulate the disposition of wastes by subsurface injection; to the Committee on Public Works.

By Mr. ABERNETHY:

H.R. 10801. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans; to the Committee on Agriculture.

By Mrs. ABZUG:

H.R. 10802. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance; to the Committee on House Administration.

H.R. 10803. A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDREWS of North Dakota:

H.R. 10804. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542) to designate the Little Missouri River for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BERGLAND:

H.R. 10805. A bill to declare Leech Lake, Cass Lake, and Winnibigoshish Lake in the State of Minnesota to be nonnavigable waters for certain purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKS:

H.R. 10806. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income taxes for expenses incurred by an individual in making repairs and improvements to his residence, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 10807. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. Eckhardt, and Mr. Carney):

H.R. 10808. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 10809. A bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces; to the Committee on Armed Services.

H.R. 10810. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 10811. A bill to amend the Emergency Rail Services Act of 1970 to authorize the Secretary of Transportation to acquire any railroad which defaults on a certificate guaranteed under that act; to the Committee on Interstate and Foreign Affairs.

By Mrs. GREEN of Oregon:

H.R. 10812. A bill to amend title 10, United States Code, with respect to crediting certain service of females sworn in as members of telephone operating units, Signal Corps; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 10813. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10814. A bill to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HOSMER:

H.R. 10815. A bill to amend the Internal Revenue Code of 1954 with respect to the planting date and to allow relief for those citrus and almond growers having a binding contract; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 10816. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 10817. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the annual registration and inspection of food manufacturers and processors; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Anderson of Tennessee, Mr. Madden, Mr. Matsunaga, Mr. O'Neill, and Mr. Sisk):

H.R. 10818. A bill to promote the public welfare; to the Committee on Rules.

By Mr. PETTIS:

H.R. 10819. A bill to provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the U.S. Treasury, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEYSER:

H.R. 10820. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. REES (for himself and Mr. Corman):

H.R. 10821. A bill to authorize grants to States and political subdivisions to assist them in modernizing the management, organization, systems and methods, and operations of their tax administrative agency(ies) by providing training, managerial development, and research assistance; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 10822. A bill to establish a Joint Committee on National Security; to the Committee on Rules.

By Mr. RUPPE:

H.R. 10823. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on iron ore; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 10824. A bill to amend part C of title II of the Economic Opportunity Act of 1964, as amended; to the Committee on Education and Labor.

By Mr. SISK:

H.R. 10825. A bill to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 10826. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

By Mr. STUBBLEFIELD:

H.R. 10827. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 10828. A bill to designate the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

By Mr. PICKLE:

H.J. Res. 883. Joint resolution to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week"; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 884. Joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEED:

H. Res. 610. Resolution providing for the consideration of House Joint Resolution 620, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HECKLER of Massachusetts:

H.R. 10829. A bill for the relief of Joseph Schafer; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 10830. A bill for the relief of Edwardo Catu Suarez; to the Committee on the Judiciary.

H.R. 10831. A bill for the relief of Edwin S. Perry, Jr.; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 10832. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

136. The SPEAKER presented a petition of the Military Order of the World Wars, Washington, D.C., relative to military preparedness, which was referred to the Committee on Armed Services.

SENATE—*Wednesday, September 22, 1971*

The Senate met at 11 a.m., and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend A. A. Banks, Jr., D.D., Second Baptist Church of Detroit, Mich., offered the following prayer:

Almighty God, maker of men and nations, creator and sustainer of the universe, we thank Thee for blessings which providence has bestowed upon us, which history has revealed, and which we presently enjoy.

We thank Thee for the fertility of our soil, for the productivity of our industry, for our Government, for our freedom, for our security, and our hope.

We come now especially to pray for those who make the laws for free people, for those who execute and judge the law, that they may have the mind and spirit, the love and the will of God in them, to the end that the law may be of common benefit to all—that every citizen may have the protection and the assistance necessary to develop his full potentiality for the benefit of all.

May we, in our togetherness, be an example and an inspiration for others.

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer.

In Jesus' name, we pray. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 21, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of William D. Eberle, of Connecticut, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz; and

S. 504. An act for the relief of John Borbridge, Jr.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2118. An act for the relief of Amos E. Norby;

H.R. 2408. An act for the relief of Louis A. Gerbert; and

H.R. 7829. An act for the relief of Stephen H. Clarkson.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2118. An act for the relief of Amos E. Norby;

H.R. 2408. An act for the relief of Louis A. Gerbert; and

H.R. 7829. An act for the relief of Stephen H. Clarkson.

DR. A. A. BANKS, JR., GUEST CHAPLAIN OF THE SENATE

Mr. GRIFFIN. Mr. President, it was, indeed, a privilege and a pleasure for this Senator to be in the Chamber while the convening prayer was being offered by the Reverend A. A. Banks, Jr., a most distinguished clergyman from the State of Michigan.

Dr. Banks is pastor of the Second Baptist Church in Detroit.

Next year, his congregation will observe a silver anniversary—because he will then have completed 25 years of service as pastor of the Second Baptist Church.

Mr. President, not only is Dr. Banks a distinguished and very respected pastor of his own church, but in addition he has earned and he enjoys a reputation as one of Michigan's most outstanding citizens. He is a moral and spiritual leader whose wise counsel has been sought by, and has always been available to mayors, Congressmen, Senators, and Governors in our State—as well as many others beyond the membership ranks of his church.

He serves now as a member of the Michigan Civil Rights Commission. Indeed, he was one of the original members of that commission when it was established in 1964.

He and his wonderful wife, Victoria, are the proud parents of a son and a daughter. Their son, Allan, is a cadet at West Point and their daughter, Tita Victoria, is a student at Wellesley College.

Dr. Banks was ordained in 1942, after receiving his bachelor of divinity degree from the School of Religion at Howard University in Washington, D.C. In addition, he has a master's degree from the Graduate School of Religion at Howard.

He also has a bachelor of arts degree from Bishop College in Dallas, Tex.

Prior to joining the Second Baptist Church in Detroit, he served in Washington, D.C., at the Shiloh Baptist Church.

Mr. President, it is in such men as Dr. Banks that America finds her true strength.

I am very proud to know him. I am also very proud that he is a citizen of my State.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period, not to exceed 15 minutes, for the transaction of routine morning business, with each Senator being limited to 3 minutes.

Is there any morning business?

KEN BELIEU

Mr. BYRD of West Virginia. Mr. President, one of the great and enduring strengths of our Republic is the contribution of individual Americans who consider that the highest calling a man can have is a life of service to his country. To call these men faithful public servants is to underestimate the scope of their contribution, for without them our country would be much the lesser.

One such man is Kenneth E. BeLieu. A man who is personally known by all of our colleagues, a man who enjoys the greatest respect in this Chamber, and a man to whom many of us owe a debt of gratitude. He is leaving his position as Deputy Assistant to the President of the United States and assuming the position of Under Secretary of the Army.

On this occasion of his leaving I would like to pay tribute to this man by reviewing his 30 years of service to his country.

Ken BeLieu began his career of service in 1940 when he volunteered for active duty as a second lieutenant of infantry. For those of us who remember that war, and particularly the speculations about the average lifespan of a second lieutenant in the infantry, it cannot have been an easy choice. And yet it was typical of Ken that he always headed for the toughest challenge.

By 1945, Ken had seen action in the Normandy landing and campaigned in France, the Battle of the Bulge, Germany, and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart, and Croix de Guerre.

At the end of the war Ken BeLieu served in the War Department and on the Army General Staff. He was called to the front again during the Korean conflict, and it was during this war that Ken lost his left leg in combat. Upon his discharge from the hospital, Ken served as executive officer to two Secretaries of the Army before retiring as a colonel in 1955.

During the next 5 years, from 1955 to 1960, Ken was a professional staff member of the Senate Armed Services Committee, the first staff director of the Senate Aeronautical and Space Sciences Committee, and at the same time was staff director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In 1961, Ken BeLieu was appointed Assistant Secretary of the Navy for Installations and Logistics. In 1965 he was appointed Under Secretary of the Navy. For his outstanding work, Ken was awarded the Navy's Distinguished Public Service Award.

On the first official day of the new Nixon administration, January 21, 1969, Ken BeLieu became a Deputy Assistant to the President for Congressional Relations. His principal responsibility was working with the U.S. Senate. It was a wise choice because he quickly won and retained the respect of all our colleagues. I think the reason for this can be put in one word: Integrity. Ken BeLieu's word was always good; a promise made was a promise kept. He always met the tough issues head on, and, above all, he never flagged in his loyalty to one man—the President of the United States. Those of us in this Chamber who differed with Ken BeLieu on one issue or another always respected his position, as he did ours. Mutual respect is the hard currency of the Senate. Ken BeLieu gained our confidence and he never lost it.

Now this man is accepting what will probably be the toughest challenge of his career. He is rejoining the Army in a command position during the Army's time of crisis. The foundations of that institution are being rocked as they rarely have been before. Whether the Army emerges from this trial a better institution will depend in large measure on Ken BeLieu. The President has again made a wise choice in assigning Ken to this job; for he personifies the one quality that is the highest calling in the military—devotion to his country.

We will miss Ken BeLieu in the Senate, and I know the President will miss him. And yet, I know how Ken feels. The Army has been his whole life; and now Ken BeLieu is going home. I wish him well.

The PRESIDENT pro tempore. Is there further morning business?

Mr. SCOTT. Mr. President, I share the same very high respect my friend the Senator from West Virginia has for Ken BeLieu.

I was privileged to be at his swearing in this morning.

He is a man of great ability and persuasiveness. He is of the calm and gentle persuasion type, a man who has served gallantly in two wars, lost a leg in combat, and has served under the Secretary of the Navy and the Secretary of the Army.

He was also a member of the staff of the Senate Armed Services Committee.

I am delighted that his many merits and qualities have been recognized by this new appointment.

Mr. BYRD of West Virginia. Mr. President, I thank the very distinguished minority leader.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972 — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the morning business on today, the pending question, the amendment submitted by the Senator from Wyoming (Mr. McGee), be temporarily set aside and that at the close of business today, at the time of the adjournment of the Senate, the amendment by the Senator from Wyoming (Mr. McGee) again be made the pending question.

The PRESIDENT pro tempore. Is there any objection?

Mr. STENNIS. Mr. President, reserving the right to object, I came into the Chamber a little late. I understand that an agreement has been now reached between the Senator from Wyoming (Mr. McGee) and the Senator from Virginia (Mr. Byrd).

Mr. BYRD of West Virginia. The Senator is correct. Mr. President, by way of explanation, on yesterday several recesses were had in an effort to find a Senator who would be willing to call up an amendment today prior to 1 o'clock.

It was finally agreed upon between staff members of the Senator from Wyoming (Mr. McGee) and the other Senators present on the floor at the time that his amendment No. 423 would be the pending question when the Senate adjourned last night and would be the first amendment to be considered when the Chair laid before the Senate the unfinished business today. However, following the adjournment of the Senate last night, the Senator from Wyoming (Mr. McGee) contacted me to say it would not be possible for him to call up his amendment today.

That is the reason for vacating this unanimous-consent request.

I discussed the matter with the distinguished Senator from Virginia (Mr. Byrd), and it was agreed upon by him and by the Senator from Wyoming (Mr. McGee) that the McGee amendment could be made the pending business at the close of business today.

Also, in the meantime, the Senator from South Dakota (Mr. McGovern) has agreed to bring up his amendment with respect to the B-1 this morning at about 11:15 or 11:30 and, presumably, that matter can be disposed of fairly early. After the disposition of that amendment, and hopefully at about 1 o'clock, the Senator from Wisconsin (Mr. Nelson) will call up his amendment No. 426.

Mr. STENNIS. Mr. President, reserving the right to object, and I shall not object, I thank the Senator from West Virginia for his work in arranging these matters. I also thank Senators for their willingness to call up their amendments for consideration and disposition. The Senator from Wyoming (Mr. McGee) is adjusting his affairs and will be ready in the morning. The Senator from South Dakota (Mr. McGovern) is willing to call up his amendment on the B-1.

This is very fine cooperation. I think we are justified in insisting on getting amendments called up, and if we have to, we should always reserve the right to call up amendments, if necessary, to keep consideration of the bill moving forward.

The PRESIDING OFFICER. The Chair informs the Senate that clarification is needed. Under the existing unanimous-consent agreement, after the

McGee amendment is voted on, the Nelson amendment is to follow.

Mr. BYRD of West Virginia. Mr. President, the Chair is correct. I, therefore, ask unanimous consent that the previous unanimous-consent agreement be vacated and that the amendment by the Senator from Wyoming (Mr. McGee), which was to have been the pending business at the conclusion of morning business today, be made the pending question at the time of the adjournment of the Senate today, and that in the meantime the amendment by the Senator from South Dakota (Mr. McGovern) be offered, considered, and disposed of, following which the amendment No. 426 of the Senator from Wisconsin (Mr. Nelson), on which a 2-hour unanimous-consent agreement has been reached, be then considered and disposed of.

I have discussed this matter with the distinguished majority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, if I may, I would like to make a modest suggestion, although I do not suppose that it will go anywhere.

I do suggest, if possible, that we might discuss the possibility of the various presidential candidates getting together and submitting their amendments to the bill en bloc, and then we might make progress.

Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. Is there further morning business?

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be an additional period of time for the transaction of routine morning business for not to exceed 10 minutes, with statements limited therein to 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SOME OBSERVATIONS ON ATTICA

Mr. SAXBE. Mr. President, we all share, I am sure, the same sense of tragedy caused by the insurrection at Attica Prison which occurred 2 weeks ago in New York. I particularly feel a profound sorrow for the families and friends of those prison guards who were slain during the period of time that the authorities were attempting to regain control of the institution. Certainly, no expression of grief will ever be able to compensate and comfort their loved ones in this their hour of sorrow.

I have observed that in the interim between the date when authority and control were reestablished and now, controversy has flourished and accusations have been made over the judgment exercised by the responsible officials of the State of New York in this matter.

Many of those who were in Attica either as observers or third-party intermediaries have harshly criticized both Governor Rockefeller and Commissioner Oswald for failing to continue indefinitely negotiations with representatives of the inmates. This view is pure nonsense.

I, for one, believe that efforts to reestablish authority over the institution should have been instigated immediately on Thursday, September 9, the day the violence and anarchy commenced. In the alternative an ultimatum should have been issued to release the hostages prior to any negotiations.

As was pointed out by Mr. Nicholas von Hoffman in his article entitled "Prisons, Prison Reform—Death" which appeared in the September 15 edition of the Washington Post, the first rule in the administration of a penal institution is that you never negotiate with inmates holding hostages. The reason for this rule, as Mr. von Hoffman points out, is elemental. When prison guards work among hostages they must be unarmed in order to eliminate the possibility of an inmate disarming them. The guard's sole protection is the knowledge of the prisoner that disarming the guard and taking him hostage will do the prisoner no good.

Second, we must be aware of the fact that the composition of our prison population is changing. With the current leniency in our courts those who are in our prisons are in for serious, even heinous crimes. No longer is the petty criminal—the old time con—a significant and incidentally, a stabilizing segment of our prisons. Added to this changing composition is the increasing militancy of the inmates of our prisons.

Former Gov. Winthrop Rockefeller was quoted in a recent Wall Street Journal article to the effect that the prisoners of today are less inclined to weigh the potential risks prior to taking impetuous actions. I agree with this view. They are less rational and more militant and aggressive. Consequently, they are less likely to accede to any reasonable proposals that prison officials might make during the course of negotiations and more likely to adhere to a set of unrealistic demands. A case in point being the situation at Attica, where the inmates issued an ultimatum that they be granted complete amnesty for their part in the insurrection and be granted guaranteed passage to a "nonimperialistic" country. Quite obviously, neither Governor Rockefeller nor Commissioner Oswald was in a position to grant or even entertain either demand.

The proposition that our prison population is growing ever more militant is verified by the fact that even though the pace of rehabilitation efforts has increased dramatically, we are faced with an even faster rate of prison revolts which have occurred in the last several years. As a matter of fact, there have been seven major prison riots in the last 3 years.

Throughout the country; in California, Mississippi, Maryland, Massachusetts, and my own State of Ohio, the concept that a prison should be a place for rehabilitation and not just for detention enjoys unparalleled acceptance. At Attica on the day the revolt first occurred, six inmates of this maximum security prison were working outside the confines of the prison as carpenters. They enjoyed the same wages as other workers on the project and had assurances of a job when they were released.

Certainly we all share the hope that some day there will be no need for places like Attica and the desire that until that day we our most utmost to rehabilitate those who must pay for their misdeeds by incarceration.

Toward this end, earlier, this year Senators Brooke, Eagleton, Mondale, and myself introduced a Model Criminal Justice Reform Act which was directly aimed at overhauling our criminal justice system. We hope that this measure will someday be enacted into law so that this Nation can be the world leader in the area of the administration of criminal justice. Until that day arrives, however, clearly our resolve in dealing with insurrections like the one at Attica must not be questioned. It should be firm, forthright, and unflinchingly strong, for it is only in this manner that we can insure the safety of our correctional institutions.

EXPANDING U.S. MILITARY PRESENCE IN CAMBODIA

Mr. CHURCH. Mr. President, recent news accounts from Phnom Penh and Washington report the expanding presence of our military in Cambodia.

A 50-man military equipment delivery team headed by Brig. Gen. Theodore C. Mataxis is now to be added to our operations headquartered in Phnom Penh. The general and his staff used to work out of Saigon. In addition to the team, there are 25 servicemen in the office of American military attaché, Col. Harry O. Amos. This military buildup is one more step in the deepening U.S. involvement in the mire of Cambodia a la Vietnam. An American official in Phnom Penh is quoted as saying:

> The next thing they'll want is M.P.'s, then a PX, then a moviehouse, and next thing you know there will be a thousand men here.

There are other items discussed in stories related to U.S.-Cambodian relations worth the attention of the Senate.

Murrey Marder of the Washington Post reported last month, during the visit here of Acting Prime Minister Sirik Matak:

> Cambodia is planning a winter offensive with "American air cover" and South Vietnamese ground support against Vietnamese Communist forces.

Matak had been "worried" that the United States might "withdraw all troops from South Vietnam. One of his associates quickly interjected, 'in the near future.'" However, according to Mr. Marder, 'after seeing President Nixon on Thursday, Sirik Matak said through an interpreter, this 'worry is over.'"

Mr. Marder also reports that Secretary of Defense Laird's "position is that although the American air commitment in Southeast Asia is not 'open-ended,'" Laird would recommend under the Nixon doctrine providing U.S. air support for local forces.

Heavy input of U.S. military equipment, expanding deployment of American military personnel on the ground, and massive U.S. air support operations appear to form the intended future role of our military forces in Cambodia. We may be winding down our ground combat commitment, but we are not ending in toto U.S. military operations in Indochina. That is why Congress must establish a national policy of total withdrawal—land, sea, and air—from this entire area. Otherwise, we could remain involved in hostilities in Indochina indefinitely.

I ask unanimous consent that three newspaper articles on the expanding American military presence in Cambodia be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 20, 1971]

MILITARY GAINS GROUND IN U.S. EMBASSY IN CAMBODIA

(By Craig R. Whitney)

PHNOM PENH, CAMBODIA, September 17.—United States Embassy officials who wanted to keep the supporting American military presence here down to a bare handful have lost some ground that they considered important.

These Americans, led by Jonathan F. Ladd, the embassy political-military counselor and former commander of United States Army Special Forces in Vietnam, have been outmaneuvered, and now, according to diplomatic sources, have less influence in the embassy than the 50-man Military Equipment Delivery Team headed by Brig. Gen. Theodore C. Mataxis.

General Mataxis, who used to spend a couple of days a week in Pnompenh and the rest in Saigon, has now moved to Phompenh with his staff and has more than doubled the size of the Pnompenh contingent of the team. When it moved to Cambodia in January he had 16 men. In May it was expanded to 23.

There are also 63 other men attached to the team but based in South Vietnam, where most Cambodian soldiers get their basic training from the South Vietnamese and are issued equipment—field radios, M–16 rifles, and uniforms—by the Americans. The total of 113 men in Pnompenh and Saigon has been the same since May.

Helped by the equipment, the Cambodian Army has been winning back some territory lost to the enemy.

American military advisers were prohibited in Cambodia by Congress last year. According to a United States official in Pnompenh, the members of military equipment delivery team are not advisers, and are not engaged in training Cambodian troops. "They perform a certain logistic advisory function, seeing that the right equipment gets to the right units and is used "properly," the official said.

FACT SHEET ISSUED

A Department of Defense fact sheet issued in Saigon today and in Washington yesterday emphasized that the team is "operating with the Congressionally approved military assistance to Cambodia" and said that it was deliberately organized with a lower number of personnel than would eventually be needed."

In addition to the team's members there are 25 servicemen in the office of the American military attache, Col. Harry O. Amos.

So far that is all, but one disgruntled advocate of a smaller American establishment here said the other day, "the next thing they will want is M.P.'s, then a PX, then a moviehouse, and next thing you know there will be a thousand men here."

Authoritative American sources here say that is not likely, but the pressure is on the embassy for still more staff members. The team, while operating under the supervision of Ambassador Emory C. Swank, comes under the commander in chief of the Pacific in Hawaii.

The American military aid program last year consisted of $180-million, which included both the expenses of training and equipping Cambodian troops in South Vietnam and delivering other equipment to Cambodia.

This year's request by the Administration is for $200-million, 60 per cent of which goes toward ammunition.

"The guidance from Washington is to help them maintain a light infantry force, modestly supported by artillery and air," one aide said. "In other words, not to make them a goddam conquering army."

The Cambodians have been given six helicopters and six T-28 propeller-driven bombers. They also get air support from American jets based in Vietnam and Thailand. The money for those air strikes is not accountable to the military assistance program here.

According to official sources, the team members make field trips in unmarked American helicopters that come from Vietnam but only to inspect the military equipment and how it is used. Before each trip Ambassador Swank is informed, the sources say.

The four officers on Colonel Amos's staff also make field trips to gather information, the sources said. Colonel Amos does not wear a uniform in Phnom Penh but in his second floor office last week several majors in combat green uniforms came in to make reports.

"Those guys have to grit their teeth when they can't advise," one civilian observer said. "Now they've got a flag officer here, next they will want a major general, then a lieutenant general, and it'll end up being MACC," or Military Assistance Command Cambodia.

So far, however, the Cambodians have not asked for that, and Ambassador Swank, an advocate of the low profile for the American presence here, is likely to hold the day—at least for now.

[From the Washington Post, Aug. 12, 1971]

CAMBODIA PLANS U.S.-AIDED DRIVE

(By Murrey Marder)

Cambodia is planning a winter offensive with "American air cover" and South Vietnamese ground support against Vietnamese Communist forces, Acting Prime Minister Sisowath Sirik Matak said here yesterday.

The Cambodian general told a press conference that he was "worried" before he left his capital of Phnom Penh that the United States might "withdraw all troops from South Vietnam." One of his associates quickly interjected, "in the near future."

"But after seeing President Nixon" on Tuesday, Sirik Matak said through an interpreter, this "worry is over."

Sirik Matak said that Cambodia is now discussing plans with the United States for the intended "dry season" offensive whose objective will be to recapture four provinces in the north and northeast now controlled by North Vietnamese and Vietcong forces.

This operation "will require American air cover" plus reinforcing South Vietnamese troops, he said. The dry season in Cambodia begins in the November-December period.

U.S. officials neither denied nor disputed what Sirik Matak told newsmen in a morning meeting. The Cambodian leader, who also serves as his nation's defense minister, conferred over lunch yesterday with Defense Secretary Melvin R. Laird and other U.S. military planners.

Defense Department spokesmen said afterward that the meeting with Sirik Matak was "private." But they noted that Laird's position is that although the American air commitment in Southeast Asia is not "open-ended," Laird would recommend that the United States provide air support to countries "willing to help themselves under the Nixon Doctrine."

Pentagon spokesman Jerry W. Friedheim confirmed to newsmen earlier that the number of U.S. personnel in the Military Equipment Delivery Team in Cambodia has now been doubled, from 23 to 50.

The total number of these personnel in Saigon or Phnom Penh remains at 113, said Friedheim, but only 63 of them will now be stationed at the supply point in South Vietnam.

The spokesman said the main reason for increasing American personnel in Cambodia is that the Cambodian forces, who were poorly equipped when the United States began providing substantial military aid last year, can now absorb larger quantities of American equipment mostly small arms.

It is known that to comply with congressional sensitivities, the number of U.S. personnel formally "assigned" to Phnom Penh was kept deliberately low, with the bulk of the men based in Saigon and often temporarily assigned to Phnom Penh.

This year, the aid program is expanding with the Nixon administration asking Congress for $200 million worth of military assistance for Cambodia, and $110 million in new economic aid, plus another $11 million worth of "excess" military hardware.

There was great controversy in Congress last year about whether U.S. air operations in Cambodia transgressed President Nixon's pledge that they would be limited to "air interdiction" of enemy forces endangering U.S. troop withdrawals from bordering South Vietnam.

Fears were also expressed that use of American "advisers" might grow into "another Vietnam." This resulted in legislation banning the use of American ground combat troops or advisers in Cambodia.

U.S. personnel in Cambodia are operating neither as advisers or as military trainers, Friedheim said yesterday. But he said the "teams do travel in the countryside from time to time to check on the end use of the equipment." Friedheim said the military personnel "normally" wear uniforms when they travel—a question raised by the suspicions aired last year.

Sirik Matak, in talking with newsmen, referred to Cambodia's armed forces as numbering 220,000. But this is a goal; many units are far under strength or exist only in plans.

Cambodian government forces, he said, now control "two-thirds of the population and the country" and hope to control the remainder as a result of the planned offensive. U.S. officials avoid any such optimistic forecast.

Sirik Matak attempted no prediction about when Cambodia's forces could withstand a major Communist onslaught on their own. Instead, Cambodia's hope, repeated, is that a settlement of the war in Vietnam will result in withdrawal of Communist troops from Cambodia as well. He emphasized his belief that the United States "should not withdraw all forces from Asia."

[From the Washington Evening Star, Aug. 11, 1971]

PENTAGON WILL DOUBLE ITS TEAMS IN CAMBODIA

(By George Sherman)

The Nixon administration is set to double the size of the Pentagon team in Cambodia directing American military deliveries there.

According to informed sources, acting Prime Minister of Cambodia Sisowath Sirik Matak—now on a five-day visit here—was to work out final details in a meeting today with Secretary of Defense Melvin R. Laird.

The plan, according to these sources, is to increase the relatively small "Military Equipment Delivery Team" in Cambodia from 23 to 46, and perhaps 50, officers. In addition, 17 other officers performing standard duties in the embassy remain in the office of the military attache.

The Military Equipment Delivery Team (MEDT, for short) is responsible for channeling military aid—mostly ammunition, rifles, small artillery, communication and amphibious equipment—to the Cambodian armed forces.

LAIRD UNHAPPY

For some time Laird has been unhappy about the inefficiency of having such a small team account for huge amounts of aid. The Nixon administration rushed $185 million military aid to Cambodia in the fiscal year that ended June 30.

It has requested an additional $200 million military aid for this fiscal year in the overall foreign aid package now tied up in the Senate Foreign Relations Committee.

Officials admit that they are under conflicting pressures from Congress about the size of the American military presence in Cambodia. Sen. J. William Fulbright and his Foreign Relations Committee have insisted that the huge military aid program is only the first step to a large American involvement in Cambodia.

To placate them last year, Laird agreed that the U.S. would establish no military training or advisory mission for the 200,000-man Cambodian armed forces. The MEDT has the limited task of supervising delivery of equipment, not its use.

In addition the administration has stuck by the President's pledge that no American ground forces will be reintroduced—as in the invasion with the South Vietnamese in April-May last year.

SCANDAL FEARED

But the chief fear in the Pentagon is that millions of dollars of military equipment will be lost through improper American supervision of its distribution to the Cambodians. The nightmare is that one day the General Accounting Office, watchdog of Congress over the Executive Branch, will uncover a "scandal" the Cambodian aid program produced by this meager American presence.

Even with the increase, officials point out, the U.S. military presence in Cambodia will remain tiny and limited in function, compared to the huge advisory establishments in neighboring Thailand and South Vietnam.

Nevertheless, American officialdom in Cambodia has multiplied enormously since Prince Norodom Sihanouk was ousted in March 1970 and all-out war with North Vietnam and the Viet Cong began. The embassy has grown from five—diplomatic relations had just been re-established in March 1970—to 100 today, including all the military personnel.

Acting Prime Minister Sirik Matak in his public remarks here yesterday, stressed the "evident stabilization" of the military situation, thanks to American aid and Cambodian determination. The Communist siege of the capital of Phnom Penh has been broken and enemy initiative lost, he told a luncheon at the National Press Club.

But Sirik Matak, fresh from an hour with Nixon discussing how to find peace in Asia, coupled his military optimism with concern over the inflationary economic situation. He made it clear that Cambodia needs more and faster economic aid if it is to support the continuing war.

ECONOMIC AID SLOW

U.S. officials admit that economic aid has been funneled there far more slowly than military. Of the $70 million committed last fiscal year, only $20 million has actually found its way to Cambodia. For the present fiscal year, the administration is asking an additional $130 million economic aid—including up to $20 million in PL480 food shipments.

On the diplomatic front, Sirik Matak repeated strong praise of his government for Nixon's visit to Communist China. "We warmly support the recent and dynamic initiatives of President Nixon leading to the establishment of a constructive dialogue with Peking," he said at the Press Club.

The 57-year-old acting prime minister—here in place of the ailing Premier Lon Nol—said Cambodia is ready to participate in a new Geneva conference confirming the neutrality of Indochina first set up in 1954. But he stipulated that deposed Prince Sihanouk and the "few traitors" now residing in Peking not be permitted to attend.

In contrast to Sihanouk, Sirik Matak told questioners yesterday that he expected "a kind of peace" to be restored in Cambodia and Asia by Nixon's talks in Peking. Sihanouk, echoing the line taken by Hanoi, has warned that no "outside powers" can impose a settlement in Indochina.

After the luncheon Sirik Matak conferred with Secretary of State William P. Rogers, and was guest of honor at a dinner given by Rogers and his wife last night. The Cambodian leader leaves Washington for New York Saturday.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I commend the able senior Senator from Idaho, a valued senior member of the Committee on Foreign Relations, for his thoughtful comments this morning. He knows, as do us all, that much of what is going on in Cambodia and most of what is going on in Laos, is done secretly, without the knowledge of Congress, let alone the people.

The PRESIDING OFFICER (Mr. Chiles). The time of the Senator from Idaho has expired.

Mr. SYMINGTON. Mr. President, I ask to be recognized on my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. The question I would ask my able colleague: Would he not include Thailand in this consideration of getting our heavy military out of the Far East, an operation that has cost us so many billions of dollars and so many thousands of lives? We talk about Indochina. Does not the Senator believe we should also eliminate our gigantic military venture in Thailand?

Mr. CHURCH. Yes, indeed. I think we should liquidate this military misadventure in Southeast Asia; and it would be entirely in our national interest to withdraw our military forces from all of Southeast Asia. By that I mean not only South Vietnam, Cambodia, and Laos, but Thailand, as well.

Mr. SYMINGTON. I thank the Senator. We hear repeatedly about what we should do in Indochina. I am very glad to hear the Senator include Southeast Asia. The facts are that we have a considerably greater investment in Thailand, militarily speaking, than in either Cambodia or Laos, and from the standpoint of improved military real estate, an investment that is comparable to ours in South Vietnam.

Mr. CHURCH. I agree with the Senator's comments. I thank the Senator from Missouri.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR AIKEN TOMORROW—PERIOD FOR EULOGIES FOR FORMER SENATOR PROUTY

Mr. BYRD of West Virginia. Mr. President, I have been asked by the majority leader to ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Vermont (Mr. Aiken) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, this time will be under the control of Senator Aiken and is set aside for the purpose of eulogies for our late, departed colleague, Senator Winston L. Prouty, of Vermont.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the 1 hour tomorrow, which has already been set aside for eulogies, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME UNFINISHED BUSINESS TOMORROW AND FOR AMENDMENT 423 TO BE THE PENDING QUESTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow the Senate resume consideration of the unfinished business, and that at that time the pending question be the amendment of the distinguished Senator from Wyoming (Mr. McGee), amendment No. 423, and that the time thereon under the agreement then begin running.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1972 had been apportioned on a basis which indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

Statistical Supplement, Stockpile Report

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the Statistical Supplement, Stockpile Report, for the period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON NEGOTIATIONS BETWEEN THE RAILROADS AND THEIR EMPLOYEES

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on negotiations between most of the Nation's railroads and certain of their employees (with an accompanying report); to the Committee on Labor and Public Welfare.

REQUEST FOR CANCELLATION OF CERTAIN CONSTRUCTION AND ALTERATION PROJECTS

A letter from the Administrator, General Services Administration, requesting that the approval of certain construction and alteration projects be rescinded; to the Committee on Public Works.

MEMORIALS

Memorials were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

Sundry memorials remonstrating against U.S. policy toward Greece; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN, of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 159. Resolution authorizing additional expenditures by the Special Committee on Aging (Rept. No. 92-368);

S. Res. 161. Resolution authorizing the printing as a Senate document of a compilation of statements by Presidents of the United States on international cooperation in space (Rept. No. 92-367);

S. Res. 164. Resolution authorizing the printing of the report entitled "Development of Systems To Attain Established Motor Vehicle and Engine Emission Standards" as a Senate document (Rept. No. 92-366);

S. Res. 168. Resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of part 3 of its hearings entitled "Organized Crime" (Rept. No. 92-365);

H. Con. Res. 319. Concurrent resolution to provide for the printing of two thousand additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day Care Act of 1969" (Rept. No. 92-370);

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970" (Rept. No. 92-371);

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969" (Rept. No. 92-372); and

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain (Rept. No. 92-373).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States (Rept. No. 92-374); and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes (Rept. No. 92-375).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 155. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 92-369).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Philip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2557. A bill to amend the Fair Labor Standards Act of 1938 to provide for a waiver in the increases in the minimum wage provision of such act to protect the continued operation of certain small businesses. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 2558. A bill for the relief of Jean George (Ioannis) Taglis. Referred to the Committee on the Judiciary.

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. ALLEN, Mr. DOLE, Mr. BELLMON, Mr. LONG, and Mr. TOWER):

S. 2559. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans. Referred to the Committee on Agriculture and Forestry.

By Mr. EASTLAND (by request):

S. 2560. A bill to establish the Official Residence of the Chief Justice of the United States by private gift to the United States. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2561. A bill to amend the Intercoastal Shipping Act, 1933, to authorize common carriers by water to provide in their tariffs to or from the State of Hawaii for pickup or delivery of property incidental to ocean carriage, and for other purposes. Referred to the Committee on Commerce.

By Mr. BENTSEN:

S. 2562. A bill for the relief of Guido Bellanca. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2563. A bill to permit individuals who have attained age 65 and are still working to elect to forgo any social security benefits attributable to such work and to receive a refund, or income tax credit, for social security taxes paid by them on account of such work. Referred to the Committee on Finance.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 2564. A bill to exclude certain lands from the boundaries of the Voyageurs National Park. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. ALLEN, Mr. DOLE, Mr. BELLMON, Mr. LONG, and Mr. TOWER):

S. 2559. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans. Referred to the Committee on Agriculture and Forestry.

Mr. EASTLAND. Mr. President, on behalf of Senators STENNIS, ALLEN, DOLE, BELLMON, LONG, TOWER and myself, I introduce for proper referral a bill to amend Public Law 87-128 which will assure that farmers suffering natural disaster situations will have access to timely and adequate financing to save their homes and pursue their livelihoods.

Senators will recall that a tornado in Mississippi in February and an extended drought in Texas and Oklahoma in the spring and early summer brought about natural disaster declarations. Appropriated funds were inadequate to fund the eligible farmers and rural residents whose loan applications had been approved.

The House had passed the supplemental appropriations bill in June and on the morning the Senate Appropriations Committee was marking up the bill it received a request for $65 million additional to provide relief in these areas.

I commend my colleagues for their response and the crisis was averted. But, suppose the request had come up a day later, or that the Congress was in recess and relief had been delayed. Many farmers would have lost their homes and their life earnings in land and equipment.

The bill we offer today will not change our present appropriations process for emergency loans, but it will relieve the pressure on the emergency credit revolving fund. It will enable the Farmers Home Administration to reconstitute farmers obligations over a period that will enable them to overcome their disaster where conditions require it.

I hope that the Senate can give early and favorable consideration to this bill.

By Mr. INOUYE:

S. 2561. A bill to amend the Intercoastal Shipping Act, 1933, to authorize common carriers by water to provide in their tariffs to or from the State of Hawaii for pickup or delivery of property incidental to ocean carriage, and for other purposes. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, I wish to introduce today for appropriate reference a bill to amend the Intercoastal Shipping Act of 1933 to be known as the Hawaii Transportation Act of 1971.

It is difficult to overemphasize the importance of good water transportation between the mainland and our island State of Hawaii. We are reminded of this importance daily and particularly during the west coast shipping strike which has now been going on for some 12 weeks. It is, therefore, critically important to us that we improve that system to more effectively serve the needs of our people through regular and least expensive transportation services.

The measure I introduce today is an effort to do just that.

My bill provides for the following:

Regulatory jurisdiction over through service to and from port terminal area points.

The most important recent development in cargo transportation is the so-called container revolution. Containerization makes possible the transportation of goods from an inland point to dockside, by ship to another dockside and then to another inland point, all without the delays and costs of unpacking and repacking at each step in the process. The economies and time savings made possible by this process have been dramatic in transportation involving ocean carriers, especially in the case of Hawaii given its dependence on ocean transportation. Although Hawaii has enjoyed many benefits from this new technology in the form of container system service, an anomalous system of regulation of the rates assessed for such service has evolved which this proposed legislation will correct.

In its decision in docket No. 912, the Federal Maritime Commission concluded that tariffs naming single-factor ocean rates, that is those which include incidental motor carrier pickup or delivery service from or to port terminal area points along with line-haul ocean transportation are lawful and not contrary to the provisions of section w of the Intercoastal Shipping Act, 1933. This decision recognized that the concept of containerization made it possible for an ocean carrier to provide service from or to off-dock shipper premises as opposed to its historical role of originating or terminating its service at a waters-edge dock or terminal.

An ocean carrier providing container service at single-factor rates authorized by this decision employs ICC certificated motor carriers to conduct the terminal area pickup or delivery service with such underlying service performed on behalf of the ocean carriers at rates and charges published and filed with the Interstate Commerce Comission by the underlying motor carrier. Under this type of arrangement, the motor carrier remains subject to the sole jurisdiction of the ICC in his role as the servant of the ocean carrier while the ocean carrier's service and single-factor rates are regulated solely by the Federal Maritime Commission. This arrangement, under which the ocean carrier has sole responsibility to the shipper for performance of the through service, has been advantageous to shippers while at the same time retaining a scheme of economic regulation wherein each carrier remains subject to the jurisdiction of that agency having optimum expertise in the respective fields of ocean and motor carrier transportation.

Under Public Law 87–595, section 216 (c) of the Interstate Commerce Act was amended in a manner that authorized the Interstate Commerce Commission to exercise economic regulation over joint motor-water rates applying between points in Hawaii and points in the other States of the Union. Under this provision an ICC certificated motor carrier and a common carrier by water, the latter otherwise subject to the shipping acts, may offer through service from or to port terminal area points on the basis of the participating carriers being jointly and severally responsible for the performance of such service.

In contrast to single-factor rates filed with the FMC by common carriers by water employing underlying motor carriers for terminal area drayage service as the servant of the ocean carrier, common carriers by motor and water participate in section 216(c) joint rates as connecting carriers offering joint service with the carriers agreeing privately on their respective share of the joint rate. In *Alaska S.S. Co.* v. *FMC,* 399 F. 2d 623 (9th Cir. 1968) and *Sea-Land Service, Inc.* v. *FMC,* 404 F. 2d 824 (D.C. Cir. 1968), it was affirmed that Public Law 87–595 embraced through service at joint motor-water rates from or to port terminal area points, even though the motor carrier portion of the total service involved only an incidental pickup or delivery service.

As a consequence of the enactment of Public Law 87–595 and its interpretation by the courts, the totality of containerized ocean transportation provided in the Hawaiian trade is subject to dual economic regulation by Federal agencies. Carriers providing container service from or to port terminal area points can select at will the agency—FMC or ICC—under which they prefer to be regulated. The result of this selection process is that the major carrier in the trade is primarily regulated by the FMC while others are primarily regulated by the ICC. This has brought about considerable confusion and uncertainty on the part of the shipping public as well as the competing carriers in the trade. Orderly and effective regulation of the trade requires that the bulk of the containerized cargo moving in the Hawaiian trade be subject to one regulatory jurisdiction.

RATES ON GOVERNMENT IMPELLED CARGO

Under the provisions of section 6, Intercoastal Shipping Act, 1933, common carriers by water are permitted to transport Government impelled cargo at rates reduced without limitation from those applying to commercial cargo. As a result of the amendment to section 216(c) enacted by Public Law 87–595, ocean carriers may also transport such cargo under reduced joint rates pursuant to section 22 of the Interstate Commerce Act. The same previously described selection as to regulatory jurisdiction is available to the container carriers of Government cargo in the trades. Although both the Federal Maritime Commission and the Interstate Commerce Commission can and do require the filing of such reduced rates, the result of sections 6 and 22 is to strip them of any authority to exercise economic regulation over such rates.

Large aggregations of cargo such as Government impelled cargo are particularly prone to special rate or preferential service arrangements with the cost of such preferential treatment potentially borne by commercial shippers in the form of either higher rates or less efficient service. The consuming public served by these commercial shippers should not have to subsidize military shipments.

PURPOSES AND RESULTS OF THE BILL

The transportation of cargo, both commercial and Government impelled, between points in Hawaii and off-dock points in continental U.S. port terminal areas is to be performed only at single-factor ocean rates subject exclusively to the jurisdiction of the Federal Maritime Commission provided that:

First, underlying motor carriers employed by ocean carriers for performance of incidental terminal area services shall remain in all respects under the exclusive jurisdiction of the Interstate Commerce Commission, and

Second, the Interstate Commerce Commission shall retain existing jurisdiction as to economic regulation over joint motor-water rates applying to the transportation of cargo—both commercial and military—between points in Hawaii and points situated beyond the confines of continental U.S. port terminal areas, pursuant to section 216(c) of the Interstate Commerce Act.

In this manner, the majority of the ocean-borne traffic in the Hawaiian trade will become subject to the jurisdiction of the Federal Maritime Commission with benefits to shippers and carriers alike in terms of simplifying and clarifying the regulatory system applying to that trade.

Government cargoes in the Hawaiian trade received or delivered at port terminal area points, like the cargoes of all other shippers, would be subject to economic regulation by the Federal Maritime Commission. As a result of such regulation the Government would receive full protection against unfair conditions of carriage and excessive charges; as it would still be able to secure reduced rates for high volume shipments, in the same manner as any other shipper, subject however to the customary tests of reasonableness and undue preference or discrimination. Section 6 now permits reduced rates and special conditions of carriage without limitation of any kind.

Hopefully, this measure will receive early and favorable consideration. I think it can have an important impact on shipping between the mainland and Hawaii and be an important factor in providing less expensive and more regular service.

By Mr. TOWER:

S. 2563. A bill to permit individuals who have attained age 65 and are still working to elect to forgo any social security benefits attributable to such work and to receive a refund, or income tax credit, for social security taxes paid by them on account of such work. Referred to the Committee on Finance.

Mr. TOWER. Mr. President, over the past few months a number of constituents of mine have called my attention to the fact that retired people who work and receive social security benefits pay social security taxes on their small earnings. Because this situation is so obviously unfair, I am offering a bill which would provide a refund of social security taxes paid by people age 65 and over.

The bill I propose has been carefully constructed to take care of the situation in which a person pays taxes and gets no benefits while at the same time preserving the rights of people who do get higher benefits because of the social security taxes they pay after age 65.

The question of paying social security taxes after age 65 was considered by the 1971 Advisory Council on Social Security. The Council, however, did not recommend any change in the law because the solutions they considered were offered as a compulsory matter and not as a free choice. Because of this, the Council said that if social security taxes were not paid by people age 65 and over, the law would be deliberalized if credit for work after age 65 is not given, or if credit were given, some people who had never worked in covered employment could become eligible for social security benefits without paying any social security taxes by working after age 65—for a person 65 this year it would take 5 years of work to qualify for benefits.

The Council's objectives seem to present no real problem. Under my bill, a person who worked in the year he reaches 65, or after, would have social security taxes deducted from his pay just as is done now. When the time comes for him to file his income tax return, he would have the choice of getting a refund of his social security taxes and not getting social security credit for that year's work. Or he could do nothing and he would get credit for the year's work. The refund system would work just like the provision in present law that applies when a person has more than one employer and pays social security taxes on more earnings than he can be given credit for. And, if a person should make a mistake, the income tax laws give him up to 3 years in which to file an amended return to correct the mistake.

Mr. President, the injustice of the present law is obvious and the objections to the proposal made by the Advisory Council lack substance. The action that the Senate should take is clear. According to the Social Security Administration's actuaries, about 4 million people over age 65 will pay about $900 million in social security taxes for 1972. The bulk of these people will not get any benefits from the additional taxes and I hope that the Senate will see it as I do and relieve the elderly American citizen of an unnecessary and unjust tax burden.

Mr. President, it has been said quite frequently that President Nixon's economic program will not result in a substantial amount of relief to the American workingman. I personally do not hold that view. I believe that the policies he has enunciated will result in substantial relief for all Americans. However, I do feel that the Congress should place a strong emphasis on relieving the economic burdens of our elderly citizens. Because of the crushing effect which inflation has had on older Americans, many of these people have either remained or reenlisted in the labor force in order to supplement their social security benefits.

These people should not be penalized because they engage in productive activity which benefits not only themselves but society as a whole. There are two proposals which Congress should enact in order to provide more equity for our elderly citizens. The proposal I have just described and am now introducing is one of them. In addition, Congress should enact legislation similar to my bill, S. 639, which increases the so-called earnings ceiling for social security beneficiaries. Under current law a social security beneficiary may earn only $1,680 of outside income before deductions are made from his social security payment. S. 639 would increase the earnings ceiling to $3,000 and would furthermore change the way that benefits are reduced when a person earns more than the exempt amount. Under current law, benefits are reduced by $1 for each $2 of the first $1,200 of earnings above the exempt amount and by $1 for each $1 of earnings above that amount—above $2,800 under present law. S. 639 would change that procedure so that the $1 reduction in benefit for each $2 of earnings would apply to all earnings above the exempt amount of $3,000.

Mr. President, these two proposals, if enacted, would result in immediate and substantial relief to a large portion of our elderly population. I believe they should be considered as a means to achieve the necessary relief from the pressures of inflation which has jeopardized the living standards of our elderly citizens. I hope that the Congress will give both of these proposals careful consideration in the near future.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2563

A bill to permit individuals who have attained age 65 and are still working to elect to forgo any social security benefits attributable to such work and to receive a refund, or income tax credit, for social security taxes paid by them on account of such work

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. OPTIONAL CREDIT FOR SOCIAL SECURITY TAXES PAID BY INDIVIDUALS WHO HAVE ATTAINED AGE 65

"(a) General Rule.—In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter, at the election of the taxpayer, the amount of taxes withheld from his wages under section 3102 during the taxable year and the amount of the taxes imposed under section 1401 on his self-employment income for the taxable year.

"(b) Coordination With Section 31(b).—The credit otherwise allowable under subsection (a) for any taxable year shall be reduced by the amount of any credit allowable under section 31(b) for such year.

"(c) Election.—An election under subsection (a) shall be made in such manner as the Secretary or his delegate prescribes by regulations. An election for any taxable year may be made at any time before the expiration of the period for filing claim for credit or refund of overpayment of the tax imposed by this chapter for such year.

"(d) Treatment of Excess Credit.—

"For treatment of excess credit as overpayment of tax, see section 6401(b)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Optional credit for social security taxes paid by individuals who have attained age 65.

"Sec. 41. Overpayments of tax."

Sec. 2. (a) Section 6401 (b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(1) by inserting ", 40 (relating to optional credit for social security taxes paid by individuals who have attained age 65)," after "lubricating oil)", and

(2) by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(b) Section 72(n)(3) of such Code (relating to determination of taxable income for certain purposes is amended by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(c) Section 6201(a)(4) of such Code (relating to assessment authority) is amended—

(1) by striking out "Section 39" in the heading and inserting in lieu thereof "Sections 39 and 40", and

(2) by inserting after "lubricating oil)" in the text "or section 40 (relating to optional credit for social security taxes paid by individuals who have attained age 65)".

Sec. 3. The amendments made by the first section and section 2 of this Act shall apply to taxable years beginning after the date of the enactment of this Act.

Sec. 4. (a) The Secretary of the Treasury shall, as soon as possible after the close of each taxable year, notify the Secretary of Health, Education, and Welfare of each individual who has elected for such year the credit provided by section 40 of the Internal Revenue Code of 1954.

(b) For purposes of computing benefits under title II of the Social Security Act (other than reductions on account of earnings), an individual who elects the credit provided by section 40 of the Internal Revenue Code of 1954 for a taxable year shall be treated as if—

(1) he did not receive any wages subject to the tax imposed by section 3101 of such Code during such year, and

(2) he did not have any self-employment income subject to the tax imposed by section 1401 of such Code for such year.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. Pearson, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 346, the Rural Job Development Act.

S. 1457

At the request of Mr. Sparkman, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 2232

At the request of Mr. McGovern, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2232, the Police Education Assistance Act of 1971.

S. 2332

At the request of Mr. Tower, the Senator from South Carolina (Mr. Thurmond) and the Senator from Maryland (Mr. Mathias) were added as cosponsors of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2512

At the request of Mr. Gurney, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 2512, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and material and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

SENATE JOINT RESOLUTION 135

At the request of Mr. Tower, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S.J. Res. 135, to authorize and request the President to issue annually a proclamation designating one day of each year as "National Law Officers Appreciation Day."

SENATE RESOLUTION 171—ORIGINAL RESOLUTION RELATIVE TO FLOOR PRIVILEGE FOR THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

(Placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution, and submitted a report (No. 92-364) thereon, which report was ordered to be printed.

The resolution is as follows:

S. Res. 171

Resolved, That, Rule XXXIII of the Senate be amended to insert a new line following "The Architect of the Capitol", as follows: "The Chaplain of the House of Representatives."

SENATE RESOLUTION 172—ORIGINAL RESOLUTICN REPORTED RELATING TO A GRATUITY

(Placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 172

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary V. Marshall, widow of Theron W. Marshall, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 173—ORIGINAL RESOLUTION REPORTED RELATING TO A GRATUITY

(Placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 173

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Maybelle I. Jenkins, widow of William E. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 428

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. PACKWOOD submitted an amendment, intended to be proposed by him, to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENT NO. 429

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN submitted an amendment, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 430

(Ordered to be printed and to lie on the table.)

ALLOTT MILITARY PAY INCREASE

Mr. ALLOTT. Mr. President, I am sending to the desk an amendment to the military procurement bill (H.R. 8687). This amendment concerns military pay.

I am assured that this amendment has the full support of the President of the United States. It reflects his concern for equity in military pay, and his deep desire to move as quickly as possible toward an all-volunteer armed force.

The purpose of the amendment is to bring spending for military pay increases back up to the level voted by the Senate 51 to 27 on June 8. It will restore to the men in the lower rank the increases that were eliminated by the draft bill conference committee. It will bring military pay into line with the pay schedules I outlined under the category "suggested compromise" in my Senate remarks on September 13. These new rates will go into effect November 16.

It is my earnest hope that we can act on this measure promptly. I do not need to call to the attention of the Senate the alarming and discouraging reports of declining morale in the Armed Forces. The recent uncertainty about desperately needed pay raises has only aggravated this condition.

I do not need to remind the Senate that the unfortunate delay of the draft bill, with its flawed but necessary pay increases, handicapped the Armed Forces during the peak summer recruiting season. Prompt enactment of my amendment will do much to strengthen the Armed Forces' recruiting efforts.

One hundred and six days ago the Senate voted resoundingly for spending for military pay increases at a level of $2.768 billion on an annualized basis. My amendment will bring new spending for pay increases to $2.747 billion on an annualized basis.

One hundred and six days ago some Senators voted against substantial pay raises because they and the President had doubts as to whether we could afford this. For the rest of fiscal 1972, costs of pay increases, including those contained in my amendment, will be $1.717 billion—a billion dollars less than the Senate originally voted to spend.

The President has given his unqualified support to my amendment. It is my hope that every Senator will support it. Then I am sure the amendment will receive the prompt and favorable attention of the House, and we all will have made a mighty contribution to ending the draft.

Mr. President, I request that the following Senators be listed as cosponsors of this amendment: the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Maryland (Mr. Beall), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), the Senator from California (Mr. Cranston), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Wisconsin (Mr. Proxmire), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from Michigan (Mr. Hart).

AMENDMENT NO. 432

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment, intended to be proposed by him to House bill 8687, supra.

AMENDMENT OF FEDERAL MEAT INSPECTION ACT—AMENDMENT

AMENDMENT NO. 431

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. PEARSON. Mr. President, I submit today for appropriate reference an amendment in the nature of a substitute to the bill S. 571, which I introduced on February 3, 1971. This legislation is offered to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

My original bill was introduced to insure that consumers of imported meat are protected adequately from harmful residues of economic poisons. The bill requires the Secretary of Agriculture to prohibit the importation of meat or meat products when the Secretary determines that the country from which the article is imported has in effect safeguards or procedures insufficient to protect the health, safety, and welfare of American consumers.

The amendment which I offer today in the nature of a substitute will broaden the scope of S. 571, to include protection against drugs used in the raising, slaughtering, or processing of animals. Thus under the terms of this amendment American consumers will be protected both against unreasonable risk of injury from harmful residues of pesticides and herbicides, and from unreasonable risk of harm resulting from residues of drugs used by producers or processors.

The United States within the coming years will implement laws and regulations to insure that residues of economic poisons and drugs do not appear in excessive amounts in domestic production. Because the American consuming public buys more than 1.7 billion pounds of foreign meat each year, the Federal Meat Inspection Act must be amended to insure that the overseas product meets our residue tolerance standards.

I am pleased the Senate Agriculture Committee will begin hearings on S. 571 on September 28, 1971. I believe the amendment which I offer today perfects this legislation, and is appropriate for Senate consideration and passage in this Congress.

ADDITIONAL STATEMENTS

ENDING THE DRAFT NOW

Mr. GRIFFIN. Mr. President, the Senator from Arizona (Mr. GOLDWATER), who is necessarily absent from the Senate today, has requested that I submit on his behalf certain remarks prepared by him on the draft conference report. Accordingly, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ENDING THE DRAFT NOW

Mr. GOLDWATER. Mr. President, in view of the suddenness of the vote taken yesterday on the Conference Report extending the draft, I was unable to discuss my position against that report. Had time permitted, I had intended to give the following remarks, which I shall now place in the RECORD in order to explain my vote on this important issue.

Mr. President, it is my intention today to vote against this bill because I believe that it is long past the time when we should have ended the military draft.

While I understand and sympathize with the problem the current situation places before the Department of Defense, it is my definite opinion that a way can be found to terminate the military conscription program without endangering the national security. It is time for the Pentagon to stop living in the past and start looking ahead.

Mr. President, I should like to point out that under the Goldwater-Hatfield measure of 2 years ago, which would have facilitated replacement of the selective service system by providing inducements for a volunteer army, this situation would not have occurred. However, I wish to recall that the Defense Department saw fit to oppose that bill when it came up for a vote last year and thus deprived the Department of inducements which would have brought thousands of additional enlistments in the Armed Services and avoided the shortfalls of which the Pentagon is now complaining.

In a word, because of a situation it openly invited, the Department of Defense now says it must keep the draft or endanger the national security.

The Defense Department data is admittedly alarming, but it is based on current pay rates. It does not take account of the fact that both Houses of Congress have voted to boost entrance pay by nearly $2,000 a year.

For the E-1 raw recruit, annual compensation would be increased from $3,165 to $4,872. For an E-2, the pay would rise to $5,311 instead of the current rate of $3,345. The average recruit, who now reaches E-3 in only nine or ten months, would get a pay boost from $3,931 up to $5,663. An E-4 would go all the way up to $6,189, a rank within the reach of almost all enlisted recruits in two years at the most. By comparison, the average civilian pay of high school graduates under age 20 is but $4,289 per year, far less than an E-3 private will be making before his first year is up.

In addition, I have not even mentioned the impact of the compensation provisions of the Conference Report on career personnel. The bill contains substantial increases in the housing allowance for the corporals, sergeants, lieutenants, and captains who make up such an important and basic part of our military system.

In view of this, Mr. President, I should like to ask why it would not be possible to pass the pay raise, or an improved version of it, as a separate item and expect the Department of Defense to work as hard as it can to use the new rates as an inducement for increased enlistments. If this does not work after a few months, Congress then could renew the draft or enact additional changes aimed at attracting more enlistees.

In the meantime, to help overcome the current shortfall, I might suggest that the Defense Department could take the following actions:

1. Civilianize some 117,000 enlisted positions, as suggested by the Gates Commission study on a volunteer Army. These positions would include the 95,000 spots which General George Forsythe, Special Assistant to the Secretary of the Army, recently identified as being filled by soldiers who do little more than KP, "cutting grass and performing other household chores."

2. Lift the ban against reenlistments which now prevents some 15,000 men from reenlisting simply because they have not qualified for higher ranks.

3. Stop the early release program under which some 30,000 men leave the service before their full term is up.

Mr. President, if these steps would be implemented at the same time Congress should enact the pay raise features I have described, I am confident we would see an immediate and significant jump in true voluntary enlistments accompanied by a sharp reduction in the military's actual manpower needs. In this manner, Congress could protect the national security interests of our Nation at the same time it secures the all-important right of each American citizen to choose what he is going to do with his life free of Government compulsion.

AMTRAK AND THE UPGRADING OF MISSOURI RAIL SERVICE

Mr. SYMINGTON. Mr. President, Missouri rail passengers are expected to benefit soon from upgraded services on four routes which pass through our State.

The Railroad Passenger Corporation—Amtrak—is purchasing 1,200 of the best available passenger cars at a cost of $16.8 million.

Of the 340 cities and towns served by the rail network, 13 Missouri cities will be among those benefited by the passenger-car additions. On the route between Washington and Kansas City, Amtrak has been replacing all equipment on the "Spirit of St. Louis" with 26 newly purchased passenger cars from four major western railroads. Missouri communities on this route include St. Louis, Kirkwood, Jefferson City, Sedalia, Warrensburg, and Kansas City.

Amtrak also announced plans to introduce a new, low-cost overnight travel service for the Chicago-Los Angeles route, which runs through Kansas City, and increased choices of passenger accommodations on the Chicago-Houston route, which passes through La Plata, Marceline, Carrollton, and Kansas City. Additional new passenger cars are scheduled to be assigned to the Chicago-St. Louis route.

Mr. President, our Nation is linked together by a balanced system of intercity and intracity transportation networks, of which our passenger train system is a very important part. Although we wish that more cities in our State could benefit from this important form of transportation, it is still encouraging to observe the present efforts to upgrade the existing system, particularly as they benefit the citizens of our State.

OBSERVATIONS ON RAPPROCHEMENT IN EUROPE

Mr. JORDAN of Idaho. Mr. President, at the Interparliamentary Union meeting in Paris on September 3, 1971, the distinguished minority leader (Mr. SCOTT) made some interesting observations on rapprochement in Europe. This is a subject of which he has been deeply involved over a period of years and, as he said, has a great and special meaning to the United States. Our colleague is the vice president of the U.S. Group of IPU and along with the distinguished majority leader participated actively during these meetings. I ask unanimous consent that the statement by the minority leader be printed in the RECORD.

There being no objection, the statement was ordered printed in the RECORD, as follows:

STATEMENT OF SENATOR HUGH SCOTT, VICE PRESIDENT OF THE U.S. GROUP, IN THE INTERPARLIAMENTARY UNION GENERAL DEBATE, SEPTEMBER 3, 1971

Mr. President, Fellow Parliamentarians: May I at the outset join the Chairman of our delegation and others here who have expressed their deep appreciation to our French hosts for this opportunity to meet once again in this great capital. Those of us who have been the recipients on many previous occasions of splendid and gracious French hospitality are nevertheless impressed with the outstanding program that has been arranged for us here.

Mr. President, it seems especially appropriate that our conference in this major European capital should have as part of its General Debate agenda the topic of Rapprochement in Europe. I would like to devote my remarks to this subject which is of great and special meaning to the United States, and one in which I have personally long held an interest and played some role.

For Americans, Europe has historically been regarded as being a cornerstone of any structure of world peace. And remembering the recent history of two world wars, there is no more important task than to remove the scars left there by past conflicts and to lay the foundations for the future. We are thankful, in this regard, that the unnatural division of Europe is no longer accepted as inevitable.

Because we have waited so long for today's opportunities for rappochement in Europe, it is all the more important that we neither allow these opportunities to pass untried to the fullest, nor allow them to be dissipated in the form of pious statements whose only real effect might be to lull our peoples into a false, and possibly even dangerous, sense of security.

In this spirit, we welcome the language in the draft resolution calling on all European states "to develop relations among them based on the principles of national independence, equal rights and non-interference in internal affairs." We in the United States believe that every nation in Europe has the sovereign right to conduct independent policies and to be our friend, without being anyone else's enemy or being treated as such.

In the same spirit, we welcome the East-West dialogue that is developing in a variety of fields, some touching very directly on the basic issues of European security. I was pleased to see that the foreign ministers of the North Atlantic Treaty Organization, at their meeting in Lisbon on June 3 and 4, examined again in detail the progress in the current East-West negotiations—negotiations begun at the initiative of members of the Atlantic Alliance, the purpose of which—in the words of the Lisbon communique—is "to seek just solutions to the fundamental problems of European security and thus to achieve a *genuine* improvement of East-West relations."

Various things have occurred since the meeting in Caracas last April which might cause us to review that portion of the language in the draft resolution which states that developments in this field "have recently been lagging behind possibilities."

On May 20, the Soviet and United States Governments issued a joint statement of tremendous importance for peace and security, a statement giving new impetus to the ongoing talks on strategic arms limitations (SALT). Not long thereafter, the same two governments tabled in Geneva a draft treaty that would prohibit the production of bacteriological weapons. I hope this treaty will soon enter into force. The Four-Power talks on Berlin, which began in March 1970 at Western initiative are leading to an agreement by the four governments, paving the way for inner-German talks on Berlin, which one must hope will be equally successful and will help relax tensions concerning Berlin and improve the lives of the Berliners.

The recent more positive Soviet expressions of interest in NATO proposals for mutual balanced force reductions in Central Europe are equally welcome. In return, the NATO Foreign Ministers agreed at their June meeting on practical steps to pursue this subject with interested governments and to have their deputies meet early in the fall to reassess the opportunities for progress in this important field.

Also appropriate to any listing of recent positive signs in this broad field of rapprochement in Europe are such items as the conclusion of the treaty banning emplacement of weapons of mass destruction on the seabed and the ocean floor; the continuing efforts by my Government and others to promote peace on Europe's margin in the Middle East; the ever-increasing successes in the environmental field of the NATO Committee on the Challenges of Modern Society—successes which present a variety of opportunities for closer East-West cooperation; recent efforts by various governments including my own to promote East-West trade; and the continuing bilateral East-West discussions on an eventual Conference on European Security, looking forward to an early start to multilateral exploratory talks once the Berlin negotiations have reached a successful conclusion.

As important to rapprochement in Europe as any development in East-West relations is the growing unity and hoped-for expansion of the European Communities, which also were given major new impetus this spring. These developments have been welcomed heartily by the United States.

For all these reasons, Mr. President, I would not agree that "developments have been lagging behind possibilities." The real problems of European security—the inheritance of a divided Germany, the desire for a viable Berlin, the need to reduce the terrible burden of armaments—such problems of long-standing cannot be erased overnight. We must ask ourselves what contribution would be made to detente by a Conference on European Security that was not carefully prepared and produced only pro-forma statements calling for renunciation of force and for the promotion of trade and technological exchange—without at the same time seeking concrete progress on basic issues of European security or attempting to build better understanding through freer movement of our peoples, of ideas, and of publications.

There is rightly a parliamentary interest in all of our countries in these issues and I welcome our consultations on these matters, while recognizing that the convocation of a Conference on European Security is, in the final analysis, an issue that must be decided among governments.

Having twice in this century been drawn into major wars on the continent of Europe and utterly convinced of the importance of removing the seeds of potential future conflicts, we in the United States will not shrink from playing our role, together with our allies, in a continuing effort to mitigate or remove the underlying causes of tension and confrontation.

We look forward to close cooperation with an ever more united, more prosperous and outgoing European community—a community aware of its responsibilities and obligations in a larger world community—convinced, as we are, that such a Europe is in the interest of us all And we continue to share with our Allies the hope that an end to Europe's divisions some day will bring even broader opportunities for productive relationships.

EXPANDING ECONOMY ESSENTIAL TO SUCCESSFUL DOLLAR DEVALUATION

Mr. PROXMIRE. Mr. President, foreign countries are likely to agree with the United States on a substantial realinement of exchange rates only if they are assured that international trade will continue to expand.

During the hearings the Joint Economic Committee has been conducting on the President's new economic program, renowned economists Edward M. Bernstein and Arthur Okun agreed that negotiations on exchange rate changes and the subsequent implementation of these shifts in currency values would be virtually impossible if the industrial countries follow deflationary or trade restrictionist policies.

Bernstein emphasized that a fall in the value of the dollar relative to other currencies would help stimulate employment in the United States. Exports would increase and imports would be replaced by domestically produced goods. But to the extent that employment increases here, a similar decrease in job opportunities will be imposed upon the trading partners of the United States. Therefore, it is extremely important that the United States concentrate on expanding exports rather than restricting imports as a means of strengthening our trade balance.

In the United States, we must be sure that the fiscal aspects of the new economic program include sufficient stimulus to reduce unemployment substantially. By the same token, other nations will be required to follow expansionary policies to aid workers who will be displaced by additional imports from the United States or lose their jobs as a consequence of decreased shipments to this country.

The shift in other countries, our witnesses emphasized, must be from the manufacture of internationally traded goods to items produced for the domestic market. Such a reallocation of productive resources can and should produce an increase in the standard of living for the citizens of all nations whose currencies will increase in value relative to the dollar. Even though our industrial trading partners enjoy the highest standards of living in the world, each suffers from unmet domestic needs. Japan especially could benefit substantially from additional housing, improvements in transportation and sanitation systems, and a serious effort to combat pollution. Similar opportunities to raise standards of living exist in Western Europe.

The U.S. contribution to successful exchange rate realignment should be early abolition of the import surcharge, a decision not to impose additional protectionist measures suggested by the administration in the form of DISC and a discriminatory investment tax credit, and an early renewal of efforts to achieve through negotiation the multilateral reduction of tariff and nontariff trade barriers.

I ask unanimous consent that excerpts from the testimony of Dr. Bernstein and my colloquy with him be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts

Senator Proxmire. What I wanted to say Dr. Bernstein, where I wanted to bring you was in the direct effect of getting back to a reasonable trade advantage, $7 or $8 billion, would be a $7 to $8 billion stimulus in the GNP which translates again into what, a half million jobs, close to it, maybe 200,000, 350,000 jobs, a substantial increase in the number of jobs which this whole package is supposed to provide. Is it realistic to think we can get back to that, is it really, when we recognize, as you said very well and I think it is so helpful that you said it, if we are going to do this, if we are going to get a $7 or $8 billion favorable balance of trade it means our trading partners are going to have to give up part of their promotion, lose jobs and they are not going to accept that, that will probably be true all over the world.

Dr. Bernstein. Senator, that statement is absolutely correct and you cannot lose sight of it. You cannot get jobs for the US in a favorable trade balance without losing jobs, some people losing more as they find more people for the same number of jobs, but the point is a country like Japan which really has been keeping real income too low, I have been trying to explain this to the Japanese, they had a trade balance of $4 billion last year, and this $4 billion deprived the Japanese people. They didn't need the reserves for private and public investment.

Their delegations when they come to see

me fail to see why they can't or couldn't appreciate the yen because they had all these undone things, the pressure for more income. As I said to them the only way to give the workers real income without inflation is by giving them the goods you are now exporting.

I am hoping that we will now get the right policies and the surplus countries to restore their position.

Incidentally in some countries you have inflation and they don't have to do a thing. They just have to be pleased with less inflation.

Senator PROXMIRE. But I think another element you added to your statement is most helpful which ties in with the position Dr. Okun has just taken is we are going to need a high level of demand worldwide in order to make this work.

Dr. BERNSTEIN. Absolutely.

Senator PROXMIRE. Therefore it is very important that we have the kind of economic stimulus, fiscal stimulus here so that we can work in an area of negotiations which it is possible for our trading partners to accept.

Dr. BERNSTEIN. Precisely.

Senator PROXMIRE. If we have a worldwide stagnation or stagflation or whatever you want to call it, continuing for a couple of years the negotiations are going to be almost impossible. It is only if we have a period of increased production, increased demand, increased prosperity that we can work this out, isn't that correct.

Dr. BERNSTEIN. You are entirely right in everything you said.

Senator PROXMIRE. Therefore a very important part of making the international situation work is to be sure that we take steps in this country, which are so important to the rest of the world, to stimulate our economy and have our economy prosperous.

Dr. BERNSTEIN. That is right, and let me add one more thing because it enters into it too, if the US must increase its trade surplus it is a mistake to do it by cutting all, doing it all by cutting imports, that is deflationary. It is much more helpful if we do less through cutting imports and more through cutting exports—

Senator PROXMIRE. More through expanding exports.

Dr. BERNSTEIN. Increasing exports, excuse me. I don't think we can have very great influence as to the ratios, there are other parameters that will determine what they will be but we ought not to stand in the way of getting the best increase in exports combined with the least increase in imports, and the import surcharge seems to me to be contrary to this philosophy.

Senator PROXMIRE. Gentlemen, I want to thank you very much. We come to the conclusion at a very appropriate time because Friday—we are not having a session tomorrow, but Friday—we are having hearings on the unemployment situation. We are having Geoffrey Moore, Harold Goldstein, and Robert Nathan who will comment on the President's economic program.

The committee will reconvene Friday, September 3rd, in this room at 10:00 o'clock.

(Whereupon, at 12:25 p.m., the committee was adjourned, to reconvene on Friday, September 3, 1971, at 10:00 a.m.)

ADDRESS BY EDWARD RUISCH AT LEWIS AND CLARK TRAIL HERITAGE FOUNDATION MEETING

Mr. MILLER. Mr. President, on August 20 the Lewis and Clark Trail Heritage Foundation held a meeting in Sioux City, Iowa. One of the highlights of this meeting was a commemorative ceremony at the Floyd Monument in Sioux City, where the principal address was given by Mr. Edward Ruisch, of Sioux City, the chairman of the Iowa State Lewis and Clark Trail Committee.

Mr. Ruisch's scholarly treatment of one of the most interesting and inspiring phases of American history merits the attention of the readers of the CONGRESSIONAL RECORD, and I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY EDWARD RUISCH

The Honorable Mayor Berger, Honorable Senator Miller, Officials and Legislators of our City and State, Dr. E. G. Chuinard, President of the Lewis and Clark Trail Heritage Foundation, Boy Scouts and other members of youth organizations, ladies and gentlemen:

Assembled here today, we honor one of many who gave their lives for the development and preservation of this great Nation. This man, Sergeant Charles Floyd, through his sacrifice, was the first American soldier to die in line of duty in that large area purchased from France, and particularly in what later became Iowa territory. Looking south from this vantage point, we can see the area which encompassed his last efforts not far from where the expedition camped for several days negotiating with the Indians. If we could go back 167 years from today, we could envision a scene to which Professor James D. Butler referred in his funeral oration. I quote him—"About noon a flotilla comes in sight, three boats, one of twenty-two oars, and two of six each. They come to land at the base of the bluff and bring ashore a man at the point of death." Reviving a little, Sergeant Floyd says, "I am going to leave you. I want you to write a letter." This letter was sent to his parents in Kentucky.

Some boards carried with the expedition for mending boats, formed a crude coffin, and a flag served as a winding sheet. Borne to the top of this bluff, the Sergeant was buried with military honors. A cedar post was set in place to mark the grave. That grave was about six hundred feet due west from where we now stand near the monument, a spot which is now in the air above the waters of the Missouri River.

It is doubtful that the cedar post remained as a marker for the grave during the next fifty years, however nature, in a rather violent manner brought the grave site back into view. A flood brought on by heavy snow melt in March 1857, caused extreme high water, covering much of the lowlands we see on the far side of the River in Nebraska. The undermining waters caused an avalanche, a large portion of this bluff sliding into the River, and taking with it part of the grave of Sergeant Floyd.

Hastily a group of interested citizens joined to recover some of the remains. A man, light of weight, was let down on a rope so that he could reach into the grave, which was then a hole in the side of the bluff, and collect that which was left. Similarly, more of the remains was recovered from the shore about one hundred feet below. The skull was found near the water's edge. Hoisting all to the top of the bluff, it was noted that the forearms and part of the midsection were missing. All that was left was placed in safekeeping, the skull being taken to a downtown office.

Two months later, May 28, 1857, the remains thus recovered were reburied with appropriate patriotic, and religious ceremonies. Judge N. Levering of the County Court, stated that a procession led by Captain James B. Todd, formed in front of the United States Land Office. Eight bearers, seven of whom were from as many different states, carried the coffin, draped with a flag, to the levees, and boarded the steam ferryboat "Louis Burns" for the voyage downstream to the bluff. Here the second burial site, was about 200 yards east, away from the River, probably near where we now stand. Wood markers were again set in place at the grave, but these soon became souvenirs as parts were whittled away by passers-by. Ten years later—in 1867—a portion of the bluff was graded down to make way for the railroad. Workmen were cautioned about digging into a grave, the exact location not being known. Cattle trampled this prairie area for many years, until in 1895 three men using trowels carefully scraped away the topsoil until they located the outline of a grave, there being a marked contrast between the filled-in yellowish soil and the solid black earth. The remains, when removed from the grave, were identified by the absence of the parts which were missing. A Mr. Marks wrote identifying marks on the skull with a fountain pen in the presence of witnesses—also inscribing his name.

Thus on August 20, 1895, the anniversary date of Floyd's death—76 years ago today—the remains were again reburied with proper ceremony. This time the remains were placed in large pottery urns, one of which was furnished by the Holman brothers who owned the brick yards in Sergeant Bluff, a town just south of here and named in honor of Sergeant Floyd. A large marble slab, properly engraved was placed over the grave. This slab, seven feet long, three feet wide, and about eight inches in thickness, was purchased and set in place for $40.00.

Following this reburial the Floyd Memorial Association was formed for the purpose of erecting a permanent monument. J. C. Hoskins was named as president and Mr. Marks as secretary. This group was certainly assisted and directed by the efforts of the Honorable George D. Perkins, a member of Congress from this district and whom many of us remember as the owner and publisher of the Sioux City Journal. Through his untiring efforts an appropriation of $5,000 was obtained from Congress. An additional $5,000 was approved by the State of Iowa. Local citizens promptly matched these funds by donations amounting to $10,000. As far as we know, these funds constitute the entire cost of the monument, with heavy support from private citizens.

It is a pleasure to add here that an important member of the staff of Mr. Perkin's Journal was the late J. N. (Ding) Darling. Two granddaughters of Mr. Perkins—Miss Elizabeth Sammons and Mrs. Louise Freese—today direct the management of the Journal.

Erection of the monument was started on May 29, 1900, when in one day the concrete foundation—some 278 tons—was completed by continuous pouring. No doubt much of this was done by hand labor.

The ceremony for the laying of the corner stone was again on the anniversary date of the Sergeant's death—August 20, 1900. A special train was run from Sioux City to the bluff site, giving Association members and their families free passage and a round-trip fare of fifteen cents for others. Four hundred people stepped off this train and climbed the bluff, while many others came by horse and buggy transportation. Again the remains of Sergeant Floyd were unearthed, and placed in the base of the monument—hopefully for the fourth and last burial.

The monument was completed and dedicated on May 30, 1901. Thus, ninety-six years after the death of Sergeant Floyd, then on an exploratory venture into the unknown, the citizenry here saw a lasting shaft, one hundred feet high, and similar in design to the Washington Monument. The River has finally been cheated of its prey.

The Lewis and Clark Historical Association was organized on April 30, 1956, for the purpose of obtaining National recognition of the monument. Prompt enthusiasm soon brought fruitful results. School children collected dimes to build the gateway structures. The Martha Washington Chapter of the D. A. R. erected the flagpole where the flag ceremony was held today. The Kiwanis Club of Sioux City donated the floodlighting. We are most grateful to each of these groups.

In May 1960, this monument was properly designated "Registered National Historic Landmark," the first in the United States. The Honorable Fred A. Seaton, Secretary of Interior, officiated at the ceremony.

This monument in memory of the first American soldier who gave his life west of the Mississippi River, and as an important landmark along the entire Lewis and Clark Expedition route, stands as a constant reminder of the foresight and determination of those who strove to develop this Nation. The men who passed by here in 1804 on their way to the Pacific definitely established the West as a part of the United States. They verified the judgment of President Thomas Jefferson, who by purchase from France, bought vast mineral deposits in the mountains along with their recreation areas; likewise a large storage supply of fuel in the forms of coal, gas, and petroleum; also forests of timber for future homes, and probably most important of all—he bought a future breadbasket for the Nation, all for a few cents per acre.

The men of the expedition worked hard. Going upstream often required more pushing than rowing. They crossed uncharted mountains. They met some twenty tribes of Indians with practically no serious skirmishes. They were led by men of tact and understanding, selected by the President. The fact that only one man lost his life during the twenty-eight month journey, was certainly a tribute to caution and preparedness.

It is a pleasure—yes—a duty, to ever honor such men as Sergeant Charles Floyd. It was most appropriate that our forebears erected this monument in his memory. Today, a river and a valley carry his name. Many business firms use it. Schools, parks, streets, golf courses, and a cemetery carry the name Floyd—as does the Sergeant Floyd Area Council, Boy Scouts of America. Every Scout here today knows much of the Floyd story. We are grateful to them for their part in the opening ceremony. May we ask them to also assist in closing this commemorative ceremony as we face the flag to the north, and with them express our loyalty by repeating the "Pledge of Allegiance."

IMPORTATION OF CERTAIN STRATEGIC MATERIAL

Mr. McGEE. Mr. President, on Thursday, September 16, I submitted an amendment to the military procurement bill which would delete entirely section 503 of that bill, essentially dealing with the question of imports of chrome from Rhodesia.

In giving my reasons for this action, I deliberately eschewed a lengthy discussion of the whole question of U.N. actions on Rhodesia—for such a discussion would have to be lengthy indeed. Many of us in this Chamber have differing views about the necessity and the wisdom of developments that go back at least to 1965, and in fact have their roots in the much more distant past. All of us, however, are accustomed to dealing with the world as it is and not as we think it should be. Moreover, a full-scale debate on the entire background to this subject should necessarily begin with a profoundly searching inquiry into the total subject by the Committee on Foreign Relations and its counterpart in the House of Representatives. On this last score, suffice it to say that there has not been the kind of disagreement with the policies of the current administration and its immediate predecessor which could have invoked such a full-scale inquiry.

Therefore, I have on this occasion chosen to argue the question on the much narrower limits which the distinguished Senator from Virginia has himself set. I made two points in particular which I would like to reemphasize at this time. First, I have felt that it would be most unwise—to say the least—to take action which could disrupt the prospect of any successful negotiations between Great Britain and the Ian Smith regime. Second, I have tried to point out the situation with respect to chrome is not unusual when considered in the context of our experience with the imports and prices of various strategic commodities.

Mr. President, I ask unanimous consent to place in the RECORD at this point two items bearing on the above-mentioned points. First, I should like to submit an editorial from the London Daily Telegraph of September 7 entitled "Edging Forward on Rhodesia." The second item gives statistical information about the comparative price trends for various strategic commodities during the last decade. I think these two insertions will help to make the case which I first advanced last Thursday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED RAW MATERIALS PRICE TRENDS AS COMPARED WITH VARIOUS GRADES OF FOREIGN CHROMITE, AVERAGE ANNUAL PRICES 1960-70

[In constant 1967 dollars]

	Presanctions period			Postsanctions period			
	1960	1966	Percent change 1966/60	1967	1970	Percent change 1970/67	Percent change 1970/60
Caromite:							
Southern Rhodesia (48 percent CR_2O_3)	$40.70-41.26	$31.99-36.12	−16.9	$31.00-35.00	(1)	....	....
Turkey (48 percent CR_2O_3)	40.98-43.26	30.44-32.51	−25.3	32.50-33.50	$41.41-42.28	+26.8	−0
South Africa (44 percent CR_2O_3)	22.48-23.34	20.64-22.19	−6.5	18.00-21.50	22.67	+14.8	−1
U.S.S.R. (55 percent CR_2O_3)	(1)	31.48-34.06	....	36.50-40.00	48.04-51.96	+30.7	....
Antimony [2]	.344	.454	+32.0	.44	1.19	+170.4	+245
Fluospar [3]	32.93	37.49	+13.8	38.21	41.39	+10.8	+25
Manganese [4]	.99-1.02	.753-.764	−24.5	.60-.64	.436-.506	−17.6	−53
Nickel [5]	1.05	.98	−6.7	1.02	1.00	−2.0	−4
Tungsten [6]	21.97	38.39	+74.7	43.85	61.39	+40.0	+179
Vanadium [7]	3.47	2.51	−27.7	2.14	[8] 3.23	[8] +50.9	−6

[1] Non pub.

[2] Metal cents per pound. RMM brand, f.o.b., Laredo, Tex.

[3] Metallurgical grade ore (not over 97 percent CaF_2), average values per short ton of U.S. domestic production.

[4] 46 to 48 percent ore, cents per long ton unit. Manganese has experienced a steady fall in price in the period 1960-71 largely due to increased supply in the world.

[5] U.S. cents per pound (99.9 percent nickel content).

[6] Tungsten equivalent in dollars per short ton unit (20 lbs.).

[7] Prices quoted per pound on contained-vanadium basis.

[8] Estimated.

Source: U.S. Bureau of Mines.

[From the London Daily Telegraph, Sept. 7, 1971]

EDGING FORWARD ON RHODESIA

Satisfaction that Lord Goodman will be making another visit to Rhodesia on Sept. 17 will be mixed with some uneasiness at the rather slow speed at which these negotiations are proceeding. It is, no doubt, difficult to force the pace. To be acceptable to public opinion in this country, any agreement must provide for Africans the prospect that they will enjoy full political rights if they reach the standards of merit for the electoral roll, and that on this basis "common roll" non-racial seats in the legislature could override the narrower concept of racial parity. The detail of voting qualifications and the number and nature of "common roll" seats must be an important part of what Lord Goodman will be discussing. No agreement, admittedly, can firmly guarantee Rhodesia's political future, but Britain has a legitimate interest in seeing that any agreement gets it off to a fair start.

There still seems reasonable hope of success, if only because both countries are realising more clearly and with more sense of urgency the benefits that can accrue from an agreement and the dangers that will result from failure. When so little now divides Mr. Smith from Westminster, failure ought to be almost unthinkable, and Lord Goodman has shown himself already an able, understanding and vigorous negotiator. Mr. Smith and his colleagues are clearly becoming more acutely aware of the economic as well as the political difficulties which the present position is creating, despite the widespread breaking of sanctions by so many countries other than the United Kingdom.

The uncertain obstacle in the path is, as ever, Mr. Smith's difficulty with the hard-liners in his own Rhodesian Front party. After the experience of several past occasions when Mr. Smith has appeared to draw back on last-minute fears of a hard-liners' revolt, nothing will be taken for granted. Such fears are bound to have been aggravated by the by-election a month ago in which a hard-line independent candidate polled 456 votes against the official Rhodesian Front candidate's 524. There were, it is true, local and technical factors which could have favoured the independent. Nevertheless, it was a symptom of the progress which the hard-liners have been making with the Rhodesian electorate since the fresh negotiations between London and Salisbury began.

This suggests that time is not on the side of success. The odds are that, once agreement is reached, the vast majority of white Rhodesians will realise the great advantages they will derive from it on balance and will rally behind Mr. Smith. The longer the negotiations continue in secret and leave room for the hard-liners to work on fears of what they call a "sell-out," the more difficult is Mr. Smith's internal position likely to become.

GENOCIDE: HOPE SUPPRESSED

Mr. PROXMIRE. Mr. President, the crime of genocide is based upon the suppression of hope. An element of hope is essential to any kind of effective action. Without hope of success, change for the better, a man believes that there is no use for him to do anything. Despair feeds upon itself. A man feels that a situation is hopeless, and subsequently the situation does become hopeless.

A man accepts the situation as hopeless, and does not resist the tide of horrible events washing up against his helplessness.

Consider this description of the situation confronting prisoners in a concentration camp. The novelist, Elie Wiesel, describes a group of Jews who had just arrived the previous day at a concentration camp, but had already witnessed and heard about the unbelievable acts of atrocity which took place there.

What is meant by the word "unbelievable"? If an act seems unbelievable, then one is forced to choose between believing it or closing one's eyes to reality. Wiesel describes the choice facing the prisoners:

> Those absent no longer touched even the surface of our memories. We still spoke of them—"Who knows what may have become of them?"—but we had little concern for their fate. We were incapable of thinking of anything at all. Our senses were blunted; everything was blurred as in a fog. It was no longer possible to grasp anything. The instincts of self-preservation, of self-defense, of pride, had all deserted us. In one ultimate moment of lucidity it seemed to me that we were damned souls wandering in the half-world, souls condemned to wander through space till the generations of man came to an end, seeking their redemption, seeking oblivion—without hope of finding it.

Mr. President, I urge the Senate to ratify the Genocide Convention soon. This act would give hope to the people of this Nation and the world that the United States will rise to stand with the 75 other nations which have vowed to protect man's dignity against the crime of genocide. If the United States rises up against this crime, no future historian shall charge us with expedient evasion of the issue. Future generations will point at U.S. ratification and say that we still spoke of the past victims of genocide—"Who knows what may have become of them?"—and that we showed our concern for future victims by ratifying the Genocide Convention.

A LETTER FROM A KANSAS CITIZEN

Mr. PEARSON. Mr. President, rarely, I imagine, do Senators read a letter from someone which, by the surprise of its simple and personal honesty, brings a pause in the rush of business and a renewed appreciation for the commonsense of people everywhere.

Such a letter from Mr. Devney M. Mack, Sr., of Fort Scott, Kans., arrived on my desk yesterday.

Without seeking to embellish his remarks, I ask rather—with his approval—that they be printed in the RECORD. I sincerely believe the thoughts in this single letter to be a valuable contribution to the legislative history of the U.S. Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FORT SCOTT, KANS.,
September 19, 1971.

Senator JAMES B. PEARSON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PEARSON: This is a letter I have been a long time in writing because somehow I don't know how to put into words how I feel about the world around me. However since the President has asked all Americans to kind of slow up and take stock of our economic condition for a 90 day period I have called what little courage I have to the front to express my feelings and though I might say it badly, here goes.

Enclosed you will find an 'Income Tax Refund' check that is over 2 years old which we are returning to the United States Treasury by way of your office and thereby hangs a tale.

First of all I am a Negro or black American, whatever terminology is fashionable at the moment, and I have had my share of frustrations at the hands of white America, but I have also reached most of the goals that I set for myself in this same area of subtle white American discrimination.

For example: When I was a boy of 12 years of age I saw a Negro U.S. Railway Mail Clerk standing in the doorway of a U.S. Mail car as the train passed through Fort Scott and then and there I decided that that was the job I wanted and 19 years later I became a U.S. Railway Mail clerk. I also planned to marry a girl from Kansas City and build a white house on a green hill a mile north of Fort Scott on the east side of town and now that I am 59 years old I have been married to the girl from Kansas City for 31 years, I was a U.S. Railway Mail clerk for 24 years, we built the house on a green hill a mile north of Fort Scott just 2 miles west of where I planned as a boy and it is painted gray instead of white. I ended my career as a U.S. Mail Clerk in a severe railroad accident in 1964 that left me minus my left leg and a fractured skull plus other injuries. However the U.S. Post Office Department has spared nothing in trying to make me a useful person again, and today my son and I are contractors to the Post Office Department hauling mail between some Kansas towns plus running a small package delivery service here in Fort Scott.

In retrospect I feel that my government has been good to me and my family, and I was ashamed of my former coworkers in the Post Office Department when they went on strike sometime back. Because I always felt that ours was the best job in the world and that we were handsomely paid for the work we did and for the knowledge that the job required.

Somehow I feel that too many Americans have become too greedy and have lost the will to work and sacrifice and build their security gradually. I feel that everyone in America is aware that we, as a nation, will have to stop somewhere along the line and in the terminology of the day "cool it".

I feel that it is time for most Americans to realize that to earn more they must produce more or more to the point give an honest day's work for a good paycheck.

I feel that it is time for our manufacturers to make good and honest products.

I feel that it is time for the money lenders to quit exploiting the general public, both black and white.

I feel that it is time to tell our young people with their shaggy hair and unkempt clothes that they are just what they look like, a bunch of silly damned fools.

But why go on? Who's going to listen to a Negro, black or Afro-American anyway?

In closing let it be recorded that I feel that I live in a wonderful country, with all the injustices that I as a black man have endured, and I want to do my part to keep it a great country. So as a favor to me please hand the enclosed check over to the proper people.

Yours very kindly,
DEVNEY M. MACK, Sr.

A NEW YEAR WITHOUT HAPPINESS

Mr. HUMPHREY. Mr. President, I noticed in the press of September 21 that more than 900 Jews representing their families have signed an open letter to Soviet officials and the United Nations demanding permission to emigrate to Israel. These families, it is reported, have been told by Albet Ivanov, chief of the administrative section of the Central Committee of the Communist Party that an "unlimited" emigration of Soviet Jews would cause a "brain drain" from the Soviet Union.

So we are forced to assume from these reports that the applicants for emigration will be turned down or, even worse, turned in.

The timing of this news is filled with irony, since Monday and Tuesday of this week were two of the most festive days in the Jewish religious calendar. Jews throughout the world are celebrating the New Year, and in the midst of what would otherwise be a festive occasion comes the reminder of the plight of Soviet Jewry.

This sorrowful reminder can be quickly eradicated if Soviet leaders recognize the basic human rights embodied in the United Nations Declaration of Human Rights, and allow their citizenry to emigrate if they so desire. The right to emigrate is an inherent right of fundamental human liberty.

We in this country recognize that right and there is no reason that we cannot expect the same from the Soviet Union. This issue is not a manifestation of the game of competition between social systems or between superpowers. It is an issue of humanity, something which transcends national boundaries.

I am a cosponsor of Senate Concurrent Resolution 33, which attempts to gather world support on behalf of Soviet Jews and in behalf of halting human injustices now given official sanction in the Soviet Union.

This new year for Jews will pass more solemnly than festively, but it will pass. Then there is next year. But is there a next year for the Soviet Jews? Hope can die with the passage of time, so I call upon all of us here and leaders throughout the world to work for the ultimate goal of securing basic human freedoms in the Soviet Union, as much as in their own countries.

I ask unanimous consent that an article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW YEAR WITHOUT HAPPINESS

Moscow.—More than 900 Soviet Jews, who say they represent 3,000 members of their families, have signed an open letter to Soviet leaders and the United Nations demanding permission to emigrate to Israel.

The petition, circulated yesterday to foreign journalists, was believed to be the largest-scale undertaking of its kind in the struggle of Russian Jews to leave the Soviet Union.

The appeal, addressed to Communist Party leader Leonid Brezhnev, Premier Alexei Kosygin and President Nikolai Podgorny, said all Soviet Jews who wanted to should be guaranteed the right to emigrate.

It criticized the lack of Jewish religious and cultural life in the Soviet Union and said the petitioners "want to live under the Star of David and will do so."

Soviet Jewish sources said a delegation of 70 Jews pressing to imigrate met with Albet Ivanov, chief of the administrative section of party central committee, who told them unlimited emigration of Soviet Jews would cause a "brain drain."

SENATOR GRAVEL'S READING OF PENTAGON PAPERS

Mr. FULBRIGHT. Mr. President, I regret that I was unable to be in the Chamber on Monday morning when the distinguished Senator from North Carolina (Mr. ERVIN) spoke to the Senate about the efforts of the Justice Department to inquire into the activities of Senator GRAVEL in reading the Pentagon Papers before his subcommittee. I have however, read a copy of the Senator's remarks, and I wish to commend him for his keen insight and perceptive analysis of the administration's action in this case.

Mr. President, it is important for all of us to recognize, as Senator ERVIN points out, that "we cannot and should not remain silent and leave to the courts the protection of the Senate's prerogatives," in cases such as this. The senior Senator from North Carolina is to be congratulated for bringing the far-reaching constitutional implications of these recent developments to the attention of the Members of this body.

RESIGNATION OF JUSTICE HUGO BLACK

Mr. MATHIAS. Mr. President, I noted with regret the resignation from the U.S. Supreme Court of Justice Hugo Black. He leaves behind him a long record of very distinguished and dedicated service to our country. We all hope that his problems of health are not as serious as he anticipates, and that he can look forward to many more years of service and enjoyment.

The problem of filling his seat on the Supreme Court is one in which every American has an interest, and one in which the President and the Senate have a very grave joint responsibility. No issues during the period of time I have served in the Senate have been more vexing than those which involved the necessity for the Senate to disagree publicly with the President in arriving at a joint decision which the Constitution thrusts upon us. It would seem to me that a clear way to avoid the difficulties of the past is to achieve the highest degree of consultation possible prior to a nomination.

As a member of the Committee on the Judiciary, I have my own decisions to make regarding any nominee. My decisions cannot help but be made easier, however, by consultation by the President with the Senate through the elected leadership of our party in the Senate.

The minority leader (Mr. SCOTT) is a man in whom all Republicans in this Chamber have shown their faith and respect. He has served the citizens of his State for over 20 years and has served our party in the past as national chairman. I believe he is a man uniquely qualified to offer very sound advice to the President in the selection of a new Justice, and I trust that he will have the opportunity to do so.

PROPOSAL FOR A DEPARTMENT OF HEALTH

Mr. PELL. Mr. President, In the past 10 years the Federal role in health care has increased by leaps and bounds.

The expansion of the Federal Government's role in the delivery of health care services and in health research has resulted in the growth of many new Federal health programs, some of which seem at times to be somewhat uncoordinated, somewhat overlapping, and somewhat lacking in administrative direction.

Representative PAUL ROGERS, the distinguished chairman of the Health Subcommittee in the House of Representatives, recently described this problem in a speech to the American Hospital Association.

Representative ROGERS recommended the creation of a Department of Health as a solution for the lack of coordinated leadership in the management of Federal health programs.

I believe this recommendation of Representative ROGERS deserves our attention and consideration. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF CONGRESSMAN PAUL ROGERS, AUGUST 25, 1971

Mr. President, ladies and gentlemen of the American Hospital Association: I am honored and privileged to meet with you today at this 73d annual convention of the American Hospital Association. Your organization is an effective and articulate voice for health professionals concerned about the quality and delivery of health care in this Nation. You have chosen your leadership wisely and I cannot pass on without commending not only your president and officers—but your executive president, Ed Crosby—and his fine staff—particularly those in Washington who tell your story effectively to the Congress as well as Government agencies—and to the American public.

The health industry is the third largest in the Nation—and predictions project a rapid change to 2d and then 1st. What is more important to any human being than his health? Of all life's blessings good health—is primary—to the enjoyment of all others. In the Declaration of Independence—this priority was set forth: "Life—liberty and the pursuit of happiness"—life—good health—first.

When illness strikes, a person wants the best doctor—the best nurse—the *best facilities* (the best hospital) that is available—and at the best price prossible!

To respond is not an easy task—but it is one which is increasing in demand—with each passing hour.

And we find it difficult to respond to America's health needs. With manpower shortages—and you know the figures:

50,000 doctors short.
20,000 dentists short.
150,000–200,000 nurses.
250,000 paramedical personnel short.

And you know the need of facilities (hospitals, clinics, nursing homes, etc.)—many that need modernization, expansion—relocation and distributions—and expensive new and modern equipment.

And a constant and increasing inflation of costs for health.

All of these factors and others were summed up by the President of the United States when he proclaimed a "health crises"—in the Nation.

The Secretary of HEW—has also acknowledged a health crises—again only yesterday the newest Assistant Secretary of Health and Scientific Affairs, Doctor Du Val—spoke of the "health care crises".

So many times have there been cries of "health crises"—that health has become the "wolf's lament".

But a waiting profession—an impatient Congress and a wanting public—have found too little response by the Department of Health, Education and Welfare to attack the "health crises".

In fact, concern for health programs is running a poor third in a three headed department—and the Department of Health, Education and Welfare has instead become the Department of WEH—Welfare—Education and Health.

The stepchild status to which this Nation's health needs have been relegated affects the well being and purse strings of every American.

Americans suffer when there is no need to suffer. Although we possess the finest medical knowledge in the world today—the United States ranks 14th in infant mortality—(nearly twice the rate for Sweden). The reason is not lack of knowledge—it is lack of access to care. Between 33 and 55 per cent of all women who deliver in public hospitals have no prenatal care.

After infancy—a child faces all too familiar childhood diseases—measles—smallpox—scarlet fever—mumps—in some cases polio and diphtheria. Thankfully the medical genius discovered the miracles that not only cure—but prevent these diseases.

The sad irony is that all Americans cannot share the benefits of this genius. To this Nation's embarrassment, more than half a million children will be struck by a preventable epidemic of measles.

Yet HEW and the Office of Management and Budget tried to eliminate the communicable disease program which would insure total innoculation against such diseases. Of the $75 million authorized by Congress—$2 million was budgeted.

The crises does not end with children—medicare and medicaid—the colossus of our health programs touch between them, 35 million Americans—we have given millions the financial means to obtain health services without considering the availability and deliverability of such services.

The financial resources in the Federal health area have been cut—HEW repeatedly speaks of health crises—then HEW and OMB slashed research budgets in the National Institutes of Health.

While HEW officials joined the call for a cure for cancer through accelerated research, to their embarrassment and the Congress' dismay, on the same day the President asked us for an additional $100 million for cancer research—OMB—the Office of Management and Budget was withholding $20 million which had already been appropriated for the identical purpose.

The American Hospital Association knows all too well that if last year's HEW proposals had been adopted by the Congress, one of the most important and most successful health programs ever implemented in this country—the Hill-Burton program—would be past history today.

And you can take great pride in the fine work you and your organization did—to see that the veto of Hill-Burton was over-ridden by the Congress. A victory for better health care.

There is ample evidence to support my belief that the health budget has not reflected health concern as much as it has the dictates of OMB. In the absence of strong health leadership in HEW, accountants in OMB have set the priorities for health to the exclusion of the medical men who are responsible in the Department of HEW.

In most health programs, local and State planning is required but we find the Federal Government itself has no such planning. Rather HEW has been dealing on a piecemeal basis with a year to year vision.

Any health professional would agree that a key to improved health care is adequate manpower. Yet this year HEW officials came to the hill without being aware or planning that the very legislation they were advocating would solve the manpower shortage. It was admitted in testimony that no one had bothered to determine how many more graduates of health professions schools would be produced by HEW's proposed legislation.

The President, in his message to the Congress in February set out many of our problems in a very clear fashion and I would like to quote from that message:

For some Americans—especially those who live in remote rural areas or in the inner city—care is simply not available . . . primary care physicians and outpatient facilities are in short supply in many areas and most of our people have trouble obtaining medical attention on short notice."

But HEW's actions by advocating the closing of PHS hospitals and clinics and the elimination of the Public Health Corps, run contrary to the President's public concern for this country's health needs.

By closing the hospitals and clinics and halting the corps, we would only contribute to the health care crisis. The President has proclaimed a drug abuse epidemic—HEW responds by proposing to close one of the two Federal clinical drug research centers. We must add to, not subtract from, our assets.

I do not say that inattention to our health crisis is peculiar to this administration.

In great part, this situation is due to an overtaxed department, whose responsibilities are too great and too diverse and whose leadership must spread itself too thinly. Some years ago, I served as chairman of an ad hoc committee charged with investigating HEW's structure. We sought the advice of every segment of the medical community. After detailed study, we recommended the establishment of a separate department charged solely with finding solutions to this country's health problems.

I reassert this belief this morning. I feel it is imperative that a separate department of health, with Cabinet status, be created and shall shortly submit legislation to accomplish this end.

This country can no longer afford makeshift health programs conceived in crisis and designed for political impact rather than going to the solutions to our problems.

Secretary Richardson read part of the laundry list of HEW's problems yesterday when he told you:

"We have a jumble of regional medical programs, State and areawide planning agencies, Hill-Burton planning agencies, community mental health center planners, and a host of others. . ."

And so I take the Secretary's statement as additional evidence of the need for a man to devote all of his time, efforts and thinking to gather in the loose ends and co-ordinate them, to give them priorities. And this man evidently can do this job effectively only as a full Secretary with Cabinet level authority—with access to the President.

We need a Secretary of Health who can lead us in the area of cancer research—not some White House assistant.

We need a secretary of health who can take charge of the drug epidemic and put priority on treatment and rehabilitation programs—not some white house assistant.

The fact that the President has had to take theinitiative in these two areas—drug abuse and cancer research—clearly indicates his lack of confidence in the ability of HEW to do the job.

And we can not expect the President to bring into the White House every pressing health program that our nation faces.

The President is entitled to have a full-time secretary of health who can directly advise and be heard over OMB when needed, a man whose only duty is to evolve better health care for 200 million Americans and those Americans yet unborn.

The people of this nation are entitled to a man who is identified to all Americans as the man responsible for health, not someone buried under a phone book listing of bureaucrats.

The establishment of a separate department of health will help assure that the American genius will again direct itself to the problems of health.

To have a secretary of health would be the strongest step to support our free enterprise system and pluralistic approach to health care—because—to drift aimlessly bring crisis solutions with unthought of consequences.

I have great confidence in the health professions of our nation and that the "health crises" can be met with reasoned planning and actions in establishing proper priorities in the health field.

We should, and we will, reorganize our priorities, I am confident of that. And I am just as confident that those of us in the Congress who will push for this end can count on the American hospital association in helping to meet this challenge—to provide unmatched health care to the people of this nation.

THE LIMITS OF SOCIAL POLICY

Mr. HUMPHREY. Mr. President, in the September issue of the very fine magazine commentary, published by the American Jewish Committee, contains a most perceptive and provocative article entitled "The Limits of Social Policy," written by the eminent educator, sociologist, and social critic, Prof. Nathan Glazer, of Harvard. Declaring that "there is a general sense that we face a crisis in social policy," Dr. Glazer challenges us to review all of our basic premises regarding social policy and to seek some new—and perhaps some old—approaches to the principal problems facing us as a Nation.

It is sobering to be reminded, as Dr. Glazer does, that many a social program we have inaugurated—including some initiated in Congress—has made some progress in alleviating a given distress, only to be the unintended cause for new and sometimes greater problems. It is useful to be made aware of the frustrations as well as the promise that come from rapidly rising levels of expectations on the part of our socially deprived and neglected groups of Americans.

I do not subscribe to everything that Dr. Glazer writes in his thoughtful essay, but I believe that all of us must take seriously his suggestion that "the breakdown of traditional modes of behavior is the chief cause of our social problems" and his conviction that "some important part of the solution to our social problems lies in traditional practices and traditional restraints."

There is danger, of course, that Professor Glazer's statement might be interpreted as opposition to vitally needed social programs like welfare reform and health security and child development programs. But a careful reading of the article will avoid that conclusion. What it says to me is that in the development of social policies we must be more conscious than we have perhaps been in the past of the implications in those policies for the retention and the strengthening of traditional social values.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LIMITS OF SOCIAL POLICY

(By Nathan Glazer)

There is a general sense that we face a crisis in social policy, and in almost all its branches. Whether this crisis derives from the backwardness of the United States in social policy generally, the revolt of the blacks, the fiscal plight of the cities, the failure of national leadership, the inherent complexity of the problems, or the weakening of the national fiber, and what weight we may ascribe to these and other causes, are no easy questions to settle. I believe there is much at fault with the way we generally think of these matters, and I wish to suggest another approach.

The term "social policy" is very elastic. I use it to describe all those public policies which have developed in the past hundred years to protect families and individuals from the accidents of industrial and urban life, and which try to maintain a decent minimum of living conditions for all.[1] The heart of social policy is the relief of the condition of the poor, and it is in that sense I use the term here.

There are, I beleve, two prevailing and antagonistic views of social policy.

One—I will call it the "liberal" view—operates with a model of the social world in which that world is seen as having undergone progressive improvement for, roughly, the past hundred years. The unimproved world, in this view, was the world of early and high industrialism. Market forces prevailed unobstructed, or nearly so. The enormous inequalities they created in wealth, power, and status were added to the still largely unreduced inequalities of the pre-industrial world. This situaton, which meant that most men lived in squalor while a few, profiting from the labor of the many, lived in great luxury, was seen by a developing social conscience as both evil and dangerous. It was evil because of the huge inequalities that characterized it and because of its failure to insure a decent minimum at the bottom levels; and it was dangerous because it encouraged the destitute to rebellion against industry and the state. Consequently, in Bismarck's Germany, and somewhat later on in England, conservative states grew worried about rebellion and workingmen began to be protected against complete penury in old age or in times of unemployment through industrial accident and illness; small beginnings were also made in helping them cover some of the costs of medical care. Gradually, such measures of protection were extended to cover other areas like housing, and were made available to broader and broader classes of people.

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[1] This definition excludes measures aimed at influencing the entire economic or physical environment, even though such measures certainly have some claim to be considered as falling within the realm of social policy and may well be evaluated in terms of their effect on those vulnerable elements of the population who are the special target of social policy. Education, too, falls increasingly into the sphere of social policy, particularly when it is seen as a means of protecting people from poverty and destitution. The same is true of the control of crime, particularly if we see it as a response to poverty and destitution. I shall, however, exclude both these areas from my discussion.

In the liberal view, then, we have a sea of misery, scarcely diminished at all by voluntary charitable efforts. Government then starts moving in, setting up dikes, pushing back the sea and reclaiming the land, so to speak. In this view, while new issues may be presented for public policy, they are never really new—rather they are only newly *recognized* as issues demanding public intervention. Thus the liberal point of view is paradoxically calculated to make us feel both guiltier and more arrogant. We feel guilty for not having recognized and acted on injustices and deprivations earlier, but we also feel complacently superior in comparison to our forebears, who did not recognize or act on them at all.

I have given a rather sharp and perhaps caricatured picture of the liberal view. Liberals are of course aware that new needs—and not simply new recognitions of old needs—arise. Nevertheless, the typical stance of the liberal in dealing with issues of social policy is blame—not of the unfortunates, those suffering from the ills that the social policy is meant to remove, but of society, of the political system and its leaders. The liberal stance is: for every problem there is a policy, and even if the problem is relatively new, the social system and the political system must be indicated for failing to tackle it earlier.

There is another element in the liberal view. It sees vested interests as the chief obstacle to the institution of new social policies. One such interest consists simply of those who are better off—those not in need of the social policy in question, who resist it because of the increase in taxes. But other kinds of obstructive interests are also there: real-estate people and landlords in the field of housing, employers subject to payroll taxes in the field of social security, doctors in the field of medical care, and so on.

Despite the assumption here of a conflict pitting liberals aganst conservatives, I would suggest that the main premises behind this general picture of social policy are today hardly less firmly held by conservatives than they are by liberals. In the American context, conservatives will differ from liberals because they want to move more slowly, give more consideration to established interests, keep taxes from going up too high. They will on occasion express a stronger concern for traditional values—work, the family, sexual restraint. But on the whole the line dividing liberals from conservatives grows steadily fainter. The Family Assistance Program, the major new reform of the welfare system proposed by the Nixon administration, will illustrate my point. Anyone who reads through the Congressional hearings on this proposal will be hard put to distinguish liberals from conservatives in terms of any naive division between those who favor the expansion of social policy and those who oppose it.

It is not only in America that one sees the merging of liberal and conservative views on social policy, and not only today. Bismarck after all stands at the beginning of the history of modern social policy. In the countries of northwest Europe, the differences over social policy between liberals and conservatives are even narrower than they are in this country. In England, very often the issue seems to turn on such questions as what kind of charges should be imposed by the National Health Service for eyeglasses or prescriptions. It was this kind of reduction in the conflicts over basic values in advanced industrial societies that in the 1950's led Raymond Aron and Daniel Bell to formulate their ideas about "the end of ideology." And while in the 1960's all the old ideologies returned to these countries in force, it remains true that ideological battles between major political parties have been startlingly reduced in intensity since World War II.

Having incorporated the conservative point of view on social policy into the liberal, I will go on to the only other major perspective that means much today, the radical. The radical perspective on social policy comes in many variants, but they can all be summed up quite simply: If the liberal, and increasingly the conservative, believes that for every problem there must be a specific solution, the radical believes that there can be no particular solutions to particular problems but only a general solution, which is a transformation in the nature of society itself.

This point of view has consequences, just as the liberal point of view does. If, for example, the conservative proposes a guaranteed annual income of $1,600 for a family of four, and the liberal proposes that the figure be doubled or tripled, the radical will feel quite free to demand an even higher minimum. He knows that his figure is unlikely to be adopted, but he also knows that he can cite this failure as proof of his contention that the system cannot accommodate decent social demands. If, on the other hand, his policy or something like it is taken seriously, he can hope for a greater degree of class conflict as demands that are very difficult to implement are publicized and considered. And even if his policy is implemented, the radical remains firm in his faith that nothing has changed: the new policy is after all only a palliative; it does not get to the heart of the matter; or if it does get to the heart of the matter, it gets there only to prevent the people from getting to the heart of the largest matters of all. Indeed, one of the important tenets of radicalism is that nothing ever changes short of the final apocalyptic revolutionary moment when everything changes.

As against these two perspectives—the one that believes in a solution to every problem, and the other that believes in no solution to any problem save revolutionary change—I want to present a somewhat different view of social policy. This view is based on two propositions:

1) Social policy is an effort to deal with the breakdown of traditional ways of handling distress. These traditional mechanisms are located primarily in the family, but also in the ethnic group, the neighborhood, and in such organizations as the church and the *landsmanschaft*.

2) In its effort to deal with the breakdown of these traditional structures, however, social policy tends to encourage their further weakening. There is, then, no sea of misery against which we are making steady headway. Our efforts to deal with distress themselves increase distress.

I do not mean to suggest any automatic law. I do suggest processes.

One is the well-known revolution of rising expectations. This revolution is itself fed by social policies. Their promise, inadequately realized, leaves behind a higher level of expectation, which a new round of social policy must attempt to meet, and with the same consequences. In any case, by the nature of democratic (and perhaps not only democratic) politics, again and again more must be promised than can be delivered. These promises are, I believe, the chief mechanisms in educating people to higher expectations. But they are, of course, reinforced by the enormous impact of mass literacy, the mass media, and expanding levels of education. Rising expectations continually enlarge the sea of felt and perceived misery, whatever may happen to it in actuality.

Paralleling the revolution of rising expectations, and adding similarly to the increasing difficulties of social policy, is the revolution of equality. This is the most powerful social force in the modern world. Perhaps only Tocqueville saw its awesome potency. For it not only expresses a demand for equality in political rights and in political power; it also represents a demand for equality in economic power, in social status, in authority in every sphere. And just as there is no point at which the sea of misery is finally drained, so, too, is there no point at which the equality revolution can come to an end, if only because as it proceeds we become ever more sensitive to smaller and smaller degrees of inequality. More important, different types and forms of equality inevitably emerge to contradict each other as we move away from a society of fixed social orders. "From each according to his abilities, to each according to his need"; so goes one of the greatest of the slogans invoked as a test of equality. But the very slogan itself already incorporates two terms—"abilities" and "needs"—that open the way for a justification of inequality. We live daily with the consequences of the fact that equal treatment of individuals does not necessarily lead to "equality" for groups. And we can point to a host of other contradictions as well which virtually guarantee, that the slogan of "equality" in any society at all will continue to arouse passions and lead to discontent.

But in addition to the revolution in rising expectations and the revolution of equality, social policy itself, in almost every field, creates new and, I would argue, unmanageable demands. It is illusory to see social policy only as making an inroad on a problem; there are dynamic aspects to any policy, such that it also expands the problem, changes the problem, generates further problems. And for a number of reasons, social policy finds it impossible to deal adequately with these new demands that follow the implementation of the original measures.

The first and most obvious of these reasons is the limitation of resources. We in this country suffer from the illusion that there is enough tied up in the arms budget to satisfy all our social needs. Yet if we look at a country like Sweden, which spends relatively little for arms—and which, owing to its small size, its low rate of population growth, and its ethnic homogeneity, presents a much more moderate range of social problems than does the United States—we will see how even the most enlightened, most scientific, least conflict-ridden effort to deal with social problems leads to a tax budget which takes more than 40 per cent of the Gross National Product. And new items are already emerging on Sweden's agenda of social demands that should raise that percentage even higher. For example, at present only a small proportion of Swedes go on to higher education. Housing is still in short supply and does not satisfy a good part of the population. And presumably Swedish radicals, growing in number, are capable of formulating additional demands, not so pressing, that would require further increases in taxation—if, that is, any society can go much beyond a taxation rate of 40 per cent of its Gross National Product.

In this country, of course, we still have a long way to go. By comparison with Sweden and with other developed nations (France, West Germany, and England) our taxes are still relatively low, and there is that huge 8 per cent of the GNP now devoted to arms and war that might be diverted, at least in part, to the claims of social policy. But social demands could easily keep up with the new resources. We now spend between 6 and 7 per cent of the GNP on education, and about as much on health. It would be no trick at all to double our expenditures on education, or on health, simply by taking account of proposals already made by leading experts in these fields. We could with no difficulty find enormous expenditures to make in the field of housing. And quite serious proposals (I believe they are serious) are now put forward for a guaranteed minimum income of $6,500 for a family of four, with no restrictions.

My point is not that we either could not or should not raise taxes and use the arms budget for better things. It is that, when we look at projected needs, and at the experience of other countries, we know that even with a much smaller arms budget and much higher taxes, social demands will continue to press on public resources. And we may suspect that needs will be felt then as urgently as they are now.

A second limitation on the effectiveness of social policy is presented by the inevitable professionalization of services. Professionalization means that a certain point of view is developed about the nature of needs and how they are to be met. It tends to handle a problem by increasing the number of people trained to deal with that problem. First, we run out of people who are defined as "qualified" (social workers, counselors, teachers, etc.). Second, this naturally creates dissatisfaction over the fact that many services are being handled by the "unqualified." Third, questions arise from outside the profession about the ability of the "qualified" themselves to perform a particular service properly. We no longer—and often with good reason—trust social workers to handle welfare, teachers and principals to handle education, doctors and hospital administrators to handle health care, managers to handle housing projects, and so on. And yet there is no one else into whose hands we can entrust these services. Experience tells us that if we set up new agencies it will be only a very few years before a new professionalism emerges which will be found limited and untrustworthy in its own turn. So, in the poverty program, we encouraged the rise of community-action agencies as a way of overcoming the bad effects of professionalism, and we already find that the community organizers have become another professional group, another interest group, with claims of their own which have no necessary relation to the needs of the clients they serve.

The third limitation on the effectiveness of social policy is simply lack of knowledge. We are in the surprising position of knowing much more than we did at earlier stages in the development of social policy—more about income distribution, employment patterns, family structure, health and medical care, housing and its impact, etc.—and simultaneously becoming more uncertain about what measures will be most effective, if effective at all, in ameliorating pressing problems in each of these areas. In the past, there was a clear field for action. The situation demanded that something be done; whatever was done was clear gain; little as yet was expected; little was known, and administrators approached their tasks with anticipation and self-confidence. Good administrators could be chosen, because the task was new and exciting. At later stages, however, we began dealing with problems which were in some absolute sense less serious, but which were nevertheless irksome and productive of conflict. We had already become committed to old lines of policy; agencies with their special interests had been created; and new courses of action had to be taken in a situation in which there was already more conflict at the start, less assurance of success, and less attention from the leaders and the best minds of the country.

Thus, if we look at the history of housing policy, for example, we will see that in the earlier stages—the 20's and 30's—there was a good deal of enthusiasm for this subject, with the housing issue attracting some of the best and most vigorous minds in the country. Since little or nothing had been done, there was a wide choice of alternatives and a supply of good men to act as administrators. In time, as housing programs expanded, the issue tended to fade from the agenda of top government. (Indeed, it has been difficult to get much White House attention for housing for two decades.) Earlier programs precluded the possibilities for new departures, and as we learned more about housing and its effects on people, we grew more uncertain as to what policies—even theoretically—would be best. Housing, like so many other areas of social policy, became, after an initial surge of interest, a field for experts, with the incursions of general public opinion becoming less and less informed, and less and less useful. This process is almost inevitable—there is always so much to know.

Perhaps my explanation of the paradox of knowledge leading to less confident action is defective. Perhaps, as the liberal perspective would have it, more knowledge will permit us to take more confident and effective action. Certainly we do need more knowledge about social policy. But it also appears that whatever great actions we undertake today involve such an increase in complexity that we act generally with less knowledge than we would like to have, even if with more than we once had. This is true for example of the great reform in welfare policy—which I shall discuss below—that is now making its way through Congress.

But aside from these problems of cost, of professionalization, and of knowledge, there is the simple reality that every piece of social policy substitutes for some traditional arrangement, whether good or bad, a new arrangement in which public authorities take over, at least in part, the role of the family, of the ethnic and neighborhood group, or of the voluntary association. In doing so, social policy weakens the position of these traditional agents, and further encourages needy people to depend on the government, rather than on the traditional structures, for help. Perhaps this is the basic force behind the ever growing demand for social policy, and its frequent failure to satisfy the demand.

To sum up: Whereas the liberal believes that to every problem there is a solution, and the radical believes that to any problem there is only the general answer of wholesale social transformation, I believe that we can have only partial and less than wholly satisfying answers to the social problems in question. Whereas the liberal believes that social policies make steady progress in nibbling away at the agenda of problems set by the forces of industrialization and urbanization, and whereas the radical believes that social policy has made only insignificant inroads into these problems, I believe that social policy has ameliorated the problems we have inherited but that it has also given rise to other problems no less grave in their effect on human happiness than those which have been successfully modified.

The liberal has a solution, and the radical has a solution. Do I have a solution? I began this discussion by saying that the breakdown of traditional modes of behavior is the chief cause of our social problems. That, of course, is another way of saying industrialism and urbanization, but I put it in the terms I did because I am increasingly convinced that some important part of the solution to our social problems lies in traditional practices and traditional restraints. Since the past is not recoverable, what guidance could this possibly give? It gives two forms of guidance: first, it counsels hesitation in the development of social policies that sanction the abandonment of traditional practices, and second, and perhaps more helpful, it suggests that the creation and building of new traditions must be taken more seriously as a requirement of social policy itself.

II

A nation's welfare system provides perhaps the clearest and severest test of the adequacy of its system of social policy in general. Welfare, which exists in all advanced nations, is the attempt to deal with the distress that is left over after all the more specific forms of social policy have done their work. After we have instituted what in America is called social security (and what may generally be called old-age pensions); after we have expanded it to cover widows, dependent children, and the disabled; after we have instituted a system to handle the costs of medical care, and to maintain income in times of illness; after we have set up a system of unemployment insurance; after we have enabled people to manage the exceptional costs of housing—after all this there will remain, in any industrial system, people who still require special supports, either temporarily or for longer periods of time.

In thus describing the place of welfare, or "public assistance," in a system of social policy, I am of course describing its place in an *ideal* system of social policy. I do not suggest for a moment that our program of social security, health insurance, unemployment insurance, housing, are as yet fully adequate (though as I understand these matters, even if they were better, they would still not be seen as fully adequate). The strange thing, however, is that even if we go to countries whose systems of social insurance could well serve as models of comprehensiveness and adequacy, we find that the need for welfare or public assistance still remains, and on a scale roughly comparable to our own. In Sweden, the number of persons receiving public assistance was 4.4 per cent of the population in 1959, and it was in the same year less than 4 per cent in America. In England, despite the broad range of social policy there, the number of those on Supplementary Benefits—the English welfare, formerly known as National Assistance—is of the same order of magnitude. In Sweden and England, too, we find concern, though much less than here, over the stigma of welfare, over the effects of a degrading means test, over the problem of second- and third-generation welfare families.

Why, then, do we have, or consider that we have, a greater problem than they do? One reason is that, whereas in Sweden the proportion of those on welfare declines as other forms of social insurance broaden their coverage and become more effective, quite the opposite has happened here. In this country, there has been a rise in the number of people on welfare during the past decade. The rise is not phenomenal—from 4 to 6 per cent of the population. Nor, interestingly enough, despite the increased cost of welfare, does it form a really heavy burden on the budget. The cost of welfare, though rising, still accounts for only a bit more than one per cent of the Gross National Product, and 6 per cent of the federal budget. However, it forms a greater share of state and local revenues, and in some larger cities up to 15 per cent of the population is on welfare. That is one reason it has become a serious problem.

But there are more important reasons. In Sweden and England a high proportion of those requesting public assistance are the aged; in America the aged constitute a smaller proportion of the welfare population, and families a much larger share. Indeed, our increase over the past ten years has been almost entirely concentrated in the family population, those assisted under the federal program called Aid to Families with Dependent Children (ADC). Here the situation is quite startling. In 1955, 30 out of every thousand American children received welfare; by 1969 this had doubled to more than 60 out of every thousand. In New York City, where eligibility has always been broad, and where the city and the state provide welfare to families not covered by the federal statute, the increase has been even more dramatic. In 1960, there were 328,000 persons on welfare in New York City, of whom 250,000 were in the family categories (children and their parents). In 1969, there were 1,012,000—about 12 or 13 per cent of the population—of whom 792,000, or four-fifths, were in the family categories. Yet during the same period, there seems to have been a drop in the number of families in poverty—from 13 to 10 per cent of all families—and the rate of unemployment was halved, from 6 per cent to 3 per cent.

A second reason why welfare is a more serious matter in America than in Sweden or England is that in those countries it is a problem of the backward areas, whereas here it is a problem of the most advanced. A third and final reason is that welfare has come to be seen in America as a *regular* means of *family support*. In England and Sweden welfare is thought of as emergency aid, provided in response to a special crisis, and meant to put a destitute family back on its feet. In America the situation of the destitute family is increasingly considered a more or less permanent condition for which provision over a very long period of time must be made.

Why should all this be so? One of the most popular explanations to be advanced is that no jobs are available for the men—mainly unskilled—who would ordinarily support these families. In fact, however, unskilled jobs were widely available in the latter part of the 60's, just when the number of families on welfare increased so impressively. It is true that these jobs did not generally pay enough to support a family, but it is also true that large numbers of the urban unemployed were young and unmarried men and women who were not as yet required to support families on their own, though they might well have been capable of contributing to the support of the parental household in which they presumably lived. (The majority of American families, as it happens, are supported by two earners, or more.)

There is a modified form of the argument that no jobs are available, which is that since the actually available jobs do not pay enough to support a family, and since there is no way for working husbands to get supplementary assistance, they are encouraged to defect in order to make their families eligible for help. But let us consider the advanced jurisdictions, like New York State, where complete families *are* eligible for support and have been for a long time, and where a working husband *can* have his income supplemented to bring it up to some necessary minimum for the support of his family. It is just in these jurisdictions that we have had the most remarkable increase in the number of families broken up by abandonment. In 1961 there were about 12,000 deserted families on welfare in New York City. In 1968, there were 80,000, a more than sixfold increase during a period when the population of the city, in overall numbers, remained stable. During the same period, there was a more moderate increase in the number of welfare families that consisted of mothers and illegitimate children, from 20,000 to 46,000. In other words, the family welfare population shifted to one overwhelmingly consisting of abandoned women and their children.

Another effort to account for the situation argues that high welfare payments in New York and other Northern cities encouraged migration from the South and from the rural areas. This probably played some role. But there is no evidence that abandoned families in these areas moved to New York in larger numbers in the 60's than in the 50's. And if the abandonment took place in New York, in a brisk job market, we would want to know why it took place, and migration would not be the explanation.

Then there is the view which holds that in the 1960's—with the spread of concern about poverty, with the development of community organizations, and with the rise of such groups as the National Welfare Rights Organization—more and more of the poor discovered their entitlement to welfare, more and more became willing to apply for it, and higher and higher proportions of those applying were accepted. According to this explanation then, it was not the poor who increased in numbers, but only the poor on welfare. This is undoubtedly part of the story. But think once again of that huge increase in the number of abandoned families on welfare. If there were just as many, or almost as many, before, what did they do to stay alive?

Still another interpretation emphasizes the fact that the levels of welfare aid in New York became higher during the 60's. This would certainly mean that more and more workers could apply for income supplements. But why would it mean a six-and-a-half times increase in the number of abandoned families?

One must take developments in New York seriously because in many respects they can be considered a test run of the Family Assistance Program, the reform in the welfare system proposed by the Nixon administration and still working its way, after various revisions, through Congress. Without going into detail, and leaving aside the fact that welfare would acquire a national floor and a national administration, there are, I believe, four major features that distinguish the Family Assistance Program from the system we have at present.

The most important is that the working poor would be included in the same system as the nonworking poor. The reasoning behind this feature is as follows. Welfare levels cannot be raised if people on welfare get as much as, or more than, people who are working. This would first of all lead to political resistance and resentment on the part of the working poor. Further, they would try to redefine themselves as incapable of work in order to get the higher benefits of the nonworking poor. If, however, the working poor are also included, their resistance to higher levels of welfare will decline, and they will have less incentive to become non-working.

A second major difference is that a substantial incentive to work is built into the program. Thus, working leads not to the loss of welfare benefits but to an overall increase in the family income. Family Assistance payments are reduced when there is more earned income, but only as a proportion of the increased earnings.

Third, the grant would in part be divorced from services and from the stigma of investigation. It cannot be fully divorced from investigation—it is after all a grant based on need—but the hope is that in its administration it will become more of an impersonal income-maintenance program and less involved in the provision of help through services rather than through money.

A fourth feature of the new law is that, in addition to building in an incentive to work, it contains a *requirement* that everyone capable of work register for job training or for employment. If there is a father, he must register, if there is no father, the mother must register unless she has children still below school age. (This feature has been the target of much criticism, because of the element of compulsion.)

What are we to conclude about the prospects of the new system? Since all four of its features are in large measure already in existence in New York State, whose condition is not exactly of the happiest, we can be sure that Family Assistance will not succeed in "solving" the problems of welfare. What it will do is redistribute more income, and put more money into the pockets of the poor. It will raise the abysmally low welfare payments in large areas of the South. It may, by moving some part of the way toward national standards, reduce immigration to the big cities of the North. It will provide some relief—but relatively little—to the states and local jurisdictions that now are heavily burdened with welfare costs. All this is to the good. But what the new system will not do, I believe, is strengthen the family or substantially increase the number of those on welfare willing to enter the labor force. If it does, the accomplishment will be a mystery because similar arrangements have not done so in New York, nor in any of the other states in which families with unemployed males are eligible for welfare, or where a work requirement exists. The forces leading to the breakdown of male responsibility for the family among some of the poor seem greater than those the new program calls into play to counteract them.

This brings us back to my original point, and to a possible answer to the question I posed earlier as to how we can account for the dramatic increase in recent years of abandoned families on welfare. The constraints that traditionally kept families together have weakened. In some groups they may not have been strong to begin with. Our efforts to soften the harsh consequences of family breakup speak well of our compassion and concern, but these efforts also make it easier for fathers to abandon their families or mothers to disengage from their husbands. Our welfare legislation has often been harsh, and its administration harsher. But the steps we take in the direction of diminished harshness must also enhance the attractions of either abandonment or disengagement and encourage the recourse to welfare.

And yet, what alternatives do we have? This Family Assistance Program is after all the most enlightened and thoughtful legislation to have been introduced in the field of welfare in some decades.

My own tendency, following from the basic considerations I have suggested, would be to ask how we might prevent further erosion of the traditional constraints that still play the largest role in maintaining a civil society. What keeps society going, after all, is that most people still feel they should work—however well they might do without working—and most feel that they should take care of their families—however attractive it might on occasion appear to be to desert them. Consequently we might try to strengthen the incentive to work. The work-incentive provision is the best thing about Family Assistance, but we need to make it even stronger. Our dilemma is that we can never make this incentive as strong as it was when the alternative to work was starvation, or the uncertain charity of private organization. Nor is it politically feasible to increase the incentive by reducing the levels at which we maintain the poor—if anything, the whole tendency of our thinking and feeling is to raise them, as indeed FAP does. The only alternative, then, is to increase the incentive to work by increasing the attractiveness of work. I do not suggest that this is at all simple (we know the ambiguous results, for example, of raising the minimum wage). Could we, however, begin to attach to low-income jobs the same kind of fringe benefits—health insurance, social security, vacations with pay—that now make higher-paying jobs attractive, and that paradoxically in some form are also available to those on welfare?

The dilemma of income maintenance is that, on the one hand, it permits the poor to live better, but on the other, it reduces their incentive to set up and maintain those close units of self-support—family in the first case, but also larger units—that have always, both in the past and still in large measure today, formed the fabric of society. The administration proposal is a heroic effort to improve the condition of the poor without further damage to those social motivations and structures which are the essential basis for individual security everywhere. But does not the history of our efforts to expand policies of income support suggest that inevitably improvement and damage go together?

In other critical areas of social policy, too, the breakdown of traditional measures, traditional restraints, traditional organization, represents, if not the major factor in the crisis, a significant contribution to it. Even in an area apparently so far removed from tradition as health and medical care, the weakening of traditional forms of organization can be found upon examination to be playing a substantial role, as when we discover that drug addiction is now the chief cause of death—and who knows what other frightful consequences—among young men in New York.

Ultimately, we are not kept healthy, I believe, by new scientific knowledge or more effective cures or even better-organized medical-care services. We are kept healthy by certain patterns of life. These, it is true, are modified for the better by increased scientific knowledge, but this knowledge is itself communicated through such functioning traditional organizations as the school, the voluntary organization, the family. We are kept healthy by having access to traditional means of support in distress and illness, through the family, the neighborhood, the informal social organization. We are kept healthy by decent care in institutions where certain traditionally-oriented occupations (like nursing and the maintenance of cleanliness) still manage to perform their functions. I will not argue the case for the significance of traditional patterns in maintaining health at length here; but I believe it is a persuasive one.

One major objection, among many, that can be raised against the emphasis I have placed on tradition has to do with the greater success of social policy in a country like Sweden which shows a greater departure from traditionalism than America does. And it is indeed true that social services in Sweden, and England as well, can be organized without as much interference from tradition-minded interest groups of various kinds (including the churches) as we have to contend with in this country. Certainly this is an important consideration. But I would insist that behind the modern organization of the social services in the advanced European countries are at least two elements that can legitimately and without distortion be called traditional.

One is authority. Authority exists when social workers can direct clients, when doctors can direct nurses, when headmasters can direct teachers, when teachers can discipline students and can expect acquiescence from parents. Admittedly this feature of traditionalism itself serves the movement *away* from tradition in other social respects. The authority will be used, as in Sweden, to institute sex education in the schools, to insure that unmarried girls have access to contraceptives, to secure a position of equality for illegitimate children.

But then another feature that can legitimately be called traditional—ethnic and religious homogeneity—sets limits in these countries on how far the movement away from the traditional—toward indeed a new tradition—may be carried. In America, by contrast, it is the very diversity of traditions—ethnic, religious, and social—that makes it so hard to establish new forms of behavior that are universally accepted and approved, and that also makes it impossible to give the social worker, the teacher, the policeman, the judge, the nurse, even the doctor, the same authority they possess in more homogeneous countries.

But there is a more basic sense in which tradition is stronger in the countries of Western Europe than here. Whatever the situation with sex education and with the laws governing illegitimacy, divorce is less frequent in Sweden and England, responsibility for the rearing of children is still consistently placed within the family, and the acceptance of work as a normal pattern of life is more widespread and less challenged. In England and Sweden it is still taken for granted that the aim of welfare is to restore a man to a position in which he can work, earn his living, support his family. And indeed the psychological damage that renders a man unfit for work, and the ideology arguing against the desirability of work, are so little known in England and Sweden that the restoration of family independence is a fair and reasonable objective of welfare. But this is no longer a reasonable view of welfare for substantial parts of the American population. It is in this core sense that America has gone further in the destruction of tradition than other countries. In doing so, America comes face to face, more sharply than any other country yet has, with the limits of social policy.

ESTABLISHMENT OF CENTER FOR AGRICULTURAL AND RURAL DEVELOPMENT AT IOWA STATE UNIVERSITY

Mr. MILLER. Mr. President, in the long and brilliant history of American agriculture, one of the components of success which stands out as singularly effective is the teamwork which exists between the scientist and the farmer.

Nurtured by America's great system of land grant universities and the cooperative extension service, this teamwork hastened and enhanced the effect of the valuable work of the laboratories and experimental fields on the food supply of our land, lifting our Nation into sustained world leadership in agriculture.

Similarly, if a high quality of life is to be maintained in rural America, researchers must examine the facts of cause and effect in rural life and help bring those facts to bear on the problems.

A hopeful step toward this goal was the recent establishment of a new center for agricultural and rural development at Iowa State University in Ames.

The purposes and objectives of the new center are set forth in an article published in the Cedar Rapids Gazette of August 16 and in an excellent editorial published in the Des Moines Register of August 23. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEW IOWA STATE CENTER TO STUDY PROBLEMS OF RURAL COMMUNITIES

AMES.—Revitalization of rural towns and communities will be studied through two new research centers at the Iowa Agriculture and Home Economics Experiment station at Iowa State university.

The newly established Center for Agricultural and Rural Development (CARD) and the North Central Regional Center for Rural Development will focus biological, physical, social and economic research on solving problems that face rural communities.

Problems to be studied will include the increasing migration of families from farms and small towns to the already-congested cities, the decline in quality of life in many small towns, and the low income levels of many rural areas.

JOINT FUNDING

CARD was established with state and federal funds and will concentrate primarily on Iowa's rural problems. CARD replaces the Center for Agricultural and Economic Development, which has pioneered research in this area at the state and national levels since 1958, with assistance from the Kellogg Foundation.

Director of CARD will be Earl O. Heady, distinguished professor of economics, with Leo V. Mayer, associate professor of economics, serving as associate director.

Concurrent with the establishment of CARD, Iowa State became the location of the North Central Regional Center for Rural Development. This rural development "parent organization" is sponsored cooperatively through the U.S. department of agriculture and 13 states: Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Wisconsin and Alaska.

COMMUNITY EMPHASIS

"Research and development programs have sought to alleviate farm problems for several decades," Dr. Heady said. "Other programs have been initiated to help solve the immense problems that now plague our giant metropolitan areas. Now, increased attention will be directed to helping the rural communities as a whole. This includes not only farmers, but also the non-farm, non-metropolitan population—the people who live and make their living in our small towns and communities."

Conditions for this vital rural population have been steadily declining for years in Iowa and the entire country, Dr. Mayer explained. Increased mechanization and greater agricultural productivity per unit forces thousands of farmers and farm workers off the farms. In Iowa alone, the number of agricultural units decreased by about 24 percent—from 247,000 to 190,000—over the last 10 years. Population decreased in three-fourths of Iowa's counties during that time.

TOWNS SUFFER

Because agriculture is the lifeblood of most small Midwestern towns, fewer customers from the farms and the lack of alternative sources of revenue can close the doors of many small-town merchants and business men.

As towns and countryside empty, community services—schools, roads, recreation facilities—may deteriorate or vanish because the tax base is no longer large enough to support them. Services that remain cost more in taxes because the costs are shared by fewer people. Farmers and others in the rural community find they must go further for medical care, to shop, to attend a movie or to eat in a good restaurant.

The cities suffer from this trend, too, for migration to the metropolitan areas only adds to noise, pollution, crime and unemployment, Dr. Mayer said. With 70 percent of the population living on one percent of the land, overcrowding becomes a problem.

Employment and income generation in the rural community are important objectives. An equally important goal is to find ways that rural people—farm and non-farm—can work together cooperatively for better living conditions.

INDUSTRIALIZATION

"Some communities may want to solve their problems through industrialization," Dr. Mayer said. "But, first, the community must be able to inventory its resources to determine if this is feasible. Once identified, the community that desires to industrialize should be encouraged to do so through research, leadership, capital investments and, perhaps, altered public institutions."

Other communities will remain tied completely to the farm sector. Citizens of farm-dependent communities may be able to obtain higher living conditions by joining with similar communities, sharing facilities and services as well as the costs of maintaining them, Dr. Mayer said.

OTHER AREAS

Medical service is a pressing problem in most rural communities. Alternate means by which a community can provide medical care may be examined and evaluated through the rural development research centers. For example, some communities now maintain an ambulance service and registered nurse to provide emergency treatment.

Further areas to which research may be directed include:

Evaluation of farm policies, not only for their effects on farmers, but on the entire rural community;

Revenue-sharing, and its potential to contribute to a better life in the rural community;

Feasibility studies to evaluate the potential of new farming endeavors that might generate income and employment to the entire rural community;

Rural community planning and beautification programs to improve the quality of life in small towns;

Preservation of the maximum feasible number of family farms;

Public recreation development in rural areas, and its effects on employment, income, and quality of life in the rural community.

Some of the research will be carried out in other states through cooperative arrangements, but Iowa State will remain the headquarters and the major contributor to the studies.

STUDYING RURAL DEVELOPMENT

The establishment of a new Center for Agricultural and Rural Development at Iowa State University in Ames could be an effective stimulant of prosperity and well-being for the people of Iowa. It could be more fruitful than simple promotion of new industry, by exploring fundamental factors in development of a balanced economy and the "good life".

The new center will be operated in connection with a new North Central Regional Center for Rural Development, also located at ISU. The North Central center is sponsored co-operatively by the U.S. Department of Agriculture and the states of Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Wisconsin and Alaska. Why Alaska? That's north, all right, but hardly central.

Several bills in Congress have proposed a *national* research center for rural development. It appears to us that the two research centers at Ames could well serve the purpose of a national research institution for rural development. And Alaska is certainly a place that needs knowledge about rural development.

Iowa State University, like other Land Grant universities, has for many years conducted elaborate research and educational programs for the benefit of commercial agriculture. Problems of rural small towns and people left unemployed or under-employed by the advance of labor-saving devices in agriculture have been given little attention by these institutions. It is heartening, therefore, to see Iowa State University moving into this neglected area more vigorously than before.

One of the principal objectives of the revenue sharing proposals of President Nixon is to provide a better distribution of funds for community development between rural and urban areas. Agriculture Secretary Clifford Hardin stated recently in hearings before the Rural Development Subcommittee of the Senate Committee on Agriculture:

"Because rural communities now lag the urban areas in effort and resources for development, the balance provided by the revenue sharing proposals will contribute to the rural development objective of a more uniform geographic distribution of population, jobs and economic opportunities."

The Rural Development Research Center at Ames could provide needed guidance in the use for rural community improvement of federal funds obtained by the states through revenue sharing.

PRESENT IMBALANCES OF WORLD TRADE

Mr. McGEE. Mr. President, this country's recent efforts to correct its rapidly deteriorating foreign trade position has forced it to set forth economic policies relatively alien to our world trade posture of the past.

Having enjoyed a healthy balance-of-payments record since the turn of the century, this Nation, therefore, is something of a novice in attempting to deal with the present dilemma confronting it.

This morning's Washington Post contains an excellent column written by former Under Secretary of State George Ball. The article, entitled "The Danger of a Wave of Competitive Protectionism," points out the pitfalls of expecting too much from the recent economic moves designed to correct present imbalances of world trade.

Mr. Ball is very poignant in stressing that in order for our international economic policies to be successful this country has to cut its ties with illusions of the past. This article is a very thoughtful piece conveying very significant danger signals arising from overexpectation on the part of the United States in dealing with this very complex set of problems.

I ask unanimous consent that Mr. Ball's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPORT SURCHARGE AS A BARGAINING DEVICE—THE DANGER OF A WAVE OF COMPETITIVE PROTECTIONISM

(By George W. Ball)

(NOTE.—*The writer, former Under Secretary of State, was a member of the Cabinet Committee on Balance of Payments from 1961 to 1966. This article was adapted from his testimony before the Joint Economic Committee of Congress.*)

Let us assume that we do find a long-run solution to the excessive inflation of the past few years. How shall we go about achieving the correction of those imbalances that now mark our present unhappy position in the world economy?

The first priority, it seems to me, is for us to get rid of some of the illusions that have clouded the public discussion of the problem during these past few yeasty days.

The first illusion is that the determination of new parities can be left to market forces. There is no evidence whatever to suggest that any of the major nations whose currencies are out of line with real values have the slightest intention of letting those currencies float freely. Not only is it against the religion of a central banker to refrain from intervention when he sees his national currency moving in a direction of substantial disadvantage but the operation of the import surcharge and the vast supply of available short-term money give present market forces an inevitable bias. If, then, we adopt a passive posture while waiting for the market to define what adjustments are needed, we will cruelly deceive ourselves.

A second illusion equally dangerous, is that, once having stopped the engine of the Bretton Woods system by halting gold convertibility and seriously undercutting the General Agreement on Tariffs and Trade (GATT) by unilaterally blocking access to the United States market, we can expect the other major trading nations on their own to develop new solutions. For a long while we have been preaching the doctrine that one nation's surplus is another nation's deficit and that surplus countries have as much of a responsibility as deficit countries for maintaining equilibrium within reasonable limits. Now we seem to be saying that, so far as the United States' deficit is concerned, we are passing the whole burden to the surplus countries to devise a solution through an upward valuation of their currencies, regardless of the deflationary consequences for their own domestic economies.

Such a position, it seems to me, ignores all the lessons of past experience. During the entire post-war period the United States has led in every constructive monetary and trade move (other than regional initiatives) that were directed at the improvement of the world's financial and trading systems. We have done so not merely out of the goodness of our heart—although our record, on the whole, is highly creditable—but because we commanded economic power equivalent to the combined power of four or five smaller nations—and, as a single nation, we were capable of incisive action.

In this regard our country is unique—and we dare not forget it. Though within the past few years Europe has made gratifying progress toward economic integration, the nations of the European Community are still far from having achieved anything resembling unity of decision and action. Thus, even now we are once more witnessing the familiar spectacle of the community internally divided because of French insistence on its own doctrinal prejudices.

Under these circumstances there is clearly no single entity other than the United States that can command the authority to design and successfully promote a constructive initiative to realign currency parities. Yet, unhappily, that does not rule out the possibility that, if we fail to pursue an active diplomacy but permit the present stalemate to continue for a matter of months, one or more nations may be tempted to set in train a chain reaction of competitive protectionism, not necessarily as explicit retaliation for our actions but still using the American import surcharge as an excuse.

Not only does the situation require active American diplomacy, but that diplomacy must be directed with a sense of urgency. What we must seek to bring about is an adequate program of currency readjustments within not more than a month or six weeks from now. For the third illusion that we must rigorously put aside is the assumption that time is somehow on our side and that if we only maintain our protectionist measures and wait long enough, our bargaining leverage will be enhanced.

Nothing is further from the truth. Rather than increasing in potency, our protectionist measures are a wasting asset. Already there are reports that Japanese industry—cooperating, as it invariably does, with the government—is making plans to adjust its operations to the 10 per cent surcharge. That surcharge, it is argued, may not, after all, prove a bad thing. It may provide the necessary impetus to long overdue rationalization. It could well lead to the concentration of investment in higher technology sectors, leaving labor-intensive production to lower-cost Asian countries. Meanwhile, the government is reported to be planning massive public works investments in a much needed improvement in the infrastructure while, at the same time, maintaining the momentum of industrial activity.

Once these internal adjustments are achieved, Japanese industry is likely to emerge more competitive than ever. To be sure, Japanese protectionist elements will almost certainly use the American surcharge to justify further delay in liberalizing trade and investment, while American companies trying to do business in Japan may well encounter even more formidable obstacles. But, as a bargaining counter, the surcharge will have lost much of its potency.

Nor is that all, for the longer the surcharge and the "buy American" features of the investment tax credit remain in effect, the more American industry will come to depend on them. Thus, vested interests will be built up in the maintenance of these two protectionist devices, a healthy process of rationalization will be slowed down, and increased productivity will become less essential for meeting competition. The result: new distortions and new rigidities on both sides.

Before we commit ourselves to any line of strategy, it is essential that we carefully appraise the strength of the weapons in our hands. Here again, in the euphoria of the past few days, we have shown a dangerous tendency to exaggerate the bargaining value of the import surcharge.

Though our 10 per cent import surcharge will adversely affect certain sectors of Japanese trade (roughly 30 per cent of Japan's total merchandise exports), the resultant disadvantage would still be far less than a ten per cent revaluation of the yen, since the surcharge would affect only visible trade with the United States, while an upward revision of the yen's parity would make both Japanese goods and services less competitive in every market of the world.

Yet what we are seeking is not a 10 per cent revaluation but something substantially more than that. Most recent speculation has ranged around 15 per cent, and I do not think that an impossible objective, provided we pursue a skillful diplomacy, as I shall suggest in a moment. But there has also been a good deal of loose talk about demanding trade concessions at the same time, not only from Japan but from other countries.

The same considerations apply to West Germany, where our surcharge affects only 9 per cent of the Federal Republic's exports; yet what we are apparently seeking is something approaching a 14 per cent revaluation of the Deutsch mark that would affect all West German trade throughout the non-Communist world.

This brings me to the fourth and final illusion which we should quickly discard—the illusion that we can successfully employ our protectionist bargaining counters to buy a whole shopping list of concessions from our trading partners not only in the form of currency readjustments but also in the area of commercial policy and even defense. Such an illusion is dangerous because it can lead to over-trading, bogging down negotiations in an endless and angry wrangle and ultimately causing irreparable damage to the whole system of international cooperation which we have so painfully built up since the war.

For not only is the import surcharge a limited instrument; it is a blunt instrument. Though we must necessarily regard the principal target in the forthcoming negotiations as Japan and its undervalued currency, the surcharge actually affects a far larger percentage of the total foreign trade of such innocent third nations as Mexico or Korea—whose currencies are not undervalued—than it does of Japan.

Since we dare not make exceptions to the general application of the surcharge without doing violence to the fundamental principle of non-discrimination that underpins our whole system of commercial policy, we must recognize the inadvertent damage we will cause if we leave the surcharge in effect too long in an effort to extract trade concessions from a mere handful of countries we regard as pursuing unfair trade practices.

Nor, because it is unfocused, is the surcharge likely to be effective outside the narrow area of currency readjustments. To be sure, we have a continung argument with the Federal Republic of Germany as to the balance of payments effects (probably about $900 million net) of the cost of maintaining our troops in Europe. But it would be wholly impracticable to try to maintain a surcharge against the whole world's commerce simply to bludgeon the Germans into more favorable offset arrangements.

I strongly feel, therefore, that any attempt to settle too many loose ends and to bargain for concessions outside the area of parity realignments is likely to lead to total frustration. Though we should use every means at our command to correct the present payments imbalances, it would be the height of folly to try to achieve too much within the four walls of the present negotiation.

We will do well if we obtain a significant revaluation of the yen and some lesser readjustments of other major currencies. But to deal effectively with the Japanese will require a drastic revision of the tactics we have so far been pursuing.

DISPOSAL OF WASTE MATERIALS

Mr. ALLOTT. Mr. President, on Tuesday I introduced a bill designed to provide a large-scale test of the exciting results obtained at a Bureau of Mines pilot plant in recycling solid wastes from urban refuse.

The day before, the Wall Street Journal published an interesting and informative article about a number of companies which are discovering ways to burn industrial refuse, thus saving large sums on both waste disposal and steam production.

It is obvious that we as a nation must continue to find more ways to recycle urban, industrial, and all other types of waste if we are to protect both our environment and our precious resources.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Sept. 20, 1971]

More Companies Burn Waste Products, Save on Fuel, Garbage Bills—Even Coffee Grounds, Shells of Peanuts Fire Factories, Sometimes Reduce Pollution

(By Ellen Graham)

Anyone who has ever scrubbed out a coffee percolator can sympathize with George Burgers. As manager of the Maxwell House coffee plant in Hoboken, N.J., he has the staggering task of disposing of 150,000 pounds of soggy coffee grounds each day.

The plant brews about 30 million cups of coffee a day to make instant coffee. Until recently, the leftover coffee grounds piled up almost faster than they could be hauled away.

But luckily, Mr. Burger has help. Using a special boiler system developed by Babcock & Wilcox Inc., Maxwell House, a division of General Foods Corp., burns the coffee grounds as fuel to power its Hoboken plant. Whereas it used to take 40 trucks a day to cart away the waste grounds, landfill disposal has been reduced to a single truckload a week. And the boiler fired by grounds generates about a third of the steam needed to power the plant.

A number of U.S. manufacturers are discovering that their waste products, previously dumped as landfill or discharged into the nearest stream, can be turned into healthy profits by pouring them into furnaces and burning them instead of more expensive fuels. Nearly any combustible material can qualify—and, as a result, scores of factories are chugging along on such fuels as coffee grounds, sawdust or bark.

BURNING "BLACK LIQUOR"

Many paper companies are reclaiming valuable chemicals, reducing water pollution and cutting fuel costs by burning odiferous "black liquor," a by-product of paper processing.

In the tropics, sugar companies have found that bagasse, the material that's left behind after sugar is pressed out of the cane, makes excellent fuel. Some factors are even powered with coconut shells or sunflower seed hulls.

"The public tends to think of coal and oil as our only fuels," says a Babcock & Wilcox engineer. "But we forget that coal and oil are becoming scarcer all the time, and that they present very difficult pollution problems."

In contrast, the specialty fuels are abundant—and many are remarkably pollution-free. Coffee grounds, for example, make an ideal fuel because they're virtually smoke-free when burned.

Pollution is the last problem you'd expect a casket maker to have. Yet workers who saw, sand and carve the elaborate caskets rolling off the assembly line at Boyerton (Pa.) Burial Casket Co. create a 90-million pound mountain of sawdust each year.

The company first tried trucking the sawdust to the local dump, and when that became too cumbersome they began burning it in plant furnaces. But the black smoke emanating from the factory's stacks drew angry complaints from Boyertown residents, since the plant sits squarely in the center of town.

LIGHTING UP WITH GARBAGE

"Next month we'll finish installing a new boiler to burn the sawdust as fuel," says plant engineer Eli Isenhardt. "The new system will be smokeless and will generate half the steam we need to operate the plant," he says. Used along with a small quantity of natural gas or fuel oil, the sawdust will help generate process steam, electricity and heat.

Even ordinary garbage holds promise as a potential fuel. In St. Louis, a demonstration project that turns trash into electricity is scheduled for completion early next year. Sharing the cost of the $3 million project are the U.S. Environmental Protection Agency, the city of St. Louis and Union Electric Co., a St. Louis utility.

The plan calls for burning part of St. Louis' refuse as a supplementary fuel at a Union Electric power plant. If it works, the system could help solve two of the most pressing problems facing most U.S. cities: how to dispose of the endless mounds of garbage overrunning available dumping space and how to generate scarce electric power without fouling the air.

Each day, Union Electric will burn about a quarter of the refuse collected from St. Louis homes in a 140-megawatt boiler at its Meramec, Mo., plant. The 300 tons of trash burned daily will replace about 10% of the fuel ordinarily used to create steam to turn generator turbines. "The basic efficiency of the boiler should be precisely the same using trash as a partial fuel," says David L. Klumb, a Union Electric engineer. "And this method will produce less air, water and aesthetic pollution than disposing of waste by incineration or landfill."

If the plan is successful, Mr. Klumb says, the refuse-burning capacity of the boiler, designed by Combustion Engineering Inc., could be expanded to burn up to 1,200 tons of trash a day. With new plant capacity coming on strong by 1980, Mr. Klumb estimates "we could feasibly burn twice the amount of garbage the St. Louis metropolitan area, with a population of 2.5 million, produces each day."

Horner and Shifrin Inc., consulting engineers for the project, estimate that by 1973 the cost of refuse disposal by incineration will be $5.17 a ton, compared with between $2.29 and $4.26 at the power plant.

"The nation's fuel shortage, the increasing cost of fuels, and the environmental movement have given the specialty fuels market a boost," according to Jack Pollock, a sales manager for Babcock & Wilcox. He says the municipal refuse market is an area his company is marking for especially big growth.

Although hardly a growth area, "peanut power" has neatly solved a big disposal problem at the Tom's Food Ltd. plant in Columbus, Ga. A subsidiary of General Mills Inc., Tom's Foods makes nut and confectionary items and, in the process, shucks off about 2,000 tons of peanut shells a year. Getting rid of them was a perennial headache until the company hit upon the money-saving idea of burning them as fuel.

Today, the factory uses the shells for roughly half its fuel requirements and saves up to $1,000 a month on fuel costs, according to a company official.

TRIBUTE TO CLIFTON BROWN ANDERSON

Mr. THURMOND. Mr. President, there can be many definitions for "solid citizen." These definitions can range all the way from "law abiding" to "backbone of the Nation."

Usually the role and contribution of the typical solid citizen is not felt until his participation in community affairs comes to an end. Then he is sorely missed, for he has left a vacuum that cannot be easily filled.

Such a solid citizen was my good friend, the late Clifton Brown Anderson, of Aiken, S.C. His death, at the age of 81, marks the conclusion of a great record in service to his community and his State.

Men such as Clifton Anderson form the fiber of our national strength. They perform a needed function through their vocation—Mr. Anderson was a construction contractor who left his mark in the physical size and prominence of Aiken; they contribute significantly to the civic needs of their community—Mr. Anderson played a leading role in such organizations as the Rotary Club, Business Men's Club, the American Legion, the Masons, and others; and they usually are pillars of their church, recognizing the true source of strength and direction—Mr. Anderson served his church for many years as a member of its board of deacons.

Mr. President, the city of Aiken will miss Clifton Brown Anderson. I shall miss him. He will not be quickly nor easily replaced.

An editorial entitled "Clifton Brown Anderson" was published in the Aiken, S.C., Standard of September 10. This editorial paid a well-deserved tribute to my late friend. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLIFTON BROWN ANDERSON

Death has removed one of Aiken's elder statesmen.

Clifton Brown Anderson, better known to a wide circle of good friends as C. B. or Andy, died unexpectedly at the age of 81, at his beloved summer retreat at Cedar Mountain, N.C.

Although he had retired from the day-by-day business routine, he had continued to take an interest in the business he had turned over to his son, Clifton Jr., and maintained activity in the Aiken Rotary Club and the Business Men's Club, of which he was a charter member and past president, and also a number of other organizations including the American Legion and the Masons.

Born near Louisville, Ga., Mr. Anderson came to Aiken when he was 24, just in time to enter service in World War I. Following the war, he built a thriving construction and building supply business. His firm contracted for a number of Aiken landmarks, including the former Henderson Hotel, now the Palmetto Federal Savings and Loan Association building.

He had been for many years a member of the First Presbyterian Church of Aiken and had served on its Board of Deacons.

He was an avid and skilled hunter and fisherman and at one time was interested in farming at his large property south of Aiken.

He maintained a keen interest in Aiken civic and business affairs, and his advice was often sought on numerous and varied topics.

Although retiring by nature, he had many firm friends who now will be the poorer for his departure. To his family we extend our sympathies for their great loss. His death is also a distinct loss to the Aiken community as a whole.

SENATOR WINSTON L. PROUTY

Mr. ALLOTT. Mr. President, Senator Winston L. Prouty, whose death we all mourn, typified the great State he so ably represented.

His virtues were distinctly Vermont virtues. From Vermont has come the kind of steady patriotism that made the American Revolution a success. From Vermont comes the tradition of quiet, competent public service.

The people of Vermont had many reasons for reposing their trust in Senator Prouty. One reason was his complete personification of the temperament of that great people. When Americans praise the Yankee virtues of New England, they are praising the virtues that made Senator Prouty loved in the Senate and in his State, and will cause him to be greatly missed.

DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. CASE. Mr. President, earlier this week the Philadelphia Inquirer published an article stating that the Delaware Water Gap National Recreation Area will be a viable facility even if a big reservoir, scheduled to be tied in to the recreation area, is not built.

The Inquirer story is based upon a study—"A Natural System Plan for Delaware Water Gap Recreation Area"—which was made by the staff of the National Park Service at the request of the President's Council on Environmental Quality, CEQ.

CEQ presently is looking into the environmental impact of three projects planned for the Tocks Island region which embraces portions of New Jersey, Pennsylvania, and New York bordering the Delaware River.

One of the three projects is the National Recreation Area, authorized by Congress in 1965. The others are the Tocks Island Dam and Reservoir, a congressionally authorized facility which will be almost completely surrounded by the recreation area, and a pumped storage hydroelectric project which is to be built by private utilities in conjunction with the dam and reservoir.

The projects, particularly the dam and reservoir and the pumped storage facility, have stirred considerable opposition because of concern about their affect on the environment of the Delaware Valley.

As a result, plans to begin the construction of the dam and reservoir have been delayed while the environmental effects of the various projects are carefully assessed. CEQ has taken the lead in this most necessary effort.

As a part of its evaluation, CEQ asked the Department of the Interior to explore the viability of a national recreation area without the Tocks Island Dam.

In its study, the National Park Service posed the following question:

> Without a big reservoir, would a national recreation area still be feasible, useful, appropriate?

The Park Service answer:

> Definitely, yes. * * *

The Park Service study then goes on to describe the types of recreation that would be available in such a facility. For example, there would be emphasis on canoeing and rowing, which the study describes as "more subdued forms of boating." Fishing would be on streams and ponds as opposed to the lake-type fishing that would be provided by a reservoir. There would be plenty of capacity for swimming, the study says.

The Park Service study is most interesting and informative. I am certain it will receive careful attention from CEQ as that agency carries out its evaluation of the Tocks Island projects.

Previously, other documents pertaining to the evaluation of these projects have been placed in the CONGRESSIONAL RECORD. I believe it essential that the public record of this matter be as complete as possible; therefore, I ask unanimous consent that the text of the Park Service's study be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD the Philadelphia Inquirer article; the text of the Interior Department's comment in releasing the Park Service study; and the text of a CEQ letter to me explaining the environmental evaluation process that has been agreed to by the agencies involved in the Tocks Island projects.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A NATURAL SYSTEM PLAN FOR . . . DELAWARE WATER GAP NATIONAL RECREATION AREA

The Delaware Water Gap National Recreation Area, authorized by Congress in 1965, presumed a large reservoir previously authorized for the Delaware River. The recreation area was to surround it and support an array of recreational activities principally focused upon the impoundment. New environmental awareness has fostered a growing concern for preserving natural systems whenever possible, and the validity of the dam construction project authorized for the Delaware is being questioned. A corollary question, therefore, involves the validity of the recreation area concept. Without a big reservoir, would a national recreation area still be feasible, useful, appropriate? This brief study report on the question finds the answer to be definitely yes, and outlines a revised plan.

THE REASONS

A Delaware Water Gap National Recreation Area need not embrace a large reservoir to benefit enormously the 30 million Americans living nearby in the urban East. The beautiful Delaware River itself, the streams spilling into it, the hills and woods and fields surrounding it, provide much-needed recreational opportunities in rich variety.

And without concentration upon large-scale broadwater activities, the millions of urbanites who would enjoy this valley of outdoor pleasure may well discover a far wider range of recreational pursuits—pastimes which foster awareness and understanding of the natural world and which provide satisfactions of high quality. Carefully yet imaginatively managed, the recreation area could offer in generous measure a broad spectrum of outdoor interests. Although not of a character to accommodate the concentrated use loads anticipated for the reservoir-based project, the area without impoundment would have more than 10,000 "extra" acres of scenic riverside lands fraught with historic associations and ideal for outdoor activities. As land this acreage can be just as recreational as if inundated. Moreover, a "natural systems" NRA is justifiably important when it offers various outdoor experiences which can be educational as well as pleasurable; build skills and hone perceptions, and which offer a refreshing change of pace from ordinary activity patterns.

THE RESOURCES

From above Milford, Pennsylvania, to the famed water gap itself, the national recreation area embraces one of the most beautiful river valleys in the Middle Atlantic region. To the east, in New Jersey, looms the forested ridge of Kittatinny Mountain, 1,800 feet high and along which runs the Appalachian Trail. On the west, in Pennsylvania, swift streams and waterfalls splash over the rim of the Pocono upland and cut steep gorges filled with dark hemlock trees and rhododenron. Farm fields and woodlands quilt the valley itself along broad river bottoms and, behind, across rolling lands veined by brooks and spangled here and there with ponds. Central to all is the majestic silver ribbon of the Delaware. Riffling or serenely pooled, this central reach of the river's overall Z-shaped course flows straight to Wallpack Bend, writhes back upon itself in a great double curve and then heads onward, smoothing its stones, to a dramatic thrust through the gap near Stroudsburg, Pennsylvania.

This is historic country, with even earlier memories of Indian times. Dutchmen settled here before William Penn founded his colony, and built what is possibly the first long road in America. Wars came, and the valley linked George Washington's Revolutionary forces in upper New York and near Philadelphia. Today, the valley still retains the peaceful, rural charm nostalgically remembered from 19th Century years. And it is just "over the mountain" from megalopolis, this remnant of arcadian America. Much of this bucolic landscape with its historic sites and setting, would be flooded out by the reservoir project.

The national recreation area as now authorized comprises 70,000 acres of forest and field (including 12,000 in the reservoir project itself). It embraces 40 miles of free-flowing river, averaging 250 feet wide and having a total surface of 1,200 acres. It also includes a dozen islands, 10 miles of notable trout stream, two spectacular waterfalls, 50 ponds, a 21-miles mountain ridge, and of the course the renowned water gap itself, one of the East's great scenic spectacles.

THE PLAN

Although the existing authorized boundary would serve well enough, encompassing these features as it does, adjustments could add still other significant resources giving further dimension to the recreational opportunities realizable hereabouts and could join the area with the proposed national scenic river above it.

The revised plan for the recreation area gives less emphasis to water-oriented facilities, of course, than did the reservoir-centered plan. This does not mean that water recreation would be seriously lacking, however, and by utilizing the ponds, the streams, the river itself, water recreation facilities would be more dispersed, less concentrated in mass-use areas than in the reservoir plan. Although there would be less room for mechanized water sports—motorboating, water skiing and the like—there would be plenty of swimming and emphasis on the more subdued forms of boating, such as canoeing and rowing, and on stream and pond fishing instead of lake fishing. Having many, separated water recreation units will provide variety, letting family and organizational groups have their own good times together with more privacy, freedom and seclusion than might be possible in large complexes where differing recreational pursuits can become competitive.

To increase the usefulness of the Delaware River for water sports without unduly sacrificing its naturalness, three low-level weirs are proposed on existing slackwater reaches to increase water depth within the existing river banks yet not preclude the use of the riverway for long-distance boating or disturb the fine riffles to which fishermen and canoeists are attracted. In contrast with the large beaches and marinas designed for the reservoir, the riverside would offer facilities more modest in scale and conducive to enjoying the peaceful rural charm of the Delaware Valley.

Elsewhere in the national recreation area, visitor activities, facilities and services would remain as generally proposed in previous planning. However, there would be more emphasis on trails, on winter sports, and on centers for environmental education. Hunting in accordance with State regulations would be permitted in all sections of the area where feasible.

Completing and developing the Delaware Water Gap National Recreation Area is the first and major step necessary to protect the river and riverscape most central and vital to this megalopolitan center of the Middle Atlantic Seaboard. The area is less than two hours' drive from Manhattan, and from Philadelphia is even more quickly reached. Complementing the project would be the proposed Delaware National Scenic River along the upper reaches of what is probably the East's most widely enjoyed canoeing stream. Below the Water Gap, the historic green valley and capacious waterway becomes ever more precious as scenic open space, for urban influences are reaching across New Jersey and Pennsylvania. How these other Delaware Valley resources are protected and enjoyed will depend on patterns and examples set, skills learned, and happiness experienced in the Delaware Water Gap National Recreation Area.

THE IMPACT

In evaluating the environmental impact of the Delaware Water Gap National Recreation Area (without reservoir), it is necessary to consider not only the present but also what the future environment would be with and without such a reservation.

Farming is declining in this region and probably will continue to do so unless specially protected and encouraged in national recreation area administration and by other Federal, State and local government programs. Also, with or without a national recreation area, the region will be subject to increasing real estate developments such as vacation homes, summer and winter resorts, and the general spread of urban influence. This trend will accelerate and intensify around a unit of the National Park System as it attracts people to the region. A third trend, which may now be ending with the rise in land values, has been the acquisition of large tracts by hunting and fishing clubs. While this generally has protected the natural or traditional character of the lands involved, it has limited public access.

Establishment of the Delaware Water Gap National Recreation Area will vest control over more than 100 square miles of countryside in one accountable public land management agency—the National Park Service—rather than in more than 8,000 different landowners in various local jurisdictions. The NRA project has already galvanized the region into intensive planning efforts where none existed before, and is being used as a point of reference by local and regional planners in setting standards of environmental quality. High standards and good examples for resource protection, management and use and for facilities design in the national recreation area can influence and encourage wise stewardship and development of other parts of the Delaware Valley and adjoining mountain regions. In summary, though the NRA will trigger increased tourism and development in the region, its influence should reduce the incidence of haphazard, unplanned developments.

The environmental impact of development and public use at the national recreation area will be controlled by the basic policy that the resources must be used without resultant damage. Thus rare or fragile features will be reserved for study. Use of other resources, even though less fragile, will be regulated within their capacity to sustain it and to provide privacy, solitude and quiet as well as gregarious outdoor pastimes. The design, location and quantity of facilities will be governed by their ability to provide for maximum use without damage to resources or loss of recreational quality.

Management objectives for the area also include preserving unusual plant communities, geological formations and scenic features; supporting an abundant and varied native fauna; segregating potentially conflicting visitor uses; providing adequate protection of visitors and resources and maintenance of facilities; perpetuating agricultural scenes and activities; and identifying, preserving and interpreting archeological and historical sites and features.

The presence of large numbers of people and their vehicles within the national recreation area will have an adverse environmental effect that cannot be avoided. This will be minimized through careful planning and management, however. Continuing research will investigate how public transportation systems can reduce the need for automobiles and an extensive road system, and how new types and design of facilities can harmonize human use and environmental integrity.

Establishment of a Delaware Water Gap National Recreation Area does not constitute an irreversible commitment of resources. Although much effort and money is involved in the total project and many facilities are envisioned, nothing in it will forever change the basic natural fabric of the Delaware Valley.

[From the Philadelphia Inquirer, Sept. 21, 1971]

Tocks Island Dam Isn't Necessary, U.S. Study

(By Mike Clark)

A National Parks Service study has concluded that a national recreation area would be "feasible, useful and appropriate" without the controversial Tocks Island dam.

The study, originally slated for release later in the fall, was released Monday by the Sierra Club and the Save the Delaware Coalition, a group of conservation clubs fighting construction of the Tocks Island dam in northeastern Pennsylvania.

Entitled "A Natural System Plan for the Delaware Water Gap National Recreation Area, the government study says the recreation area "need not embrace a large reservoir to benefit enormously the 30 million Americans living nearby in the urban East."

The plan points out that without a dam and the resulting lake, "the area without impoundment would have more than 10,000 'extra' acres of scenic riverside lands . . . ideal for outdoor activities."

Present U.S. Army Corps of Engineers plans call for construction of a large dam above the Delaware Water Gap near Stroudsburg, Pa. The resulting lake would stretch northwards for 36 miles to Hancock, N.Y. It would, under current plans, be surrounded by a

72,000-acre recreation area run by the Park Service.

The $250 million proposal was authorized by Congress in 1962. Completion is scheduled for the early 1980s.

The revised plan gives less emphasis to water-oriented facilities than did the dam plan.

"However," it says, "by utilizing the ponds, the streams, the river itself, water recreation facilities would be more dispersed, less concentrated in mass-use areas than in the reservoir plan."

Although there would be less room for mechanized water sports such as motor boating and water skiing, "there would be plenty and emphasis on the more subdued forms of boating such as canoeing and rowing," it says.

In addition, instead of the emphasis on lake fishing, the major fishing would take place on the river itself and in the many ponds in the area.

To increase the river's usefulness for water sports, the Park Service report recommends construction of three low-level weirs or impoundments, in as-yet undetermined locations. This would increase the water depth within the existing river banks with a minimum of disturbance.

"In contrast with the large beaches and marinas designed for the reservoir, the riverside would offer facilities more modest in scale and conducive to enjoying the peaceful rural charm of the Delaware Valley."

The report notes that other facilities would remain as presently planned, but "there would be more emphasis on trails, on winter sports and on centers for environmental education."

It was also noted that hunting would be allowed where feasible and in accordance with state regulations.

The study concludes that by establishing the Delaware Water Gap National Recreation Area without a dam, there is no "irreversible commitment of resources."

National Park Service: National Recreation Area Feasible With or Without a Dam at Delaware Water Gap, Park Service Reports

Secretary of the Interior Rogers C. B. Morton released today copies of a staff report by the National Park Service on the Delaware Water Gap National Recreation Area. The report concludes that a viable recreation area would be possible with or without the Tocks Island Dam.

George Hartzog, Director of the National Park Service in commenting on the report said, however, "that without the dam, the recreation area would be of an entirely different character and would accommodate a lesser number of people than would a large body of water associated with the construction of the dam."

The study was made at the request of the Council on Environmental Quality in response to the question from the OEQ "as to whether a viable recreation area would be possible without the Tocks Island Dam."

Council on Environmental Quality,
Washington, D.C., July 15, 1971.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: The Council on Environmental Quality has come to agreement with the U.S. Army Corps of Engineers, the Delaware River Basin Commission, the Department of the Interior, and the Federal Power Commission on an environmental analysis procedure for the Tocks Island projects.

The environmental analysis will be broken down into three stages. The first stage consists of the filing of individual environmental impact statements in the normal manner with the Council on Environmental Quality by the U.S. Army Corps of Engineers for the Tocks Island Dam and Reservoir project, the Delaware River Basin Commission and the Federal Power Commission for the pumped-storage hydro-electric generation proposal and the Department of the Interior for the Delaware Water Gap National Recreation Area.

The U.S. Army Corps of Engineers has agreed to be the lead agency for the preparation of the second stage which involves the preparation and filing of an overview environmental impact statement. This overview statement, prepared by the Corps in conjunction with the Delaware River Basin Commission, the Department of the Interior and the Federal Power Commission, will be a multidisciplinary environmental impact statement which will look at the interrelationships of all of the projects, including their primary and secondary effects, upon the region's environment.

The third stage may or may not be necessary. If the Council on Environmental Quality finds that any major points need further study after their evaluation, the Army Corps of Engineers has agreed to such studies by whatever entity is most appropriate.

The Army Corps of Engineers has agreed that construction will not begin upon the Tocks Island Dam and Reservoir project until all environmental impact statements and necessary further studies which go to the viability of the dam and reservoir project are completed and evaluated.

Copies of the Army Corps of Engineers letters to the Council on Environmental Quality dated May 25 and July 2 are enclosed. Also enclosed is our letter to the Army Corps of Engineers dated June 18.

Your interest and support in obtaining a thorough environmental analysis of the Tocks Island projects is greatly appreciated by the Council on Environmental Quality.

Sincerely,

Russell E. Train, *Chairman.*

ARTHUR E. MORGAN ON THE BASIS OF EFFECTIVE ACTION

Mr. HUMPHREY. Mr. President, recently I was privileged to receive a remarkable statement of personal philosophy, a social program for the strengthening of human institutions that ennoble the spirit of man and effectively meet his real needs. The author of this statement, entitled "The Basis of Effective Action," is Arthur E. Morgan.

This is a man whose lifetime of service to others embodies its own creed—a profound commitment to a better world. The recognition of Arthur Morgan's abilities to translate this commitment into firm purpose and effective action is evident in his appointment as president of Antioch College in 1920, a position to which he added distinction over 13 years, and his subsequent appointment as first cochairman of the Tennessee Valley Authority, where for 5 years he helped guide the evolution of this world-renowned regional development project.

Truly, these are times in the affairs of men that call for Arthur Morgan's message of a "clear comprehension of aims" and of "a consuming desire to contribute" to the destinies of mankind. As he so rightly points out:

> Great political leadership may stimulate a nation to a better program, but before our civilization can become stable on a higher level . . . a foundation must be provided by the general occurrence through the population of character, design and commitment, and by mutual support in giving them expression.

Mr. President, I ask unanimous consent that Mr. Morgan's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Basis of Effective Action

(By Arthur E. Morgan)

I have become greatly impressed with the importance of the "technique of effectiveness" in making one's efforts count towards his ends. The effectiveness of one's life depends on the clarity and thoroughness with which his ends are conceived, the suitability of his means, and lastly to the vital energy he puts into their realization. A right proportioning of these elements is of controlling importance.

Of the three elements of effectiveness I have mentioned, that of clear comprehension of aims is most important. An aim clearly and sanely conceived and expressed, if it has elements of vital truths, has power of reproduction somewhat like that of a living organism. A few years ago in sailing along the coast of Greece, I saw where the side of a mountain had broken off and fallen into the ocean. The splash must have been terrific, and the ripples must have traveled to the most distant shore. Yet, today, there is probably little difference in world affairs because of that splash. Perhaps it was at about the same time a tiny dandelion seed dropped from a freight package from Europe onto the soil of America. The event was unnoticeable, but the seed had in itself the power of reproduction, and its progeny has spread across the continent. Napoleon made a great splash, but there was relatively little clarity of purpose in what he did. Spinoza in his attic was as inconspicuous as a dandelion seed, but his influence on human thought and life in the end may be greater than that of Napoleon.

Human affairs are largely in chaos. All the raw materials exist, including human nature and capacity for intelligence, to produce a culture which would project the race far along its way. Vast energies are being spent without design and therefore largely wasted. Vast capacity for design is being consumed in abstractions of theory, undisciplined by adequate contact with reality. Great ability is unused because of the lack of a compelling sense of unity and identity with the destinies of mankind, and of a consuming desire to contribute to that destiny. In government, fairly simple-minded men equipped with valid drives, and trained in the science and art of leadership, could make great contributions. In business, the purifying and selective action of these motives would be revolutionary. In philosophy a game like chess would give place to a genuine and passionate search for light. In youth there would be jealous guarding of energies and powers to commit them to the great quest. The work of the world would be refined by the determination to live and thrive only by contributing to the real needs of men.

I see two kinds of contributions as necessary in human affairs. One is participation in the current conduct of business, government, education and society in general. The other contribution consists in achieving clear purpose and design, in the discipline of personal life and character, and in the creation and extension of a sort of brotherhood of men who will commit themselves wholeheartedly to laying the foundations for a new order. Most men should be engaged in both kinds of endeavor, but some men can serve best by committing themselves almost wholly to the latter.

I have pictured to myself a program for furthering this second purpose. It must include a clarification of personal and social aims and purposes. It must include the development and the possession by individuals of a scientific, discriminating and inclusive ethics and wholehearted commitment to that ethics in the day-by-day conduct of life. It should, I think, include the gradual development of a society or brotherhood of men and women who will wholeheartedly and unreservedly commit themselves to such a quest, and who will discover each other, support and encourage each other, and gradually establish the conduct of life according to the design which has emerged in the common quest. There must be such continuing and growing association of men and women of like purpose to transmit aims and spirit by the contagion of personal contact, for otherwise the dilution and attrition of common life may tend to eliminate all vestiges of high aims and burning purpose. Great political leadership may stimulate a nation to a better program, but before our civilization can become stable on a higher level, such a foundation must be provided by the general occurrence through the population of character, design and commitment, and by mutual support in giving them expression.

Most of the mountains of the earth exist today because of grass and trees. But for these protective coverings the elements would have worn them away at least twenty times as fast. So most desirable human institutions exist because in the common texture of life there is the decency and loyalty to mankind to protect and sustain them. Such a program as I have outlined does not rest solely on leadership. It depends also on the effect of similar motives widely distributed, giving vitality and refinement to the common course of life.

HON. BOURKE B. HICKENLOOPER

Mr. MILLER. Mr. President, the State of Iowa and the Nation lost a great public servant with the sudden and untimely death of our former colleague, Hon. Bourke B. Hickenlooper.

The Cedar Rapids, Iowa, Gazette said of Senator Hickenlooper:

> His was an enviable record that will serve as an inspiration to all Iowans with political aspirations.

The Des Moines Register asserted that—

> The ancient Romans had a word for the career of Bourke Blakemore Hickenlooper of Iowa: cursus honorum—a course of ascending honors in service to the republic.

The Mason City Globe-Gazette said:

> He did credit to his native state, which showed its confidence in him in life and honors him in death.

Indeed this record of public service inspired confidence, and his reputation in the Senate as a legislator completely dedicated to high principles and integrity in public office will live and stand as a fitting memorial.

I knew "Hick" before I came to the Senate in 1961, and I was proud to have been associated with him for 8 years until his retirement from the Senate in January of 1969.

It is tragic that a well-earned retirement has been ended so soon, and all of us, I know, mourn his passing.

I ask unanimous consent that editorials on Senator Hickenlooper from the Cedar Rapids Gazette, the Des Moines Register, and the Mason City Globe Gazette be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cedar Rapids Gazette, Sept. 6, 1971]

BOURKE B. HICKENLOOPER

Bourke Blakemore Hickenlooper, who died Saturday, was one of the most popular public officials in Iowa history. Certainly he was the "winningest" Republican the state has ever had.

He devoted 34 of his 75 years to serving his fellow man—34 years without a break, ranging from four years as a state representative beginning in 1935, to 24 as a U.S. senator ending when he retired undefeated champ in 1969. In between, he sandwiched four years as lieutenant governor, two as governor. He is the only Iowa governor and senator to come from Cedar Rapids, where he started practicing law in 1922.

His name was before the voters 19 times. Like most successful politicians, he tasted the dregs of defeat—twice. But these temporary setbacks actually steeled him for the long days ahead, during which he established a reputation as a conservative with a keen sense of humor, a staunch defender of the private enterprise system, an advocate of a farm economy unfettered by government controls and an opponent of excessive spending both at home and abroad.

He was defeated in his first bid for public office, losing his party's nomination for Linn county attorney in 1932. Two years later he won the first of two terms as state representative then lost again, in his first try for the nomination for lieutenant governor in 1938. When the man who beat him, Harry B. Thompson of Muscatine, a stranger to politics, withdrew from the race, the G.O.P. state convention lost no time nominating Mr. Hickenlooper to fill the vacancy left on the ticket. He never lost another election.

His early campaigns were arduous and time-consuming. Television wasn't here yet and a candidate had to visit every nook and cranny to acquaint voters with his name—especially when he had a name that was difficult either to believe or to pronounce, like Hickenlooper. That was the lesson he learned from his 1938 defeat—that an unknown with a common name like Thompson could beat an experienced politician with the unlikely name of Hickenlooper.

So he went door-to-door, telling stories involving his name and encouraging people to just call him "Hick," which they learned to do with affection. His favorite story was about when he was a small boy in Taylor County and his mother sent him to a drug store in Bedford, the county seat.

"I asked for a nickel's worth of assafetida and told the druggist to charge it," he related. "He asked my name. I told him it was Bourke Blakemore Hickenlooper. He asked me to repeat it. I did. He said 'here, sonny, take it. It isn't worth a nickel to write both assafetida and Hickenlooper on a charge ticket'."

"Hick" was a devoted public servant. He was No. 1 Republican on the senate foreign relations committee when he retired. He served as chairman of the joint atomic energy committee and was chosen by President Eisenhower as a U.S. representative to the U.N. General Assembly in 1958. President Johnson sent him on a congressional team in 1966 to keep watch on the South Vietnam election.

Only the late Senator William Allison had a longer service record, among Iowans, in the U.S. senate—35 years. But Allison's record was before senators had to stand public election (they were chosen by the legislature), so Hick's was harder to come by.

Indeed, his was an enviable record that will serve as an inspiration to all Iowans with political aspirations.

[From the Des Moines Register, Sept. 8, 1971]

LONG CAREER IN IOWA'S SERVICE

The ancient Romans had a word for the career of Bourke Blakemore Hickenlooper of Iowa: cursus honorum—a course of ascending honors in service to the republic.

As a young man, he interrupted his college education to serve in the armed forces in World War I, as a second lieutenant in a field artillery outfit in France. He went back to Iowa State University to get his bachelor's degree and to the University of Iowa to get a law degree. For more than a decade he practiced law in Cedar Rapids.

Then in 1934 he ran for public office and won. For the next 34 years he served in elective office with successively larger responsibilities: two terms as state representative, two terms as lieutenant governor, one term as governor, and finally four six-year terms as United States senator with mounting seniority and committee posts.

This newspaper did not always agree editorially with the Hickenlooper policies, but he was always courteous, always willing to explain his point of view, and his explanations were always thoughtful, based on first-hand study.

For years, he was alternately chairman or ranking minority member of the Joint Congressional Committee on Atomic Energy. He was a principal author of the Atomic Energy Act of 1954, which encouraged private industrial development of nuclear power.

Hickenlooper served long also on the Senate Foreign Relations Committee and became ranking Republican member. He spoke out against Vice-President Richard Nixon's suggestion in 1954 that the United States ought to send troops to Indochina if the French could not hold it.

The Hickenlooper Amendment to a foreign aid law of the early 1960s is still on the books. It calls for a cut-off in American aid to countries which expropriate the property of United States citizens and fail to provide compensation within six months. The amendment permits the President to make exceptions when he thinks the national interest requires it.

The senator was 73 when he retired, 75 when he died. Nearly half his life was spent in public service.

[From the Mason City (Iowa) Globe-Gazette. Sept. 8, 1971]

HICKENLOOPER LEFT IMPRINT

Bourke B. Hickenlooper, who died early Saturday at age 75, once despaired of getting far in politics because of his name.

The abbreviation used by friends (Hick) was even worse. But Hickenlooper found the secret in kidding about his last name in public, making more jokes about it than his political foes.

With that, his political climb was steady in Iowa's Republican party. He served four years in the Iowa Legislature, was elected lieutenant governor in 1938 and 1940, then became governor in 1942. He won a seat in the U.S. Senate in 1944 and served there 24 years before retiring from active politics in 1968.

The Cedar Rapids lawyer, a moderate conservative, won the most national attention as co-sponsor of the Atomic Energy Act of 1954, which initiated the private development of atomic energy for peaceful uses. He was chairman of the Joint Congressional Committee on Atomic Energy at the time.

Hickenlooper also made his mark in the field of foreign relations, as senior Republican member of the Senate Foreign Relations Committee.

The Iowan wrote the controversial amendment to the foreign aid bill in 1962 that automatically denies aid to any foreign country that expropriates property or equity of an American unless adequate compensation is awarded within six months.

That amendment has been invoked only once, against Ceylon in 1963, but it has been credited with being an effective deterrent.

Hickenlooper continued to be a force in

Iowa politics through frequent trips home to "keep in touch."

Few Iowans have won so many elective offices and left such an important imprint on the legislative face of this nation. He did credit to his native state, which showed its confidence in him in life and honors him in death.

HILL-BURTON'S 25TH ANNIVERSARY

Mr. PERCY. Mr. President, I wish to draw the attention of Senators to an editorial published recently in the Washington Post commemorating the 25th anniversary of the Hill-Burton program of Federal assistance to hospitals and health care facilities.

We have heard over and over again of the severe health crisis which this country is facing, a crisis which I believe is based on the shortage and maldistribution of our health personnel. We should not overlook, however, the progress which has been made in the construction and expansion of hospitals and community health centers throughout the Nation. The Hill-Burton program, in its 25 years in existence, has made great strides in improving our health care facilities. It is hoped that its continued assistance will enable us to provide the quality health care which is the right of every American. I trust the American people will never forget the debt of gratitude we all owe our distinguished former colleague, Senator Lister Hill. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HILL-BURTON

The Hill-Burton program of federal assistance to hospitals and other health care facilities has just observed its 25th anniversary. And this we think is worth noting if only because, in one way or another, this program affects the lives of all Americans.

In partnership with state and local governments as well as voluntary health and hospital associations and various citizens' groups the Hill-Burton investment of $3.7 billion in federal grants has produced $12.7 billion worth of new or modernized hospitals and health centers in some 4,000 communities over the past quarter century. But this statistic does not tell the story of the dramatic changes that have occurred during this time in our concept and methods of health services—changes that have in part forced the program in new directions and that in part the program itself has brought about.

At the time Senators Lister Hill (D.-Ala.) and Harold H. Burton (R.-Ohio) introduced the Hospital Survey and Construction Act in 1945, the nation suffered a critical shortage of hospitals and health centers, particularly in rural areas. Nearly 800 hospitals had been closed during the depression for lack of operating funds and few new ones were built during World War II. Public health centers, as one veteran of the program recalled, "were usually found in the basement of the courthouse, provided, of course, the space wasn't needed for the dog pound." Hill-Burton helped build health care facilities of all kinds, from small one-story institutions to skyscraping hospital complexes. But it built most of them in the hinterland, partly because needs and the law demanded this, partly because of the influence of rural state legislators. Metropolitan hospitals, which were to be the core of regional hospital systems, were allowed to deteriorate. It was not until 1964 that an amendment to the act changed this emphasis. It allowed grants to modernize existing hospitals in the big cities and provided funds for regional health care planning and coordination.

More recently the predominant need, even in the big cities, is not so much for new hospital beds, of which there is a surplus in some areas, but for improved and enlarged outpatient facilities and services. The program was forced to change direction again and give greater emphasis and priority to comprehensive outpatient care particularly in poverty areas.

The changes the program has brought about are in the way hospitals around the country are planned, designed, equipped and operated. The Public Health Service architects and engineers working under the Hill-Burton program have been leaders in their field. They have issued more than 100 planning guides on such subjects as hospital lighting, noise control, infection control, air conditioning and interior arrangements. They have made the open ward obsolete and introduced the concept of "progressive patient care," whereby patients are assigned to special units according to their degree of illness. The idea of "intensive care units" for patients requiring around-the-clock attention and special life-saving equipment has been adopted by 2,000 hospitals in this country and a growing number abroad. For much of all this we have the Hill-Burton program to thank.

FORMER SENATOR BOURKE B. HICKENLOOPER, OF IOWA

Mr. ALLOTT. Mr. President, all Sentors lost a friend, the State of Iowa lost a great leader, and the United States of America lost a venerable public servant with the death of Senator Bourke B. Hickenlooper.

Senator Hickenlooper served his Nation selflessly. He was unfailingly attentive to the needs of his great State. And he served with distinction as chairman of the Senate Republican Policy Committee.

It has been an honor for me to serve as Senator Hickenlooper's successor as chairman. I know I speak for the staff of that committee when I say that his tenure there, like his entire public career, was a model of outstanding public service.

NICHOLAS VON HOFFMAN ON "GRUMBLING OFF"

Mr. FULBRIGHT. Mr. President, the commentary of Nicholas von Hoffman in the Washington Post of September 22 is worthy of the consideration of all Senators as well as the general public.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRUMBLING OFF FOR A WHILE

(By Nicholas von Hoffman)

Writing a newspaper column is an unnatural occupation. A columnist is paid for his opinions and if that is not unnatural its certainly a job that calls for the developing of faculties of mind and disposition which are a positive handicap in most other lines of work. Nobody wants an opinionated person around and yet we newspaper columnists are recompensed for cultivating this nasty trait.

Still it's unnatural to have an opinion about everything and everybody. It's probably a species of insanity. Forty or 50 well thought out studied opinions are all a sane and healthy person needs. Any more than that and he risks exhaustion and derangement. It's very tiring, summoning up an opinion about everything one sees and hears, and it's crazy, too, for if man is made to inquire, probe, search and question, he's not made to do so in regard to everything; sometimes he's better off accepting with a nod and grunt, just flowing with it, not removing himself to size it up and pass judgment.

Even people who're paid for their opinions should leave off sometime and spend a while nodding and grunting and accepting. It's either that or the nut house, so this column won't appear for the next month or so because the man who writes it is going to take off to take life as it is and not argue back.

While I'm gone I'm going to think on why this society should pay people to write newspaper columns. It's a very special and privileged position, a very satisfying one for column writers, but, a little entertainment aside, what can society hope to get in return?

Surely not just any old kind of opinion. There are plenty of them around without having to pay for more. The pages of every newspaper every morning are loaded with quotations from leaders of business, politics, religion, athletics, and every other field of endeavor letting go with what they think.

If column writing has any utility, then it must arise from the writers not being leaders, not being part of any definable group that puts special lenses on people's eyes so that they perceive according to some kind of collective *a priori*. The columnist has got to be a loner, a detached and unattached person, because he has nothing else to offer except an opinion which isn't the *ex parte* argument of one group or another. All he's got to sell are his own opinions; hopefully they will be informed and researched but above all they must be personal, and not the views of others for whom he's but the mouth.

That's never been easy to do, least of all in newspapering where the publishers and senior editors have a long tradition of compromising personal associations with businessmen and politicians. However that may be, it's become customary with them to urge their employees to stay neutral, to stay unencumbered, and, by and large, the better news people of this era have done that.

Now this is beginning to change. Some of the leading figures in American journalism are throwing off the old clothes of skepticism and are putting on uniforms and enlisting in a variety of causes. This is usually called the new journalism and it is usually justified by saying the times are so bad, the issues so crucial that the old norms are a luxury we can't afford. The new journalists are impervious to the counterargument that it is exactly in the worst of times, when partisanship is most irrational and unseeing, that we most need people speaking and writing who are free of its claims.

When a newspaper man joins up with the cause, he risks serving higher loyalties than his work and his own opinions; he is in danger of becoming a spokesman: that is a person who no longer conceives of his duty to tell all there is to tell, but to make his side look good, to emphasize what's alluring and skip over what's hard to explain.

The other day an editor of a New York publication remarked that she was disturbed to hear that one of her writers had conducted an interview with George Jackson, the gifted, black, writer/convict who was killed in what the authorities described as an escape attempt from San Quentin and his friends called a murder. What disturbed the editor was that the interview was never written up, and when she asked the writer why, he replied that Jackson had told him things that would hurt "The Movement" if they got out.

Once upon a time such incidents were common in American journalism. Publications were practicaly all the avowed spokesmen for various political groupings. Under the circumstances, a newspaper could be expected to suppress unfavorable information just as a newsletter from the Republican National Committee would. But for several generations now, general circulation publications have been trying to establish themselves as public trusts. They've been trying to persuade people that they operate under a different rubric and don't trifle with the information they collect to make it come out right for their side.

That is threatened as more people come into the business with political ulterior motives. This isn't said as an older man's lament about the younger generation. If the young people entering the news business feel this way, they're only taking some of the most distinguished older people as models.

Look at Tom Wicker, columnist and associate editor of The New York Times. He's probably the most widely admired man in American newspapering, and justly so. An intelligent, courageous, decent man, he has nevertheless given up on the idea that the journalist should stand apart. Not only is he giving speeches from political platforms, but he recently agreed to be one of the committee of politicians, ministers and social workers who attempted to mediate before the Attica bloodletting.

But even while recognizing the compelling and compassionate reasons for Wicker doing such things, an onlooker can still wonder if he can avoid becoming the voice of a political faction, if he can stand up to the pressure of writing what the faction wishes to read, if he can be both a public figure whom the rest of us must write about as we do about Gov. Rockefeller and still be Tom Wicker, his own man, writing his own opinions even when they hurt The Movement.

The political involvement of left-wing writers like Wicker is more remarked on both because of chaps like Agnew and because it is still such a short time ago that the admission of any opinions left of liberal was a confession of some sort of criminality. Right-wing newspapermen do the same thing. At the recent annual convention of the Young Americans for Freedom, three of the six major speakers were from the news business . . . H. Stanton Evens, Kevin Phillips and William Buckley.

People in the center do it, too. Clark Mollenhoff, the bureau chief of The Des Moines Register, took off to go to work in the White House for Nixon. Columnist Frank Mankiewicz, who was formerly on Robert Kennedy's staff, is now back in politics as a key advisor to Sen. George McGovern.

The people who flit back and forth between making the news and commenting on it display a weak allegiance to journalism as a calling. Indeed, they seem to regard it as a resting place for when you're tossed out of office, but because they *are* in politics, they must subject their ideas and opinions to the discipline of other people's approval. They must answer to somebody.

But the columnist who joins up in an informal way doesn't have that restraint. In most cases he himself isn't aware when he's enlisted in a faction, when he's stopped answering to himself and commenced to write what his group expects from him. Because, unlike the self-acknowledged politician, he can't be sure who his constituency is or what it may think, he's more liable to fall into gross exaggerations and fairy tale fancies. That's what comes of trying to write to an ill-defined, putative audience whose preferences can only be known by supposition.

Let's hope this hasn't happened to the columnists who've chosen the way of personal engagement, but once caught up in action, it's difficult to resist. And, when it happens, it's a shame. The society has created very few positions of great independence, relatively large immunity from pressure and access to a vast audience. When one of the few holding these positions joins up, even with the army of right, truth and progress, a special opportunity for providing people with views and opinions they can't possibly get from organized factions is lost.

The newspaper columnist, even more than the reporter, has an obligation to be a grouchy, suspicious, nasty, introspective monk, a horrid, raggedy thing no faction would care to capture. That being the case, this monk will grumble off to his anchorite cell for awhile.

ACCESS TO MATTERS INVOLVING GOVERNMENT PROGRAMS ABROAD

Mr. FULBRIGHT. Mr. President, at the request of the Committee on Foreign Relations the General Accounting Office has compiled a summary account of problems it has encountered recently in obtaining access to information on matters involving Government programs abroad. In view of the importance of this problem to the entire Congress, I ask unanimous consent to have the report and a statement by me concerning it printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,,
Washington, D.C., September 10, 1971.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On February 25, 1971, you wrote to our Office concerning executive branch denial of access to records. You pointed out that in recent years the Committee has been denied access to many documents and other materials and that such denials preclude effective legislative oversight of executive branch performance.

The basis for the executive branch denial of information to the Congress is the constitutional doctrine of separation of powers which is interpreted by the executive branch as granting it a privilege to withhold information where such action is deemed necessary in the best interest of the country.

You ask that our Office analyze the matter and furnish a compilation of summaries of all significant instances in recent years when we have been denied access to executive branch records or materials. You also ask that we submit our legislative recommendations to insure that the Congress cannot be denied access to executive branch documents unless the President exercises executive privilege.

As evidenced by the enclosed compilation and by recent testimony of officials of our Office, insofar as GAO is concerned, absolute denial by the executive branch of access to records has in recent years been quite rare. For example in testifying on your bill S. 1125, 92d Congress, before the Subcommittee on Separation of Powers of the Senate Judiciary Committee, copy enclosed, the Deputy Comptroller General on July 28, 1971, characterized our current problems on access as being those of frustrations and delays in carrying out our statutory responsibilities rather than those attending outright refusal of access on claims of executive privilege.

With regard to legislative recommendations, the Deputy Comptroller General stated in that testimony that the enactment of S. 1125 should result in a freer flow of information to the Congress and its committees except in those cases where the President himself has decided that disclosure shall be precluded on the ground of executive privilege. Specifically, he stated that, under the procedures contemplated by the bill, if the privilege is to be exercised by the President there should be no delays in the hearing processes and if the privilege is not to be claimed there is no basis remaining that we can see which would justify failure to testify. We therefore feel that the enactment of S. 1125 should go a long way to reduce the problems of access to records by the Congress and its committees, and, aside from endorsement of S. 1125 we have no recommendations to make concerning this aspect of the problem.

With regard to the delays that hinder effective performance of the duties of our Office, we feel that your Amendment No. 343 to S. 1125 of July 29, 1971, would help avoid these delays and we are unable to fashion legislative recommendations which we feel would be more salutary than the language of your amendment.

This amendment would impose a sanction along the lines of that now providing for a cut off of foreign assistance funds under section 634(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2394(c). Specifically, the amendment would provide that upon a determination by the General Accounting Office that any information requested of the executive branch by a committee or subcommittee of the Congress or the General Accounting Office has not been made available within sixty days after the request has been received and if during such period the President has not signed a statement invoking executive privilege, no funds made available to the agency involved shall be obligated or expended commencing on the seventieth day after such request is received by such agency unless and until such information is made available or the President invokes executive privilege with respect to such information. In addition to helping to alleviate the problems that we have had in delays in obtaining access to information your amendment would also assist the Congress and its committees in day-by-day operations which require information, independent of the hearing processes.

It is hoped that this letter and its enclosure will assist the Committee in its consideration of this very important problem. We would of course be pleased to further assist the Committee in any way that we can.

Sincerely yours,

R. F. KELLER,
Acting Comptroller General of the United States.

COMPILATION OF GAO ACCESS TO RECORDS PROBLEMS ENCOUNTERED IN MAKING AUDITS OF FOREIGN OPERATIONS AND ASSISTANCE PROGRAMS

In response to the request of the Chairman, Senate Foreign Relations Committee of February 25, 1971, we have made an analysis of the access to records problems, including a compilation of specific instances where the General Accounting Office (GAO) has been denied access or delayed in obtaining access to Executive Branch records or materials during recent years.

We have cited examples of denials of information and delaying or hindering actions that have taken place during eight overseas reviews conducted by GAO's International Division during approximately the last two years. Five of the reviews were conducted at the request of your Committee and the remaining three were initiated by GAO.

We believe the Budget and Accounting Act of 1921, as reinforced by recent expressions of intent by congressional committees, leaves no doubt but that Congress and GAO are expected to have access to all records, documents, or papers necessary to effectively evaluate the various programs of the Executive Branch.

However, the Departments of State and Defense have in many instances taken the position that certain information is not releasable to GAO and the Congress. Information has been denied our auditors both in the field and at the Washington level and in certain cases, information has been supplied only after time-consuming reviews by successive higher organizational levels within the Departments.

The time-consuming processes employed by the Departments in many cases have hampered our auditors in the discharge of their duties to the point that audit teams in the interest of our economical use of manpower resources had to be withdrawn from the audit site prior to a decision being made by the Departments as to whether our request to examine documents would be approved or denied. In other cases, information was provided on a piecemeal basis and certain documents were withheld which would have provided the continuity of Departmental actions necessary in our evaluation of the overall program under review.

In our opinion, the delays result in a de facto denial of records which should be made available in accordance with our legislative authority and the intent of Congress.

Following is a list of types of information that we believe are necessary in the conduct of an audit but have not been provided in a timely manner or refused outright:

1. future planning information and documents, both formal and informal;

2. internal working papers and staff recommendations relating to programs planned or in process;

3. negotiation documents, papers, memorandums, and working papers, before, during and after negotiations, regardless of whether or not the information is considered sensitive;

4. management reports including recommendations or conclusions reached, whether approved or unapproved by higher authority, field trip reports, observations, and records of conversations pertinent to the matters under review;

5. access to records, documents or papers originated or directly related to foreign governments but in the possession of United States agencies, when they relate to programs in which the United States has a direct interest; and

6. access to all United States supported bases and installations regardless of the geographical location.

Following is a discussion of GAO's authority under the Budget and Accounting Act of 1921, and the Foreign Assistance Act of 1961; Department of State and Department of Defense (DOD) and their various organizational elements, regulations, directives, or messages on GAO's right of access to information; and examples of denials and delays of information by the Departments of State and Defense.

GENERAL ACCOUNTING OFFICE AUTHORITY

The position of GAO is that full and complete access to all records pertaining to the subject matter of an audit or review is required. This is required in order that GAO can fully carry out its duties and responsibilities. The intent of the various laws assigning authority and responsiblity to the GAO is clear on this point. This policy does not admit the propriety of any restrictions on GAO's legal authority other than that specifically contained in law. The right of generally unrestricted access to needed records is not only based on laws enacted by the Congress but is inherent in the nature of the duties and responsibilities of the GAO.

The basic authority governing GAO's access to records of Government agencies is contained in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54) as follows:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment * * *"

The more important factors underlying the laws and GAO's policy of insisting on generally unrestricted access to pertinent records of agencies and contractors in making GAO audits and reviews are summarized below:

1. The making of an adequate, independent, and objective examination contemplates obtaining a comprehensive understanding of all important factors underlying the decisions and actions of the agency or contractor management relating to the subject of GAO examinations.

2. Enlightened management direction and execution of a program must necessarily consider the opinions, conclusions, and recommendations of individuals directly engaged in programs that are an essential and integral part of operations; knowledge of this type is just as important in making an independent review as it is in making the basic management decisions.

3. Withholding information could permit concealment of adverse conditions by responsible officials. The denial of information developed in an internal review to higher authority, or any other official properly concerned hampers the external review and independent consideration of the effectiveness and efficiency of the activities, and necessitates a duplication of effort and increased costs.

4. Internal reviews on behalf of agency management are highly desirable. Such reviews represent one of the methods by which management can keep informed of how large and complex activities are being carried out. Management should take vigorous corrective action on any deficiencies disclosed. However, the effectiveness of a program of self-evaluation and management improvement is not dependent upon restricting the information developed to the individuals or departmental level responsible for the activity under examination. Such information is of great importance to higher administrative levels of review having a legitimate interest or concern in the subject. The effectiveness with which internal review activities are carried out and the effectiveness with which corrective action is implemented is clearly of interest and concern to the GAO in the performance of its statutory responsibilities and reporting to the Congress.

5. There is no basis in law or logic for a distinction between factual information and internal options, conclusions, and recommendations insofar as our authority and need for information is concerned. A sharp distinction between these categories is not only difficult to make but physical segregation of them is impractical.

6. The disclosure to the GAO of frankly stated internal opinions, conclusions, and recommendations is not contrary to the public interest. The system of management control which results in such internal communications should be properly conceived, administered, and dedicated to efficient and effective operations rather than oriented toward a defense of possible criticism. Under these circumstances, the requirement of disclosure should tend to improve the caliber of the internal opinions, conclusions, and recommendations rather than impair their usefulness to the management because of softened criticism, avoidance of doubtful matter, and general restraint.

7. All books, documents, papers, and other records relating to the costs borne by the United States are records relating directly to the financial interest of the United States. Such records are not limited to formal agreements or contracts and the supporting data, but include all underlying data concerning the need, utilization, and disposition, of funds which afford the basis for or are involved in any way with the incurrence of costs by the United States. Pertinent records may include but are not limited to records in support of (a) future plans and programs, (b) internal working papers, observations and trip reports of advisers and (c) evaluations, recommendations and conclusions of internal evaluation groups.

A remedy bearing on our access to records of Government agencies is contained in section 634c of the Foreign Assistance Act of 1961, as amended. Section 634c states that:

"None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing."

The above section applies only to funds appropriated under the Foreign Assistance Act; it is not applicable to the military service appropriations.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF STATE RESTRICTIVE REGULATIONS

Both the Departments of Defense and State and their various organizational elements recognize GAO's rights to documents, records and papers as contained in the Budget and Accounting Act of 1921, but at the same time the Departments have directed that certain types of information not be furnished to GAO. Normally these regulations or directives and implementing messages do not state that GAO cannot be furnished the information, but rather that their personnel in the field can not furnish the information unless authorization is received from higher authority; this normally means officials of the Departments in Washington.

Following are pertinent excerpts from regulations, directives, and implementing messages of the Departments of State and Defense and their various organization elements restricting GAO's right to records.

DEPARTMENT OF DEFENSE

The Department of Defense's basic policy guidance on cooperation with GAO and access to records is contained in DOD Directive Number 7650.1, dated July 9, 1958. Although the directive was not agreed to by us, it sets forth the working arrangement under which we have operated. That directive contains three categories of information that DOD considers to be essentially nonreleasable to GAO—those are (1) budgets for future years' programs, (2) reports of non-Department of Defense agencies, and (3) reports of Inspector General and criminal investigation organizations.

However, in some cases implementing messages from DOD and regulations by the military services and major commands have placed additional restrictions on GAO's access to records. The restrictions vary somewhat among the military services and commands. We believe the following two illustrations demonstrate the restrictions imposed by DOD on access to records necessary for GAO to make effective evaluation of DOD programs.

1. U.S. European Command Headquarters, Directive Number 50–5 dated June 18, 1971

The appendix to the above directive contains a listing of documents and categories of information which the chiefs of Military Assistance Advisory Groups and missions may not release to GAO without approval from higher authority. They are as follows:

a. Recommended changes to force objectives.

b. Host country replies to NATO questionnaires and related MAAG analyses.

c. Information relating essentially to military or international planning considerations and pertaining to matters of strategy, such as war plans or memorandums leading to the formulation of such plans.

d. The Military Assistance Five-Year Plan for a particular country except data included in the military assistance program which has been initially justified before the Congress.

e. The quantity and projected delivery of items and services included in a specific fiscal year military assistance program prior to the initial justification of the program before the Congress.

f. Operational status reports concerning tactical effectiveness of host country forces. (Factual data, such as personnel strengths and allowances and equipment inventories and allowances, may be extracted from these reports and furnished the GAO in response to a specific request for such data from the GAO.) Note: This restriction excludes combat capability ratings assigned by chiefs of Air Force sections of the MAAGs.

g. Reports of the Inspector General, Foreign Assistance, Department of State.

h. USEUCOM command Inspection reports (Factual data specifically related to the area of the GAO audit may be extracted from these reports and furnished in response to a specific request for such data from the GAO).

i. Documents related to intelligence collection and analysis.

j. Host country documents, reports, and data.

2. Joint State-Agency for International Development-Defense Message dated December 18, 1970

This message, which was drafted by DOD, was directed to the American Embassies in Bangkok, Manila, Saigon, and Seoul, and the Pacific Command in Hawaii. It stated, missions and commands should not, without specific Washington authority, allow GAO personnel to consult or otherwise have access to the following:

a. Documents relating to war plans, future military assistance service funded or U.S. military operations budgets and planning data.

b. Confidential correspondence exchanged between heads of State.

c. Presidential memoranda.

d. Reports of the Inspector General.

e. Performance Evaluation Reports.

f. Internal executive branch working papers and memoranda.

g. Telegrams, memoranda or other documents revealing sensitive information about the conduct of United States negotiations with participating countries or South Vietnam.

h. Other material which the Ambassador or major military component commanders consider may be sensitive and could, if revealed, have a serious adverse effect on the conduct of United States Government relations with the participating countries or with other countries or might otherwise prejudice the national interests of the United States.

The message also contained in a statement that GAO representatives will have no need to consult participating country or Government of Vietnam officials or agencies for purposes of present review since such contacts could have adverse consequences.

In reviewing the military service regulations it is interesting to note that the military service regulations were revised between July and September 1970 which allows GAO access to planning estimates for specific programs. This revision, however, has not been incorporated in DOD regulations and implementing instructions.

DEPARTMENT OF STATE

The Department of State's basic overall policy guidance for making documents available to GAO is contained in their Foreign Affairs Manual, (FAM), Volume 4, Section 934. The FAM quotes the pertinent part of section 313 of the Budget and Accounting Act, and states it is the State Department's policy to cooperate by making available to GAO representatives their documents.

However, the FAM further states that Department of State approval is to be obtained first when in the opinion of the ambassador or bureau head any document requested by GAO is of such significance that:

1. Its disclosure would seriously impair relations between the United States and other countries in the conduct of foreign affairs, or otherwise prejudice the best interests of the United States.

2. It is a document directed to the President, the National Security Council, or a similar White House board.

3. It is a document relating to formulation of sensitive substantive policy (as distinguished from a statement of or implementation of policy).

4. It is a document that is generally restricted, such as personnel security files, records, relating to citizenship of individuals, Foreign Service inspectors' reports, visa records, intelligence and investigative records, and classified material of other agencies except in accordance with the applicable regulations and consent of the originating agency.

In a November 17, 1970, message from the Department of State to all diplomatic and consular posts, the State Department restated their guidance on the release of information and documents to GAO. The message emphasized that while GAO has a statutory basis for requesting information and access to documents, the President at the same time, enjoys the historic privilege of withholding certain information the disclosure of which would be incompatible with the public interest.

The message enumerated the restrictions on GAO's access to records as contained in the FAM and also stated that sensitive information about the conduct of United States negotiations with foreign countries may come within the category of information restricted to GAO. The message also stated that should GAO representatives indicate an intention to approach the host government, they should be discouraged from doing so, unless contrary guidance is received from the State Department.

In a letter dated December 16, 1970, the Comptroller General requested the Secretary of State to rescind the additional restrictions placed on GAO's access to records as contained in the November 17, 1970, message from the Department of State. The Comptroller General noted in his letter that the new instructions would compound the problems that GAO has been experiencing in obtaining access to records pertinent to our reviews. A copy of the Comptroller General's letter was also forwarded to the Assistant to the President for National Security Affairs on December 19, 1970, in view of the fact that the Secretary of State's message was cleared by the White House prior to release.

On January 22, 1971, the State Department replied to the Comptroller General that it was not the intention of the State Department to issue more restrictive regulations regarding GAO's request in the field for access to documents, but rather to remind their overseas locations of the existing procedures as contained in the FAM on access to sensitive documents.

At the request of the Comptroller General, the State Department informed all diplomatic and consular posts on February 16, 1971, that it was not the intention of the November 17, 1970, message to impose additional restrictions on GAO's access to records.

The Assistant to the President for National Security Affairs replied on February 27, 1971, to the Comptroller's letter of December 19, 1970, and stated that the policy of the Administration remains one of the fullest cooperation with the Congress and with the GAO. The letter, however, noted that in regard to the requirement for United States missions in the field to refer sensitive decisions back to Washington, that this seems a reasonable administrative procedure, and that it remains incumbent upon the departments to assure that such referrals are handled with dispatch here in Washington.

Based upon the delays that occurred in GAO's gaining access to records during our reviews, we believe that the implementing restrictions of November 17, 1970, to the FAM did in effect result in additional restrictions on GAO's access to records. Examples are included in the following section.

EXAMPLES OF DELAYS AND DENIALS OF INFORMATION BY THE DEPARTMENTS OF DEFENSE AND STATE

The Departments by their regulations, directives, and implementing messages have established hierarchic systems which have seriously restricted their field organizations in responding to requests for certain types of information. In many instances, after long delays occasioned by the referral of GAO requests to Washington, the information requested was received. However, by that time our field auditors were no longer at the site and were not in a position to properly evaluate the information in conjunction with other material at the site and could not readily obtain the views of the personnel most familiar with the information.

In addition to these delaying tactics, which hindered an effective timely evaluation of United States programs overseas, we were also denied other pertinent and significant information needed to properly carry out our statutory responsibilities. In one instance we were denied the right to conduct a review, while in two other instances we were denied the right to visit United States supported military bases in Vietnam.

Shown below are a few examples of the denials and delaying tactics encountered by GAO during eight overseas reviews conducted during the last two years.

DEPARTMENTS OF DEFENSE AND STATE REFUSAL TO ALLOW GAO TO VISIT U.S. SUPPORTED BASES IN VIETNAM

The Departments of Defense and State have denied permission to GAO to visit the Thai and Korean camps in Vietnam. Our reasons for requesting the visits were to observe the large amount of United States equipment and supplies provided to the Thai and Korean troops and to talk with United States military liaison personnel stationed at the camps as to their duties and responsibilities. An additional reason for our requests to visit the camps was the fact that we had observed during a visit to the Thai Overseas Replacement Training Center in Thailand on September 18, 1970, what appeared to be large amounts of excess equipment.

On September 21, 1970, we verbally requested permission from the Commander, U.S. Military Assistance Command, Vietnam, to visit Camp Bearcat, location of the Thai contingent. We were informed by the Commander on September 23, 1970, that the visit would not be authorized without prior clearance from higher headquarters and that our request should be submitted in writing which we did on September 25, 1970. While our request stated that we did not intend to talk to any Thai personnel during the visit to the camp, nevertheless, United States military officials in Vietnam, with concurrence of United States Embassy officials in Bangkok and Saigon, denied us permission to visit the installation at that time without clearance from higher authority. The reason cited for denying our request was that GAO should have no need to consult host country officials or agencies and that such contracts could have adverse consequences.

The Department of State sent a message dated November 17, 1970, to all of its diplomatic and consular posts which provided guidance to the posts for handling GAO examinations. Among other things, the guidance stated that GAO representatives should be discouraged from consulting host country officials or agencies, unless contrary guidance was received from the Department. A joint State-Agency for International Development-Defense message, dated December 18, 1970, reaffirmed this guidance. (See page 10)

The Comptroller General, in a letter to the Secretary of State, dated December 16, 1970, pointed out that GAO has regularly made visits to host government installations to see how assistance financed by the United States is being used. He stated that such inspections are essential if GAO is to carry out its responsibilities for evaluating the effectiveness and improving the management of United States programs. He further stated that any contacts GAO might have with host country officials are arranged through United States country team channels, and that we know of no problem that has arisen as a result of this phase of our reviews.

On February 5, 1971, our office in Saigon requested permission from the Commander, U.S. Military Assistance Command, Vietnam, to visit the Korean Base Camp at Qui Nhon, Vietnam. As with the Thai base camp request, our office stated that we did not intend to contact Korean personnel or review Korean records, but that we wished to make some visual observations of the conditions and utilizations of United States provided facilities and equipment. However, on March 6, 1971, a message from the Secretary of Defense to Commander in Chief, Pacific (CINCPAC) stated that the requested GAO visit was disapproved, and that GAO should be satisfied to interview United States military liaison personnel at some U.S. facility, other than Qui Nhon.

Contrary to DOD's opinion, the proposal was not satisfactory for purposes of auditing. It would not enable us to make a first hand observation of the existence, condition, and utilization of United States property provided the Korean forces for their use. We believe that the disapprovals of our requests to visit the Thai and Korean base camps in Vietnam were not justified. Furthermore, the disapprovals effectively prevented GAO from exercising its statutory responsibilities.

REFUSAL OF THE STATE DEPARTMENT TO ALLOW GAO TO CONDUCT AN OVERSEAS REVIEW

In March 1971, 13 months after GAO informed the United States Embassy in Germany that we planned to conduct a review of United States occupation costs in Berlin, we were informed by the Department of State that we would not be permitted to do so.

Our proposed review was designed to assure ourselves and the Congress that the United States occupation costs in Berlin which are properly chargeable to the Federal Republic of Germany are in fact borne by them, and that U.S. Government financial interests are being properly protected. Accordingly, in February 1970, we informed the United States Embassy in Germany and U.S. Army officials of our plan to review the United States occupation costs in Berlin. At the time, U.S. Army officials interposed no objections to our examination of their records and processes. However, a United States Embassy official expressed a reservation that the basic audit agreement on Berlin did not permit an independent review by any of the powers' supreme audit organizations. In our discussion with Embassy and Department of State officials, we emphasized that our review would be limited solely to United States occupation costs and would be based on records available in the United States agencies.

In our attempt to resolve the issue, an official of our Office, in May 1970, formally requested that the Department of State authorize access to the pertinent records so that we could proceed with our review. In June 1970, we were advised by the Deputy Under Secretary for Administration and the Assistant Secretary for European Affairs, Department of State, that we could anticipate a reply to our request soon. After we had pressed for an answer over a period of nine months through letters, telephone calls, and meetings, we were officially advised in March 1971 that access was denied.

In denying us access, the response by the Department of State made no reference to invoking executive privilege; the Department of State does not have authority to deny us the right to examine the records or to conduct the review.

The General Accounting Office has the authority and responsibility to audit United States records relating to expenditures and receipts of the United States. Refusal on the part of the Department of State to permit our staff to review the necessary records concerning occupation costs in Berlin precludes us from carrying out our responsibility for audits as provided by the Congress under Section 305 of the Budget and Accounting Act, 1921. This section states that:

"All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

Thus, the right of the General Accounting Office to unrestricted access to pertinent records is not only based on laws enacted by the Congress but is also inherent in the nature of the duties and responsibilities assigned by the Congress to the General Accounting Office.

In the latter part of April 1971, we reported this matter to eight committees of the Congress as well as to the Secretary of State. Following issuance of the report, the Chairman, Senate Committee on Foreign Relations addressed a letter to the Secretary of State requesting an explanation of the matter. As of June 1971 GAO has not been advised of a Department of State response.

MANAGEMENT REPORTS, TRIP REPORTS, AND SO-CALLED INTERNAL WORKING PAPERS DENIED TO GAO

The GAO during its review and evaluation of United States programs, whenever possible, utilizes the various reports prepared by Executive Branch personnel to avoid duplication of effort, and to ascertain the degree of internal management control exercised by Executive Branch personnel over the various programs involving United States expenditures.

The denial of these reports to GAO, including the recommendations and conclusions reached by personnel preparing the reports, seriously hinders the GAO from being responsive to Congressional request in a timely manner, and results in duplication of effort and expenditure. Following are a few examples of this type of information denied to GAO.

Management reports

In connection with our review of the administration of the military assistance training program, we requested access to CINCPAC Personnel Evaluation Group reports for Korea, Thailand, and China. These Performance Evaluation Group reports are a product of a CINCPAC evaluation group responsible for evaluating the effectiveness of the Military Assistance Program and the various military assistance organizations in the Pacific Command. Therefore, in order for us to ascertain any program weaknesses and duplications of effort, the reports prepared by this internal management group were essential.

In March 1969 CINCPAC denied us access to the evaluation reports for Korea. We made a formal request to the Secretary of Defense for reports pertaining to Korea, Thailand, and China. Four months after our request, the Secretary of Defense, in a letter dated August 4, 1969, informed us that the reports were not releasable at that time. The Secretary of Defense gave approval on November 25, 1969, for CINCPAC to furnish briefings on the "salient training facts" in the evaluation reports. On December 16, 1969, our Far East Branch received a CINCPAC briefing covering the Military Assistance Program training data reportedly contained in the 1969 reports for Korea, China, and Thailand.

We advised the DOD personnel briefing us that the general information provided in the briefing was of little value to us in performing our review due to lack of detailed data. We were told that CINCPAC policies and instructions prevented the release of necessary portions of the evaluation reports involving opinions, evaluations, and future planning data.

Trip reports

In connection with our review of the use of Department of Defense excess defense articles in military assistance activities, we were denied access to official trip reports by DOD officials in Greece. The reason for our request was that trip reports, in addition to the factual matters contained in the reports, also contain opinions, observations, and recommendations submitted by subordinates making field inspections. Unless we receive access to the factual information and related interpretations we are inhibited in identifying problem areas.

Because of this need, our European Branch representatives requested copies of the Army advisors' trip reports on March 8, 1971. On March 11, 1971, the Joint United States Military Advisory Group, Greece, agreed to try and extract for our use, certain portions of the trip reports. Headquarters, U.S. European Command Directive 50–50 permits the release of trip reports after opinions, observations and recommendations, which do not represent final actions, have been removed. However, on March 19, 1971, on the basis of a cable received from the Department of Defense providing guidance on GAO access, the Joint United States Military Advisory Group, Greece, informed us that they would not provide any portion of the trip reports that we had requested.

Contents of the DOD cable which established this guidance for the Joint United States Military Advisory Group, Greece, was not made available to us.

Internal working papers

In connection with our review of United States assistance to Thailand in consideration of their deployment of forces to Vietnam, the Departments of Defense and State have refused us access to a document outlining the criteria for payments to the Thai Government. The document is referred to as the "Scope" document. It is our understanding that this document sets forth the financial framework within which the United States and Thailand operate and the specific commitments and activities the United States engage in relative to support of Thai troops participating in the Free World Military Assistance Program in Vietnam.

The Department of Defense refused us access to the Scope document on the basis that it was an internal working agreement, and the Department of State on the basis that the document did not originate with them.

The Scope document according to information provided to us in Thailand, has been used by a United States Committee in Thailand to evaluate claims for reimbursement submitted by the Thai Government in connection with their forces serving in Vietnam. In our opinion we must know the criteria used by the Committee as established in the Scope document if we are to determine that the Committee is properly evaluating the Thai claims.

We first requested the Scope document from military officials in Thailand on July 21, 1970. On August 11, 1970, our on-site auditors were informed by the Military Assistance Command, Thailand, that decision on release of the Scope document has been referred to higher authority. We were also informed verbally that the United States Embassy in Bangkok was objecting to the release of the document. We contacted State Department officials on August 26, 1970, and they stated they had the document, but that since it was a DOD document they could not release it to us.

On September 1, 1970, we verbally requested that DOD furnish us a copy of the Scope document and on September 9, 1970, we made the request in writing. In reply to our request DOD on November 4, 1970, stated the following:

"The Scope document is a draft internal working agreement between the United States and the Royal Thai Government (RTG) concerning reimbursement rates and procedures, which is still under negotiation. Therefore, since it has no official status, the "Scope" document is not considered suitable for release to the GAO."

In our opinion the Scope document was clearly a working document needed in our review and should have been made available to us. It is interesting to point out that the DOD refusal as quoted above was classified when initially transmitted to us by DOD, and was not declassified until we specifically requested DOD to declassify the statement.

PERTINENT PLANNING DATA NOT PROVIDED TO GAO

GAO, in its reviews of overseas programs, very often needs to know the future planning information of the Departments of Defense and State to properly evaluate the effectiveness of current programs. This planning data often shows the justification or rationale for current programs, and the planned methods or programs to solve deficiencies or shortfalls.

For example, during our review of the use of DOD excess defense articles in Greece, which began in Greece on February 17, 1971, we requested data used by the Joint United States Military Advisory Group in programming excess material for Greece under the Military Assistance Program. Some of the data requested included Military Assistance Program force objectives, annual future year planning data, equipment authorization documents, and assets and delivery data to support requirements. The information requested was required in order to properly validate the basis upon which the requirements for excess materials were computed and to evaluate the utilization of the material by the recipient country.

GAO was subsequently denied the requested planning data although some consolidated requirements and asset data was provided. The accuracy of the limited data provided could not be verified because Military Assistance Program supported listings and equipment authorization documents were not made available.

Due to restricted access, the GAO field team suspended its review efforts in Greece on March 27, 1971, pending resolution of the access problems. At the time of its departure from Greece, 24 written requests for information which had been submitted by the staff to the Joint United States Military Advisory Group, Greece, were still unanswered.

The termination of the work in Greece was followed by a series of discussions and correspondence between the GAO field staff and the U.S. European Command in an attempt to reach an agreement on the access problem. The GAO staff in Washington also requested the assistance of the office of the Assistant Secretary of Defense for International Security Affairs. Throughout these discussions, the withholding of information from GAO was defended by DOD officials primarily because it was (1) closely related to Joint Chiefs of Staff objectives which were not releasable to GAO, (2) host country developed data which could be released only with country concurrence, or (3) North Atlantic Treaty Organization information not releasable by the Joint United States Military Advisory Group, Greece.

On May 5, 1971, an understanding was reached as to the additional information which would be made available to GAO in both Greece and Turkey. The extent of the additional information to be released was not acceptable to GAO, since it represented abstracted data which could not be verified against source documentation. Moreover, the release of much of the supporting data for requirements computations which was to be provided, remained subject to the approval of the host countries, and under the ground rules established by the U.S. European Command, virtually no evaluative data would be made available. However, in order to obtain as much information as possible on the use of excess material, the GAO field staff returned to Greece on May 24, 1971, to resume the review work which had been suspended almost two months earlier.

At the request of the Chairman, Senate Committee on Foreign Relations, GAO, in January 1969, undertook a major review of the Military Assistance Training Program in ten countries, including China and Thailand. In the initial phases of the review GAO had a number of problems in obtaining information necessary for the review. As a result, the Chairman, Senate Committee on Foreign Relations, in a letter to the Secretary of Defense, dated May 21, 1969, requested that the Secretary of Defense insure that GAO be given access to planning information and all other pertinent information.

On June 26, 1969, the Secretary of Defense replied to Chairman Fulbright's letter of May 21, 1969. The Secretary of Defense stated that the formal Five Year Plan for the Military Assistance Program had not, in the past, been made available to GAO or to the Chairman, House Committee on Foreign Affairs, because the Plan is regarded as a staff study, an entirely tentative planning document at the staff level, and is usually extensively adjusted when the size of the budget submission is decided on by the President. The Secretary of Defense also stated that he, in order to fully cooperate with the Committee, would have DOD officials give detailed briefings on the Plan, as it relates to training, to anyone designated by Senator Fulbright.

On August 4, 1969, the Secretary of Defense sent a message to the Unified Commands, stating that GAO could be briefed on the Military Assistance Program five-year training program, comprising for the most part five-year dollar projections. The message further stated that this guidance was based on the Secretary of Defense reply to Senator Fulbright's May 1969 inquiry as to the release of information to GAO.

In a message dated September 21, 1969, CINCPAC informed the Secretary of Defense that the GAO representatives in China and Thailand had requested access to the Military Assistance Program Planning Reference Books for those countries. The messages stated that CINCPAC, in accordance with DOD guidance, would advise CINCPAC representatives in those countries to provide narratives of the books, provided that extensive editing would not be required to eliminate future planning information. The message concluded by requesting that the Secretary of Defense formally refuse GAO's request for the books because only the Secretary of Defense could properly do so, in accordance with a DOD directive.

On September 26, 1969, the Secretary of Defense advised CINCPAC that the guidance furnished on August 4, 1969, still applied, and that if GAO representatives requested additional future planning information beyond that authorized, the request should be made to DOD through GAO in Washington, since only the Secretary of Defense can deny such a request.

A month later, October 27, 1969, the Military Assistance Command, Thailand, received approval from CINCPAC to release edited versions of the Military Assistance Program planning books.

In our opinion, receipt of information which has been edited and then provided GAO in briefings does not provide the substantive in-depth information required for our evaluation purposes. We believe that the unexpurgated versions of narrative sections of the plan should be made available to us so that we can review and analyze the reasoning and justification of actions taken or proposed with background data that DOD had reference to on making their judgments and decisions.

In our review of military assistance to the Republic of China in 1970, we were denied access by the DOD to a military air defense study for the island of Taiwan (as well as the Joint Strategic Objectives Plan for the Republic of China). We were told by DOD that the two documents contained contingency war plans as well as future year planning and were internal management working documents; therefore, they could not be released to us. This denial inhibited our evaluation of the integration, coordination, and contribution of DOD's planning to the achievement of overall United States objectives.

DELAYING TACTICS OF THE DEPARTMENTS OF DEFENSE AND STATE

The Departments of Defense and State have instructed their field personnel not to provide sensitive information to our field auditors, but to refer the request to Washington. The Departments in their guidance provided examples of some categories of information, such as negotiation documents, and agreements with foreign governments which are to be considered sensitive, but the decision on the classification of documents as sensitive in respect to non-releasability to GAO apparently rests with appropriate responsible officials in the field. As a result of this guidance, our auditors have been unable to obtain needed information when requested. Documents classified as sensitive have been subject to many levels of reviews, and often before a decision was reached in Washington many months elapsed and our field auditors had left the field site when a decision to release the information had finally been reached. For instance:

In early 1970, we undertook a review of the U.S. assistance to the Philippine Government in support of the Philippine Civic Action Group at the request of the Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate. The

Departments of State and Defense delayed our work on this assignment to the extent that we had to curtail the scope of our review and qualify our report to the Chairman.

Members of our staff were required to wait for periods of two weeks to two months to look at some documents they had requested and frequently the documents proved to be of little value for our purposes. We were also restricted by ground rules established unilaterally by the Departments that effectively limited our review in the field to the Departments' very narrow interpretation of what it judged to be the scope of our review. This was perhaps the most restrictive limitation placed on our work, and it completely frustrated our attempts to review assistance to the Philippines that was not funded in the military functions appropriations.

Our audit staff members in the field were advised that documents which they requested that were releasable to us under the restrictions of the so-called ground rules had to be dispatched to Washington for Departmental clearance. By early May 1970, only four of 12 documents which were requested by our staff members on January 28, 1970, had been released to them in Manila.

In our review involving United States assistance to Thailand, our Far East Branch requested on July 30, 1970, certain adjutant general documents and message logs from the Military Assistance Command, Thailand. The message logs were requested in order to identify documents, records, or messages pertinent to our review. The Military Assistance Command advised us in the latter part of August 1970, that it had been necessary to request guidance from higher authority as to releasability of the information and suggested that GAO, also, contact such authority at the Washington, D.C., level.

Following their suggestion, we addressed our request to the Department of Defense in Washington on September 9, 1970. We learned that following our request in August, the Military Assistance Command officials had referred our request to the Embassy in Bangkok, who in turn referred the request to the State Department on August 31, 1970. The Department had informed the Embassy in Bangkok that they had no basic objection to the release of the logs; however, since they had not seen the logs, the Embassy would have to decide as to whether to release the logs.

In a letter dated November 4, 1970 to GAO the Department of Defense stated that their decision was that access to the logs was authorized, provided the contents were releasable in accordance with existing guidance. However, by this point in time, the GAO audit staff had left the audit site where the logs were located. Thus, the purpose in examining the logs was as effectively defeated by the delays encountered as if an outright denial by the Departments had been made initially.

In connection with Thailand's involvement with free world forces in Vietnam, we requested information from the Department of the Army on October 6, 1970, concerning the computations by which they had arrived at certain amounts shown in quarterly reports to the Congress. This request was made in order that we might evaluate the validity and accuracy of the amounts shown in the quarterly reports submitted by the Department of Defense to the Congress. Although this information was prepared by October 23, 1970, it was not released until March 19, 1971. In a similar request for data made on October 12, 1970, the response was not furnished until March 25, 1971, even though we had made repeated attempts to elicit the information.

In connection with our current review of utilization of excess defense articles in MAP, we requested a country-to-country agreement between the United States and Australia on March 31, 1971. The agreement involves the overseas procurement transaction for the acquisition of trucks and trailers in Australia for delivery to Cambodia. The purpose for the request was to enable us to ascertain why the arrangement was made in lieu of alternatives available and whether, in fact, the agreement was a form of consideration to the Australian Government for their participation in the support of our efforts in Vietnam.

We first made our request for the agreement to the Department of State on March 31, 1971. On the same date the Department of State informed us that the agreement was dated March 4, 1971, and that they believed the document was unclassified but that our request should be channeled to the Department of Defense, rather than to them. Upon addressing our request to the Department of Defense on April 6, 1971, they referred us back to the State Department because State clearance was necessary for release of the agreement. The Department of State advised us on the same day that they were unable to release the document until they acquired clearance from the Australian Government through the Australian Embassy. On April 14, 1971, the State Department advised us that the Department of Defense had sought this clearance from the Embassy, however, on the same date, we received a denial from the Department of Defense of any such communication with the Australian Embassy. On April 15, 1971, the State Department informed us that the Department of Defense had received the Australian Government's clearance but that the Department of Defense must first present a written request for State Department clearance. On the same date, April 15, the Department of Defense told us the Australian clearance was still pending. Four days later, the Department of Defense told us that more internal coordination was necessary before a release was possible. In a follow-up concerning the status of our request, on April 28, 1971, the Department of Defense official whom we had contacted stated he had forgotten our request.

Finally, on May 5, 1971, DOD provided the agreement as requested. The agreement provided to GAO was classified although the agreement on file in the legal section of DOD was not so classified. In our opinion, the material included in the agreement does not appear to be of such a nature that the interests of the United States would be adversely affected if its contents were released to the public.

During our review of financial and material assistance provided to the Thai Government by the United States, our Far East Branch representatives requested, on July 21 and July 28, 1970, sixteen messages from the Military Assistance Command, Thailand, that were not received until January 27, 1971. The messages were originated by the Commanders, United States Military Assistance Commands, Thailand and Vietnam, the Secretary of Defense, the Department of the Army, and the Joint Chiefs of Staff during the latter part of 1967 and early 1968. Each of these messages was vital to our effective evaluation of United States assistance to the Thai government. Their contents dealt with pertinent areas of our review, such as a HAWK missile system which the United States agreed to provide to the Thais, training and equipping of Thai forces, U.S. support related to a Thai Army Division and its deployment to South Vietnam, and the possibilities of further Thai contributions to free world forces in Vietnam.

As of August 28, 1970, the messages had not been received or made available for our review. Military Assistance Command, Thailand officials advised us that they had requested guidance from higher authority as to the releasability of the messages, and suggested we contact such authority at the Washington, D.C., level.

On September 9, 1970, we readdressed our request for the messages to the Department of Defense. Nearly two months later, on November 4, 1970, DOD responded, advising us that only two of the subject messages had been located. DOD stated that the two messages had been authorized to be released to our Far East representatives.

Finally, on January 27, 1971, DOD provided copies of the 16 requested messages. We believe that the 6-month delay, before we finally obtained all of the messages, was inexcusably long and seriously impeded our review.

On December 11, 1970, our representatives in Korea requested from the Provisional Military Assistance Advisory Group, Korea, the Provisional Military Assistance Advisory Group, Korea Military Assistance Plan Fact Book for 1969 Defense Ministers Conference. Since our representatives in Korea did not receive the document, a similar request was addressed to the Department of Defense in Washington on January 26, 1971. On January 29, 1971, our representatives in Korea were formally informed that the subject requested had been referred to higher authority for determination as to releasability.

The document was provided to us in Washington on April 9, 1971, by the Department of Defense. Due to the delay of approximately four months involved in our acquisition of the document and the fact that our representatives had departed from the audit site by the time of receipt, we were denied the opportunity to analyze and discuss the material with appropriate host country officials.

Statement by Senator J. W. Fulbright on the Release of a Report by the General Accounting Office on Its Problems on Access to Information

Early this year the Committee on Foreign Relations asked the General Accounting Office to compile a list of recent instances where it had been denied access to information on matters involving government programs abroad. Of the eight overseas reviews cited in the report, five were conducted at the request of the Committee and three were initiated by GAO.

As to the GAO's basic right to access to Executive Branch materials the report stated:

"We believe the Budget and Accounting Act of 1921, as reinforced by recent expressions of intent by congressional committees, leaves no doubt but that Congress and GAO are expected to have access to all records, documents, or papers necessary to effectively evaluate the various programs of the Executive Branch."

The report listed the following types of information which the GAO considered necessary to carry out its responsibilites to Congress which "have not been provided promptly or refused outright."

1. future planning information and documents, both formal and informal;
2. internal working papers and staff recommendations relating to programs planned or in process;
3. negotiation documents, papers, memorandums, and working papers, before, during and after negotiations, regardless of whether or not the information is considered sensitive;
4. management reports including recommendations or conclusions reached, whether approved or unapproved by higher authority, field trip reports, observations, and records of conversations pertinent to the matters under review;
5. acecss to records, documents or papers originated or directly related to foreign gov-

ernments but in the possession of United States agencies, when they relate to programs in which the United States has a direct interest; and

6. access to all United States supported bases and installations regardless of the geographical location.

The report emphasizes that outright denials of information are rare but that delays and referral of requests to "higher authority" which result in "de facto denial of records" is the standard tactic. "Normally the regulations and directives (regarding GAO access to information)," the report said, "do not state that GAO cannot be furnished the information, but rather that their personnel in the field cannot furnish the information unless authorization is received from higher authority; this normally means officials of the Departments in Washington."

As an example, the report cited a directive of the U.S. European Command Headquarters listing material which chiefs of military aid missions could not release to the GAO without "approval from higher authority." Prominent on the list was "The Military Assistance Five-Year Plan for a particular country. . .", the type of plan which the Department of Defense recently told the Committee did not exist.

The report contains the following example of the delaying tactics used by the Departments of State and Defense:

"In connection with our current review of utilization of excess defense articles in MAP, we requested a country-to-country agreement between the United States and Australia on March 31, 1971. The agreement involves the overseas procurement transaction for the acquisition of trucks and trailers in Australia for delivery to Cambodia. The purpose for the request was to enable us to ascertain why the arrangement was made in lieu of alternatives available and whether, in fact, the agreement was a form of consideration to the Australian Government for their participation in the support of our efforts in Vietnam.

"We first made our request for the agreement to the Department of State on March 31, 1971. On the same date the Department of State informed us that the agreement was dated March 4, 1971, and that they believed the document was unclassified but that our request should be channeled to the Department of Defense, rather than to them. Upon addressing our request to the Department of Defense on April 6, 1971, they referred us back to the State Department because State clearance was necessary for release of the agreement. The Department of State advised us on the same day that they were unable to release the document until they acquired clearance from the Australian Government through the Australian Embassy. On April 14, 1971, the State Department advised us that the Department of Defense had sought this clearance from the Embassy; however, on the same date, we received a denial from the Department of Defense of any such communication with the Australian Embassy. On April 15, 1971, the State Department informed us that the Department of Defense had received the Australian Government's clearance but that the Department of Defense must first present a written request for State Department clearance. On the same date, April 15, the Department of Defense told us the Australian clearance was still pending. Four days later, the Department of Defense told us that more internal coordination was necessary before a release was possible. In a follow-up concerning the status of our request, on April 28, 1971, the Department of Defense official whom we had contacted stated he had forgotten our request.

"Finally, on May 5, 1971, DOD provided the agreement as requested. The agreement provided to GAO was classified although the agreement on file in the legal section of DOD was not so classified. In our opinion, the material included in the agreement does not appear to be of such a nature that the interests of the United States would be adversely affected if its contents were released to the public."

I believe the GAO has rendered a significant service to Congress and the general public in bringing together these examples of how Executive Branch agencies have hampered its effectiveness in insuring that the public's tax monies are spent as Congress intended. The report shows that Congress' watchdog on the Treasury has been defanged in investigating programs involving the expenditure of hundreds of millions of dollars. The legislative process is a travesty as long as Congress votes in the dark on these vast foreign programs. Congress should not appropriate the public's money without having adequate information on which to base its decisions. Congress must act to end this arrogance by the Executive Branch. Passage of my bill, S. 1125, laying down guidelines for Congressional access to Executive Branch personnel and information, would be a good first step and I am pleased that the GAO has given it such a strong endorsement.

LEONARD WOODCOCK TESTIFIES TO JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, a great deal of thoughtful and extremely useful testimony has been presented at the hearings the Joint Economic Committee has been holding on the President's new economic policies. We will conclude these hearings tomorrow with testimony by Paul Samuelson and Milton Friedman, two of our country's best known and most distinguished economists, and two who will, I feel sure, give us different points of view on economic policy.

Much of the testimony at our hearings has already been placed in the Congressional Record and circulated to congressional offices. I did this because I thought there was such a great need to make this analysis quickly and readily available. This past Monday the committee heard another extraordinarily useful and interesting presentation, this time from Leonard Woodcock, president of the United Auto Workers. Mr. Woodcock's statement is crammed with new ideas, all of which have required a great deal of thought and research effort to prepare.

I am particularly impressed with Mr. Woodcock's fiscal policy proposals, which include suggestions for restructuring the investment tax credit to make it less costly and more effective; suggestions to encourage manpower training programs; and suggestions to encourage research and development. I would commend the study of these suggestions to all Members of Congress. I would also call attention to Mr. Woodcock's proposals for improving our trade balance and for developing a price and incomes policy. In order to make Mr. Woodcock's statement readily available, I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Leonard Woodcock, President, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Before Joint Economic Committee With Respect to Administration's "New Economic Policy," Sept. 20, 1971

I appreciate this opportunity to comment on President Nixon's New Economic Policy (NEP) and to suggest practical, constructive and equitable alternatives to some of its features.

The NEP itself is a confession of the failure of the Administration's previous policy of deliberately engineering recession in the misguided belief that the way to combat inflation was to inflict unemployment upon millions of workers, to idle more than a fourth of the nation's industrial capacity and to suffer the loss of the many billions of dollars of wealth that the jobless workers and the unused capacity could have created.

In most of its main features, the new policy is equally misguided. It will have little, if any, effect in reducing the present intolerable level of unemployment. It is rife with inequities. And it reflects a perverse sense of national priorities.

The members of the UAW, and American workers generally, have a profound interest in NEP not only because the wage freeze and its aftermath will have a direct impact upon the welfare of their families but also because certain of its other features, if approved by Congress, will have far-reaching effects upon the distribution of income and the quality of life in America. I shall deal first with these latter features, next with those aspects of NEP bearing on imports and the balance of payments, and finally with price and wage stabilization.

TAXES AND UNEMPLOYMENT

The NEP, avowedly, addresses itself to three problems—unemployment, inflation and the balance of payments.

The seriousness of the unemployment problem cannot be exaggerated. At latest report, unemployment affected 6.1 percent of the labor force by the official measure—higher (except for two recent months when the rate reached 6.2 percent) than at any time since November 1961. The official figure, however, takes no account of perhaps a million "discouraged" workers who are not counted as unemployed because, seeing no hope of obtaining work, they have given up the search for jobs and of another 3 million who are involuntarily on reduced working hours for economic reasons.

As of July 1971, there were 54 major labor market areas with unemployment rates of 6 percent or more compared to 6 in January 1969, when the Nixon Administration took office.

As is usual, the main victims of unemployment are the most disadvantaged members of our society—the unskilled, the poor and the black and, particularly, the youngest members of those groups, whose hopes have been blighted immediately upon their entrance into the labor force. In addition, the Administration's failure to plan the transition from a wartime to a peacetime economy has inflicted disproportionately high unemployment upon veterans and abnormally, perhaps unprecedentedly, high unemployment upon scientists and engineers, as well as others, displaced from defense production.

The human tragedy and waste of unemployment has its sad reflections in other forms of waste—an industrial capacity that is limping along inefficiently at 73 percent utilization, a slowdown of productivity which, despite recent acceleration, is far below the trend level and a GNP that is $70 billion (in second quarter 1971 dollars) below the understated official measure of potential.

Clearly, ours is an economy that now needs the stimulus of sharp increases in demand—increases in consumer spending by the tens of millions of families whose incomes are below the level determined by BLS to be the minimum necessary for a "moderate" standard of living—increases in government spending to ease the financial plight of the cities, to cope with environmental pollution, to eliminate urban blight, to improve education, to bring adequate health care within the reach of all, to end poverty, to provide efficient and reliable mass transportation, to create a sound system of criminal justice and rehabilitation, to improve public recreational facilities and to deal with all the other deficiencies in the public sector.

By tax cuts for low- and middle-income consumers and by stepped-up public spending—financed in part by closing tax loopholes that favor corporations and the wealthy—the Administration could quickly provide work for the jobless, put idle productive capacity into operation, rapidly boost productivity and close the gap between actual and potential GNP while, at the same time, making sizable inroads on unmet and urgent public and private needs.

Instead, the Administration proposes to open up huge new tax loopholes for business—which will sharply diminish badly needed government revenues indefinitely into the future—while throwing low- and middle-income consumers the bone of a one-shot, one-year advancement of an already scheduled tax cut that is dwarfed by the tax handouts offered corporations.

Although attention has centered on the proposal to revive the investment tax credit, this is only one of several items in a multi-billion dollar giveaway of tax revenues to corporations under the guise of providing so-called "incentives" to do what they would largely do anyway for sound business reasons. The other elements are the change in depreciation rules made administratively a few months ago—the so-called Asset Depreciation Range (ADR) whose legality is presently being challenged in the courts by the UAW, among others, the proposed Domestic International Sales Corporation (DISC) legislation, and an "incentive" for research and development whose details are as yet unspecified but which can safely be assumed to be of the same essential character as the other measures. In addition, in recent days, there have been reports that the Administration will propose further "incentive" tax reductions to corporations allegedly for the purpose of stimulating them to train the so-called "hard core" unemployed.

Making a rough allowance for the cost of those measures which have not yet been spelled out in detail, it seems likely that they will add up to an on-going reduction of somewhere in the neighborhood of 20 to 25 percent of total corporate tax liabilities.

INVESTMENT CREDIT A WINDFALL

While described as "incentives," these tax cuts are in reality windfalls. The investment tax credit, for example, is available for investment that would have been made in any event as well as for any—inevitably relatively small—amount of additional investment that might be attributable to it. (In fact, the credit is available even to a firm that responds to the "incentive" by *reducing* the amounts of its investment below previous levels.) Thus, in the unlikely event that the credit stimulates an investment increase of as much as 10 percent, more than 90 percent (100 divided by 110) of the credit will represent tax revenues wasted in paying businesses for investments made for reasons that have absolutely nothing to do with the credit.

$297 MILLION FOR GM

Any doubts on that score should be laid to rest by the press reports quoting numerous corporation executives who state flatly that their investment plans will not be changed if the credit is enacted. For example, in a prepared statement issued on August 31, 1971, in which he hailed the NEP, James Roche, chairman of the General Motors Corporation, said:

". . . the investment tax credit is intended to stimulate spending, especially by some smaller companies and those in weak financial condition. It should be understood that most companies of any size determine their purchases of equipment by the needs of the business and not by any short-term tax advantages."

The sweeping nature of Mr. Roche's statement makes it clear that GM's investment plans were equally unaffected by the investment tax credit when it was previously in effect. That, however, did not prevent GM from claiming the credit. In fact, it obtained $297 million in investment tax credits in the period 1962–70. From the standpoint of what the "incentive" accomplished, that was $297 million of public revenues washed down the drain—a sheer waste of monies that could have been put to good use for urgent public purposes.

If the intention behind the investment credit is, in fact, as Mr. Roche believes, to stimulate spending "by some smaller companies and those in weak financial condition," the wastefulness of the credit is underlined. The overwhelming portion of the tax revenues lost as a result of the credit will go to benefit the largest and financially strongest corporations. What sense is there to subsidizing GM to the tune of hundreds of millions of dollars in order to provide a few thousands of dollars that could be helpful to some small and shaky firm?

There are better ways than the investment credit to help those small businesses that need and deserve help, and at far less cost to the public treasury.

One method that deserves the most serious consideration by Congress would be protection of small firms against monopsonistic abuses by the larger corporations to which they sell. A small manufacturer of original equipment automobile parts or components, for example, has no market other than the giant auto corporations and, as a result, he is at their mercy—which is far from tender. The mail recently brought to the UAW an unsigned note enclosing a copy of an internal Ford Motor Company memorandum dated August 24, 1971, and signed by W. D. Innes, the Company's Executive Vice President. The memo instructed the recipients as to the steps to be taken for "Profit Improvements." Point 5 reads as follows:

"Vendor Price Reductions—In addition to avoiding future increases, we should attempt to 'roll-back' vendor prices—renegotiate prices already established. Reports should be submitted by August 30 by Mr. Mills (covering all activities except AAD) and by Mr. Bergmoser (for AAD) on the approach to be taken on this and the total potential savings, followed by weekly reports on actual savings achieved."

Later in this statement, I will propose other measures to help small business.

In the statement previously quoted, Mr. Roche of GM made it clear both that ADR represents a waste of revenues similar to the investment credit and that the trickle-down theory on which the Administration's tax proposals are based is entirely without merit. He said:

". . . it must be noted that the tax credit and accelerated depreciation apply only after equipment is purchased and put to use. This, like the other elements of the program, means very little unless we can achieve the improved economy the President has called for."

In other words, according to Mr. Roche, the real stimulus to investment is a healthy economy in which consumer and public demand press on existing productive capacity. To that belief we wholeheartedly subscribe.

NEP TAX CHANGES AND UNEMPLOYMENT

With the Madison Avenue gimmickry that is characteristic of the present Administration the investment tax credit has been labeled a "job development" credit. It is obvious, however, that with the effect of the credit on the level of investment marginal, at best, its contribution to employment must also be marginal.

In fact, its effect on employment, to the extent that it has any effect at all, is more likely to be negative. With existing industrial capacity utilized only to the extent of 73 percent, there is little reason to invest in expansion. Such investment as will be made in the absence of major increases in demand will be for purposes of "modernization," i.e., to replace existing plant and equipment with more efficient facilities. In fact, the proponents of the credit argue that it will help to increase productivity. But unless markets expand, higher productivity means that fewer workers are required to satisfy demand for the products of industry. Thus, unless accompanied by measures designed to boost demand sharply, the investment tax credit, to the limited extent that it may tend to increase investment, will become a job destruction rather than a job development measure.

What industry lacks today is not machinery but customers and the investment credit could make the latter even scarcer.

Although the credit is unlikely to affect materially the volume of investment, the proposal to start it at 10 percent and then reduce it to 5 percent after August 1972 would undoubtedly affect the timing of investment. It would push forward already planned investment to the period before Election Day 1972. This proposed political manipulation of tax rates has serious economic dangers. According to the *New York Times* for September 15, 1971, the Chairman of the House Ways and Means Committee was joined by the ranking Republican member in expressing concern that the proposed drop in tax rates:

". . . would induce businesses to order so much equipment in the next 12 months that the equipment producers would suffer a depression afterwards . . ."

ADR WINDFALL

ADR, of course, is a similar windfall. It merely permits corporations to reduce their taxes by charging depreciation at higher rates than were previously permitted on investments that already have been made, before the Administration promulgated ADR, and that would be made in the future even if ADR did not exist. It represents a wasteful dissipation of tax revenues for the benefit of corporations and their stockholders—estimated variously at $37 to $39 billion over the next 10 years. If it has any effect at all on levels of investment, ADR, like the investment credit, will stimulate job-destroying modernization under present conditions rather than job-creating expansion. In addition, the power of the Administration to put ADR into effect is at least questionable on legal grounds and the uncertainty created by the pending court challenge assures that, for the time being at least, it will have no effect on business decisions.

DISC WINDFALL

The DISC proposal would exempt from taxes profits made by subsidiaries (so-called "Domestic International Sales Corporations" or "DISCs") set up by manufacturing corporations to handle export sales unless and until (with a few minor exceptions) those profits have been paid out as dividends to the parent corporation. The alleged purpose is to provide an "incentive" to stimulate exports.

This is not the place to review in detail all the loopholes for evasion of corporate profits taxes that would be opened up by enactment of DISC. Those were thoroughly explored and exposed in a "Confidential Committee Print" of a report dated July 13, 1970, which was prepared for the House Ways and Means Committee by the staff of the Joint Committee on Internal Revenue Taxation. One example, however, may be useful to indicate the general effect of the proposed legislation. The confidential report says that the rules for pricing products transferred to a DISC by its parent corporations:

". . . would, in effect, attribute to the DISC a significant proportion of the profits attributable to the parent's manufacturing activities."

* * * * *

"The special pricing rules which would apply to a DISC would have the effect of according tax exemption or deferral to profits that presently are considered to be manufacturing profits derived from U.S. sources. In other words, what is presently considered a U.S. source manufacturing profit could be channeled into the DISC and thereby exempted from U.S. tax when earned by the DISC and, in addition, treated as foreign source income when distributed by the DISC."

Aside from providing tax loopholes, the purely windfall character of DISC tax exemption is made evident in the following paragraph of the report:

"To obtain the benefits provided by the DISC proposal, a corporation is not required to increase its exports. A corporation presently engaged in exporting may channel its existing exports through a DISC subsidiary and thereby exempt or defer U.S. tax on the portion of its export profits which may be allocated to the DISC under the special pricing rules. In other words, the tax benefits granted under the DISC proposal are not conditioned on any increase in export sales."

In fact, it might be added that the tax exemption would be available even if exports were reduced. Thus, this alleged "incentive," like the investment tax credit, provides rich tax rewards for contributing less to the avowed purpose as well as for contributing more.

The report estimated that, if the entire tax saving were passed on in price reductions in order to obtain export sales (which is hardly likely to happen):

". . . the $600 million revenue loss estimated by the Treasury . . . would give rise to an increase in exports of about $300 million."

Others have estimated the annual revenue loss at nearer to $1 billion than to the Treasury's estimate of $600 million.

The Administration's main argument for the proposal boils down, in essence, to the need to create a new tax loophole in order to mitigate the damage being done by an already existing tax loophole. In a statement presented to the House Ways and Means Committee on September 8, 1971, Secretary of the Treasury Connally said that the DISC proposal:

". . . is designed to provide the same type of U.S. tax treatment for U.S. companies engaged in exporting as is presently available if they manufacture abroad through foreign subsidiaries. The DISC proposal is designed to create and preserve more jobs in the United States by causing a healthy expansion in U.S. exports, and by making it as attractive from a tax standpoint for U.S. companies to produce goods in the United States for export to world markets as it is for them to build their factories in foreign countries and produce abroad."

He was referring to the fact that profits made by such foreign subsidiaries are not presently taxed unless and until paid out as dividends to the U.S. parent corporation. This undoubtedly does create an incentive to manufacture abroad rather than in the U.S. It apparently has not occurred to the Administration, however—despite its expressed concern to increase exports and otherwise improve the balance of payments—that the way to deal with the problem is to *close the existing loophole* rather than to create another one. The UAW has repeatedly urged that profits of foreign subsidiaries of U.S. corporations be taxed currently, without waiting for their repatriation. To do so, however, would increase rather than reduce the taxes payable by the corporations involved—which perhaps explains why the Nixon Administration overlooked that means of discouraging the growth of overseas manufacture by U.S. firms. (In passing, it should be noted that there is an obvious inconsistency between the Nixon Administration's plea for DISC on grounds that it will keep U.S. jobs from going abroad and its vigorous, in fact militant, efforts to obtain removal of restrictions that hamper American corporations seeking to invest in productive facilities in Japan—facilities intended to serve not only the Japanese market but also the U.S. and "third" markets.)

It is also probably of some relevance, given the biases of the present Administration, that the lion's share of the Administration's proposed DISC tax windfall would go to the largest corporations. The confidential staff report says:

"The major impact of the revenue loss from DISC would, of course, be concentrated among the major exporting companies. The Commerce Department estimates that roughly 100 of the largest U.S. firms account for the majority of our exports, more than 50 percent, although this is a rough guess. They would presumably receive approximately their proportionate share of the tax reduction. If they account for 50 percent of our exports, they would, of course, receive about $300 million out of $600 million."

Apparently the DISC proposal was too much even for the stomachs of a large number of the corporation executives who made up the membership of the Commission on International Trade and Investment Policy (the "Williams Commission"). According to the *Wall Street Journal* for September 14, 1971:

"The members 'failed to reach a consensus' on Mr. Nixon's Domestic International Sales Corp. bill, one insider says, because about half of them worried that the cost of tax deferral on export profits would outweigh the benefit of encouraging exports."

R & D AND MANPOWER TRAINING "INCENTIVES"

The Administration has yet to spell out the details of its R & D "incentive," referred to in President Nixon's August 15 address and the manpower training "incentive" mentioned in the press in recent days. Judging by the track record, however, it can be predicted that these will be of the same general nature as the investment tax credit and DISC: that they will provide tax reductions for R & D and training expenses that would have been incurred in any event and that the tax handouts will be available to firms that decrease as well as to those that increase such expenditures.

TAX "INCENTIVES" IN GENERAL

To call such tax giveaways "incentives" is to bring to mind George Orwell's "Newsweek." To put it mildly, the revenues lost are grotesquely disproportionate to the results, if any, accomplished. The revenues involved would be far better used if devoted to public spending on the nation's priorities and to tax relief for those at the bottom of the income structure. To turn those revenues over to corporations in a slack economy is to drain them out of the stream of job-creating demand and to divert them into idle savings in corporate treasuries and the coffers of wealthy stockholding families. To use them, instead, for public purposes or to improve the after-tax buying power of low-income families would be to generate high-velocity purchasing power, lifting the economy toward full employment, which is by far the best and most effective stimulus to increased investment and intensified training of the so-called "hard core" unemployed financed voluntarily by business.

TAX CHANGES FOR INDIVIDUALS

The Administration proposes to advance by one year, from January 1, 1973, to January 1, 1972, the increase in personal income tax exemptions to $750 and the increase in standard deduction to 15 percent (maximum $2,000) already provided for by present law. As noted, this is a one-shot, once-and-for-all tax reduction. It means tax savings totaling $2.2 billion for calendar year 1972, according to Secretary Connally, including $0.9 billion in fiscal year 1972 with the remainder effective the following fiscal year. It will *not* reduce revenues available for public purposes in future years below what they would have been in the absence of the change proposed by the Administration.

The tax handouts proposed for business, in contrast, are intended as permanent measures, continuing year after year, indefinitely into the future and reducing federal revenues below presently anticipated levels forever. The investment tax credit, by the Secretary's estimate, would cost $2.7 billion in the current fiscal year and $4.1 billion in fiscal year 1973. According to the White House, the revenue cost will fall to $2.5 billion in fiscal 1974 as a result of reduction on the credit from 10 percent to 5 percent. (It should increase in subsequent years as the volume of investment rises with the growth of the economy.) ADR, as noted, is estimated to cost approximately $3.9 billion pear year, averaged over the next 10 years. The ongoing revenue cost of these two business windfalls is therefore $6.4 billion. To this should be added another $1 billion, approximately, unofficially estimated for DISC, plus—to make a guess that probably underestimates the Administration's generosity to its business supporters—something like $2 billion per year in R & D and manpower training "incentives."

The total thus becomes something on the order of $9 billion per year. Allowing for future growth, it is not unreasonable to say that the average will be $10 billion per year over a 10 year period. This is equal to *25 percent* of the profits taxes paid by corporations in 1968, the all-time record high year for corporate profits. (Taking into account the fact that part of the tax giveaways involved would go to unincorporated businesses, the aggregate tax savings to corporations would still amount to between one-fourth and one-fifth of their peak year taxes.) By the eleventh year, the continuing benefits to business would have equally 50 times the one-shot $2.2 billion tax savings to individuals.

It is little wonder the corporations have accepted so readily the 90-day freeze on their prices with such lavish benefits promised them in return.

A continuing giveaway to business on the order of $10 billion per year will not, of course, diminish the government's requirements for revenues to finance public sector needs that are growing apace. The revenues will have to be sought elsewhere and the targets, most likely, will be the low- and middle-income families to whom the Administration proposes to throw a one-shot tax reductin bone. Administration circles have for some time been making ominous references to a national value added tax—which is merely a variant of the regressive sales tax. If the corporate giveaways are enacted, low- and middle-income families will pay dearly for their tax bone in the not-too-distant future.

The bone, moreover, is a bare one at that. A $50 exemption increase for a family in the 14 percent tax bracket amounts to $7 per *year* per person in taxes saved. The same exemption increase is worth $35 per person to families in the 70 percent bracket.

The Nixon Administration is impelled to discriminate against low- and middle-income families even when such miserly amounts are involved. The ADR is already in effect (although under challenge in the courts) but the Administration can brook no delay in adding investment credit billions to ADR billions. The investment credit is proposed to be made effective August 15, 1971; but tax reduction for individuals is proposed to be delayed until January 1972. (The Administration has indicated that it would not object to making the investment credit retroactive to April 1, 1971—i.e., to giving corporations an "incentive" to do what they already have done.)

AUTO EXCISE TAX

We can and do support the proposal to eliminate the excise tax on passenger cars. This is an anachronistic and discriminatory tax. It is one of the few excise taxes increased to finance first World War II and then again the Korean War that still remains at the World War II level. It affects low-income families as well as the more prosperous because, given the sad state into which urban mass transportation has been permitted to fall, cars are no longer luxuries but necessities. Residents of urban ghettos are often unable to accept available jobs, which are increasingly in the suburbs, for lack both of public transportation and of cars to enable them to get to work. They and other low-income families unable to buy new cars will be aided, nevertheless, by elimination of the excise tax because prices of used cars are affected by prices of new cars. As the latter are reduced by removal of the excise, the former will decrease also.

The industry has promised that the full savings of excise tax elimination will be passed on to consumers. The auto corporations, in fact, are publicly committed to rebate the excise to consumers who buy cars at present frozen prices between August 15 and the date excise tax elimination is enacted, assuming retroactivity to that date.

Nevertheless, I share the misgivings others have expressed concerning the possibility of creeping recapture by the auto corporations in years to come of excise tax savings intended to benefit consumers. The automobile is a changing product from year to year and the annual model change provides a host of excuses to raise prices even if unit production costs are not increased.

The pricing methods of the auto corporations provide a means to assure, if Congress should be so inclined, that consumers will continue to reap the benefits of excise tax elimination despite changes in the product. The industry follows a so-called "standard volume" pricing policy. This means that prices are fixed to yield a target rate of return on investment at a given level of output. Overhead costs per unit at that volume are added to labor, materials and other direct costs. The total of such unit costs is then increased by a mark-up which, when multiplied by the number of units comprising standard volume, will yield a dollar total of profits equal to the target percentage return on investment.

It would be a relatively simple matter to specify in legislation that the excise tax removal shall apply only to companies which annually, with the introduction of new models, and each time prices are changed, file certifications by genuinely independent auditors that their prices do not represent a greater mark-up over standard volume unit costs than did their prices on, say, their 1971 models. The auditors would have to certify, of course, that methods of determining standard volume and all other pertinent factors were the same as in 1971. In order to allow flexibility in the pricing of individual car models, it would be sufficient to require a single certification covering each company's entire range of cars. Such legislation would have the additional value of, in effect, setting a ceiling on the auto corporations' mark-ups over costs which are already much too high.

An exception should be made, however, for companies whose output in the preceding year accounted for less than 20 percent of the industry's total output. Such companies' prices are limited, in any event, by the prices fixed by their bigger competitors and their rates of return on investment tend to be lower than those of the larger firms. Excepting them from the certification requirement would enable them to retain the benefits of reductions in unit costs achieved through increasing their shares of the total market, if they were able to do so.

AUTO EXCISE AND EMPLOYMENT

Removal of the auto excise tax is the one element of NEP that seemed to offer genuine promise of significantly increasing employment. That promise has now been brought into question by the Presidents of the two major automobile corporations, Edward N. Cole of General Motors and Lee A. Iacocca of Ford. Both of them were quoted in the press as indicating that increases in production resulting from removal of the excise and imposition of the import surcharge would be achieved through overtime rather than through hiring new workers from the ranks of the unemployed.

Mr. Iacocca said that if demand hit an annual rate of 11 million vehicles in the last quarter "you would see a lot of overtime raising average weekly earnings." Mr. Cole's statement was to the same general effect and GM's position was made even clearer by John Z. DeLorean, GM vice president and head of the Chevrolet Division. The latter said:

"The first step to new jobs is overtime. If increased production is needed over a longer period of time, then we'll put people on."

As I said at the time in a statement released to the press:

"This makes a mockery of the stated intention of President Nixon's new 'game plan' as it relates to the auto industry. The elimination of the auto excise tax, the higher duty on foreign cars and the devaluation of the dollar—all designed to boost domestic car sales—were supposed to create thousands of new jobs. Instead, they will apparently create only overtime pay."

SPENDING CUTS

Whatever limited possibilities there might be of increased employment resulting from the tax cuts called for in NEP will be more than offset by the proposed reductions in government spending. According to the Administration's own figures, as released at the White House August 15, the net reductions in revenues under NEP would be $4.2 billion in fiscal 1972 while expenditure reductions would total $4.7 billion. Thus, the government would be taking out of the economy with one hand a half-billion dollars more of demand than it would be putting in with the other hand. Even setting aside the fact that the revenue reductions would go largely into corporate and stockholder savings, while the expenditure reductions are at the expense of persons who save little or nothing, the net effect would be to reduce rather than to increase employment. The Nobel-Prize-winning economist, Paul Samuelson, properly concluded:

". . . that won't create one extra job. It will create negative jobs . . . That would completely emasculate his whole program."

PERVERSE PRIORITIES

In effect, the revenue reductions and spending cuts in combination represent a transfer from the poor to the rich. It is this fact that has given rise to the phrase "Robin Hood in reverse."

The victims of the various spending cuts proposed are, in each case, the poor and middle income groups. Welfare reform, the one forward-looking program proposed by the Administration, is to be postponed for one year. The President apparently thinks he will no longer be able to afford it after bestowing his largesse upon the corporations. Also to be postponed is revenue sharing. We in the UAW have opposed this program because we consider it unsound. But the proposal to postpone it undoubtedly means that the Administration will resist timely action to relieve the desperate financial plight of the cities by other, more desirable means. Again, the poor are the victims because it is they who suffer most when the cities are unable to finance essential services. The 10 percent cut in economic aid is a blow to the poor and literally hungry of the economically underdeveloped countries. The recently announced exemption of Latin America from the cut in aid is all to the good—provided it does not mean that other continents, equally or more severely afflicted by poverty, will have to take cuts greater than 10 percent. It is difficult, in fact impossible, to understand why the President chose economic aid for this cut rather than military aid which goes largely to prop up dictatorships.

The remaining victims of the spending cuts are the government workers—most of whom are in the low- and lower middle-income groups—and those who depend upon them for services, who are likely to be in the same income strata. Promised pay increases to government employees are to be postponed and the number of government workers is to be reduced by 5 percent.

The fact that the reduction of government employment is to be accomplished through attrition does not alter the essential fact that the total number of job opportunities available in the economy will be significantly decreased. In fact, a 5 percent cut in government employment will wipe out as many jobs as would be created in the auto industry if excise tax elimination and the import surcharge were to bring about an increase of 500,000 units in production of domestic cars and if that increased production were fully reflected in increased employment rather than in overtime work. (Incidentally, it might be well to note for the benefit of the Committee that the ratio of 25,000 jobs for each 100,000 cars produced—a ratio often cited by the Administration in recent weeks—applies not to jobs in the auto industry as such but rather to all jobs involved from extraction of the raw materials to the dealers' showrooms. There is reason to question whether that ratio would apply on an incremental basis since many of the jobs involved represent overhead employment which does not vary in direct proportion to output.)

FAILURE ON EMPLOYMENT FRONT

The most puzzling aspect of NEP is its failure to come directly to grips with the most serious unemployment problem the nation has faced in a decade. Unless it is completely blinded by its trickle-down ideology, the Administration must know that its proposed tax handouts to business, at best, will make only a minimal contribution to employment and one that could well be offset by its expenditure cuts.

The rationale for government intervention into the price-wage field, which is NEP's biggest break with the Administration's past policy on the domestic economic front, is that, absent such intervention, measures to boost employment might aggravate inflation. Now the Administration has bitten the bullet with its (grossly inequitable) wage-price freeze and its commitment to continue with some form of stabilization following the end of the freeze. The cause of previous inhibitions having been thus removed, the Administration should now be moving full steam ahead to increase employment. Its political interests, if nothing else, would seem to so dictate.

Yet, although the Administration is attempting to sell NEP as a program, in the

President's words, for "creating new jobs and halting inflation," it includes no measures that can be counted upon to bring about a sharp reduction of the unemployment rate.

RECOMMENDATIONS REGARDING TAXES AND EMPLOYMENT

The analysis in the preceding pages foreshadows many of the recommendations I wish to place before the Committee for its consideration in connection with the tax and employment aspects of NEP. I have deliberately withheld those recommendations to this point, however, in order that they may be evaluated in their totality and in the light of the analysis as a whole.

TAXES

With regard to the tax proposals listed below, I would like to emphasize again that this country is in serious danger of eroding to the vanishing point—in the name of "incentives"—important sources of tax revenues desperately needed to meet urgent problems that seem to be crowding in upon us at an accelerating pace.

I recognize fully that carefully devised tax measures can provide powerful impetus for corporations to enlist in the service of important public purposes. But those measures need not always take the form of offering rewards—at the expense of the Treasury—for doing what is desired (and certainly not rewards for doing what corporations would do in any event in their own interests). Equally powerful, and often more powerful, are tax measures that add to revenues at the expense of those who refuse to cooperate toward the attainment of society's goals. Few, in fact, will withhold their cooperation if such measures are carefully designed. Thus, the end result is to accomplish the desired social purpose without impairment of public revenues.

Specific examples of the kinds of tax measures I have in mind appear below in connection with incentives for research and development and manpower training.

RECOMMENDATIONS

The recommendations with regard to taxes and employment are as follows:

1. ADR—Congress should rescind ADR by legislative action and should prohibit any future changes in depreciation rules by the Executive Branch.

2. Investment tax credit—Congress should reject the Administration's proposal to revive the credit.

To subsidize private investment indiscriminately out of government revenues is both unsound and highly distasteful. The soundest and most effective means for stimulating investment is a full employment economy. In the event, however, that Congress should find politically irresistible the pressure for some form of credit, I would propose that:

(a) The credit should be established on an incremental basis. This would mean that the credit would be available only for investment in excess of (i) the dollar amount of investment in excess of the average during a base period of, say, the preceding 3 years, or (ii) the amount of investment in excess of the average ratio of investment to sales in a similar base period, or (iii) the amount of investment in excess of the depreciation taken for tax purposes in the same year. This approach at least would make the results more nearly commensurate with the revenue loss.

(b) Given the assertions by Mr. Roche and other business spokesmen that the investment plans of large corporations are not affected by the credit, the credit should be either (i) limited to corporations below a specified size measured in terms of net worth, sales or employment, or (ii) if applied to all corporations, limited to a maximum amount related to the legitimate needs of small firms.

(c) Half of the credit should be set aside temporarily in a government trust fund to cushion adjustment for workers who might be displaced as a result of investment for "modernization" purposes. The monies involved would be held in the reserve for 5 years during which period it would be used to pay specified benefits to adversely affected workers. The amount required to be set aside would be reduced for companies that established sound programs to pay such benefits. Monies remaining at the end of five years would revert to the company involved. Thus, the firm would have an incentive to plan carefully to minimize dislocation of its workers. If the firm's reserve proved inadequate to pay the specified benefits, the deficiency would be made up by the Treasury. (The National Commission on Technology, Automation and Economic Progress, popularly known as the "Automation Commission," commended this proposal for study by the Treasury, the Council of Economic Advisers and other appropriate agencies.)

3. DISC—Congress should reject the Administration's attempt to open this new loophole in the tax laws for the benefit of a relative handful of giant international corporations. Instead, Congress should close the existing loophole which is used as the excuse for the DISC proposal—i.e., profits of foreign subsidiaries of U.S. corporations should be taxed currently, whether or not they are immediately repatriated.

4. Manpower Training Incentive—Congress should reject any Administration proposal to create a new tax windfall under guise of a training "incentive" and, instead, should enact legislation based upon the principles of the British Industrial Training Act. That Act imposes a training tax on all employers. Those who establish approved training programs receive rebates of their taxes (plus additional funds, if needed) to finance the training. Small employers may pool their training activities in order to obtain the tax rebates. This approach has proved highly successful in Britain.

5. R & D Incentive—Congress should similarly reject proposals to create windfall tax handouts for R & D and, instead, should apply the principles of the British Industrial Training Act to stimulate R & D. An R & D tax should be imposed on all firms with rebates to those with R & D programs that meet specified standards. Small firms would be permitted to pool their R & D activities in order to obtain the rebates. If anti-trust legislation should be found to prohibit pooling of R & D by small firms, carefully safeguarded amendments should be adopted to legalize such pooling. There are many industries in which the typical firm is so small as to make impossible any significant R & D. Some are industries suffering severely from import competition, to the detriment of the balance of payments. The approach suggested would help them to become more competitive with imports.

6. Income tax changes—In order to create employment opportunities and to raise the living standards of low- and middle-income famillies:

(a) Changes in personal income taxes should be made effective retroactively to January 1, 1971, instead of a year later as proposed by the President.

(b) A flat dollar credit per exemption should be substituted for the total of $100 in exemption increases presently scheduled to take effect in two stages at the beginning of 1972 and 1973, respectively. This would redistribute the tax savings involved in favor of low- and middle-income families. The total amount of the credit should be no less than the $4.1 billion dollars involved in the presently scheduled exemption increases or at least $20 per exemption.

(c) The "low income allowance" should be increased substantially.

7. Loophole closing—A thoroughgoing revision of existing law should be undertaken to close loopholes that favor corporations and the wealthy, with the understanding that the additional revenues raised will be spent promptly on employment-generating programs serving national priority purposes.

8. Auto Excise Tax—This discriminatory tax should be repealed promptly, conditioned upon assurances that the auto manufacturers will give consumers the full benefit of the tax savings on a continuing basis. Congress should consider reinforcing such assurances legislatively by the means suggested earlier in this statement.

9. Overtime Premium—In view of the fact that the two leading auto corporations have indicated an intention to meet increased production schedules flowing from excise tax removal through overtime rather than through increased employment, and the likelihood the other industries will take the same course, Congress should move promptly to increase the overtime premium under the Fair Labor Standards Act from the present time-and-a-half to double time. The growth of fringe benefits whose costs are related to numbers employed rather than to hours worked has made the present premium ineffective as a deterrent to scheduling overtime work and therefore ineffective in opening up job opportunities for the unemployed.

10. Welfare Reform—The welfare reform bill passed by the House should be improved in the Senate (to provide, among other things, for maintenance with federal financing of existing benefit levels higher than the national minimum) and made effective at the earliest practicable date.

11. Aid to cities—Greatly liberalized financing for grant-in-aid programs should be substituted for the Administration's revenue sharing proposals and put into effect without delay. The grant-in-aid approach should be extended to meet important urban needs not now covered. Red tape and overlapping involved in such programs should be eliminated. The coordinated package approach applied in Gary, Indiana, should be used on a broad scale, embracing all related programs. In addition, consideration should be given to the proposal made by former Budget Bureau director, Charles Schultze, for a temporary program of direct aid to cities whose finances have been impaired by the recession in the national economy.

12. Federal Employees—Congress should refuse concurrence in President Nixon's proposal to delay presently scheduled wage and salary increases and should take whatever steps may be necessary to assure that those increases are paid in accordance with the previously established timetable. In addition, Congress should use all means available to it to assure that no reductions in federal employment are made which would either impair the execution of governmental programs or impose an unduly heavy workload on government employees.

13. Release of impounded funds—Congress should seek means to compel President Nixon to release for spending the $12 billion in appropriated funds that he has impounded. One method which may perhaps not be the best, would be to provide that the proportion spent out of monies appropriated to the Department of Defense shall at no time exceed the proportion spent out of the presently impounded $12 billion. Prompt spending of the $12 billion would provide a major boost to employment, much of it in the service of the financially hard-pressed cities.

14. Public Service Employment—Despite threats of a veto (which should be overridden if it materializes), Congress should provide for a substantial increase in the number of jobs available for the unemployed in public service employment. This program, also, would be of great help to the cities as well as to the jobless.

15. Unemployment insurance—The present intolerably high rate of unemployment is the deliberate creation of the national gov-

ernment. As William Butler, vice president of the Chase Manhattan Bank, has said, if increased unemployment is the price of curbing inflation, then:

". . . the unemployed perform an important social service by being out of work. I do not see why they should not be paid for it."

Certainly, the unemployed have a legitimate claim to benefits higher than the miserably inadequate amounts now paid. Congress, therefore, should promptly enact realistic minimum federal standards governing benefit amounts and duration under the state unemployment insurance laws and provide for temporary federal supplementation of benefits up to the level of those standards until the states have had time to conform their laws to the standards. The standards with respect to benefit amounts should take into account the value of fringe benefits, as well as of wages, lost by unemployed workers.

BALANCE OF PAYMENTS

We in the UAW support the two features of NEP aimed at correcting the balance of payments deficit. Suspension of gold convertibility was an essential step toward compelling the revaluation of undervalued currencies, which put the U.S. under an unfair disadvantage in world trade, and toward reform of the world monetary system. The temporary import surcharge can also be a useful bargaining lever contributing to the same end and perhaps also to the relaxation of discriminatory and improper barriers to American exports. We are aware, however, that these measures have created serious problems in other countries. We hope that escalating retaliation and counter-retaliation can be avoided and that negotiations will proceed smoothly to a conclusion acceptable, even if not perfectly satisfactory, to all nations involved.

It must be noted, however, that those Europeans and Japanese who attribute the plight of the dollar to the unbridled export of capital by large U.S.-based international corporations are on sound ground. This problem—and a host of associated problems flowing from it—will continue to plague our country until capital exports by such corporations are brought under control. To that end, the UAW has proposed creation of a Foreign Investment Licensing Board which would permit only those foreign investments by American firms which can be shown to be in the interests of the United States. I hope there will be opportunity at some time to explain the proposal in detail to this Committee and to other Congressional bodies because I believe it merits the most serious consideration.

The difficulties of the dollar in world money markets were aggravated, as President Nixon said, by "international money speculators" who "have been waging an all-out war on the American dollar."

He neglected to say, however, that prominent among those speculators were some of the U.S.-based international corporations mentioned above. They are within reach of our government and its laws but the President called for no action to penalize them or to curb their damaging activities. On behalf of the UAW, I have asked Chairman Patman of the House Banking and Currency Committee to launch a searching investigation of the monetary manipulations of such corporations with a view to enactment of legislation which will prevent future speculation by Americans inimical to the interests of their own country.

A third factor contributing to the difficulties of the dollar and the deficit in the balance of payments is the refusal of certain American corporations to complete vigorously with foreign producers both in our domestic market and in the world market. Outstanding among these are the major automobile corporations.

Here we have an industry whose profits persistently run at rates far higher than the average for all manufacturing corporations while, simultaneously, 16 percent of its domestic market is served by imports. Where these two conditions exist side by side, the conclusion is inescapable that the industry is refusing to engage in price competition with imports.

In an economy whose basic premise is competition, clear-cut refusal to compete provides ample justification for any action required to remedy the situation, no matter how drastic it may appear. I will outline below a form of tax that would give the auto industry, and other industries similarly guilty of refusal to compete with imports, a powerful incentive to change their ways. The tax, at first glance, may seem harsh but it should be kept in mind that some of the remedies for noncompetition under antitrust legislation, although infrequently applied, are even harsher. Breaking up a firm is certainly a more radical procedure than imposing a special tax designed to induce competition.

COMPETITION PROMOTION TAX

The proposed tax might be called a "Competition Promotion Tax" because that would express its purpose. It would apply only to corporations in industries where:

(1) average rates of profits on net worth for the industry had persistently (e.g., over the preceding 5 years) and significantly (e.g., by 15 percent) exceeded the average rate for all manufacturing corporations; and

(2) imports of the general type of product made by the industry exceeded a specified percentage (e.g., 10 percent) of total domestic consumption during the tax year.

If both those conditions existed, the special tax would be calculated in accordance with the following formula:

$$T_s = \left(1.05 - \frac{P_a(1-T)}{P_e}\right) \times \left(\frac{C_b}{C_y}\right)^2$$

where:

T_s is the special tax rate to be applied to the corporations in question;

T is the regular corporate profits tax rate (48 percent at present);

P_a is the average before-tax rate of return on net worth for all manufacturing industry;

P_e is the before-tax rate of return on net worth of the particular corporation subject to the special tax;

C_b is the percentage of consumption accounted for by domestic production in the base year; and

C_y is the corresponding percentage for the tax year.

EFFECT OF TAX

With such a tax in effect, the firms covered could increase their after-tax profits only by reducing their before-tax profits (which would require price cuts) or by reducing the inflow of imports or by a combination of both. The reduction of prices, of course, would contribute to the reduction of imports.

So long as the industry remained subject to the tax, none of its constituent corporations could realistically hope to obtain a rate of return as high as the average for all U.S. manufacturing firms.

The industry, however, would have two escape hatches by which to free itself from the tax—both consistent with the purpose for which it would be imposed. The tax would cease to apply if, during a period of five consecutive years, average rates of return in the industry fell to less than 15 percent above the all-manufacturing average for the same period. The tax would be removed in that case even though imports remained above 10 percent of consumption but the decrease in profit rates presumably would attest to reductions in prices, reflecting an effort to compete.

Alternatively the firms in the industry could free themselves from the special tax by competitive actions—price reduction, quality improvement, production of less expensive models, etc.—which would reduce imports below 10 percent of domestic consumption. While no firm might be able single-handedly to reduce imports below that level, all in the industry would be impelled by the tax to try to do so and price cuts put into effect by one or more for that purpose would compel the others to follow.

The tax would have no effect (except in an extraordinarily profitable year) on firms, such as American Motors in the auto industry, whose rates of return run lower than the average rate for all manufacturing corporations. They would pay the normal profits tax (now 48 percent) which would be the minimum rate applicable to all firms in the industry regardless of the rate computed from the formula.

The incentive provided by the tax would be extremely powerful because the formula is highly sensitive to even small changes in prices or in the level of imports. Any increase in either or both would reduce after-tax profits. Any reduction in prices or imports or both would increase after-tax profits.

The purpose of the tax is not to raise revenues but to stimulate competition against imports. It would not be inconsistent with that purpose to give reasonable advance notice to the industries concerned—to provide in the legislation imposing the tax that it not become effective until, say, three years after enactment. Such advance notice might induce the desired competitive behavior and thus create conditions under which the tax would not be payable (i.e., industry profits less than 15 percent above the all-manufacturing average, or imports less than 10 percent of consumption, or both).

The proposed tax is novel, of course. But novelty should not deter serious consideration of its merits. The phenomenon of corporations that deliberately refuse to compete is also rather novel. New problems require new solutions.

I urge this Committee to look into the possibility of this type of tax as one means to correct the payments deficit, to create additional employment in domestic industry and to regain the former share of the United States in the world market for automobiles and for other products as well.

HALTING INFLATION

It is now almost universally recognized that the wage-price freeze imposed as part of NEP creates so many serious inequities that its continuation for more than 90 days would be intolerable. The Administration has committed itself to limit the freeze to 90 days and to substitute some other form of stabilization thereafter.

INEQUITIES UNDER THE FREEZE

It is imperative even before the freeze period ends, however, to begin to apply that provision of the Economic Stabilization Act which authorizes "the making of such adjustments as may be necessary to prevent gross inequities." The Cost of Living Council (CLC), delegated by the President to exercise the powers granted him by the Act, has, by interpretation, provided significant price leeway to industry. Noteworthy in this connection was the reinterpretation for the benefit of the steel industry of the words "substantial volume of actual transactions . . . during the 30-day period ending August 14, 1971." Steel corporations were permitted to consider "substantial" sales equal to more than 10 percent of total sales made *after* the last price increase they had imposed during the 30-day period.

The CLC has yet to show comparable flexibility, however, even with respect to the most glaring types of inequities on the wage front.

I will not burden the Committee with the many serious types of inequities being inflicted on UAW members by the freeze because of the failure of CLC to show the same sympathetic understanding for workers' problems as it has shown for industry's. I have no doubt, however, that, if I were to recite some of the inequities that our members are now suffering, the members of the Committee would wonder, first, why they have not been corrected and, second, why the workers have been so patient in waiting for correction.

It is urgent that there be no further delay.

I would point out to the Committee, however, one significant difference between the current situation and that under the freeze imposed temporarily during the Korean War. At that time, long-term collective bargaining contracts were a rarity. Most contracts ran for one year or, at most, for two years with provision for renegotiation of wages at the end of the first year. The UAW was one of a very few unions that had longer term contracts providing for deferred wage increases rather than renegotiation.

Thus, generally speaking, the Korean-War freeze did not have the effect, as today's freeze does, of converting into profits monies contractually committed to workers. We in the UAW were compelled, during the 1951 freeze, to warn the stabilization authorities that if the wage increase provisions of our contracts were made inoperative, we would have to consider the contracts null and void and would deem ourselves free to use whatever means might be necessary to negotiate acceptable new contracts. Fortunately, the freeze was relaxed in time to permit payment on schedule of a cost-of-living increase, which came due first, and, later, of an annual improvement factor wage increase.

Today's freeze must be similarly relaxed to permit effectuation within the 90-day period of the economic provisions of existing contracts. Every collective bargaining contract contains provisions (generally non-economic) sought by the employer as well as economic provisions for the benefit of workers. It is obviously unfair to permit the employer to retain the benefit of provisions written into the contract on his behalf while denying workers the benefits they obtained in return.

AFTER THE FREEZE

What should follow the freeze? It should now be evident to all that we need a permanent program for price stability. We should not have to lurch from a vacuum of policy, to an inequitable freeze, to rigid bureaucratic controls, back to the vacuum and so on *ad infinitum*.

The UAW, for more than 14 years, has been urging such a program in the form of a Price-Wage Review Board, the detailed specifications of which have now been set forth in legislative language in HR 10592 introduced by Congressman Reuss on September 13. I am strongly of the opinion that, had that legislation been in effect during the 1960's, the present inflationary spiral would never have started.

PREMISE OF BILL

Congressman Reuss' Bill is based upon the same premise as that underlying other voluntary stabilization measures (as distinguished from price and wage controls) such as guideposts or incomes policies. Proponents of all such measures recognize that the restraining influence of effective price competition is absent from certain important industries having significant effect on the general price level. They therefore propose to make up for that lack by substituting the restraining influence of public opinion.

The Council of Economic Advisers, for example, in its initial statement of its guideposts in its 1962 annual report, said:

"An informed public, aware of the significance of major wage bargains and price decisions, and equipped to judge for itself their compatibility with the national interest, can help to create an atmosphere in which the parties to such decisions will exercise their powers responsibly."

It is important that the nature of the problem be clearly understood. It was well-stated, I believe, in a letter that Walter Reuther sent to President Kennedy on April 12, 1962, immediately after the President had publicly denounced U.S. Steel for increasing its prices. The letter said in part:

"There is no room to doubt any longer either the power of the giant corporations in certain industries to rig prices against the public interest or their readiness to do so. Both were amply documented in the hearings of the Senate Antitrust and Monopoly Subcommittee on administered prices in the drug, steel, and automobile industries, among others. Any lingering doubts that some might have entertained should have been dispelled by the guilty pleas in the recent antitrust case against the electrical equipment manufacturers. If the corporations involved in that trial—some of which rank among the largest and (formerly) most reputable in the country—are prepared, in direct violation of law, to conspire to rig prices on products sold to the government of the United States, only the most gullible would believe that they and leading corporations in other industries would hesitate to rig the prices they charge their private customers—especially when the latter can be done without running afoul of the law.

"We confront a phenomenon anticipated neither by Adam Smith nor by our antitrust laws—the phenomenon of 'price leadership' in industries where prices are administered and not determined by market forces. Where one corporate giant dominates an industry, prices can be rigged at monopolistic levels without the necessity for an actual conspiracy that would involve a conflict with the law. The unseemly haste of U.S. Steel's 'competitors' in following in its lead did not necessarily require communication between the leader and the rest of the pack. The latter dare not set their prices higher than U.S. Steel's for fear of losing customers. They dare not set them lower for fear the giant will retaliate. They comfort themselves in these conditions of their existence by grasping eagerly the opportunities for higher profits that become available to them when the giant, by raising its prices, permits them to raise theirs.

"Thus we have the fact of monopoly prices, set by a single corporation, without the overt appearance of actual monopoly. We have the effects which the antitrust laws were intended to prevent without the only causes—monopoly or conspiracy—that can set the machinery of the laws in motion. U.S. Steel has shown us once again that we need new legislation aimed at today's price leaders in administered price industries instead of at the obsolete concept of conspiracies which reflected economic facts of past years—legislation drafted to meet the monopoly and conspiracy problems of more than half a century ago."

The above describes the problems with which we propose to deal by informing and mobilizing public opinion.

Public opinion can be invoked effectively, however, only when pertinent information is made available to all who are interested. The Kennedy-Johnson guideposts broke down, among other reasons, because of a failure to equip the public with the data needed to judge the propriety of price actions in general and, particularly, in cases of maintenance of excessive prices that should have been reduced. HR 10592 is designed to assure that the public is fully informed.

SUMMARY OF BILL

HR 10592 would require the price-leading corporation in each major administered price industry to give advance notice of proposed price increases. Other firms could be brought under the procedure by the President if he thought it necessary in the interests of price stability. A tripartite Price-Wage Review Board, with members representing labor, industry and the public, would hold hearings on the proposed increases with a Consumer Counsel representing the public interest. The subpoena power would be used to assure the presence of needed witnesses and the availability of all pertinent books and records. The Consumer Counsel would be empowered to initiate hearings aimed at bringing about reductions of prices he considered excessive. Unions would be required to participate in the hearings if the corporation proposing the price increase alleged that granting union demands would necessitate the increase. At the conclusion of the hearings, the Board would not pass on the merits of the proposed price increases (or union demands) but would issue findings of fact designed to enable the public to make its own judgment of the merits. After the notice period expired, the corporation would be free to raise its prices and the union, if any were involved, would be free to press its demands. Both would act, however, in the knowledge that the public had the facts required to pass informed judgment on their actions.

EXPLANATION

The above summary of HR 10592 is largely self-explanatory. It may be desirable, however, to elaborate on certain of its features and to emphasize the significance of certain others.

To begin with, the Bill's approach differs from that of the now discredited guideposts in a number of highly important respects:

1. Focus on prices—The Bill recognizes the obvious fact that the goal of stabilization policy is to achieve reasonable stability of the price level. It therefore parts company with those who shift the conversation from prices to wages whenever inflation is discussed.

Government data show conclusively that the last three periods of inflation (including the present one) began at times when unit labor costs were actually declining. Thus, it is clear that wage restraint will not prevent prices from rising. On the other hand, price restraint will make unnecessary the augmented wage increases that are required to compensate workers for the erosion of their buying power by inflation. Wage increases are relevant to price stability only when they would necessitate price increases or would prevent price reductions that otherwise would be put into effect.

For these reasons, wages would be involved in the proposed procedure only when a corporation alleges that its proposed price increase (or refusal to reduce excessive prices) is attributable to the cost of meeting union demands that have been presented to it. Under those circumstances, the union involved would have to justify its demands in public hearings side by side with the corporation employing its members.

The focus on prices also recognizes that it is both perfectly proper and entirely compatible with price stability for labor and management to bargain over their relative shares in the income generated by an industry or enterprise. This principle was recognized under the guideposts. In fact, in the Council of Economic Advisers 1962 *Report*, which presented the initial statement of the guideposts in 1962, it was stated and restated three times, as follows:

On page 186:

". . . there is nothing immutable in fact or in justice about the distribution of the total product between labor and non-labor incomes."

On page 188:

"The proportions in which labor and non-labor incomes share the product of industry have not been immutable throughout American history, nor can they be expected to stand forever where they are today. *It is desirable that labor and management should* *bargain explicitly about the distribution of particular firms or industries.* It is, however, undesirable that they should bargain implicitly about the general price levels." [emphasis added]

On page 190:

"Finally, it must be reiterated that collective bargaining within an industry over the division of the proceeds between labor and nonlabor income is not necessarily disruptive of overall price stability. The relative shares can change within the bonds of noninflationary price behavior."

The same thought was reiterated in subsequent Council reports.

The principle involved was recognized as a practical matter under the stabilization programs established during both World War II and the Korean War. Executive Order No. 9599, issued on August 18, 1945, after the war with Japan ended, permitted wage increases to be put into effect:

". . . without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings. . ."

Similarly, during the Korean War, wage increases comparable to the UAW's annual improvement factor increases were permitted to be paid provided the employer agreed not to use them as a basis for seeking approval of price increases.

It would be senseless, in any case, to waste the time and facilities of the Board in the hashing out of collective bargaining issues which, by the employers' own admissions (in not claiming them as the basis for proposed price increases) have no bearing on price stability.

2. Availability of facts—The Council of Economic Advisers, in its 1967 annual report, lamented that its efforts to apply its guideposts to prices were frustrated because it:

". . . ordinarily does not have the detailed information which would permit a clear judgment as to the appropriateness of the proposed price change on either the basis of the guidepost standards or other relevant considerations."

The Bill would meet that problem by equipping the Consumer Counsel with subpoena power to assure that all necessary witnesses and all pertinent data are available for examination in the public hearings.

3. Price reductions—The Bill would empower the Consumer Counsel to initiate hearings designed to mobilize public opinion in support of price reductions where the facts show existing prices to be excessive. The guideposts, as the Council confessed, were a complete failure in this respect. For example, the Council's 1967 annual report declared:

"In general terms, the greatest failure of observance of the price guidepost lies in the failure to reduce prices on a considerable number of the product lines of a large number of industries."

Yet, a major factor causing inflation has been the refusal of industries with rapidly advancing productivity or abnormally high profits to reduce their prices. The general price level obviously cannot be stabilized if industries with rising costs raise prices while those with low or falling costs maintain or even increase their prices.

4. Keeping the task manageable—The guideposts represented a scatter-gun approach. In theory they applied to every firm and every union in the entire country. In practice, the price guidepost was used to mobilize public opinion in only a handful of cases while the wage guidepost became a shibboleth for employers generally both in the public forum and across the bargaining table.

Application of the Bill would be confined to the potential sources of serious inflationary abuses—the price-leading corporation in major administered price industries and to such other firms or industries as the President might from time to time find it necessary to bring under the legislation.

The price leader (or "price-dominant" corporation, in the language of the Bill) is defined as the firm that accounts for 25 percent or more of the sales in a product category and more than the sales of any other corporation in the same category. Any field in which one firm controls that large a part of the total market is obviously one in which price administration or oligopoly prevails. Product categories would be established only for products having "a significant effect on overall price stability." If public opinion is to be effectively mobilized, it would be unwise to apply the procedure to industries or products having only negligible effect on the general price level.

It would be enough to confine the notification and hearings procedure to the price leader (i.e., the dominant corporation) in each industry because its decisions necessarily determine the prices of other firms in the same industry. The auto industry provides numerous examples of situations in which Ford and Chrysler adjusted their prices—up or down—to approximately the levels set by General Motors for comparable cars or optional equipment.

An analysis made by UAW economists some years ago indicated that coverage of only about 100 corporations in all would be sufficient to exert significant leverage on over-all price level changes.

At the same time the Bill would enable the President to bring other firms or industries under the procedure when necessary to safeguard price stability.

5. Advance notice—HR 10592 would assure that the public had advance notice of impending price increases in important industries. The facts would be brought out and public opinion would be able to exert its influence before the price increase became a *fait accompli*. Under the guideposts the Council often could do little more than wring its hands after an inexcusable price increase had been put into effect. *Post-mortems* on price increases conducted by Congressional committees have been revealing but have come too late to have any practical effect.

Unions are now required by law to give advance notice of intention to modify or terminate their contracts which, among other things, generally means to seek wage increases. This part of the Bill would do nothing more than to put a small number of corporations under a similar obligation with respect to price increases.

6. Case-by-case approach—President Johnson's tripartite (labor, management, public) Advisory Committee on Labor-Management Policy recognized the need for a case-by-case approach to problems of price stability. In a statement adopted August 18, 1966, after thorough and careful review of experience under the guideposts, the Committee felt compelled to say:

". . . it is impractical if not impossible to translate the goals reflected in the guideposts into formulae for application to every particular price or wage decision."

That conclusion applies with even greater force to the current situation because of the extremely uneven distribution among workers and firms of the gains from and sacrifices imposed by years of inflation. Attempts, under these circumstances, to hold wage and price changes within the confines of uniform formulae would be doomed to failure, for no system of voluntary restraint will work if its end product is flagrant inequity.

Implicit in the qualifications and exceptions noted in the Council's original 1962 statement of the guideposts was the necessity to look carefully into the facts of each case. Today's circumstances emphasize that need. H.R. 10592 provides for the required case-by-case approach and would establish machinery to assure that all pertinent facts of each situation are elicited and brought to the public's attention.

OTHER FEATURES OF BILL

I believe it will be useful to call to the Committee's attention certain other features, aspects or probable effects of the Bill which lead us to believe that it would be a workable mechanism contributing in important degree to price stability.

1. Deterrent—We believe it would create an effective deterrent to unjustifiable price increases. With the Bill in effect, we doubt that any major corporation would even formally propose to make any price increase for which it could not make at least a presentable case. It is almost inconceivable, for example, that U.S. Steel would have proposed the 1962 price increase which President Kennedy succeeded in rolling back if it had had to contemplate the prospect that its officers would have been required to submit to cross-examination in public hearings, with all pertinent data available, concerning the necessity and justification for the price decision.

The Bill contemplates that every reasonable effort would be made to give the hearings the widest possible publicity. Televising the hearings would be useful both for informing the public and for strengthening the deterrent effect of the procedure.

2. Relatively few hearings—The deterrent effect would have the further value of limiting the number of hearings which would have to be held. Public attention could therefore be focused sharply on relatively few cases. Toward this same end, the Bill would permit the Board, with the consent of the Consumer Counsel, to waive hearings where, for example, preliminary examination of the data indicated that the proposed price increase was clearly justified or where it would have negligible effect on the general price level or where it would be offset by price decreases for other products of the same company. With only about 100 corporations in all normally covered by the procedure, its scope would be sufficiently narrow to permit public opinion to zero in effectively on clear-cut cases of abusive price increases. Consumer groups and business or government customers having an important interest in the particular prices involved could be counted upon to help bring the pertinent facts of significant cases to public attention. It would be more difficult to do so effectively if the number of covered corporations were too large.

3. Permanent machinery—The Price-Wage Review Board and the Consumer Counsel are intended as permanent agencies. This would enable them and their staffs to develop a high level of expertise in dealing with price issues and in presenting their findings in a manner readily understandable by the public. The existence of the machinery on a permanent basis would also help to avoid the initiation of inflationary spirals. As is clear from the record of the present and past inflations, such spirals start with prices. Once some important prices rise, they work their way into the costs of other businesses or into consumer prices, inducing or compelling increases in other prices or in wages, which then, in turn, lead to further increases in prices and wages, etc. If public opinion is mobilized effectively to halt the initial price increases, there will be no spiral.

4. Emergency price increases—The Bill recognizes that on occasion firms may be confronted with sharp increases in costs which necessitate immediate price increases in order to avoid serious impairment of profits. It would therefore permit such price increases to be put into effect prior to the expiration of the period of advance notice which would otherwise apply. Severe penalties would be imposed, however, for price increases improperly made under false claim, or exaggeration of the extent, of an emergency. The amount of the penalty could be

objectively determined on the basis of the size of the price increase measured against the actual cost increase, if any. The Board, in consultation with the Consumer Counsel could develop standards and regulations concerning, for example, the extent of impairment of profits that could be considered to create an emergency and methods of measuring such impairment.

5. No recommendations—Under the Bill the Board would not pass on the merits of the proposed price (or wage) increase or make any recommendations as to whether or not it should be put into effect. The reason is that there is at present no generally accepted basis for determining the propriety of any level of prices, wages or profits nor, as previously noted, are there any general formulae that can properly be applied to the enormous variety of individual situations. Given the facts of particular cases, the public will begin to form, and to express, its own judgments as to what is or is not proper conduct under certain sets of conditions. Out of these judgments there should, in time, evolve generally accepted standards of proper conduct. When that occurs—but not before then—it may be possible to formulate criteria that could be used as the basis for recommendations and to write such criteria into law.

6. Findings of fact—Although the Bill would prohibit recommendations or judgments on the merits, it does call for the Board to issue findings of fact. The facts to be made public should include such matters as changes in production costs, the source of such changes (e.g., wage costs, materials prices, overhead costs, changes in volume of production, etc.), the degree to which cost increases are offset by cost savings (such as those flowing from advances in productivity), the profit position of the corporation, the effect of the proposed price increase upon per unit and total profits, the effect upon those profits if the ascertained net cost increases were to be absorbed by the corporation, and all similar matters which would enable the individual citizen to make an informed judgment as to the propriety or justification for the proposed price increase.

In order to insure that every area of pertinent fact is covered, the Bill contemplates that all parties to the hearings (which may include, besides the corporation proposing the price increase and the Consumer Counsel, unions, consumer organizations, customer corporations, government agencies, etc.) would be invited, at the conclusion of the hearing, to submit lists of their contentions based on the evidence presented at the hearing. The Board would issue its findings with respect to each such contention. For example, if a union contends that, after granting a proposed wage increase, the corporation would still have, at a given volume of output, a profit equal to X percent of its investment, the Board would make a finding of fact on that claim. If the corporation should contend that it requires a profit of Y percent in order to attract needed capital, the Board might issue a finding concerning profits earned by other corporations operating under similar risk factors and their experience in raising capital.

7. Flagrant cases—Despite the absence of provision for recommendations, the Bill definitely does not contemplate that responsible government authorities would do nothing in flagrant situations of abuse of pricing power. Although, as noted, there are no generally accepted standards of proper price behavior, it is possible to recognize clearly outrageous behavior totally unjustified by the facts of the situation. Where hearings had elicited evidence that effectuation of a proposed price (or wage) increase would be of that nature, it would be entirely appropriate for the President (or others high in government) to direct the fire of public opinion against the threatened abuse and to take such other action as might be appropriate. With the hearings having uncovered the facts, effective mobilization of public opinion would be greatly facilitated.

OTHER MEASURES NEEDED

I should make it clear that I do not advance HR 10592 as a panacea which, in and of itself, would eliminate the inflationary problem and all its damaging consequences. Administered price abuses are a major, probably the major, factor causing inflation in our economy. But there are other sources of inflation which have to be dealt with also. For example, there are serious supply bottlenecks in certain sectors of the economy, of which medical care is an outstanding example. There are situations in which disproportionate increases in certain forms of demand put inflationary pressures upon capacity. For example, rapid increases in profits following the end of a recession encourage and provide the means for speculative investment in new plant and equipment and in inventories. We need to be alert, always, to problems of these kinds and to develop a battery of selective measures designed to open up supply bottlenecks which interfere with the achievement of national priority goals, to suppress inflationary nonessential demand and, to the extent consistent with national needs and purposes, to route demand toward underutilized capacity and away from the supply bottlenecks.

Wise use of selective measures could help to prevent the onset of inflation. Such measures also could be helpful in ending inflations when they do occur and in minimizing the social damage and economic losses that flow from use of the blunderbuss of restrictive over-all fiscal and monetary policies to halt inflation. For example, selective credit policies could protect the flow of urgently needed funds for housing and the projects of state and local governments while choking off credit for excessive investment in new plant and equipment or for inventory speculation. Selective manpower measures, such as a public service employment program, for example, could provide useful jobs, maintain family incomes, supply valuable training, and serve important public purposes even as demand was curtailed in certain areas of the economy to damp down the inflationary fires. Insofar as health care costs are concerned, I see no solution short of enactment of the Kennedy-Griffiths-Corman Health Security Bill.

We regard HR 10592 as merely one element—although an important element—in the arsenal of selective economic weapons needed to maintain price stability simultaneously with full employment.

H.R. 10592 MEETS PHASE 2 REQUIREMENTS

I believe that H.R. 10592 meets the requirements of what has come to be known as "Phase 2"—the period immediately following the end of the freeze—as well as the need for on-going, permanent machinery to promote price stability. I am realist enough, however, to know that a direct move from the freeze to the machinery and procedures of HR 10592 is not going to occur. Nevertheless, I would like to state the reasons for concluding that HR 10592 would meet immediate as well as long range needs, in the hope that consideration of those reasons will contribute to the shortening of Phase 2 and its prompt replacement with the Bill's Price-Wage Review Board.

It is evident that the continuance of inflation does not have its source in those industries where price competition prevails. That would be most unlikely, if not in fact impossible, given the magnitude of present slack in the economy. Even a cursory reader of the newspapers prior to August 15, 1971, must have been aware that important price increases were centered in the oligopolistic, administered price industries. As those industries raised their prices, firms in some of the competitive sectors may have had no alternative but to try to compensate for resultant cost increases. But many were finding it increasingly difficult to do so. (Their difficulty or outright inability to raise prices is reflected in the maldistribution of profit increases to which Senator Proxmire has called attention and which I will discuss later in this statement.)

It therefore should now be possible to break the spiral through application of the force of public opinion to the price leaders of the oligopolies—as provided for in HR 10592.

As matters now stand, however, the White House will bring forward its own program for Phase 2. Whether or not that program will require legislation is not now known. However, both the White House and the Congress should be fully aware that no program will work that is not acceptable to America's workers. Stabilization policy is a delicate matter and one that, far more than most, requires that essential ingredient of democracy—the consent of the governed.

ESSENTIAL CONDITIONS

The union representatives who met with the President about 10 days ago made it clear that a price and wage stabilization program will be acceptable to America's organized workers only if it is voluntary and tripartite and applies equitably to all forms of income.

"Voluntary" means that the government keeps hands off, stays out and leaves all decisions including those pertaining to standards, rules, regulations and procedures to the sense of public responsibility of the labor and management parties directly concerned. It means also that those parties select their own representatives to develop and implement the program. "Tripartite" means that labor has an equal voice with management in all decisions, with deadlocks between them broken by public members who are independent of any form of government control and whose impartiality and integrity is beyond question.

The above is an exact description of the essential characteristics of mechanisms established for stabilization purposes in World War II and in the Korean War. There is no question but that those mechanisms worked—and with remarkable effectiveness. There were sharp differences between the labor and management members at times but, once decisions were made, no matter how distasteful to one group or the other, both sides cooperated unreservedly in carrying them out.

Based upon the proven success of the voluntary and tripartite approach, it would be a grave mistake to experiment now with other kinds of mechanisms. Particularly dangerous and futile would be to attempt to impose rules and standards from above and to administer them through an agency in which workers had no direct and effective voice and, therefore, no confidence. A number of witnesses before this Committee have stressed the importance of involving the affected parties. That proved essential under wartime conditions. It is far more essential now when there are no comparable external pressures for acquiescence in unpleasant measures.

NO STRAITJACKET

I feel compelled to make clear, with all the emphasis at my command, that there must be no straitjacket of any kind on the voluntary process. The tripartite body must not be restricted in any way—whether by the Administration or by Congress—with respect to the development of standards, rules, regulations and procedures.

I stress this point because of the various bills that have been submitted which would establish legislative guidelines of one kind or another to govern the movement of wages and/or prices.

At the point such guidelines are imposed, the stabilization process would cease in substance to be voluntary no matter what forms might be devised to disguise that fact. The parties to the voluntary, tripartite operations in two major wars demonstrated that they had the responsibility and the wisdom to establish their own standards without outside interference. There is no reason to believe that those who might be called upon to participate in a new voluntary stabilization effort would be any less wise or responsible.

PARTIAL COST-OF-LIVING COMPENSATION

With all due respect, I must say in all frankness that I am particularly appalled by suggestions made to this Committee for the establishment of guidelines that would allow only partial compensation for increases in living costs.

That goes farther than the wage rules in effect at the height of the Korean War. UAW contracts providing for substantially full compensation for increases in living costs were permitted to operate soon after the Korean War wage stabilization program became effective. Subsequently, under its General Wage Regulation 8, the Wage Stabilization Board permitted all cost-of-living wage increases (including those negotiated after the stabilization base date, January 25, 1951) to be put into effect without prior approval provided only that they did:

". . . not exceed the corresponding subsequent percentage increase in an acceptable index . . ."

No one could reasonably expect workers to accept less protection against rising living costs under today's circumstances than they had during the Korean War.

The inequity of the proposal that workers be limited to partial protection seems to have escaped or to be of no concern to the proponents. It must not be forgotten that, as inflation increases the prices of goods and services, it also increases the total of all incomes in the economy proportionately. If some get smaller shares of the increased total income, others must get larger shares and the goods and services output of the economy is thereby redistributed at the expense of the first group and in favor of the second.

Traditionally, the reason for combatting inflation has been its inequitable redistributional effects. Now it is proposed that inequities be created in order to combat inflation. To compound the inequity, the workers who are singled out to be the victims of deliberately created inequity are the very persons who have been the prime victims of inflation itself. Need this Committee be reminded that the average after-tax real weekly earnings of some 48 million production and nonsupervisory workers in the private economy are now lower than in the last quarter of 1965—nearly six years ago? They have been on a treadmill while living standards, generally, were on the rise. Now it is proposed to run the treadmill faster so that they will lose even more ground.

MAKING WORKERS PAY FOR PRICE FAILURES

It should be obvious that effective price restraint will make cost-of-living wage escalation inoperative. Escalator wage increases are paid only *after* prices have risen. To propose that workers receive only partial compensation for increased living costs is, therefore, to propose that they bear the burden of the government's failure to stabilize prices.

Any government genuinely determined to halt inflation of prices would have no hesitation in allowing wage escalators full and free play because the matter would be essentially academic. Proposals that limits be placed upon cost-of-living wage escalation therefore bring into grave question the genuineness and sincerity of the intention to stabilize prices. They cause me to wonder whether we will see in Phase 2 a continuance of the farcical "voluntary" price controls of the current freeze period during which wages are held in a straitjacket. Anyone who believes that there is in fact a freeze on prices will find it instructive to read the article in the September 20, 1971, issue of *Newsweek* headed "We Don't Want to be Heavyhanded." Heavyhandedness is confined to wages.

If the underlying assumption is that some prices will be free of restraint or that the prices restraints cannot be expected to work perfectly, why should the workers be selected to be the victims? Doctors fees, for example, could prove particularly difficult to restrain. The proposal, therefore, could well have the effect of compelling workers to contribute, at the cost of their families' living standards, to further increases in the real incomes of doctors whose average annual net earnings were reported recently to exceed $40,000 per year.

EQUITY

The proposal to limit workers to partial compensation for increased living costs is in direct conflict with the third essential condition for success of any stabilization policy—absolute adherence to the principle of equity. Even under wartime conditions it was found necessary to establish at least some highly visible symbols of equity. There were stiff excess profits taxes during both World War II and the Korean War. In both cases, top-bracket personal income tax rates ranged up to levels that earlier would have been considered confiscatory. Moreover, in the Korean War period, as noted, it was recognized, based upon experience derived from World War II, that no rigid ceilings such as the Little Steel formula could be placed upon wage increases. Allowance was made for increases in *real* wages so that the distribution of income would not be distorted to the disadvantage of workers.

Under conditions such as those that prevail today, when we are hopefully disengaging from war, equity becomes all the more essential to the success of stabilization efforts. There must be equity not only among workers or groups of workers; there must also be equity as between workers and other elements of society whose incomes are from non-wage sources.

The problem of equity arises in the second of the above forms because wages, generally, tend to be the only form of income, as such, to which stabilization policies apply. Certain other forms of income—interest, professional income, capital gains, executives' bonuses, stock options and expenses and other "perquisites"—are completely untouched. The attempt to restrain still other forms of income—profits and dividends—is usually indirect and based upon criteria concerning prices, ignoring the fact that profits can rise sharply even while prices remain unchanged. Ironically, the statistical record shows that wages—the only form of income to which stabilization policy usually directs itself—are a passive factor in the inflationary process. Wages do not initiate the spiral and their rate of increase tends to slow down as inflation itself abates.

The singling out of wages gives rise to inequities which bring the stabilization programs into disrepute and make them unworkable. The point was recognized and clearly expressed by President Johnson's Advisory Committee on Labor-Management Policy. In the statement quoted previously, the Committee said:

"We believe that in a free society any policy to achieve price stability will be acceptable and effective only if it bears equitably on all forms of incomes."

Other democratic countries have been compelled to the same conclusion. They had experimented with approaches similar to the U.S. guideposts which directly affected only income from wages. They found it necessary to place increasing emphasis on non-wage incomes.

They moved from wage policy toward "incomes policy." Instead of focusing upon the relationship between wages and productivity, they came to stress the relationship between total money incomes and real national output. Stress on the total of money incomes means that an incomes policy, among other things, is fully consistent with collective bargaining and with government policies designed to change the distribution of income by form or by size in the interests of equity and social justice.

The phrase "incomes policy" is being used in the United States today as a euphemism for measures that consider only wages and prices. Misuse of the phrase makes it important to emphasize that incomes policy contemplates a much broader scope.

The crucial difference is that incomes policy recognizes the need for equity as between workers and other groups in the society. Such recognition is reflected, for example, in a report of the Working Party on Costs of Production and Prices of the Organization for Economic Cooperation and Development (OECD), of which the United States is a member. The report said:

". . . experience shows that whatever may be the mechanism of cost inflation, wage earners will ask for some *quid pro quo* in return for any agreement to accept a more moderate increase in wages. As the Trade Union Advisory Committee has put it:

" 'An argument can be made out for planning or guiding incomes; an argument can also be made out for leaving them unplanned and unguided; but there is nothing at all to be said for planning or guiding half the incomes and leaving the other half unguided and unplanned and subject to market forces or varying degrees of monopoly control.'

"The existence of a policy for wages clearly gives this argument considerable weight. Those whose incomes are subject to restraint will naturally demand the establishment of criteria by which the inflationary or noninflationary behavior of other incomes can be clearly established, and the assurance that action will be taken if the assumption that—discounting short period fluctuations—other incomes will follow the development of wages, turns out to be wrong.

"In other words, it is not enough for justice to be done—it must be seen to be done; and it must be seen that the government has the ability to intervene effectively in cases where intervention would be justified."

PROFITS

As other democratic nations wrestle, individually and through OECD and the International Labor Organization (ILO), with the problems involved in developing and implementing an incomes policy, they are confronted insistently with the role of profits in the inflationary process. The chairman of the OECD Working Party mentioned above, in introducing a study prepared for his group, wrote:

"During the preparation of its second report, the Working Party had several discussions on the role of profits in the process of cost inflation. It concluded that: 'While it is difficult to disentangle the role of different elements in total costs, it seems probable that the failure of cost reductions to be reflected fully or immediately in prices is an important feature of the process by which costs and prices are levered up under conditions of cost inflation.'

"As a result of the work of the experts, the Working Party feels that it should have been rather more positive about the role of profits.

"In this connection, the evidence presented in Chapter VI of the report suggesting a quite strong relationship between profits and changes in profits, and wage movements, is both interesting and significant. While this evidence is open to alternative interpretations, it seems to provide further support for the view that a successful incomes policy must cover prices, profits, and other non-wage incomes as well as income from employment."

No democratic country has yet developed a successful incomes policy because none has met the test of equity as between workers and other groups in society. The guideposts collapsed in our country under the weight of the inequities to which they gave rise and a similar fate has met peacetime stabilization effort in other countries for the same reason.

Any new stabilization effort to be made in the United States which goes beyond the principles of HR 10592 must therefore restrain all forms of non-wage incomes to the same degree as wages are restrained.

With regard to profits, I have hitherto urged an excess profits tax, despite its defects, because it is a familiar device to most Americans. Later in this statement, I will propose what I believe to be a better approach. Clearly, however, there is need to restrain the rise of profits by one means or another if wages are to be restrained to any degree.

THE MYTH OF "LOW" PROFITS

Attempts have been made in recent weeks to create the impression that profits are too low and must be encouraged to increase. It has been said, in particular, that profits now form a smaller proportion of GNP than in 1938. To this there are several answers.

The first is that the comparison is between apples and oranges. The measure of profits in the national income accounts, upon which the comparison is based, reflects repeated changes in tax rules which have transformed a large part of what were formerly called "profits" into "capital consumption allowances." The monies involved still go to the corporations, but the labels on part of them have been changed.

The second answer is that economists generally would agree that, as capital becomes more abundant in relation to labor, rates of return on capital should decline. All other things being equal, this should have meant a significant decrease in the profit share of GNP since 1938. However, except for temporary cyclical dips, the evidence suggests that rates of return may actually have been on a rising trend.

The third answer is that profits, in the aggregate, are not low at all. In fact, in the second quarter of this year, they were approximately at their all-time peak and, by now, quite likely have exceeded it.

The Department of Commerce, on August 20, 1971, reported corporate profits before taxes were at an annual rate of $82.0 billion in the second quarter of this year. The same release stated, however, that the figure reflected an upward adjustment of $3¾ billion in depreciation charges because of ADR. Thus, before that adjustment, profits would have been $85.8 billion. The same release showed that profits in the record high year 1968 were $87.6 billion. The latter figure, obviously, reflects no ADR adjustment and is therefore comparable with $85.8 billion for the second quarter of 1971. The decrease from the peak year was thus only 2.1 percent.

Narrowing the focus to manufacturing profits, it appears they also were approximately at their all-time peak in the second quarter of this year. The August 1971 issue of the First National City Bank's Monthly Economic Letter says:

"After adjustment for seasonal variation, FNCB's index of manufacturers' after-tax profits (1967=100) advanced 4% to 118. This puts it within striking distance of the all-time high of 119 reached in the fourth quarter of 1968. In other words, virtually all of the 22% decline in manufacturing earnings during the recession has been made up during the first two quarters of recovery." [emphasis added]

Under the caption "Two sets of books?" the bank letter goes on to explain that its profit figures (and those of the FTC–SEC) reflect "accounting practices used by corporations for reports to their stockholders" while the Department of Commerce figures, which the Administration uses to argue that profits are low, reflect "accounting used on income tax returns."

It is remarkable that, after only two quarters of a most anemic recovery, profits had already approximately regained their all-time peaks.

There is every reason to believe, therefore, that as recovery continues and capacity (much of it, because of the pre-recession capital goods boom, consisting of the most advanced equipment obtainable) is more fully utilized, productivity will soar and profits will skyrocket even if prices are held absolutely rigid.

Clearly, measures are needed to keep profits in balance with wages if the latter are to be subject to any form of restraint.

MALDISTRIBUTION OF PROFITS

While profits in the aggregate have recovered, the latest FTC–SEC report on profits of manufacturing corporations reveals a gross maldistribution of the recovery in profits as between the largest corporations, on the one hand, and those of small and medium size, on the other. Senator Proxmire deserves credit for calling attention to this fact.

Total before-tax profits of all manufacturing corporations in the first quarter of 1971 were 0.3 percent higher than in the same quarter of 1970.

However, corporations with assets of less than $1 billion showed a profit decrease of 16.2 percent for the period. The smallest corporations—those with assets of less than $1 million—suffered a decrease of 40.4 percent. Every one of the 8 asset size groups below $1 billion had lower profits in the first quarter of 1971 than in the same quarter a year earlier.

Profits of corporations in the $1 billion and over asset category, in marked contrast, increased by 18.8 percent in the same period.

While the percentage decreases varied irregularly among the asset size classes below $1 billion, the following picture emerges when the 9 FTC–SEC groupings are consolidated into 3 classes:

Corporations with Assets:	*Change in pre-tax profits* *Percent*
Under $100 million	−20.1
$100 million but less than $1 billion	−13.3
$1 billion and over	+18.8

The contrast between increased profits for the largest corporations and decreases for the others remains even if General Motors profits are eliminated on the theory that GM's post-strike "catch-up" sales tended to inflate 1971 profits in the $1 billion and over category. With GM profits subtracted in both 1970 and 1971, that category nevertheless showed an increase amounting to 11.8 percent.

SUPPORT FOR H.R. 10592 APPROACH

I now turn back, parenthetically, to an earlier point. The maldistribution of profits reinforces the conclusion that the machinery provided for in HR 10592 would be appropriate for the present situation and Phase 2 as well as for the long term future.

The discrepancy in profit movements must, at least in significant part, reflect continued price increases by the oligopolies, on the one hand, and the inability of smaller firms to pass on the cost increases resulting from the giants' price increases, on the other. The same conclusion is supported by other evidence.

Thus, the spiral could be broken now by a Price-Wage Review Board that would concentrate its efforts on the price leaders of the oligopolies. Moreover, the danger that smaller firms might raise their prices as recovery proceeds could be minimized under H.R. 10592 by hearings held on the initative of the proposed Consumer Counsel to bring the force of public opinion to bear upon existing oligopolistic prices that yield excessive profits. Public airing of the facts in such cases, or even the possibility of public examination, could bring about price roll-backs which would lessen the cost pressures upon smaller firms and permit price competition among them to operate above a lower cost floor.

THE DIVIDEND CHARADE

Returning now to forms of restraint other than H.R. 10592, it must be noted that restraint on dividends (although necessary to achieve equity) is not a substitute for restraint on profits as such. If profits are sufficient to pay increased divdends, it makes little difference to most stockholders whether dividends are actually increased. Dividend increases not paid now can always be paid later. Meanwhile (or if they are never paid) the monies involved become part of the corporation's net worth and (aside from short-term fluctuations) add to the market value of the stock. Many stockholders, in fact, would prefer that dividends not be increased because they prefer capital gains which are taxed at lower rates, to dividends which are subject to regular income tax rates.

In a transparent effort to distract attention from the Administration's omission to ask Congress for power to control profits, an elaborate charade is being acted out over the essentially meaningless issue of dividend increases during the 90-day freeze. First came the President's plea to corporations not to raise their dividends. Then there were the highly dramatized and publicized calls to Washington of executives of corporations that had ignored the plea. Next were the chants of victory over roll-backs of dividend increases—or over promises to reduce the next quarterly dividend. This, in turn, was followed by the issuance of a "dividend guideline" which actually relaxed the previous "guidance" not to increase dividends over the effective rate declared in the most recent dividend period prior to August 15, 1971.

The significance of all this was hardly commensurate with the dramatics.

INTEREST

Interest is a form of non-wage income the President did and does have power to control. He refused to use the authority granted him under the Credit Control Act on grounds, according to Administration spokesmen, that interest ceilings would become floors and, therefore, it would have been unwise to freeze interest rates at the high levels prevailing in August, 1971.

This argument does violence to the facts of the situation because it ignores the authority provided in the Credit Control Act to *roll back* interest rates. The rates in effect in August are totally irrelevant. The Act states unequivocally that the Federal Reserve Board:

". . . upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation . . .

"(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit."

The powers available under the Act were not used despite the facts that interest rates have been a major causal factor of inflation and that a roll-back would have brought substantial relief from inflation to millions of families, to financially hard-pressed state and local governments and to thousands of small businesses.

INCOME EQUALIZATION TAX

The Administration's tender treatment of profits and interest in contrast to the freeze on wages emphasizes the need for measures to assure equity as between wage and non-wage incomes.

A means to achieve equity was presented by the British journal, The Economist in articles published in the September 28 and November 30, 1963, issues. Recognizing the essentiality of equity to the success of an incomes policy, the magazine proposed what it called an "Incomes Equalization Tax (IET)" to be applied to non-wage incomes. It then went on to say:

"The *principle* on which the proposal is based, which is assumed to be reasonably generally acceptable, is that the rewards to capital per unit should not increase faster than the rewards to labour per unit.

"The *method* of the proposal is to vary the tax on unearned incomes to make the average rate of increase in unearned incomes equal to the average rate of increase in wages." [emphasis in original].

Without repeating the detailed arithmetical illustrations offered by The Economist, the IET may be explained as follows. An annual index would be computed for wage rates and for each form of non-wage income subject to the tax. Assume, for example, that in year X the index for wages was 115.7 and that for dividends was 126.4. The difference between the two indexes in favor of dividends is 10.7 index points. This figure is then divided by the index for dividends (10.7 divided by 126.4). The result (multiplied by 100 to convert it from a decimal to a pertentage) is 8.5 percent, which is used as the IET rate applicable to dividends.

A tax of 8.5 percent applied to all dividend income would reduce the total of such income to the same level relative to the base period as the index for wages

$$(126.4\times(100.0-8.5)=115.7).$$

The regular income tax is then applied to the sum of all forms of income received by the taxpayer after deduction of the sum of the IET liabilities applicable to each form of non-wage income received.

To avoid imposing undue tax calculation burdens on individuals receiving relatively small amounts of non-wage income, persons with less than specified amounts of such forms of income could be exempted from IET. Certain forms of income which the individual has no means of increasing (pensions, for example) could also be exempted. (Unlike The Economist, however, I would not propose tax remission for forms of income which lagged behind wages. The reason is that the tax assumes that only wage income is subject to direct restraint, so that non-wage incomes remain free to fluctuate in the normal manner. The purpose of the tax, therefore, must be to prevent increases in non-wage incomes from outstripping wages.)

This tax is subject to none of the criticisms usually directed at the excess profits tax. In addition, it can be applied not only to profits but to all forms of non-wage income, thus making for across-the-board equity for wages. Applied to profits, it would not penalize unusually successful firms. Their IET rates would be no higher than those of the less successful. Similarly, the IET rate would be the same for all individuals receiving the same form of income regardless of whether their amounts of such income had increased or decreased in the year.

EFFECTS OF APPLYING IET TO PROFITS

There is convincing evidence that an IET applied to profits would not only contribute to equity but also would contribute materially to the attainment of other highly desirable economic goals.

An article in the Summer, 1971, issue of the *Wharton Quarterly* (published by the Wharton School of Finance of the University of Pennsylvania) examined the effects of a hypothetical special tax that would confine increases in profits to the same rate of increase as wages. (The tax is not called "IET" and the article seems to have been written without knowledge of the proposal made by The Economist.) One of the authors of the article is Professor Lawrence R. Klein who is widely respected as an outstanding econometrician. The analysis involved use of the Wharton Econometric Model of the U.S. economy.

The conclusion is that such a tax would have the effects of increasing output, sharply reducing unemployment and markedly retarding the rate of price increase.

Several variants with the tax assumed to be in effect were run through the econometric model. All pointed to essentially the same general conclusions. One version, based upon quarterly data and assuming the tax had become effective in the fourth quarter of 1970, showed that over a two-year period:

Real GNP would be $17 billion higher (in 1958 prices) than it would have been in the absence of the tax.

The unemployment rate at the end of the period would be 3.39 percent instead of 4.83 percent in the absence of the tax.

The GNP price deflator would increase at a rate of 2 percent instead of 3.3 percent in the first year and by 1 percent instead of 2.4 percent in the second year.

In addition, the government deficit would be smaller than if the tax had not been in effect.

The analysis also shows that controls on wage rates alone, without the special tax on profits, would have the effects of reducing real GNP and increasing unemployment.

Carried to 1980 on the basis of annual data, the model shows that the special profits tax would yield similarly favorable results over a longer period. GNP in 1958 prices is $28 billion higher by 1980 than it otherwise would have been. The average unemployment rate for the 10 year period is substantially lower than in the absence of the tax. Practical price stability (an annual increase of 0.8 percent) is achieved by 1973 and beyond 1975 "the price index stays constant or drops a little."

ENACT IET

I strongly urge enactment of IET if Phase 2 provides for any form of restraint of wages to which non-wage incomes are not subjected.

IET, as the Wharton Quarterly article demonstrates, would yield substantial economic gains as well as contribute materially to equity. With respect to importance of equity, the article is quite emphatic. It says:

"A deficiency of past guideline rules is that they overemphasized restraint in wage patterns to the exclusion of restraints in other income shares and that they have not been enforced or enforceable. A balanced policy stands a better chance of being acceptable now.

* * * * *

There is a much greater chance that American labor will accept a guideline principle for earnings if there is a corresponding guideline principle for profits. Wage restraint, by itself, would tend to be reflected in unusually large profit increases and this would lead to an eventual breakdown of the principle.

Without equity as between wage and non-wage incomes, whether established through IET or some other device, the cooperation of American workers in the stabilization program cannot be expected and will not be deserved. Absent equity, the end result, as it has been in every democratic country where stabilization measures have been applied in peacetime, will be collapse of the stabilization program. Collapse, it should be added, has generally been followed by a wage explosion as workers act to remedy the inequities inflicted upon them.

OTHER PROBLEMS OF EQUITY

Whatever form Phase 2 assumes, there will be other matters of equity that will urgently require attention. Without attempting a complete list, there is, for example, the necessity to assure retroactive payment of contractually owed wage increases withheld during the freeze period. Otherwise, the workers involved will have the right to consider their contracts cancelled and to negotiate others in their place.

Similar problems arise with respect to individual workers denied, during the freeze period, longevity and progression wage increases, additional days or weeks of vacation based upon length of service and a variety of other types of wage increases and fringe benefits.

For the longer run, it goes without saying that fairness will require, among other things, latitude for workers trapped by the accidental timing of the expiration of their contracts to restore their normal position relative to those who have recently negotiated new contracts. It will require, also, freedom to obtain wage increases that compensate fully for increases in living costs plus additional amounts to allow workers to share equitably in the growth of the economy's output (and more where more can be obtained without increasing prices), provision for correction of wage inequities and substandard wages and no impairment of existing contractual rights.

RESPECTING CONTRACTUAL RIGHTS

Respecting rights established under existing contracts, even though the wage increases provided for exceed standards that may be adopted by a tripartite board, does not mean acquiescence in continuing inflation. Newly negotiated contracts, of course, would have to conform to the established standards. This will mean—assuming price increases are effectively restrained—that the average rate of increase in wages will tend to decline. The declining tendency resulting from new contracts will be reinforced by existing contracts because many of the latter are heavily "front-loaded" wtih wage increases scheduled for the second year and beyond substantially lower than in the first year. In fact, second and third year increases provided under most contracts are within reasonable stabilization standards. As a result, the average rate of increase will steadily approach such standards and within a short time will conform to them if every contract now in effect is permitted to be implemented in full.

PROFIT SHARING

I urge also that negotiation of profit sharing agreements be not only permitted but encouraged if wages are subject to any form of direct restraint. Profit sharing can under no circumstances be considered inflationary. Profits are a residual—computed after the consumer has paid the price involved and after all costs have been met. The sharing of that residual can neither add to the costs nor increase the price.

Any form of restraint requires some safety valve. If the possibility for economic gains is limited, improvement of working conditions will serve to some extent as the safety valve to relieve the pressures that cannot find an economic outlet. Under the World War II stabilization program, certain forms of fringe benefits served that purpose. Profit sharing can be an important additional safety valve, serving simultaneously to advance economic equity as between workers and stockholders.

CONGRESS IS ULTIMATELY RESPONSIBLE

The ultimate responsibility for an equitable stabilization policy rests squarely upon Congress. It was Congress that gave the President the power to impose the freeze. Congress alone can decide whether the President will be allowed to continue his inequitable use of those powers or whether the legislation involved shall be rewritten or replaced to assure an equitable and effective stabilization policy.

Reports in the press on the predictions of Secretary of Commerce Stans with respect to Phase 2 sound an ominous warning that the Administration may be bent on imposing grave inequities upon America's workers—to make them and them alone bear the sacrifices of combatting inflation. Only Congress can stand in the way and see to it that equity is done.

It is imperative that Congress accept its responsibility to assure by legislation that stabilization measures will be fair to all concerned.

I urge specifically that such legislation require the President to stabilize only through the voluntary and tripartite mechanism that I have described. I urge further that, whether through IET or some other device, Congress assure that equity prevails as between wages and all forms of non-wage income.

LEGAL STATUS OF MARIHUANA

Mr. PERCY. Mr. President, in connection with the problem of drug abuse and drug dependence which is far too rampant in this country today, as well as among our Armed Forces overseas, I have been joined by Senator RIBICOFF as chief cosponsor, together with 26 of my colleagues, in introducing S. 2097, the administration's proposal to create a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. During the extensive hearings on this bill, held by the Subcommittee on Executive Reorganization in conjunction with Senator MUSKIE's Subcommittee on Intergovernmental Relations, most of the testimony was naturally directed to the ravaging effects of heroin addiction in this country and among our GI's abroad. With hearings now completed, the bill is in committee, and I look forward to having it reported out in the very near future with appropriate amendments based upon what we learned at the hearings.

Repeatedly during those sessions, questions arose as to the purpose and efficacy of our current laws—at the Federal, State, and local levels—regarding marihuana. In my travels to college campuses over the past year, the question that is most frequently asked of me is whether we should further modify our laws respecting marihuana, and specifically whether we should eliminate criminal penalties for possession of marihuana for personal use.

The clearest point to come out of our hearings, and there was general agreement, is that we need more information as to the effects of marihuana use. Indeed, extensive research is now being done, for the first time, with respect to the use and effects of this drug. At the same time, testimony was adduced indicating that a great deal of "scare" information has been disseminated in the past in this regard, that such misinformation has created a credibility gap among our youth with respect to what we know to be the very serious psychological and physical effects of hard drugs, and that the failure of existing laws to differentiate as to possession, use and sale of marihuana as compared to hard drugs has led to the imprisonment of many of our youth for extended periods for engaging in an activity whose illegality they seriously question. Moreover, we were told of inequities that exist with respect to the punishment which different States mete out for possession and use of marihuana. For example, a first offense in the State of Texas can mean a jail sentence of 2 years to life, while the same offense in the State of Nebraska may result in a sentence of 7 days, which can be expunged. To a large degree, this disparity has resulted from misinformation and myth which often characterize marihuana as the "killer weed," leading to the imposition of penalties for its use which in some instances exceed those for crimes of violence.

Apropos of this, last year's Federal Comprehensive Drug Abuse Prevention and Control Act established a Commission on Marihuana and Drug Abuse which has been holding extensive hearings around the country, most recently in Chicago, as part of its responsibility to investigate and report to the President and Congress on the appropriateness of existing marihuana laws. My two esteemed colleagues, Senator HUGHES and Senator JAVITS, both sharing a long-term concern about drug use, have spent long hours and given tireless effort in the deliberations of that Commission which is chaired by former Pennsylvania Gov. Raymond P. Shafer.

In Chicago last month, the Commission heard testimony about the recently enacted Illinois Cannabis Control Act liberalizing the penalties for simple possession of marihuana for individual use, so as to differentiate between the pusher and the user. A first offender found in possession of 2.5 grams or less may be given conditional probation without the entry of a judgment of conviction. The maximum penalty for first time possession of 2.5 grams or less has been reduced from 1 year to 90 days.

Testifying before the Commission on August 23, 1971, Illinois Gov. Richard Ogilvie explained how important it is to distinguish between the marihuana pusher and the teenager possessing several joints. He noted:

> In the past we have been guilty of a kind of overkill in the way we punished and criminalizd some marijuana users. It would seem that sometimes the punishment meted out was more damaging to individuals and to the whole of society than was the use of the drug itself. We often succeeded only in driving young men and women toward those dangerous criminals who thrive on the addictive drug culture.
>
> The authority of our laws and the institutions that stand behind them depend upon their being responsible and equitable. What is at issue is the credibility of government, the legitimacy of the authority that holds our society together. In this perspective, fair and workable marijuana laws may be more significant for the majority of citizens who have never tried the drug than for those who do experiment with it.

Appearing before the Commission the very next day on behalf of the National Coordinating Council on Drug Education, Daniel X. Freedman—chairman of the University of Chicago Department of Psychiatry, who did an outstanding job in helping to found the Illinois drug abuse program—addressed himself to some of the mythology surrounding marihuana use:

> In recent hearings of several committees in the House of Representatives, four congressmen have stated that marijuana leads to heroin use. This statement could be based on the well-publicized statement that 90% of heroin addicts used marijuana as their first illegal drug. What never seems to get reported is the other half of this statement which speaks more directly to the question. A consensus indicates that *only* 3 to 5% of marijuana smokers go on to use heroin. Not to emphasize this aspect is a distortion of the facts. . . . Many people are approaching a solution to the problem by using selected information to strengthen preconceived ideas.
>
> A year ago, a national opinion poll revealed that 82% of those questioned agree that using marijuana leads people to commit crimes and acts of violence. 81% think that marijuana is an addictive drug. 76% think that using marijuana over a long period of time has harmful effects on the babies of pregnant women.
>
> 44% of the people questioned think that the regular use of marijuana is equal/more dangerous than the regular use of heroin. This seems like an unbelievable response to anyone with even an unsophisticated knowledge of drugs. The last statement is a startling miscalculation of the effects of heroin, regardless of what it says about marijuana.

The National Coordinating Council had concluded last June that:

> The enforcement of laws against the possession and use of marijuana has primarily been the function of state and local law enforcement agencies. Marijuana laws vary from state to state; consequently, enforcement policies and procedures also vary geographically. At the same time, the application of these laws, which treat the marijuana user as a criminal, frequently causes serious social, economic and psychological consequences for the individual and society that appear to be more serious than any apparent direct consequence of using the substance. These laws and variations in enforcement appear to contribute to a lack of respect among young people for laws in general and drug control laws in particular.

An estimated 20 million Americans, mostly young people, have smoked marihuana in some form and many of these use it regularly. One out of three college students, by conservative count, have experimented with marihuana. We can expect, therefore, as we have already seen, increasing reports of sons and daughters being sent to jail for the mistake of getting caught. We all suffer the anguish of seeing our youth treated as criminals, their personal lives and job opportunities marred by a prison record, their alienation from the society in which they live made more severe.

The questions we must ask ourselves are twofold: Whether, in the context of substantial public usage of marihuana and relatively few known deleterious effects to the individual or to the society, criminal sanctions for possession intended for personal use should be eliminated? Whether the harm caused by criminalizing a large segment of our society outweighs the harm that may result from a predictable increase in use were penalties to be eliminated?

The report of the Commission on Marihuana and Drug Abuse is due in the spring of 1972, and we anxiously await its findings and recommendations as to whether we should decriminalize altogether our laws with respect to possession of marihuana for individual use. In the interim, I find extremely interesting two recent statements from the legal community to the Commission. In response to a Commission request for the views of the American Bar Association on the marihuana issue, then President Edward L. Wright asked the chairmen of the individual committees of the association to submit their separate views.

In a letter to Governor Shafer dated July 29, 1971, Peter Barton Hutt, chairman of the Committee on Drug Abuse of the ABA Section on Criminal Law and newly designated assistant General Counsel for Food, Drugs, and Environmental Health, of the Department of Health, Education and Welfare, appended a committee resolution on the legal status of marihuana, backed up by a brief report. The resolution reads:

> Resolved, That because the individual and social costs resulting from imposition of penalties for simple possession of marihuana substantially outweigh the harm caused to the individual and society as a consequence of the use of marihuana, Federal, State, and Local penalties for simple possession of marihuana should be eliminated; and
>
> Be it further resolved, That casual distribution of a small amount of marihuana be handled in the same manner as simple possession; and
>
> Be it further resolved, That the Commission on Marihuana and Drug Abuse consider the feasibility of licensing the distribution of marihuana, in lieu of imposing penalties, in order to control its use; and
>
> Be it further resolved, That a uniform national policy on marihuana be developed by conforming State and Local penalties to the Federal law and by eliminating application of ancillary State and Local statutory provisions—such as possession of the implements of crime, presence in or maintaining an illegal establishment, loitering and vagrancy—to the possession and distribution of marihuana; and
>
> Be it further resolved, That all information provided by drug abusers to physicians and other engaged in drug abuse counseling should be protected as confidential."

In an earlier letter of July 9, 1971, to Governor Shafer, Gerald Stern, chairman of the Committee on Alcoholism and Drug Reform of the ABA Section on Individual Rights, reported on the recommendations of his committee as follows:

> Our Committee urges this Commission to recommend the removal of all criminal penalties for the possession of marijuana. We suggest that the distribution of marijuana be regulated along the lines presently employed for the sale of alcohol. Licensing provisions should be used to ensure that the drug is not sold to children, and that other standards are met. If a less drastic reform is preferred we would urge the Commission to retain criminal penalties (in reduced form) only for selling (for profit). There is simply no basis for employing the criminal sanction, with its threat of imprisonment, against people who, at the very worst, are harming themselves.

I also note with interest the recommendations of the San Francisco Committee on Crime, contained in "A Report on Non-Victim Crime in San Francisco—Part III: Dangerous Drugs and Narcotics." The report was submitted July 19, 1971, in partial satisfaction of a grant award from the Law Enforcement Assistance Administration. Cochairmened by attorney Moses Lasky and former Assistant Attorney General for Antitrust William H. Orrick, Jr., the committee report concludes:

> The sum of our recommendations concerning marijuana is as follows:
>
> 1. Repeal of the laws prohibiting the use by adults of marijuana or forbidding adults from visiting a place where marijuana is used.
>
> 2. Repeal the laws prohibiting possession by adults.
>
> 3. Repeal the laws prohibiting sale of marijuana to adults and regulate sale to them by laws on the general order of those regulating alcoholic beverages.
>
> 4. Continue to prohibit sale to minors and possession by minors.
>
> 5. Prohibit any advertising of marijuana.
>
> 6. Prohibit the importation of marijuana into California (probably would require federal action).
>
> 7. Regulate the production of marijuana in California for sale by laws similar to those regulating the commercial production of alcoholic beverages.
>
> 8. Devise and expand a vigorous educational campaign about marijuana.
>
> *We do not propose that society discontinue efforts to deter people from using marijuana.* Its use is probably not as deleterious as its most earnest detractors say, but certainly people would be better off without it. In an age when human wits are most needed, they should not be subjected to manipulation or alteration by drugs. We simply conclude that the criminal process is not the way to go about achieving the goal given the present state of evidence. Indeed, removing the stigma of criminality may remove attraction of the illicit and eliminate the impetus to use that comes from bravado.
>
> Criminalization has failed; we suggest that society now try non-criminalization.

By way of pointing up the disparity of treatment attendant to existing marihuana laws within the States, a compilation of "Criminal Penalties Under the Current Marihuana Laws" current as of July 1, 1971, was recently compiled at my suggestion by a nonprofit private group located here in Washington called the National Organization for the Reform of Marihuana Laws. The organization does not advocate the use of marihuana, but does call for the elimination of criminal penalties for its use. The listing shows, among other things, that 28 States have rewritten their marihuana laws during 1971 alone, largely in the direction of reduced penalties for possession intended for individual use, by adopting various forms of the Uniform Controlled Substances Act which is similar to provisions of the Comprehensive Drug Abuse and Control Act of 1970. The compendium incorporates these amendments with the caveat that "because many of the recent changes were not available in written form we were often forced to rely upon telephone inquiries with State officials. Minor errors may have resulted from this less-than-optimum research method."

Mr. President, I ask unanimous consent that this material be printed in the Record in order that Senators and other persons can be likewise apprised of the wide-scale differences among the marihuana laws of the various States. I also ask that the complete text of the letters and accompanying reports of American Bar Association Committee Chairmen Hutt and Stern, referred to above; excerpts from Governor Ogilvie's and Professor Freedman's remarks of last month before the Commission on Marihuana and Drug Abuse; and relevant segments of the "Report on Non-Victim Crime in San Francisco/Part III: Dangerous Drugs and Narcotics," be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

THE CRIMINAL PENALTIES UNDER THE CURRENT MARIHUANA LAWS

(Compiled by NORML—The National Organization for the Reform of Marihuana Laws)

The data appearing in these tables is current as of July 1, 1971. Starting with a similar compilation a year earlier, prepared by Richard J. Bonnie and Charles H. Whitebread, II, appearing in the October 1970 Virginia Law Review, Vol. 56, No. 6, we have attempted to incorporate all subsequent changes. Largely due to adoption of various forms of the Uniform Controlled Substances Act, similar to the Federal Controlled Substances Act of 1970, 28 states have undergone changes in their marijuana laws during 1971. We hasten to add that the next year will surely occasion many additional changes. Finally, a caveat is in order. Because many of the recent changes were not available in written form, we were often forced to rely on telephone inquiries with state officials. Minor errors may have resulted from this less-than-optimum research method.

TABLE I.—THE FEDERAL LAW.—THE CONTROLLED SUBSTANCES ACT OF 1970, PUB. LAW 91-513 (OCT. 27, 1970)

Offense	1st offense	2d offense	Subsequent offense
Simple possession	0 to 1 year, $5,000 [1]	0 to 2 years, $10,000	Same
Possession with intent to distribute	0 to 5 years, $15,000	0 to 10 years, $30,000	Do.
Sale or distribution	0 to 5 years, $15,000 [2]	0 to 10 years, $30,000	Do.
Sale or distribution to a minor	0 to 10 years, $30,000	0 to 15 years, $45,000	Do.

[1] For first offender, court has discretionary authority to defer proceedings and place defendant on probation, which, if successfully discharged, avoids an adjudication of guilt. For offenders under 21, court has further discretionary authority to completely expunge the records.

[2] Distribution of a "small amount of marihuana for no remuneration" is to be treated the same as simple possession.

TABLE II.—STATE LAWS—STATUTORY SCHEMES FOR MARIHUANA PROHIBITION

Jurisdiction	Distinction between marihuana and narcotics	First offense possession classified as felony	Federal Model Uniform Controlled Substances Act
Alabama	Yes	Yes	
Alaska	Yes	No	
Arizona	Yes	No	
Arkansas	Yes	No	Yes.
California	Yes	No	
Colorado	No	No	
Connecticut	Yes	No	
Delaware	Yes	No	
Florida	Yes	No	
Georgia	Yes	Yes	
Hawaii	No	No	
Idaho	Yes	No	Yes.
Illinois [1]	Yes	No	
Indiana	No	Yes	
Iowa	Yes	No	Yes.
Kansas	No	Yes	
Kentucky	Yes	No	
Louisiana	Yes	No	Yes.
Maine	Yes	No	
Maryland	Yes	No	Yes.
Massachusetts	No	No	
Michigan	No	Yes	
Minnesota	Yes	No	Yes.
Mississippi	Yes	Yes	Yes.
Missouri	Yes	No	Yes.
Montana	Yes	No	
Nebraska	Yes	No	Yes.
Nevada	Yes	Yes	Yes.
New Hampshire	Yes	No	
New Jersey	Yes	No	Yes.
New Mexico	Yes	No	
New York	No	No	
North Carolina	No	No	
North Dakota	Yes	No	Yes.
Ohio	Yes	No	
Oklahoma	Yes	Yes	Yes.
Oregon	No	Yes	
Pennsylvania	No	Yes	
Rhode Island	No	Yes	
South Carolina	Yes	No	Yes.
South Dakota	Yes	No	Yes.
Tennessee	Yes	No	Yes.
Texas	No	Yes	
Utah	Yes	No	Yes.
Vermont	Yes	No	
Virginia	Yes	No	Yes.
Washington	Yes	No	Yes.
West Virginia	Yes	No	Yes.
Wisconsin	Yes	No	
Wyoming	Yes	No	Yes.
District of Columbia	No	No	

[1] Effective Aug. 16, 1971.

TABLE III.—PENALTY PROVISIONS FOR MAJOR MARIHUANA OFFENSES (ALL FINES ARE REPRESENTED AS MAXIMUM AMOUNTS POSSIBLE)

	1st offense	2d offense	Subsequent offense
A. POSSESSION			
Alabama	2 to 10 years and/or $20,000	5 to 20 years and/or $20,000	10 to 40 years and/or $20,000.
Alaska	0 to 1 year and/or $1,000 or rehabilitation treatment by State for 1 year.		
Arizona	0 to 1 year in county jail and/or $1,000 or 1 to 10 years	2 to 20 years	5 years to life.
Arkansas	0 to 1 year and/or $250 [1]	0 to 1 year and/or $250	2 to 5 years.
California	County jail for up to 1 year or 1 to 10 years	2 to 20 years	5 years to life.
Colorado	Under ½ oz., 0 to 1 year and/or $500; Over ½ oz., 2 to 15 years and/or $10,000.	1 to 14 years and/or $1,000 to $2,000	
Connecticut	0 to 1 year and/or $1,000 or up to 3 years in custody of commissioner		
Delaware	0 to 2 years and/or $500 [1]	2 to 7 years and/or $500	
Florida	Less than 5 grams, 0 to 1 year and/or $1,000; More than 5 grams, 0 to 2 years and/or $1,000.	0 to 2 years and/or $1,000	
Georgia	Under 1 oz., 0 to 1 year and/or $1,000; Over 1 oz., 0 to 2 years and/or $2,000.	0 to 5 years and/or $5,000	
Hawaii	0 to 5 years	0 to 10 years	
Idaho	0 to 6 months and/or $300		
Illinois	Less than 25 grams, 90 days; 2.5 to 10 grams, 180 days; 10 to 30 grams, 1 year; 30 to 500 grams, 1 to 3 years; more than 500 grams, 1 to 5 years.	10 to 30 grams, 1 to 2 years; 30 to 500 grams, 2 to 6 years, over 500 grams, 2 to 7 years.	
Indiana	Less than 25 grams or 5 grams hashish, 0 to 6 months and/or $25 to $100; over these amounts, 30 days to a year and/or $500.	2 to 15 years and/or $3,000	
Iowa	0 to 6 months and/or $1,000	0 to 18 months and/or $3,000	
Kansas	0 to 1 year	1 to 3 years	
Kentucky	0 to 1 year mental health facility [1]	0 to 1 year county jail and/or $1,000	5 years and/or $5,000.
Louisiana	0 to 1 year and/or $500 [1]	0 to 5 years with or without hard labor and/or $2,000	0 to 20 years hard labor.
Maine	0 to 11 months and/or $1,000	0 to 2 years and/or $2,000	
Maryland	0 to 1 year and/or $1,000 [1]	0 to 2 years and/or $2,000	0 to 2 years and/or $2,000
Massachusetts	0 to 3½ years in prison, or 0 to 2½ years in jail and/or $1,000		
Michigan	0 to 10 years and/or $5,000	0 to 20 years and/or $5,000	20 to 40 years and/or $5,000.
Minnesota	Under 1.5 oz., 0 to 1 year and/or $1,000; over 1.5 oz., 0 to 3 years and/or $3,000.	0 to 6 years and/or $5,000	
Mississippi	0 to 4 years and/or $2,000	5 to 10 years and/or $2,000	10 to 20 years and/or $2,000 mandatory fine.
Missouri	Under 35 grams or 5 grams hashish, 0 to 1 year and/or $1,000; over these amounts, 0 to 5 years and/or $1,000.	0 to 5 years and/or $1,000	
Montana	Up to 60 grams or 1 gram of hashish, 0 to 1 year and/or $1,000; over these amounts, 0 to 5 years.	0 to 3 years and/or $1,000	
Nebraska	Less than 1 pound, 7 days in county jail to be held separately and/or $500; over 1 pound, 0 to 6 months in county jail or 1 year in prison and/or $500.	Under 1 pound, up to 14 days and/or $1,000; over 1 pound, 0 to 1 year in county jail or 2 years in prison and/or $1,000.	
Nevada	If under 21 and less than 1 oz., 0 to 1 year and/or $1,000 and/or suspension of driver's license; if over 1 oz., 1 to 6 years and/or $2,000.[1]	Under 1 oz., 1 to 6 years and/or $2,000; over 1 oz., 1 to 10 years and/or $2,000.	Under 1 oz., 1 to 10 years and/or $2,000; over 1 oz., 1 to 20 years and/or $5,000.
New Hampshire	Less than 1 pound, 0 to 1 year and/or $500; Over 1 pound, 0 to 5 years and/or $2,000.	Less than 1 pound, 0 to 3 years and/or $1,000; over 1 pound, 0 to 10 years and/or $5,000.	
New Jersey	Under 25 grams or 5 grams hashish, 0 to 6 months; [1] over 25 grams, 0 to 5 years and/or $15,000 .		
New Mexico	0 to 1 year in county jail and/or $1,000	5 to 20 years and/or $2,000	10 to 40 years and/or $2,000 minimum.
New York	Less than 25 cigarettes or ¼ oz., up to 1 year; [1] 25–99 cigarettes or ¼ to 1 oz., 1 to 7 years; over 100 cigarettes or over 1 oz., 1 to 15 years		
North Carolina	Less than 1 gram, misdemeanor with fine or imprisonment left to court; over 1 gram, 0 to 5 years and/or $1,000.		
North Dakota	0 to 1 year and/or $500		
Ohio	0 to 1 year and/or $1,000	1 to 10 years	
Oklahoma	0 to 1 year	2 to 10 years	
Oregon	0 to 1 year in county jail and/or $5,000 or 0 to 10 years in prison and/or $5,000.		
Pennsylvania	2 to 5 years of separate or solitary confinement and/or $2,000	5 to 10 years of separate or solitary confinement and $5,000.	10 to 30 years of separate or solitary confinement and $7,500.
Rhode Island	0 to 10 years and $5,000	0 to 20 years and $10,000	0 to 30 years and $10,000.
South Carolina	Under 1 oz. or 10 grams of hashish, 0 to 3 months and/or $100; Over these amounts, 0 to 6 months and/or $1,000.	Under 1 oz. or 10 grams of hashish, 0 to 6 months and/or $200; Over these amounts, 0 to 1 year and/or $2,000.	
South Dakota	Less than 1 oz., 0 to 1 year n county jail and/or $500, Over 1 oz., 0 to 5 years and/or $5,000.	0 to 15 years and/or $10,000	0 to 40 years and/or $20,000.

TABLE III.—PENALTY PROVISIONS FOR MAJOR MARIHUANA OFFENSES (ALL FINES ARE REPRESENTED AS MAXIMUM AMOUNTS POSSIBLE)—Continued

	1st offense	2d offense	Subsequent offense
Tennessee	Commitment to a State-operated drug treatment facility or community mental health center or, at the discretion of the court, up to 11 months, 29 days and/or $1,000.	0 to 2 years	
Texas	2 years to life	10 years to life	
Utah	0 to 6 months and/or $299	0 to 1 year and/or $1,000	0 to 5 years in penitentiary.
Vermont	0 to 6 months and/or $500	0 to 2 years and/or $2,000	
Virginia	0 to 12 months and/or $1,000	0 to 12 months and/or $10,000 or 2 to 20 years and/or $10,000.	
Washington	Less than 40 grams, 30 days; Over 40 grams, 0 to 5 years and/or $10,000.	0 to 10 years and/or $10,000	
West Virginia	90 days to 6 months and/or $1,000[3]		
Wisconsin	0 to 1 year in county jail and/or $500		
Wyoming	0 to 6 months and/or $1,000	0 to 6 months and/or $1,000	0 to 5 years and/or $5,000.
District of Columbia	0 to 1 year and/or $100 to $1,000	0 to 10 years and/or $500 to $5,000	
B. POSSESSION WITH INTENT TO SELL			
Alabama	No such offense		
Alaska	0 to 25 years and/or $20,000	0 years to life and/or $25,000	0 years to life and/or $25,000.
Arizona	2 to 10 years	5 to 15 years	10 years to life.
Arkansas	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
California	2 to 10 years	5 to 15 years	10 years to life.
Colorado	2 to 15 years and/or $10,000	5 to 20 years and/or $10,000	1 to 30 years and/or $10,000.
Connecticut	5 to 10 years and/or $3,000	10 to 15 years and/or $5,000	25 years.
Delaware	5 to 10 years and/or $1,000 to $10,000	7 to 15 years and/or $1,000 to $10,000	
Florida	No such offense		
Georgia	do		
Hawaii	0 to 10 years and/or $1,000	0 to 20 years and/or $2,000	
Idaho	0 to 5 years and/or $15,000		
Illinois[2]	Less than 2.5 grams, 6 mo.; 2.5 to 10 grams, 1 to 2 years; 10 to 30 grams, 1 to 3 years; 30 to 500 grams, 1 to 4 years; over 500 grams, 1 to 7 years.	10 to 30 grams, 1 to 4 years; 30 to 500 grams, 2 to 8 years; over 500 grams, 2 to 10 years.	
Indiana	5 to 20 years and/or $2,000	5 years to life and/or $5,000	
Iowa	0 to 5 years and/or $1,000	0 to 15 years and/or $3,000	
Kansas	1 to 3 years	1 to 3 years	
Kentucky	0 to 5 years and/or $5,000	0 to 10 years and/or $10,000	
Louisiana	0 to 10 years and/or $15,000	0 to 20 years and/or $30,000	
Maine	No such offense		
Maryland	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
Massachusetts	5 to 10 years	10 to 25 years	
Michigan	No such offense		
Minnesota	0 to 5 years and/or $15,000	1 to 10 years and/or $30,000	
Mississippi	0 to 4 years and/or $2,000	0 to 8 years and/or $2,000	
Missouri	5 years to life	10 years to life	
Montana	No such offense		
Nebraska	0 to 6 months in county jail or 1 to 5 years in prison and/or $2,000	0 to 12 months in county jail or 2 to 10 years in prison and/or $4,000.	
Nevada	No such offense		
New Hampshire	0 to 10 years and/or $2,000	0 to 15 years and/or $5,000	
New Jersey	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
New Mexico	No such offense		
New York	1 to 7 years		
North Carolina	0 to 5 years and/or $1,000	5 to 10 years and/or $2,000	15 years to life and/or $3,000.
North Dakota	0 to 10 years and/or $5,000	0 to 20 years and/of $10,000	
Ohio	10 to 20 years	15 to 30 years	20 to 40 years.
Oklahoma	2 to 10 years and/or $5,000	4 to 20 years and/or $10,000	
Oregon	No such offense		
Pennsylvania	No such offense		
Rhode Island	0 to 20 years	0 to 30 years	0 to 40 years.
South Carolina	0 to 5 years and/or $5,000	0 to 10 years and/or $10,000	
South Dakota	0 to 10 years and/or $5,000	0 to 15 years and/or $10,000	0 to 40 years and/or $20,000.
Tennessee	1 to 5 years and/or $3,000	2 to 10 years and/or $6,000	
Texas	No such offense		
Utah	0 to 5 years and/or $5,000		
Vermont	25 cigarettes or more, 0 to 2 years and/or $2,000; 100 cigarettes or more, 0 to 5 years and/or $5,000.		
Virginia	1 to 40 years and/or $25,000	10 years to life and/or $50,000	
Washington	0 to 10 years and/or $10,000		
West Virginia	1 to 5 years and/or $15,000	2 to 10 years and/or $15,000	
Wisconsin	0 to 5 years and/or $5,000	0 to 10 years and/or $5,000	
Wyoming	0 to 10 years and/or $10,000	0 to 20 years and/or $20,000	
District of Columbia	No such offense		
C. SALE			
Alabama	5 to 20 years and/or $20,000	10 to 40 years and/or $20,000	
Alaska	0 to 25 years and/or $20,000	0 years to life and/or $25,000	
Arizona	2 to 10 years	5 to 15 years	10 years to life.
Arkansas	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
California	5 years to life		10 years to life.
Colorado	2 to 15 years and/or $10,000	5 to 20 years and/or $10,000	10 to 30 years and/or $10,000.
Connecticut	5 to 10 years and/or $3,000	10 to 15 years and/or $5,000	25 years.
Delaware	5 to 10 years and/or $1,000 to $10,000	7 to 15 years and/or $1,000 to $10,000	
Florida	0 to 10 years and/or $10,000	0 to 20 years and/or $20,000	20 years to life and/or $20,000.
Georgia	0 to 2 years and/or $2,000	0 to 5 years and/or $5,000	
Hawaii	0 to 10 years and/or $1,000	0 to 20 years and/or $2,000	
Idaho	0 to 5 years and/or $15,000	0 to 10 years and/or $15.000	
Illinois[1]	Less than 2.5 grams, 6 months; 2.5 to 10 grams, 1 to 2 years; 10 to 30 grams, 1 to 3 years; 30 to 500 grams. 1 to 4 years; over 500 grams, 1 to 7 years.		
Indiana	5 to 20 years and/or $2,000	20 years to life and/or $5,000	
Iowa	0 to 5 years and/or $1,000	0 to 15 years and/or $3,000	
Kansas	1 to 3 years	1 to 3 years	
Kentucky	0 to 5 years and/or $5,000	0 to 10 years and/or $10,000	
Louisiana	0 to 10 years and/or $15,000	0 to 20 years and/or $30,000	
Maine	1 to 5 years	3 to 10 years	
Maryland	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
Massachusetts	5 to 10 years	10 to 25 years	
Michigan	20 years to life	1 to 10 years and/or $30,000	
Minnesota	0 to 5 years and/or $15,000	1 to 10 years and/or $30,000	
Mississippi	0 to 4 years and/or $2,000	0 to 8 years and/or $2,000	
Missouri	5 years to life	10 years to life	
Montana	1 year to life		
Nebraska	0 to 6 months in jail or 1 to 5 years in prison and/or $2,000 and/or $5,000.	0 to 1 year in jail or 2 to 10 years in prison and/or $4,000	
Nevada	By minor, 1 to 20 years with possible probation; Adult, 1 to 20 years and/or $5,000.	Life, no parole, and/or $5,000 (no difference for minors).	
New Hampshire	0 to 10 years and/or $2,000	0 to 15 years and/or $5,000	
New Jersey	0 to 5 years and/or $15,000	0 to 10 years and/or $30,000	
New Mexico	1 to 5 years	2 to 10 years	
New York	1 to 15 years		
North Carolina	0 to 5 years and/or $1,000	5 to 10 years and/or $2,000	15 years to life and/or $3,000.

Footnotes at end of table.

	1st offense	2d offense	Subsequent offense
North Dakota	0 to 10 years and/or $5,000	0 to 20 years and/or $10,000	
Ohio	20 to 40 years		
Oklahoma	2 to 10 years and/or $5,000	4 to 20 years and/or $10,000	
Oregon	0 to 1 year and/or $5,000 or 0 to 10 years and/or $5,000		
Pennsylvania	5 to 10 years separate or solitary confinement and $5,000	10 to 20 years separate or solitary confinement and $10,000.	Life and/or $30,000
Rhode Island	0 to 40 years maximum		
South Carolina	0 to 5 years and/or $5,000	0 to 10 years and/or $10,000	5 to 20 years and/or $20,000.
South Dakota	0 to 10 years and/or $5,000	0 to 15 years and/or $10,000	0 to 40 years and/or $20,000.
Tennessee	1 to 5 years and/or $3,000	2 to 10 years and/or $6,000	
Texas	5 years to life	10 years to life	
Utah	0 to 5 years and/or $5,000		10 years to life.
Vermont	0 to 5 years and/or $10,000	10 to 25 years and/or $25,000	
Virginia	1 to 40 years and/or $25,000	10 years to life and/or $50,000	
Washington	0 to 10 years and/or $10,000	0 to 10 years and/or $10,000	
West Virginia	1 to 5 years and/or $15,000	2 to 10 years and/or $15,000	
Wisconsin	0 to 5 years and/or $5,000	0 to 10 years and/or $5,000	
Wyoming	0 to 10 years and/or $10,000	0 to 20 years and/or $20,000	
District of Columbia	0 to 1 year and/or $100 to $1,000	0 to 10 years and/or $500 to $5,000	

D. SALE TO A MINOR

	1st offense	2d offense	Subsequent offense
Alabama	10 to 40 years and/or $20,000		
Alaska	0 years to life and/or $25,000		
Arizona	10 years to life		15 years to life.
Arkansas	0 to 10 years and/or $15,000	0 to 20 years and/or $30,000	
California	10 years to life		Do.
Colorado	No such offense		
Connecticut	do		
Delaware	7 to 15 years and/or discretionary fine	15 to 25 years and/or discretionary fine	
Florida	10 years to life and/or $10,000	10 years to life and/or $20,000	20 years to life and/or $20,000.
Georgia	0 to 5 years and/or $5,000	0 to 10 years and/or $10,000	
Hawaii	0 to 20 years and/or $1,000	Life and/or $2,000	Life and/or $2,000.
Idaho	0 to 10 years and/or $15,000	0 to 20 years and/or $15,000	
Illinois[2]	Twice the minimum for sale		
Indiana	No such offense		
Iowa	0 to 7½ years and/or $1,000	0 to 22½ years and/or $3,000	
Kansas	No such offense		
Kentucky	0 to 10 years and/or $20,000	0 to 20 years and/or $40,000	
Louisiana	0 to 20 years and/or $30,000	0 to 40 years and/or $60,000	
Maine	For sale to people 18 to 20, 2 to 6 years to people under 18, 3 to 8 years.	4 to 10 years	
Maryland	5 to 20 years and/or $1,000		
Massachusetts	10 to 25 years	20 to 50 years	
Michigan	20 years to life		
Minnesota	0 to 10 years and/or $15,000	0 to 20 years and/or $30,000	
Mississippi	0 to 8 years and/or $2,000	0 to 16 years and/or $4,000	
Missouri	5 years to life or death	10 years to life or death	
Montana	1 year to life		
Nebraska	No such offense		
Nevada	If sold by minor, 1 to 20 years with possible probation; by adult, life and/or $5,000.	Life, no parole	
New Hampshire	0 to 10 years and/or $2,000	0 to 15 years and/or $5,000	
New Jersey	0 to 10 years and/or $15,000	0 to 20 years and/or $30,000	
New Mexico	2 to 10 years	10 to 50 years	
New York	1 to 25 years		
North Carolina	10 years to life and/or $3,000		
North Dakota	0 to 20 years and/or $5,000	0 to 40 years and/or $10,000	
Ohio	30 years to life		
Oklahoma	4 to 20 years and/or $10,000	8 to 40 years and/or $20,000	
Oregon	No such offense		
Pennsylvania	do		
Rhode Island	0 years to life		
South Carolina	0 to 10 years and/or $10,000		
South Dakota	0 to 20 years and/or $5,000	0 to 30 years and/or $10,000	0 to 80 years and/or $20,000.
Tennessee	2 to 10 years and/or $6,000	4 to 20 years and/or $12,000	
Texas	5 years to life	10 years to life or death	
Utah	0 to 10 years and/or $5,000		
Vermont	0 to 5 years and/or $10,000	10 to 25 years and/or $25,000	
Virginia	5 to 40 years and/or $50,000		
Washington	0 to 10 years and/or $10,000	0 to 20 years and/or $10,000	
West Virginia	2 to 10 years and/or $15,000	2 to 10 years and/or $15,000	
Wisconsin	0 to 15 years	30 years to life	Life.
Wyoming	0 to 20 years and/or $10,000	0 to 40 years and/or $20,000	
District of Columbia	No such offense		

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[1] May be expunged.

[2] Effective Aug. 16, 1971.

[3] May be expunged; less than 15 grams shall be expunged.

TABLE IV.—MARIHUANA PROHIBITION CITATIONS

	Antimarihuana statute citation	Most recent amendment
Alabama	Ala. Code Tit. 22, sec. 232-258 (1958), as amended, (Supp. 1969).	1969
Alaska	Alaska Stat. sec. 17.10.010-.240 (1953), as amended, (Supp. 1969).	1968
Arizona	Ariz. Rev. Stat. Ann. sec. 36-1001 to -1002.10, -1017 (Supp. 1969).	1961
Arkansas	Ark. Stat. Ann. sec. 82-1001 to -1020 (1937), as amended, (Supp. 1969).	1971
California	Cal. Health and S. Code sec. 11530-11533 (West 1964), as amended, (Supp. 1970).	1968
Colorado	Colo. Rev. Stat. Ann. sec. 48-5-1 to -21 (1963)	1963
Connecticut	Conn. Gen. Stat. Ann. sec. 19-443 to -485 (1958). Conn. Pub. Act. No. 753, sec. 1-42 (1969).	1969
Delaware	Del. Code Ann. Tit. 16, sec. 4701-4722 (1953), as amended, (Supp. 1968).	1971
Florida	Fla. Stat. Ann. sec. 398.01-.24 (1959), *as amended*, (Supp. 1969)	1971
Georgia	Ga. Code Ann. sec. 79A-802 to -822, -9910, -9911 (Supp. 1969)	1971
Hawaii	Hawaii Rev. Laws sec. 329-1 to -32 (1968)	1969
Idaho	Idaho Code Ann. sec. 37-2701 to -3321 (Supp. 1969)	1971
Illinois	Ill. Ann. Stat. Ch. 38, sec. 22-1 to -53 (Smith-Hurd 1964), *as amended*, (effective Aug. 16, 1971).	1971
Indiana	Ind. Ann. Stat. sec. 10-3519 to -3552 (1956), *as amended*, (Supp. 1970).	1971
Iowa	Iowa Code Ann. sec. 204.1-.23 (1969), *as amended*, (Supp. 1970).	1971
Kansas	Kan. Stat. Ann. sec. 65-2501 to -2522 (1964)	1971
Kentucky	Ky. Rev. Stat. Ann. sec. 218.010-.245 (1969)	1970
Louisiana	La. Rev. Stat. Ann. sec. 40.961-.984 (1965)	1970
Maine	Me. Rev. Stat. Ann. Tit. 22, sec. 2381-2386 (Supp. 1970)	1969
Maryland	Md. Ann. Code Art. 27, sec. 276-302 (1957)	1970
Massachusetts	Mass. Gen. Laws Ann. Ch. 94, sec. 197-217E (1958), *as amended*, (Supp. 1970).	1958
Michigan	Mich. Comp. Laws Ann. sec. 335.51-.77 and 335.151-.154 (1967), *as amended*, (Supp. 1970).	1952
Minnesota	Minn. Stat. Ann. sec. 618.01-.25 (1964), as amended, (Supp. 1970).	1971
Mississippi	Miss. Code Ann. sec. 6844-6869 (1942), as amended, (Supp. 1969).	1971
Missouri	Mo. Rev. Stat. sec. 195.010-.210 (1970)	1971
Montana	Mont. Rev. Codes Ann. sec. 54-129 to -138 (Supp. 1969)	1971
Nebraska	Ch. 197, (1969) Neb. Acts	1971
Nevada	Nev. Rev. Stat. sec. 453.010-.240 (1967)	1971
New Hampshire	Ch. 421, (1969) N.H. Laws	1971

	Antimarihuana statute citation	Most recent amendment
New Jersey	N.J. Rev. Stat. sec. 24.18-1 to -47 (1937), as amended, (Supp. 1969).	1971
New Mexico	N.M. Stat. Ann. sec. 54-7-1 to -51 (1962), as amended, (Supp. 1969).	1965
New York	N.Y. Penal Law sec. 220.00-.95 (1967), as amended, (Supp. 1970).	1971
North Carolina	N.C. Gen. Stat. sec. 90-86 to -113 (1965), as amended, 1969).	1969
North Dakota	N.D. Cent. Code sec. 19-03-01 to -32 (1960), as amended, (Supp. 1969).	1971
Ohio	Ohio Rev. Code sec. 3719.01-3719.99 (Page 1953), as amended, (Supp. 1961).	1970
Oklahoma	Okla. Stat. Ann. Tit. 63, sec. 451-457 (1961)	1971
Oregon	Ore. Rev. Stat. sec. 474.010-.990 (1969)	1971
Pennsylvania	Pa. Stat. Tit. 35, sec. 780 (1964), as amended, (Supp. 1970)	1961
Rhode Island	R.I. Gen. Laws Ann. sec. 21-28-1 to 21-28-68 (1956), as amended, (Supp. 1969).	1962
South Carolina	S.C. Code Ann. sec. 32-1461 to -1495 (1962), as amended, (Supp. 1969).	1971
South Dakota	S.D. Comp. Laws Ann. sec. 39-17-44 to -155 (Supp. 1970)	1971
Tennessee	Tenn. Code Ann. sec. 52-1301 to -1323 (1966), as amended, (Supp. 1969).	1971
Texas	Tex. Pen. Code Art. 7256 (1960), as amended, (Supp. 1969-70).	1969
Utah	Utah Code Ann. sec. 58-13a-1 to -44 (1963), as amended, (Supp. 1969).	1971
Vermont	Vt. Stat. Ann. Tit. 18, sec. 4201-25 (1968), as amended, (Supp. 1970).	1969
Virginia	Va. Code Ann. sec. 54-524.1 to .109 (Supp. 1970)	1971
Washington	Wash. Rev. Code Ann. sec. 69.40.1-69.40.100	1969
West Virginia	W. Va. Code sec. 16-8A-1 to -24 (1966)	1971
Wisconsin	Wis. Stat. Ann. sec. 161.01 to .275 (1957), as amended, (Supp. 1969).	1969
Wyoming	Wyo. Stat. sec. 35-348 to -371 (1957), as amended, (Supp. 1969).	1971
District of Columbia	D.C. Code Ann. sec. 33-401 to -425 (1968)	1966

COVINGTON & BURLING,
Washington, D.C., July 29, 1971.
HON. RAYMOND P. SHAFER,
Commission on Marihuana and Drug Abuse, Washington, D.C.

DEAR GOVERNOR SHAFER: In response to your letter to the American Bar Association requesting its views on the legal status of marihuana, the President of the ABA has said that each Committee should make available to you any pertinent material it may believe to be helpful. Accordingly, I am attaching 20 copies of a Resolution and Report of the Committee on Drug Abuse of the ABA Section of Criminal Law, which was unanimously adopted after several months of study and work by the Committee members.

As you will appreciate, this represents only the views of the Committee, of which I am the outgoing Chairman, and has not been reviewed by the Section or the Association. It is our understanding that other Committees have already sent you their views, or are in the process of doing so. The new Chairman of the Committee may also wish to consider these matters with his Committee further, and forward additional material to you.

Should you wish any additional information, or if we can be of any further assistance, please let the Committee know.

Sincerely yours,

PETER BARTON HUTT.

LEGAL STATUS OF MARIHUANA

The Committee on Drug Abuse of the American Bar Association's Section of Criminal Law adopts the following resolution in response to the request of the Commission on Marihuana and Drug Abuse, appointed by the President pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513), for its position on marihuana:

Resolved, That because the individual and social costs resulting from imposition of penalties for simple possession of marihuana substantially outweigh the harm caused to the individual and society as a consequence of the use of marihuana, Federal, State, and Local penalties for simple possession of marihuana should be eliminated; and

Be it further resolved, That casual distribution of a small amount of marihuana be handled in the same manner as simple possession; and

Be it further resolved, That the Commission on Marijuana and Drug Abuse consider the feasibility of licensing the distribution of marihuana, in lieu of imposing penalties, in order better to control its use; and

Be it further resolved, That a uniform national policy on marihuana be developed by conforming State and Local penalties to the Federal law and by eliminating application of ancillary State and Local statutory provisions—such as possession of the implements of crime, presence in or maintaining an illegal establishment, loitering and vagrancy—to the possession and distribution of marihuana; and

Be it further resolved, That all information provided by drug abusers to physicians and others engaged in drug abuse counseling should be protected as confidential.

REPORT

The Commission on Marihuana and Drug Abuse, appointed by the President pursuant to Section 601 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, requested a report on marihuana by the American Bar Association. The President of the Association, in his response, requested this and other Committees to furnish relevant information to the Commission.

I. Background

Under the Comprehensive Drug Abuse Prevention and Control Act of 1970, which became effective on May 1, 1971, simple possession (*i.e.*, possession for personal use, without intention to distribute or dispense) of marihuana is punishable by a term of imprisonment of not more than one year, a fine of not more than $5,000, or both. Trafficking (*i.e.*, manufacturing, distributing, dispensing, or possession with intent to manufacture, distribute, or dispense) in marihuana is punishable by a term of imprisonment of not more than five years, a fine of not more than $15,000, or both, except that distribution of a small amount of marihuana for no remuneration is treated as simple possession rather than as trafficking. Second or subsequent offenses carry double these penalties. It was recognized in the legislative history of this Act that the classification of, and penalties for, marihuana were to be reconsidered on the basis of the Report of the Commission on Marihuana and Drug Abuse which is to be submitted to the President and the Congress within one year.

The recent Report to the Congress from the Secretary of the Department of Health, Education, and Welfare on "Marihuana and Health" states that:

"Virtually all of the American data indicate that use of marihuana has rapidly increased over the past several years. While the number of those who have tried the substance at some point in their lives remains a minority of the population it is continuing to increase rapidly. In some high school or college settings it is virtually certain that a majority have at least tried marihuana. By the end of 1970 about one college student in seven was using it on a weekly or more frequent basis. High School use has generally lagged behind that of colleges and universities, although in areas of high use as many as a third to a half have experimented with it." (p. 6)

It is estimated that 20 million Americans have used marihuana at least once, and probably several million use it periodically. Marihuana use has thus become a matter of major social concern, and is no longer merely a medical or legal problem.

The recent Report of the Secretary of HEW on "Marihuana and Health" reaches the following medical conclusions:

"Physiological changes accompanying marihuana use at typical levels of American social usage are relatively few."

"Neurological examinations consistently reveal no major abnormalities during marihuana intoxication."

"From the standpoint of lethality, cannabis products must be counted among the safer of the drugs in widespread use. Death directly attributable to the drug's effects is extremely rare even at very high doses."

"Acute psychotic episodes precipitated by marihuana intoxication have been reported by a number of investigators. These appear to occur infrequently, usually at high dosages, but may occur, even at levels of social usage, in particularly susceptible individuals."

"There is no evidence to suggest that marihuana use in humans affects fetal development."

"If one confines his use of the term to a description of the present American scene one must conclude that present evidence does not permit the establishment of a causal relationship between marihuana use and the amotivational syndrome."

"It is generally conceded that marihuana use does not necessarily lead directly to the use of other drugs." (p. 16)

On the basis of a separate study, the National Commission on Reform of Federal Criminal Laws took the view that:

". . . available evidence does not demonstrate significant deleterious effects of marihuana in quantities ordinarily consumed; that any risks appear to be significantly lower than those attributable to alcoholic beverages; that the social cost of criminalizing a substantial segment of otherwise law abiding citizenry is not justified by the, as yet, undemonstrated harm of marihuana use; and that jail penalties for use of marihuana jeopardize the credibility and therefore the deterrent value of our drug laws with respect to other, demonstrably harmful drugs." (p. 255)

Thus, while marihuana is not harmless, the clear majority of responsible scientific opinion is that it appears to be no more dangerous than alcohol, and not as dangerous as some other drugs, such as heroin.

II. Simple possession of marihuana

It is important that the public, and particularly young people, understand the relative dangers involved in the use of all drugs, and especially of controlled drugs. It must repeatedly be emphasized that not all controlled drugs are equally dangerous either to the individual or to the community as a whole. Nowhere can this educational function be carried out more directly than in the sanctions applied to simple possession of these drugs.

Under the circumstances of substantial public usage of marihuana, combined with evidence of relatively few deleterious effects to the individual or to society, the criminal sanctions imposed for simple possession of this drug should be eliminated. The harm caused by criminalizing a large segment of the population far outweighs any harm that can be predicted from its increase in use resulting from elimination of such penalties. The country is not prepared to impose a penalty for simple possession of marihuana on up to 20 million citizens who have used this drug, and selective enforcement or a total lack of enforcement of the present law is reprehensible and indefensible.

III. Casual distribution of marihuana

Section 401(b)(4) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 provides that casual distribution of a small amount of marihuana, for no remuneration, shall be handled the same as simple possession rather than as trafficking. The Department of Justice, which agreed to inclusion of this provision in the Federal law, has described its intended meaning as follows:

"The language 'distributes a small amount of marihuana for no remuneration' . . . is intended to cover the type of situation where a college student makes a quasi-donative transfer of one or two marihuana cigarettes and receives 50 cents or a dollar in exchange to cover the cost of the marihuana. Transfers of larger quantities in exchange for larger amounts of money, or transfers for profit, are not intended to be covered by this section, but rather are to be covered by . . . unlawful distribution." (Summary and Analysis, H.R. 17463, attached to letter from Deputy Attorney General Kleindienst to Hon. Wilbur Mills, July 2, 1970).

For the same reasons for which this provision was included in the Controlled Substances Act, casual distribution of marihuana should continue to be handled in the same way as simple possession, and not as trafficking.

IV. Distribution of marihuana

Strong arguments can be made in favor of regulating the distribution of marihuana rather than prohibiting it. Prohibition has been such a complete failure as to make a mockery of the law. The current Federal enforcement policy—under which it will handle only major trafficking cases—is widely known, and contributes to disrespect for the law. Prohibition also forces users to associate with the criminal world, in order to purchase it. Strict control through government regulation would permit quality control and might, by reducing its glamor, actually decrease its current popularity. The Committee has not fully studied the feasibility of handling the problem in this manner, however, and therefore recommends that the Commission itself undertake to study the practical aspects and consequences of this possibility.

V. State and local marihuana laws

State and municipalities throughout the country have developed, over the years, a wide variety of penal measures designed to deal with the growing problem of drug abuse. The State penalty for simple possession of marihuana ranges from a low of 7 days imprisonment in Nebraska to a high of life imprisonment in Texas, for a first offender. In some jurisdictions, marihuana offenses are handled under the additional statutory provisions dealing with narcotic vagrancy, possession of the implements of crime, presence in an illegal establishment, and even loitering and disorderly conduct. Some statutes require parents to inform upon their children or suffer criminal penalties themselves. Statutes which prohibit any person from being present in a place where marihuana is kept or used criminalize virtually all high school and college students. Under current Federal policy, moreover, non-trafficking offenses involving marihuana are left to State officials for enforcement.

A uniform national policy with respect to marihuana is extremely important. The penalties under State and Local laws must be no greater than those under Federal law for the same offense, and the substantative offenses should conform to the Federal law. This necessarily means eliminating application of the many and varied ancillary offenses mentioned above to the possession and distribution of marihuana.

Finally, there is a wide variety of Federal, State, and Local statutory and regulatory provisions governing the responsibility of physicians and others engaged in drug abuse counseling either to keep the information they obtain in confidence, or to divulge it to law enforcement officials or others in authority. The failure to maintain such information in confidence would seriously undermine education, treatment, and rehabilitation efforts. If a student cannot confide in his school physician or counselor, without fear that the information he provides will be disclosed, there is little or no hope that those who need and wish to have information and assistance about drug abuse will be willing to seek and obtain it. It is therefore critical that the Commission on Marihuana and Drug Abuse review the present statutes and regulations governing confidentiality of information of this type, and formulate a national policy under which information received in confidence may not be divulged.

VI. Conclusion

Elimination of the penalties for simple possession of marihuana, perhaps accompanied by strict licensing of the distribution of this drug, would have substantial social benefits, and is a realizeable goal that could unite all segments of society. While many of the social and scientific facts about marihuana must remain unknown or uncertain at this time, there is now sufficient information available to take at least this initial step toward resolving one of the major social problems that confronts the country.

WHITE PLAINS, N.Y.,
July 9, 1971.

Hon. RAYMOND P. SHAFER,
Chairman, Commission of Marijuana and Drug Abuse, Washington, D.C.

DEAR GOVERNOR SHAFER: By his letter to you of May 7, 1971, Edward L. Wright, Esq., President of the American Bar Association, stated that the Chairman of committees of the Association submit their views to the Commission on Marijuana and Drug Abuse.

As Chairman of the Committee on Alcoholism and Drug Reform of the ABA Section on Individual Rights and Responsibilities I submit herewith the report of my committee. Of the fourteen members of the committee one, Professor G. Joseph Vining of the Michigan University School of Law, chose not to join in the majority report but concurred in its basic recommendations. There was no dissent.

I trust that the committee's views will be of some assistance to the Commission.

Very truly yours,

GERALD STERN.

STATEMENT OF THE COMMITTEE ON ALCOHOLISM AND DRUG REFORM OF THE AMERICAN BAR ASSOCIATION'S SECTION ON INDIVIDUAL RIGHTS AND RESPONSIBILITIES TO THE COMMISSION ON MARIJUANA AND DRUG ABUSE

The Committee on Alcoholism and Drug Reform of the American Bar Association's Section on Individual Rights and Responsibilities is pleased to have this opportunity to offer its views to the Commission on Marijuana and other Dangerous Drugs. Our committee has a continuing interest in laws governing the possession, use and sale of alcohol and drugs. As lawyers and as members of the A.B.A. Section on Individual Rights and Responsibilities we feel obliged to consider the effect of these laws on individual freedom, as well as on the ability of the courts and other agencies of criminal justice to enforce the entire body of criminal law.

The present untenable status of laws prohibiting possession and sale of marijuana has been highlighted by published reports of widespread use of the drug and sentencing policies which vary from jurisdiction to jurisdiction and sometimes from case to case. In some jurisdictions ten and fifteen-year jail sentences have been rendered for the possession of a single marijuana cigarette, while in other jurisdictions prosecutors and judges have applied their best talents in attempting to avoid stigmatizing the many middle-class youths being charged for these crimes. Highly publicized arrests of the sons and daughters of very prominent people in industry, education and government has helped call attention to the widespread use of the drug. Arrests for violating drug laws have resulted in a variety of petty-offense convictions including loitering, public intoxication, and disorderly conduct. Cases against other youths simply have been dismissed, sometimes after referral to some probation-like program.

There is a discernible trend toward reduction of penalties, and there seems to be little doubt that within the near future most marijuana arrests will be for petty offenses. A former Director of the National Institute of Mental Health, Dr. Stanley F. Yolles, testified before a congressional committee in 1969 that penalties "are strict enough to ruin the life of a first-time offender, with total disregard for medical and scientific evidence of the properties of the drug or its effects." He observed: "I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime." Classification of marijuana with "hard" drugs with attendant severe penalties has been criticized by the President's Advisory Commission on Narcotic and Drug Abuse (1963), the President's Commission on Law Enforcement and Administration of Justice (1967), and the National Commission on the Causes and Prevention of Violence (1969). Significantly, the National Commission on Reform of Federal Criminal Laws recommended that possession of marijuana be classified as an infraction, punishable by a maximum sentence of probation, unconditional discharge, a $500 fine, or both probation and a $500 fine. This Commission undoubtedly will want to add to the other concerned voices speaking out for these crucial reforms and seeking reduced penalties for the possession of marijuana.

Our Committee urges this Commission to recommend the removal of all criminal penalties for the possession of marijuana. We suggest that the distribution of marijuana be regulated along the lines presently employed for the sale of alcohol. Licensing provisions should be used to ensure that the drug is not sold to children, and that other standards are met. If a less drastic reform is preferred we would urge the Commission to retain criminal penalties (in reduced form) only for selling (for profit). There is simply no basis for employing the criminal sanction, with its threat of imprisonment, against people who, at the very worst, are harming themselves.

As a means of clarifying our position it is important to note that we acknowledge marijuana to be a dangerous drug. Given the dearth of information on the effects of prolonged excessive usage of marijuana, government has a responsibility to place the label of "dangerous drug" on marijuana and to take reasonable steps in regulating its distribution. Drugs, by definition, are dangerous. Aspirin is dangerous—deadly, in fact, if taken in large dosage at one time, and extremely harmful if taken excessively over any substantial period. We share in the nation's concern that almost any amount of marijuana may someday prove to be harmful. We are cognizant of the high percentage of traffic fatalities associated with alcohol consumption and would dread seeing more automobile drivers "high" on any drug.

A comparison of alcohol and marijuana, their effects, dangers, and the legal restraints imposed on their use has been offered by proponents of what has been called "legalization" of marijuana. The legal handling of these two drugs (alcohol also is a drug) presents a graphic illustration of inconsistency within the criminal law. The possession (and use) of alcohol is legal although it has been shown to be: More dangerous than marijuana to health (heavy drinking is associated with brain damage, cirrhosis, heart disease and other illnesses), physically addictive (if untreated, delirium tremens, the distressing withdrawal symptoms of alcoholics may lead to death), and a causal factor in serious crime (consumption of alcohol is known to have preceded many homicides, assaults, rapes and other violent crimes), and in traffic fatalities (in more than half of all serious traffic accidents the drivers were under the influence of alcohol).

Opponents of "legalization" of marihuana, while apparently conceding that alcohol presents greater dangers, appear not to have been persuaded by the alcohol analogy. As lawyers we are sensitive to anomalies in the law and, particularly, in the criminal law which severely punishes people for certain acts while, at the same time, sanctions less dangerous but similar acts. The laws governing the use of alcohol, cigarettes, and marihuana play a disproportionate role in enlarging the generation gap. They are indefensible when considered together, and represent perhaps the most often-cited example of hypocrisy in our nation. Any fair study of this area will demonstrate the failure of law enforcement to stem the increasing use of marihuana, and the devastating impact that marihuana laws have on our society.

An estimated 12 million Americans regularly use this drug. Many more—perhaps 8 million—have experimented with it and rejected it. The most conservative estimates are that one of every three college students has used it at one time or another. Thus the laws have the effect of making criminals out of a substantial proportion of the otherwise law-abiding American population.

Those who argue that marihuana use "leads" to heroin addiction ignore both the evidence and the more logical relation between marihuana laws and heroin addiction. Even the President's Commission on Crime and the Administration of Justice observed that only a small percentage—estimated at five percent—of marihuana users eventually turn to heroin. No serious argument can be made in good faith that if marihuana were wiped off the face of this earth the heroin problem would be abated. The people who now turn from marihuana to heroin would somehow find the "harder" drug. Ironically, if the stepping stone theory has any merit it is that people who use marihuana are forced to deal with sellers whose wares are not limited to the relatively (low profit) softer drugs. It is a further irony that perhaps the primary reason given to retain present laws is the fear that the increased accessibility of the drug will prompt more people to use it; actually, by forcing marihuana users to buy from sellers anxious to sell other (higher profit) drugs, we are making these harder drugs more accessible.

In their present form marijuana laws hamper sound drug education effects. Some drug users may be ignoring the warnings of the danger of heroin because of their favorable experiences with marijuana. By lumping marijuana and heroin together we have succeeded in impairing the law's credibility and turning some people into heroin addicts who might have otherwise considered the message of a statute outlawing the possession of a drug.

Increasing attention is being given to the adverse effects—on violators, on our conception of law and on the already overwhelmed criminal justice system—of overextending the criminal laws. Disrespect and, more significantly, alienation are generated by laws such as those relating to the use of marijuana, at the very time when the hue and cry from public officeholders and the vocal public is for "respect" for law and for the institutions of government. An assessment of the laws relating to marijuana, alcohol, and cigarettes does not promote respect. Neither does the sharp variation in sentencing practices—brought about, in part, by such incongruities in law which permit one state to impose seven day's imprisonment and another to impose a life sentence for the same (marijuana) offense. Nor, incidentally, is respect for law promoted by the widespread flouting of marijuana laws, sometimes in public, in full view of the police.

Every segment of the criminal justice system is overworked. The police fail miserably at apprehending dangerous criminals, the courts resemble crowded market places, and the prisons dehumanize and harden convicted offenders. Yet we insist upon retaining a variety of victimless crimes which accounts for almost half the arrests and prosecutions in the nation.

As Professor Packer has said in "The Limits of the Criminal Sanction" (Stanford, 1968):

"We simply cannot have all the things we want, crime prevention included . . . every trivial, imaginary or otherwise dubious crime that is removed from the list of criminal offenses represents the freeing of substantial resources to deal more effectively with the high-priority needs of the criminal justice system."

These words apply equally to marijuana use and to public drunkenness, to consensual sex offenses and to vagrancy. This Commission can make a contribution in one area. It can strike an important blow for good sense as well as for good government. Our Committee urges it to advise the President that the proven dangers associated with the use of marijuana in no way justify any criminal penalties.

Respectfully submitted,

GERALD STERN,
Chairman.

STATEMENT OF GOV. RICHARD B. OGILVIE OF ILLINOIS

Americans have tended to construct a pervasive culture of drugs, a mass syndrome of escape by pill or by alcohol. The use of heroin, amphetamines, and marijuana within the youth culture is only one element, albeit a truly grave one, in the crisis. Who is the more drug dependent and in need of help—the young man who is arrested for possession of marijuana, or his mother who must take a drink or a tranquilizer to ameliorate the shock?

Major progress against drug abuse will be difficult to achieve. We are faced with the prospect of dealing with a vast, complex problem, the origins of which have grown deep into our culture.

Much of our uncertainty comes from the realization that drug abuse is deeply rooted in anxieties which spring from all the things that are wrong with our society: too-rapid change, the bigness and impersonality of our institutions, deterioration of the family, the decline of religion, shifting values, hypocrisy, disregard for justice. The junkies and drug freaks are witnesses to the worst aspects of our civilization. In the end, we may be able to do more about drug abuse by addressing the challenges of social justice than through specific drug abuse efforts.

Yet we cannot afford to leave the drug problem to more general attempts at social reform, for drug abuse has been greatly intensified by our technological civilization, and it requires a specialized response.

I believe that in Illinois we have taken important steps to provide that response. In our treatment program, which is respected throughout the world, we have made a reality of treating narcotic addicts not merely as criminals but as human beings with a disease requiring treatment and rehabilitation. Our prisons have established a strong program of drug rehabilitation. The Illinois Law Enforcement Commission helped launch Project Straight Dope, a national model of effective drug abuse advertising, and the commission supports other innovative drug abuse efforts. The state's enforcement efforts through the Illinois Bureau of Investigation have been aimed at the pushers, not at the drug users who could be exploited as easy targets for arrest and conviction.

One of the major pieces of (new) legislation is the Illinois Controlled Substances Act, which revises, recodifies and modernizes the laws affecting narcotics and dangerous drugs, making them consistent with federal law and with the laws of other states which have adopted the model uniform dangerous substances act. This law is in substantial conformity with the major federal legislation enacted in October of 1970.

Those uniform state provisions which conform to federal law will be particularly useful in such matters as the manufacture and distribution of pharmaceuticals which require interstate or federal-state cooperation.

The Controlled Substances Act is also more flexible in controlling drugs. It contains five schedules, like the federal law, differentiating various chemical substances according to the degree of hazard, medical usefulness, potential for abuse, and other relevant criteria.

There are aspects of drug legislation which must vary from state to state, however, and one of these is in the area of penalties. We believe that the prescribed penalties in the new Illinois law are appropriate to our situation.

We now have a penalty structure which is tougher, more realistic, and more humane than the former penalty system.

It is tougher on those who deserve it—the criminals who traffic in drugs, especially with young people.

The big traffickers, those who deal illegally in very large quantities of the most commonly sold illegal drugs, are subject to stiff mandatory minimum penalties: 10 years for delivery and 3 years for possession of specified large quantities.

The law is tougher on those who distribute drugs to youths under 18 and more than two years their junior by authorizing doubled sentences for such conduct.

It is tougher on the leaders and financiers of the organized criminal drug traffic in the very dangerous drugs—requiring sentences of 10 years to life and fines up to $200,000.

It classifies drugs more realistically for penalty purposes, treating distribution violations dfferently from possession, separating distribution of less dangerous substances from distribution of addictive narcotics. Possession of large amounts of common illict drugs—quantities large enough for major trafficking and not just individual use—is treated as a serious crime because of the clear threat to others in our society.

Marijuana is dealt within a separate act, the Cannabis Control Act, which has a graduated penalty structure based on the quantity of marijuana involved. In this manner we will be able to distinguish between the marijuana pusher and the teenager with two or three cigarettes.

The act is more humane toward young first offenders found in possession of 2.5 grams or less of marijuana, in that they may be given conditional probation without the entry of a judgment of conviction. If they complete their probation successfully, they are discharged without a conviction which otherwise would appear for life on their record. The maximum penalty for non-profit marijuana violations involving 2.5 grams or less is reduced from one year to 180 days, if it is the first offense.

We have provided for flexibility in punishment to allow consideration of the danger of the drug, the circumstances of the offense, the nature of the offender, and other appropriate factors.

In addition to the general strengthening of control over the illicit drug traffic which we believe will be effected by the new laws, some special measures have been aimed at the organized drug traffic.

One of these makes calculated criminal drug conspiracy a special crime with heavy penalties of 10 years to life. This charge would apply to those who organize, direct, finance or obtain substantial profit from a conspiracy with two or more other persons which involves the most dangerous drugs. It is aimed directly at the directors and financiers of major drug peddling.

Another improvement in our enforcement machinery includes administrative controls to strengthen inspection of commercial drug manufacturers and distributors, so as to prevent diversion of drugs from legal distribution channels into the illegal market.

These new statutes will be a significant supplement to other existing or future projects.

One of these projects, designed to deal primarily with one of the most vicious drug problems, heroin addiction, is the Illinois Drug Addiction Program.

The program began in 1968 as a pilot, with the invaluable collaboration of the University of Chicago. Its aim at that time was to determine which of a number of proposed approaches to the treatment of heroin addiction are best suited to the needs of this state. The approach was to evaluate a number of different treatment techniques in terms of concrete results, such as the decrease in illicit drug use, productive activity, decreased anti-social activity and overall costs.

At the start of 1969, there were a few more than 100 patients in treatment, all as out-patients.

Today more than 2200 patients are receiving treatment in 26 facilities. Twenty-one of these offer out-patient care and seven have residential capabilities. While in treatment, the patient can take advantage of rehabilitative programs that are designed to suit his individul treatment needs.

A great deal of the credit for the success of the program is due to Dr. Jerome H. Jaffe, its originator and, until recently, its director. Dr. Jaffe, as you know, is now special consultant on drug abuse to President Nixon.

The use of multiple approaches within one coordinated administrative structure—a system pioneered by Illinois—not only benefits the patient, but also reduces the inefficiency and destructive rivalry which often characterizes single-method treatment programs operated by administratively autonomous agencies.

The success of the Illinois Drug Abuse Program has been demonstrated in several ways. In a typical program week, 88 per cent of the patients are free of illegal activity—a way of life for most addicts. In spite of a tight job market, employment among patients has historically increased 71 per cent in the first 12 months of treatment. Most of the patients are now able to control their drug intake to such an extent that in any given week, about 78 per cent of them have not used illicit drugs. These figures are especially encouraging since 86 per cent of this group do not live in a highly controlled environment, but are out-patients, free to return to old neighborhoods, old friends and old temptations every day.

Although the program was initially concerned with the treatment of heroin addicts, it is now becoming increasingly involved in providing services for those involved with other types of psychoactive drugs. Five facilities currently provide help for young multiple-drug abusers who have voluntarily sought treatment.

The Illinois Drug Abuse Program has opened numerous avenues of drug research. Unfortunately, however, no individual state can single-handedly take a primary role in drug research. That role, in my view, must be assumed by the federal government and our major research institutions.

It is our intent, nevertheless, that Illinois will continue in its leading position as a demonstration and proving ground for applied research. It is important that the program provide the community with the educational and research information necessary to cope with the problems of drug abuse.

We have taken steps to improve the climate for drug research. One of these is a new law which provides for the total confidentiality of research subjects and their identities, under authorized projects. Also, the program is now authorized to obtain arrest records of its patients to permit a thorough analysis of the medical and social success and failure of treatment efforts.

In any general discussion of the drug abuse situation today, there is one matter which is invariably the subject of special concern and often heated debate. I am speaking of marijuana.

I would state at the outset that in my judgment a case has not been made for the legalization of marijuana.

At present there is too much that we do not know about the immediate as well as long-term effects of marijuana. And recently we are beginning to see more scientific assertions of its harmful possibilities.

Each of the many varieties and mixtures of marijuana can be greatly affected by its content of active ingredients and by additives and contaminants. Some individuals appear to have unusual reactions, ad sometimes these may be harmful. The intensity and the duration of use appear to be important in terms of the drug's impact, and may produce psychological changes. The long-term physical and mental effects of marijuana are little known, but certainly in light of what we do know, there is cause for concern and caution.

There is legitimate controversy over the methods and meaning of some of the research that has been conducted. The existence of such controversy is indicative of the state of knowledge about marijuana.

On balance, there are simply too many unanswered questions. And the demand for drug freedom should not take precedence over the reality of possible harm.

One thing is clear, however. In the past we have been guilty of a kind of overkill in the way we punished and criminalized some marijuana users. It would seem that sometimes the punishment meted out was more damaging to individuals and to the whole of society than was the use of the drug itself. We often succeeded only in driving young men and women toward those dangerous criminals who thrive on the addictive drug culture.

The authority of our laws and the institutions that stand behind them depend upon their being responsible and equitable. What is at issue is the credibility of government, the legitimacy of the authority that holds our society together. In this perspective, fair and workable marijuana laws may be more significant for the majority of citizens who have never tried the drug than for those who do experiment with it.

We in Illinois are committed to a solid, common-sense approach. We cannot provide a panacea. But we can provide assistance by using the most complete, constructive, and effective tools at our disposal. All aspects of today's drug problem deserve the most careful attention from all of us, for in the light of experience, only the foolhardy will claim to have the only solution for drug abuse.

Statement of National Coordinating Council on Drug Education

(Presented by Daniel X. Freedman, M.D., vice president, National Coordinating Council on Drug Education and chairman, Department of Psychiatry, University of Chicago)

The National Coordinating Council on Drug Education, representing over 100 national and state organizations, is the largest independent agency which coordinates, evaluates and disseminates information on drug abuse.

There are three basic sources of information about marijuana:

1. Mythology, or an accumulation of assumptions, myths, folklore, and observations about people who use marijuana;
2. A countermythology emerging out of experimentation and use; and
3. Research reports that vary in scope, quality, and accuracy.

The majority of Americans formulate their opinions and "educate" others from mythology.

To illustrate some of the comments we intend to make, let's look at some clips from two drug abuse education films. The first scene . . . is from a 1930 movie which portrays the effects of smoking marijuana. The second is from a 1967 film which also shows the "dangers" of marijuana.

Forty years have not produced much evidence of progress in our general attitude, perhaps because there was no serious interest in challenging our beliefs. No tests. No need for verification. No one asking why? Or how do you know? And when the challenge did come, it came from a flood of young users who cited personal experiences as the basis of the challenge.

The last film we saw is one of 120 drug abuse audiovisuals recently evaluated by the Natioinal Coordinating Council. Dr. Jerome Jaffe, now the Director of President Nixon's Special Action Office for Drug Abuse Prevention, was a member of the original scientific review panel. In his evaluation of this film he stated, "This film is so filled with myths that it offers a good takeoff point for discussions of how to erode the credibility of the adult generation."

Many of the films viewed contain inaccurate statements or misleading information about marijuana, and more than one-third have been classified "scientific unacceptable." Some of the examples are quite blatant, such as the one you just saw. Others portray an attitude which is more cleverly disguised. The films perpetuate many of the myths about marijuana. (It is compellingly addictive; it leads to crimes of passion and murder; it produces a killer instinct; it inevitably leads to heroin use.) Some films imply that marijuana is a narcotic by using the term "narcotic" in the title. And others confuse the effects of marijuana with those of LSD.

3,000 copies of the films . . . have already been sold around the world. It is even available in French. Misinformation, presented in these films, continue to spread and characterize much of our education programs.

We know that formal education programs are only one aspect of the learning process which influences the decision to take or not to take drugs. In a policy statement which the Council recently adopted, we state that "education includes a series of experiences and influences that help shape the learning environment—the atmosphere of the school, the life style present at home, the attitude of parents, the pressures within a peer group, the popular culture, personal experiences with or without drugs, and the availability of alternative mechanisms employed to carry out certain kinds of behavior."

Prevailing attitudes, current laws, media presentations and obvious prejudices all play a significant role in shaping the cultural forces which are part of the learning process. In fact, one strengthens the other.

For example, social attitudes help to shape laws and laws reinforce such attitudes.

What is being thought and said by persons in responsible positions also contributes to the formation of attitudes and beliefs.

In recent hearings of several committees in the House of Representatives, four congressmen have stated that marijuana leads to heroin use. This statement could be based on the well-publicized statemenut that 90% of heroin addicts used marijuana as their first illegal drug. What never seems to get reported is the other half of this statement which speaks more directly to the question. A consensus indicates that only 3 to 5% of marijuana smokers go on to use heroin. Not to emphasize this aspect is a distortion of the facts. . . . Many people are approaching a solution to the problem by using selected information to strengthen preconceived ideas.

A year ago, a national opinion poll revealed that 82% of those questioned agree that using marijuana leads people to commit crimes and acts of violence. 81% think that marijuana is an addictive drug. 76% think that using marijuana over a long period of time has harmful effects on the babies of pregnant women.

44% of the people questioned think that the regular use of marijuana is equal/more dangerous than the regular use of heroin. This seems like an unbelievable response to anyone with even an unsophisticated knowledge of drugs. The last statement is a startling miscalculation of the effects of heroin, regardless of what it says about marijuana.

One of the ways people get this notion is from our laws. The Comprehensive Drug Bill (PL 91–513) passed by Congress last session makes no distinction between heroin and marijuana in legislating penalties for simple possession. 17 of our states still prescribe the same penalties for possession of the two substances. In a society that tends to rationalize everything, it is quite natural to assume that if the law provides the same penalty, marijuana must be as dangerous as heroin.

The drug laws of this country have hampered education and research. In spite of our knowledge that laws will not bring about society's desired behavior change with respect to abstinence of marijuana use, we continue to insist on legal sanctions and recriminations.

We must examine what laws are for. Police need to know *why* they are policing. They can receive help in not falling into an emotional "set" in which long hair or an occasional drug experimenter are automatically seen as society's mortal enemies. The courts have to know why they are penalizing. Thus, both police and courts can generate feedback information for policy planning. Do we want to control vice or to dampen epidemics of drug trials and their occasional victims? Do we want laws against a new ideology, or against illicit drug traffic? Do we want to stop children from worrying us, or see if they in fact become victims—do we want to treat them or penalize them? Do we want to protect the unwary from exposure? Do we want to try new general constraints on our total approach to *all* drugs?

Even the diverse members of our Council in a marijuana discussion at our 3rd Annual Meeting this past June agreed that:

"The enforcement of laws against the possession and use of marijuana has primarily been the function of state and local law enforcement agencies. Marijuana laws vary from state to state; consequently enforcement policies and procedures also vary geographically. At the same time, the application of these laws, which treat the marijuana user as a criminal, frequently causes serious social, economic and psychological consequences for the individual and society that appear to be more serious than any apparent direct consequence of using the substance. These laws and variations in enforcement appear to contribute to a lack of respect among young people for laws in general and drug control laws in particular."

In response to this mythology, an increasing number of people are challenging these assumptions, myths, and observations. Experimentation and occasional use at low and moderate dosage levels has—in the opinion of many young people—nullified this existing body of beliefs. The variety of experiences emerging from use of marijuana—usually subjective in nature—has developed an opposite attitude or countermythology which is equally dangerous to drug education programs.

Those individuals who claim that marijuana is a harmless drug and does nothing to alter the state of consciousness certainly do not help to create a rational atmosphere for discussion.

Books that tell you how to get high on marijuana and cookbooks which give recipes using marijuana and hash are being circulated.

When AMORPHIA, a group organized for the legalization of marijuana, testified before your Commission in San Francisco, their representative stated, "I for one would be delighted to sit down with this nation's present leaders, including your Commission members, share a big pipe of peaceful grass and talk over ways and means of ending the thorny civil war in which our generations are now engaged." To imply that a pipe of grass can help to solve the nation's problems lacks as much credibility as the earlier mythology. It increases polarization and blocks communication. This is misjudgment on the effects of marijuana and reflects a careless attitude which characterizes the countermythology. Neither mythology is satisfactory or helpful, so we have turned to research. But how does current research resolve the differences?

Current research on marijuana is generally directed toward the medical significance of the drug. We are beginning to witness a shift from testing pure THC on rats to testing pure THC on humans. This is a healthy sign and useful for questions directed at drug metabolism and fundamental mechanisms of drug action. But it still disregards the fact that "street grass" contains little amounts of THC. There are no 12% THC joints.

There is an urgent need for research to be conducted on the social and legal implications of marijuana use and other issues of concern to the user population. Headlines constantly publicize the physical and psychological effects of marijuana on the individual. And because the emotionally charged atmosphere surrounding marijuana precipitates sensation-type media coverage, the message that comes through is that the medical effects are the only concern. When prominence is given to this aspect of research instead of the broader concerns of the user, there is little basis for communication and education.

Another aspect of the presentation of marijuana research is the use of the general term "marijuana user." All findings seem to refer to a typical individual who uses marijuana frequently and at high dosage levels. It excludes the experimenter and occasional user who uses marijuana at moderate and low dosage levels. Dosage, purpose, method of administration, frequency and pattern of use are the arbitrators of the "dangerousness" of any drug use.

Much of this type of research which is being conducted and the manner in which research findings are presented often create new hurdles for the education process.

The challenge of this Commission is to write a report in this desert of fire fighters. This is a difficult task. We offer these suggestions.

A realistic goal of any drug education program should be to enable a person to reach a decision after real consideration of the effects of drug use on the attainment of a satisfying life. The user is often more concerned with his *right to use* and who has made that decision for him than his use. The real function of education is thereby hampered by our marijuana laws, mythology and research. In order to achieve our objective it is imperative that we stop moralizing the drug issue. It is necessary to provide the opportunity for a person to relate information about drugs to his own personal experiences and values. Through this approach the individual may come to realize how his real interests can be best achieved.

There are many components in this approach to prevention. But there is one essential element which constitutes the foundation for any drug education program. Unless we are completely honest, any method we use will eventually be unsuccessful. The whole truth, whether it is favorable or unfavorable, must be presented. It is also essential that what is said relate to what is experienced, recognizing that long term effects have not yet been experienced. There is distance between use and consequences, such as in the case of cigarettes. However, exaggeration, half truths and overgeneralizations are immediately perceived as dishonest by the individual. This most often leads to counterproductive results. Unless credibility is established there is a general tendency to reject all information, even valid information. It is evident that the mythology and countermythology about marijuana today blocks any effective communication concerning the use of *all* drugs.

[The San Francisco Committee on Crime]

A REPORT ON NONVICTIM CRIME IN SAN FRANCISCO—PART III

DANGEROUS DRUGS AND NARCOTICS

SAN FRANCISCO COMMITTEE ON CRIME,
San Francisco, Calif., July 19, 1971.

Hon. JOSEPH L. ALIOTO,
Mayor of the City and County of San Francisco, City Hall, San Francisco, Calif.

DEAR MR. MAYOR: On behalf of the San Francisco Committee on Crime, we submit to you, as the Committee's Eleventh Report, a report on Dangerous Drugs and Narcotics. The Committee's term of existence, under the resolutions of the Board of Supervisors creating it, came to an end at the close of June 30, 1971, but this Eleventh Report was adopted before June 30th. The Committee's principal funding came from the Ford Foundation, and, as we informed you in our Tenth Report, Ford Foundation extended the period of its grant to July 31, 1971, to permit an orderly winding up and the publication and distribution of the Committee's reports. Because this Eleventh Report, although adopted before June 30th, has been released after that date, only funds received from Ford Foundation have been used for its publication and distribution; no funds from the City have been used for that purpose.

All the previous reports of the Committee have been unanimous or virtually so. This is not true of the Eleventh Report. That report consists of two sections in addition to a preliminary discussion, one on marijuana and the other on heroin. The section on heroin has been adopted by the virtually unanimous action of all members of the Comimttee participating. The section on marijuana has been adopted by a vote of not quite two-thirds of the partipants. A two-thirds vote on any of the important and difficult subjects with which this Committee has dealt would be a notable achievement; it is particularly notable with respect to a subject so charged with emotion and fears as dangerous drugs and narcotics.

Yet, in a very real sense, there is unanimity—unanimity that the present marijuana laws are too rigorous and repressive. Attached to the report are two minority reports which speak for themselves. One minority report states that "it is not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small amounts of marijuana"; the other minority report believes that the precent laws are "unreasonable" as respects the "severity of punishment for such offenses as the possession of small amounts". And these suggestions for amelioration come on top of the fact that California law was amended to ameliorate the penalties in 1969.

The minority reports were received as the Committee Report was about to go to the printer, and therefore the Report itself does not respond. Some brief comment, however, is in order.

The present restrictive criminal laws on marijuana were adopted in the 1930's. It was then believed that marijuana made its users into dangerous criminals. No one who has looked into that subject even slightly any longer believes that. The present fears about marijuana are, largely, of two kinds: (1) That its use leads to the use of "harder" drugs, and (2) that it makes its users "amotivational", that is, that it reduces its users to a state of passive vegetation. The Report fully discusses these two questions. The consensus at the present time is that the deleteriousness of marijuana, or its extent, remains largely unestablished. Those who oppose change in the law do not appear to contend that if those laws were not already in effect it would now be appropriate to enact them in the present state of knowledge. The view of one minority report, is that, as the laws are on the books, they should stay there in view of the uncertainty of knowledge. The majority of the Committee believes that laws that would not have been adopted on the basis of present knowledge ought not be retained.

The further statement in one minority report, that the Committee has not gathered enough data on the subject, is completely unwarranted, and it is rejected out-of-hand by the Chairman, the staff, and the majority of the Committee. The present literature is abundant and fairly uniform in its conclusions, which, as the Report states, adds up to a Scotch verdict. As late as Friday, July 2, 1971, at the Commonwealth Club, Dr. Leo Hollister of the Veterans Administration Hospital at Palo Alto reported the state of present knowledge about the pharmacological aspects of marijuana quite in accord with the majority report.

Another reason for dissent expressed in the minority reports is the belief that the repeal of present laws on marijuana may be regarded in some areas as an approval of the use of the drug and might lead to the spread of its use. The majority of the Committee does not dismiss that objection lightly; the Report discusses it with care and gives it the weight it deserves. One minority report speaks of the Committee report as recommending "legalization" of marijuana as respects adults; the recommendation, of course, is for regulating the sale, possession and use relative to adults by a system adapted from the control of alcoholic beverages.

We realize that previous portions of our report on non-victim crime, such as those dealing with prostitution and pornography, have been carelessly read by portions of the public, including those who should know better. The Committee thoroughly deplores prostitution and has the utmost detestation for pornography. Yet our reports have been carelessly interpreted as an endorsement of these vices. We resign ourselves to a like misinterpretation that the Committee approves the use of marijuana, despite our reiteration that we disapprove the use of marijuana and encourage all non-criminal processes to prevent it.

In the last analysis, the basic question is exactly the same as this Committee emphasized with respect to every type of non-victim crime. That question is simply this: Is the criminal process the correct and effective way by which society should seek to meet a problem; are the resources of society best spent on the criminal process? We have said that the law cannot successfully make criminal what a substantial portion of the public does not want made criminal, and we know that a vast number of the citizenry—perhaps an overwhelming number of the younger generation—cannot understand and will not accept the marijuana laws. We have said that not all the ills or aberrancies of society are the concern of government; that when the government acts, it is not inevitably necessary that it do so by means of criminal processes; that every person should be free of the coercion of criminal law unless his conduct injures others or damages society; that when criminal law seeks to express a sense of public outrage, it should be sure that its senses of outrage is that of substantially the public as a whole. We have said that there is a matter of priorities in the expenditures of the energies and resources of criminal law enforcement. If we are correct in all these statements—and we are convinced that we are—then we are convinced that the conclusions expressed in the majority report are also correct, and that only formless fears deter the minority members from following to its rational end their own belief that the present law needs some change.

Inasmuch as the reports and recommendations of this Committee on matters entirely within the hands of this City have yet to be put into effect, the Committee is not so sanguine as to believe that its recommendations on marijuana, the control of which lies in the State and National sphere, will be speedily adopted. We submit the Committee Report and the minority reports in the hope that they will, at least, encourage and focus thoughtful consideration.

The control of heroin lies even more largely in federal hands, and our report on that subject is confined to an analysis and delineation of the difficulties and to pointing out the matters to which serious attention should be given.

With this Eleventh Report, the work of the San Francisco Committee on Crime comes to an end.

Respectfully,
MOSES LASKY,
WILLIAM H. ORRICK, Jr.,
Cochairmen.

INTRODUCTION

This is the third in a series of reports by the Committee on "non-victim crimes" in San Francisco. The first report on this subject dealt with basic principles and public drunkenness. The second report discussed gambling, sexual conduct and pornography. This report covers "drugs and narcotics," concentrating on laws concerning marijuana and heroin.

Throughout our examination of laws dealing with "non-victim crime," we have been guided by the seven "basic principles" set out and discussed in some detail in Part I of this Report. We list those principles again, for they are referred to in this Report. Readers interested in the origins of these guidelines can return to Part I of this Report, which is available in local bookstores and through the Public Library. Our principles are:

1. The law cannot successfully make criminal what the public does not want made criminal.

2. Not all the ills or aberrancies of society are the concern of the government. Government is not the only human institution to handle the problems, hopes, fears or ambitions of people.

3. Every person should be left free of coercion of criminal law unless his conduct impinges on others and injures others, or if it damages society.

4. When government acts, it is not inevitably necessary that it do so by means of criminal processes.

5. Society has an obligation to protect the young.

6. Criminal law cannot lag far behind a strong sense of public outrage.

7. Even where conduct may properly be condemned as criminal under the first six principles, it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. This is a matter of priorities.

The only aspect of drug and narcotic use that comes within the assigned task of this Committee or within the area of its competence is to determine the part to be played by criminal law. We cannot pass on morals.

In 1960 in California, 4,245 adults were arrested for violating laws on marijuana; in 1969 there were 38,670, an increase of over 800%. In 1960 there were 910 arrests of juveniles under the same laws; in 1969 there were about 16,000, an increase of more than 1650%. For dangerous drugs the increase was even greater, both for adults and juveniles.[1]

Other available data are equally startling. In January of this year, the Federal Department of Health, Education and Welfare (H.E.W.) reported that 31% of American college students had used marijuana by 1970, and that in that year, 42% of the students in the San Mateo County High School system asserted that they had used marijuana. H.E.W. summarized a study showing that 40% of college-age residents of San Francisco who were not in school had tried marijuana by 1969.[2] Professor John Kaplan of the Stanford Law School has estimated that in 1968 state and local government agencies in California spent $72 million enforcing the marijuana laws.[3]

In 1969, 14% of all felony arrests in San Francisco were for violating the marijuana laws,[4] but 38% of all so arrested were released without prosecution,[5] doubtless because the District Attorney's Office believed that it had insufficient legally admissible evidence. Since 1969, State Law has permitted District Attorneys to charge either a felony or a misdemeanor for possession of marijuana.[6] In San Francisco, a defendant is ordinarily charged with a misdemeanor if he has no prior record of drug or narcotic convictions and he has been arrested for possessing not more than a "lid" (about one ounce) of marijuana. About 15% of all Municipal Court cases in San Francisco[7] involve either possession of marijuana or "visiting a place" where marijuana is being used.

Someone has said that statistics are used the same way a drunk uses a light standard, for support and not for illumination. Advocates for the repeal of criminal laws on marijuana and other drugs point to statistics like the foregoing as demonstrating that criminal law does not deter the use of these drugs. Another explanation would be that the social and economic conditions of the 1960's produced an upsurge of use that might have been even greater but for criminal laws. All that is speculation. We cite the statistics for the neutral purpose of showing the gravity of the problem, the enormous drain on law enforcement money and manpower, and the lack of satisfactory effect of all this effort.

Clearing the underbrush

This subject of drugs and narcotics is the most difficult to analyze and resolve of all those discussed in our Report on "Non-Victim Crime." A major difficulty is that the discussion in the literature is bedeviled with hyperbole, emotion, irrational argument and pedantic quibble.

Footnotes at end of article.

On the threshold, we note that to categorize the subject as non-victim crime is itself to vault to a conclusion over thorny obstacles. "Drugs and narcotics" are placed in that category because the user acts voluntarily. But whatever may be said about using drugs, the act of *selling* is not non-victim conduct in the case of a drug like heroin which addicts the user; one deprived of either physiological or mental power to resist is no longer a "voluntary" participant. Thus whether the act of *selling* can be categorized as non-victim conduct depends upon the nature and effect of a particular drug. Nor is it all crystal clear that the act of use is non-victim conduct; society can be the victim in several ways. For example, we said in Part I of this Report on Non-Victim Crime that:

"If it could be shown that the use of marijuana threatens to reduce the next generation to a state of passive vegetation, devoid of the drive that made this nation the haven of all peoples, no stronger reason would be needed for seeking to eradicate the use of the weed by almost any means."

This states a possibility. No evidence yet discovered by us shows it to be a probability, but the reported use of heroin among the troops in Vietnam could pose a worse threat to the future of the country. The use of drugs and narcotics could also be an injury to society in ways less sweeping than that of the destruction of a generation of youth. For example, it would be so if its use were frequently to induce violent or aggressive behavior toward others. It would also be so if drug use were to make ordinary and gainful employment by the user difficult or impossible, for society would then have loaded upon its back the costs of support and medical care.

Discussion is also handicapped by the extreme positions taken by partisans on the one side or the other. At the one extreme, users are assailed as immoral or indecent, as "freaks" or misfits or as a disgrace to society. This kind of reaction gets one nowhere; the law would have no business whatever trying to prohibit adults from using drugs to get "high" or to alter their perceptions unless injury to society were also present. At the other extreme, society is itself assailed as the very *cause* of the abuse of drugs. It is argued that, while people resort to drug abuse for a variety of reasons, psychological or psychotic illness, or to find new experiences, or to do what their peers do, the unifying explanation is that drug abuse represents an attempt to reconcile serious contradictions between self and society. It is no accident, we are told, that until recently heroin was a problem confined to the ghettos of this country, and that, when young people are asked why they turn to drugs, their reply is almost uniformly that modern urban mass society is becoming increasingly inhuman. The blame is laid on pollution, racism, poverty, "loss of identity," and so on and on. When so many young people are unable to "integrate with society," when they turn to drugs as only one of a number of means of escape, it is time to look hard at society: so the assertions go.

All this may be true, or it may be only the fashion of the moment to say so. Perhaps the causes are in the very structure of contemporary civilization. And if society could find the causes and root them out, it should do so. But that truism gets us nowhere in finding an answer to the only aspect of drug and narcotic use that comes within the assigned task of this Committee or within its area of competence, which, as already observed is to determine the part, if any, to be played by criminal law.

In the previous paragraphs we have sometimes spoken of "drug abuse" rather than "use," and of "dangerous" drugs instead of merely "drugs." We have done so to avoid the pedantry of being told that coffee, tea, nicotine and alcohol are drugs or narcotics, that there are legitimate drugs and legitimate uses for even dangerous drugs and narcotics, that "dangerous" drugs and narcotics can be administered and controlled in small doses without harm, and that even drugs like aspirin can be harmful if abused. All that is true; even LSD might have a legitimate use in the hands of expert researchers; marijuana was once prescribed by physicians for some purposes. But observations like these simply enmesh rational analyses in irrelevant distinctions. Suffice it to say, once and for all, that when this Report speaks of drugs, it means "dangerous drugs" within the meaning of current law, and when its speaks of use it means "abuse."

Another red herring frequently drawn across the path of rational consideration is the assertion that alcohol is far more injurious to the user and society than any other drug whether legal or illegal. The late Louis S. Goodman, Chief Judge of the United States District Court in San Francisco, used to comment impatiently on the habit of attorneys to defend a charge of wrongdoing with the riposte that someone else or some other conduct was equally as bad or worse. The use of alcohol is as old as mankind and is to be found in every civilization and culture; in a sense it is symbiotic with man himself. Whole ways of living and coping with it have arisen, and mankind evidently must endure it while enjoying it. Efforts to eradicate its use have failed. The fact that alcohol is abused to the injury of society is no reason whatever for permitting the introduction and spread of other abuses not yet so ingrained in our social structure, even though they may not be so harmful, providing it is *reasonably* possible to prevent them. Nor should the effort to prevent them be deterred by cries from the young that their elders are guilty of "hypocrisy." The history of the use of alcohol can, however, teach us one valuable lesson. The failure of the Volstead Act and the 18th Amendment does warn us that criminal sanctions do not work when a large segment of society is opposed to them and that, on the contrary, severe prohibition can produce evils such as organized crime. If, in what we have said above, we have expressed some impatience with certain arguments for change in drug laws, we have equal impatience with opponents of change when they speak of "legalizing (or illegalizing) marijuana or heroin." Any drug is a mere physical object. It can be neither legal nor illegal. All that can be made illegal is human conduct. The appropriate question, therefore, is: What human conduct with respect to a given drug or narcotic should be illegal? With the question thus properly stated, one can begin to distinguish between types of conduct instead of making lump judgments.

Each type of drug or drug abuse must be examined on its own and handled on its own. To that end we now review the subjects of marijuana and of heroin. We shall not touch on other substances in this Report. We refrain from doing so for lack of time and study.

A. Marijuana [8]

This Committee does not condone or endorse the use of marijuana or any drug that may be mind-altering. On the contrary, we deplore that use and encourage searching for proper and successful ways to discourage it. But the assigned area of concern of this Committee is to determine what part criminal law should play in discouraging that use.

The starting point of that consideration ought to be a determination of what deleterious effects marijuana produces. No member of this Committee is persuaded that marijuana is not really injurious to the user or only mildly so. Rather, we simply find the whole voluminous literature unsatisfactory. Partisans on both sides are intemperate, untrustworthy and unreliable; the conclusions drawn by more temperate and sober writers from their data are unpersuasive.

On the one hand we know that the active ingredient in marijuana is the same as produces hashish, and that historically hashish has been considered an evil in the Oriental countries of its use. Despite the fact that defenders of marijuana often cite the findings of the Indian Hemp Commission of 1894, India today prohibits hashish. On the other hand, medical studies are cited, from the La Guardia Report of 1944 to a recent report of the United States Department of Health, Education and Welfare [9] and a more recent one by Dr. Lester Grinspoon.[10] The various reports become involved in quibbles about what constitutes "addiction;" the defenders of marijuana claim that it is not addictive because there are no physical withdrawal symptoms, their antagonists retorting that its use creates psychic dependence. One group asserts that the use of marijuana causes users to abandon motivation and to become socially indifferent; the rejoinder is that "present evidence does not permit the establishment of a causal relationship between marihuana and the amotivational syndrome." [11]

The antagonists of marijuana argue that its use leads to the use of harder drugs. The soberest reply is that it does not "necessarily" do so "directly," and that the fact that a high percentage of heroin addicts have used marijuana is a coincidence stemming from the character of the users.[12] While the evidence is that a large percentage of heroin users have used marijuana, the evidence does not show that a large percentage of marijuana users have turned to heroin. Advocates of change in the marijuana laws sometimes do concede that denizens of the drug sub-culture use a variety of drugs and, starting with marijuana, move on to others. But they argue, quite persuasively, that what throws the marijuana user into the drug sub-culture is the fact that its sale and use are made illegal, forcing the user to procure it from drug pushers and to use it in drug-oriented surroundings.

Neutral observations concede that psychotic episodes have followed use in high dosages and even use at levels of social usage "in particularly susceptible individuals." [13] Dr. Grinspoon has written: [14]

While there can be no question that the use of psychoactive drugs may be harmful to the social fabric, the harm resulting from the use of marihuana is of a far lower order of magnitude than the harm caused by abuse of narcotics, alcohol, and other drugs. Marihuana itself is not criminogenic; it does not lead to sexual debauchery; it is not addicting; there is no evidence that it leads to the use of narcotics. It does not, under ordinary circumstances, lead to psychoses, and there is no convincing evidence that it causes personality deterioration. Even with respect to automobile driving, although the use of any psychoactive drug must perforce be detrimental to this skill, there exists evidence that marihuana is less so than alcohol. Marihuana use, even over a considerable period of time, does not lead to malnutrition or to any known organic illness. There is no evidence that mortality rates are any higher among users than nonusers; in fact, relative to other psychoactive drugs, it is remarkably safe.

This hardly exonerates marijuana; comparison of marijuana with alcohol or other drugs, as we have suggested, an irrelevance. But, on the other hand, Dr. Grinspoon's statement adds up to no severe condemnation.

The Crime Committee concludes that it cannot return a verdict about marijuana of either "guilty" or "not guilty." We return a "Scotch verdict" on the present evidence; that is, the evils of marijuana use are *not proved*. With that verdict, what is the ques-

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tion to be answered? It is *not* whether marijuana should be used. Every member of the Crime Committee opposes its use. The question is something entirely different. The critical question is this: How far is the *criminal law* justified in imposing its criminal sanctions on a not proved verdict?

Bearing in mind that the physical object—marijuana—can be neither legal nor illegal and that only human conduct can be, the question must be separately asked relative (1) to minors and (2) to adults. And as respects adults, it must be separately asked of (a) use, (b) possession, (c) sale, and (d) commercial exploitation.

1. Sale of Marijuana to Minors and Possession by Minors:

The fifth principle stated in Chapter I of Part I of this Report on Non-Victim Crime is this:

Fifth principle: Society has an obligation to protect the young, and it may be appropriate for government to intervene by imposing criminal controls on adult relations with the young although controls on similar relations between adults would not accord with our other principles.

The doubts about the effect of marijuana compel us to recommend continued prohibition of sale to minors. An adult may be left free to take chances on his own condition, to play Russian roulette if he will with his own mind and character. By definition, a minor is not yet mature enough to reach sound judgments for himself, and doubt should be resolved for the minor's protection. With the trend toward reducing the age of majority to 18, the young will soon enough reach the age of choosing their own route. The law prohibits sale of alcoholic beverages to minors, although alcohol has long been with us; marijuana, a relative upstart, should fare no better. The prohibitions on use of marijuana by minors should parallel those with respect to alcohol.

2. Use of Marijuana by Adults:

The case as to adults is different. And it is different for several reasons.

First, as we have seen, the verdict on marijuana is a "Scotch verdict"—not proved. Certainly, on a not proved verdict, criminal law cannot impose its criminal sanctions on the user who is more a victim than he is a perpetrator of evil.

Opponents of change in the law argue that if the evidence is uncertain, the status quo should be maintained by leaving the law as it is. But those laws originated when legislators assumed that the dangers of marijuana were far worse than a dispassionate examination of the evidence now available warrants. If that evidence would not warrant enactment, now, of the highly restrictive laws presently on the books, it cannot justify their retention. In a free society there ought always to be a presumption against illegalizing conduct until evidence is produced to warrant criminalization.

In the second place, educators tell us that by casting the whole marijuana scene into a criminal underworld, minors are estranged from sound counselling. It is said that minors can more readily be deflected from use of marijuana if it is regulated and controlled as alcohol is.

Finally, our conclusions are fortified by the socially injurious consequences flowing from attempts to enforce the present statutes. We find, in the literature on the subject the following, which we are persuaded do exist.[15]

(1) Users of marijuana, mainly the young, perceive no rational distinction between the dangers of alcohol and cigarettes and those of marijuana. Consequently, "massive numbers of young people today regard the marijuana laws as one of the clearest examples of their elders' hypocrisy." And since numerous young persons have used marijuana, widespread disrespect for law and for law-making institutions has arisen. (The invalidity of the charge of hypocrisy would not alter the fact that the young people believe it.)

(2) By exaggerating the dangers believed by the young to be possessed by marijuana, the law degrades its educational effect with more dangerous drugs.

(3) Because the enforcement of marijuana laws requires the police to conduct searches of persons, homes and cars for small quantities, feelings of hostility toward the police are created.

(4) Possession of marijuana has come to be associated with several identifiable segments of society—those with long hair, juveniles and ethnic minorities. Enforcement ". . . contributes to the hostility of three groups that one might most wish to bring into the mainstream of our society: the alienated middle-class drug-user, the high school youth, and the inhabitants of our urban Negro and Spanish-American ghettos."[15a]

To this list may be added the fact that use of marijuana has made its way to some extent into the San Francisco middle-class business and professional communities. As was said in Part I of this Report:

"The law cannot outrun the public conscience—not simply the public conscience as professed from its pulpits and by its public figures, but the public conscience as demonstrated by how the public lives."

The soundness of our recommendation that the law cease criminalizing the use of marijuana or a visit to a place where it is used is fortified by the fact that the courts by and large have come to look with distaste on enforcing these laws. A defendant who pleads guilty in San Francisco to a misdemeanor charge for one of these violations is likely to receive a suspended sentence with a year's probation; and some judges will impose a $50 fine. In 1969 the courts disposed of the cases of 328 defendants who were originally charged with felony possession but whose charges were reduced to the misdemeanor "visiting"[16] Consequently, of the 702 felony cases pending in Superior Court in San Francisco on May 1, 1971, only 43 involved isolated charges of possession or sale of marijuana.[17] During the same year only one person convicted of a marijuana offense in San Francisco was sent to state prison, and over 75% were given straight probation.[18] In the entire state during 1969 only 1.7% of those convicted of felony possession of marijuana were sent to prison, and 56% were placed on straight probation without any jail time at all.[19]

One of the principles stated in Part I of this Report was that even where conduct may properly be condemned as criminal under other principles, "it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. There is a matter of priorities." That principle is particularly applicable to marijuana where it is dubious that *use* should be made criminal under any principle. Because possession of marijuana is still a crime, the police spend considerable time and energy on the matter. Then each case is handled by a Deputy District Attorney, and many cases are handled by the Public Defender's Office. As already noted, 15% of all cases in the Municipal Court deal with marijuana, and they consume the time of a judge, a court reporter and two bailiffs. Yet, in the end, most of those convicted are treated with more leniency than common drunks. The judicial system is recognizing that it has more important things to do than to spend time and resources on processing most defendants arrested for possessing marijuana.

Another perversion of priorities worked by the marijuana law is with respect to the work of the San Francisco Police Crime Laboratory. That agency is responsible for conducting various scientific tests—for the police and the District Attorney—ranging from blood types to tool mark identifications. Currently it employs a criminologist and three assistants.[20] According to charts prepared by the laboratory, each criminologist handled slightly more than 200 narcotic cases in 1960, but in 1969 this peaked at 1000 (nearly five times as many), declining slightly to about 900 in 1970. The total number of narcotic cases in the laboratory in 1960 was about 400; in 1970 it was over 3,900, an increase by a multiple of about 10. During the same period the number of criminologists increased from only two to four, and the laboratory estimates that 38% of its staff time is now devoted exclusively to marijuana analysis alone.

The number of many other scientific tests, normally associated with serious offenses, has decreased. A summary of crime laboratory cases for the years 1960, 1969 and 1970 is found in Appendix A to this Report, but we note the following here.

In 1960 the laboratory processed 106 casts (either plaster, moulage or silicone) but only eight casts in 1970. It performed 182 blood analyses in 1960 but only 85 in 1970. It made 170 tests for semen in 1960 and only 64 in 1970. It performed 19 microscopic examinations on hair and fibres in 1960 and only 5 in 1970.

The statistics for 1970 may be imprecise; an unknown number of tests may not be tabulated in the official report. Moreover, more criminal cases were disposed of on a plea bargain in 1970 than in 1960, and where a case is disposed of by a negotiated plea rather than trial, the crime laboratory may not have to perform tests. Nonetheless, the fact remains that the number of laboratory tests associated with serious offenses has declined during a period when offenses of the identical type reported to the police have more than doubled.[21] Criminologist Williams estimates that his staff would have to be doubled to do all that it should be doing. During the same period the "clearance rate" for serious crimes—murder, manslaughter, forcible rape, robbery, burglary, aggravated assault, larceny and auto theft—has declined by nearly a third to about 13% of all reported cases.[22]

The conclusion of the Crime Committee is that the *demonstrable* harm associated with marijuana does not justify the voracious demands on the resources of criminal justice made by the marijuana laws. The police, court system, and correctional resources are desperately needed to handle matters demonstrating greater harm to society. Add to these "economic" costs the social costs of the marijuana laws, and we have no doubt that the use of marijuana should be handled outside the criminal justice system.

Consequently, the Crime Committee recommends:

"Repeal the laws prohibiting the use by adults of marijuana and prohibiting adults from visiting a place where marijuana is used as now provided in the California Health & Safety Code Section 11556."

If and when medical evidence is developed that shifts the verdict from non-proved to guilty, this recommendation can be reconsidered.

3. Possession of Marijuana by Adults:

Thus far we have been speaking of use of marijuana and of visiting a place where it is used. We still must answer the question, what should be recommended about possession and sale.

The answer about possession is relatively easy. Possession of a "small" amount is probably for personal use and should be treated the same way as use, that is, it should not be made criminal. Possession of a "large" amount should be treated the same way as sale, since there is a reasonable inference that one who possessed a "large" amount will either sell it or give it away. A "large" amount

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is an amount more than sufficient for one person's use for several days, and, when and if it should be necessary to make the distinction, it may be left to testimony before a legislative committee to determine the dividing line.

4. Sale of Marijuana to Adults:

Curiously, writers who almost feverishly oppose the marijuana laws become uncertain of their ground when they turn to consider sale to adults. We encounter proposals for a system of government monopoly of sale or government licensing of a limited number of vendors. We are not impressed by the proposal. The sale of marijuana to adults can be regulated by laws on the general order of those regulating alcoholic beverages. We recommend simply that sale of marijuana to adults, within that kind of regulation, should not be subjected to criminal sanction unless and until medical evidence, by moving the verdict from "not proved" to "guilty," requires reconsideration.

We are impelled to this conclusion by two sets of considerations:

1. Government monopoly presupposes that the traffic is evil and therefore not to be left in private industry. But if the traffic be evil, organized society should not indulge in it.[20] Moreover, any system of licensing that is more selective or restrictive than our present system of alcoholic beverage control is fruitful for bribery and corruption.

2. The fourth principle set forth in Part I of this Report was:

"When government acts, it is not inevitably necessary that it do so by means of criminal process. * * * The methods of the criminal law may be ill suited, or there may be better ways of achieving an end, better ways to deter or rehabilitate than to arrest, charge with crime, prosecute, convict and sentence."

By criminalizing manufacture or sale of various drugs and narcotics, what the law hopes to accomplish is: (1) To deter the manufacture, or (2) to deter those who might use or experiment with the drugs or narcotics by stamping them with a stigma of dangerousness, or (3) to rehabilitate the offender.

Criminal law has not been spectacularly successful in achieving any of these goals. Where the evil is great, even modest success will justify the effort. Where the evil is dubious, that is no longer true. The lack of success in achieving its goals as respects marijuana seems inherent in the nature of the thing sought to be regulated. If the threat of criminal sanctions is to have any effect, there must be a real fear of arrest. But usable quantities of virtually every illegal drug or narcotic can be carried or secreted in a coat pocket, glove compartment, drawer or other hiding place, and ordinarily in a private residence. Police detection of the "crime" is extraordinarily difficult. The contrast with robbery, burglary, assault, rape, homicide or auto theft is striking, for in these offenses the offender must intrude upon others or accomplish his crime in a public place, with greater chances of identification, detection and arrest.

Of course, the deterrent effect of making conduct criminal depends only partly on the fear of arrest. Perhaps in greater degree it rests on the stigma of social disapproval or social warning of danger. By making the possession of certain drugs illegal, the law announces that their use will result in harm to the user. But this warning of dangerousness has not been taken seriously. To the extent that criminal laws declare that certain drugs are dangerous or harmful, they are widely disbelieved by a sizable segment of young people simply because these laws are handed down by the "establishment." Moreover, young people in their twenties and even into their thirties are the largest users of marijuana. Having used marijuana, innumerable young persons believe that they have discovered for themselves that the harms from the drug are not nearly so great as the law had claimed. Whether their judgment in this respect is sound is irrelevant. The relevant fact is that they believe it. Some even carry this belief into distrust of warnings about the harms resulting from hard drugs.

If the sale of marijuana were no longer criminal, the cost of acquiring it would decline, for it can grow almost anywhere. There would then be no incentive for purveyors to push it, unless it can be merchandised and exploited on a large scale just as cigarette manufacturers have exploited cigarettes and brewers have exploited beer with suggestions that the use of cigarettes or beer creates *virility* and allure.

5. Commercial Exploitation:

Advertising of marijuana should be prohibited. The very doubts which call for legalizing use call for prohibiting mass enticement to use. While no longer criminalizing use, society should continue efforts to educate against use; and those efforts would be out-matched by multimillion-dollar advertising budgets spent by the equivalent of the large cigarette companies. Were advertising permitted, any change toward prohibiting marijuana, if and when new evidence developed, would encounter the entrenchment of vested interests. Nicotine and alcohol have become vested. There is no reason to permit this to happen with marijuana.

The sale of marijuana should not become "merchandising." To that end interstate and foreign commerce in marijuana should also be prohibited, as a way of keeping the sale of the drug from becoming a large-scale operation. On the other hand, if importation into the state is prohibited, it seems evident that production of marijuana within the state must be permitted to avoid restoring the business to black market operation. Production for sale should be subjected to regulations paralleling those governing production of alcoholic beverages. Included in this type of regulation could be provisions fixing standards of potency, particularly maximal limits. Also included in this type of regulation could be stiff taxation, as in the case of alcoholic beverages. The tax should not be so stiff, as in the case of "hard" narcotics, as to drive the business underground into the hands of pushers and racketeers, but stiff enough to dampen demand and discourage idle experimentation.

More on whether criminalization should be retained as a deterrent

Some people who follow the chain of reasoning that has led us to our conclusions, admitting the truth of every link in the chain, balk at the end at the conclusion. They do so out of an uneasiness or tormenting fear that if criminalization is abandoned, many people will take to marijuana who do not use it now. Nobody knows the certain answer. Repealing prohibition of marijuana use might result in an increase of use for awhile by some people. Probably most of those who would turn to the weed would try it only once or twice as an experience but would soon drop it or use it only occasionally. A few might go on to frequent use. But, in order to appraise what injury to society would follow, we must consider once more the physiological aspects of marijuana use. Unlike heroin, use of marijuana is easily ended. The hard narcotics produce an irresistible "craving;" lack of the drug produces the tortures of "withdrawal;" continued use produces increasing "tolerance," so that more and more is needed to obtain the desired effect. One thing about marijuana that seems clear is that its use does none of these things. There are no withdrawal symptoms; there is no increasing tolerance; craving is psychological, as with cigarettes, not physiological. In short, if some spread of use should follow repeal of prohibitions, it is likely to be a transitory phenomenon, subject to reversal by education without the counterproductive effect of the policeman's billy club and the filthy jail.

Moreover, the fear that repeal will lead to a spread of use is, we think, more a subconscious reaction than a rationally held belief. Many who oppose repeal favor reduction of the penalties. Indeed, California has already moved in that direction and if California fails to move even further, it may well be left behind the march of events throughout the nation. If continued criminalization is justified as a deterrent, reduction of penalties will diminish the deterrence and leave the laws largely dead letter, resting in the books for use by police or prosecutor whenever it suits their purposes.

If one favors reduction of penalties, if he believes that smoking a half "joint" is no basis for being imprisoned, then he does not really think that the use of marijuana is a serious injury to society. Continued prohibition of use then becomes nothing more than an expression of moral condemnation. And moral condemnation is no basis for criminal law.

Among the seven basic principles enumerated in Chapter I of Part I of our Report on Non-Victim Crime was this:

Sixth principle: Criminal law cannot lag far behind a strong sense of public outrage. This is the other side of the coin from the first principle. Although criminal law cannot outrun the public conscience in condemning conduct, neither can it hold aloof entirely from a public sense of outrage. If the law suffers when it tries to do too much, it also suffers when it does not do what most people feel strongly that it ought to do. Because the sixth principle acts as a counterbalance to some of the others, it must be applied with great circumspection. Before applying it one must be certain that his personal sense of outrage—his personal morals—or that of his group is that of the public as a whole.

It appears to us that the opposition to change of the marijuana laws expressed by many responsible people is explicable only under a variation of this sixth principle. It is not so much a sense of outrage but a fear or terror of something unknown. The majority of the Committee is unable to see in the evidence any valid basis for that fear; the majority does not believe that unsupported fear is enough basis for keeping and trying to enforce laws that divide the generations so sharply.

Recapitulation

The sum of our recommendations concerning marijuana is as follows:

1. Repeal the laws prohibiting the use by adults of marijuana or forbidding adults from visiting a place where marijuana is used.
2. Repeal the laws prohibiting possession by adults.
3. Repeal the laws prohibiting sale of marijuana to adults and regulate sale to them by laws on the general order of those regulating alcoholic beverages.
4. Continue to prohibit sale to minors and possession by minors.
5. Prohibit any advertising of marijuana.
6. Prohibit the importation of marijuana into California (probably would require federal action).
7. Regulate the production of marijuana in California for sale by laws similar to those regulating the commercial production of alcoholic beverages.
8. Devise and expand a vigorous educational campaign about marijuana.

We do not propose that society discontinue efforts to deter people from using marijuana. Its use is probably not as deleterious as its most earnest detractors say, but certainly people would be better off without it. In an age when human wits are most needed, they should not be subjected to manipulation or alteration by drugs. We simply conclude that the criminal process is not the way to go about achieving the goal given the present

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Footnotes at end of article.

state of evidence. Indeed, removing the stigma of criminality may remove the attraction of the illicit and eliminate the impetus to use that comes from bravado.

Criminalization has failed; we suggest that society now try non-criminalization.

We have one more recommendation: Until such time as the laws on marijuana are changed, what should the authorities in San Francisco do about enforcing them? In the Chapter on basic principles we said:

"The following chapters of this Report will propose the repeal of certain laws. Obviously, the City of San Francisco has no power to repeal State or Federal statutes. But until such time as Congress or the State Legislature sees eye to eye with San Francisco, this City can choose what it will enforce, for its coffers pay the bills. It can choose its priorities. If it should decide that it is poor policy to 'bust' a small gambling game in the Fillmore, the police need not arrest and can preserve its manpower for more vital work. If an arrest is made, the District Attorney need not prosecute. However, lest there be misunderstanding, we emphasize two cautions. The first is that once a case reaches a court, no judge is free to ignore the law or make up his own rules. But matters need not reach the courts. Jurists have long recognized that a system of criminal law would break down were there no play in the hinges, points where the officers of justice can exercise discretion. Our second caution is that individual policemen cannot be let to decide what laws to enforce or when. What we say is that, pending repeal of legislation, all the agencies of justice, under strong central municipal leadership, can together lay down a policy to follow, open and above-board, and proudly declared to the State and Nation."

We recommend that course with respect to marijuana to the end of laying out a policy of action as close as is possible to what it would be under the kind of law we recommend.

At the risk of repetition but so that a hasty reader may not be misled, we conclude by saying: No responsible reader of this Report should take the Crime Committee's recommendations regarding marijuana to mean an endorsement of marijuana's use. On the contrary, we oppose its use by anyone, but we believe that our present criminal laws on the subject do more harm than good in forwarding that opposition.

FOOTNOTES

[1] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions, 1969*, p. 1.

[2] United States Department of Health, Education and Welfare, a Report to Congress: *Marihuana and Health*, Jan. 31, 1971, pp. 35–38.

[3] John Kaplan, *Marijuana, The New Prohibition*, World Publishing Co., 1970, p. 29.

[4] California Bureau of Criminal Statistics, *Crime and Arrests, Reference Tables, 1969*, Table II, p. 22; *Drug Arrests and Disposition in California*, Reference Tables 1969, Table IV, p. 9.

[5] This figure was computed by Mr. Bruce Johnson, a sociologist at the University of California at Berkeley, in connection with a study of felony release rates prepared for the Crime Committee in December, 1970. Mr. Johnson's source data consisted of Monthly Adult Felony Arrest Reports submitted by the San Francisco Police Department to the California Bureau of Criminal Statistics.

[6] See Sec. 17 Penal Code, as amended, Sec. 11530 H. & S. Code.

[7] Based on all cases filed in Municipal Court Departments 9 and 10, January 1, 1971–May 1, 1971.

[8] Because of correct pronunciation of this Mexican word, its spelling is sometimes anglicized as "marihuana," as in the Report of the U.S. Department of Health, Education and Welfare.

[9] U.S. Department of Health, Education and Welfare, *Marihuana and Health*, a Report from the Secretary to Congress, January 31, 1971.

[10] Lester Grinspoon, M.D., *Marijuana Reconsidered* (Harvard University Press, 1971).

[11] *H.E.W. Report*, p. 10.

[12] *Id.* at p. 16.

[13] *Id.* at p. 11.

[14] Grinspoon, pp. 25, 26.

[15] John Kaplan, "Marijuana" *supra*, note 3, contains a convenient portrayal of these consequences. While we do not agree with all of Professor Kaplan's book, there is much useful material in it.

[15a] Kaplan, *supra*, p. 42.

[16] San Francisco Police Department, *Annual Report, 1969*, p. 173. The common practice of reducing a charge of felony possession to "visiting a place," a misdemeanor, has since become infrequent, because state law was amended in 1969 to permit charging possession of marijuana as a misdemeanor. See Sec. 17 P.C.

[17] Source: List of Cases Pending, prepared by the San Francisco District Attorney's Office. In addition, there were 56 pending cases in which a marijuana charge was joined with other felonies.

[18] California Bureau of Criminal Statistics, *Felony Arrest Dispositions in San Francisco, 1969*, Table 2.

[19] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions in California: Reference Tables, 1969*, Table 33, p. 33.

[20] Between 9 and 11 police officers are also assigned to the laboratory's "mobile units," which travel to the scene of crimes and collect evidence.

[21] From 30,919 actual Part I offense in 1960 to 83,481 in 1970. San Francisco Police Department, *Annual Report*, for years indicated.

[22] *Id.* A case is "cleared" when the police believe that it is "solved," either by arrest, by the death of a known suspect, by a discovery that the reported crime did not, in fact, take place, etc.

[23] Addictive narcotic drugs pose a unique problem. Whether society should engage in the traffic of that peculiar evil is discussed later in this Report.

THE SCHOOL LUNCH CRISIS

Mr. TALMADGE. Mr. President, as chairman of the Committee on Agriculture and Forestry, I am calling a special executive session of the committee for 10 a.m. Wednesday, September 29, in order to come to grips with the crisis surrounding the school lunch program.

The committee will consider an emergency resolution which I submitted on September 20 to provide adequate financing for the Nation's school lunch program.

This resolution, Senate Joint Resolution 157, will require the Secretary of Agriculture to use money available in section 32 to provide a rate of reimbursement that will assure every needy school child in America a free or reduced price lunch.

On August 13 the Department of Agriculture issued to the Nation's schools a new set of regulations which will reduce significantly the amount of money many districts will receive.

These regulations were issued only a few days before many schools opened their doors, making it impossible for local money to be raised to supplement the Federal payment.

This set of circumstances insures that many children who last year received free or reduced price lunches will not receive them this year. It insures that many fine school lunch programs will have to be demolished, in direct contradiction to the law which Congress passed.

On September 2, I wrote to President Nixon, strongly protesting these new school lunch regulations. Later, 44 Members of the Senate signed another letter to the President objecting to the regulations.

I called a hearing of our committee on September 16, attempting to gather testimony from a representative group of witnesses—the people directly affected by the new school lunch regulations.

We heard from B. P. Taylor, superintendent of schools at San Diego, Tex. Mr. Taylor is doing an outstanding job of feeding the children of his school district, where 60 to 70 percent of his students come from families below the poverty line.

Mr. Taylor's dropout rate before the school lunch and school breakfast programs became a reality was in the realm of hundreds of students a year. The mere addition of decent meals reduced this to 12 students last year, and he was able to convince eight of the 12 students who left school to return.

This is a phenomenal accomplishment. And as we all know, the first step toward leading young people away from the cycle of poverty, to the point where they can become working, taxpaying citizens is through education.

Mr. Taylor testified that the new guidelines would affect his school district so severely that he will have to cut back on academic programs in order to carry on his nutrition program.

In addition to Mr. Taylor, the committee heard from representatives of two big-city school districts, Mr. Howard Briggs of the Detroit, Mich., public schools, and Dr. Eugene Sampter of the Buffalo, N.Y., schools.

Mr. Briggs was highly critical of the new school lunch regulations, and he testified that the rate of reimbursement was going to be extremely inadequate. At the end of the last school year, he said, the Detroit schools were being reimbursed at a total rate of 52 cents per meal. The new regulations would provide only 35 cents per meal. According to Mr. Briggs' testimony, the actual cost of a lunch is 55 cents.

That is a 20-cents-per-meal differential that someone must pay, and as the mayor of Detroit has testified on this Hill many times, that city is on the brink of economic collapse.

Dr. Eugene Sampter of the Buffalo schools told a similar story. He testified that Buffalo will be forced to suspend the feeding of needy children in the city some time during the coming winter if the rate of federal reimbursement is not increased.

Buffalo is not blessed with the same moderate weather as my State. Often in the winter, temperatures reach tens of degrees below zero, and the city is located in what is known as New York's snow belt. The prospect of the suspension of the school lunch program under such conditions is a grim one.

The final public witness who testified was Miss Josephine Martin, administrator of the school food service program in Georgia. Miss Martin is one of the leading authorities in the Nation on this problem.

She testified that at the end of the last school year, Georgia schools were reimbursed at a rate of 42 cents per meal. Under the new regulations, Georgia schools will receive less than 36 cents per meal.

Miss Martin also gave us an idea of what effect the new regulations would have on other schools in this country. According to a survey conducted by the American School Food Service Association, the nationwide deficit in school lunch funds would be between $150 and $180 million.

Finally, the committee heard from Richard E. Lyng, Assistant Secretary of Agriculture, who presented the USDA justification for the new regulations. Assistant Secretary Lyng presented an excellent statement attempting to show that the Department had devised regulations which provided the most equitable distribution of the available funds.

Several members of the committee questioned Assistant Secretary Lyng repeatedly about the amount of money that would be needed to carry out the mandate of the law. The Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Appropriations and author of the original school lunch legislation, was especially anxious to determine whether additional funding was needed. However, the committee could get no answer as to the amount of funds which would be required. I believe that the Senator from Florida (Mr. CHILES) summed up the feeling of the committee members when he declared that he was forced to vote in the dark in regard to the school lunch program. We have been told repeatedly by the administration that we have sufficient funds for an adequate school lunch program. We appropriated more than the administration requested, and then suddenly we are faced with a money crisis.

The Senator from Alabama (Mr. ALLEN) attempted to find out whether the administration would spend additional funds to provide free meals to needy children if Congress appropriated it. Again, we received no answer.

Although the congressional appropriations for school lunches for fiscal 1972 is $615.2 million—$33.8 million more than was requested by the administration—it is apparent that these funds are not sufficient.

We have no indication that the White House will request additional funding in a supplemental appropriation and we don't know whether the money would be spent if appropriated.

Therefore, the resolution I submitted on September 20 would require the Secretary of Agriculture to use funds made available by section 32 of the Agriculture Act of 1935 to provide a rate of reimbursement that makes certain these children are fed. Under the resolution. the Secretary would be required to use this money until Congress has an opportunity to act on a supplemental appropriations bill.

Mr. President, at the conclusion of the hearings on September 16, I stated that I did not feel that Congress would stand idle while schoolchildren go hungry. I suggested that the USDA convene its advisory committee, the National Advisory Council on Child Nutrition, and reevaluate its regulations.

I understand that my recommendation has not been followed. I have received no indication that the administration is considering a change in the regulations, despite the fact that many school districts are in desperate trouble.

Therefore Congress must act quickly. A failure to approve this emergency legislation will mean that the progress made in the school lunch program during the last school year will be lost. More important, it will mean that schoolchildren will go hungry.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 157, a copy of a press release I issued on September 20, and copies of the statements presented to the Committee on Agriculture and Forestry on September 16 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S.J. RES. 157

Joint Resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act

Whereas it appears that under the proposed apportionment of funds available for special assistance under section 11 of the National School Lunch Act for the fiscal year ending June 30, 1972 (including funds appropriated by section 32 of the Act of August 24, 1935, and made available for that purpose), only six States will receive more than 30 cents in such assistance per free or reduced price lunch; and

Whereas it appears that this amount per lunch is not adequate to enable States and schools to continue to participate in the school lunch program and to achieve the objectives of the National School Lunch Act, particularly that of providing a free or reduced price lunch to every needy child: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as may be necessary, in addition to the funds now available therefor, to carry out the purposes of section 11 of the National School Lunch Act and provide a rate of reimbursement which will assure every needy child of free or reduced price lunches during the fiscal year ending June 30, 1972. In determining the amount of funds needed and the requirements of the various States therefor, the Secretary shall consult with the National Advisory Council on Child Nutrition and interested parties. Funds expended under the foregoing provisions of this resolution shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 11 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

STATEMENT OF B. P. TAYLOR, SUPERINTENDENT OF SCHOOLS, SAN DIEGO INDEPENDENT SCHOOL DISTRICT, SAN DIEGO, TEX.

Chairman and Members of Committee: My name is Bryan P. Taylor. I am superintendent of San Diego Independent School District in San Diego, Texas. I have been superintendent in San Diego for some thirteen years San Diego is located in deep southwest Texas. Our school district consists of some 400 sq. miles; 1700 students of which some ninety-nine per-cent (99%) are of Latin American descent.

We are a poor school district from the standpoint of taxable property. Some sixty to seventy per-cent of the students come from families that have income of less than the poverty guidelines and consequently will qualify under the guidelines set forth by the U.S. Department of Agriculture These students, of course, qualify for free meals.

We have been participating in the National School Lunch Program for many years and I think, the records will show that we have gladly participated in this program knowing full well that it is a good one. When it was possible to serve breakfast under this program, we were among the first to serve, not just breakfast consisting of dry cereal, toast, and milk, but a breakfast consisting of bacon, eggs, hot cereal, homemade bread, fruit juice, and milk. For the past eighteen months we have been serving three meals a day to our children. I think that we are probably the only school district in the nation doing this. Part of the money for the third meal comes from the Vanic Act which is administered by the U.S. Department of Agriculture. I am sure that the San Diego Independent School District is unique in that we sincerely believe that hungry children should be fed, and that the proper meeting place for the hungry child and good wholesome food is the public school cafeteria.

For many years I have been a supporter of the National School Lunch Program. All school people strongly believe that food is certainly an important factor in a child's ability to learn. No one will deny that a hungry child cannot be taught. Only a child that receives plenty of food and nourishment can be educated to his or her utmost. I have made the foregoing statement to show the Committee what we have been doing and are doing in the realm of food services for our students. Our services reach much further than just food. The food program is an important part of our educational system. It is not enough to try to feed and educate the needy child. We must feed the hungry child and educate him. Support in the past has been coming from the U.S. Department of Agriculture and Title I allotments. These funds were never enough, but some schools, for some reason, did not recognize that they had the obligation of feeding the needy students.

Our school district and many more public schools will lose more money than ever before by giving food services. The U.S. Department of Agriculture mandated all public schools to feed hungry children. This I completely agree with. I don't think that anyone has the right to deny a child food. But to tell a school district this and then not furnish money for this service is almost asking for an impossible task to be performed, especially if the schools are not in full agreement with the program in the beginning. I think that the U.S. Department of Agriculture should assure the school districts that its meal cost will be reimbursed. With the help of Title I money, the U.S. Department of Agriculture, and the Vanic Act, we, at San Diego Independent School District, have been contributing some $30,000.00 to $40,000.00 a year to our food services.

However, without the Title I money, as the administrators of the Elementary & Secondary Act have said that this money should not be used to purchase complete lunches, and with a reimbursement rate of only 30¢ plus 5¢ from the National School Lunch Program (35¢ total), we will look at an even larger deficit. In addition to this, Mr. Hicks, State Lunch Program Director, informs me that no additional schools wanting to participate in the Breakfast Program can be added at this time. He also informed me that at the rate we are going, we will run out of money for breakfast sometime in March or April which means that there will be no reimbursement for breakfast these months. A food program has a direct relationship to a child's learning ability. This is the reason we, at San Diego Independent School District, serve three meals a day for twelve months.

In the local level school districts cannot and will not afford expenses for meals. I have talked to many school superintendents in the State of Texas and the story is the same. We cannot afford this program. Everything is going up in price and people in general are so conscious of taxation. We, at San Diego Independent School District, like all school districts, are dedicated to the cause of education, but we also know that without good nutrition and good health, a child cannot achieve academic goals. It seems that the new regulation set down by the U.S. Department of Agriculture not only hurts schools that want to be included in the lunch program for the first time but punishes the schools, like ours, who have been doing the right thing for many years. I hope that some part of the above statement will clarify just what is happening on the local level in our public schools.

We have more schools participating in the lunch program today than we have had before. But, unless the federal government gives strong and financial support to this program, the local school district cannot afford to continue with what has been right for twenty-five years, and I should think that the federal government should be pleased and honored to participate fully in this kind of a program.

Statement of Claude D. Clapp, Deputy Superintendent of Schools, Buffalo, N.Y.

At the outset, let me make clear our support, not only of the free lunch program but also of a more comprehensive program of proper nutrition and nutrition education for all school children. Consistent with this goal, our Superintendent, Dr. Joseph Manch, has gone on record as favoring the expansion of the free lunch program to include all of the children in the Buffalo Public Schools.

It is no longer either fashionable or reasonable to suggest that a free public school education should be provided only to those who are economically disadvantaged. You will recall that as recently as the middle of the last century free public education was available only to the indigent, others had to pay. The need for education is found at all levels of society. In view of its direct and indirect educational value, therefore, the feasibility of a universal free lunch program merits serious consideration.

However, to date we have only been able to undertake a free lunch program for children of the needy.

The Buffalo Public School System is the second largest in New York State. Nearly half of our pupils participate in the National School Lunch Program and we are grateful to the Administration and to the Congress for the support this program has received over the years. Almost 75 percent of the pupils participating in the National School Lunch Program receive free lunches daily, which figure suggests that we are operating one of the most extensive free lunch programs of any large city in the nation.

Institutions magazine has reported that the Buffalo School Food Service Department is the seventh fastest growing food service organization in the world. This is true because our free lunch program which served 1,700 pupils daily in February 1970 was serving more than 23,000 needy pupils daily less than a year later.

Every needy child in every public school in the City of Buffalo was served a free hot lunch each day last year. By needy, I mean those children who qualified because they are members of families whose income and size meet the criteria used to determine economic need.

The question may well be asked how were we able to gear up to such a huge feeding program in such a short time. The answers are:

1. Our Superintendent and Board of Education expected it.
2. We have an outstanding staff.
3. Buffalo was one of the first districts to use a commercial vendor to deliver hot prepackaged Type A lunches to schools.

We had to do the latter because 55 of our 99 schools do not have cafeteria facilities. Even if we had the funds to construct the facilities, which we did not, we could not afford the time construction would have taken. I am proud to be able to say that we were able to expand our free lunch program as I have described without any sacrifice of the high standards our school food service programs have always maintained. Evidence that this is so can be found in the fact that the Buffalo Public Schools free lunch program has received public praise from community groups and from elected public officials.

As of course you recognize, the increase in the number of pupils served by the free lunch program is accompanied by an increase in the cost of that program. Therein lies the last major and still unresolved problem we in Buffalo face in attempts to provide this important educational and health service to needy boys and girls.

That is why I am here this morning to acquaint you gentlemen with the problems we face if we are to continue to give free school lunches to those children whose parents can not afford to buy them. I am here to ask that the Congress and the Administration take whatever action is necessary to secure full federal funding of the free lunch program. Specifically, I am asking that local school districts receive a sixty cents reimbursement for each meal given to a needy child.

Let me tell you some of the fiscal facts of life about the Buffalo Public Schools and how they affect our ability to operate a free lunch program and why we need a sixty cents reimbursement.

Our Board of Education is fiscally dependent upon the Mayor and the Common Council. The Board does not have the power to go directly to the taxpayers of its district for the funds to operate its schools as do all but five of more than 700 school districts in New York State. We must rely on an appropriation from the municipal government. We asked the City of Buffalo for $89.3 million for the operation and maintenance of our schools in 1971–72. We have received appropriations of less than $75 million, which amount is not enough to enable the Board to continue the programs and services it provided last year and to meet its mandate increases and to carry out its contractual obligations. As a matter of fact, the Board of Education's inability to fund all of the provisions in its contract with its teacher organization has resulted in that organization lodging a complaint alleging unfair labor practices. That complaint is being adjudicated at the present time.

As chief fiscal officer for the Board of Education, I have advised it that the school foods program faces an operating deficit of almost $700,000 in the current year. This deficit arises from the fact that while it costs the Board of Education approximately 68 cents to put a hot free lunch before a needy child, our revenue for that lunch totals only 39 cents, 35 cents of which represents federal support and the remaining 4 cents a contribution by the State of New York.

In spite of the fact that the Buffalo Public Schools began the fiscal year some $14 million short of the funds requested, a shortage which required a reduction in teaching, administrative and non-instructional staffs, a shortage which required that the Board make decisions which resulted in unfair labor practices being lodged against it, the Board nevertheless reaffirmed its commitment to the free lunch program by allocating $265,000 of its own funds to that effort. It is recognized that $265,000 is only sufficient to permit the program to operate about a third of the school year. It is the Board of Education's hope and my own that before these funds are exhausted, you the Congress will have taken the necessary action to make additional funds available. Certainly nothing could be more tragic than for the Board of Education to be forced to discontinue providing hot free meals to needy children this winter and I think Buffalo's winters are well enough known that it is not necessary for me to characterize them here this morning.

Gentlemen, I do not want to end my statement with a maudlin, sentimental appeal, but it is a fact that the future of the free lunch program in Buffalo rests with you.

Statement of Josephine Martin

Mr. Chairman, Members of the Committee: My name is Josephine Martin, and I am the Administrator of the School Food Service Program in Georgia. I am here today because of my concern for the school children in my state and for all the school children in the Nation. I believe their nutritional well being is going to be harmed if the USDA adopts the amendments to the regulations which they have proposed as mandates under which we in the states must administer and operate the National School Lunch Program.

I welcome the opportunity to describe in detail how these regulations will adversely affect the school lunch program in Georgia. These proposed rules have been described as a "breakthrough" in program funding. I would describe these proposals rather as a "breakdown" in Federal assistance to the states in the programs to end hunger and malnutrition in America's school rooms.

The USDA insists its proposals will place a floor of 35 cents under the amount each state can expect to be reimbursed by the Federal government for each free and reduced price lunch served to needy children. Last week, for example, Assistant Secretary Richard Lyng said the USDA proposals "guarantee each state that, no matter how much it expanded its program, it could be assured that it would be able to maintain a statewide average rate of 5 cents under Section 4 and a statewide average rate of 30 cents under Section 11."

I intend to show you that this pledge may not be carried out under the proposed regulations because of conflicts in the regulations. The USDA claims the regulations will insure the school lunch program is being expanded and improved to reach more needy children, but I will show you how the regulations will make it more difficult for the states to achieve that goal; and, at the same time, I will show you how the regulations have the effect of rewriting portions of PL 91–248 which the Congress enacted last year and also the formula for general cash for food assistance (Section 4). The USDA has sought to emphasize the need for a "high degree of management integrity," as Secretary Lyng told us last month at the Annual Convention of the American School Food Service Association. He said the department would show "proper concern and demand proper responsibility for prudent decisions and for good management." I will describe for you how the USDA's own actions fall short of this rhetoric, and, in fact, create an environment in which the states are unable to carry out this laudable goal .

Let me emphasize that our disagreement with the USDA is not over the goals which the words portray; rather, it is with the actions the department proposes to take to help us carry out those goals.

I am a State Director, responsible for the Child Nutrition Programs which are operated in 99 percent of the public and private schools in Georgia. School administrators, school food service directors in each school district, and the State Department of Education together are the operating and administrative personnel who will determine the success or failure of the National School Lunch Program and in fact all the Child Nutrition Programs.

In the nature of the Federal system of government we practice, sometimes I wonder if the Federal level is aware of or responsive to needs of the state and local levels where the problems are and the action is. There are no hungry children in this committee room, nor on the floor of the Senate or the House. There are no hungry children in the office of the Secretary of Agriculture, nor in my office in Atlanta. The hungry children are in the schools where nutrition programs must be operated to feed them.

Now, the Congress has said that all needy children shall be fed; and President Nixon has said that all needy children shall be fed—he promised it would be done by last Thanksgiving. I along with the other 50 school lunch directors, and all school district food service personnel want to do this. We want to see that every child is fed because we believe a hungry child cannot learn.

We recognize that if this job is going to be done—if the rhetoric is to become a tangible reality—then school food service personnel will be the persons who do it. If we don't, we ask who will? However, we cannot convert promises into food, we can only convert resources into better nutrition.

Thus, I and the other state school food service directors were dismayed when the USDA last March told the Congress that the states could achieve an expansion in the school lunch program during 1972 with no more funding than in 1971. Charts No. 1 and 2 indicate the level of Federal assistance to Georgia for the Fiscal Years 1970, 1971 and 1972, and the pupil participation in those years. Is it any wonder that state directors are alarmed over the proposed funding pattern? Chart 1 reflects an increase of $10,400,000 in 1971 over 1970 and tentative allocations for 1972 reflect $4.5 million decrease in apportionment. Chart 2 reflects an increase of 12,000,000 free and reduced lunches in 1971, and with full implementation of PL 91–248, we project 63.8 million free and reduced lunches in 1972. But how will we, can we ever reach that goal with only 35 cents per meal, and with no assurance of even 35 cents per meal? It was clear to the state directors and American School Food Service Association in March, that a national program to serve lunches to all needy children could not succeed if the Federal Government limited its contribution to a maximum of 35 cents for every lunch served. USDA gave authority in March, 1971 that permitted us to pay up to 42 cents per meal by using Section 32 funds. In Georgia, for example, a school lunch cost 44 cents, on the average last year; and the cost will be higher this year by at least 5 percent. The Georgia General Assembly appropriated $3.2 million for school lunch program for this year or about three times as much as the Congress requires under the state matching provision. As Georgia is a large state, the state funds will provide only 2 cents per lunch.

Thus, with 35 cents from the USDA and 2 cents from state funds, the cost of a lunch will be about 7 cents higher than we supposedly can pay, on the average. If we serve all the needy children we can reach in Georgia, then we must operate the program at a $6 million deficit. We could try, I suppose, to get the local school boards to assume these costs. However, their budgets are set, and revenues are down. Title I and OEO monies are gone. The result then will be that many schools and possibly entire school districts will simply drop out of the National School Lunch Program. We have heard that several school districts in Connecticut will not have lunch programs in 1971–72 because of deficits, and at least two low income schools in Lincoln, Nebraska have cancelled plans for school lunch programs. School operating costs already are high, and communities do not have additional tax dollars available to pick up these program costs. Georgia figures have been used as an example to describe the problem. This multiplied fifty times presents the national problem. A survey conducted by the American School Food Service Association is summarized in the summary report which is attached. This report shows the amount of projected deficit by each state and certain school districts within these states. The national average cost of producing a meal excluding USDA foods in 1970–71 was 52.6 cents per meal. The projected deficit for 1971–72 for all the states based on the survey by American School Food Service Association is $187 million. It would be a shame if national policy and national rhetoric were to combine in such a way as to deny better nutrition to all children.

We, however, have not been able to get to these arguments in a meaningful way with the USDA, and therefore to the Congress, because we first must contend with the fact that the 35 cents floor which the USDA promises is a fiscal mirage.

The USDA regulations, as opposed to the USDA claims will actually require me to set an average reimbursement rate of about 15 cents from USDA funds for meals served to needy children, or about 20 cents less than Secretary Lyng told the Congress I will receive.

I will be required to take the funds allocated to Georgia for helping needy children and determine the amount I can pay local schools by this formula: Divide the dollar amount (which is $9.7 million) by the number of free or reduced price lunches I plan to serve this year. (Some 63.8 million).

Under this formula the USDA appears to be proposing a limit on the reimbursement rate in Georgia to 15 cents a lunch for needy children. I say appears because elsewhere in the regulations the USDA is proposing to reimburse the states at 30 cents for each lunch served to needy children after a minimum number (or base) of free or reduced price lunches has been reached.

(I apologize to the committee if what I am saying is confusing. It is not me, but the language of the regulations as proposed. We have asked the USDA to clarify what appears to be a contradiction, and to omit the cumbersome bases, but nothing as yet has been forthcoming.)

As of today, I can only assume that I would be able to reimburse local schools only 15 cents for each free and reduced lunch; and perhaps, after a time, when we have reached a trigger point, I could raise the payment to 30 cents for each lunch served to a needy child. The harsh truth, however, is that unless I can reimburse local districts at least 40 cents for a free or reduced price lunch, from the start to the finish of the school year, then I may not have to worry about trigger points, base figures or anything else the department may devise.

Now the USDA will say that I can give individual schools more than 30 cents if that is necessary to insure the needy child is fed in a particular school. That is all well and good, except I must do it within an average reimbursement rate (which means I must do it within cumbersome guidelines which reward poor management and promote unsound business practices.)

Higher reimbursements are allowed only where a lunch program is costing a school more than is typical of the state as a whole, and where the operating costs would exceed its lunch program revenues, and where remedial action will not eliminate a deficit. This regulation only makes it harder, if not impossible, for me to respond to the many varying conditions and situations I can expect to find within the 219 school districts in Georgia.

This is an example of how the proposed rules will restrict the program. Let me cite other examples of where the regulations proposed by the USDA will actually deny authority to the states which the Congress extended to them.

Last year, Kentucky for example, spent one and one-half million dollars from Section 32 funds on the school breakfast program, as the state was allocated only $317,262 from breakfast funds. The only reason Kentucky could expand its program to 500 schools as it did was by the transfer of funds from other child nutrition program activities. Unless the transfer authority is extended, Kentucky breakfast programs will collapse by late September. The Congress authorized the transfer authority in PL 91–248 as a way to give the states increased flexibility in the management of funds; as a way for the states to determine greatest needs of their state.

Overall, the states last year spent $20 million on the breakfast program, even though the appropriation from the Congress was $15 million. This indicates, I believe the wisdom of permitting the state to adjust programs to local needs.

This authority will no longer be available to the states, however, not because the Congress has repealed any authority, but because the USDA has directed that states will earn Section 32 funds only for free or reduced lunches served, and has made no provision for transfer of funds from any programs. In reality, this is a double blow. On the first of this month the USDA informed the states that breakfast program funds would be restricted to $18.5 million, even though the Congress had appropriated $25 million. With another $3 million carryover from Fiscal Year 1971, the USDA actually has $28 million available for breakfast, or over $10 million more than the department now proposed to spend. In effect, the breakfast program will be sharply cut back in order to fit into the smaller spending level set by the USDA.

The regulations also propose to rewrite the legislative policy another way. Last year the states spent nearly $38 million to modernize old kitchens and equip new cafeteria facilities, even though the Congress appropriated only $16 million directly. The Congress authorized $38 million, however, the department only asked for $16 million. The difference was made up with the transfer authority.

The department, in addition to cutting off the transfer power, has proposed that half of the $16 million available for non-food assistance (equipment) be spent after March 1 unless spent in schools without facilities. Permission for states to spend those funds in schools with facilities even after March 1 negates legislative intent that half the non-food assistance funds would be used exclusively to expand programs to schools without facilities in schools, regardless of the meager nature of those facilities. Meagerness or adequacy are not considered in allocating half the funds. Yet, the regulations favor the states that have more schools without facilities by permitting intended funds for those schools to be used in schools with facilities.

The effect of this regulation also will delay or postpone expenditures of non-food assistance funds, thereby resulting in unexpended funds at the close of the year.

The regulation proposes to rewrite legislative policy in still another way.

The budget request for 1972 contained the same amount for Section 4 purposes appropriated in 1971 when the program growth by USDA figures would require an additional $18,000,000 to provide a 5 cents average. The Department now proposes to use a portion of Section 32 money to make up this difference. The Department also proposes to guarantee 5 cents to all states including those that earned less by the formula. The Department proposes to do this at the expense of 37 states that had earned more than 5 cents. By using Section 32 funds to supplement Section 4, less Section 32 money will be available for special cash assistance for free lunches in all states.

We have requested a 5 cents floor for all states since the early 60's, so we are pleased that the Department has recognized that need. We wonder if it is within the prerogative of the Department to provide a regulation that has the effect of changing the formula for earning funds in the National School Lunch Act. The goal of cents would have been achieved had additional Section 4 funds been requested by the Department in the budget request.

For longer than I care to remember, each school year has begun with uncertainties regarding the amount of financial support the Federal government would provide, and worried that when we were told it would not be sufficient to our needs. With the new law last year, we accepted with reluctance the obstructions as growing problems.

This year, however, was expected to be different! The Congress completed action on the appropriations for the child feeding programs as the fiscal year was beginning, more than two months before school was to begin; the Congress provided authority for the Secretary of Agriculture to spend $100 million from Section 32 (in addition to the increased amounts in the child nutrition appropriations) for school lunch. And, further, the Secretary announced in June the national eligibility standards for children who are eligible to receive free and reduced price lunches.

It was a heady period where many of us felt that, for the first time, we could really show what the states could do with meaningful Federal support. That sense of hope is rapidly disappearing, and the 1971–72 school year is beginning to parallel the confusion and disorganization which characterized the start of the school year in 1970–71.

We managed to overcome the shaky start a year ago, and carried the school lunch program to a record level of service to needy children, and to all school children. Rather than start from that plateau, it appears that the school lunch program is headed in the wrong direction.

If the proposed regulations are to become the policy for the school lunch program this year, then it will mean that:

The level of funding to the states will not sustain the school lunch and breakfast program operating in April and May, 1971 nor the objectives contained in the State plans of operation;

The lack of transfer authority will strip the states of the flexibility needed to strengthen the child nutrition program by adjusting it to the individual needs of the states;

The efforts to restrict the funding availability will create unworkable and undesirable administrative procedures;

The intent of PL 91–248 and PL 92–32 cannot be fulfilled.

Mr. Chairman, school food service people are committed to fulfill the intent of PL 91–248; school food service people are responsible for administering the program at state and local levels. Reasonable regulations and adequate funding are two prerequisites to implement Child Nutrition Programs in accordance with congressional intent.

The specific comments relating to proposed regulations prepared for American School Food Service Association by an ad hoc committee of state directors and major city directors were transmitted to Mr. Herbert Rorex in accordance with instructions. However, I wish to summarize the recommendations which American School Food Service Association believes necessary if we are to fulfill the commitment;

(1) Increase level of apportionment to states for Section 11 and Section 32 funds for free and reduced meals to a minimum of 40 cents per meal.

(2) Eliminate concept of establishing a base for paid and free lunches.

(3) Provide for transfer of funds between sources within the state to permit individual states the flexibility and autonomy to determine the priorities for funding within states.

(4) Rewrite criteria for states to use in determining eligibility for rates in excess of 30¢ per meal to simplify and permit higher rates wherever needed.

(5) Rewrite regulations on non-food assistance that will permit use of funds, and regulations that will use funds in accordance with congressional intent.

Finally, I wish to thank you for this opportunity to have dialogue with USDA pertaining to the needs of Child Nutrition Programs, and make one final recommendation that USDA be urged:

(1) To involve program administration (CSSO, SD, FSD) in identifying needs (funding and procedural);

(2) To present realistic budget proposals which reflect opportunities for growth and expansion; and

(3) To issue regulations by May 1 which are expected to be effective the following school year.

Many additional children received improved nutrition in 1970–71 in spite of difficulties encountered in late funding, restrictive regulations, and uncertainties in fund utilization. The history of school food service success has been built on cooperation, meaningful dialogue, and uniformity of purpose. We the school food service practitioners, earnestly seek to put an end to hunger in American school rooms for all children, and we know that such a goal will only be achieved through cooperation, uniformity of purpose, and dedication to the American School Food Service Association theme, "Always the Child First."

I would hope that this committee can prevail upon the Secretary of Agriculture to suspend any further action of the proposed regulations, and to assure the states and school districts that a level of funding will be available (even if it means asking for more money) to continue the progress we have begun to make in child nutrition programs. I would hope that this committee would insist that the Department establish reasonable regulations that reflect knowledge of the problems involved in food service administration at state and local level.

Our concern is "Always the Child First." Will you ask the Department to place a high priority on the future of our country—its children?

In behalf of American School Food Service Association, I thank you for holding this hearing to focus attention on the dilemma faced by school food service personnel. I thank you for the privilege of appearing here today.

SUMMARY REPORT, FREE AND REDUCED PRICE LUNCH PROGRAM, FISCAL YEAR 1971–72

State or school district	No. type A lunches served 1970–71 (free or reduced)	No. type A lunches to be served 1971–72 (free or reduced)	Anticipated loss in 1971–72 at 35 cents
Alabama	35,789,305	40,000,000	$5,250,000.00
Birmingham	2,606,563	2,668,812	373,633.68
Alaska: Anchorage	234,000	277,200	85,100.00
Arizona	7,434,448	10,000,000	1,476,159.00
Phoenix (Isaac District No. 5)	52,220	75,000	8,775.00
Phoenix	42,220	50,000	17,700.00
Tucson	930,889	1,000,000	150,000.00
Arkansas	18,873,010	22,703,962	987,622.00
California	89,000,000	133,500,000	9,000,000.00
Oakland	3,455,540	4,000,000	724,000.00
Sacramento	1,285,411	1,542,493	116,927.34
Palm Springs	43,246	57,000	11,400.00
Colorado	8,560,387	11,000,000	550,000.00
Littleton	26,435	31,000	29,450.00
Denver	3,094,057	3,500,000	(?)
Connecticut	4,829,218	5,312,139	700,000.00
East Haven	71,282	72,000	22,320.00
Delaware	1,724,159	2,500.000	(1)
Florida	36,674,477	43,067,674	6,916,668.00
Miami	5,370,196	5,859,180	412,858.00
Broward County	2,658,354	3,000,000	222,300.00
Bay County	418,890	564,256	67,710.00
Baker County	100,897	101,197	13,356.00
Hillsborough County	3,660,067	4,323,600	367,586.00
Palm Beach County	2,543,286	3,000,000	150,000.00
Georgia	44,298,239	63,859,511	6,002,794.00
Columbus (Muscogee County Southern District)	1,050,517	1,075,517	75,286.19
Atlanta	7,005,696	7,461,066	500,000.00
De Kalb County	756,851	800,000	80,000.00
Macon	1,311,486	1,861,569	186,156.90
Hawaii	1,945,713	2,288,000	$457,600.00
Idaho: Jerome	35,688	40,000	1,600.00
Illinois	47,255,707	52,272,000	16,000,000.00
Chicago (archdiocese of)	1,374,559	1,700,000	?
Indiana	9,832,652	27,068,940	5,251,104.00
Indianapolis	1,915,468	2,563,730	307,647.60
Iowa	6,783,989	9,900,000	352,440.00
Ames	18,941	20,000	3,500.00
Kansas	4,766,830	6,595,865	659,586.50
Shawnee Mission	90,727	95,200	20,000.00
Dodge City	76,188	77,688	8,500,000.00
Wichita	648,000	1,000,000	(?)
Kentucky:			
Todd County	78,081	93,690	12,179.70
Louisiana	37,346,845	48,600,000	0
New Orleans	72,000	77,000	0
Maine	4,677,677	6,630,000	1,326,000.00
Maryland	14,533,800	15,987,180	3,996,795.00
Montgomery County	475,238	1,110,000	388,500.00
Baltimore County	327,162	500,000	100,000.00
Massachusetts	11,677,391	16,200,000	3,240,000.00
Boston	988,027	3,554,040	248,783.00
Michigan:			
Detroit	5,800,657	7,000,000	1,400,000.00
Levonia	32,585	[2] 6,800	[2] 1,402.14
Midland	44,100	50,000	6,500.00
Minnesota	13,563,160	14,919,476	2,154,000.00
Minneapolis	2,683,045	3,000,000	750,000.00
Crosby	36,058	50,000	6,500.00
St. Louis County	159,709	165,000	21,450.00

Footnotes at end of table.

State or school district	No. type A lunches served 1970–71 (free or reduced)	No. type A lunches to be served 1971–72 (free or reduced)	Anticipated loss in 1971–72 at 35 cents
Mississippi	34, 715, 547	38, 187, 101	$1, 140, 000. 00
Greenodle	709, 885	735, 000	30, 000. 00
Missouri	15, 449, 143	20, 000, 000	4, 000, 000. 00
St. Louis	3, 500, 000	6, 000, 000	750, 000. 00
Kansas City	2, 114, 997	2, 326, 496	465, 299. 20
Hazelwood School District	10, 648	10, 648	44, 000. 00
Kirkwood	10, 982	12, 000	2, 400. 00
Montana	1, 573, 014	1, 844, 460	?
Great Falls	170, 404	200, 000	60, 000. 00
Nebraska	5, 166, 556	6, 202, 800	496, 224. 00
Omaha	1, 602, 318	2, 052, 300	420, 000. 00
Nevada			
Las Vegas	479, 935	749, 835	64, 485. 00
New Hampshire	1, 907, 254	2, 155, 187	215, 518. 70
New Jersey	17, 154, 000	24, 300, 000	8, 019, 000. 00
Patterson	522, 381	525, 341	?
Newark	5, 495, 241	64, 000, 000	1, 936, 000. 00
Elizabeth	738, 717	838, 323	159, 281. 37
New Mexico	11, 187, 023	12, 000, 000	1, 200, 000. 00
Albuquerque	2, 151, 923	2, 582, 308	82, 375. 63
Gallup	1, 230, 312	1, 275, 000	185, 000. 00
Sante Fe	500, 686	756, 000	604, 800. 00
New York	95, 000, 000	110, 000, 000	?
Sweet Home Central Southern District	7, 000	12, 000	3, 600. 00
Buffalo	4, 082, 758	3, 750, 000	950, 000. 00
North Carolina	44, 229, 463	48, 652, 409	3, 259, 711. 00
Winston-Salem	1, 096, 757	1, 276, 757	293, 654. 00
North Dakota	2, 286, 001	2, 500, 000	?
Ohio	24, 419, 524	26, 500, 000	5, 565, 000. 00
Cleveland	3, 388, 359	5, 312, 199	1, 965, 513. 63
Lima	201, 304	215, 000	55, 000. 00
Columbus	1, 327, 691	1, 600, 000	320, 000. 00
Cincinnati	2, 866, 733	3, 000, 000	210, 000. 00
Akron	1, 467, 415	2, 000, 000	380, 000. 00
Dayton	1, 268, 972	2, 000, 000	500, 000. 00
Toledo	289, 857	450, 000	47, 000. 00
New Philadelphia	26, 946	30, 000	5, 658. 45
Oklahoma	12, 892, 752	14, 697, 737	1, 000, 000. 00
Tulsa	927, 558	1, 159, 448	200, 000. 00
Oklahoma City	1, 645, 000	2, 000, 000	317, 027. 00
Oregon	5, 926, 467	8, 473, 249	1, 476, 175. 54
Portland	1, 473, 112	1, 732, 500	361, 471. 56
Pennsylvania	22, 442, 315	23, 400, 000	5, 000, 000. 00
Elizabeth	29, 847	39, 000	10, 000. 00
Pittsburgh	4, 188, 618	3, 587, 580	748, 203. 00
Cheltenham Township	6, 790	10, 620	
Philadelphia	4, 809, 661	8, 447, 400	$777, 161. 00
Monongahela	54, 000	60, 000	12, 960. 00
Murrysville	22, 832	25, 000	10, 000. 00
East Allegheny School District	299, 460	389, 298	52, 764. 94
Marietta	14, 395	17, 525	6, 200. 00
Ligonier	19, 800	30, 000	10, 000. 00
Shaler Area School District	6, 000	47, 840	9, 568. 00
Plymouth Meeting	31, 477	34, 624	10, 387. 20
Fort Washington	11, 965	14, 000	4, 900. 00
South Carolina	31, 794, 679	52, 800, 000	9, 891, 200. 00
South Dakota	2, 900, 000	5, 525, 000	828, 750. 00
Tennessee	29, 179, 653	31, 500, 000	2, 772, 000. 00
Memphis	7, 000, 000	7, 500, 000	975, 000. 00
Knoxville	656, 214	750, 000	26, 250. 00
Kingsport	110, 561	135, 000	34, 750. 00
Nashville	1, 617, 503	2, 644, 800	259, 190. 00
Texas	50, 930, 126	88, 500, 000	8, 850, 000. 00
Austin	1, 337, 711	1, 515, 960	197, 177. 00
Dallas	3, 787, 408	4, 700, 000	569, 466. 00
El Paso	1, 333, 543	1, 500, 000	750, 000. 00
Corpus Christi	1, 061, 150	2, 500, 000	125, 000. 00
Houston	3, 720, 979	5, 437, 440	652, 493. 00
Fort Worth	1, 090, 532	1, 658, 432	331, 686. 40
Utah	4, 095, 241	4, 259, 050	468, 495. 00
Grant School District	603, 000	660, 000	6, 600. 00
Davis County	318, 380	100, 000	15, 000. 00
Vermont	1, 454, 000	1, 900, 000	600, 000. 00
Rutland	85, 565	90, 000	16, 650. 00
Virginia:			
Newport News	739, 856	813, 842	48, 000. 00
Arlington County	180, 000	230, 000	77, 000. 00
Fairfax County	476, 989	524, 688	5, 246. 88
Washington	10, 245, 426	12, 593, 000	2, 668, 000. 00
Northshore School District	85, 888	100, 000	13, 939. 40
West Virginia	19, 799, 891	28, 300, 000	2, 661, 300. 00
Wyoming	455, 676	501, 244	45, 823. 93
Wisconsin	7, 427, 518	9, 900, 000	1, 435, 500. 00
Addendum—Information reviewed too late for tabulation			
San Diego, Calif	2, 147, 260	2, 301, 000	345, 150. 00
Michigan	16, 440, 549	25, 000, 000	3, 500, 000. 00
Caswell County, N.C	282, 379	300, 000	27, 900. 00
Sanderton, Pa	1, 725	1, 743	0

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[1] Insufficient data.

[2] Lunches discontinued in elementary schools—high schools only.

CHART NO. 1.—COMPARISON OF TENTATIVE ALLOCATIONS, GEORGIA, FISCAL YEARS 1970–72

	1970	1971	1972	Difference
Sec. 4	$7, 583, 774	$10, 018, 000	$9, 792, 918	−$225, 972
Sec. 11	2, 345, 755	8, 630, 000	9, 689, 669	
Sec. 32	4, 578, 506	6, 321, 685	0	
Total	14, 508, 035	24, 969, 685	19, 482, 587	
Nonfood assistance	326, 402	372, 386	372, 386	
Breakfast	280, 291	466, 563	740, 020	[1] 36, 304

[1] Projected deficit.

CHART NO. 2.—PARTICIPATION DATA

	1969–70	1970–71	Projected 1971–72
Total lunches	146, 452, 482	152, 055, 403	157, 784, 940
Free and reduced	32, 494, 780	44, 307, 188	63, 859, 511
Average daily participation (percent)	79	83	
Percent free and reduced (percent)	22	29	

STATEMENT OF ASSISTANT SECRETARY RICHARD LYNG

We are pleased to meet with the Committee this morning to discuss the amendments to the school lunch regulations we issued for public comment on August 13.

Those proposed amendments deal with the program's funding structure for 1972—specifically, with the method to be used to distribute the special section 32 funds to States. They represent our judgment as to the most effective and equitable way to distribute the school lunch funds made available in the Department's appropriation act for fiscal 1972.

Last year—the initial year of operation under Public Law 91–248—resulted in substantial program progress. In September of 1970, a total of 22.1 million children were being reached with a school lunch. Four million of these children were being reached with a free or reduced-price lunch. By April 1971, 24.1 million children were being reached—up 9 percent over September. A total of 7.3 million children were being reached with a free or reduced-price lunch—up 82 percent over September.

The total number of school lunches served last year increased by 7.7 percent—from just over 3.5 billion in fiscal 1970 to just over 3.8 billion in 1972. But, there were substantial differences in growth rates among the States. In eight of the State agencies, the rate of increase was more than double the national rate. The growth rate was less than 5 percent in 23 States.

The number of free and reduced-price lunches served increased 35.6 percent last year—from 852 million in fiscal 1970 to one billion in fiscal 1971. Again, the growth rate varied among the States. In 10 of the State agencies, the growth rate was more than double the national average. In contrast, 14 State agencies had a growth rate of less than 25 percent.

Last year's progress represented the combined work of local, State, and Federal governmental units, thousands of dedicated school officials, and concerned citizens—backed by the traditional combination of Federal, State, and local financial support.

There has been a sharp increase in Federal funding for cash assistance payments to schools. Between 1970 and 1971, direct appropriations under sections 4 and 11 of the Act more than doubled. In addition, in 1971, these direct appropriations were augmented by over $150 million in special section 32 funds—most of which was intended for free and reduced-price lunches. In three years, the amounts made available under section 4, section 11, and in special section 32 funds increased from $204 million in fiscal 1969 to just over $300 million in fiscal 1970, and to over double that amount in fiscal 1971.

States have raised a question as to whether past progress in the program can be maintained in 1972—much less additional progress obtained—under the funds requested and appropriated for 1972 and the funding structure outlined in the proposed regulations the Department issued on August 13.

We believe that significant additional progress is possible.

First, there is an increase in the amount of Federal funds available to provide special assistance for free and reduced-price lunches in 1972—about $78.8 million more than was spent in 1971.

Second, available funds will be distributed to States in better relationship to program growth in the various States. Thus, we can avoid the mid-year funding uncertainties of last year. At that time, fund shortages in some States were threatening the continuation of their programs while other States had millions of dollars in excess funds.

Third, for the first time in the history of the program—a State needing to expand its program to substantially more schools and substantially more children can do so within its available funds, without fear that such expansion will be at the expense of an unwarranted reduction in levels of assistance to already participating schools and children.

It is clear, Mr. Chairman, that some States do not understand the method we are proposing to use to distribute the available funds in 1972. We hope to clear up that misunderstanding in the course of this hearing.

THE BASIC FUNDING STRUCTURE

The National School Lunch Act authorizes two annual appropriations for the program—one under section 4 of the Act and one under section 11. The Act also specifies exactly how each of these annual appropriations is to be apportioned among the States.

Section 4 funds are apportioned among the States on the basis of the number of Type A lunches previously served by each State and the relationship between each State's per capita income and the per capita income of the United States. For fiscal 1972, the apportionment formula uses the number of Type A lunches served by each State two years ago—in fiscal 1970.

Section 11 funds are apportioned on the basis of the relative number of school-age children in households with annual incomes below $4,000 that reside in each of the States.

The section 4 funds are used to help schools buy food for the lunches served to *all* children—to both children who pay the full price of the lunch and the children who receive free and reduced-price lunches. The section 11 funds are used to provide additional special assistance for lunches served free or at a reduced price to children who meet a school's eligibility standards for such lunches.

Both the section 4 and 11 funds actually disbursed to schools by the State on the basis of an assigned per-lunch reimbursement rate. The section 4 rate is applied to all the lunches; the section 11 rate applies only to the free and reduced-price lunches. In the program regulations, the Department of Agriculture establishes maximum reimbursement rates that a State may pay under section 4 and section 11. Thus, the actual rates of assistance a State pays an individual school under section 4 or section 11 depend upon three factors: (1) The amount of funds made available to the State for section 4 and 11 purposes each fiscal year—the Statewide average rate that can be financed; (2) the maximum per-lunch rates of assistance authorized by the Department; and (3) how the State varies rates of assistance in accordance with the relative need of the individual schools, within that Statewide average rate.

MAXIMUM RATES OF ASSISTANCE

Many people first interpreted our proposed regulations as requiring a reduction in the maximum rates of assistance that were in effect during the last school year. This is not the case.

In the regulations we issued last September for the 1970–71 school year, the following *maximum* rates were authorized:

12 cents per lunch under section 4;

30 cents in addition for each free and reduced-price lunch under section 11, with a proviso that the neediest schools could receive up to 60 cents for each free and reduced-price lunch.

If a State determined that a school needed in excess of 30 cents for a free and reduced-price lunch, our regulations required that such a school receive section 4 assistance at the maximum rate of 12 cents. The section 11 rate could then exceed 30 cents—up to a maximum of 48 cents—or a total of 60 cents in combined funds.

This latter proviso—called the "12-cent rule"—met opposition among the States. They felt it endangered the total program because section 4 funds had to be diverted from the more affluent schools in order to pay 12 cents in section 4 funds to the neediest schools. They felt *all* the extra assistance for free and reduced-price lunches required by the neediest schools should be financed out of funds available for section 11 purposes.

Effective in February, we did, in effect, suspend the 12-cent rule. We allowed States to finance the required increase in section 4 rates for the neediest schools out of funds available for section 11 purposes.

The maximum rates of assistance we have authorized in the proposed regulations remain essentially unchanged from the 1970-71 rates. A State is still authorized to pay its neediest schools up to 60 cents for a free or reduced-price lunch. (A maximum rate of 50 cents is proposed if the school is serving a significant number of reduced-price lunches because it would be receiving revenues from the reduced-price payments.)

Our proposed amendments are concerned with the distribution of available funds among the States—with the average reimbursement to be paid on a Statewide basis—not with the maximum rates.

1971 PROGRAM FUNDING

The 1971 appropriation act contemplated a national average section 4 rate of 5 cents and a national average reimbursement rate of 30 cents in additional assistance for free and reduced-price lunches.

The following amounts were provided in the 1971 appropriation act to finance those contemplated rates: A direct appropriation of $225 million in section 4 funds and a direct appropriation of $204.7 million in section 11 funds. The use of $154.7 million in special section 32 funds also was authorized in our appropriation act.

As I indicated earlier, the National School Lunch Act specified how the section 4 and section 11 funds are to be divided among the States. The use of the special section 32 funds is at the discretion of the Department but the appropriation act contemplated that most of the special section 32 funds would be used to supplement the section 11 appropriation for free and reduced-price lunches.

Without any experience on which to judge the impact of Public Law 91-248, the Department decided to use the special section 32 funds as follows:

The entire amount—$154.7 million—was apportioned to States under the section 11 apportionment formula. The section 11 formula was selected because most of these section 32 funds were expected to be used for section 11 purposes for free and reduced-price lunches.

We did give States flexibility in the use of these section 32 funds. In addition to using them for free and reduced-price lunches, they were authorized to use the funds to augment funds appropriated for the school breakfast program and the funds for equipment assistance for needy schools, especially for "no-program" needy schools.

However, as we gained operating experience under Public Law 91-248, it was apparent that the method of distributing the special section 32 funds was creating a problem. It did not put the funds in the States where they were needed. By January, some States were reporting that they would soon exhaust their funds; other States reported they had a surplus in funds. By mid-April—under the cumbersome and time-consuming reapportionment method—we were able to transfer over $30 million from States with a surplus to States with a deficit. But, during the period we were effecting those fund transfers, the deficit States had to operate upon our assurance that we could obtain the release of funds from other States.

THE 1972 PROPOSAL

After this experience, we concluded that it would be in the best interest of all of the States if a method for distributing the available funds could be found that would better distribute the funds among the States in accordance with expected participation at the beginning of the school year.

This exploration led us to another conclusion; one that—in our view—represents a real breakthrough in school lunch financing. We concluded that we needed to go beyond the funding level planned in the 1972 appropriation—a national average reimbursement rate of 5 cents under section 4 and a national average rate of 30 cents under section 11. We felt the available section 32 funds should be used to guarantee each State that—no matter how much expanded its program—it could be assured that it would be able to maintain a Statewide average rate of 5 cents under section 4 and a Statewide average rate of 30 cents under section 11.

This is the essence of our August 13th proposal.

Some States have interpreted our proposed regulations to require them to initially establish rates of assistance within the funds apportioned to them under sections 4 and 11 of the Act. That is not the case. That would, in effect, cancel out our announced guarantee that no State will have to establish Statewide averages rates at less than 5 and 30 cents.

The regulations, as amended by our proposal, instruct States to establish rates "within the funds available" to the State agency. The funds available to a State agency in 1972 under the regulations are:

Its apportioned share of the $225 million appropriated for section 4, *plus* such amounts of special section 32 funds as the State needs to maintain a Statewide average section 4 rate of 5 cents; and

Its apportioned share of the $237 million appropriated for section 11, *plus* such amounts of special section 32 funds as the State needs to maintain a Statewide section 11 rate of 30 cents.

With program expansion in 1972, these 5-cent and 30-cent guarantees will use all of the special section 32 funds made available under our 1972 appropriation act.

Under our proposal, some States would be able to maintain Statewide average rates in excess of 5 cents or 30 cents in 1972—out of our apportioned share of the direct appropriations for section 4 and section 11. They would be able to pay those higher rates. They would not, of course, receive any section 32 funds to enable them to pay still higher rates. On the other hand, they would not be asked to release any of their apportioned funds for use by other States.

Some have interpreted our proposed regulations to mean that no school can receive more than 35 cents for a free or reduced-price lunch. That, too, is not the case. States can continue their past authority to vary rates among schools—paying above the Statewide average rate to the needier schools and less than the Statewide average rate to the more affluent schools.

THE IMPACT OF OUR PROPOSALS

We have a series of charts that summarize the impact of our proposed regulations on section 4 and section 11 funding.

This first chart shows the 1971 expenditures for section 4 and section 11 purposes and the amounts provided under our annual appropriation act for 1972 for these same purposes:

[In millions of dollars]

	1971	1972
Section 4 apportionment	225.0	225.0
Needy schools and children:		
Section 11 apportionment	203.8	237.0
Special section 32:		
To finance the 12-cent rule	20.8	
Free and reduced-price lunches	86.8	153.2
Subtotal	311.4	390.2
Grand total	536.4	615.2

As this chart indicates, the amount of money available for section 4 purposes in 1972 is the same as was appropriated in 1971—$225 million. There is $78.8 million more available for special assistance for free and reduced-price lunches than was spent in 1971—$390.2 million compared to $311.4 million.

The second chart shows the Statewide average section 4 rates that were paid out of the $225 million in 1971 by the 50 States and the District of Columbia; the projected average rates that those States could have paid in 1972 without our proposed change in the use of the special section 32 funds; and the projected average rates under our proposal:

		Number of States—1972	
	1971	Without revision	With revision
Statewide rate—Section 4:			
7 cents and above	6	2	2
6 to 6.9 cents	9	11	11
5 to 5.9 cents	22	21	38
4 to 4.9 cents	12	12	0
Below 4 cents	2	5	0
Total	51	51	51

In the absence of our proposed change, 17 States were faced with an average Statewide section 4 rate of less than 5 cents and five of these were faced with an average rate of less than 4 cents. We are proposing to guarantee these States a Statewide average rate of 5 cents.

The third chart shows the same information for the section 11 rates—the special assistance for free and reduced-price lunches: The average Statewide payments out of the $311.4 million expended for this purpose in 1971; the projected rates that would have prevailed in 1972 if we had not proposed a change in the distribution of special section 32 funds; and the projected rates under our proposal.

		Number of States—1972	
	1971	Without revision	With revision
Statewide rate—Section 11:			
40 cents and above	11	15	0
35 to 39.9 cents	9	8	1
30 to 34.9 cents	15	9	50
25 to 29.9 cents	12	7	0
20 to 24.9 cents	2	9	0
Below 20 cents	2	3	0
Total	51	51	51

If we had continued last year's method of distributing the $153.2 million in special section 32 funds, and every State used all of its section 32 money for free and reduced-price lunches, the average rate in seven States would have been between 25 and 29.9 cents. In an additional 12 States, the average rate could have been below 25 cents, and 3 of the 12 could have faced an average Statewide rate of less than 20 cents for each free and reduced-price lunch. Our proposal guarantees every State at least a minimum Statewide rate of 30 cents for each free and reduced-price lunch.

It is true that a few fortunate States would have been able to pay higher rates of assistance under section 11 in 1972, if we had continued last year's method of distributing section 32 funds. But, these higher rates would have meant that up to 19 States would have a Statewide rate of less than 30 cents in 1972.

EQUIPMENT ASSISTANCE

Before summarizing these proposals on the distribution of available funds, I want to comment on a second part of our August 13th proposals—those that affect the equipment assistance funds.

Section 5 of the Child Nutrition Act authorizes Federal equipment assistance for schools which draw their attendance from areas in which poor economic conditions exist—in short, needy schools. The funds can be used to help needy schools which have "no, or grossly inadequate" food service equipment.

In 1971, a total of $15 million was appropriated for this equipment assistance. But States elected to use substantial amounts of their special section 32 apportionment for equipment assistance last year. In total, reports from the States now show that a total of $36.7 million was used for equipment assistance last year.

Our fourth chart shows the amounts used for equipment assistance for needy schools in 1970 and 1971. You note that most of these funds went to schools that were already operating a food service.

There is no doubt that some already participating schools did have "grossly inadequate" equipment. But, we now believe greater emphasis should be placed on the use of these funds to bring needy "no-program" schools into the Type A program.

We are holding equipment funds in 1972 to the $16.1 million authorized in our appropriation act. We have amended our regulations to place a positive obligation on States to seek out—and work with—needy "no-program" schools.

And, we are proposing that at least half of each State's equipment funds be held in reserve for "no-program" schools until March 1—unless the State can demonstrate that the funds should be released for already participating schools at an earlier date.

SUMMARY

Returning to our August 13th proposals on the distribution of cash assistance funds to the States, we would want to emphasize these points:

First, our proposals are not designed to save funds. We expect to spend all the funds authorized in our 1972 appropriation act.

Second, we have not reduced the maximum rates of assistance that were authorized for last year.

Third, we will be placing a floor under section 4 and section 11 rates on a Statewide basis for the first time—a floor that is guaranteed no matter how much expansion a State is able to achieve.

Fourth, we do not believe that we should have continued a method of distributing available funds among the States which—because of the vagaries of statistical apportionment formulas—allowed some States a "funding feast" while other States suffered from a "funding famine".

Finally, we want to re-emphasize that the National School Lunch Act contemplated that the funding of the program would be a joint Federal, State, and local responsibility. This principle was reaffirmed in the Public Law 91-248 amendments. One of those amendments required, beginning this fiscal year that all States put State tax revenues into the program. State matching is required only for the funds made available under section 4 of the Act. But, Public Law 91-248 requires States to distribute the matching State revenues they put into the program in a manner that concentrates their use on the financing of free and reduced-price lunches.

FEDERAL FUNDING—NATIONAL SCHOOL LUNCH PROGRAM, FISCAL YEARS 1971 AND 1972

[In millions of dollars]

	Fiscal year 1971 (preliminary)	Fiscal year 1972 (appropriation)
Regular sec. 4 apportionment	$225.0	$225.0
Needy schools and children:		
Sec. 11 apportionment	203.8	237.0
Special sec. 32:		
To finance 12-cent rule	20.8	
Free and reduced-price lunches	86.8	153.2
Subtotal	311.4	390.2
Grand total	536.4	615.2

Source: U.S. Department of Agriculture, Food and Nutrition Service.

AVERAGE SEC. 4 REIMBURSEMENT RATES FROM $225,000,000 APPORTIONMENT

[50 State agencies and the District of Columbia]

	Number of States		
		Fiscal year 1972	
Average statewide rate per lunch	Fiscal year 1971 (preliminary)	Without USDA proposal	With USDA proposal
7 cents and above	6	2	2
6 to 6.9 cents	9	11	11
5 to 5.9 cents	22	21	38
4 to 4.9 cents	12	12	0
Below 4 cents	2	5	0
Total	51	51	51

Source: U.S. Department of Agriculture, Food and Nutrition Service.

AVERAGE REIMBURSEMENT PAYMENTS FOR FREE AND REDUCED-PRICE LUNCHES

[50 State agencies and the District of Columbia]

	Number of States		
		Fiscal year 1972	
Average statewide rate per lunch	Fiscal year 1971 (preliminary)	Without USDA proposal	With USDA proposal
40 cents and above	11	15	0
35 to 39.9 cents	9	8	1
30 to 34.9 cents	15	9	50
25 to 29.9 cents	12	7	0
20 to 24.9 cents	2	9	0
Below 20 cents	2	3	0
Total	51	51	51

Source: U.S. Department of Agriculture, Food and Nutrition Service.

EQUIPMENT ASSISTANCE FOR NEEDY SCHOOLS

	Fiscal year 1970	Fiscal year 1971 (preliminary)
Schools:		
Total schools assisted	7,974	15,500
No-program schools assisted	534	1,402
Dollars:		
Total for nonfood assistance	$16,705,170	$36,697,000
Total for no-program schools	$2,799,569	$9,242,966

Source: U.S. Department of Agriculture, Food and Nutrition Service.

BREAKING THE LOGJAM IN STUDENT VOTER REGISTRATION

Mr. KENNEDY. Mr. President, one of the most important issues that has emerged in the wake of the ratification of the 26th amendment to the Constitution is the question of the voting residence of students. Neither the Voting Rights Act Amendments of 1970, nor the 26th amendment itself, which lowered the voting age to 18, dealt with this issue. As a result, in the absence of further action by Congress, the resolution of the question has been left largely to State and local governments, who have the primary responsibility under the Constitution for establishing voting requirements.

In essence, the present controversy involves the question whether a student may establish a voting residence at his college, separate from the residence of his parents, or whether he may be disqualified from voting in his college community on the ground that he does not satisfy State or local residence requirements for voting.

It is my view that for the purpose of voting, a student can be treated no differently from any other citizen, and that he is entitled to establish a voting residence in his college community, separate from the residence of his parents, so long as he meets traditional legal definitions of residence, applied even handedly to all citizens. In other words, I believe that as a matter of constitutional interpretation under the 26th amendment and other provisions of the Constitution, a person's status as a student is constitutionally irrelevant for the purpose of determining his voting residence. Any other result would subject students to discrimination of the sort that the 26th amendment was designed to end.

Although major legislation is now pending in Congress to establish this principle as a uniform national policy for student voting, a number of States have already taken action on their own to achieve this result. A few months ago, it appeared that a deep nationwide controversy was developing over the issue. More recently, however, a number of States have thoroughly examined the issue and concluded that students are not necessarily disqualified from voting in their college communities. I am pleased to note that one of the earliest opinions in this respect came from Massachusetts, where Attorney General Robert Quinn ruled last July that a student in the Commonwealth could establish a voting residence in his college community. Subsequently, the attorneys general in the States of Florida, Georgia, Idaho, Louisiana, Missouri, and Pennsylvania have issued similar opinions. Similarly, judicial decisions by the Supreme Courts of California and Michigan have established similar principles in those States. As a result of these significant State executive and judicial actions, it appears that the logjam over student registration is breaking, and I am hopeful that other States will now follow suit.

Mr. President, I believe that the seven executive opinions and the two court decisions I have mentioned will be of interest to all Members of Congress. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MASSACHUSETTS

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF THE ATTORNEY GENERAL,
Boston, July 21, 1971.

Hon. JOHN F. X. DAVOREN,
Secretary of the Commonwealth, State House, Boston, Mass.

DEAR MR. SECRETARY: You have requested my opinion on certain questions propounded by representatives of the city and town clerks of the Commonwealth. The questions relate to persons between the ages of 18 and 21, both students and non-students, who seek to register to vote in Massachusetts cities and towns where they presently live. The hypothetical situations which have been presented to me include the following: (1) students residing in dormitory residences who are supported by their parents; (2) students residing in dormitory residences who are self-supporting; (3) students residing in apartments or other non-college residence facilities, both dependent upon their parents and self-supporting; and (4) non-students who have left their parents' homes and are either dependent upon their parents or self-supporting.

First, it is assumed in all cases that the student or non-student, as the case may be, seeks to register to vote in a community other than where his or her parents reside. Secondly, the cases which have been presented to me include persons whose parents reside within the Commonwealth and cases where parents reside in another state.

For the purposes of the discussion which follows, it is immaterial whether the parents reside within Massachusetts or elsewhere. Finally it is also assumed that the student or non-student, as the case may be, is a citizen of the United States either by birth or naturalization.

While I would ordinarily decline to answer questions propounded by municipal officials, even though presented by the head of a state agency or a constitutional office (Compare Op. Atty. Gen'l 1969–1970, No. 37, June 30, 1970), the questions posed appear to be of general applicability and are recurring. In addition, there are presently pending in the United States District Court for the District of Massachusetts three suits raising questions analogous to those presented by your request (*Garrett* v. *Larkin, et al.*, Civil Action No. 71–651–W, *Vance et al.* v. *Board of Election Commissioners*, Civil Action No. 71–1229–F and *Monroe* v. *Board of Election Commissioners of Cambridge*, Civil Action No. 71–1442–F). Since I am required to defend in those cases, inasmuch as you, in your official capacity, are a defendant in the cases, and because diversity of answers to your questions would create "a problem of statewide importance" (see 1968 Op. Atty. Gen'l 129, 130), I proceed to answer the questions presented in the "hope that these views will bring about consistent application [of the principles applying to voter registration] throughout the Commonwealth." (*Id.*)

The answers to these questions require examination of federal and state constitutional provisions, as well as of a number of court decisions and advisory opinions.

I. MINOR VOTERS IN GENERAL

The Twenty-sixth Amendment to the Constitution of the United States, recently ratified by three-fourths of the states, provides in section 1 that "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age." The states, however, "have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45, 50; *Evans* v. *Cornman*, 398 U.S. 419, 422. Included among them is the "power to impose reasonable residence restrictions on the availability of the ballot." *Carrington* v. *Rash*, 380 U.S. 89, 91. Under the Constitution of Massachusetts, "Every citizen of nineteen[1] years of age and upwards . . . who shall have resided within the town or district in which he may claim a right to vote, six calendar months next preceding any election . . . shall have a right to vote in such election . . . and no other person shall be entitled to vote in such election." The requirement that the applicant "shall have resided" in the town for six months has traditionally been construed as requiring that the applicant has established his "domicil" in the town. *Opinion of the Justices*, 5 Met. 587, 588. The concept of "domicil" is utilized for many purposes, including property tax liability and probate jurisdiction of wills[2] and the custody of children. Some of the stricter requirements of "domicil" pertaining to those areas have not always been applied when the question concerns "domicil" for voting purposes. See *Putnam* v. *Johnson*, 10 Mass. 487, 501. In general, "domicil" means actual residence in the town, coupled with an intention to remain indefinitely. See *Putnam* v. *Johnson*, *supra, at* 500–501; *Opinion of the Justices*, *supra*, at 590. See also *Carrington* v. *Rash*, *supra*, at 94. The intention to remain indefinitely does not mean an intention to stay forever, but merely that there is no present intention of leaving. *Putnam* v. *Johnson*, *supra*.

The recent extension of the franchise to citizens between eighteen and twenty-one years of age presents some difficulty in establishing whether an applicant of that age is entitled to register. Although some disabilities of minors have recently been removed from those over eighteen, see St. 1971, c. 253 (lowering the age at which a person may make a campaign contribution in excess of twenty-five dollars to eighteen years); St. 1971, c. 255 (males may marry without parental consent at age eighteen); and St. 1971, c. 291 (person may make a will at age eighteen), they remain minors until they are twenty-one or otherwise emancipated. It is the general rule that "[o]rdinarily, 'the domicil of a legitimate minor child is that of the father.' *Glass* v. *Glass*, 260 Mass. 562, 564. Restatement: Conflict of Laws, § 30." *Green* v. *Green*, 351 Mass. 466, 467–468. It appears, however, that an unemancipated minor may establish his own domicil with the assent, express or implied, of his parents or guardian. See *Kirkland* v. *Kirkland*, 4 Allen 462. An emancipated minor of course has the power to establish his own domicil. Restatement: Conflict of Laws, § 31. If these principles were applied to voter registration, an unemancipated minor over eighteen would be restricted to his father's voting residence unless his father gave his assent to a change of residence.

As noted above, however, the rules pertaining to domicil for tax or probate purposes may not always prevail where domicil for voting purposes is concerned. *Putnam* v. *Johnson*, 10 Mass. 487, 501. The purposes of the domicil requirement are to afford the registrars of voters the opportunity to ascertain the qualifications of the voter, and to prevent the possibility of fraud through multiple voting. *Id.* at 502. To restrict the ability of an unemancipated minor, over the age of eighteen, to choose his domicil for voting purposes would serve neither of these purposes. Moreover, to restrict the eighteen year old's right to choose his residence for voting purposes, a right possessed by voters over twenty-one years of age, would be to "abridge" his right to vote "on account of age," in contravention of the Twenty-sixth Amendment. Consequently, it must be concluded that, for purposes of registering to vote, a minor either emancipated or unemancipated over the age of eighteen years has the right to establish his own domicil with or without the consent of his parents or guardian.

II. MINOR VOTERS WHO ARE STUDENTS

The determination whether a student from another city or state, who has taken up residence at or near the college or university he attends, has made his new residence his domicil for voting purposes is, as in all cases of recently moved registrants, a question of fact, to be determined by all the circumstances of the case. *Opinion of the Justices*, 5 Met. 537. As noted above, the basic elements of domicil are the actual establishment of residence in the city or town, and an intent to remain there indefinitely. Once a student living at or near a college or university has shown that he has resided in the city or town "in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant governor, senators, or representatives,"[3] and has declared his intention to stay in the city or town for an indefinite period, he has shown himself eligible to register as a voter. (Am. Art. III, Mass. Const.)

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[1] Since ratification of the Twenty-sixth Amendment the number "eighteen" should be read in place of "nineteen."

[2] See, e.g., *Texas* v. *Florida*, 306 U.S. 398, 413–428.

As in the case of any other applicant for registration, of course the circumstances may be such as to show that the student applicant in fact lacks the necessary intent to establish his domicil in the town. However, the fact that he is a student, residing in the town for the purpose of pursuing a course of studies for a number of years, should place on him no greater burden of proving his domiciliary intent. Whether he prefers or is required to reside in a college dormitory rather than in privately purchased or leased premises is of no real utility in determining his intent, *see Putnam* v. *Johnson, supra,* at 490; and while in 1843 great weight was placed in the *Opinion of the Justices, supra,* upon whether the student's father was supporting him while at college, this factor is of little relevance today. It is common for parents to contribute to the support of their children attending college. Yet it is also common today that students upon graduation do not return to their home towns. Many decide to stay in the communities where their colleges are located; many others move to different cities and different parts of the country, according to the opportunities for employment or post-graduate studies. It may have been the general habit for students in 1843 to return home after graduation; if their families paid for their education, there may have been even more reason for assuming an intention to return. However, in view of the mobility of persons and families in today's society, and of the indefinite nature of the plans of college undergraduates generally, the same cannot be said today. Perhaps most college students do return home at graduation, but an intention on the part of a college student to return to his former home cannot be presumed on the basis of his family's financial support.

There may exist fear that some small communities with a large percentage of students in the population may be "taken over" by student voters, who may then implement "radical" programs. The possibility of such a "take-over", however, would depend largely upon how many students were willing to give up their right to vote in their communities of origin. Moreover, the fear that student-voters would tend to take radical measures may be groundless. See Legislative History on Twenty-sixth Amendment U.S. Code Cong. & Ad. News, 92d Cong. 1st Sess., 364 (Adv. Sh. No. 3, April 25, 1971). At any rate, students over the age of eighteen years, if they have the intention of making the college town their home indefinitely, "have a right to an equal opportunity for political representation. . . . 'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible." *Carrington* v. *Rash,* 380 U.S. 89, 94; *Evans* v. *Cornman,* 398 U.S. 419, 423.

III. SUMMARY

In summary, no definitive answer can be given to the question whether the persons described in the above hypothetical situations are entitled to register to vote in the cities or towns where they presently reside. The resolution of each case will depend upon the particular facts of that case. While I have been urged to provide the various Boards of Registrars of Voters and Election Commissioners with general guidelines to aid them in resolving questions in this area, I deem it inappropriate to do so. Each case will, of course, be different, and the varying factual situations cannot be identified with any degree of certainty. Any attempt to treat exhaustively the different situations which may arise, will, of necessity, fail because some situations will be omitted or overlooked. Moreover, I deem it unwise to commit myself in advance to the resolution of factual problems which may never occur, and I consider it the better course to leave myself free to resolve situations and cases which are presented to me at such time as resolution is required.

There can be stated, however, certain general principles which may be of aid in resolving particular cases as they arise. First, the fact that a minor over eighteen years of age is not emancipated, financially or otherwise, from his parents has no bearing on his right to choose his own domicil for voting purposes. The fact that such a minor, whether or not a student, may be supported in whole or in part by his parents is in itself insufficient reason to refuse to register an otherwise qualified applicant. Second, the fact that a minor voter who is a student resides in a dormitory, fraternity house or other college residence is of no relevance. The basic question to be answered is whether he intends to return to his former home as soon as his course of studies is completed. The fact that he may find residence in a dormitory or fraternity house more convenient or less expensive than renting an off-campus apartment does not answer that question.

In conclusion, the decision whether a minor voter in one of the above hypothetical situations is entitled to register to vote should be reached in the same manner as a like decision regarding an applicant for registration who is over twenty-one years of age and has recently moved into the city or town. And, although the 1843 *Opinion of the Justices,* to which I have referred, does state that "stronger facts and circumstances must concur to establish the proof of change of domicil in the . . . case [of a student residing at an educational institution]" (*Opinion of the Justices, supra,* 5 Met. 587, 590), that statement cannot be considered valid today in the light of the Twenty-sixth Amendment to the Federal Constitution.

Very truly yours,

ROBERT H. QUINN,
Attorney General.

FLORIDA

STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,
Tallahassee, Fla., August 3, 1971.

Re Voting by 18-year-olds in view of 26th Amendment to Constitution of United States. Residency requirements.

Hon. RICHARD STONE,
Secretary of State,
Capitol,
Tallahassee, Fla.

DEAR SECRETARY STONE: This opinion is in reply to your request of July 8, 1971, as supplemented by your letter of July 13, 1971, in which you ask substantially the following question:

May a voter registrant between the ages of eighteen and twenty-one years establish a residency, for the purposes of voting registration, in a locale different from the voting locale of his or her parents or guardian?

The following opinion answers your question in the affirmative.

Article VI, Section 2 of the 1968 Florida Constitution provides as follows:

> Every citizen of the United States who is at least twenty-one years of age and who has been a permanent resident for one year in the state and six months in a county, if registered as provided by law, shall be an elector of that county. Provisions may be made by law for other bona fide residents of the state who are at least twenty-one years of age to vote in the election of presidential electors.

The cited constitutional provision is dealt with by general law in Florida Statutes, Section 97.041, which applies both residency requirements in describing the details of voter registration.

In view of the recently effective Twenty-sixth Amendment to the Constitution of the United States, I am of the view that the field of voting age requirement has been preempted from State control and that F.S. 97.041 and Article VI, Sec. 2 are changed, as a matter of law, to reflect the constitutional mandate of the eighteen-year-old vote.

It is significant that both the Florida constitutional and statutory provisions speak only in terms of durational residency requirements as a prerequisite to voter registration. It is the dual criteria of one year in the state and six months in the county coupled with the factor of permanence which qualify a person to register who is not otherwise disqualified under F.S. 97.041(5).

The qualification provisions do not mention or set forth any criterion requiring an intent to reside permanently in a given county. Neither do those provisions speak in terms of domicile which is clearly distinguishable from residency as a matter of legal principle. It is my view that the duration periods are self-executing in regard to the permanency criteria. This is to say that once a person has resided in the state for one year and in the county for six months, the presumption of permanent residence attaches. When the presumption occurs, I am of the opinion that the burden of proving the nonpermanent nature of the potential voter registrant is on the person challenging the registrant's right to register.

For voting, a person over 18 years of age is *sui juris* for the purposes of the Twenty-sixth Amendment and the Voting Rights Act of 1970. Those two provisions have conferred upon the 18-year old a personal right exercisable in person, that being the right to vote. That personal right has a meaning only if it can be exercised in the political subdivision in which the elected political office holders represent their constituents' interest, and in the communities in which their interest of political moment may relate. Since the 18-year old is *sui juris* for voting purposes, the common law must be construed to permit him to acquire a residence for the specific purpose of voting.

I am mindful of the historical reason for the general rule for the incapacity of a minor; however, I am of the opinion that the reason for the general rule no longer exists. The reason for that general rule which imputes the father's residence to the unmarried minor offspring is the common law assumption that a minor is not *sui juris,* and therefore is not capable of forming an intent for residency purposes. However, under the Twenty-sixth Amendment and the Voting Rights Act of 1970, young adults do have the right to vote, and are therefore *sui juris* for that purpose, and do have the power to form the requisite intent for that purpose.

If the State, acting through the several voting registrars, should seek to impose the additional requirement of all persons enfranchised by the Twenty-sixth Amendment having to register in the voting locale of their parents or guardian, the uniformity and intent of that amendment might well be frustrated in Florida by the anomalous and diverse results.

To justify such a state imposed mandate there must be "compelling state interest." *Kramer v. Union Free School Dist.,* 395 U.S. 621 at 627 (1969); *Cipriano v. City of Houma,* 395 U.S. 701 (1969); *Burg v. Canniffe,* 315 F. Supp. 380 (D. Mass. 1970); *Kohn v. Davis,* 320 F. Supp. 246 (D. Vermont, 1970).

In the landmark case of *Carrington v. Rash,* 380 U.S. 89 (1965), the Supreme Court spoke to the issue of selective voter registration thusly:

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[3] Or any other state, city or town election. See G. L. c. 51, § 1.

"We deal here with matters close to the core of our constitutional system. The right . . . to choose that this Court has been so zealous to protect, means, at least, that the States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State." (at 780)

Before the right to register and vote may be validly restricted at least three elements must be operative and coalesce:

1. The State interest relied on to justify the restrictive classification must be "compelling," not merely "rational" or "legitimate." See *Cipriano v. City of Houma,* supra; *Kramer v. Union Free School Dist.,* supra; *Harper v. Virginia Bd. of Elections,* 383 U.S. 663; *Castro v. California,* 38 U.S.L.W. 2522 (Calif. Mar. 24, 1970).

2. Even assuming a sufficiently compelling state interest, the classification must be closely scrutinized to determine whether it is necessary. Moreover, the classification must be scrutinized to determine if the purpose has been accomplished with precision. *Kramer* v. *Union Free School Dist.,* supra; *Cipriano* v. *City of Houma,* supra; *Carrington* v. *Rash,* supra.

3. The State, not the voter, has the burden of proving and demonstrating that the standards of the cited cases have been met. See also, *Hadnott* v. *Amos,* 394 U.S. 358 (1969); *Gaston County* v. *United States,* 395 U.S. 285 (1969).

The traditional justifications for voter registration requirements are (1) promotion of a more intelligent vote by insuring that voters have at least had an opportunity to become knowledgeable about local affairs; (2) prevention of fraud; (3) identification of the voter; and (4) assurance of the voter's membership and interest in the community. *Dreuding* v. *Devlin,* 234 F. Supp. 721 (D. Md. 1964), Aff'd. Mem. 380 U.S. 125 (1965); MacLeod and Wilberding, *State Voting Residency Requirements and Civil Rights,* 38 Geo. Wash. L. Rev. 93; note, 77 Harv. L. Rev. 574 (1964).

The first three of the justifications for registration requirements described above would appear to be satisfied by the simple six-month waiting period contained in F.S. 97.041 and Art. 6, § 2. The only interest which might be furthered by a requirement that eighteen-year-old voters register in the voting locale of their parents or guardian is the fourth justification; namely, assurance of the voter's membership and interest in the community.

Even assuming that the state may have a "compelling" interest to assert such a restrictive criterion, I am of the view that such a restriction would be overbroad in its reach and would not accomplish the purpose with sufficient precision. *Kramer* v. *Union Free School Dist.,* supra, at 632.

Your request specifically asks my opinion in this matter in relation to the counties of our state having large universities within their boundaries. It is the students in residence at these universities and the counties concerned whom you suggest might be greatly interested in this matter.

It is my view, consistent with the cited case law, that a requirement that university students register to vote at the voting locale of their parents or guardian would be legally and constitutionally suspect. Such a requirement could indeed establish these students as "men and women without a county."

In *Kramer* v. *Union Free School Dist.,* supra, the plaintiff would have qualified to vote under state law if he had a spouse who owned property or if he had children in school. The U.S. Supreme Court struck down the law, emphasizing that the plaintiff was a bachelor and thus disadvantaged by the classification. A distinction between eighteen and twenty-one-year olds would appear also extraordinarily weakly based. Historically, the twenty-one-year age attained its importance because it was supposed that it was the minimum age at which a knight could bear his armor in battle. Congress, in adopting the eighteen-year-old statute, emphasized this historical antecedent and its inappropriateness today. *Cong. Rec.,* vol. 116, pt. 15, p. 19870. Proof of bona fide residency theoretically aims at assuring an electorate that has a real interest in local affairs, and a knowledge about them sufficient to create an informed electorate. Neither marriage nor minority is reasonably related to accomplishment of these objectives.

The salient point is that the students who are the subject of your inquiry live, and often work, in the county in which the university is situate. They read the newspapers there, observe local conditions, and are affected daily by local legislative, executive and, frequently, judicial decisions. It is not illogical to view such a restrictive registration policy as the one raised by your inquiry as one which allows participation in everything but the very essence of democracy.

In those counties having large numbers of resident students, it might well be that those students are the only group whose "occupation" may operate to exclude them from the franchise. It would seem to me that a classification which created an artificial distinction between an emancipated eighteen-year-old (by virtue of marriage, judicial removal of non-age, etc.) and an eighteen-year-old student, even though both otherwise meet the statutory and constitutional provisions, would be an impermissible classification under the constitutional mandate of equal protection. To attempt to tie an otherwise qualified student to the voting locale of his or her parents would be an arbitrary classification without rational nexus to a beneficial and compelling state interest. Loss of the vote is a high price for students to pay for education. But it is a far higher price for the community to pay, because it costs the interest, the vote and the will to vote of the college student who desires to work for change within the political process.

Although the restriction suggested by your letter might at face value have the worthy objective of assuring local interest, it is not at all clear that such a concern is relevant as a practical matter. The very inconvenience involved in registering and voting should serve to winnow out those who are uninterested.

Moreover, it would appear that the dominant "compelling" state interest is indeed to induce those new potential voters between eighteen and twenty-one to "drop in" the political process. Every caution should be indulged to prevent these voters from "dropping out" of the fundamental process of voting as a universal exercise of democracy. On the local level, any restriction which would deny participation in the selection of those office-holders who most directly govern a person could very well be viewed as constitutionally infirm and an abridgement of the franchise.

As stated above, the execution of the oath of registration pursuant to F.S. 97.051 would appear to be prima facie proof that the registrant meets the requisite qualifications.

It is easy to understand the "compelling" state interest in the residency requirement. In 19th century America the purity of elections required that adequate safeguards be devised to inhibit corruption of elections. Experience with gangs of "floaters" and the organized voting of "transients" constituted a very real problem for 19th century elections. These harsh experiences greatly influenced the development of our modern residency requirements. See Schmidhauser, *Residency Requirements for Voting and the Tensions of a Mobile Society,* 61 Mich. L. Rev. 823 (1963) cited in *Affeldt v. Whitcomb,* 319 F. Supp 69 (N.D. Ind., 1970).

It is clear that in today's society the eighteen-year-old student is less likely to be a transient than some other occupations which may be practiced by non-student eighteen-year olds. Census Bureau information indicates that today's "floaters" or "transients" are craftsmen, foremen, professional and technical personnel. Schmidhauser, *supra,* at 830.

Ours is a mobile society. The most mobile persons in our society are the young, whether in college or not. See Glenn and Grimes, *Aging, Voting and Political Interest,* 33 Amer. Soc. Rev. 563 (1968). The latest available information from the U.S. Census Bureau describes American society as one in which one of every five persons changes residence every year, 27.8 million of them crossing county borders. Of this group, the largest proportion is young people. The migration rate for those between 20 and 34 varies from 35% to 24%, which is substantially higher than that of any other age bracket. Glenn and Grimes, *supra,* at 762. In *Kohn v. Davis,* 320 F. Supp. 246 (D. Vermont, 1970), the Court recognized the above analysis thusly:

"In our highly mobile society, one who has lived in a particular locale for one year may be firmly rooted in the community or he may be ready to move on tomorrow," citing *Keenan v. Board of Law Examiners,* 317 F. Supp. 1350 (E.D. N.C. 1970).

To attempt to firmly bind an eighteen-year-old voter to the voting locale of another person would seem to fly in the face of the tone and tenor of the cited authorities and be a totally irrational classification.

It should be especially noted that where an impermissible factor *could have possibly* entered into the rejection of an applicant for voter registration, the doctrine enunciated in *Stromberg* v. *California,* 283 U.S. 359 (1931), could well become operative to counter the administrative decision. In *Stromberg* the Supreme Court held that where an unconstitutional consideration *could have* entered into a decision, notwithstanding the possibility of valid reasons, the entire result is tainted. See also *Greenbelt Cooperative Pub. Assn.* v. *Bresler,* 398 U.S. 6 (1970); *Street* v. *New York,* 394 U.S. 576 (1969); *Gregory* v. *City of Chicago,* 394 U.S. 111 (1969); *Cole* v. *Arkansas,* 333 U.S. 196 (1948).

The Twenty-sixth Amendment to the United States Constitution, ratified by the last of the required 38 states on June 30, 1971, provides that:

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

Its language is virtually identical to the 15th and 19th Amendments, which extended the franchise to forbid discrimination in voting against members of minority races and women. Interpretations of those Amendments—particularly the 15th—are pertinent to understanding the reach of the 26th.

As the Supreme Court held in *South Carolina* v. *Katzenbach,* 383 U.S. 301, 325, (1966):

"Section 1 of the Fifteenth Amendment declares that '[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.' This declaration has always been treated as self-executing and has repeatedly been construed, without further legislative specification, to invalidate state voting qualifications or procedures which are discriminatory on their face or in practice. . . . the gist of the matter is that the Fifteenth Amendment supersedes contrary exertions of state power. 'When a State exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right.' "

The framers of the Twenty-Sixth Amendment, aware of these principles, thus considered and condemned special procedures that States were proposing to impose on young voters:

"Moreover, forcing young voters to undertake special burdens—obtaining absentee ballots, or travelling to one centralized location in each city, for example—in order to exercise their right to vote might well serve to dissuade them from participating in the election. This result, and the election procedures that create it, are at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise."

Senate Judiciary Committee, S. Rep. No. 92–26, 92nd Cong., 1st Sess. (Accompanying S.J. Res. 7 (1971), p. 14.)

The Supreme Court found, furthermore, in the one man-one vote Georgia primary case, *Gray v. Sanders,* 372 U.S. 368 (1963):

"The Fifteenth Amendment prohibits a State from denying or abridging a Negro's right to vote. The Nineteenth Amendment does the same for women. If a State in a statewide election weighted the male vote more heavily than the female vote or the white vote more heavily than the Negro vote, none could successfully contend that their discrimination was allowable."

It would, in my opinion, be just as discriminatory to, in effect, weight the over-21-year-old vote more heavily than the under-21-year-old vote.

This theory was well treated in a recent comprehensive law review article dealing with this subject:

"Still another infirmity in the present posture of the law is indicated by the fact that the United States Census Bureau, for purposes of counting population, considers students as residents of the University town.[1] Whatever impact this might have otherwise on the merits of the case, the fact is that to allow students to be counted for purposes of determining districting but not to be counted for purposes of electing the officials from that district might well contravene the 'one-man, one-vote' thesis of the Supreme Court. Thus, for example, let us assume that the Census Bureau finds 10,000 students and 40,000 non-students in town A, and 50,000 non-students in town B. Now, assuming that all students are 'non-native,' this means that Congressman B is being elected by 50,000 people, whereas Congressman A is being elected by 40,000. Townspeople in B, therefore, are having their votes diluted by 20%. This gross disparity is obviously inconsistent with the Court's mandate in the voting cases, and would arguably be enough to strike down the districting."

Singer, "Student Power at the Polls," *31 Ohio St. L. J.* 703, 720 (1970).

The framers of the Twenty-sixth Amendment to the United States Constitution intended to make persons 18 to 20 years old equal, *in respect of voting,* to persons over 21 years old. In my opinion, any special rule for voters under 21 would be repugnant to the Twenty-sixth Amendment.

In considering this matter, one should be cognizant of the Federal Voting Rights Act Amendments of 1970 (Public Law 91–285, 84 Stat. 314).

Section 302 of the Voting Rights Act Amendments of 1970 does not merely confer the right to vote on citizens over eighteen but under twenty-one years of age, but also declares that they may vote in the same political subdivision of a state in which they would be entitled to vote if adults. The operative language of the statute reads as follows:

" . . . no citizen of the United States who is otherwise qualified to vote in any state *or* political subdivision . . . shall be denied the right to vote in such primary or election on account of age if such citizen is eighteen years of age or older." (emphasis added)

Your question apparently assumes that no person over the age of twenty-one years should or would be required to register to vote in a county based on another person's residence.

The state may not deny registration solely on the ground that a registrant's parents reside in a different county. To do so would be a denial applicable to a person solely on account of age and would necessarily be a proscribed invidious discrimination.

Such a policy would not only violate the express terms of the federal right-to-vote statute, but also conflict with the central goals underlying the enactment of that statute. These goals are the elimination of the discriminatory "unfair treatment" (Title III, Section 301(a)(2)) of persons between the ages of eighteen and twenty-one with respect to the fundamental right to vote, and the full participation of these citizens in the political process. (See Statement of Senator Kennedy, inserted in the record by Senator Mansfield, *Cong. Rec.*, vol. 116, pt. 5, pp. 6649–6650.)

The Congressional judgment that persons under twenty-one years of age possess the maturity necessary to exercise the franchise would be frustrated by a requirement that disables these persons from voting in the political subdivision in which their interests lie. They cannot responsibly exercise the franchise unless they are permitted to vote in the political subdivision in which their political objectives deserve to be counted. That is the political subdivision of which they are truly constituents. I believe that Section 301 entitles all persons, regardless of age, to register in the country of their residence without regard to the residence of their parents.

Section 1971 (a) (2) (A) of Title 42, United States Code, enacted in 1964, provides as follows:

"2. No person acting under color of law: (A) shall in determining whether *any individual* is qualified under State law or laws to vote in any election, apply *any standard,* practice, or procedure different from the standards, practices, or procedures applied under such law or laws *to other individuals* within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote." (emphasis added)

By denying registration to persons between eighteen and twenty-one years of age on the ground that their parents reside in a different county, the State may be viewed as applying a standard not applied to persons over twenty-one years of age. The discriminatory treatment thus accorded these persons would be in clear violation of the express terms of this statute.

Section 1971 (a) (2) (A), unlike Section 1971 (a) (1), is not limited to discrimination on the basis of race, color, or previous condition of servitude. Representative Emanuel Celler (D N.Y.), Chairman of the House Judiciary Committee and the principal sponsor of the legislation, indicated the intent to prohibit non-racial discrimination in response to a statement by James Farmer, National Director of the Congress of Racial Equality. During the hearings, Mr. Farmer stated: ". . . I don't mean just Negro people, I mean white people are being abridged and we must not tolerate this because it is a moral issue." Responded Chairman Celler: "I agree with you, I would like to put that in myself." House Judiciary Committee, Hearings on H.R. 7152, Part III, pp. 2213–14. See also statements by Senator Keating, in the daily Congressional Record, page S6728 (April 1, 1964).

This is supported in the legislative history surrounding the 1965 amendment to the statute, which extended the reach of the prohibition to non-federal elections. Said Representative Silvio Conte (R. Mass.):

"But while the impetus for these hearings may have been given by the Selma marchers . . ., legislation by this Congress should not be limited to correcting the wrongs suffered by one group of citizens in several states of the Union. It must, as I have said, be designed to prevent the perversion of voting rights whenever and wherever they may occur, no matter what group of individuals is involved." House Judiciary Committee, Hearings on 1965 Voting Rights Bills, p. 445.

I am of the opinion that denial of registration on the ground that a person's parents reside in a different county would be discriminatory treatment prohibited by Section 1971 (a) (2) (A).

I am not unmindful of AGO 070–97 dated August 3, 1970, which deals with the same general subject matter as this opinion. My predecessor in office, on pages 1 through 5 of that opinion, treats the subject matter of residence as synonymous with domicile. In view of the case law and other authorities cited herein, as well as the constitutional and statutory specificity of "residence," I view the attempted synonymity as a crucial, albeit understandable error. I, therefore, recede from AGO 070–97 in those conclusions of my predecessor material to the foregoing analysis.

The general conclusion reached by a comprehensive study of the germane portions of 98 A.L.R. 2d 499, and other authorities cited herein, lead me to the inescapable result that, in the facts of Florida's situation, the person eighteen years old or older, regardless of "occupation," must be allowed to register to vote in the county in which he has resided, i.e. lived or inhabited, for a period of at least six months (assuming he has also been within the state for one year).

Mention should also be made that the provisions of 97.041(2) and 97.041(3) should be viewed by you in such a way as to allow a person who has not attained the age of eighteen at the times material to those sections, as well as 97.041(1), to register just as a twenty-year-old person could have prior to the Twenty-sixth Amendment.

SUMMARY

The eighteen-year old given the franchise by the Twenty-sixth Amendment to the Constitution of the United States may establish residency separate and apart from the residence of his parents or guardian for purposes of voter registration. If the requirements of the applicable statutory and constitutional provisions are otherwise met, persons eighteen years of age or older must be registered as voters in the county of their residence without regard to the residence of any parent or guardian.

Yours very truly,

ROBERT L. SHEVIN,
Attorney General.

GEORGIA

THE DEPARTMENT OF LAW,
STATE OF GEORGIA,
Atlanta, August 20, 1971.

Re: For voting purposes, an 18-year old may establish a residence apart from the residence of his parents.

Hon. BEN W. FORTSON, Jr.,
Secretary of State, State Capitol
Atlanta, Ga.

DEAR MR. FORTSON: You have requested an official opinion on whether a student may establish a residence apart from the residence of his parents for the purpose of registering to vote.

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[1] For census purposes, "College students were considered residents of the communities in which they were residing while attending College." U.S. Bureau of the Census, Dep't. of Commerce, *County and City Data Book* xix (1967). The same procedure was followed in the 1970 Census. Working persons under 21 are, of course, enumerated where they reside.

"Residence" under Georgia's election laws means domicile. Ga. Code §§ 34–103(aa), 34A–103(ab). One's domicile is his place of permanent residence and is the result of actual residence without any present intention of leaving, and to which, whenever he is absent, he intends to return. Ga. Code § 34–632(a); Ga. Code Chap. 79–4; *Worsham v. Ligon*, 144 Ga., 707, 87 S.E. 1025 (1916). A person may be residing in two or more different counties at the same time, but only one may be his domicile and the person usually has the privilege of electing which shall be his domicile, Ga. Code § 79–402.

For general purposes, Georgia, as most states, fixes the domicile of a minor as that of his father. Ga. Code § 79–404. Until a minor reaches majority (21 years) or otherwise becomes emancipated, he is not *sui juris*, that is, he does not possess full social and civil rights. R. Stubbs, a summary of the Georgia law of Children, §§ 84, 97 (1969).

The question for us to decide is whether an 18-year old should be considered *sui juris* for voting purposes, so that he would be allowed to establish his domicile of his own accord.

In 1943, Georgia granted the franchise to its 18-year old citizens. In 1971, the rest of the United States followed this lead and passed the 26th Amendment, which granted the right to vote to all 18-year olds.

The 26th Amendment decrees:

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

If citizens under 21 years are prohibited from establishing a residence of their own for voting purposes while citizens over 21 years are not, then, in a very real sense, voting rights are being denied to those under 21 on account of their age. The clear language of the Amendment, together with its legislative history, indicates that this result would violate the letter and spirit of the Amendment. Senate Judiciary Committee, S. Rep. No. 92–26, 92d Cong., 1st Sess., [Report accompanying S. J. Res. 7 (1971), p. 14]. As further evidence of this intent, see Title III of the Voting Rights Act Amendments of 1970, esp. § 302 (42 U.S.C.A. § 1973 bb–1) and 42 U.S.C. § 1971(a)(2)(A).

There are numerous reasons why citizens under 21 may validly be treated as *sui juris* for voting. For census purposes, college students (no matter what age) are considered residents of the college communities in which they were residing while attending college. It is this population figure which determines the amount of state and federal grants to the community, as well as the population figure used in apportionment under the "one man-one vote" principle. If these communities rely on the students to gain more grant money and more representation in apportionment, then it may not be unreasonable to also consider them residents for the purposes of voting.

In a recent U.S. Supreme Court case on the question of whether residents of a federal enclave could vote in state and local elections, the Court decided that the state could not prohibit these residents from voting. The principal reasons relied on by the Court would also apply to college students, that is, they are included in census figures, the state criminal laws apply to them, the use of state courts is available to them and a significant share of the state's revenue is derived from the various taxes paid by them. *Evans v. Cornman*, 398 U.S. 419 (1970).

A student is affected by the executive, legislative and judicial decisions reached by local and state officials in the community. A student has the same opportunity to observe local conditions, has the same access to the news media and presumably has the same stake in the outcome of the elections as any other citizen in the community. To now decide that a student be treated differently, and made to vote in a community other than where he resides, because of an ancient artificial assumption of residence with parents, would be to deny the teachings of recent history, as well as a likely unconstitutional discrimination. *Carrington v. Rash*, 380 U.S. 89 (1965).

After a review of these materials, it is our opinion that a citizen over 18 years but under 21 years is *sui juris* for voting purposes and that he can establish a residence apart from the residence of his parents. Further, there is no reason to differentiate between students and others under 21. For voting purposes, either may establish a residence separate from his parents.

This opinion is not meant to imply that a student, or anyone, *must* register in his college town or that any other provision of the election law does not apply to him. A student must still fulfill the residence requirements established by law and each application should be decided by the voter registrars in accordance with established principles of determining residence. Ga. Code § 34–632, 34A–523. This opinion only decides that a citizen under 21 is *sui juris* for voting purposes and is capable under the law of establishing a separate residence if the requisite facts are present.

It should also be stressed that a person may only have one voting residence in Georgia and that voting in more than one election district in the same primary or election is a felony. Ga. Code § 34–1930.

Should additional problems develop, please feel free to call upon us at anytime.

Sincerely yours,

ARTHUR K. BOLTON,
Attorney General.

IDAHO

STATE OF IDAHO,
Boise, August 17, 1971.

MR. R. L. STEPHENS,
Assistant Secretary of State,
Office of the Secretary of State.

DEAR MR. STEPHENS: This will acknowledge receipt of your letter of July 30, 1971, in which you requested this office to render an opinion upon the following election law questions: (1) For the purpose of voting, is a person who is in residence at a college or university considered a resident of the state and of the community in which he resides while attending the college or university? (2) For the purpose of conducting registration of voters, may a county clerk extend his office by deputizing other individuals to accept all registration at places where there is a substantial concentration of people such as a college campus, high school, or shopping center?

In addressing ourselves to your first question, it should be noted at the outset that Idaho has an election law statute in point. Section 34–107, *Idaho Code*, provides:

"Residence defined.—(1) Residence for voting purposes shall be the place in which a qualified elector has fixed his habitation and to which, whenever he is absent he has the intention of returning.

"(2) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.

"(3) A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

"(4) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state."

It is the mandate of the above-quoted statute that one's intent be the lodestar to guide in the ultimate determination of voter residence. Intent to stay in a place permanently or temporarily is subjective, and thus not ascertainable by objective observation. Frequently, those who attend a college or university decide to remain in the community subsequent to their college sojourn. The franchise is too precious for mechanical standards to dictate cold objective judgments which could easily prove inaccurate. Therefore, the residence determination for voting purposes should be left for the voter himself to determine. If an out-of-state student wishes to vote in an Idaho election, and he declares his intent to be that of becoming a permanent Idaho resident, and he satisfies the requirements for voters generally, which includes residing in the state for six months continuously, prior to the election in which he offers to vote, then it is the opinion of this office that such a student should be registered, and allowed to vote.

Implicit in your first question is the situation where an in-state student who lives with his parents in county "x" goes to college for 9 months of the year in county "y" and then returns to county "x" or somewhere else while awaiting the commencement of the next term. The question will then be, in which county is the student a resident for the purpose of voting?

Following the same kind of reasoning applicable to out-of-state students, the in-state student will likewise be the best person to determine his intent to become a resident somewhere. Therefore, if the student in the hypothetical situation above informs the county clerk of county "y" that he intends to become a permanent resident of that county, then the clerk should register him and he should be allowed to vote in the elections held therein.

In situations where the student does not desire to become a resident of the state and county wherein he attends college, and he has come from without, by virtue of Section 34–107(3), he need not worry about his established residence. He will remain a resident of his home state, or county for voting purposes.

Your second question deals primarily with administrative concerns and therefore statutes will be of limited worth in reaching a determination. Actually you wish to know two things: (a) whether county clerks may deputize additional help? (b) Whether the county clerk's office is the sole place where voters may register?

The simple answer to the first part of your second question is "yes". County officials may increase their staffs by appointing deputies. (31–2003, *Idaho Code*).

The second part of question # 2 will not be definitively answered by statute. There is no statute which prohibits the county clerk from extending the administrative functions of his office to other locations. So long as the clerk's office could function acceptably with regard to the services which it normally renders, there is nothing in the laws of Idaho which would prevent deputies, or the county clerk himself, from going outside the office to administer and assist in registering electors. Certainly the registration of students for their college classes would be an optimum time to register them to vote, and we see no reason why county clerks could not be directed by your office accordingly.

Hand in hand with the idea of registering students at college registration time is the question of how, and who would coordinate the effort. Certainly the county clerk, or his deputy in the county in which the school is located could register every person who wished to become a registered voter. Because these persons would fall into two classes,

(1) those residents of the county of the clerk so registering them, and (2) those residents of a different county, the question will be what should be done with the registration cards of the outside county residents? The answer is simply that the clerk should file his own registrants, and then bundle the cards by county of the out-of-county registrants and mail them to their respective county clerks. In this manner, no Idaho law is offended, and the student voter should be readily able to register if he has not done so by college registration time.

If you have further questions regarding election law concerns, do not hesitate to contact this office. This office can appreciate the adjustment which the new election laws will require, and will be indulgent in responding to your every request.

Very truly yours,
JOHN F. CRONER,
Assistant Attorney General.

LOUISIANA

STATE OF LOUISIANA,
DEPARTMENT OF JUSTICE,
Baton Rouge, August 2, 1971.

Hon. HUGH CUTRER,
Director of Registration,
State of Louisiana,
Baton Rouge, La.

DEAR SIR: Because of the many legal problems arising from the passage of the 26th Amendment to the Constitution allowing persons 18 years of age to vote, we hereby issue, per your request, the following advisory opinion·

The 26th Amendment to the Constitution of the United States states that the right of citizens of the United States 18 years of age or older to vote shall not be denied or abridged by the United States or any state on account of age.

Because of this recently ratified amendment, Article VIII, Section 1 of the Louisiana Constitution is amended as regards voters between the ages of 18–21 years.

The requirement of residence in the state for one year and in the parish where one wishes to register for six months is not changed.

A 1967 case in the Fourth Circuit Court of Appeals, *Stavis* v. *Engler*, 202 So. 2d 672 has ruled that a person may have more than one residence.

Article VIII, Section 11 states that no person shall be deemed to have gained a residence while a student of any institution of learning. However, Articles 42 and 44 of Code of Civil Procedure have been construed to allow students to file a letter of intent to have the parish in which the institution is located be considered a residence for voting purposes.

Now, because of the passage of the 26th Amendment enabling 18–21 year olds to register to vote, there is a problem with the requirement of having to wait six months after having filed a letter of intent before being able to register to vote.

These persons who have just been given the right to vote and have met the six month residency requirement within the parish would still not be able to vote because of their failure to file a letter of intent six months prior to election. However, for this special class of persons, a new procedure will allow them to register to vote without having to wait the entire six month period. The procedure will be to file an affidavit stating that the applicant has been a resident of the state for one year and of the parish for six months.

When a student 18 years of age or over wishes to register to vote he may register in any residence which he has established. Thus, he may normally register either in his home parish or in the parish of his college or university. Various problems are presented in the student registering to vote in the parish of his college or university. Article VIII, Section 11 of the Louisiana Constitution states that an individual is not deemed to have gained a residence by reason of his attending an institution of higher learning in this state. This means that a student does not acquire residency simply by enrolling in a college or university. However, if a student files a letter of intent to establish residency six months prior to registering to vote under Article VIII, Section 1 of the Louisiana Constitution, this would satisfy the requirement that a person does not acquire residency by simply enrolling in a college or university. The filing of this letter shows the intention of the student to vote in the parish of his school and serves as proof that he has resided in the parish.

If the student has failed to file this declaration of intent because he lacked the power to vote in the past six months or for some other reason, then he has an alternative method in proving his residence. According to an Attorney General Opinion rendered July 13, 1971 to the Honorable Hugh E. Cutrer, Jr., Director of the Board of Registration, the student may use other evidence to prove his residency. This "other evidence" will be explained in this opinion.

REGISTRATION PROCEDURE

1. The 18 to 21 year old must have established the requisite residency requirements.

2. He may choose the parish in which he wishes to vote (once he has established residency).

3. There is a registrar's office in each parish of the state. Usually these offices are open for registration on a Monday through Friday basis.

4. The 18 to 21 year old must appear at the registrar's office in person in order to register.

5. At the registrar's office the applicant will be required to answer an application for registration. (See Attached Application.) (Not printed in the RECORD).

6. The application includes the six month parish residency requirement.

7. Normally, if the applicant simply states that he has been a resident of the state for one year, of the parish for six months, etc., he will be enrolled as a registered voter of the parish.

8. If the registrar of voters in the parish challenges the applicant's time of residency in the parish, the student may follow only one of the following three procedures:

(a) He may go to the residence of his parents or legal guardian and register in that parish (the legal residence of an unemancipated minor).

(b) He may prove his residency in the parish of the college town by complying with one of two different procedures evidencing his prior six month presence in the parish. One procedure would be to submit pertinent information which would substantiate his claim of residency on the application (rent receipt, utility receipt, etc.). The other procedure (Attachment No. 1) would not require any supporting information. However, this second procedure, which is an affidavit, must be executed before a notary public.

(c) He may submit a letter of intent to make the college town parish his new legal residence for purposes of voting (to the Clerk of Court). After submitting the letter of intent, the applicant must wait six months (the normal parish residency requirement). The six month waiting period after the letter establishes the new parish residency. After six months the applicant then can validly register and the registrar will have no cause to deny the applicant because of the residency requirement. During that time (the six months) the applicant is not a registered voter. (The letter of intent should apply only to a new student or an incoming freshman.)

If the student (is a sophomore or above and) has been living in the parish of the college for at least six months, then he is a resident and can register. (As an example, a student who has attended the fall and spring semesters has established a voting residence—even if he was not in the parish of the college for the summer or vacation months.)

If the letter of intent is filed in the parish of the college and because of the six month residency requirement after filing of the letter, the student is unable to register or vote in the primary or general election, then the student is not precluded from going to the parish of the residence of his parents, parent, or legal guardian and registering in that parish. Since the letter of intent does not constitute full and legal registration, then a registration in a parish of actual residency subsequent to the filing of the letter is legal and effective registration and a person (student) so registered cannot be expelled from the rolls for the simple reason that he had previously filed a letter of intent.

The registration books are closed beginning thirty days before the election. Thus, a person must register prior to thirty days before the primary or general election. If a person becomes 18 years of age prior to the election, but less than thirty days before the election (when the registration books are closed), then this 17 year old can register prior to the closing of the registration books (that is prior to thirty days before the election). However, one will not be permitted to vote in the primary or general election if he becomes 18 on the day of the election

Any registered voter who is a student at an institution of higher learning, including any college or university in this state, located in Louisiana, and who, for the purpose of attending such institution, lives outside the parish where he is registered to vote, may make application to vote absentee.

If a student wishes to vote in his home parish, but has not yet registered to do so, he must register there at least thirty days prior to the election. After doing so, if he is or expects to be absent from his home parish at the time of the election, he is qualified to make application to vote absentee.

WITH REFERENCE TO ABSENTEE VOTING BE ADVISED AS TO THE FOLLOWING PROCEDURES

1. A registered voter, who is a student, and who desires to vote *absentee* shall make application for an official ballot in writing in the parish in which he is registered to vote. In the Parish of Orleans, this application shall be made to the Civil Sheriff.

2. Application by mail will be accepted by the Clerk of the Court, or Civil Sheriff in the Parish of Orleans, within a period beginning sixty days before an election and ending seven days before the election.

3. Applications in person may be made not more than nineteen days nor less than six days before an election.

4. All applications by mail should disclose that the applicant is a student at an institution of higher learning located in Louisiana who, for the purpose of attending such institution, lives outside of the parish where he is registered to vote.

5. Beginning thirty days before the election and thereafter, immediately upon receipt of the application by mail, the Clerk of the Court or Civil Sheriff in the Parish of Orleans will mail to the applicant, at the address furnished by him, postage prepaid, the necessary instructions, affidavits, certificates and ballots.

6. All absentee ballots must be returned by the voter to the officer issuing the ballot within sufficient time to enable the officials to deliver it to the special deputies appointed to deliver the election paraphernalia to the commissioners at each voting precinct.

In response to various requests for interpretation and clarification of the effect of the passage of the 26th Amendment to the

United States Constitution on 18 to 21 year old voters, we issued opinions which are summarized below. These opinions refer to rights acquired in addition to the right to vote by persons between the ages of 18 and 21 years. The additional rights given by the 26th Amendment are as follows:

1. Any person 18 years of age or older who is properly registered to vote and qualified can run for the Louisiana House of Representatives, Police Jury and School Board; and in East Baton Rouge can run for Parish Council and Mayor-President. (Atty. Gen. Op. 1971)

2. Any persons 18 years of age or older may be commissioned as a special officer if he is a duly qualified voter in the state, district, parish, municipality or ward where the functions of this office are to be performed. In addition, they are entitled to carry firearms as authorized for use in this office. For example, persons 18 to 21 years old may be employed as a private security guard but since they are still minors and this would be hazardous employment, approval by parent or guardian would be necessary. (Atty. Gen. Op. 1971)

With respect to all individuals who wish to vote in presidential elections only, that is, for electors for President and Vice President of the United States, Public Law 91-285 established a new durational residency requirement so that an individual who is a duly qualified resident of a state shall be entitled to register for and vote in a presidential election, provided that he applies to vote not later than thirty days immediately prior to any presidential election.

If there are any further questions or inquiry, please advise.

Sincerely yours,

JACK P. F. GREMILLION,
Attorney General.

MISSOURI

[Opinion No. 387]

SEPTEMBER 3, 1971.

Hon. CHARLES S. BROOMFIELD,
Representative, District 87,
Kansas City, Mo.

DEAR REPRESENTATIVE BROOMFIELD: This letter is in response to your opinion request in which you ask:

"Where must college students legally register and vote in Missouri?"

We understand that you are primarily concerned with the factors to be considered in determining the "residence" of voters under twenty-one years of age.

Section 2 of Article VIII of the Constitution of Missouri provides as follows:

"All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one who have resided in this state one year, and in the county, city or town sixty days next preceding the election at which they offer to vote, are entitled to vote at all elections by the people. Citizens of the United States who are otherwise qualified to vote under this section and who have resided in this state sixty days or more, but less than one year, prior to the date of a presidential election may be permitted by law to vote for presidential and vice presidential electors at such election but for no other officers. No idiot, no person who has a guardian of his or her estate or person and no person while kept in any poorhouse at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting. All persons voting for the presidential and vice presidential electors under the sixty day resident provision shall sign an affidavit as to their eligibility to vote under said section, and any person who falsifies said affidavit shall, upon conviction, be deemed guilty of a felony."

Section 111.021, RSMo 1969, with respect to the qualification of voters generally states:

"Only citizens of the United States, including residents of soldiers' and sailors' homes, over the age of twenty-one years who have resided in this state one year, and the county, city or town sixty days immediately preceding the election at which they offer to vote, shall be entitled to register and vote at all elections by the people. Each voter shall vote only in the township or election district in which he resides, or if in a town or city, then in the election district or precinct in which he resides. No person who is adjudged incompetent or while confined in any public prison shall be entitled to register and vote at any election under the laws of this state; nor shall any person convicted of a felony, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to register and vote at any election unless he has been granted a full pardon by the properly authorized state or federal authority."

As you have noted in your opinion request, the minimum age requirement for voters has been changed to eighteen years of age by the adoption of the Twenty-sixth Amendment to the United States Constitution. This Amendment provides:

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

I

A student who attends school away from home does not thereby automatically abandon the residence he had previously nor does he automatically establish a residence at the place where he resides while attending school. Residency depends upon intent.

Section 6, Article VIII of the Missouri Constitution provides as follows:

"For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military services of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house or other asylum at public expense, or confined in public prison."

In interpreting this Constitutional provision, the St. Louis Court of Appeals in *Chomeau* v. *Roth*, 72 S.W. 2d 997 (1934), a case involving the question of residency of student voters who had reached their majority, held at 1.c.999:

"The fact that the challenged voters were students is in and of itself not at all decisive of the case. Our Missouri Constitution provides in article 8, § 7, (Const. art. 8, § 7, p. 677, Mo. St. Ann.), that for the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or to have lost it by reason of his absence, while a student of any institution of learning. So the Constitution leaves the student much as it finds him, permitting him either to retain his original residence for voting purposes, or to take up a residence wherever his school is located if he so elects. In other words, mere physical presence at the school is not enough either to gain for him a voting residence at the school, or to cause him to lose his existing voting residence at his home; the whole question, as in all similar situations, being largely one of intention, to be determined not alone from the evidence of the party himself, but in the light of all the facts and circumstances of the case. *Hall* v. *Schoenecke*, 128, Mo. 661, 31 S.W. 97; *Goben* v. *Murrell*, 195, Mo. App. 104, 190 S.W. 986, 197 S.W. 432.

"[3,4] The two cited cases, and particularly the former, control this case in all essential respects. As they announce the law, it is entirely possible for a student to gain a residence at the place where he is attending school, although he may have gone there for no other purpose than to attend school; the question of whether a change of residence is effected depending upon the intention with which the removal from the former residence was made. A temporary removal for the sole purpose of attending school, without any intention of abandoning his usual residence, and with the fixed intention of returning thereto when his purpose has been accomplished, will not constitute such a change of residence as to entitle the student to vote at his temporary abode. But conversely, an actual residence, coupled with the intention to remain either permanently or for an indefinite time, without any fixed or certain purpose to return to the former place of domicile. *Nolker* v. *Nolker* (Mo. Sup.) 257 S.W. 798; *Finley* v. *Finley* (Mo. App.) 6 S.W. 2d. 1066.

"[5] Now in this case, when the students entered the seminary, they at least came, so there was evidence to show, with the fixed intention of not resuming their respective residences at their former homes after graduation. Upon enrolling at the seminary they knew only that they were abandoning their former residences, and that they would reside at the seminary, not permanently, but for an indefinite time, depending upon the promptness with which they might complete the course, and upon whether they might subsequently take the postgraduate course. The abandonment of the former residence is the important factor; and the necessity of ultimate removal from the seminary should not affect the result. If, as the evidence shows, upon matriculation at the seminary the students abandoned their former residences, entering the school with the fixed intention of not returning to their original homes permanently, are they to be disfranchised from thenceforth until they acquire a residence after graduation? We think not. Rather, the policy of the law is to construe election laws liberally in aid of the right of suffrage.

"And in this view of the case, not only had the particular students abandoned their former residences upon entering the seminary, as there was evidence to disclose, but they presented themselves as voters at the proper precinct in the city of Clayton, declaring to the election officials in charge thereof that they regarded the seminary as their place of residence. We grant that such statements on their part were not conclusive upon the question of their intention, but the evidence thereof, together with the other matters we have heretofore dwelt upon as significant, amply warranted the trial court in finding, as it did, that they were qualified to vote. If, as is said in Goben v. Murrell, supra, residence for voting purposes must have home connection or identification with the community, such connection or identification could not better be evidenced than by a participation in the community's public affairs by those who claim no other community as their residence."

It is our view that the principles set forth in *Chomeau v. Roth* are applicable to students between the ages of 18 and 21 as well as those 21 and over.

II

Generally speaking, a person resides where his family permanently resides.

In this respect, the Springfield Court of Appeals in *Clarkson v. MFA Mutual Insurance Company*, 413 S.W. 2d 10 (1967) stated at 1.c. 13-14:

". . . In this connection, we note also that our General Assembly has declared that '[a]s used in the statutory laws of this state * * * "[p]lace of residence" means the place where the family of any person *permanently* resides in this state, and the place where any person having no family generally lodges' [V.A.M.S. § 1.020 (9)], and that the St. Louis Court of Appeals has pointed out in this statutory definition 'merely codifies the presumption of law that would in any event exist without it.' State upon Inf. of Reardom, supra, 388 S.W. 2d at 58. . . ."

As indicated by the court above, the quoted statutory provision is simply the codification of a presumption; and as the presumption that a person's residency follows that of this family is not conclusive, the student's residency may be otherwise evidenced by the facts of the particular case. Such other evidence necessarily includes the subjective intent of the person as shown by his declaration of residency as well as other varied objective indicia of residency.

III

A student, although under twenty-one years of age, may establish a residence for himself apart from his family and abandon his former place of residence.

While we have not lost sight of the common law doctrine of servitude which proclaims that until a minor is emancipated his legal residence is ordinarily the same as that of his father (or mother if a legal custody situation is present), *Beckmann v. Beckmann*, 218 S.W. 2d. 566 (1949), it is our view that by reason of the provisions of the Twenty-sixth Amendment a minor voter is *sui juris* and has the capacity to form the intent requisite to establish a place of residence of his own. Emancipation at common law resulted from an agreement by the parent and the child that the child could go his own way and provide for himself and was express or implied; *Spurgeon v. Missouri State Bank*, 151 F. 2d 702 (8th Cir., 1945) *Wurth v. Wurth*, 313 S.W. 2d 161 (1958). However, it is our view in the premises that neither parental control nor parental support precludes such a student from establishing his own place of residence.

IV

Certain factors are to be considered in determining residence.

We recognize the difficulty in prescribing a precise formula for determining residency. See *Clarkson v. MFA Mutual Insurance Company*, above. However, we believe that a change in residence is effected by:

a) A bona fide abandonment of the original residence and an intent not to return to it coupled with an intent to remain in the new community indefinitely and physical presence in the new locality. As observed in *Chomeau v. Roth*, above, "indefinitely" does not necessarily mean forever but can be for that period of time necessary to accomplish the objectives at the college with an intent not to return to the previous residence.

b) Other circumstances supporting or disproving the students residency intention may be considered. That is, whether a student (or any person) has established his residence at a place differing from his last residence depends upon all the facts and circumstances of the case. As stated by the Missouri Supreme Court in Hall v. Schoenecke, 31 S.W. 97 (1895): "The fact that he is supported and maintained by his parents, and spends his vacation with them, are strong, but not necessarily conclusive, circumstances to prove that he has not changed his residence. . . . The question is, as in other cases, largely one of intention, though, as to this, the evidence of the party himself is not necessarily conclusive. . . ." The same rules for determining residency apply to students as to other persons. 29 C.J.S. Elections, § 22, p. 80.

The question of intent is to be gathered largely from the acts and the utterances of the person whose residence is under question and the declarations of such person made before, at, and after the time the residence in dispute is alleged to have been established may be considered. In addition to physical presence the courts have considered the place of the person's church and other organization membership, statements of residence given on income tax returns, deeds and other contracts, place of business or labor, In Re Toler's Estate, 325 S.W. 2d 755 (1959); the payment of taxes, 28 C.J.S. Domicile § 18, p. 41; and, of course such residence addresses as have been given for various license purposes. Likewise in weighing these factors the courts have stated that the intent required to establish a residence cannot be for a mere special or temporary purpose. Trumbull v. Trumbull, 393 S.W. 2d 82 (1965). None of these factors are conclusive and they cannot be weighed hypothetically as to their evidentiary value as the courts have not held any one factor determinative.

CONCLUSION

It is the opinion of this office that a student of eighteen years of age or over meeting the necessary constitutional and statutory requirements for voting may:

(1) Retain his original residence and register and vote at such place.

(2) Establish a residence in a different community and register and vote at such place if,

(a) The student declares that he has abandoned his original residence and that he does not intend to return to such place; and,

(b) He declares his intent to establish a residence in the community in which he resides for an indefinite period; and

(c) Such declarations are consistent with facts which show that such voter has abandoned his original residence and intends to reside in such community.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John C. Klaffenbach.

JOHN C. DANFORTH,
Attorney General.

PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
OFICE OF ATTORNEY GENERAL,
Harrisburg, Pa., September 9, 1971.

Re: *Residence of College Students for Voting Purposes.*

Hon. C. DELORES TUCKER,
Secretary of the Commonwealth,
Department of State,
Harrisburg, Pa.

DEAR MRS. TUCKER: You have requested an opinion as to whether the laws of the Commonwealth of Pennsylvania permit college students attending colleges and universities in Pennsylvania to register to vote where their university or college is located.

You are advised by this opinion that, subject to certain durational residency citizenship requirements established by the Constitution of the Commonwealth of Pennsylvania, Pa. Const. Article 7. Section 1 hereinafter discussed, that college students are permitted under State law to register to vote in the locality at which they are attending a college or university.

As of 1970 there were some 390,000 students enrolled in public and private, two and four year colleges and universities located within the Commonwealth of Pennsylvania. These figures, of course, do not include those students enrolled in vocational and technical institutions. The 1970 Pennsylvania Statistical Abstract, pages 142–143. From the time the students are first enrolled at their college or university they are engaged in the vocation of pursuing and obtaining an academic degree or some other form of recognition by the academic community. The time the student will reside in the academic community is indefinite in that his period of residency will extend over the time needed by the student to fulfill the requirement for his academic degree and, in that once having obtained a degree, he may seek additional academic credentials at the same institution. In addition to the student's commitment and intention to spend an indefinite period of time at the university or college of his choice, the student also establishes a number of permanent relationships (permanent in the sense that the relationship will last for an indefinite period of time), with various local institutions, businesses and persons. In most instances, students open bank accounts and charge accounts at local banks and retail establishments, enter into leases with local landlords and in many instances pay local taxes and are employed by local businessmen. Students also live in a variety of dwellings in the area of the college or university of their choice. These dwellings range from the typical on-campus dormitory to the private home owned by a married student. To all of these dwellings the students bring their personal possessions for use during the period of their studies. Students may or may not intend to return, upon termination of their studies, to their last residence prior to enrollment.

Of crucial significance also is the fact that the general elections fall on the Tuesday next following the first Monday in November, a date which comes in the middle of the first semester of the school year. Because of their studies and because no recesses or vacations are scheduled at that time students are unable to return or seriously hindered in returning, to the locality where their parents live to register and to vote. Therefore, should students be compelled to vote in the localities where their parents live, they will be forced to utilize the cumbersome procedure of the absentee ballot. The experience of electors utilizing this procedure where they are compelled to do so (e.g. servicemen stationed overseas) demonstrates that only a small percentage of the persons compelled to vote by absentee ballot exercise their franchise by this means.

The 26th Amendment to the Constitution of the United States provides:

"The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age."

As the report of the United States Senate regarding the 26th Amendment clearly indicates, it is the spirit and intention of this Amendment to remove any procedures which would substantially hamper or impose special burdens on persons 18 years and older in the exercise of the franchise guaranteed by this Amendment.

"Moreover, forcing young voters to undertake *special* burdens—obtaining absentee ballots or travelling to one centralized location in each city for example in order to exercise their right to vote might well serve to dissuade them from participating in the election. This result and the election procedure that created it are at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise." Senate Judiciary Committee, Senate Report No. 92–96, 92nd Congress, First Session (emphasis supplied).

It is obviously a violation of the spirit of the Amendment to compel students to utilize the cumbersome, absentee ballot procedure. Secondly, it is a clear violation of the provisions of the Amendment to impose greater burdens on young people seeking to exercise their franchise than are otherwise imposed on older citizens seeking to exercise their franchise. In two cases arising in other states, *Wilkins* v. *Bentley*, ——— Mich. ——— (1971) and *Tabilio* v. *Mihaly*, ——— CA 2d ——— (1971) Courts in California and Michigan declared certain statutes imposing special burdens on young people in the exercise of their franchise unconstitutional. In the Michigan case a statute creating the presumption that a student is not a resident of the campus town where the college of his choice was located was declared unconstitutional and in the California case an Attorney General's opinion barring unmarried persons under the age of 21 from establishing a residence for voting purposes different from their parents was held violative of California law and the United States Constitution. Attorney General's opinions which have been issued from the States of Massachusetts, Florida, Idaho, Georgia, Louisiana and Washington hold that no special barriers can be erected to the exercise of the franchise by younger citizens.

Article 7, Section 1 of the Pennsylvania Constitution establishes, among other requirements, durational residency and citizenship requirements for electors. These requirements are that the doctor shall have been a citizen of the United States at least one month, he shall have resided in the State 90 days immediately preceding the election and he shall have resided in the election district for at least 60 days immediately preceding the election.[1]

The Election Code, 25 P.S. § 2813 and § 2814, establishes rules for determining residency in the Commonwealth and the election district for voting purposes.

Section 2813 of Title 25 in part provides:

"For the purpose of registration and voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States . . . nor while a student of any institution of learning . . .".

Section 2814 of Title 25 further provides:

"In determining the residence of a person desiring to register or vote the following rules shall be followed so far as they may be applicable:

(a) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(b) A person shall not be considered to have lost his residence who leaves his home and goes into another state or another election district of this State for temporary purposes only, with the intention of returning.

(c) A person shall not be considered to have gained a residence in any election district of this State into which he comes for temporary purposes only, without the intention of making such election district his permanent place of abode.

(d) The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence, except where the husband and wife have actually separated and live apart, in which case the place where he or she has resided for two months or more shall be considered and held to be his or her place of residence . . .".

Two questions are raised by the foregoing statutory provisions. Firstly, do these statutory provisions by operation and court interpretation establish special categories of electors who may have the option of choosing between one of two residences for voting purposes. Secondly, do students who reside in their campus towns obtain a residence under the rules established by these provisions. The answer to the first question is critical in that if it has been certain electors have the choice of maintaining a residence for voting purposes at one of at least two locations, then Pennsylvania law has established a special category of electors for purposes of facilitating the exercise of their francise. If such a category of voters is established under present law, serious constitutional questions are presented, if by operation of the same law, students, who occupy a similar situation are not permitted to make such a choice. The answer to the first question, in light of the constitutional questions raised, of course, bears directly on the answer to the second question.

In the case of *Newport Township Election Contest*, 384 Pa. 474, 121 A.2d 141 (1956) votes in a municipal election of State employees who lived in state owned housing facilities and who, under state law, were required to move from these facilities, upon termination of State employment were challenged. The Supreme Court of Pennsylvania, in denying the challenges held:

"A person employed by the Commonwealth may, *if he sees fit*, establish his domicile and gain residence at this place of employment by taking the proper and appropriate steps to do so—as these voters did". (384 Pa. at 478, emphasis supplied)

In so ruling, the Court permitted State employees to choose between one of two residences for voting purposes, i.e., the residence where he lives during the period of his employment or the residence where he lived prior to State employment and to which he intends to return upon termination of his employment. Permitting this choice has been the practice in this State. In an Attorney General's opinion by Attorney General Margiotti, 225 A.G. Op. 1937, the predecessor provision of 25 P.S. 951–18(g) which provides that "state employees shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service.", was construed to be directory and not mandatory on State employees. Such a construction meant that State employees, if they chose to register at their prior residence, were to be registered but, just as explicitly, meant that they could register at their place of employment if such was their choice.

In addition to State employees, who are permitted by operation of Pennsylvania law a choice of voter residence, Federal law appears to confer the same options on military personnel stationed at or in military installations. In *Carrington* v. *Rash*, 380 U.S. 89 (1965), the Supreme Court invalidated a provision of the Texas Constitution which barred servicemen from voting at their residence on or near a military installation and required them to vote at their last residence prior to entering the service. In so holding, the Court stated:

"We deal here with matters close to the core of our constitutional system. 'The right . . . to choose,' that this Court has been so zealous to protect, means, at the least, that States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State. By forbidding a soldier ever to controvert the presumption of nonresidence, the Texas Constitution imposes an invidious discrimination in violation of the Fourteenth Amendment. '[T]here is no indication in the Constitution that . . . occupation affords a permissible basis for distinguishing between qualified voters within the State.'" (at page 96, citations omitted)

There is also a provision of Federal Law, 50 U.S.C. 1453, which recommends that states permit military personnel to vote in the state where his or her military installation is located. The obvious result of the above cited Federal law, as with the instance of State employees, is to permit military personnel the choice of registering to vote at the place where they are serving the tour of duty or at their last residence prior to military service to which residence they intend to return after their tour of duty.

There is little distinction, if any, for voting residency purposes between State employees and military personnel on the one hand and students on the other. Each class moves to a place away from a place where he or she has customarily maintained a home. Each moves for the purpose of pursuing a vocation be it state employment, military service or studies. Each intends to remain for an indefinite period of time or, in a legal sense, "permanently";—in the case of a State employee until he or she resigns, is removed from office or there is a change of administration, in the case of military personnel until his or her tour of duty is completed, cessation of hostilities or discharge from the service; and in the case of a student until his degree requirements are fulfilled, he is terminated from enrollment or withdraws voluntarily. With regard to either the State employee, the serviceman or student, he or she may intend to return to the last residence prior to employment, military service or pursuing studies at a college or university.

As pointed out previously, to discriminate between students on the one hand and State employees and military personnel on the other by barring students the choice of one or another voting residence would violate the clear intent on the 28th Amendment and recent case law on the subject. It follows from well established tenets of statutory construction that the question of whether students meet the standards of residing set forth in Sections 2813 and 2814 of the Election Code must be decided in light of these constitutional considerations.

In construing Section 2813 of Title 15, the intent of that provision is to eliminate the factor of "presence" at an institution of learning for purposes of obtaining a residence for voting. The case of *Newport Township Election Contest, supra.*, decided this point directly. There the Pennsylvania Supreme Court stated:

"To give these provisions [Section 2813] the construction and application to facts contended for contestants [those parties claiming that the votes of the State employees were valid] would be to lead to an absurd and unreasonable result. They were not intended to nor do they, preclude establishment of a domicile where the State employee works. They mean only what they state,—that their residence cannot be changed merely by reason of their employment. As stated in 29 C.J.S., Elections, Section 24, page 48, the fact, however, that a person does not gain or lose residence merely by reason of his presence or absence while in the service of the government does not preclude him from otherwise gaining a residence at the place so employed." (384 Pa. at page 478).

Having eliminated the factor of presence for purpose of a voting residence the rules for determining residence established in Section 2814 become critical. The operative language of Section 2814 is contained in clauses (a) and (b). As quoted at page 5 of this opinion, clause (a) defines voter residence as a fixed habitation to which the person intends to return whenever he is absent. The student who takes up a residence in his college town has acquired a habitation, i.e., a place where he pursues his vocation and keeps his personal possessions. See *Lesker Case*, 377 Pa. 411, 418, 105 A. 2d 376 (1954). In view of the fact that he intends to pursue his vocation for an indefinite period of time, his habitation becomes "fixed" or "permanent" and hence by being "permanent" it is presumed that he intends to return whenever he is absent. See *Lower Oxford Contested Election*, 1 Chester Co. 253

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[1] In addition to the durational residency requirements of Article 7, Section 1 requires that every citizen be 21 years of age in order to vote. As a result of ratification of the 26th Amendment to the United States Constitution this provision is no longer valid. However, invalidation of the 21 year old age requirement of Section 1, on the basis of well accepted rules of statutory construction, does not render the durational residency requirements of that Section invalid. Moreover, Act 29, 71 Session, recently enacted into law and repealing in part §2811 of the Election Code, 25 P.S. §2811, extends the franchise to persons 18 years old or older subject to the same durational citizenship and residency requirements of Article 7, Section 1.

(1875) in which the Court defined permanency as not meaning "absolute permanency" and *Parrish* v. *Hainlen,* 124 Col. 229, 236 P. 2d 115 (1951) where the Colorado Supreme Court defined "permanency" in terms of an indefinite period of time necessary to pursue a vocation or an objective.

Clause (b) of Section 2814, on its face may properly be applied to the situation where a student takes up residence at a college or university and intends to return to his last prior residence upon completion of his studies. This clause, preserves to the student, as is the case with State employees and military personnel, the option of maintaining a voter residence at his last prior residence.

By construing the Sections 2813 and 2814 in the foregoing manner the constitutional problems previously described are obviated. By this interpretation, a student will have the same choice of voter residence as the State employee and serviceman.

It is necessary at this point to call your attention to a very early Pennsylvania Supreme Court case, *Fry's Election Case*, 71 Pa. 302 (1872). That case involved an election contest which challenged validity of votes cast by college students at their college residence. At the time that that decision was rendered, the provisions of Section 2813 and Section 2814 of Title 25 had not been enacted. However, there was a provision of the Constitution of 1838 applicable to that case which was similar to the present Section 2813. As noted above, Section 2813 and, of course, the analogous earlier constitutional provision, merely state that presence in a campus town is not a factor to be considered for determining residency. At the time that the *Fry's Election Case* was decided there were, however, no rules, similar to those contained in present Section 2814, which established criteria for determining residence for voting purposes. In the absence of such rules, the Court in *Fry's Election Case* was compelled to resort to the restrictive concept of "domicil" to determine whether the college students in that case obtained a residence for voting purposes. With constitutional changes, including ratification of the 26th Amendment, and the enactment of the statutory provision, Section 2814, since the decision in the *Fry's Election Case,* it is clear that the rules for determining residence for voting purposes are not based on the restrictive "domicil" test. Rather these rules as discussed above, are based on practical considerations of alternative means to exercise the franchise and the intention of the elector and his ties to the community in which he seeks to exercise the franchise. For the foregoing reasons we find that the decision in *Fry's Election Case* is distinguishable and does not govern present conditions.

Very truly yours,

J. SHANE CREAMER,
Attorney General.

CALIFORNIA

[S.F. 22826, S.F. 22827, L.A. 29906]

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA: IN BANK

Colette Jolicoeur et al., Petitioners, v. Emmery Mihaly et al., Respondents.

James Tabilio et al., Petitioners, v. Emmery Mihaly et al., Respondents.

Mark Steven Randell et al., Petitioners v. James S. Allison, Registrar of voters of the County of Los Angeles, Respondent.

In these proceedings we are called upon to determine whether the newly enfranchised young people of this state residing apart from their parents shall be treated like other voters for purposes of acquiring a voting residence or, on the contrary, shall be presumed to reside with their parents. We conclude that for state officials to treat minor citizens differently from adults for any purpose related to voting would violate the Twenty-Sixth Amendment to the United States Constitution. We also conclude that strong state policies require that voters participate in elections where they reside and, in accordance with California law permitting a minor to be emancipated for residential or other purposes, that California law requires that minors of 18 years of age or older be treated as emancipated and hence as adults for voting purposes in light of the Twenty-Sixth Amendment.

Petitioners are nine individual unmarried minors and two organizations. The nine individuals sought to register to vote in the jurisdiction they claim to be their actual permanent residence. Registrars of voters in the City and County of San Francisco, Alameda County, Santa Barbara County, San Diego County, and Los Angeles County refused to register the individual petitioners because they did not register at their parents' address, pursuant to the California Attorney General's opinion of February 17, 1971 (Opn. No. 70/213, 54 Adv. Ops. Cal. Atty. Gen. 7, 12), in which he concluded that "for voting purposes the residence of an unmarried minor [whether student or not] . . . will normally be his parents' home" regardless of where the minor's present or intended future habitation might be.

In reliance upon this opinion, respondent Mihaly told petitioner McConville, whose parents live in Argentina, that he could not vote in local elections at all unless he became a *married* minor. Petitioners Pang and Fruchtendler were told that they would have to register to vote in Hawaii and Arizona, respectively. The six other individual petitioners were told to register in other California jurisdictions up to 700 miles away from their claimed permanent residences. Petitioners Jolicoeur and King, who are fully self-supporting and work full-time, were told that these facts were irrelevant to their capacity to establish a legal residence for voting purposes. Petitioner Randell, who has *never* lived at his parents' current domicile, and is not familiar with any political issues pertinent to that area, was told that he must vote there and not where he lives.

Petitioners invoke the original jurisdiction of this court,[1] seeking writs of mandate directed to the respondent registrars ordering respondents to register petitioners according to the same procedures and qualifications that are followed with respect to adult registrants, pursuant to Elections Code, sections 14280–14292.[2]

The Twenty-Sixth Amendment: On June 22, 1970, President Nixon signed into law the Voting Rights Act of 1970 (P.L. 91–285, 84 Stats. 314), title III of which purported to lower the voting age to 18 for all federal, state, and local elections. After the United States Supreme Court held unconstitutional that part of title III which applied to nonfederal elections (Oregon v. Mitchell (1970) 400 U.S. 112, 118), Congress passed Senate Joint Resolution 7 on March 23, 1971, submitting a proposed constitutional amendment to the states for ratification, pursuant to article 5 of the federal Constitution. On June 30, 1971, Ohio became the 38th state to ratify the Twenty-Sixth Amendment to the United States Constitution, and it became law.

Section 1 of the Twenty-Sixth Amendment provides: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied *or abridged* by the United States or by any State on account of age." (Italics added.)

The Twenty-Sixth Amendment prohibits abridging the right to vote on account of age. The word "abridge" means diminish, curtail, deprive, cut off, reduce. (Webster's New Internat. Dictionary (3d ed. 1961) p. 6; Schermerhorn v. Local 1625 of Retail Clerks Int. Assn. (Fla. 1962) 141 So. 2d 269, 276; Piegts v. Amalgamated Meat Cutters, etc. (1955) 228 La. 131, 139, 81 So. 2d 835, 838; Gray v. Johnson (S.D. Miss. 1964) 234 F. Supp. 743, 746.) *Gray* is significant for its interpretation of similar language in the Twenty-Fourth Amendment, which forbids denial or abridgment of the right to vote on account of failure to pay a poll tax. The court in *Gray* held unconstitutional as abridging the right to vote a Mississippi statute which compelled persons exempted from the poll tax by the Twenty-Fourth Amendment to secure special receipts within a limited period of time. The burden put on exempted voters to obtain the special receipts was held to circumscribe, impair, and impede the right to vote.

Compelling young people who live apart from their parents to travel to their parents' district to register and vote or else to register and vote as absentees burdens their right to vote no less than the State of Mississippi burdened its poor people in *Gray.* Such young people would be isolated from local political activity, with a concomitant reduction. The burden placed on youth would be different than that placed on other absentee voters. The youth, unlike other absentee voters, claims his current residence as his domicile but would be disqualified solely "on account of age."

Sophisticated legal arguments regarding a minor's presumed residence cannot blind us to the real burden placed on the right to vote and associated rights of political expression by requiring minor voters residing apart from their parents to vote in ther parents' district. The Twenty-Sixth Amendment, like the Twenty-Fourth, Nineteenth, and Fifteenth before it, "nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise . . . although the abstract right to vote may remain unrestricted. . . ." (Lane v. Wilson (1939) 307 U.S. 268, 275.)

An unmarried minor must be subject to the same requirements in proving the location of his domicile as is any other voter. Fears of the way minors may vote or of their impermanency in the community may not be used to justify special presumptions—conclusive or otherwise—that they are not bona fide residents of the community in which they live.

In Carrington v. Rash (1965) 380 U.S. 89, the United States Supreme Court was faced with a quite similar problem. There a Texas statute prevented persons entering the state as soldiers from acquiring a voting residence in the state while soldiers. The state claimed that military personnel might not make responsible use of the ballot, might vote in a bloc if under the dominating influence of a commanding officer, and, as transients without a stake in the future of the area, might vote against needed bond issues and property taxes. The court's answer was clear: Texas might restrict the franchise to bona fide residents, but it could not conclusively presume soldiers to be transients. To the state's claim that soldiers could "take over" a small town near the base, the court responded firmly: "'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible." (*Id.* at p. 94.) *Carrington* obviously applies to minors as well as to soldiers.

Were there any doubt that the Twenty-Sixth Amendment is intended to compel adult treatment of minors for voting purposes, reference to the legislative history of the amendment would dispel it. It is clear from that history, which is entitled to "an important place in ascertaining the legislative intent" (Freedland v. Greco (1955) 45 Cal. 2d 462, 467; cf. Bourland v. Hildreth

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Footnotes at end of article.

(1864) 26 Cal. 161, 180; Keeler v. Superior Court (1970) 2 Cal. 3d 619, 624), that Congress believed both that minor voters are entitled to be treated as adults for voting purposes and that voting in the youth's actual place of residence is essential to accomplishing a primary congressional goal of channeling youthful idealism through the political process.

The legislative history of title III of the Voting Rights Act of 1970 and the Twenty-Sixth Amendment reveals a rare consensus of concerns and objectives among Senators and Representatives who engaged in debate. Congressmen stressed three consistent themes: first, that today's youth is better informed and more mature than any other generation in the nation's history.[3] Second, Congress was influenced by the fact that over half the deaths in Vietnam have been of men in the 18–20 age group.[4] Third, and perhaps of paramount immediate importance, Congressmen uniformly expressed distressed at the alienation felt by some youths, and expressed hope that youth's idealism could be channelled within the political system.[5]

It would be impossible here to analyze fully the extensive hearings and debates held on whether to extend the vote to 18-year-olds.[6] One of the best and most concise guides to congressional intent is the Senate Report accompanying Senate Joint Resolution 7 (later enacted as the Twenty-Sixth Amendment), a report adopted by both houses of Congress by more than a two-thirds majority. (S. Rep. 92–26, 1971, U.S. Code Cong. & Admin. News 362.) "Reports of commissions which have propcsed statutes that are subsequently adopted are entitled to substantial weight in construing the statutes. [Citations.]" (Van Arsdale v. Hollinger (1968) 68 Cal. 2d 245, 249.) That report makes the following "Case for 18-Year-Old Voting."

"First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21 year age of maturity is derived only from historical accident. In the eleventh century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the eleventh century clearly has no relation to the intellectual and emotional qualifications to vote in twentieth century America. . . . [¶] . . . Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school. [¶] Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. . . . [¶] Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest reflects the interest and concern of today's youth over the important issues of our day. . . . [¶] The Committee believes that we must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. . . . [¶] 'The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation.' [¶] Thus the Committee is convinced that the time has come to extend the vote to 18-year-olds in all elections: . . ." (1971 U.S. Code Cong. & Admin. News at pp. 365–367.)

The committee did not ignore the importance of local elections, which are most affected by denying minors the right to establish a domicile of choice for voting purposes: "If the energy and idealism of the young are needed in elective politics, they are needed no less at the State and local level. [¶] Moreover, *many of the problems that most concern younger citizens are largely matters of local and State policy: the quality of education at all levels; the state of the environment; planning and community development. In these areas, participation of the young in local and State elections is particularly appropriate and necessary, and their point of view especially valuable in devising responsible programs.*" (1971 U.S. Code Cong. & Admin. News at p. 372; italics added.)

Finally, the report notes the confusion and delay that would be caused by a dual-age voting system. Hearings held in the Senate after the court's decision in Oregon v. Mitchell, *supra,* 400 U.S. 112, made clear what steps individual states might take to solve some of these administrative problems. Senate Report 92–26 recommends adoption of the Twenty-Sixth Amendment as one way of precluding individual states from embarking one several programs of which the Judiciary Committee strongly disapproved. Significantly, programs which would force youths to vote by absentee ballot or otherwise single them out came in for severe condemnation: "*A few States are at least considering the possibility of . . . requiring them to vote either in centralized locations or by absentee ballot. But this type of alternative has fostered criticism on several grounds. At least one voting official has criticized this type of segregation of the younger voters because it would give them less of a sense of participation in the election system, and they should not be removed from the heart of the process.* [¶] *Moreover, forcing younger voters to undertake special burdens—obtaining absentee ballots, or traveling to one centralized location in each city, for example—in order to exercise their right to vote might well serve to dissuade them from participating in the election. This result, and the election procedures that create it, are at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise.*" (1971 U.S. Code Cong. & Admin. News at pp. 374–375; italics added.)

It is clear that respondents have abridged petitioners' right to vote in precisely one of the ways that Congress sought to avoid—by singling minor voters out for special treatment and effectively making many of them vote by absentee ballot. The Senate Report indicates that Congress not only disapproved of such treatment, but feared that it would give youth "less of a sense of participation in the election system" and "might well serve to dissuade them from participating in the election," a result inconsistent with the goal of encouraging "greater political participation on the part of the young."

Respondents' policy would clearly frustrate youthful willingness to accomplish change at the local level through the political system. Whether a youth lives in Quincy, Berkeley, or Orange County, he will not be brought into the bosom of the political system by being told that he may not have a voice in the community in which he lives, but must instead vote wherever his parents live or may move to. Surely as well, such a system would give any group of voters less incentive in devising responsible programs" in the town in which they live. Only the most dedicated partisan would travel from Oakland to San Diego (or Tucson) in order to exercise effectively his First Amendment rights of political associatiton and expression.

America's youth entreated, pleaded for, demanded a voice in the governance of this nation. On campuses by the hundreds, at Lincoln's Monument by the hundreds of thousands, they voiced their frustration at their electoral impotence and their love of a country which they believed to be abandoning its ideals. Many more worked quietly and effectively within a system that gave them scant recognition. And in the land of Vietnam they lie as proof that death accords youth no protected status. Their struggle for recognititon divided a nation against itself. Congress and more than three-fourths of the states have now determined in their wisdom that youth "shall have a new birth of freedom"—the franchise. Rights won at the cost of so much individual and societal suffering may not and shall not be curtailed on the basis of hoary fictions that these men and women are children tied to residential apron strings. Respondents' refusal to treat petitioners as adults for voting purposes violates the letter and spirit of the Twenty-Sixth Amendment.

California Law: California law also compels respondents to treat citizens of 18 years of age or older as adults for all purposes related to voting.

Petitioners sought to register at addresses they claim to be their residences for voting purposes. If petitioners *are* residents of the districts they claim, the integrity of our state's political system demands that they be allowed to vote in those areas. This is true for two reasons.

First, basic democratic principles require that citizens be able to participate in making decisions that intimately affect their lives. Forcing residents of one locality to vote in the elections of another locality denies to those voters the right to help determine the resolution of issues which vitally affect them, and eventually alienates them from the political process.

Decisions of this court (e.g., Castro v. State of California (1970) 2 Cal. 3d 223, 235–241) and the United States Supreme Court have made clear that *all* bona fide residents substantially affected by the outcome of an election and capable of voting intelligently and responsibly in it should be allowed to vote. As stated in Kramer v. Union School District (1969) 395 U.S. 621, 626–627, "Statutes granting the franchise to residents on a selective basis always pose the danger of denying some citizens any effective voice in the government affairs which substantially affect their lives." (Fn. omitted.)

The rules announced by respondents not only would deny to some residents the right to vote where they live, but could also serve to give an unmarried minor a series of voting residences which he has never seen. The 18-year-old who lives and works in San Francisco for the three years he is a voting minor might well wind up voting in turn for the Mayor of Seattle, the Governor of Maine, and school bonds in Oshkosh, Wisconsin, only to be disenfranchised completely on the local level when his parents move permanently to Paris.

It may be objected that to allow unmarried minors to establish a domicile where they live may swell the rolls of college town electorates. It is contended that college students may "take over" a town by all voting the same way, that they are not "truly" residents in that many of them will move to other areas after they leave school, and that local governments have a legitimate interest in excluding such persons from the local polity.[7]

In many states special rules are applied in determining the voting residence of stu-

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Footnotes at end of article.

dents. (Singer, *Student Power at the Polls* (1970) 31 Ohio St. L.J. 703, 721–723.) The underlying rationale of these various tests is that students are apt to be transient inhabitants of the community, little concerned about long-term policies and problems, and often may not pay local property taxes. (But see Note, *Restrictions on Student Voting: An Unconstitutional Anachronism?* (1970) 4 U. Mich. J. Law Reform 215.) The possible transiency, penury, or ignorance of students did not, however, impress the California Legislature, which has expressly provided that the law "shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he resides while attending that institution, when in fact the student has abandoned his former residence." (Elec. Code, § 14283.) Student status is therefore a neutral fact in determining residence for voting purposes.

The Legislature has thus determined that differential treatment of students for voting purposes may not be condoned as a legitimate governmental policy. No reason appears for construing differential treatment of minors in a more favorable light.

The second major evil accomplished by allowing or forcing voters to vote in districts not their own is that voters of other districts have inflicted upon them a voter with no stake or interest in the outcome of the election. The extent of the evil is not only that residents of California would be asked to decide issues in Arizona or Hawaii. Small towns in California would be especially affected by such a rule, since the number of young people from the town who have left for other areas may be substantial in comparison to the town's total population. Allowing unmarried minors who reside elsewhere to vote may effectively turn a small town over to the control of unconcerned outsiders. Over a century ago we recognized the wisdom of requiring voters to be residents of the jurisdiction: "[C]itizens . . . should not deal with public questions through the ballot box until they at least [have] the benefit of an opportunity to learn the public wants, of concerting measures the best calculated to provide for them, and of selecting proper men to carry those measures into effect; . . ." (Bourland v. Hildreth, *supra*, 26 Cal. 161, 179.) Allowing minors to vote at fictional residences would compromise the integrity of the political process.

In addition to these fundamental policies requiring that a person vote where he actually resides and not be compelled to vote at a fictional residence, there are further legislative policies which require that a minor residing apart from his parents be permitted to vote at his residence.

Although our statutes provide for absentee registration as well as absentee voting (Elec. Code, § 213), it is likely that individuals forced to vote in elections they care and know little about will be inclined not to register or vote at all. While the rational man might register in one county as well as another for purposes of a presidential primary, why should he register or vote in any local election when he knows nothing of the issues or candidates? Forcing voters to register at fictional residences would therefore frustrate the legislative intent "to promote and encourage voter registrations . . . to the end that registration may be maintained at a high level." (Elec. Code, § 201.)

The provisions of the Elections Code governing determination of residence for voting purposes also reflect the state policy of recognizing an actual rather than a fictional residence.

Section 14282 provides the general standard for determining an individual's domicile for voting purposes. It provides: "The residence of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning."[8]

The registrar obviously has the power not to register someone who is not a resident of the jurisdiction. But California law gives great weight to the voter's representation of where his domicile is. If a voter is challenged at the polls on the ground that he has not been a resident of the state, county, or precinct for a sufficient time, the precinct board may ask the voter only four questions. If the voter answers them with a "yes" or "no" which indicates he is a resident of the jurisdiction, the board must take his word for it and must allow him to vote. (Elec. Code, §§ 14243–14244.5.) Moreover, "*Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.*" (Elec. Code, § 14255; italics added.)

Section 14282 would normally govern the determination of petitioners' domiciles for voting purposes. Any presumption that a given class of persons are not residents of the place they live would contravene the spirit and text of the Elections Code. (Elec. Code, §§ 14255, 14282; see also §§ 14283, 14290, allowing soldiers, students, inmates of institutions, and wives living apart from their husbands to acquire domiciles in the place they live.)

Respondents apparently do apply section 14282 in determining the residence of a married minor (who may be considered an adult for some purposes, but would still be a minor under state law for voting purposes; see Civ. Code, § 25). They appear to refuse as a matter of policy, however, to accept affidavits of residence from unmarried minors, unless the residence claimed is that of the parents. Even considering state law alone, this policy may be sustained, in light of the Elections Code, and the strong state policies discussed above, only if unmarried minors are generally incapable of having a domicle of their own. Subject to some unspecified objections, the Attorney General so believed (54 Adv.Ops.Cal.Atty.Gen., *supra*, at pp. 11–12), relying on Government Code, section 244, subdivisions (d) and (f), which provide that an unmarried minor's residences is that of his parents, and cannot be changed by his own act alone.[9]

The Attorney General has misapplied section 244 by failing to view it in light of other pertinent statutes and decisions governing parent-child relations. Specifically, under California law a minor may be emancipated partially or completely by his parents or by operation of law. It is possible that a minor of 18 years of age or older, living apart from his parents, will be emancipated for all purposes; it is substantially probable that he will be emancipated for purposes of residence; and the minor is necessarily emancipated for all purposes related to voting when he is given the vote in his own right, without regard to the consent of his parent or guardian. In light of this California law regarding the emancipation of minors, we conclude that minors over 18 years of age must be treated as adults for voting purposes, and the location of their domiciles may not be questioned on account of their age.

Although section 244 is couched in absolute terms, it has not been so applied. Our courts have long held, for example, that the minor's residence does not follow that of the parent when the parent has abandoned him. (In re Vance (1891) 92 Cal. 195. 198; In re Hawkins (1920) 183 Cal. 568, 575; Guardianship of Brazeal (1953) 117 Cal.App.2d 59, 61; see also Harlan v. Industrial Acc. Com. (1924) 194 Cal. 352, 359–360.) Similarly, although section 244, subdivision (e) baldly states that "[t]he residence of the husband is the residence of the wife," the section has not been applied where the wife obviously maintained a separate domicile from that of her husband, to whom she was apparently happily married. (Lowe v. Ruhlman (1945) 67 Cal.App.2d 828, 833.)

Section 244's proviso that an unmarried minor's residence is that of his parents and cannot be changed by his own act must be construed in light of other statutes governing parent-child relations. In particular, Civil Code, section 211 provides in pertinent part: "The parent . . . may relinquish to the child the right of controlling him . . . ." Such relinquishment constitutes emancipation of the minor, and may be express or implied, complete or partial, conditional or absolute. (Perkins v. Robertson (1956) 140 Cal. App. 2d 536, 540; 67 C.J.S., Parent and Child, §86.) The emancipated child "is in all respects his own man." (Lackman v. Wood (1864) 25 Cal. 147, 151.) To the extent he is emancipated he becomes *sui juris*, with the same independence as though he had attained majority. (67 C.J.S., Parent and Child, § 87; see, e.g., Wadoz v. United Nat. Indemnity Co. (1957) 274 Wis. 383, 80 N.W. 2d 262, 265.) After consenting to the emancipation of a child old enough to work and care for himself, the parent has no right to custody or control. (Ex Parte Clark (1891) 87 Cal. 638, 642.) "A parent not entitled to the custody of a child has no right to control his residence." (Harlan v. Industrial Acc. Com., *supra*, 194 Cal. 352, 359–360; cf. Civ. Code, § 213).[10]

Nor must a child be fully emancipated in order to acquire a domicile of choice. California law recognizes that emancipation for specific purposes is effective. (Martinez v. Southern Pacific Co. (1955) 45 Cal. 2d 244, 253 [emancipation implied by circumstances]; Slater 1. California State Auto. Assn. (1962) 200 Cal. App. 2d 375 [partial emancipation implied]; Perkins v. Robertson, *supra*, 140 Cal. App. 2d 536 [partial emancipation implied]; Argonaut Ins. Exchange v. Kates (1955) 137 Cal. App. 2d 158 [partial emancipation implied].) As stated in Cole v. Superior Court (1915) 28 Cal. App. 1, 6, " 'the county of the husband's residence is [that] of the minor children, unless he has consented to their acquiring residence elsewhere, or has voluntarily relinquished his parental authority over them . . . .' "

Whether the minor has been emancipated for residential purposes is ordinarily a question of fact. (Martinez v. Southern Pacific Co., *supra*, 45 Cal.2d 244, 253.) Establishment of a separate abode is evidence of emancipation. (Spurgeon v. Mission State Bank, *supra*, 151 F.2d 702; Rounds Bros. v. McDaniel (1909) 133 Ky. 669, 118 S.W. 956; Ream v. Watkins (1858) 27 Mo. 516; see generally Annot., 165 A.L.R. 723, 740–742.)[11] In addition, it is common sense to believe that a good many minors over the age of 18 living apart from their parents *are* emancipated for these purposes. Eighteen is the age when most minors graduate from and leave school when many get full time jobs and become selfsupporting, when the state ceases to limit the number of hours they may work (Lab. Code, § 1172), when they may smoke cigarettes (Pen. Code, § 308), and when criminal proceedings begin to be brought in adult rather than juvenile courts. (Welf. & Inst. Code, § 604: Boches & Goldfarb, Cal. Juvenile Court Practice (Con.Ed.Bar 1968) 35.) It is an age when males register for the draft and females may get married without the consent of either parent. (Civ. Code, § 4101.) A minor 18 to 21 years old who lives apart from his parents will usually consider his house to be home.

Not only is there a substantial likelihood that a minor over the age of 18 living apart from his parents has been emancipated for all purposes or at least for purposes of residence; it is also clear that when the minor is given the right to vote he is emancipated for all purposes relating to voting. Obviously, in giving the minor the right to vote, it was never contemplated that the parent or guardian should be able to control whether or not the minor should be permitted to vote or how he should exercise the franchise. It was necessarily the intention to accept him as a responsible member of the community, capable of participating in its political affairs, directing its policies, and choosing its

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Footnotes at end of article.

leaders. For these purposes, he must be free entirely of parental control, and unless he is, the right to vote granted to him would be meaningless.[12]

The fundamental importance of the franchise, as both a symbol and a vital tool of our democracy, requires that every effort be made to apply uniform standards and procedures to all qualified voters equally. (Cf. 42 U.S.C. § 1971(a)(2)(A).) In this case the strong likelihood that substantial numbers of voting minors living apart from their parents are emancipated for residential purposes, coupled with the necessity that minors given the vote be treated as emancipated for all purposes related to voting, persuades us that a minor 18 years of age or older must be treated as an adult for voting purposes, and that the location of his domicile may not be questioned on account of age or occupational status.

We hold today that both the Twenty-Sixth Amendment to the United States Constitution and California law require respondent registrars to treat all citizens 18 years of age or older alike for all purposes related to voting. We do not imply that registrars may not question a citizen of any age as to his true domicile. However, the middle aged person who obtains a job and moves to San Francisco from San Diego, and the youth who moves from his family home in Grass Valley to Turlock to attend college must be treated equally. Whether either of them acquires a new domicile or retains the old one is governed by sections 14280–14292 of the Elections Code. We hold only that registrars may not specially question the validity of an affiant's claim of domicile on account of his age or occupational status.

Let the peremptory writ of mandate issue directing respondent voting registrars to determine each individual petitioner's residence for voting purposes strictly in accordance with Elections Code, sections 14280–14292, and by the same standards, tests, and procedures as are applied to persons 21 years of age or older.

PETERS, J.

We concur: Tobriner, J., Mosk, J., Sullivan, J.

FOOTNOTES

[1] Petitioners could have sued to enforce their rights pursuant to Elections Code, section 350. Instead petitioners ask us to exercise our original jurisdiction (Cal. Const., art. VI, § 10; Rules of Court, rule 56(a)). We exercise such jurisdiction only in cases in which "the issues presented are of great public importance and must be resolved promptly." (County of Sacramento v. Hickman (1967), 66 Cal. 2d 841, 845.) Cases affecting the right to vote and the method of conducting elections are obviously of great public importance. Moreover, the necessity of adjudicating the controversy before the election renders it moot usually warrants our bypassing normal procedures of trial and appeal. Thus we have exercised our original jurisdiction where electors sought to qualify an initiative for the ballot (Perry v. Jordan (1949), 34 Cal. 2d 87, 90–91; Farley v. Healey (1967), 67 Cal. 2d 325, 326–327), where a proposed local election would have violated the city charter (Miller v. Greiner (1964), 60 Cal. 2d 827, 830), and where an individual sought certification by the city clerk as a candidate for office. (Camara v. Mellon (1971), 4 Cal. 3d 714.)

No less speedy resolution of the issues presented by petitioners would be adequate here. The last day for registration for the November 2, 1971, election is September 9, 1971. The last day for registration for the June 6, 1972, election is April 13, 1972. It is highly unlikely that petitioners could secure a superior court decision *and* complete the inevitable appeals by either side from that decision in time to register for these elections.

[2] The remedy invoked—mandate—is appropriate. (Code Civ. Proc., §§ 1085–1086.) Voting registrars are public officers with the ministerial duty of permitting qualified voters to register. Mandamus is clearly the proper remedy for compelling an officer to conduct an election according to law. (Miller v. Greiner, *supra*, 60 Cal.2d 827, 830; Partridge v. Devoto (1905) 148 Cal. 167; see also Zeilenga v. Nelson (1971) 4 Cal.3d 716; cf. Keane v. Mihaly (1970) 11 Cal.App.3d 1037.) Mandamus is also appropriate for challenging the constitutionality or validity of statutes or official acts. (Metropolitan Water Dist. of Southern California v. Marquardt (1963) 59 Cal.2d 176, 28 Cal.Rptr. 724, 729; Zeilenga v. Nelson, *supra*, 4 Cal.3d 716; San Francisco Unified School Dist. v. Johnson (1971) 3 Cal.3d 937.)

[3] See, e.g., Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, 91st Cong., 2d Sess., at p. 130 (President Nixon); 116 Cong. Rec. S3216 (daily ed. March 9, 1970), remarks of Sen. Goldwater; 116 Cong. Rec. S3216, S3392, H5661, H5668 (daily ed. March 9, 10, and June 17, 1970), remarks of various Congressmen re educational attainment of youth.

[4] See, e.g., 116 Cong. Rec. S3058 (Sen. Kennedy), S3214 (Sen. Cook), H5651 (Rep. Stokes), H5654 (Rep. McCloskey, Jr.) (daily ed. March 5, 9 and June 17, 1970).

[5] See, e.g., 116 Cong. Rec. H5675 (Rep. Ottinger), and H5643 (Rep. Anderson) (daily ed. June 17, 1970).

[6] See generally, Note, *Legislative History of Title III of the Voting Rights Act of 1970* (1970) 8 Harv.J.Legis. 123.

[7] The fear of a deluge is more theoretical than real. In Berkeley, for example, some 51,464 votes were cast in the recent municipal election. (Oakland Tribune, April 7, 1971.) Of 27,000 students at the University of California, no more than 9,000 (freshmen through juniors) are likely to be in the 18–20 age group. If typical registration percentages adhere, no more than 5,000–6,000 of these minors would register to vote. Even if every single one of these minors registered in Berkeley, which is highly unlikely, and even if every one then voted (which is more unlikely), the *vote* total would be increased no more than 10 percent, and the rolls an even lesser percentage. Nor, among this highly educated group, is it very probable that all 5,000 minors would vote the same way on any issue.

[8] Sections 14280–14292, and the preceding sections 14240–14255, concern challenges to any voter at the polls by the precinct board appointed by the board of supervisors. Since challenges are based only on failure to possess qualifications set forth in the affidavit of registration, e.g., residence in the jurisdiction, it is clear that these same standards for determining residence apply as well to the registrar of voters.

[9] Government Code, section 244, subdivision (d) provides: "The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child, provided that when the parents are separated, the residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried minor child." Subdivision (f) further provides: "The residence of an unmarried minor who has a parent living cannot be changed by his own act."

[10] The great preponderance of authority from other jurisdictions similarly holds that an emancipated minor, being *sui juris*, may acquire his own domicile. (See, e.g., Bonneau v. Russell (1952) 117 Vt. 134, 85 A. 2d 569, 570; Cohen v. Delaware, Lack. & Western R.R. Co. (1934) 150 Misc. 450, 269 N.Y.S. 667, 673–675; Bjornquist v. Boston & A.R. Co. (1st Cir. 1918) 250 F. 929, 932–933; Spurgeon v. Mission State Bank (8th Cir. 1945) 151 F. 2d 702, 705, cert. Den. (1946) 327 U.S. 782; Appelt v. Whitty (7th Cir. 1961) 286 F. 2d. 135, 137; 28 C.J.S., Domicile, § 12, p. 21; Rest., Conflict of Laws. § 31, Rest. 2d, Conflict of Laws, § 22.) As provided in Restatement Second of Conflict of Laws, section 22, comment f: "A parent has no power to control the domicile of an emancipated child. . . ."

[11] In Rounds Bros. v. McDaniel, *supra*, 133 Ky. 669, 118 S.W. 956, in particular, the child left home *without* express parental consent. The court held that the parent's failure to object constituted an implied emancipation, which would become irrevocable if the parent's inaction continued. Similarly, even where the father gave the child money with which to leave, but thereafter exercised no control over the minor's activities, and the minor lived in another state, an emancipation had occurred. (Johnson v. Gibson (N.Y.C.P. 1855) 4 E. D. Smith's Rep. 231.) (Cf. Grant v. Segawa (1941) 44 Cal. App. 2d Supp 945, 949)

[12] Since the minor is emancipated for all purposes relating to voting, we have concluded that petitioners may sue in their own right, and that it would be improper for us to appoint a guardian ad litem pursuant to Code of Civil Procedure, sections 372–373, and Civil Code, section 42.

CONCURRING OPINION BY WRIGHT, C.J.

Jolicoeur et al. v. Mihaly et al, S.F. 22826.
Tabilio et al. v. Mihaly et al. S.F. 22827.
Randell et al. v. Allison L.A. 29906.

I concur in the majority opinion insofar as it is concluded therein that the places of residence of minor citizens of voting age are to be fixed in a like manner with the places of residence of adults, for purposes of determining the jurisdiction in which they are to vote. This result is *compelled* by clear language of the Twenty-Sixth Amendment which provides in pertinent part that the "right of citizens of the United States . . . to vote shall not be . . . abridged . . . by any State on account of age."[1]

It cannot be disputed that state-imposed restrictions which compel a minor of voting age to vote, if at all, only in the jurisdiction where his parents reside whatever his legitimate reasons for living apart from them, necessarily diminishes, curtails, reduces and accordingly abridges his right to vote *only on account of his minority*. The minor would thus be incapable of voting in the jurisdiction where he permanently and legally resides, while the adult is free not only to vote in such jurisdiction but to change the place where he votes when he changes his residence. No basis for justifying such an abridgment or discrimination on the right to vote, other than the minor's age or distinctions dependent thereon, has been suggested in the instant case. As the Twenty-Sixth Amendment expressly prohibits the described state conduct, we need not inquire further and to do so only emphasizes matters which should be of no concern to us.

There is no stronger statement of governing policy considerations in any particular circumstance than an express declaration embodied in our federal Constitution. Where, as here, such a declaration is manifestly dispositive of the single issue no good purpose is served by a concurrent examination of state or federal policies, or legislative histories, in an attempt to ascertain that the supreme law of the land must be adhered to because lesser policy considerations likewise require the same result.

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[1] The majority correctly and, for purposes of the decision herein, conclusively holds that the "Twenty-Sixth Amendment prohibits abridging the right to vote on account of age. The word 'abridge' means diminish, curtail, deprive, cut off, reduce. [Citations.]"

Petitioners are entitled to their peremptory writ because the Constitution directs it, and we need and should not seek otherwise to justify such constitutional direction.

WRIGHT, C. J.

We concur: McComb, J., Burke, J.

MICHIGAN

[No. 52953]

STATE OF MICHIGAN SUPREME COURT

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee. Before the entire bench. Swainson, J.

Eight University of Michigan students were, upon timely application therefor, refused registration for the purpose of voting, by the defendant clerk. By this petition for writ of mandamus, they seek the right to register and vote in Ann Arbor. One plaintiff, Carol B. Shalita, was dropped prior to trial. The cause was tried on June 11 and 12, 1968, on the amended pleadings and the pretrial statement.

The opinion of the trial court was rendered on August 23, 1968, and judgment was entered on September 10, 1968. By consent of the defendant, plaintiffs Schultz and Jones were permitted to register and vote in Ann Arbor. By judgment of the court, plaintiffs Eichenbaum and Hollenshead were awarded the right to register and vote in Ann Arbor. Plaintiffs Wilkins, Jendryka and D'Haem were denied the right to register and vote in Ann Arbor.

The parties stipulated that the plaintiffs Wilkins, Jendryka and D'Haem are citizens of the United States and that at the time they had applied for voter registration were over the age of 21 years and had resided in the State of Michigan for more than six months. Each of them maintained an apartment in Ann Arbor and had habitually slept there. Each of them commonly kept his personal effects in his apartment and his regular place of lodging was in Ann Arbor. It is agreed that the trial court denied the plaintiffs-appellants the right to register and vote in Ann Arbor under the provisions of MCLA § 168.11(b). The Court of Appeals affirmed on the grounds that said subsection (b) aids in preserving the purity of elections and guards against abuses of the elective franchise by minimizing the possibility of a person voting twice in the same election. 24 Mich App 422, 427. We granted leave to appeal. 384 Mich 782.

MCLA § 168.11 provides as follows:

"(a) The term 'residence', as used in this act, for registration and voting purposes shall be construed to mean that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. Should a person have more than one residence, or should a wife have a residence separate from that of the husband, that place at which such person resides the greater part of the time shall be his or her official residence for the purposes of this act. *This section shall not be construed to affect existing judicial interpretation of the term residence.* (Emphasis added.)

"(b) *No elector shall be deemed to have gained or lost a residence* by reason of his being employed in the service of the United States or of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor *while a student at any institution of learning*, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison. Honorably discharged members of the armed forces of the United States or of this state and who reside in the veterans' facility established by this state may acquire a residence where the facility is located. (Emphasis added.)

"(c) No member of the armed forces of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the state."

The part of subsection (b), dealing with students, has been defined by our Court to mean that a student must overcome a rebuttable presumption that he is not a resident in the locale of the institution of learning. *Wolcott* v. *Holcomb* (1893), 97 Mich 361; *People* v. *Osborn* (1912), 170 Mich 143; *Attorney General* v. *Miller* (1934), 266 Mich 127. Plaintiffs contend that this statute violates the due process and equal protection clauses of the Michigan Constitution[1] and the United States Constitution.[2] We turn first to plaintiffs' contentions under the due process clause.

I

We deal here with the right to vote, labeled by the U. S. Supreme Court almost a century ago "as a fundamental political right, because preservative of all rights." *Yick Wo* v. *Hopkins* (1886), 118 US 356, 370 (6 S Ct 1064, 30 L Ed 220). The courts have closely scrutinized any law that interferes with fundamental rights to insure that they are not unduly vague or give local officials unfettered discretion.[3] In cases involving voter registration, the U. S. Supreme Court has struck down State laws which gave unfettered discretion to local officials. As Mr. Justice Black stated for a unanimous court in *Louisiana* v. *United States* (1965), 380 US 145, 153 (85 S Ct 817, 13 L Ed 2d 709):

"The cherished right of people in a country like ours to vote cannot be obliterated by the use of laws like this, which leave the voting fate of a citizen to the passing whim or impulse of an individual registrar."[4]

In a recent article concerning student voting, W. P. Bullard and J. Rice, "Restrictions on Student Voting: An Unconstitutional Anachronism," 4 Journal of Law Reform 215 (1970), the authors point out by analogy, that students face many of the same problems as found by others when faced with voter qualification tests:

"Although the voter qualification tests involved were used to disfranchise blacks, thus bringing into play the fifteenth as well as the fourteenth amendment, the inherent vagueness of the interpretation test and the imprecise criteria used oy the registrars presented prospective black voters with a dilemma analogous to that faced today by students. Although students must demonstrate greater attachment to the university locale than must most other registrants, the quantum of required attachment is quite unclear."[5]

The authors point out that while the law defining voting residence for other citizens under MCLA § 168. 11(a) (Stat. Ann. 1971 Cum Supp. § 6.1011[a]), is clear and unequivocal, the effect of the law, as applied to students, under subsection (b) varies from city to city and from local clerk to local clerk.

"Therefore, in Michigan, as well as in other states, the standards which students must meet in order to vote in the locality in which their college is located are extremely vague. In Michigan, the guidelines are so vague as to be tantamount to no standards, thus each registration clerk determines himself which factors will overcome the presumption against student registrability in his city."[6]

The record in this case amply supports this assertion. The Ann Arbor city attorney conceded in oral argument before this Court that while Ann Arbor uses an elaborate questionnaire before allowing students to register,[7] the city clerk of Detroit (where Wayne State University and several colleges are located) does not ask any special questions of student registrants.

At the trial, the plaintiffs were asked questions concerning bank accounts; where they obtained their support; whether they owned or leased property, and where they spent their vacations.[8] However, these questions concerning wealth,[9] property ownership,[10] and travel,[11] if used as criteria to establish residence for voting purposes are constitutionally impermissible.

We hold that MCLA § 168.11(b), insofar as it applies to students, does violate the due process clause of the Fourteenth Amendment of the U.S. Constitution. We further hold that said provision of MCLA § 168.11(b) violates art 1, § 17, of the 1963 Mich Const. Subsection (b), as it applies to students, is overly broad and grants a constitutionally prohibited discretion to local clerks in Michigan. The ability to exercise the precious right to vote cannot depend on whether a student attends school in a large city or a smaller town. *Reynolds* v. *Sims* (1964), 377 US 533 (84 S Ct 1362, 12 L Ed 2d 506).

However, if this were the only infirmity of the statute, we could correct this defect by issuing guidelines consistent with the Constitution. We, therefore, turn to plaintiffs' claim that subsection (b) violates the equal protection clauses of the U.S. and Michigan Constitutions.

II

Traditionally, statutes have been upheld as constitutional under the equal protection clause if they met the following test:

"1. The equal protection clause of the Fourteenth Amendment does not take from the State the power to classify in the adoption of police laws, but admits of the exercise of a wide scope of discretion in that regard, and avoids what is done only when it is without any reasonable basis and therefore is purely arbitrary. 2. A classification having some reasonable basis does not offend against that clause merely because it is not made with mathematical nicety or because in practice it results in some inequality. 3. When the classification in such a law is called in question, if any state of facts reasonably can be conceived that would sustain it, the existence of that state of facts at the time the law was enacted must be assumed. 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary." *Naudius* v. *Lahr* (1931), 253 Mich 216, 222–223.

However, a different test has been used in two separate types of cases. First, if the asserted classification was on the basis of race or other disfavored classification, the state has to meet "the very heavy burden of jurisdiction * * *." *Loving* v. *Virginia* (1967), 388 US 1, 9 (87 S Ct 1817, 18 L Ed 2d 1010), and (p 11):

"At the very least the Equal Protection Clause demands that racial classification, especially suspect in criminal statutes, be subjected to the 'most rigid scrutiny,' *Korematsu* v. *United States*, 323 US 214, 216 (1944), and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate."

The second group of cases requiring the higher standard involved the assertion of a fundamental constitutional right.

"But in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling governmental interest*, is unconstitutional." (Emphasis added.) *Shapiro* v. *Thompson* (1969), 394 US 618, 634 (89 S Ct 1322, 22 L Ed 2d 600).

It can be stated without exaggeration that the right to vote is one of the most precious, if not the most precious, of all our constitu-

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Footnotes at end of article.

tional rights. The U.S. Supreme Court has stated concerning the right to vote:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." *Wesberry* v. *Sanders* (1964), 376 US 1, 17–18 (84 S Ct 526, 11 L Ed 2d 481).

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds* v. *Sims, supra* at p 555.

The U.S. Supreme Court has applied the compelling interest test in recent cases involving the right to vote. Chief Justice Warren in *Kramer* v. *Union Free School District* (1969), 395 US 621, 627 (89 S Ct 1886, 23 L Ed 2d 583), stated:

"Therefore, if a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are *necessary to a compelling interest.*" (Emphasis added.)

The compelling interest test has been applied with one exception [12] to all of the recent voting cases, including *Oregon* v. *Mitchell* (1970), 400 US 112 (91 S Ct 260, 27 L Ed 2d 272).

Thus, in daterming whether MCLA § 168.11(b), as it applies to students, violates the Equal Protection Clause, we must apply the compelling State interest test. If the State is unable to demonstrate a compelling interest, that part of the statute must fall.

III

Although there is no case directly on point, the U.S. Supreme Court has dealt with the denial of the right to vote to various groups of people on several occasions in the past few years.

Carrington v. *Rash* (1965), 380 US 89 (85 S Ct 775, 13 L Ed 2d 675), involved a provision of the Texas Constitution which prevented servicemen from voting in state elections as long as they remained in the service. The court struck down the law as a denial of the Equal Protection Clause.

In *Kramer* v. *Union Free School District* (1969), supra, the Supreme Court invalidated under the Equal Protection Clause a New York law [13] which provided that only people who owned or leased property or parents with children in schools could vote in certain school district elections.

In *Cipriano* v. *Houma* (1969), 395 US 701 (89 S Ct 1897, 23 L Ed 2d 647), a Louisiana law which only allowed property taxpayers to vote on revenue bonds issued by a municipal utility system was declared unconstitutional. Likewise, an Arizona law permitting only real property taxpayers to vote at an election on the issuance of general obligation bonds for various municipal improvements was overturned in *Phoenix* v. *Kolodziejski* (1970), 399 US 204 (90 S Ct 1990, 26 L Ed 2d 523).

In *Evans* v. *Cornman* (1970), 398 US 419 (90 S Ct 1752, 26 L Ed 2d 370), the Court held that residents of the National Institute of Health, which is a Federal enclave in the State of Maryland, must be allowed to vote in Maryland's elections.

Defendant contends that all of these cases are distinguishable because they involved an absolute denial of the right to vote, whereas MCLA § 168.11(b), as it affects students, involves merely a rebuttable presumption against gaining residence.

This, however, is demonstrably not in fact true. Despite the treatment by the U.S. Supreme Court of *Carrington* as a case involving the denial of the absolute right to vote, it only involved denial of the right to vote in Texas.[14] All states allow servicemen to vote by absentee ballot. In contrast, because of the various civilian absentee voters' laws, many students would be unable to register and vote anywhere. Several states make no provision for absentee ballots,[15] and many others have extremely complicated provisions which discourage instead of encourage voting. Moreover, with the exception of *Evans* v. *Corman, supra,* the other cases heretofore cited also involved rebuttable presumptions. The voters could overcome the presumptions if they owned property or had children in *Kramer,* or if they paid property taxes in *Cipriano* and *Kolodziejski*. Their task in overcoming the presumption was no more difficult than that faced by many students under the provisions of MCLA § 168.11(b). If those voters were denied the right to vote in special elections, they still could vote for every office from president to local officials. Some students, however, cannot. Because of the interaction of the provisions of MCLA § 168.11(b) and the provisions of various state absentee-voter laws, the elective franchise is withheld from students. The ideal of one man-one vote dissolves into the harsh reality of one man but no vote.

Moreover, it is not mandatory that these plaintiffs demonstrate an absolute denial of the right to vote in order to require the State to show a compelling interest. Plaintiffs need only show that a burden has been placed on this precious right in order to avail themselves of the Equal Protection Clause. As Justice Frankfurter stated in *Lane* v. *Wilson* (1939), 307 US 268, 275 (59 S Ct 872, 83 L Ed 1281):

"The Amendment [Fifteenth] nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race."

The Equal Protection Clause likewise guards against subtle restraints on the right to vote, as well as outright denial. The U.S. Supreme Court in recent voting cases has been concerned about the more devious burdens that have been imposed on this most basic of all constitutional rights. In *Williams* v. *Rhodes* (1968), 393 US 23, 30–31 (89 S Ct 5, 21 L Ed 2d 24), the Court stated:

"But we have also held many times that 'invidious' distinctions cannot be enacted without a violation of the Equal Protection Clause. * * * In the present situation the state laws place burdens on two different, although overlapping, kinds of rights—the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively. * * * So, also, the right to vote is heavily burdened if that vote may be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot. In determining whether the State has power to place such unequal burdens on minority groups where rights of this kind are at stake, the decisions of this Court have consistently held that 'only a compelling state interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting First Amendment freedoms.' "

Thus, the fact that a burden is placed on the right to vote because of the rebuttal presumption contained in MCLA § 168.11(b), as applied to students, is sufficient to require the State to demonstrate a compelling interest.

IV

There are several interests that the State has asserted in cases of this type. The Court of Appeals held that MCLA § 168.11(b) aids in preserving the purity of elections by insuring that students will not vote twice. 24 Mich App 427. However, the Court of Appeals did not analyze this problem under the compelling interest test. While it may be true that the provisions of subsection (b), as applied to students, does to some minor extent aid in this purpose, that is not sufficient to justify its constitutionality. As the U.S. Supreme Court stated in *United Mine Workers* v. *Illinois Bar Assn.* (1967), 389 US 217, 222 (88 S Ct 353, 19 L Ed 2d 426):

"We have therefore repeatedly held that laws which actually affect the exercise of these vital rights cannot be sustained merely because they were enacted for the purpose of dealing with some evil within the State's legislative competence, or even because the laws do in fact provide a helpful means of dealing with such an evil. *Schneider* v. *State,* 308 US 147 (1939); *Cantwell* v. *Connecticut,* 310 US 296 (1940)."

The Supreme Court in *Carrington* held that the prevention of transients from voting could not justify the Texas law. Moreover, our legislature has provided numerous sanctions which insure the sanctity and purity of elections. Some of the significant provisions include MCLA §§ 168.493, 168.495, and 168.499, which provide that a registrant's affidavit of qualification is enforced by misdemeanor sanctions if the registrant does not answer honestly; MCLA § 168.505 which provides that registration officers shall ascertain if the registrant is already registered in another township, etc.; MCLA § 168.508 which allows the clerk to transfer the registration of an elector upon the receipt of reliable information; MCLA § 168.510 which provides that clerks are notified monthly of persons over 21 who have died in the county; MCLA § 168.513 which provides that upon information that the elector has moved from the municipality the clerk may, after notice and time elapsed, cancel the registration, and MCLA § 168.515 which authorizes clerks to make a house to house canvass or "other means" to check correctness of registration cards. Finally, every voter before being given a ballot must execute an application showing his signature and address which is compared to the registration card "and if the same do not correspond the vote of such person shall be challenged." MCLA § 168.523.

Therefore, in view of this complete set of safeguards to insure the purity of the election process, we hold that MCLA § 168.11(b), insofar as it applies to students, is not necessary to insure the prevention of voting fraud.

The second asserted State interest is that of promoting a concerned and interested electorate. This same interest was asserted unsuccessfully in *Kramer, Cipriano, Evans* and *Kolodziejski*. The provisions of MCLA § 168.11(b), in regard to students, like § 2012 of the New York laws in *Kramer,* are not sufficiently drawn to insure that only voters who are primarily interested are allowed to vote. As Chief Justice Warren stated in *Kramer:*

"In other words, the classifications must be tailored so that the exclusion of appellant and members of his class is necessary to achieve the articulated state goal. Section 2012 does not meet the exacting standard of precision we require of statutes which selectively distribute the franchise. The classification in § 2012 permits inclusion of many persons who have, at best, a remote and indirect interest in school affairs and, on the other hand, exclude others who have a distinct and direct interest in the school meeting decisions." (p. 632).

Clearly, MCLA § 168.11(a) (the general voter registration statute) will allow many

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Footnotes at end of article.

disinterested persons, by any criteria, to vote, while MCLA § 168.11(b), as applied to students, disenfranchises many interested and concerned citizens.

In *Evans, supra,* the court discussed at length the interests and concerns of the National Institutes of Health residents (p 424):

"Appellants do not deny that there are numerous and vital ways in which NIH residents are affected by electoral decisions. Thus, if elected representatives enact new state criminal laws or sanctions or make changes in those presently in effect, the changes apply equally to persons on NIH grounds * * *. Further, appellees are as concerned with state spending and taxing decisions as other Maryland residents, for Congress has permitted the States to levy and collect their income, gasoline, sales, and use taxes—the major sources of state revenues—on federal enclaves. See 4 U.S.C. §§ 104–110. State unemployment laws and workmen's compensation laws likewise apply to persons who live and work in federal areas. See 26 U.S.C. § 3305(d); 40 U.S.C. § 90. Appellees are required to register their automobiles in Maryland and obtain driver's permits and license plates from the state; they are subject to the process and jurisdiction of state courts; they themselves can resort to those courts in divorce and child adoption proceedings; and they send their children to Maryland public schools."

In *Phoenix* v. *Kolodziejski,* the court considered the relationship of property owners and those who rent property (like some of the appellants), and stated at p 210:

"Property taxes may be paid initially by property owners, but a significant part of the ultimate burden of each year's tax on rental property will very likely be borne by the tenant rather than the landlord since, as the parties also stipulated in this case, the landlord will treat the property tax as a business expense and normally will be able to pass all or a large part of this cost on to the tenants in the form of higher rent."

Turning to the facts of this case, we see that students have just as many connections with the community as those found by the Supreme Court in *Evans* and *Kolodziejski.* Students, like the National Institutes of Health residents, are included in the census determination of the state's congressional apportionment.[16] Students, of course, are subject to the state's laws and regulations. Jury lists are chosen from lists of registered voters.[17] Thus, by denying students the right to register and vote, they are also denied participation in the time honored Anglo-Saxon tradition of trial by a jury of their peers.[18] Students pay State income tax, city income tax (if any), gasoline, sales and use taxes. Michigan law provides a rebate of one-eighth of the sales tax revenue to counties and cities on a per capita basis[19] and a rebate of 20% of gasoline tax revenue on a combined population-highway mileage basis.[20] Clearly, without the students who are counted as residents for these purposes, the cities and counties would lose part of these rebates. As the U.S. Supreme Court has recognized,[21] property taxes are ultimately paid by renters such as some of the appellants. In addition, Michigan explicitly recognizes this fact by allowing all renters a 17% exemption on rent paid in lieu of the exemption that property owners receive for payment of property taxes.[22] Students with children can and do enroll them in the public school system, and, therefore, have more than a passing interest in the educational standards of the community.

The Federal government grants deductions on the Federal tax for state and local taxes in lieu of itemized deductions. These deductions vary from state to state.[23] Hence, if a student whose parents are from New York, goes to the University of Michigan and lives in Ann Arbor, he would take a deduction based on Michigan and not New York taxes. Thus, he is implicity recognized as a Michigan resident for Federal tax purposes. The Federal government further provides community health service grants to the states based on population (which includes students).[24]

This list is not exhaustive but merely shows some of the numerous interrelationships between students, their local communities, and the State of Michigan. Moreover, there are other groups more transient than students who are not required to meet the provisions of subsection (b) as are students. According to the 1960 census, the largest group of transients were operative and kindred workers with craftsmen and foremen second, and professionals (including students) third.[25]

Thus, we hold that students cannot be denied the right to vote under the provisions of MCLA § 168.11(b) because of the State's interest in promoting an informed and concerned electorate. There is every reason to believe they might be even better informed on current issues than other citizens.

V

Courts do not exist in a vacuum. They may take cognizance of facts and events surrounding the passage and purpose of legislation. *Traverse City School District* v. *Attorney General* (1971), 384 Mich 390, 405. As Mr. Justice Field stated in *Ho Ah Kow* v. *Nunan* (1879, USCC), 12 Fed Cases 252, 255:

"Besides, we cannot shut our eyes to matters of public notoriety and general cognizance. When we take our seats on the bench we are not struck with blindness and forbidden to know as judges what we see as men."

We thus may take judicial notice of extrajudicial material in recognizing other State interests. An article[26] in *The Wall Street Journal* of April 15, 1971, discusses the issue raised in this and similar cases around the country. A purported fear of the states involved is that the students would have a significant political impact if they were granted the elective franchise. The article quoted an Illinois State Representative as summing up the feelings of many citizens thusly: " 'For goodness sake, we could have these transients actually controlling the elections, voting city councils and mayors in or out of office.' " This fear of student voters overwhelming the townspeople at the polls was underlying the decision of our Court in *Wolcott* v. *Holcomb* (1893), 97 Mich 361, 367–368. However, what was constitutionally acceptable in 1893 is not necessarily constitutionally acceptable today. As the U.S. Supreme Court stated in *Harper* v. *Virginia Board of Elections* (1966), 383 US 663, 669 (86 S Ct 1079, 16 L Ed 2d 169):

"Likewise, the Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights."

The court went on to point out that the segregation upheld in *Plessy* v. *Ferguson* (1896), 163 US 537 (16 S Ct 1138. 41 L Ed 256), was overruled a half century later. Likewise, the restrictions on the franchise accepted in the mid-nineteenth century are not necessarily to be tolerated today. Under the Michigan Constitution of 1835, only 21-year old white male citizens could vote.[27] The Constitution of 1850, by amendment, removed the restriction of race[28] and by an amendment to the 1909 Constitution, the restrictions based on sex were removed.

* * * * *

Recently, Congress by statute,[30] and more recently by the adoption of constitutional amendment,[31] the voting age in all elections has been lowered to 18 years.

DeTocqueville over a century ago stated: "There is no more invariable rule in the history of society: The further electoral rights are extended, the greater is the need for extending them: for after each concession the strength of democracy increases, and its demands increase with its strength."[32]

We agree that it is no longer constitutionally permissible to exclude students from the franchise because of the fear of the way they may vote.

" 'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible. "[T]he exercise of rights so vital to the maintenance of democratic institutions,' (*Schneider* v. *State,* 308 US 147, 161) cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents." *Carrington* v. *Rash, supra,* at p 94.

Fears have been expressed in the past when new groups have been granted the franchise, and these fears have proven to be largely unfounded. The fear that students will vote radically different from the bulk of the electorate is problematical at this point.[33] However, as the U.S. Supreme Court stated in *Williams* v. *Rhodes* (1968), 393 US 23, 32 (89 S Ct 5, 21 L Ed 2d 24): "Competition in ideas and governmental policies is at the core of our electoral process * * *." The right to vote means the right to vote for the candidate of one's choice regardless of ideology. As Justice Jackson stated in another case concerning the right of dissent:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in *politics,* nationalism, religion, or other *matters of opinion.*" (Emphasis added.) *West Virginia Board of Education* v. *Barnette* (1943), 319 US 624, 642 (63 S Ct 1178, 87 L Ed 1628).

The right to vote has been considered to be the most vital of our constitutional rights. The cry of the American revolution of "no taxation without representation" articulated the desire of the colonists to have a voice in selecting the officials who made the decisions affecting their daily lives. At the present time, these students in many instances are being taxed without being represented. Therefore, we hold that MCLA § 168.11(b), as it applies to students, is unconstitutional as a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. We further hold that the provisions of MCLA § 168.11(b) applying to students are unconstitutional as a violation of art 1, § 2, of the Michigan Constitution of 1963.

In the future, students must be treated the same as all other registrants. No special questions, forms, identifications, etc., may be required of students.

Article 1, § 1, of the Michigan Constitution of 1963 states that, "All political power is inherent in the people." This power resides in all of the people, student and nonstudent, alike.

The judgment is reversed and the cause is remanded to the circuit court for further proceedings consistent with this opinion.

FOOTNOTES

[1] Mich Const 1963, art 1, § 2, provides: "No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation."

Mich Const 1963, art 1, § 17, provides: "No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed."

[2] U.S. Const, 14th Amend, § 1, provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of

the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[3] See, e.g., *Kunz* v. *New York* (1951), 340 US 290 (71 S Ct 312, 95 L Ed 280).

[4] See, also, *Schnell* v. *Davis* (1949), 336 US 933 (69 S Ct 750, 93 L Ed 1093), affirming 81 F Supp 872.

[5] Bullard & Rice, *supra,* at p 221.

[6] Bullard & Rice, *supra,* at p. 220.

[7] For a comparison of some of the questionnaires used by city clerks for student registration, see Appendix, 4 Journal of Law Reform, pp. 239–243.

[8] 4 Journal of Law Reform, pp. 239–240.

[9] In *Harper* v. *Virginia Board of Elections* (1966), 383 US 663 (86 S. Ct. 1079, 16 L. Ed. 2d 169), the court struck down a poll tax as a classification based on wealth. Questions concerning bank accounts, support, etc., are similarly classifications based on wealth.

[10] See, also, *Kramer v. Union Free School District* (1969), 395 US 621 (89 S. Ct. 1886 23 L. Ed. 2d 583); *Cipriano* v. *Houma* (1969), 395 US 701 (89 S. Ct. 1897, 23 L. Ed. 2d 647). These cases held that states cannot deny the right to vote to non-property owners.

[11] In *Shapiro* v. *Thompson* (1969), 394 US 618 (89 S. Ct. 1322, 22 L. Ed. 2d 600), the court struck down residency requirements for welfare recipients on the ground that they interfered with the right to travel, a fundamental constitutional right. Similarly, it is unconstitutional to deny the right to vote to students who exercise their right to travel and leave Ann Arbor for the summer.

[12] *McDonald* v. *Bd. of Comm.* (1969), 394 US 802 (89 S. Ct. 1404, 22 L. Ed. 2d 739).

[13] New York Education Law, § 2012 (Supp. 1968).

[14] Bullard & Rice, *supra,* at p. 232, fn. 97.

[15] C. Smith, *Voting & Election Laws* (1960), pp. 89–99.

[16] 398 US at 421 (90 S. Ct. at 1754, 26 L. Ed. 2d at 374).

[17] MCLA § 600.1310 et seq.

[18] *Glasser* v. *United States* (1942), 315 US 60 (62 S. Ct. 457, 86 L. Ed. 2d 680).

[19] MCLA § 205.75.

[20] MCLA §§ 247.660, 247.663.

[21] 399 US at 210 (90 S. Ct. 1994, 26 L. Ed. 2d 528). For a discussion of the problems of attempting to discern the long range effect of property taxes on property values, see 399 US at 211 and C. Shoup, Public Finance, 385–390 (1969).

[22] MCLA § 206.528(2) and Bullard & Rice, *supra,* at p. 233.

[23] 1970 Federal income tax form; 1970 Optional State sales tax table.

[24] 42 USCA § 246(a)(3)(A). "The Student Vote," New Republic, 11 (Sept. 19, 1970).

[25] J. Schmidhauser, "Residency Requirements for Voting and The Tensions of a Mobile Society." 61 MLR 823, 830, fn 10.

[26] A. Otten, "Should Collegians Vote at Home or at School?" *The Wall Street Journal,* April 15, 1971, (p. 1).

[27] Constitution of 1835, art 2, § 1.

[28] Constitution of 1850, art 7, § 1.

[29] Constitution of 1908, art 3, § 1.

[30] Voting Rights Act amendment of 1970, 42 USCA 1973aa–73bb.

[31] On June 30, 1971, the State of Ohio became the 38th State to approve the amendment. The amendment became law upon the ratification of three-fourths of the States. U.S. Constitution, art 5.

[32] A. deTocqueville, 1 Democracy in America 57 (knopf. ed. 1956).

[33] Bullard & Rice, *supra,* at 236: "A recent American Council on Education survey of college freshmen showing that 44% considered themselves liberal and 20% moderate conservative demonstrates that students would not vote as a solid unit. New York Times, Dec. 22, 1970, at 16, col. 4."

[No. 52953]

STATE OF MICHIGAN SUPREME COURT

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell, Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench, Brennan, J. (Concurring):

I agree with the result reached by my Brother Swainson, but would base my opinion on statutory construction rather than constitutional grounds.

The rule is that if a statute can be construed so as to avoid constitutional invalidity, the constitutionally valid construction is to be preferred.

Const 1850, art 7, § 5, which contained a provision similar to MCLA § 168.11(b) (Stat Ann 1971 Cum Supp § 6.1011[b]), was the subject of divided opinions in this Court in *Wolcott* v. *Holcomb* (1893), 97 Mich 361.

The dissenting opinion by Chief Justice Hooker, concurred in by Justice Long concluded that the provision simply meant that a student was not to be deemed to have lost his residence *automatically* by reason of being a student. In short, Hooker and Long believed that the proviso gave the student an option, his intention in the matter being controlling. He said it this way:

"The true construction of this section should be just what its language imports, i.e., that being kept in an alms-house, or attendance at college, or employment in the service of the United States, or the navigation of the lakes or high seas, does not work a change of residence against the intention or desire of the individual." *Walcott* v. *Holcomb, supra,* p 371

That construction of the act was wise, reasonable, just and proper. It should have been the majority opinion in 1893. It should be today.

If a student in residence is given the "Hooker option", all the senseless folderol of voter registration in some of our college towns would be dispensed with.

Hooker's words, written in dissent almost 80 years ago, need no gilding, but bear resonant repetition.

"the only reasons given for the construction contended for are that these classes are undesirable voters at the place of the asylum; that they pay no taxes, do no work for the benefit of the municipality, and have no interest in local affairs. The same may be said of many persons in all localities, and was probably as true of these before their admission as after. It is as true of those admitted from the locality of the asylum, who may vote under this section, as of those who come from a distance, who may not vote under this construction. It never has been a requisite to electoral rights that the citizen should pay taxes, do work for the benefit of the municipality, or evince interest in municipal affairs; nor does the right depend upon a wise or even honest exercise of the privilege of the ballot. Doubtless there are many whose votes could be dispensed with to the profit of their respective municipalities and the State as well, but the elector franchise is based upon broader principles. There is no man so poor or low that he is not richer and manlier for his political equality, and the ballot is essential to the protection of the rights of all classes. Immediately a class or race is disfranchised, its members are deprived of an equal chance with their fellows. This proposition is so important a part of the foundation of our institutions that it should not be eliminated or weakened by any unnecessary construction of a constitution based upon civil liberty and political equality." *Wolcott* v. *Holcomb, supra,* pp 370, 371.

I concur in reversal.

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[No 52953]

STATE OF MICHIGAN SUPREME COURT

Sally Wilkins, Jeanne D'Haem, Timothy A. Schulte, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka and Kathleen McDonnell Jones, Plaintiffs-Appellants, vs. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench, Adams, J.:

I concur in reversal. There is no rational basis for treating students differently from other citizens in their exercise of the fundamental right to vote. The Michigan statute defining voting residence for all citizens provides that: "Should a person have more than 1 residence, * * * that place at which such person resides the greater part of the time shall be his or her official residence * * *." MCLA § 168.11(a); Stat Ann 1971 Cum Supp § 6.1011(a).

For voting purposes, there is no rational basis for distinguishing between students who reside at a given locality for nine months of the year and non-students who reside in the same locality for nine months of the year. Requiring additional qualifications to vote which affect different groups unequally, whether by income, occupation, or employer, is a denial of equal protection. *Harper* v. *Virginia Board of Elections* (1966), 383 US 663 (86 S Ct 1079, 16 L Ed 2d 169); *Carrington* v. *Rash* (1965), 380 US 89 (85 S Ct 775, 13 L Ed 2d 675); *Evans* v. *Cornman* (1970), 388 US 419 (90 S Ct 1752, 26 L Ed 2d 370). Special treatment of students is an arbitrary and invidious discrimination against them in violation of art 1, § 2 Michigan Constitution, and Amend XIV, United States Constitution. *Fox* v. *Employment Security Commission* (1967), 379 Mich 579.

Paul L. Adams.

[No. 52952]

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench, Williams, J. (Concurring with Brennan, J.):

I concur with my Brother Brennan. However, I agree with my Brother Swainson's constitutional analysis.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Chiles). Is there further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. Chiles). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 9, line 11, strike the figure "$2,910,744,000," and insert in lieu thereof the figure "$2,571,744,000."
>
> On page 9, line 11, strike the word "and" and insert in lieu thereof the following:
>
> "*Provided, however,* That of the funds authorized to be appropriated by this section, no more than $20 million shall be expended for further development on the B–1 strategic bomber, and that an additional $11 million may be expended for research, development, test and evaluation of alternative strategic bomber programs including modernization of the later series B–52's and development of a subsonic bomber designed for a stand-off air-to-surface missile launching role; and".

Mr. McGOVERN. Mr. President, this amendment would have the effect of reducing by $339 million the $370 million figure that is now in the bill for further development of the B–1 bomber. In other words, the amendment brings about a saving of $339 million, and would leave $31 million to be expended for the following purposes:

Of that $31 million, $20 million would be earmarked for continued research on the B–1 bomber, in an effort to further define the mission of that bomber, to determine whether further development should proceed, and hopefully to answer some of the questions that are bothering many of us about the mission and the feasibility of that bomber.

In addition to that $20 million, the amendment would earmark $1 million for research and development purposes on a different type of bomber that would be limited to a standoff bomber role, and the final $10 million would be earmarked for modification of the existing B–52.

So what I am proposing here is that instead of proceeding with the prototype construction of the B–1 bomber, we eliminate that part of the program and use the funds exclusively for research and development related not only to the B–1, but to two other alternative possibilities.

Mr. President, as Senators know, I have been studying the B–1 bomber, formerly called the Advanced Manned Strategic Aircraft, for several years. Based on a recent reexamination of this project that I undertook in cooperation with Representative SEIBERLING of Ohio, I am convinced that the B–1 has come to exemplify many things that are objectionable in our weapons acquisition practice.

Air Force cost projections are wishful thinking at best, and at worst they are misleading. Each year they induce Congress to further expenditures that will probably run in multiples of current estimates for this program. The General Accounting Office study completed in March of this year confirms that startling cost overruns have already occurred in the B–1, and that more can be expected.

With the new tanker, which I am fully convinced will be an inevitable demand to accompany the B–1, the total cost for this project could easily reach, if not exceed, $47 billion.

The insistence on a supersonic capability is especially distressing. It has little or no relationship to the nuclear mission profiles contemplated for this aircraft—in fact, it may detract from those missions—yet it adds as much as 50 percent to procurement costs. Our investigations suggest that it is included for two basic purposes: to enhance the excitement for strategic bomber pilots and the glamor of the Air Force recruiting programs. Obviously, neither justifies the tremendous outlays it requires.

While retaining this questionable attribute, the Air Force has adopted an extremely curious approach to more important capabilities of the airplane. When costs threaten to exceed acceptable targets it simply drops another major feature of the aircraft. Thus far in the research and development phase, two flying prototypes have been scrapped and the number of engines has been reduced from 40 to 27. The low-level supersonic capability has been dropped, the internal capacity for carrying SRAM's and SCAD's has been reduced, and the avionics package has been sharply degraded. Yet, even Air Force cost estimates have continued to rise, in spite of the fact that they have eliminated these important capabilities, which were once said to be essential to the operation of this aircraft. Certainly, each step shrinks the differences which are supposed to make the B–1 a true follow-on to the B–52; already it is inferior in some respects to the FB–111.

We have found that the gravity bombing missions envisioned for the B–1 have little more than nostalgia going for them. By the time it is operational, it could very well be greeted by new Soviet defenses, eliminating any confidence that it could penetrate their airspace at any altitude or at any speed.

In light of these considerations and others in the report, the wisest course by far would be to confine funds for the B–1 bomber to additional research on questions relating to this bomber and its mission, and to research on alternative systems that might be more feasible than the B–1.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. FULBRIGHT. I am sorry that I was not in the Chamber when the Senator started his remarks. Could the Senator, very simply, tell me what he conceives as the mission of this bomber? Just what function is it to perform?

The reason I ask is that we are told by the administration, when we get into the ABM debate—that the ABM is a workable or effective weapon. At least, we have undertaken to spend $10 billion on it, and that is only the beginning. And they allege that the Russians, of course, are doing the same thing.

A bomber of this kind, it seems to me, would be exceptionally vulnerable not only to existing antiaircraft defenses, but also, if the ABM is effective against a missile, it surely ought to be effective against a plane of this character. What, really, is the overall rationale for this plane?

Mr. McGOVERN. Perhaps the Senator would get a more convincing answer as to what the bomber is supposed to do from one who advocates it than from one of its opponents.

As I understand the rationalization on the part of the Air Force in calling for the bomber, it is to preserve what they call the triad system. In other words, we depend partly for our deterrents on the Polaris submarines, partly on the land-based missiles, and partly on strategic bombers.

My objection to that is that, as the Senator's question implies, the chances seem to me to be very high that by the time this bomber becomes operational, in 1979 or 1978, the Soviets will long since have developed a defensive capability against it that would make it a very unfeasible instrument for us to use.

I might remind the Senator that even now we are reluctant to use B–52 bombers over North Vietnam—not because there is not a strategic role to be played, but because of the fear of the surface-to-air missiles with which the Russians have equipped the North Vietnamese, although it is a rather primitive model compared to some of the things they are capable of mounting against our planes, has kept us from sending any B–52's against North Vietnam.

If they are given another 7 or 8 years to develop more sophisticated defensive surface-to-air missiles, it would seem to me that long before this bomber is developed, it is highly questionable whether we would be able to use it in view of the danger.

Mr. FULBRIGHT. Personally, I cannot see any function that this bomber can perform under present conditions.

I thought this question had been fought out and decided some years ago—that there was no future to this type of bomber, that they decided against proceeding with it. Now it has been revived.

It strikes me as inherently inconsistent for the administration—the Pentagon, which is promoting this plane—when we are arguing about the ABM, to assert in the most fervent manner that ABM system is necessary, that it has developed to the point that they believe it is effective. I do not believe it is effective. Nevertheless, they say that, and the Senate has gone along with them.

If one accepts that and if they are effective, if the art has reached the point where they can shoot down an incoming missile going at 3,500 miles an hour or 5,000 miles an hour—I am talking about the international ballistic missile—then, surely, it would be like shooting fish in a barrel to shoot down a bomber of this size. The Senator says it woud be supersonic. I suppose he means that it would not go more than 1,200 or 1,500 miles an hour.

It seems utterly inconsistent to give them both the ABM and the B–1. Either they admit that the ABM is not really effective and therefore it is possible that a bomber might penetrate the defenses or on the other hand, the administration should maintain that the ABM has reached such a point of development that we are justified in putting $10 billion into it at this stage; we are developing four missile sites, and therefore a bomber of this character cannot be expected to penetrate an ABM system. If this is right, it seems to me that it automatically makes this leg of the triad obsolete and of no use at all. I do not see how they can reconcile what I call an inherent inconsistency in the two arguments they make. They like to present them one at a time so that we do not compare them to each other.

This particular plane might have been justified in World War II, when there were no efficient defenses against a high-powered plane that could go so fast.

I honestly cannot see how they can justify it under present conditions, having made the argument that the ABM's are effective, working instruments. I do not believe they are but the Senate believes it, the administration and the Pentagon believes it. If they believe it, how do they justify a bomber of this character?

Mr. McGOVERN. I agree with the logic of the Senator from Arkansas. Even if one holds the view that we need the bomber, we have the B–52 and we have the FB–111. As I understand it, from the colloquy with General Holloway, Commander of SAC, they will continue those planes even if they build the B–1.

Let me read from one statement during the hearing on the military procurement bill in which the Commander of SAC, General Holloway responded to a prepared question from Senator THURMOND by stating:

> The proposed size of the FB–111 and B–1 forces will total only (deleted) airframes. We need more than that to do the SIOP task. Therefore, we should not plan on phasing out the B–52 when the B–1 comes into the inventory with the exception of the older models. The minimum aircraft force that SAC needs is 255 B–52 Gs and Hs, 66 FB–111s, and the proposed (deleted) B–1 force. (p. 1689)

In other words, we are not only going to build the B–1 bomber but we are also going to continue the operation of the B–52 and the FB–111.

It has been my view, from what I could read about the airplanes, that when we combine the capabilities of the B–52 with the capabilities of the FB–111, we have roughly the same operating capabilities of the B–1. I say to those Members of the Senate who think we need to continue a major bomber capability that there is nothing in the amendment that would do anything to strike that out. As a matter of fact, I am adding $10 million to be used for further research on how we can modify the B–52 to make it a more effective instrument.

Mr. FULBRIGHT. In view of what the Senator said about the reluctance of the President to use B–52's over North Vietnam, is not the Senator suggesting that our foreign policy is not to use it against Russia or another militarily sophisticated country but it is designed to fight future Vietnams, against small and primitive countries that do not have modern weapons. I suppose the Senator is suggesting that is what our foreign policy is, that they are not designed to be used against Russia. Is that correct?

Mr. McGOVERN. The briefing I got on the B–1 from General Holloway and his associates in Omaha a few weeks ago spoke entirely in terms of capability against the Soviet Union, but it may very well be that other countries are more likely.

Mr. FULBRIGHT. Did he say he thought they would be able to evade the ABM's?

Mr. McGOVERN. He expressed that hope.

One of the things that disturbs me is, when the profile of the plane, as they call it, was originally described, they said it would have a supersonic capability at low altitude, that it could go in under the detection systems and be even more difficult to shoot down; but now, because of the rising cost of the plane, they have given up on the supersonic capability to fly at low level. That has been dropped, so that it would operate about like a B–52 flying at a lower level. That is one advantage that has been surrendered.

Mr. FULBRIGHT. Only recently we were told, in justifying the giving of more planes to Israel, that they already have a missile effective at a lower level for Israeli planes that were flying over Egypt. When we put all the picture together, it strikes me there is an obvious inconsistency. If the anti-ballistic-missile system is an effective defense against missiles then surely it would be able to destroy a bomber of this kind. I do not see how they can argue that it has any reasonable mission other than to give the Air Force something for its planners to do.

Mr. McGOVERN. I say to the Senator from Arkansas, there is no way I can prove this but I have a strong hunch, speaking now as a former bomber pilot, that one of the principal reasons the Air Force wants to build this new bomber is out of nostalgia, because when one is trained to be a bomber pilot that is what he wants to do. I am sure it would be a great thrill to sit behind the controls of a B–1 bomber. I am sure that anyone who has a love for flying and a sense of the glory of the Air Force would find it an attractive and tempting prospect to have this fancy new airplane with the capabilities combined in one aircraft that we now have in the B–52 and the FB–111. It is something like buying a new automobile. There is always a certain thrill and satisfaction that comes from possessing the best, the shiniest, the newest, and the fastest automobile. But when we put all that against the other needs of this country, including the defense needs of the country, it strikes me as a rather superficial argument.

I am sure that the Air Force will not officially justify it in those terms, of course, but I cannot avoid the conviction, after studying the various arguments for the plane, that that at least must be one of the considerations in the minds of those who are pressing for this new aircraft.

Mr. FULBRIGHT. I do not know why the Senator should feel that that is not consistent with the program, for example, of a volunteer Military Establishment, because it might increase volunteers. It would make the Air Force more attractive, as the Senator has said. Perhaps that is part of the overall concept of changing from a drafted army into a volunteer army. It is a rather expensive way to induce volunteers, though, is it not?

Mr. McGOVERN. It surely is.

I would just like to say to the Senator that it has been my hope we could make use of some of the remarkable facilities of the aircraft production plants for other purposes.

I think there is another argument that is seldom expressed in public but is probably involved in the desire to build the new bomber, and that is the fact that we have these aircraft production plants which are now laying off men, including highly skilled engineers, machinists, electronic experts, all of whom have a close working relationship that has been built up over the years with the Air Force, along with the personal friendships and associations. I suspect that one of the unexpressed factors is the desire to keep those aircraft plants functioning. It is a legitimate concern as to what we are going to do with the aircraft workers and other skilled people if we do not continue to build bombers.

I discussed this matter with the president of one of the leading aircraft firms in California. I do not want to embarrass him in any way. However, I asked him why his firm could not go into the construction of something else—for example, the building of public transit facilities in the great cities of California and other cities across the country.

He said:

> Well, we could. However, no one is offering us that kind of contract. You can't get up and preach sermons in the aircraft industry on how we ought to start producing buses, washing machines, or automobiles, and expect that we will do so when those markets are already fairly crowded. If the United States, for example, would say that by the end of the decade we are going to build adequate public transit facilities in every city of America and provide the money and the contracts with which to do that, our company would be in tomorrow morning bidding on that business.

I think that is one of the missing elements. We are talking about $370 million for a new bomber. However, if that $370 million were available to the same companies with a clearcut commitment from Congress and the President that the money could be used to build public transit facilities and assist in the conversion of the plants to the new type of production, I have no doubt at all that that conversion could be made.

I really believe there is a lack of this kind of alternative plan that would provide the necessary thrust behind the decision to build a new bomber.

Mr. FULBRIGHT. Mr. President, if the Senator will yield at that point, the Senator reminds me that on yesterday I was talking about the fact that the

Export-Import Bank has withheld approval of a loan to Chile to make purchases of civilian planes from the Boeing Aircraft Co. Presumably, they did it for ideological reasons, in addition to putting pressure on them to make a favorable settlement in compensation for nationalization of U.S.-owned properties. In any case, there is $20 million of business that Boeing wants and needs. The Government could facilitate that loan, but they have not done so.

I agree with the Senator that it is very likely that there is a need to keep the plants open. As I say, the reason has some substance to it. I would not deny its significance. However, I think that something more useful could be thought up than an obsolete weapon. There must be other things that could be manufactured that would be more useful.

Mr. McGOVERN. Mr. President, I thank the Senator for his comments. I think he has been very helpful in clarifying the issues today.

For the past 10 years now controversy has surrounded this airplane. There has been a recurring line of congressional inquiries as to which bombardment profile would be the most effective in the 1980's and the 1990's.

One of the things that entered into that argument for a long time was the highly questionable and controversial B–70. That plane cost us $1.4 billion to develop a prototype version. It is now on display in the Air Force Museum at Dayton, Ohio. And when we add that to the very short life of the B–58 fleet that was built at great cost that already, after 10 years of combat readiness, has passed into history, I think that considerations of that kind ought to give the Senate pause in proceeding to the construction of yet another heavy bomber.

I want to make it clear to the Senate that what I am proposing today does not kill the B–1 bomber. It allows $20 million for continued research in an effort to answer the questions about this plane and give us a little more time to make a judgment.

We ought to keep in mind, too, that the arms limitation talks are now proceeding—or, at least, we hope they are proceeding—in Vienna in an effort to try to define the relationship of armaments between the great powers.

That is still another reason to postpone another major expenditure of funds today. We are hopeful that there will be some success in the SALT discussions. In that event, all of the money that has been expended on this bomber will have been for naught.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, I am glad that the Senator has offered his amendment. I intend to support it. I would like to point out to the Senate that more detailed, careful, meticulous work went into a study of the B–1 program this year by the Senator from South Dakota than has ever been done before. Several weeks ago he and Congressman SEIBERLING filed a detailed report on this program.

As he and I know, staff members of the Members of Congress for Peace Through Law have done a great deal of work on this study.

The amendment is not an amendment that has been offered impromptu on the floor, because a few Senators think that we have been overemphasizing bombers. The justification for this amendment has been carefully and fully developed.

There is an alternative way of accomplishing the only mission of the B–1 which makes sense—the strategic retaliatory mission—and the alternative is far more economical and efficient.

I intend to speak for about 45 minutes or an hour in support of his position and point out that the B–52, improved, modernized, and brought up to date, can do the B–1 job and do it for less than one-tenth the cost of the B–1.

Mr. McGOVERN. Mr. President, I appreciate the Senator's comments and especially the remarks he made about the study that has gone into this. Of course, the Senator from Wisconsin led the way in this effort to reduce needless military expenditures.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the report on the B–1 bomber prepared by Representative SEIBERLING and me as part of the continuing study by the Members of Congress for Peace Through Law, a letter on this subject written by Edward J. Sullivan under date of September 14, 1971, with a carbon copy to Brig. Gen. C. J. Adams, and the statement by General Holloway that I referred to earlier in my colloquy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON THE B–1 BOMBER

(Prepared by Senator George S. McGovern and Congressman John F. Seiberling)

SUMMARY

As the existing and planned ICBM and SLBM arsenals of the United States and the Soviet Union becomes more clearly defined and the enormity of the combined destructive power of the opposing nuclear forces is understood, the continued maintenance of a manned bomber fleet by the U.S. as a tertiary threat suggests redundancy in depth. The wisdom of retaining this optional deterrent is yearly becoming more and more questionable.

Aside from the doubtful penetration capability any future manned bomber would have in a heavily defended SAM environment, the cost of a new generation of manned strategic bombers and supporting fleet of tankers is so staggering as to make the question of continuing any strategic bomber program one of great national concern.

This issue need not be decided, however, in order to deal with the fiscal 1972 B–1 funding request. The B–52 useful life assures ample time to hold the project in abeyance while considering other alternatives, including a system designed exclusively for the standoff role, or further modifications of the B–52 to further extend its life and improve its capabilities.

B–1 costs threaten to reach astronomical levels, well beyond those estimated by the Air Force. Large increases have in fact occurred in the past year, even though the project still exists only on paper. The almost certain need for a new tanker pushes the price tag up beyond $20 billion even if doubtful Air Force cost estimates are used. One more credible estimate sets the total at $47.2 billion. Predictable added costs go a long way to nullify claims that the B–1 would have cost-effectiveness advantages over the B–52/FB–111 combination, and even those claims have no foundation unless the system has an assured expected useful life of more than seventeen years.

The B–70 experience confirms that the supersonic capability has little relation to the basic nuclear war missions which can be foreseen for the B–1. On the contrary, elaborate design features required for supersonic flight could easily detract from the aircraft's ability to penetrate at low altitudes. Useful only in conventional roles which are, at best, a spinoff purpose for the B–1, the supersonic capability will account for as much as 50 percent of the system's ten-year cost.

RECOMMENDATIONS

(1) The supersonic capability should be dropped regardless of what other decisions are made.

(2) The funding requested for fiscal 1972 should be reduced to the amount required to terminate contracts awarded thus far and to preserve the advanced research and development option for possible renewal at a later time. The aircraft should be redesigned to eliminate the supersonic capability and associated costs. Amounts required for these purposes should not exceed $20 million in fiscal 1972.

(3) Funds should be added for basic research and development on an alternative subsonic strategic aircraft designed exclusively for operation as a standoff platform and on a new air to ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of SLBM and ICBM penetration.

INTRODUCTION TO THE B–1

The B–1 is a proposed intercontinental strategic bomber. The U.S. Air Force plans to phase it into the existing strategic arsenal as a replacement for the currently operational B–52's and FB–111's, starting in the 1978–1979 time frame.

The B–1 is to be powered by turbofan jet-engines. It will be capable of supersonic cruise at high altitude (mach 2.5), but will be restricted to subsonic speeds (approximately mach 0.85), at low altitude. It will have a maximum takeoff gross weight of 350,000 to 400,000 pounds and an estimated payload of 80,000 pounds. It carries a crew of four. Its estimated range with one aerial refueling is 10,000 miles. It will carry standoff missiles (SRAM) and armed decoys (SCAD) in addition to gravity bombs.

The Air Force is planning on a basis of 200-plus units, and 240 is the current target. It has reduced its prototype requirements from five flight-test aircraft to three and the number of static test models from two to one. The original estimated cost per copy was $25–$30 million but in the past year has been revised upward to $30.8 million.

After annual expenditures at an annual rate of some $25 million in prior years, requests jumped to $100 million for each of fiscal 1970 and 1971. Last year contracts were awarded for airframe and engine development. The fiscal 1972 B–1 funding request has moved up to $370 million.

During the past nine years of controversy surrounding the need for an AMSA or the B–1 manned bomber, there has been a recurring line of Congressional inquiry as to which bombardment mission profile would be the most effective in the 1980 to 1990 time frame. The recent and lamentable passing of the XB–70 "Valkyrie" into a questionable Valhalla at the Air Force Museum in Dayton at a cost of $1.4 billion, coupled with the untimely demise of the B–58 fleet after less than ten years of combat readiness and the repeated groundings of the current FB–111 fleet suggests that past DOD and USAF decisions with respect to mission profiles have been in error to a point where more intense Congressional scrutiny is mandatory.

DISCUSSION

B–1 operating environment

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B–1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

That question can be best resolved in the context of an overview of strategic forces, such as included in the 1970 Military Spending Report. While it is of obviously decisive importance here, therefore, the primary focus now will be on whether the specific bomber under consideration is an appropriate approach, given what we can predict about the environment in which it must operate.

Such predictions are extremely difficult to make. The Strategic Arms Limitations Talks could and hopefully will produce major alterations in the nuclear strategies of the United States and the Soviet Union. Beyond that, the impossibility of predicting the nature of opposing forces a decade hence is made abundantly clear by simple reference to the rapid growth of arms technology in the past. There was good reason for the assessment made last year by General Glasser, Air Force Deputy Chief of Staff for Development Plans:

"It simply is not possible to specify with clarity what a weapon system such as the B–1 will be actually used for ten or fifteen years from now."

It is possible, however, to foresee the direction of future developments, on the basis of arms capabilities now in being or within reach.

First, as to the role of bombers, it is undisputed that any justification for relying mainly on bombers for deterrence has long since disappeared. Especially with the deployment of MIRV warheads, delivery of nuclear weapons by ballistic missile costs far less than their delivery by manned aircraft. If there is still a need for the bomber, therefore, it must be grounded in the fear that ICBM's and SLBM's may be so severely degraded by the adversary that they can no longer be counted on to deter nuclear attack. The bomber's role is to supply insurance. It is one of a number of methods which might be used to complicate the task of an enemy determined to "win" a nuclear battle with the United States.

Effective defenses against airborne bombers differ substantially from those which might be used to counter missiles after launch. There is, moreover, a unique kind of protection afforded by the combination of ICBM's and manned bombers, even though both are conceded to be increasingly vulnerable by themselves. An adversary who seeks to knock out both may, for example, decide to strike simultaneously with low-trajectory SLBM's against the bombers and ICBM's against the missiles. But his ICBM's, because of their longer flight times, would have to be launched first, and as soon as they were detected by our radar the bombers could be launched and placed beyond danger. If, on the other hand, he launched both his SLBM's and ICBM's at the same time, the early arrival of the SLBM's at U.S. airfields would give notice of the attack in ample time for our ICBM's to be launched. This "box phenomenon" renders a first strike against both bombers and land based missiles virtually impossible.

The Polaris fleet has enormous destructive force on its own, and it is still considered invulnerable to degradation prior to launch. An adversary bent on simultaneously neutralizing both U.S. ICBM's and SLBM's, plus planned and possible internal improvements in those systems, faces a superhuman task. Hence it is clearly questionable whether such a mix is necessary. But assuming, for present purposes, that it is a desirable goal, we are left to discuss the capabilities which are essential if the bomber is to insure effectively. Basically there are two.

First, the bomber must be able to avoid destruction prior to launch. In this respect the B–1 would be a marginal improvement over the B–52, although not over the FB–111, because it can be launched more quickly and dispersed more widely—if similar attributes can be extended to the tanker fleet. Because of the "box phenomenon" noted above, however, it does not appear that pre-launch survivability will be a major problem in any case, so long as we have bombers which can become airborne with reasonable speed, coupled with a land-based missile force capable of penetrating enemy defenses in significant numbers.

Second, the bomber must have a credible ability to penetrate enemy defenses and deliver enough warheads on target to inflict unacceptable damage. And this is the point where the case for the B–1 becomes most precariously unhinged, as a result of prospects similar to those which ended in abandonment of the B–70 high-altitude supersonic bomber several years ago.

That aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B–52 was considered to be too slow. After we initiated work on the B–70, however, they deployed large numbers of high altitude SA–2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B–70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B–52 G's and H's have been superior to the B–70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA–2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advanced planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft.

The fiscal 1972 military posture statement submitted March 9 by Joint Chiefs of Staff Chairman Admiral Thomas Moorer is instructive on this point. Discussing Soviet strategic defenses, Admiral Moorer stated that,

"It is possible that they may deploy, later in this decade, an airborne warning and control aircraft with a true over-land, look-down capability and equip an advanced interceptor with a look-down, shoot-down radar/missile system. If they do so, they could have a greatly improved area defense system in the late 1970's."

If that assesment of Soviet capabilities is correct, then it is entirely reasonable to expect that when the B–1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Look-down and over-the-horizon radars and advanced infra-red detection devices are several methods which threaten to deplete the B–1's ability to penetrate at low altitudes. Others may be in the offing, including means of tracing aircraft through the air turbulence which follows in their wake. And, once detected, any manned aircraft is burdened by inherent disadvantage in hostile airspace populated by surface-to-air and/or air-to-missiles which it can never hope to outrun.

It must be noted that these are prospects which would face the B–1 bomber at the very beginning of its operational time frame. Still more sophisticated defenses could be developed later on; doubtless Soviet planners, if they elect to defend against bombers at all, will undertake intensive work along such lines as soon as the B–1 design is finalized.

With abandonment of the on-the-deck supersonic capability, the B–1 has little to recommend it over the B–52 for low altitude penetration. Its radar cross-section would be smaller, but, since radar sensitivity varies inversely as the fourth power of distance, the B–1 could get only 16 percent closer than the B–52 before its radar signature became the same, even if its radar cross-section were reduced by a factor of two. What is more, as to both speed and radar cross-section, the B–1 is distinctly inferior to the FB–111.

The Soviet Union may, of course, decide not to pursue the advanced bomber defenses described here. In that case the B–1 would not be required; the B–52 could penetrate. If, on the other hand, they do go ahead with such defenses, we could not place much confidence in any aircraft to carry out a gravity bombing mission. As a consequence, the value of a mixed deterrent would be lost. Moreover, the unique protection of the box phenomenon would also be eliminated, because there would be no need for the Soviet strategists to attempt an attack on the bomber force on the ground—they could simply launch against ICBM's, and depend on their air defenses to counter U.S. bombers.

There is no intention here to suggest that B–1 advocates have neglected the possibility that low-level penetration may prove to be a fruitless strategy. They have not. Unfortunately, they have, instead, alluded to that prospect as a reason for giving the B–1 a high-altitude, supersonic capability as well, and the result is still unsatisfactory. Certainly the creation of a deadly environment at low altitudes will not make the high altitude environment—considered too dangerous for the B–70 nearly a decade ago—any more hospitable.

The supersonic flight capability will not make the B–1 a better delivery system for nuclear weapons. If anything it will be a negative factor. It calls for complex design features which may make low altitude penetration more difficult; surely the sharp, supersonic wing must, for example, detract from stability on the deck.

The answer is not to build the B–70 into the B–1. We should instead undertake a search for more promising alternatives.

Conventional warfare utility

One of the most frequently cited rationales for the further development and production of the B–1 is that "strategic bombers, unlike strategic missiles, can be used conventionally." The argument usually references the B–52 "ARC LIGHT" missions flown in support of tactical ground and interdiction operations in Southeast Asia. The contribution of the B–52, judging from military opinion, has been substantial, and quite clearly could not have been duplicated by missiles fired from remote launch sites.

Before such employment of a strategic weapons system in a tactical, "iron bomb" environment can be accepted as part of a valid case for a follow-on bomber, it must be recognized that no B–52, except possibly through navigational error, has ever flown over North Vietnam. In testimony before the Senate Armed Services Committee in 1969, Air Force Officials stated that on a bombing run in a SAM-protected environment such as North Vietnam, possibly 50 percent of all the B–52's on any given raid would be lost, and one expert said, "It would probably be more." As early as January, 1966, former Secretary of Defense, Robert S. McNamara, writing in Air Force magazine stated, "The fact of the matter is that no U.S. bomber has had to face the kind of defenses that exist today."

Yet the SAM–2's which the Soviets have given the North Vietnamese are relatively obsolescent and Soviet ground-to-air missilry of the late 1970's and early 1980's will undoubtedly relegate today's SAM–2's to the Model-T class.

In this same context, it is noteworthy that during the Korean Conflict, the high altitude tactical bombing regime was so hostile due to an abundance of Soviet-manufactured conventional anti-aircraft weapons and the presence of MIG fighter aircraft that neither our then first-line strategic bomber, the B–47, nor its predecessor, the B–36, were employed in a tactical role and our aging B–50's were restricted to night missions when daylight losses became prohibitive.

Tactical situations obviously do vary from war to war and from location to location. To suppose that in any future conventional conflict there will be a justifiable role or even individual target complexes where, as in Southeast Asia, hundreds of conventional bombs have been dropped at minimum interval to saturate a "target box" with near total destruction, is to ignore even the basic tenets and tactics of conventional warfare targeting.

Should such a rare combat circumstance recur wherein a strategic bomber would have any possible utility in a conventional war, a far less expensive aircraft than the B–1 could be substituted to perform the same mission.

In this vein, the Air Force, within its present inventory of tactical aircraft, has an enormous bombing capability and is developing a new generation of follow-on aircraft that promises to further enhance it. These factors should be considered in weighing the use of the B–1 in a tactical environment and in force mix with fighter-bombers, tactical bombers and attack aircraft. First, that Vietnam-type target complexes as described above are isolated cases; second, that by proper application of alternative tactical weapons delivery systems, inter-theatre close-support and interdiction targets can be effectively bombed by far less expensive airplanes; third, aircraft losses and airframe wear incurred while using the strategic bomber fleet in a tactical role is not only extremely costly on a per sortie basis but permanently subtracts from the nation's overall strategic capability.

Systems cost considerations

A persuasive case can be made for purchase of a given weapons system regardless of cost, *if* it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war. As is developed elsewhere in this report, however, the value of the B–1 bomber in this respect is both speculative and marginal, and questions of cost therefore assume much greater importance. Clearly the B–1 must compete on a cost-effectiveness scale with other options, including new land and sea-based missile technology, for preserving the U.S. nuclear deterrent through its contemplated operational time frame. Such competition requires the best possible estimates of the total outlays that will be needed to include the B–1 in the U.S. strategic arsenal.

In light of painful experiences with such aircraft as the F–111 (originally proposed at $2.8 million per copy, escalating to over $8 million) and the C–5 (from $16.5 million to more than $54 million), it is difficult to place much confidence in Air Force estimates of probable B–1 expenditures. Even if the accuracy of those predictions could be assumed it is clear that the B–1 would be among the most expensive military systems ever proposed to the Congress, with a price tag of over $11 billion, exclusive of such major costs as operation and maintenance, armaments, and a follow-on-tanker.

But experience to date suggests that the B–1 will by no means be an exception to the pattern of cost escalation. Enormous cost overruns have, in fact, already occurred, even though the program is still fairly early in the research, development, test and evaluation stage, several years away from production.

In 1969 Defense Secretary Laird advised the Congress that the total cost per copy of the B–1 would be between $25 and $30 million. Early last year the figure was set more precisely at the top of the range, at $29.2 million, and by June 30th it was up to $30.8.

However, this figure followed several design modifications which should have brought substantial cost reductions. They included a 25 percent drop in the number of Short Range Attack Missiles (SRAMs) and Subsonic Cruise Armed Decoys (SCADs) to be carried internally, elimination of the low-altitude supersonic capability, and a significant reduction in the size of the initial avionics package. Senator McIntyre, who chairs the Senate Armed Services Sub-committee on Research and Development, estimated last August that the avionics change alone should have produced savings of between $5 million and $6 million per copy, placing unit estimates somewhere between $19 and $25 million. They did not materialize.

Based on a middle-range buy of 200 aircraft, therefore, the Air Force's own calculations show the cost of the system planned now mounting by between $1 billion and $1.2 billion in a single year.

More recently we have seen a similar kind of escalation in the RDT&E stage. Last year the estimate for this phase had climbed to $2.33 billion; now up to $2.63 billion in "escalating dollars." But last year's figure included five flight test aircraft, one static test airframe and one fatigue test airframe, to be constructed by North American Rockwell Corporation. Since then two of the flying prototypes and one static airframe have been dropped. Yet current estimates place the price reduction to be realized by that decision at only about $110 million—a savings of less than 9.2 percent of total RDT&E costs.

Another cost-factor of serious concern is the likelihood that at some point during the B–1's lifespan, and probably early in that period, a new compatible refueling tanker will be required, to replace the KC–135.

The Air Force maintains that the B–1 will be fully compatible with the KC–135, which now refuels the B–52's, and that only minor modifications in the tanker fleet will be needed. But the new tanker issue remains very much unsettled. It is also very much confused as a consequence of contradictory signals coming from the Air Force—exemplified by the fiscal 1971 budget request for $500,000 to initiate studies on a KC–135 replacement, followed by assertions that no new tanker is contemplated, read in the context of SAC Commander General Bruce K. Holloway's statement to the Armed Forces Journal last June that,

"We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft that can offload more fuel."

It is axiomatic that any strategic bomber is of little value if it cannot escape destruction on the ground, prior to takeoff. To avoid attack by low-trajectory submarine launched missiles, the B–1 will have a quicker reaction time than the B–52, and it will be capable of taking off from shorter runways so the force can be widely dispersed.

But the B–1 will be unable to complete its mission without refueling, and under present plans it must depend for refueling upon aircraft which do not have those capabilities. The KC–135 needs in excess of 9,000 feet for takeoff. a distance comparable to that required by B–52, so it cannot be dispersed any more widely than the existing force. Its take-off time is also roughly the same as that of the B–52. By targeting its SLBM's on the tanker fleet, therefore, the adversary could render the B–1/KC–135 combination just as vulnerable as the B–52/KC–135 combination might be.

In response to this reasoning the Air Force will argue that the tankers can be modified to achieve reaction time which more closely approximates that of the B–1. The nature of such modifications has not yet been revealed, but the answer is deficient in any event. A fundamental point in the case for a new bomber has been the premise that the B–52, last produced in 1962, is aging and will soon be too old to be dependable. But the last KC–135 was produced in 1964, just two years later. If the B–52 cannot last physically past the early 1980's, as the Air Force contends, then it is hard to imagine how the KC–135 can last some 15 to 20 years longer.

If costs are of any concern at all, then certainly the tanker issue is a critical factor. One possibility under consideration for the tanker role is a modified C–5. Based on Air Force price estimates submitted to Senator McIntyre's Subcommittee last year, a fleet sufficient to serve 200 B–1's would cost, conservatively, some $8.25 billion, thus pushing the total system cost well over the $20 billion mark even accepting Air Force price estimates.

The foregoing examples of cost growth to date, along with additional expenditures, for armaments and O&M. which will inevitably be associated with the B–1 system although not included in official estimates, indicate how hazardous it is to place any faith in Air Force projections.

The authors of this study admit to less technical expertise than the military in making detailed cost estimates. We therefore embrace no specific alternative calculations of total cost. It is, however, instructive to consider projections from other sources, ranging as high as $75 billion for the complete B–1 system. Several such estimates are set forth in the appendix.

Another question which deserves attention in connection with cost projections grows out of the contention that over its useful life the B–1 will be less costly than the alternative of relying upon the B–52/FB–111 combination, with continuing modifications to extend the life of the B–52.

Writing for the P.I.C. News, the newsletter of the Public Information Center, last August, Representative William Moorhead calculated that the cost of modernizing and extending the B–52 force for ten years beyond 1978 would be $7.36 billion, compared to his "conservative" estimate of $20.27 billion for the B–1 during the same period.

In fact, the Air Force has not denied the existence of such a cost advantage for the existing force during the first ten years. Their calculations were laid down as follows by Secretary of the Air Force Harold Brown in 1968 testimony to the Senate Armed Services Preparedness Investigating Subcommittee:

"Over the first ten-year period, the program cost of an AMSA (B–1) bomber force would be considerably higher than that of the B–52 and FB–111 force because with selective modifications to the structure and avionics. the lifetime of many B–52's can be economically extended to the late 1970's. Over a period of about 17 years the costs of a bomber program phasing to (deleted) AMSA's, compared with a program continuing the 255 B–52's and 210 FB–111's would be the same, $22 to $23 billion."

The buy of FB–111's has since been reduced to four squadrons, a figure which should still be sufficient to require the mixing of defenses claimed as a main attribute of the manned bomber. That change should give the B-52/FB-111 combination an even greater cost advantage.

But what is important to note here is that acceptance of the premise that the B-1 might eventually have a cost advantage over the B-52/FB-111 combination requires acceptance of a much more ambitious assumption—that the manned bomber, moreover a specific manned bomber with capabilities which will be locked very soon, will be playing a vital role in the U.S. nuclear arsenal some seventeen years from now, in a vastly changed environment. Those who find that assumption unpalatable will find continued reliance on the B-52 and FB-111 infinitely more attractive from the cost standpoint.

Finally, a cost-conscious evaluation of the B-1 as now planned requires careful attention to the additional expenditures demanded as a consequence of the decision to make the aircraft supersonic at high altitudes, even though the low-altitude supersonic capability has been scrapped. Put bluntly, the high-altitude supersonic capability makes hardly any sense in the nuclear warfare missions contemplated for the B-1 since, as is pointed out elsewhere, the B-70 bomber was dropped precisely because the Soviet Union had the clear capability to destroy high-flying supersonic aircraft.

The supersonic capability of the B-1, which will almost certainly be used only in conventional warfare roles, will according to Air Force sources, increase its ten-year systems costs between twenty and thirty percent. Senator McIntyre estimated last year that it could be "closer to fifty percent," and there are sound reasons for preferring his figure. If the aircraft were entirely subsonic it could be made fixed wing instead of swing-wing, thereby cutting weight, reducing maintenance problems, and increasing range. The supersonic capability requires much thinner wings to lessen drag, another cost escalating factor. Supersonic flight with the B-1 engines will be accomplished by afterburning, which drastically multiplies fuel consumption.

Startling results are yielded by application of the incremental supersonic costs ratios suggested above to the low and middle-range estimates of ten-year B-1 systems costs. The decision to go supersonic calls for additional outlays of from $2.2 billion (20 percent of $13.4 billion) to $10 billion (50 percent of the $20 billion high estimate for procurement and R & D only), over what would be required by an entirely subsonic plane.

Alternatives to the B-1

One obvious and much less expensive alternative to moving ahead with the B-1 bomber would be to plan for the retirement of the manned bomber from any nuclear war role, and certainly that approach does deserve careful consideration. There is, however, no need to make such a determination in order to reach the conclusion that the B-1 is ill suited to the tasks it has been assigned.

There is ample time to consider other alternatives as well. Contrary to the impression created in recent years, there is little hard evidence to support the conclusion that the latest B-52 models are about to collapse from old age. The Air Force has pitched its case for the B-1 less on this concern than on its assertion that the B-1 will, over a period of years, be a less expensive option than preservation of the B-52. But the B-52 can remain a tremendously formidable delivery system well into the 1980's, and probably beyond, especially with the addition of SRAM and other penetration aids. There is no need to buy the B-1 quickly because of a fear that there may come a time when the United States will be without a strong strategic bomber.

Another option, therefore, would be to simply continue relying upon the existing combination of 255 B-52 B's and H's and 75 FB-111's, for as long as they can be retained in service through appropriate modifications or until such time as they can no longer penetrate Soviet defenses. If that time does come the B-1 could probably not penetrate either, particularly in light of recent decisions to downgrade its performance.

In some respects this course is much more attractive than choosing the B-1. As noted in the section on systems costs, economic considerations will favor the B-52/FB-111 combination for as long as seventeen years and possibly more. And if the objective of the manned bomber is to force the adversary to mix his defenses, to counter both bombers and missiles, there is some reason to believe that the combination of older aircraft could perform more satisfactorily than the B-1. Since the FB-111 does have a supersonic capability at low altitudes, and since it can reach significant numbers of SAC targets within the Soviet Union, these two aircraft could give the adversary a more complicated defensive problem than that posed by the B-1 alone. Since the weaknesses of one could not be exploited against the other, he would have to defend against the best features of both, at least for those targets which the FB-111 could reach at supersonic speeds.

It is possible to foresee viability for still other alternatives. If the B-52/FB-111 combination is not satisfactory, it is nonetheless still shortsighted to consider the B-1 as the single new configuration available.

A more desirable design might, for example, completely forego gravity bombing and concentrate instead on a meaningful long-range standoff capability, including both a new strategic aircraft and a new air to ground missile with longer range and a greater payload than is contemplated for SRAM. Such an aircraft need not be supersonic. It could be designed for rapid takeoff to preserve prelaunch survivability and the benefits of the "box phenomenon." The avionics could be much less elaborate than the B-1 package, because there would be no need to attempt penetration of enemy defenses. Research and development efforts could focus intensively on an air to ground missile approach aiming for maximum differences between the nature of this airborne attack and the threat posed by U.S. ICBM's and SLBM's, to continue the "mixed defenses" problem confronting the adversary.

Such a system would, of course, be far less glamorous than the B-1. But it could also avoid the weaknesses, exploit the strengths, and add new values to the use of manned aircraft in nuclear war situations.

Appendix

(Selected B-1 System Cost Estimates)

(1) The current Air Force estimate of B-1 costs, calculated now in "escalating dollars" with inflation factored in, is $2.628 billion for development and $8.496 for production, or a total of $11.124 billion exclusive of operation and maintenance and armaments including SRAM and SCAD.

(2) In August of 1970, Representative William Moorhead published two estimates based on an extrapolation from Air Force figures. He described the first, a total of $20.27 billion, by saying that, "if it errs it probably does so on the conservative side." His high estimate, following generally applicable rules on operation and maintenance and trade journal estimates on procurement costs, totalled $33.47 billion. His calculations were as follows:

Estimate:	*Billion*
Sunk Research and Development	$0.25
Prototype Procurement	2.33
Procurement of ca. 250 planes, including AGE, initial spares, training aids, and technical data	9.30
Operation and Maintenance for ten years	3.75
SRAM R.T.D. & E. (short range attack missile)	.42
SRAM procurement (for 2,800)	$0.80
SRAM aerospace ground equipment	.19
SRAM warheads	.50
SRAM O&M for ten years	.40
Estimate with USAF figures	17.94
13 percent overrun allowance (average for recent major systems)	2.33
Total Estimate	20.27
Addenda:	
Addition to O&M to reflect general overhead by raising the figure to $13.95 billion, following a rule of thumb of 150 percent of aircraft procurement cost for ten years of operation	10.20
Addition to procurement-cost figure to match trade journal estimates of $12 to $13 billion	3.00
High Total Estimate	33.47

(NOTE.—Representative Moorhead's analysis does not include the possibility that a new tanker fleet will be required. Using a three to two tanker-to-bomber ratio for a 255 aircraft B-1 fleet, taking the estimated $27.5 per copy cost for a C-5 tanker supplied to Senator McIntyre by the Air Force last year, and adding the same 13 percent overrun allowance employed above, the new tanker could add another $13.73 billion to the systems cost, bringing the High Total Estimate to $47.2 billion.)

(3) In December of 1969 the Defense Market Survey Market Intelligence Report cited then-current USAF estimates for a "200 plus" fleet of $1.7 to $1.9 billion for R&D, $6.8 to $7.2 billion for aircraft with spares and support, and $3.3 to $3.5 billion for ten-year operation, in 1968 dollars. It then noted the failure of DOD to discuss the tanker problem, plus the requirement for additional command and control aircraft for the strategic fleet. From that it deducted that, "The inescapable conclusion is that the price tag for the total system could well soar above the $25 billion mark."

(4) Using an analysis similar to that of Representative Moorhead but with slightly higher figures, Bruce W. MacDonald of Princeton University, coordinator of a detailed study of the B-1 system, foresees a total systems cost of "anywhere from fifty to seventy-five billion dollars." His method:

Estimate:	*Billion*
Sunk into research and development	$0.25
Prototype procurement	5.00
Procurement of ca. 250 planes at $60,000,000 per copy	15.00
Operations and maintenance	4.00
SRAM-R.D.T. & E	.42
SRAM procurement (for 2,800)	.80
SRAM aerospace ground equipment	.19
SRAM warheads	.50
SRAM O. & M. for 10 years	.40
Total	26.56
13-percent overrun allowance of all but prototype procurement plus unit costs, reflecting experience on recent major systems	27.41
Addition to O. & M. to reflect general overhead by adding 150 percent of aircraft procurement cost for 10 years' operation	22.50
255 new tankers	12.70
Tankers R.D.T. & E	2.00
Tanker maintenance for 10 years	2.00
Total	66.61
Plus eventual addition of the avionics originally planned but deleted last year with room left for later incorporation	8.39
Total ultimate systems cost	75.00

September 14, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Sir: I wish to thank you for your letter of inquiry dated 18 August 1971. Your expressed interest in B–52G/H improvement modifications and in maintaining an effective posture of our nation's strategic forces is indeed gratifying.

Since delivery of the last B–52H airplane in 1962, The Boeing Company, Wichita Division, has been devoting company research funds to the task of identifying and evaluating feasible B–52 improvements. These improvements are options to be considered by the Air Force to maintain the B–52 weapon system as a credible strategic deterrent. The resultant option type improvement data have been provided to the Air Force periodically to support their long range B–52 improvement program planning/implementation. Through this type of effort and others, the B–52 has been maintained as an effective weapon system against new threats and changing mission requirements.

The B–52 was originally designed as a long range, high altitude bomber. During the late 1950's the need was established for high speed, low level flight to meet new operational requirements. In 1960, a design study was initiated to define changes necessary to provide an improved fatigue resistant wing for the B–52G/H fleet. Study results plus the result of the B–52G cyclic tests and fleet experience led to the ECP 1050 wing modification for both the B–52G/H fleet. This wing had a safe operational life of 12,000 flight hours based on a specified usage and using a scatter factor of 4 (design life objective is four times the operational life objective). Cyclic testing of this wing was conducted to an equivalent of four life times without developing detectable cracks in the primary structure. Testing was then continued up to six life times without developing life limiting fatigue cracks. Subsequent structural improvement modifications were also incorporated to the body, fin and stabilizer. A cyclic test of the body and empennage structure with these modifications installed was completed in 1969. Testing was conducted to an equivalent of six life times for the ECP 1050 wing usage without developing any life limiting cracks. Based on the above testing and fleet support experience, we have high confidence in the M–52G/H fleet structural integrity and its capability to provide many years of safe service life under continuing present usage conditions.

The number and the capability of threat systems has steadily increased during the past several years. For survivability reasons this has caused the low level penetration to be started sooner. Since the fuel consumption of a jet engine increases with decreased altitude, a longer low level penetration distance will decrease the total B–52's strike distance capability. Although a requirement for improved B–52 range capability does not exist, we have directed a portion of our inhouse research activity during the last few years to the task of identifying effective performance improvement options.

As you indicated, one of those options was the replacement of the existing eight engines with four high bypass modern technology engines, such as those presently used on the Air Force C–5 or Boeing 747. The replacement of the B–52G/H powerplants not only will increase the strike distance capability of the fleet, but it will also provide for improved take-off performance, increased mission planning flexibility, a loiter capability at the mission go-low point (presidential decision time), deep target coverage, enhanced probability of force recovery, reduced tanker dependency and reduced fleet operational/maintenance costs. All of the data developed has been provided to the various Air Force agencies for their analysis and use in fulfillment of their long range B–52G/H improvement program planning/evaluation responsibilities.

During June of this year, the Air Force initiated an inhouse study of the four-engine B–52G/H airplane. This feasibility/evaluation study is being supported by Boeing Wichita to the extent requested by the Air Force.

In summary, Boeing Wichita is dedicated to support of the B–52 weapon system. Our industry role is to maintain close coordination with the Air Force, understand the mission, anticipate requirement changes, and provide improvement option data which will permit the B–52 to be retained as a credible manner weapon system. These data support the Air Force in the performance of their responsibility for B–52 improvement program planning and required modification implementation. Since all of the B–52 improvement data which would be of interest to you is available within the Air Force, it is my recommendation that these data be obtained from them. This would eliminate any misinterpretation of the data and would afford the Air Force the opportunity to provide B–52 modification improvement and service life data in context with other weapon system improvement planning. To assist you in this effort, I am sending a copy of this letter to Brigadier General C. J. Adams (AFRDQS) for his information.

Again, I wish to express my sincere appreciation for your deep interest in maintaining the B–52G/H as a credible manned weapon system, and to assure you of our dedication to the continued support of the B–52 as long as the airplane is retained in the Air Force inventory.

Sincerely,

Edward J. Sullivan.

Statement of General Holloway

The proposed size of the FB–111 and B–1 forces will total only (deleted) airframes. We need more than that to do the SIOP task. Therefore, we should not plan on phasing out the B–52 when the B–1 comes into the inventory with the exception of the older models. The minimum aircraft force that SAC needs is 255 B–52 Gs and Hs, 66 FB–111s, and the proposed (deleted) B–1 force.

Mr. FULBRIGHT. Mr. President, the distinguished senior Senator from Missouri, a member of the Committee on Foreign Relations, as well as the Armed Services Committee, and the Joint Atomic Energy Committee, has on several occasions raised the question about the deployment of nuclear weapons on Taiwan and elsewhere. This is a matter of great importance today.

I have an editorial from the St. Louis Post Dispatch of September 9, 1971, entitled "No Development on Taiwan" which comments on this question and alludes to the past action of the Senator from Missouri.

I ask unanimous consent that this editorial to which I have referred be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post Dispatch, Sept. 9, 1971]

No Deployment on Taiwan

Senator Stuart Symington's request that the White House disclose whether it plans to shift American nuclear weapons from Okinawa to Taiwan deserves a prompt response from the Nixon Administration. Such a plan reportedly was dropped earlier this summer and to revive it now would be the utmost folly both from the standpoint of military strategy and, perhaps even more important, international diplomacy.

As a member of the Foreign Relations, Armed Services and the Joint Atomic Energy Committees, the last of which receives more secret information on nuclear deployment than any other congressional panel, Mr. Symington may well be the most knowledgeable member of the Senate on the subject of where American missiles and warheads are hidden abroad. This fact and his persistent and commendable efforts to persuade the Administration to inform Congress of the nation's stockpiling of nuclear weapons on foreign soil give his request unusual importance.

Under the terms of the recently concluded treaty between the United States and Japan, nuclear weapons must be withdrawn from Okinawa and cannot be redeployed there without Tokyo's consent. The treaty is expected to be sent to the Foreign Relations Committee this month and presumably will be ratified later in the session by the Senate. So the question of what is to become of the nuclear weapons now on Okinawa is urgent.

With the nuclear umbrella provided by Minuteman missiles in the United States and by Polaris submarines and the tactical nuclear weapons aboard aircraft carriers, there is little case to be made for redeploying the weapons on Okinawa anywhere in the Pacific—Guam, South Korea or the Philippines. There is a special case, however, to be made for not placing them on Taiwan, whose regime's diplomatic status grows more uncertain almost by the day. Such a move could only be interpreted by Peking as evidence that the U.S. is insincere about winding down the hostility that exists between the People's Republic of China and America or reducing its commitment to Taipei. It almost certainly would damage severely the chances for better relations which Mr. Nixon hopes to achieve on his projected trip to the mainland.

Even if the new American policy toward the People's Republic were not of such paramount importance, there is every reason for the Administration to abandon its policy of secrecy about the deployment of nuclear weapons overseas. The Soviet Union and most certainly the governments of nations which contain American nuclear bases know perfectly well where these weapons are located and it is outrageous that this information is denied the American people, let alone Congress.

Congress has the constitutional authority to investigate any matter within its legislative competence and the deployment of nuclear arms, which may have a direct relation to acts of war or treaty fulfillments, is well within its purview. By denying Congress such information, the White House for too long has exercised improper discretionary powers. A response to Mr. Symington's question would be a constructive beginning toward a reversal of this most unhealthy practice.

Mr. FULBRIGHT. Mr. President, while I am on my feet—and it will not be long because I know the Senator from Wisconsin is going to speak—I only wish to say that I, too, shall support the amendment of the Senator from South Dakota.

He is one of the few men in Congress who had active experience in wartime as a bomber pilot. Aside from that experience he has probably given more attention to this question of the feasibility and the usefulness of continuing a big bomber force than any other man in Congress.

I am very pleased he has brought up this matter. I do hope the Senate will give serious attention to what he has had to say and that we will at least begin to adapt our Military Establishment to what I hope to be our foreign policy.

The President of the United States, particularly with regard to China, has taken a new initiative, which I believe most Members of this body approve of; I certainly do.

The President is also pursuing in the SALT talks a similar policy with regard to Russia.

It seems to me very ill-timed that in view of these initiatives we should proceed with an all-out program of all kinds of major weapons based on the assumption of a war with Russia.

That does not mean, as the Senator from South Dakota said, an abandonment of this project or of an adequate Military Establishment. It simply means to adjust it in accordance with other developments that are taking place in the international scene and with the initiatives which the President is taking.

I have a feeling that these programs achieve a momentum of their own and they are continued without regard to what is taking place in other aspects of our policies; that they are proceeding on assumptions that were valid 25 years ago. There seems to be no way within the bureaucracy itself to take note of developments outside a particular jurisdiction. That is so in the case of the Pentagon.

It is the function of Congress to take note of all these developments and to try to reconcile the programs of the Pentagon in this case with the overall policy of the Government as a whole, and it is the only body that can do it. If we do not take that responsibility, no one is going to take it, and they will proceed under this momentum with programs which have long since lost any reasonable relation to present conditions.

I do hope the Senate will take seriously the amendment of the Senator from South Dakota. It is a very good amendment and certainly I shall support it.

Mr. McINTYRE. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from South Dakota. At the outset I want to say that none of us on the Committee on Armed Services challenge the sincerity of those who feel that the B–1, the new bomber, should be scrapped. I think that serving on the Research and Development Subcommittee of the Committee on Armed Services—and since the total request from the Air Force for some $370.3 million falls in the R. & D. area—that we have looked at it carefully and we have tried to weigh the very difficult issue it presents.

We, too, have been concerned, as we said in the report, about the rising costs of some of these weapons systems.

Perhaps last year we devoted more time to the B–1, and I can say in all honesty that after looking at this program I come down on the side that I just feel we must continue in this planning stage and go forward to a new bomber. I cannot bring myself to the position of the Senator from South Dakota, or the Senator from Wisconsin, or, I assume, the Senator from Arkansas.

One thing we want to make crystal clear is that this is still an R. & D. item. We are not anywhere near the procurement, the question of procuring these bombers. As I said, I find myself on the side that we must continue to plan for this B–1.

THE ROLE OF THE B–1 IN OUR DEFENSE STRATEGY

There has been considerable discussion in the recent past, and there will be continuing questions in the future, on the role of the manned bomber in our national defense strategy. Should we have a diversified strategic force? Should bombers be a part of that force? Why do we need a new bomber when we have missiles at sea and buried in silos to respond to an attack on this country? With the shift in national priorities wouldn't it be cheaper and just as effective to modify and update the aircraft presently in the inventory?

These questions require thoughtful answers and my purpose today is to endeavor to provide these answers. I would like to discuss some of the characteristics of the B–1 bomber, the purpose that this new aircraft is designed to fulfill, and the role of the manned bomber—and specifically the B–1—in the overall scheme of our national defense strategy.

The B–1 is a long range intercontinental jet bomber intended as the eventual replacement for the B–52 heavy bombers now in the force. The earliest B–52's have already been phased out. Some later models—the D and F models—were originally planned to be phased out as the FB–111 entered the Air Force inventory. However, they have been retained because of the requirement for this aircraft for Southeast Asia missions, and to offset the earlier than planned phaseout of the B–58 in fiscal year 1970 and the reduction in the planned buy of the FB–111 from 14 to four squadrons. The current program retains 255 of the latest models—the B–52 G and H—as well as approximately 142 of the D and F models.

The B–1 development plan calls for an aircraft in the 360,000 pound gross weight class compared with 488,000 pounds for the B–52 G/H and about 123,000 pounds for the FB–111. The new bomber is specifically designed to have a much smaller frontal radar cross section than the B–52 G/H. It will carry a crew of four compared with six for the B–52 G/H and two for the FB–111.

The B–1 will be powered by four large turbo fan engines in the 30,000 pound thrust class and will be able to achieve a supersonic speed at high altitude and a high subsonic speed for penetration at low altitude. The speed characteristics of the B–1 are about the same as the FB–111 but considerably greater than the B–52.

The basic design goal for the B–1 is an aircraft which, when refueled by a single KC–135 tanker and flown subsonically, can carry a large internal payload over an intercontinental mission range, including a substantal distance at low altitude.

The B–1 can carry the same basic types of ordnance as the B–52 and FB–111, but in greater quantities. For example, the B–1 can carry about twice the number of short range attack missiles—SRAM—and/or subsonic cruise armed decoys—SCAD—internally as the B–52 G/H and several times that of the FB–111. In the conventional bombing role, the B–1 on a long range refueled mission could carry considerably more payload than the B–52 and several times more payload than the FB–111.

The principal payload of the B–1 in a nuclear role would be gravity bombs plus the SRAM and/or SCAD. SCAD would be used principally for defense dilution. SRAM would be used for direct attack on objective targets which have sophisticated terminal defenses, and for suppression of such defenses. The B–1 would also use gravity bombs against targets where defense suppression or internally carried penetration aids—such as electronic countermeasures—or low altitude flight afford adequate protection against terminal defenses. Supported by existing tanker aircraft, and operating at very low altitudes during penetration of defenses, the B–1 could be programed from present U.S. bases against any suitable target within the Soviet Union or China.

While the primary mission of the B–1 will be to serve the nuclear deterence objective, the bomber will also have significant capabilities for alternate missions, uniquely extending its potential utility beyond that of the missile components of the strategic deterrent. In a conventional role, the B–1 can be variously configured to lay mines, bomb land forces in the field, or attack other selected military targets. In this latter capacity, the B–1 will be able to deliver all of our standard conventional weapons, plus our newer conventional bombs which employ advanced terminal guidance techniques.

Any assessment of the B–1 issue must be framed in the context of the total problem of nuclear deterrence. One must have a clear understanding of the answers to four basic questions, which, in turn, will encompass answers to most of the specific B–1 questions.

In considering the need for a new bomber, four basic questions must be posed:

Should there be a diversified strategic force for nuclear deterrent?

Should bombers be a part of this force?

When should a new bomber be developed and procured, and

What should be the characteristics of future bombers?

The first question which needs to be answered is: Should there be a diversified strategic force? As President Nixon stated in his budget message for fiscal year 1972—

> Our strategic forces are the cornerstone of the Free World's deterrent against nuclear attack and must always be sufficient for this crucial role.

We seek to achieve that objective of deterrence by maintaining strategic force of sufficient size and diversity to meet the following criteria:

Maintain an adequate second-strike capability to deter an all-out surprise attack on our strategic forces.

Maintain forces to insure that the Soviet Union would have no incentive to strike the United States first in a crisis.

Maintain the capability to deny to the Soviets the ability to cause significantly greater urban-industrial destruction than the United States could inflict on the Soviets in a nuclear war.

Maintain the capability to defend against damage from small attacks or accidental launches.

To meet these objectives, we strive to maintain a credible retaliatory force, placing primary emphasis on measures that both reduce vulnerability to attack and assure penetration of projected defenses. Accordingly, we must insure, to the fullest extend humanly possible, that there is never any question as to the ability of our forces to survive a surprise attack and still respond with devastating effectiveness. Uncertainties in any one element of the forces, which are bound to arise from time to time as technology advances and the threat changes, must be offset by capabilities provided in other elements.

Given the long leadtimes involved in the development, production, and deployment of major new weapon systems, we must project our thinking at least 10 to 15 years into the future.

By that time, new and totally unanticipated vulnerabilities may appear in one element or another of our strategic forces, just as they have in the past. The only way in which we can insure that these unanticipated vulnerabilities—both prelaunch and postlaunch—will not fatally weaken our deterrent before we can act to offset them is to maintain at all times well diversified forces in which each element has distinctly different survival and penetration characteristics.

We now have such forces. They consist of three primary elements—bombers, land-based missiles, and submarine-launched missiles.

Each element depends on a different mode for prelaunch survival. Bombers depend upon tactical warning coupled with quick reaction. Land-based missiles depend upon dispersion and hardness. Sea-based missiles depend upon uncertainty as to location. Consequently, even if the Soviets deploy SLBM's with depressed trajectories close to our shores, they could threaten the prelaunch survivability only of our bombers. Similarly, even if the Soviets deploy many ICBM's with single reentry vehicles—or large ICBM's with several reentry vehicles—and these reentry vehicles are quite accurate, the survivability only of our ICBM's could be threatened. Or, even if the Soviets can reduce the uncertainty of location of our submarines at sea, the survivability only of our SLBM's could be threatened. Thus, a diversified force has the strong redeeming feature that a major breakthrough in Soviet capability in any one of these areas affects only that particular area, and not our overall deterrent.

Further, and this is most important, by having a diversified force, one can tolerate a temporary vulnerability in any one element. We can counter the vulnerability with deliberate, well thought-out actions because we have confidence that the other elements of our forces will still work. On the other hand, if we put all of our deterrent in a single force element, then we would have to be absolutely certain that there would never be any gap in the survivability of that force, however temporary.

As I noted, the prelaunch survivability of our alert bombers could be threatened if the Soviets deploy submarines very close to our shores with missiles that can be fired on greatly depressed trajectories; for example, fired at full thrust but at a lower elevation angle than normal so as to impact at reduced range in a shorter time. Although we have absolutely no evidence that the Soviets are developing depressed trajectory SLBM's, or that they would risk stationing their ballistic missile submarines close to our shores, we must take these possibilities into account in our forward planning.

There are a number of actions that could, and are, being taken to counter more extreme Soviet SLMB threats should they actually develop. For example, a new early warning system will soon be available to provide prompt tactical warning for our bombers. Also, proposals have been made to reduce bomber force reaction time by modifying the B–52's and KC–135's for a quick engine start, and by placing the crews closer to the aircraft and the aircraft closer to the end of the runways. In addition, the force could be dispersed over a greater number of air bases.

Finally, it should be borne in mind that bombers and land-based missiles tend to reinforce each other's survivability—both in the pre-launch and penetrating phases.

In the pre-launch phase for example, the Soviets cannot launch a confident and effective attack upon both our land-based missiles and bombers, even if each element were assessed to be vulnerable on an individual basis. Should an attack be timed to simultaneously launch ICBM's at U.S. missiles and low-trajectory SLBM's at our bombers, then the SLBM's would arrive on U.S. airfields long before ICBM's reached our missiles—providing time for U.S. missiles to be safely launched after U.S. sovereign territory is struck. Conversely, should the attack be timed for simultaneous arrival, then enemy ICBM's would have to be launched first and our bombers would have ample time to fly to safety.

Thus, the presence of bombers and land-based missiles in the force greatly enhances the credibility of the retaliatory capability of both, and thereby strengthens our overall strategic deterrent posture by confronting the Soviet leaders with two mutually exclusive alternatives, each of which would be highly risky from their point of view.

In the penetration phase, a mixed force of bombers and missiles complicates the Soviet defensive problem, both from the standpoint of planning and, perhaps of equal importance, from the standpoint of resource allocation. While an anti-ballistic missile defense would be equally effective against sea-based missiles and land-based missiles, it would be of little value against low-flying bombers. Conversely, a good defense against low-flying bombers would be of little value against land or sea-based ballistic missiles. Missile defenses and bomber defenses require different sets of equipment and technologies. Moreover, it is not enough to defend some targets against bombers and others against missiles—all must be defended against both if the defenses are to be of value. Otherwise, one could use his bombers to attack targets defended against missiles, and his missiles to attack targets defended against bombers.

Granting that a well diversified strategic offensive force is essential to our deterrent, the next question which must be answered is, Should bombers be a part of that diversified force?

Some of these reasons why bombers should be retained in our strategic forces have already been discussed in answer to the first question, for example, how their presence in the force complicates Soviet "first strike" planning and their strategic defense problem. But there are many other ways in which bombers make a unique and important contribution to our national security.

First, bombers provide the essential insurance against presently unanticipated, but possible, gross failures in our missile systems—for example, disruption of communications with our ballistic missile submarines at sea, or damage to our Minuteman missiles from unforeseen effects of nuclear explosives before or after launch. Extensive operational testing has given us considerable confidence in the reliability and dependability of our strategic missile systems—but neither the United States nor any other nation has ever used them in combat or in a nuclear environment.

While bombers, too, have never been used in a nuclear environment, we do have a great deal of combat experience with them. We know what they can do and cannot do.

Second, bombers make a unique contribution to the flexiblility of our strategic forces.

Inherent in the purpose of our strategic forces is a capability to conduct a limited, controlled nuclear exchange, which, hopefully, could be terminated before it escalates to an allout exchange. This type of capability can best be provided by bombers. Missiles, once launched, are essentially committed and they impose on the opponent a very compressed reaction time—both of which serve to invite uncontrolled escalation. Bombers, in contrast, can be launched, redirected, or recalled over a period of hours, always remaining fairly unambiguous with respect to the area they are threatening. Thus, they provide the opponent with much more time to consider his response, or to react in a deliberate, carefully controlled manner.

Third, bombers are particularly useful in third area conflicts—that is, the Chinese People's Republic—both in a nuclear and conventional bombing role. In contrast to missiles, bombers can be recycled repeatedly, and because air defenses in those areas are far less formidable than in the Soviet Union bombers could be employed in sustained campaigns—at least in selected areas—with the expectation that losses can be kept to acceptable levels.

Fourth, in contrast to missiles, bombers can also be used in non-nuclear wars. In this respect, they are unique among our strategic weapon system. They, alone have the flexibility and capability to support our national objectives across a wide range of possible conflicts—from a quick show of force, to small scale conventional wars, to global nuclear wars. Strategic bombers operating from bases within the continental United States and a few selected bases on remote islands could provide the initial support for an overseas ally under attack while our tactical aircraft, either land or carrier based, are being deployed to the combat theater.

Fifth, strategic aircraft with their large payload capacity and long endurance have also been used for a wide variety of other tasks over the years, many of which are unrelated to their nuclear role. For example, B–52's are being equipped to do aerial mining. There is every reason to believe that we will continue to use our strategic aircraft for a variety of national security purposes in the future as we have in the past.

Finally, a mixed force of bombers and missiles provides the United States with a greater degree of flexibility in any disarmament negotiations. SALT is still in an early stage—except for ABM's, no specific weapon system proposals have as yet been presented by the Soviet delegation. Until agreement is reached on the limitation of specific weapon systems, which may take some time to negotiate, it would be highly imprudent for us to prejudge the outcome. Nevertheless, it is reasonable to speculate that, because bombers are not very good "first strike" weapons, their retention by both sides would be a logical provision to include in any agreement designed to enhance stability.

Manned bombers will continue to be an indispensable element of our strategic deterrent for as far into the future as we can discern the threat. In combination with land and seabased missiles, they provide a hedge against future technological developments which might severely degrade the capabilities of any one of the major elements of our strategic offensive forces. They provide insurance against an unlikely, but possible, gross failure in our strategic missile systems. Together with strategic missiles, they compound and frustrate Soviet "first strike" attack planning, and make the Soviet defensive task much more difficult and costly. They are more appropriate and useful than strategic missiles for less than all-out nuclear wars, and they comprise the only major element of our strategic offensive forces which can be used in conventional wars. Finally, their presence in the force provides the U.S. with a greater degree of flexibility in arms negotiations.

These points provide a strong case for having bombers in the strategic force. The next question to be answered is: When should we undertake to develop and procure a new bomber?

First of all, it is perfectly obvious that the B–52's cannot last forever; they will eventually have to be replaced. As noted previously, the earliest models have already been phased out of the force. The latest models, B–52 G/H's, were delivered to the Strategic Air Command between December 1958 and October 1962. Thus, the youngest of these is already more than 8 years old and the oldest more than 12. The Air Force believes that the B–52 G/H's can be maintained in a safe and operable condition at least through 1980. By that time the oldest aircraft would be about 22 years old and the youngest about 18 years.

How much beyond 1980 these aircraft can be kept safe and serviceable is a matter of conjecture. It should be recalled that the B–52's were not designed for low-level operations. Very extensive structural modifications were required over the years to keep them flying in that mode. Furthermore, new avionics equipment had to be installed to maintain their effectiveness against the steadily improving Soviet air defenses. In total, about $3 billion had to be invested in the B–52 force over the years for structural modifications, capability improvements, and depot maintenance, to insure its operational safety and effectiveness.

Even so, the B–52 is not an optimum aircraft for low-altitude operations. It is still quite sensitive to the effects of low-altitude turbulence, in terms of loss of aircraft control and airframe damage from fatigue. Consequently, after another decade of operation at low altitude, we can confidently anticipate the need for additional structural modifications, as well as the replacement of many major components.

Furthermore, the B–52's incorporate an aircraft technology dating back to the early 1950's. Although the engines and the avionics in the later B–52's have been updated, the airframe is basically the same as the early B–52's. Aircraft technology has advanced enormously since that time, and a much more efficient and effective bomber can now be built.

Given the long leadtime involved in the development, production, and deployment of a new intercontinental bomber—about 8 to 10 years—it is not too early, now, to pursue an orderly and deliberately paced development program for the possible replacement of the B–52's in the late 1970's or early 1980's. Accordingly, it was decided last year to start the development of the B–1.

Having decided that the time was right to begin the development of a new bomber, the final basic question is: What should be the characteristics of a future bomber?

As noted earlier, the potential problems facing the strategic bomber in the future fall into two general categories—prelaunch survivability and penetration effectiveness.

With regard to prelaunch survivability, it is clear from what has been said earlier that any new bomber should have a significantly shorter "safe escape time" than the B–52. The B–1, through a combination of appropriate airframe, engine, and subsystem design, will have these essential characteristics. Thus, from normal day-to-day alert, the B–1 will be able to reach a safe escape distance from its base in significantly less time than the improved escape time of the B–52.

Moreover, because of its more compact design, the B–1 will be able to take off with a space interval between aircraft of one-half that of the B–52. Taken together with the shorter safe escape time this means that a sizable number of B–1's could take off from a single runway and reach a safe distance from the base in the same time it would take the first B–52 to take off and escape. Even though we do not expect to place large numbers of alert B–1's on a single runway, the great importance of a shorter safe escape time to the prelaunch survivability of our bomber force is readily apparent from this single comparison.

Finally, the shorter takeoff distance required by the B–1 will permit that aircraft to be operated from about 150 more existing runways than are now available to the B–52. Consequently, the bomber/tanker force could be dispersed over a greater number of bases, with fewer aircraft per runway, thus further improving the reaction time of the alert force as a whole.

In short, a force of B–1's would have a considerably higher degree of prelaunch survivability than the B–52's against even the most severe Soviet SLBM threats postulated for the future.

With regard to penetration, the B–1 design approved for development encompasses all of the characteristics deemed essential for a future penetrating bomber which may be expected to remain in the force until perhaps the year 2000. It will have the capability to fly at very low altitude at high subsonic speed, significantly lower and faster than the B–52. Because of its much smaller nose-on radar cross section and lower infrared emissions, the range at which a Soviet airborne warning and control system could detect a B–1 at low altitude would be half that of the B–52. Perhaps of greater importance, the reduced radar cross section of the B–1 permits a manifold reduction, as compared with the B–52, in the radiated power required by the ECM equipment to screen the bomber at the same range from the Soviet radars. The reduction in the infrared signature of the B–1 versus the B–52 places a more stringent requirement on those Soviet defenses where heat emission is used to locate the bomber and guide the defense missiles to an intercept.

The penetration aids planned for the B–1 are similar to those currently planned for the B–52. However, because of its far more advanced design, the B–1 will be less dependent on electronic countermeasures, decoys, and other aids for penetration than the B–52. For example, the B–1 without penetration aids could successfully penetrate at low altitude against current Soviet fighters—which do not have a "look-down, shoot-down" capability. The B–52, against the same threat, would still need penetration aids.

Against a more advanced threat—where the Soviets have large numbers of FOXBAT's with an over-land "look-down, shoot-down" capability—both the B–1 and B–52 will need Subsonic Cruise Armed Decoys—SCADS—but the B–1 will require a lesser number to achieve the same probability of success. Or, alternatively, using the same number of

SCAD's, the probability of success for the B–1 would be about 1½ times as great as the B–52. This means that even ignoring the other advantages a B–1 force could deliver to the same targets up to 50 percent more SRAM's than a B–52 force of equal size, where both forces start from a common penetration point with the same number of SRAM's and fly at low altitude over the same routes.

In this connection, it should be borne in mind that refitting the B–52's with new and more efficient engines would increase their low altitude range, but would not otherwise improve their penetration capabilities. And even so, we would still be left with a very old aircraft which might well require very extensive structural modifications in the 1980's and thereafter to keep it in a safe operable condition.

In summary; I believe it is clear that:

First, diversified strategic forces will continue to be essential to the maintenance of our deterrent as far as we can see into the future.

Second, bombers will continue to be an indispensable element of those deterrent forces.

Third, given the age of the B–52 force and the Soviet air defenses postulated for the late 1970's, it is not too early now to proceed with the development of a new bomber on an orderly and deliberately paced schedule.

Fourth. In view of the many critical uncertainties inherent in planning a force with a useful operational life of up to 20 years—perhaps up to the year 2000—the basic characteristics of the new bomber should provide for a high degree of flexibility and versatility.

Accordingly, it is important that this Nation proceed with the development of the B–1—the aircraft designed to meet our needs in the years ahead of an effective element of our strategic deterrent forces.

Mr. President (Mr. TUNNEY), termination of the B–1 program, which would result from the amendment, would strike a crippling blow to the future strategic deterrent capability of this Nation. I strongly urge my colleagues to join me in defeating this amendment. A vote for it would be tantamount to a vote against our national security.

Also, to answer in a short way the question that has interested the Research and Development Subcommittee, the question of attempting to try to get this bomber into some sort of reasonable figure, I should like to say that those who have been responsible for the B–1 have been doing their homework.

In the case of the B–1, the USAF has long recognized the cost sensitive environment. Soon after contract award, the Secretary of the Air Force ordered that performance tradeoff studies be conducted to reduce unit production costs. The project, known as FOCUS, analyzed tradeoffs between costs and various performance aspects of the B–1 system, such as supersonic speed, range, payload, refuel altitude, avionics concept, and titanium content. Project FOCUS was successful in reducing the production unit costs primarily in the areas of avionics and reduced titanium content. In conjunction with Project FOCUS, it was further directed that the fiscal year 1972 funds requirement of the B–1 program be reduced from $569 million—that is what they were projecting last year that they were going to need this year—to a maximum of $400 million. The Air Force subsequently reduced the requirement to $370.3 million. To offset an obvious program slip, the SPO Director took action to replan the R.D.T. & E. program to absorb the reduced early funding levels while still maintaining the scheduled critical milestones. The results of this study, known as innovations were implemented to provide new and innovative management approaches to the B–1 program.

The objectives of the innovated B–1 R.D.T. & E. program are to achieve overall lower development costs, while still maintaining the requirement to develop an efficient, supportable weapon system, and to minimize the Government's investment up to the point—and I stress this—of production decision. The latter was accomplished by deferring the production decision until 1 year after first flight, thus greatly reducing concurrency—the Research and Development Subcommittee has been quite concerned with currency—between the development and production program under the fly-before-buy concept.

Program plan	Fiscal year 1972 funding (millions)	Total R.D.T. & E. program (billions)	First flight (months)
Original contract	$569	$2.682	45
"175 Plan" (reduce early year funding)	[1] $400	$2.768	52
Innovations plan	$370.3	$2.283	47

[1] Maximum.

In summary, the B–1 program has been optimized to the fiscal year 1972 $370.3 million funding level through SECAF direction and has continued to be viable through the cost reduction actions of "Innovations." Further reductions in funding levels would increase R.D.T. & E. costs, cause a serious contraction of a growing subcontractor and supplier network, delay first flight and IOC, and consequently, a substantially weaker deterrent posture.

The B–1 program has made its 1972 compromise. Further reduction in funding would be "penny wise and dollar foolish."

Mr. CANNON. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield.

Mr. CANNON. Is it not a fact that an added factor there, if the reduction were made, would be that very substantial numbers of people now involved in the aerospace program, in the B–1 project, would have to be laid off at this time?

Mr. McINTYRE. Yes.

Mr. CANNON. So that it would contribute to the very difficult situation of unemployment we find in the aerospace industry today.

Mr. McINTYRE. The Senator is correct. As I indicated, $340 million to $370 million is already obligated under continuing authority and it would be disastrous to the contract obligations now underway.

Mr. CANNON. Is it not also a fact that there will be substantial termination costs involved as well as the impact on the employees if the reductions were made at this point in time?

Mr. McINTYRE. Absolutely.

Mr. CANNON. I thank the Senator from New Hampshire very much for yielding to me.

Mr. McINTYRE. I thank the Senator from Nevada.

LOW ALTITUDE PENETRATION

Mr. CANNON. Mr. President, the B–1 is designed for high survivability during penetration to sustain its credibility as a lethal retaliatory weapon and, therefore, as a deterrent to nuclear warfare. The primary design features contributing to penetration survival are the propulsion, variable geometry wing, and the unique low level ride control systems which permit deep penetrations flown entirely at very low altitudes at a speed 55 percent faster than the B–52. This low-altitude high-speed penetration capability reduces exposure time to the defense.

For example, even the advanced Soviet fighters such as Foxbat will not be able to make multiple turnaround attacks against the B–1, while these are possible against the slower moving B–52's. Also of extreme importance, the superior B–1 penetration speed at low altitude precludes a tail chase intercept by Soviet manned interceptors—eliminating a major portion of the Soviet interceptor threat. Further, the low altitude precludes Soviet fighters from making an attack from below the bomber. Therefore, only fighters with a look-down. shoot-down capability can make an effective attack. This capability postulates very advanced and expensive radar and missile performance which is not anticipated to be achievable for many years, and even then will be vulnerable to countermeasures which the B–1 will incorporate.

At the time of the B–70 development, higher and faster was the only option available in the propulsion state-of-the-art to enhance bomber penetration survival against the manned interceptor defense systems. It has taken several years of aerodynamic and propulsion development to open the additional option of low level penetration at intercontinental ranges. The B–1 is being designed to exercise that option, and still retain the high altitude, supersonic capability to increase its versatility as an effective deterrent in the ever broadening spectrum of conflict environment.

All defensive functions are degraded in some degree when faced with a low-level, high-speed penetrator. Defense surveillance radars, if they can track at all, can only provide intermittent, brief flashes of data so that the defense commander cannot form a coherent picture of battle progress to coordinate his defenses. During low altitude penetrations over western Russia, the most heavily defended area in the world, the ground-to-air defense surveillance system would be unable to detect the B–1 during 80 percent of its time in hostile airspace. A projected 73 percent of all Soviet SAM's were designed to combat high altitude penetrations and will be completely ineffective against the low altitude penetrator. Only 9 percent of Soviet interceptors and fighters will have search radars designed to have any look-down, shoot-down capability against low altitude penetrators. For the foreseeable future, systems designed to have a capability at low altitude must rely on clever, intricate data processing tricks which simply preclude a high kill probability against a modern penetrator.

A further constraint is imposed on the defense by the low-level penetrator: the liberal use of medium- or high-yield nuclear warheads in defense, conceivable against high altitude penetrators, must be constrained in degree if used at all defending the homeland against low altitude penetrators.

Another significant primary design feature of the B-1 contributing to its superior penetration capability is the reduced detection cross section seen by radar trying to detect or track the B-1. The design goal is a detection cross section less than one one-hundredth that of the B-52. Picture a sweep of interceptors hunting with radar for low-flying penetrators; it will take three times the number of interceptors to close the net on the B-1 as for the B-52.

A selection of subsystems collectively known as penetration aids will be included in any B-1 production aircraft which will enable the crew to detect, monitor, and identify hostile electromagnetic emissions and selectively evade, jam, confuse, or saturate them with ECM, decoys, flares, and chaff. The subsonic cruise advanced decoy—SCAD—that is planned as a replacement for the B-25's Quail decoy can also be used with the B-1 as a penetration aid. If the SCAD is armed with a nuclear warhead, it, too, must be attacked, further straining the defenses.

The B-1's primary nuclear weapon is the short range attack missile—SRAM—being developed for the B-52 and FB-111. This weapon gives the B-1 an offset kill capability so that defenses may be avoided or attacked. Raid timing and planning will allow later waves of B-1's to attack their targets safely after the defenses have been "rolled back."

In summary, the suggestion of impregnable defenses against strategic aircraft simply cannot be realized in the foreseeable future. Goering assured Hitler of the impenetrable defense of Berlin, yet 93 percent of Allied bomber strikes reached their targets. A truly modern and flexible strategic aircraft, as the B-1 is, cannot be negated.

Mr. President, I fully support the authorization of the $370.3 million which has been requested by the Air Force for the continued development of the B-1 strategic bomber during fiscal year 1972. I strongly endorse action within the Senate for authorization of the full amount, rather than some arbitrary reduction of this amount, as recently proposed and subsequently defeated within the House of Representatives. My support for the B-1 stems from due consideration of two pertinent issues: First of all, the amount requested is the result of the Air Force conscientiously paring the B-1 development effort for fiscal year 1972 to the minimum level consistent with a viable program; and second, a reduced funding during fiscal year 1972 would cause significant increases in the eventual total R.D.T. & E. costs and have a severe impact upon the ability of the contractor to meet specific milestones in the current development program.

With respect to the actions already taken by the Air Force to reduce the amount of funding during the early years of the development program, one must remember that the original program called for funding of $569 million for fiscal year 1972. Similarly, the initial estimate for the total R.D.T. & E. program was $2.685 billion. When contracts for the B-1 were signed, the Secretary of the Air Force, aware of the expected budgetary constraints, directed that the R.D.T. & E. program be restructured so that the funds requested for fiscal year 1972 would not exceed $400 million.

Accordingly, the Air Force reduced the request for fiscal year 1972 to $370.3 million, after restructuring the development program to minimize the total amount of funding to be committed prior to a production decision. In this process, all activities which would not contribute directly to a logical production decision were deferred until such a decision could be made. Because this replanning was done so carefully, the first flight of the B-1 has slipped only 2 months from the initial contract schedule, and total R.D.T. & E. funding is estimated to be about $55 million less than the $2.686 billion anticipated initially.

Specific actions taken by the Air Force include the following: a reduction in the number of flight test aircraft from five to three and the replacement of the static test airframe, as normally envisioned, with a procedure wherein verification testing of major airframe components can be essentially completed by the time of first flight. Typically, the static testing of these major components is done concurrently with the early stages of production testing. Also, the number of engines for R.D.T. & E. purposes has been reduced from 40 to 27. The contractor and the Air Force, by combining their flight test programs will be able to accomplish the test objectives with a sizable reduction in the number of test hours to be flown. The net result of these innovations in the program is a development effort which should produce an effective weapon system in an efficient, orderly manner.

The degree of efficiency and orderliness that can be sustained in the B-1 development program from this point on will be keyed, to a large extent, to a minimum number of disruptions to the program as currently planned. This is not to say that the program director will not accept changes in some performance specifications if it is determined that such changes are useful on a cost-benefit basis. The system program director is fully aware of other development programs which experienced inordinate cost growth because of governmental insistence on specifications which could have been relaxed without undue influence upon performance. There is a limit, of course, to the number and the magnitude of the trade-offs which can logically be made. One influence upon this limit is the necessity to reach a sustaining rate of obligation as early in the development effort as possible, if total development costs are to be kept at a minimum.

Mr. President, the Committee on Armed Services has heard extensive testimony on the B-1 development program. The distinguished Senator from New Hampshire and the members of the Ad Hoc Subcommittee on Research and Development have probed deeply into various facets of this program to provide evidence to the Senate that the funding requested for the B-1 for fiscal year 1972 is the minimum level consistent with an orderly and efficient program. I endorse these findings and I also submit that the Senate should not cause an arbitrary disruption in the scheme of development activities, but instead should accept the bill as voted out of committee and authorize the entire $370.3 million for the B-1 during fiscal year 1972.

Mr. President, the other issue which contributes to my position on the B-1 development program is full realization of the impact which arbitrary reductions in the funding level could have upon the costs of the program and upon the schedule of development activities. For fiscal year 1971 and prior years, $319 million have been appropriated for the AMSA/B-1 project. During the 13-month period from the start of full-scale development in June 1970 through June 30, 1971, some $180.2 million will be expended. Of this total, $75 million is from the fiscal year 1971 appropriation and the remainder is from prior year funds. During the last quarter of fiscal year 1971, funds are being expended and committed at an annual rate of about $270 million. The normal expansion of activities scheduled for fiscal year 1972 necessitates the funding of $370.3 million for that period.

The importance of the scheduled activities for fiscal year 1972 to the efficient progression of the development program is apparent. For example, the critical components of the airframe and the engine will undergo extensive testing and the fabrication and assembly of components for the first of the three test aircraft will be initiated. Static test subassemblies will be designed, developed and tested and airframe components will be subjected to fatigue testing. The prototypes of the engines will receive about 400 hours of operation in preparation for a preliminary flight rating. The crew module will be tested via sled runs as well as aerial drops and the airframes and engine will both be subjected to extensive wind tunnel tests.

Arbitrary reduction in the fiscal year 1972 funding level for the B-1 would of necessity disrupt the harmonization of these scheduled activities. The total effect of a reduced funding cannot be predicted with precision. However, it has been estimated that as much as 50 percent of the work force assigned to the B-1 project at North American and General Electric would be subject to immediate release if sizable cuts are made to the funds for fiscal year 1972. This would, of course, mean that a sizable proportion of the funds authorized for fiscal year 1972 would have to be used for termination costs and unemployment benefits, neither of which would be productive for the program.

Furthermore, the compounding effect of such actions on the funding levels required for fiscal year 1973 and subsequent years would be catastrophic indeed. Unquestionably, total costs for R.D.T. & E. would exceed the level currently estimated. In view of this fact and the other undesirable side effects which I have just mentioned, the prudent course of action is to authorize funding for the B–1 at the requested level of $370.3 million.

Mr. President, in short I have given the question of appropriate levels of funding for the B–1 development program a good deal of scrutiny. I have been impressed with the steps taken by the Air Force to reduce the level of concurrency in development and production activities and the related efforts to minimize the expenditures prior to a production decision. I am also struck with the singularly unfavorable impact which arbitrary reductions to the requested level of funding could have upon the future of the program. I urge that my colleagues support the full level of fiscal year 1972 funding for the B–1, as voted out of the Committee on Armed Services.

THE B–52 CAN DO THE B–1'S JOB

Mr. PROXMIRE. Mr. President, I support the pending amendment offered by the Senator from South Dakota. I think I can establish the fact that the B–52 with a far smaller investment can do the same job as the B–1 and do it far more efficiently.

Mr. President, earlier this year I charged that the Air Force was concealing from Congress a proposal by the Boeing Co., to reengine our late-model B–52 bombers with high bypass ratio turbofan engines such as those now used on the C–5A.

This reengining proposal, I argued, could extend the life and improve the effectiveness of the B–52 G's and H's now in our active inventory. It offered improved prelaunch survivability, increased range, and increased payload potentials. And it might pay for itself by reduced fuel and tanker costs over a number of years.

At about the same time, I called on the Air Force to stop stalling and move out on the SCAD program. SCAD, I suggested, could do far more to enhance bomber penetration effectiveness than the limited number of design features which could be incorporated in a brand-new bomber.

SCAD and a reengined B–52 together, I concluded, could give us a relatively low cost yet effective alternative to the B–1 in preserving our bomber deterrent.

It should not come as any surprise that my suggestions were not warmly received by the Air Force. There were limits, I was told, to what could be done to an aging aircraft, and modifications of the magnitude I had suggested were sure to decrease rather than increase the B–52 service life remaining. As for SCAD, it was certainly needed. But we needed the B–1 too.

Mr. President, I would like to do two things today. First, I would like to reply to the Air Force on the merits of reengined B–52's with SCAD's. Then I would like to talk about some of the implications of the B–1 program, with emphasis on the latest B–1 cost fiasco.

Before doing so, however, I ask unanimous consent to have printed in the RECORD at this point a letter from Deputy Defense Secretary Packard on the B–52 reengining issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 24, 1971.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee, Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of May 24, 1971, concerning the possible usefulness of reengining the B–52 G&H fleet. Initially, I would like to point out that Air Force witnesses have previously responded to questions on this subject during their testimony before the Congress on the Fiscal Year 1972 Authorization Bill.

The Boeing Company's idea for reengining the B–52 G&H fleet with TF–39 engines was briefed to the Air Force in January 1969 and represented the results of preliminary work which the company had done in studying ways to increase the B–52's range capability. The Boeing classified briefing material, some preliminary brochures on the reengining concept, and data on an attendant prototype program were furnished to the Air Force. The initial Boeing prototype program involved simply bolting C–5 engines and nacelles to a B–52 and running a series of tests to demonstrate the feasibility of the reengining concept. Boeing first estimated such a prototype program would take about 20 months and cost $6–10M. At that time, their rough estimate of total B–52 G&H equippage was $1.25B. The Air Force considered the merits of the Boeing idea, particularly with respect to the technical problems involved and the relative increase in low altitude range. The technical problems, including loss of aircraft control during asymetrical thrust conditions and insufficient ground clearance on outboard engine pods, caused Boeing to reconsider their design. Boeing's latest concept of reengining involves a dual-podded configuration for the engines. This program is estimated by the contractor to cost approximately $40 million for a 24-month prototype effort and an additional $1.7 billion to modify the B–52 G&H fleet. We presently cannot validate the accuracy of these cost estimates. It is interesting to note, however, that in recognition of possibly serious technical problems remaining even in the current design concept, Boeing has recommended a contracted engineering study before pursuit of the prototype program. The Air Force has initiated a study of potential costs and many technical unknowns in such a modification to have a clearer understanding of it as a bomber improvement option. These technical unknowns include wing and fuselage structural implications, sonic fatigue factors, nacelle design considerations, and effects on service life.

In any event, there are limitations to what can and should be done to an aircraft built with the technology of the '50s, and the Air Force carefully selects those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Toward this end, we have two major areas for improvement: (1) pre-launch survivability and (2) capability to penetrate defenses.

With respect to the first objective, reengining the B–52 would not, as you suggest, significantly enhance pre-launch survivability since the B–52 nuclear effects hardness and maximum allowable escape speed would be unchanged. A lower technical risk—and considerably less expensive—approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

Our second objective is an improved capability to penetrate. The ability to fly greater distances at low altitude contributes to penetration survivability and, as I mentioned earlier, reengining the B–52 would increase low altitude range and be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive. However—and this is the important point—reengining would not alter those performance characteristics which collectively contribute most to penetration survivability. Penetration speed would not be increased, radar cross section would not be decreased (if anything, it would increase), the airplane could not be flown any lower, and the infrared (IR) signature would not be significantly reduced. It is for these reasons that we have chosen to support those programs which contribute most to improving B–52 penetration capabilities; i.e., the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-Optical Viewing System (EVS), and continuing improvements in Electronic Countermeasures (ECM). It might be noted that we would much prefer securing funds for continuing the development of SOAD (which you recently endorsed) than to spend $40 million for a 24-month prototype program which could at best only demonstrate the "feasibility" of re-engining.

With respect to your comments on a possible reduction in tanker forces, it is true that some tanker O&M savings might result from a reengining modification to the B-52 G&H fleet. However, our calculations indicate that the heavy investment costs associated with the modification would not be amortized in a reasonable time.

Based on the classified performance data provided by Boeing and the aircraft and mission characteristics of the mid-to-late 70s, it would appear that a reengined B–52 G/H force could do the same job as the original force with less tankers. If the theoretical O&M savings of this reduction are compared to the costs of a B–52 reengining program from 1974–78 (both in 1970 constant dollars), economic crossover does not occur until about 13 years after go-ahead. However, it has been the intent of Congress, and a specific OSD Directive that dollars discounted by a factor of 10% be used in examining proposed future investments. If these calculations take into account this discounting factor, economic crossover will not occur until the 28th year. At that time the youngest B–52 would be about 40 years old.

Moreover, the suggestion that such a modification would result in a surplus of KC–135 tankers is not necessarily true. Our best option in this case would probably be to retain the existing tankers for use in conjunction with the improved performance of the reengined B–52 to enhance the probability of survival of bombers to the recovery base by increasing the distance flown at low altitude after the last target. Furthermore, KC–135s are also committed to support tactical forces in contingency operations. Any future prospects of reducing the tanker force would have to take into account our tactical support requirements at that time.

In response to your question concerning accumulated fleet flying hours, the B–52 Gs and Hs now average 5400 and 4600 flying hours, respectively, and are currently adding flying hours at an annual rate of 440 hours. Our lead-the-fleet B–52 aircraft have flown as follows: B–52D—10,400 hours; B–52G—9700; B–52H—8900. Boeing's data on reengining the B–52 included some structural modifications designed to support the engine installation and also to increase the airplane's maximum takeoff gross weight. Boeing did not identify how or to what degree the wing modification could be expected to affect the service life of the aircraft. A decrease in the service life remaining is always a possibility in any configuration change where extension of service life is not specifically addressed.

Finally, in regard to your desire for an unclassified response to your letter, both the Boeing brochures and the detailed calculations on possible tanker reductions are classified. These documents are available and will be forwarded to your office if you desire.

Sincerely,

DAVID PACKARD.

Mr. PROXMIRE. Mr. President, while Mr. Packard's letter is cast in the kind of negative tones befitting a supporter of the B–1 program, it does state that reengining would "be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive" and also that the Air Force is still studying the idea. I will refer further to Mr. Packard's letter during the course of my remarks.

I. THE B–52/SCAD ALTERNATIVE

Our bomber force today faces two problems which threaten its effectiveness. First, there is the problem of prelaunch survivability—the danger that our bombers might be wiped out on the ground by a Soviet submarine missile attack. Second, there is the problem of penetrating increasingly more sophisticated Soviet air defenses. What I hope to show is that reengined B–52's with SCAD's can effectively meet these problems.

The key to prelaunch survivability is being able to get our alert bomber force into the air before the enemy missiles arrive. As Mr. Packard's letter indicates, we might not even need to reengine the B–52's to solve this problem. He says:

> A lower technical risk—and considerably less expensive-approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability, which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

And there are other steps short of reengining which we could take, too—such as positioning our alert crews nearer the bombers or the bombers themselves nearer the runway. In fact, such steps are contemplated for B–1 operations, and a good deal of the B–1's postulated survivability advantage over the B–52 is due to changes in operational tactics, changes which have nothing to do with the B–1 itself.

But if we also reengined our B–52's, we would get two additional advantages still, both due to the almost 50 percent greater thrust which the new engines would provide. First, we would get a significant reduction in the amount of runway the B–52 needed to take off, thus increasing the number of different military and commercial airfields to which it could be dispersed. Second, the B–52 would be able to get down the runway and into the air faster.

Accordingly, Mr. Packard's suggestion that reengining would not change either the B–52's nuclear effects hardness or its maximum allowable escape speed may be true, but reengining would have these other benefits which he neglects to mention.

QUICK ENGINE STARTS

Two other points on prelaunch survivability. It has been suggested that the new engines could not be given the same quick starting capability as the old. This is true, but quite misleading. They cannot use the same cartridge starters available for the B–52's present engines, but they can use jet fuel starters to accomplish the same objective, according to Boeing Co. sources and they are in a position to know what they are talking about. Second, to get at the nuclear-effects hardness issue, Boeing has proposed modifications designed to increase the degree of pressure the B–52 could withstand in a nuclear-effects environment. These modifications are not needed now but could be undertaken later, if needed, to bring B–52 prelaunch survivability that much closer to the B–1's.

To sum up the discussion thus far, prelaunch survivability is not too difficult a problem today. There are a large number of improvements we can make in the present situation, some by changes unrelated to our bombers themselves, others by modifications to the B–52's. There is very, very little which the B–1 could give us in terms of prelaunch survivability which we cannot also get without it.

PENETRATING SOVIET DEFENSES

The penetration problem is a bit more serious. Air Force studies show a marked degradation in the effectiveness of our present bomber force when pitted against Soviet defenses of the future. But here, too, reengining—and, above all, SCAD—contribute all the help we are likely to need.

Let us look at reengining first. What it would give us, in effect, is a bomber which could fly about 40-percent farther than the B–52G and 25-percent farther than the B–52H, according to reliable aerospace experts.

Mr. Packard mentions one important advantage of this increased range—an ability to fly greater distances at the low altitudes where detection is most difficult. This will be critical as Soviet air defenses expand outward in the years ahead.

And this longer range would do more than just minimize the chance of detection. It would enable our bombers to reach targets they otherwise could not—at least without additional refueling. And it would afford us a greater choice of penetration routes, so we could more easily avoid heavily defended corridors.

This longer range would also enhance the recall capability which is one of the advantages of bombers over missiles. Just how long a bomber could loiter at its "fail safe" point subject to recall is obviously dependent on the amount of range it has.

The fact of the matter is that a reengined B–52 would have a longer range than the B–1. It would thus have an advantage over the B–1 for all the purposes just discussed.

B–52 NEEDS LESS TANKERS

All of this is closely related to the tanker needs of the Air Force. The Air Force has vacillated in the last 2 years about the question of when a new tanker might be needed. But some things are clear in this regard. First, the Air Force has included in its new prototype package—which includes the light fighter prototype—work on the adaptability of the Boeing 747 as a new tanker. This underlines the urgency with which the Air Force views the need for a new tanker. Second, the urgency of this requirement is clearly due not to the lifetime of the KC–135 tankers, which still have many years of service life remaining, but to the inability of the KC–135's to offload sufficient fuel to meet our overall refueling needs. If we reengined our B–52's, we might not want our bomber force to do the same job with less tankers, which Mr. Packard admits they would be able to do. We might want to retain our present tanker support. But at least we would not need any new tankers as soon—or quite as many later—as our present B–1 path entails.

So reengining would increase B–52 range, which is quite important. But it would not, Mr. Packard says, increase penetration speed, decrease radar cross section, significantly reduce IR signature, or lower the altitude at which the plane could fly.

On the question of penetration altitude, Mr. Packard is quite correct, but whether the B–1 will fly as low as expected has yet to be shown. As for penetration speed, reengining might produce a slight increase, but this would remain a clear B–1 advantage.

I would like to say a bit more, though, about radar cross section and IR signature, two characteristics designed to reduce a plane's susceptibility to detection.

First, some of the same reduction in detection can be achieved by flying longer at lower altitudes.

Second, new engines would give the B–52 a sizable reduction in its IR signature which some might regard as significant. And the B–1's IR signature will be better than that of the B–52 only when it is flying subsonically; when the B–1 goes supersonic, it will light up like a Christmas tree.

Third, the subject of radar cross section has been somewhat misconstrued by the Air Force. When I first urged reengining of the B–52's, the Air Force responded that this would give it a much bigger radar cross section, which would make it much easier to detect. Mr. Packard does not go so far; he says that reengining would not decrease the B–52's radar cross section and that it might increase it. This is a more accurate statement of the facts. And it is also true that Boeing has proposed additional modifications which would reduce the B–52's radar cross section several times below its present level by the use of radar absorptive materials. The B–1 would still have an advantage, I recognize, but nothing like the advantage it has now.

Finally, the ability of a plane's radar

cross section to minimize detection is relevant only to the extent that other things do not give its position away. And the B–1 is expected to have on board a lot of sophisticated avionics equipment which could do just that if it is not turned on and off at precisely the right moment.

OTHER B–52 IMPROVEMENTS

Mr. Packard also cites other programs which he suggests would do more to improve B–52 penetration performance than reengining, programs which are now being pursued, such as an Electro-Optical Viewing System—EVS—Electronic Countermeasures—ECM—improvements, and also SRAM and SCAD. I do not want to argue the relative merits of these programs vis-a-vis reengining. But they all show the variety of things we can do to solve the penetration problem without going to the B–1.

And the most important of these programs is SCAD, which can function either as an armed decoy, an unarmed decoy, or a long-range attack missile. What makes it so effective is its ability to effectively saturate potential Soviet air defenses. The Soviets in the future are expected to deploy an improved AWACS system to alert improved interceptors of the arrival of our bomber force. But both their AWACS planes and their interceptors are available in limited numbers. So if we fire enough SCAD missiles from our bombers, their defenses simply would not be able to cope with all the targets presented. The point was expressed well earlier this year by the distinguished Senator from Arizona (Mr. GOLDWATER):

> The basic source of SCAD's value, in all three cases, is in presenting the defense with a large number of objects, be they decoys or missiles, to try to find and shoot down. Now that clearly puts the defense at a disadvantage. I can understand that, you can understand that, and the Russians can understand that.

What I cannot understand, however, is why we have to spend up to $20 billion for a new bomber at this time when for $1 to $2 billion we can get this large number of lethal objects which can saturate Soviet defenses when launched from any bomber we have. Air Force studies of the penetration problem show that a naked B–1 will have a certain fixed advantage over a naked B–52 against any postulated set of Soviet air defenses. But these studies show, too, that SCAD will do far more to improve penetration effectiveness than all the characteristics of the new bomber combined. A B–52 with SCAD could beat a B–1 without SCAD at any time.

ARMED SERVICES COMMITTEE SCAD POSITION

While on the subject of SCAD, I would like to commend the Armed Services Committee for the language it inserted in its committee report relative to the SCAD program. The committee said two things about SCAD.

First, it echoed my own sentiments that we should stop stalling and move out on the SCAD program. Second, it directed the Air Force to change the direction in which it is now proceeding—away from a two-step program which envisaged moderately accurate unarmed SCAD's for use on the B–52 and an upgraded version for use on the B–1, and toward a one-step program pointed toward a highly capable SCAD system at the earliest possible date. I congratulate the committee on this step, which if implemented would insure the availability of SCAD as an effective attack missile if we decide to employ it in this mode.

I wonder if I could ask the distinguished Senator from New Hampshire two questions about this committee action relative to SCAD:

First, has the Senator from New Hampshire or have other members of the committee discussed this committee language with the Air Force? Are they in agreement with it?

Mr. McINTYRE. Mr. President, to answer my distinguished friend from Wisconsin, we have discussed with the Air Force the possibility that they could do more with the SCAD. It is our feeling that, both as to accuracy and range, they were not pushing the development of SCAD sufficiently. So we placed in the report the feelings of the full committee on the SCAD program. We have some assurance; I cannot say that they buy everything we say in the report, but at least we directed their attention to SCAD and its potentiality, and hopefully they will be doing more with it than they have in the past.

Mr. PROXMIRE. Have members of the committee had a discussion with the Secretary of the Air Force about that program? Has he given the committee any assurances?

Mr. McINTYRE. Not with the Secretary of the Air Force, but we have discussed this matter with leading project officers of the B–1 program. In the committee hearing we were critical of their lack of activity because they had downgraded the SCAD.

Mr. PROXMIRE. Has the committee assurance that they will follow the directions in the report?

Mr. McINTYRE. No, we do not have assurances; we only have the feeling that they will take a hard look at our recommendation. Perhaps in the future we can discuss this with the Secretary of the Air Force and see what is the overall attitude and report it to the Senator.

Mr. PROXMIRE. What specific changes in the program would the committee language require?

Mr. McINTYRE. The SCAD program?

Mr. PROXMIRE. Yes.

Mr. McINTYRE. If I remember correctly, they would have to turn away from the development of the SCAD program as an unarmed decoy in conjunction with the B–52 and start looking at the SCAD as a future complement to the B–1 and a more effective armed missile. As it is now, its accuracy and lethality does not give it any effectiveness or any destructive capability. It is a most difficult part of their program; it is used as a decoy. We want them to look at it with more versatile options.

Mr. PROXMIRE. That makes sense. Would this be an expensive departure which would require additional funds to go into?

Mr. McINTYRE. I believe so. It is my thought, if we could go on this tack, that it would cost from $5 to $10 million not only to try to develop a decoy but an armed missile that would have sufficient range and accuracy to really be a versatile weapon.

Mr. PROXMIRE. That is not very much compared to B–1 costs. Does the Senator have any indication as to whether they are developing sufficient range for SCAD so it could be used from entirely outside Soviet air defenses?

Mr. McINTYRE. No. That is one of its deficiencies. They are not developing sufficient range. They are not concerned much with its accuracy. It is to this that we speak in the report. We hoped to be able to turn them around and get their attention on this matter.

Mr. PROXMIRE. I very much appreciate the response of the Senator from New Hampshire. I do hope that the committee, which has the obvious support of the Senate and has the respect of everyone, will do its best to work with the Air Force to see that this is carried out. It is such a sensible recommendation.

Mr. McINTYRE. Mr. President, I might say to the distinguished Senator from Wisconsin that, as one member of the subcommittee, I have felt that not only SCAD, but some sort of low-level operation, should be going on so that we would have a sort of hedge for the B–1. The thing that is bothering the Senator from New Hampshire is the projected cost of this weapon. As I said when I started out today, even when I weigh all these facts, I do not come to the same conclusion as the Senator from Wisconsin and say we just do not need it. I conclude that the probabilities are that we do need it. But I have been critical and worried about the high cost, which is estimated to be around $30 million, and which could possibly, with inflation and other factors, go as high as $40 million. So it remains a very difficult program. On the basis of our feeling today, we on the Armed Services Committee do not feel we are ready to say, "No."

Mr. PROXMIRE. I want to be clear on this so they do not come back later and say that SCAD really is not suitable for use as a long-range attack missile. Now is the time to make sure they develop it so it will be usable in this manner.

Mr. McINTYRE. I think the Senator is right in his thinking, but I think there are some problems as to whether it can be done.

Mr. PROXMIRE. I thank the Senator. I fear that the problems are mainly that the Air Force will drag their part on SCAD to strengthen their pitch for the B–1.

Mr. President, I have been trying to make one simple point that a reengined B–52 with SCAD would give us all the capability we need to solve both the prelaunch survivability and penetration problems facing our bomber force. We just do not need the B–1 at the present time.

B–52 PROJECTED LIFE

My next point is that we will very probably need it. Let us look first at the life remaining in our B–52's today. Mr. Packard's letter makes two points in this regard:

First. He shows that our lead-the-fleet G's and H's have already flown about

4,300 hours more than the average G's and H's with no evidence of structural harm. At the now projected annual utilization rate of 440 hours, this means we have a 10-year leadtime in terms of actual flying hour experience in which to see problems coming and to take actions required to correct them.

Second. His reference to this 440-hour utilization rate is worth noting in itself. It is a significant reduction—better than 30 percent—from the peak utilization rate of more than 600 hours annually on which our bomber force operated during parts of the 1960's.

Mr. Packard's information must be viewed, moreover, against the background of Air Force predictions of the ultimate service life for the G's and H's, as derived from cyclic fatigue studies at Boeing a couple of years ago. I quote here from Air Force testimony to the Senate Armed Services Committee last year:

> As a result of cyclic fatigue tests, the newer model B-52 G's and H's have an expected service life of *at least* 12,000 flying hours. If we continue to fly them in the current flight regime, we have confidence that these aircraft can continue to fly into the 1980's *without* any major structural modifications.

B-52 HAS 15 YEARS LEFT

Since the average B-52 has now accumulated 5,400 flight hours and the average B-52 H 4,600 flight hours, this means that both our G's and H's have yet to reach the half way point in their projected flying lifetimes. In fact, a continuation of the new 440 hour utilization rate means at least 15 more years for the G's and about 17 more years for the H's, without life extension action being taken. This would carry the G's and H's past 1985 and 1987, respectively.

And as I indicated when I first raised the issue, modifications undertaken in conjunction with reengining could well extend this service life. The Air Force disputed this point when I raised it, saying that reengining would decrease service life. Mr. Packard's letter is again more accurate:

> Boeing did not identify how or to what degree the wing modification could be expected to affect the service life of the aircraft. A decrease in the service life remaining is always a possibility in any configuration change where extension of service life is not specifically addressed.

Extension of service life is being specifically addressed at the present time, both at Boeing and by the Air Force in its recently initiated study of Boeing's proposal. Boeing believes that its new dual engine pod configuration will have much better service life implications than its earlier proposed configuration, because of its better wing loading characteristics.

Looking beyond the 1985 time frame, it is impossible to tell just what international political climate and what Soviet air defense systems we are likely to face. We just do not know whether we will need a follow-on bomber at that time or whether such a bomber could penetrate defenses of that period. Under the circumstances, we would do well not to initiate full-scale development just yet of any follow-on bombers, for fear that our entire investment might be washed down the drain by changing times.

A STANDOFF BOMBER

And if we ever do buy a follow-on bomber, I think that it will be a standoff missile-launching type, not a low-level penetrator like the B-1. I say that for several reasons. First, the key to penetration will always be a saturation of enemy air defenses, which can be accomplished more effectively for a given dollar investment by launching a large number of SCAD's from a limited number of bombers than by building highly complex new bombers which have to get through themselves. Second, we could always maintain some low-level-penetration capability even without building a new penetrating bomber. Many of our tactical aircraft, plus the FB-111, could easily make one-way strikes on the Soviet Union from bases in the United States. This possibility—and a possible Chinese bomber threat—would certainly force the Soviets to retain their present air defenses against both high-altitude and low-altitude penetrating bombers. They could not channel all their resources into defense against standoff missiles only.

B-52 REENGINING COSTS

Finally, let me say just a few words about the costs of reengining the B-52's, as set forth in Mr. Packard's letter. The actual modification work would cost about $1.7 billion, or roughly $6 million per plane. It may be true, as Mr. Packard suggests, that he cannot validate the accuracy of these estimates. But it is also true that they are probably more accurate than the current Air Force estimates for the B-1, which is a much higher risk project, both from a cost and technical standpoint.

I recognize that any modification work would have to be preceded by a 2-year prototype program. The cost of this program was originally estimated by Boeing to cost $6 to $10 million. Its cost has now been raised to $40 million. I do not doubt that some of the increased cost is necessary to do a thorough job. I do not doubt either, however, that part of the increased cost is due to a conscious attempt on the part of the Air Force to make the cost of reengining prototype work as high as possible, in an attempt to discourage its being done. They want that B-1. But even at $40 million, the cost for a reengining prototype is less than 2 percent the cost of the $2.7 billion Air Force projection for B-1 prototype efforts.

To sum up, then, a reengined B-52 force with SCAD would give us a significant improvement in both the prelaunch survivability and penetration capability of our bomber force. The B-1 would cost about 10 times as much, for only marginal superiority, at least for the next 15 years.

II. IMPLICATIONS OF THE B-1

For more than a decade, a debate has raged about the future of bombers as a strategic nuclear deterrent. It has been argued, on one side, that our present triad of strategic systems is inviolate. And it has been argued on the other side that continuing developments in land-based and sea-based missile technology have made bombers—once our sole nuclear deterrent—obsolete in a "missile age."

I have chosen not to enter into this debate here. I have accepted as a premise today that we do want to retain strategic bombers in our inventory for the foreseeable future. But I would like to make a few basic observations on the role of bombers to put in context the B-52 versus B-1 comparisons which I have just made.

First, bombers are no longer our primary deterrent system. That role has gone instead to our sea-based missile force. And if our Polaris-Poseidon force becomes vulnerable at any time in the future, we have ULMS or an expanded range version of the Poseidon in the wings. Accordingly, we should retain land-based systems only to the extent that they provide a sufficient supplement to our sea-based deterrent strength to justify their cost.

Second, bombers constitute a terribly expensive supplemental deterrent by their inherent nature. According to the Air Force itself, it now costs $1.3 billion per year just to operate and maintain our present B-52 and FB-111 bomber force. The costs of FB-111 and SRAM procurement, B-1 and SCAD research and development, and the incremental costs of B-52 operations in Southeast Asia are all additional. Yet the $1.3 billion figure alone makes bombers more expensive to retain than our primary sea-based force and much more expensive than land-based missiles. These inherently high bomber costs have to be seriously considered in evaluating our bomber options, if only to prevent the bomber tail from wagging the sea-based missile dog.

And the B-1 threatens to be expensive enough—for its marginal benefits—to wag the entire defense budget. Let us look at what is happening to B-1 cost projections in the past 2 years.

ESTIMATED PRODUCTION COSTS

Two years ago unit production costs for the B-1 were estimated at $25 to $30 million. Last year they were pegged at $29.2 million. And now they are up to $35.2 million.

And it is not as if they were redesigning it and making it better. Each year additional specifications have been dropped. Last year the size of the avionics pack was cut in half—from over 10,000 pounds to 5,400 pounds—the requirement of supersonic speed on the deck was eliminated, and the plane's internal SRAM payload was reduced 25 percent. As the distinguished Senator from New Hampshire (Mr. McINTYRE) suggested last year, the reduction in the size of the avionics pack alone should have resulted in savings of $5 to $6 million per copy.

This year the process has continued. To cite just two examples, the amount of titanium planned for the air frame has been cut in half, and the avionics pack has been cut still further, to 3,900 pounds. But again the cost has gone up, not down.

I am not objecting to the performance changes themselves. Except for the avionics changes—where the intention is to expand the size of the package later after Congress has been hooked on the plane—the performance changes make sense. What does not make sense is the price trend accompanying these changes. What this trend shows is the ridiculous nature of official B-1 unit cost projections, which are going to rise more in the future. If it is ever built as a production airplane, the B-1 will cost at least $50 to $60 million per plane.

ESTIMATED DEVELOPMENT COSTS

The unrealistic nature of B-1 development costs is even more apparent. Since these costs are nearer term, their magnitude is harder for the Air Force to hide.

Two years ago, in the June 1969, B-1 selected acquisition report—SAR—development costs were estimated at $1.8 billion. They are now estimated at $2.7 billion, an increase of 50 percent. And in the same period, we have lost about half of the originally scheduled development work. The number of B-1 prototypes has shrunk over the past few years from 7 to 3, one of the static test vehicles has been eliminated, and the number of engines has been cut from 40 to 27 in the past year alone. The work to be done has gone down 50 percent and the cost of the program has gone up 50 percent.

The Air Force said:

> But don't be alarmed. No production commitment will be required for the B-1 for another four years. All we are asking for now is a three prototype "Fly Before Buy" development program. We are going to build the B-1, test it, and see how much it costs before we decide to buy it.

Mr. President, do not believe it. This argument is a blatant fraud which the Air Force hopes to perpetrate on the Congress.

First of all, the prototypes the Air Force intends to fly will bear little resemblance to the production planes it later hopes to buy.

NO AVIONICS SYSTEM

The heart of the problem here is the avionics system. I mentioned earlier that the Air Force is planning on an initial avionics package of only 3,900 pounds for the first production model B-1's, while retaining the option of expanding the system late into a 10,000-pound package "if the threat warrants." And I suggested that the reason for the Air Force doing this was its desire to keep down the estimated unit production cost of the plane. As the Armed Services Committee noted in its report on this bill, avionics costs today are running well over $1,000 per pound, or roughly twice the cost of gold. By the time the B-1 comes along, they will be running at least $1,500 per pound. By cutting out 6,000 pounds of avionics for short-term planning and estimating purposes the Air Force can "save"—if you want to put it that way—almost $10 million per copy in its estimates of B-1 unit costs.

An even more extreme tactic is being used with respect to the B-1 development program. In order to hold down development costs, the Air Force has decided that there will be no avionics systems at all in the test planes it plans to fly before a B-1 production decision is made.

Let us look more closely at the facts surrounding the avionics portion of the B-1 development program. The $2.7 billion development program contains $175 million for avionics works. What we will get for this money is two complete avionics systems—one of which will be sent to a laboratory for integration work—putting the system together as a whole—and the other of which will be used for environmental tests.

There is no money provided in the B-1 development program for an avionics system which will be flight tested in a prototype airplane before a production decision is made.

There is no money for an avionics flight test itself.

And the ground-based work, too, will be woefully inadequate. There are no funds included for SCAD interface or control—the avionics needed to control the SCAD's which the B-1 will launch to improve its penetration capability. And there is no money to harden the avionics systems to withstand the effects of flying through a nuclear type environment, for example, the effects of gamma and neutron radiation. All this work will come later.

It is being deferred now not through any inability on the part of the Air Force to recognize its necessity or calculate its costs, but in a conscious desire to minimize those costs, until a B-1 production decision has been made.

FOUR MORE PROTOTYPES

But this treatment by the Air Force of avionics development work is only one example of the fraudulent nature of its "fly before buy" B-1 program. I mentioned earlier that in the past few years the number of prototypes planned for the B-1 program has shrunk from seven to three. One would assume, given a three prototype program, that if the B-1 ever goes into production, the fourth airplane built would become the first production model delivered.

Not so, Mr. President. Under the current Air Force schedule, the eighth airplane built would be the first production model delivered. After the three prototype "fly before buy" programs are concluded, the Air Force plans to build four more planes which will be used for essentially R. & D. purposes. But these planes would be funded with production money and built concurrent with production work, and eventually they would enter the active inventory.

Mr. President (Mr. ROTH), this is not "fly before buy." It is the same concurrency of development and production which we have followed in all major weapons system developments for the past 10 years or more. The Air Force has just juggled their schedule a little bit to "save" R. & D. costs by deferring them, while applying a false "fly before buy" label. True B-1 R. & D. costs will likely exceed $4 billion.

WORDS AND ACTION

Mr. President, the Armed Services Committee report contained some welcome language about the need for changes in our weapons procurement policies. I would like to quote from that report:

> If the geometric cost increase for weapons systems is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. (p. 17)
>
> Weapons programs involving a large degree of concurrency, or overlap between development and production, have resulted in commitments to production while great technological uncertainties remained to be solved. . . . When changes must finally be made in weapon design during the later stages of development, concurrency has maximized the cost of those changes. (p. 17)
>
> In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves. (p. 18)

I would like to ask the distinguished Senator from New Hampshire some questions about those passages.

Why, if the committee is so concerned about geometric increases in cost of weapons systems, is it committed to the B-1 program, when a reengined B-52 with SCADS could produce almost as much improvement at about 10 percent of the cost?

Mr. McINTYRE. I think the R. & D. Subcommittee and the Tactical Air Committee and the whole Armed Services Committee are becoming increasingly alarmed at the escalating costs of this weapons system. I think we make that very well known, and it is a matter of concern. We see some Pentagon reaction, too.

We can go back to early this year, when the Secretary of Defense indicated that we were now going to try to fly before we buy.

Just recently, Secretary Packard, who I find to be a very able administrator and one who is very helpful in these problems, came before the full committee to discuss with us the possibility of adding some $63 million to this year's budget request. He is now intent upon trying to use a prototype scheme, where the military say, "Here is the broad boundary of a bomber or fighter we would like to have," and give it to a small group of aerospace builders and take away the oversight and continual paper shuffling that seems to be going on, and perhaps we can get around the extreme high costs.

Those are our reactions, and the Pentagon is having the same reaction. That is why we mention it in the report. You ask why are we supporting the B-1?

Mr. PROXMIRE. Why, when there is an alternative which is far cheaper, which seems to provide most of the capability?

Mr. CANNON. Mr. President, will the Senator yield?

Mr. McINTYRE. I just want to say that while I was partial to that alternative, as the Senator suggests, which is the B-52 fitted to the C-5 engines—at least, as a hedge or as a dual track approach—the full committee and the subcommittee were not. We just do not get from the Air Force the sort of response we would like to have, saying, "We think this makes sense." They say, "No. This would be overly expensive. We would spend a lot of money looking at the 707 and the standoff missile, and it would be throwing money down the drain."

Mr. PROXMIRE. There is a more enormous cost to the B-1 program.

Mr. McINTYRE. There comes a point

when I cannot take my intuition and jump.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CANNON. It is not solely a matter of cost. If we are going to buy the cheapest thing, we can spend less and buy nothing.

Mr. PROXMIRE. I am not saying that. What I am saying is that we can get a tremendous improvement by the route I am suggesting.

Mr. CANNON. I want to point out why we cannot get what the Senator contends by spending money in this route.

It is true that you could get an increased range out of the B–52, and it is questionable whether we need much increased range more than the B–52 has at the present time. Second, you would be able to operate off shorter runways. That is a plus. The Senator from Wisconsin has pointed that out.

These are the things you would not get: First, you would not get a prelaunch survivability. If anything, you would have less survivability, because the start time of those bigger engines would be longer and you have no increased speed. So it would take the B–52 longer to start up and fly out of a zone of attack than it does the present B–52. This would be a minus rather than a plus

Second, you do not get any improvement on the age of the airframe. You cannot shorten the life——

Mr. PROXMIRE. Let us get back to the first point. Would the Senator argue that with these new engines—which could be given a quick-start capability of their own—there would not be an advantage in being able to get off faster?

Mr. CANNON. You could get off in shorter distance, but you could not get off faster.

You get off in a shorter distance and therefore use less runway, but you do not get off faster, and you do not get out of a zone of attack faster, because the airplane does not fly any faster with those engines, particularly at the low altitudes.

As to the age of the airframe, you have the same age of the airframe, and you cannot increase the age of the airframe without beefing it up in some way. We beefed up the early B–52's already once, so their life would be extended, because of problems in flying at low altitude. It was never designed for flying at low altitude. So you have that factor.

Regardless of how long that life is, whether the Senator says it is 15 years from now or I say it is not to exceed 10, the life of the airframe is not going to be increased by putting on the new engines.

As to the cost, the Senator from Wisconsin has already pointed out——

Mr. PROXMIRE. The remaining life of the plane, according to the Air Force, is still about 15 years.

Mr. CANNON. That is why I said whether the Senator from Wisconsin says 15 years——

Mr. PROXMIRE. It gives us a substantial period for——

Mr. CANNON. But that is based on the presumption that they are not flown too heavily in the meantime.

Mr. PROXMIRE. It is on the presumption that we continue at the rate at which they are being flown—taking the Air Force's own figures.

Mr. CANNON. These are two of the biggest factors I see in this argument: One is the radar cross-section, and there is no question that the cross-section of the B–1 is at least one-fiftieth and probably one one-hundredth of the B–52. This is important because in an aircraft environment, we do not fly on the "see and be seen" method that they used to use in World Wars I and II.

Mr. PROXMIRE. Has the Senator seen the Boeing projections of what they can do with the radar cross section?

Mr. CANNON. I have seen a classified report on the projections but I have not seen specifically the projections as such.

Mr. PROXMIRE. They are quite different from the figures the Senator gave.

Mr. CANNON. That may be. I have never seen a contractor yet that did not have more optimistic figures as to what he could do than what the technical analysis turned out to be.

Mr. PROXMIRE. That applies to the B–1. The B–52 is an old established plane so that, it seems to me, the estimate should be more reliable. The contractor for the B–1 is giving us his figures, which the Senator from Nevada is using.

Mr. CANNON. The estimates are that they can reduce the cost of the radar cross section. On the B–1, by reason of size alone, it is such that it is one one-hundredth of the cross section of the B–52.

Mr. PROXMIRE. That is in dispute.

Mr. CANNON. I do not think that is in dispute.

Mr. PROXMIRE. It is in dispute by Boeing.

Mr. CANNON. The dispute is over how much they can reduce——

Mr. PROXMIRE. That is right.

Mr. CANNON. The cross section, not what the present B–52 is.

Mr. PROXMIRE. That is right.

Mr. CANNON. One of the most important things on this is that the penetration speed at low altitude is not increased one whit. That is the key to the whole operation. They can get up and hit it with every fighter that the Soviets have in their inventory today because they can fly that fighter on deck but for example they cannot put it up against our F–111. They cannot do that. It would pull the wings off any fighter existing today at the speed that a F–111 or B–1 could fly on the deck. That is a very important factor because the vulnerability from attack at that airplane speed a low-level penetration will not be increased. That is a very important factor. Thus, it seems to me, the big part of the Senator's argument, that for $6 million more we can put bigger engines on and get the airplane off the runway a little quicker, that I will buy.

Mr. PROXMIRE. The fundamental argument by many is that if we have the SCAD mounted on the renovated B–52's some of the missiles and some of the bombers will get through. We would be in a position to saturate the defenses of the Soviet Union. That is the fundamental argument.

Mr. CANNON. All right. The problem there is different. SCAD has a limited range, as the Senator well knows. If we are using the B–52 as a standoff bomber, we could not attack a substantial amount of Soviet territory. Those figures are well documented. Thus, it creates great difficulty, because we cannot attack the places we want to attack.

Mr. PROXMIRE. If one makes the assumption that the range of SCAD cannot be improved, that it is static, fixed, then one can make a strong argument; but part of the thrust of the report by your committee was to urge the Air Force to work on this. Every indication is that they can. There is a great potential for increasing the range of SCAD.

Mr. CANNON. So then, assuming that it could be increased some, it would still be limited. We know the range of SCAD and what it can be used at now, but it would make it very difficult to use it as a weapon on a standoff bomber rather than use it on something that can penetrate, use it as a decoy or on suppression ground attack activities.

Mr. PROXMIRE. It seems to me that the Air Force is justifying the new bomber by eliminating the kind of work it should do in order to make a new bomber unnecessary. If they did the kind of job they should do on SCAD they would not need the B–1. However, I can understand why they do want it. After all, as the Senator from South Dakota (Mr. McGOVERN) just said, they want to have a supersonic bomber.

Mr. CANNON. When the Senator talks in terms of a supersonic bomber, the B–1 is not proposed to be a supersonic bomber on the deck but to have a high supersonic speed which is, of course, useful. But when the Senator talks about increasing the range of SCAD, I have in the back of my mind a recollection about another standoff weapon episode that we had a few years ago, known as Skybolt, that we were going to extend its range, and after we had spent a great deal of money on it, it all went down the drain.

Mr. PROXMIRE. The Skybolt was a ballistic missile. SCAD is a cruise missile, which is much simpler. And technology has advanced in the few years since Skybolt.

Mr. CANNON. That is right. To extend the range of SCAD, the first immediate thought is that we want to fire it or put it in flight at a higher altitude because then we get a greater range but we get back to the basic problem, if we are going to have something that flies fast and is able to penetrate, it has to be done at a low altitude in order to confuse or to get past the bulk of the defenses that are programed in Russia today.

My whole argument against the Senator's position—although I certainly believe we should do everything we can to improve the effectiveness of the weapons we have today—is that I do not believe we are achieving the thing that is important if we go about the B–52 modifications the Senator is talking about.

One, we are not going to extend the life of the B–52. I do not buy that. If we put a new wing on, all right, but if we put a new wing on, we are designing a whole new airplane, designing a subsonic airplane that is not so good as the B–1.

Thus, we have not increased the subsonic low level speed.

Mr. PROXMIRE. Let me go back to the question of B–52 service life. I would not accept the Senator's statement and I want the record to be clear on this. The Boeing people say that, with minor wing modifications, they probably could extend the life. That is in dispute. The Senator may be right, but his assertion is not an established fact.

Mr. CANNON. I think that the Senator will find that it would not be minor modifications which would be necessary in order to extend the life, but they would be major modifications, plus the fact that we would have some redesign features as a result of the new engines in an attempt to extend the life. But when we do all that, then we still have an aircraft that, by virtue of its size alone, will have a large radar cross section, a much greater radar cross section and, therefore, will be more vulnerable to the enemy than any design that can take into consideration all these features. Second, and most important, we have not increased the speed at low level for penetration.

Mr. PROXMIRE. I thank the Senator from Nevada very much. He has been very helpful.

Now, Mr. President, I should like to ask the distinguished Senator from New Hampshire (Mr. McINTYRE) a couple of more questions.

If the committee is so concerned about concurrency, as I know the committee is, why does it seem to swallow the Air Force suggestion that this is a "fly before you buy" B–1 program?

As I said, they will have no real avionics system in the planes they test before a production decision is made. How can this be accepted as a "fly before you buy" B–1 program?

Mr. McINTYRE. The Senator from Wisconsin realizes that the B–1 has been a program that has been ongoing for a number of years and the modifications that I described in my principal statement, in an attempt to bring the costs down, have made this a program that probably does not entirely fulfill the unique qualifications of what a "fly before you buy" program is. However, I am sure that the Air Force considers that the prototypes to be flown will have proved to be worth while before recommending approval to begin production. Then the procurement is consistent with a "fly before you buy" program. Our own concept is what is going on in the AX, where we have two companies building a plane—the close-support plane fly-off contest to pick one and go ahead with it.

So the reason this does not seem to fit the idea of what a "fly before you buy" program is that it has been an ongoing program for years.

Mr. PROXMIRE. It may be ongoing, but it has changed for the worse. They originally said they wanted seven R. & D. prototypes. Now it is three. But the next four planes that they build will not go directly into the inventory, but will be test planes which will be constructed after the decision has been made to go into production.

Then, how about the avionics system, which in other planes has been so expensive and has often failed to perform adequately? Apparently, they are going to have only 3,900 pounds of avionics, instead of the 10,000-pound package, in the initial production planes. And they are not even going to fly with the 3,900-pound avionic system in their test planes.

Mr. McINTYRE. My feeling about this program is that the Air Force has been very worried about the size of the equipment and the cost per unit. I, too, well understand the Senator's feeling, as I think I said last year. After they had reduced the size of the avionics, it was strange that we did not get a reduction in cost.

Mr. PROXMIRE. In fact, we got an increase. The cost did not go down. It went up.

The only way I can interpret it is that when we get through with the B–1, the cost will be fantastic.

Mr. McINTYRE. Mr. President, in response to the Senator from Wisconsin, the response of the Air Force with respect to the avionics system states:

> The Air Force, in testimony to the Senate and House Armed Services and Appropriations Committees, explained that complete mission avionics would not be installed in the B–1 test aircraft, and that only safety of flight items and off-the-shelf mission and traffic control avionics necessary to test the aircraft and engine performance combination would be used. Our experience has shown that we should not make a premature commitment to an avionics suit, particularly to the defensive subsystem. The mission avionics will have the characteristics of flexibility and growth to respond to a changing and expanding threat. Under the present program, we plan to include the production avionics in the first production aircraft for the maximum amount of flight testing prior to introduction of the B–1 into the SAC inventory.

In addition the program includes an option for flight testing the avionics in one of the three test aircraft.

That is their position.

Mr. PROXMIRE. They are not proposing funds in their program to cover that option.

Mr. McINTYRE. It is my understanding that would not be required; that there would be no necessity for funds for this purpose in fiscal 1972.

Mr. PROXMIRE. But they would be required later. That is the problem. That is why we cannot get an idea of the ultimate cost.

Mr. President, I think the Senator from New Hampshire has been very helpful to me and to the Senate. He is alert with respect to the cost of the program and insists that we try to hold it down and make a judgment on what route promises the most for the least cost. But the Air Force is not telling us what the costs will be because they are not putting the funds in the budget that would be required to cover it.

Mr. McINTYRE. Mr. President, the Senator from New Hampshire feels that there has been some areas in which they have tried to protect this very valuable aircraft which they want. However, on the whole, I have had to yield to the force of the argument that we will probably need the new B–1. I suggest to the Senator from Wisconsin that I am awfully concerned. I can foresee a potential $40 million cost per copy. I do not know what the President in 1977 will say if he has to buy 241 of these. It will be a tremendous price.

Mr. PROXMIRE. I think that it will go to $60 million per copy. With tankers and missile systems, the investment cost of the whole new fleet could be $20 billion.

Mr. McINTYRE. Mr. President, if the Senator would yield at that point, I will state for the record so that we have a running account year by year, the current estimated costs for the R. & D. for the B–1. The current estimated cost for R. & D. is $2,628,300,000. In the procurement area, it is $8,495,800,000. The total estimated cost for buying 241 B–1 aircraft is $11,124,100,000.

I share the same fears as the Senator from Wisconsin, that this is just the beginning. However, as the Senator from Nevada has said, when it gets to the security of this country and we need this triad system, then I have to yield and go along and say, "Let us do it, but let us keep the price down. Let us continue in the research and development area."

I suggest that the time is coming when the Senator from Wisconsin will have a full opportunity to say, "We will buy the 241 planes." That is when the Senator from Wisconsin should be ready with his facts.

Mr. PROXMIRE. As a matter of fact, the research and development cost has gone up 50 percent in the last 2 years, and the actual research and development work has gone down 50 percent.

Does the Senator challenge those figures? We get half of the prototypes and less than half of the avionics and pay twice as much.

Mr. McINTYRE. This is not peculiar to the B–1 program.

Mr. PROXMIRE. It is one of the most conspicuous examples of unrealistic cost estimates that I have seen.

Mr. McINTYRE. Mr. President, as I say, the committee is concerned about the cost. We try to do our best to watch it and to try to give the up-to-date figures.

The committee as a whole is advocating this to the entire Senate, that we continue, that we appropriate the funds and say that this should be done with the SCAD. We are concerned about that time period from 1976 to 1980, where we might suddenly find ourselves, from a security standpoint, without the weapons as the B–52's approach the point of beginning to be phased out.

When the Senator from Wisconsin talks about the solutions and alternatives, the B–52, the 707, and trying to modify them, and the standoff missile, all of these are highly speculative. We do not know if they will work. That is not a pat answer.

Mr. PROXMIRE. The B–1 itself is highly speculative, of course.

The one thing that persuades me is that our primary deterrent is our sea-based force. This force is more reliable and certainly furnishes more mobility and invisibility. It has great advantages. Yet, it will cost far less than this air deterrent which is a subsidiary and marginal program.

I am not suggesting abandoning the air factor. We should keep it, but we should do it in the most efficient and effective way we can. We should have a better bomber force than the Soviet Union. The Soviet Union, as I have stated, is far behind us in bomber capability. Their new prototype, the Backfire, is way behind our FB-111 which is now in inventory.

With respect to long-range bombers, they have about one-quarter as many as we have, and they are at least 5 years older than our early B–52's.

I am suggesting that we do something that is greatly superior to what they do. We should recognize that it is a secondary backup for our principal deterrent, which is our sea-based operation.

Mr. McINTYRE. Mr. President, I hope the Senator from Wisconsin is accurate when he contrasts the expense of our sea deterrent. In this year's budget, we are going for about $100 million in the program ULMS which is a forward looking program.

Mr. PROXMIRE. That is a fine program. I enthusiastically support it. However, I am talking specifically about the operating costs of bombers and our sea-based deterrent.

Mr. McINTYRE. Today the Polaris would cost in the neighborhood of several hundred million.

Overall, I think that is what is scaring the committee, the cost of these things that are so vital to our security. However, despite the agonizing that the Senate has done on the B–1 and that we on the committee have done, we have come in and said that we should go ahead.

Mr. PROXMIRE. Mr. President, I thank the Senator from New Hampshire very much.

Mr. President, I yield the floor.

Mr. BENTSEN. Mr. President, I have listened with considerable interest to this very stimulating debate. It seems to me that it adds up to the fact that in accepting this amendment we would be asking our fliers to fly in an aircraft that is 20 years old in its technology.

All of us tend to relate these issues to our personal experience. I know of the distinguished war record of the Senator from South Dakota. I flew my 50 missions over there as a pilot and as a squadron commander and had some experience in that regard.

Mr. President, I have continued to pay attention to flying and bombers. Relating back to my experience, and I am sure they should be the experiences of the Senator from South Dakota, if in World War II we had arrived in Europe and had been told we were to man some Flying Jennys and aircraft 20 years old in technology and take that aircraft against ME–109's, and the best the Germans had to offer at that time, I think the Senator would have joined me in telling the Air Force what they could have done with their bomber. I do not believe that we, as flyers, would have bought the argument that some Senators back in Washington decided we were to fly outmoded aircraft against the best in technology the enemy had to offer.

In industry today, when it comes to transportation—trucks and cars—we know there is a time of obsolescence. There is a time of obsolescence when it costs more to keep that truck or that car in operation than it would cost us to buy a new vehicle. I think that time of obsolescence is coming about with the B–52 and that is why I believe it is necessary for us to have the B–1.

Mr. President, I was not an early convert to the B–1, because I kept thinking that the missile was the answer, and that perhaps the day of the aircraft and the bomber was past. But after listening to the testimony in the Committee on Armed Services I have made a 180-degree turn. I think the key argument and the telling argument for me was the fact that if we have a confrontation with an enemy country, we can provide a show of force with the B–1, with the manned bomber, just as we have done with the 6th Fleet on many occasions and just as we did in the Cuban missile crisis, when we alerted the Strategic Air Command, and had our bombers in flight. This is the type thing that can be done with the B–1. This is the show of force that can be made; and this cannot be done with the missile.

The second major point for me, that made me a convert to the B–1, is the fact that we have had many false alerts in this country, when we have thought this country was facing an imminent attack, when our radar screens gave us false alerts.

For example, we remember the wild geese in the Arctic that gave us a false alert in Washington. Mr. President, can you imagine the position of the President of the United States as he tries to filter this information to decide if we should retaliate, and if the missiles are really on the way? How does he protect his country? He has an option left, if there is a manned bomber, a B–1, he can launch. If it were a false alert, as we all hope it would be, he could call back the bomber, but once he pushes the button to launch the missile, the die is cast, and we are committed to nuclear war. That is the second major point that converted me to the B–1.

The Committee on Armed Services debated this matter at length. The Committee on Armed Services is not a monolithic committee; it is a committee of diverse views; strong willed men who discussed the matter from one end of the spectrum to the other, and it has the support of that committee.

But let us look at the potential enemy we might have. Let us look at the Russians. They have clearly decided that this is one of the options they want to keep in their arsenal. They have developed a prototype. They have developed the Backfire bomber. This is about two-thirds the size of the B–1; it is a swept-wing, and it is the latest in technology.

When we talk about the various forms of transportation in this country today, certainly the one in which technology changes the fastest and in which there are the greatest advances in the state of the art is the aircraft. To tell our men they should be saddled with the responsibility, the job of flying a bomber that is over 20 years old in its technology is a travesty and it is something we should not call on our men to try to do.

Let me now compare the B–52—including the planned modifications outlined above—with the B–1. I find the B–1 to be much better. For example, the payload-to-gross-weight ratio of the B–1 would be twice as large as that for the latest B–52. The B–1, with better inherent stability, better terrain avoidance equipment, better control systems for low altitude flight, and a high tolerance for low altitude turbulence, could operate safely at significantly lower altitudes than the B–52. The normal speed of the B–1 at low altitude would be significantly greater than the B–52, an important factor in penetrating interceptor defenses. The B–1 would have a far better navigational precision and, therefore, much better accuracy with SRAM, than the B–52.

Perhaps more importantly, the B–1 would have a much better penetration capability than the B–52—with planned modifications against a possible new Soviet "look-down, shoot-down" air defense system involving the use of airborne warning and control aircraft and very high performance interceptors. The B–1, by virtue of its greater speed, much smaller radar cross section, and much lower infrared emission, would have a significantly greater probability of penetrating at least the leading edge of Soviet air defenses undetected. The effective radar range of a Soviet AWACS would be considerably shorter against a B–1 than against a B–52.

Perhaps of greater importance, the reduced radar cross section permits a sizable reduction—when compared to that of the B–52—in the radiated jamming power required to screen the B–1 from Soviet radars.

Let us talk about the low profile on the radar screen of the enemy. When you try to modify the B–52 and hang all the needed hardware on the outside of it, if it were to fly across Russia it would be like trying to fly a barn across Russia with the barn doors wide open. That is the way it would look to the enemy.

The great advantage is the low profile and the fact that the B–1 does not show up to that degree on the radar of the enemy. The great advantage is all of the counterelectronic gear that can be placed in the B–1 and not in the B–52.

Also, the B–1 could move through the extended defenses expected to be deployed by the Soviets during the 1980's considerably faster than a B–52, at high or low altitude. This latter feature would be particularly important if the Soviets deploy a large force of improved manned interceptors such as the Foxbat.

In fact, if the Soviet air defenses continue to be improved, our bombers may have to be equipped with air-to-air missiles for self defense. The B–1, because of its greater volume and weight carrying capacity, would lend itself more readily than the B–52 to the provision of such a self-defense capability. If we are to make these large new investments in avionics and other equipment, it would seem far more prudent to install them in a new aircraft which would have a much longer and more certain life expectancy.

It is also useful to compare the capabilities of the B–1 versus the B–52 with regard to prelaunch survivability. Again, I am using the B–52 with planned modifications in the comparison. From a physical point of view the B–1 excels in having a shorter take-off distance, a faster acceleration to escape speed, a higher escape speed, and a greater degree of hardness to nuclear effects. As a result, the B–1 can be based safely over an area about twice as large and on more than twice as many existing runways as the B–52. These conclusions relate to the threat of a single SLBM targeted against each base. But as the number of Soviet missile launching submarines increase, there is the potential threat of a large number of SLBM warheads being targeted in a pattern around an air base. For typical inland bases the number of warheads needed in such a pattern to insure destruction of modified B–52's is substantial. Even so, the number of warheads that the Soviets would need to insure destruction of B–1's is at least four times as great.

In conclusion, I trust it is clear that the B–52, with planned modifications, will serve as well through the 1970's—for a total service life of almost 20 years. For the 20 years starting in the early 1980's we need a new aircraft with improved characteristics. The B–1, as currently designed, shows great promise of fulfilling that need. It shows a good margin of improvement over the B–52—with all the useful modifications it can accommodate. Furthermore, the B–1 has the inherent flexibility to meet a wide variety of potential threats.

Finally, I remind you that the Department of Defense is proposing only development of three flying prototypes. Only after these aircraft have been flying for a year will the decision to produce be made. That gives us ample opportunity to insure that the claims of performance and cost, and our concerns for the threat, are well-founded. We are being asked to proceed in an orderly way to meet a real need. Let us not be diverted into a wait now—and hurry, expensively, later plan. We need modified B–52's for the 1970's and B–1's for the 1980's and 1990's.

The preponderance of the evidence is quite clear and I see no logical support other than support for the B–1.

Mr. President, I ask unanimous consent to have printed in the RECORD information developed by the Air Force concerning the B–1.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIR FORCE COMMENTS IN RESPONSE TO SENATOR PROXMIRE'S PRESS RELEASE OF SEPTEMBER 18, 1971

COMMENT. The Air Force is resorting to a deceptive public relations gimmick when it suggests that its B–1 bomber development program is a "Fly Before You Buy" project which will cost only $2.7 billion to complete. In reality, B–1 development will cost more than $4 billion.

RESPONSE. The Air Force is unable to identify the $4 billion cost estimate mentioned for B–1 development. Our current estimate is $2628.3 million.

COMMENT. The Air Force intends to buy the plane long before development work and flight tests have been finished.

RESPONSE. Under present programming, and if a decision is made to buy the B–1, flight tests and development work will be required through 1978. Due to the time involved to complete this effort it would be prohibitively expensive (about $1.6 billion additional program cost) to delay the production decision point until completion of *all* development testing.

Secretary Seamans announced on February 11, 1971 that a flight test emphasizing *airframe* and *engine* performance will precede the B–1 production decision point. This basic test program will require a full year of ground and flight testing. "Full systems performance demonstrations of a completely integrated aircraft will be deferred until after the production decision." A reduction of total flight test hours which is possible through combined contractor and government flight testing will result in a significant cost avoidance, yet allow the Air Force to confidently make a timely and logical decision on production.

COMMENT. What the Air Force neglects to mention is that there will be no avionics systems or weapons on these planes when they are tested, and that after the tests are completed, it will be necessary to build four more planes for use in development tests.

RESPONSE. The Air Force, in testimony to the Senate and House Armed Services and Appropriations Committees, explained that complete mission avionics would not be installed in the B–1 test aircraft, and that only safety of flight items and off-the-shelf mission and traffic control avionics necessary to test the aircraft and engine performance combination would be used. Our experience has shown that we should not make a premature commitment to an avionics suit, particularly to the defensive subsystem. The mission avionics will have the characteristics of flexibility and growth to respond to a changing and expanding threat. Under the present program, we plan to include the production avionics in the first production aircraft for the maximum amount of flight testing prior to introduction of the B–1 into the SAC inventory. In addition, the program includes an option for flight testing the avionics in one of the three test aircraft.

COMMENT. The Air Force is resorting to its present tactics in an *attempt to conceal* the mounting cost problems of the B–1 development program. In the past few years, the estimated cost of B–1 development has gone up 50 percent, while the work to be performed in the official B–1 R&D program has gone *down* 50 percent.

Two years ago the cost of developing the B–1 was officially estimated at $1.8 billion in the June, 1969 B–1 Selected Acquisition Report (SAR). It is now estimated by the **Air Force at $2.7 billion.**

RESPONSE. The Air Force has kept the Congress and the public fully informed on the B–1 development program including the program revision from five to three test aircraft.

The program estimate in the June 1969 SAR of $1.8 billion—expressed in 1968 dollars—was a preliminary government estimate developed prior to the issuance of the Request For Proposal to industry for the development contract. As the source selection was completed and contract values became available, the estimates were revised.

These subsequent revisions include prior year funding for AMSA, other costs attributable to SRAM interface, testing and support costs and to account for the effect of inflation. A cost track of these changes is reflected below:

Planning estimate based upon 1968 dollars	$1,800.0
Adjustment due to rounding	28.0
Prior funding for AMSA	143.8
Conversion to then year dollars	411.5
Estimating changes: Avionics changes, initial spares estimating method change, planned design changes	171.9
Other costs: SRAM/B–1 interface, testing and support costs	129.8
June 30, 1971, SAR development estimate	2,685.0
June 30, 1971 SAR development estimate	2,628.3

COMMENT. Meanwhile, the number of research and development prototypes to be built has shrunk from seven to three, a static test vehicle has been dropped, and the number of engines have been sharply cut back.

RESPONSE. The original B–1 contract called for the fabrication of five flight test aircraft, plus one static and one fatigue ground test airframes. Due to new, closer Air Force/contractor management arrangements and a decision to provide a full year of combined Air Force contractor flight testing prior to a production decision, the number of flight test aircraft was reduced from five to three. The number of test engines needed was reduced accordingly. Adopting recently proven practices of the aircraft industry for the structural testing of commercial airliners, it was also possible to eliminate the static test airframe by conducting extensive static test of major structural subassemblies. This change will provide test results earlier and will thus contribute to structural integrity and avoid costly later modification.

COMMENT. The avionics work involved has been virtually eliminated. The present $2.7 billion estimate contains less than $200 million for avionics. And what we will get for this money is two complete avionics systems—both of which will be used for ground-based testing only.

RESPONSE. The Air Force began extensive work on and has continually refined and optimized an avionics development plan from the time the airframe development was approved. This development plan and the associated system have been continually reviewed, and we believe that it is a most realistic and orderly approach to B–1 avionics development. This avionics system will provide the required penetration and weapon delivery capability against the threat projected during the early years of B–1 usage.

The current development program includes $175M for avionics development. This will provide two sets of avionics systems (and necessary spares) and we intend to utilize these two systems in ground test facilities effectively. An option to procure a third avionics subsystem has been included in Air Force planning to support flight testing as required.

COMMENT. There is no money provided in the B–1 development program for an avionics system which will be flight tested in a prototype airplane before a B–1 production decision is made. Even the ground-based avionics work will be woefully inadequate.

RESPONSE. The majority of equipments which make up the B–1 avionics system are "off-the-shelf"—i.e., equipment in being from some other program (F–111, C–5, SR–71, etc.). Because of this, extensive development is not anticipated—the predominant task is the integration or melding of all the equipments into a single operating entity. In complex avionics development efforts, experience has shown that ground test facilities enabling the close control of the test environment, is a very efficient first step and a necessary prerequisite to flight test.

The Air Force believes that sufficient data can be obtained from a ground "hot-mock-up" and environmental test facility to provide adequate information on which to base an avionics production decision and benefit subsequent flight testing. If a production decision is positive, verification and operational suitability type testing can then be subsequently accomplished as required. If the decision is negative, these flight test funds can be saved.

COMMENT. There are no funds included for the equipment which will be needed to control the SCAD missiles which the B–1 would launch in penetrating enemy air defenses.

RESPONSE. The B–1 is being specifically designed to carry weapons available from current inventory or under development for the current bomber force. It is fully intended that the B–1 will inherit advanced weapons such as the SCAD from the current bomber force. When SCAD is fully developed and becomes operational, software for controlling the SCAD can easily be included within the B–1 computer capability. In the prototype/test program, no funds are needed to include SCAD control since the B–1 is basically designed to include SCAD in its arsenal of weapons.

Comment. And there is no money for work on hardening the avionics to withstand the effects of gamma and neutron radiation in a nuclear environment.

Response. The B–1 airframe will be the first aircraft ever designed to include nuclear survivability criteria. These criteria are part of the airframe specifications, and the same criteria will be included in the design specifications, for the avionics equipment to be developed. Also, the off-the-shelf avionics equipment will be analyzed and should the production decision follow, engineered to meet these same criteria.

Comment. All this would come later, after a decision is made to buy a largely untested airplane. In fact, a lot of R&D work would come after a production decision is made, including 800 of the 900 hours of airframe flight tests presently planned.

Response. The Air Force believes that the decision to buy the B–1 can logically be based upon the adequate amount of testing provided for under the current development plan. It is true that much of the testing would be done after the production decision. The rationale for this approach is summarized in the next issue addressed below.

Comment. One would assume, with a three prototype program, that if the B–1 ever went into production, the fourth airplane built would become the first production model delivered.

Actually, under the current Air Force schedule, the eighth airplane built would be the first production model delivered to the active inventory.

After its three prototype 'Fly Before You Buy' program is concluded, the Air Force plans to build four more planes which would be used extensively for R&D purposes (and a limited amount of flight training). It rationalizes funding these planes with production funds on grounds that they would eventually be reconfigured and enter the active B–1 inventory.

Thus, the Air Force is 'saving' on R&D costs by deferring $1.5–$2.0 billion of R&D work. And it is throwing in a "Fly Before You Buy" label as an added sweetener for the Congress.

Response. One primary development objective is to provide sufficient information upon which to base a logical production decision. Another is to minimize the development funds expended at that decision point in the event the decision is not to produce.

In order to meet these objectives, many facets of former development approaches not needed to support a production decision are deferred either in total or in part, e.g.—ancillary equipment design, hard tooling commitments, verification testing and some flight testing. We believe that the three prototype "fly-before-buy" program, which provides one full year of engines and airframe flight testing prior to production decision, adequately accomplishes the above objectives. However; those essential efforts which have been deferred must ultimately be accomplished, after the decision to produce, to achieve optimum production and operational effectivity.

The deferred flight testing would be accomplished in air vehicles 4, 5, 6 and 7, and it is planned that those aircraft would be production funded. This seems to be a very cost-effective approach since we intend to place those four aircraft in the operational inventory upon completion of the necessary follow-on test effort.

The allegation that, "the Air Force is saving on R&D costs by deferring $1.5–$2.0 billion of R&D work" is not founded in fact. The current Air Force development cost of $2.6 billion includes the additional development funds which would be required to complete the development effort if the decision is made to produce. At the time of a production decision, considerably less than the $2.6 billion will have been expended.

The criticism on this issue infers that the Air Force is trying to mislead the Congress. That is not the case. The B–1 program has been openly explained in detailed briefings and in documented reports to the Congress. The Air Force and OSD believe that this particular approach to weapon system acquisition will provide the best possible information for a production decision at minimum cost and on a timely basis.

Comment. This funding of R&D work in the production budget is in direct conflict with the expressed intent of Congress. When the Navy attempted to do the same thing in recent years with the F–14 and S–3A programs, it was told to fund all prototypes used for development work in the R&D budget, even if they would be added later to the inventory.

Response. Unlike the F–14 and S–3A programs, which are concurrent programs having production options, the B–1 approved program is for development only and has been structured to support a timely and logical production decision. The additional four aircraft to complete flight testing will not be required unless a production decision is made. The Air Force believes this philosophy is not in conflict with the expressed intent of Congress.

Comment. And this testing of planes without avionics or weapons systems is the same emphasis on "the development of platforms for weapons themselves" which the Senate Armed Services Committee criticized in its recent procurement bill report. It is the old "Buy Before You Fly" policy, as usual.

Response. Apart from its nuclear gravity bombs, the primary weapon contemplated for the B–1 is the SRAM, which has been fully flight tested and is to be produced for the B–52 and the FB–111. The B–1/SRAM interface specifications and integration are presently being defined, and the SRAM will be incorporated in the B–1 if a production go-ahead is approved. The B–1 is being designed so that, as new weapons are developed, they can be easily accommodated by the inherent growth capability of the total weapon platform. As for actual B–1/SRAM flight testing, the Air Force believes such testing is not required prior to production. The SRAM has been fully flight tested. Since the SRAM has self-contained guidance there is no requirement to flight test the B–1/SRAM in combination prior to a B–1 production decision.

Comment. The Congress should see through this latest bit of Air Force chicanery, recognize the incredible costs just to develop the B–1, and end the program now.

Response. The Air Force has always provided Congress with its best estimate of the total B–1 program cost in the Selected Acquisition Report (SAR) which is submitted quarterly to Congress. We have also periodically provided briefings on the content and objectives of the program to individual members of the Congress and have made no attempt to conceal any aspect of the program. In fact, the OSD and the Air Force have fully informed the Congressional committees and, in response to inquiries, fully explained all aspects of this innovative approach to acquisition of a major weapon system.

We believe that this development approach will provide the information necessary to make an objective B–1 production decision. It will do so on a schedule which should permit that production decision and accompanying operational deployment on a timely basis in response to anticipated threat development. It will provide us these options and, at the same time, minimize the development costs expended at the first point of major acquisition cost commitment—production decision.

Comment. Re-engined B–52's with SCAD missiles aboard would give us all the improvement in our bomber capability needed until 1985. And we would be able to finance this alternative for less than the cost of the first three B–1 prototypes.

Response. Air Force witnesses, in testimony before Congress on the FY 72 Authorization Bill, have responded to statements similar to the one above, which resulted from an unsolicited Boeing suggestion. There are limitations to what can and should be done to an aircraft built with the technology of the 1950's, and the Air Force carefully selects those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Toward this end, we have concentrated on two major areas for improvement: (1) pre-launch survivability and (2) capability to penetrate defenses.

With respect to the first objective, re-engining the B–52 would not significantly enhance pre-launch survivability. The B–52 nuclear effects hardness and maximum allowable escape speed would be unchanged. A lower technical risk—and considerably less expensive—approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

Our second objective is an improved capability to penetrate. The ability to fly greater distances at low altitude contributes to penetration survivability. Re-engining the B–52 would increase low altitude range and be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive. However, re-engining would not alter those performance characteristics which collectively contribute most to penetration survivability: penetration speed would not be increased, radar cross section would not be decreased (if anything, it would increase), the airplane could not be flown any lower, and the infrared (IR) signature would not be significantly reduced. To date, the Air Force is supporting those programs which contribute more than the re-engining proposal to improving B–52 penetration capabilities, i.e., the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-optical Viewing System (EVS), and continuing improvements in Electronic Countermeasures (ECM). Boeing's proposal, however, is being studied.

Boeing's first preliminary estimate (brochure) for their re-engining proposal was $6 to 10 million for the prototyping and $1.25 billion investment for the entire B–52G/H fleet. This estimate has been subsequently revised (brochure) to about $40 million for the prototyping and approximately $1.7 billion for re-engining the B–52 G/H fleet. At present, these figures cannot be validated. The Air Force has undertaken a study of the concept to gain visibility on the costs and problems which are associated with re-engining and to better understand re-engining as a bomber force improvement option.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I call to the attention of our valued and assistant majority leader that I am going to ask unanimous consent for the presence of certain staff members of the Committee on Armed Services during the debate on this bill. I wish to point out that I am not asking that all of these gentlemen be here at the same time; they will not all be here at one time unless it is by chance. These are the men who take care of the general work of the committee and this bill covers the waterfront, more or less, in all kinds of weaponry. Other matters may come up besides weapons. I am asking for staff members who helped the subcommittee chairmen, particularly, and they would be available for anyone else who might want them, pro or con, and also the vice counsel and director.

We are permitted four committee staff members under the rules. I am going to ask for a total of 10, but that would include the four. They will not be here unless they are needed.

Mr. President, I ask unanimous consent that the following regular members of our committee staff be permitted to be present on the floor of the Senate when in the discharge of official duties and not to be here all at the same time unless it is merely by chance:

T. Edward Braswell, Jr., chief counsel and staff director, and the following members of the staff: James Woolsey, John Goldsmith, LaBre Garcia, Edward Kenney, Hyman Fein, Don Lynch, Ben Gilleas, Charles Cromwell, and Charles Conneely.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator, the manager of the bill, for his cooperation, consideration, and understanding; and I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, further on the bill—and I shall not speak at length at all—I am supporting the committee's recommendation. I am a party to that recommendation in the committee's consideration, and I urge the Senate to approve the committee's recommendation that $370.3 million be authorized for research and development on the planned, new strategic bomber, B-1.

Last year, Senators will recall that the Senate, on recommendation of our committee, cut the recommended B-1 budget in half, from $100 million to $50 million. In the conference process, a compromise was reached and the outlay was finally reduced to $75 million. This year, I believe the full request should be authorized, and our committee has so recommended.

May I stress that this item, among others, was very carefully reviewed by our Research and Development Subcommittee, headed by the distinguished Senator from New Hampshire, Senator McINTYRE. It was then approved as a part of the R. & D. authorization by the full Armed Services Committee. I urge the Senate to follow suit.

I need not remind the Senate that our manned bomber force is one part of a three-part strategic force. It is one part of a triad for strategic defense, the others being the land-based ICBM force and the sea-based Polaris-Poseidon missile system.

Of all of the vast military programs of our services, here is one where we must absolutely be the best. We must be on the beam. We must have the first, second, and third chance. That is what triad is. In other words, this is where the real point of all the arguments centers. Unless our strategic forces function, this country will be laid bare to the will of any adversary who has the capacity to attack us in the nuclear field.

In this bill, as in earlier military procurement authorizations, modernization of other parts of the triad is going forward. Polaris submarines are being converted to the more effective, longer range Poseidon missile with its improved warheads. Similar multitarget warheads are being provided for the Minuteman ICBM forces.

The manned bomber force, however, is not being materially modernized, and the B-52's, which are the keystone of that force, are aging rapidly in comparison to other modern weapon systems. I believe, Mr. President, that the United States must be in a position to modernize this force when and if it desires to do so.

Senators know, I am sure, of the continuing buildup of strategic weapons inside of the Soviet Union. I know many Senators hope that an agreement can be reached in the SALT talks which will bring an end to strategic weapons escalation by all parties. No such agreement has yet been reached, however.

I remind the Senate that the $370.3 million recommended for research and development is not a commitment to production of this new aircraft. If the development program moves ahead on schedule, a yes or no decision on production will be required about April 1975. That decision will probably come when the Senate considers the military procurement bill in that year.

April 1975. So the research is rather expensive. It will always be expensive in this field, Mr. President. There is no use to hope or wait for the day when it will not be expensive.

So we have plenty of time to have this exhaustive research, and then we will have plenty of time to make the decision whether we will move forward into procurement. As I have said, this is one department, in all our military preparedness, where we cannot be and we must not be deficient. There will be chances to overcome deficiencies in other departments, but not in this one. It is all or nothing at the first.

So I urge the Senate not to take action now which would preclude a decision for production in 4 years if, at that time, it appears that the proposed forces should be modernized with a supersonic cruise aircraft capable of launching an attack missile.

It is suggested, in all good faith, that we ought to wait to see what the SALT talks can do. Well, we are all hopeful about the SALT talks. I am not skeptical about them, but I know the amount of money, relatively speaking, that this program will cost during the period of another year, to find out what chances there are for hope and achievement coming out of the SALT talks, will be a mere pittance in value compared to what the time element could prove to be if things should go the wrong way at the SALT talks and thereafter.

So this is one program in which we can have a lot of time in the development program, and a lot of time to make a decision on procurement.

In the last year, the management of the B-1 program by the Air Force has been under close scrutiny from our committee among others. The committee will continue to insist upon improved management procedures so as to hold down anticipated program costs.

I hope the Senate will permit the continued, orderly development of this proposed new manned bomber until, through agreement or otherwise, it becomes quite apparent that such a weapon will not be needed. I hope the Senate will approve the committee's full recommendation.

Mr. President, I am glad to yield the floor to the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the McGovern amendment.

Mr. President, if America is to survive, it must remain strong—strong militarily, strong economically, strong spiritually. The vote today on the B-1 may be one of the most crucial votes that will determine the future of our Nation. We cannot depend upon planes alone. We cannot depend upon missiles alone. We must have both. We must have intercontinental ballistic missiles, and we must have submarine-launched missiles, and we must have modern planes that can travel several times the speed of sound. These three forces—planes, ICBM's, and subs—make up the triad. Together they will deter a nuclear attack on the United States because no attack could destroy all three simultaneously. Thus, any attacker knows we can destroy him with a devastating counterblow.

We must remember that the Soviets are developing all of these weapons. The Soviets have the fastest fighter in the world, the Foxbat. We are lagging behind in this field. The Soviets are going ahead building modern bombers. We are lagging in this field. The Soviets have twice as many submarines as we have. We are lagging in this field.

Approval of this amendment would seriously weaken the Nation's ability to turn aside a nuclear threat or respond to a nuclear attack. We must replace our aging B-52's bomber force which was built in the early 1950's.

Another key point about manned bombers is that they can respond to a nuclear threat and be recalled if necessary. Missiles cannot be recalled.

Mr. President, I shall not take more time on this matter, but simply wish to say that this is a critical issue. It is essential that we go forward without delay in order to maintain the security of our Nation. I hope the Senate will refuse the McGovern amendment.

Mr. STENNIS. Mr. President, a question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was voted down.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz;

S. 504. An act for the relief of John Borbridge, Jr.;

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; and

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

The President pro tempore subsequently signed the enrolled bills.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Roth). The Chair, on behalf of the Vice President, under the provisions of Public Law 81–754, appoints the Senator from Rhode Island (Mr. Pell) to the National Historical Publications Commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes."; and that the House receded from its disagreement to the amendment of the Senate numbered 3 to the bill and concurred therein.

The message also announced that the House insisted upon its amendments to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Rogers, Mr. Satterfield, Mr. Springer, and Mr. Nelsen were appointed managers on the part of the House at the conference.

PUBLIC WORKS-AEC APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Roth). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of September 14, 1971, at pp. 31828–31829.

Mr. STENNIS. Mr. President, I regret the Senate conferees were unable to sustain all of the programs we proposed, but I believe that all in all we came out very well.

The House committee placed in the bill 18 new planning starts, and 13 new construction starts. The Senate provided 15 new planning starts and 11 new construction starts. In conference we ironed out the differences so that it is my belief the Senate came out of the encounter as well as did the House.

Mr. President, I would like to take a moment to commend Representative Joe L. Evins, chairman of the conference committee and chairman of the Subcommittee on Public Works Appropriations of the House of Representatives for the efficient manner in which he conducted the work of the conference committee. Also, I commend the members of the conference committee for the very careful and fair consideration given to all matters in disagreement. I have only the highest praise for all concerned.

The conference bill provides $4,675,125,000 in new obligational authority, which is $41,797,000 below the amount approved by the Senate; $98,952,000 over the House; $59,043,000 above the budget; and $210,140,000 above the appropriation for fiscal year 1971.

Mr. President, there is a growing awareness of the need to reverse the trend of migration to the already overcrowded urban areas. The wise and orderly development of our water resources can and should be one of our major efforts to provide the opportunities for employment and the amenities of good living which will encourage the dispersement of a portion of our people and business into the less developed areas of the country. This is recognized as a national objective, and water resource development is a major consideration in making these areas more attractive to both business and the labor market.

Mr. President, I ask unanimous consent to have printed in the Record a summary table explaining the action of the conferees on the various items in the bill.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Item	New budget (obligational) authority, fiscal year 1971 (enacted to date) (excludes anticipated pay supplemental, 1971)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority in House bill	New budget (obligational) authority in Senate bill	New budget (obligational) authority in conference allowance	Conference allowance compared with—		
						Budget estimates fiscal year 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—ATOMIC ENERGY COMMISSION								
Operating expenses	$1,929,160,000	$1,966,751,000	$1,926,000,000	$1,963,720,000	$1,950,130,000	−$16,621,000	+$24,130,000	−$13,590,000
Plant and capital equipment	[1] 379,100,000	371,451,000	344,000,000	345,000,000	344,250,000	−27,201,000	+250,000	−750,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,308,260,000	2,338,202,000	2,270,000,000	2,308,720,000	2,294,380,000	−43,822,000	+24,380,000	−14,340,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL								
Department of the Army, Corps of Engineers—Civil:								
General investigations	[2] 39,897,000	50,169,000	49,364,000	52,049,000	50,714,000	+545,000	+1,350,000	−1,380,000
Construction, general	851,256,000	[5] 859,179,000	889,088,000	937,118,000	927,926,000	+68,747,000	+38,838,000	−9,192,000
Flood control, Mississippi River and tributaries	84,000,000	80,966,000	80,966,000	91,501,000	86,000,000	+5,034,000	+5,034,000	−5,501,000
Operation and maintenance, general	[3] 303,331,000	[6] 393,966,000	376,000,000	390,000,000	384,000,000	−9,966,000	+8,000,000	−6,000,000
Flood control and coastal emergencies	3,000,000	7,000,000	5,000,000	5,000,000	5,000,000	−2,000,000		
General expenses	27,601,000	[7] 29,205,000	28,900,000	29,138,000	29,000,000	−205,000	+100,000	−138,000
Total, Corps of Engineers—Civil	1,309,085,000	1,420,485,000	1,429,318,000	1,504,851,000	1,482,640,000	+62,155,000	+53,322,000	−22,211,000

Footnotes at end of table.

Item	New budget (obligational) authority, fiscal year 1971 (enacted to date) (excludes anticipated pay supplemental, 1971)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority in House bill	New budget (obligational) authority in Senate bill	New budget (obligational) authority in conference allowance	Conference allowance compared with—		
						Budget estimates fiscal year 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Cemeterial expenses: Salaries and expenses	$18,830,000	$22,588,000	$22,588,000	$22,588,000	$22,588,000			
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,327,915,000	1,443,073,000	1,451,906,000	1,527,439,000	1,505,228,000	+$62,155,000	+$53,322,000	−$22,211,000
TITLE III—DEPARTMENT OF THE INTERIOR								
Bureau of Reclamation:								
General investigations	20,097,000	22,025,000	21,975,000	22,650,000	22,400,000	+375,000	+425,000	−250,000
Construction and rehabilitation	186,793,000	190,500,000	208,845,000	206,956,000	208,845,000	+18,345,000		+1,889,000
Upper Colorado River storage project	25,375,000	19,756,000	20,589,000	21,219,000	21,089,000	+1,333,000	+500,000	−130,000
Colorado River Basin project	2,013,000	1,575,000	1,775,000	1,775,000	1,775,000	+200,000		
Colorado River Basin project (appropriation to liquidate contract authorization)	(5,748,000)	(31,500,000)	(31,500,000)	(31,500,000)	(31,500,000)			
Operation and maintenance	59,289,000	72,884,000	70,000,000	72,000,000	71,500,000	−1,384,000	+1,500,000	−500,000
Loan program	8,550,000	9,975,000	10,795,000	10,795,000	10,795,000	+820,000		
Emergency fund		1,000,000	1,000,000	1,000,000	1,000,000			
General administrative expenses	14,753,000	15,525,000	15,525,000	15,525,000	15,525,000			
Total, Bureau of Reclamation	316,870,000	333,240,000	350,504,000	351,920,000	352,929,000	+19,689,000	+2,425,000	+1,009,000
Alaska Power Administration:								
General investigations	600,000	618,000	500,000	500,000	500,000	−118,000		
Operation and maintenance	400,000	457,000	457,000	457,000	457,000			
Total, Alaska Power Administration	1,000,000	1,075,000	957,000	957,000	957,000	−118,000		
Bonneville Power Administration:								
Construction	91,600,000	94,000,000	90,000,000	91,630,000	91,000,000	−3,000,000	+1,000,000	−640,000
Operation and maintenance	25,220,000	27,825,000	27,825,000	27,825,000	27,825,000			
Total, Bonneville Power Administration	116,820,000	121,825,000	117,825,000	119,455,000	118,825,000	−3,000,000	+1,000,000	−630,000
Southeastern Power Administration: Operation and maintenance	836,000	908,000	870,000	870,000	870,000	−38,000		
Southwestern Power Administration:								
Construction	950,000	1,891,000	1,050,000	1,050,000	1,050,000	−841,000		
Operation and maintenance	5,294,000	5,513,000	4,500,000	5,000,000	5,000,000	−513,000	+500,000	
Total, Southwestern Power Administration	6,244,000	7,404,000	5,550,000	6,050,000	6,050,000	−1,354,000	+500,000	
Office of the Secretary: Underground electric power transmission research	750,000	1,000,000	750,000	1,000,000	875,000	−125,000	+125,000	−125,000
Total, title III, new budget (obligational) authority, Department of the Interior	442,520,000	465,452,000	476,456,000	480,252,000	480,506,000	+15,054,000	+4,050,000	+254,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)								
Appalachian Regional Commission: Salaries and expenses	968,000	1,113,000	1,113,000	1,113,000	1,113,000			
Appalachian regional development programs (funds appropriated to the President)	[4] 302,000,000	282,000,000	282,000,000	302,000,000	297,000,000	+15,000,000	+15,000,000	−5,000,000
Delaware River Basin Commission:								
Salaries and expenses	62,000	64,000	64,000	64,000	64,900			
Contribution to the Delaware River Basin Commission	175,000	179,000	179,000	179,000	179,000			
Total, Delaware River Basin Commission	237,000	243,000	243,000	243,000	243,000			
Federal Power Commission: Salaries and expenses	19,910,000	22,582,000	22,200,000	22,200,000	22,200,000	−382,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	5,000	20,000	20,000	20,000	20,000			
National Water Commission: Salaries and expenses	1,840,000	1,200,000	1,200,000	1,200,000	1,200,000			
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	56,180,000	56,600,000	64,950,000	67,650,000	67,150,000	+10,550,000	+2,200,000	−500,000
Water Resources Council: Water resources planning	5,150,000	5,460,000	5,960,000	5,960,000	5,960,000	+500,000		
Susquehanna River Basin Commission:								
Salaries and expenses		62,000	50,000	50,000	50,000	−12,000		
Contributions to Susquehanna River Basin Commission		75,000	75,000	75,000	75,000			
Total Susquehanna River Basin Commission		137,000	125,000	125,000	125,000	−12,000		
Total, title IV, new budget (obligational) authority, independent offices	386,290,000	369,355,000	377,811,000	400,511,000	395,011,000	+25,656,000	+17,200,000	−5,500,000
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,156,725,000	2,277,880,000	2,306,173,000	2,408,202,000	2,380,745,000	+102,865,000	+74,572,000	−27,457,000
Total, new budget (obligational) authority, titles I, II, III, and IV	4,464,985,000	4,616,082,000	4,576,173,000	4,716,922,000	4,675,125,000	+59,043,000	+98,952,000	−41,797,000
Memoranda:								
Appropriations to liquidate contract authorizations	(5,748,000)	(31,500,000)	(31,500,000)	(31,500,000)	(31,500,000)			
Total appropriations, including appropriations to liquidate contract authorizations	(4,470,733,000)	(4,647,582,000)	(4,607,673,000)	(4,748,422,000)	(4,706,625,000)	(+59,043,000)	(+98,952,000)	(−41,797,000)

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[1] Includes $25,500,000 appropriated in Supplemental Appropriation Act, 1971.
[2] Includes $300,000 appropriated in Supplemental Appropriation Act, 1971.
[3] Includes $1,000,000 appropriated in Supplemental Appropriation Act, 1971.
[4] Includes $8,500,000 appropriated in Supplemental Appropriation Act, 1971.
[5] Includes $2,250,000 in H. Doc. 92-93; and $10,000,000 in S. Doc. 92-32, not considered by the House.
[6] Includes $4,966,000 in H. Doc. 92-93; and a decrease of $10,000,000 in S. Doc. 92-32.
[7] Includes $1,460,000 in H. Doc. 92-93.

TITLE I, ATOMIC ENERGY COMMISSION

Mr. STENNIS. Mr. President, in addition to the consideration of appropriations for water resource development, the committee considered the appropriations for the Atomic Energy Commission.

The conferees agreed on $1,950,130,000 for operating expenses of the Atomic Energy Commission. This is $24 million above the House allowance, and $13.6 million below the amount allowed by the Senate.

For plant and capital equipment, the conferees agreed on $344,250,000. This is $250,000 above the House and $750,000 below the Senate. The increase provides funds for obtaining necessary leasehold interests, including options to purchase, in connection with the National Radioactive Waste Repository site at Lyons, Kans.

TITLE II, DEPARTMENT OF DEFENSE—CIVIL

Mr. President, in title II, for general investigations, Corps of Engineers, the bill provides $50,714,000 which is $1,380,000 below the amount approved by the Senate, and $1,350,000 above the amount allowed by the House. The conference allowance is $545,000 above the budget estimate.

The major Senate increase disallowed by the House was an item of $850,000 for the Long Island survey. The House agreed to the full capability of the Corps of Engineers on this study, but would not allow funds in the public works appropriation bill which are required by other Federal agencies for their input into the comprehensive study.

Mr. President, for construction, general, Corps of Engineers, the conference agreement provides $927,926,000 which is $9,192,000 below the amount approved by the Senate; $38,838,000 above the House; $68,747,000 above the budget estimate; and $76,670,000 above the 1971 appropriation. In this connection, it should be noted that the Senate and conference allowance includes a budget estimated of $10 million which was not considered by the House.

Mr. President, the committee is deeply concerned over the administration's action of impounding all of the unbudgeted planning and construction items added by the Congress last year. Perhaps one reason for that action was the erroneous information furnished the President at the time he signed the Public Works Appropriation Act concerning the congressional add-ons. At that time it was stated that the future commitments totaled $4.5 billion, but, actually, the future commitment of the new starts added by Congress was $1.4 billion. To arrive at the higher figure it would be necessary to consider the total cost of all new planning, all new land acquisition, and all new construction as a future commitment. The most realistic point at which we should consider a commitment has been made is at the time the first construction funds are appropriated. I believe it is appropriate, therefore, to set forth the future commitment on all new construction projects for the corps contained in the conference agreement.

CONSTRUCTION—CORPS OF ENGINEERS

The fiscal year 1972 budget included $33,731,000 for the completion of 27 projects; $819,843,000 for the continuation of 207 projects; and $3,844,000 for seven new projects.

The conference agreement provides $9,666,000 for the initiation of construction on 21 new projects, including approval of five of the seven requested in the budget. The 21 new projects have a total future commitment of $192,539,000, which represents 2.5 months of construction at the present rate of appropriations. Without the additional new starts included by the Congress, 185 projects would remain in the continuing construction program for fiscal year 1973.

Mr. President, the amount allowed on a number of the projects currently under construction exceeds the budget estimate. The House and Senate committees believed that in these cases the budget estimate was inadequate for efficient operations during the current year. As a matter of fact, in at least three of these cases the agencies have already notified the contractors that in 30 days they will have exhausted the funds available for the entire fiscal year.

There is no question but that the Congress has the prerogative to make adjustments in the budget requests and establish its own priorities to the extent it believes necessary.

Obviously, last year the Office of Management and Budget failed to ascertain the reasons for the congressional actions.

The committee believes that the funds agreed to in conference are necessary and well justified. It is expected, therefore, that the allocations to projects and activities agreed upon for fiscal year 1972 will be adhered to and the funds apportioned for obligation during the current fiscal year.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed under "Construction, general."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONSTRUCTION, GENERAL, FISCAL YEAR 1972

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Alabama:								
(N)	Alabama River channel improvement	$700,000		$700,000		$700,000		$700,000	
(R)	John Hollis Bankhead lock and dam	**3,252,000		3,252,000		3,252,000		3,252,000	
(MP)	Jones Bluff lock and dam	2,710,000		2,710,000		3,600,000		3,200,000	
(N)	Mobile Harbor, Theodore Ship Channel						$50,000		
(FC)	Montgomery				$25,000		25,000		$25,000
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss.	6,000,000		6,000,000		6,000,000		6,000,000	
	Tombigbee River and tributaries, Mississippi and Alabama. (See Mississippi.)								
	West Point Lake, Ala. and Ga. (See Georgia.)								
	Alaska:								
(FC)	Chena River Lakes, Fairbanks		$1,300,000		1,300,000		1,300,000		1,300,000
(N)	Humboldt Harbor		50,000		50,000		50,000		50,000
(N)	Kake Harbor		45,000		45,000		45,000		45,000
(N)	King Cove Harbor			590,000		590,000		590,000	
(N)	Myers Chuck Harbor	148,000				148,000			
(N)	Sergius and Whitestone Narrows	900,000		900,000		900,000		900,000	
(MP)	Snettisham power proiect	17,000,000		17,000,000		21,200,000		21,200,000	
	Arizona:								
(FC)	Indian Bend Wash		250,000		250,000		250,000		250,000
(FC)	Phoenix and vicinity including New River (Stage I)	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	1,000,000		1,000,000		1,000,000		1,000,000	
	Arkansas:								
(FC)	Bayou Bartholomew and tributaries (1950 and 1966 acts), Ark. and La.		145,000		145,000		145,000		145,000
(FC)	Bell Foley Lake		175,000		175,000		270,000		270,000
(MP)	De Gray Lake	975,000		975,000		1,200,000		1,100,000	
(FC)	De Queen Lake	2,600,000		2,600,000		2,600,000		2,600,000	
(FC)	Dierks Lake	3,200,000		3,200,000		3,200,000		3,200,000	
(FC)	Gillham Lake	2,380,000		2,380,000		2,380,000		2,380,000	
(N)	McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma:								
	(a) Navigation locks and dams	16,225,000		16,225,000		16,225,000		16,225,000	
(N)	Ouachita and Black Rivers, Ark. and La.	1,803,000		3,803,000		4,603,000		4,603,000	
(MP)	Ozark lock and dam	8,800,000		8,800,000		8,800,000		8,800,000	
(FC)	Pine Mountain Lake		95,000		95,000		95,000		95,000
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex.	1,550,000		1,550,000		1,550,000		1,550,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	California:								
(FC)	Alameda Creek, Del Valle Reservoir	$1,215,000		$1,215,000		$1,215,000		$1,215,000	
(FC)	Buchanan Lake			400,000		400,000		400,000	
(FC)	Butler Valley Dam-Blue Lake		$1,200,000		$1,200,000		$1,200,000		$1,200,000
(FC)	Chester, North Fork of Feather River				40,000				
(BE)	Coast of California, Pt. Mugu to San Pedro (reimbursement)	160,000		160,000		160,000		160,000	
(FC)	Corte Madera Creek	800,000		800,000		800,000		800,000	
(N)	Crescent City Harbor			350,000		350,000		350,000	
(FC)	Cucamonga Creek		410,000		410,000		410,000		410,000
(FC)	Dry Creek (Warm Springs) Lake and Channel	5,300,000		7,150,000		7,150,000		7,150,000	
(FC)	Hidden Lake			1,250,000		1,250,000		1,250,000	
(FC)	Klamath River	2,875,000		2,875,000		2,875,000		2,875,000	
(FC)	Lakeport Lake				500,000		500,000		500,000
(FC)	Los Angeles County drainage area	200,000		200,000		200,000		200,000	
(FC)	Lytle and Warm Creeks			1,000,000				500,000	
	Martis Creek Lake, Calif. and Nev. (See Nevada.)								
(FC)	Mojave River Dam	1,232,000		1,232,000		1,232,000		1,232,000	
(N)	Napa River	950,000		950,000		950,000		950,000	
(FC)	New Don Pedro Reservoir (reimbursement)	995,000		995,000		995,000		995,000	
(MP)	New Melones Lake	16,650,000		18,350,000		18,350,000		18,350,000	
(FC)	Pajaro River (1966 act)		206,000		206,000		206,000		206,000
(N)	Port Hueneme Harbor		90,000		90,000		90,000		90,000
(FC)	Russian River Basin Coyote Valley Dam and Russian River Channel	300,000		300,000		300,000		300,000	
(FC)	Sacramento River and major and minor tributaries	100,000		100,000		100,000		100,000	
(FC)	Sacramento River bank protection	1,710,000		1,710,000		2,500,000		2,200,000	
(N)	San Diego Harbor			500,000		500,000		500,000	
(BE)	San Diego, Sunset Cliffs (reimbursement)	160,000		160,000		160,000		160,000	
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Santa Paula Creek channel	600,000		1,400,000		1,400,000		1,400,000	
(FC)	Sonoma Creek		220,000		220,000		220,000		220,000
(BE)	Surfside-Sunset and Newport Beach	500,000		500,000		500,000		500,000	
(FC)	Sweetwater River			200,000		200,000		200,000	
(FC)	Tahquitz Creek	950,000		950,000		950,000		950,000	
(N)	Ventura Marina (reimbursement)	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Walnut Creek	1,480,000		1,480,000		1,480,000		1,480,000	
	Colorado:								
(FC)	Bear Creek Lake (land acquisition)			890,000		890,000		890,000	
(FC)	Boulder				150,000		150,000		150,000
(FC)	Chatfield Lake	10,700,000		10,700,000		10,700,000		10,700,000	
(FC)	Trinidad Lake	1,800,000		1,800,000		1,800,000		1,800,000	
	Connecticut:								
(FC)	Ansonia-Derby	4,700,000		4,700,000		4,700,000		4,700,000	
(FC)	Danbury		164,000		50,000		50,000		50,000
(FC)	Derby	3,000,000		3,000,000		3,000,000		3,000,000	
(FC)	New London Barrier	**300,000		300,000		300,000		300,000	
(FC)	Park River				200,000		200,000		200,000
(FC)	Stratford		150,000		150,000		150,000		150,000
(FC)	Trumbull Lake	1,200,000		1,200,000		1,200,000		1,200,000	
	Delaware:								
(N)	Delaware Bay-Chesapeake Bay Waterway, Del., Md., and Va.						65,000		65,000
(FC)	Delaware coast protection		150,000		150,000		150,000		150,000
(N)	Inland waterway, Delaware River to Cheaspeake Bay (Cheaspeake and Delaware Canal), pt. II, Delaware and Maryland	4,624,000		4,624,000		4,624,000		4,624,000	
	Florida:								
(BE)	Brevard County		70,000		70,000		70,000		70,000
(BE)	Broward County Hillsboro Inlet (Reimbursement)	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Canaveral Harbor	200,000		200,000		200,000		200,000	
(FC)	Central and Southern Florida	8,261,000		8,261,000		10,000,000		8,761,000	
(N)	Cross-Florida Barge Canal	[1] 3,750,000		3,750,000		3,750,000		3,750,000	
(BE)	Duval County						75,000		
(BE)	Fort Pierce (Reimbursement)	361,000		361,000		361,000		361,000	
(FC)	Four Rivers basins	3,280,000		3,280,000		3,280,000		3,280,000	
(N)	Hudson River (Restudy)		10,000		10,000		10,000		10,000
(N)	Jacksonville Harbor (1965 act)	4,250,000		4,875,000		4,875,000		4,875,000	
(N)	Miami Harbor					400,000		200,000	
(BE)	Pinnellas County	100,000		100,000		100,000		100,000	
(N)	Tampa Harbor (Speical study)				200,000		200,000		200,000
(BE)	Virginia Key and Key Biscayne	450,000		450,000		450,000		450,000	
	Georgia:								
(MP)	Carters Lake	8,950,000		9,450,000		9,450,000		9,450,000	
(MP)	Lazer Creek Lake		350,000		350,000		350,000		350,000
(N)	Savannah Harbor, 40 feet (widening and deepening)	200,000		200,000		400,000		400,000	
(N)	Savannah Harbor (sediment basin)	1,800,000		1,800,000		1,800,000		1,800,000	
(MP)	Spewrell Bluff Lake	1,000,000		1,500,000		1,500,000		1,500,000	
(MP)	Trotter Shoals Lake, Georgia and South Carolina			250,000		500,000		500,000	
(MP)	West Point Lake, Ala. and Ga	13,300,000		13,300,000		13,300,000		13,300,000	
	Hawaii:								
(N)	Ala Wai Harbor						54,000		54,000
(FC)	Kaneohe-Kailua Area				160,000		160,000		160,000
(N)	Lahaina Harbor					200,000			
(BE)	Waikiki Beach	100,000		100,000		100,000		100,000	
	Idaho:								
(MP)	Dworshak Dam and Reservoir	54,900,000		54,900,000		54,900,000		54,900,000	
(FC)	Ririe Lake	1,000,000		1,000,000		1,500,000		1,500,000	
(FC)	Stuart Gulch Dam		26,000		26,000		50,000		50,000
	Illinois:								
(N)	Calumet River and Harbor, Ill. and Ind	200,000		200,000		200,000		200,000	
(FC)	Carlyle Lake, Kaskaskia River	580,000		580,000		580,000		580,000	
(N)	Chicago River North Branch			200,000		200,000		200,000	
(FC)	East Moline		100,000		100,000		100,000		100,000
(FC)	East St. Louis and vicinity (Cahorkia Dam)	500,000		500,000		500,000		500,000	
(FC)	East St. Louis and vicinity (interior flood control)		250,000		250,000		250,000		250,000
(FC)	Freeport	200,000		200,000		200,000		200,000	
(FC)	Fulton		120,000		120,000		120,000		120,000
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	5,100,000		5,100,000		5,100,000		5,100,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		150,000		150,000		150,000		150,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Illinois—Continued								
(N)	Illinois Waterway Duplicate Locks		$400,000		$400,000		$400,000		$400,000
	Island Levee, Ill. and Ind. (see Indiana.)								
(N)	Kaskaskia River navigation	$14,900,000		$18,400,000		$14,900,000		$16,650,000	
(FC)	Lake Shelbyville	286,000		686,000		686,000		686,000	
(FC)	Levee District 23 (Dively), Kaskaskia River			60,000		60,000		60,000	
(FC)	Lincoln Lake	800,000		800,000		800,000		800,000	
(N)	Lock and dam 26, Mississippi River, Alton, Ill., and Mo		1,449,000		1,700,000		1,700,000		1,700,000
(FC)	Louisville Lake		200,000		250,000		250,000		250,000
(FC)	McGee Creek drainage and Levee district					200,000			
(FC)	Milan		80,000		80,000		80,000		80,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:								
	Chain of rocks	200,000		200,000		200,000		200,000	
(N)	Mound City lock and dam, Illinois and Kentucky (land acquisition)			(7)		(7)		(7)	
(FC)	Oakley Lake and channel improvement (land acquisition)	200,000		200,000		200,000		200,000	
(FC)	Peoria		100,000		50,000		50,000		50,000
(FC)	Rend Lake	2,316,000		2,316,000		2,316,000		2,316,000	
(FC)	Rock Island	620,000		800,000		800,000		800,000	
(FC)	Saline River and tributaries	1,500,000		1,800,000		1,800,000		1,800,000	
(N)	Smithland locks and dam, Illinois and Kentucky	6,000,000		6,000,000		6,000,000		6,000,000	
	Indiana:								
(FC)	Brookville Lake	4,470,000		4,470,000		4,470,000		4,470,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)								
(N)	Cannelton locks and dam, Indiana and Kentucky	7,500,000		7,500,000		7,500,000		7,500,000	
(FC)	Clifty Creek Lake (land acquisition)			100,000		100,000		100,000	
(FC)	Evansville	700,000		700,000		700,000		700,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)								
(FC)	Island levee, Indiana and Illinois	200,000		200,000		200,000		200,000	
(FC)	Levee Unit No. 5	74,000		74,000		74,000		74,000	
(FC)	Mason J. Niblack Levee (pumping facilities)		60,000		60,000		60,000		60,000
(N)	Newburgh locks and dam, Indiana and Kentucky	22,000,000		22,000,000		22,000,000		22,000,000	
(FC)	Patoka Lake (land acquisition)	500,000		1,200,000		1,200,000		1,200,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	15,000,000		15,000,000		15,000,000		15,000,000	
(FC)	West Terre Haute	420,000		420,000		420,000		420,000	
	Iowa:								
(FC)	Ames Lake	100,000		100,000		100,000		100,000	
(FC)	Bettendorf		110,000		110,000		110,000		110,000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak		20,000		20,000		20,000		20,000
(FC)	Clinton		200,000		200,000		200,000		200,000
(FC)	Davenport				30,000		30,000		30,000
(FC)	Davids Creek Lake		80,000		80,000		80,000		80,000
(FC)	Des Moines	1,150,000		1,150,000		1,150,000		1,150,000	
(FC)	Dubuque	1,500,000		1,500,000		1,500,000		1,500,000	
(N)	Fort Madison Harbor	745,000		745,000		745,000		745,000	
(FC)	Guttenberg	800,000		1,100,000		1,100,000		1,100,000	
(FC)	Marshalltown	400,000		400,000		400,000		400,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1,975,000		1,975,000		2,250,000		2,250,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas Missouri, and Nebraska	2,395,000		2,395,000		3,500,000		2,900,000	
(FC)	Red Rock Dam and Lake Red Rock	2,403,000		2,403,000		2,403,000		2,403,000	
(FC)	Saylorville Lake	4,648,000		4,648,000		4,648,000		4,648,000	
(FC)	Waterloo	800,000		1,000,000		1,000,000		1,000,000	
	Kansas:								
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).								
(FC)	Big Hill Lake			500,000		500,000		500,000	
(FC)	Cedar Point Lake		125,000		225,000		225,000		225,000
(FC)	Clinton Lake	1,800,000		1,800,000		1,800,000		1,800,000	
(FC)	Dodge City			150,000		150,000		150,000	
(FC)	El Dorado Lake	100,000		100,000		100,000		100,000	
(FC)	Great Bend				200,000		200,000		200,000
(FC)	Grove Lake		100,000		225,000		225,000		225,000
(FC)	Hays, Big Creek	400,000		400,000		400,000		400,000	
(FC)	Hillsdale Lake		306,000		306,000		306,000		306,000
(FC)	Indian Lake						100,000		
(FC)	Kansas City (1962 mod)	2,650,000		2,650,000		2,650,000		2,650,000	
(FC)	Lawrence	539,000		539,000		539,000		539,000	
(FC)	Marion				50,000		50,000		50,000
(FC)	Melvern Lake	5,295,000		5,295,000		5,295,000		5,295,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Onaga Lake		223,000		223,000		223,000		223,000
(FC)	Tomahawk Lake						150,000		
(FC)	Topeka	505,000		505,000		505,000		505,000	
(FC)	Wolf-Coffee Lake						100,000		100,000
	Kentucky:								
(FC)	Booneville Lake		245,000		245,000		245,000		245,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Carr Fork Lake	3,585,000		3,585,000		3,585,000		3,585,000	
(FC)	Cave Run Lake	7,167,000		7,167,000		7,167,000		7,167,000	
(MP)	Celina (restudy)				170,000		170,000		170,000
(FC)	Eagle Creek Lake		120,000		120,000		120,000		120,000
(FC)	Falmouth Lake		100,000		100,000		100,000		100,000
(FC)	Kehoe Lake		175,000		175,000		175.000		175,000
(MP)	Laurel River Lake	6,000,000		6,000,000		6,000,000		6,000,000	
(FC)	Martin	850,000		85C,000		850,000		850,000	
(FC)	Martins Fork Lake	400,000			(8)	400,000	(8)	400,000	(8)
	Mound City lock and dam, Ill. and Ky. (See Illinois.)								
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Paintsville Lake			250,000		250,000		250,000	
(FC)	Red River Lake	300,000		300,000		300,000		300.000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)								
(FC)	Southwestern Jefferson County		280,000		280,000		280,000		280.000
(FC)	Taylorsville Lake			150,000		150,000		150,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Kentucky—Continued								
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Yatesville Lake		$75,000		$75,000		$75,000		$75,000
	Louisiana:								
(N)	Atchafalaya River, Bayous Chene, Boeuf and Black		90,000		90,000	$840,000	90,000	$840,000	90,000
	Bayou Bartholomew, Ark. and La. (See Arkansas.)								
(FC)	Bayou Bodcau and tributaries	$400,000		$400,000		400,000		400,000	
(N)	Calcasieu River at Devils Elbow						20,000		20,000
(FC)	Grand Isle and vicinity					100,000		100,000	
(FC)	Lake Pontchartrain, and vicinity	**5,555,000		7,755,000		7,755,000		7,755,000	
(N)	Mermentau River (Lake Arthur Bridge replacement)					1,000,000		1,000,000	
(N)	Michoud Canal			100,000		100,000		100,000	
(N)	Mississippi River, gulf outlet	925,000		925,000		1,200,000		925,000	
(N)	Mississippi River Outlets Venice		100,000		100,000		100,000		100,000
(FC)	Monroe Floodwall			100,000		100,000		100,000	
(FC)	Morgan City and vicinity	500,000		500,000		500,000		500,000	
(FC)	New Orleans to Venice hurricane protection	998,000		1,800,000		2,600,000		2,600,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
(FC)	Ouachita River Levees			80,000		80,000		80,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	700,000		700,000		1,500,000		1,500,000	
(N)	Red River Emergency Bank Protection					1,000,000		1,000,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La. and Tex. (See Arkansas.)								
(N)	Red River Waterway (Mississippi River to Shreveport), La., Ark., Okla., and Tex.				300,000		300,000		300,000
(N)	Vermilion lock (replacement)		100,000		100,000		100,000		100,000
	Maine:								
(MP)	Dickey-Lincoln School Lakes						800,000		
	Maryland:								
(N)	Baltimore Harbor and Channels (1958 Act)	50,000		50,000		50,000		50,000	
(FC)	Bloomington Lake, Md. and W. Va.	6,220,000		6,220,000		6,220,000		6,220,000	
	Delaware Bay-Chesapeake Bay Waterway Del., Md., and Va. (see Delaware.)								
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)								
	Massachusetts:								
(FC)	Charles River Dam		225,000		225,000		225,000		225,000
(N)	Fall River Harbor, Mass. and R.I.			600,000		600,000		600,000	
(FC)	Nookagee Lake		193,000		193,000		193,000		193,000
(N)	Provincetown Harbor	2,380,000		2,380,000		2,380,000		2,380,000	
(FC)	Quincy (Review report)				20,000		20,000		20,000
(FC)	Saxonville				100,000		100,000		100,000
(N)	Weymouth Fore and Town Rivers	5,000,000		5,000,000		5,000,000		5,000,000	
	Michigan:								
(N)	Detroit River—Trenton Channel						75,000		
(N)	Great Lakes Connecting Channels	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Kalamazoo	150,000		150,000		150,000		150,000	
(N)	Ludington Harbor		40,000		40,000		40,000		40,000
(N)	Point Lookout Harbor Au Gres River	1,118,000		1,118,000		1,118,000		1,118,000	
(FC)	River Rouge	4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	Saginaw River (flood control)	855,000		855,000		855,000		855,000	
	Minnesota:								
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak.	1,870,000		1,870,000		1,870,000		1,870,000	
(FC)	Mankato and North Mankato	1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	Twin Valley Lake				50,000		50,000		50,000
(FC)	Wild Rice River-South Branch and Felton Ditch		40,000				40,000		40,000
	Mississippi:								
(FC)	Tallahala Creek Lake		230,000		300,000		300,000		300,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)								
(FC)	Tombigbee and tributaries, Mississippi and Alabama	1,300,000		1,300,000		1,300,000		1,300,000	
	Missouri:								
(FC)	Brookfield Lake		41,000		200,000		200,000		200,000
(FC)	Chariton-Little Chariton Basins (1965 act)			350,000		350,000		350,000	
(FC)	Chariton River (1944 act)	583,000		538,000		583,000		583,000	
(MP)	Clarence Cannon Dam and Reservoir	5,200,000		5,200,000		5,200,000		5,200,000	
(MP)	Harry S. Truman Dam and Reservoir (formerly Kaysinger Bluff Reservoir).	17,400,000		18,000,000		18,000,000		18,000,000	
(FC)	Little Blue River Channel		135,000		135,000		135,000		135,000
(FC)	Little Blue River Lakes (land acquisition)	1,280,000		2,280,000		2,280,000		2,280,000	
	Lock and Dam 26, Alton Ill. and Mo. (See Illinois.)								
(FC)	Long Branch Lake			500,000		500,000		500,000	
(FC)	Meramec Park Lake (land acquisition)	1,500,000		2,500,000		2,500,000		2,500,000	
(FC)	Mercer Lake				60,000		60,000		60,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Pattonsburg Lake—Highway I-35 Crossing	[6] 500,000				500,000		500,000	
(FC)	Pattonsburg Lake (town relocation only)						50,000		50,000
(FC)	St. Louis	2,206,000		2,206,000		2,206,000		2,206,000	
(FC)	Smithville Lake			300,000		300,000		300,000	
(MP)	Stockton Lake	4,066,000		4,066,000		4,066,000		4,066,000	
(FC)	Union Lake		275,000		275,000		275,000		275,000
(FC)	Union Lake (State highway 185 relocation) (advance participation.)	1,000,000		1,000,000		1,000,000		1,000,000	
	Montana:								
(FC)	Great Falls	50,000		50,000		50,000		50,000	
(MP)	Libby Dam—Lake Koocanusa	53,200,000		53,200,000		60,000,000		57,200,000	
(FC)	Miles City (restudy)		40,000		40,000		40,000		40,000
	Nebraska:								
(MP)	Gavins Point Dam—Lewis and Clark Lake (relocation of Niobrara, Nebr.), Nebr. and S. Dak.					1,000,000		750,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)								
(FC)	Papillion Creek and Tributaries (land acquisition)			2,000,000		2,000,000		2,000,000	
	Nevada:								
(FC)	Martis Creek Lake, Calif. and Nev.	2,470,000		2,470,000		2,470,000		2,470,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

		Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
	Construction, general, State and project (1)	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	New Hampshire:								
(FC)	Beaver Brook Lake	$300,000				$300,000		$300,000	
	New Jersey:								
(BE)	Atlantic City (reimbursement)	300,000		$300,000		300,000		300,000	
(FC)	Elizabeth	1,670,000		1,670,000		1,670,000		1,670,000	
(N)	Newark Bay, Hackensack and Passaic Rivers	2,750,000		4,250,000		4,250,000		4,250,000	
(FC)	Raritan and Sandy Hook Bays	2,096,000		2,096,000		2,096,000		2,096,000	
(FC)	South Orange, Rahway River	880,000		880,000		880,000		880,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)								
	Rahway River, South Branch Rahway (Sec. 205)					(800,000)		(800,000)	
	New Mexico:								
(FC)	Albuquerque diversion channels	1,222,000		1,222,000		1,222,000		1,222,000	
(FC)	Cochiti Lake	12,000,000		12,000,000		12,000,000		12,000,000	
(FC)	Las Cruces	500,000		500,000		500,000		500,000	
(FC)	Los Esteros Lake and modification of Alamogordo Dam	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Rio Grande Floodway (Espanola Valley)	346,000		346,000		346,000		346,000	
	New York:								
(N)	East River (Spur Channel to Astoria Waterfront)				$60,000		$60,000		$60,000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay		$190,000		190,000		190,000		190,000
(FC)	Ellicott Creek (Plan Formulation Study)				150,000		150,000		150,000
(BE)	Fire Island Inlet to Jones Inlet	600,000		600,000		600,000		600,000	
(FC)	Fire Island Inlet to Montauk Point	800,000		800,000		800,000		800,000	
(N)	Hamlin Beach Harbor		50,000		50,000		50,000		50,000
(N)	Irondequoit Bay								
(N)	New York Harbor (anchorages)	1,620,000		4,620,000		4,620,000		4,620,000	
(N)	New York Harbor collection and removal of drift				80,000		80,000		80,000
(FC)	Nichols	315,000		315,000		315,000		315,000	
(FC)	North Ellenville	50,000		50,000		50,000		50,000	
(N)	Port Jefferson Harbor (Restudy)				50,000		50,000		50,000
(FC)	South Ellenville	50,000		50,000		50,000		50,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)								
(FC)	Yonkers		15,000		15,000		15,000		15,000
	North Carolina:								
(FC)	Falls Lake	1,820,000		2,805,000		3,790,000		3,300,000	
(FC)	Howards Mill Lake				92,000		92,000		92,000
(N)	Morehead City Harbor (1970 act)						60,000		60,000
(FC)	New Hope Lake	9,100,000		9,100,000		10,100,000		9,600,000	
(FC)	Ocracoke Island		80,000		80,000		80,000		80 000
(FC)	Randleman Lake		122,000		364,000		364,000		364,000
(FC)	Reddies River Lake		100,000		100,000		100,000		100,000
	North Dakota:								
(FC)	Burlington Dam						50,000		50,000
(R)	Garrison Dam-Lake Sakakawea (embankment repair)	900,000		900,000		900,000		900,000	
(MP)	Garrison Dam-Lake Sakakawea (Eagle Bay and Ft. Yates highway bridges)				350,000		350,000		350,000
	Oahe Dam-Lake Oahe, S. Dak. and N. Dak. (See South Dakota).								
	Lower Branch Rush River (sec. 205)			(200,000)		(200,000)		(200,000)	
(FC)	Minot	**650,000		200,000		650,000		650,000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	660,000		660,000		660,000		660,000	
(FC)	Pipestem Lake	1,350,000		1,350,000		1,350,000		1,350,000	
	Ohio:								
(FC)	Alum Creek Lake	10,130,000		10,855,000		10,855,000		10,855,000	
(FC)	Caesar Creek Lake	2,100,000		2,100,000		2,100,000		2,100,000	
(FC)	Clarence J. Brown Dam and Reservoir	4,505,000		4,505,000		4,505,000		4,505,000	
(FC)	East Fork Lake	3,715,000		3,715,000		3,715,000		3,715,000	
(FC)	Fremont	5,635,000		5,635,000		5,635,000		5,635,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	12,105,000		12,105,000		12,105,000		12,105,000	
(BE)	Lakeview Park, Lorain				40,000		40,000		40,000
(N)	Lorain Harbor	1,600,000		1,600,000		1,600,000		1,600,000	
(FC)	Mill Creek				100,000		100,000		100,000
(FC)	Newark		80,000		80,000		80,000		80,000
(FC)	North Branch of Kokosing River Lake	1,675,000		1,675,000		1,675,000		1,675,000	
(FC)	Paint Creek Lake	4,440,000		4,440,000		4,440,000		4,440,000	
(FC)	Salt Creek Lake (land acquisition)			100,000		100,000		100,000	
	Shenango River Lake, Pa. and Ohio. (See Pennsylvania.)								
(FC)	Utica Lake		270,000		270,000		270,000		270,000
(N)	Vermilion Harbor			200,000		200,000		200,000	
(N)	Willow Island locks and dam, Ohio and West Virginia	2,900,000		2,900,000		3,500,000		3,200,000	
(FC)	Youngstown, Crab Creek	1,650,000		1,650,000		1,650,000		1,650,000	
	Oklahoma:								
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
(FC)	Arcadia Lake				150,000		150,000		150,000
(FC)	Clayton Lake		316,000		316,000		316,000		316,000
(FC)	Copan Lake	100,000		600,000		600,000		600,000	
(FC)	Crutcho Creek	100,000		100,000		100,000		100,000	
(FC)	Hugo Lake	5,800,000		5,800,000		5,800,000		5,800,000	
(FC)	Kaw Lake	13,300,000		13,300,000		13,300,000		13,300,000	
	McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma. (See Arkansas.)								
(FC)	Oologah Lake	500,000		500,000		500,000		500,000	
(FC)	Optima Lake	1,400,000		1,400,000		1,400,000		1,400,000	
(FC)	Sand Lake						100,000		
(FC)	Waurika Lake	500,000		500,000		500,000		500,000	
(MP)	Webbers Falls lock and dam	5,300,000		5,300,000		5,300,000		5,300,000	
	Oregon:								
(MP)	Bonneville lock and dam (2d power unit), Oregon and Washington		470,000		470,000		470,000		470,000
(MP)	Bonneville lock and dam (mod. for peaking), Oregon and Washington	5,800,000		5,800,000		5,800,000		5,800,000	
(FC)	Cascadia Lake	600,000							
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	650,000		650,000		650,000		650,000	
(FC)	Elk Creek Lake	1,200,000		1,200,000		1,200,000		1,200,000	
(MP)	John Day lock and dam (Lake Umatilla), Oregon and Washington	9,394,000		9,394,000		9,394,000		9,394,000	
(MP)	Lost Creek Lake	7,260,000		7,260,000		7,260,000		7,260,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	400,000		400,000		400,000		400,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Oregon—Continued								
	The Dalles lock and dam, Washington and Oregon (additional power units). (See Washington.)								
(N)	Tillamook Bay and Bar (south jetty)	$800,000		$800,000		$1,500,000		$1,500,000	
(FC)	Willow Creek Lake				$300,000		$300,000		$300,000
(N)	Yaquina Bay and Harbor	2,400,000		2,400,000		2,400,000		2,400,000	
	Pennsylvania:								
(FC)	Beltzville Lake	419,000		419,000		419,000		419,000	
(FC)	Blue Marsh Lake (land acquisition)	800,000		800,000		800,000		800,000	
(FC)	Chartiers Creek	2,915,000		2,915,000		2,915,000		2,915,000	
(FC)	DuBois	400,000		400,000		400,000		400,000	
(FC)	Foster Joseph Sayers Dam	575,000		575,000		575,000		575,000	
(FC)	Muddy Creek Dam		$35,000		35,000		35,000		35,000
(FC)	Raystown Lake	14,000,000		14,000,000		14,000,000		14,000,000	
(FC)	Shenango River Lake, Pa. and Ohio	1,750,000		1,750,000		1,750,000		1,750,000	
(FC)	Tioga-Hammond Lakes	2,465,000		2,465,000		2,465,000		2,465,000	
(MP)	Tocks Island Lake, Pa., N.J., and N.Y	8,550,000		8,550,000		9,550,000		9,550,000	
(FC)	Trexler Lake		160,000		160,000		160,000		160,000
(FC)	Tyrone					500,000		500,000	
(FC)	Union City Dam	1,640,000		1,640,000		1,640,000		1,640,000	
(FC)	Woodcock Creek Lake	4,900,000		4,900,000		4,900,000		4,900,000	
	Puerto Rico:								
(FC)	Portuguese and Bucana Rivers (Ponce)				400,000		400,000		400,000
	Rhode Island:								
(BE)	Cliff Walk, Newport	60,000		60,000		60,000		60,000	
	Fall River Harbor, Mass. and R.I. (See Mass.)								
(N)	Providence River and Harbor	1,830,000		1,830,000		1,830,000		1,830,000	
	South Carolina:								
(N)	Cooper River-Charleston Harbor		150,000		150,000		450,000		300,000
	Trotters Shoals Lake, Georgia and South Carolina. (See Georgia.)								
	South Dakota:								
(MP)	Big Bend Dam-Lake Sharpe	2,239,000		2,239,000		2,239,000		2,239,000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)								
	Big Stone Lake-Whitstone River, Minn. and S. Dak. (See Minnesota.)								
	Gavins Point Dam-Lewis and Clark Lake (relocation of Niobrara Nebraska) Nebr. and S. Dak. (See Nebraska.)								
(MP)	Oahe Dam-Lake Oahe, S. Da . and N. Dak	2,100,000		2,100,000		2,100,000		2,100,000	
	Tennessee:								
(MP)	Cordell Hull Dam and Reservoir	8,000,000		8,000,000		8,000,000		8,000,000	
	Texas:								
(FC)	Aquilla Lake				100,000		100,000		100,000
(FC)	Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas		300,000		300,000		300,000		300,000
(FC)	Aubrey Lake		135,000		285,000		285,000		285,000
(FC)	Belton Lake (raise water supply pool)	688,000		688,000		688,000		688,000	
(FC)	Big Pine Lake				100,000		100,000		100,000
(FC)	Buffalo Bayou and tributaries	508,000		508,000		508,000		508,000	
(FC)	Cedar Bayou			430,000		430,000		430,000	
(FC)	Clear Creek				100,000		100,000		100,000
(FC)	Cooper Lake and channels	1,150,000		1,150,000		1,150,000		1,150,000	
(N)	Corpus Christi ship channel			500,000		500,000		500,000	
(FC)	Duck Creek channel improvement			500,000		500,000		500,000	
(FC)	Elm Fork Floodway		225,000		225,000		225,000		225,000
(FC)	El Paso	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Freeport and vicinity, hurricane flood protection			500,000		500,000		500,000	
(FC)	Greenville Channel improvement				12,000		12,000		12,000
(N)	Guadalupe River (remove log jam)				25,000		25,000		25,000
(FC)	Highland Bayou	100,000		100,000		100,000		100,000	
(FC)	Lake Kemp	3,500,000		3,500,000		3,500,000		3,500,000	
(FC)	Lavon Lake modification and East Fork channel improvement	12,260,000		12,260,000		12,260,000		12,260,000	
(FC)	Millican Lake, Navasota River		150,000		150,000		150,000		150,000
(N)	Mouth of Colorado River		130,000		130,000		130,000		130,000
(FC)	Navarro Mills Lake (road relocation)				50,000		50,000		50,000
(FC)	Port Arthur and vicinity, hurricane flood protection	**5,230,000		4,700,000		5,230,000		5,230,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	3,530,000		3,530,000		3,530,000		3,530,000	
(FC)	San Antonio Channel improvement	1,037,000		1,037,000		1,037,000		1,037,000	
(FC)	San Gabriel River	1,000,000		2,000,000		2,000,000		2,000,000	
(FC)	Taylors Bayou	900,000		900,000		900,000		900,000	
(FC)	Texas City and vicinity, hurricane flood protection	1,960,000		1,960,000		1,960,000		1,960,000	
(N)	Trinity River and tributaries advance participation on high level bridges	2,302,000		2,302,000		2,302,000		2,302,000	
(N)	Trinity River project		1,000,000		1,000,000		1,000,000		1,000,000
(N)	Wallisville Lake	4,200,000		4,200,000		4,200,000		4,200,000	
(MP)	Whitney Lake (raise power pool)	350,000		350,000		350,000		350,000	
	Utah:								
(FC)	Little Dell Lake		309,000		309,000		309,000		309,000
(FC)	Weber River and tributaries		25,000		25,000		25,000		25,000
	Virginia:								
	Delaware Bay-Chesapeake Bay Waterway Del., Md., and Va. (see Delaware.)								
(FC)	Four Mile Run City of Alexandria, and Arlington County		**245,000		245,000		245,000		245,000
(FC)	Gathright Lake	4,780,000		4,780,000		4,780,000		4,780,000	
(N)	Hampton Roads	1,397,000		1,397,000		1,397,000		1,397,000	
(N)	James River		30,000		30,000		30,000		30,000
(MP)	Salem Church Lake		500,000		500,000		500,000		500,000
(BE)	Virginia Beach (reimbursement)	100,000		100,000		100,000		100,000	
	Washington:								
	Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.)								
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(MP)	Ice Harbor lock and dam (Lake Sacajawea), additional generating units	**4,400,000		1,000,000		4,400,000		4,400,000	
	John Day lock and dam (Lake Umatilla), Oregon and Washington. (See Oregon.)								
(MP)	Little Goose lock and dam—Lake Bryan	**4,360,000				4,360,000		4,360,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1972—Continued

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Washington—Continued								
(MP)	Little Goose lock and dam—Lake Bryan (additional units)				$170,000		$170,000		170,000
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	Lower Granite lock and dam	$55,000,000		$55,000,000		$55,000,000		$55,000,000	
(MP)	Lower Monumental lock and dam	**6,915,000		2,500,000		6,915,000		6,915,000	
(MP)	The Dalles lock and dam (Lake Celilo) Wash., and Oreg. (additional power units)	13,000,000		13,000,000		13,000,000		13,000,000	
(FC)	Vancouver Lake area		$15,000		210,000		210,000		210,000
(FC)	Wahkaikum County Consolidated Diking District No. 1		60,000		100,000		100,000		100,000
(FC)	Wenatchee Canyons 1 and 2		50,000		50,000		50,000		50,000
(FC)	Wynoochee Lake	5,600,000		5,600,000		5,600,000		5,600,000	
(FC)	Zintel Canyon Dam				160,000		160,000		160,000
	West Virginia:								
(FC)	Beech Fork Lake	1,295,000		1,295,000		1,295,000		1,295,000	
	Bloomington Lake, Md. and W. Va. (See Maryland.)								
(FC)	Burnsville Lake	500,000		500,000		880,000		880,000	
(FC)	Coal River				75,000		75,000		75,000
(FC)	East Lynn Lake	3,515,000		3,515,000		3,515,000		3,515,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	R. D. Bailey (Justice) Lake	15,550,000		15,550,000		17,850,000		17,850,000	[9]
(FC)	Rowlesburg Lake	650,000				650,000			100,000
(FC)	Stonewall Jackson Lake	3,350,000		3,350,000		3,350,000		3,350,000	
(FC)	West Fork Lake		135,000		135,000		135,000		135,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	Wisconsin:								
(N)	Green Bay Harbor (1962 act)	1,281,000		1,281,000		1,281,000		1,281,000	
(FC)	La Farge Lake and Channel Improvement	1,730,000		1,730,000		1,730,000		1,730,000	
(R)	Racine Harbor	510,000		510,000		510,000		510,000	
	Miscellaneous:								
(N)	Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	2,910,000		2,910,000		2,910,000		2,910,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation costing up to $1,000,000 (sec. 205)	9,250,000		9,450,000		10,500,000		10,250,000	
(FC)	Emergency bank protection	500,000		500,000		1,000,000		1,000,000	
(FC)	Snagging and clearing	500,000		500,000		500,000		500,000	
	Recreation facilities, completed projects	6,000,000		7,135,000		8,000,000		7,600,000	
	Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	625,000		625,000		625,000		625,000	
	Aquatic plant control (1965 act)	900,000		900,000		1,275,000		1,100,000	
	Employees compensation	1,190,000		1,190,000		1,190,000		1,190,000	
	Reduction for anticipated savings and slippages	−36,650,000		−36,650,000		−36,650,000		−36,650,000	
	Committee reallocation of carryover balances			−1,637,000		−1,072,000		−1,637,000	
	Grand total, construction, general	842,149,000 (859,079,000)	17,030,000	866,061,000 (889,088,000)	23,027,000	911,923,000 (937,118,000)	25,195,000	904,131,000 (927,926,000)	23,795,000

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[6] Reflects changes made by the revised approved budget submitted in House Document No. 92–93 dated April 19, 1971, as follows: Cross-Florida Barge Canal from zero to $3,750,000 and Pattonsburg Highway Crossing from $2,000,000 to $500,000.

[7] Provides $118,000 of carryover Planning Funds.

[8] $60,000 carryover available to continue planning only.

[9] In addition, carryover balances of $325,000 are available for planning.

Project	Budget estimate construction	Revised budget estimate construction
Alabama: John Hollis Bankhead lock and dam	$6,752,000	$3,252,000
Connecticut: New London barrier	1,400,000	300,000
Louisiana: Lake Pontchartrain and vicinity	4,555,000	5,555,000
North Dakota: Minot		650,000
Texas: Port Arthur and vicinity, hurricane flood protection	4,700,000	5,230,000
Virginia: Four Mile Run, City of Alexandria and Arlington County		245,000
Washington:		
Ice Harbor lock and dam, additional units	1,000,000	4,400,000
Little Goose lock and dam—Lake Bryan		4,360,000
Lower Monumental lock and dam	2,500,000	6,915,000
Total	20,907,000	30,907,000
Net increase		+10,000,000

**—Reflects budget amendment in S. Doc. 92–32:

Mr. STENNIS. Mr. President, for Mississippi River and tributaries, the conference bill provides $86 million, which is $5,034,000 above the House allowance and the budget estimate, and $5,501,000 below the amount allowed by the Senate.

This is an extremely important project affording protection to parts of seven States. Because of budgetary impoundment last year, there was a total of $5,967,000 of carryover and reserve funds. The funds available for this project in fiscal year 1972, therefore, will total $91,967,000.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed for the Mississippi River and tributaries program.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, FISCAL YEAR 1972

Project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference agreement	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. General investigations:								
(a) Examinations and surveys	$1,048,000		$1,063,000		$1,250,000		$1,132,000	
(b) Collection and study of basic data	120,000		120,000		120,000		120,000	
Subtotal, general investigations	1,168,000		1,183,000		1,370,000		1,252,000	
2. Construction and planning:								
Mississippi River levee	$5,400,000		$5,400,000		$6,000,000		$5,700,000	
Mud Lake Pumping Plant								
Channel improvement	31,558,000		31,558,000		35,000,000		33,078,000	
Old River	100,000		100,000		100,000		100,000	
St. Francis Basin	4,589,000		4,589,000		7,000,000		5,789,000	
Lower White River:								
Big Creek and tributaries		$70,000		$70,000		$70,000		$70,000
Clarendon levee	100,000		100,000		100,000		100,000	
Cache Basin	200,000		370,000		370,000		370,000	
West Tennessee tributaries	400,000		400,000		400,000		400,000	
Tensas Basin:								
Boeuf and Tensas Rivers, etc	720,000		720,000		900,000		900,000	
Red River backwater	650,000		650,000		650,000		650,000	
Yazoo Basin:								
Sardis Lake	25,000		25,000		25,000		25,000	
Enid Lake	12,000		12,000		12,000		12,000	
Arkabutla Lake	50,000		50,000		50,000		50,000	
Grenada Lake	13,000		13,000		13,000		13,000	
Greenwood	410,000		410,000		460,000		460,000	
Tributaries	720,000		720,000		720,000		720,000	
Ascalmore—Tippo and Opossum Bayous (tributaries)	100,000		100,000		100,000		100,000	
Bank Stabilization (tributaries)								
Big Sunflower River, etc	350,000		350,000		350,000		350,000	
Steele Bayou Basin (Big Sunflower River)				30,000		30,000		30,000
Yazoo backwater	1,820,000		1,820,000		2,385,000		2,385,000	
Muddy Bayou, control structure (Yazoo backwater)	65,000		65,000		65,000		65,000	
Lower Red River, south bank	250,000		250,000		250,000		250,000	
Atchafalaya Basin	2,300,000		2,300,000		4,300,000		3,050,000	
Upper Point Coupee Loop Area (Atchafalaya Basin)	150,000		150,000		150,000		150,000	
Mississippi Delta region (salinity control structures)		5,000		5,000		5,000		
Tech Vermilion Basin		150,000		150,000		150,000		150,000
Eastern Rapides and South Central Avoyelles Parishes, Louisiana						100,000		100,000
Subtotal, construction and planning	49,982,000	225,000	50,152,000	255,000	59,400,000	355,000	54,717,000	
Reduction for anticipated savings and slippages	−1,409,000		−1,624,000		−1,624,000		−1,624,000	
Total, construction and planning	48,573,000	225,000	48,528,000	255,000	57,776,000	355,000	53,093,000	
3. Maintenance	31,000,000		31,000,000		32,000,000		31,300,000	
Grand total	(80,966,000)		79,528,000 (80,966,000)	255,000	89,776,000 (91,501,000)	355,000	84,393,000 (86,000,000)	355,000

TITLE III, DEPARTMENT OF THE INTERIOR

Mr. STENNIS. Mr. President, for title III the conference bill provides $480,506,000, which is $254,000 above the amount approved by the Senate; $4,050,000 above the House allowance; $15,054,000 above the budget; and $37,986,000 above the appropriation for fiscal year 1971.

For the Bureau of Reclamation, the conferees agreed on an increase of $425,000 for general investigations; and agreed to the House amount of $208,845,000 for construction and rehabilitation. This is $1,889,000 above the amount allowed by the Senate.

Mr. President, there is a clerical error in the joint explanatory statement of the Committee of Conference. In connection with the explanation of Amendment No. 11, on page 31 it is indicated that the allowance for the Narrows Unit, Colo., is $250,000 for planning. The figure should be $150,000.

The conferees allowed $500,000 of the $630,000 Senate increase for the upper Colorado River storage project.

I ask unanimous consent that tabulations showing the details of the conference agreement for construction and rehabilitation, and for the upper Colorado River storage project, be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

BUREAU OF RECLAMATION, FISCAL YEAR 1972
CONSTRUCTION AND REHABILITATION

Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(5)	(6)	(8)	(9)
Arizona:								
Colorado River front work and levee system			$1,500,000		$1,500,000		$1,500,000	
Pacific Northwest-Pacific Southwest intertie	$270,000		270,000		270,000		270,000	
California:								
Central Valley project:								
Trinity division	49,000		49,000		49,000		49,000	
Sacramento River division	1,225,000		1,225,000		1,225,000		1,225,000	
Tehama-Colusa Canal	97,000		1,297,000		1,297,000		1,297,000	
San Luis unit	7,437,000		16,637,000		12,000,000		14,957,000	
Westlands distribution and drainage system	(1,500,000)		(9,500,000)				(7,820,000)	
San Luis drain	(4,621,000)		(4,621,000)				(4,621,000)	
All other San Luis unit facilities	(1,247,000)		(1,247,000)				(1,247,000)	
Pleasant Valley Canal (Coalinga)	(69,000)		(1,269,000)				(1,269,000)	
Auburn-Folsom South unit	32,150,000		32,150,000		32,450,000		32,450,000	
Folsom South Canal	(16,053,000)		(16,053,000)		(16,353,000)		(16,353,000)	
All other Auburn area facilities	(16,097,000)		(16,097,000)		(16,097,000)		(16,097,000)	
All other project facilities	2,080,000		2,080,000		2,080,000		2,080,000	
San Felipe division		$300,000		$300,000		$300,000		$300,000
Total Central Valley project	43,038,000	300,000	53,438,000	300,000	49,101,000	300,000	53,828,000	300,000

Footnotes at end of table.

CONSTRUCTION AND REHABILITATION—Continued

Construction, general, State and project	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(5)	(6)	(8)	(9)
Colorado River front work and levee system (see Arizona).								
Pacific Northwest-Pacific Southwest intertie (see Arizona).								
Colorado: Fryingpan-Arkansas project	$18,897,000		$19,917,000		$20,917,000		$20,247,000	
Idaho:								
Irrigation facilities, Corps of Engineers		$8,000		$8,000		$8,000		$8,000
Rathdrum Prairie project, East Greenacres unit			400,000		400,000		400,000	
Teton Basin project, lower Teton division	10,655,000		10,655,000		10,655,000		10,655,000	
Nevada:								
Pacific Northwest-Pacific Southwest intertie (see Arizona).								
Southern Nevada water project	720,000		720,000		720,000		720,000	
Oklahoma: Mountain Park project	2,200,000		2,200,000		2,200,000		2,200,000	
Oregon:								
Irrigation facilities, Corps of Engineers projects (see Idaho).								
Tualatin project	1,100,000		2,300,000		2,300,000		2,300,000	
Texas: Palmetto Bend project	1,400,000		1,400,000		1,400,000		1,400,000	
Washington:								
Chief Joseph Dam project, Manson unit	1,200,000		1,200,000		1,200,000		1,200,000	
Columbia Basin project	102,739,000		105,199,000		104,199,000		104,199,000	
Irrigation and other	(11,689,000)		(12,149,000)		(12,149,000)		(13,149,000)	
3d powerplant	(91,050,000)		(91,050,000)		(91,050,000)		(91,050,000)	
Various:								
Drainage and minor construction program:								
All-American Canal system, California	2,000		2,000		2,000		2,000	
Boulder Canyon project, Arizona-Nevada	131,000		131,000		131,000		131,000	
Buffalo Rapids project, Montana	30,000		30,000		30,000		30,000	
Chief Joseph Dam project, Foster Creek division, Washington	300,000		300,000		300,000		300,000	
Eden project, Wyoming	400,000		400,000		400,000		400,000	
Gila project, Arizona	1,036,000		1,036,000		1,036,000		1,036,000	
Kendrick project, Wyoming	100,000		100,000		100,000		100,000	
Klamath project, Oregon-California	44,000		44,000		44,000		44,000	
Michaud Flats project, Idaho	33,000		33,000		33,000		33,000	
Parker-Davis project, Arizona-California-Nevada	955,000		955,000		955,000		955,000	
Pecos River Basin Water Salvage project, New Mexico-Texas	119,000		119,000		119,000		119,000	
Recreation facilities at existing reservoirs, various States	209,000		209,000		209,000		209,000	
San Angelo project, Texas	30,000		30,000		30,000		30,000	
Technical records and as-built drawings, Colorado	7,000		7,000		7,000		7,000	
Washita Basin project, Oklahoma	52,000		52,000		52,000		52,000	
Total, drainage and minor construction	3,448,000		3,448,000		3,448,000		3,448,000	
Rehabilitation and betterment of existing projects:								
Carlsbad project, New Mexico	500,000		500,000		500,000		500,000	
Cascade Canal, Talent division				15,000		15,000		15,000
Cascade Irrigation District, Washington			150,000		150,000		150,000	
El Paso County water improvement district No. 1			500,000		500,000		500,000	
Dickinson unit, Mann's Dam					48,000			
Klamath project, Shasta View Irrigation District, Oregon-California	260,000		260,000		260,000		260,000	
Solano project—California	800,000		800,000		800,000		800,000	
Salt River project, Arizona	775,000		775,000		775,000		775,000	
Shoshone project, Garland division, Wyoming								
Sun River, Mont.	200,000		200,000		200,000		200,000	
Tucumcari project, New Mexico	160,000		160,000		160,000		160,000	
Total rehabilitation and betterment of existing projects	2,695,000		3,345,000	15,000	3,393,000	15,000	3,345,000	15,000
Subtotal, exclusive of Pick-Sloan Missouri Basin program	188,362,000	308,000	204,992,000	323,000	201,703,000	323,000	203,942,000	323,000
PICK-SLOAN MISSOURI BASIN PROGRAM (MKBP)								
Colorado: Narrows unit						250,000		150,000
Montana: Canyon Ferry project			350,000		350,000		350,000	
Nebraska: Mid-State division		200,000		400,000		400,000		400,000
North Dakota:								
Garrison diversion unit	9,640,000		10,640,000		11,640,000		11,390,000	
Garrison diversion unit, Minot extension								
South Dakota:								
Garrison diversion unit (see North Dakota.)								
Garrison diversion unit, Minot extension (see North Dakota.)								
Oahe unit (land acquisition)		550,000	150,000	550,000	300,000	550,000	300,000	550,000
Various:								
Transmission division	5,591,000		5,591,000		5,591,000		5,591,000	
Drainage and minor construction program:								
Ainsworth unit, Nebraska	5,000		5,000		5,000		5,000	
Bostwick division, Nebraska-Kansas	892,000		892,000		892,000		892,000	
Cedar Bluff unit, Kansas	75,000		75,000		75,000		75,000	
East Bench unit, Montana	352,000		352,000		352,000		352,000	
Farwell unit, Nebraska	252,000		252,000		252,000		252,000	
Frenchman Cambridge division, Nebraska	500,000		500,000		500,000		500,000	
Glen Elder unit, Kansas	15,000		15,000		15,000		15,000	
Hanover Bluff unit, Wyoming	47,000		47,000		47,000		47,000	
Helena Valley unit, Montana	321,000		321,000		321,000		321,000	
Owl Creek unit, Wyoming	50,000		50,000		50,000		50,000	
Technical records and as-built drawings, Colorado	2,000		2,000		2,000		2,000	
Yellowtail unit, Montana-Wyoming	498,000		498,000		498,000		498,000	
Total, drainage and minor construction	3,009,000		3,009,000		3,009,000		3,009,000	
Total, Pick-Sloan Missouri Basin program	18,240,000	750,000	19,740,000	950,000	20,890,000	1,200,000	20,640,000	1,100,000
Subtotal, construction and rehabilitation	207,660,000		226,005,000		224,116,000		226,005,000	
Undistributed reduction based on anticipated delays	−17,160,000		−17,160,000		−17,160,000		−17,160,000	
Total, construction and rehabilitation	190,500,000		208,845,000		206,956,000		208,845,000	

BUREAU OF RECLAMATION, FISCAL YEAR 1972

UPPER COLORADO RIVER STORAGE PROJECT—UPPER COLORADO RIVER BASIN FUND

	Approved budget estimate for fiscal year 1972		House allowance		Senate allowance		Conference allowance	
Construction, general, State and project	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(5)	(6)	(8)	(9)
COLORADO RIVER STORAGE PROJECT								
Colorado: Curecanti unit	$6, 463, 000		$3, 963, 000		$3, 963, 000		$3, 963, 000	
Various: Transmission division	3, 000, 000		3, 000, 000		3, 000, 000		3, 000, 000	
PARTICIPATING PROJECTS								
Colorado:								
Dallas Creek project				$150, 000		$150, 000		$150, 000
Dolores Creek project				160, 000		160, 000		160, 000
San Juan-Chama project	369, 000		1, 069, 000		1, 069, 000		1, 069, 000	
San Miguel project				100, 000		100, 000		100, 000
New Mexico:								
Animas-LaPlata project. (See Colorado.)								
San Juan-Chama project. (See Colorado.)								
Utah:								
Central Utah project, Bonneville unit	8, 199, 000		10, 222, 000		10, 222, 000		10, 222, 000	
Central Utah project, Jensen unit	200, 000		200, 000		200, 000		200, 000	
Lyman project. (See Wyoming.)								
Wyoming:								
Lyman project	[1] 550, 000		550, 000		550, 000		550, 000	
Savery-Pot Hook project. (See Colorado.)								
Various:								
Drainage and minor construction program:								
Colorado River storage project:								
Glen Canyon unit, Arizona-Utah	700, 000		700, 000		700, 000		700, 000	
Navajo unit, New Mexico	206, 000		206, 000		206, 000		206, 000	
Participating projects:								
Bostwick Park project, Colorado	38, 000		38, 000		38, 000		38, 000	
Central Utah project, Vernal unit, Utah	290, 000		290 000		290, 000		290, 000	
Emery County project. Utah	204, 000		204, 000		204, 000		204, 000	
Fruitland Mesa project, Colorado			200, 000		830, 000		200, 000	500, 000
Hammond project. New Mexico	367, 000		367, 000		367, 000		367, 000	
Seedskadee project, Wyoming	305, 000		305, 000		305, 000		305, 000	
Silt project, Colorado	10, 000		10, 000		10, 000		10, 000	
Construction revenues	[2] −50, 000		−50, 000		−50, 000		−50, 000	
Total, drainage and minor construction program	2, 070, 000		2, 270, 000		2, 900, 000		2, 270, 000	500, 000
Subtotal	20, 851, 000		21, 274, 000	410, 000	21, 904, 000	410, 000	21, 274, 000	910, 000
Undistributed reduction based on anticipated delays	−1, 700, 000		−1, 700, 000		−1, 700, 000		−1, 700, 000	
Total, Upper Colorado River Basin fund	19, 151, 000		19, 984, 000		20, 614, 000		20, 484, 000	
RECREATIONAL AND FISH AND WILDLIFE FACILITIES								
National Park Service	435, 000		435, 000		435, 000		435, 000	
Bureau of Sport Fisheries and Wildlife	170, 000		170, 000		170, 000		170, 000	
Total, recreational and fish and wildlife facilities	605, 000		605, 000		605, 000		605, 000	
Total, Upper Colorado River storage project	19, 756, 000		20, 589, 100		21, 219, 000		21, 089, 000	

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[1] Includes $500,000 on budget amendment, H. Doc. 92–128.

[2] Construction revenues included in the Glen Canyon unit program.

TITLE IV, INDEPENDENT OFFICES

Mr. STENNIS. Mr. President, for title IV, the conference bill provides $395,011,000, which is $17,200,000 above the amount allowed by the House and $5,500,000 below the Senate-approved bill; $25,655,000 above the budget; and $8,721,000 above the appropriations for fiscal year 1971.

For the Appalachian regional development programs the conference allowance is $297 million, which is $15 million above the House allowance and budget request and $5 million below the amount approved by the Senate. The increase over the House amount provides $5 million for the health demonstration program, $5 million for vocational education facilities, and $5 million for supplemental grants for rural waterworks and sewerage systems.

Mr. President, the increase allowed by the conferees for the Tennessee Valley Authority provides $1,700,000 for the Mills River Reservoir in North Carolina, and $500,000 additional for the fertilizer program.

I am very glad that we were able to agree on retaining funds for the Mills River Reservoir.

Mr. President, if no other Senator wishes to speak on the subject, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the requirement that the conference report on the public works for water and power development and Atomic Energy Commission appropriation bill be printed as a Senate report be waived, inasmuch as under the Rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I am advised that the Senator from North Dakota (Mr. YOUNG) is engaged at a hearing. He is the ranking minority member of the conference and fully approves this report.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 22, 1971, he presented to the President of the United States the following enrolled bills:

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz; and

S. 504. An act for the relief of John Borbridge, Jr.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of Armed Forces, and for other purposes.

AMENDMENT NO. 426

The PRESIDING OFFICER (Mr. ROTH). Pursuant to the previous order, Amendment No. 426, offered by the Senator from Wisconsin (Mr. NELSON), now becomes the pending business. The clerk will state the amendment.

The assistant legislative clerk read as follows:

(c) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act may be obligated or

> expended in connection with the Navy's Project Sanguine until after (1) a final environmental impact statement has been made with respect to such project pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and such statement has been reviewed by the President's Council on Environmental Quality, and (2) a technical feasibility review of such project has been completed by the National Academy of Sciences and the National Academy of Engineering. The foregoing condition shall not apply to the obligation or expenditure of such funds for carrying out environmental compatability research and biological and ecological effects research in connection with such project.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I believe the Senator from Wisconsin wishes to ask for the yeas and nays on the amendment. If he does, would he do so now?

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair wishes to point out that there are 2 hours of debate, to be equally divided between and controlled by the Senator from Wisconsin (Mr. NELSON) and the Senator from Mississippi (Mr. STENNIS).

The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, this amendment affects the appropriations for Project Sanguine, which is a proposed communications system in an area in northern Wisconsin. It involves only the State of Wisconsin.

The amendment provides that:

> Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act may be obligated or expended in connection with the Navy's Project Sanguine until after (1) a final environmental impact statement has been made with respect to such project pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and such statement has been reviewed by the President's Council on Environmental Quality, and (2) a technical feasibility review of such project has been completed by the National Academy of Sciences and the National Academy of Engineering. The foregoing condition shall not apply to the obligation or expenditure of such funds for carrying out environmental compatability research and biological and ecological effects research in connection with such project.

I yield myself 10 minutes

Mr. President, do I understand correctly that there is a consent agreement of 2 hours on this amendment, 1 hour per side?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON. Mr. President, this amendment is consistent with several other amendments that I have introduced earlier to require Federal agencies to comply with the National Environmental Policy Act of 1970. Under the act, Federal agencies are directed to file environmental impact statements with their legislative proposals and other proposed actions, in order that the public, the Congress and the President's Council on Environmental Quality can consider the environmental implications of these proposals before they are advanced.

In section 102(2)(c), the National Environmental Policy Act says the agencies shall "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official" on the environmental impact of the proposed action, possible alternatives, irretrievable commitments of resources and other environmental concerns.

Further, prior to finalizing these statements, the responsible Federal official is directed by the act to "consult with and obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved."

The military procurement authorization bill before the Senate includes $5.557 million for the proposed Project Sanguine communications system in my own State of Wisconsin. A total of $5.107 million in the budget request would go to advance development of the system's technology and to prepare the project for validating a contract for full-scale deployment. The Navy has indicated several times in the past few months that it desires to advance the project to the contract validation phase in the next fiscal year.

The remaining $450,000 in the budget request is for continuing studies on the impact of the project, when in operation, on the environment of northern Wisconsin and the 6,000 square miles that would be involved.

Under this amendment only the $450,000 for environmental studies would be funded. There are compelling reasons for withholding further Sanguine financing at this time:

First. The detailed environmental impact statement required by the National Environmental Policy Act has not been completed by the Navy, and much research still has to be undertaken before the Navy will be in a position to complete such a statement. The research areas for these studies have been defined. All that is needed is the commitment to complete the research and seek the consultation of other Federal agencies as required by NEPA.

Second. There is a serious question whether the technology proposed by the Navy for communicating via Project Sanguine will even work. Involved here is not the adequacy of research and development that has been carried out to date or contemplated for the immediate future. Rather, the question is whether the basic technology for Sanguine is correct. Questions that have been raised in this regard have been considered serious enough—first by independent scientists and then by the Navy—to warrant a comprehensive study by the National Academy of Sciences and the National Academy of Engineering. This review, initiated at my request, was started only recently, and indications are that it will be some time before the work is completed.

And herein lies a major distinction between the subject of the amendment before the Senate today and the subjects of the amendment to the pending bill that I offered earlier. In the previous amendment, I asked that funds be withheld on several projects until the provisions of NEPA were fulfilled.

In the present case, not only are the provisions of NEPA being ignored, but also, the basic technology proposed to be utilized by Sanguine has been challenged to such a degree that even the Navy has agreed to seek an independent review of that technology. It is very difficult for me to reconcile the Navy's acknowledgement, on the one hand, that a comprehensive technological review was needed and, on the other hand, its persistence in pushing ahead with development of the project.

The people of Wisconsin—and a good many others throughout the country—want some answers to these important technological and environmental questions before another dime is spent on the development of Project Sanguine. They do not want to have a military boondoggle in their backyard.

Some background on this project would be useful at this point in the RECORD.

Project Sanguine is a proposal by the Navy to communicate with submerged submarines armed with nuclear missiles and other military forces throughout the world.

To accomplish this aim, the Navy has proposed that a huge antenna network be installed in northern Wisconsin to transmit extremely low frequency radio waves around the globe. This system would serve as an emergency backup to existing land-based communications networks that are in operation today throughout the world.

The land area requirement for the antenna would be extremely large. Taking the Navy's latest estimates, about 6,400 square miles of northern Wisconsin would be covered by an antenna grid, consisting of a series of criss-crossing cables—each cable covering 80 miles end to end. Between 800 and 1,000 miles of cables would be laid 6 feet underground, requiring the clearing of substantial acreages of forest lands to enable bulldozers and other heavy machinery necessary to lay the cables in place.

At one time, the Navy said that 21,000 square miles of land would be covered by the antenna grid, but that staggering land area since has been scaled down to 6,400.

We are not sure what the cost of construction would be. At one point the Navy indicated the cost at around $2 billion. The Navy has progressively lowered its estimate to $1.5 billion, $1 billion, and finally to around $750 million. Some scientists have even questioned whether such a project can be built at the latest cost suggested by the Navy because, they say, the power input to the system will have to be greatly increased to enable operation.

We are not sure, either, how much electricity would be required to operate the system. The latest estimate by the Navy is that 30 megawatts—half the electrical power consumption of the Madison, Wis., metropolitan area—would have to be generated continuously for Sanguine. This latest estimate, which is disputed by independent scientists, also has been scaled down by the Navy from the first estimates of around 500 megawatts.

These uncertainties surrounding the environmental and scientific aspects of the Sanguine project, plus the Navy's continued vagueness about the scope of the project, are deeply disturbing to many of the people—including myself—who have been expressing reservations about Project Sanguine since 1968.

There are a good many other unresolved Sanguine concerns. One of them is the military value of the project, something that as yet has not been thoroughly reviewed by Congress. The Navy stresses only the need to communicate with submarines and other military forces. As I indicated earlier, this communication already can be carried out.

Communication via Sanguine, however, would be a departure from the usual modes of transmitting radio signals. The frequency output would be so low that only code could be transmitted. And the receiver could not return the signal to Sanguine because of the technological impossibility of, for example, equipping a submarine with the massive antenna and power generators necessary to send extremely low frequency signals over long distances.

Questions over the military value of Sanguine aside, my concern at this time is primarily about the many unresolved questions surrounding the environmental impact of the project, and about the vital questions of whether the system will even work.

Indeed, this concern is shared by the Navy. In December of 1969, Navy Capt. F. L. Brand addressed a meeting at Park Falls, Wis.—on the question of Project Sanguine.

Captain Brand said at that meeting:

> We will not build Sanguine, one further iota of it, unless we can demonstrate there are no problems.

The Navy should live up to that commitment, even if it takes congressional action as I am proposing today to assure that this is done.

It is obvious that the Navy has some distance to go before the environmental impact questions are resolved. And only now a review has begun over whether the project is technologically feasible.

Research on communications with extremely low frequency was started in 1958. Each year since then the Congress has been funding such research, which eventually was code-named Project Sanguine. But it was not until 1968—10 full years after the initial research was started—that the public was told of the project.

In early 1969, the Navy requested permission from the Secretary of Defense to move the project to the contract validation phase. At that time, very little if anything was known of the potential environmental impact not only of building the Sanguine system but of operating the project with massive amounts of electricity running through the very large antenna grid. The request to proceed with contract validation was rejected by the Defense Secretary and the House Appropriations Committee. And after urgings by myself and others that environmental studies be undertaken, the Navy finally started such studies.

The Navy entered into a contract with the Hazleton Laboratories of Falls Church, Va., for investigation of the biological effects of Sanguine.

The Hazleton Laboratories issued its report last November. And the conclusions were rather disturbing.

The report—Page 3, Project Sanguine Biological Effects Test Program Pilot Studies by Hazleton Laboratories, Inc., November 1970—said the effects in some of the laboratory studies showed:

Possible but inconsistent blood pressure and rectal temperature elevations in dogs exposed to the laboratory electrical field.

Possible increase in the dominate lethal mutation rate in the fruit fly—normally used for mutation-rate studies.

Possible growth inhibition in one of three plant species used in the studies.

Some avoidance reaction to electrical fields by turtles and fish in experiments.

Declines in populations of four major classifications of soil arthropods at both test and control sites.

And the report recommended—Page M-1.

Additional studies to determine safety limits for the extremely low frequency electrical and magnetic fields. These studies should include, the report said, investigations of effects on other species of plant seeds, and the effects on several other aquatic animals.

The fruit fly mutagenisis study be expanded and carried out immediately. The report said:

> The implications of these results are too important to be neglected.

Careful studies on how the blood pressure and body temperature of dogs exposed to electrical fields is affected.

And, quoting directly from the report:

> Finally, because aquatic organisms are so intimately in contact with a voltage gradient appearing in water, it would be important to investigate possible reproductive effects in the aquatic animal.

The Hazleton report and its recommendations demonstrate the critical importance of additional studies on the environmental effects of Sanguine before proceeding any further with this project.

But here I want to emphasize my earlier point that the research study areas are known. All that is needed is the commitment by the Navy to complete this work—and fulfill the requirements of NEPA as passed by the Congress more than 20 months ago. Until these vital studies are completed, we should withhold further funding of the project.

Furthermore, in view of previous Navy statements there is cause for serious concern whether the Department even understands the serious environmental questions that have already been raised about Sanguine.

In December of 1970, 1 month after the Hazleton report was prepared, the Navy issued a report entitled "The Environmental Compatibility Assurance Program for Sanguine—ECAP."

The report concluded its abstract with these words:

> The results of research presented in this report show that a Sanguine system compatible with the environment can be designed. Research will continue to provide further documentation and to assure that a system can be installed and operated without affecting the present environment.

There is no documented support for this conclusion, and the Navy knows it.

As I have noted earlier, the conclusions and recommendations of the Hazleton report very clearly establish that several outstanding questions about the environmental impact of Sanguine are apparent and must be resolved.

In March, of this year, the Navy submitted a draft environmental impact statement. This statement was not widely circulated—and the Navy has emphasized that it is only a draft.

Last Friday a subcommittee of the Wisconsin Governor's ad hoc committee on Sanguine published a critique of the Navy's draft environmental impact statement.

The ad hoc committee on Sanguine was appointed in December of 1969. The committee, which is chaired by Dr. Robert Bock of the University of Wisconsin's Graduate School, is widely recognized as being highly objective and impartial in its review of the many facets of the project Sanguine controversy.

I would like to read directly from the summary statement of the Environmental Standards Subcommittee of the ad hoc committee:

> Initially it is necessary to make very clear our strongest reservation. Throughout the DEIS (Draft Environmental Impact Statement) and the ECAP Status Report (Annex A), statements are made to the effect that a Project Sanguine design can be developed which would result in an operable system that would have no significant adverse environmental effects. In different contexts and at every opportunity this statement is reiterated. We, in turn, have repeatedly stated that this assertion has neither been proven nor disproven. The Navy has neither recognized nor publicly recorded our position. Repetition is not a substitute for verification. The latter will be required before an Environmental Impact Statement will be acceptable to the scientific community.
>
> To the present, the pilot biological studies and ecological surveys have been aimed solely at acute effects. *Results in virtually none of these experiments have been at all convincing.* (Italics added) Our subcommittee is, thus, not at all assured, even concerning such short-term acute effects, at any EM (electro-magnetic) level. We have, however, repeatedly stressed the need for long-term study of possible subtle effects, particularly concerning multiple or cross stresses, factors which are critical to survival in a free-living organism in the natural environment. The sooner such studies are initiated, the sooner it will be possible to realistically discuss the environmental impact of Project Sanguine. Without the inclusion of results from such studies, a final Environmental Impact Statement would be unacceptable to our subcommittee.
>
> Sweeping statements are made throughout the DEIS that no adverse "impacts" have been found—a statement with which we have disagreed—but it must be made clear that these references deal primarily with volts per meter gradients at the antenna sites. Biotic effects at the ground terminals—10 to 14 volts per meter—have been virtually neglected. Even if the grounding sites occupy a relatively small area, the prob-

> lems of adverse biotic effects must be identified and investigated.
>
> The effort to assure that natural resources would be protected in the event that Project Sanguine is installed is commendable. It is also necessary, however, to give assurances that if the system were constructed, provisions would be made through federal funding to facilitate appropriate state action for detecting and preventing specification violations.

The subcommittee's report consists of 9 pages of detailed critique of the Navy's draft environmental impact statement.

Of particular interest is section 3 of the Navy's report in which there is a discussion of "adverse environmental effects which cannot be avoided should the proposal—Project Sanguine—be implemented." This is contained on page 34 of the Navy's report, and the first paragraph reads:

> During the approximately four years of environmental research that has been conducted under the Project Sanguine ECAP Program, and the recently completed Sanguine System Design Studies as well, no permanent or long-term adverse environmental effects which cannot be avoided have been identified.

That is what the Navy says. Now here is the subcommittee's comment:

> We take strong exception to the intent and wording of this entire section, most especially to the first paragraph, page 34 (just quoted above). How could long-term adverse environmental effects be identified or deemed non-existent when no such studies were conducted? There have not been "four years of environmental research" having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form which provide biological or ecological assurance even on a short-term basis. There are certainly none which provide long-term assurance.
>
> . . . Section 3 in its entirety is a gloss-over of non-existent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged.

The Navy impact statement does not comply with the spirit or letter of the Environmental Policy Act.

The Department has not attempted to evaluate the issues raised in an objective manner.

However, it is not only in the environmental impact area that grave questions remain with regard to Project Sanguine.

The Navy has stated categorically on numerous occasions that extremely low frequency will work in the case of Sanguine and, accordingly, virtually all of its development efforts has made the assumption that ELF is the best technology for the job.

There is considerable doubt, however, that ELF is the best technology.

Earlier this year, the Defense Marketing Survey—DMS—a private organization which monitors defense programs and contracts, issued a short report on the status of Project Sanguine. It concluded with these remarks:

> A year ago DMS forecast that LF (low frequency) and VLF (very low frequency) would eventually replace ELF (extremely low frequency, which is Project Sanguine) in the survivable communications concept. We see no reason to change that projection.

The Navy apparently has studied alternatives to extremely low frequency for Sanguine, although the document that discusses these alternatives has been classified by the Department of Defense and therefore not available for scrutiny by the public. However, the major thrust of the Sanguine effort has been in the development of extremely low frequency. And because the Navy already has sought to advance the project to contract validation in 1968 and, from every indication, will be seeking to advance it to that point again for the next fiscal year, there is little doubt that the Navy has concluded that extremely low frequency, with power input levels, of 30 megawatts, is the best technology.

A short time after the Defense Marketing Survey issued its report, two other reports were published, one by the Wisconsin Committee for Environmental Information—made up largely of scientists at the University of Wisconsin—and another by an antenna expert at the University of Kansas at Lawrence. These reports, prepared independently of each other, concluded that with extremely low frequency at power input levels suggested by the Navy it would take so long to send messages via Sanguine that, as the Wisconsin report said, the system would be susceptible to jamming by another nation at considerably less effort than that required to send the messages in the first place.

The Wisconsin report calculated that with the stated power input to Sanguine it would take 1.7 hours to transmit a simple 12-letter message via the proposed system.

Dr. Albert Biggs at the University of Kansas calculated a "worse case analysis" of Sanguine, and concluded it could take up to 15 hours to send a similar message. Both reports said the sending time could be improved only by substantially increasing the power input to the system. If this is true, then obviously there would have to be a new series of environmental studies to determine the effect on plants, animals and humans from the greatly increased power of the electrical field surrounding the massive antenna grid and the impact of building and operating the scores of generators necessary to supply the power.

If this should happen, then the Congress would find itself in the awkward and embarrassing position of facing a greatly increased Navy budget to allow the additional construction necessary to make Sanguine work after the huge antenna grid already is in place.

Because of the seriousness of the questions raised by the two scientific reports, I asked the Navy to seek an independent review of the technology chosen for Sanguine. In a letter to me dated May 14, 1971, Assistant Navy Secretary Robert Frosch agreed and said the National Academy of Sciences and the National Academy of Engineering has been asked to conduct a joint review. NAS/NAE only recently has begun to assemble their review panel to undertake the analysis that was requested by the Navy.

A short time later, I wrote a letter to Assistant Secretary Frosch and asked why development work on Sanguine should not be suspended until the technical review is completed.

In response Dr. Frosch stated that the Navy believed there were errors committed by the scientists who prepared the two reports questioning the feasibility of Sanguine—I should add parenthetically that the Wisconsin report had been widely circulated among several prominent persons in the scientific community before the final draft was published.

Then Dr. Frosch said:

> . . . in our opinion, there has not been any valid evidence presented which would warrant the conclusion that the feasibility of Sanguine as an effective communication system is in doubt.

This letter was sent, after the National Academy of Sciences and the National Academy of Engineering had been asked to conduct the technical review.

It seems to me that the prudent course in this matter would be to postpone action on the Navy's Sanguine budget request until both the technical review and the environmental impact studies have been completed, and the latter reviewed by the President's Council on Environmental Quality.

It should be emphasized that the pending amendment would not permanently stop development of Project Sanguine. Rather, it would temporarily suspend development work until the Navy has fulfilled the statutory requirements of NEPA and until the technical review has been completed so we will know whether Sanguine will even work. To date, nearly $50 million have been spent on Project Sanguine and some 13 years have been devoted to the overall effort. The Navy already has sought permission to advance Sanguine to the contract validation phase, and there is little doubt that the Navy currently is gearing its efforts toward another attempt to secure the once-denied permission to enter the contract validation phase of development. Indeed, the Navy's testimony before the Armed Services Committee several months ago said that certain systems concept for Sanguine are ready, in the Navy's words, "for proceeding into the formal development and acquisition process."

This amendment would simply withhold further funds for the development of Sanguine to allow the environmental impact studies to be completed and serve as a guide to any further development, and to allow the technical review committee to ascertain whether the correct technology has been selected.

Should the technical committee conclude that the best technology has not been selected, then continuing to fund Sanguine at this point would result in a colossal waste of money and time.

There is another subject relating to Sanguine that is germane here. That is the curious activity by the Navy on September 10 in revising its budget request for Sanguine. This revising took place after the House had voted on the military procurement authorization bill, long after hearings on the bill in both the Senate and the House had been completed and after the Senate Armed Services Committee had prepared its report and sent the bill to the Senate floor.

Before us today is a Sanguine request for $5.557 million. Until September 10, this request included $2.4 million to investigate the possibility of burying Sanguine several thousand feet deep in a network of tunnels.

I objected to that elaborate scheme because it, like the shallow Sanguine system relied on extremely low frequency. Since there is a serious question whether the shallow system is feasible why spend money on a deep tunnel system until the feasibility of a shallow system is proved.

On September 10, I was notified by the Navy that it had all but abandoned research on a deep underground Sanguine system. In a last minute Navy decision following my stated objections, the budget request for Sanguine was revised to reduce the deep underground effort by $1.94 million because of unexplained "technical problems."

However, rather than remove that amount entirely from the budget, the Navy simply used it to increase the overall development effort for the shallow Sanguine system. The only exception was $100,000 added to the environmental impact study effort.

The effect of the arbitrary and hasty reassignment of budget figures is to increase the surface Sanguine system effort by nearly $2 million—or an increase of about 45 percent over a very short time frame—without the appropriate congressional committees even having the opportunity to consider in public hearings how these additional funds would be used.

Mr. President, while we debate whether or not we are going to insist on compliance with the National Environmental Policy Act, in a ruling just yesterday, a Federal district court in Washington, D.C., dramatically reaffirmed that the act requires Federal agencies to fully consider all aspects of the environment and to file comprehensive, detailed, final environmental impact studies before, not after they go ahead with projects posing significant effects on the environment.

The Federal judge granted the Environmental Defense Fund's request for a preliminary injunction holding up the Corps of Engineers work on the $346 million Tennessee-Tombigbee Waterway in Alabama and Mississippi pending a full determination of the project's effects on the environment. The vital environmental issues involved in the project will be finally settled at a later trial before the court, although a date has not yet been set.

The order by Judge John Lewis Smith said:

> Plaintiffs have made a substantial showing of a likelihood that in the planning, design and development of, and in making the decision to construct, the Tennessee-Tombigbee Waterway, defendants have not fully complied with the requirements of the National Environmental Policy Act of 1969, and the Fish and Wildlife Coordination Act of 1934, as amended.

Without the preliminary injunction, the judge concluded, "plaintiffs will suffer irreparable injury for which there is no adequate remedy at law." I ask unanimous consent that the judge's order, and the stories in the New York Times, the Washington Post, the Evening Star, and the Wall Street Journal reporting the decision as one of the most important national news stories of the day be printed in the RECORD at the end of these remarks.

We debated and had a rollcall vote on the Tennessee-Tombigbee question on July 31, on an amendment I introduced to the Public Works Appropriations bill to hold up work on the Tennessee-Tombigbee and four other projects until they were brought into compliance with the National Environmental Policy Act. At that time, the very same issues in the court case were raised and thoroughly discussed.

In the debate, I read into the RECORD sections from the letter to the corps from the Southeastern Regional Office of the Environmental Protection Agency urging that the entire Tennessee-Tombigbee Waterway project be thoroughly reevaluated before the corps went any further. The EPA letter argued that the project—

> May not bring the commercial and industrial development to the area originally anticipated, particularly northeast Mississippi, and a scenic and natural area will be irreversibly damaged for all time.

Further, the regional EPA office said that—

> It is the considered opinion of the EPA that the cumulative long-term overall effect of the project on the environment will be one of overall degradation of water quality values in spite of the presently known techniques which can be applied to help maintain water quality.

And as pointed out in news reports, conservation witnesses at the Tennessee-Tombigbee trial also pointed out the project also poses other serious ecological problems such as possible destruction of the fish food chain there and would preclude archeological exploration of a region important in the history of many native American groups.

The corps response to the grave environmental questions raised by the regional EPA letter was to say that it would do further environmental studies, but was going to start construction on the project regardless.

This EPA document, which I ask unanimous consent to have printed in the RECORD in its entirety at the end of these remarks, was one of the key documents cited by Judge Smith in his decision yesterday.

When I offered my amendment to hold up the funds on the Tennessee-Tombigbee and the other four projects, I said that on the Tennessee-Tombigbee—

> It appears that as has happened so often in the past, the Federal Government is rushing headlong into a massive project whose environmental damages could outweigh any possible benefits.

Yet, I pointed out—

> Despite the overwhelming environmental concerns that have not even begun to be settled, Congress is being asked to appropriate millions of dollars to boost this project along.

Quoting further from my remarks in that debate, I said—

> The EPA report says the environmental hazards are serious and that adequate studies have not been made. Nevertheless Congress is going to appropriate the money and authorize full speed ahead. Then the Corps, which is committed to the project is going to make a study as the project proceeds. How is the study going to come out? Everyone knows the answer. I can give it to them. No matter what the evidence is, the Corps of Engineers is not coming back to the Congress of the United States, after spending millions of dollars on Tombigbee, and say, "We have now made studies and found out that the project is a big blunder and that the regional EPA office was right in the first place. We know they are not going to come back with anything but an affirmative report no matter what the studies disclose.
>
> If Senators want to support this kind of project, go ahead. It is another tragic and foolish commitment on the part of Congress. When in Heaven's name will we wake up?

As I have with two similar amendments since then—one for the military construction authorization bill and one earlier one to the Military Procurement bill—I urged the Senate then to—

> Firmly establish now the principle that Congress will require completed environmental impact studies before it will authorize or appropriate moneys for Federal projects with significant environmental impact. It is here, at this key decisionmaking point, that environmental review is so important.

What was the Senate's answer on the Tennessee-Tombigbee amendment? On the roll call, we had 17 yeas, and 56 nays, and I ask unanimous consent that that vote be printed in the RECORD again at this point in my remarks.

Yet 2 years ago, we passed the National Environmental Policy Act, and, to quote from it again, it directed all Federal officials to—

> Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The directive is indisputably clear. Federal agencies are to file final, detailed environmental impact statements on all proposed actions and on all legislative proposals which pose a significant impact to the environment.

The question is whether we are going to permit Federal agencies to continue making a mockery of this act, eroding it into so many meaningless words. Are we going to duck every time the question comes up—which it will, time after time, in bills coming to the Senate floor—and hope that the courts will require compliance with our own statute?

When I offered the Tennessee-Tombigbee amendment, I announced my intention to offer such an amendment and request a rollcall vote every time a bill comes to the Senate floor with projects not in compliance with the Environmental Policy Act. Today's amendment is the fourth such proposal and the fourth such vote. It is time we started required Federal agencies to complying with a position which Congress has made totally clear by statute and which the courts have recognized and firmly upheld.

Mr. NELSON subsequently said: Mr. President, at the conclusion of my remarks when I previously had the floor, I neglected to ask unanimous consent to have printed in the RECORD a letter from the regional EPA office to the corps on the Tennessee-Tombigbee project, dated February 12, 1971. I ask unanimous consent that it be printed at that point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter ordered to be printed in the RECORD is as follows:

ENVIRONMENTAL PROTECTION AGENCY,
February 12, 1971.

DISTRICT ENGINEER,
U.S. Army, Corps of Engineers,
Mobile, Ala.

DEAR SIR: This is in reply to your letter of January 15, 1971, requesting our views on the preliminary environmental statement covering the proposed Tennessee-Tombigbee waterway project. Our reply is given in compliance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91–100), Section 102(c).

The 253 mile long Tennessee-Tombigbee waterway which extends from Pickwick pool on the Tennessee River to Demopolis on the Tombigbee River in the upper portion of a 470 mile long waterway which connects Mobile Bay on the Gulf of Mexico with the Tennessee River.

Present ecological values are well documented in the environmental statement but insufficient acknowledgment is given to the adverse effect that the project will have on future ecological and water quality values.

The channelization, the dams and impoundments, the introduction of Tennessee River water into the Tombigbee River system, the increased population and new industries and the construction operations necessary for completing the waterway will all have a profound and lasting effect on the water quality values and the ecology of the entire area through which the waterway passes.

The channelization and cut off of river bends will cause a loss of the natural shallow water areas, flood plains, pools, sand bars and riffles with their associated aquatic vegetation conducive to stream purification and a balanced water quality. The assimilative capacity of the streams will be lessened and the pollution will be carried further down stream and over a greater reach of the stream before becoming stabilized.

The impoundments created by the locks and dams will increase the overall water temperature and decrease the waters capacity for absorption of oxygen. The change from a free flowing stream to a semiquiescent reservoir environment will alter the dominant fish species and organisms in the fish food chain. Studies on other similar streams indicate that although some pick up of oxygen can be realized in the spillway discharges, the assimilative capacity of the stream and its overall oxygen content after being converted to a waterway by the use of impoundments will be less than that for the free flowing stream.

The East Fork, Mackeys Creek and Yellow Creek are presently free flowing streams with excellent water quality. Most of Mackeys Creek and Yellow Creek and its tributaries will be inundated by the Bay Springs Lock and Dam impoundment.

Pickwick Pool on the Tennessee River, which will supply water to the proposed waterway, is presently closed for fishing because of mercury contamination. Because of the heavy industrialization of the Tennessee River Valley above Pickwick Dam, these waters also have more than the normal background of nutrients, heavy metals and toxicants including DDT. Because of the dilution by heavy stream flows, water use classifications and water quality standards are generally not violated on the Tennessee except near some of the large communities and industrial complexes and the feeder streams into which they discharge. Some of the sludges generated by these discharges contain damaging pollutants. The continual dredging operations taking place on the Tennessee River and tributaries keep these materials in suspension.

Because of the height of the Bay Springs Dam, stratification will probably occur in the impoundment and there may be a deficiency in oxygen in the waters received by the canal section through lockages. Barge traffic will keep the canal waters relatively turbid and oil slicks can be expected. The discharge of these turbid canal waters with low oxygen content, dangerous mercury levels and higher temperature into the relatively pure and free flowing East Fork represents a definite degradation in water quality.

The construction of the waterway will take a minimum of 9 years to complete and during this time portions of the river systems will be subjected to extensive turbidity and silting. Most severely affected will be the river bend and oxbow sections cut off from normal flow by newly constructed channels. These sections will be subjected to extensive silting during construction and more or less continuous silting from normal flows because of the reduced velocity in these sections. Because of the colloidal nature of many of the fine sandy clay silts which are to be dredged, it can be expected that considerable quantities of the suspended material will be carried all the way to Mobile Bay. Much of the material which does settle out in the impoundments will be released by lockages and carried along with flood flows.

The waterway will bring with it new industries, boat traffic, an increase in the popplation and a resultant increase in the pollutional load for the entire river system. No effective methods have yet been devised to control boat pollution and the secondary treatment requirements for municipal and industrial wastes still leaves a heavy waste load and most of the nutrients to be assimilated by the stream.

The Environmental Protection Agency is concerned with the resulting cumulative long-term effects of the increased future residential, commercial and industrial development on water quality values of the stream involved. The waste assimilative capacity of the existing free flowing streams will be considerably reduced when replaced by deep navigation pools. The additional water derived from maximum lockages (24 per day) may be adequate to offset this reduced assimilative capacity but on days with low barge traffic an insufficient amont of water will probably be released. There should be definite assurances that sufficient water releases will be made, regardless of the number of lockages, so that present assimilative capacity is maintained.

In view of these facts, it is strongly recommended that a study be initiated to determine the quantity of water required and the method of furnishing the additional stream flow necessary for water quality management over that supplied by the actual navigational lockages.

A method should also be devised to insure an adequate supply of oxygen in the releases from Bay Springs Lock and Dam impoundment.

It is further recommended that an efficient abatement plan for pollution control be developed in full coordination with the appropriate non-federal agencies to insure implementation of the water quality management plan.

The project was conceived to provide a more direct connecting waterway from the Central Gulf Coast to mid-continental United States and to improve the economics of a now depressed area. However, the depressed area which it is supposed to help (northeastern Mississippi) is near the most highly industrialized section of southeastern United States stretching along the Tennessee River from Pickwick Pool to Kingsport in northern Tennessee. The area from the Tombigbee River along the East Fork, Mackeys Creek and over the divide to the Yellow River is one of the most picturesque and unspoiled areas still remaining in Mississippi. The value of the area of students of paleontology, geology and archaeology is well known throughout the southeastern United States. Since it is also near to a heavily industrialized area, its value as a recreational, hunting, fishing and scenic area is of immeasurable importance. In view of the rapidly changing public opinion with regard to such areas and the questionable economic value of the project, the EPA believes that a revaluation of the project should be made taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated, particularly northeast Mississippi, and a scenic and natural area will be irreversibly damaged for all time.

It is the considered opinion of the EPA that the cumulative long-term overall effect of the project on the environment will be one of overall degradation of water quality values in spite of the presently known techniques which can be applied to help maintain water quality. Water for lockages at Bay Springs can be drawn from surface waters; all municipalities and industries in the drainage area will be given a minimum of secondary treatment; extensive erosion control measures can and should be provided; anti-pollution laws can be rigidly enforced but, in spite of these measures, it is felt by the EPA that there would be a general degradation in water quality values resulting from the project.

With these facts in mind, it is recommended that the environmental statement be revised to include conditions as they will exist with minimum lockages, minimum river flows and maximum anticipated population and industrial development. With these conditions, the system should still be designed to maintain present water use classification.

The project should also be designed to fit into the landscape with the minimum damage to the natural beauty and the paleontologic, geologic and archeologic sites in the area. It should also give prime consideration to hunting, fishing and recreational values and the forests should be left undamaged wherever possible.

The comments offered your agency in this letter are based on the Environmental Protechnical assistance. If you desire a formal EPA response in your proposed action, it is suggested that a request be directed to the Agency, 1626 K Street, N.W., Washington, D.C. 20460.

Your cooperation in the matter of water pollution control is appreciated.

Sincerely yours,

JOHN C. WHITE,
Acting Regional Director.

Mr. NELSON. Now, Mr. President, I should like to comment on this whole question of Congress—the Senate in particular—dealing with the Environmental Protection Act and the provision in that act which requires agencies of the Federal Government to submit with their proposals, projections, and plans, an environmental impact statement.

On the floor of the Senate, a few weeks ago, I offered an amendment to withhold the spending of moneys on a number of projects. One included the building of a large dam in my own State of Wisconsin. Another included the Tennessee-Tombigbee Canal project.

There was a rollcall vote on my amendment at that time, when I pointed out that section 102 of the Environmental Protection Act was not being complied with, because final impact statements had not been filed on any of those projects, including the one in my State. The rollcall vote on that issue received 17 aye votes.

Thus, Mr. President, the Senate is proceeding, as it has been doing, to honor the Environmental Protection Act in the breach. The Senate has declined to insist upon compliance with the very laws it debated and passed on the floor of the Senate, on the floor of the House of Representatives—bills which were then passed by both Houses and signed by the President.

The PRESIDING OFFICER (Mr. Roth). The time of the Senator from Wisconsin has expired.

Mr. NELSON. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. NELSON. Mr. President, let me advise the Senate that we will have a rollcall vote on every single proposal that comes to this floor that has not complied with the act.

Henceforth, I serve notice that I will not agree to any time limitation when I call up an amendment and we will spend 2 or 3 days on it, and we will debate it and discuss it until it does come to the attention of the Members of this body that they are voting contrary to the laws they passed in Congress.

Yesterday, those who bothered to read the front page of the New York Times, the front page of the Washington Post, or the front page of the Washington Evening Star, found out that whereas this body refused to require compliance with the Environmental Protection Act on the Tennessee-Tombigbee project, a Federal judge in the District of Columbia issued a temporary injunction, on petition of the Environmental Defense fund, on the exact ground that was the basis of my amendment in the Senate a few weeks ago.

The Tombigbee project will have a mammouth environmental impact. On that project, they will excavate more land, by twice, than the total excavation of the Panama Canal.

Mr. President, the Corps of Engineers, who wish to start it tomorrow, do not know what they are going to do with the dredging soil they will dig out in order to create the canal.

I will tell you, Mr. President, what they will do with it, if we let this thing go. They will pile it on the shoreline all the length of that canal, so that for the next two decades it will wash down into the Tombigbee River and from there all the way into the Gulf of Mexico.

Thus, we have now come to the position where the Senate will not insist on compliance with the legislation it passed and a Federal court has to protect the environmental interests of the country, not the Congress which passed the legislation.

Let me read from the news story on the Tennessee-Tombigbee project, which is an irrational waste of the taxpayers' money; $387 million is proposed to be spent on connecting the beautiful Tombigbee River in Tennessee with the Tennessee River which runs into the Mississippi River, and the Tombigbee into the Gulf of Mexico.

Thus, the canal will join these two rivers in order to provide for barge traffic from the Gulf of Mexico up past Mobile all the way up to the Tennessee River.

Furthermore, all the pollutants in the river up in the Tennessee along, with the mercury and the industrial wastes, will come down into the Tombigbee and, therefore, the canal, with all of its pollutants, will destroy one of the loveliest rivers in this country.

That is what Congress has done in authorizing $387 million for this project, which will be a total waste of the taxpayers' money.

Thank heavens we have a Federal judge with the courage to stand up and say, I am going to enforce the laws, even if the Senate and the House of Representatives are not going to require the agencies of the Federal Government to comply with the laws that these two bodies passed.

In the news story yesterday, let me read it to you, Mr. President. It is headed "Federal Judge Rules Against Southern Waterway Project."

The article reads in part:

> A federal judge ruled yesterday that the Army Corps of Engineers must halt work on the massive Tennessee-Tombigbee Waterway in Mississippi pending a full determination of its effects on the environment.

That is what the Senate should have done 4 or 5 or 6 weeks ago when we had an amendment before us to require compliance with the law.

Mr. President, continuing with the story:

> Granting a preliminary injunction against the project at the request of the Environmental Defense Fund, U.S. District Court Judge John Lewis Smith Jr. declared the Corps had not complied with the National Environmental Policy Act of 1969.

Again, that is exactly the debate we had on the floor of the Senate. And that is exactly what the vote was about. And we could only get 17 Senators in the U.S. Senate to vote that the corps must comply with the law we passed.

Mr. President, I continue with the quotation from the story in the Washington Post:

> Smith's ruling after a two-day trial last week caused an immediate furor among congressional backers of the project, first authorized in 1946 and praised by President Nixon at groundbreaking ceremonies last May.

And that, I might say, occurred, I am sure, unbeknownst to the President, that the day he was down there at the dedication and the groundbreaking ceremonies, his own office, the regional office of the Environmental Protection Agency, had already issued a strong statement against building the canal to connect these two rivers.

Mr. President, continuing to read from the article:

> Environmentalists were elated, however, at their success in halting the $387 million project, intended as a virtual second lane of the Mississippi River for North-South water shipments.

Mr. President, let me read an excerpt from the article which appeared in the Evening Star of last night. The article in part reads:

> The project is expected to cost about $400 million and construction would take 9 years.

So, a project that was authorized in 1946, a project which has not yet started, a project which would cost somewhere around $400 million does not yet have filed in compliance with the law an environmental impact statement.

I just ask the Members of the Senate if it is going to take 9 years and if 25 years have passed since the authorization and it has not started yet why in heaven's name can we not wait until there is a final environmental impact statement filed so that the Senators, the Members of the Congress and the public can be afforded the opportunity to evaluate the impact statement and decide whether it is worth spending $400 million on this project in view of the potential for disaster for one of the great river basins in this country.

Mr. President, continuing with the Evening Star article, it reads:

> Earlier this year, Nixon attended groundbreaking ceremonies for it.
>
> Today's ruling is expected to set a precedent for future works projects by requiring that complete studies of environmental impact be submitted before work is begun.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 36 minutes remaining.

Mr. NELSON. Mr. President, I yield myself 6 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 6 additional minutes.

Mr. NELSON. Mr. President, I would hope that that would be the consequence of this decision. However, I suspect that it will not be because the U.S. Senate or the House of Representatives requires the Federal agencies to comply with the law. I suspect that it will be because sensible judges with courage will force the Federal agencies to comply, even though we do not do so.

Mr. President, continuing to read from the article in the Evening Star:

> The suit against the Tenn-Tom project contends that the impact study submitted by the Corps of Engineers in January is misleading and incomplete. It asks that a full study be made before work on the project—scheduled to begin in three weeks—starts.

That is exactly what the debate was about on the floor of the Senate 3 weeks ago when only 17 Senators voted to require the Corps of Engineers to comply with the law.

Mr. President, I read further from the article:

> It is the second time this year that a federal court has stopped construction of a major public works project for environmental reasons. In January, the U.S. Court of Appeals here halted construction of a proposed barge canal to connect the east and west coasts of Florida.

That was after tens of millions of dollars had been spent. A year ago, the Senator from South Dakota (Mr. McGovern) and I had an amendment up for consideration on the floor to stop the construction of the cross Florida barge canal. We debated the issue and decided not to call for a rollcall vote because we knew we would not get more than 10 or 12 votes. We hoped that we could work up some support for the amendment the next time the appropriation came along.

In the meantime, the environmental defense fund came to the defense of the people of this country and their environment and started a suit in the district court on the grounds that irreparable damage would be done if the construction of that canal were continued. The Federal court, again, but with a different judge, decided that it would require compliance with the law even though the Members of the Senate and the House of Representatives would not do so.

Mr. President, quoting further from the Evening Star article:

> The 245-mile Tenn-Tom waterway would allow ship and barge traffic from the Gulf of Mexico at Mobile, Ala., to the Central United States, via the Ohio and Missouri Rivers.
>
> Environmental groups have made the project a prime target.
>
> Included as evidence in the suit is a letter to the Army Corps district engineer in Mobile from the Environmental Protection Agency, which was set up by Nixon as a watchdog on pollution.

The article continues:

> The letter concludes that the waterway would have a severe adverse effect on the environment and recommends that the whole project be reconsidered.

That is the Environmental Protection Agency of this administration saying this.

I continue to read from the article:

> The original proposal for the canal was made nearly 175 years ago but nothing was done until 1946 when Congress approved the idea. The plan was to bring commerce to the then-economically depressed "mid-continental" states.

Of course they were economically depressed 175 years ago.

Mr. President, I continue to read from the article:

> The Environmental Defense Fund's successful arguments against the Florida project are similar to those used against the Tenn-Tom project.
>
> But the Nixon administration, which finally scrapped the Florida Canal after the Court of Appeals here upheld an injunction against it, has pushed hard for the Tenn-Tom link. In May, the President shared the speaking platform in Mobile with Alabama Gov. George Wallace at the groundbreaking ceremonies.
>
> Judge Smith said the Environmental Defense Fund, in bringing the suit against the corps, had made a "substantial showing" that the corps had not fully complied with the requirements of the Environmental Protection Act of 1969 and the Fish and Wildlife Coordination Act of 1934. He said failure to issue a preliminary injunction would cost the fund to suffer irreparable injury without adequate remedy at law.

Mr. President, I ask unanimous consent that the article which was published in the Evening Star be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Evening Star, Sept. 21, 1971]

Court Halts Tenn-Tom Ship Canal

(By Winston Groom)

A federal judge here today halted construction of a controversial barge and ship canal that would connect the Central United States with the Gulf of Mexico via the Tennessee and Tombigbee rivers in Alabama and Mississippi.

Citing potential hazards to the environment, U.S. District Court Judge John Lewis Smith granted a preliminary injunction against the so-called "Tenn-Tom" project requested by the Environment Defense Fund, a group with headquarters in New York.

Although the proposed waterway has been supported strongly by President Nixon, Smith said the Army Corps of Engineers, which is responsible for building the project, has failed to comply with federal environmental policy.

The project is expected to cost about $400 million and construction would take nine years.

Earlier this year, Nixon attended groundbreaking ceremonies for it.

Today's ruling is expected to set a precedent for future works projects by requiring that complete studies of environmental impact be submitted before work is begun.

The suit against the Tenn-Tom project contends that the impact study submitted by the Corps of Engineers in January is misleading and incomplete. It asks that a full study be made before work on the project—scheduled to begin in three weeks—starts.

It is the second time this year that a federal court has stopped construction of a major public works project for environmental reasons. In January, the U.S. Court of Appeals here halted construction of a proposed barge canal to connect the east and west coasts of Florida.

The 245-mile Tenn-Tom waterway would allow ship and barge traffic from the Gulf of Mexico at Mobile, Ala., to the Central United States, via the Ohio and Missouri Rivers.

Environmental groups have made the project a prime target.

Included as evidence in the suit is a letter to the Army Corps district engineer in Mobile from the Environmental Protection Agency, which was set up by Nixon as a watchdog on pollution.

The letter concludes that the waterway would have a severe adverse effect on the environment and recommends that the whole project be reconsidered.

The original proposal for the canal was made nearly 175 years ago but nothing was done until 1946 when Congress approved the idea. The plan was to bring commerce to the then-economically depressed "midcontinental" states.

The Environmental Defense Fund's successful arguments against the Florida project are similar to those used against the Tenn-Tom project.

But the Nixon administration, which finally scrapped the Florida Canal after the Court of Appeals here upheld an injunction against it, has pushed hard for the Tenn-Tom link. In May, the President shared the speaking platform in Mobile with Alabama Gov. George Wallace at the groundbreaking ceremonies.

Judge Smith said the Environmental Defense Fund, in bringing the suit against the corps, had made a "substantial showing" that the corps had not fully complied with the requirements of the Environmental Protection Act of 1969 and the Fish and Wildlife Coordination Act of 1934. He said failure to issue a preliminary injunction would cost the fund to suffer irreparable injury without adequate remedy at law.

The environmentalists' suit attacked the project on a variety of points.

Chief among them is the argument that the waterway is no longer needed. In the 25 years since Congress authorized the project, the suit says, the areas that were to be affected by it have industralized themselves to the point where the canal is not necessary.

The fund's objections to the project follow very closely the objections raised in the EPA letter to the Corps of Engineers—principally that it will result in unacceptable water pollution and that it will damage the natural environment—particularly several historic scenic and scientific excavation sites.

The pollution problem, according to EPA, will be severely aggravated when the Tennessee River, which is heavily ladened with industrial wastes and a "dangerous mercury level," is allowed to flow into the Tombigbee across Mississippi and Alabama to the Gulf. Several other Alabama Rivers were closed to fishing last year because of high mercury content.

In addition, the letter concludes that the exchange of waters will create a stratified oxygen situation which will "alter the dominant fish species and fish food."

Some 24,000 acres of wildlife habitat will be inundated by the project, the suit says, and an additional 46,000 acres will be partially submerged.

The letter also objects to the waterway's effect on scenic forestlands along the river which it says are "among the most picturesque and unspoiled areas still remaining," in the country.

The suit complains that the engineers have not explained how they will dispose of the 260 million cubic yards of dirt—almost twice the amount excavated for the Panama Canal—that will be left over when the project is complete.

The engineers have stated that "the method for final disposition of this matter (the dirt) has not yet been determined."

The EPA letter concluded: "The Environmental Protection Agency recommends that a reevaluation of the whole project be made, taking into consideration the fact that the project might not bring the commercial and industrial development to the area originally anticipated and a scenic and natural area will be irreversibily damaged for all time."

Mr. NELSON. Mr. President, I point out, incidentally, that the article states:

> The pollution problem, according to EPA, will be severely aggravated when the Tennessee River, which is heavily ladened with industrial wastes and a "dangerous mercury level," is allowed to flow into the Tombigbee across Mississippi and Alabama to the Gulf. Several other Alabama Rivers were closed to fishing last year because of high mercury content.

Mr. President, I ask unanimous consent that the article from the Washington Post on the Tennessee-Tombigbee project be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 22, 1971]

U.S. JUDGE HALTS WORK ON WATERWAY

A federal judge ruled yesterday that the Army Corps of Engineers must halt work on the massive Tennessee-Tombigbee Waterway in Mississippi pending a full determination of its effects on the environment.

Granting a preliminary injunction against the project at the request of the Environmental Defense Fund, U.S. District Court Judge John Lewis Smith Jr. declared the Corps had not complied with the National Environmental Act of 1969.

Smith's ruling after a two-day trial last week caused an immediate furor among congressional backers of the project, first authorized in 1946 and praised by President Nixon at groundbreaking ceremonies last May.

Sen. James O. Eastland (D-Miss.) denounced the decision as "judicial tyranny."

Environmentalists were elated, however, at their success in halting the $387 million project, intended as a virtual second lane of the Mississippi River for North-South water shipments.

Justice Department attorney Irwin Goldbloom, who represented the Corps before Smith, said the government may either appeal the ruling to the U.S. Court of Appeals here or press for a speedy hearing on EDF's request for a permanent injunction.

It was the third time in less than a year that the environmental group had blocked ambitious public works projects of the Corps of Engineers.

Earlier, the EDF obtained federal court injunctions against the Cross-Florida Barge Canal and the Gillham Dam Project in Arkansas.

Joining the EDF as plaintiffs in the case decided yesterday was a new group called the "Committee for Leaving the Environment of America Natural" and John D. Williams, a Mississippi resident who said he wanted to "derive benefits from the Tombigbee River as it exists in its natural state."

The plaintiffs cited a report made in March by the Corps of Engineers that acknowledged there might be environmental difficulties in the Tennessee-Tombigbee project but promised to study them at a later date.

The plaintiff's case was buttressed by a second report from the Southeast regional office of the Environmental Protection Agency, saying that the waterway was of "questionable economic value" and would "irreversibly" damage a scenic and natural area of northeast Mississippi.

Witnesses at the trial before Judge Smith told the court that the project, among other problems, would destroy the fish food chain there and preclude archeological exploration of a region that served as a "crossroads" for many early native American groups.

Judge Smith's decision came before construction of the waterway had begun, but just as the Corps of Engineers was about to award contracts next month for the first sections of the waterway.

The initial work, the judge found, "will irreparably alter the environment in its natural state."

He enjoined the Corps, its "agents, officers, servants, employees and attorneys" from proceeding with construction until the EDF suit has been completely resolved.

Judge Smith required the environmental organization to post a cash bond of only one dollar against the eventuality that the project fight later be permitted to proceed.

Once begun, construction of the waterway would be expected to take about nine years to complete. Through creation of a 253-mile-long man-made channel, it would link the Ohio River region with the Gulf of Mexico.

Its key element would be a 27-mile-long "deep cut" through the natural divide between the north-flowing Tennessee River and the south-flowing Tombigbee River.

Considered a boon to the Southern states, the project was once described by Rep. Jack Edwards (R.-Ala.) as uniting "the Heartland of America with the Southland, making possible a shorter and less expensive water route from the Middle States to the Gulf of Mexico."

When critics said that the Mississippi River already performed that job adequately, one congressional proponent observed that it would also "bolster our national security" by providing an alternate water route to the strategically important Mississippi.

One congressional critic, Rep. Henry Reuss (D-Wis.), described the Corps of Engineers attitude as "dig now, study later."

Under Judge Smith's ruling yesterday, the study must be completed first before any digging can get under way.

Mr. NELSON. Mr. President, I ask unanimous consent that an article published in the New York Times on September 22, 1971, written by William M. Blair on the decision of the judge in this matter be printed in the Record.

Mr. STENNIS. Mr. President, reserving the right to object and I shall not object, with respect to these matters going into the Record, as a courtesy to fellow Senators I have never objected except on one occasion.

The PRESIDING OFFICER. If the Senator will suspend, the time of the Senator from Wisconsin has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I have never objected since I have been here, except on one occasion. However, I do know as a matter of fact, from glancing at the article last night, that a great deal of this news item is the opinion of the writer and someone else. There may be some quotations. I am not a renowned lawyer, but I know this is merely a ruling on a motion for a preliminary injunction. That motion was sustained, I understand, without any presentation of the facts. No testimony was taken, as I understand. I am interested in this matter. It affects my State, as well as 10, 12, or 15 other States of the Union. As I understand, no testimony was heard by the judge. There might have been a few agreed-upon statements of fact, together with the pleadings before the court. There has been no testimony taken.

With respect to the talk about the environment there, I do not think the judge knows a thing in the world about it. There has been no proof about it. I do not think this has a proper place in the Record as meaning anything more than the opinion of these people who wrote the articles and the news items and the opinion of the judge.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

There might have been some kind of agreement on some small set of facts in order to get the matter before the court. The question before the court was whether to issue a preliminary injunction. They went before the court on how broad the meaning of the statute was.

The next step, if an appeal were allowed, would be either to appeal or to come in and present the facts of the case.

I wanted to explain my interpretation of it. I do not know what I am agreeing to with respect to this material being printed in the Record. I am not objecting; I just wanted to have my explanation in the Record.

The PRESIDING OFFICER. Without objection, the article will be printed in the Record.

The article, ordered to be printed in the Record, is as follows:

[From the New York Times, Wednesday, Sept. 22, 1971]

JUDGE ENJOINS TENNESSEE CANAL PLAN

(By William M. Blair)

Washington, Sept. 21.—A Federal judge ordered the Army Corps of Engineers today to stop construction of the $386.6-million Tennessee-Tombigbee Waterway until he could rule on whether the Administration-supported project would damage the environment.

The preliminary injunction by Judge John Lewis Smith Jr. of the United States District Court here sharpened the conflict within the Administration over the project.

President Nixon's antipollution enforcement arm, the Environmental Protection Agency, opposed the project, which it contends would "irreversibly" damage the natural environment of northeastern Mississippi.

But Mr. Nixon has ignored the objection of the E.P.A. and conservationists. Last May he traveled to Mobile, Ala., to praise the project, saying that it could open new economic opportunities for the region.

The 253-mile man-made canal would open ship and barge traffic from the Gulf of Mexico at Mobile all the way to the Tennessee River at the juncture of Tennessee, Mississippi and Alabama. The Tombigbee River would be made navigable with a series of locks.

The 300-foot-wide channel would provide a water link from the Ohio River to the Gulf of Mexico.

Construction of the project is scheduled to take nine years. The first part, the Gainesville Lock and approach canal, is scheduled to be started in October. It includes five dams and 10 locks.

Judge Smith's ruling drew immediate resentment from Southern supporters of the project. Senator James O. Eastland, Democrat of Mississippi, accused Judge Smith of "meddling" and charged him with "judicial tyranny."

"It is deplorable that a Federal judge, with one stroke of his pen, has thrown a road block in the way" of the project, the Senator said in a statement.

Representative Thomas G. Abernethy, Democrat of Mississippi, said the ruling was no surprise and that it meant only a "slight delay."

"There is no merit to the lawsuit, and it will fail," he said. "The whole purpose of the rulings is to afford an opportunity to hear the case on its merits."

The Tennessee-Tombigbee case is another in a growing list of major environmental lawsuits. Others still in litigation are the Cross-Florida Barge Canal, which Mr. Nixon ordered halted; and the Trans-Alaska oil pipeline.

Florida is seeking to have the President's order on the Florida barge canal declared unconstitutional because it was authorized by Congress.

The Environmental Defense Fund and conservation organizations joined in fighting these projects. The United States Court here enjoined the Secretary of the Interior last year from issuing a permit for the Alaska pipeline, which is designed to tap the rich oil reserves of Prudhoe Bay, until a final determination could be made on a final injunction.

Secretary of the Interior Rogers C. B. Morton said today that he might be ready to decide the pipeline case before the "first bad frost in November." The court order also requires him to give conservationists 14 days notice before he issues the permit.

Mr. Rogers also said he believed that he could make a decision without waiting for Congress to adopt legislation to settle the century-old claims of native Indians, Eskimos and Aleuts as required by the Alaskan Statehood Act.

Asked whether his ruling yesterday against further drilling platforms in the Santa Barbara Channel off the coast of California would govern future leasing offshore elsewhere, Mr. Morton replied that each case would be decided on its merits.

The Interior Department has announced bidding will be held later this year of offshore leases in the Gulf of Mexico.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, the reason these stories and the findings of fact and conclusions of law and the order are relevant to the debate that is going on here now involving my amendment to hold up further funds for this Sanguine project until the final impact statement is filed, is that this same project was on the floor of the Senate and voted on by the Senate a short time before we went into recess, and the exact argument and the same issue is before the Senate today.

The court found that an adequate case had been made by the Environmental Defense Fund in order to issue a preliminary injunction. The debate to which I referred on the Tennessee-Tombigbee project was July 31. It involved the same issue, the same debate, and the same problem. Therefore, I bring it before the Senate today, pointing out that a Federal judge did what the Senate should have done. He was satisfied based on the presentation that the statute had not been complied with.

I will read excerpts from the decision of the Federal judge in the U.S. District Court for the District of Columbia in the civil action entitled "Environmental Defense Fund, Inc., et al., Plaintiffs, Against Corps of Engineers of the United States Army, et al., Defendants." These are the findings of fact, conclusions of law, and order.

[U.S. District Court for the District of Columbia—Civil Action No. 1395–71]

ENVIRONMENTAL DEFENSE FUND, INC., ET AL., PLAINTIFFS, v. CORPS OF ENGINEERS OF THE UNITED STATES ARMY, ET AL., DEFENDANTS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come on for hearing on plaintiffs' Motion for Preliminary Injunction on September 15 and 16, 1971, and upon consideration of the motion, defendants' opposition thereto, evidence adduced at the hearing and arguments of counsel, the Court, in accordance with Rules 52 and 65 of the Federal Rules of Civil Procedure, makes the following findings of fact and conclusions of law:

Mr. President, I ask unanimous consent to have printed in the RECORD the findings of fact, conclusions of law, and the order of the U.S. district judge for the District of Columbia.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material, ordered to be printed in the RECORD, is as follows:

[U.S. District Court for the District of Columbia—Civil Action No. 1395–71]

ENVIRONMENTAL DEFENSE FUND, INC., ET AL., PLAINTIFFS v. CORPS OF ENGINEERS OF THE UNITED STATES ARMY, ET AL., DEFENDANTS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come on for hearing on plaintiffs' Motion for Preliminary Injunction on September 15 and 16, 1971, and upon consideration of the motion, defendants' opposition thereto, evidence adduced at the hearing and arguments of counsel, the Court, in accordance with Rules 52 and 65 of the Federal Rules of Civil Procedure, makes the following findings of fact and conclusions of law:

Finding of fact

1. Plaintiffs are the Environmental Defense Fund, Inc., the Committee for Leaving the Environment of America Natural; and John D. Williams, a resident of Mississippi who desires to continue to derive benefits from the Tombigbee River as it exists in its natural state.

2. Defendants are the Corps of Engineers of the United States Army, an agency of the United States; the Chief of Engineers; and the Secretary of the Army.

3. The Corps of Engineers of the United States Army is responsible for the design, planning and construction of a public works project known as the Tennessee-Tombigbee Waterway.

4. The Act of July 24, 1946 entitled "An Act Authorizing the Construction, Repair, and Preservation of Certain Public Works on Rivers and Harbors, and for Other Purposes," (Rivers and Harbors—Public Works Act), 60 Stat. 634 (1946), authorized the Corps of Engineers of the United States Army to construct a waterway connecting the north-flowing Tennessee River with the south-flowing Tombigbee River, so as to provide a continuous barge waterway between the upper Mississippi and Ohio valleys and Mobile, Alabama, on the Gulf of Mexico.

5. The general design of the Tennessee-Tombigbee Waterway project, as authorized by Congress and as revised in Design Memorandum No. 1, General Design, was approved by the Chief of Engineers of the United States Army on April 12, 1962.

6. The Tennessee-Tombigbee Waterway project, as set forth in Design Memorandum No. 1, General Design, and as presently proposed, extends from Demopolis, Alabama, upstream via the Tombigbee River, the East Fork of the Tombigbee, Mackeys Creek, through a deep cut, 27 miles in length, to be made through the presently-existing natural divide between the Tennessee and Tombigbee systems, into Yellow Creek and via Yellow Creek to mile 215 on the sailing line of the Tennessee River in Pickwick Pool near the common boundary of Alabama, Mississippi, and Tennessee. The overall length of the project from Demopolis to the Tennessee River is 253 miles and the overall difference in elevation is 341 feet, to be overcome by ten locks.

7. The project will convert the presently free-flowing Upper Tombigbee to a channelized, slack-water system, through impoundments, and will result in approximately 40,000 acres of water surface.

8. Actual construction of the Tennessee-Tombigbee Waterway has not yet begun. However, defendants are actively preparing to award contracts for the Gainesville lock and approach canal portion of the project, with construction on this initial phase due to begin during October, 1971.

9. A document entitled "Environmental Statement, Tennessee-Tombigbee Waterway, Alabama and Mississippi Navigation," dated March, 1971, was prepared by the United States Army Engineer District, Mobile, Alabama, and filed with the Council on Environmental Quality on April 20, 1971 and is the final "impact statement" for the project.

10. The General Plan and Profile, which illustrates the waterway route and locations of locks, dams and navigational pools, set forth in the Environmental Statement dated March, 1971, is the same as the General Plan and Profile set forth in Design Memorandum No. 1, General Design, which was approved by the Chief of Engineers of the United States Army on April 12, 1962.

11. On April 20, 1971, the Corps of Engineers of the United States Army was conducting or proposing extensive studies to determine the environmental effects of the Tennessee-Tombigbee Waterway project and did plan to continue such studies during the nine-year period required for construction.

12. The Environmental Statement, dated March, 1971, indicates that subsequent study will consist of a detailed evaluation of the environmental impacts identified.

13. The contracts to be awarded in October 1971, for the Gainesville lock and approach canal portion of the project will involve clearing and grubbing, construction of a cofferdike, excavation, foundation preparation and fill, concrete work and lock equipment installation and will irreparably alter the environment in its natural state.

14. Plaintiffs would suffer irreparable injury for which there is no adequate remedy at law by the award of contracts and the commencement of construction of the Gainesville lock and approach canal portion of the project at this time.

Conclusions of law

1. Planning, development and construction of the Tennessee-Tombigbee Waterway is a major federal action significantly affecting the quality of the human environment.

2. Plaintiffs have made a substantial showing of a likelihood that in the planning, design and development of, and in making the decision to construct the Tennessee-Tombigbee Waterway, defendants have not fully complied with the requirements of the National Envrionmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq., and the Fish and Wildlife Coordination Act of 1934, as amended, 16 U.S.C. §§ 661, et seq.

3. If a preliminary injunction does not issue, plaintiffs will suffer irreparable injury for which there is no adequate remedy at law.

Accordingly, it is this 21st day of September, 1971,

Ordered, that the defendants, their agents, officers, servants, employees and attorneys, and any person in active concert or participation with them, be and they hereby are enjoined and restrained, pending the final disposition of this suit, from initiating or continuing in any way with the construction of the Tennessee-Tombigbee Waterway project, and it is further

Ordered that plaintiffs file a bond for the payment of costs and damages as may be suffered by any party who is found to have been wrongfully or unlawfully restrained herein in the amount of, or security equivalent to, One ($1.00) Dollar, and it is further

Ordered that the United States Marshal shall serve a copy of this Order forthwith upon the defendants.

——— ———,
U. S. District Judge.

Mr. STENNIS. Mr. President, will the Senator yield briefly to me on my time for a question?

Mr. NELSON. I yield.

Mr. STENNIS. Mr. President, does the Senator agree the testimony, what we ordinarily call the testimony in the case, was not presented to this judge; but this was a matter on which there was no testimony?

Mr. NELSON. The Senator is correct.

Mr. STENNIS. The Senator agrees that a preliminary injunction is just what its terms state. It is preliminary. It is not an adjudication of the case on the merits.

Mr. NELSON. That is correct.

Mr. STENNIS. The Senator used the word "likelihood," as I understood it. The judge said the likelihood is that they have not fully complied. It is just a likelihood, not a conclusion of fact. Is that not correct?

Mr. NELSON. I do not recall the exact language.

Mr. STENNIS. The Senator quoted the word "likelihood" from the decree, and I state that as the way I heard it, anyway.

I thank the Senator for yielding to me. He has agreed, I think, on a vital part of the matter. I do not have any more questions now.

The PRESIDING OFFICER. Who yields the time?

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have left?

The PRESIDING OFFICER. The Senator has 25 minutes.

Mr. NELSON. Mr. President, I yield myself 4 minutes.

I have gone into some detail about the Tennessee-Tombigbee project because of the fact that this was an issue before us and we had a vote on it a few weeks back. The identical proposition is again before us, excepting, in many ways, there is a more complete case against Project Sanguine.

When the Sanguine project first came into public discussion in 1968, I asked the Navy to conduct environmental studies to see what the impact would be. That was prior to the passage of the Environmental Protection Act. They started a contract with the Hazelton Laboratories, in which they contracted for studies in the amount of $125,000. I said that $125,000 would not begin to provide the studies necessary to evaluate the environmental implications of putting 1,000 miles of cable, covering 6,000 square miles, 6 feet under the ground, with the continuous emission of long wavelength electricity into that soil and into the environment.

So subsequently, when the Hazelton Laboratories began the studies, they found there were grave implications in the continuing emission of electricity into the ground, and the Navy authorized further studies.

Finally, they came out, last November, or early December, with a 550-odd page study. Now they are asking for another $350,000 to continue the environmental study. So the more they study and the more they learn, the worse it gets from an environmental standpoint. We should not continue funds, therefore, when the environmental studies are not completed.

The same rules apply to the funds sought for the project on the Tennessee-Tombigbee Waterway. There is a further reason here. The Navy itself has been concerned about the environmental question, so when the budget came into the House of Representatives earlier, they had $2 million in that budget for the purpose of boring holes 1 mile deep into the solid rock of the Laurentian shield in northern Wisconsin to find out whether they might be able to build a grid in solid rock 1 mile underground, to remove the environmental implications. I raised the point, why start to get into a program of boring holes in the Laurentian shield to see whether they can put that system a mile underground when we do not know whether one 6 feet underground will work from a technological standpoint and we do not have the environmental questions answered?

When I raised the question, the Navy backed off 2 weeks ago, and took the $2 million out, but what did it do? It added it to the $3 million they were going to spend on research and development for the 6 feet underground project.

Furthermore, as I mentioned in my former remarks, a team of scientists at the University of Wisconsin and Dr. Biggs of the University of Kansas, both of which have independently evaluated this system from a technological standpoint, have concluded that it would not work. A number of scientists have reviewed the studies made by the University of Wisconsin group and Dr. Biggs and agree with them.

So I asked the Navy:

> Will you have the National Academy of Sciences and the National Academy of Engineering do an independent evaluation of the criticism of this system that has been made by Dr. Biggs and by the University of Wisconsin groups?

The Navy agreed to it. The National Academy of Sciences and the National Academy of Engineering have the project before them, with the evaluation of the criticism of Dr. Biggs and the University of Wisconsin group. Why not wait until we get the answers on the technological questions at least by the National Academy of Sciences and the National Academy of Engineering?

There is absolutely no rationale to proceeding with it further until that technological question is answered and until the environmental question is researched. It would be a good idea for the environmental defense fund to start a court proceeding against the Project Sanguine.

Mr. President, I ask unanimous consent that "Notes and Commentary on the Sanguine System Design Study, Environmental Compatability Assurance Project, Status Report," prepared by the Environmental Standards Subcommittee, Wisconsin Project Sanguine Committee, May 1971, and notes and commentary on "Project Sanguine, Draft Environmental Impact Statement," prepared by the Environmental Standards Subcommittee, Wisconsin Project Sanguine Committee, of August 1971, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

Notes and Commentary on Sanguine System Design Study, Environmental Compatability Assurance Program (ECAP) Status Report, December 1970

(Prepared by the Environmental Standards Subcommittee, Wisconsin Project Sanguine Committee May, 1971)

GENERAL COMMENTS

The ECAP Status Report, covering Project Sanguine studies performed between 1967 and November, 1970, was published as a single summary volume. Partial background for it is included in a set of four Appendices published separately but distributed at about the same time. The Appendices are entitled: A—The ELF Communications Concept; B—Biological and Ecological Assurance; C—Facilities Construction and Operation Assurance; and D—Interference Mitigation. Of these Appendices, our subcommittee has reviewed B and C. Appendix A consists of a very general introduction to ELF communication theory for the rapid instruction of the layman. It does not include experimental data which in any way suggest final design parameters for the Sanguine System. Appendix D, we presume, will be evaluated for the Governor's Committee by the Interference Mitigation Subcommittee.

It should be noted that the Final Report of the Project Sanguine Biological Effects Test Program Pilot Studies (Hazleton Report) was published in November, 1970. The results of these tests (reviewed in our report of January, 1971, "An Analysis of Biological and Related Research on Project Sanguine") were included as a portion of the background relating to the conclusions expressed in the ECAP report. Certain of our reservations concerning these conclusions were briefly mentioned in the January report.

The following comments constitute a "highlight" appraisal of the ECAP Status Report and Appendices B and C. They include our objections, questions, and emphasis of statements we believe have significant bearing on the evaluation of Project Sanguine.

THE ECAP STATUS REPORT

Page iii: We again take strong exception to the last paragraph of the Abstract which states that the "results described in this report show an environmentally compatible ELF communications system can be designed, constructed and operated." Such statement is supported neither by experiment nor by documented review of previous research of other organizations. The question of biological compatability, especially with chronic exposure to Sanguine fields, is still completely open.

Page v: The summary of ECAP results includes the assertion that "Significant biological or ecological effects are not expected from these fields." This statement in no way follows from data presented. A binding definition of the term "significant" has never been presented. Safety standards for chronic exposure to Sanguine fields have not been established.

Page 1–1; item 1.1: The frailty of the above generality is emphasized in this introductory statement which affirms that "Continuing research and development will provide the basic guideline and technology to ensure that any future installation and operation of a Sanguine System is compatible with the existing environment."

Page 1–1; item 1.2a: To this time, the identification of potential ELF effects on the existing environment has involved limited research with a small number of biological functions. Decision on whether or not these experiments have been correctly chosen, as well as direction of future choices for acute and chronic experimentation, should be made the responsibility of an independent committee of knowledgeable biologists.

Page 1–1; item 1.2d: It is presumed that a report will be forthcoming which will describe the methods and guidelines which have been selected to assure environmental compatibility. Perhaps Appendix C represents an early stage in such establishment of guidelines.

Page 1–2; item 1.2; paragraph 1: The statement that "Electromagnetic field limits ensure that no biological reactions occur." suggests the chosen levels meet known safety limits, whereas, in reality, these tests have yet to be made.

Page 1–6; paragraph 2: To this time we have seen evidence of but limited attempts to obtain and utilize ecological information in planning and development.

Page 1–19; Item 2.5: Environmental compatibility in North Carolina and Wisconsin can be asserted to be likely, but cannot be demonstrated as a certainty, since no control observations or quantitative sampling of biota were undertaken before applying power to the system. Failure to detect change after the fact is not suitable assurance.

Page 1–23; 3.1: The statement that "Pilot biological and biochemical research programs have shown that electromagnetic field levels can be specified which satisfy ELF communications requirements and assure biological compatibility" is not valid for the reasons elaborated in the January 1971 report on the Hazleton Studies. Further, the statement that "Ecological studies conducted near the Sanguine Test Facilities showed that low-level ELF radiation is an unlikely environmental stress" cannot be supported. Sanguine radiation has never been considered in a valid test of multiple stress common to organisms in Northern Wisconsin.

Pages 1–23, 1–24; item 3.2: In this section are summarized the Hazleton studies (see January 1970 report).

Pages 1–24, 1–25; items 3.3–3.4: See comments on appendices.

Page 1–27; item 4.2: We agree with this statement. It is, however, inconsistent with the sweeping conclusion that an environmentally compatible installation can be designed and operated.

Page 1–28; item 4.3: "Additional ecological studies are planned"—We have seen no evidence of any planned additional ecological studies. We have heard indirectly through the news media that some studies may be planned for the Biotron. UW–Madison. There is also a possibility of ecological studies having been proposed in response to the *Bio-Science* article of Libber, but not as of December, 1970.

Page 2–1; par. 3: We take exception to "Furthermore, the scientific community has not regarded the question of ELF biological reactions as warranting considerable research." The statement may, perhaps, be true at the acute, but not the subtle and chronic levels.

Page 2–2; item 1.2: The literature review showed that most of the studies on electrical effects have been at the microwave frequency region. It is stated that such results are not helpful in assessing ELF biological effects potential.

Last par.: No known biological reactions occur near radio stations. Have any detailed and controlled studies been made?

Page 2–3; par. 1: Radio transmitting antenna (215 gauss and 8,000 volts per meter) caused irreversible changes in the blood forming system.

Page 2–3; item par. 2: Electronarcosis apparently requires direct electrostimulation and has not been achieved with electric fields; the effective frequency is about 10 Hz. Electrosleep as an anesthetic has been unsuccessful.

Page 2.4: It is a well established fact that an electric field in air and an electric field in a conducting medium are coupled to an object placed in the field in very different ways. To make a comparison of such fields without some acknowledgement of this difference is misleading.

Page 2–4; item par. 4: High intensity ELF (Takeshima) as high as 300 volts across a radiation cell at 10–100 Hz produced no structural changes in DNA. He also contends that nonthermal effects cannot occur at relatively low radio frequencies because radio wave energy is too low to dissociate the weakest chemical bonds in living organisms.

Page 2–4; item par. 4: "These frequencies, 10 Hz or less, are the natural rates of variation of many body functions and brain activity. The scientific community regards these very lowest frequencies as critical, since electrical energy may evoke either physiological or behavioral responses." What would happen if, for any reason, the Sanguine antenna were to be operated at 10 Hz? Would this be a means of affecting large numbers of persons in a deleterious manner?

Page 2–5; item top: DC effects are cited; author states these references to have no direct bearing on Sanguine question.

Page 2–5; item 1.3: We doubt whether very many M.D.'s (or engineers) would agree with the sentence, "The medical profession is the appropriate community to establish electrical safety standards." Certainly it would require joint effort and this has been the path up to now.

Page 2–6; item par. 2: Safe current levels are cited; the Navy adopted the 0.5 mA perception criterion as the mitigation current level.

Pages 2–6 to 2–17; item general: This section concerns summaries of biological research, the results of which we have commented on in the January 1971 report, or elsewhere in this one.

Pages 2–18 to 2–19; item general: Reference is made to the Wisconsin test facility epidemiological study. We have not yet submitted a critique of this ongoing study. Following this, reference is made to other ongoing studies and cooperation received from the scientific community. At the top of page 2–19, in lines 5 and 6, the statement is made that "a formal discussion group may be formed along workshop lines." How far the Navy has really gone in this respect, other than making mention of communications with the scientific community, should be clearly documented.

Page 2–21; item Sec. 2.: This section develops, very generally, criteria utilized in routing of an antenna. Our committee has not yet considered the gross changes to be incurred in construction of the potential antenna.

Page 2–27; item Sec. 3: It is assumed that the Mitigation Subcommitte will react to this section.

Pages 3–1 to 3–13; item general: This section gives general information on the organization of the Navy's Sanguine Division, contributing organizations, and the ECAP Advisory Groups, and a section on so-called program milestones. Section 4 provides an historical summary termed "Program Milestones."

APPENDIX A

No commentary is submitted by this committee, as the communication engineering is not within the competence of the biologists among us. Professor Novotny has made his own evaluation of these aspects of Sanguine; his opinions have been expressed to the full committee verbally.

APPENDIX B

This paper summarizes all biological and ecological studies carried out for the Navy through November, 1970. We have commented on the Hazelton studies in our previous report. The following comments concern biological and ecological assurance studies on which we have not recorded criticism to date.

Page B–1; item par. 1: "A detailed description of the Sanguine ECAP effort concerning biological and ecological assurance is given in this appendix. It supports the information presented in the ECAP report."—This is a confusing statement. We presumed all of the reports were ECAP productions. This is an example of the confusing nature of the reports. There remains the question—"Who wrote the reports—personnel of the Navy, ECAP, or both?

Page 3–6; item general: All comments made in our previous report on the Hazleton studies pertain here. In fact, the treatment here is subject to additional criticism because of the brevity and the sweeping and unwarranted conclusions. For example we tentatively concur with the conclusion in the first paragraph under 2.4, page B–6, concerning forests species composition, but the conclusion that ELF has had no effect on pine but development must be qualified.

Page 5–6; item 2.3: The statement made here that the "Experiments involving NEP have not been completed" isn't sustained by the results presented on page 74. "The experimental results suggest a reduction of uptake at 0° C, but not at the higher temperatures upon exposure to the magnetic fields."—Note—There is nothing said about the studies being incomplete on pages 74–75.

Page 6; item 2.5: The first sentence in this paragraph does not appear to represent the more detailed study described later in the report (B–103, B–104).

Page 7–19; item general: While there seemed to be some references pertinent to Project Sanguine in the literature cited and abstracted in these pages, the authors occasional deductions confused our attempted interpretations. For example, several references on the types of EM studies published were presented on page 7–9 to show their limited application or inapplicability to Project Sanguine. Then, in the fourth paragraph on page 8–9, appears the conclusive statement that "The lack of effects at frequencies siimlar to SANGUINE provided significant factual information." This statement appears contradictory and incorrect. The author also referred to five papers as the most definitive and presented four results pertinent to Project Sanguine at the top of page 9. These appear to concern studies of the effects of electrical fields on man and mice suspended in air. Such results are applicable to Project Sanguine only after making allowance for the difference between air-borne electric fields and direct contact with an electric field in a conducting medium. In general air-borne electric fields must be many orders of magnitude higher to produce internal fields comparable to those produced by contact with electric fields in a conductor. Four publications seem to have relevance to Project Sanguine; these are: Takeshima (1966); Vibert (1967); Gavalas, Walter, Hamer and Adey (1970) and Schram (1970). The paper "The Effects of Magnetic Fields upon Rabbit Brains (no author cited, see page B–17) may also perhaps be pertinent, but EM treatments are not clear in the abstract.

While we are not fully familiar with the literature on ELF impacts, we do have some knowledge of the literature on ecology. If the only noteworthy reference on ecology the reviewer could find is the one on the bottom of page B–15, then the quality of the whole literature review must be viewed as sadly deficient. If the literature cited contains support for the Navy's position that "an environmentally compatible ELF communication system can be designed, constructed and operated" (main report, page iii), this has not been convincingly done on pages 7–19. In their concern with the search for gross effects at extremely high field voltages, the literature searchers seem to have avoided work reported for extremely low fields! While we have not gone to the original papers, Pressman (1970) cites experiments in which biological effects are induced simply by shielding living and chemical materials from ambient EMFs. Some examples: the egg-laying rate of hymenopteran insects increased as a result of screening (Maw, M. 1961). Suppression of oviposition rate of *Scambus bidianae* (Hymenoptera, Ichneumonidae) in fluctuating electric fields (Can. Journ. of Entomology 93: 602). Similar screening has induced a change in the precipitation rate of bismuth chloride; polymerization of acrylonitrile; clotting of blood; sedimentation of rabbit erythrocytes and others (Pressman 1970, p. 226).*

Page B–9; item par. b: In this experiment the progency of the treated males exhibited less body growth than the progency of the controls. The interpreter of the experiment reports on page B–3 that "no significant effects were reported." In regard to this unusual conclusion, the abstract indicates that the reason for the differential in progency growth was not evident. We take this to mean it was unknown. The experiment does not reveal that the EM field influenced growth, but neither does it reveal that it does not influence growth. One can only conclude that effects were reported in the course of these experiments but that the cause or causes of the effects was undetermined. If statistical treatment of the results in experiment b. did in fact show a "less than significant difference," we shall have to withdraw the above criticism. The original document is not available at present for review and we are reacting to the ECAP statement as it is.

It might also be noted that the currents involved in experiment b. were only one one-hundredth of those applied to the rats in the HLI learning experiment and one two-hundredths of the current in the HLI canine physiology experiments. We do not have sufficient information to express the differences in terms of current densities in the animal tissue.

Page 21–72; item general: This section, containing the results of HLI studies which our subcommittee has already treated, apparently represents the Navy's final interpretation of the HLI studies. The conclusions are slightly different than those drawn by HLI in their final report. We shall not respond again to this section; our former comments (January, 1971) still pertain.

Page 73–75; item Sec. 5; general: Biochemical research.—We do not feel able to appraise these studies which are, at present only partially presented. However, study suggests that, in the presence of a second stressor (temperature, varying in magnitude) added to that of the magnetic field treatment, different rates of uptake and decay of tritium-labeled norepinephrine are observed. The levels of 50 and 100 gauss were, of course, many times those suggested for Project Sanguine. When the final reports of these experiments become available, we shall make every effort to obtain expert consultation in their interpretaton.

Page 77–80; item Ecol. Surveys; general: A final report of this research has now been published and is being separately evaluated. As presented here, the text is impossible to follow in places. A few comments, however, are germane. We (D. R. Thompson and C. Kabat agree with the conclusion of the author (6th paragraph on page B–79) that there appeared to be no effect of the proximity of a power distribution line and ELF antenna at the North Carolina and Bravo sites respectively on forest species composition. However, the data on pine bud mortality at these sites does not provide the basis for acceptance or rejection of the hypothesis that there was no difference between pine bud mortality at the roadside and power line sites (Page B–98, Table B–29), since no study was made of the other alleged differences in environmental factors (last paragraph on page B–80). Also, the mean percentage of dead buds was calculated incorrectly at all distances (Table B–29).

The author neglected to include the numbers of dead buds along with the number alive to get the total which was then to be divided into the number of dead buds to get the percentage. It was also impossible to determine from the text whether or not the power line was operative (Table 29, Page 98). If the power line was inoperative, then the two sites would have been similar; that is, they were adjacent to an opening with no EM effects. If the power line was operative, then the sites would have been different and the mean percentage difference in pine bud mortality could have been due to the EM fields.

Page B–103; item Sec. 7: The heart pacer work is not primarily environmental and, in a sense, is not a biological question. Rather, it seems more akin to the mitigation work, *i.e.* the fields affecting the appliance and only indirectly the heart pace. Multiple biostresses, cumulative and chronic effects and the like would perhaps not be as likely to enter into consideration of permissible levels of Sanguine, as they would in consideration of the biota. It is conceivable, however, that a Sanguine field might be imposed on a preexisting field in a household or industrial environment, in which instance a complex reaction, potentially additive, might be noted.

In addition to induced voltage caused by the magnetic field, the conduction current caused by direct contact with the electric field in the earth could also interfere with a heart pacer. This possibility should also be investigated.

APPENDIX C

This appendix concerns general precautionary construction measures that will be taken to prevent gross mechanical environmental damage. The brief statement is sufficient as an indication of intent, but a much more detailed outline of procedures and contractual demands will be expected. As further design specifications and proposals become more specific, our comments likewise may be more helpful.

Pages C–1, C–2; item general: The same conclusion appears here that has become so objectionable in other parts of the report; *i.e.* that research to date "has provided no evidence to conclude that operation of an ELF system would have any environmental impact of significance."

The technique of reiteration has been used in these reports; since the statements cannot be upheld as yet by widely confirmatory evidence, we shall continue to call attention to the inconsistency of the conclusion.

Further, the Navy says it can't be specific on measures since the system has not yet been designed; we certainly agree that there has been lack of specificity.

Page C–5; item general: The contractor is liable "for environmental protection;" the problem here is that of enforcement.

Page C–9; item general: The burning restrictions appear to be adequate. Any type of burning in forest protection districts must be done under permit from state and federal government.

APPENDIX D. INTERFERENCE MITIGATION

This report has been read, but not critically reviewed, by this subcommittee.

NOTES AND COMMENTARY ON PROJECT SANGUINE, DRAFT ENVIRONMENTAL IMPACT STATEMENT, MARCH 1971

(Prepared by the Environmental Standards Subcommittee, Wisconsin Project Sanguine Committee, August 1971)

Comments are listed seriatim for the body of the Draft Environmental Impact Statement (DEIS; pp. 1–46). Annex A with Appendices A–D was analyzed at the time of publication; a copy of that report is included here to make complete our commentary on the entire DEIS. Reaction to Annexes B and C follow in turn. Annex D is not considered here.

Initially it is necessary to make very clear our strongest reservation. Throughout the DEIS and ECAP Status Report (Annex A), statements are made to the effect that a Project Sanguine design can be developed which would result in an operable system that would have no significant adverse environmental effects. In different contexts and at every opportunity this statement is reiterated. We, in turn, have repeatedly stated that this assertion has neither been proven nor disproven. The Navy has neither recognized nor publicly recorded our position. Repetition is not a substitute for verification. The latter will be required before an Environmental Impact Statement will be acceptable to the scientific community.

To the present, the pilot biological studies and ecological surveys have been aimed solely at acute effects. Results in virtually none of these experiments have been at all convincing. Our subcommittee is, thus, not at all assured, even concerning such short-term acute effects, at any EM level. We have, however, repeatedly stressed the need for long-term study of possible subtle effects, particularly concerning multiple or cross stresses, factors which are critical to survival in a free-living organism in the natural environment. The sooner such studies are initiated, the sooner it will be possible to realistically discuss the environmental impact of Project Sanguine. Without the inclusion of results from such studies, a final Environmental Impact Statement would be unacceptable to our subcommittee.

Sweeping statements are made throughout the DEIS that no adverse "impacts" have been found (a statement with which we have disagreed), but it must be made clear that these references deal primarily with v/m gradients at the antenna sites. Biotic effects at the ground terminals (10–14 v/m) have been virtually neglected. Even if the grounding sites occupy a relatively small area, the problems of adverse biotic effects must be identified and investigated.

The effort to assure that natural resources would be protected in the event that Project Sanguine is installed is commendable. It is also necessary, however, to give assurances that if the system were constructed, provisions would be made through federal funding to facilitate appropriate state action for detecting and preventing specification violations.

Page ii; item par. 2, lines 8–9: The sentence beginning "It should be . . ." stating that conclusions made in Annex A are not included in the DEIS is generally accurate. However, the context throughout the DEIS in which statements are made relating to Annex A give them a conclusive connotation.

Pages ii–iii: Inclusion of Annex D as an illustration of degree and kind of public interest was a matter of choice. It should be pointed out that other reports, some irresponsible but others highly responsible and qualified have been made public by various persons and groups. Thus Annex D should not be construed as being inclusive of all responsible public reaction.

Page 2; item lines 14–17: The statement ("Significant biological . . ." etc.) has not been proven, since such research has not yet been reported.

Page 3; item lines 5–9: The positive statement that "in every case. . . ." etc. is contrary to the pilot research findings which indicate that EM fields particularly in the immediate vicinity of terminal groundings will not assure "environmental compatibility." Furthermore, we do not concede that assurance has been demonstrated even at antenna levels on the basis of research reported to the present date.

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*Pressman, A. S. 1970. Electromagnetic fields and life. Plenum Press. New York, NY. 336 p.

Page 3; item lines 9–11: Not just "additional study to develop design guidelines" is required; rather, new research is necessary to determine that adverse effects do or do not occur. It is stated that these studies are being conducted. What are they? Who is doing them? What external input is possible in the design of these studies?

Page 3; item lines 12–15: Ecological studies have not demonstrated that low-level ELF radiation is an unlikely environmental stress (see comments on Annex B.) No experiments have yet been carried out, or even thoroughly planned that would provide such assurance, as far as is presently, publicly known.

Page 3; item last par.: Concern as to effects is never unwarranted. On the basis of present ecological research, such concern is more than ever required.

Pages 7 and 9; item figs. 2, 4: Captions should read "Comparison with. . . ." instead of "Comparison of. . . ." This wording would be less likely to convey the wrong impression regarding the Sanguine fields.

Page 10; item lines 23–25: The last sentence is a sweeping generalization. Power system fields are typically quite variable in time and in general any direct advance impact of the higher magnitude fields associated with power system exposure is unlikely for people or animals since one would not normally expect them to remain in the vicinity of ground terminals for long periods. Thus, the lower amplitude fields represented in figures 2 and 4 are more realistic long term exposure values and these are considerably lower than proposed Sanguine levels.

Page 10; item lines 29–31: This statement is not true. In fact, faulty procedures and facilities prevented the determination of the magnitude of EM fields to which the test organisms were subjected in several of the HLI studies.

Pages 11–12; item par. a–i: It is apparent from these summaries that virtually none of the suggestions made in the appraisals either by the Navy's selected reviewers or those made by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee have been accepted. Therefore, we emphasize that the summary statements are as misleading in the DEIS as they were in the ECAP report (Annex A, with appendices).

Page 11; item par. 2.4: In all studies reported verbally at meetings attended by Wisconsin representatives, the objectives cited for such experimentation were to determine acute effects. Hence this statement should be qualified accordingly.

Page 12; item par. 2.5: The first paragraph does not accurately describe the entire results of the studies reported as Annex B; it relates only to that section on species composition, the results of which are equivocal (see criticism of Annex B). The faulty pinebud mortality results are not mentioned here at all. The "no apparent effect" statement is misleading.

Page 14; item par. 1: The magnitude of gradient near the ground terminals does not appear to be specified in this report. The figure 10 v/m has been used in discussion; this is far higher than the "range of gradients measured near 60 hz power line grounds private and commercial dwellings in the area." These data exist for the Clam Lake grounds and should be included somewhere in the DEIS.

Page 14; item par. 4: This paragraph ("No evidence of biological. . . ." etc.) is very misleading, as if systematic measurements now permit such assurance statement. The U.S. Forest Service observations upon which the statement rests were at best casual. See comments on Annex C, wherein is found the following: "These observations are not intended to yield scientific conclusions concerning environmental effects."

Page 15; item last sentence: The statement that "Stream crossings of reasonable extent probably can be made environmentally and economically acceptable" is not sufficient assurance.

Pages 16–17; item general: Good assurance against immoderate physical disruption.

Page 18; item first sentence: The possibility of someone digging down to the buried antenna is very real, when buried at a depth permitted by vibratory plowing. What are the consequences of such contact?

Pages 18–21; item general: Appears to be reasonably good assurance.

Page 21; item paragraph 3: "Other disturbed areas. . . ." While it would be very desirable to cover a disturbed area with humus or forest litter, the practical aspects of such activity renders it virtually impossible.

Pages 21–25; item general: The assurance is good, but inspectors with real authority and consultants would have to be on the installation sites at all times.

Pages 25–28; item general: We agree that "A realistic economic impact on a given area . . . would depend on actual system design factors . . ." (P. 25, section 2.7, par. 1.). However, it is necessary to make an economic impact evaluation using a simulation model, since the general characteristics of the area are obvious. Awaiting final design specifications would imply a decision to build, thus having ignored potential economic factors.

Page 26; item paragraph c.: This statement is much too casual. There are many very serious ramifications of ground terminal installation in marshes (wetlands). These sites where wildlife heavily concentrates frequently inclose impounded water and are often transected by streams. Since the surface v/m gradient at ground terminals will probably exceed biotic tolerance, the problems here are evident.

Pages 28–29; item general: Data summarized in Table 2 are not referenced. Wisconsin Upper Michigan Systems reports, Mid-Continent Area Power Planners Reports and the EEI 1969 Year End summary give power production figures for Wisconsin as 6,007 MW, and for the U.S., 310,000 MW, in this case significant differences. These figures should be resolved.

Page 30; item paragraph 2.9, general: Comments on this summary should be made by the Interference Mitigation Subcommittee of the Wisconsin Project Sanguine Committee.

Page 30; item par. h.: We all have continuing concern with respect to the use of medical electronic devices in a Sanguine environment by birdwatchers, hunters, or others not completely informed of potential danger. We stress the need for careful documentation of assurances here by the Interference Mitigation Subcommittee.

Page 31; items 2.10.1 and 2.10.2: In our comments on the ECAP report (Annex A and appendices) we have stressed the inadequacy of formally-reported biological experimentation to provide assurance or, in several cases, even reasonable planning guidance. We have not yet seen the proposals for "further research" which have been accepted for funding by the Navy. We trust that the objectives and experimental design of such projects will be released soon so that, unlike the HLI situation, external suggestions for design modification could at least be discussed with principal investigators. Furthermore, we must emphasize again that, unless future studies are conducted on subtle and long-range effects (particularly using multiple stresses) the biological-ecological questions of environmental compatibility will remain. Without such research, assurance will not be acceptable to our subcommittee.

Pages 32–33; item 2.11: Improvement of poor telephone and power distribution systems does not appear to qualify as an "environmental benefit." Indeed, the title of this section should properly be changed. To argue that additional access roads and forest clearing is environmentally beneficial will raise questions among many ecologists, who see too many roads and excess forest clearing already. The wording of the last two sentences is meaningless and the reasoning scientifically unsound.

Page 33; item 2.11: For the first time to our knowledge, the construction specifications call for spanning of rock outcrops or extensive (?) bogs by an overhead antenna. This raises questions with respect to effects on airborne wildlife, as well as stressing the attendant need for perpetual clearing of foliage along the right-of-way. Additional clarification by the Navy is required in this matter.

Pages 34–35; item Section 3: We take strong exception to the intent and wording of this entire section, most especially to the first paragraph, page 34. How could long-term adverse environmental effects be identified or deemed nonexistent when no such studies were conducted? There have not been "four years of environmental research" having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form which provide biological or ecological assurance even on short-term basis. There are certainly none which provide long-term assurance. This has been a point of contention by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee throughout the period of study. We require the same rigor to be applied to assurance studies that has seemingly characterized the studies in communication engineering and interference mitigation. Section 3 in its entirety is a gloss over of nonexistent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged.

Page 37; items 4.2, par. 1: We commend the statement that "any . . . system would be required to satisfy all guidelines for ensuring biological and ecological compatibility . . .". Such statement is not, however, compatible with the frequent statements found throughout pages 1–47, that no significant adverse environmental effects have been found.

Pages 40–41; item general: Apparently the alternative sites were only very tentatively considered, with the Wisconsin site being the only one given serious consideration. We had the impression that all alternative sites had been carefully analyzed and truly qualified for consideration.

Pages 41–43; item general: Emphasis on using low conductivity sites for transmitters and high conductivity sites for antenna installation is either a new consideration or we have missed it in previously issued reports. It should be noted that the potential biological impact of a given electric field depends strongly on the conductivity of the medium in which the field exists. High ground conductivity should be expected to produce greater biological impact for a given field strength.

Pages 44–45; item Section 5: From the text of this section we do not understand what is meant by short-term uses and long-term productivity. The language is garbled and is not, therefore, informative. The intent of the entire section is unclear. The second paragraph reiterates the unsupportable statement that "field levels associated with Sanguine should produce no unusual or harmful environmental effects." *Again,* we record our unwillingness to accept the statement.

Page 46; item Section 6: The title of this section refers to "resources" which literally encompasses the totality of physical and biological components of the environment. Page 46 deals only with some physical components, totally ignoring equally important biological, or aesthetic) resources.

ANNEX B. PILOT ECOLOGICAL FIELD SURVEYS TECHNICAL MEMORANDUM NO. 1, IITRI PROJECT E6159, FEBRUARY 1971

This report describes work undertaken to demonstrate the effect of Sanguine test electromagnetic fields on species composition of mixed hardwood-deciduous forest and potential deleterious effects as measured by pine bud mortality. While introducing certain valid quantitative techniques to the Sanguine research program, no assurance value is gained from the study for the following reasons:

1. In neither Site Alpha or Clam Lake studies was pretreatment evaluation of pine bud mortality or composition undertaken. (It is understood that such studies had not been envisioned in 1962 at Site Alpha nor as late as 1969 at Clam Lake, but this does not obviate their necessity.)

2. There is no measure of exposure to EM fields at either site. At the Alpha site the antenna was energized in 1962. How long it was energized, intermittency, and pertinent energy levels are not discussed, nor is even the time of deactivation noted. The Clam Lake antenna is said to have been energized intermittently for six months (of a two year existence). These statements of treatment are useless in permitting independent evaluation of exposure. Likewise, power levels in transmission lines used as part of the control study have not been recorded. Use (or omission) of herbicides and pesticides along the control roadways was not ascertained.

3. While it is possible that adequate statistical processing was done, it is not described in the paper. Furthermore, there is no indication of specific meaning of the term "significant". The independent evaluator is not given confidence by the data presented on page 7, where the means of sample are incorrectly calculated (% dead = dead/living, rather than % dead = dead/total). These incorrect results are then presented in the summary table, page 3. Data tables on both pages should be changed.

4. Whether or not the data presented in this paper truly represent "no effect" seems still a matter of interpretation. For example, the percentage of dead red pine buds 0 meters from the Clam Lake antenna is 1.9 times the equivalent value at the road cut. At a distance of 100 meters from the antenna, the percentage dead is 3.7 times the equivalent measure 100 m. from the road cut. These data indicate to the authors of the report nothing more than a general boundary effect at the forest edge. Their statement of conclusion states that "No significant effect can be attributed to electromagnetic influences." They may be proven correct at some time, but such conclusion, we feel, on the basis of data presented here, is totally unwarranted.

5. The study on forest composition does not provide assurance of safety, but perhaps the data can be used as a baseline for future studies. In addition to criticisms presented above, it must be stated that the parameters studies, *i.e.*, density, frequency, and dominance in a forest community, may well require very long exposure to EM (or other) treatment to demonstrate measurable effect by the methods here used.

Herbs would be expected to show population effects sooner than trees, yet no quantitative data were obtained for herbs (or, indeed, tree seedlings) though a simple listing of species has been included for one site. No comparison is made with trees from non-Sanguine sites, making impossible the discrimination of possible EM effects from those due to general properties of gradients near clearings.

The authors' statements that "In all three cases forest composition is characteristic for the particular region and age of the forest" and "No species were observed which were not expected and no species which were expected were missing" are apparently drawn from personal experience, but are neither referenced nor otherwise documented in the report.

ANNEX C. FIELD OBSERVATIONS AT THE PROJECT SANGUINE, WISCONSIN TEST FACILITY, REPORTED BY U.S. FOREST SERVICE, U.S.D.A.

(Annex prepared by IIT Research Institute, January 4, 1971)

This brief inclusion of miscellaneous observations by personnel of the United States Forest Service is entirely out of place in the DEIS. In no scientific journal would such simple, unquantified and unsynthesized observations be accepted. On the surface of it, the presence of these four pages seems harmless enough. However, there is the definite impression that U.S.F.S. personnel (well qualified with University training) are making systematic observations on what is termed "animal behavior". This is misleading; the recorded observations are no more than sightings or observations of spoor. Amplified enormously and using quantitative methods of observation (e.g., sightings or tracks per 10 minutes of snow transect walked regularly by a skilled observer), indications of population level and fluctuation in selected large vertebrate species might be discerned. There is, however, no order to these published observations. Furthermore, if even desultory reporting by a single man observing the presence of vertebrates on 14 days, turns up only such list of sightings, the vertebrate populations in the Chequamegon National Forest are in serious trouble. This is clearly not the case.

It is pointed out that the forest is complex and is subject to manifold influences. This is true. It is naive, however, to assume that even well-intentioned, well-educated field observers could ascertain the subtle effects that might be expected from electromagnetic treatment. Assurance of no effect, or measurement of positive effect, can come only from well controlled, quantified field experiments.

On page 2, the following statement appears: "These observations are not intended to yield scientific conclusions concerning environmental effects. Instead, it (*sic*) is expected to provide a basis for determining if factors related to the test facility cause any discernible changes." The latter sentence clearly implies environmental effects related to the presence of the test facility.

The willingness of the employees of the U.S. Forest Service to provide their field notes for examination is laudatory. To make them responsible for any tentative conclusion drawn from those notes is, however, grossly unfair. Such personnel should be of real help in advising future researchers on the design of suitable census methods for use at the site.

Thus, in summary, we consider these field observations to make no contribution to the question of environmental compatibility of Project Sanguine.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a background statement on members of the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND STATEMENT

The following constitutes a brief background on the members of the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee and consultants:

MEMBERS *

Dr. William Reeder—Professor of Zoology, an ecologist with expertise on animal species distribution and factors affecting them. University of Wisconsin, Madison.

Dr. William Schmitz—Associate Professor of Botany and Zoology, a limnologist who has studied the effect of lake management practices on fisheries.

Dr. Donald Novotny—Professor in Electrical Engineering, who has conducted special research on the effects of electrical fields on several fish species. University of Wisconsin, Madison.

Dr. Arthur Peterson—Professor of Soils, who has conducted research in crop production and erosion control. University of Wisconsin, Madison.

Mr. James Rogers—Assistant Attorney General, Department of Justice, Wisconsin.

Mr. William Eich—Formerly Assistant Attorney General, Department of Justice, now Chairman of the Public Service Commission of Wisconsin.

Mr. Cyril Kabat—Acting Director, Bureau of Research, Wisconsin Department of Natural Resources, with over 25 years of experience in natural resources research and administration.

CONSULTANTS*

Dr. K. T. Crabtree—Associate Professor of Botany and Zoology, a bacteriologist with expertise in the field of bacterial mutagenesis.

Dr. Koby Clausen—Professor of Botany and Zoology, a plant ecologist who specializes in factors affecting plant growth, formerly an associate professor at the University of Wisconsin, Wausau.

Dr. Fred Rickson—Assistant Professor of Botany, specializing in plant morphology, anatomy and histochemistry, formerly of the University of Wisconsin, Madison, now at the University of Oregon.

Dr. Seymour Abrahamson—Professor of Zoology and Chairman of the Zoology Department and Genetics. An expert in radiation biology and a member of the United Nations scientific committee on effects of radiation, and also the Subcommittee of the National Academy on Genetic Effects of Radiation. University of Wisconsin, Madison.

Dr. R. K. Meyer—Professor of Zoology and an internationally known endocrinologist. University of Wisconsin, Madison.

Dr. Theodore W. Tibbitts—Associate Professor in Horticulture and a specialist in the field of environmental physiology of crop plants. University of Wisconsin, Madison.

Dr. Ray King—Professor in Electrical Engineering and a specialist in the electromagnetic fields and waves with research on VLF, mixed-path ground wave propagation.

Dr. John Lussenhoff—Former graduate student. His expertise is in microbiology. University of Wisconsin, Madison.

Mr. STENNIS. Mr. President, I want to recognize the Senator from New Hampshire in a few minutes. The Senator from Alabama is here on a preliminary matter, and I yield him 3 minutes.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

Mr. President, the distinguished Senator from Wisconsin (Mr. NELSON) has, in support of the pending amendment, presented and inserted in the RECORD, a newspaper account of the granting of a preliminary injunction against proceeding with the initial construction phase of the Tennessee-Tombigbee Waterway. I am greatly disappointed over this ruling by the Federal court in Washington, which is just a further delay in starting construction of the Tennessee-Tombigbee Waterway. In this proceeding before a single Federal district judge, and not on the basis of testimony, but on the basis of a preliminary showing, a temporary injunction has been granted. It is temporary in nature. A decision has not been made on the merits. It will not be made permanent unless clear and convincing proof, which has not yet been offered, is adduced.

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*All of the professors currently or formerly at the University of Wisconsin have more than ten years of experience in their special field of research.

Mr. President, I do hope that, on a full and complete hearing in this matter, on the offering of testimony by both sides, the preliminary injunction will be dissolved and that the work will be allowed to proceed.

Environmental quality is of concern to all of us and, in this particular instance, it should be noted that the Tennessee-Tombigbee Waterway will be the first major navigation project built under Congressional environmental guidelines.

I have always felt that our waterways program, when carried out in a wise and orderly fashion, is an ecological plus, and I believe that it is important to note that the Council on Environmental Quality has never stated to the Congress that the environmental impact of the Tennessee-Tombigbee Waterway would be a bar to its construction.

The Tennessee-Tombigbee Canal will be built in a manner least destructive of our natural values. River navigation is perhaps the oldest form of utilization of natural resources by man, and has produced benefits in the areas of recreation and preservation of fish and wildlife resources.

It is most ironic to me that at the very time that the legislative and executive branches are making a concerted and all-out effort to revive and expand our sagging economy and to reduce unemployment, this project—which will mean so much to the economic growth of our Nation—is being stifled by the Federal judiciary. I am confident, however, that after all the relevant information is made known to the court, the Tennessee-Tombigbee project will be resumed.

I thank the distinguished Senator from Mississippi (Mr. STENNIS) for yielding time to me.

Mr. STENNIS. Mr. President, the distinguished Senator from New Hampshire wishes some time. I yield 20 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 20 minutes.

Mr. McINTYRE. Mr. President, the proposed amendment No. 426 contains two separate provisions which involve the Navy Project Sanguine but, as I will explain later, one of these has implications which are so far reaching that it could undermine and obstruct the orderly prosecution of most of the Department of Defense total research and development program. The first part of the amendment states:

> Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this act may be obligated or expended in connection with the Navy's project Sanguine until after a final environmental impact statement has been made with respect to such project pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and such statement has been reviewed by the President's Council on Environmental Quality.

This language, Mr. President, is identical with the language contained in amendment No. 418 involving the Navy F–14 aircraft and the Air Force F–15 and B–1 aircraft programs. That amendment was debated by the Senate on September 13, 1971, and was overwhelmingly defeated by a vote of 55 to 21. It is unfortunate, Mr. President, that this issue, having been argued previously and having been disposed of so positively, must again be rehashed. However, to refresh the memories of my colleagues, let me repeat the major arguments which I made before. I would refer my colleagues to the CONGRESSIONAL RECORD of September 13, 1971, commencing on page 31486, which treated the history of the National Environmental Policy Act of 1969, commonly referred to as NEPA, in great detail. It traces from the time of its enactment on January 1, 1970, through the various actions which have been taken by the responsible agencies of the Government who are charged with its implementation, and as it affects the Department of Defense.

First let me emphasize, Mr. President, that the Department of Defense has complied with the intent of NEPA as interpreted by the Council on Environmental Quality, and with the guidance published by the Office of Management and Budget. Specifically, a draft environmental impact statement on Sanguine was submitted, as required, to the Council on Environmental Quality on May 14, 1971. This document contains almost 550 single-spaced pages. Although my distinguished colleague from Wisconsin previously claimed credit for the very comprehensive treatment which the Navy gave the environmental implications of this program, the work required nevertheless has been done satisfactorily and with great thoroughness.

Second, the procedures which have been established to implement the law are consistent with the intent of that law.

Third, there is no danger that any program proposed by the Department of Defense which could adversely affect the environment would be authorized.

Fourth, this is an ongoing program which has been actively pursued by the Navy since 1958 when it was essentially a research project. Because it is an ongoing program, the Navy has already obligated or placed on contract $4,419,000 of the total of $5,557,000 included in the fiscal 1972 program. These funds were obligated under the continuing authority provided by Public Law 92–71, signed August 9, 1971. Therefore, even if the amendment were adopted, it could not affect retroactive actions and would apply only to the $1,138,000 which remains unobligated. At this point, Mr. President, I ask unanimous consent that a detailed listing of various tasks which are included in the fiscal 1972 program be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1972 OBLIGATIONS FOR SANGUINE

Task	Obligated	Amount
Systems engineering and technology support (MITRE Corp.)	Aug. 2, 1971	$600,000
Test facility operation and maintenance (Nav Elex Mid West Division)	July 20, 1971	300,000
Design support for ELF receivers and natural parameters (Naval Research Laboratory)	July 19, 1971	80,000
General R. & D. work in natural parameters, receivers, receiving antennas, and general submarine support (Naval Underwater Systems Center)	Aug. 3, 1971	870,000
Environmental program support and research (IIT Research Institute)	Aug. 25, 1971	415,000
Site selection evaluation and criteria, measurement of conductivity (GTE/Sylvania)	Sept. 9, 1971	165,000
Program management support, systems engineering studies (Computer Sciences Corp.)	Aug. 25, 1971	191,000
Facilities design and research including survivable components and power generation (Office of Naval Research)	July 27, 1971	698,000
Biological/ecological research (Office of Naval Research)	Sept. 17, 1971	300,000
Design consultation, receiver design, field measurements, and other theoretical studies (MIT/LL)	Sept. 8, 1971	800,000
Total		4,419,000

FISCAL YEAR 1972 BALANCE OF PLANNED OBLIGATIONS FOR SANGUINE

Task	Committed	Planned obligation (1971)	Amount
Propagation research (Naval Research Laboratory)	Yes	September	$25,000
Nuclear effects studies (Office of Naval Research)	Yes	November	100,000
ELF measurement equipment (National Bureau of Standards)	Yes	September	20,000
Receiving antenna research (contractor)	In process	October	300,000
Sanguine studies on multisite locations and concepts (contractor)	do	November	117,000
Cable research, land use planning, engineering support and general project studies (various contractors and Navy laboratories)	No	October–December.	576,000
Total			1,138,00

Mr. McINTYRE. One document shows 10 tasks for which the $4,419,000 already has been obligated. The second document shows six additional tasks which total $1,138,000 with the planned dates for obligation.

My distinguished colleague may not be aware of the significance of a research and development program which is in the concept formulation phase. The purpose of concept formulation is not to design, develop, and test a set of hardware. Rather, it is largely a wide range of closely interrelated studies with a minimum of hardware fabrication and laboratory testing to prove out a new idea for a program which has important military promise. When a program such as this is in its conceptual phase, in order for the environmental implications to be fully identified and evaluated, the work which must be done during concept formulation has to be completed. Otherwise, there is no basis upon which environmental implications can be considerd. It is somewhat analogous to putting the cart before the horse or building a house from the roof down. Let me state this another way and more directly. If the work which is planned to be accomplished with the funds requested for fiscal 1972 is not done, then an environmental impact statement cannot be prepared because all of the information needed for the statement will not be available.

I would like to clarify a technical point which it is important to understand. The language proposed in the amendment requires that a final environmental impact statement be made before any fiscal 1972 funds may be obligated. The draft statement submitted on May 14, 1971, in fact was a preliminary draft statement, because a final draft statement could not be prepared until the concept formulation is completed. The completion of that statement is largely dependent upon contracts which were let last Friday with nine separate universities engaged in this research. That effort will take 1 year to complete, which means that the results of their studies will be available a year from now. After the final draft statement is completed, under existing procedures it will be circulated again for comments by the various Federal and State agencies concerned. A period of 30 days is allowed for comments following which, unless there are major environmental issues raised, the filing of the final report, including such comments, will be accomplished. This means that it will be approximately the end of 1972 before the actions which the proposed amendment requires to be taken can be accomplished. If this program is to be subjected to such a delay, the disruption which would be caused would be tantamount to killing the program. The numerous teams of highly competent contractor and Government personnel who are involved in the various separate tasks which comprise this program would be idled or lost to this program. In a real sense, the investment of some 50-odd millions of dollars which the Government has made in this program will have gone down the drain and the program will have been seriously set back if not finally disposed of. I, for one, Mr. President, would not wish to have on my conscience the responsibility for having decimated a program which promises to play a critical role in our strategic nuclear deterrent capability. Reliable communications may well spell the difference in deterring our enemies from launching the first strike.

The second part of the proposed amendment, Mr. President, states that none of the funds may be obligated or expended until after a technical feasibility review of such project has been completed by the National Academy of Sciences and the National Academy of Engineering. This provision must be viewed in much broader context than Project Sanguine. It proposes, by law, to superimpose upon the Department of Defense, outside organizations which are private, nonprofit corporations with the unique responsibility for determining the technical feasibility of a Department of Defense program. This is interference of the highest order. The Department of Defense is charged with the responsibility for developing all of the weapons systems with which we arm our military forces. In the fulfillment of this responsibility the Department of Defense maintains a highly competent organization of military personnel and civil service employees in every field of science and technology. These people are supported by highly competent organizations in private industry, in our universities and institutions when in the opinion of the Department of Defense this outside assistance is needed. The imposition of such outside organizations as proposed by the amendment upon the Department of Defense should not be a matter of law but rather a determination to be made solely by that Department. The language proposed by this amendment could set a dangerous precedent which might upset the proper balance between authority and responsibility which is vested in a department of the Government. Focusing now on Project Sanguine, it should be noted that the National Academy of Sciences and the National Academy of Engineering are conducting a technical feasibility review of Project Sanguine, but at the specific request of the Department of the Navy. This review will be completed by the end of October 1971. The Navy advises that it is confident that the review will confirm the technical feasibility of Project Sanguine. Although this review will be completed by October of 1971 and will satisfy one part of the proposed amendment, it will be completely out of phase with the effect of the other part of the proposed amendment, because the final impact statement which that requires cannot be made until approximately 14 months later. This points up a complete lack of appreciation for the need to pursue this program in an orderly manner without disruption. Moreover, since the technical feasibility review by the two national academies is underway and will be completed shortly, there is no reason why what is already happening should be required as a matter of law.

For the reasons which I have described, Mr. President, I am convinced that the amendment proposed by the Senator is not justified, is not needed, and would paralyze this critically important Navy program which promises to fill such a vital need in our No. 1 national priority, strategic deterrence.

To provide further detail on Project Sanguine, Mr. President, I request unanimous consent that a series of documents be printed in the Record. One is a press release dated September 10, 1971, No. 71-110, which was made by the distinguished junior Senator from Wisconsin, which criticizes Project Sanguine. The other document was prepared by the Navy in response to each of the points that were made in the press release.

There being no objection, a series of documents were ordered to be printed in the Record, as follows:

Senator Gaylord Nelson's Charges on Sanguine

Washington, D.C.—Sen. Gaylord Nelson announced Friday he will introduce legislation and call a Senate vote to hold up funds for Project Sanguine in Wisconsin pending completion of environmental impact studies and a high-level technical review.

The Nelson move tentatively set for early next week is the latest in his Senate fight to get the Federal government to comply with the environmental review and protection requirements of the National Environmental Policy Act.

Project Sanguine is a Navy scheme to bury an immense antenna network under northern Wisconsin to communicate with submerged submarines. Nelson has argued against going ahead on the vast project until the serious questions scientists have raised about its environmental dangers and whether the project will work have been resolved.

The Navy's latest request for Sanguine money—$5.5 million for continued research and development in fiscal year 1972—is in the Military Procurement Authorization Bill tentatively set for Senate Floor action early next week.

The Wisconsin Democrat has notified the Senate Armed Services Committee and alerted all Senators that when the Military Procurement Bill comes to the Floor, he will introduce his amendment to hold up the Sanguine money pending the environmental and technical review.

"After several years of development and expenditure of $50 million in tax dollars on Project Sanguine, we still do not have detailed information on how the environment would be affected by construction and operation of this system," Nelson said.

The National Environmental Policy Act of 1970 requires the filing of final environmental statements on all major Federal programs and proposals for action. A final statement has not been prepared for Sanguine.

Nelson also said a technical review of Sanguine by the National Academy of Sciences and the National Academy of Engineering is some months from completion.

The technical review was begun at Nelson's request after reports by scientists at the University of Wisconsin and the University of Kansas concluded it would take such a long period of time to send messages via Sanguine that jamming would be a relatively simple task.

"With the Santa Barbaras, and the Everglades dams and the SSTs as environmentally tragic precedents, Sanguine is in danger of becoming another classic case of leaping before we look," the former Wisconsin Governor said.

He expressed special concern about the $2.14 million in the Sanguine budget to start investigating an entirely new approach of burying the project in a network of tunnels several thousand feet below ground instead of in a shallow network on the surface.

"In view of the fact that the Navy has not demonstrated the value of Sanguine or whether it will even work," Nelson said, "there is little need at this point to embark on a costly additional research program to bury Sanguine until these questions have been answered."

Nelson said if necessary, he would introduce a second Sanguine amendment next week and have a separate roll call vote on the deep underground funds alone.

Project Sanguine would consist of a network of criss-crossing cables forming an antenna grid to send extremely low frequency messages to submerged submarines armed with nuclear missiles.

Originally, the grid was to cover about 26 counties of northern Wisconsin with the cables trenched about six feet deep. The Navy says that technological discoveries would enable reduction of the antenna size to about 25 percent of the original. Nevertheless, cost of installing the network would run over $1 billion, and likely very much more if it would be buried deep underground in the tunnel network.

The Navy maintains that the work on Sanguine to date has been in the concept formulation phase. The next phase, contract definition, would precede actual construction.

However, included in the budget request for the current fiscal year is a proposed $1.2 million contract with the Mitre Corporation of Bedford, Massachusetts. This contract would be to develop the overall systems engineering to enable advancement to the contract definition phase.

The contract with the Mitre Corporation would not be funded under the legislation introduced by Nelson.

In addition to his Sanguine legislation, Nelson will also introduce to the Military Procurement bill next week an amendment to require five other Department of Defense projects in the bill to be brought into compliance with the National Environmental Policy Act before they are funded. The Projects are the Navy's new F–14 fighter aircraft; the Air Force's B–1 strategic bomber, F–15 fighter, and high energy laser program; and the Army's Safeguard ABM program. Although draft environmental impact statements have been prepared on the five, none have final impact statement.

This will be the third Senate measure to which Senator Nelson has introduced amendments to require Federal compliance with the environmental policy act. Pointing out that the law specifically requires Federal preparation of the environmental impact statements on projects and legislative proposals, Nelson said he will continue introducing amendments and having roll call votes on bills coming to the Senate floor with projects not in compliance.

WRITTEN RESPONSE TO SENATOR NELSON'S CHARGES ON SANGUINE AS THEY APPEARED IN HIS PRESS RELEASE

Comments will be keyed to paragraphs as numbered in attached press release:

Paragraph 1: A Draft Environmental Impact Statement on Sanguine has been prepared and submitted to the Council on Environmental Quality on 14 May 1971. This Draft Statement contains results of environmental R&D since 1967. Project Sanguine is still in early stages of development (Concept Formulation). Environmental considerations have been and will continue to be an important part of the planning and development process of the project. However, to be most effective requires concurrent studies and decision making to balance environment factors with system design parameters. The Sanguine FY 1972 budget contains funds for continuing environmental studies. Additional environmental information is attached including dollars and funds expended for environmental R&D.

Paragraph 2: No comment.

Paragraph 3: a. Project Sanguine is not a Navy "scheme", but rather an approved program for providing essential survivable communications with our strategic FBM submarine forces.

b. All environmental studies to date indicate no environmental "dangers" from Sanguine electromagnetic fields. Many consultants and advisory groups which have reviewed Sanguine have indicated no major impact or proposed any potential adverse impact.

The environment created by SANGUINE operation is similar to that of our commercial electric power systems which have existed for many years without effect. A list of consultants, advisory groups and other agencies which have participated in some manner in the review of SANGUINE is attached with comments as appropriate:

ERMAC.
Bio/Eco Subcommittee.
AIBS.
Wisconsin Leg Resolution.
Wisconsin Ad Hoc Committee.
List of Consultants.

Paragraph 4: No Comment.

Paragraph 5: No Comment.

Paragraph 6: a. The fact that approximately $50 million has been expended since 1958 should not be the criteria for judgment but rather the fact that Sanguine will provide our military forces with a vital command and control communication link. An effective, survivable communications system is a necessary part of any strategic force in its primary role of deterrence.

b. Project Sanguine is now in Concept Formulation. A decision has not yet been made when to build a Sanguine system. The proposed Extremely Low Frequency (ELF) communications system (Sanguine) is a new area of technology. Sanguine has required a broad and diverse R&D program to fully document all aspects including feasibility tests of the communications concept. Considerable information has been developed and is available. Much of this information is included in the Draft Environmental Impact Statement.

Paragraph 7: The National Environmental Policy Act of 1969 refers only to a detailed statement. The concept of draft and final statement was introduced by the Council on Environmental Quality (CEQ). The CEQ latest guidelines state the following:

"With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text."

Sanguine is still in the early Research and Development stages. Until a final design and site are selected, in addition to completion of current Research and Development efforts, some questions of environment impact cannot be fully addressed.

However, the major areas of potential concern have been carefully investigated with no adverse effects found for Sanguine type fields.

Paragraph 8: The review by the National Academies of Science and Engineering is now in progress. Preliminary indications are that the study will be complete in 1–2 months.

Paragraph 9: a. The reports in question have been carefully reviewed by the Navy and several scientists at other laboratories and research centers. The reports noted by Senator Nelson have some serious technical errors which lead to invalid conclusions concerning Sanguine feasibility to jamming, and transmission time.

b. During 1967 a thorough technical review was conducted on Sanguine. At that time, the Secretary of Defense convened a special task force of the Defense Science Board on Command and Control Communications to review the Sanguine concept. Membership on this board included several outstanding scientists among them Professors H. G. Booker, R. A. Helliwell, O. G. Villard and K. Watson; and Dr. C. Longmire. Over a period of several months, the Board conducted a thorough technical review in such areas as ELF theory, propagation, atmospheric noise, transmitters, modulation techniques and antenna systems. Also considered were various alternatives to a Sanguine system. The Board concluded that ELF and the proposed Sanguine system concepts were technically sound. Their report was classified.

c. To resolve this matter the Sanguine project office has sought comments from Dr. Biggs on the Navy evaluation of his September 1970 report, and requested that he visit with the Navy technical team to discuss it. Dr. Biggs has to date not taken issue with our evaluation, nor has he taken the opportunity to meet with our technical team.

d. In addition to the DSB review, two professors from the Electrical Engineering Department of the University of Wisconsin, Professors King and Birkemeier, have made two reports dated 28 May 1971 on the reports in question pointing out the errors and showing the basic theoretical feasibility of Sanguine.

e. The final verification of any theoretical model is an experiment to measure the actual performance. Field tests and measurements by the Navy and associated contractors and laboratories since 1963 to date have verified the feasibility of the Sanguine concept. These tests are continuing to gather additional data for statistical validation.

Paragraph 10: A marked distinction between Sanguine and the other projects noted by Senator Nelson is that 8–10 years of research on environmental factors will precede any construction of a Sanguine system. In addition a Sanguine system would make a significant contribution to our strategic deterrence by providing a reliable and survivable communication link to our strategic forces. Sanguine would contribute to a more flexible posture for the nuclear submarine force by insuring necessary communications and removing operational constraints imposed by present communication systems.

Paragraph 11: The original FY 1972 Sanguine program planned research tasks for deep underground concepts. However, ongoing studies during FY 1971 and early FY 1972 have shown certain problems and risks involved which are in no way environmentally related. Therefore, the decision was made not to proceed with the original R&D tasks for underground systems. Instead these funds have been reallocated to other urgent tasks involving receiving antennas and natural parameters. In addition environmental studies planned for FY 1972 will cost more than originally estimated.

Paragraph 12: The value of an ELF communications system has been stated previously in testimony to several Congressional committees. The Navy demonstrated the feasibility of the ELF concept by conducting a communications experiment in 1963. This experiment proved that communications could be established with a submarine at 2500 miles distance in the Atlantic Ocean at significant depth with less than one (1) watt of radiated power. Therefore, it cannot be stated that the value of Sanguine has not been demonstrated.

The value of a communications system which provides the following advantages is rather easy to appreciate:

a. Permits greater freedom in submarine operation as to depth and speed with resultant improvement in any possible enemy ASW detection.

b. Location of transmitter in Continental United States with no overseas relay required.

c. A survivable communication system which would assure control of U.S. strategic forces even after receiving a first strike would support the strategic deterrence policy.

d. Less susceptible than any other system to natural or man-made disturbances.

Paragraph 13: No Comment.

Paragraph 14: True.

Paragraph 15: True, except cost estimates for present conceptual design systems meeting operational requirements cost significantly less than $1 billion. Original baseline concept in 1968 was estimated at $1.2 billion. However, results from Research and Development on noise, coding and natural parameters led to a 20db reduction (100 times less) in required radiated power and thus greatly reduced estimated costs to a function of the original cost estimate.

Paragraph 16: True.

Paragraph 17: The Sanguine program for FY 1972 does not provide for the Validation phase of development. This industry competitive phase would require a major systems engineering and technical support effort for the project office. The budget includes $600K for Mitre Corporation to initiate this preparatory work. Mitre is now conducting system studies and preparing for eventual entry into Validation when and if approved.

Paragraph 18: No Comment.

Paragraph 19: No Comment.

Paragraph 20: No Comment.

Sanguine Environmental Chronology and Program

1. The Project Sanguine environmental program commenced originally in 1965 when potential interference to telephone and power was identified. These efforts were as part of the normal R&D program. The Navy was concerned that the efforts be taken to insure full consideration of all environmental issues.

a. 1967—Interference Technical Advisory Group established

R&D program started on environmental effects.

Started literature review of biological effects from ELF.

1968—A R&D test facility was started in Northern Wisconsin to investigate environmental effects. Specific Congressional interest developed as a result of the Navy announcement on 1 July 1968.

Contract efforts started on interference mitigation research.

Advertised for biological effects research.

1969—Wisconsin Test Facility completed. Pilot biological studies started.

Extensive interference mitigation research conducted.

Established a Biological/Ecological and Medical Advisory Committee to assist project office. Representation from many outside DOD agencies (Public Health Service, Department of Interior, etc.)

Considerable public interest expressed. The National Environmental Policy Act was being considered by Congress. It is to be noted that the Navy's program was started two (2) years prior to this.

1970—Field ecological studies started.

Additional research recommended by Biological/Ecological Advisory Committee.

State of Wisconsin Ad Hoc Committee established to review Sanguine 1971—On May 14, 1971 the Preliminary Draft Environmental Impact Statement was filed with the CEQ. Copies were distributed to all interested Federal and State agencies.

Comments on Preliminary Draft due in mid-September. As of 10 September only one comment received (HEW). No major exceptions.

b. Project Sanguine is currently in the concept formulation stage and all questions cannot be answered in detail until a final system design and site have been selected. Basic research is continuing to fully document any possible environmental effects. As additional information becomes available and prior to requesting legislative action on constructing a Sanguine system, all research results will be compiled in a final Environmental Impact Statement (EIS). No decision has yet been made on proceeding with Sanguine development. When approved for further development a decision will be made on the final EIS.

2. Agencies outside of DOD involved in review and coordination process.

Department of Agriculture:

a. Rural Electrification Administration.

b. Forest Service.

c. Soils Conservation Service.

Department of Defense:

a. Army Corps of Engineers.

b. Navy Bureau of Medicine and Surgery.

c. Office of Naval Research (Code 441).

Department of the Interior:

a. Bureau of Sport Fisheries and Wildlife.

b. Bureau of Outdoor Recreation.

c. Bureau of Indian Affairs.

d. Bureau of Land Management.

e. National Park Service.

f. Office of Secretary for Policy Planning and Research.

g. U. S. Geological Survey.

Department of Transportation:

a. Federal Aviation Agency (Frequency Management Division).

Department of Health, Education, and Welfare:

a. Public Health Service (Bureau of Radiological Health).

Environmental Protection Agency:

a. Water Quality Office.

Federal Power Commission, State of Wisconsin:

a. Governor's Ad Hoc Committee to Study SANGUINE (Bock Committee).

3. Effort expended on SANGUINE Environmental program. This includes R&D in interference mitigation, biological/ecological research, and construction/operation efforts.

[In thousands of dollars]

	Fiscal year—					
	1967	1968	1969	1970	1971	1972
(1) Interference mitigation	500	800	1,000	1,600	900	300
(2) Test facility (for environmental research)		2,900	6,750	1,000	520	300
(3) Biological/ecological		25	220	255	400	450
Total	500	3,725	7,970	2,855	1,820	1,050
Grand total, $17,900,000						

b. The Environmental Impact Statement includes the results of the R&D shown above.

c. Personnel involved in these areas vary from about 15 in 1967 to about 50 at the present ranging from full time researchers to part time advisors and consultants.

5. Comments by other agencies on Draft report.

a. Only one agency has replied to date on the Draft Statement. Comments received from HEW were generally as follows:

(1) Include in the Draft report other work which has been done at ELF by the Sanguine project but not originally included because the research was still in progress.

(2) Increase population of the small animal experiments.

b. The Wisconsin Ad Hoc Committee on Sanguine has commented on the original pilot studies conducted and noted many deficiencies. These are now being corrected by new experiments conducted at nine (9) universities around the country. The new experiments were reviewed by a special American Institute of Biological Sciences (AIBS) panel and the Advisory Committee.

c. Many other Federal and State committees, Advisory groups, and regulatory bodies have reviewed Sanguine since 1967. The Electromagnetic Radiation Management Advisory Council in 1969 commented favorably on the large program to answer environmental questions for Sanguine.

6. Environmental Implications and results to date.

a. The R&D to date has indicated that an environmentally compatible Sanguine system can be built and operated.

b. The electromagnetic fields from a Sanguine system are similar in nature and magnitude to those from commercial power systems world wide. No effects have been noted from such power systems.

c. The test facility in Northern Wisconsin, operated since 1969, has demonstrated that potential interference can be mitigated. No adverse biological or ecological effects have been identified.

d. Construction of a Sanguine system would have some short term impact, but proper land use planning, design, and strict construction inspection can make this minimal.

Following Groups and Committees Have Reviewed the Sanguine Environmental Compatibility Program at the Times Indicated

SANGUINE BIOLOGICAL RESEARCH SUBCOMMITTEE

The subcommittee reviews all aspects of the program involving biological research on a bimonthly basis as a minimum. The review includes critiques of ongoing research, and evaluation of research proposals and Sanguine program plans.

The following organizations are represented on the Committee:

Sanguine Division.

Office of Naval Research.

Bureau of Medicine and Surgery.

Naval Medical Research Institute (Bethesda).

Naval Aerospace Medical Research Laboratory (Pensacola).

Naval Air Development Center (Johnsville).

Environmental Protection Agency.

Department of Health, Education and Welfare (Bureau of Radiological Health).

Department of Interior (Bureau of Sports Fisheries and Wildlife).

State of Wisconsin (Governor's Committee to Study Sanguine).

Biological Research Contractors.

SANGUINE ENVIRONMENTAL COMPATIBILITY ADVISORY GROUP—ECAG

This group meets periodically to review and advise on all matters pertaining to the Environmental Compatibility Program. In addition to the representatives from the Biological Research Subcommittee the following organizations are represented:

U.S. Naval Underwater Systems Center (New London Laboratories).

U.S. Department of Agriculture (Rural Electric Administration).

U.S. Naval Facilities Engineering Command.

MIT/Lincoln Laboratories.

Mitre Corporation.

Computer Sciences Corporation.

Bell Telephone Laboratories.

IIT Research Institute.

Battelle Memorial Institute.

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL—EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF TELECOMMUNICATIONS POLICY

The council reviewed the Sanguine Environmental Compatibility Program in June 1969, and another review is pending at this time. Following the 1969 review, the Council commented to the Sanguine Division as follows:

"The council was impressed with the proposed effort and the extent to which it is designed to answer the kinds of questions that are likely to arise."

"The Navy has decided correctly to attempt to understand all environmental aspects of this program before the system goes into operation and, by so doing, is establishing significant precedent. The environmental problems associated with many technical innovations often have not been approached in as rational and systematic a manner, but have been evaluated on a crash basis after problems arise."

THE PRESIDENT'S SCIENCE ADVISORY COUNCIL—EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY

The Council reviewed all aspects of the Sanguine Program, including environmental compatibility, in September 1969.

AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES—AIBS—AD HOC CONSULTANT GROUP ON EXTREMELY LOW FREQUENCY ELECTROMAGNETIC BIOLOGICAL RADIATION EFFECTS

The Ad Hoc Consultant Group reviewed all aspects of Sanguine biological and ecological research in March, 1969. The group evaluated all Sanguine biological research proposals (submitted to the Office of Naval Research between November 1970 and February 1971) in May 1971. The group participated in a review and workshop on September 15–16, 1971 with the Sanguine Biological Research Subcommittee, the Environmental Compatibility Advisory Group, and the Management/Technical Advisory Committee.

The Ad Hoc Consultant Group consists of the following:

Dr. Otto H. Schmitt, Chairman, University of Minnesota.

Dr. Ralph Baker, Colorado State University.

Dr. Frank A. Brown, Jr., Northwestern University.

Dr. William D. Fisher, Oak Ridge National Laboratory.

Dr. X. Joseph Musacchia, University of Missouri.

Dr. Joseph C. Sharp, Walter Reed Army Institute of Research.

Dr. George Sprugel, Illinois Natural History Survey.

Dr. Robert W. Touchberry, University of Minnesota.

Dr. John W. Trank, University of Kansas Medical Center.

Dr. Schmitt, Chairman of the Ad Hoc Consultant Group, reported the following to the AIBS in August, 1971:

"The Consultant Group finds that the present widespread interest in the Navy Project Sanguine and the public concern with possible biological side-effects of the fields involved in this type of communication, constitute both an opportunity and an obligation to study these effects carefully and promptly. Because there is in presently available data no suggestion of severe hazard to human individuals or to biological populations of plants, animals or microorganisms in the weak fields involved in project Sanguine, it is our position that research studies should be undertaken on a safety assurance rather than an imminent hazard basis. It thus becomes our obligation to advise ONR how, in terms of biological topical areas and research project formulation, it can best utilize available funds to establish beyond reasonable doubt that ELF fields are basically harmless under all ordinary and even relatively rare "fault" conditions and to pinpoint any special circumstances that are discovered that could lead to substantial individual risk or a significant population effect."

"There is additional reason to research the ELF class of biological effects because our population is already exposed to essentially identical fields from ordinary electric power and lighting generation, utilization and distribution systems which are much more widely distributed. It is our hope that in this study, biologically interesting effects of such fields will be discovered; perhaps harmless indicators of biological sensing of such fields; a topic of much interest in basic science."

"Biological effects of ELF fields, if any are ever conclusively demonstrated, will almost certainly be associated with the simple near-fields produced by the passage of alternating currents of several hundred amperes under several hundreds or thousands of volts of driving emf through a system of electronic and ionic conductors. The true electromagnetic radiation fields of Maxwell's equations with their mutually orthogonal electric and magnetic exchanging fields wil. at ELF frequencies be extremely weak compared even with ever-present ambient environmental fields. Their detection even by specially devised receivers is no trivial technological feat. We therefore consider these true electromagnetic fields an unlikely source of biological effects."

STATE OF WISCONSIN—GOVERNOR'S COMMITTEE TO STUDY SANGUINE

In addition to routine exchange of information between the members of the Governor's Committee (chaired by Dr. Robert Bock, Dean of the Graduate School of the University of Wisconsin) and members of the Sanguine research community, the Committee was provided with two in-depth reviews of all aspects of the Sanguine program. These reviews were provided in February 1970 and March 1971.

The following researchers from the noted universities are providing consultation (including pilot field and laboratory experimentation) to the Sanguine Environmental Compatibility Program:

Dr. Frank McCormick, University of North Carolina (Chapel Hill). Areas of Activity: Effects of ELF Radiation on Forest Species Composition and Terminal Bud Mortality.

Dr. Gershen Rosenthal, University of Chicago. Areas of Activity: Effects of ELF Electric and Magnetic Fields on Soil Microorganisms and on Plant Germination and Growth.

Dr. Bernard Greenberg, University of Illinois (Circle Campus). Areas of Activity: Effects of ELF Electromagnetic Fields on Soil Organisms and Selected Plant Growth.

Dr. Thomas Bender, University of Notre Dame. Areas of Activity: Effects of ELF Electric and Magnetic Fields on Insert Genetics.

Dr. Keith Stanik, University of West Virginia. Areas of Activity: Inductive Coordination for Public Utilities.

Mr. Merlin Lebakken, Wisconsin Utilities Cooperatives Association, Madison, Wisconsin. Areas of Activity: Effects of ELF Mitigation Techniques on the Reliability and Maintainability of Electric Power Distribution Systems.

The following researchers at the noted universities and colleges are being funded to perform biological research during FY 72:

Dr. M. Jackson Marr, Dr. A. L. Sheppard, Georgia Institute of Technology. Program: The Effect of Low Energy Extremely Low Frequency (ELF) Electromagnetic Radiation on Operant Behavior of the Pigeon and the Rat.

Dr. Morton W. Miller, University of Rochester. Program: The Effect of Extremely Low Frequency Electromagnetic Radiation on Chromosomes (Bean Root Tip Cells).

Dr. Wayne K. Durfee, University of Rhode Island. Program: Influence of Extremely Low Frequency Electric and Magnetic Fields Upon Growth, Development and Behavior in Domestic Birds.

Dr. James McCleave, Dr. Sentiel Rommel, University of Maine. Program: Weak Magnetic and Electric Field Sensitivity Thresholds and Effects on Biological Clocks of Migratory Fishes.

Dr. Eugene Goodman, Dr. Ben Greenebaum, Dr. Michael Marron, University of Wisconsin (Parkside). Program: A Physiological and Biochemical Study of the Effects of Extremely Low Frequency Electromagnetic Fields on *Physarum Polycephalum* (Slime Molds).

Dr. Wilford Gardner, Dr. Champ Tanner, Dr. Robin Harris, University of Wisconsin (Madison). Program: Response of Plants and Soil Microorganisms to Extremely Low Frequency Electric Fields.

Dr. Franz Halberg, Dr. Walter Runge, University of Minnesota. Program: Temperature and Other Biological Rhythm Evaluation in the Search for Biological Effects from Medium Intensity Slowly Alternating Magnetic Fields (Rats, Mice, Flour Beetle, Silk Tree).

Dr. Sidney Mittler, Northern Illinois University. Program: Low Frequency Electromagnetic Radiation and Genetic Aberrations (Genetics of the Fruit Fly).

Dr. W. R. Adey, Dr. R. J. Gavalas, University of California at Los Angeles. Program: An Evaluation of Possible Effects of 45 Hz and 75 Hz Electric Fields on Neurophysiology and Behavior of Monkeys.

Mr. McINTYRE. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from the Wisconsin Legislature to the Secretary of the Navy dated February 6, 1970, and the text of the State of Wisconsin in senate joint resolution 106 on Project Sanguine which was adopted by both houses of the legislature.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WISCONSIN LEGISLATURE,
SENATE CHAMBER,
Madison, Wis., February 6, 1970.

Hon. JOHN H. CHAFEE, *Secretary,*
U.S. Department of the Navy, Pentagon Building, Washington, D.C.

DEAR SECRETARY CHAFEE: Upon instruction of the Wisconsin Legislature I am transmitting a copy of Senate Joint Resolution 106, relating to the continuation of Project Sanguine.

This Resolution was adopted by both houses of the Wisconsin Legislature.

Respectfully yours,
WILLIAM P. NUGENT,
Chief Clerk, Senate.

ENROLLED JOINT RESOLUTION RELATING TO THE CONTINUATION OF PROJECT SANGUINE

Whereas, recent news reports indicate no less than 4 states have expressed an interest in having Sanguine located within their boundaries; and

Whereas, the potential economic benefits accruing to Wisconsin from a completed Sanguine system are of considerable magnitude; and

Whereas, the best interests of the state would best be served by fostering a calm and reasoned inquiry into the merits of Sanguine, an inquiry free of the unsubstantiated claims and irresponsible arguments some now make; and

Whereas, the U.S. Navy and the independent organizations employed by the defense department presently investigating the Sanguine situation are best qualified and able to evaluate Sanguine; now, therefore, be it

Resolved by the senate, the assembly concurring, that the Navy be urged to continue its search for methods to implement a safe, effective Sanguine system; and, be it further

Resolved, That if Wisconsin is the most economical and feasible site for such a safe, effective system as determined by competent private, state and federal research agencies that it then be constructed in Wisconsin.

Mr. McINTYRE. I will quote several significant parts of the resolution and comment on them briefly.

Whereas, the best interests of the state would best be served by fostering a calm and reasoned inquiry into the merits of Sanguine, an inquiry free of the unsubstantiated claims and irresponsible arguments some now make; . . .

The Navy has acted in complete accord with this statement and continues to do so. It is a matter of interest that the charges which this statement implies were directed, not against the Department of Defense, but against certain parties in the State of Wisconsin who were organized specifically to oppose Project Sanguine. In all fairness, I should state that my esteemed colleague was not a member of that opposing group.

Whereas, the U.S. Navy and the independent organizations employed by the defense department presently investigating the Sanguine situation are best qualified and able to evaluate Sanguine; . . .

It is significant that the State legislature recognized that the Department of Defense and its supporting organizations are the best qualified and able to evaluate Project Sanguine. The distinguished Senator from Wisconsin apparently does not agree with the views of his own constituency since his proposed amendment would establish a legal requirement that the technical feasibility review being conducted by the National Academy of Science and the National Academy of Engineering must be completed as a prerequisite to the use of fiscal 1972 funds.

Resolved by the senate, the assembly concurring, That the Navy be urged to continue its search for methods to implement a safe, effective Sanguine system; . . .

The Department of Defense is proceeding precisely in the manner urged by this statement.

Resolved, That if Wisconsin is the most economical and feasible site for such a safe, effective system as determined by competent private, state and federal research agencies that it then be constructed in Wisconsin.

Here, again, the program is being prosecuted in accordance with this resolution, and that resolution still stands on the books.

In summary, Mr. President, I am impressed with the foresight and timeliness of a joint resolution adopted by the Wisconsin legislature over a year and a half ago which, in every respect, is in accord with the manner in which Project Sanguine is being pursued. In my view, the Navy as well as the Department of Defense is to be commended upon its strict adherence to this resolution.

Mr. President, one statement which I made on September 13 also bears repeating: I again suggest that if, in the future, the distinguished Senator from Wisconsin feels that there is a need to change the language of NEPA to clarify or refine its provisions, since this act affects about every agency of the Government and a large number of authorization and appropriation acts, he propose such actions as amendments to the basic Environmental Act, Public Law 91-190. This would bring the matter before the appropriate committees of the House and the Senate which are charged with the responsibility for legislation dealing with the environment. Their considerations would include the important broader implications of such actions as they would apply uniformly throughout the Government.

I will conclude now, Mr. President, by reminding my distinguished colleague that I share his views on the environmental problems of this Nation. However, these problems can best be solved by permitting the provisions of NEPA to be implemented in an orderly and effective manner, as rapidly as all other essential considerations will permit; but let us not sink ourselves in the process.

I urge all of my colleagues to join me in voting against this amendment.

The PRESIDING OFFICER. Who yields time?

Mr NELSON. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. Twenty minutes.

Mr. NELSON. Mr. President, with respect to the environmental studies thus far done by the Navy, I have a memorandum here in which the Wisconsin Governor's Ad Hoc Committee responds to some specific comments of the environmental impact statement that was made by the Navy in December. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

PROJECT SANGUINE

1. In December, 1970, the Navy issued an Environmental Compatibility Assurance Program (ECAP) status report on Project Sanguine. The abstract of the report concluded:

"The results of research presented in this report show that a Sanguine system compatible with the environment can be designed. Research will continue to provide further documentation and to assure that a system can be installed and operated without affecting the present environment."

II. In May, 1971, the Wisconsin Governor's Ad Hoc Committee on Project Sanguine, consisting of several environmental experts with the University of Wisconsin and the state's Department of Natural Resources, commented:

"Such a statement (quoted above) is supported neither by experiment nor by documented review of previous research of other organizations. The question of biological compatibility, especially with chronic exposure to Sanguine fields, is still completely open."

(The Navy has neither acknowledged nor attempted to refute the Committee's comment.)

III. In March, 1971, the Navy issued a *draft* (and the Navy insists it is only a draft) Environmental Impact Statement on Project Sanguine. One part of the report said:

"During the approximately four years of environmental research that has been conducted under the Project Sanguine ECAP (Environmental Compatibility Assurance Program), and the recently-completed Sanguine System Design Studies as well, no permanent or long-term adverse environmental effects which cannot be avoided have been identified."

IV. In August, 1971, the Wisconsin Governor's Ad Hoc Committee of scientific experts on Project Sanguine, commented:

"We take strong exception to the intent and wording of this entire section, most especially to the first paragraph (quoted above.) How could long-term adverse environmental effects be identified or deemed nonexistent when no such studies were conducted? There have not been 'four years of environmental research' having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form which provide biological or ecological assurance even on short-term basis. There are certainly none which provide long-term assurance. This has been a point of contention by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee throughout the period of study. . . . (this entire section) is a gloss-over of nonexistent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged."

V. Even a research organization under contract by the Navy recommended further environmental studies on Project Sanguine. In November of 1970, the Hazleton Laboratories, Inc. of Falls Church, Virginia, issued a report to the Navy summarizing results of its short-term laboratory experiments on the biological effects of electro-magnetic fields. Some pertinent conclusions of the Hazleton study:

"Possible but inconsistent blood pressure and rectal temperature elevations in dogs; possible increase in the dominant *lethal* mutation rate in the fruit fly (normally used in mutation studies); possible growth inhibition in one of three plant species used in studies; some avoidance reaction to electrical fields by turtles and fish; declines in populations of four major classifications of soil arthropods at both test and control sites."

The Hazleton report recommended to the Navy:

"Additional studies to determine safety limits for the extremely low frequency electrical and magnetic fields, including investigations of effects on other species of plant seeds and the effects on several other aquatic animals; the fruit fly mutagenesis study be expanded and carried out immediately—'The implications of these results are too important to be neglected;' careful studies on how the blood pressure and body temperature of dogs exposed to electrical fields is affected: 'finally, because aquatic organisms are so intimately in contact with voltage gradient appearing in water, it would be important to investigate possible reproductive effects in the aquatic animal.'"

(It is important to note that the northern Wisconsin area is generally forested, with abundant streams and lakes.)

VI. In addition to environmental questions about Project Sanguine that are outstanding, there are several serious questions about the basic technology that will be used in the system. The Navy contends that transmission of extremely low frequency radio waves is the best technology.

In February of 1971, however, the Defense Marketing Survey (DMS), a private organization which monitors defense programs and contracts, issued a short report on the status of Project Sanguine. It concluded with these remarks:

"A year ago DMS forecast that LF (low frequency) and VLF (very low frequency) would eventually replace ELF (extremely low frequency, which is Project Sanguine) in the survivable communications concept. We see no reason to change that projection."

The next enclosure goes into further detail on the technical problems associated with Project Sanguine. It is a Congressional Record reprint in which Senator Nelson discusses the conclusions of two scientific reports that Project Sanguine will not work.

After these important reports were published last spring, Senator Nelson asked the Navy to seek an independent technical review to determine the feasibility of Project Sanguine. On May 14 of this year, the Navy notified Senator Nelson that the National Academy of Sciences and the National Academy of Engineering had been asked to undertake such a review. The review panel is being assembled at the present time, but its work is far from complete.

Mr. NELSON. Mr. President, the distinguished Senator from New Hampshire read a resolution from the Legislature of the State of Wisconsin, and he said that apparently I did not agree with my constituency.

First, let me say to the Senator from New Hampshire that I have never made my decisions based upon what I thought the legislature wanted me to do. During the 10 years I served in our State legislature, I was in disagreement with the majority most of the time. During the 4 years I was Governor of the State of Wisconsin, I was in disagreement with a majority of the legislature most of the time. Perhaps I still am in disagreement with them.

I am not here representing the members of that legislature, though all of them are constituents of mine, and many of them are very fine legislators.

I simply point out that one should not make decisions here based upon an automatic reflection of what his constituency may believe. For several years I had a position contrary to the position of my constituency, in that I was voting against appropriations for the war in Vietnam; and my mail was running 50 to 1 against my position.

On the floor of the Senate, a few weeks ago, when we were considering the conquest of cancer bill, I had 6,000 letters from my constituents asking me to vote for the bill, and I voted against it, in a vote of 79 to 1.

If that has anything to do with this debate, I want to point out to the Senate that I do not think we should be making decisions on important matters based upon some kind of Harris or Gallup poll of what the constituency might think today. I think elected political officials have an important function of education and leadership on important issues in this country, and that is what I have been attempting to do about the question of Sanguine from the very beginning.

I want to say, as a preliminary, that not enough people are listening to the debate to influence anybody. I know how the Senator is going to vote. He knows how I am going to vote.

I repeat that the next time that Project Sanguine is before this body with any money in it and the environmental statement has not been filed—I want to be fair with the chairman of the Committee on Armed Services—we will spend a long, long time—2, 3, 4 days, if necessary—on this issue. I think it is an important issue, and the Senate is not addressing itself to it. I do not want the majority whip to say, "Senator, I hope you don't take too much time. We're busy." Next year we are going to be very busy on Sanguine. I want everybody to remember that I gave 1 years advance notice.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the distinguished assistant majority leader.

Mr. BYRD of West Virginia. The distinguished Senator from Wisconsin is always most cooperative and courteous when he is approached by members of the leadership, and fully understand the position he has taken. I have been put on notice. I will confess, however, that I am very sanguine about the chances for working out some agreement with the Senator next year when the time comes.

Mr. NELSON. I thank the Senator.

Mr. President, I think every argument has been covered here. I just want to say to the Senator from New Hampshire that I have a high regard for the members of our armed services, for the leadership of the military forces; but they are wrong every so often.

Respecting Project Sanguine, let me tell the Senator a little story.

About 3 or 4 years ago, I asked the Navy to come over and give me a briefing on Project Sanguine so that I could understand what it was they proposed. At that time, I had asked them to do the environmental study.

While I was visiting them about this, and we had a very nice visit, it was a fine group of Navy men who came over, they had been briefing the people in northern Wisconsin about the project. That is in my old home district, up in the North.

I mentioned to them that I would like to have clippings of the news articles written about the public briefings up there in various parts of the northern part of Wisconsin and they said they would be very glad to send them to me. They sent me a sheaf of clippings from the newspapers, from Rhinelander, Eagle River, Wausau, and other lovely cities up there.

Every clipping sent me was stamped classified. Here was the Navy sending me clippings which had been printed in newspapers up there, stamping them classified so that I could not show them to anyone without violating the law. I had a discussion with the Navy about it and, after considerable thought, they decided they could declassify them, which they did.

Thus, Mr. President, we see that some pretty foolish stuff has transpired with respect to project Sanguine.

Perhaps the Senator from New Hampshire would be prepared to explain something to me. When the project passed the House and it came over here, it had $2,140,000 in it for a deep underground system. That is, they wanted money to bore holes in the rock in northern Wisconsin known as the Laurentian Shield. They were going to dig down a mile to see if they could not create a deep underground grid a mile under the ground in that rock.

When I objected to that, and served notice that I was going to move with an amendment to knock that $2 million out of their budget proposal, suddenly, a few days later, they took the $2 million out. They must have gone to the Senator's committee and said, "We do not want that $2 million this year."

But, what did they do?

They added it to the $3 million they had for a shallow underground program.

Can the Senator explain to me why this $2 million, which they decided they did not need for the underground system, was not returned to the Treasury, and why did the committee add the $2 million to the $3 million they were going to have for the design program well planned in advance. What happened?

What happened to make them decide they should not give that $2 million back to the Treasury but should spend it?

Can the Senator give me an explanation of that, on the Senator's time?

Mr. McINTYRE. I shall be glad to try to give an explanation to the Senator from Wisconsin.

It is my understanding that it is entirely within the discretion and disposition of the Department of Defense, within a project which would be labeled Sanguine, to move a $2 million item that might have been set aside, as the Senator suggests, for a deep 1-mile excavation, to another area, without having to consult with the Armed Services Committee. I believe it is all entirely within the discretion of the Navy services.

Mr. NELSON. I wonder whether the Senator—perhaps it is. As the——

Mr. McINTYRE. Within a project.

Mr. NELSON. Yes. What I do not understand is, they only needed $3 million plus for the various items in their program, their on-going program—that is all they needed. So they knew what they desired and what they projected as being needed. When it came to the House, it was only $3 million plus, but they had $2 million in there. Now when we got the $2 million removed, or when they decided to take it out, what happened to cause them to think that they should add $2 million to the $3 million they were not requesting 1 month ago?

Mr. McINTYRE. The best answer I could give my good friend from Wisconsin is based on my experience on R. & D. with the military budget that, undoubtedly, once they made the decision to foreclose the digging of the 1-mile excavation, they undoubtedly had any number of studies they probably had planned for fiscal '73 and fiscal '74; so all they did was simply bring these into the picture and probably have, undoubtedly, tried to, as I look over the various tasks, cover it with studies to the point where they can come up with a final, impact environmental statement. There is nothing unusual in that sort of maneuver.

Mr. NELSON. I agree. There is nothing unusual about that.

Mr. McINTYRE. No.

Mr. STENNIS. Mr. President, I yield to the Senator from New Hampshire such time as he may wish.

Did I understand that the Senator from New Hampshire wanted time?

The PRESIDING OFFICER (Mr.

ROTH). Does the Senator from New Hampshire want additional time now?

Mr. STENNIS. Mr. President, I think this matter has been discussed sufficiently. We all think so much of the Senator from Wisconsin (Mr. NELSON) on a personal basis. We all value his friendly work in the Senate so highly that I always feel uncomfortable when I am on the other side from him.

In this case, though, and on this identical subject matter, we have had almost the same question before us lately which was thoroughly presented by the Senator from Wisconsin. After hearing all the facts and all the arguments, and considering the amendment, the Senate rejected his proposal in connection with the other items, on September 13, 1971, by a vote of 55 to 21.

I very respectfully submit that this is almost the identical situation, with almost the identical facts, except it is a different project and a different objective is behind the project. This is all concerned with a communications system that is highly important. The communications system cannot all be put together. There are many other considerations that go into a communications system of this kind. We have had bills many times over the years, for the past 15 to 20 years, at least, where there are stops and starts of all kinds. So I do not believe there is anything unusual in that way.

Now, Mr. President, this is another illustration, on these environmental matters, where a project of this kind or any other kind almost, especially involving public works, flood control, rivers and harbors projects, powerplants, and all other kinds of construction of that kind, and many of the military installations, too, where there is just no way to get a full and final report as to what the implications of it will be.

If we have to do that, then we might as well get out of the business of having any public works projects at all, if everything has got to be determined in advance before any kind of construction work can begin. It has just taken an impractical view that is going to eliminate most of these projects.

Just a few moments ago we approved a conference report containing several billions of dollars worth of construction projects for all 50 of the States, I am sure. And this vehicle, the ultimate environmental impact, was tied up in many of those findings—far more than half, and I am sure three-fourths of them or more. It just shows that if we are really going to take everything literally here, as the Senator would wish, and wait for a final report on everything before we proceed, we would be destroying the projects. We might as well admit it and cancel out the projects.

As the Senator from New Hampshire pointed out, a draft environmental impact statement was submitted as required to the Council on Environmental Quality on May 14, 1971. The document contained almost 550 single-spaced pages. That is not a final report, of course. However, it is about as far as they can go and about as far as can be gone under the circumstances at this time. Rome was not built in a day. We just have to take these things one at a time.

The Senator is interested in another project. He had the Tennessee-Tombigbee project up before the Senate awhile ago. Based upon the proof there, that was really far more complete here than was the case before this single judge. And I think the Senate voted overwhelmingly against striking that project out of the bill on the ground that it had not been completed.

I do not think it is relevant. I do not think it has any bearing on this case. However, the Senator from Wisconsin is interested in it, and honestly so. He brought that up. So, I have to point out that this was merely a preliminary injunction passed on by one judge without the development of testimony that really goes into the heart of the matter.

The issue is heard on the "pleadings" as we lawyers call them. That means the statements filed by the litigants.

I have been advised since I mentioned this matter this afternoon that there was one witness present who testified for the engineers. I was told that the testimony concerned something about the way in which they went into this matter to get up the preliminary report that they had filed. Anyway, the testimony that went into the heart of the case and the real substance of the case has not even been taken. The witnesses pro and con have not been examined before the court or cross-examined by the other side. The judge merely said, as the Senator quoted him, that there is a likelihood. That does not mean a decision. That is not a conclusion. He just said that enough had been shown that there is a likelihood in his opinion that the U.S. Army Engineers have not fully complied with the requirements of the law. And each of those words has a meaning.

Mr. President, I have been able to get a copy of the judge's remarks. And that is the word used, "likelihood." He says:

> . . . the defendants have not fully complied with the requirements of the National Environmental Policy Act.

He cites this and does not say how they failed to comply or what the shortcomings are. It just states that there is a likelihood of that. The judge issued this preliminary injunction.

I am told that he had such evidence before him as the Senate debate on the Senator's amendment to strike out the Tennessee-Tombigbee project.

I am not going to discount the debate. However, if the judge had before him documentary proof such as that, it shows that he had not really gotten into the very heart of the case, the sworn testimony, the examination and cross-examination of witnesses.

I point out that is a large project. It is a very valuable project.

The Senator mentioned Alabama and Mississippi and the Tennessee River. However, there are some 8, 10, or 12 or maybe more States that are directly involved in this matter. For instance, this is going to put the whole Ohio Valley, or much of it, 400 miles or more nearer, shippingwise, to the intercoastal canal that goes around our Nation. It will save all of that mileage and all of that time for the untold millions of tons of cargo that originate up and down that Ohio Valley and on up, as I understand it, into the Pittsburgh area.

This is not a local project. Does the Senator know how much bond the judge required the plaintiffs who brought this suit to put up? He required a bond of $1. He granted a preliminary injunction on this multimillion-dollar project by requiring a bond of only $1. That certainly was purely preliminary.

The court doubtless had in mind that very soon thereafter he would go into the case on its merits, take the proof or take some other course, appeal or otherwise. There are other avenues that would be open. However, it is so clear that this is just a preliminary skirmish that they have had over this matter in court. It is like a football player coming out for the first practice and scrimmage long before the season starts. We get into the heart of the matter only after we go into the facts.

Mr. President, I submit this is not a precedent in any way, even if it were relevant to this case.

I think the situation is clear now with reference to this matter. I hope that the Senator's amendment is rejected this time. We are going to agree with him at a time, some time next year, to go into the matter. We will then run the gauntlet again.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, I wish to make special note of the fact that this debate is conducted on the floor of the Senate when only four or five Senators have been present at any one time. I think it should be made clear in terms of congressional intent that the outcome of the vote on this amendment or any other of the environmental impact amendments does not in any way relieve any Federal agency of its legal responsibility, whatever that responsibility is under the law, to carry out fully the requirements of the Environmental Policy Act or any other environmental act.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, will the Senator from Mississippi yield to me for 1 minute?

Mr. STENNIS. I yield.

Mr. McINTYRE. Mr. President, I ask unanimous consent to have printed in the RECORD the following items: Comments on Senator NELSON's statement regarding the Sanguine environmental impact statement, a brief memorandum on why was Sanguine considered for Wisconsin, and a statement entitled "Realinement of Fiscal Year 1972 Sanguine Program and Deep Underground Systems Being Given Less Emphasis."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS ON SENATOR NELSON'S STATEMENT REGARDING THE SANGUINE ENVIRONMENTAL IMPACT STATEMENT. PARAGRAPHS NUMBERED TO ATTACHED SHEET

I & II The statement of compatibility with the environment is based on many things such as:

(a) Sanguine operated a test facility in Southern Virginia and North Carolina from 1963 to 1970 without any adverse effects noted. Ecological studies were made with no effects found.

(b) We have lived in an electromagnetic environment from commercial power systems for over 50 years and no effects noted. Sanguine would create an environment no different.

(c) We have consulted with many recognized scientists who don't see any possible effects from such low electromagnetic fields.

(d) The system can be designed to even lower electromagnetic fields if ongoing research should determine any effects.

III & IV Possible long-term effects:

(a) Studies on the original test facility operation have shown no effects (1963–1970).

(b) 50 years of 60 Hertz commercial power operation have not indicated any such adverse effects.

(c) The nine (9) new research contracts with various universities will address the problem also.

(d) It is easy to talk about the "possible" long-term effects but no scientist has determined any way such effects might be caused. That is why the Navy has utilized so many scientific review groups to help resolve these questions.

(e) Many responsible scientists indicate you can measure possible long-term effects by using biological experiments which give many generations of reproduction in a short time frame. These have been done with no effects.

V Results of Hazelton Laboratory work:

(a) These effects were noted; however,

(1) Most scientific review groups consider the experiments were poorly designed. This is why nine (9) universities are doing follow-on work.

(2) New pilot studies to repeat Hazelton work have been done by scientists from Notre Dame, University of Illinois, and others which have *not* found the effects noted by Hazelton.

(3) The Hazelton experiments were conducted at electromagnetic fields 300 times greater than any operational SANGUINE system would create.

(4) When all the past, present and any future biological research is completed it will be reviewed by scientific review groups who do not have any vested interest.

VI Other questions on feasibility:

(a) The Defense Marketing Survey has not asked for or received any detailed information on SANGUINE. In fact the very purpose of SANGUINE is to provide highly survivable worldwide communications which VLF/LF do not provide.

(b) The two scientific reports noted have many errors and are dismissed in separate summaries. The major conclusion is that incorrect assumptions were made by the authors which led to erroneous conclusions. Many independent analyses and actual experiments with submarines have shown the feasibility of SANGUINE and its ability to meet Department of Defense needs. In fact two (2) highly qualified professors at the University of Wisconsin have shown this to be true.

PROJECT SANGUINE

I. In December, 1970, the Navy issued an Environmental Compatibility Assurance Program (ECAP) status report on Project Sanguine. The abstract of the report concluded:

"The results of research presented in this report show that a Sanguine system compatible with the environment can be designed. Research will continue to provide further documentation and to assure that a system can be installed and operated without affecting the present environment."

II. In May, 1971, the Wisconsin Governor's Ad Hoc Committee on Project Sanguine, consisting of several environmental experts with the University of Wisconsin and the state's Department of Natural Resources, commented:

"Such a statement (quoted above) is supported neither by experiment nor by documented review of previous research of other organizations. The question of biological compatibility, especially with chronic exposure to Sanguine fields, is still completely open."

(The Navy has neither acknowledged nor attempted to refute the Committee's comment.)

III. In March, 1971, the Navy issued a *draft* (and the Navy insists it is only a draft) Environmental Impact Statement on Project Sanguine. One part of the report said:

"During the approximately four years of environmental research that has been conducted under the Project Sanguine ECAP (Environmental Compatibility Assurance Program), and the recently-completed Sanguine System Design Studies as well, no permanent or long-term adverse environmental effects which cannot be avoided have been identified."

IV. In August, 1971, the Wisconsin Governor's Ad Hoc Committee of scientific experts on Project Sanguine, commented:

"We take strong exception to the intent and wording of this entire section, most especially to the first paragraph (quoted above). How could long-term adverse environmental effects be identified or deemed nonexistent when no such studies were conducted? There have not been 'four years of environmental research' having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form which provide biological or ecological assurance even on short-term basis. There are certainly none which provide long-term assurance. This has been a point of contention by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee throughout the period of study. . . . (this entire section) is a gloss-over of nonexistent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged."

V. Even a research organization under contract by the Navy recommended further environmental studies on Project Sanguine. In November of 1970, the Hazleton Laboratories, Inc., of Falls Church, Virginia, issued a report to the Navy summarizing results of its short-term laboratory experiments on the biological effects of electro-magnetic fields. Some pertinent conclusions of the Hazleton study:

Possible but inconsistent blood pressure and rectal temperature elevations in dogs; possible increase in the dominant lethal mutation rate in the fruit fly (normally used in mutation studies); possible growth inhabition in one of three plant species used in studies; some avoidance reaction to electrical fields by turtles and fish; declines in populations of four major classifications of soil arthropods at both test and control sites.

The Hazleton report recommended to the Navy:

Additional studies to determine safety limits for the extremely low frequency electrical and magnetic fields, including investigations of effects on other species of plant seeds and the effects on several other aquatic animals; the fruit fly mutagenisis study be expanded and carried out immediately—"The implications of these results are too important to be neglected;" careful studies on how the blood pressure and body temperature of dogs exposed to electrical fields is affected; "finally, because aquatic organisms are so intimately in contact with voltage gradient appearing in water, it would be important to investigate possible reproductive effects in the aquatic animal."

(It is important to note that the northern Wisconsin area is generally forested, with abundant streams and lakes.)

VI. In addition to environmental questions about Project Sanguine that are outstanding, there are several serious questions about the basic technology that will be used in the system. The Navy contends that transmission of extremely low frequency radio waves is the best technology.

In February of 1971, however, the Defense Marketing Survey (DMS), a private organization which monitors defense programs and contracts, issued a short report on the status of Project Sanguine. It concluded with these remarks:

"A year ago DMS forecast that LF (low frequency) and VLF (very low frequency) would eventually replace ELF (extremely low frequency, which is Project Sanguine) in the survivable communications concept. We see no reason to change that projection."

The next enclosure goes into further detail on the technical problems associated with Project Sanguine. It is a Congressional Record reprint in which Senator Nelson discusses the conclusion of two scientific reports that Project Sanguine will not work.

After these important reports were published last spring, Senator Nelson asked the Navy to seek an independent technical review to determine the feasibility of Project Sanguine. On May 14 of this year, the Navy notified Senator Nelson that the National Academy of Sciences and the National Academy of Engineering had been asked to undertake such a review. The review panel is being assembled at the present time, but its work is far from complete.

SANGUINE

1. Why is Sanguine considered for Wisconsin?

a. The Sanguine Extremely Low Frequency (ELF) communications concept is based on an antenna which uses a deep earth return current path as part of the antenna. The efficiency of this antenna and therefore system costs is based on the depth of the return current path. This depth is determined by the conductivity of the underlying material (rock). Therefore, the lower the conductivity of the rock the more efficient is the antenna. The average current return path is 4 to 5 miles deep for rock in Wisconsin. There are only a few locations in the United States which have sufficient areas of such low conductivity. These include parts of Minnesota, New York, Texas, South Carolina/Georgia and Montana/Idaho in addition to Wisconsin. However, other factors also affect selection of the best site. These include surface terrain factors which influence construction costs, size and shape of low conductivity areas and density of population which indicates amount of mitigation required on utilities. Considering all factors Wisconsin is the best site, but other sites are available at some increase of costs (5–20%).

REALINEMENT OF FISCAL YEAR 1972 SANGUINE PROGRAM AND DEEP UNDERGROUND SYSTEMS BEING GIVEN LESS EMPHASIS

a. The original FY 72 Sanguine program planned research tasks for deep underground concepts. These tasks included funds for drilling a small deep hole to obtain rock samples at depth for determining actual physical properties of the rock. The total deep underground related efforts were planned for approximately $2 million. However, recent studies during FY 1971 and early FY 1972 have shown certain problems and risks involved with such deep underground concepts which are in no way environmentally related. In addition, a careful review of the value of just a few deep rock samples was considered of limited value for trying to describe such a large rock formation. Therefore, the decision was made not to proceed with the original R&D tasks for deep underground systems, but rather reallocate these funds to other higher pay off tasks in the FY 72 program.

Mr. THURMOND. Mr. President, it is easy to understand the concern of the distinguished Senator from Wisconsin (Mr. NELSON) with reference to the location of the Navy's Sanguine project in his State.

However, in considering his amendment it appears that no further funds could be expended on this project until all the environmental questions have been answered.

Thus, acceptance of this amendment would bring the Sanguine development program to a halt. It would result in the disruption of contracts already underway and delay other contracts.

The Senate must realize that this is a research and development program still in concept formulation. The large and costly facilities involved in this project are not now being built or proposed.

The Navy informs me that it would be 4 to 5 years before construction would begin. However, it is argued at the same time that because of the high priority of this program and its potential value to our national security, development should be allowed to continue.

The Navy also claims that nothing in the research and development studies to date indicate this project would not be compatible with the environment. This effort involves a new technology, and it would seem wise to proceed while at the same time measuring the environmental impact.

Last May the Navy filed with the Council on Environmental Quality a draft statement regarding this project and its relationship to the environment. Thus, the Navy is currently meeting its obligations under the law.

While the study proposals in this amendment are not objectionable, the denial of development funds for the project until environmental studies are complete would seriously damage this program.

This is an important program. It would establish a reliable and survivable communication system on our own soil which could talk with our missile launching submarines in all their operating areas. Such a system permits greater freedom of operation for our submarines. It would eliminate overseas relays. It would assure we can reach these subs even in the event of a nuclear first strike by some enemy force. It would be less susceptible to natural or manmade disturbances than any present system, and it would let the submarines operate at greater depths and speeds unconstrained by near surface antennas.

Mr. President, as I understand it, the Navy has not made a final decision to locate this system in Wisconsin. It could be located elsewhere although at a greater cost. These alternatives should be considered and explored with concerned parties.

The electromagnetic fields which this system would create are similar to those fields now caused by electric powerplants. Thus, some new and sinister force is not being loosed upon the public. It is true that underground structures and cables would have to be installed; however, telephone and power cables are being buried today because they are unsightly. In considering the environmental impact of this program the Congress must balance it off with the importance of our national security. A balance must be struck between the two.

Mr. President, I would like to see made any additional studies that responsible scientists might propose. However, I cannot support the pending amendment as there is insufficient evidence to support claims that continued development would be a threat to the environment.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, at his great urging, I am going to yield 3 short minutes to the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator. I hope they will be full minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

UPCOMING INTERNATIONAL MONETARY FUND MEETINGS OFFER NEW OPPORTUNITY TO BUILD NEW INTERNATIONAL ECONOMIC SYSTEM

Mr. JAVITS. Mr. President, today I spoke before a businessman's symposium sponsored by Johns Hopkins University in Washington at the Dupont Plaza Hotel on an international economic matter. I ask unanimous consent that the text of my speech may be printed in the RECORD at the end of my remarks. Inadvertently, my remarks do respond to a suggestion made yesterday by a distinguished colleague that we should devalue the dollar now.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, in summation, what I said is that the time frame for working out an interim agreement which would result in taking off the 10-percent import surcharge was so narrow that we had to take action of a short-term character and I was convinced Congress would not change the gold clause within a short term. Therefore, some other way had to be found to bring about an interim agreement before the end of this year which would allow the United States to lift the surcharge before it became fixed in concrete. This interim agreement in my view would involve a satisfactory realinement of currencies including the acceptance of wider bands of currency fluctuations and an agreement to negotiate the issues not capable of a short-term solution such as the establishment of a permanent new international monetary system, an agreement of defense burden sharing and a reordering of the world's trading relationships. In turn, devaluation of the dollar which does require congressional authorization is a longer term consideration which could not be accomplished in the time frame necessary within which the surcharge must be lifted if economic catastrophe is to be avoided.

My additional interim suggestion which would partially meet the European demand for the devaluation of the dollar and which would positively indicate that the United States is in the ball game and is willing to make some concessions to create a new, viable international economic order, is for the IMF to use its authority to widen the points determining gold transactions to 5 percent on each side of $35.

It is my view that such action by an international agency would be acceptable and could be accomplished within the narrow timespan open to the nations of the world if a trade war and the return to economic nationalism is to be avoided.

I hope that is the course that will be followed by the administration to assure itself of success of its excellent August 14 initiative, provided they do not so persevere as to be counterproductive.

EXHIBIT 1

Because of the critical importance of the upcoming meeting of the International Monetary Fund in Washington, I ask the audience's indulgence if I diverge from the announced topic of my address, namely Prospects for Congressional Action for Stimulating East-West Trade and Investment—after some brief opening remarks.

As we all know, in the past 25 years the United States has applied one set of rules to trade with the market economies, and another set of rules to the non-market economies (except Yugoslavia). The special restrictions which have been applied to the countries of Eastern Europe, the Soviet Union and later to Mainland China, Cuba, North Korea and North Vietnam include export controls on strategic items, import restrictions, limitations on the financing of exports and shipping controls.

These policies have had their intended result. In 1970 total free world trade with the USSR and Eastern Europe amounted to some $18 billion of which the U.S. share was only $579 million. In turn, there has been negligible direct investment between the United States and the Soviet Union, the Peoples Republic of China and all other Eastern European countries.

Looking to the future, Senator Ribicoff has recently reported to the Senate that "it has been estimated that if approprate modifications are made in present laws, U.S. trade with Eastern Europe could reach $2 billion by 1975, more than three times the 1970 level. Other estimates are even more optimistic running to a total of $5 billion by 1975."

In turn, the relaxation of the 20 year old trade embargo with China on April 14 is expected to result in only a modest trade between the United States and China. In a recent authoritative study, Professor F. Dernberger of the University of Michigan projected that by 1980, under favorable conditions, China might buy as much as $650 million annually in American minerals, industrial equipment, and machinery and sell $250 million annually in raw and processed agricultural products and other items to the United States. Professor Dernberger estimated that, at best, by 1980 sales to China would amount to no more than 1 to 2 percent of American exports. These projections must be viewed against the fact that in 1969 free world trade with China remained a minor fraction of the world's total with free world exports to China totalling only $1.4 billion and free world imports $1.7 billion.

It should be obvious that such increased sales by the U.S. to the non-market economies would be beneficial to our overall economy, to our deteriorating balance of payments and balance of trade position, and would create employment in the United States.

This raises the question of what the Congress is prepared to do to insure that the more optimistic projections will be met—and here the Congress has played a leadership role in the past. I refer to the recent Congressional modification and liberalization of the Export Control Act over the Administration's objections; and this year's Congressional modification of the restrictive Fino amendment which prohibited any type of U.S. Export-Import Bank financing of exports to Eastern Europe again over the Administration's objections. In turn, in the case of the construction of a Mack Truck plant in the Soviet Union, I would surmise that the Congressional attitude would have been more liberal than that of the Administration—the Administration did not act positively on the export license request by the September 15 cut-off date.

Looking to the immediate future, I see Congressional forward movement in only one area; and this concerns an amendment I will be putting forward to the Foreign Aid bill in the Senate Foreign Relations Committee in the very near future. The amendment I will offer proposes to lift the existing legislative sanctions which prohibit Overseas Private Investment Corporation (OPIC) programs from operating in the non-market economies. My amendment would accord the President discretionary authority to allow OPIC to operate in these non-market economies. While my amendment is broadly drawn, its immediate specific purpose is to permit OPIC to operate its programs in Yugoslavia and Romania. I am pleased to be able to report to you that the Administration favors my amendment and is eager to see this legislation well advanced at the time of President Tito's state visit this fall.

I would now like to turn to the President's new economic program and to make some comments on the international aspects of this program.

When the President announced the international aspects of the New Economic Program on August 15, I viewed the imposition of a 10 percent surcharge as an absolutely necessary bargaining tactic to secure a long overdue realignment of major currencies against the dollar. The President had also followed the suggestion I made on May 12 and others had made, too, to close the U.S. gold window thereby dethroning gold as the centerpiece of the international monetary system. The President won a brilliant victory when Japan made the long overdue decision to float the yen, and press comments indicated that the upcoming IMF meetings may sympathetically consider the adoption of wider bands of permitted currency fluctuations which the U.S. also desires. Then European countries, including France, also have agreed to greatly strengthen the role of SDRs within the system which has been a long-standing U.S. policy aim.

So far, so good and it looked like, before the end of this year, additional negotiations would have settled the magnitude of the currency alignments that would take place and agreement would be reached to conduct additional negotiations on the problems not capable of short-term solution. Let me add that if the Japanese revalued their currency by 6 percent (a highly inadequate figure in itself) and if the West German mark appreciated by some 9 percent since May, it could be logically expected that the final revaluation figure would be in a range well over 10 percent in exchange for the lifting of the 10 percent import surcharge.

But as time passed and given the rather unsatisfactory conclusion of the Group of Ten meeting in London, my feelings of unease have increased. For subsequent statements of the Administration have indicated clearly that the Administration is after much more than a substantial realignment of currencies against the dollar—not that this is not an enormous and ambitious negotiating goal in itself—in exchange for the lifting of the surcharge.

The most authoritative statement to this effect was made by President Nixon in his news conference of September 17. In response to a question as to the duration of the surcharge, the President stated: "What we are seeking is a permanent solution and that is why the length of the surcharge will be somewhat longer, because we need to address ourselves not only to the matter of monetary policy and exchange rates, we have to address ourselves to burden sharing and we have to address ourselves also to trade restraints including monetary restraints."

At the same time, the United States has not put forward a negotiating package of any specificity—rather the United States has adopted a hands-off stance which suggests that resolution of the growing international economic crisis is a foreign problem for which the United States assumes no responsibility.

At the same time, the Administration also made clear to the Congress that it was its intent to tie the revocation of the Buy America clause of the Investment Tax Credit to the lifting of the surcharge.

But most important, the United States—and this may be the first time this has happened in at least 25 years—the United States has been isolated from its traditional long-standing friends and neighbors. I ask, therefore, whether United States policy has shifted from one of limited objectives in the international monetary system to a quest for unconditional surrender.

The overall situation is well stated by the Report to the President submitted by the Commission on International Trade and Investment Policy—which was made public on September 13—when it states:

"In 1970, when the U.S. basic balance of the long-term capital and current account showed a deficit of about $3 billion, we were actually running a surplus of $5 billion on private transactions (current and capital) with the rest of the world. What throws our overall balance into deficit are government transactions, of which the two principal categories are military expenditures abroad, amounting in 1970 to $4.8 billion, and foreign aid amounting to $3.5 billion. We do not wish to imply that our balance of payments deficit can be ascribed to foreign aid and military expenditures or to any other single cause. We wish, however, to call attention to the basic strength of the private U.S. economy, which has been carrying a burden of government payments abroad quite disproportionate to that of any other country in the world."

This sophisticated language translates into the recent complaint that was heard from the Latin American countries in Panama that: "the United States wants us to pay for the Vietnam war." The surcharge, according to an OAS study, would cost Latin America $400 million annually. It translates into a European gripe that the United States has badly mismanaged its economy since 1965 and is now asking Europe and other foreign nations to pay the piper. We know these complaints are heedless of the record of U.S. sacrifice since 1945, but there is enough of a grain of truth in them to give colorability to Latin American and Western European arguments.

Another vital factor is that other democratically elected governments will not make concessions that threaten their own political survival. This already is a consideration in Japan.

Let me set forth my concerns and then close with some suggestions:

(1) It is the Administration's wish that the lifting of the import surcharge and the repeal of the Buy American provision of the proposed investment tax credit be linked. This linkage will create enormous and growing political and economic pressures for the retention of the surcharge. Every week that passes will make it more difficult in terms of domestic political considerations to lift the surcharge. In turn, the longer the surcharge is in effect, the greater is the danger of retaliation against our exports which would hurt the more efficient sectors of the American economy and encourage "trade wars."

(2) Maintenance of the surcharge will make difficult the attainment of the currency realignments desired by the Administration. And again, the longer the surcharge is in effect, the more counterproductive it will be in securing the necessary currency realignments. Which nation will revalue in a 10–15 percent range so long as the surcharge forces an additional de facto revaluation of ten percent and while a discriminatory Buy America provision looms?

(3) If the Buy America principle is accepted by either house of the Congress, I have serious doubt whether the Congress will not also restrict the President's discretion to lift it and perhaps his discretionary authority to lift the surcharge. I recognize that the Committee on Ways and Means has voted to give the President such discretionary authority.

(4) The Wall Street Journal reported last Friday that new currency restrictions are proliferating as foreign nations tend to minimize the impact of the NEP on their own economies. The Journal reported:

"These restrictions fit into a world-wide proliferation of new measures to curb the inflow of foreign currencies, especially the U.S. dollar. The trend has accelerated in recent weeks and shows little sign of stopping. Indeed, many expect increased foreign pressure to make the U.S. cut back its capital outflows—a move that could seriously affect American multinational companies."

(5) Having initiated a 10 percent cut in foreign assistance, the Administration may not be able to restrain the enthusiasm of the Congress to go the President one better. Since the less developed world (and Latin America) already view themselves as innocent by-standers caught in a lethal crossfire of the great power of the free world, such additional aid cuts would further inflame nationalistic sentiments—the ramifications of which the American investor is already fully aware.

In this context it is important to recognize the important role of continued capital transfer to the developing nations in maintaining a steady flow of trade with them. The World Bank, its affiliate the International Development Association, the Inter-American Development Bank and other regional funds help sustain the credit worthiness of these nations and keep them integrated into the free world's economic system. This is an important consideration in our overall national security and as such in our self-interest to maintain. I hope that the President will hold to his well-defined position of leadership in supporting the various bills before the Congress as they make their way through the legislature this year.

(6) I find the fact that the present position of the United States has caused it to be threatened with being internationally isolated, deeply worrying. In turn, this isolation could increase isolationist sentiment at home in the U.S. which is already a serious danger.

Having outlined my concerns, here are my suggestions:

I feel that it is crucially important that the United States offer to negotiate, based on a set of proposals it puts forward to deal with the crucial international monetary situation. Over the short-term, I believe that it is imperative for our major trading partners to realign their currencies against the dollar; agree to widen permissible bands of currency fluctuations; and to agree to conduct negotiations on the basis of the highest priority looking toward a reordering of trading relationships and a more equitable sharing of defense costs.

I believe that it is imperative that the

United States differentiate between its viable short-term objectives which are on the point of being won, and longer-term objectives that will require further negotiations. I would classify longer-term objectives as a more equitable sharing of the defense burden and a reordering of the international trading system. I am concerned that if the import surcharge is maintained beyond the end of this year and if the import surcharge and the Buy America provision of the investment tax credit are the hostages to gain these longer-term U.S. objectives, there could be engendered conditions for a world economic catastrophe.

Now, a word about the European demand for the devaluation of the dollar which I read to mean a change in the dollar price of gold. In my view, this is not a viable short-term objective since the Bretton Woods Act of 1944 requires prior Congressional authorization for any change in the dollar-gold parity. While I do not rule out positive Congressional action in the context of a broad international agreement over the long-term, the mechanics of the situation argue against Congress acting over the short-term.

However, partially to meet the demand of the industrialized countries of the world that the burden of realignment of currencies should not fall solely on them, I put forward the following suggestion that could be acted on over the short-term. I offer this formula precisely because I am convinced the U.S. Congress would not change the dollar-gold parity and could not do so in the present state of prevailing opinion in the country, any more than Japan could *unilaterally* revalue its currency to the extent some spokesmen deem necessary—probably for the same reason.

Article IV:2 of the IMF Charter states that the Fund shall prescribe a margin above and below par value for gold transactions by members. At the present time, the Fund has set a margin of 1) 0.25 percent, plus certain services charges, or 2) one percent, which shall be taken to include all the service charges. There is no legal reason why the Fund cannot widen the points to, say, five percent on either side of $35. The five percent figure would allow the dollar to fall to the maximum dollar devaluation which the British, for one, believe should be accomplished. But by widening the points rather than by formally changing the price of gold, we would be warning speculators that the gold price could possibly fall back to $35, or even lower, when our payments position is restored.

Unlike a formal change in the gold price, widening the gold points would not require Congressional action, with the inevitable speculative activity that Congressional debate over the gold price would generate. It would not open the flood gates for further devaluation unless the U.S. was agreeable to same, since the official price would remain at $35. Since the action is one that the Fund takes, it could be taken relatively free from political pressures and compromises, and it represents an improvement over the present U.S. "stand firm" policy. The adoption of my suggestion could give the world sufficient breathing space until the day when an international reserve standard such as SDRs have been created in sufficient amounts to become the new cornerstone of the international monetary system and could thus open the way for comprehensive reform of this system while immediately strengthening the IMF's role in international currency management.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield to the Senator from West Virginia such time as he may wish for the purpose of getting an agreement.

Mr. BYRD of West Virginia. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have consulted with the distinguished assistant Republican leader and with the distinguished manager of the bill and with Senators who are sponsors of the following amendments, and, with the approval of the majority leader, I propound the following unanimous-consent request:

I ask unanimous consent that on tomorrow, immediately following the disposition of the amendment by Mr. McGee, amendment No. 423, the Senate proceed to the consideration of amendment No. 429, an amendment by Mr. McGovern to provide for an alternative DOD budget for fiscal year 1973 of $60 billion, and that time on that amendment be limited to one and a half hours, to be equally divided between the mover of the amendment (Mr. McGovern) and the manager of the bill (Mr. Stennis).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. With the further proviso, Mr. President, that time on any amendment to that amendment be limited to 30 minutes, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill (Mr. Stennis).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Having consulted with the assistant Republican leader and the manager of the bill, and other interested parties, I further ask unanimous consent, Mr. President, that on the amendment to be offered by Mr. Humphrey, Amendment No. 432—an amendment to provide for a special account for MIRV funds to be used only when the President and Congress jointly determine Russian MIRV activities necessitate further testing and equipment—time thereon be limited to 4 hours, to be equally divided between the mover of the amendment (Mr. Humphrey) and the manager of the bill (Mr. Stennis); provided that time on any amendment to the amendment be limited to 1 hour, the time to be equally divided between the mover of the amendment in the second degree and the manager of the bill (Mr. Stennis).

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—the Senator contemplates, if this agreement is entered into, that this matter will be taken up on Friday of this week?

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. And contemplates that the Senate will convene on Friday in time to get the amendment probably by 10:30?

Mr. BYRD of West Virginia. Yes.

ORDER FOR ADJOURNMENT FROM THURSDAY UNTIL FRIDAY NEXT AT 10 A.M.

Mr. BYRD of West Virginia. In view of the question raised by the distinguished manager of the bill, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of Senators under orders previously entered with respect to Friday, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF AMENDMENT NO. 432 ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, immediately following the transaction of routine morning business, the Senate then proceed to the pending question and—I having already cleared this with the distinguished majority leader—the pending question at that time be the amendment No. 432 by Mr. Humphrey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON MAIN BATTLE TANK

Mr. BYRD of West Virginia. Mr. President, one further request:

I ask unanimous consent that, at such time as the amendment by Mr. Eagleton, to delete funds for the main battle tank, is called up and made the pending business before the Senate, the time thereon be limited to 2 hours, the time to be equally divided between the mover of the amendment (Mr. Eagleton) and the manager of the bill (Mr. Stennis); provided, further, that time on any amendment to the amendment be limited to 1 hour, the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. Stennis).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Mr. President, with respect to the amendment on the tank, another matter has been called to my attention. Can we increase that time by unanimous consent? We had only 1 hour to the side.

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. I think 1½ hours to the side would be better.

Mr. BYRD of West Virginia. On the amendment in the first degree?

Mr. STENNIS. Yes.

Mr. BYRD of West Virginia. Mr. President, I revise my request accordingly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered further, That following the disposition of Amendment No. 423, Amendment No. 429, to be offered by the Senator from South Dakota (Mr. McGovern), become the pending business and debate thereon be limited to 1½ hours, to be equally divided and controlled by the Senator from South Dakota and the Senator from Mississippi (Mr. Stennis). Provided, that debate on any amendment to amendment No. 429 debate be limited to 30 minutes, thereon, to be equally divided between the mover and the Senator from Mississippi.

Ordered further, That effective at the close of the morning business on Friday, September 24, 1971, amendment No. 432, to be offered by the Senator from Minnesota (Mr. Humphrey), become the pending amendment and debate thereon be limited to 4 hours, to be equally divided and controlled by the Senator from Minnesota and the Senator from Mississippi (Mr. Stennis). Provided, that debate on any amendment to amendment No. 432 debate be limited to 1 hour thereto be equally divided between the mover and the Senator from Mississippi.

Ordered further, That when the amendment to be offered by the Senator from Missouri (Mr. Eagleton) concerning the Main Battle Tank is laid down debate thereon be limited to 3 hours, to be equally divided and controlled by the Senator from Missouri and the Senator from Mississippi (Mr. Stennis). Provided, That debate on any amendment to the amendment debate be lmited to 1 hour, to be equally divided between the mover and the Senator from Mississippi (Mr. Stennis).

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The question is on agreeing to the Nelson amendment.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. Mr. President, I yield back my time.

I understood that the Senator from Wisconsin was ready to yield back his time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All the time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) are absent on official business.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from New Jersey (Mr. WILLIAMS).

If present and voting, the Senator from Washington would vote "nay" and the Senator from New Jersey would vote "yea."

On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from Indiana (Mr. HARTKE).

If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Indiana would vote "yea."

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from Louisiana (Mr. ELLENDER).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

On this vote, the Senator from Utah (Mr. MOSS) is paired with the Senator from West Virginia (Mr. RANDOLPH).

If present and voting, the Senator from Utah would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

The result was announced—yeas 35, nays 45, as follows:

[No. 229 Leg.]

YEAS—35

Brock
Brooke
Burdick
Case
Church
Cranston
Eagleton
Fulbright
Gravel
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McGovern
Mondale
Nelson
Packwood
Pell
Percy
Proxmire
Schweiker
Spong
Stevens
Stevenson
Symington
Tunney

NAYS—45

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Fannin
Fong
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Long
McClellan
McIntyre
Metcalf
Miller
Montoya
Pearson
Roth
Scott
Smith
Sparkman
Stafford
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—20

Anderson
Baker
Bayh
Dominick
Ellender
Ervin
Goldwater
Harris
Hartke
Magnuson
Moss
Mundt
Muskie
Pastore
Randolph
Ribicoff
Saxbe
Taft
Weicker
Williams

So Mr. NELSON's amendment (No. 426) was rejected.

Mr. STENNIS. Mr. President, I ask unanimous consent to reconsider the vote by which the amendment was rejected.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF SENATOR STEVENS AS RANKING MINORITY MEMBER ON THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCOTT. Mr. President, the distinguished senior Senator from Alaska (Mr. STEVENS) has consented to serve on the Committee on Rules and Administration in the position of ranking minority member, in succession to our late beloved colleague from Vermont, Winston L. Prouty.

Those of us on the leadership felt that we needed someone who had the necessary skill, tact, and patience, as well as willingness, to attend to the rather multifarious duties of that committee.

I know that it was with considerable reluctance the Senator from Alaska (Mr. STEVENS) was persuaded to leave another committee in order to accommodate us. I cannot imagine anyone we could have obtained who would have been more useful to the committee's functions under the rules adopted by the Republican conference at the beginning of the year than the distinguished Senator from Alaska (Mr. STEVENS), when certain Senators are not eligible to be ranking members on committees and other Senators are not eligible to be recognized on more than one committee.

Therefore, we had to search for the man who could supply us with the kind of capacity and judgment which would enable us to handle all the problems that come before the Committee on Rules and Administration, which meets frequently and which, among other responsibilities, passes on requests for appropriations of funds of all of the other committees, or for approval of the budgets required in the funding of all the other committees.

The Committee on Rules and Administration is a most important committee, and we are delighted that the Senator from Alaska (Mr. STEVENS) has been persuaded to accept appointment to it. It is a wrench for him to leave his other committee for this one, but we are all personally very much gratified that, at our urging, he has agreed to do so.

Mr. President, I yield the floor.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, on behalf of the Senator from Virginia (Mr. BYRD) I ask unanimous consent to have printed in the RECORD a telegram from Mr. William J. Hart, district director and member of the executive board of the United Steel Workers of America, fully endorsing section 503 of the military procurement bill, which as the Senate knows, will make possible the importation of chrome at much lower prices. That will be one of the pending matters tomorrow.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TARENTUM, PA., *Sept. 22, 1971.*

Hon. HARRY F. BYRD, JR.
Old Senate Office Building
Washington, D.C.

I was in attendance on July 8, 1971, when Allegheny Ludlum Industries, Inc. vice president E. F. (Andy) Andrews appeared before the African Affairs subcommittee of the Foreign Relations Committee of the United States Senate in Washington, D.C. I fully endorse the position taken by Mr. Andrews. I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the special steel industry. As you know western Pennsylvania is the specialty steel capitol of the world and if the Pennsylvania specialty steel companies do not receive favorable disposition to the Byrd bill, section 503 of H.R. 8687 or S. 1404, there will be no specialty steel industry in Pennsylvania or the United States. As a member of the executive board of the United Steelworkers of America, I wish to be recorded as in favor of the Byrd bill, section 503 of H.R. 8687 or S. 1404 and I would appreciate any assistance you can render on this important subject.

Sincerely,

WILLIAM J. HART,
Director District 19,
United Steelworkers of America.

THE FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. COOK. Mr. President, after long debate and much study, the Senate on August 5 passed S. 382, the Federal Elections Campaign Act of 1971. This bill is the most meaningful, realistic, and the strongest campaign reform measure ever passed by the Senate. I vigorously supported it, and I am glad to have played a role in its formation.

On August 10, 1971, there appeared in the New York Times, the Washington Evening Star, and other papers, an extremely misleading article by Warren Weaver, Jr. concerning an amendment that I sponsored to S. 382. Subsequently, on August 11, 1971, there appeared in the New York Times an editorial which once again grossly misrepresented not only its plain and clear language, but the intent of my cost-of-living amendment. I ask unanimous consent that both the article and editorial be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

Spending-Curb Loophole Found in Senate Vote Bill

(By Warren Weaver, Jr.)

WASHINGTON.—The escalator clause in the campaign spending bill that the Senate approved last week is so generous that it would permit each party $2.8-million extra in spending in 1972 and might double expenditure ceilings by the next national election in 1976.

As originally written, the bill would restrict the Presidential candidates of each party to $13.9-million for media spending, based on 10 cents for each of 139 million voters eligible in 1972.

The escalator clause was inserted in committee, at the request of Senator Marlow W. Cook, Republican of Kentucky, in an ostensible effort to insure that the political spending limits would rise in future years as the cost of living did, rather than make candidates victims of inflation.

But the way the clause is worded, it insures that the over-all ceiling for national candidates will go up $2.8-million a year every year that the cost of living rises 1 per cent or more, beginning with the 1971 increase over 1970.

LINKED TO PRICE INDEX

The 10-cent-a-voter ceiling consists of a 5-cent limit on spending for radio and television and a 5-cent limit for newspapers, magazines and billboards. The escalator clause provides that these figures will go up the same per cent as the Consumer Price Index did the year before "rounded to the next highest cent."

As a result, if the price index for 1971 was only 2 per cent higher than the average in 1970—it is now running 4 per cent higher—that would be sufficient to produce an automatic increase in each of the ceilings to 6 cents a voter from 5.

Arithmetically, a 2 per cent increase in the price index would increase a 5-cent ceiling to 5.1 cents, but "rounded to the next highest cent" this becomes a 6-cent ceiling.

If the Consumer Price Index continued to rise at least 1 per cent a year for the next four years—which economists consider a conservative estimate—the campaign ceilings would rise 1 per cent each year, to 10 cents a voter for broadcast media and 10 cents for nonbroadcast, or a total of 20 cents for each eligible voter.

By 1976, however, the number of eligible voters will have increased also, to at least 150 million by very rough estimates. Thus, the campaign bill would result in a ceiling in 1976 of about $30-million for each national ticket.

Most supporters of reduced campaign spending would regard that as almost no ceiling at all. In the election in 1968, the Republicans spent $12.7-million and the Democrats $6.1-million for radio and television time. There are no reliable records of their other expenditures.

The only Senator who spotted the loophole on the floor was Edward M. Kennedy of Massachusetts, who explored the effect of the cost-of-living clause in a brief, unnoticed colloquy with Senator John O. Pastore of Rhode Island, the Democratic floor manager of the bill.

First, Senator Pastore maintained that he could not predict what effect the escalator clause would have on the ceilings in 1972. Then he conceded that Mr. Kennedy was correct in saying, that the figure would rise to 6 cents from 5 for each of the two limits. The Senators did not explore the effect of the clause on 1976.

SHIFTING OF FUNDS ALLOWED

The escalator clause also has the effect of lifting still higher the ceiling on radio and television spending. The bill provides that a candidate who uses up his 5-cent-a-voter electronic fund can then dip into unspent money in his print media fund up to 20 per cent, or 1 cent more.

The 5-cent formula alone would permit $6.95-million worth of radio and television spending for each Presidential candidate. Application of the escalator clause would increase this to $8.4-million for 1972. A candidate who took the full 20 per cent from his print media limit in addition could raise this figure to $10-million.

The campaign spending bill also limits political expenditures by Senate and House candidates, based on the same formula of 10 cents for each eligible voter in the state or district, with no limit lower than $60,000 over all, including $30,000 for radio and television and $30,000 for print media.

A campaign spending bill pending in the House Commerce Committee has a different escalator clause, based on an index of communications media prices wtih potential increases not rounded off to the next highest cent.

Fatal Phrase

Overlooked in the Senate's last-minute scramble to pass a campaign finance bill was a loophole big enough to sink the most desperately needed of its proposed reforms. Just six words long, it can undo six months of hard legislative work.

No one committed to curbing rampant campaign expenditures for television and radio would deny that any limiting provision must include an escalator clause to allow to rising prices. But the clause slipped into this otherwise excellent bill by Senator Marlow W. Cook of Kentucky is more like a balloon than an escalator. It provides that the limit of ten cents per eligible voter which may be spent on all media in a national election may be increased by the same percentage as the Consumer Price Index has risen in the preceding year. Then, almost as an afterthought, come the fatal six words—"rounded to the next highest cent."

An annual rise in prices of 5 per cent would not mean that the maximum allowable expenditure for campaign broadcasting alone would rise 5 per cent year by year—from a current figure of 6 cents to 7.6 cents in 1976. It would mean instead a flat penny-a-year increase, bringing the allowance in 1976 up to 11 cents. With a potential 150 million eligible voters by then, the ceiling would not be roughly $11.4 million for electronic expenditures, which would be more than high enough even with allowance for inflation and population growth, but something like $16.5 million, which would be practically no ceiling at all.

Senator Cook, it seems, has emasculated the bill in a parenthesis. Either his six ill-chosen words will come out in conference, assuming the Houses passes a campaign-spending bill on its return, or the measure's most important provision will be all but worthless.

Mr. COOK. Mr. President, similar editorials appeared in the Star on August 18, and the Louisville Courier-Journal on August 12. Both the article and the editorials ignored the clear meaning of section 105 of S. 382.

They apparently stem from a misleading colloquy during the debate between Senator KENNEDY and Senator PASTORE—see CONGRESSIONAL RECORD, August 5, page 30069. Unfortunately, I was not on the floor at the time and did not hear of the problem until well into the August recess.

Mr. President, the Senate Commerce Committee deliberated long and hard on this amendment. It was adopted unanimously by the committee. The intent was obvious. It provides for a cost-of-living increase in the expenditure limitation for the media covered by the bill. As prices go up, there will be a corresponding increase in campaign spending. As written, it is flexible legislation that will be as relevant in 1982 as in 1972. However, its intent and effect is by no means as drastic as Mr. Weaver's article stated. I ask unanimous consent that my letter of clarification to the New York Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOK. Mr. President, although the letter was not reprinted by the Times, similar letters were reprinted by the Evening Star and the Courier-Journal. However, the Times did print an editorial stating that:

> Far from weakening the measure, the change sponsored by Senator Cook provides a realistic way to keep the bill from quickly becoming obsolete.

I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. COOK. Mr. President, I do hope that this clears up any fears or so-called ambiguities that many people were concerned with in regard to the Cook amendment to S. 382.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., August 23, 1971.

Mr. ARTHUR OCHS SULZBERGER,
President and Publisher,
New York Times
New York, N.Y.

DEAR MR. SULZBERGER: In the New York Times of Tuesday, August 10, 1971, there appeared an article by Mr. Warren Weaver, Jr., entitled, "Spending-Curb Loophole Found in Senate Vote Bill." On the following day, Wednesday, August 11, 1971, there appeared in the New York Times an editorial entitled, "Fatal Phrase."

Both the article and the editorial concerned an amendment which I offered to S. 382, the Federal Election Campaign Act of 1971, during its consideration by the Senate Committee on Commerce. It was adopted unanimously. The amendment provides for a cost-of-living increase in the expenditure limitation for the broadcast and nonbroadcast media. Both the article and the editorial grossly misrepresented not only the intent of this provision, but also its clear language. Both were based upon confusion created by a colloquy on the bill between the Chairman of our Communications Subcommittee, Senator Pastore, and Senator Kennedy, of Massachusetts. Parenthetically, I might note that Senator Kennedy chose not to offer any amendment whatsoever to this particular provision. I can only conclude that the Senator not only was satisfied with the provision, but with its application and possible interpretation as posed by his line of questioning.

Nevertheless, based upon this colloquy, both your article and editorial state that the cost-of-living increase based upon the Consumer Price Index is to be multiplied times the 5 cents factor in the expenditure limitation formula applicable to both the broadcast and the nonbroadcast media. Then, you state that this product is to be multiplied by the estimate of resident population of voting age for the particular elective office to determine the candidate's expenditure limitation for the respective media. Finally, you compound the increase by applying the limited interchangeability maximum of 20 per centum between the media as provided for in section 104 of S. 382. Such an interpretation of the cost-of-living increase provision is in gross error. A simple reading of the provision makes this abundantly clear.

The cost-of-living increase provision, section 105(b), reads as follows:

> The amount computed under section 315 (c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. [Emphasis added]

Section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of S. 382) and section 103(c)(1) of the same bill each provide a formula to determine the expenditure limitation for the respective media of 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held.

Thus, it is the "amount computed" after using this formula to which the per centum increase in the Consumer Price Index is to be applied and not the fixed factor of 5 cents. In other words, Mr. Weaver's article stated inter alia that "Arithmetically, a 2 per cent increase in the price index would increase a 5 cent-ceiling to 5.1 cents, but 'rounded to the next highest cent' this becomes a 6 cent-ceiling." Then, using this 6 cent-ceiling figure multiplied times the estimate of resident population of voting age for the office of President, Mr. Weaver proceeds to state that such would result in an increase from $6.95 million to $8.4 million for 1972 or an increase of $1.45 million in the limitation on radio and television spending.

On the contrary, the correct increase using Mr. Weaver's assumptions would be but $139,000 since the computation should be made as follows:

(1) 5 cents times the estimate of resident population of voting age for President of 139 million which equals the $6.95 million; and

(2) Then 2 per cent times $6.95 million for an increase of $139,000 or a total of $7,089,000.

Any rounding "to the next highest cent" would be with respect to the product of the "amount computed" under the spending formula (i.e., 5 cents times the resident population of voting age) times the per centum increase in the Consumer Price Index so as to insure that the final product will be in whole cents and not mills. It would not affect or "round to the next highest cent" the 5 cents figure in the spending limitation formula.

Accordingly, both Mr. Weaver's article and your editorial are grossly in error based on a clear and simple reading of the provision in question which should prove to be controlling over any legislative history developed during the debate.

Certainly the American public is entitled to know about such an important legislative measure as S. 382. More importantly, however, it is entitled to know the truth and not, to quote your own editorial, "ill-chosen words" which misrepresent and mislead.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

EXHIBIT 2

[From the New York Times, Sept. 17, 1971]

MYTHOLOGY OF A BILL

The effort to bring political campaign spending under reasonable control in this country has encountered so many difficulties that a bemused spectator could well fall back upon classical mythology to explain them.

Congress last year passed a limited but strong bill to restrict the amount of money spent by political candidates in buying television. President Nixon found several plausible if unconvincing reasons for vetoing the bill. Like Sisyphus rolling his stone back up the hill, Congress had to start the task all over again.

This summer, a more comprehensive bill reached the Senate floor. It included an amendment by Senator Marlow W. Cook, Republican of Kentucky, to keep the limits on spending correlated to rising living costs.

Misreading the Cook amendment led many critics, The Times among them, to label it as a trojan horse which would rapidly raise the limits so high that candidates could run wild on campaign spending. Subsequent clarifications of the amendment's somewhat murky language have made it plain that, far from weakening the measure, the change sponsored by Senator Cook provides a realistic way to keep the bill from quickly becoming obsolete. The result was Senate approval of spending curbs that would do much to keep money from being the decisive factor in elections.

The revised measure now has to proceed through the House on a tortuous route. Rival committee jurisdictions and the rules of the House have constructed a truly classical maze. An Interstate and Foreign Commerce Subcommittee has completed action on a bill to limit broadcast spending. The House Administration Committee has a companion bill to require more disclosure of campaign contributions. Only the Ways and Means Committee can consider projected tax credit for small contributors.

Will the various bills find their way through the maze to their common destination on the House floor and join up with the Senate bill? Will the members of congress heed the sirens of self-interest? Will Mr. Nixon again roll the stone back to the bottom of Capitol Hill? Perhaps only mighty Homer could properly tell this tale.

THE COAL MINE HEALTH AND SAFETY ACT

Mr. COOK. Mr. President, once again, cold hard facts are proving the unworkability of the 1969 Federal Coal Mine Health and Safety Act. The very worthy objective of the act remains unfulfilled. For 1971 in the State of Kentucky 37 coal miners have lost their lives thus far under this act. Yet, the year before its implementation only 33 miners suffered fatal injuries. Of course, any loss of lives is too many.

Instead of saving lives, it has added only additional financial burdens to the small mine operators. So-called permissible equipment required by the act is highly expensive and yet in most cases is not really necessary in small, nongassy mines. Very unwisely, and on a wave of emotionalism, the Congress rejected an amendment offered by Senator Cooper and myself—in 1969 which would have preserved the realistic, gassy/nongassy distinction.

Furthermore, the act has substantially contributed to increased surface or strip mining operations. In 1 year, from 1970 to 1971, underground mines decreased from 952 to 848. During this same period strip and auger mining operations increased from 377 to 556.

The time has come for a change in the present law. But more importantly, the time has come for rational debate.

I ask all my colleagues to read the remarks of Louie B. Nunn, Governor of Kentucky, at a Department of Interior hearing in Lexington. I ask unanimous consent that the Governor's speech and a "Wave" editorial be printed in the Record.

There being no objection, the speech and editorial were ordered to be printed in the Record, as follows:

TEXT OF ADDRESS BY GOV. LOUIE B. NUNN OF KENTUCKY

I am Louie B. Nunn, Governor of the Commonwealth of Kentucky. First allow me to thank you for this opportunity to testify in regard to the Federal Coal Mine Health and Safety Act of 1969.

I would not appear here today as an expert witness or attempt to offer any degree of personal expertise. But as Chief Executive I feel a responsibility to an industry which comprises a major portion of our economy and affects the safety and well-being of many of the citizens of this Commonwealth.

More importantly, however, there is a sense of personal responsibility and a sincere desire to aid and assist in the safety and security of our fellow men.

It is this concern for physical safety, economic well-being and environmental protection that compels me to say that the Federal Coal Mine Health and Safety Act of 1969 has failed to achieve the good intentions of those in Congress who supported its passage.

The Kentucky experience of the past 21 months since this law became effective has been that instead of helping to solve a serious problem, it has helped to compound the problem.

The law has become an administrative nightmare as well as an exercise in contradiction, confusion and futility.

There have been instances and no doubt testimony will be offered later today to prove that this legislation has seriously and unfairly jeopardized lives instead of saving lives.

It has jeopardized the economic stability of a segment of the mining industry.

And it has jeopardized the ecological grandeur of our state.

What appears to be the most glaring mistake of the law is the removal of the distinction between gassy and non-gaseous mines.

This portion of the Act has hit hardest and most inequitably at the small mines, particularly in Eastern Kentucky.

The new and highly expensive permissible machinery required by the new law simply is out of the financial reach of many small operators. And this requirement is even further beyond the understanding of these operators.

No one, either at the federal, state or local level, has yet been able to explain to these operators why they should have to sink huge sums of capital into equipment to be used in gassy mines when their mines contain no gas.

Many of the small mines in Appalachia have been forced to close because of inability to comply with the Act.

Many others have closed before being inspected out of fear of the high penalties provided by the new law.

It is ironic and most unfortunate that while we have finally realized an industrial breakthrough in Eastern Kentucky and in a period when nearly fifty new industries were located in that part of our state, many able-bodied men have been denied an opportunity to work becaue of a discriminatory law.

In 1970, 969 underground mines were in operation in Eastern Kentucky, employing 17,321 men.

Today the number of mines has dropped to 820 and nearly one thousand fewer men are employed.

It is tragic that many of those employed at these mines may have no other recourse than to leave payrolls and join the welfare rolls. Surely, this was not the intention of the authors of the law.

The burden is not limited to small mines only. Many large mines are suffering from a supervisory shortage brought about by the wholesale employing of federal mine inspectors. Those supervisory personnel who are left spend much of their time accompanying inspectors on the mine property and are otherwise deskbound by volumes and volumes of paper work.

Unless there is a reversal of the present trend, we may reach a point when there will be almost as many federal inspectors as there are coal mines to inspect.

Almost two years have passed since the law became effective and the most knowledgeable people in the Bureau of Mines and the industry are still trying to determine its full meaning.

Interpretations are still being attempted, but seemingly with little success.

It must be evident that if those responsible for implementing the law cannot agree, the coal operators could hardly be expected to understand how they are to comply.

In looking at Kentucky's mine safety record it shows that the Commonwealth covered a period of almost twenty-five years without a major disaster. The year before the Act went into effect (1969) the Commonwealth enjoyed its best year from a coal mine fatality standpoint. Thirty-three miners lost their lives in 1969 as compared to 37 to this date in 1971. This in itself shows that the Act is not working.

Almost as distressing as the adverse affect the new law has had on the safety of the coal miner is the devastating setback it has dealt to Kentucky's environment.

As more and more small mine operators have been forced to close, more and more strip mine operations have been started.

In 1968, there were 189 surface mining operations in Kentucky. Today, that number has increased more than three times. Now there are 556 strip mine operations.

Production figures reflect the same disturbing trend. In 1969, underground mines produced 64 million tons of coal in Kentucky, while surface mining operations yielded 44 million tons.

Last year, however, underground mines produced only 63 million tons, while the figure for surface operations skyrocketed to 62 million.

These statistics in human, economic and environmental damage vividly underscore the need for immediate remedial action by the Congress.

It should be obvious to all that if the Kentucky coal industry is to remain sound and is to provide safer, more rewarding employment for our people and is to flourish in compatibility with our environment, the Congress must take another look at the 1969 Act.

To show further why such action is needed, I have asked a team of five experts from Kentucky's nationally respected Department of Mines and Minerals to appear with me here today.

Together, these men represent almost a century and a half of mining experience.

They have experienced first hand the frustrations inherent in the Coal Mine Health and Safety Act.

They are: Commissioner Kirkpatrick; Assistant to the Commissioner, J. H. Mosgrove; Cecil Sherman of the Martin District; Everett Bartlett of the Hazard District; and James Thorp of the Western Kentucky District.

Mr. Kirkpatrick is from a mining family whose entire working career has been associated with underground coal mines in Muhlenberg County of Western Kentucky. Mr. Kirkpatrick has always had an interest in mine safety having worked with several safety organizations during his career.

Mr. Mosgrove has been associated with the mining industry of Kentucky over forty years, having started as a miner at a very young age in Letcher County. His career has included working as a mine laborer, supervisor, and he has been directly engaged in safety work for over 25 years.

Mr. Sherman started his career in 1931 as a mine laborer. He has advanced from that position through to the job he now holds as District Supervisor with the Department. Many years of Mr. Sherman's background have been directly connected with safety promotion.

Mr. Bartlett has been associated with mining in Kentucky for over forty years. His work experience ranges from mine laborer to mine superintendent. He has served with the Department of Mines and Minerals almost seventeen years.

Mr. Thorp, supervisor of the West Kentucky District, has worked in the West Kentucky coal fields for a number of years. He was very active in safety team work and has served as a mine laborer and supervisor.

All these men are well qualified by their experience as laborers, supervisors and safety inspectors and administrators.

They are here to help, not to hinder.

They are here to offer constructive criticism, not to obscure the facts.

We do not ask that changes be made at the expense of lives because we fully realize that productivity must be judged in human terms. But neither shall we be silent as unjustifiable and illogical obstacles are placed before productivity.

We ask only that necessary revisions be made in order that we might have legislation that can be readily understood both by those charged with its implementation and those who are required to comply . . . legislation that will effectively assist us in attaining a new high in the safety, economic and environmental standards of the coal industry.

(Wave Editorial)

THE MINE LAW EDITORIAL NUMBER 767

SEPTEMBER 14, 1971.

We think it's time to rewrite the federal Coal Mine Health and Safety Act. From all indications, the law as it now stands is unrealistic and actually is more punitive than beneficial.

A Courier-Journal story last week cited case after case in Eastern Kentucky where underground mines have been forced to close. The operators say they simply cannot afford the machinery and procedures called for in the safety law. Dozens of miners have been put out of work as a result. And there's no real proof that the law has done what it was supposed to do—make it safer to work in the mines underground.

The Mine Safety Act, because of its special provisions, has added more than 30% to the cost of deep mining coal. The smaller mines are the hardest hit. Many operators have switched to strip mining. In other words, the safety act has actually fostered strip mining, especially in Eastern Kentucky. This means, then, that this law has probably caused more problems than it solved.

Coal mining in both Kentucky and Indiana has been taking its lumps for a long time. It is one of the most controversial industries we have. Yet we can't do without it. And we totally agree with legislation to protect the environment against mining and to protect lives of the workers. However, none of these laws appears to be working well—either because they are not implemented or because they are bad laws in the first place. The federal Coal Mine Health and Safety Act may fit both categories.

The U.S. Bureau of Mines is conducting a series of hearings about safety. We hope it gets the message that the Health and Safety Act is not getting the job done and that it ought to be changed. Here is a case where results don't jibe with the objectives.

ORDER FOR RECOGNITION OF SENATORS JACKSON AND JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the 1 hour which is set aside for eulogies to our late colleague, Senator Winston L. Prouty, the distinguished Senator from Washington (Mr. JACKSON) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is ordered.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished acting majority leader, the Senator from West Virginia, if he can adumbrate the situation regarding the remainder of the week and thereafter, if he is so minded.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry of the distinguished minority leader, the Senate will convene tomorrow at 10 a.m. Immediately following the recognition of the two leaders under the standing order, there will be 1 hour set aside, under the control of the distinguished senior Senator from Vermont (Mr. AIKEN), for the purpose of eulogies for our late, departed colleague, Senator Winston L. Prouty.

Following the hour for eulogies, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: the Senator from Washington (Mr. JACKSON) and the Senator from New York (Mr. JAVITS).

There will then be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Chair will lay before the Senate the unfinished business, and the pending question at that time will be on agreeing to amendment No. 423, by Senator MCGEE, which deals with Rhodesian chrome ore. There is a time limitation of 2 hours on that amendment. If all the time is consumed, and if no amendments are offered thereto, a rollcall vote, which can be expected thereon, will occur at approximately 1:45 p.m.

Upon the disposition of amendment No. 423 by Senator MCGEE, the pending question will be amendment No. 429 by Senator MCGOVERN, to provide for an alternative military budget for fiscal year 1973 in the amount of $60 billion. A rollcall vote on that amendment is expected. There is a time limitation of 1½ hours on the amendment, to be equally divided.

So Senators may expect at least two rollcall votes tomorrow.

On Friday, the Senate will convene at 10 a.m. Immediately after the recognition of the two leaders, the following Senators will be recognized, each for not to exceed 15 minutes: The Senator from Georgia (Mr. TALMADGE) and the Senator from North Dakota (Mr. YOUNG). They will be in control of time for the purpose of extending congratulations to the distinguished President pro tempore of the Senate, the Senator from Louisiana (Mr. ELLENDER).

Following the recognition of the two Senators mentioned, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with a limitation on speeches of 3 minutes therein; following which the Senate will proceed to the consideration of amendment No. 432, the so-called MIRV amendment of the Senator from Minnesota (Mr. HUMPHREY). Time on that amendment will be limited to 4 hours. A rollcall vote will occur thereon. Thus, Senators may expect at least one rollcall vote on Friday.

Beyond Friday, I can only see through a glass darkly. I would not want to take a chance, as of now, on attempting to prognosticate as to what the situation will be for Monday next.

However, there will be no session this coming Saturday. The distinguished majority leader has indicated that the Senate may very well be in session on Saturdays, if necessary, with the exception of this coming Saturday.

Mr. President, I ask unanimous consent that it may be in order to order at any time and with one show of seconds, a rollcall vote on amendment No. 423 of the Senator from Wyoming (Mr. MCGEE), a rollcall vote on amendment No. 429 of the Senator from South Dakota (Mr. MCGOVERN), and a rollcall vote on amendment No. 432 of the Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the three amendments.

The yeas and nays were ordered on the three amendments above named.

Mr. SCOTT. Mr. President, I thank the distinguished acting majority leader. I appreciate the rays of light which have illuminated our progress for the next few days. I hope that we can make progress as September wanes, October dawns, and Thanksgiving approaches. I hope that we will have good cause for celebrating same.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 23, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1971:

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

William D. Eberle, of Connecticut, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary, vice Carl J. Gilbert.

EXTENSIONS OF REMARKS

VICE ADM. BERNARD F. ROEDER, U.S. NAVY, RETIRED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BYRON. Mr. Speaker, earlier this month Vice Adm. Bernard F. Roeder, one of the Nation's foremost proponents of seapower and probably the highest ranking native Cumberlander in any military force, died in Balboa Naval Hospital. Admiral Roeder retired 2 years ago while serving as Commander of the San Diego-based First Fleet. Before that he commanded the Pacific Fleet Amphibious Force headquartered at Coronado, Calif.

Admiral Roeder was a man of honor, integrity, and courage—a soldier in the best sense. Those who knew him and those who knew his reputation will miss him and the unique contribution he brought to the Nation and his community. His distinguished career was reviewed in a recent article in the Cumberland Sunday Times and I would like to share it with all of you.

ADMIRAL ROEDER

Adm. Roeder was only 16 years old when he graduated from Allegany High School and entered the Naval Academy in 1927.

During his next 42 years he saw the debut of nuclear power and jet aircraft into the U.S. fleet and the aircraft carrier replace the battleship as the backbone of Navy task forces.

In his retirement address, he warned that the U.S. shipbuilding program has been completely inadequate to provide for any degree of modernization or replacement of "tired veterans that have been our first line of defense. If we are to continue enjoyment of freedom of the seas, a proper substantial plan of naval shipbuilding must be instituted and supported without delay."

He urged the same for the U.S. merchant marine.

17 YEARS IN COMMUNICATIONS

During his career, he served as director of all naval communications for three and one-half years. He spent a total of 17 years of his career in positions directly related to naval communications.

He is credited with playing a prime role in the transition of naval communications from that of a dit-dot-dash radio operation to the mutli-channel, high-speed teletype circuits in use throughout the Navy today.

Adm. Roeder was responsible for developing a defense against anti-ship missiles such as the Russian Styx.

He was also instrumental in equipping selected Navy ships with satellite communications facilities.

BORN HERE IN 1911

Adm. Roeder was born in Cumberland on February 4, 1911, the son of the late William P. and Anne (Ritter) Roeder. Prior to entering the Naval Academy, he graduated from Allegany High School.

One of the youngest graduates of the Naval Academy, he was graduated with distinction and was commissioned ensign on June 4, 1931. He subsequently attained the rank of rear admiral on August 1, 1958 and vice admiral on March 25, 1965.

From 1931 to 1937 he saw sea duty aboard four different ships and in July 1937 was ordered to the office of the Chief of Naval Operations-Communications Division, in Washington and remained there until 1939.

After service in the 16th Naval District in the Philippines, in 1940 he was assigned to the staff of the Commander in Chief, Asiatic Fleet, as security officer and assistant communications officer. At the outbreak of World War II, he was made communications officer for the Naval Forces, Surabaya, Java, and later was flag lieutenant and communications officer for the Asiatic Fleet.

WAS IN JAPAN

In January 1943 he was assigned to the office of the Chief of Naval Operations in Washington and was awarded the Legion of Merit for his services until August 1945. From September 1945 to February 1947 he was executive officer of the USS New Jersey, the flagship of the commander-Fifth Fleet based at Yokosuka in support of the occupation of Japan.

He returned to shore duty in December 1946–1947 with the Communications Division of Chief of Naval Operations, remaining there until he attended Naval War College, Newport, R.I. in 1949–50.

In May 1950 he was made commander of the Destroyer Division 112 which was assigned to Korea and the Formosa Straits. He was in command of the ships which commenced the siege of Wonsan, Korea, on February 16, 1951, and continued until the Korean armistice. He was awarded gold stars in lieu of second and third Legions of Merit for his Korean service.

HAD MANY MEDALS

From 1951 to 1953 he was in the Naval Intelligence Division in Washington. Following several commands in August 1956 he reported for duty as commander of Amphibious Squadron 1 and commander of Transport Division 12, Pacific Fleet. In September 1957 he became deputy director of Naval Communications for the Naval Security Group and late as assistant chief of Naval Operations-Communications where he was awarded a gold star in lieu of the Fourth Legion of Merit for his service from October 1961 to May 1965.

On May 10, 1965, he became commander, Amphibious Force, Pacific Fleet.

In addition to his Legion of Merit awards and Naval Commendation Ribbon, he was the recipient of the following campaign and service medals: American Defense Service Medals; Asiatic-Pacific Campaign Medal, World War II Victory Medal; Navy Occupation Service Medal, Asia Clasp; National Defense Service Medal, Korea Service Medal; Republic of Korea Presidential Unit Citation; Republic of the Philippines Presidential Unit Citation, and Philippine Defense Ribbon With Star.

MANDATE FOR REFORM

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 22, 1971

Mr. McGOVERN. Mr. President, as I travel around the country I find that there is a great deal of interest in the reform of the Democratic Party and just how the party will differ from 1968. I am proud to have been the chairman of the Commission on Party Structure and Delegate Selection to the Democratic National Committee which laid down the guidelines for the political reform of the party and am now pleased to serve the present chairman, Representative DONALD M. FRASER, in attempting to see that these guidelines will be implemented to the greatest possible extent.

I firmly believe that the 1972 Democratic Convention will be the most open political convention in American history if people across the country dedicate themselves to the full and fair implementation of the guidelines contained in the commission report.

I am pleased to ask unanimous consent to have printed in the RECORD the "Mandate for Reform."

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MANDATE FOR REFORM: A REPORT OF THE COMMISSION ON PARTY STRUCTURE AND DELEGATE SELECTION TO THE DEMOCRATIC NATIONAL COMMITTEE

MEMBERS OF THE COMMISSION ON PARTY STRUCTURE AND DELEGATE SELECTION

Chairman

Honorable George S. McGovern, U.S. Senator from South Dakota.

Vice Chairman

Honorable Harold E. Hughes, U.S. Senator from Iowa; former Governor of Iowa.

Mr. I. W. Abel, President, United Steelworkers of America, Pittsburgh, Pennsylvania.

Honorable Birch Bayh, U.S. Senator from Indiana.

Professor Samuel Beer, Professor of Government, Harvard University; former National Chairman of Americans for Democratic Action.

Mr. Bert Bennett, former Chairman, State Democratic Executive Committee of North Carolina.

Mr. Warren Christopher, former U.S. Deputy Attorney General, Los Angeles, California.

Honorable Leroy Collins, former Governor of Florida.

Mr. Will Davis, former Chairman, State Democratic Executive Committee of Texas.

Mr. William Dodds, Director, Community Action Department, United Auto Workers, Bethesda, Maryland.

Mr. Frederick Dutton, Executive Director, Robert Kennedy Memorial; former Special Assistant to President Kennedy, Washington, D.C.

Mr. John F. English, National Committeeman from New York.

Honorable Donald M. Fraser, U.S. Representative from the 5th Congressional District of Minnesota.

Mr. Peter Garcia, former Deputy Director, Community Action Program, San Francisco, California.

Mr. Earl G. Graves, President, Earl Graves Associates, New York, New York.

Dr. Aaron E. Henry, Chairman, Democratic State Committee of Mississippi; member of the national board of directors, NAACP, SCLC, & SRC.

Mr. John Hooker, President, Minnie Pearl International, Nashville, Tennessee.

Mrs. Patti Knox, Vice Chairman, Democratic State Central Committee of Michigan.

Mr. Louis E. Martin, Publisher, Chicago Daily Defender; former Deputy Chairman, Minorities Division, Democratic National Committee.

Honorable Oscar Mauzy, Texas, State Senator, Dallas, Texas.

Mr. George Mitchell, National Committeeman from Maine; former Chairman, Democratic State Committee of Maine.

Mr. David Mixner, Co-Director, Vietnam Moratorium Committee, Washington, D.C.

Honorable Katherine Peden, former State Commerce Secretary of Kentucky.

Honorable Albert A. Pena, County Commissioner, Bexar County, Texas.

Honorable Calvin L. Rampton, Governor of Utah.

Professor Austin Ranney, Professor of Political Science, University of Wisconsin; editor of the American Political Science Review.

Honorable Adlai Stevenson, III, State Treasurer of Illinois.

Mrs. Carmen H. Warschaw, National Committeewoman from California.

COMMISSION STAFF

Robert W. Nelson, Staff Director; Eli J. Segal, Chief Counsel; Kenneth A. Bode, Director of Research; Joan C. Skoff, Executive Secretary.

RESEARCH STAFF

Jennifer Cafritz, Carol Casey, Richard Downey, John Elrod, Mark Gersh, Mark Gitenstein, Marcia Goodman, Richard Norling, Alex Sanger, Ted Tschudy.

SUMMER INTERNS

Michael Biel, Catherine Boucree, Jessie Bourneuf, Joseph Gebhardt, Robert Henry, Jerry Hildebrand, Leonard Levine, Charles Longley, Richard Lyon, William McDonald, Charles Nau, John O'Sullivan, Durrell Sackl, Douglas Serdahely, Rodney Smith, Richard Stearns, Fran Ulmer, James Wright.

VOLUNTEERS

Tina Bauman, Mark Feinberg, Cindy Grofic, Jack Hoadley, Priscilla Martinez, Diane Moore, Jack Schmidt, Diane Summers, Conner Wheatley.

CONSULTANT COMMITTEE

Mrs. Anne Wexler, Chairman; Alexander M. Bickel, Professor of Law, Yale University; Richard C. Wade, Professor of History, University of Chicago.

DEMOCRATIC LEADERS SPEAK

"I commend the McGovern Commission for giving the Democratic Party the most comprehensive and detailed analysis and recommendations in its history on delegate selection. Unlike the Republicans, the Democrats have been willing to debate these admittedly controversial issues and to set down Guidelines for state and national action. I am confident that the national and state parties will find the Commission's work to be most helpful in achieving a party capable of meeting the critical issues of the 1970's."

THE HONORABLE HUBERT H. HUMPHREY,
December 15, 1969.

"An effective political party must be responsive to the needs of its constituents and responsible in the exercise of its power. To be such a party it must be constantly alert to the need for reforming its structures and its procedures to insure maximum opportunity for meaningful participation in the democratic process. The McGovern Commission has engaged in a searching and honest examination of the problems of party reform. Its Guidelines provide us with a base on which to build a more effective party, which is responsive and responsible."

SENATOR EDMUND S. MUSKIE,
February 12, 1970.

"In 1968, many people were asked to test our political system through the Democratic Party. That system was found lacking. If people are to turn to the Democratic Party again, there must be substantial evidence that the events of 1968 will not recur. The Guidelines of the McGovern Commission require provisions for timely delegate selection, 18 year old participation, adequate public notice, one man-one vote, and the existence of party rules—as well as the elimination of all mandatory assessments, proxy voting, unit rule, and closed slate-making. These Guidelines, if enforced, will open up the party to new ideas and new people.

"The danger is that this document will be just one more paper that politicians may prefer to ignore rather than implement. The national Democratic Party must—if it is to be worthy of its name—reform its own processes and procedures."

SENATOR EUGENE J. MCCARTHY,
March, 20, 1970.

"The Guidelines developed by the McGovern Commission are a major step toward the Democratic Party's goal of broadening citizen participation in the nominating process. I am confident that the Guidelines will provide the 1972 Convention with effective criteria for assessing the delegate selection process in each state, criteria which themselves have been arrived at openly and with the fullest possible participation of the entire spectrum of the Party.

"The members and staff of the Commission deserve the Party's thanks for reporting early enough so that all state and local party organizations will have ample opportunity to achieve full compliance in time for the next convention."

Senator EDWARD M. KENNEDY,
March 17, 1970.

"I am impressed with the work accomplished by the McGovern Commission, and I believe the great majority of Democrats will welcome its Guidelines as being fair and long overdue.

"We have no greater task than assuring that ours will be an open party, encouraging the widest possible participation in all of our affairs. The Democratic Party must serve, not be served; it must facilitate choice, not deny it; it must invite diversity, not discourage it. The Guidelines of the McGovern Commission are a most important step toward these goals."

Senator FRED R. HARRIS,
December 4, 1969.

"The work of the Commission chaired by Senator McGovern spotlights a crucial question confronting our nation today: whether our traditional political party system can be modernized and rehabilitated to meet the challenges of the democratic process in the 1970's. I believe we will meet that test only if we enlarge upon the efforts already underway and if we assure the fullest participation of all in our Party who wish to associate with us, while being vigilant against the exclusion of any segment or any element."

LAWRENCE F. O'BRIEN,
Chairman, Democratic National
Committee, April 8, 1970.

COMMISSION ON PARTY STRUCTURE
AND DELEGATE SELECTION,
Washington, D.C., April 1970.

DEAR FELLOW DEMOCRAT: The 1968 Democratic National Convention adopted a resolution requiring that all Democratic voters be given a "full, meaningful and timely" opportunity to participate in the delegate selection process and authorized the creation of a commission to "aid the state parties" in meeting this requirement.

Early in 1969, Senator Fred Harris, then Chairman of the Democratic National Committee, announced the establishment of this Commission—the Commission on Party Structure and Delegate Selection—and invited me to serve as Chairman.

From the beginning, the Commission, with the assistance of a small staff and the cooperation of Democrats throughout the nation, set out to find methods which would guarantee every American who claims a stake in the Democratic Party the opportunity to make his judgment felt in the presidential nominating process.

After intensive study, during which testimony was taken from hundreds of Democrats, the Commission concluded that the processes by which delegates to the National Convention are presently chosen are inadequate for assuring the opportunity for widespread participation. To remedy this weakness, the Commission has adopted Guidelines for delegate selection that are binding on all state parties for 1972. In the following report, the Guidelines are placed in the historical context of 1968 which gave birth to the reform mandate of our Commission.

Throughout its deliberations, the aim of the Commission has been to strengthen the National Convention, and, in the process, to strengthen our Party and American democracy. I believe that the adoption of these Guidelines by all the states will contribute to the regeneration of the Democratic Party as a more responsive and dynamic servant of the American people.

I hope that you will give the Guidelines the most careful study and consideration.

Sincerely,

GEORGE MCGOVERN,
Commission Chairman.

MANDATE FOR REFORM

The 1968 Democratic National Convention in Chicago exposed profound flaws in the presidential nominating process; but in so doing it gave our Party an excellent opportunity to reform its ways and to prepare for the problems of a new decade.

The delegates to the Convention, concerned by the chaos and divisiveness, shared a belief that the image of an organization impervious to the will of its rank and file threatened the future of the Party. Therefore, they took up the challenge of reform with a mandate requiring State Parties to give "all Democratic voters . . . a full, meaningful,[1] and timely opportunity to participate" in the selection of delegates, and, thereby, in the decisions of the Convention itself.

In order to ensure that this mandate would be implemented, the Convention directed the Democratic National Committee to establish a Commission to aid state Parties in meeting the Convention requirement.

In February 1969, Senator Fred Harris, Chairman of the Democratic National Committee, appointed us to that body mandated by the Convention—*The Commission on Party Structure and Delegate Selection.* We are Democrats who represent every segment of our Party. We find common cause in our Party's history of fair play and equal opportunity. We believe that the continuing vitality of the Democratic Party depends upon its adherence to this heritage.

Since its inception, our Party has been an open party—open to new ideas and new people. From the days of Jefferson and Jackson, the Democratic Party has been committed to the broad participation of rank-and-file members in all of its major decision-making.

In the American two-party system no decision is more important to the rank-and-file member than the choice of the party's presidential nominee. For this reason, popular control over the nominating process has been a principle of the Democratic Party since the birth of the National Convention 140 years ago.

This tradition for participation and popular control, however, has not always been adequately expressed. After a lengthy examination of the structures and processes used to select delegates to the National Convention in 1968, this is our basic conclusion: meaningful participation of Democratic voters in the choice of their presidential nominee was often difficult or costly, sometimes completely illusory, and, in not a few instances, impossible.

Among the findings the Commission has made about delegate selection in 1968 are the following:

In at least twenty states, there were no (or inadequate) rules for the selection of Convention delegates, leaving the entire process to the discretion of a handful of party leaders.

More than a third of the Convention delegates had, in effect, already been selected prior to 1968—before either the major issues or the possible presidential candidates were known. By the time President Johnson announced his withdrawal from the nominating contest, the delegate selection process had begun in all but twelve states.

Unrestrained use or application of majority rule was the cause of much strain among Democrats in 1968. The imposition of the unit rule from the first to final stage of the nominating process, the enforcement of binding instructions on delegates, and favorite-son candidacies were all devices used to force Democrats to vote against their stated presidential preferences. Additionally, in primary, convention and committee systems, majorities used their numerical superiority to deny delegate representation to the supporters of minority presidential candidates.

Secret caucuses, closed slate-making, widespread proxy voting—and a host of other procedural irregularities—were all too common at precinct, county, district, and state conventions.

In many states, the costs of participation in the process of delegate selection were clearly discriminatory; in others, they were prohibitive. Filing fees for entering primaries were often excessive, reaching $14,000 in one state, if a complete slate of candidates had been filed. "Hospitality" fees were often imposed on delegates to the convention, reaching $500 in one delegation. Not surprisingly, only 13% of the delegates to the National Convention had incomes of under $10,000 (whereas 70% of the population have annual incomes under that amount).

Representation of blacks, women and youth at the Convention was substantially below the proportion of each group in the population. Blacks comprised about five percent of the voting delegates, well above their numbers in 1964; since blacks make up 11% of the population and supplied at least 20% of the total vote for the Democratic presidential candidate, however, they were still underrepresented at the Convention. Women comprised only 13% of the delegates with only one of 55 delegations having a woman chairman. In a majority of delegations there was no more than a single delegate under 30 years of age, and in two delegations the average age was 54. The delegates to the 1968 Democratic National Convention, in short, were predominantly white, male, middle-aged, and at least middle-class.

As this information emerged, we recognized that two alternative courses of action were available to us. First, we could suggest that the institution of the National Convention had outlived its usefulness and should be discarded. To be sure, at our public hearings several Democrats gave testimony expressing the judgment that the convention system did not deserve to be saved. There was a substantial body of feeling, in fact, that a national primary within each Party would

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Footnotes at end of speech.

be the most democratic means of selecting presidential candidates.

Second, we could conclude that there was nothing inherently undemocratic about a National Convention; that 1968 was a culmination of years of indifference to the nominating process, rather than a startling aberration from previous years; that purged of its structural and procedural inadequacies, the National Convention was an institution well worth preserving. The Commission has taken this second course. The following are some of our reasons:

In view of the stringent demands made upon a President of the United States, the challenge imposed upon any contender for the nomination in seeking support in a wide variety of delegate selection systems should be maintained.

The face-to-face confrontation of Democrats of every persuasion in a periodic mass meeting is productive of healthy debate, important policy decisions (usually in the form of platform planks), reconciliation of differences, and realistic preparation for the fall presidential campaign.

The Convention provides a mechanism for party self-government through the election and instruction of a National Committee.

While endorsing the institution, the Commission believes that if delegates are not chosen in a democratic manner, the National Convention cannot perform its functions adequately. In order to ensure the democratic selection of delegates, the Commission has adopted 18 Guidelines binding on all state Parties.

These Guidelines represent the Commission's interpretation of its mandate to ensure that all Democrats are provided a full, meaningful, and timely opportunity to participate in the delegate selection process. To this end, the requirements and recommendations of the Guidelines are directed toward the elimination or regulation of:

(a) Rules or practices which inhibit access to the delegate selection process—items which compromise full and meaningful participation by inhibiting or preventing a Democrat from exercising his influence in the delegate selection process;

(b) Rules or practices which dilute the influence of a Democrat in the delegate selection process, after he has exercised all available resources to effect such influence;

(c) Rules and practices which have the combined effect of inhibiting access and diluting influence.

The Commission believes that there is no one selection system ideal for all states. Therefore, we did not find it desirable to lay down uniform rules for delegate selection in the Guidelines.

Instead, we have adopted certain minimum standards of fairness, that all states are expected to meet. Once these standards are met, state Parties are free to adopt any procedures they may prefer. The Commission believes that this preservation of local genius is an important element of a healthy National Convention.

These Guidelines are meant to serve no ideology and no geographic segment of our Party. They are designed to stimulate the participation of all Democrats in the nominating process and to re-establish public confidence in the National Convention.

The Commission has proceeded in its work against a backdrop of genuine unhappiness and mistrust of millions of Americans with our political system. We are aware that political parties are not the only way of organizing political life. Political parties will survive only if they respond to the needs and concerns of their members.

In adopting our Guidelines and in presenting this report, we have been guided by the firm belief that the Democratic Party is incapable of closing its eyes and ears to this unhappiness and mistrust. While the Republican response to popular demands for more participation and open processes has been indifference, the Democrats have chosen to face the matter head on.

Our Party's longevity is due in no small way to its capacity to respond to these demands in a positive fashion. We are confident that it will do so again.

HISTORY OF THE COMMISSION

Few National Conventions of political parties have aroused as much interest and public debate as the 1968 Democratic National Convention. In one sense, the Convention accomplished its purpose; a Democratic nominee for the Presidency of the United States was chosen. But in another way, the Convention was a failure. A great political party was left bitterly divided, with its morale eroded and its leaders predicting defeat.

One of the reasons for this condition was the belief of many rank-and-file Democrats that the Convention and the events leading up to it had been closed to them. The most striking aspect of the politics of 1968 was that so many people who were engaged in active disent from the policies of the Administration were using the time-honored avenues of primaries and state conventions to channel that dissent. But as state after state readied its delegation for the Convention, dissatisfaction with these avenues began to grow and allegations of unfair treatment became common.

Origins, mandate and organization of the commission

In the summer of 1968, Governor, now Senator Harold E. Hughes of Iowa, sensitive to this feeling, as well as to the painful schism among Democrats, took the initiative of organizing a *Commission on the Democratic Selection of Presidential Nominees.* The report of this Commission, presented to the 1968 Convention, represented the first serious effort undertaken by any Party to study the procedures by which National Convention delegates are selected. The Hughes Commission report painted a disheartening picture of these procedures. The authors of the report were alarmed enough to conclude that "State systems for selecting delegates to the National Convention display considerably less fidelity to basic democratic principles than a nation which claims to govern itself can safely tolerate."

Given the atmosphere in Chicago in the summer of 1968, the Democratic National Convention could not have ignored the evidence of disregard for popular expression presented by the Hughes Commission. For Democrats the way was clear: "The cure for the ills of democracy," it was long ago said, "is more democracy." So in the tumult of Chicago, the Democratic Party, with active support from all presidential camps, issued a mandate for reform.

Nonetheless, a major floor debate did ensue over how rigorously the Convention should use its powers to compel the state Parties to undertake reform. The Rules Committee, under Governor Sam Shapiro of Illinois, proposed that the Democratic National Committee appoint a commission to "give serious consideration" to certain reforms. The Credentials Committee under Governor Richard Hughes of New Jersey went a step further by proposing that a committee be appointed "to aid the state Democratic parties" in enacting reforms, and report its "efforts and findings" to the 1972 Convention.

But a minority of the Rules Committee brought to the floor a still more stringent resolution. They proposed that the 1972 Convention "shall require," in order to give "all Democratic voters . . . full and timely opportunity to participate" in nominating candidates, that (1) the unit rule be eliminated from all stages of the delegate selection process and (2) "all feasible efforts (b) made to assure that delegates are selected through party primary, convention, or committee procedures open to public participation within the calendar year of the national convention." This minority report of the Rules Committee, subsequently passed by the delegates assembled in Chicago, carried an unquestionably stern mandate for procedural reform.

In early February of 1969, Senator Fred Harris of Oklahoma, then Chairman of the Democratic National Committee, acted on the Convention mandate and officially a 28-member Commission on Party Structure and Delegate Selection. We are that Commission. We represent all ideological and geographical elements of the Party. We are present and former public officeholders, party officials, teachers, labor leaders, and civil rights organizers.

On March 1, 1969, we held our first meeting in Washington, D.C. At that time we took two actions: first, we directed the staff to analyze the delegate selection systems of each state and to report their findings to us; secondly, we decided to organize into five-member task forces and hold regional hearings on the strengths and weaknesses of our party.

Beginning in April, the Commission conducted hearings in seventeen cities and heard the testimony of more than five hundred Democrats.[2] Among them were Vice President Hubert Humphrey, Senator Eugene McCarthy, Reverend Channing Phillips, Senator Edmund Muskie and Senator Edward Kennedy. They ranged from such established party leaders as former National Chairman John Bailey, former Governors Richard Hughes, Phillip Hoff and Carl Sanders, and Mayors Richard Daley, Ivan Allen, and James Tate to professors, party insurgents, Young Democrats, and one witness who was a member of both the New York State Democratic Central Committee and the Students for a Democratic Society. From the statements of rank-and-file Democrats and party leaders at these hearings, the Commission has concluded that there is a genuine, broadly based commitment to reform within the Party.

At the same time that testimony was being taken in the field, the staff was examining the maze of state laws and party regulations which determines how National Convention delegates are selected in each jurisdiction. After integrating the testimony, consulting with experts in universities, studying news accounts and seeking the advice of state party leaders, the staff gradually evolved a tentative set of standards which could achieve the objectives of a National Convention.

In September 1969, the Commission modified this tentative set of standards and adopted its proposed Guidelines for delegate selection, which were then circulated for comment among 3,000 interested Democrats. On the basis of these comments, some revisions were made. Then, on November 19 and 20, the Commission reconvened and after lengthy deliberations, adopted the final version of the Guidelines. Democratic state Party chairmen, members of the National Committee, Governors, and U.S. Congressmen and Senators received copies of these guidelines in late December. They have been available to the general public since February 1.

Aiding the States

With the adoption and distribution of the Guidelines, the Commission has completed the first phase of its work in the area of delegate selection. Under the terms of the 1968 Convention resolution, however, the Commission's work in delegate selection is not done until it completes the process of aiding state Parties to meet the requirements of the Call to the 1972 Convention.

This second phase of our work has begun. We have sent letters to each state chairman and each member of the National Committee comparing the Guidelines with his state's selection system. We have consulted with party leaders in several states. We have

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Footnotes at end of speech.

served as an information conduit between the state reform commissions. We have prepared memoranda on the different methods state Democratic Parties are using to modernize their procedures.

We plan to continue these services in the months ahead. The National Convention told us that party reform was to be a joint effort of the state and national Party. We mean to keep it this way.

We present this report in this spirit of cooperation. We have worked from the assumption that when Democrats have the information on a subject, they will respond quickly and honestly. In the following pages, therefore, we offer a narrative on the events and lessons of 1968. Our staff is available for any additional information that is needed.

DELEGATE SELECTION IN 1968

The slow evolution of the National Convention and the system by which delegates are chosen, together with the cherished federal character of the major parties, has resulted in a varied nominating process in which no two states choose their delegates in exactly the same way. In order to clarify the formal and informal aspect of delegate selection, the Commission offers the following analysis of the processes used in 1968.

Delegate selection systems

The Commission has discerned three broad systems of delegate selection: election by party convention, the most widely used; selection by party organization, many vestiges of which still survive; and election by direct primary. Hybrids of the three major systems are common and a few systems escape ready classification altogether.

Some of the intricacies and distinctions among the systems will become clearer when the ways in which delegates were chosen to the 1968 Democratic National Convention are examined in the following pages.

Convention systems

In 1968, 26 states and three territories selected their entire delegation to the National Convention at state conventions. Three other states selected part of their delegates in this manner.

There are two major kinds of state conventions: in one, rank-and-file party members select the delegates; in the other, party officials make the selection. Of the 32 states and territories which selected their delegations by convention, 21 relied on rank-and-file members, and six on party officials. In five states, both methods were used.

In the typical convention system, party members assemble in their wards, townships, or precincts to elect delegates to a county or some other intermediate convention which in turn sends delegates to the district and/or state convention. In a few smaller states, Maine, Vermont, and Hawaii, for example, the election to the state convention from the precinct or town is direct.

In many of the convention states not all of the National Convention delegation is actually chosen at the state convention. Instead, delegates to the state convention caucus by congressional district to nominate and sometimes elect a share of the delegation. In Minnesota, Tennessee, and Iowa, for example, more than half of the delegation was formally "nominated" at congressional district caucuses and conventions, although these nominations were never opposed at the state conventions. In Michigan and Missouri, among others, delegates were actually elected at the congressional district level.

The majority of state conventions allow for a wide degree of popular participation. Party members are invited to attend their local precinct meetings and nominate and elect delegates to the next highest convention, or stand as candidates for delegate themselves. In several states, including Colorado, Utah, Kentucky, and Texas, a higher percentage of Democrats participated in the selection process in 1968 than in some primary states.

Where party officials select the delegates in state conventions, there is usually only indirect participation by the rank-and-file party member. Delegates to these party meetings are party officials or their agents: precinct and ward chairmen, county chairmen, and officers of congressional and legislative districts.

In Kansas in 1968, for example, precinct chairmen and co-chairmen met with their county officers to select delegates to a state party convention. This party convention selected one-quarter of the state's delegation to the National Convention at large. The county officers in turn met with the congressional district leaders to choose the remaining three-quarters of the delegation.

Delegate selection systems in 1968 [3]

Convention systems: Alaska, Canal Zone, Colorado, Connecticut, Delaware, Guam, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands, Wyoming.

Committee systems: Arizona, Arkansas, Georgia,[4] Louisiana, Maryland, Puerto Rico, Rhode Island.

Primary systems: Alabama, California, District of Columbia, Florida, Massachusetts, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, South Dakota, West Virginia.

Mixed systems

Illinois: Two-thirds of the delegation was selected by convention and one-third by primary.

Indiana: The delegation was selected at a state convention, but was bound by the results of the presidential preference poll.

New York: One-third of the delegation was selected by committee and two-thirds by primary.

Oklahoma: One-half of the delegation was selected by convention and one-half by committee.

Pennsylvania: One-fourth of the delegation was selected by committee and three-fourths by primary.

Washington: Two-thirds of the delegation was selected by convention and one-third by committee.

Wisconsin: Most of the delegation was selected by either the State Administrative Committee or Senator Eugene McCarthy, the winner of the presidential preference primary in eight of ten congressional districts and at-large.

Committee systems

In 1968, four state Democratic Parties, Arizona, Arkansas, Maryland, and Rhode Island, and one territory, Puerto Rico, selected the entire delegation to the National Convention by party committees. In four other states, Oklahoma, New York, Pennsylvania, and Washington, a portion of the delegation was selected by party committees. These ranged from one-third of the delegates in New York to one-half of those in Oklahoma. Two additional states, Georgia and Louisiana, permitted their Governors, in effect, to appoint their entire delegations to the National Convention.

Just as in some convention systems where party officials select the delegates, in committee systems there is only indirect participation by the rank-and-file in the delegate selection process. All delegates so selected are chosen by party officials whose duties go far beyond delegate selection. In these instances, the officials are elected mainly on the basis of their abilities to perform other responsibilities in party affairs.

Furthermore, states which permit the selection of delegates by party committees often leave other decisions which fundamentally affect the selection of delegates to the decision of the party committee itself. In New York and Pennsylvania, for example, the party committees which appoint the at-large delegates are also empowered to determine how many delegates shall comprise the at-large segment of the delegation, and how the remainder of the delegates shall be apportioned.

Primary systems

Sixteen states and the District of Columbia used primaries in 1968 either to elect some or all of their delegation to the National Convention, or to bind or advise a delegation as to the preference of party members regarding potential presidential candidates.

In 1968, primaries directly elected the entire state delegation to the National Convention in eleven states and the District of Columbia, and parts of the delegation in three others (Illinois, New York, and Pennsylvania). Indiana and Wisconsin were unusual in that their delegations, bound by the results of the presidential preference primary, were selected after the primary itself—Indiana by a state convention and Wisconsin by the State Administrative Committee and Senator Eugene McCarthy, the winner of the primary.

Presidential preference polls, although often confused with the primary election of delegates, ordinarily occupy a separate place on the ballot. Their purpose is to discern the favorite among candidates for the presidential nomination of the state's party voters. Some preferential polls are binding on the state's delegates, as are Indiana's and Oregon's; others are of only an advisory nature, like New Jersey's and West Virginia's. Pennsylvania permits the delegate to indicate on the ballot whether he will be bound by the outcome of the preferential vote. Where the poll is binding, the nature of the obligation varies. Indiana, for example, binds the delegate for one ballot, Oregon for two (unless in the interim the favored candidate's share of the Convention vote falls below 20 percent or he releases his pledges). Many of the preferential polls are held only if the presidential candidate or his supporters take the initiative to place his name on the ballot. This is true, for example, in Illinois and New Hampshire. The primaries in Wisconsin and California are important exceptions to the distinction between the election of delegates and the preference poll. In Wisconsin, the law permits the winner of the preference poll to name his delegates after the primary; therefore, the preference poll, in effect, elects the delegates. In California, the names of candidates for delegate do not even appear on the ballot; the slate of delegates pledged to the winner of the prefernce poll is automatically elected.

An important difference among primary systems for direct election of delegates by primary is the degree to which candidates for delegate are permitted or required to identify themselves with a presidential candidate. At one extreme, New York does not permit the candidate for delegate to indicate his presidential preference on the ballot in any manner. At the other extreme, Wisconsin and California do not permit the ballot to name the candidates for delegate. A candidate in Florida's primary may use a presidential candidate's name, but, if successful, is in no way obliged to vote for him. A New Hampshire candidate may list himself as "pledged" in which case he is bound, or as merely "favorable to," in which case he is not.

Another important difference is statewide election of delegates and election in smaller constituencies. In two states in 1968, California and South Dakota, and in the District of Columbia, delegates were elected at-large. Five states chose delegates by the primary results in each Congressional District; while the majority, nine, used a mixed at-large Congressional District formula.

These distinctions by no means exhaust the intricate variations among the different state primaries. As primaries become more popular (Rhode Island, Maryland, and New Mexico adopted primaries in 1969) so will the com-

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Footnotes at end of speech.

plexities that distinguish the different state systems.

DELEGATION SELECTION IN PRACTICE

Through the years, people have analyzed the presidential nominating process by looking to the formal systems of delegate selection that state parties used. In 1968, however, allegations of irregularities and barriers to full participation made this kind of analysis superficial. For example, in all three selection systems, excessive costs and fees assessed of candidates for delegate and alternate precluded full participation.

The delegates to the 1968 Convention, therefore, refrained from isolating any one kind of system as the ultimate problem in delegate selection. Our analysis of the selection process in 1968 supports this judgment. For the most part, the procedural irregularities, discrimination and structural inadequacies discussed below were not unique to any one selection system.

Procedural irregularities

The Commission found at the beginning of its inquiry that no written party rules existed in at least 10 states, and that rules in many other states did not describe the delegate selection process in sufficient detail, leaving important decisions to the discretion of elected or appointed party officials. In some instances, where codified rules existed, they were inaccessible despite persistent efforts to secure them, bringing the total to at least twenty states where the Commission found rules either non-existent or unavailable to Democrats who sought to participate in the nominating process of the Party. The absence, inadequacy, or inaccessibility of rules explains what the Commission found to be the most common area of abuse—procedural irregularity.

These are some of the most frequent and substantial examples of unfair procedure that the Commission examined:

The unit rule

The unit rule is a practice by which a majority of a meeting or delegation can bind a dissenting minority to vote in accordance with the wishes of the majority; it has been an issue of controversy within the Democratic Party for over a century. The unit rule and other procedural devices such as favorite-son candidacies and obligatory instructions have been widely used at party meetings from the precinct level to the national conventions, binding the members of a delegation to vote as a single unit. Delegates so bound are frequently required to cast votes against their personal preferences—indeed against their consciences—at the next stage of the nominating process.

In 1968, prior to the National Convention, the unit rule, in one form or another, was used at party meetings in at least 15 states. In 224 of the 254 county caucuses in Texas, for example, the unit rule was imposed. Many Connecticut town committees employed the unit rule or binding instructions at the meetings where delegates to the State Convention were selected. Two states, Oregon and Massachusetts, which selected delegates by a primary process, also bound their delegations to vote for the candidate who received a majority or plurality of the vote in the presidential preference poll, regardless of the delegates' personal choice, as declared on the primary ballot. In Indiana, delegates actually chosen in a State Convention were bound to vote for the plurality winner of a previous primary.

Proxy voting

Proxy voting is a process by which one person is empowered or authorized to act in the name of another or many others. Many state parties have authorized or permitted the use of proxies, although the Commission found that rarely were adequate safeguards against their abuse provided for or enforced. As a result, proxy voting was a source of much real and felt grievance in 1968. Some abuses involved irregularities discovered only after proxies had been cast and enforced. In Hawaii, for example, proxies were voted at the state convention from unorganized precincts. One such precinct consisted of an urban renewal area comprised largely of vacant lots. In another case, a Missouri party official cast 492 unwritten proxies in a township caucus. These proxies, totaling three times the number of party members physically present, were cast as a single unit on behalf of a candidate whose supporters were clearly a minority at the meeting.

Public notice

A necessary condition for full and meaningful opportunity to participate in delegate selection is information on the nature of that process. In many states in 1968, the Commission found that there was little or no information made available to the voter that the process was taking place. In several states, for example, lack of provisions in state law or party rules for adequate newspaper (or other) information made secret precinct caucuses common. In other states, information was supplied too late in the process for many people to participate.

Related to this problem was the situation in many states where voters participated in the nominating process without benefit of information that may have been critical in making an informed choice. In Pennsylvania, Alabama, Florida, New Jersey, Oregon and the District of Columbia, for example, delegates elected by primary opted to run with no notice of which presidential candidates they would support if elected. In New York a portion of the delegation was elected in congressional district primaries, but state law forbids candidates for delegate to inform voters of their presidential preference on the primary ballot.

The remainder of the New York delegation was appointed by the Democratic State Committee elected in the same primary with no public notice on the ballot of the presidential preferences of candidates for the state committee. In seven other states some or all of the delegation was also appointed directly by the state or district committees. In none of these states were the members of the committees elected with adequate notice to the voter that one of the responsibilities of the committee would be the appointment of delegates to the National Convention. In an additional 10 states, party committees elected in primaries, with no notice on the ballot that they would perform this function, chose delegates to district and state conventions.

Slatemaking

Regardless of the formal procedures specified for delegate selection in state laws or party rules, it is often the case that the final selection of National Convention delegates is made or influenced by those who nominate candidates for delegate and alternate. In many states, one or more slates of prospective delegates are presented to the official decision-making body (for example, party members, state convention, or state committee) for choice among them. In most cases, these slates can be altered or opposed only with great difficulty, if at all. Slatemaking, therefore, is a crucial step in the selection process. If it is closed, effective citizen participation is precluded.

In 1968, however, in many states the official slate: (1) was prepared in a manner which made participation difficult; (2) was given preferential status on the primary ballot; or (3) was protected from effective challenge by rules or tradition in convention systems. Some examples follow:

(1) In California, a committee of three party members assembled an entire "at-large" slate of National Convention delegate nominees whose names never appeared on the primary ballot. In many convention states, including Connecticut, Iowa, Kentucky, Michigan, Minnesota, and Missouri, official or traditional slates were prepared by the state chairman or special party committees. In New York and Pennsylvania, where some delegates are appointed by the State Committee, the state chairman made up an at-large slate which is submitted to the Committee. In all of these instances, the slate makers were elected or appointed without adequate notice that they would perform this function.

(2) In several primary states, there was no challenge to the state committee's slate. Where chalenges did occur, they often stood little chance of success. In Connecticut, slates of delegates to the State Convention are nominated by official party committees and automatically elected unless challenged in the primary. If the official slate is challenged it receives special designation on the ballot as the "Party Endorsed Slate." In Massachusetts, New Jersey and Ohio, official slates are challenged so infrequently that in operation delegate selection is more by committee system than by primary (although in 1968, effective challenges were made in New Jersey).

(3) In several convention systems, party rules and/or tradition made challenge to the official slate difficult or impossible. In some states, floor nominations were not allowed at lower stages of the selection process. In other states, including Kentucky, Maine and North Dakota, floor nominations of additional or alternative candidates for delegate were contingent upon a Convention vote to amend or reject the official slate or the report of the nominating committee. In many others, "informal" slatemaking procedures were no less influential in the election of slated delegates.

Dates and times for the conduct of meetings

In several states, considerable discretion is exercised by local party officials in the choice of dates and times for meetings involved in the delegate selection process. In some cases, existing party rules give such authority to party officials. In other cases, party rules do not cover such matters. Whatever the circumstances, the consequence of this absence of uniformity in 1968 was an added burden imposed on party members who wished to participate in the selection of delegates.

In at least three states, Connecticut, Delaware, and Tennessee, procedures by which delegates are selected, including the dates and times of the initial meetings and caucuses, are governed by local rules—with no provisions for uniform procedures statewide.

In Missouri, where in 1968 no rules governed the selection of delegates at any level, township and ward chairmen operated with total discretion in the scheduling of caucuses. As a result, many were held unannounced, often in private homes and at times not designed to insure maximum participation.

Quorum requirements

The rules of many state Parties contain no quorum provisions governing party committee meetings. In these and other instances where quorum regulation exist but are exceptionally lenient, committees are permitted to reach decisions affecting procedures related to the nominating process or the actual appointment of delegates with a small number of eligible representatives present.

In Alabama, for example, no permanent rules govern the procedures and the entire delegate selection process is determined each four years by the State Committee. At the meeting to determine how National Convention delegates will be elected in that state, 17 of 72 members (23 percent) constitute a quorum. Similarly, in Arizona, where National Convention delegates are chosen at a meeting of the State Committee, 25 percent of the membership of that Committee constitutes a quorum. In its selection of at-large delegates, the New York state committee permits business to be conducted once 33 percent of its members are present in person or represented by proxy.

Selection of alternates, filling of vacancies

Because alternates succeed to delegate status in many cases, the provisions for their selection and succession are of great importance in the delegate selection process. The Commission found that in many states, however, the provisions dealing with alternates are not described with sufficient clarity. In other states, including Florida and Oregon, each delegate is allowed to name his own alternate in any way he sees fit.

In still others, state party chairmen, or their agents, are empowered to fill vacancies. The Connecticut State Convention in 1968, for example, approved an incomplete slate, leaving several delegate and alternate positions open to the appoitnment by the chairman. In California, a nominating committee of only three people is empowered by state law to select all alternates and fill all vacancies.

In some states, including Connecticut and California, existing provisions for filling of vacancies permit the insertion of new members onto the delegation instead of the succession of duly elected alternates.

DISCRIMINATION

A second area examined by the Commission was the level of representation of blacks, women and young people at the 1968 Convention. The Commission found that each of the groups was significantly lacking in representation.[5]

Blacks

Only 5.5 percent of the 1968 delegates were black, although blacks constitute over 11 percent of the total population and an even higher percentage of Democratic voters. The most creditable data we have from the 1968 general election indicates that 85 percent of the black Americans who voted cast their presidential ballots for the nominee of the Democratic Party. In 1964 when 94 percent of all blacks voted Democratic, blacks comprised only 2 percent of the entire National Convention. When Democrats assembled in Chicago for the 1968 Convention, thirteen states and three territories still had no black delegates or alternates whatsoever, and fifteen had no voting delegates. Another eleven states had only one black member, and six more had three or less.

Young people

The participation of American youth in the nominating process of the Democratic Party was one of the outstanding features of the politics of 1968.

Yet, at the National Convention, 16 delegations had no voting members under the age of 30, and another thirteen had only one delegate from that age group. In eight states, Alaska, Arkansas, Delaware, Idaho, Illinois, Indiana, Maryland, and Wyoming, the average age of the delegation was over 50 years. Young people, in short, proved significantly unable to translate their widespread participation into delegate status at the Convention.

Women

Women, who now comprise a majority of the voting age population in the United States, showed a dramatic increase in political awareness and activity during the 1960's. Like young people, and blacks, however, they found delegate positions at the Democratic Convention to be among the political offices that remained beyond their reach. In the 1968 Convention, women comprised only 13 percent of the voting delegates. In no state were women represented commensurate to their presence in the population; in ten delegations, there were insufficient women to fill the positions traditionally assigned them on the four permanent committees of the convention. In Ohio, only 6 of 116 delegates were women; in Illinois only 8 of 118. Representative Edith Green of Oregon was the only woman chairman of the fifty-five state and territorial delegations.

Footnotes at end of speech.

PROPORTION OF BLACK DELEGATES AT THE 1968 DEMOCRATIC NATIONAL CONVENTION, COMPARED TO PROPORTION OF BLACK POPULATION, BY STATES,[1] 1968

	Percent of black delegates from State	Percent of State population that is black [2]
Alabama	4	30
Alaska	0	3
Arizona	3	3
Arkansas	2	22
California	5	6
Colorado	8	2
Connecticut	7	4
Delaware	5	14
Florida	7	18
Georgia	26	29
Hawaii	0	1
Idaho	0	0
Illinois	6	10
Indiana	8	6
Iowa	2	1
Kansas	3	4
Kentucky	8	7
Louisiana	18	32
Maine	0	0
Maryland	6	17
Massachusetts	3	2
Michigan	20	9
Minnesota	5	1
Mississippi	50	42
Missouri	4	9
Montana	0	0
Nebraska	0	2
Nevada	7	5
New Hampshire	0	0
New Jersey	9	9
New Mexico	0	2
New York	6	8
North Carolina	6	25
North Dakota	0	0
Ohio	3	8
Oklahoma	9	7
Oregon	0	1
Pennsylvania	5	8
Rhode Island	3	2
South Carolina	13	35
South Dakota	0	0
Tennessee	11	17
Texas	4	12
Utah	0	1
Vermont	0	0
Virginia	6	21
Washington	0	2
West Virginia	2	5
Wisconsin	0	2
Wyoming	0	1
District of Columbia	67	54

[1] Information on the 4 territories was unavailable.

[2] Proportion of each State's population that is black is necessarily based on the 1960 census.

REPRESENTATION OF YOUNG PEOPLE [1] AND WOMEN AT THE 1968 DEMOCRATIC NATIONAL CONVENTION, BY STATES (AS PERCENT OF EACH DELEGATION)

	Total number of delegates [2]	Percent under 30	Percent women
Alabama	50	8	14
Alaska	22	5	5
Arizona	34	0	21
Arkansas	54	2	22
California	174	5	14
Colorado	42	0	14
Connecticut	44	0	16
Delaware	22	0	9
Florida	63	5	44
Georgia	88	9	19
Hawaii	26	4	8
Idaho	26	0	15
Illinois	118	1	9
Indiana	68	0	6
Iowa	52	4	17
Kansas	42	0	24
Kentucky	62	3	20
Louisiana	52	4	10
Maine	30	3	13
Maryland	49	0	8
Massachusetts	83	1	12
Michigan	102	1	19
Minnesota	62	3	18
Mississippi	45	7	7
Missouri	78	1	15
Montana	32	3	25
Nebraska	30	20	23
Nevada	30	10	17
New Hampshire	26	8	12
New Jersey	82	0	12
New Mexico	34	6	12
New York	236	1	9
North Carolina	74	1	10
North Dakota	25	4	28
Ohio	125	0	6
Oklahoma	58	5	21
Oregon	35	9	23
Pennsylvania	164	5	11
Rhode Island	34	0	12
South Carolina	42	0	5
South Dakota	26	4	23
Tennessee	66	0	9
Texas	121	1	12
Utah	26	0	23
Vermont	22	5	18
Virginia	65	2	11
Washington	54	7	14
West Virginia	38	11	5
Wisconsin	62	3	19
Wyoming	28	0	18
District of Columbia	23	9	35
Canal Zone	8	0	50
Guam	8	0	13
Puerto Rico	14	0	21
Virgin Islands	8	0	13
Total	3, 084	4	13

[1] The ages of all delegates were not available to the Commission; therefore, the percentage of young people indicated may be taken to indicate a minimum proportion of each State's delegation.

[2] Distinguish total number of delegates and total number of delegate votes. In 1968, 3,084 delegates cast 2,622 votes.

STRUCTURAL INADEQUACIES

A third area of the Commission's investigation involved practices which, though seldom intentionally discriminatory, had the effect of limiting access to the delegate selection process.

Untimely delegate selection

In 1968, some or all of the duly accredited delegates to the Democratic National Convention from the following states were selected by a process which began before the calendar year of the Convention:

[In percent]

Arizona	100
Arkansas	100
Connecticut [1]	[2] 48
Delaware	[2] 65
Florida [1]	100
Georgia	[3] 50
Idaho	100
Illinois [1]	50
Iowa [1]	43
Kansas	100
Louisiana	100
Maryland	100
Massachusetts [1]	66
Michigan	100
New Jersey [1]	100
North Dakota	[2] 91
Ohio	58
Oklahoma	[2] 53
Pennsylvania	[2] 25
Rhode Island	100
Tennessee	[2] 64
Virginia [1]	42
Washington	[2] 56
Wyoming	100

[1] Party officials or committees which are empowered to nominate or endorse delegates, choose nominating committees or prepare official slates of delegates, are themselves elected prior to the calendar year of the Convention.

[2] Approximately.

[3] The Georgia "Regulars."

Altogether, these states selected delegates who cast approximately 860 votes at the 1968 Convention. Since there was a total of 2,622 votes cast at the Convention, this represents 33 percent of the delegate votes cast. When the 110 votes cast by members of the Democratic National Committee (themselves elected in 1964) are added to this total, the percentage of votes cast by delegates selected in an untimely manner rises to 38 percent (970 delegate votes).

This means that the day Eugene McCarthy announced his candidacy, nearly one-third of the delegates had in effect already been selected. And, by the time Lyndon Johnson announced his intention not to seek another term, the formal delegate selection process had begun in all but 12 of the states. By the time the issues and candidates that characterized the politics of 1968 had clearly emerged, therefore, it was impossible for rank-and-file Democrats to influence the selection of these delegates.

Costs, Fees, and Assessments

In an era when Americans have become belatedly conscious of the extremes of wealth and poverty in this country, the Commission's studies indicate that the personal and financial expense of participation in the presidential nominating process may exclude many at the outset. Filing fees, party assessments, the costs of campaigning for and serving as delegates, cumulative in most cases, limit the participation of some Democrats and preclude the participation of others.

A glance at the income levels of the Democrats who serve as National Convention delegates gives an initial indication of the extent to which Convention delegations are unrepresentative of the population. In 1964, the median income of delegates to the Atlantic City Convention exceeded $18,000 (compared to a national median of under $6,000); the average personal expenses incurred by delegates attending the Convention that year were $455. By 1968, the situation had not changed—40 percent of the delegates in Chicago had incomes of over $20,000 and only 13 percent had incomes under $10,000. (The comparable figures for the population as a whole are 12 percent over $20,000 and 70 percent under $10,000.) These disparities are explainable in part by the fees and assessments levied on delegates and alternates and candidates for delegate and alternate that made participation costly.

Some primary states, for example, require excessive filing fees of candidates for delegate. Florida imposes a mandatory $25 fee on all candidates for congressional district delegates and a $50 fee on all candidates for at-large delegates. In Nebraska, candidates for delegate must pay a filing fee of $25; candidates for alternate must pay a fee of $15.

Often, slates which carry the endorsement of party officials were given preferential treatment with regard to fees or ballot positions. For the challenge primary for delegates to the 1968 State Convention in Connecticut, the official party slate received free access to the ballot and special designation. Challengers, on the other hand, would have had to pay over $14,000 in non-refundable filing fees to mount a statewide challenge.

There were numerous examples of mandatory assessments placed on delegates to the 1968 National Convention. In Indiana and Iowa, for example, each delegate was assessed $250 by the state Party. Members of the Indiana delegation were charged an additional $250 to defray the costs of the Party's hospitality suite—bringing the total delegate assessment in that state to $500 exclusive of personal expenses.

Ex-officio designation of delegates

The Commission has found that some state Parties grant public office-holders and/or party officials automatic status as delegates to the National Convention or to party meetings related to the delegate selection process. These ex-officio delegates are usually not subject to popular appraisal in the calendar year of the Convention.

In 1968, party and public officials of several states served as delegates at precinct, county and state conventions. Furthermore, in Georgia, Washington, Maryland, and New York party rules or special resolutions provided for the automatic National Convention delegate status of several party officers. In Washington, for example, of the 47 votes allotted to the delegation, 12 were cast by ex-officio delegates individually named by resolution of the state central committee.

Apportionment

The Commission found wide variation in the formulas used to apportion National Convention delegates within the states, and in those used to apportion party meetings and conventions at which such delegates are chosen. Many of these apportionment formulas are based on outmoded considerations of territorial units, without due regard for either population or Democratic voting strength. In 1968, in Vermont, Hawaii, Connecticut, Idaho, Louisiana, Maine, and Pennsylvania, party committees or assemblies directly related to the delegate selection process were apportioned wholly or in part on the basis of representation by town or county, independent of considerations of population and Democratic vote. In only six states, Oklahoma, Washington, Tennessee, Kentucky, Maine, and North Dakota, do apportionment formulas take account of the previous presidential vote in the state, though many experts have suggested that this should be the most influential factor in apportioning delegates and alternates to the National Convention.

Committee systems

In about one-fifth of the states, some or all of the delegates are selected by party committees. These vary from the selection of the entire delegation by an executive committee of the state committee to the selection of a part of the delegation by county or district committees. In many cases, these party committees meet in what is described as conventions, although membership at these meetings is limited to party officers.

In all of these systems, the selection of delegates is indirect and never affords adequate notice to the voter of his role in the election of the party committee. The Commission found a higher level of misunderstanding and confusion and a lower level of meaningful participation by the voter in selection by committee than in selection by primary or convention.

Fair representation of minority views on presidential candidates

One issue of special concern to the Commission was the fair representation of supporters of each presidential candidate on the state's delegation. Many witnesses at our hearings believed that the unrestrained application of majority rule in primary, convention and committee systems, produced much of the bitterness and divisiveness characteristic of 1968.

In California, a "winner-take-all" primary state, Senator Robert Kennedy received 46 percent of the vote (compared to 42 percent for Senator Eugene McCarthy and 12 percent for the slate ultimately committed to Vice President Hubert H. Humphrey). The delegation pledged to Senator Kennedy became the sole representatives of California Democrats to the National Convention. In New Hampshire, on the other hand, McCarthy received only 42 percent of the vote in the presidential preference primary, yet 83 percent of the delegates to the National Convention from New Hampshire cast their ballots for him.

In Minnesota, a caucus-convention system, the supporters of Senator McCarthy comprised 42 percent of the delegates to the state convention, but, by majority vote, were denied any of the 20 at-large delegates elected by that body. In New York, where the at-large segment of the delegation is appointed by the State Committee after the delegate primary, the delegates chosen by a majority of that committee bore scant resemblance in their presidential preferences to the results of the primary election, causing a serious rift among Democrats in the state.

THE GUIDELINES

The Guidelines that we have adopted are designed to eliminate the inequities in the delegate selection process discussed in the last chapter. We view popular participation as the lifeblood of the National Convention system; any compromise with this threatens the future of the Convention.

Since the inception of the Convention system, there has been a trend toward more and more popular participation in the nominating process. First there was the effect of the communications and transportation revolutions of the 19th Century. Then there was the introduction of primaries in the early years of this century. In more recent years, Democrats have eliminated the two-thirds rule and racial discrimination. In 1968, the delegates to the Democratic National Convention accelerated this trend with the adoption of the reform resolution and the authorization for the creation of our Commission. In the pages that follow we summarize the Guidelines, which are based on the resolution, discuss the legal status we have to effect the changes our Guidelines require, and present the Guidelines themselves.

SUMMARY OF THE GUIDELINES

The Guidelines are divided into two broad classifications, one in which the Commission *requires* certain action by state Parties, and one in which the Commission *urges* action by the Parties.

The following is a summary of the guidelines the Commission requires state Parties to adopt. "Requires" means that the stated purpose is within the "full, meaningful and timely opportunity" mandate of the 1968 Convention, and that the Commission considers the accomplishment of the stated purpose to be the minimum action state Parties must take to meet the requirements of the Call of the 1972 Convention. These Guidelines are meant to apply at all levels of the process by which delegates and alternates are selected.

1. Adopt explicit written Party rules governing delegate selection (A–5).

2. Adopt procedural rules and safeguards for the delegate selection process that would:

a. forbid proxy voting (B–1).

b. forbid the use of unit rule and related practices like instructing delegations (B–5).

c. require a quorum of not less than 40% at all Party committee meetings (B–3).

d. remove all mandatory assessments of delegates to the National Convention (A–4).

e. limit mandatory participation fees to no more than $10, and petition requirements to no more than 1% of the standard used to measure Democratic strength (A–4).

f. ensure that in all but rural areas, Party meetings are held on uniform dates, at uniform times, and in public places of easy access (A–5).

g. ensure adequate public notice of all Party meetings involved in the delegate selection process (C–1).

3. Seek as broad a base of support for the Party as possible in the following manner:

a. Add to the party rules and implement the six anti-racial-discrimination standards adopted by the Democratic National Committee (A–1).

b. Overcome the effects of past discrimination by affirmative steps to encourage representation on the National Convention delegation of minority groups, young people and women in reasonable relationship to their presence in the population of the State (A–1, A–2).

c. Allow and encourage any Democrat of 18 years of age or older to participate in all Party affairs (A–2).

4. Make, where applicable, the following changes in the delegate selection process:

a. Select alternates in the same manner as prescribed for the selection of delegates (B–4).

b. Prohibit the ex-officio designation of delegates to the National Convention (C–2).

c. Conduct the entire process of delegate selection in a timely manner, i.e., within the calendar year of the Convention (C–4).

d. In convention systems, select no less than 75% of the total delegation at a level no higher than the congressional district and adopt an apportionment formula which is based on population and/or some standard measure of Democratic strength (B–7).

e. Apportion all delegates to the National Convention not selected at large on a basis of representation which gives equal weight to population and Democratic voting strength based on the previous presidential election (B–7).

f. Designate the procedures by which slates are prepared and challenged (C–6).

g. Select no more than 10% of the delegation by the State committee (C–5).

The following is a summary of the Guidelines the Commission urges state Parties to adopt. "Urges" means that the stated purpose is within the Commission's mandate, that the Commission considers the accomplishment of the stated purpose by the state Parties to be desirable, but that the Commission is not prepared to require such action before the 1972 Convention.

1. Remove all costs and fees involved in the delegate selection process (A–4).

2. Explore ways of easing the financial burden on delegates and alternates and candidates for delegates and alternates (A—4).

3. Assess the burdens imposed on a prospective participant in the delegate selection process by registration laws, customs and practices, and make all feasible efforts to remove or alleviate voter registration laws and practices which prevent the effective participation of Democrats in the delegate selection process. These restrictive laws and practices include annual registration requirements, lengthy residence requirements, literacy tests, short and untimely registration periods, and infrequent enrollment sessions (A–3).

4. Provide for party enrollment that (a) allows non-Democrats to become Party members and (b) provides easy access and frequent opportunity for unaffiliated voters to become Democrats (C–3).

5. Terminate all selection systems which require or permit party committees to select any part of the state delegation (C-5).

6. Adopt procedures which will provide for fair representation of minority views on presidential candidates (B-6). (The Commission has also recommended that the 1972 Convention adopt a rule requiring state Parties to provide representation to minority political views to the highest level of the nominating process. Recognizing the overwhelming importance of this issue, the Commission will make every effort to stimulate systematic public discussion of it now and at the 1972 Democratic National Convention.)

LEGAL STATUS OF THE GUIDELINES

Because the Commission was created by virtue of actions taken at the 1968 Convention, we believe our legal responsibility extends to that body and that body alone. We view ourselves as the agent of that Convention on all matters related to delegate selection. Unless the 1972 Convention chooses to review any steps the Commission has taken, we regard our Guidelines for delegate selection as binding on the states.

We believe that we have been restrained in our exercise of our authority. We have proceeded in much the same manner as any administrative agency. We held hearings, adopted proposed standards, invited comments on those standards and finally adopted our official Guidelines.

Unlike some administrative agencies, however, we have no direct enforcement power. But this does not mean that our Guidelines are merely suggestions for the state Parties.

At the 1964 Convention, the Special Equal Rights Committee was created to "aid the state Democratic parties" in meeting the anti-discrimination requirements of the 1968 Call. After holding a series of hearings, that Committee adopted six basic elements to determine compliance with the 1968 Call. In 1967, Governor Richard Hughes of New Jersey, Chairman of the Committee, attached these elements to a letter he sent to all state chairmen. In the letter, he informed them that in the event of nonconformity with the elements "this Committee will recommend that the Credentials Committee declare the seats to be vacant and fill those seats with a delegation broadly representative of the Democrats of the state".

The Commission on Party Structure and Delegate Selection has the identical legal status and options available to it that the Special Equal Rights Committee had. Although as a matter of policy we plan to work as closely as possible with state Democratic Parties and the Democratic National Committee, we recognize that our obligations to the 1968 Convention may necessitate action similar to that of the Special Equal Rights Committee.

We believe that our Guidelines place no unreasonable demands on state Parties. We did not adopt them with the intention of stimulating credentials challenges in 1972.

In this regard, we did not believe that we should hold state Parties to the same rigid standards if compliance requires a change in state law. Our mandate is to work with state Parties and not with state legislatures—even those with Democratic majorities. Therefore, where compliance would require state legislative or constitutional action, the Commission has relieved state Parties from the obligation of actually accomplishing the required statutory change once "all feasible efforts" have been made. "All feasible efforts" means that the state Party had held hearings, introduced bills, worked for their enactment, and amended its rules in every necessary way short of exposing the Party or its members to legal sanctions.

Regardless of whether conformity is to be achieved by change in state law, or party rule or practice, the Commission believes that state Parties have considerable power at their disposal to democratize their delegate selection process. Therefore the Commission recommends that in the event of any contest or challenge involving an allegation of failure to fulfill the provisions of the following Guidelines, the Credentials Committee of the 1972 Democratic National Convention be guided by the principle that state Parties must assume the burden of ensuring opportunities for full, meaningful and timely participation in the delegate selection process for party members.

THE OFFICIAL GUIDELINES OF THE COMMISSION

On November 19 and 20, 1969, the Commission, meeting in open session in Washington, D.C., adopted the following Guidelines for delegate selection.

Part I—Introduction

The following Guidelines for delegate selection represent the Commission's interpretation of the "full, meaningful, and timely" language of its mandate. These Guidelines have been divided into three general categories.

A. Rules or practices which inhibit access to the delegate selection process—items which compromise full and meaningful participation by inhibiting or preventing a Democrat from exercising his influence in the delegate selection process.

B. Rules or practices which dilute the influence of a Democrat in the delegate selection process, after he has exercised all available resources to effect such influence.

C. Rules and practices which have some attributes of both A and B.

A. Rules or practices inhibiting access

1. Discrimination on the basis of race, color, creed, or national origin.
2. Discrimination on the basis of age or sex.
3. Voter registration.
4. Costs and fees.
5. Existence of Party rules.

B. Rules or practices diluting influence

1. Proxy voting.
2. Clarity of purpose.
3. Quorum provisions.
4. Selection of alternates; filling of delegate and alternate vacancies.
5. Unit rule.
6. Adequate representation of political minority views.
7. Apportionment.

C. Rules and practices combining attributes of A and B

1. Adequate public notice.
2. Automatic (ex-officio) delegates.
3. Open and closed processes.
4. Premature delegate selection (timeliness).
5. Committee selection processes.
6. Slate-making.

Part II—The Guidelines

A–1 Discrimination on the basis of race, color, creed, or national origin

The 1964 Democratic National Convention adopted a resolution which conditioned the seating of delegations at future conventions on the assurance that discrimination in any State Party affairs on the grounds of race, color, creed or national origin did not occur. The 1968 Convention adopted the 1964 Convention resolution for inclusion in the Call to the 1972 Convention. In 1966, the Special Equal Rights Committee, which had been created in 1964, adopted six anti-discrimination standards—designated as the "six basic elements"[6]—for the State Parties to meet. These standards were adopted by the Democratic National Committee in January 1968 as its official policy statement.

These actions demonstrate the intention of the Democratic Party to ensure a full opportunity for all minority group members to participate in the delegate selection process. To supplement the requirements of the 1964 and 1968 Conventions, the Commission requires that:

1. State Parties add the six basic elements of the Special Equal Rights Committee to their Party rules and take appropriate steps to secure their implementation;

2. State Parties overcome the effects of past discrimination by affirmative steps to encourage minority group participation, including representation of minority groups on the national convention delegation in reasonable relationship to the group's presence in the population of the State."[7]

A–2 Discrimination on the basis of age or sex

The Commission believes that discrimination on the grounds of age or sex is inconsistent with full and meaningful opportunity to participate in the delegate selection process. Therefore, the Commission requires State Parties to eliminate all vestiges of discrimination on these grounds. Furthermore, the Commission requires State Parties to overcome the effects of past discrimination by affirmative steps to encourage representation on the national convention delegation of young people—defined as people of not more than thirty nor less than eighteen years of age—and women in reasonable relationship to their presence in the population of the State.[7] Moreover, the Commission requires State Parties to amend their Party rules to allow and encourage any Democrat of eighteen years or more to participate in all party affairs.

Footnotes at end of speech.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend, or otherwise modify such laws to accomplish the stated purpose.

A–3 Voter registration

The purpose of registration is to add to the legitimacy of the electoral process, not to discourage participation. Democrats do not enjoy an opportunity to participate fully in the delegate selection process in States where restrictive voter registration laws and practices are in force, preventing their effective participation in primaries, caucuses, conventions and other Party affairs. These restrictive laws and practices include annual registration requirements, lengthy residence requirements, literacy tests, short and untimely registration periods, and infrequent enrollment sessions.

The Commission urges each State Party to assess the burdens imposed on a prospective participant in the Party's delegate selection processes by State registration laws, customs and practices, as outlined in the report of the Grass Roots Subcommittee of the Commission on Party Structure and Delegate Selection, and use its good offices to remove or alleviate such barriers to participation.

A–4 Costs and fees; petition requirements

The Commission believes that costs, fees, or assessments and excessive petition requirements made by State law and Party rule or resolutions impose a financial burden on (1) national convention delegates and alternaates; (2) candidates for convention delegates and alternates; and (3) in some cases, participants. Such costs, fees, assessments or excessive petition requirements discouraged full and meaningful opportunity to participate in the delegate selection process.

The Commission urges the State Parties to remove all costs and fees involved in the delegate selection process. The Commission requires State Parties to remove all excessive costs and fees, and to waive all nominal costs and fees when they would impose a financial strain on any Democrat. A cost or fee of more than $10 for all stages of the delegate selection process is deemed excessive. The Commission requires State Parties to remove all mandatory assessments of delegates and alternates.

The Commission requires State Parties to remove excessive petition requirements for convention delegate candidates of presidential candidates. Any petition requirement, which calls for a number of signatures in excess of 1% of the standard used for measuring Democratic strength, whether such standard be based on the number of Democratic votes cast for a specific office in a previous election or Party enrollment figures, is deemed excessive.

When State law controls any of these matters, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purpose.

This provision, however, does not change the burden of expenses borne by individuals who campaign for and/or serve as delegates and alternates. Therefore, the Commission urges State Parties to explore ways of easing the financial burden on delegates and alternates and candidates for delegate and alternate.

A–5 Existence of party rules

In order for rank-and-file Democrats to have a full and meaningful opportunity to participate in the delegate selection process, they must have access to the substantive and procedural rules which govern the process. In some States the process is not regulated by law or rule, but by resolution of the State Committee and by tradition. In other States, the rules exist, but generally are inaccessible. In still others, rules and laws regulate only the formal aspects of the selection process (e.g., date and place of the State convention) and leave to Party resolution or tradition the more substantive matters (e.g., intrastate apportionment of votes; rotation of alternates; nomination of delegates).

The Commission believes that any of these arrangements is inconsistent with the spirit of the Call in that they permit excessive discretion on the part of Party officials, which may be used to deny or limit full and meaningful opportunity to participate. Therefore, the Commission requires State Parties to adopt and make available readily accessible statewide Party rules and statutes which prescribe the State's delegate selection process with sufficient details and clarity. When relevant to the State's delegate selection process, explicit written Party rules and procedural rules should include clear provisions for: (1) the apportionment of delegates and votes within the State; (2) the allocation of fractional votes, if any; (3) the selection and responsibilities of convention committees; (4) the nomination of delegates and alternates (5) the succession of alternates to delegate status and the filling of vacancies; (6) credentials challenges; (7) minority reports.

Furthermore, the Commission requires State Parties to adopt rules which will facilitate maximum participation among interested Democrats in the processes by which National Convention delegates are selected. Among other things, these rules should provide for dates, times, and public places which would be most likely to encourage interested Democrats to attend all meetings involved in the delegate selection process.

The Commission requires State Parties to adopt explicit written Party rules which provide for uniform times and dates of all meetings involved in the delegate selection process. These meetings and events include caucuses, conventions, committee meetings, primaries, filing deadlines, and Party enrollment periods. Rules regarding time and date should be uniform in two senses. First, each stage of the delegate selection process should occur at a uniform time and date throughout the State. Second, the time and date should be uniform from year to year. The Commission recognizes that in many parts of rural America it may be an undue burden to maintain complete uniformity, and therefore exempts rural areas from this provision so long as the time and date are publicized in advance of the meeting and are uniform within the geographic area.

B–1 Proxy voting

When a Democrat cannot, or chooses not to, attend a meeting related to the delegate selection process, many States allow that person to authorize another to act in his name. This practice—called proxy voting—has been a significant source of real or felt abuse of fair procedure in the delegate selection process.

The Commission believes that any situation in which one person is given the authority to act in the name of the absent Democrat, on any issue before the meeting, gives such person an unjustified advantage in affecting the outcome of the meeting. Such a situation is inconsistent with the spirit of equal participation. Therefore, the Commission requires State Parties to add to their explicit written rules provisions which forbid the use of proxy voting in all procedures involved in the delegate selection process.

B–2 Clarity of purpose

An opportunity for full participation in the delegate selection process is not meaningful unless each Party member can clearly express his preference for candidates for delegates to the National Convention, or for those who will select such delegates. In many States, a Party member who wishes to affect the selection of the delegation must do so by voting for delegates or Party officials who will engage in many activities unrelated to the delegate selection process.

Whenever other Party business is mixed, without differentiation, with the delegate selection process, the Commission requires State Parties to make it clear to voters how they are participating in a process that will nominate their Party's candidate for President. Furthermore, in States which employ a convention or committee system, the Commission requires State Parties to clearly designate the delegate selection procedures as distinct from other Party business.

B–3 Quorum provisions

Most constituted bodies have rules or practices which set percentage or number minimums before they can commence their business. Similarly, Party committees which participate in the selection process may commence business only after it is determined that this quorum exists. In some States, however, the quorum requirement is satisfied when less than 40% of committee members are in attendance.

The Commission believes a full opportunity to participate is satisfied only when a rank-and-file Democrat's representative attends such committee meetings. Recognizing, however, that the setting of high quorum requirements may impede the selection process, the Commission requires State Parties to adopt rules setting quorums at not less than 40% for all party committees involved in the delegate selection process.

B–4 Selection of alternates; filling of delegate and alternate vacancies

The Call to the 1972 Convention requires that alternates be chosen by one of the three methods sanctioned for the selection of delegates—i.e., by primary, convention or committee. In some States, Party rules authorize the delegate himself or the State Chairman to choose his alternate. The Commission requires State Parties to prohibit these practices—and other practices not specifically authorized by the Call—for selecting alternates.

In the matter of vacancies, some States have Party rules which authorize State Chairmen to fill all delegate and alternate vacancies. This practice again involves the selection of delegates or alternates by a process other than primary, convention or committee. The Commission requires States Parties to prohibit such practices and to fill all vacancies by (1) a timely and representative Party committee; or (2) a reconvening of the body which selected the delegate or alternate whose seat is vacant; or (3) the delegation itself, acting as a committee.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purposes.

B–5 Unit rule

In 1968, many States used the unit rule at various stages in the processes by which delegates were selected to the National Convention. The 1968 Convention defined unit rule,[8] did not enforce the unit rule on any delegate in 1968, and added language to the 1972 Call requiring that "the unit rule not be used in any stage of the delegate selection process." In light of the Convention action, the Commission requires State Parties to add to their explicit written rules provisions which forbid the use of the unit rule or the practice of instructing delegates to vote against their stated preferences at any stage of the delegate selection process."[9]

B–6 Adequate representation of minority views on presidential candidates at each stage in the delegate selection process

The Commission believes that a full and meaningful opportunity to participate in the delegate selection process is precluded unless the presidential preference of each Democrat is fairly represented at all levels of the process. Therefore, the Commission urges each State Party to adopt procedures which will

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Footnotes at end of speech.

provide fair representation of minority views on presidential candidates and recommends that the 1972 Convention adopt a rule requiring State Parties to provide for the representation of minority views to the highest level of the nominating process.

The Commission believes that there are at least two different methods by which a State Party can provide for such representation. First, in at-large elections it can divide delegate votes among presidential candidates in proportion to their demonstrated strength. Second, it can choose delegates from fairly apportioned districts no larger than congressional districts.

The Commission recognizes that there may be other methods to provide for fair representation of minority views. Therefore, the Commission will make every effort to stimulate public discussion of the issue of representation of minority views on presidential candidates between now and the 1972 Democratic National Convention.

B–7 Apportionment

The Commission believes that the manner in which votes and delegates are apportioned within each State has a direct bearing on the nature of participation. If the apportionment formula is not based on Democratic strength and/or population the opportunity for some voters to participate in the delegate selection process will not be equal to the opportunity of others. Such a situation is inconsistent with a full and meaningful opportunity to participate.

Therefore, the Commission requires State Parties which apportion their delegation to the National Convention to apportion on a basis of representation which fairly reflects the population and Democratic strength within the State. The apportionment is to be based on a formula giving equal weight to total population and to the Democratic vote in the previous presidential election.

The Commission requires State Parties with convention systems to select at least 75% of their delegations to the National Convention at congressional district or smaller unit levels.

In convention or committee systems, the Commission requires State Parties to adopt an apportionment formula for each body actually selecting delegates to State, district and county conventions which is based upon population and/or some measure of Democratic strength. Democratic strength may be measured by the Democratic vote in the preceding presidential, senatorial, congressional or gubernatorial election, and/or by party enrollment figures.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purpose.

C–1 Adequate public notice

The Call to the 1968 convention required State Parties to assure voters an opportunity to "participate fully" in party affairs. The Special Equal Rights Committee interpreted this opportunity to include adequate public notice. The Committee listed several elements—including publicizing of the time, places and rules for the conduct of all public meetings of the Democratic Party and holding such meetings in easily accessible places—which comprise adequate public notice. These elements were adopted by the Democratic National Committee in January 1968 as its official policy statement and are binding on the State Parties.

Furthermore, the Commission requires State Parties to circulate a concise and public statement in advance of the election itself of the relationship between the party business being voted upon and the delegate selection process.

In addition to supplying the information indicated above, the Commission believes that adequate public notice includes information on the ballot as to the presidential preference of (1) candidates of slates for delegate or (2) in the States which select or nominate a portion of the delegates by committees, candidates or slates for such committees.

Accordingly, the Commission requires State Parties to give every candidate for delegate (and candidate for committee, where appropriate) the opportunity to state his presidential preferences on the ballot at each stage of the delegate selection process. The Commission requires the State Parties to add the word "uncommitted" or like term on the ballot next to the name of every candidate for delegate who does not wish to express a presidential preference.

When State law controls, the Commission requires the State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purposes.

C–2 Automatic (ex-officio) delegates (see also C–4)

In some States, certain public or Party officeholders are delegates to county, State and National Conventions by virtue of their official position. The Commission believes that State laws, Party rules and Party resolutions which so provide are inconsistent with the Call to the 1972 Convention for three reasons:

1. The Call requires all delegates to be chosen by primary, convention or committee procedures. Achieving delegate status by virtue of public or Party office is not one of the methods sanctioned by the 1968 Convention.

2. The Call requires all delegates to be chosen by a process which begins within the calendar year of the Convention. Ex-officio delegates usually were elected (or appointed) to their positions before the calendar year of the Convention.

3. The Call requires all delegates to be chosen by a process in which all Democrats have a full and meaningful opportunity to participate. Delegate selection by a process in which certain places on the delegation are not open to competition among Democrats is inconsistent with a full and meaningful opportunity to participate.

Accordingly, the Commission requires State Parties to repeal Party rules or resolutions which provide for ex-officio delegates. When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purpose.

C–3 Open and closed processes

The Commission believes that Party membership, and hence opportunity to participate in the delegate selection process, must be open to all persons who wish to be Democrats and who are not already members of another political party; conversely, a full opportunity for all Democrats to participate is diluted if members of other political parties are allowed to participate in the selection of delegates to the Democratic National Convention.

The Commission urges State Parties to provide for party enrollment that (1) allows non-Democrats to become Party members, and (2) provides easy access and frequent opportunity for unaffiliated voters to become Democrats.

C–4 Premature delegate selection (timeliness)

The 1968 Convention adopted language adding to the Call to the 1972 Convention the requirement that the delegate selection process must begin within the calendar year of the Convention. In many States, Governors, State Chairmen, State, district and county committees who are chosen before the calendar year of the Convention, select—or choose agents to select—the delegates. These practices are inconsistent with the Call.

The Commission believes that the 1968 Convention intended to prohibit any untimely procedures which have any direct bearing on the processes by which National Convention delegates are selected. The process by which delegates are nominated is such a procedure. Therefore, the Commission requires State Parties to prohibit any practices by which officials elected or appointed before the calendar year choose nominating committees or propose or endorse a slate of delegates—even when the possibility for a challenge to such slate or committee is provided.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend, or modify such laws to accomplish the stated purposes.

C–5 Committee selection processes

The 1968 Convention indicated no preference between primary, convention, and committee systems for choosing delegates. The Commission believes, however, that committee systems by virtue of their indirect relationship to the delegate selection process, offer fewer guarantees for a full and meaningful opportunity to participate than other systems.

The Commission is aware that it has no authority to eliminate committee systems in their entirety. However, the Commission can and does require State Parties which elect delegates in this manner to make it clear to voters at the time the Party committee is elected or appointed that one of its functions will be the selection of National Convention delegates.

Believing, however, that such selection system is undesirable even when adequate public notice is given, the Commission requires State Parties to limit the National Convention delegation chosen by committee procedures to not more than 10 percent of the total number of delegates and alternates.

Since even this obligation will not ensure an opportunity for full and meaningful participation, the Commission recommends that State Parties repeal rules or resolutions which require or permit Party committees to select any part of the State's delegation to the National Convention. When State law controls, the Commission recommends that State Parties make all feasible efforts to repeal, amend, or otherwise modify such laws to accomplish the stated purpose.

C–6 Slate-making

In mandating a full and meaningful opportunity to participate in the delegate selection process, the 1968 Convention meant to prohibit any practice in the process of selection which made it difficult for Democrats to participate. Since the process by which individuals are nominated for delegate positions and slates of potential delegates are formed is an integral and crucial part of the process by which delegates are actually selected, the Commission requires State Parties to extend to the nominating process all guarantees of full and meaningful opportunity to participate in the delegate selection process. When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purpose.

Furthermore, whenever slates are presented to caucuses, meetings, conventions, committees, or to voters in a primary, the Commission requires State Parties to adopt procedures which assure that:

1. the bodies making up the slates have been elected, assembled, or appointed for the slate-making task with adequate public notice that they would perform such task;

2. those persons making up each slate have adopted procedures that will facilitate widespread participation in the slate-making process, with the proviso that any slate presented in the name of a presidential candidate in a primary State be assembled with due consultation with the presidential candidate or his representative.

3. adequate procedural safeguards are provided to assure that the right to challenge the presented slate is more than perfunctory

and places no undue burden on the challengers.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish the stated purpose.

CONCLUSION

The Guidelines that we have adopted are designed to open the door to all Democrats who seek a voice in their Party's most important decision: the choice of its presidential nominee. We are concerned with the opportunity to participate, rather than the actual level of participation, although the number of Democrats who vote in their caucuses, meetings and primaries is an important index of the opportunities available to them. As members of the Commission, we are less concerned with the product of the meetings than the process, although we believe that the product will be improved in the give and take of open and fairly conducted meetings.

We believe that popular participation is more than a proud heritage of our party, more even than a first principle. We believe that popular control of the Democratic Party is necessary for its survival.

We do not believe this is an idle threat. When we view our past history and present policies alongside that of the Republican Party, we are struck by one unavoidable fact: our Party is the only major vehicle for peaceful, progressive change in the United States.

If we are not an open party; if we do not represent the demands of change, then the danger is not that people will go to the Republican Party; it is that there will no longer be a way for people committed to orderly change to fulfill their needs and desires within our traditional political system. It is that they will turn to third and fourth party politics or the anti-politics of the street.

We believe that our Guidelines offer an alternative for these people. We believe that the Democratic Party can meet the demands for participation with their adoption. We trust that all Democrats will give the Guidelines their careful consideration.

We are encouraged by the response of state Parties to date. In 40 states and territories the Democratic Party has appointed reform commissions (or subcommittees of the state committee) to investigate ways of modernizing party procedures. Of these, 17 have already issued reports and recommendations. In a number of states, party rules and state laws have already been revised, newly written or amended to insure the opportunity for participation in Party matters by all Democrats.

Rhode Island and Maryland, for example, were states that in 1968 chose their delegates by a State Committee selected in an untimely manner—that is, by a process that began before the calendar year of the convention. In 1969, the legislative bodies of those States passed presidential primary bills at the urging of Democratic members of those legislatures and Democratic Party officials. This year, the Maryland legislature has improved on the bill enacted in 1969.

Legislatures in the states of Illinois and New Mexico have also passed presidential primary laws, the latter being the first state to adopt a primary providing for proportional representation. In Nevada, a bill supported by the Democrats and calling for a presidential preference primary with proportional representation was approved by the legislature, but was vetoed by Republican Governor Paul Laxalt. A presidential primary bill has passed one house of the Delaware legislature.

In March, the Idaho legislature, at the prodding of its Democratic members, passed a law that will allow for complete modernization of the delegate selection process.

In several states there has been substantial reform of party rules governing delegate selection and party structure. In Minnesota, a new party constitution has been adopted that provides for proportional representation and modified "one Democrat—one vote." In Michigan, a meeting of 2,000 Democrats convened in January and adopted the broad recommendations of the Haber Reform Commission. In North Carolina, the State Party has adopted comprehensive reforms of its party structure, including one provision for 18-year-old participation in all party affairs and another for reasonable representation on all party committees and delegations of women, minority racial groups and young people. In Colorado, the State Committee has adopted a proposal that will ensure proportional representation for all presidential candidates at the next convention. In Oklahoma, rules have been proposed which will assure that not more than 60 percent of the membership of any committee or convention will be of the same sex, and will eliminate the role of untimely committees in the delegate selection process. In Missouri, statewide public hearings have been held to discuss proposals for party rules.

In other states, the Democratic Party has adopted significant changes in the structure and selection of their state and constituent committees. In January, Alabama reapportioned its State Committee on a one-man, one-vote basis with members now elected from districts rather than at large. The Florida Democratic Advisory Committee has provided for ex-officio representation of minority groups and youth on the State Committee.

In Washington and Virginia, the State Committee has adopted party rules that require 18-year-old participation in all party affairs. In an additional 30 states, at the urging of Democratic leaders, the 18-year-old vote is before the legislature or will be on the ballot in November.

In Mississippi, South Dakota and the Canal Zone the first set of comprehensive party rules has been adopted. The Missouri State Central Committee, upon completing its extensive statewide hearings, will adopt its first party constitution.

All of these efforts lead us to the conclusion that the Democratic Party is bent on meaningful change. A great European statesman once said, "All things are possible, even the fact that an action in accord with honor and honesty ultimately appears to be a prudent political investment." We share this sentiment. We are confident that party reform, dictated by our Party's heritage and principles, will insure a strong, winning and united Party.

APPENDICES

THE ORIGINS AND MANDATE OF THE COMMISSION ON PARTY STRUCTURE AND DELEGATE SELECTION

1. Origins

(a) Excerpts from the Majority Report of the Credentials Committee, adopted by the Convention on August 26, 1968:

The deliberation of this Committee suggests that we can and should encourage appropriate revisions in the delegate selection process to assure the fullest possible participation and to make the Democratic Party completely representative of grass-roots sentiment.

And to this end, this Committee will recommend and does recommend that the Chairman of the Democratic National Committee establish a Special Committee to do these things:

A. Study the delegate selection processes in effect in the various states, in the context of the peculiar circumstances, needs and traditions in which each state's laws and practices find their roots.

B. Recommend to the Democratic National Committee such improvements as can assure even broader citizen participation in the delegate selection process.

C. Aid the State Democratic parties in working toward relevant changes in State law and Party rules.

D. Report its findings and recommendations to the Democratic National Committee and make them available to the 1972 Convention and the Committees thereof.

Be it further resolved, that the Chairman of the Democratic National Committee shall establish a Special Committee to aid the State Democratic parties in fully meeting the responsibilities and assurances required for inclusion in the Call for the 1972 Democratic National Convention, said Committee to report to the Democratic National Committee concerning its efforts and findings and said report to be available to the 1972 Convention and the committees thereof.

(b) Excerpts from the Equal Rights (Richard Hughes) Committee Report, adopted by the Democratic National Committee, August 24, 1968:

To the end that the Democratic Party will demonstrate its highest commitment to principle as well as the utmost of political wisdom, we recommend: . . .

4) That a Commission on Party Structure should be created to study the relationship between the National Democratic Party and its constituent State Democratic Parties, in order that full participation of all Democratic Parties, in order that full participation of all Democrats, regardless of race, color, creed or national origin may be facilitated by uniform standards for structure and operation.

2. Mandate

Minority Report of the Rules Committee, adopted by the Convention on August 27, 1968:

Be it resolved, that the Call to the 1972 Democratic National Convention shall contain the following language:

It is understood that a State Democratic Party, in selecting and certifying delegates to the National Convention, thereby undertakes a process in which all Democratic voters have had full and timely opportunity to participate. In determining whether a State Party has complied with this mandate, the convention shall require that:

(1) The unit rule not be used in any stage of the delegate selection process; and

(2) All feasible efforts have been made to assure that delegates are selected through Party primary, convention, or committee procedures open to public participation within the calendar year of the National Convention.

[This amendment to the 1972 Call is to be implemented by the Commission, as a result of the Convention's adoption of the Credentials Committee recommendation (supra.) that the Commission was to "aid the State Democratic Parties in fully meeting the responsibilities and assurances required for inclusion in the Call for the 1972 Convention"].

STATE REFORM COMMISSION CHAIRMEN [1]

Alabama: Honorable Bert Haltom, Florence, Ala.

Arizona: Mr. George Miller, 2934 North Los Altos, Tucson, Ariz.

Arkansas: Mr. Richard S. Arnold, P.O. Box 1938, Texarkana, Ark.

California: Mr. Donald Solem, 1182 Market Street, San Francisco, Calif.

Colorado: Mr. Dale Tooley, 635 Vine Street, Denver, Colo.

Connecticut: Judge Stephen K. Elliot, 50 Center Street, Southington, Conn.

Delaware: Dr. Arlen Mechler, 1108 North Rodney Street, Wilmington, Del.

Florida: Mr. Pat Thomas,[2] P.O. Box 1758, Tallahassee, Fla.

Georgia: Mr. James H. Gray,[2] 2501 Bank of Georgia Building, Atlanta, Ga.

Idaho: Mr. James B. Donart, 35 East Main Street, Weiser, Idaho.

Indiana: Mr. Richard B. Stoner, 2770 Franklin Drive, Columbus, Ind.

Iowa: Mr. Dan Boyle, 403 Magowan Avenue, Iowa City, Iowa.

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[1] As of March 15, 1970.

Kentucky: Mr. Thomas C. Carroll, 1415 Kentucky Home Life Bldg., Louisville, Ky.

Maine: Mr. George Mitchell, 62 State Street, Augusta, Me.

Maryland: Honorable Thomas Hunter Lowe, House of Delegates, Annapolis, Md.

Michigan: Dr. William Haber, 11498 Portlance, Detroit, Mich.

Minnesota: Mr. Forrest Harris, 6113 Second Avenue, Minneapolis, Minn.

Mississippi: Dr. Matthew Page, Colonel Albert Richardson, 346 Issaquena Avenue, Clarksdale, Miss.

Missouri: Mr. George W. Burruss, 1709 Hayselton, Jefferson City, Mo.

Nebraska: Richard M. Fellman, 845 Omaha National Bank Bldg., Omaha, Neb.

Nevada: Mrs. Pat Potter, 1555 West King Street, Carson City, Nev.

New Hampshire: Mr. Harry Macris, Room 700, Carpenter Hotel, Manchester, N.H.

New Jersey: Honorable Frank Thompson, U.S. House of Representatives, 2246 Rayburn Building, Washington, D.C.

New Mexico: Mr. Thomas G. Morris, P.O. Box 336, Tucumcari, N.M.

New York: Mr. Theodore Sorensen, 180 Central Park South, New York, N.Y.

North Carolina: James B. Hunt, Jr., P.O. Box 249, Wilson, N.C.

North Dakota: Mrs. Liv Bjorlie, 1380 Central Ave., Valley City, N. Dak.

Ohio: Mr. Robert B. McAlister, 17 South High Street, Columbus, Ohio.

Oklahoma: Mr. Jerry Sokolosky, Cravens Building, Oklahoma City, Okla.

Pennsylvania: Mr. Horace J. Culbertson, P.O. Box 129, Lewistown, Pa.

South Dakota: Dr. Byron Harrell, Box 5, Vermillion, S. Dak.

Tennessee: Mr. James Peeler,[2] Covington, Tenn.

Utah: Mr. John Klas,[2] 363 East Second South, Salt Lake City, Utah.

Vermont: Mr. Richard J. Young, Shelburne, Vt.

Virginia: Mr. Tom B. Fugat, Ewings, Va.

Washington: Mr. Dino Batali, 1700 Fernside Drive, Tacoma, Wash.

West Virginia: Mr. Rudolph DiTrappano,[2] 1400 Commerce Square, Charleston, W. Va.

Wisconsin: Mr. David Carley, 315 West Gorham, Madison, Wis.

Canal Zone: Mrs. Leona McFarland, P.O. Box 936, Balboa, Canal Zone.

Guam: Mr. Fred Bordallo, P.O. Box 1328, Agana, Guam.

DELEGATE SELECTION IN 1968: A STATE BY STATE SUMMARY

Alabama: Delegates and alternates to the National Convention were elected from executive committee districts (contiguous with the congressional district boundaries prior to court ordered redistricting in 1965) in a primary held in May 1968. Candidates for delegate and alternate ran individually and their presidential preference was not listed on the ballot. Candidates for delegate and alternate who were unopposed were deemed elected and their names did not appear on the ballot. No presidential preference poll was conducted. The Chairman, Vice Chairman and Secretary of the State Committee were appointed as delegates to the National Convention by the State Committee.

Alaska: Delegates and alternates to the National Convention were selected at large at a state convention held in April, 1968. Delegates and alternates to the state convention were selected at district conventions composed of delegates selected at precinct caucuses held in the early spring of 1968.

Arizona: Delegates and alternates to the National Convention were selected at large by the State Committee in April, 1968. Members of the State Committee were selected by country committees composed of precinct committeemen elected in a primary held in September, 1966.

Arkansas: Delegates and alternates to the National Convention were selected at large by the State Committee, meeting in July 1968, three-fifths on the basis of the recommendations of the county committees convened in each congressional district. Members of the State Committee were selected by a state convention composed of delegates elected by county conventions. Delegates to the county conventions were elected in a primary held in August, 1966.

California: Delegates to the National Convention were elected at large by slate in a statewide presidential primary held in June 1968. The slate of the presidential candidate who received a plurality of the primary vote was elected. Only the names of the presidential candidates appeared on the ballot. The committee which nominated the winning slate of delegates named the alternates to the National Convention.

Canal Zone: Delegates and alternates to the National Convention were selected at a regional convention held in the spring of 1968. Any member of the Canal Zone Democratic Party was allowed to attend the regional convention.

Colorado: Delegates and alternates to the National Convention were selected at large at a state assembly held in July 1968, three fourths on the basis of the recommendations of congressional district conventions and one fourth on the basis of the recommendations of a nominating committee of the state assembly. Delegates and alternates to the congressional district conventions and state assembly were selected at county conventions composed of delegates selected at precinct caucuses held in May 1968.

Connecticut: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968. Delegates to the state convention were selected by town committees, town caucuses, or municipal primaries. Town committees were selected between 1966 and 1968. Town caucuses were held in February and early March 1968 and were attended by rank and file Democrats. Delegates chosen by town committees or at town caucuses were subject to a challenge primary, an option exercised in one sixth of the towns. Approximately one-eighth of the delegates to the state convention were selected by virtue of the challenge primary.

Delaware: Delegates and alternates to the National Convention were selected at large at a state convention held in May 1968. One third of the delegates and alternates to the state convention were selected in the spring of 1968 and two thirds were selected by county and district chairmen elected in a primary in 1966.

District of Columbia: Delegates and alternates to the National Convention were elected at large by slate in a presidential primary held in May 1968. The names of candidates for delegate appeared on the ballot, and the voter had the option of casting his ballot for a slate or for individual candidates on different slates. Candidates for delegate could not express their presidential preference on the ballot and no presidential preference poll was conducted.

Florida: Three fifths of the delegates to the National Convention were elected at large and two fifths by congressional district in a primary held in May 1968. The names of candidates for delegate appeared on the ballot grouped by slate pledged to a presidential candidate. No presidential preference poll was conducted. Each elected delegate appointed his own alternate to the National Convention.

Georgia: Delegates and alternates to the National Convention were selected at large by the Chairman of the State Executive Committee with the advice and consent of the Democratic gubernatorial nominee in May 1968. The State Chairman was selected by the state convention held in October 1966, and the Democratic gubernatorial nominee was selected in a primary held in September 1966.

Guam: Delegates and alternates to the National Convention were selected at large at a local convention held in July 1968. Delegates to the local convention were selected at precinct caucuses also held in July 1968.

Hawaii: Delegates and alternates to the National Convention were selected at large at a state convention held in May 1968. The delegates and alternates to the state convention were composed of party officials and the elected representatives of each precinct club. Precinct clubs elected their representatives in March 1968.

Idaho: Delegates and alternates to the National Convention were selected at large at a state assembly in June 1968. One third of the delegation was apportioned to each of the two congressional districts. Delegates and alternates to the state assembly were the legislative district chairmen and the delegates selected by precinct committeemen elected in a primary held in August 1966.

Illinois: Two fifths of the delegates and alternates to the National Convention were elected by congressional district in a primary held in early June 1968 and three fifths were selected at large at a state convention held in late June 1968. In the primary, candidates for delegate and alternate ran individually and were not allowed to express a presidential preference on the ballot. No presidential preference poll was conducted. The state convention for the selection of at-large delegates and alternates to the National Convention was composed of delegates selected by township committeemen elected in 1966 and by ward and precinct committeemen elected in the June 1968 primary.

Indiana: One half of the delegates and alternates to the National Convention were selected by congressional district caucuses and one half at large at a state convention held in June 1968. Congressional district delegates were bound by the results of the district presidential preference poll held concurrently with the election of delegates and alternates to the state convention in the May primary. At-large delegates were bound by the result of the at-large presidential preference poll.

Iowa: Delegates and alternates to the National Convention were selected at large at a state convention held in May 1968, one half on the basis of the recommendations of congressional district caucuses and one half on the basis of the recommendations of a nominating committee of the state convention. Delegates and alternates to the state convention were selected at county conventions composed of delegates selected by precinct caucuses held in March 1968.

Kansas: One-fourth of the delegates and alternates to the National Convention were selected one fourth at large at a state convention held in March 1968 and three fourths at congressional district conventions held in February 1968. Delegates and alternates to the state and district conventions were selected at county conventions composed of precinct committeemen and committee women elected in a primary held in August 1966.

Kentucky: Delegates and alternates to the National Convention were selected at large at a state convention held in July 1968, one third on the basis of the recommendations of congressional district caucuses and two thirds on the basis of the recommendations of a nominating committee of the state convention. Delegates and alternates to the state convention were selected at county or legislative district conventions, also held in July 1968, composed of all those party members who wished to attend.

Louisiana: Delegates and alternates to the National Convention were selected at large by a selection committee established by the State Committee. The members of the selection committee were the Governor, the Chairman and Secretary of the State Committee, and the members of the National Committee from Louisiana. The Governor and State Committee officers were elected in a primary held in November 1967. Members of the National Committee were selected in 1964.

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[2] Denotes State Chairman.

Maine: Delegates and alternates to the National Convention were selected at large at a state convention held in May, 1968 on the basis of the recommendations of a nominating committee of the state convention. Delegates and alternates to the state convention were selected by municipal caucuses held in February and March 1968.

Maryland: Delegates and alternates to the National Convention were selected at large at a "convention" of the State Committee held in April 1968. The State Committee was composed of local committee members elected in a primary held in September 1966.

Massachusetts: Two thirds of the delegates and alternates to the National Convention were elected at large and one third by congressional district in a primary held in April 1968. Names of congressional district candidates for delegate and alternate appeared on the ballot; because the State Committee's slate of candidates for delegate and alternate at large was not contested, these candidates were deemed elected without their names having to appear on the ballot. Although candidates for district delegate expressed their presidential preference on the ballot, a presidential preference poll held concurrently with the election of delegates bound the delegates regardless of their individual preferences.

Michigan: Delegates and alternates to the National Convention were selected at a state convention held in June 1968, one half at large and one half by congressional district caucuses of state convention delegates. Delegates and alternates to the state convention were selected by county conventions composed of delegates elected in a primary held in August 1966.

Minnesota: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968, three fifths on the basis of the recommendations of congressional district conventions and two fifths on the basis of the recommendations of a nominating committee of the state convention. Delegates to the congressional district and state conventions were selected at county conventions composed of delegates selected at precinct caucuses held in the spring of 1968.

Mississippi: Delegates and alternates to the National Convention were selected at large at the state convention held in July 1968, two fifths on the basis of the recommendations of congressional district caucuses and three fifths on the basis of the recommendation of a nominating committee of the state convention. Delegates and alternates to the state convention were selected at county conventions composed of delegates selected at precinct conventions also held in July 1968.

Missouri: Nine tenths of the delegates and alternates to the National Convention were selected at a state convention held in June 1968; one tenth of the delegation was appointed by the State Committee. At the state convention, one half of the delegates and alternates to the National Convention were selected at congressional district caucuses and two fifths at large on the basis of the recommendations of a nominating committee of the state convention. Delegates and alternates to the state convention were selected at county conventions composed of delegates selected at ward or township meetings held in April and May 1968.

Montana: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968. Delegates and alternates to the state convention were selected at county conventions composed of precinct committeemen and committeewomen elected in a primary in June 1968.

Nebraska: Three fourths of the delegates and alternates to the National Convention were elected at large and one fourth by congressional district in a primary held in May 1968. The names of candidates for delegate appeared on the ballot with their presidential preference or the designation "uncommitted" below their name. A non binding presidential preference poll was conducted concurrently with the primary election of delegates.

Nevada: Delegates and alternates to the National Convention were selected at large at a state convention held in March 1968. Delegates and alternates to the state convention were selected at county conventions composed of delegates and alternates selected in precinct mass meetings held in February and March 1968.

New Hampshire: Delegates and alternates to the National Convention were elected in a primary equally from the two congressional districts in March 1968. Delegates ran individually and their names appeared on the ballots along with their presidential preference. A non binding presidential preference poll was conducted concurrently with the primary election of delegates.

New Jersey: Nine tenths of the delegates and alternates to the National Convention were elected by congressional district and one tenth at large in a primary held in June 1968. Delegates ran individually and their names appeared on the primary ballot along with their presidential preference. No presidential preference poll was conducted.

New Mexico: Delegates and alternates to the National Convention were selected at large at a state conventon held in June 1968. Delegates and alternates to the state convention were selected at county conventions composed of delegates selected at ward meetings (or at combined county conventions large at a state convention held in June 1968.

New York: Two thirds of the delegates and alternates to the National Convention were elected by congressional district in a primary held in June 1968 and one third were selected at large by the State Committee later in June 1968. In the primary, candidates for delegate and alternate ran individually and were not permitted to state their presidential preference on the ballot. No presidential preference poll was conducted. The State Committee which selected the at-large delegates and alternates to the National Convention was composed of members elected by assembly district in the June primary. The Chairman, Vice Chairman, Treasurer, Secretary, and Chairman of the law committee were ex-officio delegates to the National Convention.

North Carolina: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968, three fifths on the basis of the recommendations of congressional district caucuses. Delegates and alternates to the state convention were selected by county conventions composed of delegates selected in precinct caucuses held in May 1968.

North Dakota: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968. Delegates and alternates to the state convention were selected at meetings of the legislative district committees composed of precinct committeemen elected in a primary held in September 1966.

Ohio: Three fifths of the delegates and alternates to the National Convention were elected at large and two fifths by congressional district in a primary held in May 1968. Delegates ran individually and by slate, and in both cases their names appeared on the ballot along with their presidential preference. No presidential preference poll was conducted.

Oklahoma: One half of the delegates and alternates to the National Convention were selected by the congressional district committees and one half were selected at large at a state convention held in June 1968. The congressional district committees were composed of county chairmen and co-chairmen selected by precinct chairmen and co-chairmen. The precinct chairmen and co-chairmen were selected by precinct committeemen elected in the primary held in February 1967. The state convention was composed of delegates and alternates selected at county conventions whose delegates were selected at precinct meetings held in June 1968.

Oregon: Three fourths of the delegates to the National Convention were elected at large and one fourth by congressional district in a primary held in May 1968. Delegates ran individually and their names appeared on the ballot. Although candidates for delegate expressed their presidential preference on the ballot a presidential preference poll held concurrently with the primary election of delegates bound the elected delegates regardless of their individual preferences. Each elected delegate appointed his own alternate to the National Convention.

Pennsylvania: Three fourths of the delegates and alternates to the National Convention were selected by congressional district in a primary held in April 1968, and one fourth was selected at large by the State Committee in February 1968. The State Committee was composed of members elected by senatorial district in a primary held in April, 1966. Candidates for delegate in the congressional district primary ran individually and could not express their presidential preference on the ballot. A presidential preference poll was conducted concurrently with the primary election of delegates and was binding on any elected delegate who pledged himself to abide by the results of the poll if he won.

Puerto Rico: Delegates and alternates to the National Convention were selected at a meeting of the Territorial Committee whose members were selected in 1966.

Rhode Island: Delegates and alternates to the National Convention were selected at large by the State Committee on the basis of the recommendations of a nominating committee in May 1968. Members of the State Committee were elected in a primary held in September 1966.

South Carolina: Delegates and alternates to the National Convention were selected at large at a state convention held in March 1968, two thirds on the basis of the recommendations of the congressional district caucuses and one third on the basis of the recommendations of the State Committee. Delegates and alternates to the state convention were selected by county conventions composed of delegates selected by precinct clubs in February 1968.

South Dakota: Delegates and alternates to the National Convention were elected at large in a primary held in June 1968. Candidates for delegate ran by slate but their names appeared on the ballot along with their presidential preference.

Tennessee: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968, one half on the basis of the recommendations of congressional district caucuses and one half on the basis of the recommendations of a nominating committee of the state convention. In 91 counties, delegates and alternates to the state convention were chosen by mass meetings held in the spring of 1968, and, in the four largest counties, by the executive committees elected in the primary held in August 1966.

Texas: Delegates and alternates to the National Convention were selected at large at a state convention held in June 1968. Delegates and alternates to the state convention were selected at county (or senatorial district) conventions composed of delegates selected at precinct conventions in May 1968.

Utah: Delegates and alternates to the National Convention were selected at large at a state convention held in July 1968. One sixth of the delegation was chosen by the State Central Committee and five sixths was apportioned among the counties grouped in "districts" for this purpose. Delegates and alternates to the state convention were selected at county conventions composed of delegates selected at voting district mass meetings in May 1968.

Vermont: Delegates and alternates to the National Convention were selected at large at a state convention held in May 1968. Delegates and alternates to the state convention were selected at town caucuses held in April and May 1968.

Virgin Islands: Delegates and alternates to the National Convention were selected at large at a territorial convention on the basis of a slate presented by the Territorial Committee. Delegates to the territorial convention were members of the Territorial Committee, the executive committees of each division organization, and members of the legislature elected at the previous general election.

Virginia: Delegates and alternates to the National Convention were selected at large at a state convention held in July 1968, three fifths on the basis of the recommendations of congressional district caucuses and two fifths on the basis of the recommendations of the State Chairman. Delegates and alternates to the state convention were selected by city and county conventions composed of delegates selected at mass meetings held in April 1968.

Washington: Three tenths of the delegates and alternates to the National Convention were selected by the State Committee in February 1968, six tenths by congressional district conventions held in June 1968, and one tenth at a state convention held in July 1968. The State Committee was composed of members selected by county committees which were composed of the precinct committeemen elected in the November 1966 general election. Delegates and alternates to the congressional district and state conventions were selected by county conventions composed of delegates selected in precinct caucuses in March and April 1968 and precinct committeemen elected in the November 1966 general election.

West Virginia: One half of the delegates to the National Convention were elected at large and one half by congressional district in a primary held in May 1968. Candidates for delegate were not permitted to state their presidential preference on the ballot (although, for example, some delegates had their names listed on the ballot as "John HHH Doe"). No presidential preference poll was conducted. Each elected delegate appointed his own alternate to the National Convention.

Wisconsin: Delegates and alternates to the National Convention were selected by the primary held in March, 1968, either by slate in the primary itself or by the presidential candidate (or his agent, the State Administrative Committee) who won the congressional district and statewide presidential preference poll held concurrently with the primary election of delegates. In the primary, only the names of the presidential candidates appeared on the ballot. After the primary, Senator McCarthy, the winner of the presidential poll in the eight districts in which no slate of delegates was filed, and at large, chose half of the delegates and alternates and accepted half of the recommendations of the State Administrative Committee.

Wyoming: Delegates and alternates to the National Convention were selected at large at a state convention held in May 1968, one fourth by floor nominations and three fourths on the basis of the recommendations of the nominating committee of the state convention. Delegates and alternates to the state convention were selected by county conventions composed of precinct committeemen elected in a primary held in August 1966.

FOOTNOTES

[1] On August 26, 1968 the Convention adopted the majority report of the Credentials Committee calling for "a meaningful and timely opportunity" for all Democratic voters to participate. The following day, the Convention adopted the minority report of the Rules Committee calling for "a full and timely opportunity" to participate. Because these resolutions are not inconsistent, and because implied repeals are not favored in legislative construction, we have combined the two clauses.

[2] A list of people who testified in person or who submitted statements at the hearings is on file at the offices of the Commission.

[3] In some states, statutes and party rules allow considerable discretion to the state committee to choose which selection system will be used in each presidential election year. This chart reflects the system the state parties used in 1968. In several states, new statutes and party rules have already been adopted which date this chart considerably.

[4] The Chairman of the State Democratic Executive Committee chose the entire delegation, with the advice and consent of the Governor.

[5] The underrepresentation of these groups is not characteristic only of the Democratic Party. The situation was equally or more acute at the 1968 Republican National Convention:

(a) Blacks: Of the 2,666 delegates and alternates who assembled in Miami, only 76 (2.4%) were black. Of these, only 26 were actually voting delegates (1.9% of the total delegates), and 50 were alternates.

(b) Young People: Only 1% of the GOP delegates were under the age of 30, while 83% were 40 years of age or older. In 42 states, there were no voting delegates under 30, and in an additional 8 delegations, there was only one member under 30 years. The average age of the delegations from 22 states was over 50 years, and there was no voting delegate under 40 years of age from one state (Connecticut).

(c) Women: Women comprised 17% of the GOP national convention, though there were no women at all in the delegations representing New Hampshire, the Virgin Islands, and West Virginia. Eleven state delegations did not have the four women required to fill the places assigned to them on the four standing committees of the Convention (Illinois, Kentucky, Nebraska, New Hampshire, New Jersey, North Carolina, Oregon, Utah, Vermont, Virgin Islands, and West Virginia).

[6] *Six basic elements, adopted by the Democratic National Committee as official policy statement, January 1968:*

1. All public meetings at all levels of the Democratic Party in each State should be open to all members of the Democratic Party regardless of race, color, creed, or national origin.

2. No test for membership in, nor any oaths of loyalty to, the Democratic Party in any State should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination on the grounds of race, color, creed, or national origin.

3. The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.

4. The Democratic Party, on all levels, should support the broadest possible registration without discrimination on grounds of race, color, creed or national origin.

5. The Democratic Party in each State should publicize fully and in such manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of each State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.

6. The Democratic Party in each State should publicize fully and in such manner as to assure notice to all interested parties a complete description of the legal and practical qualifications for all officers and representatives of the State Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within each State Democratic Party will have full and adequate opportunity to compete for office.

[7] It is the understanding of the Commission that this is not to be accomplished by the mandatory imposition of quotas.

[8] Unit Rule. "This Convention will not enforce upon any delegate with respect to voting on any question or issue before the Convention any duty or obligation which said delegate would consider to violate his individual conscience. As to any legal, moral or ethical obligation arising from a unit vote or rule imposed either by State law by a State convention or State committee or primary election of any nature, or by a vote of a State delegation, the Convention will look to each individual delegate to determine for himself the extent of such obligation if any."

[9] It is the understanding of the Commission that the prohibition on instructed delegates applies to favorite-son candidates as well.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. FRASER. Mr. Speaker, Mr. John Westerman, an associate professor and director at the University of Minnesota hospitals provided the recently held Minneapolis health hearings with a great deal of information resulting from a study he and Mr. Tom Berg, a State representative from the 38th legislative district, undertook in association with Prof. Jeffrey O'Connell at the University of Illinois Law School, Mr. C. Thomas ant vice president for health science affairs at the university. A copy of the testimony offered by Mr. Westerman is included.

Mr. Westerman also discussed the evolving concepts that are taking place in the Minneapolis metropolitan area. For example, the hospitals comprising the seven-county area are discussing ways to provide better and more thorough care in anticipation of passage of Federal legislation that would help rationalize medical services. Hospitals, according to Mr. Westerman, are a base which include consumer controls through the board of trustees. They are becoming a corporate entity that is more and more concerned with rehabilitative, or clinical rather than long-term bed care. This is indeed an important change in the role of hospitals.

The hearing follows:

CONGRESSMAN FRASER'S HEALTH HEARING, FEBRUARY 27, 1971, MINNEAPOLIS, MINN.

Enclosed is testimony from Representative Tom Berg and Mr. John Westerman concerning suggested improvements in the health care system.

Mr. Tom Berg is a DFL representative from District 38–B representing the Kenwood, Bryn Mawr and downtown areas of Minneapolis. This is his first term in the Minnesota House of Representatives. Berg serves on the following committees: The Minnesota House of Representatives: Judiciary, Health and Welfare, Metropolitan and Urban Affairs, Crime Prevention, Higher Education and General legislation.

Mr. John H. Westerman, Director and Associate Professor of University Hospitals is currently serving as Chairman of the Technical Advisory Committee of the Metropolitan Health Board. The Technical Advisory Committee represents the 38 hospitals in the seven county metropolitan area. Westerman also serves as the Chairman of the Council of Teaching Hospitals in the State of Minnesota and is a consultant to the Department of Health Education and Welfare, Health Services Mental Health Administration.

Both Berg and Westerman are associated with Professor Jeffrey O'Connell, University of Illinois Law School, Mr. C. Thomas Smith, Associate Director, University Hospitals, Mr. David Preston, Assistant Vice President for Health Science Affairs, University of Minnesota, in a study of reform of the health care delivery system in the United States.

I. INTRODUCTION

Never in the history of the United States has there been such widespread agreement about the need to reform the health care system. This agreement between providers and consumers, between liberals and conservatives, between government and the private sector, between experts and non-experts runs to a few simple objectives. The major objective is to improve the health care delivery system. The themes behind this objective revolve around the need for (1) creation of meaningful area-wide health authorities, and (2) production of increased manpower with better utilization and distribution, and (3) control of costs.

There are other important issues. However the first step to improve the system will need to give priority to programs designed to meet these objectives.

These comments identify some perceived needs of the citizens of Minnesota, note the advantages and disadvantages of existing and proposed legislation to meet these needs, include recommendations for legislative actions to improve the system.

II. NEEDS OF THE CITIZENS OF MINNESOTA

In many ways the state of Minnesota is very fortunate. Minnesota ranks twelfth in the United States in the number of entering medical students per 100,000 population by state of residence (as of 1965). The number of active dentists in the state as of 1967 was 58 per 100,000 population, fourteenth in the country. The Citizens Committee for Nursing in Minnesota recently published findings indicating that in 1966 the number of registered nurses per 100,000 population was 313 for the nation compared to 397 for the state of Minnesota.

Minnesota is blessed with two strong major tertiary health care centers: the Mayo Clinic and the University of Minnesota Health Sciences Center. While there are gaps in care for the sparsely populated rural region and certain urban centers, the magnitude of these gaps is considerably less than the sparsely populated rural areas to the west and the problems to congested urban ghetto areas to the east.

Recent studies called for improvement in the existing situation. In 1966 Hill Family Foundation study of physicians and dentists suggested there will be need for an additional two to three hundred physicians in Minnesota by 1975, and recommended that the University expand its class to 200 medical students. The same study recommended an increase in dental students entering freshman class from 110 to 150, noting that in 1940 there were 77 dentists per 100,000 population in Minnesota and in 1963 there were 68 dentists per 100,000 population. In 1964, 27% of the dentists in the state were 65 years or older and in 1968 the number of dentists over 65 increased to 31% of the total active dentists in the state. The Citizens Committee for Nursing in Minnesota pointed out that by 1985 the United States projection is a need for 450 nurses per 100,000 population and the desirable ratio for Minnesota would be 475 per 100,000 population. To reach this goal it will be necessary for Minnesota to substantially increase the number of nurses being graduated from Minnesota schools.

However much we can learn from manpower ratios, Minnesota is not unlike other states in requiring a more effective health care delivery system. Only with an effective delivery system can we realistically project manpower needs.

For instance, the 1969 interim legislative committee study points out there is a need for additional 280 physicians in the state if the physicians could be better distributed geographically by specialty in relation to the needs of Minnesota residents. The study continues that with no change in geographic and specialty factors, Minnesota suffers a functional shortage of 1,000 physicians. With the establishment of the Mayo and Duluth medical programs the total number of medical school admissions would exceed 300 by 1975, which could be considered an adequate number with a better system of health delivery organization.

What then needs to be done to relate manpower to the needs of the citizens? A few key concepts are necessary. These are: (1) the need for area-wide health authority, (2) the need for cost controls, (3) the need for more effective manpower utilization and distribution.

III. EXISTING AND PROPOSED SOLUTIONS FOR THE CITIZENS OF MINNESOTA

The administration and the Health Security plans are steps to improve the situation. As suggested by an editorial in the *New York Times*, "Some elements of the Nixon proposals will probably receive general approval, including provisions for improving the financial situation of the sorely pressed medical schools, for aiding students from disadvantaged backgrounds to become health professionals, for providing more personnel to rural and slum areas having few or no doctors, for expanding research in cancer and sickle cell anemia."

The administration National Health Insurance Standards Act has much to recommend it. This is a serious proposal to improve the health care of the nation. However, the reliance on private health insurance companies needs further study. The insurance companies must act as more than a mere agent for funds. Insurance companies are probably not staffed at present to meet the challenge of effective administration while displaying responsiveness to the needs of the citizens.

It would seem that the Health Security Act proposal has similar objectives in mind but through tighter national guidelines and an all-encompassing health insurance scheme of guaranteed minimum benefits through regional administration.

At present, the Kennedy Health Security Act is missing a section on health manpower and the role of the academic health center. We concur with the Kennedy objective of relating the existing manpower programs to the entire health system and not viewing the issue solely as one of pumping more funds into the manpower production units. It is our understanding that the Senate Finance Committee will not conduct hearings on the act for some months to come.

More needs to be done in the way of creating areawide health authority. A merger of comprehensive health planning programs and regional medical programs would be a step in this direction. A directing of the vast array of federal programs through area-wide health authorities would insure coordination of health programs in the local scene that is not now present.

The problem of cost control is difficult to face without providing the mechanism for meaningful area-wide health authority. The average citizen, as pointed out in the Committee on Finance of the United States Senate, Russell B. Long, Chairman, is confronted with (a) social security tax increases to pay for medicare, (b) increases in private health insurance premiums, (c) increased state and local taxes to pay for medicaid, (d) more of his federal tax dollar to go for the federal share of medicaid and medicare costs, (e) more out-of-pocket cost to cover his co-insurance portion of higher and higher medical charges, and (f) more out-of-pocket costs for rapidly rising charges for largely non-insured health services such as mental care.

Given this situation, it is not difficult to understand why our emphasis has shifted from the provision of facilities and the financing of care, to the concern with organization of delivery of health services.

The Health Maintenance Organization has much to commend it. It provides a meaningful alternative to existing reimbursement services for individual hospital and physician services. Creating an organization which is an organized system of health care which provides an agreed upon set of comprehensive health maintenance and treatment services for an enrolled group of persons through a prepaid aggregate fixed sum or capitation agreement that is worthy of substantial trial. While it has been suggested that the idea that increased use of pre-paid group practice systems can simultaneously lower costs and improve care really requires more proof than is yet available, it seems to us there is enough data to suggest that it may be enough of an improvement over the existing system to warrant wide-spread application. We are concerned that the medicare-medicaid amendments include what we would consider a cumbersome mechanism with regard to the section on innovation and experimentation with delivery systems. It is our understanding that programs under the innovation and experimentation section require the express approval of the House Ways and Means Committee and the Senate Finance Committee. We would suggest that this authority be delegated to the H.E.W. Secretary to S.S.A. officials.

The problems of manpower utilization distribution and production, given a basic federal subsidy to medical schools and other health science units, are largely problems to be solved by area wide health authorities. Reform of the delivery system is also within the capability of these jurisdictions if they have meaningful control over sufficient resources.

Even at present this state has made marked strides in the development of family practice programs. The University is about to embark on a rural physician associate program that combines education and service. The Minnesota legislature has also supported a unique community services program whereby the University of Minnesota Hospitals is associated with over 30 rural hospitals in the only program of its kind in the country. It is also within the state province to do a better job of coordinating educational efforts in the health manpower field. At the present through the Higher Education Coordinating Commission Minnesota does a good job of coordinating professional and graduate health programs. However, a vast majority of health science students are in non-higher education institutions. Much more coordination is needed among the producers of the bulk of health manpower.

A word about allied health. As we have indicated, this country has shifted its concern in the health field from facilities-manpower-financing to organization of health delivery. The premier issue of the day hinges upon the definition of health care and the development of a primary family practitioner. It increasingly appears that the category of the level of care e.g. primary, secondary, tertiary will depend on the intensity of the pathology of the patient.

Most physicians and health care institutions are deeply involved in secondary and tertiary care. People with a reasonable intensity of pathology seem to have reasonable success with the system. The number one concern of the population has to do with access to primary care. The health professionals of this country have not agreed upon a definition of primary care, let alone measuring the cost benefits of such an approach. It does appear that the characteristics of primary care will include health maintenance, health education, preventive medicine and may take place in locations other than traditional health facilities; such as the place of employment, schools or the home. Based on these trends, it would appear that the non-physician will play a major role in primary care. This means that the next priority health issue in the country could be the utilization and distribution of allied health personnel in the delivery of primary care. Elements of this issue concern licensure laws, educational opportunities, definition of primary care, introduction of non-labor intensive methodology and the development of measurements of the effectiveness of primary care.

IV. RECOMMENDATIONS

In terms of timing, it would seem preferable to improve the delivery system as a first priority. We are aware of the phenomena of wordspeak. Constant use of buzz words like H.M.O., Primary Care, and Personal Comprehensive Health Delivery will not further the improvement of our health system. Nor will the invention of new phrases.

Therefore we would recommend an approach based upon the creation of a meaningful health authority, the use of incentives and penalties in cost control and the development of health manpower in view of the needs of the citizens, with particular attention on distribution and utilization of health manpower. Specifically we suggest:

(1) Renewal of manpower programs be tied to needs of the health system.

(2) Facilities grants and loans that give a priority to institutions meeting key health objectives e.g. production of manpower, meeting certain delivery needs.

(3) Encouragement of the HMO concept through adoption of the provisions contained in HR 4170.

(4) Merging of C.H.P. and R.M.P.

(5) Easing the innovation and experimentation sections of the SSA amendments.

(6) Development of a national data base for health.

(7) Further study of the implications of national health insurance.

(8) Encourage Federal government to develop an integrated approach to health manpower and educational facilities programs, including operating funding support. This would call for a lessening of the "hardening of categories."

VETS RETURN TO AID VIETNAMESE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the front page press accounts from Vietnam normally detail the latest sapper attacks, bombing raids and body counts. Death, destruction and devstation are the things headlines are made of. The Sunday Star recently made an exception to this rule by running a front page story about nine American veterans who returned to Vietnam as civilian volunteers to help build a 20-unit housing project for dependents of South Vietnamese navy veterans at Cat Lai, some 15 miles east of Saigon.

I want to call the attention of my colleagues to this story because it does spotlight a different side of the much maligned American GI. I am especially proud of the fact that one of the nine vets involved in this project is a constituent of mine—former Marine Corps pilot Francis L. Abad, Jr., of Savanna, Ill. I want to take this opportunity to salute not only these nine humanitarian veterans, but the thousands of other American servicemen who have participated in similar projects during their tours of duty in Vietnam. Their efforts more often than not go unreported, and for this reason we tend to get a rather distorted picture of what is happening in South Vietnam.

At this point in the RECORD I include the full text of the article from the Sunday Star.

VETERANS GO BACK TO AID VIETNAMESE

(By Holger Jensen)

SAIGON.—The nine ex-GIs, including five from suburban Washington, D.C., wanted to prove something to themselves and to their American neighbors—"that all Vietnam veterans aren't potheads, smack freaks and radical peaceniks."

They returned to Vietnam to do manual labor without pay. Some were doves and some were hawks. The only thing they had in common was that they had shared the same war.

"It was a constant source of amazement even to us," says one of the nine, Armistead Maupin Jr., as the group left for home yesterday.

A former Navy lieutenant of 27, Maupin was working as a reporter for the Charleston (S.C.) News and Courier when a friend asked him to do publicity releases for Veterans Against the War. It was the time of the May Day demonstrations and Maupin swiftly became disillusioned: "The whole thing was a carnival that seemed to be aimed at 2½ million Vietnam veterans, negating everything we'd worked for and fought for."

He adds: "In their desire to end the war at any cost, a lot of people appeared to be trying to portray all veterans as scagheads and radicals, apparently hoping to use this as a lever against the administration. It seemed all wrong and I wanted to do something about it."

Maupin wrote to Adm. Elmo R. Zumwalt, the chief of naval operations: "I'll find the veterans to do some good in Vietnam if you can give us a project and get us over there." Zumwalt was intrigued. Maupin exchanged more letters with officials and got his project.

The Navy and State Department agreed to let Maupin and any volunteers he could find assist in building a 20-unit housing project for dependents of South Vietnamese navy veterans at Cat Lai, 15 miles east of Saigon.

Maupin relied on phone calls to friends and word of mouth to spread his appeal to veterans. The message: "We know the Americans are getting out of Vietnam. Let's do everything we possibly can for the Vietnamese people before we leave. Let's do something as civilians."

Charles P. Collins III, 28, another former naval officer from Dallas, Tex., quit his job as a recruiter for a computer firm to help select other volunteers.

Jack Myerovitz, a former Marine who helped recapture Hue after the 1968 Tet offensive, heard about it at a veterans' convention in Maryland. He got two months off without pay from his job as a government printer in Washington and left his home in Greenbelt, Md.

Carrolton E. Reese Jr., 27, a Hyattsville, Md., construction worker who once guarded an Army ammunition dump at Qui Nhon, learned of the project while fishing with a friend. It took him 30 seconds to volunteer.

Another Hyattsville resident, former Marine John F. Butler, 21, wanted to extend his 14-month tour in Vietnam but had to leave in November 1969 when his unit was pulled back. He decided to volunteer "to finish what I started."

Thomas M. Neilsen, 23, of Clinton, Iowa, gave up painting portraits on a houseboat in the Mississippi River to try to change the Vietnamese image of Americans. A former machine gunner with the Navy riverine force, he wanted to prove "we aren't all a bunch of animals."

Zeph Lane, 26, of Wheaton, Md., was a Navy Hospital corpsman when he was taken out in 1969 with a shrapnel hole in his head. He left a wife and premedical studies at the University of Maryland to come back to Vietnam.

Karel J. Leadbeter, 23, of Lanham, Md., says he was an activist in the Vietnam Veterans for Peace movement until they started throwing paint on the Capitol steps. The former Air Force radarman decided to come because "search and destroy missions in D.C. just don't turn me on."

Francis L. Abad Jr., 25, of Savanna, Ill., was a Marine Corps pilot with 100 combat missions. He left the service early this year after flying Phantom jets on and off in Vietnam since 1965. He returned to "build instead of bomb."

It wasn't easy persuading American and Vietnamese military brass here that nine veterans were willing to do grubby manual labor in the Vietnamese boondocks without pay. The nine men flew to Saigon in an Air Force Cargo plane.

They were bumped in Yokota, Japan, for a cargo of helicopter parts—"any feeling of self-importance we had ended right there," said Maupin—but eventually they arrived July 5.

"The Americans were suspicious of our motives. They thought we had come here to buy cheap drugs. The Vietnamese thought we were civilian contractors out to make a lot of money," he added. "Somehow we managed to convince them that our coming here simply reflected our support for the South Vietnamese people in their struggle."

Neilson said all nine men had different views about the war—"I personally am against setting a deadline for withdrawal"—but all agreed "this is a nation of people in pain. We had to help."

Only two men had any building experience. They learned fast, laying bricks, sawing wood, installing plumbing and digging drainage ditches. Much of the work was done in monsoon rains.

The men lived in one of the houses they built, at first without windows and doors. Their food was paid for by the Helping Hand Foundation, a charitable organization of U.S. businessmen.

"We were unarmed by mutual agreement," said Maupin. "We didn't want to look like some paramilitary commando bristling with guns. Security was provided by Vietnamese militiamen.

"We were scared every night but we were relatively safe. Only one night we had to be evacuated because they had an intelligence report of Viet Cong in the area.

When the group arrived the housing project at Cat Lai was 30 per cent complete. It was 80 percent complete when they departed yesterday.

"It's a small thing we've done, but it's important to us as individuals. I feel satisfied like never before," said Maupin as he boarded the plane for home.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. FRASER. Mr. Speaker, Dr. Victor Gilbertson of the University of Minnesota, and director of the cancer detection unit, testified at the hearings I held in Minneapolis recently. Dr. Gilbertson made a number of extremely valid points, some of which are summarized below.

He stated that first, most health insurance is misnamed. It should be called sick insurance. It is his belief that changes in the health care system will require reorienting our viewpoints toward relying more on preventive care. He cited such outstanding examples of preventive care as the application of smallpox and polio vaccines on a large scale.

Further, Dr. Gilbertson believes that advances and changes in the delivery of health can be accomplished without increasing the number of beds for sick people. Last year, according to publicly announced figures, for example, the hospital bed occupancy rate was 65 percent. Dr. Gilbertson maintains that there are sufficient beds to meet the needs without wholesale increases.

In his main field of interest, the study, early detection, and treatment of cancer, Dr. Gilbertson stated that cancer accounts for approximately 20 percent of all deaths in this country each year and requires an inordinate amount of time in treatment and research on the part of health professionals. Traditionally efforts to eradicate cancer have followed two lines of endeavor. On the one hand, a great number of people are attempting to discover a universal cure for cancer. At the same time, a great deal of money is expended on treating people who are, in Dr. Gilbertson's view, already suffering from a terminal illness. While continuing to help those who are sick, we should improve our efforts at early detection. As has been shown, there are neither enough technicians to give the Pap smear test nor enough trained personnel to read the results. It is essential that we expand our effort in the field of cancer detection, research and treatment.

Concern in the Congress over the problem of cancer is being expressed in the hearings being held by the Subcommittee on Public Health and Welfare of the House Interstate and Foreign Commerce Committee. Chairman Rogers of the subcommittee is to be commended for calling these hearings to deal with the problem of finding a cure for cancer.

THE UNITED NATIONS ORGANIZATION—AN ORGANIZATION OF MEN, NOT OF LAWS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. RARICK. Mr. Speaker, the questions of the admission of Red China to the United Nations and expelling the Republic of China are on the agenda of the United Nations Organization's current session. Among interpretative analyzers there is wide speculation as to what will happen. A view frequently voiced has created the impression that the General Assembly alone determines whether a country will be admitted or expelled.

Yet according to the U.N. Charter, the General Assembly is authorized to admit or expel states only upon the recommendation of the Security Council—articles 4 and 6.

Decisions of the Security Council on all matters other than those of a procedural nature are to be made by affirmative vote of seven members, including the concurring votes of the permanent members—article 27. The Republic of China is a permanent member of the Security Council—article 23.

Since the Republic of China is a permanent member of the Security Council, since articles 4 and 6, respectively, require the recommendation of the Security Council for the admission of a state to or expulsion of a member state from the United Nations, and since the concurring vote of the Republic of China is required for the admission of Red China or for its own expulsion, it logically follows that the Republic of China can by its veto stop the admission of Red China or its own expulsion—that is, unless the game rules are subject to change at will to accommodate international power politics.

Yet, in all of the discussion appearing in the news media of the possibilities and probabilities of what will happen at the U.N.O. regarding these matters, no mention is made of the right of the Republic of China to use the veto in her own interests.

On November 7, 1960, in Springfield, Mich., the then Vice President Nixon was asked if he would use the veto to prevent the admission of Red China to the United Nations. Mr. Nixon's reply was that he would. I insert at this point excerpts from Mr. Nixon's comments:

EXCERPTS FROM SPEECH OF VICE PRESIDENT NIXON

NATIONAL TELETHON, ABC NETWORK,
Springfield, Mich., November 7, 1960.

This is from Ralph Miller, in Carmi, Ind., and the question is:

Would you use a veto in the United Nations Security Council to prevent the admission of Red China to the U.N.?

Vice President NIXON. Well, to Mr. Ralph Miller, my answer to this question is that I certainly would use the veto in the Security Council under present circumstances.

Let me put it this way: We cannot say at this time that Communist China will never qualify for admission to the United Nations, but at this time it is engaging in acts which disqualify it from admission to this organization. For example, I think many of us forget often that the United Nations Charter has a specific provision indicating that it is an organization of peace-loving peoples.

Of course, some people will say, "Well, now, if that's the case, how did the Soviet Union get in?"

And the answer, of course, is they were charter members.

Now, Communist China simply can't qualify as a member of the United Nations as a peace-loving country. It can't qualify because it at the present time is in defiance of the United Nations in Korea. That is why our American boys are still tied down there.

It is in defiance of the United Nations in the Formosa Straits where it is, in effect, waging military action against a member of the United Nations.

We know the story of Tibet.

Well, taking one example that is very close to home, to people here in the United States, they still, violating all canons of international law, keep prisoners, civilians from the United States, and we've been negotiating with them for years, as a matter of fact, to get them to change their policies.

And so this is my answer: That until the Chinese Communist Government changes its policies, until it in effect cleanses itself of its present deficiencies, we could under no circumstances agree to its admission to the U.N.

And although I would be reluctant to use the veto, because America has never used it, I think that the principle is so important here that we would have to use it to keep a nation out that simply can't qualify as a peace-loving nation.

I call this matter to the attention of our colleagues not only to point out that Red China is still in defiance of the United Nations in Korea and does not qualify for admission to the world body in accordance with its charter as a peace-loving country but also to emphasize that it was the view of the then Vice President Nixon that the United States as a charter member of the United Nations could use the veto to keep out Red China.

This being so, the Republic of China as a charter member is likewise entitled to use the veto to keep out Red China, as well as to block its own expulsion.

A permanent member of the Security Council cannot be removed except by amendment of the charter. To amend the charter requires an affirmative vote of two-thirds of the members of the General Assembly and ratification in accordance with their respective constitutional processes of two-thirds of the members, including all the permanent members of the Security Council—article 108.

The U.N. Charter is also ignored in any discussion of the expulsion of the Republic of China. According to the charter the only grounds for expelling a Member is persistent violation of the principles of the charter. There has been no charge or even suggestion made that the Republic of China has violated the principles of the charter. The Republic of China, on the contrary, has adhered faithfully to the principles of the charter.

Still another instance of the charter being ignored when it gets in the way of ruthless men in accomplishing their objective is the U.S. resolution—the action led by our President—which calls for the seating of Peking by a simple majority vote. This is in clear violation of article 18 of the U.N. Charter which stipulates:

> Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: . . . the admission of new Members to the United Nations.

It appears that the United Nations Organization Charter is receiving the same treatment as is the U.S. Constitution—it is ignored whenever it gets in the way of tyrants. And like the United States, the United Nations Organization is becoming a power structure of men rather than of laws.

I insert at this point in the RECORD pertinent news articles:

[From the Washington Evening Star, Sept. 21, 1971.]

U.S. CHINA PROPOSALS READY

UNITED NATIONS, N.Y.—Expressing growing confidence that its proposals for keeping Taiwan in the United Nations are heading for passage, the United States plans to submit today its two-Chinas resolution at the opening of the 26th General Assembly.

The resolution calls for giving Peking assembly membership and China's permanent seat on the Security Council while retaining Nationalist China in the assembly.

A second U.S. resolution on China would make expulsion of a U.N. member an "important question," requiring a two-thirds vote for passage. Under the American plan, the question of a seat for Peking would be settled by a simple majority.

The State Department in Washington expressed increasing confidence yesterday that its China resolutions are heading for success.

"IMPORTANT PROGRESS"

"We made important progress over the weekend not only as to cosponsors but in respect to voting," department spokesman Charles W. Bray said. But he declined to discuss the number of consponsors or who they are.

The prestige of cosponsors is considered an important element in whether the United States wins passage of its proposal over an Albanian-sponsored plan to seat Peking and oust Taiwan.

Australia and New Zealand announced yesterday they would cosponsor the U.S. resolution. Several other smaller nations, including Haiti, also were mentioned as possible cosponsors.

President Nixon plans to appear before the Assembly, the White House said yesterday.

Secretary of State William P. Rogers and national security affairs adviser Henry A. Kissinger will fly to New York tomorrow for meetings with top ranking delegates.

Although debate on China is not expected before late October, the subject will come up in the 25-member U.N. steering committee, which meets tomorrow and Thursday to organize the 109 items on this year's three-month agenda.

Adam Malik, the Indonesian foreign minister who will be president of the 127-nation General Assembly, is one of the few people here who believe Peking will accept a U.N. invitation even if Taiwan stays in.

"If we give the assembly seat and the Security Council seat to Peking what else can they want" he observed recently. He added that he thought it possible Peking would change its announced position of refusing membership if the Nationalists remain.

Many delegates and Secretary-General U Thant say they take Peking at its word on staying out.

OTHER AGENDA ITEMS

Other major items on this year's agenda will be the selection of a successor to Thant, who has announced he will retire Dec. 31, and the first full-scale debate on the Middle East in several years.

A number of men have indicated their interest in Thant's job, but none has won a great deal of support. The Big Four will agree on a choice in private and some say this cannot be done until the China issue is decided.

The Middle East already is under discussion after the weekend flareup along the Suez Canal and the debate on Jerusalem already under way in the Security Council.

The council began urgent meetings last week and is to continue this week on a complaint by Jordan that Israel is forcing Arabs out of Jerusalem and planning to annex Arab towns and villages to the once-divided city. Seven Arab and African countries joined Jordan in denouncing Israel.

[From the Washington Evening Star, Sept. 21, 1971]

PEKING ADAMANT ON TAIWAN

(By Tad Szulc)

OTTAWA.—Peking reportedly informed a number of foreign governments last week that it rejected any softening in the resolution calling for its seating in the United Nations and the simultaneous expulsion of the Chinese Nationalist government on Taiwan.

This was reported by authoritative diplomats in Ottawa on the eve of the opening in New York of the annual session of the General Assembly, which is expected to rule on Chinese representation in the United Nations.

The diplomats said that Peking had acted in response to proposals from numerous governments that the reference to the expulsion of the Nationalists be eliminated from the resolution sponsored by Albania and 17 other nations to make it easier for more delegations to vote for it.

OUSTER SEEN IMPLIED

Advocates of softening argued that a decision by the General Assembly to seat the Communists in the Security Council and all other United Nations organs would imply the ouster of the Nationalists.

High officials in Peking were reported to have insisted that the Albanian text remain intact even though they had acknowledged their uncertainty whether expulsion could be achieved this year because of U.S. efforts on behalf of the Nationalists.

The Chinese Communists, who have said repeatedly that any "two Chinas" situation was unacceptable, have rejected any compromise, the diplomats said, even though the success of the move by their allies to expel the Nationalists may hang on a handful of votes.

WILLING TO TAKE RISK

A ranking diplomat commented "Peking distrusts the Americans so much and it is so determined to proclaim the principle that Taiwan is politically part of Mainland China that it is prepared to lose votes and even jeopardize its chances of being seated this year rather than make the slightest concession." Without China's concurrence, Albania and her co-sponsors will have no leeway to allow their resolution to be amended, according to the diplomats.

Other diplomatic reports reaching Ottawa said that Peking has indicated its desire that the General Assembly also reaffirm the Big Four's declarations in 1943 and 1945 that Taiwan must be restored to China.

The future of Taiwan is certain to come up when President Nixon meets in Peking with Chairman Mao Tse-tung and Premier Chou En-lai.

The impression in diplomatic quarters in Canada, which has active relations with China, is that Nixon's trip will take place early next year.

The report of Peking's desire to see the assembly reaffirm the wartime declarations on Taiwan suggested to qualified diplomats here that the Communists might go so far as to refuse to enter the United Nations—even if Nationalist China is expelled—in the absence of such reaffirmation.

China's long-term strategy, it was said, may attach greater importance to the status of Taiwan than to a United Nations seat.

On numerous occasions, ranking officials in Peking have expressed their concern that the United States and Japan would strive to turn Taiwan into an "independent" state if the Nationalists were ousted from the United Nations.

It was noted that Peking officials had been privately expressing doubts that expulsion could be achieved this year because of the United States' determination to save the nationalists' assembly seat when the communists were admitted.

TAIWAN STILL BACKED

The official U.S. position on this question of "dual representation," as expressed in the draft resolution to be presented, is that Communist China should "be seated as one of the five permanent members of the Security Council" but that the United Nations should affirm "the continued right of representation of the Republic of China."

The diplomats here noted that any Chinese demand that the assembly take a stand on the status of Taiwan—which Peking considers an internal matter—might throw new support to the U.S. resolution. The diplomats said it could not be excluded that Peking, believing that the American resolution will be voted, has chosen to score political points that will be important in the future.

[From the Washington Daily News, Sept. 17, 1971]

TAIWAN AND THE UNITED NATIONS

The seat of Nationalist China in the United Nations appears to be more threatened day by day.

If the United Nations actually votes to expel Taiwan, as is now likely, it will be a shameful act, quite unworthy of the world organization.

The government of Chiang Kai-shek, a charter member of the United Nations, has played a useful role there for 26 years. It has, for example, given foreign aid and technical help to many less-developed states.

In terms of population, Taiwan is larger than 92 of the 127 U.N. members. It has a stronger moral right to a seat in the international body than many countries that will self-righteously vote against it.

All of this, of course, will not decide the outcome. Many countries will vote to expel Taiwan not because it has transgressed, but because they seek the favor—and trade—of Communist China. Some may call this opportunism. We prefer the late Gen. Charles de Gaulle's line: "Nations are cold monsters."

The United States properly is fighting to keep Taiwan in the United Nations. As a tactical maneuver, Washington has proposed that China's permanent seat—and veto—in the Security Council be given to Peking.

The Nixon Administration was pushed into that step by Australia and New Zealand. They said that without it they would not cosponsor U.S. resolutions aimed at preserving Taiwan's seat in the General Assembly.

Positions taken by Japan, the Philippines, New Zealand and Australia are too calculating for our taste. They suspect that Nationalist China will lose out anyway, so why antagonize Peking by cosponsoring the U.S. resolution.

These countries are all Pacific allies that would expect the United States to come to their aid in a crisis. Yet they are being fairly callous when the diplomatic fate of yet another ally—Taiwan—is at stake.

If the Nationalists lose their U.N. membership, it will be a defeat but not a disaster. Taiwan is a bustling, prospering island of 14 million industrious people. West Germany has done very well outside the United Nations, and there is no reason Taiwan should not.

A great danger, however, is that Communist China might misinterpret a U.N. victory as a license to carry out its old threat to "liberate" the island by military force.

In fairness and justice, President Nixon should make two points very clear to Peking. One is that we welcome its entry into the United Nations (and pray it plays a constructive role there) if that is the will of a majority of states. The other is that we will not tolerate an armed attack on Taiwan, an old ally with whom we have a solemn defense treaty.

[From The Evening Star, Sept. 22, 1971]

The China Vote

Push has come to shove in the American effort to preserve Nationalist China's seat in the United Nations General Assembly while admitting Communist China and transferring the permanent (and veto-wielding) seat on the Security Council from Taipei to Peking.

With Tokyo's announcement that it will join the United States, Australia and seven other nations in co-sponsoring the dual representation resolution and that Japan considers the Albanian resolution to expel the Nationalists "an important question" requiring a two-thirds majority, the odds are that the Nationalist seat in the General Assembly will be saved for at least another year.

Peking has made it clear that it will not join the United Nations until and unless the Nationalists are expelled. That is Peking's privilege. And the skies will not fall if the representative of the People's Republic of China does not take his seat at the United Nations. The international organization has, after all, managed to get along for a quarter of a century without Mao Tse-tung's help and it can do so for a while longer.

It is clear that it is in the interest of world peace to have the People's Republic represented in the General Assembly: The Communist Chinese regime, whether we like it or not, exists and is likely to continue to exist. But the same can and should be said of the Nationalists and there is no valid case for their expulsion. The mutual and conflicting claims of sovereignty need not intrude upon this question.

Security Council membership is a separate issue. Much has changed since the United Nations was established and the international organization, if the unvarnished truth be told, is desperately in need of restructuring.

If the United Nations is to be an effective instrument for peace, its membership must reflect reality. A good case can be made for the principle of universality in the General Assembly. But Security Council membership ought to bear some relationship to military and economic strength.

If this is accepted, then it follows that Communist China is the more logical occupant of China's permanent seat on the Security Council than Nationalist China. It also follows that it would make sense to increase the number of permanent seats, held now by the United States, the Soviet Union, Britain and France (in addition to China) to include at least Japan and West Germany.

The point is that there is nothing sacred about the United Nations Charter. It is an instrumentality—and no more than that—designed to further the cause of peace in the world. If it can better serve this purpose in an amended form, then it should be amended. And the occasion of the China vote for giving serious attention to this question should not be missed.

NIKOLA PETKOV—BULGARIAN NATIONAL HERO

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HUNT. Mr. Speaker, 24 years ago today—September 23, 1947—Nikola Dimitrov Petkov, Bulgarian national hero and leader of the united democratic opposition in the Bulgarian Parliament, was judicially "murdered" at the instigation of the Russian Communists. In the intervening years, his memory has not diminished and the recognition of this anniversary should be an inspiration to millions of others behind the Iron Curtain who have among them others like Nikola Petkov who are quietly searching for the opportunity to liberate their people from Communist oppression and slavery.

In reflecting upon this occasion, I wish to share with my colleagues a condensed history of Nikola Petkov and the consequences of his intensely anti-Communist activities. His death, untimely as it was, made him a martyr and earned him the everlasting respect of his countrymen as a national hero.

The history follows:

Nikola Petkov: Bulgarian National Hero and Greatest Martyr in the Struggle for Freedom and Independence

Nikola Dimitrov Petkov was born in Sofia in 1894. He was the son of Dimiter Petkov, a self-educated peasant from Dobrudja, who became Prime Minister of Bulgaria. Dimiter Petkov was assassinated in 1907 for opposing foreign intervention in the internal affairs of Bulgaria, especially on the part of Tsarist Russia.

Petko Petkov, Nikola's brother, was one of the greatest Bulgarian peasant leaders. He fought Alexander Tsankov's fascist dictatorship of 1923 and as a result was shot down on a Sofia street on June 14, 1924—exactly one year after the merciless assassination of Alexander Stamboliiski.

Nikola Petkov received a law degree in Paris, where he spent most of his youth. During the Nazi occupation of Bulgaria he was an underground leader and was imprisoned several times.

When the Nazis were driven out of Bulgaria, Nikola Petkov and three other representatives of the Bulgarian National Agrarian Union—the largest political organization in Bulgaria—took part in the first coalition government, together with Communists, Socialists, representatives of the political group "Zveno," and the independent intellectuals. Together with Dr. G. M. Dimitrov, Secretary-General of the Bulgarian National Agrarian Union, Nikola Petkov fought stubbornly against Communist outrages, terror, and violence, and thus incurred the hatred of both the Communist party and the Soviet occupation authorities. Despite these difficulties, he continued to defend the freedom and independence of his country.

When the Soviet occupation authorities demanded the removal of the "capitalist agent" Dr. G. M. Dimitrov from his post as Secretary-General, Nikola Petkov took his place.

In July, 1945, Nikola Petkov sent a memorandum to the Inter-Allied Control Commission demanding the postponement of the elections which the Communists had scheduled for the end of August 1945. These elections were to involve only one list of candidates, headed by the Communist party. As a result of the memorandum, the Prime Minister declared that Petkov had resigned, although formally he never did so. In protest, Nikola Petkov and other cabinet ministers broke up the Coalition Government, and thenceforth openly opposed the Communist dictatorship. Upon intervention of the Control Commission, the elections were postponed until November 18th, 1945.

During the winter of 1946, Stalin sent Vishinsky to Sofia for the purpose of getting Petkov to come back into the government. At their dramatic meeting, Petkov declared that it was not his custom to obey the orders of any foreigner, but to listen only to the will of the Bulgarian people.

The meeting decided Petkov's fate.

In October, 1946, Petkov headed the opposition in its election campaign against the Communist-Soviet attempts to seize full control of the country. The enthusiastic people from the countryside and towns voted en masse for Petkov's list, but the election results were falsified and violence and bloodshed were commonplace. Nevertheless, 101 people's representatives, headed by Petkov, were acknowledged to have been elected and triumphantly entered the Grand National Assembly. It was there that Petkov's most courageous and herioc struggle culminated. Availing himself of his constitutional immunity, he unmasked in Parliament the treacherous intentions of the Communist and their leader, Georgi Dimitrov, former Secretary-General of the Comintern. He accused them of being Stalinist agents, and said that their hands were stained with the blood of innocent Bulgarians and that they wanted to make Bulgaria a Soviet province!

As a result of his activity, Petkov was charged with conspiracy against the state and the Soviet Union. Like his predecessor, he was called "an agent of Anglo-American capitalism."

After dramatic and stormy debates in Parliament, Petkov was arrested inside the Parliament building in complete defiance of the Constitution and the law. Petkov declared dauntlessly that he would share with pride the fate of his father and his brother.

On August 16th Petkov was sentenced to die on the gallows.

Early in the morning of September 23, only 15 minutes after midnight, he was executed in secret because the Communists feared the people's mass indignation. (At that time all executions took place about 5 o'clock in the morning.)

Prior to the execution a representative of the Bulgarian Communist government appeared in Nikola Petkov's prison cell and offered him a pardon if he signed a petition in which he declared his repentance.

"You are even trying to desecrate my sacred memory!" Petkov replied. "My sentence was passed by your Moscow masters and no one can revoke it. I do not seek any mercy from you! I want to die so that my people may be freed sooner!"

The heroic example set by Nikola Petkov shook the free world and opened its eyes to the treacherous intentions and methods of the Bolshevist international conspiracy and the tragic fate which Soviet imperialism is preparing for all of humanity.

Petkov's career was a brillian model of

self-sacrifices for his people, principles, ideas, freedom and democracy. Thousands and thousands of Bulgarian patriots followed his great example.

That is the reason why the American Congressmen who, upon the occasion of a visit to Bulgaria, laid a wreath on his freshly-dug grave, called him "one of the greatest democrats of all time."

This is why government officials and statesmen from all over the world sent protest notes to his Sofia and Moscow executioners, and honored and still continue to honor Nikola Petkov as one of the greatest martyrs of human freedom and the right to independence.

With each elapsing year, the memory of Nikola Petkov is becoming a greater danger for the Communist tyranny, shaking its yoke and leading the freedom fighters to their final victory.

The recent Czechoslovakian and Polish events have confirmed Petkov's warning.

DRUG ABUSE IN VIETNAM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. PEPPER. Mr. Speaker, it is with pleasure that I rise and associate myself with the remarks made by my distinguished colleague from the State of Mississippi.

The Select Committee on Crime has not undertaken an extensive investigation of the grave and serious problem of drug abuse among our servicemen in both Vietnam and in Europe. However, the seriousness of this problem caused some consideration to arise during our hearings on the rehabilitation and treatment of drug-addicted persons that has recently been completed.

Several of the expert witnesses who testified before the Crime Committee discussed various aspects of this subject. Dr. Richard B. Resnick, associate professor in the Department of Psychiatry at the New York Medical College, is an expert in the experimentation and development of cyclozazine, one of the promising antagonistic drugs we strongly believe should be developed by cooperative effort of the Federal Government and the private drug industries of our country. Cyclozazine is a nonaddictive drug that blocks the effects of heroin on a human system. If a person takes daily doses of cyclozazine, he cannot become addicted to heroin. Dr. Resnick testified that he believed our servicemen in Vietnam were in an epidemic zone, and that daily inoculations of cyclozazine would protect them from becoming infected, as it were, with heroin addiction. He testified that this inoculation would be similar to the use of atabrine for the treatment of malaria during World War II. I believe that this suggestion should be closely studied by the Department of Defense.

The Governor of the State of Georgia, the Honorable James Carter, testified before our committee on the serious plight of the States as regards the treatment of our citizens who are addicted to heroin. With the exceptions of California and New York, most States have little experience, no facilities, and no resources to treat heroin addiction. The Governor of Georgia testified that his State contains some of our country's largest military bases; 81,000 servicemen and women are stationed at those 11 military bases.

Governor Carter was extremely anxious to join with the Department of Defense to work out a program for the treatment of addicted servicemen and women who would be returned to his State. He testified that after a discussion with those who are responsible for our armed services program of heroin addiction at the Pentagon, he came away with heavy disappointment. He felt that the Department of Defense's plan to keep servicemen for additional 30 to 60 days treatment terms was not satisfactory.

Governor Carter was somewhat heartened by a hope expressed by the Department of Defense that Veterans' Administration hospitals would become responsive to the needs of drug-addicted persons. However, the limited extent of the Veterans' Administration facilities, not only in Georgia, but throughout the country, dictate that much needed action is not only necessary but an absolute must.

Two tragedies are present in this respect: First of all, our servicemen who are returning from foreign soils addicted to a dreadfully crippling drug and, second, turning loose these same servicemen upon society to become nothing more than an increase in the country's addicted population.

The duty of the Congress becomes clear. We must help our addicted veterans, we must protect society, and we must use all available tools at our disposal—leaving no stone unturned.

As Governor Carter of Georgia has pointed out, Veterans' Administration facilities for such purposes are lacking. The Veterans' Administration, however, has set a target date of October 1, 1971, for the establishment of 32 drug rehabilitation facilities which will be able to care for 6,000 servicemen. The Department of Defense is also taking a number of humane approaches by not merely discharging a serviceman for addiction, but rather attempting to provide help. This, due to congressional urging, is a start. We must not let it end here, but move ahead with all speed.

Mr. Speaker, one such way is a plan which, as you know, I have been a vigorous advocate. That plan is to provide every community in the United States with adequately equipped drug rehabilitation centers; thereby, in addition, to providing an all-important service to our addicted civilian populous, the benefits to our servicemen could be immense.

Dr. John Kramer, until recently an assistant professor of psychology at the University of California at Irvine, and now an assistant director with the President's Special Action Office On Drug Abuse Prevention, in testimony before the Select Committee on Crime, suggested the possibility that Federal laws might be enacted or amended to permit a fee to be paid on behalf of the veteran. Not to the veteran himself, but on behalf of the veteran for treatment in various facilities which would include community-based programs, Methadone programs and, in general, the full spectrum of multimodality treatment approaches. These facilities would be approved community-based programs in the nature of the ones that I have previously mentioned. The veterans, therefore, would be insured of treatment even though Veterans' Administration facilities do exist, or will exist in the future, but for one reason or the other, the veteran might not be able to take advantage of them or the treatment offered by these facilities are not the appropriate ones for him.

The Select Committee on Crime, at my urging, is actively participating in this area and is perfecting a blue print, which will set forth many of the ideas I have just discussed. This blue print will be included in a report based on our recent hearings on the rehabilitation and treatment of drug-addicted persons to be submitted to Congress.

Mr. Speaker, in conclusion, I cannot urge strongly enough the importance of the necessity of providing the necessary rehabilitation facilities to those who so desperately need them.

DISCRIMINATION BY "PRIVATE" CLUBS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MOSS. Mr. Speaker, the Washington Post on September 12 published in its Potomac section an interesting and thoughtful article by Berl Brechner concerning the many so-called private clubs in and around Washington, D.C., which discriminate on the basis of race, color, religion, and sex. Recently, one country club would not allow the Mayor of the District of Columbia, the Honorable Walter Washington, to speak at a meeting because he is black. Another club objected when a church women's group which was meeting at that club happened to have a Negro guest. One of the most prestigious clubs in Washington, the Cosmos Club, whose members are among the most distinguished scientists and Government officials, not only excludes women from membership, but insists that any woman guest must come through the side door.

Most of these clubs are more than purely private social clubs. They are the gathering places for persons who make basic decisions on economic issues, on Government policies, and on matters of social and legal justice. They help to determine not only the development of community life in the Washington metropolitan area, but also matters of great national import. They are, in truth, fundamental sources of the informal power structures that govern our national life. Their practices of discrimination against blacks, Jews, women, is often supported through preferential tax assessments and the recognition given them by Government agencies and officials. Yet their practices are totally inconsistent with our national policy against such discrimination. It is high time that these clubs drop these discriminatory practices and come into accord with the mainstream of our American policy of equal treatment and justice for all.

The Washington Post article brings these facts to public attention, and I believe it will be of interest to every Member of Congress. I, therefore, include it at this point in the RECORD:

CLUBS REVISITED—WHAT IS IT GOLFERS AND OTHER GENTLEMEN HAVE AGAINST BLACKS AND/OR JEWS AND/OR WOMEN AND/OR SO MANY HUMAN BEINGS

(By Berl Brechner)

No blacks at Chevy Chase. No Jews at Manor. No Christians at Woodmont. No women at Burning Tree.

Private club discrimination is known, is usually legal, and is usually ignored.

The story has been in the news on and off for 10 years—most often it's the story of some black man turned away at the door of a club. In 1961 a black diplomat caused a sensation by coming to lunch at Washington's Metropolitan Club. In 1968 Washington's black mayor wasn't allowed to speak to a group at Montgomery County's Kenwood Club. And now, a survey taken for this story reveals that there are still pitifully few black club members at the clubs serving the city with the nation's highest black population—and most elite white population.

"Clubs are part of the private thing of America," explained Charles Bartlett, *Chicago Sun-Times* columnist and president of the Federal City Club. His club, which excludes women, was founded after he, Robert Kennedy and several other members of the Metropolitan Club quit in 1961. They "didn't want to fight anachronistic policies," said Bartlett. Federal City, says a flyer on the club, "is completely nonpartisan and observes no racial distinctions." It is a "gathering place for men with an interest in public affairs and government life."

"I yield no social right to women to probe in my club," Bartlett explained. "I don't believe that our (no women) rule is doing any damage to any lady in the pursuit of her living."

An official at Woodmont—all white, all Jewish, and probably the most expensive ($10,000 initial fee) club in the area—admitted. "It's a Jewish club. . . . We like to live in peace and just be happy, not be bothered, and be by ourselves."

Most clubs and club officials are reluctant to face the discrimination question, and if they do it is seldom when they discuss it openly. When a case of discrimination is exposed to the public it is usually pawned off as a "misunderstanding"—easy to do since discrimination policies usually go unwritten. When questioned about a lack of black members, club officials almost invariably respond with, "Well we've just never gotten an application from one."

The president of a large country club in Bethesda, who didn't want to be named, was quite vocal on the discrimination issue. "I think there are small, special-interest, pink-leaning, pink-directed groups that want to destroy the clubs," he said. He couldn't name the troublemakers. "They come in and go out of existence so quickly."

When I talked to him he asked that I "approach this story from a healthful attitude for the community . . . for economic reasons clubs have a difficulty making a go of it."

Despite attitudes of club officials, there have been increasing moves to lessen discrimination—through legal activity, outside pressure, and inside action And if some legal attacks now in progress take hold, clubs which want to maintain their exclusivity might have even a tougher time making it.

The Maryland House is expected to act next session on a Senate-passed bill to prevent segregated clubs from receiving a preferential tax assessment. A Ralph Nader study showed the arrangement gives a $160,000-a-year tax break to an estimated 18 Montgomery clubs . . . In other words, a state subsidy of about $25 to $45 per club member annually.

In Massachusetts, the State Alcoholic Beverages Control Commission decided in late 1970 that it had the power to deny a liquor license to any private club that discriminates on the grounds of race, creed or color. It said it would consider suspending or revoking existing licenses held by such clubs.

The U.S. Supreme Court has agreed to hear an appeal of a Pennsylvania U.S. District Court decision revolving around a Moose Lodge. The District Court said that the grant of a liquor license to a racially discriminatory private club constitutes discriminatory state action in violation of the equal protection clause of the 14th Amendment.

The Treasury Department is facing a suit from a black man refused admission to an Elks Club in Portland, Oregon. The Elks receive an exemption from Federal Income taxes. Internal Revenue Service records show that at least 30—and probably more—of the 50 or so social and country clubs in the Washington area receive similar private club exemptions.

And in addition to these actions, clubs are facing legal attacks from members, as in the Kenwood suit here last year; from the NAACP, which is taking action against segregated clubs which received money from the U.S. Department of Agriculture; and from local government human relations and civil rights agencies.

An owner of a club north of Rockville in Montgomery County, despite legal action and inside pressure, defended his operation, a club with no Negro members. He did not want to be named. "We've got this left-wing radical situation which is hurting this whole effort . . . the right of a private club to select people on any basis it wants is a right and it should continue." Would his club ever admit black members? "I think so. I see no reason why not, but I see no reason why. It ought to be a neutral situation. The stories in the newspapers make it an anti-situation."

He ended his defense adding, "I think a lot of people are trying to work their way to heaven on this issue."

The president of the Cosmos Club, a social club for professionals which excludes women (and only a few years ago admitted its first black) was also defensive. "I would never forgive you," said Fred Hornaday, "for criticizing the club for not taking in women, or enough Negroes or Jews. Our admissions committee makes selection based only on qualifications." How about women? "You get rumblings. . . . It may come several years hence."

Several clubs can claim proud combination of exclusivity. Burning Tree in Bethesda, for example, where President Eisenhower golfed regularly, claims among its members no women, no Negroes, "at least three" Jews.

Yet some of its 400 members on a 1969–70 roster are: Richard Nixon (listed as a member since 1953), Spiro Agnew, Lyndon Johnson, Melvin Laird, Rep. Joseph Karth, former Sen. George Smathers, Sen. Stuart Symington, Rep. Leslie C. Arends, former Supreme Court Justice Tom C. Clark, Justice Department Solicitor General Erwin Griswold, Sen. Barry Goldwater, former Chief Justice Earl Warren, Sen. Warren G. Magnuson, the late Rep. L. Mendel Rivers, Rep. Paul G. Rogers, General of the Army Omar Bradley, former Defense Secretary Clark Clifford, Rep. Glenn R. Davis, George Washington University President Lloyd H. Elliott, Rep. Gerald R. Ford, Sen. J. William Fulbright, Pan Am President Najeeb E. Halaby, Marriott President J. W. Marriott Jr., William Randolph Hearst Jr., Rep. Robert H. Michel, Secretary of State William Rogers, George Romney, Sen. William Saxbe. . . .

(According to Burning Tree President Robert Clark, "There's a lot of kidding" about changing the club's no-women policy. The club, he explained, "was started in 1923 by a group of Chevy Chase Club members who thought the golf course was cluttered up by women and women's activities." At present at Burning Tree wives of members may, by special arrangement only, purchase gifts for their husbands at the club's pro shop, but otherwise are not allowed to use the club's facilities, even as guests of their husband.)

"There are a lot of so-called liberal politicians and government officials who have gone along with the little games at clubs while publicly espousing equality . . . it's dishonest," says Bertram L. Keys Jr., former executive secretary of the Montgomery Human Relations Commission, now a civil rights official in the Agriculture Department.

"A lot of people wonder if taking on country clubs is really relevant—you're not getting people jobs or housing, and your efforts are directed toward the upper and middle class. But they don't stop to think that here in Washington that means national leaders.

"In effect you have people making decisions on economic issues, matters of social and legal justice. So if these people go untouched—sacrosanct—then they are really missing the point. If they can go off into their segregated sanctuaries and practice that kind of life where the only black people they see are waiters and parking attendants, then I really feel the drive toward a just society is going to fall flat," Keys said.

Lee Elder is a black man who makes his living on the grounds of country clubs—and he is not a waiter, a caddy, a locker room or parking attendant, or a bartender. He is a professional golfer who lives in Washington. He took home a $13,000 second place from the Memphis Open in May, and is reportedly the top black money-earner on the pro tour. Elder characterizes discrimination at clubs in the Washington area as "worst in the country."

Elder's name often slips off the tongues of club officials trying to explain how wide open their clubs are.

"Sure," says Elder. "But I've got a PGA card. I can play any course in the country. I think they (club officials) will all bring my name up when you question them. But ask them why not let some black amateurs play. . . . That's the reason it takes so long for a black golfer to get established." Blacks, he explained, are not able to play courses like those on the pro tour. They're shunted into public courses, which usually are neither so good nor so challenging.

Elder tried to bring three black friends to an area course last spring. They were turned away. He won't offer details, however, because "since that time I understand that some blacks have applied for membership in the club." He doesn't want to hurt their chances.

Regularly, Elder plays the links at Indian Spring, the first country club here to admit Negroes and the one now with the largest number (11) of them.

In contrast with the Washington area, Elder says he found little discrimination at clubs around Los Angeles, where he lived until 10 years ago. Some clubs there even give honorary memberships to promising black golfers, he said. "In Washington they wouldn't do this. I don't understand it. It would be up to the members of the club, but they just don't think along that line."

Clubs, Elder went on, "are beginning to open up around the country, but there's still room for improvement. They'll welcome me, but they won't welcome black players unless of course, they have a PGA card."

Incidents of discrimination, and attendant publicity, appear to be bringing some change.

Such was the case in early 1969, when it was revealed that Mayor Walter Washington had been prevented from speaking to a women's group at Kenwood in Bethesda.

Kenwood President Donal Chamberlin, said Bert Keys, "is a kind of classic guy. He was going to keep blacks out, no matter what. Then the Walter Washington incident came out, and that was probably more important than anything in making our point. . . . Seeing the black mayor of Washington, D.C., barred from a club is like seeing black people beaten on the head with clubs. It brings an emotional concensus. Everyone realizes it is totally and morally wrong."

(Subsequent to the incident, Chamberlin said there was "confusion" in the Country Club's "front office" (with his aides) over the incident, but that if Mayor Washington had wanted to come to the club, "he would have been welcomed.")

That incident led to resignations from Kenwood of Melvin Laird, William P. Rogers, George Washington University President Lloyd Elliott, and Washington's Episcopal Bishop William F. Creighton. In addition it was one of the bases for a suit against the club filed in U.S. District Court in Baltimore by Senators Frank Church, Robert Griffin and eight other prominent Washingtonians. Since winning the suit and changing the club's restrictive guest policy a year ago, Church and at least two others involved have quit the club. "The Senator had hoped the suit would have some effect on membership," a spokesman in Church's office said, "but things didn't change."

Another case in 1969 occurred at Argyle Country Club. The Rev. Richard Halverson, pastor of a Bethesda church, wrote to the Montgomery County Human Relations Commission about a church women's group meeting at Argyle which included a Negro guest:

"Some issue was made of her presence and whoever represented the club was deeply concerned that there would be trouble. He finally allowed the Negro guest to remain, provided the door was closed and no one could see her."

Local government agencies have not been especially instrumental in causing clubs to reevaluate their policies. Only the Montgomery Commission has taken any sort of active role. It successfully negotiated the Argyle case. More recently it tried unsuccessfully to prevent Columbia Country Club from receiving a zoning exception to expand facilities without first declaring itself non-discriminatory. Such action will continue, says the commission executive secretary. "The humanitarian approach is not going to do it."

The local agencies are studies of inaction. The Prince George's Human Relations Commission has done virtually nothing on clubs, but they "hope to benefit from the Montgomery County experience."

At the D.C. Human Relations Commission they've "never gotten a complaint" about club restrictions. One of the lawyers on the commission's staff of 130 said that "if an individual raised this problem we are duty bound to investigate and see what our role would be, the legal approach we would take."

In Arlington County, the Human Relations Committee died a slow death not too long ago. A county spokesman said the committee "dawdled along for a couple of years without any particular activity . . . it did not have a staff member, did not have minutes, and never submitted a report to the County Board."

Fairfax County has never had an official group to handle a problem such as discrimination by a social club.

There are, however, signs of change in the area. Several members of Manor Country Club in Norbeck, Md., have organized to "try to let people know what the club policy is."

Black men are likely to put up for membership at two of the city's most prestigious all-white clubs, University and Metropolitan.

Women may, by next year, find themselves allowed into a dining facility at the Federal City Club, which now excludes them completely until after 4 p.m. daily.

Dr. Benjamin Jones, a Washington physician and one of the earliest black members at Indian Spring is optimistic. Clubs, he says, "are going to have to break down. The political structure is not going to permit these clubs to exist with prejudicial barriers. They're going to lower the boom and the clubs are going to be in bad shape. All over the country they are in a state of fluctuation."

THE PERCENTAGE GAME AT 50 TOP PRIVATE CLUBS

[The information in the listing below was provided by the clubs themselves—club presidents, managers, secretaries, and in a few cases golf pros.]

Club	Membership limitations	Guest limitations	Total members	Number of Negroes	Number of Jews
Argyle Country Club	None	None	600	0	2 or 3.
Army and Navy Club	Military officers.	do	[1]7,000	25 to 100	100 plus.
Army-Navy Country Club	do	do	[1]10,000	Yes	Yes.
Belair Golf and CC Inc	None	do	2,500	Yes	Yes.
Belle Haven CC	Refused to provide policy.		525	Refused to provide numbers.	
Bethesda CC	"Set by Board of Governors".	None	900	0	"Quite a few".
Bretton Woods Recreation	For World Bank, IMF employees.	do	1,800	Yes	Yes.
Brooke Manor CC	None	do	550	0	4.
Burning Tree Club	Men only	Men only	400	0	"At least 3".
Cedar Crest CC Inc	None	None	500	0	"About 10"
Century Ltd. Inc	Men only	do	46	46	0.
Chantilly National Golf & C.C.	No Negroes	No Negroes	750	0	"Several".
Chevy Chase Club	"Anyone can be a candidate".	None	1,175	0	Yes.
City Tavern Club	Refused to provide any information.				
Columbia Country Club	None	None	1,600	0	"Several."
Congressional Club	Wives of Congressmen.	do	700	Yes	Yes.
Congressional Country Club	"Nothing in bylaws."	do	1,000	0	"Don't categorize."
Cosmos Club	Men only	do	[1]2,296	8 to 10	"Significant no."
Country Club of Fairfax	None	do	650	0	"Several."
Edgemoor Club	do	do	300	2	"Quite a few."
F Street Club	"None as far as I know."	do	150	0	"Some."
Federal City Club	Men only	No women certain hours.	[1]724	50 to 100	"Many."
Foreign Service Club	Foreign Service Association members only.	None	3,000	"A few"	Yes.
George Town Club	None	None	314	3	15 to 20 percent.
Georgian CC Inc	do	do	450	"A couple"	Yes.
Goose Creek CC	"Approved by board."	do	290	0	"Don't know."
Greencastle Country Club	None	do	490	0	"Dozen."
Indian Spring CC	do	do	1,200	11	Most.
International Club	do	do	[1]2,400	300	"Maybe more than 300."
International Town and CC	do	do	900	0	20.
Kenwood Golf and CC	do	do	2,000	0	"Several."
Lakewood Country Club	"Nothing in bylaws."	"Nothing in bylaws."	750	0	15 to 20 percent.
Laurel Pines CC	None	None	300	"Don't know."	Yes.
Manor Country Club	"Christians" only.	do	914	0	0.
Metropolitan Club	Men only	do	[1]1,600	0	"Many."
Montgomery Country Club	"No policy."	do	500	0	"Some."
Norbeck Country Club	"None as far as I know."	do	325	0	Most.
Potomac Valley CC	None	do	300	0	25 to 40.
Prince George's CC	do	do	400	3	Yes.
River Bend Golf and CC	do	do	400	0	Yes.
Robin Dale Golf and CC	"A private club."	do	325	0	Yes.
Springfield Golf and CC	None	do	750	[illegible]	"I believe so."
Sulgrave Club	Women only	do	900	0	"Some."
Tantallon Country Club	None	do	700	1	Yes.
Touchdown Club	Men only	do	975	"Small segment."	Yes.
University Club	do	do	2,500	0	25.
Washington Golf and CC	"No written policy."	do	900	0	4 to 5.
Washingtonian Golf Course	None	do	450	4	30 to 40 percent.
Westwood Country Club	do	do	625	0	25 percent.
Woodmont Country Club	"None, but Jewish club."	do	1,800	0	All.

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[1] Combines resident and nonresident membership.

ARRESTING THE SILENT THIEF

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BURKE of Florida. Mr. Speaker, last Thursday, President Nixon delivered the first special presidential message to a joint session of Congress since 1965, and there was good reason for such a session—the economy.

I am sure that by now many of you are familiar with the attempt taken by the administration to arrest that silent thief, inflation, and hopefully, bring it under control, and at the same time stimulate the economy sufficiently to also reduce unemployment.

The adjustment from a war economy to a peace economy is not easy, however, it must be made.

The steps the President has taken, and which he has asked the Congress to take are charged by some as too drastic, but then inflation and unemployment are drastic problems.

We need not dwell on economic statistics, since all Americans have been feeling the dollar pinch and we all know people have been layed off and looking for work.

When the President announced the wage and price freeze, he was hopeful that the rapidly spiraling cost of living will be slowed down, and maybe even decreased.

I do not like Federal wage and price controls because I feel they can destroy our free enterprise, competitive market, but something had to be done, thus I feel that a limited wage-price freeze as set by the President is proper in view of the severe problems we face today.

I feel that once the freeze has thawed that perhaps there will be some voluntary wage-price guidelines suggested by a cooperative effort of government, labor, industry, and agriculture to continue fighting the war against inflation.

The President placed a 10-percent surtax on all imports and temporarily lifted the convertability of the dollar to gold. These steps were intended to put American-made products on a more competitive basis with foreign made goods, which have been flooding the world markets, as well as our markets here at home. It is also hoped that some foreign nations will recognize the need to remove restrictive quotas they have imposed on American products if they truly want a competitive trade situation.

The President also ordered a cutback in foreign aid spending, Federal spending, and a reduction of the massive numbers of Federal employees. All of these steps I and others have urged for years.

But, like in most major undertakings, the President needs the help of Congress; and in last Thursday's speech he asked for immediate consideration of legislation to remove the 7-percent excise tax on automobiles, an investment tax credit, and an earlier increase of the personal income tax exemption.

The removal of the auto excise tax will stimulate one of the biggest industries in the country since customers would save an average $200 per car. For every 100,000 additional cars sold, it will mean an additional 25,000 jobs for America's work force.

The investment tax credit would mean a 10-percent credit on new machinery or plant expansions for 1 year and then a 5-percent credit after August 15, 1972. This idea was first proposed under the Kennedy administration and did much to stimulate jobs at that time.

A last proposal confronting Congress is the request for a $50 increase in income tax exemptions to begin 1 year early. Congress, in revamping the Income Tax Act in the 91st session, scheduled the increase to begin in 1973, but President Nixon has asked that it begin on January 1, 1972.

The President's program has had its critics, however, some of it I feel is the result of partisan politics. Politics, not withstanding, I do feel that he acted in good faith and in the best interests of all the American people.

High prices and unemployment know no party lines. Inflation creeps into the pocketbooks of all Americans, Republicans, Democrats, and Independents alike. All of us are hurt when inflation goes on a rampage.

Something has to be done and now that something is being done, I feel we should all make a bipartisan effort to give the President our full support. The success of the program in the long run will work for the benefit of all.

COLORADO 1971 SECOND DISTRICT OPINION POLL RESULTS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BROTZMAN. Mr. Speaker, each year I poll the residents of the Second District of Colorado on a number of the important issues currently confronting the Congress and the Nation. Recently, I mailed the seventh such poll to my constituents, and I am pleased to include the results in the CONGRESSIONAL RECORD for the benefit of my colleagues.

This year's survey elicited responses from over 42,000 persons in the six-county area which comprises the Second District. From what I have been able to determine by talking with my colleagues, this represents the largest response among the more than 100 congressional polls of this type, and it is one of the largest responses in the 7-year history of the Second District poll. The fact that so many Coloradans took the trouble to register their opinions and mail the ballot cards speaks well of my constituents.

The poll is important for two reasons. First, I use the results for guidance in formulating many of my own positions. The wide scale participation makes the poll invaluable to me in my efforts to represent the Second District. Moreover, Mr. Speaker, Colorado voters have traditionally mirrored national opinion. For that reason, I believe the results will prove highly interesting for all Members of the Congress.

In order to encourage maximum participation, I provided each mail box in the second district with a computer card containing separate columns for husbands and wives. Also, because of the action of Congress in lowering the voting age, for the first time, persons aged 18, 19, and 20 were invited to participate.

Mr. Speaker, among the highlights of the poll were the following:

A substantial majority, 68.8 percent, favor increased diplomatic contact with Communist China.

A whopping 81.1 percent favor according the Indian Peaks area northwest of Boulder, Colo., National Wilderness Area status.

Federal income tax revenue sharing favored by 52.7 percent.

A substantial 67.8 percent favor proposals for an all-volunteer military except in times of grave national peril.

A series of questions on the war in Southeast Asia determined that 61.3 percent support the administration's plans to end U.S. involvement; 52.7 percent said Congress should not require all U.S. troops to be brought home by the end of this year; 56.7 percent said Congress should not require a total withdrawal by the end of the year if such an action would result in the probable Communist takeover of South Vietnam; and 75.5 percent said a December date should not be set without guarantees for the timely release of U.S. prisoners held by North Vietnam.

Despite a large number of persons in the "undecided" category, a majority of 48.7 percent said they favor the proposed reorganization of the executive branch.

The complete results of the questionnaire tabulation follow:

TABULATION OF COLORADO'S SECOND CONGRESSIONAL DISTRICT 1971 OPINION POLL

QUESTION AND RESULT (IN PERCENT)

1. Do you favor federal income tax revenue-sharing with local and state governments? Yes, 52.7; No, 27.2; Undecided, 14.0; No Response, 6.0.

2. Do you favor reorganization of the Executive Branch of the Federal Government, consolidating 7 Cabinet Departments into 4? Yes, 48.7; No, 24.1; Undecided, 20.2; No Response, 7.1.

3. Should the Indian Peaks area northwest of Boulder, Colorado, be accorded National Wilderness Area status? Yes, 81.1; No, 4.4; Undecided, 8.7; No Response, 5.8.

4. Do you favor proposals for an all-volunteer military, except in times of grave national peril? Yes, 67.8; No, 22.5; Undecided, 4.8; No Response, 4.9.

5. Do you favor increased U.S. diplomatic contact with Communist China? Yes, 68.8; No, 16.9; Undecided, 9.4; No Response, 4.9.

6. Do you support the Administration's plan to end the war in Southeast Asia? Yes, 61.3; No, 23.6; Undecided, 9.3; No Response, 5.9.

7. Should the Administration be required by Congress to bring home all U.S. troops from South Viet Nam before the end of this year? Yes, 34.7; No, 52.7; Undecided, 7.8; No Response, 4.7.

8. Would you favor Congress requiring the withdrawal of all U.S. troops by the end of

1971 if it meant the probable Communist takeover of South Viet Nam? Yes. 30.6; No, 56.7; Undecided, 7.6; No Response, 5.1.

9. Would you favor Congress requiring the withdrawal of all U.S. troops by the end of 1971 without guarantees for the timely release of U.S. prisoners held by North Viet Nam? Yes, 14.5; No, 75.4; Undecided, 5.0; No Response, 5.1.

(Figures shown above may not add to exactly 100% due to rounding.)

PORTUGAL'S MISSION FOR THE WEST IN AFRICA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. SCHMITZ. Mr. Speaker, Bernado Teixeira, in "The Fabric of Terror," said:

> Other values much closer to God are still permanent in our souls, and one of these values is the dignity of the human being. Without it, we shall revert to the law of the jungle, and tomorrow's sunrise may become again the morning of endless night.

The overwhelming impression my recent visit to Portuguese Angola left with me is that here, in Southern Africa, western civilization is alive and well. The people of this Portuguese province, to which the first Portuguese came to settle a decade before Columbus sailed, exhibit a tremendous sense of purpose and dedication.

Angola is prospering. There is a fantastic amount of building—interestingly enough, the tallest building in Portugal is located in the Angolan capitol of Luanda—and industrial production is increasing by leaps and bounds. There is very little racial strain, since the Portuguese attitude toward the blacks is that they too are full-fledged citizens of Portugal. The Portuguese have great faith in their ability to westernize the blacks and expect them eventually to run the country—but it will be a western nation run by black men who hold to the moral and spiritual values of the west.

In Luanda one is hardly aware of the fact that multiracial Portugal has been fighting a war which broke out a year before we began to be seriously involved in Vietnam. The Portuguese counterinsurgency operations have been going on since March 1961, when, for three successive nights, terrorists trained in the Congo by Soviet, Cuban and Red Chinese cadres, brought slaughter to northern Angola. By the time the invasion was halted—significantly, the black "liberators" were stopped at the gates of Luanda by black Portuguese troops—over 1,700 white and more than 20,000 black civilians had been massacred. This gruesome campaign of terror, which included running live victims through rotary saws, has been chillingly chronicled by Bernado Teixeira in his excellent book, "Fabric of Terror." The UPA—Union of People of Angola—responsible for the 1961 attack, last year received a grant of $20,000 from the World Council of Churches.

Two other terrorist organizations operating against the people of Angola are UNITA and the MPLA. UNITA, closely allied with Peking, has headquarters in Cairo and boasts a strength of 2,500 men. Actively engaged in guerrilla warfare in Eastern Angola, UNITA last year received a grant of $10,000 from the World Council of Churches.

The MPLA—Popular Movement for the Liberation of Angola—with a strength of 12,000, constitutes the most serious threat. Founded in 1959 by Mario Pinto de Andrade, a Moscow-trained member of the Portuguese and French Communist Parties, the MPLA is now headed by Dr. Agostinho Neto, a Lisbon-educated intellectual. With headquarters in Lusaka, Zambia, the MPLA has taken full advantage of the fact that a Portuguese army of only 60,000 men has to defend an area half again as large as Texas. In a speech at the 24th Congress of the Communist Party of the Soviet Union, held in Moscow last April, Neto declared that Portugal was one of "the weakest links of the imperialist chain" and predicted that the program adopted by the Soviet Communists would "accelerate still more the progress of our country and its movement toward communism." The MPLA also received a grant of $20,000 from the World Council of Churches last year.

Flying over the sparsely populated dry eastern area of Angola known as the Terras so pim Mundo—"Land at the end of the earth"—on my way to Mozambique, I marveled at the Portuguese determination to westernize this land. But determined they are, and if our civilization finally fails it will because we, and not the Portuguese, have lacked the determination to prevent tomorrow's sunrise from becoming the morning of endless night.

MR. JUSTICE BLACK—THE FIRM BELIEVER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BINGHAM. Mr. Speaker, the American legal system has been fortunate to attract many dedicated people to public service. Few, however, have served justice and the principles upon which this Nation was founded more notably and for such a long tenure as Mr. Justice Hugo Black. For over 34 years, he graced the Supreme Court, presenting with stunning clarity and force his firm belief and absolute faith in the core principles of the American system of justice—the Bill of Rights. His clear and eloquent voice has been instrumental in bringing to a more complete expression the freedoms embodied in that basic American document.

On his retirement, it is fitting that we take time to express our gratitude for his role in extending the reach of our cherished constitutional liberties.

CHILD DEVELOPMENT PROPOSALS TO GUARANTEE MENTAL HEALTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on child development proposals to guarantee mental health. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON CHILD DEVELOPMENT PROPOSALS TO GUARANTEE MENTAL HEALTH

In a previous report I talked about the busing of school children away from their neighborhood to attend another school allegedly for the sole purpose of achieving racial balance. I pointed out that this practice is not lawful under the Constitution, is contrary to laws of Congress which specifically prohibit busing to achieve racial balance, and qualifies as the crime of genocide as denounced by 67 nations of the world community.

In still another report, I discussed how busing was but a training exercise to prepare parents for future things to come and to condition parents to accept more controls over the rearing of their children by the federal government through so-called child day care centers, child advocates, and other child development proposals now before the Congress. At first children will be bused to school and then home: then children will be bused to school only where parents may visit them after hours or on week-ends.

There should be nothing more important and dear to the hearts of parents than the well being of their children. The preservation of our American heritage of freedom hinges on our rearing this generation of children to take their places as free men in a free society to perpetuate our civilization. I fear that with busing and with the growing threat of almost complete federal control of rearing of children making them, in effect, political children, that we are conditioning them for a planned collectivist society—the antithesis, the direct opposite, of life in America as we have known it.

Concluding a consideration of what the new social planners intend to do with our children, I should like to discuss what appears to be a significant part of the plans—the use of their new concept of mental health as the thrust for the blast off into the "new society", a term employed by one U.S. Senator who is a leading proponent of child advocacy.

It is only reasonable that citizens should inquire as to the reason for the sudden flurry of legislative bills—I understand that there are in excess of 50—all seeking to promote federal government control over children. It smacks of an organized effort—as though there were a coordinated, concerted effort to push through such legislation before the people of America know the full implications of the legislation.

The reason being put forth for child development programs is that "millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years," and that "comprehensive child development programs, including a full range of health, education and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; . . ."

From a comparison of the similarities of the recommendations given in the "Report to the President of the White House Conference on Children" and a "Digest of the Final Report of the Joint Commission on the Mental Health of Children, Inc." with the provisions of bills proposing child development programs, it becomes quite obvious that these reports played a significant role in influencing the legislation.

In fact, the preface to the Digest points out that in 1965 an amendment to the Social Security Amendments of 1965 was enacted to provide funds and the framework for the Commission's work. It is also significant that Senate Bill 1414 provides for the establishment of a child advocacy program which incorporates the very recommendation of the Joint Commission on the Mental Health of Children to establish a child advocacy system at every level of society to guarantee mental health.

This sudden outcry by a well organized minority for federal control of children is based on the false premise as to the deplorable mental health of our children. For decades the American people have been barraged with misleading propaganda such as one out of every two hospital beds is occupied by mentally ill persons. Now we are told that there are 10,000,000 persons under 25 years of age who are in need of mental health treatment. Yet, no evidence to support such claim has been provided. In fact the term mental health as now used may have no relationship to insanity. The whole premise seems based on the big scare technique to alarm the American people and legislators into a stampede reaction for quick acceptance of improved mental health under child development programs. To the contrary, responsible medical authorities report tremendous progress in treating the mentally and emotionally ill and that the mental health of our people is better now than at any time in our history.

Since improving the mental health of our children is the cover being given for new federal child development programs, we must find a simple and clear definition of what mental health is all about.

Before accepting proposals for federal control over rearing of our nation's children—especially their minds—I deem it helpful, indeed necessary, to take a look at the concept of mental health—its nature, origin, to see how the phrase is being used or misused.

Most accept the term "mental health" as meaning a normal, healthy or sound mind as contrasted with "mental illness' which implies a diseased or deranged state of mind. This concept of mental health probably goes back to the beginning of the history of man. But the "mental health" concept today has been converted into a different meaning.

Promotion of the new concept of "mental health" received a boost with the establishment of the World Health Organization (WHO) of the United Nations in 1948. In the preface to a WHO report of March, 1948, a new United Nations definition of health, including mental health was unveiled. The World Health Organization of the United Nations defines health as follows:

"The Constitution of the World Health Organization . . . embodies in its provisions the broadest principles in public health today. Defining health as 'a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity,' it includes not only the more conventional fields of activity but also mental health, housing, nutrition, economic or working conditions and administrative and social techniques affecting public health."

According to the United Nations definition, the terms health and mental health are inseparable in that a person cannot have one without the other.

In "A Summary of the Findings and Recommendations of the Joint Commission on Mental Health of Children" in 1969 we read:

"In viewing the findings on which the recommendations were made, it is apparent that the constitutional, developmental and social forces involved are inseparable. Thus, particularly in the early years of life, it is impossible to separate health from mental health problems, and impossible to separate both of these from family and community problems."

So, we see the U.N. definition of mental health as "a state of complete physical, mental and social well being, and not merely the absence of disease or infirmity" now appearing in a different form in the findings of the Joint Commission on the Mental Health of Children and also reflected in the language of Senate Bill 1414 calling for a child advocacy program which incorporates the Joint Commission on the Mental Health of Children recommendation entitled "A Child Advocacy System to Guarantee Mental Health."

S. 1414 contains the following provisions:

". . . Neighborhood Offices of Child Advocacy shall include, but not be limited to evaluations of nutritional, medical, psychological, social, educational, recreational, vocational, and economic needs of the families served by any such Office.

"The counseling function of Neighborhood Offices of Child Advocacy shall include the provision by any such Office of advice and guidance to any family residing in the neighborhood served by such Office which desires assistance in locating and using appropriate services to meet their needs, including, but not limited to, the following: nutrition; family income supplementation; housing; transportation; sanitation; recreation; adult education; disease prevention; education; medical care; employment; day care and preschool programs; family planning and birth control services; genetic counseling; prenatal care and home-maker services; budget planning; youth employment services; vocational training; rehabilitation; consumer education; special education; residential care; specialized foster homes; group houses and institutional services; family, marital, and premarital counseling; protective services; legal services; and inpatient and outpatient mental health treatment services."

In promoting the mental health of children, S. 1414 would provide at taxpayers' expense for almost every facet of a child's existence. The cost of providing and supervising these services would be astronomical but the take away in taxes is never mentioned. And this as well as other bills are being pushed under the guise of correcting the alleged deplorable condition of the mental health of children. Building mental health covers every facet of the life and environment of all persons from cradle to grave as is revealed by the following statement from "Crisis in Child Mental Health—Challenge for the 70's," Report of the Joint Commission of Mental Health of Children, upon which the legislative proposals appear to be based:

". . . A child's mental health is dependent upon the many societies and systems which make up his life. A child's mental health depends on the functioning of his own body, the state of his physical health, the health and well-being of his family, and the kind of home, neighborhood, and community in which he lives. It depends on the medical services he receives, the schools he goes to, the church or temple and other organizations to which he belongs—or doesn't belong. It depends on the food he eats, the air he breathes, the water he drinks, and the loving (or unloving) care that he receives while he is growing up. It depends on his family's income, the kinds of parents, brothers, and sisters he has, and the work they do—or the work they cannot find. It depends on the kind of a society he lives in, on whether that society believes and acts as if children and young people are valuable and important—standing in need of tenderness, guidance, investment, and respect—or whether that society neglects, disvalues, and distrusts its young.

"Mental health is not an individual trait haphazardly given to some and not to others. It is not "all in the mind." It is not a contagious disease. Nor is it a condition that parents can bestow upon their children solely through their own efforts of care and good will, or one which can be provided exclusively by treatment from such specialists as pediatricians, psychiatrists, psychologists, and social workers. A child's mental health is formed throughout his development and is influenced and determined by all that goes into his existence. His mind and body are not separate but function together and in interaction with his outer environment. He is a complex system within a series of systems. His nervous, muscular, digestive, and other inner systems interact with one another and with a host of other interrelated dynamic systems—the family, the neighborhood, the school, the religious, the recreational, the economic, the employment, and the political systems. These living, dynamic systems are unlike man-made systems, such as machines, in that they cannot be adjusted by a knowledgeable manipulation of parts, by a "turn of the screw." They cannot always be repaired by finding and treating "the cause of the problem."

A child's mental health has many causes; a child's mental illness or emotional disorder likewise has no single cause. Because the child is a complex, growing, changing system interacting with many other dynamic systems, his mental health can be promoted only by appropriate attention to him, as an individual, and to the systems to which he is related.

"If we are to promote the mental health of our children and youth, to prevent mental disabilities, and to treat and care for those who suffer from these disabilities, we need to concern ourselves with all aspects of the child's care and all aspects of the social system in which he lives."

Like world peace, pollution, race relations and consumerism, the highly emotional and appealing issue of mental health is being politically exploited to bring about federal intervention over America's children.

For many years Americans have been deluged via the press, television, and radio with propaganda indicating the alleged urgent need for additional mental health programs. The propaganda has been designed to appeal to the finer emotions and to the altruistic spirit of American citizens so as to solicit the support of many patriotic individuals and organizations on behalf of so-called mental health projects.

So long as mental health programs are designed to aid and help the minority of unfortunate persons suffering from a diseased or disturbed state of mind they are good and deserving of support. I want to make it perfectly clear that I am not opposed to programs to help the mentally retarded. I refer to programs to treat well children with normal minds. For there is more to this movement for more and more mental health facilities and programs than to merely take care of those suffering from mental illness in the traditional meaning of that term.

I am referring to the concept held by some psychologists and psychiatrists that "if therapy is good for people in trouble, then it is bound to be good or better for people who function well." Or in stronger terms, if mental treatment can make sick minds and bodies well, in the wrong hands of politicians and social planners, it can make well minds conform—it can make well minds sick.

I am referring to experimentation for social change whether in mental health clinics or in governmental educational laboratories, formerly known as local public schools, using our children as guinea pigs in such practices as sensitivity training, role playing, group dynamics, and the application of drug treatment.

Since the language of several child-development bills indicates that the United Nations concept of mental health is being implemented, it is important to take a closer look at just what the U.N. means by mental health.

Dr. Brock Chisholm, who spearheaded the founding of the World Health Organization and became its first Director-General, has held with other one-world planners that wars could be abolished and all men could live in peace if all prejudices and loyalties resulting from family, nation, race, religion, and economic status could be eradicated.

To show the ideas in this connection of the thinking of Dr. Chisholm, who directed the WHO during its first five years, I present several of his own statements:

"We are now, perforce, citizens of the world, whether we are sufficiently mature adequately to carry that responsibility or not."

"The responsibility for charting the necessary changes in human behavior rests clearly on the sciences working in that field. Psychologists, psychiatrists, sociologists, economists and politicians must face this responsibility. It cannot be avoided. Even a decision not to intefere is still a decision and carries no less responsibility. . . ."

"Certainly the psychiatrists are not in the least backward in staking out their claim to possessing superior intelligence and know-how with which to alter materially and permanently human behavior."

"All psychiatrists know where these symptoms come from. The burden of inferiority, guilt, and fear we have all carried lies at the root of this failure to mature successfully. Psychotherapy is predominantly, by any of a variety of methods, the reduction of the weight of this load. Therefore the question we must ask ourselves is why the human race is so loaded down with these incubi and what can be done about it."

". . . The only lowest common denominator of all civilizations and the only psychological force capable of producing these perversions is morality, the concept of right and wrong, the poison long ago described and warned against as 'the fruit of the tree of the knowledge of good and evil.' "

". . . We have been very slow to rediscover this truth and to recognize the unnecessary and artificially imposed inferiority, guilt, and fear, commonly known as sin, under which we have almost all labored and which produces so much of the social maladjustment and unhappiness in the world. . . ."

". . . We have swallowed all manner of poisonous certainties fed us by our parents, our Sunday and day school teachers, our politicians, our priests, our newspapers and others with a vested interest in controlling us . . . The re-interpretation and eventually eradication of the concept of right and wrong which has been the basis of child training, the substitution of intelligent and rational thinking for faith in the certainties of the old people, these are the belated objectives of practically all effective psychotherapy . . ."

"If the race is to be freed from its crippling burden of good and evil it must be psychiatrists who take the original responsibility."

"There is something to be said for gently putting aside the mistaken old ways of our elders. . . . If it cannot be done gently, it may have to be done roughly or even violently."

The above remarks were made by Dr. Chisholm in a lecture entitled "The Psychiatry of Enduring Peace and Social Progress" and was published in *Psychiatry* of February, 1946. At a later date, Dr. Chisholm is reported to have made the following statement:

"Canada should start a large-scale adoption program of children from other countries instead of having our own. It would have a very good side effect, too, if the children had brown or yellow skins. . . . As far as I am concerned, the sooner we're all inter-bred, the better."

The ideas of the man who organized and set the course the WHO was to follow believed that psychiatrists should be the leaders in brainwashing (washing away what one believes and substituting something else in its stead) and conditioning mankind to accept world government. To accomplish this, the present and future generations must be relieved of all moral concepts of right and wrong and of basic loyalties. Those who could not be persuaded by normal methods of propaganda and who refused to relinquish their racial pride, national patriotism, family loyalty, religious beliefs, or individualism could be declared mentally sick and re-educated or done away with "roughly or even violently."

Another agency of the United Nations which has aided the cause of conditioning people for world government is the United Nations Educational, Social and Cultural Organization (UNESCO). The UNESCO General Report of 1946 provides as follows:

"The Executive Secretary's report gives us the blueprints for the development of what one may call a world brain, a world mind, or a world culture, which alone can be the basis of a world authority or a world government."

Another one-world planner who has contributed to the blueprint for slavery is Bertrand Russell, one of six atheists chosen by UNESCO to rewrite the history of the world. In his book, *The Impact of Science on Society*, he provides us with the following pertinent ideas for the development of the "U.N. Universal Brown Man":

"I think the subject which will be of most importance politically is Mass Psychology. Mass Psychology is, scientifically speaking, not a very advanced study, and so far its professors have not been in universities: they have been advertisers, politicians, and, above all, dictators. This study is immensely useful to practical men, whether they wish to become rich or to acquire the government. . . . Its importance has been enormously increased by the growth of modern methods of propaganda. . . . We now know that limelight and a brass band do more to persuade than can be done by the most elegant train of syllogisms. It may be hoped that in time anybody will be able to persuade anybody of anything if he can catch the patient young and is provided by the State with money and equipment. This subject will make great strides when it is taken up by scientists under a scientific dictatorship. . . Various results will soon be arrived at. First, that the influence of home is obstructive. Second, that not much can be done unless indoctrination begins before the age of ten. Third, that verses set to music and repeatedly intoned are very effective. Fourth, that the opinion that snow is white must be held to show a morbid taste for eccentricity. . . . It is for future scientists to make these maxims precise and discover exactly how much it costs per head to make children believe that snow is black, and how much less it would cost to make them believe it is dark gray.

"Although this science will be diligently studied, it will be rigidly confined to the governing class. The populace will not be allowed to know how its convictions were generated. When the technique has been perfected, every government that has been in charge of education for a generation will be able to control its subjects securely without the need of armies or policemen. As yet there is only one country which has succeeded in creating this politician's paradise.

"Fichte laid it down that education should aim at destroying free will, so that, after pupils have left school, they shall be incapable, throughout the rest of their lives, of thinking or acting otherwise than as their schoolmasters would have wished. But in his day this was an unattainable ideal; what he regarded as the best system in existence produced Karl Marx. In future such failures are not likely to occur where there is dictatorship. Diet, injections, and injunctions will combine from a very early age to produce the sort of character and the sort of beliefs that the authorities consider desirable, and any serious criticism of the powers that be will become psychologically impossible. Even if all are miserable, all will believe themselves happy, because the government will tell them that they are so.

"A totalitarian government with a scientific bent might do things to us which would seen horrifying."

The intentions of the world planners of the United Nations to use the mental health issue to foster world government is revealed in a statement entitled "Mental Health and World Citizenship" which emanated from the International Conference on Mental Health held in London in 1948:

"Studies of human development indicate the modifiability of human behaviour throughout life, especially during infancy, childhood and adolescence, by human contacts. Examination of social institutions in many countries shows that these also can be modified. These newly recognized possibilities provide the basis for improving human relations, for releasing constructive human potentialities and for modifying social institutions for the common good.

"The social sciences and psychiatry also offer a better understanding of the great obstacles to rapid progress in human affairs. Man and his society are closely interdependent. Social institutions such as family and school impose their imprint early in the personality development of their members, who in turn tend to perpetuate the traditional pattern to which they have been moulded. It is the men and women in whom these patterns of attitude and behaviour have been incorporated who present the immediate resistance to social, economic and political changes.

"Thus prejudice, hostility or excessive nationalism may become deeply embedded in the developing personality without awareness on the part of the individual concerned, and often at great human cost.

"Perhaps the most important contribution of the social sciences in their joint approach to the urgent problems facing mankind is the recognition of the plasticity of human behaviour and social institutions and of the resistance of each to change. In order to be effective, efforts at changing individuals must be appropriate to the successive stages of the unfolding personality, while in the case of a group or society, change will be strongly resisted unless an attitude of acceptance has first been engendered.

"Principles of mental health cannot be successfully furthered in any society unless there is progressive acceptance of the concept of world citizenship. World citizenship can be widely extended among all peoples through the applications of the principles of mental health."

It is significant to note the similarity of viewpoint of many of the present U.S. promoters of child development programs and that of UNESCO. Both the White Conference on Children and the Joint Commission on the Mental Health of Children have designated racism as the number one mental health problem. This view is in accord with that expressed in UNESCO's own printed material that a distaste for social and even sexual contact between white and colored races is called "prejudice" and "bigotry," and these are looked upon by mental health psychiatrists as signs of mental abnormalcy.

If child development programs as proposed were enacted, it is not clear what would happen to those parents who would refuse to have their children participate in one world propaganda and inter-racial experiments in the "specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs)." Would their children be removed from their custody as happened to the New York parents who refused to allow their children to participate in immoral sex education instruction? Would they be whisked away to a mental institution as was General Erwin Walker? This is something to think about, especially when one considers the movement to remove individual safeguards in the commitment procedures for involuntary hospitalization and to substitute in legislation the word "insane" with the term "mentally ill." Insanity is widely accepted to suggest a person, who by his specific words and/or actions, demonstrates that he is dangerous or otherwise incapable of carrying on the required activities of normal daily living. The definition of a mentally ill person as "an individual having a psychiatric or other disease which substantially impairs his health" is so broad and open to interpretation as to include persons who are not insane.

Mental illness is not a precise term. A citizen who honestly believes in segregation of the races or the superiority of one race over another according to the Joint Commission on Mental Health of Children and to the White House Conference on Children would be considered mentally ill; while to the WHO and UNESCO of the United Nations, a person opposed to world government would also be a fit candidate for a mental institution.

I regard the child development bills as constituting one of the most serious threats to our people. No provision of the Constitution authorizes the federal government to undertake the functions of providing child advocates, establishing child development facilities and carrying on many other related functions. If the people at the State or local levels decide they want the government to act as parent and the taxpayers want to pay the bill, then let it be done in accordance with the wishes of the people as provided in their State and local constitutions and laws.

The child development bills involve a fantastic cost, which is completely unnecessary and which this country is in no financial condition to bear.

Thirdly, the bills would weaken individual liberty, pride, and responsibility and deny that precious feeling of accomplishment and something on one's own against odds and which is the basis of true mental health. The result could only be more regimentation of our lives by bureaucratic planners.

And finally the danger the legislation poses to individual freedom: If these child development proposals should become law, the stage would be further set for a one-world totalitarian dictatorship under a new world ruling class.

In a shocking report on the threat to American Constitutional freedoms posed by the widespread mental-health practices, Dr. Thomas S. Szasz, prominent psychiatrist and psychoanalyst, warns us in his book, *Law, Liberty and Psychiatry* (pages 221–2) of the unjudiciousness of allowing the government to become both parent and therapist and advises us as to which course America should follow:

"Individualistic societies will differ from collectivistic ones only so long as they eschew governmental paternalism. The spirit of the welfare state, inflamed by the therapeutic ambitions of the mental health professions, is inimical to individual liberties and the institutions of a free society that make such liberties possible.

Today, people everywhere look to the government, not to much for freedom, as they used to in the past, but for aid in attaining their personal goals. This is as true in China and Russia in the East, as it is in England and the United States in the West. When personal goals include the maintenance of health and the cure of sickness, people expect the state to be their therapist. If, however, the state assumes the roles of parent and therapist, the citizens will be forced to assume the complementary roles of child and patient. This is bound to lead to the parentification of the government, and the infantilization of the governed. Thus, by offering to care for the health of its citizens, the state may succeed in depriving them of certain opportunities to become self-reliant individuals. The resulting political system might resemble the unhappy family: a submissive but greedy people, the spoiled children, faced by an indulgent but irresponsible and despotic government, the spoiling parent.

"Legislative prescriptions, no matter how enlightened, will not create a good society. Our best chance for success still lies in a political system that is consistently noncoercive, limiting its powers to the prevention and punishment of crime, and deploying its resources to providing relatively equal opportunities for various kinds of personal self-development."

Mr. and Mrs. Parent, do you feel that the federal government is more qualified to rear your children than you? Remember, Adolph Hitler said that the Nazi party was more qualified to rear German youth than were the German parents!

ECONOMIC PROGRESS IN THE BLACK COMMUNITY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. DIGGS. Mr. Speaker, over the years, blacks have suffered economic strangulation by strictures imposed in the predominately white society of America. We are faced with a revolutionary period, today, which recognizes the need for economic strength as the basis for total black equality. Significant economic gains have already begun in certain areas, and there are indications that the drive for economic parity is gaining momentum.

The Honorable Andrew F. Brimmer, a distinguished board member of the Federal Reserve System, has made many contributions in his field as an economist. On September 15, 1971, he gave a speech at Bishop College in Dallas, Tex., in which he addressed himself to the subject: "Regional Growth, Migration, and Economic Progress in the Black Community."

I would like to share the substance of his speech with my colleagues and submit the full text of the RECORD:

REGIONAL GROWTH, MIGRATION, AND ECONOMIC PROGRESS IN THE BLACK COMMUNITY

(By Andrew F. Brimmer*)

When I was invited to speak at this institution, I was told that I could select any topic. With such a wide choice, I could have focused readily (and easily) on the host of problems in the area of national and international economic policy. Because of my own responsibilities, I do share in the official efforts to resolve the tenacious problems of inflation, unemployment, and the persistent deficit in our country's balance of payments.

However, I decided against that route. Instead, because Bishop College is predominantly a black institution, I thought it might be useful to present the results of some work I have been doing recently on trends in economic conditions in the black community. Because this college is located in Dallas—one of the leading cities in the Southwest (but which also inherited a historic legacy from the Old South)—it might be interesting to focus particularly on the recent economic experience of blacks in the South.

Almost daily, the Nation's attention is drawn to some new aspect of the social and political revolution that is reshaping the lives of Negroes and whites in the South. The further withering of racial segregation (especially in the public schools) and the widening participation of Negroes in voting and other aspects of the political process naturally receive most of the attention. Simultaneously, however, another side of the racial revolution in the South is also of considerable importance. This is the quickening tempo of economic progress among blacks in this section of the country. From time to time, notice is taken of the wider sharing of blacks in the area's economic activity, but the breadth of the changing situation is not always fully appreciated.

On the other hand, Negroes are still leaving the South at a heavy rate. The pace of outmigration has been so strong that today just over half of the black population lives in the South—compared to three-fifths as recently as a decade ago. This large net outflow of blacks is in sharp contrast to the sizable net inflow of whites to the South. It is true that blacks increasingly are finding the South a better place in which to live (and a few prominent Negroes have attracted national attention by returning home to the South). Yet, on balance, the disincentives inducing blacks to leave the region still seem to outweigh the advantages inducing them to remain or to return. And when blacks leave the South—to a greater extent than is true of whites—they are likely to move into the heavily populated urban areas of the North and West—areas with a galaxy of problems that need not be catalogued here. Thus, the pattern of migration—black and white—in relation to economic development is interesting (and important) both regionally and nationally.

Some of the results of the studies I have had underway are presented in the rest of these remarks. It might be helpful to summarize the highlights here:

During the decade of the 1960's, the South recorded the highest rate of economic growth among the major regions of the country. As a result, its share of the nation's income rose significantly.

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*Member, Board of Governors of the Federal Reserve System.

I am indebted to a number of persons for assistance in the preparation of these remarks. At the Board, Mr. David Wyss and Mrs. Diane Sower undertook the econometric analysis of net migration based on Census Bureau statistics. Mr. Wyss also did the analysis of gross migration patterns based on Social Security data. Miss Harriett Harper made the informal survey of welfare trends in leading cities, and Mr. Albert Teplin undertook the analysis of regional growth and income trends. In the Department of Commerce, Messrs. Robert Graham and David A. Hirschberg provided statistics on State and regional economic activity; Mr. Hirschberg also did the computer work required to obtain data from the Social Security One Per Cent Sample Survey. I am also indebted to the Equal Employment Opportunity Commission for sharing with me their 1970 data on patterns of employment in American industry by occupation, race and State.

Blacks participated substantially in the South's economic progress. However, the extent of sharing was quite uneven from one State to another. There continues to be a noticeable short-fall in the proportion of nonfarm jobs held by blacks, especially in the Deep South States. Nevertheless, Negroes' share of total money income did expand during the 1960's.

Yet, net migration of blacks from the South remains exceptionally large. Between 1960 and 1970, the net outflow from Border States moderated, but it continued heavy from Deep South States—the same States in which the short-fall in jobs for blacks remains the largest. On the other hand, a closer look at the movement of blacks out of the South—based on gross migration rather than on net migration figures—suggests that the tendency for blacks to *leave* the South is roughly the same as it is for whites. The observed differences in the rate of net migration are due mainly to the failure of the South to attract blacks from other regions.

In trying to explain the heavy net outflow of Negroes from the South, most students of the question have identified better jobs and higher incomes as the main incentives. However, some observers have suggested that the movement may be partly in response to higher welfare benefits in the North and West. Still others have suggested that differences in educational opportunities may partly account for the higher rate among blacks. The results of my own work (some of it supported by computer-based econometric analysis) indicate that brighter job and income prospects are the main factors influencing the movement of blacks from the South—the same incentives which induce most whites to move. State differences in educational expenditures seem to have a small but noticeable effect on the migration of blacks—but not on the migration of whites. State differences in welfare payments also appear to be positively related to net migration rates for blacks, but not for whites. Yet, for blacks, the impact is extremely small. Moreover, the States with high welfare payments are also the States with high incomes and high outlays for education. So, one cannot readily unravel the joint effects of these factors on migration.

This conclusion is reinforced by the results of an informal survey of welfare trends in 25 of the leading cities with the largest Negro population. All of them have experienced large increases in recent years in the number of persons receiving public assistance. However, the number of Negroes as a proportion of all persons on welfare appears to be unrelated to the pattern of net migration experienced by the cities during the 1960's. Moreover, there seems to be no appreciable difference in the situation in Southern cities compared to those in the North and West.

This analysis has led me to conclude that, as economic growth in the South continues blacks will have a chance to share even more fully in the benefits of economic development. However, to realize this potential, there must be an accelerated effort—on the part of whites as well as on the part of blacks—to bring about genuine equality of opportunity. In response to such an improved environment, more Negroes (especially young people) would probably remain in the South. While some observers would encourage them to stay in order to lessen further pressures in the urban areas of the North and West, I would do so for another reason: since the South is making the investment in its youth—both black and white (and although it remains inadequate compared with the national average)—the South itself should get a larger share of the benefits from the development of its human resources.

We can now turn to a fuller discussion of these main points.

REGIONAL ECONOMIC GROWTH

During the last decade, the South expanded faster than any other major region in all principal types of economic activity. The contours of this performance can be traced in the growth and distribution of civilian income from current production. On the basis of data in Table 1 (attached), it appears that income in the South expanded at an annual average rate of 8.1 per cent, between 1960 and 1970, compared with 6.6 per cent for all other regions and 6.8 per cent for the country as a whole. As a result, the South's share of income from current production rose from 15.4 per cent to 17.3 per cent of the total.

In the South, as in the rest of the Nation, the highest annual rate of growth was registered in the government sector (10.1 per cent vs. 9.6 per cent), followed by services (9.7 per cent and 8.7 per cent, respectively). But, relative to the performance of other geographic areas, the South's widest lead in the rate of growth was in the manufacturing sector. Here the annual rate of expansion in the South was 9.0 per cent, compared with 6.0 per cent for other regions and 6.4 per cent for the country. In 1960, income originating in manufacturing accounted for 24.1 per cent of the total in the South; the corresponding figures were 30.6 per cent in other regions and 29.9 per cent in the country at large. By 1970, the South had made up a substantial part of the lag. In that year, the proportions of income earned in the factory sector were: South, 26.3 per cent; other regions, 29.0 per cent; and the United States, 28.5 per cent. Paralleling the expansion in manufacturing, the South's traditionally heavier reliance on farming lessened much faster than was the case in the rest of the country. In 1960, about 7.5 per cent of the South's income from current production arose in agriculture, compared with 4.2 per cent in other regions and 4.7 per cent for the Nation. Last year, the farm share had shrunk to 4.7 per cent in the South, to 2.8 per cent in other regions, and to 3.1 per cent in the country as a whole.

NEGROES SHARE IN REGIONAL EXPANSION

As indicated above, Negroes did share extensively in the expansion of economic activity in the South in the last decade. But this was also true of Negroes in the North and West. Consequently, it is necessary to ask whether blacks in the South did relatively better—or worse—than their brothers in the rest of the country. To obtain an answer, one must examine the evidence relating both to jobs and income in each State.

The ideal information for this purpose will be provided by the 1970 Census of Population. Since this will not be available for some time, I have relied on the data collected by the Equal Employment Opportunity Commission (EECO)—based on annual reports submitted by private employers with 100 or more workers. These figures were used to calculate Negro employment as a percentage of total nonfarm employment and in principal occupations in the 28 States and the District of Columbia with a substantial proportion of Negroes in their population. The calculations were made for 1966 and 1970, so one can study employment trends during the last half of the 1960s. For comparison purposes, the percentage of Negroes in the total population in each State in 1970 was also calculated. The results are shown in Table 2.

Several important aspects of blacks' employment situation stand out in these data. The first thing to note is the rise in the share of total jobs held by blacks in the country as a whole—a rise from 8.2 per cent in 1966 to 10.3 per cent in 1970. Since Negroes constituted 11.2 per cent of the total population, the gap between their shares of population and jobs narrowed appreciably—to about 1 percentage point. This relatively small spread should be kept in mind, because it will serve as a useful benchmark in the discussion below. At the national level, the position of blacks in the principal occupations differed considerably. They were generally under-represented in the white collar fields—and heavily overrepresented in the blue collar and service occupations.

In most regions, the population-jobs gap among blacks narrowed substantially between 1966 and 1970. Leaving aside Washington, D.C., Negroes' share of population and their share of total employment reported in the EEOC statistics in 1970 differed by only one or two percentage points in all States—except in those located in the heart of the South. In these States, the population-jobs deficit was exceptionally large, with blacks' share of population exceeding their share of jobs by the following percentage points: Tennessee, 3.3; North Carolina, 5.9; South Carolina, 9.6; Georgia, 5.3; Alabama, 7.4; Mississippi, 12.9; Louisiana, 8.9; Arkansas, 5.2. In contrast, the situation was far different in the Border States and in those making up the outer rim of the South: Virginia, 0.1; West Virginia, 1.1; Florida, 1.5; Oklahoma, 0.8; Texas, 0.9; and Kentucky, no gap at all.

In these figures, one can see a large part of the explanation of why there is a continuing heavy migration of blacks from the South. Those Southern States—and especially those in the Deep South—in which the deep jobs deficits prevail are also the States showing the larger net outflows of black population.

TRENDS IN THE LEVEL OF INCOME

The improvement in black employment has also been reflected in both their absolute and relative income positions. For example, in 1969, Negroes in the United States had a median family income of $5,998, according to figures published by the Bureau of the Census. The median was $9,793 for whites and $9,433 for all families in the country. Thus in 1969, the black-white median income ratio was 61.0 per cent, and the black-total ratio was 63.5 per cent. In 1959, the median income of Negro families was $3,721 (expressed in 1969 prices); the median was $7,360 for whites and $7,058 for all families. In 1959, the median income of blacks was 50.5 per cent of the median for whites and 52.5, per cent of that for all families. So, over the decade, Negroes registered significant improvement in their relative income position in the Nation at large. However, the absolute gap between black and white incomes widened further. In 1959, the median for black families was $3,639 below that for white families and $2,337 below the median for all families in the country. By 1969, the margin of white over black income had risen to $3,795, and the margin for all families had climbed to $3,435.

Over the last decade, income trends for blacks differed significantly among the principal regions of the country. In the North and West, blacks' relative position improved somewhat—but to a lesser extent than it did in the South. In 1959, in the North and West, the black-white median income ratio was 71.0 per cent, and the black-total ratio was 72.1 per cent. By 1969, the black vs. white ratio had risen moderately to 72.7 per cent and the black vs. total to 74.1 per cent. In the South, the proportions were: black-white, 45.5 per cent in 1959 and 56.8 per cent in 1969; black-total, 51.1 per cent in 1959 and 61.5 per cent in 1969.

Historically, the widest absolute gaps between the incomes of blacks and whites have been found in the South, and the differences were strengthened further during the last decade. For instance, in 1959, the typical white family in the South had $3,414 more in money income than the typical black family. In the North and West, the edge favoring whites was $2,245. By 1969, the margin had climbed to $3,776 for whites in the South and to $2,790 for whites in the North and West. Within each region, the trend in the income gap between blacks and whites varied somewhat, depending on the place of residence. Among families living in central cities of metropolitan areas in the South, the spread declined over the decade—from $3,422 in 1959 to $3,317 in 1969. For similarly situated families in the North and West, the spread rose during the same period—from $2,555 to $2,664. In both regions, the difference in income between black and white families living in the suburban rings of metropolitan areas became even greater: in the South the spread increased from $4,226 in 1959 to $4,338 in 1969; in the North and West, the increase was from $2,771 to $2,987. Again, in both regions the trends in relative incomes of blacks and whites reflected the accelerated movement of whites from central cities to the suburbs.

Today—as for many years—the families with the lowest incomes are still found in the South, among both blacks and whites. For both races in the South (as in the rest of the Nation) the poor were found outside of metropolitan areas. In 1969, median family income for blacks in small Southern towns and rural areas was $3,699, and for whites it was $7,487. The highest incomes among blacks in the South ($6,256) were received by those in suburban rings of metropolitan areas—which was also true of whites ($10,594). So, within the black community, the ratio of the lowest to the highest incomes was 59 per cent; among whites it was 71 per cent.

TRENDS IN REGIONAL INCOME DISTRIBUTION

During the last decade, the South made noticeable gains in its share of the Nation's total money income. This was an outcome one would expect—given the faster pace of economic growth in the region compared with the rest of the country. Simultaneously, an outcome that was not equally expected is the degree to which Negroes in the South shared in the overall redistribution of income. The extent of the regional shift in income shares and the division between blacks and whites can be traced in Tables 3, 4, and 5. Respectively, these tables show total money income in 1959 and 1969, total population in 1960 and 1970, and the percentage distribution of income and population—all by region, race, and metropolitan or nonmetropolitan residence. In broad terms, of the $605 billion of total money income in 1969, residents of the South received $161 billion, and $444 billion were received by residents of the North and West. In the Nation as a whole, Negroes got $38.7 billion, whites received $561 billion, and the remainder accrued to other races. Other details describing trends in the distribution of income are shown in the tables.

However, the essence of the story is told by comparisons of population and income distributions among regions and between blacks and whites. The results are shown in Table 5. These data indicate clearly the sizable shift in the distribution of income that occurred over the last decade. For example, the South had about the same proportion of the Nation's total population (30.5 per cent) in both 1960 and 1970. Yet, its share of total money income rose from 24.4 per cent in 1959 to 26.6 per cent in 1969; a gain of 2.2 percentage points. The North and West with the residual population (69.5 per cent) experienced a shrinkage in its income share from 75.6 per cent to 73.4 per cent, a loss of 2.2 percentage points. While these may appear to be relatively small statistical changes, they represent a shift of over $13 billion of total money income to the South. This shift was equal to about 8 per cent of the region's total income in 1969.

The other noticeable shift in income distribution was the rise in the share of total money income received by Negroes. They received 5.1 per cent of the total in 1959 and 6.4 per cent in 1969, a gain of 1.3 percentage points. This percentage change was equivalent to $5 billion—equal to 13 per cent of Negroes' total money income in 1969.

Within the black community, however, the bulk of the relative gain (three-fifths) accrued to Negroes in the North and West, and only two-fifths accrued to blacks in the South. At the beginning of the decade, three-fifths of the black population were in the South, and two-fifths were in the North and West. However, the division of income between blacks in the North and West and those in the South was 57 per cent and 43 per cent, respectively, in 1959. The same proportionate division in income prevailed in 1969. On the other hand, high net migration rates had changed drastically the distribution of the black population between the two regions—reducing the fraction in the South from 61 per cent in 1960 to 53 per cent in 1970. Thus, a sizable improvement occurred in per capita as well as in total income of blacks in the South. For them, the change meant that their share of the Nation's total money income rose from 2.21 per cent in 1959 to 2.74 per cent in 1969. This represented a shift of about $3.2 billion in their favor over the course of the decade.

In summary, these figures indicate that, during the 1960's, the Nation saw a significant redistribution of income with respect to both regions and racial groups. The North and West lost to the South 2.2 percentage points in relative income shares. Within the South, that gain was split roughly 25–75 per cent between blacks and whites. At the same time, however, blacks in the North and West also improved their relative position—raising their share of the Nation's total money income from 2.87 per cent in 1959 to 3.66 per cent in 1969. Thus, there seems to have been a redistribution of relative shares from whites located in the North and West to Negroes of that region and to both whites and blacks living in the South.

Having noted these improvements, however, we should also note that blacks as a group are still lagging considerably behind whites in the Nation at large in terms of their overall share of income. In 1969, Negroes constituted 11.3 per cent of the total population, but they received only 6.4 per cent of total money income. In 1959, the population and income proportions were 10.3 per cent and 5.1 per cent, respectively. So, while a moderate narrowing of the gap occurred over the decade, the absolute shortfall suffered by blacks remains large—and poses one of the strongest challenges still facing the United States.

NET MIGRATION FROM THE SOUTH

As I indicated at the outset, the continued heavy net migration of Negroes from the South is one of the most striking characteristics of the contemporary economic scene in the United States. Between 1960 and 1970, the net outflow of blacks from the region amounted to about 1,380,000. (See Table 6.) Over the same period, net migration added 1.807.00 to the area's white population.

The large out-migration of blacks during the decade as shown in the 1970 Census of Population came as a surprise. In fact, the Census Bureau had been projecting a sharply reduced annual rate of outflow during the decade. The Bureau's estimate had put the annual rate at approximately 80,000, or substantially below the annual net outflow of 147,000 in the 1950–60 period and 160,000 in the 1940–50 years. As it developed, the annual rate of net migration of blacks from the South was about 138,000 between 1960 and 1970—not appreciably different from the rate recorded in the previous two decades.

Actually, the reported figures on net migration of blacks from the South as a whole fail to show the great diversity of experience among different States. The situation in individual States is described by the statistics in Table 6, showing net migration in each of the last three decades. The general picture which emerges is easily understood: in a number of Southern States, the expected slowdown in the rate of net migration of Negroes did occur in the 1960's. In fact, the moderating trend was already evident in the 1950's. Nearly all of these were Border States. In contrast, there was virtually no slackening in the rate of outflow of blacks from the Deep South. Seven of these States (North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Arkansas and, West Virginia) lost more than 15 per cent of their 1960 population through net migration during the decade of the 1960's. In five of these, the loss was nearly equal to one-quarter of their 1960 Negro population. The rate of loss was much smaller in Tennessee, Virginia, Florida, Oklahoma, and Texas. Kentucky had a small net gain through migration of blacks, and Texas almost broke even.

While the Southern States continued to lose a sizable share of their black population in the last decade, about a half dozen Northern and Western States (New York, New Jersey, Maryland, Michigan, Illinois, and California) were adding substantially to their Negro population through the net inflow of migrants. All of these (except Maryland) gained more than 100,000 new citizens on this basis. These inflows represented expansions in their respective 1960 black population of nearly one-third in California, about one-quarter in New York and New Jersey, and one-sixth in Maryland and Michigan.

In contrast, while blacks were moving into these six States in great numbers, whites were leaving them (except for Maryland and California) in even larger numbers. In percentage terms, the net out-migration of whites was fairly small, but the pattern was comprehensive and unmistakable.

PUBLIC WELFARE AND MIGRATION

The reasons why blacks leave the South in such large numbers seems fairly obvious to most students who have studied the question: they move in search of better employment opportunities and higher incomes. These are the same factors that induce whites to migrate—and which induce blacks to move from one area to another within the North and West.

However, some observers have suggested that many blacks move from the South into large cities of the North and West in order to obtain more generous welfare benefits. In view of the lack of evidence supporting this notion, one might have thought that it would have ceased to be current. In fact, several studies (including a comprehensive one recently published by the Urban Institute) have produced findings which cast doubt on the validity of the argument. Yet, the idea continues to flourish. The matter is of more than passing academic interest. It has been urged by a number of influential spokesmen that public welfare policies be refashioned to reduce the incentive that may be provided low income groups (meaning mainly blacks) to move into large urban areas.

As I was preparing these remarks, I thought another effort should be made to determine whether a connection can be established between the pattern of black migration and the availability of welfare benefits. The task was undertaken in two parts. The first involved an informal telephone survey of the 30 leading cities with the largest Negro population. The second involved a computer-based econometric analysis of the principal factors influencing net migration rates.

In the informal telephone inquiry (in which officials in 26 cities were finally reached[1]) information was requested on the total number of persons receiving public assistance and the approximate percentage which Negroes represented of the total in mid-1971. The same information was requested for five years earlier. In all 26 cities, figures were provided for the total number of persons on the welfare roles in mid-1971, and in 17 cities a rough estimate for the proportion of blacks was also obtained. The reports for earlier years (mainly 1965–1966) were less complete, and very few figures were available showing blacks as a percentage of the total.

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[1] For a variety of reasons (such as vacations and misplaced messages) successful contact was not made in four cities: Philadelphia, Pa.; Richmond, Va.; Jacksonville, Fla.; and Milwaukee, Wisc.

The statistical information obtained is shown in Table 7. For comparison purposes, the table also shows for each of the 26 cities the Negro population in 1970, the change during 1960–70, and the ratio of Negro to total population in 1970. Net migration during 1960–70 in each of the cities for Negroes and other races is also indicated.[2]

Several conclusions are suggested by these results: in each of the 17 cities reporting information, blacks do make up a substantial proportion of the total number of persons receiving welfare assistance. The smallest proportion (about one-fifth) was reported by Boston. In New York City and Buffalo, blacks represented about two-fifths. They were around one-half in Columbus, Ohio, Los Angeles, California, and in Houston and Dallas, Texas. In the remaining cities (except Washington, D.C.) the ratio was in the 70–90 per cent range. In the Nation's Capitol blacks made up virtually all of the welfare rolls.

Another striking feature of these data is the substantial variation by region and net migration experience. The cities in the South showed as much diversity as cities in the North and West. Cities which lost population by the net out-migration of blacks had proportionately as many blacks on the welfare rolls as did cities which gained population. These data suggest that, if there is a relationship between welfare benefits and black migration, it is far from obvious.

The same conclusion is suggested by the results produced by the computer-based econometric analysis of net migration mentioned above. The objective of the analysis was to identify and to measure quantitatively the main factors which affect interstate net migration rates of blacks and white people. It was assumed that the most important incentive for both races was provided by income differentials among States—that is, migrants would move to the location of the more favorable economic climate. In addition, an attempt was made to account for migration patterns which may be in response to factors that are not purely economic—such as racial discrimination (for blacks) or retirement conditions (for whites).

The statistical methods used are described in the appendix (attached) and need not be discussed here.[3] The key statistical tests performed related net migration rates to state differences in per capita personal income, welfare benefits, and expenditures on elementary and secondary education. An effort also was made to capture the effects of an observed tendency for Negroes to leave the South at above-average rates and for whites to move at above-average rates into a few states (Florida, Arizona, and Nevada) offering strong retirement and recreational incentives. The analysis was carried out with the assistance of several members of the Board's staff.

In general, I wanted to know the answer to the following question: By how much should one expect net migration rates to vary in response to differences in per capita personal income among states. The answer can be stated in terms of changes in the ratio of per capita income in a given state to average per capita income in the nation as a whole. The tests based on 1950–60 migration data suggested that a 1.0 percentage point change in the income ratio might induce a parallel change of 0.76 per cent in the net migration rate for blacks and of 0.31 per cent in the rate for whites. The tests based on 1969–70 data yielded roughly the same estimate (0.70 per cent) for blacks, but the second estimate for whites was much smaller (0.08 per cent).[4] In other words, a relative improvement in a state's income position would induce both blacks and whites to migrate into its territory—but the response of blacks would be much stronger than that of whites.

To estimate the effects of welfare payments on the direction of migration, payment per recipient under the Aid to Families with Dependent Children program was added to the basic test. The results suggest that black migrants, in fact, may respond positively to state differences in welfare programs, whereas whites may not. A 1.0 percentage point change in welfare payments per recipient may be associated with a 0.17 per cent change in the net migration rate for blacks and with a −0.11 per cent change in the rate for whites.

In interpreting these results, extra caution is required. Welfare benefits may be positively related to per capita income, since States with high incomes also typically have high welfare benefits. Moreover, it will be noted even for blacks the estimated influence of income substantially outweighs the influence of welfare (about 0.70 per cent vs. 0.17 per cent). So, given the necessary limitations of data and the statistical estimating techniques, I assign much more importance to income as a factor affecting net migration rates among blacks than I assign to welfare payments.

A second variation in the basic test was made to estimate the effects of State differences in educational opportunities on net migration rates. For this purpose, educational expenditures per pupil in elementary and secondary schools were used instead of welfare payments. Again, it appears that black migrants might respond positively to State differences in educational outlays, but whites may not. A 1.0 percentage point change in educational outlays per pupil may be associated with a 0.19 per cent change in the net migration rate for blacks and with a —0.15 per cent change in the rate for whites. However, in this case also, I must repeat the cautionary comment made above. High education expenditures and high incomes are generally found in the same States, and the statistical tests may be attributing effects to education which are actually due to differences in income.

In summary, these several statistical tests indicate that most people (both black and white) seem to move more in response to economic conditions than to differences in either welfare benefits or educational advantages. In fact, the statistical measures suggest that there is steady pressure for people to move out of any given state unless it is counter-balanced by a strong growth in income.

GROSS MIGRATION AND INCOME GAINS

As I indicated at the outset, it is necessary to look beyond the net migration figures if one is to get a clear understanding of the direction and cause of movements. The Census' Bureau's statistics on net migration are the most readily available, so they are the ones relied on by most analysis.

Fortunately, however, there is another set of statistics which a few other investigators have used to examine migration patterns. These figures are contained in the one per cent sample of Social Security records, and I have been able to draw on them for the present study. In the first quarter of 1970, the sample contained records on approximately 800,000 individual workers, of whom more than 80,000 were Negroes. The Social Security records yielded a rich harvest of information, including data on race, sex, age, income, and region of employment. I was also able to obtain data from the sample for the first quarter of 1965. Since workers keep the same Social Security numbers throughout their lives, information from the sample can be used to answer a variety of questions relating to migration.

I have summarized in Tables 8, 9, and 10 gross and net migration rates for men by region, age, and race for the period 1965–1970. Several aspects of black-white migration patterns, which were hidden by the Census Bureau figures on net migration, stand out most dramatically. In the first place, it is clear from Table 8 that the tendency for blacks to leave the South is not greatly different from the propensity of whites to migrate. For example, among men age 25–44, the gross out-migration rate was 15.9 per cent for blacks and 12.8 per cent for whites. On the other hand, the gross in-migration rate for blacks was far below that for whites (6.1 per cent vs. 14.1 per cent). The result was a net outflow of black men (−9.8 per cent), compared with a small net gain (1.3 per cent) for white men. On the other hand, the pattern of migration did vary considerably with age. In both races, men 45 and over had much lower migration rates (gross and net) than was the case in the younger age group.

Thus, it is the South's failure to attract black people from other regions—rather than an exceptional tendency for its black citizens to leave—that accounts for the high net outflow reported in the Census statistics. As one would expect, when blacks do leave the South, they are likely to move to the same Northern and Western states that already have large Negro populations. This expectation is strongly supported by the data in Table 9, showing origin and destination of men who migrated in the 1965–70 period. For present purposes, however, the most valuable information from the Social Security sample relates to migration and income, presented in Table 10. In all eight regions, the incomes of black migrants were below those of black workers who did not move. The same was true of white migrants in four of the regions, but not including the Southeast where migrants' incomes were one per cent above the incomes of those who remained at home.

In all race and age categories, wages of migrants from the South increased more over the five-year period than did incomes of non-migrants. This was especially noticeable in the 25–44 age bracket, where black male migrants averaged wages 18.5 per cent below non-migrants in 1965 and 14.5 per cent above in 1970. This represented an improvement relative to non-migrants of 33 percentage points—the largest gain recorded for any group. White male migrants from the South increased their relative income from one per cent above the incomes of non-migrants to 14 per cent above—a relative increase of 13 percentage points.

In summary, the foregoing analysis strongly suggests that Negroes are not leaving the South in abnormally high numbers. About as great a proportion of whites as of blacks leave the region. The difference in net migration is caused by the fact that blacks do not migrate into the South at the same pace.

CONCLUDING OBSERVATIONS

In conclusion, the analysis presented here has convinced me that, as economic growth in the South continues, blacks will have a chance to share more fully in the benefits of economic development. However, to realize this potential, there must be an accelerated effort—on the part of whites as well as on the part of blacks—to bring about genuine equality of opportunity.

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[2] Figures were not available for Negroes separately. In the country as a whole, Negroes constitute 92 per cent of this group. However, in particular cities (especially on the West Coast where many Orientals live) the Negro percentage would be smaller.

[3] For those with a technical interest in the subject, the estimating technique used in this study was multiple regression analysis. Tests of the models were performed using data for the continental United States and the District of Columbia for the Census decades 1950–1960 and 1960–1970. These data appear in Appendix Table 1. The regression statistics are shown in Appendix Table 2.

[4] In technical terms, the 1960–70 estimate for whites is not statistically significant, and may be underestimated.

In response to such an improved environment, more Negroes (especially young people) would probably remain in the South. While some observers would encourage them to stay in order to lessen further pressures in urban areas of the North and West, I would do so for another reason: Since the South is making the investment in its youth—both black and white (and although it remains inadequate compared with the national average)—the South itself should get a larger share of the benefits from the development of its human resources.

TABLE 1.—CIVILIAN INCOME FROM PARTICIPATION IN CURRENT PRODUCTION, BY INDUSTRY, AND REGION, 1960 AND 1970

[In billions of dollars]

Industry	United States				Southeast				All other regions			
			Change				Change				Change	
	1960	1970	Amount	Annual average growth rate	1960	1970	Amount	Annual average growth rate	1960	1970	Amount	Annual average growth rate
Total	319.3	617.4	298.1	6.8	49.3	106.8	57.5	8.1	270.0	510.6	240.6	6.6
Farms	14.9	19.1	4.2	2.5	3.7	5.0	1.3	3.1	11.2	14.1	2.9	2.3
Mining	4.3	6.6	2.3	4.4	1.1	1.9	.8	5.6	3.2	4.7	1.5	3.9
Contract construction	21.0	38.6	17.6	6.3	3.4	7.2	3.8	7.8	17.6	31.4	13.8	5.9
Manufacturing	94.6	176.1	81.5	6.4	11.9	28.1	16.2	9.0	52.7	148.0	65.3	6.0
Wholesale and retail trade	62.4	105.5	43.1	5.4	9.7	18.3	8.6	6.6	52.7	87.2	34.5	5.1
Finance, insurance, and real estate	16.2	33.2	17.0	7.4	2.4	5.2	2.8	8.1	13.8	28.0	14.2	7.3
Transportation, communication, and public utilities	24.8	44.9	20.1	6.1	3.8	7.8	4.0	7.4	21.0	37.1	16.1	5.9
Services	41.7	96.3	54.6	8.7	6.1	15.3	9.2	9.7	35.6	81.0	45.4	8.6
Government	38.2	95.2	57.0	9.6	6.8	17.8	11.0	10.1	31.4	77.4	46.0	9.4
Other	1.0	1.9	.9	6.6	.2	.4	.2	7.2	.8	1.5	.7	6.5

Source: Survey of Current Business, vol. 41, No. 8, August 1961, table 70, p. 19, and vol. No. 51, No. 8, August 1971, table 70, p. 37.

TABLE 2.—NEGRO EMPLOYMENT AS A PERCENTAGE OF TOTAL EMPLOYMENT IN PRINCIPAL OCCUPATIONS IN SELECTED STATES, 1966 AND 1970

State	Negro as percent of total population	Total employment		White collar		Officials and managers		Professional		Technical		Sales workers		Office and clerical		Blue collar		Craftsmen		Operatives		Laborers		Service workers	
	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970	1966	1970
United States	11.2	8.2	10.3	2.5	4.8	.9	1.9	1.3	2.5	4.1	6.2	2.4	4.4	3.5	7.4	10.7	13.2	3.6	5.6	10.8	14.2	21.1	21.9	23.0	26.6
New England:																									
Massachusetts	3.1	2.9	3.7	1.3	2.3	.4	1.0	.7	1.4	2.0	3.1	.7	1.8	1.8	3.6	3.5	4.3	1.7	2.3	3.7	4.7	6.1	6.2	3.6	10.0
Connecticut	6.0	5.3	7.3	1.8	3.4	.6	1.1	.7	1.4	2.6	4.1	1.7	2.5	2.8	5.7	7.2	10.0	2.7	4.5	8.1	12.5	13.4	13.7	13.9	18.8
Mideast:																									
New York	11.9	7.6	10.7	4.4	8.2	1.3	2.7	2.0	3.9	5.9	8.4	2.8	5.0	6.6	13.3	9.2	11.7	3.9	6.0	9.5	12.4	17.4	19.2	21.7	26.6
New Jersey	10.9	9.8	11.3	3.1	5.1	1.3	2.2	2.1	2.7	5.2	7.3	2.7	4.1	4.0	7.7	14.3	16.1	5.4	7.2	15.3	17.9	23.7	22.9	23.6	27.5
Pennsylvania	8.7	6.2	7.5	2.5	4.4	.8	1.6	1.2	2.1	4.1	6.6	2.7	4.0	3.2	6.7	7.1	8.0	3.6	4.6	7.0	7.9	13.0	13.7	20.1	23.8
Delaware	14.2	11.0	12.9	1.7	3.5	.7	1.7	.5	1.6	2.6	4.0	3.1	4.6	2.2	5.4	18.6	21.9	4.5	5.7	17.0	19.3	43.0	45.0	27.1	31.9
Maryland	17.9	16.0	18.6	3.7	7.3	1.6	3.7	1.6	3.2	6.0	9.9	4.6	8.1	4.6	10.2	22.0	26.5	6.4	11.5	21.6	26.5	47.2	49.3	43.8	46.7
District of Columbia	71.0	24.4	33.1	10.3	20.6	4.2	9.0	6.2	10.3	17.5	26.8	9.3	25.1	13.7	28.8	33.6	43.5	10.9	17.6	42.7	55.1	68.1	73.9	65.1	72.6
North Central:																									
Michigan	11.2	10.6	13.7	3.1	6.6	1.0	2.7	1.3	3.5	3.9	7.2	3.7	5.9	4.5	10.8	14.2	17.2	3.3	5.0	17.9	21.1	16.5	21.9	22.7	28.5
Ohio	9.1	7.1	9.0	2.2	4.2	.8	1.7	1.0	2.2	4.6	6.3	2.4	4.0	2.7	6.1	8.4	10.4	3.0	4.5	9.4	11.7	13.7	15.9	25.1	28.2
Indiana	6.9	6.1	7.9	1.6	3.3	.5	1.5	1.0	1.5	3.2	6.3	1.8	3.4	1.9	4.3	7.6	9.3	3.1	4.2	8.2	10.4	11.1	12.6	17.7	23.2
Illinois	12.8	11.0	13.0	3.9	6.8	1.2	2.5	1.7	2.8	4.1	7.6	2.9	6.4	6.2	10.6	15.1	17.3	5.4	7.8	15.8	18.8	24.9	25.7	25.7	26.5
Wisconsin	2.9	3.2	3.8	.8	1.5	.3	.7	.3	1.2	1.0	1.9	.9	1.4	1.0	2.2	4.3	5.0	1.5	2.0	5.2	6.2	5.4	5.6	7.0	8.0
Missouri	10.3	8.2	11.0	2.5	5.7	.8	1.8	1.6	6.0	6.6	9.4	2.6	5.0	2.8	6.9	9.3	12.2	3.1	5.5	9.6	12.4	18.8	22.2	31.4	37.3
Southeast:																									
Virginia	18.6	16.0	18.5	2.9	5.6	1.6	2.8	1.2	3.7	6.0	8.6	3.5	6.3	3.0	7.0	20.8	24.8	7.2	11.4	16.4	23.3	48.7	46.2	43.2	47.7
West Virginia	4.3	3.1	3.2	.8	1.5	.2	.4	1.4	1.0	0.8	2.2	1.2	1.8	.9	2.2	3.1	3.2	1.4	2.0	3.4	3.5	5.1	4.5	15.7	14.0
Kentucky	7.5	6.9	7.5	1.6	3.2	.7	1.2	.9	2.3	4.2	5.5	1.7	3.4	1.7	4.1	7.5	8.2	2.8	3.3	5.8	8.7	16.1	12.7	25.5	26.2
Tennessee	16.1	10.5	12.8	2.0	4.2	.8	1.8	1.7	1.8	5.9	8.2	2.0	4.1	1.9	5.4	12.0	15.5	3.8	6.2	10.4	15.1	26.1	28.8	37.1	39.8
North Carolina	22.4	12.6	16.5	2.3	5.0	.8	1.8	1.8	4.1	6.7	6.9	2.6	6.2	2.2	6.4	14.5	19.7	4.7	8.5	10.5	18.2	42.0	41.1	45.8	50.1
South Carolina	30.4	14.4	20.8	1.8	4.1	0.6	1.4	1.4	1.7	4.3	7.9	2.9	7.3	1.7	4.6	17.2	25.3	5.9	10.7	13.3	24.6	47.0	59.2	38.7	54.5
Georgia	25.9	15.9	20.6	2.9	6.6	1.0	2.4	2.8	4.8	2.3	9.0	4.5	7.3	3.1	8.8	20.5	26.7	5.8	10.0	16.8	25.8	46.1	50.4	43.8	54.0
Florida	15.5	13.3	14.0	1.7	3.9	1.1	2.0	0.7	1.7	4.1	4.8	1.8	4.3	1.6	5.3	22.9	23.2	4.6	6.6	19.5	23.3	49.3	44.0	24.3	31.9
Alabama	26.4	16.5	19.0	3.0	5.2	2.1	2.1	1.7	3.4	8.7	12.9	4.1	6.3	2.0	5.6	20.0	23.6	6.1	9.8	17.1	22.3	49.2	48.5	49.5	52.5
Mississippi	36.8	17.9	23.9	1.6	4.9	1.0	2.6	1.8	6.6	2.6	7.2	2.2	5.6	1.5	4.7	22.3	30.1	6.3	12.5	18.5	28.6	52.8	54.8	47.4	57.9
Louisiana	30.1	18.2	21.2	2.4	6.1	1.0	2.6	1.1	3.3	4.9	6.8	3.2	9.2	2.7	7.6	26.2	28.4	7.0	10.3	24.8	32.3	59.6	55.7	50.1	60.2
Arkansas	18.6	10.9	13.4	1.1	3.1	0.4	1.0	0.4	1.8	5.0	6.8	1.6	4.3	0.9	3.4	13.2	15.8	4.0	5.7	11.8	16.8	21.8	22.5	30.9	35.9
Southwest:																									
Oklahoma	7.0	3.6	6.2	0.9	2.4	0.3	0.7	0.5	1.1	2.2	5.1	1.0	1.6	0.9	3.4	4.3	6.9	1.4	2.7	4.2	7.3	10.9	14.6	19.5	26.4
Texas	12.7	9.3	11.8	1.7	3.9	0.7	1.4	1.2	1.7	4.5	6.6	1.4	4.5	1.7	5.3	13.1	16.6	2.9	6.7	13.0	18.5	30.7	30.1	30.4	37.2
Far West: California	7.0	5.5	6.8	2.4	4.1	0.7	1.6	1.1	1.9	3.7	5.5	2.3	3.9	3.5	6.2	7.5	8.7	3.2	4.7	8.7	10.3	12.8	12.3	16.3	17.9

Source: U.S. Equal Employment Opportunity Commission.

TABLE 3.—TOTAL MONEY INCOME IN 1969 AND 1959, BY REGION, RACE, AND METROPOLITAN-NONMETROPOLITAN RESIDENCE—1970 AND 1960

[In millions of 1969 dollars]

Region and race	Total	1969 metropolitan			Nonmetropolitan	Total	1959 metropolitan			Nonmetropolitan
		Total	Inside central cities	Outside central cities			Total	Inside central cities	Outside central cities	
United States:										
Negroes	38,680	31,420	24,950	6,469	7,265	20,740	16,670	13,860	2,810	4,070
Whites	560,800	394,800	155,600	239,100	166,000	386,900	275,100	133,000	142,050	111,800
All races	604,900	430,800	183,100	247,700	174,100	410,500	293,900	148,400	145,500	116,350
South:										
Negroes	16,570	10,645	7,760	2,881	5,936	9,080	5,439	4,326	1,116	3,543
Whites	143,700	85,800	36,700	49,000	57,900	90,700	53,900	29,470	24,380	36,880
All races	160,800	96,700	44,600	52,100	64,100	99,932	59,400	33,800	25,900	40,500
North and West:										
Negroes	22,110	20,780	17,090	3,590	1,350	11,760	11,230	9,532	1,696	535
Whites	417,100	309,000	118,900	190,200	108,100	296,200	221,200	103,500	117,700	74,900
All races	444,140	334,100	138,400	195,600	110,000	310,500	234,500	114,600	119,900	75,900

Source: Derived from U.S. Bureau of the Census, "Social and Economic Characteristics of the Population in Metropolitan and Nonmetropolitan Areas: 1970 and 1960", Current Population Reports, P. 23, No. 37, June 24, 1971.

TABLE 4.—DISTRIBUTION OF THE U.S. POPULATION, BY REGION, RACE, AND METROPOLITAN-NONMETROPOLITAN RESIDENCE, 1970 AND 1960

[In thousands]

Region and race population	Total	1970 metropolitan			Nonmetropolitan	Total	1960 metropolitan			Nonmetropolitan
		Total	Inside central cities	Outside central cities			Total	Inside central cities	Outside central cities	
United States:										
Negroes	22,807	16,122	12,587	3,536	6,685	18,391	11,910	9,480	2,430	6,481
Whites	177,429	113,638	45,088	68,539	63,802	158,698	99,431	47,638	51,793	59,267
All races	202,534	131,519	58,635	72,883	71,015	178,677	112,367	57,785	54,582	66,310
South:										
Negroes	12,243	6,301	4,505	1,797	5,942	11,135	5,072	3,738	1,334	6,063
Whites	49,385	25,438	10,780	14,658	23,947	43,202	21,029	11,155	9,874	22,173
All races	61,884	31,855	15,328	16,527	30,300	54,541	26,173	14,915	11,258	28,368
North and West:										
Negroes	10,564	9,821	8,032	1,739	743	7,256	6,838	5,732	1,096	418
Whites	128,044	88,190	34,308	53,881	39,855	115,496	78,402	36,483	41,919	37,094
All races	140,650	99,664	43,307	56,356	40,985	124,136	86,194	42,870	43,324	37,942

Source: U.S. Bureau of the Census, "Social and Economic Characteristics of the Population in Metropolitan and Nonmetropolitan Areas: 1970 and 1960", Current Population Reports, series P-23, No. 37, June 24, 1971, table 2, p. 19.

TABLE 5.—PERCENTAGE DISTRIBUTION OF POPULATION, 1970 AND 1960, AND TOTAL MONEY INCOME, 1969 AND 1959, BY REGION, RACE, AND METROPOLITAN-NONMETROPOLITAN RESIDENCE

Region and race	Total	1970 metropolitan			Nonmetropolitan	Total	1960 metropolitan			Nonmetropolitan
		Total	Inside central cities	Outside central cities			Total	Inside central cities	Outside central cities	
United States:										
Negroes:										
Population	11.26	12.26	21.47	4.85	9.41	10.29	10.60	16.41	4.45	9.77
Money income	6.39	7.29	13.63	2.61	4.17	5.05	5.67	9.34	1.93	3.50
Whites:										
Population	87.60	86.40	76.90	94.04	89.84	88.82	88.49	82.44	94.89	89.38
Money income	92.70	91.64	84.98	96.53	95.34	94.25	93.60	89.62	97.63	96.09
All races:										
Population	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Money income	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
South:										
Negroes:										
Population	6.04	4.79	7.68	2.47	8.37	6.23	4.51	6.47	2.44	9.14
Money income	2.74	2.48	4.24	1.16	3.41	2.21	1.85	2.91	.77	3.04
Whites:										
Population	24.38	19.34	18.38	20.11	33.72	24.18	18.71	19.30	18.09	33.44
Money income	23.76	19.92	20.04	19.78	33.26	22.10	18.34	19.86	16.76	31.69
All races:										
Population	30.56	24.22	26.14	22.68	42.29	30.52	23.29	25.81	20.63	42.78
Money income	26.58	22.46	24.36	21.03	36.82	24.34	20.21	22.77	17.80	4.80
North and West:										
Negroes:										
Population	5.22	7.47	13.78	2.39	1.05	4.06	6.09	9.94	2.01	.63
Money income	3.66	4.82	9.34	1.45	.78	2.87	3.82	6.43	1.16	.46
Whites:										
Population	63.22	67.06	58.51	73.93	56.12	64.64	69.77	63.14	76.80	55.94
Money income	68.96	71.73	64.94	76.79	62.09	72.16	75.26	69.75	80.89	64.38
All races:										
Population	69.44	75.78	73.86	77.32	57.71	69.48	76.71	74.19	79.37	57.22
Money income	73.42	77.55	75.59	78.97	63.18	75.64	79.79	77.22	82.41	65.24

Source: Tables 3 and 4.

TABLE 6.—ESTIMATED NET MIGRATION OF THE NEGRO AND WHITE POPULATION OF MAJOR REGIONS AND SELECTED STATES, 1960 TO 1970, 1950 TO 1960, AND 1940 TO 1950

[Numbers in thousands]

Region and State	1960 to 1970		Negro population, 1950 to 1960		1940 to 1950		1960 to 1980		White population, 1950 to 1960		1940 to 1950	
	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent
United States	−85	−0.5	−131	−0.9	−180	−1.4	2,284	1.4	2,668	2.0	1,522	1.3
Northeast[2]	612	20.2	496	24.6	463	33.8	−520	−1.3	−211	−.6	−173	−.5
New England	72	29.5	60	42.1	29	28.7	205	2.0	−52	−.6	68	.8
Middle Atlantic	540	19.4	436	23.2	434	34.2	−724	−2.3	−159	−.6	−242	−.9
North Central[2]	382	11.1	541	24.3	618	43.5	−1,272	−2.6	−690	−1.6	−948	−2.5
East North Central	356	12.3	504	27.9	573	53.6	−617	−1.9	173	.6	75	.3
West North Central	26	4.6	37	8.8	45	12.7	−655	−4.4	−863	−6.4	−1,023	−7.8
South[2]	−1,380	−12.2	−1,473	−14.4	−1,599	−16.1	1,806	4.2	57	.2	−538	−1.7
South Atlantic	−538	−9.2	−556	−10.9	−545	−11.6	1,807	9.0	1,189	7.4	604	4.6
East South Central	−560	−20.8	−622	−23.0	−596	−21.4	−153	−1.6	−346	−9.6	−694	−8.7
West South Central	−282	−10.2	−296	−12.2	−459	−18.9	152	1.1	−286	−2.4	−448	−4.2
West[2]	301	27.7	305	53.5	339	198.3	2,269	8.8	3,512	18.7	3,181	23.8
Mountain	16	12.6	27	40.6	21	58.5	295	4.5	547	11.3	155	3.9
Pacific	286	29.7	278	55.2	317	236.2	1,974	10.2	2,965	21.3	3,026	32.3
New England:												
Massachusetts	33	29.5	20	26.9	12	22.4	23	.5	−122	−2.6	8	.2
Connecticut	38	35.4	37	69.2	15	45.8	166	6.8	195	10.0	98	5.8

TABLE 6.—ESTIMATED NET MIGRATION OF THE NEGRO AND WHITE POPULATION OF MAJOR REGIONS AND SELECTED STATES, 1960 TO 1970, 1950 TO 1960, AND 1940 TO 1950 —Continued

[Numbers in thousands]

Region and State	1960 to 1970		Negro population, 1950 to 1960		1940 to 1950		1960 to 1980		White population, 1950 to 1960		1940 to 1950	
	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]	Number	Percent[1]
Mideast:												
New York	396	27.9	255	27.7	266	46.6	−638	−4.2	−72	−.5	−6	(3)
New Jersey	120	23.3	107	33.5	61	26.8	−336	6.1	466	10.3	231	5.9
Pennsylvania	25	2.9	75	11.7	107	22.8	−423	−4.0	−552	−5.6	−467	−4.9
Delaware	4	6.6	6	13.4	4	10.9	32	8.4	57	20.8	17	7.2
Maryland	79	15.2	31	8.1	37	12.4	290	11.3	284	14.6	231	15.2
District of Columbia	36	8.7	51	18.3	61	32.8	−137	−39.7	−213	−41.2	−14	−3.0
North Central:												
Michigan	124	17.3	122	27.5	186	89.4	−124	−1.7	28	.5	146	2.9
Ohio	45	5.8	129	25.2	131	38.7	−191	−2.1	274	3.7	110	1.7
Indiana	32	12.0	42	24.3	39	32.1	−58	−1.3	17	.4	57	1.7
Illinois	127	12.2	182	28.2	203	52.3	−215	−2.4	−64	−.8	−142	−1.9
Wisconsin	27	36.1	29	101.5	14	112.6	−29	−.8	−82	−2.4	−96	−3.1
Missouri	14	3.7	24	8.2	31	12.7	−25	−.6	−161	−4.4	−222	−6.3
Southeast:												
Virginia	−79	−9.7	−74	−10.0	−29	−4.4	206	6.5	85	3.3	194	9.6
West Virginia	−20	−22.2	−41	−35.4	−17	−14.0	−247	−14.0	−406	−21.5	−219	−12.3
Kentucky	1	0.5	−16	−8.0	−18	−8.3	−158	−5.6	−375	−13.7	349	−13.3
Tennessee	−51	−8.7	−59	−11.0	−48	−9.4	1	(3)	−217	−7.9	−97	−4.0
North Carolina	−175	−15.7	−204	−19.4	−164	−16.7	81	2.4	−121	−4.0	−95	−3.7
South Carolina	−197	−23.8	−218	−26.5	−208	−25.5	44	2.8	−4	−.3	−24	−2.2
Georgia	−154	−13.7	−205	−19.3	−243	−22.4	198	7.0	−8	−.3	−49	−2.4
Florida	−32	−3.6	96	16.0	12	2.4	1,340	33.0	1,516	70.0	564	40.8
Alabama	−231	−23.6	−224	−22.9	−204	−20.8	−5	−.2	−145	−7.0	−140	−7.6
Mississippi	−279	−30.4	−323	−32.7	−326	−30.3	10	.8	−110	−9.3	−108	−9.7
Louisiana	−163	−15.7	−93	−10.5	−147	−17.3	26	1.2	43	2.4	−2	−.2
Arkansas	−112	−28.7	−150	−35.1	−158	−32.6	38	2.7	−283	−19.1	−259	−17.6
Southwest:												
Oklahoma	−3	−2.1	−21	−14.2	−47	−27.8	−4	−.2	−193	−9.5	−361	−17.1
Texas	−4	−.3	33	−3.3	−107	−11.6	92	1.1	147	2.2	173	3.2
Far West: California	272	30.7	255	55.2	289	232.4	1,528	10.6	2,788	28.1	2,373	36.0

[1] Base is population at beginning of period.
[2] Regions and divisions as defined by U.S. Bureau of the Census.
[3] Less than 0.05 percent or 500.

Source: U.S. Bureau of the Census, "Preliminary Intercensal Estimates of States and Components of Population Change, 1960 to 1970," current population reports, series P–25, No. 460, June 7, 1971, table 7, p. 17.

TABLE 7.—NEGRO POPULATION TRENDS, NET MIGRATION, AND TRENDS IN WELFARE ASSISTANCE[1] IN SELECTED CITIES[2]

[Numbers in thousands]

Area and city	Population trends							Mid-1971					Trends in welfare assistance[1] mid-1960's			Change: Mid-1960's to 1971				
	Negro population 1970		Change 1960–70			Net migration, 1960–70 Negro and other races				Negro and other races				Negro and other races		Total persons		Negro and other races		
	Number	Percent of total	Number	Percent change	Average annual rate of growth	Number	Percent[3]	Total persons	Percent of State total	Number (estimate)	Percent of total	Year	Total persons	Number (estimate)	Percent of total	Total number	Average annual rate	Number (estimate)	Percent of total change	Average annual rate
New England:																				
Boston, Mass	105	16	42	66.7	5.3	26	39	76,963	28.5	17,009	[4] 22	1965	25,465			51,498	20.0			
Mideast:																				
New York, N.Y	1,667	21	579	53.2	4.4	436	38	840,395	65.7	[5] 358,008	43	1960	193,689			646,706	14.3			
Buffalo, N.Y	94	20	23	32.4	2.8	9	12	53,122	4.2	20,558	[6] 39	1965	13,181			21,941	9.3			
Newark, N.J	207	54	69	50.0	4.1	32	23	95,000	21.4			1965	41,694			53,406	14.7			
Pittsburgh, Pa	105	20	4	4.0	0.4	−6	−6	[7] 84,586	13.9			1965	51,396			33,190	8.7			
Baltimore, Md	420	46	94	28.8	2.6	32	10	31,000	18.1											
Washington, D.C	538	71	126	30.6	2.7	38	9	75,871	100.0	73,974	[8] 98	1960	21,225			54,646	12.3			
Great Lakes:																				
Chicago, Ill	1,103	33	290	35.7	3.1	113	14	440,877	79.3	348,293	[9] 79	1960	106,668	83,948	[10] 79	334,209	13.8	264,345	79	13.8
Detroit, Mich	660	44	178	36.9	3.2	98	20	172,549	42.6	122,337	[11] 71	1965	68,387			104,162	16.7			
Cleveland, Ohio	288	38	37	14.7	1.4	−3	−1	[12] 120,483	32.3	[12] 97,591	81	1966	[12] 50,819			[12] 69,664	18.9			
Cincinnati, Ohio	125	28	16	14.7	1.4	−3	−2	[13] 42,008	11.3	[13] 28,145	67	1965	[13] 23,592			[13] 18,416	10.1			
Columbus, Ohio	100	19	23	29.9	2.7	9	12	[14] 45,752	12.3	[14] 25,164	55	1966	[14] 22,218			[14] 23,534	15.6			
Indianapolis, Ind	134	18	36	36.7	3.2	15	15	[15] 28,035	22.1			1965	[15] 7,768			[15] 20,267	24.0			
Gary, Ind	93	53	24	34.8	3.1	10	14	[16] 33,147	26.1			1965	[16] 11,528			[16] 21,619	19.3			
Plains:																				
St. Louis, Mo	254	41	40	18.7	1.7	−1		71,440	38.2	62,867	88	1965	36,446	29,521	81	34,994	11.9	33,346	95	13.4
Kansas City Mo	112	22	29	34.9	3.0	13	16	[17] 31,798	17.0	[17] 25,749	81	1965	[17] 13,167	[17] 9,875	75	[17] 18,622	15.8	[17] 15,874	85	17.3
Southeast:																				
New Orleans, La	267	45	33	14.1	1.3	−11	−5	92,107	39.4	68,804	75	1965	43,764	29,760	68	48,343	13.2	39,044	81	15.0
Atlanta, Ga	255	51	69	37.1	3.2	33	18	56,441	20.4	41,377	73	1965	11,026	6,726	61	45,415	31.0	34,651	76	35.0
Memphis, Tenn	243	39	59	32.1	2.8	23	12	[18] 59,058	33.4	[8] 51,971	88	1965	[18] 16,415			[18] 42,643	24.0			
Birmingham, Ala	126	42	−9	−6.7	−0.7	−23	−17	24,718	14.1											
Nashville-Davidson, Tenn	88	20	12	15.8	1.5	2	3	15,710	8.9			1965	4,414			11,296	24.0			
Southwest:																				
Houston, Tex	317	26	102	47.4	3.9	56	26	[19] 62,560	17.1	[19] 32,719	[20] 52	1965	[19] 7,114			[19] 55,446	44.0			
Dallas, Tex	210	25	81	62.8	5.0	47	36	[21] 53,604	14.7	28,035	[20] 52	1965	8,210			45,394	37.0			
Far West:																				
Los Angeles, Calif	504	18	169	50.5	4.2	120	29	652,619	39.8	311,299	[22] 48	1965	[23] 188,084			464,535	23.0			
Oakland, Calif	125	35	41	48.8	4.1	29	30	[24] 88,545	5.4			1965	33,943			54,602	17.3			
San Francisco, Calif	96	13	22	29.7	2.7	37	28	64,742	4.0			1965	26,837			37,905	15.8			

[1] Aid to families with dependent children.

[2] The 30 cities with the largest Negro population in 1970, according to the Bureau of the Census, except for Philadelphia, Pa., Richmond, Va., Jacksonville, Fla., and Milwaukee, Wis., where welfare officials could not be contacted.

[3] Base is population at beginning of period.

[4] From sample taken September 1969. Ratio may have declined to 20 percent nonwhites to 80 percent whites, as whites are getting on welfare in increasing numbers.

[5] Based on actual distribution of welfare rolls as of June 1969. Puerto Ricans included in whites; whites 57.4 percent. In 1968, family aid case load was 13 percent white, 40 percent Puerto Rican and 47 percent nonwhite.

[6] Openings of cases. Distribution 61.3 percent white to 38.7 percent nonwhite. Thought to reflect current situation. Usually in past ratio was 50:50. New applications running 64 percent white to 36 percent nonwhite. Closings, 61.8 percent white to 38.2 percent nonwhites.

[7] Allegheny County; two-third population within the city.

[8] As of January 1970. Probably higher now.

[9] 1970 cases. Estimate is that whites are getting on faster now than nonwhites and ratio may be 78:22 or 77:23, nonwhites to whites.

[10] 1964 data. Families with fathers at home.

[11] For all welfare programs. Distribution was 70.9 percent Negroes, 24 percent white, 0.1 percent American Indian, 0.4 percent Mexican-American, and 4.6 percent not classified.

[12] Cuyahoga County.
[13] Hamilton County.
[14] Franklin County.
[15] Marion County.
[16] Lake County.
[17] Jackson County.
[18] Shelby County.
[19] Harris County.
[20] Statewide survey as of July 1, 1971: Race of Payee (by family). Distribution was Anglo 14.7 percent, Negro 52.3 percent, Latin 32.9 percent, American Indian 0.05 percent, other and unknown 0.05 percent. Increases in new recipients have slowed markedly in last few months of 1971. Officer in Austin could not give an explanation.
[21] Dallas County.
[22] December 1967, family groups and unemployed fathers programs. Distribution 30.44 percent white; 47.68 percent Negro; 20.37 percent Mexican-American; 0.52 percent American Indian; and 0.60 percent other.
[23] Los Angeles County.
[24] Alameda County.

Sources: Population and migration. "The Social and Economic Status of Negroes in the United States, 1970," special studies, BLS report No. 394, current population reports, series P-23, No. 38, U.S. Department of Commerce, Bureau of the Census, U.S. Department of Labor, Bureau of Labor Statistics, tables 11 and 12, pp. 17 and 18.
Welfare estimates: Telephone survey of responsible welfare offices.

TABLE 8.—GROSS AND NET MIGRATION RATES FOR MEN, BY REGION, AGE AND RACE, 1965-70

[In percent]

Region	Age 25 to 44						Age 45 and over					
	Negro			White			Negro			White		
	Outmigration	Inmigration	Net migration	Outmigration	Inmigration	Net migration	Outmigration	Inmigration	Net migration	Outmigration	Inmigration	Net migration
New England	21.5	28.2	6.7	13.0	12.3	−0.7	8.9	12.6	3.7	6.9	7.5	0.6
Mideast	9.0	12.3	3.3	10.6	10.0	−.6	4.2	5.3	1.1	5.8	5.7	−.1
Great Lakes	8.2	19.1	10.9	11.5	11.4	−.1	3.9	5.8	1.9	7.2	5.8	−1.4
Plains	21.3	22.0	.7	17.7	14.5	−3.2	7.4	11.1	3.7	10.0	8.4	−1.6
Southeast	15.9	6.1	−9.8	12.8	14.1	1.3	5.7	3.1	−2.6	7.6	10.4	2.8
Southwest	13.1	13.1	0	15.9	19.1	3.2	7.3	6.9	−.4	9.5	11.8	2.3
Rocky Mountain	38.2	52.9	14.7	23.9	21.3	−2.6	12.5	28.1	15.6	14.6	10.5	−4.1
Far West	13.2	22.9	9.7	14.4	14.8	.4	7.1	9.2	2.1	8.8	8.1	.7
Average	12.7			13.1			5.3			7.6		

Source: Social Security Administration, 1-percent sample survey.

TABLE 9.—ORIGIN AND DESTINATION OF MALE MIGRANTS, TO AND FROM THE SOUTHEAST, BY REGION, AGE AND RACE, 1965–70

[Percentage distribution]

Region	Age 25 to 44				Age 45 and over			
	Origin		Destination		Origin		Destination	
	Negro	White	Negro	White	Negro	White	Negro	White
New England	7.2	5.3	5.0	5.1	3.1	5.6	6.8	5.6
Mideast	48.5	28.0	38.6	28.3	45.4	29.3	37.1	33.4
Great Lakes	20.2	30.1	34.4	31.8	20.8	26.9	24.1	27.6
Plains	3.3	6.0	4.0	7.0	2.3	5.9	8.9	6.3
Southwest	12.1	11.2	8.7	16.2	16.9	10.5	15.2	15.5
Rocky Mountain	.7	1.5	1.0	1.4	.8	1.3	1.3	1.2
Far West	8.1	17.8	8.3	10.2	10.8	20.4	6.8	10.4
Total [1]	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Total may not add to 100 due to rounding.

Source: Social Security Administration, 1-percent sample survey.

TABLE 10.—INCOME GAINS FROM MIGRATION, 1965–70

[In percent]

A. Income differentials before and after migration, by region and race—migrant versus nonmigrant males, 25 to 44:

Region	Before migration		After migration		Gain from migration	
	Negro	White	Negro	White	Negro	White
New England	−16.2	0.8	−8.2	10.8	8.0	10.0
Mideast	−13.9	1.3	−13.8	5.8	.1	4.5
Great Lakes	−22.7	−4.5	−20.5	−1.5	2.2	3.0
Plains	−6.2	1.0	−6.3	10.8	−.1	9.8
Southeast	−18.5	1.0	14.5	14.0	33.0	13.0
Southwest	−10.9	−3.3	1.2	6.1	9.7	9.9
Rocky Mountain	−15.2	−9.2	−13.1	9.0	2.1	18.2
Far West	−20.4	−1.5	−15.7	−.9	4.7	.6

B. Income of migrants from Southeast relative to nonmigrants:

	Relative income in—				Increase relative to nonmigrants	
	1965		1970			
	Negro	White	Negro	White	Negro	White
Males 25 to 44	81	101	114	114	33	13
Males 45 plus	95	117	100	122	5	5
Females 25 to 44	84	92	108	99	24	7

Source: Social Security Administration, 1-percent sample survey.

APPENDIX: STATISTICAL ANALYSIS OF NET MIGRATION RATES

This statistical analysis represents an attempt to identify and to quantify the factors which affect domestic interstate net migration rates of black and white people. It was assumed that the most important incentive for both races was provided by income differentials among States—that is, migrants would move to the location of the more favorable economic climate. In addition, an attempt was made to account for migration patterns which may be in response to noneconomic factors—such as racial discrimination (for blacks) or retirement conditions (for whites).

The estimating technique used in this study was multiple regression analysis. Tests of the models were performed using data for the continental United States and the District of Columbia for the Census decades 1950–1960 and 1960–1970. These data appear in the Appendix Table 1.

The basic model relates per capita income differentials and a dummy variable designed to approxiate both economic forces not specified in the equation and noneconomic factors which have contributed to migration patterns. For black migrants, the disincentives to remain in the Southeastern region were specified as the dummy variable with values of 1.0 for the Southeastern States (excluding Florida) and 0.0 elsewhere. White migration rates were related to a dummy variable which assumed values of 1.0 for the retirement and recreational areas of Florida, Arizona, and Nevada and 0.0 elsewhere. In all cases, the regressions were weighted by the black, white, and total populations for the respective net migration rate equations. The results appear in Appendix Table 2.

What the basic model (Equation (1)) shows for the two time periods is that migrants of both races respond to income differentials as measured by the per capita income ratio, and to other forces approximated by the dummy variables. Relatively high income States appear to attract migrants as well as maintain their own population. However, it should be noted that Equation (3) for white migrants in the 1960–70 decade shows an income coefficient which is not statistically significant at the 5.0 per cent level of confidence. This is probably the result of statistical biases and the coefficient's magnitude may be underestimated. Aside from the attraction of income, black migrants were motivated to move out of the Southern region at above average rates. This effect is shown by the negative and statistically significant coefficient on the Southern disincentive variable. White migrants responded to retirement and recreational incentives and moved in that direction at above average rates.

To test the effects of welfare payment on the direction of migration, payments per recipient under the Aid to Families with Dependent Children Program was added to the basic model. Equation (2) shows that black migrants responded positively to State differences in welfare programs whereas whites did not. However, welfare may be positively related to the income variable, and it may also be coincident with the trend of black movement out of the South, a low payment area, to other parts of the nation.

A second variation was tested by replacing the welfare variable with educational expenditures per pupil (as shown in Equation (3)). Again, black migrants appeared to respond positively to expenditures and whites did not. However, per pupil costs are generally lower in the South relative to the rest of the Nation.

Replacement of the welfare variable with educational expenditures appears to show no significant difference in the regression results.

The constant terms in most of these equations are large and negative. These indicate that there is steady pressure for people to move out of most States, which—unless counterbalanced by a strong income response—will result in net out-migration among both races.

APPENDIX

TABLE 1.—NET MIGRATION, 1960 TO 1970, AND PERSONAL INCOME, WELFARE PAYMENTS, AND EXPENDITURES ON EDUCATION BY REGION AND STATE

Region and State	Net migration rate (percent) Negro	Net migration rate (percent) White	Ratio of per capita personal income in State to per capita personal income for United States 1969 (percent)	Aid to families with dependent children—Payments per recipient (December 1970)	Annaul current expenditure per pupil (elementary and secondary schools, 1970)
U.S. average			100.0	49.50	812
New England:			109.0	68.58	853
Maine	0	−7.2	83.0	40.40	723
New Hampshire	0	11.2	92.0	61.35	687
Vermont	0	3.5	88.0	61.35	1008
Massachusetts	29.5	.5	111.0	71.50	841
Rhode Island	12.2	.5	100.0	61.85	915
Connecticut	35.4	6.8	124.0	65.30	916
Mideast:			114.0	67.08	1067
New York	27.9	−4.2	122.0	77.90	1247
New Jersey	23.3	6.1	117.0	62.60	1054
Pennsylvania	2.9	−4.0	100.0	63.10	892
Delaware	6.6	8.4	110.0	36.25	891
Maryland	15.2	11.3	109.0	43.65	888
District of Columbia	8.7	−39.7	137.0	55.25	971
Great Lakes:			104.0	51.32	825
Michigan	17.3	−1.7	104.0	53.80	890
Ohio	5.8	−2.1	101.0	43.85	729
Indiana	12.0	−1.3	96.0	35.95	731
Illinois	12.2	−2.4	115.0	58.55	872
Wisconsin	36.1	−.8	94.0	64.20	930
Plains			94.0	50.55	804
Minnesota	33.3	−1.2	98.0	72.05	971
Iowa	6.0	−6.9	94.0	52.30	902
Missouri	3.7	−.6	94.0	30.50	710
North Dakota	0	−15.2	76.0	61.50	665
South Dakota	0	−14.0	81.0	53.40	680
Nebraska	7.3	−5.6	96.0	41.60	653
Kansas	−.9	−6.7	98.0	55.75	731
Southeast			81.0	27.03	628
Virginia	−9.7	6.5	92.0	47.45	753
West Virginia	−22.2	−14.0	77.0	27.15	598
Kentucky	.5	−5.6	78.0	30.80	580
Tennessee	−8.7	0	79.0	29.65	571
North Carolina	−15.7	2.4	82.0	30.90	607
South Carolina	−23.8	2.8	75.0	19.70	615
Georgia	−13.7	7.0	85.0	28.45	615
Florida	−3.6	33.0	93.0	23.85	728
Alabama	−23.6	−.2	73.0	15.20	463
Mississippi	−30.4	.8	66.0	12.10	495
Louisiana	−15.7	1.2	78.0	20.10	747
Arkansas	−28.7	2.7	71.0	25.00	549
Southwest			89.0	30.78	637
Oklahoma	−2.1	−.2	84.0	37.25	659
Texas	−.3	1.1	90.0	28.95	599
New Mexico	−24.7	−13.8	80.0	32.50	751
Arizona	−10.2	21.2	92.0	32.00	768
Rocky Mountain			90.0	48.43	707
Montana	0	−8.7	86.0	45.85	819
Idaho	0	−6.6	83.0	50.60	595
Wyoming	0	−2.2	91.0	42.25	884
Colorado	40.9	11.0	97.0	52.15	735
Utah	0	−1.9	82.0	42.85	611
Far West			110.0	53.77	859
Washington	20.0	8.0	102.0	60.25	826
Oregon	20.9	8.4	94.0	46.85	875
Nevada	48.0	51.5	116.0	30.85	756
California	30.7	10.6	113.0	53.95	866

APPENDIX TABLE 2.—REGRESSION ANALYSIS OF NET MIGRATION, 1950–60 AND 1960–70

[See description of models below]

Race	Personal income [1]	Southern disincentives [2]	Retirement incentives [3]	Welfare benefits [4]	Educational benefits [5]	Constant	R²	Standard error
1950–60 [6]								
Negro:								
Equation (1)	75.59	−12.97	(7)	(7)	(7)	−59.38	0.82	11.2
t statistics	5.80	−2.16	(7)	(7)	(7)	−4.17		
White:								
Equation (1)	30.90	(7)	67.09	(7)	(7)	−29.80	.67	9.3
t statistics	4.25	(7)	9.18	(7)	(7)	−3.98		
Both:								
Equation (1)	39.79	(7)	57.71	(7)	(7)	−38.44	.69	8.7
t statistics	6.11	(7)	8.71	(7)	(7)	−5.78		
1960–70 [6]								
Negro:								
Equation (1)	69.87	−11.48	(7)	(7)	(7)	60.99	.82	8.1
t statistics	6.55	−2.95	(7)	(7)	(7)	−5.29		
Equation (2)	33.29	−12.66	(7)	.35	(7)	−40.10	.85	7.5
t statistics	2.12	−3.49	(7)	2.98	(7)	−3.15		
Equation (3)	23.49	−12.96	(7)	(7)	.024	−52.15	.84	7.8
t statistics	2.53	−3.41	(7)	(7)	2.20	−4.43		
White:								
Equation (1)	7.79	(7)	31.43	(7)	(7)	−7.12	.54	6.1
t statistics	1.25	(7)	7.35	(7)	(7)	[8] −1.13		
Equation (2)	29.39	(7)	27.18	−.23	(7)	−17.18	.61	5.7
t statistics	3.03	(7)	6.35	−2.77	(7)	−2.48		
Equation (3)	16.42	(7)	31.09	(7)	−.020	−12.20	.60	5.8
t statistics	2.79	(7)	7.65	(7)	−2.47	[8] −1.93		
Both:								
Equation (1)	22.40	(7)	26.53	(7)	(7)	−21.31	.55	5.7
t statistics	3.97	(7)	6.67	(7)	(7)	−3.72		
Equation (2)	40.09	(7)	23.15	−.188	(7)	−29.70	.60	5.5
t statistics	4.31	(7)	5.70	−2.33	(7)	−4.54		
Equation (3)	23.81	(7)	26.21	(7)	−.018	−25.90	.66	5.4
t statics	4.36	(7)	6.94	(7)	−2.46	−4.51		

[1] Ratio of each State's per capita personal income to per capita personal income for the United States, 1969.

[2] Proxy for the complex of factors beyond differences in personal income which induce a high rate of net out-migration of Negroes from the South, excluding Florida.

[3] Proxy for the complex of factors beyond differences in personal income which induce a high rate of net in-migration of white persons into 3 States: Florida, Arizona, and Nevada. These States are generally retirement and recreational areas.

[4] Payments per recipient under program of aid to families with dependent children in each State, December 1970.

[5] Annual current expenditure per pupil—average daily membership, elementary and secondary schools, 1970–71.

[6] Net migration rates for each State during the decade.

[7] Not used in equation.

[8] Insignificant at 5-percent level of confidence.

NOTES

Model I: Effects of income; equation (1).
Model II: Effects of welfare; equation (2).
Model III: Effects of education; equation (3).

NEW BRITAIN, CONN.

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mrs. GRASSO. Mr. Speaker, the most endearing quality of the city of New Britain is the rich diversity of her people. It is strength and inspiration as this community begins a new century of progress.

The talents and skills of the enterprising blacksmiths who developed "the hardware city of the world," and the thousands of immigrants who found new hope and achievement in a new world added to a proud industrial heritage. The community was enriched by the culture and customs of people from throughout the world who wove their special life style into the rich tapestry. Those industrious and resourceful workers and their families who came to this city to begin a new life—drawn as by a magnet from every European nation—applied their skills and hearts to building a uniquely versatile and cosmopolitan community which now proudly celebrates its 100th anniversary.

In this city of some 84,000, citizens' participation in all phases of community life mark a fierce loyalty to New Britain and a determination to prepare a prosperous future for younger residents. Together, the people of New Britain have worked hard to give their children an education they themselves often did not have an opportunity to enjoy. The city school system now includes 15 elementary schools, four junior high schools, two high schools, six parochial schools, a Catholic high school, six Catholic junior highs, and a school of commerce. The first trade school in Connecticut was opened in New Britain in 1910—the E. C. Goodwin Technical School, and the fine Central Connecticut State College has for years offered an excellent higher education to students in surrounding communities. Libraries, a symphony orchestra, and the widely recognized New Britain Museum of American Art add immeasurably to the educational and cultural life of the city, and attract visitors to share in these riches.

In addition to providing all the necessary municipal services a growing community needs, New Britain residents embarked on major development programs during the 1960's to refurbish the downtown area and attract new business and commerce in the East Main Street and South Central areas. These plans for the future will insure a strong vibrant New Britain at a time when the future of many American cities is bleak, indeed.

The manufacture of hardware items such as buckles and clasps and a thriving business in high-grade hosiery and shirtmaking led to further industrial expansion and preeminence in machine tools and ball bearings. They are a tribute to industrial leadership and skills of New Britain workers.

The industrial and commercial talents of New Britain's people are matched only by their patriotic zeal and love of country. New Britain's sons and daughters have served our Nation courageously during all the difficult days of war. And memorials to her fallen soldiers are silent tribute to the hopes and dreams of all freedom-loving Americans.

It is a pleasure for me to join the people of this great city in celebrating this most important anniversary. The next century presents grave challenges to America. It is my privilege to represent in the Congress the people of New Britain who do not shrink from the future, but welcome it.

THE AIRPORT SYSTEM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THE AIRPORT SYSTEM

A SPEECH PRESENTED TO THE 5TH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, SEPTEMBER 9, 1971, BY THOMAS M. SULLIVAN, EXECUTIVE DIRECTOR, DALLAS/FORT WORTH REGIONAL AIRPORT

All of you gentlemen, and ladies, are seasoned air travelers I know, and as such you are all well aware of what is happening in air transportation in the United States today.

In a word, there is an explosion in air transportation. Just look at some of the facts and figures relating to the growth of air transportation over the past decade. For example, in 1959, U.S. scheduled air carriers transported a total of 58 million passengers; by 1969, the number of passengers carried had nearly tripled, to 160 million! During the same period, the growth of air cargo was just as dramatic; increasing by 17 to 25 percent yearly. Since 1969, We have witnessed a slowdown in air passenger and cargo growth as part of the general economic decline. However, the sage prognosticators in our business believe that this slowdown is only temporary, and project that the former growth rates will be retained, and perhaps even surpassed in the years to come.

The reasons for this growth are apparent. Improved aircraft technology has enabled our aircraft manufacturers to build larger and more efficient airplanes, which in turn have made air travel more desirable and less costly. As a result, the large airplanes have, and will continue to generate a sizable new demand for air transportation. Also, the United States population is growing larger, and more highly educated, and people have more time and money to spend on leisure activities. A desire to travel is common to most Americans, and therefore extra time and money often results in air travel.

So far, this story of growth is a happy one; unfortunately, the increased demand for air travel has also resulted in a deterioration in the air travel experience. An unexpected delay waiting for clearance to land, or in line on a taxiway waiting to take off, or trying to claim a bag in a jammed bag claim area is not a happy experience.

These conditions all result from over-utilization of our air transportation system. And one weak link in the air transport system is the airports. We presently have 1971 air traffic operating out of 1951 and 1961 facilities!

The deficiencies in U.S. airports are not only frustrating, they are expensive. It is estimated that delays in holding patterns cost U.S. businesses in excess of 70 million dollars in employee time lost. Thus a critical situation has developed; it is clear that airports in the United States are a bottleneck to pleasant and fast air travel, and that they are constraining both the growth of our air transport system and our national economy. This, then, is the challenge facing airport planners; to plan and expand the capability of the nation's airports as rapidly as possible.

Let's consider for a moment some of the factors that airport planners must cope with in doing this. The airplanes of today are many in number and colossal in size. The Boeing 747 is a mammoth airplane capable of carrying 500 people; yet at this very moment, the manufacturers are busy designing 1000 passenger airplanes. The requirements that the large aircraft create on the ground are many; wider runways and taxiways, more apron space, and great increases in terminal space and facilities. The passenger peaks that result from the large aircraft create a ground congestion problem of enormous proportions.

Every passenger wants the airport to be nearby when he decides to fly, but at the same time, not in his own back yard. There are no large tracts of available land near major city centers for new airports, and the older airports are unable to grow, constrained on all sides by commercial and residential development.

Finally, the facilities required at an airport have increased tremendously over the years. A modern airport must include freeway routes from major urban areas, vast vehicle parking areas, food services, medical services, passenger processing facilities, freight and cargo handling facilities, aircraft maintenance and overhaul facilities, sophisticated weather and air traffic control units, and safety and fire protection equipment. A modern airport is physically equivalent to a medium sized city, and has similar administrative, maintenance, and operations problems.

Thus the problems of the airport planner are myriad; he must create a facility that is close by in time to all users, is economical to build and economical for the airlines to use, that offers all of the desired services and accommodations for passengers, that is integrated with all surface modes of transportation, and finally, one that has sufficient capacity to accommodate both present traffic, and future growth.

Of all the factors that must concern the airport planner, the problem of airport access and ground circulation is of special importance. Although its significance is often overlooked or discounted, inadequate airport access can limit the capacity of an airport as effectively as too few runways or terminals. For example, a study of Los Angeles International Airport a few years ago predicted that the lack of good highway access would ultimately limit that airport's capacity—before its terminals or airfield facilities. This prediction has since come true and is a danger that the airport planner must guard against. It is mandatory that he work directly with the urban, highway, and rapid transit planners, to assure that inadequate ground access inside and outside the airport does not limit its capacity and thereby restrict the growth of the entire urban area.

This task of cooperative airport access planning can be very difficult. In the absence of strong metropolitan area planning, the airport planner must take an active role, and stimulate the planning of new highway and rapid transit systems. Where strong planning exists, the airport planner's role must necessarily be a more reserved one of motivating cooperation with those persons and agencies responsible for planning airport access facilities.

All of these problems of arport planning have confronted us in planning the new Dallas/Fort Worth Airport, which is to be one of the largest in the world. In order to achieve the best facility possible, we have used the concept of "restraint-free service" in all our planning. This approach is one which will guarantee that both passengers and aircraft can use the Airport with maximum convenience, and minimum delay.

Our method for achieving a "restraint-free" facility was to first ascertain that the major limiting factor that we as planners could not control was the saturation of the airspace over the Dallas/Fort Worth area. With the assistance of the FAA, the condition of airspace saturation was investigated, and we discovered to our great satisfaction that the airspace capacity over our proposed Airport was extremely high. With this assurance, we were then able to plan our runways, taxiways, and aprons so as to minimize the operational delays for the large, awkward, and very expensive airplanes of today and tomorrow.

We then turned our attention to our terminal, roadway circulation, and access systems; all of which were planned with equal, or greater capacity than that of the airspace. By this method, we have satisfied ourselves that our "on the ground" facilities will equal the airspace capacity, and therefore fulfill the promise of the future.

Let me now describe the Dallas/Fort Worth Airport and explain how we have solved some of the problems I outlined earlier; in particular those of ground access and circulation.

In typical Texas style, the Dallas/Fort Worth Airport is immense; its boundaries encompass approximately 18,000 acres, stretching 9 miles from north to south and 8 miles from east to west across the widest extremities. The airfield system at D/FW is shown as white lines on the yellow portions of this slide, and is composed of four north/south runways and two crosswind runways, symmetrically arranged on both sides of the passenger terminal complex.

The passenger terminal area is composed of 13 semi-circular passenger terminal units, which lie on both sides of a central "spine" highway. These passenger terminal buildings are designed to fit the "drive to the gate" concept of airport terminal planning.

In the Dallas/Fort Worth design, each terminal building forms the perimeter of a semi-circle; the aircraft parking positions are along the exterior perimeter, while the passenger access roads and parking facilities occupy the interior area. This design completely eliminates the "long walk" experienced at many airports today. Each of the 13 terminal half-loops at D/FW will be capable of simultaneously processing 18 747 aircraft, or as many as 24 of a mix of aircraft.

Of course not all of the facilities that I have described will be completed when the Airport opens in mid-1973. Many of these features are reserved to accommodate projected future growth. Initially three of the primary runways will be constructed, together with four terminal half loops, located in the center portion of the terminal complex. These four terminal buildings will house the nine airlines presently serving Dallas Love Field. Other first-stage facilities will include the access roadway system, aircraft maintenance hangers, a hotel, fire and rescue stations, automobile parking facilities, and AIRTRANS, our automated Airport Transportation System.

In the D/FW plan, good ground access and circulation have been assured by a balanced design, involving siting, highway development plans, and a new transportation technology. First, the Airport's location midway between Dallas and Fort Worth guarantees good accessibility from either city. Second, a Regional Highway Plan was conceived, and is being implemented by the Texas Highway Department to serve the Airport and its surrounding area. Since Texans are fond of their cars, and we think they will continue to be, these access highways have been sized to handle a very large volume of Airport traffic.

Once inside the Airport, passenger and service vehicular traffic will be separated, and handled on completely independent road systems. This division improves both passenger and service access, and maximizes passenger safety.

Finally, intra-Airport circulation will be provided by an innovative, new, transportation technology, which we call AIRTRANS. AIRTRANS is a completely automated transportation system, which will transport passengers, employees, baggage, airmail, trash, and supplies within the Airport.

The need for such an automated transportation system was recognized early in the planning of the Airport. The terminal buildings at the Airport are widely separated, to accommodate the large airplanes of today and the monstrous airplanes that are expected tomorrow. For these separated terminal buildings to function effectively together, it was necessary that they be linked by a fast, efficient form of transportation, which would supplement the highway access system, and support the various terminal operations. Since no such system existed at that time, the Regional Airport Board elected to pioneer its development.

The program to develop AIRTRANS began in mid-1967, when the Regional Airport Board first requested proposals from the transportation industry. Since that time, they have sponsored exhaustive analytical investigations and hardware testing programs designed to insure the early development, testing, and installation of the Dallas/Fort Worth AIRTRANS. The realization of the AIRTRANS program objectives came in July of this year, when the Airport Board awarded a contract for the design and construction of AIRTRANS to the Vought Aeronautics Company.

The AIRTRANS system is revolutionary in concept, and yet practical in design. Vought's designs employ existing, proven hardware components for economy and reliability. The AIRTRANS passenger vehicle will be rubber-tired and electrically propelled, and thus silent, smooth, and non-polluting. The vehicles will operate in a rugged and yet beautiful concrete guideway. Inside, the AIRTRANS vehicles will provide the utmost in passenger comfort. Seats will be provided for 16 people, and as many as 24 additional passengers can stand comfortably. Air conditioning, tinted glass, interior lighting, sound insulation, and a pneumatic suspension system will assure a desirable ride. Carpeted flooring and upholstered seats will provide the sophistication expected by today's airlines passengers.

A passenger will arrive by air at the terminal building, and proceed across the terminal concourse to an escalator leading to one of the air-conditioned AIRTRANS passenger stations. The passenger's fare will be automatically collected as he enters the station. Upon entering the station, the passenger will encounter an explanatory graphic display, depicting the AIRTRANS routes and services available. The passenger will then wait for the proper vehicle to arrive, board it, and enjoy a fast, safe, pleasant ride to his distination. In addition to carrying passengers, AIRTRANS will also carry Airport employees to and from work in the terminal facilities.

A unique feature of AIRTRANS is its capability to automatically move cargo simultaneously with passengers and employees. The cargo to be carried by AIRTRANS includes baggage, mail, trash and supplies. The movement of cargo by AIRTRANS will be completely automated. Containerized cargo will be transported by AIRTRANS utility vehicles, constructed especially for cargo service. Each airline terminal will have several cargo stations where AIRTRANS utility vehicles will automatically pick up and discharge cargo containers.

The first-stage AIRTRANS system will operate entirely within the boundaries of the Airport. However, this does not mean to imply that we have ignored the future expansion of the AIRTRANS system.

D/FW is conceived as a fully automated airport. Because of this, as the Airport grows, AIRTRANS will be extended and expanded to connect all the facilities at the Airport. Provisions for this enlargement of the AIRTRANS system have been incorporated into the design of all Airport facilities. AIRTRANS itself can be expanded by running vehicles in trains, by adding new trains to the system, and by adding additional guideway wherever it is needed.

Earlier, I emphasized that airport planners must employ different surface transportation modes to maximize airport access capacity and service. At Dallas/Fort Worth, future rapid transit access to the Airport will be provided by an AIRTRANS connection with an intercity rapid transit system linking the cities of Dallas and Fort Worth. The Airport is strategically located to facilitate such a system. Right-of-way has been preserved on the Airport to permit AIRTRANS vehicles to travel between the terminal area and a junction terminal, where passengers will transfer between the inter-city rapid transit system and AIRTRANS. From this point, passengers will ride AIRTRANS directly to their desired aircraft gate.

That is the story of the planning for the Dallas/Fort Worth Airport, and AIRTRANS. The story is a cooperative one, of determination and foresight on the part of the Regional Airport Board, with assistance and strong support provided by local, state, and Federal agencies, such as the Texas Highway Department, the FAA, and UMTA.

I must say I am very proud of our accomplishments at the Dallas/Fort Worth Airport. Without doubt, our basic situation was more favorable than most airports enjoy; a new airport facility, completely free from preconceived administrative and jurisdictional constraints. We have thus been able to plan freely, and we have done our very best to assure that the Regional Airport will be the finest in the world in every way.

On behalf of the Dallas/Fort Worth Regional Airport Board, I would like to extend a cordial invitation to each of you to visit Dallas/Fort Worth in 1973, to personally view the new Airport, and to see and ride AIRTRANS. Thank you for your time and interest.

LUTTY NAMED LABOR MAN OF THE YEAR IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MOORHEAD. Mr. Speaker, my good friend Anthony J. Lutty of the Amalgamated Employees Union, Local 590, has recently been named labor man of the year, by the Pittsburgh Chapter Knights of Columbus.

I applaud the Knights of Columbus for their excellent choice of Bud Lutty. He has worked long and hard on behalf of his union, the food store employees, and workingmen throughout the city of Pittsburgh.

I would like to insert in the RECORD a news story which tells more of Bud's award and I want to add my name to the list of his friends who know how deserving he is of this acclaim:

LABOR MAN OF THE YEAR

The Pittsburgh Chapter of the Knights of Columbus, through its President, Joseph Meehan, has announced that Local 590's First Vice President Anthony J. Lutty has been selected as the Labor Man of the Year for 1971.

Brother Lutty was advised that he would be honored at a dinner along with awardees representing Industry, Sports, Science and Arts, Education and Community Affairs, at the "Columbus Day Celebration" to be held in the Ballroom of the William Penn Hotel, Oct. 10, 1971.

The award and honor comes as no surprise to the officers and members of Local 590, who have long recognized the outstanding qualifications of our Vice President. Lutty, who had been honored by Pope Paul VI when he was awarded the Pro Ecclesio et Pontifice Medal by Cardinal John J. Wright, was perhaps one of the few people who did not expect this tribute.

In addition to his many duties in the labor movement, Vice President Lutty finds time to be active in community affairs, presently serving as a member of the Red Cross Board of Directors, also as a member of the Catholic School Board, Diocese of Pittsburgh, and a member of the Board of Regents of St. Fidelis College. He also directs the organizing activity of the Local and serves as the Legislative Chairman of the Union. In addition "Bud" also holds the office of Executive Secretary of the Allegheny County Labor Council and is a Vice President of the Ohio State Branch of Butcher Workmen.

Congratulations, "Bud", from all your friends in Local 590, no better choice could have been made.

BUSING OPPOSED OVERWHELMINGLY BY TEXANS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. ARCHER. Mr. Speaker, recent events demonstrate that most Americans are shocked and disappointed by recent Supreme Court decisions on school busing. Our efforts, in my opinion, should be directed toward upgrading the educational facilities for children in the areas where they live, striving for quality education rather than the expenditures of funds for transportation to bus children out of their neighborhoods.

The following article from the Houston Post indicates the opinions of the citizens of Texas concerning this critical issue. The poll was taken in August, just prior to the opening of the current school term.

The article follows:

TEXANS OPPOSE BUSING

(By Joe Belden)

The great majority of Texans, nearly eight out of ten, remain opposed to the busing of public school children to achieve racial integration, a statewide survey by The Texas Poll shows.

In more than three decades of public opinion measurements, seldom has the Poll found an issue more soundly rejected. About nine out of ten of the white majority in the state replied negatively in the interviewing completed last week. The black community is widely split, although half of the Negroes interviewed declared they do approve of sending children to racially mixed schools by bus—the only group of many analyzed containing anywhere near a majority in favor.

Judging from court action now facing many school districts over the state, the federal judiciary and other officials appear determined to accelerate school integration by September, through forced mixing if necessary. The controversial issue has engendered heated debate.

A representative cross section of 1,013 persons 18 and older—including correct proportions of whites, blacks and Mexican Americans—was interviewed. This was the question asked, followed by the results:

"In order to bring about racial balance in the public schools, the federal government wants children to be taken by bus to other schools in the community if the schools in their neighborhoods are not racially mixed. Do you approve or disapprove of this way of bringing about school integration?"

	Percent
Approve	17
Disapprove	78
Undecided	6

The same question was asked in a parallel Texas Poll in March, 1970, which showed 12 per cent approval, 84 per cent disapproval and 4 per cent undecided. A movement of opinion toward acceptance of busing could be assumed, Negroes contributing heavily to the change, the survey results indicate.

Aside from the marked differences in attitudes found among racial groups, there are other patterns evident from the replies: approval of busing is greater among the younger than the older, among the lesser educated than the better educated and in larger than in smaller communities. But in all of these cases the weight of opinion is against busing, as these breakdowns indicate:

[In percent]

	For	Opposed	Undecided
By race:			
White	6	89	5
Black	50	36	14
Latin	37	55	8
By age:			
18–34	21	74	5
35–49	13	80	7
50 up	13	80	7
By education:			
College	12	82	6
High school	16	79	5
Grammar	26	65	9
By population:			
Rural	13	82	5
2,500–9,999	16	80	4
10,000–99,999	15	76	9
100,000 up	19	75	6
By sex:			
Men	16	79	5
Women	16	76	8

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AMNESTY FOR WHOM?

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. STOKES. Mr. Speaker, a massacre occurred at Attica. In an incident as repulsive and inexcusable as that which occurred at Mylai, 28 inmates and 9 hostages were slaughtered. Every one of those people died from bullet wounds inflicted by the police who stormed the walls, ostensibly to liberate the hostages. The attack came because responsible authorities lacked any real concern for the lives of both the inmates, most of whom were blacks and Puerto Ricans, and the hostages, most of whom were prison guards. It came because those authorities were more concerned about law and order than about human life. It came because Gov. Nelson Rockefeller, whatever his reasons, chose to ignore the pleas of the members of the negotiating committee that he make an appearance. It came because police officers and national guardsmen were ordered to fire from four different directions. I agree with Governor Rockefeller that it is amazing that 28 hostages survived this crossfire. The use of live ammunition in this situation was as senseless as it was at Kent State. The inmates had no guns. Where was the sophisticated riot control equipment which must have been available? Where were the stun guns? Finally, what was the emergency which required immediate, massive, violent action? Governor Rockefeller and the other authorities charged with the awful responsibility for what happened at Attica should now be pleading for amnesty which they refused to consider for the inmates.

I include for the attention of my colleagues a column which appeared in the New York Times on September 16, 1971, by Tom Wicker, one of the negotiators, which eloquently describes the attitudes which permitted the Attica massacre to happen.

The column follows:

THE ANIMALS AT ATTICA

(By Tom Wicker)

WASHINGTON.—After the massacre at Attica, Governor Rockefeller issued a statement that began with this sentence:

"Our hearts go out to the families of the hostages who died at Attica."

Much of what went wrong at Attica—and of what is wrong at most other American prisons and "correction facilities"—can be found in the simple fact that neither in that sentence nor in any other did the Governor or any official extend a word of sympathy to the families of the dead prisoners.

True, at that time, it was thought that the deaths of the hostages had been caused by the prisoners, rather than—as is now known—by the bullets and buckshot of those ordered by the state authorities to go over the walls shooting.

But even had the prisoners, instead of the police, been the killers of the hostages, they still would have been human beings; certainly their mothers and wives and children still would have been human beings. But the official heart of the State of New York and its officials did not go out to any of them.

That is the root of the matter; prisoners, particularly black prisoners, in all too many cases are neither considered nor treated as human beings. And since they are not, neither are their families. Yesterday, the families of sixteen Attica inmates, gathered outside the medical examiner's office in Rochester, could not find out whether their husbands and sons were dead or alive; since last Thursday night they had not even been able to find out whether the men were involved in the prison rebellion, because the state would not trouble to tell them.

Dead hostages, for another example, were sent to the morgue tagged with their names; dead prisoners went tagged "P-1," "P-2," and so on. That is an almost unbearable fact to those who heard an eloquent prisoner shouting in the yard of D-Block last Friday night: "We no longer wish to be treated as statistics, as numbers. We want to be treated as human beings, we *will* be treated as human beings!" But even in death, they were still just numbers.

Time and again, members of the special observers' group that tried to negotiate a settlement at Attica heard the prisoners plead that they, too, were human beings and wanted above all to be treated as such. Once, in a negotiating session through a steel-barred gate that divided prisoner-held and state-held territory, Assistant Correction Commissioner Walter Dunbar told the prisoner leader, Richard Clark, "In thirty years, I've never lied to an inmate."

"But how about to a man?" Clark said quietly.

The physical aspect of a place like Attica—the grim walls, the bare yards, the clanging steel—bespeaks the attitude that prisoners are wild animals to be caged. Entering a tier in Cellblock C, where prisoners were under control, the observers were struck by the pathetic sight of shaving mirrors popping instantly from the window of each steel door; the windows are too small for the cells' occupants to see anywhere but straight ahead, and only the mirrors can show the prisoners what is happening in their "home."

Attica—like most prisons—is not a "correctional facility" at all; the phrase is a gruesome euphemism. No "correctional officer" there has any real training in correcting or teaching or counseling men; rather, they are armed guards set to herd animals. Senselessly, every guard at Attica is white, save one reported Puerto Rican no observer ever saw; but the prisoners are 75 per cent, or maybe 85 per cent—no one seems to know for sure—black and Puerto Rican. There is no Spanish-speaking doctor. All work for 30 cents a day, and one of their grievances claimed that they often were bilked of that.

The emphasis on guns and clubs during the crisis was incredible; it had to be seen to be believed. Once, standing alone and unarmed at the steel gate, Richard Clark refused to negotiate any further because the room beyond was packed with so many men bearing clubs, rifles, pistols, shot guns and tear-gas launchers. Three or four blacks from the prison, tourists were stopped at roadblocks by as many as four uniformed men, each carrying a club, a pistol, a rifle. So much weaponry was bound to be used sooner or later, and indiscriminately. And it was.

These guns, moreover, were in the hands of men who left no doubt they wanted to use them. Correction Commissioner Oswald's long delay of the assault and his efforts to negotiate were met with impatience and anger by the prison staff, the observers who were trying to prevent bloodshed saw hostility at every turn. A guard bringing them a box of food said as he put it down, "If I'd known it was for you people, I wouldn't have brought it."

The observers, after all, were standing between the men with the guns and the prisoners, who had none. Even the strong belief that an assault on the stronghold in Block D would cause the prisoners to kill their 38 hostages seemed to make little difference to those who had the guns; they wanted to go in.

The observers knew that. They said so to Commissioner Oswald and Governor Rockefeller, forcefully and in every way they could. They predicted a massacre. They said that waiting, while it might not ultimately prevent the slaughter, could hardly cause it; while attacking could result in nothing else.

But time is for men, not for prisoners and animals. Now the dead lie tagged in the morgue, and the men with the guns are counting their kill. They may even be looking forward to the same highly practical form of amnesty American society has already granted to the killers at Kent State and Orangeburg and Jackson State.

INDIANA WELFARE TERMED "LOUSY"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BRAY. Mr. Speaker, because of major errors in the printing of my insertion yesterday, I am resubmitting today the article written by Carolyn Pickering, staff reporter for the Indianapolis Star, from the September 19, 1971, edition:

INDIANA "LOUSY," WELFARE COUPLE LEAVING IN $10,000 LAND CRUISER

(By Carolyn Pickering)

SPENCER, IND.—Melvin, 39, and Lorraine Stewart, 49, fed up with Indiana because it's a "lousy" state for welfare benefits, are packing up their $10,000 air-conditioned, mobile land cruiser to return to California where "they really take care of folks on welfare."

The Stewart couple, both unemployed, now live with her two children in a four-room house at New Hope, a tiny rural community 12 miles south of Spencer.

The Stewarts call Indiana a "disaster state" and their village "No Hope."

They'll rent a trailer and hook that and their 1966 Pontiac Bonneville onto the rear of the land cruiser for the trip west.

Into the land cruiser, purchased in California, and on which they make $118.91-a-month payments, will go the two children, aged 12 and 9 and the family's handsomely clipped poodle, Sassy, whose tonsorial treatment costs $10 a snip.

Although the Stewarts say they're in too poor health to work, among the personal belongings they'll load into the trailer are four television sets, an upright deep freeze, a king-size, six-position vibrating recliner and a pair of elegant parlor chairs reupholstered in red velvet at a cost of $248.

All, of these, except the vibrating chair, were bought in Indiana since January at taxpayer's expense.

They hope to take a coppertone refrigerator-stove combination, complete with hood and circulating fan, but they may have to leave them behind. They have not finished paying for them.

Mrs. Stewart, who says she's been living off welfare, Social Security and trustee aid since 1959, is more than a little miffed at the Owen County Welfare Department.

She says:

"Mr. Chambers (Barry Chambers, eligibility case worker) told us when we came here last January we'd get $70 a month from them. We didn't.

"A month or so ago he told me how to change my budget around so we'd get a $28-a-month increase in our benefits. I did what he told me, but the board turned us down.

"He also told us he'd try and get welfare money to pay for the stove, but he didn't."

The plump mother also charged that Chambers promised he'd obtain welfare funds to pay for exterminators to rid the Stewart home of termites if the Stewarts could obtain a loan from a bank.

Mrs. Stewart said they were unable to obtain the loan, which was to have been paid off with the extra welfare money.

Chambers, a 24-year-old conscientious objector from New Castle, who said he has a degree in anthropology from Ball State University, said he couldn't discuss individual cases.

However, Mrs. Ann Rein, Owen County welfare director, said:

"There is a certain element of truth in what Mrs. Stewart told you. Their case is unique."

Mrs. Rein said regulations prohibit discussing details but she confirmed that Chambers "did talk with Mrs. Stewart about the condition of her home."

"The Stewarts," according to Mrs. Rein "couldn't obtain a loan for termite extermination so it was a moot issue."

She conceded, however, that had the loan been secured "we would have made a division of the payments."

Mrs. Rein said she wasn't going to be "put on the spot" by discussing other matters allegedly discussed by Chambers with the Stewarts.

Mrs. Rein said she feels the situation in Owen County is "typical of all counties in the state."

As a welfare recipient, Mrs. Stewart has served on the county's Citizens Advisory Council to the welfare department, but she resigned last week, saying the group is useless.

"People have complaints but they're afraid to talk for fear of getting kicked off the rolls," she said.

"Why, if a welfare person has to go to the doctor they're (welfare department) supposed to send a cab and pay the fare, but they won't. We're entitled to it, but they don't treat you right down here," she lamented.

In California, where she lived previously, Mrs. Stewart said she was on the "aid for the totally disabled" rolls—a category that doesn't exist in Indiana.

"I got $146 a month for that, plus $50 a month for a lady to clean the house and unlimited medical expenses," she said.

Mrs. Stewart said her principal health problems were caused by being overweight, high blood pressure and an enlarged heart.

Welfare benefits, $141 a month in Social Security for a daughter by a previous husband, Stewart's Social Security of $136 a month, surplus commodities and ADC of $232 gave them income of well over $500 in California, she said.

"We bought the mobile cruiser out there—brand new—two years ago, and had a ball," she said.

"We joined a camper club and traveled all over California—it was really fun" she reported.

But, in Indiana, the Stewarts say, combined ADC, Social Security for Stewart and the daughter, plus surplus commodities which "we don't like" gives them an income of only about $325 a month.

Yet they've kept up the $181 mobile cruiser payments and, two weeks ago, took a little vacation to Mammoth Cave in Kentucky.

And they don't intend to give up the

cruiser "because we have too much invested."

Stewart who claims a back injury prevents him from working, looks over the acre of ground around their New Hope home and says he hasn't put in a vegetable garden because "the weeds would get ahead of us."

He and his family say the surplus commodity program which gives them foodstuffs, including four pounds of butter a month, is inadequate.

Mrs. Stewart says she needs to be on a high-protein diet.

"I keep telling them I need things like lean beef, chicken, eggs and cottage cheese, but they don't pay any attention," Mrs. Stewart charges.

"Instead," she laments, "we're green-beaned to death and my kids don't like oatmeal for breakfast."

Chambers, speaking cautiously, blames the alarming rise in aid to dependent children welfare cases in Owen County on "part of a national trend."

Two years ago only 13 families with a total of 46 children were receiving such benefits and the cost to the taxpayer was $3,256 for 1969.

Currently, there are 77 families involving 195 children receiving a total of $9,984 in Owen County—a dilemma that has forced the welfare department to obtain an additional $37,000 appropriation, bringing their total 1971 budget to $284,895 for all types of assistance.

Chambers says there are a great many more folks in Owen County who probably qualify for benefits, but "they just don't know about it."

With 3 per cent of the 9,000 Owen County population now on welfare rolls, Chambers says this figure is low compared to the national average of 7 per cent of the population.

One of the more vocal citizens on the subject is Owen Circuit Court Judge William T. Sharp, who says the entire welfare concept is "destroying any incentive for self-sufficiency.

"People are being told they're suckers to be self-sufficient—that it's easier to get a free ride. We're on the wrong track, subsidizing laziness and dependency by making it easy," he declares.

Judge Sharp, utilizing the authority of his office, already has clamped down in cases where he has legal jurisdiction.

Last week, on a petition filed by the welfare department, the four children of Mrs. Margaret Corns of Spencer were made wards of the court and placed in foster homes. Mrs. Corns has left Spencer.

Judge Sharp said Mrs. Corns has been receiving $205 a month for the children, who were "neglected and getting poor training."

The father of the last child, Judge Sharp said is an 18-year-old serving a term in the Indiana State Youth Center on his conviction for assault and battery with intent to kill on Mrs. Corn's father.

In another case, $50-a-week support payments being made by the father of five of the 13 children mothered by Mrs. Phyllis Owens of rural Poland were ordered placed in the general fund rather than being given to Mrs. Owens.

The woman, with nine of the children living with her in a trash-littered farmhouse, receives $355 a month in welfare benefits. She has received at least $8,000 from the Owen County department since she moved from Marion County several years ago, according to the judge.

Judge Sharp said evidence in court indicated Mrs. Owens was living rent-free in the house although she had told welfare workers she paid $50 a month rent to the father of the five children, who owned the house.

Spencer druggist Jack Money said welfare recipients "are being counseled by someone to load up on prescriptions if they're about to go off the welfare rolls."

He said a surge of recipients, in recent months, also had become irate when he wouldn't permit them to put things such as toothpaste and shaving cream on their Medicaid cards.

"Medicaid pays for only medicinal items, but someone has been telling them the government would pay for most any drug store item," he said.

Money said that after Mrs. Rein was informed, the situation was corrected.

New Owen County Welfare Board member Frank Stewart (no relation to the recipient Stewarts) calls the entire welfare program a "form of blackmail by the Federal government."

He adds:

"I think there are responsible citizens at both the state and local level, but Federal regulations make it impossible for us to use our own judgment and I, personally, resent being rubber-stamped. It's sheer frustration."

SOROPTIMISTS CELEBRATE 50TH ANNIVERSARY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. WALDIE. Mr. Speaker, on October 3, the Soroptimist Federation of the America's, a service club for women, will celebrate its 50th anniversary in Oakland, Calif., where the first club was formed on October 3, 1921.

The Soroptimists spread from Oakland to San Francisco and Los Angeles and eventually throughout the entire world.

This outstanding organization has served youth, community, and Nation in many ways. Today those efforts include a most successful scholarship and fellowship program as well as environmental programs.

Members of the Soroptimists also contribute to international understanding and good will by an exchange program and work with such organizations as the United Nations and the American Field Service.

The Soroptimists have always been active in community and public affairs. I am sure, Mr. Speaker, that many of my colleagues in the Congress can cite the many instances where these dedicated women have called on them to vote for vital legislation and worthy programs.

At this 50th anniversary, the Soroptimists will be joined by members of their fellow groups, the Venture Clubs, for young professional women, and the "S" Club and Sigma Society which are high school and college organizations sponsored by the Soroptimists.

The October 3, 1971, celebration in Oakland will be sponsored by the Southwestern Regional Soroptimists, but members and officers from all over the Nation and the world will join in meeting at the birthplace of the organization.

Official hostess for the day will be Charlotte Chichester, governor of southwestern region, from Delano. She will be assisted by the 50th Anniversary Committee, chaired by Julia "Bess" Combs, of Antioch; Dorothy Cox, Modesto; Mary Gianotti, El Cerrito; Mary Ellen George, San Jose; Mayonne Glen, Sacramento; Ortha Wulfing, Oakland; Dottie Locke, Chico; Isabelle Portali, Stockton; and Aimee LuginBuehl of Reno, Nev.

Some of the Soroptimist officials attending: Ethel Lord, president, Soroptimist International Association, Morristown, N.J.; Katherine Stinsen, president, American Federation of the Americas Inc., Arlington, Va.; Eileene Bidwell, SFA president-elect, El Centro, Calif.; Gladys Neale, vice president, SFA, Toronto, Canada; Muriel Morse, past SFA president, Los Angeles; Dora S. Lewis, past SIA president, La Jolla; Mary Ann Foushe, president, Venture Council of the Americas, Ventura, Calif.; Violet Richardson Ward, president of the first Soroptimist Club in the world, Kensington, Calif.; and Loise B. Cushing, founder member, Oakland, Calif.

Mr. Speaker, during the first 50 years of giving service, the Soroptimists have found that "there is no me and thee—it's just we working together."

I believe that to be an outstanding philosophy and I am pleased to congratulate this fine service group on this special occasion.

THE CAMPBELL MEMORIAL HIGH SCHOOL CLASS OF 1931 REUNION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. CARNEY. Mr. Speaker, the Campbell Memorial High School class of 1931, of Campbell, Ohio, recently celebrated its 40-year class reunion. The Campbell Memorial class of 1931 had 71 members; 12 members are deceased, and 36 members came from all over the United States to attend the reunion. They traveled from as far away as San Francisco, Calif.

The class of 1931 is a very diverse group of first-generation Americans who were raised in a steel mill town during the depression. Despite the hardships of the depression, 32 members of the group, all from working-class families, managed to graduate from college.

Among the members of the class are: one medical doctor, one podiatrist, one high school principal, one grammar school principal, nine teachers, three druggists, one statistician, one college professor, two nurses, one hospital administrator, two engineers—one of whom is bridge engineer for the State of California—two bankers, one Congressman, one machine shop owner, five prominent small businessmen, one tax accountant, three former prizefighters, one retired fire chief, and, most important of all, many housewives raising fine families of future outstanding Americans.

The Campbell Memorial High School class of 1931 is composed of both Negro and white, including 18 different ethnic groups. They are self-respecting Americans who proved that the American dream is possible for people who have the intelligence, the spirit, and the will to make the dream a reality.

A list of members follow:

MEMBERS OF THE CLASS OF 1931

John Banks (Deceased), Nurmi Caggiano, Charles J. Carney, Louis Cegledy (Deceased), Stanley Cerech, Michael Cosentino (Deceased), Michael Cvengros (Deceased).

Anthony Depiero, William Dulkiweicz (Deceased), Michael Evanski, Samuel Faccioben, Anna Garasky Andraso, Frank Gennaro, Florence Gioppo Sgambati, John Godoscik.

George A. Graban, George D. Graban, Edward Graham, Ann Groza (Deceased), Tillie Guidos Kupec, Joseph Lilko, Aloysius Hamrock, Jack Beck.

John Komarc, Anna Korecki Gardner, Mary Kovachik Busek, Thomas Kraynak, Dorothy Larocco Petrella, Julia Larocco Huff, Kathryn Larocco Wasko, Catherine Lisko Galko.

Mary Lysowski Caggiano (Deceased), Louis Rich, Ralph Rich, Joseph Rudjak, John Schwartz, George Sevaca, Raymond Spagnola, Frank Speck (Deceased).

George Marhao, Helen Marinelli Barillaire, Gabriel Wargo (Deceased), Anna Maro Slanino, Nicholas Mastroides, Patrick Nolfi, Dr. Alexander Phillips, John Putko (Deceased).

Antoinette Rich King, Carl T. Burille, Ben Tucci, Nicholas Valery, Estelle Vano Poschner, Joseph Vansuck, Joseph Vargo, Anna Vojnovich.

Helen Spirkoff Sirak, Peter Spitt, Stephen Stefko, Albert Stonework, Agnes Tarida, Cornelius Thomas, Nicholas Trikilis.

Michael Voytilla, Matthew Wansack, Anna Youravich Ortsey, Dr. Peter Zalanowski, Stephen Zboray, Joseph Bozich, Kathryn Kulscar Matas, Anna Pavlica Cabisino (Deceased), Andrew Sabol (Deceased).

I am pleased to insert a poem written by Patrick W. Nolfi, a member of the class of 1931 and an English teacher at Campbell Memorial. The poem expresses some of the sentiments of the class on the occasion of its 40-year reunion.

The poem follows:

THIS IS NOT A CLASS OR FAREWELL POEM

(By Patrick W. Nolfi)

Well, here we are together again
It's good to see you once more
As we gather round to celebrate
Our reunion of two score!
Where we will be five years from now
Should be no cause to worry
We'll try to get together again
By car, bus, plane or surrey!
Let's face it, "darlings",
We are growing old
And it's certainly obvious that
There's lots of silver threads among the gold!
The years have flown by quickly,
But our mem'ries will never die
As we recall the days we spent
At dear old Memorial High!
Remember the days of our reckless youth?
When we did what we once did.
The kids today would never do
What we used to do as a kid!
We didn't shoot dope
Or smoke up pot.
We didn't wear minis
Or wear pants "hot"!
Beads were for the girls
And not for us he-men.
Remember the bald heads
Way back when?
We went to church on every Sunday
We prayed to Almighty God
We didn't mess around with thoughts
That were aesthetically mod!
Mom and Dad, God bless them both
Played the role of being boss
And the family was a family
And not a total loss!
We minded our "P's" and "Q's" in school
And teachers were respected
We studied, Oh! how we studied!
Because it was expected.
How times have changed!
To you I need not tell
And you will all agree
That the world is going to—well
Let's face it we've grown old
And youth must have its fling
And let's all hope the kids today
Like us will do their goldarn thing!
So let us hope and pray
That we'll all survive
And be around for our forty and five!
May God bless you all
And let's all have fun
You wonderful, wonderful
Class of Nineteen Thirty-one!

TAX ON "EXCESS" PROFITS WILL MEAN DISASTER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. ARCHER. Mr. Speaker, some Members of Congress have recently advocated the imposition of an "excess" profits tax as an additional means of curbing inflation. I can think of few measures that would be more detrimental to the strength of our national economy. Not only is the suggestion bad economics, it simply does not correspond with the rate of increases in wages, salaries, and profits.

I strongly urge my colleagues to take note of the following article from the Wall Street Journal of September 13. The facts included in the article are startling, indeed, and should have a sobering effect upon those individuals who have attacked the President's new economic policies as a "bonanza" for business.

The article follows:

[From the Wall Street Journal, Sept. 13, 1971]

THE OUTLOOK

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

(By John O'Riley)

While we wait for what's to come after "the 90 days," it may be well to ponder the most widely ignored fundamental fact about the so-called "wage-price spiral" that prompted the freeze. It is the heavily lopsided nature of the spiral. For every point of gain on the price side, there has been a two-point rise on the wage side. The popular idea that it has been more or less an even tradeoff between the two sides of the spiral is just not based in fact.

It is human nature, of course, for every man (and his wife) to see only the "runaway" prices and forget any increments in income. It is human nature for journalists to emphasize the prices. And it is political nature for politicians—especially those out of office—to do the same. But any close look at the record since 1965, when the inflationary bulge began, suggests that the emphasis is clearly misplaced.

The table below traces the widely followed consumer prices (cost of living) index and this country's median family income from 1965 through 1970. The family income figure for 1971, of course, is not available. The price index uses the new 1967 base as 100.

Year	Cost of living	Medium family income
1965	94.5	$6,957
1966	97.2	7,500
1967	100.0	7,974
1968	104.2	8,632
1969	109.8	9,433
1970	116.3	9,867

What these figures add up to, over the five-year span of inflation, is—

Cost of Living: up 23%.

Family Income: up 42%.

There is a story here on the question of who has the power to push prices up. It is common to lump "big business" and "big labor" together as a team having this power. The reasoning is that labor, through organization, forces wage costs up more or less at will, and then business, somehow because of its "bigness," simply passes these costs right along to the public in higher prices.

But it doesn't work out that way. Business cannot hold up its end of the log. The country's huge corporations, and especially those in industries where output is concentrated in a few firms, do have economic power, of course. But the idea that they can pass on all cost increases in an increasingly competitive world just doesn't stand up.

Vastly expanded productive capacity, both in this country and abroad in Europe and Japan, make this passing-along process steadily more difficult year after year.

This can be put sharply in focus by comparing the rise in producer prices on consumer goods (1967 equals 100) with the rise in weekly wages. The wages cover all private non-farm payrolls of production workers or nonsupervisory employes. The 1971 figures are for June.

Year	Consumer goods prices	Average weekly earnings
1965	$96.1	$95.06
1966	99.4	98.82
1967	100.0	101.84
1968	102.7	107.73
1969	106.6	114.61
1970	109.9	120.16
1971	113.1	127.57

Both of these columns, too, show big gains. But a little quick pencil work comparing the gains of each, reveals—

Consumer Goods Prices: up 17.7%.

Average Weekly Earnings: up 34.1%.

Footnote to the above: Prices on these manufactured products are up less than the cost of living index because the latter index contains the really big gainers—such things as services and taxes. A big factor in putting family income up more than weekly wages is the ever increasing number of double paychecks (working wives) enjoyed by American families.

On the prices-vs-wage costs question, it can be assumed that producers do not abstain from passing on all wage costs out of charitable feelings for the consumer. Any business will pass on its costs—if it can. And it must be concluded that the failure to do so is due to lack of power to do so—in the face of competition.

Wouldn't this sort of lopsided "spiral" have a fundamental impact on the structure of the country's economy? Indeed it would. It has. While GNP and consumer income have climbed steeply over the past half-decade, corporate profits have just about been stopped in their tracks. Here is the record for (1) gross national product, (2) wage-and-salary income of individuals, and (3) after-tax corporate profits. All figures represent billions. The 1971 figures are second quarter annual rates.

Year	GNP	Wages, salaries	Corporation profits
1965	$750	$359	$46.5
1966	750	394	49.9
1967	794	423	46.6
1968	864	465	47.8
1969	929	509	44.5
1970	974	541	41.2
1971	1,041	572	44.6

The percentage figuring on these columns over the period since 1965, comes out—

Gross National Product; up 52%.

Wages and Salaries: up 60%.

Corporate Profits: down 4%.

This record, of course, as has been pointed out by people in and out of government, puts any talk of curbing "excess profits" in the ludicrous area. Profits in excess of what? Today's severely deflated level?

It is unfortunate that the word "profit" is so widely misunderstood. Millions undoubtedly think of profits and dividends as being the same thing. Actually, of course, profit is divided into two parts, (1) that retained within the business and (2) that paid to stockholders in dividends. When profits are good, the retained part is usually the larger.

Retained profit is used to modernize a business or expand it. Modernization directly benefits employes by making their employer's products more competitive—with imports, for example. And business expansion (new plants) creates jobs, of course.

The last half-decade's wage-price spiral, with all the action on one side of the "spiral", is clearly not an ideal generator of new jobs.

THE TRAGEDY AT ATTICA

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. METCALFE. Mr. Speaker, the recent tragedy at Attica State Prison and the circumstances surrounding the deaths of 40 men once again draws our attention to an area in need of reform.

In the past few years we have had an increase in the amount of money allocated for the apprehension of suspected criminals and the improvement of the investigative ability of our police forces. We now have a monumental problem in the courts as the number of cases to be tried increases. But the real tragedy is the prison system.

The prison system for many individuals in society is viewed as the terminal point, the objective of the arrest-trial procedure.

We must emphasize the point, I think, that prisons should be viewed as the beginning of the rehabilitative process. Men who commit crimes against society should be punished. But the punishment must not be vindictive. For all too long the prevalent philosophy has been that of "lock them up and forget them."

The recidivism rate in Federal and State prisons indicate that there is something drastically wrong within our prison system.

Attica indicates what a hopeless quagmire exists behind the walls which enclose what we euphemistically call correctional facilities.

Only men who are in a state of absolute frustration will resort to such desperate acts. How else can we characterize these acts other than those of men who found one prison system so unresponsive to their needs that in frustration and rage they took such a drastic step.

What happened in Attica cannot be condoned. Any act which involves the loss of life must be condemned. What must be done, however, is to make certain that this does not occur again. The circumstances which lead men to such frustration must be corrected.

Two factors contribute to the sad state of American prisons: the low priority prisons are given when budgets are formulated and also the 19th century philosophy which is the guiding light of many penal institutions. Individuals who are imprisoned for minor offenses come out as hardened criminals because, instead of being rehabilitated, the criminals have been educated to a life of crime. We must update our methods. Our approach to the prison system must reflect the best thinking of the 20th century. We must utilize all the modern techniques which are available to us.

The Federal Government should confront this situation squarely and make allocations on a matching basis to make our State correctional facilities more humane and more responsive to the needs of the inmates. The following areas are among some suggested ways of making the system more humane: correctional officers will have to be retrained to reflect this more humane approach; programs will have to be established or strengthened to train the convicted man so that he will acquire a skill which will be marketable after his release; educational facilities will have to be established to remedy educational deficiencies; men who want to take college courses for credit should be encouraged to do so; and more psychologists and psychiatrists should be available to the prison population.

We have long known that prisons can and in fact do dehumanize. Because the problems and the prisoners are out of sight we did nothing. However, the problem is there. We must respond to the problem in a constructive manner. If, as statistics show, 95 percent of those in prison will eventually be released then the only constructive response to the problem will be to pursue a course of action such as I have indicated above that strongly accentuates the rehabilitative process and prepares these men to lead normal, productive lives after they are released.

A visit to any urban courtroom will indicate a disproportionate number of blacks, Spanish Americans and other minority defendants—a number which is out of proportion to the general population. We are going to have to direct our attention to the cause of this disparity. America will have to address itself to the root causes of crime; the inadequate education, housing, and job opportunities. Avenues that are closed to minority members will have to be opened to them if we are going to attempt to do away with the causes of crime.

I certainly do not want to sound like a prophet of doom. However, if the conditions which exist are not corrected then we may face a repetition of what occurred at Attica. We are facing a challenge. We have a responsibility. Not to act now is to opt for a continuation of the conditions which exist. So, let us act and respond constructively to the problems which confront us.

ALASKA AIRLINES PAYS TRIBUTE TO ITS DEAD

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BEGICH. Mr. Speaker, on Saturday, September 4, 1971, a Boeing 727 jet crashed against a mountainside near Juneau, Alaska, and took the lives of 111 people.

The tragedy that happened on that Labor Day weekend is almost beyond human understanding. The loss of a life is always catastrophic but when 111 people die suddenly and tragically, words become difficult.

However, Mr. Speaker, on September 12, a very moving article was published in the Seattle Times. The author, Stan Patty, says the many things we all feel, and I believe it appropriate that I share this article with my colleagues in the House of Representatives.

The article follows:

ALASKA AIRLINES PAYS TRIBUTE TO ITS DEAD

(By Stanton H. Patty)

Skies were a gloomy gray last Wednesday afternoon above the funeral home hard by Seattle-Tacoma International Airport.

Hundreds of grieving persons, knit together by their work and now by tragedy, filed silently into the chapel. They were pilots, mechanics, secretaries, salesmen, executives and others.

This was the Alaska Airlines "family" come to pay tribute to their dead comrades at a sorrowful memorial service.

The seven-member crew of Flight 1866—along with 104 passengers in their care—died Saturday, September 4, when Aircraft No. N2969G, a Boeing 727 trijet, smashed against a mountainside near Juneau, Alaska.

So many employes turned out for the service that many had to stand outside the chapel doors. The flight-deck crews wore their airline uniforms.

A clergyman called the roll of the dead . . . Capt. Richard C. Adams, the pilot; First Officer Leonard D. (Red) Beach and his wife, Cathy, one of the stewardesses; James J. Carson, flight engineer: Patti Kessner, Patrica Hilla and Deborah Berg, the other stewardesses.

"What does a person say on an occasion like this?" asked the Rev. Richard P. Lesnick.

Father Lesnick answered his question this way: At least Dick Adams and his crew did something with their lives by developing their talents to serve others.

"This is love," he said.

Then Charles F. Willis, Jr., looking haggard and close to tears, walked to the chapel and leaned toward the public-address-system microphone.

"We are here to say goodbye to some of our family," Willis said hoarsely.

"This is a family that always pulled together in adversity, and played together in good times."

Willis' voice broke as he recalled close association with Adams and the others.

"We've lost some fine friends," he continued, with difficulty. "Let's show them we're the best in the business—doing a job in Alaska that has to be done."

The roar of jets taking off from the airport nearby drowned out the prayers at times. But, somehow, the sounds did not seem out of place.

Perhaps better than anything else the nondenominational service illustrated what keeps Alaska Airlines glued together.

Small by airline standards, but spunky and personal, Alaska Airlines lost one fifth of its regular jet fleet in the crash of Flight 1866. Dazed, but fueled with courage, the airline pressed on even as weary workers toiled on the mountainside to recover the bodies of the 111 victims.

On top of everything else, the little airline which had stretched its wings with history-making tourist flights to Russia the past two summer seasons, was preparing to welcome a high-level delegation of Soviet government officials to Alaska and Seattle.

The Russians were scheduled to cross the North Pole and land in Anchorage within hours after the crash of Flight 1866.

There still was time to cancel the visit, and this was considered. But only briefly.

The decision was made to continue with the original schedule for the Russian visitors.

"It was in the best interests of the company and the country," Willis said.

The week just past was the longest of Charlie Willis' life.

It began for Willis on the tragic Saturday morning when he stepped off an airplane at Gustavus, 50 miles or so northwest of Juneau, for a meeting with tour wholesalers in the idyllic scenery of Glacier Bay.

There was an urgent telephone message from Juneau. Flight 1866 was overdue by 20 minutes and not answering radio calls!

Taking the Alaska Airlines Twin Otter bush plane, Willis combed the area near the jet's last reported position, found nothing and flew to Juneau.

Quickly, three helicopters began searching from Juneau. A half hour later the pilot of one "chopper" radioed that he thought he had sighted the wreckage.

Willis and his right-hand assistant, Bob Giersdorf, and an Alaska state trooper, boarded another helicopter and flew to the site.

They landed near the beach and literally crawled up a hillside of loose shale and scrub trees to the shattered 727. One look and Willis knew there was no hope that anyone would be found alive.

The jet had hurtled into the face of a sharp ridge rising at a 60-degree angle from the valley in the Chilkat Mountains 21 miles west of the Juneau Municipal Airport.

"There were just bits and pieces of what had been an airplane," Willis recalled. "I knew there was no hope. The largest pieces of the aircraft we found were almost unidentifiable."

Willis was bitter as he surveyed the wreckage.

"Not only had we lost one of our finest crews and all those passengers, but this was our first fatality in more than 15 years," he said. "For the past three years in a row we had received the National Safety Award, the industry's highest award.

"All I could feel was bitterness and grief."

But Willis, a longtime pilot himself, also sensed that "something out of the ordinary was wrong."

"I still feel that way," he said.

"Dick Adams was a great pilot. He had made that approach (to Juneau) hundreds of times. It was like walking in his own front door.

"Now the job is to find out what happened. Nobody knows."

Willis was angry, too, because repeated requests by Alaska and other airlines for installation of distance-measuring equipment known to airmen as 'D.M.E.', had gone unheeded.

"We had asked for it four or five years ago," he said. "In fact, we became quite a pest about it.

"D.M.E. is one check that would have prevented whatever went amiss. It is precise within a fraction of a mile."

Soon after the crash Willis met with Alaska Gov. William A. Egan. The governor told him he would ask the Federal Aviation Administration "immediately" to install D.M.E. and surveillance radar at the Juneau airport.

The F.A.A. announced Friday that it may put in distance-measuring equipment on a test basis at Juneau next year.

"It's sort of strange to think that the capital of a state doesn't have these two elementary pieces of equipment for its airport already" Willis said. "But I don't mean to be critical of the F.A.A."

Willis also disclosed that there is a question as to whether Juneau radio-beams system known as "V.O.R." was operating correctly at the moment of the crash.

"The V.O.R. may have been off," he said. "The pilot of a Canadian plane the same day reported that it was way off and landed to complain and have his radio checked. But we don't know.

"The bald fact is that a radio can be off one minute and on the next."

Willis' temper also came to a boil Wednesday after Robert D. Rudich, a National Transportation Safety Board audio specialist, told the press that the crew of Flight 1866 might have been confused on its position. Rudich made the statement after preliminary analysis of the voice-recorder tape found in the wreckage.

"I think it is inexcusable for anybody, including a government employe, to comment on an official investigation before all the facts are in and an official report is made," Willis declared.

"It is a terrible thing for the surviving kin to be subjected to such conjecture by someone who just wanted to spout off.

"Consider the effect his statement had on the families and the rest of the company people—and on the day of the memorial services for the crew.

"To say at this point that it might have been pilot error is absolutely inexcusable. It could be many months before the official report is made.

"To say that about a crew that is dead and can't answer for themselves is unfair."

Willis admired 41-year-old Adams as a man and as a pilot. So did Adams' fellow pilots.

"Dick Adams was a cool-even-tempered, optimistic man, one of the finest men you could find," Willis said. "The pilot group said he was the best—and they should know.

"Our pilots are probably better than anyone flying, because of their North Country experience. Flying up there has to be more exact because of the tough conditions and you have to be able to anticipate problems.

"Dick Adams' file has nothing in it but commendations."

The disaster of Flight 1866 plunged the entire airline into deep sorrow. More so, perhaps, than if it had happened to another company.

"I'm not too good with words," Willis said, "But I don't think of this group of people as an airline. I call them a family.

"The job Alaska Airlines personnel do is different, I think, I know, than with any other aviation organization. We are a vital part of every community we serve in Alaska. We have to be.

"Transportation is really a side aspect of what I'm trying to say. "These people, especially in the bleak Arctic, depend on us. It's hard to understand unless you have lived there.

"In a sense, we are a public utility. The towns and villages can't function without us. Our people become part of these communities.

"Perhaps I'm not as good a businessman as I should be, but I've always felt a personal responsibility that when I hired someone he should do a good job for his community, as well as for the company. They must make the communities part of their lives.

"These are the kind of people we have. They are Alaska-oriented—all the way. It is routine for them to do things out of the ordinary for others."

"Dick Adams and his crew were this kind of people."

Alaska Airlines was a near-defunct outfit when Willis, now 53, took over as president in 1956.

It still is in financial distress, but carries more passengers to and from Alaska, and within Alaska, than any other carrier. Something like 500,000 persons a year, almost twice the state's population, ride Alaska.

Willis recalled how his management has survived three proxy fights in recent years. More than 100 employes, including pilots, volunteered to fan out over the nation each time to talk to individual stockholders.

"I asked them to go out and tell the stockholders in their own words what we are doing and why," Willis said. "They got about a 96 per cent return for us from the proxies.

"Dick Adams was one of these volunteers. He was always walking into my office and saying, 'Charlie, what else can I do?' "

Financially, Willis reported, the past year has been "the toughest ever" for the airline. Factors included the general economic recession and the slump in North Slope oil activity in Alaska.

In May the airline almost ran out of cash and asked the employes to forgo one week's wages. They did, with grace. Some even offered to take pay cuts. Now they are being reimbursed at $25 a payday.

"But we went into the black in June and I think we are coming along fine now," Willis said.

The loss of Flight 1866 will not ruin the airline financially. Willis said the tragedy is covered by insurance "in every respect."

The Seattle-based airline has about 1,000 employes.

There have been suggestions, and nibbles, from time to time that Alaska be merged with a stronger carrier. Willis told how the presidents of several major airlines had sat across the desk from him to inquire about it.

"No, I don't see a merger down the road," he said "I frankly don't think any other airline would want to take on the responsibilities we have for the communities we serve.

"There is a need in Alaska for our kind of organization."

Willis said he feels "a monkey on my back" for the responsibility he has in preserving jobs for Alaska's employes and their families.

"The easiest thing for me to do would be to just throw in the sponge," he said. "But I'm not going to do that. I know in my heart that this company is necessary."

The employes, at all levels, greet Willis as "Charlie."

"That is what I want them to call me," he said.

"Our people are just great," Willis added. "Alaska is a cruel country that requires people who are willing to step out front and do the extraordinary. That's the way our people are.

"The spirit here is each person helping the other."

Willis put it this way in a teletype message to all stations on the Alaska system last week:

"In a small family like ours the tragic event of last weekend was more keenly experienced by all of us . . . Fate has taken from us good friends and fellow employes and has thwarted our plans and their dreams.

"Alaska requires people who are willing to step out front and do the extraordinary. That's the way our people are.

"Despite our deep loss we will pull ourselves together and carry on . . ."

Death is not a stranger to Willis. During World War II he commanded Navy patrol and night-fighter squadrons in the Pacific that suffered 50 per cent casualties. He spent all of his leave time visiting the families of the dead aviators.

"That kind of an experience makes you realize your responsibilities all too closely," he said.

Willis said the airline mourns for the passengers of Flight 1866, as well as the crew. He would like to find a way to express this to the passengers' families. Somehow, a personal letter from Willis does not seem enough.

"I'm just not sure what we'll do," he said.

Meanwhile, Alaska Airlines has taken on the grim job of notifying the next of kin and arranging to ship the victims' remains from Juneau after identifications are made.

Alaska's Hercules transport planes, more at home on the North Slope oilfields, have been used to fly the necessary caskets to Juneau. The cooperation of sister airlines has been what Willis's staff calls "excellent" and Alaska Airlines is grateful.

If anything can buoy Willis's spirits at this point, it is the response of customers.

"We didn't get a single cancellation after the accident, not one," Willis said. "If that isn't typical Alaskana, what is?"

But the past week still was the longest of Charlie Willis' life.

PROPOSALS FOR PHASE II

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HANNA. Mr. Speaker, a few days ago I suggested to my colleagues in the House that the wage-price freeze ought to be terminated short of the original 90-day period. I indicated at that time that I would present to the House my recommendations for a workable price stabilization program that could be of long-term value. I am presenting those recommendations at this time for review and comment by my colleagues. I am sure that many will agree with me that the post-freeze policy should be substantially influenced by the Congress.

Over the course of our Nation's post-World War II history, we have had four different bouts with inflation. The Federal Government in each case took some kind of action to blunt inflationary pressures. Our range of policies has varied over the years from doing almost nothing to strict Federal management and control of wages and prices.

Looking back over the experiences we have had with the different types of policies, I note a few abundantly clear facts. The first is that wage-price controls—voluntary or otherwise—really boil down to wage controls. There are three reasons why this is so:

First. Wage controls are more easily enforced.

Second. Exceptions are more frequently made for prices than for wages.

Third. Wage-price decisions in most cases are controlled by the same entity—the businessman/employer. Voluntary guidelines are of limited applicability because an employer can choose to hold back wage increases but not price increases.

The second clear lesson we can draw from past experience is that our economy is too large and diverse and fragmented for us to expect mandatory controls to be enforced throughout the economy by the Government.

The third lesson that we must acknowledge is that, as the largest consumer of products in the economy, the Federal Government has a means of influencing the pricing decisions in the economy. Twice in the last decade announced price increases in steel have been rescinded following the President's announcement that Government purchases would be shifted away from those products using the higher priced steel.

The fourth lesson is that wage-price guidelines have been effective only during periods of economic recovery. Once full employment is achieved, the pressures for wage and price increases are too great for the guideline policy to be effective. Our recent history would suggest, therefore, that with over 6 percent unemployment nationally we are again in a position for guidelines to work.

With these lessons in mind I am recommending that the following steps be taken for a period of 12 months, beginning on November 14, 1971:

First. Establishment of an Incomes Policy Review Board comprised of the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, the Secretary of Labor, the Secretary of Commerce, and the Chairman of the Federal Reserve Board. The Incomes Policy Review Board—IPRB— will have the power to enforce the wage-price controls on selected industries and will have subpoena power on every industry.

Also, an advisory panel will be established, with representatives appointed by the President from industry, labor, and the public. The IPRB must have their advice before any decision is announced.

Second. Wage-price guidelines will apply in mandatory form to the auto industry and to the metals, extractive, and transportation industries, due to the fact that these industries are not in free market competition.

In connection with this point, the President has allowed to leak out the news that his Phase II guidelines will apply only to "major industries." As the preceding plan suggests, I am in general agreement with such a policy.

I suggest that wage-price guidelines be voluntary in other industries.

The guidelines on wages:

No increase will be allowed that is above the annual increase in overall productivity as estimated by the Council of Economic Advisers.

The guidelines on prices:

Increased costs should be transferred to higher productivity and not higher prices; however, price increases will be allowed when productivity in the industry falls below the overall average. These exceptions will be granted by the IPRB only on merit.

Third. Rent increases will be allowed only at a rate to be established by the IPRB.

Fourth. The IPRB is authorized to set maximums on interest rates and dividend payments.

Fifth. The inducement for compliance will be based on Government procurement practices. When a member of an industry is not acting in the public interest, it should lose its approval status as a Government contractor. The IPRB shall be empowered to make such a determination and order.

The President, on the other hand, has hinted that he will seek to enforce announced wage-price guidelines through injunction and civil suit brought by the Justice Department in the Federal district courts. Such a plan would very likely add a tremendous volume of cases to our already overcrowded Federal courts. I wonder, Mr. Speaker, if the President intends to ask the Congress for an expansion of the Federal district court system in order to facilitate this additional case load. I commend the desire to avoid a massive bureaucracy, but neither is it advisable to make administrative agencies out of the courts.

It may very well be that the President assumes that the court cases will be few, due to voluntary compliance with his wage-price edict. I would say, Mr. Speaker, that this is the very height of naivete. As I implied earlier, it is probable that there will be wage compliance but price cheating.

Sixth. Tax incentives in the form of investment tax credits should be opposed as too big a boon and too one sided. Tax credits to the consumer for the purchase of durable goods should be supported as a stimulant to jobs in a way that aids the people who need help the most.

Seventh. Priority should be given to the groups that were disadvantaged by the freeze. All wage and price contracts that were to have gone into effect at some point during the freeze would become effective on November 14, 1971.

Mr. Speaker, I present the above program as my response to what I fear is a wait-and-see form of economic planning on the part of this administration. I believe that we have seen enough. If the American people are to have imposed upon them a system of wage-price controls, they have the right to expect that the controls and the enforcement of those controls will be equitable. The plan that the President has leaked shows signs of a dangerous bias against wages. I hope that many of my colleague will join me in urging the President to insure an equal burden of controls on prices, rents, and other income forms besides wages.

I deeply regret, Mr. Speaker, the decision of the House leadership to discourage legislative action on phase II. The last 45 days should have taught us that the President's abuse of the discretions we have given him has placed the burden of economic sacrifice on the shoulders of the workingman and consumer. I have serious doubts that, in the absence of more specific directives from the Congress, the President's programs will apply as forcefully to rents, interest, prices, and dividends as it does to wages and salaries. The Economic Stabilization Act will have to be renewed by the 92d Congress. I feel very strongly that it should be amended to give more direction to the President and state more clearly the intent of the Congress.

In the meantime, I offer the above suggestions for comment and consideration by my colleagues in the House and by my constituents.

THE STRIP MINING OF COAL: A CLEAR AND PRESENT DANGER

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, there follows the text of a statement which I delivered before the Subcommittee on Mines and Mining, House Committee on Interior and Insular Affairs, September 20, 1971, in support of H.R. 4556. Accompanying me were Arnold Ray Miller, an underground coal miner with 25 years' experience, and past president of local union No. 2903, United Mine Workers of America; Prof. William H. Miernyk, professor of economics and director of the Regional Research Institute, West Virginia University; and Prof. Robert L. Smith, professor of wildlife biology, Division of Forestry, West Virginia University and a noted ecologist:

STATEMENT OF REPRESENTATIVE KEN HECHLER (D-W. VA.)

The strip mining of coal constitutes a clear and present danger to the balance of life on spaceship earth.

According to the U.S. Geological Survey, in 1965 an area of land the size of the entire state of Delaware had been disturbed by the strip-mining of coal.

The same sources indicate that today, an area of land nearly the size of the states of Delaware plus Rhode Island has been disturbed by the strip-mining of coal.

The Geological Survey projects that to strip mine the remaining recoverable resources of coal "could result in disturbed land covering 71,000 square miles—an area longer than the combined areas of Pennsylvania and West Virginia.

Unreclamied strip-mined land, according to the Soil Conservation Service, would constitute a band of land one mile wide stretching from New York to San Francisco.

As pyrite is exposed to oxygen and moisture, sulfuric acid runoff results from strip-mining, killing fish and aquatic life and eventually killing the streams themselves.

It is estimated that 1,500 tons of mineral acid are produced every day due to strip mining.

The habitat for wildlife has been seriously disturbed or destroyed as a result of strip-mining. The Bureau of Sport Fisheries estimates that "two-thirds of the fish and wildlife habitat disturbed could be classified as being severely or moderately affected."

1,024,000 acres of coal strip-mined lands were unreclaimed as of one year ago, according to the Department of the Interior, and this acreage is rapidly escalating instead of being reduced.

145,146 acres of lakes and ponds have been adversely affected by silt and acid from strip-mining as of one year ago, according to the Department of the Interior, and this acreage is rapidly escalating instead of being reduced.

Surface-mined land "destroys outdoor recreation resources valued at $35 million annually, including $22.5 million worth of annual fish and wildlife benefits," according to the Department of the Interior.

A U.S. Geological Survey study estimates that 30,000 tons of silt per square mile were discharged from a strip-mined area in eastern Kentucky, while only 27.9 tons per square mile annually were discharged from a timbered valley.

Over 13,000 miles of streams have been polluted by acid from strip mines.

According to the Department of the Interior, strip-mining has resulted in "significant socio-economic losses such as retarded employment, investment opportunities, depressing social environments, abnormal physical and mental hazards, and esthetically unattractive landscapes."

20,000 miles of "highwalls"—the signature of the strip miner engaging in contour mining—can never be restored.

"Big Muskie", a giant earth-mover in southeastern Ohio, can pick up 220 cubic yards in one scoop, remove 4 million yards of overburden a month, and is typical of the huge machinery which makes "reclamation" extremely difficult, if not prohibitively expensive.

Strip-mining disturbs or destroys one square mile for every 1.9 million tons of coal produced.

It would cost $28,165,500 to control the sedimentation problem caused by strip-mining of the Coal River Watershed in West Virginia, according to a 1969 study of the U.S. Soil Conservation Service.

Silt is filling up the mouth of the Coal River as a result of strip-mining, threatening the water supply of the city of St. Albans, W. Va.

Spoil banks created by strip-mining are highly unstable and cause massive landslides.

Dynamite blasting seriously affects the water table and water supply of many homes in strip-mined areas.

Many people have had their homes damaged, water supply polluted, and property values depleted as a result of the strip mining of coal.

The increase of coal prospecting permits on Federal lands has catapulted up to 733,576 acres, a 50 percent increase in the fiscal year ending July 1970, according to the Bureau of Land Management.

The Bureau of Indian Affairs reports an increase from 0 to 500,000 acres in the same period for exploration rights which may turn into coal land leases.

The "coal rush" boom is on in Arizona, Colorado, Montana, New Mexico, North Dakota and Wyoming, where nearly one million acres of public and Indian lands have been leased, not to mention the huge acreage owned by the land-grant railroads and other private owners.

Heavy strip-mining areas of West Virginia had some of the greatest losses of population in the state. Of the ten counties leading in the production of strip-mined coal, nine of these had population losses ranging from 6.2% to 29% or an average of 17.6%. This is a loss of nearly three times the state average of 6.2%, contrasting the census of 1970 with 1960.

Contour mining has caused landslides on 1,700 miles of slopes.

The Bureau of Sport Fisheries and Wildlife reports that of the streams receiving direct run-off from strip-mined spoil banks, 31% were noticeably laden with precipitates, and 37% had discolored water. The precipitates are ferric hydroxide sludge (commonly "yellow boy", by name).

ALARM BELL IN THE NIGHT

The alarm bell is ringing, but America sleeps.

The most startling single statistic about strip-mining is the fact that for the year 1970, 43.8 percent of all coal production was strip-mined. In 1968, the percentage was 36.9%, and it moved up to 38.1% in 1969.

This percentage is not just inching upward; there is a strip-mine explosion which is ripping off the land from the tribal lands of the Navajo and Hopi Indians in the southwest to the forests of Alabama, to the Great Plains and the trapping of huge strippable reserves in the west, in addition to Appalachia.

Half a century ago, a modest 5,057,000 tons of coal was strip-mined, and this was only 1.2% of the total. By 1941, strip-mining had risen to 10.7% of total coal production, rising to 22.7% in 1951, and 32.3% in 1961. Observers have little doubt that next year for the first time in history more coal will be mined by strip and auger methods than underground methods, and the percentage will continue to rise unless Congress acts to stop this devastation of the land, soil, streams and forests.

HARRY CAUDILL'S VISION

Ten years ago, the American public was relatively complacent about the adverse effects of strip-mining. During the '60s, only a few voices were crying in the wilderness. One of these was Harry Caudill, whose classic book, "Night Comes to the Cumberlands", depicted conditions which caused amazed readers to shake their heads in disbelief. As Caudill tells it,

"A mountaineer claimed that a company had plowed up his mountainsides, covered his bottomland with rubble, caused his well to go dry and, in his own words, had 'plumb broke' him. After he had heard all the evidence and arguments of counsel, the trial judge dismissed the case. In doing so he told the mountaineer, 'I deeply sympathize with you and sincerely wish I could rule for you. My hands are tied by the rulings of the Court of Appeals and under the law I must follow its decisions. The truth is that about the only rights you have on your land is to breathe on it and pay the taxes. For all practical purposes the company that owns the minerals in your land owns all the other rights pertaining to it.' "

Caudill also writes: "In the flat country of western Kentucky, where thousands of acres had already been devastated by strip-mining, the coal seams lie only thirty to sixty feet beneath the surface. The overburden is scraped off and the coal is scooped out. Inevitably such topsoil as the land affords is buried under towering heaps of subsoil. When the strippers move on, once level meadows and cornfields have been converted to jumbled heaps of hardpan, barren clay from deep in the earth. This hellish landscape is slow to support vegetation and years elapse before the yellow waste turns green again. In the meantime, immense quantities of dirt have crept into the sluggish streams, and have choked them. . . ."

"In 1954 Kentucky's Governor Lawrence Wetherby advocated a mild bill designed to restrain the operators from the worst of their abuses. Immediately, the holding companies and the industry reacted as if they had been stung by a huge bee. Lobbyists dragged out all the timeworn arguments again and the lawmakers were solemnly assured that strip and auger mining are good for the region's economy, creating jobs and bringing prosperity to Main Street. A diluted version of an initially weak bill was passed but successive governors have failed to enforce even its mild strictures. . . . Little effort is made to reclaim or stabilize the land, and indeed, reclamation is rarely possible once the surface has been so violently disturbed. Under the law strippers are required to replant their wrecked and ravaged acres. . . . Few operators seriously attempt to comply with the reclamation regulations; most are permitted virtually to ignore them."

TREMENDOUS NATIONWIDE INTEREST

The bill which is co-sponsored by 90 Members of Congress, H.R. 4556 and related bills, includes provisions which apply to both surface and underground coal mining. My office has been flooded with letters, telegrams and telephone calls from every state in the union, and several foreign countries, ever since this bill was introduced on February 18, 1971. I commend this Committee for holding these hearings, and for the Committee's efforts in the protection of our natural resources, our great national parks and recreation areas, wild rivers and scenic trails, and the Committee's dedicated interest in environmental protection. I know that Members of this Committee can be proud of the tremendous outpouring of public and national interest in these hearings, which have necessitated extending the hearings into October. As soon as the word went forth that hearings would be held on this vital issue, my office was besieged with a barrage of inquiries from those individuals and organizations affected by strip mining and eager to present testimony.

There follows at this point a table outlining some of the basic differences between H.R. 4556 and the Administration Bill (H.R. 4704):

1. Does the bill apply to all underground and surface coal mines? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

2. Are regulations required for all such mines? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No. The administration's bill does not require it for Federal lands or Indian lands, but merely authorizes it on these lands at the discretion of Federal agencies.

3. Does it apply to Indian lands? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

4. Does it apply to all minerals? Under H.R. 4556, No—just coal. Under H.R. 4704/Administration Bill, Yes.

5. Who administers the bill? Under H.R. 4556, EPA. Under H.R. 4704/Administration Bill, Interior Department.

6. Would the bill prohibit all surface coal mining within 6 months? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

7. Would the bill prohibit underground and surface coal mining in wilderness areas? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

8. Would it limit underground coal mining in national forests? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

9. Will EPA issue national standards of environmental control for active and planned underground coal mines? Under H.R. 4556, Yes—they must be published within 90 days after enactment and effective 90 days later. Under H.R. 4704/Administration Bill, No.

10. Must 50 States submit plans or regulations for reclamation at active and planned underground coal mines? Under H.R. 4556, Yes—within 1 year after enactment. Under H.R. 4704/Administration Bill, Yes—within 2 years after enactment and covers surface mines also.

11. Does the bill provide civil and criminal penalties and injunctions? Under H.R. 4556, Yes, civil penalties—$10,000 for each violation; criminal penalties of $25,000 or imprisonment for first violation, and $50,000 for second. Under H.R. 4704/Administration Bill, Yes, civil penalties—$1,000 per day after first 15 days; criminal—$10,000 for violations or 1-year imprisonment.

12. Does the bill provide for class action suits similar to the Clean Air Act? Under H.R. 4556, Yes. Under H.R. 4704/Administration Bill, No.

13. Does the bill provide grants for reclaiming abandoned and inactive coal mines? Under H.R. 4556, Yes—up to 90-percent grants. Under H.R. 4704/Administration Bill, No.

In addition, I should like to point out several other features of H.R. 4556, and indicate why they differ from the administration bill:

First, H.R. 4556 applies to surface and underground coal mines located or planned anywhere in the United States, including those in Federal lands and Indian lands.

The administration bill transmitted to the Congress on February 10, 1971, does not apply to Indian lands. Further, the administration's bill does not require any regulation of these operations in the case of coal mining on "federally owned lands or land held in trust by the United States for Indians." It merely authorizes—see title III—Federal agencies "which have jurisdiction over land on which mining operations are permitted"—but apparently not those where minerals are reserved—to promulgate, at their discretion, "environmental regulations to govern such mining operations."

In my judgment this is a significantly weak feature of the administration bill. The coal industry—indeed the oil industry—is turning more and more to the public lands of the United States to develop the coal resources therein. Why should the administration, in one breath, tell the States that they must regulate their coal mining operations to protect our environment, but, in another, say that, as to Federal lands and Indian lands located within the States, the Federal Government does not require regulation?

The administration bill covers all minerals. H.R. 4556 applies only to coal mining operations. The most serious adverse environmental effects stem from coal mining. I do not wish to confuse this issue by trying to regulate these other industries at the same time, although I would not object to efforts to control all minerals where necessary.

Second, H.R. 4556 provides that it be administered by the Environmental Protection Agency.

The administration bill proposes that the Interior Department administer the program.

The Interior Department is a management agency; it manages lands and resources. It is also interested in increased mineral production. Its record in trying to regulate the coal industry for health and safety has been dismal.

H.R. 4556 and also the administration bill both provide a management function. Both bills are standard-setting and regulatory bills. EPA now has a similar function in the case of air and water pollution control and the control of pesticides. Many of the environmental problems associated with coal mining relate to air and water pollution. It is, therefore, logical and reasonable for EPA to have this function. Furthermore, inasmuch as forest lands of the Department of Agriculture's Forest Service are involved, it is logical to place control in the Environmental Protection Agency rather than the Interior Department.

Third, H.R. 4556 declares that "the public has a right to enjoy a safe and healthy human environment" and to expect that Federal, State, and local governments "will protect this right."

The administration bill has no similar declaration.

Fourth, H.R. 4556 prohibits the opening of any new, abandoned, or inactive surface coal mine. It also requires, in the case of existing surface coal mines, that EPA shall promulgate regulations within 30 days after enactment governing the content of reclamation plans for such mines; the regulations shall require that all surface coal mining operations shall cease within 6 months after enactment, except those necessary to reclaim the lands; the operators of such mines shall submit for EPA's approval reclamation plans within 60 days after enactment; and the failure of an operator to submit a plan for approval or to comply with it shall not relieve him of his responsibility to do so.

The administration bill does not prohibit all surface coal mining. In fact, for at least 2 years such mining would go unregulated under the administration bill.

COAL MINING PROHIBITED IN WILDERNESS AREAS

Fifth, H.R. 4556 would prohibit any underground and surface coal mining in areas of the national wilderness system.

The administration bill has no similar provision.

Sixth, H.R. 4556 would require that no surface coal mining be conducted in national forests, and that underground coal mining in the national forests be conducted so as not to damage or destroy any area of the forests or the natural resources thereof.

The administration bill has no similar provision.

CONTROL OF UNDERGROUND MINING

Seventh, H.R. 4556 would control underground coal mining so as to reduce or eliminate adverse environmental effects. It would require that EPA publish, within 90 days after enactment, regulations prescribing national environmental control standards for active and planned underground coal mines and that those regulations, after public comment, shall be finally promulgated 90 days later. Then, each of the 50 States must adopt after public hearings, and submit to EPA, within 6 months after such promulgation, a plan for the effective implementation, maintenance, and enforcement of these promulgated EPA regulations. EPA will approve those plans which provide for permits or licenses for underground coal mines and for renewal thereof at least every 3 years; for performance bonds; for reports on the actions taken or planned to protect the environment and the effectiveness of such actions; for prohibiting the opening of new underground coal mines where such mining would result in a violation of applicable air or water quality standards or would be detrimental to health or welfare; for timetables to insure compliance with the plan; and for periodic revision of the plans.

If EPA finds that a State has failed to submit a plan, or that it has been disapproved, or that a State fails to make revisions in it after notice from the EPA, the Administrator of the Environmental Protection Agency must issue regulations covering such operations in the State which shall then apply to such operations.

The administration bill would give the States up to 2 years to submit approvable regulations governing surface and underground coal mines.

The administration bill also provides, in section 201(a)(2) that the mining operations must not "result in a violation of applicable water or air quality standards." But section 201(b) of the administration's bill directs that the State regulations "shall be further elaborated" by the Secretary of the Interior through "guidelines" which he must issue 30 days after enactment. These are issued without any opportunity for public comment on them. We have seen the disastrous effects of not providing for public review of regulations and guidelines before they are finalized in the case of coal mine health and safety regulations.

This section of the administration bill also directs that the guidelines "shall attempt to assure that State regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting the requirements of section 201(a)(2)" which relate to air and water quality standards.

I cannot understand the meaning of this provision or the need for it. Neither the Clean Air Act, nor the Federal Water Pollution Control Act, prevents anyone subject to air or water quality standards from choosing whatever means necessary to achieve the requirements of the standards. Thus, this provision is not necessary.

The Clean Air Act Amendments of 1970 specifically provide that air quality standards and requirements are mandatory and that only technological considerations, not economic considerations will be applied. This provision of the administration bill appears to change this requirement of the 1970 law.

The administration bill provides that if a State fails to submit environmental regulations within 2 years after enactment, the Secretary of the Interior must "promptly" issue them, but no time frame is established for doing so.

PENALTIES AND CLASS ACTION SUITS

Eighth, H.R. 4556 provides for civil and criminal penalties and for injunctions and other actions to enforce its provisions, regulations, and plans.

The administration bill has similar provisions, but its civil penalties are only applied after 15 days of continuing violations.

Ninth, H.R. 4556 provides for citizen class action suits as do the Clean Air Act Amendments of 1970.

The administration bill contains no similar provision.

Tenth, H.R. 4556 protects employees who notify EPA of violations or testify regarding enforcement of the act from being discharged or discriminated against. This provision is also in the Federal Coal Mine Health and Safety Act of 1969.

The administration bill does not.

Eleventh, H.R. 4556 provides up to 90 percent grants for "reclaiming" abandoned or inactive coal mines under plans to be submitted to EPA for approval and where the Administrator finds such "reclaiming" is feasible. The requirements for such plans are set forth in the bill.

The administration bill has no similar provision.

JURISDICTION IN ENVIRONMENTAL PROTECTION AGENCY

There are a number of additional reasons why I believe it is important to vest the administration of this act in the Environmental Protection Agency, rather than the Bureau of Mines.

The entire philosophy which dominates the operation of the Buerau of Mines, and the Administration Bill itself, is that mining technology, economics and production are the highest goals to be served—so therefore all concerns which relate to the environment must be subordinate to these goals. I would like to make a plea to this Committee that equal and exact justice be restored by giving at least equal weight to those factors which adversely affect the environment, I do not believe that we can any longer weaken environmental safeguards in order to insure that operators can profitably mine the coal.

When Gifford Pinchot was in his prime, I doubt if he ever experienced the evils of strip mining, yet he knew something about fundamental values when he penned these words: "The American Colossus was fiercely intent on appropriating and exploiting the riches of the richest of all continents—grasping with both hands, reaping where he had not sown, wasting what he thought would last forever. New railroads were opening new territory. The exploiters were pushing farther and farther into the wilderness. The man who could get his hands on the biggest slice of natural resources was the best citizen. Wealth and virtue were supposed to trot in double harness."

Let us look for a moment at the regulations of the Department of the Interior entitled "Surface Exploration, Mining and Reclamation of Lands" which state: "It is the policy of this Department to encourage the development of the mineral resources under its jurisdiction where mining is authorized. However, the public interest requires that . . . adequate measures be taken to avoid, minimize, or correct damage to the environment . . ." (emphasis supplied.)

Even where "previous experience" has shown the Department that mining operations "cannot feasibly be conducted by any known methods or measures to avoid" severe environmental damage, these regulations merely authorize, not direct, the authorizing official to "prohibit or otherwise restrict" such operations.

The Environmental Protection Agency, on the other hand, was established to provide a central source of expertise on environmental controls. It is not production-oriented. It has no mission to manage mineral resources for development purposes, as does the Department of the Interior. It provides a fresh and modern approach to a problem which demands fresh and modern solutions if we hope to protect human life and its sustenance on spaceship earth.

PRODUCTION-ORIENTED PHILOSOPHY

H.R. 4704, the administration bill, contains a provision which once again reveals the bias of the Department of the Interior in drafting a bill which shows the production-oriented philosophy of the Department charged with administering the bill. Section 201(b) on page 8 of H.R. 4704 establishes that the Department's guidelines "shall attempt to assure that State regulations provide the operator of a mining operation sufficient flexibility to choose the most economically efficient means of meeting" environmental requirements, including "applicable water or air quality standards." The section also states that they "shall be based on consideration of" several factors, including "a comparison of the costs and benefits of achieving alternative levels" of the environmental requirements.

It is obvious that this section is included because of the strong feeling and pressure by industry that without such a provision some zealous public servants might require perhaps too much reclamation or controls to protect the environment.

H.R. 4556 (Sec. II) contains broad provisions for making all information except trade secrets, and it is in this area that I would like to point out a rather typical example of the production-oriented approach of the Bureau of Mines. Just last week, the Bureau of Mines released its 1970 figures on total coal tonnage produced, with the amount of strip, auger and underground coal mined during 1970. Despite the fact that we are already in the ninth month of 1971, it is incredible that the Bureau of Mines has no accurate information on how much coal is being strip-mined during any month of 1971. After several inquiries, the Bureau of Mines came up with estimates of the total amount of coal produced during each of the first six months of 1971, but still could not provide any data whatsoever on how much of this was strip-mined. When I ask Bureau officials whether they were at all interested in where the coal came from, they said they would not have such figures until September, 1972 to cover the entire year 1971. However, the Bureau of Mines does publish an extremely detailed 30-page pamphlet which reveals in minute detail where the coal production goes, how much to electric utilities, how much to all other sources, whether it is shipped by rail and other methods, and the geographic dsitribution of where coal production winds up in its final destination. Although all this material covers the first quarter of 1971, the Bureau of Mines still cannot supply an authoritative figure on how much of the coal produced in any month of 1971 is strip-mined.

NO STATISTICS FOR 1971 STRIP MINING

What is the excuse of the Bureau of Mines for this statistical backwardness? They say (1) they have never bothered to keep any such figures; (2) their production and distribution figures are collected from coal companies who haven't bothered to tell how they mine their coal, except that they will deign to tell at the end of the year, and then after a nine-month further wait we will finally know the secret by September, 1972, what happened in 1971.

On Thursday, I registered a complaint with Dr. Osborn's office, indicating that to me it was incredible with the Committee hearings starting September 20 that nobody had any interest in knowing how much of 1971's coal was being strip-mined. It was at this point that I was given an "unofficial guess", penned on a small yellow sheet of paper, that perhaps strip-mining constituted now 47.5% of total production. It was emphasized that this was a conservative guess and nothing more, and that the coal companies themselves had all the information.

I have taken the Committee through this statistical chamber of horrors merely to emphasize the point that this underlines the need for a vigorous, independent government agency like the Environmental Protection Agency to enforce strip-mine control and reclamation. It would be a grave mistake to allow the production-oriented Bureau of Mines to make the basic regulatory decisions in a field where they are beholden to the coal industry for such a simple statistic as the amount of coal which is strip-mined.

WHY IS IT NECESSARY TO BAN STRIP MINING OF COAL? WHY CAN'T STATE LAWS PROTECT AGAINST THE ADVERSE EFFECTS ON THE ENVIRONMENT?

Most of the states where there is strip-mining of coal have some form of regulatory statute. In most, the regulations are either too weak, or they are not effectively enforced.

But the most important factor is that all regulations start with the premise that the strip-mining of coal is inevitable and necessary, it cannot be curbed, and therefore the task of legislation and administrative regulations is to ease the more serious damages in such a way that the public outcry will be blunted. Most state statutes are studded with phrases such as "where practicable", or are worded so as to prevent "unreasonable" adverse effects such as siltation and pollution. The regulations for the most part are based not on environmental objectives, but on economic considerations.

According to the records of the West Virginia State Department of Natural Resources, approximately 300,000 acres of land have been disturbed in West Virginia, and 78,000 "replanted." West Virginia was supposed to have a pretty "tough" strip-mining law in 1967, according to its advocates, but it just doesn't seem to have cut the mustard. As the reclamation laws have become increasingly strict, the amount of land reclaimed per year has declined and bond forfeitures for non-compliance have dramatically increased, according to the Department of Natural Resources.

In one case, in Kentucky, after eight violations without an order of suspension by the Kentucky Reclamation Division, the stripping company was notified that "future violations would not be tolerated."

One Kentucky coal operator was fined $300 for stripping without a permit, but he did very well financially because he actually processed 788 tons of coal at $10.00 a ton *after* he was caught.

The interesting thing about reclamation laws is that they generally specify certain procedures which ought to be followed, such as grading and planting, but then there are no rigorous attempts to be sure the strip-mine operator is held accountable for the condition of the land after it has been stripped. There is also a basic dilemma in state reclamation laws and regulations: the law is so worded that the public gets the impression the environment is being protected; talk of stiff law and stiff enforcement is equally deceptive, as it would give the coal operator the impression that the land could be fully restored and still make it profitable to strip-mine coal.

As a matter of fact, with the advent of huge earth-moving equipment like Big Muskie and the Gem of Egypt, reclamation costs are far higher than in the good old days when pick-and-shovel strip mining was carried out on a small scale.

ECONOMIC AND POLITICAL PRESSURE

There is great economic and political pressure on both state legislatures and state agencies administering the law to make the state law or regulations weak or flexible enough so that the jobs and industry created by strip mining will not leave and go to some other state. In West Virginia, I am frequently confronted with the argument that we badly need jobs and tax receipts in a state which has traditionally suffered both from high unemployment and a heavy exodus of young people who cannot find jobs. This creates additional economic and political pressure to further weaken the law, and so bend the administration of the law so that the surface mining industry will remain in West Virginia. It is extremely difficult for state legislators, and those who administer the law, to withstand this kind of heavy pressure—which is immediate, insistent, belligerent, unbending, emotional, determined, and coupled with political threats which are also linked with hints of heavy campaign contributions to political opponents. The state and its elected public officials almost always seem to bend under this type of pressure frequently expressing the fear that the strip mining industry will simply move on with its jobs to some other state.

Although you can't move the source of coal seams to other states, there are indeed many states—particularly in the western region—where huge strippable resources and weak state laws do exist. When a state and its elected officials are put at a competitive disadvantage by these kinds of threats, there is a great tendency to weaken the strip mining law or its enforcement to satisfy the insistent demands of the strip mining industry. This is another strong argument for Federal rather than state legislation.

RECLAMATION?

"The technology exists to achieve effective reclamation," stated National Coal Association President Carl E. Bagge in a special statement on surface mining released September 16, 1971. Pennsylvania is reputed to have the "toughest" reclamation law in the nation, and West Virginia and Kentucky are supposed to have tough and effective laws. The Tennessee Valley Authority, including reclamation regulations in its strip-mined coal purchase contracts, states they "toughened" these regulations in December, 1970, and are in the process of toughening them even more. Federal and state legislators are being enthusiastically taken in tow by strip mining companies, to show them examples of where successful reclamation of strip-mined land has been achieved.

Much progress has been made in reclaiming strip-mined lands; there is no questioning this fact. There is also a vast and rising amount of money going into the first two letters of the words "PROGRESS". If all the money being spent by strip-mine companies on color photos, brochures, helicopter trips for legislators, bus trips for schoolchildren and service clubs, radio, television, newspaper ads, and public relations representatives were being spent on reclamation itself, perhaps there would be even more genuine progress instead of just "P–R."

As I indicated earlier, the Department of the Interior estimated a year ago that 1,024,000 acres were unreclaimed. Now if this total were gradually being reduced every year, we would have more cause for optimism, and more reason to listen with respect to the "P–R" from the strip miners. They reply that most of this damage was done by irresponsible, fly-by-night operators who moved in to skim off the cream, and today's breed of strip-mine operators are responsible businessmen who want to improve their image by really reclaiming the land. But there are still many more total acres of land damaged, property values depleted, homes and water supply threatened, streams polluted and filled with silt and sediment, and all the other adverse effects.

THE P-R MEN AND "RECLAMATION"

It is commonly assumed that although the adverse effects of stripmining may be serious, reclamation restores the land to its original productivity. The more enthusiastic P-R men consistently tell you that strip mining usually improves the land, by creating fishing lakes, recreation areas, parks, airports, sanitary land-fills, golf courses. In fact, as the P-R men wax more expansive and radiant, they even claim that the very process of strip mining improves the land so much that all communities should be eager to invite more strip mining just in order to make the land better.

A study entitled "The Ecological Effects of Strip Mining: A Comparative Study of Natural and Reclaimed Watershed" was completed at Case Western Reserve University, Cleveland, Ohio, and published on August 20, 1971. This study compared two watersheds in Belmont County in southeastern Ohio, one of which was undisturbed by strip mining, and the other had been disturbed by strip mining which concluded in 1966.

The significant element of this study is that it scientifically measures the effects of reclamation, which was completed in the strip-mined watershed in 1968. The reclamation was accomplished by a highly-respected coal company whose name is a legend in both the industry and politics of Ohio and the nation—the Hanna Coal Company, which is a subdivision of the giant Consolidation Coal Co., headed by a man with whom this committee and I am sure everyone is familiar, John Corcoran. John Corcoran is a man of unquestioned integrity, a man I consider a personal friend.

The report states: "The water draining from the mined and reclaimed watershed is highly acidic, having an average pH of 3.5. In contrast, the water draining from the natural system is neutral or slightly basic, having an average pH of 7.9. . . . In the affected system Fe (iron) was found in concentrations greater than 400 times that found in the natural system, SO_4 (sulfate) averaged 56 times that of the natural system, K (potassium) 2.8 times, Ca (calcium) 9 times, Mg (magnesium) 30 times, Mn (manganese) over 1,320 times and Al (aluminum) was found to be over 3,000 times that of the natural system. These large amounts of ions produced high concentrations of dissolved solids. Average dissolved solids of the affected systems were 90 times that of the natural system."

TOXIC EFFECTS OF ACIDIC SOIL

Also, experiments were conducted to demonstrate the toxic effect on tomato plants of various concentrations of these elements in the soil. They grew some real healthy tomato plants with low concentrations of manganese in the soil, and also tested how long tomato plants could survive in various concentrations. The study showed that in the reclaimed strip-mined watershed, the concentration of manganese in the soil was "about 2,800 times what the healthy tomato plant lived in." The study concludes: "This small experiment indicates that plants do need certain amounts of nutrients such as manganese but they cannot survive the toxic quantities which are released in the strip-mined area."

Without going into detail on all the other scientific investigations and comparisons in this study of reclaimed strip-mined land, I would like to quote the conclusions. "(1) Three years after reclamation, one finds that the affected area cannot support plant and animal life.

(2) Geologic formations high in sandstone must be reclaimed by better methods or should not be strip-mined at all.

(3) The acid condition produced by strip mining releases amounts of minerals and nutrients which are toxic to plant life.

(4) The high dissolved chemical load entering Piedmont Lake from the affected area is rapidly increasing the eutorphication processes in the lake; and thus, it is altering and destroying lake habitats."

"Crown vetch" is a blooming favorite, which grows quickly and produces a colorful photograph, and is therefore the kind of grassy plant growth which strip miners prefer. Many contented cows have been photographed in color as they graze in crown vetch replanted over strip-mined coal lands, although one source confided that the contentment of the cows was enhanced considerably by the liberal distribution of ears of corn among the crown vetch a short time before the convincing photographs were snapped. The root structure of crown vetch tends to be rather shallow, and it does little to restore the soil to its original productivity. Strip-mine operators who conclude that the opponents of strip mining are mainly "nature nuts" interested in gazing at scenery, of course, derive considerable satisfaction from the obvious fact that aesthetically crown vetch scores very high. The P-R men count on the preference of casual observers for the tinsel and the wrapping paper, rather than what is actually inside the package.

DAMAGE TO FORESTS AND WOODLANDS

Many foresters are deeply concerned with the severe damage which strip mining deals to the woodlands. "Reclamation" frequently means the planting of inferior black locusts to replace the more valuable timber felled to make way for the strip-miners. In their defense, the surface mining companies point to greater damage done by the early and indiscriminate loggers and the more recent practice of "clear-cutting", but the fact remains that "reclamation" has failed to restore the forests to their original pre-stripped value. Professional foresters have estimated that it would take upwards of 400 years to grow the trees which could fully reclaim and replace what strip-miners have destroyed in West Virginia (this estimate, for example, was made, among others, by Robert Daoust, forester with the U.S. Army Corps of Engineers; estimates by Dr. Robert L. Smith of West Virginia University run somewhat higher in number of years it would take).

"RECLAMATION" ON FLAT LANDS

Many observers contend that since reclamation is easy to accomplish on relatively flat lands, strip mining should be allowed to continue with milder reclamation requirements where area stripping is carried out. Western Kentucky and eastern Montana are frequently cited as examples of areas where less damage is done by stripping, and therefore reclamation is easier. Area stripping produces the familiar "washboard" scene, with alternate trenches and hills of spoil. Water frequently collects in stagnant pools between these hills of spoil. In Hopkins County in western Kentucky, a public health emergency resulted from the mosquitoes using these stagnant pools as breeding grounds.

Some very revealing comments were made by the reclamation officer for a coal operator, the Knife River Coal Company. Speaking at the Montana Coal Symposium held at Billings, Montana on November 6–7, 1969, Thomas A. Gwynn stated: "Knife River recognizes the unusual problems in reclamation of mined lands in Montana, having had several years' experience in the Savage, Montana area. Tens of thousands of trees have been planted and various legumes seeded, often with total failure but occasionally with surprising success. . . . To think that we can level the lands and eventually have fields of grass belly deep to a tall steer is unrealistic of course, but grazing lands or wildlife habitats are entirely within the realm of reason." These are the confessions of an expert coal operator official.

Now listen to a Montana rancher, Wallace D. McRae, of the Rocker Six Cattle Company of Forsyth, Montana, speaking at the same conference: "The coal that is being mined at both the Western Energy Company mine, and the Peabody Coal Company mine is on surface that was formerly part of the ranch on which I was raised. I have seen the 'before and after' of strip mining and its relationship to the livestock and farming industries. From my experience, strip mining and any agricultural endeavor are completely incompatible. Strip mining as practiced in the past has completely destroyed the productivity of the land for agricultural crop and livestock purposes, it has also destroyed the land's productivity for wild-life and game, and has perhaps even more significantly destroyed the natural beauty of the land."

IS SOME LAND TOO POOR TO RECLAIM?

Another theory concerning reclamation is that in many areas of the nation, desert-type land is virtually worthless for anything except sagebrush, cactus and coyotes, so why should persistent conservationists demand that green-grassed oases be guaranteed on strip-mined land? These comments are frequently applied to the Black Mesa area in northern Arizona, where Peabody Coal Company has a giant strip-mining operation under way, providing 23,000 tons a day. There will be many later witnesses who testify on the Black Mesa strip mining and its implications, and I will confine my remarks only to the implications for reclamation. There are heavy salt concentrations in the subsoil, which the stripping of the top-soil bring to the surface in the Black Mesa area. According to Elwood A. Seaman, Chief Ecologist for the Bureau of Reclamation, who has frequently visited the Black Mesa area, it is extremely doubtful that any plants native to this region could be revegetated on the spoils left from strip mining in the Black Mesa.

Many statements about the difficulty, expense or impossibility of reclamation are immediately denounced by coal companies as emanating from "ecological extremists." This is why I have chosen a quotation from that great mouthpiece of the wide-open canyons of downtown New York City, the Wall Street Journal, which has this to report in its April 13, 1971 edition concerning the problems of pumping the Black Mesa coal to the Mohave power plant and other human effects of strip mining coal in that area:

DAMAGE TO INDIAN BLACK MESA LANDS

"The old Navajo believes that Black Mesa is the body of the Earth and that the power shovels are damaging it cruelly; the traditional Hopi, who have shrines on the mesa and consider themselves stewards of all the land here, say the mining is a desecration. They also believe the pumping of well water from below the mesa, for the slurry pipeline that carries crushed coal to Mohave, threatens their farms; these are on the washes on the south side of the mesa near the villages where they live.

"The most ancient of these is Old Oraibi, which has been continually settled since at least 1150 and possibly long before. Its chief is a dimunitive but spirited old woman named Mini Lansa, who has no use for Peabody royalties paid her tribe. 'What is money? It comes quickly and is quickly spent and gone,' she says. 'But the land is there forever. What good is money compared with land? If it is torn up, and if the water is taken, our people will starve.'"

DOES THE TVA HAVE ANY BACKBONE?

Last year, the Tennessee Valley Authority bought 32 million tons of coal, which is about 10 percent of the coal burned by the entire electrical industry. Approximately half the TVA coal was strip-mined. In December, 1970, TVA announced that it was revising and "toughening" regulations for reclamation of strip-mined coal areas that it was writing into its contracts. I took one glance at these so-called "toughening" regulations, and almost immediately my untrained eye picked up nice fat loopholes like these: "*To the maximum extent practicable,* the foregoing work shall be performed at the same time the mining operation is taking place;" and "Contractor shall, *as closely as practicable following the mining operation,* cover coal faces and bury all toxic materials including coal wastes and strongly acid shales." (emphasis supplied.) I understand that these reclamation requirements are now being redrawn to take out these loopholes which the TVA evidently felt were necessary to devastate the land of eastern Kentucky and Tennessee in order to get the coal needed.

Although the TVA was established, among other things, to help preserve the soil and streams of the Tennessee Valley area, and set a yardstick for electric power, the TVA conveniently overlooked a provision in the National Environmental Policy Act passed by Congress, which required TVA among other Federal agencies to file an environmental impact statement which would document such items as what effect strip-mining coal contracts had on the environment. When TVA was sued for violating the law, TVA on March 23, 1971, finally filed an environmental impact statement which was so weak and apologetic that it immediately inspired efforts to massage TVA's backbone.

TVA AND KENTUCKY STRIP MINING

It is an interesting commentary on TVA's attitude toward strip-mining reclamation that the state of Kentucky should be among those who came to the fore to try and stimulate the TVA to stand up and fight to protect the very environment it is supposed by law to be protecting. This is kind of a reverse switch that a state agency should have to shake its fist at the Federal Government and say, in effect, "Stop being such a Casper Milquetoast and get in there and use some of your Federal power to help protect us before the strip miners ruin us all." I have come by a copy of a letter dated April 19, 1971, from James S. Shropshire, Commissioner of Reclamation of the Commonwealth of Kentucky, addressed to M. I. Foster, Division of Navigational Development and Regional Studies, TVA, Nashville, Tennessee.

"This will acknowledge receipt of your letter of March 23, 1971, TVA's Environmental Statement, and its accompanying appendices. Since Kentucky supplies most of the coal purchased by the Tennessee Valley Authority, we feel that comments on the environmental statement are needed. . . . One wonders if TVA is an exception to the National Environmental Policy Act as the last paragraph on page 6 of the environmental statement reads. Kentucky did not comment on TVA's 1968 Coal Contract Reclamation Provisions as they did not approach the 1966 state standards. The 1970 reclamation clause attached to Appendix 3 is to some degree an improvement over the 1968 statement, but it does not offer any detailed guidelines or requirements.

"The use of a 1961 appraisal of surface mining is not justified in designing an environmental policy for 1971. There have been drastic improvements in surface mining methods and reclamation techniques since 1961. Surface mining has tripled and public awareness of the environment has also increased.

"The Division of Reclamation daily wrestles with the problems of surface mining and reclamation improvements. There are environmental hazards involving siltation, erosion, landslides, acid production and inability to quickly revegetate certain areas, for which there are no solutions. It would seem that a Federal conservation agency that purchases coal in seven states should be a leader in attempting to find solutions to these problems."

That is a remarkable and courageous letter.

TVA AND STRIP MINING IN TENNESSEE

To document some of the devastation in those areas where the TVA has purchased strip-mined coal, I refer to a remarkable series of articles which just started last week in the Nashville Tennessean, and brilliantly researched and written by the Science News Editor of the Tennessean, Mr. William Greenburg. I pause to raise the question at this point: why isn't the Government of the United States, which is supposed to be representative of the public interest, taking the lead in doing the job it is by law established to do? Why doesn't the United States Government turn loose a few—just a few—of those on its multi-billion dollar payroll to amass the facts necessary to protect the people and the earth on which we live, instead of leaving the job to a few reporters such as William Greenburg, such as Ward Sinclair of the Louisville Courier Journal, Tom Bethell and Phil Primack of the Mountain Eagle in Whitesburg, Ky., Ben Franklin of the New York Times, Ernest Furgurson of the Washington News, Bill Steif of Scripps-Howard, and JoAnn Levine of the Christian Science Monitor?

Over a period of 12 weeks, the Nashville Tennessean's reporter-photographer team toured five counties in upper East Tennessee, where TVA has purchased millions of tons of strip-mined coal. These articles reveal in stark terms the dismal and abysmal record of so-called reclamation as "enforced" by a Federal agency. In the third article, appearing September 15, 1971, the Tennessean reports:

"The Tennessee Valley Authority, the state's biggest coal buyer, will not permit strip mining under its contracts on slopes that are greater than 28 degrees. Even this slope limit, however, appears to be too great to hold the strip mine spoil banks in place. On TVA's special contract, the Long Pit Mining Company operation in Campbell County, there are already at least four landslides. This contract is called 'cost plus' and calls for spending as much as needed for the ultimate reclamation and then adding a fixed profit for the strip mining company.

"'I don't see how you can stockpile all that overburden even on a gentle slope and not have it wash off when the heavy rains come,' said Wayne McCoy, Engineer with the Tennessee Water Quality Board. 'They are stripping up in East Tennessee on slopes so straight they are just up and down. You can't stop the runoff. Those mountains will come down' . . . . On TVA's Big Ollis Creek job by the Spradlin Coal Company, just above the LaFollette reservoir in Campbell County, getting grass to grow has not been very successful. Arthur Wardner, TVA forecaster, explained that the Jellico coal seam which is very acid is very difficult to support growth. 'We have planted down here three times and nothing has taken hold, Wardner said. 'We have limed the heck out of this area and we can't get anything to grow.' Wardner said the acid condition of the area was known before the stripping began."

Mr. Greenburg has also made available to me copies of stories which either have been printed after September 15, or will be printed. They contain these excerpts:

"The low price the Tennessee Valley Authority pays for coal has encouraged cheap mining methods which do not include reclamation of the land. TVA, as the state's largest single purchaser of coal, exerts the greatest influence on the market. Last year it bought more than half the coal produced in Tennessee. . . . Evidence suggests that TVA is aware that the mountains of the Tennessee coal fields could not in fact be reclaimed. . . . It is obvious that the reclamation provisions in the contracts, however strict, cannot be enforced. . . . Most coal operators who have TVA contracts also sell coal from the same strip mine to other purchasers. TVA officials have admitted that it is difficult to enforce reclamation provisions on just part of a strip mine. . . . One of the state's biggest strip-miners, who does business with TVA, said: 'Just bid one penny higher than the next guy and see where you stand with a TVA contract.' "

STRIPPING WITHOUT A PERMIT

Mr. Greenburg also relates a fascinating story about a concern with the frank title of Strippers, Inc., and how this coal company under contract with the TVA to supply coal managed to keep operating without a state permit for ten months. After reviewing the action which had been attempted against Strippers, Inc., Chase Delony, Chief of Strip Mine Reclamation for the state of Tennessee Department of Conservation, stated: "It looks like a fellow can go ahead until he gets caught. Even if he does get caught he can just continue to operate." According to Fred Wyatt, East Tennessee supervisor for the Reclamation Division, "There is really no excuse for a man to operate 10 months without a permit. I just can't give you an answer why he got away with it that long. We have kept him under constant surveillance. We have begged and pleaded and tried to help him in every way. The law says we are supposed to assist the strip miners," Mr. Wyatt stated.

What does the TVA itself say about this firm of Strippers, Inc., which is supplying strip-mined coal for TVA? "We are at the end of our patience with him," said Charles L. Gouffon, Chief of Forest and Upland Wildlife Resources for TVA. Gouffon added: "It's a little hard to explain." Gouffon said that Strippers was supplying 78,000 tons of coal at 3,000 tons a week to TVA. According to Greenburg, "Gouffon listed five instances where Strippers had been dumping into a creek, stripping too close to a road, and depositing improperly. Each time, Gouffon said, TVA had Strippers stopped, but the company moved to another location. . . . Gouffon said that TVA does not require that an operator have a valid state permit. 'I'm not necessarily in sympathy with that,' Gouffon said."

JOBS AND THE BAN ON STRIP MINING

In his statement of September 16, 1971, National Coal Association President Carl E. Bagge estimates that 24,000 men are employed in surface coal mines. Perhaps 4,000 of these are employed in West Virginia. Yet 19,000 West Virginians work in tourist and recreation industries, and they are entitled to their jobs too. As strip mining increases, the attractiveness of West Virginia as a place to live and work, and also the tourist industry itself, will certainly decline.

Those now concerned about jobs gave little attention to the 300,000 miners displaced when the underground coal mines were mechanized in the 1950's. Many of the jobs in strip mining are highly skilled occupations, easily transferable to road construction or housing. But strip mining is like taking seven or eight stiff drinks: you are riding high as long as the coal lasts, but the hangover comes when the coal is gone, the land is gone and the jobs are gone and the bitter truth of the morning after leaves barren landscape and a mouth full of ashes. The tourist and recreation potential of a stripped area is nil; in fact, far more jobs are provided for the future through protection of the environment. Rep. John Seiberling (D, Ohio), a strong supporter of my bill, has added several amendments to give priority in job placement, as well as 52-week cash payments and relocation allowances to those workers displaced by the abolition of strip mining.

CONCLUSION

We are faced with a crucial decision in considering legislation related to strip mining. Are we prisoners of an onrushing technologoy which demands that we must devastate our planet in order to feed the "energy crisis"? Or do we have the will to control our future destiny and put a stop to further rape of the land?

I urge this committee to recommend the enactment of H.R. 4556, with the amendments proposed by my colleague from Ohio (Mr. SEIBERLING.)

METRO—RAPID TRANSIT FOR A NATION'S CAPITAL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

METRO—RAPID TRANSIT FOR A NATION'S CAPITAL

(Address of Carlton R. Sickles, chairman of the Board, Washington Metropolitan Area Transit Authority, delivered September 8, 1971, before the fifth International Conference on Urban Transportation, Pittsburgh, Pa.)

In a minute, you may wonder what these remarks and pictures have to do with rapid rail transit. The answer is: they set the stage for Metro. As you know, any rapid rail transit system becomes part of the city it was built to serve. Metro, too, will become part of the metropolitan Washington area.

More than that—Metro will become part of the United States by virtue of its location in the Nation's capital. Metro, therefore, has to be a showcase for our national artistic and technical capacity. Metro must state the challenge for other American cities to meet.

The mantle of our task in designing Metro is weighing heavily. Our task is one of achieving philosophic unity, technical emphasis and artistic coherence. We must weave acceptable threads of steel into the existing warp and woof of the Nation's capital. A prime requisite, of course, is that Metro also must be a functional transportation system for residents and visitors.

To make sure Metro blends in, we must know what Washington, in fact, really is. And here's where the imagery starts. Washington is monumental. It is:

The United States Capitol, anticipating a new day of debate.

The Supreme Court, anticipating justice under the law.

The White House, anticipating the Democratic Convention.

The Lincoln Memorial, anticipating racial equality.

The Jefferson Memorial, anticipating the joy of another spring.

The Pentagon, anticipating wars and rumors of wars.

As Washington is monumental, so too is the area historic. It is:

The Dunbarton Oaks music room, birthplace of the United Nations.

The Custis-Lee mansion, left by Robert E. Lee to command Virginia's military forces, never to return.

Gadsby's Tavern in Alexandria, headquarters to George Washington at least three times during the French and Indian War.

The Stabler-Leadbeater Apothecary Shop in Alexandria where Lee was ordered to Harpers Ferry to quell John Brown's rebellion.

Pohick Church, near Alexandria, where the families of George Washington and George Mason worshipped.

Blair House, where in 1950 an attempt was made on the life of President Truman as he napped.

The earthworks of Fort Totten, whose parapets defended the Union capital during the Civil War.

The C&O Canal that tied seaboard colonies to settlements west of the Alleghenies. And of course.

Mount Vernon, Washington's estate, surviving as one of the finest examples of an 18th century plantation.

But just as Washington is monumental and historic, so also is the area contemporary. It is:

Dulles International Airport, a gateway to the world.

The John F. Kennedy Center for the Performing Arts which opens tomorrow as a memorial to a martyred patron.

The Kenilworth Aquatic Gardens, a blooming catalog of water lilies, where 1,000 year-old-lotus seeds found in Manchuria were coaxed to life.

The Islamic Center with its mineret facing Mecca—not eastward, but northeastward over a great-circle route. Contemporary Washington also is:

A magnet for embassies, legations and diplomats from countries around the world.

A stage for protest against social and political imperfections.

A showcase for sculptors who seek recognition.

A womb for the rebirth of sleek new buildings from decaying shells.

A laboratory for showing that one bus lane can easily carry more people at rush hours than two lanes of cars.

Into this setting comes Metro—a modern, high-speed rapid rail transportation system. The program is subscribed to by the federal government, and a federal territory . . . two states . . . Maryland and Virginia . . . and four counties, two in Maryland and two in Virginia and three independent cities in Virginia. Official agreement to develop a regional rapid rail transit system came in the form of an interstate compact. It had to be approved by the Maryland and Virginia general assemblies and the United States Congress.

The compact created the Washington Metropolitan Area Transit Authority of which I am chairman this year. Each transit district seats two directors and two alternate directors on the Board, and it is not possible for a motion before the Board to carry without at least one affirmative vote from each district.

Despite this remarkable political alliance, provincial interests have been suppressed to the over-all good of the national capital region. We have agreed upon a 98-mile system of which:

38 miles of Metro routes will serve the District of Columbia. The center-city route is designed to stimulate redevelopment of a ghetto area.

30 miles of routes will serve Maryland, and 30 miles of routes will service Virginia with parking for 30,000 automobiles.

Metro's high-performance lightweight cars will reach speeds of 75 miles an hour. Trains will run under automatic control of a computer at our operations control center building. Other automatic train control equipment will be positioned along the routes. Each train will carry an operator who can take over if necessary. Trains will vary in length from eight cars at rush hours to two cars in slack periods. Headways along main routes will be about 90 seconds in rush hours.

Cars will be made of aluminum or stainless steel with a broad swath of bronze color sweeping their length at window level. Glass tinted artistically will functionally reduce glare.

Although no formal decisions have yet been made, car interiors probably will include such appointments as carpets, fluorescent lighting and wide sculptured seats. A handrail along the ceiling will likely be added to the initial design shown here.

Smooth, comfortable rides have been engineered through wide, sweeping no-jerk curves. Air conditioning will control heat and humidity in a city famous for both. Stations will be announced over a public address system. The operator may selectively monitor each car via a listening system. Over the same system, passengers also may communicate with the operator as necessary.

We will use steel wheels on continuous welded standard gauge steel rails. Air springs in trucks will, in addition to their car-leveling functions, minimize transmission of noise and vibration to passengers. Other sound-muffling techniques will be used.

Tracks, for instance, will be acoustically insulated from the invert by vibration absorbing elastomers.

Noise and vibration pose special problems near hospitals and apartments. In these critical areas, slabs of concrete floating on cushions of fiberglass or rubber materials will sharply reduce transmission of noise and vibration. A third rail to one side will carry 650-volt direct current that we will rectify from alternating current supplied by local power companies.

Where possible, surface tracks will be in rights of way already established for railroads and highways. Alignments will be dressed up by a landscape architect to win neighborhood acceptance.

The foregoing is becoming routine specification for a modern rapid transit system serving a sophisticated populace. But Metro offers, in addition, some innovations, and I would like to list them now.

We anticipate two usual nuisances when Metro goes into operation—graffiti and crime. Both will be minimized by our approach to underground station design.

Metro's underground mezzanines and train platforms will float free of walls—a truly innovative breakthrough in underground rapid transit station design. Because of this separation, it will be difficult for persons bent on mischief to scribble on walls. This should minimize maintenance costs.

Light will wash up through the breech to bathe walls in a soft glow to illuminate stations indirectly. And cool, clean air will circulate freely in the same manner.

To minimize the possibilities for crime, underground stations are also designed with long lines of sight from the attended kiosks on mezzanines. Nooks and crannies have been eliminated. Virtually everyone throughout the station will be visible to everyone else. Direct communications will make apprehension swift, particularly at stations having only one entrance. Our penchant for visibility extends even to the balustrades of platform escalators, which will be glass. Passageways and areas beneath mezzanines will be monitored constantly with closed-circuit television.

Another Metro innovation is the air conditioning of all underground stations. This will be accomplished by blowing treated air through ducts above platform or mezzanine levels. This is a spot-cooling technique. We are not attempting to cool the entire station vault, but just the inhabited parts.

Escalators will link all levels. Once this was a luxury for the average rider. Today it is a necessity for many whose physical imperfections make stair climbing hazardous or laborious.

An innovation for the handicapped is gestating. It is an inclined elevator for use beside escalators. The device in concept would permit persons in wheelchairs—or housewives with armloads of packages—or mothers pushing perambulators—to ride in complete safety to trains or to surface. The engineering of the hardware can begin when the Department of Transportation approves our pending application for a grant.

We have chosen brick-red hexagonal tile pavers for outside platforms and hexagonal terrazzo pavers for indoor platforms. Platforms will be trimmed in a white granite that visually calls attention to the potential danger of the edge. The innovation comes in lights mounted flush in the granite that will begin blinking 30 seconds before the arrival of a train, as a further warning.

I have already mentioned that eight jurisdictions joined to create a truly regional organization to design and build Metro. The success of this unlikely political amalgamation was made even more surprising when the members agreed upon a method for assessing each participant his fair share of the cost.

The assessment was based upon a formula that took into consideration the construction in each district, weighted 40%, the amount of service Metro will render each district in terms of miles of routes and stations, weighted 30%, and the projected 1990 ridership and population for each district, weighted 15% each.

In that manner the three districts allocated $720 million to be contributed by the local districts. For each local dollar, the federal government contributes two, and with $882 million being raised through the planned issuance of revenue bonds, the entire $2.98 billion cost of the system is covered.

Like any other program, ours has problems, but I am not going to depress you with a recitation. Our three districts to date have contributed a total of $176 million, matched by $352 million by the federal government. In addition, the Congress has appropriated more than half of its $1.1 billion authorized—through 1973—as matching money, awaiting local payments, which have been made regularly. Our financial problem relates to capital contribution due from the District of Columbia for Fiscal 1971 and 1972. These funds are now being withheld by the House Appropriations subcommittee on the District of Columbia. Involved in the picture is local opposition to certain freeways prescribed by Congress. We believe differences were resolved this summer. Unfortunately the resolution came too late for funds to be appropriated before adjournment. We hope the money will be forthcoming this fall. Despite the delay, we now have nearly $454 million obligated to engineering, construction and right-of-way acquisition.

Our program has been particularly visible as a means of raising the status of minority groups. This has been seen both internally and externally. Internally we have insisted from the start that all opportunities be developed here for black workers to find jobs and minority firms to win contracts. Our commitment to those objectives is intensified by a great number of local minority workers and firms in the area. To date, over $1 million has gone to minority firms in construction contracts. This is a small percentage of the whole, and we are constantly seeking, and finding, meaningful ways to involve small businesses and minority owned enterprises.

In a region that is 25% non-white, over half of our construction workers now on the job—specifically 55%—are members of minority races. In providing opportunities for minorities, we have gone a step further than required by the Washington Plan. We have encouraged two training programs for men handicapped by lack of occupational development. In the last 18 months, we have successfully pushed a union-blessed training program for semi-skilled labor, and another for unskilled labor. We require prime contractors to constitute and maintain part of their work force with graduates of these programs. Through these programs a growing number of persons, who might otherwise be considered unemployable, are finding the training and job experience they need to become productive and self-reliant members of society.

To help minority owned firms, we propose a special federal program. It would offer administrative, technical and financial assistance to minority management. It would help with all kinds of construction contracts in addition to Metro's. Initial reaction to the proposal within the Department of Transportation seems favorable.

So Metro has visibly moved along many fronts. The most evident—especially downtown—is on the construction front.

We have started a 4,000-foot-long rock tunnel southward in Rock Creek Park toward our future Dupont Circle station. The tunnel is wide enough for both tracks and is now about 1,200 feet long, kept on alignment by a laser beam which is safe for men and machines.

We have started a 150-ton tunneling shield to bore a 21-foot tunnel 45 feet deep under Lafayette Park in front of the White House. When it finishes this tunnel, we'll turn it around and send it back to bore a parallel tube for the other track.

We have a mile or more of cut-and-cover construction underway, with over 1,200 feet of twin-box concrete structures now finished in which trains some day will run.

We have prepared for construction of our first surface station. We have graded and seeded six acres for the Rhode Island Avenue station with its associated kiss-n-ride and bus-n-ride facilities.

All told, we have over six miles of construction under way, including eight stations. We plan to open 4.6 miles of route in the heart of Washington, D.C., in 1974, and complete all 98 miles throughout the region by 1980.

I conclude this thumbnail construction tour at the site of most progress—Judiciary Square, where ground was broken in December 1969. The station here will be 600 feet long, as with all stations. Nearby court buildings have been underpinned, and 450 feet are now being excavated while the first 150 feet of cast concrete are curing.

When we finish, Judiciary Square will typify the downtown underground station design approved by Washington's Fine Arts Commission—a design that blends with the monumental character of Washington's great federal buildings.

On the historical front, we have provided for the wishes of suburban jurisdictions, particularly Virginia, to relate station design to such local historic landmarks as pre-Civil War courthouses.

And we have blended Metro with contemporary Washington through clean train lines, surface station designs, public accesses and landscaping.

Aside from the charge that Metro's design must be monumental, historic and contemporary—all at once—we have a free hand.

I have avoided mentioning the odd shapes that have appeared on the screen from time to time. Each new slide was a further hint. I am sure by now you have mentally connected all the parts. If so, you know it's not air handling equipment. Or a sewer pipe. It's a modern sculpture. The artist, Edward Zelenak, calls it "Traffic". He gave his reasons, and I think the title is good. It's perfectly obvious the sculpture depicts two inchworms doing their stuff at rush hour. In 1974 they can take Metro and move faster.

Ladies and gentlemen, thank you very much.

PITTSBURGH HAS TOP AFEES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MOORHEAD. Mr. Speaker, Pittsburgh is fortunate to have one of the finest Army examination and entrance staffs in the country serving its citizens.

Headed by Col. Donald Neff, this unit was named as the outstanding Armed

Forces examining and entrance station in the first recruiting district during the final quarter of fiscal year 1971.

What this means in human terms is that Colonel Neff and his dedicated staff are making the difficult chore of preparation for possible Army induction a bit easier because of their thoroughness, concern, and conscientiousness.

I salute them for a job well done.

DR. HERBERT SELIAN TALBOT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, recently it was my pleasure to visit with Administrator Donald E. John of the Veterans' Administration, and in our discussion, I made particular reference to the leadership being provided by a gentleman and physician well known and admired in my home State of Massachusetts, Dr. Herbert Selian Talbot. Dr. Talbot was only recently accorded the honor of a testimonial dinner by the New England chapter of the Paralyzed Veterans of America at the King Philip Ballroom in my 10th Congressional District in Wrentham, a tribute which was richly deserved. Commitment, compassion, and dedication have been the hallmarks of his personal and professional life.

Dr. Talbot is chief of the spinal cord injury and urology service at the West Roxbury, Mass., Veterans' Administration hospital. He is also an assistant clinical professor at Harvard University, lecturer, and associate at the Peter Bent Bringham Hospital in Boston. As a recognized leader in his field, Dr. Talbot was elected in 1969 and serves as president of the American Urological Association International Medical Society of Paraplegia. Dr. Talbot is a specialist in paraplegic urology. He is an example, and a typical example, of VA medicine.

In my capacity as a member of the House Veterans' Affairs Committee, I have been made increasingly aware of the extent to which many of our VA personnel are recognized leaders in their specialties. I would like to call the attention of my colleagues to some often overlooked achievements of the Veterans' Administration, the numerous awards and prizes earned by the members of the Department of Medicine and Surgery for their research work.

The tradition of medical research by VA personnel is a long and distinguished one. The VA Department of Medicine and Surgery has had a proud role in the advance of medical knowledge and techniques.

I would remind my colleagues of some of the highlights of VA research over the past years.

Treatment of TB has improved to the point that veterans hospitalized for the disease decreased from 17,000 in 1954 to less than 3,000 at the present time.

The first successful pacemaker implant operation was performed at the Buffalo, N.Y., VA hospital.

Pioneering work in lower body temperature in connection with open heart surgery was done at the Coral Gables, Fla., VA hospital.

The Denver, Colo., VA hospital was the site of the world's first and only successful liver transplant.

VA research led to development of the gamma glubulin "horse serum" to control the body's rejection reaction in organ transplants.

Some of the earliest work in laser surgery has been in progress since 1963 in the VA hospitals at West Roxbury, Mass.; Pittsburgh, Pa.; and Washington, D.C.

And, VA research into cell typing was one of the breakthrough's which made heart transplants a reality rather than a medical dream.

The work of VA researchers continues to expand our medical frontiers. It is often easy to forget that this research will benefit not only the veterans under the care of the VA, but millions of other Americans who may, incidentally, be veterans or the dependents of veterans. From each advance in VA medicine, we all profit.

VA supported research must be counted as an important asset in our national health care delivery system; an asset which must not be overlooked as we attempt to improve the quality of health care for our entire population.

During the past 2 fiscal years, VA investigators have received more than a score of awards and prizes for their accomplishments in medical research.

Mr. Speaker, I include in the RECORD at this point a list of the honors conferred upon Veterans' Administration medical researchers during fiscal years 1970 and 1971:

BRONX, N.Y., VETERANS' ADMINISTRATION HOSPITAL

Solomon A. Berson, M.D., Senior Medical Investigator, "Murray M. Rosenberg" Professor and Chairman, of the Department of Medicine, Mt. Sinai Hospital.

Rosalyn S. Yalow, Ph.D., Chief, Nuclear Medicine Service, Chief, Veterans' Administration Radioimmunoassay Reference Laboratory, Research Professor of Medicine, Mt. Sinai School of Medicine.

Dickson prize of $10,000 to be presented by the awards committee of the University of Pittsburgh School of Medicine in the fall of 1971.

Annual award for distinguished contributions in medical sciences presented by the American College of Physicians at the 52nd Annual Meeting, Denver, Colorado, March 29, 1971.

Howard Taylor Ricketts award presented by the University of Chicago for outstanding contributions to medicine, May 10, 1971.

Academy medal presented to Dr. Berson by the New York Academy of Medicine, April 21, 1971.

XVI Nobel Symposium, Stockholm, three separate papers on their pioneering studies of gastrin were presented by Drs. Berson and Yalow.

Drs. Berson and Yalow have received international acclaim for their work on the development of new techniques for measuring minute quantities of hormones in the blood. Together they originated and developed a method for radioimmunoassay of hormones in the blood that previously could not be measured. This method, to date, has been used to measure more than 20 peptide hormones in the blood. As the tests have been developed, they have been used to institute fundamental studies of the physiology of the hormone actions. These include insulin, parathormone, ACTH, gastrin, tyrocalcitonin, and glucagon. The principle has afforded new insight into the nature of diabetes and other diseases caused by disorders of the glands of internal secretion.

An important accomplishment in the current year was the development of an assay for Australia antigen by Drs. Berson, Yalow and Dr. John Walsh, also at the Bronx VA Hospital. This antigen is currently felt to be associated with the development of transfusion hepatitis. If the technique can be developed as a screening procedure for use in blood banks, an important contribution will have been made toward preventing the occurrence of transfusion hepatitis.

BROOKLYN, N.Y., VETERANS' ADMINISTRATION HOSPITAL

Harry H. LeVeen, M.D., Chief, Surgical Service.

The Silver Hektoen Award presented by American Medical Association at the annual meeting, July, 1970.

The award for excellence in scientific research was presented at the Chicago AMA annual meeting for an exhibit from the Brooklyn VA hospital: "The Hepatic Filter: A Surgical Tool." It illustrates details of scientific research and experimental surgery.

The project was based on the observation of the liver's ability to degrade (to metabolize or otherwise destroy) hormones, with the resulting change in course of certain hormonal diseases—as diabetes, hypertension, and others. For example, adrenalin administered in massive doses to dogs, was neutralized by the liver to the extent that it did not result in hypertension. But when adrenalin was administered to the peritoneal cavity it successfully stopped the bleeding of ulcers. The exhibit shows experimental surgery in which a shunt permitted part of the blood to bypass the liver, preserving the physiological action of a wanted hormone that otherwise would be degraded in the liver.

Leo Vroman, M.D., Chief, Interface Research Laboratory.

Individual Science Lecture Award, $1,000 honorarium presented by the 18th Annual Symposium on Blood, Wayne State University, as the Outstanding Contributor in the field of Hematology, FY 1970.

BIRMINGHAM, ALA., VETERANS' ADMINISTRATION HOSPITAL

Raymond H. Lindsay, M.D., Assistant Chief, Nuclear Medicine Service.

American Thyroid Association Travel Award, FY 1970.

CHICAGO, ILL., VETERANS' ADMINISTRATION RESEARCH HOSPITAL

James Miree, Jr., M.D., Physicians Recognition Award in Continuing Medical Education presented by the American Medical Association, FY 1970.

CLEVELAND, OHIO, VETERANS' ADMINISTRATION HOSPITAL

Leonard T. Skeggs, M.D., Supervisory Research Chemist, Hypertension Laboratory.

Pfizer Traveling Fellow, FY 1970.

DALLAS, TEX., VETERANS' ADMINISTRATION HOSPITAL

Roger H. Unger, M.D., Associate Chief of Staff.

William S. Middleton Award presented by the VA as the highest award for its medical researchers.

Dr. Unger is internationally known for his work in diabetes mellitus, physiologic importance of glucagon, and carbohydrate metabolism. This annual award was established in 1960 by colleagues of Dr. William S. Middleton, a famous clinician, educator, and VA Chief Medical Director from 1955–1963. In recent years, the presentation has been made at VA Regional Research and Education Conferences.

DALLAS, TEX., VETERANS' ADMINISTRATION HOSPITAL

Walter B. Dempsey, Ph. D., Research Chemist.

VA Commendation, presented for accomplishments in Vitamin B_6 research, FY 1970.

DENVER, COLO., VETERANS' ADMINISTRATION HOSPITAL

Thomas E. Starzl, M.D., Chief of Surgery.

Eppinger Award. The first $5,000 award presented at the Freiburg International Symposium on Alcohol and Liver, Freiburg, Germany, October 2, 1970.

The new award is to be given every 3 years for research in liver disease, to encourage scientists under 45 years of age. The urological complications in 216 human recipients of renal transplants are described by Dr. Starzl and the Denver VA Hospital surgical team in the July issue of Annals of Surgery.

The patients, aged 3 to 57 years, in some cases received more than one kidney, so that a total of 234 homografts were used. Three identical twins were among the 172 family members who were donors. The remaining 62 homografts were from non-related or cadaveric donors. One hundred fifty-five patients (71.6%) survived the transplantations at least one year. Between one and six years post-transplantation, 23 of the 155 survivors died, leaving 132 (61%) who are being studied after one to 7½ years. The longest follow-up is on 33 living patients 5½ to 7½ years postoperatively.

Urinary drainage of the majority (178) of the 234 transplanted kidneys was established by ureteroneocystostomy, providing a new entrance to the bladder near the patient's own ureteral orifice. In 55 cases drainage was established by ureteroureterostomy in which the donor ureter is joined to the patient's ureter. Dr. Starzl recommends ureteroneocystostomy to be used initially in most cases. Although it does not have a materially lower complication rate, it does not unnecessarily sacrifice either the host or the homograft ureter, thus keeping open all avenues for secondary repair should that become necessary. The bladder counterincisions through which the ureteroneocystostomies where performed were not the cause of either acute or chronic complications in any of the 178 operations in which it was the choice for establishing urinary drainage. Post-operative difficulties are cited and discussed in the report.

DOWNEY, ILL., VETERANS' ADMINISTRATION HOSPITAL

Valerija B. Raulinaitis, M.D., Chief of Staff.

Outstanding Federal Woman Employee Award presented by the President of the United States—FY, 1970.

Dr. Raulinaitis was recently appointed Director of the Veterans Administration Hospital, Leech Farm Road, Pittsburgh, Pennsylvania. She is the first woman to be named Hospital Director in the VA system.

DURHAM, N.C., VETERANS' ADMINISTRATION HOSPITAL

Saul Boyarsky, M.D. Staff Physician, Urology Service.

William P. Burpeau Award for Service to Urology presented by the New Jersey Academy of Medicine, Urology Section, FY 1970.

IOWA CITY, IOWA, VETERANS' ADMINISTRATION HOSPITAL

Richard L. Lawton, M.D., Director, Renal Dialysis Center, Assistant Chief, Surgical Service.

Physicians Recognition Award in Continuing Medical Education presented by the American Medical Association, FY 1970.

LONG BEACH, CALIF., VETERANS' ADMINISTRATION HOSPITAL

Estin Comarr, M.D., Chief, Spinal Cord Injury Section.

Physicians Recognition Award in Continuing Medical Education presented by the American Medical Association, FY 1970.

MADISON, WIS., VETERANS' ADMINISTRATION HOSPITAL

William S. Middleton, M.D., Consultant in Research and Education, Professor Emeritus, Department of Medicine and Surgery, Dean Emeritus, Medical School, University of Wisconsin.

Distinguished Physician Appointment. The position was designed to bring to the VA physicians "who have made very significant contributions to medical science and who have attained exceptional professional stature over long and distinguished careers."

Dr. Middleton served the field of medicine and distinguished himself as a physician-teacher to Federal medical services over a period of 58 years.

As Chief Medical Director the Veterans' Administration (1955–63) Dr. Middleton was largely responsible for the outstanding success of the Veterans' Administration's cooperative efforts with medical schools throughout the country. During his term of office, 73 medical schools conducted training in VA hospitals.

VA's Distinguished Physicians are available on a VA-wide basis as consultants, lecturers, or in other teaching capacities, thus providing scientific and educational leadership and motivation in a number of medical teaching programs.

As a scholar, Dr. Middleton has been honored with doctorates in science, laws, and humane letters which in part reflect his unusual contributions to American scholarship as one of America's outstanding medical historians. Students of American medical history rely heavily on the records set forth with careful documentation and precision by Dr. Middleton in his researches in this vitally important field. In this capacity he lends his talents to the Nation also as a Regent of the National Library of Medicine.

As physician-teacher-researcher, he stimulated research in a wide variety of fields, from motion sickness to the nutritional deficiencies of prisoners of war. After joining the VA, he appointed the first Advisory Committee on Research to review the work and keep it both productive and economical, and the first Advisory Committee on Problems of Aging to deal with this field of growing national concern. He prepared the VA's first reports to Congress on VA research, and the Congress began for the first time to earmark funds for research in the VA.

Dr. Middleton has published more than 163 scientific papers, most of them dealing with clinical medicine, clinical research, and history of medicine. He is a member of 40 professional and scientific societies.

LOS ANGELES, CALIF., VETERANS' ADMINISTRATION CENTER

Edward Passaro, Jr., M.D., Section Chief, Surgical Service.

Thomas J. Hull Award. Gold medal and $250 presented by the American Medical Association for the Scientific Exhibit depicting medical research or instruction on a medical subject which has not been shown or discussed at a previous medical meeting, FY 1970.

Patrick C. Walsh, M.D., Resident in Urology, Surgical Service.

Upjohn Endocrine Award, FY, 1970.

NEW ORLEANS, LA., VETERANS' ADMINISTRATION HOSPITAL

Andrew V. Schally, Ph. D. Chief, Endocrine and Polyseptide Laboratory, Professor of Medicine, Tulane University School of Medicine.

William S. Middleton Award. In recognition of his many services, the VA created, in 1960, the William S. Middleton Award as the highest honor that the VA can bestow on its investigators for outstanding research. To date, eleven such awards have been given to individuals or teams of two who shared the honor.

Ayerst-Squibb Citation presented by the U.S. Endocrine Society, FY 1970.

Van Meter Prize (shared) presented by the American Thyroid Association, FY 1970.

Dr. Schally was honored for his many contributions in the field of neuroendocrinology. Dr. Schally, who has been on the staff of the VA Hospital, New Orleans since 1962, is a pioneer and one of the foremost investigators of the physiology and biochemistry of hypothalamic neurohormones. Recently, he identified and synthesized the first of the releasing hormones—Thyroid Releasing Factor.

As an outstanding biochemist and endocrinologist, Dr. Schally has gained a national and international reputation for his contributions to basic and clinical advances in neural control of pituitary hormones. He is currently engaged in studies of Growth Hormone Releasing Factor, and Corticotrophin Releasing Factor for the purposes of identifying their chemical structure and determining their syntheses and physiology.

PHILADELPHIA, PA., VETERANS' ADMINISTRATION HOSPITAL

Stanley Dudrick, M.D., Chief, Surgical Service.

Joseph Goldberger Award in Clinical Nutrition presented by the American Medical Association, FY 1970.

QUEZON CITY, PHILIPPINES VETERAN'S MEMORIAL HOSPITAL

Norma T. Gaffud, M.D., Flora M. Pascasio, M.D., Lucrecia Regala-Castillo, M.D., Maeluifina L. Ofiana.

PMA-Abbott Research Contest for 1969–70; 3rd Prize presented for malnutrition studies in children. They found that baseline plasma corticotropin levels were elevated in malnourished children, and that the level of elevation was proportional to the degree of malnutrition. Replacement of deficient nutrients reverted the levels back to normal. They also demonstrated a circadian rhythm of plasma ACTH in normal children. In the malnourished children, this rhythm was slowed down and its amplitude was elevated. Refeeding the same children brought levels back to normal at 6:00 A.M., but the level did not remain normal throughout the day.

WASHINGTON, D.C., VETERANS' ADMINISTRATION HOSPITAL

James D. Finkelstein, M.D., Chief, Biochemistry Research and Hepatology Section, VA Medical Investigator.

Arthur S. Flemming Award presented annually by the Washington, D.C. Chamber of Commerce and 4 public service firms to 10 outstanding Federal Civil Service Employees under 40 years of age.

Recommending Dr. Finkelstein for the position of VA Medical Investigator, in July 1969, Lillian Recant, M.D., Chief, Diabetes Research Laboratory, VAH and Professor of Medicine, Georgetown University, wrote:

"As a scientist he has proven himself in a difficult and intriguing area, namely, sulfur amino acid metabolism. His program is productive and the approach logically and technically feasible . . ."

Dr. Finkelstein has published 22 scientific papers, mostly concerning metabolism and malabsorption. His previous honors have included the Francis Parker Gay Research Award at Columbia University.

WASHINGTON, D.C., VETERANS' ADMINISTRATION HOSPITAL

Edward D. Freis, M.D., Chief, Antihypertension Research, Director, Cardiovascular Physiology Training Program.

Distinguished Achievement Award presented by Modern Medicine, FY 1970.

Jay N. Cohn, M.D., Chief, Hypertension and Clinical Hemodynamics Research.

Arthur S. Flemming Award presented annually by the Washington, D.C. Chamber of Commerce and 4 public service firms to 10 outstanding Federal Civil Service Employees over 40 years of age.

GEORGIA BOARD OF EDUCATION OPPOSES BUSING

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the Georgia State Board of Education has stated in a resolution that it totally and unequivocally rejects the concept or idea of transporting or busing schoolchildren away from their homes to attend school.

A vast majority of my fellow Georgians will applaud the action of their State board of education and concur in the commonsense point of view expressed in the following language from the resolution:

> The only justification for the existence of a public school system is to provide an academic climate conducive to scholastic achievement which in turn allows young people to function as responsible adults in a free society.

The board feels, and rightly so, that funds for the operation of public school systems are limited and that these funds must be used to provide quality education for every person of school age in the State without consideration as to race, creed, or national origin. The expenditure of funds for busing to achieve racial balance does not fall into this category.

The Georgia Board of Education is to be commended for its expression of opposition to busing, a practice which can only lead to the eventual destruction of our public schools.

I include for the RECORD a copy of the resolution adopted by the Georgia State Board of Education on September 16. I hope that all of my colleagues will take time to read this appeal for a commonsense approach to public education:

RESOLUTION OF THE GEORGIA STATE BOARD OF EDUCATION

Whereas, the Georgia State Board of Education has the responsibility for providing leadership and direction to public education in this State, and

Whereas, this Board is committed to the honorable discharge of our duties as we understand them to be, and

Whereas, we believe:

1. That the only justification for the existence of a public school system is to provide an academic climate conducive to scholastic achievement which in turn allows young people to function as responsible adults in a free society.

2. That, while the ability to achieve scholastically varies with the talents of each individual, nevertheless the ultimate development of these talents is drastically affected by any program that interferes with the learning process.

3. That quality education is available to most Georgians only through a strong and viable system of public education and that anything that tends to weaken this system should and must be opposed by this Board.

4. That one of the most desirable characteristics of a community school is that it engenders community and personal pride.

5. That community schools give individuals lasting roots so necessary for survival and happiness in this complex age.

6. That school children should never unnecessarily be exposed to physical danger and that such exposure is unavoidable while riding on streets and highways.

7. That no person can dispute the fact that funds for the operation of public school systems are limited and that these funds, therefore, must without fail be used to provide quality education for every person of school age in this State without consideration as a race, creed or national origin and that any expenditure of these funds which does not accomplish this aim is and must be opposed by this Board.

8. That the only sensible place for any child to attend school in this State is at the school nearest his residence offering the curriculum meeting that child's needs and that any argument to the contrary must yield to good judgment and common sense as applied by local boards of education.

Therefore, be it resolved:

1. That this Board totally and unequivocally rejects the concept or idea of transporting or busing school children away from their homes to attend school, and

2. That the Executive Secretary of this Board is directed to provide a copy of this resolution to the President of the United States, the Secretary of the Department of Health, Education, and Welfare, the United States Senators and the members of the United States House of Representatives representing this State, the Governor of the State of Georgia and the members of the General Assembly of the State of Georgia.

Passed and adopted by the Georgia State Board of Education in regular session in Atlanta, Georgia, this the 16th day of September 1971.

RESOLUTION OF THE GEORGIA STATE BOARD OF EDUCATION

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BRINKLEY. Mr. Speaker, the following resolution of the Georgia State Board of Education expresses so aptly a correct educational perspective that I wanted to share it with my colleagues.

Whereas, the Georgia State Board of Education has the responsibility for providing leadership and direction to public education in this State, and

Whereas, this Board is committed to the honorable discharge of our duties as we understand them to be, and

Whereas, we believe:

1. That the only justification for the existence of a public school system is to provide an academic climate conducive to scholastic achievement which in turn allows young people to function as responsible adults in a free society.

2. That, while the ability to achieve scholastically varies with the talents of each individual, nevertheless the ultimate development of these talents is drastically affected by any program that interferes with the learning process.

3. That quality education is available to most Georgians only through a strong and viable system of public education and that anything that tends to weaken this system should and must be opposed by this Board.

4. That one of the most desirable characteristics of a community school is that it engenders community and personal pride.

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Therefore, be it Resolved:

1. That this Board totally and unequivocally rejects the concept or idea of transporting or busing school children away from their homes to attend school, and

2. That the Executive Secretary of this Board is directed to provide a copy of this resolution to the President of the United States, the Secretary of the Department of Health, Education and Welfare, the United States Senators and the members of the United States House of Representatives representing this State, the Governor of the State of Georgia and the members of the General Assembly of the State of Georgia.

Passed and adopted by the Georgia State Board of Education in regular session in Atlanta, Georgia, this the 16th day of September, 1971.

NATIONAL ENERGY POLICY—PART IX

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. COUGHLIN. Mr. Speaker, once again, in the interest of promoting the establishment of a national energy policy, I insert in the RECORD a list of additional publications on national energy policy matters which has just come to my attention.

Of particular interest is the 7-volume document entitled "Proceedings of the United Nations Conference on New Sources of Energy," the result of a 3-day conference in Rome in 1961. I understand these volumes are a mine of worthwhile information on new energy sources.

Hopefully, those authorized to establish such a policy might find these and all the other documents useful in their deliberations.

The list follows:

A NATIONAL ENERGY POLICY

A. GENERAL

"The Human Use of the Earth", by Philip Wagner (Macmillan, Riverside, New Jersey, 1960).

B. ENERGY AND THE ENVIRONMENT

"Man's Impact on the Global Environment", (MIT Press, Cambridge, Massachusetts, 1970).

"Environment, Power and Society", by Howard T. Odum (John Wiley & Sons, New York, 1971).

C. ENERGY AND THE ECONOMY

"Ecology and Resource Management", by Kenneth E. F. Watt (McGraw-Hill, New York, 1968).

D. POSSIBLE NEW SOURCES OF ENERGY

"Proceedings of the United Nations Conference on New Sources of Energy", Rome, 21–23 August 1961. Seven Volumes (United Nations publication).

"Direct Use of the Sun's Energy", by Farrington Daniels (Yale University Press, New Haven, 1964).

E. POSSIBLE NEW USES OF ENERGY

"Windmills and Watermills", by John Reynolds (Praeger, New York, 1970).

"Butane Propane Power Manual, Principles of LP Gas Carburation", by Carl Abell and William Clark, ed., (Chilton, Philadelphia, 1962).

"How to make a Solar Steam Cooker", by A. Whittier (Brace Research Institute, MacDonald College, McGill University, January 1965).

"How to Build a Solar Water Heater", by D. A. Sinson and T. Hoad (Brace Research Institute, MacDonald College, McGill University, February 1965).

"How to Construct a Cheap Wind Machine for Pumping Water", by A. Bodek (Brace Research Institute, MacDonald College, McGill University, February 1965).

"Instructions for Constructing a Simple 8 Sq. Ft. Solar Still for Domestic Use and Gas Stations", by T. A. Lawand and R. Alward (Brace Research Institute, MacDonald College, McGill University, September 1967).

ONE WRITER'S ASSESSMENT OF CONGRESSIONAL PERFORMANCE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. WYDLER. Mr Speaker, just this week I noticed an article in one of Nassau County's outstanding weekly newspapers, the Long Island Graphic and Roosevelt Press, by Columnist Alan Jay.

Mr. Jay offers his telling comments on the fine congressional performance of my colleague in the House, Congressman NORMAN LENT. I think Mr. Jay's column presents a good appraisal of NORM LENT's efforts in Washington on behalf of his Fifth Congressional District constituents, and I enter it here:

GIVE ME LIBERTY

(By Alan Jay)

I think sufficient time has elapsed for a preliminary comparison between the performance of our "new" freshman U.S. Congressman Norman Lent, and our former freshman Congressman, Allard Lowenstein. Both are obviously dynamic, tireless politicians and legislators. Lent, like his predecessor before him, keeps close liaison with his constituents, via local offices, correspondence and personal contacts. If Lowenstein has mastered the eloquence of public speaking more dramatically than Lent, Lent displays a superior capacity for creative legal writing that must be the envy of even older statesmen on Capitol Hill. Where then is the great difference between the two men?

You can readily find it in their respective philosophies and approaches to solving problems. On the overriding issue of Vietnam, Lent wanted and wants this Democrat's disaster to end every bit as much as Lowenstein. However, unlike Lowenstein, Lent refuses to lend the dignity of his office to public demonstrations decorated with Viet Cong flags and, in my opinion, at least partially organized by International Communists and their puppets, to humiliate the U.S. It is a known fact that such demonstrations and the moronic mouthings of Sen. Fulbright and Co., encouraged the North Vietnamese to withhold reasonable concessions at the Paris Talks that would have produced an early end to the war. Why shouldn't the N. Vietnamese maintain their aggression? Wouldn't their American sympathizers undermine the determination of the American People to resist even the most outrageous demands? History will record that the McGoverns, Fulbrights, Muskies and Lowensteins were worth at least twenty crack divisions to the Red Vietnamese during this struggle, in my opinion.

So, Congressman Lent works within the orderly processes of representative government to assist our President, State and Defense Depts. to gradually withdraw American troops from the conflict, while the S. Vietnamese can organize a reasonable local deterrent to a Red slaughter. At least this way our initial goal of preserving a free S–E Asia has hope for success, and those who gave their lives would not have died completely in vain. Contrast this common sense program, supported by the vast majority of the American public, with the demagogic campaigning waged by Lowenstein for an ARRUPT disengagement that would have consigned millions of So. Vietnamese to certain butchery at the merciless hands of the Asian Communists. The resulting massacre would have made the recent Pakistani Genocide look like a PTA card party, and the future enslavement of the rest of S–E Asia a certainty. This disaster may well happen anyway, we having failed to defeat the aggressor; but in the name of all we hold sacred, it is the least we can do, having done so much under an unwise strategy already.

On domestic issues, Congressman Lent displays the same zeal and independent leadership for major problem-solving as when he served his constituents in Albany. The modern challenges of pollution, health, education, employment, commerce, crime, etc., all receive careful attention and remedial legislation when necessary and possible. There is no uneasiness and uncertainty about what Norman Lent is doing in Washington. Nor is there any doubt about whom he really works for. The "gerry-manded" voters of L.I.'s 5th Congressional District can be very proud of their handiwork in electing this progressive Conservative.

When the Liberals cry foul because their "Five Town" stronghold was re-districted, they fail to mention that solid Conservative Valley Stream went with the Five Town package also. At this stage of the game, in my opinion, most of the Lowenstein supporters would switch to Lent just on the record of performance to date, thus rendering the old argument moot and muted.

ATTICA RIOT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. KEMP. Mr. Speaker, an article, written at the time of the Attica negotiations by Irv Weinstein, the very talented and objective news director of WKBW in my Buffalo district, is deserving of the attention of our colleagues. I believe it very accurately reflects the opinions of many people on the conditions of those negotiations.

America cannot tolerate criminal acts in penal institutions anymore than it can tolerate criminal acts in society at large. Blackmail for unilateral concessions is unacceptable behind prison walls and outside them, even as it is between nations.

We are confronted with the outrageous concept, held by a vocal minority, that persons convicted of crimes by the fairest system of justice in the world are not criminals but political prisoners.

It is unthinkable that Black Panther Leader Bobby Seale and William Kunstler were admitted to the Attica institution to bargain in behalf of rebelling inmates who held the lives of 38 prison employees in their hands. The horror of the Attica tragedy is even more distressing in view of prison reforms which State Corrections Commissioner Russell Oswald offered on the eve of the riot.

Additional concessions made to the blackmailing rioters simply proved the obvious fact that concessions made under such circumstances only lead to further blackmail and, ultimately, to tragic consequences.

We cannot shut our eyes to prison abuses and apparent shortcomings in the rehabilitation process. But I hope that the causes and events which led to this tragedy will be fully investigated so positive steps can be taken to protect prison personnel and others from such tragedies in the future and bring the reforms that we all know can and must be made.

Also at this time I would like to commend Gov. Nelson Rockefeller for handling this incident under tremendous pressure and unwarranted criticism without succumbing to the emotionalism of all those who had the easy answers. No one could possibly accuse Governor Rockefeller of not being concerned or involved in the welfare of the citizens of New York, be they of any race, religion, or social strata. Let us put a halt to the second guessing and get busy answering the issues that bring about such tragic events.

Mr. Weinstein's article follows:

ATTICA RIOTS

(By Erv Weinstein)

These are truly baffling times. Convicts at Attica State Prison are negotiating for better living and working conditions. There "ace in the hole" is the lives of 32 guards they hold hostage. No one can argue against the institution of humane conditions for prisoners at our penal institutions. On the other hand, when "cons" can take over a prison, beat and terrorize guards and then demand to be transported to a non-imperialist country as part of their "demands", I have to ask whether the security at Attica is strong enough now. These inmates were not sent to Attica as part of some sort of sociological experiment. They're there because they have murdered, raped and robbed people. Right now, the prime concern is the safety of the hostages. The grievances of prison convicts should be considered and, if found to be valid, should be corrected. But if we start allowing prison inmates to dictate the terms of their confinement, we will simply be taking another step down the "road" to anarchy in this country.

PRESIDENT DOUDNA'S CHARGE TO CLASS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. SPRINGER. Mr. Speaker, after 15 years of a successful administration at Eastern Illinois University, Quincy Doudna retired with the commencement of the summer class. What President Doudna said to those young people who are just starting on the road of life can be well applied to everyone. He cites his beliefs in integrity, hard work, rationality, and brotherhood and, in looking around today, how many of us will not agree that certainly these qualities are lacking in our society and are badly needed. President Doudna's speech follows:

CHARGE TO CLASS—SUMMER COMMENCEMENT, AUGUST 12, 1971

Since this is my last formal function as President of Eastern Illinois University, I was tempted to review the fifteen years of my administration and cite what seemed important. I did not yield to that temptation and did not consider the possibility long. History is the proper agent to assess a period in the life of an institution. I am quite aware that an assessment will be made.

I am not so presumptuous as to cite what I hope will be preserved of the 1971 Eastern Illinois University and what I hope will be changed. This is the challenge of the new leadership.

Instead of discussing those possible topics I have chosen to set forth certain ideals in which I believe and which I commend to you. In so doing, I take note of such great ideals as those represented by the terms Justice, Peace, Freedom and Truth which I now mention only in passing to indicate that those with which I shall be dealing are only *some* of the great ideals with which you of this graduating class and those who are our guests should concern yourselves.

I shall speak of integrity.

I shall speak of hard work.

I shall speak of rationality.

I shall speak of brotherhood.

I believe in integrity and I commend it to you.

I believe in hard work and I commend it to you.

I believe in rationality and I commend it to you.

I believe in brotherhood and I commend it to you.

I speak now of integrity

The teachings of great religious leaders are replete with references to integrity. While often stated in the negative ("Thou shalt not steal," "Thou shalt not bear false witness,") integrity was clearly recognized by such leaders as a positive force in the affairs of men. It does not matter, for my purpose now, whether admonitions relative to integrity were based on great truths revealed by God or were dicta set forth by very wise and very pragmatic men. Those who articulated them saw that their acceptance and application would make a society work. They saw that in any age their acceptance and application are essential to orderly relationships among men. One need only read a newspaper on any given day to find evidence that when there is a lack of integrity in public life or in private life, relationships are quite unsatisfactory and society is damaged. One cannot, unfortunately, find much to help him know what society might be like if complete integrity were the ruling force in the affairs of men. He must conjure up an image of a society that does not exist; but it is pleasant to ponder and should be assiduously sought.

I believe in integrity and I commend it to you.

I speak now of hard work.

One finds it difficult to accept the notion that hard work is an end in itself. More probably, the early American leaders who espoused hard work as a kind of religious virtue simply saw that hard work was necessary in colonial America if the colonies and, indeed, the *colonists* were to survive. But to idealists, working hard to get goods or even to stay alive might have had a touch of materialism about it. On the other hand, working hard so the "Old Deluder Satan" would not tempt otherwise idle hands, seemed a more lofty, and hence acceptable, justification to religious people.

Whatever the case, no one now seriously advocates hard work as a means of salvation or even to keep one out of mischief. On the contrary, leisure time and its proper use are ends to be sought. At the extreme, perhaps the most successful searchers have been the hoboes of my youth and the hippies of yours. But both hoboes and hippies have found their leisure at the expense of those who constitute the rest of society and who, in the main, believe that leisure must be paid for by somebody's hard work. Most of us believe it should be paid for by the hard work of those who want to enjoy it. No one, any more, wants a chosen few to enjoy leisure at the price of the labor of slaves as was the case in the early history of a part of our country and in the history of many ancient civilizations. But neither do most people want a parasitic portion of our population in any part of the spectrum to have leisure or other benefits without work. There is growing resentment against those who hitchhike, whether on the highways or on society. (Unfortunately this resentment sometimes spills over, I add parenthetically, against those who need help because they can't work or can't find work; I am not joining in that resentment.)

But aside from the feelings of those who have modified the ethic of hard work to conform to new views regarding leisure, there is a serious and very practical problem. Our whole economy in this country and some others is suffering because we have idealized leisure to the extent that the productivity of our people is sometimes gaining only slowly, is sometimes only holding its own, and sometimes falling off. We are stretching our vacations, stretching our weekends and stretching our coffee breaks. But, worse yet, we are diluting our working time itself by being slow, careless or indifferent. Thus we find the steel industry suffering because workers and management elsewhere work harder and more efficiently and turn out steel for less money. Some 16% of our raw steel is now imported. Similarly, because Germans and Swedes and Japanese are working harder and managing better, some 16% of our automobiles are now imported and the percentage is rising. And here was an area in which American workers and managers were supposed to be invincible! And while all this is going on our factories in general are operating at only 73% of capacity and some six percent of our people are unemployed. Clearly we ought to do better than that.

The relevance of all this tonight lies in the fact that not enough of us care. Actually, some scoff at the hard work, the careful work, the conscientious work required to hold our society together. Some challenge the objective as materialistic and unworthy but I assert that they too will, in time, want a home and an air conditioner, a bed and an electric blanket, a family and means to educate their children. And I assert that our society will be the better when these desires take shape and when those who have them begin to pay the price in honest toil.

I believe in hard work and I commend it to you.

I now speak of rationality.

A basic tenet in a society of free men is that disagreements are settled rationally. About 35 years ago, I met a Russian professor at Cornell University. By then he had lived in England 20 years since being forced out of his native land by the communist revolution. He told me he had observed that the British had a genius for settling disputes rationally. He said, "Each assumes that there is a kernel of truth in the other fellow's position and he seeks to find it, at the same time setting forth his own position in such a way that the other fellow has a good chance to find, in turn, the truth in it. Out of these efforts the opponents come to a compromise that is generally acceptable," he concluded.

In America we have generally done reasonably well at resolving our differences rationally. At times, I must note sadly, we have come to rely on a test of strength rather than the rationality of our position. Big labor unions and big management have done it when reason failed. Civil rights organizations and an entrenched social system have done it when reason failed. Mobs of college students and college administrators have done it when reason failed or occasionally before it was adequately tried. In some cases violence resulted, with, in the colleges, consequences ranging from discipline to death.

One can deplore a test of strength as a way to reach decisions and can be distressed and dismayed when the test takes violent forms, no matter in what context. But he must be completely disillusioned when the rule of reason breaks down in the university community. If reason and rationality cannot survive in the college and the university, I ask you, where can they survive? The academic community is the last refuge of rationality. We who live and work in that community must respect rationality and preserve it at all costs.

I believe in rationality and I commend it to you.

I shall now speak of brotherhood, but I shall not speak with my own words. Rather I shall use the words of a black student at the University of Wisconsin about 25 years ago. Miss Agnes Bonner imagined the world was an old man who dreamed of his past and had visions of his future as he slept under a tree on a warm summer day—

Listen now to Miss Bonner:

THE BIG DREAM

(By Agnes Bonner)

One night last week,
The world, feeling tired,
Lay down to sleep and had a big dream;
A dream almost as wide as the world is wide,
And certainly as old.

It seemed that the earth was almost barren of people;
Only a few here and a few there,
Like clumps of grass in a marsh.
And each tilled his own land and ground his own plow;
Cared for his own beasts,
And harvested his own crop.
Each for each and none for another.

For the world was dreaming of his own youth,
As any old man,
Lying under a tree on a warm summer day
Might dream of a time gone by.
And before he could stir or turn over,
The clumps became more crowded.
And here was a man who ground the plows
For all his fellows,
And here was a man who milled the corn,
And here was one who tended to sick beasts.
And in each clump;
Man spoke to man in a tongue that he could understand;

And he spoke back, as a neighbor should.
But no clump had anything to do with any other clump.
For no two spoke the same.
Each knew only each
And none knew another.

And the world remembered that after a while
The clumps each became bigger,
Sometimes after swallowing a smaller clump,
Until the land was apportioned between them;
And they were no longer clumps,
But great fringes that brushed against each other
At their edges.
And for the space that was left,
Weird battles were fought.
Arrows flew in some
And stones were catapulted in others.
Ship was driven against ship,
And like a huge black cloud
The smoke of gun powder rolled over the sky.

And the fringes shivered in every breeze that blew,
And bowed down before the strong winds.
Some were swept under in the great floods,
And fires and earthquakes destroyed still others.

Yet each strove against each and none strove for each other.
Each helped each and none helped another.
And the world moaned in his sleep,
And moved restlessly.
For he had had a violent youth
And thoughts of it sometimes disturbed his naps.

Then the dream changed, as dreams do, when we had had enough of night mares,
And spread out before him was the green earth,
And all the little streams, the peaceful hills and valleys,
There were no clumps or fringes,
Or any clusters at all.
Only a man who gave his hand to another man
That he might breast a hill;
Or a man who cared for his neighbor's children across the valley
When all were ill.
And each spoke to each in no language;
But heart spoke to heart in an old tongue.
And suddenly each man became a group of men
And the streams, rivers and the hills, mountains;
And still hands reached out across the rivers and mountains,
And heart spoke to heart across the deep valleys.

And the rivers became seas
And were full of ships.
And the seas became oceans
And the group of men, nations.
And still hand reached out to hand
Across the ocean and through the air.
Desolation no longer darkened the sky.
Each gave to each what he lacked
And he, in turn, gave back to another.

For the world was dreaming, as he had for a long time,
A big dream.
Too big for any clump in a marsh.
Or for any fringe on a river,
Too big for any man to dream by himself.
But not too big, surely, for the world.
That each should know each and another;
That each should help each and another;
That each should speak to each and another;
That each should love each and another;
That each should build for each and another.
A big dream—
But not too big for a world,
A little over a hundred thousand years old,
To make come true.

I believe in Brotherhood and I commend it to you.

It is these thoughts I would leave with you as my last formal statement as President of Eastern Illinois University.

CASE FOR AUTO EXCISE TAX REPEAL

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the distinguished columnist, David Lawrence, has taken note of the strong case made last week to the Ways and Means Committee in behalf of the immediate repeal of the 7 percent Federal excise tax on passenger automobiles. Mr. Lawrence's article, appearing in the Washington Evening Star on September 17, draws attention to many of the compelling reasons which argue in favor of the President's request and singles out particularly the very persuasive observations made to the Committee by the Honorable Arthur E. Summerfield, the former Postmaster General and for many years an automobile dealer in Flint, Mich. As the House prepares to act on the President's economic proposals, I commend this column to the attention of my colleagues:

CASE FOR AUTO EXCISE TAX REPEAL

(By David Lawrence)

The motor vehicle industry is urging Congress to repeal the 7 percent excise tax on automobiles and thereby give the economy its biggest stimulus. Leaders in the industry say that a drop in vehicle sales generally is the first indication of economic decline while renewed sales volume usually is a sign that a recovery period is beginning.

Arthur E. Summerfield, who was postmaster general in the Eisenhower administration and who has been an automobile and truck dealer in Flint, Mich., for 42 years, testified this week before the House Ways and Means Committee on the importance of removing the excise tax. His son, who is a motor vehicle dealer in Gary, Ind., joined in his testimony. The statement read in part as follows:

"More than 13 million persons—holding one of every six jobs in the nation—are employed in highway transport industries. Over 800,000 businesses are directly dependent on motor vehicle use for their continued existence. . . .

"On July 7 unsold new 1971 automobiles in dealers' hands reached a record high of more than 1,800,000 cars in a declining market. Many dealers, already stretched financially, certainly were in no position to order and arrange payment for additional new cars. . . .

"The impact and problems of our present situation are beyond the control of the business community alone. During the past year, sales of cars from abroad rose to 14 percent of total U.S. sales and are now running about 16 percent. On the basis of a 10-million car year, this means 1,600,000 vehicles.

"This percentage shows definite signs of increasing at an even faster rate, and without help from you the aggressive distribution plans of foreign car manufacturers could well cause them to actually dominate the American car market. Import sales are running 40 percent on the West Coast, and 20 percent on the East Coast—and both German and Japanese companies are now greatly expanding their distribution in the greatest car market in the country—the great Middle West.

"As dealers of domestic cars and trucks, we must compete against vehicles built in Japan where labor wage scales are about one-quarter of ours. We must also compete with vehicles built in West Germany where wages approximate half of ours. This, of course, results in unequal competition and is reflected in the automotive employment trend in each of the three countries."

Summerfield pointed out that direct employment in this country in the manufacture of motor vehicles declined by 91,000 jobs last year. But in West Germany, jobs in the motor vehicle industry climbed from 560,000 in 1969 to 731,000 this year. Similarly, Japanese employment in transportation manufacturing rose from 514,000 in 1960 to 754,000 in 1969.

Summerfield's statement declared that repeal of the automobile excise tax would mean that an average of $200 would be rebated "to the car buyer, not to the dealer, and not to the manufacturer, and it would not be inflationary." In summing up, Summerfield said:

"We strongly feel that repeal of these automotive excise taxes in total would have the greatest all-around benefits of any single action to stimulate our economy."

Franklin M. Kreml, president of the Automobile Manufacturers Association, in testifying before the committee, stated that auto price reductions would range from about $125 for small cars to over $300 for the largest cars. Many of the major manufacturers have written to members of Congress committing their companies to pass the tax saving on to the buyer.

Officials of the automobile industry told the House Ways and Means Committee that even the cost of used cars would be reduced by the repeal of the 7 percent tax, inasmuch as older-car prices are competitive with those of new cars.

Attention was drawn at the committee hearings to the fact that in 1965 President Johnson had ordered a study after the tax on automobiles was cut from 10 percent to 7 percent, and it showed that the reduction was passed on to the purchaser. The Bureau of Labor Statistics at the time revealed a similar drop in used-car prices.

In the view of industry spokesmen, the net result of removal of the tax would be to help create and maintain new jobs through increased production of motor vehicles and also would make additional noninflationary funds available for consumer use.

EULOGY TO THE HONORABLE ROBERT TINDAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. CONYERS. Mr. Speaker, on August 2, last rites were held for the Honorable Robert Tindal, the third black man ever elected to the Detroit Common Council. He was respected throughout the city as a dedicated public servant, as attested to by the countless number of citizens who paid their final respects as his body lay in state at the city-county building.

He was a product of the civil rights

movement, giving leadership in the South as well as in Michigan, where he served in the capacity of executive director of the Detroit Chapter of the National Association for the Advancement of Colored People. But most of all he was a dear friend and associate of mine. My feelings were eloquently expressed at the funeral by Mr. Robert Millender in the following way:

EULOGY TO ROBERT TINDAL BY ROBERT MILLENDER

It is often said that you shall know a man by his deeds. While this may be true, it is not an absolute measure of the worth of a man, for sometimes the deeds are obscured by myth and in too many cases the motives for performance spring from acts of self-interest.

To truly evaluate the deeds, therefore, one must truly know the doer, his hopes and aspirations that prompted the acts we see.

I do not wish here to enumerate the various deeds of Bob Tindal, for they are as well known to you as to me. Rather, I wish to talk about the man, his hopes, his aspirations.

I knew Bob only a short period of time in terms of years, but I knew him since time immemorial for I was privileged in that he shared with me his belief in his purpose in life.

Bob visioned and knew there could exist a world wherein men are born free, a world where his son, Shawn, and all the other Shawns of that world would have the opportunity to develop their God-given talents without restrictions of any manner.

But he was a realist, for he knew that to many people that world was a myth, to some an obtainable goal and to others a mirage to be dangled before the eyes of the dispossessed to lure them into a sense of contented hopefulness.

He also knew that this world lay behind a man-made mountain of mental and emotional stones of apathy, complacency, prejudice, discrimination, racist bigotry, poverty, and disease.

His dedication and commitment led him to join with those who sought to climb to the top of the mountain, perceived this better world and proclaim its existence to the disbelievers. Further, their ultimate purpose was the elimination of the mountain.

Bob realized that this journey was a tedious, dangerous, sometimes lonely, frustrating venture but he did not despair and continued upward. Often he was seen lending a helping hand to fellow travelers along the way. He took time to clearly mark the pitfalls that he encountered for he knew that others were following and he desired that their journey be made easier.

He carefully mapped the path of his journey for he visualized the path becoming a road, the road a street, the street a broad, six lane highway virtually destroying the mountain.

Shed no tear nor mourn for the man, Bob Tindal. If you must shed a tear or mourn . . . let it be for that cause he lived and worked for. A cause that has lost a valiant warrior. For Bob was well aware, recognized, and accepted that the effort he expended in his journey could well lead him to this place at this time. He believed "that a man must do what he must do" and that if the end results are the supreme sacrifice, then so be it.

To you, Bob Tindal in behalf of those who continue the journey . . . farewell—we shall surely miss your companionship, your helping hand, your commitment, dedication and most of all your abiding faith that some of us will reach the top of the mountain.

For me personally I can say . . . farewell . . . friend . . .

SICKLE CELL ANEMIA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. O'NEILL. Mr. Speaker, sickle cell anemia is a disease which is devastating the black children of this Nation. Fortunately, we live in an era which has seen many diseases brought under control, and even some, like smallpox, erased completely. America has set her medical sights on conquering cancer. In conjunction with these developments, I believe that the conquest of sickle cell anemia warrants an all-out effort on behalf of the black children of America. I have introduced legislation, as others in this Congress have, which would provide for a Sickle Cell Anemia Institute, for the purpose of vanquishing this dread disease. I ask my colleagues to read the following report prepared by a member of my staff. I am confident that all will be persuaded that this menace should be eradicated as soon as humanly possible:

THE FEDERAL ROLE IN THE FIGHT AGAINST SICKLE CELL ANEMIA

Sickle cell anemia is one of the greatest killers among young Black children in the nation today. Annually an estimated 1,155 new cases are discovered, and for each of these new cases a very painful and usually fatal disease has begun. This figure for the estimated number of new cases is considerably higher than the estimates for the other major hereditary childhood diseases: cystic fibrosis—1,206, muscular dystrophy—813, and PKU—350 (1967 figures). It is estimated that 50,000 American Negroes have the sickle cell disease, one child in every 500 born; two million plus are carriers of the disease, and at least 5,000 require hospitalization each year. Most of those children afflicted with the disease die before the age of thirty.

Sickle cell anemia is a genetically transmitted blood disease that afflicts blacks almost exclusively. The disease, through a change in the molecular structure in hemoglobin, stretches the red blood cell into the characteristic sickle shape. The sickled blood cells carry less oxygen throughout the body, are more brittle and destroyed by natural body processes more rapidly than the normal blood cells.

Lack of a proper, iron-rich diet, overly strenuous physical labor or exercise and severe colds can bring on what is known as a sickle cell "crisis". A crisis occurs when many of the red blood cells start stretching and twisting into sickled shape all at once. These sickled cells get blocked in the very small capillaries of the body, an event similar to a "log-jam". The liver, kidney, or intestine does not then receive the fresh blood and oxygen it requires and may swell up with fluid and become quite painful. This condition usually lasts for some four to six days during which time some hospitalization is usually necessary.

At this time there is no known cure for sickle cell anemia. Earlier this year Dr. Robert M. Nalbandian of Grand Rapids, Michigan, pioneered a treatment of the disease using I.V. infusions of a drug known as urea. There has been much discussion in several medical journals concerning this treatment and its ability to perhaps prevent crises. Most doctors, like Dr. Paul McCurdy, associate professor of medicine at Georgetown University's School of Medicine, are "cautiously optimistic" about urea as a cure for sickle cell anemia. All agree that further research into Urea and other similar drugs is needed.

The Federal government has been involved in sickle cell anemia research for some time. The appropriations for research in FY 1970 amounted to $1.7 million. The National Institute of Health—the government's chief medical research body—reports grants worth $1,033,000 have been funded during the past fiscal year for direct research on the disease as well as 36 other grants of $1,223,000 in related studies.

President Nixon in his health message to Congress of February 18, 1971, called for a five-fold increase, to $6 million, in the budget for research and treatment of sickle cell anemia. This increase is one of the biggest percentage increases anywhere in the entire budget. This increase was sustained in the HEW appropriations bill (H.R. 10061) which passed the House. The appropriation for sickle cell anemia research is not clearly spelled out within the bill, but is rather included in the funds for the National Heart and Lung Institute's appropriation (Title II, under NIH).

The attack against sickle cell anemia is being carried on in a four prong effort, as outlined by Dr. Robert Ringler of NHLI, Deputy Director of NHLI, and co-ordinator of the project:

(1) to expand research into the disease and its complications

(2) try to discover better ways to treat those persons with the disease. This includes a clinical evaluation of Urea and other drugs being experimented with as preventive oral medications for the long term management of the disease. Approximately $1.5 million of the budget will be allocated for contracts to medical centers participating in this study.

(3) to develop screening and counseling at the community level, perhaps through the newly established Health Services Community Centers.

Develop improved public awareness of the disease: how it is contracted, limits on persons afflicted, etc.

These objectives will be carried out by awarding the overwhelming majority of the money in study grants to non-Governmental institutions throughout the country for research and testing. Two institutions currently researching sickle cell anemia extensively are Howard University in Washington, D.C. and Meharry Medical College in Nashville, Tennessee. NIH also has in existence a Task Force on Sickle Cell Anemia to plan, develop, and coordinate this currently somewhat overlapping effort.

The Federal government is definitely working on the disease, and with the recent budget increase the Federal funds in research compare favorably with research into the other major childhood hereditary diseases: cystic fibrosis, $2,701,000; muscular dystrophy; $5,337,000; PKU, $790,000. One problem in funding is that there is no large private organization to supplement government research funds as there is in cancer, cystic fibrosis, and many others. The revenues of these volunteer groups in 1968 were as follows: muscular dystrophy, $7,203,000; cystic fibrosis, $1,998,716.

One area of the disease which needs to be further developed is the screening process to determine who has the disease, and who are carriers of the disease. It is estimated that between 8–13% of the black population carry the sickle cell trait. By using an autoanalyzer, a Sickledex test can be easily administered, at only pennies per test. As stated by Dr. David G. Nathan, chief of the division of hematology at Children's Hospital in Boston, "It is extremely important to know whether every black person entering the hospital has the trait. These patients can get into serious trouble during such routine situations as pneumonia, drug therapy, or pregnancy." Also, tests should be run in schools in black areas to help both parents and children to understand the truth, not exaggerations or lies, about the disease and how they can best keep healthy.

Currently the draft status of blacks with the sickle cell trait is not effected and according to Captain Francis J. Linehan, MC, director of professional services in the office of the Assistant Secretary of Defense for Health and Environment, the Defense Department has no plans at all to change their draft status. Since crises are brought on in carriers by strenuous exercise, perhaps the wisdom of putting blacks with the trait through a rigorous program of basic training should be reexamined.

Until extended research develops a cure for sickle cell anemia or at least a way to forestall the "crisis", and extensive experiments are being carried on in this area by Dr. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, Michigan, screening and genetic counseling appear to be the most effective way of bringing sickle cell anemia under some control. The Federal government is trying to get a cure for sickle cell anemia, and the work is progressing.

THE NATIONAL SERVICE ACT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BINGHAM. Mr. Speaker, the vote by the Senate yesterday to extend the draft was a final example of the consistent failure of the Congress to create an effective system whereby the youth of America can serve their nation without the inequities present in our existing Selective Service System. I believe that the Congress will have to recognize eventually, that the draft should be drastically overhauled and a National Service System, along the lines I have proposed in H.R. 1000, established.

It is clear that despite the Congress, the desire for a fair, national service system remains an important and current topic of discussion. For example, in the August 31, 1971, Washington Post, Mr. Henry Owen, in discussing the changes now taking place in the U.S. Navy, referred to my proposal as one which reduces the inequities of the current system "Without giving up the notion that we all owe the country something more than taxes.

Mr. Owen's article follows:

Z-GRAMS HELP—YOUNGER OFFICERS RESHAPING NAVY

(By Henry Owen)

I think it was Voltaire who said that if you want to get to know a country you should examine its armed forces and its courts. Which is one of many reasons for taking a good look at current changes in the nature of the U.S. armed forces. A good place to start is with a few simple facts:

Fact One: The character of a military service is largely determined by its officer corps.

Fact Two: Most members of an officer corps are relatively young. That's because it's pyramidal: lots of lieutenants, fewer colonels, and still fewer generals.

Fact Three: Young officers aren't that all different from young college-educated civilians. This is graphically revealed in an article by Commander James Barber in the May 1970 "Naval War College Review," reporting the results of a broad sampling of naval officer opinion: The younger officers—in contrast to their seniors—turn out to have much the same opinion on race, foreign affairs, poverty, urban problems, etc., as their civilian counterparts. These data might move you to expect a bitter confrontation between younger officers and the establishment. But it's the other way around—at least in the Navy, and presumably in the other services as well: It's not the establishment which is staring down younger officers but the younger officers who, within certain limits, are reshaping the Navy.

The reason is simple: The Navy can't get along without them. It needs their numbers; and it needs their energy and enthusiasm. Its leaders know this, and have acted accordingly. To a civilian, some of the Z-Grams which the Chief of Naval Operations, Admiral Zumwalt, has showered on a startled Navy seem to deal with mundane matters: haircuts, beards, time spent waiting in line, suggestion procedures, and the like. But younger officers, enlisted men, and their wives recognize these directives for what they are: a signal that the management is on their side. As far as they're concerned, Zumwalt is the best thing that's happened to the Navy since John Paul Jones.

The mood and presence of these younger men seem to make a difference. Anyone who served as a junior officer in World War II can sense that difference visiting a naval base: Relations between seniors and juniors, and between officers and enlisted men (not to mention between blacks and whites) seem somewhat easier and more relaxed. The younger officers are a lively and attractive group—handlebar mustaches and all. They're interested not only in their work but also in the wider society about them—and in establishing useful contacts between that society and the Navy.

Only an expert can say whether all this adds up to a more effective Navy than before. But it doesn't take an expert to see that it's better than no Navy at all—which is what you'd have if the generation gap couldn't be bridged. You can't run a Navy without ensigns and lieutenants—at least, no one has succeeded so far. The retention rate of junior officers—the number who decide to stay on in the service—is not overwhelming, there are still plenty of problems and gripes; but the rate seems to be rising slightly, whereas a while back it appeared headed in the other direction.

The result may not be a naval officer corps as single-minded as the one which existed before Pearl Harbor, and which has been described as living in "a dim religious world in which Neptune was God, Mahan his prophet, and the United States Navy the only true church." but it may be one which is well adapted to a Navy whose main job in the years ahead seems more likely to be keeping the peace and showing the flag than waging general war. And it may help to produce a Navy which is a good deal less isolated from civilian life than in the past. The danger against which George Ball has recently warned, of a growing schism between civilian society and the military—such as confronted France after Algeria, will be reduced. We have enough divisions in the U.S. already; we don't need this one, too.

But this depends on the Navy—and other services as well—continuing to be able to draw in officers with varied backgrounds from a broad cross-section of civilian life. Although a fair number of these young men would come in even if there were no draft—because they like getting away from a desk, enjoy working with people instead of filling out forms, want to fly or go to sea, etc.—the point which Colonel Robert Gard makes in the current issue of "Foreign Affairs" still seems valid: "If the draft is discontinued . . . the uniformed services will become more self-contained and their separation from society will be more likely."

There's a good deal to be said for an all-volunteer force, so that each person can fix his own way of life, and so as to avoid the inequities and inducements to cheating which are inherent in a draft as little used as our own. But some of the latter problems can be met—for example by the proposal for national civilian and military service being advanced by Congressman Bingham and some of his colleagues—without giving up the notion that we all owe the country something more than taxes. If that notion *is* abandoned, one of the prices that we may have to pay is some slowing down of the winds of change now blowing through the armed services. And if you believe that Voltaire was right in thinking that the character of a society and of its armed forces are closely related, you'll want to think twice before running this risk.

DADE COUNTY'S SUMMER PROGRAM OF ACTION TO RENEW THE ENVIRONMENT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. FASCELL. Mr. Speaker, I would like to bring to the attention of our colleagues the success of a summer employment program for disadvantaged high school students in Dade County. This program is SPARE, Summer Program of Action To Renew the Environment, and is sponsored by the Environmental Protection Agency.

Dady County's SPARE is the second largest in the Nation and proved to be so successful that it will serve as the model for other areas in the Nation next summer. It gained special recognition because it was a countywide program that involved almost every municipality in Dade.

The purposes of the project were to:

First, provide immediate summer employment for disadvantaged youth.

Second, educate the public to deal successfully with immediate, urban environmental problems.

Third, promote incentive and illustrate career possibilities in ecology.

The youths in the program were on the job 4 days a week and spent 1 day in classroom seminars discussing the ecological problems they encountered on the job.

Mr. Speaker, I would like to direct the attention of our colleagues to an article on SPARE which appeared in the Miami News:

[From the Miami News, July 14, 1971]

DADE JOB PROGRAM'S SUCCESS MAKES IT A MODEL FOR NATION

(By Sue Krawetz)

A federally created summer job program in Dade County has proved so successful it will be used as a model for other areas in the nation.

It also may be expanded to a year-round program here.

It's called SPARE—Summer Program of Action to Renew the Environment—and it involves 600 disadvantaged high school students and 60 trained college supervisors.

Jay Hale, Dade County Youth Coordinator, said officials from Washington visited Dade this week "to see if the program was really as great as our reports indicated. And they were very impressed."

The purposes of the project, which began June 11, are to:

Provide immediate summer employment for disadvantaged youth.

Educate the public to deal successfully with immediate, urban environmental problems.

Promote incentive and illustrate career possibilities in ecology.

The Dade County program is the second largest in the nation and gained special recognition, Hale said, because it is a countywide program that involves almost every municipality in Dade.

Hale said squads of teenagers are actively working with various pollution control agencies and ecological programs in the county.

Students are involved in Housing and Urban Development, water and waste treatment plants, noise and air pollution with the Port Authority, the Sanitation Department, Dade County Pollution Control "and just about everything concerned with ecology."

Hale said the program was successful because of the enthusiasm, support and cooperation of the various agencies involved.

He said the point of SPARE is to actively help conquer environmental problems the everyday citizen experiences in the city.

Some squads each composed of 10 teenagers and one supervisor, are spending the summer making door-to-door stops in the inner city. They teach residents how to cope with daily problems such as mosquito control and preventive methods against rat infestation.

The youths in the program are on the job four days a week and spend one day in classroom seminars discussing the ecological problems they encounter on the job.

The program is being sponsored in 100 major cities by the Environmental Protection Agency. The program in Dade is costing the federal government about $250,000.

The youths, ages 16 to 20, were recruited for the program through the Neighborhood Youth Corps and earn the minimum wage, $1.60 per hour.

MORE COAST GUARD ACTIVITY IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BEGICH. Mr. Speaker, on my recent trip to Alaska I had the pleasure of visiting with my many friends in Ketchikan. While my trip to southeast Alaska was most enjoyable, I did come to Ketchikan with the intention of conducting serious business. The Public Works Committee held hearings in Ketchikan and at that time testimony was offered in support of the need for more Coast Guard activity in Alaska.

At that time, I pointed out that the need for increased Coast Guard activity was so essential to the growth and stability of Alaska, and especially southeast Alaska, appropriate action must be taken immediately. I, therefore, requested that the U.S. Coast Guard forward to me a résumé of facilities and funds now available to it; and what more would be needed to properly and efficiently perform the tasks asked of this division. At this time, I include in the RECORD the résumé and information forwarded to me by the U.S. Coast Guard:

REPORT OF CONGRESSIONAL PUBLIC WORKS COMMITTEE MEETING

1. On 26 August 1971 I attended a hearing of the House of Representatives Public Works Committee held in Ketchikan. The chairman was Representative Nick Begich of Alaska. In attendance were Representatives K. G. McKay of Utah and J. Terry of New York.

2. Representatives of the Communities of Petersburg, Wrangell, Ketchikan, Klawok and Hydaburg presented testimony as to their needs for navigation improvements as well as economic development administration projects in their respective areas.

3. As the hearing was drawing to a close, State Senator Frank Petrovich of Klawok stated for the record, his deep appreciation of the "Outstanding service the U.S. Coast Guard has rendered to Alaska and in particular Southeast Alaska." Chairman Begich endorsed the Senator's remarks and added that he was well aware of the tremendous task the Coast Guard faced in patroling Alaskan waters and in particular the Bering Sea. At that time he requested the Coast Guard submit, for insertion into the record, their budget for Alaskan operations, and their estimated costs of additional equipment for optimum response to Coast Guard responsibilities. It is felt this should be handled at the District level.

R. H. HAGADORN.

RÉSUMÉ OF KETCHIKAN PUBLIC WORKS HEARING

1. A public works hearing on the subject of improvements to aids to navigation, waterways and waterfront facilities was held in the City of Ketchikan on 26 August 1971. Representatives from several panhandle communities were present and voiced their communities needs and desires to the congressional committee.

2. A request which directly concerned the air station was presented by State Senator Frank Peratrovich of Klawak in which he stated that the fishing industry of that area suffered from the close proximity of foreign fishing vessels to the Alaskan coast. He requested consideration of a move to extend the 12 mile limit to keep these vessels further out allowing U.S. fishermen an increased availability of marine resources. He also expressed sincere thanks to the Coast Guard for its multitude of services, often under severe and hazardous conditions, to the communities of Southeast Alaska.

3. Congressman Nick Begich expressed his desires for increased Coast Guard personnel and facilities for the state to further protect Alaskan fishing rights and promised to do as much as possible to secure increased appropriations for the service. To aid him in this task, he asked the Coast Guard to submit a resume of facilities and funds now available to it; and what more would be needed to properly and efficiently perform the tasks asked of it.

P. H. BREED.

FACILITIES AND FUNDS

1. Current annual costs for this district amount to $20,330,202.00 (FY–71). This figure includes *all* costs (personnel, vessel and air operations, shore stations, aids to navigation, etc.).

2. The operating units now supported by this district are:

a. Vessels:
1 WMEC (CGC Confidence).
1 WAGB (CGC Storis).
8 WLB.
1 WLM (White Holly).
1 WLI (CGC Elderberry).
3 WPB.
1 MLB (44 Footer).
2 UTB (40 Footer).
b. Air Stations and Aircraft:
(1) Air Station Kodiak:
3 HC130H.
2 HH52A.
(2) Air Station Annette:
2 HU16E.
3 HH52A.
c. CG Bases:
(1) Ketchikan.
d. Group Offices:
(1) Juneau.
e. Radio Stations:
(1) Ketchikan.
(2) Kodiak.
(3) Adak.
f. Boating Safety Detachments:
(1) Anchorage.
(2) Petersburg.

The following operational elements/facilities would enhance this district's capability to perform operational functions.

1. Establish Auke Bay Rescue Station (Helo/Surface):

Background: There are at present inadequate moorings and living spaces at the Auke Bay Moorings (44 footer). In addition, the nearest air unit to the Juneau area is at Annette Island some 250 miles distant. Transit time to the Juneau area is excessive for proper SAR response.

The Coast Guard now owns land (25 acres) at Auke Bay. Envisioned in our plans is the establishment of a combined helo/surface rescue station on that site. Assigned to this station would be the 44 footer and one helicopter deployed from Air Station Annette. Scheduled maintenance would be performed at Annette. Aviation personnel would consist of two aircraft crews and minimal support personnel.

Estimated cost: $1,135,000.00 (includes eight family living quarters).

2. Establish Air Detachment at Cordova:

Background: The greatest population center of Alaska, the greater Anchorage area, uses Prince William Sound as its recreational boating area. This boating activity is rapidly growing. In addition, the commercial fishing activity in that area is rapidly increasing. Assuming the Alaska Pipeline is eventually constructed, supertankers will be transiting Prince William Sound and require air surveillance for pollution detection and control. It is therefore deemed necessary to establish a helicopter detachment at Cordova. The aircraft would be deployed from Air Station Kodiak similar to the concept stated above for the Auke Bay Rescue Station. To accomplish this deployment one additional helicopter (H–3) would be required at Kodiak.

Estimated cost:

Hangar & Support $1,160,000.00

One HH3F (At Kodiak) $2,290,000.00 (including personnel).

Total, $3,450,000.00.

3. Assignment of a fourth (one additional) HC130H at Kodiak:

Background: A serious fixed wing flight hour shortage exists at Kodiak. This shortage becomes acute when an aircraft is undergoing overhaul, modification, etc.

Estimated cost: $4,972,000.00 (including crew).

4. Domestic Icebreaking:

Background: Year around shipping in Cook Inlet is inhibited by ice. The WLB is incapable of providing effective icebreaking in this area. A "wind class" WAGB is of too great a draft and possesses insufficient maneuverability to successfully break ice in Cook Inlet. A multi-purpose vessel, of icebreaker design, is therefore required for the Cook Inlet area. A vessel of 200 to 230 feet is envisioned and would serve as an ALPAT. (Alaskan Patrol) fisheries law enforcement vessel during the "off" season.

Estimated cost:

Vessel, $15,000,000.00.

Crew (73) *, $360,000.00.

5. Assignment of WHEC to Alaska:

Background: ALPAT requirements (in ship days) are greater than district resources can provide. COMWESTAREA reduces this deficit, to some degree, by vessel augmentation. These vessels consume unproductive steaming time to and from Alaska and are not familiar with the pecularities of the Alaskan fisheries treaties, agreements, etc. A WHEC assigned to this district would result in improved efficiency and effectiveness.

Estimated cost: $1,300,000.00 (including crew) **.

6. Replace HH52A with HH3F:

Comment: All aircraft presently assigned to Air Station Annette and the HH52As now assigned to Air Station Kodiak are to be replaced by HH3Fs during CY 1973. The funding of this item is already an approved or proposed element of the FY '72 and FY '73 budgets.

STATEMENT CONCERNING BULGARIAN NATIONAL HERO NIKOLA PETKOV

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. CRANE. Mr. Speaker, on September 23, we mark the 24th anniversary of the judicial murder of the Bulgarian national hero Nikola Petkov.

At a time when many in our own country and elsewhere in the West are expressing the view that communism is no longer a threat to freedom, it is helpful to review the fate of the Bulgarian people.

After the Communist-inspired Fatherland Front seized the government and the Red army occupied Bulgaria in 1944, the Communists methodically undertook to consolidate their rule. Initially holding only the governmental agencies for Interior, including the police, and Justice, they conducted widespread purges and trials in order to eliminate the opposition. As their control became more nearly absolute, an attack was launched on the old Tirnovo constitution, and "popular requests" were trumped up for a new one. In September 1946 the results of a plebiscite eliminated the monarchy and declared Bulgaria to be a republic. The following month, elections were held for a Grand National Assembly—Sobranje—which would enact a new constitution. After the new legislature convened in November, Georgi Dimitrov formed his government.

As far back as July 1945 Nikola Petkov sent a memorandum to the Inter-Allied Control Commission demanding postponement of the elections which the Communists had scheduled for the end of August 1945. These elections were to involve only one list of candidates, headed by the Communist Party. As a result of the memorandum, the Prime Minister declared that Petkov had resigned, although he never formally did so. In protest, Nikola Petkov and other cabinet ministers broke up the Coalition Government, and thenceforth openly opposed the Communist dictatorship. Upon intervention of the Control Commission, the elections were postponed until November 18, 1945.

In October 1946, Petkov headed the opposition in its election campaign against Communist-Soviet attempts to seize full control of the country. Petkov, after his election, unmasked in Parliament the intentions of the Communists and their leader, Georgi Dimitrov, former Secretary-General of the Comintern. He accused them of being Stalinist agents, and said that their hands were stained with the blood of innocent Bulgarians and that they wanted to make Bulgaria a Soviet province.

For his efforts to keep Bulgaria free and independent, Petkov was charged with conspiracy against the state. He was sentenced to die on the gallows, and was later secretly executed.

Prior to his execution, a Communist representative promised him a pardon if he signed a petition declaring his repentance. Petkov made this reply:

> You are even trying to desecrate my sacred memory. My sentence was passed by your Moscow masters and no one can revoke it. I do not seek mercy from you. I want to die so that my people may be freed sooner.

The Communist leaders of Bulgaria are frank to admit that theirs is a totalitarian state. Vulko Chervenkov, prime minister until 1956, stated that—

> No institution, organization, or person can be above the Politburo and the Central Committee. All important issues of the government of the country must be decided by the Politburo and Central Committee. Those guilty of deviation from this Bolshevik rule must be held responsible and punished.

The government which Nikola Petkov sought to keep free and independent, has become nothing more than an instrument of Soviet colonialism and tyranny. The Government of Bulgaria has become in a practical sense merely a transmission belt behind which a dictatorship of the Bulgarian Communist Party operates the controls.

Men like Nikola Petkov have for many years been attempting to tell those of us in the West what communism is really like. Communism, unfortunately, has not changed. It was only in 1968 that Russian troops marched into Czechoslovakia. The Berlin Wall still stands as a monument to the tyranny which exists beyond it. Soviet efforts at subversion continue in the Middle East, in Latin America, in Africa, and in our own country.

Those who argue that communism is not really a danger should review the careers of men such as Nikola Petkov, men who, in their own time, argued against the concept of a "popular" or "united" front with the advocates of tyranny. Such policies did not work then. Bulgaria's enslavement is adequate proof of that fact. Such policies will not work now.

Hopefully, the inspiring example of this brave man will have its impact upon men today who face the same threat and challenge of Communist tyranny. If it does, then Nikola Petkov's life will have been well and honorably spent.

DISTINGUISHED VETERAN NEWSPAPERWOMAN—DOROTHY ROLLINS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. WYMAN. Mr. Speaker, in the lovely town of Alton, N.H., in my congressional district, lives a distinguished veteran newspaperwoman, Mrs. Dorothy Rollins, 81 years proud. Mrs. Rollins is still active, vital and aware of the seriousness and importance of the issues and problems that confront State and Nation. She is constantly at work in a continuing valiant effort to invite public attention to constructive solutions—to the pressing need for public awareness and concern as distinct from apathy and indifference.

Recently capable reporter Betty Trask, writing in the Laconia, N.H. Evening Citizen, expressed in some detail a few of the highlights of Mrs. Rollins' distinguished career. I include these in the RECORD as an inspiration to other fine women who may be similarly motivated. They will do well to emulate the activities and accomplishments of Dorothy Rollins.

The article follows:

VETERAN NEWSPAPERWOMAN RECALLS YEARS OF HAPPINESS IN ALTON

(By Betty Trask)

ALTON.—An effervescent personality full of pep and vim is 81 year old Mrs. Dorothy Rollins, noted newspaperwoman, poet, and political party chairman, who has served as Alton correspondent for the Evening Citizen for the past 30 years.

We visited Dorothy one afternoon recently at her yellow house on Rollins Hill and chatted over a bountiful lunch, tribute to her wizardry in the kitchen.

Born in Lawrence, Mass., the daughter of Valentine Thornton Sellers who 50 years ago was considered one of the most brilliant editors in that state, Dorothy comes by her profession naturally. Her father came to this country in 1855 from his native England, and edited a political journal "The Sunday Leader", in the Bay state for 52 years. His six brothers were all writers—one a well known sports writer and another a prominent commentator on international affairs.

Her mother was the former Cora Mann.

Dorothy was named after her godmother, Lady Stanley, wife of Sir Henry M. Stanley, the famous African explorer and partner of Dr. Livingston. Her grandfather wrote the first bill to better labor conditions in mills in Lawrence, Mass. Her father, a crusader, was the first milk inspector in the United States. He also instituted the first bill for better roads in New Hampshire 1902 and gave the same plan to the British government for which he was given a title.

Dorothy started coming to New Hampshire at the age of eight when she spent summers with an aunt and uncle who had a camp at the Alton Bay campgrounds. By the age of 15, she was contributing to her father's newspaper. After her marriage in 1911 to Harry M. Rollins, whom she met here, she moved to the house on the hill where she has lived ever since. The early years were spent caring for the couple's three children, Robert Thornton Rollins, Steven Weston Rollins, and Gertrude L. Rollins, now Mrs. Harry Griffin. It wasn't until 1930 that she found time for writing regularly and again began sending articles and poems to her father's paper. The next year the Evening Citizen started searching for an Alton correspondent and contacted Judge Frank Ayer, asking if he knew someone who could write. He immediately referred them to Mrs. Rollins. On learning who her father was, Miss Ebba Janson, at that time Citizen city editor, remarked, "There's no need to ask if you now how to write!"

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*Offsetting personnel resources provided by decommissioning one WLB.

**No new construction. Reassignment of existing WHEC. Figure represents operating costs only!

Thus began an active career which has continued through the years and covered several newspapers throughout the state and in Massachusetts, including the Concord Monitor, Rochester Courier, Manchester Union, Boston Post, Boston Herald, Boston Globe, New Hampshire Sunday News, as well as the United Press and Associated Press.

None of her columns have ever missed a deadline, despite illness when it has occasionally made it necessary for them to be written from a sickbed. Practically every family has been touched by her articles, and she often remarks that her aim, "has always been to create for the outside world, a picture of a fine community, and a village of enterprise and advancement."

One of Dorothy's hobbies, writing letters to editors, soon developed into a rewarding and fascinating pastime. It all began in the 30's when the Laconia Chamber of Commerce invited Bill Cunningham of the old Boston Post, to speak at one of their meetings. At the suggestion that women be invited to hear the noted sports writer, members vetoed the idea on the premise that women knew nothing about either sports or Bill! Dorothy saw red, and being, she recalls, "fiery in the old days", sat down and wrote the whole story of Bill's life and sent it to the Evening Citizen, remarking that some women did know about him. It was published, and when he arrived to speak that night, someone gave him a copy.

About two weeks later she was notified there was a package for her at the newspaper office. It was soon discovered to contain a photograph of Bill Cunningham.

She later met him in Rochester and the two became good friends. He often visited the Lakes Region and after moving on to the Herald, frequently mentioned her in his column.

When he died of cancer of the throat, Dorothy found his death very sad. "I remember," she revealed, "what he said while speaking here on one occasion: 'I am not afraid of anything. I am not afraid of death, because I have done nothing in this life to be ashamed of.' "

For more than 20 years she maintained a correspondence with former president Herbert Hoover who expressed pleasure at her defense of his administration and sent her an autographed picture and several books. For years now, her services have been required by every GOP congressman, senator and governor in the state. She has scrapbooks and boxes full of mementoes, letters and pictures from them. Perhaps the most cherished is a large beautifully framed photograph of the moonshot from Postmaster Winston Blount with the following inscription: "The enclosed memento from President Nixon and me is a token of our appreciation for your service to the nation."

Installing officer and pianist for the American Legion Auxiliary of which she is a past president, Dorothy has also been active for many years in the Advent Christian Church and their campgrounds here.

She is now the proud grandmother of two. Although the years could have been lonely ones for her, Dorothy has kept active. In addition to her newspaper work, she also gives lectures on various topics and is still available for those interested in contacting her.

One of her fondest memories is a birthday party in her honor 11 years ago celebrating 20 years as a correspondent, and 50 years as an Alton resident. Over 125 attended including numerous dignitaries.

During her full lifetime she has had a hand in just about everything, except bookkeeping which she hates. But her first love is and always will be writing, which she intends to do as long as she can hold a pen, and her faithful fans hope this will be forever!

Among the many short stories and poems Dorothy has written, is the following, "Alton, My Village," which expresses her love for this small New England town to which she came 50 years ago.

"I live in a little village, that nestles around a bay.
With a main street that rambles through it,
You can cover it all in a day
Just a tiny little hamlet, like thosuands of others more,
That you'll find dotted over the country
If you travel it o'er and o'er.
They say it's a pretty village, we're passing through today,
And sometimes they stop and view it,
Then hasten on their way.
But to me it's a wonderful village,
The finest in all the land,
'Cause it's home, the place where the heart is.
And that makes my village grand!"

THE ELDERLY POOR

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BROOMFIELD. Mr. Speaker, there are 5 million Americans aged 65 or over who are living in poverty, who are subsisting on an income less than that which the Government has ascertained to be the minimum income required for those necessities such as food, shelter, and clothing that we all need. This figure represents 25 percent, one out of every four, of all the senior citizens in the country. While by definition there is no such thing as an adequate poverty statistic, I propose that this ratio is inordinately high for one particular class or group of our citizenry and as such is worthy of our immediate action.

For to neglect this serious problem, to ignore the plight of these silent and patient Americans, would be an indirect acceptance of their condition, a silent assent to an obvious inequity. This situation exists, I might add, despite a concerted national program to wipe out poverty. We are all aware of the unique problems that the war on poverty has encountered as it seeks the best means and programs to eliminate poverty in the Nation. Nonetheless, in the past 10 years, we have succeeded in reducing the total number of poor by 39 percent.

Yet, during the same time span, while this overall progress was achieved, the percentage of elderly poor actually increased. Those over 65 now constitute 20 percent of all those adjudged to be poor as reflected against 15 percent 10 years earlier. This same lack of attention and rising percentages are also found in the over 55 age group.

These figures represent, Mr. Speaker, a general neglect of those difficulties that are peculiar to the older American. It is apparent that in all too many instances the elderly are among the last considered and least rewarded. As an illustration of this, I would point out that last year only 4 percent of all Regional Manpower Administration funds were allocated for the benefit of workers over 55.

In response to this situation then, I am today introducing legislation designed to confront head on the employment crisis faced by a growing number of older Americans. The Older Americans Community Service Employment Act will act positively on two levels to more than justify the appropriation required to initiate this legislation.

First, it would provide employment to elderly citizens who have most urgent need of additional income. At the same time, meaningful employment would generate a sense of dignity and satisfaction that service to the community would provide. Second, the community itself would stand to benefit from the talents and time that older Americans would contribute to these service projects. Hospitals, schools, libraries and day care centers are but a few examples of possible projects.

Mr. Speaker, experience has proven that the concept of community service projects for the elderly is not simply well intentioned rhetoric but rather a concrete program for action. The success of pilot projects such as volunteer aides in hospitals, the foster grandparent program and others have stemmed from the enthusiasm of the elderly given the opportunity to work as well as the viability of the programs offered.

As for the dynamics of this bill, let me explain, that it authorizes the Secretary of Labor to establish a senior community service program which would be developed in close conjunction with those State and National organizations concerned with the problems of the aged. Additionally, he would be instructed to coordinate these new projects in such a manner as to complement programs now operated by the Administration on Aging, and the OEO. The intent of all this is to achieve the greatest efficiency of time and effort with the least duplication of effort.

The Department of Labor would be appropriated $35 million in the first year and $60 million the second year to carry out the provisions of this legislation. Recognizing that localized responses to local problems are most often fruitful the Secretary may pay as much as 90 percent of the cost of State or local programs and 100 percent of emergency or disaster projects.

In conclusion, I respectfully urge immediate consideration of this proposal; the problem is that great and the need for action that strong.

THE DILEMMA OF THE UNIVERSITY—A CONSTRUCTIVE ALTERNATIVE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MIKVA. Mr. Speaker, today's universities face a difficult set of problems requiring decisions as to what should be the scope of their responsibilities. The conflict between the goals of the liberal arts education and the necessity for professional training has never been as sharp as it is today.

Should the undergraduate university be devoted to a liberal education which gives students the freedom to think and explore, or should it emphasize professional training with which a student can come to grips with contemporary problems?

Edward H. Levi, formerly a professor of law and currently the president of the University of Chicago, a distinguished and respected scholar, has written a thought-provoking essay which covers these problems. President Levi emphasizes the need for a much more flexible system of higher education.

With an open mindedness that has always characterized his work, President Levi says that—

> We need a period of experimentation. We ought to try to have a period where there will be a suspension of the cartelized rules of associations and accreditation, so that we can see the benefits which might come from a variety of different forms.

President Levi specifically points out how the rigidities in today's system of legal education have handicapped its effectiveness and have blocked changes necessary for it to adjust to today's environment.

Mr. Speaker, in a time when the educational structures and boundaries of today's universities are increasingly under challenge and criticism, it is refreshing to hear a constructive and inventive voice for reasonable change.

I would like to insert in the RECORD the complete text of President Levi's essay on future alternatives for America's universities:

The essay follows:

THE PLACE OF PROFESSIONAL EDUCATION IN THE LIFE OF THE UNIVERSITY

(By Edward H. Levi[*])

The subject we are called upon to discuss is one frequently set for ceremonial occasions. We tend to romanticize the ideal of an undergraduate and graduate education—kept non-professional. A conflict is seen as arising when professional education moves into this haven. So far as our law schools are concerned, the history evoked is the overtaking of apprenticeship training by the schools, and then the movement of the schools into the universities. We think of the same thing as having happened in a much bigger way with medicine. We note also the emergencies of newer professions which already have created schools within the universities, or are about to do so. The history, looked at from this narrow point of view, suggests that there is a question as to whether any particular profession should receive its formal professional training within a university. It reminds us, in any event, that successful training can take place outside the general academic halls. At the present time, the older professional schools see themselves as important, though separate, parts of the university. They naturally wish to maintain their own strength, and to a considerable extent their separateness. Since the topic is ceremonial, the conflict is seen as resolved by a proper appreciation of what each part of the university contributes to a whole, and an expectation of further, usually broadening, relationships. Frequently, not much is said about that part of the profession which continues outside the university; not much is said either about the kind of minimum commitment which is necessary before any part of a university, including a professional school, can contribute to the whole.

But the topic is a serious one, and particularly when new responsibilities are placed upon universities and upon the professions, and when the results of our present structure and arrangements are sufficiently disconcerting to suggest major alterations.

It is not just a matter of historical peculiarity to note that, if one traces the modern university to the medieval university, then professional education is central. The notion that professional education has somehow forced its way into universtly education is a kind of Americanism. But as a matter of history, if we trace the modern university to the medieval university, then the point should be made that professional education was the reason for that university. In the medieval university, work was directed toward the professions of theology, law, and medicine. Among the oldest universities there are those which began as law schools and then built around the study of law to become more general academies. The university itself was a kind of guild collectivity, sharing some of the same characteristics of other more clearly vocational guilds. If one thinks of the liberal arts emphasis of the medieval university as the recapturing of an older tradition, this, too, has a professional emphasis in its desire to inculcate the skills required for a citizen. This suggests the importance to higher education of a primary concern for the kind of doing and understanding believed to be helpful to the individual who is going to handle important problems for individuals and for the society. It is an intellectual tradition, but it involves skills and training for doing. If there is relevance in this history, and I believe there is, it is no compelling argument against the inclusion of subject matter within a university to say that the approach is professional. There are aspects of a truly professional approach which have been, and continue to be, basic to proper university work. There is a sense in which the best university education, and the only real university education, is professional. One has to remember that the liberal arts themselves were training for the profession of a public citizen.

Whatever the history, the modern university faces a difficult set of problems which require decisions as to what should be included within its responsibilities. The land grant impetus helped create a new kind of institution with enormous service obligations. At the same time, the land grant moneys enhanced liberal arts training. The land grant help furthered the idea of the applied wonders of the enlightenment. The modern state university is in this tradition. It is a marvelous facility. All kinds of duties have been placed upon it because it is such a useful agency. But it is hard to know what its proper boundaries ought to be. Moreover, the liberal arts concept itself, never fully controlling for a university in any event, has become a weakened guide. Changes in the structure of life, in training for vocations, and the rejection of class distinctions never accepted as ideal in the United States (distinctions which no doubt helped to support the idea of what the liberal arts might be, or what was properly professional and not vocational) have made it more difficult to determine which skills ought to be taught at the university level. Decisions of this kind become more important and immediate once it is decided a general education at the college level ought to be available to every citizen. There is a strong temptation to believe it makes no difference. Tastes and needs differ; there is to be education for all anyway; perhaps the institution should offer something for everyone. That kind of happy evasion of responsibility cannot hold for long. There are important overall problems of the allocation of educational resources within the society, and among the levels of education. Within individual institutions there are questions which relate to their own integrity. The questions are: What can an institution do well, and what is the effect of the doing on the quality of other activities of the enterprise? Universities do not perform well in some areas. Their performance may be no better, and indeed be worse, than that of other possible institutions. This is true in many of the applied or practical areas. There are striking differences among diverse fields, as indeed among universities. For example, many areas are not served by a profession. There is no one profession—some would say there isn't any at all—despite the lawyers, the political scientists, the sociologists, the psychologists, the economists—which represents the social sciences. Many items which become the focus for pressures of the moment, such as remedies for pollution of the environment, find no ready profession to test and carry out solutions in the practical sphere. Where there is no profession, it is particularly difficult for the university to carry out a program involving all kinds of facets of life, even though the need to do so may seem great. And where there is a profession, one has the opportunity and the necessity to determine the best division of responsibility between the university and the profession. Universities do run medical clinics, but it does not seem likely they should run the court system, and it is at least questionable how much of the delivery of health care should be centered in educational institutions, if the desire is to have the best health care, or the best educational institutions.

Universities have to be concerned about the effect of one function upon another. Unless the university is merely a geographical place—and perhaps even if that is all it is—it must be realized that the inclusion of skills and subjects has an effect on other skills and subjects. It is both a shallow and incorrect answer to say this variety is justified because it mirrors life. New skills and subject matter result not only in different approaches which may be seriously incompatible, but also in the inclusion of faculty who will influence not only their own area but have an influence throughout the institution. We like to believe this is good, but in fact it is good only under some circumstances. The question need not be what is important or not, nor a judgment as to what areas can have quality of their own, but rather what is sufficiently related to the ways of thought and to the particular and appropriate standards of excellence for the entire institution, so that inclusion is mutually helpful. Admittedly there are ways around this view of the total institution. An institution can be so divided that it is really one institution in name only. It may find then that its salvation is in separation. But even if this, in a given case, is the best possible, the implications on accountability, institutional integrity, and the university ideal are disturbing.

As one thinks of professional education, therefore, one must see a relationship in one direction to a profession, and in the other direction to the life of the university. Professional education which has no particular need for the disciplined process of criticism and discussion, closely related to a shared body of knowledge, gains less and contributes less to the university. This is a matter of degree and emphasis—the impact of inclusion to increase either the centrifugal or centripetal forces within the institution, and thus to reduce or increase shared values. The sporadic attempts to sustain the theater and the arts generally, by placing them under the university mantle, raise the kind of problem in an appealing way. There are no automatic answers. But, if the interrelationship is to have qualitative advantages both to the institution as a whole and to the separate discipline, there are concerns which can be stated. For example, there is the right to insist, from a university point of view, that professional education seriously examine the problems with which the professions deal, in part, but only in part, because a never-ending attempt to determine what is crucial is implicit in university education. Thus, the training cannot be regarded as set solely by the way the professions now operate. It is a criticism of social service schools if they have not been concerned with the theory of the approach to poverty and social welfare, but instead have been totally involved in the training of practitioners. It is a criticism of law schools if matters of public policy are totally submerged in the analysis of appelate opinions, or are skewed by absorption into the concerns of constitutionalism without recognition of the broader domain of how law operates. A statement such as this last one is often taken as an emphasis on law in action, as in a way it is, but also as a plea for the relevance to law training of the kind of social science research which goes on outside law schools. But that kind of research, while it always may be important for law, to the extent that the research itself is opinion-making and thus value-forming for the society, is not necessarily germane to direct the insights and judgments which should illuminate the professional study of law.

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[*] President, University of Chicago.

In any event, law schools might have done better in recent years in the United States if they had given greater attention to legal history and jurisprudence as a way of looking at problems which are around us, and which tend to evoke the coercive power of law. I mention these subjects, perhaps as symbols, to stress the importance to a discipline of the conscious attempt to draw upon and reformulate concepts and distinctions—which the study of law in the United States certainly does—and also to emphasize the importance of the continuing endeavor to make these concepts and distinctions basic, transcending the compartmentalization within the subject, while at the same time relating the approaches of the moment to recorded experience. The point, then, is that not only must the problems with which the profession deals be seen free from the confining structures of prevailing practice, but also there must be, to justify university professional training, the reality of an intellectual discipline which can draw upon itself, has the ability to build upon and modify ideas, and is capable of providing learning and insight. Not everything which calls itself a profession has an intellectual discipline to draw upon, and even if it does have this history and structure, ways of preparing for a profession may be adopted which belittle and fail to draw upon that intellectual discipline. And if this happens within a university, the disservice has consequences not only for that segment, but for the institution as a whole.

When the professions through professional education come to the university, the terms upon which they come should include a commitment to the intellectual process and the pursuit of truth. There are special reasons for this. The intellectual process is the central means of communication within the university. It is the chief means for the university's contribution to the society. It is, indeed, the university's way of exploring the role of the non-rational experience, the place and meaning of the fundamental presuppositions which ultimately provide the basis for institutions and values, and for attempting to understand the relationships between the known and the unknown. One does not have to argue that the non-rational is an important part of life. There is nothing strange or unexpected in the continuation or reappearance of various movements which find exaltation or fulfillment in ways other than intellectual discourse or inquiry. Moreover, no one need content the intellect exists by itself—a conception which is only a mockery. Nevertheless, the essence of a university is in the belief in the importance of ideas, the necessity to rethink them, to create them through understanding and invention, a willingness to respond to criticism and to the results of experiments—in short, a truth-finding process of a particular kind.

There is an analogy here to the ideal of the objective rule of law and to constitutional protections, which are protections mainly because they require a sober second thought. The question is not the emphasis to be given to the mysteries or certainties for the good of individuals and societies, but only the role of the universities. The odd thing about these days, as Sir Isaiah Berlin has written, is that general movements of irrationality, always to be expected, have been joined by the popularized and distorted slogans taken out of science. The combined emphasis is upon the irrational, the unconscious, and the automaticity of scientific laws which control all things, including words and thoughts, and control the process of reasoning. While all this can be a useful caution and, as it has been, part of the intellectual process itself, the effect has been to downgrade the possibility and ideal of reason, and to disparage the ideal of objective truth. A strange aspect of this joining of movements is that, in part, it reflects an interest in but also an attack upon the social sciences by the natural sciences. The movements are also marked by hostility to those areas of the social sciences which have more structures and, therefore, more independence of their own, including economics and law. It is as though the problems of the natural sciences were to be regarded as suitable subjects for inquiry, to be investigated through the rational process, but in the social sciences, the problems and thoughts about them—the subjects of inquiry and the process of inquiry—were to be viewed as predetermined, where reason makes no independent contribution. In this context, ideas are less important than the personality and style of those who originate them; ideas are viewed only as good as popular acceptance makes them, either now or by someone's judgment of what wins in the future. The influence of the popular is more marked because of the impact of television and immediate communication, tending to make a one-dimensional society. These movements highlight the vulnerability of the universities. The denigration of the truth-finding process, which is probably never intended in its full sweep, gives to the universities little reason for existence other than as power mechanisms. But viewed as power mechanisms, they have, in fact, little power to defend themselves from pressures from without, and little basis for standards of achievements within. This kind of power not only corrupts the universities; it removes the basis for the only kind of power which ultimately supports their influence.

This setting has relevance to the study of law as a professional subject in the universities. The training of a lawyer is necessarily concerned with the mastery of the means which produce acquiescence or agreement. Then law as a responsive instrument within the society continually borrows and incorporates doctrines, popular as of the moment, taken from many disciplines, reflecting over-simplification and distortion. There are many examples of this in the academic legal literature and in the opinions of judges. The ability to borrow doctrines and to use them is an important part of the lawyer's training; again the emphasis can be more on persuasion than on correctness. In times of heightened social conflict, the temptation is strong not to view law as an intellectual discipline which can be drawn upon and is capable of providing insight and learning, but solely as a reflection of other forces as to which law and law study have little to add, and to view the training of a lawyer as basically the training of agents in participation. Doctrines and legal institutions are not regarded as providing illumination of proposed remedies, but solely as devices for leaping to solutions or impediments to be viewed with impatience. This impatience is reflected at various levels within the profession and also in the schools. Such a view of law does not remove the necessity for and perhaps the importance of a profession which represents others, advances causes, and accomplishes accepted solutions. But it does raise questions as to the place and subject matter of law study, not unlike those which might be asked about schools of speech, within a university. It has been recently written in description of many law students: "They do not want to understand themselves or others if that means being less emotionally involved with their clients and their causes. They cultivate the sense of a deeply felt commitment; it is something to be lived and not analyzed. Thus in a sense they resent what has been the guiding principle of legal education; learning to take either side of the argument."[1] Yet in some form or another, learning to take both sides of the argument, whether it arises out of the adversary nature of law or not, is essential to understanding and knowing. It is not paradoxical, but it may seem so, that the adversary nature of law, frequently foolishly criticized as hostile to truth and commitment, has made available to law study the imprint of the truth-finding process which most scholars would understand to be essential if scientific doctrines were not to be accepted or rejected simply as articles of faith.

The important and desirable characteristic of the study of law as a university discipline is the necessity to go beyond stated rules to a consideration of basic values, and to use these values and their relationships in a continuing critique of the impact of those social institutions which have the backing or coercive power of the state upon the lives of individuals. Traditions among legal systems vary—and within these traditions there are cycles of stability and change—but the drive to see more basic principles, or the law beyond the law (present both within the hierarchy of a legal system and outside of it), reflects a moral purpose and endows the study of law with a seriousness and centrality which makes it a liberal arts subject and helps to make law a profession. A driving force within professional law study is the effort to come to terms with the relationship between commitment, disciplined inquiry, and craftsmanship. If the moral purpose is seriously held, and the nature of the subject understood, craftsmanship will be highly valued. Max Weber characterized the desire of the lawyer to be seen as dealing with more than set rules as arising, in part, from an attempt to increase his sense of power. "The more the impression grows that legal orders as such are no more than 'technical tools,' the more violently will such degradation be rejected by the lawyers." This may be true. If so, it is fortunate. The subject matter, whether in the hands of lawyers, political scientists, or sociologists, requires more than a rule book. Even in those terms, one has to know how to work the rules with a purpose if one is to understand them. For what is at issue is the basis of government, the idea of a covenant which joins people, the concepts of legitimacy, authority and control of participation, the essential attributes of fairness, problems of intention and act, the characteristics by which human actions are to be judged; such as, motive, intent, expectations, and the role of ambiguity, since it is "a hard thing in great affairs to satisfy all sides"—in short, the ingredients of a jurisprudence. The central concern of law for the distribution and control of powers within the society, the impact of these powers upon movements and persons, the status of law itself as a responsive instrument, and the curious isolation and interrelationship which law has to other disciplines, give to the study of law special opportunities and heavy responsibilities within the university.

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[1] Stone, ***Review of Psychiatry for Lawyers***, 83 HARV. L. REV. 1737, 1742 (1970).

But it is difficult to say, despite the obvious virtues of legal education in the United States, that this responsibility is now being carried adequately. The most important fact about the study of law in the United States is that the study of law is almost totally absent from the undergraduate curriculum. The absence is, in large part, due to the growth of professional education, and the placing of professional education outside the standard four-year program. The development has been helped by the belief that the longest education is the best, and that those who are serious about a subject will gain mastery of it in the later graduate or professional years. This pre-emption of mastery over basic subjects related to human action and choice by the graduate and professional schools has helped to create, in the midst of more efforts at education than the world has ever known, an uneducated society which does not know where it stands on the basic issues of our time, and does not know how to approach or think about these issues. One needs to remind oneself of the initial thrust and importance of professional education within a university, with the ingredients of moral purpose and the seriousness of learning as mastery for doing. The graduate departments and professional schools include the major areas of knowledge. The pre-emption of the subject matter is, of course, not always complete. Law happens to be a startling example where a combination of circumstances has resulted in an almost complete withdrawal of the subject matter from the undergraduate. The result is that liberal or general education, always viewed as important for citizenship, avoids the hard questions and the learning of civilizations concerning the relationships between the individual and the state. The importance of a liberal education for every citizen is greatly diminished when the basic subjects relating to man in society are either not taught at all or are taught only as a preliminary exploration, free from the challenge (which the attempt to gain mastery sets) that the student may have to act upon what he has learned. In many areas, and particularly in the humanities and in the social sciences, the mastery of a discipline at the undergraduate level has vanished.

Admittedly, this set of problems has great complexity. The undergraduate four-year college believes it is protected from the encroachment of the graduate and professional schools by the undergraduate college's insistence that there be a large block of time in which the student has the freedom to think and explore, free from the pressures of mastery or the ability to do. But the results have been somewhat different from that which was intended. There is a sense in which education can and should be endless. It suffers if it is aimless. Undergraduate education, having no particular structure, other than the contours of large subject matters within which there can be, in effect, distribution requirements, is particularly vulnerable to divisions of subject matter, reflecting the compartmentalization of departments and courses at the graduate level and following from the organizaion of faculties into guilds. Whatever may be said about this organization, it loses much of its persuasiveness when the student is not confronted with the problems to be solved, the craft to be achieved, the purposes to be served.

The undergraduate program is caught in the dilemma of unfocused general courses, or small units which, even when sequential, do not have the insistence of problem-solving or wholeness, unless viewed in terms of work which will come years later. The original professional thrust of undergraduate study helped to organize the work around problems and mastery. It had the advantage of the purpose of the professions which helped to organize the disciplines. It is that kind of organization of work around problems and responsibility which is needed to give the undergraduate program its own integrity and freedom. This does not require the undergraduate program to pretend to a mastery which it cannot give. Stages of specialization are properly reserved for graduate work. But we should not be so easily convinced that a considerable amount of mastery is not possible at the undergraduate level. Law is a good example. Not only should some law be taught seriously to every undergraduate, but the fact is that there is no reason at all why the minimum university training of a lawyer cannot be accomplished through two years of professional training in the undergraduate years. I note in passing that placing some of the professional training of the lawyer into the undergraduate years will have an advantage if it enables the law student to continue the taking of non-law undergraduate courses in related fields. Perhaps the greatest argument against this drastic shortening of years may be the lack of attention which this may suggest will be given to cultural history. Yet the present system does not seem to have effectively provided this dimension.

I have used law as an example of the distortions which now exist in higher education—a subject which should be taught in some form to every undergraduate is hardly taught at all at the undergraduate level, professional training which could be accomplished in four years now takes seven. There are other examples. The training of a physician now occupies so many years as to constitute a national scandal if the delivery of health care is important. There is no reason, other than status, that schools of business or engineering must seek to be completely graduate. Nor is the frequent separation between teaching at the undergraduate level and research at the graduate true to the requirements of good teaching or effective learning. Beyond all this, we should not accept the professions as given. The professions themselves suffer not only because they have become vertically fragmented, but there has been a failure to acknowledge stages of mastery which could be extremely important, for example, in medicine and law. On these matters, there has been a defeating interaction between the universites and the professions. The universities have accepted the professions as they are, and the professions have encouraged the universities to continually lengthen the period of academic training required for all.

The length of time is a serious matter. If there is to be higher education for all who can qualify, then the costs of higher education will not only continue to increase but will be magnified. There is a problem of the allocation of educational resources among the various levels of education. And there is also a cost to the student, not only in monetary terms. More than that, it is a serious matter for a society to remove from the doing of the community, and to shield from the choices which independent citizens must make, a large segment of the population for a longer period than is necessary.

In our present inflexible system, there is much room for greater flexibility. We need a period of experimentation. Many of the pressures of the past now appear to have been mistaken as, for example, the pressures against the night law school. We ought to try to have a period where there will be a suspension of the cartelized rules of association and accreditation, so that we can see the benefits which might come from a variety of different forms. The two-year law school at the professional level, as an alternative, is surely a possibility. The three-year school, joined to three years of college, is hardly adventuresome. The award of a junior degree in law or a new kind of degree for training in public service, including law and economics and other subjects, might help to reorganize undergraduate education, and if accomplished at the undergraduate level, might carry the opportunity for preparing the student, even in the face of the likelihood that specialized training would be later required.

Those who are interested in professional education within the universities cannot be comforted with the thought that undergraduate education comes first and can take care of itself. Much of the organization of knowledge and the sense of purpose required for professional education should come at the undergradaute level. The failure to see professional education in this setting has harmed the organization of knowledge, contributed to the delaying years, and reduced the level of public discussion and understanding. They should not be comforted either because the organization of the professions has been such as to force the universities and the professional schools to undertake more and more activities, without thought as to what the new functions may be doing to the university, whether the society is better served thereby, whether the activities could not be better handled by the professions themselves. The rigidities within the professions, the failure of new forms to emerge, to some extent are a criticism of the universities and of the professional schools. Those who are interested in professional education cannot help but be concerned by the lengthening of the years required, including the years at the graduate level. There is some reason to suggest that lawyers who should be interested in educational forces within the society and the shape of the society should be most concerned about this trend. Of course, those who are involved in professional education can take pride in what has been developed; that pride must be matched with concern and inventiveness for the changes which should come.

HE DRIVES ROLLS—GETS TASTE OF JOBLESS PLIGHT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HAGAN. Mr. Speaker, I want to call to the attention of my colleagues a newspaper article which appeared recently in the Palm Beach Times and which well pinpoints inefficiencies in our unemployment insurance program. I am afraid that the abuses outlined must be multiplied many times over. It points up an urgent need for tightening down on our unemployment insurance system. I agree fully with Ambassador Oehlert's view that those receiving unemployment insurance must be treated courteously, but at the same time motivated and required to take available, suitable employment.

The article follows:

EX-ENVOY TESTS SYSTEM—HE DRIVES ROLLS—GETS TASTE OF JOBLESS PLIGHT

(By Benjamin H. Oehlert, Jr.)

One day shortly after my retirement, at the age of 60, from a life-long business career capped by two years as United States ambassador to Pakistan, I chanced to drive by the state employment office in West Palm Beach while out exercising my Rolls.

It struck me that here I was unemployed, that unemployment insurance premiums had been paid on my behalf for many years, and that it would be extremely interesting to learn just how this unemployment insurance bit works.

So I reined in the Rolls, tethered her and went in. In explaining my situation, or the lack of it, to a gentleman behind a counter. I was careful to point out my probable ineligibility because I had resigned my last two jobs voluntarily and had no present intention of accepting another.

He replied that while he had never before had a case of an unemployed ambassador, and would need to consult state headquarters, neither of those circumstances should be a bar.

He gave me some forms to fill out and told me to return the next day. When I did so I was directed to another individual armed with more forms which he generously shared.

Upon completing the second batch of forms I was told that from then on I should report to a particular desk at 9 a.m. each Monday.

In a spirit of testing I commented that that happened to be a most inconvenient hour for me because my secretary came at that hour and I requested, most courteously, that I be assigned some other hour.

Then the mailed fist of bureaucracy fell, and it was not encased in any velvet glove. My "counselor" said, in a sharply honed voice, that 9 a.m. Monday was the assigned time and I'd jolly well better be here.

I was—each Monday for two months.

Except for one incident, the next two months passed reasonably well, but I learned a great deal.

The incident occurred when I was directed to join a large group of fellow-applicants for a slide film briefing on unemployment insurance.

At one point in the film it was stated categorically that any person who had voluntarily left his or her last job was not eligible. When I pointed out to my mentor how this applied to my case, he allowed as how the film really didn't mean what it had said.

After two months I was told that I had been ruled eligible, retroactively, for the maximum compensation. When I received my check for the first $240 I endorsed it back to the state and withdraw my application. Although I was legally entitled to the money I didn't want it. I had learned what I had come to learn and the state controller was so grateful.

And what had I learned?

First, that applicants for unemployment compensation are treated with short shrift and very little grace or courtesy, even though they are not beggars or charity cases. They shouldn't be treated rudely even if they were, but the facts are that the program is supposed to be actuarily based and premiums have been paid into the fund on behalf of each employed person (with certain limited exceptions).

Yet the applicants are required to stand in long queues week after week and are rarely accommodated as to what hour or day would be convenient for them to report each week.

I heard many a person plead for a changed time assignment. Some because of taking children to or from school. Some because of illness in the family. Some for other valid reasons. But every plea I heard was rejected out of hand.

Second, some unemployment insurance has become a chosen way of life for many people. Listening to the unguarded conversations of people with whom I stood in line, it became evident that quite a few of them were not at all badly off financially. They told of buying new cars and color TVs, of redecorating a house or apartment, or buying new furniture or wall-to-wall carpeting. The way these people were dressed and the kinds of cars they drove proved that the conversations were not "put on to make the impression."

It was equally evident that many of these people made it a practice to work for the minimum period. They were obviously skilled in well paying occupations, had no trouble getting good jobs when they wanted to, but were determined to work only half the time and be "compensated unemployed" the other half.

And finally, I learned that although the unemployment officials were inconsiderate of the applicants, they were even more inconsiderate of the taxpayers.

They made no real effort either to find employment for the applicants, or to insist that the applicants make reasonable efforts to find work for themselves.

Each applicant, when he or she reached the head of the weekly line, was asked three questions:

"Did you earn any money last week?"

"Were you ready, able and willing to work last week?"

"Did you refuse any appropriate work which was offered you last week?"

By answering those three questions appropriately the applicant was entitled to his or her weekly stipend.

In my own experience, no applicant was asked what efforts he or she had made to find employment, nor was any applicant referred to a job opportunity, although the newspapers were laden with "help wanted" ads.

During the two months of my experiment my wife was in almost daily touch with the same office in an attempt to hire a cook and a maid, but never with any success.

Among the people with whom I stood in line were a number of experienced, professional cooks and maids but not one of them was ever referred to us, or, for that matter, to anyone else in my presence.

So here we had a perfect example of imperfect, entrenched bureaucracy at work.

On the one hand the applicants were not treated with consideration or even politeness.

But on the other hand they were not required to seek employment, nor was any effort made to find it for them even though hundreds, if not thousands, of good jobs for which they were qualified were going begging.

It should have been the opposite. The applicants were entitled to courteous treatment, but they should have been referred to available jobs, they should have been required to prove a conscientious effort to find jobs, and they should have been removed from the rolls if they either refused an appropriate position or made no effort to find one.

Were the proper policies followed, there would be fewer unemployed people, fewer unfilled jobs, and lower unemployment insurance rates.

I hope that you will help me encourage the powers-that-be to take a much-needed, fresh look at our unemployment insurance policies. And don't let them tell you that those abuses don't happen. They do. They happened to me.

THE LAW OF THE UNITED NATIONS CHARTER SPEAKS FOR ITSELF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. ASHBROOK. Mr. Speaker, a number of compelling arguments have been advanced against the admission of Red China to the United Nations, but far too little has been said in the press and governmental circles about the legal aspects of the admission proposal. Briefly, some of the cases against admission are:

The United Nations was intended to be a union of peace-loving nations who would pool their resources against international lawlessness from whatever source. Since Communist China was condemned by the United Nations as the aggressor nation in the Korean war then it obviously does not qualify as a "peace-loving" nation.

Communist China stands convicted by the International Commission of Jurists in Geneva of committing genocide—the deliberate extermination of a national group—in their invasion of Tibet.

Communist China has been openly and actively spreading revolution throughout the world—all over Africa, in the Middle East where they are supporting the Palestinian guerrilla war, in the Philippines and throughout Asia.

To permit Communist China to sit in the United Nations is to open the doors to them for a new headquarters for espionage and subversion—the United States.

To admit Mao's regime would ignore the 700 million Chinese people and deny them the representation in the United Nations to which they are entitled under a government of their own choosing and representing their own interest, not a self-appointed, self perpetuating tyranny that represents no one but itself.

Perhaps the most telling argument against admission and recognition of the Red Chinese to the United Nations was the report, "The Human Cost of Communism in China" released a few weeks ago by the Senate Subcommittee on Internal Security. In it, the author, Prof. Richard L. Walker, one of this country's foremost China scholars and presently director of the Institute of International Studies at the University of South Carolina, documents the murder of a minimum of 34 million Chinese people by the Communist Chinese since the first civil war—1927–36. It is interesting to note that Soviet Union officials have charged the Red Chinese with killing more than 25 million people in the past 10 years and they say that "During 1960 alone, Mao Tse-tung's government exterminated more Chinese than were killed in the entire war against Japan."

Professor Walker sums up his report saying:

> The Communist movement in China, despite its proclaimed high ideals, must be judged on performance and, as regards the human equation, there is little to commend it. Those who wish to rationalize public assassinations, purges of classes and groups of slave labor as a necessary expedient for China's progress are resorting to the same

> logic which justified a Hitler and his methods for dealing with economic depression in the Third Reich.
>
> It is important that we in America remember some of the basic facts of human values lest we be beguiled into forgetting that those who succeeded in inducing an artificial American euphoria in the wake of ping-pong diplomacy from Peking in the Spring of 1971, are the same leaders who have extracted such a great human cost from their own people, in the name of a doctrine long discredited in the world, both in terms of performance and intellectual respectability.

These are some of the arguments which justify opposition to bringing the Red Chinese regime into the world body. As stated above, the legal or procedural case has not been given the attention it merits, and if the final judge of foreign policy—the American people—are to understand the many ramifications of this issue, the legal question must be given fuller treatment by journalists and Government officials.

We should keep in mind that under the Constitution of the United States, the United Nations Charter—a treaty into which the United States entered along with many other nations—is a part of the supreme law of our land by which all citizens and the courts are bound. The meaning of that supreme law of the land is subject to the interpretation of our courts but the obligations of that supreme law are binding upon every citizen, from the President of the United States on down.

It is vital that the people and their legal representatives know what the law is—now—before the United Nations takes up the issue and before any deals are made. For there is increasing speculation that that is exactly how the dilemma will be handled—no matter what is right, no matter what our obligations are, no matter what the charter says.

Ray McHugh, chief of the Washington Bureau, Copley News Service reported on this possibility August 8:

> The Gordian "Two-China" dilemma will probably be solved in the diplomatic back rooms of half a dozen world capitals, not on the floor of the General Assembly or in the vaulted Security Council Chamber.

McHugh reported that one top Security Council official said:

> It's a legal morass that probably can be untangled only with months of persuasion, negotiation and finally accomodation.

Guarded agreement to this opinion comes even from the U.S. mission where one American export on U.N. procedure said privately, "Someplace along the way there is going to have to be a deal."

The response from Taipei according to the Copley story was that "Our rightful position in the United Nations and the Security Council is stipulated in the charter and cannot be questioned. The Taipei government is the same government that helped write that charter."

The Security Council expert agreed. "They are right. But this is an entirely new situation. This is a question of credentials of such magnitude that the legal department can make no comment." In other words as the man at the American mission puts it: "Some place along the way there is going to have to be a deal."

The following considerations will make it apparent how serious are the problems faced by those who would have the Red Chinese in the U.N.:

First, the Republic of China is the name of a Government, not a territory, and that Government is specifically singled out in the United Nations Charter (article 23) as a permanent member of the Security Council.

Corroboration of this point is borne out by the fact that during the founding of the United Nations in San Francisco in 1945, there were six or more governments in control of portions of the mainland, including both the Nationalists and the Communists.

The question of membership of the Republic of China then is not really a question at all—it is a fact. The Republic of China was a founding member of the U.N. The important reference point is not who was in control of what territory but who was chosen by the U.N. Conference. That conference meeting in San Francisco, chose on June 26, 1945, to exclude all the illegal regimes and to award the Security Council permanent seat to the Republic of China, then based in West China with its temporary capital at Chungking.

Second, the U.N. Charter, the law of this international organization, says that no Nation can be expelled without a two-thirds vote of the members. Article 18 of the charter says:

> Decisions of the General Assembly on important questions should be made by a two-thirds majority of the members present and voting. These questions shall include . . . the suspension of the rights and privileges of membership, the expulsion of members . . .

The law does not say, as Secretary Rogers would have us believe, that the membership has to agree that the Chinese seat in the United Nations is an important question. The law says that no nation can be expelled without a two-thirds majority of the members present and voting.

Third, according to the United Nations Charter a member cannot be expelled from the United Nations unless it has violated the charter thus providing legal grounds for its expulsion from the U.N. chapter II, article 6 reads:

> A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the general assembly upon the recommendation of the Security Council.

Such expulsion is actually the whole purpose of the recent movements in the United Nations on the part of Albania and the other supporters of Red China. Their resolutions have stipulated in detail the necessity of expelling the Republic of China from the United Nations. But chapter II article 6 of the charter reads:

> A member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Has the Republic of China persistently violated the principles in the present charter? The question really does not need an answer.

Fourth, obviously the Republic of China has not "qualified" for expulsion. Then does the so-called "People's Republic of China" qualify for admission to the United Nations?

Contrary to much misinformed current discussion the United Nations was never conceived as a "universal" body. This point was painstakingly discussed in San Francisco in 1945 when the charter was drafted and article 4 says:

> Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations.

The Red Chinese obviously do not qualify for admission even if the Republic of China was expelled. Not only have they been labeled as an aggressor nation by the United States on two occasions but they have been convicted of committing genocide. In addition chapter I, article 2, paragraph 6 of the U.N. Charter says:

> The Organization shall ensure that states which are not members of the United Nations, act in accordance with these principles as far as as may be necessary for the maintenance of international peace and security.

If this means anything at all, it means that Red China does not escape the sanctions of the U.N. Charter just because it is not a member of the United Nations.

As for Peking's intentions we all know that they clearly intend to destroy both the United Nations and the international law upon which the U.N. is based. This is not, and I stress not, a matter of dispute. Chou En-lai has stated over and over and over again that before Peking will enter the U.N. must rectify its mistake and undergo a thorough reorganization and reform; it must admit and correct all its past mistakes; it should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor. That is for openers. Are we willing to pay such a price to have Red China in the United Nations?

What we see here is simple proof that it has not been a blind, stubborn, rigid United States that has blocked Red China's admission to the United Nations; it has been Red China's stubborn refusal to change its lawless international conduct so as to become eligible for membership.

As Dr. Walter Judd said recently:

> Surely it does not make sense to vote for downgrading the standards of the UN Charter to the level of a brazen international outlaw. What is needed is patient insistence that the outlaw upgrade its behavior to the level of the standards established in the UN Charter, if it wishes the benefits of membership in the community of nations.

Fifth, finally article 23 under chapter V of the Charter says:

> The Security Council shall consist of fifteen members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council.

The law of the United Nations does not say China is a permanent member or that the People's Republic is a permanent member or that the Chinese Government is a permanent member; it says the Republic of China is a permanent member.

And in order to change the proviso by which the Republic of China occupies a permanent seat in the Security Council of the United Nations the Charter, the law of the United Nations must be amended. As specified in article 108, chapter XVIII:

> Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

In other words not only does the law say that the Republic of China has a veto but that even if a deal is made illegally to circumvent the law of the United Nations—something pro-Peking apologists call a "double veto" procedure on procedural questions—such action must be approved by the legislative bodies of two-thirds of the entire membership. Thus, the U.S. Senate would be asked to ratify an illegal action of the United Nations. At that point the question Senator JACOB JAVITS recently raised would be meaningful—will the American people willingly continue to support the U.N. if it illegally expells the Nationalists in favor of the Communists?

What does all this mean aside from the fact that the expulsion of the Republic of China and the admission of Communist China has no validity whatsoever under the law of the United Nations?

Prof. David Rowe, a Yale University sinologist—and incidentally the chairman of professors for Nixon in 1968—puts it this way:

> It will no doubt be asserted that this is merely a resort to "legalism" and a case of having recourse to a legal device in regard to a question that is primarily political. Actually, however, it is vital for the whole future of the United Nations that any action in respect to the status therein of Charter members be taken only in full respect of the provisions of the Charter itself, the fundamental law of the organization. This is absolutely vital to the whole question of the future of the U.N., constructed as it was and is upon the fundamental aim of eventually developing a genuine and all-encompassing world community based upon law. This is what we are working for under the United Nations. In the first instance, at the very minimum, the U.N. must comport itself in full respect for its basic Charter. It can do otherwise only at the grave risk of its basic integrity, probably leading to its ultimate death.

One of America's foremost authorities on China, former Congressman Dr. Walter Judd, has posed a number of vital questions on the legal issue which should be answered by President Nixon to clarify our position on this matter. As chairman of the Committee of One Million Against the Admission of Communist China to the United Nations, Dr. Judd stated in a press release of September 15, 1971:

> The American people must ask our government some very important questions on Red China and the U.N. that no one in the Administration to my knowledge has yet publicly answered. The American people want and have a right to have frank answers to these important questions.

The questions asked by Dr. Judd and which should be asked by all Americans interested in the security of our Nation, the continued existence of the United Nations, and the issue of eventual world peace are these:

First. Is not the Republic of China specifically named in the U.N. Charter as a permanent member of the Security Council?

Second. How can it be removed except by amendment of the Charter?

Third. Does not the U.N. Charter provide that a Member can be expelled from the United Nations only by a two-thirds vote of the General Assembly upon the recommendation of the Security Council?

Fourth. Does the Charter authorize expulsion of a Member for any other reason than persistent violation of the Principles of the Charter?

Fifth. Has the Republic of China violated the Principles of the Charter?

Sixth. How can the so-called People's Republic of China qualify for admission when it stands condemned by the U.N. itself as an aggressor in the Korean war?

Seventh. Is not a nation required to accept the obligations of the charter before being admitted to membership?

Eighth. Has not the Government of Communist China repeatedly declared that it will not accept the obligations of the charter and that in fact the charter itself must be changed?

I insert at this point the above-mentioned press release issued by the Committee of One Million on September 15, 1971:

> The Committee of One Million Against the Admission of Communist China to the United Nations,
> *Washington, D.C., September 15, 1971.*
>
> Red China Doesn't Qualify—Administration Questioned on Law of the United Nations
>
> "Our nation must not be party to a tragic international action which would weaken the United Nations and could cause its destruction as an effective instrument for world peace and security", Dr. Walter Judd, former U.S. Congressman and Chairman of the Committee of One Million Against the Admission of Communist China to the U.N. warned today.
>
> "This would undoubtedly occur," Dr. Judd said, "if the United States Government should give to the American people and the entire world the appearance of making no effort to keep out of the U.N. an enemy of free nations and only a half-hearted effort to keep in the U.N. a friend. If Communist China is admitted with the assistance of the United States, we will inescapably be strengthening that common enemy of all the world's freedom-loving peoples.
>
> "The American people must ask our government some very important questions on Red China and the U.N. that no one in the Administration to by knowledge has yet publicly answered. The American people want and have a right to have frank answers to these important questions:
>
> 1. Is not the Republic of China specifically named in the U.N. Charter as a PERMANENT member of the Security Council?
>
> 2. How can it be removed except by amendment of the Charter?
>
> 3. Does not the U.N. Charter provide that a Member can be expelled from the United Nations only by a two-thirds vote of the General Assembly upon the recommendation of the Security Council?
>
> 4. Does the Charter authorize expulsion of a Member for any other reason than persistent violation of the Principles of the Charter?
>
> 5. Has the Republic of China violated the Principles of the Charter?
>
> 6. How can the so-called People's Republic of China qualify for admission when it stands condemned by the U.N. itself as an aggressor in the Korean War?
>
> 7. Is not a nation required to accept the obligations of the Charter before being admitted to membership?
>
> 8. Has not the government of Communist China repeatedly declared that it will not accept the obligations of the Charter and that in fact the Charter itself must be changed?"
>
> Dr. Judd noted that in recent press conferences of administration officials these questions have not been asked by the press. This is why the Committee of One Million must ask them on behalf of the American people. Further more, if the Administration won't give the answers, the Committee will:
>
> 1. The Republic of China *is* a member of the United Nations, and its permanent membership on the Security Council is specifically stated in the U.N. Charter.
>
> 2. A permanent member of the Security Council, therefore, cannot be removed except by amendment of the Charter. Article 23 Chapter V reads—"The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council". To amend the Charter requires an affirmative vote of two-thirds of the members of the General Assembly and ratification in accordance with their respective constitutional processes of two-thirds of the Members, including all the permanent members of the Security Council. (Article 108)
>
> 3. The U.N. Charter, the organic law of this international organization, states (Article 6) that a nation can be expelled only by a two-thirds vote of the members of the General Assembly upon the recommendation of the Security Council. One member of the Security Council can block such a recommendation.
>
> Article 18 reads: "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include . . . the suspension of the rights and privileges of membership, the expulsion of members . . ."
>
> 4. According to the Charter the only ground for expulsion of a Member is persistent violation of the principles of the Charter. Chapter 11, Article 6 reads: "A member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council".
>
> 5. No charge has been made that the Republic of China has violated the Principles of the Charter. On the contrary, it has been a faithful and constructive supporter thereof.
>
> 6. In Chapter 1, Article 2, Section 4, the Charter states: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Does the sending of troops into Korea in support of naked aggression, invasion of India, exporting "revolution" throughout the world, constitute refraining from the use of force against any state? Does genocide in Tibet indicate a desire or willingness on the part of Communist China's rulers to live by the Principles of the United Nations Charter?
>
> 7. Article 4 of the Charter reads: "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter

and, in the judgment of the organization, are able and willing to carry out these obligations." Thus the United Nations was never conceived of as a "universal" organization. This concept was painstakingly discussed and rejected in San Francisco in 1945 when the Charter was drafted.

8. Communist China, because of its openly proclaimed refusal to accept the obligations of the Charter, could not qualify for admission even if the Republic of China were not already a Member or could be expelled.

"Another question might also be asked," Dr. Judd said, "Would the American people continue to support the United Nations if it were illegally to expel one of its founding and law-abiding members in order to seat a regime whose words and actions prove it an international outlaw, a regime which cannot possibly be claimed to represent the Chinese people or their interests? To admit Peking's rulers into the U.N. and thereby strengthen their stranglehold on the Chinese people could only prevent the constructive participation of those 750,000,000 Chinese in the world community and its search for peace.

"Surely it does not make sense to vote to downgrade the standards of the U.N. Charter to the level of a brazen international outlaw. What is needed is patient insistence that the outlaw upgrade its behavior to the level of the standards established in the U.N. Charter, if it wishes the benefits of membership in the community of nations."

AUTISTIC CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HARRINGTON. Mr. Speaker, one of the least understood and least talked about forms of mental illness is childhood autism. The suffering of the parents of autistic children and the suffering of the children themselves is something that we rarely, if ever, think about.

Autism is a disease. Its cause is unknown and the question remains whether it is of physical or purely mental origin. Most autistic children cannot communicate with anyone because they do not understand language. Consequently they withdraw. Only with a tremendous amount of understanding and training will an autistic child begin to talk, and even then it is difficult for the child to conceptualize his problem. Autism is generally a lifetime illness. Some autistic children are eventually able to work in sheltered work areas; others, however, must remain in the home or in institutions for their lifetime.

I do not pretend to be an expert in autism. I do not know what causes the disease. But, I am inserting in the RECORD today a booklet entitled, "Children Apart," published by the British Medical Association, which I think describes the illness better than anything I have ever read. I urge all of my colleagues to read this booklet so that when we legislate we do not forget the needs of children such as these.

The booklet follows:

CHILDREN APART

FOREWORD

Autistic children are "children apart"—cut off from normal life because of their handicaps. At birth their handicaps are rarely obvious. It is only gradually, when the baby fails to make normal progress and behaves in an odd way, that it is realised that something is wrong. Of course, the development of normal children is often uneven and may, for a time, involve apparently strange behaviour, which must not be confused with autism.

There are about 4,000 autistic children in Great Britain at any one time and in the past ten years there has been a great increase in public interest about them. Clearly such children and their families face great problems both in themselves and in the attitude of the world towards them. But what is the reality of these problems? What is autism really about? And what help can be given? It is to answer such questions that we have asked a leading authority on the subject to write this book.

TREVOR WESTON, M.D.,
Editor, Family Doctor Publications.

AUTISTIC CHILDREN AND THEIR FAMILIES

Ten years ago very few people who were not doctors, psychologists or teachers had heard of autistic children. Recently, however, the problems of these children have been discussed in newspapers and magazines, and most people know that autistic children exist, even if they have only a very vague idea what the children are like.

This new interest may have given the impression that childhood autism is a new problem. In fact, it is possible to find descriptions of children who were clearly autistic in books and papers written long ago. One of the most interesting is an account called *The Wild Boy of Aveyron* by a French physician, J. M. G. Itard, first published in 1799. Itard was given charge of a twelve-year-old boy who had been found wandering in the woods of Aveyron. His description of Victor's behaviour, and of the special teaching methods he devised, make a most interesting and moving story. Itard's ideas on education are still used in teaching handicapped children to this day.

Children suffering from autism, however, were not until recently identified as a separate group. In fact, it was only in 1943 that an American children's psychiatrist, Professor Leo Kanner, first described the syndrome of *Early Infantile Autism*. The word autism comes from the Greek word *autos*, which means *self*. Kanner used this name because the children go through a stage when they are very withdrawn into themselves and do not show much interest in other people. However, many of them are like this only when they are very young (under five or six years old) so the name is not really a very good one. A new and more accurate name is badly needed. but no one has yet suggested one that is both short enough and precise enough for general use

Even after Kanner described and named the children, it was almost twenty years before the general public in Britain began to hear of them. Nowadays, there is much more widespread interest, partly because attitudes to all kinds of handicaps have changed and people are willing to talk about these problems and do what they can to help, and partly because a group of parents and professional workers started a society to help autistic children.

I hope that this booklet will be of some interest to readers who are not working or living with an autistic child, as well as to those who are directly involved as parents or teachers. It is true that childhood autism is a rare condition compared with, for example, mongolism, but it is still common enough for most people to know at least one autistic child, perhaps as a neighbour, perhaps as a distant relation, or a child of a friend. I shall describe how the children behave, and how this behaviour affects their families, give an account of the recent ideas about why they are so different from normal children, and make some suggestion as to how friends, neighbours and relations can help.

How many children are involved?

A study made in Middlesex and another in a county in Denmark showed that about four to five children in every 10,000 will have early childhood autism. This means that in England or Wales there will be about 3,000 autistic children of school age.

Boys are affected three or four times more often than girls. No one knows why this is, but all conditions in which language problems are important seem to be commoner in boys.

The condition begins from birth, or else in the first two to two-and-a-half years of life. Children can develop other kinds of abnormal behavior after this age, but it is most unusual for the typical autistic symptoms to begin after two-and-a-half.

Roughly one third to one half of the children who have autistic behavior also have some other severe condition, such as spasticity, hydrocephaly or epilepsy. The rest appear physically healthy apart from their strange behaviour, although special examination often shows that they have difficulties which may be due to some abnormality in the brain.

There seem to be autistic children in all parts of the world, although it is not yet possible to say what differences there are in the numbers in various countries.

The study in Middlesex showed that these children are likely to have parents with a higher educational and occupational level than average.

Learning problems

Autistic children seem very strange and puzzling to people who know nothing about them, but they are easier to understand if they are looked at as a group of children with severe learning difficulties.

Special learning problems are very common, even in children whose intelligence is otherwise quite normal. Some children have great trouble in learning to read, because they find it difficult to distinguish right from left, tend to write words backwards, and cannot tell the difference between letters such as b and d, p and q, w and m. Some are very slow with arithmetic, and others may have problems with hand-eye co-ordination, so that their handwriting is poor and they cannot do handwork or play games well. However, if a child has one learning problem only, and if it is not too severe, he can usually overcome it well enough to make progress at school, especially with the help of a good teacher.

Autistic children are unfortunate in that they have several severe learning problems at once, including some which hinder the development of one of the most important human skills—that is, the ability to understand and to use language. When they are young, it seems that they cannot make sense of the things they see and the things they hear. Their eyes and ears are usually quite normal, and so are the nerves which take the messages from the eyes and ears to the brain. The problem seems to arise at some stage during the process of *interpreting* these messages. It seems that information from the outside world is not made into a clear and understandable picture, but remains a confusing and frightening muddle. Autistic children must feel like a normal person would if he was left alone in a foreign country without knowing the language or customs, or being able to read the alphabet or even understand the gesture which people made.

A normal person could set about learning the language, but the autistic child does not seem able to do this. It is hard to imagine that someone could hear words and see gestures clearly but not understand them. It makes it a little clearer if you think of people who are tone-deaf to music. They can hear all the sounds, but the most beautiful symphony has no more "meaning" to them than water running down a drain. You could say that autistic children are, in a way, "tone deaf" to any kind of language.

No one knows exactly at which stage of "information processing" the difficulties occur. Some people working with these children feel that the information from the senses is distorted in some way, thus making it difficult for the child to understand. Others feel that the information is received normally but that the problem lies in the child's difficulty in understanding the meaning of *symbols*. For example, an autistic child may (unlike some other retarded children) be able to copy a picture of a triangle at the normal age, and match triangle shapes and so on, but he takes a very long time to learn that the word "triangle" is a symbol for the shape. Even after he has learnt to name many different things, he will still have difficulty in linking words together into sentences. He has even more trouble understanding the connections between things, and therefore in working out answers to questions like "Why did so-and-so happen?", What is such-and-such for?" "How is this done?" "What is the reason for that?" The abstract ideas and complicated meanings of words in poetry and literature are completely beyond these children even if they eventually learn to read fluently.

Research workers are investigating these problems, and trying to devise tests to define exactly where and when the children's difficulties in understanding begin. Many problems are still unsolved, but it is possible to describe how an autistic child behaves, and how he can be helped.

FIRST SIGNS AND SYMPTOMS

If a child is autistic from birth, it may be quite difficult for an outsider to guess that there is anything wrong for the first few months. Sometimes a mother has an uneasy feeling that her baby is unusual in some way, but finds it difficult to put her finger on what is wrong. Perhaps the reason is that an autistic baby does not show all the little signs of awareness of his mother's presence which the normal baby does from quite an early age.

Some autistic children are "model" babies, hardly ever crying even when they are hungry. Others behave in exactly the opposite way. They scream continually and cannot be comforted except perhaps by continual rocking or by riding in a car. In this case even short stops for traffic lights will cause the screaming to begin again. Both kinds of babies are difficult and unrewarding for the parents, the quiet ones because of their lack of responsiveness, and the over-active ones because of demands which can never be satisfied. Neither the quiet nor the over-active babies lift up their arms or make themselves ready to be picked up when their mothers come to them. This is quite unlike normal babies who, when they are strong enough, show just how eager they are to be picked up and cuddled.

Feeding problems are fairly common, beginning with poor sucking after birth, and sometimes going on to a refusal to chew any lumpy food when the child has been weaned.

Many of the children smile and sit up, crawl and walk at the usual ages, but they may smile only when rocked, bounced or tickled, and they often do not bother to sit up and look at the world around them even when they are able to do so. They do not point things out to their parents or show any of the normal baby's delighted interest in the world. They may not even reach out for their food when it is placed in front of them.

Sometimes these children spend hours scratching on the covers of their prams. (This behaviour also occurs in babies who are blind). When they reach the age at which a normal baby can handle toys, they seem to be interested only in the feel of the surface of the toy, and the way it looks when it is twisted and turned, instead of trying out all its possible uses as a plaything. They may be fascinated by lights, and will often stare fixedly at a lighted lamp, perhaps smiling and chuckling and wriggling with excitement.

The toddler stage

Even if the parents have not worried about their child in his baby stage, when he reaches his second year the problems become obvious. This is partly because he does not begin to talk at the expected time, and partly because it is much easier to notice unusual behaviour in a child who is mobile than in one who is lying in a pram. Furthermore, at this stage the child himself begins to be frustrated by his handicaps and reacts to this in various ways depending on his temperament.

Unusual response to sounds

An autistic child in the toddler stage seems to respond to sounds in quite unpredictable ways. He may completely ignore some very loud noises, but at other times cower away from a sound, covering his ears as if in distress. Yet again, the same child may be fascinated by a special noise, such as that made by a friction drive toy. What is really worrying, however, is that he often shows no interest when people talk to him, not even when they call his name.

Lack of understanding of speech

The children are disinterested in speech because they do not understand its meaning. At first it seems to the bewildered parents that their child is quite deliberately "shutting his ears" and refusing to listen. However, when the children grow older, they do begin to try to understand, and it is then possible to see how much real difficulty they have. Those who make progress go through a stage in which they can understand and willingly obey very simple instructions, but are still muddled by anything complicated. One little boy learnt the meaning of "give me the cup" but he could not understand when his mother said "Put the cup on the table". At this stage it is clear that the trouble is not due to lack of co-operation. The children may have the same reaction as an Englishman who knows just a little French, when he is with French-speaking people. He will understand the simple familiar sentences, but when the conversation gets at all complicated, he will stop listening. Like the autistic child, his attention is not on the conversation, but, also like the autistic child, he has a genuine "handicap' which makes it very frustrating for him when he tries to listen. Most of us lose interest when we are asked to do something well-nigh impossible.

SOME OF THE PROBLEMS

Late talking and speech difficulties

Autistic children are always late in learning to talk and some never talk at all. In the early years the only means of communication they have is to scream until someone finds out what it is that they want. At a slightly more advanced level, they will grab an adult by the hand and lead him to the desired object. The majority eventually learn to use at least some words, but their speech is clearly abnormal.

When they first begin to talk they usually repeat the words that other people say. Sometimes the first word a child uses is the one which ends a nursery rhyme his mother has sung to him many times. As well as repeating a word just spoken, autistic children tend to echo words, phrases or sentences they have heard other people use in the past, perhaps weeks or months earlier. They may copy the exact accent of the speaker, even that of a foreigner. A little girl in a family who had a series of au pair girls could produce phrases using a Dutch, Norwegian, or French accent. These echoed sentences may give the impression that the child is talking with understanding, especially if they are used at an appropriate moment (as with the child who always said "pick it up" if someone dropped something) but anyone who really knows the child will realise that the words are meaningless copies.

The next stage comes when the child begins to use these copied phrases to obtain something he wants. For instance, he may hear his mother say "do you want a biscuit?" before giving him a biscuit. When the child wants a biscuit he uses the same words as his mother. This means he refers to himself as "you" or by his name, instead of "I". (This is called "reversal of pronouns" and is very characteristic of autistic children).

The next step forward is when the child produces some sentences which he has made up for himself. Whereas the copied phrases seemed to be said quite easily, an autistic child usually has to make a long painful effort before putting a few words together, and the sounds seem to be forced out with considerable difficulty. Sometimes the first real sentence comes out under the stress of great emotion, as for instance when a small boy did not want to be left with a baby sitter, and said, (to the astonishment of everyone) "Mummy-not-*going*-out". Very often the child has trouble in arranging the words in the right order, and may say "table sit-up" (instead of "sit up at the table") or "take park to doggie". He is not able to comprehend the difference.

The little words in sentences cause endless trouble (just as for a normal person learning a foreign language). At first the autistic child does not use them at all, and says "dinner now", "go shop" and so on. Later he will try to use them, but make many mistakes, saying "put it from chair" instead of "on chair" or making one word do for "under", "beside", "on top", "through", and all the other words indicating position.

Words that often come in pairs are easily muddled. Brush my be used instead of comb, sock instead of shoe, and on instead of off. The words "you" and "I" still cause problems even when the child has stopped repeating and echoing. It is in fact very difficult to explain that when I say "I", I mean *myself*. but when I say "you" I mean *yourself*, but when *you* speak it is the other way round. Perhaps the surprising thing is that normal children learn this so quickly, not that autistic children find it so difficult.

Usually each word has one meaning, and one meaning only for an autistic child. A ten-year-old autistic girl who had at last learnt the meaning of the word "up" was very puzzled when asked to "walk up the shop" when trying on shoes in a shoe shop. She looked round in desperation, then saw a step ladder and walked up that.

Even if they do learn to speak quite well, autistic children are still handicapped because they find abstract ideas so difficult to grasp. They do not seem to see the connection between one event and the next unless it can be shown in a very concrete and practical way. If you want to show an autistic child that the hot water from a tap is heated by a boiler in the cellar, you cannot expect him to understand if you just tell him in words—you must take him to the cellar, show him the fire in the boiler, show him where the water tank is, and trace the pipes all the way up to the bathroom.

Problems of pronunciation

Although when they copy other people, autistic children may speak very clearly, they usually have poor pronunciation when they produce their own phrases. They have poor control over the volume of the sound they make, and they may speak much too loudly or almost in a whisper. The pitch of the voice is often wrong, the words being all on one note, or else rising and falling in the wrong places with the emphasis on the wrong words. Sometimes the children seem to "play" with sounds, and speak in a voice quite different from their normal one. They may do this when they are unsure of the right thing to say, and also when they are imitating other people.

Problems connected with the use of vision

A young autistic child often seems to respond to the things he sees as oddly as he does to the things he hears. He may ignore things which would be of great interest to a normal child, but be fascinated by something quite trivial. Parents of these children are quite used to the situation where their child comes into a room full of people and runs straight through them as if they do not exist, because he has caught sight of a tiny piece of shiny paper on the floor in the corner. The same child may gaze entranced at a street lamp, but shrink and cover his eyes from a fairly strong light used for photography.

It is usual for these children to react to moving objects much more than to things which stand still. An autistic toddler used to like throwing pebbles in the pond in his garden. He would scream for more pebbles even though he was surrounded by them. If however, they were rolled along the ground for him, he would see them at once, as long as they were moving, and would stop screaming and pick them up to throw.

The children tend to look through or past other people, or else look at the reflection of the light in another person's eyes. This is very disconcerting, and adds to one's feeling that the children are strange and remote. However, the reason for this behaviour is that the autistic child really has problems in comprehending the things he sees, and when he is very young he is not able to grasp the idea of a whole human being, or to know that it is customary to look at people's faces. One mother described how her autistic son recognised her by her outline and not by the details. He therefore tended to follow other people who were wearing the same kinds of clothes, assuming that he was following his mother.

It is not surprising that many autistic children are not at all interested in pictures in their early years. The mother of one child found that her little girl only began to realise what pictures were all about when she was shown the real object together with the picture.

Problems with visual language

A deaf child or a child who can't speak will make up for his language problem by using gestures and miming to communicate. Autistic children cannot do this because they have as much trouble in comprehending unspoken language as with the spoken word. They often do not learn even a simple gesture such as pointing until they are over five years old. However, this kind of language usually develops more quickly than understanding of speech, so the older autistic child tends to watch for visual cues from other people to make up for his difficulty with speech. However, few of them learn to mime, and they do not, for example, pretend to drink from a cup to show that they are thirsty. Because they are unable to understand any kind of language, young autistic children are quite as handicapped as children who are born both deaf and blind.

Ways of exploring the world

Like deaf/blind children, autistic children try to make up for their handicaps by exploring the world through their senses of touch, taste and smell. They make contact with people through touch, and they seem to find endless pleasure in the feel of surfaces like smooth shiny wood, soft fur, or plastic. This may lead to problems, as in one seven-year-old child who loved fur coats and tended to run up to anyone he met in the street who was wearing one, so that he could stroke the fur and rub his face against it.

Although the children seem to understand things they feel better than things they see and hear, even here there are some abnormalities in the early years. Some of the children appear not to notice pain, and may ignore knocks and bumps. They may run out without any clothes as if they do not feel the cold. This does not usually last after four or five years old, and later on the children may be very sensitive to discomfort.

Like deaf/blind children, autistic children have many odd movements. They like to jump up and down, spin round and round, walk on tip toe, flap their arms and legs like an excited baby in a high chair, and twist and turn their hands very quickly near their eyes. It may be that both the deaf/blind and the autistic children are trying to find some form of stimulation which they can enjoy. Another possible explanation is that children with visual difficulties are very immature in their patterns of movement and carry on for years with activities which would be normal in babies and toddlers.

Difficulties with skilled movements

Many (though not all) autistic children appear to be very graceful and agile in movement. However, when attempts are made to teach them skilled movements, such as skipping, dancing, swimming, or throwing a ball, it soon becomes obvious that they have great problems. A teacher in a special school described how her children fell over their own feet and ended in a heap on the floor when she first began to teach them a country dance. The interesting thing is that the difficulty seems to occur when the children try to copy the movements made by other people. If their own limbs are moved in the correct way by the teacher so that they feel the movements, then eventually they learn to perform very well.

Careful analysis and observation has shown that the children tend to become confused when they are asked to distinguish between left and right, up and down, back and front. In addition to muddling up the letters b and d, p and q, m and w, which some of them do, they often put their clothes on back to front, copy someone pointing upwards by pointing down, and lay the table with the knives and forks the wrong way round.

BEHAVIOR PROBLEMS

Social withdrawal

It is not surprising that children with these handicaps have many behavior problems. The saddest thing for the parents is that their child appears to be indifferent to them in his early years. Indeed he seems to be unaware of the existence of anyone else at all. This is why some writers have used phrases like "Children in a dream world" or "The child in a glass ball" to describe these children. However, this behavior follows as a secondary consequence of the difficulties in communicaton. As they very slowly learn to speak and to understand language they become much more friendly and sociable—in fact some autistic children eventually become quite cheerful extroverted personalities, although their handicaps prevent the development of a really adult and mature relationship with another person. This is why the term "autism" is not really appropriate.

Resistance to change

As they live in such a confusing world, it is not surprising that autistic children try to cling to the few things which they do understand. They like to keep to the same routines, and a slight change may produce screams and tantrums. They also become very attached to objects, which may be ordinary toys or such apparently uninteresting things as empty bottles, packets, leaves, or pieces of paper. Some of the children go through a phase where they carry round huge burdens consisting of their favourite things, and become quite desperate if any are lost.

This dependence on routines and clinging to objects may make life very difficult for the whole family, since the child may insist on everyone else fitting in his demands. One mother described how she had to lay the fire in precisely the same way and light precisely the same corner of the paper each day to prevent her child screaming for hours on end if he saw any variation whatever.

Emotional responses to situations

Another consequence of the autistic child's handicaps is that he is liable to be frightened of quite harmless things, perhaps because of one small unfortunate incident. One child put his hand into a bath that was a little too hot and refused to bath again for years. Another would not wear shoes after a new pair had rubbed his heels.

On the other hand, their lack of understanding allows the children to ignore real dangers. They may run across the road in front of traffic, or balance dangerously on narrow ledges without any fear. At times they smile and laugh at the things which give them pleasure, such as a flickering light, or the smooth feeling of something they are holding. At other times they may weep tears of deep distress—then it seems that the world is too much for them, and they feel lost, bewildered and frightened. They can only be comforted by close physical contact with their mother or someone else they know and trust.

Lack of ability to play

Normal children learn through their play. They gain experience in working with things, and interacting with other people. In order to play, a child needs imagination, and imagination grows with the growth of language. Children who are not autistic but who cannot talk for other reasons are able to play if they have any kind of non-verbal language. Autistic children are lacking in *all* language skills and they are unable to develop the usual play activities. Their only occupation, when they are young, is to hold and feel and twist and turn objects in their hands. Later on they may learn to do puzzles and build with constructional toys, or to paint and draw, but even here they tend to copy and follow rules rather than to create new things.

Socially difficult behaviour

Autistic children, even if they were "model" babies, are usually extremely difficult in behaviour when they are between two and five years of age. They have no understanding of social requirements, they tend to scream in the street, grab things in shops, tear up papers, tear the wallpaper, kick and bite other people (and bite themselves), and in general act in an extremely immature way. It takes years of careful teaching before they learn to behave well in public and at home.

Special skills

Most parents of these children have the feeling that their child is potentially normal and intelligent, if only they could find the key to the mystery of his strange behavior. This is probably because most of the children look normal (in fact, many are physically very atractive), and also because they often do have some skills which stand out in contrast to their other difficulties. These skills are usually of the kind which do not involve language. For example most of the children love music, and some can sing very well. They tend to be good at jig-saw puzzles and constructional toys which depend on an awareness of shapes. Some are very clever with mechanical or electrical things. This is not true for all of the children—some are handicapped in almost all ways, but most are much better with activities for which words are unnecessary.

There are some rather rare autistic children who are outstandingly gifted in some way. They may be able to calculate long and intricate sums in their heads with great speed and accuracy. Some can play musical instruments or even compose tunes. A few people who were autistic as children are earning their living as piano tuners because they have an unusually accurate sense of pitch. Unfortunately even these specially-gifted children are often unable to manage the ordinary affairs of life, and need someone in the background to organize their lives for them.

These are the children who stand out in people's memories, and are almost legendary among teachers and children's psychiatrists. Most autistic children are not like this, and most of them have learning problems that make them generally retarded.

Later development

Some autistic children make no progress at all, and remain mute and withdrawn all their lives. The majority, however, tend to show at least a little improvement as they grow older, especially after five or six years of age. Their basic handicaps begin to improve and the world gradually becomes more understandable to them. A number of autistic children were followed up by a research worker. A few (fifteen per cent) made very good progress by the time they were adolescent. Another twenty-five per cent did well enough to suggest that they could work in sheltered employment. The rest did not do well and most of these were placed in institutions. However, these figures were based on children who had not received any special help. It is to be hoped that the development of methods of education and training adapted to the needs of autistic children will enable many more to make good progress in the future.

NORMAL CHILDREN HAVE PROBLEMS TOO

Early childhood

All of the behaviour I have described can be seen in young normal children as they go through various "phases". There is nothing unusual about a toddler who, for example, likes routine, who clings to his teddy bear, has temper tantrums, and sometimes ignores people who talk to him. The difference is that an autistic child does all or almost all of the things I have described, all the time, for years on end, and does very little else at all.

Other kinds of childhood difficulty

There are other patterns of strange behaviour in children which are called "psychoses". In some cases (but not in autism) the affected children may be able to talk well, and with perfect grammer, but the things they talk about are obviously abnormal. These children are quite different from autistic children. Autism is one special form of childhood psychosis, in which poor language development is the most important feature.

Deafness

Deaf children can be very withdrawn and difficult when young, and may be backward in development. Many autistic children are thought to be deaf at first, but their parents usually notice that they can tell the meaning of some soft sounds which are significant for them, such as the rustle of a sweet paper. Very careful testing of hearing is obviously most important before making a diagnosis.

Speech problems

Children with aphasia (difficulty with talking) also have problems in understanding spoken words, and in talking. When they are young they may go through a phase of being socially withdrawn. However, they do not have such marked difficulties with comprehending what they see as do autistic children and they can make themselves understood in non-verbal ways through gesture and timing. Again, careful observation of the child and detailed questioning of the parents is needed to make the diagnosis.

Mental subnormality

This is a very difficult problem, because of the way people use the words "subnormality" and "autism". If a child is called mentally abnormal, this means and his development is a long way behind that of normal children of his age, and also that he does very badly on the tests of intelligence that psychologists use.

It is important to remember that there are hundreds of different causes of mental subnormality. Just a few of these include monolism, phenylketonuria (a condition when the body cannot deal properly with ordinary food and so the brain becomes poisoned), various illnesses in early life which damage the brain, and so on. Each cause leads to different symptoms and a different mixture of handicaps.

Children are diagnosed as autistic because of the way they behave—whatever the cause, and however they perform on intelligence tests. Some of them have high scores if they are given tests which do not need a knowledge of words and language, although they will probably show up as backward on verbal tests. Others have low scores on all kinds of tests. A child can therefore be both autistic *and* mentally subnormal, or autistic but *not* subnormal in all respects, or subnormal but *not* autistic. A detailed description of each child, including his skills, his handicaps and the way he behaves is much more use than a single label. For example, a child could be described as follows: "He behaves like an autistic child, he scores very badly on vocabulary and word meaning tests, but he is only a little way behind normal on arithmetic". This is better than saying "he is autistic" or "he is subnormal" because these terms give only a small part of the picture. It is not surprising that parents feel annoyed if they have an autistic child and someone says "he is just subnormal and you won't admit it". On the other hand, just because a child has autistic behaviour this does not mean that his intelligence must be normal, as some parents mistakenly believe.

WHAT ARE THE CAUSES?

Although research workers are beginning to piece together the details of the handicaps from which autistic children suffer, very little is yet known about the basic causes.

It has been suggested by some psychiatrists that the problems are all emotional in origin; due to abnormalities in the characters of the parents, and the way they handle the child from the time he is born. This kind of theory is not very convincing. Firstly, systematic studies of parents have not shown anything unusual in their personalities apart from the problems common to parents of handicapped children in general, and they do not have severe mental illnesses any more often than other people. Secondly, most of these parents have other children who are quite normal. It is possible to have two autistic children in one family, but it is rare. Thirdly, none of the excellent studies of old-fashioned institutions, where babies really were deprived of all maternal care, has shown that they caused early childhood autism. The interesting and curious fact that the parents of autistic children tend to be above average in intelligence does not mean that they are less satisfactory as parents—probably the reverse is true. Autism may be commoner in the children of brighter people for genetic reasons, rather than because of a special environment.

The relationship between a young autistic child and his mother is different from that between a normal child and his mother. The bond between a mother and her child depends upon the way the baby behaves as well as upon the affection and attention of the mother. The more the baby smiles and chuckles and wriggles with pleasure when he sees and hears his mother, the more she enjoys talking to him and cuddling him. This close contact in turn gives the baby the interest and stimulation he needs to help his phyiscal and psychological growth. A baby who is autistic may be so quiet and unresponsive that his mother has to make a conscious effort to play with him. On the other hand, he may be irritable, difficult and demanding, but may not seem to find any comfort in contact with his parents, and they lose heart and feel that they are useless. Either way, the normal relationship of mutual enjoyment and understanding cannot develop properly. If the mother is given the right advice she can set about the task of helping her child to become interested in herself (and other people), and thereby create a more normal relationship between them.

Parents' problems

Having a handicapped child, whether his problems are physical or psychological, is a heavy burden to bear. The parents may feel guilty, even though they love their child and have done their best for him. They worry about what will happen when they are no longer alive to care for him. They also have to think about the effect on his normal brothers and sisters. The situation is a major crisis for any family, and inevitably produces emotional problems.

Parents of autistic children have the same problems as parents of other kinds of handicapped children, but in addition they have some special difficulties to face. Most autistic children look quite normal, and are assumed to be normal at birth. The parents live through perhaps one or two years during which it slowly becomes obvious that their child is handicapped. All this time the parents are half aware of the problem and half resisting awareness—sometimes feeling a sharp stab of anxiety when they compare their baby with a normal child, at other times reassuring themselves because he crawls and walks at the usual age and looks so bright and intelligent. This long process of doubt and indecision does nothing to ease the pain when the truth is known for sure.

Autism is not very common, and most people know nothing about it, so the parents feel quite alone and in the dark about the cause of the condition and what they ought to do about it. Because the children look normal other people often do not understand why an autistic screams or behaves badly in public and parents receive critical frowns instead of sympathy and help. A child with very disturbed and unpredictable behaviour is a much greater strain than one who is handicapped but behaves well. Sleepless nights may add to an almost intolerable burden in the early years.

The children need constant care, and it requires considerable patience and skill on the part of the parents to make sure that the normal brothers and sisters receive their fair share of attention.

You may wonder why parents struggle on with these difficult children. Most of them love their handicapped children deeply and try hard to keep them at home. Bringing up a child, however difficult, makes loving feelings grow inside most people, and parents feel that the child is part of themselves and the family and they do not want him to go away. As well as this, autistic children can be most endearing and their very helplessness and confusion brings out deep emotions in others. Then, when they start to make progress, the happiness each little step forward brings seems many times greater than that given by the rapid progress of a normal child. However, it often happens that, for many reasons such as illness or sheer exhaustion, parents have in the end to find residential care for their child.

WHAT CAN BE DONE?

There is as yet no medical treatment for early childhood autism. Sleeplessness and overactivity can be helped by the right drugs. But there is no medicine which can help the underlying handicaps.

Psychotherapy and even psycho-analysis have been tried but most workers agree that these methods cannot help young children who have such severe language problems and difficulty in understanding the world. Where psychotherapy can help is in the case of an older adolescent autistic child who has improved enough to understand that he is different and also begins to understand some of the problems of living. He may become very depressed and anxious if he has that kind of temperament (like one boy whose mother died, and another who suddenly realised the meaning of death) and a therapist could help him through this stage.

Education

The lack of any medical treatment does not mean that nothing can be done. Although the children have severe learning problems they can be taught by skilled teachers using special methods. In this way they can learn, at the very least, socially acceptable behaviour, and the basic skills of living such as washing, dressing, using a knife and fork and so on. Some show themselves capable of far more than this, and learn to read, write, do arithmetic, algebra and geometry, woodwork, metalwork, needlework and music. As is to be expected, even the brightest autistic child always has difficulty with subjects needing an understanding of words, such as English composition, literature and poetry. Many learn to read, some fairly fluently, but very few will read with much understanding or choose to read for pleasure. It seems that the children learn the mechanical side of reading and letter and word recognition, pronunciation and spelling, but this may be independent of the understanding of the meaning of the words.

Education of these children does not cure them of their handicaps and it does not make them normal. One aim of teaching is to help them to find some way round their difficulties, just as a blind child is taught to read with Braille, and someone with paralysed legs is taught to strengthen his shoulder and arm muscles. Another aim is to help the children to become acceptable members of society so that they can live with their own families. A third is to teach them the skills necessary for earning a living, in open employment if possible, or in a sheltered environment. Perhaps most important of all, the teacher tries to help the world, so that it is a less puzzling and frightening place, and so that he can find some pleasure and enjoyment in life.

Methods of education

Teachers and parents are faced with the problem of teaching without using words. If you think of the part that written and spoken words play in the education of normal children you will realise how difficult it is to do without them.

The very first step is to help the children to behave more normally. It is impossible to teach a restless, destructive, screaming child. He must be able to sit still quietly at least for a short time in order to learn anything at all. The only way to accomplish this is through a firm and consistent approach. The teacher must show the child that she wants him to sit down by placing him in his chair and keeping him there for a short time, and praising him while he is there. The time can gradually be lengthened until he is quite used to sitting still. He will not understand the words but the tone of voice helps to convey the simple meaning. It is important that he should learn that screaming, kicking, biting or destructiveness do not produce a reward, but that good behaviour has enjoyable consequences. This stage can be very wearing for the teacher and parent and may seem to go on for ever, but patience, firmness and consistency produce results in the end.

The next step is to teach simple skills like doing up buttons, or eating with a knife and fork. This is done by putting the child's limbs and fingers through the movements. At first his fingers feel quite limp, but eventually he will catch on and begin to move his hands in the right way. He may need to have his teacher touching his own hand for a long while after he is quite able to do these things, but in the end he will manage by himself. Many things can be taught this way, including throwing and catching a ball, riding a tricycle and even simple country dances.

Language training plays a big part in teaching autistic children. At first they have to learn the names of things by linking the name with the actual object. When learning the word "table" they must see and feel a real table, and lots of different tables, otherwise they may think that "table" refers to the light brown square object in the dining room, and not to any table of another size, shape or colour. Verbs like "sitting", "walking", "running" can be acted to show the child what these words mean. Training of this kind has to go on the whole time. Very slowly new words, new phrases and new ideas can be taught, but the teacher must always be sure that the child can understand what he has learnt, before she goes on to something new.

The biggest problem about teaching autistic children is their difficulty in generalising from the things they learn. A child can be taught to fasten the buttons on his coat, but still not realise that the same actions are needed for the buttons on his pyjamas. He may eat an orange that has been peeled, but not know how to deal with one that is cut in half. He may be able to read words written in large red letters but be puzzled by words printed smaller and in black. The world has to be built up for him, brick by brick. None of the steps can be missed out and sometimes it seems that a lifetime is not long enough for this task. However, the patient effort required does eventually produce results, even though there are often long periods when there seems to be no progress at all.

If parents are told what to do, they can begin to teach their child before he goes to school. It is very important that he should go to a special school when he is ready, because trained teachers have much more specialised knowledge than the ordinary parent. When their child goes to school the parents can help by making sure that he has a happy home life with plenty of outings, and chances to meet other normal children.

What is "operant conditioning"?

There has been a lot of discussion about "operant conditioning" recently. The idea behind it is really very simple and has been known for a very long time. It is that children (and adults too) will prefer to do things for which they are rewarded, and avoid doing things which lead to unpleasant consequences. If a child is given a sweet whenever he screams it is easy to see how the effect is the reverse of what is intended. If, instead, he were shown that he would be given a sweet only when he was quiet and well behaved, he would scream less and behave a little better.

Some psychologists have used this idea to plan a whole system of teaching. It is certainly a very useful way of helping a child to improve his behaviour so that he is ready for school. Children need to be praised and rewarded for good work, and also have to understand that they cannot get away with bad behaviour. This applies to handicapped children quite as much as to normal children. Teachers have always known this, and in this sense they all use "operant conditioning". However, experts in this field have developed certain special skills. The first is the use of really good timing. With a child who cannot talk much, it is most important to show him he has done well, or has misbehaved, *at once*. It is no good saying "you can have an apple later on because you have been good" or "you cannot have ice-cream for tea because you were naughty". The child with little or no language forgets too quickly. The teacher or parent must react on the spot and get her feelings across to the child in perhaps an exaggerated way until he reaches the stage where he can look into the future and link it with the past.

The second special skill is the method of breaking down each task into stages which are small enough for even a very handicapped child to master. Thirdly, the operant-conditioning psychologists know how to use helpful cues and prompting, and then gradually to remove these until the child can do the task without help. Finally, considerable experience is necessary to choose a reward which really means something to the child, and which will make his efforts to learn worthwhile.

YOU CAN HELP

If you know a family with an autistic child you may wonder what you can do to help. If you show understanding and acceptance you will be helping the parents a great deal. If you are a neighbour you may be disturbed by the child screaming in the night. The parents will know that this causes problems for everyone and this will add to their worries. Your tact and sympathy during this phase may make all the difference.

If you have a relative who has an autistic child, your support will be very welcome, especially if some other members of the family take the attitude that the child "ought to be put away in an institution". The parents should be allowed to make the right decision about the child's future, without interference from people who are intolerant and unsympathetic.

It is difficult for the parents of an autistic child to go out together especially when he is young, because they feel they cannot ask anyone to look after him. Friends, neighbours or relations can help by offering to baby sit. It is easier if you and the child get to know each other first before you have him on your own. You should find out what he understands, and how he lets his mother know when he is hungry, thirsty, or wants to use his pot or go to the lavatory. It is useful to know of the things he likes to take to bed with him, whether he has any special fears, and whether he has any favourite songs so that you can sing to him to make him feel safe and comfortable with you. All this sounds like a lot of trouble, but getting to know a handicapped child is rewarding and interesting in itself.

If you live near the family, and especially if you have normal children of your own, you could help a lot by allowing the child to come to your house. His mother will have to come with him at first, so that he can get used to the strange surroundings. Mothers of these children often feel they cannot visit other mothers because their child is so difficult. This is bad for the child, too, because he never has the chance to see another house or other children.

Later on as the child progresses, he may reach the stage when he loves being asked to parties or to go on outings. The trouble is that he does not know what to say or do when he is with other people, and he may just sit doing nothing at a lively party. Next time he is not invited because it looked as if he was not enjoying himself. This is very hurtful for an autistic child, especially if his brothers and sisters go to parties when he is not asked. He really does enjoy these things, even if he cannot join in actively. If you know a child like this, you can make sure that he is asked to come to the same things as the rest of his family. You can give some explanation to the other people who are there so that they will understand. The child will be very happy if you remember to talk to him every now and again, even if he cannot say much, and if you keep an eye open to make sure that he is not being completely left out.

If you give Christmas and birthday presents to the other children in the family, it is often very difficult to know what to give to the austic child. *Don't* buy things just because they are suitable for children of his age—they may mean nothing to him at all. It is always best to ask the parents first. There are a number of toys available now that almost seem as if they were made for children with language problems. The Mattell "See and Say" toys are good for the younger ones. These link up the name of musical instruments with their sounds, or the names of animals with the noises they make, and so on. Some autistic children love Meccano and various other constructional toys, and simple jig-saw puzzles. The golden rule is to avoid toys and games where the child has to use complicated language and imagination to enjoy them. Don't buy books unless you know that the pictures will interest the child, or that the words are simple enough for him to understand. Pictures should be simple and without fussy detail.

Everyone feels sorry for handicapped children. This is very natural, but it can mean that they are protected too much, and that everyone gives in to them and spoils them. Most parents find out in the end that this makes their autistic child more difficult than ever. If you know that the parents of an autistic child have laid down certain rules (for example, that he has one sweet after dinner and *not* if he screams) then it is very important that you should follow the same rules. When the child is in your house you should never give him something he wants if his mother has said "no". These children are much happier when life is orderly and certain for them, and it makes them worried and upset if grown-ups contradict each other.

Most parents of a handicapped child love him just as much as they do their other normal children. They want other people to see his good points and to accept him for himself. Perhaps the best help you can give to parents in this situation is to show that you really like their handicapped child, that you are interested in his progress, and that you feel that he has the same value as any other human being. So often parents feel that their child is treated as a "second-class citizen." He may be refused a place in school. The parents may have come in contact with people in official positions who cannot be bothered to take any interest in a backward child. They may have been made miserable by unthinking comments from people in the street. It is on these occasions that they need the comfort of a good friend who likes their child for his own sake. You can help by giving them an opportunity to talk about their child, and listening to the stories they tell about him, and laughing with them at the funny incidents that happen. Humour is a great outlet for emotions for many people, and nothing is more irritating to a parent than talking to someone who takes a hushed and solemn attitude to the handicapped child the whole time. The ability to see the funny side sometimes can go hand in hand with a basically serious approach to problems and this combination is a positive and healthy one.

Finally, it is always a good idea to ask parents of an autistic child if they have thought of joining the National Society for Autistic Children. This is a group of parents and professional workers who are trying to improve services for the children. There are branches in different parts of the country which hold members' meetings. Parents can get advice about schools and units which take autistic children from the Head Office (see page 31 for address).

Services for autistic children

Autistic children need skilled teaching, but unhappily, there are far more children than there are school places. The National Society for Autistic Children has opened two schools, and hopes to open more in the future. Some local authorities have small schools or special classes for these children, but many more are needed. Certain private schools, especially those run by the Steiner organization, will accept these children. At the present time some children who are thought to be severely subnormal as well as autistic are considered to be unsuitable for education in school, and they attend Junior Training Centres run by the Local Authorities. Some of these have special units for autistic and psychotic children but, in many areas, there are not enough places in Junior Training Centres to go round and children with difficult behaviour may be excluded and have nowhere to go at all.

Sometimes for various reasons, autistic, children cannot live at home. Special boarding schools may solve the problem, but there are very few places available for autistic children. Many of the children have to go into hospitals for people who are mentally subnormal. These are often very large, and are unhappily often short of staff and facilities. Autistic children do badly in such hospitals because they do not have the special attention and teaching that they need. Nowadays people working with handicapped children feel that small homes run on family lines, with special schools attached to them, are much better than large institutions.

When autistic children become adolescent, they are still very young in their ways, and they still need teaching. They also need training so that they can do some kind of work when they grow up. At the moment it is almost impossible to find places where education and training are given for these young people. The National Society for Autistic Children has just opened an adolescent unit, attached to one of its schools, and methods of teaching adolescents will be tried out there.

Autism causes handicaps all through life. Adults who have been autistic as children may sometimes be able to earn their living but many will need sheltered work. Again, there are very few places available at the moment, although sheltered workshops would be helpful for all kinds of handicapped people.

Hostels are needed for autistic adults who no longer have a family home where they can live, and also sheltered communities which will provide both home and work for adults who have been autistic as children and who are too handicapped to live independently.

A lot has been accomplished in the last few years, but even more needs to be done. The way in which handicapped people are provided for is one index of the degree of civilisation of a community. Ours still has some way to go.

Addresses

National Society for Autistic Children, 1a, Golders Green Road, London, N.W.11. 01–458–4375.

National Society for Mentally Handicapped Children, 86, Newman Street, London, W.1. 01–636–2861.

National Association for Mental Health, 39, Queen Anne Street, London, W.1. 01–935–1272.

Further reading

The National Society for Autistic Children publish a list of books and articles on the subject to autistic children, which the Secretary will be pleased to send on request.

CONFERENCE ON URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Speech by Walter J. Burke, Secretary-Treasurer, United Steelworkers of America, Fifth International Conference on Urban Transportation, Pittsburgh, Pa., September 9, 1971

I first want to express the appreciation of the United Steelworkers of America for being asked to participate in this Conference on Urban Transportation. We welcome the opportunity to present the viewpoints of organized labor on one of the most serious challenges confronting our society today.

I couldn't help notice that the theme of this Fifth International Conference on Urban Transportation is, "Mobility—The Fifth Freedom?" I then could not resist a prayerful hope that we have more success with the Fifth Freedom than we have had with the first four.

President I. W. Abel of the Steelworkers had the privilege of speaking for Labor at the First International Conference on Urban Transportation back in 1966. Our Union, and organized labor in general, have made effective mass transportation one of Labor's major legislative objectives. The Steelworkers Union was one of a number of civic and labor organizations which sponsored the recent conference on public transportation in Washington, D.C. Out of that conference came a decision to form a National Citizen's Committee on Public Transportation—dedicated to widening public involvement in transportation issues.

We are here, therefore, in the role of a proven activist in the area of public transportation—as an active lobbyist for adequate funding and planning of mass transportation and as an active participant in promoting public interest and public support for the transit systems we so desperately need.

We are here for other reasons. We are here because labor traditionally has a genuine interest in helping to solve serious problems affecting people. We are concerned also because the bulk of our members lives and works in urban areas, and because the members of our Union are plagued by transportation problems. But basically, it is a people problem and Labor is concerned about the problems of people.

In 1964, when President Johnson was about to sign the Urban Mass Transportation Act—which at that time gave us some hope that salvation for the commuter was soon to come—the President commented . . . and I quote him: "When I consider the problems this bill is trying to cope with, I am thankful that I work at home." (unquote)

Not many people are in that enivable position of being able to walk to work without even going outside. So, we are confronted every day in the urban areas of this Nation with the great challenge of getting people to work and home, and of making it possible for the older and less affluent citizens to get around as they must or as they desire.

Other representatives of organized labor who have addressed the earlier Conferences on Urban Transportation have spelled out certain basic positions of labor concerning the development of mass transportation systems. For the benefit of those who may not be familier with these positions, I will state them at this time because they are very important to the workers involved—and to the planners and developers of transit systems, I might add, since the support and cooperation of organized labor is vital to the success of their efforts.

For example, we maintain that adequate transit systems should not be subsidized by inadequate wages for transit workers. We believe that people should be able to live where they want to with the assurance that they will enjoy adequate public transportation and that such transportation will be economical. Workers should be able to get to work and back home quickly and economically, on public transportation which is clean and comfortable for all seasons.

We maintain that transit workers must have a voice in determining the conditions under which they work. This voice is made possible through collective bargaining, through the worker's union which represents him at the bargaining table. Where the workers have these rights under private collective bargaining agreements, they should be continued and preserved if the private transit system is turned over to public authorities. So should pension rights and other benefits be continued where such transitions occur.

We do not believe that improvements in public transportation should mean higher and higher fares with fewer and fewer riders. There is a growing belief that there should be no fares at all—that public transportation is a needed public service—that it must be available to all—and that its cost should be borne, on a per capita basis, by all the citizens of the area it serves. Such a tax or surcharge would amount to only a few dollars a month and would actually be a savings, since it is estimated that a citizen who drives to work costs the community about 10 times what it costs if he uses public transportation to get to work. The per capita payments, coupled with adequate subsidies from the Government, would provide the kind of transportation systems the people need and have a right to expect.

We follow much the same reasoning in regard to the public school system, and do not think anything of it. All the citizens of a community pay school taxes whether or not they use the schools or have any children in school. They do it because education is considered a sound and necessary investment in the future of children, the community and the Nation. We say, so would such an investment be in transportation systems.

There is additionally the important matter of re-employment rights in the changing transportation scene. I think it is worth a moment to repeat the words uttered on this question at the Transportation Conference of 1969 by President John M. Elliott of the Amalgamated Transit Union, AFL–CIO. This is what he said, after he cited several instances where workers were denied such rights . . .

"I can assure you that the Amalgamated will never again sit by and permit the establishment of any new transit operation without written assurances that all affected transit systems will be acquired and merged into the new system, or that all transit employees on these properties will be assured first opportunity of employment by the new system, with their full seniority pensions and other rights as provided by their union contracts." (unquote) President Elliott cited the situation in Atlanta, Georgia, where the entire labor movement of that city opposed a rapid transit bond issue—which it otherwise favored—because the public authorities failed to provide such guarantees to the union employees of the Atlanta Transit System. We believe in developing fast, clean and economical mass transit systems, but not at the expense of the rights of workers.

The next question, which rightfully concerns all of us at this Conference, is how do we get from here to there—or where should we go from here? In my role here as the only spokesman for organized labor, I will give you the thinking of the labor movement on how we should get to where we want to go.

Frankly, we are struggling under a very severe handicap because public mass transportation has reached the point where it has almost gone down the drain. We have gone overboard in our neglect of public mass transportation, and what is needed now is a mass rescue operation.

For 40 years, the country has been undergoing sweeping social changes, with rapidly increasing needs for every kind of public investment from sewer systems to health care and urban mass transit. We have tried to meet these needs but we have not tried hard enough. Large backlogs of unmet needs have remained—and some—such as mass transit—have grown to giant size.

Like the legendary Peter—we have been trying to hold back this flood of unmet needs by holding our fingers in the dike. But putting our fingers in the dike can no longer prevent the flood. The labor movement has been fully alert to the danger of such a flood, and the Executive Council of the AFL–CIO warned of the danger as far back as February, 1966, when it said:

"Just as the Government should be prepared for the contingency of a rise in military expenditures, it should also be prepared to offset a weakening of business investment and a leveling-off or decline of military spending.

"We do not—the Council said . . . want an economy based on spending for destruction. Military expenditures are a necessity for the defense of freedom; they must never be the bedrock of our national economy.

"Therefore . . . the Council concluded . . . the Government must plan at once for a rapid rise in its investment in the public services that should be instituted, expanded and improved—not only for the public good but also to provide necessary employment and consumer buying power."

So here we are, just across the threshold of the 1970's, and the backlog of unmet needs is more staggering today than it was back in 1966—when the labor movement called for immediate action to improve public services.

What America needs in the 1970's, more desperately than in 1966, is a long-range, truly national effort to expand and improve public investments in facilities and services. The needed emphasis on public mass transportation must be part of that general emphasis on public investment. This was the gist of a report on "Public Investment to Meet America's Needs," issued earlier this year by the AFL–CIO's Economic Policy Committee which is chaired by President Abel of the United Steelworkers of America.

Such increased emphasis on public investment . . . including mass transit . . . could be a major basis for economic and job growth during the next 30 years. With the current and anticipated further cuts in defense spending, it could provide the useful application of the talents and specialties of the scientists, engineers, technicians and craftsmen from defense plants now unemployed.

Each period of economic expansion in America has been accompanied by growing investments and employment in new industries. In the 19th Century it was the building of the railroads, the steel and oil industries. In the early years of the 20th Century it was the public utilities. The auto and radio industries came in the 1920's. After World War II came television, aircraft, electronics and advanced technology in industrial and other areas. Now, in the 1970's, America's new frontiers are in a major emphasis on public investment to revitalize American society and provide for a new period of national economic expansion.

These urgently needed new programs in the public sector—health care, housing, pollution control, mass transit, and so forth—would bring the Golden Age for our society and would provide jobs for all as the growth industries of the future. This already has started to happen to some extent in pollution and recycling. Out of the concern and demand for clean air, clean water and a clean environment has come a new industry. The U. S. Department of Labor estimates that as of 1970, there were 655,900 new jobs created in environmental control. The Department also estimates that by 1980, this figure will increase to 1,181,000.

The planning and implementation of these kinds of programs—building schools, hospitals, low and moderate-cost housing, a truly balanced transportation system—is the type of positive action needed to help restore and build the economic health of this Nation.

The labor movement believes that the lead in this kind of action must and can only be undertaken by the Federal government. Only the Federal government can really establish national priorities, goals and nationwide performance standards. Also, the Federal tax structure is much more productive and equitable than state and local tax structures—even though we feel the Federal structure is still loaded with loopholes for special interests.

The states cannot solve the unmet needs; nether can local government. Nor, can private enterprise, even with the promise of tax subsidies. These needs . . . our transportation needs . . . require national policies and nation-wide measures, with adequate Federal funds and standards, and the support and cooperation of the states and local governments.

Many states and most cities face an immediate or potential financial crisis, while public facilities and services fail to meet the increasing needs of their citizens. As a result of the neglect of public needs and our urban centers, America's cities are becoming ugly and undesirable places to live. Many see mass transit as the key to survival of the cities. Many see mass transit as one of the keys for the survival of man himself, by reducing pollution. An environmentalist said recently that we could reduce pollution 30% by adding another half person to each automobile My immediate reaction was to think how much more we could reduce pollution by adding people to a mass transportation system

So now, the question comes down to this: Since the need for mass transit is obvious and since a balanced transportation system would strengthen the economy—then why can't we get on with the job? Why can't we get the Federal government, our national leaders to give mass transit priority attention and action?

One uncontestable answer is that public pressure for public needs does not match economic pressures for private needs. Wouldn't it be a pleasant development, for example, if the oil industry lobbied for mass transit with the same tiger tenacity it uses to preserve the oil depletion allowance . . . if the national Chamber of Commerce matched its efforts against improvements in unemployment compensation with similar efforts for mass transit . . . if industrial lobbyists supported mass transit as vigorously as they strive to create what they term a "good tax climate for industry"?

I have no doubt that some enthusiasm on the part of such lobbies would be shown for mass transit if organized labor really pressed in its collective bargaining for payment for the time it took a worker to get to work and return home. I know that when we started to negotiate pensions, it created great interest on the part of management in improving the Social Security system.

What we must do is build the kind of pressure which will cause Congress to be as concerned over mass transit as it was over protecting investments handled by brokerage firms on Wall Street . . . as concerned over mass transit as over the survival of Lockheed. We must cause a President to be as concerned over mass transit as over the SST or appointments to the Supreme Court.

No doubt such pressure would build easily if members of Congress, the state legislatures, city councils, the establishment and the chauffeured crowd would have to use public transportation during normal rush hours to keep their appointed rounds . . . would have to wait in driving rains or biting zero winds . . . would have to ride in simmering heat in ancient Toonerville Trolley type clinkers alien to air conditioning. But it isn't going to happen that way.

What has to be done is to make the public as concerned over mass transit as it has become over the environment, and to demand Congressional action and Presidential leadership to give mass transit the needed priority. When the Government spends twice as much on one moon landing as it spent all last year on mass transit, there can be no question about a needed change in priorities.

I believe we also need a genuine commitment from corporate America on behalf of mass transit . . . not just for the economic benefits, but a commitment in the interest of meeting a serious public need.

If conferences such as this one can help produce public awareness and demand for mass transit, they will have served their purpose. But if they don't, then they become primarily pleasant exercises in rhetoric. More public participation, not only in the planning of public transportation systems, but public participation in conferences such as this, would also contribute to the kind of public awareness that is necessary.

The labor movement has a slogan it uses when it talks about adding new members to its rolls. The slogan is: Organize the unorganized. This is what we need to do in relation to mass transit—organize, coordinate our efforts and involve the public. If we can do this, then we can create the public demand which Congress and our national leadership cannot ignore and which will help us realize our end objective: fast, economical and clean public transportation. We have the resources. We have the knowhow. What we lack is the will and the public demand. If we persevere together, these two will follow.

I can assure you that the United Steelworkers of America will continue its part in labor's campaign for mass transit systems worthy of the American people, and that we will continue to be happy to participate in any meeting or conference which may be convened— until our efforts are successful.

I want to again express the appreciation of the Steelworkers for the invitation to appear here today as labor's spokesman and to participate in this Fifth International Conference on Urban Transportation. Thank you very much.

HUMANE TREATMENT OF POW/MIA'S SHOULD NOT HINGE ON POLITICAL SETTLEMENT OF THE WAR

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. PETTIS. Mr. Speaker, while we continue to negotiate an honorable and peaceful settlement to the war in Vietnam, the fate of some 1,600 U.S. servicemen listed as captured or missing in Southeast Asia is still, for the most part, unknown.

The anguished outcry of millions of American citizens and Government officials has been heard by the North Vietnamese and the Vietcong and it now appears that the Communists are taking a softer line in their approach to the POW/MIA question.

But this is not nearly enough.

Under the requirements of the 1949 Geneva Convention on prisoners of war which North Vietnam ratified in 1957, information regarding our captured servicemen and their health and well being should be completely separate from any political settlement reached regarding the end of the war.

Toward this goal, I introduced House Concurrent Resolution 140, protesting the treatment of our prisoners; calling on North Vietnam and the NLF to comply with the Geneva Convention; and endorsing efforts by our Government, the United Nations, International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of our prisoners. An identical bill, House Concurrent Resolution 374 was reported to the House on August 2 and is awaiting action.

While there can be no end to the Southeast Asian conflict without full accountability for and repatriation of our POW's and MIA's, in reality it does not appear that this can be accomplished before a final political settlement is reached.

I, therefore, call on all my colleagues to take the intermediate step of bringing House Concurrent Resolution 374 to the floor for unanimous passage, as a further voicing of concern for our captured servicemen and a strong and, hopefully, successful bid to provide them with international supervision and care until they are finally set free.

NRTA–AARP PHARMACY OPENS IN HARTFORD

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. COTTER. Mr. Speaker, in a ceremony earlier today in Hartford, Conn., the 3-million-member National Retired Teachers Association and American Association of Retired Persons officially opened a new NRTA–AARP pharmacy. I know that my elderly constituents in Hartford—particularly those who are members of NRTA and AARP—join with me in welcoming this pharmaceutical service to our community and wishing success to its personnel.

This opening represents yet another example of the goal of these associations—"to serve, not to be served." As our colleagues may know, the NRTA and AARP are the Nation's largest organizations dedicated to helping older Americans achieve independence, dignity, and purpose. Besides helping their members to help themselves, these organizations have provided valuable information and realistic proposals in the field of aging to the Congress.

The new NRTA–AARP pharmacy in Hartford is the fifth in the United States—the others are located in Washington, D.C.; St. Petersburg, Fla.; Long Beach, Calif.; and Kansas City, Mo. This attempt to help NRTA and AARP members stretch their retirement dollars began modestly in 1959 in a one-room store in the Nation's Capital. Since then, the NRTA–AARP pharmacy has grown steadily—growth which shows the continuing need of many thousands of the association's members for this prompt, convenient service.

This is but one of many services available to NRTA–AARP members. Others include an award-winning publications program, a worldwide travel service, a continuing education program, a temporary employment service, preretirement counseling programs, and recommended health, life, and automobile insurance.

Mr. Speaker, I wish to pay tribute to the many persons whose dedication and imagination have contributed to the success of the NRT–AARP pharmacy and the other services provided by these organizations; specifically to Mrs. Ruth Lana, NRTA–AARP director of services, and Robert Solsky, manager of the NRTA–AARP Hartford Pharmacy.

MSGR. ANDREW J. PAULEY CELEBRATES 75TH BIRTHDAY IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MOORHEAD. Mr. Speaker, I want to bring to the attention of this body the 75th birthday Tuesday of one of the truly fine individuals in my city of Pittsburgh, Rev. Msgr. Andrew J. Pauley.

I would like to add my sentiments to those well-wishers who hosted a birthday party yesterday for the monsignor, a priest for some 50 years, and rector of St. Paul's Cathedral in my district for the last quarter century.

Deeds say much more about a man than words, and Monsignor Pauley has indeed been a man of action.

Once again happy birthday Monsignor Pauley.

The following article by Mary O'Hara of the Pittsburgh Press, tells a little of Monsignor Pauley's distinguished career:

MSGR. ANDREW J. PAULEY

Andrew Joseph Pauley was born to Joseph and Emma Becker Pauley Sept. 21, 1896. His was a church-oriented life from the beginning, polarized between St. Martin's Church, West End, where his father was organist and choirmaster, and his home wherein a big family grew up in a thoroughly Catholic atmosphere.

It was an era when religious vocations were encouraged far more assiduously, both by parents and teachers, than they are today. He studied Latin and Greek in grade school and was ready for third year high school in these subjects when he entered St. Jerome's, a preparatory school and junior seminary in Ontario, Canada.

From St. Jerome's, he advanced to St. Fidelis College in Herman, Pa., and then on to the seminary at St. Vincent's. He was ordained June 24, 1922, by Bishop Hugh C.

Boyle, the prelate for whom he was later to serve as secretary 15 years, from 1931 to 1946.

After ten years as a curate, first at St. Veronica's Church in Ambridge, then at Sts. Peter and Paul in East Liberty and finally at Epiphany Church, Father Pauley left pastoral work to become chaplain to the Sisters of Mercy and instructor in religion and theology at Mt. Mercy Academy and Carlow College. Simultaneously, he was secretary to the bishop.

Long before love was "discovered" by young people in the sixties, Father Pauley was teaching and preaching love to college students. With infinite patience and a bright mind, plus a storehouse of scientific fact, he led his students to an intellectual commitment to Christ. Thus committed, they sought Christ frequently, many daily, in Communion, a privilege which their mentor-in-stole proffered at their convenience, not his.

No student left his tutelage without knowing by heart every word Christ spoke on earth and St. Paul's great epistle on love.

From 1940 until 1946, he was assistant chancellor of the diocese. For the past 25 years, he has been rector of St. Paul's Cathedral. In 1946, he was named domestic prelate with the title Right Reverend Monsignor and for the past 11 years, has served as diocesan consultor.

In addition to various chaplaincies, to the Knights of Columbus, the International Federation of Catholic Alumnae and the Catholic Business and Professional Women's Association, he has served as member of the board of managers of St. Paul's Orphanage and a board member of Carlow College. He has also been chairman of the Diocesan Liturgical Commission and a member of the Mayor's Commission on Human Rights for the City of Pittsburg.

Father to his flock in every sense of the word, Msgr. Pauley has earned the reputation of never giving an uninteresting sermon or homily. His briefest word is illuminated with lightning intelligence and wit and pulsates with passionate love of Christ.

In hundreds of devotions, he has been Mary's supreme "jong leur," tossing his jeweled words in her praise; her knight, protecting her image from secularist detraction; her son, bringing home to her legions of the troubled, the sorrowing, the abandoned.

"When I was a young priest," Father Pauley would say when he was still a young priest, and people would laugh. When they no longer laughed at his quip, he knew that he was no longer a young priest. By the order of Melchisedech, he is a priest forever, to our eternal joy. For such a one, there are no divisions of time. All is suspended in divine grace.

THE LATE HONORABLE GEORGE HUDDLESTON, JR., OF ALABAMA

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. ROONEY of New York. Mr. Speaker, I was saddened to learn of the untimely passing of the Honorable George Huddleston, Jr., who for the 10 years I served with him ably represented the people of Birmingham, Ala., and its environs. I had the good fortune to know and like George. He compiled an enviable record as member of the House Committee on Armed Services. He was proud of his country and fought with determination to keeep her strong. He was a gentle man with an engaging personality and his friends here were legion. His father was one of his predecessors here in the House of Representatives representing the same district in Alabama. We shall all miss George Huddleston. To his lovely wife, his children, and his mother, I extend my deepest sympathy upon their loss.

AMERICAN INDIAN DAY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. VEYSEY. Mr. Speaker, American Indian Day is celebrated by at least 10 States, including my own State of California. A number of resolutions are now before the Congress to designate the fourth Friday in September of every year as American Indian Day, and I wish to join this growing movement by introducing my own measure on the eve of what we hope will eventually be the day designated to pause and contemplate the enrichment to our national heritage by the American Indian.

The contributions of the Indian to our country and culture are so numerous and so basic that we must stop to realize that were it not for the Indian we would not have popcorn, chewing gum, quinine, tobacco, canoeing, tobogganing, potatoes, corn, beans, tomatoes, peanuts, pumpkins, squash, cocoa, snowshoes, the names of 26 States, and countless cities, rivers, bays, and mountains. People smoke pipes every day without realizing that the pipe is an Indian invention that has scarcely been altered to this day.

Perhaps as important, however, is to remember the sacrifices made by the Indian on behalf of the rest of us. During World War I more than 8,000 Indians served in the army, 10,000 joined the Red Cross, they bought $15 million worth of Liberty bonds, and donated over 100,000 items of clothing to the war effort.

During World War II more than 24,000 Indians served in our Armed Forces. A Creek, Lt. Ernest Childers, won the Congressional Medal of Honor for extraordinary heroism in combat.

The contributions of Indians during peace time are even more numerous in the arts, the sciences, and the Government. Vice President Charles Curtis, who served under President Herbert Hoover was a Kaw Indian. The world famous stage and screen personality Will Rogers was of Cherokee ancestry and is memorialized in Congress by a statue donated by his native Oklahoma.

Everyone has heard of the outstanding achievements of Jim Thorpe, one of the great athletes of all time, who distinguished himself on the football team of the Carlisle Indian School and later unofficially became the first winner of the Olympic pentathalon and decathalon events. Others may remember Allie Reynolds, a Creek Indian who played baseball for the New York Yankees.

American Indian Day, therefore, is a just and fair tribute to honor the original inhabitants of this continent and their contributions to the establishment and maintenance of this great Nation. It is a special day when the Indians, with their traditions, may think of their place in American society, of their privileges as well as their rights; it is a day of fellowship and a day of friendship, a day of resolution and patriotism. It is a day to remind ourselves that much remains yet to be done in order to assure that all people in this great Nation, regardless of race, creed or sex, may attain their just share of the bounty and the freedom which is America.

ANY FUTURE FOR PRIVATE COLLEGES?

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, my 16th District in Illinois is fortunate to have Dr. John A. Howard as president of Rockford College. Dr. Howard is a distinguished educator and president of the American Association of Presidents of Independent Colleges and Universities. Dr. Howard was recently interviewed by U.S. News & World Report on the future of private colleges in the United States. In this interview Dr. Howard articulates his philosophy of education and the unique contribution being made by private colleges. I found his remarks a most eloquent plea for the preservation of these independent institutions of higher learning, and a minimal amount of Federal interference if they are to retain their integrity and unique nature.

At first blush it may seem difficult to save our many financially troubled small private schools without massive Federal aid and the attendant strings, but Rockford College is one of several thriving contradictions to that assumption. In addition, Dr. Howard has proposed an alternative source of revenues for colleges and universities in the form of a direct tax credit of up to $100 for individual contributions and $5,000 for corporate contributions. This proposal is embodied in H.R. 4905, "the Higher Education Gift Incentive Act" which I introduced earlier in this session with over 40 cosponsors. Dr. Howard makes reference to this bill in his interview which I include in full at this point in the RECORD:

ANY FUTURE FOR PRIVATE COLLEGES? INTERVIEW WITH JOHN A. HOWARD, HEAD OF ASSOCIATION OF PRESIDENTS OF INDEPENDENT COLLEGES AND UNIVERSITIES

Money troubles, other ills plague the private colleges. Remedies are detailed by the president of Rockford College, who came to the conference room of "U. S. News & World Report" for this exclusive interview.

Q. Dr. Howard, are many private colleges about to fold up, financially?

A. I have the impression that a great many of them are in deep financial difficulty. It varies from imminent collapse to worry about whether they will survive, long range.

Q. Are they running out of money, or——

A. I think the financial situation of the private colleges is not the basic difficulty. In my opinion, that is just the consequence of a much deeper difficulty, which is that, in many cases, both public and private colleges have lost sight of the basic mission in education. And to the extent that this is true—or perceived to be true by the general public—the public is reluctant to give the colleges additional funds through gifts or aid from State legislatures and Congress.

Q. Isn't everybody in favor of higher education?

A. We have had an uncritical faith in the educational process in this country. We have had the idea that everything would be fine if we could shove all the young people through an educational machine that is characterized by high salaries and small classes, a proper racial mix, plenty of books in the library and plenty of equipment in the laboratory. This is naive. These mechanics of education are important; as we improve the mechanics, we can improve the efficiency of the educational vehicle. But if we haven't identified the destination, it makes no difference how fast the vehicle is traveling.

If you will examine the history of education, I think you will discover that all nations which have evolved a system of education have recognized that it must do two things: It must transmit knowledge and skills to the young, and it must provide an experience out of which will come people who can live affirmatively and creatively within the society which provided the education.

Q. Is the public's "uncritical faith in education," as you put it, starting to weaken?

A. Yes, it is changing rapidly, because we are seeing the consequences of failure, principally on the part of higher education, to concern itself with the development of responsible citizenry—the second half of the traditional formula.

Q. In what way has higher education failed?

A. In the first place, I think there has been a devastating failure of leadership.

We have had a transition over the last few decades from leaders who were chosen because they were educational philosophers to leaders who are principally professional managers. The managers see their role as keeping the institution moving—no matter what the direction.

In times gone by, the presidents of colleges and universities were, in fact, leaders of their institutions who held aloft the purposes of the institutions. On important issues, they would use persuasion and, if necessary, their veto power.

Q. Can you give us a specific example?

A. Yes. As one illustration: It seems to me that when it became perfectly clear that the SDS [Students for a Democratic Society] was willing to use violent tactics to achieve its objectives—when it was confirmed that they had a workshop to train members in the manufacture and use of Molotov cocktails—at that point the educational leadership should have said to the SDS: "There is no place for you on the campus. Violence and intellectual processes are mutually exclusive."

Q. If private colleges lack both leadership and public support, why shouldn't they be allowed to die off?

A. Well, the prestige factor of private colleges has diminished as the public institutions have grown more numerous and enlisted their full share of distinguished scholars. If the private college is not doing something different from the public institution, or not doing things better than the public institution, then it really loses its justification and, naturally, its support. It seems to me that the private colleges really have—in many cases—perhaps forfeited their birthright.

Q. How important are private institutions of higher learning in terms of students enrolled?

A. The private colleges now enroll about 25 per cent of all students in this country, according to a 1970 survey.

Q. So if a substantial number of these private schools go out of business it will have quite an impact on education—

A. Yes, and I think the impact will reach far beyond the numbers of students who would have to go elsewhere for college, or miss out entirely.

Q. What kind of impact?

A. In earlier times, when colleges and universities generally were masters of their own fate and delivered an education which had a particular character that varied from campus to campus, the graduates of those institutions would come together on the staff of "U.S. News & World Report," or in Congress, or as directors of IBM, for example. They would have different prejudices, different values, different concerns, different bits of knowledge, and there would be a big interaction—a nice, yeasty sort of thing. This interaction may have been one of the most important factors in the creativeness of American society in the last century or two.

Contrast this with France, where, it is my understanding, if you take a beginning economics course in any of the universities, you will answer exactly the same exam questions at the same hour of the same day as every other beginning economics student in the nation. Now, if you take the graduates of those universities and put them together, it will be a very different situation from what you get in a society where the college-trained people come out of slightly different or vastly different educational experiences.

Thus the demise of private colleges would diminish the variety and the yeastiness of our society.

Q. For private colleges in the U.S. now, is it a question of survival of the fittest?

A. I think this is true, yes. And I think those colleges which are perceived to be providing an education of great merit are not only surviving, but prospering.

Q. Without federal aid?

A. Yes.

Q. What is the secret of their success?

A. It is twofold: On the one hand, it is responsible management—not trying to be all things to all people, and determining upon a range of services they know they can provide. In the second place—and this is probably the more important of the two factors—it is the provision of educational services that are forward-looking, sound, and affirmatively related to the society.

I would cite among the small private colleges that fit that description: Principia in Illinois, Hillsdale in Michigan, Hanover in Indiana, Grove City in Pennsylvania, and my own college, Rockford, in Rockford, Ill. I don't mean that's the total group, but I think these are representative of colleges which have used no federal funds, which are all operating in the black. But, much more than that, they have built new buildings, sustained or increased their enrollment, have been attractive to faculty as well as students, and certainly have attracted the funds necessary to carry on.

Q. What is the general quality of the education they offer?

A. Of course, one has to ask what is good education and what isn't.

I think this group of colleges holds its own pretty well in faculty salaries. I suppose the average College Board scores of students attending these colleges is a cut or two below that of students going to, say, Grinnell or Carleton, but certainly their students are not intellectual cripples by any means.

I suggest there are some erroneous assumptions about what adds up to a good education. One is that whatever a professor chooses to do is worthy because it is a professor who chooses to do it. Another is that whatever the individual departments of a college choose to do in their curricula will somehow add up to a cohesive and worthy educational program. A third is that whatever courses a student chooses and whatever he decides to do out of class will somehow add up to a worthy educational experience. I think all three of those, logically and by recent experience, turn out to be inappropriate assumptions.

Q. In that body of assumptions, do you include the one that scholarly research in itself benefits students because it gives professors a broader knowledge, even if it means that students get less time with the professor?

A. Yes. Although the research function is clearly necessary as a very important part of the totality of higher education, still it has been dominant in some institutions, and their undergraduates have suffered as a result. It seems to me that the liberal-arts college needs to place the educational service to its students above all other considerations. There is a place for research, but certainly it should not be coequal with the concern for the range of experiences provided to the student.

Q. You spoke a short time ago about affirmative education. What do you mean by that?

A. It seems to me that in order to provide worthy education to young people in a complex society, a college must make some value judgments—set some specific objectives for students. And higher education has been reluctant to do this.

There has been the assumption that because the college student is old enough to have babies and get killed in Vietnam he is, therefore, old enough to make all the judgments about his conduct in his out-of-class experience for himself. I don't think this is correct. It isn't a question of how old the student is. It is that people with experience and training and a more comprehensive view of mankind need to make some judgments—for the benefit of the student.

Q. Can you be a little more specific?

A. Let me offer some illustrations:

First, it seems to me that an alert educational institution would examine such phenomena as the fact that much of contemporary culture—the novels, the poetry, the plays, films, the essays—is devoted to man in despair, man in difficulty, man degraded. This was not always so. In times gone by, a very large part of the works which one read in elementary and secondary school and in college dramatized man surmounting difficulty, man slaying dragons. And the people coming out of this kind of educational experience, I think, had a much stronger belief that man can conquer his difficulties than the typical student of today.

It seems to me that alert educators would recognize this aspect of today's society, and try to take measures to counteract it.

Another illustration:

The present orthodoxy among educators is that one proper aspect of academic freedom is that the institution of higher education should maintain a neutral position on public issues. Now, of course, there has been an argument about the politicization of education. And some would have colleges take a position on public issues. But, basically, academic freedom has been perceived to require that the college take no position.

I would suggest that good education would require controlled neutrality, so that if only one side of a major issue is being presented on campus, the institution would then see to it that responsible and well-informed spokesmen for the other point of view were brought into the deliberations to offer some balance.

Q. Do you believe that private colleges—your school, for instance—can offer a better education than public colleges?

A. For some people.

Q. What kinds of people?

A. It's those students who agree with our basic assumptions, one of which is this: By accepting restraints and obligations, you will be able to lead a more purposeful and rewarding life.

I think a large proportion of the college-bound youth have somehow come to believe that man fulfills himself by being freed from all obligations and limitations. I happen to believe that this is exactly upside down, that man fulfills himself as he recognizes that limitations are necessary for humans to live together.

At our college, for instance, we have taken the position that it is impossible for there to be an ordered society without accepted limits. Carrying this into the operation of the institution, we have a basic policy that we will abide by public law. And when a student applies to the college, he receives a personal letter from me, saying:

"We think you've applied to a good college which offers a very challenging education. But you should understand that there are a number of things which set us apart from many institutions. We do abide by public law. That means we do not tolerate the use of illegal drugs on campus. We also have a set policy that we will treat our guests as guests, that there will be no picketing or effort of any kind to embarrass, harass, silence our speakers, or give a hard time to job recruiters."

And then we say: "If you will find this too restrictive a collegiate situation, then we believe you will serve yourself and us better by choosing to go somewhere else."

"A VERY CONGENIAL ATMOSPHERE"

Q. Do students ever decide not to come?

A. Oh, yes. And some, I'm sure, decide to come because they perceive this as a beautiful, square college which they will enjoy shaking up. This poses a challenge to them and to us.

Now, the parents and the student may see this as a kind of education that will suit them. I can assure you that a number of faculty members perceive this to be a very congenial atmosphere in which to carry on their scholarly and teaching endeavors.

Q. Does your college feel any responsibility for the conduct of its students off campus?

A. To the extent that it's a question of trying to police their conduct off campus, no.

Q. Do you see private colleges structured mainly for an elite group of students?

A. Elite in what sense? Certainly not in terms of their economic background. Fifty per cent of our students have financial aid, and we're proud of that.

The private sector of higher education still offers the opportunity for many different kinds of judgments about what a good college education will be, and for delivering on those different judgments. We have a number of recently created institutions that have, from the beginning, set forth as their objective the provision of the freest possible circumstances for the student, in contrast to what we have at Rockford. I think it is wholesome for different colleges to serve different ends.

It seems to me that, to the extent a private college sets forth its purposes with great clarity, and justifies those purposes, and delivers on them, that college has a strong chance not only of survival but of strength.

Q. On survival: Are you able to charge your students enough to defray operating costs?

A. The tuition and fees which the students pay at Rockford cover just about 60 per cent of the total operating costs of the college.

Q. Would you say that is a fair percentage of costs to be borne by the student?

A. I don't know what a "fair" percentage is. I think the private college must charge all the tuition the traffic can bear, and the best figure is the highest figure which will permit the institution to deliver on its objectives.

Q. Do you think private colleges have mismanaged their financial affairs?

A. You would have to examine each college. To the extent that they are in significant financial difficulty, one supposes they have made some misjudgments somewhere. But whether that's in budgeting, or in anticipating revenues, or in public relations, or in an educational program which may be out of date—or ahead of its times—I think this will vary enormously from institution to institution.

Q. What kinds of men are needed to run colleges nowadays?

A. If an educational institution is indeed that—if its purpose is to educate students—then it seems to me that the chief officer must be an educational philosopher first and foremost.

FEDERAL INFLUENCE: "A TRAGEDY"

Q. Who handles the financial books then?

A. The chief financial officer should handle the books.

In my judgment, the potential to hold to ideal educational leadership has been greatly diminished by the development of vast programs of federal grants. I would suppose that most major universities, in choosing their presidents, would have to conduct their presidential search among those people well acquainted with Washington, and that it may now be unthinkable to choose a president from outside the group of people who have all the right contacts in Washington. From where I sit, if that's true, it's a tragedy.

Q. Why?

A. Because it diminishes both the training of potential presidents in educational philosophy and experience, and tends to focus the selection process upon people who are involved in grant solicitation and grant policy-making.

Q. Has your college received any federal aid?

A. We have processed National Defense Education Act loans, since they are essentially directed to the students rather than to the college. We also, in the same vein, have processed Illinois State scholarships for our students.

Beyond that, we have neither received nor sought any government monies for the college, either in our educational program or in our construction program. And we are almost at the end of building a whole new campus. We have relocated the college. We have now completed 26 buildings without using any federal loans or grants. In the 11 years in which we've been developing our new campus, we have raised about 26 million dollars.

Q. Who has put up that money?

A. People in our own city have been exceedingly generous to us. Beyond that, we have enlisted generous help from individuals, foundations and corporations outside our city.

Q. Do you favor any kind of federal aid to colleges?

A. I think there is available a very effective means of transmitting funds from Government to higher education. It is one which a number of college presidents, including myself, have recommended for many years, and which is now before Congress. Under this legislation, the individual taxpayer would receive a tax credit of $100 for a gift of that amount to a college of his choice. A corporation would receive a tax credit up to $5,000 for gifts. Colleges could spend this revenue for whatever their needs are at the moment.

It seems to me this is far preferable to the technique which Congress has chosen: using direct grants for specific purposes.

We do not propose that the whole complex of grants be suddenly dismantled. Grants are so woven into the fabric of higher education that you would have a terrible collapse. We do suggest that tax credits be established at the federal level. This technique already has been established in Indiana and Michigan, applying to State income taxes. If it proves workable at the federal level, in time perhaps many of the programs of federal grants could be phased out in favor of comparable amounts of money realized through federal tax credits.

DOUBTING AN EDUCATION'S VALUE

Q. Dr. Howard, do you find many parents and students beginning to ask if a college education is worth what it costs in time and money?

A. I have seen this reported by surveys and in the press. I don't have extensive first-hand experience, because in most cases the people I find myself in contact with know something about Rockford College and are talking to me precisely because they know what we stand for.

Certainly, I've talked with many parents who have been deeply concerned about the alienation or the cynicism or the hostility of their young people that seem to develop or be augmented while they're in college—and be in evidence when they graduate from college.

Somehow, in the minds of many young people dissent, protest and confrontation have come to be looked upon as glory words, and good things in themselves. This, of course, is nonsense. Fuzzy thinking like this and hostility toward the society on the part of new college graduates are among the reasons why many people are wondering about the validity of college education.

Q. Do you think a lot of young people are going to college just because other young people are?

A. Undoubtedly a number are. There is no question but that a large number of people have gone to college in order to avoid becoming eligible for the draft. That generally has been unwholesome for education.

Actually, a college can only truly prosper as it serves students who are there with serious educational purpose and as it is able to deliver lively and responsible and worthy educational service to those serious students.

AMCHITKA ISLAND

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BEGICH. Mr. Speaker, as we move into early fall, the nuclear test on Amchitka Island is still progressing on schedule. The President seems to be impervious to the wishes of Alaskans and the Nation.

Last May concerned citizens in Alaska testified before the Atomic Energy Commission hearings in Anchorage and Juneau. At that time the people of my State registered their unalterable opposition to the Cannikin test. At that time I, too, registered my opposition to the test and expressed my concern for the people who live near the test site.

Yesterday I received a telegram from J. L. Burton, council president of the city council of Unalaska. I believe this communication represents the sentiments of the people of the Unalaska community and the entire State. At this time I would like to include that telegram into the RECORD:

UNALASKA, ALASKA.

Representative NICK BEGICH,
Washington, D.C.

The City Council of Unalaska, Alaska wish to join the multitude in dissent of further nuclear testing on Amchitka Island. We represent the largest municipality within close proximity of the test site; consequently we have the most to lose. Our entire livelihood is dependent upon the sea. Any program conceived with the remotest possibility of disruption of the sea and, or the life beneath it; not to mention generating earthquakes, tidal waves, or volcanic eruptions of which our area of the world is most prevalent, should be considered criminal at its conception. Are we really that expendable?

J. L. BURTON, *Council President.*

THE TRUTH ABOUT THE "POPULATION EXPLOSION"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. SCHMITZ. Mr. Speaker, at long last, the truth about the "population explosion" in the United States is out: There is not any.

Furthermore, there never was one—not, at least in the popularly understood sense of too many people to be adequately provided for by our land area and available resources. There is some severe congestion in our metropolitan areas, prime recreational areas, and heavily traveled highways. But anyone desiring to escape such congestion is under no obligation to remain where it is—and increasingly, people are going elsewhere. There are signs of a healthy reversal of the decades-long flow of the American people from the country to the city.

But as to the mythical overall "population explosion," figures from the 1970 census, just analyzed by the Washington Center for Metropolitan Studies, ought to lay this ghost once and for all to rest. Financed by the Ford Foundation, and given front page coverage by the Washington Post and the Los Angeles Times among other major newspapers, this study points out that the greatest decline in the number of children under the age of 5 in the 120 years for which these statistics have been kept in the United States—a drop of 15.5 percent from 1960 to 1970—coincides with "one of the largest recorded 10-year increases among young adults in the principal childbearing-age range."

The drop is almost exactly twice as great as during the depression decade of the 1930's.

The study went on to say that, while the overall size of our population is still rising—though much more slowly than past projections had indicated—the present trend, if continued, would "bring stability or decline of the total population." So for the first time, to my knowledge, in a source clearly not hostile to population limitation, we have the prediction of a population decline in the United States—which history shows to be one of the most characteristic elements in national decay and collapse. A nation which makes a crusade out of reducing its birth rate is working overtime to eliminate itself from the face of the earth.

What about "quality of life?" In 1969, the population density in North America was the lowest of any continent in the world—except Australia: 26.6 persons per square mile. By comparison, the population density in Africa was 29.4 persons per square mile, in Asia 191.2, and in Europe 239.3. Thus the two continents whose people have the highest living standards—Europe and North America—had the highest and the lowest population densities, while the two with the lowest living standards—Africa and Asia—had the second highest and the second lowest. The Netherlands, which has a very high standard of living, is much more densely populated than India, which has a very low standard of living.

From these facts it should be obvious that there is no essential connection between density of population and "quality of life," as is so often thoughtlessly assumed. Underdeveloped areas such as Africa and Latin America—which has a population density of only 36.1 persons per square mile—actually need more people to help make up for their lack of capital.

The idea that the world cannot feed its people in the present or the foreseeable future has been demolished by highly competent scientists. For instance, Colin Clark, a recognized British expert in agricultural economics, points out in his recently published book "Starvation Or Plenty?" that the world's present arable land, managed according to agricultural and forestry techniques now in use, would support 35 billion people at the highest present consumption level—more than 10 times the present world population. This takes no account of the fact that for decades agricultural productivity in all the advanced nations has been rising at a fairly steady rate of about 5 percent per year.

So the facts show that there is no real population crisis in the world, and clearly none in the United States. It is indeed an ironic twist of history to find the Ford Foundation, which has done so much to finance and popularize the antilife campaign in America today, along with pushing for big government in general, finally—as if by accident—stumbling over the truth that the "baby boom" has turned into a "baby bust." Now that the truth is out, it will be fascinating to see what new excuse the planners come up with here in Washington to justify their legislation bringing Government into the home and the bedroom.

CARROLL CREEK CLEANUP

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BYRON. Mr. Speaker, for the past two springs and summers, members of the Potomac Fly Fishermen's Club have dramatized what can be accomplished when citizens take effective and unselfish action to improve their local environment.

In this case, a group of local fishermen have sought to clean up portions of Carroll Creek. And thanks to their continuing efforts pollution has been stopped at the source and the stream is beginning to take back some of the fish and wildlife it forced out with silt and grime in the late 1960's. To make the river run faster and deeper the club built stone dams and then landscaped the banks with trees and grass. Club members have also sought out polluters and have received their voluntary compliance to end pollution of the river.

In a recent newspaper interview Paul Crum, Jr., chairman of the Potomac Fly Fishermen's Club Cleanup Committee, was asked when the project would be completed. His prophetic answer should serve as a positive impetus to all citizens, government officials, community businesses and area industries:

> I'm not sure we'll ever really be done. It depends on the thoughtfulness of man. If he continues to be irresponsible, we'll always have work to do.

I commend the civic pride of the Potomac Fly Fishermen's Club and extend our thanks for their splendid example of how great things can be accomplished when people pull together for a better environment.

ECONOMIC GAME PLAN

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the first 30 days of the 90-day wage-price rent freeze have now passed and, despite the complexity of such an undertaking, it is apparent that the President's action continues to have the support of the great majority of the American people. While our economic problems are not over, the President's decisive action has clearly set a course that has the Nation moving in the right direction. The Jackson Citizen Patriot, of Jackson, Mich., in its editorial of September 14, discusses the administration's new economic game plan in terms which puts the President's program in thoughtful perspective, and I commend it to the attention of my colleagues.

The editorial follows:

> NIXON PLANS WELL IN ECONOMIC GAME
>
> Perhaps the most startling feature of President Nixon's message to Congress setting out his goals for Phase Two of his economic program was his announcement that the current wage-price freeze would not be extended.
>
> In the great game of politics and government this amounts to giving up bargaining power, or leverage, which might be used to impose the President's will on Congress, on labor and on management.
>
> Instead, Mr. Nixon described the controversial 90-day freeze as a means of holding the line while the next phase of stabilization is discussed.
>
> While the initial announcement of the price-wage freeze came as a complete surprise to all but his closest associates, the President is bringing all elements of the economy and government into the planning for the second step. He insists that price and wage stabilization, in whatever form it may take, must be only a way-station on the road to free markets and free collective bargaining in a new prosperity without war.

It will be a great act if he can bring it off. His strategy seems designed to get the maximum cooperation from all those involved. He has confused his critics, as he so often does.

The most significant aspect of Phase One of the new economic plan is the support it gained from the public, as reflected in public opinion polls. Even the bitter denunciation of the freeze by labor leaders failed to persuade the worried masses the freeze was all bad.

The people apparently were waiting for someone to "do something" and "somebody," in the form of the President, did.

The President, however, obviously knew that his plan could not work unless he did have the cooperation of business and labor leaders and of the Congress which is controlled by the Democrats.

He also realized, as old hand in government, that rigid controls cannot work over the long haul. Confusion creeps in as rulings are made on one phase or another of a highly complex system. The difficulty in determining how the freeze affects teachers' salaries is a case in point.

The difficulties in enforcing the freeze thus would result in the rapid eroding away of the support the general public has been giving the President.

The freeze had the proper shock effect and certainly focused public attention on the need for controlling inflation. It exposed public support for some practical program to halt weakening of the purchasing power of the dollar.

Thus the President really isn't giving much away by announcing that the freeze will not be extended. He has made his point. He has opened the door wide for cooperation by business and labor interests. He has shown Congress how the voters feel about economic stability.

He has a lot going for him as he opens the round of conferences which are intended to produce an economic stabilization plan which is both effective and acceptable to all elements involved.

At this point in time the President's economic game plan seems to be working well even though the final score is yet to come.

U.S.A.—THE HOPE OF FREE MEN

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HUNT. Mr. Speaker, few are the expressed thoughts of man that retain their vitality for very long in this day and age. Nonetheless, Gen. W. C. Westmoreland, Chief of Staff, U.S. Army, began his Law Day address at Little Rock, Ark., on May 1, 1971, with some very pertinent observations that should be remembered in these very troubling and challenging times:

The two most powerful nations in the world mark today, May 1, as a day of national importance. In theory, both these nations are quite similar:

Both are a union of separate states;

Both have written constitutions that serve as foundations for their governments;

Both have elected legislative bodies;

Both have a system of courts, and

Both have elected chief executives.

Yet,

In one, the government exists for the people; in the other, the people exist for the government.

In one, the state is subordinate to the individual; in the other the individual is subservient to the state.

In one, this date is a dignified rededication to the fundamentals on which our Nation was founded and has continued to prevail; in the other, this date is an occasion for the display of the instruments of power.

Mr. Speaker, these striking differences ought to be repeated again and again as a guide by which we might judge our choices on the major issues facing our Nation.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. SPRINGER. Mr. Speaker, the following is the fifth of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 2, 1971:

AT 70 SHE MUST DECIDE—EAT OR REMOVE GARBAGE?

(By Carol Ann Smith)

It happened that one month a resident of Champaign, a woman in her late seventies, had to make a decision. She had to decide whether she would eat or have her garbage collected every month.

There was no question in her mind that she would have to choose—she was living on about $50 per month.

It was clear that she could stand the garbage no longer and she made her choice. She paid to have the garbage hauled away.

One day without food, two days without food. On the fourth day, she gave up.

She went to a local supermarket, shoplifted about $6 worth of food, was caught and arrested. She had been processed and was literally on her way to jail before anyone knew why she had gone to the supermarket in the first place.

At that point she was put in contact with social workers, and they went looking for aid for her.

Aside from Social Security, which requires the status of insured worker or widow or dependent of an insured worker, the only other place to go for aid on a continuing basis is the Illinois Department of Public Aid and its Old Age Assistance (OAA) program.

Old Age Assistance is what is known as a "categorical assistance" program. It is financed by both state and federal monies and unlike Social Security requires that the applicant demonstrate need.

Need is computed in terms of income deficiency—the applicant's income is matched against what the Illinois Department of Public Aid has determined is necessary to live on.

OAA has two definite drawbacks, drawbacks which act as positive deterrents to applying for aid. Vernon Fitch, director of the Champaign County public aid office, will concede that either factor is a deterrent.

First, there is a general stigma attached to receiving "welfare," and Old Age Assistance simply because it is administered out of the public aid office becomes "welfare."

"I really have some trouble with that," Fitch told the News-Gazette, "despite the fact that it is the majority ethic. Sure, Social Security enjoys a generally respected attitude."

"But when these people were paying the Social Security tax, weren't they paying other taxes?" Fitch asked. "Look, at one point when I started working for public aid and the state, I sat down and figured out all my taxes. I figured that I was about one-fourth self-employed."

Fitch sees Social Security as a system of transfer payments from the employed younger worker to the aged retired worker. And he sees Old Age Assistance as transfer payments from the younger taxpayer to the older taxpayer.

"As I see it there is only a slight qualitative difference in fact between OAA and Social Security," he commented.

The other deterrent is the fact that Illinois law gives the state a first lien on the estate of the OAA recipient. Only a mortgage has priority over the lien the state holds.

"I'm in favor of that lien at this point because we as a population, a community have lost too much of a sense of caring for our own; we have dropped the legal responsibility of children for their adult parents," Fitch said. It is, he says, a "royal cop-out."

"There are just too many cases of kids who could afford to help their aged parent and wouldn't do it," he continued. At this point, he went into a lengthy recital of cases he had handled in which the children, informed of the need of their parents, made outright refusals to assist and repeated the refusals longly and loudly, to the extent they were ultimately cited for contempt of court.

"And the kids know they are going to inherit the property. If the state is going to help support the parent, then the state should be a beneficiary of the estate," Fitch said.

"The inequity is not the lien itself but that it does not apply to Aid to Dependent Children recipients, only to the aged, the blind and the disabled," he concluded.

The lien deters potential recipients either because they don't understand it or because they do understand it and want their estate to go intact to their children.

"I'll never understand why they want to leave anything to some of those kids, but they do," Fitch remarked.

If a person over 65 years of age decides to seek assistance, he receives a request form.

Champaign County is a pilot county in the use of the affidavit application. The request form is the only resource judged in determining the need of the applicant.

The News-Gazette went through the "needs test" with Fitch, using the average monthly Social Security Check amount of $125.08 as the only source of income for a single person owning his own home.

For a single person the needs are computed along these lines:

$46.85 for food, clothing, household supplies and personal essentials.

$3.00 for water.

$5.35 for electricity.

$2.55 per month for cooking fuel.

$12 per month for heating fuel (eight heating months).

$4 per month for garbage collection.

$6 for a minimum telephone bill.

$13.34 for a therapeutic diet required in a majority of cases for diabetes.

Up to $4.33 for shopping expenses a month.

An average of $1.50 per month for "odd jobs" such as mowing, raking and snow removal.

Taxes on the home, averaging about $250 per year are either pro-rated or a special allowance is made when the taxes come due.

Based on the needs test it was unlikely that the single person receiving the average Social Security amount would qualify for Old Age Assistance, and if qualification were made, the amount of eligibility would be small. The individual would, however, qualify for medical assistance which is extremely comprehensive.

During the month of July, 219 persons in Champaign County received Old Age Assistance payments. The checks ranged from $1.23 to $210.94.

The average age of the OAA recipient is believed by Fitch to be about 78 or 79 years of age.

The number of recipients is gradually falling both in this county and the state. The decrease here is a combination of the high economic standards of the community and the increase in Social Security payments. There is in Champaign County an unusual economic skewing toward professionals.

"It just comes down to the fact that too many people have too much income to qualify for OAA," Fitch said.

The economics of the aged point to one inevitable conclusion—subsistence, a life that implies existence and very little more, serious economic disadvantage.

The situation might be ameliorated to some degree if in other spheres the aged could count on meaningful widespread social services.

The fact of the situation is that they cannot.

JUSTICE BLACK RETIRES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. HARRINGTON. Mr. Speaker, at 85 years old, Justice Hugo Lafayette Black is leaving the Supreme Court. Although he is 7 months short of setting the record for length of service on the Court, his contributions to the country during the 34 years he served are uncountable and monumental.

During his tenure on the Supreme Court, Justice Black earned the honor of seeing his dissenting opinions become law. As an example, Black dissented in the case of Betts against Brady in 1942, a case where the accused requested counsel but his request was denied. When the case reached the Supreme Court, the Maryland Court of Appeals was upheld. The Court ruled that due process of law under the 14th amendment does not necessarily apply to the States. Justice Black dissented. He wrote:

> This case can be determined by resolution of a narrower question: whether in view of the nature of the offense and the circumstances of his trial and conviction, this petitioner was denied the procedural protection which is his right under the federal constitution. I think he was.

In arguing that the State courts should be equally as fair in providing counsel as the Federal courts, Black wrote:

> A practice cannot be reconciled with "common and fundamental ideas of fairness and right" which subjects innocent men to increased dangers of conviction merely because of their poverty.

It was a personal victory for Justice Black and a victory for us all when he announced the Court's decision in Gideon against Wainwright, a decision which overturned Betts against Brady. Applying the 14th amendment to Florida courts, Black wrote in this case:

> Reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair and free trial unless counsel is provided for him.

And later in that decision, he adds:

> The right of one charged with a crime to counsel may not be deemed fundamental and essential in some countries, but it is in ours.

The first amendment had its best defender in Justice Black. Freedom of expression, of press, of association and of religion were protected by dissenting and, later, concurring opinions by the Associate Justice from Alabama.

The Washington Post, in an editorial last Sunday, called him a titan on the Court. An excellent Justice who is stepping down should be replaced by one who will maintain that tradition of excellence. At this point, I wish to insert the editorial from the Post into the RECORD:

HUGO BLACK LEAVES THE COURT

Mr. Justice Black's retirement takes a Titan from the Court. The sharpness and vigor of his intellect together with the passionate force of his convictions gave him an influence greater, perhaps, than that of any other single associate justice during the 34 years of his tenure on the bench. The imprint of his ideas will surely prove indelible. But the robust, healthly warmth of his faith in freedom will just as surely be missed in the years that lie immediately ahead as exigent national needs afford a pretext for incursions on individual liberty.

Justice Black took his concept of liberty from the English Levellers of the 17th century. He has believed, this is to say—as the Founders of the American Republic believed—that the government of a free people may exercise only such powers as the people grant to it. "I strongly believe," he said once in a specific reference to the Levellers, "that this history shows that the basic purpose and plan of the Constitution is that the federal government should have no powers except those that are expressly or impliedly granted, and that no department of government—executive, legislative, or judicial—has authority to add to or take from the powers granted to it or the powers denied it by the Constitution." He became, therefore, in any meaningful sense of the term, a rigidly strict constructionist

Justice Black has argued with particular fervor that the words of the First Amendment were meant to be taken altogether literally and that they forbade Congress to place limitations of any sort whatever upon the expression of ideas His conviction on this score has been bolstered by an abiding faith in the utility of freedom. The risks to national security inherent in repression have always semed to him far graver than the risks admittedly inherent in letting men speak and write foolishly or disloyally. He thinks of the First Amendment not at all as an indulgence or a luxury to be enjoyed in times devoid of stress or tension but as an essential means for self-government; its freedoms he said "are indispensable safeguards to our country's safety and prosperity."

The Justice's strict constructionism has manifested itself also in his interpretation of the procedural safeguards of the Bill of Rights. He interpreted these more literally and less liberally than many of his associates and contended throughout his career on the bench that the Fourteenth Amendment made these provisions binding upon the states. The Court never accepted this view. Case by case, amendment by amendment, however, the Court has incorporated almost every stipulation of the Bill of Rights as applicable to state action.

Like his views about freedom of expression, Justice Black's views about the procedural restraints on governmental action reflect a profound belief in the idea of limited government—in the idea of a government limited in the powers it may exercise by a fundamental written charter. That was an idea which the English Levellers sought to realize in the England of their day. It was an idea which they brought to the new world when they came here in search of religious liberty and which their descendants brought into being when they founded this nation and created a government bounded by the terms of the Constitution. Determined to maintain religious liberty in the new world, the authors of the Constitution provided in the very first article of the Bill of Rights that the new government they were creating should remain wholly aloof from religion. Justice Black was a stalwart champion of that restraint. "By the time of the adoption of the Constitution," he wrote in one of his opinions, "our history shows that there was a widespread awareness among many Americans of the dangers of a union of church and state. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious service . . ."

The duty and obligation of a Supreme Court as Justice Black has seen it, is to keep governmental power within the boundaries prescribed for it by the Constitution. For his own part, he has discharged that duty and obligation with unswerving fidelity.

Justice Black has given failing health as the reason for his retirement. Almost the whole of his long career has been given to public service. It would be hard to think of anyone who has more thoroughly earned a time of ease and relaxation. Let us hope ardently that release from the exacting work of the Supreme Court will restore Justice Black to good health. He leaves the bench with the gratitude and affection of his colleagues and of the American people.

THE 125TH ANNIVERSARY OF THE SISTERS OF THE VISITATION

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. BYRON. Mr. Speaker, this year the Sisters of the Visitation in Frederick, Md., are observing the 125th anniversary of their founding. I thought we might take a few minutes today to share the history of the Visitation and the contributions it has made to the moral and spiritual fiber of our Nation.

Since 1846, the Frederick Academy of the Visitation, a resident and day school for girls, has provided a program of scholastic excellence under the direction of the Sisters of the Visitation. The traditional home-like character of the Visitation Academy provides a most desirable environment for the achievement of cultural, moral, and scholastic values. For 125 years the Visitation Sisters have served in a spirit of patriotism and ecumenism. Today their service to the Nation is distinguished by a spirit of racial and cultural equality.

During the Civil War, the Visitation Academy served the military as a Union hospital. The academy is located in the historic area of Frederick, Md. During the period from 1950 to 1970, the buildings were restored to their original beauty of architectural masterpieces. The buildings symbolize the courage, vision, and permanence of early America.

On the occasion of the 125th anniversary of the founding of the academy, the ideals and achievements it best represents have been summarized by President Nixon:

THE PRESIDENT'S MESSAGE

As the Sisters of the Visitation observe the one hundred twenty-fifth anniversary of their founding in Frederick, Maryland, I want to express my warmest congratulations and best wishes on an anniversary to which your achievements have brought national significance.

The guidance you have given to the young ladies whom you have schooled has become through their lives a source of strength for the nation and has immeasurably contributed to the excellence of secondary education in our country.

The rich traditions and spiritual values which you have imparted have enabled your students to lead fuller and more significant lives and to enhance the lives of others. There could be no greater service than this to God or to the future of our country.

As we go forward to meet the new challenges of peace and to build a generation of peace, your prayers and your good works will be more needed than ever. It is on behalf of countless fellow citizens that I express my personal admiration for the achievements that span your history and wish you and your endeavors every future success.

RICHARD NIXON.

HON. WILLIAM J. PORTER, NEWLY APPOINTED AMBASSADOR

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the recent designation by the President of the Honorable William J. Porter to serve as Ambassador and chief delegate of the United States at the Paris peace talks is a well-deserved act of recognition of the talent, dedication, and excellence which have characterized the impressive career of public service of Ambassador Porter, who, I am pleased to remark, is a resident of my 10th Congressional District.

A recipient of the President's Award for Distinguished Federal Civilian Service, throughout a varied and highly creditable career, Ambassador Porter has demonstrated a degree of competence and skill in diplomacy which may well be a source of encouragement and hope. Ambassador Porter's career in diplomacy began in a most crucial year, 1936, in which he served as the private secretary to the U.S. Ambassador in Budapest. The sensitiveness of the diplomatic assignments entrusted to him is well-evidenced in his appointment as Deputy U.S. Ambassador in Vietnam from 1965 until 1967, and his subsequent appointment as Ambassador to the Republic of South Korea.

It is indeed a pleasure to note the high caliber of public servants with the competence and sense of public duty of Ambassador Porter, and his fine and invaluable contributions exemplify the best our Nation's Foreign Service has to offer.

SENATE—*Thursday, September 23, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of the Ages, Eternal Father, before whom nations rise and fall, and pass through times of trouble, be with us in this land in our time of trouble to judge us, guide us, and save us. If we have turned from Thy way, reverse our way, and help us to repent and find new direction and clearer light. Enable us to break out of old ways which have served their time and exhausted their usefulness and to find new and wiser ways for the future. Spare us from compounding the problems by our own willfulness. Release Thy grace in us that our cleansed and revitalized spirits may be part of the solution. Lead us to the new life promised in Thy word to those who seek to know and to do Thy will.

In His name which is above every name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 22, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I will withhold further recognition and business until after the distinguished Senator from Vermont (Mr. AIKEN) is recognized and eulogies to our late departed colleague, WINSTON L. PROUTY, have been completed.

Mr. SCOTT. Mr. President, I yield back my time.

SENATOR WINSTON L. PROUTY—IN MEMORIAM

Mr. AIKEN. Mr. President, Newport, Vt., a small city of 5,000 persons, located near the Canadian border on the southern shores of Lake Memphremagog is a trading center for the hundreds of farmers in one of the most productive dairy counties of the Nation; it is a mecca for fishermen the country over who try their luck for the salmon and rainbows which run the waters of the Clyde, the Black, the Willoughby, and the Barton Rivers in the spring and the pickerel and perch which are waiting to be taken through the ice in South Bay during the winter.

Newport is the largest town in an area which is noted for the finest of wood products of birch and maple and softwoods for building purposes—and above all else a community where neighbor knows neighbor—where French and English commingle as the spoken languages—and the border between Vermont and Quebec is sometimes almost indistinguishable.

This is the community which produced WIN PROUTY, where he grew to manhood, and which he so well typified during his long and distinguished career as businessman, public servant, and good neighbor.

WIN PROUTY was more than a colleague to me; he was a coworker and a friend.

A review of the Senate records will show that we worked together in this body for the same objectives most of the time.

Senator PROUTY's record in both the House and the Senate consistently shows his concern for the poor and the aged and his strong belief in equal educational opportunities for all.

In addition to his work on his own committees, WIN PROUTY consistently supported all important agricultural legislation, especially measures affecting the rural electrification and rural development programs.

While a Member of the House, he supported the St. Lawrence Seaway when powerful business interests were trying to block the necessary authorizing legislation.

At the time of his death, Senator PROUTY was the ranking Republican member of the Rules Committee and the Special Committee on Aging, and he was the senior Republican on six subcommittees.

He served with distinction as a member of the Commerce Committee, the Committee on Labor and Public Welfare, and the District of Columbia Committee, a post he relinquished last year for a place on the Rules Committee.

During his tenure on the District of Columbia Committee, a detailed survey by the General Accounting Office was made of the three inner city areas of the District at his request.

This work provided valuable source material about urban poverty which has helped in drafting corrective legislation.

As the ranking Republican on the Education Subcommittee he played a major role in the enactment of broad new laws providing advance funding for elementary, secondary, and higher education programs; insured Federal funds for liberal arts as well as the sciences; and financial support for special courses needed by handicapped children.

It was a Prouty amendment in 1966 that expanded the social security program to include 2 million previously ineligible persons.

His endeavors also had a strong impact on manpower legislation and he was one of the first to advocate a guaranteed annual income.

These accomplishments were no surprise to his constituents, for Vermont has a long and distinguished record of achievements in the fields of education, labor, and social legislation.

Vermont was the first State to abolish slavery, the first to establish a complete school system from the primary grades through college, the first to have a minimum wage not governed by Federal law, the first to cooperate with the Federal Government in all five phases of the social security program, and the first to establish a 39-week period for unemployment compensation.

This Vermont tradition of freedom and equality was consistently demonstrated by Win Prouty during his years in the National Capital.

At this time I will leave it to others to comment at greater length and in more detail on his accomplishments in Washington and go back to the Win Prouty I knew in Vermont more than 30 years ago, first as a young alderman in his home city of Newport, later during his three terms as mayor, from 1938 to 1941, and during his three terms in the Vermont Legislature, in 1941, 1945, and 1947.

Win Prouty's service to his community and State during those years was notable.

He never was the conservative-minded—let-well-enough-alone—person that some would make him out to be.

In the 1930's, he was one of the organizers of the Vermont Young Republicans, a group of progressive young people who wanted their views to be known and sought the social and political changes which were sorely needed at that time.

It was in those days that Win Prouty became a leader of the liberal wing of his party—and in those days people knew full well what was meant by the terms "liberal" or "conservative."

The real test of his progressive thinking came in 1947 when he was elected speaker of the Vermont House of Representatives.

The late U.S. District Judge Ernest W. Gibson, one of my closest friends and one of the strongest individuals in Vermont political history, was Governor that year.

He had drafted a bold and farseeing set of proposals relating to taxation, law enforcement, State development, and other progressive measures for the legislature to consider.

His program faced strong opposition from the more conservative forces in the house, but Win Prouty, as speaker, proved to be equal to the task cut out for him.

As speaker and a strong supporter of the Governor's program, Win proved to be a remarkably effective leader.

To be sure, he had the support of a dedicated group of members in the house, but he was a leader who charted the legislative strategy which wrote the Gibson proposals into law.

The 1947 Vermont Legislature is still remembered as one of the most progressive in the history of our State.

The notable progressive triumphs of that year were also Prouty triumphs and contributed strongly to Win's election to the U.S. House of Representatives in 1950.

For 20 years, Winston L. Prouty made his mark in Washington—dedicating his work for the sick, the poor, for the working people, and the youth of our Nation.

He did not go at his work with a brass band and is a lot of ballyhoo, but I found him to be, in his own quiet way, cooperative, determined, and effective colleague.

And now after 33 years of public service Win Prouty has been called home.

He now rests on a plateau overlooking the eastern shores of Lake Memphremagog—and the community where he was born and raised.

On the hill across the lake lies the North Country Hospital due soon to be modernized largely because of Win Prouty's efforts.

The people of this area will have better care for their health—the youth will have better opportunity for education and the poor will find their lot in life greatly improved as a result of Winston Prouty's understanding and devotion to their welfare.

And what he has done for his hometown of Newport he has done for the people of the Nation.

The marker over his resting place is very modest, indeed, and I understand will remain so—but the service he has given to humanity is a greater monument than any which could be built of stone and metal.

But to show the esteem in which he was held and the sorrow which has come over our State with his passing, I ask unanimous consent to have printed in the Record editorials which have appeared in many Vermont periodicals and also an excerpt from the Paul Harvey news of September 11, 1971.

And once again, let me extend the sympathy of Mrs. Aiken and myself to Jennette Prouty and the members of the Prouty family.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Newport (Vt.) Daily Express, Sept. 14, 1971]

Senator Winston Prouty

Flags are flying at half mast today. A symbol of mourning for Sen. Winston L. Prouty.

For over 20 years this proud product of Newport served in Congress effectively working for education and for the social betterment of our senior citizens.

Prouty worked his way up through the ranks, first as mayor of this city, then State Representative and Speaker of the House.

From there he moved on to Washington, D.C., and Congress where he served eight years in the United States House of Representatives. He then succeeded Ralph Flanders in the Senate where he effectively labored for the elderly and the young for over 12 years.

Vermont's junior Senator was well recognized across the nation as a champion of increased Social Security benefits and other programs that related to our senior citizens.

One would be amiss, however, not to mention Prouty's efforts to secure better hospital facilities and health care center.

His position as a ranking member of the Senate and Public Welfare Committee and top Republican member of the Senate's Special Committee on Aging is a testimony to the esteem with which he was held on Capitol Hill. The benefits that our elderly are presently enjoying crowns his efforts on their behalf and will be a lasting tribute to his memory.

Strange as it may seem, Prouty traveled the road to success as a public servant without subscribing to the formula so often declared essential for reaching the pinnacle of success.

He was quiet, frugal with words and shy, never one to seek the spotlight or grasp for the microphone.

His quiet nature was at times described as a political liability.

Yet as a Vermonter, this trait came closer to fitting the image of a resident of the Green Mountain State than flamboyancy. The voters accepted him this way and sent him back to Congress repeatedly for two decades of productive work that benefited the whole nation.

While in Washington Prouty's office door was always open toward the Green Mountains. Those with a cause, found a champion who was eager to work for the betterment of those he represented. Yet life for him on Capitol Hill could not have been easy. He was dogged by ill health during much of his life, yet he managed to place the welfare of others first as he strove to bring improvements in the lot of his fellow Americans.

Aiding this soft-spoken man in his goal was his wife, Jennette, who has made a tremendous impression upon the people of his state both as a warmhearted person and an able campaigner.

We in the city of "Win's" birth join her in mourning the passing of one of Washington's most effective legislators.

[From the Benning Banner, Sept. 13, 1971]

U.S. Senator Winston L. Prouty

Many of the thousands of people in Vermont who consistently voted for Sen. Winston L. Prouty would probably not have recognized the state's junior senator if they met him on the street. His distaste for campaigning and his avoidance of personal contact on his infrequent visits home combined to make him a name rather than a personality in the state.

But the people voted for him nonetheless, exhibiting an ingrained trust in a man who perhaps represented the last of the breed of quiet and conservative Vermonters who for so long dominated the political scene. They admired Sen. Prouty for his party loyalty, for his dutiful support of party leaders both inside and outside Vermont. They felt instinctively that he would not be an instrument of the inevitable changes that have made so many conservative and even moderate Vermonters nervous in recent years.

In the 20 years he spent in Washington Sen. Prouty did not aim his sights high, but he quietly took on some causes that he understood, a broadening of Social Security, an upgrading of vocational education and an effort, so far unsuccessful, to assist parents struggling to keep children in college. More recently, Sen. Prouty had turned his attention to the restoration of rail passenger service that eventually might spread to Vermont. These were not the causes that make headlines, but they were perhaps the ones best understood by the ordinary middle-of-the-road citizens who admired Winston Prouty.

Sen. Prouty doggedly continued his efforts to make the changes he sought in areas that would benefit the elderly, the students and their parents. His congressional scope was not a broad one, but he stuck to his beliefs in the things he wanted, and in many cases he was successful. He was a shy man, not given to making speeches about either his beliefs or his accomplishments. But there are probably thousands of elderly citizens, as well as students and children, who owe a debt of gratitude to this man who recognized their needs and did his best to meet those needs.

[From the Burlington Free Press
Sept. 13, 1971]

PROUTY A REAL VERMONTER

U.S. Senator Winston L. Prouty had all of the characteristics of the typical Vermonter. He was lean, silent and far from sociable, except with friends.

He was shy with strangers and disliked political campaigning. Yet the people of Vermont trusted him and for nearly 40 years kept him in public life.

People can sense honor in a public servant and Vermonters felt they could trust "Win" Prouty.

A long-time associate recalled this week an incident which was the mark of the man. It was the famous 1964 campaign and the Republican Party was in trouble. Funds for Prouty's campaign against Frederick Fayette of South Burlington had hit the bottom of the barrel. Suddenly out of the blue a group, concerned with American foreign policy, offered the Prouty organization a check for $5,000 to help defray the expenses of the closing days of the campaign. Prouty promptly rejected the contribution and told an aide: "It's one thing to accept money from domestic firms and people to conduct a campaign but if you accept money from a foreign policy group you could find yourself one day in a position of owing a favor to a group which might endanger the security of your country."

Win Prouty loved his country and he always put her first.

Many Vermonters often remarked that Prouty was shy and reticent to the point of absurdity. This was not entirely true but it is explainable. When he was a small boy, working around the family lumber plant in Newport, he met with an accident which cost him his right thumb. He was terribly conscious of the loss of the thumb and even when he was in group pictures kept the hand behind his back. People unaware of the injury wondered at the lack of strength of his handshake, which was far from the hearty hand-wringing feats of strength exhibited by other office seekers.

Yet Prouty was a good campaigner, when he wanted to be. When he defeated Governor Harold Arthur for the Republican nomination for Congress he fooled the experts, who had seen Arthur defeating him for the nomination for lieutenant governor. He did it by covering the state of Vermont, practically afoot, meeting the people and asking them to help him out. And they liked him and they elected him.

He had strong blocs of votes, which stuck by him even when he was up against powerful opposition. Although some labor leaders supported his opposition, a good number of the rank and file always stuck with him. Postal workers swore by him. When Postmaster General Arthur Summerfield got Congress to approve and President Eisenhower to sign a bill giving a wage raise, which Prouty thought was niggardly, he voted to override the Republican President's veto— and he was not the type of Republican Congressman who did that sort of thing lightly. He especially liked Eisenhower. And the President later signed a more generous bill for postal workers.

His biggest bloc of boosters were the handicapped, the education leaders and the elderly of Vermont. Perhaps because of his boyhood disability he was a leader in legislation to aid handicapped people. He, alone, is responsible for the law which today blankets older people under Social Security, whether they were covered or not when the law was passed.

He led the fight for 1970 passage of the increase in Social Security benefits and was studying proposals for national health insurance when death took him Friday in Boston.

He sensed that his time was short but he fought the good fight to the end and died with his boots on.

He was a member of that merry group of young Republicans of the 1930s that included U.S. Circuit Court of Appeals Judge Sterry Waterman, Supreme Court Justice Milford K. Smith, the late Gov. Ernest W. Gibson, the late Willsie Brisbin and many others who in their early and less serious days made politics fun to cover.

[From the Reformer, Sept. 13, 1971]

WINSTON L. PROUTY

The New York Times, in its obituary notice on Senator Winston L. Prouty, described him as "hardbitten," which is a singularly strange word to apply to this essentially gentle man. Presumably The Times used the phrase to characterize Senator Prouty as a thoroughgoing professional, dedicated to his party and to the Senate.

The purpose here is not to analyze phrases, but to point out the totally differing views held by so many people of this 65 year old Vermonter who died in Boston last Friday evening. He had a public career that spanned 38 years. He was a city councilman in his native town of Newport; then mayor. Next he went to Montpelier as a state legislator, rising to the powerful position of speaker of the House. He was elected to the United States Congress in 1950, and to the United States Senate in 1958.

This is a remarkable record of public service, but the fact remains that voters in his town and in this state returned him to office again and again simply because he was effective.

He cared little for publicity, even less for campaigning. Despite nearly 20 years in Washington, the Senator's name probably was virtually unknown in most of the country.

Yet what Winston L. Prouty proved was that flamboyance and publicity have nothing to do with Congressional effectiveness. His specialties were Social Security and Education, two subjects that vitally interest many politicians only at election time. The Senator, however, kept his attention focused on them during routine, often dull, many times tedious Congressional procedures, when ideas become law, not political platforms.

Because of his great and dedicated work in both fields, he made an impact on the American people, not just Vermonters.

He was a quiet man, a good man, an effective and dedicated public servant, and his death, coming only a year after his greatest-ever electoral vote of confidence, is truly sad.

"Not long ago I said that Win Prouty does not speak often, but when he does, everyone listens," said President Nixon. "Through his many lasting contributions to the nation's well-being, Senator Prouty will continue to speak to all of us for a long time to come."

[From the Times-Argus, Sept. 13, 1971]

SENATOR WINSTON L. PROUTY

US Sen. Winston L. Prouty served his native town of Newport, his state and his country well for 33 years in public life.

Although an eminently successful politican he did not enjoy political campaigning, seldom visited the state and in fact in his last campaign a year ago he planned only a brief campaign, and then concluded that abruptly before its scheduled ending.

But his committee assignments in the Senate led him into drafting legislation for the assistance of the underprivileged and the elderly, and in rail passenger service.

To both these tasks he devoted his energies and his talents and it was typical of Winston Prouty that he achieved notable, but unspectacular success, in every field.

Most of the programs now in existence in this nation to help the disadvantaged and the elderly bear some imprint of Sen. Prouty.

He was unspectacular in Vermont, yet one of its most successful politicians.

He was unspectacular in the Senate, yet one of the most successful members in the most exclusive club in the world at stamping his imprint on legislation involving his committee interests.

The senator's death last Friday saddened his native state, the thousands who knew him and the thousands who were the beneficiaries of his work for them in the Congress.

It has to be said of Sen. Prouty that his death is mourned most by those who were the closest to him. Such is not always the case.

[From the Rutland (Vt.) Daily Herald]

U.S. SENATOR WINSTON L. PROUTY

A political tradition was ingrained in the Prouty family. One of U.S. Sen. Winston L. Prouty's uncles was governor of the state and another was chairman of the U.S. Interstate Commerce Commission. The senator got his start in politics at the local level as mayor and councilman in Newport and as one of the early activists in the Vermont Young Republican Club when that organization had much more influence in state politics than it does now.

It was one of the contradictions of Win Prouty's nature that despite his interest and ambition in politics, he didn't have the zest for it that is characteristic of most politicians. It would have been an exaggeration to say he was enthusiastic whenever he launched one of his campaigns, but he was a plugger who persisted in the face of disappointment and defeat.

By rights Sen. Prouty should have been governor of the state. He was fresh from a triumphant session as speaker of the 1947 House of Representatives, once described by the late W. Arthur Simpson as "the most progressive and productive" in the state's history, when he was defeated in the 1948 primary election for lieutenant governor by Harold J. Arthur. Arthur at the time had never held any elective office other than clerk of the House. If Prouty had not been upset in that primary election he would have succeeded Ernest W. Gibson as governor in 1950 when Gibson resigned to become federal judge, and the retiring governor would have felt much more comfortable about leaving the office in Prouty's hands.

Sen. Prouty had his revenge in the very next election when Arthur surprised everyone by running for Congress instead of governor, while Prouty's neighbor Lee E. Emerson switched his candidacy from Congress to the governorship. Holding the title of governor and having proved to be Prouty's nemesis in the 1948 election, Arthur was favored to repeat in the 1950 primary race for Congress. Instead Prouty came back to win the nomination and the election and began a career in Washington as congressman and senator which didn't end until his death Friday.

Sen. Prouty was dogged by ill health during much of his life. Even as a young man he was subject to stomach ailments and sinusitis, a complaint which wasn't helped by the Washington climate. He often seemed to be literally allergic to campaigning. On the campaign trail he was perennially beset by aches and pains, but seemed to avoid any serious illness until later in life after he succeeded Ralph Flanders as U.S. senator.

Twice married, Sen. Prouty showed unusually discriminating judgment in his choice of wives. Both were active participants in his political career and gave him the kind of moral support that he required more than most successful politicians. The second Mrs. Prouty is an exceptionally able campaigner in her own right.

Despite ill health and frequent absences from his seat, Sen. Prouty was ranked as an above average performer as a legislator. He had a solid record of accomplishment particularly in the field of social security.

[From the Burlington (Vt.) Free Press, Sept. 11, 1971]

Senator Prouty

The death of U.S. Senator Winston L. Prouty has deprived Vermont, the nation and the world of one of America's most conscientious and effective public servants.

Senator Prouty's career in public life began almost four decades ago when he was elected to the Newport City Council. After that he served in a succession of local and state positions of responsibility, including Mayor of Newport, State Representative, and Speaker of the Vermont House of Representatives.

In 1950 he was elected to the first of his four terms as Vermont's lone member of the U.S. House of Representatives. He distinguished himself during those eight years, notably as a member of both the Veterans Affairs and Foreign Affairs Committees.

Then in 1958 he won the first of his three successful campaigns for the U.S. Senate. During his 12½ years as a member of the nation's highest legislative body, he enjoyed a well-earned reputation as a leader of great ability, integrity and achievement.

Senator Prouty's accomplishments in the field of education were universally recognized. Indeed, often these accomplishments were compared by leading educators to those of the great Justin Smith Morrill.

Vermont's junior Senator also was recognized as the nation's foremost fighter for increased Social Security benefits and other important programs for our senior citizens.

In addition to all of this, Senator Prouty was a pioneering leader in the promotion of modern hospital facilities and health care centers. And he made lasting contributions in the fields of labor and transportation and commerce.

He built this record of accomplishments as a ranking member of the Senate Labor and Public Welfare Committee, as the top Republican member of the Senate's Special Committee on Aging, and as an influential member of his other Senate committees.

Senator Prouty could not have accomplished as much as he did without the deep respect of fellow Senators, from both sides of the aisle, and the support they gave him. Although he was an extremely shy person, unusual for a political leader, he possessed a warm personality which radiated friendship and trust.

He shunned undue publicity, and therefore he may not have been among the best known of Senate leaders. But by any measure Win Prouty was among the most respected and most effective of Senate leaders.

America mourns the passing of this soft-spoken legislator of achievement, to whom all Vermonters are indebted for a lifetime of public service. The good works of Senator Winston L. Prouty will long endure as fitting memorials to one of Vermont's most remarkable sons.

Excerpt From Paul Harvey News, September 11, 1971

Senator Winston Prouty deserves a proper epitaph . . . but who of us is up to it.

Politics aside . . .

Personally, Prouty was the kind of man all of our wives wish their husbands were.

Ultimately honorable . . . almost a caricature of the typical Vermonter . . . Thin, quiet, 34 years in state and national politics.

As Mayor of Newport and then Congressman and then 12 years United States Senator, Prouty was a man of immense compassion—but did not flaunt it.

He did more than he talked about—for older people, for schools. Worked so diligently to try to improve railroad passenger service.

Senator Prouty died yesterday; a stomach ulcer had become malignant; he was 65.

He gave the profession of politics a dignity and an ethical acuity which it's never seen too much of and doesn't see enough of anymore.

Mr. AIKEN. Mr. President, I could go on and talk about Win Prouty for a long, long time. However, I know that others have something to say.

I am now glad to yield to my colleague the junior Senator from Vermont.

The PRESIDENT pro tempore. The junior Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I thank my colleague, the senior Senator from Vermont.

Mr. President, it is difficult to find words to express my sorrow at the passing of a close friend, a distinguished colleague, an outstanding legislator, an able leader, and a real gentleman.

Senator Winston L. Prouty of Newport, Vt., a quiet and gentle man, has passed on. Now is the time for us, colleagues in the Congress, to express our appreciation and gratitude to him who served his State and his country both in the House of Representatives and the Senate so ably for many years.

Although a senior colleague, a man who preceded me in my seat in the House of Representatives, Win Prouty never failed to give his advice when called upon, but never attempted to force his advice upon me or anyone else.

It was while traveling the State together that I began to know Win Prouty as a man of quiet integrity, a man with natural reticence, combined with a propensity for hard work and clear statements, who won the respect of Vermonters. When I came to Washington in 1960, Senator Prouty assisted me in getting settled and helped me learn my new duties as a Congressman.

As his power and influence grew in the Senate, Senator Prouty never changed. He remained hard-working and humble, unspoiled by all the grandeur that surrounded him.

As a legislator, Win Prouty was known as a behind the scenes worker who shunned the glare of publicity, but got things done. He championed the causes of the elderly, the poor, and the sick.

His work on expanding the social security program is landmark; he felt the program ought to provide security and set out to see that it did—quietly, effectively, and without fanfare.

Senator Prouty began his career in politics by running successfully for mayor of his hometown of Newport, way up in northern Vermont, near the Canadian border. He concluded it as a U.S. Senator from Vermont and second-ranking Republican member on the Commerce, and Labor and Public Welfare Committees. In the interim, he served as speaker of the house in the Vermont General Assembly and as a U.S. Representative. It was a career which confounded the pundits, because Senator Prouty was no tub-thumping politician; he won as a thoughtful man, who spoke only when he had something to say in a State that believes strongly in thoughtfulness and reticence.

A true Vermonter, in every sense of the word, Win Prouty epitomized the State and as its representative in Congress, he was a true reflection of the State he hailed from.

Mr. President, it is one thing to lose an able colleague and another to lose a trusted friend. I have lost both.

President Nixon, a personal friend of Senator Prouty's for many years, said:

> Through his many lasting contributions to the Nation's well-being, Senator Prouty will continue to speak to all of us for a long time to come.

I can say as the man who was appointed to fill Senator Prouty's seat that he will continue to speak to me.

Mr. President, Win Prouty gave 33 years of his life to public service. Thirty-three years marked by steady and consistent advancement of the welfare of the people he served.

He was a public servant of the highest caliber, and the loss to his State of Vermont, the Senate, and the Nation is a considerable one, and to me, personally it is a great loss.

Mr. President, my wife Helen and I extend our very deepest sympathy to Jennette Prouty and the members of the Prouty family.

Mr. President, I thank the senior Senator from Vermont for yielding.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, quiet, unassuming, effective—those words, I think, sum up Senator Prouty. I had the privilege of serving with Winston Prouty in both the House and the Senate, and because of my position as leader of the Democratic Party on this side of the aisle, I had close contacts with Senator Prouty on a number of occasions when he was handling legislation in his capacity as senior Republican member of his committee. If anyone was a friend of the old, the hungry, the young, the blind, the maimed, it was Winston L. Prouty, because what he did was to take an extraordinary interest in his fellow human beings and he fought for them long, hard, and effectively.

Much of the legislation which has passed this body and the other body, as well, bears the mark of Winston Prouty, because he was, if nothing else, humanitarian in outlook. He loved his fellow man. He loved this institution. He did not speak "off the cuff" except on rare occasions; but he did his homework quietly, effectively, and efficiently. When he managed a bill on the floor of the Senate, he had the facts and the information at his fingertips.

I was distressed with the passing of Senator Prouty. I knew he had been ill on occasion. I had no idea that he was as ill as he was at the time of his passing.

Winston Prouty has left a mark on his State, on his Nation, and in this body. We will remember him with respect and affection. Mrs. Mansfield and I wish to extend to Jennette Prouty and the Prouty family our most sincere condolences and our deepest sympathy. May his soul rest in peace.

Mr. AIKEN. Mr. President, I yield to our distinguished minority leader, the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, to walk the streets of such a community as Newport, Vt., is to see for one's self the kind of community, multiplied from sea to sea, which speaks to you of the enduring qualities from which come the strength of our Nation. It is a quiet, friendly community, its main street rising from a lovely lake toward soft and gentle hills; its people quiet, self-contained, assured, articulate, but not imbued with the frenetic madness of some of our urban dwellers.

From this kind of community came our colleague and he reflected these origins, this strength; a man who knew and understood his neighbors, and the certainty of where his duty lay, because of the strength of character arising from his origins and his experiences; a quiet man of gentle persuasion.

It is our custom here to say frequently in eulogies that we wish a colleague who had passed on could hear what we have to say about him. I think WIN knew during his lifetime what we thought about him, he knew the respect in which he was held, and he knew the friendliness which went out to him, and from him to us.

He understood that we looked to him for action in the presentation of his views and the proposal of legislation which would reflect concern and compassion, but which reflected also a great deal of thoughtfulness and research.

A man who, as the distinguished majority leader said, did not rise too frequently to speak impulsively, but who spoke on matters of the greatest import to the country, matters affecting general welfare, matters involving the aged, the young, housing, shelter, education, social security; a man who knew of what he was speaking and also who knew the degree of support which he could expect from his colleagues, which was substantial, as evidenced by the fact that so much that he proposed has been written into law.

So it can, indeed, be said of him, as it has been said of others, Si monumentum requiris, circumspice—if you seek my monument look around. It is only necessary to look at the statutes which are on our books to realize even more clearly the very worthwhile contributions which WIN PROUTY made to his Nation and to his State.

It was clear to those who were in Newport how much he was respected and how much he will be missed. As he was laid to rest beneath a simple stone bearing the name of his family, in the view of the eternal hills which were his home, one could only think of the quotation, "I will lift up mine eyes unto the hills," unto the everlasting hills will I lift them up.

Mr. AIKEN. Mr. President, I now wish to yield to our nearest neighbor in Vermont, a Senator who has worked many years with Senator PROUTY. Senator COTTON of New Hampshire missed the geographical boundary by only a few miles, but I now yield to the senior Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, WINSTON PROUTY was my neighbor and my friend.

I knew him years before he ever came to Congress. He possessed all those solid qualities of the traditional Vermonter—industrious, conscientious, shrewd, and successful in business, a natural leader in his community.

In more recent years, with our States sharing a common border, WINSTON PROUTY and I worked together in both the House and Senate for almost a quarter of a century. My respect and regard for him grew with each passing year—a respect and regard that were shared by all his colleagues. He was quiet and unassuming, sparing in speech, yet capable of being forceful and eloquent for the causes that he championed. He was warm and friendly, though never given to idle chatter. He was painstaking in his study of legislation. He never allowed anyone else to do his thinking for him. He was never guilty of springing to hasty conclusions but, having made up his mind, he adhered to his own deep convictions. He was at his very best in committee where I served with him for many years. He was a perfectionist when it came to molding, drafting, and amending legislation. In short, he was a working Senator.

Elderly people have lost one of the greatest champions they have ever had in the Senate. Vermont and the Nation have lost a real statesman. Each one of us has lost a beloved friend.

Mr. President, I know whereof I speak in a special way.

WINSTON PROUTY and I sat next to one another in the Commerce Committee.

His desk on the Senate floor was an arm's length away from mine.

In these relationships, it was comfortable—and I cannot think of a more appropriate word—to have WINSTON PROUTY next to me, for when the winds of expediency sometimes seemed to be bending the will-o'-the-wisps, you could be sure that WINSTON PROUTY would remain as solid and strong as his own Green Mountains.

I have spoken thus far solely from personal observations about my colleague and friend, but I realize that through my comments I have been speaking for our entire Nation, too.

From his strength, from his honesty, and from his dedication flowed a sense of assurance which, in one way or another, touched and provided a comforting sense of stability for every citizen of our country as surely as it aided and inspired us here.

No man could leave a mightier legacy.

Our sympathies go out to his widow and his family. They may take comfort in the thought that his service here was of such sterling character that he is one of those fortunate few who will never be forgotten by those who served with him.

Mr. AIKEN. Mr. President, I yield now to the Senator from Delaware (Mr. BOGGS).

The PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BOGGS. Mr. President, I thank the Senator from Vermont for yielding.

Mr. President, I would like to join with my colleagues in paying tribute to a great American who has passed from the scene.

Senator WINSTON L. PROUTY devoted 33 years of his life to public service and he leaves a legacy that long will be remembered. No doubt the residents of his hometown, Newport, Vt., whom he served as mayor for 3 years, will remember his accomplishments, as will his constituents and former colleagues in the Vermont House of Representatives.

During 20 years in Congress he was instrumental in development of legislation dealing with the problems of the elderly, and of education, and of transportation. These proud achievements will live long after him.

But so will other qualities. I am reminded of a passage from Angelo Patri:

> In one sense there is no death. The life of a soul on earth lasts beyond his departure. You will always feel that life touching you, that voice speaking to you, that spirit looking out of other eyes, talking to you in the familiar things he touched, worked with, loved as familiar friends. He lives on in your life and the lives of all others that knew him.

I shared no committee assignments with Senator PROUTY, but it was my privilege in this Congress to sit beside him in this great Chamber. I always valued his good counsel and friendship, and I shall miss him deeply.

Mrs. Boggs and I extend our deepest sympathies to Mrs. Prouty and the family.

Mr. AIKEN. Mr. President, I yield now to the Senator from North Dakota (Mr. YOUNG).

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, in the passing of Senator WINSTON PROUTY, the Senate has lost a great Senator, a good man, and one who in his sincere, humble way rendered most valuable service to his beloved State and Nation.

He was honored, respected, and loved by all who were fortunate enough to know him.

WIN PROUTY, in his rather quiet and unassuming way, was a most effective Senator. When he championed a cause—he invariably was successful.

He was one of the strongest and most effective Members of Congress in providing a more adequate and equitable social security program.

He believed, as he often said, that the social security program should provide security.

He was singlehandedly responsible for broadening its coverage to most deserving elderly people.

WIN PROUTY was very active in many other fields of legislation, including that of trying to provide better railway passenger service.

He was a keen student of national and international affairs, and one who at all times and in every way placed the well-being and the security of this Nation above all else.

Some press stories indicated that he had an invisible political organization in his beloved State of Vermont. To many his strength in Vermont may have seemed a bit invisible, but I am sure one of the major reasons why he was elected to the House and Senate for more than 20 years, and with no fanfare, was that he had helped so many people and had conducted himself so as to earn the love and respect of people in every walk of life.

There are some who may not have fully appreciated or understood his quiet, sincere ways, but the people of Vermont did, as did we who were privileged to serve with him.

We will all miss this good friend and great Senator.

Patricia and I extend our deepest sympathy to his wonderful wife, Jennette, and all of the family.

Mr. AIKEN. Mr. President, I yield now to our longtime friend and distinguished colleague, the senior Senator from Kentucky (Mr. Cooper).

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, in addition to the association that one normally has in the Senate with his colleagues, I had the opportunity to serve on two committees with the late Senator Winston L. Prouty. One was a recent association upon the Committee on Rules and Administration. Senator Prouty was the ranking member of the Subcommittee on Privileges and Elections of that committee and helped bring to the floor of the Senate and strongly supported the election reform bill. In the second half of the 1950's I had the opportunity to serve with him for 4 years as a member of the Committee on Labor and Public Welfare.

In all the tide of legislation which has been enacted by Congress since that time, it may be forgotten that the late 1950's was the period, I might say, of gestation, of ferment upon legislation which has since become accepted as the law of the land. It was a period in which civil rights was a burning issue. It was a period when advances in education were being made, advances which were hotly contested then, but which are now widely accepted throughout the country. It was a period in which we completed the first and major changes in the Taft-Hartley law, first approved by the Senate, and which later became more familiarly known under the name of Landrum-Griffin. Also, it was a time when we were beginning to consider a different attitude toward health measures, particularly whether we should adopt the medicare program.

In all of these subjects, Senator Prouty took a leading and enlightened part.

In that association one found insights into the character of Senator Prouty. Reference has been made to his painstaking study and examination, and this was evident in our committee, and in legislation. After painstaking study and examination, when he thought it was necessary, Senator Prouty followed up both with amendments and with appropriate legislation, much of which became the law of the land.

I think all of us recognized a certain persistence and doggedness, we might say, in his advocacy and in his battles for legislation which he had studied thoroughly, which he had constructed or had a part in its construction, toward final adoption. As an example, there is one measure which comes to my mind, which he first advocated and secured approval. I recall that the times I heard him speak on his amendment, standing at his seat on the aisle to my right, I thought his views could not prevail. It was a measure to provide financial support for those who were outside the scope of the Social Security Act. But he did prevail; his amendment was approved and became the law. There are literally hundreds of thousands of people today, older men and women and disabled people, who have some monthly income because of the compassion, the initiative, and the fight of the late Senator Winston Prouty.

And so we recall, not only our happy association with him, but his success, in a compassionate and a stubborn way, in bringing light to many people in our country. I join with my Senate colleagues in expressing our sense of loss and extending to his widow and his family our deepest sympathy.

Mr. AIKEN. Mr. President, I now yield to one of Senator Prouty's long time coworkers and friends, the Senator from New Jersey (Mr. Case).

Mr. CASE. Mr. President, someone not so long ago said that one of the things the Senate is best at is remembering quietly one of its Members who has died. I think this is true. I would not, of course—no one would—suggest that we ought to sacrifice Members periodically so that we could have these sessions. That thought would, of course, not enter anyone's mind. But it is good to pause in the busy life which all of us lead and have a period of quiet reflection about one of our colleagues and friends.

Everything that has been said this morning is true, and none of it exaggerated. I remember Win Prouty when he first came to the House of Representatives quite a few years ago. I do not think he had changed one bit since then. He was quiet, rather withdrawn and self-effacing, at least on the surface; but as the Senator from Kentucky has said, he had a very stubborn streak in him. If he believed something—and he did believe some things deeply—you could not shake him, no matter how hard you argued or stormed.

He had a warm capacity for friendship, despite his outward diffidence, which was only an apparent diffidence. It concealed a very sensitive and very alert nature. All of us who have known him for these many years have come to feel enriched by the friendship of this warm, responsive human being. And it was evident to all of us who went to Vermont recently to attend the funeral and graveside services that this was equally true of his neighbors and his friends from his hometown and from around the State which he loved so well.

His accomplishments here have been many, significant, and lasting. As has been well said, hundreds of thousands of people now, and, looking into the future, millions more, have been and will be benefited by his sharp recognition of what was lacking in our welfare and assistance programs. We sometimes used to joke about Win as being a modern protagonist of "$30 every Thursday," or whatever the slogan was, of those fantastic programs that came up in the early days of the depression. But there was none of that about him at all. He was a hard thinking, clear thinking, careful Yankee, but one who recognized, at the same time, not only the justice of the claims of people who needed the assistance that his legislation would provide, but also that, with its wealth and its affluence, there was plenty in this country, to make such provision possible.

We will not forget Win. I am happy indeed to know that his successor, who is with us today, is also a former House Member, with a similar background.

We will not forget Win for his qualities or for his accomplishments. All of the people of this country are benefiting, and indefinitely into the future will benefit, because of his service here. Mrs. Case and I join our colleagues in expressing again deep sympathy to his widow and his family.

Mr. AIKEN. Mr. President, at this time I wish to yield to another of Vermont's nearest neighbors, the distinguished junior Senator from New Hampshire.

WINSTON PROUTY—NO HEADLINES, JUST DEVOTED, CONSCIENTIOUS, SINCERE SERVICE TO HIS NATION

Mr. McINTYRE. Mr. President, I rise to pay my respect to one who devoted his life to serving his Nation, his native New England, his State of Vermont, his family, and his conscience.

Winston L. Prouty of Vermont did not gain the headlines. He was not the subject of national controversy.

Win Prouty could walk through the corridors of the Capitol without commotion or without drawing stares from the tourists. His presence in the reception room off the Senate floor did not turn many heads.

I remember an occasion when Win Prouty and I were members of a group that went to Cape Canaveral, Fla., to witness a Gemini flight. During the course of our visit we were invited to a luncheon gathering. Win, in his rather unassuming way, was dressed quite informally in slacks and open shirt collar. The attendants at the door of the luncheon stopped Win saying that the luncheon was only for Members of Congress and other guests from Washington. They could not believe that Win was a Member of the Senate. He just looked like the man on the street. I had to vouch for Win so that they would let him in to attend the luncheon.

We who served with Win Prouty in the Senate knew he was one of us. We knew he carried his load in the Senate. We knew he discharged his duties with great grace and ability.

He did not often take the floor of the Senate to speak, but when he did, we listened, for we knew he had devoted deep and meaningful thought to his words.

We saw the imprint of Win Prouty on many pieces of legislation which came before this body of Congress. Few bills on education, social security, health care, labor, welfare, or commerce were passed without including contributions he made through his work on the committees of Labor and Public Welfare, Commerce, Rules and Administration, and the Special Committee on the Aging. The Prouty amendment which allows those who could not make this full contribution to social security to obtain the benefits of the program has been a blessing to many of our senior citizens.

I have found increasing evidence of the standing Win Prouty had with senior citizens during trips to New Hampshire in recent years. On many of these trips, I have had the privilege of meeting with senior citizens' groups in my State.

Time after time, the members of these groups have praised Win's work and asked that I give him their regards for his efforts on their behalf. They knew he was a Member of the Senate.

Win Prouty came from the small town of Newport, Vt., population 5,000. He came a long way through 33 years of public service as mayor, member of the Vermont State Legislature, Member of the U.S. House of Representatives, and, for the last 13 years, Member of the U.S. Senate.

But he never really left the people of Newport. He was one of them. He felt comfortable with them in their quiet, individualized way of facing the problems of today.

It was reported that Win Prouty once told an audience at the University of Vermont:

> A man cannot delegate his conscience to the crowd. It is as solitary as his soul.

In his way, Win was solitary. But, in his contribution to mankind, he was a part of today.

To his wife, Jennette, and to his family I offer the sincere condolences of one who considered Win Prouty a friend.

(At this point Mr. Chiles took the chair as Presiding Officer.)

Mr. AIKEN. Mr. President, I now yield to a Senator who lives far from Vermont, but nevertheless a Senator who, in his work, had cooperated very closely with Senator Prouty—the Senator from Hawaii (Mr. Fong).

Mr. FONG. Mr. President, I was extremely shocked and saddened by the passing of my close friend and colleague, Senator Winston L. Prouty.

I say with deepest feelings that it was a great privilege and honor to have served in this distinguished body with Senator Prouty. His passing is a loss to his State, our Nation, and to Americans everywhere.

For me the loss also was very personal. He sat here in the Senate in the same row with me, one seat away. We usually exchanged small talk and banter between votes. He was the ranking minority member of the Committee on Aging.

A few years ago, Win and his beloved wife, Jennette, journeyed to my State of Hawaii, where Win delivered speeches on several of our major islands. Win's message was well received and the hundreds of people the Proutys met found them to be most warm and gracious. It was my pleasure to introduce Win and Jennette to the beauties of Hawaii and the friendliness of our people. We had so hoped they would return to our mid-Pacific paradise.

We of Hawaii have a special place in our hearts for Win Prouty, for on that fateful March day in 1959, he voted to make Hawaii our 50th State. Without friends of Hawaii like Win Prouty, I would not have had the privilege of serving in the U.S. Senate.

When I was sworn in as U.S. Senator from Hawaii in 1959, Win was serving his first term in the Senate. He had by then already established a reputation for personal integrity, inflexible courage in upholding the principle of equality for all, and devoted and selfless public service. These were hallmarks of his 8 years in the U.S. House of Representatives, on the Vermont State Water Conservation Board, in his State's legislature, and in the office of mayor of Newport, Vt.

I could not but feel a special affinity for Win as a person and for the principles he espoused so well.

He was a member of the Republican Party, my party. Some would call him a "moderate," others a "conservative," and still others a "liberal." But for Win, labels meant little.

He was, if anything, a pragmatist, his approach to legislation being "would it work?" And if so, "Is it good for all Americans?"

For two or more million Americans age 72 and over, it was he who made them eligible for coverage under our social security system. "The social security program ought to provide security," he asserted, as he led the fight to provide this security for all.

College students will remember the Prouty amendment which insured Federal funds to support liberal arts as well as the sciences.

It was also a Prouty amendment which provided advance funding first for elementary and secondary education and then for higher educational programs.

The handicapped children and their parents will remember his amendments that assured special education for their needs.

Vermonters who learned skills through federally assisted manpower programs will remember Win Prouty for his amendments which pushed up minimum manpower funds for Vermont and other small States.

Vermonters can also look at community buildings and remodeled hospitals and know that it was Win Prouty who increased the building funds and eliminated restrictions on the use of such funds.

People in the rural areas of America also know that Win Prouty was constantly alert to amend legislation to make sure that Federal programs would meet the needs of rural areas.

Throughout our North and Northeastern States, Win Prouty will always be remembered as one of the chief leaders in the creation of the St. Lawrence Seaway.

As ranking Republican on the Senate District of Columbia Committee, it was he who sponsored the bill calling for a nonvoting House delegate for the District.

His intensive poll of three inner-city neighborhoods in Washington, D.C., set the guidelines for sampling attitudes in our troubled congested areas and enabled the poor themselves in these areas to be heard. And his study enabled Congress and the executive branch to build on successes and correct many of the failings of the District of Columbia inner-city programs.

As all of us are aware, Win Prouty did not seek the limelight nor the newspaper headlines. Indeed, it was a rare and special occasion when he addressed us on this Senate floor.

But we who worked with him know how effective a legislator he was and how able he was to translate the needs and aspirations of his constituents into national policy. And his constituents in a real sense included not just those from Vermont but from all of the United States and its Territories.

Mr. President, to Win Prouty's wife, Jennette, to his daughters, Mrs. Currie Johnson, Mrs. Elizabeth Friel, and Mrs. Ann Panariello, and to the other members of the family, my wife, Ellyn, and I extend our deepest sympathies and our most sorrowful aloha.

Mr. AIKEN. Mr. President, at this time I yield to the distinguished Senator from Mississippi (Mr. Stennis).

Mr. STENNIS. Mr. President, our late friend, Senator Winston Prouty, always had my very highest respect; and I am sure that all of us thought of him and his work here with admiration as well as personal esteem.

I know, as a matter of fact, that he struggled many times to find out what was right and what was the sound position and what was best for the Nation, and it seems at times it was a struggle for him. But those were his unerring guidelines, as I knew him.

Reference has been made to his speeches in the Senate. I recall one speech he delivered which I shall never forget. I think that perhaps that speech, with his earnestness, was the turning point in that memorable debate. I know it as one of the tightest spots and hottest positions I have been in in the Senate as the floor manager of a bill. It was the first time that the matter of the ABM was before the Senate. He went through a soul-searching consideration of that matter and finally came in here, in his calm, earnest way, and delivered his speech—not a long one—giving his reasons. I think it set a new tone, a new perspective, an additional perspective, for the entire debate. It went on, and with his vote, by the slimmest possible margin, the program survived in that bill.

Senator Prouty was what I call a working Senator. Duty came first, and he had many duties. He carried a big load. I was not privileged to be associated with him in committees. We had different assignments. But I know that he carried more than his part of the workload here. In his usual way, he was very effective, not only in the committee but also on the floor of the Senate, in the cloakrooms, and elsewhere, where a quiet, persuasive word means the most. He shows up brilliantly in that way.

I want to mention especially his helpmate, Jennette. I remember a luncheon at the White House soon after Senator Prouty came to the Senate. He brought Mrs. Prouty to the luncheon, and we were all sitting at small tables. I had not met her, but I was very much attracted by the intelligence, the charm, the knowledge of public affairs, and the opinions expressed by one of the ladies there. I could not find her place card which would have shown who she was, so I just had to ask her, and she said, "I am Mrs. Prouty." She later became president of the Congressional Club, where I saw with my own eyes the quiet leadership she reflected, which Mrs. Stennis confirmed to me in our conversations.

The management of the Congressional Club is said to have gone unusually well under her regime. It showed up to some advantage, too, because of her thrift because she left the club with a better bank balance than it had when she came in.

So, Mr. President, Mrs. Stennis joins me in paying reverence and respect to the memory of our late colleague, together with a tribute to Mrs. Prouty in appreciation of her many qualities.

We also extend the greatest of condolences, understanding, and sympathy in their loss to his three daughters.

Mr. THURMOND. Mr. President, I wish to join my colleagues in commemorating Senator Winston L. Prouty.

Senator Prouty was a man of impeccable reputation, character, and integrity. He was a patriotic, fine citizen who believed in the principles that made America great.

I have enjoyed serving with Senator Prouty for the past 12 years since his election to the Senate on November 4, 1958.

Mr. President, Senator Prouty has done a tremendous amount of work in alleviating some of the many problems in the area of commerce. I served with him on the Commerce Committee, and thus have firsthand knowledge of his dedication and drive.

Senator Prouty will also be remembered for his work on the Select Committee on Small Business, Rules and Administration Committee, and the Labor and Public Welfare Committee. He advocated progressive measures on all of these committees. All of these committees require a great deal of work, and Senator Prouty was not one to shirk responsibility.

Senator Prouty has served his State of Vermont long and well, first as a member of the Vermont House of Representatives, then in the U.S. House of Representatives and since 1959 in the U.S. Senate.

Mr. President, if we are to keep America strong and maintain its high quality of accomplishment, we must continue to get conscientious representatives that have the same high caliber of devotion to service as Senator Winston Prouty.

Our heartfelt thoughts go out to his devoted and fine wife Jennette and the other members of the Prouty family in this time of sorrow, and I wish her to know that Senator Prouty will be forever remembered by Members of the Congress.

Mr. President, the high level of achievement of Senator Prouty will always be a goal that we of the Senate will strive to reach. His good works will thus serve as inspiration to keep the Senate a place of capable and dedicated leadership.

Mr. GRIFFIN. Mr. President, it is with a deep sense of loss that I join my colleagues in paying tribute to Win Prouty.

Win Prouty's record is written in large letters in terms of service to the people of Vermont and to the Nation.

Those of us who are left to carry on in this body are tremendously indebted to him for his imaginative leadership—for what he accomplished and what he sought to accomplish for veterans, for senior citizens, for the unemployed, for students, and for many others.

In the book of Isaiah, it is written:

> In quiteness and confidence shall be your strength.

Win Prouty was a quiet, almost a retiring man. But he had the confidence and determination of his New England tradition when he believed he was right.

As we all know, he never engaged in Senate debate just for the sake of debating. He realized full well, as Ben Jonson wrote that—

> The dignity of truth is lost with too much protesting.

In his whimsical way, Win had his own explanation of why he never sought the headlines, although headlines frequently sought him. He would relate two instances which indicated to him how fleeting fame can be.

In his hometown he was a member of Newport High School's first football team. In the first game, Newport was overwhelmingly defeated. As Win would recall—

> Lyndon Institute beat us, 81 to 0, and the Newport Express carried a headline which read: Lyndon Routes Newport; Prouty Stars for Newport.

Another incident that Win liked to recall occurred when he was elected mayor of the city of Newport, Vt., in 1938. That night, after the election results were in, he climbed a nearby hillside and proudly surveyed his city. Before dawn a record-breaking sleet storm paralyzed Newport and, as Win would recall:

> Everybody blamed me for the storm. Suddenly the honor and glory of public office were gone; and I had learned a lesson—public service meant work.

Hard work became a hallmark of Win's service of more than 20 years in Congress—8 in the House and 12 in the Senate. So well did he prepare himself, that whenever he had occasion to speak, he always had something to say that needed to be said. In what he said he never wasted words. In one speech when he argued persuasively for better care for the elderly, he summed up the whole issue in one short sentence. He said:

> Social security should provide security.

Win Prouty did not like the efforts of some who go about draping labels on others—labels like "conservative" or "liberal." When he first came to the Senate, a national magazine analyzed the freshmen members and concluded, from Win's record, that he was neither a liberal nor a conservative. He was, the magazine decided, a pragmatist.

Certainly he was that. In the lawmaking process, he practiced the art of the possible. As each piece of legislation came to the Senate floor, Win Prouty approached it in a constructive way. He never opposed for the sake of being opposed. He was constantly seeking to obtain improvements in affirmative ways through amendment.

As the commentator, Joseph McCaffrey, has said:

> Observing him in action an observer feels that he finds his most exercise in wrestling his amendments through the Senate, an ability he has perfected probably better than any of his 99 colleagues.

We shall miss Win most sorely in this body. We shall be the more impoverished without the benefit of his quiet counsel and guidance as we consider the far-reaching legislative issues scheduled to come before us. As much as any man he played a significant role in giving this Nation a new direction in meeting the challenges of our times.

I shall miss him as a colleague on two of the committees on which I serve.

I shall miss him as a neighbor because he and Jennette have lived just down the street from us here in the Washington area.

More than that, I shall miss him as a friend. My wife, Marge, and I send our deepest condolences to his lovely wife Jennette and the family.

Mr. AIKEN. Mr. President, I now yield to the distinguished senior Senator from Florida.

The PRESIDING OFFICER. The senior Senator from Florida is recognized.

Mr. GURNEY. Mr. President, last week we were all saddened by the death of Senator Winston Prouty of Vermont. This body and the Nation are poorer today because of this loss.

Senator Prouty brought to the Senate those most important qualities for any legislator: reason and moderation. Having served with Senator Prouty on a committee of special interest to both of us, the Special Committee on Aging, I know that the older American has lost an eloquent and compassionate spokesman. All of us who shared his concern in this area will especially miss him and will be hard pressed to match his dedication in solving the many problems facing the elderly.

Win Prouty's public service was indeed distinguished, for it covered every level of government: As mayor of Newport, Vt.; as a member and speaker of the Vermont House of Representatives; outstanding service in the House of Representatives and for the past 12½ years a distinguished Member of the U.S. Senate. To all these tasks he brought the same dedication to the public good, the same concern with finding effective solutions to the problems facing us.

I am proud to have had the opportunity to serve with Win Prouty in the Senate for the last several years. And I know that all of us are the better for having known and having worked with him.

My sincerest sympathy goes to his lovely and gracious widow, Mrs. Prouty, and his family.

We will all miss him sorely.

Mr. AIKEN. Mr. Preisdent, I now yield to the distinguished junior Senator from Massachusetts.

The PRESIDING OFFICER. The junior Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I was privileged to give my accolades to Win Prouty in Bennington, Vt., last year during the occasion of his successful campaign for reelection.

Mr. President, the craftsmen of politics are—more often than not—the unnoticed and unheralded men in public life.

Win Prouty was such a man.

The people of Vermont knew his qualities. For 33 years they voted for him and promoted him to greater responsibilities. In 1970–in the toughest fight of his political life—they gave him a tremendous and overwhelming vote of confidence.

We in the Senate also knew the worth and stature of the man.

Win was laconic, but when he rose to speak on the floor we listened, because we knew that Win had done his homework, and knew what he was talking about.

No Member of Congress worked harder—or more effectively—on the immensely complex problems of education and social security than did Win Prouty.

He championed those particular causes because he cared about people. His imprint on the Nation's education and social security laws are his legacy to the young and old of our country.

Vermont will miss him. We, who served with him, will miss him. And millions of Americans who never even knew his name will miss him, because his passing leaves them with one less friend and champion in the U.S. Senate.

We extend to his dear wife, his daughters, other members of his family and friends our heartfelt sympathies.

Mr. AIKEN. Mr. President, I yield now to the distinguished junior Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator for yielding to me at this time.

Mr. President, I was deeply saddened by the untimely passing of my friend and colleague, Winston L. Prouty. I had been in the Senate but a short period of time before he became fixed in my mind as the exemplar of the storied virtues which I associate with the people of Vermont. Without even trying he made me believe the words of another great native son of Vermont, Calvin Coolidge, who said of her indomitable people:

> If the spirit of liberty should vanish in other parts of our nation and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little State of Vermont.

Mr. President, all of us have been impressed by Winston Prouty's quiet dignity and modesty—his unostentatious reservoir of wisdom—his stalwart support of the spirit of liberty and the principles upon which our institutions are founded. These qualities of character struck me as being in keeping with the best traditions of Vermont and of New England and typical of the many leaders from that State and region who have so vastly enriched our Nation. For these and many other reasons, Winston L. Prouty made a lasting impression on me—one that will live on in vivid memory for years to come.

On reflection, it is not surprising that he projected so favorably. His constituents held him in the same high esteem. This is attested by the fact that he began his illustrious political career in 1938 on being elected to the office of mayor of his hometown of Newport, Vt. He served three successive terms in that office, after which he was three times elected to the Vermont House of Representatives where he was accorded the honor and distinction of serving as speaker of the House. He was then elected to the 82d Congress in 1950 and reelected to the 83d, 84th, and 85th Congresses. In November 1958, he was elected to the U.S. Senate and twice more reelected. His service was all the more meaningful because his political experience was combined with practical experience derived in part from responsibilities of family owned lumber and building material enterprises, and the valuable experience gained from other business endeavors.

Mr. President, the people of Vermont and the people of the Nation have lost a great public servant. We in the Senate have lost a most valued friend and colleague. We will long cherish his memory. Mrs. Allen joins me in extending deepest sympathy to Mrs. Prouty, whom we have grown to love and admire, and to his children and other members of the family in their great loss.

Mr. AIKEN. Mr. President, there is one other Senator at this time who wishes to say a few words. However, I realize that there are other Senators who would also like to do so but who are unable to do so at this time. Therefore, I ask unanimous consent that the Record remain open until about 1 week from Monday night so that the remarks of other Senators may be included in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I yield now to the senior Senator from Iowa.

Mr. MILLER. Mr. President, I know that I speak for all Members of the Senate when I note, with sorrow, the loss of our dear friend, Winston Prouty, of Vermont.

It was my pleasure to work closely with Senator Prouty over the years on a number of legislative issues of mutual concern. Most notably, perhaps, were the matters under the jurisdiction of our Senate Committee on Problems of the Aging. Senator Prouty's humanitarianism always came through during our committee's deliberations and during his active role in pressing for legislation to provide a decent, more meaningful life for those of our citizens living out their retirement years. No Member of the Senate demonstrated greater leadership in this vital area of national concern, and our senior citizens have, indeed, lost a great advocate.

Win Prouty was usually a quiet person, but when it came to fighting for what he deeply believed in, he ably rose to the challenge. He knew his subject, and he was always a worthy, though polite, advocate in his Senate debates. His reelection by a very substantial margin in 1970 showed that the people of Vermont really appreciated the service Senator Prouty had long given them. No more fitting tribute can be bestowed on a public official.

We extend our deepest condolences to his good wife, Jennette, and other members of his family as we mourn the loss of a colleague and dedicated servant of the people.

Mr. AIKEN. Mr. President, I thank the assistant majority leader, the Senator from West Virginia (Mr. Byrd), for his courtesy in getting an extension of time. I understand the Senator from New York (Mr. Javits) and others wish to make remarks concerning Senator Prouty.

I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to associate myself with the remarks that have been made by our colleagues on the passing of our distinguished friend, Winston Prouty, of the State of Vermont.

I had the honor and the privilege of serving with him in the House and then in the Senate during his long and distinguished tenure of some 20 years of service to the people of Vermont and to the Nation.

I can say many things about what he did in his home town as mayor and his outstanding service in the legislature and in the House and in the Senate. One thing that runs through all of this is that here was a man of conscience; here was a man who was dedicated; here was a man who labored hard in trying to do what he thought was right as a public servant.

He wrestled, of course, with the problems we all face; the difficult task of trying to do what is right, and the even more difficult task of knowing what is right.

I observed him working in some of these difficult areas, particularly in the field of national security where the decisions are not easy. I found that he was, indeed, a man of conscience, a man who was determined to try to find the right answer.

He accomplished many things during his long and distinguished career. I suppose what stands out in my mind was his constant dedication to rectify so many of the hardships in our social security program. The Prouty leadership in this area has led to the correction of many of these inequities and injustices in the administration of the social security program. He had a long and continuing interest to help the elderly, to see that those who were less fortunate in this category obtained a decent break. We can ill afford to lose a man of such dedication and such conscience in the deliberation of great public issues.

My wife joins me in conveying to his wonderful wife Jennette and the Prouty family our deepest sympathy in this great loss.

Mr. McGEE. Mr. President, will the Senator yield to me for 1 minute?

Mr. AIKEN. Mr. President, I yield.

Mr. McGEE. I wish to add to remarks I have already made on an earlier occasion with regard to Senator Prouty. My reason for doing so is the sense of fraternity some of us feel with regard to the class of 1958. That class was a very numerous class and it has remained a very close class through nearly 13 years.

We were all proud of our association with Senator Prouty, impressed by his integrity, and even now as we are saddened by the events, I think it would be most appropriate to say we are gladdened by the example he set as a member of our class because it gives us steady and moving footsteps to follow. For that reason I wanted to make this additional comment in regard to our colleague.

Mr. AIKEN. Mr. President, I understand the RECORD will be held open for the insertion of remarks until 1 week from Monday.

The PRESIDING OFFICER. The Senator is correct.

Mr. CANNON. Mr. President, will the Senator yield to me for 1 minute?

Mr. AIKEN. I yield.

Mr. CANNON. Mr. President, I join with my fellow Members of Congress in expressing deep regret at the passing of Senator PROUTY.

As members of the class of 1958, Senator PROUTY and I served together on the Commerce Committee and Committee on Rules and Administration. I have enjoyed his fellowship and our working relationship in all that time. It was that fine association which offered me first-hand knowledge of his dedication to the people of this Nation and his own great State of Vermont. I found that Senator PROUTY had special concern for the elderly and the unfortunate, for whom his compassion drove him to build a fine record of legislation.

And in all that time we served together, I never found him to take a position based on politics rather than a position based on what he thought was for the welfare of our people and the good of our country.

I want to associate my remarks with the many that have been spoken on his behalf and express on behalf of my wife Dorothy and myself our very deepest sympathy to his lovely wife Jennette and to the Prouty family.

Mr. BYRD of West Virginia. Mr. President—

> Let fate do her worst.
> There are relics of joy,
> Bright dreams of the past
> That she cannot destroy.
>
> They come in the nighttime
> Of sorrow and care,
> And bring back the features
> That joy used to wear.
>
> Long, long be my heart
> With such memories filled,
> Like the vase in which roses
> Have once been distilled.
> You may break, you may shatter
> The vase, if you will,
> But the scent of the roses
> Will hang 'round it still.

WINSTON PROUTY was a man of quiet dignity, of compassion, of diligence, of conscience and sincerity. He was a good man, beloved by all of his colleagues.

> You may break, you may shatter
> The vase, if you will.

But the spirit of his presence and memory of this man's life with us will follow us still.

Mr. JORDAN of Idaho. Mr. President—

> Discretion of speech is more than eloquence; and to speak agreeably to him with whom we deal is more than to speak in good words or in good order.

These words of the English philosopher and author Francis Bacon are appropriate today as we pay tribute to the late WINSTON L. PROUTY.

Because WIN was never one to expound on each and every issue, his words when spoken were heeded by all. A man of wisdom—a man of great concern—he brought much with him to this body in both spirit and deed. I am a much richer man for having had the good fortune of his friendship during our years together in the Senate—and Vermont, indeed the entire Nation, is the richer for having had his leadership.

Words cannot convey the grief we share from the loss of our good friend and fellow colleague—but words were not so important to WIN. I believe our acts of friendship during his life here on earth were a true measure of our affection for him.

May he rest in peace knowing that he garnered through his silent manner that virtue that so many strive for and so few attain—the esteem of his fellow men. Truly, he was a distinguished statesman and his vacancy in this body shall not easily be filled.

Mr. HATFIELD. Mr. President, WINSTON PROUTY was a man of independent judgment who defied categorization. He served his State well and complemented the work of our distinguished dean, Senator AIKEN . . . together they provided Vermont with an effective team. Not a man to seek headlines, but a worker and a legislator who always put the interests of his constituency first.

Initially, I came to know WINSTON PROUTY through his work on the Senate floor as a champion of education. As a former educator myself, I admired and supported his tireless efforts in this area. During this session of Congress, however, I was privileged to serve with Senator PROUTY as a fellow member of the Commerce Committee—a committee that he had come to in 1962 and had served effectively for almost 10 years. In this capacity I came to know him and to enjoy the benefit of his counsel.

There is a concept of public service associated with the New England States. They call to mind adjectives such as honesty, diligence, and loyalty. As a mayor, State legislator, Representative and Senator, WINSTON PROUTY continued this tradition and earned those adjectives. He will be remembered.

Mr. SPONG. Mr. President, I join my colleagues this morning in paying tribute to our departed friend, the late WINSTON PROUTY of Vermont.

It was my privilege to serve with Senator PROUTY for 4 years on the District of Columbia Committee and for the past 3 years on the Commerce Committee. I was impressed with his careful approach to legislation before those committees, by his diligence and his unfailing courtesy.

Last week I was among those who went to Vermont to pay final tribute to WINSTON PROUTY. There in Newport, Vt., just at the Canadian border, I observed the affection and respect with which he was regarded by those he had served for so many years in different capacities—as councilman, mayor, State legislator, and Senator.

As we rode by automobile from Burlington to Newport, I saw the people who lined the highway to pay final respects to Senator PROUTY. In one small village a group of elderly citizens stood in silent tribute to a man who devoted much of his career here in the Senate toward improving the lot of our senior citizens. Their silent salute as the funeral procession rode by was poignant evidence of appreciation and sorrow for the loss of a friend.

My wife, Virginia, and I express our deepest sympathy to Jennette Prouty and to the other members of the Prouty family.

Mr. McCLELLAN. Mr. President, several centuries ago it was written that—"Any man's death diminishes me, because I am involved in mankind." We who are privileged to serve in the U.S. Senate know and keenly feel the real meaning of this simplistic truth.

The death of our colleague, WINSTON PROUTY, brings this thought sharply to mind for he was deeply involved in mankind. WINSTON was a real humanitarian and his legislative attention was constantly focused on and committed to the health, education, and welfare of our people.

Time and again he brought his quiet, thoughtful, and searching analysis to bear on the Nation's problems—and time and again he spoke—and acted—with his deep convictions and unassailable logic.

We who served with him, listened when he spoke, for we knew that his counsel was sharply honed by introspection and circumspection.

We shall miss WINSTON PROUTY and his quiet but effective voice of guidance.

Mrs. McClellan joins me in extending our heartfelt sympathy to all members of the family.

Mr. HOLLINGS. Mr. President, it is an honor for me to join today in tribute to our esteemed colleague, WINSTON PROUTY. We served together on the Commerce Committee and I knew him as a dedicated and able public servant in this very chamber. WIN PROUTY was devoted to the interests of the people of Vermont and, indeed, of all the American people.

In reading the news stories that accompanied Senator PROUTY's passing, I found a note of bewilderment that the Senator from Vermont had attained his success without a well-oiled political machine and without the dramatic bombast we are all so familiar with. I am more bewildered by the stories than by the success of the man. In a career that included the speakership of the Vermont House of Representatives, four terms in the U.S. House, and three elections to the Senate, WIN PROUTY demonstrated that honesty, dedication, and a oneness for the people are still the traits most admired by the citizens of America. He was not a man of many words, but the words he did say carried weight and substance. Too often in recent years, rhetoric and bombast have been substituted for the real sinews of statesmanship.

We have lost not only a good Senator, but a good man. A sincere friend. It is with sadness that I speak. But also with pride—pride in WIN PROUTY, pride in the people who sent him to us, and pride in the Nation whose best traits the late Senator from Vermont exemplified.

Mr. CHURCH. Mr. President, the Senate, as well as our Nation, has suffered a major loss with the untimely passing of our good friend from Vermont, Senator Winston L. Prouty.

Senator Prouty was a devoted and effective public servant for more than 30 years. During his illustrious career, he served as mayor of Newport for three terms and was elected to the Vermont House of Representatives three times. In addition, he served four terms in the U.S. House of Representatives and was elected three times to the Senate.

As chairman of the Committee on Aging, I was able to observe in a very personal way his deep and unstinting concern for the elderly in our Nation. He was a strong and forceful advocate for the aged, and will be missed deeply. He was also a skillful legislator with a long list of impressive accomplishments, such as the Prouty special age-72 payments for persons with little or no social security coverage. More than 1 million low-income aged persons have now received vital assistance from this far-sighted provision.

With his Older Americans Income Assurance Act, he was in the forefront in calling for an innovative income supplement program to lift large numbers of aged persons out of the depths of poverty. Several of his concepts in this proposal have been incorporated in the 1971 social security-welfare reform legislation, H.R. 1.

And as the ranking minority member of the Committee on Aging, he helped to strengthen the bipartisan approach that our committee has taken with regard to problems affecting older Americans. He was an effective ally and was a major force in the adoption of measures to:

Pay for the elderly's travel expenses to the White House Conference on Aging to assure that this conference will be broadly representative of all income groups;

Increase funding for several successful programs under the Older Americans Act, such as the community programs on aging and the foster grandparent program; and

Rescue the section 202 housing program for the elderly.

Mrs. Church joins me in extending our deepest sympathy to his wife, Jennette, and their family.

Mr. TALMADGE. Mr. President, I join my colleagues in the Senate in expressing the sorrow and deep regret over the passing of Winston Prouty. Senator Prouty was a man of the highest character. He served his Nation and State with deep devotion and high integrity. Winston Prouty served in the U.S. House of Representatives for 8 years and he served 14 years in the Senate. During his more than 21 years in Congress, he became a leading spokesman for the older citizen of the Nation. As the ranking Republican member of the Select Committee on Aging, Senator Prouty devoted much of his time and effort to bettering the lot of this almost forgotten group of people. I know of no other Member of the Senate who endeavored harder or with more zeal to initiate change and improvement in areas where he felt a pressing need existed, especially in the areas of program for the aged and in education.

The people of Vermont sent an able, dedicated, and devoted public servant to the Senate. Vermont and the Nation will miss his leadership and I personally will miss his friendship.

Mrs. Talmadge joins me in extending our sympathy to Mrs. Prouty and the family.

Mr. JAVITS. Mr. President, with the passing of Winston L. Prouty, the Senate lost one of its most distinguished Members and I have lost a friend and colleague with whom I served since he first came to the House of Representatives in 1951.

Win Prouty, though a taciturn Vermonter, sparing in his speech, had a special instinct for justice and the right. He assumed a leadership role on behalf of the aged and on behalf of the handicapped, areas in which his contributions will be long remembered, to cite but several of his interests.

As ranking minority member of the Education Subcommittee of the Committee on Labor and Public Welfare, he sought to follow in the path of his distinguished predecessor from Vermont, Justin P. Morrill, who was the author of the land grant college program which came into law in the administration of Abraham Lincoln. Most of the education statutes enacted in recent years bear the Prouty imprint.

Win Prouty was a Republican, governed not by partisan considerations but by conscience and reason. He earned the approbation of members of the opposite party during his service in the House and Senate and in the Vermont State Legislature. When he disagreed on issues, it was not through contentiousness but through reasoned thought.

I join my colleagues in conveying deepest sympathy and condolences to his beloved wife, Jennette, and family whom he cherished and to the people of Vermont whom he served so very superbly.

Mr. BAKER. Mr. President, it was with great personal sorrow that I learned of the untimely death of our colleague, Senator Prouty. It was my privilege to serve with the Senator on the Committee on Commerce during the past 2½ years, and as I worked with him my admiration and affection grew steadily.

It will be said that Win Prouty somehow captured the spirit of Vermont, and it will be true. His gentlemanly and self-effacing exterior concealed a leader of great strength and purpose, of principle and patriotism. The Senate, together with the people of Vermont and of the Nation, are greatly diminished by the loss of this excellent man.

I join with other Senators in extending my sincerest sympathies to Mrs. Prouty and other members of the family.

Mr. MONDALE. Mr. President, the Senate has lost one of its most effective legislators with the passing of Winston L. Prouty of Vermont. Both Congress and the Nation will sorely miss his help in grappling with the vexing problems which confront us.

I had the privilege of serving with the late Senator from Vermont on both the Committee on Labor and Public Welfare and the Special Committee on Aging. In these committees I came to know well his dedication to improving the lot of the people. It was he who led the effort to add some 2 million older people to the social security rolls. In many cases, these were people who had practically no other means of support.

Senator Prouty served on all of the principal subcommittees of the Committee on Labor and Public Welfare. He was the ranking minority member of the Education Subcommittee, where I worked closely with him. I know firsthand of his many contributions to education programs, which are so vital to the future of our society.

I also remember with admiration Senator Prouty's sustained efforts to strengthen manpower training programs. As a fellow member of the Employment, Manpower, and Poverty Subcommittee, I often had the opportunity to work with him in developing these valuable programs.

Senator Prouty had a long and distinguished record of public service. Beginning as an alderman and mayor, he later served at the State legislature, in the executive branch of his State, in the U.S. House of Representatives, and finally in the U.S. Senate. It was evident in all of Senator Prouty's work that he brought to bear his rich experience on the issues before us. In doing so, he added an invaluable dimension to the consideration of legislative matters.

We will all miss the capable and dedicated efforts of Win Prouty as we continue to face the troubling issues which concerned him so deeply.

Mr. FANNIN. Mr. President, one of the good fortunes of serving in the U.S. Senate is to have the privilege of associating with sincere and dedicated men like our late colleague, Win Prouty.

During my freshman term in this body I was a member of the Committee on Labor and Public Welfare where I benefited from the guidance and assistance of the Senator from Vermont. I observed his deep concern for the welfare of the elderly citizens of our country. But he also was dedicated to our young people, and he strived for educational and social legislation to aid all our citizens.

Winston Prouty believed in speaking with actions rather than words. He served his State and Nation well.

He and his lovely wife, Jennette, also contributed greatly to the leadership in many Republican activities in our Capital City.

For two decades he served in Congress, the last dozen of these years in the Senate. He put to good use his feeling for the needs of the people gained during his years in Vermont as a mayor and as a State legislator.

His passing is a loss to the Senate, to the State of Vermont, and to all the people of our United States of America.

Mr. HRUSKA. Mr. President, it is always difficult when we lose a colleague. It is especially so for me as I reflect on the death of Win Prouty. His unfortunate passing has deprived this body of one of its finest gentlemen and most able legislators. For me it has ended a very warm and rewarding personal friendship.

Many of our constituents, unfortunately, may not realize how much poorer our country is today without the services of this good, dedicated, and human public servant who spent the last 33 years of his life in the service of his community, his State, and his Nation.

Many of his great achievements did not receive their deserved attention because he was quiet, modest, and unassuming. He was a composite of the classic New Englander—taciturn and not too talkative, wiry but tough. As we know well, his character was strong and resolute.

These qualities made him all the more esteemed to those who knew him well, however, because when he did speak he could be extremely eloquent and persuasive.

Meanwhile, I think we will all acknowledge his mastery of the most elusive legislative skills, a byproduct of his great dedication to his constituents and the countless hours he devoted to intricate legislative problems.

It may be some time before this body again sees a Member who is so masterful at employing the amendment process constructively and effectively as was WIN PROUTY.

We will also fondly remember his wonderful sense of humor, his fairness in all his dealings, his deep-seated concern for the welfare of his constituents.

He has left a number of valuable monuments to his memory, living monuments which, through the good works they will accomplish in years to come, will testify to the warmth, humanity and concern of this devoted public servant.

He will be best remembered, perhaps, for his help for our senior citizens. He has been a leader in the legislative efforts to insure that this group is properly rewarded for its great contributions to our country and to our society.

He was ahead of his time in that regard. He envisioned the problems of the senior citizens and was attracting attention to them and generating solutions to them long before many people recognized the real magnitude of the problem.

He was a principal architect of our new national railway passenger system, Amtrak.

But I know that he would wish to be best remembered, among other things, for his devotion to education and especially to help for handicapped children. He was most concerned with the welfare of our young people and he was most understanding with them. Let us hope that this group of young citizens recognizes that they also have lost a good and sympathetic friend.

His wife, Jennette, will have many treasured memories of their happy years together. Although those memories are small consolation in this time of deep sorrow, the great sense of loss will eventually subside, and the memories will help fill the void which his death has created in her own life.

To her, I say we are with her in our thoughts and prayers today, and like her we will cherish our memories of WIN PROUTY, good friend, good citizen, and good man, in the years ahead.

Mrs. SMITH. Mr. President, I join my colleagues in paying tribute to our departed colleague, WINSTON PROUTY, the Senator from Vermont. His dedicated service was an example for all of us to follow.

But there was something even more significant than that. It was his courageous service. For a decade he knew the terrible truth. Yet, there was not the slightest whimper from him—not the slightest slackening from the ardor of his duties and work and the projection of the friendship and understanding to his colleagues, his associates, his friends, his constituents, and his family.

That is what I shall remember most about WINSTON PROUTY. I extend my deep sympathy to his wife, the members of his family, and to the people of Vermont on the loss of this great man.

SENATOR PROUTY LEAVES A LARGE LEGACY OF PUBLIC SERVICE

Mr. RANDOLPH. Mr. President, we knew WIN PROUTY as a man short on words and long on thoughts, a man sparse of frame but large of heart.

We respected this man because he personified the American ideals of integrity and hard work. More than that, I think that WIN PROUTY achieved that goal of public service for which all of us strive, the diligent performance of duty on behalf of his beloved constituency. He knew his constituency well, because he had served in areas of government where personal contact was mandatory. As a smalltown mayor, a member of the Vermont House of Representatives, as speaker of the house and as Governor of the most rural State in America, WIN came to the House of Representatives and finally, the Senate, with a wealth of understanding of aspirations of his people.

His record of humanitarianism and his devotion to the needs of this Nation will be long remembered. We will miss his steady hand and clear eye in the years ahead. I claimed him as a friend, and it was a privilege to have worked with him in the Committee on Labor and Public Welfare.

WINSTON L. PROUTY is gone from our ranks, but his large legacy of public service will continue to be a shining example of what we mean when we say—he was a servant of mankind. Mary and I extend our deepest personal sympathy to his widow and to his family.

WIN PROUTY—A DEDICATED SENATOR

Mr. SCHWEIKER. Mr. President, I share with all my Senate colleagues a great sense of loss on the untimely death of the distinguished Senator from Vermont, WIN PROUTY, and want to extend my deepest sympathies to his family.

I was privileged to serve side by side with him on the Committee on Labor and Public Welfare, and on many of the important subcommittees of this committee, and was always impressed by his firm grasp of the varied and complex domestic issues that came before this committee.

Most recently, he exercised great leadership as the ranking Republican on the Education Subcommittee. He was instrumental in working on the landmark higher education bill (S. 659), recently passed by the Senate, just as he had been in the forefront on other important legislation affecting education in recent years.

In the other legislative areas covered by this committee—health, poverty, manpower, labor, and the aging—WIN PROUTY demonstrated his outstanding qualities of intellectual depth, commitment to the problems of all citizens, responsible leadership, and personal dignity, which throughout his public career have brought great credit both to himself and to the State of Vermont.

Not only within the committee, however, but within the Senate as a whole, WIN PROUTY's wisdom, wit, and compassion were an enormous contribution. His love of the Senate as an institution and his dedication to good government combined to make him an effective, valuable legislator.

I mourn this great loss to the Nation and feel grateful for having had the opportunity to work with, to know, and to learn from a great Senator and a great man.

Mr. PEARSON. Mr. President, we have met this morning to honor the memory of our departed colleague, Senator WINSTON PROUTY, of Vermont.

I am sure that the Nation will long remember the many and great contributions WIN PROUTY made during his 13 years in the Senate. It was my honor to serve with him on the Committee on Commerce, and it was through this association that I came to understand his dedication and perseverance, particularly in our work to create needed reforms in all modes of the transportation industry. I know that WIN's great contributions and support, particularly on the floor of the Senate, had a great deal to do with attaining Senate approval of a law regulating campaign financing in Federal elections.

Mr. President, the Senate has lost a valued associate and legislator. And although the country has derived great benefit from his leadership, I wish to express my regret to his family and the citizens of Vermont for his untimely death.

WINSTON PROUTY A GOOD SENATOR

Mr. HANSEN. Mr. President, I am proud to have served with WINSTON PROUTY of Vermont. All of us in this body will miss him for he was a good man and a good Senator.

As we remember him today, there are many things that could be said of this truly modest human being.

Over one-half of his life was spent in service for others. In 1938 he became one of the youngest mayors in the United State when at the age of 32 he was elected mayor of his hometown, Newport, Vt. He went on to serve three terms in the Vermont House of Representatives and became speaker of the house and was appointed chairman of the Vermont State Water Conservation Board. He left that post to serve as Vermon't single Congressman for four terms in the U.S. House of Representatives.

As a member of the Foreign Affairs Committee in the House, WIN PROUTY served with distinction. He traveled to Korea when that conflict still raged. In 1956–57 he headed a special subcommittee in a mission to the Middle East in order to end that crisis. In his Vermont tradition of commonsense, Win Prouty faced world problems with an eye toward their solution rather than their exploitation. Never a headline seeker, Senator Prouty simply worked for the betterment of his fellow man both at home and abroad.

In 1958 Win was elected to represent his State in this body. His accomplishments and skills as a legislator set an example for all of us. Senator Prouty applied his skills to many areas but perhaps his greatest dedication was to those whom he convincingly referred to as the forgotten Americans. Senator Prouty exhibited a special concern for the aged, the poor, and the black. In 1964 when the Commerce Committee reported the Public Accommodations Act, Win Prouty voted to report the bill, but he also filed comprehensive individual views setting forth his philosophy toward his fellow man. In his individual views the Senator stated:

> The evil we seek to remove is the degradation of a man in his use of the common privileges because his skin is not the proper color. The affront is to his dignity. The remedy ought to magnify that dignity and give a view upon the essence of humanity—brotherhood in the shadow of God.
>
> The bill this committee has reported out pays little heed to these higher values. Based solely on the commerce clause it concerns itself not with man as man but with collateral issues relating to the national economy.
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> * * * * *
>
> I cannot bring myself to agree with the majority that the reason we can legislate in this area is because we are at a point in history where trains, planes, cars, and buses carry bodies, boxes, and bottles from State to State. The black man's right to be treated like the white man has existed from the creation of time, and this right is not founded on sophistication in industry and transportation.

Throughout his career, Senator Prouty firmly believed that society had an affirmative obligation to recognize the dignity of man. His concern for the older American has been well documented. From his first campaign for Congress in 1950, he persevered in his belief that every older American should be spared from the indignities of poverty. Throughout the years he fought to make income maintenance for older Americans a nonpartisan issue. He made us all think of social security not in terms of statistics but in terms of people. Often he dramatized his point by reducing hard statistics into depressing facts. In 1965 when we were considering a social security increase, he once reminded us that the Department of Labor had established the modest but adequate budget for individual retirees at $1,800 a year. He then reminded us that 3 million of our older Americans were living on $40 a month. Senator Prouty went on to point out:

> The budget provides for a new topcoat every nine years. Our $40 a month retiree could have one every 35 years. Thus if he retires in Vermont at age 65 on this pittance, he would have to make his topcoat last through 35 beautiful but cold Vermont winters. Then he could expect to buy a new one—unless his family and friends presented him one for his 100th birthday.

When the White House submitted the Tax Adjustment Act of 1966 in order to finance the Vietnam war, Winston Prouty moved to the Senate floor with an amendment to provide those older Americans who received no income maintenance whatever with $40 a month. The Prouty amendment passed and over 1½ million older Americans became eligible for cash income as a result of the dedication and determination by our late colleague from Vermont.

Win Prouty first proposed an income plan for older Americans. His gentle persuasion and determined perseverance provided hope, consolation, and dignity for over 20 million older Americans.

As a ranking Republican on the Poverty Subcommittee of the Labor and Public Welfare Committee during the 1960's, Senator Prouty fought to eliminate poverty. He supported the Economic Opportunity Act and continually fought to make it effective. At one point he devoted the entire efforts of his staff toward conducting the most comprehensive and scientific study of poverty yet undertaken. He convinced us to continue the war on poverty and to enlist the services of the Comptroller General in order to make that war more effective. His support for vocational education, manpower development and training, and countless other measures convinced many Americans that they were not forgotten by Win Prouty.

Senator Prouty was not only one of the most dedicated and courageous Members of this body but was one of the most imaginative. Just a little over a year ago, Senator Prouty almost singlehandedly convinced this body and the White House that the creation of a national rail corporation was the only way to save rail passenger service in this country. When the Commerce Committee reported a bill providing for massive operating subsidies, Senator Prouty wrote individual views pointing out the dangers of going down the subsidy route and suggested an imaginative alternative which is today Amtrak.

During the last few weeks he was with us, we watched our good friend, Win Prouty, guide through this body the Federal Election Campaign Act of 1971. Serving on both the Commerce Committee and the Rules Committee, Senator Prouty had devoted months of gentle persuasion in convincing all of us in Congress and in the White House that the time had come for completely reforming our laws regulating Federal elections. I know that Senator Prouty, when he left for the hospital in Boston, was optimistic that the House would act favorably on the bill he helped so greatly to get through the Senate.

We shall all miss Win Prouty. His modesty, his courage, and, above all, his legislative ability made all of us very proud to know him as a friend and colleague.

Mr. BELLMON. Mr. President, Senator Winston L. Prouty of Vermont was one of the most respected members of this body. In his quiet way, he applied the experience of his many years of public service to solving the problems of our country and to representing the people of his State.

Win Prouty brought to the Senate a rich background of local and State government service and experience that equipped him well to shoulder the responsibilities and demands of his office. His record of accomplishments during 13 years in the Senate is a testimonial to the dedication and hard work that were so characteristic of this man.

Win Prouty was one of the first Members of the Senate I became acquainted with as a new Member, and from the beginning, he went far beyond the call of duty to be helpful. The courteous consideration he accorded to all Members was in keeping with the highest traditions of the Senate.

Serving with Senator Prouty in committee and in this Chamber has been a rare privilege, and I join with my colleagues in mourning the loss of a truly distinguished public servant.

Mr. STEVENS. Mr. President, Alaskans join their fellow Americans in mourning the loss of a good friend and public servant, Senator Winston L. Prouty, of the State of Vermont.

Although our two States are separated by a continent, they have many common problems—problems that were to bring us together and provide me with insight and respect for my colleague from Vermont. I grew to know him better as we worked together on the Commerce Committee and on its Subcommittees on Aviation, Merchant Marine, and Foreign Commerce.

Winston L. Prouty started his career in public service in his hometown of Newport, Vt., where he was a businessman. From 1938 until 1941 he served three terms as the mayor of Newport. In 1941, he was elected to the Vermont House of Representatives, being reelected in 1945 and 1947. During his last term in the Vermont Legislature, he served as speaker.

In 1948, he took over the chairmanship of the Vermont State Water Conservation Board, a post he held until May 1950.

Elected to the U.S. House of Representatives on November 7, 1970, Winston L. Prouty served four terms in the House before running for the Senate in 1958.

He was reelected in 1964 and again in 1970.

During his 13 years in the U.S. Senate, Winston L. Prouty earned the respect of his fellow Senators with his steadfastness and forthright judgment. He was not afraid to speak out on an issue, even if his views were not popular.

His quiet and thoughtful way of working for the Nation's best interest will always be remembered by his Senate colleagues.

As with the residents of my State of Alaska, the people of Vermont judge a man for what he does, not what he says.

And among those Vermonters—those sturdy New Englanders who typify the spirit of the early days of our great country—the name of Winston L. Prouty is revered.

He was admired and respected by his

State's citizens, regardless of their individual political persuasion.

An able legislator and thoughtful advocate, WINSTON L. PROUTY was known for his leadership on issues of compassion for the aged, the worker, the poor, and the handicapped. These people will remember him for years to come.

His long and varied career in public service prepared him well for his tenure in the Senate. He was a capable and hard-working member of Congress, whose counsel was valued by his associates.

The contributions that WINSTON L. PROUTY has made to the betterment of his hometown of Newport as its mayor, his State of Vermont as a State legislator, and to his Nation as a Congressman will be remembered for years to come.

His loss saddens not only his family, his friends, and his colleagues in the Senate, but rather all Americans—from his fellow citizens in Newport to the residents of the smallest villages in Alaska. They will all miss a man who has done much to better their lot. We will all miss WINSTON L. PROUTY, a dedicated and compassionate American.

He was a friend to all.

Mr. MATHIAS. Mr. President, the Senate has lost one of its most hard-working and diligent members. The State of Vermont has lost an outstanding champion. The Nation has lost a dedicated public servant.

Senator WINSTON PROUTY was a quiet man, not given to making frequent, emotional speeches or courting publicity for its own sake. Yet he was among the most effective Senators in the slow, patient work of drafting and improving legislation. It is no exaggeration to say that in the fields which he emphasized—education, manpower training, aid to the elderly and others—virtually every major act of the past 12 years bears the imprint of Senator PROUTY's concern and commonsense. In his committees and on the Senate floor, he worked persistently to insure that educational assistance would be available to students in the liberal arts, and to the handicapped; that Federal grant programs would meet the needs of small States and rural areas; that social security and other programs for our senior citizens would serve more of the older Americans who need help. In such efforts Senator PROUTY was remarkably successful. His was a record of achievement any legislator would be proud to claim.

In focusing on his contributions, we should not fail to remark upon the character of the man. WINSTON PROUTY was a true Vermonter in many senses—in his unassuming nature, his commitment to hard work, his unquestioned honesty, his kindness to his colleagues, his staff, and his constituents. He combined deep commitment with a sound sense of the practical which led him to secure progress through a series of small steps, rather than wasting time looking for the millenium.

I would like to take special note of Senator PROUTY's contributions as ranking minority member of the Committee on the District of Columbia, where I had the privilege of serving with him during the 91st Congress. Senators will remember, for example, his very constructive survey of the attitudes of inner-city residents toward the poverty program in Washington, and his involvement in the enactment of legislation to grant District of Columbia residents a greater measure of self-government through the election of the local school board and a nonvoting delegate to Congress. His leadership and contributions on this committee were always sensible and constructive.

Mr. President, countless citizens, particularly the young and the old, owe a great deal to WINSTON PROUTY and his work. The legislation which he helped to write is durable, and I hope that, even as we mourn his untimely death, we will give him the overdue recognition which he earned.

Mr. PELL. Mr. President, sadly, I join my colleagues as we pay tribute to our good friend, WINSTON PROUTY, the late junior Senator from Vermont. I miss him very much indeed.

Albeit that we in the Senate knew of his fine work, WINSTON PROUTY was a Senator whose efforts on social legislation were not understood by either the general public or the press. As a ranking minority member of the Subcommittee on Education, WINSTON PROUTY had an impact on the education of our Nation's youth which will be felt for many years. I think that it can be truly said that no other Senator was as concerned about the education of handicapped children as was he. Without his help and the concepts and improvements he helped contribute, S. 659, the "Education Amendments of 1971" which recently passed the Senate, would never have reached the Senate floor.

His quiet advice and wonderful good sense were great guidelines in the formulation of legislation. I shall miss him greatly, both because of our personal friendship and because his advice will no longer be available to me. Our Subcommittee on Education, as well as the Senate itself, has suffered a great loss, and one from which it will continue to suffer in the years to come.

To Mrs. Prouty and his family, I extend my deepest sympathy and want to assure them that I share their sense of grief.

Mr. PERCY. Mr. President, I join with the other Members of the Senate today in mourning the passing of our friend and colleague, WINSTON PROUTY, of Vermont.

In the best tradition of his beloved New England, WIN PROUTY went about his business quietly, but with great force. For 36 years he served the people of his State in various capacities at the local, State, and National levels. Moving on from a term on the city council and three terms as mayor of his native Newport, Vt., he was elected to the Vermont House of Representatives in 1941. Later, in 1950, he was elected to the U.S. House of Representatives where he served ably until his election to the Senate in 1958.

Although WIN generally worked behind the scenes here in the Senate, we all remember with pride his strong support of the elderly through his work with social security legislation. The high quality of the social security program today is a tribute to his efforts. There are thousands of older Americans whose lives are richer because WIN PROUTY helped to expand the social security program to include workers not previously covered under the law.

WIN PROUTY did not confine his interests to social security legislation, however. In his work on the Commerce, Labor and Public Welfare, Rules, and Aging committees, he worked diligently for the enactment of legislation affecting all of the people of this Nation. Although he was a stanch Republican all his life, WIN voted whichever way his conscience directed on the issues that came before him. He was, as I said, a man who went about his business quietly but he was always well prepared and he was thoughtful in every aspect of his work.

I am grateful to Representative CHARLOTTE REID for enabling me to see the lighter side of WIN PROUTY. At a dinner party at the Congresswoman's home, WIN showed himself to be as proficient at the piano as he was on the floor of the Senate.

We are a lesser group because of his passing. My sympathies go out to his wife, Jennette, who was constantly at his side and who worked closely with him. As a junior members of the Special Committee on Aging, I invariably found the ranking Republican, WIN PROUTY, to be a source of inspiration to me because of his dedication to the elderly of this land, and his compassion for their problems. I shall miss him.

PRINTING OF EULOGIES AS SENATE DOCUMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the expressions of eulogy for our late departed colleague, the Senator from Vermont, WINSTON L. PROUTY, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, the Chair may remember that the leaders gave up their time for this purpose, and I would like to be recognized, with the permission of the distinguished Senator from Washington (Mr. JACKSON), who is to be recognized, on my own time at this time to make a few remarks on another matter, and the distinguished minority leader will be in to ask some questions.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, has the Senate granted unanimous consent that all committees meet today?

The PRESIDING OFFICER. Yes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under "New Report."

There being no objection, the Senate proceeded to consider executive business.

SECURITIES AND EXCHANGE COMMISSION

The **PRESIDING OFFICER**. The clerk will read the nomination.

The legislative clerk read the nomination of Philip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission.

The **PRESIDING OFFICER**. Without objection, the nomination will be considered and, without objection, it is confirmed.

Mr. **MANSFIELD**. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER**. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

THE TROUBLE IN THE ARMY

Mr. **MANSFIELD**. Mr. President, in the Boston Herald Traveler for Tuesday, September 21, 1971, there is a commentary by Max Lerner entitled "The Trouble in the Army."

I would like to note some excerpts from this article and ask unanimous consent that at the conclusion of my remarks the entire article be included in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **MANSFIELD**. Mr. President, quoting from Mr. Lerner's commentary, he states:

> The recent press reporting on the "New Army" (the latest is a series running in the Washington Post) seems to agree on what is happening: Rising desertions and AWOL cases, mounting instances of insubordination and "fragging" (terrorizing officers, usually non-coms, with grenades and such); the spread of drug use in and out of combat zones, especially of heroin, hashish and opium; the increase of antiwar and anti-Army feeling among soldiers, some of it quite open; multiplying cases of race clashes and of militant black unrest; the efforts at "working-out" the infractions of discipline, instead of cracking-down on them with futile punishment; the effort to educate the men on the twin diseases of racism and drugs.

Continuing the quotation:

> One thing is clear enough: The Army's tensions reflect the society's tensions. Once the Army was pretty much a closed society, but that day is over. When you draft young men for a war no one really wants in the society outside, they will bring with them from outside all the ills no one wants in the Army.

Continuing:

> The tradition of the American officer elite, unlike the French, is nonpolitical.
>
> My own experience with them—

This is Mr. Lerner speaking—

> In talks at several of the military colleges in the past weeks, has again impressed me with their quality, their alertness to broad historical and social forces.

Referring to the American officer corps—

> And their open-mindedness to ideas. But they have not been politicized. A large number of the rank and file among the draftees and the re-enlisted men have been scarred by drug use and racial tensions.

The last two paragraphs:

> American soldiers—whites and blacks, draftees and volunteers—have coped well with the messy war we have given them to fight, and they deserve better than the kind of treatment they are getting as they come back to their home towns, look for jobs again, and try to orient themselves to a jarring, confusing civilian life.
>
> President Nixon is waging a hard fight to get the draft extended for the remainder of the phasing-out and transition period, before the volunteer Army is given its coming test. Actually, the debate that has raged for several years, as between the conscript and volunteer armies, is no longer a real contest. No matter what its cost, the volunteer Army is the only possible choice—if it can in fact be raised. For another draft Army will prolong or repeat the agony that is being suffered in handling this one.

Mr. President, I think this is a fair and reasonable article. It recognizes the fact that there is in the Army an officer corps which is aware of the situation and is doing its best to rectify it.

I want to say again, as I have many times in the past—and I say this with the full accord of the distinguished minority leader—that we realize that something has to be done to bring back to the Army the prestige and standing which should be its by right. We in the Senate will do everything to help in the process of making the Army what it was intended to be and try to overcome what it is in the process of becoming.

EXHIBIT 1

THE TROUBLE IN THE ARMY

(By Max Lerner)

WASHINGTON.—Along with prison riots, the trouble inside the Army is now emerging as one of the prime arenas of the struggle over authority which is a major mark of our time.

The recent press reporting on the "New Army" (the latest is a series running in the Washington Post) seems to agree on what is happening: Rising desertions and AWOL cases, mounting instances of insubordination and "fragging" (terrorizing officers, usually noncoms, with grenades and such); the spread of drug use in and out of combat zones, especially of heroin, hashish and opium; the increase of antiwar and anti-Army feeling among soldiers, some of it quite open; multiplying cases of race clashes and of militant black unrest; the efforts at "working-out" the infractions of discipline, instead of cracking-down on them with futile punishment; the effort to educate the men on the twin diseases of racism and drugs.

I haven't done the kind of research on the Army that you will find in the recent investigative reports. Nor do I know it at firsthand, except for a spell as war correspondent in World War II in Europe, in an Army that now seems very far away and long ago. But the recent changes in the Army need to be put in a larger frame—not only what is happening to the soldiers, but what is happening to their commanders and to the plans for an Army of the future, and even more what is happening in the American society itself.

One thing is clear enough: The Army's tensions reflect the society's tensions. Once the Army was pretty much a closed society, but that day is over. When you draft young men for a war no one really wants in the society outside, they will bring with them from outside all the ills no one wants in the Army.

Gen. Westmoreland says bravely, perhaps wishfully, that the Army will emerge all the stronger for its present rocky experiences. If there is any Army at all, some of the more caustic GI draftees or some of the gloomier "lifer" non-coms would probably add. As between the traditional crackdown and the newer "working it out," the Army commanders have little choice. It has to be the latter, and to put the best face on it they have to say (perhaps some believe it) that the burst of indiscipline and the new techniques of working-out will clear the air.

Unsuccessful wars hit armies in different ways. The wars in Indochina, Tunisia and Algeria hit the French army chiefly by pushing its higher officers—the colonels and generals—militantly to the right, where De Gaulle bound them, used them and then crushed them. The tradition of the American officer elite, unlike the French, is nonpolitical.

My own experience with them, in talks at several of the military colleges in the past weeks, has again impressed me with their quality, their alertness to broad historical and social forces, and their open-mindedness to ideas. But they have not been politicized. A large number of the rank and file among the draftees and the re-enlisted men have been scarred by drug use and racial tensions. They have reflected a questioning of authority which goes beyond the historical GI griping and has become politicized and open. But the officer elite, preparing itself for the higher commands, tends to see the broad picture steadily with a tough-minded liberalism that has surprised me.

Given the initial disasterous decisions on the Vietnamese war, and given the disruptions in the larger society, the wonder is that the tensions haven't completely destroyed the Army in Vietnam while the phasing-out is going on. Actually, while drug use is found almost equally in combat and noncombat zones, the insubordination, racial tensions and fragging are understandably worse in the rear line and the "logistical tail" of the Army than in the fighting areas.

American soldiers—whites and blacks, draftees and volunteers—have coped well with the messy war we have given them to fight and they deserve better than the kind of treatment they are getting as they come back to their home towns, look for jobs again, and try to orient themselves to a jarring, confusing civilian life.

President Nixon is waging a hard fight to get the draft extended for the remainder of the phasing-out and transition period, before the volunteer Army is given its coming test. Actually, the debate that has raged for several years, as between the conscript and volunteer armies, is no longer a real contest. No matter what its cost, the volunteer Army is the only possible choice—if it can in fact be raised. For another draft Army will prolong or repeat the agony that is being suffered in handling this one.

Mr. **SCOTT**. Mr. President, will the distinguished majority leader yield?

Mr. **MANSFIELD**. I yield.

Mr. **SCOTT**. I agree on the importance of restoring the morale of the Army and of the Armed Forces generally. It is a serious problem. It will not be accomplished in my opinion, in a wholly substantive manner, until we have ended the war in Vietnam.

I think all of us should speak in the temperate tones used by the majority leader. Too often things said in the Halls of Congress are repeated by men on the firing line or by men in rear areas. I suspect that those things contribute to the loss of morale. There are many other things that contribute to it, too.

Our search for ways to combat and conquer the drug problem is illustrative of what we need to do more effectively, and certainly continuously, not only here but in our dealings with nations where the drugs originate.

PROGRAM

Mr. SCOTT. Mr. President, on another matter, I would like to ask the distinguished majority leader if he would be good enough to tell us the program for the rest of the week and perhaps for the beginning of next week.

Mr. MANSFIELD. Yes, indeed, and I am indebted to the distinguished minority leader for raising the question at this time.

There are two amendments which will be considered today, on which time limitations have been entered into, and on which the yea and nay votes have been requested and granted.

We will have the MIRV amendment tomorrow for a time period of 4 hours, and a yea and nay vote has already been agreed to by the Senate.

So today there will be two rollcall votes. Tomorrow there will be at least one, and we hope more.

It is the intention of the joint leadership—we have discussed this matter from time to time—to endeavor to have some amendments ready on Monday, so that there will be rollcall votes then.

There will be no Saturday session this week, but, depending upon developments from next week on, the Senate should be on notice that there may well be Saturday sessions, depending on the circumstances in existence at the time. The purpose is to try to bring the business of the Senate to a close.

The calendar is pretty well cleared at the present time. We have some added legislation, based on the President's new economic policy, which will be considered, I hope, beginning next month; and it is our hope—I express it only as a hope, but a good one—that it may be possible for Congress to adjourn the first session of the 92d Congress somewhere between the 15th of November and the 1st of December, and the closer to November 15th the better.

Mr. SCOTT. I certainly agree with that. I think the people always give a sigh of relief whenever Congress goes home. I do not suppose it is all that bad, but there comes a time when Members need to go home. They need to refresh themselves and, like Antaeus, increase their strength tenfold by touching the earth of their home constituencies.

So it is good for Congress to go home from time to time for more than one reason, and there will be, of course, the second session.

But we have some must legislation to get through: The appropriation bills, measures that will come over here from the House Ways and Means Committee, and other matters. I think the best way to avoid 6-day sessions is for Senators, whenever possible consistent with their responsibilities, to be here during the other 5 days and be prepared to vote, and to accept the discipline that that involves.

I thank the distinguished majority leader.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Senator from Washington is recognized for a period of time not to exceed 15 minutes.

Mr. JACKSON. I yield briefly to the Senator from Wyoming.

THE PAY FREEZE

Mr. McGEE. Mr. President, as chairman of the Post Office and Civil Service Committee, yesterday I sent a letter to the President of the United States asking him to consider freezing, by Executive order, the military pay raises authorized under the Selective Service Act, with the same terms and deadline as the current freeze on civilian employees in the Federal Government.

In other words, I feel that if one-half of our Federal employees are being asked to forgo and postpone pay adjustments, the other half of our Government employees; namely, the armed services—should be subject to the same treatment.

Our committee, Mr. President, has been most diligent in adhering to the spirit and hoped-for goals of the President's economic game plan. We have twice refused to consider legislation which would upset the wage-freeze formula as it pertained to Government employees. But it would be most unfair should the President fail to freeze military salary increases while denying them to others. The consequences of such a failure to freeze these salaries will, in my opinion, seriously jeopardize any chance for halting inflation.

As chairman of the Post Office and Civil Service Committee, I strongly feel that without a military pay freeze I could not continue with clear conscience to ask our committee to hold the line against Federal employee pay legislation. In fact, without a military pay freeze, I would have to urge the committee to give immediate attention to whatever legislative measures were required to overturn their own pay freeze.

I would rather it did not go that way, because I think that the freeze of all Federal salaries for the emergency is very much in order. But the old cliché, what is good for the goose is good for the gander, I think ought to apply here; and should a decision be made otherwise, the efforts that the Senator from Hawaii (Mr. FONG) and I have made on the Civil Service Committee to help hold the line with all Federal employees would have to yield, in that one circumstance.

I am hoping that the President will see fit to make the freeze uniform throughout, for all Federal employees, military and civilian.

I thank my colleague for yielding, and I ask unanimous consent, Mr. President, to have printed at this point in the RECORD my letter to President Nixon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 22, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a United States Senator, representing my constituency, I have endorsed and publicly supported your recent wage-price freeze policy. I have been in overall agreement with your objectives in that action even though I do disagree with some of the specifics.

As Chairman of the Senate Post Office and Civil Service Committee, which has jurisdiction over the legislation pertinent to the salaries of civilian employees of the government, I have likewise strongly supported the policy of a wage-price freeze at the present time. Indeed, with the able assistance of Senator Hiram Fong of Hawaii, the ranking Republican member of our Committee, we have strongly supported the wisdom of the freeze in the Committee meetings we have held to consider wage increases of government employees; and we have been able to persuade the Committee that now is not the time to consider government employee exceptions to the freeze policy.

The question which is now relevant, however, is: "Will the recently voted military pay raises now be frozen by Executive Order?"

As you know, I supported the military pay increases which accompanied the extension of the draft. And I plan to support Senator Allott's amendment to the pending military procurement measure. It is important that we establish legislatively the new level of military pay.

But there is nothing in the new law which would prevent the President of the United States from freezing military salaries for the time being, consistent with the national economic emergency which has been declared. Such a freeze should parallel in length of time (July 1, 1972) that which has already been ordered for federal civilian employees.

Indeed, failure to freeze military salary increases at once would not only be unfair to the civilian side of the federal government, but it would almost certainly result in the Congress taking whatever action may be necessary to unfreeze civilian pay levels. Should this latter move be taken, the consequences, I should think, would be most serious for the chances of halting inflation.

Let me emphasize again, Mr. President, that this Senator agrees with the wisdom of asking that federal employees tighten their belts and shoulder their share of the national effort to stabilize the country's economy. But it would be grossly unfair for half of our federal employees to be told that there will be no pay raises at the same time that the other half—the armed forces—is going to get substantial ones.

Therefore, as Chairman of the Post Office and Civil Service Committee, I would have to advise you that without a military pay freeze I could not continue with clear conscience to ask our Committee to hold the line against federal employee pay legislation. In fact, without a military pay freeze, I would have to urge the Committee to give immediate attention to whatever legislative measures were required to overturn their own pay freeze.

Ever mindful that the complexities of this problem rest heavily on your shoulders at this time, I stand ready to cooperate in meaningful measures. For this reason, I submit to you for consideration the wisdom of the total federal wage freeze.

It would be greatly appreciated if you

could advise me of your views on these recommendations at an early date.

Respectfully,

GALE MCGEE,
U.S. Senator.

Mr. JACKSON. Mr. President, I yield briefly to the distinguished senior Senator from Virginia.

MILITARY PROCUREMENT AUTHORIZATIONS — AUTHORITY FOR STAFF MEMBERS TO BE PRESENT IN CHAMBER

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that Jack Brooks and Forrest Rettgers of my staff be permitted to be present in the Chamber during the consideration of the McGee amendment to the pending legislation.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, I assume the Senator will except the time during which the rollcall vote is in progress.

Mr. BYRD of Virginia. Absolutely.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO MAINTAIN A BALANCE IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, in recent days the tense situation in the Middle East has shown gathering signs of instability. The destruction by Egyptian missiles of an Israel plane some 20 miles within Israel-held territory is an alarming reminder of the precarious balance on which peace depends.

Let me identify the clouds that gather over the Middle East—today, while there is time to make clear our determination that we will act to maintain the balance that alone can keep the peace:

There are 15,000 to 20,000 Russian personnel in Egypt, including some 100 officers of general rank;

There are Russian combat aircraft flown by Russian pilots based on Egyptian airfields; and

There are, in the air forces of Israel's hostile neighbors, some 600 supersonic aircraft, many times the number available to Israel.

This significant Soviet military involvement in Egypt has been an increasing matter of concern for some time now. It seriously complicates our efforts to assess the stability of the military balance in the Middle East, because it is impossible to predict the nature of Soviet activity in the event of an outbreak of hostilities. No one is in a position to give firm assurances that a deep crisis would not draw the Egyptians or the Russians into new hostilities.

In addition to this now well-established Russian participation in the Egyptian military effort—and the same type of involvement is in evidence elsewhere in the Middle East—there are new and profoundly disturbing indications that the delicate balance on which peace is based is gravely threatened:

We have evidence of extensive Egyptian training missions aimed at perfecting operational plans for an invasion across the Suez Canal involving as many as 100,000 Egyptian troops;

We know that access ramps to facilitate the emplacement of pontoon bridges have been built on the west bank of the Suez Canal;

We know that a number of bridges adequate to sustain an invasion have been prepositioned along the canal;

We know that SAM missiles are being moved to the very edge of the canal—a movement forward that exposes Israel positions to extreme danger;

We know that there are now some 1,000 surface-to-air missiles in Egypt, many of them illegally emplaced within the cease-fire zone negotiated last year. This system constitutes the most extensive air defense network ever deployed by a minor power; and

We know that there exists definite evidence of various war plans for an invasion of Israel-held territory. Egypt could have available a force of 100,000 troops or more to execute these plans in November or December of this year—with immensely tragic consequences on all sides.

Against all of this, Mr. President, it will be said that the Soviet Union has shown caution in the Middle East, and that the Arab armies are given to inflated rhetoric and idle brandishing. It will be argued that pontoon bridges, training missions, and invasion plans are based on preparation for some remote contingency and, therefore, do not constitute immediate risks with which we must be immediately concerned.

I cannot agree. There is always, in situations as unstable as the current Middle East crisis, a great danger of accident or miscalculation--a terrible risk that the momentum of military preparations and plans will carry fast-moving events out of control.

To keep the fragile peace in the Middle East it is essential that this country reaffirm its determination to maintain the military balance—not only by maintaining a strong and secure presence in the eastern Mediterranean, but also by maintaining a prudent overall defense posture.

We must act to remove any doubt that an Egyptian military adventure might succeed. And to do that we must speak clearly and act decisively. For too long now this administration has been indecisive. Its intentions have been unclear. And the result has been to encourage the radical Arab States in the belief that the passage of time and the development of military forces would bring within reach sufficient military pressure to force Israel into a return to the vulnerable borders that have twice brought war in the Middle East.

The great failure of the administration's Middle East policy has been to assume, with neither evidence nor logic to support it, that the Soviet Union genuinely desires a stabilizing settlement of the Arab-Israel dispute. Out of this naive assumption arose such serious errors as our failure to respond to severe Soviet violations of the standstill cease-fire of last year. The time has come to end the preoccupation with the dispute between Israel and the Arab States and recognize that the central issue in the Middle East is a Soviet drive for hegemony. The Israelis are today in the frontline in resisting the historic imperial ambitions that lie behind Soviet policy. They deserve our support not only because they are reliable and democratic allies, but because they are allied with the security interests of the United States in a vital region of the world.

Mr. President, last year I introduced legislation to authorize the President to make military credits available to Israel and to state clearly the concern of Congress at the deepening involvement of the Soviet Union in the Middle East. The Congress responded affirmatively to my amendment to the Defense Procurement Act by a record vote of 87 to 7. President Nixon subsequently signed it into law on October 7, 1970. It remains in force today.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of that amendment now a U.S. public law.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

SECTION 501, PUBLIC LAW 91–441—THE JACKSON AMENDMENT

The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

Mr. JACKSON. The policy contained in Public Law 91–441 is clear. No one reading it could remain uncertain as to the policy of the United States in the Middle East. Today the best hope for peace in that troubled region lies with an Israel strong enough to defend itself and thereby deter aggression. In the present crisis, and given the grave uncertainties about the stability of the military balance in the Middle East, Israel needs additional modern supersonic aircraft and the military credits with which to purchase them.

That is why, Mr. President, it is my intention to offer an amendment to a proper appropriations measure at the earliest practicable opportunity that would provide $500 million in military credits as previously authorized in Public Law 91–441. Moreover, my amendment specifically identifies half the total amount, or $250 million as available for Phantom aircraft. The amendment reads:

For expenses, not otherwise provided for, necessary to finance sales, credit sales, and guaranties of defense articles and defense services to Israel, as authorized by law, $500,000,000, of which amount not less than $250,-

000,000 shall be available to finance sales, credit sales, and guaranties of F-4 Phantom aircraft to Israel.

Mr. President, I understand that in H.R. 9910 the administration has requested the authority to extend military credits to some 13 nations, $300 million of which could eventually be made available to Israel for the purchase of Phantom aircraft. Obviously, if these funds are authorized and appropriated in a timely fashion, and if they are expended for the purpose of providing these vital planes, I would adjust my amendment accordingly and as the situation dictates.

I believe, however, that the seriousness of the situation and the uncertainties surrounding H.R. 9910, now before the Foreign Relations Committee, require the line item amendment I intend to introduce. In any event, the authority sought in the bill presently before the Foreign Relations Committee is superfluous, since anything that might be done to provide credits to Israel under the administration's pending request for authority can be done under the law the President signed last year.

Mr. President, no one wishes for a peaceful and enduring settlement of the recurring Middle East crisis more than I. It is only with respect to the effective road to peace that there is disagreement.

In my judgment, good sense requires that we act now to assure the balance, in the conviction that it is prudent strength that makes peace possible.

Mr. RIBICOFF. Mr. President, will the Senator yield for a comment?

Mr. JACKSON. I am happy to yield.

Mr. RIBICOFF. Mr. President, I am always deeply impressed by the statements of the Senator from Washington on any subject, and especially when the Senator addresses himself to the Middle East. I do not believe there is a more knowledgeable man in the Senate than the Senator from Washington on the issue of American interests in the Middle East. I think it is also fair to say that recent events have clearly demonstrated that the state of Israel does not have a better friend than the Senator from Washington. Even before Israel was established, he urged its establishment and its recognition by our own Government. Since 1948 he has labored, and labored hard, to assure the continued existence of the state of Israel, not only from humanitarian motives, but because he appreciates America's interest in the Middle East.

I want to pay tribute to Senator JACKSON for his consistent friendship for Israel and his untiring efforts on her behalf in this body. There are many, of course, who express their friendship in words, but the actual deeds of the Senator from Washington have repeatedly brought concrete results. He has done much to assure the survival of the state of Israel, and to protect vital American interests in the Middle East.

The amendment that the Senator from Washington will offer is the logical extension of two letters signed by three-quarters of the Members of the Senate, the 87-to-7 vote last year approving the Jackson amendment, and the strong support for this amendment in the House.

Continued indecision by the administration can only encourage the Arab States in their dreams of destroying Israel. A genuine peace in the Middle East cannot be achieved by withholding crucial military and diplomatic support from an ally in the vain hope of appeasing those who seek its eventual destruction.

If it is indeed the policy of this country to maintain the arms balance in the Middle East, then this policy must be implemented immediately.

Senator JACKSON has pointed out in detail the numbers of men and machines now arrayed against Israel. Our State Department counters these hard facts with talk of Israel's qualitative superiority in manpower. This superiority undoubtedly exists, but how many young Israeli lives equal a Mig-21, a Sam-3 missile or a T-55 tank?

If our country continues to withhold Phantom aircraft from Israel, we will be encouraging Soviet and Arab intransigence and aggression. The consequences could be disastrous not only for Israel, but for all the nations of the Middle East and of the entire world as well.

Mr. President, I salute the leadership that has always been given to the Senate on this and many other issues by the Senator from Washington. I am sure we can count on my support and the support of the overwhelming majority of the Members of this body as we follow his lead in strengthening the position of Israel in the Middle East, the posture of the United States vis-a-vis the Soviet Union.

I thank the Senator from Washington for his outstanding work on this vital issue.

Mr. JACKSON. Mr. President, I thank my friend and colleague, the Senator from Connecticut, for his most generous remarks. He is being very modest about his own role.

The Senator from Connecticut has been extremely helpful in all the moves that have been made to bring peace and stability to the Middle East. I especially wish to express my deep appreciation for his role in helping us pass in the Senate last year the aid authority under which my proposed appropriation would be made to provide continuing military credits to Israel.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOLDWATER. I compliment the Senator from Washington for what I consider an excellent and very timely statement.

I think it should be increasingly obvious to all Americans—in fact, to all the world—that the Soviet is in the Middle East, and I do not think they are there for the good of the Arabs. I think they are there for the good of the Soviets. It is my guarded opinion that their ultimate objective is opening the Suez Canal; and to that end their fleets in the Mediterranean are almost at a point where they can tell our fleet to get out, and we will have to do it or face a war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I ask unanimous consent to proceed.

Mr. BYRD of West Virginia. Mr. President, the leadership has consistently objected to the extension of any 15-minute orders throughout the year.

I ask unanimous consent that the Senator have 2 minutes, but that the time be charged against the time of the distinguished Senator from New York (Mr. JAVITS), who was to have now been recognized, under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I think it is particularly pertinent that the Senator has brought up the matter of the F-4 fighter for Israel. I do hope that the amendment is offered, because the F-4 line, as the Senator knows, is slowly dying out.

If it were not for the purchase of the F-4's made recently by Germany, the line would have ended very shortly.

If we are to supply to Israel the most modern fighter we have, although it is 13 years old, we will have to have an amendment such as this appropriating the money.

I will be very happy to join the Senator from Washington in any way he feels might be of help to him in getting this across.

Mr. JACKSON. Mr. President, I compliment and commend the able Senator from Arizona for his stand in this regard. I especially agree with his comments regarding the real problem in the Middle East—the Soviet Union.

I could not agree more about the problem of the Suez Canal. I think it would be a mistake to open the Suez Canal—which would benefit primarily the interests of the Soviet Union in that area of the world—which is so vital to the security of the Western nations. I believe that if the canal is to be opened, it ought to be a trump card in some final settlement that will have meaning and will be effective in bringing peace and stability to the Middle East.

QUORUM CALL—ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed thereby be charged against the time of the distinguished Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

The Chair would advise the Senator from New York that he has 11 minutes remaining.

Mr. JAVITS. Mr. President, I ask unanimous consent that the 3 minutes that I would be entitled to under the morning hour may be added to that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S SCHOOL BUSING POLICY

Mr. JAVITS. Mr. President, I have abiding confidence that the people of this country are decent, thoughtful, and fair in their judgments. Thus, I believe the time has arrived, with the new school year now underway, when we can consider in its proper perspective, the issue of school busing where necessary—and I emphasize that word—to the achievement of the objectives of the U.S. Constitution and quality education.

On August 3, the President issued an unfortunate statement on busing which received a great deal of attention from the media. Also, and unfortunately, some sought to use the President's words to appeal to the fears and prejudices of those being asked to embark, with their children, on a new, unfamiliar step toward achieving moral justice as well as substantive improvement in education.

Mr. President, I believe in integrated schools as an important component of a colorblind society. In an age when our society is still beset with serious racial tensions—a product of racial discrimination, perhaps the greatest injustice of our history as a nation—our children need to learn to live with and respect one another, black and white, rich and poor. This is a major avenue to resolving our great social problems.

In a colorblind society, school busing would not be an issue. Busing has become an issue only when it is related to the purpose of desegregation. Some 40 percent of America's schoolchildren rode buses before desegregation. Sadly, we do not now live in a truly colorblind society; residential patterns remain largely those which are conducive to segregation of the races—in fact. Thus, if children are to derive the educational advantages of an equal education—and this is true North as well as South—the schoolbus is often the indispensable means to achieving the end.

The issue has been raised in the context of "involuntary busing," as if a child were being forced against the parent's will to ride a bus to school. But the real issue is school assignment, not involuntary busing. No school district tells a child he must ride a bus; it tells him to what school he is assigned and then offers him public transportation to reach that school. If the child—or the parent—chooses to get there some other way, there is no compulsion to use a bus.

At least in cases of unconstitutional segregation, the Supreme Court held in Green against New Kent County, Va., in 1968, that school districts could not use a student assignment plan, such as "freedom of choice," which did not, in fact, result in the desegregation of the schools. Green, when read in the context of the subsequent Swann case, thereby reaffirms the power of the school district to make school assignments which may put the school beyond reasonable walking distance for the child.

President Nixon said on August 3:

> I have consistently opposed the busing of our nation's school children to achieve racial balance, and I am opposed to the busing of children simply for the sake of busing.

Unfortunately, the President's statement misses the point of what the courts have been saying is the mandate of the 14th amendment. Mathematical racial balance is not an end in itself, but as the Supreme Court unanimously noted in the Swann case, it may sometimes be a useful means of ending the injustices of racial discrimination. No one favors the busing of children "simply for the sake of busing." The point is not racial balance, but the educational and moral value to the children which underlies such busing as I define as "necessary".

Another severe blow to the cause of quality education was a subsequent warning from the President, disclosed by the White House Press Secretary on August 11, to employees of the Justice Department and the Department of Health, Education, and Welfare, threatening them with the loss of their jobs if they do not hold busing under Federal desegregation plans to the absolute minimum required by the law. The Federal employees in charge were thereby put at the peril of a case by case interpretation of law, a peril which could only promote irrespective of the moral or educational values involved, an adamant stand against busing.

Set against this background, and the subsequent demagoguery engaged in by the Governor of Alabama and others, it is heartening that the American people have, by and large—while reacting instinctively against busing—dedicated themselves to the rule of law, and to the maintenance of our public education systems. Here is some evidence on that score:

The disgraceful bombing of 10 school buses by extremists in Pontiac, Mich., did not prevent the public schools from reopening as scheduled under a court-ordered new desegregation plan. Although initial community resistance to the plan was great, I am informed that substantial progress in gaining acceptance for desegregation has been made, as many parents in Pontiac have begun to recognize that the education at the end of the bus ride is more important than the bus ride itself.

In many Alabama communities, desegregation and its attendant busing have proceeded as required by law, and the citizens of that State have demonstrated a greater respect for law than has been shown by their Governor.

Jackson, Miss., provides another example of a school district finally coming to grips with the problem of segregated schools. Spurred by the leadership of the business community, the people of Jackson have come to see that the future of their city as well as the future of America, is tied to the development of mutual respect between the races. Integration in education in Jackson requires busing; but even attempts by the Governor of Mississippi to cut off State funds to the Jackson school system apparently cannot doom the success of the program.

In my own State of New York, integration, often requiring busing, proceeds despite the difficulties. Last year, without fanfare or violence, the city of Niagara Falls totally integrated its schools. This year, also peacefully, the third largest city in my State, Rochester, despite severe financial handicaps, has taken the major step in integrating its entire school system and used busing in the process.

On August 3, the President instructed the Secretary of Health, Education, and Welfare to send to the Congress an amendment to the President's own proposed $1.5 billion 2-year Emergency School Aid Act, which if adopted, would prohibit the use of authorized funds for transportation of students. This amendment is now before the Education and Labor Committee of the House of Representatives. The chairman of the House Committee has stated his belief that "if the amendment is adopted much of the initial support for this legislation may be lost."

Rochester, N.Y., provides a striking example of the inadvisability of requesting Congress to prohibit the use of emergency school aid funds for the provision of transportation services. Rochester is on the verge of final implementation of a citywide integration plan. This year the Rochester School Board and the superintendent had to cut the budget to the bone to implement the second phase of the plan. If the promise of integrated education is to be realized there, the school district desperately needs funds to continue its admirable work.

Opposition to the President's "no busing" amendment is by no means confined to the North. As reported by the New York Times on September 9, many southern school superintendents have voiced deep chagrin at the President's position. If, as a nation, we are committed to equal educational opportunity, we must provide the means to the accomplishment of our objectives. I sincerely hope that the House of Representatves will reject the President's amendment, and get on with the business of passing the Emergency School Aid and Quality Integrated Education Act of 1971, which has been languishing in the other body ever since it was passed in the Senate by a vote of 77 to 8 on April 29.

In its administration of existing law—the emergency school assistance program—the Department of Health, Education, and Welfare is not observing its own regulations where the issue of busing is concerned, and is probably violating the law as a result.

The regulations adopted by the Secretary of Health, Education, and Welfare create three priorities for the purposes of awarding emergency school assistance funds; the first priority creates eligibility for districts undertaking new desegregation as a result of the Supreme Court decision in Swann against Charlotte-Mecklenburg Board of Education, a decision which validates the use of busing to achieve desegregation. No other districts may be funded until the needs of all "priority 1" districts are met. Section 181.4 of the regulations lists logistic support for transportation needs as an activity eligible for funding. Yet the Department has arbitrarily ruled that no ESAP funds can be used to support transportation. If all moneys available were being used in "priority 1" districts this might be merely an unwise exercise of discretion; but as money remains for funding districts eligible in priorities 2 and 3, the arbitrary refusal of the Department to consider funding transportation expenses in districts with the greatest need seemingly constitutes a violation of the duly adopted regulations—and thus a violation of law.

Mr. President, I hope very much that the attitude of the administration upon this subject will be clarified for the people and for the Congress. If the administration does not change its position, I hope that the Congress will have the moral courage to do what it knows needs to be done. And that is why we are sent here, because we are supposed to have moral courage notwithstanding the passions and prejudices which may sweep some communities.

I point out that even in most of those communities which have momentarily been swept up by passion, reason, and honorable American respect for the Constitution and for morality have prevailed. In community after community, the people have themselves supported the necessary busing in order to bring about what the Constitution and common decency require.

Mr. President, I ask unanimous consent that the following items be printed at this point in the Record: A news article entitled "School Chiefs in South Perplexed on Busing" from the New York Times of September 9, 1971; an essay by Father Theodore M. Hesburgh the Chairman of the U.S. Commission on Civil Rights, which appeared in the New York Times, September 15, 1971; and selected portions of the ESAP regulations.

There being no objection, the material was ordered to be printed in the Record, as follows:

School Chiefs in South Perplexed on Busing

(By James T. Wooten)

Atlanta, Sept 6.—There was once a time in Roy Alcorn's professional life when he defined his job as a public school superintendent in terms of the three B's: budgets, bonds and buildings.

"But that day—when things were really sort of simple no matter how hectic they became—that day is gone," the 45-year-old superintendent of schools in Roanoke, Va., said last week. "Integration and that other B, busing, changed everything and now my role is to try to ride a dozen horses in a dozen directions all at once."

As Southern schools move into their second and final week of openings tomorrow, his lament is not unusual among his colleagues in the region, especially among those who run systems like Roanoke's, where racial balance and busing have become a part of the educational process.

Growing numbers of Southern school superintendents feel caught between opposing pressures, including the Federal courts, the Federal bureaucracy, the Nixon Administration and the people of their local communities—all of which, in the educator's view, seem to be at constant odds.

The educators describe their problems as "dilemmas" and "quandaries."

NO LONG-RANGE PLANS

Dr. James W. Henry, the 49-year-old head of public education in Chattanooga, Tenn., is one of those who shares Mr. Alcorn's complaint.

"I always refer to myself as the 'current' superintendent," he said. "With one part of the government telling you one thing and another saying another thing while off in this corner an entirely different view is being pronounced—well, it just gets very precarious and you don't like to think in long-range terms."

Floyd W. Parsons, another educator, concurs.

"When you have the President making his grand statement and Chief Justice Burger offering his comment and the Federal courts ordering this and that, you have the community divided down the middle, what you've got is a genuine dilemma for the school man," said the 60-year-old superintendent of schools in Little Rock, Ark.

He was referring to President Nixon's public opposition to busing and Chief Justice Warren E. Burger's statement last week that lower courts and school boards seem to have misinterpreted the Supreme Court's will on racial balance.

"Here in Little Rock, that sort of thing from Nixon and Burger just confuses people—mixes them up," Mr. Parsons said.

It was in his city, in 1957, when the system was under the direction of Mr. Parson's predecessor, Virgil Blossom, that the long desegregation struggle began with Federal troops escorting Negro children into Central High School.

TENSE JOB PRESSURES

In the years since, as segregation became a scene of the past in the South, the final pressures for change usually fell on the superintendents—and the process was both tense and tough.

Some quit, others fled to the North, a few suffered mental or emotional collapse and one, a superintendent in Mississippi, committed suicide.

But most remained on the job because, as Marvin M. Ward of Winston-Salem, N.C., suggested, "We were offered some possible choices back then. We could follow the directives of the court to integrate or join with the bulk of the people and resist. We chose to integrate and it really wasn't all that hard."

Now, many superintendents say there is such a variety of pressures from the same general source, the Federal Government, that they feel caught up in problems they cannot deal with.

On the one hand, they contend, the Federal courts seem committed to racial balance and busing. On the other hand, they have heard words of opposition to both not only from the President and the Chief Justice but also from the Vice President, the Secretary of Health, Education and Welfare and the Attorney General.

"All of that has just given false hopes to the anti-desegregation elements in the community," J. Floyd Hall, of Greenville, N.C., said. "They just make the superintendent's job that much more difficult."

RESPONSIBILITY ON NIXON

Mr. Hall, speaking last week to a meeting of his state's school superintendents, seemed especially irked by the President's public utterances on busing racial balance and neighborhood schools.

"If we have any disruption this fall, it has got to be placed at the feet of the President's statement," he told his colleagues.

Many of them agreed. "The President has made my job extremely more difficult," said Claude E. Kitchens, head of the Columbia, S.C., system where extensive busing began last week.

Dr. Jesse A. Coles Jr., the education in South Carolina, also suggested that the President's statement "helped to create a more emotional atmosphere" around his state.

"What we would like," Mr. Hall concluded, "is for people to stop disrupting the processes—including the President of the United States.

Dr. Elbert D. Brooks, director of schools in Nashville and metropolitan Davidson County, Tenn., criticized Mr. Nixon in different terms. "It just was not realistic for him to come out against busing like that," he said. "It was just one more kind of pressure for education people to bear."

In Charlotte, N.C., where more than half the 80,000 students ride buses to racially balanced classrooms, Dr. William C. Self, the superintendent, took a rather stoic view of the latest developments in school desegregation.

"What all of us would like to be is educators of course, he said. "But our role has changed so drastically that many of us have sort of resigned ourselves to a series of conflicts—which really isn't such bad advice for the President."

INTEGRATION HARM SEEN

Dr. Self added, "Whether Nixon is willing to admit it or not, the courts have ordered busing here and in a lot of other places—and the thing to do is to get it done.

He said the President's statements had had a visible impact on some school districts in his state that were "ready to take additional steps in desegregation but could not after he said what he said."

Dr. Raymond L. Christian, superintendent of the Birmingham, Ala., school system, summed up the effect of conflicting Federal policies on school desegregation as follows: "In our city at least we have ended up not satisfying anybody—not anybody. People are getting the idea that the court's orders are not really very firm and final."

Many of the superintendents seemed especially vexed by the Administration's decision to withhold Federal funds from busing programs. "They tell us to bus and then we don't get any money or help from them to do it," said Dr. Brandon B. Sparkman, superintendent of the Jackson, Miss., schools.

For the first time in more than a decade, the Jackson school board voluntarily submitted a plan last spring for desegregation and it was approved by the Federal court. It included extensive busing and was based on anticipated Federal funds to assist the board in financing the program.

"I don't know what we'll do now," said Dr. Sparkman.

And Mr. Alcorn concluded that there were days "when I know that whatever I decide to do, it's going to end up wrong."

It's the End of the Bus Ride That Matters

(By Theodore M. Hesburgh)

Notre Dame, Ind.—After seventeen torturous years, the United States was about to desegregate many of its formerly segregated schools, North and mostly South. Following a decision of the Supreme Court, many of the school districts were using busing as a means—often the only possible means—of doing so. After more than a decade and a half of legal struggles, the law seemed clear and finally, through the heroic efforts of many school boards, mainly in the South, the law was about to be followed. The result would be that finally, more than a century after slavery was ended in America, the great-grandchildren of former slaves would finally have the opportunity to obtain a first-class education—the key to final liberation and upward social mobility.

At this strategic point, the President of the United States declared that he was opposed to busing. The case in point seemed to be Austin, Tex., which was following a plan devised by the Department of Health, Education and Welfare and seemingly approved by the Department of Justice and the White

House. Then came the intervention by a powerful Texas Senator that led to the repudiation of the Federal Government's plan by its leader. All who had worked for the implementation of the *Brown* decision during these seventeen dreary years were stunned, but little was said. It was the August doldrums. Then came the second blow with the White House press office reiterating the President's statement, and indicating that anyone in the Government opposing it might well find himself working elsewhere.

Who could respond? Most of those who might have responded were long since gone—from H.E.W., Justice, White House. The only maverick left was the U.S. Commission on Civil Rights—an independent, bipartisan agency created under President Eisenhower in 1957 to try to discover the facts on equal protection and discrimination and to advise the President and Congress regarding corrective action. The commission is a peanut. It has a budget that is one-fourth the cost of a single fighter plane, a staff of about 150, and six commissioners who are employed full time elsewhere.

Even so, they spoke out, indicating that the President's statement, at this particular time, could only give aid and comfort to those who opposed the desegregation of schools, and render the task of those trying to comply with the law immensely more difficult.

Moreover, the President's statement, while obviously popular with those who are unwilling to pay the price for a united America with freedom and justice and good education for all, especially blacks, really ignores the facts of busing. Forty per cent of all school children in America are bused to school—two billion miles a year—at a cost of 98 million dollars for 250,000 buses. To be opposed to busing is to not want 40 per cent of American youngsters to get to school.

If the commission had hired Governor Wallace, he could not have performed better. The day after the commission's statement, Wallace began to help the President. All across the South, and also in the North where school buses were fire-bombed in Pontiac, Mich., the forces of obstruction arose anew, buoyed by the President's stance, and the battle already won, had to be joined again. Numerous Federal judges had to restate their cases and even the Chief Justice of the United States had to speak again—on the side of the angels, but with reservations.

Busing is really not the issue. What is important is the education that awaits the child, especially the minority child, for the first time good education, at the end of the bus ride. Busing never aroused emotions when it was done for all the wrong reasons—like the black youngsters in Wallace's Alabama who were bused 100 miles a day from Selma to Montgomery and back to attend a black vocational school when there was a lily-white vocational school where the buses left from in Selma. I remember Medgar Evers saying that his first recollection of busing was the new school buses passing him and other black children on the way to school—a very bad school—splashing them with mud as the white children on their way to a good school yelled out the window, "Nigger, nigger!" No objections to busing then.

One can argue about the costs of equality in America today. God knows we have known the costs of inequality—wasted talents, frustration, poverty piled on poverty, generation after generation. Laws have been grudgingly passed and more grudgingly obeyed, with every possible legal evasion tested. If we are ever to emerge from our present state of inequality, it will not be by insisting on minimum compliance with minimum laws. Generosity, magnanimity, and human understanding will alone allow us to transcend, in our day, our dismal history of racial inequality.

Amended Regulations for Continuing Resolution for Emergency School Assistance Program

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§ 181.3 ELIGIBILITY

(a) (1) Assistance under the program may be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan (i) has been undertaken pursuant to a final order of a court of the United States or of any State, or of a State administrative agency of competent jurisdiction, issued or modified on or after April 20, 1971, pursuant to constitutional requirements as set forth by the United States Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, and its companion cases, or (ii) has been approved by the Secretary, on or after such date as adequate under Title VI of the Civil Rights Act of 1964, and (iii) imposes new or additional desegregation requirements for the 1971–1972 school year over and above those implemented by the school district in any prior year. (20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, 42 U.S.C. 2781–2837, P.L. 91–380, and H.J. Res. 742).

(2) Commencing thirty days after the effective date of this amendment, assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan would have made the local educational agency eligible for assistance under paragraph (1) of this section but for the fact that the applicable court order or Title VI approval was issued prior to April 20, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) of this paragraph shall be accorded priority over such an agency in that State which is eligible therefor under this subparagraph (2).

(3) Commencing thirty days after the effective date of this amendment, such assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools with respect to which plan assistance was furnished (and not terminated) under this program prior to July 1, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) or (2) of this paragraph shall be accorded priority over such an agency in that State which is eligible under this subparagraph (3).

* * * * *

§ 181.4 AUTHORIZED ACTIVITIES

Projects assisted under the program shall be designed to contribute to achieving and maintaining desegregated school systems and should emphasize such activities as the following:

* * * * *

(e) carrying out special comprehensive planning and logistic support designed to assist in implementing a desegregation plan such as (1) employing additional administrative and clerical personnel necessary for implementation of a plan; (2) assisting in the rescheduling and reassignment of students and teachers and the redrawing of transportation routes; (3) supervising necessary physical changes; and (4) minor repairing and minor remodeling of existing facilities and leasing or purchasing of mobile or demountable classroom units.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business not to exceed 15 minutes, with each Senator being limited therein to 3 minutes.

THE ADMINISTRATION'S BUSING POLICY

Mr. HATFIELD. Mr. President, I would like to commend the Senator from New York (Mr. JAVITS) on his very eloquent presentation on a very important subject, the policy of school busing.

I am only regretful that all Members of the Senate could not be here this morning to hear this presentation. I am hopeful that each Member of the Senate will take advantage of the opportunity to read the remarks made by the distinguished Senator from New York.

I never cease to be deeply impressed by the manner, the temper, and the intellectual manner in which the Senator from New York presents complex and oftentimes highly emotionally charged issues. He does so with calmness and with accuracy. He does so not expecting everyone to agree with his views, but only so that the issue may be classified as a result of his comments.

I think in that tradition the Senator from New York has again made a very important contribution for my personal understanding of this subject and also, I feel, for the public's better understanding.

It is not again, let me emphasize, a matter of whether one is disposed to agree with the Senator from New York. The Senator from New York has presented his position in a nonemotional way. It is difficult to talk about busing today without getting involved in emotional reactions, cliches, myths, prejudices, misunderstandings, inaccuracies, and so forth. When there is a clear-cut statement made in such a clear-cut and concise manner, and in such a brief period of time, it is a veritable contribution to the subject.

I thank the Senator from New York. He always helps me, as one of his colleagues, to have a better understanding of a matter. I am very much convinced that his remarks will help even those who stand on the other side of the question from the Senator from New York in a better understanding of their own position.

Mr. JAVITS. Mr. President, I thank the Senator very much for his graciousness.

Mr. HATFIELD. The Senator is entirely welcome.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I have 2 additional minutes.

Mr. BYRD of West Virginia. Mr. President, there would be objection if the Senator were allotted any more time under the 3-minute limitation. If the Chair will recognize me, I shall yield my time to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

Mr. BYRD of West Virginia. I yield 3 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from West Virginia (Mr.

BYRD), the able assistant majority leader, for yielding me his time.

THE BUSING OF SCHOOLCHILDREN

Mr. ALLEN. Mr. President, the result of a Gallup poll on the subject of busing schoolchildren appeared in the New York Times, September 12, 1971. This particular poll indicates that only 18 percent of the persons questioned favored involuntary busing whereas 76 percent expressed outright opposition. The poll was taken during the period of August 20–23, 1971, before public schools opened across the country and before many parents were aware that U.S. district court judges would continue to compel massive busing to achieve racial balance despite the Supreme Court decision in the Swann against Charlotte-Mecklenburg case that racial balance in public schools is not required by the Constitution. Since racial balance is not required, why, in the name of commonsense, do U.S. district court judges continue to order massive busing to achieve racial balance?

Mr. President, there are, of course, many valid grounds for opposing busing schemes imposed on local school boards by U.S. district court judges. It is not my purpose to explore all of those reasons. However, there is one reason which has not received sufficient public attention and that is the detrimental effect on school children of certain proportions of racial mixes in the schools where white children are cast as a minority in predominantly black schools. In this connection, I want to call attention to several conclusions of leading authorities in the fields of psychology and sociology as to the adverse educational effects which can reasonably be anticipated under the above circumstances.

In pointing out these expectations, let me say that they are based on evidence submitted by the same sociologists and psychologists as are relied upon by the Department of Health, Education, and Welfare and by the Civil Rights Division of the Department of Justice in their arguments before U.S. district courts to justify massive uprooting and transportation of school children. For example, Dr. James S. Coleman is frequently cited. His conclusions are reported in the publication, "Equality of Educational Opportunity," issued by the Office of Education, U.S. Department of Health, Education, and Welfare. His findings are used to support busing, but his massive study of the subject of integration in schools indicates that blacks, in predominantly black schools, who are mixed with a minority of whites do no better—if as well—than blocks in all black schools. On the other hand, the achievement of white children who are allowed to remain in predominantly white schools is substantially higher than that of white children who are arbitrarily scrambled in predominantly Negro schools.

The above conclusions can be expressed differently. For example, a black pupil in a predominantly black school has no greater educational opportunity than a black in an all black school, but white pupils arbitrarily transferred to predominantly black schools have less educational opportunity than they would have had in the predominantly white school from which they were transferred.

An additional authority for this conclusion is found in the publication, "Racial Isolation in Public Schools," distributed by the U.S. Commission on Civil Rights.

Mr. President, what does this mean from the standpoint of city and county school systems where whites are the minority? It means that blacks do not gain a better educational opportunity when mixed with a minority of whites and it means that the white minority children who are transported and forced to attend predominantly black schools are deprived of a better educational opportunity. Obviously, actions by courts or by others which compel such a racial mix are discriminatory and are clearly unconstitutional. So why, when white children are in the minority in the school system, should they be uprooted from their local neighborhoods and communities and involuntarily transported throughout a city or county for the sole purpose of mixing the minority race to the advantage of none and to the detriment of the minority race?

Mr. President, there are several counties in Alabama and many counties in the South where blacks outnumber whites in school enrollments. The same situation prevails in many cities in the South and throughout the Nation.

I list below 14 cities which are among the 50 most populous cities in the Nation and indicate the percentage of minority white pupils enrolled in the school systems of these cities:

	Percent
Washington, D.C.	5
Newark	16
New Orleans	30
Atlanta	31
Baltimore	33
St. Louis	34
Oakland	35
Chicago	35
Detroit	36
Philadelphia	37
New York	39
Cleveland	40
Birmingham	45
Kansas City	50

Cities outside the South are next in line for the same treatment now being dished out in the South. Never doubt it. The Supreme Court has handed out a judicial placebo to lull the people outside the South by implying that only State-imposed segregation is the object of its concern. But consider this fact—every school district boundary in every State is the result of "State action." If segregation exists it can be said to be State imposed, and, therefore, subject to remedy by U.S. district courts and the Department of HEW. The radicals are simply waiting for a politically propitious time to strike. So all of the people from all sections of the Nation should be concerned with what is happening in the South today.

In many instances, pseudoeducation experts and radical activists in the hire of the Department of Health, Education, and Welfare have descended upon school districts in which whites are the minority race. Using racial statistics and adding machines as substitutes for brains, these charlatans have prescribed pupil assignments with the sole object of mixing the minority by a ratio reflecting the racial proportions for the district as a whole. Yet, such racial balance is not required by the Constitution and according to the Supreme Court, "absent a constitutional violation . . . that would not be within the authority of a Federal Court." In addition, these radicals have been both callous and ruthless in their approach. Accelerated resegregation has followed as inevitably as night follows day, not only in the South but throughout the Nation. Yet, witless and sometimes spineless U.S. district court judges supinely adopt and implement such ruinous schemes by court decrees. This is only one of many reasons for massive popular opposition to uprooting school children from their neighborhoods and local communities.

Mr. President, let me illustrate another aspect of the problem as it relates to certain of our county school systems in the South. I have a letter from Dr. Guy S. Kelly, superintendent of education of the Wilcox County, Ala. schools. This letter describes some of the problems with which he has to wrestle in his efforts to preserve the institution of public school education in his county. The letter calls attention to the attitude of official representatives of the Department of Health, Education, and Welfare and of the Justice Department as reflected in such statements as:

> We don't give a damn about education. We are only interested in mixing them in the South.

Mr. President, similar statements have been reported to me from time to time from many different sources and I am convinced that it accurately reflects the sentiments of radical zealots employed by these departments. In my opinion, the Gallup poll reflects, in part, the popular resentment to this dictatorial and callous attitude in dealing with the education, safety, and general welfare of children.

But, to further illustrate the chaos and human tragedy taking place in many areas of the South today, I want to call attention to a copy of a letter from Dr. Kelly to President Nixon on this subject. I ask unanimous consent that Dr. Kelly's letter to me dated September 10, 1971, and his letter to President Nixon dated September 9, 1971 be printed in the RECORD.

In addition, I would like to call attention to, and add my solemn "Amen" to a judgment expressed by Paul Harvey in his syndicated column which appeared in the Gadsden Times, Gadsden, Ala., on September 12, 1971. He said:

> Busing school children back and forth across towns for any reason is the most absurd, unkind, and unjust discrimination ever to be court ordered in our nation. Ever.

Mr. President, I ask unanimous consent that Mr. Harvey's column be printed in the RECORD. The Gallup poll to which I have referred indicates that Mr. Harvey speaks the sentiments of the vast majority of parents of our Nation—white and black—and I am firmly convinced that the people of this Nation are not going to accept dictation from nine black-robed judicial tyrants and their minions sitting on U.S. district court benches.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

SUPERINTENDENT OF EDUCATION,
Camden, Ala., September 10, 1971.

Re: Our conversation of several days ago.

Hon. JIM ALLEN,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Approximately 10 to 15 years ago, Superintendents from a three state area (Alabama, Florida, and Georgia) were called to a meeting in Tallahassee, Florida at Florida State University for a discussion of the integration of the South under the 1954 Supreme Court decision.

At that time we were informed that the school systems of the South were going to be completely integrated and we were told this in no uncertain terms. Most of the Superintendents did not believe that this could be done, or that the Federal Government would try to do such a thing. In fact, they knew that most of it would be totally illegal. I believed what they told us that day and my actions have been governed accordingly.

One of the Superintendents asked the speaker, a Mr. Kreuger, But what about education. Mr. Kreuger's answer was, We don't give a damn about education. We are only interested in mixing them in the South. I feel sure that this is the official policy of HEW because I have heard that same statement hundreds of times since that day made by other HEW and Justice Department personnel.

A Mr. Grant and a Mr. Blankenship slipped into Wilcox County and made a clandestine survey. They later returned to make a survey which had been arranged by me. I went with them on this survey and Mr. Morris Ward, my assistant, went with me. We told them that they were destroying education in Wilcox County. They told us that they didn't give a damn about education. All they were interested in was mixing us. They said that the destruction of education was our business. Their business was to integrate.

On August 23, six days before school opened, the Justice Department demanded and the Court granted a hearing on the demand for more integration in Wilcox County. This was done in spite of the fact that the Court had ordered HEW and the Justice Department to make a survey of Wilcox County and secure a Pupil Placement Map for Wilcox County and then get with the Wilcox County School personnel and work out a plan of integration as nearly satisfactory to both as possible. HEW completely ignored this Court Order and the Court ignored the fact that they had given HEW this order and demanded to know why we had not made a plan and would not even hear our explanation on the matter. The Federal Courts are completely subservient and fearful of this little band of bureaucrats in HEW and the Justice Department. It is tragic to see our courts groveling in the dust before this little group of bureaucrats, this little group of gauleiters. The Courts ordered us to present a plan immediately which we did with only one day to present it.

On August 29 our schools opened smoothly under the freedom of choice plan which the government insisted on placing us under. It is my understanding that these people were ordered never again to disturb schools after they were started and to not kick children around like they were "yo-yos" after school had started.

The Court issued an order on September 1, which we received on September 4, making radical and violent changes in the Wilcox County School System after our schools had been open and were running smoothly. They placed us under the HEW plan, with a few minor exceptions.

It is my opinion and the opinion of the Board of Education that this plan will completely destroy the Wilcox County Public Education System. We have a picture here in Wilcox County of the private schools, the HEW, the Justice Department, and Civil Rights Negroes banding together to destroy public education for all the children of Wilcox County and the only comment of the Justice Department, Mr. Theodore Ravis, another lawyer whom I cannot name, Peter Hall, Mr. Grant, Mr. Blankenship and others is, We don't give a damn about education. All we are interested in is mixing them. This order is a useless order and the Courts are not required to issue useless orders. This order will not mix the Wilcox County School System. It will only destroy this school system.

I want to point out to you that this order, at the very time that the President of the United States is trying to deal with the unemployment issue, forces us to fire 104 Negro Teachers. The Wilcox County School System is said to be the third poorest system in Alabama and the 19th poorest system in the nation. Yet, this order deprives us of something over a million dollars in school funds.

I am enclosing a copy of a letter which I have written the President of the United States. Every time I write the President of the United States, the letter is turned over to the Justice Department for them to answer me. Why can't the President himself, through a secretary in his own organization, answer my letters? I am assuming that he does this as a threat.

Why can't the President put a freeze on such actions as are taking place in Wilcox County just as he placed a freeze on prices and wages? Why must we follow down the trail which has been blazed by all the great dictatorships of history. Hitler took over the control and education of the children of Germany. Stalin took over the control and education of children in Russia and now the United States takes over the control and education of children in the Southern United States.

"Parents, who have the first and the inalienable duty and right to educate their children, should enjoy true freedom in their choice of schools. Consequently, public authority, which has the obligation to oversee and defend the liberties of citizens, ought to see to it, out of a concern for distributive justice, that public subsidies are allocated in such a way that, when selecting schools for their children, parents are genuinely free to follow their consciences."

Quoted from the document "Declaration on Christian Education" issued by Pope Paul VI October 28, 1965. The Documents of Vatican II. Edited by Walter M. Abbott, S.J. Guild Press, New York, Page 644.

I maintain, along with Pope Paul VI, that the first and inalienable duty and the right to educate their children and to enjoy true freedom in their choice of schools is that of the parents and that it is the duty of civil authorities to see that they have these rights. The children of Wilcox County, white and negro, had this right until this court order of September 1, 1971.

"We are troubled on every side, yet, not distressed; We are perplexed, but not in despair; Persecuted, but not forsaken; Cast down, but not destroyed;" II Corinthians 4:8–9

Yours truly,

GUY S. KELLY,
Superintendent, Wilcox County Schools.

SUPERINTENDENT OF EDUCATION,
Camden, Ala., September 9, 1971.
THE PRESIDENT,
Washington, D.C.

DEAR MR. PRESIDENT: On August 23, six days before we opened school, the Justice Department demanded and the Court had a hearing on the demand for more integration in Wilcox County. (We have been integrated for about four years.)

The Court issued an order dated September 1, which we received on September 4, making radical and violent changes to the Wilcox County School System after our schools were set up and running smoothly. It was my understanding last year that there would be no more tearing up of schools during the operation of the school year for such purposes.

This new order will destroy the Wilcox County Public School System within a short while, in my opinion. Already people are withdrawing their children from school and entering them in private schools. The result will be an all Negro Public School System and a loss of support from the community which will destroy us entirely. Of course, the government does not care about this because the attorneys have told us that they don't give a damn about education. All they are interested in is mixing them. What a shame that representatives of this great nation would take such a position about education.

Another side issue which I think is important is that at a time when you are trying to reduce unemployment in this nation and help the Negro Citizen as much as you possibly can, the Justice Department comes in here and demands that we fire 104 Negro Teachers. Thus, adding to the unemployment figure. I assume they are doing the same thing in other places.

This order which the Justice Department is putting into effect will cost the already extremely poor school system of Wilcox County more than a million dollars. Why can't you put a freeze on such actions as well as on prices and wages? I suggest you do this.

Yours truly,

GUY S. KELLY,
Superintendent, Wilcox County Schools.

SCHOOL BUS EDICT BOOMERANGS

I like to see President Nixon knocking his golf ball way out of bounds. The other day he sliced his first tee shot over into the wrong fairway—and his mulligan he hooked into the trees.

But that's all right. Think about it this way. If our President were shooting golf in the 70s, then you and I would have a neglected country to worry about.

You and I can concentrate on golf to try to forget such monumental messes as Vietnam and school busing. He can't.

President Nixon was appointed by the people to try to undo the grotesque snafu in Vietnam, our nation's most inappropriate, inexcusable, indecent foreign involvement.

And similarly, domestically, he has pledged by oath to pay for other sins of his predecessors and the Earl Warren Court.

The well-intended school bus edict boomeranged.

On many vital issues our nation has been divided; on none has it been so united in opposition.

Busing schoolchildren back and forth across towns for any reason is the most absurd, unkind and unjust discrimination ever to be court-ordered in our nation. Ever.

If half the money spent on school buses and busing were invested in improving educational facilities, everybody would benefit. From this cynical shuttle nobody does.

Most American parents, all colors, creeds and clans, love their children. That we've been using up in advance their dollars and their air and their water and their resources is defended with the plea that we didn't know what we were doing.

But in this we know what we are doing and we keep doing it.

Now Chief Justice Warren Burger of the

United States Supreme Court is trying to backtrack. He says "racial balance in every school in every district is not required."

He says lower courts have overreacted to the High Court's decision.

But whoever goofed, today 350,000 youngsters are being bused back and forth—sometimes many miles away from home making of our splendid old melting pot a pressure cooker.

In San Francisco, Chinese-Americans are being bused away from neighborhood schools so excellently tailored to their customs and needs.

In North Carolina, American Indians preferring their all-Indian schools, resist this rude scrambling of everybody.

In Florida, Negro parents demand the resignation of the school superintendent who forces busing. He can't help it.

Gov. Wallace says the Nixon Administration talks one way and acts another. He can't help it either. Within the limits of the law, President Nixon is trying NOT to enforce punitive, purposeless school busing.

It's just another fiasco which we backed into where, as in Vietnam, we meant to help people—and hurt them.

TRIBUTE TO SENATOR STENNIS

Mr. HATFIELD. Mr. President, I would like to compliment the distinguished chairman of the Senate Armed Services Committee (Mr. STENNIS) on the manner in which he has conducted himself as manager of the draft bill and express my admiration for his tenacity and physical stamina. The Senator from Mississippi has managed the draft bill over the past few months, from hearings in early February, through the floor debate, into conference, and final passage. He is now faced with managing the military procurement authorizations bill, which may be even more demanding than the Selective Service Act. As my colleagues know, he and I disagreed on virtually every aspect of the Selective Service Act and will probably disagree on many aspects of the military procurement authorizations bill. Be that as it may, the distinguished chairman of the Armed Services Committee and I have never disagreed disagreeably, and I look forward to not only continuing our debate on the various matters on which we find ourselves in opposition, but also to working with him on other issues on which we concur. I might add that while I always look forward with anticipation to the former, I welcome the latter with even greater alacrity.

Mr. STENNIS. Mr. President, I appreciate the Senator's kind remarks. There can be such a thing as genuine pleasure in working with a Senator who is in total opposition. I get genuine pleasure from working with the Senator from Oregon, and every syllable of every promise and understanding he has made with me comes up that way. I thank the Senator for that, too.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED ON OTHER THAN A COMPETITIVE BID BASIS

A letter from the Rear Admiral, Naval Facilities Engineering Command, Washington, D.C., transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

PROPOSED CONCESSION CONTRACT, GLACIER BAY NATIONAL MONUMENT, ALASKA

A letter from the Deputy Assistant Secretary of the Interior, pursuant to law, a proposed concession contract within Glacier Bay National Monument, Alaska (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Economic Opportunity Board of Clark County, Las Vegas, Nev., praying for the enactment of legislation to give permanent status to the Office of Economic Opportunity; to the Committee on Finance.

Petitions of citizens of Orlando, Fla., relative to school busing; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE (for Mr. BURDICK), from the Committee on Interior and Insular Affairs, without amendment:

S. 1733. A bill to amend the act of September 26, 1970 (84 Stat. 884) (Rept. No. 92–376).

By Mr. BIBLE (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, with amendments:

S. 1152. A bill to facilitate the preservation of historic monuments, and for other purposes (Rept. No. 92–377).

By Mr. HRUSKA (for Mr. EASTLAND), from the Committee on the Judiciary, without amendment:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and 25th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 2565. A bill to provide one additional permanent district judgeship for the Northern District of New York. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 2566. A bill for the relief of Evaristo Laborin, his wife, Amparo Laborin, and their children Evaristo Laborin, Junior, Francisco Laborin, Catalina Laborin, Jesus Laborin, and Benito Laborin. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. PEARSON):

S. 2567. A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2568. A bill to authorize appropriations for the relief of Pakistani refugees in India. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS:

S. 2569. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2570. A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribes of South Dakota Development Corp. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 2571. A bill entitled "Rural Development and Population Dispersion Act of 1971." Referred to the Committee on Agriculture and Forestry.

By Mr. PERCY (for himself, Mr. STEVENSON, and Mr. SYMINGTON):

S. 2572. A bill to authorize the Secretary of the Interior to enlarge the Jefferson National Expansion Memorial National Historic Site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENS:

S. 2573. A bill to provide for inspection of foreign fish processing plants preparing fish for importation into the United States. Referred to the Committee on Commerce.

By Mr. JAVITS:

S.J. Res. 159. Joint resolution proposing an amendment to the Constitution relative to equal protection under law on account of sex. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 2565. A bill to provide one additional permanent district judgeship for the Northern District of New York. Referred to the Committee on the Judiciary.

A BILL TO PROVIDE ONE ADDITIONAL DISTRICT JUDGE FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to provide one additional district judge for the U.S. District Court for the Northern District of New York.

The facts requiring this addition are set forth in detail in the following memorandum, which has been prepared for me and which I ask be printed in the RECORD:

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF SPECIAL BILL BY THE U.S. CONGRESS AUTHORIZING ONE ADDITIONAL DISTRICT COURT JUDGE FOR NORTHERN DISTRICT OF NEW YORK

(Prepared as of April 26, 1971)

The Northern District of New York comprises 29 counties in Upstate New York, which area represents a little less than one-half of the geography of the State. By Congressional Act enacted on March 3, 1927 (Chapter 338, 44 Stat. 1374), one additional District Court Judge was authorized, which represents the present authorization of two District Court Judges (Title 28, U.S. Code

133). In the past 44 years since such Congressional enactment, many factors have evolved in the District Court's operation to justify a special bill authorizing at least one additional District Court Judge.

In the period 1925 through 1970, the District's population, as released by the Federal Bureau of Census, has increased by almost one million; that is, from 2,092,000 to 2,871,000. Similarly, along with industrialization and population growth in the District, the workload of the District Court has experienced a marked increase in such time period and, in particular, the complexity of litigation undertaken.

The following sets forth statistics pertaining to this District as compiled and set forth in the Reports of the Director of the Administrative Office of the Unitea States Court:

Fiscal year	Civil cases		Criminal cases		Total cases	
	Commenced	Terminated	Commenced	Terminated	Commenced	Terminated
1940	275	288	249	273	524	561
1950	291	301	158	183	449	484
1960	501	466	176	178	677	644
1971[1]	120	69	43	27	163	96
	(480)	(276)	(172)	(108)	(652)	(384)

[1] 1971 statistics presently available only for 1st quarter, July 1–Sept. 30, 1970.

Thus, total of cases commenced rose from 524 in 1940 to 677 in 1960, with a projected—652—in 1971, based upon multiplying the 163 cases commenced in the first quarter of 1971 by four, while cases terminated increased from 561 in 1940 to 644 in 1960, with cases terminated in 1971 projected to be (384).

The District Court is served by Chief Judge James T. Foley who sites only in Albany due to the volume of court work in the Eastern Section of the District, and by District Court Judge Edmund Port of Auburn who sits in Utica, Syracuse, and Auburn. The reason for the drop in commenced and terminated cases in fiscal year 1971, as compared with 1960, is largely explained by the fact that in such fiscal year no additional or non-resident Districe Court Judges were brought into the District to assist the two resident District Court Judges in holding trial terms.

In the past ten years, some 9 District Court Judges have held District Court trial terms to aid the resident District Court Judge, assisted by 2 Second Circuit Court Judges. Exhibit A sets forth the assignments of such judges.

Also, it is to be pointed out, there are some 6,000 New York State prisoners, convicted of major crimes, located in Auburn, Dannemora, and Comstock, New York Correctional Facilities which daily demand the judicial attention of the two District Court Judges with Habeas Corpus and civil rights proceedings, making this District the second highest in volume of such cases in all of the Federal judicial districts.

An additional factor placing extra burden upon the present two District Judges is the circuit nature of holding trial and motion terms in order to serve the District. Trial terms are held at Syracuse (September and October), Albany (November and December), Utica (January and February), Auburn (March, April and May) and at Albany again (May and June). Motion terms are held during each month, as follows: first Monday at Albany, second Monday at Syracuse, third Monday at Albany, and the fourth Monday at Utica, except during July and August when the District Judges designate special motion terms. The geographic distances involved between such situs of holding court places a unique operating burden upon the two District Court Judges, along with supporting personnel of the District Court Clerk's Office, U.S. Marshal's Office, Court Reporters and U.S. Attorney's staff. The required travel by such personnel is done usually by automobile and is particularly demanding during the inclement winter months.

Also, another operating difficulty is that Chief Judge James T. Foley has his Chambers in Albany, 90 miles from the Clerk's Office and the U.S. Marshal's Office at Utica, and 140 miles from the U.S. Attorney's office in Syracuse. District Court Judge Edmund Port of Auburn in 30 miles from the U.S. Attorney in Syracuse, 80 miles from the U.S. District Court Clerk and U.S. Marshal in Utica and 170 miles from the Chief Judge of the District in Albany. The transaction of court business ex parte, or not during Court terms, necessitates much automobile travel or the use of mail which is often delayed, particularly in snowy and icy winter weather.

Lastly, the Second Circuit Court of Appeals Rule regarding Prompt Disposition of Criminal Cases, effective July 5, 1971, requires trial of jail criminal cases within 90 days from detention date, or within 6 months of commencement of non-jail criminal proceedings, absent a showing of exceptional circumstances justifying continued detention or delay. Absent such showing, the charges will be dismissed by the District Court if the Government does not certify it is ready for trial. This new rule will place extra burden upon the District Judges and likely will require additional or extended criminal trial terms.

Exhibit A

District and Circuit Court Judges Designated To Sit

Harold R. Tyler, Jr., Southern District New York; Feb. 12, 1963.

Thomas F. Croake, Southern District New York; Sept. 30–Nov. 1, 1963; May 11–29, 1964.

Thurgood Marshall, Second Circuit; June 15–30, 1964.

John M. Cashin, Southern District New York; Sept. 20–Dec. 18, 1965.

Leonard P. Moore, Second Circuit; Jan. 24–31, 1966.

William H. Timbers, Connecticut; Mar. 1–31, 1966; July 17 to Aug. 11, 1967; Jan. 3–5, 1968; Jan. 8–10, 1968; Jan. 22–26, 1968; Mar. 11–June 28, 1968; Feb. 18–Mar. 14, 1969.

Edward C. McLean, Southern District New York; Oct. 17–Nov. 18, 1966; Apr. 24–May 5, 1967.

Bernard J. Leddy, Vermont; June 19–July 7, 1967; June 3–28, 1968.

Lloyd F. MacMahon, Southern District; May 6–June 1, 1968; Feb. 10–28, 1969; May 1–31, 1969; Sept. 9–Oct. 4, 1969; Feb. 1–8, 1970; May 2–30, 1970.

John T. Curtin, Western District New York; Mar. 18–Apr. 1, 1968.

Sylvester J. Ryan, Southern District New York; June 1–Aug. 31, 1968.

By Mr. HRUSKA (for himself and Mr. Pearson):

S. 2567. A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, on behalf of the senior senator from Kansas (Mr. Pearson) and myself, I send to the desk a bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, entitled the "Aircraft Piracy Amendments of 1971." I ask that this bill be appropriately referred, and further request that the letter of transmittal from the Attorney General and the text of the bill be printed in full at the conclusion of my remarks.

The problem of aircraft hijacking is one which affects the lives and safety of millions of people in this country and throughout the world. The governments of many countries, including our own, have been forced to face the alarming increase in air piracy during the last several years and to draft measures to effectively deal with the problem.

On the international side, 77 countries recently agreed to the text of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft. As my colleagues recall, on September 8 the Senate unanimously agreed to ratify the convention. This convention, although yet to be implemented, will be a useful measure to fill certain gaps in the existing body of international law relative to hijacking.

On the domestic side, our laws dealing with this general subject have been found by experience to be incomplete.

This bill which I introduce today would close some existing gaps. Basically, the bill would accomplish the following objectives. It would make illegal threats to hijack or destroy aircraft. Presently, the conveying of false information in order to do a prohibited act is proscribed, but a threat to do the same act is not. The bill would also provide felony penalties for carrying concealed or dangerous weapons aboard aircraft in situations where the offender is acting willfully and without regard for or with reckless disregard for the safety of human life. The present statute provides only for a misdemeanor in all circumstances where weapons are brought on aircraft. This weapons provision would also be extended to foreign aircraft, thereby enabling Federal prosecutions of those who carry concealed or dangerous weapons aboard aircraft within the United States which are operated by foreign air carriers. The Attorney General reports several recent incidents of this nature, including one involving live grenades and automatic weapons at a New York airport, which stress the need for such a legislative extension

An additional measure in this proposal is the provision of civil penalties for certain hijack hoaxes. This provision is directed at otherwise responsible citizens who convey false information in ill-advised attempts at humor. In many of these cases criminal prosecution, as presently provided, is not appropriate.

Finally, this proposal would establish special venue provisions in proceedings to enforce the civil penalties. These provisions would facilitate the recovery of these penalties.

In summary, this bill is designed to alleviate the very serious substantive and procedural problems often experienced in prosecuting crimes aboard aircraft cases. Moreover, the ultimate effect would be to make domestic air transportation safer, an objective which we all support.

I therefore urge prompt and favorable consideration of this bill.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 2567

A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Aircraft Piracy Amendments of 1971."

Sec. 2. Section 35 of title 18, United States Code, is amended by deleting "false information," and substituting therefor "a threat, or false information" in subsections (a) and (b) of that section.

Sec. 3. Section 1395 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) A proceeding to recover a penalty under section 35 of title 18 or under section 901(c) of the Federal Aviation Act of 1958 may be brought in the judicial district where the defendant resides or the district where the false information or threat was imparted or conveyed or attempted to be imparted or conveyed. In any such suit process against any defendant may be served in the district where the defendant is found with the same force and effect as if the process had been served within the district in which said suit is brought."

Sec. 4. Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsection:

"THREATS OR FALSE INFORMATION

"(c) Whoever imparts or conveys or causes to be imparted or conveyed any threat, or false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this title, shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States."

Sec. 5. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended as follows:

(a) Section 902(l) is amended to read as follows:

"CARRYING WEAPONS ABOARD AIRCRAFT

"(l)(1) Whoever, while aboard, or while attempting to board, an aircraft being operated by an air carrier or a foreign air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life or with reckless disregard for the safety of human life, while abroad, or while attempting to board, an aircraft being operated by an air carrier or a foreign air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, or persons as may be so authorized under regulations issued by the Secretary of Transportation, while acting within their official capacities."

(b) Section 902(m) is amended to read as follows:

"FALSE INFORMATION AND THREATS

"(m) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed a threat, or false information knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by susection (i), (j), (k), or (l) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Sec. 6. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking "Such" at the beginning of the second sentence of subsection (b)(1) of that section, and substituting therefor, "Except with respect to civil penalties under section 901(c) of this title, such".

Office of the Attorney General,
Washington, D.C., September 20, 1971.

The Vice President,
United States Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to facilitate the prosecution of certain crimes and offenses committed aboard aircraft, and for other purposes.

The proposal would revise the existing federal statutes concerning the destruction of aircraft and crimes aboard aircraft to accomplish the following objectives:

(1) To proscribe threats to destroy or hijack aircraft;

(2) To provide civil penalties for certain aircraft hijack hoaxes;

(3) To provide felony penalties for carrying weapons aboard aircraft in certain circumstances, and to make the statute concerning weapons aboard aircraft applicable to foreign air carriers; and

(4) To establish special venue provisions in proceedings to enforce the civil penalties.

The imparting or conveying of knowingly false information to destroy or hijack aircraft, or to commit certain other offenses aboard aircraft, is now prohibited by 18 U.S.C. 35 and section 902(m) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(m)). These statutes do not, however, proscribe threats to commit such acts. We have had instances in which it has been impossible to prosecute persons who have stated they are going to blow up an airplane or take it to Cuba under circumstances in which it was entirely possible that the threat could have been carried out. In other words, it was difficult to conclude that conveyances of false information were intended rather than threats to do a prohibited act. It is clear that both types of conduct should be prohibited. While actual attempts to commit prohibited acts such as piracy or destruction of an aircraft are punishable under existing statutes, mere threats, without more, lack the overt conduct necessary to constitute attempts and are not now punishable.

In addition, unlike 18 U.S.C. 35, which was amended in 1965 (P.L. 89-64) on the recommendation of this Department to provide civil penalties for certain hoaxes to destroy aircraft as well as other facilities, section 902(m) provides only criminal penalties for hoaxes to hijack aircraft or to commit other offenses aboard aircraft. Because of the inappropriateness of criminal action under section 902(m) against reputable and otherwise responsible persons who convey false information in ill-advised attempts at humor, we recommend a civil penalty for such situations. Where the false information is conveyed willfully and maliciously, or with reckless disregard for human life, the existing felony penalty of the statute would of course continue to be applicable.

The proposed legislation also would solve two additional problems relating to enforcement of the "carrying weapons aboard aircraft" statute (section 902(l) of the Federal Aviation Act; 49 U.S.C. 1472 (l)). Presently, a violation of section 902(l) is only a misdemeanor. The misdemeanor penalty has been adequate in cases of persons who carry weapons such as unloaded pistols or knives aboard aircraft, but do so without any intent to use those weapons while on board. On the other hand, that penalty has not been adequate in cases where the nature of the weapon involved and/or surrounding circumstances indicate a very real danger that the weapon is intended for immediate use or that human life is imperiled. Our proposed revision of the statute would provide a felony offense, punishable by up to five years' imprisonment or a fine of up to $5,000, or both, for the latter class of cases. It would also retain the existing exemption for law enforcement officers and others authorized by the Secretary of Transportation to carry arms aboard aircraft, limiting the exemption, however, to the situations where those officials are acting within their official capacities. This limitation would guard against the unlikely but possible event of a law enforcement officer carrying or attempting to carry a deadly or dangerous weapon aboard an aircraft with no authority to do so.

Furthermore, the proposal would extend the coverage of the weapons section, which now applies only to the United States air carriers, to foreign air carriers, thus enabling federal prosecutions of individuals who carry concealed deadly or dangerous weapons aboard aircraft within the United States which are being operated by foreign air carriers. Several recent incidents of this nature, including one involving live grenades and automatic weapons at an airport in New York City, emphasize the need for legislation in this area.

Finally, the proposal would establish special venue provisions which would allow a proceeding to recover a penalty under section 35 of Title 18 or section 901(c) of the Federal Aviation Act of 1958 to be brought in the judicial district where the proscribed conduct occurred as well as where the defendant resides. Because of the very nature of air travel, cases of this type usually occur in districts other than that of the residence of the defendant or where he is found. This provision, therefore, would facilitate the recovery of such penalties.

The proposed legislation would alleviate the very serious procedural and substantive problems now experienced in prosecutions in the aforementioned areas. I urge the early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

Sincerely,

Attorney General.

By Mr. KENNEDY:

S. 2568. A bill to authorize appropriations for the relief of Pakistani refugees in India. Referred to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, reports from India continue to tell of a stream of human misery flowing from East Pakistan.

In fact, in the month since I returned from visiting scores of refugee camps all along the border of East Pakistan in India, nearly a million more East Bengalis has found it necessary to flee inhuman conditions and truly genocidal acts of their government.

The story of East Bengal will surely be written as one of the greatest nightmares of modern times. The situation, as I saw it for myself, defies description. And each day the misery grows.

A report in the New York Times this morning, as well as other information available to the subcommittee on refugees, which I serve as chairman, says—

> That the Pakistani army and its civilian collaborators are continuing to kill, loot, and burn despite the central government's public avowals that it is bent on restoring normalcy and winning the confidence of the Bengali people.

Mr. President, there is nothing new in such reports. I heard them from countless refugees during my interviews in India.

How much longer will our Government—and the President himself—sweep this issue under the rug, with the justification that our silence affords leverage. Where is our leverage? Where are the results of our leverage?

But more importantly, where is our sense of values? Where is our compassion for millions of suffering refugees?

When will our Government finally choose leadership over silence, in helping to ameliorate a situation which is fast pushing South Asia over the brink of disaster?

When will we cease the shipment of arms to an inflamed area and provide instead the humanitarian relief urgently needed?

Without this, Mr. President, the human costs will continue to rise.

Each day brings new misery and more death. And each day increases the terrible burden India is being forced to carry—without the measure of support by our own Government and the international community, commensurate with the truly vast need in the field.

New estimates of our Government now put the cost to India, of caring for the refugees, at the staggering total of $830 million during the current fiscal year—a cost equal to the annual contribution of the aid consortium for India's economic development. Simple humanity demands that we and the international community must face the simple truth that this refugee burden cannot be borne by India alone.

To this end, I am introducing today a bill to authorize $400 million to assist the International Refugee Relief Effort in India. This figure is consistent with the percentage of financial support we have traditionally given to many international agencies. It is similar, in fact, to the level of support we are currently giving as a member of the international development consortium for India.

To further explore the massive human tragedy in South Asia—and to document what our Government is now doing and what it is prepared to do in the future to help in this problem—I am announcing today that further hearings by the Subcommittee on Refugees will begin next week.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the bill I introduced today, and several recent press articles describing the current situation in East Pakistan and India.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(f) There is authorized to be appropriated to the President, for the fiscal year 1972, not to exceed $400,000,000, for use by the President in providing assistance for the relief and rehabilitation of Pakistani refugees who left Pakistan on or after March 25, 1971, and went to India."

[From the New York Times, Sept. 23, 1971]

BENGALI REFUGEES SAY SOLDIERS CONTINUE TO KILL, LOOT, AND BURN

(By Sydney H. Schanberg)

KUTIBARI, INDIA, Sept. 21.—The latest refugees from East Pakistan report that the Pakistani Army and its civilian collaborators are continuing to kill, loot and burn despite the central Government's public avowals that it is bent on restoring normalcy and winning the confidence of the Bengali people.

The dozens of refugees interviewed by this correspondent today, all of whom fled into India from East Pakistan in the past week, describe the killings of civilians, rape and other acts of repression by the soldiers, most of them West Pakistanis.

As the refugees talked in their overcrowded, half-flooded camps in and around this Indian village about four miles from the border and 60 miles northeast of Calcutta, the sound of shelling could be heard from the frontier. It was impossible to tell whether the shells came from the Pakistani Army, the Indian border forces or the so-called liberation forces of Bangla Desh (Bengal Nation), the name the Bangali separatist movement has given to East Pakistan since the attempt to repress the movement began in March.

Most of the refugees interviewed came from the region of Faridpur, the family home of Sheik Mujibur Rahman, jailed leader of the Bengalis.

NEARLY ALL ARE HINDUS

The refugees said that although general living conditions were very difficult in East Pakistan, they would have stayed had it not been for the killings. Nearly all the latest arrivals are Hindus, who said that the military regime was still making the Hindu minority its particular target.

They said the guerrillas were active in their areas and that the army carried out massive reprisals against civilians after every guerrilla raid.

Nira Pada Saha, a jute trader in Faridpur District told of a reprisal against a village near his that had sheltered and fed the guerrillas. Just before he fled five days ago, he related, the army struck the village, first shelling it and then burning the huts.

"Some of the villagers didn't run away fast enough," he said. "The soldiers caught them, tied their hands and feet and threw them into the flames."

There were about 5,000 people in the village, most of them Hindus, Mr. Saha said, and not a hut is left.

OTHERS DO "DIRTY WORK"

According to the refugees, the army leaves much of the "dirty work" to its civilian collaborators—the razakars, or home guards—it has armed and to the supporters of right-wing religious political parties such as the Moslem League and Jamaat-i-Islami, which have usually backed the military regime.

The collaborators act as intelligence agents and enforcers for the army, the refugees say, by pointing out homes and villages and people who have helped the guerrillas. Often, the refugees added, the collaborators make arrests at random and for no reason.

"The razakars and the others come into a village and pick just any house," said Dipak Kumar Biswas, a radio repairman from Barisal District. "Then they arrest whatever able-bodied young man is in that house and hand him over to the army. We don't know what the army does to them. They never come back."

The refugees said that despite reprisals and police-state activities, local people were continuing to provide food, shelter and information to the guerrillas.

Makhan Lal Talukdar, a rice farmer, said he fled a few days ago after some razakars swooped down on the crowd gathered at the weekly bazaar and opened fire. Six people were killed, he said, and many wounded.

REFUGEE FLOW GOES ON

Mr. Tulakdar crossed into India with his family of eight, but had to leave his father behind in hiding because he was too old to make the trek.

About 15,000 people from his area fled to India after the bazaar incident, Mr. Tulakdar said. Some 20,000 to 30,000 refugees pour into India every day, joining the millions—the latest estimate is 8.6 million—already here.

The Pakistani President, Agha Mohammad Yahya Khan, has urged the refugees to return, promising them assistance, and he has offered amnesty to the guerrillas.

The promises only evoke bitter laughter from the refugees. "We fled to save our lives," said Rajendra Das, another farmer. "They are still killing us. We will not go back until there is complete independence."

Though rice is somewhat short in the refugees' areas, with the price up 40 per cent as a result, other foods are said to be plentiful. However, many people are going hungry, the refugees said, because they lack money and jobs.

Economic life has been badly disrupted since the army began its assault. Particularly hard hit have been the farm laborers and those who do menial labor on Government public-works projects, most of which have been halted.

[From the New York Times, Sept. 23, 1971]

U.N. GETS APPEAL ON EAST PAKISTAN—CATHOLIC RELIEF GROUP SAYS DEADLY FAMINE THREATENS

(By Paul Hofmann)

ROME.—The international relief organization of the Roman Catholic Church appealed to the United Nations today to save the people of East Pakistan from "what threatens to be one of the most deadly famines of our times."

The statement, issued by Caritas Internationalis, the international conference of Catholic charities with headquarters here, criticized the world organization for not having already acted vigorously.

"The United Nations, which is perfectly informed of the situation, is the only organization that has the necessary means to stave off catastrophe," the plea said.

Today's statement was understood to have been approved by Pope Paul VI. The Pontiff stopped briefly in Dacca, East Pakistan, on his way to East Asia and Australia last November in a gesture of solidarity with the victims of an earlier calamity, the disastrous floods of last autumn.

NOT ON U.N. AGENDA

Caritas, which has been given consultative status by various United Nations radios, said in its statement that the problems of East Pakistan were apparently not on the agenda of the present General Assembly.

"Certainly, there has been talk at the United Nations about Pakistan," the statement said, "but merely in a vague subcommission on the protection of minorities."

The appeal went on:

"If it is the duty of the United Nations to denounce violations of human rights, it should even more be the organization's duty to prevent conflicts and disasters whenever possible.

"As for East Pakistan, it seems to us that there is more and something better to be done than investigate the responsibility for the crimes and terrors of the past."

Caritas declared that famine in East Pakistan had been foreseen for at least two months and could still be avoided. It said that it agreed with the conclusions of United Nations experts that unless an international relief program was started "within the next few weeks," famine and a new mass migration from East Pakistan into India was inevitable.

MASS MIGRATION FEARED

The relief organization referred to reports in the world press that civil war in East Pakistan "is far from being terminated." If famine were to add to East Pakistan's afflictions, the statement warned, "it may be necessary to face the emigration of an entire people, sapped by hunger and disease."

The appeal asserted that United Nations agencies had so far allocated only $9.8 million for relief in East Pakistan. Money allocated to United Nations agencies for assistance was so inadequate, it declared, "that from reading their reports and press statements one gains the impression they are ashamed to give the exact amounts."

Caritas urged the international press to inform the world of the menace facing an already heavily afflicted people. "The public must be informed of what is in store for East Pakistan owing to the elements and to men," it said.

[From the Times (London), Sept. 13, 1971]

Now Floods Mean One Million Children With Acute Malnutrition

(By Peter Hazelhurst)

BANGAON.—Floods, disease, malnutrition and the stench of nightsoil floating around half-submerged tents has turned life in overcrowded refugee camps near the Indo-Pakistan border into a nightmare during the past two weeks.

Hundreds of newly established refugee camps have been swamped by floodwaters, which inundated large tracts of West Bengal during the monsoon season, and an estimated 1,500,000 of the 8,500,000 Bengali refugees are living in knee-deep water or in mud. As a result, sanitation in the flooded camps is nonexistent and cholera has broken out again, although in a milder form.

Officials estimate that 1,200,000 children in the camps are suffering from malnutrition, and the Administration, faced with the problem of assisting the 10 million Indians who have been affected by the floods, is at the end of its tether.

In terms of human misery and hopelessness, scenes on the road to the border towns of Bangaon and Hasnabad defy description. Conditions in the refugee camps were bad enough six weeks ago, but they were a paradise compared with the present situation.

Almost the entire district of Bangaon, which had accommodated 250,000 refugees, is under water, and for miles no land can be seen except for the thin, 20 ft. wide strip of the raised highway to Bangaon and the slightly higher embankment supporting the railway line.

Many of the refugee camps in the low-lying fields on each side of the road are either submerged by flood water or a sea of mud, slush and ankle-deep water. In one camp all that can be seen above the water is a few half-submerged tents—gifts from Britain.

Many camps are deserted and hundreds of thousands of displaced Bengalis have sought refuge on the roadside and the railway embankment. They can be seen huddling under small, flimsy shelters, which cover almost every yard on the road embankment for a distance of 10 miles.

With the water level still on the rise, most Bengalis have constructed pathetic platforms under their straw shelters, but in many areas the water is already beginning to lap over the road and into their shelter.

The entire road has been turned into an overcrowded refugee camp. As the driver hoots his way through the crowd, we see a woman nursing her dying husband a few feet from the rising water. Inquiries reveal that the man had been living in mud and water for 10 days and is dying of exposure.

A little farther up the road a woman is seen throwing the small body of a drowned child back into the swirling waters. A few hours later we wend our way back down the road through the crowds to find that the water has risen a few inches submerging slightly patches of the road. In some areas only the rooftops of huts and farmhouses appear above the water. Small naked children, with large heads, shrunken bodies and distended stomachs stare at us listlessly.

The tragedy is of such dimension that little or nothing can be done about it. Dr. B. Battacharyya, West Bengal's director for refugees and rehabilitation, has attempted to move some of the flooded refugee camps on to dry sites but there is just not enough high ground in the camps' immediate vicinity.

"We are already building a number of new camps in other areas but it will take weeks, if not months, to transport the large number of people to these sites. We can only hope that the water will recede," Dr. Battacharyya said.

His other big headache at the moment is the distribution of food. "We are not short of food. The Food Corporation of India has enough food and rice to feed the evacuees, but the major problem now is how to get food to them.

"In many areas the roads have been breached by flood waters and we just cannot get sufficient food to the camps. I have therefore, been forced to cut down on rations in many areas. When you consider that at least 1,300,000 evacuees have been affected by the floods you can understand the problem," the Bengali official added.

According to Dr. Battacharyya, the Indian Government has procured sufficient material to provide basic shelters for the refugees. The most urgent problem is malnutrition.

"An estimated 1,200,000 children are suffering from malnutrition and 50 percent of them are in very serious condition. What we desperately need are large quantities of vitamin pills and milk powder. I receive urgent requests for these commodities from my officers almost every hour."

He also pointed out that winter was approaching and the Government feared that a large number of refugees, who had nothing but the tattered clothes on their backs to protect them from the cold, would die of exposure unless India could procure at least three million blankets. "Most of the children are stark naked and we will need large amounts of children's clothes if they are to survive the winter," Dr. Battacharyya added.

[From the Washington Post, Sept. 8, 1971]

U.S.-Pakistan Ties: A Lever or Embrace?

(By Lee Lescaze)

ISLAMABAD, WEST PAKISTAN.—In discussions of American-Pakistani relations, Americans stress the importance of ongoing private contacts and Pakistanis stress the public friendliness of President Nixon despite sharp congressional protest over the military action in East Pakistan.

In American eyes, the influence gained in private—"leverage" is the popular diplomatic term—offsets the disadvantages of an angry India, a disappointed East Pakistani independence movement and the critical popular reaction in much of the world to the Nixonian embrace of Pakistan's President Yahya Khan.

In Pakistani eyes, the embrace is all-important to a nation which has found itself increasingly isolated since it ordered its troops to move into East Pakistan last March 25.

"The United States is the only major Western power that has retained the ability to talk to the government of Pakistan," is the American response to questions about administration policy.

The United States is gambling that it is better off keeping its criticisms of Pakistan private and trying to use what influence Washington has to moderate the crisis here.

Present American policy, in the main, is consistent with U.S. attempts since the 1965 India-Pakistan war to prevent a new war and to maintain friendly relations with both countries.

However, while the aims remain logical and workable in theory, one observer remarked, "It is a logical policy applied to an illogical part of the world."

A key test of the success of American leverage will be Pakistan's treatment of East Pakistan's political leader Sheikh Mujibur Rahman.

President Yahya Khan has publicly called Majibur a traitor, and no one is predicting that the military court charged with trying the sheikh will find him not guilty.

However, those who believe in the value of leverage think that the government will stop short of executing Mujibur in answer to arguments that Pakistan's hopes for new foreign aid commitments would die with the Bengali leader.

In one of America's few public expressions of displeasure with the course of events in Pakistan, Secretary of State William P. Rogers warned that "any summary action" against Mujibur could lead to diminished American support for the Pakistani government.

Rogers' statement was vague, but since the government had already arrested Mujibur, held him incommunicado and put him on trial for his life before a military court in an officially undisclosed location behind closed doors, there seems no further "summary action" the secretary could have had in mind except execution.

Set against U.S. and other nations' efforts to avoid Mujibur's execution are reports here that Yahya Khan has angrily terminated several discussions with foreigners when the name of the East Pakistani leader was raised.

No one here is talking about what points the United States has considered important enough to raise in the continuing private contacts with Pakistan's government.

U.S. Ambassador Joseph S. Farland, a friend of President Nixon's who has direct lines to the White House, is reported to have established a cordial relationship with Yahya Khan. Most serious American-Pakistani talks are between Farland and the Pakistani president.

If—as seems likely—Farland has urged Yahya to accept United Nations observers in East Pakistan, to reinstate a maximum number of the East Pakistani politicians elected on Mujibur's Awami League ticket and to moderate the brutality of the military suppression in East Pakistan, there have been mixed results.

And, where Yahya has acted along the lines of American advice, it is impossible to determine whether that advice was determining or even an important factor in his actions.

Yahya has agreed to welcome U.N. observers, and last week he relieved Lt. Gen. Tikka Khan, who had been martial law administrator and governor in East Pakistan since the crisis began. The savagery of army behavior in East Pakistan has been largely attributed to Tikka.

Aside from attempts to influence Pakistan's government through maintaining good public relations, the United States has also decided to do all it can to prevent famine in East Pakistan this fall.

Although adequate supplies of foodgrains seem likely to be available, distribution will be a serious problem because of disruption by the civil fighting and the collapse of the civil administration.

It is also agreed, however, that preventing famine is only a small part of what will be needed to restore normal and peaceful life in East Pakistan, and there are many foreign diplomats here who believe that Pakistan will never succeed in re-establishing the unity of the nation, no matter what emergency food aid or friendly advice the government is offered and accepts.

[From the Guardian, Sept. 11, 1971]

MUD IN THE RIVER OF AID

(By Martin Woollacott)

The landing ground at Boyra, on the Indian bank of the river Kakotaksha, is like a soupbowl full of sloshy mud, rimmed by a few lean-to shelters and one decrepit brick building. It has become almost a place of pilgrimage for foreign visitors—Kennedy came here, and so have scores of others—for, as the Indian terminal of one of the safest escape routes out of East Bengal, you can always rely on it to show a stream of refugees.

They were still coming across in the rain this week, young men in striped shirts carrying plastic toilet bags containing valuables and an extra folded shirt; families, with the children sometimes weirdly cheerful—in contrast to their parents—because they somehow see the trip as a kind of treat; young Hindu women dressed in Moslem clothes; sons carrying their aged parents on their backs. Officers of the Indian Border Security Force, in civvies but carrying little swagger sticks supervise the flow.

The refugee menfolk stand in a long queue, waiting for their "border slips." Once you have your border slip, you can set off down the road from Boyra to a camp where, again after waiting hours in the mud, you and your family are inoculated with a high-speed inoculation gun. Then they give you three days' rations and a list of the camps along the border, with some indication of those which are full and those which may—just may—have vacancies. That is why you get three days' rations—because it can take you three days—or more to find a resting place.

One middle-aged man yesterday staggered from the boat which had brought him across the river with his mother across his shoulders. When he put her down, the old woman began to slowly crumple into the mud, whimpering slightly. The young BSF officer said to me: "The old woman will probably die while they are looking for a camp. We wish we had the transport to drive these people to the camps."

That is what it looks like on the ground, or rather, in the mud. But in air-conditioned offices in Calcutta and New Delhi, this continuing great displacement of suffering humanity has to be translated into budgetary arithmetic. And it is a sobering arithmetic.

The Indian Government has already committed the equivalent of $350 millions for refugee relief until the end of the year, a figure based on a camp population of some six million refugees. Boyra provides an example of why that assumption is likely to be well off the mark, but even on the figure of six million people, India will have to put up another $150 millions for the first three months of 1972.

The total Indian expenditure for the first year of the refugees, March to March, will thus be around $500 millions. To put this figure into some kind of perspective, it is about a fifth of the normal annual development expenditure by central and state governments, and is approximately equal to the increase in development spending which it had been hoped would be possible in the financial year 1971–2.

Nobody is suggesting that the spending on refugees will simply be deducted from the development budget. It will go on the deficit, more than doubling it. But, as one senior Ministry of Finance official told me: "The mental horizon changes. We are looking around for savings. Normally when one development project lags, the money is diverted to other projects which are doing better. Now the inclination will be, whenever a project is not using up the funds allotted, to see this as a general budgetary saving."

From the $500 millions which India has spent or will spend on the refugees will be deducted the money and goods contributed by foreign countries and agencies. This, however, so far amounts to only about $150 millions, of which $100 millions has been committed to the UN, and $50 millions represents the value of bilateral contributions and the work of foreign voluntary agencies.

Of the sum of $100 millions pledged through the UN, only about half has materialised. The cash contribution total, as against aid in kind, amounts to only $23 millions, and the amount of unattached cash, without limitations on where and how it can be spent, is as low as $5 millions.

The feeling of both sides is that, now the emergency period of refugee relief is over, the operation is in a new phase where the bulk of refugee requirements can be met by purchasing in India. This is true of most foodstuffs besides rice and cooking oil, and of other requirements, like those for medicines, clothing, shelter, materials, and some vehicles.

The quality of aid is not an important problem, however, if one is thinking only in terms of the remaining $50 millions of the international contribution through the UN. It only becomes a problem if it is assumed that there are going to be further major contributions to the burden by the richer countries. And that, of course, is a question.

It is a question which has not been raised in its sharpest form because, for political reasons, the Indian Government is constrained to act and talk as if the refugees are to be on Indian soil for the briefest of periods. The UN and the voluntary agencies are equally limited, in their fund raising and public planning, to the period ending in December this year. When the Indian Government makes its pitch for more international assistance, which it will undoubtedly do within the next few weeks, it will probably do so for a period running no further ahead than March of next year.

If the costs of the refugee operation could genuinely be regarded as a once and for all expenditure of limited duration, Western countries might allow themselves, without too bad a conscience, to contribute only a fifth or a quarter and leave the rest of the burden to India, perhaps promising to make it all up when aid budgets are not as tight as they are now. But it has become obvious that an independent Bangla Desh is not just round the next corner, and there are many in India, including Western diplomats, who believe that a substantial proportion of the Hindu refugees will not want to go back even to an independent East Bengal.

It is not as if ordinary aid to India has increased. Some of the major appropriations have yet to be made by donor countries, but it looks as if the aid total will not be significantly up on that for last year. Thus India is taking on a huge financial burden at a time when there were hopes that her economy was on the point of a real recovery, particularly in the industrial sector.

India herself is hoping, and will no doubt soon be asking, that the world community should pay 60 per cent of the costs of the refugees. For a variety of reasons, not forgetting the old woman crumpling into the mud at Boyra, both the West and the Soviet Union would do well to consider that figure as at least a basis for negotiation.

[From the Sunday Times (London), Aug. 1, 1971]

THE 'PLOT' AGAINST YAHYA KAHN

Minutes before the Boeing 707s of Pakistan International Airlines take off from Dacca airport for the long, long flight round India to Karachi, a military ambulance backs up to the rear door of each aircraft and stretchers are hurriedly, even furtively carried abroad.

The patients are soldiers, going home to West Pakistan because the military hospitals in Dacca are full. These sad cargoes are concealed, more or less from the people of Dacca, for no Bengalis are allowed on, or anywhere near, the airport; but once the plane is airborne non-military passengers can see the wounded soldiers and talk to the doctor escorting them.

On my flight this week there were six; two had had legs blown off by mines, and the other four, caught in ambushes, had bullet wounds in the upper body. Sometimes, I was told, the PIA planes are a quarterful of badly wounded men. Clearly it is too late to talk about the danger of war over Bangla Desh. The Bengal war is now in full swing, with no end in sight. All that remains to be settled is who is silly enough to get involved in it.

The parallels with Vietnam are the more striking the closer you look. The incoming PIA planes, for instance, now mostly bring soldiers, in uniform or plain clothes; but they also bring civilians, or people trying to pass for civilians, and the PIA stewards solemnly collect pistols and revolvers from them and return them at Dacca airport. The weapons themselves are a study in the grim comedy of "special warfare": pearl-handled revolvers, nickelled automatics, and snub-nosed Bankers' Specials as used by James Bond, Mafia hit men and CIA "contractors" in Vietnam.

The "civilians" joking with the soldiers guarding the airport as they wait for their sidearms to be returned are out of the same seamier Vietnam mould; heavily built bruiser types with gold rings, big moustaches and the thick-soled squeaking *chappli* sandals worn on the North-West Frontier.

They collect their weapons, check that they are loaded, and slip them into holsters which bulge under their loose-hanging tropical shirts. Outside the air terminal they are picked up by men in similarly unconvincing civilian turnouts, submachine guns slung over their shoulders, and driven away in looted cars whose number-plates are covered with black paint.

There is a good reason why this sounds like a bad parody of Vietnam. These men belong to the Pakistan Special Forces, established by men who trained with the U.S. Special Forces at Fort Bragg, North Carolina, in the days when Pakistan was America's "free world" ally against Communism and Gary Powers was flying over the Soviet Union from Peshawar.

The Pakistan Special Forces are a *rechauffée* of the American original, John Wayne in curry sauce, with 50 ten-man teams trained in sabotage, demolition, interrogation, assassination and other useful kinds of dirty work. Parachuted into the Indian-held part of Kashmir or slipping over the border, they triggered off the Indo-Pakistan war of 1965, but totally failed to arouse the hoped-for Kashmir insurrection.

Proudly wearing their jaunty green berets, they would, until a few months ago, show visitors to their camp at Cherat near Peshawar how they could climb ropes and correspond in secret inks. Now Cherat is empty; they are all in East Bengal.

The fact that the US Special Forces, having been a costly flop in Vietnam, and having been closely associated with many of the nastiest and most counter-productive episodes of torture and assassination in all that ghastly war, were finally all withdrawn last year, has apparently not got through to the military chiefs here. The Pakistan Special Forces' presence in East Bengal is a sure guarantee of more atrocities, and ever-mounting resistance.

For, despite General Yahya Khan's claim that the military situation in East Bengal is "under control." the Pakistan army is in fact making feverish preparations to meet the guerrilla challenge which is growing every day. Two more divisions are being hastily raised in West Pakistan and the staff officers' course at Quetta has been cut from two years to one to double the output of junior officers. But, in relation to the size of their problem, these reinforcements are chicken feed.

All the requirements of text-book guerrilla warfare are present in Bengal; a 1,500 mile border with India, almost all river, swamp, jungle or rice paddy; sanctuaries on the other side defended by the Indian Army eager for a fight; and a civil population friendly to the guerrillas and physically easy to distinguish from the army of occupation. No Giap, Grivas or Guevara ever had it so good.

The signs of the growing conflict are everywhere in East Pakistan: sandbagged strongpoints at police stations, military posts and government offices, even the ones which issue driving licenses and rate demands. Soldiers standing by bridges, ferry crossings and railway junctions, or conducting meaningless "identity checks" at improvised roadblocks. (I showed one soldier my driving license: he asked me to read it out to him.)

But this counter-insurgency network, already absorbing 80,000 men, is pitifully thin, even though Gen. Tikka Khan has had to strip the border with India of troops to sustain it (despite the proclaimed aim of defending East Pakistan against Indian invaders and infiltrators) and it is clear that East Bengal will soak up soldiers like blotting paper with no noticeable reduction in guerrilla activities.

The guerillas have already scored successes which any Viet Cong commander would regard as a highly promising start to a protracted war. The East Pakistan tea industry has been brought to a halt; most of the Hindu tea pickers fled, the mainly British and West Pakistan tea estate managers have followed, and the remaining tea estates have ceased production after widespread guerrilla attacks destroyed the tea processing machinery. One stick of gelignite in the power plant brings a 5,000 acre tea garden to a halt. It is almost ridiculously easy.

CRUDE TERRORISM AND PRIMITIVE PROPAGANDA

Such stocks of tea as were held in the gardens up country no longer move down the rivers to market; three weeks ago the only yard repairing river tugboats in all East Pakistan, the Pak Bay company plant near Dacca, was put out of action by a guerrilla-set fire. The jute and oil seed crops, the other mainstays of the economy seem destined to join tea in the process of economic strangulation.

Dozens of road and railway bridges have been blown, and hastily repaired, and will no doubt be blown again; and the boats, barges and slipways of the vital river communications system are even more vulnerable to guerrilla attack.

Nor is there necessarily a widespread and complex organisation behind these attacks which General Tikka Khan and his Special Forces might be able to winkle out and disrupt; there are only a few hundred young Maoists in East Pakistan, but they now have tempting opportunities to kill landlords and moneylenders and sabotage mills and factories in a situation which is becoming every day more radicalised. The resort to violence on one side has inevitably brought out the men of violence on the other.

The absolute minimum hard core of guerrillas the Pakistan Army has to deal with is the 2,000 surviving mutineers from the East Bengal Regiment and East Pakistan Rifles now in India, trained and embittered soldiers. Even supposing no one joins them, a very modest 100 to 1 ratio will need at least 200,000 West Pakistan troops, with 1,000,000 a more realistic level. (Colonel Grivas in Cyprus, bad guerrilla country, never had more than 400 men able and ready to use a gun. He won.) In counter insurgency, the Pakistan Army has it all to learn; like most beginners, they have started with the least effective of all methods, crude terrorism.

But the field where Pakistan even more desperately needs foreign advisers is that of propaganda. Somewhere, Goebbels, Senator Joe McCarthy and even Horatio Bottomley must be shaking their heads sadly; at least, *their* stuff had a certain internal consistency, and those who badly wanted to believe could do so without feeling that they were going out of their minds. The Pakistan propaganda effort is, in contrast, clearly the work of untalented amateurs.

The operation is in the hands of Amanullah Sardar, a civil servant who was dragged away from his job as Chief Film Censor of Pakistan ("I used to make sure there was no kissing or Indian propaganda") to take charge of the image-improving operation in Dacca. His boss is Lieut-General Farman Ali, head of civil affairs in East Pakistan.

Both give frequent Press conferences and are available for background briefing sessions, which are like playing chess with an opponent who loses his queen on the second move, snatches it back and indignantly continues the game. I take both of them to be fundamentally decent men, like many Americans I have met in Vietnam, caught up in a lunatic policy under the impression that they are doing their patriotic duty.

Sardar, the PR chief, has if anything the stickier wicket to play, as he has to meet the foreign Press face to face, on the basis that the Pakistan Government has nothing to hide, without a general's stars or, it seems, any influence with the military whatever. (He assured me, for instance, that I was free to photograph anything I liked. As I left Dacca an eager Customs man seized 31 unexposed films from my luggage. "Strict orders not to let journalists take any films out of the country," he explained. "Doesn't say here anything about exposed or unexposed.")

The wretched Sardar faces the daunting task of convincing foreign reporters that the military regime has not, in fact, crushed a political party, the Awami League, which has just won an overwhelming vote in a free election, conducted by the regime itself. Even without documentary evidence, this would be hard sledding but Sardar happens to be one of the authors of "Elections in the World's Third Largest Democracy," a persuasive booklet put out by his own department in Karachi last February.

The elections had several unique features, quite apart from the obvious one where a military regime was surrendering power to a civilian government," wrote the enthusiastic Sardar and his colleagues less than six months ago. "This itself is a dramatic reversal of the familiar pattern where the army usually takes over civilian regimes, snuffing out democratic liberties. President Yahya Khan kept faith with the people and fulfilled his promise to turn over the reins of office to a civilian democratic government voted into office in a free and fair election. . . ."

As I read this eloquent passage aloud, Sardar ran an anxious finger round the inside of his collar and smiled a strained smile, an unspoken appeal of "how-would-you-like-my-job?"—rather like the demeanour of a cancer researcher employed by a cigarette company. "But you must remember that the Awami League used Fascist terror tactics so that loyal people opposed to them were afraid to come to the polls and vote . . ." he explained.

"But it says on page 2 of Elections in the World's Third Largest Democracy,' 'the turnout was large by any standard; around 60 per cent. of the registered voters. . . .' "

"The people were misled," said Sardar earnestly. "They believe they were voting for reforms, not secession and treason."

"But you write here, 'the election results underlined the political maturity, sound common sense and the practicality of the average voter. . . . Parties preaching regionalism, tribalism, racialism and religious bigotry have been given short shrift."

"It was all part of the Indian plot," said Sadar, barely getting the ball back over the net by a superhuman effort. "Even I was deceived. It shows the lengths these Hindus will go to. . . ." "But you say you are not conducting a campaign of persecution against Hindus. . . ."

"There is nothing wrong with the Hindus as long as they behave themselves. But when they try to destroy our dear homeland on the orders of their masters in India. . . ."

Even this sad stuff, persecution denied in the language of program, is comparatively rational when compared with the explanations which the government is offering its own people through the tightly controlled Pakistan Press. Everyone is plotting against Pakistan; the Indians are plotting with the British, the BBC is plotting with Zionists, the Russians are plotting with Israel(!), only China is standing loyally alongside Pakistan to defend Islam (!!!).

The Pakistan Army is, in fact, the courageous underdog, wrote Z. A. Suleri in the government-controlled Pakistan Times last Sunday, tracing the basic source of the BBC-Zionist plot to "the historic conflict between Christendom and the world of Islam."

Suleri explains: "On the eve of the D-Day for UDI, nearly two lakh (200,000) armed personnel of the East Pakistan Rifles, the East Bengal Regiment and police stood at the beck and call of the Awami League and over and above the Indian infiltrators were poised for the kill . . . Against the formidable array of these forces were only the few thousand men of 12 battalions . . . To the small band of defenders of national integrity applies the Churchillian description: 'Never was so much owed by so many to so few.' "

The prospects of any negotiated settlement seem, I am afraid, to be zero. East Bengal is in south-east Asia, in its outlook: West Pakistan is in the Middle East. All they ever had in common was the shared consciousness of being part of the Muslim minority in India; exactly enough time has passed for a generation to emerge who cannot remember ever being Indians, with entirely predictable results. Islam, as a unifying force for Pakistan, is simply not a runner, any more than it is among the Arab countries of the Middle East.

A LAST, IRRATIONAL TURN OF THE SCREW

So both sides have reverted to local nationalisms. In East Bengal, which has been ruled in turn by Hindus, Moguls, British and West Pakistanis, it is the ancient and irresistible cry of "out with the foreign oppressor." Hatred of India has no part of this feeling: the Army-inspired "crush India" campaign in recent months has had no success in East Bengal. The foreign oppressor in East Pakistan is . . . West Pakistan.

But the conflict with India is the heart of West Pakistan nationalism, concentrated in the dream of expelling the Indians from Kashmir by force.

The Pakistanis were, in my view, in the right over Kashmir, as the ground rules stood in 1948; and it has been the Kashmir issue, built upon the recollection that Muslims once ruled all Hindustan, which generated the enormous West Pakistan army and bureaucratic establishment, which in turn need the taxes and foreign exchange from East Bengal to pay for it. In a last, irrational turn of the screw, the tribute from East Bengal is needed to maintain the army of occupation—to keep East Bengal in Pakistan so that the confrontation with India can be sustained.

Every West Pakistani I talked to in East Bengal seemed mentally stalled in the hopeless closed circle of these emotions and arguments drawn from the trauma of partition, yet convinced that this was patriotic thinking.

The outlook of Sheikh Mujibur Rahman and the Awami League towards India was quite different. If tension with India was lowered, said the Sheikh, Pakistan would not need such a big army; trade with India could be resumed, and the resulting resources could be used to develop the economy.

I don't think the Sheikh cared very much whether East Bengal was in Pakistan or not (he certainly did not when I last talked to him, 18 months ago) but he cared very much that the future policies of Pakistan, or of an autonomous East Bengal, should be much more in the interests of Bengalis.

Big army, small army; crush India, improve relations with India; military power or economic growth: I don't see how any compromise is posible on any of these fundamental issues.

The final absurdity is that the Bengal war, which is now being fought to maintain Pakistan's strength in the conflict with India, weakens it to vanishing point. There is every sign of a long and bloody war of attrition. The most probable ultimate result, for West Pakistan, is a Pakistan of 40 million people, confronting an India of 600 million, which would mean an end for all time to the dream of serious rivalry for Kashmir. It is this spectacle of people rushing into war for an aim which can never be achieved, even more than the aircraft full of wounded soldiers, which gave me the most haunting echoes of the murderous misunderstanding of Vietnam.

[Far Eastern Review, Aug. 28, 1971]

THE VICTIMS

(By Harji Malik)

(Genocide in Pakistan—Murder of a People—Refugees haemorrhage into India. These are the headlines. Translated they mean over seven million people in India, and untold numbers in East Pakistan, in misery and fear; a tragedy so vast that even to witness it is not enough to comprehend it. This is an eyewitness account which captures as far as cold print can at least part of the terrible reality. In the second article, Harji Malik looks at its inevitable concomitant—the impact caring for the refugees must have on India's whole development. If, as was said, the Kashmir War set both combatants back three years, the cost of Yahya Khan's repression of the eastern wing must be measured in even more dramatic terms. The problem of Pakistan is internal; but, through no fault of its own, India must pay the price of sheltering the victims in the name of humanity. No country, however rich, could shoulder such a burden easily. And India is already frighteningly poor.)

CALCUTTA.—The exodus continues—40,000 a day is the estimate—along every escape route from East Pakistan. A mile-long train of uprooted, fearstricken humanity trekking up to 200 miles in drenching rain or blazing sun on roads the monsoon has transformed into rivers of mud, or down the many rivers of East Bengal.

India's refugee camps are full. "We announce a camp for 10,000 is ready," says a district magistrate in West Bengal, "and suddenly 40,000 appear to occupy it." Increasing numbers have nowhere to go, and shuffle between one district and another for shelter. Local officials give them rations, but no land is available for new camps. They huddle under black umbrellas, bits of polythene, or pieces of matting held over their heads. Cholera is under control, but pneumonia and bronchitis, the new killers, are spreading.

Every road between the border and the camps has become a vast refugee camp. Every tree has its families; every inch of space in verandahs and every public building—including schools—is crammed with people. As the refugees are transferred to proper camps, hundreds more swarm into the space left vacant—Hindus, Moslems, farmers, fishermen, landlords and landless. President Yahya Khan's army, like death, is a great leveller. All East Bengalis are one.

Some have nothing—just a piece of rolled-up matting, a battered black kerosene lantern with the glass smashed, a pathetically small bundle of sodden clothing for an entire family. Others carry ramshackle tin trunks, a few utensils tied to their bundles. Always there is the precious lantern, the guiding eye for the flight in darkness, the pitiful defence against the terrors of night. Many tell a story of looting, assault or death on the way.

There is a strange silence along the road. Those who walk it have no strength to talk. As new arrivals squat down, there are no greetings, no questions. The shock, the bewilderment, the pain are a physical presence, as all along the road they wait—one wonders what for. There seems to be no curiosity about the next stop, no hope. They have survived. They are here. That is the one reality. Many show no desire to find food or shelter. The stricken faces, the staring eyes, the emptiness of the gaze are intolerable, the inadequacy of any outsider in the face of this massive suffering, humiliating.

Why do they come, when there is no roof and camp conditions are so frightful? Because privation is heaven after the horrors they have left behind? A naked four-year-old boy, waiting his turn in the ration queue at Agartala airport transit camp, ran away howling with fear when I pointed my camera at him. "He thinks it's a gun," explained an old man standing by. Two women fell at my feet begging, not for charity—nobody begs in this sad world but a few professionals—but for reassurance. Their husbands were killed by the West Pakistani army; their village razed.

Others, often nursing newborn babies, had no ration cards yet. Most had had nothing to do with politics and had left behind everything, often including members of their families unburied. In a stifling reception centre in Agartala a gentle old woman, sick with fever, lay on the ground. But she smiled and folded her hands in greeting, happy to be safe, and asked for nothing when I spoke to her.

In the inevitable feminine gesture, a young woman, beautiful despite the ordeal reflected in the gauntness of her face, her sleeping baby in her arms, raised a hand to adjust the sari on her head, as I focused the camera. But the human, everyday gestures are rare. People sit like automatons. The children, even the youngest, are deprived of childishness, infants are skull faces on skeleton bodies, the adults paralysed in resignation—bodies defeated by the physical ordeal, minds and hearts by terror.

For those who have been allotted camp-space, life of a sort begins again after a while. There is shelter from the rain, something to do, rations to collect, food to cook, clothes to wash and hang out. All along the roadside are bamboo shelters, built by the more enterprising. Women are busy inside, or sitting at the door preparing the next meal. A mother sits combing out her daughter's hair. A man completes the roof of his hut with the children helping.

But in this monsoon weather the low-lying Bengal countryside is flooded, and even in the camps the water often is several inches deep. Sometimes people must stand for hours, ankledeep in water, waiting for it to subside. Few have beds. They sleep in the muddy ground. Still there is a roof over the head, a pot on the fire. Most important, there are no soldiers, no Razakars—the local Yahya supporters armed by the Pakistan army.

In the camps of Assam and Tripura, built on high ground in the hilly, undulating countryside, there is adequate drainage. Each family has separate living space and a little privacy, instead of the mass barracks existence of many West Bengal camps which had to be constructed as rapidly as possible. For many the will to live has been rekindled. Children laugh and shout and surround the visitor, pestering and noisy, children once more. A little camp market sells vegetables, baskets, local cigarettes, some of the stalls manned by refugees. A refugee barber plies his trade. In the medical unit a nurse from Bangla Desh has her hands full and in all the camps refugee doctors tend their fellow victims.

But the past is ever present. In Chandranathpur camp near Silchar in Assam, sad-faced Nikury Chakravarty holds her youngest baby close. In an expressionless voice she tells how in May her husband and two sons went to attend a "peace committee" meeting in their village in Ballaganj district. They and others were fired on in the committee hall, her husband and 16-year-old son killed on the spot. Her elder son, 21, escaped and is still in Silchar hospital. Her tears have dried, but the pain survives in her widowed eyes.

Chandu Chandra, a young man from Borlakha in Sylhet District, recalls how the army came to his village. First they called all the men out of their homes, then the women. "They forced our mothers, our sisters, the young and the old to sit down and stand up repeatedly, as they ordered. When they tired of watching this humiliation, they took their jewelry. We were helpless. They had guns. Then they tied us up, took our ladies inside, and we could hear them screaming."

It is the familiar story of rape and savagery which accompanies all accounts of the Pakistan army's actions. Chandu's uncle was shot and everything was looted in the village, which was then razed. Homeless anyway, they fled before the next visit. We asked if we could meet the women in the family. Chandu looked embarrassed. They were reluctant to come, and we did not insist. Camp officers explained that in other similar cases women were hesitant to relate their experiences. Again as outsiders we felt intrusive and wretchedly inadequate.

Every camp, every roadside, has such stories. Abdul Subhan was sitting in his home in Casba, when the soldiers came. They took hold of him and shot him twice in the leg. He doesn't know why. They took five rupees from his brother and left. His brother carried him across the border, but his leg had to be amputated once he reached Agartala hospital—where a young doctor, one of the first refugees, explained: "Almost everyday we receive new bullet or shell injuries." One patient, Mohammed Chaddmiah, schoolteacher in Chandla village, told how on July 11 the army came. They called him out of the house, asked if he was a member of the Mukti Fauj (liberation army). Despite his denial they shot him and two other people in his house. His neighbour, a government employee who had joined the Mukti Fauj and had come home the night before after a guerilla operation, was killed before the soldiers set fire to the houses in the village in reprisal for the killing of a Pakistani soldier the day before. "But we will go on helping the Mukti Fauj," said Chaddmiah. "With bullets they cannot rule Bangla Desh for long." He will return only when East Pakistan is free.

Two brothers sat on their pallet in the corridor outside the surgical ward, the eldest, seven, holding his three-year-old brother's hand. The little one's foot was bandaged, a bullet injury. Their parents were killed and they are kept in the hospital because the foot must be dressed, and there is no one else to care for them. Behind a screen nearby was a dead baby nine days old, the pitifully small head swathed in an enormous bandage, miniature fists clenched tight. The mother, fleeing two days before, was killed instantly by a bullet. The baby, shot in the head, was carried to India by its grandfather and survived a day and a half.

A boy of 13, blinded in both eyes, is still under treatment. He had gone to deliver food to his father, a worker on a tea estate, when bombs fell from the air. He has no idea where his parents are. The doctors worked hard to try to save one eye, but the injury was too deep. These were only a handful. The roster of children dead, maimed physically and psychologically, orphaned, homeless, runs into millions. When cholera strikes, it is the infants, the children who succumb quickly. The number of victims will never be known.

Each camp and roadside has children by the thousand of all ages. Unchildlike because they don't complain, cry or demand despite empty stomachs; eyes still haunted by the terror of flight, of cowering in fear, or startled with pain of memories of things no child should ever see and which, uncomprehending, they perhaps can never forget, their existence and their plight are West Pakistan's accusers.

"Life is cheap in Pakistan," explained a member of Sheikh Mujibur Rahman's Awami League who spends his time between Bangla Desh and India, acting as a civilian reconnaissance link for the Mukti Fauj. This goes for Moslems and Hindus alike.

Debu Chakravatry left Dacca, where he worked in a good business, in April with his parents and sister. For weeks they wandered in East Pakistan, sheltering with relatives and friends. "But it was impossible to stay there," he said. Behind him the family sat on little bundles of cloth sheltering from the rain on the Jessore road. Debu's story came out falteringly, though his English was fluent. He smiled; but every few words he would swallow, hesitating, remembering. "We have come now because they were making life too difficult for us." "They" are the Razakars, of which each village has a committee of 12, many of them members of the Moslem League or the Jamiati-i-Islam, rightwing opponents of the Awami League, routed by it in the elections and now Yahya's enthusiastic and armed aides in the eastern wing.

"They make everything difficult. They make lists of all the boys and girls aged 14–20, and give these lists to the army." There is a long pause, as he remembers. "If one of our boys went out to buy anything, he might never come back. We never knew. At any time they could come and take our girls, and we might never see them again. How long can you keep young people in the house, like prisoners? They make life impossible. They have taken everything from me, so I have nothing to live on. But if I tried to go out and sell anything just to have enough money to eat, I could not, because I am a Hindu. So we have run away."

Debu's sister was to have sat examinations at Dacca University. "But how can she go back?" he asked—as if the reality had still not dawned. He and his family lived a good life in Dacca. The thought of nothing now, and no future, is hard to assimilate. "I have come to India. What am I to do?" He sought the solution to his dilemma. A man listening to his story offered to take him to the registration spot to get his ration card. But to his real question, I had no answer—could only mumble I hoped things would turn out all right and turn away.

A mile from the border we met Iqbal Anrul Islam, an Awami League Moslem member of the ill-fated new Pakistan legislative assembly, which has met only in secret in Bangla Desh. He described with tears in his eyes how the elected representatives of the people, his friends, were killed by the army in the first days of the massacres. "They have taken our young men, drained them of their blood for the soldiers, and thrown them away, half dead, to die. They have taken our young women into the army barracks. They give no saris, no blouses, no clothes, just blankets. They play with our women, like their playthings, like toys! You must tell the world what is happening. They killed my two sons. Because they were my sons. That was their only crime." His voice rises in anger, then breaks in sorrow.

His bushy white beard neatly combed, his grey hair worn low on the neck, 83-year-old Abdul Jabber, a Moslem from Comilla district, crossed over into Tripura 15 days before we met. "I try my level best to stay there but I cannot." His mobile face is a patriarch's; the expressive hand gestures to emphasize the broken English he prefers to speak, rather than use an interpreter for Bengali. "All my village of 17 families come here. We leave all things. With our life we come to India. The Punjabis came, killed, took our women. My sister was beaten, my wife, aged 65 years, robbed. First they raped the ladies in front of us; even dogs cannot do what they did in the open field.

"In front of me more than 50 ladies were attacked. Ten to 15 soldiers did this at separate times. I can't express it but these young girls were taken away and worse than raped. Even my sister. I was second officer in the district judge's court in Comilla." Asked how he explained Moslem soldiers behaving like this to their "brothers in Islam", he replied with anger. "This is one sort of Moslem we can't understand. They are not Moslems!"

Abdul Jabber had voted for Mujib, and had told the soldiers so. "Why should I tell them false? A Moslem who votes for Mujib is a bad man they say. I was chairman of the Awami League in my village, so the Moslem League and Jamiat-i-Islam had spotted me." But he was confident the Mukti Fauj would triumph. "Since force of God is force of mind. Sure enough they will win. I tell my son to go away and join the Mukti Fauj." He points his finger to emphasize his next words "Rabindranath Tagore once said:

> You will win and win and win in the last;
> This world is not for demons and robbers,
> This is the world of men;
> And these men will win in the last."

An American correspondent calls his interview with refugees "his notebook of horror." And still the atrocities continue with a brutality, almost unbelievable, almost perverted. Eyewitnesses reported seeing three bodies, naked young women, lying along the road-side near the border just a few days before. They had been raped and killed, one of them shot through the female organs. Others tell of women raped and bayoneted in the same way. A Bangla Desh doctor described West Pakistan soldiers ripping open the stomach of pregnant women, pulling out the unborn bodies, and holding them in the air while they forced the people to shout: "Long live Bengal." A young Bengali Pakistan air force officer, who has deserted to India, cried during his interrogation, unable to continue his recital of atrocities he had witnessed. As a foreign journalist commented: "There is something sick in these people." But comment is inadequate.

Last week, Yahya returned to the charge that India was trying to stop refugees returning. US Senator Edward Kennedy, who toured the camps in India earlier this month, wished to go to East Pakistan to see what conditions for the refugees' return are like. Presumably because he expressed some of the horror all who have seen the camps must feel, Islamabad denied him a visa on the ground of "prejudice." But nobody flees his country, on foot, for nothing. If they do not go back, their own stories are the clear proofs why they dare not.

WHO IS MY NEIGHBOUR?

As the human inundation continues, pouring from one poor country into another, India's concern sharply rises. Those who doubt Indian sincerity in wanting a solution to the tragedy in East Pakistan seem to forget the refugees are costing the government US$3 million a day just to provide minimal food, shelter and medical care.

Foreign relief organisations have called this perhaps the biggest single relief operation ever tackled, and the seven million could become 10 by the year's end. For India, humanitarian considerations aside, it is a major catastrophe. The refugees have created an emergency which has taken priority over everything else. The magnitude of the task is overwhelming, the demands on the Indian exchequer and human resources, unprecedented. For India to meet them is "unreasonable", for these are not Indians but nationals of a foreign country. It is not India's responsibility, but there is no escape. The restoration of "normal conditions" in East Pakistan is a remote dream, whatever Yahya Khan claims or Islamabad officials have persuaded themselves. The victims of West Pakistan's repression of the eastern wing are India's burden—perhaps for years.

Bongaon subdivision in the politically explosive state of West Bengal illustrates the effect of the great influx. Refugees started pouring into this area on March 27—the day the Pakistani army began "to restore normality" in what was supposed to be originally a 72-hour operation—and the flow has continued ever since. The first camp in Bongaon opened on March 30. The subdivision covers 320 square miles and along two sides shares a border with East Pakistan. The 1961 census put the population at 350,000. Now there are 29 camps housing exactly the same number of people. In addition more than 100,000 refugees are living with friends or relatives, and there is a "floating" population of more than 50,000. New arrivals are in the region of 35,000 a day.

The official specification in the camps allows 20 square feet a head, but 15 people are occupying the space intended for 10. Many camps are just long lines of barracks—bambo structures with roofs of thatch or tarpaulin, common dormitories with many families living without any privacy. But even these camps are full. Here, as in most of West Bengal, it is difficult to find non-agricultural land for camp sites. The normal population density is very high: 1,500 per square mile. Today it is 5–6,000 per square mile. There is no more space.

This is low-lying land, mostly jute and paddy fields, without drainage conduits. Where there is no standing water, there is marsh. Under such conditions efforts at sanitation are almost futile. In some places separate latrines have been built, in others trenches dug. But in the monsoon, the water and human congestion create a gigantic hygiene problem. Danger of polluted water and resultant diseases is constant.

Compared to West Bengal, the Tripura and Assam camps are luxurious. The influx has been lower and the current flow of arrivals is put at 4–5,000. The first few weeks were as chaotic as in West Bengal, but the newly constructed camps are well designed, built on healthy ground, with plenty of space between buildings. Assam camps even provide for a separate kitchen for each family in the allotted space.

But there are other serious problems. Tripura, Assam and Meghalya are eastern border states, not readily accessible from the rest of the country. Transporting building materials, food supplies, even the refugees themselves, is a major difficulty. Roads are narrow, only a few have hard surfaces and none are built for regular heavy truck traffic. Camps are far from the towns because land near them is unavailable, and towns are connected only by precarious communications with railheads and airfields.

In Tripura 200 tons of food has to be brought in daily even under normal conditions. The state's population of 1.55 million has been almost doubled by the refugee influx of 1.12 million. Food requirements are now 660 tons a day. Local officials describe their situation as a "truck to mouth existence"—foodstocks are nil and monsoon conditions generate frequent landslides, which can cut the roads at any time. The railhead is 125 miles from Agartala, even further from other refugee camp points. There is a chronic shortage of trucks which the state is trying desperately to meet, and an airlift, also dependent on the weather, can only bring in about 60 tons daily. Nobody seems to know what will happen if the supply line is cut.

To reduce the daily requirements to 300 tons, the refugee ration has already been cut by 50%. Further cuts are impossible for nutritional reasons. In Bengal each refugee receives 800 grammes a day of foodstuffs, cereals, vegetables and pulses, with a small cash payment for extras. This costs the government one rupee a day. Rations elsewhere are approximately the same. This is a minimal amount, but the government cannot afford even this, and already there is resentment because millions of Indians live on less.

The refugees need much else besides—clothes, utensils, supplementary foods, soap and kerosene. But the Indian government cannot even attempt any relief of this kind. Private and foreign agencies are trying to fill the gap but they still have a long way to go. However milk powder—the most important supplementary food for children, the sick and prenatal and postnatal cases—is being provided by them and distributed in 50% of the West Bengal camps and in many others.

Distribution is not always efficient and the chief victims are children. But it is no easy matter to organize distribution, registration and rations on such a vast scale, when the administrative apparatus is already strained beyond capacity, and when the number of people to be served increases every hour. Despite bottlenecks, lack of experienced relief personnel and other drawbacks, India has done a magnificent job under extraordinary circumstances.

Foreign assistance, shockingly little in the beginning, is now a steady flow, but although the materials provided—for shelter, medical care, extra food—are all vitally important, they only complement the massive national effort. India is paying for Yahya Khan's terror.

Medical care, preventive and curative, requires full medical teams. One doctor per 6,000 persons has been provided, according to officials. Bangla Desh doctors are included in this figure. Again this is the barest minimum. Cholera is under control, thanks to a massive inoculation campaign and high-speed injections along with large supplies of saline solution. Whenever there is a heavy influx of refugees, the number of cases goes up; 90% of the new arrivals bring the disease with them. Still, the fear of huge epidemics is gone. But other threats—tuberculosis, pneumonia, intestinal diseases, all aggravated by malnutrition and weakness—are just around the corner. In the more settled camps, conditions of health have improved. Asked if he was worried about the deathrate in the Tripura camps, a local official smiled: "I should say I am more worried about the birthrate."

But Indians are asking when the influx will end. Reports of imminent famine conditions in East Bengal are well founded. Those who were doing relief work in last year's cyclone-torn areas say near-famine conditions were forecast there even before the present crisis. With the winter harvest untended and the new crop unsown, a famine of cruel intensity is likely. Well over 500,000 persons are already said to be on the move in search of food. Their inevitable destination seems to be India. Conservative estimates in India of 10 million refugees within a few months are giving place to the terrifying picture of a possible 15 million.

Care of the present numbers of "evacuees"—as the Indian government insists on calling them officially—is achieved at the cost of Indian development. Even normal programmes in fields such as education, health, family planning are suffering. If the number of refugees remains fairly static, which is highly unlikely, the total expenditure on them for this financial year will be at least 20% of the entire Indian budget. The refugees have already been here five months, and so far only a tiny handful have gone back. India is already drawing on its foodstocks, especially rice, to meet their needs. The economy has been seriously disrupted and the five-year plan will inevitably be affected.

In places where refugees are concentrated, local administration has time for nothing else. These are all backward districts. Many are in a state of intense political tension partly due to the violent activities of the Maoist Naxalites. Schools and colleges, filled with refugees, have not opened in these areas, a dangerous situation when the young are the main targets for Naxalite peruasion. All development work has stopped. Planning for urban improvements in Calcutta, a priority project, has been postponed. "Our plans for a minigreen revolution have all been shelved," says a Tripura administrator ruefully.

The federal government is bending over backwards to preserve what many Indians feels is an illusion: that the refugees are temporary evacuees, who will certainly return to their country. For this reason no schools are being opened in the camps. Only "education centres" keep the children occupied. Certain human problems cannot be postponed. Orphans, who must be cared for, are being looked after in "temporary" orphanages, widowed women and women who are alone in "temporary" homes.

"Our refugee provision in every respect is for six months," explains Tripura's relief secretary. "Our local population is friendly because we have assured them the refugees are only here for six months. This is tribal country. Local people go in for shifting cultivation and are very jealous of their land rights. If they think these people are here permanently, we may have serious trouble." Locals are already complaining because prices have gone up since the refugees have been forced to buy in the open market after the ration cut. In Assam it is the same story, and where the refugees are not installed in camps, prices have risen by 30%. In West Bengal people are resentful because schools have not reopened. There is friction when the refugees help themselves to fruit from trees, or break off kinling. In areas near Calcutta, some refugees have started undercutting the local wage rates, thus taking jobs from residents. As the influx increases more of this will happen and small irritations may culminate in serious trouble. There are also fears that the continuing influx may push refugees in camps near Calcutta into the congested, tension-gripped metropolis—in which case, say observers: "Calcutta will explode."

India's security problems have been aggravated by the influx. In Assam, fears lest the large number of Moslem refugees upset the population balance, always an ultra-sensitive point in this important border state, have already erupted into a riot in the state capital of Shillong. Recent reports of alleged saboteurs caught in Tripura lend credence to rumours that Pakistan agents may be infiltrating the area in the guise of refugees, as a potential fifth column in case of an Indo-Pakistani conflict.

In Agartala, the sound of Pakistani mortars falling into Indian territory can be heard almost every day. Indian civilians as well as soldiers are being killed or wounded all along the increasingly sensitive border. If the refugees keep coming and if there is no way for them to return, war—even with the calming influence of the Indo-Soviet security treaty—may become India's only way to solve its dilemma.

The refugees, India has rightly insisted, will only go back when there is a genuine political solution in Pakistan. Perhaps eventually Yahya will be persuaded by the great powers that, however distasteful he may find it, he must make his peace with the eastern wing. And this can only mean negotiations with the Awami League—before the communists take the political lead in building up guerilla resistance. But so far Islamabad shows no signs of modifying its political stance, or its military tactics—despite reports of potential trouble in West Pakistan.

Meanwhile the Mukti Fauj is keeping the Pakistan army on the alert, cutting important communication lines, capturing arms, exploding bombs in Dacca and killing soldiers and collaborators. The military forces sent in have not been able to establish control over the country. Guerillas penetrate the heart of Dacca and several times over the past weeks saboteurs have plunged the city into darkness. It is even said you can drive across the border from India to Dacca, spend the night in the Intercontinental hotel and leave very early in the morning—although recently even the hotel has not been immune from attack. The reason: the army reportedly retires to barracks at nightfall, and only emerges at dawn.

Eyewitnesses report the Mukti Fauj is increasingly better organised and claim more and more young men are joining it. An intensive recruitment drive is on in the camps to enlist all men and boys from the age of 14 up. Indian Defense Minister Jagivan Ram said recently that Yahya Khan's bellicosity towards India was a thermometer indicating the success of the Mukti Fauj. But guerilla warfare never brings rapid solutions, and the "freedom fighters" are pitted against formidable opponents.

Dedicated young faces sing the Bangla Desh national anthem in the soft Tripura twilight in a little refugee camp run by a Christian mission. If Yahya refuses to negotiate with the Awami League, and convicts Mujib, these youngsters will grow up—probably at India's expense—to fight for their freedom. But it is hard to see how India can bear the burden; impossible to predict what it will mean for its future. The sacrifice of Prime Minister Indira Gandhi's "Gharibi Hatao" (remove poverty) programme—on which she gained her great parliamentary majority this spring—will be crucial enough. In addition, there is the political dilemma. The numbers of the deprived and restless in India are growing and, by diverting so much of its already so inadequate means to succouring the victims of another country's repression, India risks revolt among its own nationals. West Bengal is possibly the worst place in the world to be called on to support a humanitarian burden which would weigh heavily on even the United States.

[From the Far Eastern Economic Review, Aug. 14, 1971]

INDIA: YAHYA'S HATEFUL WORK

(By A. Hariharan)

NEW DELHI.—The heavy economic drain on India caused by Islamabad's repressive policies in East Pakistan was underlined when Finance Minister Yeshwantrao Chavan had to request parliament for a further Rs2,000 million (US$266 million) for refugee relief to cover the rest of this calendar year.

He warned that new demands for refugee relief would have to be made early in January if the situation did not improve by then. About Rs500 million has been promised by other nations, although only around Rs80 million worth of assistance had arrived by last week.

Under the next federal budget in February no supplementary taxation is proposed to augment government revenues. But an increase of Rs3,000 million for the plan was announced in the last budget; as deficit financing cannot be carried beyond the level then contemplated, this entire plan allocation will have to be written off.

Indian economic development will be badly retarded at a time when the country was looking forward to greater industrial production and more employment opportunities. International memory is short. Between 1947 when India and Pakistan were created as separate entities and 1965 when the last armed conflict between the two countries took place, some eight to nine million Hindu refugees came to India, never to return. They were all Bengalis and had a common culture, language and literature with the people of West Bengal, even in 1947 one of the most populous states in India.

Most remained in West Bengal adding to the bustee (city slum) population. There was even then no space for erecting camps. There were serious riots in Gauhati, Shillong and other Assam towns in which the Bengalis were the sufferers.

After much persuasion and as an alternative to slow starvation about 8,000 refugee families from the earlier influx went to Madhya Pradesh where a large virgin forest tract was cleared for them—the present Dandakaranya.

But the present influx exceeds the seven million mark and even this kind of dispersal has become difficult. Social tensions are surfacing. In West Bengal, Assam and Tripura the local population has put up with the newcomers because they believe they will return in less than six months. As this becomes less and less probable, resentment is growing.

In the first place prices of essential commodities have shot up, especially of edible oils and fish. The East Pakistani refugee, with assistance from the Indian government, has more purchasing power than the poorest of the Bengalis. There is also intense competition for unskilled manual labour. Unemployment has been West Bengal's biggest problem for years. And with recent increasing lawlessness hardly any new industries have sprung up. Many have closed or shifted their operations to other states. The newcomers bidding for casual labour underquote the natives and this again is a source of bitterness.

The people of the border states also fear, if the influx should prove permanent, for the education of their children. Every school and college in the border sectors of all the states has been used to house the refugees and education has come to a standstill. The millions of children who have fled East Bengal, for whom no schooling is now planned, are in a potentially even worse position. The disruption of education all over West Bengal leaves the youth of the state anchorless, possibly easy prey to Naxalite propaganda.

In Assam the problem is different. For years there had been a Moslem infiltration of the state from East Pakistan—even at one time promoting fears that a calculated plan was under way to make Assam a Moslem majority state, eventually seeking to merge with Pakistan. Many of the present wave of refugees in Assam are Moslems.

Some refugees could perhaps be settled in Bihar. But the Bengali is not welcome here, partly because several Biharis were killed in the initial stages of the "Bangla Desh" movement. Moreover half of Bihar today is flooded. Because of the daily growing pressure on the border states, New Delhi has been compelled to shift some refugees. The central government has chosen sites for nine more camps in Madhya Pradesh, Uttar Pradesh, Tripura and West Bengal to accommodate 500,000.

Apart from the possibly dangerous economic and political problems, health hazards are still great. Cholera has been controlled but the congestion, lack of fresh water, sanitary arrangements and adequate medical attention combined with malnutrition and mental agony will take a terrifying toll in the months—even weeks—ahead.

By Mr. WILLIAMS:

S. 2569. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency. Referred to the Committee on the Judiciary.

STATE-RUN LOTTERIES AND THE BROADCAST MEDIA

Mr. WILLIAMS, Mr. President, today I am introducing, for appropriate reference, a bill to amend title 18 of the United States Code which, at present, prohibits the broadcasting of information regarding State-run lotteries, sweepstakes, and wagering pools via television or radio.

Under present law, newspapers may publish such information regarding these State-run programs on the grounds that it constitutes news. But because of the July 20th ruling by the FCC, the broadcast media is not allowed this privilege. The bill I am offering, which is similar to one introduced in the House of Representatives by Congressman Rodino—H.R. 2374—would make the Federal regulations which prohibit broadcasting information concerning lotteries, sweepstakes, and wagering pools inapplicable in the case of a program conducted by a State agency or the District of Columbia.

Since the FCC's ruling, there have been many attempts by State officials and private individuals to obtain a revision of this current restriction. At this point, I ask unanimous consent to have printed in the Record an article and an editorial, both of the Trenton, N.J., Evening Times which illustrate the concern for a need to correct this inequity currently existing in our system of law.

There being no objection, the articles were ordered to be printed in the Record, as follows:

SHH! SAYS THE FCC

We have seen the New Jersey lottery, as Lincoln Steffens might have said, and it works. It is still a regressive form of taxation and an unseeming business for a state government to be in; but it appears to be widely popular, it is certainly bringing in the dollars, and its 50-cent weekly-drawing format has spawned an imitation in New Hampshire and soon will spawn another in New York and, as soon as Governor Shapp signs the bill, in Pennsylvania. To cry "turn back" now would be a gesture of futility that would make King Canute's attempt to roll back the tides look like an even-money shot.

As long, then, as the Eastern Seaboard is going in big for state-sponsored action, we might as well get rid of some of the little inconsistencies and arbitrary rules that make it more difficult to operate. Chief among these is the Federal Communications Commission's ban on the broadcasting of winning lottery numbers. The radio and TV stations can broadcast the results of horse races, but they cannot do the same for the lottery. As a result, the switchboards of newspapers and radio stations are lit up like tote boards on Thursdays, and the telephone queries also flood into ticket vendors' stores and motor vehicle agencies. Rep. Cornelius Gallagher, D., Bayonne, and other New Jersey congressmen have sponsored a bill to remove this ban and also to allow the transmission of lottery tickets in the mails and advertising of the lottery in interstate commerce. We are not assured of the merit of these latter two provisions, which are, of course, aimed at spreading the market for the New Jersey lottery nationwide; one result would almost assuredly be the adoption by the hinterlands states of lotteries of their own in self-defense, and perhaps they ought to be allowed to arrive at that kind of decision independently, without any pushing from New Jersey. However, the broadcast ban makes no sense, saves nobody from corruption or anything else, and ought to be eliminated.

LOTTERY REVIEWS FCC BAN

(By Knight Kiplinger)

Washington.—Three officials of the New Jersey State Lottery were briefed Monday by a member of the Federal Communications Commission (FCC) on procedures for appealing the FCC's ban on broadcasting of winning lottery numbers.

Lottery director Ralph Batch said after the meeting that Robert E. Lee, one of the six FCC commissioners, would offer neither encouragement nor discouragement on the prospects of an appeal of the FCC's lottery ruling issued July 20.

Batch said that information that Lee gave the lottery delegation will be used to decide whether to appeal.

In a related decision, Rep. Cornelius E. Gallagher (D-Bayonne) protested the ruling in a letter to FCC Chairman Dean Burch, and said the lottery commission is in the process of filing a formal appeal with the FCC.

The congressman said that Congress should approve a pending bill that would circumvent the ruling in the event the FCC refuses to reconsider its decision.

The bill, co-sponsored by Gallagher and several other members of the New Jersey congressional delegation, would authorize the mailing of lottery tickets, broadcasting of lottery information, and publicizing of lotteries across state lines.

Gallagher wrote Burch, "There are more than five million tickets purchased each week in the New Jersey lottery, and to impose such a restriction on the broadcast media amounts to a ban on legitimate news."

The FCC disagrees. In their ruling July 20, they said the issue is not a freedom of speech and press issue under the first amendment.

Radio and television announcements about the purchasing of tickets and the winning number, the FCC said, tend to advertise the lottery, which is forbidden by federal law.

Mr. WILLIAMS. Mr. President, at present 11 states are either operating a lottery program or seriously considering such a program in their legislatures. I am certain that additional States will soon follow. The revenues involved are being put toward a most worthy cause—education expenses within the State. In my own State of New Jersey, alone, after only the first 4 months in operation, the program had contributed $13.5 million to the area of education.

The time for a revision in this outdated restriction is at hand, and I am hopeful that this Congress will act promptly and favorably on this necessary legislation.

By Mr. McGOVERN:

S. 2570. A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribes of South Dakota Development Corporation. Referred to the Committee on Interior and Insular Affairs. bill I introduce today concerns certain

Mr. McGOVERN. Mr. President, the Federally owned land now held by the United States in trust for the United Sioux Tribes of South Dakota. Essentially the legislation would transfer the title of approximately 120 acres of Federal land to the United Sioux Tribes of South Dakota with the U.S. Government as the trustee.

It is the wish of the United Sioux Tribes that this land be used for educational services for Indians who have left the reservations and are now living in urban areas, where the land in question is located. This bill in this urban area with the opportunity to increase their understanding of their heritage and to more easily make the transition from reservation to urban living.

Mr. President, I ask unanimous consent that the text of my bill and a memorandum from the United Sioux Tribes in connection with the legislation be printed in the RECORD.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 2570

A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribes of South Dakota Development Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the following described land, which remains excess to the needs of the United States and to the purposes authorized by the Act of May 20, 1948 (62 Stat. 248), authorizing the Secretary of the Interior to convey certain lands in South Dakota for municipal or public purposes, is hereby declared to be held by the United States in trust for the United Sioux Tribes of South Dakota Development Corporation, a South Dakota corporation:

Parcel 1. That part of the northwest quarter southeast quarter, section 4, township 1 north, range 7 east, Black Hills Meridian, Pennington County, South Dakota, lying north of the north right-of-way line of Canyon Lake Drive, except lot 1 thereof as shown on that certain plat recorded in book 4 of plats, page 117, in the office of the Register of Deeds of Pennington County, South Dakota, and also excepting therefrom block 1 of the northwest quarter southeast quarter, section 4, township 1 north, range 7 east, as shown on that certain plat recorded in book 7 of plats, page 102, in the office of the Register of Deeds of Pennington County, South Dakota, said parcel of land comprising 25 acres, more or less.

Parcel 2. Northeast quarter northeast quarter, east half northwest quarter northeast quarter, southwest quarter northeast quarter, section 8, township 1 north, range 7 east, Black Hills Meridian, Pennington County, South Dakota, except lot 1 of the north half northeast quarter, section 8, township 1 north, range 7 east, the parcel comprising 92.90 acres, more or less.

UNITED SIOUX TRIBES MEMORANDUM

Date: September 22, 1971.
From: Clarence W. Skye.
Subject: Bill: H.R. No. 10414.

With the introduction of legislation proposing to transfer the Federal Land into trust status for the Indian People, it is our request to have this Land used for Educational Services.

The United Sioux Tribes wish to utilize this Federal Land for the benefit of the Indian People who leave the Reservation to live in an urban setting to become educated in a non-Indian Society. In developing the use of the Federal Land, we have plans for buildings that would contain an Indian Studies Laboratory that would offer the Indians in the area an initial understanding of their background and the environment they are placed in today.

This Indian Studies Laboratory would involve: Library Research Lab, Junior Achievement Lab, Fine Arts Lab, all types of Educational Services needed, a Cultural Heritage Lab, Career Development Lab, Adult Education in all phases Offices, a Laboratory of Technical Resources for the Reservations, and most important serving in the area is a Guidance Informational Laboratory to our People.

The Land would service us in all Educational Phases to make the necessary injection into Society with a more encouraged attitude. The United Sioux Tribes wish to utilize the Federal Land if placed in trust for the Indian People to place some Indian-Oriented Programs on our educational opportunities.

By Mr. McGOVERN:

S. 2571. A bill entitled "Rural Development and Population Dispersion Act of 1971". Referred to the Committee on Agriculture and Forestry.

RURAL DEVELOPMENT AND POPULATION DISPERSION ACT

Mr. McGOVERN. Mr. President, I introduce today for appropriate reference, a bill entitled the "Rural Development and Population Dispersion Act of 1971."

I introduce this bill with the conviction that the interrelated problems of rural development and population balance have now reached such proportions that they require a major statutory commitment of the Federal Government to their resolution. Title IX of the Agricultural Act of 1970, which contains a commitment by the Congress to a sound balance between rural and urban America, was a good step in this direction. But we still need an explicit, national statute on rural development and balanced national growth policy that elevates these problems to the highest level of attention in the same way that the 1946 Employment Act committed the Nation to promotion of maximum employment and the National Environmental Policy Act of 1969 committed us to protection of the natural environment.

My bill is not a complicated measure. Essentially, it is designed to accomplish four things: First, declare that it is the policy and responsibility of the Federal Government, in cooperation with other levels of government and private entities, to achieve revitalization of the open country and smaller communities of America and to promote a better geographical distribution of population across the United States; second, create a Council on Rural Development and Population Dispersion in the Executive Office of the President to advise the President, Congress, and the Nation on these problems and alternative means toward their solution; third, require the President, with the assistance of the Council, to submit to the Congress an annual Rural Development and Population Dispersion Report; and fourth, establish basic guidelines for the executive departments and agencies of the national government to integrate their ongoing programs, and their recommendations for new legislation, with the objectives of rural renewal and improved population balance.

Mr. President, I believe that a new governmental unit located in the Executive Office of the President and giving continuous attention to the problems of rural revitalization and population balance can make a real contribution toward getting the long-overdue movement for rural development into high gear. The Council on Rural Development and Population Dispersion, if given comparable status to the Council of Economic Advisers and other agencies in the President's Office, can fulfill this need. The council's job, as I envision it, would be largely one of advocacy—to publicize and crystallize public support for policies and programs to bring about rural development and population dispersion. Beyond this, the council could serve the President, Congress, and executive agencies and departments so as to facilitate an innovative, yet integrated, rural development-population dispersion policy.

By encouraging public awareness of the need for more geographical balance of population and more support for comprehensive rural revitalization, the council would seek to provide the climate of opinion and the general framework within which to achieve specific programs to serve rural areas and people.

The argument for rural public housing, for example, will take on additional meaning if it is made within a basic commitment to rebuilding the less populated areas of the United States. The same kind of added impetus would be given to policies to encourage greater movement of industry to rural environs, for better community health centers in less populated areas, for improved transportation networks linking rural communities with each other and with more populated centers, and for all the other programs that would be part of rural development.

The point is that in order most effectively to push for specific programs to build rural America, we need a basic policy commitment to balanced growth and rural redevelopment. Then and only then can we expect to get maximum results in achieving and adequately funding concrete governmental rural development programs.

My bill does not detract in any way from the incremental, but nonetheless substantial progress that is now being made toward bringing better housing, community water and waste treatment facilities, and other amenities to rural America. As we all know, in the final analysis specific action-oriented programs in these and other areas in which rural areas lag behind are the only means of renewing countryside and smaller town America, and of encouraging a larger proportion of our people out of overburdened cities and into rural America. In all of the specific human resource and job-stimulating programs, we must continue to work for a fair share of spending in rural areas in proportion to the percentage of the Nation's poverty, underemployment, substandard housing, and other deprivations that are borne by rural Americans.

But an approach to rural-urban balance that depends upon such a formula of proportionate shares of tax dollars to achieve parity for rural America is not enough. It lacks the dynamic element that can sustain programs of rural renewal, and can bring to these programs the public understanding and support necessary to assure their success.

It is my hope that the Council on Rural Development and Population Dispersion to be created by this bill can help to give the rural revitalization movement the positive and dynamic thrust that it requires to be truly successful.

If the trend toward urbanization of Americans can be terminated and a countermovement in the direction of rural inhabitation can be gotten underway, clearly it would be advantageous to both urban and rural places. Such a change of direction could alleviate pressures on urban welfare roles, public housing needs, water and fuel requirements, police, and other items of expenditure in cities and suburbs. Environmental protection would be advanced in several ways, including greater location of industry in open spaces and retention of people on the land to protect soil and water resources. Paul Ehrlich, the prominent scientist and environmentalist, has pointed out that the United States as a whole is not overpopulated; the problem, rather, is basically one of population maldistribution.

In a macroeconomic sense, rural development can serve the entire Nation by opening up new vistas for our stagnating economy, and providing new jobs to alleviate the unemployment problem that seemingly is so intractable. The ingredients for economic expansion are all present in rural America: resources, labor force, potential purchasing power—and, perhaps most important, open space. Of course, we must be careful that growth in rural America is orderly growth, and is undertaken with effective safeguards to protect the neutral environment.

Although it does not do so in any explicit sense, my bill should also help to preserve the independent, family-farm pattern of agriculture in this Nation. A healthy family-farm agriculture is of course only a part of rural development, but it is an essential element. Certainly rural development requires that we do enable the people who now reside in rural America to remain there under quality living conditions. And family-farm agriculture is a people's agriculture. Much more than corporate agriculture, the independent-farmer pattern will keep farm families on the land and provide the solid nucleus around which rural revitalization and a better geographical balance of population can be achieved.

According to recent projections, 100 million people will be added to the population of the United States by the end of this century. If present trends are allowed to continue, most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the Nation's land area. Projections of the Urban Land Institute place 60 percent of the country's population—or 187 million persons—in just four huge urban complexes. One continuous urban strip, containing 68 million people, will extend 500 miles down the Atlantic seaboard from North Boston to South of Washington, D.C. Another, 61 million, will run from Utica, N.Y. along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay Area and the Mexican border. A fourth concentration, with 14 million will extend along the Florida east coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Today, with 26.5 percent of Americans still living in places of 2,500 inhabitants or less, we can already see very clearly the mounting dangers in a continued migration out of rural America and into the Nation's overcrowded and congested cities and suburbs. We must stop and reverse this rural outmigration.

Mr. President, I would hope that the Rural Development and Population Dispersion Act can be enacted during this Congress, so that we can get on with the overdue task of renewing our rural areas and achieving a more rational rural-urban balance of population.

Mr. President, I ask unanimous consent that the text of the Rural Development and Population Dispersion Act of 1971 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2571

Be it enacted by the Senate and House of Representatives of the United States of the United States of American in Congress assembled,

SHORT TITLE

That the Act be cited as the "Rural Development and Population Dispersion Act of 1971."

TITLE I

DECLARATION OF POLICY

SEC. —. The Congress, recognizing that the trend toward urbanization in the United States has reached the point that many urban areas face diseconomies of scale, whereby urban concentration is contributing to the costs of difficulties of solving pollution, transportation, energy, crime, and other problems; and recognizing further that the termination of this trend toward urbanization and promotion of a counter-movement in the direction of rural development and revitalization promises not only to mitigate problems of urban areas but also to provide an infrastructure for more effective and efficient handling of agricultural, employment, health, housing and other problems of rural areas; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) Develop and maintain greater economic enterprise and employment opportunities, including a viable pattern of independent-farmer agriculture, in rural areas that are substantially distance geographically from urban complexes;

(2) Strengthen and revitalize towns and communities, and develop new towns, under conditions and in circumstances that life within such places and in the countryside surrounding them will be more sustainable and fulfilling;

(3) Increase the quality and quantity of transportation, health, educational, housing, cultural, and other services to rural people and amenities of rural life; and

(4) Achieve the geographical distribution of population across the United States that is most conducive to the maximum net realization of human values for the American people.

SEC. —. The Congress authorizes and directs that the policies, regulations, and public laws of the United States to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government on a continuing basis—

(1) Structure and carry out their policies and programs in such a way as to conform, to the maximum extent feasible, to the purposes and provisions of this Act; and

(2) Propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

TITLE II

SEC. —. (a) There is created in the Executive Office of the President a Council on Rural Development and Population Dispersion (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training and experience, be professionally qualified to analyze and interpret population distribution trends of all kinds and shall be conscious of and responsive to the economic, social, esthetic, and cultural needs and interests of rural areas in particular and of the Nation in general. The President shall designate the Chairman and Vice Chairman of the Council from such members.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rate (5 U.S.C. 5315).

SEC. —. (a) The primary function of the Council shall be to coordinate governmental recommendations and activities related to rural development and population dispersion, and to publicize and crystallize public support for policies, programs, and budgetary appropriations to achieve these goals. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of rural development and population distribution trends;

(2) provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote rural development and population balance; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning rural development and the quality of life in rural America (including the condition of farm life) and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect rural development and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual Report required under section —.

SEC. —. The President shall transmit to the Congress, beginning June 30, 1972, an annual Rural Development and Population Dispersion Report, which shall set forth:

(a) current and foreseeable trends in rural development and population distribution, and the implications of those trends in terms of human problems and values that are at stake; and

(b) a comprehensive and coordinated program of governmental action—covering needed new legislation as well as the administration and enforcement of existing programs—designed to hedge those trends toward the maximum net achievement of the interests and values affected by rural development and population distribution.

SEC. —. The Council may employ such officers and employees as may be necessary to carry out its functions of this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. —. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

By Mr. PERCY (for himself, Mr. STEVENSON, and Mr. SYMINGTON):

S. 2572. A bill to authorize the Secretary of the Interior to enlarge the Jefferson National Expansion Memorial National Historic Site, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. PERCY. Mr. President, I am introducing today on behalf of the distinguished junior Senator from Illinois (Mr. STEVENSON), the distinguished Senator from Missouri (Mr. SYMINGTON), and myself, a bill to enlarge the Jefferson National Expansion Memorial along the East St. Louis riverfront. The bill proposes that the Secretary of the Interior acquire a 50-acre site between the Eads Bridge and the Poplar Street Bridge for the purpose of expanding the existing memorial located on the St. Louis side of the Mississippi River.

Many of our colleagues know about the desperate economic conditions that East St. Louis is now experiencing and the urgent need for urban redevelopment, particularly along the riverfront.

The city of St. Louis is the 10th largest metropolitan area in the country, and East St. Louis is its most depressed section. For more than 12 years, East St. Louis has suffered a heavy loss of industry and commerce, resulting in high unemployment and a low median income of approximately $3,000 for the city's predominantly black population. One-half of the families in East St. Louis do not own automobiles and they are virtually trapped in a city that offers minimal recreational developments and parks for children, adults and the elderly. The remnants of industrial development can be clearly seen along the riverfront area with its mass of railroad tracks, freight locations, deteriorating housing and general residential decay.

The bill that Senator STEVENSON and I propose would almost certainly help initiate the revitalization of East St. Louis that is so necessary.

At the current time, there is little promise of relief for the city. It needs a renewal that requires a total commitment by the city, its people, the State of Illinois and the Federal Government. Without that revitalization, the city will continue to deteriorate and its historical value will be depreciated. Establishment of a National Park Service area in East St. Louis, along the lines that we propose, would, however, catalyze development along the riverfront and lead the way to a comprehensive urban renewal plan, while creating needed employment opportunities. Studies already conducted by the National Park Service over the last 2 years indicate that both recreational and historical interpretations are valid and compatible uses of the riverfront.

In addition to Park Service studies of the riverfront, initial steps are being undertaken by the Department of Transportation to relocate existing rail facilities and provide for redevelopment of more than 500 acres of valuable riverfront property. Secretary Volpe announced last week approval of a study to be conducted by the East-West Gateway Coordinating Council of St. Louis which will develop proposals for relocating and consolidating railway facilities. Successful relocation of these railroad lines is essential both for eliminating automobile congestion around the yards and for improved efficiency. Relocation can then make way for urban redevelopment with improved housing and recreational opportunities.

Extension of the Jefferson Memorial expansion would serve an historical as well as economic need. Named as an historic site, the 50-acre space, with 140 acres of scenic easement, would receive an historical interpretation commemorating westward American settlement. In earlier times East St. Louis was a major transportation link with the East and was the termination point of the first railroad to connect the East with the Mississippi. Today, the gateway area still serves as a major transportation interchange for 5 percent of the country's railway business.

The economic and historic relevance of the East St. Louis riverfront area has been clearly determined. However, neither the city nor the State of Illinois has the financial wherewithal to redevelop the site at the present time.

Budgetary restraints in the State are such that Illinois now spends less in per capita acreage for recreation and historical preservation than any other State in the Nation. We cannot establish and maintain urban parks or preserve the valuable historic landmarks which now are threatened by deterioration. Illinois has only recently acquired the first National Park Service area in the State through the passage of my bill to establish the Lincoln Home National Historic Site in Springfield. Without Federal support of this valuable landmark, the early home of President Lincoln would not have been preserved for future generations to study and enjoy.

In my opinion, Mr. President, National Park Service involvement is also urgently needed in redevelopment of the East St. Louis riverfront to bring economic vitality and to insure alternative uses of the land that will include appropriate historical and recreational benefits. A comparable bill was originally introduced into the House by Congressman MEL PRICE and I congratulate him on his initiative.

Mr. STEVENSON. Mr. President, East St. Louis, Ill. sits at the crossroads of mid-America. The resources which could make it one of Illinois' great cities are all there waiting for the catalyst to help this slumbering industrial giant overcome years of neglect and inaction.

There is no greater symbol of the hopes and frustrations of East St. Louis than its riverfront. In a city with an inner city unemployment rate approaching 22 percent, where 25 percent of the standing buildings are uninhabitable and another 20 percent below acceptable minimum standards, and where the past decline of industry and jobs is symbolized by the deserted tracks and warehouses that comprise the empty riverfront, the undeveloped potential of that very same riverfront stands as one of the greatest untapped resources in the Midwest.

The need and desire to revitalize East St. Louis is further highlighted by the example across the river in St. Louis of what can be done. The results of this classic 20th century story of a rebuilt American city can be seen in the St. Louis riverfront's dynamic new skyline symbolized by the now famous arch of the Jefferson National Expansion Memorial.

The bill Senator PERCY and I introduce today, already introduced in the House by Congressman PRICE, sets aside 50 acres on the Illinois side of the river as part of the Jefferson National Expansion Memorial.

There is a breath of fresh air in East St. Louis. There are plans for a new airport, the possibility of a water and sewer grant which could lead to industrial development of parts of the riverfront, a recently funded $400,000 study for relocating the railroads and developing a total land-use plan for the riverfront, an increase in the number of small businesses, and a new city administration dedicated to ending the years of neglect and disorganization.

Things are beginning to come together for East St. Louis. This bill which will initiate the first tangible riverfront development may very well be that all important catalyst in the new formula of economic development that will enable East St. Louis to assume its rightful place among the great cities of the Nation.

By Mr. STEVENS:

S. 2573. A bill to provide for inspection of foreign fish processing plants preparing fish for importation into the United States. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, as we strengthen the controls on the quality of food produced for the American consumer, I fear we have overlooked an important source—the foreign fisheries industry. Within the seafood plants in this country Federal inspectors are present to be sure that safeguards are carried out.

The value of this program can be attested to in the fact that of the 800 million pounds of seafood consumed by Americans from American plants during 1970, only 32 lots were detained by the

Food and Drug Administration. These lots represented less than 1 percent of the total. But, more important than the percentage is the fact that the inspection program stopped the questionable lots from being delivered to the conusmer.

During the same period of time—the year of 1970—foreign imports accounted for 60 percent of the market. Of the 1,189 lots the FDA checked from foreign sources, a total of 350 were detained. This amounts to 29 percent—nearly one in every three shipments—of the seafood products that were checked.

During the first 9 months of this year, the FDA increased its testing effort on imported seafood products. A total of 3,420 lots were tested. Of these, 500 were detained. This high number of questionable lots that the FDA inspectors are stopping is indicative of the problem we face.

On one hand we tell the American fisheries industry it must meet stringent regulations and to be sure it does, we have inspectors in the plants checking on the operations. American fisheries produce only 40 percent of the total 2 billion pounds of seafood that Americans eat every year. The remaining 60 percent—1.2 billion pounds—comes from the foreign countries whose plants are not regulated by our laws or to the same standards.

We are sure of the quality of American seafood because of these regulations and this inspection program. But what of these foreign imports—the bulk of the market? How do we know they are up to our standards? How do we check them? With the exception of the very limited inspection procedure at the point of import, we do not.

To remedy this situation and to insure that foreign fisheries products meet the same standards as those of this country, I would like to offer my bill to provide for inspection of foreign fish processing plants preparing fish for importation into the United States.

This legislation would allow the Secretary of Health, Education, and Welfare—after consultation with the Secretary of State—to establish regulations for inspection of foreign processing plants which prepare fish and shellfish for sale in the United States. It would allow for a ban on the import of fisheries products from countries not allowing inspection of its plants, plants not allowing inspection, and plants not meeting U.S. standards.

This bill includes a provision for a fine of $10,000 for the first violation and not more than $25,000 for each subsequent violation.

I realize that this bill has far-reaching implications in our relations with our friends in other nations, but I feel that it is a necessity if we are to protect our citizens.

By Mr. JAVITS:

S.J. Res. 159. Joint resolution proposing an amendment to the Constitution relative to equal protection under the law on account of sex. Referred to the Committee on the Judiciary.

WOMEN'S RIGHTS AMENDMENT

Mr. JAVITS. Mr. President, last year, when the Senate considered but did not pass the equal rights amendment, a group of us offered a version of that proposal when it became apparent that amendments to the original version had rendered it unacceptable. The significant difference between the original equal rights amendment and the version which we offered last year is that the latter replaces the term "equality of rights" with "equal protection of the laws." This term carries with it settled legal doctrine which can most effectively serve the just delineation of women's equal rights.

As a constitutional lawyer, I believe that the equal protection clause of the 14th amendment to the Constitution should be read to apply the same standard of prohibition to discrimination on account of sex as to discrimination on account of race. The courts have presumed the invalidity of racial classification and have cast upon public authority the heavy burden of proving justification for racial classification. The substitute equal rights amendment makes this same presumption with regard to sexual classification, placing the burden of justification on the State.

Since the House will consider the equal rights amendment next week, and Senate consideration is likely this year, I now send to the desk a proposed constitutional amendment identical to the substitute offered last year. I offer this proposal so that it will be available for consideration should the proponents of the equal rights amendment decide that its consideration is desirable.

I ask that the text of the proposal be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Neither the United States nor any State shall, on account of sex, deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 2. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This article shall take effect two years after the date of ratification."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1379

At the request of Mr. JORDAN of Idaho, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 1379, to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

S. 1437

At the request of Mr. CANNON, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1437, the Airport and Airways Development Act of 1970.

S. 1595

At the request of Mr. BIBLE (for Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 1595, to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes.

S. 1644

At the request of Mr. DOLE, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1644, to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5,000,000 to $10,000,000.

S. 2223

At the request of Mr. HUMPHREY, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2223, to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENT NO. 433

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 434

(Ordered to be printed and to lie on the table.)

Mr. SYMINGTON submitted an amendment, intended to be proposed by him, to House bill 8687, supra.

AMENDMENTS NOS. 435 AND 436

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for Mr. HARTKE and himself) submitted two amendments, intended to be proposed by them, jointly to House bill 8687, supra.

NOTICE OF HEARINGS ON FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, next week, beginning on Tuesday, September 28, the Constitutional Rights Subcommittee will conduct a series of hearings on freedom of the press. These will be exploratory and educational hearings. Our purpose is twofold. First, we will examine some current problems now facing society in resolving the first amendment guarantee with other competing social interests and forces. The major issues we will focus on are ones which have been suggested to the subcommittee in correspondence and conversations with persons and organizations in the fields of journalism, law, and government. The preliminary study of the subcommittee, dating back over a year, produced a number of issues worthy of discussion. Four appear to be of special concern:

First. The increased use of subpenas to require testimony by reporters and production of their notes;

Second. The use of false press credentials by investigative arms of government;

Third. The problem, exemplified by the recent New York Times and Washington Post cases, of reconciling national security and foreign diplomacy with the first amendment prohibition against prior restraints; and

Fourth. The increasing amount of government control and influence over the broadcasting press and the content of broadcasting.

Over and above these four particular issues lies another more general and more serious one. That is the growing deterioration of the relationship between the press and government. This problem needs little explanation at this time, since the existence of the controversy is obvious to all. But it does need exploration, and it will no doubt occupy much of the testimony presented by the subcommittee.

While these issues are the ones which the subcommittee will focus on, the hearing will, of course, explore other problems raised by our witnesses. As part of our first goal, we desire to have our witnesses raise and discuss other first amendment issues which have not received general notice and which deserve public attention.

Our second purpose or goal in these hearings is to reassess the meaning of the first amendment and to restate the purpose and functions that free speech and free press serve, and are meant to serve, in our democracy. This exercise is never out of place when dealing with constitutional liberties. But it is especially important in the areas of free speech and free press. No one has much complaint when these freedoms are exercised in ways which do not raise hackles, controversy, or conflicts. Free speech is not difficult to accept when exercised by those with whom we agree.

It is easy to forget, however, that these freedoms must be protected even when exercised by those we hate, when the words uttered are words we hate, and the ideas advanced are ideas we hate.

Free speech is not difficult to preserve in an era of calm. In one of high tension, social discord and fear it is much more difficult. It is in times like these that competing interests begin to encroach upon the freedoms. For example, only in a time of political and military crisis would it be seen as a basic clash between national security and freedom of press to publish historical materials like the Pentagon papers. As some of the Supreme Court Justices' opinions make clear, they were unhappy about having to resolve this conflict in an atmosphere of crisis and alarm. However, that is the time when the clash of basic interests is seen as irreconcilable.

Since we are in a general time of crisis, it is especially appropriate to discuss the fundamentals of the first amendment. In this way we will be better able to put controversies like the New York Times case in perspective.

Our witnesses are especially well qualified to help us in this twofold task. Among those invited to testify over the next few weeks are: Senator James B. Pearson, of Kansas; Congressman Harley Staggers, of West Virginia; Congressman Charles W. Whalen, of Ohio; Attorney General John Mitchell; Mr. Earl Caldwell, reporter, the New York Times; Mr. Walter Cronkite, CBS News; Mr. Dean Burch, Chairman of the Federal Communications Commission; Mr. Nicholas Johnson, member, Federal Communications Commission; Mr. Herb Klein, Director of Communications for the White House; Mr. Howard K. Smith, ABC News; Mr. David Brinkley, NBC News; Dr. Frank Stanton, president, Columbia Broadcasting System; Mr. Julian Goodman, president, National Broadcasting System; Mr. James J. Kilpatrick, columnist; Prof. Leonard Levy, Claremont Graduate College, California; Prof. Philip Kurland, Chicago Law School; Prof. Paul Freund, Harvard Law School; Prof. Thomas Emerson, Yale Law School; and representatives from such organizations as the American Society of Newspaper Editors, the American Civil Liberties Union, the Association of American Publishers, the National Newspaper Association, the Radio and Television News Directors Association, and the North Carolina Broadcasters Association.

ANNOUNCEMENT OF HEARINGS ON FEDERAL ADVISORY COMMITTEE BILLS

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. Muskie), has asked me to announce that the subcommittee will continue hearings on the Federal Advisory Committee bills, beginning October 1, 1971: S. 1637, the Open Advisory Committee Act, which I introduced on April 22; S. 1964, the Federal Advisory Committee Standards Act, introduced on May 26 by the junior Senator from Delaware (Mr. Roth) on behalf of himself and the junior Senator from Tennessee (Mr. Brock); and S. 2064, the Federal Advisory Committee Efficiency Act, introduced on June 15 by the Senator from Illinois (Mr. Percy).

Senator Muskie has requested that I preside at the hearings which are scheduled for October 1, 6, 7, and 8, beginning at 10 a.m., in room 3302 of the New Senate Office Building.

It is the subcommittee's present intention that these will be the final hearings this year in consideration of the legislation.

Any Member of Congress or other person wishing to testify with respect to the above legislation should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached by calling 225-4718.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR STENNIS

Mr. ALLEN. Mr. President, no Member of the Senate, or no person in the entire Nation, is more deserving of the double accolade of statesman and patriot than is the illustrious and distinguished Senator from Mississippi (Mr. Stennis). During the time I have had the honor of serving in the Senate, no Member of this body has made a greater imprint, or has had a greater impact on the U.S. Senate, or has played a greater role in influencing its deliberations and shaping its course and direction than this great man.

During months of debate on a multitude of issues, he has stood like a stone wall, under terrific pressure and strain, exerting leadership and displaying statesmanship, patriotism, knowledge, skill, courage, patience, and courtesy.

Dozens of articles have been written assessing the Senator's amazing accomplishments. Typical of those are two from the Washington Star of September 22, 1971, which I ask unanimous consent to have printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, Sept. 22, 1971]

SEVEN-MONTH EFFORT: STENNIS PLOWS UNDER THE DRAFT OPPOSITION

(By James Doyle)

There had been seven months of talking and maneuvering on the draft bill, first in committee, then on the floor and then back in committee.

It all ended yesterday with John Cornelius Stennis, the 70-year-old junior senator from Mississippi, standing by his desk and allowing a nervous smile as time ran out on the opposition.

During all those months, the opponents had come and gone, floating their amendments, gathering some headlines and passing on to less boring or strenuous exercise.

Stennis went the distance.

A STRAIGHT FURROW

In the new cities and the dusty towns of Mississippi, John Stennis is remembered for his constant campaign slogan: "I will plow a straight furrow right down to the end of my row."

It's a bit unwieldly on a roadside billboard, but it perfectly fits the man who heads the Senate Armed Services Committee.

The draft bill was John Stennis' latest furrow. He had predicted last spring that the fight over the draft would be long and bitter.

And although the interruptions were many and the detours boldly marked, Stennis was on the floor every day seeing that the Senate did not stray from the path he had planned.

In all there were 54 amendments offered, most of them defeated on roll call votes. Some days, Stennis held the floor and debated against five different amendments in an afternoon.

Almost always, when the day drew to a close, Stennis was the only man who had been on the Senate floor almost continuously. And almost always he had won his way.

STENNIS STRATEGY

He stood by his chair each day, often in a navy-blue suit and a red necktie, while his opponents held news conferences and outlined their strategy to the press.

Stennis suffered all the insults to his body and his soul, although not always cheerily. He negotiated with the opposition and cajoled friends. He whipped his staff to turn out more speeches, to keep up with the latest moves of the opposition.

On May 19, two weeks into the debate, majority leader Mike Mansfield offered his amendment calling for a 50-percent reduction in European forces. After a debate that sent the White House into a frenzy of activity, it was defeated 36 to 61.

On June 16, the most publicized of the anti-war amendments, the McGovern-Hatfield proposal calling for a Dec. 31 troop withdrawal deadline, was voted on after a public campaign and lobbying effort. It was defeated 42 to 55.

Stennis had debated 26 amendments. He was to handle 16 more before the passage of the Mansfield amendment on June 22 which called for the withdrawal of U.S. forces from Indochina within nine months. And there were more to come.

On June 24, the Senate passed the draft bill for the first time, and Stennis commenced a series of negotiations with his counterpart in the House, Rep. F. Edward Hébert, D-La. Stennis tried to salvage the Mansfield amendment from Armed Services Committee hawks. He failed to salvage much, and many of his Senate colleagues suspected that Stennis wasn't troubled by that.

The actions of the conference committee—slashing both servicemen's pay raises and the Mansfield amendment—offered the draft oppoents their greatest opening.

PREDICTION OF DEFEAT

When the matter came to the floor last Thursday, Stennis' lieutenants advised him he would lose by four or five votes.

In the cloakroom he went to Mansfield and requested—almost demanded—a postponement as a matter of courtesy for a senior committee chairman.

Mansfield left it up to the Senate and Stennis made his plea to his colleagues.

"I am not asking for any favors," Stennis told the overflowing chamber. "This is not a personal matter, I repeat. But I do not hesitate to make this an official request . . . Give me just a little more time . . . just two or three or four more calendar days."

Stennis won a single day's delay, and with the aid of the White House and the top brass of the Pentagon, he mustered his forces, split his foes, and managed to get a new senator, Robert T. Stafford of Vermont, sworn in a day early.

He won by 11 votes.

[From the Washington Star, Sept. 22, 1971]

DRAFT WIN MAY CUT DEBATE ON VIETNAM

What may have been the last great Vietnam war debate in the Senate has ended with the passage of the Selective Service Act of 1971.

That is the view of hawks and doves in the Senate, who credit, Sen. John C. Stennis, D-Miss., with defusing President Nixon's most explosive military policy problem by successfully steering the draft bill through the Senate during 4½ months of debate and delay.

The bill extends the draft until June 30, 1973, and authorizes a $2.4 billion-a-year pay increase for servicemen—the largest in history. It now awaits President Nixon's signature.

The Senate defeated a filibuster attempt yesterday and then passed the bill 55 to 30. The old law expired June 30, and no one has been drafted in July, August and September.

CALL SET IN WEEK

Pentagon sources said they expect to have a figure for an October call in about a week. They said it is anticipated some draftees would be inducted next month.

Majority Leader Mike Mansfield of Montana plans to bring up the Vietnam issue once again during debate begun yesterday, on the $21 billion military procurement bill. And his amendment will be but one of many anti-war measures introduced and discussed this fall.

But senators on both sides of the debate admit that, unless the situation in Vietnam deteriorates the real debate is over for 1971—and Nixon has won.

NO SPOTLIGHT ANYMORE

And with troop levels dropping steadily and American participation in the ground war lessening, many senators predict that Vietnam may never again command center stage in the Senate to the degree it did in the past three sessions.

"I don't think there is any clout or muscle or backbone in the Senate to do anything more," Sen. Mike Gravel, D-Alaska, said.

Gravel vowed a filibuster to stop the draft bill, but was unable to get the one-third support necessary. He was obviously angered and disappointed by his loss. But he found a happier partisan note.

"The draft as a spectre looming over the heads of young people may be just the catalyst we need to bring out young voters next year," he said. "Richard Nixon may have won a victory but lost a second term in office.

Gravel was the only Senator who spent as much time on the floor as Stennis during the lengthy draft debate.

During their many colloyuies, Gravel was sometimes rough edged, complaining that Stennis used his seniority and chairmanship of the Armed Services Committee to intimidate younger senators like Gravel, who is a 41-year-old freshman. But he paid tribute to Stennis yesterday.

"He's one of the senatorial giants," Gravel said. "His understanding of the operations of the Senate, his diligence in tending to floor business, and his toughness are unmatched among the doves.

"He's a much tougher man than our senior senators," Gravel said, referring to the doves. "That's why he won. If we had the same toughness on our side of the fence we would have won. We had the votes at times, but we had some weak sisters."

MANSFIELD HAILS STENNIS

Mansfield, too, praised Stennis, even though the Mississippi Senator was the senior man on the conference committee that gutted the Mansfield amendment.

"He's done a hell of a job. He put his heart and soul into it," Mansfield said, "I have nothing but commendation for him. He really did put up a fight in conference for the Mansfield amendment. It's because of John Stennis' tenacity that we got what we did."

The impact of other major provisions of the act will be slow to materialize, officials said. Included are the phasing out of undergraduate deferments, the right of a man to present witnesses before the Selective Service Board, requiring a local or appeal board to have a quorum when hearing a registrant, and lowering the maximum length of service on boards from 25 to 20 years.

Pentagon officials have said that about 20,000 draftees would be needed this year, including a 16,000 July-August request left hanging when the authority expired June 30.

That would bring this year's total to less than 110,000, the smallest call-up since 107,500 were drafted in 1964.

Nixon's Cost of Living Council is reported opposed to allowing the military pay raise to go into effect during the wage-price freeze.

Although the council declined official comment, sources familiar with the group's thinking told the Associated Press it regards the pay raises as inconsistent with the freeze.

Although the boost is more than twice what the Pentagon originally proposed, Defense officials said they favored putting it into effect on the congressionally decreed date of Oct. 1.

Among District-area's senators, only Charles McC. Mathias, R-Md., voted with the antidraft forces, opposing both cloture and the final bill.

INTERNATIONAL ECONOMY

Mr. JAVITS. Mr. President, on September 15, the Senator from Connecticut (Mr. RIBICOFF), chairman of the Subcommittee of International Trade, of the Committee on Finance, delivered an important address on the international economic situation to the Public Affairs Seminar on Public Affairs Problems of the Multinational Corporation.

The address represents some of the conclusions that Senator RIBICOFF drew from hearings over which he presided on the international aspects of the President's new economic program.

Also, Senator RIBICOFF's remarks concerning the multinational corporation should be of great interest. While I do not share certain of his views, I feel that there are many misconceptions regarding the role of the multinational corporation and that it is imperative that better information be developed on the relationship between the activities of the multinational corporation and the levels of employment in the United States. I am aware that the Department of Commerce, the chamber of commerce, and the Emergency Committee for American Trade are conducting surveys that should shed considerable light on contributions of the multinational corporation in the American economy. It is imperative that the information developed by these surveys be made available to Congress and the public at the earliest possible time.

I ask unanimous consent that Senator RIBICOFF's remarks be placed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ABE RIBICOFF*

Taken alone, any one of the economic measures announced by the President last month would have made waves throughout the world economy. The simultaneous launching of these proposals, however, focused immediate attention on their domestic impact and has lessened the perception in our country of their disruptive effects internationally. In the Congress the legislative focus largely centered on the increases on income tax exemptions.

The foreign trade and monetary consequences of the President's actions are of immense importance and are intimately linked to the future well-being of our economy. In order to widen the scope of Congressional interest, I held hearings in my Subcommittee on International Trade earlier this week on the international aspects of the New Economic Policy. It soon became apparent to me that our top trade officials were entering into negotiations without any long range plans or specific goals.

Foreign governments too, are guilty of short-sightedness. Instead of using the crisis as an opportunity to devise fundamental reforms in the international economic mechanisms, they have concentrated on bringing about the rapid elimination of the 10% import surcharge, and have sought to minimize changes in the value of their own floating currencies in relation to the dollar. Here and abroad, the failure to deal with the causes of the recurrent crises in the world economy is a serious error in the long run.

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*Delivered to the Public Affairs Council Seminar on Public Affairs Problems of the Multinational Corp., at Hotel Sonesta, Washington, D.C., on Wednesday, September 15, 1971, at 12:00 noon.

How the world trading community comes to grips with the underlying weaknesses in the international economic system will have the profoundest significance on the future operations of multinational corporations.

Even before the President's dramatic announcements, there were already clear signs of mounting concern in the Congress over our Nation's lack of a coherent, logical foreign economic policy.

My Subcommittee on International Trade was set up in the Finance Committee only last February after my trip to Europe to explore our growing difficulties with the EEC. In the House, new life is being breathed into the House Foreign Affairs Subcommittee on Foreign Economic Policy. Congressman Mills' active role in seeking to settle the festering United States-Japanese textile dispute has sharpened the dispute between the Executive and Congress over the appropriate distribution of duties with regard to the regulation of foreign commerce.

This conflict is bound to continue as the Congress seeks to reassert its prerogatives in all areas of foreign relations including the economic sphere. This is a Constitutional issue. The Constitutional delegation of power in the foreign trade field is in Article I, Section 8. The Constitution states that the Congress has the exclusive power to "lay and collect duties" and to "regulate commerce with foreign nations."

As it deems necessary, the Congress may delegate limited authority to the President to carry out trade programs established by the Congress.

But as has been the case in the formulation of our foreign policies in general, the Executive branch has expanded its own powers, periodically presenting Congress with settled agreements negotiated without explicit Congressional authority. As a result there has been a diminution of Congressional influence. In the months ahead we can expect that the Congress will actively seek to redress this growing imbalance.

In the Executive branch, the need for changes in the management of international economic affairs has finally been recognized.

The creation of the Council on International Economic Policy in the White House last January, a step which I welcomed, was an admission that the more than 60 separate agencies making and implementing our foreign economic policies lacked direction and leadership from the top. However, any institution is only effective if it is used. This Council, as well as the Departments of State and Commerce do not seem to have had much of a role in formulating the international portions of the President's New Economic Policy.

The Williams Commission Report, which on the whole I consider excellent, provides a much needed long-range set of objectives for U.S. trade policy. However, a good part of the problem remains effective, high-level implementation.

The dramatic August announcements have had a profound effect on the economies, and on the politics, of other nations. We obviously gave no real advance notice to long-time foreign friends. We cannot afford to continue to conduct our foreign economic relations on the basis of shock effect. Policy by adrenalin can be used only so often. Once the shock wears off this ploy cannot be used again for some time.

They key to the establishment of a workable international trade and monetary system is still cooperation rather than coercion, and negotiation rather than the use of threats.

Moreover, a deterioration in our economic relations with other countries will inevitably damage American interests across the board.

I returned from my own visits to Europe in January and June on behalf of the Finance Committee convinced that a critical factor in U.S.–EEC relations and in our relations with Eastern Europe and the underdeveloped nations would be the rapid increase in the internationalization of production that is taking place. There is much ignorance in the public mind and in the Congress as to the nature of this phenomenon and the part played by the multinational corporation.

The multinational company today in the public mind is associated with the excesses of "big business", and is castigated by labor for creating "runaway Mill" situations. The multinational corporation, as you well know, is not solely an American creation, but this fact does not prevent American firms from receiving a disproportionate amount of the criticism generated both domestically and abroad. While our own corporations operate with fewer controls and governmental interference than their European or Japanese counterparts, they receive much less assistance from their governments in competing internationally.

It should also be noted that while American companies are expanding faster in Europe than their European rivals, European multinational firms are more than holding their own. They are expanding their activities elsewhere, even in the United States. The current rate of capital outflow from Japan, the Common Market countries, and the United States is roughly the same proportion of GNP for all three economies.

Corporations have been internationally oriented for decades. The fears they now raise and their capacity to elude the grasp of governments, are based upon their rapidly growing size and number, relative to the growth of national economies. The combined sales of these multinational corporations have been estimated at about $300 billion. This is larger than the GNP of every country except the U.S., the Soviet Union, and Japan. This sheer size represents potential to harm host countries. Nations react politically, to the image of what they perceive as threats, not necessarily to the actual practices of foreign interests or enterprises.

The spectacular growth of these entities in the world economy truly represents the beginning of a new era in international economic relationships. But the critical question remains whether they will be a source of conflict or of instability. The concerns of European governments about multinational corporations are *not* the same as those raised publicly here at home. The underdeveloped world has different concerns from either those of the U.S. or Europe.

In my report to the Finance Committee, I called for our government, in conjunction with an enlarged EEC and Japan, to face up to the new problems spawned by the phenomenal growth of multinational corporations.

The need to resolve the critical questions of the proper relationship between the multinational corporation and the nation in which it operates is just as pressing a problem as the task of eliminating barriers to international trade and investment. This problem is not being given a high priority by many of my colleagues. However, many of them view the multinational corporation as a significant cause of increasing plant closings and unemployment in their own states or Congressional districts.

The growth of these corporate activities abroad is increasingly associated with our high unemployment rate, our declining fortunes in international trade, and our serious balance of payments difficulties.

Arguing against these sentiments is difficult. Precise figures are hard to come by, and it is difficult to explain how sending money abroad creates jobs at home.

These sentiments will have a feedback on the content of any trade and investment legislation likely to come out of the Congress in the near future.

A widespread and deeply felt conviction exists in the Congress that our nation is being taken advantage of by unscrupulous foreigners who have repaid our own generosity by flooding our markets with their goods while denying us entry into their own. The effective competition of our trading partners only aggravates this feeling. The "Made in Japan" label to American producers and workers is no longer a cause for a humorous comment about cheap imitations, but is looked upon today as a real threat to American profits and jobs.

This resentment against imports and the tendency of more American manufacturers to establish themselves overseas, has translated itself into two potent political facts of life. First, the labor movement in America which had long been in the forefront of advocating freer trade is now lining up on the side of restrictive measures against imports. This in turn has reinforced a second political fact of life—the growing mood of protectionism in the Congress.

Very fundamental questions are being raised by American labor. George Meany appeared in May before my Subcommittee.

In his statement, Mr. Meany made it clear that he believes the freedom of American corporations to establish production facilities abroad is detrimental to the interest of American labor.

The freedom to invest in any country, to build production facilities wherever in the world cost conditions are most favorable, to make available to others the fruits of our technology, may seem to management to be an essential characteristic of the free-enterprise system. The AFL–CIO, and other groups on the opposite side of the political spectrum are challenging that fundamental belief.

Demands are now being made for restrictions on the outflow of capital from the U.S., for restrictions on imports from other countries, and for elimination of present ambiguities and incentives in our laws which encourage foreign investment. Today the arguments made by many labor leaders are appealing to a wide range of public opinion.

Our data on jobs created or displaced by trade is inadequate, and it is difficult to prove whether foreign investment displaces jobs or not.

It is not sufficient to answer these arguments with a recital of the record of increased exports from the U.S. which accompany the establishment of production facilities in other countries. In some general way that may often be true. However, it should be obvious that trade patterns are being changed by the internationalization of the production base of our big corporations, and that certain kinds of jobs are being affected.

The AFL-CIO Executive Council has proposed that the following specific steps be taken and their introduction as legislation is likely in a matter of weeks:

1. Tax law changes to remove all of the incentives to establish production facilities abroad and to create tax disincentives to curb overseas activities of American companies.

2. More strict control of U.S. foreign direct investment, with specific approval of investment required.

3. Close regulation of the transfer of technology through licensing and patent agreements.

4. Establishment of international fair labor standards.

5. Regulation of manufactured imports into the U.S. through quotas.

6. Stricter requirements for labeling of imports by country of origin.

7. Stricter regulation of imports to protect consumers.

8. Establishment of new uniform federal standards for accounting by all U.S. firms with overseas operations, for all of their operations, domestic and foreign.

9. Changes in our trade laws, including relaxation of the ability to raise import protection when an industry is threatened by imports.

These measures will increasingly become major public issues as we move closer to the 1972 elections. Legislation of this kind may be offered piecemeal, as amendments, or as a package. If enacted in whole or in part these measures would change the environment within which corporations operate, and undoubtedly reduce the inventives which make overseas activities attractive.

The climate for this kind of legislative change is favorable. The Trade Bill of 1970 is a clear example of the present mood.

If the Trade Bill of 1970 had come to a vote in the Senate last December, I feel that it would have passed by at least a 2 to 1 margin. The sentiment in the Senate has not changed significantly in the past nine months. If anything it has intensified because of our continuing high unemployment, faltering economy and the latest dollar crisis.

In the light of these political facts, it is incumbent upon us all to do some fundamental rethinking. It seems to me that there are some basic developments we ought to take into account.

Among the developed countries, there is a growing two-way flow of direct investment and of long-term investment in shares of the corporations of other countries. Europe's direct investment position in the U.S. is now only about one-third that of the U.S. in Europe. However, when we include long-term portfolio investment, Europe becomes the larger of the two. This growing two-way flow of international investment is developing an increasing mutuality of interest among investors on both sides of the Atlantic.

We are also finding a growing effort by governments to promote domestic industry, domestic technology, better environmental conditions, and many social programs which affect the location and operations of business. In light of these developments, industry throughout the world ought to be exploring ways in which their mutual interests can be developed, without running into conflicts of national policy.

A constructive approach would be to develop industry positions on an acceptable international code of conduct. If governments were to reach agreement on a code which covered such matters as government discrimination and principles of regulation of international corporations, there would be much less confusion for industry about likely government policies and much less incentive for companies to outmaneuver governments. Sensible, forward-looking ideas ought to be emerging now, from industry, rather than waiting for crises among governments to generate painful controls. Crises rarely lead to well balanced policies which protect the interests of outsiders.

Even the developing countries have an incentive to favor some degree of foreign investment, especially in manufacturing. These countries must develop their industries to create jobs for their own teeming populations. They need the production know-how, and the marketing channels that the big international companies can provide. This need will become increasingly apparent to economic planners in the poor countries in the next decade or two.

The fear of the freedom of multinational corporations to act outside the normal constraints imposed by national governments will grow as the scope of foreign investments and sales grow. At some point, companies will become so large that some new forms of regulation will be inevitable.

The corporations have not made any real effort to reveal what they are doing in each country, believing that secrecy provides a legitimate competitive advantage. That may be true, but secrecy also breeds politically-based suspicions. That is a major problem in dealing with critics here and in other countries.

What is needed is serious study of the impact of the multinational firm's operations on jobs, on U.S. trade and on world investment patterns. Several committees of the House and Senate will probably be studying these questions intensively.

My own Subcommittee has asked the Tariff Commission to undertake a major investigation of these factors.

I am aware that industry has its own studies underway, in the Chamber of Commerce, the National Association of Manufacturers, the Emergency Committee for American Trade and other organizations.

These studies are vital not only to the interests of U.S. multinational corporations but for the future well-being of the entire world. Basic philosophical issues will have to be confronted as a clearer picture emerges from these studies.

As I have stated on numerous occasions in the past 6 months both here in the United States and to government officials in Eastern and Western Europe, ecopolitics is replacing geopolitics as a prime mover in the affairs of nations.

Just as the modern nation state is basically a 19th Century concept, and the corporation is a 20th Century conception, so are geopolitical considerations becoming secondary in shaping relations among nations. The multinational corporation is a major ecopolitical force. If the multinational corporation as we know it today is to survive, bold new thinking is needed to remove the sources of friction between the companies and the countries whose economics and politics they inevitably influence.

ADMISSION OF MAINLAND CHINA TO THE UNITED NATIONS

Mr. McGEE. Mr. President, last Sunday's Washington Post contains a column by Charles W. Yost, former U.S. Ambassador to the United Nations. The article, entitled "Some Implications of Admitting China to the U.N.," is an excellent "think piece," worthy of consideration not only by this body but by the American people, as well.

Although I do not agree with Mr. Yost's conclusions that a two-China approach to the United Nations is a virtual impossibility, I feel that his thoughts represent an excellent perspective into the issues involved in the efforts to gain admission of the People's Republic of China to the U.N.

I therefore ask unanimous consent that Mr. Yost's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reconciling Moral and Military Obligations—Some Implications of Admitting China to the U.N.

(By Charles W. Yost)

From the perspective of history, our children and grandchildren will no doubt be amazed that the government which unquestionably controlled the whole of China except Formosa was denied representation in the United Nations for more than two decades after it won the civil war. This prolonged exclusion was an impressive, though hardly an inspiring demonstration of the power of the United States exercised during those decades.

For years many governments, including many that voted against Peking because they opposed the expulsion of Taiwan, or merely out of friendship for the United States, felt it increasingly illogical and unwise that there should be no place in an international institution which aspires to be universal, for the government firmly in control of the world's largest population.

Even many of those most friendly to the United States were growing increasingly unhappy with its insistence that they conform to a policy they felt was obsolete and damaging to their own interests and those of the United Nations.

President Nixon himself had several times voiced his belief that the People's Republic of China should be drawn out of its long-standing isolation and into participation in the common endeavors of the international community.

The stage was already set at the beginning of 1971, therefore, for some dramatic movement during the fall General Assembly, which begins Sept. 21.

It did not require much perspicacity to divine that in these circumstances even the United States must be seriously reconsidering its policy, its interests and its options.

It was in this highly fluid environment that there occurred the famous Ping Pong episode, a clear signal from the People's Republic that it was at last prepared to respond to the cautious overtures for more normal relations which the Nixon administration had for some time been putting forward.

For its part the United States Government, with admirable agility and flexibility, almost at once replied with the secret Kissinger visit to Peking and with the extraordinary announcement of the President's intention to visit the Chinese capital.

It is not relevant to the subject of this article to go into all the implications of the President's decision—to discuss, for example, whether a summit meeting with the Chinese before one with the Soviets is wise; whether such a meeting could or could not hasten a Vietnam settlement or whether it is likely to prove politically profitable or unprofitable to Mr. Nixon in November 1972.

Two points are, however, both clear and relevant. First, the visit is a bold and imaginative step which, whatever its other consequences, cannot but help to reduce the regrettable isolation of China.

Second, many if not most UN members will interpret this gesture by the chief traditional adversary of Communist China as removing any conceivable justification for its further exclusion from the United Nations.

Unfortunately, however, nothing is ever simple in international relations. The United States also has long-standing obligations and commitments to the Republic of China on Taiwan.

Washington has jettisoned the last vestige of fiction that this government has any legitimate claim to mainland China; but it cannot, without loss of "honor" and "credibility," abandon altogether a faithful ally and a strategically important Pacific outpost. How to reconcile these moral and military obligations to Taipei with the newly emerging relationship with Peking is as difficult a problem in diplomacy as one can imagine.

Insofar as the UN aspects are concerned, the administration has chosen to straddle, to try to have its cake and eat it too—in other words, to breathe new life into the old concept of "two Chinas." Washington is urging that "the People's Republic of China should be represented and at the same time provision should be made that the Republic of China is not deprived of its representation."

On the face of it, this position does not seem illogical or unreasonable. There has in recent years been a growing sentiment among UN members, which has also been voiced by the Secretary-General, in favor of "universality," that is, that the UN should become as nearly universal as possible.

In particular, it has been felt, and the Secretary-General has urged, that the states divided after World War II should no longer be excluded pending reunification, but that the governments established in both parts should be represented in the UN—of course without prejudice to eventual reunification by agreement between them.

This "dual representation" would presumably include the two Germanys, the two Koreas and perhaps, after the war there is ended, the two Vietnams.

It is probable that, had the United States been willing to support or accept a "dual representation" formula for China several years ago, even one or two years ago, the Assembly would have approved. But having—as in other cases—waited too long, the United States (and Nationalist China) may well have missed the bus.

Of course the Nationalist government, still claiming to be the government of the whole of China, has itself hitherto strongly opposed "dual representation" but it might be prevailed upon to live with it if the only alternative were total exclusion.

However, the real, and probably decisive, obstacle to adoption of a "dual representation" formula for China in 1971 is that the People's Republic, which a majority of UN members now certainly desire to see seated in the UN, continues to insist that it would not under any circumstances sit if Taiwan were still there.

Peking reiterated this condition in the most categorical terms last month following Secretary of State William P. Rogers' announcement of the latest United States position.

There is no reason not to take the condition seriously, particularly since Peking must calculate that the tide is moving so irresistibly in its favor that, even should the American tactic prevail this year, it would almost certainly be set aside by the Assembly next year.

There would appear to be almost no incentive for Peking to compromise on an issue which has for years been so central to its national aims. Indeed the Chinese are likely now, in the light of the diminishing United States presence in East Asia and their obvious concern that a rearmed Japan might eventually fill the "vacuum," to be even more determined than before not to admit that Taiwan has even the shadow of a right to a status separate from the mainland.

The United States administration is therefore now confronted with a dilemma perhaps even more acute than that which existed before the proposed summit meeting was announced. It has felt compelled to move in two opposite directions at once—and the two objectives have become wholly incompatible.

Just why the administration, so soon after dramatically renewing contact with the People's Republic of China and committing itself to a summit meeting in Peking, should display such zeal in pursuing in the UN a policy it knows to be utterly obnoxious to the Chinese, is far from clear.

Perhaps the very fact that it leaned so far and so suddenly toward Peking, to the consternation not only the Taipei but of Tokyo and other friends in East Asia and to the horror of some right-wing opinion in the United States, has caused the administration to attempt to compensate and to reassure those thus offended by ardently defending the "rights" of Taiwan in the U.N.

It is hard to see, however, how this tactic, even if it should be temporarily successful, could be profitable to the United States or to anyone else.

Peking no doubt expects the United States, at least for the present, to remain loyal to the Nationalists and to continue to maintain their right to sit in the General Assembly. It seems doubtful, however, that the People's Republic would expect the United States, just after having agreed to the summit in Peking, to carry its loyalty to Taipei so far as actually to mobilize a UN majority for a posture which Peking has repeatedly and categorically stated would prevent its assuming a UN seat.

If this should occur, one wonders what would happen to the new climate of detente between the two countries. Certainly there would be an outburst of rage in Peking which would be more than ritualistic. Under those circumstances would the Nixon-Chou meeting take place as and when planned? If it did, would it in that atmosphere be able to accomplish the objectives the participants originally had in mind?

In announcing the meeting far in advance, both parties have given hostages to fortune in that each has to some extent constrained himself not to take, in the interval, action so obnoxious to the other that the meeting would be called off—or, if held, would prove a fiasco. In this respect President Nixon would seem to have more of a problem than the Chinese prime minister, for he would suffer politically at home and abroad more than would Chou En-lai if his dramatic initiative should fizzle out.

In light of these considerations, perhaps what we should devoutly hope for is that despite its conspicuous efforts, the United States would fail in the forthcoming UN Assembly to obtain approval of any form of dual representation; that Peking would be seated in the Security Council and the General Assembly on its own terms, and the Nationalist Chinese would consequently lose their seats.

Actually this would seem to be the more probable outcome. It seems doubtful that so strong a tide could be stemmed at the last minute by a tactical device which, no matter how plausible and attractive it may seem in principle, how consonant it may be with the widely routed goal of "universality," would nevertheless clearly frustrate the will of the majority that the mainland at last be seated. It seems questionable that the majority would tolerate any such frustration.

The United States is therefore likely to be saved by its friends, hopefully this year rather than next, from the hazards of the curiously ambivalent tactics it has chosen to pursue.

THE VARIED ACCOMPLISHMENTS OF FORMER SENATOR HARRY DARBY OF KANSAS

Mr. DOLE. Mr. President, the State of Kansas has produced many outstanding national leaders in both public and private fields, but few have achieved the broad degree of recognition in so many areas as Harry Darby, of Kansas City, Kans. As Joe Lastelic, of the Kansas City Star, asked in a recent Star magazine article, "Is there anything Harry Darby hasn't done?"

A former U.S. Senator, successful industrialist, Republican Party leader, father, grandfather, and friend to countless individuals of all ages and stations in life, Harry Darby is one of Kansas' and America's most remarkable men.

I believe his former colleagues in the Senate would find this article to be interesting and enjoyable. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is There Anything Harry Darby Hasn't Done?

(By Joe Lastelic)

Walk into Harry Darby's spacious office in Kansas City, Kansas, and you find a place filled with a friendly man surrounded by comfortable clutter. No plush carpet, no exotic plants, no decorator touches in these two rooms to enhance the occupant. Here it is all genuine—souvenirs, pictures, plaques and books that tell a story of a life of community service.

He's up from his desk, walking toward you, smiling, and a handshake. An inquiry about your family greets the caller. That friendliness of the country makes you feel right at home.

"Coffee?" he inquires. He offers a cigar from his best stock.

On the walls are scores of black and white photographs, row on row of familiar faces in the news, important men, powerful men, some long gone, others still active. They're all friends of the former U.S. senator.

Those plaques, the cattle bookends, the boots he wears, the big picture of his country home in Wyandotte County, all identify him as a man interested in agriculture.

There are souvenirs from his years as leader of the American Royal Livestock and Horse Show, as a mover for the Agricultural Hall of Fame and friend of the Cowboy Hall of Fame. Another picture shows his plant in Kansas City, Kansas, where steel products are fabricated, railroad tank cars built and water towers constructed. Next to it is an LST typical of the almost 1,500 his plant turned out in World War II and used in the invasions in Europe and the Pacific. His wealth comes from the industrial firms he guides.

Other gifts, remembrances, certificates, and badges bring back memories of his days as Republican national committeeman for Kansas for 25 years. Books on the presidential papers of his friends, Eisenhower, Truman and Johnson, indicate his bipartisan political friendships.

Darby sits down at his desk, swings around in his chair, smiles broadly and says he's open for questions. You spy a picture of General Eisenhower on his desk. You ask about it and Darby is eager to talk about his old friend. He mentions a telephone call that might be said to be a prelude to Eisenhower's campaign for the Presidency.

Just before the 1948 election the G.O.P. national chairman, Herbert Brownell, and Republican leaders around the country talked together on a conference call about the only race that mattered—Thomas E. Dewey challenging President Harry S. Truman.

"Everybody said everything was fine," Darby recalled, "until it came to my turn. 'I think we're in trouble,' I told them. Clarence Brown (Ohio member of Congress) interrupted me. 'Tut, tut, Harry, what did you have for breakfast?' "

The rest is history—the upset victory of Truman. For Darby it was no time to wring hands. He had tasted defeat before, in fact it seemed to be a steady diet for Republicans from 1932—five presidential elections in a row.

"In 1936 we were seriously thinking of throwing the name Republican out of this world," Darby said recalling the F.D.R. landslide, "but there just was no other thing to call the party."

So his thoughts again turned to the future and the next presidential contest. He visited with his friend, Roy A. Roberts, the late chairman of the board of The Star. They talked about General Eisenhower, Kansan, victorious leader of the Allied forces, then president of Columbia university.

"One time Roy and I were at the Gridiron club dinner in Washington and General (George) Marshall and General Eisenhower were there. I talked to Marshall and asked him to help me interest Ike in running. He agreed to that and thought Ike should do it."

Eisenhower did not think much of the idea.

"I'm just not interested," Darby quoted Eisenhower. "I'm just not interested in that at all. I just don't want to be in politics. Take Milton (his brother). He's the politician in the family. He's had great experience in public life. He'd make you a good candidate."

"I still told Ike I was going to plan on him being available," Darby said.

He fell into deep thought, a smile crossed his face.

"I'll never forget those two guys," he said of Marshall and Eisenhower. "Handsome, well-dressed, personable, and they just gave the appearance of the great leaders they both were. You could always tell it when they walked into the room."

It wasn't long before Darby found himself in the peculiar position of being the baby of the United States Senate, the only one singing the praises of Eisenhower while every other Republican rallied around the most powerful and influential party member of the moment, Senator Robert A. Taft of Ohio.

"Everybody was for Taft," Darby said. "He was at his height. He was a good friend of mine, but I didn't think he could win. Taft was way out in front, then Earl Warren, then Harold Stassen. I told them I wasn't against anybody, I was for Eisenhower."

Darby got to the Senate on the appointment of then Gov. Frank Carlson, filling the vacancy caused by the death of Sen. Clyde Reed in late 1949. Darby at first had declined the offer.

"I guess 250 fellows wanted to go to the Senate," Darby laughed. "Frank (Carlson) called me up and talked to me about it. I said I just couldn't do it. But he asked me to visit with him about it in his office. So I agreed to that, but I didn't tell my wife."

The next day Darby left home early for Topeka.

"I walked into the Governor's office and he had all of the press corps there," Darby remembered. "He said 'Good morning, senator,' and I never got a chance to say a word."

That caused some problems at home.

"Roy (Roberts) called Edith, thinking she would be pleased and happy, and congratulated her," Darby said. "She argued with him and said it just couldn't be so. It was a shock for the whole family."

By 1951 General Eisenhower was back on active duty, this time as supreme commander of the North Atlantic Treaty Organization, and any thought of politics seemed out of the question.

"I took the position I would not talk politics to him," Darby said. "I realized that he did not want to talk politics because he was in the European theater and wearing the uniform. I instead talked to General (Jerry) Persons. He said Ike was listening, but never committed himself. He seemed to be taking time for thinking. Ike said he had no political ambitions, yet I felt sure he would accept a clear cut call from the people. If he could be convinced it was his duty to serve his country again—this time in the White House—he would do it. Some people doubted he was a Republican—the Democrats were trying to sell him on being their candidate—but I felt sure he was a Republican."

Darby noted he had known the Eisenhower family a long time and he always thought of the general as a natural leader, a sure winner.

"I knew him in and out of Abilene," Darby said. "I used to kid him that I got to France (in World War I) and he didn't. It was one of his disappointments that he did not get to France."

When did the first nibble come that Eisenhower would take up the challenge to enter politics?

"It came through Jerry Persons and he didn't have to tell me the answer was yes and he didn't quote Ike, he just indicated that we ought to get moving," Darby explained.

When General Eisenhower returned home to Abilene to begin his campaign for the Republican presidential nomination, things went poorly. It rained on the rally that day and his speech was a dud.

"Everything looked bad for us," Darby recalled. "The next day, though, it was all sunshine. He had a good press conference and very encouraging stories were written. At that time Taft had control of everything—the convention, the national committee and lots of friends as delegates."

"Our campaign," Darby explained, "was that Taft could be nominated, but it would be hard to get him elected. When Republicans talked about Ike they were sure he could be elected—and that's the philosophy that won for us."

Did Eisenhower have any doubts?

"No, no. After he said yes, it was nothing but full speed ahead," Darby replied. "He never worked so hard in his life, and said so, and all because we sold him on the idea he was answering another call to duty."

Again the rest is history—a hard-fought convention, the nomination, a difficult campaign against the articulate and refreshing Democratic candidate, Adlai Stevenson, and a big victory for Eisenhower. Darby feels the votes of women made the difference.

"People liked Ike, especially the women," Darby said. "I notice it even today that when women talk about him they say how wonderful he was, how lovable he was."

In his books, Eisenhower has little to say about the selection of his running mate, then Sen. Richard M. Nixon of California. Darby remembers that about 10 Republican leaders got together to discuss the matter.

"We decided Nixon would be the best man," Darby said. "We knew he was a great speaker, he was a returning serviceman, he was young, he had political experience. We had talked about Bill Knowland, Dan Thornton and Henry Cabot Lodge We decided on Nixon. Of course, we checked it with Ike and it was agreeable with him."

Four years later in the 1956 convention some Republicans close to President Eisenhower sought ways to dump Nixon from the ticket, feeling that instead the "wonder boy from Minnesota," Harold Stassen, would be ideal. Nixon's father was critically ill and as it turned out the plotting politicians did not have the heart to hit Nixon with another personal blow. It is a story few know about. Darby confirms it, but in deference to the President he now feels the least said about it, the better. Darby was not among those seeking a replacement for Nixon.

What of President Nixon today?

"I always gave the President credit for knowing what he was doing," Darby said. "I always had confidence in him. He was still young when he was defeated for the presidency in 1960 and I felt he would beat his way back up. Experience is a great teacher, and he had a lot of it. Smart as he is, I felt he would find a way up."

Will Nixon be re-elected?

"I think he'll come out on top again," Darby predicted.

With Eisenhower in the White House there was talk from time to time of Darby becoming G.O.P. national chairman.

"I always knew that would take too much time away from my interests in Kansas," Darby explained. "It was hard to turn down, sure, but I didn't like the idea of spending time away from home."

His father was a Wyandotte County commissioner, his grandfather a member of the board of education in Kansas City, Kansas, and so politics came naturally to Darby. He managed Clyde Reed's campaign for governor in 1928, served as chairman of the Kansas highway commission during the depression years and was G.O.P. national committeeman for Kansas from 1940 to 1964. Darby answered some political questions:

Is political life cleaner today than it used to be?

"I think so, because of the mass media—people looking over your shoulder—so there's much more integrity in government."

Have voting machines helped?

"The way elections are held now, they are very much in accordance with the law. Both sides watch closely and intelligently."

Are voters better informed than in the past?

"I think so. Education has a lot to do with it. The press now is so informative. People get enough information to make up their own minds. They don't have to go around asking 'What's in the air? What's going on?' "

You have been an officer at six national conventions. Would you change the system of choosing candidates?

"I think we should keep it as it is. The system now gets some good delegates, and pretty good results."

Democrats such as Harry S. Truman, Lyndon B. Johnson and Hubert Humphrey all consider themselves your friends. How do you account for that when you have spent so much money and time and worked so hard to defeat them?

"I don't find that difficult at all. That's the object of the game: To win. They play it the same way. I'm not embarrassed to oppose them. There's been no reluctance on their part to oppose me. For I always respected them as worthy competitors and decent competitors, and I tried to be just as decent. You know, it isn't going to take away from the Republican party to be nice to people, to co-operate with men in government. One thing I've never done publicly is to criticize a political opponent. Sure I worked against them, but I never made a speech to tear anybody down because he was vying for public office."

You have had your share political fights. Have you forgotten the pot shots, forgiven them?

"It's not a bit hard to do. I think what you are and what you do is pretty well understood by the majority. I don't have any hate for my opposition. I don't hate or dislike anybody. I'm consoled with the feeling of knowing I have quite a few friends who do believe me, who want to cooperate with me and with my efforts."

You are one of those "angels" the party loves, the men who spend their money for campaign contributions, picking up the tab for political-social events, other expenses. Was it worth it?

"I could not have spent it for a better purpose. We had fun, and it was in the interest of good government." Adding with a twinkle in his eye, "I always managed to get our Kansas delegation in the front rows of the convention."

So many friends know Darby's generosity, his remembering folks at a time of travail or of happiness, throwing a party or sending a gift.

"I'm just normal. I don't think I'm unusual in that respect," he said. "I think most people are as generous as they can afford to be."

A look around the walls of the Darby office means gazing upon row after row of famous personages, virtually all of them politicians, Republicans and Democrats. Some overflow with compliments in signing their autographs. Sample: "To Harry Darby, big enough and grand enough to be a Texan. L.B.J." A picture of Darby on crutches brought a big smile instead of a pained expression.

"I think that picture went around the world," Darby said.

The reason was that he was injured when knocked down by Tibetan mastifs, huge dogs that were given to President Eisenhower, who, in turn, sent them as a gift to Darby. They proved to be a costly pair, first because of the veterinarian and then the physicians who attended Darby.

"Ike called and asked if I like dogs," Darby said. "I made a mistake and told him yes. They were very attractive when they arrived—a male and female as big as Shetland ponies—but no one knew that she was pregnant. We had four or five pups."

Darby said he worried about the animals because they had a reputation for being fierce, and he feared they might injure someone. So he gave them to friends who had large farms and could keep rein on them.

Souvenirs and mementoes around the Darby office indicated other interests besides politics: The American Royal Livestock and Horse Show, the Agricultural Hall of Fame, the Cowboy Hall of Fame, and the Eisenhower museum and library at Abilene.

"I was at it more than 50 years," Darby said of the American Royal. "I never got discouraged because I knew we were right to promote agriculture. Livestock is the basis of the economy of this entire area. If you don't have agriculture products, especially livestock, you don't have a good economy here. I think the Royal has been the ballyhoo for the industry. Kansas City is a great place for the Future Farmers and the 4–H club. I look upon them as character building and business organizations. They encourage our young men and women to practice farming, to raise better livestock and crops, and when they do that, they improve themselves and the economy as well."

The Agricultural Hall of Fame at Bonner Springs is another Darby love.

"I felt we were entitled to that kind of shrine. I was able to get most of the influential people in agriculture to agree that Wyandotte County was the best place for it. It's on the way. It's a sound project. It will continue to grow and be supported more in the future."

Darby wanted the Cowboy Hall of Fame to be built at that "Queen of Cowtowns," Dodge City, Kan., but Oklahoma City won out. Darby serves on the board and allows that "it is going along wonderfully, is on its feet, and financing itself with admissions."

The jewel is the Eisenhower center in which he was the prime mover, and his interest continues unflagging. A letter to Darby from President Eisenhower after a visit to Abilene expresses a grateful theme:

"Once again I experience the same feeling of frustration that is my lot whenever I endeavor to thank you, particularly for what you are doing on behalf of the Eisenhower library project."

The biggest obstacle was getting the Eisenhower brothers to agree that the family home should be turned over to the federal government along with everything in it. They did not believe in bureaucracy, they just did not like the idea of the government being in charge of something so personal to them.

"I had to argue with the whole gang for a couple of years," Darby said, "to get them to do what they were supposed to do."

Dwight was the first to agree, Milton next, but the others took more time and friendly persuasion to sign the deed relinquishing the property.

"My position was to ask them, "Who is going to care for it after we are all gone? A shrine like that belonged in the hands of the federal government.' "

Establishing the center in Kansas was not an easy task either. Some newspapers editorialized against building the Eisenhower museum in the dust bowl and some thought everything should remain in Washington. The physical plant is valued at 6 million dollars and the relics and papers are invaluable.

"I think it's wonderful to have the presidential libraries—Eisenhower, Truman, Hoover, Johnson, Roosevelt, soon Kennedy, someday Nixon, spread about the country," Darby said. "It gives people a chance to see them who never would be able otherwise to visit them."

How did Darby get so many things accomplished, and play so many important roles in project after project while directing an industrial plant that in itself is a full-time job?

"You never get it done by yourself," Darby answered. "It's your ability to get others associated with you to do a job. You have to know people. Roy Roberts was a giant at that. If you know a fellow, you've got a good chance of doing business with him."

Darby talked about his personal feelings about life around him.

Reflecting on the fact that the old timers are retiring or are gone, Darby expressed some disappointment that young men seem reluctant to take up the reins of leadership in the Kansas City area.

"It only takes one or two people to make the difference in any program," he confided. "There's always a champion. There must be if you're going to have strong leadership."

Darby is a family man—four daughters, 16 grandchildren and two great-grandchildren. How does he regard young people today?

"I like them because they speak out, they vent their feelings and there's no question about how they feel. As for the grandchildren, they're smart enough to follow their parents and grandparents. Really, about the only debate we have with them is their hair style."

His life is one of many successes; have there been disappointments?

"I haven't had many disappointments. My best friends have never disappointed me. They've always turned in a fine performance for me. I've taken my wife and family in partnership in my activities. I think they have enjoyed it."

Why at the age of 76 does he continue to work so hard?

"Because I like to. I've associated with a lot of good folks. I enjoy working with them."

Your doctors told you when you were a young man to quit working if you wanted to stay alive after difficult gall bladder surgery and an appendectomy. You were supposed to stay in bed. Why did you ignore their advice?

"Never in my life have I called it quits. I bucked the odds and stayed with it. I'm glad I did because I believe work and the time you spend with your family and friends is what keeps you alive. So many get to be senior citizens but they want to talk out and they don't want to be in the back seat. I believe if you give up an active life, you should quit talking."

UNITED STATES-IRELAND AIR TRANSPORT AGREEMENT

Mr. PELL. Mr. President, I deplore the action of our Government in denouncing the international airline landing rights Ireland has received in the past in New York City. I realize that it may seem a little unbalanced that Ireland should have landing rights in Boston, New York, and Chicago while the United States has landing rights only in Shannon. But Ireland is a small country, and it is therefore not too inappropriate that Ireland should be permitted to fly aircraft to three airports in our great Nation as opposed to one airport in her small nation. In fact, let us remember that our country is 135 times larger in area than Ireland.

More important, this action would seem to me to be a needless affront to a loyal ally of the United States. Moreover, throughout our history our Nation has done what it could to assist and aid Ireland. At the same time our Nation has received many of its finest people and leaders from that little country.

I would think that a special friend like Ireland should receive special treatment and would be permitted to retain her landing rights. I have had this view for some time and, in fact, protested any denouncement of our transportation agreement with Ireland in a letter to Secretary Rogers on March 11, 1971.

I ask unanimous consent that my letter and the reply I received from David M. Abshire, Assistant Secretary for Congressional Relations, on this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 11, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have been informed that the United States Government is considering serving notice of partial denunciation of our Air Transport Agreement with Ireland.

Such a proposed denunciation would, in my view, be most unfortunate. Ireland has had its share of economic problems and the continuation of the present agreement would be particularly helpful to that country. It seems to me that we should look upon the agreement as one method of extending informal aid to an old friend who has contributed much to the United States. I sincerely hope, therefore, that the Administration will not proceed with its plan to denounce the Air Transport Agreement with Ireland.

Sincerely yours,

CLAIBORNE PELL.

DEPARTMENT OF STATE,
Washington, D.C., March 29, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: The Department appreciates receiving the views expressed in your letter of March 11 about the problem of the US-Ireland Air Transport Agreement. I hope that the following will provide you with some additional information on the background of the problem.

For twelve years we have sought to obtain landing rights at Dublin as a means of restoring equity under the US-Ireland Agreement. Our rights are limited to Shannon alone, whereas Irish Airlines flies from Dublin to New York, Boston and Chicago. As a result, Irish Airlines has had consistently greater revenues from the 1954 Air Transport Agreement than the US airlines (Pan American and TWA). In 1969, a typical year, the figures were $26 million vs. $8 million. Over the past six years, the Irish have had about $100 million in revenues more than U.S. airlines ($140 vs. $40 million).

Shannon was critical to our trans-Atlantic routes just after World War II when the Agreement was negotiated, and it was necessary to give the Irish access to three US cities as part of that trade. But Shannon has become far less valuable to us while New York, Boston and Chicago are extremely profitable for renegotiation when circumstances change. We have repeatedly tried to renegotiate since 1958, but the Irish have rebuffed all our attempts despite the fact that we have progressively softened the terms of our request. As a result, consideration must be given to measures that are likely to bring about serious negotiations on this matter.

Our international aviation policy calls for vigorous action to obtain for US carriers a fair and equal opportunity to compete abroad. Another principle we have endeavored to follow is to treat exchanges of aviation rights on their own merits. Unless we follow this principle, it becomes impossible to maintain satisfactory relatonshps with the many countries with which we have bilateral aviation agreements.

Please let me know if I can provide any further information on this matter.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

THE AIR FORCE COMMENTS IN RESPONSE TO SENATOR PROXMIRE'S PRESS RELEASE

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement containing the Air Force comments in response to Senator PROXMIRE's press release.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

AIR FORCE COMMENTS IN RESPONSE TO SENATOR PROXMIRE'S PRESS RELEASE

Comment: The Air Force is resorting to a deceptive public relations gimmick when it suggests that its B-1 bomber development program is a "Fly Before you Buy" project which will cost only $2.7 billion to complete.

In reality, B-1 development will cost more than $4 billion.

Response: The Air Force is unabe to identify the $4 billion cost estimate mentioned for B-1 development. Our current estimate is $2628.3 million.

Comment: The Air Force intends to buy the plane long before development work and flight tests have been finished.

Response: Under present programing, and if a decision is made to buy the B-1, flight tests and development work will be required through 1978. Due to the time involved to complete this effort it would be illogical and prohibitively expensive (about $1.6 billion additional program cost) to delay the production decision point until completion of *all* development testing.

Secretary Seamans announced on February 11, 1971 that a flight test emphasizing *airframe* and *engine* performance will precede the B-1 production decision point. This basic test program will require a full year of ground and flight testing. "Full systems performance demonstrations of a completely integrated aircraft will be deferred until after the production decision." A reduction of total flight test hours which is possible through combined contractor and government flight testing will result in a significant cost avoidance, yet allow the Air Force to confidently make a timely and logical decision on production.

Comment: What the Air Force neglects to mention is that there will be no avionics systems or weapons on these planes when they are tested, and that after the tests are completed, it will be necessary to build four more planes for use in development tests.

Response: The Air Force in testimony to the Senate and House Armed Services Committee and in news releases going back to June 1970 has been careful to explain that complete mission avionics would not be installed in the B-1 test aircraft, and that only safety of flight items and off-the-shelf mission and traffic control avionics necessary to test the aircraft and engine performance combination would be used. Our experience has shown that we should not make a premature commitment to any avionics package, particularly to the defensive subsystem. The mission avionics, when selected, will have the characteristics of flexibility and growth to respond to a changing and expanding threat. It has also been emphasized that the production avionics, when defined by the Air Force, would be included in the first production aircraft for the maximum amount of flight test prior to introduction of the B-1 into the SAC inventory.

Comments: The Air Force is resorting to its present tactics in an attempt to conceal the mounting cost problems of the B-1 development program. In the past few years, the estimated cost of B-1 development has gone down 50 percent.

Two years ago the cost of developing the B-1 was officially estimated at $1.8 billion in the June, 1969 B-1 Selected Acquisition Report (SAR). It is now estimated by the Air Force at $2.7 billion.

Response: The Air Force in testimony to Congress and through press releases has explained the B-1 development program including the program revision from five to three test aircraft. There has been no mounting cost problem. The program estimate in the June 1969 SAR of $1.8 billion—expressed in 1968 dollars—was a preliminary government estimate developed prior to the issuance of the Request For Proposal to industry for the development contract. As the source selection was completed and contract values became available, the estimates were revised.

These subsequent revisions include prior year funding for AMSA, other costs attributable to SRAM interface, testing and support costs and to account for the effect of inflation. A cost track of these changes is reflected below:

Planning estimate based upon 1968 dollars	1,800.0
Adjustment due to rounding	28.0
Prior funding for AMSA	143.8
Conversion to then year dollars	411.5
Estimating changes:	
Avionics changes, initial spares estimating method change, planned design changes	171.9
Other costs:	
SRAM/B-1 interface, testing and support costs	129.8
30 June 1970 SAR Development estimate	2685.0
30 June 1971 SAR Development estimate	2628.3

Comment: Meanwhile, the number of research and development prototypes to be built has shrunk from seven to three, a static test vehicle has been dropped, and the number of engines have been sharply cut back.

Response: The original B-1 contract called for the fabrication of five flight test aircraft, plus one static and one fatigue ground test airframes.

Due to new closer Air Force/contractor management procedures and a decision to provide a full year of combined Air Force contractor flight testing prior to production decision, the number of flight test aircraft was reduced from five to three. The number of test engines needed was reduced accordingly. Adopting recently proven practices of the aircraft industry for the structural testing of commercial airliners, it was also possible to eliminate the static test airframe by conducting extensive static test of major structural subassemblies. This change will provide test results earlier and will thus contribute to structural integrity and avoid costly later modification.

Comment: The avionics work involved has been virtually eliminated. The present $2.7 billion estimate contains less than $200 million for avionics. And what we will get for this money is two complete avionics systems—both of which will be used for ground-based testing only.

Response: The avionics work has not been virtually eliminated. We have continually refined and optimized an avionics development plan since B-1 airframe development approval. This development plan and the associated system have been reviewed by the experts from both within the DOD and from the scientific community in general, and we believe that it is a most realistic and orderly approach to B-1 avionics development. This avionics system will provide the required penetration and weapon delivery capability against the threat projected during the early years of B-1 usage.

The current development program includes $175M for avionics development. This will indeed provide two sets of avionics systems and necessary spares; and we intend to effectively utilize these two systems in ground test facilities. An option to procure a third avionics subsystem has been included in Air Force planning to support flight test subsequent to a production decision.

Comment: There is no money provided in the B-1 development program for an avionics system which will be flight tested in a prototype airplane before a B-1 production decision is made.

Even the ground-based avionics work will be woefully inadequate.

Response: The majority of equipments which make up the B-1 avionics system are "off-the-shelf"—i.e., equipment is being from some other program (F-111, C-5, SRX71, etc.). Because of this, extensive development is not required—the predominant task is the integration or melding of all the equipments into a single operating entity. Even in intricate avionics development efforts, experience has shown that ground test facilities enabling the close control of the test environment, is more efficient than flight testing.

The Air Force believes that sufficient data can be obtained from a ground "hot-mock-up" and environmental test facility to provide adequate information on which to base an avionics production decision and benefit subsequent flight testing. If a production decision is positive, verification and operational suitability type testing can then be subsequently accomplished as required. If the decision is negative, these flight test funds can be saved.

Comment: There are no funds included for the equipment which will be needed to control the SCAD missiles which the B-1 would launch in penetrating enemy air defenses.

Response: The B-1 is being specifically designed to carry weapons available from current inventory or under development for the current bomber force. It is fully intended that the B-1 will inherit advanced weapons as the SCAD from the current bomber force. When SCAD is fully developed and becomes operational, its control is a software problem and can easily be included within the B-1 computer capability. In the prototype/test program, no funds are needed to include SCAD control since the B-1 is basically designed to include SCAD in its arsenal weapons.

Comment: And there is no money for work on hardening the avionics to withstand the effects of gamma and neutron radiation in a nuclear environment.

Response: The B-1 airframe will be the first aircraft ever designed to include nuclear survivability criteria. These criteria are part of the airframe specifications, and the same criteria will be included in the design specifications, for the avionics equipment to be developed. Also, the off-the-shelf avionics equipment will be analyzed and engineered to meet these same criteria.

Comment: All this would come later, after a decision is made to buy a largely untested airplane. In fact, a lot of R&D work would come after a production decision is made, including 800 of the 900 hours of airframe flight tests presently planned.

Response: The Air Force believes that the decision to buy the B–1 can logically be based upon the adequate amount of *testing* provided for under the current development plan. It is true that much of the testing would be done after the production decision. The rationale for this approach is summarized in the next issue addressed below.

Comment: One would assume, with a three protoype program, that if the B–1 ever went into production, the fourth airplane built would become the first production model delivered.

Actually, under the current Air Force schedule, the eighth airplane built would be the first production model delivered to the active inventory.

After its three prototype 'Fly Before You Buy' program is concluded, the Air Force plans to build four more planes which would be used extensively for R&D purposes (and a limited amount of flight training). It rationalizes funding these planes with production funds on grounds that they would eventually be reconfigured and enter the active B–1 inventory.

Thus, the Air Force is 'saving' on R&D costs by deferring $1.5–$2.0 billion of R&D work. And it is throwing in a "Fly Before You Buy' label as an added sweetener for the Congress.

Response: One primary development objective is to provide sufficient information upon which to base a logical production decision. Another is to minimize the development funds expended at that decision point in the event the decision is not to produce.

In order to meet these objectives, many facets of former development approaches not needed to support a production decision are deferred either in total or in part, e.g.—ancillary equipment design, hard tooling commitments, verification testing and some flight testing. We believe that the three prototype fly-before-buy program, which provides one full year of airframe flight testing prior to production decision, adequately accomplishes the above objectives. However, those essential efforts which have been deferred must ultimately be accomplished, after the decision to produce, if we are to achieve reasonable production and operational effectivity.

The deferred flight testing would indeed be accomplished in air vehicles 4, 5, 6 and 7, and it is planned that those aircraft would be production funded. This seems to be a very logical and cost-effective approach since we intend to place those four aircraft in the operational inventory upon completion of the necessary follow-on test effort.

The $1.5–$2.0 billion referenced above does not seem to be derived from any factual information. The current Air Force development cost estimate includes the additional development funds which would be required to complete the development effort if the decision is made to produce.

The criticism on this issue infers that the Air Force is indeed trying to mislead the Congress. That is not the case. The B–1 program has been openly explained in detailed briefings and in document reports to the Congress. The Air Force and OSD believe that this particular approach to weapon system acquisition will provide the best possible information for a production decision at minimum cost and on a timely basis.

Comment: This funding of R&D work in the production budget is in direct conflict with the expressed intent of Congress. When the Navy attempted to do the same thing in recent years with the F–14 and S–3A programs, it was told to fund all prototypes used for development work in the R&D budget, even if they would be added later to the inventory.

Response: The B–1 program is for development only and has been structured to support a timely and logical production decision. The additional four aircraft to complete flight testing will be required unless a production decision is made. The Air Force believes this philosophy is not in conflict with the expressed intent of Congress.

Comment: And this testing of planes without avionics or weapons systems is the same emphasis on "the development of platforms for weapons themselves" which the Senate Armed Services Committee criticized in its recent procurement bill report. It is the old "Buy Before You Fly" policy, as usual.

Response: Apart from its nuclear gravity bombs, the primary weapon contemplated for the B–1 is SRAM, which has been fully flight tested and is to be produced for the B–52 and the FB–111. The B–1/SRAM interface specifications and integration are presently being defined, and the SRAM will be incorporated in the B–1 if a production go-ahead is approved. The B–1 design is such that, as new weapons are developed, they can be easily integrated due to the inherent growth capability of the total weapon platform. As for actual B–1/SRAM flight testing, the Air Force believes such testing is not required prior to production. The SRAM has been fully flight tested. Since the SRAM has self contained guidance and, therefore, the B–1 is only the platform, there is no logical reason to flight test the B–1/SRAM to support a B–1 production decision.

Comment: The Congress should see through this latest bit of Air Force chicanery, recognize the incredible costs just to develop the B–1, and end the program now.

Response: The Air Force has always provided Congress with its best estimate of the B–1 total program cost in the Selected Acquisition Report (SAR) which is submitted quarterly to Congress. We have also periodically provided briefings on the content and objectives of the program to individual members of the Congress and have made no attempt to conceal any aspect of the program. In fact, the OSD and the Air Force have many times attempted to highlight the beneficial aspects of this rather innovative approach to acquisition of a major weapon system.

We believe that this development approach will provide the information necessary to make an objective B–1 production decision. It will do so on a schedule which should permit that production decision and accompanying operational deployment on a timely basis in response to anticipated threat development. It will provide us these options and, at the same time, minimize the development costs expended at the first point of major acquisition cost commitment—production decision.

Comment: Re-engined B–52's with SCAD missiles aboard would give us all the improvement in our bomber capability needed until 1985. And we would be able to finance this alternative for less than the cost of the first three B–1 prototypes.

Response: Air Force witnesses, in testimony before Congress on the FY 72 Authorization Bill, have responded to similar statements as above which had resulted from a Boeing brochure. There are limitations to what can and should be done to an aircraft built with the technology of the '50s, and the Air Force carefully selects those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Toward this end, we have concentrated on two major areas for improvement: (1) pre-launch survivability and (2) capability to penetrate defenses.

With respect to the first objective, re-engining the B–52 would not significantly enhance pre-launch survivability. The B–52 nuclear effects hardness and maximum allowable escape speed would be unchanged. A lower technical risk—and considerably less expensive—approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

Our second objective is an improved capability to penetrate. The ability to fly greater distances at low altitude *contributes* to penetration survivability. Re-engining the B–52 would increase low altitude range and be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive. However, re-engining would not alter those performance characteristics which collectively contribute *most* to penetration survivability; penetration speed would not be increased, radar cross section would not be decreased (if anything, it would increase), the airplane could not be flown any lower, and the infrared (IR) signature would not be significantly reduced. To date, the Air Force is supporting those programs which contribute more than the re-engining proposal to improving B–52 penetration capabilities; i.e., the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-optical Viewing System (EVS), and continuing improvements in Electronic Countermeasures (ECM), Boeing's proposal, however, is being studied.

Boeing's first preliminary estimate (brochure) for their re-engining proposal was $6 to $10 million for the prototyping and $1.25 billion investment for the entire B–52G/H fleet. This estimate has been subsequently revised (brochure) to about $40 million for the prototyping and approximately $1.7 billion for re-engining the B–52G/H fleet. At present, these figures cannot be validated. The Air Force has undertaken a study of the concept to gain visibility on the costs and problems which are associated with re-engining and better understand re-engining as a bomber force improvement option.

GOLDEN MIKE AWARD WON BY RADIO STATION WONN, LAKELAND, FLA.

Mr. CHILES. Mr. President, each year the American Legion Auxiliary makes its Golden Mike Awards for the purpose of recognizing local radio and television stations which have presented outstanding youth-oriented programs. These awards are presented on a very selective basis and are cherished by those winning them. One radio station and one TV station are singled out each year for the awards nationally.

I am particularly proud of the Golden Mike Award earned this year by Radio Station WONN, Lakeland, Fla., for several reasons. It is located in my hometown, and it is the first Florida station to receive a Golden Mike. But most of all, I am pleased because it was a special award. WONN's program, "Salutes to Our Servicemen Overseas," did not exactly meet the requirements of the awards program's youth category, but it was judged so outstanding that the auxiliary national committee decided to design a special trophy for this one presentation.

Basically, "Salutes to Our Servicemen Overseas" consisted of hour-long taped shows of news, music, and other entertainment, interspersed with messages from the servicemen's families. These tapes were sent to Lakeland servicemen and women overseas, including POW's.

While many people in the community deserve credit for the success of this effort, I particularly commend the owners and staff of WONN, American Legion Post No. 4 and its auxiliary.

Mr. President, I ask unanimous consent that the presentation which gained the award be printed in the Record.

There being no objection, the presentation was ordered to be printed in the Record, as follows:

Golden Mike Award

Some three years ago, when the son of a member of Lakeland Unit 4 was serving with the United States Marine Corps in Viet Nam, he wrote to his parents, indicating that the Viet Cong were jamming their radios, the wet weather was rusting their record players, and they had no entertainment for their off-duty hours. He asked them to contact a local radio station to make a tape of the top tunes of the day and send it to him. The program director, who was an ex-Marine himself, said they would gladly participate with a weekly program. Three other families with sons in Viet Nam were also contacted, and they too, became involved—even to the extent of joining the Post and Unit. The program was set up for ½ hour each week, during which families and friends could tape messages to service men and women overseas, interspersed with the top tunes of the day. It soon grew to 1 hour, and because the station donated the time and the physical facilities, and the announcers volunteered their services, someone had to pick up the tab for the cost of the tapes and postage. The American Legion Post 4 and its Auxiliary stepped in, and immediately became deeply involved. Eventually some 250 tapes were sent overseas, and the response from the boys was tremendous. As a recipient of all the tapes, the returned young Marine told what they meant to him—a touch of home, a loving embrace, a warm handclasp, and the encouragement to slog on that was so vitally needed. His tapes changed hands many times—going from company to company, to mess halls, rec halls—the boys didn't care that they didn't know the people sending the messages—it was love direct from stateside.

This is the way the program was developed. Approximately 10 service families and their friends were invited to come to the station each week to tape messages. An Auxiliary member typed the information needed—the name and address of the serviceman, and the name and relationship of the persons sending the messages, and gave it to the announcer so that he could intelligently interview the families. The Auxiliary members brought some kind of snack—homemade cookies, finger sandwiches, etc., and coffee, and with soft drinks donated by a local firm, saw that the guests were served while they waited their turn to be interviewed. At least two Legionnaires were present each week to assist the families and to tape their own messages of encouragement to the boys. The cost was nominal, approximately $15.00 per week, but the results could not be measured in dollars and cents.

Then last fall Radio Station W.O.N.N. again contacted the Post. This time they wanted a 4 hour taping extravaganza—to be held in the show rooms of Claude Jenkins Lakeland Lincoln-Mercury. Some 60 service families were contacted, with the help of the local recruiters, and 36 tapes were processed and mailed overseas. The news media gave us excellent coverage, in attempting to locate all service families, and our message was publicized through the Chamber of Commerce, all outdoor marquees in the city, official city bulletin boards, bulletin boards in every major industry, in the local shoppers news, and in service club and church bulletins. Auxiliary members manned the telephones in the radio station taking reservations, and made cookies and sandwiches, and they were all present the night of the taping. The original young Marine assisted with the clerical work which was so vital to the announcers. and to keep a record of the addresses for mailing. This was particularly appropriate, since the idea originated with him, and after returning from his tour of duty in Viet Nam and having been wounded, he joined Post 4 and became deeply involved with sending tapes to other servicemen. In addition to the servicemen, tapes and letters were sent to President Richard M. Nixon, the Joint Chiefs of Staff, Senator Edward Gurney, Senator Spessard Holland, Congressmen James Haley and William Cramer, Governor Claude Kirk, a special letter to "Dear Abby", to the National Commander and National President, the Department Commander and the Department President, the 7th District Commander and the 7th District President, and the tape was played on The Voice of America. In addition, news stories were sent to the American Legion Magazine, The National Auxiliary News, and The Florida Legionnaire. The cost for the entire program was approximately $70.00.

Since the extravaganza, we have produced three more radio shows. In October, we made tapes to be received by Christmas. We decorated the radio station with Christmas decorations, had specially made cookies and sandwiches, and had a "Christmas in October" party for the families. Then in February we again made tapes to be received by Easter, and though we didn't have Easter decorations, we used the familiar red, white and blue accompaniments, but we did have an Easter prayer offered by the Post Chaplain and a Chanukah prayer offered by our local Rabbi, since one of the recipients was a Jewish boy. Our final taping of the year was perhaps our finest hour. This month we devoted our tappings to POW's and their families from the central area of Florida. Through the efforts of Senator Lawton Chiles, D–Fla, the program has the sanction of the United States Department of State. Also backing the project is "United We Stand", the organization headed by H. Ross Perot of Dallas, Texas, who was instrumental in getting packages and messages to the POW's last year, as well as the National League of Families of American Prisoners in Southeast Asia. Families from the Orlando-Satellite Beach area were escorted to Lakeland by Department of Florida vice-commander Robert Boyle, and families from the Tampa Bay area were escorted by 7th District Commander Robert Merakian. Post 4 and Unit 4 hosted a dinner at the Legion Home prior to the taping. In attendance were Department of Florida Commander Frank Reyes, Department Chaplain Fearon Hicks, W.O.N.N. President Duane McConnell, News Director Dan Sanborn, Bill Francisco, image director for the Chamber of Commerce, Mayor Joe Ruthven, National Vice Chairman of Americanism Committee, Charles Buckingham, Department Americanism Chairman John Rankin, District Executive Committeeman Joe V. Green, District President Mrs. L. Roy McDaniel, District Sergeant at Arms Mrs. Joe V. Green, District Secretary Mrs. Gladys Reed, Commander Grant Harden and President Mrs. F. Alvin Holland. This time the tapes were accompanied by a snapshot of the family, and were sent to the POW's directly, in care of the Hanoi government, and copies were sent to the North Vietnamese delegation in Paris with the hope that the tapes were delivered.

We received letters of commendation from President Nixon, the Joint Chiefs of Staff, Senators Gurney and Haley, National Commander Chamie, National President Shaw, an article in the National American Legion Magazine, and one in the Florida Legionnaire.

Prior to the programs, the Ledger and the Tampa Tribune printed 15 news stories, and 140 news spots were broadcast by W.O.N.N. 154 service families were contacted by phone from names obtained from the Army, Navy, Marine Corps and Air Force recruiters, from newspaper articles, from personal contacts, and from the hometown news received from the services by the press. There were 22 employees of W.O.N.N. participating, from the president to the technicians, the president of Lakeland Lincoln Mercury and 9 employees, assisting in the show rooms which were emptied of all automobiles in order to have enough space. 47 members of the Post and Unit 4 were involved in the various details, and untold hours were spent by each one. 34 dignitaries have sent messages on the tapes, including United States Senator Lawton Chiles, State Senator Robert F. Brannen, Mayor Joe Ruthven, City Manager Robert V. Youkey, Rabbi Louis Gorod, Father John Bodle, Image Director of the Chamber of Commerce Bill Francisco, Department of Florida Commander Frank Reyes, Department Chaplain Fearon Hicks, Department Americanism Chairman John Rankin, National Chairman of the Americanism Committee Charles Buckingham, Department of Florida Vice Commander Robert Boyle, 7th District Commander Robert Merakian, 7th District Executive Committeeman Joe V. Green, 7th District President Mrs. L. Roy McDaniel, 7th District Sergeant at Arms Mrs. Joe V. Green, 7th District Secretary Mrs. Gladys Reed, Post 4 Commander Grant Harden and his officers, Unit 4 President Mrs. F. Alvin Holland and her officers, and many past commanders and past presidents.

In all, 56 tapes were processed and sent overseas, and in addition 2 tapes of each program were given to each of the four recruiters to be sent to a Chaplain and a recreation hall in Viet Nam.

This program and tape were taken to the National Convention in Portland, Oregon, by Commander Harden, and a tape was played and the returned young Marine gave an informal talk on the program at the Central Area Conference in October.

Although the entire year's program of tapes has been relatively inexpensive—approximately $200.00, the net worth is almost astronomical, as witness the replies from the service men. Then too, had we paid for the radio time alone, it would have cost $538.12. However, if we have contributed in some small way to the morale and spirit of our magnificent fighting men, then it has been well worth it all.

As an interesting side light, one tape kept being returned to the Radio Station by the military marked "Undeliverable". After several tries, we finally enlisted the aid of one of the recruiters. Going through channels, he found that the Marine was stationed in a secret outpost and not even mail could be delivered to him. However, through the recruiter, a communications helicopter was sent to hover over the spot where the addressee was located, and they played the tape for him so that he could hear it from the air. We take special pride in the fact that the military thought that highly of our efforts.

We have selected this program as our Community Service Project for the year, and have prepared the scrap book as a guideline, in the hope that every Post and Unit in the country will pick up the idea, modify it and then put it into operation. So long as one American serviceman remains overseas, whether in wartime or peacetime, he needs our support.

Our service men and women of today are our Legionnaires of tomorrow, and as a service organization, and as committed American citizens, we owe them every bit of encouragement we can give, and we need to show them that "We Care".

FRANK NAYLOR, JR., RECEIVES AMERICAN LEGION AWARD

Mr. DOLE. Mr. President, in the hustle-bustle of day-to-day affairs events of much significance in the lives of our friends often go largely unnoticed. To be certain this does not occur with respect to an event which has just come to my attention involving an outstanding Kansan, I wish to share it with my colleagues at this time.

Frank Naylor, Jr., a young Kansan who is deputy manager of the Federal Crop Insurance Corporation, was presented a special citation at the recent annual convention of the American Legion, in Houston, Tex. This award cites Naylor as "All-American Veteran of the Vietnam Era" for the service he has performed for the nearly one-half million Vietnam veteran members of the Legion.

It has been my good fortune to know this rather quiet, unassuming young man for several years. He is a man of deep sincerity whose deeds and actions have gained wide attention for him, and this tribute could not have gone to a more deserving individual.

Since coming to the Department of Agriculture more than 2 years ago, Mr. Naylor has also gained rapid recognition for his dedication to his job. The imagination and talent he has exhibited in the performance of his office have brought unusual credit to the reputation of this agency.

In order that Senators may have the benefit of a more complete account of the award ceremony and Mr. Naylor's accomplishments, I ask unanimous consent that the complete story appearing in "The Managers Letter," Federal Crop Insurance Corporation, be printed in the Record.

There being no objection, the story was ordered to be printed in the Record, as follows:

The Manager's Letter, Friday, September 17, 1971

FRANK NAYLOR AWARDED LEGION'S HIGHEST HONOR FOR VIETNAM VETERANS

Frank Naylor, Jr., FCIC's Deputy Manager and a Vietnam veteran who has been active in American Legion affairs for the last six years, was the surprised recipient of a unique award on stage at the American Legion's annual convention two weeks ago in Houston, Texas.

He was presented a new, special citation which names him the "All-American Veteran of the Vietnam Era"—primarily for his leadership in the 475,000-member Vietnam Veterans Division of the American Legion, but also for his public speaking role under Legion auspices in the midwest and particularly in his home state of Kansas and his service on several of the Legion's most important committees and commissions.

It was by coincidence that the award was presented to Naylor by a colleague in the U.S. Department of Agriculture—Past National Commander, William E. Galbraith, USDA Deputy Under Secretary, who was completing his term as President of the Past Commanders' Club (some 500 state and national past commanders of the Legion).

Naylor, who had a Navy Reserve Officers' Training Corps scholarship to the University of Kansas (where he was president of his Senior Class), server in the Navy 4½ years after his graduation, rising from ensign to senior grade lieutenant. During the last eight months of his Navy service (1965) he was head of the weapons dept. of a destroyer on air-strike and air-rescue assignment just off shore at Vietnam. Naylor directed the operation as planes from a nearby carrier and helicopters from his own destroyer fired on enemy targets—or as they went in to rescue U.S. fliers whose planes had been downed or crippled by enemy fire.

A strong feeling that the public needs more first-hand information about the Vietnam effort prompted Naylor to speak at a number of public affairs in Kansas immediately after he left the Navy. When Vietnam veterans became eligible for membership in the American Legion in 1966, Naylor joined— Post #83 in Kansas City, Kansas, where his father has been a member since his 4-year Navy service in World War II (Naylor's father was on the ship which put Ernie Pyle ashore in the South Pacific just before Pyle's death from an enemy bullet . . . shortly afterward the ship was hit by a Japanese "suicide plane" with an explosion in which Frank Naylor, Sr., was injured).

Frank, Jr., was a ground-floor organizer of Vietnam Veterans within the Legion as one of six (and chairman) who met in Indianapolis in 1966 to get the organization started. Continuing as chairman, he kept working and talking and organizing, and presided when the Vietnam Veterans met the following year in Boston—this time with representatives from every state. From this beginning, the organization now has 475,000 members and is the 2nd largest segment of veterans in the Legion, topped only by those who served in WW II. It wasn't until the National American Legion Convention last month in Houston that Naylor stepped down from his guiding role as chairman of the Vietnam Veterans' Advisory Committee.

In recent years Naylor also has been active in other Legion affairs. Currently he is on the Long Range Planning, Bi-Centennial and Publications Commissions, and is an advisor to the Legion's Insurance Commission.

Frank was with Metropolitan Life Ins. Co. in Kansas City, Kansas, before coming to FCIC as Deputy Manager in 1969. He was chairman of the Boy Scout Council for Kansas City. His wife, Karen, was an honor student at the University of Kansas. Their two children are Wesley, 7, and Mary, 6. The Naylors are active in the Episcopal church near their home in Fairfax, Va.

In other years at other conventions, the Legion traditionally has given a "Good Guy" award, and this year the "Good Guy" award went to TV network commentator Bob Considine. But Naylor's award is new and unique, a special recognition by the Legion to its Vietnam Veterans Division—and to the man, Frank Naylor, Jr., who has guided it from its inception to its present size and importance.

GLORIA STEINEM OF WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, the writer, Gloria Steinem, has achieved increasing prominence in her role as a leading advocate of equal rights for women. Her articulate statements and persistent efforts have done much to bring this issue forward in the public's consciousness.

Indeed, one must express surprise that it took so long for the impact of this issue to reach its present dimensions. For not only is it a natural concern of a numerical majority of our citizens, the disposition of this issue reflects in a very real way on the true balance of power in our society.

It would, therefore, be most appropriate at this time for the Senate to ratify the International Convention on the Political Rights of Women. Ratification would attest to our commitment to social equality; it would reaffirm our official position against discrimination on the basis of sex. It would indicate to the people of this Nation and other nations that the United States seeks to fully integrate women into the political life of our country.

More than 40 nations have already ratified the provisions of this treaty. I strongly urge the Senate to add the United States to the list of signatory nations.

Ratification could be seen as a part of the continuing struggle for equal rights in this country. In this regard, I think it would be instructive to study some of the incisive remarks of Miss Steinem. I ask unanimous consent to have printed in the Record a New York Times article based on Miss Steinem's talk at the 1971 Harvard Law Review banquet.

There being no objection, the article was ordered to be printed in the Record, as follows:

A New Egalitarian Life Style

(By Gloria Steinem)

The first problem for all of us, men and women, is not to learn, but to unlearn. We are filled with the popular wisdom of several centuries just past, and we are terrified to give it up. Patriotism means obedience, age means wisdom, woman means submission, black means inferior; these are preconceptions imbedded so deeply in our thinking that we honestly may not know that they are there.

Whether it's woman's secondary role in society or the paternalistic role of the United States in the world, the old assumptions just don't work any more.

Part of living this revolution is having the scales fall from our eyes. Every day, we see small obvious truths that we had missed before. Our histories, for instance, have generally been written for and about white men. Inhabited countries were "discovered" when the first white male set foot there, and most of us learned more about any one European country than we did about Africa and Asia combined.

We need Women's Studies courses just as much as we need Black Studies. We need courses on sexism and American law just as much as we need them on racism. The number of laws that discriminate against women is staggering. At least to women.

"Anonymous," as Virginia Woolf once said bitterly, "was a woman."

If we weren't studying white paternalistic documents, after all, we might start long, before Charlemagne in history, or Blackstone in law. More than 5,000 years before, in fact, when women were treated as equals or superiors. When women were the gods, and worshipped because they had the children. Men didn't consider child-bearing a drawback, and in fact imitated that envied act in their ceremonies. It was thought that women bore fruit when they were ripe, like trees.

When paternity was discovered—a day I like to imagine as a gigantic light bulb over someone's head, as he says. "Oh, *that's* why"—the idea of ownership of children began. And the possibility of passing authority and goods down to them. And the origin of marriage—which was locking women up long enough to make sure who the father was. Women were subjugated, the original political subjugation and the pattern which others were to follow, as the means of production. They were given whatever tasks the men considered odious, and they became "feminine," a cultural habit which has continued till today.

When other tribes or groups were captured, they were given the least desirable role: that of women. When black people were brought to these shores as slaves, for instance, they were given the legal satus of wives; that is, chattel. Since then, our revolutions have followed, each on the heels of the other.

I don't mean to equate women's problems with the sufferings of slavery. Women lose their identities: black men lose their lives. But, as Gunnar Myrdal pointed out more than thirty years ago, the parallel between women and blacks—the two largest second-class groups—is the deepest truth of American life.

We suffer from the same myths—childlike natures, smaller brains, naturally passive, lack of objectivity (Harvard Law School professors are still peddling that), inability to govern ourselves, identity as sex objects, supernatural powers—usually evil, and special job skills. We're great at detail work for instance, as long as it's poorly paid, but brain surgery is something else.

When we make a generalization about women, it helps if we substitute black, or Chicano or Puerto Rican. Then we see what we are saying.

The truth is that women are so much more durable than men at every stage of life, so much less subject to diseases of stress, for instance. Childbearing shouldn't mean childrearing. Motherhood is not all-consuming, nor is fatherhood a sometime thing. In fact, there are tribes in which the fathers rear the children, and the famous mother instinct turns out to be largely cultural.

The problem is achieving a compassionate balance, something this society has not done. It's clear that most American children suffer from too much mother and too little father.

Women employes in general lose no more time from work than men do, even including childbirth. They change jobs less, since they have less chance of trading upward, and tend to leave only after long periods of no promotion; thus benefiting male employes by financing their retirement plans.

Women don't want to imitate the male pattern of obsessive work ending up with a heart attack and an engraved wrist watch. We want to humanize the work pattern, to make new, egalitarian life styles.

We are not more moral, we are only less corrupted by power. But we haven't been culturally trained to feel our identity depends on money, manipulative power, or a gun.

From now on, no man can call himself liberal, or radical, or even a conservative advocate of fair play, if his work depends in any way on the unpaid or underpaid labor of women at home, or in the office. Politics doesn't begin in Washington. Politics begins with those who are opposed right here.

And maybe, if we live this revolution every day, we will put a suitable end to this second 5,000-year period, that of patriarchy and racism. Perhaps we have a chance for a third and new period—one of humanism.

JAVITS ESSAY CONTEST

Mr. JAVITS. Mr. President, this year for the first time I sponsored an essay contest held at the New York State Seventh Annual Teen Age Republican (TAR) School of Politics on August 16–20, 1971, at Siena College, Albany, N.Y. This will be a yearly event from now on. The title of the essay was "Attracting My Peers to Political Involvement." Over 150 high school aged New Yorkers attended the school and were eligible to participate in the contest. The winning essay was written by Andrew Scott Waterman, of 712 Genesee Street, Olean, N.Y.

I ask unanimous consent that the essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

ATTRACTING MY PEERS TO POLITICAL INVOLVEMENT

The only way you can attract young people into becoming more involved in politics is by having the Party go to the young people. You must realize that politics is for the people and that anyone enrolled in a political party is a member of that party. It is your duty as a member to speak up and bring about changes for the good of the Party. It is up to you, and not just the party leaders, to work for the highest goals of the Party.

You must go to the young people and say, "We do not understand exactly what your problems are, but, we want to help you. Tell us your wants and we shall work together for solutions agreeable to both groups. Most importantly, we must know your issues."

If the young people feel that the War in Viet-Nam is wrong, the Party should announce, "Come work with us and we will try to solve the problem. Protests, riots, etc., just will not work. You can't successfully fight the system by force alone. Force alone has never proven anything. To succeed, you must work from within the existing system."

Other issues, such as the draft, should also be discussed and reasonably thought out. Obviously, both generations have different opinions on the subject. However, these differences can be ironed out. Changes can be instituted within the present draft system, but the young people must work for it. It will not be handed to them by the older generation who represent the system.

Many may think that most people will say that the Party should not work with the young because it just won't work. This idea could not be further from the truth. We have seen that his "coalition" can and will work with the advent of the 18-year-old vote. The vote would never have been given to the young if the Party had not gone to the young people and worked together.

As can be seen, both sides must work. Whether you are 18 or 50 years old, you are still an American and should be counted.

DON RUMSFELD

Mr. DOLE. Mr. President, the September 19 edition of Washington, the Sunday Star magazine, carried an interesting article on Presidential adviser Donald Rumsfeld. As assistant to the President and Director of the Office of Economic Opportunity, Don is one of the busiest members of the Nixon administration and one of the most dynamic and articulate spokesmen for the President's policies and programs.

I first came to know Don in 1962 when we were both freshmen in Congress and neighbors in the House Office Building. In the House he proved himself to be an exceptionally capable legislator and a vigorous and dedicated worker on behalf of his constituents. So when President Nixon tapped him to be Director of OEO, he knew he was getting a man of great energy with the capacity to handle significant responsibilities and large challenges. Don, of course, has lived up to the President's expectations as those of us who knew him in Congress were sure he would.

For the benefit of those who might not have seen this article by Josephine F. Caplan, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE PRAGMATIC WORLD OF DONALD RUMSFELD

(By Josephine F. Caplan)

He sat in his cream-colored office at the top of the stairs in the White House wing and answered with a smile that said absolutely nothing, and meant very definitely something. Might he be tapped for the Vice Presidency if they "dumped Agnew"? Opaque. It had been the same way on the nationwide broadcast of "Issues and Answers," when the interviewer looked at him and Robert Finch and said, "You are now the only two men listed as counselors to the President, the title that in the official pecking order places you just below the President in the White House staff. . . ." Who would be recommended for the Vice Presidency? He let Finch answer it—get around it—because he knew people had begun to look at him—a young man who might appeal to the new 18-year-old vote, a former congressman from Illinois, the state that had once cost Nixon the election. And most importantly, a certain type of man—one who had lost friends and trusts along the way. But one who never, according to observers, lost the confidence of the President.

Donald Rumsfeld is 39 years old and has gotten to his office by playing according to a very definite set of rules—and by playing hard. He has moved across the legislative-executive spectrum of the government, leaving almost everyone with the same impression—"tough, gutsy, agile, smart, attractive—and ambitious." He was elected to Congress in 1962, took over OEO in 1969 along with the title Assistant to the President, which included Cabinet rank, and proceeded to cut the agency back with the cool knife of a perfectly confident surgeon, despite the outrage in the operating room.

He is the kind of man who has been known to parachute-jump for fun, fight bulls, and enter a wrestling tournament with mononucleosis while still keeping up with his duties as captain of a college football team and the demands of a scholarship. He is the kind of man who *still* relaxes after a 14-hour day with a game of tennis or a wrestling match. The kind who, according to his wife, rarely makes it to his pleasant Georgetown house for dinner twice a week, "works best under pressure," and can get up the morning after an election and turn his attention to his three children. His friends, when he gets a chance to see them, include Dan Rather of CBS; Sen. Robert Dole, R-Kans.; Rep. William Steiger, R-Wis.; Rep. Edward Biester, R-Pa.; Rep. Ed Derwinski, R-Ill.; Rep. Sam Devine, R-Ohio; Sen. Charles Percy, R-Ill., and an array of friends from high school and college days.

He likes Presidential campaigns: "Some find the politics confusing or unpleasant. I find it intriguing." He likes the executive branch of the government: "That's where the rubber hits the ground." He is, according to former aide Don Murdock, "a very intelligent non-intellectual," not given to philosophical machinations. Rumsfeld more or less agrees. He doesn't care to be likened to Mayor John Lindsay, as columnists have done. "He's a flashier model." And he doesn't care to apply the standard terms of "liberal, moderate or conservative" as definitions of politcal philosophy. "I'm a pragmatist." He is also, according to colleagues, an "expert strategist," a man who "doesn't make many mistakes."

And so each day that Donald Rumsfeld has spent in his office near the President may be part of the gamble that has cost him what he's lost and gotten him where he is, the last chapter of a strategy he has never violated and that has moved him from congressman's assistant through Congress, into post-election inner circles of Key Biscayne through OEO, and up as the President's man, with only two more rungs left on the ladder. It is the strategy of the team player.

Rumsfeld leaned back in his chair, in his neatly tailored gray suit, his evenly cut handsome face smiling, and began to handle the questions with the skill of the wrestler who likes the sport because "it is a tough complex of holds and balances" and the quick positioning of the football player who knows his place on the team. Rumsfeld is an aide. He is visible when the President wants him to be visible and obscure when the President wishes him obscure. Rumsfeld will only tell as much of his activities and endeavors as is becoming for an aide. And he makes it clear that his only ultimatums come from the President and not, in a time of individual dissent and protest, from his own desires.

"My job is to do what the President wants me to do. And that varies from things public to private." He shook his head when asked about the criticism from many persons that he had been so loyal to the President in cutting back OEO that he had betrayed his trust and loyalty to the agency. He leaned forward with a look of mild irritation.

"Look, the President and the Congress are the ones who are elected, and if people don't like what's being done, then they should run for office."

But didn't the President's policies ever conflict with his own personal feelings? Rumsfeld sat back, and answered bluntly, "Sure," as though the most elementary rule had been questioned. How far did the loyalty bind a man's conscience? What did he feel about the Daniel Ellsberg-type of conduct? He answered brusquely as he knocked his pipe against the ash-tray. "You have a perfect right to disassociate yourself, and you have to make that judgment. But it's not proper to step off someone's head. It's not proper to stay in and subvert. And then it's not proper to stay and ulcerate either. If you find," he continued, "that more often than not you don't agree, then the thing to do it quietly go your own way." He pulled on his pipe. "Obviously," he finished, "I net out very much in support of the President."

Were there also demands from the Republican Party to bow to? Rumsfeld waved his hand as though tired of hearing that sort of thing. "The Republican Party is very loose, little discipline. The policy of the Party is the President's policy."

He began to talk of Nixon, with whom former assistant Don Murdock said he was fascinated, overwhelmed. "I enjoy working with Nixon because he's incredibly intelligent, sharp, and because"— Rumsfeld looked squarely—"he *is* the President of the United States." He begins to move around a little.

"This is an unusual job for me, more of a private, a staff job. When you're a congressman—or when I was head of OEO—you're your own man. This is a little different."

He hesitated and looked around his office. If the office was small, no big staff like John D. Ehrlichman had working for him, it was because he and Ehrlichman were there for different reasons. Ehrlichman had come, and Ehrlichman would go out, with this President, because Ehrlichman was the type of man whose involvement was to serve only one President. And, of course, that very thing made him more "powerful" among the White House staffers, closer to the President. But Rumsfeld—the articulate speaker, the recognizable face, the man who could gain attention as he traveled around the country—would go on in politics. The President would groom him and make him his protege and move him around meeting foreign dignitaries so later he could deal with them. And while he was doing it, the President would use the assets of style and name he could offer.

"My day starts with the 7:30 a.m. meeting, then there is another meeting beginning at 8 a.m." He brushed over the rest, purposely vague, saying there were "more meetings," usually finishing about 7:30 p.m., and so on. He spent, he said, most of his time with the senior White House staff, and worked on some specific projects—such as the Property Reserve Board and the Cabinet Committee on Education. His other assignments were varied—domestic, foreign, standing in for the President at Nasser's funeral, Whitney Young's funeral, traveling with Finch to 10 countries abroad to discuss the drug problem, criss-crossing the United States, speaking on various Presidential proposals. He sees the President "anywhere from two or three times a day to two or three times a week," and travels with him frequently.

What did he consider his most important contributions as an adviser? He gave the perfect aide's answer: "Oh, well, its like trying to untangle a knot." He reached the well-tailored arm to remove a bit of tobacco from his pipe. "It's not really important, anyway." He smiles. "Because you're not the President." Rumsfeld added coolly, "However, I wouldn't want to do it for a career."

Rumsfeld really only left Washington once, and though no one is sure and Rumsfeld won't say, it might have been only to return. He left as a congressman's assistant, and when he returned, he was a congressman. "Rumsfeld always," noted a former colleague, "had that rare smell of a politician." He was also impatient.

"I got tired of being an assistant that long." Congressman David Dennison of Ohio hired him when he was 25 years old and just out of Navy jets. "He had no practical political experience, but he certainly had no trouble picking it up," said Dennison. "He immediately began making friends with the other AA's," he added, and in a pretty short time, he "knew a lot of people." "Politics," noted his wife, Joyce—who added that she had been "crazy" about him ever since their high school days when he was "always in the center of things, class officer, athlete"—is "in his blood."

Dennison said that Rumsfeld was the kind of guy who could work a 14-hour day effortlessly. But while he was moving around on his own on the Hill, there was one thing in particular that impressed Dennison. "He was completely loyal to me—his job was to make me attractive, and he did it." The fact that Rumsfeld was his campaign manager for two unsuccessful tries after that didn't make a dent in Dennison's impression.

"I told him—you belong in Congress as a member. He agreed." After a brief stint working for Congressman Robert Griffin of Michigan in 1959, he decided to go back to the North Shore of Chicago where he came from—ostensibly to go into investment banking.

"His timing was really incredible," observed his old Princeton roommate, Joseph Castle. "Rummy was well behind the pack at that point. By then the other fellows were vice presidents of banks and so on, and there was Rummy after six years out of college and he had just started off as an investment broker with A. G. Becker after a few years as someone's assistant in Washington." Castle thought about the Rumsfeld he had known at Princeton—a popular fellow, member of the prestigious Cap & Gown Club, the Chicago Club, athlete and big man on campus who was also "hard-nosed and the most disciplined guy I've ever met," and what happened next didn't surprise him at all.

Moving through the crowd, smiling, shaking hands, Rumsfeld was pulling all the pieces together. Those years working on the Hill, the contacts from the North Shore establishment where his father was a realtor, old New Trier High School classmates, some of whom had moved into Illinois politics; coming to it, one of the most affluent districts, one of the safest Republican seats, and one of the most bored after years of reelecting Marguerite Stitt Church and her husband Frank, before her. Charisma of the Princeton graduate, captain of the wrestling team, the football player, part of the "establishment." He knew, said Castle, how to "satisfy it eminently."

"It almost became a social in-thing to do," according to Allen Marrinson, who later became the campaign manager for his second campaign. He gathered 2,300 volunteer workers, benefited enormously from a scandal surrounding his Democratic opponent, and won the election. He won it three times after that.

"Don conducted his office like he was always campaigning," said Marrinson. Rumsfeld had returned to Washington.

If many wondered why Rumsfeld accepted ("It's very hard to say no to the President"), equally as many wondered how he managed to be standing in front of the President's desk when he was looking for someone to head OEO.

When Rumsfeld met Nixon, observed a former aide, it was "an attraction of like spirits." Rumsfeld, while compiling a voting record in Congress that the United States Chamber of Congress scored as its position 100 percent of the time in 1967, was also spending time with influential Republicans such as Rogers C. B. Morton and becoming known in Republican circles as a first-class strategist. Tom Houser of the FCC, who used to be with Charles Percy, remembers his being active in Percy's 1964 campaign for governor, his 1966 campaign for the Senate (a time when Nixon was doing some campaigning himself), talking to them in the advisory council where Houser said he was "honing his wings back in state politics," and gaining a fast-moving reputation as a "good strategical brain."

So while Morton launched the Nixon campaign for 1968, he launched Rumsfeld too.

Rumsfeld was linked up with Sen. Hugh Scott to head the "Truth Squad" following the Humphrey campaign, became Nixon's assistant floor manager at the Republican Convention, and went around the country for Nixon as one of his 10 surrogate speakers. By the end of the election, Rumsfeld was sitting in on the post-election strategy sessions in Key Biscayne, and rumors were spreading that he'd replace Ray C. Bliss as Republican National Committee chairman.

By the time the 1968 campaign was over, Nixon's strong displeasure over the OEO operation in general was clear. It seemed to him a chaotic agency, continually indulging in distasteful tactics and counter-productive actions. Observers felt that the entire style and sprawl of OEO flying under the banner of War on Poverty was offensive to him. Rumsfeld, on the other hand, was a man described by one former aide as "someone tough enough to know how to get the job done using all of the Washington tactics—cajolery and the whole array of authority and contacts," and by another former aide as "someone who wastes no energy in neurotic stewing, has little time for those hung up on philosophic codes, and doesn't go bleeding all over the streets."

Though many contended it was a big risk, leaving one of the safest seats in the House, Rumsfeld, it was thought, was looking beyond the House, and what he saw was hardly promising. Percy was in the Senate seat. And senior GOP members were angry because Rumsfeld had waged war against the seniority system, and so were some of the powers in the Illinois delegation over his attempt to unseat the party whip, Leslie Arends. If the OEO job went well, it would certainly serve to broaden his base of appeal for a Presidential election, which many felt by now he was carefully aiming for.

"The President," said Rumsfeld, "came at me two or three times before I accepted." The package that was accepted included being an assistant to the President and holding Cabinet rank, a status that former OEO Dirctor Sargent Shriver never attained. "If you fly planes, and there's a faster one, then you want to fly that one."

Rumsfeld pulled on his cauliflower ear. The agency then had been called an administrative "nightmare." The venture had begun with midnight meetings with his friend and old wrestling partner, Al Lowenstein, culling ideas on how to do the job, with Lowenstein backing him up as people hooted over his appointment. (Rumsfeld had actually voted against the creation of OEO in 1964.) Rumsfeld, said Lowenstein, could be "one of the half dozen men in the country who could actually do something to change the shape of things," if he adhered to the principles he then professed.

He would sit occasionally in his office watching the puddle gather by his desk as the roof leaked while Lowenstein was becoming quieter and quieter. What they really needed to do around here, he'd always felt, was to get rid of those nonproductive projects, that haphazard funding, and time to evaluate the existing program. And to put an end to these obnoxious confrontation tactics. If the black law students insisted on staging a sit-in at the headquarters, then he'd respond accordingly. He called the police.

He knew these people looked at him as the funeral director, even though he'd worked night and day—bucking some important GOP contacts—to get the agency a two-year extension. He knew how people such as the legal services advisory board member felt about him, that "he just didn't understand that world, what pushed those people. The whole thing was too unruly for him—the sit-ins, the confrontations, the screaming, the style of poverty politics. He could only put it in the context of the politics he had known—and so he figured that everyone just wanted a piece of the pie." Well, these fellows didn't seem to understand some of the easy facts either—like they were not only responsible to the poor they were representing, but ought to keep in mind the fact that they were also working for a government, an administration, a President, and ought to have enough sense to stop bringing suits against the government defending Black Panthers, embarrassing the Administration. He knew that people persisted in saying, as December of 1970 rolled around, that the reason why OEO had slipped from the headlines was not because he had channeled the energy of the confrontations into productive action, but that the agency had quietly, under his skilled hand, suffocated.

By that time, he and Lowenstein were no longer friends. The rift began with Rumsfeld's action at OEO. But the end came when Rumsfeld was forced to choose between loyalty to his friend and loyalty to the Republican team. He chose the Republicans. Lowenstein, running for a congressional seat in New York, had come under strong attack from his opponent, who had begun to suggest that Lowenstein was a violence-advocating subversive. Lowenstein, outraged, turned to Rumsfeld, a man of well-known reputation and a close friend, to clear his name. Rumsfeld commented later that he had done what he could—said that he'd never known Al to advocate violence. But Al should have known the heat that statement caused him in the party when it hit the press. Should have known how the game had to be played if it looked as though Rumsfeld next went out of his way to support Lowenstein's opponent. There should be nothing so surprising about the flier that appeared in mailboxes all over New York one morning with a letter of endorsement by Rumsfeld for Al's opponent. After all, "when the President was actively seeking to elect Republicans" he "could hardly be expected to go out campaigning for Democrats."

When he left OEO, Al had thought back on his comment about Rumsfeld—could he have adhered to his principles?—and said that he hadn't. The White House said that he had. His wife said he'd never lost a night's sleep.

Rumsfeld smiled from behind his desk, as footsteps moved along quietly on the White House carpeting outside his door. "I enjoyed doing it (directing OEO). The dollars are now well spent, and we changed the office—brought in some new people to balance it."

And he summed it all up as he cleaned out his pipe. "You can't make everyone happy all the time. Change is hard—but that's too bad. And no one likes to be criticized. But the President gave me the charge to do the job, was available when I needed advice, and supported me when I asked for support. That," he said, "was very helpful in accepting it (the criticism)."

Rumsfeld leaned back in his chair knowing that he'd be asked next where all of that was going to take him. A question with an answer that might mean the strategy, the gamble, had been won or lost. A question he would not answer himself.

He pointed to the pictures of his three children. "I've been very involved for quite some time now. I think a change of subject matter is good sometimes," he said earnestly, though his wife said she couldn't really imagine him out of politics. "And I'd like to spend a little more time with them before they are gone." He pointed to the pictures of the kids, who had said they liked summertime the best because then they could stay up late to see their father. Maybe he would leave government and come back. He might go back into investment banking ("I'd like to improve my economic position"), or he might go back in Illinois politics ("I like to campaign"), or then he's always been interested in foreign affairs—"maybe a post in the Far East." Yes, he'd often thought that maybe a change would be good. "But, as Adlai Stevenson said, 'I'll jump off that bridge when I get to it.'" He sat smiling at the pictures on the wall, as his secretary buzzed him.

What about the rumors that had begun to leak out of the top Republican strata—the fact that he was being talked about for the Vice Presidency? "Well," he smiled, "that's certainly very interesting, isn't it?" He left to catch the next plane.

JOHN BROOKS—A REHABILITATED DRUG ADDICT WORKING TO REHABILITATE OTHERS

Mr. WILLIAMS. Mr. President, it has been a great pleasure for me to be acquainted with a most remarkable man who is dedicating himself to helping drug addicts in the Atlantic City, N.J., area to find their way back into satisfying, productive, lives. His name is John Brooks, and the organization through which he works is the Narcotics Addicts Rehabilitation Center Organization—NARCO.

John Brooks knows what drug addicts are going through, and what kind of help they need, because he himself is a former addict. He has been able to put together an effective program of treatment and rehabilitation, which has attracted widespread attention, and I am very pleased that I was able to help Mr. Brooks in securing a $5.6 million grant for NARCO from the National Institute of Mental Health, the largest grant of its kind ever made by NIH. This money will enable NARCO to operate on a sound financial footing, and to substantially expand its activities.

Mr. President, the September issue of Ebony magazine contained an excellent article describing how John Brooks pulled himself back from the despair of drug addiction and became a leader in the fight to help other addicts. I think this story is of particular significance to anyone concerned with our Nation's growing drug problem. I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Ebony magazine, Sept. 1971]

RETURN FROM THE DRUG SCENE

FORMER ADDICT HEADS NEW JERSEY TREATMENT CENTER

John Brooks has lived a life and a half in 35 years. Junkie, dealer, convict, organizer, fund-raiser, executive, human being. After 17 years of drug addiction and over 87 months in various prisons, Brooks' "return from the drug scene" has had a dramatic impact upon his community. Last January he was named "Outstanding Young Man of the Year" by the Atlantic City (N.J.) Junior Chamber of Commerce.

Brooks is the administrative director of NARCO (Narcotics Addicts Rehabilitation Center Organization) in Atlantic City, a group now celebrating its second anniversary.

The highlights in a man's life are often difficult to identify; more so when all the achievements and accomplishments are heaped one upon the other in the brief span of two years, a deep sense of the need to serve propelled Brooks and four other ex-addicts to organize NARCO in January, 1969.

But first it was necessary to convince the community of the far-reaching ravages and horror of the drug scene. The central focus of this effort was the establishment of a facility where drug addicts could live and learn about themselves.

Brooks looks back to "the time I came home from the Atlantic County Jail just begging for a place to rest my weary, drug-filled head. If I went to the hospital, they would have sent me back to jail. There was absolutely no place to go."

On December 29, 1970, NARCO opened the doors to a new 24,000-square-foot building, a vivid contrast to the two-room store-front the organization originally occupied. The new property once served as a skating rink, fight arena, and clothing factory. When leased by NARCO, nothing stood on the land except the barren shell of a building.

The new NARCO building now contains 37 offices, meeting and counseling rooms as well as three dormitories for in-residents, some of whom are asked to stay at the center for at least six months.

The building itself represents to Brooks the necessary foundation upon which to build for the future; for his major concern is fund-raising, planning and expansion into other problem areas in the community.

During a recent week, his schedule included a meeting with Atlantic City Mayor William Somers. That same day he hosted Robert Kennedy from the New Jersey Dept. of Community Affairs, who came to visit the rehabilitation unit. In the late afternoon, Brooks left for a trip to Washington, D. C., where he had an appointment with Dr. Lois Chatham, chief of the Narcotic Addict Rehabilitation Branch of the National Institute of Mental Health.

In reviewing this activity, Brooks remarked wryly, "It's a strange thing. These are the same people who were putting me in jail 15 years ago. Now I'm asking them for thousands of dollars. I guess the big difference is that now I'm not looking out for myself. I'm working to help a lot of people."

One government official with whom Brooks is in close contact is Sen. Harold Hughes of

Iowa. The two first met when Brooks was asked to testify before the Special Subcommittee on Alcoholism and Drugs.

"When I testified before the subcommittee, they were a little shocked at my candid remarks. It was necessary to spell out in detail how much merchandise a junkie has to steal to get the money to support his habit. You can imagine, there was no refuting what I told them. Man, I have proven experience in the field," Brooks recalls.

The experience that Brooks referred to started at age 15. "I wanted to be slick, like the hot-shot dudes in the big cars. No matter how much they tried to tell me, I still wanted heroin."

It took only months before Brooks was really hooked. He dropped out of school and after three years of "mainlining" and eluding policemen who had a warrant for his arrest, Brooks joined the Navy. By the time he was 20 years old, Brooks was given an "Undesirable Discharge" for stealing drugs from a military hospital supply room.

A drug raid in Atlantic County caught Brooks in its net and he was sentenced to five years imprisonment without parole. Life in prison provided a sophisticated education in shop-lifting, robbery and breaking and entering. "What I learned from the other prisoners," he says, "started me keeping a notebook filled with information, including names and addresses. It was an excellent education—in how to break the law."

Brooks returned home smart in the ways of the underworld and anxious to get back to the needle. Even though drugs were available in prison, the physical addiction for drugs was broken. "Sure, we could get scag and plenty of ups and downs, but basically I was clean," he remembers.

For the next seven years, Brooks reverted to his life as a junkie and as a result made two trips to Ancora State Hospital and another 39 months were spent in jail.

When he was released, Brooks sought help in the community. But that was 1967 and there were no drug rehabilitation centers available. In fact, the people in Atlantic City resented the presence of known drug addicts and residents from surrounding suburbs rejected the idea that drugs existed in their area.

Along with four other addicts who were "tired of chasing drugs," he affiliated with an organization called "The New Well." That organization soon crumbled but the four men and one woman later founded NARCO.

Initially, many of the people and the established institutions were suspicious and skeptical. Typical of their reaction was the oft-expressed opinion. "Once a junkie, always a junkie." However, three religious leaders—Dean William H. Paul of St. Stephen's Episcopal Church in Waretown, N.J., Bishop Alfred L. Banyard of the Episcopal Diocese of New Jersey (which has appropriated $20,000 a year for three years to NARCO), and Rabbi Phillip Schechter of Beth Israel Synagogue provided early moral and financial support.

To acquaint those not directly touched by drugs, a speaking schedule for NARCO members was implemented. "We went to every conceivable type of meeting," said Richard Derry, the center manager who was a dope addict for 20 years. "Gradually, society recognized that a drug problem did exist at all levels, rich, poor, ghetto, suburb, white, black, educated and disadvantaged. Once they came to that realization, the people were beautiful. They just couldn't believe that we were ready to stand in front of an audience and tell them about the underside of drug abuse."

The honorariums earned from these speaking engagements provided a base of funds along with contributions but Brooks says, "Even though we raised $38,000 in our first year, it was nothing compared to the need. There were many months when our staff went without pay."

Early successes with drug abusers added to the fervor with which Brooks worked. During its first few months, NARCO was the only place where a drug addict could expect help in South Jersey. During the first year of activity, almost 200 addicts registered for treatment and therapy. A "Clean-up" rate in excess of ten per cent increased the validity of former addicts running a rehabilitation center. This concept has now become standard procedure in treating drug addiction throughout the country.

Because of the new resident facilities, therapy is a constant thing at NARCO. Brooks sits in a glass-enclosed office which gives him a visual sweep of what is happening in the building. He is in close contact with each resident and his tactics are hard.

"You like the way you're living, brother, but you're dodging the issue," he said to an addict recently. "Why don't you stop acting like a baby? I poured more scag on the floor than you ever shot, and if I made it, so can you."

Brooks still makes speaking engagements and attends therapy sessions. But the bulk of his time is devoted to long-range planning and financing. NARCO's yearly budget of $200,000 barely supports the 65 residents and the out-reach program which deals with about 100 people on a detoxification schedule. More than 1,200 addicts have been treated in the past year and there is a waiting list of others who want to become residents.

This broad range of support augurs well for the massive federal funding being sought. Recently, an eight-year proposal calling for $5.6 million was approved for NARCO by the National Institute of Mental Health, the largest grant ever awarded by that agency for a black-controlled program. And Brooks has met regularly with officials in the office of New Jersey Governor William Cahill. Under the Safe Streets Planning of the State Law Enforcement Agency, he has received $117,369 for a three-year program to "make an attack on the criminal element in our community."

Mindful of the legal needs of the residents, Brooks sought help from the State Public Defender's office. A part-time attorney, Robert LaGore, has been assigned to handle cases emanating from NARCO.

Another plan is also being formulated for the establishment of a Boy's Academy in the area. Brooks is working with Richard Cohen, a local psychologist who is a volunteer consultant to NARCO. A funding proposal for that program is now being written.

All these projects and plans originated in the mind of a man who for 17 years had "dropped out of society." It is possible those years of shooting dope, stealing, lying, cheating and manipulating have wrought a unique human being.

On the other hand, one might consider the waste of 17 valuable years in the life of John Brooks and what it could have meant to society.

As Brooks himself admits, "Personal growth and development are intertwined. What is important is the chance to do for others. If my own waste and former degradation serve as a beacon for other drug addicts, then my life will not be in vain."

CAPT. LEONARD BALLARD HONORED IN KANSAS

Mr. DOLE. Mr. President, yesterday one of the Capitol's most well-liked officials was honored in Dodge City, Kans. Capt. Leonard H. Ballard, of the Capitol Police Force, was made an honorary Dodge City marshal in a special ceremony at the Dodge City Community College, presided over by Mayor Dale Northern. Following the presentation of his award, Captain Ballard delivered an address on his favorite topic, the history of the U.S. Capitol. He speaks with great authority on this subject, having taken part in the last six presidential inaugurations and every state funeral since that of General Pershing. His scholarship has also been recognized by the U.S. Capitol Historical Society for his contribution to the famous Capitol history, "We The People," 10 million copies of which have been printed in six languages.

Many Kansas and other Capitol visitors from all parts of the country have had the pleasure of receiving personally escorted tours of the Capitol from Captain Ballard and hearing many of his fascinating stories of its history.

Many Members of the House and Senate have come to know Captain Ballard during their terms in office, and I thought they might enjoy learning of his latest honor.

THE EFFORT TO IMPROVE UPON NATURE

Mr. NELSON. Mr. President, there is no doubt that the original planning, design, and construction of our natural waterways and other features of our natural landscape was an undemocratic process. Man was not only excluded from the decisionmaking process; human factors and convenience were not even taken into consideration. But this dictatorial arrogance of nature's power can be conquered by men. We shall overcome—that is if we have the "stuff" it takes, as they say here in Washington.

Well, we surely have the "stuff" it takes here in the Nation's Capital, all right. Why, just take a look at the actions of the U.S. Senate yesterday. First of all, to help straighten out some of those mistakes of nature, we voiced our assent to a $4.7 billion public works appropriations conference report for fiscal year 1972, which includes about $1.25 billion of funding for waterway construction, flood control, and rehabilitation projects on streams and rivers throughout this country. The listing of these projects requires 10 pages of the CONGRESSIONAL RECORD—32867 to 32876—it can be seen that the effort to improve upon nature is not slackening at this end.

The Senate went on record later in the afternoon yesterday to say that it would not put a moratorium on the Navy's Project Sanguine proposal to turn several thousand square miles of northern Wisconsin into a live communications antenna until the possible effects upon the natural environment had been thoroughly studied as required by law and until the proposal had been reviewed to determine if it will even work.

Yes, sir, we have what it takes here in Washington to make sure that nature does not get in our way. With this attitude, I am sure that many people in this city are puzzled by an article entitled "The Mystery of the Lake," written by Larry Van Goethem, which was prominently featured on the opinion page of today's New York Times. The article is datelined Janesville, Wis. That's right, Janesville, Wis., in a community of 46,000 in the southern part of my State, where

Larry is the city editor of the local newspaper, the Janesville Gazette.

Larry's article deals with red and orange maple leaves flickering in the September sun on the surface of a clear lake—and the early morning cry of a loon—and the sight of a big green bass sitting on a lake bottom—things like that. But in addition to paint brushing a word picture of the physical features, Van Goethem describes some of the more illusive treasures which people can still find on a Wisconsin lake or in her surrounding wilderness—the awe of solitude and the wonder of aloneness, the awareness of the mysterious spirits of nature which loom larger than any human and remain forever outside his grasp and control.

As Larry Van Goethem writes in today's Times, the Indians understood these spirits and lived in daily recognition of this aspect of nature, giving the earth gods—the manitou—a very literal and very respectful place in their lives. But few men have been able to view nature as the Indian, and without their vision this kind of treasure is hidden or perhaps disappears.

And if the manitou—like the Indians themselves—have left Larry Van Goethem's lake, what does it matter to us here in Washington or New York, where the prime concern is in straightening the course of nature and imposing the rule of man?

Mr. President, so that Senators can ponder "The Mystery of the Lake," I ask unanimous consent that Larry Van Goethem's superb article published in the New York Times of September 23, 1971, be printed in the Record. Not even Aldo Leopold, one of nature's most eloquent poets, could have said it better than Van Goethem.

There being no objection the article was ordered to be printed in the Record, as follows:

The Mystery of the Lake

(By Larry Van Goethem)

Janesville, Wis.—I remember the first time I saw the lake. Its water was bright, diamond clear, and it flickered under the September sun so that red and orange maple leaves which had drifted into the lake lay on the white rippled sand like a pattern of old wallpaper.

The first frosts had caught the scattered maples around the bowl of the lake so that they burned orange and red against the golden fire of the poplar and birch trees and the evergreen of young pines left from the cutover of early years of the century.

By all accounts it was just another lake, one of thousands in the United States.

But there was this mystery that, once recognized, can take a man on long journeys.

On quiet days when the wind stilled and the sun flared down into the quiet reaches of the water, you could look down, eyes focusing beyond the surface blur, and see the bottom where a green bass might be lazing long the bottom.

I would take the pram out many times with a fishing pole and row to where the sandy shore gives sudden way to murky bottom and the deeper water slides down the sloping shore seemingly into a bottomless pit.

Here and there you could see a log waving gently in some unseen current. The depths were inviolate, the water crystalline. With no creek draining or filling it, the lake was fed by heavy springs which sent cold tendrils of heavy water around swimmers' bodies, sometimes shocking them in the middle of summer with a cold embrace—an elemental reminder of the glaciers which ground the land eons ago.

The lake is only 58 acres in size and deep—down to 38 feet says the state, but deeper, say knowing men who sit about crackling fires.

And through it all, spring, summer and fall, from year to troubled year, there was this thing about it. Some men look for it in far-calling mountains. Others seek it in the great oceans. Still others find it in remote explorations.

I found it in a quiet lake—this mystery. The cry of the loon at morning, the incessant call of the whippoorwill in June, the frog's throaty grummp and the lurking lake and forest depths.

There was this knowledge that behind the field across the narrow road there was nothing but swamp and forest for many miles. There were black bear in the woods, an occasional coyote calling, and deer were seen often around the lake, Government beef as some called them, a name that stuck from the Great Depression.

If you are afraid of the country it will conquer you. If you respect it then it may still conquer you. There is no compromise except electric lights, pastures, farm fields and automobiles. In between, the mystery persists.

Something lurking so that in January I dreamed a dream of June and of boys rowing a misty lake where they flick their lines toward the secret places where the grandfather bass lie, dreaming a dream of June.

There was this idea the Indians had, a fear and respect for the earth gods, the manitou, so that when the mist rose dancing from the dawn waters, dissipating like a ghost into the upper air, I thought it was the spirit of the lake.

Each year I returned and each year it was more crowded. Cabins were built across the lake and motorboats crowded the water on weekends. Water-skiers abounded as bass retreated. But always the water remained primal and clear.

But this year I returned and saw that the water finally was not as clear. It had a faint milky tint. A light film of oil drifted here and there.

On some days scum from detergents reached our windward shore. Oh, after it rained at night we could still see the thin white shroud of mist creeping, undulating across the water and along the shore.

But the mystery is ending—the lurking dream gone. The lake is giving up its manitou. It is shriveling upward in the summer air. Something nameless is dying. I don't know what it is.

A LOOK AT AFRICAN ISSUES AT THE UNITED NATIONS

Mr. McGEE. Mr. President, a perceptive view of African issues in the U.N. is reflected in the recent remarks of Assistant Secretary Newsom, delivered to the Atlanta Press Club.

I ask unanimous consent that they be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

A Look at African Issues at the United Nations

(By the Honorable David D. Newsom)

This afternoon the Twenty-Sixth General Assembly of the United Nations opens in New York. One hundred and twenty-seven nations—plus probably three new members—will meet to wrestle with a wide range of political, economic, and social issues. Last year approximately one-fourth of the substantive resolutions in the General Assembly arose out of circumstances in Africa, particularly southern Africa. It is likely to be the same this year.

The United States, as an important member of the United Nations, will be involved. This year, as in past years, we will face the difficult task of reconciling pressing demands for action toward objectives that we generally accept in principle with realities as we see them, with our wider responsibilities, and with our concern for the respect and authority of the United Nations.

You will, I am sure find frequent references to African issues in New York on your tickers in the weeks to come. I welcome this opportunity today to discuss some of the basic problems which will lie behind the news: as the Africans see them and as we see them.

I speak today for a wider audience, in Africa as well as at home. I think it is particularly fitting that I should do so from Atlanta. Atlanta is well known in Africa. Visitors from that continent remember the warm hospitality you have accorded to them. Many of the Africans who today play important roles in the development of their countries were educated in your universities. The death of two of your great sons, Dr. Martin Luther King Jr. and Ralph McGill, left a void also in Africa.

The United States response to African issues has a special pertinence this year. In our own country there is an increasing consciousness of Africa and of the hard core of problems of human relations which exist in that continent. At the same time there is more and more questioning in Congress and in the public concerning our international obligations and involvements—including those in the United Nations.

The areas of southern Africa and that smaller region of West Africa which encompasses Portuguese Guinea contain the final and most difficult problems of colonialism. In South Africa, Rhodesia, and South West Africa lie the last vestiges of legalized racial discrimination. As such, these problems strike a vibrant emotional chord among Africans—and Asians—who have over the last three decades sought and achieved—sometimes with UN assistance—their own freedom and independence.

These problems are great in their dimensions. There are no easy or quick solutions in sight.

At stake, for blacks and whites alike, are basic issues of civil order and progress, fundamental human rights and the rule of law.

The issues are legal and political. They also are economic and social. They concern humanity in the broadest sense of the term. The problems of southern Africa have given rise to much discussion and debate in our government and among our people.

These issues present African leaders with some of their most difficult political problems. When the leaders of Zambia, Tanzania, Senegal, Guinea—to mention only a few—address these issues, they not only expound their own strong personal views. They also frequently reflect a genuine domestic problem: the interplay of pressures for action against the colonial territories and the possibilities of counteraction by the Portuguese and Rhodesians. Affected elements of their population and significant political figures reinforce the demands for action. Prudence may suggest otherwise.

On the wider scene, other Africans are drawn into these problems by the pressures for solidarity with their African brothers. Many Africans look upon the nations along the Zambesi as being in the front lines of their struggle. These sentiments underlie actions and pressures for action in the councils of the Organization of African Unity—and beyond the OAU in the United Nations itself.

Admittedly not every black African nation agrees on the more militant approaches often proposed. One can see a growing tendency in

Africa to seek other ways. Nevertheless, the depth of feeling, the impulses toward solidarity are strong. Even the most conservative members of the Organization of African Unity are reluctant to oppose the general approaches broadly agreed upon by the OAU. These approaches are reflected in the recommendations of the OAU African caucus which plays a key role in the African issues in New York.

What are the African preoccupations?

In the Republic of South Africa, the laws and government policy seek specifically to maintain the dominance of a white minority.

South West Africa, now known officially in the United Nations as Namibia, was a former German colony placed under a South African mandate after World War I. The United Nations, now supported by the International Court of Justice, has determined that South Africa has not fulfilled its mandate responsibilities and that the territory is, therefore, under the direct responsibility of the United Nations. The UN calls for the withdrawal of South Africa.

In Rhodesia, a white minority of four per cent of the population dominates the black ninety-six per cent and seeks by its present constitution to prevent the black majority from ever acquiring a decisive voice in their own country.

In Mozambique, Angola, and Portuguese Guinea, the Portuguese hold tenaciously to what they consider integral provinces of Portugal. The Africans regard these as the continent's last significant colonies denied the right to self-determination and independence.

In this situation, the basic African thrust has been and will probably continue to be to isolate South Africa and to manifest support for those seeking radical change in that country. At the outset this fall, there may be a challenge to the South African government's right to participate in the UN, on the grounds both of racial policies and refusal to cooperate on South West Africa. There will undoubtedly continue to be demands for the withdrawal of outside investment, for cutting air links with South Africa, and for restricting trade. Africans will seek resolutions calling on UN members and UN specialized agencies to "render moral and material support" to the African liberation movements, targeted not only against South Africa and Namibia, but against the Portuguese territories and Rhodesia as well.

The strong pressure by the Africans against any arms sales to South Africa will be highlighted by a continuing special OAU mission mandated to visit NATO nations and other arms suppliers.

Proposals for Namibia will also be laid before the Security Council and the General Assembly by a special OAU mission. These proposals will be based on the advisory opinion handed down by the International Court of Justice, which this June confirmed that South Africa's mandate over this former German colony was terminated and that South Africa's continued presence there is illegal.

The intensity of discussions on Rhodesia will probably depend, in part, on whether there is any progress in contacts reportedly now going on between the British and the Ian Smith regime in Rhodesia. The Africans support the United Nations economic sanctions against Rhodesia, but remain skeptical of their effectiveness. The African tendency will continue to be to call for the use of military force to oust the Smith regime. It remains their feeling that this should have been the initial reaction of the British in 1965.

African feelings against continuing rule by Portugal in its territories in Africa have undoubtedly been strengthened by the reported Portuguese involvement in an attack on Guinea last year and by complaints brought against Portugal in the Security Council in the intervening months by both Guinea and Senegal. The Africans will probably lose no opportunity to seek UN and other support for the liberation movements currently directed against Portuguese rule. The establishment of independent majority governments in these territories remains their objective.

African proposals and speeches on all these issues are likely, in the main, to reflect an increasing frustration and impatience over what Africans consider a lack of adequate progress on these issues and a lack of genuine support from the major Western nations, including the United States. South Africa to them appears firmly under white minority rule with little indication of immediate change. South African determination to stay in Namibia is clear. The Africans, so far, see little chance for early African rule in Rhodesia. Portugual's determination, both military and political, to retain its territories appears as firm as ever. The more militant Africans see in the new contacts between some black states and South Africa, in the proposals for "dialogue," and in increasing signs of security cooperation among the white ruled states, a movement away from their objectives. This heightens still further their frustrations.

The Africans stand by no means alone on these issues. In the main, they can count on the automatic support of the newly independent countries of Asia and of the Eastern European bloc. Support from us, however, is far less automatic. The issues are frequently posed in simplified terms. Those who vote against a particular resolution often appear to be standing in a small isolated group opposing self-determination and upholding continued racial discrimination.

Each year the UN votes are tabulated. The arguments, the explanations, the negotiations, the speeches are forgotten. What is noted by those in Africa and here at home is whether we have voted yes, or no, or abstained. The issues become simplified; the whys of our vote are forgotten. Depending on points of view, particular votes are seen as good common sense or a denial of fundamental US principles. Some see the votes as reasonable and realistic; others wonder if we're totally ignoring the issue. Still others may see our stance as a refusal to recognize the importance of an anti-Communist ally.

The United States is involved in these issues, whether it wishes it or not. We are one of the five permanent members of the Security Council. We strongly desire the continued strength and influence of the UN. By the example of our own history and in our frequent declarations, we have consistently endorsed the right of self-determination for the people of southern Africa. But it is our very concern for the future and respect for the UN which prevents us from endorsing positions on complex issues posed at the UN in simplified or patently unworkable form.

The stand we have taken on the African issues is clear. We have demonstrated, as unequivocally as any major nation, our support for the principles involved.

President Nixon said last year in his address to the 25th Anniversary of the General Assembly:

"We do hold certain principles to be universal:

That each nation has a sovereign right to its own independence and to recognition of its own dignity.

That each individual has a human right to that same recognition of his dignity.

That we all share a common obligation to demonstrate the mutual respect for rights and feelings of one another that is the mark of a civil society and also of a true community of nations."

We have maintained conscientiously the arms embargo against South Africa recommended by the United Nations Security Council in 1963, although under the terms of the resolution it is not mandatory.

We have supported fully the UN's determination that continued South African occupation of South West Africa is illegal. We supported the referral of the Namibia case to the International Court of Justice. We discourage US business from going into that territory.

We have been at the forefront in enforcing sanctions against Rhodesia, the only mandatory sanctions ever voted by the United Nations.

We have scrupulously maintained a voluntary arms embargo policy with respect to the Portuguese territories in Africa.

Most African leaders with whom I have spoken recognize and give us credit for what we have done and are doing. They wish only that we would do more.

They recognize, too, that actions in the United Nations are but one part of our total relationship. They know that our manifestation of interest in the causes and concerns of independent Africa occurs in other ways of importance to them. Not the least of these is our contribution to the economic and social development of their countries. Further, the varied currents of opinion in modern independent Africa are not fully manifested in the caucus approach taken by the Africans in the United Nations. The UN actions are, therefore, only a part of the picture. This does not diminish, however, the importance of United Nations action on both the world and the African scene.

It is not pessimism, but honesty, to say that we shall undoubtedly fail to achieve full agreement with the African nations on African issues in this General Assembly—just as we have during previous sessions. We hope our African friends and those deeply concerned in this country will recognize that in these issues we are not challenging the principle. The issue is how to achieve the objective.

The African nations quite understandably approach each issue relating to them from the single viewpoint of Africa. They are honestly and sincerely convinced that what they are calling upon the UN to do—sometimes in the way of enforcement actions—is "right."

But we, as a major power, need to consider each issue in a wider context. We must look beyond the immediate effect of a United Nations resolution. We have our own Congressional and public opinions and the ultimate matter of continuing US support for the United Nations. We must think in terms of the world picture, of how any particular action would affect other problem areas in the world.

We also must consider what effect the resolution will actually have. Experience shows that often, in addition to votes in favor, we must have the votes of those countries whose cooperation is essential to implement a resolution. The United Nations is not a world parliament where it is sufficient to assemble a majority to vote something into law.

Resolutions which express strong sentiments, but have no practical effect, may have a negative rather than positive influence on the prestige and authority of the UN.

We must consider carefully, for instance, resolutions calling for economic sanctions, since experience has shown that sanctions are most difficult to enforce and will be ineffective if the major countries concerned are not prepared to cooperate. A resolution that will be honored in the breach by a number of countries whose observance is essential to its success, helps no one. This isn't good for those who sponsored the resolution. It isn't good for the people who are supposed to benefit from it, and it isn't good for the United Nations.

We may often be in sympathy with the ultimate purpose of a resolution but we cannot support terms which, in our view, detract from its true effectiveness. We share with all United Nations members a responsibility to keep UN resolutions reasonable and accurate and consistent. Draft resolutions, for example, which take into account the unverified allegations of one side only do not provide adequate factual basis for the UN's peacemaking processes.

We are particularly sensitive with respect to actions taken pursuant to Chapter VII of the United Nations Charter. This is the Chapter under which the Security Council has the power to take decisions binding on member nations. We regard that chapter of the Charter as a most precious thing. It might some day make the difference between world peace and holocaust. We are most concerned, therefore, that actions voted by the United Nations which in any way involve Chapter VII should be clearly related to threats to the peace or breaches of the peace. On this matter we have been especially scrupulous.

Specifically, much as we deplore apartheid in South Africa and other forms of racial discrimination, or the denial of majority rule, we cannot agree that they automatically constitute a "threat to the peace", in the sense of Chapter VII, Article 39, of the Charter which says that the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken to maintain or restore international peace and security.

In our policy and in our actions we cannot be indifferent to our relations with non-African nations involved in these issues.

We have friendly relations, for example, with the Portuguese. We cooperate with them in NATO, but this a cooperation confined to Europe. We have made clear our basic disagreement with them on their African policy. We believe that the people inhabiting these territories are entitled to the right of self-determination. However, we are not ready automatically and without clarification of facts to jump to conclusions regarding the responsibility for incidents between Portugal and African states—as we are often pressed to do.

We have long had relations with South Africa. Although we strongly oppose racial discrimination, we recognize the complexity of the problem South Africa faces. We fully agree that the present situation must change, but we cannot subscribe to oversimplified solutions to complicated and intensely human problems.

Moreover, based on our experience, we cannot agree with the African assumption, often expressed, that we could exert significant influence on these areas, if only we wished to do so. Rarely can one nation, any nation, however powerful, so affect basic attitudes in another society if that society clings to its vested interests and resists change.

In the broader context, we are also concerned over the impact of these issues on the specialized agencies of the United Nations such as the World Health Organization, Food and Agriculture Organization and Economic Commission for Africa. The constant pressure to inject political considerations into technical bodies—and to expel members on political grounds—adversely affects their efficiency and the effectiveness both of their administration and of their field work. We do not believe it is in the interests of the Africans, who are among the principal benefactors of UN specialized agency work, thus to politicize what began as essentially technical organs.

In conclusion, our differences with the African nations are essentially over how change in southern Africa will be achieved—not whether. It is over how the United Nations can be most effectively used—not whether. In general, the Africans seek support for three broad approaches: isolation of the offenders, economic measures against them, and the use of military force. We have problems with each approach.

We believe change will come in southern Africa. Economic and demographic pressures make this inevitable. In South Africa itself there is a lessening of rigidity. Change is a central theme of discussion; there is psychological and intellectual ferment within the Afrikaner community; there have been isolated instances of acceptance of multiracial activities; there is a growing realism among businessmen that Africans are important to them as skilled workers and as a market. They are beginning to focus on the need for improvement of working conditions for nonwhites. We cannot expect change to come quickly or easily. Our hope is that it will come peacefully.

Isolation can breed rigid resistance to change. Open doors can accelerate it. We believe the idea of expelling or suspending South Africa would represent a dangerous precedent, a move toward isolating South Africa's black population, and a move away from that universality of membership which the United Nations is gradually approaching.

Punitive economic measures are unpopular in this country. We have had experience in the problems of enforcement and control. These experiences do not encourage us to believe that such measures are workable against countries which are important economic entities. By their wealth such entities are able to cushion themselves against economic pressures and encourage non-compliance by others to weaken and thwart these pressures.

We have supported the economic sanctions against Rhodesia, but this is a special case. We have supported them as a feasible, if difficult, short term measure to create pressures for a settlement with the United Kingdom. Despite incomplete compliance by many nations, we feel this boycott is achieving its objective. We do not see it as a precedent for other, different-situations.

We can understand the impatience which leads to demands for the use of force. Nevertheless, we see little prospect of its effective use in bringing change in southern Africa and we cannot favor its use.

The United States is most unlikely to be involved in military intervention on any side in Africa. Moreover, actions of the UN itself to support force would not accord with the basic purposes of the organization.

This catalogue of potential differences is long. I have set it forth in order to put our response to the African issues in perspective. I have set it forth, also, as a means of frank communication with our African friends themselves. I have found they appreciate and respond to this type of diplomacy.

We do not expect the Africans to cease pressing their viewpoints on these issues. The United Nations represents one of the few means they have of continually mobilizing world opinion on their behalf. We, further, agree with them that the absence of substantial change in southern Africa will continue to create tensions and ultimately threatens the peace.

We do seek and hope for continuing discussions with the Africans on these issues and continuing cooperation in finding acceptable and effective courses of action. We hope that, in this way, the substantial influence of the United Nations can be preserved and exercised so as to generate not the appearance of solutions, but fair and workable progress toward human rights and self-determination for all in southern Africa.

CHILD DEVELOPMENT IN MINNESOTA

Mr. MONDALE. Mr. President, recently the St. Paul Pioneer Press ran a five-part series on Headstart and Child Development. This series of perceptive articles, written by Ann Baker, traced the history and discussed the experiences of the Headstart program in Minnesota generally and the Twin Cities specifically. It focuses on the key issue in day care: Whether these programs will be truly developmental or purely "cold storage" custodial operations.

The articles' analysis of the need for parental involvement in these programs; their review of the benefits both children and their parents have derived from child development activities, and their balanced assessment of the problems and potentials in development day care, provide an extremely useful insight into existing and proposed day care programs.

In addition to the five articles, the series included a very knowledgeable discussion of child development legislation pending before Congress and a review of the history of Headstart in Minnesota.

As one who has been working on child development legislation in the Senate, I found the articles to be extremely useful. I commend them to the attention of Senators and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HEADSTART DAY CARE HAS HEART—PART I

(By Ann Baker)

Some of the most ardent supporters of day care have begun to worry they may be creating a monster.

What good will thousands of centers do for millions of children, they are asking, if instead of helping kids grow and learn the children are simply kept in "cold storage" till their parents pick them up?

And what about the parents? Will they lose all influence over kids who spend the whole day in the care of strangers?

The number of day care centers in Minnesota alone has doubled in the past two years. Except for Head Start and a few smaller efforts, most of them are built, planned and operated without consulting parents of the children who are put into them.

"Parents today, far from not caring about their children, are more worried about them than they have ever been in the course of recent history," child psychologist Bruno Bettleheim recently told a Senate committee considering child development legislation.

"The crux of the problem is that many parents have become powerless as forces in the lives of their children. A child often spends more time with a passive babysitter than a participating parent."

The answer, Bettleheim went on, cannot be sought in trying to halt the spread of day care centers. "There can be no doubt that day care is coming to America. The question is what kind?"

To Bettleheim the only kind of care that will "retain and rededicate our commitment to the family" is something that will join parents with professionals in efforts to help young children learn at school and at home.

Growing numbers of educators and psychologists agree. As an example of how that can be done, they have begun to examine Project Head Start.

When Head Start began six years ago as summer enrichment classes for 5-year-olds, it was designed to provide an experimental "intervention" in the environment of poor children, an environment that was seen to be unstimulating, restrictive, and in some areas lacking even the bare necessities for growth and survival.

Poverty in some places, including the slums of Washington, D.C., and southern Mississippi, has been proven to have disastrous effects on children. Babies with superior intelligence capacities at 3 months dropped to retardation levels by the age of 3 years (from IQs of 120 to 85).

Their bodies were weak from a diet of one meal a day, usually without protein. They were discouraged from crawling about because they might hurt themselves on broken furniture or open stair wells. They were discouraged from talking or asking questions because their families were convinced that would get them "in trouble" with society. They had no books or toys.

Today many educators in Minnesota and across the world are doubtful that poverty, except in such severe instances, necessarily cripples a child's ability to learn.

Generally they agree that the biggest single influence on a child's learning ability is not the size of his family's income per se but rather the attitude of his parents—(although the income often affects the attitude).

"We can't separate children from the problems of the families," said Dr. Reginald S. Lourie, president of the Joint Commission on the Mental Health of Children, to the Senate committee.

"We are asking that the schools do superman types of jobs with almost impossible situations, very often, that are the result of the neglected early years . . . the apathetic, passive, dependent, hopeless, helpless child who grows up into the hopeless, helpless adult and can end up as the unavailable mother or father."

If parents are interested in a child's learning and expect him to succeed, he has a head start from the minute he is born, an advantage that will continue during his early growing years, when proportionately he learns more than in all the rest of his life.

Day care advocates, anxious for something better than the "custodial" care that is given most of the nation's five million preschoolers whose mothers work, have begun to take a hard look at the importance of parental influence.

More and more of them are expressing fears that nursery school classes, however well planned and taught, may in fact help children learn very little if parents have nothing to do with the programs.

Some day care promoters have ignored those fears in the rush to build centers that will at least seem to provide some kind of "educational component" for the millions of little children who have to be somewhere doing something while their parents are at work, and the millions more who will be needing some kind of care if and when the President's Family Assistance Plan is enacted, adding the country's welfare mothers to the work force.

But while developers build, pleas have been growing from the civic groups, psychologists and parents who have been spurring them along: "Don't leave the parents out of it."

Again and again, testimony before Senate committees in the past two years has echoed those pleas.

University of Chicago education professor Benjamin Bloom said. "The basic unit with which we must deal more and more in education, and especially in early childhood education, is not the child alone but an adult, preferably the mother, and the child. I would make this almost the central case—how to find ways of helping parents do a better job."

Black Civil Rights activist Marian Wright Edelman said, "We must assure that we do not separate the child from his family nor usurp the parents' responsibilities for his development. If parents cannot influence the operation of these programs, the programs become competitors with parents, not cooperators."

Dr. H. Jack Geiger, chairman of preventive medicine at Tufts University in Boston, said. "I think we have had just about enough of programs that meet the needs of professionals and may be grossly irrelevant to people who are supposed to be served."

In response to the chorus of warnings from more than a dozen child care specialists, parents and representatives of minority groups, Sen. Walter Mondale said he felt that without parent involvement, his legislation (described on this page) could become just "another paternalistic strategy."

Witness after witness asked the senators to look at the way Project Head Start encourages a "family centered" approach.

"It has taught even the professionals the value of this method," said University of Illinois pediatrician Dr. Robert Mendelsohn.

"After all, most of our American institutions tend to be anti-family in orientation. Hospitals usually discourage parents from staying with their children . . . Schools have traditionally tried to keep parents at arms' length . . . Day care legislation is sometimes designed to force mothers to leave their home and children and go to work. While this anti-family bias works against all our population, it is especially cruel to families living in poverty.

"Project Head Start is almost unique in American life—along with the church—in recognizing that, while the individual is important, the family is the primary unit."

From the beginning, Project Head Start has included parents as an "essential" part of its program at every level, from policy making to dish washing—at least in theory.

In reality, it has often been extremely difficult to coax parents to participate. And when they do, conflicts sometimes erupt with administrators impatient at having to gear down their efficiency to the pace of a democratically elected, untrained parents advisory council.

The difficulties have nearly killed some Head Start programs and reduced the degree of parent involvement in others to a token gesture.

But the problems of enlisting parents in some cities have been overshadowed by the successes in others, to the point where a year ago a firm directive went out from the Office of Child Development to every Head State office across the country, demanding greater efforts to involve parents and enable them to progress from simple contributions, like escorting children on walks and baking cookies for the school carnival, to the complex job of deciding how the whole program is run.

"Unless this happens," said the instruction notice, "Head Start . . . will remain a creative experience for the preschool child in a setting that is not reinforced by needed changes in social systems into which the child will move."

Up to now only a few Head Start parents in St. Paul or anywhere else actually have much say about how the program is run. Their opinions are asked, but in the majority of Head Start programs that's about it; parents may advise teachers and administrators but they don't set policy.

Examples where parents do control Head Start, though, are growing. In Minneapolis, for instance, parents were virtually excluded from participation for two years while Head Start was directed by the public schools.

In 1969 the parents asked to set up a governing council of their own, and the schools turned over the program to them.

Funds and direction continued to be channeled through the MOER Board, Minneapolis OEO agency, until that board was dissolved last year. Now the parents' council manages the funds, as well as the policy.

According to regional Head Start training coordinator Estelle Griffen, Minneapolis has the strongest parents' participation in the state.

Many mistakes have been made but they've taught their lessons, and parents have been eager to learn. Last month parents spent two days with the staff, studying the differences between policymaking and administration, so that both could agree on their proper responsibilities.

St. Paul's Head Start parents have not assumed that much authority, but there seems to be a growing commitment among most Head Start administrators in the Ramsey Action Program (OEO) offices to draw out more involvement from parents than ever before.

"I feel the whole education of this country depends on people having a say about it," says St. Paul Head Start director, Mrs. Sue Williams. "Parents still don't realize they're important. They still think paid staff know more than the mother in a home—when all the education comes out of the home."

Last year parents of the 340 Head Start children in St. Paul spent over 20,000 hours in classrooms and meetings. Several have got jobs as teachers aides, cooks and social service aides. Most of the active parents say Head Start has changed their lives in one way or another. Most parents, whether active or not, say they are very fond of the program and anxious for it to continue and grow.

What parents do for Head Start in St. Paul and what they feel it has done for them will be described in the next four parts of this series.

HEADSTART: ITS 7-YEAR HISTORY

Project Headstart was planned by the Office of Economic Opportunity in the fall of 1964 as an experimental preschool program for about 100,000 poverty children in some 300 communities.

Immediately it became the most popular part of the poverty program. Before the plans were off the drawing board President Lyndon Johnson declared Head Start should serve no fewer than half a million children.

In 1965 the first classes opened for 561,000 prekindergartners in 2,400 communities, urban and rural, at a cost of $97 million. Classes ran for eight weeks and included dental and physical examinations.

Parents were not involved in the planning stages, according to the first national Head Start director, Dr. Julius B. Richmond, because local administering agencies, assumed they were uninterested and unable to play a part.

St. Paul public schools ran Head Start classes for 680 children in eight schools that first summer, with funds administered by Ramsey County Citizens Committee (the local OEO agency now called Ramsey Action Program). The director was public school teacher Karen Johnson.

The summer before, a forerunner of Head Start had been operated at McKinley school by the Council of Jewish Women and the public schools. Women from the council worked in it as volunteers. McKinley Preschool continued for the next two summers, teaching 30 children in the mornings, another 30 in the afternoons, then was absorbed by the public schools Head Start.

In May, 1966, the North Central Voters League opened three year-round day care centers for 120 children, directed by Mrs. Sue Williams. The following spring the centers became funded by Head Start through the local OEO office.

Head Start in the St. Paul public schools continued half days for preschoolers from fall 1965 until fall 1966. They were then closed till summer 1967 because of a shortage of OEO funds. Then they opened again for 465 children in eight schools at a cost of $330,000 till January 1968 when fund shortages once more caused them to close.

In summer, 1963, operation of the three

Voters League centers, which had continued for two years was taken over by the local OEO and expanded to seven centers with 225 children. Cost was $340,000. The late Mrs. Evelyn House became director.

By that time parents from all the centers had joined to form a citywide Parents Advisory Council with rights to advise and consent over major decisions, including staff hiring.

The program has run continuously since then, except for a few days in June, 1970, when parents and administrators failed to agree on the appointment of a new director. Sue Williams, the parents' choice, withdrew her application and former Honeywell employe Seymour Levanthal was appointed. Six months later local OEO administrators asked him to resign and Mrs. Williams became director.

Today there are 11 year round, full day centers, in St. Paul with a 75 percent staff serving 340 children. The budget is $450,000 and Ramsey Action Program is the administrative agency. In St. Paul and nationally, Head Start officials estimate they enroll only one in 10 of all children below poverty level.

CHILD CARE VOTE DUE IN SENATE

A sweeping child development plan, to provide day care, health, education and social services for American children of all ages and income groups, is scheduled to be debated on the floor of the Senate Wednesday.

Sponsored by 32 senators of both parties and backed by a coalition of 90 national labor, mayors, church, civil rights and education groups, the League of Women Voters and the National Organization for Women, the Comprehensive Child Development Program is included in a bill amending the Economic Opportunity Act of 1964 (Senate File 2007).

Among the principal sponsors are Sen. Walter Mondale (D., Minn.) and Sen. Jacob Javits (R., N.Y.) Supporters expect the Senate to vote on the bill by the end of this week.

It provides free services for children from families whose income falls below $6,900 for a family of four (Bureau of Labor Statistics "lower living standard"). Higher income families would be charged fees based on ability to pay.

Two-thirds of the budget would be spent on the lower income children.

Enrollment policies would give priority to children of working mothers and single parent families. A mixture of incomes would be encouraged at each center.

A companion child development bill (House File 6748), sponsored by Rep. John Brademas (D., Ind.) and 119 other representatives, is pending before the House Committee on Education and Labor.

The Senate bill states that it is modelled on the "successful experience" of Project Head Start. It authorizes $2 billion appropriations in fiscal 1973 for services to children from infancy through age 14. New projects would merge with Head Start under the Department of Health, Education, and Welfare.

Locally, they would be sponsored by cities, counties or clusters of towns and villages. The locality must demonstrate that it will spend no more than five per cent of the funds on administrative overhead and that it will provide links with local health, education and social services.

Parent participation would be based on Head Start guidelines. Local program policy would be directed by child development councils consisting half of parents and half of appointments by the mayor. At least half the mayor's appointments would need to be approved by parents.

Where coordinated community child care councils exist, they have asked to be named the child development councils, if the bill is passed. In St. Paul that would be the newly formed Greater St. Paul Council on Coordinated Child Care.

Each center or project's policy would be made by a project policy committee with half its members parents, the other half community representatives.

Among the projects would be:

Day care combined with education, health, social and nutritional services,

Learning programs for preschool through grade 3,

Child development training for parents, including at-home services,

Staff training,

Child advocates to help families secure full access to local programs,

Research on child development and the effect of programs.

The bill requests greater attention to handicapped children, asking they be included in regular rather than separate programs wherever possible.

It also makes special provisions for Indian and migrant children, requiring that all programs with Spanish-speaking children stress both English and Spanish.

If the bill passes, a committee to draw up standards for all federal child care programs will be formed three months later. Half the committee will be parents. Final approval of standards will be made by the secretary of HEW.

The Brademas bill in the House is like the Senate version in most respects. But it provides for no policy committees at individual centers. Instead local policy councils, with a purely advisory role, would represent large neighborhoods or entire towns.

Programs could not be sponsored by a small city or county, only by states, cities of over 100,000 or regional clusters of communities. Child development councils, with half their members parents, would make policy for the program. Parents would not have veto power over the mayor's choice of other members.

Existing Head Start centers could continue, but the bill makes no provision for guaranteeing they would.

One issue expected to be debated in the Senate this week over the Mondale bill is the question of sponsorship—whether it can be by a small town or only a state, large city or region.

Another is the provision of free services to children from families with incomes up to $6,900 (OEO poverty level is placed at $3,800 for a family of four).

Sponsors also believe there may be an effort to separate the child development program from the other OEO amendments, which would send the bill back to committee for further study.

In the meantime, a day care bill sponsored by Sen. Russell Long (D., La.) will open committee hearings on Sept. 14.

It calls for establishing a partially public federal childcare corporation under the Department of Labor, paid for initially by a $500 million Treasury loan.

The corporation could contract with existing public and private day care agencies and build new centers of its own. Programs would eventually have to become self supporting from fees (including public assistance for poverty children).

Long's bill includes its own day care standards, calling for one adult to supervise every 10 children. That would supersede current standards for federally financed day care centers, which call for one adult to every five children aged 3 or 4, and one adult to every seven children aged 5 or 6.

Long's bill would not require that day care centers provide developmental services, but he lists a number of services that could be offered.

READING STORIES, BUILDING SHELVES, SQUEEZING TOOTHPASTE: HEADSTART RELIES HEAVILY ON HELP OF PARENTS—PART II

(By Ann Baker)

Head Start parents help the classes in a hundred ways.

They read stories, lead singing, mix paints, help prepare meals, supervise children on the playground or on trips to the library, the fire station, the gas station, the beauty parlor, the Capitol.

At one center, a father built a set of shelves, on wheels, for toys. At another, a mother who works during the day washes and irons all the sheets and blankets for the children's naps.

When parents volunteer in the classroom "it gives more time for individual attention to the children," says David Allen, head teacher at West Side Head Start Center.

"Besides, they're their kids. I feel they should have a lot to say about who is working with the kids and how. There can be a give and take.

"Parents can learn things from the staff. I've learned things about individual children by talking with parents."

"If a parent is involved, the child takes more interest," says Mrs. Ruthella West, a mother at St. James.

And to Mrs. John Vaughn, head teacher at St. Mark's: "If you don't feel close to the parents you don't have anything going for you."

Parents at St. Mark's are "always available when we need them," she says. "And we're wide open for suggestions from them."

It was the parents who decorated the center for the Christmas party and who planned the graduation. Each agreed to bring $1 a month for "extras" and they bring outgrown clothes for kids who might need them.

The "worst" project ever undertaken by Mt. Zion parents, says mother Mrs. Harold Haris, was a tour of the Tonka Toy factory.

"The tables were too high for the children to see what was going on. Then their eyes popped out when they saw the finished product—and we couldn't buy them any."

What's "great," she says, is Christmas—"the most wonderful parties; so many people contribute things, it touches you." And Easter—"We pack socks for all the kids."

Mrs. Victoria Rangel, who supervised children on the bus to Mt. Zion every day for six weeks last winter, then stayed till noon to read stories, play games, squeeze toothpaste on brushes, set tables and help wash up, said it was easy for her to be a volunteer.

"I ask what I can do. But some parents feel they don't want to be pushing, so they end up feeling in the way. They'd like to be told."

Ideas for projects come from parents at nearly every center. At St. Stephanus, they suggested a blueberry pancake day.

"We made 150 that morning," head teacher Mrs. Dee Dee Ray recalls. "The kids were flipping them up in the air."

Parents there also suggested a tasting day. The class walked to the store, bought pineapple, strawberries and bananas and went back to the center for a feast.

"Kids would say 'I don't like that.' When they tasted it, they changed their minds."

At two centers, parents' requests that naps be optional were followed. At Roosevelt, parents asked if children could dish up their lunch buffet style as an exercise in manners.

After the fifth plate of beans went on the floor, a meeting was called and a compromise reached. Kids now help themselves, but only to bread pickles and celery sticks.

Says Mrs. Ray: "I don't think I'd like it if parents ran the whole curriculum. Teachers would have a rough time.

Each of the 11 Head Start centers in St. Paul has 30 children (Unity has 45), a head teacher, a teacher, a teacher aide, a cook and a social service aide who is usually shared between two centers.

Most are in church basements. Some have six or seven rooms, with lots of opportunity for individual instruction, especially when parents volunteer or when, during the summer NYC and REAP teenagers are available to help.

Other centers have only one or two rooms and a kitchen.

About one third of the mothers are volunteers. The occasional father who helps in the classroom is usually a man out of work ("and then they're more active than the mothers," says Mrs. Harris).

Mt. Zion was cited at a tea for volunteers last spring as the center with the most volunteers, St. Philip's and St. James, where nearly all mothers either work full time or are in school, have the fewest.

Parent coordinator is Mrs. Marie Wilson.

It's her job to create liaison between parents, centers and the community, to coordinate classroom activities, encourage participation in policy making, make sure needs are met, visit inactive parents and help teachers set up schedules for volunteers and plans for training them.

"The job gets bigger and bigger every day," she says.

To hear head teachers describe their teaching methods, you'd think they were all pretty similar. They try to give general preparation for school rather than "school."

They describe their classes as "unstructured" with an emphasis on helping kids learn to get along with each other and with adults.

A typical comment is Roosevelt head teacher Diane Danko's: "My philosophy is to let kids be kids. They learn their numbers and alphabet indirectly.

"They have lots of music, art, stories, and a chance to talk and sing. We try to build their self confidence so they won't think 'I'm a nobody.' "

Children arrive at the centers at staggered times, depending on when their parents must be at work.

They have breakfast, brush their teeth, sing or do exercises all together, then break up into small groups for art, games, work on letters or numbers, followed by "free play," with walks, puzzles or playground till lunch. Then naps and more free play.

Yet there's a great variation between centers. It shows up in teachers' attitudes toward discipline.

Former Mt. Zion head teacher Mrs. Gaynell Ponder used to hug and kiss each child as he arrived, and she hung up a punching bag for the children to attack when they got angry, instead of each other.

Naughty children were sent to a "thinking chair" for a few minutes.

"You don't spank," said Unity teacher Mrs. Winifred Smith when she was interviewed for the job by the parents personnel committee. "You can't get upset or grab and shake a child. When you punish him you've got to let him know why."

"I believe in spankings," says Elaine Benner, St. Philip's head teacher. "I've just read three books on child psychology, and I think Dr. Spock is too lenient."

Administrators downtown in the Ramsey Action Program offices are aware of the variation between centers.

"Some are too strict, some are too nebulous," says director Sue Williams of the curricula.

A few head teachers say they wish they had more direction from "downtown." At least three say their centers were not visited for as long as six months last year except by persons bringing food or paychecks.

Children take home report cards that read: "I am learning to take turns. I can count numbers. I can tell a story and share ideas with others . . .

Grades are A (always), S (sometimes) and N (not yet).

"I tell parents what we're doing—like learning the names of local streets—and they say they'll concentrate on the same thing at home," says DeeDee Ray.

Most parents and teachers speak enthusiastically of the children's progress.

"Kids become more verbal," says First Christian head teacher Nancy Grahan. "Some are real shy or at home they haven't played much or done many things. They come out of their shell. I like to think it's something we've done."

Parents tell of Spanish-speaking children who learn English, children with stutters or hearing problems who are referred for treatment and improve, abnormally quiet children who learn to socialize, hyperactive children who calm down.

Most parents seem proud that their kids have learned their colors and their numbers. But not all.

"I don't think my son Gregory's getting much out of it," says Evergreen (Mrs. Maurice) Evans, a St. Stephanus mother who is also a substitute teacher for the public schools.

"I feel the program has not been flexible enough to accommodate all the kids."

Another St. Stephanus mother, Mrs. Antoine Berryman, says her 5-year-old daughter Kim is going right into first grade, can count to 100, do simple addition "and she draws beautifully."

Teachers sometimes change as much through Head Start as do the children.

"At first I thought the parents who didn't come to meetings or to help just weren't interested in their kids," says Elaine Benner.

"Then one mother told me, 'Sometimes it's more important to work and feed the kids,' and I understood."

Mrs. Diane Danko, a former White Bear Lake school teacher, frankly admits the reason she accepted a job as head teacher at Roosevelt Head Start was because after her baby was born she couldn't get any other.

"I never worked with poor people before, parents burdened with problems or children from broken homes.

"I thought I was really good because I'd been to college. When I first came here I wouldn't even sweep the floor. And I was really prejudiced against poor people, blacks and Mexicans.

"Now, I've learned a lot. Mrs. Arnoldo Garcia, our teacher's aide, is so fantastic. I never knew anyone like her."

IN HEADSTART: PARENTS DISCOVER THAT THEY COUNT—PART III

(By Ann Baker)

"We have to work with these people. We have to be concerned with who is taking over my child."

That's how the late Jeanette (Mrs. Conway) Bolling summarized her feelings about Head Start parent-teacher contacts two days before she was killed in a boating accident last July.

Mrs. Bolling had two grandchildren in Head Start and was one of the program's most active "parents."

She was the outspoken chairman of the parents group at Mt. Zion Head Start center and vice president of the citywide Parents Advisory Council (PAC).

She proudly wore the nickname "Bigmouth" pinned on her dress at a leadership training course last spring.

"What we need is communication," was her constant plea.

"That's growing," says parent coordinator Mrs. Marie Wilson. "Parents have become more active, especially in the last two years. Bureaucrats and bigwigs have had to realize the parents' position."

Mrs. Wilson spends her days between the downtown office, the centers and homes, and about half her evenings at meetings.

"You can't force participation," she says. "You're trying to encourage parents to work and go to school, too."

"I think parents have found they do count," says McDonough parent Mrs. Mary Worley. "In public schools there's this stay-out-of-the-way bit. In Head Start parents are wanted."

Mrs. Worley, recording secretary for PAC and a delegate to the state parents organization, spends almost as much time volunteering for Head Start as anyone else would spend in a full-time job. Maybe a dozen other parents are as active.

Last winter, for the first time, parents and staff together wrote the annual work program, at the initiative of Crystal (Mrs. Antoine) Berryman, who was then PAC chairman.

"In the past there was a lot of confusion," Mrs. Berryman says. "There seemed to be a lot of issues lying around that were never settled, a feeling that decisions were handed down.

"Parents were hesistant to talk with downtown staff, and the staff seemed to feel parents weren't informed about what was happening."

The program was written in one weekend, just in time for the annual grant proposal deadline. ("This year we plan to start earlier," says Unity mother Mrs. Martha Tolefree.)

Among parents' suggestions that were incorporated was a summer day camp and full days at all centers—before, several had been open for half days only.

But often "nothing happened" to suggestions made at monthly PAC meetings, says Mrs. Berryman. Current St. Mark's PAC delegate, Mrs. Audrey Brown, says that is still a problem. "There's often a general feeling of not knowing what's going on."

PAC is made up of two parents elected from each of the 11 centers and seven at-large delegates appointed by Ramsey Action Program's board.

Discussion at the July and August PAC meetings concentrated largely on how to stretch the food budget, which had been cut to compensate for costs of keeping the centers open all day.

In August, program assistant Mrs. Ruth Benner asked the group to agree to buying food from a new, chapter supplier (which they did) and to decide whether or not they wanted to continue giving lunch to all parent volunteers (which was left somewhat up in the air).

"Housekeeping" decisions, as one staff member puts it, seem to dominate PAC meetings. One reason, she feels, is that the budget is tight and a lot of time has to be spent "scrounging" for equipment and repairs.

Many of the staff hope this year there will be greater attention to policy matters and curriculum. Parents' training, they feel, is an essential prerequisite.

A few parents already influence teaching methods indirectly as members of the PAC personnel committee who interview job applicants for every level of the program.

At an interview last month the committee quizzed prospective teachers on their approaches to discipline and their techniques in developing individual responsibility.

"You can have education up to the eyebrows," says committee chairman Mrs. Connie Pierce. "But for teaching young children, experience is more important."

She adds: "Parents do have a say in the program, but a lot don't fully understand that they do."

Four out of five Head Start parents feel the program is "very good" and "very helpful," according to a recent survey of low-income families made by University of Minnesota political science student Richard Shingles for a doctoral thesis.

Just as many parents feel able to influence Head Start decisions.

"The more involved they get, the more they think it's a good program," says Shingles, who interviewed 100 parents over an 8-month period. "Most of the criticisms were 'We need more.'"

Of the 100 parents, Shingles found 24 "very active," meaning they attended three or more meetings in the eight months.

About the same number attended one or two meetings, and just over half the parents attended none.

As for volunteer work in the classroom, Shingles found that 28 put in eight hours or more a month, 40 less than eight hours and 32 none.

The people who were least apt to volunteer or attend meetings were parents with jobs and those who indicated a sense of complacency by their answers to dozens of questions.

Parents who are active, in contrast, are either people who already were involved in other groups or those whom Shingles describes as previously "alienated."

"They have a low sense of efficacy, competence and self esteem. They're confused about what society expects of them and tend to be ticked off with the 'system.'"

It is these people, says Shingles, who have most puzzled social scientists, because nothing ever seems to draw them out into the community, except a dictator or an opposition movement.

"Here in Head Start is a case where the alienated come out—only FOR something, instead of against it."

Headstart for Child Was Motivator for Mom: The Program Is Designed Primarily for the Children, But Headstart Has Done Some Minor Wonders for Parents as Well—Part IV

(By Ann Baker)

Audrey Wright, 42, had a seventh grade education, nine children and no work experience.

For 15 years she and her husband William received welfare income supplements.

"I didn't know there was another world. My parents were the same as myself. My father had laboring jobs; he worked when he could. We knew a lot of hungry days. I felt schooling was just for someone who thought he was smart."

But she insisted that her children get as much schooling as they could. When Head Start came along, she enrolled her youngest child, and four years ago Audrey began working for Head Start as a teacher aide.

Before long, she got her GED (high school equivalency certificate).

The past year she has been a teacher at First Christian Head Start and this month will receive a 45-credit certificate in early childhood studies from the University of Minnesota.

Her husband has a better job now than before. ("He was an orphan and a school dropout—if he'd had something like Head Start he could have learned to cope with a lot of things he never did.")

Recently the Wrights received notice they'll have to find a new home because they're "over income" and cannot continue living in Mt. Airy public housing.

Wouldn't they be better off without the better income?

"Financially, yes," Audrey admits. "But this is a lot better. We're more independent. You eat crow for so many years.

"Now I'm not staying home feeling sorry for myself. From where I am, I can take care of myself and go on."

Her oldest daughter Ruth (Mrs. Ronald Bozvay), with a daughter of her own in the First Christian Head Start class, was chairman of the center's parents group until last month when she became a teacher aide there.

She hopes to follow her mother's footsteps all the way to a teacher's degree.

For the past nine months, parents and other low-income people have filled all of St. Paul Head Start's entry-level jobs—teacher aides, cooks and social service aides—jobs that have no "paper" qualifications.

Their training is given on the job and through workshops, under the direction of career development coordinator Mrs. Mary Lou Gilstad, and at University Extension Division classes organized by William Hoffman, director of the university's program for continuing education in social work.

Thirty-five St. Paul Head Start employes attend the evening classes, which Hoffman describes as "adapted to Head Start needs, but not watered down."

The students, he says, "are doing amazingly well—better than they thought they could do."

"You see a former washroom attendant go to school with a textbook in one hand and a dictionary in the other—they care that much," says Mrs. Gilstad.

"They gain the confidence to go out looking for a job, to say 'I can do this and that. . . .'"

Sometimes as many as 25 to 50 persons apply for one Head Start job. Salaries are $4,400 for a teacher aide, $4,800 for a social service aide, $5,000 for an assistant teacher—all work eight-hour days.

Teachers earn $4,875 and head teachers $5,700 for six-hour days, and cooks earn $3,840 for six and a half-hour days.

"There's not a lot of money in this job," says one cook. "You've got to love kids or else you wouldn't be here."

While only a few parents can find jobs in Head Start, all of those who volunteer in the classroom have a chance to pick up new ways of working with children—"Little things, different techniques," as St. Stephanus headteacher DeeDee Ray puts it, adding, "There isn't a perfect way, but this gives an advantage."

Parents personnel committee member Maurice Evans feels many homes tend to be "dictatorial," so when he interviews job applicants he tries to determine whether they will provide chances for the children to explore and discover and learn to think for themselves.

Seeing that approach in the classroom has affected some parents.

"You learn to let a child do more for himself," says Mrs. Audrey Brown, a St. Mark's mother.

"If I'm building or painting something, I let my children help. Before, I'd hurry up and do it myself. Also, I notice a lot of mothers didn't used to let their kids use scissors. Now they've taught them how."

One Mt. Zion mother, whose son had frequent temper tantrums, used to respond either by ignoring him or throwing water on him, according to former headteacher Mrs. Gaynell Ponder.

Then she began working with another child who had similar tantrums. The teachers' response was to pick the child up, take him out in the hall and talk with him, and the mother tried the same thing.

And, says Mrs. Ponder, "she found that by not lifting her voice and not getting angry—by controlling her own feelings—it was easier to control her child's."

Some parents take home a sense of achievement themselves.

"I really get a satisfaction of knowing I've done something outside the house," says McDonough mother Mrs. Lucille McKinley. "I never had a chance to before."

"It's also a chance to get out and meet people," says West Side mother Mrs. Carol Ballard. "A lot of people when they're poor don't have any transportation. They've been stranded inside for years—I know I was.

"Now I get out a lot. There are parties, picnics, a going-away for a former teacher."

When a younger sister of one Head Start child died last spring, staff and parents rallied to the family's side.

They collected money for expenses not met by insurance, bought a headstone, clothes for the little girl to be buried in, new shoes for the older children and shoes for the father to wear to the funeral (he had only a pair of boots).

Another family, new to St. Paul, was called to the attention of First Christian and McDonough social service aide, Mrs. Donna Haley, because they spoke no English, had no furniture and slept on the floor.

Mrs. Haley informed the parents, who gathered up beds, clothes, and held a "welcome shower" for the family at First Christian. Church members and neighbors came too, and the 3-year-old son was enrolled.

When social service aides visit families, "You don't walk in and tell them what to do. You wait till they ask you," says Mrs. Haley.

"Parents are really looking for someone they can unload their problems on. Not someone from welfare. A friend," says Margaret James, social service aide at St. James and St. Philip's.

West Side's aide, Mrs. Richard Kittleson, was especially requested for the job by other parents at the center because of her knowledge of Spanish and English. Every morning she brings a few children to the center who live too far away to walk; teacher aide Beth Gaston brings another carload.

West Side mothers and fathers have met regularly since last winter organizing bake sales and dinners to raise money for a school bus.

All Head Start children are given medical and dental exams when they enter the classes, and their height and weight is checked monthly.

Mrs. Helen Stafsholt, the nurse, says about 100 children were referred for dental treatment in the last year and another 100 to Ramsey Action Program emergency and prescription foods.

All children are given red measles vaccine. Immunization for polio, German measles, mumps and diphtheria-tetanus has just been started at each center.

Mrs. Stafsholt says 17 per cent of the children are found to have visual defects and 10 per cent hearing defects. All are referred to doctors.

Maybe a dozen children a year are referred to Wilder of St. Paul Rehabilitation Center for psychological treatment.

One boy was losing his hearing because both his parents are deaf and the only language in the home was sign language.

"We wouldn't give him something if he said 'Ah-ah' for it," say teachers at the center he has attended for six months. Now when you ask him the colors of objects, he answers clearly.

"Both parents are active volunteers; the father often helps the children with carpentry; the mother accompanies them on walks. And they too have made many friends through Head Start."

Headstart Has Its Share of Critics—Part V

(By Ann Baker)

In the six years Head Start has served St. Paul children and parents, there have been many critics who say it hasn't done enough.

Some say it starts too late—usually at age 4—and ends too soon—on entry to kindergarten.

Some point to the uneven quality of the teaching and accuse the program of being strong on providing jobs but weak on educating children.

Some, including the Head Start Parent Advisory Council (PAC) chairman, Mrs. Harold Harris, say it is not well enough known among the poor families it is designed to serve.

Biggest single problem in St. Paul's Head Start seems to be that parent involvement does not go far enough.

Talks with parents and with staff at every level of the program reveal that parents are not sufficiently informed or aware of the role they are asked to play.

One critic puts it: "A bunch of people are thrown into a room and told, 'Here's what you have to decide.' "

Some of the most active parents complain they're "kept in the dark." Some of the least active parents seem to have no idea of how much involvement they could have.

One active father says, "They need to be trained to demand the program be responsive to them."

The dangers of tokenism have been dramatized by a study of a Los Angeles poverty council whose members went through the motions of making decisions that had in fact been already made by administrators.

The experience of sitting on a policy council measurably increased the members' sense of self-worth. Some went on to pick up basic education they'd dropped in their youth. Some went out to get jobs they'd never dared apply for.

But as soon as they realized their "power" on the council was only a formality, they lost interest in the program itself; some even became hostile.

In St. Paul, Head Start administrators do not want parents' involvement to be a token thing.

Certain difficulties are inevitable: more than 500 parents are a huge group to organize by anyone's standard, especially when most families are in Head Start for only one year and about one in three mothers works all day.

Furthermore, poor persons whose budgets force them to plan from day to day have to make considerable adjustments when they sit down to tackle yearly budgets and program plans.

But in Head Start people tend to feel those problems can be licked. Last week all the centers were closed as staff—administrators, teachers, cooks—and a handful of parents met to criticize the program as they never have done before.

Teachers said they desperately want more training in childhood development and teaching methods and more chances to meet together.

Parents—one with tears in her eyes—begged for more training in procedures, group dynamics and organization.

Downtown administrators made soul-searching examinations of how they sometimes jealously guarded their own jurisdictions, at the expense of efficiency and effectiveness. They made a number of concrete plans to divide their duties better and to coordinate their efforts.

Two new staff members were hired this summer to beef up the teaching. Mrs. Kathleen McNellis, education director, is working out a curriculum outline which she will take to centers for teachers to adapt to their needs.

A language specialist, Mary McAloine, will put special stress on reading readiness.

Last week's meeting agreed that parents and teachers with talents in music, art or carpentry, should be given some time each week to visit each center.

During the summer, teachers and head teachers have met regularly: now teacher aides and cooks will too.

There was a lot of talk at the meeting about helping parents play a stronger part—especially helping them move into the driver's seat instead of concentrating on "housekeeping" the program.

In November, for the first time a two-day training session for parents will be held at the University of Minnesota. Eventually, Head Start people hope parents and teachers can be trained together.

Staff say there is no room in the budget, which has been the same for two years, for additional training. They would welcome contributions of training seminars from any agencies in the community that could provide them.

The fact that Head Start people have not gone out asking for that kind of help could be taken as one sign of an isolationist atmosphere that seems to characterize the program, and that has been another target of criticism, usually from people on the outside.

Another sign of isolationism has been Head Start's apprehension about the new Greater St. Paul Council on Coordinated Child Care. Head Start director Mrs. Sue Williams says she is afraid the council may try to control all day care in the city, and somehow jeopardize Head Start, especially its emphasis on parent involvement.

That fear seems unjustified for the council stresses voluntary coordination, prohibits interfering in program policy and requires parent membership on its policy board.

"Parent involvement is the most important thing in day care," says Mrs. Harvey Bream, interim chairman of the council.

Two months ago, David Berres, an executive of Wilder day care centers, became an at-large member of PAC on his own request. Other representatives of the community have been conspicuously absent from PAC meetings.

Head Start's weak contact with the rest of the community is particularly serious, considering that one of its primary goals is to create needed changes in other institutions.

The schools have been changed somewhat by Head Start, according to Karen Johnson, who directed Head Start when it was in the schools and since then was principal at Groveland Park elementary school.

She credits Head Start with introducing teacher aides to the schools. There are now 400 paid aides and 300 volunteers.

And, she says, "We learned from Head Start that we needed smaller classes—we realized that before, but Head Start brought it more into focus."

Some Head Start parents vow they will insist on the same kind of open contact with public school teachers that they have had with Head Start teachers. Many feel the schools are far more responsive than they were five years ago.

"Kindergarten teachers at first were skeptical," recalls parent coordinator Mrs. Marie Wilson. "They said Head Start was a waste of money, a waste of time. They said they couldn't see a difference in the children.

"Now all we get from them are good remarks. They want to know what we'll be doing, so they can adapt their curriculum."

MIGRATORY LABOR SUBCOMMITTEE HEARINGS ON FARMWORKERS IN RURAL POVERTY

Mr. WILLIAMS. Mr. President, the chairman of the Migratory Labor Subcommittee (Mr. STEVENSON) has announced a series of hearings and investigations on the problems of farmworkers in rural poverty. As the first chairman of that subcommittee, I shall never forget the great difficulty involved in securing the vital legislation which would assure justice and dignity to those who travel the face of this Nation to harvest our agricultural products.

For 10 years we attempted to focus on the migrants' problems, and proposed solutions for both the short and long run. Many new laws and programs were enacted—minimum wage, and child labor coverage, crew leader registration, and funds for health care, education, housing, and day care. Yet the painful fact is that these farmworkers are still excluded from the benefits of so much of our legislative programs.

In view of continuing economic and political powerlessness faced by farmworkers, I think the new chairman has established a most important and significant direction of the subcommittee. In his opening remarks before his first hearings on July 22, he said:

> The problems of the most severely disadvantaged people in rural America—migrant and seasonal farmworkers—can't be described, much less solved, unless we examine them in the light of the larger difficulty in agricultural America: rural poverty.

I agree with my distinguished colleague. It is clear that urban areas are unable to absorb the flow of people from rural areas; and it is impossible to obliterate urban poverty without removing its rural causes. I have long been committed to the principle that by making rural areas more attractive, we could reduce or arrest the rural to city movement of poor people. And we can significantly improve the quality of their daily lives.

It is unfortunate, but imperative, that the work of the subcommittee must continue. But so it must, for only through continued legislative action and oversight will progress come. Furthermore, while Federal, State, and local efforts have shown some improvement, we have still failed to meet the needs of the broader rural community. To date, major efforts are still focused on urban poverty, and not nearly enough emphasis has been placed on poverty in rural America. Yet, the Nation does have the resources to meet the needs of every rural citizen through support of the public and private sectors of our economy, giving respect and dignity to the individual, with equal access to opportunities for economic and social advancement.

In view of the significance of the remarks of the new chairman of the Migratory Labor Subcommittee, and their importance to all Senators, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ADLAI E. STEVENSON III

Chairman, Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare (on the scope and purposes of Migratory Labor Subcommmittee hearings during the 92nd Congress, at the first hearing on July 22, 1971).

FARMWORKERS IN RURAL POVERTY

In 1813, Thomas Jefferson, in a letter to his fellow statesman John Adams, expressed his conviction that America, the new nation, with its vast uncultivated lands and the opportunity they promised, would bring forth in the world not only a new form of government but a new kind of man: self-reliant, free and prosperous.

"Here," he wrote, "everyone may have land to labor for himself if he so chooses . . . Every one, by his property, or by his satisfactory situation, is interested in the support of law and order. And such men may safely and advantageously reserve to themselves a wholesome control over their public affairs, and a degree of freedom which, in Europe, would be instantly perverted . . ."

Jefferson, as politician and philosopher, was our most eloquent champion of the rural life. He envisioned an America peopled by prosperous and independent citizens, tilling the soil, wielding firm control over their own destinies and enjoying the fruits of their own labor.

What has become of Jefferson's agrarian vision after nearly two centures of history?

The dream—a dream of free men prospering in a rich land—persists. But too often, and in too many places, farmworkers and farmers, land holders and migrants, small farmers and seasonal laborers, do not control their own destiny; they are victims, together, of forces beyond their control.

For too many Americans, in too many places, the fruit of their labor is less than enough to sustain a decent life. They are victims of rural poverty—a condition which, unlikely as it might have seemed to the optimistic statesman of early America, is now epidemic in our country.

I. INTRODUCTION

Rural poverty is pervasive. It is chronic in some areas, acute in others—but it knows no geographic boundaries. It follows no racial lines. It is not even a condition of farms alone, for it affects rural villages, small towns, and ultimately the cities, which bear the impact of rural outmigration.

Its effects are harrowing: widespread hunger and malnutrition; disease, especially among the very old and the very young, aggravated by woeful shortages of doctors and dentists; unemployment and underemployment; schools plagued by poor facilities, scant budgets, low teacher pay and low educational standards; housing so dilapidated that the official label, "substandard" seems almost a euphemism.

The social costs of rural poverty are high and growing higher. Along with its talented young people, the traditional sense of community is disappearing from rural America. Public services in rural America are diminishing in number and in quality; tax bases are being eroded and political boundaries rendered obsolete. The quality of life in too many rural areas leaves much to be desired.

All this has been amply documented. Indeed, what is now so shocking about rural poverty in America is not that it exists, but that, having discovered it and documented it, we are so indifferent to it.

In 1967, for example, the President's National Advisory Commission on Rural Poverty issued its report, entitled "The People Left Behind." The report, an urgent and compelling document, was prepared by a distinguished panel and staff of experts, and led by an eminent chairman. Thousands of man-days of work were involved, and thousands of public dollars expended.

What has been the result? Can we conclude that poverty in rural America has been materially affected—not to say eliminated—since 1967?

The answer, sadly, is no.

Today, as in 1967, farmworkers and small farmers alike share poverty—in some places, abject poverty. Today, as in 1967, little relief is in sight and public concern for their plight is low.

Today as then, both small farmers and farmworkers are the victims of decisions and policies beyond their effective control.

Today as then, the migration from farm to city is accepted as a necessary fact of life—and our cities continue to suffer.

Today as in 1967, both small farmers and farmworkers are being displaced by technological and mechanical "progress," and efforts to upgrade the living and working conditions of farmworkers and farmers are met with the contentions that improvements might result in higher labor costs and more labor displacement.

The problems of the most severely disadvantaged people in rural America—migrant and seasonal farmworkers—cannot be described, much less solved, unless we examine them in the light of the larger difficulty in agricultural America: rural poverty.

This fact—and the melancholy facts about rural poverty which have changed so little since the President's Commission reported in 1967—make it not only appropriate but urgent that the Subcommittee on Migratory Labor ask some hard questions:

To what extent does rural poverty exist in 1971—and why does it persist?

What has the mechanization of farming done to—or for—the social and economic fabric of rural America?

Have small farmers and farmworkers, in the wake of rapid changes in American agriculture, been effectively shut off from the benefits and safeguards which other workers in other industries enjoy today?

Has the advent of "agribusiness"—the rise of corporations and conglomerates as agricultural powers—helped to alleviate rural poverty or to aggravate it?

Is "agrigovernment," characterized by massive support programs for agribusiness, meeting its responsibility to *all* the people and *all* the institutions in rural America?

What are the common interests of small farmers and farmworkers in the face of political and economic forces which control their lives, which sometimes make them victims of poverty, but which lie beyond their control?

The agrarian vision of Jefferson, clearly, is a fading dream for too many in rural America. For the small farmer and the farmworker, it may seem that there are forces at work which threaten his very right to live. Yet there is no real public policy debate on the future direction of rural America. Without a loyal opposition to present alternative programs and directions, there is clearly a danger that the forces of bigness—represented by agribusiness and agrigovernment—may dominate public and private decisions affecting rural America; that government may unwittingly perpetuate the domination of "agribusiness." If that should happen, more decisions will be made and more dollars spent with little or no thought of the impact on the people of our rural or urban communities.

Yet it is clear that we do not now have the necessary information to implement an effective program for rural America.

II. FARMWORKERS, FARMERS, AND AGRIBUSINESS AMIDST RURAL POVERTY

Poverty, certainly, is not universal in rural America.

Large, well-financed farms appear to be doing reasonably well; some are obviously prospering. Technological progress, sophisticated management, and highly efficient marketing and distribution have led to astonishing agriculture-industry successes.

These are facts about the rise of agribusiness:

Agriculture's assets total $307 billion, equal to about two-thirds of the value of all corporations in the U.S.; or about one-half of the market value of all corporation stocks on the New York Stock Exchange. Three out of every 10 jobs in private employment today are related to agriculture. The U.S. has a $91 billion grocery bill. If we add in the restaurant tab, it reaches $114 billion annually.

Production of labor intensive fruit and vegetable crops was by less than 80,000 farms that produced 80% of the $2.7 billion yield. While only 2% of all available crop land was used, it produced 24% of the value of all crops and used 24% of all farm labor engaged in crop production. Over 50% of all this labor is seasonal.

Seven thousand corporations have entered agriculture in the past ten years; the number of farms is down—from 3.9 million in 1960 to 2.9 at present, and the average farm size has increased 31 percent.

Less than one percent of all farmers purchased 29% of all feed, 39% of all livestock and poultry; 24% of all machinery; 41% of all hired labor; and, 12% of all farmers account for ⅔ of all farm sales—and less than one percent make nearly 25% of profits in agriculture.

Government farm programs pay the largest benefits to the largest farms. In 1969, the $3.8 billion paid to bolster farm income went to the one-third of farmers who had the largest gross sales.

These facts make it clear that new forces are at work on the rural scene. The Subcommittee will endeavor to learn more about the impact of these new forces—corporations and conglomerates; banks and insurance companies; family corporations; franchise businesses; processors, the chain stores; industries providing feed, seed, machinery, and chemicals; packagers and marketers, and "tax-loss" farmers.

Corporations and conglomerates engaged in the farming and processing of labor-intensive fruits and vegetables are directly involved in the day-to-day lives of farmworkers. Their decisions clearly affect the interests of small farmers and the "people left behind"—migrants, seasonal workers, tenant farmers, sharecroppers, and hired hands.

Have these new forces acted with concern—or callous disregard—for the welfare of small farmers and farmworkers?

Has "agribusiness" contributed to the welfare of farmworkers who have been displaced? Has it supported good roads, schools, recreational facilities, civic organizations and public services in rural areas? To what extent do these new business institutions participate in the political process? And with what effect?

III. IS THERE AN AGRIGOVERNMENT?

Changes in rural America that have substantially affected the farmer and farmworker have not come without the deep involvement of government at every level: local officials, state and federal legislators, decision-makers, and administrators.

Governing this sector of the economy, with a declared "moral and legal responsibility to farmers and farmworkers" is the United States Department of Agriculture. The Subcommittee will explore whether this massive bureaucracy benefits the many or the few in rural America. In its examination of this question, the Subcommittee will survey relevant U.S.D.A. and other government programs, in terms of the priorities that have been established for serving the needs of *all* in rural areas.

Direct and generous subsidies to private interests in the form of land retirement and conservation programs, income support programs, taxation policies, water and irrigation subsidies, research subsidies for technology and mechanization, pesticides, market services and surveys, and others whose impact on human problems in rural America, for good or ill, is immense.

Additionally, the Subcommittee will study the role of other public and private agencies, including the Labor Department, the Immigration and Naturalization Service, agribusiness, recruitment agencies, crew leaders, labor unions, interest groups and associations, and others, to determine what their impact is on the future of farmworkers, small farmers, and others in rural America.

Clearly the larger an enterprise, the more able it is to hire lawyers, lobbyists, and public relations men to voice its concerns. Has the decline in the number of farms and farmers reduced the political influence of farmers? Or has political power simply become more concentrated in fewer, wealthier hands that can afford political contributions to sway votes? If so, what has been the effect on policy-making?

We will also examine the role and activities of government-supported Land Grant Colleges—particularly as they relate to the farmworker, the small farmer, and the rural community generally. Are their research programs, outreach efforts, and involvement in the area of economic, manpower, and social problems fulfilling the Congressional intent of meeting the needs of *all* citizens in rural areas? Particularly important, should land-grant colleges be attacking not only purely agriculture problems, but a whole range of social and economic problems of the rural sector?

IV. LEGISLATIVE PROPOSALS TO AID RURAL AMERICA

While the Subcommittee's hearings are not directly related to specific legislative proposals, certainly the problems of rural America and farmworkers cannot be considered without reference to the inadequacies, omissions, and deficiencies in our present laws.

For all practical purposes, farmworkers are either specifically excluded from, or, at best, only minimally included under every major federal or state social or worker benefit program, such as collective bargaining, the minimum wage, workmen's compensation, unemployment insurance, child labor laws, wage payment and collection laws, social security, welfare and housing programs. Even when farmworkers are covered, enforcement is inadequate or nonexistent. Thus the benefits which most U.S. workers take for granted have been systematically denied to farmworkers.

Where legislation makes social and worker benefits available to farmworkers, and this availability is known, farmworkers are still effectively excluded by their inability to meet unfairly demanding conditions such as income standards and residence requirements. Even special programs that have been designed to benefit farmworkers, like the Farm Labor Contractor Registration Act, the Migrant Health Act, food and nutrition programs, housing programs, manpower programs, certain programs under the Office of Economic Opportunity, and the Office of Education appear largely useless to farmworkers because of inadequate enforcement, lack of awareness, apathy, discrimination, poor program design, and lack of funds.

Even when migrants are eligible for such assistance, they often cannot afford to spend the tremendous time and energy demanded by the red tape associated with aid programs. Many programs, by holding out false hopes and promises, actually add to the hopelessness of rural people.

Finally, legal obstacles, residence requirements, and high illiteracy rates all conspire to limit farmworker registration and voting participation in the political process.

Throughout the course of the Subcommittee's hearings, we will consider various aspects of a Farmworker's Bill of Rights, a comprehensive legislative package to cure these exclusions and deficiencies. Similarly, we will be open to discussion of other legislative actions in the area of tax reform, government procurement policies, farm subsidy programs, rural economic development proposals, development of cooperative land use programs, redirection of the priorities of land grant colleges, and other possible legislative remedies.

V. RURAL AMERICA—AGRIBUSINESS OR AGRICULTURE?

Too often the picture of rural America today is one of weathered and empty stores, broken windows, collapsed or unpainted barns, rusted gas pumps, boarded-up houses, unkept farms and eroded soil. Too many rural towns are shabby and declining.

These marks of physical decline are poignant symbols of a continuing human tragedy in rural America.

This tragedy is not the result of chance. It is the result of human choices—and failures to choose—over many years.

It is our purpose, in these hearings, to examine those past choices—in the hope that our choices and decisions in the future will be more rational and more compassionate, with the determination that all rural Americans will share fully in the decisions that deeply affect their lives.

There is no chance, after two centuries, that America can be the nation of contented yeoman farmers that Jefferson envisioned. We have come too far for that: we are a nation of factories and cities and superhighways; we are inevitably, for better or for worse, a complex, technocratic and mechanized society.

But for those Americans who still live on the land—small farmers and farmworkers—the deeper meaning of Jefferson's vision, if not its details, are still worth striving toward: First, a rural economy in which citizens "reserve to themselves a wholesome control over their public affairs." And second, a standard of living which ensures that the fruit of a citizen's labor will bring fulfillment, not penury and dispossession.

It must be our purpose to ensure that those great aims are not ground beneath the wheels of our fast-moving society. It will be the purpose of these hearings to determine whether these aims are being served by agribusiness and agrigovernment today. And if not—why not.

Not only rural Americans but all our citizens have a stake in the answers we find.

DEPARTMENT OF INTERIOR'S HEARINGS ON ADMINISTRATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AT LEXINGTON, KY., SEPTEMBER 16, 1971

Mr. COOPER. Mr. President, on September 16, the Department of Interior held hearings at Lexington, Ky., on various aspects of the implementation and administration of the Federal Coal Mine Health and Safety Act of 1969, by the Bureau of Mines.

Attending and addressing this forum were the Honorable Louie B. Nunn, Governor of Kentucky, Mr. H. N. Kirkpatrick, commissioner of the Kentucky Department of Mines and Minerals, numerous officials of the Kentucky Department of Mines and Minerals and representatives of the small coal mine operators.

The testimony presented at this meeting outlined the many problems experienced by the small coal mine operators and State officials in their efforts to comply with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

Mr. President, I ask unanimous consent that Governor Nunn's address and the testimony of Commissioner Kirkpatrick of the Kentucky Department of Mines and Minerals, and the statements of Messrs. J. H. Mosgrove, Cecil Sherman, Everett Bartlett, and James Thorp of the Kentucky Department of Mines and Minerals, together with the official notice of the meeting by the Department of Interior be included in the RECORD at this point:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF
THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., September 2, 1971.

Notice of meetings: To all Parties Interested in the Administration of the Federal Coal Mine Health and Safety Act of 1969.

This is to advise that, in response to a directive from the Secretary of the Interior, the Office of Hearings and Appeals will conduct a series of public meetings for the purpose of assembling all facts, views, and relevant data regarding the Department of the Interior's implementation and enforcement of the Federal Coal Mine Health and Safety Act of 1969, as well as suggestions and recommendations to make the Department's administration of the Act more effective. Prior meetings were held in Washington on July 1 and 2, 1971 and Denver, Colorado on August 26 and 27, 1971.

The next public meeting will commence at 9:30 a.m. on September 16 and 17, 1971, and will be held in the Crystal Ballroom, Phoenix Hotel, 120 East Main Street, Lexington, Kentucky.

All interested individuals, including miners, representatives of miners, labor officials, coal mine operators, associations, equipment manufactures, mining engineers, mining educators, state mining officials, elected officials, and other public officials, who wish to speak at the meetings are requested to contact the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone 703-557-1500, by 5:00 p.m., September 10, 1971. Written comments from those unable to attend the meetings and from those wishing to supplement their oral presentation at the meetings should be addressed to the Director, Office of Hearings and Appeals, at the above address. The Department will accept such written comments until November 22, 1971. All written statements and comments received pursuant to this Notice will be included in the survey submitted to the Secretary.

Verbal statements at the meetings must be limited to 10 minutes. The oral statements may be supplemented by a more complete written statement at the time of the presentation of the verbal statement or mailed to the Director, as provided above. To the extent that time is available after presentation of the verbal statements by those who have given advance notice, the Director will give others present an opportunity to be heard.

Subsequent public meetings will be held in areas of heavy coal-mining activity; locations and dates will be announced in the press and Federal Register.

Because of the important role good administration of the Act plays in the well-being of our Nation, we hope you and/or your organization will participate in this constructive effort.

GOVERNOR'S REMARKS: IMPLEMENTATION AND ENFORCEMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

I am Louie B. Nunn, Governor of the Commonwealth of Kentucky. First allow me to thank you for this opportunity to testify in regard to the Federal Coal Mine Health and Safety Act of 1969.

I would not appear here today as an expert witness or attempt to offer any degree of personal expertise. But as Chief Executive I feel a responsibility to an industry which comprises a major portion of our economy and affects the safety and well-being of many of the citizens of this Commonwealth.

More importantly, however, there is a sense of personal responsibility and a sincere desire to aid and assist in the safety and security of our fellow men.

It is this concern for physical safety, economic well-being and environmental protection that compels me to say that the Federal Coal Mine Health and Safety Act of 1969 has failed to achieve the good intentions of those in Congress who supported its passage.

The Kentucky experience of the past 21 months since this law became effective has been that instead of helping to solve a serious problem, it has helped to compound the problem.

The law has become an administrative nightmare as well as an exercise in contradiction, confusion and futility.

There have been instances and no doubt testimony will be offered later today to prove that this legislation has seriously and unfairly jeopardizing lives instead of saving lives.

It has jeopardized the economic stability of a segment of the mining industry.

And it has jeopardized the ecological grandeur of our state.

What appears to be the most glaring mistake of the law is the removal of the distinction between gassy and non-gaseous mines.

This portion of the Act has hit hardest and most inequitably at the small mines, particularly in Eastern Kentucky.

The new and highly expensive permissible machinery required by the new law simply is out of the financial reach of many small operators. And this requirement is even further beyond the understanding of these operators.

No one, either at the federal, state or local level, has yet been able to explain to these operators why they should have to sink huge sums of capital into equipment to be used in gassy mines when their mines contain no gas.

Many of the small mines in Appalachia have been forced to close because of inability to comply with the Act.

Many others have closed before being inspected out of fear of the high penalties provided by the new law.

It is ironic and most unfortunate that while we have finally realized an industrial breakthrough in Eastern Kentucky and in a period when nearly fifty new industries were locating in that part of our state, many able-bodied men have been denied an opportunity to work because of a discriminatory law.

In 1970, 969 underground mines were in operation in Eastern Kentucky, employing 17,321 men.

Today the number of mines has dropped to 820 and nearly one thousand fewer men are employed.

It is tragic that many of those employed at these mines may have no other recourse than to leave payrolls and join the welfare rolls. Surely, this was not the intention of the authors of the law.

The burden is not limited to small mines only. Many large mines are suffering from a supervisory shortage brought about by the wholesale employing of federal mine inspectors. Those supervisory personnel who are left spend much of their time accompanying inspectors on the mine property and are otherwise deskbound by volumes and volumes of paperwork.

Unless there is a reversal of the present trend, we may reach a point when there will be almost as many federal inspectors as there are coal mines to inspect.

Almost two years have passed since the law became effective and the most knowledgeable people in the Bureau of Mines and the industry are still trying to determine its full meaning.

Interpretations are still being attempted, but seemingly with little success.

It must be evident that if those responsible for implementing the law cannot agree, the coal operators could hardly be expected to understand how they are to comply.

In looking at Kentucky's mine safety record it shows that the Commonwealth covered a period of almost twenty-five years without a major disaster. The year before the Act went into effect (1969) the Commonwealth enjoyed its best year from a coal mine fatality standpoint. Thirty-three miners lost their lives in 1969 as compared to 37 to this date in 1971. This in itself shows that the Act is not working.

Almost as distressing as the adverse affect the new law has had on the safety of the coal miner is the devastating setback it has dealt to Kentucky's environment.

As more and more small mine operators have been forced to close, more and more strip mine operations have been started.

In 1968, there were 189 surface mining operations in Kentucky. Today, that number has increased more than three times. Now there are 556 strip mine operations.

Production figures reflect the same disturbing trend. In 1969, underground mines produced 64 million tons of coal in Kentucky, while surface mining operations yielded 44 million tons.

Last year, however, underground mines produced only 63 million tons, while the figure for surface operations skyrocketed to 62 million.

These statistics in human, economic and environmental damage vividly underscore the need for immediate remedial action by the Congress.

It should be obvious to all that if the Kentucky coal industry is to remain sound and is to provide safer, more rewarding employment for our people and is to flourish in compatibility with our environment, the Congress must take another look at the 1969 Act.

To show further why such action is needed, I have asked a team of five experts from Kentucky's nationally respected Department of Mines and Minerals to appear with me here today.

Together, these men represent almost a century and a half of mining experience.

They have experienced first hand the frustrations inherent in the Coal Mine Health and Safety Act.

They are: Commissioner Kirkpatrick; Assistant to the Commissioner, J. H. Mosgrove; Cecil Sherman of the Martin District; Everett Bartlett of the Hazard District; and James Thorp of the Western Kentucky District.

Mr. Kirkpatrick is from a mining family whose entire working career has been associated with underground coal mines in Muhlenberg County of Western Kentucky. Mr. Kirkpatrick has always had an interest in mine safety having worked with several safety organizations during his career.

Mr. Mosgrove has been associated with the mining industry of Kentucky over forty years, having started as a miner at a very young age in Letcher County. His career has included working as a mine laborer, supervisor, and he has been directly engaged in safety work for over 25 years.

Mr. Sherman started his career in 1931 as a mine laborer. He has advanced from that position through to the job he now holds as District Supervisor with the Department. Many years of Mr. Sherman's background have directly connected with safety promotion.

Mr. Bartlett has been associated with mining in Kentucky for over forty years. His work experience ranges from mine laborer to mine superintendent. He has served with the Department of Mines and Minerals almost seventeen years.

Mr. Thorp, supervisor of the West Kentucky District has worked in the West Kentucky coal fields for a number of years. He was very active in safety team work and has served as a mine laborer and supervisor.

All these men are well qualified by their experience as laborers, supervisors and safety inspectors and administrators.

They are here to help, not to hinder.

They are here to offer constructive criticism, not to obscure the facts.

We do not ask that changes be made at the expense of lives because we fully realize that productivity must be judged in human terms. But neither shall be we silent as unjustifiable and illogical obstacles are placed before productivity.

We ask only that necessary revisions be made in order that we might have legislation that can be readily understood both by those charged with its implementation and those who are required to comply . . . legislation that will effectively assist us in attaining a new high in the safety, economic and environmental standards of the coal industry.

Statement by H. N. Kirkpatrick, Commissioner, Kentucky Department of Mines and Minerals

My name is Harreld N. Kirkpatrick, Commissioner of the Kentucky Department of Mines and Minerals. As head of the mining department of the second largest coal producing state, I must be mindful of the dual effect of any coal mine health and safety legislation.

In the first and most important instance, I am impressed with the need to protect the physical well-being of the more than 20,000 Kentuckians now actively employed in the extraction of coal.

I wholeheartedly support the adoption of any legislative measures that will provide for effective and enforceable safety provisions and health measures based upon proven medical and technical standards.

In evaluating proposed corrective legislation, I must also keep in mind the fact that coal is a six hundred million dollar product in Kentucky's economy.

Emotions are high and no one can reasonably deny the need for reforms in this area, but I am deeply concerned that caution and careful consideration of all aspects has become unfashionable in our haste to correct present conditions.

The traditional distinction between "gassy" and "non-gassy" mines has been based upon the presence of methane gas in the working areas of a coal mine and the distinction bears a direct relationship of a likelihood of an explosion.

This distinction has two practical manifestations. First is frequency of inspections for gas and the second is a requirement for certain types of equipment and machinery.

Ninety-five (95%) percent of Kentucky's operating mines are now classified as "non-gassy" and presumably operate under standards now acecptable for mines so classified.

I urge the Congress to enact a law which will be observed and which can be enforced and fairly, without discrimination between states or individuals.

For our part, we intend a meaningful evaluation of state laws and introduction of corrective legislation for the next session of the Kentucky General Assembly.

Statement by J. H. Mosgrove, Assistant to the Commissioner, Kentucky Department of Mines and Minerals

Mr. Chairman: My name is J. H. Mosgrove, I am Assistant to the Commissioner, Kentucky Department of Mines and Minerals, a Department of state which mines 125 million or more tons of coal per year. The second largest producer of all states.

At the outset, I want to make it clear that our Department is not interested in making changes in any law that places production above the lives of workmen and at the same time we feel that a law that is workable, clear cut and meaningful will give the best results.

Let me go on record also, that we of the Department of Mines and Minerals have a high regard for the Bureau of Mines men we have worked with in past years. We feel a deep sympathy for them in their efforts to implement a law so involved and complex that even top Bureau men and their attorneys have difficulty in coming up with common interpretations. Even worse is the plight of many of Kentucky's mine operators (especially those with limited education) who must attempt to analyze and comply with a law they cannot even understand and when explained by separate, well-intentioned Bureau inspectors is very likely to be different.

The purpose of this meeting if I understood the correspondence correctly, deals with possible critiques of the implementation of the Act. In all honesty I feel that the Bureau has been saddled with what should be a 5 to 10 year program to implement in one to two years. This pressure, I am sure, has had some effect resulting in confusion both in the Bureau and the industry. Not enough time is allowed for reasoning.

We of this Department see these things because we too are affected by the Act.

We have lost good mine inspectors from our Department to the Bureau because we cannot match salaries paid by the Federal Government. (I understand Washington gets most of the tax dollar.)

While we have had a couple of real good breaks lately in employing qualified inspectors, on the whole we cannot compete with the Federal Government in employing additional needed inspectors. Our qualification for employment requirements is much higher but our salaries are lower. That is not much of an inducement. Thank heavens we have on our staff a nucleus of experienced, solid people who are dedicated and feel a loyalty to the Commonwealth.

Getting back to the Mine Safety Act, it was no doubt passed by a well meaning Congress but maybe without the soundest available advice. It will serve no useful purpose to criticize the passing of the Act but better yet, close scrutiny should be made of the law with the idea of making it more understandable, better coordinated and more meaningful.

Would it be impossible to develop a law following the format of the old Federal Mine Safety Act? It was easily read and understood by the average mining man.

We recommend that when the time comes to take a fresh look at Federal Mine Legislation that more knowledgeable people be given an opportunity for input and that men of good will and rational behavior work together to bring about a good law for all parties.

I am seriously concerned about the weakening of the relationship of those who once worked closely together in safety problems and in promoting safety competition. Is it really developing into a condition where those who once worked closely are becoming adversaries when safety is involved?

I read articles and statements that mention this possibility. This simply cannot be tolerated if the industry is to survive and the interest of safety is served.

We are hopeful that in the very near future and before relations are strained too far that Congressional action will be taken to remove the inequities of the Federal Coal Mine Health and Safety Act of 1969.

I have devoted my entire working life to the Kentucky coal industry. I am extremely proud of our Commonwealth and the people working in the industry. It is my hope that problems and differences can be resolved leading to a more healthy and friendly climate.

In case our memories may be a little short let us think back a few years to 1941 when we were thrown into World War II. What would we have done without a strong coal industry geared for a speedy pick-up in production. Let us not necessarily shackle the industry to a point that it cannot again quickly respond if called upon.

Statement by Cecil Sherman, District Supervisor, Martin, Kentucky, Kentucky Department of Mines and Minerals

Mr. Chairman: I am Cecil Sherman, District Supervisor of the Kentucky Department of Mines and Minerals, Martin, Kentucky. I have noted with much interest the results of the Federal Coal Mine Health and Safety Act of 1969.

The Federal Law's affect on small mine operations has been serious. Although, I feel that this was really not the intent of the Act.

The small mine operator was not prepared for such a drastic change in the Safety Inspection Program. The swift and abrupt altering of safety standards left him confused, disturbed, and afraid.

Confused as to the proper interpretation of the Law. Disturbed as to his ability to continue his mining operation. He was afraid of the enormous fines and penalties of the Law.

The Federal Law's effect on large mines has been almost equally as serious, and they were also confused, disturbed and afraid. Confused because of their inability to obtain the necessary manpower, especially qualified and trained men to accomplish the task of complying with the Law. Disturbed by their ability to meet the deadlines of all phases of the Federal recommended guidelines, afraid of the final outcome of what they considered an impossible task.

The surface mine operators are also affected by the Law and will be more so when inspections are finally completed of their operations. They are also confused, disturbed and afraid. Disturbed because no one has been able to advise them concerning strip mine laws and regulations prior to its effective date. Disturbed at the rapid decline in deep mining operations and the increase of strip and auger mining. Afraid of the final collapse of a growing industry.

The majority of small mine owners are saying to themselves; we will never be able to fully comply with the Federal Mining Law. All we can do is mine until the Federal Inspectors make an inspection and close us down. This tends to increase accident rates.

The large mine safety directors and inspectors are at this moment bogged down in an never-ending program, which will take at least five years to implement. They are also imprisoned by paper work and reports which adds considerable extra work while accident records are increasing.

The surface mine operator has developed a wait and see attitude, while his employees are increasing and his responsibilities growing with leaps and bounds. Accident rates are increasing.

CONCLUSION

I am convinced that America and particularly Kentucky needs the Coal Industry, and the Coal Industry needs the best possible safety protection available, and I believe that good solid, sound, and level-headed men can and will take another long, hard look at the 1969 Mine Health and Safety Act with a firm but fair position. Every law when not working properly needs revising and improving, and this can be done only by taking both sides into consideration. Let us again work together to achieve the goal desired by all people connected with coal mining to develop a sound business, a workable law and a better safety record. The best records the mining industry has enjoyed was when the operations were free from confusion, disturbances, and fear.

When both Federal and State inspection agencies were checking together the five basic mining principles related so closely to accident prevention. Ventilation, timbering, rock-dusting, safe storage and handling of explosives, and the continuous instructions of the transportation personnel of the dangers encountered daily in the operation of their haulage equipment.

Again, I would like to express my appreciation to the Governor, for his invitation to express my views on the 1969 Mine Health and Safety Act. Thank you for your attention.

Statement by Everett Bartlett, District Supervisor, Hazard, Kentucky, Kentucky Department of Mines and Minerals

Mr. Chairman: My name is Everett Bartlett. I am District Supervisor of the Hazard District of the Kentucky Department of Mines and Minerals.

I would like to talk about some of the things I think are wrong with the Federal Coal Mine Health and Safety Act of 1969.

Let's go back a few years and lay a foundation for my remarks. In the early 50's I was superintendent of one of the mines of a large coal company operating in the Hazard District. In 1953 most of the rail mines were forced out of business due to the low price of coal. A large number of men were thrown out of employment and most of them with large families. The younger men that could, found jobs in the factories and steel mills and left the coal fields. Some of the men found employment in the truck mines which at this time produced a large per cent of the coal mined in Eastern Kentucky. The rest of the unemployed miners started small mines of their own. As the price of coal increased, the small mine owners reinvested what they made, above their cost of living, on better mine equipment and in improving their mines. It was during this time, prior to the Federal Mine Law enactment, that the State of Kentucky had its best safety record.

When the distinction was removed between non-gassy and gassy mines, hundreds of mine owners decided they were not able to buy expensive permissible equipment and that their present investment would be a total loss. Of the 550 coal mines licensed in the Hazard District so far in 1971 only 4 mines are classed gassy under the State law. Most of these men working at mines which are forced to close will be unable to obtain employment in other industries because of age, lack of experience, or education. The only thing left for them may be the Welfare roll.

Check curtains and line brattices in the face areas, particularly in thin coal seams, have proven to be one of the most dangerous conditions brought about by the new Law. Machinery operators of equipment traveling through the curtains collide with other equipment or run into workmen who do not hear the equipment moving because of the noise in the face area and lack of visibiltiy due to the use of curtains.

It is my opinion that mine safety cannot be reached by inspections alone. The miners should be instructed on a personal level in language that they can understand. Mines in one area are different from mines in another area.

I hope that the Federal Mine Law will be amended, so that the coal industry can regain the ground that has been lost under the new law.

Statement by James Thorp, District Supervisor, Madisonville, Kentucky, Kentucky Department of Mines and Minerals

Mr. Chairman: My name is James Thorp. I am District Supervisor of the West Kentucky District, Kentucky Department of Mines and Minerals.

I would like to say a few words concerning some of the problems which have arisen in our district since the enactment of the 1969 Federal Coal Mine Health and Safety Act.

There has been an acute shortage of trained personnel in our district due to the hiring of many of our best mining men by the U.S. Bureau of Mines. Also, the placing of several men in the Safety Departments of coal companies to help them comply with the new law has drawn several more key men from the working force.

The lack of trained persons to fill these vacancies has caused a great deal of concern by the coal companies, and I might add to our Department as well. Because the lack of properly trained men has an adverse effect on the safe operation of the mines, a certain amount of time is required to train men, but finding men with the necessary experience in order to train and certify is certainly a problem in itself.

The many added duties that a supervisor has under the new Law is very demanding. Additional examinations and record keeping has in some degree hindered the overseeing of the job, thus resulting in not doing the best job possible. The fear of personal penalties if someone is hurt, also has an adverse effect on the supervisor.

The need of trained men at the face is a must for the safe working of the mine, as 80% of all accidents occur at or near the face.

We are at this time having mining schools to replenish the depleted ranks of mine foremen, Assistant Mine Foremen and fire bosses in the West Kentucky District, but as of this date there is not enough men available for the fast growing coal industry.

Another problem is the method of detection of gas which has been changed according to the new Law. The use of the flame safety lamp which has been used for a long time as a most dependable way of detecting gas has now been relegated to supplementary use to the methanometer and spotter in the detection of methane gas. These detectors are often erratic and hard to keep calibrated for use. Granted, the flame safety lamp has caused some accidents over the years, we still maintain however that this lamp is the best instrument for the use in the detection of methane gas and deficiency of oxygen if properly used. Some day, gentlemen, we may have an explosion due to the malfunction of the methanometer. This is my opinion.

In the West Kentucky District, we have a force of about 50 Bureau inspectors which poses a problem in the inspection of the 27 underground operating mines. As the Department only has five inspectors, we must go in the mine to make our inspections causing the company to tie up two men for this day or days. This also causes a problem for the company. Before the new Law, we had a mutual agreement to stagger the inspections between the two agencies and the year 1969 can show the result of the close cooperation between the two agencies. In the year 1969 only 7 fatal accidents occurred giving a ratio of approximately 7 million tons per fatality.

Mr. COOPER. Mr. President, I ask unanimous consent that a new article appearing in the New York Times September 19 reporting on Governor Nunn's address be included in the RECORD at this point.

There being no objection, the article ordered to be printed in the RECORD, as follows:

GOVERNOR NUNN SCORES MINE SAFETY ACT—JOINS FOES OF 1969 LAW, WHO ARE WORKING FOR CHANGES

(By George Vecsey)

LEXINGTON, Ky.—Pressure is increasing for changes in the 1969 Coal Mine Health and Safety Act, with operators of small mines working hard for change and Government officials indicating that they may be listening.

The vehement critics of the law gained a new ally on Thursday when Kentucky's Governor, Louie B. Nunn, said that the law "helped to compound" mining problems and called it an "administrative nightmare."

The Republican Governor made his statement at the most recent of six public hearings held by officials of the Department of the Interior. The hearings were attended by several dozen operators who say the 1969 law is putting small mines out of business with its "inflexible" requirements.

With small operators, who produce only 8 per cent of the nation's deep-mined coal, crying for relief from the law, and the larger Bituminous Coal Operators Association reportedly planning a lawsuit on other aspects of the law, the Bureau of Mines finds itself under heavy industry pressure.

PRESSURE OVER ACCIDENTS

There is also pressure to prevent accidents that kill miners. With the accident at Hyden, Ky., last Dec. 30 in which 38 miners died still very much on everybody's mind, the bureau has called a rare weekend meeting in Charleston, W. Va., spending an estimated $250,000 to bring in more than 1,000 supervisors, inspectors and trainees from this area.

The bureau officials will hear Dr. Elburt F. Osborn, director of the bureau, announce an "alert status," with postponement of vacations and increased vigilance, from October through March, when most mine explosions take place.

The small operators have often said that the 1969 Act has hurt them economically and killed more miners. In his speech, Governor Nunn revived the statistic that the operators pass around: Only 33 miners killed in Kentucky in all of 1969, before the act, but 37 dead already this year.

COAL DUST CITED

Although the Hyden blast was allegedly produced by illegal explosives, it was reportedly carried from chamber to chamber by an explosion of excessive coal dust. Some miners have charged that provisions of the 1969 act contribute to excessive coal dust by requiring that 3,000 feet of cubic air be forced to the working face in each mine. The cold outside air forced inside, the operators say, dries out the mine dangerously.

One high-ranking official in the bureau—Henry Wheeler, Deputy Director of Health and Safety—suggested on Thursday that the law might be amended to provide for "potentially gassy" mines as well as "gassy" mines, instead of the current uniform standard that requires elaborate and expensive safeguards against explosive methane gas.

Miners in this area insist that methane gas is nonexistent in the coal fields of eastern Kentucky because the coal seams are in the dry hills, far above the water table.

"Heck, I'd live in my mine for the rest of my life. There's no gas in it," said Paul Patton of Virgie, Ky., an articulate young engineer who owns the Kentucky Elkhorn Mines.

'NEW MINE RULE'

Mr. Wheeler recently suggested that Government lawyers were "looking into" the rule that has been interpreted to say that any new opening constituted a "new mine." The rule also said that old equipment, which must be phased out by May, 1974, could not be moved from an "old mine" to a "new mine."

While the small operators were encouraged by Mr. Wheeler, they have also heard rumors, denied by nobody, that he will soon be replaced within the politically charged bureau.

Regardless of what the hearings produce, no change can come in the 1969 law without Congress making it. And a leading architect of the 1969 law, Representative Kenneth D. Hechler, Democrat of West Virginia, said yesterday that no changes were necessary or likely in the near future.

Representative Hechler, who has often said that the Bureau of Mines should not be entrusted with administering the Health and Safety Act, said that the hearings in Lexington "were part of the whole Nixon policy of keeping the people happy."

The only support for the current law on Thursday came from several area officials of the United Mine Workers, who are generally employed by the larger coal companies. The small operators are mostly nonunion.

Mr. COOPER. Mr. President, I ask unanimous consent to include in the RECORD at this point an editorial appearing in the Courier-Journal, September 14, calling for a reexamination by the Bureau of Mines of its current procedures and regulations and noting the need for congressional overhaul of the present law if the law to be both workable and effective in the advancement of the health and safety of all those who work in our underground mines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAW ON MINE SAFETY ISN'T WORKING

Henry Wheeler, deputy director of the U.S. Buseau of Mines, has been making the mining-towns circuit defending the Bureau and the new mine-safety law against critics. It isn't an easy job. There is too much evidence that the Bureau is shot through with politics and inefficiency. And evidence is growing that the mine-safety law, far from making underground mines safer, is actually contributing to mine deaths.

It is not just that President Nixon and Interior Secretary Rogers Morton are loading the Bureau with poltical hacks. It is not just that mine fatalities are up this year over last year. It is not just that there are not enough trained inspectors or enough consistency in interpreting and applying the provisions of the law. There are just too many indications that the law is faulty.

Mr. Wheeler himself admitted to a Pikesville meeting of miners and operators last week that the law as now enforced created some hazards by forcing supervisors, who should be in the mines, to spend much of their time on paperwork. But there are reasons to suspect that this is but one of many shortcomings of the law.

When a man as cautious and responsible as Senator John Cooper criticizes application of the mine-safety law and implies that the law is unfair to small operators, it clearly is time for Congress to take another look. It's not entirely accurate to say that the 1969 law was hurriedly drawn; but in the emotional aftermath of the Farmington, W. Va., mine disaster of that year, public pressure created an atmosphere in which the complaints of operators hardly could have been given adequate consideration.

APPLICATION UNEVEN

Since then it has become apparent that many of the objections voiced against the law at the time had some validity. It has never been clear why small mines should be required to install all the equipment required of larger mines, or why operators of small mines should not have been permitted to convert existing equipment, rather than having to replace it with new, if the converted equipment would do the job. It has never been clear why non-gassy mines should be required to provide ventilating and electrical equipment necessary in gassy mines.

Perhaps the provisions of the law had to be made flexible to apply to varying conditions in mines of different types; but the flexibility has led to varying interpretations of the law, and application of penalties and fines has been uneven and at times seemingly unfair.

The results are doubly bad. More miners are dying than before, which in itself calls for reconsideration. And the cost of the law is forcing underground operators out of business by the dozens, and obliging them to turn to the ecologically disastrous strip mining. Mr. Wheeler can't be expected to explain away these facts.

Mr. COOPER. Mr. President, lastly I ask unanimous consent that a statement I made at the initial hearing of the Department of Interior, conducted in Washington on July 2, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

JULY 2, 1971.

Secretary Morton is to be commended on his initiative in scheduling these conferences to review the first-year's operation and administration of the Federal Coal Mine Health and Safety Act of 1969, and to provide a forum for the exchange of views on the problems encountered by the Bureau of Mines in administering the Act, and to consider the changes required to make it more workable as well as effective in improving the safety of our miners. As outlined in Secretary Morton's statement, those individuals invited to participate in these conferences will include representatives of miners, labor officials, coal mine operators of large mines, coal mine operators of small mines, mining educators, state mining officials and others who by training and experience are in a position to contribute to these discussions.

Such meetings will provide an opportunity on a work-shop basis whereby Bureau of Mines' officials and representatives of all segments of the coal mine industry can meet and exchange views on practical as well as technical problems they have encountered as a result of their own experiences.

The Federal Coal Mine Health and Safety Act of 1969, which went into effect March 31, 1970, represents a complete overhaul of previous legislation in this field and, as a result, many problems have been encountered by the Bureau of Mines in the implementation, administration and enforcement of the Act's provisions. I welcome Secretary Morton's announcement as an excellent first step in providing a continuing forum where all these problems can receive a public airing. By taking such a lead the Secretary is emphasizing to all those participating in these conferences, to the Congress and to the public the concern and importance that the Department attaches to improving the administration and operations of the 1969 Act for the purpose of advancing the health and safety of all the people who work in our underground coal mines.

Mr. COOPER. Mr. President, returning to the Department of the Interior's conference of July 1 and 2, I should note from reading the schedule of witnesses that several constitutents from Kentucky gave their views based upon their experiences concerning various phases of coal mine health and safety. I have had an opportunity to read the statement of Mr. Cloyd McDowell of Harlan, Ky., president of the National Independent Coal Operator's Association and a member of Secretary Morton's Advisory Committee on Coal Mine Safety, in which he proposes that the Department hold future public conferences open to all segments of the mining industry concerning specific technical problems relating to the administration of the 1969 act. I believe these proposals have merit and I hope that the Department will give them its careful consideration.

Mr. President, I ask unanimous consent that Mr. McDowell's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CLOYD D. MCDOWELL, JULY 2, 1971

Mr. Chairman, my name is Cloyd D. McDowell. I am President of the National Independent Coal Operators' Association, a voluntary trade organization of over four hundred small mine operators, located throughout the states of Virginia, Kentucky, West Virginia, Tennessee and Iowa. I am also President of the Harlan County Coal Operators' Association a local chapter of N.I.C.O.A. and I am a Member of the Secretary's Advisory Committee on Coal Mine Safety Research.

We have other members of our organization here today who will present testimony with respect to their particular problems in the areas covered by various local chapters of N.I.C.O.A.

We are here in response to a notice received by most members on June 28th, advising us of this meeting to be held in Washington, July 1 and 2, and giving us until June 29th, to make an appointment to be heard for ten minutes. While we are grateful for the opportunity to present testimony concerning the many problems we are facing in trying to comply with the Federal Coal Mine Health and Safety Act of 1969, we believe that a more productive meeting would have resulted had we been notified well in advance of the meeting and been provided with an agenda to follow in our discussions. Therefore, I urgently suggest that this meeting of July 1 and 2, be considered a planning session for a series of future meetings to be held in Washington. I further recommend that each participant be given an opportunity to contribute suggestions of topics and problems to be discussed in future meetings.

I presume that the basis for calling a meeting of this nature is provided in Section 101(c) of the Act. I regret that the Secretary has not allowed public hearings in connection with proposed regulations as they appear in the Federal Register from time to time. I believe that such hearings would have resulted in regulations that were workable and better understood by the operator, the mine worker and the Bureau inspector.

We feel that legislation contained in the Act is not achieving the goals of health and safety that we all are seeking. In fact, the record to date has shown no improvement over that achieved before the Act became effective. At the same time hundreds of small mine operators have closed their mines, either through fear of bankruptcy or fear of continued harassment by inspectors and the mounting penalties charged against them by officials of the Bureau.

More and more coal is being produced by surface mining as the small operator closes his mines. While surface mining has a legitimate place in the industry the loss of coal that would have been mined by the small underground mines is gone forever once the mine is abandoned. Surface mining will keep the production of coal going at a record rate but can we afford the luxury of losing millions of tons of underground coal because of the inflexibility of regulations that were meant to prevent accidents in the larger gassy mines?

There are hundreds of problems facing the small coal mine operators and I wish to include in my remarks an outline of an agenda that may be used in future meetings if we are given time and opportunity to offer suggestions in making the Federal Coal Mine Health and Safety Act a workable instrument for improving the health and safety of those employed in the coal industry of this nation. I recommend the following agenda which can be improved on:

2. Increased cost.

3. Bureau should advise manufacturers of requirements.

4. Designed to meet regulations.

5. Need list available and not available.

IV. Research

1. Research the effect of regulations on health and safety before adoption.

2. Advisory Committee's recommendations requested by the Secretary.

3. Priority of projects and grants for research adopted and followed.

V. Education and training

1. Guidelines for all training programs made available to industry.

2. Assistance from Bureau of Mines for instructors required.

3. Training manual and supplies needed.

4. Growth of local safety institutes encouraged.

5. Vocational schools encouraged to train mine workers.

VI. Financial assistance

1. Availability of Small Business Administration loans to small coal operators.

2. Grants and assistance made available to vocational schools for training.

VII. Lack of manpower

1. Recruiting of supervisors by Bureau should be stopped.

2. Training programs needed.

3. Bureau of Mines should be required to hire physically handicapped and over age inspectors.

HEALTH

I. Operations and regulations

1. Dust standard too low and impractical.

2. Accuracy of instruments questionable.

3. No allowances for use of respirators in dusty environment.

II. Enforcement and penalties

1. Chest X-ray proposed regulation (50% requirement).

2. Rules on job transfers impractical.

III. Equipment

1. Availability list.

2. Increased cost.

3. Manufacturers to build in dust and noise suppression devices on equipment.

IV. Medical

1. Research needed for determining "black lung."

2. Study should be made of effects of cigarette smoking on "black lung" condition.

3. Research required on harmful effect of too much ventilation and water.

[The Courier-Journal, July 1, 1971]

DEPARTMENT OF INTERIOR HEARING ON COAL MINE HEALTH AND SAFETY—AGENDA: SAFETY

I. Operations and regulations

1. Ventilation problems.

a. Too much air in low coal.

b. Haulage way or intake air.

2. Haulage problems.

a. Belt Haulage.

b. Track haulage.

c. Shuttle car—line curtain.

3. Reporting procedure too time consuming.

4. Roof control problems.

5. Use of methane monitor in non gassy mine.

II. Enforcement and penalties

1. Interpretation of regulations.

2. Unequal treatment of assessing small mines.

3. Lack of uniformity in assessing penalties.

4. Appeal procedure too costly.

5. Legality of assessment procedure questionable.

6. Not enough responsibility on individual miner for his safety.

III. Equipment

1. Availability.

NEED FOR PENSION REFORM

Mr. MONDALE. Mr. President, I am pleased that Congress is actively working on problems in the private pension plan field. There is, perhaps, no more pressing problem confronting the average workingman today.

The Scenic Range News, published in Bovey, Minn., has just written an excellent statement on the need for pension reform. Referring to a typical worker in the iron mines who may have worked for a series of employers over his career, the article points out that the time comes—for him to retire and he may not have enough years in to receive an adequate retirement.

The Scenic Range News continues that—

> A slave has a chance of being treated better than this.

Mr. President, surely we have the capacity in this country to enact legislation to protect workers from that type of treatment. I ask unanimous consent that the article be printed in the Record so that all Senators may have the benefit of its wise counsel.

There being no objection, the article was ordered to be printed in the Record, as follows:

At long last someone finally woke up to reform pension plans. Senator Mondale, I believe, really has come to the rescue of the working man. For years I have felt a man's pension seniority should not be cut off because a company terminates his employment and he must seek employment elsewhere.

I know of a case where an employee of the Danube Mine worked for five years for that company and quit. Two weeks later he was again hired by that company. When the mine closed down he had but 25 years service on his record, when in reality he had over 30 years service for the same company.

I have always felt that, at least in the iron mines, a worker's employment retirement seniority should go on regardless of what company he works for, especially after what has happened to some men. They have worked for a company for, say 5 years, then, for economic reasons, the company lays the man off and he must find work in another mine. This mine could work him 10 years and lay him off and so on until it comes time for him to retire and he may not have enough years in to receive an adequate retirement. A slave has a chance of being treated better than this.

THE TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, I recently read an editorial about the proposed Trans-Alaska pipeline which impressed me with its fairness.

The editorial presented arguments for and against the pipeline. It was written by Murray Moler, associate editor of the Ogden Standard-Examiner, in Ogden, Utah.

Mr. Moler has no ax to grind in the pipeline controversy. That makes his conclusions even more significant.

The cost he describes is well-known to Alaskans who are familiar with the long delay in moving ahead with the pipeline project and have directly suffered the consequences.

Mr. Moler believes that the wait has been worthwhile because of the environmental lessons we have all learned in the past 2 years.

Mr. Moler's editorial should be read by all those who are interested in the pipeline question.

I ask unanimous consent that his editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Ogden (Utah) Standard-Examiner, Aug. 15, 1971]

Emphasis on Protection Will Make Big Alaskan Pipeline Better, Safer

If and when it's built, the Alaskan pipeline will be the most expensive project ever undertaken by private enterprise.

Estimated cost: $1 billion.

Its mission will be to carry up to two million barrels of oil a day from Alaska's rich, untapped North Slope wells to Gulf of Alaska ports for tanker shipment to refineries in the "Lower 48."

Construction, if it is allowed to begin, will take at least three years.

Note those words "if."

They must be used because the Alaskan pipeline is still tied up by litigation on its possible threat to the delicate ecology of Alaska.

And there are conflicting claims upon public land, unsettled since Alaska became a state in 1959, that must be resolved before the pipelaying crews can get to work.

Meanwhile, mile upon mile of 48 inch in diameter pipe—made in Japan, to the sorrow of U.S. steel firms—is rusting in Anchorage storage yards. And hundreds of machines, ordered for the project, are at or near construction sites, waiting for the go ahead signal.

Alaska's a long way from Utah. But what happens in development of that North Slope oil will have a direct affect upon our state's future supplies and prices of all petroleum products.

That's why the editor of the Standard-Examiner's editorial page, while in Alaska with reserve forces of the Air Force's 945th Military Airlift Group, took a firsthand look at the pipeline's route and problems.

We flew in a light aircraft from Fairbanks, in the heart of Alaska's vast interior, northward across the Yukon River, over the Arctic Circle and up to the southern foothills of the Brooks Range that guards the North Slope.

Our goal was to observe what the line might do to the tundra, the peatmoss-like covering that characterizes the area, and the permafrost, the frozen soil—eight inches to 10 feet thick—that perpetually underlies the tundra.

From the air, we could see the tiny survey line across the flats, through the bogs and over the hills that marks the proposed route of the line.

For 82 miles northwestward from Fairbanks, the line generally parallels a modern graveled public road to the old mining camp at Livengood.

Livengood is the jumping off place for "Pipeline Road" that will carry the pipe into place and eventually permit ground access to the broad Yukon Valley and even the Brooks Range and North Slope. Until the pipeline is finished, however, the road will be closed to the public.

The construction highway from Livengood to the banks of the Yukon, about 70 miles, was built last year by an Alaskan contractor before litigation brought the project to a halt.

The Alyeska Pipeline Service Co., the consortium that will build and operate the pipeline for the seven petroleum firms that have North Slope interests, is well aware of the critical looks being given the project.

In ordered experiments on best ways of restoring the ground cover before the permafrost layer melted.

With that in mind, we were pleased to note that seed sown a year ago on bare earth left by work between Livengood and the Yukon had already sprouted. The sides of cuts through hills were greener, by far, than the cuts made years ago here in Ogden when Harrison Boulevard was extended from 9th to 20th Streets across Ogden Canyon.

Only time will tell if the new growth will keep the cut slopes from slipping. If the permafrost "seal" remains broken, the soil below—about the consistency of pancake batter, only green and slimy in appearance—will ooze down hillsides.

There were no such scars visible any place on the pipeline route that's been cut so far. Nearby, on ruts left by earlier, non-pipeline construction work, the scars through the permafrost were vivid and ugly.

An $18-million bridge will be required for the road to cross the Yukon. The pipe itself will be placed in a cement underwater tunnel.

North of the historic Yukon, two miles of Pipeline Highway were built before a lawsuit forced the construction pause. Millions of dollars worth of earth moving machines, prefab cabins, plastic fuel cells and other equipment have been hauled into base camps, ready to go. The material was brought in by truck and sled during last winter or airlifted from Fairbanks.

About 300 miles of road are yet to be built to Prudhoe Bay—up the south flank of the towering Brooks Range and down the Sagavanirktok River drainage system to the oil fields.

Engineers are still deciding whether to place all or part of the 800 miles of pipeline above ground or in a trench.

The oil averages 160 degrees in temperature when it comes from the Arctic wells. It gets hotter when it is pumped and, from friction, as it flows through the line.

Above ground, it might impede the traditional migration of the hundreds of thousands of caribou who range across the Yukon Valley. There's also a worry that supports for an overhead line might sink through the tundra.

Below ground, the dangers of melting the permafrost would increase.

There are also fears that an earthquake would spill huge quantities of petroleum that would ruin the tundra before shutoff valves could be turned.

Because of the permafrost, moisture—water or oil—doesn't sink into the ground. That's why the country appears wet, with many trees, lakes, rivers and sloughs, when it is, technically, "desert," with an average precipitation of only 9 to 11 inches. That's about the same as Central Utah.

Environmentalists also point out that the big tankers that are to carry the petroleum from the southern end of the line at Whittier into Prince William Sound and across the Gulf of Alaska to refineries might be a hazard if they rupture.

These are all valid concerns.

But government experts and spokesmen for the Alyeska Pipeline Service Co., contend that proper protective steps can—and will—be taken to protect the land, the animals and the sea.

Such standards must be written firmly into the company's permit before present lawsuits, filed by conservationists, will be settled.

We feel the oil companies know by now that they must guarantee environmental protection or they will lose their multi-million dollar investment, plus the billions in profits they hope to make from the Alaskan oil.

"We'll be good neighbors or out we go," one Fairbanks oilman told us.

The land claims involving the natives is complex. They must be settled by Congress, where a House sub-committee has just agreed—for the first time—to a tentative compromise plan. If the measure is enacted this fall, this major hurdle will be removed.

Then with settlement of the lawsuits, pipeline construction could proceed, rushed to take advantage of long days during the warm summers but halted in the short days of winter when temperatures drop to −80.

Had the pipeline been laid beginning two years ago, it probably would have harmed the environment. We feel that the lessons of the threat have been learned, the hard way, and will be followed by the state, the federal government and the petroleum industry.

If the Alaskan Pipeline is NOT built and more military bases in the state are closed as now threatened, Alaska, already economically depressed, will be an economic disaster area. And it shouldn't.

U.S. DEPARTMENT OF AGRICULTURE CAMPAIGN TO IMPROVE ENVIRONMENT

Mr. PACKWOOD. Mr. President, the U.S. Department of Agriculture, with more than a century of experience in conservation and environmental causes, has just undertaken another campaign to improve our environment, a step with ramifications which certainly will extend well into the next century.

On September 13, Secretary of Agriculture Clifford M. Hardin announced his Department's Environmental Thrust campaign.

Environmental Thrust commits the employees of the Department of Agriculture to extend all possible assistance to citizens and their organizations in the battle against environmental deterioration.

Secretary Hardin told Department employees across the United States:

> The threat to our environment as a healthful and pleasant place to live has captured the attention of all people throughout the breadth of the country—the old and the young, the rural and the urban, the rich and the poor. Truly there is a national consensus that something must be done—and now!
>
> Therefore, it shall be the policy of the U.S. Department of Agriculture to lend all possible support to individuals, civic and service clubs, development committees, and local, county, and State governments in pursuing activities, projects, and programs whose goals are to reverse the trend of greater and greater degradation of our environment.

Environmental Thrust is not some new highly-funded Federal boondoggle. Rather it is the simple extension of a helping hand, a hand that extends into nearly every corner of our country. It is making available personnel, services and programs that already exist, that are already funded and which are operating.

For example, under a section dealing with trash and junk removal in the Environmental Thrust handbook, it is stated:

> Extension Service can help organize a drive to find markets for shredded junk cars. Bulletins are available on sanitary landfills and disposal pits.
>
> Trucks might be loaned by street and highway departments, military units, construction companies, farmers and USDA agencies.

The spirit of Environmental Thrust is not only a helping hand but also one of cooperation between people, their organizations and many Federal and State Government agencies. Department of Agriculture officials are already working with several nationwide organizations toward implementing the campaign.

I ask unanimous consent to have printed in the RECORD the message contained in a comprehensive leaflet which explains the Environmental Thrust program in more detail.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL THRUST—CITIZEN PROJECT FOR A BETTER AMERICA

ACTION FOR A BETTER ENVIRONMENT

The President has said that the environmental problems we face "can be solved only by a full national effort . . . that reaches into every community in the land. Improving our surroundings is necessarily the business of us all."

The task ahead is great—to restore America's abundant natural assets, to reverse the trends of deterioration, and to improve the physicial settings in which we live, work, and relax.

The Department of Agriculture believes the people of America can refit their thinking and actions to solve the problems or the environment. We believe that much that needs doing must start with people.

To help get action started, the Department has established a campaign called "Environmental Thrust." Its purpose is to show people how they can voluntarily do something positive about improving environmental conditions.

More than 20 project outlines, now ready for use, can be obtained from local, State, and Federal Rural Development Committees. The committees are made up of representatives from the Soil Conservation Service, Farmers Home Administration, Forest Service, Rural Electrification Administration, Economic Research Service and Extension Service. These agencies are easy to reach; along with county extension agents and farm advisers, they are listed in local telephone directories.

Any of the agricultural offices in your State and locality can help you obtain project outlines and guidance. The outlines and general information are also available from: Environmental Thrust, U.S. Department of Agriculture, Washington, D.C. 20250.

If you are concerned, regardless of where you live or work, let me urge you to join in the refitting effort for a better environment. Working together, millions of individuals and their organizations can put quality into our environment.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

ENVIRONMENTAL THRUST—HOW IT WORKS

Throughout the United States, the Department of Agriculture has hundreds of local, State, and Federal offices staffed with people whose daily duties relate to the environment.

The Environmental Thrust campaign aims to muster all available resources of the agricultural community so as to reach every rural county and town to help build and protect the quality of life. We want every source of pollution, ugliness, or blight to be challenged.

Alert citizens everywhere see pressing environmental problems on all sides. We hope to help these concerned citizens also see environmental *opportunities*—opportunities for voluntarily working together to solve problems.

Environmental Thrust seeks to get things started. It is designed to provide citizens with help in first initiating, and then carrying out, community-wide activities in environmental quality—concentrated efforts that can attain tangible, measurable goals.

The Environmental Thrust plan lists the many resources—available for the asking—through the national network of USDA offices.

Government personnel, many of whom are scientists and technicians, will make their expertise available to help with planning and development, as well as putting into effect whatever environment improvement program each town or county decides to undertake.

If you have suggestions to make, a good idea for a specific project, or questions to ask on how to get started, get in touch with your nearest Rural Development Committee via your county agricultural extension agent or local office of a USDA agency.

The regular on-going activities of the U.S. Department of Agriculture are concerned with every aspect of our environment. It is the business of agriculture to provide a safe, wholesome, and abundant supply of farm and forest products; to conserve and renew soil and water resources; to protect and improve wildlife habitats; to produce ornamental plants and trees; and to create outdoor recreation areas.

Agriculture's concern with the environment is as broad as the defintion will allow—the total of our surroundings, conditions, and influences. This is why Environmental Thrust draws on a wealth of knowledge and experience to help any community deal with a particular environmental problem.

Yet USDA's resources and concern are insignificant unless they have the cooperation of large numbers of people. The Environmental Thrust project outlines suggest where action can start.

TOGETHER WE CAN BUILD

The following project outlines are ready for you to use:

Safe Drinking Water . . . Sanitary Landfills . . . Trash and Junk Removal . . . Safeguarding Food Quality . . . Reducing Environmental Degradation By The Marketing System . . . Sewage Disposal For Farm Home and Rural Community . . . Animal Waste Disposal . . . Pesticide Safety . . . Disposal of Pesticide Wastes and Containers.

Controlling Ticks in Recreational Areas . . . Controlling Yellow Jackets in the Western United States . . . Controlling Ragweed . . . Controlling Poison Ivy, Poison Oak, and Poison Sumac . . . Controlling Poisonous Plants . . . Controlling Aquatic Weeds . . . Brush Control.

Improving Recreational Resources . . . Improving Rural Housing . . . Land Use Planning . . . Noise Reduction . . . Protecting the Landscape . . . Landscape Improvement.

This list of project outlines is being expanded. You can help make sure that the opportunities you know about are included. Share your ideas and your commitment with your community.

These environmental insults threaten us all:

Land Abuse and Misuse;
Chemical Abuse;
Population Distribution;
Resource Depletion;
Noise;
Waste Disposal;
Air Pollution;
Water Pollution;
Rural and Urban Blight; and
Technological Abuse.

Opportunities for a better environment challenge each of us.

Although the ultimate cause of some of our environmental problems lies beyond the control of a single community, nonetheless the solutions can begin in actions taken locally by interested and cooperative people—in every community in our land.

The U.S. Department of Agriculture wants very much to help establish and pursue those goals that will result in the kinds of environments Americans want and need.

Will you work with us in a citizen's program for a better America?

REVIEW OF EXISTING ECONOMIC DEVELOPMENT PROGRAMS

Mr. MONTOYA. Mr. President, early this year the Subcommittee on Economic Development began a searching review of existing economic development programs.

Over a period of several months we conducted hearings in Washington and at other points from Alaska to North Carolina, attempting to learn how these existing programs were functioning and what additional legislation might be needed. Foremost in the minds of the members of the subcommittee was the need to provide the mechanisms and financing that would enable communities and States to avoid the disruptions and hardships caused by economic fluctuations.

Some years ago the Congress became aware of the great variations in the levels of prosperity enjoyed by different sections of the country. The mountainous, relatively isolated Appalachian region was an extreme and obvious case. The situation in Appalachia, where underdevelopment and a sluggish economy were virtually permanent conditions, led to the adoption in 1965 of an innovative development effort unlike any ever seen in the United States.

At the same time, Congress passed the Public Works and Economic Development Act to assist communities afflicted with unemployment in improving their basic public facilities.

Our experience since 1965 has shown the approach taken in these two programs to be valid. We have also seen in the past 6 years that a broader, more comprehensive development program applicable to the entire country is needed. The subcommittee's hearings this year confirmed this analysis.

It has become necessary for the Congress to provide the means by which communities cannot only ease the impact of economic fluctuations but carry out well-planned development so as to avoid, or at least minimize, these variations in economic fortunes.

Responding to one of the most urgent needs, the subcommittee developed and the Senate on August 5 passed the Economic Disaster Area Act (S. 2393). This legislation, which is now pending in the House of Representatives, is intended to ease the adverse effects of great increases in unemployment.

Members of the Senate are familiar with the far too numerous instances of sudden spurts in joblessness that have occurred in the past 2 years in Seattle, Los Angeles, Wichita, Detroit, and other areas. The Economic Disaster Act would permit the Federal Government to move swiftly to ease the results of these disasters and to dissipate them with new jobs.

As a part of this comprehensive package, the Subcommittee on Economic Development is now preparing legislation to establish a national economic development program.

A bill to implement this program is now being drafted, and I plan shortly to circulate it among Senators for cosponsorship. The subcommittee intends to conduct hearings on this proposal soon after its introduction.

As now envisioned, the legislative proposal would consist of five titles covering the full range of activities necessary to a well-rounded, permanent development program.

These five titles would cover a national economic development policy, regional development programs, development planning, capital development, and economic dislocation.

It would articulate a national policy of balanced and planned development for all parts of the country, drawing together the available resources in a number of areas to provide at least basic public services everywhere and employment opportunities where there are concentrations of people.

The basic aim of the program would be creation of a continuous process of planning healthy development on a long-term basis, utilizing many Federal programs to meet the particular needs of individual States and local areas.

The total program would operate under a Federal coordinator in the Office of the President. There would also be a nationwide system of regional commissions similar to those now authorized under the Public Works and Economic Development Act.

The program now being drafted would have a multibillion-dollar annual authorization for block grants to be allocated through a formula based on land area, population, and income. These would be allocated to the States through the regional commissions, and all States would be required to be included in a region within a specified time period.

A key part of the proposed program would be an emphasis on continuous investment planning by States and local development areas. This requirement has proved valuable in the past and we believe it to be essential to the success of any development effort.

The subcommittee also will propose the creation of a capital development fund, a semi-autonomous institution sponsored but not operated by the Federal Government. It has been shown that communities most in need of development are usually those least able to provide the necessary capital resources. This fund would help overcome that deficiency.

The national economic development program, which each Senator will soon receive in bill form, is the most extensive effort of its kind ever proposed to the Congress.

I view it as a response to the pressing need of the American society for a rational program of public investments in the future. Our country today is so large, complex and diverse that a shotgun or casual approach to development is not feasible.

Nor can the needs of communities be met by the issuance of directives from Washington without intense participation by the people involved in the development of plans to meet local needs.

The national economic development program is designed to meet these contemporary needs. Its impact will be nationwide, and I urge every Senator to give it his closest attention.

I consider this legislation to be of equal importance with that which we will consider this fall relating to the immediate economic and monetary problems of the United States.

We must attack these problems on a variety of fronts in an attempt to prevent a situation, such as now faces us, from developing again.

For the past year unemployment has hovered around the 6-percent mark, resisting executive efforts to generate new jobs. This high rate of unemployment cannot be allowed to continue or to become a chronic condition causing hardship for millions of our citizens.

At the same time that people are desperately looking for jobs, the Nation's economic growth has stagnated and some one-fourth of our productive capacity sits idle, producing neither the work nor the products that are urgently needed.

The nature of our country in the 1970's makes long-term employment planning essential, and I believe the national economic development program will provide the kind of coordinated Federal-State-local planning and development that will help give us orderly, continuous growth in the future.

JOHN M. BAILEY

Mr. RIBICOFF. Today, John Moran Bailey will round out 25 years as chairman of the Democratic State Central Committee of Connecticut. It is fair to say that no political figure has a record to compare with his.

I have known John Bailey for many years—from the days when we were both young lawyers with offices on the same floor in Hartford, Conn. During these years we have traveled many political roads together, even though from time to time these roads have diverged in disagreement only to come together again further along. John Bailey has brought to the Democratic Party of Connecticut a sense of leadership and statesmanship of the highest order. I have seen him time and time again submerge his personal likes and dislikes and make choices for what he considered the best interest of the State of Connecticut and the Democratic Party.

During his time as State chairman, Chester Bowles, John Dempsey, and I served as Governor. One of the highlights of his great political career was the nomination and election of John F. Kennedy as President. Having been personally involved with the Kennedy campaign from beginning to end, I can state that John contributed more to the nomination and election of John Kennedy than any other person. He was indefatigable as he scoured the country for delegates to the convention in Los Angeles and in organizing the Democratic campaign. Besides being State chairman, he served as national chairman of the Democratic Party under both Presidents Kennedy and Johnson.

Over these many years, John has taken lots of criticism, most of it undeserved.

His wife, Barbara, is a great and gracious lady who has been at his side for all these years. His children and grandchildren are a great joy to both of them.

John, who will soon be 67, has many more years of political leadership ahead of him. I wish him well and greet him in a friendship that has survived political vicissitudes during more than 30 years.

Mr. President, I ask unanimous consent that an article written by Bob Conrad and published in the Hartford Times of September 20 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Twenty-Five Years at Helm for Demos' Boss

(By Bob Conrad)

John Moran Bailey, the legend and the leader of the Democratic party in Connecticut, will round out a quarter century as chairman on Thursday.

It was Sept. 23, 1946, when Bailey was elected head of the Democratic State Central Committee in a post-convention ceremony at New Haven.

He is still the undisputed central figure in the party in this state—not as awesome or active as a few years ago—but without a challenger in sight who could take his job away.

As he approaches the anniversary of 25 years at the helm, Bailey is in the forefront of a movement for change in the party's traditional way of operating.

Bailey isn't exactly a convert to this change, but he is going along as a realist—and that is what Bailey has always been.

"You do what you've got to do."

If Bailey has said that once, he has said it thousands of times. It's one of his personal precepts in the game.

He has a whole set of guidelines like that. They have sustained him through his remarkable tenure as state chairman.

Another is never to close the door completely on any person or any idea.

Or, take the candidate who can win for the party, even if you aren't crazy about the guy personally.

So Bailey finds himself at this point in his leadership of the party on the side of the angels clamoring for changes in the rules that will open the doors to all Democrats who want to get into politics.

The rules changes will be the business of a state convention at the Bushnell Oct. 2. They will be the most profound thing to hit state politics in generations. Bailey will work for the change because the alternative is a day in court or an embarrassing crisis over seating the state's delegation to the national convention in 1972.

"You do what you've got to do."

John Bailey got the job of chairman originally because he had just engineered the gubernatorial nomination for Lt. Gov. Wilbert Snow at that state convention in 1946.

A lot of delegates had the feeling that Bailey was an emerging power in the party and it rubbed off on the committee.

Snow described him as a man with "political know-how, force and drive."

Now, Bailey has 25 more years of accumulated know-how in politics. Some of the force and drive have tapered off, but party leaders up and down the state say there is no question that Bailey is the recognized leader.

The maxim in politics is that you can't beat somebody with nobody. Bailey's term runs until next June. That "somebody" has until then to show up.

Bailey won't say whether he wants another term. The outlook at this distance from convention time is that he could win if he indicates he'd like to stay.

The feeling in the party is that Bailey wants one more go-around to try winning back control of the governor's office. The Republicans won last year for the first time in 20 years.

"I'll be there," is as close as Bailey would come to divulging his plans in an interview with this writer several months ago.

Bailey will be 67 Nov. 23. He was born in Hartford and this has been his political playground, workshop and power base.

His father was a doctor and John wanted to enter medicine too. He turned instead to law, and soon after earning his degree at Harvard Law School, Bailey plunged into ward politics in Hartford.

He always loved sports—as an undergraduate at Catholic University, skinny John Bailey played halfback on the football team—and politics brought out the same sort of competitive urge.

In 15 years, he climbed to a position of control over the Hartford Democratic organization and then the big time by being elected state chairman.

He was married to a college sweetheart, the former Barbara Leary of Framingham, Mass., and they had four children. And in the heyday of Bailey's power, his practice of slipping family members into political jobs was to provoke some of the sharpest criticism he would hear.

The real boom years for Bailey were from 1954 to 1970, when Democratic governors occupied the office on Capitol Hill. Abraham A. Ribicoff and John N. Dempsey were his meal tickets to power, and it spread through the agencies of state government and into the centers of business and finance around his Hartford base.

His friends say Bailey's one deep disappointment during his years as chairman came in 1949 when Democratic Gov. Chester Bowles named an old business partner to a vacancy in the U.S. Senate.

Bailey is said to have eyed the job with the confident expectation that Bowles would name him.

But Bailey attained national recognition when one of his idols John F Kennedy became President in 1960. Bailey was elected chairman of the Democratic National Committee, a post he held for seven years.

He holds the title of chairman emeritus of the national body.

Bailey is a familiar caricature on the political scene in Connecticut—a natural for the editorial cartoonists and ever an engaging photo study. With glasses perched on his forehead and a cigar in his mouth, Bailey gives the appearance of brooding over some political dilemma when he may only be trying to figure out how to correct his habit of hitting line drives off the golf tee.

He has law offices on Pearl Street, but Bailey prefers to operate at the State Capitol—the third floor near the Senate chamber—or at the "Bailey Room" at the Parma Restaurant.

With Republicans in command of the "candy store" of patronage—the governor's office—Bailey was a less effective political boss this year. All but kept at arm's length by House leaders, Bailey fell back to more receptive Democratic leaders in the Senate.

But at intervals throughout the session, and especially in the climactic moments of hard bargaining with the Republicans and their tough governor, Bailey was the cool, loose guy the organizational Democrats sought for counsel.

As always, Bailey served as the target for Republican criticism. When Ribicoff and Dempsey were going through governor, or waging their campaigns, Bailey was often the guy Republicans aimed at rather than risk public anger over attacking those two popular figures.

And in the months that Thomas J. Meskill has been governor, Bailey has gone back to a tactic he employed in his first years as state chairman.

Bailey had to contend with a Republican governor then, too. So he began issuing a weekly press release in which he heaped criticism on the Republican governor. He's doing it again with Meskill—25 years later. That's the way it is when you're out. "You do what you've got to do."

ECONOMIC STATEMENT OF GEORGE MEANY, AFL–CIO PRESIDENT

Mr. HUMPHREY. Mr. President, in his recent appearance before the House Ways and Means Committee, the president of the American Federation of Labor-Congress of Industrial Organizations, George Meany, presented a detailed and thorough analysis of the Nixon administration's economic policy changes.

This testimony is significant because it places the game plan switches of the Nixon administration in proper perspective—that of a major institutional shift in the structure of the United States' taxing system and a reversal of this Nation's commitment to social progress for all its citizens.

Mr. Meany says it without mixing words:

> The proposals are a giant raid on the Federal Treasury that would transfer billions of dollars in public funds into the private treasuries of big business. It is the "trickle down" theory of the 19th Century: heap more wealth upon the rich and some benefit will filter down to the masses below. This is an economic falsehood. The whole history of the United States has proved time and again that the exact opposite is what is good for America.

Mr. Meany asks:

> What happens to America's needs?

What happens to needs for "schools and hospitals, parks, and recreation areas, medical facilities, and medical personnel, 25 million new housing units, efficient, low-cost transit systems, new waste disposal systems, new hardware to extract poisons from the air, the water, and the soil. . ."

What happens to the needs? Meany answers:

> The President's program is not directed to these needs. Instead, he proposes to emphasize stimulation for industrial development.

Mr. Meany made specific criticisms of each of the President's proposals:

On the investment tax credit:

> This proposal is not the remedy for the present economic ills that have pushed the number of unemployed up to 5.1 million persons . . . what the economy and corporation lack at the present is customers, not machinery and equipment.

On the DISC:

> This proposal seeks to exempt one whole industry from federal taxation—the export industry . . . it would further distort the tax structure by creating a wholly new tax loophole.

On removing the auto excise tax:

> The consumer should receive the full benefit.

On acceleration of the tax cuts of the Tax Reform Act of 1969:

> This reduction can in no way, shape, or form balance the huge new giveaway to corporations . . . it is a small, one-short tax relief proposal.

But George Meany recognizes that to criticize is not enough. Sound, positive programs must be proposed. Alternatives that offer tax justice and sufficient fiscal stimulation to the economy are necessary. Above all, our economic programs must be geared toward job creation.

The AFL–CIO has positive programs which Mr. Meany has outlined in his testimony. They deserve the prompt attention of the Congress.

Mr. President, I commend to the Senate the full statement of AFL–CIO president, George Meany. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, BEFORE THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, ON ADMINISTRATION TAX PROPOSALS, SEPTEMBER 13, 1971

We welcome the opportunity to put before this committee the AFL–CIO's position on the President's economic game plan number 2. In the weeks that have followed his address of August 15, considerable attention has been focused on the wage-price freeze. Far less has been given to the major shift in the allocation of the nation's tax resources which the President proposes and are now before this committee.

While it is my intention to restrict my testimony to a thorough discussion of those issues, I would like to make one initial comment on the wage-price freeze. If the freeze genuinely called for equality of sacrifice, we would give it full endorsement. The AFL–CIO has emphasized in Executive Council statements and by Convention Resolutions over the past six years that if economic controls are necessary and they are applied equitably and across-the-board to wages, prices, rents, profits, dividends and interest rates, we would wholeheartedly support such a program. But the current program of the President does not call for equality. The controls and the sacrifice fall on the millions of average American wage and salary earners and their families while corporate profits, dividends, interest rates and many prices are not restrained by the executive order.

That same doctrine of inequality is the issue before this committee.

If the President's economic proposals were genuinely geared to stabilize the economy and to create jobs and to make the tax burden more equitable, we would endorse them. We have—as with wage-price controls—consistently urged job creating programs and economy-expanding programs, all within an equitable and progressive tax structure.

So, we are compelled to come before this committee to declare that the economic proposals in the President's message will create few jobs, if any; they will give no healthy stimulus to the economy, and they will make the tax burden of all American families even more inequitable.

What is proposed here is a radical redistribution of the nation's income and wealth in favor of the rich and at the expense of the public interest.

The proposal before you is a giant raid on the Federal Treasury that would transfer billions of dollars in public funds into the private treasuries of big business. It is the "trickle down" economic theory of the 19th Century: heap more wealth upon the rich and some benefit will filter down to the masses below. This is an economic falsehood. The whole history of the United States has proven time and again that the exact opposite is what is good for America.

Specifically, the President has asked Congress to grant business a 10 percent tax credit for one year and a five percent tax credit per year thereafter on any sum businessmen care to invest in new machinery and equipment.

In addition, the President seeks a tax deferral on profits of export subsidiaries of U.S. corporations. Many of these corporations are the same ones that have been exporting American jobs, technology and industrial capacity.

Both of these legislative actions would come on top of a tax concession granted by this Administration earlier this year that gives billions to business through rapid depreciation allowances.

Altogether, the President's program would give big business $70 billion over the next ten years. This would be the biggest tax bonanza in corporate history and would severely lessen the tax responsibility of corporations, shifting it to wage and salary earners.

That money has to be made up in some way. So to raise it, the President has made four proposals. He would:

1. Take money from the poor, by delaying welfare reforms that are long overdue and which the President has repeatedly urged;

2. Withhold money from federal employees that they have already earned by delaying schedule wage increases until July 1, 1972;

3. Slash federal employment by 5 percent, eliminating 100,000 jobs;

4. Withhold the federal revenue sharing assistance he has repeatedly promised to the financially-strapped cities and states.

Thus, all American citizens are to be shortchanged by these actions. The Public services and public facilities their tax dollars should be paying for won't be provided.

Instead, there will be a grossly unfair and one-sided redistribution of the public wealth. For those who have much, the President proposes more. For those who have little, the President proposes less.

This action would reverse the progress made by every prior Administration that has placed the public good ahead of private gain. More important than greater corporate wealth are the needs of the nation and its people—and they should come first, not the corporations.

The $70 billion the President would give big business over the next ten years—$37 billion in already ordered depreciation allowances and the balance in his new proposals—should be used to meet the needs that actually exist.

What are these needs?

America needs schools and hospitals, parks and recreation areas.

America needs a vast expansion of medical facilities and medical personnel.

America needs 25 million new housing units.

America needs new, efficient, low-cost transit systems in every major city.

America needs new waste-disposal systems, new technology and new hardware to extract poisons from the air, the water and the soil.

Public investment, in short, is precisely what America needs in order to strengthen the economy and provide millions of much-needed jobs. With 6.1 percent of the labor force jobless—5.1 million workers without employment—the United States needs incomes and purchasing power to put these people back in the marketplace to buy the goods of plants now idle.

The President's program does not go to these needs. Instead, he proposes to hand over the people's money to industry in order, he says, to stimulate industrial investment. But at this very hour industry can find no use for 27 percent of the industrial capacity that already exists. Thousands of plants are closed down or on short shifts because their goods are not being bought.

The President labels this scheme a "job-development program" but he knows well that much of industry's investment in new machinery and equipment will eliminate jobs, for the new sophisticated machinery they would purchase is job-displacing machinery. Moreover, this type of tax reduction for business will result in little extra investment.

The Administration says, of course, that there is something in this tax-juggling scheme for everyone. Higher tax exemptions for dependents would go into effect earlier. But this tax cut wouldn't even take effect until 1972, while the President's new tax break to business would be retroactive to August 15.

And even then, for a family of four earning $10,000 a year, the higher exemption will amount to a $57 gain for one year only, while the corporation tax break would go on and on and on.

Let me remind the committee that the increase in personal exemptions were enacted into law as part of a 1969 Tax Reform package that ended the investment tax credit and trimmed many other abuses. That law was intended to bring $4.4 billion into the U.S. Treasury this year. To accelerate the personal exemption as the trade off for a $70 billion raid on the Treasury not only tests public credulity but nullifies most of the gains of that tax reform act.

One of the President's tax proposals—elimination of the auto excise tax—is sound, if there are adequate provisions to insure that the consumer receives the full benefit.

Stimulation of the auto industry is important but this action alone is not the key to improving employment. Only vastly expanded public investment can make a dent in unemployment. In fact, the added employment the President foresees in the auto industry is more than offset by the cut in federal employment he simultaneously ordered.

The 10 percent border tax on imports—the final item in the President's tax plan—is no more than a temporary stopgap. It is totally inadequate as a solution to America's trade problems. It is honeycombed with exemptions and does nothing at all to control the operations of the multinational corporations and international banks, mostly based in the U.S., that are exporting American jobs, capital and technology.

In short, the President's program is loaded overwhelmingly in favor of big business, and against workers, taxpayers and the public interest.

What America needs is tax justice, and this proposal is certainly not just. America needs to close tax loopholes—especially in the areas of capital gains, depreciation, depletion allowances, tax-exempt bonds, and the like. America still has far too many millionaires who pay no taxes at all.

Now let's turn to the specifics in the President's proposal:

THE BUSINESS-INVESTMENT TAX CREDIT

Under the blatantly deceptive label "job development tax credit," the Administration seeks to revive a loophole in the tax structure that was repealed by the Congress in the Tax Reform Act of 1969.

The credit would allow the nation's businessmen to reduce their federal taxes—dollar for dollar—by 10 percent of the cost of new machinery and equipment placed in service between August 16, 1971, and August 15, 1972, and 5 percent for all years thereafter.

For the first 12 months of its operation, reopening this loophole would cost the American taxpayer about $4 billion. Between now and 1980 the revenue loss would be over $27 billion.

This would come on top of the $3 to $5 billion a year depreciation giveaway which the Administration has already put into effect under cover of the Treasury's rule-making procedures. This speed-up, retroactive to January 1, 1971, is estimated by the Treasury Department to cost $37 billion between 1971 and 1980.

This raid on the Federal Treasury would effectively gut the tax law as it applies to corporations, in effect, reducing tax rates by some 15 to 20 percent.

Beneficial as it is to corporations, this proposal is not the remedy for the present economic ills that have pushed the number of unemployed up to 5.1 million, or 6.1 percent of the labor force, and cut industry's operating rate down to 73 percent of productive capacity. And equally important in the longer run, it presents a serious danger of adding to the national economy's instability.

Every dollar of taxes given away to business and industry is a dollar more that must be paid by someone else, or a dollar's worth of public facilities and services that are foregone. In the main, that "someone else" is the American wage and salary earner—that broad spectrum of Americans that the President likes to call middle Americans. They now pay more than their share of taxes as a result of an unfairly rigged tax system. Increasingly, they find it difficult to convince themselves that they are getting a fair shake from their government.

Ten years ago the corporate share of the federal income-tax burden was one-third; individuals paid the balance. In 1968 and 1969, the corporate share was approximately 29.5 percent. Now the Treasury estimates that only about 28 percent of the federal income-tax burden will be borne by corporations in the year ending June 30, 1972.

Thus, reinstituting the investment credit would add further to the unfair tax burden that is now borne by middle- and low-income taxpayers. It would not only add to the loopholes in the federal tax structure, it would also add to the regressive flow of income and wealth by increasing the income shares of business and major stockholders while reducing the share that goes to the great majority of Americans.

What the economy and corporations lack at present is customers, not machinery and equipment.

An attempt to induce businesses to significantly boost outlays for machinery and equipment, when over one-fourth of productive capacity is currently idle, is fantasy. Businessmen don't invest money just for the sake of investing money; they're not going to buy machines merely for the sake of buying machines. Businessmen invest money in new machinery and equipment in the hope that they will be able to use the machinery and equipment to produce goods more economically.

Because of the lack of customers and purchasing power, business won't be investing in additional and expansionary new equipment, but will be receiving billions of dollars in tax credit for routine and previously-made machinery and equipment programs.

In the short run, therefore, the proposed investment credit will be almost entirely a windfall to business and to major stockholders, with the probability that part of the tax bonanza will be exported for foreign subsidiary operations, with the loss of American jobs and displacement of U.S. production.

In the long run, after capacity utilization improves, the investment credit presents the serious danger of another lopsided, inflationary capital-goods boom, as in 1963–69, followed by another recession.

America's recent problems are in no small measure related to the high rate of capacity accumulation that took place during most of the years between 1963 and 1969—spurred by misguided tax policies such as the investment credit, depreciation gimmickry and the failure to enact a corporate tax increase soon enough and high enough to stem the capital-goods boom.

The American economy needs greater stability and balanced expansion. It needs increased revenues for critically important public services and public investments. It does not need the instability and the eroded tax base that would result from reinstituting the investment-credit loophole.

Most important of all, there is nothing here that will create the tens of thousands of jobs that are needed to spur a genuine expansion of our economy and put to work the millions of Americans who are now unemployed or under-employed. There is nothing in this so-called "job-development tax credit" that will put the Viet Nam veteran to work. There is nothing here for those Americans who have been laid off in war-geared industries. There is nothing here to stimulate unused plant capacity, expand work forces and increase production to meet a newly-developed purchasing power.

The Madison Avenue gimmick of a catchy label—"job development tax credit"— is false advertising to those Americans who will have to foot the bill. But worse, it is deceptive and cruelly misleading to those millions of Americans who are looking to their government for genuine job-creating programs in which they can return to work, do a day's work and again be a part of the so-called work ethic of America.

THE DOMESTIC INTERNATIONAL SALES CORPORATION (DISC)

The DISC tax-giveaway proposal was originally a part of the 1970 trade legislation that failed of enactment. Age hasn't made it more palatable. In this proposal the Administration seeks to exempt one whole industry from federal taxation—the export industry.

Under this scheme, corporations would set up a new form of subsidiary through which all of a company's export operations would flow. The total profits of such a subsidiary—in other words all of a company's profits on its exports—would be totally free of federal taxes. The only responsibility for federal taxation would come if the DISC's profits are transferred back to the parent company as dividends, which may never occur.

In full operation, the tax windfall, according to the Treasury, would be some $600 million annually, and other sources have estimated the annual tax loss to be as high as $955 million.

Not only would DISC fail to lessen the serious trade problems that this country suffers, it would further distort the tax structure by creating a wholly new tax loophole. In addition, the DISC proposal provides no added incentive to increase U.S. exports. Companies would receive a tax windfall for doing what they are doing now, whether their exports increase, decrease or remain the same.

The AFL–CIO commented in detail on this matter in testimony in 1970 and a fuller exposition of our opposition to this blatant tax giveaway is attached to my testimony.

EXCISE TAX ON AUTOMOBILES

Under the President's recommendation the 7% excise tax on automobiles would be eliminated on sales that took place after August 15, 1971.

Under the Tax Reform Act of 1969 the auto excise tax would have dropped to 5% in 1971. It was scheduled to fall to 3% in 1972, 1% in 1973, and to be eliminated in 1974.

This scheduled phase-out was postponed by one year through legislation requested by the President in 1970, before he changed his economic game plan without explanation or apology. At the time, the AFL–CIO opposed the President's move because it was our view that excise taxes are sales taxes—direct levies upon consumers. They increase prices and, to the extent they curtail the consumption of those who cannot afford to pay the increased price, they contribute to unemployment and a drop in living standards. Thus they unfairly burden those who must buy and they have little effect on those fortunate enough to be able to buy without regard to price. In short, they are regressive taxes and represent the least desirable method to raise needed public revenues. They do not help to solve the problems of inflation and unemployment, and they could potentially add to them.

We therefore support the Administration's long overdue move to end the auto excise tax—provided the consumer receives the full benefit.

It is the AFL–CIO's position that the sooner the federal government gets out of the sales tax business the better.

ACCELERATION OF THE TAX CUTS OF THE TAX REFORM ACT OF 1969

The Administration is recommending a one-year speedup of the present law's scheduled increases in personal exemptions and the standard deduction. Under current law, personal exemptions will rise from the present $650 to $700 in 1972 and $750 in 1973. The standard deduction, under present law, would increase to 14% (maximum $2,000) in 1972 and 15% (maximum $2,000) in 1973. It is currently 13%, with a maximum $1,500.

The President's proposal would bring the 1973 provisions into effect in 1972. Thus, under the proposal, in 1972 individuals would be able to claim $750 for each dependent rather than the $700 already provided for in the Tax Reform Act of 1969. And those who do not itemize their deductions would also receive a small benefit by the increase in the standard deduction from 14% to 15%.

For a $10,000-income family of four, this proposed speedup would amount to a one-shot tax reduction of $57 for 1972.

According to the Treasury, the effect of this action would be a revenue loss of a billion dollars for the fiscal year ending June 30, 1972, and $1.3 billion for the following fiscal year.

Cuts in individual income taxes have been advocated by many over the past months as a means to add to consumer purchasing power and bolster the economy. The AFL–CIO has fought continuously for a just tax structure which would provide sufficient revenues to permit a reduction in the relative tax burdens of low- and middle-income individuals.

On August 9, 1971, the AFL–CIO Executive Council stated:

> We believe that quick and effective achievement of tax justice is essential to strengthen the performance of the nation's economy and to increase the amount of federal revenue, needed to eliminate the public-investment shortages that are a source of many of America's critical social problems.
>
> America needs the added tax revenues and improved public facilities that tax justice could provide—rather than continued and expanded windfalls for the rich. Effective loophole-closing would also raise sufficient additional revenue to enable a reduction in the relative tax burden of low- and moderate-income families.

Thus it has been our position that such tax reductions should not be financed out of the monies that could and should be used for rebuilding urban areas, expanding mass transit, education, health care, pollution controls and other needed public investments. Rather, they should be financed out of the billions of dollars that presently are beyond the reach of the federal Treasury because of the loophole of special privilege to wealthy individuals and corporations.

The AFL–CIO supports the concept of tax reductions for individuals—especially in the low- and middle-income groups—on an equitable basis. However, these reductions should come about as the result of tax reforms that close existing loopholes and abuses and bring additional necessary funds into the U.S. Treasury. This is the sort of personal redistribution of the tax burden that can help spur an economic recovery and boost purchasing power.

It should also be pointed out that the personal exemption increase is a small, one-shot tax relief proposal, moving up by one year that which Congress has already scheduled to become effective in 1973. This reduction can in no way, shape or form balance the huge new giveaway to corporations. The small tax cut, moved forward by one year, must be viewed for what it is—a thinly veiled sop to moderate- and middle-income Americans, calculated to obscure the impact of huge corporate tax giveways. Put into specific terms, a $10,000-per-year family would receive about the same added tax break as a corporation which purchases a new electric typewriter.

The President's proposal also favors corporations over the average American taxpayer as to effective dates of the tax cut.

Individuals would not receive their approximately $1 per week tax cuts until next year. The $3 to $5 billion tax giveaway to business through depreciation speedups was put into effect retroactive to January 1, 1971. The investment credit, under the President's proposal, would be retroactive to August 16, 1971.

The President's proposal is sorely lacking in any equality between the individual and the giant corporation. The Treasury estimates that the individual tax cuts will have a total cost of $2.3 billion. However, in Fiscal 1972 alone, $6.3 billion would be given to corporations—$3.1 billion in investment tax credits and DISC plus $3.2 billion for the depreciation speedup. Between now and 1980 the tax score would be: American individual taxpayers $2.3 billion saved—corporations $70 billion saved.

THE AFL–CIO PROPOSALS

When all of the economic proposals are examined closely—who will be the recipients, who will be the losers, who will have to pay out more in taxes, and who will pay less in taxes—it is clear that the President's proposal is a form of socialism for big business.

The American people have been told repeatedly by this Administration that public treasury money cannot be spent in behalf of worthwhile projects that are badly needed and will create new jobs. Such expenditures would be inflationary, they are told. Yet public funds diverted or credited to private corporations, allegedly to spur investment and private spending, are considered by the Administration to be non-inflationary.

A clear illustration of this dual standard is the refusal by this Administration to spend $12 billion of funds appropriated by Congress for public purposes. At the end of 1970, there were about 3,000 applications for federal approval of waste treatment facilities. There were 800 applications for water and sewer projects, 1,500 applications for hospitals and public health centers and hundreds of other public facilities in all 50 states.

All of these public improvements will cost money to build—money that will pay wages, buy materials, create sound economic expansion. But this Administration refuses to spend public money for the public good.

America has seen the President veto measures passed by Congress for housing and urban development; for health, education, welfare and anti-poverty programs. The President has vetoed manpower programs and public works programs—job-creating programs of all kinds. All of these programs have been rejected by this Administration. Instead, the billions of dollars that would fund these programs will go into the corporate coffers as tax credits, tax deferrals on exports and depreciation allowances that have no relation whatsoever to the nation's actual needs and are of doubtful economic stimulation.

We believe that firm steps must be taken to preclude any further erosion in the federal government's ability to meet the nation's public investment needs. We believe firm steps must be taken to further the goals of tax justice and pave the way to a healthy balanced economic recovery. The AFL–CIO, therefore, urges the Congress to take the following action:

1. Overturn the Treasury's accelerated depreciation ruling. Creation of the so-called asset Depreciation Reserve System has speeded up business depreciation writeoffs by 20 percent and ended the requirement that business actually replace machines and equipment at about the same rate they are written off. By halting this giveaway, Congress could recoup $800 million for the six months period ended June 30, 1971, and $3.2 billion would be saved in fiscal 1972. Over the decade a $37 billion corporation bonanza would be avoided.

2. Completely reject the Administration's proposal to reinstitute the business investment tax credit. If rejected, Congress would save the U.S. Treasury $3 billion in the current fiscal year, $4 billion in the year ended June 30, 1973, and result in a permanent and growing saving to the Treasury estimated at some $27 billion between now and 1980.

3. Completely reject the Administration's proposed DISC. By refusing to allow corporations to spin off into export subsidiaries and defer taxes, Congress could save the U.S. Treasury from $600 million to $955 million per year.

4. Immediately enact, retroactive to July 1, 1971, an excess-profits tax modeled after that in effect during the Korean War period. Such a tax should remain in effect during any period of freeze, controls, or restraints. Tax rates must be high enough to ensure fair and even-handed application of stabilization policies. Effective machinery should be established to ensure enforcement.

5. We urge speedy congressional action toward completion of the unfinished business of tax reform. The major reforms we recommend are as follows:

(a) Close the capital-gains loophole.

The preferential half-tax rate which applies to gains on unearned income from stocks or other property sold at a profit and the zero tax that applies to such gains when passed on at death are the most disruptive and unfair elements in our tax structure. We believe that there cannot be tax justice so long as unearned income from capital gains is half-taxed while earned income is taxed in full. Elimination of the capital gains loophole for both individuals and corporations and taxing capital gains on property transferred at death would yield an annual revenue gain of approximately $10 to $12 billion.

(b) The tax abuses of the oil, gas and other mineral industries should be completely ended. The 22% oil depletion allowance and the intangible drilling allowance are out-and-out abuses that deserve immediate repeal. The approximate revenue gain would be $2.5 billion.

(c) The 10% minimum-tax rate included in the 1969 Tax Reform Act should be strengthened. This tax requires some tax payments on the part of individuals with large amounts of income from tax-sheltered sources, such as capital gains, real estate depreciation, oil depletion, and hobby farms. For example, doubling the rate would provide a revenue gain of $600 million.

(d) The maximum-tax provisions of the 1969 Act should be eliminated. This provides an uncalled-for tax bonanza to top corporate executives and others whose income comes from astronomically high fees and salaries. The approximate revenue gain would be $200 million.

(e) The tax exemption for interest income from state and local bonds should be disallowed. Such income should be taxed in full with the federal government guaranteeing the bonds and providing an interest subsidy to assure that the fiscal powers of the state and local governments are not hampered.

(f) In addition to the reforms in the federal individual and corporate income tax, a major overhaul of federal estate and gift taxes is a prerequisite to the achievement of tax justice. Present law provides a host of opportunities to minimize or entirely avoid these taxes or postpone payment for generations through devices such as family trusts.

It is the AFL–CIO's firm belief that America's needs are too critical and every dollar of the U.S. Treasury too badly needed for vital programs to allow any siphoning off of public funds for private gain. America cannot afford this $70 billion tax windfall to big business. America needs genuine tax reform. The U.S. Treasury must be used in the public interest to build a better America for all Americans, not as a trough for private greed and private gain.

APPENDIX 1

The President's proposals, fiscal year ended June 30, 1972

[Billions of dollars]

Tax benefits to business:	
Investment credit	$3.0
Domestic International Sales Corporation (DISC)	.1
Depreciation speedup	3.1
Total business tax benefits	6.3
Costs to individuals and State and local governments:	
Postponement of Federal pay increase	1.3
Reduction of Federal employment	.5
Postponement of welfare and State aids	2.9
Total costs to individuals and State and local governments	4.7
Acceleration of individual income tax cuts	1.0
Elimination of auto excise	2.3
Total	3.3
Net costs to individuals and State and local governments	1.4

NOTE.—The 10 percent import surcharge has not been included in the analysis since neither its budgetary effect nor its impact on individuals, domestic or foreign corporations, or Federal revenues can be reliably estimated.

SOURCE.—The White House, "Explanatory Material on the President's Economic Program."

APPENDIX 2.—ESTIMATED ANNUAL REVENUE LOSSES RESULTING FROM THE ADMINISTRATION'S INCOME TAX PROPOSALS, FISCAL YEARS 1971–80

[Billions of dollars]

	Depreciation speedup (ADR)	Investment credit	Domestic International Sales Corp. (DISC)	Total business tax reduction	Tax reduction for individual
1971	$0.8			$0.8	
1972	3.2	$3.0	$0.1	6.3	$1.0
1973	3.6	4.0	.4	8.0	1.3
1974	4.0	2.5	.6	7.1	
1975	4.3	2.6	.6	7.5	
1976	4.7	2.8	.6	8.1	
1977	4.6	2.9	.6	8.1	
1978	4.1	3.0	.6	7.7	
1979	3.9	3.2	.6	7.7	
1980	3.8	3.4	.6	7.8	
Total	37.0	27.4	4.7	69.1	2.3

Source: Department of the Treasury.

APPENDIX 3.—IMPACT OF THE 1-YEAR ACCELERATION OF PERSONAL EXEMPTIONS AND STANDARD DEDUCTION FAMILY OF 4[1]

Wage or salary income	1972 income-tax liability under 1969 tax law	1972 income-tax liability Nixon proposal	1972[2] tax reduction
$3,000	0	0	
$5,000	$170	$140	$30
$7,500	560	514	46
$10,000	962	905	57
$12,500	1,370	1,309	61
$15,000	1,864	1,820	44
$20,000	3,060	3,010	50
$50,000	14,660	14,560	100

[1] Assumes joint return and standard deduction or low-income allowance, whichever is higher.

[2] This tax reduction applies only to 1972 tax returns—these same reductions would apply for 1973 and future years under existing (Tax Reform Act of 1969) law.

APPENDIX 4

Effect of depreciation speedup and 10 percent investment credit on corporate income tax liability

Purchase of $100,000 worth of machinery and equipment, 10-year life.

Under 1970 law:

Purchase of machinery equipment	$100,000
Depreciation write-off (10 years)	10,000
Reduction in tax liability due to purchase (48% of $10,000)	4,800

Under ADR plus 10% investment tax credit:

Purchase of machinery and equipment	100,000
Depreciation write-off (changed to 8-year life by ADR)	12,500
Reduction in tax liability (48% of $12,500)	6,000
Plus 10% investment credit	10,000
Total reduction in tax liability	16,000

APPENDIX 5

THE NEED FOR AN EXCESS-PROFITS TAX

The AFL–CIO calls upon the Congress to enact immediately an excess-profits tax. Such a tax could be modeled after the Korean War excess-profits tax. It should be made retroactive to July 1, 1971, and should remain in effect so long as the wages and salaries are subject to any form of freeze, controls, or restraints.

The AFL–CIO has emphasized in Executive Council Statements and by Convention Resolutions over the past six years that if economic controls are necessary and are applied equitably and across-the-board to wages, prices, rents, profits, dividends and interest rates, we would support such a program.

1. *So long as profits are unchecked while wages and salaries are restrained, the test of equity is not met.*

Profits are the incomes of corporations; wages and salaries are the incomes of people. Wage controls or restraints, without accompanying controls on the incomes of corporations and stockholders, are grossly inequitable. They result in a one-sided shift in the nation's income and wealth into the hands of corporations and shareholders.

2. *The only effective way that profits can be restrained is through taxation.*

Wages and salaries can be immediately and effectively controlled because every employer acts as an enforcer. Corporate profits can only be effectively controlled through the tax structure.

3. *Effective restraints on profits, through the tax structure, must accompany any restraint on wages if there is to be balanced economic growth as well as equity.*

These points were made conclusively by Lawrence R. Klein and V. G. Duggal in a detailed study of economic stabilization alternatives (Wharton Quarterly, Summer 1971). These renowned economists stated that:

"Since prices respond sluggishly to a slower growth in wage rates, corporate profits, calculated residually, rise. Profits cut into the extra funds taken from wage earners. The additional profits, except for a small part that goes into dividends, are not spent and have no impact effect on the system."

They recommend a profit tax formula which would assure that after tax profits are no greater than they would have been in the absence of wage restraints.

The study concludes by stating that ". . . it is imperative that wage guidelines be accompanied by profit guidelines, not only because of implied fairness in burden sharing among different socio-economic groups, but because of the need to return the additional profit to the income stream where it will work most efficiently to increase economic activity."

4. *An excess-profits tax, fairly applied, adds balance to recovery and provides urgently needed revenues for public investment.*

During the Korean period for example, a 30% tax was applied to excess profits as part of the stabilization program. At the same time, to avoid hardship situations alternative methods of calculating excess profits were provided and a ceiling was placed on the total tax burden a corporation could be required to pay.

This tax, in effect between July 1, 1950 and December 31, 1953, raised $2.5 billion in its first full year of operation—equivalent to 11% of total corporate income tax revenue. The combined corporate income tax revenue was $22 billion. Over the 3½ years of its operation, $7 billion in needed public revenues were raised.

There is also the probability of a profit windfall in 1971 resulting from the 90 day freeze which has nullified duly negotiated wage increases of millions of Americans which are already reflected in the pricing structure of American corporations.

5. *During periods of recovery, sharp increases in productivity and plant and equipment utilization result in sharp and immediate increases in profits.*

Again, because of this, stabilization measures which fail to include profit restraints result in a one-sided shift in income between workers and owners—even if prices remain stable.

During all recent periods of recovery, profits rose quicker and faster than any other major sector. For example, from 1954 to 1955, profits rose 27%—employee compensation 8%, and from 1958 to 1959, corporation profits increased 26%—employee compensation only 8%. And during those periods there were no restraints on wages or salaries.

Data now appearing for the present period indicate the same phenomenon. Corporate profits have bounced back to about 1968 peak level while operating rates are still 27% below capacity and 5.1 million people are unemployed.

The First National City Bank of New York, for example, in its August 1971 "Economic Letter" notes that " . . . virtually all of the 22% decline in manufacturing earnings during the recession has been made up during the first two quarters of the recovery."

The Bank goes on to note that reports from 1300 nonfinancial corporations showed an 11% increase in after tax profits between the second quarter of 1970 and 1971 and that "only four quarters in the past two decades have shown a more widespread advance in profits."

Under such circumstances the failure to enact profit restraints while wages are controlled would inevitably result in a massive profits boom, would add inflationary pressures and pave the way for another and perhaps deeper recession.

CORPORATE TAX ACTIONS—KOREAN STABILIZATION PERIOD

The Korean excess-profits tax was effective between July 1, 1950 and December 31, 1953. The bill (Excess Profits Tax Act of 1950) was signed into law January 3, 1951, retroactive to July 1, 1950.

The tax was applied as follows:

(1) The excess-profits tax rate was 30%.

(2) There was a ceiling rate of 62%. That is, the total corporate tax liability could not exceed 62% of income.

(3) The base period could be calculated in either of two ways:

(a) 85% of the average profit levels from 1946 to 1949 with one year allowed to be dropped, or

(b) A rate of return on investment according to the following schedule:

Less than $5 million, 12%.

$5–$10 million, 10%.

Over $10 million, 8%.

Investment was equity capital, retained earnings plus borrowed capital.

OTHER CORPORATE TAX ACTIONS

From July 1, 1950, to March 31, 1951, the corporate tax rate was raised to 47% from the 45% level.

On April 1, 1951, the rate was raised to 52%. Also the tax on corporate capital-gains was raised on April 1, 1951, to 26%—it was 25%.

The revenue generated by the excess profits tax was as follows:

[In billions of dollars]

Year	Excess-profits tax revenue	Corporate income tax (excluding excess profit)
1950	1.39	15.9
1951	2.46	19.6
1952	1.55	17.6
1953	1.61	18.3

APPENDIX 6

CORPORATE PROFITS FIRST-HALF, 1971

(From the August 1971 issue, Monthly Economic Letter of the First National City Bank of New York)

"Earnings in the second quarter rebounded almost to pre-recession peaks. Both sales and margins improved.

"Reports from nearly 1,300 non-financial corporations tabulated by the First National City Bank's Economic Department showed an average year-to-year increase of 11% in after-tax earnings in the second quarter. In the first quarter, this same group of firms had a 7% rise in profits.

"Only four quarters in the past two decades have shown a more widespread advance in profits.

"For the most part, the rise in earnings paralleled the boost in sales volume that characterized the recovery. In addition, profit margins showed a moderate but encouraging advance, reflecting the benefits of extensive cost cutting. Profit margins rose to 5.3 cents per dollar of sales, compared with 5 cents in the first quarter and 5.1 cents a year ago. . .

"Altogether, after-tax profits of manufacturers rose 12% over the same quarter a year earlier. Compared with the previous quarter, earnings were also 12% higher.

"After adjustment for seasonal variation . . . virtually all of the 22% decline in manufacturing earnings during the recession has made up during the first two quarters of recovery."

The article in the bank's newsletter also explains why the bank examines company reports to stockholders, rather than depend on the Commerce Department's reports on profits. It explains that the Commerce Department's reports on profits are essentially based on corporate tax reports to IRS and, therefore, are less valid descriptions of corporate profitability. (There are also some questions about the accuracy of the reports to stockholders, but the article states that these reports "are probably closest to the concept of earning power used explicitly or implicitly by management. . .")

The article states:

"The idea of a separate set of books for the tax collector is nothing new in human history. This country's complicated corporate tax structure has today made this almost a necessity. Corporate management would be derelict in its duty to stockholders if it did not utilize every legal means of minimizing reported income and therefore taxes. Yet just because this method of reporting taxable profits is hedged about by laws and regulations, that does not mean that it is the "true" picture of what is happening to business and its earning capacity."

These are some of the reasons why the AFL–CIO, as well as some investment counselors, emphasize the importance of changes in the corporate cash-flow (after-tax profits plus depreciation allowances) as a more accurate indicator of the financial ability of corporate enterprise.

APPENDIX 7

THE CORPORATE CASH-FLOW SINCE 1960

The inflation problem of recent years started with a profit inflation, which persisted through most of the past decade.

The cash-flow to corporations (after-tax profits plus depreciation allowances) shot up sharply in the 1960s, much faster than wages and salaries. By the first half of 1969, before the recession started, the corporate cash-flow had skyrocketed far out of line with improvements in workers' wages.

Between 1960 and the first half of 1969, before the onset of the recession:

The cash-flow to corporations shot up 87%.

But the after-tax personal income of all Americans was up only 77%—about one-eighth less than the corporate cash-flow. And that includes the effects of a large increase in employment and substantial increases in income from interest payments, rent and dividends, as well as the income gains of wage and salary earners.

The after-tax weekly earnings of the average non-supervisory worker in private, non-farm employment were up merely 34%—three-fifths less than the corporate cash-flow. In terms of buying power, the gain was only about 10%.

The cash-flow to corporations soared from 1960 to 1966 and continued up at a somewhat slower pace through the first half of 1969. From the latter half of 1969 through the end of 1970, the recession—combined with the sharp rise of interest rates and lagging productivity—brought a decline in the profits on non-financial corporations and their cash-flow leveled off.

However, in the late 1960s and particularly in 1969–1970, interest rates shot up—resulting in rising costs and prices and sharply increasing bank profits. So, while the cash-flow of non-financial corporations rose more slowly in the late 1960s and leveled off between the first half of 1969 and the end of 1970, bank profits soared.

As a result, the cash-flow to corporations generally (including banks) moved up a bit, even during the recession of 1969–1970.

In the first half of 1971, despite sluggish conditions in most parts of the economy, profits and the cash-flow rebounded—moving up much more rapidly than the gross national product. There has been a widening of profit margins and a rise in the volume of sales, as well as a continuing increase of depreciation allowances.

By the first half of 1971—with industry operating at only 73% of productive capacity—the cash-flow to corporations was 108% above 1960.

Corporate cash-flow, after-tax profits plus depreciation allowances

[In billions]

1960	$51.6
1961	53.5
1962	61.3
1963	64.8
1964	72.3
1965	82.9
1966	89.5
1967	89 .6
1968	94.6
1969	95.8
First half 1969	96.4
1970	97.4
First half 1971	107.1

Source: U.S. Department of Commerce.

APPENDIX 8

THE INVESTMENT TAX CREDIT

The investment-credit tax privilege—at 7%—was added to the Internal Revenue Code in 1962, liberalized in 1964, suspended temporarily between October 1966 and March 1967, and eliminated in December 1969.

When offered in 1962, the rationale was the same as today. That is, such a scheme would improve our trade position, increase productivity, and promote jobs and economic growth.

At the time, it was the position of the AFL–CIO that the proposal was "ill conceived" and it was our view that such incentives set the stage for unsustainable one-sector capital-goods booms that serve to distort and disrupt the economy.

Our objections proved valid, for the causes of our current inflation, excess capacity and high unemployment are in no small measure due to the capital-goods boom of 1963–1969. In almost every year of that period, business outlays for fixed investment shot up much faster than the gross national product or any other sector of the private economy. In the six years 1963–1969 the real volume of such outlays soared almost 56%, close to 9% per year. Spending on machinery and equipment in real dollars leaped to 67%. Corporate profits increased 33% and cash-flows (profits and depreciation allowances) shot up 48%. In contrast, the average weekly take-home pay of non-supervisory workers (over half the labor force) rose less than 30% and, after adjustment for price changes, the increase was only 8%.

This unsustainable capital-goods boom generated inflationary pressures in the economy. It was inevitably building up for a leveling off or decline since it was adding to the economy's productive capacity at a much faster pace than the demand for goods and services.

The 7% investment credit was first instituted in 1962; yet it was not until the massive tax cut of 1964 and the increases in public investments that grew out of the Great Society programs began that any appreciable effect on unemployment was felt. For example, between 1962 and 1964 the unemployment rate continued to stick around the 5.5% level and it actually rose between 1962 and 1963. It was not until the end of 1963 that the rate began to ease.

Furthermore, in 1962 industry was operating at 82% of capacity—compared to today's situation where 28% of capacity lies idle. This same mistake must not be repeated.

The fact that the real volume of business investment outlays has declined somewhat since the end of 1969 stems clearly from the existing substantial excess capacity.

Though corporate profits are down somewhat from 1968 peak levels, cash-flows—a much better indicator of the availability of funds for business investment—have increased substantially despite the recession. In the second quarter of 1971 corporations were generating cash at an annual rate of $108.6 billion, 15% above even the third quarter 1968 rate—the peak period of the corporate-profit boom.

The clear relationship between industry's operating rate and the volume of demand for capital goods was recently indicated in a report in *The Wall Street Journal*. According to the April 26 issue of that newspaper, J. T. Bailey, President of Warner & Swasey Co., stated: "Historically, an operating rate of 80% is required to produce a good level of orders for machine tools." And a good level of orders for other types of capital goods may require an operating rate of 85% or more.

Obviously, what the economy and corporations lack at present is customers, not machinery and equipment.

APPENDIX 9

THE AFL–CIO POSITION IN OPPOSITION TO DISC

On May 19, 1970, the AFL–CIO appeared before the Committee on Ways and Means to testify on Pending Foreign Trade Proposals. In response to a question by Congressman Richard Fulton, the AFL–CIO presented its objections to the Treasury Department's proposed Domestic International Sales Corporation (DISC) in summary form.

The following are the specific objections of the AFL–CIO to DISC:

1. The DISC proposal would create a new tax loophole which in the main would benefit large corporations. An entire industry—the export industry—would be freed of Federal taxes.

Under present tax law profits from export sales are subject to U.S. income taxes in the year earned. U.S. income taxes on profits of foreign subsidiaries are deferred—they do not have to be paid until such time as dividends are brought back to the U.S.

Through the DISC proposal the Treasury seeks to achieve equity through extending and widening the existing tax deferral loophole to profits from export sales of domestic corporations. The Treasury would, therefore, widen an existing loophole, entrench it further into the law and postpone or preclude any opportunity to eliminate this preference.

2. The DISC provides no added incentive to *increase* U.S. exports. The benefits of tax deferral would flow to all firms exporting goods—regardless of whether their export sales increase, decline or remain stable.

3. The DISC proposal would be a windfall tax bonanza to many corporations.

A major beneficiary of the tax provision would be large U.S. based multi-national corporations. Those corporations export semi-finished goods and components to foreign plants which in turn compete with U.S. goods.

Similarly a major purpose of the DISC proposal, according to the Treasury, is to permit smaller firms to enter the export market or expand export sales. In our view, the rise of huge multi-corporations is a major factor in precluding smaller firms from developing markets abroad. These huge corporations produce for export as well as operate through foreign subsidiaries. Hence, the opportunity to establish DISC's would enhance the financial position of these huge, internationally-based operations. Their ability to control international markets would be reinforced and smaller firms could not improve their competitive position.

4. The DISC proposal would open opportunities for tax avoidance through bookkeeping gimmickry between the DISC and its parent corporation. The Treasury's proposal would permit tax-free reorganizations into DISCs, provide additional opportunity for corporations to accumulate tax-free

funds, and permit the DISC to lend these tax-free accumulations to the parent corporation.

5. When in full operation, the DISC proposal would cost the U.S. Treasury approximately $600 million annually, according to Treasury estimates. Other reliable sources place the loss as high as $955 million yearly. Losses that will have to be made up by individual taxpayers and businessmen that do not produce for international markets.

6. The DISC proposal would do nothing to eliminate the basic factors which have led to the deterioration of the U.S. trade position. These factors include the spread of managed national economies, with direct and indirect government barriers to imports and aid to exports; the internationalization of technology; the skyrocketing rise of investments by U.S. companies in foreign subsidiaries; and the spread of U.S.-based multinational corporations.

In sum, it is our judgment that if the Treasury DISC proposal were enacted, a gaping new corporate tax loophole would be created and there would be little if any improvement in our trade position. Moreover, there is a distinct possibility that this proposal would serve to encourage a further export of U.S. capital, technology, and jobs and forestall the adoption of the many measures necessary to rationalize our foreign economic policies.

APPENDIX 10

POSTPONEMENT OF INCREASES IN SOCIAL SECURITY PAYROLL TAX AND WAGE BASE

The AFL–CIO believes postponement of the increase in the wage base to $9000 as scheduled in present law would aggravate an already serious actuarial imbalance in the hospital insurance trust fund. Passage of H.R. 1 and postponement of its scheduled contribution and wage base increases would exhaust that fund in 1973. It is imperative to raise the payroll tax or the wage base or both or at the very least reallocate income between the cash and hospital insurance trust funds.

Under the present law, the total social security contribution rate of 5.2 percent each for employees and employers is scheduled to remain in effect for 1972. However, the wage base is scheduled to increase in 1972 from $7800 to $9000. H.R. 1 would increase the wage base from 5.2 percent to 5.4 percent in 1972 and the wage base to $10,200. The 5.2 percent rate under present law consists of 4.6 percent for cash benefits and 0.6 percent for hospital insurance. The 5.4 percent rate under H.R. 1 consists of 4.2 percent for cash benefits and 1.2 percent for hospital insurance. The payroll tax is cut for the cash benefit programs because of a surplus in the trust fund and in order to increase the hospital insurance rate without substantially increasing the combined rate of cash and hospital insurance.

Though there is some latitude in the timing and magnitude of increases in the contribution rate and wage base, the financing of the Social Security program should not be based upon counter-cyclical and related economic considerations. Once we deviate from this principle, it is inevitable that considerations other than the legitimate needs of social security beneficiaries will be major factors in determining if and when changes in the law will be made. The needs of beneficiaries and the actuarial soundness of the system should be the criteria and they should not be subject to the fluctuations of economic policy. The Congress has a myriad number of ways of influencing the economy in a desired direction and there is no overriding need to use the social security condition rate for that purpose.

The large bulk of the funds for financing H.R. 1 in 1972 comes from raising the wage base to $10,200. But postponing increases in the wage base scheduled in H.R. 1 or under present law will have no immediate impact in stimulating the economy. The social security tax is applied to the total salary at the beginning of the year and deductions for an individual cease when the wage base is reached. Thus, regardless of whether increases in the wage base are postponed, no significant economic impact can result until the fourth quarter of next year—much too late for achieving the immediate economic results required.

A more effective way to immediately stimulate the economy and put money into the hands of people who will spend it would be to begin paying increased benefits in January 1972 instead of for June 1972 as now scheduled in H.R. 1. This would put nearly an additional $200 million a month into immediate stimulation of the economy or more than one billion dollars in the first half of the year. Raising the benefit increase from the inadequate 5 percent to a higher amount would, of course, provide even greater stimulation. We believe this would be the preferable approach because it achieves both an important social goal and provides a more effective, immediate impact on the economy.

TREATMENT FOR HEROIN ADDICTION

Mr. PELL. Mr. President, it gives me great pleasure to announce that a single scientist, working mostly alone and financing his research largely from his own pocket, has promise of what he believes to be a treatment for heroin addiction.

Dr. Albert A. LaVerne has treated 50 hard-core heroin addicts during the past 5 years. His result indicate that 48 percent of these addicts were cured within 3 months and have not returned for treatment for heroin addiction since.

My staff has been investigating this modality for the past 3 months, as has the staff of Representative WILLIAM A. ANDERSON, of Tennessee, who informed the House of this on Tuesday.

The treatment is reported to be relatively more favorable than other treatments now being used.

The medical staff of Hahnemann Hospital of Philadelphia has passed a plan to scientifically evaluate this treatment. Under controlled conditions of this evaluation, Dr. LaVerne feels that he will have a higher cure rate than he has had with his private patients or with those who were on an outpatient basis.

The Hahnemann evaluation is now prepared to go ahead as soon as funding is received.

Mr. President, I believe that I need not emphasize the seriousness and the pervasiveness of the drug problem facing our country today.

I believe that we as legislators have the responsibility to leave no stone unturned in the search for a means of curbing this problem of drug addiction.

For some time now I have been trying to nudge the Federal bureaucracy to utilize their resources to assist Dr. LaVerne.

Some time ago I contacted the Veterans' Administration, which has the responsibility for rehabilitating those many unfortunate Vietnam veterans who have returned to this country addicted to heroin. I regret to say that the Veterans' Administration, which has no adequate program for dealing with heroin addiction, was most hesitant in even undertaking an investigation of Dr. LaVerne's treatment.

I then contacted the National Institutes of Health, which has the responsibility for the problems of domestic drug addiction. While the National Institute of Mental Health did respond to my inquiries, they have been slow in moving into an in-depth analysis of the potential of Dr. LaVerne's treatment.

Consequently, due to the serious nature and immediacy of the heroin addiction problem, Dr. LaVerne asked the Hahnemann Hospital in Philadelphia to undertake an evaluation of his approach.

Mr. President, while I am pleased that Hahnemann Hospital may be willing to undertake the studies that are necessary for the further promulgation of the LaVerne method of hard drug rehabilitation and congratulate it on its willingness to do so, I would hope that this fine private hospital would not be left to its own limited finances in undertaking this much needed work.

I would urge, once again, that the National Institute of Mental Health provide funds now for this project.

There have been some that have suggested to me that I be highly skeptical of Dr. LaVerne's treatment. There have been some that have even sugggested to me that I may appear to be foolish in pushing for a further expansion of the use of Dr. LaVerne's method of treatment. My only answer to them is that the heroin addiction problem is so serious that we cannot afford to let any possible remedy go unexamined.

If Dr. LaVerne's method turns out to have a tremendous potential for success on a nationwide basis, we have gained everything.

If Dr. LaVerne's method does not live up to our expectations, we are none the worse off.

Mr. President, it is my hope that the National Institute of Mental Health in conjunction with the Veterans' Administration would reconsider their reluctance in assisting Dr. LaVerne and would move now to undertake the funding for the carbon dioxide treatment project.

I ask unanimous consent that my recent letters to the National Institute of Mental Health and the Veterans' Administration be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 6, 1971.

BERTRAM S. BROWN, M.D.,
Director, National Institute of Mental Health, Chevy Chase, Md.

DEAR DOCTOR BROWN: Thank you for your very informative letter regarding the background of the use of carbon dioxide therapy in the mental health field.

While I can appreciate that the record of carbon dioxide therapy is mixed. I am also concerned that any apparent successful effort to curb heroin addiction be properly evaluated.

I would be appreciative if your staff would arrange as soon as possible for a controlled experiment, such as an objective double blind clinical study, and evaluation under your auspices of Doctor LaVerne's method.

I know I need not describe to you the seriousness of the heroin addiction problem, and it seems to me that we cannot disregard any method that appears to be helpful in reducing the hardships caused by heroin addiction.

Warm regards.

Sincerely,

Claiborne Pell.

July 16, 1971.

Hon. Donald E. Johnson,
Administrator, Veterans' Administration, Washington, D.C.

Dear Mr. Johnson: Thank you for your kind response to my recent letter regarding the possibility of the Veterans' Administration utilizing the carbon dioxide therapy methodology of Dr. Albert A. LaVerne in its treatment of returning veterans who are addicted to heroin.

I am delighted to know of the interest of the Veterans' Administration in the experimental use of this modality of treatment.

Dr. LaVerne has suggested the possibility of his treating on an experimental basis a number of the acutely addicted veterans who are patients at the Veterans' Administration Hospital at 24th and 1st Avenue in New York.

At this Veterans' Administration facility, acutely addicted veterans are now receiving a methadone treatment.

Dr. LaVerne has also suggested that a group of twenty veterans be selected, ten of whom would be treated as usual with the methadone treatment in your facility and ten of whom would be treated with the carbon dioxide therapy. He believes that if this type of test is used on a weekly basis for a period of thirty-sixty days, the effectiveness of his treatment could be adequately demonstrated to the health officials of your staff.

I would be appreciative if you would make arrangements for your personnel at the New York facility to undertake arrangements with Dr. LaVerne for the initiation of this experimental treatment program.

I am enclosing for your information some further background material on Dr. LaVerne's project which may be of interest to your staff.

Dr. LaVerne is anxious to begin this project as soon as possible, and it would be my hope that your officials could expedite its initiation.

I believe if Dr. LaVerne's treatment is as effective as his initial experience indicates that it would be a significant addition to the heroin addiction treatment program of the Veterans' Administration.

Warm regards.

Sincerely,

Claiborne Pell.

DR. PETER GOLDMARK TO LEAVE CBS TO ASSIST RURAL AMERICA

Mr. HUMPHREY. Mr. President, Dr. Peter Goldmark, president of Columbia Broadcasting System Laboratories, recently announced his expected retirement in December of this year from CBS, following many years of dedicated and innovative leadership within the broadcasting and communication industry. Aside from the apparent shock that his announced retirement plans have had within the broadcasting industry, his postretirement plans may well be an even bigger surprise to the industry he has served so ably. Dr. Goldmark, whose contributions to the broadcasting and communications industry have been many, including such things as the long-playing record and color camera equipment for the Apollo 15, has announced that he intends to devote himself following his retirement from CBS to the application of modern communication technologies to the problem of improving many of the services of our Nation's smaller communities. Dr. Goldmark apparently has decided to turn down some very lucrative offers—including from CBS—to remain within the business world, in order to devote all his time to these goals.

Mr. President, as chairman of the Rural Development Subcommittee of the Committee on Agriculture and Forestry, I not only applaud Dr. Goldmark's decision, but have invited him to meet and work with me and our subcommittee in addressing ourselves to this innovative task of designing ways and means of applying many of our Nation's new technologies to the problems of rural and smalltown America.

I hope it will be possible for Dr. Goldmark to join us in these endeavors to create a more balanced national growth pattern in this country. The application of our new technologies in this regard is essential to the achievement of these goals. Dr. Goldmark is clearly one of our Nation's leading figures in this field. We need his excellent counsel and advice on these matters and I sincerely hope that his postretirement plans permit him to work closely with our Rural Development Subcommittee.

Mr. President, I ask unanimous consent to have printed in the Record the text of an interview with Dr. Goldmark which was published in Forbes magazine of September 15, 1971, and reveals his concerns and plans following his departure from the broadcasting business world.

There being no objection, the interview was ordered to be printed in the Record, as follows:

As I See It

It's not often a man walks away from $750,000. Why did you?

Goldmark. Because there are things I feel I have to do that I can do more easily on the outside than at CBS. I believe that communications technology can solve many of the problems facing the nation. I don't mean new communications technology. I mean the existing technology. We don't need new inventions. We've been putting an awful lot into inventing but not enough into applying what we've invented. Our need is now to take our existing technology and put it to work, to create new systems with our existing technology that will help shape the future of the nation.

The profit world can't do this because the profit world can't set forth national goals. This is a job for the nonprofit world. On the other hand, the profit world can help to achieve the national goals. Now that I'm leaving CBS, I hope to create an institute where the profit world and the nonprofit world can meet and work together.

What kind of problems do you believe communications technology can help to solve if put to work?

Goldmark. At the present time, 90% of the people in this country live on 10% of the land. People have been moving into a few great metropolitan areas. You know the problems this has created: crime, narcotics addiction, pollution, traffic, educational problems, social problems. Small towns have the same problems, of course, but they have them on a manageable scale. In the cities, the problems have become too big to manage.

By 2000, the U.S. will have 100 million people more. If present trends continue and they all crowd into urban areas, we're going to have a crisis. The problems we already can't manage will destroy us.

We must create conditions that will make it possible for this growth to take place in the rural areas, in small towns. It's not a question of moving people from the cities into small towns. You can't do that. It's a question of giving people a choice, which they do not now have, of living in a small town or a big city. I believe communications technology can give people such a choice.

In the words of the World War I song, "How Ya Gonna Keep 'Em Down on the Farm?"

Goldmark: Why do people move from rural areas into the cities? First of all, for jobs. Then, and this is very important, educational facilities: universities. And for excitment: theaters, cultural centers, sports arenas.

With our present communication facilities, we can provide all these things in the small towns. We can keep them physically small; if we keep them physically small, we can keep their problems small. At the same time, we can give them all the things a big city has.

The big cities became big for observable reasons: coal, iron and other natural resources; harbors, rivers, the Great Lakes. . . .

Goldmark: That is true, but present growth in employment in this country is not in manufacturing but in the service industries. By the year 2000, when we have a population of 300 million, two-thirds of the people employed in this country will be employed in the service industries. The service industries have been expanding even faster than the population.

Now there's no reason, given modern means of communication, why they have to expand where they are now. Let's say you have an insurance company based in Hartford which projects that it will eventually have to hire an extra thousand workers. With two-way television, broad-band cable or microwave and with facsimile, there's no longer any reason why it has to build office space for them in Hartford. It could set up offices in five different small towns in a radius of several hundred miles, each one housing 200 workers. Two-way television and facsimile would enable instant communications, more rapid communications even than you now have in a skyscraper office building.

There's no longer any reason why a service company like an insurance company has to concentrate all its employees in a single skyscraper.

For that matter, there's no longer any reason why all state government offices should be concentrated in the state capitals. With modern communications, state governments could easily be dispersed.

What about the other factors that make youngsters leave the small towns for the cities?

Goldmark: Education? We could establish minicolleges, small colleges with small staffs. Such a minicollege could be linked by two-way television with a great university hundreds of miles away. Students at the minicollege would be able to participate in all the important things taking place at the great university: lectures, seminars. They wouldn't just sit and look and listen. With two-way television, they could participate, ask questions, enter into discussions.

Entertainment? Through the use af satellites and cables, we can bring anything exciting happening anywhere in the country to every corner of the country: sports events, concerts, anything.

We can do something about the medical problems of the country, too. In many depleted areas, it's impossible to keep doctors. In such areas, we could establish telemedicine. With two-way TV, we can have remote-distance diagnosis.

How do you go about establishing the new systems you are talking about?

Goldmark: I was a member of a committee

on telecommunications of the National Academy of Engineering which studied this question. We published a report discussing how it could be done. The big problem now is to convince business that it's economically feasible to expand into rural areas. Unless you can prove to the service industries that it's not necessary to concentrate company headquarters in 50-story buildings, you can't get anywhere.

We now have a pilot project in Windham in the northeast part of Connecticut to demonstrate the feasibility of the idea. We're linking Windham to Hartford by two-way microwave television.

What would be the technological problems of such a project?

Goldmark. As I said, they do not involve the necessity for new technological developments but of devising the systems and getting them set up. CATV companies are now laying cables with 20 or more channels. We can just as easily lay cables with 40 channels. We could lay them along the state and federal highway systems, dig a moderate trench beside the highways and lay them there.

I've discussed this with the Connecticut State Highway Commission. They're enthusiastic. Why not? It will put them in the communications business.

We know that setting up these communications systems is technologically feasible. We believe that in Windham we can prove it's economically feasible.

I'm not saying that communications technology can solve all our urban problems; I'm just saying that it can arrest the present concentration of the nation's population into a few areas, creating problems of such magnitude they cannot be dealt with. Communications technology can give people a choice of where to live.

How would these two-way cable and microwave systems you hope to establish affect commercial television? By establishing cable systems with 40 channels, wouldn't you completely disrupt commercial television, creating unlimited competition for the three TV networks?

Goldmark. I don't believe the new systems will supplant the networks. The networks will continue pretty much as they are because they provide a service people want and business is willing to pay money for. They are economically viable and they will continue to be.

The new systems will provide new services for business, education, government. They won't supplant existing television, but merely fit into the present structure.

I don't know of any development in communications that replaced the existing system. Movies didn't replace books. Radio didn't replace the phonograph. Television didn't replace radio. People have a growing appetite for ideas. Communications may evolve into new forms, but what we already have won't stop.

TEAMWORK NEEDED IN OUR RETURN TO MARITIME LEADERSHIP

Mr. STEVENS. Mr. President, despite general recognition of the critical economic and political importance of seapower—including both naval and maritime shipping capability—and despite virtually universal recognition of our Nation's steadily declining strength in seapower over the past 10 years, we are still not reversing the trend quickly enough.

In his address before the executive committee of the Navy League of the United States at Denver, Colo., on August 6, Assistant Secretary of Commerce for Maritime Affairs, A. E. Gibson, traced and analyzed the decline of U.S. maritime strength from first rate to fifth rate—and sharply compared this with the phenomenal growth of the Soviet merchant marine and combat fleet in tonnage, efficiency, and, most interestingly, in global prestige.

We all know that a reversal in the trend was enabled last year when the Congress endorsed the President's program for redevelopment of the U.S. merchant fleet. From Mr. Gibson's frontline position in the administration of the program, he sees a need for closer teamwork in our naval and merchant shipping programs. His suggestions are practical and they illustrate the necessity for perfection in every step of our come-from-behind effort to regain worldwide seapower leadership. Mr. President, I ask unanimous consent that Mr. Gibson's comments be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by A. E. Gibson

It is a great pleasure to be with you today. I was particularly pleased to join the Navy League and to have been appointed to its Executive Committee, for I have long been impressed by the dedication and effectiveness of this organization in alerting the general public to the important contributions our Navy has made and is making to preserve and defend our Nation's well being.

While I would normally expect a Navy League meeting to be in a coastal location, in sight of the oceans, perhaps our present inland position and elevated altitude provide an appropriate place to present a slightly different perspective on our Nation's seapower.

This is what I hope to do today: to give you the view of our maritime assets as seen from the perspective of total seapower, rather than the Navy's alone, with which you are quite familiar.

A strong Navy and merchant marine are both indispensable to our national seapower posture. Weakness in one mitigates—can even completely negate—strength in the other. Our naval and merchant fleets represent two sides of the same coin. President Nixon aptly noted their relationship when, during the Presidential campaign of 1968, he defined seapower as "the ability of a nation to project into the oceans in times of peace, its economic strength; in times of emergency its defensive mobility." He further stated: "Sea power is composed of all those elements enabling a nation to use the world's oceans advantageously for either trade or defense . . . its navy, its merchant shipping, its shipbuilding, its fishing, its oceanographic research, and its port facilities."

Back in 1890, that foremost exponent of maritime strategy, Captain Alfred T. Mahan, made a similar observation: "Seapower in the broad sense," he wrote, "includes not only the military strength afloat that rules the sea or any part of it by force of arms, but also the peaceful commerce and shipping from which alone a military fleet naturally and healthfully springs, and on which it securely rests."

It is upon the recognition of the close, intertwining relationship between merchant and naval shipping that consideration of our seapower must begin. With President Nixon's pledge to restore this Nation to the rank of a first-rate maritime power, and the implementing actions that have been taken, a review of this relationship is particularly appropriate at this time.

I need not tell this audience how seapower has influenced the course of history. Surely seapower has been instrumental in shaping our Nation's destiny, transforming it from a vulnerable fledgling into the most affluent and powerful country in the world. Shipping and an aggressive pursuit of world trade have been the major catalyst to our economic development since the founding of this Republic and remain so today. Many times when our Nation was imperiled by hostile forces it was our Navy and Merchant marine that tipped the margin of victory in our favor.

Yet, despite the ample evidence of the need for and value of seapower, our Nation after successfully emerging from periodic crises invariably let its maritime strength decline, setting the stage for another frantic rush to correct the deficiencies when the next emergency arose.

While we have permitted our seapower priorities to oscillate like a sine wave, the Soviet Union—a maritime nonentity 15 years ago—has demonstrated that it recognizes that seapower is essential to its global aspirations and military preparedness.

During the past 10 years, it has been engaged in an all-out effort to build-up its naval and merchant fleets. This ambitious program received much of its impetus and priority after the Cuban missile crisis of 1962 exposed a fundamental weakness in that nation's inability to project its strength into the oceans.

Between 1960 and 1970, the Soviet Union's merchant fleet grew from 841 ships to 1,766, elevating her from the rank of 13th to 7th in world standing. Significantly, the Soviet fleet today is one of the most modern in the world.

Compare this enormous growth with the alarming decline of the American Merchant Marine during the same period. In 1960, the United States was ranked first in world maritime standings with the combined Government and privately owned fleets aggregating almost 3,000 ships totaling 32.6 million deadweight tons. Of that number, more than 1,000 were privately owned, the remainder comprising more than 1,900 Government-owned ships in the reserve fleet.

Ten years later, the total U.S. fleet had contracted to fewer than 1,000 serviceable vessels. Of this number less than 800 were in active service.

The United States had sunk to a fifth-rate maritime power.

A similar situation confronts us if we turn to the statistics for naval combatant vessels. While the 600-odd ships in the U.S. fleet declined only slightly, the average age of the combatant vessels increased nearly three-fold from just over 5 years to more than 15 years. The Soviet fleet, with some 1,600 ships today, has an average age of about half of ours. In terms of combatant vessels, then, the U.S. faces a situation in which we are outnumbered by almost three-to-one with ships that average only about half the age of ours, and in the immediate future there is little that can be done except to watch the gap widen.

The Nixon Administration is dedicated to reversing this decline in both our naval and merchant marine strength. Under the President's program for revitalizing the merchant fleet, which was resoundingly enacted last year by Congress, we will build the equivalent of 300 new ships in this decade to replace the aging privately owned fleet. As many of you are aware, this program is moving forward. During the fiscal year just ended, the Maritime Administration entered into contracts totalling almost $400 million for the construction of new ships and the conversion of comparatively new conventional freighters into highly productive containerships. Among the new ships ordered were barge-carrying LASH ships, and versatile combination tankers and dry bulk carriers. These ships, along with the new containerships and conversions contracted for, will greatly increase the cargo-carrying ability and flexibility of our maritime fleet.

We must recognize however, that while we are struggling to catch up, the Soviet Union is continuing to progress. The U.S.S.R.'s concentration on building comparatively small merchant vessels stems from its dedicated use of ships to establish political and economic beachheads in underdeveloped nations, as well as to service many of their own smaller ports. Soviet merchant vessels have been entering about 800 ports in nearly 100 nations each year, many of which rarely, if ever, see an American flag vessel.

Concerning their emergence as a merchant shipping power to be reckoned with, the Soviets have shown little reticence in discussing their motives. One of their publications has stated that "The Russian maritime fleet is to be considered as a weapon in the competition with the capitalist countries, and it must contribute towards breaking the expansion of certain capitalist countries in the framework of world merchant shipping in order to support the developing countries."

It should be unmistakably clear that the U.S.S.R.'s ambitious maritime program has been designed to enhance the worldwide influence and prestige of the Soviet Union. The Soviet merchant fleet draws its justification as much from political considerations, as it does from economic ones.

The Russian premier, discussing that nation's new five-year plan, noted that they hoped to build a number of containerships and giant tankers. He also pointed out that the fleet is growing in vessel size, as well, with more ships in the 13,000 to 50,000-ton range being added. This is merely a further affirmation of their total commitment to an ever-increasing maritime development.

We in the Government clearly recognize this. We also recognize that our naval and merchant shipping efforts must be much more closely coordinated if we are to survive. Admiral Zumwalt, his predecessor Admiral Moorer, Under Secretary John Warner, and I have had many discussions of the coordinated roles of our Navy and merchant marine in projecting our maritime strategy, and we have a number of joint studies underway.

In attempting to achieve this goal of coordinated merchant and naval capabilities, we labor under a restraint that does not affect the Soviets. In the Soviet Union, merchant shipping, like the Navy, is state-controlled, run as much for political ends as for economic ones. Even though their shipping lines operate on a so-called "profit" basis, this is subject to the over-riding dictates of Soviet national policy. Thus, their merchant fleet is clearly and directly an instrument of national policy.

In the United States, the merchant shipping industry consists of private corporations, run essentially the same as any other business in this country. Thus, for these companies, implementation of national policy must be tempered by economic considerations.

We obviously do not need to be apologetic about this. Our history clearly demonstrates the strength which has resulted from our free enterprise system. I believe that the ability of American business firms to operate in a free and unhindered market is absolutely vital to the national interest and is one of the important ingredients in the American success story.

This dual "personality" of American shipping lines—private firms run in accordance with the stockholders' desires, but endowed with a vital mission in protecting our national security—places a heavy burden on those Government agencies directly concerned with the shipping industry.

At the present time, the U.S. merchant marine's largest single customer is the Department of Defense. Military cargoes account for 30 to 40 percent of the total dry cargo carried in U.S.-flag liner vessels. This predominance will lessen in future years as the amount of military cargoes shipped overseas declines and as the results of the marketing efforts aimed at securing more commercial cargoes now being undertaken by the industry with Maritime's cooperation begin to have their effect. Nonetheless, the commercial fleet will continue to rely heavily on DOD cargoes for at least the next few years.

In a nutshell, then, the Department of Defense has much power to determine the size and economic viability of the fleet which will be available to the Nation in time of crisis through its allocation of peacetime cargoes. This is a power that must be more wisely exercised in the future.

A recent study of sealift procurement demonstrated that under the present competitive bidding system, the rates on military container cargo are noncompensatory. The revenues generated by these cargoes are not sufficient to cover the costs allocated to them.

In two years, 1969 and 1970, containerized outbound military cargo grew by 50 percent and costs increased sharply. Yet the revenue per ton generated by this cargo dropped by 15 percent. This resulted in losses of about $8 per ton sustained by the operators, and there is no way to maintain a healthy merchant marine with such abuses.

We may fairly ask how this situation came about. The requirement that military cargoes be shipped in U.S.-flag vessels dates back to 1904. Between World Wars I and II, there was little problem concerning the movement of military cargoes on commercial vessels because of the small volume of such commodities moving outside of domestic trade. During World War II, of course, the entire merchant marine was commandeered for duty under Navy direction.

Just before the Korean War broke out, a procurement system based on cargo allocation was developed. Operators received Government cargoes in proportion to the advertised and maintained number of sailings by trade routes. Thus, each operator on a trade route knew exactly what percentage of DOD cargoes he would be eligible to carry. The rates at which they would be moved were determined by conference-type negotiations.

In 1965, DOD replaced the negotiated-rate system with a competitive-rate method. This decision reflected the then-Secretary of Defense's desire to shift to competitive procurement as a cost-cutting device.

Under present DOD contracting procedure operators submit bids on an annual basis. The operator can alter his bid after six months. In addition, there is a period of negotiation during which bids can also be altered. In the past this ability to alter has resulted in undercutting of rates to the point where they no longer covered costs. Such a situation may provide a short-term cost reduction to the DOD, but in the long run weakens the U.S. merchant marine, and seriously diminishes its capability to serve as a national security auxiliary.

It seems to me that the basic problem in this predicament is that present contracting procedures are primarily aimed at saving dollars today, rather than with establishing a firm base on which the U.S. merchant fleet can survive and be available for use in tomorrow's emergencies.

On the other hand, the law clearly provides for the armed services to use cost-based procurement, rather than competitive bidding, in situations where this is necessary to assure the availability of essential suppliers in emergencies. Surely, sealift falls in this category, and the present destructive practices can and must be brought to an end.

In addition, DOD, since World War II, has operated a fleet of merchant ships under its own control. Because of this, DOD and the U.S. merchant marine are all too often at odds. The DOD-owned cargo fleet is considered by many to be a competitor. This undermines the natural relationship between the two vital elements of American seapower, the Navy and the Merchant Marine, at a time when it needs to be strengthened.

This situation does not have to be. It need not continue, and I believe the national welfare demands it be brought to an end. The owners of the merchant fleet stand ready to go forward with the Navy as full partners.

The commercial operators are willing to commit their fleets to DOD contractually to provide emergency shipping services in less-than-full-war situations under equitable terms. A procurement system can be quickly developed so that the military can purchase ocean shipping at reasonable rates that compensate the operators for the services rendered and allow them to build up reserves for future fleet replacement. But all this will require a massive change in attitude.

I am confident that this change is coming. The need to develop an effective team composed of all those elements of our maritime might was never greater and is a clearly stated maritime objective. In closing, I might again refer to the speech of President Nixon which I quoted earlier. He said:

"All our goals will not be accomplished overnight. Restoring the United States to the role of a first-rate maritime power requires the cooperation of [all elements] . . . ; but the leadership can and will come from a new Administration. . . . The time has come for new departures, new solutions, and new vitality for American ships and American crews on the high seas of the world."

I submit the time has indeed come. We should now go forward in partnership to develop the world-wide maritime and naval strength that the President has promised to the Nation. Initial steps toward this partnership are being taken.

Thank you.

DETONATION DAY DRAWING NEAR FOR PROJECT CANNIKIN

Mr. GRAVEL. Mr. President, detonation day is drawing near for Project Cannikin.

That fateful day will be some time in October unless the AEC's scheduled 5-megaton underground nuclear test is canceled.

My office has been deluged with requests from citizens asking me to do all that I can to see that the blast is called off.

Alaskans are frightened by the risks of the planned test. And they should be. Eminently qualified scientists have warned us all about the grave threat to our environment posed by Cannikin.

Many of us have implored the President to take these serious risks into consideration and to act quickly to call off the test. As of right now our anxious cries have gone unheeded and, indeed, unacknowledged.

Dr. Carolyn V. Brown, an Anchorage physician, recently wrote to me about the important health questions we must ask before the blast goes off.

I share her concern and believe there are many unanswered questions which must be explained before the blast is detonated. But the AEC has ignored our queries and our pleas of the past few months.

Mrs. Brown included in her letter a copy of a document prepared by the "Alaska Mothers' Campaign Against Cannikin." It is one of the most concise and complete summaries of the arguments against Cannikin that I have seen.

The Alaska mothers' plea to the President is clear: Stop Cannikin for the sake of all Americans. I agree completely with Mrs. Lillie McGarvey, chairman of the

AMCAC that President Nixon must listen to their plea and heed their concerns.

I ask unanimous consent that the summary prepared by the mothers' groups be printed in the Record, so that we can all hear their plea.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Alaska Mothers' Campaign Against Cannikin

(Mrs. Lillie McGarvey, chairman)

Many Alaskans are frightened by the risks of the planned nuclear test, Cannikin, scheduled to be exploded at Amchitka in October 1971. Added to this fright is the dismay because of the apparent unresponsiveness of the Atomic Energy Commission to outspoken international, scientific, congressional, Pacific rim states, and general public testimony strongly opposing Cannikin. Alaskans have more at stake than any of the Cannikin opponents. Those Alaskans who live on the Aleutian chain have the most risk for loss of all.

Mrs. Lillie McGarvey, an Aleutian native who is an active leader in the Aleut League, has led in the formation of a letter writing campaign to inform President Nixon of responsible citizens' opposition to Cannikin. Since it is apparent that massive governmental and scientific opposition expressed against Cannikin has been ineffective, it is hoped that expression of a large groundswell of responsible parents opposition in Alaska will succeed. This campaign is called Alaska Mothers' Campaign Against Cannikin. Alaskan mothers are organizing to prevent exposure of Alaska and the rest of the world to the dangerous risks of Cannikin. We are asking all concerned parents to write, and encourage others to write, a personal letter to President Nixon requesting cancellation, or at least delay, of Cannikin.

This material has been prepared to provide background information about Cannikin by Dr. Stephen Haycox of Anchorage Community College, Department of History.

Alaska Mothers' Campaign Against Cannikin

In late October, 1971, the Atomic Energy Commission, in cooperation with the Department of Defense, plans to detonate an atomic device of about 5 megatons on Amchitka Island in the Alaskan Aleutians. This test has been severely criticized repeatedly by other agencies within the government and by private individuals and organizations who have argued that the explosion is dangerous, ill-advised, and unnecessary. Objections to the test fall into five main categories: 1) the danger of an earthquake and/or tsunami (tidal wave) being triggered by the explosion; 2) the danger of inadvertent release of radioactive materials into the water (and subsequently, marine life) or air; 3) the obsolescence of the warhead which the test was originally designed to test; 4) the arrogant and secretive manner in which the test was planned and information on it withheld from the U.S. Congress; and finally, 5) the danger that the test might jeopardize the Strategic Arms Limitation Talks (SALT) now in progress between the United States and the Soviet Union.

BACKGROUND

The 5-megaton shot planned for Amchitka in 1971 is the largest yield underground explosion ever undertaken by the AEC. All previous underground tests have been 1 megaton or less. The Long Shot test on the island in October, 1965, was 80,000 kilotons (less than 1 megaton); the Milrow detonation in October, 1969, was 1 megaton. Amchitka was chosen for testing because of its remoteness from human population, 800 miles from the Soviet Union, 1400 miles from Anchorage, and because the 5 megaton blast was considered too large for the testing sites in Nevada. The cost of the shot is $127 million, of which $100 million had been spent by the end of July, 1971.

In 1969 the U.S. Congress established the National Environmental Policy Act which gives the Environmental Protection Agency jurisdiction over the actions of all agencies of the federal government which might pose a danger to the environment. Among other things, agencies must furnish complete statements regarding the impact of such actions on the environment, and a discussion of alternatives to the planned action. The AEC released its first environmental impact statement in June of 1970, and a revised statement in April, 1971. In discussing alternatives the AEC stated that the Cannikin test (code name for the October, 1971, test) is considered of prime significance to national security requirements, and that its cancellation would severely hamper the development of nuclear weapons technology. The AEC also stated its belief that the possibility of radioactive materials leaking from the test site is remote, that the possibility of the blast triggering major earthquake activity is very unlikely, and that the possibility of the generation of a tsunami is even more unlikely. All of these judgments by the AEC have been called into question by competent experts in and out of government.

EARTHQUAKE AND TSUNAMI ACTIVITY

The planned blast at Amchitka in October is expected to generate a shock of approximately 7.0 on the Richter scale. The 1964 earthquake in Alaska measured 8.5 on that scale. The blast is not expected to be felt more than 200 miles from the test site, and there, not as anything more than a slight motion. The danger, however, is that the shock may trigger a major quake (defined as equal to or more intense than the shot itself) which is imminent, just about to occur. The AEC discounts this possibility, but frankly admits that ". . . because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out" (AEC Environmental Impact Statement, Revised, April 30, 1971). The fact is that Amchitka Island is very near the Aleutian Thrust Fault, a major fault in the Circum-Pacific Seismic Belt, and in an area of extreme seismic activity.

Moreover, the entire fault system of the Northern Pacific and Pacific areas has been very active this year (a manifestation of which was the Los Angeles quake in February which killed 39 persons). Because of the enormous magnitude of this blast, 5 times that of any previous explosion underground, the test is fully an experiment, with totally unpredictable results. The AEC bases its arguments on the fact that the 1969 Milrow shot did not cause significant quake activity. But the Milrow shot was only 1 megaton and cannot be used as evidence against quake activity. It is known that quakes have thresholds; that is, they occur when the geologic stresses reach a certain point. No one knows what that point is for the Aleutian Thrust Fault this year. If the triggering blast on Amchitka is below the threshold, it would not result in quake activity; if it were above, and there were a major quake waiting to go off, it would.

There are hundreds of quakes along the fault near Amchitka each year, several above the 6.0 range. It is simply not known what the earthquake effects of this blast will be. Further, in 1964 the AEC claimed that underground tests would not trigger natural earthquakes except under unusual circumstances. By 1970, however, on the basis on the Amchitka blasts and the series of underground tests at the Nevada sites, the AEC admitted that it had learned that *large explosions invariably trigger earthquakes* (see *Congressional Record*, July 29, 1971, p. 28083).

In addition, it is now suspected that great earthquakes (magnitude 8.5 or more) consist of a superposition of quakes of the 6.0 or 7.0 variety triggered in succession by one another, building from low to high magnitude as each triggers another. The great Alaska earthquake of 1964 was triggered by a shock of about 6.5 and peaked at 8.51! Moreover, a tsunami is generated by a quake of 7.5 or greater.

Finally, a study done in 1968 at the request of the AEC headed by the then president of Stanford University, Dr. Kenneth S. Pitzer, concluded that ". . . the need for these tests as planned should be *compelling* if they are to be conducted in the face of the possible risks that have been identified" (quotation included in the testimony of Dr. Jeremy Stone of the Federation of American Scientists in his statement before the AEC hearings conducted in Anchorage on May 28, 1971). It is clear that the effects of this blast in terms of earthquake and tsunami activity are not known, in fact, are totally unpredictable, and further, that the risks, therefore, are very great indeed.

RADIOACTIVE LEAKAGE

The radioactive consequences of the planned Amchitka blast are at least as grave as the seismic consequences, and the AEC has as little reliability in terms of prediction as with earthquakes. The AEC has been most concerned in its testing program with the problem of leakage of radioactive materials because of the tremendous destructive qualities of such materials. It has stated that there will be no leaking from the Cannikin test. Yet, when asked by Representative Begich of Alaska in April of this year, Chairman Seaborg of the AEC admitted that of over 200 tests at the Nevada sites between August of 1963 and June of 1971, 17 released radioactivity which was detected beyond the limits of the test site. Following one test, Baneberry in December, 1970, fallout from the explosion was detected in environmental samples from most of the Western United States. Perhaps more significant for the Cannikin test is the problem of seepage of underground water from the test cavity to be created by the blast.

One result of the test will be a large highly radioactive lake as the cavity fills with water. The AEC predicts that this lake will remain in the cavity for 1000 years. But it admits the possibility that a series of interconnected rock faults could bring some of this water to the surface within 2 or 3 years. In addition, Cannikin may create an escape passage for the irradiated water now underground contaminated by the Milroy test in 1969. The Milrow test site is just over 2 miles from the Cannikin test chamber. Moreover, the Cannikin site is only 4500 feet from the Bering Sea. If even a rumor of a radioactive leak, detected through discovery of dead fish due to radioactive exposure, were to circulate, the Alaskan fishing industry could be destroyed or severely curtailed for many years, perhaps more than a decade. Again, the risks are great and the effect of the blast not entirely predictable, as the AEC's unreliable predictions in the past make quite clear.

MILITARY NECESSITY

It is now fairly clear that the Cannikin test blast is not actually necessary for our military preparedness program, for our national security. Originally, Cannikin was planned to test a warhead for the Spartan missile, the basic missile in the Anti-Ballistic Missile Defense system (ABM). The original plans for the test were drawn in 1966. In 1969, however, partly because of opposition of the U.S. Congress, our defensive missile strategy was changed. The original, basic Spartan missiles are to be replaced with an Improved Spartan missile, one which will carry a much smaller magnitude warhead. It will travel at much higher velocity than the original, and therefore intercept an incoming ICBM or SLBM (submarine-launched ballistic missile) at a higher altitude (see statement of Dr. Jeremy Stone, Federation of American Scientists, in testimony before the AEC hearings in Anchorage, May 28, 1971). Cannikin was designed to test the larger yield basic Spartan warhead. This was revealed by Dr. Harold M. Agnew, Director of the Los Alamos (New Mexico) Scientific Laboratory in testimony before the Senate Armed Services Committee on April 20, 1971 in his statements about Cannikin.

Alaska Attorney-General John Havelock asked the AEC after the May 28 hearings on Cannikin in Anchorage if the national security necessity for the test had been reviewed at the Presidential level in view of this apparent change in strategy. He has not yet received an answer to his question, though an answer was promised. Additionally, Secretary of Defense Melvin Laird has not responded to the same question directed to him by letter by Alaska Governor William Egan, a point made by the *Anchorage Daily News* in an editorial against the test on Friday, August 13, 1971. The implication clearly is left that the AEC is using the "national security" argument as a blanket authorization for a test which presents grave risks to human life, but which is not in fact necessary militarily. Numerous Senators and Representatives in the Congress have called for cancellation or postponement of the test until the AEC and the Department of Defense consent to answer publicly the exact purpose of the Cannikin test at Amchitka in October. (See, for example, Attorney-General Havelock's statement in the *Congressional Record* for July 29, 1971, and Governor William Egan's letter to Secretary Laird).

THE SALT TALKS

The purpose of the Strategic Arms Limitation Talks now being conducted in Helsinki, Finland, is to limit the production of nuclear weapons as a step in slowing down the arms race, and thereby reducing the possibility of atomic warfare between the United States and Russia. By going ahead with Cannikin the United States may in fact jeopardize the progress of those talks, progress which has only been achieved in this past year. In an editorial in the *Washington Evening Star* for July 26, 1971, it was revealed that five different federal agencies have recommended *against* the planned blast on Amchitka (the Department of State, the U.S. Information Agency, the Office of Science and Technology, the Environmental Protection Agency, and the Council of Environmental Quality). Primary among these is the State Department, which suggested that at a minimum this test should be delayed until the completion of the SALT talks. It could well be that as a result of the talks we would not need to test atomic weapons any further.

Moreover, the test is of international concern from a different standpoint. Already the Canadian government has requested cancellation of the test, on the grounds of proximity to the site as well as progress in the SALT talks. By insisting on carrying out the test the United States seems to suggest defiance of the very purpose of the talks and of the legitimate protests of other governments. Only if the test were clearly and unequivocally necessary to the national security could such defiance be justified.

SUMMARY

The planned Cannikin atomic test at Amchitka Island in the Aleutians in October, 1971, is clearly unjustified in terms of the risks involved to human life and to the environment, and to the progress of the SALT talks between the United States and the Soviet Union. Neither the Atomic Energy Commission nor the Department of Defense, the only two federal agencies in favor of the test, have justified the blast in terms of national security. Apparently, the warhead for which the test was originally designed is now considered outmoded, and the test is therefore militarily unnecessary. Moreover, the State Department has asked that the test be cancelled until the SALT talks have been concluded so as not to jeopardize whatever progress might be made in those talks.

Perhaps more important is the fact that the AEC has not presented convincing evidence that the test is safe. The largest underground tests to date have been 1 megaton; the Cannikin test is to be 5 megatons. The shock wave from the blast may trigger a major earthquake along the Circum-Pacific Seismic Belt, perhaps as far away as the San Andreas Fault in California. Moreover, if the blast does trigger a quake of 7.5 magnitude or greater, a tsunami (tidal wave) is a certainty. The AEC has erred in its predictions of earthquake activity in the past.

While in 1964 the AEC stated that underground blasts did not cause quake activity except in unusual circumstances, by 1970 the AEC was forced to admit that underground blasts *inevitably* cause quake activity. Because of the tremendous magnitude of the planned Cannikin event, the seismic consequences simply cannot be predicted. Earthquakes have prior thresholds; that is, it takes a shock of sufficient magnitude to trigger the activity. 1 megaton may not be high enough, 5 megatons may be. It is just not known. Moreover, quakes apparently build from a low magnitude to a higher, so that a 6.5 quake may build on itself and peak as an 8.5 quake, as was the case with the 1964 Good Friday Earthquake in Alaska. The Cannikin blast is expected to generate a shock of 7.0 on the Richter scale.

The AEC has also erred in its predictions of radioactive leakage associated with underground tests. Between 1963 and 1971 17 tests at the Nevada test sites leaked radioactivity which was detectable outside the limits of the test site. In at least one instance, fallout in the air was detectable over most of the Western United States. Moreover, the AEC has admitted in its environmental impact statement that while unlikely, radioactive water from the test could leak into the ocean from around Amchitka Island within two or three years. Merely the rumor of contaminated fish in Alaskan waters could destroy the fishing industry of the state for more than a decade. Were the rumor demonstrated to be fact, the industry could be destroyed into the foreseeable future.

The risks of the Cannikin shot are not justified by the declared purpose of the test. It is difficult to judge what circumstances might justify the taking of such risks to the people of Alaska and their environment. But clearly the AEC and the Department of Defense have not demonstrated the necessity of the test, and therefore, have not complied with the spirit of the National Environmental Policy Act which establishes that destruction of the environment by the government must rest on evidence of compelling necessity. The warhead for which the test was originally designed is now considered obsolete; a low-yield weapon is contemplated instead. Again, the AEC's own high level evaluation commission, headed by Dr. Kenneth Pitzer (then president of Stanford University) concluded that the need for the Amchitka tests ". . . should be *compelling* if they are to be conducted in the face of the possible risks that have been identified."

In conclusion, the Cannikin test blast scheduled for October, 1971, on Amchitka Island in Alaska may trigger a major devastating earthquake, may set in motion a severe destructive tsunami, may leak fatal radioactive material into the air or into the water, thereby damaging the human environment or destroying the Alaskan fishing industry, may impede or erase progress in the strategic arms talks, and is not apparently necessary to national military security. Such an inordinate and unnecessary risk cannot be taken; to do so would be to defy reason and intelligent judgment. In the name of the people of Alaska and America, in the interest of human life, for the sake of the mothers of Alaska and their children, it is not worth it.

SOCIAL PROBLEMS RESEARCH

Mr. MONDALE. Mr. President, I have long been concerned with the woefully inadequate information which is available to us as we make decisions affecting millions of our citizens and billions of dollars of our tax payments. For this reason, I have proposed the creation of a Council of Social Advisers to spearhead efforts to develop sophisticated systems of social indicators and social accounting.

The St. Paul Pioneer Press has just commented favorably on this proposal in an editorial headed "Social Advisers Needed." The Pioneer Press is one of the leading newspapers in my State. I am proud to have its support for enactment of the Full Opportunity and National Goals and Priorities Act, S. 5.

As the editorial states so well:

> The President currently has advisers available in such important areas as the economy and the ecology. It makes good sense that he have advisers in sociology as well. America's social problems need immediate attention, but they will never be solved as long as the nation's leaders rely on unsupported information as a basis for legislation.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press,
Sept. 21, 1971]

SOCIAL ADVISERS NEEDED

Sen. Walter Mondale has resumed his long struggle for the establishment of a Council of Social Advisers in the executive office of the President. Mondale first introduced legislation to create such a council nearly five years ago. It was needed then and the need has not diminished.

The Minnesota Democrat is proposing a council that would be composed of three of the nation's leading social analysts (appointed by the President and confirmed by the Senate) and staffed by a number of the country's brightest social scientists. This council would be responsible for monitoring on an on-going basis, specific and actual conditions in the country which affect the "social opportunity" of the American people.

The idea is to put some continuous research and evaluation into the social problems of the nation, so that future social legislation can be based on a more comprehensive knowledge of the country's real needs. All too often, social problem solving has been carried out on the basis of hunch, intuition and good intention.

For example, it is possible that the nation's welfare system would be vastly different today if a Council of Social Advisers had been available several years ago when great masses of social legislation were passed. In the cold light of expert evaluation, many programs which seemed so grand might have been discarded and many others which died might have survived.

The President currently has advisers available in such important areas as the economy and the ecology. It makes good sense that he have advisers in sociology as well. America's social problems need immediate attention, but they will never be solved as long as the nation's leaders rely on unsupported information as a basis for legislation.

After almost five years of subcommittee

and committee hearings, Congress should have all the information it needs about Mondale's bill. Surely it is time for congressional approval.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENTSEN). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BENTSEN). The Chair, on behalf of the Vice President, appoints the following Senators as advisers to the annual meetings, Boards of Governors of the World Bank and International Monetary Fund, in Washington, D.C.: the Senator from Missouri (Mr. SYMINGTON) and the Senator from Vermont (Mr. AIKEN). The following Senators are appointed as observers to the same meeting: the Senator from Louisiana (Mr. LONG); the Senator from Virginia (Mr. BYRD); the Senator from Kentucky (Mr. COOPER); the Senator from Utah (Mr. BENNETT); and the Senator from New York (Mr. JAVITS) to be held September 27–October 1, 1971.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 423

The PRESIDING OFFICER. The Chair lays before the Senate amendment No. 423, on which there is a limitation of 2 hours. The amendment will be stated.

The amendment was read, as follows:

> On page 16 strike out lines 9 through 23; on page 16, line 24, strike out "SEC. 504" and insert "SEC. 503".

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I understand the pending business at this moment is my amendment to H.R. 8687, the defense procurement bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Mr. President, this amendment would propose to delete from the bill section 503. Section 503, which is sponsored by the senior Senator from Virginia (Mr. BYRD), would amend the United Nations Participation Act of 1945 to the effect that the President may not prohibit the importation into the United States of a strategic commodity unless import of such a commodity from Communist-dominated countries is also prohibited by the same provision of law.

I am sure that most of the Members of this body are aware that the language of section 503 is specifically designed to have the United States unilaterally break the United Nations embargo against Rhodesia and to import chrome ore from that area. That is really the substance and thrust contained in the proposal.

Before going into my main objections to section 503 and why I seek its deletion from the bill, let me say that this is the same proposal that was introduced earlier in this session in this body as S. 1404. That bill was referred to the Foreign Relations Committee, which was a proper reference, I would suggest, and at the urgent suggestion of the senior Senator from Virginia, the sponsor of the proposal, we expedited hearings on the bill.

The point I make is that we have held hearings on this bill in the committee with the appropriate responsibility for the thrust of the suggestion. The hearings were held on the 7th and 8th of July. We heard out all sides on the question, and then the Foreign Relations Committee met in executive session to exercise its judgment in the light of the very detailed hearings.

Since I was chairman of the African Subcommittee and bore the responsibility for the action, I recommended to the Foreign Relations Committee that was exceedingly poor timing at best for a proposal of this nature, and had much too simple a point in it in order to address it to the many ramifications with which the Rhodesian chrome ore embargo proposal are laden. The Foreign Relations Committee, without a dissenting vote, recommended against reporting the measure out of the committee at this time.

I stress that. Here is a measure that has had a hearing. It was the judgment of a committee of this body, the committee responsible for this kind of jurisdiction, that the measure should not be forwarded to the floor of the Senate I stress this point for the reason that, now that we find the measure included in the military procurement bill, it is dressed in the clothing of "strategic necessity."

So the point I would make is that the strategic necessity has to be "gussied up" a good bit in relation to the facts of the time, and that it needs to be carried into question very seriously by all who are seeking a wise policy decision that transcends many lines of policy concern.

The administration, for example, is supporting a bill currently pending before the Armed Services Committee, S. 1773, which would recommend the release from our strategic stockpile of chrome of approximately 1.3 million tons of chrome ore over the next 3 years. What this says is that in the assessment of those who have responsibility to measure strategic necessity, the necessity is of such a low point that they feel compelled to release 1,300,000 tons from our stockpiled reserves.

The Office of Emergency Preparedness, which is responsible for making judgments in this category, testified before a House Foreign Affairs Committee that they had reassessed the whole question again as late as June of this year, scarcely 3 months ago, and it was their judgment, likewise, that those releases from the stockpile were in order.

I quote from the language of the Director of the Office of Emergency Preparedness when he says that—

> In establishing the requirements and the supply for chrome in this country, the allowances that we are now recommending would cover all contingencies that might arise in an emergency, and our objective has been concurred in by the appropriate departments and agencies, including—

And I stress this—

> the Department of Defense.

I am simply trying to say, Mr. President, that it is very difficult to establish a strategic requirement for the proposal that is now being made in section 503 of the pending legislation.

I am aware of the complexities of the sources of chrome ore, and the needs for it in some of our domestic industries, and as well as its defense requirements in a very limited way. Let me say that even before the embargo of Rhodesia, fully a third of all of the chrome ore we were importing into the United States was coming from the Soviet Union.

I mention that as a reminder that we keep this matter in perspective. Nobody has just invented the question of importing ore from "a Communist-dominated country." This has always been a prime source of high-grade chrome ore. All that has happened in that context since the embargo against Rhodesia has been the increase of those imports from the Soviet Union.

One might address himself to that increase, but the point is that this is nothing new. It has always been present. We have always been, in relative terms, partially dependent upon the Soviet Union for our sources of chrome.

I likewise would plead this point to my colleague, with the thought that the record is replete with substantive evidence: That there is no great urgency, in the sense of strategic crisis or strategic necessity, for section 503.

My second major reason, Mr. President, for urging the Senate to delete section 503, is that this action now pending comes at the very moment when the long and sometimes protracted talks between the British Government and the Rhodesian Government are seriously under way. The origin of this whole question of the embargo involves the United States, for at that moment when the decision was made in the United Nations to impose an embargo, our Government had a hand in persuading the British to take the issue to the U.N. The reason being not only that the U.N. ought to have a hand in this kind of decision as an international body, but that this would move the question one notch away from a blood bath, a show of force between Great Britain and that portion of her empire known as Rhodesia.

Having done that as we did, I would think that it would be extremely reckless and irresponsible for us to take any kind of step that would rock the boat at the very moment the time won by the embargo has now permitted the emergence of new talks between the British and the Rhodesian Governments.

The situation today may yet not produce a solution; we do not know. All we do know is that the British and the Rhodesian delegations have been closely locked in talks, and the tentative agendas they have drawn up, with a common interest, were hopeful enough that a British mission has gone all the way to Rhodesia again in an attempt to try to consummate these lengthy deliberations.

This is simply another way of saying that that kind of moment is not the responsible moment for a government such as ours, which claims to believe in the U.N., which takes pride in its initiative toward avoiding shooting scrapes where possible, to suddenly plunge in with both feet, at the moment when possibly successful talks are underway.

That is a very critical reason, and the very least that it would argue for would be to defer action on section 503, in order to test the genuineness of the existing talks. But I cannot let the argument against section 503 rest on these two issues alone, Mr. President; I want to add a bit to the implications of all of this for the United Nations itself.

We have been making as fine a case as we can, from time to time, for enhancing the role of the U.N. in international disputes. Here is a case where the U.N. exercised a role, with the initiatives of the British and the Americans supporting them, to impose the sanctions on Rhodesia. The result is that it is a program that is still ongoing, under the sponsorship of that international body. If we were to take this action here today, we would become the first nation in the history of the U.N. to have deliberately initiated a formal action to thwart an agreed-upon procedure by the United Nations.

I think we ought to ponder carefully the implications of all of that. Whatever chances the U.N. has to inch forward in its efforts to try to keep peace among men or among nations, this is certainly one of those very small steps that we ought not to discourage or deliberately thwart, as this action would do. Consequently, I think the implications for the U.N. of collective action in the cause of international understanding rise on this same matter.

The last point that I would make, Mr. President, has to do with the consequences of an action such as this on the relations of our country with the many black nations of Africa right now. You notice I put this at the end of the list of reasons. That does not detract from its implications or its significance. But it ought to remind us that our image in many parts of Africa has been seriously called into question because of the sudden emergence of many independencies in black Africa. In any circumstances where there is no established strategic significance in a move that jeopardizes the diplomatic efforts now quietly underway to resolve it by talks, in a set of circumstances that would call into question the procedures of the U.N. itself, there rests this fourth, which I suppose would be a psychological, factor of immeasureable proportions; and while we are rightfully concerned with the business interests involved in importing chrome from Rhodesia, the consequences of the other nations of Africa taking retaliatory measures against other businesses of the United States in that part of the world need to be weighed at this time. Oil, with much American interest in many parts of Africa, bauxite, and iron ore—all of these have an American business stake, as well as the chrome stake in Rhodesia.

So what we are doing is placing in jeopardy even a wider business base, if you want to talk business for a moment, than simply the hardship that this may have represented for the commercial users of chrome in our own country. The consequences imagewise and in many other ways suggest to me, Mr. President, the wisdom of deleting section 503 of the pending legislation.

I am glad to yield the floor at this time, rather than make this presentation more protracted. I am sure my colleague from Virginia will have something to say on the subject.

Mr. STENNIS. Mr. President, I certainly strongly support the provision in the bill which is now section 503, included by the committee at the prompting of the Senator from Virginia. I shall make further remarks about this and remarks on the merits later, but now I think the Senator from Virginia should have a chance to make his argument, and I therefore yield to him.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STENNIS. I yield the Senator 15 minutes and such further time as he may desire.

Mr. BYRD of Virginia. Mr. President, section 503 of the pending legislation (H.R. 8687) was added to the bill by action of the Senate Armed Services Committee.

Its purpose is simple—to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this Nation.

In the Armed Services Committee, the vote was 13 in favor, none opposed; three Senators were absent.

The committee amendment was identical to S. 1404 which I introduced in the Senate on March 29.

The cosponsors of this legislation were the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the senior Senator from Arizona (Mr. FANNIN).

Now, a review of section 503—and the need for it.

Chrome is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

Moreover, since chrome is an essential ingredient in the manufacture of stainless steel, it is vital to the maintenance of the entire communications and transportation network of this country, without which there can be no true national defense.

Mr. President, in this connection, I received yesterday a telegram from Mr. William J. Hart, director, District 19, United Steelworkers of America. Later, I will ask that the entire text of the telegram be printed in the RECORD, but for the moment I want to select several sentences. Mr. Hart states:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. If favorable disposition of the Byrd proposal is not obtained, there will be no specialty steel industry in Pennsylvania or the United States.

That is part of the telegram from William J. Hart, director, District 19, United Steelworkers of America. I ask unanimous consent that the text of the telegram be printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TARENTUM, PA., Sept 22, 1971.

Hon. HARRY F. BYRD, Jr.
Old Senate Office Building,
Washington, D.C.

I was in attendance on July 8, 1971, when Allegheny Ludlum Industries Inc. vice president E. F. (Andy) Andrews appeared before the African Affairs Subcommittee of the Foreign Relations Committee of the United States Senate in Washington, D.C. I fully endorse the position taken by Mr. Andrews. I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. As you know Western Pennsylvania is the specialty steel capital of the world and if the Pennsylvania specialty steel companies do not receive favorable disposition to the Byrd bill section 503 of H.R. 8687 or S. 1404, there will be no specialty steel industry in Pennsylvania or the United States. As a member of the executive board of the United Steelworkers of America, I wish to be recorded as in favor of the Byrd bill Section 503 of H.R. 8687 or S. 1404 and I would appreciate any assistance you can render on this important subject.

Sincerely,

WILLIAM J. HART,
Director, District 19,
United Steelworkers of America.

Mr. BYRD of Virginia. Mr. President, what we want to do—at least, I thought it was what this country wanted to do—is to create more jobs, not try to put persons out of work.

Section 503 is simple in structure.

It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Section 503 actually would apply to only one commodity, chrome ore, and to one nation, Rhodesia.

Late in 1966, the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral Executive action, without consulting Congress. Congress has never had an opportunity to express itself on this matter, until today.

Prior to 1966, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

The Senator who is undoubtedly the best informed Member of the Senate on the subject of strategic materials, Senator CANNON, of Nevada, stated on the floor of the Senate on April 29 that the chrome ore problem is one which "we cannot continue to ignore."

Senator CANNON is chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Commitee on Armed Services. His subcommittee has held hearings on the chrome stockpile situation, and his opinion is based on a thorough familiarity with the problem.

Senator CANNON pointed out in his statement that the United States now relies upon Russia for 60 percent of its chrome ore.

In the same statement, Senator CANNON pointed out that since becoming the prime source of chrome ore for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

Mr. President, Congress will be called upon shortly to do something about inflation. The President has frozen wages; he has frozen prices in this country. Yet, the United States is pursuing a policy which gives Soviet Russia virtually a monopoly on the sale to us of a vital defense material, and the cost of that material has increased from $25 a ton to $72 per ton.

Here is an opportunity for the Senate, for Congress, to help fight inflation and to help protect jobs of American workers, by adhering to the amendment voted unanimously by 13 members of the Committee on Armed Services who were present, three were absent.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. GOLDWATER. The Senator may bring this out later in his speech, but I ask him if I would be wrong in thinking that the Soviet Union buys chrome from Rhodesia and then sells it to us. Is that correct?

Mr. BYRD of Virginia. I say to the Senator from Arizona that the Senator from Virginia cannot guarantee the accuracy of that statement. But from all I have been able to find out from discussing it with persons who are involved in the purchase of chrome, I think that the statement the Senator has made is accurate and that Russia gets chrome from Rhodesia and then sells it to the United States at a greatly inflated price.

Mr. GOLDWATER. I thank the Senator.

Mr. BYRD of Virginia. I thank the Senator for raising that point.

The increase in price is a disadvantage to the United States, but what concerns the Committee on Armed Services most is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. The committee regards this as illogical and dangerous.

Section 503 of the committee bill would not require that the United States abandon all sanctions against Rhodesia, although I am frank to say that I would like to see that occur, but it would not occur under the amendment adopted by the committee.

The only commodity affected by section 503 would be chrome ore.

In my view, Mr. President, and in the view of all members of the Armed Services Committee who were present when this matter was voted on, numbering 13—three were absent—the national security of this country clearly dictates that the United States should not be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression. Russia is the No. 1 reason—indeed, almost the sole reason—for our huge defense expenditures. The very measure we are considering today, H.R. 8687, proposes authorization of $21 billion for military procurement, a large proportion of which would be unnecessary but for the threat to the security of the United States posed by the Soviet Union. It simply is not logical for the United States to depend on Russia's goodwill for a strategic material.

The reason for singling out this commodity is clear and simple; it is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile approximately 1.3 million tons of chrome ore. This would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

It has been argued that continued withdrawals from the stockpile will not be necessary, because a settlement will be reached between Britain and Rhodesia that will lead to elimination of the United Nations embargo.

But what is evidence for this assertion? Who professes to be able to foretell when the deep-rooted and long-standing dispute between Britain and Rhodesia will be settled?

Indeed, can we even predict with certainty just what kind of agreement would be acceptable to the United Nations?

We must bear in mind that the Soviet Union has a veto power on the U.N. Security Council. It can therefore block any proposal to revoke sanctions against Rhodesia—and in view of its lucrative trade in chrome, and its stranglehold on U.S. supply. Russia is likely to do just that.

We are told that Lord Goodman, a skilled British negotiator, is in Salisbury, the capital of Rhodesia, and that conversations are being held at the highest level. But we cannot accurately foretell the outcome of negotiations over issues which have been outstanding for nearly 6 years.

There have been earlier discussions at the highest level. There have been earlier expressions of strong hope for an amicable settlement. But there have been no results.

And be it noted that discussions and hopes add nothing to the supply of chrome in the United States.

Let us suppose, however, that the current conversations have some chance of success. Would it really undermine these discussions if the United States were to assert the right to act in its own interest?

I think not.

On the contrary, if the present discussions are to succeed, then it would seem desirable to have some incentive to flexibility on both side sides of the bargaining table at Salisbury.

If Senator McGEE is correct in his assertion that the United Nations embargo creates pressure for flexibility on the part of Rhodesia, then it would seem only logical that a modification of the sanctions—and I propose only a small modification, restricted to chrome, made in the urgent interest of the United

States—might exert similar pressure for flexibility upon the British.

If the talks are to succeed, there must be some flexibility on both sides.

Let us turn for a moment to the argument that removal of the ban on chrome imports from Rhodesia would be an affront to black Africa.

The Senate may be interested to know that Zambia, which yields to no country in its public expressions of animosity towards Rhodesia, continues to trade with her.

Within the past 3 months Zambia negotiated the purchase of one and a half million bags of corn from Rhodesia because, according to a Zambian government spokesman, she could not do otherwise. Rhodesia was not the only available source, but it was the cheapest and most expeditious. The Zambian government saw nothing amiss in going to the Rhodesian market to serve its convenience and national interest.

In my view, national security in this country clearly dictates that the United States should not be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

The very legislation we are considering today, H.R. 8687, proposes authorization of $21 billions for military procurement, a large proportion of which would be unnecessary but for the threat to the security of the United States posed by the Soviet Union.

It is simply not logical for the United States to depend on Russian goodwill for a strategic commodity.

I state again: Section 503 addresses itself to only one material, namely chrome ore.

It does one thing and one thing only: It simply provides that the President could not prohibit importation of a strategic material from a free-world country if importation of the same material is permitted from a Communist country.

I think that simple logic requires section 503 to be retained in the military procurement bill.

Mr. President, how much time do I have remaining of my 15 minutes?

The PRESIDING OFFICER (Mr. ALLEN). Two minutes remain to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I want to point out that the proposed legislation which the Armed Services Committee approved does not change in any way the Charter of the United Nations. The Senator from Wyoming (Mr. McGEE) made the point in his opening remarks that the United States would be unilaterally violating the embargo if the Armed Services Committee amendment were to be approved.

I point out that the United States itself unilaterally put on the embargo. The United Nations did not put on the embargo. There is nothing in the United Nations Charter which gives the United Nations the authority to put on an embargo. The embargo must be put on by the individual countries. Many countries, I might say, have not put on an embargo despite a request from the United Nations.

So, Mr. President, I think it is important to point out that section 503 does not change the Charter of the United Nations.

I think it is also well to emphasize that this embargo on trade with Rhodesia was put on unilaterally by former President of the United States, Lyndon B. Johnson. It was not submitted to Congress. Congress never had an opportunity to express itself on the issue until today.

Mr. STENNIS. Mr. President, I am glad to yield 7 minutes, or more if he so desires, to the distinguished Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I want to commend the distinguished Senator from Virginia (Mr. BYRD) for taking the lead in this most important matter and putting section 503 in the bill.

I hope that the Senate will overwhelmingly reject the amendment to cut section 503 out of the bill, because if the motion is successful, what it would accomplish would be to put the Senate on record as continuing the policy of buying the largest percentage of chrome ore, a vital strategic material, from Soviet Russia, the one nation in the world we have been continually confronting in a fierce world struggle, ever since the end of World War II.

It was Russia who furnished the war supplies to Communist North Korea against the United States in the Korea conflict.

It was Russia who tried to introduce nuclear missiles into Cuba, an incident which put the world upon the brink of a nuclear holocaust.

It is Russia who now furnishes the bulk of the war material to North Vietnam. If she had ceased this policy, which we have asked her to do again and again, peace would have been concluded on that troubled land in Southeast Asia years ago.

It is Russia who daily foments trouble in the Middle East and keeps that region on the brink of conflict.

Why did we stop buying chrome ore from Rhodesia and buy from Russia? It came about at the time of Rhodesia's declaration of independence from Great Britain. The United Nations imposed sanctions on Rhodesia in 1966. President Johnson followed this by executive action, imposing an embargo against Rhodesia. In my view, that action was ill-conceived, ill-advised, and certainly not in the interest of this Nation.

Congress was never consulted. I feel certain that Congress never would have approved of such action if it had been put to a vote.

Chrome ore is a highly strategic material, used in many vital defense weapons such as jet aircraft, submarines, and missiles, as well as great numbers of commercial products using stainless steel.

The United States produces none of this ore. Our sanction action against Rhodesia now makes us dependent on Russia, our mightiest and most dangerous enemy, for 60 percent of our requirements. It is incredible, unreal, unwise to put ourselves in such a position, of being literally at the mercy of the Soviet Union.

The reasoning behind the sanctions against Rhodesia were and are threefold:

First, because Rhodesia declared her independence from Great Britain.

It is ironic that the United States frowns on that action, because at the end of World War II the United States practically forced her Western European allies to give freedom and independence to all their colonies. Moreover, this very Nation, the United States, began its existence by a declaration of independence from Great Britain.

But whether Rhodesia's action was right or wrong in the judgment of any of us in this Chamber, that is a matter between Great Britain and Rhodesia and none of our affair.

Two, the second reason for sanctions was that the Rhodesian Government is one of a minority rule over a majority. Let us assume that to be 100 percent true. That fact is also the case in dozens of other member countries of the United Nations. In fact, the largest nation, Russia, is a country of 240 million people, under the iron, despotic rule of a Communist dictatorship.

As for many of the African nations, as a practical matter, representative government as we know it is nonexistent. Many are governed by minority rulers far fewer in number than the government leaders in Rhodesia.

Mr. President, it is high time that the United States stopped messing around in the internal affairs of other nations, in this case by sanctions. We cannot remake the world in our image.

Three, the third reason for sanctions was that Rhodesia was threatening world peace. That can be dismissed out of hand as preposterous. Rhodesia threatens no nation. All she desires of the United States and other nations is a policy of "live and let live."

The evidence is that sanctions against Rhodesia are not working at all. Many nations are cheating and paying lipservice only to the sanctions. Rhodesia's foreign trade and gross national product, as well as its general prosperity, are all on the rise.

It is high time that we stopped this farce which is hurting the United States much more than it is Rhodesia.

Finally, there is the matter of cost. Everyone in the Senate wants to do something about inflation and soaring costs. Well, Mr. President, here is a concrete opportunity to do so.

Since we have been buying from Communist Russia, as the distinguished Senator from Virginia (Mr. BYRD) previously pointed out, the price per ton has gone up from $25 to $72, a boost of 188 percent.

Buying from Rhodesia would lower our costs, help our balance of payments, and help keep down the price of chrome steel products.

On that score, Mr. President, it is an interesting fact to point out that, in recent years, we have been losing steadily, more and more of a percentage of our domestic market, right here in the United

States, not in our foreign market, of steel products that use high grade chromium steel.

Some of the statistics on some of the related special items are most interesting.

For example, we have lost to foreign nations 35 percent of stainless steel cold rolled products; 68 percent of the market for stainless steel iron ore; and 57 percent of the market for steel wire. This year, in the first 4 months of 1971, imports of overall high grade chrome steel have reached 22 percent.

All this is putting American steel workers out of work as evidenced by the telegram sent to the distinguished Senator from Virginia (Mr. BYRD) from the United Steelworkers.

So, Mr. President, what does this mean so far as the United States is concerned, for its future, if we continue to buy from Soviet Russia and do not buy from Rhodesia?

Businessmen have a habit of doing business with those people who are their friends and with those people who are long-time customers.

Rhodesian chrome steel ore is now going to countries such as Sweden and other nations in competition with us as far as high-grade chrome steel products are concerned. As the world's demand for chrome steel increases, as it does all the time and will continue to do, the demand for chrome ore from Rhodesia—the highest single source in the world—is going to be ever increasing. If we run into a world shortage or if Russia were to cut off our supply, then it seems to me that Rhodesia will not do business with the United States which has not done business with her and which has placed an embargo on her chrome ore, but will do business with her friends that she has been doing business with over the years.

This could put us in a very dangerous situation. The United States could find itself in a position where she could not obtain the chrome steel ore sufficient to satisfy our requirements. There are not many sources in the world of chrome ore, and Rhodesia is the largest source of supply.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 additional minutes.

Mr. GURNEY. There is not a single sound argument for cutting our economic and security throats and putting ourselves at the mercy of our bitter enemy, Communist Russia, by buying the majority requirement of critical chrome ore from Russia.

Let us stop this charade and be practical people. Let us vote for the interest of the United States and not against it. Let us vote down the pending amendment by an overwhelming margin.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, it is a rather unusual situation we find ourselves in. The proponents of the pending amendment are the most vociferous Members of the Senate when it comes to our country interfering in the internal affairs of other nations.

For years we have invoked sanctions against not only South Africa, but also Rhodesia. The reasons are well known—it involves interference in the governmental affairs of other nations. I am rather surprised that members of the Foreign Relations Committee, who are very vociferous in their feelings with respect to the United States meddling in the affairs of other countries, would offer such an amendment.

This amendment received thorough attention before the Armed Services Committee. I am very happy that it was included in the bill.

If it is proper for us to meddle in the internal affairs of Rhodesia and South Africa, I would suggest for the same reasons it would be proper for us to meddle in the internal affairs of Russia, because they permit discrimination on a far greater scale than Rhodesia.

Rhodesia fought on our side in World War II. In fact, Mr. Smith was a pilot and worked with our Air Force in the Mediterranean. I would feel that they would gladly do so again if they were asked.

I hope that the Senate will finally take this matter in its own hands and take it away from the State Department who, for reasons I cannot understand, want to continue to invoke hardships upon friendly nations.

I would hope that the pending amendment is overwhelmingly rejected, and that the findings of the Armed Services Committee is supported in this instance.

Not only are we paying tremendous amounts of money for tons of chrome, but we are also at the mercy of the one nation in this world that we can consider our enemy. And I say that unqualifiedly. If we ever became involved in any trouble with the Soviet Union, chrome ore would be the first thing that we would be unable to buy from them. We cannot build weapons without chrome steel.

I am in great opposition to the pending amendment. I hope that the original amendment adopted by the Armed Services Committee will remain in the bill and will prevail.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. BROOKE. Mr. President, the measure which we are debating today involves a number of issues which are central to America's standing in the world. There are questions of national security and of world trade; of our relations with the nations of Africa and our capacity to keep international commitments. But in my judgment the two paramount issues involved are democracy and human rights.

Are we truly dedicated to the principle of world democracy, and will we support that principle as expressed in the collective action of the United Nations? Are we committed to the concept of human equality, and will we support the efforts of the world body, and of our ally Great Britain, to bring about compliance with that concept in Southern Rhodesia?

Section 503 of the military procurement authorization bill seems simple enough on its face. It adds a single sentence:

> The President may not prohibit or regulate the importation into the United States . . . of any material determined to be strategic and critical . . . which is the product of any foreign country or area not listed as a Communist-dominated country or area . . . for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law.

In other words, if we import a strategic material from a Communist country, we cannot refuse to import it from a non-Communist country.

The measure is presented by its proponents as a simple question of national security. In their view, and in mine, the United States should not be dependent on its enemies for strategic goods.

But this is not the real question. First of all, we are not dependent upon the Soviet Union for chrome. Even prior to the imposition of sanctions on Southern Rhodesia, we imported 30 percent of our chrome ore from the Soviet Union, and we did so because in basic commercial terms the quality of the ore was good and the price was right. The percentage of our chrome which we import from the Soviet Union has now doubled, as has the price. But chrome is still available to us, and is purchased from allied nations such as Turkey and the Philippines; and the price for their output has also risen considerably.

But most importantly, we do not need to import chrome at all to maintain our defense. According to testimony offered before the House Foreign Affairs Committee earlier this year by William N. Lawrence, chief of the Stockpile Policy Division of the Office of Emergency Preparedness, our stockpile objective for metallurgical grade chromite was reduced in March of 1970 from 3.6-million short tons to 3.1-million short tons. As of June 1, 1971, our uncommitted stockpile inventory was 5.3-million short tons, or nearly twice our total national need. For this reason, the OEP has authorized the release of nearly 1-million short tons of chrome ore, or one-half of our excess supply, over the next 3 years. Therefore, we could maintain a stockpile sufficient to meet "any contingency that might arise in an emergency," and still release chrome ore at the rate of more than 300,000 tons per year, for the next 6 years, without having to import more chrome from any source.

This situation can hardly be defined as a state of national emergency, requiring the immediate passage of an amendment authorizing yet another source of supply.

Particularly when the proposed source

of supply is a country like Southern Rhodesia. I believe that the larger policy considerations involved should govern our actions.

Back in 1945, when we were first emerging from the throes of a dreadful world war, the United States and its principal allies called an international conference to create a world body with the prestige and the power which the old League of Nations had lacked. The first objective of the United Nations is the one most frequently cited:

> To save succeeding generations from the scourge of war.

But the second, third, and fourth objectives are essential to the attainment of the first, and should be of primary concern to us today:

> To reaffirm faith in fundamental human rights;
>
> To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained;
>
> To promote social progress and better standards of life in larger freedom.

These basis concepts are the ones on which our nation was founded, and which we have sought to share with the rest of mankind. It would be tragic, and shortsighted in the extreme, if we—who were the first to conceive of a United Nations, who nurtured it and provided it with a home, who have been the bulwark of its support for more than a generation—were to undermine all of our efforts in one single act, by repudiating an international commitment and unilaterally rejecting a decision adopted democratically by the nations of the world. If we can do this, so can everyone else, and the bonds of mutual consent which form the fragile underweaving of our efforts to achieve world order will have been dealt a serious blow.

The United Nations is the first and only experience of democracy for many members of the world community. If we do not respect its principles and its application, then who will?

A second issue of major concern, particularly to the peoples of Africa, is the disregard for human values practiced by the Rhodesian Government. We all know the story of how a rebel white Rhodesian Government unilaterally proclaimed its independence 6 years ago. We know that Britain had been trying to hold this colony in its control until an agreement could be reached guaranteeing political participation to the 95 percent of the population which was black. And we know that the conditions of blacks in Rhodesia have grown worse, not better, in the intervening years. The Rhodesian Government, by which is meant the representatives of its 250,000 whites, has promulgated one ordinance after another restricting the liberties and the opportunities of its black citizens. Practically speaking, apartheid is now in effect there, with blacks being forced to move from areas now designated "white," with separate standards of living, health care, and education for the two separate peoples. And strong elements within the white Rhodesian population even now are pressing for complete separation of the races in all things.

The only force mitigating against the full implementation of these abhorrent policies, and for the incorporation of all Rhodesians into a single social and political body, is the fact of U.N. sanctions. Rhodesia cannot freely trade with any nation in the world. Some countries, of course, violate U.N. sanctions in varying degrees, either out of conviction or economic interest. But no nation in the world, not even Rhodesia's allies, Portugal and South Africa, have extended diplomatic recognition to the rebel regime. No nation in the world—again, not even Portugal and South Africa—approves of Rhodesia's internal policies.

The trade limitations which are strictly observed by most of the nations of the world have had a serious impact. Rhodesia's rate of economic growth has slowed. Her foreign exchange reserves have dwindled to almost nothing. She has been unable to replace obsolete capital equipment, like planes and rolling stock. And it is this situation alone which had led Premier Ian Smith to undertake serious discussions with Britain regarding a normalization of relations between the colonies and the former mother country.

The price for normalization is eventual majority rule in Rhodesia, and only continued economic pressure will persuade the Rhodesian Government to pay it.

Negotiations between Britain and Rhodesia have now been in progress for several months. Informed elements, both in Britain and among Rhodesia's southern neighbors, believe that a settlement is possible in the near future.

At this crucial juncture in world history, are we to step in and undermine the best chance for peaceful political change in this one part of southern Africa? By this act we may postpone indefinitely a settlement which will lift economic sanctions and permit the free exchange of goods, to our benefit and the benefit of the Rhodesians themselves. Especially at this time, we should not risk alienating the black African nations, on whose support may hinge our hopes of keeping Taiwan in the U.N.

Mr. President, let us consider the larger implications of the decision before us today. Let us consider the far-reaching effects which adoption of this amendment may have on the attainment of our overall foreign policy objectives. And let us overwhelmingly delete this unwise and ill-timed provision from the pending bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. McGEE. I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, in response to a question by the distinguished junior Senator from Arizona as to whether we are buying chrome ore from the Soviet Union which in turn is buying that chrome ore from Rhodesia, the distinguished Senator from Virginia said that he did know the facts but he believed it to be the fact that we were buying chrome ore from the Soviet Union which the Soviet Union was buying from Rhodesia.

I wish to read testimony given by Mr. Bliss before the Committee on Foreign Relations in response to a question from Mr. AIKEN on this subject. The answer appears on page 65 of the hearings.

> Mr. BLISS. Well, the State Department opines that there is an easy method to detect and identify Rhodesian chrome ore as long as it is in ore form. Thus we religiously in this country try to assay incoming ores and in the event it identifies as Rhodesian it would be impounded, of course.
>
> As far as I know, no Rhodesian chrome ore comes into the United States.

I think this is pretty good evidence that we are not buying chrome ore from the Soviet Union which the Soviet Union is buying from Rhodesia.

Then there was an argument that the United States unilaterally enacted sanctions against Rhodesia. Sanctions were adopted by the U.N. Security Council in 1966. It was then up to the individual member states to decide whether to participate in these sanctions. The Senate has not once but twice given the President authority to commit the United States to such sanctions: First, in the ratification of the United Nations Charter and, second, in passage of the U.N. Participation Act.

Mr. McGEE. Mr. President, I would like to ask the Senator from Massachusetts to identify Mr. Bliss. The Senator quoted testimony by Mr. Bliss in connection with purchases of chrome. Will the Senator identify Mr. Bliss?

Mr. BROOKE. Yes. He is Mr. L. G. Bliss, chairman of the board, Foote Mineral Co., Exton, Pa.

Mr. McGEE. That is the important point.

Mr. BROOKE. It is.

Mr. McGEE. As the Senator is aware, this was a witness before the Committee on Foreign Relations, a witness who had every reason to want to hope the Soviets were buying ore from Rhodesia and reselling it to the United States. He had to confess before our committe he had no such evidence.

Mr. BROOKE. Precisely. I thank the distinguished Senator for pointing that out.

Mr. President, I ask unanimous consent to have printed in the RECORD section 5 of the United Nations Participation Act.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

SECTION 5, UNITED NATIONS PARTICIPATION ACT

SEC. 5. (a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Chapter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I wish to lend my support to amendment No. 423 to the defense procurement bill. This amendment, which is sponsored by the chairman of the Africa Affairs Subcommittee of the Foreign Relations Committee, Senator Gale McGee, and the junior Senator from Massachusetts, Senator Edward Brooke, is designed to delete section 503 of the military procurement bill.

I strongly believe that section 503 should be deleted from the bill. Enactment of it would amend the President's powers under the United Nations Participation Act in a way that he could not prohibit imports of critical and strategic materials from any non-Communist nation as long as the importation of the same materials from Communist-dominated nations is not prohibited by law. This means that, under present circumstances, section 503 would have the effect of allowing imports of chrome ore from Rhodesia since imports from Russia amounted to over 50 percent in 1970. Enactment of section 503 would result in the United States unilaterally breaking the United Nations embargo which was imposed against Rhodesia in 1966 in importing chrome ore from that area.

Mr. President, I support the amendment that is before us for the following reasons:

First. The Office of Emergency Preparedness determined on June 1, 1971, that there is now in existence an excess of stockpile requirements of approximately 2,250,000 tons of chrome ore. In other words, the United States is not being confronted by a serious or dangerous shortage of chrome ore for strategic defense purposes.

Second. Section 503 would take away from the President a portion of his authority—given to him by Congress in the United Nations Participation Act of 1945—to speak for our country when there is a question of complying with a mandatory U.N. Security Council resolution.

Third. Approval of section 503 would represent the first time that any nation, adhereing to U.N. sancitons against Rhodesia, had taken formal action to openly violate its obligations regarding this program which is sanctioned and supported by the United Nations.

Fourth. With the crucial votes that are coming up in the United Nations regarding the China issue, the United States should not offend the countries of Africa, which have almost one-third of the U.N. membership vote.

Fifth. We have supported and continue to support the efforts of the British Government to reach some form of agreement with the Ian Smith government to provide concrete assurance of clear and steady progress toward eventual majority rule.

Mr. President, since a negotiated settlement of the Rhodesian problem has been the goal of our policy, I was very happy to read in yesterday's Washington Post that a possible breakthrough in these difficult and delicate talks may be just around the corner.

Ever since Rhodesia illegally declared its independence, we have recognized the responsibility of arriving at a settlement of the problem as a British responsibility. With many other nations, we have supported the U.N. sanctions, and we must never forget that they were undertaken only after Britain found herself unable to deal satisfactorily with the problem on her own. Our role has been and remains only a supporting one—in support of Britain's efforts to find, with the Rhodesians, a formula permitting legitimate Rhodesian independence and acceptance into the community of nations.

The British Government and Rhodesian officials are actively engaged in another effort to settle this longstanding dispute, and nothing could be more ill-advised than for us at this critical moment to take some kind of unilateral action of our own. Section 503 of the military procurement authorization bill would be just that—an unneeded and inappropriate action whose only immediate effect would be to confuse the situation and, because it represents a step away from our past adherence to sanctions by the United Nations, weaken the hand of the British Government at the negotiating table.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I ask unanimous consent for 2 minutes more.

The PRESIDING OFFICER. Does the Senator from Wyoming yield additional time to the Senator from Hawaii?

Mr. McGEE. Mr. President, I am glad to yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 additional minutes.

Mr. FONG. Because there is no urgent need to restore our access to Rhodesian chrome ore, and because the measure would constitute a violation of our commitments to abide by sanctions of the U.N. and constitute a major step backward in our relations with Africa, I oppose this measure.

But, even if it had merit, now is clearly not the time to consider it. We have since 1966 abided by this U.N. sanction. Now that prospects for a solution are better than they have been for nearly 3 years, we should not do anything to damage those prospects. That, clearly, is what section 503 would do.

I recommended most strongly that my colleagues adopt the amendment before us.

Mr. SCOTT. A peaceful overall settlement of the Rhodesian dispute, based on a United Kingdom-Rhodesian agreement, would be the best solution for the problem for users of chrome and chrome ore—as well as for everyone else.

If Senate approval or rejection of section 503 of H.R. 8687 is likely to upset or jeopardize the current United Kingdom-Rhodesian talks, hardening the position of one side or the other, then postponing action on the section may be desirable. A decision to seek to postpone action on the section, however, should be based on real prospects:

First, that the current United Kingdom-Rhodesian talks have a significant chance of leading to an agreement;

Second, that such an agreement will lead to an end to United Kingdom sanctions against Rhodesia—or United Kingdom failure to renew their sanctions which expire in November;

Third, that the U.S. Government will promptly follow the British lead in ending sanctions if an agreement is reached. This is important because the United Nations sanctions were imposed by the Security Council and must be lifted by the Council. Russia or any other Security Council member could veto a Security Council resolution aimed at ending the sanctions and leave the issue hopelessly muddy and confused. If the U.S. Government bases its decision solely on the U.N. action, it could be trapped by a veto.

If these considerations cannot reasonably be answered, then the Senate should act now.

If consideration of section 503 of H.R. 8687—the Byrd amendment—is postponed at this time and if for any reason, an agreement ending the dispute does not result, then the issue should be considered anew early in 1972 without further postponement for these reasons:

First, there are legitimate and important national security considerations involved in reliance on the Soviet Union for more than 60 percent of our national needs for chrome.

Second, the Rhodesian sanctions are economically damaging to U.S. interests. The stainless steel industry is being hard pressed by imports, much of which, we believe, are based on Rhodesian chrome which is bootlegged to foreign steel producers at lower costs.

Third, the rising prices of chrome ore, which result from Russian domination of the world market, are costly, inflationary, and damaging to the U.S. chrome industry, the ferroalloys industry and the stainless steel industry.

Fourth, the Rhodesian sanctions can probably be regarded as a failure. Economic sanctions have never been a particularly successful diplomatic weapon. The Rhodesian sanctions have now been in effect more than 4½ years without achieving their objective. Furthermore, exports of chrome ore and chrome products have never been a major factor in the international trade of Rhodesia—less than 2 pecrent of Rhodesia's presanctions exports—and removal of the sanctions on chrome would not have a significant effect on the Rhodesian economy or on the effectiveness of the U.N. sanctions.

Mr. BUCKLEY. Mr. President, the committee amendment before the Senate today sponsored by the distinguished Senator from Virginia is a sensible solution to an unreasonable policy. For 5 years the United States has had a policy of purchasing a strategic material—chrome ore—from the nation which is the principal threat to our survival, the Soviet Union. This policy was not adopted out of necessity because the Soviet Union was the sole source of chrome ore, but rather out of a petty form of subservience to a United Nations resolution. Under this resolution, the United States agreed to suspend trade with Rhodesia until her differences between the newly independent nation of Rhodesia and the United Kingdom could be settled. That was 5 years ago.

In the interim, the United States proceeded to purchase chrome ore—this time, primarily from the Soviet Union at a price of nearly three times the average price which obtained in the most recent year in which the United States was conducting normal trade relations. The United States has been forced to pay over $72 per ton of chrome from the Soviet Union. Prior to the embargo on Rhodesian chrome, the Soviet Union was selling chrome ore on the international market for $25 per short ton. Prior to the embargo, 37 percent of our chrome ore imports amounting to 329,000 short tons came from Rhodesia.

It should be noted that at the same time that the United States was, at considerable economic cost, upholding a trade embargo on Rhodesian trade to benefit the British Government's negotiating position with Rhodesia, the same British Government sanctioned a flourishing trade with Cuba, North Vietnam and North Korea despite the fact that the United States maintains an embargo against these nations.

It is alleged that because we have a relatively large stockpile of chrome ore on hand at the present time, there is no need to lift the sanctions against the importation of Rhodesia. I submit, however, that there is no justification for accepting a situation which provides an economic windfall to a hostile nation—the Soviet Union—and places us in a situation where, in an emergency, we may be forced to rely upon Soviet shipments of chrome ore. One need only examine the pattern of Soviet economic warfare whereby the Soviets manipulate the supply and prices of goods it trades for political advantage.

The Soviet Union has frequently attempted to destroy longstanding market relationships, domestic industries, and international trading patterns by dominating the market of an individual nation so that it could undermine an opponent's domestic economic stability. There is simply no economic, political, or strategic rationale for continuing our current policy of an embargo on trade in Rhodesian chrome.

Something which should not be overlooked in the Senate debate over this issue which tends to focus on the special case of Rhodesia, is the sheer commonsense of the proposal. The proposal merely declares that the President may not prohibit or regulate the importation of any strategic or critical material from a non-Communist nation as long as the importation of such materials from Communist nations is not prohibited.

Such a proposal is just sound public policy. There is no justification for assisting in the development of the economic aspects of Communist nations at the expense of others who, whatever their domestic policies, do not make a business of exporting their system through subsidized revolution. The proposal we are considering today simply ratifies a commonsense notion that most Americans would understand and accept without question. Abstract and tenuous assertions of the effect of the Byrd amendment on international relations simply cannot outweigh the national security considerations raised as a general principle.

I urge that the amendment proposed by the distinguished Senator from Wyoming (Mr. McGEE) be decisively defeated, permitting the Byrd amendment to stand.

Mr. MONDALE. Mr. President, a number of my distinguished colleagues have already made a powerful case against adoption of section 503 of the military procurement bill. In adding my own support to their effort, I would make only some brief observations.

First, it seems to me that the central issue here is very simple—regardless of one's views on the wisdom of economic sanctions against Rhodesia, the efficacy of the United Nations, or the importance of black Africa in American foreign policy.

With our chrome stocks more than adequate and an ample diversity of international sources, there is simply no national security justification for section 503.

It may well be that the Rhodesian sanctions have been a mistake, that they have only encouraged intransigence rather than defeating it. It may be that the international community should pursue another course to seek racial justice and peace in central Africa. But to break those sanctions unilaterally, to strike out on some other course, is a grave decision of foreign policy. We should not make that decision in the Senate without the most careful consideration of all the consequences. And we have not begun to give that consideration.

It may well be too that we could survive the international opprobrium—and, I think, a revulsion in our own country as well—over an action which violated our commitment to the United Nations and to some degree affronted every nonwhite people in the world. But surely we cannot take that cost unless there were truly compelling reasons of national security. We will not find those reasons in an amendment which has no more real effect than to give a few American metal dealers a passing advantage in the international chrome market.

It strikes me as harshly ironic that we would be tinkering with the future of several million people in Rhodesia, both white and black—and with our own vulnerable standing in the international community, with all that implies for other economic interests—for such trivial and narrow special interests.

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 6 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment proposed by the senior Senator from Wyoming. This amendment would delete a section of the military procurement bill which is considered by the Armed Services Committee to be essential to the defense program of the United States. In my view, our national defense must take precedence over all other considerations. The sole issue involved in this matter is simple: Whether or not we should continue to be dependent upon the Soviet Union for a metal which is critical to the production of arms directed primarily against the Soviet Union.

As is now well known, 60 percent of our metallurgical grade chrome ore is now imported from the Soviet Union at a price which is nearly three times what it was before the embargo was placed. This is an obvious absurdity.

This situation has developed since President Johnson issued an Executive order on January 5, 1967, which delegated to the Secretaries of State, Commerce, and Treasury, the power of regulating imports and exports from Rhodesia. At that time the only two main suppliers of the high-grade ore were the Soviet Union and Rhodesia. It was not difficult then to predict what was going to happen. By November of 1967, I pointed out the developing situation and warned against the consequences in a speech on the Senate floor.

In 1968 the Security Council of the United Nations passed even more sweeping sanctions against Rhodesia. It was the most sweeping decision of its kind in the history of the United Nations. At that time the United States participated in what former Secretary of State Dean Acheson called an international conspiracy to topple the Rhodesian Government. It was a sad day in U.S. history when the United States joined in the Security Council action. In a speech on the Senate floor on June 4, 1968, I again pointed out the dangers and quoted metallurgical experts who said that the Soviets had stepped up production and increased the price of chromite, taking advantage of the embargo.

In 1969, the situation had grown worse and I again warned we were severely cutting back our capability to produce this important metal. At that time I quoted the statement of Fred J. Russell, Deputy Director of the Office of Emergency Preparedness, who testified before the House in 1969 that we were already essentially dependent upon the Soviet Union. Mr. Russell said—

> If the U.S.S.R. were to decide to discontinue sale of the chromium ore to the United States for one year, we would use up the entire uncommitted stockpile excess in that year if Congress would authorize it.

It is for this reason that the proposal to sell more chrome out of our stockpile would only be a temporary measure. Therefore Senate bill 773, which would allow for the release of chrome from the strategic stockpile, would not be wise. We must recognize that only a certain percentage of chrome is of metallurgical grade and it is not proper to reduce our stockpiles when a sensible alternative is open to us; namely, the resumption of importing chrome from Rhodesia.

Last year I again called for the removal of the Rhodesian embargo as it became more evident that the situation was becoming even more untenable.

The embargo on trade with Rhodesia, including the embargo on the importation of chrome, was by unilateral action of the Chief Executive, and it was not submitted to Congress for approval.

The vote in the committee in adding this section to the procurement bill was 13 in favor. Three Senators were absent when the roll was called that day, but it was unanimous among those who were present.

The United States now faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

Since becoming the prime source for chrome for the United States, the Soviet Union has increased the price per ton of this ore from $24 to $72. This is an increase of about 188 percent. Further, the United States has placed itself in a position of dependence upon Russia for a strategic commodity.

In summary then, let me point out that the only considerations which ought to be involved in this matter are the strategic considerations. It makes no sense to be spending $21 billion in military preparedness when an essential element of the defense program and our space effort is supplied by the Soviet Union.

Mr. President, I urge the defeat of the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Wyoming has 17 minutes. The Senator from Virginia has 23 minutes.

Mr. McGEE. Mr. President, may I ask what the circumstance is for a quorum call? Would that come out of someone's time?

The PRESIDING OFFICER. It would be subject to a unanimous consent agreement.

Mr. McGEE. Mr. President, I ask unanimous consent that we may have a brief quorum call, without taking the time out of either side, until we can reconnoiter here.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Reserving the right to object, I hope that can be held to about 2 minutes.

The PRESIDING OFFICER. What was the reservation?

Mr. BYRD of Virginia. Two minutes.

The PRESIDING OFFICER. Does the Senator from Virginia interpose an objection or a reservation?

Mr. BYRD of Virginia. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The Senator from Wyoming has 17 additional minutes. The Senator from Virginia has 23 minutes.

Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from Nevada.

Mr. CANNON. Mr. President, on the 29th of March, the distinguished senior Senator from Virginia, (Mr. BYRD) introduced the bill S. 1404 which would exempt chrome ore from the list of materials subject to the Rhodesian embargo and thus end our dependency upon the Soviet Union for this highly important commodity.

Under the Byrd proposal, the President could not ban importation of a strategic material from a free world country if the importation of the same material is permitted from a Communist-dominated country.

This proposal is now incorporated into the procurement authorization bill as section 503. The importance of this proposal was brought forcibly to my attention during the hearings held by my Subcommittee on the National Stockpile and Naval Petroleum Reserves which had under consideration some 28 administration proposals to release excess materials from the national and supplemental stockpiles. One of the bills, S. 773, would have permitted the disposal of 1,313,600 short dry tons of metallurgical grade chromium—chrome ore equivalent—from the Government stockpiles. This constitutes about 30 percent of this material we now have on hand to assure an adequate supply in case of emergency. This bill was not reported out of the committee.

Mr. President, there is no domestic production of the type of material in question and we are dependent upon foreign sources to supply our requirements. Based upon the present rate of consumption, the amount recommended for disposal by administration's proposal would supply our total requirements for a period of less than 2 years. Testimony before my subcommittee left it unmistakably clear that while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be short-lived.

The principal importation sources in calendar year 1970 in descending order, were the U.S.S.R., Turkey, and South Africa, with the Soviet Union supplying about 60 percent of our needs. Rhodesia was formerly a prime source of supply, providing about 40 percent of our annual requirements. However, as you know, U.S. imports are currently banned in conformity with the U.S. observance of the mandatory U.N. sanctions against Rhodesia.

To further illustrate the shifting of our dependency upon the Soviet Republic as a source of supply, in calendar year 1965 and prior to imposing sanctions against Rhodesia, 36 percent of our imports came from Rhodesia and about an equal amount from the Soviet Republic. As might be expected, prices have risen accordingly. The price per ton of ore imported from the U.S.S.R. in 1965 was $25 as opposed to $72 in calendar year 1971. This is an increase of about 188 percent. It is apparent therefore that there can be no permanent relief until the importation of chrome ore from Rhodesia can be resumed.

Mr. President, I strongly urge that section 503 of the procurement bill be retained. In view of the continuing critical need for this commodity, it would seem to me to be in the best interest of our Nation.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield.

Mr. STENNIS. The Senator from Nevada is chairman of the Subcommittee on Stockpile, meaning the strategic material stockpile. Is that correct?

Mr. CANNON. The Senator is correct.

Mr. STENNIS. As I understand the Senator, he and his subcommittee went into this very question. The committee had before it a bill. The committee went into this question with special emphasis on reviewing the entire picture.

Mr. CANNON. The Senator is correct.

Mr. STENNIS. Will the Senator enlarge on that a little, for the benefit of Senators who are not members of the committee?

Mr. CANNON. A bill on the subject, as well as other material in the stockpile, was sent up to us by the administration, recommending the approval of disposal action. It is necessary when the objectives are changed—so that we have in the stockpile an excess to the objective in the stockpile—that Congress be notified and be asked to consent to it and adopt legislation approving disposition.

This came before the committee, and we had testimony from representatives of the administration. Mr. Ross, the Assistant Commissioner for Stockpile Disposal, testified before our committee, and we also had testimony from people in the industry.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. CANNON. We had Mr. Bliss, of Foote Mineral Co., who testified before our committee on the overall impact and what had happened since we eliminated Rhodesia as a supplier.

The price, as I stated in my remarks, has gone up 188 percent, for the chrome ore we were obtaining from Russia during that period of time; and we are dependent completely on foreign suppliers for the supply of this very important metal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 1 additional minute.

The statement has been made, as I understood it, that we did not use chrome or chrome products in our strategic weapons program. Will the Senator comment on that?

Mr. CANNON. That statement is not correct. We have a requirement in the stockpile. We do have a fixed requirement there for chrome, and we use it in the ordinary business. We use a substantial amount every year, and we must depend on foreign sources.

The statement has been made that we have sanctions against Rhodesia because we do not believe in their internal policies. I do not approve of their internal policies, nor do I approve of Russian policies toward the Jews. I think this is every bit as bad. I do not see why we should buy from a Communist country, a country on which we know we cannot rely. If we have difficulties internationally with a Communist country, we cannot rely on them as a source of supply, and they are our principal supplier today.

Mr. STENNIS. These chrome products go into submarine parts and airplane parts and a host of other things. Is that correct?

Mr. CANNON. The Senator is correct. It is very important in the steel industry to permit them to operate in the fashion in which they do operate.

Mr. McGEE. Mr. President, will the Senator yield, on my time?

Mr. CANNON. I yield.

Mr. McGEE. I wonder how many tons of chrome we use annually for defense needs.

Mr. CANNON. I can give the Senator the stockpile requirement. The proposal in S. 773 was to permit the disposal of 1,313,600 short dry tons. That was approximately 30 percent of the amount we had on hand. The stockpile requires that we keep on hand a 3-year supply. If we multiply that factor by three, it would give us roughly the requirement in the stockpile.

Mr. McGEE. That would be contrary to the testimony in the hearings, which suggests that for defense purposes they would use under 100,000 tons a year. A stockpile with 3 million tons in it would really protect our defense interests, per se, for as much as 30 years, as far as that goes. It is a relatively small percentage of the total.

Mr. CANNON. The Senator is entirely incorrect in that particular. The objective defined by the Office of Emergency Planning is a 3-year requirement for defense purposes, and that is the amount we are trying to reduce it by, 30 percent, which is a million tons. I think I could give the Senator in a moment the exact amount we do have in the stockpile, but the stockpile objective is only a 3-year supply.

Mr. McGEE. We have a stockpile of more than 5 million tons, and they are attempting to reduce it to 3 million plus.

Mr. CANNON. The stockpile objective for the 3-year supply is somewhat in excess of 3 million tons, actually approximately 4 million tons.

Mr. McGEE. I yield myself 1 additional minute, Mr. President.

I read verbatim from the hearing. The individual testifying was the Assistant Secretary of the Office of Emergency Preparedness, and the statement is this, on page 17:

> Mr. Chairman, I think we ought to put the question in perspective. Our figures show that approximately 10 percent of our chrome imports go to direct defense requirements.

The other 90 percent, he went on to explain, goes into regular commercial channels.

Mr. CANNON. But the Senator is missing the point entirely. The stockpile objective is what we need in the event we go to war, and that is the requirement. The Senator is talking about 10 percent of our imports. That is true.

Mr. McGEE. We are not proposing to touch in any way the stockpile. The stockpile is there. We were trying to keep the defense industries going in this country with chrome ore that was being imported.

Mr. CANNON. The Senator is simply saying that 10 percent of our imports goes to defense purposes, and I think that is probably correct. Ten percent of our imports, not 10 percent of the amount we have in the stockpile. That is quite a different figure.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from West Virginia.

SECTION 503 VITAL TO NATION'S DEFENSE

Mr. BYRD of West Virginia. Mr. President, attempts to eliminate section 503 of the pending military procurement bill are based largely on opposition to an internal policy of the Rhodesian Government—and the internal workings of Rhodesia should not be an issue in the passage of this bill.

The only issue to be considered is whether passage of this bill, with section 503 intact, will aid the defense of the United States. I believe it will.

Under this section, the United Nations Participation Act of 1945 would be amended to keep the President from prohibiting the importation of strategic materials from nations not under Communist control or domination. Specifically, section 503 would allow the United States to import chrome ore from Rhodesia.

Rhodesia was the largest importer of chrome to the United States until President Johnson—acting by Executive action, without the advice and consent of Congress—ordered a trade embargo between our two countries. The embargo has not hurt Rhodesia, and it has not caused that small African nation to change its internal racial policies which are none of our business.

But the embargo has hurt the United States, and it has helped the Soviet Union. Since we cannot import chrome from Rhodesia, and since we have no domestic production of this strategic material, we have been forced to depend on Russia for 60 percent of the chrome ore needed for our defense requirements—we have been forced to depend on a country that almost everyone concedes is a threat to our security, and a country whose treatment of its Jewish population is just as repressive as Rhodesia's treatment of its blacks.

This is a ridiculous situation, Mr. President—ridiculous and dangerous. It is also a costly situation, since Russia—aware that it has a virtual monopoly on importing chrome to this country—has raised the price by almost 188 percent, from $25 to $72 a ton.

To correct this situation, the Subcommittee on Stockpiling, with its distinguished chairman from Nevada (Mr. CANNON) studied the matter carefully, as did the entire Senate Committee on Armed Services. Both groups concluded that the United States, which is now facing a shortage of chrome must take steps to decrease its dependence on Russia. Section 503 is the result of their studies, as well as the result of the work done by the distinguished senior Senator from Virginia (Mr. BYRD).

Opponents of Rhodesia's internal policies should note that section 503 would not lift all the sanctions placed on trade between that country and the United States. It would apply only to chrome ore, a material necessary to the production of military equipment used for the defense of our Nation.

Every country in the world has come to realize that isolation is not a practical course to follow in this day and age, and I believe it is just as futile to try to isolate other countries through trade embargoes and the like as it would be for the United States to isolate itself from the international community.

Our Nation now trades with a number of countries that were formerly our battlefield enemies. We trade with countries that are currently our ideological enemies Rhodesia fits in neither category. It is a small nation, one which offers no threat to the United States, and one which has taken no action and expressed no threat toward our country that would justify a trade embargo.

I hope the Senate will realize that importing chrome ore from Rhodesia is a step that should be taken, that the Senate will not let the internal policies of a friendly nation take on a higher priority than the defense of our own country, and that the Senate will defeat any attempt to eliminate section 503 from the military procurement bill.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield me 5 minutes?

Mr. McGEE. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise in support of amendment No. 423, offered by the distinguished Senator from Wyoming. I support that amendment because it deletes section 503 from the defense procurement bill. By deleting that section from the defense procurement bill, the United States would be continuing its pledge with United Nations economic sanctions against Rhodesia. I am concerned that up to this point the matter of sanctions against Rhodesia has been viewed primarily in terms of its defense-related implications. But, we have not yet given full attention in this Senate to the implications this matter may have on world affairs. Therefore, I support those Senators who clearly see the attempt to withdraw sanctions against Rhodesia as a matter of grave concern—both in terms of the relationship between the United States and other African states and in terms of this Nation's pledge to comply with those resolutions that we have agreed upon in action by the United Nations.

For many of us it is easy to see the dangerous portent of permitting Rhodesian chrome to be purchased by American businesses. There are four essential and critical reasons why we simply cannot change our current policy regarding trade with the rebellious Rhodesian Government.

First, trading with Rhodesia would violate our commitment to the United Nations resolution which imposed economic sanctions against Rhodesia because of its unilateral declaration of independence from the United Kingdom in November 1965.

Second, because Great Britain is in the midst of negotiating a political settlement of their problems with Rhodesia, it is certain that any action that we take in this country which would favor the repressive policies of the Rhodesians will undermine British attempts to achieve favorable results in their ongoing talks.

Third, for the United States to move at this time against the interests of black Africans would not only destroy any credibility we hold with other African nations but it would erode the faith of concerned citizens here at home and around the world who have been advised to "watch our actions, not our words."

And fourth, the repeal of all or any part of the sanctions against Rhodesia would cripple the strength of the United Nations at a time when that body is experiencing a transition that may well determine the course of world affairs for generations to come.

My concern about the proper relationship that must exist between this Nation and Rhodesia is fundamentally the concern I expressed last June when I acted to eliminate the undeserved bonus we pay to South African sugar growers. Morally, it is intolerable for the United States to engage in economic activity with any nation whose basic policies are at war with the most important values of mankind. The isolation of white Rhodesians has become so embedded in their normal life style, that this little, parochial regime has nearly reached a complete shut off from outside influences. They are steadily moving further and further away from the basic beliefs of the Western and African world. Rhodesia is at the door of the rigid inhumanity of apartheid, as espoused by its vainglorious neighbor, South Africa.

One may wonder whether it is because of the irony of geography that so many of the governments on the Southern edge of the African continent are shamefully tangled in this web of race hate and denial of basic human rights and decency. From Angola, Southwest Africa, South Africa, Rhodesia, and into Mozambique, the continued oppression of black Africans has enslaved all of its citizens in a system that dehumanized blacks and distorts the true meaning of life for whites. Since this deplorable condition appears as a consistently spreading cancer throughout those countries, we in this country must consistently fight to end that injustice wherever it is found.

Today, however, the issue before us is a narrow one—or so it may seem. The background of the issue in this debate reveals some interesting sidelights. In the two decades following World War II independence was granted to people in many territories around the world as an affirmation of the lessons we learned during that worldwide conflagration. On the African continent, British and Africans organized a federation in 1953 to bring together the economic resources of the Rhodesias and Nyasaland on a multiracial basis. It was during these years that the bulk of the white Rhodesian population expanded to eventually obtain its present population of 240,000 people, who are now enormously outnumbered by the territory's 5 million African citizens. But, the hopes inspired by the 1961 federation consitution failed to generate a move toward African majority rule in Rhodesia—though that provision was a cornerstone of the federation constitution. After dissolution of the federation in 1963, the British continued to seek ways to achieve a multiracial system within which the African population could aspire to eventual majority rule. Unfortunately, on November 11, 1965, Ian Smith announced Rhodesia's unilateral declaration of independence from the United Kingdom. Since then we have joined with the British and other United Nations member states to work for a solution to the Rhodesian problem.

We supported the Security Council resolution on November 12, 1965 condemning the Smith regime.

In December 1966, we voted with other Security Council members to impose selective mandatory sanctions against the rebel territory.

And again in 1968, we firmly repeated our pledge by voting for the resolution expanding the sanctions to all trade items.

Earlier this year, the very able and distinguished senior Senator from Virginia placed a proposal before this Senate that would have the effect of lifting the ban on trade with Rhodesia. While that measure primarily deals with one commodity, chrome ore, passage of that section in the military procurement bill would certainly establish a dangerous precedent regarding the future effect of sanctions.

The chairman of the Senate Subcommittee on African Affairs subsequently introduced a measure that would delete that section. I support the African Affairs Committee chairman, because his proposal allows the United States to continue its pledge to seek an end to the injustices forced upon the Rhodesian people.

Chrome is an important metal. It enjoys a solid position in American industrial processes. But its availability for domestic purposes is not in jeopardy as some people claim. In fact, the administration has given its support to a legislative measure, S. 773, currently pending before the Armed Services Committee, which will reduce our current stockpile of chrome ore from 5.3 million tons to 3.1 million tons.

Moreover, the Office of Emergency Preparedness—OEP—which manages our stockpiles, has made assurances that chromite, the technical term for chrome ore, is clearly available to meet our so-called strategic needs, which amount to 10 percent of domestic consumption.

I believe that the irritation felt by those who oppose our heavy purchases of Russian chromite is understandable. But I know that the price argument is not ample justification for refuting America's pledge to support the struggle for human decency wherever it is made.

The price of chromite has crept upward in recent years but so many variables have operated to produce those changes that there is clearly no single cause of the price boost. The bitterness of the current economic posture confronting the United States certifies that prices of all commodities have gone up. In fact, a comparison of prices of various metals shows that the market price of antimony increased 45 percent before sanctions were imposed against Rhodesia and from 1967 to 1970 the price rose 207 percent. Nickel increased 3 percent before sanctions and 13 percent from 1967 to 1970. Before sanctions, vanadium had dropped 20 percent but increased 73 percent from 1968 to 1970.

I do not intend to discount sanctions as a factor in the price situation. I simply want that issue placed in perspective for the purposes of this consideration.

At any rate, the price of chromite can in no way compare with the value we place upon the price of human dignity.

Finally, I would like to underscore an aspect of this issue that deserves the careful attention and scrutiny of every Member in this Senate. Time after time, the United States has assumed the burden of world conscience. Under the noble mantle of "moral leadership" we urge other nations to discard petty grievances, to ignore the temptation of avarice and to strive for harmony and justice.

When he visited South Africa in 1966, Senator Robert Kennedy told the students at the University of Capetown that the help and leadership of the United States cannot be accepted if we deny individual integrity, human dignity, and the common humanity of man. If we would lead outside our borders; if we would meet our responsibilities to mankind, we must first, all of us, demolish the barriers which history has erected between men within our own nations—barriers of race and religion, social class, and ignorance.

Congressman CHARLES DIGGS, the very able legislator from Detroit, could not be more exact in saying that nothing gives African people greater concern than our position of mere mouth service against the evils of apartheid and minority rule. Last year when President Nixon withdrew the U.S. consul from Salisbury that indicated the failure of our Government to be persuaded to intervene in the Rhodesian crisis.

And so it is, that the United States must act now to affirm its claim that all people must be granted personal rights, self-determination, and fundamental freedoms without regard to race. I urge this Senate to adopt amendment No. 423 and delete the proposal which would allow Rhodesian chrome to legally enter the United States. We cannot afford to undermine our commitment to the world community of nations as ratified in our participation in the resolution calling for sanctions against the repressive racist regime of Rhodesia.

Mr. President, during the course of this debate I have heard some say that we cannot and should not express a judgment, because we cannot control the internal policies of countries around the world. That is true, but it is true up to a point. At a time when there are important questions being decided within the United Nations, when the President of the United States is attempting to use the United Nations to alter and change U.S. policy as it exists towards China, we must be prepared to uphold those public policies. We have seen time and again the functions of the United Nations working to alleviate the problems dealing with man's inhumanity to man, as in the present India-East Pakistan situation. We must make a decision to support the United Nations, even when that decision may be costly in financial terms.

Mr. President, are we going to say that we will support the United Nations only when it serves our own narrow economic interest?

The fundamental question here today is whether the almighty dollar will rule the minds and actions of Members in this Senate.

We have expressed our will. We have put ourselves on the line before the United Nations. We have accepted the signficance of that body. With all the difficulties the United Nations has at this time, it still has the support of this administration. It still has the support of the Amercan people in terms of being an instrument for peace. Obviously, as an instrument for peace, we have got to take the position that we are going to express our will through the United Nations. We are going to take our stand and aline ourselves in the cause of justice and in support of the interests of equity. But we cannot make those decisions based on weakly supported ideas that "this is getting a little bit too costly."

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, will the Senator yield me 2 additional minutes?

Mr. McGEE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Eight minutes.

Mr. McGEE. I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. The United States must not say, "This is getting a little bit too costly and, therefore, we are not going to abide by it."

Finally, we all know, as the chairman and my colleague from Massachusetts (Mr. BROOKE) have pointed out, that extremely delicate negotiations are taking place between Great Britain and Rhodesia. We have indicated, when we talk about supporting our friends and not relying on the Soviet Union, that certainly Great Britain is our friend. If we are talking about trying to work in harmony in terms of trying to bring to the world more orderly and peaceful situation certainly we must adhere to our commitment to our longtime allies in the United Kingdom.

Great Britain has been undertaking an extensive and exhaustive search trying to insure that one of its colonies observes the basic respect of humanity to all men—a respect for man's fundamental dignity.

If we are willing to support our friends in Great Britain and reinforce the constructive and useful work that country is doing to insure a more equitable situation occurring in Rhodesia, then we should be prepared to support our own commitment as ratified in the United Nations resolution.

We should not, in this final hour, be willing to say, because it is going to cost us a few more dollars, that the United States is going to surrender its principles of human decency because of the glittering lure of the dollar.

For all these reasons, Mr. President, I strongly urge the Senate to adopt amendment No. 423.

Mr. CANNON. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I want to take issue with the remarks that have just been made, that this is a question of the dollar.

Mr. President, this is a matter of the national security of this country. We have a method by which we now import chrome ore into this country for the purposes of our stockpile objective. Our sole and largest source of supply is from a Communist country—Soviet Russia.

It stands to reason that if we are going to have any difficulty, we are going to have it with a Communist country, which is our main source of supply.

In 1970, this country imported from Russia 409,000 tons of chrome ore.

Mr. KENNEDY. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I am glad to yield on the Senator's time.

Mr. KENNEDY. Just one-half minute.

Mr. McGEE. Mr. President, I yield 30 seconds to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY. Is the Senator prepared to say that there would be greater stability in dealing with a country of 5 million blacks and only 200,000 whites? Is that not a tinderbox in terms of the United States having to rely on such a country, even under the test the Senator prescribes? I suggest it is not support of the United Nations, but the cause of the almighty dollar, even using the test the Senator prescribes, the test of security.

Mr. CANNON. Does the Senator from Massachusetts approve of the actions of Soviet Russia with regard to its Jews? Does he think that is any less honorable than the actions of Rhodesia? The Senator knows, it seems to me, that the policy of Russia with regard to its internal policies with respect to the Jewish people is equally as bad as those of Rhodesia.

I do not support the policy that Rhodesia engages in, but I am looking to the security of this country first. We have got to have a supply of chrome ore that we can depend on even if we have to get it from a Communist country. We have got to have a supply that we can depend on to get the metal we need in this country.

I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BEALL). Thirteen minutes remain to the Senator from Virginia, and 5 minutes to the Senator from Wyoming.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. BYRD of Virginia. Mr. President, I think that the distinguished and able Senator from Nevada has summed up this debate in the best possible way.

As he says, the problem facing the country today is whether it wants to put itself in the position or to keep itself in the position of being dependent on Communist Russia for a vital defense material.

I believe that almost everyone will agree that we would not need these great appropriations for defense for our military organizations were it not for the possible threat of Soviet aggression.

Mr. President, the senior Senator from Massachusetts mentioned the almighty dollar. I do not know what he is referring to in that connection, but I want to quote from a telegram sent to me from William J. Hart, director, district 19, United Steelworkers of America. He is interested in humans. He is also interested in jobs for them.

Here is what the telegram states. I have already placed the text in the RECORD. I am not going to take the time to read it all, but there are several sentences I should like to read at this point:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. If favorable disposition of the Byrd proposal is not obtained, there will be no specialty steel industry in Pennsylvania or the United States.

Mr. President, perhaps that has something to do with the almightly dollar. I do not know. But I do know that it has something to do with jobs. I do not know about the specialty steel industry. I do not know whether that is an accurate or an inaccurate statement that Mr. Hart makes, but it is a telegram to me from him.

I want to read into the RECORD another statement which was made in October of 1969 by Fred Russell, Deputy Director of the Office of Emergency Preparedness, who gave the following testimony before a subcommittee of the House Foreign Affairs Committee:

> Assuming that the USSR would continue to ship chrome ore to the United States at the present level indefinitely, realizing that the other known amounts of chrome elsewhere in the world are gradually becoming exhausted and knowing that the United States needs are increasing each year, there is no way to see the chrome ore needs of the United States being met without chrome ore from Rhodesia.

As I have said, that is a quotation from the Deputy Director of the Office of Emergency Preparedness.

As the distinguished chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Committee on Armed Services, the Senator from Nevada (Mr. CANNON) said a little while ago, the need is to assure our Nation of a source of supply of chrome from a non-Communist country.

It is not logical, and it did not seem logical to any member of the Armed Services Committee who was present when the vote was taken, for the United States to appropriate billions of dollars to build up our military equipment and then be dependent upon Communist Russia for a vital, essential, necessary, strategic material. That is the only thing that this proposal which was included in the bill reported by the Armed Services Committee would do. It is a very simple amendment. It is a very simple proposal. It does one thing and one thing only. It simply provides that the President could not prohibit or regulate the importation into the United States of a strategic material from a free world country if the importation of the same material is permitted from a Communist country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, certainly if we are going to continue to spend billions of dollars for armaments, it is not logical to put ourselves at the mercy of a potential adversary when the whole purpose of armaments is to protect this Nation from possible aggression by Communist Russia.

Mr. STENNIS. Mr. President, the record will show that the Senator from Virginia is in charge of the time.

Mr. BYRD of Virginia subsequently said: Mr. President, because of the time, on the consideration of the McGee amendment today, I was not able to complete some of the remarks that I wanted to make.

I ask unanimous consent that the remarks I shall now make be printed in the RECORD immediately following the last remarks that I made just prior to the vote on the McGee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I listened to the eloquent address made to the Senate by the distinguished junior Senator from Massachusetts (Mr. BROOKE) with great interest. However, while it was an eloquent address, it dealt, not with the precise matter of chrome being an essential defense material, and the fact that the United States is dependent on Russia for its main source of supply, but to a considerable extent with internal conditions in Rhodesia.

Mr. President, it seems to me that the internal affairs of other nations should be determined by those nations, and the United States should not attempt to inject itself into those matters. Whether Rhodesia should be independent of Great Britain or whether she should be dependent on that nation is a matter, as I see it, to be determined by those two countries.

My reason for commenting thus is that I want to say I regard the distinguished junior Senator from Massachusetts (Mr. BROOKE) not only as one who very eloquently stated his side of the case—I happen to disagree with a great deal that he said, but I think he presented his case with eloquence—but as a Senator of great ability, and I regard it as a privilege to serve as a colleague of a man with the high ability and personal attributes of the Senator from Massachusetts.

I ask unanimous consent to have printed in the RECORD a table showing the chrome reserves of the world, the source being the U.S. Bureau of Mines.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Chromium reserves of the world

(High grade chromite)

Nation:	*Percentage*
Republic of South Africa	22.5
Rhodesia	67.4
Turkey	2.0
United States	0.1
Philippines	0.3
U.S.S.R.	5.6
Albania	0.3
Other Nations	1.8
	100.0

(Source: U.S. Bureau of Mines.)

Mr. BYRD of Virginia. I further ask unanimous consent to have printed in the RECORD another table showing the imports into the United States of metallurgic chrome. I might say, before making that insertion, that in 1960 the amount of chrome imported from Russia was only 7,000 tons, or 1 percent of the total imports, whereas today it is approximately 60 percent. Therefore, I ask unanimous consent that the table to which I have referred, appearing on page 59 of the hearings before the Senate Committee on Foreign Relations in connection with the testimony on S. 1404, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION (46 PERCENT OR OVER Cr_2O_3)

[Thousands of short tons]

	1960	Percent	1961	Percent	1962	Percent	1963	Percent	1964	Percent	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent	1970	Percent	1971[1]	Percent
Rhodesia	307	57	218	48	234	41	144	37	259	37	329	37	219	24	147	22	1						14	4
Russia	7	1	20	4	36	6	192	49	275	42	242	27	302	33	299	45	335	59	299	57	409	58	198	58
Turkey	123	23	150	33	171	30	40	10	38	6	164	19	186	20	108	16	151	27	74	14	135	19	75	22
South Africa	80	15	54	12	101	17	18	5	64	5	115	13	184	20	95	14	74	13	143	27	97	14	31	9
Other	24	4	10	3	35	6	0	0	25	4	34	4	22	2	11	2	6	1	13	2	62	9	23	7
Total	541		452		577		394		661		884		913		660		567		529		703		341	

[1] January to April.

Source: Bureau of Mines Data 1970, unpublished.

PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE (DELIVERED U.S. PORTS)

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$31.00–$35.00	$31.00–$35.00	$31.00–$35.00	(1)	(1)	(1)	(1)
Turkey: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	29.50– 31.50	29.50– 31.50	32.50– 33.50	$34.50–$35.50	$37.60–$38.50	$47.50 $48.50	$56–$80
South Africa: 44 percent Cr_2O_3	20.00– 21.50	20.00– 21.50	18.00– 21.50	19.00– 21.50	19.00– 21.50	26.50	20
U.S.S.R.[2]: 54 percent Cr_2O_3, 4:1 Cr/Fe ratio	25.00	29.25	30.40	34.10	44.00	58.00	72

[1] Not available.

[2] Actual prices to Foote Mineral Co., f.o.b. Burnside.

Source: U.S. Bureau of Mines.

Mr. BYRD of Virginia. Mr. President, the American Legion, at its convention in Houston held several weeks ago, adopted a resolution endorsing the proposal to permit the importation of chrome from Rhodesia. I ask unanimous consent to have printed in the Record a letter to me from Herald E. Stringer, director, National Legislative Commission, the American Legion, together with the resolution adopted by the 53d annual national convention of the America Legion held at Houston, Tex., August 31 to September 2, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

The American Legion,
Washington, D.C., September 22, 1971.
Hon. Harry F. Byrd, Jr.,
U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Senator Byrd: Thank you for your remarks on the floor of the Senate September 10 and 20 in support of Section 503 of H.R. 8687, the military procurement appropriations measure.

As you have stated, Section 503 calls for an end to the prohibition of the import of any strategic material produced in a non-communist country or area so long as the importation of such material from any communist dominated country or area is not likewise prohibited. The case in point is chrome ore from Rhodesia. We are boycotting Rhodesia as requested by the United Nations. We now buy the vast majority of our chrome ore from the Soviet Union, instead of from Rhodesia—the largest source of supply in the world. We pay prices that range up to twice as much per ton for the privilege of relying almost solely on the U.S.S.R. for this strategic and critical ore. Section 503 would eliminate this problem.

Enclosed are copies of Resolution 271 and 436, adopted by our National Convention earlier this month, which are self-explanatory.

Copies of this letter and the resolutions are being forwarded to all Members of the Senate Committees on Armed Services and Foreign Relations.

Sincerely yours,
Herald E. Stringer,
Director, National Legislative Commission.

Mr. BYRD of Virginia. Mr. President, I yield the remainder of my time to the Senator from Mississippi (Mr. Stennis).

Mr. STENNIS. Mr. President, we have had an understanding that the Senator from Wyoming and I will each take 3 minutes of the remaining time and that in the meantime we will have a quorum call.

Mr. McGEE. I ask unanimous consent that there be a quorum call of 5 minutes first, and then the Senator from Mississippi and I will each reserve 3 minutes of the remaining time.

The PRESIDING OFFICER. Without objection, there will now be a 5-minute quorum call. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, does each side have 3 minutes remaining?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. Mr. President, I yield myself 3 minutes or so much thereof as I may use.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this is a matter of great importance. I respectfully submit that from the standpoint of stockpiling strategic material and national security products, the Senator from Virginia (Mr. Byrd) and the Senator from Nevada (Mr. Cannon), the chairman of the subcommittee of the Armed Services Committee, have done an enormous amount of work.

Their statements have fully explained and fully covered the entire matter. We do need the ore. We do not have too much in the stockpile. We absolutely ought not to be cut off from virtually all our supply of the ore and have that supply limited.

This is not a contest between committees. It is not a contest between the State Department and the Department of Defense. It is not in any way involved in some of these matters that have been mentioned. This is just a matter of security and commonsense. We have this stockpile. The committee recommended unanimously against letting it go. We are cut off from the supply in this situation.

I think the fiscal affairs of this Nation and the soundness of the dollar are a part of national security and a party of this picture. We were paying per ton delivered here when this matter arose in 1965 $25. Now we have to pay Soviet Russia, since the other supply is cut off, $72 per ton, an increase of 188 percent in that brief span. That is a matter of commonsense.

Our committee has pressures brought upon it every day because the price of weaponry is going up and up. It is under attack in the press. I think they have a right to call upon us to hold down prices. In our provision we would be trying to do something tangible. But that is not the only reason. After all these matters are weighed, we are left with the Soviet nation as the principal source of supply. That is contrary to everything we have been trying to do all through the years.

Mr. President, I hope we can keep this provision in the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, the issue here on this measure we are being asked to vote on now is partly the strategic implication. The testimony before the Committee on Foreign Relations on this matter, testimony from the Pentagon, the State Department, and this administration, is that the stockpile is preserved and is adequate. The stockpile is not an issue in this matter.

The question is whether the United States unilaterally uproots an action by the United Nations that sometime ago imposed sanctions on Rhodesia.

Strategically the import of chrome from any source at the present time is minimal. The Soviet Union was the source of supply for many years before there were sanctions. It provided one-third of our chrome. It is not an issue in this particular proposal.

In the interest of the other factors, in the bigger picture, we are asking that we suspend section 503, at least for the time being for these reasons. First, we were instrumental in initiating United Nations' action to avoid a shooting scrap between Great Britain and Rhodesia, and the United Nations handled the matter and imposed sanctions. Are we to become the only nation to formally repudiate a United Nations sanctioned agreement? I think this would be a case of irresponsibility in regard to the world body. Second, in terms of black Africa, whatever we deem our diplomacy toward black Africa to be, the fact is we have other interests over there, such as oil and bauxite. All of them would be called into question if on this issue we rock the boat.

Discussions are now underway, and we are told they are very hopeful discussions, to reach a peaceful settlement between the British and the Rhodesians.

Those discussions are going on at this time. We all agree if we could negotiate the matter this would be the ultimate for all sides.

If we were to keep section 503 in the present bill we would be setting back the chances for those current discussions to reach any successful conclusion. So in the interest of trying to achieve a peaceful settlement in Rhodesia I urge that we vote yea on the pending amendment to strike section 503 from the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment of the Senator from Wyoming. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPARKMAN (when his name was called). On this vote I have a live pair with the Senator from Utah (Mr. Moss). If he were present and voting, he would vote "yea." If I were free to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. SCOTT (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Colorado (Mr. Dominick). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. RANDOLPH (after having voted in the negative). Mr. President, on this vote I have a live pair with the able Senator from Indiana (Mr. Bayh). I have already cast my vote in the negative. If the Senator from Indiana were present, he would cast his vote in the affirmative. I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Magnuson), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Stevenson), and the

Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Iowa (Mr. MILLER). If present and voting, the Senator from Washington would vote "yea" and the Senator from Iowa would vote "nay."

On this vote, the Senator from Indiana (Mr. HARTKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Texas would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is absent on official business.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The pair of the Senator from Colorado (Mr. DOMINICK) has been previously announced.

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Iowa would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Indiana (Mr. HARTKE). If present and voting, the Senator from Texas would vote "nay" and the Senator from Indiana would vote "yea."

The result was announced—yeas 36, nays 46, as follows:

[No. 230 Leg.]

YEAS—36

Aiken
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Fong
Gravel
Griffin
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
McGee
McGovern
McIntyre
Mondale
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Ribicoff
Roth
Stafford
Symington
Tunney
Williams

NAYS—46

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
Metcalf
Montoya
Pearson
Schweiker
Smith
Spong
Stennis
Stevens
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Randolph, against.
Scott, for.
Sparkman, against.

NOT VOTING—15

Bayh
Dominick
Eagleton
Fulbright
Harris
Hartke
Magnuson
Miller
Moss
Mundt
Pastore
Saxbe
Stevenson
Taft
Tower

So Mr. McGee's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOPER. Mr. President, I ask for the yeas and nays on the motion to reconsider.

Mr. STENNIS. Mr. President, I withdraw my motion.

The PRESIDING OFFICER. There was not a sufficient second.

Mr. STENNIS. I withdraw the motion.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

AMENDMENT NO. 429

The PRESIDING OFFICER. Pursuant to the previous order, the amendment (No. 429) of the Senator from South Dakota (Mr. McGOVERN) is now the pending question.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Has the motion of the Senator from Mississippi been acted upon?

Mr. STENNIS. It was withdrawn.

Mr. CHILES. Mr. President, I voted today to maintain that section of the military procurement authorization bill which would permit this country to buy chrome from the non-Communist country of Rhodesia and against the effort that would have removed this section and would have prohibited the United States from dealing with Rhodesia. I did this for several reasons. The first is that chrome was selling before sanctions at $25 per ton. Since the sanctions were imposed, the price of chrome, which we are having to buy from Russia, has gone to $72 per ton. It is clear that the Russians have gained a competitive advantage over our country in that they are the only producers of chrome other than Rhodesia and Turkey. We are now being forced to buy chrome at this highly increased rate.

I certainly do not agree with some of the practices of the Rhodesian Government but nor do I agree with the way the Russians are treating many of their people such as the Jews and other ethnic groups inside Russia. So this question does not seem to me to be central to this issue at hand.

The national security of this country must come before any other consideration. We must never be dependent on Russia for such a strategic material. Russia, by its own policies, causes this country to react to the extent that we feel we must maintain our present arms commitment and current military posture. It just does not make sense to me how the United States can be dependent on its enemies for strategic materials such as chrome when we can buy them from a non-Communist country.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Having voted on the losing side, can I make a motion to reconsider?

The PRESIDING OFFICER. Only a Senator who voted with the prevailing side, or who did not vote, can move to reconsider.

Pursuant to the previous order, the amendment, No. 429, of the Senator from South Dakota is now the pending question.

The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from South Dakota (Mr. McGOVERN) proposes an amendment No. 429.

The PRESIDING OFFICER. On this amendment, there are 45 minutes to each side.

Mr. McGOVERN. Mr. President, I yield myself such time as I may require.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. STENNIS. I believe there is a prospect here that we can reduce the time. I ask that all Senators be quiet, so that the Senator from South Dakota may be heard.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. McGOVERN. Mr. President, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> SEC. 505. At the same time as he submits his fiscal 1973 budget recommendations for the Department of Defense, the President shall submit for consideration of the Congress the following:
>
> (1) an alternative budget for the Department of Defense providing for expenditures not to exceed $60,000,000,000 in fiscal 1973 and setting forth the amounts which could be expended for the various components of the Armed Forces, for procurement of weapons and for research, development, test, and evaluation within such $60,000,000,000 ceiling; and
>
> (2) a report, including recommendations for congressional action, on programs to stimulate conversion planning by defense industries and to alleviate the economic hardships incurred by defense industries, their employees, and the communities in which they are located as a consequence of declining national defense expenditures.

Mr. McGOVERN. Mr. President, I asked that the amendment be read because I think it requires little explanation.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

Would the distinguished Senator be agreeable to cutting the time back on this amendment to 1 hour, to be equally divided between the mover of the amendment and the managers of the bill?

Mr. McGOVERN. Yes. That would be perfectly agreeable to me.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment be limited to 1 hour, to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator.

AN ALTERNATIVE DEFENSE BUDGET WITH CONVERSION PLANNING

Mr. McGOVERN. I hope every Senator has had an opportunity to examine this proposal. It requires little explanation, since both its terms and its objectives are quite clear, even in a quick ready of the amendment.

It neither cuts from nor adds to the military procurement authorization bill. In fact, it does not affect at all the fiscal 1972 military program which is now under consideration. Rather, it is prospective in nature. It aims to improve the capability of Congress to deal with issues of military security and national priorities in fiscal 1973.

The amendment imposes two requirements on the President of the United States. When he submits his fiscal 1973 military budget, he would be required to submit along with it, first, an alternative budget indicating what kind of defense establishment could be had in exchange for expenditures of $60 billion in fiscal 1973; and, second, a report, including recommendations for Congressional action, on programs to alleviate the hardships caused to industries, workers and communities as a consequence of reductions in military expenditures.

The first requirement goes to the heart of the relationship between the executive and legislative branches in the complicated field of defense expenditures.

While there may be disagreement on the nature of our responsibilities in this area, it is impossible to dispute the fact that the Constitution imposes on the Congress special obligations which do not exist in other areas. Among the powers of Congress enumerated in article I, section 8, of the Constitution is the clause:

> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years.

That 2-year limitation applies to no other area. It seems to me that its meaning is quite clear, particularly in light of the historical framework in which the Constitution was drafted. It gives Congress a responsibility to scrutinize with special diligence the military programs of the United States, and assures that in no case shall the decisions of one Congress be automatically carried over to the next.

On the basis of our past 20 years of experience in the military sphere—characterized by a virtually unbridled arms race, mammoth defense budgets, and a bloody, unwanted war in Indochina—I suggest that Congress has no more critical or urgent responsibility than a careful examination of military outlays.

Yet, at the same time, I suggest that there is no responsibility we are less well equipped to fulfill, not so much because of congressional failings but because of the very size and complexity of the Military Establishment. Even if we have the desire to bring this monstrosity under control, the cards are heavily stacked against us.

My amendment will not, of course, cure this situation entirely. If we are to make close examination of military expenditures a continuing part of our institutional arrangements, instead of the product of a general war-bred disenchantment with the military, then I believe we should also consider the creation of a special independent agency whose sole responsibility would be to prepare, for Congress and for the President, an annual analysis of Pentagon spending requests. There are other worthwhile ideas to explore.

But this amendment would serve, first, to bring Congress in on the budgeting process to a much greater extent than has been the case in the past.

One of our greatest obstacles in recent years has been the fact that most of the policy decisions have already been made by the time the budget reaches Congress. The Pentagon operates on a given set of foreign policy and defense capability requirements which automatically serve as the framework for our debate. Thus, to cite a case with which I am most familiar, the burden has fallen to those who oppose the B-1 bomber to come up with an alternative means of performing the strategic bombing mission. And when we cite possibilities, such as modernization of the B-52 fleet, we are told simply that they have been considered and rejected by the Air Force. Moreover, there is hardly any opportunity to examine the question whether the country needs a strategic bomber at all, considered in the context of other strategic weapons system. In no case are we told, if a total spending ceiling were imposed, what internal priorities would be set—what weapons systems are deemed most important by the services or by the administration. Each is presented as being vital to the national security, and it is no secret that there is great competition among the various services in order to advance their own weapons systems.

Thus, we have an uphill road in proposing amendments on specific systems. At the same time, it is quite difficult to propose an overall ceiling without knowing what it would buy. A few weeks ago, Senator PROXMIRE'S amendment to establish what I regarded as a very generous ceiling on fiscal 1972 defense expenditures, on the range of $68 billion, was defeated by a very substantial margin, in large measure because members of the Senate were uncertain what we would have left or how the remaining funds would be expended.

On a related point, this amendment would test the allegation that those of us who feel military spending could be cut susbtantially are somehow advocating unilateral disarmament. In other words, by calling on the Defense Department to submit an alternative budget indicating what they would do if they had a $60 billion ceiling, we would then have before us the best judgment of the Defense Department as to how those funds could best be allocated for the defense of the Nation.

As Members of the Senate know, this $60 billion figure is identical to that suggested by the prestigious Urban Coalition in the "counterbudget" they prepared earlier this year for consideration in fiscal 1972. Actually, it is somewhat higher than their fiscal 1973 recommendation, because they foresaw a $60 billion expenditure figure this year declining to around $50 billion by 1976. That, incidentally, is my own view of what we ought to be able to accomplish, barring a major international conflict. In any event, it is pertinent to note that that organization includes many prominent and thoughtful Americans of both parties, who believe that a figure substantially below the one in this amendment would constitute a defense posture that is both prudent and adequate for this country's military security.

I ask unanimous consent that a list of the Urban Coalition's steering committee be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, let me say that these gentlemen all endorse the $60 billion ceiling on the military budget. The list includes among other names, David Rockefeller, chairman of the Chase Manhattan Bank; H. I. Romnes, chairman of the American Telephone & Telegraph Company; James H. J. Tate, the Mayor of Philadelphia; Leonard Woodcock, president of the United Auto Workers; Andrew Heiskell, chairman of Time, Inc., and other distinguished Americans.

It seems to me that this unilateral disarmament charge has been given some credence mainly because we have focused on what would be eliminated by those of us who want to reduce military expenditures, rather than on what would be left. Actually, I believe that our attention should be focused on the latter, and that is the purpose of my amendment, to show Members of Congress what could be purchased with $60 billion through the best judgment of our defense experts.

I frankly resent and find somewhat ridiculous the suggestion that our security would be endangered by a $60 billion defense budget. I think a good case can be made that this country would be considerably stronger and more secure if we trimmed some of the fat from our military budget and used it for other purposes where the Nation's security and honor is being undermined by this small investment.

I suggest, for example, that the slowness of our attack on the problems of air and water pollution which, if left unchecked could be a greater threat to the health and well-being of all of us than anything now going on in the foreign capitals around the world.

I believe that a more modest military outlay would, instead, improve our security by strengthening the economy and permitting us to get on with the urgent domestic priorities which have so unsettled our national well-being.

But in any case, let us have some detail. Let us find out why a defense budget that is bigger than that of any other country on the face of this planet—bigger than the defense expenditures of the Soviet Union and the People's Republic of China combined—should somehow endanger the security of the United States.

Let me say that in a few weeks I will be offering my own suggestions on what could be included in a fiscal 1973 defense budget of $60 billion. For some time, members of my staff and I have been working on an alternative budget of our own, based on careful study and consultation with a wide range of defense experts. The budget as it now tentatively stands differs in some major respects from that of the Urban Coalition. We should consider the views of the administration as well, operating within the $60 billion budget limit. That, of course, is the first purpose of the amendment.

Finally, the alternative budget portion of this amendment would overcome the charge that a spending ceiling cannot be imposed without some long-range advance warning to the Pentagon and to the administration. I think that has been a fair criticism leveled at across-the-board cuts. There is some difficulty in dealing quickly with an across-the-board cut, in that it does not give the Defense Department adequate time to plan for the efficient use of whatever funds are available.

When the Proxmire-Mathias amendment was pending, a major point raised in opposition—as the Senator from Wisconsin (Mr. PROXMIRE) will recall—was that to impose a ceiling on expenditures, rather than on obligational authority—and the latter would be virtually meaningless—was the fact that if they began the year spending at a $76 billion annual rate and were required to come down to a $60 billion total, the administration would have to get down to an annual rate of about $50 billion by the end of the year. To the extent that is the case, it is obviously because major adjustments in the rate of spending cannot be made overnight, without advance warning, particularly when the fiscal year to which the ceiling is applied has already begun.

Well, what this amendment says is that if a ceiling is to be imposed, the administration will not only have plenty of advance warning, it will also have the opportunity to participate in planning under the ceiling well before the fiscal year begins.

These purposes are, in my view, well in line with concerns which have been expressed by Senators of all persuasions, whether they are for or against the spending cuts which have been proposed in recent years. Since all the amendment requires at this point is information, I cannot see how any Senator should oppose the first section of this amendment.

The second section, in addition to dealing with a fundamental economic concern in the current period, also has a direct bearing on our practical ability to influence the arms budget.

In the period since World War II, we have established a substantial dependency upon a high level of defense and space expenditures among workers, businesses, and communities. Because such contracts have tended to be concentrated in a limited number of States, even slight adjustments in spending of this kind can produce economic depression. Even in my State—and South Dakota ranks 51st among the 50 States and the District of Columbia in defense spending—we have seen whole towns literally disappear as a consequence of the termination of a defense installation.

No Member of Congress wants to be faced with a choice between supporting a military system he knows is unwise on the one hand, and unemployment for his constituents on the other hand. Yet that is the choice we face now in the absence of an alternative blue print for utilizing labor and resources no longer needed in the aerospace and defense fields.

Without sound conversion planning to ease the transition, we need not doubt that every weapons system that is cut is going to produce some additional unemployment somewhere. Without sound conversion planning it is impossible for us to make decisions on these issues as they should be made, on the basis of what we honestly feel is necessary for national security.

Beyond this I believe that the national Government, having lured so many Americans out on the economic limb of dependence on military spending, has a positive obligation to assist when that limb is severed. If it is irresponsible to support a military budget request solely on the basis of the jobs it creates or retains, it is equally irresponsible to eliminate that program without attention to the very real economic problems that decision entails. To do so is to support the notion that the worker in a plant producing parts for the ABM is somehow responsible for the decision to product that system, when in fact his preeminent responsibility and his main concern is to keep his job and support his family.

But the truth is that military spending is a very poor creator of jobs per dollar spent. The growth it produces is parasitic and inflationary, because it creates jobs without creating products to be purchased and consumed in this country.

Moreover, it seems quite clear that a given level of spending in this high technology area produces many fewer jobs than the same number of dollars would provide in such priority areas as housing and transportation, thus freeing military resources for use in such areas is in the interest of all Americans. If we can undertake conversion planning to assure that new jobs will be quickly created to replace those lost, the implements of production idled by defense cutbacks can be quickly employed in other areas and new enterprise will come to the communities which have suffered the impact of military reductions.

There are a number of bills pending before the Congress on the conversion issue and doubtless more will be introduced. Certainly congressional initiative has not been lacking.

But we also need a coordinated input from the administration. We need to know what plans are being made and what programs are being implemented at that level, both to confront current difficulties and to prepare for such hopeful events as an end to the war in Vietnam and an agreement in the Strategic Arms Limitation Talks. That is what the second portion of my amendment would provide.

Mr. President, as I said at the outset, the content and the purpose of this amendment are quite simple. It will not create unwarranted difficulties for the administration, and it will make a positive contribution to the solution of some of the most perplexing issues facing the Congress. I strongly urge its adoption.

EXHIBIT 1

STEERING COMMITTEE OF THE NATIONAL URBAN COALITION

Arnold Aronson, Secretary, Leadership Conference on Civil Rights.

Albert E. Arent, Chairman, National Jewish Community Relations Advisory Council.

Mrs. Bruce B. Benson, President, League of Women Voters of the U.S.

Joseph J. Bernal, State Senator, Texas.

John Cardinal Dearden, Archbishop of Detroit.

Edwin D. Etherington, Former President, Wesleyan University.

John W. Gardner, Chairman, Common Cause.

Warren Gilmore, President, Youth Organizations United.

Ernest Green, Director, Joint Apprenticeship Program.

Mrs. Fred R. Harris, President, Americans for Indian Opportunity.

Richard Gordon Hatcher, Mayor of Gary, Indiana.

Dorothy I. Height, President, National Council of Negro Women, Inc.

Andrew Heiskell, Chairman, Time, Inc.

Mrs. Aileen C. Hernandez, President, National Organization of Women.

Samuel C. Johnson, Chairman and President, S. C. Johnson & Son, Inc.

Vernon E. Jordan, Jr., Executive Director, United Negro College Fund, Inc.

Stephen F. Keating, President, Honeywell, Inc.

Joseph D. Keenan, Int'l Secretary, Int'l Brotherhood of Electrical Workers, AFL–CIO.

John V. Lindsay, Mayor of New York.

J. Irwin Miller, Chairman, Cummins Engine Company.

C. McKim Norton, Counsel, Regional Plan Association.

Louis Nunez, President, Aspira of America, Inc.

James M. Roche, Chairman, General Motors Corporation.

David Rockefeller, Chairman, Chase Manhattan Bank.

H. I. Romnes, Chairman, American Telephone and Telegraph.

Henry Santiestevan, Executive Director, Southwest Council of La Raza.

Mark R. Shedd, Superintendent, of Schools, Philadelphia, Pa.

John G. Simon, President, Taconic Foundation, Inc.

Martin Stone, President Monogram Industries.

James H. J. Tate, Mayor of Philadelphia.

Mrs. Theodore O. Wedel, President, National Conference of Churches.

Leonard Woodcock, President, United Auto Workers.

Whitney M. Young, Jr., Executive Director, National Urban League.

Sol M. Linowitz, Chairman, National Urban Coalition.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as I understand the Senator's amendment, what he would do is not to reduce the defense budget at all.

Mr. McGOVERN. The Senator is correct.

Mr. PROXMIRE. As I understand it, he would simply require the administration to tell us for the 1973 budget—which is to go into effect next July—what would happen, what their priorities would be, and how they would be able to meet a $60 billion ceiling.

Mr. McGOVERN. The Senator is correct.

Mr. PROXMIRE. It would not bind the administration to that ceiling in any way, shape, or form. However, it would ask them to show what they would have to cut back in their judgment and still give us the strongest possible military force for $60 billion.

Mr. McGOVERN. The Senator is correct. The President would submit his own defense project at a somewhat larger figure, if we could go on the basis of what has happened in the past, and then side by side, if this amendment is agreed to, he would submit an alternative budget indicating what items he would have in that defense budget if the administration were bound to a ceiling of $60 billion.

Mr. PROXMIRE. Mr. President, is it not true that under these circumstances the administration would be in a position to make a very strong argument for the additional amount they want? Say if they want an $80 billion budget, instead of $60 billion, they could make whatever arguments they wished for the additional $20 billion, and Congress would be in a position to know what in their view was essential and what was subject to deletion by Congress without striking, in the judgment of the military, the very heart of their strength.

Mr. McGOVERN. The Senator is correct.

The Senator will recall that when he offered what I thought to be a laudable amendment to hold the ceiling to $68 billion in the current fiscal year, the argument was raised that the Defense Department had not had time to review the matter, that they were already into the fiscal year, and that it was difficult to know how to adjust the budget to those figures.

We are now giving them a full year's notice to come up with an alternative budget.

It would not be binding on the administration or on the Armed Services Committee or on any Member of Congress. However, it would let the executive exercise its best judgment as to what they think they could buy for $60 billion. Then we could have something to compare as a test against whatever alternative budget the President would recommend.

Mr. PROXMIRE. It is a most ingenious idea. This has not been applied to other departments. That does not mean that it would not be a good idea. However, it is no precedent.

Mr. McGOVERN. I know of no precedent. I know of no other area of the Government that has such a large budget, however, as the Defense Department, and a budget, I might add, that is so difficult to understand.

Mr. PROXMIRE. Other Senators may take different positions. However, I intend to support the amendment.

The amendment would enormously improve the quality of our debate on the Defense budget. We would be in a much better position to know what we are talking about. We would have far more knowledge concerning what they propose to do with the additional amount of money, and it seems to me that we could make a much better decision from the standpoint of national security and from the standpoint of having a sensible ordering of our priorities.

Mr. McGOVERN. Mr. President, as the Senator knows—and I think I am correct on this—the way the Defense budget is shaped, the various Services come in with their own recommendations. The Secretary of the Air Force has his recommendations. The Secretary of the Navy has his. The Secretary of the Army has his recommendations.

Those original estimates are always way above what is finally authorized by the Secretary of Defense. Then he in turn submits the budget that goes to the Office of the President and the Bureau of the Budget, where it is then further whittled down.

At some point, the President himself would have to step in and make some very hard and tough decisions among the competing claims of the various services.

It seems to me that this kind of an amendment would be of service not only to the Congress but also to the President of the United States. They would be able to see what they could eliminate with this ceiling of $60 billion, and the budget would be placed before the President as well as the Congress of the United States.

Mr. PROXMIRE. I know that there will be objection and very strong objection to the amendment. I think it is something that we ought to try to work on and try to work out something so that we could elicit from the Defense Department some kind of responsible demonstration of what happens when the budget is cut down.

When the Senator from Maryland (Mr. MATHIAS) and I offered an amendment this year, as the Senator from South Dakota has pointed out, the Secretary of Defense said that if we were to put that limitation on the budget it would have an appalling effect and would result in a tremendous layoff in the military.

That was exceedingly hard for us to accept. However, it would be very helpful for us to know what they would prescribe. While this kind of proposal is unprecedented and has not been done in other departments, it would not bind the Congress. We could go half way and cut the amount back to $70 billion if $80 billion were asked for on the one hand and the $60 billion did not appear adequate. We could take the entire recommendation of the President if we thought it were necessary. However, we would be in a much better position to know what we were doing on the basis of what the responsible authorities in the Government would tell us.

Mr. McGOVERN. Mr. President, the Senator from Wisconsin has had the same problem as I have had in trying to master the complicated defense budget. I am sure that the Armed Services Committee must face the problem all the time of knowing where cuts could more safely be made.

The amendment would have the effect of identifying those areas of the budget which contain what the Defense Department and the Executive feel are the areas that are least essential and least important in the defense of this country.

Suppose there were a difference of $20 billion between the recommendation contained in the President's budget and the $60 billion, were this amendment agreed to, we would know that the $20 billion consisted of items—at least if we can trust their judgment at all—that they would eliminate as being the ones that were less essential to the security of the Nation.

Beyond that, the second part of the amendment goes to the administration and the policy of developing alternative blueprints for workers and resources no longer needed in the Defense and aerospace field.

I think that is one of the really glaring omissions in our present national plan. If we wait until an SST project is cancelled or the B–1 bomber, think of what would happen with the aircraft workers at the Boeing or North American plant or the Lockheed plant, when we should be making plans well ahead of time for alternative means of employment for those men.

On both counts, I think the amendment is sound, and I hope the chairman of the committee, the Senator from Mississippi, will see fit to accept the amendment.

Mr. STENNIS. Mr. President, I yield myself 8 minutes, or so much thereof as I may require.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator from South Dakota for his compliment. I wish I could digest his proposal.

Mr. President, I am not good at all with respect to displays or anything of that nature, but as an illustration of what we are talking about, these books on my desk that are piled from 18 to 24 inches high comprise the budget and its appendices. There are something like 1,600, 1,800, or 2,000 printed pages of the budget, and they are finely printed pages. In addition, there is the testimony we have taken here along side of the budget and there are over 5 thousand closely printed pages. This illustrates what the subcommittee chairman and the full committee has been going into since January trying to get one budget prepared.

I know it looks easy and good to our friends, but as a member of the Committee on Armed Services and the Committee on Appropriations who has been dealing with this matter for years, this would make an impossible situation for us to handle it in anything like the way in which is it now handled with thoroughness and clarity.

This is a sweeping amendment which has been offered from the floor. It has not been studied and analyzed. It would be a major amendment to the basic budget law which was passed in 1921. It would present to the committees—and I emphasize the plural—including the Committee on Appropriations, an imponderable situation that could not be overcome. But leaving out the committees, the high prerogative and responsibility of passing fiscal affairs rests in the Congress of the United States. The President is supposed to have a national policy and an international policy. Under the law and the basic principles of our Government, he not only has the prerogative, but also he has the duty to give an estimate to the legislative branch about what he thinks is necessary in dollars to carry out those policies. Until that happens, we do not have a point from which to start.

We are given a program and then an estimate on that program, and we start from there. That is where our duty and our responsibility begins: to increase, decrease, obliterate, or to do anything we see fit. The machinery has become voluminous and it takes years. But here we would be treading on principles of government right and left.

Another thing is that if the President is going to have a security program he thinks is necessary to protect our people and this country, and one in which the people will back him up, how is he going to get anywhere in connection with nations not friendly to us if he has to come out with two budgets? It would be a giveaway to them from the start as to weakness and indecision and, unfortunately, the President would not know where he stands. I want whoever is President to have the prerogatives that go with the presidency, and to have the courage to back them up. That is the way we have operated all through the years.

I know there is a desire to reduce the budget. That is laudable. I think there has been considerable help in that regard in the committees. But to proceed with alternative policies and budgets would be proceeding in the opposite way.

I have asked the chairman of the Committee on Appropriations to be here and I have asked the ranking minority member of the Committee on Appropriations to be here. The Senator from New Hampshire is here. He digs into all these budget matters concerning research and development, which involves $8 billion. He digs into that in far greater detail than any other individual ever has. I do not know what he is going to say but we are entitled to have the benefit of his experience.

The Senator from Maine, who is the ranking minority member of the Committee on Armed Services is here. She will speak for herself.

I shall not take a great deal of time. I think the old Latin phrase that we use in law is applicable: res ipsa loquiteur—the thing speaks for itself. It speaks loudly to those who have to deal with this problem and I believe to most Members.

Mr. President, I yield 10 minutes to the Senator from New Hampshire. He is just fresh from the frying pan for several months going through this budget; let us hear what he has to say.

Mr. McINTYRE. Mr. President, I thank my chairman, the distinguished Senator from Mississippi. Before I begin I do want to pay my respects to the distinguished Senator from South Dakota. I think I know what he is struggling for; I think I have the same feeling myself at times. It is a vast budget and I think the Senator has heard me say that in just the R. & D. field we contend with 475 or 500 different line items embracing 5,000 to 8,000 projects. So I admire his spirit. I, too, would like to bring this under control, but I have to join my distinguished chairman in strong opposition to the amendment proposed by my distinguished colleague from South Dakota. That amendment would be simply and completely unworkable.

The amendment would require the President to work out the full detail of at least a 20-percent cut in defense spending and propose this alternative program to the Congress next January. Leaving time for Congress to act and for processing of the budget, this would allow a little more than 2 months for the President to come up with sweeping cuts in troop strength, deployments, weapons development and procurement, production schedules, base closures, and so forth. The executive branch would have to do this while at the same time reacting to other changes as the 1972 authorization and appropriation bills move along, and while developing the regular 1973 budget estimates. The many people who would have to develop the so-called alternative budget already are strained to the utmost in work on the regular 1972 and 1973 budgets. We in the Congress, who labor for most of the year in handling single budget proposals, certainly should have some appreciation of the massive extra effort and cost, the uncertainty and confusion, that would be involved in more than doubling this workload on such short notice.

And that is only a small part of the problem, Mr. President. In developing a budget one of the key considerations is the starting point, that is, where you plan to be at the start of the fiscal year. In this case, we are talking about July 1, 1972, just 9 months away. In preparing the regular 1973 budget certain basic assumptions are made based on expectations of congressional actions on the estimates now pending, the ultimate outcome of which is still several months away.

The starting point for the regular estimates, then, is likely to include some 2.4 million military personnel, just over 1 million civilian personnel, some $20 billion of contracts in the pipeline, and operating levels somewhat below those of today. With such a starting point, however, a $60 billion spending level in fiscal 1973 is just about impossible. The Department of Defense would be starting that year at an annual rate of spending somewhere between $75 and $80 billion. To start at such a rate, and cut to $60 billion for a full year would require spending at a rate of some $40 billion per year by the end of fiscal 1973, just about half the current rate. This would require wholesale reductions in manpower starting right now, widespread base closures, and precipitate terminations of major contracts and literally thousands of smaller ones. This could deal the economy of the United States a crippling blow.

In developing his alternative $60 billion budget for 1973, then, the President would somehow have to come to terms with the starting point problem. He would have two choices:

First. He could assume a reasonable and realistic June 30, 1972, position—in which case he would just about have to put defense out of business by June 30, 1973, in order to hold spending to $60 billion for the year as a whole.

Second. He could assume much lower manpower and pipeline levels at July 1, 1972—levels he has no intention of attaining—and thus project a somewhat more stable 1973 program

Whichever choice the President makes, the resulting budgetary proposals would be worthless from my point of view

If he follows the first course, he simply projects a fiscal straitjacket. Under the second approach, he projects a program that is unattainable from the time he submits it.

There is no need for such drastic and ill-considered action with respect to the defense budget. The entire defense program is before the Congress now—manpower, weapons, R. & D., and all the rest. The Committees on Armed Services and on Appropriations have spent the past 8 months considering these programs in detail—and defense matters have certainly consumed a great deal of time on the floor of this Chamber. If the Congress wishes to reduce or modify specific defense programs or manpower, this can be done in the normal and well established manner. There is no need for us to impose upon the President the almost impossible task of working out a massive realignment of our national security posture. This could be argued as constituting an unwarranted infringement upon the prerogatives of the President. It is, after all, his task to propose what he believes necessary for national security and other public programs; and it is ours to dispose. We enter upon dangerous ground, I believe, when we tell the President what to propose. It is simply unsound, from a public policy viewpoint, to require the President to project a program that he would believe harmful to the national interest.

The McGovern proposal constitutes a major amendment of the Budget and Accounting Act of 1921—a matter not limited to the Department of Defense appropriation. This would involve a radical change in our approach to budgetary and fiscal affairs, a change which has not been considered by the responsible committees. There have been no hearings, no reports, no consideration of the pros and cons of so major a change. And then, why single out the Department of Defense? Is not the problem really governmentwide?

Finally, we have to consider the destructive impact of a $60 billion budget level upon our national security. Bear in mind that fiscal year 1972 spending will be in the range of $75 to $76 billion, after allowing for statutory additions to the President's proposals—largely the military pay raise in the draft bill—and offset by likely congressional cuts. Costs will rise in fiscal year 1973 with the regular 1973 raise, plus the deferred 1972 raise which would be taking effect next July, plus annualization of the recent military pay raise, increases in military retired pay, and some inflation. Some of these costs—such as military retired pay—are fixed so that the McGovern amendment's $60 billion would involve a cut of at least 30 percent in the controllable portions of the budget.

Now, the 1972 program that is going to be cut by some 30 percent involves about 2.4 million military personnel and 1 million civilians—the lowest manpower levels in over 20 years, since before the Korean war. We would have to cut military manpower to significantly less than the 1.8 million we had in June 1941—6 months before Pearl Harbor.

Army divisions, naval vessels, and so forth, are already at a 20-year low in this fiscal year 1972 program. These also would be subject to a further cut. Purchases of all types—weapons, equipment, supplies, and services—are already well under the prewar level, when adjusted for inflation. Defense-related employment in industry is also well below prewar. These are the programs, in short, that would be cut by at least an additional 30 percent under the alternative budget.

I am not aware of any shift in the international strategic situation that would warrant such a massive cutback in our national security. I am not aware of any programmatic justification for a $60 billion budget, nor any magic in such a figure. Considered against our needs and the fiscal realities, the figure is ridiculously low. In fact, payroll spending alone—even with significant manpower cuts in 1973—will probably approach three-fourths of such an amount.

In short, the McGovern amendment would set a task for the President that would be virtually impossible to perform in a meaningful way; it would be thoroughly disruptive of established procedures within the Congress and the executive branch for the orderly and systematic consideration of national security and other program requirements; and would be pointless in any event since it is postulated upon a budget level which would place our national security in the gravest peril.

In conclusion, Mr. President, let me recite briefly from my own experience as chairman of the Ad Hoc Subcommittee on Research and Development. The subcommittee spent many long hours covering a period of 4 months in reviewing the research and development portion of the military procurement request for fiscal 1972. That request consisted of 475 separate programs broken down into literally thousands of individual projects and tasks. Although we did our very best in the time available in reviewing the tremendous volume of material and examining numerous defense witnesses, we could not cover more than the most essential portions of this program. I shudder at the thought of having to take on the additional task of examining an alternative budget proposal in all of its full detail. I am convinced that this would be literally an impossibility.

Mr. President, I ask my colleagues to voice their strong opposition to this amendment.

Mr. STENNIS. Mr. President, I yield 3 minutes to the distinguished chairman of the Committee on Appropriations.

Mr. ELLENDER. Mr. President, I am in thorough accord with the views expressed by the Senator from Mississippi. As chairman of the Committee on Appropriations, it has been my privilege to listen for many, many months to testimony on the Department of Defense budget submitted by the President.

The proposed amendment would be a complete departure from the Budget and Accounting Act of 1921, under which the President is authorized to submit his budget. In this instance, he would have his own views on the needs for Defense and an alternative Defense budget which he could not support. Of course, he would ask the Congress to enact his budget and to reject the alternative.

I submit that to force the President to submit two budgets would be wrong.

It strikes me that it is up to the President to submit what he thinks is necessary for defense, and let the Congress hold hearings, and then decide what it thinks is necessary.

I hope the amendment is defeated.

Mr. STENNIS. I thank the Senator from Louisiana.

I yield now 3 or 4 minutes, if he needs it, to the Senator from North Dakota (Mr. YOUNG), who is the ranking member on the minority side of the committee.

Mr. YOUNG. Mr. President, there is not a single member of the sizable Subcommittee on Defense Appropriations who listened for 2½ months to the testimony of the Defense Department witnesses and many other witnesses who believe we could make a cut anywhere near this amount of money.

Presently we are spending almost $40 billion in the Department of Defense just for personnel alone. A measure that passed the Senate 2 days ago resulted in an additional $2.2 billion to the cost of personnel. In the last 5 years we have already reduced the military and civilian personnel by 1,300,000. No doubt, that number could be decreased much more.

Personally, I think we must have a modern army, a modern navy, and a modern air force. This kind of budget would set back our whole national defense, at a time when the Soviet Union is spending more and more money for its defense.

Janes, which is long the most recognized authority on naval affairs, put out a story 2 months ago to the effect that the United States is fast becoming a second-rate power as compared with the Russian navy, and that probably would occur in the 1970's, and possibly in not more than 2 or 3 years.

All of our modernization programs would have to be scuttled if we got down to anywhere near a $60 billion defense budget.

To give one more example, the Russians now have the FOXBAT plane deployed in Egypt. It is a plane which flies higher and faster than anything we have. Should we get in trouble with the Russians in the Mediterranean, they would control the skies at an altitude of 50,000 feet and over.

They are moving ahead of us in submarines, building Polaris type submarines twice as fast as we are. To me, Mr. President, a budget such as this would be totally unwarranted, it would gut our national defense, and it would soon make us a second rate power to Russia.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Maine such time as she may require.

Mrs. SMITH. Mr. President, it has been my privilege to serve as a member of the Senate Armed Services Committee with the distinguished and able chairman (Mr. STENNIS) for a good many years. He has so ably expressed my opinions with respect to this amendment that I think it is hardly necessary for me to add anything to it.

It is the prerogative of the executive branch of the Government to formulate the budget. The budget comes up here, and as we sit around the table, both in the Committee on Appropriations, on which I serve, and the Committee on Armed Services, we find what a stupendous job it has been to formulate that budget. I think it would be highly improper for Congress even to think of making a suggestion, at this time especially, that we could get a budget together for $60 billion that would take care of the defenses and the national security of this country.

But that is beside that point. It is the prerogative of the executive branch. Let the executive branch of the Government formulate the budget and send it up to us, and then let us go to work at it, as we have during the past 8 months of this year and for many months in previous years, and pick it to pieces, cut it down, or add to it as we wish. But let us not try to change the policies of the President by telling him what the budget should be.

I shall vote against the amendment.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. STENNIS. I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, an interesting thing has happened in the Senate in the last 2 or 3 years, a type of thing we had not experienced in more than 50 years. As we sit here in this Chamber during this time of the year, when we argue about military authorizations and appropriations, we are led to believe tht no thought has been given at all to the weapons systems, that no consideration has been given by any committee to these very large expenditures.

I say to the Senate that I do not think there is another authorization or appropriation bill which comes before this body or the other body that receives nearly the consideration and attention that this one receives. I would remind my colleagues that each of the services, through their chiefs, are now considering budgets perhaps 3 or 4 years away. The Joint Chiefs of Staff review the budgets, the National Security Council looks at them, the President looks at them and makes recommendations, and, last but not least, the subcommittee and then the full Committees on Armed Services of the Senate and the House of Representatives scrutinize these budgets.

We who serve on those committees are probably more acutely aware of the gigantic increase in costs over the past several years than any other committees or Members of this body.

The $18 billion that we have regained from the cycling down of the war in Vietnam in the last 5 years has, every cent of it, gone to pay increased weapons costs. It amuses me to hear people speak as if they expect to spend that money in some other field, when frankly, Mr. President, if we are going to stand up to the requirements that this country has to face in weaponry, payrolls, and so forth, I think the President is going to have to ask, next year, for probably another $8 billion to $10 billion, without buying any more equipment than we are buying this year.

I remind my colleagues that the military procurement budget, over the last 7 years, has not varied much. It has gone from $14 billion to a high of $21 billion, and then to about $18-billion-something this year.

Furthermore, in arguing against the proposed amendment, I point out that about 52 percent of the military budget goes for pay. I can tell my colleagues that there are great expectations in the new Army and in the new services planned for the 1980's of greatly reduced forces, and that for every 100,000 men we can eliminate from the forces, we can save $1 billion.

But this is not going to be done overnight. Neither can it be done without the most modern weapons systems. So I strongly urge my colleagues to ignore this request for this additional budget. I know it sounds good to the average person. It probably makes a lot of sense to have two budgets, and if it makes sense for the military, I would suggest that the fastest growing spender of money, HEW, might also submit two budgets, so we can go through them.

Mr. President, I do not think there is a single measure that comes before this body that has more scrutiny than the authorization bill heard and considered by the Armed Services Committee and the appropriation bill heard and considered by the Appropriations Committee. I ask unanimous consent to have printed in the RECORD at this point just the subcommittee staff visits of the Research and Development Subcommittee, the places that the staff visited this year. As busy as that subcommittee has been, we were able to study only 15 percent of the total research and development programs of the military. I think this one area can be greatly increased.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE STAFF VISITS

ARMY ACTIVITIES

Harry Diamond Laboratory, Washington, D.C.

Yuma Proving Ground, Arizona, (Cheyenne demonstration).

NAVY ACTIVITIES

Naval Research Laboratory, Washington, D.C.

Pacific Missile Range, Point Mugu, California.

Naval Missile Center, Point Mugu, California.

Naval Undersea Research and Development Center, San Diego, California.

Naval Electronics Laboratory Center, San Diego, California.

Naval Personnel Research Activity, San Diego, California.

Naval Facility, Bermuda.

Naval Underwater Sound Laboratory, Bermuda.

Naval Ordnance Laboratory, White Oak, Maryland.

Naval Ship Research and Development Center, Carderock, Maryland.

Exercise involving flight on P–3C engaged in exercise against a nuclear submarine.

Naval Air Test Center, Patuxent River, Maryland (Harrier demonstration).

AIR FORCE

Western Test Range, Vandenberg Air Force Base, California.

Space and Missile Systems Organization, Los Angeles, California.

Headquarters, Air Force Systems Command, Andrews Air Force Base, Washington, D.C.

OTHER

Defense Atomic Support Agency at Nevada Test Site.

National Security Agency, Fort Meade, Maryland.

Aerospace Corporation, Los Angeles, California.

McDonnell-Douglas, St. Louis, Missouri.

Lockheed Aircraft Company, Los Angeles, California.

Boeing Company, Seattle, Washington.

Tacoma Boat Company, Tacoma, Washington.

Mr. GOLDWATER. I think, Mr. President, we are taking a dangerous step, although it does sound interesting, if we vote for the proposed amendment, and I urge my colleagues to stand in opposition to it.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, acceptance of the pending amendment, offered by the distinguished Senator from South Dakota (Mr. MCGOVERN), would signal to the world the United States will accept a second-rate military power status.

Amendment No. 429 proposes that the President submit next year, along with his regular military budget, a second defense budget limited to expenditures of $60 billion.

This would represent a defense cut of nearly $20 billion from the figure being considered at the present time. The current budget is $76 billion, and Secretary of Defense Melvin Laird has indicated the new budget will exceed that amount.

Thus, if the Senate approves this amendment, it will be telling the world it would like to consider a fiscal year 1973 budget which is nearly $20 billion less than currently projected figures.

Mr. President, the Senate has in the past defeated these amendments aimed at lumping off billions from defense spending. This amendment deserves the same fate.

The Senate should realize that the President has the responsibility to send to the Congress a defense budget he feels will provide for our national security. Then the Congress is free to work its will through hearings, committee action, and amendments on the floor.

The present administration has already cut Army divisions from 19 to 13, reduced our Vietnam troops from one-half million to around 200,000, closed many military installations, and reduced civilian defense manpower. These cutbacks have impaired our military strength and to suggest $20 billion in additional cuts be made is completely unrealistic.

That such a proposal would even be made in the Congress will certainly send shock waves through our defense establishment and shake the confidence of our free world allies. Such a low defense budget would be a step toward isolationism and would undoubtedly result in the Soviets attaining a clear military superiority over this country.

Defense costs are rising not falling. The Senate has just passed a $2.4 billion pay raise. If this were added to the pending budget, it would almost take us to $80 billion. At present 52 percent of defense dollars go to personnel, and the new pay raise will push that percentage to 56 or higher. That does not leave much for maintenance, operations, and weapon expenditures.

Mr. President, I urge my colleagues to reject this amendment by a decisive vote. The Nation and the world must understand clearly we intend to remain first in military power.

Mr. STENNIS. Mr. President, this is an unwise amendment for three basic reasons which I will discuss in detail—one relating to the legal aspects of this amendment and the other to the policy aspects. Third is the impracticability.

This proposed amendment would require the President to submit an alternative budget for the Department of Defense for fiscal year 1973, with a ceiling not to exceed $60 billion in expenditures.

Mr. President, this amendment is an example of legislative procedure at its worst. The Budget and Accounting Act of 1921 sets forth in great detail the requirement and the procedures for the budgetary process. All Presidential budgets are submitted in accordance with this act. The underlying premise of this act is that the budget represent the President's recommendations to the Congress. It is "his" budget and under our historical processes, the President "proposes" and the Congress "disposes."

Let me first say that the committee having jurisdiction over this time-honored 1921 act is the Committee on Government Operations which, I am sure, would have some views on any basic change to this legislation. Hearings should be held in order to obtain the views of the Secretary of Defense, the Director of the Office of Management and Budget, and possibly other agencies of the Government. If we are to have alternative budgets for the Department of Defense, we should probably have alternative budgets for every other department of the Government. Mr. President, I think that the long history of our congressional processes has proven that the present method is the best way to handle the large budgets of today.

POLICY ASPECTS

Mr. President, first let us examine briefly what the defense budget represents. This document, implementing the President's budget message, is the cost, in his opinion, of carrying out the President's defense policies. These policies in turn represent his views on our national and worldwide commitments and the various force levels in terms of men and equipment needed to meet these requirements.

An alternative budget would require alternative policies which in turn would lead to a different mix of forces such as the number of divisions, the number of carriers, the overall manpower levels, and so forth.

These decisions, Mr. President, are arrived at only after months of debate and examination within the executive branch by the President.

In my opinion it would be wholly unpractical to impose on the President the burden of starting from a fixed ceiling unrelated to the previous year's budget and formulate an alternative national defense policy to meet a given budget ceiling which would obviously have to be based on policies that the President could not support.

Mr. President, let me go back to my original point—that the budget represents the best advice of the President and it is up to the Congress to change the budget if it does not like the President's program.

Mr. President, I have grave doubt as to whether it would be wise to require the President to submit to the Congress a program which he did not think was in the best interests of this country whatever the figure might be in terms of an alternative ceiling.

IMPLICATIONS OF A $60 BILLION BUDGET

Obviously, this amendment implies the $60 billion budget being extended serious consideration. I would like to discuss some of the implications and practical results of such an alternative budget.

First, Mr. President, in terms of the literal period of time required to prepare a Defense budget, it would probably be almost impossible for the executive branch to adequately prepare an alternative budget for fiscal year 1973. At the present time they are feverishly engaged in the final stages of preparing the regular fiscal year 1973 budget which will be submitted to the Congress around January 20. Mr. President, the normal period of time required to develop a budget is about 12 months.

Another complicating factor, even in the regular 1973 budget is the fact that the fiscal year 1972 Defense appropriation is still pending in the Congress. In terms of final money figures, the Executive does not have a precise starting point for the regular 1973 budget.

Mr. President, the budget for the entire Government contains 593 pages; the appendix alone contains 1,112 pages. These documents represent the culmination of literally millions of man-hours. I include all of the budget since if an alternative Defense budget is submitted, obviously other budgets could be affected.

At this point, Mr. President, I think it is fair to say that the Appropriations Committee, with all its subcommittees, is fully occupied with considering the one budget that is submitted from the executive branch. We are hard-pressed to make an intelligent decision on the regular budget.

ALTERNATIVE AUTHORIZATIONS

Mr. President, an alternative budget would require the submission of an alternative authorization legislation in all instances where an authorization is required as a condition precedent to an appropriation. The Armed Services Committee now authorizes all major weapons systems procurement and all research and development and the active duty manpower strengths of the Armed Forces. In substance, the Armed Services Committee approves in the form of an authorization the Defense budget except for the Operations and Maintenance activities, and certain personnel expenses and what might be termed minor procurement proposals. This compounds the problem since it involves both the Armed Services Committees as well as the Appropriations Committees.

POSSIBLE RESULTS OF A $60 BILLION BUDGET

Mr. President, an alternative budget of $60 billion implies that this would be a reasonable figure for Congress to adopt for fiscal year 1973. Let me point out a few examples of what we could anticipate to be the results if such a budget were to be enacted at this level.

It has been estimated that such a budget for next year would require at least a 30 percent cut from the current level of certain Defense operations. In order to go down immediately from a 1972 budget of approximately $75 billion to a 1973 budget of approximately $60 billion, there must be immediate cuts in programs which will save dollars immediately. This means, of course, severe cuts in manpower and in the operations and maintenance areas which include all of our training programs as well as necessary terminations in some of our procurement activities. This means, Mr. President, that the force levels—that is, the Army divisions, naval vessels, and so forth—which are already at a 20-year low in the 1972 program would necessarily be drastically reduced below the 1972 level. Mr. President, the Senate should know that if the Congress were to adopt a $60 billion budget for fiscal year 1973, it would be necessary to start severely reducing the Armed Forces at this time in order to have a transition period and achieve the cuts which this lower figure would impose for fiscal year 1973. I know of no international developments which would warrant such a massive cutback in our national security involving fewer divisions, fewer naval personnel, fewer men in our strategic forces necessary to defend this country, and wholesale cancellations or cutbacks in our major weapons systems procurement programs.

Mr. President, in view of all the considerations I have discussed, I urge the Senate to reject this amendment.

Mr. President, the committee rests this matter upon the arguments and the testimonials that have been presented. Members of the Appropriations Committee have argued the matter, and the Senators from New Hampshire, Arizona, and South Carolina, as well as others, have spoken. We rest our case.

Mr. McGOVERN. Mr. President, I just have a minute remaining. I ask unanimous consent that the name of Senator HATFIELD be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I want to make the point that it seems to me that much of the criticism of this amendment is irrelevant. It centers on the fact that $60 billion is too small a figure. That is not the point of the amendment. The point of the amendment is to call upon the Defense Department and the President to see what could be purchased with that amount of money, and then Congress would have the same opportunity it has always had to make a judgment on what the size of the military budget ought to be. It would not commit the President or Congress in advance to any ceiling, but it would simply help to identify where possible reductions could be made which, in the judgment of the Department of Defense, would do the least damage, if any damage at all, to our defense posture.

Some Senators have raised the question about the Defense Department already being overworked. But they have some 30,000 employees working at the Pentagon, and 100 Senators are trying to evaluate what they are doing.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment from the Senator from South Dakota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. STEVENSON), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oklahoma (Mr. HARRIS) is paired with the Senator from Illinois (Mr. STEVENSON). If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Indiana (Mr. HARTKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Texas would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is absent on official business.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from Colorado (Mr. DOMINICK) would each vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Indiana (Mr. HARTKE). If present and voting, the Senator from Texas would vote "nay" and the Senator from Indiana would vote "yea."

The result was announced—yeas 26, nays 58, as follows:

[No. 231 Leg.]

YEAS—26

Burdick
Case
Church
Cranston
Fulbright
Gravel
Hart
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Mansfield
Mathias
McGovern
Metcalf
Mondale
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Tunney
Williams

NAYS—58

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Montoya
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Weicker
Young

NOT VOTING—16

Bayh
Brooke
Dominick
Eagleton
Harris
Hartke
Hollings
Magnuson
Miller
Moss
Mundt
Pastore
Saxbe
Stevenson
Taft
Tower

So Mr. McGOVERN's amendment (No. 429) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. BYRNE of Pennsylvania, Mr. STRATTON, Mr. ARENDS, Mr. O'KONSKI, Mr. BRAY, Mr. BOB WILSON, and Mr. GUBSER were appointed managers on the part of the House at the conference.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

THE MULTIPLE INDEPENDENT RE-ENTRY VEHICLE AMENDMENT

Mr. THURMOND. Mr. President, the MIRV amendment to be offered on Friday by the distinguished Senator from Minnesota, Mr. HUMPHREY, would establish an unnecessary restriction on this Nation's strategic missile development deployment.

Amendment No. 244 would place MIRV funds in a special account to be used only when the President and the Congress jointly determine Russian MIRV activities necessitate further testing and deployment.

Such an action would be another example of trying to meet a challenge with one hand tied behind your back. The disaster in Vietnam occurred because of just such policies.

The Congress has the right to approve or disapprove MIRV. The President has already determined we need it. Funds for the program are in this bill. Thus, Congress has its opportunity to speak.

Why then should we take unilateral action to tie our own hands on such an important weapon system? Supporters of this amendment answer the United States should not MIRV unless the Soviets MIRV. How are we to determine if the Soviets have deployed MIRV? The warhead looks the same. Testing can be detected, but determining if deployment has taken place is another matter.

The imposition of the MIRV escrow restriction would simultaneously cut back the strategic deterrent capability of our strategic missiles, Minuteman III and Poseidon. The degradation of either force alone would be a major problem. The cutback in both would incur an unnecessary and unjustified risk with the security of the United States. The Soviets already outnumber us in ICBM's, approximately 1,500 to 1,054, and are increasing this lead every month.

Our Polaris and Poseidon ballistic missile submarines are a major factor in our nuclear strategic deterrent. These forces are on patrol 24 hours a day. They are virtually invulnerable to any first strike threat the Soviets can deploy. They are capable of launching payloads with multiple warheads which can assure penetration of Russian ABM defenses. We believe these forces can inflict sufficient damage to deter any Soviet first strike attack.

Imposition of the proposed MIRV escrow fund would weaken this cornerstone of our Nation's deterrent. It would leave our Navy with only two realistic alternatives. First, deploy with only one warhead per missile, thus eliminating the antiballistic missile penetration capability of MIRV and reducing the nuclear equivalent yield by an order of magnitude. Or second, revert to Polaris, a process which would require an inordinate amount of time and money because all preparations have been based on Poseidon conversions. Both of these alternatives would result in serious degradation of our sea-based deterrent capability for prolonged periods of time.

The amendment would cause similar problems with our Minuteman forces. Minuteman I is aging and lacks nuclear hardening. Replacing it with Minuteman II is impractical, because production lines have been shut down, thus our only reasonable alternative is to continue replacing Minuteman I with Minuteman III, but with only one reentry vehicle.

The proposed amendment would, therefore, constitute an intolerable strategic imbalance between the United States and the Soviet Union.

The MIRV weapons on our strategic missile systems are designed to penetrate defenses and thus preserve our deterrent effectiveness in the face of an ABM threat. Even if the proposed escrow restriction did not present technical problems, the continued Soviet ABM activity, including testing of improved ABM interceptors, coupled with the possibility of surface-to-air missiles converted to ABM's, make it prudent to continue to deploy MIRV.

Further, we cannot expect continued progress in the SALT talks if we unilaterally restrict our strategic forces in this manner. Negotiation is normally a two-way street, with each party yielding or gaining in exchange for similar moves on the part of the other. We cannot hope to achieve SALT progress by unilaterally giving up MIRV. In fact, the lack of MIRV might lead the Soviets to conclude that there is no longer any need for further negotiations.

Mr. President, I sincerely urge my colleagues to defeat this MIRV escrow amendment. In so doing, we will help to assure that our SALT team can negotiate from a position of strength rather than weakness and will provide our Department of Defense with the weapons which will help to fulfill their mission of deterring nuclear war.

THE B-1 BOMBER

Mr. GOLDWATER. Mr. President, yesterday, my distinguished colleagues, the Senator from South Dakota (Mr. McGovern) and the Senator from Wisconsin (Mr. Proxmire) let us share their views on the B-1 bomber. Although the amendment proposed by Senator McGovern and supported by Senator Proxmire to severely limit the funds for the B-1 development program was defeated, I feel it is still appropriate to present what I consider to be useful clarification of the principal issues they raised.

Mr. President, I have to apologize for not having been present yesterday. I was told no amendments would be brought up. And I spent the day celebrating my 37th wedding anniversary with my wife in the West.

First, let me make it clear that the B-1 program is motivated by the strongly held conviction that the diversity provided by bombers is an indispensable element of our national strategy of deterrence. Corollary considerations leading to the development of the B-1 are the advancing age of the B-52 and the growth of Soviet air defenses.

Given the long lead times involved in the development, production, and deployment of major new weapons systems, we must project our thinking at least 10-15 years into the future. By that time, new and totally unanticipated vulnerabilities may appear in one element or another of our strategic forces, just as they have in the past. The only way in which we can insure that these unanticipated vulnerabilities will not weaken our deterrent before we can act to offset them is to maintain at all times well diversified forces in which each element has distinctly different survival and penetration characteristics.

We now have such forces: bombers, land-based missiles, and sea-based missiles. Each has a different mode for prelaunch survival; further, the bomber has a penetration mode distinctly different from that of ballistic missiles. Thus a diversified force has the strong redeeming feature that a major breakthrough by the Soviets in any one area—offensive or defensive—can affect only that area, and not our overall deterrent. It makes the best of sense to maintain this diversity, and that means it makes the best of sense to have a modern, effective bomber force.

Although I have been discussing the B-1's contribution to deterrence of nuclear war, it should be noted that it could be used in nonnuclear conflicts also. In this respect, bombers are unique among our strategic weapons systems. They alone have the flexibility and capability to support our national objectives across a wide range of possible conflicts—from a quick show of force, to small scale conventional wars, to global nuclear wars. Again, we see the need to maintain a modern, effective bomber force.

Since the B-52 is nearing the end of its serviceable life, and since it does take many years to develop a new bomber—or any major new weapon system—the continuance of the B-1 development program at this time is a prudent step, essential to the entry of a new bomber into the inventory when needed.

Now permit me to address the other issues raised yesterday by Senator McGovern and Senator Proxmire. First, the penetration capability of the B-1.

The B-1 is designed specifically to counter possible advanced Soviet air defenses. The B-1, by virtue of its low penetration altitude, small radar cross section, and low infrared emission, will have a high probability of passing undetected through the leading edge of the Soviet air defense system—and perhaps even deeper. The effective radar range of a Soviet Airborne Warning and Control System would be considerably shorter against a B-1 than against a B-52. Perhaps of greater importance, the reduced radar cross section of the B-1 permits a sizable reduction, compared to that of the B-52, in the radiated jamming power required to screen the B-1 from Soviet radars. Also, the B-1 could move through the extended defenses expected for the Soviets during the 1980s considerably faster than a B-52, at high or low altitude. This latter feature would be particularly important if the Soviets deploy a large force of improved interceptors such as the Foxbat. Further, the B-1, because of its great volume and weight carrying capacity, will lend itself readily to the provision of a self-defense capability; if needed.

The B-1 will be able to counter Soviet surface-to-air missiles—SAM's—by penetrating at low altitudes. Also, its great speed and small radar cross section will compound the problem presented to the defense by shortening the reaction time available to the SAM defenses.

In addition, the B-1 will carry the Subsonic Cruise Armed Decoy—SCAD—or the Short Range Attack Missile—SRAM—or both. The SCAD can be used for defense dilution, while the SRAM can be used for defense suppression or direct attack on objective targets.

Therefore, there is every reason to believe that the B-1 will be able to penetrate most effectively through advanced air defenses. It is designed specifically to do just that. And, I emphasize at this point that the advanced defenses to which I refer are those which are postulated for the Soviets to have in operation during the post 1980 time frame. This fact is contrary to the impression given yesterday by the Senator from South Dakota that the B-1 was not being designed to counter potential improvements in Soviet defensive systems.

Related to the penetration issue is another issue raised by my colleagues: the B-1's supersonic capability. The key consideration here is the flexibility which the supersonic capability provides to our Air Force. Whether or not we choose to penetrate at supersonic speeds at high altitudes, the Soviets must plan for and deploy defenses to counter such a capability. Moreover, defenses designed to counter high altitude, supersonic bombers are not very useful against low altitude penetrators. Further—and this is most important—there can be no question but that the supersonic capability will facilitate penetration of extended air defenses typified by the Soviet Airborne Warning and Control System and advanced Foxbat-type interceptors. And of course, supersonic capability will be vastly important for penetration through lesser defenses which could be presented by adversaries other than the Soviet Union. So the B-1 supersonic capability will be there for sound reasons—not "to enhance the excitement for strategic bomber pilots and the glamor of Air Force recruiting programs," as we were somewhat curiously told yesterday.

Now let us address the issue of the B-52. Why can we not make do with a so-called modernized B-52?

First of all, it is perfectly obvious that the B-52's cannot last forever; they eventually will have to be replaced. The latest models were delivered to the Strategic Air Command between December 1958 and October 1962. Thus the youngest of these is already more than 8 years old and the oldest more than 12. The Air Force believes the latest models can be maintained in a safe and operable condition at least through 1980.

By that time the oldest aircraft would be about 22 years old and the youngest about 18 years.

How much beyond 1980 these aircraft can be kept safe and serviceable is a matter of conjecture. It should be recalled that the B-52's were not designed for low level operations. Very extensive structural modifications were required over the years to keep them flying in that mode.

Even so, the B-52 is not an optimum aircraft for low altitude operations. It is still quite sensitive to the effects of low altitude turbulence, in terms of loss of aircraft control and airframe damage from fatigue. Consequently, after another decade of operation at low altitude, we can confidently anticipate the need for additional structural modifications, as well as the replacement of many major components.

When viewed in terms of further modifications to the B-52, we must compare the resulting product with the B-1 option. Significant advances have been made in aircraft technology over the past 20 years and the design of the B-1 takes advantage of these improvements.

Even if some way could be found to overcome the inevitable problem of aging—and I believe this would take a change in the basic laws of nature—the B-52 simply will not have the penetration capability that the B-1 will have against advanced Soviet air defense. The B-52 cannot fly as fast; it has a greater radar cross-section; it has a greater infrared emission; and it does not have as great a penetration aid capability.

Furthermore the B-52 is deficient relative to the B-1 in prelaunch survivability, inasmuch as the B-1 is specifically designed for quick reaction, close interval launch, and will be significantly hardened against nuclear effects.

In short, the B-52 is an aging aircraft whose lifespan cannot be extended indefinitely. And it simply will not have the penetration and prelaunch survivability that a modern force demands.

Now the issue of costs also was raised yesterday. Principally, it was contended that costs are or will be driven unreasonably upward by the requirement for high-altitude supersonic capability and the so-called "inevitable demand" for a new tanker "to accompany the B–1." Further, it was contended that the Air Force attempts to cut costs by degrading system capabilities. Let us look at these contentions one at a time.

I have already told you of the value of supersonic capability—how it will give us excellent operational flexibility and how it compounds, an adversary's air defense problem. Now it was stated yesterday that this valuable capability adds as much as 50 percent to procurement costs. It is not clear to me how that figure was derived, but I can only view it with a measure of skepticism. It is true that the supersonic capability costs money, as might be expected of design aspects which improve total capability. But, the Air Force has studied this aspect closely, and assures me that the subsonic-only penetrator would cost only about 15 percent less than the B–1 in terms of unit procurement costs—and this is, in an important sense, offset by the additional stress on the Soviet defenses.

With regard to tankers, the Air Force has continuously and consistently planned for the B–1 on the premise that it would be supported by the KC–135 tanker aircraft—not a new tanker. Confidence that the KC–135 will be available in the same time frame as the B–1 has been demonstrated by critical evaluations of KC–135 service life remaining. The KC–135 tankers are expected to perform until at least 1985–89, and studies are continuing to determine if the service life could be extended to the 1990's or beyond.

I might say here that I do not mean to imply the Air Force is not considering new tankers. It constantly has to consider new equipment. At the present time a number of existing aircraft are being viewed as a potential carryon if the time comes when KC–135 is no longer serviceable.

A significant point to remember is that the mission stress imposed on the KC–135 cannot be compared directly to that of the B–52; thus their expected lives are not comparable. The B–52 must operate at low altitude in its mission, although it was not designed for this flight regime; whereas the KC–135 operates completely in its design environment. This explains why the KC–135 will be able to operate for a longer period than the B–52, and why we need not be concerned about incurring the cost of a new tanker to support the B–1.

With regard to the idea that attempts are made to cut costs of eliminating important capabilities, some examples are in order to establish a proper perspective for this allegation. First, the internal storage capacity was reduced to cut costs but the original payload goal has been retained in that a number of SRAM's or SCAD's will be able to be carried externally. Next, some minor cost savings were effected by eliminating the requirement for supersonic speed at low altitude. However, the basic reason for this change was not cost, but a full consideration of military utility—principally the greatly reduced number of miles of low-altitude flight available at supersonic speeds.

Now I could go on at length about costs and the experiences we have had in previous programs. But let me assure you of one thing: the Air Force is well aware of the current and projected budgetary environment. It knows, that if this Nation is to get the modern bomber it needs, costs will have to be tightly controlled. It is partly for this reason, and partly the result of good management procedures which has influenced the Air Force into devising the unique aspects of the B–1 development program. These unique features have accommodated the trade-off of design specifications with marginal return for a weapons system which possesses sufficient capability for its operational mission. This emphasis on stringent, but realistic, cost control and the features of "fly-before-buy" policy which are also incorporated into the B–1 program give us full confidence that the cost objectives will be met.

Now there is one final point which was raised yesterday, which I wish to discuss—the strategic arms limitation talks.

A mixed force of bombers and missiles provide the United States with a greater degree of flexibility in arms limitation negotiations. SALT is still in an early stage, and until agreement is reached on the limitation of specific weapons systems—which may take some time to negotiate—it would be highly imprudent for us to prejudice the outcome. Nevertheless, it is reasonable to speculate that, because bombers are not very good "first strike" weapons, their retention by both sides would be a logical provision to include in any agreement designed to enhance stability. Therefore, we certainly ought to keep our B–1 option alive and active.

In conclusion, I believe it is clear that diversified strategic forces will continue to be essential to the maintenance of our deterrent as far as we can see into the future; that bombers will continue to be an indispensable element of these deterrent forces; and that, given the age of the B–52 force and the Soviet air defenses postulated for the future, it is mandatory that we develop a new and versatile bomber—the B–1—on an orderly and deliberately paced schedule. Our national strategy of realistic deterrence demands no less.

Mr. President, yesterday the distinguished Senator from Wisconsin made this statement concerning bombers and the possible improvement of the aging B–52:

> I point out to the distinguished Senator from South Dakota that I intend to speak for about 45 minutes or an hour in support of his position and point out that the B–52, improved, modernized, and brought up to date, can do the B–1 job and do it better.

I do not care to delay the Senate longer. Mr. President, I ask unanimous consent to have printed in the Record my discussion concerning reengine possibilities of the B–52.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GOLDWATER. Mr. President, I also ask unanimous consent to have printed in the Record at the conclusion of my remarks: the Air Force response to Senator Proxmire on the B–52, a letter written by the distinguished chairman of our Joint Economic Committee to Mr. David Packard on May 24, 1971, the answer of Mr. Packard to Senator Proxmire on June 24, 1971, a letter written to me over the signature of Major General Bacalis of the Strategic Air Command in connection with questions I asked at Omaha relative to the reengining of the B–52 and other proposals, and a directive concerning the reengined B–52.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 through 6.)

Mr. GOLDWATER. Mr. President, finally I ask unanimous consent to have printed in the Record a document relating to the B–1 so that Senators may know the extent to which the Air Force is going to determine whether or not reengining of the B–52 would be practicable.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. GOLDWATER. All I can say in conclusion is that if the diameter of the C–5A engine and the nacelle is 100 inches, if they ever put it on the B–52, it would make it the world's biggest vacuum cleaner. It would suck up every piece of concrete and debris near it and would make it impractical.

Mr. President, I yield the floor.

Exhibit 1

Why Not Reengine B–52

In any discussion of what can or should be done to an aircraft built with the technology of the 50's, we should carefully consider only these modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Toward this end, we have two major areas for improvement: (1) prelaunch survivability and (2) capability to penetrate defenses.

With respect to the first objective, reengining the B–52 would not significantly enhance pre-launch survivability since the B–52 nuclear effects hardness and maximum allowable escape speed would be unchanged. A lower technical risk—and considerably less expensive—approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

A second objective is an improved capability to penetrate. The ability to fly greater distances at low altitudes contributes to penetration survivability and; reengining the B–52 would increase low altitude range and be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive. However—and this is the important point—reengining would not alter those performance characteristics which collectively contribute most to penetration survivability. Penetration speed would not be increased, radar cross section would not be decreased (if anything, it would increase), the airplane could not be flown any lower, and the infrared (IR) signature would not be significantly reduced. It is for these reasons that we have chosen to support those programs which contribute most to improving B-52 penetration capabilities; i.e., the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-Optical Viewing System (EVS), and continuing improvements in Electronic Countermeasures (ECM). It might be noted that we would much prefer securing funds for continuing the development of SCAD than to spend $40 million for a 24-month prototype program which could at best only demonstrate the "feasibiilty" of reengining.

POSSIBILITY OF SAVINGS BY REDUCING TANKER AIRCRAFT

With respect to a possible reduction in tanker forces, it is true that some tanker O&M savings might result from a reengining modification to the B-52 G&H fleet. However, our calculations indicate that the heavy investment costs associated with the modifications would not be amortized in a reasonable time.

Based on the classified performance data provided by Boeing, and the aircraft and mission characteristics of the mid-to-late 70s, it would appear that a reengined B-52 G/H force could do the same job as the original force with less tankers. If the theoretical O&M savings of this reduction are compared to the costs of the B-52 reengining program from 1974-78 (both in 1970 constant dollars), economic crossover does not occur until about 13 years after go-ahead. However, it has been the intent of Congress, and a specific OSD Directive that dollars discounted by a factor of 10% be used in examining proposed future investments. If these calculations take into account this discounting factor, economic crossover will not occur until the 28th year. At that time the youngest B-52 would be about 40 years old.

TECHNICAL UNKNOWNS

At this time, the Air Force does not know the technical risks involved in the re-engining proposal. Some of these, which will be examined in an on-going Air Force study, to be completed 1 December 1971, include the loss of aircraft control during assymetrical thrust conditions, effects on the wing and fuselage structure, possible sonic fatigue factors, nacelle design problems, and the long range effects on service life the extra thrust of these powerful engines may have.

Before this report is available we should consider data which is known—

I know this re-engining proposal sounds feasible to the person not acquainted with aircraft or with bombers in particular.

The B-52's are the mainstay of our strategic bomber force today. They were delivered to the Air Force during the 1955-62 period and have demonstrated outstanding versatility since that time. Originally designed for high altitude missions carrying small numbers of nuclear weapons, various models and modifications have evolved to serve subsequent roles such as reconnaissance and large scale conventional bombing in Viet Nam. As the USSR developed high-altitude interceptor and missile defenses, SAC countered with a penetration concept of hugging the earth to avoid detection by airborne search radars and interceptors by hiding in the ground clutter and to underfly the beams of ground search radars.

Since the B-52's were originally designed for smooth high altitude operations, but have been for years forced to operate in turbulent low altitude conditions, some $3 billion has been spent for structural modifications, capability improvements and depot maintenance to keep them in a safe and effective condition until replacement by the B-1 (by 1990, the mid point of the planned B-1 life, the newest B-52 would be 28 years old; older, for example, than the latest B-17's built during World II are today). These monies are considered well spent. Nonetheless, continued use at low altitude uses up the remaining life of the basic structure faster than the originally intended high altitude operations.

Consideration has been given to further modifications, particularly re-engining with four larger latest technology high by-pass engines and resulting with latest improved avionics. In assessing the resulting capability improvement, it must be noted that no matter what is done to prolong the B-52's structural life or to extend its range, it will still have a difficult time penetrating sophisticated air defense by the late 1970's. It will not go any faster, its radar signature cannot be reduced sufficiently to materially improve penetration capability, and its vulnerability to nuclear effects (both in escape from take-off base and in penetration) cannot be significantly improved—but the defenses it must face are constantly improving.

The B-1 will present a much smaller radar signature to airborne and ground search radars during high-altitude approach, substantially reducing the chances of being detected. After descending to low altitude (a two-thirds lower altitude than the B-52I can achieve) the B-1 will have the further advantage of being more deeply immersed in the ground clutter returned to the airborne radar. Should an interceptor be vectored into the area, the B-1's low altitude will keep the interceptor from attaining a position from which his radar can look up out of the clutter; his lack of any significant speed advantage over the B-1 will force him to adopt a head-on approach. From this head-on, look-down approach, he will see a radar signature even further reduced by the engines being obscured from view. The B-52I, in contrast, could be approached from almost any aspect, even from below. The B-1's greater speed will also preclude turnaround sorties by an interceptor, as would be possible with the B-52I. Approaching ground radars in the terminal area, the B-1's lower altitude alone will reduce his exposure. His greater speed will reduce it further, resulting in exposure times one-fifth that of the B-52I. The unique low level ride control on the B-1 allows maximum crew effectiveness to utilize penetration aids and tactics in such low-altitude, high-speed penetrations.

Having supersonic high-altitude performance available in the B-1 provides increased flexibility in its application across all levels of conflict. Even in all-out general nuclear exchange, shallow penetration in lightly defended areas could sometimes best be done supersonically at high altitude. Merely having the capability to penetrate to considerable depth supersonically at high altitude forces the opposition to develop and purchase air defenses against that capability.

For survivability against a surprise SLBM attack, the B-52I would have to be concentrated at the more interior bases of the continental United States. While the B-52I enjoys a take-off distance comparable to that of the B-1, the lower weight and smaller width of the B-1 results in a greater number of airfields to select from for survivable basing. Although the B-52I requires about the same take-off roll distance, the shorter taxi and engine start times and the increased nuclear hardness of the B-1 allow it to reach safe escape distance in the face of shorter SLBM warning times. As a result, it can be based at more widely dispersed locations, further enhancing survivability.

In summary, the B-52 has served this nation admirably for 16 years and, with relatively modest improvements, will continue to do so until the B-1 becomes operational. To make it truly adequate as our primary manned bomber for the 1980-2000 period however, would require not only new engines and avionics, but a radical change in size and shape to reduce radar signature, increase speed and permit lower altitude operation. While in the process of that magnitude of redesign, it would be prudent to incorporate the latest techniques and technology in materials and structures, nuclear hardening, areodynamics, environmental control systems and human factors. Such a scope of redesign has been undertaken—it is called the B-1.

Air Force Response to Senator Proxmire

B-52

The Air Force testified before the Senate and House Armed Services Committees this year on the possibility of re-engining the B-52 G&H fleet. At the request of the Senate Armed Services Staff, the Air Force has secured from Boeing a copy of their preliminary proposal and have provided it to the staff.

The Boeing Company's idea for re-engining was originally briefed to the Air Force in January 1969 and represented the results of preliminary analyses which they had performed to increase the B-52's range/payload capability. Boeing's approach was to modify an Air Force B-52 with four TF-39 engines. Boeing, in 1969, estimated the prototype program would take 2 years and cost $6-10 million. Since no formal proposal was submitted, an official response was not made, however, the Air Force did consider the merits of the Boeing idea.

The B-52s are the mainstay of our bomber forces today. They were delivered to SAC during the 1955-62 period. The earlier models have already been phased out. Thus, by 1980, the remaining G&H models will be about 20 years old. The B-52s were not designed for sustained low altitude operations.

Some $3 billion has already been spent over the years for structural modifications, capability improvements and depot maintenance to keep them safe and effective. Since there are limitations to what can and should be done to an aging aircraft, the Air Force has carefully selected those modifications most urgently needed to maintain the B-52's combat capability in the face of a growing Soviet threat. Another decade of flight might well require more extensive and expensive modifications than in the past.

Boeing's idea would not preserve the B-52. Re-engining the B-52 would not significantly enhance pre-launch survivability since the B-52 nuclear effects hardness and maximum allowable escape speed are unchanged. Additionally, the larger engines would require much greater start time. It is not presently possible to provide quick-starting capability on the TF-39 type engines. Boeing's data on re-engining the B-52 included some structure modifications designed to support the engine installation and therefore would increase the airplane's maximum take-off gross weight. A configuration change of this magnitude would not increase the B-52 flying hour service life but would decrease the service life remaining.

Re-engining would not improve the B-52's survival during penetration of Soviet air defenses. Since the present aircraft are programmed to carry all the payload of which it is capable, it was determined that the greatest enhancement to penetration could be achieved by other means. Therefore, the Air Force is planning to equip the B-52s with the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-Optical Visual Sensors (EVS), and continuing improvements in Electronics Countermeasures (ECM).

For some time now, the Air Force has looked for a system that would perform the mission of the B-52 but without the deficiencies. The Air Force used its experience with the B-52 to design an airplane that would react faster to reach a safe escape distance, would take off at a closer interval on each runway, could be dispersed to more runways, and have a designed inventory life of 25 years. The B-1 bomber proposal was the result.

Through a combination of subsystem design and hardness to nuclear effects, the B–1 would reach a safe escape distance from a nuclear detonation over the base much faster than a B–52. The smaller dimensions of the B–1 would permit it to take off with a spacing interval between aircraft of one-half of that of the B–52. The shorter take-off distance of the B–1 would make available about 150 more existing runways than are available to the B–52, thereby permitting greater dispersal and faster reaction by the alert force. Additionally, the B–1 would have a significant range-payload advantage over the B–52. The B–1 would be able to carry twice the bomb load capacity of the older B–52.

The B–1 would have a faster penetration speed, lower penetration altitude, reduced radar cross section and smaller infrared signature than the B–52. These factors combine to preclude a tail-chase intercept by the current Soviet manned interceptors—eliminating a major portion of the Soviet interceptors as a threat.

Finally, with respect to weapon delivery accuracies, the B–1 (by virtue of better avionics) would be able to deliver its payload more accurately than the B–52.

Taking all factors into consideration, the Boeing idea to re-engine the B–52 will not improve the combat effectiveness or extend the life of the Boeing B–52 aircraft.

EXHIBIT 3

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., May 24, 1971.
The HONORABLE DAVID PACKARD,
The Deputy Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. PACKARD: Some time over a year ago, The Boeing Company presented to the Air Force a proposal to study the possibility of re-engining and otherwise modifying the G & H models of our B–52 bomber force. What Boeing proposed, according to a company spokesman, was a low cost program whereby it would borrow from the Air Force a B–52 aircraft and several TF–39 engines of the kind presently used on the C–5A. The plane and the engines would be used to construct a prototype with which to evaluate the possibility of replacing the B–52's eight present engines with four new high by-pass ratio turbofan engines such as the TF–39.

Apparently, the only problems envisioned were of a minor technical nature, having to do with the ground clearance of the larger new engines and aircraft control in the event that one of the engines went out. It was thought that both problems might be solved simply by positioning the engines in fairly close proximity to the fuselage. If no substantial difficulties were encountered, the proposal envisioned a re-engining of perhaps the entire 255 aircraft G & H force. Simultaneous with this re-engining, it proposed minor structural modifications to the wings of the aircraft which would ensure the soundness of the B–52 force through 1985. The cost of both the re-engining and the structural modifications was estimated at about $5 million per aircraft, or $1.25 billion for the entire G & H force.

Apart from confirming that such a proposal had, in fact, been made, the Boeing spokesman declined to discuss further its implications, suggesting that inquiries about it be directed to the Department of Defense and the Air Force. That is the purpose of my letter to you today. While it would be unwise to undertake these modifications unless and until they were needed, it is imperative that the Congress be better informed about them. Acceptance of the Boeing proposal might extend the useful life of the late-model B–52's. It might also give us a much more effective airplane.

First, the greater thrust inherent in high by-pass ratio turbofan engines might significantly enhance the pre-launch survivability of our B–52 force, which is increasingly threatened by the prospect of depressed trajectory Soviet SLBM attack. In fact, these new engines, together with the new bomber basing program in progress and other relatively inexpensive changes, might give the B–52's almost the same degree of protection from such an attack as the proposed B–1 bomber would have.

Second, the much lower specific fuel consumption of the new engines could produce a significant increase in B–52 range. According to some aerospace engineering experts, the range of the H models (which already have the rather primitive TF–33 turbofan engine) could be extended up to 25% and the range of the G models considerably more. This increased range might significantly increase the number of our bombers which would reach their targets unrefueled in the event their tankers did not meet them, a possibility worth considering in the light of the Soviet SLBM threat.

Third, this increased range might also make possible reduced tanker support for the refueled two-way mission. It is conceivable that the resultant savings in KC–135 operating costs over a period of years might itself pay for the cost of the re-engining work.

Fourth, the new engines might make possible an increase in the gross take-off weight of the bombers. To the extent it did, the increased weight capacity could be used either to carry more fuel and extend bomber range or, alternatively, to increase bomber payload capacity in terms of SRAM's and SCAD's, thereby enhancing penetration effectiveness against Soviet defenses.

For all these reasons, I am writing to request a copy of the Boeing proposal and any other documents relating to the concept of a re-engined B–52 which Boeing may have submitted.

In addition, could you please answer the following specific questions:

1. When was the Boeing proposal first presented to the Air Force?

2. What was the proposed cost to the Government for the prototype program alone?

3. What time period was proposed to carry out this program and determine the feasibility of re-engining the B–52 G & H force?

4. What response has the Department of Defense made to the proposal thus far and what response is foreseen in the future?

5. Has the Department of Defense conducted any studies of the tanker operating costs which might be saved annually if the present B–52 G & H force were replaced by a force of 255 B–52's equipped with TF–39 or equivalent turbofan engines? If so, what are the respective annual tanker operating costs of these alternative forces, assuming identical mission characteristics and identical recovery bases? How would these tanker operating costs compare with the costs associated with a force of 255 B–1's given identical mission characteristics and recovery bases? Please include with your answer copies of any such studies which have been made.

6. How many flying hours have most of the B–52 G's and H's accumulated to date, and what is their current annual utilization rate? What specific modifications to the wings of the aircraft were envisioned in the Boeing proposal and what increase, if any, in the estimated 12,000 flying hour future lifetime of the aircraft will these modifications produce? How many flying hours have been accumulated to date by B–52 aircraft which lead the force in hours flown in an attempt to foresee possible problems ahead?

I would appreciate receiving your unclassified answers to the above questions, and any other comments you might care to make regarding the Boeing proposal, at your earliest convenience.

Sincerely,
WILLIAM PROXMIRE, U.S.S.

EXHIBIT 4

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 24, 1971.
Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
Congress of the United States,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your letter of May 24, 1971, concerning the possible usefulness of reengining the B–52 G&H fleet. Initially, I would like to point out that Air Force witnesses have previously responded to questions on this subject during their testimony before the Congress on the Fiscal Year 1972 Authorization Bill.

The Boeing Company's idea for reengining the B–52 G&H fleet with TF–39 engines was briefed to the Air Force in January 1969 and represented the results of preliminary work which the company had done in studying ways to increase the B–52's range capability. The Boeing classified briefing material, some preliminary brochures on the reengining concept, and data on an attendant prototype program were furnished to the Air Force. The initial Boeing prototype program involved simply bolting C–5 engines and nacelles to a B–52 and running a series of tests to demonstrate the feasibility of the reengining concept. Boeing first estimated such a prototype program would take about 20 months and cost $6–$10M. At that time, their rough estimate of total B–52 G&H equippage was $1.25B. The Air Force considered the merits of the Boeing idea, particularly with respect to the technical problems involved and the relative increase in low altitude range. The technical problems, including loss of aircraft control during assymetrical thrust conditions and insufficient ground clearance on outboard engine pods, caused Boeing to reconsider their design. Boeing's latest concept of reengining involves a dual-podded configuration for the engines. This program is estimated by the contractor to cost approximately $40 million for a 24-month prototype effort and an additional $1.7 billion to modify the B–52 G/H fleet. We presently cannot validate the accuracy of these cost estimates. It is interesting to note, however, that in recognition of possibly serious technical problems remaining even in the current design concept, Boeing has recommended a contracted engineering study before pursuit of the prototype program. The Air Force has initiated a study of potential costs and many technical unknowns in such a modification to have a clearer understanding of it as a bomber improvement option. These technical unknowns include wing and fuselage structural implications, sonic fatigue factors, racelle design considerations, and effects on service life.

In any event, there are limitations to what can and should be done to an aircraft built with the technology of the '50s, and the Air Force carefully selects those modifications most urgently needed to maintain the B–52's combat capability in the face of a growing Soviet threat. Toward this end, we have two major areas for improvement: (1) pre-launch survivability and (2) capability to penetrate defenses.

With respect to the first objective, reengining the B–52 would not, as you suggest, significantly enhance pre-launch survivability since the B–52 nuclear effects hardness and maximum allowable escape speed would be unchanged. A lower technical risk—and considerably less expensive—approach to improving the B–52's pre-launch survival is to provide the present engines with a quick starting capability which, in conjunction with our present basing plans, is expected to effectively counter possible depressed trajectory SLBM attacks.

Our second objective is an improved capability to penetrate. The ability to fly greater distances at low altitude contributes to penetration survivability and, as I mentioned earlier, reengining the B–52 would increase low altitude range and be desirable if it could be done in a reasonable time, at low technical risk, and was not too expensive. However—and this is the important point—reengining would not alter those peformance characteristics which collectively contribute most to penetration survivability. Penetration speed would not be increased, radar cross section would not be decreased (if anything, it would increase), the airplane could not be flown any lower, and the infrared (IR) signature would not be significantly reduced. It is for these reasons that we have chosen to support those programs which contribute most to improving B–52 penetration capabilities, i.e., the Short Range Attack Missile (SRAM), the Subsonic Cruise Armed Decoy (SCAD), Electro-Optical Viewing System (EVS), and continuing improvements in Electronic Countermeasures (ECM). It might be noted that we would much prefer securing funds for continuing the development of SCAD (which you recently endorsed) than to spend $40 million for a 24-month prototype program which could at best only demonstrate the "feasibility" of reengining.

With respect to your comments on a possible reduction in tanker forces, it is true that some tanker O&M savings might result from a reengining modification to the B–52 G&H fleet. However, our calculations indicate that the heavy investment costs associated with the modification would not be amortized in a reasonable time.

Based on the classified performance data provided by Boeing, and the aircraft and mission characteristics of the mid-to-late 70s, it would appear that a reengined B–52 G/H force could do the same job as the original force with less tankers. If the theoretical O&M savings of this reduction are compared to the costs of a B–52 reengining program from 1974–78 (both in 1970 constant dollars), economic crossover does not occur until about 13 years after go-ahead. However, it has been the intent of Congress, and a specific OSD Directive that dollars discounted by a factor of 10% be used in examining proposed future investments. If these calculations take into account this discounting factor, economic crossover will not occur until the 28th year. At that time the youngest B–52 would be about 40 years old.

Moreover, the suggestion that such a modification would result in a surplus of KC–135 tankers is not necessarily true. Our best option in this case would probably be to retain the existing tankers for use in conjunction with the improved performance of the reengined B–52 to enhance the probability of survival of bombers to the recovery base by increasing the distance flown at low altitude after the last target. Furthermore, KC–135s are also committed to support tactical forces in contingency operations. Any future prospects of reducing the tanker force would have to take into account our tactical support requirements at that time.

In response to your question concerning accumulated fleet flying hours, the B–52 Gs and Hs now average 5400 and 4600 flying hours, respectively, and are currently adding flying hours at an annual rate of 440 hours. Our lead-the-fleet B–52 aircraft have flown as follows: B–52D—10,400 hours; B–52G—9700; B–52H—8900. Boeing's data on reengining the B–52 included some structural modifications designed to support the engine installation and also to increase the airplane's maximum takeoff gross weight. Boeing did not identify how or to what degree the wing modification could be expected to affect the service life of the aircraft. A decrease in the service life remaining is always a possibility in any configuration change where extension of service life is not specifically addressed.

Finally, in regard to your desire for an unclassified response to your letter, both the Boeing brochures and the detailed calculations on possible tanker reductions are classified. These documents are available and will be forwarded to your office if you desire.

Sincerely,

——— ———.

EXHIBIT 5

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS STRATEGIC AIR COMMAND,
Offutt Air Force Base, Nebr., Aug. 16, 1971.
Reply to attn of: XP
Subject: Four Engine B–52 Proposal
To: Senator Goldwater

1. During your visit to SAC Headquarters on 6 August, you requested any information we might have on this proposal. I understand that you have a copy of the unsolicited proposal from Boeing along with some performance charts from one of their more recent studies.

2. As you know, a major multi-command study is now under way within the Air Force to validate the data and evaluate the technical feasibility of the unsolicited proposal. Estimated completion date is 1 December 1971.

3. Any attempt at a preliminary evaluation of the concept is inhibited by the very limited availability of validated engineering data. If the Boeing claims were accepted at face value, the re-engined aircraft might possibly be able to operate at increased gross weights which could increase range and low level distance or loiter time, and reduce somewhat the amount of tanker support required. Similarly, improved takeoff performance and escape time, decreased IR signature at certain look angles, additional jettisonable external fuel tank or store locations, reduced engine smoke, improved sound pressure levels, and reduced O&M costs might be possible. Countervailing these possibilities are major potential problems of cost, increased radar cross section, and slow engine start timing (TF–39 engines are started electrically). Equally disadvantageous are problems of wing structure design, sonic fatigue to the fuselage, and the uncertain effect on aircraft service life. Basic problems of engine-to-ground clearance, wake turbulence, and aircraft control with engine loss are also worrisome.

4. Reduced to essentials, the proposal appears to offer only one clear benefit—increased range—and it remains to be seen whether that potential will survive engineering validation. The significance and cost effectiveness of most other alleged benefits are, at best, debatable or offset by countervailing disadvantages. These factors support the following observations:

a. If one attempted to modify the B–52 on the basis of overall mission requirements, as distinct from range only, the resulting design—which would be infeasible in terms of airframe and avionics modification—would approximate the B–1. This merely confirms the limitations on what can and should be done to an aircraft with technology of the 1950s which has been in active service for over ten years.

b. The fundamental question is "how can we best invest limited resources to maintain the B–52 fleet as a viable weapon system in pace with the growing and changing demands of the mission and the threat?" Our studies in depth indicate that the improvements we are currently pursuing are more productive in this sense—and less costly—than the reengining proposal.

5. It is unfortunate that precise engineering data is not now available. As the Air Force study progresses, more confident net assessments for the proposal will be possible.

PAUL N. BACALIS,
Major General, USAF,
Deputy Chief of Staff/Plans.

EXHIBIT 6

RE-ENGINED B–52 G AND H

Required action (briefly): Prepare comprehensive technical study and cost and schedule analysis for B–52 G & H re-engining.

Relayed documents: Boeing Document D–3 5389 Subj: Prototype 4–Engine B–52 G/H dated Oct. 69.

Direction: AFLC with AFSC and SAC assistance will conduct a study of the B–52 G and H re-engined with high bypass ratio engines. Results are to be provided this headquarters as soon as practicable.

To assist in evaluating the impact of re-engining on the aircraft structure, consideration should be given to supplementary technical review by a committee of experts, independent of the contractor and the cognizant Air Force agencies.

Guidance: The study is to include at least the following areas in terms of feasibility and cost:

1. Wing and fuselage structure implications.
2. Asymmetrical thrust implications.
3. Nacelle design parameters, including potential for RCS reduction.
4. Service life implications.
5. Aircraft systems re-design and interface.
6. Long term operations and maintenance.
7. Increasing maximum gross weight.
8. Increasing low-level and escape speeds.
9. Quick starting systems for engines.
10. Infra-red signature reduction.
11. Nuclear effects vulnerability.
12. Prototype program addressing key technology areas.

Funds: Study will be accomplished using in-house resources to maximum extent possible. Submit justification for additional fund requirements.

W. A. MURPHY,
Originator.

EXHIBIT 7

THE B–1'S ROLE IN NATIONAL STRATEGIC POLICY

MAY 26, 1971.

The strategic manned bomber is one of the three elements of this country's strategic deterrence posture, usually referred to as the Triad (three-pronged). The Triad consists of (1) manned bombers, (2) Intercontinental Ballistic Missiles—ICBM's, and (3) Submarine Launched Ballistic Missiles—SLBM's. The Triad, if kept up to date, would be strong enough to survive an enemy nuclear surprise attack with a retaliatory force capable of inflicting unacceptable destruction on the aggressor's homeland. An enemy assessing the strength of a Triad equipped with modern weapons would realize it would be suicidal to launch a sneak attack.

The three systems of the Triad, operating in totally different environments (land, sea, and air), are sufficiently different in reaction times, vulnerability, and methods of delivery to eliminate a potential aggressor's ability to defeat or defend against them. An attempt to destroy each element of the Triad at the same time becomes impossible because an attack on one provides a warning to all of them. No single conceivable offensive weapon, defensive system, or technological innovation could stop all elements of the Triad. Elimination of any of the three systems (particularly true of the bomber) greatly reduces the effectiveness of those remaining. The B–1 is designed to replace the aging and near obsolete B–52 and assure that the manned bomber element of the Triad will remain a strong deterrent through the 1980s and 1990s.

In addition to deterrence of general nuclear war, the United States' policy is also to deter aggression at lower levels of conflict and further to deal with the aggression and suppress escalation should deterrence fail.

The manned bomber is by far the most flexible weapon in our strategic force. An all missile force, for instance, would be an all-nuclear force and therefore offer a President a "no-other choice" response.

Accuracy and warhead size achievable with manned aircraft provide the best method of attacking hardened targets (dug-in, reinforced, etc.) while minimizing non-target damage. The capabilities of launch and recall, multiple use, assessment of damage done by U.S. missiles, and reconnaissance-strike against undamaged or previously unlocated targets obviously make the manned bomber an indispensable member of the Triad.

Recognition of the uncertainties in assessing what the political and technological environments will be during the 1980s and 1990s further underlines the need for flexibility in our strategic posture. Possible technological developments in such areas as Multiple Independent Reentry Vehicles (MIRV), Anti-Ballistic Missiles (ABM), orbiting and partial orbiting defensive and offensive systems, Anti-Submarine Warfare (ASW), and laser weapons preclude reliance on any one type of strategic system or delivery method.

Uncertainties as to what the political climate will be in the future allow for a wide range of potential threats. In particular, the considerations of third country actions strongly confirm the wisdom of including the flexibility provided by the modern manned penetrating bomber in the strategic force of the United States.

PROGRAM MANAGEMENT/COST

JUNE 4, 1971.

The USAF has long recognized the cost sensitive environment for the B–1 procurement. This system and its options have been exhaustively studied by both the Air Force and industry since 1965 at a cost of $140 million. Capabilities have been scrutinized and traded-off in many key areas to assure minimal production unit costs, while retaining required effectiveness.

Program development is keyed to the following objectives to assure realization of the cost goals:

Minimize early year funding levels for a controlled "milestone" approach.

Minimize government investment to a "fly-before-buy" production decision point.

Provide earliest visible hardware flight demonstration.

Retain orderly transition to production and a suitable timely introduction into inventory.

Perhaps the most significant factor of all is that for the first major program in many years the B–1 is a "fly-before-buy" approach with twelve months of flying before the production decision is made. The prime contractors, the subcontractors, the Air Force, and Congress will know what we have and how much it will cost before production commitment. The problems that have occurred in most recent cases have occurred in the test and development phase rather than in production. Moving into production before the R&D phases are completed can involve major costly and time consuming changes or fixes in the early production articles. In many cases the fixes also degrade performance. In attempting to regain performance, further delays and cost increases can occur. "Fly-before-buy" precludes these problems.

Another significant factor was the decision to plan on a "stepped" avionics approach for production, adjusting with time in order to take full advantage of then available "on-the-shelf" developments, as well as changes in the threat. Advancements in avionics state-of-the-art continue independent of the B–1. In this manner, the latest developments can be applied to the latest assessment of the threat. A basic flight electronics system will be provided for the flight test program. The early production avionics system is scheduled to incorporate then available "off-the-shelf" equipment. With this schedule, the original five prototype flight articles have been reduced to three which will be flown and tested for one year before a decision is made on any production system.

The B–1 approach is to uitilize existing auxiliaries (i.e., tanker, weapons, etc.) to the maximum degree. For example, the B–1 is designed to be completely compatible with and achieve its required range with the current KC–135 tanker. Minor modifications to the tanker may be required for operational considerations of basing and reaction time. A more likely event is that the KC–135 will be eventually replaced whether there is a B–1 or not. SAC is the tanker support manager for all services, and only a small portion of the fleet is required to support SAC bombers. A new tanker would incorporate basing and reaction time compatible with the B–1 without significant additional cost, and also would increase refuel range.

Likewise, with respect to the weapons currently in various development stages. The SRAM off-set air-to-ground missile is designed for the B–52 and FB–111, and will be required for the continued updating of these inventory bombers whether a replacement B–1 is ever built or not. The same is true for the SCAD armed decoy which is being planned for improving the future penetration survivability of the B–52 and FB–111 bombers.

GFY 72 FUNDING

THE COMPROMISE FOR B–1 GFY 1972 FUNDS HAS ALREADY BEEN MADE

In the case of the B–1, the USAF has long recognized the cost sensitive environment. Soon after contract award, the Secretary of the Air Force ordered that performance trade-off studies be conducted to reduce unit production costs. The project, known as "FOCUS" analyzed trade-offs between costs and various performance aspects of the B–1 system, such as supersonic speed, range, payload, refuel altitude, avionics concept, and titanium content. Project Focus was successful in reducing the production unit costs primarily in the areas of avionics and reduced titanium content. In conjunction with Project Focus, it was further directed that the GFY 1972 funds requirement of the B–1 Program be reduced from 569 million to a maximum of 400 million. The Air Force subsequently reduced the requirement to 370.3 million. To offset an obvious program slip (See chart.), the SPO Director took action to replan the RDT&E program to absorb the reduced early funding levels while still maintaining the scheduled Critical Milestones. The results of this study, known as "Innovations" were implemented to provide new and innovative management approaches to the B–1 Program.

The objectives of the innovated B–1 RDT&E Program are to achieve overall lower development costs, while still maintaining the requirement to develop an efficient, supportable weapon system; and to minimize the Government's investment up to the point of production decision. The latter was accomplished by deferring the production decision until one year after first flight, thus greatly reducing concurrency between the development and production program under the fly-before-buy concept.

Program plan	GPY 1972 funding	Total R.D.T. & E. program	1st flight
Original contract	$569M	$2.682B	45 Mos.
"175 Plan" (reduce early year funding).	$400M (Max)	$2.768B	52 Mos.
Innovations plan	$370.3M	$2.283B	47 Mos.

In summary, the B–1 Program has been optimized to the GFY 1972 370.3 million funding level through SECAF direction and has continued to be viable through the cost reduction actions of "Innovations." Further reductions in funding levels would increase RDT&E costs, cause a serious contraction of a growing subcontractor and supplier network, delay first flight and IOC, and consequently, a substantially weaker deterrent posture.

The B–1 Program has made its 1972 compromise. Further reduction in funding would be "Penny Wise and Dollar Foolish."

MAY 27, 1971.

SUPERSONIC SPEED: A KEY CAPABILITY FOR THE MODERN MANNED BOMBER

The capability of supersonic cruise performance is mandatory for a truly modern manned strategic bomber that will have to be operated in the 1980s and 1990s as a key element of this country's strategic force.

Flexibility, which is the manner bomber's greatest advantage over missile systems, is greatly enhanced by the supersonic capability. The ability to accelerate to supersonic speeds in order to skirt or make an "end run" around interceptor concentrations, airborne warning aircraft control systems (AWACS), or other sophisticated defenses is an example of the tactical versatility provided by the B–1's Mach 2 plus capability.

The SRAM (short-range attack missile) which the B–1 is designed to carry, is an offset missile—one capable of being launched in any direction from the aircraft. This SRAM capability eliminates the need to fly directly over the intended target and through heavy defense concentrations. A B–1 flying at supersonic speed increases the capability of the SRAM, by more than doubling the offset range of the missile when launched at high altitude.

The higher aircraft thrust-to-weight ratio required for supersonic flight results in higher acceleration capability which aids in escaping potential nuclear SLBM attacks against air bases.

Supersonic response times can also provide the operational flexibility to suppress escalation of brush-fire wars or contain international incidents. For example, if the U.S. could have provided a one-hour response at the beginning of the Pueblo incident off the coast of Korea it is quite likely the following incidents of capture and imprisonment for the Pueblo crew could have been deterred.

The "Productivity" of an aircraft; i.e., to do useful work, is measured by multiplying the aircraft velocity (speed) by the aircraft payload. The supersonic capability coupled with its larger payload capacity gives the B–1 a "Productivity" approximately 13 times that of the subsonic B–52.

The above important advantages of having a supersonic cruise capability in the B–1 only adds 16 percent to the flyaway cost. In addition to the previous advantages outlined, having above supersonic high-altitude performance as well as near supersonic low-level capability in the B–1 forces the enemy to expend large sums and scientific talent for multiple defense systems which have to guard against the possibility of two kinds of attacks.

Threats which can't be predicted at this time and the guarantee of technological developments over the next 30 years demand a versatile manned bomber.

Possible technological developments in such defense systems as radar, ECM (electronic counter-measures), and Lasers could tilt the survival and effectiveness advantage toward high-speed, high-altitude operations. It is agreed that no one could have predicted the developments of the past 30 years, or their impacts.

JUNE 4, 1971.

STRATEGIC PAYLOAD AND RANGE

The value of the strategic bomber is based on the capability for accurate delivery of large payloads over long distances for target strikes. The ranges required for strategic bomber operations in Europe during World War II with overseas basing in England were short as compared with current B–52 mission with basing in the U.S. Each successive strategic bomber has taken advantage of technological gains for greater payload and range than its predecessor in order to meet increased targeting requirements. The B–1 continues this trend in order to renew the deterrent effectiveness with a fleet one-half the size of the B–52 force.

The B–1's internal payload capability provides:

1. Reduced drag for longer range, and eliminates the environmental problems associated with external carriage of stores over long distances at high speeds.

2. Greater payload flexibility when mixes of offensive missiles, bombs, and decoys must be carried.

3. Additional weapons, over and above those required for target strikes, that can be allocated for SAM and air base defense destruction.

The payload of the B–52 has been increased through expensive modifications to nearly three times that of its original design. The increased payload was required not only to strike more targets, but to carry weapons and defensive aids that could be used against an ever increasing threat. The new B–1 payload will be twice that of the current B–52, thus ensuring continued capability against future threat increases.

The intercontinental range of the B–1 assures complete target coverage of the Soviet Union, including the capability of reaching and destroying even those targets heavily defended with ABM's. Equally important, the B–1 has the range to strike targets in any aggressor nation in the unpredictable future world without reliance on overseas basing. When the B–1 arrives, it is prepared to deliver a previously unparalleled quantity of payload.

In the post-1978 time period, the B–1 will be the primary manned strategic system in the Triad. When the Soviets develop an effective defense against the U.S. ballistic missile forces, the U.S. will necessarily depend to an even greater degree on the strategic bomber for effectively striking preplanned targets. The larger payload and increased range, along with the improved accuracy and penetration survival capability of the B–1, as compared with the older B–52, will insure that a larger number of the assigned targets can be destroyed. The larger payload and range will also increase strategic manned bomber capability to deter aggression at all levels of conflict anywhere in the world.

LOW ALTITUDE PENETRATION

JULY 13, 1971.

The B–1 is designed for high survivability during penetration to sustain its credibility as a lethal retaliatory weapon and, therefore, as a deterrent to nuclear warfare. The primary design features contributing to penetration survival are the propulsion, variable geometry wing, and the unique low level ride control systems which permit deep penetrations flown entirely at very low altitudes at a speed 55 percent faster than the B–52. This low altitude high speed penetration capability reduces exposure time to the defense. For example, even the advanced Soviet fighters such as Foxbat will not be able to make multiple turnaround attacks against the B–1, while these are possible against the slower moving B–52's. Also of extreme importance, the superior B–1 penetration speed at low altitude precludes a tail chase intercept by Soviet manned interceptors—eliminating a major portion of the Soviet interceptor threat. Further, the low altitude precludes Soviet fighters from making an attack from below the bomber. Therefore. only fighters with a look-down, shoot-down capability can make an effective attack. This capability postulates very advanced and expensive radar and missile performance which is not anticipated to be achievable for many years, and even then will be vulnerable to countermeasures which the B–1 will incorporate.

At the time of the B–70 development, higher and faster was the only option available in the propulsion state-of-the-art to enhance bomber penetration survival against the manned interceptor defense systems. It has taken several years of aerodynamic and propulsion development to open the additional option of low level penetration at intercontinental ranges. The B–1 is being designed to exercise that option, and still retain the high altitude, supersonic capability to increase its versatilty as an effective deterrent in the ever broadening spectrum of conflict environment.

All defensive functions are degraded in some degree when faced with a low level, high speed penetrator. Defense surveillance radars, if they can tract at all, can only provide intermittent, brief flashes of data so that the defense commander cannot form a coherent picture of battle progress to coordinate his defenses. During low altitude penetrations over western Russia, the most heavily defended area in the world, the ground-to-air defense surveillance system would be unable to detect the B–1 during 80 percent of its time in hostile air space. A projected 73 percent of all Soviet SAM's were designed to combat high altitude penetrations and will be completely ineffective against the low altitude penetrator. Only 9 percent of Soviet interceptors and fighters will have search radars designed to have any look-down, shoot-down capability against low altitude penetrators. For the foreseeable future, systems designed to have a capability at low altitude must rely on clever, intricate data processing tricks which simply preclude a high kill probability against a modern penetrator. A further constraint is imposed on the defense by the low level penetrator: the liberal use of medium- or high-yield nuclear warheads in defense, conceivable against high altitude penetrators, must be constrained in degree if used at all defending the homeland against low altitude penetrators.

Another significant primary design feature of the B–1 contributing to its superior penetration capability is the reduced detection cross section seen by radar trying to detect or track the B–1. The design goal is a detection cross section less than *one one-hundredth* that of the B–52. Picture a sweep of interceptors hunting with radar for low flying penetrators; it will take three times the number of interceptors to close the net on the B–1 as for the B–52.

A selection of subsystems collectively known as penetration aids will be included in any B–1 production aircraft which will enable the crew to detect, monitor, and identify hostile electromagnetic emissions and selectively evade, jam, confuse, or saturate them with ECM, decoys, flares, and chaff. The Subsonic Cruise Advanced Decoy (SCAD) that is planned as a replacement for the B–52's Quail decoy can also be used with the B–1 as a penetration aid. If the SCAD is armed with a nuclear warhead, it, too, must be attacked, further straining the defenses.

The B–1's primary nuclear weapon is the Short Range Attack Missile (SRAM) being developed for the B–52 and FB–111. This weapon gives the B–1 an offset kill capability so that defenses may be avoided or attacked. Raid timing and planning will allow later waves of B–1's to attack their targets safely after the defenses have been "rolled back."

In summary, the suggestion of impregnable defenses against strategic aircraft simply cannot be realized in the foreseeable future. Goering assured Hitler of the impenetrable defense of Berlin, yet 93 percent of allied bomber strikes reached their tarkets. A truly modern and flexible strategic aircraft, as the B–1 is, cannot be negated.

THE MANNED PENETRATOR VS. SOML

JUNE 15, 1971.

Among the many issues involved in replacing the aging B–52 Strategic Bomber is the choice between a manned penetrator versus a stand-off missile launcher (SOML). Of the factors to be considered, cost, accuracy, damage assessment, survival, and flexibility are the most significant.

Cost analysis has shown that the unit cost of a combination of the B–1 type penetrator coupled with an offset (360 degree aiming capability), short range attack missile (SRAM is 18% less costly than a less sophisticated, non-penetrating SOML coupled with a necessarily much longer range, more costly stand-off missile. Since the SOML concept is also less effective, the cost to kill as many targets as the B–1 would be 6 times as great.

Far greater total system accuracies are available from a penetrator utilizing short range missiles and bombs than an SOML utilizing cruise or ballistic type stand-off missiles. This improved accuracy (a factor of from 2 to 7, depending primarily on launcher location exactness) reduces the number of weapons required to kill hard targets such as enemy ICBMs and control centers. It also permits the use of conventional warheads if the situation requires. An air launched stand-off missile must have range similar to the Polaris SLBM in order to keep the vulnerable, low performance launcher aircraft outside the enemy air defense perimeter. The development and unit cost of such a missile is not only costly, but simply adds another missile to the existing ICBM and SLBM force. The result is an all-missile force which is an all-nuclear force and, therefore provides no other response option.

The ability to assess target damage is a unique feature of a manned penetrator system. With stand-off missiles only, we would be essentially operating blind. We would have little or no knowledge of what has been or has not been accomplished in the target area. We would not know whether previously launched missiles ever reached the target area, hit the target, or were duds. This information is vital in two respects: (1) without damage assessment, more weapons must be assigned to each target to insure target kill; and, (2) without damage assessment, intelligent decisions cannot be made concerning follow-on actions. Control of future events is reduced because we would not know who is winning.

Survival considerations favor the penetrator-SRAM system. If the standoff missile is ballistic, as in the case of the Skybolt, then a singular defense system (ABM) would apply to all three elements of the Triad. If the stand-off missile is a cruise type, it is subject to the same defenses as the manned penetrator aircraft without the benefit of extensive penetration aids, employable tactics, or the high speed terminal target entry of the SRAM, which can be launched without overflying the defended target. The SOML itself becomes more vulnerable with time since extended land and sea-based missile and interceptor ranges would be relatively easy and inexpensive for the enemy to obtain.

The penetrator system approach always has the flexibility to be provided with an alternate stand-off role if future events warrant. The SOML can never be expected to be any better in a penetration role than the B–52 it replaces.

Several stand-off missile concepts have been proposed, but all are subject to the same deficiencies discussed previously. These deficiencies, along with the added cost of a new missile system to achieve the ranges required for target coverage, are serious drawbacks to the stand-off missile concept.

The adaptation of existing medium and short-range missiles to existing aircraft launchers to achieve the required total ranges is not feasible nor economical. For example, a B–52-SCAD SOML system concept can provide only 30 percent of the assigned target coverage and would be of no value in a less than nuclear conflict.

From the results of these studies, it is clear that the manned penetrator-SRAM system provides the lowest cost and most effective solution to the problem or replacing the B–52 and extending the proven deterrence of the Triad into the future.

B–1 vs. B–52 SCAD

JUNE 1, 1971.

The subsonic cruise armed decoy (SCAD) is a SRAM-size, air-breathing missile designed to appear on the enemy's radar screens to be a penetrating bomber. These decoys dilute and confuse the enemy air defense system and seriously weaken the defenses encountered by the bombers themselves. SCAD is initially intended for extending the survivability of the B–52 and FB–111, but the B–1 is also designed to utilize it, as required.

In its role as a decoy, the 1,600-pound missile would be capable of cruising at the same speeds and altitudes as the bombers, tracing flight paths (up to 1,000 miles) such as bombers would follow, simulating bomber radar reflections, radiating jamming signals, and otherwise behaving like a penetrating bomber. Including a 200-pound nuclear warhead and terminal guidance would give it additional target kill capability.

Employing it as a standoff long-range missiles, launched from a B–52 has been suggested as a substitute for manned penetration. This B–52 SCAD concept has many deficiencies that have eliminated it as alternative to the B–1/SRAM penetration system.

Because of the large distance involved in the standoff concept and the launcher position errors, the SCAD warhead cannot be delivered as accurately and consequently, is effective only against soft targets. This means that more SCAD's than SRAM's would be required to kill a target. In penetrating to the target area after launch, the cruise missile is subject to the same defenses as penetrating bombers without the benefit of the extensive penetration aids (air-to-air defense missiles and IR decoys for terminal penetrations) and tactical maneuvers (circumnavigating previously unknown defenses) available to the bomber. This again increases the number of SCAD's required. Nor is the B–52 necessarily safe from temporary extensions of the enemy defenses beyond their normal reach. Finally, the limited range of the SCAD, launched at a safe standoff distance, can reach only 30 percent of the targets in the Sino-Soviet region.

To achieve full target coverage in this region, a standoff missile, with a range of 1,500–2,000 miles would be required. (The Polaris, in comparison, is a standoff sub-launched ballistic missile with 1,500 n.mi. range.)

A standoff missile designed to deliver a SRAM-size warhead over distance would weigh about 5,000 pounds. This long-range version (LRSCAD), cruising over the same 2,000 nautical miles as a penetrating bomber but without the benefit of the penetration aids and real-time tactical options available to the bomber, is, by virtue of its size, even more susceptible to the defenses in the area penetrated. In addition, it must fly directly into the target defenses. Its delivery accuracy would still be significantly less than that of a SRAM warhead delivered at much shorter ranges from a penetrating bomber. To destroy the same number of hardened ICBM silos, many more LRSCAD's as SRAM's would be required. Our SAC pilots, flying the much more survivable B–1, could deliver (with even greater effect) more SRAM's than the B–52 used as a LRSCAD launcher.

If, even in the face of these deficiencies, the B–52/SCAD were used, at some time in the 1980's the aging B–52's would have to be replaced. Cost analysis has shown that the combination of the B–1 penetrator coupled with SRAM is 18 percent less costly than development of a new standoff missile (LRSCAD) and a new launch vehicle. Not only would such a new system be much less effective, because of the inaccuracy of long-range delivery, but it would be limited to this one nuclear role (as against the B–1's many potential uses). In the event of a large-scale retaliatory strike against ICBM silos and other military targets, not only is the manned penetrator more effective in weapon delivery but it also has the unique ability to accurately assess target damage resulting from its own weapons or those from previous sorties. With no knowledge of what we have accomplished, more missiles must be launched to achieve a given level of target destruction and intelligent decisions concerning follow-on actions are very difficult to make.

Because of the inaccuracy, vulnerability, and blindness of the long-range stand-off missile, both the effectiveness of immediate actions and the control of future events is reduced.

THE B–1 AND AERIAL TANKERS

JULY 13, 1971.

The Strategic Air Command is assigned world-wide responsibility for aerial refueling support for the entire Air Force, with only a portion of the refueling tanker fleet required to support SAC bombers. The present SAC tanker fleet comprises KC–135 aircraft and is more than sufficient to provide the total refueling required for all proposed B–1 operations. The B–1 bomber will be completely compatible with the current KC–135 tanker, not only in obvious design features such as the mating mechanism for aerial refueling, but also in operational capability. This capability along with the reduction in tanker support required tends to extend the adequacy of the current KC–135 fleet. Unlike the bomber fleet, the KC–135's are not forced into the much more rigorous structural environment of extensive low altitude flight. With the advent of the B–1, decisions on modernization of our aerial refueling capability can be safely deferred beyond funding requirements of currently planned systems, thereby allowing time for tanker design optimization and assurance of minimum cost.

The new B–1 strategic bomber significantly reduces the total Air Force requirement for aerial tankers. In fact, fewer tankers are required to support the B–1 than are required to support the B–52 which it replaces. The increased payload and penetration capability of the B–1 allows the planned force of operational aircraft to provide more effectiveness than a fleet of more than twice that of B–52's. Greater range of the B–1 and better low altitude fuel consumption further reduce tanker support requirements.

However, tanker requirements in general are increasing, driven primarily by the need for more low altitude penetration distance in order to cope with excepted improvements in enemy defenses. Sooner or later we will need a new tanker whether we have the B–1 or not. It must be noted, however, that alternative decisions to pressing on with the B–1 program could create a critical tanker problem and require a new tanker sooner. Should a decision be made to extend our reliance on the B–52 beyond the current phase-out schedule, additional tanker support would become urgent. The increased low altitude penetration leg required by projected enemy defenses would generate additional aerial refueling beyond the capacity of the current fleet. The interim FB–111 requires even greater tanker support as a result of shorter range and much smaller payload. Any expansion of the FB–111 force in the strategic role would immediately overtax the current tanker fleet.

B-1 MILITARY AVIONICS SYSTEM

JUNE 15, 1971.

When the airframe and engine contracts were awarded in June 1970, it was planned that in the development phase of the B–1 program a separate contractor would be selected to develop and integrate the avionics system package. Soon after the go-aheads awards on the airframe and engine, however, the Air Force was directed to defer start of the development of the avionics package until at least two years of development on the engine and airframe had been accomplished and availability of funds was more certain. Since that time a viable "building block" approach for the avionics effort has been developed.

This building block approach which is now up for approval to provide the most cost-effective avionics capability over the entire B–1 lifetime consists of the following:

1. Installation of available "off-the-shelf" Government-furnished "basic flight avionics" in the RDT&E aircraft for the flight demonstration program.

2. Maximum use of then existing, demonstrated "off-the-shelf" avionics equipments to minimize need for new developments for initial production aircraft.

3. "Designed in" avionics/ weapons growth capability to take advantage of USAF-planned and funded technical advances in avionics/weapons required to counter a changing, increasing threat in later production versions as required.

This "innovative" time phased or "stepped" approach is being effectively applied to realize maximum cost of savings while assuring competitive operational capabilities and flexibility. Maximum development consideration must be made for future avionics/ weapons as normally planned by the USAF, whether a B–1 production decision is made or not. The Government's investment in providing the required avionics capability for the B–1 is thus minimized prior to aircraft production decision point, while maximum flexibility is retained for providing the B–1 required future operational defensive and weapons delivery capability.

Unlike previous programs, the B–1 program is structured so that the air vehicle is designed from the beginning to be capable of accepting at a future date, with only minor modifications, technical advances in avionics systems throughout its lifetime. For the RDT&E flight test aircraft, concerned primarily with testing and demonstrating the air vehicle and engine for production decision, existing "off-the-shelf" Government-furnished communications and navigation aid "basic flight avionics" equipment will be installed. For the initial production B–1, optimum application of latest existing equipments, as well as avionics developments in process at the time of the production decision, will provide considerably improved initial B–1 operational avionics capability over that of the FB–111. This real-time phasing of the avionics development program will permit consideration for use of the latest avionics developments which will be proceeding independently of the B–1. The technical and financial plus low-risk advantages of these several factors are considerable.

This approach results in several major advantages to the over-all program and basically provides for:

1. Sizing the basic air vehicle and critical subsystems (such as volume, electrical power and cooling) to be able to accept a most probable future avionics system and locating installation positions for certain structure critical elements such as antennas and inertial platforms.

2. Deferring the start of the development

of the production air vehicle avionics system to the latest feasible data which will provide the latest state-of-the-art capability and still support avionics system availability for initial production aircraft.

3. Optimum application of "off-the-shelf" or other in-process avionics developments which will support B–1 operational requirements.

4. Provisions of "basic flight avionics" communications and navigation aids needed in RDT&E flight test aircraft through installation of existing equipment to be furnished by the Government.

5. Application of funds available for the avionics effort at the most advantageous time for the over-all program.

An Air Force review is currently in progress which will finalize more specific program direction for full implementation of the B–1 avionics effort to the phased approach. The selected approach will be accomplished within the funds previously budgeted for this portion of the B–1 program. Completion of this review and subsequent direction to the Contractor is anticipated by early July 1971.

STRATEGIC ARMS LIMITATIONS AND THE B–1 BOMBER

JUNE 4, 1971.

On May 20, 1971, President Nixon announced that the United States and Soviet Union had joined in a "declaration of intent" to agree to limit defensive missiles and some offensive weapons. This declaration demonstrated a new initiative on the part of both countries to seriously attempt to find a means of curtailing a new arms race. After 19 months of negotiations, the only agreement was to concentrate on those systems and limitations which appear most promising for further discussions and ultimate agreement. The primary questions which still must be settled are which offensive and defensive weapons to limit and by how much.

In any evaluation of the various possible Strategic Arms Limitations Talks (SALT) agreements it is important to bear in mind that the objective of both U.S. and Soviet strategic forces is as a deterrent to nuclear attack. At present, both the U.S. and USSR possess second-strike capabilities in sufficient quantities that a successful first-strike capability by either side is unattainable. This state of mutual deterrence must be maintained without renewing the arms race.

The Soviets want the U.S. to stop deployment of Safeguard ABM systems which will protect its Minuteman ICBM's; the U.S. wants to limit deployment of the giant 18- to 25–MT SS–9 which, when equipped with MIRV warheads, has kill capabilities against U.S. Minuteman ICBM's. Hence, the most likely initial agreement is a limitation on ABM's and ICBM's. Elements of the agreement may be: (1) ABM deployment restricted to national command centers, or the banning of all ABM's and their acquisition radars; and (2) some limitation on large Soviet land-based ICBM's. Strategic bombers will not be a part of the initial agreements because of the problem of defining a strategic aircraft. The nuclear capability of NATO/Warsaw Pact tactical aircraft, carrier-based aircraft, and the potential delivery capability of transport aircraft are difficult to separate from the B–52/B–1 class aircraft.

If and when the initial SALT agreements are completed, further negotiations on a more comprehensive nuclear weapons limitations package will commence. The possible resultant agreements can be broadly grouped into four categories: (1) A ceiling on numbers of offensive weapons, (2) a freeze on payload, (3) a limitation on MIRV's, and (4) a freeze on delivery vehicles.

An agreement which includes a numerical limit on nuclear delivery vehicles with or without separate limits on bombers will favor a B–1 production decision. The much smaller force of B–1's can deliver many more weapons to targets than would be possible with the B–52's and FB–111's. The agreement which would limit bombers separately, may even be more positive for the B–1 because there would be a guaranteed number of bombers in the strategic forces inventory and the B–52 needs to be replaced.

A freeze on deliverable nuclear payload could also favor the B–1 program: (1) if the limitation is on the number of warheads, then fewer B–1's need to be produced; (2) if the limitation is on deliverable megatons, then the B–1 would be needed to carry larger numbers of smaller yield, accurate weapons to targets. Any limitation on MIRV's could have a positive effect on the B–1 program because it could mean that the bombers with SCRAM's would continue to carry the majority of the U.S. nuclear weapons.

The fourth possible agreement, a freeze on nuclear delivery vehicles or warheads so that no new system would be deployed, would not necessarily preclude B–1 production since the B–1 is the only strategic weapon that does not depend on nuclear weapons to be effective. Completion of RDT&E phase of development should continue as a hedge against Soviet noncompliance with the provisions of the agreement. Full support of the B–1 RDT&E program at this time would motivate consideration of such an agreement and would also require a more substantive concession by the U.S.S.R.

In conclusion, the increase in the number of warheads atop missiles (MIRV's) and the resultant requirement for ABM protection have led to a new phase of the arms race. The bomber does not motivate the arms race since it is neither a first strike weapon, a nuclear only weapon nor on a hair trigger; it will be detected long before it arrives over targets; it can be launched, maintained on 24-hour airborne alert, and then recalled; and it provides the precision to pinpoint and control damage as opposed to the massive destruction by missiles. The bomber is the most stabilizing element in the U.S. strategic force. Old, outmoded bombers must, however, be replaced with the new B–1 bombers designed to deter aggression, able to contain various levels of aggression should deterrence fail.

B–521 vs. B–1

SEPTEMBER 13, 1971.

The B–52's are the mainstay of our strategic bomber force today. They were delivered to the Air Force during the 1955–62 period and have demonstrated outstanding versatility since that time. Originally designed for high altitude missions carryinig small numbers of nuclear weapons, various models and modifications have evolved to serve subsequent roles such as reconnaissance and large scale conventional bombing in Viet Nam. As the USSR developed high-altitude interceptor and missile defenses, SAC countered with a penetration concept of hugging the earth to avoid detection by airborne search radars and interceptors by hiding in the ground clutter and to underfly the beams of ground search radars.

Since the B–52's were originally designed for smooth high altitude operations, but have been for years forced to operate in turbulent low altitude conditions, some $3 billion has been spent for structural modifications, capability improvements and depot maintenance to keep them in a safe and effective condition until replacement by the B–1 (by 1990, the mid point of the planned B–1 life, the newest B–52 would be 28 years old; older, for example, than the latest B–17's built during World War II are today). These monies are considered well spent. Nonetheless, continued use at low altitude uses up the remaining life of the basic structure faster than the originally intended high altitude operations.

Consideration has been given to further modifications, particularly re-engining with four larger latest technology high by-pass engines and resulting with latest improved avionics. In assessing the resulting capability improvement, it must be noted that no matter what is done to prolong the B–52's structural life or to extend its range, it will still have a difficult time penetrating sophisticated air defenses by the late 1970's. It will not go any faster, its radar signature cannot be reduced sufficiently to materially improve penetration capability, and its vulnerability to nuclear effects (both in escape from take-off base and in penetration) cannot be significantly improved—but the defenses it must face are constantly improving.

The B–1 will present a much smaller radar signature to airborne and ground search radars during high-altitude approach, substantially reducing the chances of being detected. After descending to low altitude (a two-thirds lower altitude than the B–52I can achieve) the B–1 will have the further advantage of being more deeply immersed in the ground clutter returned to the airborne radar. Should an interceptor be vectored into the area, the B–1's low altitude will keep the interceptor from attaining a position from which his radar can look up out of the clutter; his lack of any significant speed advantage over the B–1 will force him to adopt a head-on approach. From this head-on, look-down approach, he will see a radar signature even further reduced by the engines being obscured from view. The B–52I, in contrast, could be approached from almost any aspect, even from below. The B–1's greater speed will also preclude turnaround sorties by an interceptor, as would be possible with the B–52I. Approaching ground radars in the terminal area, the B–1's lower altitude alone will reduce his exposure. His greater speed will reduce it further, resulting in exposure times one-fifth that of the B–52I. The unique low level ride control on the B–1 allows maximum crew effectiveness to utilize penetration aids and tactics in such low-altitude, high-speed penetrations.

Having supersonic high-altitude performance available in the B–1 provides increased flexibility in its application across all levels of conflict. Even in all-out general nuclear exchange, shallow penetration in lightly defended areas could sometimes best be done supersonically at high altitude. Merely having the capability to penetrate to considerable depth supersonically at high altitude forces the opposition to develop and purchase air defenses against that capability.

For survivability against a surprise SLBM attack, the B–52I would have to be concentrated at the more interior bases of the continental United States. While the B–52I enjoys a take-off distance comparable to that of the B–1, the lower weight and smaller width of the B–1 results in a greater number of airfields to select from for survivable basing. Although the B–521 requires about the same take-off roll distance, the shorter taxi and engine start times and the increased nuclear hardness of the B–1 allow it to reach safe escape distance in the face of shorter SLBM warning times. As a result, it can be based at more widely dispersed locations, further enhancing survivability.

In summary, the B–52 has served this nation admirabily for 16 years and, with relatively modest improvements, will continue to do so until the B–1 becomes operational. To make it truly adequate as our primary manned bomber for the 1980–2000 period however, would require not only new engines and avionics, but a radical change in size and shape to reduce radar signature, increase speed and permit lower altitude operation. While in the process of that magnitude of redesign, it would be prudent to incorporate the latest techniques and technology in materials and structures, nuclear hardening, aerodynamics, environmental control systems and human factors. Such a scope of redesign *has* been undertaken—it is called the B–1.

Mr. PROXMIRE. Mr. President, the amendment offered yesterday by the Senator from South Dakota to delete funds for the B–1 bombers was defeated. We recognize that the main fight on this matter will come when the proposal for production money comes forward. I stand by what I said yesterday. I think a careful reading of the speech just delivered by the Senator from Arizona and my own statement yesterday will indicate that there was a solid basis for my argument against the B–1 and in favor of the far more economical and I think far more effective way I suggested of providing for an air deterrent.

Mr. President, one of the most unneeded systems in the bill before us the Navy's F–14 fleet defense fighter.

I would like to introduce at this time, on behalf of the distinguished Senator from Indiana (Mr. HARTKE) and myself, two amendments relating to the F–14 issue. The first amendment would terminate the F–14 program. The other would authorize $25 million to initiate work on a Navy light fighter prototype program to develop a replacement for the F–14.

I send the amendments to the desk and ask that they be received and printed.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie at the desk.

Mr. PROXMIRE. Mr. President, the Senator from Indiana cannot be here today and asked me to enter into the RECORD a statement by him on the amendments relating to the F–14 fighter program. I ask unanimous consent to have printed in the RECORD at this point my colleague's excellent statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HARTKE

Mr. President, I am pleased to join with the distinguished Senator from Wisconsin (Mr. PROXMIRE) in offering these two amendments relating to the Navy's F–14 fighter program.

We fully recognize the need for modification and improvement of our tactical air force to meet the expanded capabilities of potential enemies. However, we do not believe the F–14 can adequately perform the role the Navy has mapped for it.

The F–14 will cost several times more than the aircraft it is scheduled to replace—the F–4 Phantom—with no indication that the additional cost per plane is justified by superior performance characteristics.

In our view it is best to admit now that the attempt to combine the functions of an air-superiority fighter, and a fleet-defense interceptor in one plane has failed. The F–14's lack of maneuverability, attributable to its excessive weight and an underpowered engine, severely compromises its role as an air-superiority fighter; while the proven unreliability of its Phoenix missile system makes it very doubtful that it could successfully perform its fleet defense function in the face of a concerted air and water attack.

With regard to the Phoenix, it must be emphasized that six of these missiles, carried by a fully loaded F–14, would cost $400,000 each, or $2.4 million. This latter figure is the approximate cost of three simple Mig–21's or one of our own F–14 fighters.

As an alternative, we propose the initiation of a light fighter prototype program, similar to that recently launched by the Air Force. This new fighter would be highly maneuverable, with a reliable avionics system and a proven weapons system, all at a cost of $2.5 to $3 million per plane, if produced in sufficient quantity.

It is our position that the F–14 is a very bad bargain. It is costly and there is no indication that it will adequately fulfill its fighter or fleet defense function.

I look forward to discussing this program in more detail during the coming week. In the meantime, I would caution our colleagues against ready acceptance of an aircraft which was designed to be a jack-of-all-trades but is clearly a master of none.

Mr. PROXMIRE. Mr. President, I am sure he will want to say more for himself at a later time. I am sure he believes, as I do that the F–14 amendment is probably the most crucial weapons system amendment which will be offered on this bill.

One of the factors which makes it so crucial is the fact that the House of Representatives deleted all procurement funds for the F–14 from this bill.

Mr. President, a few days ago I said there were two basic questions which had to be answered in deciding whether to buy the F–14.

First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack carrier to protect that carrier and its task force from the spectrum of threats the Soviets can throw against them?

Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy fighter?

I tried to explain then why the Phoenix missile's fleet air defense mission makes little sense at all. What I want to show today is the fact that it makes even less sense to rely on the F–14 as our first-line Navy fighter of the future.

Here are a few reasons why:

Because a recent Pentagon study convincingly shows that the old F–4, modified only with leading edge slats, could outperform the F–14A at all speeds likely to be encountered in a dogfight;

Because it is almost certain that the F–14 would be no match for new Russian fighters which are likely to be produced over the next 5–10 years; and

Because the Navy could build at one-fourth the cost a new light fighter which could quickly put the F–14 to shame.

It is a basic, straightforward fact that the F–14 costs the most yet has the least performance of all the fighter options available to the Navy. Accordingly, our first priority is to start work now on a new light fighter development program for the Navy. If work were started this fall, new Navy prototypes could be ready for a flyoff in about 2 years. And in another 2 years the first production models would be ready for delivery to the fleet.

An equally important need is to scrap the F–14. The F–14 just cannot hack it as a fighter. Therefore, there is no justification for keeping it going unless we want to buy a limited number of the planes—200 or so—for altogether different missions. But what missions?

Not Phoenix fleet air defense. The mission makes no sense and it could be performed by other aircraft anyway.

And we certainly don't need the F–14 for its interdiction bombing capability. We already have aircraft designed specifically for the interdiction mission which need escorts, not competitors, when they fly.

The third thing we should do is to put leading edge slats on a portion of the Navy's F–4 force. The cost would be minimal and it would give us a fighter better than the F–14A till the new Navy fighter came along.

These are the conclusions I hope to support today. Before they can be reached, three preliminary questions will have to be answered:

What is the role of Navy tactical air?

What is the Soviet fighter threat?

And just what capabilities do we want—and why—in a new Navy fighter of our own?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes, I am happy to yield.

Mr. GOLDWATER. If the Senator wants me to wait until he finishes his statement, I shall be glad to, but there are certain questions the Senator asks that I would like to comment on.

Mr. PROXMIRE. Fine.

Mr. GOLDWATER. The Senator proposes, as question No. 1: What role does it play? I think that depends on the ultimate answer to what this Congress adopts as the role of the carrier itself. If we eliminate the carrier from the fleet, then there is no need for fleet aircraft. As long as we have the carrier, there is a need for fleet aircraft. So I think the answer to the first question is going to depend a great deal on when we make decisions as to roles and missions of tactical air. Are we going to have four tactical air forces or one?

Mr. PROXMIRE. I think the Senator raises a good fundamental point. He is absolutely right. As I intend to say later, the role of the carrier, in my view, as was indicated the other day, is a definite role. It is a function which should not be eliminated entirely, but it does not have a function in directly confronting the Soviet Union in a nuclear situation, it seems to me. It is very vulnerable.

No matter how much we spend on a fighter plane, it is enormously disadvantageous to have a carrier-based American plane against a land-based Russian plane. Under those circumstances, it seems to me the role of the carrier should be restricted in such a way that we do not need the F–14 to perform this function.

Mr. GOLDWATER. I think the Senator will be interested to learn that, under the chairmanship of the Senator from Nevada (Mr. CANNON), there are going to be subcommittee hearings on rules and missions of tactical air. This has not been decided since 1950 or 1951, when we decided we would have one. Now we have four. I have to say I think it is an extreme waste of money that we have a multiplicity in this particular field of tactical air support.

One other comment regarding the F-4 and modernizing it with leading edge flaps. This was put on to try to correct a very bad stall tendency of the F-4. It has a dangerous stall tendency at very high speed turn, when the airplane will enter a flat spin, and no way has been devised to get out of it except to bail out. I do not think we get the improvement in the F-4 that we would like to have. I think we could compare the F-4 more with the F-15 than with the F-14. I just wanted to bring that point out.

Mr. PROXMIRE. I appreciate that, but, as I have said, the studies that I have seen do indicate that the F-4 can be easily and efficiently and inexpensively adapted so that it can be a far more effective plane than the F-14 as a fighter.

Mr. GOLDWATER. I would say, without knowing of any of the flight characteristics of the F-14—I think they had just about 10 hours of trial—that the F-4 could probably turn inside the F-14 without any trouble. It is smaller and has less wing loading. While the speed is not comparable, the rate of speed is greater. There has been discussion with World War II, Korean, and Vietnam fighter pilots as to what the pilots want. My contention is that an optical sight and a cannon is the ultimate answer to an airplane that is going to engage only in a traditional dogfight.

I think most pilots will agree with that. However, they all agreed that the ability to knock an enemy airplane down in, say, 25 or 30 miles is a lot more desirable than having to chase him out of the sky, and that is where the Phoenix missile comes in, or whatever missile we might have. The F-14 was designed for it. The F-4 could not carry that missile. So you can argue both sides of this fence.

There is a place, as long as we have carriers. As long as we say we have to have carriers in the fleet, then we have to have aircraft specifically designed for them, and the F-4 will not carry the weapons system that is needed for fleet defense, if that is what we want to call it.

Mr. PROXMIRE. Would not the Senator agree that in the past, the air-to-air missiles have not worked, that they have not been very effective?

Mr. GOLDWATER. I would have to agree that the reaction of most pilots from Vietnam has been "take them off," that in anything over a 2-G turn, they are not going to leave the tube, and you are going to have to roll out to get rid of the missile before it blows up and destroys you.

But we have not had enough experience with the air-to-air missile over Vietnam, because of almost total lack of enemy air power, to make a judgment. I lean away from it, to be perfectly honest. I have fired them, and if they would work, the theory is great. But if someone is after you, and you are after someone else, what you need is a cannon and not a missile.

I think this is going to be resolved in the coming year's consideration before the committee. There are, in my opinion, too many missiles, air-to-air, air-to-ground, and ground-to-air. I think we can do with a smaller force. But I do not think we have had enough experience for anyone to be able to say categorically that the air-to-air missile, particularly the sophisticated Phoenix—I like that word, by the way—will not work.

Mr. SYMINGTON. Mr. President, will the able Senator from Wisconsin yield?

Mr. PROXMIRE. I am glad to yield.

Mr. SYMINGTON. I have been listening to this colloquy with interest, especially because of my respect for the two Senators who have been conducting it, their knowledge of the subject. After the Senator has completed his address, which I have read and with which I, in the main, agree, I shall make a short talk in support of his position. But when it comes to air-to-air missiles, with all due respect to my distinguished friend from Arizona, some have worked and some have not.

For example, the Falcon. At one point perhaps the leading pilot in the Indochina theater told me he would never again permit it to be used in his squadron. I understand it has been improved since then. But the Senator is correct; there was a problem, with the G's, in getting it out of the tube.

The Sidewinder, however, has a much better record, and then we also have the Sparrow.

We do have too many missiles. One of the chief logical arguments against the F-14 by the able Senator from Wisconsin, who has devoted so much time to this matter, is that, fundamentally it is a carefully planned program for launching the Phoenix; still, according to testimony we have had recently, an unproved missile, and in any case a very expensive one.

Let us hope, in order to get a few more miles of range, now that we have the improved Falcon, the Sparrow, and the Sidewinder, we will not put billions into this questionable new plane so as to get a launching platform for the Phoenix missile.

The Senator's comments are pertinent. Having once had a cattle ranch in his State, I wish the missile had been called the Tucson, rather than the Phoenix.

But, regardless of names, I know we do not want to have any missile unless it works and is worth the money.

Mr. GOLDWATER. Mr. President, if the Senator will yield on that point, I would not like the colloquy to end without repeating that I do not think that we have had any fair test of air-to-air missiles in South Vietnam. I am thinking of the possibility of a classic war, where we have to get air superiority. We would probably be getting back to the middle stages of World War II, where we had to shoot down enemy fighters at close ranges. The argument for the missile, if it will work, is that if you can identify the planes at great distances—I have got to see it to believe it—and can hit them at great distances, it will eliminate the need, very possibly, for close contact.

If we have that experience—and Lord knows I would not want it and I do not think our country would want to have it—I do not think we can condemn all missiles. I have talked to a great many pilots with experience over Vietnam. Some do not like them at all; some like them. I think if you have a situation where you can identify the enemy and come inside the envelope without his knowing you are there, a missile is a great thing, but if he knows you are there and is trying to get away, it is not worth much.

Mr. PROXMIRE. Mr. President, may I just say the problem—we are building planes big enough, and they are expensive enough, heaven knows, with the F-14 at $16 million a copy, to use these missiles; the reason we have to put that much money in them is so that they can use the missiles. But we ought to test the missiles in this country, and we have not done that. We ought to test the missiles first, before we go ahead with this kind of fantastically expensive program with the F-14.

Mr. SYMINGTON. Mr. President, I understand the Sidewinder works, have heard praise, both from carrier pilots off Yankee Station and also Air Force pilots who have used it. The Sparrow, a considerably longer range missile than the first two, I understand is also working. Why then should we spend over $16 million per plane on an airplane in order to get a launching platform for a missile which will go a few miles further. We badly need a true air superiority fighter. The letter which the Senator from Arizona sent me not long ago, and which he allowed me to use in the hearings, is a bible on how to obtain such a fighter.

I cannot imagine a plane much farther away from being a clean air superiority fighter than the F-14A.

Mr. GOLDWATER. I might tell my friend from Missouri, who was once a rancher in Arizona, that the Falcon is made in Tucson.

Mr. SYMINGTON. I knew that, and thank the able Senator.

(Mr. BEALL assumed the chair as Presiding Officer at this point.)

Mr. PROXMIRE. Mr. President, I understand that the Senator from Kentucky wanted me to yield for a minute or two, for a resolution; is that correct?

Mr. COOK. The Senator is correct.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to yield briefly to the Senator from Kentucky, with the understanding that his remarks will follow mine at the end of my speech—in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

I. THE ROLE OF CARRIER-BASED TACTICAL AIR SUPPORT

Mr. PROXMIRE. Mr. President, I argued a few days ago that the growing vulnerability of our carriers justified a reduction to nine in our overall attack carrier force level. Then are two other considerations which reinforce this point.

One is the relative cost of land-based and sea-based tactical air support. Not surprisingly. Navy analysis shows the cost of the two to be about equal, while Air Force analysis concludes that sea-based support is several times more expensive. Depth of service rivalry notwithstanding, such a large disparity can exist only because of the difficulty in determining which costs—particularly in the areas of support requirements, shared defense costs, airlift, and the like—should be included in costing each alternative.

Most neutral observers would agree, however, that an individual sea-based wing is about 50 percent more expensive than a land-based wing composed of the same aircraft. And Navy planes are themselves more expensive at the present time. The Air Force, for example, has had no tactical air counterparts to the Navy's EA-6B electronic countermeasures plane or its E-2C reconnaissance aircraft.

The second consideration is Air Force development of a "bare base kit" which allows it to set up operations within a few days on very primitive airfields, with nothing more than a runway, parking areas, and a water supply of some kind. There are over 1,700 such airfields in non-Communist countries throughout the world, with some in virtually every country. Thanks to the "bare base kit," the Air Force is now able to set up operations in many areas abroad more quickly than carriers can be moved there from the United States.

This is not to suggest for a moment that we should eliminate carriers altogether. I recognize that land bases, even if offered, might be temporarily overrun. And unsheltered land-based aircraft have a vulnerability problem of their own, as demonstrated in Vietnam, where large numbers of such aircraft have been destroyed on the ground, while carrier-based aircraft have operated from a sanctuary granted by the North Vietnamese. Moreover, if we were to institute the changes in carrier defense alluded to in my earlier remarks, carriers would become more competitive with land-based aircraft from a cost standpoint as well.

My only point is that nine carriers would give us the mix between land-based and sea-based tactical air support which a wise allocation of resources seems to require. And it is about time that we thought more about this in sizing our tactical air forces. Unfortunately, the main consideration in Southeast Asia has been to see to it that Navy and Air Force interdiction strikes have been divided up 50–50.

However many attack carriers we decide to have, we will have to count on them to provide the full spectrum of offensive tactical air support missions—interdiction, air superiority, and close air support.

INTERDICTION OVEREMPHASIZED

To date, the Navy, like the Air Force, has given primary attention to the interdiction missions, notwithstanding the negligible results shown in Vietnam, Korea, and World War II. The A–6 and the A–7 are its primary aircraft for interdiction strikes, and the F–14 itself has been given a considerable air-to-surface capability, at great cost both in dollars and dogfighting performance.

And perhaps the best indication of the Navy's limited affection for close air support was provided in this year's hearings before the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Connolly replied:

> Well to a very large degree we will use A–7's, and as long as we have A–4's we will use A–4's, and we have used F–4's when it was necessary. And the Marines will be using the Harrier. And I wouldn't be surprised under some circumstances that they will load the F–14 up because it covers a lot of real estate and can carry a big load of bombs and under circumstances it might turn out that the F–14 would do close air support.

Unfortunately, the A–4 is the only aircraft at all suited to close support in the Navy's inventory, and as Admiral Connolly indicated, it already is being phased out. Once it is gone all the Navy itself will have for the mission is one interdiction aircraft and two fleet air defense fighters.

AIR SUPERIORITY IS KEY

But air superiority is the subject today, and in many respects, the air superiority mission is more important than either close support or interdiction, since there is no way that either close support or interdiction aircraft can be made to influence land battles in progress unless we have air superiority in the first place.

The F–4 has been since 1961 and is now the air superiority fighter of the Navy, going through several different versions over the years. Originally developed by the Navy alone, it has been the front line fighter for the Air Force as well. But while Navy purchases ceased after fiscal year 1970, the Air Force bought some late model F–4's last year and will do so again this year.

At present, the Navy has about two aircraft supporting the interdiction mission aboard its carriers for each F–4 fighter. In a relatively benign environment such as Vietnam, where we have encountered only a handful of Mig–21's, it is possible to live with this ratio. It would not be so, however, against a more numerous enemy fighter threat.

And our carriers can fully expect to counter such a threat, even if they are specifically earmarked for wars not involving Soviet naval forces. The Soviets have long shown a willingness to make Mig–21's available to their allies. The new Mig–23, or Foxbat, is supporting the Egyptians in small numbers, and we can expect large quantities of new air superiority fighters to be exported also in the next ten years, especially if the Soviets continue their traditional emphasis on light, highly maneuverable fighter designs.

This is a central fact which it is important to fully grasp. Due to their high costs and technical complexity, there is no way that the Soviets can make available to their allies the spectrum of sophisticated threats with which they themselves threaten our carriers, such as large numbers of submarines with cruise missiles and acoustic homing torpedoes. What they can give their allies is a limited number of patrol boats with Styx missiles, some diesel submarines and obsolete naval bombers, and a large number of cheap, high performance fighters. What we need to counter these items is a less complex and more reliable kind of carrier defense and some high performance fighters of our own.

Just what is the current status of the Russian threat these fighters will have to counter?

II. THE SOVIET FIGHTER THREAT

An in-depth discussion of the Soviet threat is not warranted here, but three important observations should be made.

First, the Soviets have done more work on the development of new fighter aircraft during the past 20 years than has the United States. As the Navy itself is fond of pointing out, albeit with some exaggeration—accomplished by counting as separate models all versions of each basic design:

> The Soviets, since 1954 when the F–4 was designed, have flown 18 new models of modern-type fighter aircraft . . . The Soviet Union has concentrated on tactical aircraft specifically oriented for the air superiority role.

Second, the Soviets have approached the problem of new fighter design with a different design philosophy than the United States. As Air Force Secretary Seamans told the Senate Armed Services Committee in 1969:

> Since their appearance in the Korean War, Soviet-designed fighters have generally been more maneuverable and have had better acceleration than U.S. fighters. Our fighters, on the other hand, have had better radiuses of action, firepower, avionics, and payload.

The Soviets, in other words, have steered clear for the most part from the kind of complex avionics and armament gear which has not worked for us in Southeast Asia and about which I will say more later. Their own fighters, freed from the weight and drag of this equipment, have emphasized the maneuverability required for aerial dogfights.

Their fighters have also cost far less. For example, the F–4 costs about three times as much as its most direct Soviet competitor, the Mig–21, based on direct comparisons of the cost of U.S. aircraft of comparable size and complexity. I can not help noting that the $800,000 cost of a simple Mig–21 is the cost for only two of the six Phoenix missiles which would be carried by the F–14.

Third, the fact remains that the Soviets have yet to develop a new tactical air-to-air fighter which is superior to the F–4. It appeared for a while that the new Foxbat, or Mig-23, might be such an aircraft, but it now seems clear that it is primarily a high altitude interceptor, rather than an air superiority fighter. As General Bellis, Air Force program manager for the F–15, told the Senate Armed Services Committee this year:

> The Foxbat, a high speed, high altitude aircraft, became operational with the Soviet air defense forces in 1970 and appears to have excellent capabilities as an interceptor or reconnaissance aircraft, but it has limited maneuverability and low dynamic pressure

limit. Because of these limitations, the Foxbat does not represent an overwhelming tactical air combat threat, but does represent an impressive technological threat.

Calling the Foxbat "an impressive technical threat" is a nice way of saying that the Soviets can probably build a much better fighter. No doubt they can and will when they try. And a true successor to the Mig-21 is due any year now. It is important, therefore, that we design our own new generation of fighters not only to counter existing threats, but to provide the greatest possible assurance that they will also be able to handle new Soviet aircraft we have not yet seen and probably will not see until a Domodedovo airshow in the 1972–76 period.

III. THE MAIN INGREDIENTS OF AIR-TO-AIR SUCCESS

It would be possible to jump at this point directly to a discussion of the F-14's deficiencies as a fighter. I want to take the time first, however, to consider what basic performance features we need—and why—in any new fighters we hope to buy.

Too often, we in Congress attempt to make decisions on important defense issues without asking basic questions of this kind. As a result, we get snowed under with statistical data and a variety of conflicting claims.

What I propose to do is to organize my discussion around six ingredients which are absolutely essential and two which matter far less to air-to-air combat success. To support my arguments, I will rely wherever possible on concrete evidence from our actual experience in World War II, Korea, and Vietnam. The basic points are simple, and I will do what I can to keep technical details to a minimum.

1. AIRCRAFT MANEUVERING PERFORMANCE

The object of any aerial dogfight is to maneuver out of vulnerable positions and into positions suitable for weapons delivery.

Initially fighters escorting attack aircraft over enemy territory are likely to be "bounced" by enemy aircraft from behind. The term derives from the early days of aerial combat, when the air currents generated by closely approaching fighters actually caused the plane set upon to "bounce" in the air. Accordingly, the first performance requirement for a fighter is sufficient hard turn capability to defeat such an enemy attack by maneuvering defensively out of the launch envelope of an enemy's missiles and guns. This capability is usually measured in terms of the number of "g's" the aircraft can pull while flying at dogfight speeds.

The next requirement is an ability to convert to an offensive position. What this requires is sufficient acceleration and turn capability to bring enemy aircraft into the effective launch envelopes of our own missiles and guns. Acceleration is determined essentially by the thrust of the engines and the weight and drag of the plane.

DOGFIGHT SPEEDS

The speed at which these maneuvers take place is largely determined by the speed of the defender at the outset of the engagement. This is almost certain to be his cruise speed—the maximum sustainable with efficient use of fuel—and it is at best high subsonic even for today's supersonic aircraft. The attacking aircraft will want to be going somewhat faster, but his desired speed advantage will be limited both by the maximum closure rate at which he can still set up for weapons launch and by his recognition that the poor turning radius associated with excess speed could cause him to overshoot into a vulnerable position if the defender detected his attack and executed a successful defensive maneuver. The attacker will therefore want to maximize his own maneuvering capability in the low supersonic speed regime.

A real problem for today's fighters is the fact that hard maneuvers as these speeds produce drag which, together with the weight of the aircraft, forces them to lose speed and/or altitude. In our new fighters, improved maneuverability at dogfight speeds will have to be a prime requirement. From a design standpoint, it will be a function of adequate wing area and a thrust to weight ratio comfortably in excess of one. These features will be far more important than those required for a very high supersonic dash speed, which is seldom useful and which extracts its price in other areas.

Finally, it is important to recognize that the advent of the air-to-air missile has actually put a premium on these traditional maneuverability requirements. In the old days, one aircraft could bounce another and, if unsuccessful in its attack, turn on full power and accelerate away from the limited range of aircraft guns. This tactic is today preceded by heatseeking missiles which can at times be outmaneuvered but cannot be outrun. If an enemy aircraft today lit its afterburner and tried to accelerate away in level or diving flight, it would increase its IR signature by a large order of magnitude and become a sitting duck for a Sidewinder type of missile.

Our first requirement, then, is an aircraft which can both outrun and out accelerate the enemy at all speeds encountered during a dogfight.

2. STABILITY AND HANDLING QUALITIES

A closely related need is an aircraft with good stability and handling qualities, since these factors are a prime determinant of a plane's actual as opposed to theoretical maneuverability. If a plane lacks stability and good handling qualities, a pilot will be inhibited from using the full maneuvering capability it has, and his timing will also be affected in all dogfight engagements.

Unfortunately, many of our current fighters—the F-8, F-100, and F-4, for example—have had deficiencies in this regard which have led to restrictions on the realism of peacetime training exercises in an effort to avoid accidents. Despite these restrictions, we have already lost over 90 F-4's in noncombat accidents. The great majority of these accidents have been from loss-of-control type problems, primarily spins and stalls.

DETECTION AND ACQUISITION

A Rand Corp. study indicates that roughly 50 percent of all aerial victories in World War I were achieved against unaware defenders, a figure which has probably increased since due to the high speeds of modern jets. A third important requirement, therefore, is an aircraft which is hard to detect but has excellent acquisition capabilities of its own.

The problem of minimizing one's own detection is quite straightforward. The key factors, in order of importance, are lack of smoke trail, small physical size, a small cross section, and a low infrared signature. One of the problems with our present F-4 is that it has double the size of a Mig-21 and a smoke trail which can be seen for many miles.

The most important factor in detecting enemy aircraft is good visibility out of the cockpit, particularly over the sides and to the rear. Also important are the presence of passive warning receivers on the plane and adequate use of ground-based radars.

3. AIRBORNE RADAR PROBLEMS

Unfortunately, our own emphasis in recent years has been on complex and expensive high power-level radars in our planes themselves. It is worth spending a moment to see why this emphasis has been so unfortunate.

First, these airborne radars provide no protection against the most dangerous and difficult to detect enemy bounces, which are from under the sides or from the rear, since the radars sweep only in a narrow cone directly in front of the plane. This cone, it should be noted, is especially restricted for radars operating in a look-down mode. It is because of their narrow search patterns that these radars are no substitute for good visibility out of the cockpit with a pilot's unaided eyes.

Second, these airborne radars have the unfortunate effect of broadcasting the planes position for hundreds of miles around, thus negating all the other design features aimed at minimizing its detectability. That is why an important distinction must be drawn, as far as mechanical aids are concerned, between passive warning receivers on the plane—which do not alert the enemy to its position—and airborne radars which do.

It is because radar detection devices actively warn the enemy of their presence that they should be largely confined to ground-based sites. The Navy, it should be noted, can and has easily obtained the shipboard radar coverage needed to position our fighters for offensive operations in each of our major theaters—Europe, Korea, and Southeast Asia.

The deficiencies of high-power level airborne radars have been amply demonstrated in Southeast Asia. Enemy pilots, directed from the ground, have been able to easily avoid their narrow search patterns and approach American fighters from behind. American pilots have been far too busy visually scanning their sides and rear to keep their eyes glued to their radar scopes. And they have often turned off their radars to avoid advertising their positions for hundreds of miles around.

One final point should also be noted. In addition to their other problems airborne fighter radars have proven extraordinary unreliable from a purely mechanical point of view. All in all, they have contributed only a tiny fraction of all enemy fighter detections throughout the long duration of the war.

4. RELIABLE AND LETHAL WEAPONS

For the past 20 years, proponents of the air-to-air missile have argued that maneuvering combat would soon be obsolete. Fighter pilots would see each other only on their airborne radars and engage by missiles at long range, without ever closing for a dogfight.

I have just discussed some of the problems with airborne radar acquisition, and since I have also dealt with many of our missiles' deficiencies in evaluating the Phoenix, I will only summarize them here, as demonstrated in our Southeast Asia experience.

MISSILE FAILURES IN VIETNAM

First, due to the large number of aircraft over Vietnam and the impossibility of reliably separating enemy planes from Laotian airliners or Air Force planes not tied in on the Navy's communications system, few stand-off aerial battles have ever been fought.

Second, our missiles have never demonstrated the accuracy and reliability predicted by their manufacturers and first shown in artificial tests.

Third, enemy aircraft have been able to outmaneuver our missiles by hard turns at normal combat g's.

Fourth, missile performance has been substantially degraded by simple enemy countermeasures.

Fifth, radar missiles such as the Sparrow have greatly restricted aircraft maneuvering performance and positioning when employed, since it is necessary to set up and lock on to a target before launching them. In fact, the Sparrow had a minimum launch range so long our fighters often had to drop back to launch it after first closing for visual identification.

Sixth, radar missiles such as the Sparrow have suffered from the same defect as airborne radar detection systems—an enemy is altered to their use and encouraged to use evasive tactics and countermeasures.

It is simply incredible how much money we have wasted on almost totally useless air-to-air missiles. We have invested over $2 billion to date on the Sparrow, which has missed its performance predictions by a factor of 10, and almost as much on the complex infrared Falcon.

Yet Pentagon studies of our Southeast Asia experience convincingly show that aircraft guns are still the most effective weapon against enemy fighters. Only one of our earliest and simplest missiles, the infrared AIM-9D Sidewinder, has shown a roughly comparable performance, at a cost of $15,000 per missile. The much more complex radar Sparrow, at $40,000 per shot, has been about one-third as effective as the Sidewinder at almost three times the price. The Sparrow has been one-quarter as effective as fighter planes' cannons or guns; while costing 200 times as much per firing or 800 times as much per kill.

Admiral Connolly himself was quite candid about the state of our air-to-air missile arsenal in testimony this year to the Senate Armed Services Committee:

> It is one of my chief worries. It seems to be easier to go to the moon than it is to get a good air-to-air missile, and this is one of the weaknesses of our situation in U.S. forces—has been for a long time. The best missile we have is still the latest version of the Sidewinder.

Mr. SYMINGTON. Mr. President, will the Senator yield briefly at that point?

Mr. PROXMIRE. I am happy to yield.

Mr. SYMINGTON. The Senator said that Admiral Connolly wanted "a" good air-to-air missile. We already have three air-to-air missiles. I thank the Senator.

Mr. PROXMIRE. Well yes, we have three air-to-air missiles but a good missile even one good air-to-air missile force seems to be harder to get than going to the moon, he said.

Mr. SYMINGTON. The Senator makes my point.

Mr. PROXMIRE. Mr. President, there can be no doubt, then, that aircraft cannons or guns and the infrared Sidewinder remain at this time the most—in fact the only—lethal and reliable weapons in our fighter arsenal. Moreover, our fascination with more complicated weaponry has prevented us from taking full advantage of their own potential for improvement.

5. FORCE STRUCTURE IMPLICATIONS

However good our fighters, they must be available in sufficient numbers to deny the enemy a significant numerical superiority in combat situations. We could use such an advantage ourselves, both to saturate enemy defenses and to replace any losses suffered. Accordingly, even with budgetary conditions far less stringent than those existing today, cost would have to be seriously considered in evaluating our fighter options.

A related consideration is the number of combat sorties each option would actually deliver. Historically, highly complex and sophisticated aircraft have not only cost more to maintain and repair, but have also not been usable much of the time. It is a simple point, too often neglected, that an aircraft will do us no good in time of battle unless it is flying regularly.

PILOT SKILL

No discussion of the main requirements of air-to-air success would be complete without a reference to this final factor. Unless our pilots are trained in peacetime to be highly proficient in the complicated tactics made necessary by changes in the technology aspects of aerial combat, no amount of technological superiority in our aircraft themselves will bring victory.

Unfortunately, we have historically given our pilots short shrift, preferring to spend money on new and complex equipment rather than investing in adequate pilot skill. Due to its insistence on expensive procurement programs in the face of the continuing budget pinch, the Navy has cut flying hours in its training programs for the past 3 years while continuing to invest heavily in airframe and electronics hardware.

Maneuverability, stability and handling qualities, detection and acquisition, reliable and lethal weapons, force structure implications, and pilot skill—these are the main determinants of air-to-air success.

I would like to talk for a moment now about two other factors, the lesser importance of which it is also essential to establish.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield at that point?

Mr. PROXMIRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I am happy that the Senator brought up the subject of pilot skill. That has long been a pet subject of mine. When I was in this body earlier, I remember a lengthy argument I had with Secretary of Defense McNamara, trying to get him to increase the number of pilots we trained each year and also to increase the program.

We are lucky in this country in having had and continue to have outstanding young men in all the flying services who have performed beautifully. If we have any advantage—any advantage at all—over Soviet air today, it is the fact that our men have been battle trained and theirs have not. I do not like that kind of training, but we have had it, and I think that our pilots are superior to any pilots in the world, hour for hour and time for time.

I agree with the Senator from Wisconsin that we can get more training, particularly in more air-to-air gunnery and air-to-ground gunnery, and more emphasis on actual tactical situations.

I think the great advantage the Israeli Air Force has over the Arabs is in the quality of the Israeli pilots. I can think of no better example of air superiority being obtained by pilots than in that situation.

Our men are nothing to be ashamed of, and I would not want the Senator's remarks to indicate that he feels they are deficient.

Mr. PROXMIRE. I very, very much appreciate that, because I agree wholeheartedly with everything the Senator from Arizona said just now on the subject.

What I have been trying to show is that we need more time, more flight time, more opportunity for these pilots to acquire more skill. I do not mean any reflection on their ability, which is great, I am sure. They have done a marvelous job on so many occasions. But if we put what available money there is into flight experience, flight time for the pilots, it would pay off better than some of the immense investments we make in the complicated gear we put in.

1. PAYLOAD/RANGE

An aircraft's payload and range potentials are obviously interrelated, since one can trade off the one for the other by varying the mix of fuel and ordnance carried.

As far as fighters are concerned, payload is much less important than range. That we have traditionally given our fighters significant air-to-surface capabilities is just another indication of the continuing fascination of the Navy and the Air Force with multimission aircraft and the interdiction mission. Both services, however, already have aircraft designed for this mission which need escorts, not competitors, when they fly.

Range is a more legitimate concern. But since excessive internal fuel requirements have a powerful effect in degrading the weight and the performance capabilities of air superiority fighters, it is important that our fighters be designed only with the range and combat fuel actually needed for combat operations. What they will need is sufficient range to escort attack aircraft on their missions or to provide decently sustained loiter over a battlefield.

2. ALL-WEATHER AVIONICS SYSTEMS

Bad weather fighting is one of the most misunderstood aspects of the whole dogfighting issue. It is assumed at times that special avionics systems have now been invented which give our fighters the capability to operate in bad weather as easily as in broad daylight. Unfortunately, this just is not so, and a few words are necessary to put the problem in perspective.

In theory, there are two contingencies for which night and bad weather avionics systems in our air superiority fighters might be useful.

First, we might want them to permit fighter escorts of our own interdiction aircraft—Navy A–6's and Air Force F–111's—on their night bombing missions. Actually, our night and all-weather radar equipped F–4's have never performed a single such escort in Vietnam. They have not shot down a single Mig–21 at night or in bad weather during the entire duration of our involvement in Southeast Asia.

The reasons are simple. It is hard to hold formation in the dark to begin with and if one of our fighters were ever bounced by the enemy, it would be virtually impossible for him to join up again after the encounter. It must be recognized in this regard that the problem of identifying radar acquired aircraft is even more difficult at night than in the day, because closing for visual identification is so much tougher. As a matter of fact, one of the arguments the Navy makes for night interdiction missions is their low cost, precisely because they require no escorts.

Second, we might more rationally want all-weather avionics systems to defend against enemy all-weather attacks with their interdiction forces on battlefield areas where our own forces are engaged. But there are several points to be noted here.

To start out with, the Soviets have never developed a tactical all-weather attack capability. Since the few light tactical Beagle and Brewer bombers turned out in the late 1950's, they have not developed a single all-weather interdiction aircraft, and their Mig–21 fighters have no all-weather attack capability either. Under the circumstances, Soviet allies cannot be expected to have such a capability of their own.

Moreover, our own experience with all-weather avionics systems on our attack aircraft demonstrates that they simply do not provide the pinpoint accuracy needed against battlefield targets and are therefore limited to relatively ineffective use against fixed economic and strategic targets.

Finally, it is doubtful whether all-weather fighters could handle all-weather equipped attack aircraft in any event without considerable reliance on more traditional ground-based help. The friend or foe identification problem would be extremely serious over a battlefield at night. Moreover, the fighters would be at an initial disadvantage for acquisition purposes. While the attack aircraft would be homing in on fixed land-based targets, the fighter radars, with their narrow effective cones, would be searching the skies for targets.

NEEDED ONLY ON INTERCEPTIONS

All-weather avionics systems, then, are not needed on our fighters for the escort and battlefield protection missions just discussed. The only time they would really be useful is if the fighter were operating in a pure interceptor role, for example, protecting a carrier from enemy attack. But the only nation which has an all-weather equipped heavy naval bomber force capable of even modest-sized attacks against our carriers is the Soviet Union, and I have already explained why we should not employ our carriers when Soviet naval forces are involved—even in good weather and broad daylight. Other nations will not have an all-weather equipped anticarrier force to worry about. Their tactical bombers or fighters will have no such avionics, and their heavy bomber force will be either small and of World War II vintage or altogether nonexistent.

One final point should also be noted. As proven by our extensive World War II experience—long before the days of sophisticated all-weather avionics—even clear night and marginal daylight weather operations require airframe and performance requirements quite different from those necessary for visual combat. They emphasize stalking skills rather than the violent maneuvers of aerial dogfights and require sufficient endurance, acceleration, and speed to overtake attack aircraft, but little maneuverability. Accordingly, if we wanted an all-weather fighter capability in a fraction of our force, existing airframes would suffice for the purpose—if we could develop avionics systems which worked well enough to justify their cost. The most important point is not to let the limited utility of such a capability serve as a justification for imposing weight and other design penalties which could compromise the performance actually attainable in a new air superiority fighter. Otherwise, the effect of our attempt to fight at night and in bad weather will be to give the enemy the day.

IV. A RATING OF THE F–14

This analysis of air-to-air combat will make it a lot easier to show why the F–14 is such an incredibly poor fighter candidate for the Navy. What I propose to do is to run through each of the items I have just discussed and to see how the F–14 measures up.

1. MANEUVERABILITY

Due to its small wing area and the many weight compromises associated with its complex avionics, its Sparrow and Phoenix missile-carrying capability, and its large air-to-surface potential, the 54,000-pound F–14 will have dangerously low maneuverability. A few statistical comparisons will serve to make the point.

It has always been recognized that the F–14 would have a relatively poor hard-turn capability at dogfight speeds, less than a Mig–21 by a substantial margin. Moreover, its acceleration potential has been greatly dependent on successful development of the "B" engine, with its much better thrust rating than the "A." As Admiral Connolly recently told the Senate Armed Services Committee:

> The performance gap [between the two engines] is in acceleration, rate of climb, and service ceiling, not in top speed. It will affect that maneuverability because the B engine is going to have ability to send that plane straight up. This is a tactical realm that we have not yet worked in but I think the Air Force and Navy both are going to have spectacular possibilities opened up to them with the F–15 and F–14 having thrust to weight ratios that are about one or better to one.

Since Admiral Connolly spoke, the B engine production contract has been broken and the engine itself shelved, at least for the next 2 years and another 96 aircraft. What the Navy is left with is an aircraft which does not measure up well at all where maneuverability is concerned. It is a tom turkey, not a tom cat.

The Air Force F–15 will have about a 40-percent advantage over the F–14A in acceleration and at least a 60-percent better hard turn capability at dogfight speeds.

In fact, a recent Pentagon study convincingly shows that the old F–4, modified only with leading edge slats, could itself outmaneuver the F–14A. An F–4 with slats would be carrier compatible. And with these inexpensive slats, which could be deflected to improve turning performance and retracted to prevent drag during acceleration and climb, the F–4 would be able to both out-turn and out-accelerate the F–14A by as much as 10 percent for the most suitably equipped F–4 models. This is admittedly a small margin, but it is of devastating significance when we are thinking about replacing the F–4 with F–14's costing more than three times as much per plane.

It could prove equally devastating, in another way, if we relied on the F–14 as our frontline Navy fighter against Soviet Mig–21 successors which the F–4 itself won't be able to handle.

I recognize that official Navy studies of the F–4 and the F–14A reach somewhat different results. But the Navy refuses to take slats into consideration. And it refuses to compare the two planes over all parts of their respective flight envelopes and with the latest measurement techniques. Yet even the official Navy studies show marginal F–14 advantages.

2 STABILITY AND HANDLING QUALITIES

The poor maneuverability of the F–14 will be further compromised, moreover, by its poor stability and handling qualities.

THE FLAT SPIN PROBLEM

As pointed out by NASA's Langley Research Center almost a year and one-half ago, the F–14 is likely to be very susceptible to flat spins and probably unable to recover from them.

What happens, in essence, when an aircraft enters a spin is that control of the aircraft is lost during hard maneuvers and it spins downward. For most aircraft, such spins can be corrected by proper control actions and the aircraft can be saved, given sufficient altitude. There are two reasons, however, why recovery from spins may well be impossible for the F–14.

First, when it enters a spin, it might easily suffer a complete loss of engine power (or flameout), due to irregularities in the air flow entering the engines. Fan-jet engines, like the F–14's, are particularly sensitive to air flow irregularities. In fact, previous versions of the engine actually used on the F–14A have experienced serious flameout problems in use on the F–111.

An aggravating factor is the F–14's variable sweep wing design, since if engine power is lost there is no power to move the wings. The wing area of the F–14 is so small it might be impossible to land the plane at any time engine power was lost. This would certainly be the case if the wings were not in an optimum recovery position at the time the flameout occurred.

The Navy is already at work designing sensors to warn F–14 pilots of impending spins, but there is no real solution to the problem. A spin recovery chute has been rejected because it would have a terrible impact on aircraft size and weight. Design changes to lengthen the fuselage and increase the vertical tail would have the same effect and still might not be successful.

THE DIRECTIONAL STABILITY PROBLEM

NASA and Grumman wind tunnel tests also indicate that the F–14 will have serious directional stability problems at transonic speeds and above. The Navy presently hopes to solve them with a stability augmentation system it is working on, but major design changes may be needed. These changes would involve increases in the size of either the vertical tail or ventral areas.

Unfortunately, theses changes would increase weight and drag and further degrade maneuvering performance. They could also make it completely impossible for the F–14 to land on a carrier with a full ordnance load. The Navy will, therefore, undertake these changes only if they are essential, but it is already arguing with Grumman over who might have to bear their costs. The Navy claims the directional stability problem is a deficiency which Grumman would have to rectify, while Grumman claims that any modifications would be new work for which an engineering change proposal and adjustment of contract prices would be needed.

Anyway we look at it, the F–14 will have stability and handling problems to complement its already limited maneuverability, problems which will severely limit the realism of peacetime training exercises with the plane. Just how bad these problems will be it is still too early to say. But as I noted earlier, over 90 F–4's have already been lost in noncombat crashes, primarily in loss of control type accidents. And all indications to date say that the F–14 will have significantly worse handling qualities.

3. DETECTION AND ACQUISITION

In this area, the F–14 would have two relative improvements over the F–4—its relatively smokeless engines and its improved visibility out of the cockpit. At the same time, its large physical size would significantly increase its own susceptibility to detection, even when its airborne radar has been turned off.

4. WEAPONS

For armament, the F–14 relies primarily on the Sparrow and Phoenix missiles, with all their attendant problems. A gun and Sidewinder capability will be present, but relegated to a secondary role, primarily because the F–14's limited maneuverability will make it difficult to employ these weapons.

It is important to note that, while efforts are being made to solve our air-to-air missile problems, no clear solution is yet in sight. All indications are that the Phoenix will have even worse problems than the old Sparrow, and the new Sparrow—twice as expensive as the old—has had a disastrous test record to date which has kept it in development for more debugging.

I must admit, in all candor, that I have grave doubts whether some of the problems we have experienced will ever be solved.

I see no foolproof way of solving the friend-and-foe identification problem under conditions of standoff launch.

I see no solution to the problem of countermeasures susceptibility.

And I also fear that future improvements in aircraft maneuvering performance may outdistance any improvements in the maneuverability of our air-to-air missiles. Since the airplane will always have the choice of what to do next, the time lag will always work against the missile. And since the missile will be going much faster than the plane, it will have to pull more g's to adjust, more than its own small wings may well allow.

In any event, it seems both wasteful and militarily dangerous to invest large sums in relatively unmaneuverable airframes which will be highly ineffective unless and until these armament problems are solved. We have really been putting the cart before the horse too long.

5. FORCE STRUCTURE IMPLICATIONS

At a minimum of $16 million per copy, the F–14 has terrifying force structure implications. Just think of that—$16 million per copy for a fighter plane, just a fighter plane with a pilot. I am not talking about a bomber or a big transport. This amount would be for a fighter plane in competition with the $800,000 Soviet plane and the F–14, which costs $3 million. There is simply no way it could ever replace the F–4's now in our inventory on anything like a one-to-one basis. And the effects of its high investment costs would only be heightened when operating costs equal to them were tacked on every 5 years. Finally, the great complexity of the aircraft and its major components would maximize its time under repair.

6. PILOTS

Because the F–14 measures up so poorly against the five main technological requirements for air-to-air success, pilots have been understandably cool in their reactions to it. "Buy Mig–21's," one Navy pilot is said to have shouted at a meeting devoted to selling the F–14.

One of the reasons for the F–14's low performance and high cost is its emphasis on design features not essential to the air superiority mission. I have no quarrel with its range, which will be better than a 30-percent improvement over the F–4. But there is no justification for its large air-to-surface capability. And it is chocked full of all-weather avionics systems.

The F–14, then, is simply not the answer to the Navy's fighter needs. It indisputably costs the most, yet offers the least, of all the options available. But just what should the Navy do?

V. THE NEW LIGHT FIGHTER ALTERNATIVE

Despite the fact that it was already developing a sophisticated front-line fighter much superior to the F–14, the Air Force recently initiated a new light fighter prototype program.

The need for such a highly maneuverable light fighter has long been recognized in a variety of circles. It has been no secret that the Russians have found their $800,000 Mig–21's a suitable counter to F–4's costing and weighing three times as much. And the French have been selling for less than $1.5 million a Mirage fighter which has delighted the Israelis, who have used the larger payload of the F–4 mainly on bombing missions.

Dissident voices have therefore been raised—by civilian critics, by F–4 pilots returning from Vietnam, and by top American fighter plane designers, such as Lockheed's C. L. "Kelly" Johnson. I ask unanimous consent to have printed in the RECORD at this point the summary of an interview with Johnson which appeared in Aerospace Daily on January 7 of this year.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

LOCKHEED'S KELLY JOHNSON DEPLORES SHRINKING U.S. FIGHTER STRENGTH

Cost of new fighters such as the F–14 and F–15 is so high that it is cutting down the number of fighters the U.S. would need in a major air war, according to C. L. (Kelly) Johnson, head of Lockheed's Advanced Development Projects office.

"The problem of numbers is a very fundamental one," Johnson said in a recent interview. The lesson is clear from Southeast Asia, but doing something about it will be difficult, since costs of new fighters are now up to $8–$14 million apiece, Johnson indicated.

And while numbers of U.S. fighters are declining, the Soviet Union keeps in operation about 6,000 fighters, "not counting the ones they give away," Johnson said.

Furthermore, the Soviet fighters are designed from the ground up to have the advantage over U.S. fighters. They have only half the range, armament and electronic gear, but double the wing area. This allows them to out-maneuver current U.S. fighters in many instances, Johnson said.

Johnson—designer of the P–38, P–80, F–94, F–104, and F–12—also feels the U.S. does not have enough types of fighters. "I'm not an exponent for the carpenter who has only one tool in his tool box," he said.

> Johnson also feels that the idea of intentionally giving the opponent the "high ground" in an aerial battle is bad tactics. He says new fighters must have capability for great increase in speed to take the high ground.
>
> In addition, the idea of "just being able to shoot a missile (from a U.S. fighter to hit a high-flying enemy fighter) will not be sufficient," Johnson said. "It hasn't been in the past."
>
> The veteran fighter designer also challenged the theory that two engines are better than one for a fighter. "In time of war, twins are not safer than singles," he said With twin-engine P-38s, the Army Air Force found it had "twice the chance of having an engine shot out and one half the chance of getting home after it was," he said. "When a P-38 engine was shot out, the plane was downed (by enemy fire) because it was moving so slowly."

Mr. PROXMIRE. Mr. President, Johnson had just submitted to the Air Force an unsolicited proposal for a high-wing, low horizontal tail modification of his F-104 Starfighter. He offered to build two prototypes of the new lightweight fighter—the X-27—for $35 million and to have them in the air within a year. The X-27, he told the Air Force, would be able to better the performance of the F-14, and he would design it so that it could be produced at one-third the cost.

Other unsolicited proposals were submitted shortly thereafter, and out of them grew the Air Force prototype program, now pointed toward the development of brandnew fighter designs.

PENTAGON FIGHTER COVERUP

Until the Air Force took this initiative, it was well recognized in knowledgeable circles that new fighters superior to the F-14 could be designed at much better prices at the expense only of some dubious avionics and missile gear. But Pentagon officials usually refused to admit this basic fact.

Indicative of the situation is the following exchange between the distinguished Senator from Nevada (Mr. CANNON) and Admiral Connolly during hearings this year before the Tactical Air Subcommittee of Senate Armed Services:

> Senator CANNON. Do you see any need for a high performance day fighter for the Navy, presumably a low-cost fighter, in the future?
>
> Admiral CONNOLLY. I don't want to be facetious but I haven't seen a low-cost airplane for an awful long time.

Equally representative is the following statement by the Senator from Nevada (Mr. CANNON) during Senate floor debate on the F-14 in 1969:

> Let me make this point very clear. The Navy experts have stated that if they designed an aircraft exclusively for air superiority without considering any other mission it would weigh only 600 pounds less than the present F-14 . . . I certainly am not attempting to convince any Member of the Senate that the F-14 is a cheap aircraft. It is not. . . . Unfortunately, we cannot go down to the local dime store and procure complicated weapon systems containing the highest sophistication.

The Air Force light fighter prototype program has now let the cat out of the bag. We do not have to go down to the local dime store. American designers can themselves give us first-rate fighters at prices competitive on the world market.

Admittedly, these fighters exist right now only on the drawing boards. There is every reason to believe, however, that when development work is finished, the Air Force will have fighter prototypes which score very well in all basic requirements for air-to-air success.

LIGHT FIGHTER CAPABILITIES

Their maneuvering capability will probably put the F-14 to shame. In all likelihood, they will show both acceleration and turning performance 80 to 100 percent better than the F-14A. In fact, they will probably be the first aircraft actually capable of executing dogfight maneuvers at supersonic speeds.

They should be able to achieve this dramatic performance by rigorously eliminating all weight not essential to the mission of shooting down enemy aircraft and then replacing a small fraction of this weight with more wing area and more engine. They will probably weigh about 15,000-20,000 pounds—25,000-30,000 pounds, not 600—less than the F-14.

Because they will be smaller physically than a Mig-21 and also have smokeless engines, they should be very difficult to detect. They will have good cockpit visibility, too, and they will carry no airborne radars when they fly.

For armament, they will forgo the Phoenix and the Sparrow for the only reliable systems we have developed thus far—guns and the simple Sidewinder. At the same time, they will have the growth capability to carry more advanced passive missiles such as the Agile.

Even if they came in at about double the $2.5 million per copy now expected if they are produced in quantity, they would still have about a 3- or 4-to-1 cost advantage over the F-14. In fact, their cost advantage in terms of sorties deliverable in combat could rise as high as eight to 10 when their probable low maintenance times are considered.

Their range will be a significant improvement over the F-4, and it could exceed that of the F-14 under maneuvering combat conditions. Finally, they will have only a modest air-to-surface capability and no complex all-weather avionics, at least in the standard version.

All in all, they are likely to be just what many of our pilots have long wanted to match the new Soviet fighters likely to be turned out during the next 5 to 10 years.

A NAVY LIGHT FIGHTER

The Air Force is to be congratulated for undertaking this new fighter prototype program as a possible complement to the F-15. What is even more urgent is that the Navy undertake a similar program of its own.

Light high performance fighters would obviously be ideal for carrier use. Their small size would permit a spotting factor of less than one; that is, it would be possible to accommodate about twice as many light fighters as F-14's in the same deck space. The slow takeoff and landing speeds permitted by their generous wing area and thrust would make them better suited to carrier takeoffs and landings than any current Navy fighters. And they would greatly alleviate the current inability of carriers to accommodate sufficient maintenance personnel to maintain today's complex first line aircraft.

In fact, if the Navy failed to undertake a prototype program to meet its own requirements, the Air Force prototypes could prove eminently adaptable to Navy use.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield so that I may make an observation?

Mr. PROXMIRE. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am interested in the Senator's presentation and in the remarks that the Senator from Missouri (Mr. SYMINGTON) will make. However, I am in a situation where I am going to ask to be excused from the Chamber. I must get ready to meet the situation tomorrow. The Senator's remarks will certainly be examined.

Mr. PROXMIRE. I thank the Senator very much. I have given most of my speech, and I simply have a brief conclusion at the end.

I thank the Senator for his courtesy.

Mr. STENNIS. I am always interested in the Senator's remarks, as well as the remarks of the Senator from Missouri.

I thank the Senator.

Mr. PROXMIRE. Mr. President, my conclusions and recommendations are as follows:

VI. CONCLUSIONS AND RECOMMENDATIONS

NEW NAVY FIGHTER NEEDED

First. Our single most important need is to start work now on a new light fighter development program for the Navy. The F-14 simply will not give us the new air superiority fighter our national security requires. It would almost certainly be no match for a new Russian fighter. And it could be put to shame by a new light Navy fighter of our own.

We could simply wait and hand the Navy an Air Force developed plane, but it would be better if we did not. A Navy program could give special emphasis to such things as spotting factor constraints and the rigors of carrier landings. Moreover, a second competitive prototype program at this time would give more design teams a chance to maintain and refurbish their languishing design skills. A second program would also provide insurance against not finding as superior a fighter as possible in the Air Force competition. And at a cost of less than $50 million for each of the two contractors in the Navy flyoff, we could well afford these benefits.

If work were started this fall, the new Navy prototypes could be ready for a flyoff in about 2 years. Another 2 years would probably then be required to make a final selection, initiate production, and make first deliveries to the fleet. This schedule would result in an initial operating capability date for a new light fighter in late 1975, little more than a year after the F-14 IOC date currently contemplated.

SCRAP THE F-14

Second. An almost equally important need is to scrap the F-14. The F-14 simply cannot hack it as a fighter, so there is no justification for keeping the program going unless we wanted to buy a limited number of planes—perhaps 200 or so—for altogether different missions. But what missions?

Phoenix missile fleet air defense

against the Soviet naval threat makes no sense at all. The Phoenix could not cope with the massed bomber attacks it was originally designed to meet, let alone the Soviet submarine-launched cruise missile and torpedo threat which has been growing in recent years. And if we insisted on wasting money on the fleet air defense mission, we could get by wasting less if we put the Phoenix on the A-6 or the new Sparrow on a modified F-4. Either of these combinations might do every bit as good a job as the F-14/Phoenix combination.

We certainly do not need the F-14 for its air-to-surface capability. We already have aircraft designed specifically for the interdiction mission, and as I said earlier, they need escorts, not competitors, when they fly.

The F-14 can't be justified either for its night and all-weather capability. It is more reliable avionics, not new high cost airframes, which we need if we want to perform this mission.

F-4 MODIFICATIONS

Third. Also required, but far less urgent, are improvements in what our F-4's can do. Actually, there is only one option which deserves a go-ahead at this time.

We can and should put leading edge slats on a portion of the Navy's F-4 force. The cost would be minimal and it would give us a fighter superior, in fact, to the F-14A till the new light fighter came along. If we bought new planes in preference to modifying existing F-4J's, a carrier-capable version of the slats-equipped F-4EF now being sold to the Germans would probably be our best buy. The F-4EF has been stripped of the AWG-10 fire control system already on the F-4J and itself relies not on the Sparrow but on guns and the Sidewinder as its primary armaments. It would be lighter, more maneuverable, and almost $2 million less expensive than any other model we could buy.

Additional F-4 modifications could also be considered—new fire control systems to launch the new Sparrow in the fleet air defense role, or better all-weather avionics. But the least we could do, if we took this route, would be to rigorously test all new systems involved before we went and stuck them on the planes.

F-15 STUDIES

Fourth. Finally, there is nothing wrong with low-priority studies of the F-15 as a possible Navy aircraft. I fully recognize that it is a better fighter than the F-14 itself. At the same time, there is little it could add to the capabilities of a new Navy light fighter and modified F-4's working in combination. And a carrier suitable F-15 might turn out to be difficult to build and virtually as expensive as the F-14 has become.

Mr. President, the F-14 program is in many respects a microcosm of many of the problems which plague our defense establishment today:

Initial cost estimates which later balloon;

The incredible inertia of 10-year-old ideas which have never been thought through;

The failure to test new systems before they have been deployed; and

The continued emphasis on multi-mission aircraft which do no mission well.

We would not solve all these problems just by instituting the recommendations set forth here. But we will have made a pretty decent start.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to my distinguished colleague from Missouri.

Mr. SYMINGTON. Mr. President, let me congratulate the distinguished senior Senator from Wisconsin for another outstanding analysis of a problem which faces this country today namely, what we really need for our national security as against the cost.

Before making a brief talk I would take the liberty of making several comments about the Senator's outstanding presentation.

On page 6 he mentions the Foxbat. The Foxbat is a high altitude interceptor, but it is only one of many new Soviet fighters.

For years I have been protesting the fact that, despite the spending of billions of dollars for research and development, we have been getting the arguments while the Soviets have been getting the hardware.

I have photographs of 13 Soviet fighters built since 1954, the year the F-4 was laid down. There never has been another U.S. air superiority fighter laid down since then, one that is in production today.

I notice the Senator quotes Kelly Johnson. I have a great deal of respect for Mr. Johnson, but wonder if he should not concentrate on the problems of Lockheed instead of making such blanket criticism of the efforts of other companies.

In the superb presentation made by the Senator from Wisconsin, the paragraph that impresses me the most could be the one which says:

> Phoenix missile fleet air defense against the Soviet naval threat makes no sense at all. The Phoenix probably couldn't cope with the massed bomber attacks it was originally designed to meet, let alone the Soviet submarine-launched cruise missile and torpedo threat which has been growing in recent years. And if we insisted on wasting money on the fleet air defense mission, we could get by wasting less if we put the Phoenix on the A-6 or the new Sparrow on a modified F-4. Either of these combinations might do every bit as good a job as the F-14/Phoenix combination.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Missouri. As we all know, he is not only a member of the Committee on Armed Services and he has been for a number of years, but also he was the first Secretary of the Air Force. He has demonstrated a most remarkable understanding of the necessity for insisting on discipline and insisting on recognizing that we do not have an unlimited amount of resources to pour into the military, and, at the same time, recognizing that we must have a strong military force.

I cannot tell the Senator how deeply grateful I am for his support. There is no other Senator who has this kind of background and long experience, and understanding of how these matters come about. In addition, he has had successful practical experience in business, and in administering the Air Force, and a long record in the Senate. I think he speaks with special authority and force.

Mr. SYMINGTON. Mr. President, those words are undeserved, but deeply appreciated, especially when they are made by the great Senator from Wisconsin.

In the context of his recent remarks, many people in this country have the idea that national security depends almost solely on the latest weapons system. I disagree, and once again present that true national security has three component parts.

The first is the capacity of this country to destroy any enemy which attacks us, and the certainty that said possible enemy knows this to be true.

That is true deterrence, and all we can achieve in this nuclear-space age. In that category I think the United States is today in excellent shape, despite the gloom-and-doomers, the constant "warners" of the great increases in the other superpower's capabilities.

Second, a viable economy with a sound dollar. There has been obvious proof in recent days, and weeks, and months, and years, that in this particular category we are not in too good shape. I say without fear of contradiction that the person who has warned about this more consistently, more accurately, and more intelligently to the American people than any other citizen is the distinguished Senator from Wisconsin; and I honor him for it.

Slowly but surely, as is true of many good causes, the people are beginning to realize just what have been and are his contributions to a sound economy.

Finally, with respect to what is true national security, and I will not dwell at any length on this because everybody has his own thinking about it, there is the credibility of the Government, the faith of the people in our system. The President mentioned this in his inaugural address, when he said the people were "fed up" with government. I accept that observation as having great merit and hope we can all do our best to see that the respect of the people for their Government, credibility in their Government, is increased.

THE CASE AGAINST THE F-14

Mr. President, with respect to the case against the F-14, in typical fashion the Senator from Wisconsin has delivered another thoughtful and well-researched statement.

As one who has studied aircraft for some years, I can only conclude that many of the points he makes are well taken and should be further explored.

Discussions I have had with scores of pilots in Southeast Asia would bear out what the able Senator from Wisconsin lists as the basic performance features which those who actually fly these planes in combat believe are essential in a true air superiority fighter. As the Senator puts it, in measuring up to these essential performance capabilities, "The F-14 just can't hack it as a fighter."

In his opening remarks Senator Prox-

MIRE referred to a recent Pentagon study which shows that the old F–4, modified only with leading edge slats, could outperform the F–14A at all speeds likely to be encountered in a dogfight.

I am not familiar with the study to which he refers, but I am familiar with another study which substantiates the conclusions noted above. Let us note at this point that, to the best of our knowledge, neither of these studies were available to the committee at the time the F–14 was considered in committee markup; and I believe they should both be made public, so as to get all facts on the table before committing additional millions of the taxpayers' dollars and if it goes the way of other planes, billions of the taxpayers' dollars.

In the study to which I referred, comparison is made between the F–14A and the F–4—I say at this point this is no criticism of the Navy, because the F–4 was designed by the Navy; and it was such a good airplane the Air Force, for the first and only time to the best of my knowledge, accepted it, even though it was not their own design.

Let me repeat, in the study to which I refer, comparison is made between the F–14A and the latest production model of the Navy F–4J, with two improvements on the latter: First, maneuvering slats which will provide a substantial increase in air combat capability; and second, a new digital computer incorporated in the fire control system so as to provide improved air-to-air missile control as well as air-to-ground accuracy.

With these relatively minor changes, calculations show that the F–4J outclimbs the F–14A measured at altitudes of 10,000, 20,000, and 35,000 feet.

At combat gross weight, the F–4J outturns the F–14A at altitudes of both 10,000 and 30,000 feet.

The F–4J also accelerates faster than the F–14A from cruise speed.

In other words, according to this study as well as the study mentioned by Senator PROXMIRE, the F–4J is superior to the F–14A in meeting the major criteria essential for a true air superiority fighter, as was brought out by the distinguished Senator from Wisconsin and also the distinguished junior Senator from Arizona.

Why then do we plan buying a new aircraft which costs three times as much as a modified version of an older aircraft, despite the latter outperforming the F–14?

Even if the F–14A is as good as, or slightly better than the F–4J, it would seem incredible that this Government would spend some $16.7 million per plane when a modified aircraft, already in the inventory, with the same or better capability, could be obtained for one-third that price.

Anybody that has any remote knowledge of aircraft knows, from the standpoint of spare parts and maintenance, what that would mean in the saving of tens of millions of additional dollars.

In other words, this procurement bill contains $806 million for the purchase of 48 F–14A aircraft; but for this same amount the Navy could purchase 165 superior aircraft except for the fact the latter will not take the still unproved and most controversial Phoenix missile.

For these reasons I support without reservation the Senator from Wisconsin in his opposition to the F–14; and I would hope all Members of the Senate would give full consideration to the logical points he presents in justification of his position this evening.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. PROXMIRE. I commend the Senator very warmly on that excellent statement.

I would like to ask the Senator if this is not a matter of utmost urgency. As I understand, a decision is to be made on this on October 1, just 8 days from now. On October 1 a commitment must be made with Grumman for 48 aircraft at a cost of about $800 million. The House has not given its approval. In fact, there are indications that some leaders on the Armed Services Committee in the House are against this expenditure. As I say, they have not acted there. The Senate has not acted on it. We will have an opportunity to act on this amendment, I hope, next Tuesday or Wednesday, but it is going to be a very critical vote, because, as I say, we will have immediately at stake $800 million. We know what happens once we go down that road. As a matter of fact, there is procurement in this bill this year for over $1 billion for this F–14. Once we start down that road, it is hard to put on the brakes. Then we will have a multibillion-dollar program for a fighter which falls painfully short in so many respects. It is so far behind the alternatives that are available and far cheaper.

Mr. SYMINGTON. The Senator is right. After listening to the able, detailed, and logical presentation he has made to the Senate today, I would hope that just once the Senate would not accept a weapons system which, as he has pointed out so well, does not fulfill the mission for which it was designed, if that mission was to be in any sense an air superiority fighter.

The F–14A was to be simply an interim airplane for the F–14B, which latter plane was to use an engine that would have made it a more modern plane.

Now we are going ahead, as unfortunately we have heretofore in recent years. Many billions of dollars have recently gone into the subsonic A–7. They said when they presented it, "this plane can fly a thousand miles over water with a heavy load." Well, it might fly a thousand miles over water with a heavy load against North Vietnam, but one can wonder just how far it could fly with a heavy load against those 13 new fighters we are talking about the Soviet Union has produced.

Now we are back on the same old street. People in the Navy have already tried to sell the F–14 to the Air Force to replace the F–15 to perform the air superiority mission of the Air Force. That is what happened on the A–7. If they could get that production they would get the price down due to increased volume.

It should be very clear, based on this superb presentation, what in turn should be the decision of the Senate.

Mr. PROXMIRE. I thank the Senator very much. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate, I understand that there is a previous order for the Senate to convene tomorrow at 10 a.m., and I also understand, and the majority leader asked me to emphasize, that there is an agreement for a 4-hour debate on the MIRV amendment of the Senator from Minnesota (Mr. HUMPHREY), and that there will be a rollcall vote at the conclusion of that 4-hour period.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE CLERK OF THE HOUSE OF REPRESENTATIVES TO DELETE A SENATE AMENDMENT IN THE ENROLLMENT OF H.R. 4713

Mr. COOK. Mr. President, I send to the desk a concurrent resolution, and ask that it be stated.

The PRESIDING OFFICER (Mr. BEALL). The resolution will be stated.

The assistant legislative clerk read as follows:

S. CON. RES. 42

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 4713, the Clerk of the House of Representatives be authorized to delete Senate Amendment numbered 5, which inserts at page 3, after the second line following line 6, a new section 7.

Mr. PROXMIRE. Mr. President, I have been informed by the majority leader that this concurrent resolution has been cleared by the minority and the majority, and there is no objection to it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

Mr. COOK. Mr. President, I should like to say just a few words on what the resolution does:

Last year, with respect to the Reorganization Act, we had a long debate in the Senate relative to the age of pages in the Senate. The House wanted the age of the pages to be from 16 to 18, and it was the will of the Senate that the age stay exactly where it is.

I fought that fight then, and I thought we had solved that problem at that stage of the game, so that the House could do as it pleased and the Senate could do as it pleased; that we did not have to take the dictate of the House; that we could keep our rules and regulations as they had been established and the precedent that had been established in the Senate for years.

This really corrects that situation in H.R. 4713. It deletes that requirement as to the Senate and allows the House to do as it pleases; and it leaves the age limitations in the Senate as they have been, and as I hope they always will be.

THE 125TH ANNIVERSARY OF THE ESTABLISHMENT OF THE SMITHSONIAN INSTITUTION

Mr. HRUSKA. Mr. President, I ask unanimous consent for the immediate consideration of a House joint resolution at the desk, which was reported earlier by the Committee on the Judiciary.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk read as follows:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PROXMIRE. Mr. President, I understand that the joint resolution was reported unanimously by the Committee on the Judiciary.

Mr. HRUSKA. That is correct.

Mr. PROXMIRE. And there is no objection, so far as the Senator knows.

Mr. HRUSKA. No; there is no objection. And there is immediacy in the request, because Sunday is the 26th.

The PRESIDING OFFICER. The question is on third reading and passage of the joint resolution.

The joint resolution, House Joint Resolution 782, was read a third time, and passed.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 24, 1971, at 10 a.m.

CONFIRMATION

Executive nominations confirmed by the Senate September 23, 1971:

SECURITIES AND EXCHANGE COMMISSION

Philip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, September 23, 1971*

The House met at 12 o'clock noon.

Dr. V. W. Sears, pastor, First Baptist Church, Annandale, Va., offered the following prayer:

May we pray.

Almighty God, our Creator and Redeemer, our Sustainer and Guide, with thanksgiving we make our prayer to Thee.

Bless these assembled Representatives as they address themselves to the business of this day by giving them a wisdom higher than their own and an understanding beyond their power. Override any human error by Thy power to transform evil into good, and may the peace of God that passes all understanding guard their hearts and minds in Christ Jesus, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Vice President, pursuant to Public Law 81–754, appointed Mr. PELL as a member, on the part of the Senate, of the National Historical Publications Commission.

PRIVILEGES OF THE HOUSE— COMMONWEALTH OF PENNSYLVANIA AGAINST PATRICK McLAUGHLIN

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. EILBERG. Mr. Speaker, yesterday afternoon, after the House had adjourned, I was subpenaed to appear before the Court of Common Pleas of Philadelphia, Commonwealth of Pennsylvania, to testify this morning, September 23, 1971, at 9 a.m., at a preliminary hearing in an action designated as Commonwealth against Patrick McLaughlin.

Under the precedents of the House, I was unable to comply with this subpena, without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

WITNESS SUBPENA, COURT OF COMMON PLEAS OF PHILADELPHIA, TRIAL DIVISION CRIMINAL SECTION

The City and County of Philadelphia, the Commonwealth of Pennsylvania, ss.

Preliminary Hearing, Commonwealth v. Patrick McLaughlin.

Hon. Joshua Eilberg, 1130 Longworth House Office Building, Washington, D.C.

On September 23, 1971, 9 a.m., 11th and Winter Sts., 6th Police District.

You are commanded, by the Honorable D. Donald Jamieson, President Judge at Philadelphia, to appear as a Witness in this case, at the precise time and place indicated above.

D. DONALD JAMIESON,
President Judge, Court of Common Pleas.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 9615

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file the report on the bill H.R. 9615.

COMMONWEALTH OF PENNSYLVANIA AGAINST PATRICK M'LAUGHLIN

Mr. GROSS. Mr. Speaker, reserving the right to object, with respect to the previous material, I did not get the date. I heard the 9 o'clock mentioned, but what is the date to go with the 9 o'clock?

Mr. EILBERG. Mr. Speaker, if the gentleman will yield, in answer to the gentleman from Iowa may I say that this is another separate request.

Mr. GROSS. I understand that. I am talking about the previous matter.

Mr. EILBERG. The gentleman is referring to the previous matter?

Mr. GROSS. That is correct.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, I would like to address a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. My parliamentary inquiry is as to what was the date referred to in the previous matter by the gentleman from Pennsylvania.

The SPEAKER. The Chair will state to the gentleman from Iowa that the date referred to is today's date.

Mr. GROSS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PRIVILEGES OF THE HOUSE—COMMONWEALTH OF PENNSYLVANIA AGAINST PATRICK McLAUGHLIN

Mr. BARRETT. Mr. Speaker, I rise to a question of the privilege of the House.

Yesterday afternoon, after the House had adjourned, I was subpenaed to appear before the Court of Common Pleas of Philadelphia, Commonwealth of Pennsylvania, to testify this morning, September 23, 1971, at 9 a.m., at a preliminary hearing in an action designated as Commonwealth against Patrick McLaughlin.

Under the precedents of the House, I was unable to comply with this subpena, without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

WITNESS SUBPENA, COURT OF COMMON PLEAS OF PHILADELPHIA, TRIAL DIVISION CRIMINAL SECTION

The City and County of Philadelphia, the Commonwealth of Pennsylvania,

Preliminary Hearing, Commonwealth v. Patrick McLaughlin.

On September 23, 1971, 11th & Winter, 9 a.m., 6th Police.

Hon. William A. Barrett, 2423 Reed St.

You are commanded, by the Honorable D. Donald Jamieson, President Judge at Philadelphia, to appear as a Witness in this case, at the precise time and place indicated above.

D. DONALD JAMIESON,
President Judge, Court of Common Pleas.

APPOINTMENT OF CONFEREES ON H.R. 9844, ARMED FORCES MILITARY CONSTRUCTION AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. HÉBERT, PRICE of Illinois, FISHER, BENNETT, BYRNE of Pennsylvania, STRATTON, ARENDS, O'KONSKI, BRAY, BOB WILSON, and GUBSER.

THE REVEREND V. W. SEARS, GUEST CHAPLAIN

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, some years ago our good friend Cleveland Tucker, Official Reporter of Debates, invited me to address a men's group at his church. Through Cleve I first met the Reverend V. W. Sears, who offered the prayer for us a few moments ago.

Dr. Sears is a native of North Carolina, a summa cum laude graduate of Wake Forest College. He received his master of theology from Southwestern Baptist Seminary and his doctorate of theology from Southern Baptist Seminary, and came to the First Baptist Church in Annandale, Va., 14 years ago after having been in the pastorate continually since 1938 in Oklahoma, North Carolina, Indiana, and Virginia.

He devotes himself to helping the members of his church learn and understand the Bible so they can apply it for themselves in every area of their lives, including their responsibility to be informed voting citizens. While he never tries to control or monitor their lives, he does try to make them understand that a man's relationship to God is the most important part of his life, and that each man is responsible to God for total stewardship of that life. That he has succeeded is obvious to anyone who has been privileged to know and work with some of the many community leaders to whom he has ministered.

Mr. Speaker, I feel we were privileged to have Dr. Sears with us today.

THE LATE HONORABLE C. W. BISHOP

(Mr. GRAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GRAY. Mr. Speaker, it is with great regret and sadness that I inform the Members of this body of the death on yesterday of my predecessor and former distinguished Member of Congress, the Honorable C. W. "Runt" Bishop of Cartersville, Ill.

"Runt" Bishop, as he was affectionately called, served with great distinction as a Member of Congress from 1940 until 1954, a total of seven terms. He was a distinguished member of the House Committees on Armed Services and House Administration. He was a great sports enthusiast and will be remembered as the manager of the Republican congressional baseball team during his congressional service. Mr. Bishop was a warm and affable person. He was a man with a high sense of patriotism and concern for his country. His passing will be felt keenly by his former colleagues and friends. Mrs. Gray and I extend our deepest sympathy to Mrs. Bishop and other members of the family.

GENERAL LEAVE TO EXTEND REMARKS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the passing of our former Member, the Honorable C. W. Bishop.

The SPEAKER. Without objection it is so ordered.

There was no objection.

BUSING OF OUR CHILDREN

(Mr. DOWNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNING. Mr. Speaker, we have a great many domestic troubles in our country today, but the one that is literally tearing us apart is the forced busing of our children miles away from their homes in order to insure the proper racial balance.

It is an unwanted, unnatural, and unreal device which was never intended by the Congress of the United States to be used in this fashion.

Apparently, the only solution to this unbelievable threat to our great public education system is by an amendment to the Constitution.

Up to now, approximately 35 constitutional amendment resolutions have been introduced in the House of Representatives by sponsors and cosponsors.

Last week, a substantial number of these sponsors met and agreed that for this effort to have any success at all, we must agree to throw all our support behind just one bill and that this support must be bipartisan.

Therefore, on yesterday, the gentleman from Oklahoma (Mr. STEED) introduced House Resolution 610 providing for the consideration of House Joint Resolution 620 previously introduced by the gentleman from New York (Mr. LENT).

The Steed resolution has been referred to the Committee on Rules where it must stay for 7 legislative days. At the end of this period, which will probably occur on October 5, the gentleman from Oklahoma will introduce a petition providing for the discharge of the resolution introduced by the gentleman from New York, at which time we must proceed to obtain the 218 signatures necessary for immediate consideration by the House.

As soon as this discharge petition is available—probably on October 5—I urge every Member of Congress to sign as soon as possible.

A CRUEL TAX PACKAGE

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday, the Ways and Means Committee tentatively approved a bill which will prove disappointing to the average taxpayer. Business taxes are being reduced this year by over $5 billion. The corporate and individual buyers of new passenger vehicles and light trucks will save $2.5 billion in excise taxes.

The average taxpayer with three dependents and an income of $9,000 will save about $26 in his annual tax bill, or about 7 cents per day.

This tax bill is designed to produce vibrant blossoms next autumn and a harvest of bitter fruit in the cold seasons that follow. The tax package is harsh and cruel to the individual taxpayer. I expect to oppose it.

NATIONAL CANCER ATTACK AMENDMENTS OF 1971

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, today I am introducing the National Cancer Attack Amendments of 1971 that were introduced last week by the gentleman from Florida (Mr. ROGERS), whose subcommittee on Public Health and Environment is holding hearings on several bills that have as their common aim the development of a cure for cancer.

This bill takes the view that programs of the National Institutes of Health "have made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known."

It calls for the Director of the National Cancer Institute to coordinate all NIH activities dealing with cancer "into the national cancer attack program," and authorizes $1.5 billion over the next three fiscal years for cancer work.

Given this country's acknowledged world leadership in biomedical science, I believe a stepped-up cancer attack within the framework of NIH is the best way to proceed against this dread disease.

In my judgment the gentleman from Florida deserves the support of this House for attempting to reduce the emotion and increase the good sense surrounding congressional debate on this question.

U.S. BOMBING POLICY IN LAOS

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, at 10 a.m., on October 5, 1971, in room 2118, Rayburn Building, the Carl Vinson Room—the main committee room of the House Armed Services Committee—we will hear, in executive session, a briefing on U.S. bombing policy in Laos.

To the limit of the size of the room, I invite all Members of the House who wish to attend that meeting to be present. Since this will be an executive session—dealing with classified information—and in accordance with committee rules, only House Members and staff members of the Committee on Armed Services will be admitted.

POLITICAL TRICKERY

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, many Members of this House are sick and tired of Federal Government officials and agencies who fail to notify the Member promptly and timely when a project in his congressional district is approved.

It is embarrassing to a Member of this House to work for years on a project, seek the proper authorization and adequate appropriation, and often find himself the last to be given official notice.

In order to adequately answer questions and inquiries about projects a Member should be immediately informed about the status and final approval of such a project.

Yes, Mr. Speaker, it is embarrassing to be involved in hearings, and committee work and final passage of the basic legislation and then later to learn after the fact from some unofficial source that a project has been approved in the congressional district that is our honor to represent.

It is uncalled for and misleading, and smacks of political trickery, an attempt to hoodwink and bamboozle the taxpaying citizens.

Mr. Speaker, I remind this House that every loan, every grant approved by a Government agency, first originates in the Congress, and was gone over with a fine-toothed comb in committee before final approval. It is not in the power of nonelected officials in the Federal bureaucracy to raise revenues and authorize the Government project. The Constitution clearly provides that all appropriation bills are to originate in the House of Representatives. Mr. Speaker, the time has come for us to make this point crystal clear.

Mr. Speaker, I am contacting the House Committee on Government Operations, asking for favorable consideration of the bill I have introduced along with many colleagues which would put into law the requirement that the U.S. Government simultaneously inform each affected Representative and Senator of approval of any contract, loan, or grant. My bill would express the sense of Congress that Members be notified in time to prepare an appropriate announcement of the loan or contract.

BUY AMERICAN

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, the Federal Government has had a "Buy American" Act since 1934. Twenty-one States and territories give preference to domestic goods in their purchasing practices.

Yet, in a recent decision of the California Supreme Court, that State's Buy American Act was declared unconstitutional because it was an "encroachment upon the Federal Government's exclusive power over foreign affairs, and constituted an undue interference with the United States conduct of foreign relations." This decision, unless overturned, could make all State Buy American Acts and regulations unenforceable.

Discontinuance of State procurement practices will aggravate the Nation's No. 1 problem of creating new jobs and reducing employment. Many domestic industries are severely handicapped without the volume of State business and the number of jobs will be seriously affected.

Most foreign competitors control prices and quantities of exports through monopolistic cartels repugnant to the American way of life. Thus, domestic manufacturers are placed at an unfair disadvantage in attempting to compete.

Federal action is needed now to allow the States to continue their long-standing "buy American" practices. I hope that the bill which I am introducing today will pave the way for remedial action.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9166, AMENDING FURTHER THE PEACE CORPS ACT

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 609

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9166) to amend further the Peace Corps Act (75 Stat. 612), as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 9166, it shall be in order to take from the Speaker's table the bill S. 2260 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 609 provides an open rule with 1 hour of general debate for consideration of H.R. 9166 to amend the Peace Corps Act. After passage of H.R. 9166, it shall be in order to take S. 2260 from the Speaker's table and consider the same in the House.

H.R. 9166 authorizes an appropriation for the Peace Corps for fiscal year 1972 in the amount of $77,200,000. This is $5 million less than the amount requested by the administration and $12.8 million less than the appropriation for fiscal year 1971.

The size of the Peace Corps has declined over the past 5 years but, as a result of recruiting efforts, it expects about 4,800 new trainees this year and 5,800 new trainees in 1972.

The Corps is redirecting its program to give greater emphasis to volunteers with practical experience and technical skills. By this fall 212 volunteer families will be in training to serve overseas. In most instances, both the husband and wife will serve in a volunteer capacity and it is expected that the number of such families will increase in the future.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I urge adoption of House Resolution 609 which would make in order the consideration of H.R. 9166 under an open rule, with 1 hour of general debate. This legislation would extend for 1 year the authority for the Peace Corps and authorize appropriations of $77.2 million for the agency in fiscal 1972.

Peace Corps volunteer strength this calendar year is estimated at nearly 6,300 and is projected at nearly 6,700 in calendar 1972. Trainee recruitment next year is expected to be 5,800—up 1,000 over this year's recruitment. All this marks a reversal in the declining recruitment trend since 1966 when the Peace Corps was at a peak strength of over 12,300 volunteers. But success is not necessarily to be found in numbers and there is every evidence that the Peace Corps has more than made up in quality what it has lost in quantity. The new emphasis under Director Joe Blatchford has been on the recruitment of more volunteers with special skills for which there is a great demand in the developing countries. This new recruitment effort has necessitated reaching into the ranks of married couples with families quite often, and by this fall some 212 family units will have entered Peace Corps service. I think Director Blatchford is to be commended on this and other new directions he has charted at the Peace Corps to shape that agency to the development needs of the third world in the decade of the seventies. I am confident that the Peace Corps will continue to be an effective vehicle for good will, understanding, and change around the globe in this, its second decade of existence.

As an expression of his confidence in and pleasure with Joe Blatchford's efforts at Peace Corps, President Nixon recently appointed him as Director of the new Action Agency established under Executive Reorganization Plan No. 1 of 1971 which merges the Peace Corps with various domestic volunteer programs including VISTA. I share the President's confidence in Joe Blatchford's leadership abilities and have every reason to believe he will give new life to the Federal volunteer effort through ACTION.

For these reasons, Mr. Speaker, I urge adoption of this resolution and passage of the 1971 Peace Corps Act amendments.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 266]

Adams
Anderson, Tenn.
Ashbrook
Ashley
Badillo
Baring
Bell
Biaggi
Bingham
Blackburn
Brooks
Burton
Clark
Clay
Collier
Collins, Tex.
Conyers
Coughlin
Davis, Wis.
Derwinski
Diggs
Dow
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Findley
Fish
Flynt
Fulton, Tenn.
Gallagher
Gettys
Gibbons
Gubser
Hanna
Hansen, Idaho
Harsha
Hawkins
Hays
Hébert
Holifield
Horton
Jonas
Kluczynski
Koch
Long, La.
McEwen
Martin
Mathias, Calif.
Metcalfe
Michel
Mills, Ark.
Murphy, N.Y.
Pepper
Pettis
Podell
Poff
Powell
Quie
Rees
Reid, N.Y.
Rodino
Rosenthal
Ruppe
Ruth
St Germain
Scheuer
Shoup
Smith, Iowa
Spence
Springer
Stephens
Stokes
Thompson, N.J.
Ullman
Veysey
Vigorito
Waldie
Watts
Wiggins
Wilson, Charles H.
Winn
Wright
Yates

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 10729 UNTIL MIDNIGHT SATURDAY

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Saturday next to file a report on H.R. 10729.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING FURTHER THE PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9166) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9166, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania, the chairman of the committee.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 9166, which is before us today, is a short bill and a simple bill. It does just one thing. It authorizes an appropriation of $77,200,000 to finance the operations of the Peace Corps for the fiscal year 1972.

The Executive request was $82,200,000. We cut this by $5 million.

The appropriation for last year was $90 million. The authorization in this bill is $12,800,000 less than was appropriated for the Peace Corps last year.

The bill before us makes no changes in existing law except for the authorization of funds for the next fiscal year. The Peace Corps will continue to operate in fiscal 1972 under the authority and the same limitations that have been in effect during the past year.

Congress during the present session approved Reorganization Plan No. 1 of 1971, which combined the Peace Corps with a number of other voluntary programs in a new agency called ACTION.

I want to emphasize, however, that this reorganization made absolutely no change in the Peace Corps Act. The Peace Corps is still governed by the same provisions of law that were in effect before Reorganization Plan No. 1 went into effect.

Mr. Chairman, although the basic legislation is not changed by this bill, the Peace Corps is changing and has changed.

The Peace Corps is reducing the number of volunteers it sends abroad, and it is sending volunteers with different qualifications and interests than was the case a few years ago.

The Peace Corps is now recruiting people with technical skills which are needed in the less developed countries, such as, mechanics, farmers, and specialists in watershed management and soil conservation. The Peace Corps is sending fewer liberal arts graduates just out of college.

In order to be able to recruit more skilled volunteers, the Peace Corps is sending a limited number of volunteers with families overseas. Authority to recruit volunteers with families was approved by the Congress last year. There are 200 volunteer families in the Peace Corps at present.

The Peace Corps is operating in 59 countries and will have 6,690 volunteers serving abroad.

I should point out that there were over 12,000 volunteers overseas in 1966.

I believe it is safe to say that the Peace Corps, instead of getting bigger and better, is getting smaller and better.

The governments of the less-developed countries continue to ask for the services of Peace Corps volunteers. The details as to the countries and the number of volunteers are set forth in the committee report.

Every few months it seems that there is a report that some government has kicked the Peace Corps out of a country. These reports should not be interpreted as meaning that foreign countries are losing interest in the Peace Corps. On page 6 of the committee hearings, there is a complete list of the countries where the Peace Corps has been terminated. There are 16 altogether.

You will note that in two cases—Ceylon and Guinea—the Peace Corps has been kicked out twice. After a change in the government, the Peace Corps was asked to come back; and then after another change, the Peace Corps was again asked to leave.

Apparently, in none of these cases was there any fault on the part of the Peace Corps. There was no crisis involving the behavior or activities of the volunteers. In general, what happened was that a government decided that, for reasons of internal politics, it preferred not to accept the services of foreigners. The people who were served by the Peace Corps and who were closely associated with the volunteers, I am told, in all cases hated to see them go.

Mr. Chairman, the Peace Corps has rendered an important service to the people of the less-developed countries. We should not forget, however, that the Peace Corps has rendered a great service to the people of the United States. It is hard to realize that there are over 47,000 returned volunteers. Most, but not all of them, are young people who have benefited from 2 years of service in a strange country. I am sure that most of them are better citizens because of this experience, and I am sure that all of us benefit from their presence among us.

Mr. Chairman, it is important that the Peace Corps continue to operate. The less-developed countries need the services of the volunteers. Many of our own people regard it as a privilege and an opportunity to serve abroad as Peace Corps volunteers.

The Peace Corps has redirected its efforts and has reduced the scale of its operations.

The authorization in this bill is justified, and I urge its approval.

Mr. Chairman, I must tell the Members of the House that the Peace Corps was 10 years old yesterday. I remember that I stood in this well 10 years ago and asked the House to pass the first Peace Corps authorization bill. The distinguished Member of Congress from Kentucky who is now presiding as chairman of the Committee of the Whole was presiding as chairman during that debate 10 years ago. For the past 10 years our distinguished colleague, the gentleman from Kentucky (Mr. NATCHER), has presided over everyone of the debates on the Peace Corps authorization.

All of us in the House recognize that the gentleman from Kentucky (Mr. NATCHER) is a fine presiding officer, he is a stern but a fair taskmaster, and the Peace Corps benefited from his skill and the judgment he has displayed in presiding over our deliberation during each year of its history.

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 9166 which would authorize the appropriation of $77,200,000 to operate the Peace Corps in the fiscal year 1972.

The distinguished chairman of the Committee on Foreign Affairs, Dr. MORGAN, has reviewed in some detail the various aspects of the legislation before us. It is not my intention to repeat what he has said, but I would be remiss if I did not emphasize the improvements that have taken place in the administration and operation of the Peace Corps.

Under the leadership of Joseph H. Blatchford, the Peace Corps has tightened its administration and reduced the size of its permanent staff by 29 percent at a saving of nearly $3 million in administrative expenses.

At the same time, the Peace Corps has adopted a policy of emphasizing the skills needed to meet high priority tasks in the host countries. Today, the Peace Corps is sending fewer volunteers overseas than just a few short years ago, but more of those selected for overseas service have specific skills that have been requested by the countries concerned. Seventy percent of today's volunteers are considered skilled; 2 years ago the figure was 29 percent.

Under the new policy, requests from countries have changed dramatically. They are now asking for, and getting, volunteers with experience in agriculture to work in agricultural development and the green revolution.

Craftsmen from unions and industry are going abroad as vocational education instructors. The interest of other countries in the environment has resulted in requests for volunteers who are specialists in areas such as natural resource development and wildlife and watershed management. Through these and other programs the Peace Corps is helping to meet the higher priority needs of the host countries.

The Peace Corps new approach has had a favorable response from applicants. In fact, applications in the first quarter of this year were the highest in 5 years. This means that the Peace Corps can be highly selective and choose only the most qualified individuals as volunteers.

Mr. Chairman, the Peace Corps has concluded its first decade of service. Yesterday, September 22, was the 10th anniversary of the signing into law of the original Peace Corps legislation by the late President John F. Kennedy. Today, 10 years later, the Peace Corps has matured into an effective and responsive agency. It deserves our continued support.

I urge passage of this legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I want to join with our distinguished chairman, the gentleman from Pennsylvania (Mr. MORGAN), in complimenting the present chairman of the Committee of the Whole, Mr. NATCHER of Kentucky. Mr. NATCHER has presided competently over this authorization bill for the Peace Corps every year for the last 10 years. Mr. NATCHER has done so well that this Peace Corps program has received overwhelming approval in the House.

Mr. Chairman, I would like to point to those Members who are economy minded that the permanent staff of the Peace Corps has been reduced 29 percent by its present Director, Mr. Blatchford. This is a move in the right direction.

Likewise the Committee on Foreign Affairs has made a cut of $5 million in the authorization request, from $82.2 million to $77.2 million. This tightens the budget, and reduces authorized expenditures for economy purposes, to bring the Peace Corps budget to a level to conform to the reduction in Peace Corps personnel.

Surprisingly, we have this year an increase in the number of people who would like to volunteer for Peace Corps service in the field. This is a good sign of the fine spirit of these good Peace Corps volunteers, and the continued excellent acceptance of the Peace Corps both in the United States and abroad. I think it is very well that we are looking ahead to having in 1972 as volunteers in training 5,800 new applicants.

There is going to be an increase of 1,000 Peace Corps volunteers over this year's figures. That is a healthy development in my opinion because it shows the interest of these dedicated people who want to serve in the Peace Corps and who want to give their services not only for the benefit of their community but for the benefit of all mankind. Such unselfish action by our U.S. citizens of high character and courage is necesary if we are to make this world of our work and progress.

Mr. Chairman, I want to conclude by saying that we in the United States are and should be good citizens of the world, otherwise we citizens of America are going to find that it is going to be difficult for us, that we might have to resort to arms and other means in order to maintain peace and progress. This would be most unfortunate. Therefore, I believe that the Peace Corps with its fine dedicated volunteers, and assistance to the developing peoples of the world, is one of the best instruments of peace and progress that we have in our U.S. foreign policy.

Here are the major facts on the Peace Corps:

H.R. 9166 authorizes an appropriation of $77,200,000 to finance the operation of the Peace Corps during the fiscal year 1972. This sum is $12,800,000 less than the appropriation for fiscal year 1971.

The committee authorization for 1972 is $5 million less than the sum actually requested by the Peace Corps. The committee believed this reduction could be made without impairing the operation of the Peace Corps program.

The high point in Peace Corps expenditures was $114,100,000 in the fiscal year 1966. Since then the Peace Corps costs have tapered off and the budget for fiscal year 1972 is less than for any fiscal year since 1963.

The Peace Corps, under the leadership of Joseph H. Blatchford, is cutting its administrative and support staff and tightening administrative procedures. As a result, administrative expenses have been reduced from an estimated $31.4 million for fiscal year 1971 to $28.4 million projected for fiscal year 1972.

The number of Peace Corps volunteers has declined from a high of 12,313 in calendar year 1966 to approximately 6,300 volunteers overseas in 1971. However, a slight increase to 6,690 in 1972 is expected. As a result of a successful recruitment effort, the Peace Corps expects to have 4,800 new trainees by the end of 1971 and 5,800 new trainees in 1972.

The Peace Corps is now emphasizing practical experience and technical skills in order to more fully meet the requirements and requests of the host countries. The increase in applications is an indication that potential volunteers with greater maturity and skills are interested in serving in the Peace Corps as it redirects its efforts to meet the high priority needs of low-income countries.

The Peace Corps today is emphasizing quality, not quantity. In addition to dedication and enthusiasm, today's volunteers are being selected for the maturity, experience, and skills that will enable them to effectively serve their country overseas.

(Mr. FULTON of Pennsylvania asked and was given permission to revise and extend his remarks in the House and include extraneous material.)

Mr. DERWINSKI. Mr. Chairman, I rise in support of H.R. 9166.

As many of you will recall, when the Peace Corps was established 10 years ago, I opposed the original bill. In the years since it was founded, I have followed closely the activities of the Peace Corps and have criticized its selection of individuals who give our country a bad name while serving overseas.

However, I have been pleased to note the many new policy and program developments that have been implemented by Joseph H. Blatchford to make the Peace Corps a more efficient and effective agency.

As a result of these changes, the Peace Corps is directing its attention to the high priority needs of the low-income countries. These countries are now asking for, and receiving, more men and women with practical skills and technical experience.

Many of the volunteers are husband and wife teams under the new family program. One such couple is in Honduras, where the husband, an agronomist, is working on agricultural projects. His wife, with more than 20 years' experience in radio, directs a nutrition education program over the local radio system. Together, they are helping to improve the nutrition of the people of Honduras.

This couple is typical of the men and women with technical skills who are doing their part in high-impact programs. A rice grower from California is developing marketing plans for farmer cooperatives in Brazil. A wildlife programs expert at Everglades National Park will plan national parks in Colombia to protect that country's resources.

There was doubt, on the part of some, that the Peace Corps could provide the kind of maturity and skills that host countries need and are now requesting. The dramatic increase this year in applications is proof that the new Peace Corps emphasis on maturity and skills has been well received. It is also proof that the confidence of the Congress in the Peace Corps is justified.

I am proud of the record of the Peace Corps, and I urge your support of H.R. 9166.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

(By unanimous consent, Mr. DENNIS was allowed to speak out of order.)

PERSONAL TRIBUTE TO THREE OF OUR COLLEAGUES

Mr. DENNIS. Mr. Chairman, I rise to pay a personal tribute to three of our colleagues: the gentleman from Virginia (Mr. POFF), the gentleman from Ohio (Mr. MCCULLOCH), and the gentleman from New York (Mr. (CELLER).

Mr. POFF is under well-deserved consideration for appointment to high office; Mr. MCCULLOCH and Mr. CELLER have endorsed him for appointment to that office, despite the existence of important philosophical differences between them.

The action of these gentlemen—based on their long and intimate knowledge of the outstanding qualifications of our colleague from Virginia—is in the best American tradition.

In our profession—and in this body—we can still evaluate a man on his personal merits, rather than through some "knee-jerk" classification as "liberal" or "conservative."

I salute three fine American gentlemen—our distinguished colleagues from Virginia, from Ohio, and from New York.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

H.R. 9166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,000,000" and inserting in lieu thereof "1972" and "$82,200,000" respectively.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 7, strike out "$82,200,000" and insert in lieu thereof "$77,200,000."

AMENDMENT OFFERED BY MR. GROSS OF IOWA TO THE COMMITTEE AMENDMENT

Mr. GROSS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the committee amendment: Page 1, line 7, strike out the figure "$77,200,000 and insert "$50,200,000".

Mr. GROSS. Mr. Chairman, I offer this amendment which is a little less than a 50-percent cut from the authorization of $98 million last year. I do so because the Peace Corps has been reduced in the last few years from strength of 12,000 persons, in round figures, to 6,000 in round figures, a cut of approximately 50 percent.

Now, I do not know of any reason why we should continue to ladle out money to this organization on the basis of what we have in the past when the number of payrollers is being reduced. Moreover, I hope the House understands that the administrative expense of this organization will be, as estimated for 1972, more than one-third of the total appropriation. In other words, it is planned to spend more than $28 million for administration in 1972 on the basis of an asking for $77.2 million.

How in the world can anyone justify administrative costs of $28 million plus with some 6,000 employees? Are they any Indians in this outfit? Apparently they are all chiefs.

I know that when we had the public hearing before the House Committee on Foreign Affairs I saw a large group in the hearing room and I asked Mr. Blatchford how many of his staff he had with him that morning. He turned around and started to count. Apparently he lost count for he said, "Suppose you just hold up your hands to identify yourselves." He had about 20 of them over there. I do not know who was running the Peace Corps that day.

Yes, this thing is far too top-heavy with administrative costs.

I would further call your attention to the fact that the Peace Corps been thrown out of at least 14 countries around the world despite all the glowing remarks that you have heard here today. Does anyone know of any other organization of do-gooders, including the technicians of the foreign aid program that has been tossed out of any country? They have been pulled out when there was civil strife, or a civil war going on—but the Peace Corps has been thrown out of 14 countries, ordered out, kicked out.

When this organization was spawned, it was sold as being temporary, and another international organization that would solve all the problems of the world. Everything would be lovely, and the goose would hang high. We were near the millenium, and here we are, 10 years later, with $1 billion expended on this organization, and we are in no better shape than we ever were around the world. In fact, we are in worse shape.

Someone said something to the effect that if we did not have Peace Corps there would be a resort to arms. We have had a resort to arms. We already have a war on our hands, a war in which we have lost close to 50,000 dead.

I would call your attention to something else. We have in this country now, today, a wage-price freeze. We have recognized an emergency, a dire financial emergency in this country. Steps are being taken—the attempt is being made to stop the further erosion of the dollar. I cannot think of a better place to make some kind of a contribution toward the cause of preserving the integrity of the dollar in this country than to cut this particular authorization. I cannot think of anything we need less than the Peace Corps at this time.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate my friend, the distinguished gentleman from Iowa, yielding. I am loath to ask him to yield for a point of information in the height of such well-chosen words and such expletives of denunciation and revelation of true fact. His oratory has long since convinced me.

But the gentleman spoke of Indians a while ago. It seems as though we Indians are losing some of our tribe. I notice in the supplemental views of one of our colleagues that he has deserted our ranks in perpetual opposition to this foreign aid giveaway and boondoggle which bring us nothing, at a time of great distress, and he bases it on the fact that in cooperation with the Smithsonian Institution, Mr. Klukas is being sent by the Peace Corps to Colombia so that they can develop national parks for future enjoyment.

Mr. GROSS. The gentleman means for the future enjoyment of Colombians; does he not?

Mr. HALL. I would assume that they would enjoy their own parks. I am not sure that the Smithsonian controls our own parks in this country. But this man must have the expertise that is extremely prevailing on our departed Indian friend.

Would the gentleman have any idea about where goeth our friend who was formerly in opposition to the Peace Corps and who is now so strong for it in his supplemental views?

Mr. GROSS. I do not see the gentleman on the floor today. I believe he has been annointed as some kind of an ambassador to the United Nations.

Mr. HALL. At least a congressional representative thereunto.

Mr. GROSS. Yes, he has some diplomatic title in the United Nations and he may have a copy of this report in his pocket up at the United Nations so he can show his new-found associates the position that he takes on these matters. I do not know how to account for these separate and supplemental views on the part of the gentleman. I do know that he is in new and different company in New York with the United Nations.

Mr. Chairman, it is no longer a question of what was spent last year on such outfits as the Peace Corps, nor how much some Members would like to spend. The grave question that faces every Member of Congress is how to save the faltering economy of this country, stop inflation and preserve the integrity of the dollar which is in dire distress at home and abroad. Here is the time and place to save a few million and give evidence of at least a small measure of responsibility.

I ask for the adoption of my amendment.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is true that the author of the supplemental views printed in the committee report has been converted. I hope his experience on the Committee on Foreign Affairs and his exposure to the true facts has something to do with that conversion.

I have long hoped that a similar exposure would have the same effect on the gentleman from Iowa, who is the author of this amendment. I have always hoped that we would enable him to see the light, but we seem to be working in the dark.

Mr. GROSS. Mr. Chairman, will the gentleman yield since he mentioned my name?

Mr. MORGAN. In a moment I will yield to the gentleman.

I have something else to say about the gentleman from Iowa. He knows my high regard for him and he is, as I have said many times, a very valuable member of the Committee on Foreign Affairs.

I can see why a large audience of Peace Corps employees would turn out when we have an open hearing. The gentleman presents his views in an entertaining manner so that he brings a good-sized audience to the committee room.

What I want to point out is that the gentleman from Iowa passed up the opportunity to be a delegate to the United Nations General Assembly this year. He is directly responsible for the fact that the author of the supplemental views on the Peace Corps is in New York as a delegate because it was the turn of the gentleman from Iowa to go to the U.N. this year. I know that both the ranking minority Member and I tried to twist the gentleman's arm to go to New York so that he could benefit from exposure to the U.N. in action. But I guess in his wisdom, the gentleman decided that it was not for him. He is responsible for the gentleman from Illinois (Mr. Derwinski) being at the U.N. and I want to give him credit.

Mr. Chairman, I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Of course, the gentleman from Iowa could not and did not order the gentleman from Illinois to put in an appearance at the United Nations Tower of Babel. He went of his own volition.

The gentleman from Iowa did not embark upon the U.N. mission for at least one reason—he would have been sorely tempted to climb the Statue of Liberty and replace the torch with a tin cup.

As for the suggestion that the gentleman from Iowa has been laboring in the dark, I am opposed to this bill because I have seen all the light I need to be opposed to it.

Mr. MORGAN. As I have said, the gentleman is a very valuable member of the committee. I know of no member of the committee who does his homework as well as the gentleman from Iowa. He is always attentive.

I want to speak to the amendment for a moment. The gentleman offered an amendment to cut the bill by $27 million. Let us go back to the history of the figures in the bill. When the budget message was sent to the Congress last February, the President's budget contained a figure of $73,200,000 for the Peace Corps. But the budget also included a qualifying statement that an additional request might be made if the Peace Corps were able to recruit a large enough number of volunteers when the President sent his Peace Corps message to the Congress, which was last April. It included an additional request for funds because of the increased recruitment and the new emphasis on technical skills which I mentioned in my opening statement.

So that when the Presidential message came up, an additional $9 million was requested, making the total request for the Peace Corps for the present fiscal year $82,200,000.

The committee went over the recruitment program. We examined it and had the staff analyze the situation, and we felt that the request for the $9 million was too high. The committee reduced it by $5 million. It reduced the request from $82,200,000 down to $77,200,000.

I have already mentioned the new emphasis in the Peace Corps. We are bringing older people and people with skills into the Peace Corps. As my friend from Illinois has said, the Peace Corps has grown up. It is getting more mature. We are beginning to see volunteers who have work experience in technical fields come forward.

I would hate to see this effort shot down by a drastic cut which would do serious damage to the Peace Corps.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Morgan was allowed to proceed for 2 additional minutes.)

Mr. MORGAN. Let us consider the matter of the wage freeze. We are talking about individuals who are volunteering 2 years out of their lives for a $75-a-month wage. They are volunteers. I would not want to attempt to freeze some little volunteer who has a missionary spirit and who is willing to spend 2 years of his life overseas attempting to serve his country for $75 a month. Their wages were frozen when they volunteered to make this sacrifice by serving 2 years overseas.

So I hope we take that point into consideration. A $20 million cut at this stage of its operation would practically destroy the Peace Corps and I ask that the amendment of the gentleman from Iowa be voted down.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I would say to my friend from Pennsylvania that my amendment would leave $50,200,000, and that would easily provide $28 million for the Blatchford empire to administer this program. That seems to be the main purpose, anyway.

Mr. MORGAN. I must say also the gentleman did not mention that Mr. Blatchford this year has reduced his administrative expenses by over $3 million.

Mr. GROSS. Yes; from $31 million to $28 million.

Mr. MORGAN. That is a reduction. The whole program is getting more compact and more drastically cut.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MYERS. Mr. Chairman, I move to strike the last word.

The committee chairman just a moment ago said that Mr. Blatchford had been responsible for reducing the budget by $3 million. The gentleman from Pennsylvania said a moment ago that the number of personnel in the administrative positions had been reduced by 29 percent. On page 2, the report says that last year administrative costs were approximately $31.4 million. Now, 29 percent of that is more than $9 million. Where is the difference between the $3 million actually saved and 29 percent of $31 million, which would be $9 million? That is $6 million cushion there.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, 29 percent represents people, and the people do not directly refer to millions of dollars, so there is no reason why those figures should jibe.

Mr. MYERS. So the 29 percent does not really mean anything.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, I do not know whether the gentleman is supporting the Federal pay raise or not, but we also have to take that into consideration.

Mr. MYERS. I would like to yield to the gentleman to respond to this question. Were there not more raises than just the mandatory raise given out at the Peace Corps downtown? After the 29 percent were released, was not just about everyone increased in grade or rate, so that just about everyone got an increase? That is the information I get, so there just was not very much saving.

Mr. MORGAN. I do not think the gentleman's information is correct. There were some increases, but one could not say everyone got an increase. There were very few increases.

Mr. MYERS. I am going to support the amendment offered by the gentleman from Iowa, because I think that is the only way we are going to get any austerity in the program. I have listened to the debate this afternoon, and I do not see where the American taxpayer is getting his money's worth. I believe in the program, if they are doing their job, but I believe the only way we are going to get the job done properly is to vote for that amendment.

Mr. MORGAN. Mr. Chairman, on page 8 of the hearings, the gentleman will see a table comparing the number of people receiving different pay rates. It does not indicate a large increase in salaries and pay grades among Peace Corps employees over the past year.

If the gentleman would look at pages 8 and 9 of the committee hearings on this authorization, he will see that his allegation is not entirely accurate. Among those Peace Corps employees who earn $16,000, or above, per annum, the number was reduced from 342 in fiscal year 1970 to 336 in fiscal year 1971.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS) to the committee amendment.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 31, noes 28.

TELLER VOTE WITH CLERKS

Mr. MORGAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MORGAN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GROSS, MAILLIARD, MORGAN, and MYERS.

The Committee divided, and the tellers reported that there were—ayes 113, noes 232, not voting 88, as follows:

[Roll No. 267]

[Recorded Teller Vote]

AYES—113

Abbitt
Abernethy
Andrews, Ala.
Archer
Baker
Belcher
Betts
Bevill
Bow
Bray
Brinkley
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Flowers
Galifianakis
Goodling
Green, Oreg.
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Henderson
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, N.C.
King
Kuykendall
Kyl
Landgrebe
Latta
Lujan
McCollister
McCulloch
Mann
Mathis, Ga.
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Myers
Nichols
O'Konski
Passman
Pettis
Pirnie
Poage
Price, Tex.
Purcell
Randall
Rarick
Roberts
Robinson, Va.
Roncalio
Rousselot
Runnels
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Sikes
Skubitz
Slack
Snyder
Spence
Steiger, Ariz.
Stuckey
Terry
Thompson, Ga.
Thone
Waggonner
White
Whitten
Wylie
Young, Fla.

NOES—232

Abourezk
Abzug
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain
Chisholm
Clausen, Don H.
Clay
Cleveland
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
Davis, Ga.
Dellenback
Dellums
Denholm
Dent
Donohue
Dow
Drinan
Dulski
du Pont
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton, Pa.
Fuqua
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hanley
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Holifield
Horton
Howard
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Koch
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Rangel
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shriver
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Udall
Van Deerlin
Vander Jagt
Vanik
Wampler
Ware
Whalen
Whalley
Whitehurst
Williams
Wilson, Bob
Wolff
Wright
Wydler
Wyman
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—88

Adams
Addabbo
Anderson, Tenn.
Ashbrook
Aspin
Baring
Biaggi
Blackburn
Brooks
Burton
Clark
Collins, Ill.
Culver
Derwinski
Diggs
Dingell
Eckhardt
Edmondson
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flynt
Fraser
Frey
Fulton, Tenn.
Gallagher
Gettys
Gibbons
Gray
Hanna
Hansen, Idaho
Hansen, Wash.
Hays
Hébert
Hicks, Wash.
Hillis
Jonas
Karth
Kluczynski
Landrum
Lennon
Long, La.
McEwen
McMillan
Martin
Mathias, Calif.
Michel
Mills, Ark.
Minshall
Mollohan
Murphy, N.Y.
Nelsen
Pepper
Podell
Poff
Powell
Pryor, Ark.
Rees
Rodino
Ruppe
Ruth

St Germain
Shoup
Sisk
Smith, Calif.
Smith, Iowa
Springer
Staggers
Steed
Stephens
Stokes
Thompson, N.J.
Tiernan
Ullman
Veysey
Vigorito
Waldie
Watts
Widnall
Wiggins
Wilson, Charles H.
Winn
Wyatt
Yates

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9166) to amend further the Peace Corps Act (75 Stat. 612), as amended, pursuant to House Resolution 609, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker, without equivocation.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill, H.R. 9166, to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, pursuant to House Resolution 609, I call up from the Speaker's table for immediate consideration the bill S. 2260.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2260

An act to amend further the Peace Corps Act (75 Stat. 612), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,800,000" and inserting in lieu thereof "1972" and "$77,200,000", respectively.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9166) was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for the next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the minority leader yielding.

The program for this week has been concluded, and I shall ask that we go over until Monday next.

For next week the schedule is as follows:

On Monday we have four bills scheduled from the Committee on the District of Columbia:

H.R. 10383, to enable individuals and firms to incorporate;

H.R. 10784, to amend District of Columbia election laws;

H.R. 456, tax-exempt Reserve Officers Association; and

H.R. 10738, to regulate practice of dentistry.

There are also seven suspensions:

H.R. 9212, black lung benefits;

S. 1253, to authorize domestic and international studies and programs relating to patents;

H.R. 10203, to amend the Water Resources Act of 1964;

House Concurrent Resolution 374, humane treatment of U.S. prisoners of war;

H.R. 8817, to further cooperative forestry programs;

H.R. 10538, to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act; and

H.R. 3304, to amend the act of August 27, 1954—commonly known as the Fisherman's Protective Act—to conserve and protect Atlantic salmon of North American origin.

On Tuesday, H.R. 10351, the Economic Opportunity Act amendments, or the poverty bill, as it is commonly known. We will consider only the rule on Tuesday.

This is to be followed by H.R. 6893, weather modification reporting, which is to be considered under an open rule with 1 hour of debate.

On Wednesday, we will have the general debate only on the Economic Opportunity Act amendments, under an open rule with 2 hours of debate.

And then for Thursday and the balance of the week, the conclusion of H.R. 10351, the Economic Opportunity Act amendments, and H.R. 8085, executive agencies age requirements bill, under an open rule with 1 hour of debate.

And, as the gentleman knows, conference reports may be brought up at any time. Any further program will be announced later.

I would also like to announce that there will be no votes after 3 p.m. on Tuesday because of the religious holiday, Yom Kippur, which begins at sundown on that day. Also, there will be no votes on Wednesday which is the holiday.

Mr. GERALD R. FORD. On Wednesday there will be the consideration of the Economic Opportunity Act amendments, and general debate only?

Mr. BOGGS. That is correct, but no votes are scheduled.

Mr GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Did I understand that there are four District bills on Monday or no District bills on Monday?

Mr. BOGGS. There are four District bills: H.R. 10383, H.R. 10784, H.R. 456, and H.R. 10738. Monday is District day.

Mr. GERALD R. FORD. It is my understanding with reference to those four District bills that consent must be obtained today for them to be filed or they will not be eligible for consideration; is that not correct?

Mr. BOGGS. I believe that is correct. The gentleman from Missouri (Mr. HUNGATE), a member of the committee, is present and he can answer the gentleman.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 27, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file certain reports on the bills:

H.R. 10383, to enable individuals and firms to incorporate;

H.R. 10784, to amend District of Columbia election laws;

H.R. 456, tax exempt Reserve Officers Association; and

H.R. 10738, regulate practice of dentistry.

Mr. Speaker, these are the bills to which the majority leader just referred.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LABOR AND MANAGEMENT CALL FOR EASING OF BIG TAX LOAD

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, there has been much press coverage in the nation's news media about what national labor and business leaders have to say—supposedly on behalf of the people these leaders represent—on areas of disagreement between the two groups.

But, all too often little attention is given to what "grassroots" business and labor leaders actually believe and more importantly what they agree on.

Recently, in my congressional district of Florida—a State which more and more is being considered a fairly representative cross-section of the Nation—a group of people representing labor and management met to determine what common goals both interests shared. That group came up with the following mutual objectives:

First, the lightening of the heavy tax load carried by middle-income workers;

Second, the adjustment of unfair foreign competition; and

Third, the abolition of the welfare state.

The following article from the Fort Myers News-Press is an account of this meeting of the minds of labor and management at the level which is most meaningful and should, therefore, be of considerable interest to my colleagues in the Congress:

[From the Fort Myers (Fla.) News-Press, Sept. 16, 1971]

LABOR AND MANAGEMENT CALL FOR EASING OF BIG TAX LOAD

(By Vince Smith)

Lightening of the heavy tax load carried by middle income workers, adjustment of unfair foreign competition and abolition of the welfare state should be common goals of labor and management, a local panel of representatives from both groups agreed Wednesday.

Five Lee County business leaders, four local union representatives, Mayor Oscar M. Corbin and moderator Robert Cody Brown discussed mutual meeting grounds for labor and management during a luncheon meeting at the Holiday Inn.

A congressional proposal for a guaranteed annual income of $2,400 was opposed by the union members in attendance.

James L. Miller, Jr., business manager of the electrical workers union, said, "If there is going to be a guaranteed annual income, it should be negotiable—something that industry and the unions can both live with."

IN THE LIMBO

Brown dismissed further talk on the guaranteed annual income as proposed in a House of Representatives bill when he said, "I believe this thing is in a limbo for a long time to come."

Bill Branch, Fort Myers automobile dealer, swung the discussion to the welfare state. "We must have less give-away by the government. We need to get people employed rather than taken care of," he said.

Miller suggested that the federal government establish "more stringent import-export regulations so that we can get American people to buy American products."

Contractor Cassius L. Peacock said, "We've put the foreign countries in business by exporting our technical know-how."

"We should put down the same rules for the importation of Japanese goods that the Japanese put down for the importation of our goods," Brown said.

FOREIGN AID BLASTED

Frank Williams, business manager for the local masons and bricklayers union, blasted the government's foreign aid program. "If we cut out all this foreign give-away, we'd get well in six years."

H. R. Bollinger, president of United Telephone Co., said deficit spending by the federal government was being financed by the country's middle income group.

"The tax load is affecting our goods and services and we cannot carry any more of these taxes," Bollinger said.

"Labor and management have to get together to put a stop to this tax load and we've got to get together to stop exporting jobs," the telephone company executive said.

Exporting jobs, Brown said, involves a variety of practices. Many American manufacturers have built factories in foreign countries or have bought up existing facilities outside the United States. These American-based firms manufacture and sell many products in foreign countries that were formerly exported from America.

Bollinger suggested that the government stop its practice of raising money on short-term obligation notes. He said United Telephone was forced to borrow money to keep pace with servicing new subscribers.

"And we're competing with the government in the money market," he said. "We've got to get the government out of the money market."

Bollinger said that in its last bond issue financing, the company was forced to pay 9½ per cent interest over a 30-year period.

LICKING INFLATION

"If we can get the government to live within its income, you've got inflation licked," he said.

The panel agreed it should expand to include a larger area—possibly as far as Tampa—where labor and business leaders could get together and attempt to iron out mutual problems in an atmosphere of harmony.

Before any expansion of the local group takes place, however, the panel agreed it should reduce its objectives in number and arrive at common goals.

The four vital areas that need exploration, the panel decided, involve the exporting of jobs; wasteful habits of labor and management; welfare state; and the unbearable tax situation.

Labor representatives will channel their views on these four subjects particularly to Len Myosky, business manager of the carpenters union, and business leaders will funnel their ideas to Bollinger.

The group will meet again at the Holiday Inn on Sept. 29 at noon to go over recommendations submitted and will discuss expansion of the panel at that time.

Also attending Wednesday's meeting were: A. W. D. Harris, chairman of Security National Bank; Thomas D. Domic, Assistant Manager, Yoder Brothers; and F. R. Hardy, business manager of the local laborers union.

JOSEPH L. VICITES, NATIONAL COMMANDER IN CHIEF OF VETERANS OF FOREIGN WARS

(Mr. MORGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORGAN. Mr. Speaker, a great honor has been bestowed on my congressional district with the election of Joseph L. Vicites of Uniontown, Pa., as the new national commander in chief of the Veterans of Foreign Wars of the United States for 1971–72.

"GI Joe," as he is known to me and his other friends and comrades, has an enviable record of service to his community and to his country and those who have taken up arms in defense. He has been an active civic leader in his hometown and has received the Man of the Year Award from the junior chamber of commerce for his work with retarded children, the March of Dimes, American Cancer Society Crusade, Heart Fund, and USO. He and his lovely wife Dolores have two fine children, Debbie, 19, a university student, and Vince, 11, a sixth grader.

Last year Joe undertook a trip around the world to acquaint himself with global problems affecting the United States and to prepare himself for the tremendous responsibility of leading the dynamic VFW organization.

Among world leaders he met during that trip were President Nguyen Van Thieu of South Vietnam; Vice President C. K. Yen of the Republic of China and Pope Paul VI.

Born September 9, 1924, in Uniontown, the newly elected VFW commander in chief received his education there and during World War II he served in an antiaircraft artillery unit attached to the 84th Division from Normandy to the Elbe. In January 1968 he assumed the office of clerk of courts in Fayette County, Pa., a position he still holds.

Mr. Speaker, I am particularly pleased that this energetic and youthful leader of the Nation's outstanding veterans' organization comes from my congressional district. His acceptance speech at the VFW National Convention leaves little doubt that he will provide great leadership during the coming year and that the VFW will aspire to even greater heights in their worthwhile endeavor of representing those millions who have fought and died in the service of our beloved country. I respectfully commend my colleague's attention to the acceptance speech of the VFW's "GI Joe":

ACCEPTANCE SPEECH OF JOSEPH L. VICITES, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

One of the greatest years in the history of the Veterans of Foreign Wars has come to a close. On behalf of all of our comrades I sincerely congratulate Chief Rainwater and his corps of officers for a job well done.

Nor is it my intention to detract from that superlative record. On the contrary, I urge each of you to remember it well. It is a record which I am determined to surpass.

It is our duty to surpass it, because this great organization must continue to advance. It is your duty and mine to lead the way to even greater success.

I appreciate the opportunity you comrades have given me to serve as Commander in Chief of the Veterans of Foreign Wars of the United States. I am deeply conscious of the honor you have bestowed on me. I am also aware of the responsibility it entails. It is the greatest challenge of my life.

I accept that challenge. I welcome that responsibility. I am proud yet humble, and deeply grateful that each of you will share them with me during the coming year.

Together we shall make the most of this opportunity to serve our country and the Veterans of Foreign Wars. Together we shall work for the veterans who have served America in time of war: their widows and orphans, and their families everywhere.

I believe implicitly that it is time for us to reappraise some of our priority goals—perhaps not the goals themselves, but the techniques we employ in pursuing them.

For eight full years we have given our wholehearted support to first one President and then another in their efforts to bring the Vietnam war to a victorious close. We have committed ourselves and our resources, without reservation, to the support of the brave young men who fought and still fight that war to halt communist aggression.

It was our duty to provide that support. The support of our fighting men, anywhere in the world, is our sacred trust. The security of our own nation, and assistance to our allies, is a responsibility we shall never shirk.

But our active participation in the Vietnam war is slowly coming to a close. Our combat troops are coming home.

Regardless of the personal opinions we may hold regarding it, or the manner in which it was conducted, it is being brought to an end.

We shall continue our efforts to win the release of every American prisoner of war in Southeast Asia. And we shall vigorously oppose any attempt on the part of any political candidate to make the fate of these heroic young men a pawn in the struggle for for political power.

It is our primary duty now to direct our energies toward the solution of the internal problems it has left behind. We must direct our attention to the staggering task of picking up the pieces so that this nation under God may once again be whole.

The fragments of our national pride lay everywhere about us. Each of those fragments must be molded together once again and bound by the lasting cement of loyalty to the America we love.

We are faced by many divergent views: The dissident young; the disgruntled old; the disenchanted and the loyal; the anarchist and the patriot; the hawk and the dove.

Each of us must strive to reopen our lines of communication, and settle down in earnest to solve the problems we all face;

If we in the VFW are to contribute our fair share to the solution of these problems, we must lay aside our role of "combat engineers" and devote more effort to bridging the gaps of peace which separate us as a people.

This does not mean that we shall yield to that which our experience and patriotism tell us is wrong. It does not mean that we shall weaken our principles, or lessen our commitment to true Americanism. We will never bow to the dogma of the dove, or subscribe to the philosophy of those who preach appeasement and "peace at any price".

It simply means that we will reopen our minds and take a long hard look at the changing times. It means that we must analyze and honestly explore the philosophy of the modern young. It means that we will strive to find a common meeting ground. For these young people are the future of this land.

Abraham Lincoln once said, "This nation cannot exist half slave and half free." Is it also true that it cannot survive as a great nation "half young and half old?" One thing is sure: We must find a reasonable way to bridge the gap between the two. I am determined that we in the Veterans of Foreign Wars shall make a positive effort to solve this national dilemma during the coming year.

We shall develop a program to find employment for every returning Vietnam veteran, in conjunction with the Department of Labor and the governments of every state. We shall call upon the representatives of private industry in every corner of America.

We shall also lend our collective support to the solution of the drug problem among returning veterans. Historically, there has been very little permanent success in this field of rehabilitation. But we shall make every reasonable contribution to the effort.

We shall call upon the military to develop and establish a narcotics education program as a part of basic training—with periodic lectures and training films a mandatory requirement throughout every GI's service.

The military should also provide qualified drug-abuse counselors for each unit of a specified size.

We can participate in the creation of a community-wide drug abuse council which will serve as an exchange point for information among involved community agencies. Our posts can prepare themselves to serve as information centers to refer any citizen, young or old, veteran or non veteran, to the proper place for treatment.

As of the moment, we must return to the basic fundamentals of the Veterans of Foreign Wars. To serve the veteran who has borne the brunt of battle, his widow and orphan, and his family. We must redouble our efforts on every level in their behalf, through a revitalized and more effective legislative program.

I call upon each of you to read anew the purposes for which we were chartered by Congress. I assure you that I have already taken that step. I shall strive always to honor the high ideals and noble principles of the Veterans of Foreign Wars of the United States.

I am determined to devote the major portion of my energy and attention to the internal problems of America: It is time for us to roll up our sleeves and meet the challenges on the home front.

We shall voice our disapproval of the changing of Veterans Day and Memorial Day from days of national respect for the living and the dead who served this country—to some meaningless three-day weekend.

We shall continue our long campaign for a National Cemetery for veterans in every state.

Veterans benefits will be our battle cry. Unless we put up a more productive effort to preserve and liberalize those benefits the office of management and budget together with the individuals and groups who have long opposed us will eventually eliminate them.

We shall call for a review of the disability compensation rates for the service-disabled. Our objective should be to keep those rates equal at all times to the cost of living increase with some additional adjustments, for the more seriously disabled.

The same thing is true for veterans and survivors now living on non-service connected pensions.

Survivors' benefits rates for widows, children, and parents of veterans must also be increased. As the cost of living mounts, so should these pension rates.

The G.I. Bill and other VA educational program rates are much too low. Thousands of our younger veterans still cannot afford the educational opportunities we profess to offer them. Rapidly escalating college and university costs impose a financial burden too great for them to bear.

I say to you, my comrades: If this great nation can finance the governmental luxuries of half the nations of the world, subsidizes private industry and individuals, we can and should generously assist those who fight and die to save it.

We shall insist upon every governmental agency honoring veterans' preference in employment. It is the legal duty of the U.S. civil service commission to enforce veterans' preference in civil service, and to halt the practice of federal agencies of using devious methods to avoid compliance with those laws.

I shall personally ask the President of the United States to once again exert his own personal leadership to expand the Public Service Job program in order that more veterans may obtain employment.

We shall contact the offices of public employment service on every level of our organization, and insist that they do everything within the law to give veteran job applicants preference in job referrals.

One of the most disturbing developments in recent years has been the cut of 7,000 in the daily patient load of the VA hospital system which was ordered by the Office of Management and Budget last January.

The Veterans of Foreign Wars, under the leadership of then Commander-in-Chief Rainwater, vigorously opposed this threat. As a result, the Congress added sufficient funds to keep the patient load at its previous level of 86,000. But by the first of July, the VA Hospital System had been cut below 79,000 patients as a result of the Budget Office action.

We shall demand that the patient load be increased to its previous level, or even higher if necessary, to meet the demands for treatment.

We shall also call for an expansion of the Drug Treatment program; utilization of clinically accepted new surgical procedures; and the installation and expansion of all new medical programs in a sufficient number of hospitals to insure their availability to veterans wherever they may reside.

We shall remain constantly alert for any signs of further attacks on the VA Hospital system and oppose them wherever found.

A veteran's military service and character of his discharge are the only criteria which should be considered when a non-service connected illness impels him to seek outpatient care. As we approach the era of universal health care for the general public, Congress should remove all other requirements for the treatment of veterans by the Veterans Administration in any program.

In recent years funds to construct additional new and replacement hospitals have been drastically reduced. The fifteen-year program for modernization of existing facilities which was adopted after the 1958 V.F.W. investigation has never been properly financed.

Physical decay continues to take its shocking toll. Much needed air conditioning has been repeatedly delayed.

We shall pursue our goal for complete modernization of veterans' hospitals with renewed vigor. Sufficient funds to carry out this program and to expedite the construction of new facilities is of paramount importance to the veterans of America. And time is of the essence.

In the past we have been faced by a number of attempts to dismember the Veterans Administration, and to transfer veterans programs to other federal agencies. The Department of HEW would like to add the VA Hospital System to its already top-heavy structural empire. The Department of HUD would love to grab the VA Loan Program. Social Security stands ready to swallow up the VA Compensation and Pension programs.

We shall continue to insist that the Veterans Administration be maintained intact—as the one organization with sole responsibility for the administration of veterans' programs.

Add to these goals an increase in the pay rates for active military service and an equitable adjustment of military retirement pension consistent with active military pay, and you have at least a partial list of the many-pronged campaign which lies ahead of us.

I urge you now to join with me in making these our primary interests and objectives during my tenure as Commander-in-Chief, certainly we can do no less for the men and women who fight this nation's wars.

Thank you very much, and God go with you on your journey home.

JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Joseph L. Vicites, a leader in the civic life of his native Uniontown, Pa., was elected Commander in Chief of the Veterans of Foreign Wars of the United States at its 72nd Annual National Convention in Dallas, Tex., August 13–20, 1971. He was elected Senior Vice Commander in Chief at the 71st National Convention in Miami Beach, Fla., in 1970, having been elected Junior Vice Commander in Chief in Philadelphia in 1969.

Shortly after assuming the office of Junior Vice Commander in Chief, he accompanied then Commander in Chief Raymond A. Gallagher on a round-the-world trip to acquaint himself with global problems affecting the United States. Among those with whom he held discussions were President Nguyen Van Thieu, of South Vietnam; Vice President C. K. Yen, of the Republic of China, and Pope Paul VI.

Born September 9, 1924, in Uniontown, Commander in Chief Vicites attended Uniontown Joint Senior High School. A veteran of World War II, he served in an anti-aircraft artillery unit attached to the 84th Division "from Normandy to the Elbe." In January 1968 he assumed the office of Clerk of Courts in Fayette County, Pa.

A life member of V.F.W. Post 47, in Uniontown, Vicites served the Post as Junior Vice Commander, 1949–50; Senior Vice Commander, 1950–51; and Commander, 1951–52. In 1953–54 he was again elected Commander of Post 47, becoming the first to serve two terms. The Post Home is on the site of the birthplace of Gen. George C. Marshall, U.S. Army Commander in World War II and later Secretary of State. The Post, with over 2000 members, is one of the largest in the V.F.W.

From 1953–56 Vicites progressed from Junior Vice Commander to Commander of Fayette County Council and from 1957 to 1960 rose through the chairs to become Commander of District 23 of Pennsylvania. In 1961–62 he served as Department Judge Advocate and in 1963 was elected Department Junior Vice Commander, progressing to Department Commander 1965–66. On the National level, Vicites was appointed Vice Chairman of the 1966–67 National Loyalty Day Committee. From 1967 to 1969 he was a member of the National Council of Administration and also of the National Budget and Finance Committee. He has served on five National Convention Committees.

The Commander in Chief and his wife Dolores have a daughter, Debbie, 19, a sophomore at the University of West Virginia, and a son, Vince, 11, a sixth grader. Vicites is active in the affairs of his community. He has received the Man of the Year Award from the Junior Chamber of Commerce and has served as chairman of a fund drive for retarded children. He has also been associated with the March of Dimes, American Cancer Society Crusade, Heart Fund and U.S.O. He is a member of the M.O.C., American Legion and Amvets. While Department Commander he was appointed by the governor of Pennsylvania to the Pennsylvania Veterans Commission and was a member of the Pennsylvania War Veterans Council and President of the United War Veterans Association of Uniontown. He is a member of St. Therese Catholic Church. The Commander in Chief is a lieutenant colonel in the Civil Air Patrol, assigned to the Pennsylvania Wing Civil Air Patrol.

THE RURAL DEVELOPMENT ACT OF 1971

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, I am today introducing what I consider to be one of the most important bills I have ever sponsored—the Rural Development Act of 1971.

Mr. Speaker, the time has come for this House to recognize that poverty is not confined to the big city, that America's countryside is in economic chaos, and that problems in our urban areas are linked directly to the suffering in our rural areas. We cannot separate the problem between rural and urban America—there is no dividing line.

Many of my colleagues who have rural areas in their districts need only to take a drive to the country to see what has happened. In my own district in central Texas there has been an all too evident decay of many small towns and communities. I can recall when a typical town of around 1,000 people was a thriving center of business. There was a busy main street with prosperous stores on either side. Folks would come to town, particularly on Saturdays, to buy their groceries and clothing. Every town would have a variety store or two—often known as the five-and-dime store. There was always a crowd at every barbershop and, of course, the drugstores did their share of the business. Now, however, in all too many instances, these towns are only a shell of the past. There are probably only two or three stores that do any business at all and they, in many cases, are on the decline.

Many of these towns were built entirely upon a prosperous farm economy, but as farmers have abandoned their farms, the grain elevators, cotton gins, feedstores, and implement dealers have closed down.

Many years ago, it was interesting to drive through the farm country at night. There were lights in all directions in the homes of family farmers. Now, such a drive is depressing. The lights are farther apart—separated by abandoned houses—some filled with hay while others are on the verge of toppling over. This is the sad testimony of rural America. Homes where families were born and reared, where families shared happiness and sorrow, now only hold hay or stand as a silhouette of hollowness, waiting for a storm, wrecking crew, or fire to erase them forever.

We often ask what caused people to go to the city, and there are many accurate answers such as inadequate farm income, poor farm wages for workers, mechanization of agriculture, and better housing and utility service in the city. These are all correct answers but to merely discuss the causes does not attack the problem. My bill is designed to do something about the terrible situation in the countryside.

Our committee has held extensive hearings on the subject of rural development. Each Member of this House was invited to appear, and some of you did and we are grateful to those Members who addressed themselves to this problem.

Unfortunately, many witnesses who came before us simply reviewed the problem without offering any solutions. While we appreciated their interest in appearing, I fear they were of no real help—unless it was to reveal a general disillusionment about the problem. Fortunately, some witnesses gave us some ideas to pursue. Some of these suggestions are included in my bill.

Many witnesses have stated that rural development can come only by improving farm income. Of course this is vital, but I do not propose to abandon all efforts to improve conditions in rural areas until such time as farmers receive 100 percent of parity. This, in my opinion, would not be realistic. Certainly I hope I will see the day when farmers receive fair prices, but I am also confident that we can do a great deal to help now, and this is what the Rural Development Act of 1971 proposes to do.

While I will not attempt to go into detail in my remarks, I am including in the CONGRESSIONAL RECORD an analysis of my proposal. In general, and after much deliberation, I have decided against creating a series of new Federal agencies at this time. I am convinced that much can be done to improve the economy and living conditions in rural America through agencies which are already established and operating. For instance, the Rural Development Act of 1971 would expand the authority of the Farmers Home Administration, enabling it to make loans, primarily insured loans, for the purpose of industrial development and general rural development. Farmers Home could also provide assistance for the formulation of plans for rural development, for the establishment of community centers, and fire and rescue equipment. The Farmers Home Administration would also be permitted to give special consideration to the potential young farmer because it is so vital that the children of farmers be encouraged to remain on the farm.

My bill proposes to remove various grant and lending ceilings in programs administered by the Farmers Home Administration. While I recognize that, due to current fiscal problems, this additional authority might not be used in the very near future, I feel we must look ahead to better times, and I am confident that current limits on our water and sewer program, for instance, will prove to be unrealistic.

My bill gives new authority to the Soil Conservation Service—especially in its small watershed and rural conservation and development programs. I propose to permit the Soil Conservation Service to share the costs in creating municipal and industrial water supplies, in protecting our environment from soil and water pollution, and in assisting rural areas to deal with the problems of solid waste disposal and fire protection.

I propose the creation of the U.S. Agricultural Land Development Corporation which would assist in the orderly development of the areas between rural and urban America while providing a fair market for those who want to cease farming and sell their land for a fair price. I am confident that this corporation would not only provide for the orderly development of this rural-urban fringe area, but it would also provide badly needed parks, wildlife refuges, and recreational areas for rural and urban residents alike.

Finally I propose that mandatory priority be given to locating new Federal facilities and offices in rural areas, and my bill would define a rural area as any area containing 10,000 people or less. This is indeed vital, and, while I applaud what has been done in this respect, I feel it is important that Congress endorse this concept by directing the location of new Federal establishments in rural America.

There are many other features of my bill as you will see by the analysis that follows. I will be the first to admit that the legislation I present today has flaws, but the time has come when we must cease simply discussing the broad aspects of the problem. The time has come for action. We must get down to details. This bill enables us to get down to specific questions.

I am well aware of the fact that in order to pass any bill, we must show our city friends why they should support us. I, therefore, urge my colleagues from our great cities to focus their attention on the interrelation between the problems that we have out in the countryside and the problems of the cities—a large part of which are at least aggravated by the constant influx of people from the countryside.

No, we do not have a land of "milk and honey" just beyond the city limits. We have poverty that parallels that in the ghetto. We have suffering and a longing for a better way of life. Just as many city folks have thought that life was better on the farm, many who lived on farms have heard about the benefits of city life, and they have moved. They moved into the slums and onto the relief rolls. They are the victims of an economic stranglehold.

My bill proposes to at least begin to halt this migration by giving folks a better chance to have a decent home and a decent job outside of the big city. These folks deserve a chance to have a better life.

And so I ask my city colleagues to give us their understanding and to not look upon rural development as something that does not affect them, because it does.

We face a crisis. We are at the crossroads. Now is the time to act, to do our part. Rural America can be a good place to work and to live. My bill simply tries to extend to rural areas some of the opportunities already available in our cities. Together we can reverse the tide which has been so cruel to all of our country.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED BILL

TITLE I—AMENDMENT TO THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1951

Subtitle —Real estate loans

Section 101 of the bill would authorize loans to be made under Section 304 of the Act to rural residents to finance the acquisition or establishment of small business enterprises in rural areas to provide such borrowers with adequate income.

Section 102 of the bill would amend section 305 of the Act so as to permit the amount of a loan to be based on the value considered by the Secretary to be appropriate. The purpose of this change is to update the level of appraisal and to make it possible to assist a large number of families who do not have sufficient funds or equity in resources to pay the difference between the normal value of a farm and its market value under conditions which have prevailed for many years. The agency's experience has shown that, since 1937 when the farm ownership program was initiated, land prices have increased and the spread between normal value and market value has continued to increase because of the economic situation.

Section 103 of the bill would authorize association loans for essential community facilities. This assistance would be available to associations, including corporations not operated for profit, and public and quasi-public agencies which will provide facilities needed for the orderly development of a rural community. There is at present no dependable source of financing for many needed community facilities in rural areas. Those facilities would include such items as community centers, fire houses, and fire and rescue equipment. These facilities are needed for orderly community development and are necessary to encourage industry to locate in rural areas.

Section 104 removes the present $100 million ceiling on the total annual grants for water and waste disposal project construction.

Section 105 of the bill removes the ceiling of $15,000,000 on water and sewer system planning grants. It also deletes the requirement that the comprehensive plans be "official". This requirement has made it difficult to make such grants in some States due to variations in State law as to what is "official".

In addition, the word "sewer" is changed to "waste disposal", in order to permit planning financed with the grants to include solid waste disposal systems. Loans and grants for construction already cover solid waste disposal.

Section 106 defines as rural area (for the purpose of all programs under the Consolidated Farmers Home Administration Act of 1961) as including towns and cities of up to 10,000 in population.

Section 107 of the bill would delete paragraph (5) of section 306(a) of the Act, which provides that no community water or waste disposal loan borrower may be indebted for more than $4 million less the amount of any grant it may have received. This limitation is arbitrarily restrictive, since in many situations it precludes the most efficient delivery of water and waste disposal services to rural residents and does not result in better loans. Larger systems, by engaging the services of full-time professional managers, treatment plant operators, accountants, and auditors, can operate more efficiently and at less cost per subscriber. Also many communities already have loans nearing $4 million, the indebtedness ceiling. They cannot expand or extend their services to other residents.

Section 108 of the bill would add to section 306(a) of the Act a new paragraph authorizing grants for financing the preparation of comprehensive plans for rural development as a whole or selected aspects of rural development.

Section 109 of the bill would amend section 309(f)(1) of the Act to raise from $100,000,000 to $500,000,000 the maximum amount of new unsold loans that can be held in the Agricultural Credit Insurance Fund at any time. Recent legislation permits the Farmers Home Administration to use loan insurance authority to finance projects to public bodies. This will likely result in an increased level of such insured loans. In addition, sections 111, 204, 301 and 112 of the bill would authorize use of the Agricultural Credit Insurance Fund for making insured loans under the watershed protection and flood prevention and resource conservation and development programs, the operating loan program, the emergency loan program and a new program of rural development loans. There will be an urgent need for increasing the interim loan limit above the present $100,000,000.

Section 110 of the bill would add to section 309 of the Act a new subsection (g) transferring to the Agricultural Credit Insurance Fund the assets, liabilities, and authorizations of the Farmers Home Administration direct loan account and Emergency Credit Revolving Fund. This will make it possible to market loans in the direct loan account and the Emergency Credit Revolving Fund as insured loans. The interest on any such loans made to public bodies and sold out of the Insurance Fund as insured loans would be subject to Federal Income Tax. The language of the proposed amendment is substantially similar to that of section 517(m) of the Housing Act of 1949, added by section 803 of Public Law 91-609, which transferred the Rural Housing Direct Loan Account to the Rural Housing Insurance Fund.

Section 111 of the bill would add to subtitle A of the Act a new section 310A authorizing insured watershed protection and flood prevention loans and insured resource conservation and development loans. The interest on any such loans made to public bodies and sold out of the Agricultural Credit Insurance Fund would be taxable. Farmers Home can now make only direct loans for these purposes.

Section 112 of the bill would add to subtitle A of the Act a new section 310B authorizing loans for rural development generally.

There is a need to provide credit for private business both in agri-business and in other manufacturing and service organizations where local labor and raw materials can be utilized. Loans to individuals and corporations for business enterprises are now available in certain designated areas from the Economic Development Administration. The Small Business Administration is also authorized to make loans of this type. However, neither of these organizations has field offices comparable to the more than 1,700 county offices of the Farmers Home Administration directly serving rural areas. Therefore, the credit needs of rural community business are frequently not filled because of a lack of accessibility to lending services.

In addition to cooperative and private business loans, rural areas need financing for the development of industrial parks and commercial establishments in order to attract industries. Related facilities are needed, such as land, buildings, plants, equipment, streets and roads, parking areas, utility extensions, housing developments, technical services, and personnel and administrative costs for the early years.

Funds would be used to expand or enlarge an existing facility or to develop a new establishment when the project is needed for the orderly development of rural areas or for providing needed job opportunities in rural areas. The Department would ordinarily expect the applicant to have some equity in the proposed project, and loans would be administratively limited to $100,000 initially to any borrowers.

Section 113 of the bill would make the "credit elsewhere" and "mandatory refinancing" requirements inapplicable to Farmers Home Administration insured rural housing loans where the applicants and borrowers are not in the low or moderate income category. Such borrowers are required to pay interest and charges at rates comparable to those paid by borrowers under the regular Federal Housing insured loan program. There is a need for rural housing financing of this nature in rural areas.

Subtitle B—Operating loans

Section 201 of the bill would amend section 311 of the Act to authorize operating loans to rural youths to enable them to establish or expand an enterprise being carried on as part of their agricultural educational training through such organizations as 4–H Clubs. In addition, this section would permit loans to rural youths for any of the other operating loan purposes specified in Section 312 where such loans could be made on a sound basis.

A minor signing a note for such a loan would incur full personal liability. Also cosigners could be accepted to supply needed strength for a sound loan.

Section 202 of the bill would amend section 312 of the Act to authorize operating loans to rural residents to finance the operation of small business enterprises in rural areas to provide such borrowers with adequate income. This section compares with section 101 of the bill.

Section 203 of the bill would amend section 313 of the Act to raise the maximum limit on an operating loan from the present $35,000 to $50,000. The average size operating loan has more than doubled during the past 10 years. In addition to an increase in the size of farming operations in general, each item of cost such as labor, equipment, taxes, fertilizer, seed, pesticides, fungicides, fuel, insurance and maintenance has increased greatly. For these reasons, although the situation is not as extreme in all regions and crop patterns as it is in the Western States, the Farmers Home Administration favors an increase in the operating loan limit from $35,000 to $50,000. Ten years ago, $35,000 was sufficient to adequately finance a family farmer. Today it is not adequate in many instances.

Section 204 of the bill would add to subtitle B of the Act a new section 317 to authorize insured operating loans. The present operating loan program is funded by appropriations from the FHA Direct Loan Account. This amendment would authorize the Farmers Home Administration to insure operating loans and sell them to private investors and thus shift the funding of this program from appropriations to the private sector.

Subtitle C—Emergency loans

Section 301 of the bill would add to subtitle C of the Act a new section 328 to authorize insured emergency loans. The present emergency loan program is funded by apportionments from the Emergency Credit Revolving Fund. When the amount of cash in the Fund is insufficient to meet the unforeseen demands of natural disasters declared by the Secretary of Agriculture and major disasters declared by the President, it is necessary to go through the time-consuming process of a supplemental appropriation act. The amendment would not only shift the funding of the program from government money to the private sector; it would also provide greater flexibility which is badly needed for a program providing emergency assistance to disaster victims. The reference to a supplementary act includes the Disaster Relief Act of 1970, which modified subtitle C of the Consolidated Farmers Home Administration Act of 1961 in certain respects.

Subtitle D—Miscellaneous

Section 401 of the bill would amend section 331 of the Consolidated Farmers Home Administration Act of 1961 to give the Secretary discretionary authority to require that bonds of bonded employees of the Farmers Home Administration be either a faithful performance of duties bond or a fidelity bond as prescribed by him. A fidelity bond protects against fraud and dishonesty. A faithful performance bond, as defined in 6 U.S.C. 14(a), covers, in addition to proper accounting for all funds or property received by reason of the position of employment of the bonded employees, "all duties and responsibilities imposed upon such individual or individuals by law or by regulations issued pursuant to law." Thus, County Supervisors and Assistant County Supervisors, under the terms of their faithful performance of duties bonds as prescribed by the present law, become virtual guarantors of the correctness of all their official actions. They become personally liable for any loss which results from the failure to comply with any provisions of all the mass of regulations applicable to the multifarious activities of the Farmers Home Administration. This may include, for example, mistakes made by inadvertence or misunderstanding on the part of hard working, conscientious employees who have spent many years in dedicated service to the agency and to the public interest. We believe it is a shockingly harsh and inequitable rule which requires such employees to financially guarantee that the actions they take in conscientious good faith are correct according to the multiplicity of regulations that may be applicable. The proposed amendment would, therefore, provide discretionary authority for requiring fidelity bonds protecting against fraud and dishonesty instead of faithful performance of duties bonds, where appropriate.

Section 402 of the bill would exempt the rural development loans authorized by new section 310B which would be added to the Act by section 112 of the bill, from the "credit elsewhere" and mandatory refinancing-when-able requirements of the Act. Those requirements tend to screen out the economically strong and vigorous businesses which may be most needed and most effective for vitally necessary contributions to rural development.

Section 403. This section would expressly require the Secretary, in the case of loans subject to the "credit elsewhere" provision, to determine the applicant's inability to obtain conventional credit before the application could be approved.

Section 404. The Act limits how security property may be disposed of by a borrower or by the Government. This section would permit security property to be sold, transferred, or disposed of in a manner determined by the Secretary to be most advantageous to the Government from the standpoint of carrying out program objectives and protecting the Government's security interest. It would give the Secretary broad discretionary authority as to the downpayment, length of term, and interest rate to be allowed or required in the sale or transfer of property to ineligible applicants. It would also permit sale of such property to a broader range of eligible applicants.

TITLE II—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

This title makes the following changes in the Small Watershed Program:

1. *Restoring, Improving, and Maintaining Environmental Quality*—This amendment would provide for added purposes to the Watershed Protection and Flood Prevention Act (Public Law 83–566), as amended. The proposed amendment would provide an effective means to plan and install in cooperation with public agencies and local organizations desirable measures and works that would restore, improve, and maintain the quality of the environment within the watersheds involved. It would provide a specific and purposeful response in the watershed program to the objectives and requirements of the National Environmental Policy Act of 1969. The specific purposes are described as follows:

a. *Water Quality Management*—This amendment would authorize the Secretary of Agriculture to share the cost of providing storage in watershed projects for water quality control.

This legislation is needed to encourage the reduction and control of pollutants and their adverse effects on the environment in small watershed areas. With this amendment it will be possible to provide maintenance of water quality at the farthest upstream points where pollution may occur.

Federal cost-sharing for water quality management is authorized for mainstream development under other federal programs but is not provided for under Public Law 83–566. The proposed amendment would remove this inconsistency and would permit the reduction and control of pollutants in waterways of authorized watershed projects and make possible feasible contributions to downstream water quality management.

b. *Land Utilization*—Agricultural land is being used increasingly for community livestock feedlots, grain storage facilities, livestock sales pavilions, landfills for disposal of various solid waste materials, sewage lagoons, and other uses. If well designed and properly built on suitable soils, they can be a definite asset and a desirable addition to a water disposal and land utilization system within a watershed project. Attention must also be given to possible pollution of ground water, proper drainage, and preservation of scenic values must be afforded. Financial assistance with PL–566 funds would help to assure the proper installation of these facilities.

c. *Agricultural Waste Management*—Agricultural wastes and odors often contribute to pollution of the overall environment through contamination of water supplies, streams, and land areas. Such enterprises can be detrimental to proposed development of watershed projects. Local interests may not be financially able to comply with water quality standards, if applied, and might otherwise have to go out of business. To provide for continued operation of these facilities to the benefit of the community, and not preclude development of the watershed project, PL–566 funds are needed to help finance relocation, modification, or to help with construction of sewage lagoons or other treatment facilities to take care of feedlot, barnyard, and other forms of agricultural wastes.

2. *Municipal and Industrial Water Supply*—This amendment would authorize the Secretary of Agriculture to bear up to one-half the cost of the storage of water for present use, for municipal and industrial water that may be provided in any reservoir structure constructed or modified under the provisions of Public Law 83–566.

Often the chief bottleneck to economic growth in rural communities is the lack of adequate water supply. Broadening the authority of Public Law 83–566 to provide federal cost-sharing for water supply to rural communities can have a major impact in producing economic growth, providing jobs, and developing a more comfortable and a better way of life in many town and country areas. In addition, improvement of the economy of these areas should help to reduce the migration of rural residents to already overcrowded urban areas.

Cost-sharing for municipal and industrial water in town and country areas would do more in contributing to community development than any other amendment.

3. *Use of Available Federal Funds*—Currently, Public Law 83–566 only permits the use of federal funds for acquiring land rights needed for works of improvement for public recreation or public fish and wildlife devel-

opments. Current restrictions are causing local sponsors to forfeit grants assistance under other programs for which they may be qualified to receive. The proposed amendment would permit the use of federal funds available to local sponsors under other programs.

This would permit local sponsoring organizations to utilize any funds that may be available to them under other programs that might be used in the purchase of land rights.

4. *Long-Term Contracting in Watersheds*—This amendment would authorize the Secretary of Agriculture to enter into agreements for periods of not to exceed ten years with landowners and operators to share the cost of carrying out conservation plans within watershed projects. It would result in accelerated and intensified application of practices and measures to conserve and develop the soil and water resources of farms, ranches, and other lands in project areas. It would assist in bringing about orderly community and resource development.

Cost-sharing contracts between landowners and the Department of Agriculture would assure application of planned measures on a time schedule. This arrangement would accelerate establishment of needed land treatment and speed up scheduling of structural works of improvement. Similar cost-sharing agreements have already proved their effectiveness in the Great Plains Conservation Program.

TITLE III—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT

Section 601 amends Section 32(e) of Title III of the Bankhead-Jones Farm Tenant Act pursuant to which the Resource Conservation and Development Program is carried out by the Secretary of Agriculture by cooperation with public agencies or local nonprofit organizations in developing and carrying out plans for land conservation and land utilization.

This amendment authorizes the Secretary of Agriculture to promote rural community development by furnishing technical and cost-sharing assistance to such public agencies and organizations in carrying out plans for rural community water supply, water quality management, the control and abatement of agriculture-related pollution, the disposal of solid wastes in rural areas, and the storage of water for rural fire protection.

The Secretary, in cooperation with such agencies, is authorized to provide for reservoir storage of water to include present and future water supply needs for rural communities.

The public agency shall pay not less than 50 percent of the cost of water storage to meet present needs and all of the cost of storage for anticipated future demands. Cost of water storage to meet future demands may not exceed 30 percent of the total cost of a reservoir structure. Such agencies and organizations must give reasonable assurance and present evidence that the water so stored will be used within a period of time that would permit repayment of its cost within the life of the structure. An interest-free period may extend up to ten years if the water stored for future use is not used during that period. Repayment with interest will begin as soon as the water is first used. Interest will begin to accrue after the 10-year period has elapsed even if the water supply is not used by that time. Full repayment must be made within the life of the structure but not to exceed 50 years from the time of initial use. The need for improving the economy and living environment of many rural communities relates directly to an abundant supply of high quality water. Scarce water storage sites used for other purposes with federal assistance can be more fully utilized in multiple-purpose resource conservation and development project plans by providing federal assistance for rural water supply storage.

This Section further authorizes the Secretary of Agriculture to provide technical and other assistance, and cost-sharing assistance for installing project measures and facilities in rural areas for:

(1) storage of water in reservoirs for water quality management;

(2) control and abatement of agriculture-related pollution; and

(3) the disposal of solid waste materials.

These project measures and facilities will improve fish and aquatic habitat, reduce biodegradation, and lessen water user costs during low stream flow periods; prevent contamination of water supplies, streams, and land areas by relocation, modification, or construction of lagoons, holding ponds, recycling irrigation systems, etc.; and provide for properly locating suitable lands for and constructing sanitary landfills to avoid groundwater pollution and health hazards to rural people.

The Section also authorizes the Secretary to furnish technical and other assistance, and to provide cost-sharing assistance for the storage of water and withdrawal appurtenances in reservoirs, farm ponds, and other impoundments for rural fire protection purposes. Such water storage facilities would provide protection for rural dwellings and buildings and natural resources including forest and rangeland. Withdrawal appurtenances would include outlet works, pumping facilities, and pipelines to convey water from reservoirs, ponds or impoundments to the nearest practicable point for delivery to fire fighting equipment.

Section 602 directs the Secretary of Agriculture to carry out a land inventory and monitoring program and to prepare a report at not less than five year intervals reflecting current soil, water and related resource conditions. The program will include surveys of erosion and sediment pollution damages, land use changes and trends, and degradations of the environment resulting from improper use of soil, water, and related resources. Such data may be used at all levels of government in land use policy planning, balancing rural-urban growth, and to assure the Nation of an adequate food and fiber supply by identifying the prime agriculture producing lands.

TITLE IV—THE UNITED STATES AGRICULTURAL LAND DEVELOPMENT CORPORATION

Establishes the United States Agricultural Land Development Corporation. The Corporation would be empowered to issue $200 million worth of capital stock. Fifty percent of the shares would be issued to the United States government. The other half would be offered for sale to the general public. This title authorizes appropriations up to $100 million for the government's investment in this stock. The Board of Directors would be composed of not less than ten or more than fourteen members. The Secretary of Agriculture would be designated as the Chairman of the Board. One-half of the Board would be appointed by the President. The other one-half would be elected annually by the public stockholders.

The Corporation would be authorized to purchase, at no more than the appraised market value, any farm offered for sale near an urban area of not less than 100,000 people. The Corporation could purchase land in an area one to six miles outside of the urban area. The Corporation could devote its property to any legal use except the cultivation of crops declared to be in surplus by the Secretary of Agriculture. The Corporation shall offer its acquired land for sale whenever, due to municipal expansion, the land becomes located within the 1-mile limit of the boundary of the city.

The Corporation could sell for private development if this development were made in accordance with a designated plan. The land would be sold at the appraised value in this case.

The Corporation would sell its land to a governmental agency at any time, at cost plus carrying charges, if the land is to be used for a public purpose such as a park or recreational area.

This title would be beneficial for two reasons; *First,* it would permit those farmers who wanted to sell their farm to do so at the fairly appraised market value; *Second,* it would assist in the orderly development of the areas surrounding municipalities of a hundred thousand or more. It would provide a means of seeing that land acquired by the Corporation would be used in the most feasible manner. It would be used in accordance with planned development, or it would provide for orderly development in that fringe area between rural and urban America.

TITLE V—LOCATION OF FEDERAL FACILITIES

The Agricultural Act of 1970 urged the heads of all Executive Departments to give priority consideration to locating new Federal facilities and offices in areas of "lower population densities".

Title V makes such priority mandatory and also changes the term "lower priority density" to "rural areas" as defined in this Act. The location of these offices and facilities in truly rural areas would play a vital role in rural development.

NIXON ADMINISTRATION OPERATES WITHOUT THE FACTS ON INTEREST RATES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, it is time for the Nixon administration to face the facts about the need for credit controls. It should stop wasting its time in a public relations campaign designed to convince the American public that these controls are not needed.

Repeatedly, administration spokesmen have come forward in various forums to argue that interest rates have come down and rosy claims have been spread across the pages of the newspapers and have been heard on radio and television across the land.

Under present policies, the favoritism to the banks and other lenders is obvious and it is easy to understand why the administration is so nervous and so anxious to put forward these unsupported claims to justify its position.

Mr. Speaker, interest rates have not come down for the overwhelming majority of the American consumers. They have not come down for the workers whose wages are frozen. They have not come down for the majority of businessmen whose prices are frozen. They have not come down for the apartment house owner whose rents are frozen. In fact, evidence which has reached my office establishes that there have been interest rate increases since the wage-price freeze announced by President Nixon on August 15.

What the administration—and some of the press—has seized on are minor changes in the money market, particularly the corporate and tax-exempt bond sector. They have also seized on scattered announcements by a few financial institutions claiming reductions in consumer rates. These announcements have been more public relations fluff than substantive reductions for consumers.

A classic example is the effort of Chemical Bank of New York to indicate that it was leading a trend to lower mortgage and consumer interest rates. Following the freeze, this bank issued press releases announcing a reduction in consumer and mortgage loan rates. Administration spokesmen picked up the announcement quickly and in both public and private briefings used the example to support their argument that no interest rate controls were needed. This same contention was repeated in newspaper columns.

But one newspaper—the New York Times—did a little investigating and pretty well destroyed the administration's propaganda effort. The Times revealed that Chemical's reductions in mortgage rates applied only to those loans where the borrower had made a 30 percent down payment—a sum that the average homebuyer normally cannot produce. It is obvious that this reduction was only for the more affluent and long-standing customers of the bank and indicated no trend in the mortgage market. As the Times noted:

> Bankers said yesterday that it was ironic that Chemical Bank had received wide notice for reducing its rate on home mortgage loans, since that bank has not been seeking aggressively to make such loans.

The administration has clung longer to its claims about the corporate bond market—a market in which the average consumer and wage earner is not involved. But even here, the administration has had trouble getting the facts to support its much-ballyhooed contentions. After the wage-price freeze was announced on August 15, there were slight improvements in the bond market—minor drops in fantastically high interest rates. But the market has been moving up and down and at the beginning of the week of September 13, this market lost about half of the gains posted after the President's August 15 announcement. Then late last week, the market rallied again and interest rates dropped. This week, the interest rates are going back up again and the New York Times of Wednesday, September 22, states:

> The credit markets, beset by diminished confidence in the efficacy of the administration's economic program and by swelling calendars of new issues, lost more ground yesterday and interest rates worked higher.

On this same day, Southern California Edison went into the market with $100 million of Aa bonds and had to pay 8.05 percent. When utilities are paying more than 8 percent on bonds, we do not have lower interest rates as administration spokesmen have been claiming.

The ups and downs of the corporate bond market have obviously not brought the Nation "lower interest rates." The administration should stop deluding the public on this score.

The same thing is true concerning Treasury borrowings. Today's newspapers report that the interest rates on the Treasury's monthly bill offerings rose during September after the slight decrease recorded following the freeze announcement in August. On 274-day bills, the interest rate averaged 5.24 percent, up from last month's figure of 5.09 percent. On 366-day bills, the interest rate averaged 5.27 perent, up from August's 5.12 percent.

In short, there is nothing in the money markets which could be accurately interpreted as a trend toward lower interest rates, the administration's rosy statements to the press notwithstanding.

The administration has also been spreading the propaganda that credit controls would mean "freezing interest rates at abnormally high levels." This is the purest form of hogwash since no one has proposed that interest rates be frozen at the present level and the Credit Control Act of 1969 (Public Law 91–151) does not contemplate this type of action. The law was written—originating in the House Banking and Currency Committee—so that the President could control all aspects of credit with the power to roll back interest rates to any level that he so desired. The Credit Control Act does not—as some administration spokesmen would like you to believe—contain a base period as do the wage-price authorities. So a "ceiling" would become a "floor" only if the administration wanted it to be and only if the Credit Control Law was badly administered.

Mr. Speaker, I have also been startled by statements from high officials that the banks have been left out of the control program because "they might refuse to make loans." This has been stated to me privately and I can only conclude that the administration means that our commercial banks would "go on strike" if they were asked to participate in this new economic program. This is hard to believe, but if the banks decided to be this unpatriotic, I am sure that we could be imaginative enough to find alternatives.

There is simply no reason why banks and other lenders—including retail outlets—should be treated any differently than wage earners and businessmen. The President's new program depends greatly on the confidence of the American people. Without this confidence, it is impossible to successfully maintain a wage and price program. Confidence cannot be maintained when controls are enforced in an inequitable manner and when favored sectors—powerful sectors—are let off the hook.

The saddest part of the administration's approach to credit controls is the fact that they are trying to make policy—and mold public opinion—in a complete void. They do not have specific information about the interest charges that are imposed at the consumer level. This is true both before and after the freeze announcement of August 15.

This is an area where information is missing. The administration can make no meaningful statements in this area because they simply do not have any data.

This is true despite the fact that consumer credit—both installment and noninstallment—is running at a volume of about $10 billion monthly. Some of this is dispensed by the banks, a great deal through department stores and other retail outlets, a great amount through credit cards and small loan companies. What evidence can the administration produce that any of these rates have gone down even by the merest fraction?

The truth is that the Federal Government primarily limits its data collection to money market rates, bond rates, prime rates—all of the rates far removed from the consumer. The Federal Reserve has been embarrassed by the lack of up-to-date data and on August 25—10 days after the freeze—sent a hurried questionnaire to 300 selected banks. But this belated survey, at best, will touch only a small fraction of the consumer credit. There will be nothing to give us up-to-the-minute data on the billions of dollars of credit dispensed by small loan companies and retail merchants.

In one area—home mortgages—the Federal Government does collect monthly data through the Federal Home Loan Bank Board. This agency conducts a limited survey in selected markets and that analysis shows that interest rates on mortgages rose in both June and July. When the July figures were published, the effective average interest rate nationwide on new homes was 7.65 percent.

The Federal Home Loan Bank Board has not published the figures for August yet but the indications that are reaching my office lead me to believe that these figures will be up once again in August—even higher than the increase announced for July.

And the administration continues to claim lower interest rates.

The mortgage situation is already creating a serious inequity in the freeze on rents. For example, I have been in contact with the owner of an apartment building in New York City who is being asked to substantially increase his mortgage interest payments. The rents on the apartments are frozen under the President's order, but the owner of the building is being asked to pay 2½-percent additional interest if he wants to renew the mortgage on the property. The current rents—which are frozen—are calculated on the basis of the present interest charges and the inequities imposed by the higher bank charges are clear. Rent control without interest rate control is virtually impossible and this may endanger much-needed rental housing in urban areas.

In the past few days, I have received a letter from an individual who is attempting to purchase a farmhouse and 20 acres of land in New England. He states that he was negotiating a loan for 70 percent of the purchase price for 8½-percent interest for 15 years at the time President Nixon announced his wage-price freeze. On August 23—8 days after the President's announcement—this gentleman received notice from the bank that the loan would now have to be revised on the following basis: Two-thirds of the purchase price—rather than 70 percent—for 12 years—rather than 15—and for 9-percent interest—rather than for 8½ percent.

The victim of this bit of price gouging in the midst of a nationwide economic freeze wrote me:

> Do you, for a moment, doubt that this bank took immediate advantage of the Ad-

ministration's failure to freeze interest rates by drastically increasing the costs of their mortgage money?

And a small businessman from Alabama writes me in a letter dated September 17, 1971:

> Small Business in particular desperately needs a lower rate of interest. Small Business today is paying practically the same rate they paid a year ago even though the prime rate has been lowered twice or more since then.

The same kind of problem is related in a letter from another small businessman from Detroit, Mich. He is faced with rising interest costs on his building and I quote from the letter:

> Several days ago when the latest addition to the double-talk artists in the Nixon administration, Mr. Connally, was asked about a freeze on interest, with a straight face he said this was not necessary since interest rates were at a low for the past several years. I have seen no one stand up and call him a liar.
>
> I have a small business. I purchased the building I am in late in 1965 on a 10-year mortgage through my local bank at 6% interest. I am in need of additional working capital and I decided to remortgage the building for additional financing. I called the same bank and they said they were interested but of course the best rate now is 9½%. Incidentally, despite what Mr. Connally said when I needed a small loan only two years ago I paid 7%.

These are but a few of the cases which indicate the absurdity of the administration's claims on interest rates. As some of these rosy statements were being made, the two largest banks in the State of Maryland, on September 2, filed suit in the Baltimore Superior Court asking that they be allowed to triple the interest that they charge on loans of $300 or less. Yet, the administration continues to tell us that voluntary efforts will hold down interest rates and that the banks are lowering their rates.

Mr. Speaker, the people are paying nearly $150 billion annually in interest on the various public and private debts. This is a staggering sum which affects every budget in the land. It is folly to leave such an area out of a program designed to bring economic stabilization.

Credit controls will be needed even if we get lower interest rates. The President's entire program depends on a flow of credit—on reasonable terms—to the lagging sectors of the economy. Reasonable interest rates are needed for the consumer if we are to have an upsurge in purchasing power.

If the President's program works—as his economists assure us—there will be a great expansion of the economy and this will bring a heavy demand for credit at all levels. In the past, a heavy demand for loans has been used as an excuse for the commercial banks to raise interest rates. Credit controls—imposed now—would assure that expansion will not be accompanied by another round of runaway interest rates. So even if we see temporary alleviation from high interest rates, the administration must look to the long-range needs of the economy and not allow it to be hamstrung by high costs for capital and consumer credit.

Mr. Speaker, I have assured the President of my desire to cooperate in the programs to bring about economic stabilization. I think a majority of the Congress feels the same way, but we must have a program which is defensible—one that is equitable. But we cannot have a defensible economic program unless the banks, interest rates, and other aspects of credit are brought under the same umbrella with the rest of the economy.

CHILDHOOD LEAD POISONING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, 2½ years ago I introduced three bills which shared a common aim—the mounting of a Federal assault on childhood lead poisoning. Subsequently, the distinguished senior Senator from Massachusetts, Senator KENNEDY, joined in our efforts. On January 13 of this year this legislation, the Lead-Based Paint Poisoning Prevention Act, was signed into law by the President. On August 10 of this year, the President signed into law the appropriations bill for the Departments of Health, Education, and Welfare and Labor—Public Law 92-280—which included $7.5 million to fund the Lead-Based Paint Poisoning Prevention Act.

The victories, when they have come, have perhaps been sweeter because of the obstacles which we had to surmount to attain them. There has never been any question about the severity of childhood lead poisoning. Nor has there been any question that it is a preventable disease. All that has been lacking in the past has been the willingness of this administration to act, and the will of this Congress to move in the face of the administration's recalcitrance.

The Department of Health, Education, and Welfare's own figures give some inkling to understanding the extent of childhood lead poisoning. In its May 1971 report, entitled "Towards a Comprehensive Health Policy for the 1970's: A White Paper," the Department stated:

> Paint with lead in it poisons about 400,000 children (predominantly poor) annually. It is estimated that 16,000 of these children require treatment, 3,200 incur moderate to severe brain damage, and 800 are so severely brain damaged that they require care for the rest of their lives.

I would add another somber figure—the 200 children who die each year of this dread disease.

These are the statistics which mark childhood lead poisoning's toll—a toll taken by means of blindness, cerebral palsy, kidney impairment, mental retardation, and death. Indeed, no one can question the severity of the problem which, as another HEW document—in this case a document not released by the administration, but transmitted to me nevertheless by a committed and concerned individual—states:

> (Childhood lead poisoning is) more prevalent than the polio problem before the advent of the Salk vaccine . . . (and it) leaves more children permanently impaired than did German measles prior to the extensive measles vaccination programs.

In dollar terms alone—terms which I have had to use to impress some but which, to my mind, are totally irrelevant when we are talking about children's health—childhood lead poisoning is an economic disaster. Each case of moderate brain damage requires approximately 10 years of special instructions and other care, averaging $1,750 per child annually. So, each year, the 3,200 children who do suffer moderate to severe brain damage produce costs for care alone of $5.6 million. The 800 children who annually experience severe brain damage require lifetime institutionalization, at a cost of $4,000 per year each, or $3.2 million annually, and of these costs will continue for their entire lifetimes. Thus, the current annual cost for the damage to these small children totals $8.8 million. Add to that the medical and other expenses for the 200 small children who die annually. Add to that the incalculable amounts for grief and suffering.

Yet—and this is the fact that adds even more to this tragic litany—childhood lead poisoning is a preventable disease. We know how to identify it, we know how to treat it, and we know what to do to avert its recurrence.

Why, then, has this Nation moved so slowly, when delay means devastation?

I wish I could give a satisfactory answer—one which would say, "Yes, we are women and men of good will, and we do want to help." The facts are not so, though. Throughout our efforts, we met with resistance, recalcitrance, and rejection. That we have succeeded—and we have not succeeded anywhere near enough—is testimony to the determination of individuals and groups throughout this country who have insisted—demanded—that their Government stop ignoring them and start serving them.

I am not going to recount the tale of difficulties which arose more than briefly. Initially, in congressional hearings, the administration opposed my legislation. Fortunately, our efforts succeeded in convincing the Congress that a Federal assault on childhood lead poisoning was necessary, and we passed the Lead-Based Paint Poisoning Prevention Act.

Then the Department of Health, Education, and Welfare, and the President's Office of Management and Budget recommended that the President veto the bill. Two days of phone calls, telegrams, and letters turned that decision around.

But after the Lead-Based Paint Poisoning Prevention Act was finally signed into law, the administration decided to consign it to the background. No funds were requested to implement the program. We wrote; we held meetings; we enlisted support; but the administration would not be moved.

So we again looked to Congress, determined to overcome the administration's antipathy. Last spring I testified before the Senate Subcommittee on Labor and Public Welfare of the Senate Appropriations Committee. Within hours—and I have been told this by unimpeachable sources—word came down on high from within HEW that the administration would push for $2 million to fund the act. A victory, yes. But an insult, in the face of the enormous need for funds for the grant programs for screening, treatment, and eradication created by the Lead-Based Paint Poisoning Prevention Act.

Fortunately, the Congress was beginning to act. We obtained $5 million in the second supplemental appropriation bill in the spring. But that was lost in the House-Senate conference on the bill. The slightest encouragement from the administration would have moved those conferees who were either uninterested or resistant. No word was forthcoming.

Pressure was building up, however. A group called HEW Employees for Change took a highly unusual tactic—they issued a public statement castigating their own employer for not pushing in the lead poisoning fight. Internal documents embarrassing to the administration were being sent to my office, such as the HEW internal report which stated with regard to implementation of the Lead-Based Paint Poisoning Prevention Act:

> The necessary information to eliminate the problem is known. The time for action is now and now is the time for effective action programs at the community level.

We succeeded in soliciting the lobbying help of environmental groups, such as the Sierra Club and Friends of the Earth. Some 20 health groups, organized as the Coalition for Health Funding, began lobbying to obtain funds, and provided us with a tremendous boost. Newspapers throughout the country began to listen to what we were saying, and pressures built up more.

We succeeded this time. We obtained $7.5 million in the Labor-HEW Appropriations Act for fiscal year 1972, Public law 92–80. A victory, yes; but $7.5 million is nowhere reaching the problem. The administration is willing to fight for hundreds of millions for the SST, but even in the face of a losing battle, it did not have the grace or the political savvy to jump on the bandwagon and push for funds to fight for lead poisoning. So we had to settle—for the moment—for $7.5 million.

But the fight is only beginning. The Congress has inched forward, and the administration has reluctantly followed behind. Now, we must continue.

First, we must obtain more funds. To that end, I have introduced H.R. 10570, providing the additional $22.49 million which is authorized by my legislation.

Second, I have filed a petition with the Federal Food and Drug Administration to ban all lead-based paints from household uses. Obviously, that has put people on the run; on September 20, the national paint lobby sent a letter to every Member of Congress personally attacking me for my efforts to end the dread disease of childhood lead poisoning. That we will attend to in good time.

Third, the Department of Housing and Urban Development and the Department of Health, Education, and Welfare have acceded to my urgings, and have agreed, as they have so informed me by personal communication, to conduct a nationwide study of all paint brands to determine which exceed—despite labeling to the contrary—the supposedly safe 1 percent lead level.

Fourth, we are undertaking a New York City-wide effort to alert parents to the danger, and to bring together those dedicated individuals and groups who have been struggling to combat the disease which afflicts our city.

The children have been waiting a long time. They are still waiting. But now, their voices are being heard; and, if this administration continues to ignore them, we will continue to ignore the administration. For it is the children who will be ignored no longer.

TERMINATION OF U.S. MILITARY ACTIVITY IN INDOCHINA AS OF MARCH 31, 1972

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for 1 hour.

Mr. McCLOSKEY. Mr. Speaker, I would like to call the attention of the House to the fact that the Senate on Tuesday last adopted the conference report on H.R. 6531, thereby completing congressional action on the extension of the Selective Service Act, and stating:

> It is hereby declared to be the sense of Congress that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all United States military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

The House having previously adopted this conference report on August 4, 1971, by a vote of 298 to 108, Congress has now firmly and clearly adopted the position that our military involvement in Indochina be completed at the earliest practicable date, and that the sole condition for our withdrawal be the release of all American prisoners of war.

The language of H.R. 6531 is precise on this point. The resolution further states: "The Congress hereby urges and requests the President to implement the above expressed policy," by taking three specific negotiating positions at Paris seeking: one, a cease-fire; two, a final withdrawal date for all military forces of the United States contingent upon the release of all American prisoners of war in Indochina; and, three, negotiation of a series of phased withdrawals subject to a corresponding series of phased releases of prisoners of war.

The crucial point I wish to call to the attention of the House, however, is that the President continues today to demand an additional point in the negotiations: The survival of the Thieu regime in South Vietnam. In this position, the President now stands against the expressed will of both Houses of Congress, and undoubtedly also against the will of the great majority of the people of the United States. The President's position was made amply clear by his action Tuesday, as Commander in Chief, in sending an armada of 250 U.S. warplanes to carry out one of the heaviest raids in North Vietnam since the bombing halt of November 1, 1968, nearly 3 years ago. At least 200 fighter bombers participated in the attack on North Vietnam. This figure did not include the B–52 strikes which were apparently likewise conducted Tuesday against targets in Cambodia and Laos.

The President talks peace but he makes war. When he took office in 1969, he commenced the withdrawal of troops from Vietnam but doubled the bombing in Laos. Almost three times as many bombs as far as tonnage is concerned have been dropped in Vietnam, Laos, and Cambodia as were dropped in Europe and the Pacific in World War II.

In the newspaper accounts of the attacks Tuesday, they were described by the Pentagon as "protective reaction strikes against military targets in North Vietnam constituting a threat to the safety of the U.S. forces."

The identity of the threatened U.S. forces has not been disclosed by the administration, and indeed, in view of the reports of the past several weeks indicating the withdrawal of U.S. forces from advanced positions, it is difficult to imagine that any real danger exists to U.S. forces in South Vietnam from the scattered enemy units in North Vietnam, Laos, and Cambodia where the bombing took place.

The true purpose of the bombing raids Tuesday can only be to seek to save as long as possible the repressive military government of the Thieu regime. Such a goal is no part of the sense of Congress resolution which is now on the President's desk awaiting signature. The omission of such goal from the congressional resolution was both deliberate and unequivocal.

That resolution, section IV of the bill, entitled "Termination of Hostilities in Indochina," makes clear to the President in no uncertain terms that the American people, through their elected representatives in Congress, "urge and request" the President to give up his insistence at Paris on the survival of the Thieu regime. The success of Vietnamization forms no part of the negotiating position Congress has requested be taken. By our action, we concede the right of the Vietnamese themselves to determine who governs them. Our action is in accord with the President's doctrine announced at Guam; if the South Vietnamese really desire independence, they alone must earn it from their fellow Vietnamese.

Admittedly, the congressional action to date is expressly only a "sense of Congress" resolution. Nevertheless, it represents a clear statement of position on the major issue of our time, our military involvement in Vietnam. The cost of that involvement remains the single largest item of Federal expenditure, an estimated $11 billion this fiscal year.

I hope, Mr. Speaker, that the President will do us the honor of an early response, indicating that he either accedes to the negotiating position we have requested he adopt, or that he intends to continue his demand as expressed in earlier speeches and press conferences that the present South Vietnam regime be preserved.

The Congress, which authorized the waging of war in Southeast Asia by the Gulf of Tonkin Resolution of August 6, 1964, has repealed that authority as of January 12, 1971, over 8 months ago.

Repeal of the Gulf of Tonkin Resolution limited the President to his inherent power as Commander in Chief to protect the lives of the Americans remaining in Southeast Asia. It did not authorize the continuance of an air war of the magnitude we witnessed Tuesday and which is apparently continuing. It is almost as if we have become a pitiful helpless giant, thrashing out in one final paroxysm of rage and anger, trying to kill and destroy for the purposes of killing and destroying alone.

As of the day that the President signs H.R. 6531 into law, however, the request of Congress that the killing and destruction stop at the earliest practicable date requires the President's immediate reaction and response. He should, in good faith, either carry out the request of the Congress, or specifically and clearly advise us that he does not intend to do so. If he meets our request, he need only change his instructions to our negotiators in Paris—asking that they reduce our demands to one: The return of our prisoners and an accounting for those captured. If he does not wish to honor our request, then he need only so advise us. It is then our responsibility to act.

We in the Congress have the power to both declare war and to terminate it. If the President declines to either pursue the course of action we have requested, or to respond within a reasonable period of time, I believe we have the obligation to implement our present request with specific legislation, making it illegal to conduct military operations in Southeast Asia after a specific date certain.

To that end, I have introduced today a resolution setting such date certain as of March 31, 1972. A copy of the resolution is appended at the conclusion of these remarks. I would propose immediate consideration of this bill should the President fail to advise us of his response to our request within a reasonable time, say October 1, 1971.

It seems to me that as Members of the world's most powerful legislative body, we now owe an obligation to stop the killing and devastation perpetrated on rural Asian peoples by the most sophisticated air power and weapons ever developed in the history of mankind. There can be no valid purpose in pursuing any longer the facade that we are protecting a democratic form of government in Saigon. We tried to create such a government; we have failed in that attempt. What we do now is solely to preserve the pride and prestige of a military government which practices on a daily basis the same denial of due process, repression of dissent, censorship, and torture which Americans have traditionally stood and fought against since our Nation was founded. When 250 planes attack North Vietnam and an unknown number of B-52's attack Laos and Cambodia, there can be no doubt but that we kill more civilians than we do enemy soldiers. It seems to me, Mr. Speaker, that the time is long past when we should admit that our purposes and efforts in Vietnam have constituted a tragic mistake, a diversion of the energies, resources, and goals of a great nation, away from the traditional principles of self-determination and anticolonialism which have formed the basis for our own historical heritage.

The immorality of killing anyone today for any purpose other than the preservation of human liberty or national sovereignty only compounds our tragic mistake. The obvious deception in using the term, "protective reaction strikes" to describe Tuesday's massive aerial bombardments only further emphasizes the enormity of the error of our past and present actions in Southeast Asia. It is one thing to fight and die for a principle; it is another to hire foreign mercenaries to fight our battles and to impersonally destroy fellow human beings by high-altitude bombardment in order to preserve a corrupt and repressive government.

It seems to me, Mr. Speaker, that the time has come for Congress to assume that constitutional responsibility which the framers of the Constitution so clearly reposed in us—to unequivocally and finally end the killing which was authorized in our name over 7 years ago.

The resolution follows:

H.J. Res. 885

Joint resolution to set a termination date for United States military activity in Indochina

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, that all United States military activity in Indochina shall be terminated as of March 31, 1972, unless the President shall have been unable by that date to negotiate, as the sole conditions of such termination, the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

WINSTON L. PROUTY, FRIEND AND PATRIOT

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Massachusetts (Mr. Keith) is recognized for 60 minutes.

Mr. KEITH. Mr. Speaker, with your permission, and at the request of our good friend, Mr. Robert T. Stafford, I arranged this opportunity to honor the memory of the late Winston L. Prouty.

Mr. Stafford intended to discharge this responsibility, but, as we know, the rapid flow of events has led to his appointment, by Gov. Deane C. Davis, to assume Mr. Prouty's duties in the Senate.

In that body, this morning, eulogies were given under a special order arranged by the distinguished senior Senator from Vermont, Mr. George Aiken.

For many years, I have enjoyed more than an average association with Massachusetts' good neighbor State of Vermont, and with the Prouty family, long associated with public affairs and the national interest.

For example, the late Senator's brother, Paul, in his own quiet way, is active in the civic affairs in the city of Brockton as was the Senator in the affairs of our Nation.

Win Prouty came to the House, in 1951, against a background of 18 years' combined service as a member of the Newport, Vt., City Council, as that city's mayor, and as a State representative.

Throughout his 10 consecutive years in the House, and his subsequent 12 years in the Senate, he earned the reputation of a public servant infinitely qualified to respond to the particular needs of his constituents and, at once, to contribute richly to the national policy and interest.

He was quiet, even diffident, and he was moderate. He was a man of deep personal conviction and demonstrable independence of thought. He could give himself to far-ranging international problems without losing contact with the needs of the aged, the underprivileged, or our veterans.

In short, Winston Prouty was an able legislator, a determined statesman, and a dedicated patriot. But I shall remember him best as a most cherished friend.

I join with all of his colleagues—in both branches of the Congress and on both sides of the aisle—in lamenting the personal loss that is shared by his family and his friends in Washington and in his home State of Vermont.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I am glad to yield to our distinguished colleague from Wisconsin.

Mr. O'KONSKI. I thank the gentleman for taking this time to pay tribute to a great American.

Former Senator Prouty served as a valued Member of this House. He was an able Member, a well-respected Member of this House. He went to the other body and carried on in a manner even greater than he did in the House.

Not only the State of Vermont but also the whole Nation and the whole world have lost a great statesman, as we have lost Senator Prouty.

Mr. KEITH. I thank the gentleman from Wisconsin.

Mr. SPRINGER. Mr. Speaker, the death of Senator Winston Prouty at the peak of his political career is a tragic loss for his beloved State of Vermont and for the Nation.

I was particularly saddened because Win Prouty and I came to the Congress at the same time. We both were first elected to the House of Representatives in 1950. Previously he had served as speaker of his State's House of Representatives and as chairman of the Vermont State Water Conservation Board.

Win Prouty's colleagues on both sides of the aisle had ample opportunity to become impressed with his statesmanlike qualities. The people of Vermont were impressed, too, so much so that they elected him to four successive terms in this House and three terms in the Senate. In these critical times the Nation can ill afford to lose men of the caliber of Win Prouty.

Mr. McCLORY. Mr. Speaker, it is with deep sadness that my colleagues and I have learned of the passing of Vermont's junior Senator, Winston L. Prouty.

One could not know Senator Prouty for long without developing an affection and respect for him. Senator Prouty's quiet and unassuming manner concealed the depth of his thought and the conscientious judgment which he exercised on the great issues which he faced as a Member of the U.S. Senate.

Senator Prouty devoted a great part of his life to public service. His knowledge of State and local government before entering the U.S. Senate contributed substantially to his senatorial service where the impact of major Federal legislation was necessarily measured by this background of rural and urban life in Vermont.

Mr. Speaker, in recalling his outstanding public service, it is appropriate to reflect also on his private and personal life. Win Prouty and his wife, Jennette, were always a gay and welcome addition at the social and cultural activities in our Nation's Capital. It was on a personal and friendly basis that I knew Win Prouty best, and it is on this friendly and personal basis that I join today in this expression of respect and affection.

Mr. Speaker, my wife Doris joins me in extending sympathy to Mrs. Jennette Prouty and to all members of the family of the late Senator Winston L. Prouty of Vermont.

Mr. ROONEY of New York. Mr. Speaker, I sadly join with my colleagues today as we pay tribute to one of the fine men of our time, the late Senator Winston L. Prouty of Vermont. I had the good fortune to come to know Win Prouty well during the 8 years he served in the House of Representatives. Although we differed somewhat in political philosophy, I had nothing but the highest respect and admiration for this soft spoken, retiring but very warm, man. Win was a person of strong convictions and he voted those convictions be they popular or not. He was dedicated to serving the people of Vermont and the entire country. For more than three decades he devoted his life to public service both here and in his home State. The people of the State of Vermont and the entire Nation benefited from his selfless devotion to the principles of justice upon which this Nation was founded. We have all lost a good friend who will be sorely missed. To his wife and family I extend my deepest sympathy in their great loss.

Mr. MORSE. Mr. Speaker, I knew Winston Prouty well, both as a good friend and a devoted public servant, and it is with great sorrow that I join with my colleagues today in paying tribute to him.

Win Prouty was a man of great warmth, great integrity, and great compassion. As mayor of his hometown, Newport, as speaker of the Vermont House of Representatives, and as a distinguished Member of both the House and Senate, he devoted himself totally to the work of public service. He fought diligently and tirelessly for greater educational opportunities, for the elderly, the workingman, the handicapped, and the poor. No one better understood the human needs of this country, and his efforts to better the health and welfare of all Americans will be felt and appreciated for many years to come.

His loss is profound, and I extend to his wife and loved ones my most heartfelt condolences.

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to express my feelings on the loss of a very fine gentleman, Senator Winston L. Prouty.

Win and I had known each other for more than 20 years. We were sworn into the 82d Congress together on January 3, 1951. He was one of the first people that I looked up when I came to Congress, because my father was born in his State. As a result of our early acquaintance, we became very good friends and I always cherished his friendship very highly.

I believe I can say without reservation that he was a true friend to everyone that he came in contact with. He was a great representative while serving in the 82d, 83d, and 84th and 85th Congresses. We lost a great colleague in the House of Representatives when he left the House, but the people of his State gained a Senator of grand stature. The contributions that he made to this country while serving in the Congress were so outstanding that they are too numerable to list.

With his passing I have lost a dear friend and the people of this country have lost a great statesman. I would like to extend my deepest sympathy to his wife and loved ones.

Mr. GERALD R. FORD. Mr. Speaker, all of us were saddened and shocked by the sudden passing of our dear friend, Win Prouty.

It was my great personal privilege to know Win Prouty intimately during his years from 1951 through 1958 in the House of Representatives. On first meeting Win, one would get the impression he was somewhat restrained and aloof, but as your friendship expanded he became a warm and thoroughly charming person. Win Prouty will be sorely missed by his multitude of friends who had the privilege of knowing him on a personal basis and I was one so fortunate.

Historically, Vermont has a reputation of sending able, constructive, and effective legislators to the House of Representatives. Win Prouty, in his 8 years in the House, carried on that great tradition. His daily responsibilities in the House Committees on Foreign Affairs and Veterans' Affairs reflected his concern and expertise on problems affecting international matters and our war veterans.

On the floor of the House he stood fast for those principles in which he had deep conviction; and, likewise, he staunchly upheld the viewpoint of his constituents, whom he so ably represented. At the same time Win Prouty had a broad, nonpartisan point of view which reflected his deep concern for all Americans in 49 other States, and he was a solid statesman on matters concerning the national security and international problems of the United States.

Those of us who knew and worked with Win Prouty in the House of Representatives were certain his career in the U.S. Senate would be one of continued accomplishment and success. By thoughtful judgments and dedicated actions Win Prouty in his own way became one of the most respected Members in the Senate.

History will record that the Congress has lost with Win's passing one of its most distinguished legislators. The Nation has lost one of its finest citizens. My wife, Betty, and I have lost a fine friend whom we greatly respected and thoroughly enjoyed. I extend to his lovely wife, Jennette, our deepest condolences in this time of sadness. We all grieve with his passing, but are proud of the accomplishments of this fine man who has left an indelible record of achievements on the pages of history.

Mr. COUGHLIN. Mr. Speaker, it is with sadness that I note the death of Senator Winston L. Prouty, of Vermont.

For over 30 years he served his State with distinction: first as mayor of his hometown, then as a State representative, as chairman of the State water conservation board, as U.S. Congressman, and, for the last 13 years, as U.S. Senator.

As a Senator, he was known especially for his legislation in the field of elementary, secondary, and higher education, and for his work in the expansion of social security benefits. As one similarly interested in these fields, I can say that his work here will be his monument.

In the Vermont tradition, Senator Prouty was a hard worker, reserved in manner, with a deep sense of public responsibility, a man of precision in both mind and speech, and a versatile piano player. Unquestionably we need more men like Senator Prouty in public life. His death reminds us how rare such men are.

Mr. ANDERSON of Illinois. Mr. Speaker, the flag flies at half mast over the New Senate Office Building as his colleagues in both Houses of the Congress mourn the passing of Vermont's junior Senator, the distinguished Winston Prouty. Though I was never privileged to serve with him personally, I feel myself beholden to this gentle but firm and wise man for bringing to his duties in the other body a spirit which reached far beyond the confines of the Senate Chamber and deeply influenced those of us in the House who share respect and admiration for him.

His work on the Commerce and Labor and Public Welfare Committees of the Senate, as well as the Rules Committee, will be remembered for its precision, for the responsible way in which it was conducted, and for the quiet but significant contributions which it made to much of the most important legislation which has been shaped by the Congress in recent years. We will all miss him, and I have no hesitation in saying that the loss will be felt as deeply here in the House as it will be among his colleagues in the Senate.

Mr. BOW. Mr. Speaker, the Nation's loss is also my personal loss for Winston L. Prouty who came to the House when I did was a close friend with whom I shared many legislative objectives.

Senator Prouty was my kind of conservative, the kind Ike had in mind when he spoke of being liberal where the welfare and human needs of the people are concerned, conservative in guarding their liberty and the public purse. It was in this frame of reference that Senator Prouty was successful in establishing the small monthly payment for very old people who had never had an opportunity to work for social security annuities. The same philosophy supported his long dedication to assisting with the expenses of a college education and in many other endeavors.

It is sad to see a distinguished career end so abruptly and prematurely. It is gratifying to observe how much a man of this caliber can accomplish with whatever time is given him. Winston Prouty will long be remembered by all who knew and worked with him. Tens of thousands of others who never hear his name will benefit from the worthwhile programs he worked so hard to establish.

GENERAL LEAVE

Mr. KEITH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and service of the late Honorable Winston L. Prouty.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EFFECTS OF THE UTU RAIL STRIKE ON THE AGRICULTURAL COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Harvey) is recognized for 5 minutes.

Mr. HARVEY. Mr Speaker, continuing my series on the effects of the UTU rail strike, I would like to discuss one of the groups that was most seriously hampered by this 19-day selective strike—the agricultural community. Unfortunately, many types of agricultural commodities spoil and cannot be stored until rail service can be resumed. Since alternative transportation is either unavailable or prohibitively expensive, many farmers have no choice but to plow their crops under during a prolonged rail stoppage. Such action then becomes a total loss for the farmer. The daily loss to the California economy, for example, that resulted from the UTU strike was estimated by the United Fresh Fruit and Vegetable Association to be $11.2 million.

Various agricultural commodities were, of course, affected to varying degrees by the UTU strike. Most were fortunate in that the strike occurred just before the peak harvest season. However, the beet sugar industry experienced production cutbacks of up to 70 percent in certain areas of the country due to the inability of the refineries to receive sugar beets. Any alternative transportation proved extremely expensive, and the U.S. Beet Sugar Association reported that rerouting beet supplies added approximately 30 cents per ton to the shipping costs.

In certain areas of the Southwest, rail service is the only transpartation available to the cotton planters. While those growers east of the Mississippi could use trucks to ship their cotton to the mills, the National Cotton Council indicated that the distances from farm-to-market west of the river prohibited the use of any service other than the railroads. Grains were stockpiled in elevators or in some cases in the town square, and the lack of transportation was complicated by the record size of the harvest.

The poultry and egg farmers of the South and the West were also hampered severely by the lack of transportation services. Farmers could not obtain adequate supplies of feed for their birds, and the corn that they finally did receive was at an increased cost. In some areas, the lack of rail service also prevented the poultry men from thinning their flocks to adjust for the reduction of feed.

Not to be overlooked were the canners, who were affected on two counts by the strike. On the one hand, they could not receive raw materials for processing; at the same time, those foods awaiting shipment were stalled in the processing plant.

The very health and well-being of our Nation depends on the continuation of transportation services by the railroads. Any disruption, as these facts clearly indicate, produce intolerable situations, and only permanent rail strike legislation can eliminate these potentially disastrous conditions. It is for this reason that I continue to push for prompt congressional action on emergency strike legislation, and I now submit these selected reports by the agricultural organizations as evidence of the need for this action:

American Farm Bureau Federation,
Chicago, Ill., August 16, 1971.
Hon. James Harvey,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Harvey: Thank you for your letter of August 9. We are very much interested and very much in support, as you know, of your endeavor to enact legislation to provide a permanent means to resolve labor-management disputes in transportation industries.

With your letter you enclosed a questionnaire. In view of the laudable purpose for which it is intended, we have tried to answer the questions set forth therein; however, we find we cannot do so. Some of the reasons are, that we have no means to assess particular losses; that often losses are contingent upon other variables of unknown impact—because there are major differences as to the effect of the rail strike on different commodities, upon the relationship of the strike period to the harvest period and upon the relationship of the production area to the market.

Furthermore, most of the losses were prospective. Actual losses were sustained by some fruit and vegetable producers in California. A continuation of the strike for a few more days would have resulted in shortages in feed supplies in certain areas. In fact, if the strike had continued for a few weeks the impact on many farmers would have been catastrophic.

In general, farmers who were unable to obtain needed transportation, were not able to obtain alternative means of transportation. Exempt, private, and common carrier trucks filled the gap to a limited degree, but the total available truck capacity was wholly inadequate. Our policy resolutions contain two paragraphs that relate directly to these issues.

"Long overdue reforms with respect to the wasteful and antiquated utilization of railroad labor resulting from labor-management agreements. Unless attention is given to this basic factor it is certain that other measures will be ineffective.

"Since a nationwide rail strike would have a far-reaching effect on the economy, arbitration of railroad labor disputes using the concept that the arbiter shall choose one of the final proposals of the two parties."

We are sorry to be unable to provide more definitive responses to your questions. We wish to express our appreciation for your efforts to accomplish legislation to deal with the issue. It seems to us that the Congress has a responsibility to respond to a clear and present problem adversely affecting the whole nation.

Sincerely,
William J. Kuhfuss,
President.

National Cotton Council of America,
Memphis, Tenn., August 27, 1971.
Hon. James Harvey,
House of Representatives,
Washington, D.C.

Dear Mr. Harvey: This refers to your letter of August 9 addressed to Mr. William Rhea Blake and to the acknowledgement dated August 16 by Mr. Blake's successor, Albert R. Russell, concerning your proposal (H.R. 9088) and others designed to provide a permanent solution to the transportation strike problem.

In the time available, I am unable to give you precise answers to the questions submitted with your letter. The attached therefore is a statement based on observations and discussions with various cotton shipping interests.

When the proposed legislation is dealt with, we would urge strongly that the Congress simultaneously enact provisions with regard to longshore and maritime operations. Continued and increasing cotton exports are vital to the U. S. economy, and important in the solution of our international balance of payments problem.

We feel that any new legislation will fail to achieve its purpose unless it also provides means whereby transportation strikes can be handled without shutting down any significant part of the nation's transportation system.

It is my view that you are eminently correct in saying that the President should be able to apply the new options successively, and not be compelled to select only one to the exclusion of the others.

Cordially yours,
John H. Todd,
Traffic Counsel.

Railroad Strike Impact

I. The effect on the raw cotton industry of the recent selective rail strikes was minimized by at least five factors: (1) The strikes occurred during the period in which normally the cotton spinning industry is operating at the lowest level of the year—when, in fact, many spinning mills were shut down entirely for an annual vacation period; (2) A second limiting factor was the shortness of duration of the strikes, the most lengthy of which was approximately 19 days; (3) In anticipation of railroad strikes, a number of cotton spinning organizations placed orders for some of their future cotton requirements to be delivered prior to the strike date so that they had (presumably to the extent of their limited storage capacity) a backlog of raw cotton on which to operate during the strike period; (4) The strikes affected only four major cotton-carrying railroads—the Southern Pacific, the Southern Railway, the Gulf, Mobile & Ohio (the latter because of the fact that its trains can operate into Memphis only over the lines of the Southern Railway which was shut down by the strike), and the Santa Fe Lines for a very short time; (5) So far as shipments from the states of Arkansas, Louisiana, Mississippi, Missouri, and Tennessee to destinations in Alabama, Georgia, North Carolina, and South Carolina are concerned, unregulated truck transportation is available, and in recent months approximately 43% of the total cotton tonnage moving from the origin area described to the destination area described has moved by unregulated motor carriers, rather than by railroad.

II. Unregulated motor transportation was available for a substantial volume of cotton movement from the Mississippi Valley producing area to the Southeastern mill consuming area, from portions of the Southwestern area to Texas ports and from the Mississippi Valley area to New Orleans. As a practical matter, this option was not available with respect to the cotton moving to the Southeast from states farther west than Arkansas and Louisiana because of the greater length of haul and the corresponding expense.

III. No figures are available concerning the percentage of cotton that could have been rerouted by rail, or on the time delays involved. Such time delays probably were not greater than four weeks at most. Of course, there was no feasible means of rerouting by rail cotton scheduled to move from local points on the Southern Pacific lines or to local stations on the Southern Railway.

IV. We have no means of estimating the cost of rerouting, either by rail or by unregulated motor carriers.

V. In the event of future selective rail strikes, the situation would depend entirely on which railroads were shut down. For example, the simultaneous striking of the Southern Railway and Seaboard Coastline would virtually prohibit the delivery of any cotton by rail to any Southeastern spinning mill. Any movement at all to Southeastern mills, as a practical matter, would have to be made by unregulated motor carriers. By the same token, if both the Santa Fe and the Southern Pacific lines were to shut down simultaneously, cotton movement from Arizona, California, New Mexico and large areas of Texas would be virtually impossible because truck transportation from those areas is not practicable because of the distances involved.

VI. As a practical matter, there is virtually no alternative to rail transportation from origins west of a line drawn approximately north and south through Little Rock, Arkansas, with the exception of movements to the Texas ports and New Orleans. For such movements, truck transportation to a substantial extent involves distances short enough to make its use economically feasible. As to a choice between rail carriers in West Texas, New Mexico, Arizona, and California, virtually the only alternatives are the lines of the Southern Pacific and the Santa Fe. Such alternatives would exist only at points served by both the Southern Pacific and the Santa Fe. The same is generally true in the Southeastern destination area which is pretty well blanketed by the Southern Railway system and the Seaboard Coastline system. With respect to origins in Arkansas, Louisiana, Mississippi, Missouri, and Tennessee, the availability of alternative rail routes within those states would be almost as severely restricted in the greater part of the cotton-producing areas. Alternative routes exist only at origins served by two or more railroads.

VII. The effect of the recent UTU selective strikes was felt by the raw cotton industry on a national basis.

VIII. Except to the extent that unregulated motor truck transportation might be available, similar strikes in the future would affect adversely the price of cotton to the producer, the costs of operation of cotton merchants and brokers, the operations of all cotton spinning mills, the exporting of cotton to spinning mill customers in foreign countries who might be unable to obtain their cotton requirements from other cotton-growing countries, finishing and manufacturing mills in the United States and abroad, and wholesalers and retailers of cotton products—involving in the aggregate many millions of people.

IX. There are no formal procedures for stockpiling reserves in anticipation of rail strikes, but individual spinning organizations (to whatever extent the limited cotton storage capacity at their mills would permit) would be able to stockpile cotton, but probably not enough to meet their needs for more than a very few weeks. Most cotton spinning mills have quite limited storage facilities for raw cotton, and this procedure would be of limited value.

X. Judicious stockpiling in advance of a threatened rail strike date would enable some, but not all, domestic cotton spinning mills to continue operation for a period of a few weeks. However, this would provide little, if any, relief from the economic effects upon cotton farmers, cotton merchants and brokers, forwarding agents, port terminals, steamship lines, and foreign customers. Except for this brief period, complete cessation of rail service would effectively shut down the entire U.S. cotton economy, except to the extent that cotton might be moved by unregulated motor carriers from Southwestern origins to Texas ports, from Mississippi Valley origins to New Orleans, and from Mississippi Valley origins east of a line drawn north and south through Little Rock, Arkansas, to spinning mill destinations in Alabama, Georgia, North Carolina, and South Carolina.

NATIONAL COTTON COUNCIL,
OF AMERICA,
Memphis, Tenn., September 7, 1971.

Hon. JOHN JARMAN,
Chairman, Subcommittee on Transportation and Aeronautics, Rayburn House Office Building, Washington, D.C.

DEAR MR. JARMAN: This has reference to the hearings before your subcommittee, scheduled to begin September 14, on the various proposals of new options for dealing with strikes in the transportation industries.

We are enclosing a statement setting forth our views on such proposals. We respectfully request that it be included in the official transcript of the hearings.

With a copy of this letter, 25 additional copies of our statement are being mailed today to Mr. W. E. Williamson, Clerk of your Subcommittee.

Cordially yours,

JOHN H. TODD,
Traffic Counsel.

STATEMENT OF JOHN H. TODD

The National Cotton Council, with headquarters at 1918 North Parkway, Memphis, Tennessee, is the central organization of the American cotton industry, representing cotton producers, ginners, warehousemen, cottonseed crushers, cooperatives, merchants, and cotton manufacturers in the cotton producing areas of the country.

At its 1971 Annual Meeting in Dallas, Texas, the Council, by unanimous action of all seven segments of its membership, adopted a resolution to "support legislation to set up a mechanism to prevent strikes affecting the transportation industry," and to "support legislation banning . . . strikes against the public interest . . ."

We favor providing the President with new options for dealing with transportation strikes. We strongly feel that he should have the power to employ such options successively, and not be restricted to the choice of a single option.

We favor inclusion of the option of an additional 30-day cooling-off period.

We consider "final offer selection" to be the most promising and wholesome of all the newly proposed options, and urge its approval and adoption.

We agree with Representative Harvey (C. R., July 28, 1971) that the option of "selective strikes" would be largely if not wholly ineffective unless it is carefully limited by appropriate safeguards for the public interest. For example, the simultaneous striking of the Santa Fe and Southern Pacific systems would shut down virtually all rail transportation of cotton from the producing areas of California, Arizona, New Mexico, and large portions of Texas. Similarly, the simultaneous striking of the Southern Railway and Seaboard Coastline systems would shut down virtually all rail transportation of cotton from all producing areas to the great majority of all U.S. spinning mills, which are concentrated in the states of Alabama, Georgia, North Carolina, South Carolina, and Virginia.

Cotton's only alternative to rail transportation is the service of unregulated (exempt) motor carriers. Such service is limited in available capacity, and in geographical scope. Its use as a practical matter is feasible only (a) from portions of the southwest to the Texas ports, (b) from portions of the Mississippi Valley states to New Orleans, (c) from Mississippi, Missouri, Tennessee, and the eastern portions of Arkansas and Louisiana to the southeastern spinning mill area, and (d) perhaps from some portions of California to California ports.

If employment of the new options by the President is conditioned upon a finding and notification by the Mediation Board that a particular dispute threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, then we suggest that his invoking the successive use of such options should be mandatory rather than discretionary.

The most serious omission in a number of the proposals before your subcommittee is that they do not apply to longshore, maritime, or trucking disputes. Labor disputes in these industries are by no means unique, or different, as a practical matter, from such disputes in the railroad and airline industries. All are engaged in the transportation of property or property and people in interstate and foreign commerce. The common carrier trucking industry directly parallels the railroad industry, and the two are strongly competitive. The only distinction of the longshore and maritime industries is that they are engaged exclusively in overseas interstate and international commerce. This is a distinction without a practical difference. The U.S. railroads and truck lines also perform services essential to both land and seaborne interstate and international transportation.

The raw cotton industry, and all others engaged in exports and/or imports, suffer great losses from longshore and maritime strikes. Specific data showing the adverse effects of these strikes on cotton exports will be presented to the committee by the shipper segment of our industry in testimony of the American Cotton Shippers Association.

The current West Coast strike by the International Longshoremen's and Warehousemen's Union is their first since 1948. However, the International Longshoremen't Association, which blankets all Gulf and Atlantic ports, has struck at the expiration of every three-year contract since 1945. Another strike is contemplated at the expiration of the current contract, September 30, 1971. Such a strike would result in shutting down every seaport in the continental United States. This would be an intolerable situation.

The last I.L.A. strike (1968–1969) lasted 105 days, and caused irretrievable losses of hundreds of millions of dollars, permanent losses of overseas markets, disastrous losses of crops, bankruptcies, and damage to our balance of international trade.

Cotton is an important factor in our export commerce and our international balance of payments problem. Repeated longshoremen strikes have badly eroded the confidence on the part of our overseas customers in the United States as a dependable source of supply. Even short strikes are critical because, typically, our overseas customers for cotton and other agricultural products have very limited storage space for stockpiling of supplies, and must depend on frequent deliveries. Our inability to deliver compels them to seek their requirements from our foreign competitors. Unless their confidence is restored in our ability to make deliveries frequently, and without delay, such trade losses will be permanent.

It is essential to the future of foreign trade generally, and specifically to our exports of cotton, that additional options being contended to disputes in the longshore and maritime industries.

United Fresh Fruit and
Vegetable Association,
Washington, D.C., August 11, 1971.

Hon. James Harvey,
House of Representatives, Congress of the United States, Rayburn Office Building, Washington, D.C.

Dear Congressman: Replying to your letter of August 9, I have answered the ten questions dealing with the recent rail strike that you enclosed with your letter and they are returned herewith.

I hope that this information will be of help to you.

Sincerely,
Alan T. Rains,
Executive Vice President.

Railroad Strike Impact

1. To what extent was your industry affected by the rail stoppage? (We should appreciate any figures that you might have on the percentages of goods shipped or raw materials received by rail, as well as by other modes of transportation.)

The strike hit during the peak movement of melons, vegetables, and soft fruit from California. The Union Pacific, Southern Pacific, and Santa Fe railroads serve this area. The Council of California Growers has released the attached figures showing how the rail strike hurt California farmers.

2. During this past selective rail strike, where or could provisions have been made to ship or receive goods by other rail carriers or alternative means of transportation?

To the extent that trucks were available, shipments were diverted to motor carriers. Also, shipments were trucked to other rail lines. At one time, however, only one major rail line was operating out of California (Western Pacific Railroad).

3. If so, are figures available for the percentage of goods that could have been rerouted or on the time delays involved?

To our knowledge, no consolidated figures are available.

4. Have you any estimate of the cost of this rerouting?

No, we have been advised that some motor carriers charged from $800 to $1000 during the strike for transporting fresh produce to an operating railroad.

5. In future selective rail strikes, will alternative means of transportation be open to your industry, or will you be forced to rely exclusively on the railroads?

This would depend on the areas affected. Some areas have adequate truck transport that could ease the impact of a strike. For example, Florida ships 75%–80% of its fresh produce by truck.

6. If rail transportation is the only alternative, do you have a choice of carriers or are you limited to only one railroad line?

This would depend on the areas affected.

7. Was the effect of the recent U.T.U. selective strike felt by your industry on a regional or on a national basis?

Mostly on a regional basis. Had it continued for another week the national terminal markets would have suffered from shortages of all types of produce.

8. If you were forced into a production slowdown, could you estimate the secondary effects of such a reduction on other industries and on the economy of your region or the nation in general?

Not applicable—our products are all perishable.

9. Does your industry have any procedures to stockpile reserves to counter the effects of a rail strike and thus prevent shutdowns?

No. Most commodities cannot be stored, but must be harvested and shipped as they mature.

10. If so, how long could you operate effectively without rail service?

Not applicable.

DAILY LOSSES TO CALIFORNIA'S AGRICULTURE AND ECONOMY FROM RAIL STRIKE

Commodity	Daily rail car shipments	Daily dollar loss
Cantalopes	125	$595,000
Pears	100	450,000
Grapes	45	393,750
Lettuce	100	250,000
Lemons	40	245,000
Tomatoes	40	200,000
Plums	30	198,450
Oranges	55	178,750
Honeydew melons	35	75,000
Nectarines	12	72,000
Potatoes	60	60,000
Grapefruit	15	40,000
Daily total	672	2,789,450
Daily total loss to California agriculture		2,789,450
Daily loss to related and dependent industries		8,368,350
Daily total loss to California economy		11,157,800

U.S. Beet Sugar Association,
Washington, D.C., September 2, 1971.

Hon. James Harvey,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Harvey: The enclosed memorandum is in response to your letter requesting information relative to the effect of the recent rail strike on the beet sugar industry. I hope this background material will be helpful.

Please feel free to call on us if we can be of further assistance.

Sincerely,
David C. Carter.

Railroad Strike Impact

GENERAL BACKGROUND

The United States Beet Sugar Industry is comprised of some 58 processing facilities operating in 18 states. Sugarbeets to supply these facilities are grown by independent farmers in 22 states.

Both rail and truck transportation are normally utilized to supply raw materials—principally sugarbeets—to the processing plants and to deliver the finished products—refined sugar and sugarbeet by-products—to consumers throughout the country.

Geographically, the industry is widely dispersed. Therefore, the alternative means of transportation in different sections of the country vary and the impact of the recent selective rail strike on this industry differed from one part of the country to another.

Similarly, the seasonal nature of the industry would tend to dilute or magnify the impact of such a strike depending on whether or not harvest was in progress. Insofar as the strike in question was concerned, harvest was underway only in the westernmost geographical areas of the country. There, the impact was two-pronged, i.e. the supply of raw material was adversely affected as was the delivery of the finished products. In areas where harvest had not yet commenced, only the marketing of the refined sugar was seriously affected.

Herewith are answers to the specific questions posed by the memorandum:

1. To what extent was your industry affected by the rail stoppage?

The affect on the individual companies ranged from "little" to "major," depending on their location with respect to the struck rail lines.

Production cutbacks due to the curtailment of raw materials ranged up to 70 percent of normal in selected areas. Industrywide, the strike affected less than 25 percent of the normal national production for the period of the strike. Had the rail work stoppage continued into the heavy sugarbeet harvest period in other sections of the country however, total production cutbacks due to loss of raw material supplies would have affected upwards of 70–80% of the normal production.

The shipment of refined sugar was affected by about the same relative degree. Depending on the location of the facility and the availability of alternate transportation services to that facility, the flow of refined sugar and sugarbeet by-products to consumers during the period of the strike ranged from "almost normal" to practically "zero."

2. During this past selective rail strike, were or could provisions have been made to ship or receive goods by other rail carriers or alternative means of transportation?

In most cases, alternative transportation methods were or could have been used in some degree to cope wtih part of the problems. However, in instances where no alternate rail services exist, motor carriers would, in some areas, handle less than 10 percent of the total requirements. As an example, by gerrymandering available transport capabilities, one segment of the industry maintained production at about one-third normal capacity. This slowdown had detrimental economic effects on growers, on factory workers in the processing plants and sugar consumers, the majority of which are food processors dependent on sugar as a major ingredient in their products.

3. If so, are figures available for the percentage of goods that could have been rerouted or on the time delays involved?

No complete figures are available for the industry due to the fact that the selected strike affected some facilities and had little affect on others.

4. Have you any estimate of the cost of this rerouting?

No estimate of the total cost is available. But, as an example, it was reported that rerouting beet supplies added approximately 30¢ per ton to the normal transportation costs. An average size plant capable of slicing 4000 tons of sugarbeets per day would have incurred added expenses in the neighborhood of $24,000 to the cost of raw material—if alternate methods had been available—during the 19-day strike in question.

5. In future selective rail strikes, will alternative means of transportation be open to your industry, or will you be forced to rely exclusively on the railroads?

The beet sugar industry is relatively dependent on railroads for its raw materials (including, of course, sugarbeets, but also limerock, coke, containers and other materials) and dependent also on rail transportation for the shipment of refined sugar and sugarbeet by-products.

6. If rail transportation is the only alternative, do you have a choice of carriers or are you limited to only one railroad line?

Because the industry is dispersed, it is served by several rail lines. However, individual companies, in most instances, are served by a single line.

7. Was the effect of the recent U.T.U. selective strike felt by your industry on a regional or on a national basis?

The effect was probably more regional in nature than national.

8. If you were forced into a production slowdown, could you estimate the secondary effects of such a reduction on other industries and on the economy of your region or the nation in general?

Approximately 30% of the 11,000,000 tons of sugar sold in this country is beet sugar. Of that amount, approximately 80% of the production is used by the food processing industry as an ingredient in other food products. It is safe to say, there would be some effects on the nation's food supply from a production slowdown in the beet sugar industry caused by a transportation strike. The severity of these effects would depend on other factors, of course. If the country's entire sugar industry (beet and cane) was forced into a production slowdown and/or unable to deliver refined sugar, ultimately other food industries and then consumers would be affected.

9. Does your industry have any procedures to stockpile reserves to counter the effects of a rail strike and thus prevent shutdowns?

For a significant portion of the industry, seasonal operaing patterns calls for stockpiling quantities of sugarbeets for processing at the end of the harvest. Similarly, at the end of the processing season, substantial reserves of refined sugar are on hand. This is, however, an operating procedure and not for the purpose of countering rail strikes. A major segment of the industry does not however stockpile the raw material nor would stockpiling be practical because substantial deterioration occurs in beets stored in the warmer climes.

10. If so, how long could you operate effectively without rail service?

The seasonal nature of this industry precludes a precise answer. However, curtailment of rail service would virtually eliminate product shipment in most companies and would severely hamper delivery of raw materials necessary for production.

REVENUE SHARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 10 minutes.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss what I feel represents a revenue-sharing proposal that could provide direct Federal revenue sharing to finance local, county, and State government with the least amount of Government bureaucracy.

My legislation would authorize one-tenth of the individual's Federal income tax to be kept at the local level. One-third of the amount would go to the State, one-third to the county, and one-third to the city or township in which the individual resides.

In my 57-county, 2,600-mile tour of the "Big First" Congressional District in Kansas during the August congressional recess, citizens repeatedly expressed a sense of frustration and skepticism regarding the Federal bureaucracy, and a hope the goals of revenue sharing could be attained.

In short, individuals are taxed beyond their means without witnessing any tangible evidence of local progress for their sacrifice.

The views of my constituency were clearly summarized by President Nixon in his state of the Union address:

> The time has now come in America to reverse the flow of power and resources from the states and communities to Washington, and start power and resources flowing back from Washington to the states and communities, and more important, to the people all across America.

However, in view of past experiences with big government, citizens have serious reservations about the practicality of sending tax money to Washington, and are frustrated by Federal program requirements.

The rural and small-town taxpayer should be able to witness more tangible evidence of the benefits produced by his local and Federal tax dollar. Citizens have demonstrated their willingness to support government programs and services that are justified. Today, in the absence of sufficient justification, we must reform the governmental process to give the taxpayer a piece of the action. Put in another way, perhaps we can solve some of these problems by never letting the money that can be used for revenue sharing get to Washington in the first place.

This 10-percent direct revenue-sharing bill would:

Improve efficiency in government;

Provide adequate revenues to carry on the legitimate responsibilities of the Federal Government; and

Would be the cornerstone for building a new partnership in government.

Mr. Speaker, I feel very strongly that the individual citizen can provide the initiative to solve our Nation's problems without the impersonal thrust of the Federal Government. This would permit government to help people help themselves, which always provides the most successful and enduring solution to any problem. This government partnership and individual motivation could be invaluable in our efforts to chart a new course of prosperity and progress for our great Nation. I am hopeful that it will be possible to move with dispatch in accomplishing the goals and objectives inherent in this legislation.

AMENDMENT OF OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 TO EXEMPT FAMILY FARM OPERATIONS

Mr. Speaker, I appreciate this opportunity to discuss legislation to amend the Occupational Safety and Health Act of 1970 to exempt family farm operations from the requirements of Public Law 91–596, the Occupational Safety and Health Act of 1970.

In reviewing the committee reports and the Congressional Record discussion of the Occupational Safety and Health Act of 1970, it is evident that it was not the intent of Congress to impose arbitrary and stringent Federal regulations on normal farm operations.

I firmly endorse the purpose of Public Law 91–596. Certainly, we must assure safe and healthful working conditions for the Nation's wage earners and specifically those in agriculture.

Farmers who have contributed to social security have now received a 32-page booklet from the Department of Labor regarding this law. The introductory letter made only vague reference to agriculture and normal farm operations. The manual written for business and industry was used in total without modification. This disregard for the specific needs in agriculture for occupational safety and health demonstrates how the Federal bureaucracy can be insensitive to the needs of farmers and agriculture.

A negative approach relying on threats and penalties as outlined in Department of Labor regulations and the poster outlining the penalties for violation which must be prominently posted are causing employers in the farm community much concern.

I feel very strongly that the best way to provide safe and healthful working conditions for farm employees is to develop a partnership with Government whereby the Government helps people help themselves rather than dictating requirements with very little knowledge of their practical impact.

A constructive program of positive incentives to correct the safety and health hazards in agriculture would be far more successful than the present program of recordkeeping requirements, penalties, and threats.

To accomplish these objectives we must first exempt normal farm operations from the recordkeeping requirements and redtape reporting procedure required by the Occupational Safety and Health Act of 1970. I am hopeful that it will be possible to move with dispatch to provide this exemption and to consider a constructive approach including positive initiatives involving farmers and local officials to accomplish the goals and objectives of this landmark legislation.

LIMITATIONS ON CAMPAIGN SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, two committees of this House are now marking up bills which will provide limitations on campaign spending. A similar bill, already passed by the Senate, now lays on the Speaker's table.

In their great zeal to accomplish election reform, many people have overlooked the negative impact of restricting election campaign spending. The idea that restrictions on spending will bring better elections is simple and appealing, but it is not necessarily correct.

Reenforcing this point is a paper written by W. F. Lott and P. D. Warner III of the economics department of the University of Connecticut. In this paper, reproduced below, Mr. Lott and Mr. Warner document their conclusion that the impact of spending restrictions is "to insulate the incumbent and for all practical purposes insure his election."

Lott and Warner argue further that remedial legislation ought to equalize election contests rather than magnify the imperfections in the present election procedure. They point out that in the last election 93 percent of the congressional incumbents who ran for office were reelected. Limiting the amount a challenger could spend only increases the probability that the incumbent will be reelected.

Mr. Speaker, all the Members of Congress are wonderful people, and they probably deserve reelection. However, they should not have their reelection handed to them on a silver platter. They already have many weapons at their disposal which are not available to challengers. If we give them any more, we can be justly accused of legislating in our self-interest. At this point in the Record I should like to place the paper of Mr. Lott and Mr. Warner:

SOME COMMENTS ON THE LIMITING OF CAMPAIGN SPENDING

(By William F. Lott and P. D. Warner III*)

The costs of campaigning for elective office are going up. Most analysts agree that two factors are responsible; the increased use of television presentation and the increased cost of television time. In 1968, for example, the broadcasting industry reported receipts of almost $59 million for "political broadcasting activity", a 70 percent increase over 1964 receipts.[1] At the same time the use of television "spot" announcements "increased from 81 percent to 91 percent of . . . political broadcasting, and the rate for "spot" advertisements rose more than 30 percent."[2] It is a fact of political life that election campaign costs are rising. It is equally evident that public dissatisfaction with the cost of election campaigns is also increasing. A national public opinion poll taken just after the 1970 election showed that 78 percent of the people interviewed favored congressional action to limit campaign expenditures.[3] The New York Times and other nationally circulated media are calling editorially for campaign spending reform.[4] It is not surprising, therefore, that three bills are currently before the Senate which propose limits to campaign spending.

The three bills now being considered by the Communications Committee of the Senate Commerce Committee all propose, in various forms, to limit the amounts a Congressional candidate can spend in an election, or primary election, campaign. While the bills vary in the details of what should be limited and to what amount, in philosophy the bills are identical: absolute and equal limits to campaign spending. The limits vary too, from $40,000 or $.07 per registered voter which ever is greater, up to $60,000 or $.10 per registered voter.

There are several important implications for this kind of legislation. Most importantly, the limiting of campaign expenditures removes one of the current "barriers to entry" which means that men of more modest means can afford to run for office. It also means that candidates need not be quite so dependent upon large contributions, and neither candidate is placed at a financial disadvantage *vis-a-vis* his opponent. In addition, this kind of legislation is attractive because it is relatively simple and straightforward, and has the advantage of being easily monitored.[5] As such, this kind of legislation appears to lead in the direction of more competitive elections, in the sense that each candidate has a more equal chance of being elected. In fact, this legislative activity has been characterized by the Executive Vice-President of the Communications Workers of America, George E. Gill, as the "Political Campaign Equal Opportunity Act."[6]

Based upon our research, however, we are prepared to argue that legislation which places absolute and equal limits on the amount which each candidate can spend may have exactly the opposite effect. Elections may not be made more competitive, they may become *less* competitive. This is partly because of the fact that the office holder has a tremendous advantage over the office seeker. Observe, for example, that 93 percent of the Congressional incumbents who ran for office in 1970 were reelected.[7] Another partial explanation lies in the fact that some districts are heavily Democratic while others are heavily Republican which gives the candidate of the "favored" party a decided advantage. Our research indicates, however, that equal limits on campaign expenditures can, in fact, reinforce the impact of incumbency and party registration upon election results. Thus, while the bills currently before the Senate Commerce Subcommittee on Communications may have as their *intent*, not only a solution to spiralling campaign costs, but also an equalization of political opportunity; in fact the *impact* of these bills could be to insulate the incumbent and for all practical purposes insure his election. Reelection of incumbents is insured because the challenger, even if he had unlimited funds, could not—by law—spend enough to overcome his opponent's advantage.

Only if the incumbent were spending more than his opponent would limiting campaign expenditures result in a more competitive election. There is a widely held belief among Political Scientists that incumbents have access to larger amounts of campaign funds. If the incumbent has access to greater sums of money and therefore has the ability to outspend his opponent, the proposed legislation will have the desired effect of making political elections more competitive. The data to support this hypothesis are weak, however. The simple correlation between incumbency and campaign spending is only 0.0729.[8] The sign is positive—indicating that incumbents tend to spend more than challengers, but with an R^2 of only 0.00531 less than 1 percent of the variation in expenditures is explained by incumbency. The central point, however, is that even though equal limits on campaign expenditures may tend to make elections more competitive, they don't go nearly far enough.

Our research indicates, for example, that an office *holder* who has 40 percent of the total eligible voters in his district registered in his party can, if he and his opponent are limited to an expenditure of $50,000 expect to receive 62.0 percent of the total votes cast. The office *seeker*, however, who has 40 percent of the total eligible voters in his district registered in his party can, with exactly the same amount of money to spend, expect to receive only 43.9 percent of the total votes cast. Furthermore if perfectly equal voter registration is assumed, i.e., where 50 percent of the total registered voters are registered with one party and 50 percent with the party of the other candidate, the incumbent can expect to receive almost 70 percent of the total votes cast.

Legislation which limits the amount of campaign spending by each candidate to a given sum, no matter what the basis for determining the amount, will not result in a "competitive" election. A competitive election is one in which each candidate has an equal *a priori* opportunity to be elected, *i.e.*, a probability of 0.5 of being elected in a two man race, a probability of 0.33 of being elected in a three man race etc . . .[9] A competitive election will not result if campaign expenditures are limited in equal and absolute amounts because of the extraordinary influence of incumbency and the percentage distribution of party registration on election results.

It is, however, possible not just to limit but to adjust the level of campaign expenditures by each candidate to compensate for differences in the percentage of total voters registered in the candidates party, and whether the candidate is currently an office holder or an office seeker. By varying the level of campaign expenditure it is theoretically possible in any given situation (i.e., an incumbent with 70 percent of the registered voters in his party versus a challenger with only 30 percent of the registered voters in his party), to have an absolutely competitive election. The level of campaign spending limits can be adjusted according to, and compensating for, (1) the percentage of voters registered for each party, and (2) incumbency, in order to insure an equal *a priori* probability of election for each candidate. All that is required is a mechanism which would determine the relevant orders of magnitude for the respective variables.

There are, of course, a number of variables which might be considered. Instead of merely examining "incumbency", considering it as a fixed factor, the "level" of incumbency (i.e., the number of terms or tenure of office) may prove to be more important. In addition, such factors as the allocation of expenditure between various types of media, the impact of the media upon the electorate, and the ability to attract and keep professional quality staff may also prove to be important. Other dimensions such as the "celebrity status" of one of the candidates, whether a candidate has national or local appeal, and a "mood of the times" factor may turn out to be of significant importance as variables in the election process. The list of such variables is very large. We have selected three variables as the focus of our study of the campaign process: incumbency, percentage of total registered voters registered in the party of the candidate, and election expenditures.

We have chosen to view the election of a political candidate as a production process which involves the use of three or more inputs. We hypothesize that the output (the percentage of votes) is functionally related to various alternative combinations of the inputs (incumbency, the percentage of the total number of registered voters registered to the candidates party, and campaign expenditures). This hypothesis implies that the same level of output (i.e., percentage of votes) can be obtained with a variety of combinations of inputs. The problem is of manageable size however, because we regard two of the inputs as fixed: the number of voters registered in the candidates party, and incumbency.[10]

Applying our model to the 1970 Congressional Elections, we can demonstrate a method by which the relative importance of

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*The authors wish to express their appreciation for the comments of their colleagues in the Department of Economics and the Department of Political Science at The University of Connecticut; especially those of Professors Frederick Grupp and Wayne Shannon. The authors, in traditional fashion accept full responsibility for any errors which remain.

[1] Statement by Senator Mike Gravel (D–Alaska) before the Communications Subcommittee of the Senate Commerce Committee, March 2, 1971, p. 6.

[2] *Ibid.*, p. 6.

[3] *The Hartford Courant*, November 22, 1970, p. 21.

[4] *The New York Times*, Editorial, March 3, 1971.

[5] It can also be easily circumvented—a problem with all such legislation.

[6] Statement by Mr. George E. Gill, Executive Vice-President, Communications Workers of America before the Communications Subcommittee of the Senate Commerce Committee, March 4, 1971, p. 8.

[7] Statement by Mr. Russell Hemenway, National Director, National Committee for an Effective Congress, before the Communications Subcommittee of the Senate Commerce Committee, March 2, 1971, p. 6.

[8] Where $t = .189$, which is not significant at any meaningful level. Thus in 1970 there appears to be no relationship between incumbency and the level of campaign spending.

[9] The Twentieth Century Fund Task Force, *Electing Congress: The Financial Dilemma*. New York, N.Y., The Twentieth Century Fund, 1970, p. 10.

[10] Our model, formally stated, takes the form:

$$V_i = \alpha X_{1i}^{\beta_1} X_{2i}^{\beta_2} X_{3i}^{\beta_3} U_i,$$

where X_{1i} is equal to the incumbency factor, X_{2i} is equal to the percentage of total registered votes registered in the party of the candidate, X_{3i} is equal to campaign expenditures, U_i is a stochastic error term, and V_i is equal to the percentage of votes. We have chosen to use a production function of this type because it is a convenient tool for estimating the relative contribution of the several variables.

each of the three variables (including campaign expenditures) in the outcome of a political campaign can be established. Further, by applying what we shall call "the principle of compensating variation" and allowing the level of "permissible" campaign expenditures to vary, the relative impact of the other variables on the outcome of the election can be established. We can obtain estimates of the limits on campaign expenditure, for each candidate which will insure each an equal *a priori* probability of being elected.

We selected four states for our study; Oregon, Kentucky, Massachusetts, and Connecticut. We obtained the voting results from the *Congressional Quarterly*, while the data on campaign spending and party registration came from several different sources. The Connecticut data were provided to us by Professor David Adamany, of The Department of Government, Wesleyan University, Middletown, Connecticut. The Oregon and Massachusetts data were obtained from the Secretary of State's office for each state, while the Kentucky data came from the Registry of Election Finance.

We are aware of the hazards of accepting, at face value, the reported amounts of campaign expenditure. Actual expenditures are likely to exceed reported expenditure by a great deal.[11] In practice, however, we had no alternative, given the scope of this study. Furthermore, if campaign expenditures are under-reported then our study will overestimate their influence, which will mean that our recommendations for differential levels of campaign expenditure will be less than the actual differential needed. Note, however, that this is a self-correcting feature since both parties, especially the challenger, have a vested interest in improving the accuracy of reporting campaign expenditures.

Finally we chose to analyze the results of congressional elections because, following the Baker v Carr, "one man-one vote" decision, the "sampling units" turn out to be of roughly the same size, i.e., Congressional Districts have approximately the same number of voters in them. The magnitude of campaign expenditures would *not* vary because of variation in the number of registered voters in each district. It may cost more to finance an election campaign in a rural, sparsely settled, district rather than a densely populated urban district but this is not at all clear. We have two eastern states, one western state, and one southern state in our sample. This sampling was more the result of reporting and publishing procedure than of forethought on our part.

Our results, which are formally presented in Appendix 1, indicate that by using incumbency, party registration, and campaign expenditures we can explain almost 70 percent of the variation in percentage of voters. Our data show an extremely small marginal return for campaign expenditure. In the 1970 congressional elections, for example, a 10 percent increase in expenditures would yield an increase in the percentage of votes received by the candidate of only approximately 1.44 percent. Suppose, for example, a challenger had 40 percent of the total number of registered voters registered in his party, and that with expenditures of $25,000 he could expect approximately 40 percent of the votes. If he increases his expenditures by 100 percent, to $50,000, he could only expect to increase the percentage of votes cast for him by 14.4 percent—yielding him a total of 45.76 percent of the total vote. This is a small return on a $25,000 (or 100 percent) increase in expenditures.

Estimates of conditional median percentages of votes for congressional candidates in the 1970 election are presented in Tables 1 and 2. Comparison of Tables 1 and 2 reveals the considerable importance of incumbency as a factor in determining the outcome of election campaigns. As can be seen from Table 1, for example, only if an incumbent spends $10,000 or less and has less than 50 percent of the total registered voters registered in his party, or spends less than $40,000 and has 30 percent or less of the registered voters in his party can he expect to obtain less than 50 percent of the vote. If he spends more than $40,000, with a party registration of more than 30 percent, or has more than 40 percent of the registered voters in his party, and spends at least $10,000, then he can expect more than enough votes to win. Table 2 demonstrates, that the challenger, however, cannot expect to obtain more than 50 percent of the total number of votes cast without an increase in the rate of "use" of both party registration and expenditures.

TABLE 1.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATE'S PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—INCUMBENT

Levels of campaign expenditure	Voters registered in candidates party (as a percentage of total voter registration)				
	30	40	50	60	70
10,000	42.26	49.08	55.10	60.54	65.55
20,000	46.74	54.29	60.95	66.97	72.52
30,000	49.55	57.57	64.63	71.03	76.91
40,000	51.65	60.00	67.37	74.04	80.17
50,000	53.33	61.96	69.57	76.46	82.79
75,000	56.52	65.67	73.74	81.04	87.76
100,000	58.89	68.42	76.84	84.45	91.45
150,000	62.38	72.49	81.41	89.48	96.90

TABLE 2.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATE'S PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—CHALLENGER

Levels of campaign expenditure	Voters registered in candidate's party (as a percentage of total voter registration)				
	30	40	50	60	70
10,000	29.97	34.79	39.04	42.88	46.41
20,000	33.14	38.47	43.18	47.73	51.34
30,000	35.14	40.80	45.78	50.30	54.45
40,000	36.62	42.52	47.72	52.43	56.75
50,000	37.81	43.91	49.28	54.14	58.61
75,000	40.07	46.53	52.23	57.38	62.13
100,000	41.75	48.48	54.42	59.80	64.74
150,000	44.23	51.36	57.66	63.35	68.59

The importance of incumbancy as an input in the production process is underscored in Figure 1, where the curves for varying levels of expenditure and party registration are drawn for the expected number of votes a challenger or incumbent might receive. The 40 percent isoquant for the challenger lies to the right of the 55 percent isoquant for the incumbent. In other words to receive 40 percent of the vote at any given level of party registration the challenger must spend more than the incumbent would spend to receive 55 percent of the votes.

THE CONCLUSIONS

The results of our analysis are preliminary and incomplete, and do not do justice to the enormity or importance of the problem. On the basis of our research, however, some tentative conclusions can be drawn:

1. That there is an extremely small marginal return to campaign expenditures. This return is even smaller if, as we suspect is the case, actual expenditures exceed reported expenditures by a factor of, say, 20 percent.

2. That equal and absolute limits on campaign spending will move in the direction of a more "competitive" election but not far enough. Ordinarily by limiting the amount a challenger could spend the possibility that the incumbent will be re-elected will be increased. We would argue that remedial legislation ought to *equalize*, rather than magnify the imperfections in present election procedure.

It is clear that our analysis needs to be expanded. We have analyzed only three of a vast number of variables in the election process. Our results cannot help but benefit from further research.

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APPENDIX 1

To assist us in our analysis of election campaigns and the returns to campaign expenditure we employ a Cobb-Douglas production function such that:

$$V_i = \alpha X_{1i}^{\beta_1} X_{2i}^{\beta_2} X_{3i}^{\beta_3} U_i, \qquad (1)$$

where X_{1i} is equal to the incumbency factor, X_{2i} is equal to the percentage of total registered votes registered in the party of the candidate, X_{3i} is equal to campaign expenditures, U_i is equal to a stochastic error term, and V_i is equal to the percentage of votes.

In this formulation the coefficiencies β_1, β_2, and β_3 take on particular significance. In equation (1), the coefficient β_1 indicates the percentage amount by which output will increase when X_1 is increased by one percent; β_2, the percentage amount by which output will increase when X_2 is increased by one percent; etc. . . . In this formulation β_1, β_2 and β_3 are the output elasticities of X_1, X_2, and X_3. When X_1, X_2, and X_3 are all increased by one percent then output will increase by $(\beta_1+\beta_2+\beta_3)$ percent. When the sum of the coefficients is greater than one, *i.e.* when the output increases more rapidly than the increase in inputs, then the production function is revealing increasing returns to scale. When the sum of the coefficients is less than one the production process is showing decreasing returns to scale. Finally when $(\beta_1+\beta_2+\beta_3)$ is equal to one then the function is delivering constant returns to scale.[1]

Included in one expression of the Cobb-Douglas production function is a stochastic error term U_i. While the true model would not have an error term, we have included U_i because the data contain unexplained variation in the dependent variables. This is partially due to the nature of the data which are highly aggregative. But it is also due to the scope of this study which made it impossible to include all the elements in the production process.

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[11] Herbert Alexander, in a forthcoming book *Financing the 1968 Campaign*, estimates that at the Federal (i.e., Presidential) level; records required by state or Federal law account for about $40 million of the $50 million spent by Mr. Nixon and Mr. Humphrey after they were nominated (New York Times, May 17, 1971, p. 42). Given, however, the loopholes in state and Federal laws pertaining to the reporting of campaign expenditures, it is unlikely that campaigns for state or local office, even at the congressional level, achieve this high level of reporting accuracy.

[1] One of the interesting phenomena which emerges more clearly when using this particular method of expression is that it is easy to determine the scale of production of the various candidates. In the Cobb-Douglas formulation the scale of production is equal to the degree of homogeneity of the function.

The parameters of the production function can be estimated when the model is log-linearized and expressed in the form:

$$\text{Log } V_i=\alpha^*+\beta_1 \log X_{1i}+\beta_2 \log X_{2i}+\beta_3 \log X_{3i}+\mu_i \quad (2)$$

where

$$\alpha^*=\log \alpha,$$

and

$$\mu_i=\text{NID } (0, \sigma^2).$$

By expressing the equation in its log linear form the coefficients can be estimated using multiple regression techniques. By setting V_1 equal to 51, given X_1 and X_2, we can solve for X_3. This will yield the maximum likelihood estimate of the amount of campaign expenditure necessary to insure election victory.[2] By assuming different levels of the percentage of registered votes registered in the party of the candidate we can indicate the amount by which the ceilings on campaign expenditure have to vary in order to insure a "competitive" election. By applying the principle of compensating variation an election can be conducted in which the impact of incumbency, (or "redistricting"), can be nullified, and the outcome determined solely on "the issues".

The results of the multiple regression estimation of the log-linearized form of the Cobb-Douglas production function are presented in equation (3):

$$\ln V=2.701945+\underset{(3.844)}{.345056 \ln X_1}+\underset{(6.025)}{.519961 \ln X_2}+\underset{(3.867)}{.144027 \ln X_3}{}^{*}, \quad R^2=.6865 \quad (3)$$

*The numbers in the parentheses are the calculated t for testing the null hypothesis that the corresponding slope parameter equals zero.

All of the coefficients of the inputs tested significant at the one percent level. Our results seem to indicate what might be considered constant returns to scale even though the political production function has an upper limit of 100 percent (of the votes). However, since one of the inputs, incumbency, cannot be increased proportionally as the other inputs are increased the concept of constant returns to scale loses its meaning.[3] A more useful test is for constant returns to scale to the variable inputs, party registration and expenditures.

$$(i.e., H_o{:}\sum_{i=2}^{3}\beta_i=1).$$

This null hypothesis can be rejected at the five percent level of significance in favor of decreasing returns to scale for the variable inputs (where $t=-3.855$). The coefficient of multiple determination (R^2) was high given cross sectional data, indicating that almost 69 percent of the variation within the percent of votes was explained by our three variables. The output elasticity of expenditure, (β_3), while significant was surprisingly small. Also from equation (3) it can be observed that the impact of the percentage of registration in the candidates party is significant. Our estimates of the coefficient of 0.52 is consistent with much of the work in the field.

Seventy percent confidence intervals on the level of campaign expenditures needed to obtain 50 percent of the votes are shown in Table 3. The results are presented according to the percentage of registered voters in the candidates party and incumbency.[4] While a 70 percent confidence interval represents a fairly low level of confidence, since the sample size was fixed, it was necessary to use this lower degree of confidence in order to keep the intervals to a reasonable size. Even at 70 percent the intervals are relatively wide. An increase in the sample size, with a larger number of variables would probably reduce the size of the interval and therefore allow an increase in the degree of confidence of the interval estimate.

TABLE 3.—70 PERCENT CONFIDENCE INTERVAL ON CAMPAIGN EXPENDITURE NECESSARY TO OBTAIN AN EQUAL A PRIORI CHANCE OF ELECTION

[Voter registration in the party of the candidate, as a percentage of total registration]

	Incumbent		Challenger	
Percent	Upper limit	Lower limit	Upper limit	Lower limit
30	$295,166.50	$3,300.17	$4,225,512.00	$40,620.05
40	97,437.69	1,045.36	1,272,803.00	14,100.94
50	43,088.61	410.21	524,373.25	5,939.43
60	22,712.07	186.05	261,606.31	2,846.19
70	13,440.64	93.76	148,247.88	1,497.87

In Table 4 the maximum likelihood point estimates of the level of campaign expenditures needed to obtain 50 percent of the votes are given. Since these are maximum likelihood estimates, they are consistent by definition. The point estimates of expenditure for a given percentage of voters (and incumbency) is closer to the lower limit of the corresponding 70 percent confidence intervals because of the nature of the log function.[5] These estimates, for the most part, are extremely small for incumbents and very large for the challenger. Once again, however, more information and additional variables can be expected to imporve the accuracy of the estimates.

TABLE 4.—MAXIMUM LIKELIHOOD POINT ESTIMATE OF CAMPAIGN EXPENDITURE NECESSARY TO GIVE CANDIDATE AN EQUAL A PRIORI CHANCE OF ELECTION

Vote registration in the party of the candidate, as a percentage of total registrztion	Expenditures	
	Incumbent	Challenger
30	$31,335.59	$343,960.69
40	11,091.46	121,747.36
50	4,955.96	54,399.96
60	2,566.08	28,167.05
70	1,470.89	16,145.54

BIG BUS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, radio station WOC in Davenport has a unique program whereby they obtain the views of their listeners on current issues. In conjunction with this program, they recently posed the following question with respect to the big bus bill:

> WOC Listens To You. . . . a dialogue with our listeners on subjects of local and national interest. Recently, the U.S. House of Representatives approved a bill allowing wider buses on the highways over the strong opposition of Congressman Fred Schwengel. Many persons feel the wider bus bill could open the door for bigger trucks as well. How do you feel about having bigger buses and trucks on the highways? Give us your comments by calling WOC at 324–0678. WOC. . . . the station that listens to you 24 hours a day at 324–0678.

The results of the responses which they received are contained in the following report:

> In reference to Congressman Schwengel's interest in the "WOC Listens To You" series on the wider bus issue, we carried calls from the Code-A-Phone 11 times a day for eight days, a total of 88 calls, ten of which were, in fact, repeats, because of the high quality of the comments. Five calls out of the total represented a viewpoint in favor of the wider bus bill, the balance were entirely, and sometimes even bitterly in opposition. The response on this particular question ranked as one of the two heaviest responses since we started the program series. It equaled the response to the question on the President's visit to Red China.
>
> There were a few side notes that might be of interest:
>
> A large number of the respondents were women; slightly over half the total. They mainly expressed a fear of sharing the highway with longer and wider vehicles.
>
> Approximately 90% immediately equated wider buses with longer and wider trucks.
>
> A great many commented specifically upon the danger caused by the side draft of fast-moving, large vehicles.
>
> Approximately ½ expressed concern over damage to our highways, and the subsequent taxpayer expense of having them repaired.
>
> One of those expressing agreement with the wider bus bill freely identified himself as an executive with a major local trucking company.
>
> One man who identified himself as a bus driver expressed sincere opposition to the measure.
>
> Four of the calls referred to the fact that the decline of rail passenger service had led to this measure.
>
> These are the highlights in as much detail as it is possible to produce now. I should point out in closing that when we ended the series on this question, we still had a backlog of approximately 18–20 unused calls which were never aired. The ratio on those remained approximately the same as above.
>
> And one final note, the day we started the next question on the sanitary land fill, we got one call from a rather confused listener who merely said he was trying to reach the bus station to call about the bigger buses!

As a strong opponent of the big bus bill these results are most gratifying. Even more gratifying to me is the fact the results confirm my opinion as to the excellent job being done by WOC to inform and educate its listeners on current issues.

PANAMA CANAL SOVEREIGNTY AND JURISDICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, our country today is faced with many gravely important policy questions. With the single exception of involvement in nuclear war against the continental United States, I can think of no subject of greater consequence than the Panama Canal now under juridical and subversive attack.

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[2] Graybill, F. A., *An Introduction to Linear Statistical Models*, Volume 1, New York, McGraw-Hill Book Company, pp. 125–127.

[3] This is because we measured incumbency as a zero-one variable. Thus when each of the other inputs is increased by k percent, incumbency cannot be increased by k percent. The scale of the production function is therefore rendered meaningless.

[4] These estimates were obtained using a technique which we developed in a paper to be presented before the American Statistical Association annual meetings at Fort Collins Colorado, August 1971.

[5] The first partial derivative is positive but declining as expenditures increase.

The two prime issues in the interoceanic canal problem are: first, sovereignty over the Canal Zone and Canal in perpetuity; and second, the major modernization of the existing canal as provided in pending legislation in the House and Senate. Regardless of their alleged importance, all other canal questions are of secondary significance and should not be permitted to further confuse or delay the prompt and proper handling by the Congress of the two primary ones: Sovereignty and major modernization.

Of these matters, the retention by the United States of its indispensable and undiluted sovereignty over the Canal Zone is the most pressing, for the reason that the people of our country will never approve the expenditure of large sums of their tax money for canal modernization until their sovereign rights, power and authority over, and ownership of, the Canal Zone and Canal are clarified and reaffirmed.

In testimony on September 22, 1971 before the Subcommittee on Inter-American Affairs, House Committee on Foreign Affairs, I presented in considerable detail the history of U.S. sovereignty over the Canal Zone, its erosion since 1936 and present threats; also the imperative necessity for the reaffirmation of our treaty rights as provided in House Resolution 540 and its 36 companion identical measures sponsored by some 104 Members of the House.

For the sake of emphasis, I would like to stress the fact that the perpetuity clauses of the 1903 Treaty to which Panamanian politicians so strenuously object bind the United States in perpetuity to maintain, operate, sanitate and protect the Canal.

This, Mr. Speaker, in view of the actual situation involved, is an ideal status for Panama. That country is not a great power, but small and weak. To survive, it must have some strong power behind it; and realistically such power must be either the United States or the Soviet Union. No shabby sentimentalism such as that emanating from the State Department Office of Interoceanic Canal Negotiations in its August 1971 memorandum hereinafter quoted, can obscure these grim facts from consideration.

Panamanian politicians talk glibly about the strategic geographic position of Panama being its greatest natural resource but there is another side of the picture that is never mentioned. This is that because of its strategic location Panama is coveted by predatory powers and that if the United States is driven from the Isthmus as is being proposed it is inevitable that the U.S.S.R. will take over the Canal Zone and Canal as well as Panama itself, as occurred in Cuba and Chile.

In reply to those who contend that sovereignty over the Canal is merely an emotional issue and should be ceded to Panama, I can think of nothing worse that could befall the Panama Canal, the Western Hemisphere and maritime nations that use the Canal and have to pay tolls except a nuclear attack against the continental United States.

Mr. Speaker, if the Canal Zone is to be ceded to any country it should be to Colombia, the sovereign of the Isthmus prior to November 3, 1903, and certainly not to Panama, which country is already a virtual Soviet satellite. Of course, it is unthinkable to cede the Canal Zone and Canal to any country; and thus be driven from the Isthmus.

In order that the Congress and the Nation may have my September 22 statement previously mentioned readily available, I quote it as part of my remarks along with the three documents attached thereto and the text of House Resolution 540 as follows:

Statement by Representative Daniel J. Flood of Pennsylvania Before the Subcommittee on Inter-American Affairs, House Committee on Foreign Affairs on Resolutions About Panama Canal Sovereignty and Jurisdiction, September 22, 1971

Mr. Chairman, as a former member of the Committee on Foreign Affairs with assignment to the Subcommittee on Inter American Affairs when first coming to the Congress, I am happy to be with you again on the vital interoceanic canal question—a subject of world importance destined to receive much attention in the future.

BASIS FOR DEEP INTERESTS IN INTEROCEANIC CANAL PROBLEMS

For many years I have been studying Panama Canal history and problems and made numerous addresses in and out of the Congress on this comlex matter. The deeper that I have delved into it the more I have been impressed with the vision and wisdom of those great leaders, who, in the early part of the century, formulated our Isthmian Canal policies. They were Rear Admiral John G. Walker, John Bassett Moore, Secretary of State John Hay, Secretary of War William Howard Taft, John F. Stevens, George W. Goethals, and above all, President Theodore Roosevelt.

Because many of my colleagues and others have asked me what is the explanation for my long time interest in interoceanic canal problems, I wish to say that during my boyhood in Wilkes-Barre, Pennsylvania, ex-President Roosevelt used to be an occasional house guest in my home. He spent many hours describing how the Canal Zone was acquired and his problems in launching the construction of the Panama Canal, which he viewed as comparable in geo-political significance with the Louisiana Purchase. Thus he became my youthful ideal and created a lifetime interest on my part in Isthmian Canal policy questions for which I have always been grateful.

CANAL ZONE AND PANAMA CANAL INSEPARABLE

The Panama Canal enterprise consists of two inseparable parts: (1) the Canal itself, and (2) its absolutely necessary protective frame of the Canal Zone territory. The two great canal issues now before the nation are: (1) the transcendent key issue of retaining United States undiluted sovereignty over the Canal Zone and (2) the important project of modernizing the existing Panama Canal by the construction of a third set of larger locks for larger vessels adapted to include the principles of the strongly supported Terminal Lake Plan, which was developed in the Panama Canal organization as the result of World War II experience. All other issues, however important, are irrelevant and should not be allowed to confuse or further delay proper consideration of the two pertinent ones.

Unfortunately, the handling of the two principle issues has been greatly complicated by radical Panamanian attacks on U.S. sovereignty over the Canal Zone and the exhumation of the corpse of the old controversy over types of canal—high level lake-lock versus sea level tidal lock. Because of the prime importance of the question of sovereignty, a knowledge of the history of its evolution is essential for reaching wise decisions.

EXCLUSIVE U.S. CONTROL IN PERPETUITY BASED ON HISTORY

The present status of the Canal Zone territory traces back to the 1901 Hay-Pauncefote Treaty between the United States and Great Britain that ended half a century of conflict over canal routes. In line with that agreement, the United States made the long range commitment to construct and operate an Isthmian canal under its exclusive control in accordance with the rules set forth in the 1888 Convention of Constantinople for the operation of the Suez Canal.

At the same time that the Hay-Pauncefote Treaty was being negotiated, our government was conducting a major investigation by an Isthmian Canal Commission for Exploration with Rear Admiral Walker, one of our ablest naval officers of his time, as president. In the supplementary report of that commission on January 19, 1902, recommending the construction of the Panama Canal, it made the following highly significant recommendation that merits study:

"The grant (for an Isthmian Canal) must not be for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States. In this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary." (Sen. Doc. No. 123, 57th Congress, 1st Session, p. 9.)

The reason for this recommendation was that this commission had studied Isthmian history and foresaw that only by such exclusive control could the project for an Isthmian canal be successfully constructed, maintained, operated and protected.

What did our government do? Under the dynamic leadership of President Roosevelt, the Congress passed the Spooner Act, approved June 28, 1902, authorizing the President to acquire by treaty with Colombia the perpetual control of the needed strip across the Isthmus and to construct thereon, and to "perpetually maintain, operate and protect," the Panama Canal. It also provided, in event of inability to secure the necessary strip from Colombia, for obtaining the needed territory for the construction of a Nicaragua Canal.

UNITED STATES ACQUIRES EXCLUSIVE SOVEREIGN CONTROL OF CANAL ZONE, 1904

Events developed quickly. When the Colombian Senate failed to ratify the Hay-Herran Treaty of January 23, 1903, Panamanian leaders, fearing that the Canal would be lost to Nicaragua, decided to secede from Colombia and thus enable the United States to make the canal treaty with Panama instead of Colombia.

In the resulting convention of November 18, 1903, following the Panama Resolution of November 3, Panama granted to the United States in perpetuity the "use, occupation and control" of the Canal Zone territory for the "construction, maintenance, operation, sanitation, and protection" of the Panama Canal with full "sovereign rights' power and authority" within the Zone to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." This was the indispensable agreement under which the United States undertook the great task of completing the construction of the Panama

Canal and its subsequent operation and defense, which is binding on the United States as fully as on Panama. (Hay-Bunau-Varilla Treaty, Articles II and III, quoted in *Foreign Relations*, 1904, pp. 543–51.)

The terms of this treaty were not accidental. Our leaders at that time had studied the history of the Isthmus and understood the problems that would be involved in such undertaking in a land of frightful disease and endemic revolution. They realized that the United States could not accept responsibility without complete authority as best stated in Article III of the 1903 Treaty. Just as the provisions of this treaty bind the United States in perpetuity to maintain, operate and defend the canal, they are likewise binding on Panama to recognize their validity. Moreover, except for the prompt recognition by the United States of the independence of the Province of Panama following the Panama Revolution of November 3, 1903, the Republic of Panama could never have survived and the Panama Canal would never have been constructed. (For additional information see Earl Harding, *The Untold Story of Panama*, New York: Athene Press, 1954.)

UNITED STATES ACQUIRED OWNERSHIP OF ALL PRIVATELY OWNED LAND AND PROPERTY IN THE ZONE

In addition to the grant of full sovereign rights, power and authority over the Canal Zone, the United States obtained title by purchase of all privately owned land and property in the territory from individual property owners, making the Canal Zone the most costly territorial acquisition in the history of the United States (Ho. Doc. No. 474, 89th Congress, p. 361.)

These purchases included all works of the French Panama Canal Company and all the stock of the Panama Railroad Company, the latter then a New York corporation.

EXCLUSIVE U.S. CONTROL OVER CANAL ZONE RECOGNIZED BY PANAMA, 1904

When was exclusive control by the United States over the Canal Zone recognized by Panama? This was done on May 25, 1904, in a note by Secretary of Government Tomas Arias, which stated: "The Government of the Republic of Panama considers that upon the exchange of ratification of the treaty for opening an interoceanic canal across the Isthmus of Panama its jurisdiction ceased over the Zone . . ." That exchange occurred on February 26, 1904, in Washington.

SECRETARY HAY CLARIFIES SOVEREIGNTY QUESTON, 1904

The ink was hardly dry on the 1903 Treaty when Minister of Foreign Affairs of Panama Jose D. de Obaldia, in a note to Secretary of State Hay on August 11, 1904, raised the sovereignty issue. (*Foreign Relations*, 1904, pp. 598–607.) In reply to the Panamanian Government's conteniton that the words "construction, maintenance, operation, sanitation, and protection" of the canal as used in the treaty constituted a "limitation on the grant," Secretary Hay, on October 24, 1904, wrote a comprehensive reply that is still classic. (Ibid. pp. 613–30.)

In this reply Secretary Hay explained that the words, "for the construction, maintenance, operation, sanitation, and protection of said canal" were not intended as a "limitation on grant" but were a "declaration of the inducement prompting the Republic of Panama to make the grant." (Ibid., p. 614.) He then asserted that the "great object sought to be accomplished by the treaty is to enable the United States to construct the canal by the expenditure of public funds of the United States—funds created by the collection of taxes . . ." (Ibid., p. 616.) Though Secretary Hay in this note did refer to Panama as the "titular sovereign of the Canal Zone," he declared that such sovereign is "mediatized by its own acts, solemnly and publicly proclaimed by treaty stipulations, induced by a desire to make possible the completion of a great work which will confer inestimable benefit on the people of the Isthmus and the nations of the world." He also stated that it was difficult to conceive of a country contemplating the abandonment of such a "high and honorable position, in order to engage in an endeavor to secure what at best is a 'barren scepter'," (Ibid., p. 615.)

In addition, the evidence is conclusive that under no circumstances would the United States have assumed the grave responsibility maintaining, operating, sanitating, and protecting the Panama Canal in an area notorious for tropical disease and endless turmoil under a weak and helpless emergent government except for the grant of full sovereignty over the Canal Zone and Canal.

SECRETARY OF WAR TAFT EXPRESSES HIS VIEWS ON CANAL SOVEREIGNTY, 1905–06

When discussing the question of United States power on the Isthmus on January 12, 1905, in a report to President Theodore Roosevelt, Secretary of War Taft made the following statement:

"The truth is that while we have all the attributes of sovereignty necessary in the construction maintenance, and protection of the Canal, the very form in which these attributes are conferred in the treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and as we have conceded to us complete judicial and police power and control over the Zone and the two ports at the end of the canal, I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them but which to us is of no real moment whatever." (Quoted in Hearings before Senate Committee on Interoceanic Canals, 1907, Vol. III, p. 2399.) This statement referred to Panamanian claims of being the token sovereign of the Canal Zone.

Again on April 18, 1906, when commenting on Article III of the 1903 Treaty in testimony before a Senate Committee, Secretary Taft stated:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the power which it would have if it were sovereign. This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panamanian Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is like . . . a barren ideality, but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements, and dwelling much on names and forms, it is by no means unimportant." (Hearings before Senate Committee on Interoceanic Canals, April 18, 1906, Vol. III, p. 2527.)

These were courteous efforts by Secretary Taft to soothe the sensibilities of our Panamanian friends but never with the thought or purpose of surrendering the actual, necessary and exclusive sovereign rights, power and authority of the United States over both the Canal and its indispensable protective frame of the Canal Zone. The term "titular sovereignty" means nothing more than a reversionary interest on the part of Panama in the sole event the United States should abandon the Panama Canal as in the case of the execution of a reversionary deed of property in Anglo-Saxon countries. Hence, there can never be any reversion of the Canal Zone to Panama unless our country abandons the canal enterprise, which includes the Zone.

Unfortunately, many writers have quoted Secretary Taft out of context and this practice has led to much public confusion as to precisely what he said and meant. Some of this confusion is not accidental especially on the part of certain officials of our government who through motives of appeasement have pursued a weak and unrealistic course.

PRESIDENT-ELECT TAFT EMPHASIZES NECESSITY FOR FULL U.S. CANAL CONTROL, 1909

After Secretary Taft's election as President, Panama Canal construction was well underway. In an address on the work at New Orleans on February 9, 1909, the President-elect made the following remarks:

"Because under the treaty with Panama we are entitled to exercise all the sovereignty [in the Canal Zone] and all the rights of sovereignty that we would exercise if we were sovereign, and Panama is excluded from exercising any rights to the contrary of those conceded to us . . . that is a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip, and we are going to govern it. And without the right to govern the strip, and without the power to make the laws in that strip bend, all of them, to the construction of the Canal, we would not have been within 2 or 3 or 4 years, hardly, of where we are in the construction." (Ho. Doc. No. 474, 89th Congress, p. 52.)

Those unqualified words of President-elect Taft are even more applicable today than in 1909, for the Panama Canal has become one of the greatest maritime crossroads in the world with an estimated transit total in 1971 of 15,550 vessels, which is an average of 42.6 per day. (Hearings before Sub Committee of Committee on Appropriations for 1972, Pt. 2, p. 312.)

PRESIDENT TAFT OUTLINES U.S. POLICY ON CANAL ZONE SOVEREIGNTY AND JURISDICTION, 1910

Again as President of the United States on November 16, 1910, while attending a banquet given by the President of Panama, Mr. Taft made this significant statement:

"We are here to construct, maintain, operate, and defend a world Canal, which runs through the heart of your country, and you have given us the necessary sovereignty and jurisdiction over the part of your country occupied by that canal to enable us to do this effectively." (*Canal Record*, Vol. IV, (Nov. 23, 1910), p. 100.)

This was not an exercise in banquet comradery but an unchallenged statement of policy as to the Panama Canal enterprise by the President of the United States, which policy is now being bitterly assailed by an unconstitutional government in Panama founded by force and violence and which might be superseded at any time by a Constitutional government that would reverse the policy of the revolutionary regime.

Again on December 5, 1912, pursuant to the Panama Canal Act of 1912 and in conformity with treaty provisions, President Taft in an Executive order declared that—

"All land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection and sanitation of the Panama Canal." (Encyclopaedia Britannica, 1971, Vol. 17, p. 206.)

There are greater needs for this area now than there were at that time. In fact the Canal Zone Territory should be extended by the purchase of the entire watershed of the Chagres River that provides the summit level water supply as was once recommended by General Clarence Edwards when he was in command of U.S. Forces on the Isthmus.

SECRETARY OF STATE HUGHES DEFENDS U.S. SOVEREIGNTY OVER CANAL ZONE, 1923

In early 1923 the Panama Government attempted to reopen negotiations for a new canal treaty (*Foreign Relations of the United States*, 1923, Vol. II, pp. 638–48). Secretary of State Hughes studied the history of our relations with Panama, called in the Panamanian Minister and, with a refreshing degree of candor, stated that the U.S. Government "could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under Article III of the Treaty of 1903 as if it were the sovereign of the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama." To this he added that, "it was an absolute futility for the Panamanian Government to expect any American Administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903." (*Ibid.* p. 684.) That forthrightness on the part of Secretary Hughes met with the situation for many years. The present Secretary of State should speak out with like candor in defense of our just and indispensable authority over the Canal Zone. The argument made that the United States does not need all the Canal Zone territory to protect the Canal is unrealistic because any part of it might be needed in time of war to create defenses and to deploy the protective forces for the Canal and Panama itself.

During the construction of the Canal the State Department did not control policy as regards the Canal Zone, and construction went forward effectively and expeditiously. After the completion of the Canal the State Department got its nose into the tent and finally its body. Ever since it has muddled our Isthmian policy by weakness, timidity and vacillation, rendering some of the consequent problems almost beyond solution.

HULL-ALFARO TREATY OF 1936–1939 STARTED OUR GREAT GIVE-AWAY PROGRAM

Because of the economic support of the Panama Canal, the full effects of the Great Depression of 1929 were not felt in Panama until 1932 when they stimulated agitations for a new treaty. With the change of administrations in the United States in 1933 our government weakened as to the earlier official positions taken by President Theodore Roosevelt, Secretaries Hay and Hughes, and negotiated the Hull-Alfaro Treaty of 1936 with Panama.

Because of a strong opposition in the Senate it was not ratified until 1939 just before the start of World War II. In this treaty, the United States made important concessions to Panama, which included the construction of a Trans-Isthmian highway in Panama extending through the Canal Zone to Colón, giving Panama jurisdiction over that highway in the Zone, renunciation of the right of eminent domain in the Republic of Panama for Canal purposes, and surrender of U.S. authority to maintain public order in the cities of Panama and Colón and adjacent areas. In a realistic sense this treaty was the start of our great giveaway programs, causing serious difficulties in obtaining military bases in Panama for defending the Panama Canal in World War II and creating dangerous precedents. A positive result of the treaty, however, was that Panama recognized that the word "maintenance" in Article I of the treaty allowed "expansion and new construction" when undertaken in accordance with the treaty, that is, for the maintenance, operation, sanitation and protection of the existing Canal.

It was under this authority that the Congress enacted legislation for the Third Locks Project soon afterward and on which more than $76,000,000 was expended before it was suspended in May 1942 because of more urgent war requirements. The useful work accomplished on this project included huge lock site excavations at Gatun and Miraflores for the proposed larger locks, which could be used for the modernization of the existing canal; and for which a new treaty would be unnecessary.

CHAPIN—FÁBREGA TREATY FURTHER WEAKENS JURIDICAL STRUCTURE, 1955

By 1953 agitations were well underway in Panama for the Chapin-Fábrega Treaty, which without adequate understanding or debate, was ratified in 1955. This treaty gave further concessions to Panama, including provisions for the construction by the United States of a free bridge across the Canal at Balboa to supersede the Thatcher Ferry, relinquishment of the right to enforce health and sanitation ordinances in the cities of Panama and Colón, and the cession to Panama without any compensation whatever of the terminal yards and passenger stations of the Panama Railroad. The last was a clear violation of the Thomson-Urrutia Treaty of 1914–22 with Colombia, which gives that country important rights in the use of both the Panama Canal and the Railroad.

The 1955 Treaty completed the withdrawal of the United States from Panama to the boundaries of the Canal Zone but did not alter the basic sovereignty and perpetuity provisions of the 1903 Treaty as regards United States exclusive sovereign control in perpetuity of the Canal enterprise, which includes the Zone.

SECRETARY OF STATE JOHN FOSTER DULLES DEFENDS U.S. POSITION AT PANAMA, 1956

Following the nationalization by Egypt in 1956 of the Suez Canal, Secretary of State John Foster Dulles, whose connections with the Panama Canal dated back to World War I, issued an order that no officer of the U.S. Foreign Service, in conversation, speaking or writing, was to equate the status of the Panama Canal with that of the Suez Canal, and that violators would be disciplined (*Congressional Record*, Vol. III, Pt. 19 (Oct. 5, 1965), p. 25974). That order was the last strong statement by a Secretary of State as regards U.S. sovereignty, over the Canal Zone. Secretary Dulles' successors, less conscious of the realities involved, gradually weakened and the agressiveness of Panamanian radicals correspondingly increased. No high official of our government spoke out as they should have done. Thus matters took their retrogressive course.

U.S. FORMAL RECOGNITION OF PANAMA TITULAR SOVEREIGNTY LEADS TO HEAVIER DEMANDS, 1958

On May 2, 1958, there was an organized mob invasion into the Canal Zone called Operation Sovereignty. Red led Panamanian University students planted 72 Panama flags at various spots in the Zone, including some squarely in front of the Canal Administration Building. Instead of acting promptly to arrest and punish the trespassers, our responsible authorities naively ignored the incidents as youthful pranks. Instead of pranks they were probes of our government's will power to stand up for the just and indispensable rights of the United States at Panama.

Soon afterward, during a July 12–16 visitation in the Canal Zone by Dr. Milton Eisenhower, President Ernesto de la Guardia, Jr., told him that flying the Panama flag in the Zone would promote cooperation. That was a very suave statement.

Following the riots of November 3, 1959, which required the use of the U.S. Army to protect the Canal Zone from mob invasion, Under Secretary of State Livingston T. Merchant visited the Isthmus and, under instructions publicly announced that the United States recognized Panama's titular sovereignty over the Canal Zone but, quite significantly, did not define that term.

As predicted by me in the Congress at the time that disingenuous action did not beguile Panamanian radicals but simply whetted their appetites for more concessions.

U.S. CONGRESS OPPOSES SURRENDERS AT PANAMA, 1960

Reactions in the Congress were quickly forthcoming.

On February 2, 1960, the House of Representatives, by the overwhelming vote of 382 to 12, opposed the formal display of the Panama flag in the Canal Zone in a House Concurrent Resolution but, unfortunately, the Senate Committee on Foreign Relations did not act. As a follow up to the resolution, the House, on February 9, unanimously adopted the Gross Amendment to the 1961 Department of Commerce Appropriations Bill, prohibiting the use of any funds under that appropriation for the formal display of the flag of Panama in the Zone. The Senate accepted this amendment and it became law.

As early as April 30, 1960, I pointed in an address in the House that soon after the Congress adjourned there would be an order from the President based upon the recommendation of the State Department, authorizing the display of the Panama flag in the Zone.

Later, on June 23, 1960, I addressed the House, stressing the problems that would follow as the result of the hoisting of the Panama flag in the Zone territory and warning the Congress that elements in the State Department were planning to authorize it. Next, on June 30, I wrote Secretary of State Christian A. Herter apprising him of these facts, urging him to clean out the responsible elements in his department, and warning him that should the Panama flag be displayed in the Canal Zone under his authorization members of the House would press for his impeachment. His reply was evasive. (*Congressional Record* (86th Cong., 2d Sess.), Vol. 106, Pt. 14 (Aug. 31, 1960), p. 18872.)

PRESIDENT EISENHOWER STRIKES U.S. FLAG IN CANAL ZONE, 17 SEPTEMBER 1960

Just as I predicted, on September 17, 1960, soon after adjournment of the Congress, President Eisenhower, without Congressional sanction and using emergency funds from the Department of State, in a mistaken gesture of friendship, naively authorized the formal display of the Panama flag in one place in the Canal Zone at Shaler's Triangle as "visual evidence" of Panama's titular sovereignty over the Zone but did not define the term, which, as already pointed out, is of purely reversionary character. Also as predicted, Panamanians took this display not as evidence of titular sovereignty, but as an official admission by the United States of its recognition of Panama's full sovereignty over the Zone Territory. (G. Bernard Noble, *Christian A. Herter*, New York: Cooper Squire Publishers, Inc., 1970, p. 209.)

To avoid confusion the word sovereignty means the state of quality of having supreme power of dominion. Could there be any better status for the Panama Canal and Canal Zone than that under the full sovereign control of the United States with the avoidance of all problems of extra territoriality? For such sovereignty there can be only one flag and that is the flag of the United States.

PANAMANIAN MOBS ASSAULT CANAL ZONE, JANUARY 1964

Did the 1960 display by President Eisenhower appease Panamanian radicals? It did not but simply served to open a Pandora's Box of more unrealistic and impossible demands. The Panama flag display was extended by President Eisenhower's successors, Presidents Kennedy and Johnson. They culminated in a massive Red led mob invasion of the Canal Zone during January 9–12, 1964, again requiring the use of our armed forces to protect the lives of our citizens and the Canal itself. In retaliation, Panama broke diplomatic relations with the United States and brought charges against the United States of "aggression" against Panama.

Here I would like to stress that no one United States soldier left the Canal Zone but simply defended the lives of our citizens and the Canal with the result that there was no interruption of transit despite the magnitude of the disorders. This was the highest tribute to the wisdom of our policy of having United States citizens in security positions, and having a protective strip framing the Canal.

PRESIDENT JOHNSON ACCEDES TO RADICAL PANAMANIAN DEMANDS 1964

After President Johnson had an opportunity to get the necessary facts about the

Panamanian mob attack, on January 14, 1964, he took a strong initial stand for exercising United States sovereignty over the Canal Zone stating that our country had a "recognized treaty obligation to operate the Canal efficiently and securely, and (that) we intend to honor that obligation in the interest of all who depend upon it." (*Congressional Record*) (88th Cong., 2d Sess.), Vol. 110, Pt. 1 (Jan. 14, 1964), p. 426.) For this candor he was widely commended at home and abroad despite the position taken by the United States in 1956 in opposition to the British-French reoccupation of the Suez Canal.

Unfortunately, after this initial policy statement he apparently fell into the clutches of Department of State miners and sappers and reversed his original position. Consequently, on December 18, 1964, after restoration of normal relations with Panama, President Johnson announced that the U.S. Government had completed an intensive policy review with respect to the present and future of the Panama Canal and that he had reached two decisions:

First, to press forward with Panama and other interested governments for a sea level canal; and second, to negotiate an entirely new canal treaty for the existing Panama Canal.

Legislation to authorize an investigation of the feasibility of a canal of sea level design was obtained—Public Law 88–609, approved September 22, 1964. Robert B. Anderson was assigned to head that study. Later, Mr. Anderson was appointed as chief U.S. Negotiator for the proposed treaty negotiations, thus holding two positions at the same time.

NEW CANAL TREATIES PROPOSED, 1967

On June 1967, President Johnson and President Marco A. Robles of Panama jointly announced that agreement had been reached on three proposed new canal treaties as follows:

The first covering the operation of the present canal would have (1) abrogated the Treaty of 1903, (2) recognized Panamanian sovereignty over the Canal Zone, (3) made Panama an active partner in the management and defense of the Canal, (4) increased toll royalties to Panama, and (5) eventually given to Panama exclusive possession in 1999 if no new canal were constructed at U.S. expense or soon after opening of a sea level canal but not later than 2009 if a new canal were built.

The second treaty for a canal of sea level design would have given the United States an option for 20 years after ratification to start construction, 15 more years for construction and a majority membership in the canal authority for 60 years after opening or until 2067, whichever was earlier. Additional agreements to fix the specific conditions for its combinations would have to be negotiated when the United States should decide to execute its option.

The third treaty for defense would have provisions for the continued use of military bases by U.S. Forces in Panama for 5 years beyond the termination date of the proposed treaty for the operation of the existing canal. If a new canal in Panama were constructed the military base rights treaty would have to be extended for the duration of the treaty for the new canal. (Background of U.S. Decision to Resume Panama Canal Treaty Negotiations, Office of Interoceanic Canal Negotiations, State Department, 1971.)

PROPOSED 1967 TREATIES OPPOSED IN BOTH PANAMA AND THE UNITED STATES

Although President Johnson did make a press release outlining the general aims of the treaties, the governments of both the United States and Panama withheld publication of the proposed treaties apparently with the hope that they would be ratified by our Senate without adequate debate.

Ferreted out through the journalistic initiative of the *Chicago Tribune* and published in that paper, and later quoted in addresses to the U.S. Senate by Senator Strom Thurmond of South Carolina in the *Congressional Records* of July 17, 21 and 27, 1967, they aroused a storm of protests in both Panama and the United States as well as in Great Britain and Japan, which are large users of the Panama Canal. So strong were these protests that the proposed 1967 treaties were never signed.

SEA LEVEL RECOMMENDATION HINGES ON SURRENDER OF CANAL ZONE, 1970

On December 1, 1970, the Anderson panel submitted its voluminous report recommending the construction of a new canal of so-called sea level design entirely in Panamanian territory about 10 miles west of the existing canal at an initially estimated cost of $2,888,000,000 to be borne by United States taxpayers. This figure did not include the cost of the rights of way or of the inevitable indemnity to Panama.

Meanwhile, in line with Isthmian revolutionary history, the Constitutional government of Panama was overthrown on October 11, 1968, after only 10 days in office, by a military coup and a provisional Revolutionary Government established. This eliminated the Panama National Assembly and converted its spacious building into government offices. Eventually, the revolutionary government, after declaring the discredited 1967 treaties unacceptable, sought to negotiate new ones and our government acceded, with the designation of the same Robert B. Anderson as Chief U.S. Negotiator.

Here it should be explained that the construction of a canal of sea level design at Panama for many years has been an undisclosed objective of a small professional engineering-industrial group, including manufacturers of heavy earth moving machinery. The recommendation of the 1970 Anderson Report for a sea level canal hinges upon the surrender of U.S. sovereignty over the Canal Zone. Moreover, the holding of the position of Chief U.S. Negotiator by the same person who headed the negotiations for the discredited 1967 treaties and the sea level study creates a serious conflict of interest to which the Congress should be fully alert.

One of the great purposes of United States policy of exclusive sovereign control over the Canal Zone was the avoidance of the never ending conflicts and recriminations that always accompany extra-territorial rights. To speak so bluntly as the gravity of the situation at Panama demands, the State Department in recent years has been dominated by those who timidly accept as valid every major claim of Panamanian radicals for the surrender by the United States of its sovereignty over the canal enterprise and its transfer to Panama. Such action would undoubtedly result in the immediate dominance of the Isthmus including the Canal Zone by Soviet powers against which Panama could not cope.

LONG RANGE PANAMANIAN AIMS

Lest there be some doubt as to the long range aims of the Panama Government as to its objectives, on April 29, 1958, Ambassador Ricardo M. Arias of Panama, in a major address at the School of Foreign Service of Georgetown University, made this significant revelation:

"The foreign policy of my country during the past 50 years has been to exert every effort in order to obtain at least for Panama, conditions similar to those granted to Colombia in January 1903." (H. Doc. 474, 89th Congress, p. 23.)

The blackmailing and demogogic revolutionary government of Panama would have the world forget the history of that country: the Panama Revolution under the guaranty of the United States, the reasons for the 1903 Treaty under which the United States constructed and has subsequently operated and defended the Panama Canal, the transformation of Panama from a cesspool of disease and penury into a relatively healthy land of comparative prosperity, and the vast sums provided by our government for canal purposes. The net total of these sums including defense, as of June 30, 1968, was more than $5,000,000,000, all provided by the taxpayers of the United States.

All the facts just enumerated, Mr. Chairman, the present government of Panama would remove from the memory of mankind. The United States can well stand on the record that it has made at Panama in dealing with all of these matters and trust to history for vindication.

Manifestly, Panama cannot eat its cake and have it also. After the United States built the canal and successfully operated it for more than half a century, a fly by night and sanguinary revolutionary government would have our country neglect its duty to its taxpayers and surrender the indispensably necessary protective frame of the Canal to Panama and thus enable that country to expropriate the canal itself and drive us from the Isthmus. The present Revolutionary Government of Panama has been motivated by a complete disregard of historical verities and its policy of truculence and impossible claims has undoubtedly been induced by Soviet assurances, for Soviet experts are already in Panama. This always happens prior to the establishment of diplomatic relations.

WHY NOT SURRENDER TO COLOMBIA RATHER THAN PANAMA?

In response to the officialdom in our government who seem determined to destroy the 1903 Treaty and surrender our just rights, power and authority at Panama, why should not such surrender be made to Colombia, which until November 3, 1903, was the sovereign of the Isthmus instead of Panama?

Any surrender of the Canal Zone and Canal is unthinkable; but if any surrender should be made it should be to Colombia, of which Panama was once a province, and not to Panama.

SEA LEVEL CANAL—A POLITICAL MOVE

In the light of what has taken place it is interesting to note that Colonel John P. Sheffy, former Executive Director of the recent sea level studies and now of the Office of Interoceanic Canal Negotiations in the Department of State, made the following revealing statements before a gathering of marine scientists on March 4, 1971, at the Smithsonian Institution:

1. "That the canal investigation under Public Law 88–609 calling for consideration of the long range Canal program originated with the State Department following the 1964 riots as a means for improving treaty relationships with Panama.

2. That President Nixon had accepted the final 1964 Johnson canal treaty policy.

3. That the main purpose of the sea level proposal was to obtain "better treaty relationships" with Panama.

4. That if such relationships are not obtained the project is not warranted.

5. That the sea level proposal is not justified economically and that it "may never be constructed."

6. That because of opposition in both the United States and Panama the 1967 draft treaties would not be the basis for future negotiations.

7. That the sea level proposal was recognized as "ecologically dangerous."

8. That a decision to construct one would be a "political" decision.

Could there be more shocking admissions concerning a subject of such vast importance to the entire world than those just enumerated? (CONGRESSIONAL RECORD, vol. 117, pt. 7839.)

PRESIDENT NIXON ADOPTS THE FINAL JOHNSON POLICY

The latest information on the canal treaty situation is that President Nixon, on the advice of the same appeasement officials in the State Department who advised President Johnson and whom President Nixon in his 1968 campaign had avowed to replace, has established objectives similar to those of his predecessor as modified by events since 1967. This information is that the "renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved." This is complete blackmail on the part of the Panama Government, which today is unconstitutional under Panamanian requirements.

Though averring that the United States has "no intention of yielding control and defense of the Canal to the threat of violence," the State Department view is that it is in United States interest to demonstrate again as in 1967 our "willingness to make adjustments" which do not significantly weaken our rights to control and defend the canal and that it would be difficult for the United States to "justify itself in world forums" in the event it is again forced to "commit" its armed forces against "Panamanian incursion into the Canal Zone." (Background . . . . 1971, op. cit.) Could there be any more obvious double talk? The United States did not commit its Armed Forces against anybody.

Such statements of policy, Mr. Chairman are an expression of willingness to surrender in advance. What could be more pusillanimous or unrealistic than this State Department pronouncement! No wonder the eyes of the world are watching us at Panama, for upon what we do there could well depend the freedom or the slavery of the world. Shabby sentimentality has no place in the consideration of the problems of the Canal Zone and Panama Canal.

Instead of surrendering the Canal Zone to Panama it ought to be extended so as to include the entire drainage area of the Chagres River basin as was first recommended by General Clarence R. Edwards, the Commanding General of U.S. troops on the Isthmus, as the result of World War I experience.

PANAMA NEGOTIATORS DEMAND FULL SOVEREIGNTY OVER CANAL ZONE

In public statement by the Panamanian negotiators just prior to their departure for the United States on June 29, 1971, they said that they would demand full sovereignty over Canal Zone or that there would be no treaty and that in event of failure to get such sovereignty they would return to Panama and explain matters to their people. In view of the anti-United States frenzy into which the people of that country have been whipped, this constitutes an open threat of violence comparable to that of January 9–12, 1964, which required the use of our Armed Forces to protect the lives of our citizens and the canal itself. Certainly there are few better examples of how appeasement begets blackmail than in the conduct during recent years of our policies at Panama. It must be borne in mind that those who made these threats overthrew by force and violence the Constitutional Government of Panama and are maintaining themselves in power by the same means. Why make treaties with the present Revolutionary Government which would in all likelihood be repudiated when Panama returns to a Constitutional government just as the present government repudiated the proposed 1967 treaties?

The greater part of the turmoil and bitterness that has evolved in Panama has been because Panamanian radicals and demagogs have failed to diagnose realistically the premises on which they base their policies and actions. Unfortunately, through continued insistence Panamanian policies now prevailing are not realistic.

Timidity and vacillation on the part of our State Department have served to induce extravagant claims and demands by Panama that have resulted in brainwashing our accredited officials who have never emphasized the genesis of Panama and the Canal.

Panama is not a great power and can never be one. It is a small and weak country—the result of a Caesarian operation that was successful because the United States as a great power supported it. While Panama's frequently mentioned geographic position is an asset it is also a great liability because predatory powers covet it. The actual confrontation now occurring is not between the United States and Panama but between the United States and the U.S.S.R. The Soivet takeover of Cuba had, and still has, for its purpose the control of the Panama Canal.

Moreover, Panama at present does not have any constitutional way to ratify treaties because the Revolutionary Government has abolished the National Assembly of Panama, which is the treaty ratifying agency of the Panamanian Government.

U.S. CONSTITUTION PROTECTS CANAL ZONE

Here I would emphasize the importance of Article IV, Section 3, Clause 2 of the U.S. Constitution, that vests the power to dispose of territory and other property of the United States in the Congress, which, of course, includes the House of Representatives. This places a high degree of responsibility on the subcommittee, for as in the case of the 1967 proposed treaties and, so far as can be ascertained, at the present time, this wise constitutional provision is being ignored by our treaty negotiators.

An examination of court decisions will disclose that the constitutionality of this provision has been upheld many times. One example of our government complying with it was in the 1955 Treaty in which the conveyance of lands and property of the United States to Panama was "subject to the enactment of legislation by the Congress." (Chapin-Fábrega Treaty of January 25, 1955, Article V.)

PANAMA CANAL IS PART OF THE U.S. COASTLINE

As foreseen by the formulators of our major Isthmian Canal policies of site, type and control, the Panama Canal is a part of the coastline of the United States. Its protection is just as vital to national defense as the protection of Delaware Bay or San Francisco Harbor.

General plans for the major increase of capacity and operational improvements of the existing canal have been developed and are covered in pending legislation but cannot proceed until the sovereignty issue is clarified and our undiluted control and ownership of the canal and the Canal Zone fully understood and recognized, for the Canal can no more be separated from the Zone than boilers from a steam power plant.

The very moment that we surrender sovereignty over the Zone to Panama as presently planned, Soviet power will take over the Republic of Panama as it did Cuba. In fact, as previously stated, Soviet experts have already arrived in Panama and are advising the University, social security organizations, and labor offices of the Panamanian Government.

Thus, also as previously indicated, the issue is not United States control of the Canal Zone versus Panamanian but continued U.S. sovereignty versus U.S.S.R. domination.

DANGERS OF SURRENDER

Before any surrender to Panama of sovereignty over the Canal Zone there are many questions that must be answered satisfactorily, among them the following:

Where would Panamanian political leaders flee for asylum to escape assassination such as has frequently occurred for many years?

How could the lives of our citizens and the Canal itself be defended against mob violence without the protective frame of the Canal Zone under the control of the United States?

How could the Canal be efficiently maintained and operated unless the undiluted control of the Zone with all its tremendous facilities remains with the United States?

How could the constant conflicts and recriminations that always feature extraterritoriality be avoided in the event of surrender of Canal Zone sovereignty?

How could the Panama Canal be modernized without further extortions through further teraty negotiations?

Why jeopardize our present treaty rights to modernize the existing canal by "expansion and new construction" by abrogating the workable 1903 Treaty?

Why should the United States abandon policies successfully tested in the operation of the existing canal based on provisions of a workable Treaty for a mere option for a new canal sea level design that even its advocates admit may never be constructed?

Why does the State Department ignore the marine ecological angle involved in constructing a salt water channel between the oceans, which recognized scientists predict would result in infesting the Atlantic with the poisonous Pacific sea snake and the predatory Crown of Thorns starfish that would have international repercussions?

Is not the Republic of Panama a small and weak country whose independence is assured only so long as the United States remains on the Isthmus?

Is not all the talk by the Revolutionary Government of Panama about the dignity of the fatherland false and demagogic?

Why has it whipped the people of Panama into a frenzy of great expectations which when not realized may result in violence?

What would be the legal complications of ending more than six decades of United States jurisdiction and the Canal Zone Code that has been enacted by the Congress?

Would not such surrender be in violation of the 1950 Panama Canal Reorganization Act (Pub. Law 841, 81st Congress) that placed the canal on a self-sustaining basis?

Would not the surrender of the Canal Zone arouse controversy with Great Britain as violative of the 1901 Hay-Paunceforte Treaty and other large maritime nations that have accepted that treaty?

Would not surrender of the Canal Zone to Panama violate the right of Colombia under the Thomson-Urrutia Treaty of 1914–22 in the Panama Canal and Railroad?

In view of terms of the 1903 Treaty ceding sovereignty over the Canal Zone to the United States how can it be legally surrendered except by the abandonment of the Panama Canal?

Would not such surrender revive the claim of Colombia not only to the Canal Zone and Canal but also to the entire Isthmus?

Should such surrender be made why not make it to Colombia rather than Panama?

What reason except a determination to acquire the Panama Canal has motivated the U.S.S.R. in the takeover of Cuba, the building of bases there, and operating submarines off both coasts of Latin America?

Instead of surrendering the Canal Zone to Panama why not extend it to include the entire watershed of the Chagres River?

Would not the cession of U.S. sovereignty over the Canal Zone to Panama facilitate the expropriation of the Canal as occurred in Egypt after the surrender of the Suez Canal Zone?

Would not such expropriation be supported by the full might of Soviet power?

Then who would operate and control this

great artery of marine transportation and world strategy?

Can you think of a worse blow against the United States short of nuclear attack than the loss of the Panama Canal?

Would not cession of the Canal Zone constitute a precedent for other nations, emboldened by such surrender to Panama, to challenge our right to Alaska, the Gadsden Purchase, the vast Southwest, Florida and the Louisiana Purchase?

The historic canal policy of the United States is for an American canal, on American soil, for the American people and world shipping as provided by law; and that is the policy that should be followed without any dilution.

PRESENT TASK BEFORE THE CONGRESS

The present task before the House of Representatives is the transcendent one of clarification and reaffirmation of our sovereign control of the Panama Canal enterprise. The resolutions now pending reflect the views of our best informed Congressional leaders and specially qualified citizens from various parts of the nation. Their adoption will serve notice in the world, especially Soviet rulers, that the United States has the will to meet its treaty obligations at Panama and that it will continue to do so and thus serve to regain the public image that our great country has lost through weak and timid policies in recent years, particularly in Latin America. It will open the way for the next great step by the Congress in the evolution of our Isthmian Canal policy—the major modernization of the existing Panama Canal. These two steps together, sovereignty reaffirmation and modernization should meet the canal situation for many years into the future.

Accordingly, I urge prompt favorable action on the Panama Canal sovereignty resolutions now pending.

Mr. Chairman, I wish to include as part of my testimony, a 1971 Memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal, which in a brief space supplies the essentials of a highly complicated problem, and a 1971 paper of the Office of Interoceanic Canal Negotiations of the Department of State that clearly outlines the policy for surrender; also the 1971 resolution of the American Legion.

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

Panama Canal: Sovereignty and Modernization.

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88–609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, *initially* estimated to cost $2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) A new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatun Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

(3) The construction by the United States of the Panama Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, August 7, 1969 (pp. 22845–22848), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31, 1964, totalled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provisions bind the United States as well as Panama.

(5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The program for the enlargement of Gaillard Cut, started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marine operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminishing the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

(1) Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, *or* be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically prim-

itive and unstable country a senior partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House *and* Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

(2) The *major* modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aiming at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 92nd Congress identical bills were introduced in both House and Senate to provide for the *major* increase of capacity and operational improvement of the *existing* Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting on January 26, 1971 many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist takeover of strategically located Cuba and Chile, dent, Committee on Pan American Policy, is not United States control versus Panamian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and,

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation capacity.

SIGNATURES

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, CA. Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Chase, Md., Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassador retired and Author.

Dr. John C. Briggs, Tampa, Fla., Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro del Valle, Annapolis, Md., Intelligence Analyst, Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y., Former Associate Foreign Editor, *New York Times*, Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown Univ.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of Calif., Santa Barbara. Authority on Latin America.

Lt. Gen. Ira C. Eaker, Washington, D.C., Former Commander-in-Chief, Allied Air Forces, Mediterranean, Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., Editor and Author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University, Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H., Publisher and Author.

Lt. Col. Matthew P. McKeon, Springfield, Va., Intelligence Analyst, Editor and Publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla., Consulting geologist, Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Asst. Professor, George Mason College, University of Virginia, Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C., Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., Author and Editor.

Harold Lord Varney, New York, N.Y., Presi- New York, Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbucher, Bethesda, Md., Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C., Professor of Political Science Emeritus, University of Illinois, Author and Editor.

Institutions are listed for identification purposes only.

BACKGROUND ON PANAMA CANAL TREATY NEGOTIATIONS

DEPARTMENT OF STATE,
Washington, D.C.

1. Panama has been discontent with the Treaty of 1903 since its inception and has sought more generous terms with increasing intensity in recent years. Revisions were made in 1936 and 1955. But the most objectionable feature from Panama's viewpoint—US sovereignty over the Canal Zone in perpetuity—remained unchanged. Neither did the increases in payments and other economic benefits for Panama in the two revisions provide what Panama considers to be its fair share.

2. Panama's discontent led to destructive riots along the Canal Zone border in 1958 and 1964. The 1964 upheaval and subsequent criticism of US policy in the OAS, the UN, and in other international forums underscored the timeliness of President Johnson's decision that the reasonable aspirations of Panama could be met in a new treaty that continued to protect vital United States interests. On December 18, 1964, the President stated:

"This Government has completed an intensive review of policy toward the present and the future of the Panama Canal. On the basis of this review, I have reached two decisions.

"First, I have decided that the United States should press forward with Panama and other interested governments, in plans and preparations for a sea-level canal in this area.

"Second, I have decided to propose to the Government of Panama the negotiation of an entirely new treaty on the existing Panama Canal.

"Today we have informed the Government of Panama that we are ready to negotiate a new treaty. In such a treaty we must retain the rights which are necessary for the effective operation and the protection to the Canal, and the administration of the areas that are necessary for these purposes. Such a treaty would replace the Treaty of 1903 and its amendments. It should recognize the sovereignty of Panama. It should provide for its own termination when a sea-level canal comes into operation. It should provide for effective discharge of our common responsibilities for hemispheric defense. Until a new agreement is reached, of course, the present treaties will remain in effect."

3. The basic US treaty objectives established by President Johnson in 1964 and supported by Presidents Hoover, Truman, and Eisenhower were to maintain US control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries. To this end, new treaties were negotiated between 1964 and 1967 which contained the following major provisions (as summarized in the December 1970 final report of the Atlantic-Pacific Interoceanic Canal Study Commission):

The first of the proposed treaties, that for the continued operation of the present canal, would have abrogated the Treaty of 1903 and provided for: (a) recognition of Panamanian sovereignty and the sharing of jurisdiction in the canal area, (b) operation of the canal by a joint authority consisting of five United States citizens and four Panamanian citizens,

(c) royalty payments to Panama rising from 17 cents to 22 cents per long ton of cargo through the canal, and (d) exclusive possession of the canal by Panama in 1999 if no new canal were constructed or shortly after the opening date of a sea-level canal, but no later than 2009, if one were built.

The second, for a sea-level canal, would have granted the United States an option for 20 years after ratification to start constructing a sea-level canal in Panama, 15 more years for its construction, and United States majority membership in the controlling authority for 60 years after the opening date or until 2067, which was earlier. It would have required additional agreements on the location, method of construction, and financial arrangements for a sea-level canal, these matters to be negotiated when the United States decided to execute its option.

The third, for the United States military bases in Panama, would have provided for their continued use by United States forces 5 years beyond the termination date of the proposed treaty for the continued operation of the existing canal. If the US constructed a sea-level canal in Panama, the base rights treaty would have been extended for the duration of the treaty for the new canal.

The Panamanian President did not move to have these treaties ratified. Consequently, no attempt to ratify them was made in the United States.

4. President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Primary US objectives are continued US control and defense of the existing canal. The rights (without obligation) to expand the existing canal or to build a sea-level canal are essential to US agreement to a new treaty, with the exact conditions to accompany these rights to be determined by negotiation. The US is willing to provide greater economic benefits from the canal for Panama and release unneeded land areas, again with the exact terms to be developed by negotiation.

5. Panama has expressed willingness to negotiate arrangements for continued US control and defense of the existing canal though it remains to be seen what they mean by this. Panama has not indicated its specific views on the acceptable duration of a new treaty. Panama is determined to terminate current US treaty rights "as if sovereign" and extend the jurisdiction of the Government of Panama into what is now the Canal Zone. The 1967 draft treaties would have terminated US jurisdiction in the canal area (but not control and defense of canal operations) with the construction of a sea-level canal. While the United States is now prepared to negotiate for the reduction in the extent of US jurisdiction in the canal area, it remains to be determined whether a mutually acceptable compromise can be worked out between US and Panamanian objectives in this area.

6. In the area of economic benefits Panama has indicated intent to seek a greater direct payment than it now receives ($1.93 million annually), the opening of the present Canal Zone to Panamanian commercial enterprise, increased employment of Panamanian citizens, and increased use of Panamanian products and services in the canal operation. All of these points were agreed upon in 1967, and the US remains willing to negotiate new arrangements along similar lines, provided they do not hazard US control of canal operations, the continuation of reasonable toll levels, and the continued financial viability of the canal enterprise.

7. Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved. While the US has no intention of yielding control and defense of the canal to the threat of violence, it is certainly in the US interest in Panama, in Latin America, and worldwide again to demonstrate, as in 1967, our willingness to make adjustments in our treaty relationship with Panama that do not significantly weaken the United States' rights to control and defend the canal.

8. It is our intent to show Latin America and the world that the United States as a great power can develop a fair and mutually acceptable treaty relationship with a nation as small as Panama. Such a trety must, therefore, be founded upon common interests and mutual benefits.

9. The Provisional Government Junta of Panama has expressed intent to ratify a new treaty by plebiscite to ensure that it is acceptable to the Panamanian people.

10. The negotiators for the United States are Ambassador Robert B. Anderson, former Secretary of the Treasury and Secretary of the Navy. Ambassador Anderson is chief negotiator. His deputy is Ambassador John C. Mundt, formerly a senior vice president of Lone Star Industries and presently on leave from the State of Washington as State Director for Community College Education.

The Panamanian negotiators are Ambassador Jose Antonio de la Ossa (Panamanian Ambassador to the United States), Carlos Lopez Guovara, and Fernando Manfredo.

OFFICE OF INTEROCEANIC
CANAL NEGOTIATIONS.

August 1971.

FIFTY-THIRD ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, HOUSTON, TEX., AUGUST 31–SEPTEMBER 1, 2, 1971

RESOLUTION NO. 494

Committee: Foreign Relations
Subject: Panama Canal

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation, and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in mantaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U. S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U. S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U.S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U. S. control over the Canal and the Canal Zone; and

Whereas, The American people have consistently opposed further concessions to any Panamanian government that would further weaken U. S. control: and

Whereas, The American Legion believes that a treaty or contract is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903 by which the rights of the United States thereunder would be weakened, limited or surrendered, the United States having fully performed its obligations under such treaty since its adoption; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that the Legion reiterates its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, that The American Legion opposes the construction of a new "sea-level" canal, as advocated by the recently completed study of the Atlantic-Pacific Canal Study Commission as needlessly expensive, diplomatically hazardous, ecologically dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterates its strong support for resuming the modernization of the present Panama Canal as provided in the Third Locks-Terminal Lake plan advocated by so many Members of Congress.

H. RES. 540

Resolution: Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its indispensable sovereignty and jurisdiction over the Canal Zone and Panama Canal; and

Whereas under the Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal and to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

Whereas under the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between Republic of Colombia and the United States, the Republic of Colombia recognized that the title to the Panama Canal and Panama Railroad is vested "entirely and absolutely" in the United States and the United States granted important rights in the use of the Panama Canal and Railroad to Colombia; and

Whereas from 1904 through June 30, 1968, the United States has made an aggregate net investment in said canal, including defense, of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure, United States abandonment of the canal enterprise, or under any other circumstances; and

Whereas, under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of Panama Canal traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States as well as of Panama itself; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in proposed treaties under the terms of which the United States would relinquish its control over the Canal Zone and Panama Canal with the gift of both to Panama; and

Whereas the present revolutionary Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty or treaties; and

Whereas the December 1, 1970, report by the Atlantic-Pacific Interoceanic Canal Study Commission revives the entire canal situation, including surrender of the Canal Zone to Panama and operation of the Panama Canal by an international organization not subject to laws of the United States.

Whereas the recommendations of said commission would place the United States in a position of heavy responsibility without requisite authority and invite a takeover by Soviet power of the isthmus as occurred in Cuba, other Latin American countries, and at the Suez Canal: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over said Canal Zone and Panama Canal and that the United States Government should in no way forfeit, cede, negotiate, or transfer any of these sovereign rights, jurisdiction, territory, or property to any other sovereign nation or to any international organization, which rights, sovereignty, and jurisdiction are indispensably necessary for the protection and security of the entire Western Hemisphere including the canal and Panama.

ECONOMIC APPROACH TO CURB POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, 15 Congressmen have joined me in introducing legislation that would tax air pollution. The 15 Members are:

Representative Jonathan Bingham.
Representative James Corman.
Representative Ronald Dellums.
Representative Joshua Eilberg.
Representative Seymour Halpern.
Representative Lee Hamilton.
Representative Richard Hanna.
Representative Michael Harrington.
Representative Henry Helstoski.
Representative Elwood Hillis.
Representative David Obey.
Representative Charles Rangel.
Representative Thomas Rees.
Representative Louis Stokes.
Representative Clement Zablocki.

This legislation would place a tax on all sulfur emissions from stationary sources. It would place a 5-cents-per-pound tax on sulfur emissions during 1972, 10 cents during 1973, 15 cents during 1974, and 20 cents after 1974.

A tax on sulfur emissions would reverse the present incentive system which makes it more profitable for polluters to continue to pollute rather than install pollution abatement equipment or take other action. This legislation would make it profitable in virtually every case for the polluter to take the most effective action possible in order to reduce the amount he pollutes and, therefore, the amount of tax he has to pay.

As an example: The average steam electric powerplant presently emits 14,500 tons of sulfur annually. If this legislation were passed and the average steam electric powerplant continued to pollute at its present level, it would pay a tax of about $6 million per year. The initial investment cost for pollution abatement equipment for that steam electric powerplant would, however, run only about $3.5 million, with a total annual cost of $1.5 million. Thus, it would obviously be much more profitable for a steam electric powerplant to install pollution abatement equipment rather than continue to pollute. The average cost to the consumer would be only about 2 percent, which would increase his monthly electric bill from $8 to $8.16.

There are several advantages this air pollution tax would have over other approaches, such as direct regulation or subsidies to polluters:

First, pollution taxes would provide continuing and strong incentive for polluters to keep reducing the amount of sulfur they emit. Polluters would be encouraged not only to apply the latest techniques of pollution abatement but, in many cases, to actually develop new techniques.

Second, the tax would apply equally to all sulfur polluters. The incentive for them to reduce their pollution would be equal, but the methods for achieving that end would be left up to their own initiative.

Third, a minimum of enforcement would be needed. The tax would be collected by the Internal Revenue Service and the burden of proof would be placed on the polluter to show that he has reduced sulfur emissions in order for him to receive a rebate on the tax.

I want to emphasize that this legislation is not a license to pollute. The tax rates in our legislation are set at a high enough level to encourage industry to utilize and develop the most efficient and least costly techniques of pollution control. Also, a new organization, the Coalition To Tax Pollution, has been formed and is actively backing the passage of our air pollution tax bill. Among the member groups of the coalition are the Sierra Club, Friends of the Earth, the Wilderness Society, Environmental Action, and Zero Population Growth. The coalition feels, as I do, that legislation such as our air pollution bill, which taxes pollution at the proper level, is potentially one of the most effective approached for combating pollution.

NARCOTICS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, this Nation is experiencing a terrible epidemic of narcotics addiction, especially addiction to heroin, that is rapidly spreading through urban and rural communities alike.

THE EXTENT OF THE PROBLEM

The hard statistics about heroin addiction are brutal.

The National Institute of Mental Health estimates that there are 250,000 heroin addicts in the United States today. This number could double by the end of next year if illegal opium production abroad is not sharply curtailed.

The number of addicts increases when our military forces abroad are considered. Heroin addiction among our servicemen stationed overseas is expanding rapidly, according to a recent congressional study, particularly in South Vietnam where up to 40,000 troops are estimated to be addicted. In some U.S. military units in Vietnam, as many as 25 percent of the soldiers may be addicted.

Since opium is not grown or processed into heroin in the United States, it must all be imported. Current estimates are that it takes 4 to 5 tons of heroin annually to support the U.S. addict population.

The average addict requires from $30 to $100 worth of heroin daily to support his habit. The vast majority of addicts must steal to obtain this money, and they must steal about five times what they need since the "fences" give only 20 cents on the dollar.

If 75 percent of those addicted resorted to crime, the cost in stolen goods to support even a $30 habit would be $8 billion annually. This is regarded as a conservative figure. It is still, however, more than 60 times the $166 million the Federal Government spent in fiscal 1971 to combat all forms of drug abuse. The economic cost of a crime related to illegal hard drugs exceeds the cost of all forms of Federal law enforcement, the Federal courts and prisons, the FBI, and all activities of the Justice Department combined.

The social impact of heroin addiction cannot be quantified, but is no less staggering and disheartening. The addict's frantic search for heroin affects everyone within his reach, spreading fright and violence. Columnist Stewart Alsop recently commented on the effects of heroin addiction on New York City:

> The real cost is the death of New York as a city in which people will be willing to live. Rather than live out their lives in fear, those who can afford it are leaving the city. In time, unless the malignancy can be brought under control, New York will be a shell.

The initial temptation to discount this drastic statement must be tempered by the fact that the leading cause of death among 15- to 35-year olds in that city is narcotic addiction.

The most tragic aspect of this addiction is the human cost, in terms of lost talent and potential, family anguish and personal suffering. Once a person is hooked on heroin, he requires larger amounts of it to get high. Overdoses can cause death. The life expectancy of a heroin addict is 15 to 20 years less than a nonaddict's. Addiction produces mental and physical dependence and precludes a productive role in society for the user.

These statistics point up the fact that heroin addiction is one of the most severe social problems this Nation faces. Both the Congress and the administration realize that present procedures against heroin addiction must be improved and strengthened. Our approach must encompass several methods.

ENFORCEMENT

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides the initial means with which to expand and improve Federal enforcement procedures and to deal with drug related cases in the courts. Under the act, severe penalties are authorized for drug pushers and more realistic penalties are provided for users. A State drug control law also has been drafted and recommended to the States and, if enacted, will improve and make uniform State enforcement and court procedures.

The drive for increased enforcement efforts has been realized as well through larger budgets for the major Federal offices involved in drug control: the Bureau of Narcotics and Dangerous Drugs—BNDD—at the Justice Department, and the Bureau of Customs at the Treasury Department. Appropriations for these two offices in fiscal 1972 total $254 million, a 36-percent increase over the preceding year. Manpower levels have also risen: An 85-percent increase from fiscal 1969 to fiscal 1971 at BNDD and a 30-percent increase at Customs during the same period, including 344 new agents patrolling our ports of entry.

This personnel increase has resulted in a steadily rising number of narcotic and drug seizures in the past 3 years. Total seizures have more than doubled since fiscal 1969, and seizures of heroin have risen from 311 pounds in 1969 to 906 pounds in 1971. Yet, these are tiny amounts when compared with the many tons of heroin entering the country each year, smuggled in everything from ski poles to official diplomatic mail.

Clearly, we need to improve our sources of information about drug trafficking, and legislation is needed to permit the United States to utilize information and evidence accumulated in foreign countries in bringing to trial the principal drug traffickers in this country.

The Treasury Department should implement as rapidly as possible a program for tax investigations of major narcotics traffickers. Congress has provided $7.5 million for this in fiscal 1972, and authorized over 500 additional positions. By utilizing the civil and criminal tax laws, the objective is to prosecute violators and drastically reduce the profits of narcotics distribution by attacking its illegal revenues.

A further enforcement effort that should be implemented is contained in a bill I am introducing today, dealing with drug paraphernalia. While the Comprehensive Drug Abuse Prevention and Control Act provides adequate sanctions for unlawfully dealing in drugs themselves, the drug trade is broader and more complicated than that. Supposedly legitimate businessmen who might never see illicit drugs are essential to the trade. These persons provide needles to the heroin addicts and speed freaks. They provide the pusher with essential tools of his trade: Cutting agents for the drugs and containers, such as empty capsules, to package drugs for the street.

The bill provides that trafficking in drug paraphernalia shall be subject to the same penalty that applies to trafficking in the drug itself. It also makes the penalty for possession of drug paraphernalia identical to that for possession of the drug with which it is used. There are adequate safeguards in the bill to protect businessmen dealing lawfully with drug paraphernalia and not promoting illegal drug traffic. While the measure is directed at the District of Columbia, it can serve as a model for the States to emulate.

COORDINATED FEDERAL EFFORT

The President has proposed the creation of a Special Action Office of Drug Abuse Prevention to coordinate the efforts of all nine Federal agencies which now deal in some manner with drug-related problems. The Director of the office is to strengthen Federal leadership in developing solutions to drug abuse problems, taking into consideration programs developed by State and local governments.

As the President noted:

> By eliminating bureaucratic redtape and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a coordinated national attack. It would use all available resources of the Federal government to identify the problems precisely and allocate resources to attack those problems.

The House and Senate have held hearings on this proposal. It is an emminently reasonable approach, since the office would have overall responsibility for all drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. These fragmented activities need to be centralized. The Congress should proceed to pass the proposal.

INTERNATIONAL COOPERATION

A third method for attacking heroin addiction in this country is through international cooperation. Although America has the largest number of heroin addicts, it neither grows the opium poppy, from which heroin comes, nor refines opium into morphine, codeine or heroin. The last opium derivative, heroin, is the most addictive and all of it consumed in the United States is smuggled in.

The head of the Bureau of Narcotics and Dangerous Drugs, John Ingersoll, has pointed out that the only limitation on the smuggling of illegal narcotics such as heroin into this country is the imagination of the smuggler. It has been estimated that there are 32,000 places on a freighter where drugs could be hidden. Similarly, there are about 220 million people passing through our ports of entry each year, hopelessly more than can be examined by our customs agents.

The approach, then, should be to dry up the sources of opium, to curtail its refining before it even reaches our shores. Even this challenge is formidable. Most countries view the heroin problem as essentially an American issue. Moreover, there is no sense of urgency on the part of most governments that action must be taken immediately to stop the illegal production of and traffic in heroin. Nevertheless, action must be taken on both multilateral and bilateral fronts.

Multilateral: Additional contributions are needed to the United Nations Fund for Drug Abuse Control, which is seeking to draw up an integrated global attack on drug abuse. The United States has already contributed $1 million of its $2 million pledge, but only a handful of other countries have followed suit. The U.N. fund will work with medical treatment, crop substitution, addict rehabilitation, and drug abuse education programs. Crop substitution is a particularly thorny problem because of local soil conditions, centuries-old agricultural traditions, and lower yields of crops other than opium. The average yield from an acre of land planted in Mexican wheat is $50 in Pakistan, but the yield on the black market of an acre of opium is from $180 to $250.

The administration should intensify its campaign to gain international support for proposed amendments to the 1961 Single Convention on Narcotics which will enable the International Narcotics Control Board, a part of the U.N., to acquire more extensive narcotics information, conduct public and private inquiries on drug activities, and require signatories to embargo legal drug trade with a country which fails to meet its obligations under the Convention. These obligations include restricted growth and processing of opium and licensing of growers.

The Foreign Assistance Authorization Act, which the House passed in early August, permitted the President to assist any international organization in the control of the production and processing of, and trafficking in, narcotic and psychotropic—or mind-altering—drugs. This authority, when enacted, should be fully utilized.

Bilateral: The Foreign Assistance Act also provides that—

> The President shall suspend economic and military assistance furnished under this or any other Act with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally to U.S. Government personnel or their dependents, or from entering the U.S. unlawfully.

This bilateral move is unprecedented, and, if applied or threatened, can be quite effective in curtailing the flow of heroin into this country. While not as strong as a similar measure I introduced with 63 of my colleagues last spring, it offers a forceful means of attacking narcotics addiction at the source—the foreign poppy field.

The single most recent success in bilateral cooperation has been the June 30, 1971, announcement by the Turkish Government that all opium cultivation will be banned after the harvesting of the fall 1972, crop. This announcement followed years of negotiations with American officials, and it can have a substantial effect on the availability of heroin in the United States, since from 60 to 80 percent of the heroin consumed in this country originates in Turkish poppy fields. In a complementary move, the Turkish Government recently almost doubled the price it will pay farmers for legally grown raw opium. This step was taken to prevent large-scale illicit diversion from the 1971 and 1972 crops.

Bilateral consultations and programs are also underway between the United States and Mexico, France, Laos, Thai-
minor successes have been achieved in
land, and South Vietnam. Although

the enactment of restrictive narcotics legislation in many of these countries, this legislation must be accompanied by vigorous enforcement policies and comprehensive campaigns to root out the governmental infrastructure than supports the trade in drugs. A corrupt foreign customs official or military officer can undo the diligent work of several narcotics agents.

The major task at hand in these bilateral consultations is to convince the countries that drug control is in their national interest, and not just a favor to a key ally, the United States. Increasing internal problems with drug addicts may do more to prompt this realization than the efforts of American officials. A clampdown is all the more important in Southeast Asia, since that region is increasing its opium production, possibly as a reaction to the recent Turkish announcement.

REHABILITATION

Destroying the market for narcotics involves more than curtailing their illegal flow into the United States. It also means the prevention of new addicts and the rehabilitation of those already addicted. Successful treatment and rehabilitation programs can reduce the demand for narcotics, which in turn will reduce the incentive for smugglers to risk imprisonment to supply the addicts.

As the President noted in his June 17, 1971, statement on narcotics, all Federal legislation pertaining to rehabilitation needs to be reviewed to determine how Federal efforts can be improved and, where necessary, reorganized to eliminate overlapping authorities. Most of the treatment and rehabilitation programs are administered by the National Institute of Mental Health, whose budget for drug abuse more than doubled from fiscal 1971 to fiscal 1972. This is a healthy sign of the rising concern for our addict population, and appropriations levels in future years should continue to reflect this concern.

Community facilities and programs funded through NIMH are directed toward the civilian addict. Addicts in the Armed Forces must not be forgotten, however, and funds for rehabilitation units in Veterans' Administration hospitals were substantially increased in recent legislation. In addition, Defense Department programs for the addicted military personnel in Vietnam are multiplying rapidly. These "detoxification" efforts are quite extensive, but should be based on something more than a departmental directive.

For this reason, I am introducing permanent legislation that—

First, requires the Department of Defense to identify military heroin addicts through an extensive urinalysis program and to provide detoxification and rehabilitation services to all military addicts during their regular enlistment period, and

Second, provides that in cases where military rehabilitation efforts prove unsuccessful, the unrehabilitated addict could be civilly committed to the Administrator of Veterans' Affairs for a period of not more than 3 years for additional treatment.

By enacting this legislation, the country would be assured that the impact of drug abuse on local communities through the returning addicted veteran would be minimized.

EDUCATION AND RESEARCH

A comprehensive approach to curbing heroin addiction should also include drug abuse education projects. Since drugs seem to hold a tempting and fascinating outlet for young people, the dangers of addiction should be fully documented and portrayed in school and community projects. The 91st Congress passed a Drug Abuse Education Act which authorized grants to local educational agencies and other private and nonprofit organizations for community information programs. I am pleased that funds provided under this act have increased from $6 million in fiscal 1971 to $13 million in fiscal 1972.

The latter amount is still about 33 percent below the authorized level, however. Full funding of these programs is needed if we are to do a proper job of showing the disastrous results of drug abuse.

As a final aspect of the Federal fight against drug abuse, research efforts should be intensified with the aim of developing synthetic substitutes for all opium derivatives. These efforts should be coordinated with those of the World Health Organization. As columnist D. J. R. Bruckner recently pointed out:

> There is still very little interdisciplinary research into all types of drugs. Government funded studies are inhibited by legal restrictions on experimenting, and private researchers have no national center for pooling not only results, but planning.

The Ford Foundation is considering a proposal to establish an independent National Drug Abuse Center which would have as one of its functions the coordination of research on drugs and drug use. To the extent feasible, the Federal Government should assist in the operation of this proposed center.

Methadone is currently one of the few drugs now used to halt heroin addiction. It can only block an addict's craving for heroin for up to 8 hours, however. A nonaddictive substitute must be developed which can block the craving for much longer periods of time.

CONCLUSION

Narcotics abuse, in all of its forms, is one of the most persistent and perplexing social problems facing this Nation. Narcotics are not only threatening the mental and physical health of the youth of this country, but are directly related to the increase in crime. The "living death" of heroin addiction must be curtailed if the social fabric of several of our largest cities is to be maintained.

Despite these stark facts, the Congress and the administration have only just begun to establish a comprehensive, high-priority national program to meet the awful ravages of drug abuse. While all of us have become experts in describing the gravity and extent of the problem and its disastrous effects, our efforts to control them are comprised of more posturing than planning, more rhetoric than results.

I have recommended a series of steps today which, if implemented, will go a long way toward eradicating the evil of narcotic addiction.

THE SHARPSTOWN FOLLIES—XXXVIII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, reporters seem to have a hard time determining whether the Assistant Attorney General is malevolent or just a very naive man. However, most of them seem to agree that Mr. Wilson is hardly the ideal man to sit in the Assistant Attorney General's chair. Take for instance the story in this week's edition of Life magazine. That story makes it all too clear why Will Wilson should not be Assistant Attorney General, not only because he is at best naive, but also because he has not even tried very hard to do a decent job. I recommend this story to my colleagues, and I include it in the Record at this point:

The Promoter and the Crime Buster

(By Donald Jackson)

Texas is a state where a swindler's dreams, like everything else, come big. In recent months the state has spawned, even by its own outsize standards, one of the biggest swindles ever. The central figure is 64-year-old Frank Sharp, a Houston builder-financier whose gradually unfolding business dealings have embarrassed a rotunda full of politicians. Among them is Will Wilson, chief of the U.S. Department of Justice's Criminal Division, *ex officio* the nation's leading law enforcement officer. This is the story of the relationship between the operator and the crime buster.

The American political woods in 1946 were alive with the sound of a generation of ambitious young war veterans making their first try for public office: John Kennedy was running for Congress in Boston, Richard Nixon was doing the same in Whittier; and in Dallas. Will R. Wilson Jr. was running for district attorney.

Wilson's credentials were better than most. As an army major, he had accepted the sword of Japanese Gen. Tomoyuki Yamashita in the Philippines. He was the grandson of a Confederate Army surgeon and the son of a prosperous Dallas businessman. He was aggressive and dynamic, and his integrity was unassailable.

And he was a winner. He became a popular, successful district attorney, making well-publicized forays against illegal gambling clubs and organized crime. He won a second term in 1948 and rode his reputation as a crusader into a seat on the Texas Supreme Court in 1950, becoming, at 38, one of the youngest justices in the court's history.

But temperamentally Wilson was a crime buster, more prosecutor than judge, and he resigned from the bench in 1956 to run for state attorney general. He won again, and again he was good at his job.

His associates remember him as an unswerving soldier of justice. As attorney general he had a whole state as the stage for his allegorical dramas, and he pursued evil wherever he detected it; he routed organized crime in squalid Galveston on the Gulf; he went after the slant-hole oil drillers who robbed their neighbors' fields in East Texas; he prosecuted hundreds of high-interest loan sharks; and he drew blood from one of the gaudiest in the grand march of Texas swindlers, Billie Sol Estes. His fellow attorneys general were impressed enough that in 1960 they selected him as the best in the Nation.

Wilson summed up his approach to crime in a gloriously mixed martial metaphor: "Like the old cavalry general. I've always believed in riding straight for the sound of the guns. Certainly I know that I am deliberately turning my back on the security of a quiet harbor and certainly the course we steer lies through troubled waters. But that's where need is greatest."

He also perceived subtler menaces, in influence-peddling and the intricate relations between self-serving Texas business operators and politicians. "Bribery," he said in 1962, "is the greatest internal threat to government which we face . . . the practice of influence as a means of getting things done in government is increasing." He warned that "business crime—fast-buck promoters in insurance, oil, real estate—seems to be increasing," and that "Texas has not held her officials to a high enough minimum standard of honesty in office."

Wilson won three terms as state attorney general, the last one in 1960, and by 1961 he felt ready for larger things. He ran for the U.S. Senate seat vacated by Lyndon Johnson, and made his first acquaintance with political defeat, finishing fourth in the special election won by John Tower. In 1962 he tried for governor and was again fourth, in the Democratic primary won by John Connally.

Around that time his friends noticed a change in Wilson. He seemed bitter; resentful that the Democratic establishment in Texas had not helped him when he needed it. He had, after all, paid his dues: 16 years of faithful party service, capped by a major role in the Kennedy-Johnson campaign of 1960. And he felt betrayed.

"He became obsessive about it," one associate recalls. "He was bitter at the entire Democratic party." He had been an easy winner for years and now he was a loser. He blamed Johnson, Connally, Sam Rayburn and the party nabobs in general. Another Democrat thinks that television contributed to his sudden collapse. "He was terrible in TV and that's what really hurt him," he said. His friends sensed an "anxiety" about Wilson they hadn't seen before. He dropped out of politics for a few years, and when he resurfaced, in 1966, it was as a Republican.

In 1963 he set up a law firm in Austin and began representing some of the biggest corporate names in Texas. One client was Humble Oil Company, a victim of the slant-hole drillers Wilson had effectively prosecuted. "I brought Humble into the firm," he said in an interview last week. "I see no impropriety in that. Other oil companies had been hurt by the slant-hole drillers as well."

Another client was Frank W. Sharp of Houston, a millionaire land developer who had built several subdivisions during Houston's explosive growth in the 1940s and '50s.

Wilson and Sharp had known each other, by Sharp's reckoning, since the early 1950s. In 1960 Wilson had been a member (as attorney general) of the three-man state banking board when it passed on a bank charter application filed by Sharp for his Sharpstown State Bank, located in a Houston subdivision he named for himself. The state bank examiner had recommended the application be denied on grounds that there was no need for another bank in the area. Wilson and State Treasurer Jesse James voted in favor of the application, which was duly granted. Wilson, at Sharp's invitation, later cut the ribbon at the bank's opening.

A year later Sharp got into a wrangle with the city of Houston over water, sewerage and drainage projects in Sharpstown. Sharp maintained that the city should finance construction of the utilities, the city argued that Houston and the developer should split the cost. When the suit reached the court of civil appeals, Attorney General Wilson's office filed a brief supporting Sharp. The suit was later settled by a plan calling for the city to spend $4.2 million and Sharp to pay a $5-a-foot fee for every new home connected to the system.

Sharp was a tough, autocratic baron with a weakness for celebrities. He had built a real estate empire which he was busily expanding into finance, first in banking and later in insurance. He enjoyed the company of famous names, of well-known politicians like Wilson and of Houston's resident heroes, the astronauts. In 1962 he had offered free homes to the seven original Mercury astronauts, an offer at first accepted and later rejected after intervention by the Kennedy White House.

Sharp was also a patron of the Society of Jesus. Although a Methodist, he contributed land for the construction of a Jesuit preparatory school in Sharpstown and frequently donated money and stock to the order. In 1969 he was invited to the Vatican to receive the highest honor the Jesuits can offer a Protestant, designation as a "founder" of the Society of Jesus. He is the only American Protestant ever to hold that honor.

Wilson had traded in chunks of Texas real estate for years, with consistent success. In his 1962 gubernatorial campaign he had criticized Governor Price Daniel as a "moonlighter" governor who averaged "one land deal every ten days" while in office. During the 12 years Wilson was on the state payroll in Austin, first as supreme court justice and later as attorney general, he was involved in 100 real estate transactions—an average of one every 45 days.

Wilson owned property in the black ghetto of Austin as far back as the late 1940s. He built a number of houses in East Austin in the 1960s and sold them to blacks at 7% interest. White homeowners in Austin were paying as little as 4% on home loans at that time. "I was trying to help blacks get housing," Wilson said. "A lot of them had to pay higher interest rates, or couldn't get loans at all. But I had a phobia about interest—I wouldn't charge higher than 7%."

As to his land-dealing over the years, Wilson claims: "There was nothing wrong with it. Hell, I'm proud of it. It used to be thought a worthwhile thing in this country to make money. Looking back now, the only thing I'd do differently is buy more property." He said that his land transactions amounted to "very little" while he was attorney general.

Once he became associated with Frank Sharp, Wilson had a gifted land operator on his side. During the six years he worked for Sharp (1963–1969), Wilson has calculated that his net worth increased from $500,000 to "approximately $1.3 million." Most of his wealth was in land.

"Sharp steered Wilson into good land deals," said a Sharp associate. "He would set it up so a profit was practically guaranteed. Hell, he'd buy the land himself if he had to."

Sharp paid Wilson a $1,000 monthly retainer for representing his Sharpstown Realty Company. Wilson, in addition, frequently borrowed money from Sharp-controlled firms, sometimes without collateral. In 1964 he was granted two loans of $50,000 each by the Sharpstown Realty Company, one at 4½% interest and the other at 5%. The loans were for land purchases. Wilson received several additional loans from the Sharpstown bank, consolidating them in 1966 into one note for $200,000. This loan was in turn secured by the land he had purchased in 1964. The note was repaid in 1969.

Sharp, meantime, was dreaming ever more grandiose dreams. He discussed buying Braniff Airlines and installing astronaut James Lovell as chairman of the board. He talked of gaining control of Royal Dutch Shell Corp., one of the world's largest. He cashed in on the gratitude of the Jesuit fathers, borrowing large sums of money from the Houston Jesuit school and shuttling it from one of his companies to another.

In 1968, at Sharp's urging, Wilson's firm opened an office in the Sharpstown bank building (rent-free), and the firm began collecting another $1,000 retainer for representing the bank.

Early in the same year, Sharp decided he wanted National Bankers Life Insurance Co., a Dallas firm owned by former Governor Allan Shivers. (Sharp was later asked why he bought it, and his reply was simple enough: "I don't know that anyone has to answer why they buy something. If they want something they buy it.") Wilson negotiated the purchase for Sharp at a price of $7.5 million. Sharp financed the deal partly through $4 million in loans from his bank, even though it had a legal loan limit of only $3 million. The remaining $3.5 million was borrowed from National Bankers Life itself—a bit of financial legerdemain where the company is purchased with its own money. Sharp has testified that his principal advisers on the NBL deal were Wilson and Sharpstown bank president Joseph Novotny. Wilson disagrees. "I did not know then and I don't know now how Sharp got the money to pay for it," he says. "He didn't consult me about that."

Sharp's friends agree that he was not an easy man to advise, especially on business matters. Former NBL executive Sam Stock recalled a conversation with Wilson about Sharp in 1968. "I asked Mr. Wilson if Sharp was for real," meaning "financially solid." Stock said, "Mr. Wilson replied that he probably knew more about Mr. Sharp's dealings than anyone in the world, but he probably didn't know 10% of them."

After NBL was in Sharp's portfolio, Wilson began collecting another $1,000 monthly retainer as general counsel for the insurance company. "I actually did very little work for the company," he said. "I was disappointed." He also had began buying NBL stock in early 1968.

Wilson had a role in two even more questionable Sharp transactions, although he contends his role in both was as a "patsy." The first, in late 1967, was Sharp's use of Wilson to pay for the installation of eaves dropping devices in offices that were being used by examiners who were investigating the Sharpstown bank. Sharp hired the bugging expert and asked Wilson to pay the $2,500 bill through his law firm. Wilson contends that he did not know what the money was for but was assured by Novotny that "it was all right."

"I feel I was used," Wilson says. "All I knew was that if Frank told me to pay it I'd get my money back." Wilson said that he was reimbursed the $2,500 by Sharpstown State Bank for the "construction work."

The second incident involved the use of Wilson's brokerage account to purchase NBL stock for the wife of Ted Bristol, a bank examiner for the Federal Deposit Insurance Corporation. "I asked Wilson," Sharp said, "if Mrs. Bristol's stock could be bought through his account, inasmuch as Bristol did not have an account in a brokerage firm there in Austin." Bristol was financed by a loan from Sharp.

Sharp said that Wilson agreed, and brokerage house records show 700 shares of NBL stock purchased in Wilson's name on Feb. 20, 1968. A copy of the confirmation records obtained by Life contains the name "Ted Bristol" written in longhand on the form. Wilson verifies that the handwriting is his, but he claims he had no knowledge of Bristol's identity. "It never occurred to me to ask," he says. "It may sound naive, but I didn't think about it. I did a favor for a client." Other stock records obtained by Life show that Bristol had a stock account in his own name as early as May 1968.

Bristol, who has refused to comment on the transaction, told Life last week that he "had met Wilson only once, casually, about three or four years ago." He added, "I doubt if he even remembers me." Wilson says he doesn't.

Will Wilson moseyed back into Texas politics in 1966 as a Republican, supporting John Tower against Democrat Waggoner Carr in the Senate race. In 1968 he led a Republican campaign task force on crime and law enforcement, and he let it be known that he was willing to run for governor on the GOP ticket. Instead he managed gubernatorial candidate Paul Egger's campaign.

But in January 1969, Wilson rose again. On the recommendation of Senator Tower, President Nixon selected him to be assistant attorney general in charge of the Justice Department's Criminal Division, the top federal law enforcement job. The old crime buster was back at it. In the Justice Department he quickly became known to career lawyers as "the sheriff," a shoot-from-the-hip lawman who often charged first and got the facts later.

Wilson closed his legal business in Texas, though he continued to deal in land and stock even after moving to Washington. He took charge in his new job confidently, assuring early visitors that he expected to "wipe out organized crime in a year or two," directing the special organized crime "strike forces," and investigating everyone from former Supreme Court Justice Abe Fortas to fugitive love child Timothy Leary. The heart of a Puritan beat on, however. On one occasion he tried, unsuccessfully, to prevent an art dealer from importing an exhibit of erotic paintings by European masters. Wilson confronted the dealer and demanded, "When are you going to get out of this obscenity racket?"

He was intensely partisan. Career lawyers were stunned to learn that he was asking job applicants about their views on the Vietnam war. He was suspicious of men who had served under the Democrats, apparently failing to realize that many had served administrations of both parties.

Wilson's interest in his job seemed to lag as time went on. He returned to Texas more and more frequently, and devoted much of his Washington time to private business dealings. Staff members conferring with him were often interrupted while he took telephone calls from his broker. He soon had the worst absentee record of any assistant attorney general.

In early 1969 he quizzed several Criminal Division lawyers about his old friend Frank Sharp. Sharp had been under investigation (but never prosecuted) in the mid-'60s. Only after his subordinates told him they considered Sharp a swindler did Wilson reveal that he had represented him.

Wilson sold his remaining shares of NBL stock just after taking office in January. The stock remained listed in his name at the brokerage, Goodbody & Company, until November of that year, but Wilson's sales slips confirm that he closed out his interest in February.

He did, however, receive a $30,000 unsecured loan from the Sharpstown bank in August of 1970, when the Sharp empire was already beginning to wobble. Wilson repaid the loan by March of 1971, by which time charges had been filed against Sharp. "If I'd thought about it or about being in this position" (his Justice Department post), Wilson says now, "I wouldn't have done it. But that didn't even occur to me." Wilson says that "as far as I remember" he did not know of any federal investigation of Sharp at the time he got the loan.

Back in Houston, Frank Sharp was demonstrating that his reach exceeded his grasp. In 1969 and 1970 he began to spin so many financial webs that it will take a generation of attorneys to explain them. (And no one but other attorneys will understand even then. The case will be a "moveable feast" for lawyers, Wilson says.) Sharp created new companies, propped up one firm with the questionable assets of another, shifted figures from one sheet to another like some deranged chess player.

It all began to come apart in 1970. In January of this year the Securities and Exchange Commission charged Sharp with several varieties of fraud, and specifically with conspiring with others to manipulate (artificially inflate) the price of National Bankers Life Insurance stock.

Sharp testified before the SEC that he had in effect bribed several prominent leaders of the Texas Democratic party, including Governor Preston Smith, House Speaker Gus Mutscher and others, by arranging for them to make a profit on NBL stock in exchange for passage of a bill which would exempt his bank from certain federal restrictions. He considered such restrictions pesky. Sharp stated that he felt he had a "tacit understanding" with the legislators that they would help pass his bill, which was eventually passed—and then vetoed by Governor Smith. The SEC suit was filed the day before Governor Smith was inaugurated for his third term.

The Sharpstown bank promptly collapsed, the first Houston bank in memory to do so. NBI and another Sharp-controlled insurance company went into receivership, half a dozen state and federal investigations began revving up, and Democratic politicians began screaming like wounded razorbacks. Hundreds of innocent investors and bank depositors were in danger of losing their money. And the biggest loser of all was the Jesuit preparatory school, which the SEC said had been taken for a holy $6 million.

"Sharp conned everyone," said a former officer of his empire. "He conned the Jesuits, he conned the pope, he conned the astronauts [Lovell was a director of NBL, and other astronauts had been given stock], he conned the politicians, and then he conned the Justice Department."

The last charge brought the issue right back around to Will Wilson. The Justice Department, it developed, had agreed to withdraw all charges against Sharp except for two relatively minor ones (selling unregistered stock and making a false entry in a ledger book) in exchange for his cooperation in the federal investigation. Sharp was quietly sentenced to three years' probation and a fine of $5,000. At this news, Texas Democrats sent up a new chorus of howls in the prairie night.

The Democrats suspected Wilson of masterminding the federal case in an exercise of deferred but delicious political revenge. Wilson claimed no knowledge of the SEC investigation prior to November 1970, and said he disqualified himself from the case as soon as he learned of it. The decision to grant immunity to Sharp was made by Deputy Attorney General Richard Kleindienst, after it was arranged by Houston U.S. Attorney Anthony Farris.

In June 1970, however, Wilson was visited at his Washington home by Sharpstown bank president Joe Novotny. "He asked if I knew about an SEC investigation," Wilson said, "and I said I didn't. I wouldn't have known even if there had been one." Novotny told him, Wilson said, about recent Sharp maneuvers involving NBL and a series of holding companies. "I told Novotny that I saw trouble coming out of it," he said. The visit lasted only 30 minutes or an hour. Wilson said, and then Novotny went on to New York.

Will Wilson, the crusading district attorney, the attorney general with righteous zeal burning in his eyes, may be nothing more than a victim of his environment. The "practice of influence as a means of getting things done in government," which he condemned in 1962, the whole network of connections between politicians and businessmen, the machinations of men motivated by vanity and greed and power, may have snared him as it has so many before him, in Texas and elsewhere.

Wilson sits in his large office in the Justice Department now and thinks about Frank Sharp—and his thoughts collide.

"You've got to understand Sharp," he says. "He is a generous sort of man. He liked to help people. He helped literally thousands of people one way or another. He was kind of the little guy's capitalist. He was generous to churches.

"There's a Greek tragedy in this thing. Sharp was a Horatio Alger story until . . . I've watched it in people. As long as they stick to what they know, they do well. Frank should have stuck to real estate.

"I can't think of him as a swindler. In hindsight I should have known that he didn't have the restraints it takes to . . ." Wilson did not finish the sentence. "He's not the kind of man who runs off with other people's money. He's a power man, not greed.

"What I regret is that I didn't push him against the wall and tell him to stay out of the insurance business. I feel like I failed him that way.

"You don't have to believe me," Wilson went on, "but I spent 30 years in public life and never did anything dishonest and I haven't done anything dishonest in this thing." At the moment no charges have been brought against him, but whether he will keep his job or not is an open question.

A brother attorney, a Texan, sees Wilson as more naive than corrupt. "Will Wilson," he says, "is finding out things about himself that he didn't know." To another attorney. "Wilson made the classic lawyers' mistake. He went into business with his client."

JOHN STENNIS: STATESMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 5 minutes.

Mr. GRIFFIN. Mr. Speaker, the unimpeachable character and unexcelled ability of Senator JOHN C. STENNIS has been known to Mississippians for many years. He truly is one of the outstanding statesmen of our time.

Senator STENNIS has the reputation for fighting for what he thinks is right for this Nation. He is convincing, forceful, tireless, and determined in legislative battles. Yet, he always conducts himself as the gentleman that he is.

The Washington Evening Star of September 22, 1971, contained an article examining Senator STENNIS' leadership role in obtaining Senate approval of the draft bill. Written by James Doyle, Star staff writer, I think the article accurately describes the forceful character of this outstanding statesman.

Also, the article points up that good legislation is written only through long and hard mental and physical labor. Mr. Doyle wrote of Senator STENNIS:

> He stood by his chair each day while his opponents held news conferences and outlined their strategy to the press.

Mr. Speaker, I include the aforementioned article in the RECORD at this point:

SEVEN-MONTH EFFORT: STENNIS PLOWS UNDER THE DRAFT OPPOSITION

(By James Doyle)

There had been seven months of talking and maneuvering on the draft bill, first in committee, then on the floor and then back in committee.

It all ended yesterday with John Cornelius Stennis, the 70-year-old junior Senator from Mississippi, standing by his desk and allowing a nervous smile as time ran out on the opposition.

During all those months, the opponents had come and gone, floating their amendments, gathering some headlines and passing on to less boring or strenuous exercise.

Stennis went the distance.

A STRAIGHT FURROW

In the new cities and the dusty towns of Mississippi, John Stennis is remembered for his constant campaign slogan: "I will plow a straight furrow right down to the end of my row."

It's a bit unwieldly on a roadside billboard, but it perfectly fits the man who heads the Senate Armed Services Committee.

The draft bill was John Stennis' latest furrow. He had predicted last spring that the fight over the draft would be long and bitter.

And although the interruptions were many and the detours boldly marked, Stennis was on the floor every day seeing that the Senate did not stray from the path he had planned.

In all there were 54 amendments offered, most of them defeated on roll call votes. Some days, Stennis held the floor and debated against five different amendments in an afternoon.

Almost always, when the day drew to a close, Stennis was the only man who had been on the Senate floor almost continuously And almost always he had won his way.

STENNIS STRATEGY

He stood by his chair each day, often in a navy-blue suit and a red necktie, while his opponents held news conferences and outlined their strategy to the press.

Stennis suffered all the insults to his body and his soul, although not always cheerily. He negotiated with the opposition and cajoled friends. He whipped his staff to turn out more speeches, to keep up with the latest moves of the opposition.

On May 19, two weeks into the debate, majority leader Mike Mansfield offered his amendment calling for a 50-percent reduction in European forces. After a debate that sent the White House into a frenzy of activity, it was defeated 36 to 61.

On June 16, the most publicized of the anti-war amendments, the McGovern-Hatfield proposal calling for a Dec. 31 troop withdrawal deadline, was voted on after a public campaign and lobbying effort. It was defeated 42 to 55.

Stennis had debated 26 amendments. He was to handle 16 more before the passage of the Mansfield amendment on June 22 which called for the withdrawal of U.S. forces from Indochina within nine months. And there were more to come.

On June 24, the Senate passed the draft bill for the first time, and Stennis commenced a series of negotiations with his counterpart in the House, Rep. F. Edward Hébert, D-La. Stennis tried to salvage the Mansfield amendment from Armed Services Committee hawks. He failed to salvage much, and many of his Senate colleagues suspected that Stennis wasn't troubled by that.

The actions of the conference committee—slashing both servicemen's pay raises and the Mansfield amendment—offered the draft opponents their greatest opening.

PREDICTION OF DEFEAT

When the matter came to the floor last Thursday, Stennis' lieutenants advised him he would lose by four or five votes.

In the cloakroom he went to Mansfield and requested—almost demanded—a postponement as a matter of courtesy for a senior committee chairman.

Mansfield left it up to the Senate and Stennis made his plea to his colleagues.

"I am not asking for any favors," Stennis told the overflowing chamber. "This is not a personal matter, I repeat. But I do not hesitate to make this an official request . . . Give me just a little more time . . . just two or three or four more calendar days."

Stennis won a single day's delay, and with the aid of the White House and the top brass of the Pentagon, he mustered his forces, split his foes, and managed to get a new senator, Robert T. Stafford of Vermont, sworn in a day early.

He won by 11 votes.

WORLD PARLIAMENTARIANS PETITION FOR U.S. WITHDRAWAL FROM VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, I wish to call the attention of the Members of this distinguished body to the significant presentation which took place yesterday.

Three Members of Congress, Representatives RIEGLE, MITCHELL, and myself, had the very great privilege of receiving two members of the British Parliament representing 635 parliamentarians from the legislatures of nine countries. Messrs. Frank Allaun and John Mendelsohn were here to present the petition which urged the withdrawal of all U.S. military forces from Vietnam, the cessation of all bombing attacks, and a fixed and early withdrawal date in 1971. We were joined by Mr. RYAN, Mr. BURTON, and Mr. BINGHAM on the Capitol steps, and the two members of Parliament later presented the petition, on behalf of its 635 signers, to the Honorable Speaker of the House, Mr. CARL ALBERT.

The delegation could not have come at a more opportune time: Urging the cessation of bombings as the United States resumed bombings on North Vietnam on September 20, urging the early 1971 withdrawal from Vietnam as the Senate and the House continued their failure to legislate a date certain for withdrawal, and when the upcoming rigged South Vietnamese election removes the last prop for President Nixon's refusal to set a date.

Each successive Gallup poll, each congessional questionnaire response from constituents, reaffirms that Americans no longer wish to be pawns in the chess game of political suicide. Undoubtedly a Gallup poll taken of a worldwide constituency would demonstrate the same conclusion: The United States must disassociate itself from the savage fighting taking place in Indochina and it must do so now.

Six hundred and thirty-five legislators from nine countries want their counterparts in the United States to unite to end this outrageous war. I beg the Members of this distinguished Chamber to heed their sentiments.

We can end the war. We have the power and the obligation to do so. We will have half a dozen opportunities to stop the funding for the war in our votes on a series of defense appropriations and conference reports coming to the floor before this session of Congress adjourns.

Let us respect and respond to the wishes of the American people, the outcries of civilized people everywhere, and the petitions of our respected colleagues and act to end the war in Indochina.

At this point I present the petition to Congress:

BRITISH PARLIAMENTARIANS PETITION FOR PEACE IN VIETNAM

We, the undersigned members of the British Parliament, share with parliamentarians in other countries, a growing dismay at the prolongation and extension of the war in Indochina.

We call on members of parliament throughout the world to join us in signing and sending to the United States Congress this declaration that:

We urge the withdrawal from Indochina of all American military forces and materials including air and naval forces, and the cessation of all bombing attacks from bases either within or outside Indochina—at an early and fixed date during 1971.

LORD BROCKWAY,
IAN MIKARDO,
Members of Parliament.

MEMBERS OF PARLIAMENT

Andrew Faulds, Sir Myer Galpern, Tom Driberg, Stan Orm, Tom McMillan, T. Alec Jones, Marcus Lipton, Raphael Tuck, Eric Heffer, Will Griffiths, Maurice Orbach, Albert Booth, Kevin McNamara, Lewis Carter-Jones, Jim Sillars, David Reed, John A. Cunningham, Hugh Jenkins, Frank McElhone, Alfred Morris, Arthur Davidson, and Gerald Kaufman.

Robert Shelden, Renee Short, Robert Parry, Robert Hughes (Aberdeen North), Maurice S. Miller, Fred Evens, Neil Kinnock, Michael Foot, James Bennett, A. W. Stallard, John Rankin, Joan Lester, Michael O'Halloran, Robert Hughes, Dennis Skinner, Geoffrey Rhodes, John Mendelson, Arthur Latham, Michael English, Tom Swain, John Fraser, and David Stoddart.

Bruce Douglas Mann, Reg. Freeson, Alex Eadie, Leslie Huckfield, David Weitzman, Paul Rose, Ken Lomas, David Lambie, Reg Prentice, John Parker, Laurie Pavitt, Brian O'Malley, John Silkin, Arthur Blenkinsop, James Sillars, Sidney Bidwell, Norman Atkinson, Russell Kerr, Frank Allaun, Ray Carter, and Lena Jeger.

Caerwyn E. Roderrick, Ted Fletcher, Mrs. Joyce Butler, Leo Abse, M. Bearry, E. Fernyhough, D. Clark, J. Silverman, Tom Pendry, L. Spriggs, R. Kelley, A. E. P. Duffy, William Molloy, Tom Torney, R. Woof, Tom Dalyell, Michael Barnes, John Prescott, Hugh O. Brown, Will Wilson, and Bernadette Devlin.

(The following is an extract from letter of June 15, 1971 from Mr. J. F. Cairns, M.P. (Member of Labor), House of Representatives, Parliament of Australia.)

"Hereunder the names of the Australian Members of Parliament who have signed the British Parliamentarians Petition for Peace in Vietnam. Should you require the actual signatures, would you please advise and I will send them to you:

L. H. Barnard, M.H.R. (Deputy Leader of the Opposition); L. J. Reynolds, M.H.R., B. Cohen, M.H.R., Senator J. Keefe, F. Crean, M.H.R., F. M. Kirwan, M.H.R., R. A. Patterson, M.H.R., T. Uren, M.H.R., Senator J. M. Wheeldon, Dr. M. H. Cass, M.H.R., and G. W. A. Duthie, M.H.R.

G. M. Bryant, M.H.R., Senator G. Poyser, Senator J. P. Toohey, A. D. Fraser, M.H.R., H. J. Garrick, M.H.R., Senator J. A. Mulvihill, R. Connor, M.H.R., N. K. Foster, M.H.R., L. Johnson, M.H.R., W. G. Hayden, M.H.R., and C. J. Hurford, M.H.R.

M. H. Nicholls, M.H.R., L. G. Wallis, M.H.R., Senator A. G. Poke, Senator D. N. Cameron, F. R. Birrell, M.H.R., Senator C. F. Ridley, Senator J. L. Cavanagh, K. L. Johnson, M.H.R., H. J. McIvor, M.H.R., H. A. Jenkins, M.H.R., C. E. Griffiths, M.H.R., and Senator J. O'Byrne.

(The following is an extract from letter of June 18th, 1971 from Mr. Andrew Brewin, Member of Parliament, House of Commons, Ottawa, Canada.)

"A group of Canadian Parliamentarians wish to endorse your petition. I enclose the petition and list of names for you to send on to the appropriation authorities in the U.S. Congress."

MEMBER OF PARLIAMENT, CONSTITUENCY, AND PROVINCE

Thomas S. Barnett, Comox-Alberni, British Columbia.

Les. G. Benjamin, Regina-Lake Centre, Saskatchewan.

Derek Blackburn, Brant, Ontario.

Andrew Brewin, Greenwood, Ontario.

J. Edward Broadbent, Oshawa-Whitby, Ontario.

John Burton, Regina East, Saskatchewan.

T. C. Douglas, Nanaimo-Cowichan-The Islands, British Columbia.

R. Gordon Fairweather, Fundy-Royal, New Brunswick.

John Gilbert, Broadview, Ontario.

A. Gleave, Saskatoon-Briggar, Saskatchewan.

Randolph Harding, Kootenay West, British Columbia.

Frank Howard, Skeena, British Columbia.

Stanley Knowles, Winnipeg North Centre, Manitoba.

David Lewis, York South, Ontario.

David MacDonald, Egmont, Prince Edward Island.

Grace MacInnis, Vancouver-Kingsway, British Columhbia.

Barry Mather, Surrey, British Columbia.

Lorne Nystrom, Yorkton-Melville, Saskatchewan.

David Orlikow, Winnipeg North, Manitoba.

Arnold Peters, Tamiskaming, Ontario.

Mark W. Rose, Fraser Valley West, British Columbia.

Douglas C. Rowland, Selkirk, Manitoba.

Max Saltsman, Waterloo, Ontario.

John L. Skoberg, Moose Jaw, Saskatchewan.

Rod Thomson, Battleford-Kindersley, Saskatchewan.

Harold E. Winch, Vancouver East, British Columbia.

(The following is extract from letter of June 3rd, 1971, from Helsinki, Finland)

"Your Petition has been unanimously signed by all Members of the Finnish Social Democratic Group present in Parliament. Please find attached a list of the signatories.

"Yours sincerely,

"Esko Niskanen,
"Chairman."

MEMBERS OF FINNISH PARLIAMENT

Esko Niskanen, Kalevi Sorsa, Valde Nevalainen, Ralf Friberg, Bror Lillqvist, A–V. Perheentupa, Ulf Sundqvist, Erkki Tuomioja, Matti Ahde, Kaisa Raatikainen, Osmo Kaipainen, Paavo Tillikainen, Ilmo Paananen, Seija Karkinen, Mauno Forsman, Sulo Hostila, Akseli Roden, Edit Terasto, Sylvi Siltanen, Tyyne Paasivuori, K. F. Haapasalo, and Walto Kakela.

Vaino Vilponiemi, Taisto Sinisalo, Matti Koivunen, Anna-Liisa Tiekso, Ele Alenius, Lauri Kantola, Heikki Mustonen, Kauko Tomminen, Toivo Asvik, Kaisu Weckmen, Lauha Mannisto, Terho Pursiainen, Pauli Rasanen, Heimo Rekonen, Anna-Liisa Jokinen, Niilo Koskenniemi, Matti Jarvenpaa, Ensio Laine, and Rainer Virtanen.

Tellervo Koivisto, Salme Myyrylainen, Aune Salama, Kaarle Salmivuori, Anni Flinck, Reino Breilin, Sinikka Luja, Uljas Makela, Eero Salo, Eeli Lepisto, Sakari Knuuttila, Urho Knuuti, Veikko Helle, Margit Eskman, Vaino Turunen, V. O. Mainen, Keijo Suksi, Eino Loikkanen, Uki Voutilainen, Heikki Hykkaala, Arvo Ahonen, and Valdemar Sandelin.

Paavo Aitio, Kauko Hjerppe, Hertta Kuusinen, Irma Rosnell, Niilo Nieminen, Kuuno Honkonen, Siiri Lehmonen, Pentti Liedes, Pekka Salla, Helvi Niskanen, Veikko Saarto, Pauli Puhakka, Oili Suomi, Aarne Koskinen, Veikko Salmi, Aulis Juvela, Mirjam Tuominen, and Veikko J. Rytkonen.

August 5, 1971.

Lord Brockway,
Ian Mikardo, M.P.
Parliament House,
London.

We, the undersigned members of the Maltese Parliament wish to endorse your petition, which appears hereunder, and to send our names to the appropriate authorities in the U.S. Congress.

We urge the withdrawal from Indochina of all American military forces and materials including air and naval forces, and the cessation of all bombing attacks from bases either within or outside Indochina, at an early and fixed date during 1971.

John Buttigieg. M.P.—Malta Labour Party.

Evelyn Bonaci. M.P.—Malta Labour Party.

Joseph M. Baldacchino. M.P.—Malta Labour Party.

Joseph P. Sciberras. M.P.—Malta Labour Party.

John Dalli. M.P.—Malta Labour Party.

Paul Carachi. M.P.—Malta Labour Party.

Calcidon Agius. M.P.—Malta Labour Party.

FORCED SCHOOL BUSING IS CREATING A CLIMATE OF VIOLENCE

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, L. Brooks Patterson, attorney for the National Action Group opposing the court-ordered busing plan in Pontiac, Mich., has disclaimed responsibility for the bombing of 10 school buses and the violence which took place during the first 2 days of putting the plan into effect. Mr. Patterson blamed radical groups and, as reported by the UPI declared:

> We disclaim them; we don't need them; we don't want them.

Violence, by whomever perpetrated, is of course to be deplored. Neither the bombing of the buses nor any other violence that occurred in Pontiac is excusable. But violence in Pontiac has drawn attention to several significant facts: First, the Supreme Court decision on the Swann case has fermented strong protest in a Northern city; second, the Swann case has fermented protest against forced school busing in the very city which builds most of the country's buses; third, because it demands forced busing, if necessary, to achieve desegregation, the Swann decision has touched the sensitive American "freedom nerve"; it has created a climate of violence in which violence, by whomever perpetrated may easily occur.

The Pontiac story points very obviously to the need for passage of House Joint Resolution 651 to initiate action to re-create a climate of reason and freedom. I am proud to be one of the sponsors of this joint resolution.

Mr. Speaker, I insert in the Record at this point a news article from the New York Times relating to the subject of these remarks:

[From the New York Times, Sept. 9, 1971]

Nine Students Hurt in Pontiac Clash

Protesters carrying American flags and daring bus to run over them demonstrated today against a court-ordered school busing plan. A leader of the opposition demanded that all schools be closed "until they can be made safe for our children."

Eight white students and one black were injured in scuffles at the Lincoln Junior High School on this second day of protests against the desegregation plan.

Nine persons were arrested at the school bus depot—five men for blocking buses, two men for throwing stink bombs into buses and two women for disorderly conduct.

Mrs. Irene McCabe, a 36-year-old mother of three, demanded that the school in the 24,000-pupil system be closed. She made the demand in a confrontation with the school superintendent, Dana Whitmer.

Mrs. McCabe is head of the National Action Group, the center of the white opposition to busing in this city, which builds most of the country's school buses.

WOMAN WITH FLAG

One woman carrying an American flag and taunting a bus driver with "you can't run over the American flag" was moved from the bus's path by the police. Other protesters chanted the Pledge of Allegiance and sang "God Bless America."

Superintendent Whitmer said attendance on the second day of classes was about the same as yesterday, when about 60 percent of the children reported for classes. But figures presented by him showed that a high percentage of white parents 50 per cent over-all and even higher in the elementary schools were heeding the boycott while more than 75 percent of the city's 8,000 black students were in classes.

At a short news conference on the lawn in front of the Board of Education, Mrs. McCabe denounced radical groups who she said caused the violence. Then she met briefly with Mr. Whitmer in his office.

She demanded that he use his emergency powers to close the schools or ask the school board to do so. Mr. Whitmer said he would discuss the matter with the board, but said it was his personal opinion that the events did not warrant closing.

Mrs. McCabe, wearing a wine-colored minidress, stormed out of his office cursing. Asked by reporters if she was satisfied, she answered, "That man can't satisfy me. He doesn't have the guts."

L. Brooks Patterson, attorney for the National Action Group, said the violence of the last two days and the earlier bombing of 10 empty buses in a school parking lot had been the work of radical groups such as the American Nazi party, now called the National Socialist White People's party, the Ku Klux Klan and the ultra right-wing organizations Statecraft and Breakthrough.

"We disclaim their help; we don't need them; we don't want them." Mr. Patterson said. "We tell these people to crawl back under the rocks they came out of."

HATS OFF TO FRANK SULLIVAN ON HIS "NATAL DAY"

(Mr. MONAGAN asked and was given permisison to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, September 22 was a red letter day for fans of American humor, for yesterday the creator of Mr. Arbuthnot, Frank Sullivan, became 80 years young. Millions of people have roared with laughter until their sides split over the columns in the World and the New Yorker that have flowed from the pen of Mr. Sullivan. His New Yorker Christmas Carol is an annual fixture that is the cynosure of all eyes in the yule season. Wearing his typewriter to the bone, with tongue-in-cheek articles demonstrating how Americans devitalize the English language, Mr. Sullivan gave birth to a character who tossed trite phrases about like a whirlwind of leaves in autumn. Now, at the ripe old age of 80, still feeling that the world is his oyster, he keeps his pot of wit boiling, and his creative sap still flowing in occasional articles and a book about to be published. May we all join hands in hoping that Mr. Sullivan continues to see the world through rose-colored glasses as he navigates the stream of life.

FRANK SULLIVAN, AT 80, FINDS LIFE IS A BOWL OF CHERRIES

(By Alden Whitman)

SARATOGA SPRINGS, N.Y., Sept. 21.—Frank Sullivan, the humorist who created Mr. Arbuthnot as the ultimate cliche expert on every subject under the sun, enters his 80th year tomorrow in this city of his birth.

In recognition of the event, Mr. Sullivan, who, out of deference to his white hair and Nestorian manner, is often called the Sage (or, sometimes, The Grand Old Man) of Saratoga Springs, consented to be interviewed. Following is a faithful transcript:

Q. Happy birthday, Mr. Sullivan. Can you tell me how it feels to be 79 going on 80?

A. I'm overwhelmed, just overwhelmed, to have reached this ripe old age, to have exceeded my Biblical three score and 10, to bask in what I like to think of as my sunset years in which I enjoy the fruits of senior citizenship.

Q. You seem in excellent health.

A. Fit, young man, fit as a fiddle, although I'm not as spry as I used to be. The spirit is willing, but the flesh is weak. Otherwise I'm in the pink.

"THERE'S NO FOOL . . ."

Q. And to what do you attribute your longevity?

A. Vice? Nothing so ill prepares a man to look down memory lane as a life of early rising, clean living and three square meals a day. It is far, far better to slumber until noon after nights on the town. How else could I now look back on those wonderful hours of sloth with Harold Ross, Jim Thurber, Heywood Broun, Corey Ford, Dorothy Parker, Russell Crouse and Prince Mike Romanoff.

Q. Have you found other virtues in vice?

A. Yes, indeed, it builds character and makes fortitude. Many's the story I wrote for The World and The New Yorker while battling a hangover, and this has given me the ability to see the ups and down of life in perspective, to roll with the punches, to take adversity as it comes, to realize that there's a silver lining in the blackest cloud.

Q. I imagine, Mr. S., that you've seen many changes over the years?

A. Mostly for the worse. Things aren't what they used to be, that's for certain. You can't get Maryland rye anymore, and they're watering my Scotch. Making frankfurters out of chicken, too, and putting whipped cream in cans. I once laughed about ersatz, and said it couldn't happen here, but now the dollar isn't even worth its weight in paper.

Q. Come, come, things can't be all that bleak on your birthday.

A. Oh, I suppose on such an auspicious occasion as my natal day I should look on the bright side. The ladies, for examples. They've definitely improved—less demure, more winsome, not to mention lissom. And I see more of them, too.

Q. You mean . . .?

A. Yes, I do. Nothing gladdens an old man's heart like hot pants. Oh, to be 77 again!

Q. But aren't you being sexist, sir? Won't Gloria Steinem descend on you for thinking of women as sex symbols?

A. You mistake me, sir. I'm all for women's lib. Isn't that what hot pants is all about? And I'd welcome Miss Steinem (glorious creature, isn't she, and what a mind) provided she ditches that Henry Kissinger. He's much too old for her.

Q. What are you up to these days, Mr. Sullivan?

A. I'm working on my "Christmas Carol" for The New Yorker. There's been one every year since 1932, but never before have I had to search for a rhyme for Evonne Goolagong. But I'll do it. Tom Seaver almost stumped me until I thought of joie de vivre.

Q. Anything else flowing from your pen?

A. I'm glad you brought that up. Do you suppose you could say that "There's No Harm Laughing," a collection of some of my letters and occasional pieces is being published soon by Doubleday?

Q. You mention this with . . . .?

A. Becoming modesty is the phrase you're looking for. Authors should let the critics bestow praise rather than blow their own horns. They should let their words speak for themselves.

Q. That reminds me, what advice do you have for a young man starting out to be a humorist?

A. The secret of success, that what you want? The neophyte, the tyro, must start, from the time he is knee-high to a grasshopper, to guard his own funny lines while stealing every quip he can lay his hands to. There's nothing so creative as another man's gag.

Q. And what should a practicing humorist do?

A. Seek out the foibles of his times and hold them up to gentle ridicule. He should provoke laughter, but never forget that mirth has a serious side. Just as there should be a pearl in every oyster, there must be a rock in every snowball. In its own merry way, humor tells a dreadful truth.

Q. Having lived to become a sage as well as a humorist, Mr. S., what are your thoughts about today's youth?

A. They're just like the youth of my day, eager to kick over the traces, to bite the hand that feeds them, to tell the older generation what's wrong, to shock the oldsters. If I may lapse into seriousness, I'd love to be young again and join them. Besides, I've always wondered how I would look in a beard and jeans. To swipe a line from another humorist, it's a pity that youth is wasted on youth.

Q. When you blow out the candles on your birthday cake, what wishes will you make for your 80th year?

A. To be healthy, wealthy and wise. What else?

SUPPORT FOR A DISCHARGE REVIEW BOARD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on July 26 of this year I introduced H.R. 10080, a bill to establish a separate board to review the discharges and dismissals of servicemen for narcotic-related causes. Subsequently Secretary of Defense Laird directed the various branches of the Armed Forces to review the cases of ex-servicemen who have received undesirable discharges solely because of drug use or possession. But his directive fails to extend this review to the large number of ex-servicemen who have already received a dishonorable discharge for drug-related causes. These persons suffer the disabilities of a loss of separation pay, education assistance, and in many instances, a continuing discrimination on the part of employers. In many cases, due to the fact that this original discharge was processed by the respective branch of the armed services to which the serviceman belonged, the same type of offense might be given a different treatment; for example, one branch might give a dishonorable discharge while another would give an undesirable discharge for the same offense. Such was the cases when the services instituted drug amnesty policies. If the ex-servicemen had been a member of the Army, he might have received treatment and undergone rehabilitation without receiving the permanent disability of a dishonorable or undesirable discharge; if he were a member of the Marines, he might have received a dishonorable discharge; and if a member of the Navy, he might have received an undesirable administrative discharge. Therefore, Mr. Laird's directive has not been adequate to bring a viable solution to this inequitable situation. My bill would provide a remedy for these men by making provision for the review of both undesirable and dishonorable discharges.

An editorial recently appeared in the Bridgeport Post which supports my bill, and I include it here as a graphic statement of my position:

CLEARING THE RECORDS

A dishonorable discharge from the military can handicap an errant young man for as long as he lives. The loss of veterans' benefits is only a part of the high penalty which is paid. Many employers, especially companies engaged in sensitive defense work, discriminate against jobseekers with bad service records. Life can be extremely rough for the ex-soldier who went astray.

Representative John S. Monagan of Waterbury is convinced thousands of young men are being unjustly penalized because of their use of drugs while members of the Armed Services. He introduced legislation in Congress a few days ago which would permit former servicemen who received less than honorable discharges for drug abuses to have their records changed. The measure calls for creation of a Military Drug Abuse Review Board which would consider individual cases.

Mr. Monagan does not envision a blanket absolution for all drug offenders. A person would have to show he has submitted to treatment and been rehabilitated. There would be no clemency for those who were pushers of narcotics.

This is an enlightened proposal. The seamy conspiracies which thrust addictive drugs into the hands of American soldiers are being revealed day by day. Especially in Southeast Asia, some of our so-called allies stand accused of fostering or at best winking at the drug traffic. Must the lonely young soldiers who fell victim to narcotics after being sent to fight an unpopular war in a distant land be punished for the rest of their lives?

If they are willing to overcome their addiction and pursue a life of decency the answer should be a resounding "No."

ABA, OTHERS ENDORSE CRIME REVIEW ACTION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 11 of this year I introduced H.R. 8294, a bill to amend title VIII of the Organized Crime Control Act of 1970 to provide that the Commission To Review National Policy Toward Gambling be established by October 15 of this year instead of 1972 and that it submit interim reports containing legislative and administrative proposals by December 1972 and each year thereafter through December 1976 instead of "within the 4-year period following the establishment of the Commission."

It is essential that a nationally uniform and coherent policy toward all forms of gambling be promulgated. The IRS has stated in testimony before the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations that during 1968 organized crime derived more than $600,000 an hour in untaxed profits from illicit gambling. As a result, an annual total of over $5.2 billion in profits escape taxation. The citizens of this country and legitimate business are adversely affected by the loss of revenue for they must assume a greater share of the tax burden.

These illegally acquired funds are used to finance numerous antisocial activities and as a result there has been an ever-increasing trend in the incidence of criminal activity in this country; a phenomenon which has been emphasized by the recent FBI Uniform Crime Report for 1970.

Financed by the receipts of gambling activities has been the illicit traffic in drugs. Estimates have been made that a major portion of crime committed in the United States is drug-related. The citizens of the United States therefore suffered an economic loss of between $5 and $10 billion—including goods stolen and productivity lost—due to the illicit drug problem. Also in 1970 there were 1,825 drug related deaths in our country.

These funds from illicit gambling are also used to purchase and operate legitimate businesses thus offering organized crime the opportunity to "clean" funds which have been illegally acquired. Also these businesses may consume hot goods themselves or offer conduits through which such goods may be directed into legitimate channels.

Funds from illegal gambling have also been used to corrupt public officials and law enforcement officers. Several weeks ago the New York Times carried an article concerning the unsuccessful bribery attempt of a New York City Police Department captain and sergeant. These men were offered an initial $300 a month to ignore the operations of four numbers racket runners in the central part of the Bronx. The officers had been told that for each additional runner they ignored they would receive $75 a month. Unfortunately, all lawmen are not untouchable.

This source of funds from illegal gambling must be cut off. The national policy which would be promulgated by this Commission To Review National Policy Toward Gambling could do much toward this end.

The American Bar Association at its 94th annual meeting in New York City on July 6, 1971 adopted an excellent report concerning organized crime and illegal gambling which supported the purpose of H.R. 8294 and I urge my colleagues to give this report due consideration.

The Christian Life Commission on June 9, 1971, and the National Council on Crime and Delinquency on June 18, 1971 expressed support for my bill.

Following these remarks I append correspondence and a report from the American Bar Association, National Council on Crime and Delinquency, and the Christian Life Commission concerning support and endorsement of my bill, H.R. 8294.

I urge support of H.R. 8294.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., August 3, 1971.

Re H.R. 8294, 92d Congress, first session.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary, Rayburn Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I felt you would be pleased to know that the House of Delegates of the American Bar Association at its 94th Annual Meeting in New York City, July 6, 1971, approved a recommendation of the Section of Criminal Law which supports in principle the captioned bill, introduced May 11, 1971 by Congressman Monagan "To amend the Organized Crime Control Act of 1970 to provide for an acceleration of the date on which the Commission to Review National Policy Toward Gambling shall be established and shall submit interim and final reports."

The specific recommendation of the Section of Criminal Law is quoted as follows:

"Be it resolved, that the American Bar Association recommends that the Congress amend Section 804(a) of Part D of Public Law 91–452 to provide for the *immediate* establishment of a Commission on the Review of the National Policy Toward Gambling, rather than waiting until October 15, 1972 as now provided in the Act; and further, that Section 805(b) of said act be amended to direct said Commission to make a final report of its findings and recommendations within a two-year period following the establishment of the said Commission, rather than 'within the four-year period following the establishment of the Commission,' as currently provided; and that the Section of Criminal Law be authorized to urge the adoption of this recommendation before the appropriate Committees of the Congress."

The portion of the Section's report pertaining to this recommendation is enclosed for your information.

Sincerely,

SAMUEL DASH.

REPORT ON RECOMMENDATION NO. II (TO ACCELERATE ESTABLISHMENT OF AND REPORTING DATE FOR COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING)

In Public Law 91–452, Section 804(a) provides "There is hereby established two years after the effective date of this Act a Commission on the Review of the National Policy Toward Gambling." This means that such Commission would be established on October 15, 1972, in view of the fact that the Act was approved October 15, 1970.

Furthermore, Section 805(b) provides "The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the four-year period following the establishment of the Commission." Thus, the final report conceivably would not be submitted until October 15, 1976.

The Section of Criminal Law is of the opinion that both the establishment of and the final reporting date for the Commission should be greatly accelerated.

Illegal gambling activity has been repeatedly designated as the principal source of revenue for organized crime in the United States. As recently as 1967, the President's Commission on Law Enforcement and the Administration of Justice reported that:

". . . Legal betting at racetracks reaches a gross annual figure of almost $5 billion, and most enforcement officials believe that illegal wagering on horse races, lotteries, and sporting events totals at least $20 billion each year. Analysis of organized criminal betting operations indicates that the profits is as high as one-third of gross revenue—or $6 to $7 billion each year." The Challenge of Crime in a Free Society, February 1967, p. 189.

Presently the range of estimates of the profits from illegal gambling is so large as to be of little utility in the formulation of public policy. Illegal gambling proceeds are used to corrupt public officials and thereby reduce the pressures upon the operators of illegal gambling enterprises; such monies provide the capital for loan-sharking and narcotics traffic; gambling profits are a major means by which organized criminals penetrate legitimate businesses. The major part of public corruption results directly from the corrosive presence and corruptive activities of persons who conduct illegal gambling enterprises. Enforcement officers, particularly those in urban areas, are in a dilemma; on one hand, they are directed to enforce anti-gambling statutes while confronted by a powerful demand by citizens who wish to gamble in a variety of ways.

States and cities are finding it increasingly difficult to provide the resources necessary to meet growing governmental responsibilities. With growing frequency, they are exploring the possibility of legalizing various forms of gambling to provide needed revenue. It is reasonably anticipated that such pressures will increase. Currently, little verified data is available to support the positions of either proponents or opponents of legislation. The results of the thorough study proposed in Part D of Public Law 91–452 will be highly relevant for legislators who are or will consider this issue.

It is obvious that the present near-immunity from tax liability which successful gamblers enjoy is a critical issue in the debate about legalized gambling. Only a federal commission with state and local representation, as opposed to a state or local body, is appropriate to address the issue of federal tax exemption for the proceeds of legalized gambling. Thus, it is both appropriate and essential that a National Commission to Review Policy Toward Gambling be initiated more rapidly than as presently provided in Public Law 91–452 and that it complete its work within a shorter time than is presently provided.

NATIONAL COUNCIL ON
CRIME AND DELINQUENCY,
Paramus, N.J., July 18, 1971.

Congresssman JOHN S. MONAGAN,
Chairman, House Government Operations Subcommittee on Legal and Monetary Affairs, Rayburn House Office Building, Washington, D.C.

DEAR MR. MONAGAN: The National Council on Crime and Delinquency wants to add our support to that of others urging immediate study by an appropriate federal commission of federal and state public policy and current legal and illegal practices relating to gambling. With many states, now considering different forms of legalized control of gambling, there is a great need for such a study to provide guidelines for both federal and state legislation.

If legislation for the study of gambling in American is introduced by your subcommittee, I should appreciate notification of hearings in its behalf.

Cordially yours,

MILTON G. RECTOR,
Executive Director.

CHRISTIAN LIFE COMMISSION,
Dallas, Tex., June 9, 1971.

Hon. JOHN S. MONAGAN,
House Office Building,
Washington, D.C.

DEAR MR. MONAGAN: May I express to you both personally and officially our sincere appreciation for your forthright statement concerning the danger of legalized gambling in this nation.

We have worked at this problem for several years and so far have succeeded in some measures in our attempts to keep legalized racetrack betting out of Texas. In our last major statewide campaign General Will Wilson, now in the Justice Department, was the statewide chairman of the Anti-crime Council of Texas. This group was a coalition of many concerned citizens who worked together to oppose gambling.

We are anxious to support you in your call for a gambling commission. We would be willing to come to Washington at our expense to testify for such a commission. We would like very much to be kept on your mailing list for materials related to gambling and to be kept up to date on developments toward the establishment of the commission.

Enclosed is a copy of the basic work paper which we used in our 1968 campaign here in Texas.

Keep up the fight.

Sincerely,

JAMES M. DUNN.

WHAT IS HAPPENING TO VA DRUG TREATMENT PROGRAM?

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in the last half year, the Nation has made the rehabilitation of drug-addicted GI's one of its top priority objectives. However, while all have agreed on the need for treatment, numerous differences have arisen concerning the most effective way to administer that treatment.

President Nixon and others have suggested that greater use be made of Veterans' Administration drug centers.

I have maintained, however, that VA facilities are inadequate to treat the large number of addicted servicemen, and that rehabilitation could best be accomplished by the Armed Forces themselves. I have introduced legislation to this effect, requiring that no addicted GI be discharged until judged free from habitual dependence by competent medical authorities. Over 50 Members of the House have supported my point of view in cosponsoring this bill, H.R. 8216.

In May, I received a report from Dr. M. J. Musser, Chief Medical Director of the Veterans' Administration Department of Medicine and Surgery, that VA hospitals would be able to treat a maximum of 6,000 drug dependent veterans. This is of course completely inadequate. There are no accurate measurements of the number of addicted servicemen, but most estimates place 15,000 to 30,000 drug-dependent soldiers in Vietnam alone.

Now, by calling a moratorium on staffing its drug treatment centers, the Veterans' Administration provides further evidence its facilities and funds are insufficient to administer a comprehensive drug treatment program. Despite the increasing requests for treatment, and despite the new national commitment to drug rehabilitation, the VA was forced in early September to send telegrams to directors of its hospitals with drug treatment centers telling them to hire no more staff until further notice.

How long this moratorium will last is still unclear. What is clear, however, is that VA facilities are not now, and will not be for some time, sufficient to handle service drug problems. I feel that the armed services would be better able to handle drug addiction treatment. The GI addict is more easily identifiable for treatment while in the service, and should be given the proper treatment before returning to civilian life where otherwise he places a greater burden on society. By placing full responsibility on the military itself, servicemen would not bring home an expensive habit which they would most likely support through criminal activity.

I am pleased that the administration, in recommending retention of addicted servicemen for 30 days beyond discharge, has come around to the basic thrust of my position. I am also pleased that professional drug treatment experts have supported the idea of retention. Dr. Judianne Densen-Gerber, executive director of Odyssey House, a drug rehabilitation project in New York, recently warned that unless addicted veterans were rehabilitated before discharge, they would cause a "massive increase" in the Nation's heroin problem. Dr. Densen-Gerber stated:

> The Federal Government must hold these men—even beyond the expiration of their term of service—until they are completely cured. Anything less is criminal negligence.

Dr. Densen-Gerber warned of a ripple effect, in which addicts returning from Vietnam would produce additional addicts in the United States. Treatment of GI's in the service under the terms of my legislation would of course avoid such an effect. I include at the close of my remarks a New York Times article on Dr. Densen-Gerber and a Hartford Courant account of the VA hiring moratorium. I ask my colleagues to consider the implications of these articles and then join me in working for passage of H.R. 8216.

[From the New York Times]

U.S. Gets Warning on Army Addicts—Doctor Urges Rehabilitation Before Discharge

(By Richard Severo)

The executive director of Odyssey House warned yesterday that unless drug-addicted veterans of Vietnam were rehabilitated before their release from the armed services they would contribute to a "massive increase" in America's growing heroin problem.

Dr. Judianne Densen-Gerber issued the warning to Senator Harold E. Hughes, Iowa Democrat who is chairman of the Senate's alcoholism and narcotics subcommittee. He visited The Odyssey House female adolescent treatment unit at 229 East 52d Street as part of his two-day investigation of New York's drug problem.

Dr. Denson-Gerber called heroin addiction a "communicable disease" easier to get than either leprosy or diphtheria. She called present government plans to treat addicted veterans for 30 days before discharge "totally inadequate."

"Through a natural ripple effect 75,000 new addicts from Vietnam will produce an additional 250,000 to 750,000 addicts in the United States within a year," she declared.

"The Federal Government must hold these men—even beyond the expiration of their term of service—until they are completely cured," her statement said. "Anything less is criminal negligence."

JOINED BY JAVITS

Later in the morning Senator Hughes was joined by a subcommittee member, Senator Jacob K. Javits, at a treatment facility in the Hunts Point-South Bronx area. There he heard a similar warning, from addicts undergoing rehabilitation, that the Government's present 30-day program would not be enough.

Several addicts at Sera, the residential treatment center of the Hispanic Association for a Drug-Free Society, 1010 Hoe Avenue, said they believed that if servicemen were simply given a perfunctory period of detoxification they would probably return to heroin use.

Frank Garcia, a former addict who is executive director of Sera, did not agree that addicted veterans should be kept in the service, but thought they should be committed to a civilian facility specializing in rehabilitating addicts.

APPROACH IS LIMITED

Mr. Garcia made it clear that he held little hope of reaching unmotivated addicts with his group-encounter approach and that addicts of this type might be "safer in jail."

"It may sound cold, but it comes from long experience," he said.

Senator Hughes said he was trying to keep his mind open to all approaches, but underscored his belief that prison was not a cure for addicts and that other avenues had to be developed.

Both Mr. Hughes and Mr. Javits—who held a news conference at the end of their tour rejected the suggestion that the armed services could hold onto addicts indefinitely.

[From the Hartford Courant, Sept. 12, 1971]

Drug Centers Stop Hiring

WASHINGTON.—At a time when President Nixon has placed priority on the treatment of GI drug addicts, the Veterans Administration has placed a moratorium on staffing its drug-treatment centers, leaving the immediate future of the program in question.

Declaring drug abuse as "Public Enemy No. 1," the President launched last June 17 a coordinated program to rehabilitate addicts and cut off the supply of illicit narcotics. As part of the program, he proposed greater use of Veterans Administration treatment centers, and asked Congress to authorize the VA to open the facilities "to all former servicemen in need of drug rehabilitation."

The VA had planned on having 32 centers in operation by the first of next month and eventually increasing that number to 90 if necessary.

HIRING STOPPED

But last week, if was learned, the VA sent telegrams to directors of its hospitals with drug treatment centers telling them to hire no more staff for the units until further notice.

"It was an executive decision," a VA official said, adding that VA hospital directors had not been consulted.

"I'm sure it came as a complete surprise," the official said. "But it's not a cutback program. We simply want to hold off staffing until we see where our case load will level off."

He said he didn't know how long the moratorium would last. Two treatment-center administrators said the decision left them confused.

CRITICAL VACANCIES

"I don't know what's going on," said Dr. Norman Tamarkin at the VA hospital in Washington. "If you find out, I wish you would tell me. I've got three or four critical staff vacancies that I'm not going to be able to fill now, let alone expand the program.

"Applications for admission have been zooming. We had 18 or 20 last week alone. This action just doesn't make any sense to me."

Dr. Joseph McFadden, who supervises the drug-treatment center at the VA hospital in Atlanta, said of the freeze on hiring: "I'm confused about it. I'd been planning to go ahead with the program and we need more personnel." He has five vacancies. McFadden said, however, that he didn't believe a temporary freeze would damage the program.

The Atlanta center was scheduled to go into full operation this month, but only eight patients are being treated, and they are in the psychiatric ward. Plans for renovation of the hospital's fifth floor into a 16-bed drug-treatment center still are awaiting approval from Washington.

The hospital's director, Dr. Julian Jarman, said the moratorium on hiring came at a time when requests for treatment were growing.

BEWARE CLASSIFICATION OF GOVERNMENT DOCUMENTS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the overclassification of Government information has repeatedly been criticized and challenged because of the blatant inconsistencies in the procedures utilized by the various departments and agencies of the executive branch. There have been frequent claims that the power of classification has been abused in an attempt to suppress information which the public has a right to know.

The classifying of Government information has not been exercised solely by those departments and agencies which concern themselves with matters of national security or foreign relations. Recently a Ph. D. candidate was refused access to 70-year-old documents in the National Archives which concerned a pollution investigation conducted by the Federal Bureau of Investigation. I cannot see where there is any justification based upon military security or foreign relations for prohibiting public access to such documents. The absurdity of the present classification procedures is quite evident. This incident and numerous others are recounted in an article by Morton Mintz which appeared in the July 20, 1971 issue of the Washington Post.

By the calculated classification of specific information public officials can shield themselves from public criticism. The classification appears ridiculous when every day we read and hear reports in the news media which are attributed to "leaks of inside information." Decisive action must be taken to make classification procedures comply with a policy of free availability of Government information which will not jeopardize our national security. The public's right to know must not be restricted. Decisive action must be taken to find a viable remedy to this situation.

I have been concerned with the public's right to know for some time. While I was a member of the Subcommittee on Foreign Operations and Government Information I submitted a bill dealing with freedom of information which was enacted into law. I feel that it is again necessary to submit legislation concerning this problem.

I have today filed a bill to establish a joint committee to conduct a complete investigation of the practices and methods used in the executive branch of the Government for the classification, reclassification and declassification of Government information in order to determine whether such practices and methods are exercised for purposes contrary to the public interest, and to determine appropriate procedures for the discovery, reclassification and declassification of Government information.

The membership of the joint committee would be composed of the chairman and ranking minority member of the Senate and House Committees on Armed Services, Foreign Affairs, and the Appropriations Subcommittee on Defense, and an additional three Senators appointed by the President of the Senate and three Representatives appointed by the Speaker of the House.

The joint committee would carry out its activities for the period of 1 year and at its termination it would submit a report of its findings and recommendations to the Senate and House of Representatives. If the joint committee had not completed its investigation and report within the year an extension for an additional year might be made by concurrent resolution. Any sensitive information which the joint committee might acquire through its activities might be kept secret by the committee.

The result of the efforts of the joint committee would be the availability of ample data and resulting recommendations for the proper classification of Government information. It would then be possible to formulate and put into effect an efficient, effective, just and uniform classification procedure.

I wish to append to my remarks the editorial entitled "The Right To Know" which appeared in the July 10, 1971, edition of the Christian Science Monitor and an editorial entitled "Secrets of the Bureaucracies" which appeared in the July 20, 1971, edition of the Washington Post:

THE RIGHT TO KNOW

The current controversy over classification of government documents centers on one key question: Can government by consent have any real meaning if those governed do not know to what it is that they are consenting? It was only the right, indeed the absolute need, of the people to know what their government is doing and has done, and why, that could have justified the recent publication by several newspapers, including this one, of documents bearing a "top secret" classification.

The rightness or wrongness of the decision by the particular newspapers to go ahead with that publication is now in the hands of history to determine.

But the need of the people to know goes on. So does the government classification procedure system that kept the Pentagon papers hidden so long. That system needs to be drastically overhauled, as recognized by the recent six-day hearing of the House Government Operations subcommittee, which sought to find out just how much classified material actually exists, who classifies it, and by what criteria. Not surprisingly, the subcommittee found out what everybody has long recognized, that overclassification is a perennial fact of government.

There are estimates of something like 100 million pages of classified wartime records, dating back to World War II, and 20 million classified documents in the Pentagon's machine-operated files. One former CIA official estimated that only 10 percent of the classified documents he handled over the years were "really sensitive."

The criteria by which classification takes place appears all too vague. It is clear that in wartime, any hard information about troops, armaments, and plans must be kept out of enemy hands. But it is equally clear that 100 million pages of records from a war which ended in victory a quarter of a century ago hardly fall into that category.

And any Washington newspaper reporter knows firsthand how the classification system is used by bureaucrats to shield themselves from public surveillance, to serve their personal political aims, or to leak out "inside information" to chosen segments of the mass media at a tempo designed to build support for a particular policy. And the habitual breaking of security by the very officials who order documents classified—often in memoirs—only confirms the absurdity of the system.

Hopefully the House subcommittee will come up with some meaningful solutions. Worth considering is the suggestion of Rep. Sam Gibbons (D) of Florida, that Executive Order 10501—issued by President Eisenhower in 1953, and the basic law governing the system today—be scrapped. It is too vaguely worded, allowing as it does that any "extremely sensitive information or material" be kept from declassification for an unlimited time. One must ask, sensitive to whom, and for what reasons?

Mr. Gibbons would declassify everything that cannot be proven essentially confidential, and publish an annual list of what remains classified. Within three years, these holdovers would be automatically declassified unless a person of at least cabinet rank ordered to the contrary.

We believe the public's right to know is more basic and vital to the continued democratic operation of the United States Government than is the government's right to withhold, although secrecy has its obvious necessities. But the burden of proof for this necessity should lie on the government, and it should be the exception rather than the rule.

SECRETS OF THE BUREAUCRACIES

(By Morton Mintz)

"I am from Missoula, Montana, and I have been in Washington doing research on pollution for a Ph.D. dissertation in history," Donald MacMillan said in a letter to Sen. Lee Metcalf (D-Mont.) the other day. "At the National Archives I was advised that I could not use anything that was stamped 'Bureau of Investigation.' The period I was interested in was essentially the first decade of the twentieth century . . . I feel ridiculous even suggesting that the Nation's security could be threatened by information seventy years passed, but apparently somebody does. . . . If we cannot have an honest and rigorous search for the truth our future as a self-governing democracy is indeed bleak."

MacMillan's astonished discovery that he could not have access to—it bears repeating—files on pollution seven decades old serves to make a point which, quite understandably, drew scant attention in the recent momentous struggle over the Pentagon Papers. The point is that secrecy seems to be endemic in all bureaucracies—not just those occupied with national security—and it is manifested, almost always, against the very public supposedly being served; this happens readily and pervasively even when no justification in military security or foreign relations is so much as claimed.

The evidence of this, regrettably, is as easy to come by in the "open administration" of President Nixon as it ever was in those of his predecessors. Here are some examples:

The Walsh-Healy Act empowers the Department of Labor to make federal contractors comply with the job-safety standards it has approved. The department had traditionally refused to make public inspection reports and notices of violation. It claimed that the Freedom of Information Act, enacted to protect "the public's right to know," somehow authorized secrecy and that publicity would discourage employer cooperation with department inspectors. Ralph Nader's Center for the Study of Responsive Law challenged the department in court. Last January, U.S. District Judge John Lewis Smith ruled for the Center.

The Department of Agriculture's Consumer and Marketing Service routinely had suppressed records on meat and poultry products it detains on the suspicion that they are adulterated, unwholesome or unfit for human consumption, as well as the warning letters it sends to packers suspected of doing business in two or more states (packers doing business exclusively within a single state are immune from federal inspection of meat and poultry products).

In 1969, the department denied access to the records and letters to a consumer of meat and poultry products, Harrison Wellford, an associate of the Nader Center. Under the Freedom of Information Act, the records were an exempt "investigatory file," the department said. In the case of the letters, it argued, their release would deter packers from cooperating.

Wellford sued in Baltimore, where U.S. District Judge Edward S. Northrop ruled for him. The department appealed. In May, the U.S. Court of Appeals in Richmond upheld Judge Northrop, ruling that the purpose of the information law was not to increase administrative efficiency, "but to guarantee the public's right to know how government is discharging its duty to protect the public interest." (In opposing a consumer's effort to find out how well the government may be protecting the public from unwholesome meat, it may be said in passing, the Agriculture Department behaved much like those city health departments, including Washington's, that withhold the identity of restaurants that violate sanitary regulations from those who eat in them.)

The Department of Commerce has a National Industrial Pollution Control Council, which President Nixon created by Executive Order. Last October, the Council, meeting at Commerce, refused to admit representatives of 10 environmental and consumer groups, and refused to give them a transcript of the proceeding. This year, to escape such groups, the Council met in the New State Department Building, where security regulations prohibit entry of any visitor who has not made special arrangements. Larry Jobe, an Assistant Secretary of Commerce, argues that the department could not get industry representatives to .serve if public-interest groups were to be represented and if the Council's meeting were to be open to the public.

At the Civil Aeronautics Board, Chairman Secor D. Browne last year appointed an Advisory Committee on Finance and named as chairman James P. Mitchell, a vice president of the Chase Manhattan Bank who has primary responsibility for financial dealings with airlines. At the organizational meeting, held in Mitchell's office, the committee decided that all meetings "would be closed to the press and the public" and that a verbatim transcript" was not necessary to the conduct of business."

Within the Department of Health, Education and Welfare, the agency with an unexcelled disposition toward secrecy is the Food and Drug Administration. For example, when the FDA summons a company to a hearing to show cause why it should not be prosecuted for a law violation, the agency closes the hearing and refuses to release the transcript or disclose the recommendation made by hearing officers. A decade ago, FDA was not only refusing to turn over to Congress files on an anti-cholesterol drug that caused cataracts in thousands of patients, but actually tried to have written into the law a prohibition against releasing most any information it acquired under the Food, Drug, and Cosmetic Act.

The White House, to suppress information, has invoked the "Executive Privilege" with such frequency down through the years that Clark Mollenhoff once wrote an angry book about it. Currently, the endless blanket of "Executive privilege" lies atop a report by the White House Office of Science and Technology that is understood to predict serious environmental damage to the United States should supersonic transports ever be permitted to fly across it at supersonic speeds.

Congress now and then pries valuable suppressed information out of agencies, but it must be noted that, by calculation of Congressional Quarterly, 41 per cent of all congressional committee meetings were held behind closed doors last year, an increase of 5 percentage points over 1969.

In his letter to Senator Metcalf, Donald MacMillan said, "As I approached the National Archives for the first time I was struck by the noble and inspiring ideas inscribed in its concrete walls. One I recall was most impressive: 'The heritage of the past is the seed that brings forth the harvest of the future.' "

A future substantially freer of governmental secrecy than is the present is not beyond our grasp. We may yet achieve the "deep sense of pride" that President Johnson spoke of when, on July 4, 1966, he signed the Freedom of Information Act in the belief "that the United States is an open society in which the people's right to know is cherished and guarded." One reason for a cautious optimism is that the lawsuits won by the Center for Study of Responsive Law, against the Labor and Agriculture Departments, indicate a willingness in the courts to come down on the side of openness.

In the FDA, a new general counsel, Peter Barton Hutt, takes over on September 1. Rather than cling to the secrecy orientation of the past, maybe he and others in federal agencies will heed the instruction of Attorney General Ramsey Clark when he announced the rules to implement the law only four years ago: "that disclosure be the general rule, not the exception," and "that there be a change in government policy and attitude."

And Congress would take a major step forward by enacting at least two pending bills: one for an independent consumer protection agency empowered to intervene in administrative and court proceedings in behalf of the public (and against federal agencies, if need be), the other, sponsored by Senator Metcalf, to open the proceedings of the possibly 1,800 government advisory committees—such as the Commerce Department's and the CAB's—to public scrutiny.

YOUTH CONSERVATION CORPS: IMPROVING THE HUMAN AND NATURAL CONDITION

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, when Congress created the Youth Conservation Corps last year, it built a highly successful bridge between the human and natural condition. Young people who needed work were given jobs that needed doing.

For 8 weeks during the past summer 2,200 youths in 63 camps located in 36 States spent hours refurbishing campsites, planting trees, clearing brush, blazing trails, restoring historic structures, and performing a variety of tasks for the public benefit.

Writing in the August 12, 1971, issue of the Christian Science Monitor, Mr. Peter Stuart described the YCC pilot program as "a stunning success." I agree. I visited camps in Maryland and Washington and came away impressed by the enthusiasm and accomplishments of corps members.

Now it is time to expand on success. With several dozen cosponsors of both parties I am today reintroducing the YCC expansion bill first entered on August 5. The legislation has three basic features.

First, it increases the annual authorization level from $3.5 million as contained in Public Law 91–378 to a new figure of $150 million. We estimate that boosting the authorization to this level would make it possible to hire 100,000 youths for the summer projects.

For the 2,200 positions open last summer, the Government received more than 124,000 applications.

Second, the bill allows the States to operate Youth Conservation Corps projects. Heretofore the programs had been conducted solely by the U.S. Department of Agriculture and the U.S. Department of the Interior.

The legislation furnishes 80 percent Federal matching funds for the State-administered program. It specifies that not less than 10 percent and not more than 25 percent of all YCC enrollees shall be employed in the State efforts.

Third, the bill directs that YCC facilities during periods of nonuse shall be available to educational institutions for the purpose of environmental education centers. Costs during periods of official nonuse would be borne by the educational agencies. The provision speaks for itself and is in keeping with passage last year of the Environmental Education Act.

Learning is one of the priority goals of the Youth Conservation Corps. I use the term "learning" to describe many facets of human experience, for a prime objective of the Corps is to bring youths of all backgrounds together in a shared environment.

By the provisions of Public Law 91–378 the YCC "shall be open to youth of both sexes and youth of all social, economic, and racial classifications." Youth of all walks need summer jobs, and there is much to be gained by working closely with diverse members of one's peer group. YCC enrollees learn about nature, about themselves, and about each other.

I am hopeful of obtaining early hearings on the bill to expand the Youth Conservation Corps. Having testimony from those who participated in last summer's YCC would underline eloquently the compelling need for the bill I and several dozen colleagues are introducing this afternoon.

CONGRESSMAN HALL OPPOSES PANAMA CANAL ZONE GIVEAWAY

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, my colleague and friend, Dr. Durward G. Hall, who represents the Seventh Congressional District of Missouri, testified today before the Inter-American Affairs Subcommittee of the House Committee on Foreign Affairs. The subject of his testimony was the current negotiations between the United States and the Republic of Panama relating to the status of the Panama Canal Zone. Dr. HALL's remarks are a clear and concise statement of facts and express the views of the vast majority of Americans who oppose the surrender of U.S. sovercignty over the Panama Canal Zone. His remarks follow:

TESTIMONY OF REPRESENTATIVE DURWARD G. HALL BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE OF INTER-AMERICAN AFFAIRS

Mr. Chairman, it's been some four years since I had the opportunity to appear before this distinguished subcommittee, and you may remember at that time the proposed 1967 Canal Zone treaties were making headlines in the papers, and there was a great deal of excitement and apprehension both here and in the Republic of Panama regarding the terms of this proposed treaty. You will also recall, that over one hundred and fifty members of the House of Representatives introduced resolutions in 1967 expressing "the sense of the Congress," that United States control and sovereignty be maintained over the Panama Canal Zone. As a result of resolutions and general public outcry President Johnson's administration did *not* execute the treaties nor were they sent to the Senate for ratification.

Here today, in another administration it seems that history is repeating itself. I am sure that this subcommittee is aware of the fact that treaty negotiations have once again resumed with the Republic of Panama over the status of the canal zone. I am also sure that this committee is aware that the chief negotiator is the same Robert Anderson who negotiated the abortive, unsuccessful, and unsatisfactory proposed 1967 treaty. Also, I am sure this committee is aware that there are now over one hundred Members of the House of Representatives who have again introduced resolutions expressing "the sense of the House of Representatives" of the United States to maintain sovereignty and control over our Panama Canal Zone.

I think it goes without saying that the subcommittee is wise in holding these hearings, and I feel it is time for the House of Representatives to go on record expressing not only *its sense*, but the sense of the vast majority of American people that we maintain our control and sovereignty over this strategic piece of American real estate. Real estate disposition=ours and Constitution.

You are aware, Mr. Chairman, that although the Senate has the power of advice and consent in the making of treaties, article IV, section 3, clause 2 of the Constitution vests the power to dispose of territory and other property of the United States in the Congress, which includes both the House and Senate. Thus the people of our country through their elected Representatives in the Congress have a controlling voice in the disposal of their territory and property regardless of what may be provided in any new treaty or treaties with Panama.

I do not wish to belabor this committee with a historical account of the events in Panama because I think you all are aware of these various facts. As a member of the House Committee on Armed Services, subjects of national security and hemispheric defense are paramount in my mind. The importance of the Canal Zone as bastion of our "southern flank" cannot be overrated. Without our control of the Canal Zone, the possibility of a potentially hostile regime in Panama denying access of the transferring of our naval forces from one ocean to the other, and of our men and material from one ocean to another, ever increases! The loss of this access could destroy a link in our defense chain and could produce military and national disaster.

Also intertwined with this aspect of national security, Mr. Chairman, is the equally important area of hemispheric defense. The Canal Zone under our control and jurisdiction serves as an outpost warding the perverted ambitions of communist takeover in Latin America. Our presence serves as a constant reminder of the "Castros" of the world, that we are determined to stop subversion and revolution in Latin America. I think there is no doubt in one's mind that Panamanian control of the canal would certainly aid and abet the forces of communism, and especially of Fidel Castro in Latin America. All one has to do is to look at the makeup of the present Panamanian government. General Torrigas, the dictator of Panama, has been regarded by many as just another "left wing idealist." The truth of the matter is, that since he took over the military coup in 1968 he has exiled a popular freely elected president, installed a puppet president, suspended the constitution, discharged the congress, and appointed a congress and judiciary composed of close friends and fellow revolutionaries. Beyond that Torrigas has been reported to be a friend and admirer of the late Cuban revolutionary Che Guevara. He has been collaborating and conspiring with Castro, and Cuban guerrilla teams have been training native sabotage teams in Panamanian jungles adjacent to the Canal.

Compounding the "felony," Russian technicians have been reported lately to have been arriving in Panama, no doubt to train Panamanians in the operation of the Canal, as they trained Egyptians in the management of the Suez Canal. So win, lose, or draw in the negotiations, this petty Panamanian dictator is readying himself for some type of eventual takeover of the canal and hence—self aggrandizement. He will no doubt first try through the negotiating table method, but if that reaches an impasse or process to no avail I think it is safe to say that he will follow the Egyptian example in their Suez takeover.

Mr. Chairman, I think it is imperative and indeed more than timely for this subcommittee to favorably report out one of the Canal Zone "sense of the House of Representatives's" resolutions that has been introduced in this session of the Congress. We owe it especially to the negotiators since they need to be armed with American public opinion via their elected representatives in the House. Hopefully, it will give them the necessary backbone and stamina to stand firm and protect U.S. interests in the Canal Zone. Even more important it would show the American people that the House of Representatives is indeed responsive to their wishes and that the representative process is properly functioning. It would show the American people that the House is concerned and is willing to take a strong and firm stand about maintaining our rights abroad. We owe nothing less to the negotiators and even more importantly we owe nothing less to our duty as the peoples' elected representatives.

FEDERAL JUDGES IN NEW SCANDALS

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I have been shocked to learn that in the last few weeks a Federal grand jury has been investigating the highly questionable secret race track holdings of a number of Illinois officials including two members of the Federal judiciary—U.S. Appeals Court Judge Otto Kerner and U.S. District Judge William J. Lynch.

These are only two of the Illinois political figures linked to the questionable stock transactions in the news stories that deal with the Federal grand jury and its investigation. Others include George W. Schaller, now a circuit court judge in Illinois, and George W. Dunne, Cook County Board president, as well as Theodore J. Isaacs, the former State revenue director under the Kerner administration.

I am pleased that the Nixon administration is taking its job seriously in running down all of the evidence on these transactions even when it involves the Federal judiciary. However, I would want to point out that the House also has some responsibilities on this matter that is in addition to the administration's duty to investigate and prosecute.

The scandals involving the purchase of race track stock took place in the period prior to the time Judge Kerner and Judge Lynch were appointed to the bench by President Johnson. I am pleased that Federal grand juries are making every effort to unwind these sordid transactions that represent a blemish on the operations of Kerner as Governor and also represent a black mark on Judge Lynch and other public officials.

It appears Attorney General John Mitchell has his Chicago strike force actively investigating these transactions to determine if the officials involved have paid all of their Federal taxes or have otherwise violated the Federal laws. In addition to the responsibility the Nixon administration has to assure that all of the crimes are unearthed and prosecuted, the Congress also has responsibility involving the ethical standards as to who are seated on our courts.

I would suggest that the House Judiciary Committee immediately assign investigators to the job of seeking the facts. Regardless of whether the Federal laws are violated, there is a vital responsibility to keep the Federal bench free from any and every hint of scandal.

On the basis of what is printed in the Chicago newspapers as having been admitted by Judge Kerner and Judge Lynch and other participants, it would seem to me that there should be an impeachment started. If we are going to let this conduct pass unnoticed or without criticism then we will share in the responsibility if others later arrive at the conclusion that they can get by with it.

As Governor of Illinois, Otto Kerner had the control of the Illinois Harness Racing Commission and an authority that entailed a responsibility to keep himself out of such transactions. If this had been unearthed before he went on the bench, it is extremely doubtful he would have been confirmed. The fact that he is presently sitting as an appeals court judge in our Federal court system does not make this spectacle any less sordid as far as I am concerned. I would think that our Judiciary Committee chairman, Mr. CELLER would feel the same way about this. Perhaps it has not yet been called to his attention. I hope he will consider this a formal request for an investigation.

Articles above-mentioned, follow:

[From Chicago Today, Sept. 15, 1971]

THE INSIDERS' ROLL-CALL

Judge Otto Kerner of the United States Appeals court, former governor of Illinois. George W. Dunne, president of the Cook County board and former Democratic majority leader of the Illinois House. Illinois Secretary of State John W. Lewis, a Republican, and his Democratic predecessor, the late Paul Powell. Theodore J. Isaacs, former state revenue director under Kerner. Joseph E. Knight, former state director of financial institutions. It's quite a list, and it may grow longer.

These men have more in common than being holder of powerful political offices past and present. They are also men who, through their connections in state government, made an astonishing bundle by investing in race track stocks. They are insiders, men whose public office put them in a position to snap up advantageous deals that other people don't hear about, and they apparently made full use of it.

Finally, they all seem to have thought it prudent to keep these deals out of the public eye as long as they could. Dunne, for instance, "revealed" his $20,000 proft from race track holdings only after two Chicago Today reporters, Joel Weisman and Edward T. Pound, told him they'd already learned of it and were about to disclose it anyway.

Secrecy seems so well-established a practice, in fact, that Federal District Court Judge William J. Lynch served Dunne and other investors as a "nominee," meaning he held stock for them so that their ownership of it would stay conveniently hidden.

There is nothing unethical about a public official owning a profitable stock. The questions are these: Why were these immensely profitable favors done for men in high state offices? Whom did they have to know to get these valuable tips, and what if anything were they expected to do in return? If there's all this money in race track stocks, how does an ordinary investor with no political clout get a chance at it?

And the final question: When do we start getting some answers?

[From Chicago Today, Sept. 15, 1971]

NOW'S THE TIME FOR ETHICS BILLS

The long, painful process of prying information from Illinois' secretary of state about his race track interests is not finished yet. The Internal Revenue Service, two federal grand juries, and this newspaper, among others, want to know more about holdings by John W. Lewis, members of his family, and other state officials that indicate too close a tie between race track money and political influence.

Even the difficulty of getting information on this point, tho, should have one good side-effect: The struggle won't be soon forgotten. Our General Assembly, which would rather think about almost anything else than ethics legislation, will not be able to overlook the subject when it comes up next month; there will be too many urgent reminders.

Effective legislation is on tap. It includes a bill supported by Gov. Ogilvie which would require state and local officials to disclose sources of income over $5,000, gifts of more than $100, and debts of more than $500. The need for this bill could be pretty well gauged by the cynical and shabby attempts to kill it made in the earlier session; the Senate Executive committee adopted an amendment by Sen. Thomas G. Lyons [D., Chicago], which would have made the bill both unenforceable and impossible to pass. The Senate later dropped that amendment.

Even tougher legislation has been drafted by the Republican majority of a House ethics commission. Besides requiring detailed statements on income from all elected public officials in the state, it would forbid political gifts by corporations or labor organizations. It would also require candidates and "political committees"—including ward organizations in Chicago—to file with the state the names of campaign contributors. Before any election, primary or general, they'd have to file a weekly report on campaign contributions.

Statements from officeholders would have to show, among other things, all income and assets worth more than $50 and any holdings in the name of a wife or minor children. The need for that hardly needs emphasizing in the wake of the Lewis disclosures.

Certain other tidying-up measures are needed as well. We hope for tough legislation to get rid, once and for all, of the secret land trust arrangements under which ownership of real estate can be kept hidden. The latest discovery of checks hoarded by the late Paul Powell, Lewis' predecessor, shows the need for a change in procedure: Checks for a public office will be made out to that office, not to the individual holding it. A bill by Rep. Brian Duff [R., Wilmette], aimed at deemphasizing any cult of personality in public office, would make a good vehicle for such a change.

The erosion of public confidence in elected officialdom is a fact. Our legislators will go on disregarding it at their own risk.

[From the Chicago Daily News, Sept. 16, 1971]

IT PAYS TO HAVE FRIENDS

Who was it that said it's tough to make a buck in these parts? It's as easy as watching a horse race if you've got the right friends.

Take the case of George Dunne, president of the County Board. He has now come forward with his own amazing tale of good fortune to add to the others in the anthology of short stories about Illinois racing.

It seems that once upon a time, not long after Dunne had left the Legislature, he chanced upon his good friend Paul Powell, who had a stock tip. A couple of phone calls, and Dunne owned $5,000 worth of stock. In what? He didn't know. A nominee—in this case the prominent attorney and now judge William Lynch—took care of things. Imagine Dunne's surprise, when he sold back the mystery stock two years later, to find that it was then worth $25,000 and consisted of 5,000 shares in the Washington Park Trotting Assn.

Well, never look a gift horse track stock in the mouth, as they always say. And Dunne points out that he did nothing illegal, which is probably the case. The disclosure rules were even looser then than they are now.

But the episode at least underlines the desirability of toughening up the ethics and disclosure rules still further. And it certainly speaks for the cash value of keeping up political friendships—keeping them on the track, so to speak.

[From the Chicago Sun-Times, Sept. 16, 1971]

POLITICIANS STRIKE IT RICH

The stories about the quick and easy profits several Illinois politicians made in secret racetrack deals may give the average man on the street, or at the $2 betting window, the impression that something kinky has been going on at high levels of state government. Why else should a governor or secretary of state or anyone else with political influence be given the opportunity to buy unlisted racetrack stock at a low price and turn it over at a high price a year or so later? Why indeed? To ask the question is to answer it. Racetracks are regulated by the state.

Former Gov. Otto Kerner, now a federal judge, and his state revenue director, Theodore Isaacs, each turned a profit of $22,400 in one such deal in 10 months in 1967. In another deal they netted $125,000. They have yet to discuss the revelations.

County Board President George W. Dunne, faced with a similar disclosure, has acknowledged that he invested $5,000 in a racetrack stock in 1964 and sold it in 1966 for $25,000. He said the tip to buy came from the late Paul Powell, secretary of state, whose shoebox full of money still remains unexplained. Powell's successor, Republican John W. Lewis, also has revealed, after denying it, that his family has profited from secret racetrack stock deals. Lewis is doubly discredited for foolishly trying a coverup.

Dunne's stock was listed not in his own name but of a "nominee," in this case the lawyer for the racetrack, another political figure. Dunne says he did this because "some members of the public oppose anything connected with gambling." As a public figure, Dunne didn't want the voters to know he was investing in a racetrack. That's a weak excuse for secrecy and says a good deal about the prevailing political morality in Illinois by members of both parties. We are particularly disappointed in Dunne because he has been an able public official with potential for even greater responsibility.

Although technically legal at the time, Dunne's deal and the others could not be kept secret under present Illinois Racing Commission rules. True ownership of all stock must now be listed. That's a step in the right direction, but what's needed is a state law on ethics.

Gov. Ogilvie has supported a bill to require state and local officials to disclose sources of income over $5,000, gifts of more than $100 and debts of more than $500. There are other, even more specific disclosure proposals on file in the Legislature. It appears to us that political leaders have an even more pressing obligation now to support ethics legislation.

MRS. EVERETT GAVE STOCK DEALS, U.S. JURY TOLD

(By Ronald Koziol and Thomas Powers)

Mrs. Marjorie [Marje] Everett, onetime operator of Arlington Park and Washington Park Race Tracks, received preferential treatment in the awarding of lucrative racing dates by the Illinois Racing Board after she made bargain stock available to certain state politicians, federal authorities disclosed yesterday.

Details of the bargain stock purchases by the politicians have been told to a federal grand jury here by Mrs. Everett, who has cooperated fully in the investigation.

Mrs. Everett, often referred to as the "Queen of Illinois Racing," reportedly has detailed the intricate stock manipulations which allowed politicians to buy certain stock in the names of nominees for a short time at bargain prices and then selling the stock back to her at large profits.

COMPLICATED SYSTEM

"It was a complicated system to cover the names of the politicians and at the same time pay off her debts to the state officials who gave her racing interests the best dates available," said one investigator. "Mrs. Everett was around Illinois racing a long time and she knew that an edge was needed to get the best racing dates."

All of the alleged stock deals were made between 1961 and 1967.

Federal investigators have already linked former Gov. Otto Kerner, now a United States Court of Appeals judge, to two of the stock deal profits. Also linked to the stock deals with Kerner is Theodore J. Isaacs, Kerner's state revenue director from 1961 to 1963 and one of his major politicial advisers.

LOST CONTROL OF TRACKS

Mrs. Everett, considered the key to any federal prosecution of former state officials, was vacationing in California and could not be reached for comment. A spokesman at Rancho LaCosta Health Spa near San Diego, where she had been renting a villa, said she was not available.

Mrs. Everett and her husband, Webb, who aided her in the racing operations, lost control of the two major racetracks after she agreed to merge her Chicago Thoroughbred Enterprises, Inc., with an Eastern conglomerate. Control of the tracks eventually wound up in the hands of the Madison Square Garden Corp.

TELLS OF TRANSFERS

The intricate measures used to conceal the stock transfers was borne out yesterday by Ralph T. Atlass, a veteran Chicago radio executive and now president of WGRT radio station.

Atlass said he became a nominee of racetrack stock for several persons, including Kerner, Isaacs and the son of powerful State Sen. Arthur J. Bidwill [R., River Forest]. But he said he did not know beforehand who was to receive the stock.

"Mrs. Everett called me before publicly announcing the formation of any new racing organizations and asked me if I would be nominee for certain persons who would be offered stock for purchase and I agreed," said Atlass. "I never knew anything about Kerner or Isaacs getting the stock until I read it in the newspapers."

SHARES HELD BY SON

The Bidwill shares were held by his son, Neal, of Oak Brook, who acquired the stock for $1 a share. According to Atlass, he first learned of Neal Bidwill's acquisition when he received a cashier's check for $20,000 from Neal to cover the cost of 20,000 shares.

Atlass, who appeared before the federal grand jury twice to tell of his stock holding role, said the use of nominees is common practice in setting up new enterprises.

The Bidwill shares, in the Washington Park Trotters Association, which was organized in 1961, so far is the largest block of hidden stock already linked to a group of politicians. The senior Bidwell was the Senate majority leader in 1962 and 1963.

NINE RECEIVE STOCK

At least nine politicians were cut in on large blocks of stock by Mrs. Everett in the early stages of the Washington Park Trotters formation. Among those earlier disclosed as having received the stock are the late Secretary of State Paul Powell; a daughter of John W. Lewis, Powell's successor; and George Dunne, president of the Cook County Board.

Kerner and Isaacs have been tied into stock purchases from Chicago Thoroughbred Enterprises, which reportedly netted them each a fast $125,000 profit, and Chicago Harness Racing, Inc., which resulted in a $22,400 profit for each.

Dunne's profit from the Washington Park Trotters venture was $20,000. He said he bought the stock on the advice of Powell in 1964 and sold it in 1966. All of those involved in the Washington Park Trotters stock received the "insiders" tip from Powell, investigators have disclosed.

Meanwhile, David Robinson, president of East-West Enterprises, operators of Aurora Downs Race Track, said yesterday that the track no longer employs the services of Emprise, Inc., as concessionnaire. He said that when Knox College acquired the racing interest in 1969, the Emprise contract was terminated.

Emprise, a Buffalo company, is alleged to have criminal ties and is under investigation by the Illinois Racing Board. Either Emprise or its subsidiaries are large stockholders in the Cahokia Downs Race Track in East St. Louis and a secret land trust which owns the track property.

HE AND ISAACS EACH MADE $22,400 GAIN

A second racetrack stock deal profit made by Judge Otto Kerner of the Federal Court of Appeals while he was governor of Illinois was disclosed yesterday.

Federal authorities are investigating Kerner's acquisition of 14,000 shares of Chicago Harness Racing Inc. stock in 1966 for 40 cents a share and his subsequent sale of the stock 10 months later for $2 a share. He netted a $22,400 profit.

Linked to the new stock profit along with Kerner was Theodore J. Isaacs, Kerner's state director of revenue from 1961 to 1963 and one of his major political advisers. Isaacs reportedly made an identical profit on the stock.

The new disclosure, part of a continuing federal grand jury probe into racetrack stock ownership, follows revelations last July that Kerner and Isaacs each reaped $125,000 in profits from stock they held in Balmoral Jockey Club and sold in 1967.

BOTH TRADE STOCK

The $125,000 profit resulted when Kerner and Isaacs each bought 25 shares in Chicago Thoroughbred Enterprises, Inc., for $1,000 a share and traded their C. T. E. stock for 5,000 shares in Balmoral Jockey Club in a deal arranged by Mrs. Marje Everett. Mrs. Everett, former owner of Arlington and Washington Parks, at the time controlled the Balmoral Jockey Club.

The Balmoral stock was sold by the two in 1967 for $50 a share to a group headed by William S. Miller, former Illinois racing commission chief, resulting in a profit of $125,000 for each.

When asked for comment, Kerner's office said the judge was out of the state for the week but refused to say where.

"I don't want him to be bothered," a secretary told reporters.

Isaacs said he could not talk about the stock report because of a continuing federal grand jury investigation.

SUBJECT OF JURY PROBE

Judge William J. Lynch of Federal District Court confirmed yesterday that it was in his name that George W. Dunne, president of the Cook County Board, held racetrack stock that Dunne bought on a tip from the late Secretary of State Paul Powell.

The track holdings of Democrats Kerner and Dunne, in addition to those of other present and former state politicians of both parties, are the subject of federal grand jury tax-profit investigations.

Lynch, a former state legislator and law partner of Mayor Daley who was appointed to the federal bench in 1966, said he saw nothing unusual in his role for Dunne.

He told reporters in his chambers that he also has acted as nominee in track stock holdings for others. He named only one, Mrs. Everett.

Asked if the others included Kerner, Lynch replied, "That question has been asked and answered before the federal grand jury." [Lynch, Kerner and Dunne have appeared before the grand jury].

Dunne on Tuesday revealed that he has turned a $5,000 investment in the Washington Park Trotting Association into a $20,000 profit. He said he bought the stock in 1964 and sold it in 1966.

Lynch was attorney for the trotting association at the time he acted as nominee for Dunne's stock.

[From the Chicago Sun-Times, Sept. 16, 1971]

New Probe of Kerner Track Deals

(By Hugh Hough and Larry Weintraub)

Federal authorities disclosed Wednesday that they are investigating a new case of windfall profits gleaned by Otto Kerner on a secret racetrack stock deal when he was governor of Illinois.

Under scrutiny is the 1966 acquisition by Kerner of 14,000 shares of Chicago Harness Racing Inc. stock at the bargain price of 40 cents a share.

Kerner reportedly sold the stock 10 months later for $2 a share, turning a quick $22,400 profit.

Federal sources said Theodore J. Isaacs, Kerner's top political adviser, gained the same profit on an identical stock deal.

EARLIER CASE BARED IN JULY

In July, it was revealed that Kerner and Isaacs each scored $125,000 profits in the stock of Balmoral Jockey Club in 1967.

Kerner, a Democrat, served as governor from 1961 until May, 1968, when he resigned to become a U.S. Court of Appeals judge here.

The racetrack stock deals involving Kerner, Isaacs and other Illinois politicians are under a continuing investigation by a special federal grand jury here.

Disclosure of the additional Kerner stock profit followed by a few hours the acknowledgment by Cook County Board President George W. Dunne that he, too, once struck it rich in racetrack stock.

FORMER TRACK ATTORNEY AIDED HIM

Dunne said he acquired 5,000 shares of Washington Park Trotting Assn. stock for $1 a share in 1964 and sold it for $5 a share in 1966, for a profit of $20,000.

Dunne said he concealed his holding of the stock by placing it in the name of William J. Lynch, who when then was attorney for the track.

Lynch, now a U.S. District Court judge, was interviewed in his chambers in the Federal Building and conceded that he acted as Dunne's nominee in the stock deal.

Asked how many persons he served as nominee in the stock deal.

Asked how many persons he served as nominee in racetrack stock dealings when he was in private practice, Lynch said:

"That has been asked and answered before the special federal grand jury."

Lynch declined to elaborate. He cited the rules of secrecy surrounding grand jury proceedings.

SCHALLER MENTIONED AGAIN

Regarding Kerner's $22,400 profit on the Chicago Harness Racing Inc. stock, one source reported that the former governor and Isaacs sold the stock for the $2-a-share price to Chicago attorneys Joseph and Norman Becker.

Joseph Becker acknowledged that he and his brother purchased 28,000 shares of the stock in 1967 for $2 a share.

"But we bought it from George Schaller," he said. (Schaller, now a Circuit Court judge, formerly was a law partner of Lynch and also formerly served as a racetrack attorney.)

Asked if Schaller was acting as the nominee for Kerner and Isaacs, Becker replied, "I wouldn't know."

Schaller's name also cropped up in Dunne's story of racetrack stock buying. Dunne said it was Schaller who arranged the sale as attorney for Mrs. Marjorie Lindheimer Everett, then majority stockholder in the Washington Park and Arlington Park track operations.

Dunne said he learned that the stock was available from Paul Powell, former Democratic secretary of state who died last October with racetrack stock holdings of more than $750,000.

KERNER EX-AIDES REPORTED INVOLVED

The Kerner-Isaacs stock dealings were described by federal sources as complex transactions involving at least two key figures in the Kerner administration.

They are William S. Miller, whom Kerner appointed chairman of the Illinois Racing Board in 1961, and Joseph E. Knight, who was state director of financial institution under Kerner.

Knight reportedly acted as the nominee for Kerner and Isaacs in their acquisition of the 28,000 shares of Chicago Harness Racing at 20 cents a share from Miller, who controlled all the Chicago Harness stock.

Knight reportedly still holds 12,000 shares of the bargain stock worth some $80,000.

Knight could not be reached for comment, nor could other principals in the reported stock deals. Judge Kerner's secretary said he was out of the state and could not be reached for the remainder of the week.

TRACE BEGINNING TO 1962

The Kerner-Isaacs $125,000-profit deals in Chicago Thoroughbred Enterprises were described by federal authorities as being even more complex than the Chicago Harness Racing transactions.

Investigators said it all began in 1962 when Mrs. Everett granted Kerner a letter of agreement permitting him to purchase $50,000 worth of CTE stock.

It was in July, 1966, that Kerner and Isaacs exercised the right to purchase 25 shares each of the CTE stock, the federal sources said.

Within a few months, it was reported, an agreement was worked out that enabled Kerner and Isaacs to swap the CTE stock for 10,000 shares in Balmoral Jockey Club, which Mrs. Everett also controlled at that time.

[From the Chicago Sun-Times, Sept. 17, 1971]

U.S. Jury Gets Marje's Stock Files

(By Ray Brennan and Larry Weintraub)

Mrs. Marjorie Lindheimer Everett is a key witness in a federal investigation of secret racetrack stock deals on which Illinois politicians pocketed big profits, it was learned Thursday.

Mrs. Everett, once known as the "First Lady" of Illinois horse racing, has given federal grand jury testimony and supplied investigators with financial records, a government source said.

Among the beneficiaries of stock transactions involving Mrs. Everett was U.S. Court of Appeals Judge Otto Kerner, former governor of Illinois.

Others include Neal Bidwill, son of a widely known state senator, and Theodore J. Isaacs, Illinois director of revenue during Kerner's state administration.

Mrs. Everett formerly operated Arlington Park and Washington Park race tracks in the Chicago area, but sold the properties for $24 million in 1969 to the Gulf and Western conglomerate.

She now is the biggest individual stockholder of Hollywood Race Track in California.

Her grand jury testimony reportedly has been corroborated in part by Ralph Atlass, president of radio station WAAF and formerly an official of WBBM and WIND. Mrs. Everett could not be reached for comment.

Statements by Atlass to government agents reportedly concerned a purchase by Bidwill in 1963 of 20,000 shares of stock in the Washington Park Trotting Assn.

Bidwill is the son of Arthur J. Bidwill, a powerful figure in the Illinois General Assembly. The son, like his father is a suburban Republican leader.

Atlass has reported that he bought the stock at $1 a share and the younger Bidwill paid for it with a check for $20,000.

He held the stock in his own name, Atlass reportedly told investigators before his grand jury testimony, "because Marje (Mrs. Everett) asked me to."

Another buyer of Washington Park Trotting stock was George Dunne, Cook County Board president and mentioned as the possible Democratic nominee for governor in 1972.

Dunne has conceded that he bought 5,000 shares of the stock for $5,000 in 1964 and sold it two years later for $25,000.

The federal investigation is aimed at developing evidence that Dunne, a former state legislator, and other politicians received stock bonanzas in exchange for favors granted to racetrack interests.

If so, the government contends, the stock beneficiaries should have reported the profits as earnings, instead of capital gains, which they presumably did in most cases.

Atlass also has been disclosed as the nominee in a deal in which Kerner and Isaacs obtained 40,000 shares of stock in Chicago Harness Racing Inc. stock.

Records show that Atlass transferred the stock certificates to a LaSalle St. brokerage house and that the two Democratic politicians made profits of $22,400 each.

Kerner and Isaacs added a total of $250,000 to their bankrolls through a deal in Chicago Thoroughbred Enterprises Inc. (CET), the corporation through which Mrs. Everett operated the Arlington Park and Washington Park tracks.

[From the Chicago Daily News, Sept. 16, 1971]

Jury Probes Rise in Her Track Profits

(By Charles Nicodemus and William Clements)

A prominent Chicago broadcast executive who helped arrange some of former Gov. Otto Kerner's secret windfall profits on racing stock said Thursday he had acted "at the personal direction" of Mrs. Marjorie Everett, then the operator of Arlington Park and Washington Park racetracks.

Ralph Atlass said he became involved "at the direct request" of Mrs. Everett, often called the "Queen of Illinois Racing" because of her control of Washington and Arlington parks.

A federal grand jury here is probing the phenomenal, multimillion-dollar spurt in profits enjoyed by Mrs. Everett's complex of racing interests during the 1960s, as a direct result of favorable rulings made by the Kerner-controlled Illinois Harness Racing Commission.

Once that commission gave the go-ahead to start harness racing at Washington Park in 1962, analysis of commission records shows that two new harness groups owned or substantially controlled by Mrs. Everett's interests made added profits of some $17 million between 1962 and 1968.

Mrs. Everett declined to discuss any of these matters with The Daily News.

Among the documents the grand jury is scrutinizing is a "letter of intent"—in effect, an option—dated in 1962, through which Mrs. Everett assured Kerner and his top aide, Theodore Isaacs, that they could buy $50,000 worth of Mrs. Everett's Chicago Thoroughbred Enterprises (CTE) at a later date, while paying only the 1962-level prices plus a small interest charge.

In 1966, four years later, Kerner and Isaacs each bought 25 shares of CTE, at $1,000 a share, even though the stock's value had soared by then to $6,000 a share.

The skyrocketing value was due substantially to decisions by Kerner's harness commission that benefited CTE's Washington Park Trotting Assn. and Chicago Harness Racing Inc., controlled by friends of Mrs. Everett and by CTE.

The groups not only were permitted to conduct harness meets at Washington, but were given increasingly choice dates that were taken away from other Chicago-area harness tracks, particularly Maywood Park.

Under study by the grand jury is the question of whether the CTE stock deal—which eventually brought Kerner a 400-percent, $125,000 profit, and another lucrative Kerner-Isaacs transaction in Chicago Harness Racing Inc. stock—involved a conspiracy among four top Kerner administration officials to line up guaranteed stock profits in return for actions benefiting the CTE tracks.

The concern of federal investigators is whether any of the transactions involved in the maneuvering should have increased the income tax liability of any of the officials involved.

After further transactions involving Balmoral Jockey Club stock, the deal that began with CTE stock finally ended when a $300,000 check drawn on Chicago Harness Racing funds was cashed by another Kerner crony, Joseph E. Knight, at the Civic Center Bank. The money was divided between Kerner and Isaacs.

Knight, director of financial institutions under Kerner, is a stockholder in the Civic Center Bank, along with Kerner and Isaacs.

Mrs. Everett, who has appeared before the grand jury and has supplied her books and records, repeatedly declined to discuss the stock deals with Daily News reporters. The Everett family was contacted both through her Scottsdale (Ariz.) home and at a vacation site in LaCosta, Calif., near the Del Mar racetrack.

Mrs. Everett and her husband, Webb, who helped run the racing empire, were squeezed out of their control of the Washington and Arlington track in 1969, after she agreed to merge CTE into the Gulf & Western conglomerate in a search for more working capital.

In the other stock deal being probed by the jury, William S. Miller, the Kerner-appointed chairman of the Illinois Racing Board (which absorbed the harness commission in 1965) provided Atlass with $20,000 to acquire 50,000 shares of Chicago Harness stock—much of which ultimately went to Kerner and Isaacs at bargain rates.

Atlass, a former local official of radio stations WIND and WBBM who is now president of radio station WAAF, was at that time on the board of directors of CTE.

After acquiring the Chicago Harness stock for Miller in 1965, Atlass said he followed instructions and transferred it to a La Salle St. brokerage firm, Sincere & Co., which sold it over a one-year period to Knight.

Knight, in turn, secretly sold 14,000 shares each to Kerner and Isaacs at 40 cents a share. Shortly afterward they sold out for $2 a share, turning a quick $22,400 profit.

Although it has so far escaped public attention, they each also received an additional $2,800 in dividends during the short time they held the stock.

"I did it because I did whatever Mrs. Everett asked me to do," Atlass said in explaining his role.

"I did it as an accommodation to her. Yes I wasn't the real owner, I acted as a nominee. But I did not know then that the stock would eventually end up with Kerner and Isaacs," he added.

Miller has said he initiated the shadowy, complex transaction because he was asked to do so by George Schaller, a former law partner of Mayor Richard J. Daley, who was at that time one of Mrs. Everett's attorneys. He is now a Circuit Court judge.

Schaller refused to discuss the deal with Daily News reporters.

However, he went before the federal grand jury to discuss it last June.

Appearing a day earlier was another of Daley's former law partners, William Lynch, who was also a CTE attorney. Lynch is now a U.S. District Court judge.

Kerner, now a U.S. Court of Appeals judge, made the first of two appearances before the jury the day after Schaller testified. Isaacs followed shortly afterward.

The formula used in estimating the profits gained during Kerner's tenure by Washington Park Trotting Assn. and Chicago Harness was supplied by Alexander McArthur, current chairman of the racing board.

He said experience has indicated that in an efficient, large operation such as Mrs. Everett ran it was a general rule of thumb in the racing industry that the meet's operators cleared as profit about the same percentage as was paid out to the state in Illinois' share of the mutuel handle.

Those figures for the two associations totaled $17,289,489 for their operating periods between 1962 and 1968.

Cited by federal investigators as typical of the treatment accorded Mrs. Everett's holdings were the Harness commission rulings made in behalf of her Washington Park Trotting Assn.

For the 1962 season, the brand new group—in which many top politicians secretly held bargain price stock—was given 42 racing days, from Sept. 3 to Oct. 20.

Those were the dates formerly allotted to

Suburban Downs, one of the area's pioneer trotting meets. Suburban Downs, which raced at Maywood, was given no dates at all.

The next year, the Egyptian Downs trotting meet was permitted to transfer from Maywood to Washington Park, and Chicago Harness began its operations there, increasing Mrs. Everett's profits still more.

Finally, in 1964, the Washington Park Trotting meet was shifted from September, when it had been in competition with thoroughbred racing at Sportsman's Park, to 42 days in April and May, a time slot that had long been held by Maywood Park Trotting Assn. It was a time of the year in which there was virtually no competition.

As soon as the move was made, Washington Park Trotting's mutuel handle jumped from $17,972,607 to $25,461,496.

In all such decisions by the harness commission and the racing board, state officials explained that their actions were taken "in the best interest of the state and of racing, and to better serve the public."

This meant, they said, that Washington Park had superior facilities, could bring in more tax money, and thus deserved the best racing schedules "to benefit the public."

[From Chicago Today, Sept. 15, 1971]

Second Kerner Racing Deal

(By Edward T. Pound and Joel Weisman)

Federal appeals Court Judge Otto Kerner profited by $22,400 on Chicago Harness Racing, Inc., stock he acquired secretly in 1966 while he was governor, informed race track sources told Chicago Today.

This was the second lucrative horse racing stock deal in which Kerner, governor from 1961 to 1968, participated. The other, involving Chicago Thoroughbred Enterprises, Inc., stock, on which Kerner profited by $125,000 in 1967, also was disclosed by this newspaper.

Theodore J. Isaacs, who was Kerner's state revenue director from 1961 to 1963, gained the same profit as Kerner on both stock deals during 1966 and 1967, the race track sources told Chicago Today.

The activities of Kerner and Isaacs in the C. T. E. transaction, however, differed from what was originally reported, it was learned. Instead of selling their stock in C. T. E., Kerner and Isaacs entered into a stock trade which resulted in the $125,000 profit for each of them.

It was learned that Kerner and Isaacs, who each purchased 25 C. T. E. shares at $1,000 a share, swapped their C. T. E. stock for 5,000 shares in Balmoral Jockey Club stock in a deal worked out with Mrs. Marje Everett, former owner of Arlington Park and Washington Park race tracks who at the time controlled Balmoral.

The Balmoral stock, when acquired by Kerner and Isaacs, was worth $30 a share, or $300,000 for their total holdings. They subsequently sold the Balmoral stock at the $30-a-share price in 1967 to a group of investors headed by former Illinois racing board chief William S. Miller. The group was in the process of buying out majority control of Balmoral from Mrs. Everett.

Kerner's race track profits have been investigated by a federal grand jury and the Internal Revenue Service. United States Atty. Gen. John N. Mitchell reportedly is considering a tentative draft of an indictment against Kerner based on evidence submitted to a federal grand jury here in connection with the stock deals.

Sources with access to names and dates now say that Kerner was aided in his acquisition of race track stock by Miller, whom Kerner named as chairman of the state racing board in 1961.

Miller, in fact, advanced his own money while still head of the racing board so that Kerner and Isaacs could buy Chicago Harness Racing stock at the bargain price of 40 cents a share.

This is the stock they sold 10 months later for $2 a share, and they both pocketed $22,400 profit.

Asked about his role in the stock transactions involving Kerner and Isaacs, Miller said, "My attorney has advised me that my first allegiance is to the government. I have no comment."

Altho many key records mysteriously disappeared from state files, informed sources told Chicago Today how the deals were transacted so that certain people served as conduits to shield Kerner's and Isaacs' interests. It went this way:

On April 24, 1964, Miller advanced $20,000 to Ralph Atlass, Chicago radio executive and a stockholder in Chicago Thorobred Enterprises, Egyptian Trotting Association and Washington Park Trotting Association.

Atlass purchased 50,000 shares of Chicago Harness Racing stock at 40 cents a share. A stock certificate was issued to Atlass on April 15, 1965.

A month later, the Atlass certificate was cancelled. In its place were issued certificates numbered 44 thru 67 for 1,000 shares each and deposited with Charles Sincere & Co., a Loop brokerage firm which has since merged with another house. Another certificate, No. 68, was deposited with the same firm for 26,000 shares.

All the stock at that time actually belonged to Miller.

That same month, Joseph E. Knight, then state director of financial institutions under Kerner, paid Sincere & Co. $4,800 for 12,000 shares of the Miller stock at 40 cents a share. Knight still holds this stock which today is valued at $81,000.

On May 12, 1966, Faith McInturf, secretary-treasurer for Miller at Balmoral, paid Sincere & Co. $4,000 for 10,000 more shares.

On July 12, 1966, Knight paid Sincere & Co. $11,200 for the 28,000 remaining shares. This stock, the sources said, actually belonged to Kerner and Isaacs, but was concealed by Knight as a nominee. Kerner and Isaacs each received 14,000 shares.

On May 17, 1967—less than 11 months later—Knight sold these 28,000 shares for $2 a share, or a profit of $1.60 a share for Kerner and Isaacs. One of the purchasers reportedly was Knight himself. The deal was handled thru George J. Schaller, now a Circuit Court judge, who was a law partner of Mayor Daley.

The Kerner and Isaacs dealings in C.T.E. stock was even more intriguing—and profitable. Reliable sources give this account:

In March 1962, during Kerner's second year as governor, a letter of agreement was granted him by Marje Everett to cover the purchase of $50,000 worth of stock in Chicago Thoroughbred Enterprises.

It was not until more than four years later —in July 1966—Kerner and Isaacs paid $50,000, plus $4,479 interest, for 25 shares each in C. T. E.

Within a matter of months, another agreement was worked out with Mrs. Everett whereby Kerner and Isaacs traded their C. T. E. stock for 10,000 shares in Balmoral Jockey Club.

In 1967, when Miller headed a group that took over Balmoral, Kerner and Isaacs were paid $30 a share for their stock. Thus, the C. T. E. stock which they had purchased for $25,000 each in 1966, ballooned in value to a holding of $150,000 each when they sold their Balmoral holdings.

Significantly, Kerner and Isaacs made their initial purchases of Chicago Harness Racing and C. T. E. stock in the same month, July 1966.

Kerner had repeatedly refused to discuss his race track holdings. He and Knight, who was reported to be "out of town for a few days," were unavailable to comment on the latest disclosures.

Isaacs, when reached by phone in his north suburban home, said:

"You realize that these, or matters similar to this, are all matters pertaining to an investigation being conducted by a grand jury and as a lawyer I am not able to comment on them."

Kerner, Isaacs and Knight were involved in another financial venture which came under investigation. They were stockholders in the Civic Center Bank that became the center of a scandal ultimately resulting in the resignation of two Illinois Supreme Court justices, Roy J. Solfisburg Jr. and Ray I. Klingbiel.

Federal grand juries in Chicago and Springfield have been investigating race track stock holdings by politicians to determine if they accurately reported profits on income tax returns.

His Secret Was Out, So Dunne Told of Stock

(By Edward T. Pound and Joel Weisman)

Cook County Board President George W. Dunne broke a seven-year silence on his secret race track holdings—and the $20,000 profit from them—after he was confronted by Chicago Today reporters.

When told that this newspaper would disclose his profit from the secret interests, Dunne hastily called a press conference late yesterday to "announce" he had once owned horse racing stock.

Chicago Today had learned that Dunne acquired 5,000 shares of Washington Park Trotting Association stock at $1 a share in 1964 and sold them for $25,000 in 1966.

Dunne's stock was concealed from the public when Dunne placed it in the name of William J. Lynch, now a United States District judge and former law partners of Mayor Daley.

When confronted in his office yesterday, Dunne acknowledged he had held the stock, adding that he acquired it at the suggestion of Paul Powell, the late Democratic secretary of state.

Dunne, a favorite of Daley and a potential 1972 Democratic gubernatorial candidate, obtained the stock two years after he left the Illinois House of Representatives. In 1962, he was Democratic majority leader.

In his press conference—called 30 minutes after Chicago Today reporters left his office—Dunne did not mention that he had concealed his horse racing interests from Mayor Daley. However, he had told Chicago Today: "To my knowledge, he [Daley] doesn't know anything about it. I never saw, any reason to tell him."

Dunne told this newspaper he acquired the lucrative stock after hearing of it over breakfast in the Sherman House with Powell, whose ties to the powerful horse racing industry were legendary.

Dunne also verified he appeared before a Chicago federal grand jury in June and was questioned "for a little more than 10 minutes." about his acquisition.

Dunne said that after Powell told him of the "good buy," he contacted Marje Everett, who was then owner and manager of the Washington Park race track, and arranged to buy the stock.

Dunne turned a 400 per cent profit in 1966 when he sold the stock for $25,000, but he said he could not remember to whom his interests were sold. "The law firm of Schaller and Lynch took care of the sale, as I recall."

The Schaller in the firm is George W. Schaller, now a Circuit Court judge. Like Lynch, Schaller is a confidant of Daley. He formerly held the lucrative post of attorney for the Chicago Transit Authority (CTA).

Dunne said he "thought" it was the law firm and-or Powell who suggested the stock be held in the name of a nominee. "I didn't think it was necessary, but they know more about these things than I do," he related, "so I listened to them."

Tho he made a profit on his investment, Dunne said he was "generally disappointed with the stock because it didn't pay any dividend." He said it was for this reason that he sold.

He could offer no explanation for the rise in the stock's value, nor did he know if he was allowed to buy the shares more cheaply than other purchasers, he insisted.

Asked if he thought he profited because of his position, he said: "My position was as a County Board member at the time. I wasn't in the legislature, but I guess you could say my past position (in the legislature) led to affording me the chance of making the investment."

Dunne declined to say what other politicians availed themselves of the same investments but asserted, "Mayor Daley owns no race track stock."

Asked what measures might be taken to restore public confidence in elected officials, who have profited in race tracks and other ventures, Dunne said:

"I am not sure so many people are concerned. But perhaps greater numbers of race track shares should be issued so more people can invest."

Tho he has kept the stock transactions secret for seven years, Dunne insisted "I had no reason to hide it."

Hid Stock for Others, Lynch Says

Federal Judge William J. Lynch admitted today that he has hidden stock for other investors in addition to Cook County Board president George W. Dunne. But Lynch, a former law partner of Mayor Daley, refused to say for what others he had held stock.

"I've been a government witness before the [federal] grand jury and I can't speak in detail," Lynch said.

Dunne, in admitting he made a $20,000 profit in two years on 5,000 shares of Washington Park Trotting Association stock, said the stock was held for him by Judge Lynch, under Lynch's name.

Lynch was listed as the second largest stockholder during the 1960s in Chicago Thoroughbred Enterprises, the parent corporation which controls Washington Park and Arlington Park race tracks. C. T. E. shares listed under his name totaled approximately $1.5 million.

Lynch said Dunne's account of the Washington Park stock purchase was true. Lynch said he was contacted by Mrs. Marje Everett, C. T. E.'s major stockholder at the time, and was told Dunne was interested in acquiring stock.

"I've got to stop there, I was a witness," Lynch said, adding "I wasn't a judge. I was practicing law at the time." [of the sale].

Lynch was asked if Mayor Daley was aware of Dunne's purchases. I don't know what the mayor is aware of in this respect," he said.

What Dunne Told Chicago Today Reporters

Following is a partial text of an interview with County Board President George W. Dunne when confronted by Chicago Today staffers Joel Weisman, political editor and Edward T. Pound, Springfield bureau chief, about his previously secret race track stock holdings and 400 per cent profit in two years. Immediately after the interview Dunne called a press conference to "announce" his investment.

Dunne. Come on in and sit down. What can I help you with?

Pound. It is our understanding that you own race track stock. Is that true, and if so, in what track?

Dunne. It's not true. I don't own race track stock, but I did. I bought it in the Spring of 1964 and sold in the Spring of 1966, but I didn't see anything wrong about it.

Weisman. In what track were your holdings and how did you acquire them?

Dunne. It was in the Washington Park Trotting Association. I paid $5,000 for my shares in 1964 and sold them two years later for $25,000.

Pound. How come your name doesn't appear in Washington records?

Dunne. Because the stock was held in the name of a nominee . . . Judge William Lynch [Mayor Daley's former law partner], I believe. Yes, it was Bill Lynch.

Weisman. Why were you afraid to make your ownership public? Were you trying to hide it?

Dunne. I didn't want to put the shares in the name of a nominee, but I was advised that was the way these things were done. I didn't see any conflict. I bought the stock when I was a member of the county board, not a member of the legislature, which I left in 1962.

Pound. Why was Lynch used as the nominee?

Dunne. I don't exactly recall, but the law firm of Schaller and Lynch were the attorneys for the track.

Weisman. How did you learn of the availability of the stock and from whom did you purchase it?

Dunne. Well, Paul Powell said race track stock was a good investment and I asked him how I could get some. He told me I could purchase it from Marje Everett, who is one of my friends. So I contacted Marje.

Pound. When did Powell tell you of the stock and what was your relationship to Powell?

Dunne. Well naturally I know Paul from our years in the legislature. We were having breakfast in the Sherman House and it just came up in conversation.

Weisman. If the race stock was such a good investment, why did you sell it?

Dunne. I sold it because it wasn't paying any dividends. I had heard that there was good income in race track stock and I wasn't getting income, you see. I didn't want to tie up $5,000 with no income.

Pound. Who'd you sell your shares to and what did you get per share?

Dunne. I sold them thru Lynch and Schaller. If I paid $1 per share when I paid $5,000 I guess I got $5 per share if I got $25,000 when I sold it.

CHEMICAL ACCOUNTABILITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, during the course of the past few months, we have witnessed a growing contamination of our food by an extremely dangerous industrial chemical—polychlorinated biphenyl—PCB.

Yesterday I brought to the attention of the House the fact that the Nation's largest meatpacking firm—Swift & Co., has discovered that some 50,000 turkeys in Minnesota have been heavily contaminated with PCB's. This is only the latest of several significant incidents.

The State of Michigan has ordered the suspension of a program of free distribution of thousands of the State's famed coho salmon to fishermen as a result of finding inordinately high levels of PCB's in the fish.

Holly Farms, the Nation's largest poultry producer, had to slaughter 77,000 broilers after discovering high concentrations of PCB's in the fowl.

FDA officials seized 75,000 fresh shell eggs in Norfolk, Va., but allowed another 60,000 eggs with virtually identical levels of PCB's to go on sale in Washington, D.C.

FDA seized 45,000 pounds of Ralston Purina Co. catfish feed in Louisiana, Georgia, and Mississippi and Ralston Purina issued a recall for an additional 1,000 tons of fish feed.

National By-Products, Inc., of Mason City, Ill., was forced to recall 48 tons of rendered meat meal, because of high levels of PCBs.

The Department of Agriculture ordered off the market more than 169,000 pounds of processed frozen eggs because laboratory tests had shown high levels of PCB's.

And 146,000 chickens in New York State were slaughtered after Campbell Soup Co. discovered PCB contamination in poultry from that area.

These occurrences tragically illustrate the failure of the Federal Government to take preventive action to control this deadly chemical. During the past 2 years, I have attempted to get the appropriate Federal agencies to take the necessary actions that would have forestalled such incidents and would have guaranteed the health and safety of the public. But in an unconscionable display of disregard for the public health and welfare, that action was not forthcoming.

Therefore, I have introduced legislation, H.R. 10085, to totally ban the distribution of PCSB's in interstate commerce, thus insuring that our health and our environment are safeguarded from the hazards of this chemical.

But if we are to stem the tide of growing chemical contamination of our environment, it is going to take forceful, preventive action on the part of the Federal bureaucracy, not the after-the-fact approach which has characterized those agencies in the past.

Perhaps the crux of the matter is best characterized by a statement by an FDA official as reported in the September 3 edition of Science magazine:

> We can't be held accountable for every goddam chemical!

I submit that is precisely the responsibility of FDA—to insure to the best of its ability that the public is protected from the dangers of all hazardous chemical contaminants. And it is not until FDA begins to live up to this responsibility that we will be able to make any headway in the battle against the increasingly dangerous chemicalization of our environment. If the Food and Drug Administration is unwilling or unable to live up to this responsibility, then these functions should be transferred to an agency that can do so with vigor and enthusiasm.

REREADING THE REPUBLICAN MISREADING OF THE STATE OF THE ECONOMY

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, shortly before the August recess, I put aside for later reading a few items from the constant flow of mail which crosses our desks.

One such item was a "dear colleague" letter dated July 30, 1971, from Senator Bob Dole of the Republican National Committee. He gave a rather glowing account of the state of the economy and attached a Newsweek column written by economist Milton Friedman in support of the Nixon economic policy.

Yesterday, I had the occasion to return to this material. In view of the President's August 15 speech, the claims made by Senator Dole and the Friedman analysis he approvingly advertised stand as a virtual parody of the true state of the economic affairs which existed for months prior to the President's action.

In the interest of political history, I set forth below the Dole letter and the peroration of the July 26 Newsweek Friedman column:

Republican National Committee,
July 30, 1971.

Dear Colleague: Recently released economic indicators show that President Nixon is making impressive progress in fulfilling his goal to make 1971 a good year for the economy, and 1972 a very good year. The rate of inflation has slowed considerably from a year and a half ago. Production has picked up and unemployment has begun a downward turn.

I have enclosed a summary of the economic indicators as of the end of June, and an evaluation of the state of the economy by Professor Milton Friedman of the University of Chicago. I believe you will find in these materials strong evidence that the economy is now moving steadily toward full employment without inflation.

Sincerely,

Bob Dole.

State of the Economy

President Nixon is confident that the economy is rapidly moving toward full employment without inflation. And the most trusted economic indicators support his confidence:

The GNP increased $19.7 billion in the second quarter of 1971, to a seasonally-adjusted annual rate of $1040½ billion. This jump represents the third largest increase in history. In real dollars, it is the second largest increase since the third quarter of 1968. When coupled with the first quarter increase, it means the GNP has grown by a record-breaking $52½ billion in the first six months of this year.

Probably the most impressive factor in the growth of the GNP is the sharp $35½ billion increase in personal consumption expenditures over the last six months. Consumer spending on durable goods rose a record $13 billion in the first quarter. In the second, consumer spending on non-durable goods recorded the largest increase in three years—$7½ billion. These figures indicate a strong resurgence of consumer confidence in the economy and should mean even greater spending over the next half-year. At the same time, personal savings has risen steadily, indicating the economy will have the resources to continue expansion over the next year or more.

Housing starts from January through June were at a 1,982,000 level. This is 14 percent above the previous six-month level and a full 48 percent above the same period in 1970. Homebuilding had declined for five consecutive quarters until it began a sustained recovery last fall. Over the last three quarters, residential construction outlays have increased $10½ billion.

The rate of increase of the consumer price index has declined steadily over the past year and one-half to approximately 4.5 percent. At its peak, the rate of increase was a furious 6 percent. The rate of inflation in the United States is now among the lowest in the world. Of the 22 nations belonging to the Organization for Economic Cooperation and Development, only three had lower rises in the consumer prices during the last 12 months than did the United States.

The unemployment rate is now 5.6 percent. At its peak at the time of the General Motors strike, it was 6.2 percent. Historically, recoveries begin six months after the worst point in the cycle. The dramatic .6 drop in the unemployment rate in June should mean that the economy is now beginning a sustained recovery. The peak unemployment level in previous recessions was, on the average, 6.9 percent. Despite the fact that President Nixon's economic problems were compounded by the changeover from a war-time to a peacetime economy (1.9 million men—half of all those who have lost their jobs since January, 1969—became unemployed *directly* as a result of defense cut-backs; uncounted others lost their jobs indirectly through such cut-backs), he has managed to keep the unemployment rate .7 below the average worst point.

The average weekly hours worked by manufacturing workers has increased steadily from 39.8 hours in April, to 39.9 in May, to 40.0 hours in June. Average overtime has also risen consistently to a full 3 hours as of June. Historically, such rises in average weekly working hours have meant employers were gearing up for full production schedules and would begin new hiring soon.

Unemployment among married men—the key breadwinners in society—is now only 3.1 percent. At its peak last December, it was still only 3.4 percent. The average for past recessions has been a full 5.4 percent. This indicates that the current economic difficulties are due in large measure to the unprecedented number of women and teenagers in the work force. Even these groups are showing improvement now. The unemployment rate for minority groups, traditionally those hit hardest by unemployment, dropped sharply from 10.5 percent in May to 9.4 percent in June.

Personal income advanced $20 billion in June to a seasonally-adjusted annual rate of $870½ billion. For the first six months of 1971, personal income rose to an $844.8 billion annual rate. This compares with a $794.0 billion rate for the first six months of 1970. As compared with the end of 1968, real personal income per capita after taxes is up 4 percent. Real compensation of employees per hour of work is also up about 4 percent.

Industrial production increased .4 percent in June—the fourth consecutive month in which there has been an increase. Retail sales in June were 1.5 percent higher than in May—and more than 8 percent higher than a year ago. Department store sales are 20 percent above last year's level.

Confidence in the nation's economy is the key to winning the fight against inflation and to expanding employment opportunities. President Nixon believes the foregoing data justifies that confidence.

[From Newsweek magazine, July 26, 1971]

That Has Worked

And the threefold policy has worked. Inflation has slowed, although less than all desired and many expected. There was a recession—but it was one of the mildest in U.S. history. The recession is now over and the economy is again expanding. The expansion, like the recession, is moderate, but it is solid and widely based. Moreover, moderation is desirable so that continued tapering off of inflation can go along with reduced unemployment. As Mr. Shultz said, what we now need to complete the treatment is "time and the guts to take the time, not additional medicine."

Just when this policy is producing demonstrable results, there is increasing pressure on the President to alter course—to recommend lower taxes, higher spending, and even more rapid monetary growth, to establish a wage-price review board, or to freeze wages and prices. Unabashed by their own failures, the fine-tuning Kennedy-Johnson economists are in effect saying, "We produced an accelerating inflation, why shouldn't you?"

Mr. Nixon has not given in to the pressure. Instead, he has announced that he is sticking with his policies. Once again, he has shown the vision and the courage to pursue long-run stability rather than short-term gains.

Mr. Shultz ended his talk: "Those of you familiar with sailing know what a telltale is—a strip of cloth tied to a mast to show which way the wind is blowing.

"A captain has the choice of steering his ship by the telltale, following the prevailing winds, or to steer by the compass.

"In a democracy, you must keep your eye on the telltale, but you must set your course by the compass. That is exactly what the President of the United States is doing. The voice from the bridge says, 'Steady as you go'."

INTRODUCTION OF MARITIME LEGISLATION

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, after a lengthy period of study, discussion, and deliberation, I am introducing a bill intended to bring important economic relief to the U.S. shipbuilding industry and the State of Alaska. The bill authorizes the State of Alaska to operate a ferry vessel of foreign registry between ports in Alaska and ports in the State of Washington for a limited period of time. In most direct terms, the bill authorizes a closely defined and limited waiver of the Federal Maritime Shipping Act—the Jones Act.

In introducing this legislation, I wish the Members of this body to know that I have full understanding of the intent and meaning of the Jones Act, and strongly support its goal of protecting the U.S. shipbuilding industry. In fact, I would be one of the first to support similar legislation for other areas of American industry demonstrating need for economic assistance and protection. For the reason that I carry this respect for the Jones Act, I have spent considerable time preparing for the introduction of the present bill, and I would like to share certain conclusions with my colleagues at this time.

First, the State of Alaska maintains an extensive marine highway system which runs both within the State and between Alaska, Canada, and the Pacific Northwest. At the present time, the ferry fleet consists of seven vessels ranging from the 1,300-passenger MV *Wickersham* to the 59-passenger MV *Chilkat*. Of the seven, only the MV *Wickersham* is a foreign-hulled vessel subject to the restrictions of the Jones Act.

In the immediate future, the State of Alaska, through a bonding program already approved, is planning to undertake an expansion program which calls for the addition of one 408-foot ocean-going ferry, two 235-foot inland ferry vessels, and the lengthening of two ferry vessels already in service on the Alaska Marine Highway. The expenditures, all directed to American shipyards, are expected to exceed $37 million.

The key to the entire project is the use of the MV *Wickersham* between U.S. ports while an American replacement vessel is constructed, and while the two vessels to be lengthened are out of service. My conclusion after great study is that a waiver of the Jones Act to accomplish this is in the best interest of the American shipbuilding trade who are presently unemployed and all concerned.

For the shipbuilding industry and the thousands of skilled shipbuilders in the United States, the need for new construction jobs is acute. A recent issue of the Shipbuilders International Union Seafarer's Log claimed "We have to stay alive." The figures indicate that the decline affecting the entire economy is hitting shipbuilders hard. It is my hope that the $37 million program planned and authorized by Alaska will provide jobs for thousands of shipbuilders and profits for a number of American shipyards.

For Alaska, the economic situation is even more distressing. The construction of new ferry vessels, and the ultimate increase in tourist and cargo capacity is essential to make a dent in an Alaskan economy which badly needs assistance. Gov. William A. Egan, both houses of the Alaska Legislature, and the people of Alaska support the program.

The bill itself represents the minimum intrusion into the fabric of the Jones Act and includes terms of limitation and safety consistent with the intent of the original act. The legislation has been prepared with the advice and assistance of those in this body who have long been respected for their expertise and sensitivity in this area.

The waiver for operation of the MV *Wickersham* between U.S. ports begins only when a binding contract for a replacement vessel built in the United States is entered into, and ends on the day the replacement vessel goes into service but in no event later than 36 months after the date of the contract.

During the period of the waiver, the State of Alaska will be allowed to maintain reasonable interstate ferry service through the use of the MV *Wickersham*, the shipbuilders of the United States will be engaged in a large shipbuilding program for the State of Alaska, and at the close of the period, three important new vessels will enter the maritime service of the United States. I earnestly solicit your support for this important legislation.

FEEDING THE NATION'S HUNGRY SCHOOLCHILDREN

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I rise to speak today on an issue of critical importance to the schoolchildren of this Nation. During the congressional recess, the Department of Agriculture announced proposed changes in the regulations governing the operation of the school lunch program for the current year. State educational agencies and local school systems which administer the program were given only 15 days to comment on major and sweeping changes in the manner in which Federal funds could be used in providing school lunches, particularly free and reduced price lunches to children from low-income families.

During that 15-day period there was a flood of protest from interested parties. Based on the preliminary analysis of a very recent committee study of the school lunch program and on the many letters, telegrams, and comments I received from concerned school officials, I wrote Secretary Hardin on August 26—prior to the deadline for submitting comments—urging that the Department reconsider the new regulations with particular reference to the 30-cent average reimbursement rate proposed for free and reduced price lunches.

To date, there has been no change in the policy enunciated by USDA in early August. During the intervening weeks, new information and evidence has been developed which, in my judgment, clearly justifies and documents the initial concerns and fears over the proposed regulations. I should like to share with my colleagues some of the reasons why it is imperative that we persist in our opposition to the Department's actions.

First, the timing of the change is unrealistic and inequitable. The school year has already started. Local school districts, must meet this responsibility without knowledge of where the necessary funds will come from to pay the cost. This confusion and uncertainty in itself is going to impede, if not destroy, the interest and the momentum that have been built up in the recent past to eliminate hunger from the classroom.

Second, we in Congress have a very serious interest and responsibility in this issue. Public Law 91-248, amending the School Lunch Act, was passed overwhelmingly in May of 1970. This act states clearly and unequivocally that any child who is a member of a household which has an income below the poverty level "shall be served meals free or at reduced cost." The law also authorizes the appropriation of such sums as may be necessary to assure access to the school lunch program by children of low-income families. In anticipation of increased participation in the lunch program, just a few months ago Congress also approved Public Law 92-32 to assure the availability of sufficient funds for free and reduced price lunches. The proposals of the administration are in direct conflict, in my judgment, with both the spirit and the intent of Congress not only in the passage of Public Law 91-248, but also in the subsequent approval—and I might add, unanimous approval—of Public Law 92-32.

Third, we can now say with absolute certainty that in the majority of cases, the average rates of reimbursement proposed by the Department of Agriculture will be totally inadequate to meet the increased needs brought about by greater participation in the program and by increased costs. The committee's survey, which includes returns from all 50 State programs, shows that a majority of the States will require a reimbursement rate of 40 cents or more from special assistance funds for each free or reduced price lunch. This compares with the average reimbursement rate of 30 cents proposed in the new regulations.

Thirty-four States indicated they will require a reimbursement rate in excess of the proposed 30-cent average rate. Many States with large programs indicated needs far in excess of the prescribed 30-cent rate. For example, Pennsylvania indicates an average rate of 45 cents will be required. California will require 40 cents; Florida, 51 cents; Georgia, 43 cents; Indiana, 42 cents; Texas, 40 cents; Massachusetts, 50 cents; and Virginia, 45 cents. Considering these requirements, what impact will the new guidelines have across the Nation? Nebraska tells us that a reimbursement rate of at least 40 cents is essential to their program. Texas reports that it is critical that the 30-cent reimbursement rate be increased.

Finally, I should mention that, in numerous instances, the States requested a section 4 reimbursement rate of more than the 5-cent average rate provided for in the regulations. In the face of increased costs, an average reimbursement rate of 5 cents in section 4 funds will result in higher costs per lunch to paying students. As a result, according to many experts, participation in the program will decrease with the unfortunate outcome that there will be less support at the local level for the entire school lunch program, including the provision of free and reduced price lunches.

In summary, the committee survey shows that in excess of $511 million will be needed in section 32 and section 11 funds to cover the cost of the anticipated number of free or reduced price lunches during this academic year. This is in contrast to the $390 million which would be available under the administration's budget.

The results of the committee survey showing a shortage of some $120 million for free or reduced price lunches has been substantiated by another survey—very recent indeed—of the American School Food Service Association. After the announcement of the new regulations, the association surveyed State and local officials to ascertain the impact of the proposal. Their survey shows that the States will be short approximately $125 million in their efforts to further reduce hunger among our Nation's schoolchildren. May I cite a few examples.

If school systems in South Carolina provide the free and reduced price lunches which they are required to do by law—and which they fully intend to do—there will be a shortage of over $9 million in that State alone. In Illinois, the shortage will be $16 million. In Georgia, it will be $6 million, in Florida, almost $7 million, in Alabama $5 million, in Texas $8.8 million, and in New Jersey, $6 million.

I want to emphasize that Federal funds have been authorized to finance lunch and breakfast programs at the anticipated levels. In addition to the regular appropriations, the Congress has authorized in Public Law 92-32 an additional $100 million in section 32 funds which the Secretary of Agriculture may draw upon for this purpose. However, the Department has decided against making use of these funds. The question is whether we are going to allow the intransigence of the Department to override the clear intent of Congress and the welfare of the schoolchildren in this country. Withdrawal or revision of the proposed new regulations in combination with the utilization of the additional $100 million in section 32 funds is clearly a more effective way of meeting the goals established by this Congress and reaffirmed by the present administration.

If such a course is not pursued, then I can only conclude that an accurate picture of what will happen at the local level has not been communicated and that State and local officials must be given an opportunity more fully to explain and clarify their concerns and objections. Therefore I will schedule committee public hearings at the earliest possible date to receive the testimony of those who are directly responsible for program implementation at the State and local levels and thus best able to outline and document the disastrous consequences which will ensue if the proposed regulations are enforced. Today I am also introducing legislation designed to insure that in this situation the clear intent of Congress to feed all hungry children will override the budgetary maneuvering of the administration.

Perhaps the nature and gravity of the situation will be more dramatically described by a review of some of the correspondence which I have received from concerned State educational agencies and local educational agencies which I should like to place in the Record at the conclusion of my remarks.

Mr. Speaker, I earnestly hope that Members of Congress will join with me in expressing to the Department of Agriculture the compelling need to alter or revise the proposed regulations to the end that no child shall be denied lunch at school simply because his parents are unable to pay the cost.

State of Iowa,
Department of Public Instruction,
Des Moines, Iowa, August 31, 1971.
Hon. Carl Perkins,
The House of Representatives
Washington, D.C.

Dear Mr. Perkins: The United States Department of Agriculture recently published a Notice of Proposed Rule Making in the Federal Register on August 13, 1971, concerning 7 CFR PART 210, 7 CFR PART 220, 7 CFR PART 245 of the National School Lunch Act.

These changes will be effective after schools have started this fall and have gone through the process of enrolling school children, amending their free and reduced-price meal policy, selling lunch and milk tickets, establishing and announcing their lunch and milk prices, collecting for book rentals, and numerous other administrative details.

During the past school year many regulatory changes were effected by the USDA, some to the great benefit of the economically needy child with which we concur.

We do not agree with a number of these proposed changes nor with the timing of these changes. We have written our comments, suggestions, and objections to the Food and Nutrition Service of the USDA.

We believe that prior to publication, these proposed changes should first be reviewed by a committee to include a representation of State Directors some of whom have had administrative experience in the schools. Further, that if at all possible, these changes should not be made effective during mid school year which causes much extra work and confusion for school personnel.

While we agree with the proposed formula for supplementing Section IV funds among the States, we do not believe the proposed average of 5 cents reimbursement for Type A lunches, nor the average of 30 cents reimbursement for free or reduced-price lunches to be adequate for supporting existing programs or starting new programs.

We believe the average of 6 cents and 40 cents, respectively, would be more realistic based on current costs of operating these programs.

We ask your support because we are convinced of the benefits of school feeding.

Sincerely yours,
Paul F. Johnston,
State Superintendent of Public Instruction.

Bibb County Public Schools,
Macon, Ga., September 2, 1971.
Hon. Carl D. Perkins,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Perkins: This is written in the interest of the pupils and parents of the Bibb County Public School System.

As you are aware, Public Law 91–248 has been passed by the Congress and signed by the President in order to provide the means of ending hunger on the part of the American school children through the lunch program in the schools.

However, as you are also undoubtedly aware, officials of the United States Department of Agriculture have presented an outlook for 1971–72 which substantially negates the goals implicit in Public Law 91–248. The regulatory restrictions and funds projected posed by USDA officials are untenable.

As an example, this school system would lose as a *minimum figure* more than $131,000.00 of school lunch support during 1971–72. Faced, as we already are, with a substantially reduced millage rate for the coming year and shrinking revenue services at the State and Federal level, *we simply cannot afford this loss.*

Your help in effectuating a more equitable set of regulations will mean much to the pupils and parents of this community. We earnestly need your assistance.

Very truly yours,
L. Linton Deck, Jr.

State Department of Education,
August 24, 1971.
Hon. Carl Perkins,
U.S. Congressman,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Perkins: We need your help desperately!

The USDA has proposed regulations which inundate the provisions of PL 91–248 providing free or reduced price lunches to children.

The regulations for utilizing Section 32 money completely negate the provisions relating to per capita income of states. Poor states will lose under the new regulations; the states that have over the years built strong lunch programs will lose.

The authority for fund control is taken from the states and placed in USDA's control. The provisions allow only 35¢ for a free lunch, by virtue of fund apportionment to the states.

The following comparison of amounts paid six school systems in 1970–71 and the amount earned under the provisions of the new regulations demonstrates the cost of the project in Georgia:

	Paid 1970–71	New formula	Difference
Atlanta City	$3,006,001.28	$2,767,479.60	$238,521.68
Meriwether County	157,497.85	138,497.80	19,000.05
Hall County	187,737.95	146,751.25	40,986.70
Wheeler County	57,685.52	52,248.55	5,436.97
Decatur County	169,668.42	151,512.00	18,156.42
Chatham County	757,930.65	678,844.10	79,086.55

Unless USDA changes its direction, the regulations will be published in final form after August 28.

It is really traumatic to observe a program change that will inundate the programs in operation, ignore congressional intent, and provide maximum assistance (although not enough) to the 14 states with highest per capita income; to observe the change and to be helpless!

I am enclosing my comments to Herbert Rorex making reference to specific items in the regulations.

We appreciate your constant support of Child Nutrition Programs.

Sincerely yours,
Josephine Martin,
Administrator, School Food Services.

David Douglas Public Schools,
Portland, Oreg., September 2, 1971.
Hon. Carl D. Perkins,
House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Mr. Perkins: On October 7, 1970, I wrote you in answer to your letter of August 15, 1970, concerning the numbers of school children that would become eligible for free or reduced-price lunches with the passage of Public Law No. 91–248. (Copy of my letter of October 7th is enclosed).

I would like to update the information I provided for the school year 1969–70. In 1970–71 this school district provided 73,837 free and reduced-price lunches, out of a total of 569,036 lunches served to students (enrollment was down over 400 students this year), and in the process had a net operating loss of $7,136.46 (considerably less than in 1969–70).

At the end of the fiscal year a special payment made by the Oregon School Lunch Program to the Cafeteria Fund, for free and reduced-price lunches served in schools where the minimum of 18% of the student body participated in the free and reduced-price lunch program, changed our net operating loss to a profit of $378.03.

Now to the point of this letter, it is my understanding that new USDA regulations, effective September 1, 1971, will restrict State departments ability to make special payments to school districts for free and reduced-price participation. If these regulations are allowed to stand, this school district will have the utmost difficulty in operating a reasonable cafeteria program. For the last five years we have fought the battle of spiraling inflation in services and supplies. It is just possible this may be the straw that breaks the camel's back.

We have done everything humanly possible to provide tasty, nutritious meals to the children of our district. We retained a competent supervisor of foods service to show us the way to hold the price line. We satellited most of our lunch rooms from central kitchens and bakeries in existing facilities. We have utilized the services of Multnomah County's cooperative food purchasing pool. We have gathered equipment from federal surplus. At this point we do not need changes in federal regulations that will penalize our program into ineffectiveness. It is a good program and we have worked hard to achieve it.

I would appeal to you to do everything possible to assist us in preventing the enforcement of the new USDA regulations.

Sincerely,

V. L. GIBBS,
Business Manager.

TODD COUNTY BOARD OF EDUCATION,
Elkton, Ky., August 30, 1971.
Congressman CARL D. PERKINS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: May I call your attention to an urgent need in the area of the Child Nutrition Program for 1971–72. Information that I have received indicates that reimbursement rates being established by the United States Department of Agriculture for the current fiscal year will not exceed 35c per meal for free and reduced price meals. School districts are required by law to provide such meals to families covered by the poverty income scale declared by the Secretary of Agirculture, we are required by law to meet the federal minimum wage for labor, and must pay food bills in order to have food to prepare. How can the Child Nutrition program continue to exist when actual costs exceed rates of reimbursement for these free and reduced price meals?

In fiscal year 1970–71 the cost of preparing and serving a Type A meal in our school district was 45c. Our reimbursement totaled 38c per plate for the 25% free meals served. This deficit was absorbed by merger reserves. With increased food costs and anticipated labor increases we can have a loss of approximately 13c per meal in the current year on an estimated 30% of the meals served to poverty families.

We cannot continue to operate programs in our schools on this basis. The paying child who has been the backbone of the financial operation for years and the low-income child will all be without lunches at school if this reimbursement structure proposed by USDA becomes a reality.

What is the intent of our nation? Are we serious about providing nutrition for all? We are fast approaching a time of providing no lunches at school and the nutrition that this insures. Your help in avoiding this disaster is urgently needed.

Sincerely yours,

(Mrs.) HELEN A. DAVIS,
Food Service Director.

WILKES-BARRE AREA SCHOOL DISTRICT,
Wilkes-Barre, Pa., Aug. 27, 1971.
Congressman CARL D. PERKINS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: As Director of Food Services of the Wilkes-Barre Area School District, I would like to make my position emphatically clear with regard to the new guidelines issued by the Department of Agriculture on the distribution ratio of federal funds for the School Lunch Subsidy.

The State Directors of Nutrition and Food Service have established 13 points of disagreement with the Department of Agriculture in regard to the new guidelines on the distribution of subsidies within the United States.

Law 91–248 which became effective January 1, 1970 stated the need to feed the needy. The number of free meals then tripled our area figures with the result that there wasn't enough money appropriated to the State of Pennsylvania to take care of this increased need.

As a School Lunch Director, I wish to state that our school district has complied with all of the federal regulations such as establishing a policy of eligibility as requested by the Department of Agriculture. We distributed the forms to the entire student population of our district and processed same following the guidelines issued by the Department of Agriculture to feed the needy children.

The new guidelines allow 5 cents for all Type A Lunches under Section 4 and an average of 30 cents was established for Section 32 funds as prescribed by Law 91–248. As a result, these guidelines for funding are not adequate for the State of Pennsylvania. We need at least 7 cents across the board under Section 4 funding. In addition, we need at least an average of 45 cents for Section 32 under Law 91–248.

The guidelines state that in order for a school district to receive the full funding of 60 cents—they must be feeding 90% of their students free. Under these guidelines, no one in the State of Pennsylvania would qualify.

School districts as a whole in the State of Pennsylvania do not qualify because they have had to meet their responsibilities and pay their indebtedness by charging 20 cents per lunch in order to fulfill their financial responsibilities. These districts were unable to provide free lunches even though they were well aware they should be earnestly doing this. It is a well established fact that the Department of Agriculture has not met its responsibility to the State of Pennsylvania in providing adequate funding for our needs.

The Type A lunch is presently costing us 60 cents for each student. This in itself points out that the guidelines are not adequate.

The law specifically states that the money is to follow the child but in Pennsylvania there has not been adequate funds to do this. We were just one of many districts who did not receive adequate funds even though we followed the letter of the law in requesting same. It has been the burden of our districts to subsidize the school lunch program well over the prescribed 5%. Because the Department of Agriculture has not met its responsibility, school districts have had to levy additional taxes putting this extra burden on the taxpayer. Everyone else who deals with the Federal Agencies has had to follow the rules and guidelines to the letter of the law but the only group who can be considered honest and not pay their bills is the Federal Government. We did not receive what we were entitled to even though we followed the letter of the law.

Finally, we are asking your consideration for school lunch needs and that action be taken immediately to correct the guidelines as they stand so that there will be an adequate coverage for all participating districts in the United States.

Thank you for your cooperation in this matter.

Sincerely yours,

EVA D. LIPIEC,
Supervisor of Food Services for the Wilkes-Barre Area School District and President-elect of the Pennsylvania School Food Service Association.

THE BOARD OF PUBLIC EDUCATION,
Savannah, Ga., August 25, 1971.
Hon. CARL PERKINS,
U.S. Congressman, House of Representatives, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I feel very much like Will Rogers who once said, "When I am able to make ends meet—somebody moves one of the ends."

We need immediate action that will prevent a severe reduction of reduced price lunches and free lunches to the children of our Nation and particularly in Chatham County, Georgia.

Attached hereto you will find copy of letter to Mr. Herbert Rorex which points out in detail the problems and suggested remedies.

I will appreciate so very much your aggressive efforts in behalf of this most important matter.

With all good wishes, I am

Cordially yours,

F. C. UNDERWOOD, Jr.,
Treasurer and Assistant Superintendent—Business

NORTH CAROLINA,
SCHOOL FOOD SERVICE ASSOCIATION,
Yanceyville, N.C., August 24, 1971.
Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR MR. PERKINS: On August 12, 1971, an ad hoc Committee of State and Local School Food Service Supervisors and Directors met in Southern Pines, North Carolina, for the purpose of exploring the most effective approach to meeting the nutritional needs of all school age children in North Carolina as outlined in our State Plan of Operation.

After reviewing the new tentative regulations as given by the United States Department of Agriculture, the enclosed position paper was developed defining our needs in order to fulfill the President's commitment and the mandate of Congress to meet the nutritional needs of all North Carolina students.

Sincerely,

ELIZABETH MCPHERSON,
Legislative Chairman, North Carolina School Food Service Association.

POSITION PAPER

An ad hoc committee of supervisors and state consultants of the North Carolina School Food Service in session in Southern Pines, North Carolina, August 12, 1971, wishes to state its position concerning the Child Nutrition Programs outlook for 1971–72 as presented by the United States Department of Agriculture.

The frame of reference for this position includes the following official pronouncements:

(1) President Richard M. Nixon in December 1969 indicated his intent, which was reiterated May 14, 1970, at the signing of PL 91–248 to put an end to hunger among America's school children,

(2) Section 9 of National School Lunch Act as amended by PL 91–248 states, "any child who is a member of a household that has an annual income not above the applicable family size income level shall be served meals free or at a reduced cost"

(3) Section 11(a) provides authority for "appropriation as may be necessary" to assure access to the school lunch program under this Act by children of low income families

(4) Section 11(e) provides that the amount of funds paid to a school shall be based on the need of the school for assistance in meeting the requirements concerning the service of lunches to children.

In light of these pronouncements, the North Carolina School Food Service is committed to fulfill the President's mandate to develop a food service program that would put an end to hunger among North Carolina's school children.

The outlook for 1971–72 as presented by Secretary Lyng and other United States Department of Agriculture officials makes it impossible to fulfill the mandate presented in PL 91–248 by the Congress and in the commitment of the President.

The North Carolina School Food Service recognizes that any reimbursement less than the minimum need assistance rate of 6.4c for North Carolina will prohibit the implementation of this mandate. With more and more emphasis placed in the area of the free and reduced recipient and less emphasis on the 75% of our children who are not eligible for free and reduced price lunches, the majority of the student population is forced to continue to pay a higher price for lunch each year. It is our conviction that 100% of our children should be included in the National School Lunch Program. *The 5c average proposed for Type A lunches is inadequate in the light of constantly escalating costs for food, labor and other expenses.* Funding that will permit the maintenance of a reasonable charge to the child year after year is essential to sustained participation of all children and to the provision of nutritionally adequate lunches. The average lunch cost is 50c in North Carolina and an average student price of 38c would require 12c reimbursement from Section 4 for all lunches. This could be provided without a regulation change if adequate funds were made available.

The average rate of 30c per meal for free and reduced lunches as set forth in the proposed regulations is absolutely inadequate in a program administered under a law which demands that United States Department of Agriculture meet the full cost of free and reduced lunches. With this financing structure and the average cost per lunch of 50c in North Carolina the task of reaching all eligible children in North Carolina is impossible. Existing programs are jeopardized and any expansion to the nearly 8,000 additional eligible children is precluded. Even with an increased level of funding for fiscal year 1972 and the Congressional intent to implement fully PL 91–248, the availability of funds is meaningless unless reasonable regulations will permit states to implement the program.

Changes in attendance areas as a result of desegregation plans have changed the community and local government attitudes toward public schools with the result that state and federal funds will be necessary for the total maintenance and replacement of school food service equipment formerly provided by PTA's and local governments a few years ago. The provision of PL 91–248 for the allocation of 50% of the non-food assistance funds (equipment) to schools with no school food service unfairly penalizes the 2,000 schools in North Carolina whose loyal P.T.A. and local government provided the minimum equipment necessary. Much of this equipment was installed as a part of the implementation of the National School Lunch Act of 1946 and is obsolete. The proposed regulations restricting the spending of the 50% available to schools with food service further penalizes the concerned interest of communities and local governments.

Proposed regulations prohibiting the transfer of funds will prevent the meeting of the needs of our children. Daily changes in the average daily membership in our public schools places a strain on certain sections of funds. Flexibility is an essential to meeting these needs. For example: if a school is designed to feed only 400 children but through the shifting of children the school finds itself with 800 children then the need for additional equipment is apparent. The possibility of numerous instances of this problem could very quickly drain the amount of non-food assistance (equipment) allocation to North Carolina; thereby, a transfer from Section 32 into the non-food assistance section would be imperative.

The regulatory restrictions and funding projections will result in a big backward step and will result in a termination of programs in many places. The State Plan of Operation for 1971–72 which was developed in good faith to meet the challenge of the President's commitment and the mandate of Congress will be obsolete without sufficient funding. Higher lunch prices and more bag lunches will only compound the problems of nutritionally needy children. Indications of concern from citizens groups promise legal complications if the mandate of Congress is not implemented. The concepts contained in the proposed regulations appear to be a reversal of President Nixon's expressed philosophy of revenue sharing and local autonomy.

North Carolina School Food Service recognizes the unequivocal need for a minimum average of 38¢ per lunch for free and reduced lunches in addition to general cash for food assistance and commodities. It is imperative that the average reimbursement rate for general cash assistance be based on the need assistance rate for North Carolina and the participation rate within the State.

The President and Congress have stated the priorities for child nutrition in America. The North Carolina Nutrition Survey has confirmed the need in our state. We, therefore, request that funds be provided to do the job in a responsible manner.

DECATUR, GA., *September 9, 1971.*

Hon. CARL PERKINS,
House of Representatives,
Washington, D.C.

DEAR MR. PERKINS: As a school lunch manager in a Georgia school, I would like to ask your support in maintaining the reimbursement rates which were proposed in the spring.

Any cut in the re-imbursement is going to be hard on all schools especially those feeding a large number of free and reduced price lunches and many children are in need of the food at lunch time.

Thanks so much for all you have done in the past for the School Lunch Program and asking your continued support in the future.

Sincerely,

MARGARET H. LITTLE.

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF EDUCATION,
Frankfort, Ky., August 27, 1971.

Hon. CARL D. PERKINS,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. PERKINS: At a meeting of State School Food Service Directors and USDA officials in Atlanta, Georgia, during the week of August 23, 1971, the announcement was made that no additional funds other than those available as a result of PL 92–32 were available to continue the Breakfast Program during FY 1972. This was quite a shock to me as Director of the School Food Services for Kentucky and a fear that consternation would reign among local school officials in more than 500 schools should it be necessary to cancel the Breakfast Programs at the end of September, 1971. PL 92–32 will provide only sufficient funds for the months of August and September combined for School Breakfast. During the FY 1971 more than $1,000,000 from Section 32 funds were used to continue the Breakfast Program in Kentucky schools and it is anticipated that an equal or greater amount would be needed for FY 1972.

Could it be that there is a difference of opinion between the Congress of the United States of America and the U.S. Department of Agriculture as to the use of Section 32 funds? It seems to me to border on being ridiculous to recognize the fact that the USDA be permitted to use a Congressional appropriation in such a manner as to curtail those activities for which the funds were appropriated to say nothing of the future use to which they might be put.

As it stands now the only source of funds for the continuation of the Kentucky School Breakfast Program is Section 32. We sincerely request that steps be taken to cause these funds to be released immediately in such amount that the Breakfast Program can be continued during the 1971–72 school year.

Sincerely,

C. E. BEVINS,
Director, Division of School Food Service.

THE BOARD OF PUBLIC EDUCATION,
Pittsburgh, Pa., August 26, 1971.

Hon. D. C. PERKINS,
House of Representatives,
Washington, D.C.

DEAR SIR: The attached is a copy of a letter sent to Mr. Herbert Rorex, U.S.D.A., protesting the new guidelines governing the operations of the National School Lunch Act as amended.

The regulations are scheduled to be read into the Federal Register in early September.

I feel these guidelines, regulations, and U.S.D.A. interpretations will strangle our program here in Pittsburgh and are in conflict with the wishes of Congress to feed hungry children.

Please read the attached letter and do what you can by advising the U.S.D.A. as to full implementation of the wishes of Congress as to feeding hungry children in school. The recent guidelines and the timing of their release and effective date will cause a real hardship to Pittsburgh, Pennsylvania, and the rest of the nation.

Implementing changes so close to the opening of school will cost Pittsburgh a loss of reimbursement in September and could well sink the entire program. This same approach of releasing changes was used and protested against last year. Now, this year, the U.S.D.A. again releases changes to be read into the Federal Register AFTER school has started. *This must be strongly protested.*

Congress provided a law suitable for planning ahead in P.L. 91–248. In actuality, the hungry school children are not receiving the full benefits of this law because the U.S.D.A. is restricting benefits through ill advised use of regulations, guidelines, and interpretation of a good congressional law.

Very truly yours,

D. G. BUSSLER,
Director, Food Service Division.

THE BOARD OF PUBLIC EDUCATION,
Pittsburgh, Pa., August 20, 1971.

Re 7 CFR Part 210, 7 CFR Part 220, 7 CFR Part 245.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. ROREX: The Pittsburgh Board of Public Education is registering comments on the above-noted regulations governing the National School Lunch Program.

The proposed regulations seem to be in conflict with the intent of the Congress under P.L. 91–248. In this Bill they provide for:

1. Up to 12 cents for all "Type A" lunches.

2. Full funding of free and reduced price lunches up to 60 cents.

3. Year in advance funding.

4. No overt identification of needy children.

5. The option of identifying needy children by category.

6. Formation of a Council on Nutrition.

None of these are fully implemented, even though they are in the former guidelines. The new guidelines appear to increase the burden to school districts rather than help them expand old programs or start new ones.

The limits described in 210.4(f) are not in the best interest of feeding needy children. The limit of 35 cents for each free or reduced price "Type A" lunch to children does not cover the cost of such a lunch.

Pittsburgh has been extremely careful to hold the cost of each lunch to 60 cents. This is for a cold "Type A" lunch served in most elementary schools and also for the hot "Type A" lunch served in our secondary schools. The elementary students pay 10 cents, while the secondary schools pay 20 cents for a reduced priced lunch.

Therefore, our maximum income from elementary lunches sold at a reduced price is 45 cents (.05+.30+.10), or 15 cents below cost. At least 80% of all elementary students in Pittsburgh now being served are eligible for free or reduced priced lunches. We are now projecting an annual need of $393,000+ to keep our present elementary program. This does not allow for any expansion of lunches to more needy students.

Also, in the secondary schools at least 66% of all students are eligible for free or reduced priced lunches. Using the same projections, at least $282,888 will be needed for secondary schools in the 1972 fiscal year.

Even on the full priced lunches of 45 cents, previously established and now frozen, the deficit of 5 cents per meal is incurred. This could result in an annual loss of $72,315.

If it is the intent of Congress to financially aid school lunch programs, full funding must be forthcoming. The Pittsburgh Board of Public Education needs a reimbursement of at least 50 cents for each free and reduced priced meal as well as 10 cents for every "Type A" lunch served.

Items 4 and 5 are now over-regulated to the point where every needy child must carry an application home and back to school which, in effect, advertises "I am a needy child". To us, this identifies him to his fellow students, and is discriminatory and not necessary.

As before, school is about to open and new regulations are being imposed which will add to the administrative burdens of the school district, and the amount of reimbursement available is being announced at a time which allows for no advanced planning.

Where is the legislated "National Advisory Council"?

None of the provisions of Section 14 of the National School Lunch Act, as amended, are being implemented, especially part (f) where up-to-date data accounting be assembled "for administrative and legislative changes. . . ."

The results of these presently proposed regulations will reduce participation in the total program, which does not appear to be the wish of the Congress. They restrict the program and do not cover the full implementation of P.L. 91-248.

We would like to recommend:

1. Continue all present programs at June 1971 levels
2. Submit all proposed guidelines to the National Advisory Council
3. Require their action before May 1972
4. Publish all proposals by June 1, 1972
5. Publish all permanent changes by July 1, 1972
6. New regulations effective for the new fiscal year
7. All future changes made on this timetable so there is advanced knowledge with enough time to implement

Very truly yours,

D. G. Bussler,
Director of Food Service.
F. L. Kellams,
Director of General Services.

MEETING FARM CREDIT NEEDS

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, as a sponsor of H.R. 7138, the Farm Credit Act of 1971, I am pleased to note that the House Agriculture Committee has recently completed its public hearings on this measure.

During these hearings the committee heard testimony from witnesses representing all the major farm organizations, all the farm credit districts and from many segments of American agriculture and the financial community.

Based on these hearings, it is clear that the support for H.R. 7138 runs deep throughout most of rural America. I know that in the Seventh District of Tennessee there is great enthusiasm for this measure and I am sure this is true in many other areas of the country.

It is my hope that the House Agriculture Committee will now move forward as swiftly as possible in reporting this bill so that it can be taken up on the House floor. It has already been passed by the Senate very much in the same form as I introduced it here in the House. I believe the House hearings demonstrated the strengths of this bill's many fine provisions, including removal of the 65-percent limitation which now prevents so many young farmers from entering farming, loans for country-lane nonfarm rural homes, loans for on-the-farm custom services, authority to offer financially related services, lowering of the voting media eligibility of cooperatives from 90 percent to 66⅔ percent, and authority to issue a single security.

These are not unreasonable requests, but rather are consistent with the established need for major improvements in credit for rural America.

Mr. Speaker, on Monday, September 13, 1971, one of our Nation's greatest newspapers, the Memphis Commercial Appeal published an editorial supporting H.R. 7138. In order that all Members might have an opportunity to read this fine editorial on such a vital subject, I insert this editorial at this point in the Record:

[From the Commercial Appeal (Tenn.) Sept. 13, 1971]

Meeting Farm Credit Needs

Ever since World War II there has been pressure on the American farmer to be more efficient in his operations. The farmer has responded. Mechanization, chemical fertilization, application of pesticides and herbicides and the use of better seeds all have increased output per acre and per worker on the farms.

But this agricultural revolution has been costly. To pay for the advances in production, the farmers have had to borrow heavily. In 1960, farmers' debts were 24.8 billion dollars. Estimates for 1971 place current debt at 60.4 billion. Financial experts agree that by 1980 that figure will have doubled again. That is not as bad as it may at first sound. The farmer's assets have been rising, too. Still, those figures do demonstrate the rising importance of credit in the operations of present-day farming.

Not only is the total need for credit rising, but the credit needs of farmers are changing with the times.

Years ago the federal government helped farmers to establish their own farm credit system to meet their special needs for land, equipment and services. That system has served the farmers well. But there is serious doubt that it can continue to meet the needs of the future unless the legislation making that system possible is revised.

The Senate considered this problem before Congress took its summer recess last month. It voted out the Farm Credit Act of 1971. The House is scheduled to hold hearings on the same matter shortly.

The legislation is complex, of course, but essentially it would accomplish four things.

It would allow the land banks to advance larger sums for the purchase of farms. This would help some farmers expand acreage, but the primary gain would be in helping young farmers into ownership. It would allow more flexibility in tailoring credit to individual farmer's needs and operations. It would authorize credit to farm-related businesses. And it would make available to rural people, other than farm owners, credit for moderate-cost housing. Those are good and needed changes.

The proposal recently has encountered opposition in a few scattered regions. Some farm credit leaders are fearful of using modern methods and extending the concept of farm credit to a broader sector of rural America. They seem to be hampered by the establishment of the farm credit system originally.

If farmers and rural people are to continue making progress that will assure the nation of adequate food supplies in the future, this legislation will have to have the support of all farmers and of everyone whose business is dependent upon a prosperous and growing agriculture.

OUR POSTMASTER, H. H. MORRIS

(Mr. NATCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NATCHER. Mr. Speaker, our Postmaster, H. H. Morris, is a dedicated public servant.

On January 4, 1932, "Hap" Morris received his first assignment in the House of Representatives. The late Virgil Chapman, Representative of the Sixth Congressional District of Kentucky recommended Mr. Morris for the position of Doorkeeper on the West Lobby Door. Two years later he was named Assistant in Charge of Telephones on the Democratic side and in 1941 he was selected by Representative Chapman to serve as secretary in his office. Mr. Morris remained in that position until May 1949, after changing from the House side to the Senate side when Representative Chapman was elected to the United States Senate. At the death of Mr. Chapman our friend, H. H. Morris, was appointed administrative assistant to the Clerk of the House of Representatives, Ralph R. Roberts. In November of 1951, Mr. Morris returned to the Senate where he served as administrative assistant to Senator Thomas R. Underwood of Kentucky. In November of 1952, our Postmaster returned to the House of Representatives following the defeat of Senator Underwood and served as secretary to the Honorable John C. Watts, Member of

Congress from the Sixth District of Kentucky.

H. H. Morris was elected Postmaster of the House of Representatives on January 5, 1955 and has served from that time until the present time in this capacity.

Mr. Morris attended the University of Kentucky from 1929 to 1932 and graduated from the National Law School, which is now a part of George Washington University, in 1939. He was born in Carrollton, Ky., in the year 1911, and is the son of the late Joseph W. Morris and Mary Mildred Guillion Morris. His father served as secretary to the Honorable James C. Cantrell from 1909 to 1923, and filled out Congressman Cantrell's unexpired term from 1923 to 1925.

"Hap" Morris married Lyda Secrest, of Shelbyville, Ky., on November 2, 1935. He is a member of the Memorial Baptist Church, Arlington, Va., Kappa Sigma social fraternity, Touchdown Club, National Press, and Phi Beta Gamma legal fraternity.

Mr. Speaker, H. H. Morris is a dedicated public servant, and has all down through the years by his devotion to duty and his adherence to the principles of sound government clearly demonstrated the fact that he will long be remembered and admired for the excellent manner in which he has filled every assignment. He has many accomplishments, and, notwithstanding the fact that he is a busy man, at the same time, Mr. Speaker, he is a humble man and a true Kentuckian. Today is "Hap" Morris' 60th birthday, and as a Kentuckian and one of his friends, I salute him and wish for him the best of everything in the future.

PERSONAL ANNOUNCEMENT: CONFERENCE REPORT ON H.R. 10090

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I regret that I was unable to be present for yesterday's vote on the conference report on the fiscal year 1972 appropriations for Public Works-AEC—roll 265. Had I been present I would have voted "aye."

Unfortunately, we did not succeed in deleting the funds provided for Project Cannikin, but I am pleased that the amendment passed by the other body has been accepted. It is my urgent hope that the President will heed the warnings of scientists and ecologists and will cancel the proposed underground nuclear test.

THE 1945 UNITED NATIONS CHARTER SHOULD BE REVIEWED FOR THE SEVENTIES—IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 355

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, during the past week public discussion on the United Nations has intensified in anticipation of the opening of the 26th session of the General Assembly in New York tomorrow. Observers have pointed to the difficulty of bringing into the organization the People's Republic of China, the possibilities of working out an equitable and acceptable peace in the Middle East and the improbability of U Thant's remaining as Secretary General for just a little longer. While one can list numerous accomplishments of this world organization that many have called indispensable, nowadays the United Nations will just as readily be criticized for its lack of accomplishment, for the tasks it is not performing at all or at least not adequately. If many observers believe the U.N. should exist and yet at the same time deem this organization inadequate to its tasks, then perhaps the basic structure of the organization is at fault. Mr. Speaker, I have joined with my colleagues in introducing House Concurrent Resolution 355, with just these concerns in mind.

The United Nations Charter was drafted by wartime allies, during wartime, in order to create an organization which would put an end to war. Fifty-one nations signed the charter at a time when the atomic bomb had not even been tested at Alamogordo, N. Mex., much less used as a weapon of war. It was assumed that the atmosphere of cooperation and unanimity which existed during the war would continue into the era of peace. The charter created the Security Council, giving the then "great powers" permanent seats and a special power, by virtue of the veto, to "enforce" the peace to come. In the immediate postwar era, the economic and social well-being which the U.N. promoted was the economic recovery of countries devastated by World War II. Under such circumstances, a large membership for the Economic and Social Council was not necessary. Eleven territories were placed under the Trusteeship Council and agreements were entered into between the United Nations and the States responsible for their administration.

In 1971, the composition and political relationships in the world community have changed. Countries which were referred to as great powers in 1944 and 1945, thereby gaining permanent seating on the Security Council, are not as "great" in some aspects as they once were. Although the big four—France, United Kingdom, United States, and the U.S.S.R.—still can be termed great powers on the basis of nuclear capabilities, the first two no longer have huge colonial empires. Furthermore, and more importantly, other nations of the world, some not yet in the United Nations, have gross national products larger than the United Kingdom or France, for example, West Germany and Japan, and populations larger than any of the five permanent Security Council members, for example, India and the People's Republic of China, or larger than three of the big five: Japan, Indonesia, Pakistan, and Brazil.

The unanimity which in 1945 was expected to result in a Security Council capable of working together to maintain international peace and security quickly evaporated, leaving in its place the tension of the cold war era. Inaction in the Security Council has even necessitated the creation of additional procedures for the creation of ad hoc peace forces and other peacemaking apparatus through the General Assembly—Uniting for Peace Resolution.

While in 1945 the charter created an organization with 51 members, in 1971 that same charter and organization must serve 127 members. A substantial majority of these nations, being newly independent of colonial controls, look to the United Nations for assistance in attaining political stability and full economic growth and autonomy. Is the U.N. system able to provide efficiently and effectively enough of the assistance which these nations request? Should some of the proposals of the Jackson report—a study of the capacity of the United Nations development system prepared for the U.N. by Robert Jackson in 1969—be incorporated into the charter? The Economic and Social Council has already been enlarged once in order to equalize the role of the newer developing members of the U.N. with those of the original 51. There is pending before the General Assembly session which opens tomorrow another request for enlargement of the Council. Is enlargement the effective answer? The Trusteeship Council now finds itself with only two territories; what should be its tasks for the future? Or, should the Trusteeship Council, created by the Charter of 1945, be discontinued?

Mr. Speaker, I have just scratched the surface of the types of problems which a United Nations Charter Review Conference should be considering. The United States must take an active role, both in calling for such a conference and in preparing for it. The Congress has always supported a healthy United Nations and I call upon the House of Representatives to lead the way in rejuvenating the United Nations, bringing its Charter up to date and making the world organization an effective tool "to save succeeding generations from the scourge of war."

SAFETY OF AMERICAN AIR PASSENGERS

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce a measure to insure the safety of American air passengers, and at the same time insure fairness and practicality in the efforts being made to provide that safety.

The Airport and Airway Development Act of 1970 authorized the Administrator of the Federal Aviation Administration to establish minimum safety standards for U.S. airports receiving scheduled airline service.

The law further provides that the Administrator is to withhold certification of these airports unless those minimum safety standards are met by May 20, 1972.

All of us realize, Mr. Speaker, that stringent and carefully policed safety standards are imperative, since the paramount concern of air transportation is the safety of the passenger.

But it appears that the totally justifiable urgency which characterized the directives of this legislation has obscured a matter of primary importance—the inability of most American airports to pay the huge costs involved in these safety improvements, especially in so short a time as the original bill dictated.

There are approximately 540 commercial air carrier airports in the United States. Only 25 are in large travel hubs, 38 in medium, 88 in small and about 375 in "nonhubs." These 375 small facilities represent 70 percent of all airports receiving airline service, and yet, taken together, they enplane only 4 percent of the entire passenger enplanements in the country.

Many of these airports have an operating budget of less than $150,000 a year—some far less. The proposed matching expenditures for required safety improvements would more than double the operating cost for many of these smaller airports.

Thus we face the very real possibility that some of these airports would be forced to shut down completely, or at least refuse airlines the use of their facilities, an economic blow of staggering proportions. Many airport officials have predicted this very bleak future in just that many words.

The end result of our efforts to "take the mote from the eye," in terms of airport accidents, would then be to pluck out the eye itself, to force the closing of a sizable percentage of America's airports.

This ominous possibility is being keenly felt in North Carolina, whose airports in Winston-Salem, Greensboro, Raleigh-Durham, and elsewhere are already under severe strain because of an increasing trend away from air travel—a trend this law was to help reverse.

I cannot stress strongly enough that closing airports could not have been the intent of the Airport and Airways Development Act, and I believe the Congress must act now to prevent a serious curtailment of air travel from being the legacy of a law that was supposed to encourage air travel.

So today I am introducing an amendment to the Airport and Airways Development Act—Public Law 91-258—to accomplish the following objectives:

First. Extend the date of airport certification implementation from May 20, 1972, to May 20, 1973, in order to allow the FAA and the Nation's airports sufficient time to establish and comply with reasonable minimum safety standards.

With less than 10 months remaining before the national airport certification program is to be completed, final regulations have not been issued, and airport sponsors do not yet know what requirements they will finally have to meet.

Given the extensive amounts of equipment which will undoubtedly be required and the necessity for obtaining funds for the purchase of that equipment, a 1-year extension of the present deadline seems reasonable and fair.

Second. Make all airport safety equipment and modifications, as required to obtain an airport operating certificate, eligible for 82 percent Federal funding. Safety equipment and modifications shall include, but not be limited to vehicles, housing, and equipment for airport firefighting and rescue operations; lighting required for aircraft operational areas not otherwise eligible for greater Federal participation; equipment required to measure and maintain the runway coefficient of friction at a level consistent with minimums set by the FAA Administrator; equipment required for the security of navigational aids and aircraft operating areas. The Administrator shall establish and maintain a complete list of items eligible for Federal funding under this section.

Third. Reimburse those airports having purchased, or already implementing, safety equipment as required under the regulations subsequent to May 21, 1970.

Mr. Speaker, this amendment will not signal a retreat from our commitment to air travel safety. Rather, it will strengthen that commitment. Air travel has proven itself to be the safest form of transportation now in widespread use, far surpassing highway travel.

But if the cumulative effect of the Airport and Airways Development Act is to severely diminish air travel by eliminating or further reducing airline service to smaller cities and communities, we shall not have enhanced the safety of the American traveling public. We shall have done them a serious disservice.

I urge immediate consideration of this amendment in the appropriate committee, followed by swift passage in the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PODELL (at the request of Mr. O'NEILL), for Thursday, September 23, and Friday, September 24, on account of official business.

Mr. MATHIAS of California (at the request of Mr. GERALD R. FORD), through September 29, on account of official business as U.S. delegate to NATO.

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. RYAN, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. BAKER) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MCCLOSKEY, for 1 hour, today.

Mr. HARVEY, for 5 minutes, today.

Mr. SEBELIUS, for 10 minutes, today.

Mr. FRENZEL, for 10 minutes, today.

Mr. SCHWENGEL, for 10 minutes, today.

(The following Members (at the request of Mr. MCKAY), to revise and extend their remarks, and to include extraneous matter:)

Mr. FLOOD, today, for 10 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. HAMILTON, today, for 30 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. GRIFFIN, today, for 5 minutes.

Mrs. ABZUG, today, for 5 minutes.

Mr. ALEXANDER, on October 6, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MEEDS.

Mr. POAGE.

Mr. FULTON of Pennsylvania, to revise and extend his remarks made in the Committee of the Whole today, and to include extraneous material.

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. WYDLER.

Mr. DUNCAN in two instances.

Mr. WYMAN in two instances.

Mr. BURKE of Florida in two instances.

Mr. ZWACH.

Mr. TALCOTT in three instances.

Mr. DERWINSKI in two instances.

Mr. SCHMITZ in two instances.

Mr. GERALD R. FORD.

Mr. LUJAN.

Mr. BELL in two instances.

Mr. O'KONSKI.

Mr. FULTON of Pennsylvania in five instances.

Mr. HOSMER in three instances.

Mr. ASHBROOK in two instances.

Mr. SCHWENGEL in two instances.

Mr. BOB WILSON.

Mr. MCKEVITT.

Mr. SPRINGER in two instances.

Mr. HASTINGS.

Mr. VEYSEY.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. HAMILTON.

Mr. RONCALIO in three instances.

Mr. STOKES in two instances.

Mr. MANN in 10 instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. HAGAN in two instances.

Mr. DINGELL.

Mr. ALBERT.

Mr. MOORHEAD in five instances.

Mrs. SULLIVAN in three instances.

Mr. ANDERSON of California in two instances.

Mr. RYAN in three instances.

Mr. STEED in three instances.

Mr. CHAPPELL in two instances.

Mr. ROGERS in five instances.

Mr. RANGEL.

Mr. PREYER of North Carolina in two instances.

Mr. ALEXANDER in two instances.

Mr. GETTYS in two instances.

Mr. FRASER in five instances.

Mr. RODINO in two instances.

Mrs. MINK.

Mr. Yatron.
Mr. Wolff in two instances.
Mr. Mikva in six instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 22, 1971, present to the President, for his approval, bills of the House of the following titles:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; and

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, September 27, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1162. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for fees and expenses of witnesses for fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1163. A letter from the Director, U.S. Information Agency, transmitting a report on the disposal of foreign excess property by the Agency during fiscal year 1971, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

1164. A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed concession contract for the continued operation of lodging, food and beverage, merchandising, marine, transportation, and related facilities and services for the public within Glacier Bay National Monument, Alaska, for a term of 20 years ending December 31, 1991, pursuant to 67 Stat. 271, as amended; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. House Resolution 615. Resolution providing for the consideration of H.R. 6893. A bill to provide for the reporting of weather modification activities to the Federal Government. (Report No. 92–503). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 616. Resolution providing for the consideration of H.R. 8085. A bill relating to age requirements for appointments to positions in executive agencies and in the competitive service (Rept. No. 92–504). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 617. Resolution providing for the consideration of H.R. 10670. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes (Rept. No. 92–505). Referred to the House Calendar.

Mr. RYAN: Committee on the Judiciary. H.R. 9615. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes (Rept. No. 92–506). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 456. A bill to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States; with an amendment (Rept. No. 92–507). Referred to the Committee on the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10383. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act (Rept. No. 92–508). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10738. A bill to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; with amendments (Rept. No. 92–509). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10784. A bill to amend the District of Columbia Election Act, and for other purposes; with an amendment (Rept. No. 92–510). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 1997. A bill for the relief of Joseph F. Sullivan (Rept. No. 92–497). Referred to the Committee of the Whole House on the State of the Union.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 1966. A bill for the relief of Helen Rose Botto; with an amendment (Rept. No. 92–498). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 1970. A bill for the relief of Mrs. Andree Simone Van Moppes and her children, Alain Van Moppes and Didier Van Moppes; with amendments (Rept. No. 92–499). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2108. A bill for the relief of Nemesio Gomez-Sanchez; with an amendment (Rept. No. 92–500). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 3383. A bill for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido (Rept. No. 92–501). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on the Judiciary. H.R. 6670. A bill for the relief of John Vincent Amirault (Rept. No. 92–502). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. Kastenmeier, Mr. Obey, Mr. O'Konski, Mr. Reuss, Mr. Steiger of Wisconsin, and Mr. Zablocki):

H.R. 10833. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEGICH:

H.R. 10834. A bill authorizing the State of Alaska to operate a ferry vessel of foreign registry between ports in southeastern Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time; to the Committee on Merchant Marine and Fisheries.

By Mr. HOLIFIELD (for himself, Mrs. Dwyer, Mr. Garmatz, Mr. Horton, Mr. Rosenthal, Mr. Wydler, Mr. Wright, Mr. Brown of Ohio, Mr. St Germain, Mr. Fuqua, and Mr. Moorhead):

H.R. 10835. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. BURKE of Florida:

H.R. 10836. A bill to amend the United Nations Participation Act to 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 10837. A bill to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 10838. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 10839. A bill relating to educational personnel in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRELINGHUYSEN (for himself, Mr. Bergland, Mr. Conte, Mr. Drinan, Mr. Frey, Mr. Gallagher, Mr. Hastings, Mr. Helstoski, Mr. McCloskey, Mr. Morse, Mr. Murphy of New York, Mr. Pryor of Arkansas, and Mr. Rosenthal):

H.R. 10840. A bill to provide a system for the regulation of the distribution and use of toxic chemicals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Archer, Mr. Broyhill of Virginia, Mr. Camp, Mr. Don H. Clausen, Mr. Collier, Mr. Dickinson, Mr. Duncan, Mr. Fish, Mr. Forsythe, Mr. Frenzel, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Mayne, Mr. Schwengel, Mr. Sebelius, Mr. Steiger of Arizona, Mr. Thone, Mr. Ware, Mr. Winn, and Mr. Wyatt):

H.R. 10841. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, to provide for involuntary civil commitment of narcotic addicts charged with a crime, to authorize grants for certain training programs, to establish training programs for judicial officers, to provide for research and development into causes of and cures for narcotic addiction, and for other purposes; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 10842. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 10843. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 10844. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

H.R. 10845. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. Lloyd, Mr. McClure, Mr. McKay, and Mr. Roncalio):

H.R. 10846. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 10847. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. HAWKINS (for himself and Mr. Bell).

H.R. 10848. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 10849. A bill to provide a procedure for the development of facts necessary to the creation of an informed public opinion with respect to price policies pursued by corporations in administered price industries, and for other purposes; to the Committee on Banking and Currency.

By Mr. HENDERSON:

H.R. 10850. A bill to amend title 5, United States Code, to provide for the pay of Federal employees for certain periods of time spent in actual travel, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Pennsylvania:

H.R. 10851. A bill to strength interstate reporting and interstate services for parents of runaway children, to provide for the development for a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

H.R. 10852. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Celler, Mrs. Chisholm, Mr. Halpern, Mr. Podell, Mr. Rangel, Mr. Reid of New York, Mr. Rosenthal, Mr. Rostenkowski, Mr. Ryan, Mr. Scheuer, and Mr. Wolff):

H.R. 10853. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 10854. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. LANDRUM:

H.R. 10855. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to certain additional counties; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 10856. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes; to the Committee on Armed Services.

H.R. 10857. A bill to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre grant, in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10858. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10859. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. MEEDS (for himself, Mr. Esch, Mr. Adams, Mr. Begich, Mr. Bingham, Mr. Bolling, Mr. Burton, Mr. Carney, Mrs. Chisholm, Mr. Cleveland, Mr. Dingell, Mr. Eilberg, Mr. William D. Ford, Mr. Forsythe, Mr. Fraser, Mr. Halpern, Mr. Hammerschmidt, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hicks of Washington, Mr. Horton, Mr. Kastenmeier, Mr. McDade, and Mr. McKay):

H.R. 10860. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378; 85 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Wyatt, Mr. Matsunaga, Mr. Mazzoli, Mrs. Mink, Mr. Moss, Mr. Nedzi, Mr. Nix, Mr. Obey, Mr. O'Neill, Mr. Pepper, Mr. Pike, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Roush, Mr. Ruppe, Mr. Scheuer, Mr. Schwengel, Mr. Sikes, Mr. Byron, and Mr. Coughlin):

H.R. 10861. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378; 85 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

By Mr. MIKVA (for himself, Mr. Aspin, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Dellums, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Hawkins, Mr. Meeds, Mr. Rees, Mr. Rosenthal, and Mr. Ryan):

H.R. 10862. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 10863. A bill to permit certain military service performed after December 1956 to be included in the aggregate period of service on which civil service retirement benefits are payable, even though the indvidual is, or would on proper application be entitled to, social security benefits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MIZELL:

H.R. 10864. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share payable on account of project costs incurred to acquire certain safety equipment required for airport certification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 10865. A bill to amend the Internal Revenue Code in 1954 to provide for the disallowance of rental payments in certain cases; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 10866. A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer and the other major killer diseases as soon as possible; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. Bergland, Mr. Denholm, Mr. Purcell, Mr. Abernethy, Mr. Abbitt, Mr. Stubblefield, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Mathis of Georgia. Mr. de la Garza, Mr. McMillan, Mr. Sisk, Mr. Price of Texas, Mr. Wampler, Mr. Link, Mr. Foley, Mr. Mizell, Mr. Robinson of Virginia, Mr. Alexander, Mr. Melcher, Mr. Goodling, Mr. Kyl, Mr. Miller of Ohio, and Mr. Matsunaga):

H.R. 10867. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 10868. A bill to establish treatment and rehabilitation programs for drug-dependent members of the Armed Forces; to the Committee on Armed Services.

H.R. 10869. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide for an annual report by the Secretary of State to Congress on the international production and consumption of, and trade in, narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, and Mr. Stokes):

H.R. 10870. A bill making a supplemental appropriation for the Secretary of Health, Education, and Welfare for detection and treatment of, and research on, sickle cell anemia; to the Committee on Appropriations.

H.R. 10871. A bill making supplemental appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year ending June 30, 1972; to the Committee on Appropriations.

By Mr. ROSTENKOWSKI:

H.R. 10872. A bill to amend section 4216 (b) of the Internal Revenue Code (relating to constructive sale price) and to add a new section concerned with brand names; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 10873. A bill to clarify the intent of Congress with respect to State "Buy American" laws; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 10874. A bill to provide for the establishment of the Upper Mississippi River National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEBELIUS:

H.R. 10875. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to claim a credit against the Federal income tax for additional payments they make to their county treasurers for the use of the county, the city or township, and the State in which they reside; to the Committee on Ways and Means.

By Mr. SEBELIUS (for himself, Mr. Mizell, and Mr. Thone):

H.R. 10876. A bill to amend the Occupational Safety and Health Act of 1970 to exempt small farmers from its requirements; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. Anderson of Illinois, Mr. Don H. Clausen, Mr. Quie, Mr. Quillen, Mr. Biester, Mr. Collier, Mr. Coughlin, Mr. Derwinski, Mr. Rostenkowski, Mr. Duncan, Mr. Harrington, Mr. Forsythe, Mr. McKay, Mr. Aspin, Mr. Frelinghuysen, Mr. Seiberling, Mr. Morse, Mr. Cleveland, Mr. St Germain, and Mr. Yatron):

H.R. 10877. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 10878. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself, Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mr. Haley, Mr. Hammerschmidt, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Satterfield, Mr. Saylor, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.R. 10879. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 10880. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospitals and medical care to certain dependents and survisors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself, Mr. Dulski, Mr. Nix, Mr. Daniels of New Jersey, Mr. Charles H. Wilson, Mr. William D. Ford, Mr. Hamilton, Mr. Hanley, Mr. Jacobs, Mr. Waldie, Mr. Harrington, Mr. Begich, Mr. Hogan, Mr. Gude, and Mr. Broyhill of Virginia):

H.R. 10881. A bill relating to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey; to the Committee on Post Office and Civil Service.

Mr. CHARLES H. WILSON:

H.R. 10882. A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer and the other major killer diseases as soon as possible, to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 10883. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. PRYOR of Arkansas:

H. Res. 611. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. THONE:

H. Res. 612. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. McCLOSKEY:

H.J. Res. 885. Joint resolution to set a termination date for U.S. military activity in Indochina; to the Committee on Foreign Affairs.

By Mr. MIZELL (for himself, Mr. Baker, Mr. Buchanan, Mr. Camp, Mr. Del Clawson, Mr. Collins of Texas, Mr. Derwinski, Mr. Devine, Mr. Flowers, Mr. Jonas, Mr. King, Mr. Lent, Mr. Minshall, Mr. Montgomery, Mr. Poage, Mr. Scott, and Mr. Zion):

H.J. Res. 886. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.J. Res. 887. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 888. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. Blackburn, Mr. Pryor of Arkansas, Mr. Scheuer, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Badillo, Mr. Begich, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Brinkley, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collins of Illinois, and Mr. Fauntroy):

H. Con. Res. 406. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. Edwards of California, Mr. Eilberg, Mr. Forsythe, Mr. Frenzel, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hastings, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Howard, Mr. Hungate, Mr. Leggett, Mr. Long of Maryland, Mr. Mazzoli, Mr. Mikva, and Mr. Mitchell):

H. Con. Res. 407. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. Morse, Mr. Peyser, Mr. Rees, Mr. Robison of New York, Mr. Rooney of Pennsylvania, Mr. Runnels, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. J. William Stanton, Mr. James V. Stanton, Mr. Stokes, Mr. Vander Jagt, Mr. Yates, and Mr. Yatron):

H. Con. Res. 408. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H. Con. Res. 409. Concurrent resolution to establish a select joint committee to be known as the Joint Committee on Classification Procedures; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANLEY:

H.R. 10884. A bill for the relief of Mary Notarthomas; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 10885. A bill for the relief of Alphonso C. Williams; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 10886. A bill for the relief of Miguel Resus; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 10887. A bill for the relief of Eleanor R. Isip; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H. Res. 613. Resolution to refer the bill (H.R. 9516) entitled "A bill for the relief of Gisela Hanke" to the Chief Commissioner of the Court of Claims, pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H. Res. 614. Resolution to refer the bill (H.R. 10508) entitled "A bill for the relief of Sea Oil and General Corporation, of New York, New York" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

137. By the SPEAKER: Petition of California Committee for Democracy in Greece, San Francisco, Calif., relative to diplomatic recognition of Greece; to the Committee on Foreign Affairs.

138. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to the Federal Bureau of Investigation; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH ADDRESSES SOUTHERN GOVERNORS' CONFERENCE ON MEETING ENERGY NEEDS—STRESSES COMPLICATION DUE TO MONEY AND TRADE CRISIS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 23, 1971

Mr. RANDOLPH. Mr. President, the Conference of Southern Governors is sponsoring today and tomorrow at the Holiday Inn, Chevy Chase, Md., a seminar on meeting tomorrow's energy needs. The official host is the Governor of Maryland, the Honorable Marvin Mandel. Maryland's Department of Economic and Community Development director, Edmond Rovner, presided as program chairman.

The Honorable David Freeman, assistant director for energy, environment, and natural resources in the Office of Science and Technology, Executive Office of the President of the United States, was the keynote speaker at the opening session. It was well attended by official representatives of Governors of all Southern States, utility regulatory agencies, and public and private utility companies from throughout conference member States.

Four panels are on the 2-day program, one on "Researching Energy Needs," with James Carpenter of the National Science Foundation as moderator; a second on "Energy and Community Goals," with Don Smith, an Arkansas public service commissioner, as moderator; the third on "State Agency Energy Planning and Implementation," with the Honorable William Goodman of the Maryland State Senate as moderator; and the fourth on "Fuels for Tomorrow's Power," with Morton Goldman, vice president of NUS Corp., as moderator.

It was my privilege to have been the speaker for today's luncheon session. I discussed the question of whether or not solutions to our energy crisis in the United States possibly will become more elusive. Reference is to a potential consequence of the complications growing out of what appears to be confrontations between our country and other countries of the world over monetary policy and the U.S. unilateral action in placing a 10-percent surcharge on most imports.

Mr. President, I ask unanimous consent to have printed in the RECORD following this introduction, a summary of the program of the Southern Governors' Conference on Meeting Tomorrow's Energy Needs, and the text of my Thursday luncheon speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNORS' CONFERENCE ON MEETING TOMORROW'S ENERGY NEEDS

HOLIDAY INN, CHEVY CHASE, MD.

Thursday, September 23, 1971

Introduction by Program Chairman Edmond Rovner, Secretary, Maryland Department of Economic and Community Development.

Keynote Speaker: David Freeman, Assistant Director for Energy, Environment, and Natural Resources, Office of Science and Technology.

Panel No. 1: Researching energy needs

Moderator: James Carpenter—National Science Foundation.

(1) "Forecasting"—E. B. Crutchfield, Vice President, Virginia Electric & Power Company.

(2) "Energy Generation and Distribution Problems"—Frederick Warren, Office of Advisor on Environmental Quality, Federal Power Commission.

(3) "Research Requirements—Participants, Function, Funding"—Eugene Cronin, Natural Resources Institute, Chesapeake Biological Laboratories.

Luncheon Speaker: Honorable Jennings Randolph, United States Senate for West Virginia.

Panel No. 2: Energy and community goals

Moderator: Don Smith, Arkansas Public Service Commissioner.

(1) "Reconciliation of Economics and Environment"—Paul Rodgers, General Counsel, National Association of Regulatory Utility Commissioners.

(2) "Impact of Energy on Location of Economic Activity"—J. W. Michel, Oak Ridge National Laboratories.

(3) "Alternative Approaches to Desired Levels of Economic Growth"—William Van Ness, Chief Counsel, U.S. Senate Interior and Insular Affairs Committee.

(4) "Process of Setting Environmental Standards"—Stanley Greenfield, Environmental Protection Agency.

Panel No. 3: State agency energy planning and implementation

Moderator: William Goodman, Maryland State Senate.

(1) "Power Plant Siting Processes"—William Matuszeski, Council on Environmental Quality.

(2) "Power Generation—Institutional Processes"—Shearon Harris, President, Carolina Power and Light Company.

(3) "Socio-Economic Impact of Energy Distribution"—Steve Hanke, Department of Geography and Environmental Engineering, Johns Hopkins University.

Friday, September 24, 1971

Focus on Issues of Previous Day's Panels:

Lee Zeni, Maryland Department of Natural Resources;

John Gore, Vice President, Baltimore Gas & Electric Co.; and

Dan Dreyfus, U.S. Senate Interior Committee.

Panel No. 4: Fuels for tomorrow's power

Moderator: Morton Goldman, Vice President, NUS Corp.

(1) "Nuclear Power—Availability, Logistics, Problems"—Milton Shaw, Director, Division of Reactor Development and Technology, Atomic Energy Commission.

(2) "Coal—Availability, Logistics, Problems"—Joseph Carter, Special Assistant to the Governor of Oklahoma.

(3) "Oil—Availability, Logistics, Problems"—Richard Gonzalez, Petroleum Economist (American Petroleum Institute).

(4) "Gas—Availability, Logistics, Problems"—Robert Ryan, Vice President, Columbia Gas of Maryland.

(5) "Multiple Purpose Energy Projects"—Eugene Plock, Science Advisor to Kentucky Department of Commerce.

Luncheon Speaker: Chauncey Starr, Dean, School of Engineering, University of California at Los Angeles.

SPEECH BY SENATOR JENNINGS RANDOLPH

ANSWERS TO ENERGY CRISIS BECOME MORE ELUSIVE, COMPLICATED BY THE ECONOMIC SITUATION

The ever-increasing demand for all sources of energy—especially for electric power—will place very severe requirements on fuel supplies. The availability of all types of fuels will be a matter of paramount importance to all Americans.

This will be especially so when proper and necessary considerations are accorded to the quality of our environment during the production and consumption of these fuels.

One all-important question we must ask is:

Where will this country obtain these huge quantities of fuels?

And at what cost will we obtain them—in economic terms—in the environmental context—and in national security terms?

The questions seem simple. But the answers can be very complex, depending in part, on the economic health of the Nation and its global business partners, and on the unknown political picture at home and abroad at the time of need.

And the temper of conservationists is another factor.

On the one hand, they warn of the dangers in mining or drilling for new fuel sources. And, on the other hand, they trumpet concern over environmental hazards and safety of new power plants. Even as we failed adequately to assess the environmental considerations and the conservation mood, energy planners failed also to predict the rapid upsurge in energy consumption. And, frankly, the Nation counted too heavily on the too-rapid development—the safe and economically feasible development—of nuclear energy.

Consequently, we are in a fuels and energy crisis.

Likewise, we are in a money crisis.

Will the energy shortages be compounded and complicated by the money crisis? Can one be solved without solving the other. These are valid questions—cogent questions—but the answers may be elusive for a long time.

The news from the London conference of finance ministers and central bankers is not sugar-coated; in fact, the news from that front is grim. It now is obvious that there is an international confrontation over the dollar crisis—over the Nixon Administration's "Dollar float" and ten percent trade import surcharge. One astute financial news commentator wonders if this trade and money confrontation between the United States and other countries will escalate into economic warfare that would bode ill for free world unity. The same commentator added:

"Unless the President's hard-nosed attitude can give way to a resumption of international cooperation the world-wide depression feared by some Europeans might well become a reality."

And some authoritative individuals say that if our country keeps its new policies in place without showing inclination to truly negotiate internationally, other countries will retaliate—investments will shrink—and unemployment over the world will grow.

This is hardly a climate in which to optimistically undertake to solve the fuels and energy crisis. But there is no choice. We must face the facts as they confront us and work with zeal to overcome our fuels and energy difficulties, even if some facets of the picture are fraught with foreboding.

Going back now in this discussion to fuels and energy supply and demand considerations:

One prognosis on the availability of supply sources, insofar as relates to mineral fuels, is contained in a recent report by the National Petroleum Council, entitled, "U.S. Energy Outlook—an Initial Appraisal (1971–1985)".

In that report the Petroleum Council emphasized:

1. Continuation of present government policies and economic conditions would lead to significantly increased United States dependence on foreign energy resources, mostly in the form of oil from Eastern Hemisphere countries, and to an acute shortage of gas.

2. Potential energy resources of the United States would support higher growth rates for domestic supplies, given adequate economic incentives and careful coordination of efforts between government and industry.

3. Capital requirements to meet United States energy needs through 1985 are extremely large and will be difficult to obtain unless the general economic climate for the energy resource industries is improved.

The full impact of increased dependence on oil imports is conjectural at this time. But it is estimated that oil imports in 1985 will account for almost 57 percent of our petroleum supplies and about 25 percent of our total energy consumption.

This is compared with 1970 conditions when 23 percent of our petroleum supplies and 10 percent of our total energy requirements were satisfied by oil imports.

The increased demand for foreign oil is due in part to increased national demands for all petroleum products and, in part, to the necessity for making up the expected shortfall in other energy supplies, particularly natural gas.

When we consider the imports of both the oil and the gas required to meet our demands through 1985, we can expect that up to 30 percent of our energy fuels supply will be derived from imports.

It is especially pertinent to question at this time—under existing conditions—whether or not the United States, notably the eastern seaboard, should become more and more dependent on foreign fuels as energy sources to achieve our national goals.

In addition to the problem of the security and the reliability of energy supplies, increased imports will necessitate the construction of additional fuel handling equipment of all sorts, and on a very large scale.

The increase of overseas oil and petroleum porduct imports will require the availability of more than 350 tankers, each having 250,000 deadweight tons. At present, none of our ports can receive vessels of such size.

And the importation of significant amounts of liquified natural gas will require—by 1985—120 special tankers and the associated gas-handling plants at both the points of shipment and of entry. These are formidable construction requirements and very large expenditures on the part of or on behalf of industry.

Also, the balance of payments aspects of oil and liquified gas imports must be considered.

On this point, the Cabinet Task Force on Oil Imports Control declares:

". . . We can observe that increased imports would have a net negative effect on our balance of payments in the amount of $300 million to $400 million per year for each additional million barrels per day imported.

From now through 1985, our oil imports are expected to increase to a level of about 15 million barrels per day—which would be an increase of about eleven million barrels per day over the 1970 level of imports.

How would it be possible to forestall—or at least diminish—our growing dependence on imports of energy sources?

It would be a simple answer if we could say that the development of our domestic United States energy resources should be expanded to accomplish this.

But here we are—in a sense—limited by our current policies, or lack of policies, in many areas of fuels and energy considerations.

Much expert technical evidence exists to indicate that the amount of fossil fuels remaining in the ground is ample to meet domestic demands for many years to come. This is especially so up to 1985.

Most assuredly, the potential mineral resource base of all the fossil fuels is sufficient to meet our energy needs until the time when the nuclear breeder reactor is a significant contributor of electric power, and until the nuclear fusion reactor has been proved successful.

A body of national and state policies must be established and implemented to enable our native resources to be developed and made available consistent with our national goals, including the protection of our environment.

Such an establishment must be a coordinated effort in many areas, such as in taxes and economics, in regulatory policies and practices, in research and development, in transportation, and, in consumer affairs.

We must especially develop and implement special techniques through which *COAL*—the fossil fuel which has the greatest supply potential—can be used safely to maximum advantage. These techniques include better power plant pollution controls, the conversion of coal to gas and to liquid fuels, and better reclamation of land disturbed by mining.

We must also develop the necessary techniques for extracting the maximum amount out of less-productive oil and gas fields.

And we must evaluate all reasonable sources of power to determine their potential contributions to a solving of the energy crisis.

If we do not encourage our domestic energy industries to increase their outputs, we will become progressively more dependent on foreign sources—with all the accompanying worries about their reliability.

Thus far, we have discussed fuels and energy problems in general terms related mostly to the country as a whole.

How do the States represented in the Southern Governors Conference fit into the overall energy picture?

In 1970, these states produced 57 percent of the coal, 70 percent of the crude petroleum, and 84 percent of the natural gas of the total national production of each of these fossil fuels. These are significant statistics.

Clearly, such of our country's national energy goals as are met are accomplished mainly by the fuels industries and the production thereof in these states. Equally as clearly, increased production of fuels in these Southern States will be essential—even as we look more and more to the West for increases in our domestic supplies.

In the next decade, these Southern and border States will add electric power generating capacity amounting to approximately 45 percent of the national capacity additions during the same period. This includes the addition of 200 fossil fuel power plants. These Southern and border States are making, and will continue to make substantial contributions to the overcoming of our national fuels and energy crisis.

The future availability of reliable energy sources is a major concern, if only for meeting United States requirements for generation of electricity.

Importation of residual fuel oil to be used for fuel, especially under electric power plant boilers along the Eastern Seaboard, is currently unrestricted, to all intents and purposes—and probably will continue to be.

And, of course, air pollution and other environmental considerations will make the use of low-sulfur residual oil a more attractive alternate fuel for use in power plants.

However, with the continuing decline in residual oil output from *domestic* refineries, foreign supplies must be used. This places an ever-increasing reliance on foreign sources—and this trend must cause us major concern.

Nevertheless, we know that more power plants, designed to handle both nuclear and fossil fuels, will be needed to provide energy in the near future. Many of the proposed plants will be the center of local disputes over air, water, or thermal pollution, siting, location of transmission lines or numerous other problems about which citizens are becoming increasingly concerned.

Because nuclear power has fallen far behind both predictions and expectations, I agree with Secretary of the Interior Morton that our requirement for the last three decades of this century will involve:

The finding, production, processing and distribution of a staggering amount of fuel minerals—far in excess of anything we have so far managed to supply from domestic resources. United States (continental) reserves of petroleum are declining while demand increases steadily. And we have the making of a widespread shortage in gaseous fuels, especially natural gas. The shortage probably will strike in full force within the next few years, despite anything we might do. Coal gasification could help, but our society and our government have been too slow while doing too little to develop and produce and market a good quality of pipeline gaseous fuel—a clean fuel—from coal. We must do more—and do it faster—to gasify coal, our most abundant fuel.

Otherwise, we will be in a deeper energy crisis and the coal economy, so vital to several of our states here represented, will be in trouble because of environmental problems.

I am against any drastic relaxation of coal mine health and safety standards or regulations.

I am for tighter regulation of surface mining of coal, but against abolition of such surface mining, which supplies more than a third of all the coal mined and vitally needed in this country.

A cleaner environment and more adequate quantities and properly distributed fuels and energy can be simultaneous and parallel goals. We must not thwart the drive for adequate supplies of fuels and energy to satisfy unrealistic demands on behalf of the environment. But neither will we ever again virtually forget the need for environmental protection while building up the fuels and energy supplies.

We must think and act constantly, consistently, and cooperatively on behalf of both energy and the environment.

A problem in trying to plan for the future in the fuels and energy fields is that so many agencies of government, as well as private utilities and private industry—and even foreign nations and foreign policy—are involved. So, the planning has been and continues to be too piecemeal.

Today, there are numerous studies and much piecemeal action.

My hopes for a better future for the fuels and energy aspects of our country's economy are reposed in a bona fide Congressional study now underway in the Senate. It moves along unpretentiously—but solidly—in the Committee on Interior and Insular Affairs under the authority of a Senate Resolution sponsored jointly by Interior Committee Chairman Henry Jackson and this Senator, Chairman of the Committee on Public Works.

This country desperately needs a National Energy Policy, and we have high hopes that within the next 18 months to two years the foundation for such a policy will come from the Fuels and Energy Policy Study now developing and progressing.

MORE RICHARD M. NIXON ON RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, for over 20 years, in statement after statement as Senator Nixon, Vice President Nixon, and simply citizen Nixon, the present occupant of the White House has supported and defended the Republic of China while censuring and denouncing Communist China. The reversal by Richard M. Nixon of his longstanding views on China since assuming the office of President is nothing less than incredible.

In recent remarks—see CONGRESSIONAL RECORD of September 15, 1971, pages 32073–32078—I called the attention of our colleagues to statements on Red China made by candidate Nixon in 1960. I insert in the RECORD at this point statements on Red China made by Senator Nixon in 1951, by Vice President Nixon from 1952–60, and by citizen Nixon from 1960–66:

FROM THE QUOTABLE RICHARD NIXON BY PERRY HALL, EDITOR

RED CHINA

Statement, February 6, 1960: United Nations. I can think of nothing which would be more detrimental to the cause of freedom and peace . . . than to recognize Red China and admit it to the United Nations at this time . . . Now, will (this position) never change? The answer is: it will change, but only when the policies of the Communist Chinese Government change.

Address, American Society of Newspaper Editors, Washington, D.C., April 20, 1963: Red China and Russia are having their differences. But we cannot take too much comfort in the fact that what they are debating about is not how to beat each other but how to beat us. They are simply arguing about what kind of a shovel they should use to dig the grave of the United States.

Address, National Association of Manufacturers, New York, December 3, 1965: Today, Red China is a fourth rate military power with no significant nuclear capability. Five years from now Red China and Russia may have settled their differences. And, even if they have failed to do so, Red China will then have a dangerous nuclear capability.

[Richard M. Nixon, "The Challenges We Face," E 835, N 54]

FOREIGN POLICY IN ACTION: COMMUNIST CHINA[1]

Time and again over the past eight years, the critics of the present Administration have claimed that we have been too rigid in insisting on a firm stand against recognition of Red China. The question is often put, "Considering our policy toward some other dictatorships, should we not adopt a different attitude toward Red China? By recognizing Red China, might we not influence its conduct of foreign policy in the future?"

I recognize—looking ahead over the next twenty-five years—that it is essential that we in the West take the long view on all of these problems. What happens in Communist China is going to have a great impact on the retention of freedom and the maintenance of peace throughout the world.

Looking at the problem at the present time, however, my position with regard to being able to influence the course of Red China's development can be expressed in two ways. First let us consider the example of our British friends: they recognize Red China. Their relations with Red China have not improved at all by reason of recognition and are no better than ours. So I doubt that we should take the naïve attitude that by recognizing Red China and elevating them to the status of a respected member of the community of nations, we are thereby going to get better treatment from the Red Chinese at a time when their policies are obviously aggressive—much more so, as a matter of fact, than those of the Soviet Union.

Secondly, let us look at this problem from the standpoint of American and free world foreign policy. I can think of nothing which would be more detrimental to the cause of freedom and peace to which we are dedicated than to recognize Red China and admit it to the United Nations at this time.

The Charter of the United Nations states unequivocally that it is an organization of peace-loving nations or nations dedicated to peace. The question immediately arises, how did the Soviet Union get in? They were, of course, charter members. As far as Red China is concerned, at a time when they are engaged in aggressive activities in Tibet, when they are engaged in activities against a United Nations member, India, in a border dispute, when they are still in defiance of the United Nations in Korea, when their policy is directed openly toward subversion in every free country in Asia—I think to reward this kind of conduct by recognition and admission to the United Nations would have a disastrous effect throughout Asia, and for that reason cannot now be considered as a real possibility.

Now, this is a position which I know could very well be at issue during the course of the 1960 campaign. But I feel that under present circumstances, when you study all the facets of the problem and see what effect recognition would have, the conclusion has to be that our present policy of nonrecognition must be continued.

As long as Red China maintains, as it has in the past, and as it does at the present, a position of defiance to the United Nations by its actions in Korea, in Indo-China, and in other parts of the world, we would be making a mistake to recognize that government in any way. And I mean not only diplomatically but also through such de facto recognition as is involved in cultural exchanges.

The moment that we elevate the Red Chinese regime to the position of respected member of the family of nations, what do we suppose is going to happen? The impact of such an action throughout Asia might well be catastrophic as far as our interests are concerned.

We often hear the term "overseas Chinese." There are not too many of them, compared to the number of people in Red China itself—where there are some 550 to 600 million.

There are only about 12 million so-called overseas Chinese. But let's us where they are.

There are 3 million in Indonesia. There are 3 million in Malaya, and another 2 million in Thailand. And there are a great number, pretty close to a million, in the Philippines. There are also overseas Chinese in Burma.

Now what would happen to them in the event that Communist China became a recognized member of the family of nations in good standing? These overseas Chinese would then owe their allegiance to this Communist government and there would be set in motion in all of these countries—all of which of course are trying to maintain their independence—subversive activities which might result in just the imbalance that would push them over to the Communist side and away from the side of the free nations.

From time to time in recent years, I have been asked whether conditions in Communist China might not be changing for the better. To attempt to answer such a question, I can only guess, because of course I have never been to Red China and it is one area where our intelligence is not too reliable. Nor do I claim any special knowledge on this score.

It would seem to me, however, that there are no grounds at the moment for any immediate hope of a revolution in Red China.

I would like to believe the contrary. I do think that they are having trouble in Red China—economic troubles, especially. Agriculturally, for example, production is not what it should be or what it was once claimed to be. I think they are having political troubles, too—differences of views and opinions. But basically I think we have to assume that Red China is still under the iron control of a few men at the top, and that it will remain so, at least for an indefinite time.

Occasionally some specific event or announcement made by the Chinese—for example, their offer in 1958 to withdraw their troops from North Korea—might suggest to some a fundamental change in their policies.

I personally do not see in these moves any significant changes on which we can base a change in our own policy. As far as the offer of withdrawing troops from North Korea is concerned, I do not see that that offer is one that will pave the way for any reduction of tensions in that area. As a matter of fact, what is needed in the Korean situation, as we all know, is simply an agreement to conduct free elections; the Red Chinese and the North Koreans have consistently refused to agree to that. In evaluating such announcements, we must consider whether they involve deeds which would really reduce tension, or merely words which are designed, primarily, for propaganda consumption. I think the offer of withdrawal of troops was a propaganda venture.

With these factors in mind, we must continue to remain firm in our attitude toward Communist China. Will our policies ever change? The answer is: they will change, but only when the policies of the Communist Chinese government change.

We must expect in the years ahead that there will be changes in Red China. But, until we find a real and significant change in their policy toward the free world, we and our allies must continue on our present course.

There is a considerable body of opinion in the world that sees a split developing between Red China and the Soviet Union, and believes that the policies of the United States and the other free nations should be designed to encourage that split. Eventually, according to this view, we would not have this tremendous force of manpower in Red China, together with the industrial power of the Soviet Union, joined together in a united bloc against the free world.

If such a split were actually developing and if it were something that we could anticipate reaching culmination in the near future, this line of reasoning would certainly stand up.

I am inclined to think, however, that at the present time this prospect is, in essence, wishful thinking. I realize there are experts in this field who disagree. Nevertheless, this is my opinion.

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[1] The material in this section is derived from the following sources:

Responses to questions at the California Newspaper Publishers Association Convention, Los Angeles, California, February 6, 1960. Responses to questions at Televised Press Conference, Los Angeles Press Club, Los Angeles, California, February 18, 1958. Responses to questions at the Conference with Representatives of the Four Armed Services, Washington, D.C. July 29, 1957.

I believe that the Soviet Union and Red China today can be classed in all essentials as partners, with the same *major* objectives. They both want, of course, to impose the Communist system on their own peoples, and they are both dedicated to the eventual success of the Communist world revolution. And they will work together toward that overriding goal.

At the present time the Soviet Union is the senior partner and will continue to be as long as its strength is greater than that of Red China. I believe that the partnership will be held together not by any personal friendships between the leaders—and, by the same token, that means that the partnership will not be destroyed by mere personal animosities between them—but by their common adherence to and belief in the Marxist, Leninist, and Stalinist theories.

Now I use the word Stalinist advisedly, recognizing that Mr. Khrushchev has said some things about Stalin that are far from complimentary. And also Mao Tse-tung has said some things which would indicate that he is taking a different line in Communist China, in this as in other respects, from the one they are taking in the Soviet Union.

But when you analyze what has been done in these countries and you look at it over the long range, I think you can reach only one conclusion: at least in the foreseeable future, and until we have much more solid evidence to the contrary, we must continue to assume that the Soviet Union and Communist China will be working together toward the same major goal of world domination. And since they are working together, our own policies must be designed to meet the common threat they present.

[Richard M. Nixon, excerpts from the speeches of the Vice President—1948-59, E835/N55]

RED CHINA, KOREA, AND FORMOSA

The President's action in removing General MacArthur from his command was a paralyzing blow to the unity which the American people need in this period of crisis.

It is just as important to the United States to keep Asia from going Communist as it is to stop Communist aggression in Europe.

Ending the war in Korea with appeasement would be just as bad as withdrawing our troops. . . . Our objective then must be to develop a program which will end the war in Korea with victory and not appeasement.

We should grant military and economic aid to Chinese Nationalists on Formosa and to the guerrilla forces on the Chinese mainland. (Speech in Chicago, Illinois, April 1951).

Stop all trade with Communist China, including the billion dollars worth of goods which the British are shipping into the port of Hong Kong annually.

Remove the restrictions on the Chinese Nationalists on Formosa so that the Communists will have to divert some of their troops from the Korean battlefield in order to defend against the threat of invasion from the South.

Ask for more help from the other allies on the Korean battle front. (Presented on "America's Town Meeting of the Air," Toledo, Ohio, May 1951).

We should warn the Chinese Communists that unless they cease sending supplies and troops into Korea by a certain date in the future, our commanders in the field will be given the authority to bomb the bases from which those supplies are coming.

We should take the required steps, including naval blockade if necessary, to stop all trade with Communist China.

Our commander should be given the right to conduct reconnaissance, not only over the coastal areas of China but also over Manchuria.

Secretary Acheson and the President should follow the lead of General Marshall and should make a forthright unequivocal statement to the effect that Formosa is essential to our defenses and will under no circumstances be turned over to the Communists and that the United States will, if necessary, exercise the veto to keep Communist China out of the United Nations." (Address before the Ohio State Bar Association, May 1951).

(A)s far as the war in Korea is concerned, I think we have to recognize that continuance of the war in Korea is not in our interest—that it must be ended.

I don't believe we can get out of Korea for the reason that that action would give such encouragement to the Communist movement in Asia that the fall of all Asia to the Communist forces would then eventually become inevitable.

Can we end the war with political appeasement at the conference table? The answer is that we can't because the price is too high. The Chinese Communists insist that we turn over Formosa to them and that we give them a seat in the United Nations.

So, the third alternative is that we must somehow find ways and means of ending the war with victory on the battlefield. It is quite apparent that we can't win it at the present time, with the limitations that are placed upon our armed forces by the U.N. directive. I am not going to suggest here today what portions, if any, of the MacArthur program should be adopted. I do say . . . that eventually we are going to have to give our commanders in the field additional authority so that they can bring the war to a military conclusion as quickly as possible. (Address before the Conference of Presidents and Officers of the State Medical Associations, Atlantic City, New York, June 1951).

The least we can do to back up our men who are fighting there (in Korea) is: to condition any further aid to our allies in Europe on their making a greater contribution to the ground forces needed to win a military decision in Korea.

While, because of the build-up in Red air strength it may have now become unfeasible for the United States to bomb the Red Chinese bases in Manchuria, the least we should do is to impose a complete Naval blockade on the Chinese Communist coast and stop the flow of supplies to the Red war machine.

We should remove our Naval blockade from Formosa so that the Chinese Nationalists can initiate any diversionary action of which they are capable against the South China coast. (Basic Speech, April 1952).

The decision to go into Korea was right. I favored it at the time and I don't intend to change my position now simply because it might be the political thing to do. . . . And I believe also that the decision to go into Korea was right only if we were prepared for the consequences of going in, and I mean by that that we should have gone into Korea only if we were prepared to send our men there with the weapons to win and the right to win as far as policy is concerned.

(W)hen we had superior power in Korea a year and a half ago, we should have used that power to bring the Korean conflict to a successful military conclusion.

It seems to me that a basic error was made when we did not allow all the military installations in Northern Korea to be bombed. . . . As to whether or not we should have bombed across the Yalu, I think that these decisions should have been made first, and if that would not have brought military conclusion, then certainly consideration should have been given to bombing across the Yalu after warning the Red Chinese of the consequences of continued aggression. (Interview, U.S. News & World Report, August 1952).

What does Mr. Stevenson present to meet this challenge? For the war in Korea he counsels "patience"; he says we should stop "whining," and he adds "the war can't last forever." He sees eventual recognition of Red China by the United States and its admission into the UN. He even foresees the possibility that Formosa might be granted to the Chinese Communists. I charge that such program would mean the final destruction of Free China and the end of all hope for the Free World in Asia. (Campaign Speech, San Francisco, California, October 1952).

There has been some criticism of our policy toward Communist China. There are those who ask why do we: Refuse to recognize Communist China and oppose its admission to the United Nations? The answer is that we do not recognize the Communist government of China as a respected member in good standing of the family of nations. Does this government qualify for such recognition?

The United Nations Charter says, 'Membership in this organization is open to all peace-loving states who accept the obligations imposed by the Charter.' Let us measure the conduct of the Chinese Communist government against this standard. Thousands of American boys are dead because the Communist Chinese supported the attack on South Korea. Korea is divided today because the Communist Chinese refuse to agree to free elections. Thousands of Chinese Communist troops remain in North Korea in direct defiance of the United Nations. The Communist Chinese are bringing equipment into North Korea in direct violation of the truce. They refuse to release citizens of the United States whom they hold in violation of all recognized rules of international law and decency. They encourage, incite, and support insurrection, rebellion, and subversion in every free country of Asia, and particularly in Indonesia, Laos, Cambodia, Vietnam, Thailand, and Malaya. They have not renounced their previous threat to take Formosa by force.

Any government which continues to engage in activities of this type disqualifies itself from being treated as a respected, law-abiding member of the family of nations. In light of such conduct, the government of the United States is justified in refusing to recognize the government of Communist China, approve its admission to the United Nations, or agree at this time to a meeting at the Foreign Minister level. (Address, National VFW Encampment, Boston, Massachusetts, August 29, 1955).

The reason we have not had to fight since the President ended the Korean War is that we have always made it clear that we are not afraid to fight. (Campaign Address, Kansas City, Kansas, September 26, 1956).

But as far as Red China is concerned, I believe that as long as Red China maintains, as it has in the past, and as it does at the present a position of defiance to the United Nations by its actions in Korea, in Indo-China and in other parts of the world, as long as it maintains this position, we would be making a mistake to recognize that government in any way. I mean not only diplomatically. I mean not only admitting it to the United Nations, but I mean also through methods of cultural exchanges and the like.

Because the moment that we elevate the Red Chinese Regime to the position of being a respected member of the family of nations, then what is going to happen? It's going to mean that the impact of that all over Asia can be almost catastrophic as far as our interests are concerned. (Conference with Representatives of the Four Armed Services, Washington, D.C., July 29, 1957).

A MORE RESPONSIVE COURT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CHAPPELL. Mr. Speaker, in recent years, the American people have become increasingly alarmed by the actions of the U.S. Supreme Court.

Our police officers are being hindered in the enforcement of laws. Hard-core pornography abounds in our cities. The educational opportunities of all our children are being jeopardized by massive busing. Our children may no longer participate in voluntary prayer in their classrooms.

All of this because the Supreme Court has strayed from its original purpose. I think the people of America are ready for a change—for a means whereby the Supreme Court Justices become more responsive to the voter. I have taken steps to pave the way for that change through the introduction of House Joint Resolutions 865 and 866.

When the Founding Fathers wrote the Constitution, they delegated to the Supreme Court the power to rule on the constitutionality of laws, to settle disputes between States, and to review cases appealed from the lower courts. Unfortunately, the Court has taken upon itself legislative powers and is handing out guidelines on how laws should be implemented.

Thomas Jefferson saw the possibility of this problem arising. He argued that the one weak link in the system of checks and balances was the method of selecting the membership of the Court. He felt that to appoint the judges for life during good behavior failed to provide the effective check which lay with the voters themselves.

In order to implement Jefferson's sound thinking in this matter, I have introduced constitutional amendments to restructure the selection process of Justices in order to bring them regularly before the voters.

I propose that the United States be divided into nine equally populated judicial districts—one for each Justice of the High Court. Justices would be appointed or elected—one from each region—for a period of 6 years.

Depending on which of my proposals may be approved, Justices would be elected directly by the people every 6 years, or would be reappointed every 6 years by the President, with the consent of the Senate.

What will this change mean to our judicial system? It will make it more responsible to the voters. Justices would have to go before the electorate—either at the polls or through the elected representatives of the people in the Senate—every 6 years.

By having nine judicial regions, we would be implementing the one-man/one-vote idea, which the Court itself has supported in recent years.

I believe this concept is sound. It would have no effect on current Justices, but it would serve notice to future Justices that they must be about the business of interpreting—instead of legislating.

Our Constitution has been a remarkable instrument. In nearly 200 years, we have amended it only 28 times because its system of checks and balances has been a firm foundation.

Now, the one major weakness which Jefferson foresaw has come to pass—the need to make Supreme Court Justices more responsive to the voters. And the time has come for an amendment to reenforce those checks and balances, and to insure that our freedom remain intact.

CITIZENS' RIGHTS TO OWN GOLD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CRANE. Mr. Speaker, there are many reasons why the right of individual American citizens to own gold should be restored. The restoration of this right would mean the recreation of a truly free gold market here. Because of distrust of floating paper currencies, it would mean that international trade and investment would soon be increasingly conducted in terms of gold, with a weight of gold as the unit of account.

Thus, even if gold were not to be "monetized" by any government it would become an international money. On the foreign exchange markets national paper currencies would be quoted in terms of gold. Even without a formal international agreement, this would pave the way for a return of national currencies, country by country, to a sound gold standard.

Those who are seeking a cure to our current problem of inflation should consider the fact that a gold standard provides the indispensable discipline to enforce abstention from inflating. David Ricardo summed up this reciprocal relation more than 160 years ago:

> Though it (paper money) has no intrinsic value, yet, by limiting its quantity, its value in exchange is as great as an equal denomination of coin, or of bullion in that coin. . . .

Ricardo continued:

> Experience, however, shows that neither a state nor a bank ever has had the unrestricted power of issuing paper money without abusing that power; in all states, therefore, the issue of paper money ought to be under some check and control; and none seems so proper for that purpose as that of subjecting the issuers of paper money to the obligation of paying their notes either in gold coin or bullion.

In a recent column on this subject in Newsweek magazine, Economist Milton Friedman points out that—

> This "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

Dr. Friedman declares that—

> This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S. owned factories and other properties without compensation . . . As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the U.S.

In this column, Milton Friedman expresses support for a bill I have introduced to repeal the prohibition on the ownership, purchase, or sale of gold by private individuals.

I share this column with my colleagues, and insert it in the Record at this time:

Gold

(By Milton Friedman)

The West Coast Commodity Exchange recently initiated public trading in gold futures. The Exchange thought it had found a loophole in the Treasury Regulations issued under the Gold Reserve Act of 1934, which prohibits U.S. residents from owning, buying or selling gold except for industrial and numismatic purposes. The Treasury objected and after a few days the Exchange suspended trading. The matter will now be decided in the courts.

There never was, and there is not now, any valid reason to prohibit individuals from owning, buying or selling gold. Individuals should have the same right to trade in gold as they have to trade in silver, copper, aluminum or other commodities.

MISGUIDED LEGISLATION

It is widely believed that the prohibition had a valid monetary justification when it was first imposed. That is false. When President Roosevelt severed the link between the dollar and gold on March 6, 1933, the U.S. gold stock was higher relative to the total quantity of money than at any time since the Federal Reserve System was established in 1914. There was no major run on gold in 1933, separate from the run on banks which led holders of deposits to try to convert them into currency, including gold coin and gold certificates. FDR severed the link between the dollar and gold and then deliberately raised the price of gold—first in 1933 by manipulating the market and then in early 1934 by fixing the price at $35 an ounce under the Gold Reserve Act of 1934—in order to devalue the dollar relative to other currencies, and thereby raise the dollar prices of farm products and other internationally traded goods. He did not raise the price to protect a dwindling official stock of gold or in order to permit monetary expansion. The rise in the price of gold produced a flood of gold into the U.S. The U.S. gold stock more than tripled from 1934 to 1940.

Why then did President Roosevelt forbid the private ownership of gold and require all holders of gold to deliver their holdings to the government? This "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S.-owned factories and other properties without compensation or from Allende's nationalization of U.S.-owned copper mines in Chile at a price well below market value. As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the U.S.

Of course, holders of gold resisted the expropriation. Those who held gold certificates were helpless, since the Treasury would no longer honor them. But those who held coin were in a different position. Of the gold coin estimated to be held by the public in February 1933 ($571 million), only half was ever turned in—and much of this was probably turned in by commercial banks whose holdings were a matter of official record.[1]

END THE PROHIBITION

Whatever arguments there might once have been for prohibiting the private ownership of gold, there are none today. The reduction in the monetary role of gold that President Roosevelt began has now been completed. Gold-reserve requirements for Federal Reserve notes and deposits have been abolished. The attempt to maintain the world market price of gold at $35 an ounce has been abandoned. There is a free market in London on which the price is currently more than $40 an ounce. The official price is wholly symbolic, and so is the monetary role of gold.

Congressman Philip Crane has introduced a bill repealing the prohibition on the ownership, purchase, or sale of gold by private individuals. That bill should be passed promptly. Let us end once and for all an utterly unnecessary and shameful, if niggling, restriction on individual freedom.

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[1] To maintain the fiction that the law had been obeyed, the official statistics were "revised" to exclude the $287 million not turned in, on the ground that this amount must have been lost, destroyed, exported without record or held in numismatic collections. In its official statistics, the Federal Reserve System went so far as to subtract this amount from its estimates of the quantity of money all the way back to 1914. This revision cannot be justified. It can be demonstrated conclusively that the maximum error on this score was trivial. Accordingly, in estimates of the U.S. money stock made by Anna G. Schwartz and myself, we have eliminated the spurious revision.

READER'S DIGEST "REPORT TO CONSUMERS" SPOTLIGHTS GLARING DEFICIENCY IN LAW GOVERNING MEDICAL-TYPE DEVICES WHICH H.R. 1235 WOULD CORRECT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. SULLIVAN. Mr. Speaker, since 1961, when I first introduced H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938, I have included in that measure a section which would require pretesting of all medical and therapeutic devices for safety and for effectiveness, before they could be offered for sale.

This is the same omnibus bill which also contains the section closing the loophole on cosmetics safety, along with a large number of other loopholes in our 33-year-old consumer statute.

There have been no House hearings on this legislation since 1962, when we enacted one part of H.R. 1235 as the Kefauver-Harris Act, dealing entirely with medicines.

The September issue of Reader's Digest contains an excellent article by Jean Carper which spotlights the deficiencies of the law on therapeutic devices. It is entitled "Beware Those 'Quick-Reducing' Gadgets." While it relates only to the reducing devices, many of which are described in the article as pure junk, the same deficiencies in the law which permit the widespread sale of such products also apply to a wide variety of other appliances and devices which can be marketed before proof is established that they are either safe or efficacious.

As the Carper article points out, we have required since 1962 that prescription drugs cannot be marketed until proof is established of both safety and efficacy.

That requirement of the 1962 act came out of the original H.R. 1235; but nearly a decade later we have done nothing about applying similar standards to medical-type devices, including those used by doctors and other practitioners in good faith, only to discover later that they are dangerous or defective or ineffective. The testing, in other words, is done on the patient or purchaser after the product has been placed on the market.

UNTIL PRECLEARANCE LEGISLATION IS PASSED THE PUBLIC WILL NOT BE SAFE"

After describing the uselessness of some reducing devices and the difficulties experienced by the Federal Government in trying to get them off the market under obsolete provisions of the 1938 Food, Drug, and Cosmetic Act, the Reader's Digest article states:

> Amazingly, there is a simple solution to this chaotic lack of protection: to require all makers of medical devices, including "quick-reducing" equipment, to supply *proof* to the government *prior to sale* that their products are effective and safe. That has been the law for prescription drugs since 1962. Why not for medical devices as well, since they can also be hazards and gyps?
>
> The FDA recommended such "pre-clearance" legislation for medical devices as long ago as 1954. Many bills have since been introduced in Congress to effect such protection, but none has brought action—because there has been no public outcry for reform. Consumers fed up with being exploited by these frauds should write their Senators and Congressman, and the Department of Health, Education, and Welfare. Until pre-clearance legislation for medical devices is passed, the public will not be safe from the schemes of the profiteers.

MANY OTHER DEFICIENCIES IN FOOD, DRUG, AND COSMETIC ACT

Mr. Speaker, the Reader's Digest article touched on one important weakness in the present Food, Drug, and Cosmetic Act. There are many, many more. I mentioned the gap in consumer protection on cosmetics—any producer can market any cosmetic item without any proof of its safety. To understand the scope of the things wrong with the 1938 act, or the changes which have to be made in it to make it truly effective in providing the necessary authority to protect consumers, I list herewith the area covered in H.R. 1235, as taken from the title of the bill itself, as follows:

H.R. 1235: IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1971—MRS. SULLIVAN INTRODUCED THE FOLLOWING BILL; WHICH WAS REFERRED TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to amend certain labeling provisions of the food, drug, and cosmetic chapters to assure adequate information for consumers, including cautionary labeling of articles where needed to prevent accidental injury; expand the coverage of the "Delaney Clause" to apply to mutagenic and teratogenic agents; eliminate the "Grandfather's Clause" for pre-1958 chemical additives used in food; prohibit worthless ingredients in special dietary foods; authorize the establishment of standards for medical devices; require medical devices to be shown safe and efficacious before they are marketed commercially; require all antibiotics to be certified; provide for the certification of certain other drugs; require records and reports bearing on drug safety; limit the distribution of sample drugs; require cosmetics to be shown safe before they are marketed commercially; clarify and strengthen existing inspection authority; make additional provisions of the Act applicable to carriers; provide for administrative subpenas; provide for strengthening and facilitating mutual cooperation and assistance, including training of personnel, in the administration of that Act and of related State and local laws; prohibit the use of carcinogenic color additives in animal feeds; safeguard the health of children by banning sweetened or flavored aspirin from commerce; authorize a system of coding for prescription drugs; establish a United States Drug Compendium; provide additional authority to insure the wholesomeness of fish and fishery products; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Amendments of 1971."

ARTICLE IN SEPTEMBER READER'S DIGEST

Mr. Speaker, the Jean Carper article in September Reader's Digest, which I have referred to in my remarks is as follows:

A READER'S DIGEST REPORT TO CONSUMERS: BEWARE THOSE "QUICK-REDUCING" GADGETS

(By Jean Carper)

Despite the exotic claims for many farewell-to-fat devices, they are almost certain to reduce just one thing: your pocketbook.

Via radio, television and the press, Americans are being flooded with advertisements for miraculous-sounding "exercise" equipment: inflatable shorts "guaranteed to reduce your waist, hips and thighs a total of six to nine inches in just three days"; magic belts that "melt away excess flab"; body suits that "tone the muscles even while you sleep"; effortless exercisers that "streamline your body and strengthen your heart all in just two minutes a day." Whatever their shape, size or price, they all imply a quick, easy substitute for proper diet and exercise—and Americans are forking out millions of dollars to acquire them.

Yet, in the view of most medical authorities, these gadgets are ineffective, and some are even dangerous. According to Dr. Joseph B. Davis, director of the Division of Clinical and Medical Devices for the Food and Drug Administration (FDA), many of the devices are "pure junk." Despite their makers' claims of proved medical worth, "there is *no* valid scientific evidence at all that they work." And the American Medical Association's Committee on Exercise and Physical Fitness is concerned that users of the effortless exercisers are being cheated out of proper exercise.

In the last few years, the FDA and the Post Office Department (in charge of mail fraud) have received numerous complaints from consumers who have bought such items. In fact, the struggle of these agencies to squelch false advertising and sale of such devices is proving endless. "We no sooner get one device off the market than two new ones appear," observes Dr. Davis.

Here are the major types of "quick-reducers" that consumers should be leery about:

INFLATABLE CLOTHING

An early item on the market was the plastic belt worn like an inflated inner tube around the waist. A financial success, it was followed by inflatable shorts. Wearing the shorts, and performing "simple exercises," will, according to one advertisement, make unwanted fat disappear almost overnight without dieting—even without any loss of weight. Exercising while wearing the air-filled device supposedly creates sauna-like "hot-spots," to make the area under the garmet shrink by several inches in only three days.

Most reputable medical opinion scoffs at such claims. Dr. Sedgwick Mead, a specialist in physical medicine at the Kaiser Foundation Hosiptal in Vallejo, Calif., says, "It is impossible to reduce waistline measurements permanently without reducing body weight." In addition, a recent FDA study among prisoners at Lorton, a correctional institution in Virginia, revealed that inflatable shorts (and, by inference, belts) have no lasting effect on reducing waist and thigh girth. On the basis of this data, the U.S. Postal Service has already persuaded several mail-order sellers of inflatable clothing to discontinue sales or change their advertising.

WEIGHTED WAIST BELTS

Wear one of these belts, filled with 10 to 15 pounds of lead or steel shots, and—so goes the theory—the added weight you carry around will make you use up more calories, thus causing you to lose weight. However, Federal Trade Commission (FTC) investigations have shown that the belts are not effective in reducing weight or the waistline as advertised. Dr. Bruno Balke, professor of physiology and physical education at the University of Wisconsin, has calculated that to shed just one pound a six-foot, 200-pound man would have to wear a ten pound belt eight hours every day for 45 days!

Of special concern to FTC officials is evidence that the belts can physically injure some wearers. Recently, the FTC obtained a consent order prohibiting Tone-O-Matic Products, Inc., from representing the belt as a substitute for exercise, and requiring that it include this statement in its packaging and advertising: "WARNING: This product may be physically injurious to some individuals. Consult your physician before purchase and use." The company has stopped making the product, but other companies continue to make and sell weighted belts.

CONSTRICTING BANDS AND BODY SUITS

A surprising number of "fat-off" devices are no more than wide, non-porous bands designed to fit snugly around waist, thighs, upper arms or even chin. They work, according to advertising, by causing you to sweat off weight.

Actually, a person can *temporarily* lose weight by perspiring, but this is not true weight loss. The minute he drinks water, the weight is back. "It is a fundamental law of physics," says Dr. Kenneth Rose, chairman of the AMA's Committee on Exercise and Physical Fitness, "that if you want to lose fat you have to work it off or starve it off." Constricting belts, he adds, may cause a temporary size loss by squeezing fluid from the affected tissue to other areas of the body—but "in a couple of days the fluid will be right back where it was."

In the past, the FDA has had complaints about plastic body-exercise suits touted to sweat off unwanted pounds. Recently, it has received inquiries about a new porous nylon body suit for women. Reputedly, with no effort on the part of the user, it firms, tones and smooths through a massage action caused by friction between suit and skin even when the wearer is asleep. Comments Dr. Rose, "It's a medical fact that for a muscle to be strengthened, it must be actively engaged in movement, not merely acted *upon* as in massage."

MUSCLE STIMULATORS

According to Dr. Davis, Americans have spent some $100 million in the past 20 years on electrical body- and facial-muscle stimulators. These devices bombard the skin with electrical charges, causing muscle contractions that supposedly reduce girth, tone muscles and destroy wrinkles. Recently, the FDA obtained an injunction which led to the discontinuance of the manufacture of Relaxacizor (formerly the largest-selling muscle stimulator, marketed for as much as $450). The court's decision was based on evidence showing that the Relaxacizor can induce miscarriage, damage the heart and other vital organs. Despite this decision, and evidence that such devices are grossly ineffective in reducing body size or eliminating wrinkles, similar muscle stimulators are reportedly still being sold.

Unicycle wheels, hand-grippers, spring platforms for jogging, pushpull gadgets, stationary bicycles and treadmills and a hundred other devices on the market fall into a different category. Treadmills and stationary bicycles, for instance—when used long and hard enough at a stretch—can provide exercise that will benefit the heart and lungs in the same way as long-distance swimming, running or cycling. But because such devices are not always used in a manner that will induce any cardiovascular pulmonary benefits, medical authorities are concerned lest people be deluded about the kind of exercise they are getting in the use of such equipment.

How do exaggeratedly advertised gadgets get on the market in the first place? Why, if many are practically worthless and some dangerous, doesn't the government curtail their sale immediately? The truth is that laws governing the sale and advertisement of such devices are hopelessly inadequate. No government agency is empowered to require proof that a medical device works, or is safe, prior to marketing. Anyone can put such a contraption on sale, and then it is up to the government to try to *disprove* its claimed worth—a laborious, difficult and time-consuming task. Companies with money and legal talent can drag the process through the courts for years. The FDA, for example, went to court in 1966 to get an injunction against Relaxacizor. It was not until four years later that the injunction was granted; the cost of the trial to taxpayers was estimated at half a million dollars.

Even when a company is found guilty, it is rarely punished; it is merely ordered to stop selling the product or to change its advertising. And when companies learn that the government is after them, they may engage in shenanigans to circumvent the law. A Texas company, after FDA seized one of its muscle stimulators, simply brought out a line of ten slightly modified ones, all with different names. The FDA then had to initiate another case against the newly named devices. After postal officials moved against a company selling inflatable belts, it switched to inflatable shorts and continued its national advertising.

Amazingly, there is a simple solution to this chaotic lack of protection; to require all makers of medical devices, including "quick-reducing" equipment, to supply *proof* to the government *prior to sale* that their products are effective and safe. That has been the law for prescription drugs since 1962. Why not for medical devices as well, since they can also be hazards and gyps?

The FDA recommended such "pre-clearance" legislation for medical devices as long ago as 1954. Many bills have since been introduced in Congress to effect such protection, but none has brought action—because there has been no public outcry for reform. Consumers fed up with being exploited by these frauds should write their Senators and Congressman, and the Department of Health, Education and Welfare. Until pre-clearance legislation for medical devices is passed, the public will not be safe from the schemes of the profiteers.

AN INSIDER'S VIEW OF MEDICINE IN SWEDEN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ARCHER. Mr. Speaker, much has been said in recent months downgrading the quality of American health care. We are urged to move in the direction of a nationalized system, and are often told that we lag far behind the socialized systems of Western Europe. What is the status of medicine in Sweden, the country with the highest tax rate of any in the free world? For an eyeopening answer, I refer my colleagues to an article in the August 9 edition of Modern Medicine magazine. Dr. Gunnar Biorck, a leading medical educator who has worked within the Swedish system for 30 years, was asked to compare medicine in Sweden to medicine in the United States. His reply is contained in the article which follows, "An Insider's View of Medicine in Sweden."

The article follows:

AN INSIDER'S VIEW OF MEDICINE IN SWEDEN

In a letter to me you have asked my opinion on some statements made in an article in which Swedish medicine was compared with American. In particular, you wanted to know whether Swedish medicine was far superior to American medicine because it is socialized—as allegedly stated by Senator Kennedy—whether the Swedish system offers substantial incentives for doctors to do a superior job, whether the waiting lists are short to get into hospitals and a doctor will see patients at any time, whether socialized medicine lowers hospital costs, and, finally, whether the only thing against the Swedish system is that its patients are kept in experimental hospital beds for too long a time.

Before commenting on these statements I would like to say that I adhere to the old concept that a visitor to a foreign country should abstain from involving himself in the internal (or foreign) politics of that country, and, likewise, that he should abstain from belittling his own country, even though at home he may voice independent and nonconformist views in matters of public interest. I would like to add that I do consider U.S. senators generally to be quite well informed, and I have great respect for their judgment in public affairs.

However, I have been invited to this country on the occasion of the 200th anniversary of the New York Hospital and asked to participate in open discussions concerning the tasks of a university medical center in the future health care organization in your country. Against this background, and the information I have got over the years on your system of medical care, I venture to answer your letter to the best of my knowledge.

As you know, I have been working within the Swedish system for more than thirty years, of which the last twenty have been in university hospitals. For all practical purposes, I have been a civil servant, employed fulltime by government or local authorities, although up to Jan. 1, 1970, as a university professor and head of a department of medicine. I had the right of seeing a few private patients in consultation in the hospital. I have been serving on many committees, appointed both by the government and by professional organizations, and in our last big "reform" in Greater Stockholm, as of this year, I am a kind of "regional director" of medicine in the Stockholm area in addition to the tasks as professor and head of a big department of medicine. I tell you this only to point out that I think I have some personal experience of the "inside" of the Swedish system and maybe a little more so than representatives of the government and their public relation interpreters, who do not practice medicine themselves.

I think it is necessary to begin with some general statements. Sweden is a country with a population of 8 million, which is less than the New York metropolitan area. Furthermore, it is a country with a homogenous population, as regards race, religion, or cultural values; many of its social institutions have old traditions, and we have not been in war for almost one hundred sixty years. It is obvious that comparisons of the actual state of health in our two countries (such as infant mortality, life expectancy, etc.) *cannot* relate only to differences in *systems* of medical care *delivery*, but must be viewed against a complicated "anthropological" background and also take into account the difficulties created by numbers in your case. Rather than comparing Sweden with the U.S., one might select for comparison perhaps the State of Minnesota, to get the proportions straight.

Against this background, which should be almost self-evident, I do not think that "Swedish medicine" is far superior to "American medicine," and even though "delivery" may be somewhat better at home than it is here for many groups in the society, I doubt if this is due mainly to it being "socialized."

Let us get things straight: if you think in terms of economics and management (which are only in part applicable to medicine, by the way) "protection," delivery, and consumption must be considered. As for "production," I sincerely believe that the achievements of American medical science over the years have been—and still are—outstanding in the world. I know it, from many visits to the excellent medical schools and research institutes in this country. The medical profession in my country is profoundly grateful for all opportunities for learning that you have provided us for so long. The impressive number of American Nobel prize winners in the biomedical sciences should convince yourself of how the world outside the U.S. recognizes your achievements. I find it utterly deplorable that in the present era of guilt feelings, bad conscience, and self-accusations, in which I am surprised to find so many medical men (who should know better) in this country, the *morale* of the centers of learning and study seems to be weakening. The American medical school and university hospital, as I know them, have a good cause and a clean record and, by Jove, they should be worth fighting for in the upright position.

Now, to the delivery system. This is a part of the American medical system I personally know less about. My own experience tells me that an insurance system would be the logical solution of the economical and practical difficulties that arise subsequent to disease as well as to loss of earning capacity for other reasons: unemployment, childbirth, etc. It is also obvious that because not all men are rational creatures, not all are middle-class wage earners, and some are stricken very much more than others, *individual* insurance schemes may not suffice, and the burden may have to be shared by all. In essence, part of the "welfare" money may have to be channeled into "health" money. I do not know your system (sometimes referred to as a nonsystem) well enough to go into further detail. But it is my strong belief that a system based on the insurance concept, and with some mechanisms that make it worthwhile for the individual citizen to try to keep in good health and not to lean on—and abuse—a community service organization, is far better than a system in which access to medical services on demand and without cost to the individual at the moment is being promised. No such organization has as yet been able to live up to the expectations—and is not likely to do so. The Treasury will eventually refuse to pay the bill.

Up to Jan. 1, 1970, I would have denied that Swedish medicine was "socialized." We had a compulsory health insurance, paid together with our taxes; we had free hospital care, discounts on expensive or lifesaving drugs, cash money for sick wage earners, and three-fourths of doctors' fees being reimbursed to the patient by the insurance for visits to private practitioners, hospital physicians, and outpatient departments. This system did in fact work well and it did minimize medical bureaucracy and permit a fairly free choice of doctors. The private sector was responsible for one-third of the delivery of ambulant medical care, which is, I believe, a reasonable green belt priority, fresh air and possibilities for doctors and patients alike.

On Jan. 1, 1970, there was a political shutdown on this state of affairs. *All* hospital physicians were deprived of their right to see private patients in consultation; with the exception of professors, they all got working-hour schedules of about fifty hours a week in the hospitals. By means of other legislation, their security on the job is lessened, and the avenue to political appointments instead of appointments based on evaluation of training and competence is being opened. Attempts are being made to buy out the private practitioners by providing so many posts in the community-run ambulant health services that no market will be left for the private initiative. In short, the medical profession in Sweden is soon likely to become what epidemiologists refer to as "a captive population." No wonder that a number of our best young doctors are feeling their way to the U.S.

Against this background I venture to say that the "delivery" system in Sweden between 1955 and 1970 and was not "socialized" and did work well. What we have got after 1970 is very much more socialized—and intended to become fully socialized in due time—and what we have seen of it as yet has not worked as well as before. And that is precisely because this new system does not offer substantial incentives for doctors to do a superior job. There are, no doubt, a few physicians who feel that the absence of "economic transactions" between them and their clients make life easier, but I believe that in the majority of cases the doctor-patient relationship has become weaker in a situation where the patient is no longer seeing the doctor of his or her choice, but an impersonal institution, in which one cannot be assured of meeting one's "own" doctor. My feeling is that incentives are being reduced in a socialized system, and unless you introduce incentives other than economic, you are going to get a service that is worse, and not better, than what we used to have.

A reflection of this situation is the fact that—contrary to what is stated in the article you refer to—waiting lists have been substantially increased during 1970 for admission to hospital outpatient departments and so useless for admission to certain clinical departments (such as departments of medicine) that they are almost not in use. Two-thirds to three-fourths of all admissions to departments of medicine take place as emergencies, in many instances emergencies among those who were on the waiting list. Waiting time in our outpatient department has doubled in 1971, and this is true also of other departments. One of the reasons for this is precisely that "socializing" of physicians in ambulant care makes them less interested in the work-up of the more difficult patients, who are, instead, increasingly being referred to the hospitals. It is, of course, equally true of the Swedish system as it is of the American that patients will be seen by a doctor "at any time," inasmuch as this refers to emergency units in hospitals. Otherwise, it is, of course, not true. Doctors in both countries are increasingly unwilling to work outside office hours or to make house calls. This is a consequence of the present trends in the affluent society at large, where—as taxes rise—leisure becomes a more and more valued commodity.

As for the statement that "socialized medicine" lowers hospital costs, I doubt it and can see no sensible reason why this should be so. Hospital costs as such are mainly salaries, which make up 80% of the average Swedish hospital budget. It is, in fact, obvious that the use of full-time salaried staff must be more expensive than your way of soliciting a good deal of unpaid or little-paid medical manpower by means of "visiting physicians." However, what ultimately is of importance is, of course, bed occupancy rates and results of treatment relative to running costs. I have no impression at some plans to double the intake of medical students and at the same time shorten medical schools from four to three years. It is unlikely that with larger classes, fewer teachers per student, and a somewhat lower average scholastic level of students one should be able to produce the same quality as today. Some may, of course, possibly consider the present quality well too high in meeting the needs of the community. I do not share that view. I think a bad doctor may be more expensive to the community in the long run than a good doctor.

Finally, in looking toward the future, let me warn you on one score where you should not fool yourselves.

In epidemiological studies from this country, one seems always to be dealing with "men 40 to 64" years of age. Above and besides this, the rest is silence. But with improved general health—not least through efforts within the area of preventive medicine—you may gain those five, six, seven years of life expectancy in which you differ from us, and you may increasingly have to face the *repeated acute episodes* from one or more chronic diseases in your retired population, men and *women*, 65 to 90+ years of age. These people *cannot* be taken care of during conventional office hours in health centers, and they will not be helped by multiple health screenings; they remain the task for emergency services, intensive care units, and wards of large hospitals and competent institutions for the chronically ill.

These are the people who during their active lives made this country prosper and provided the means upon which the present American "health empire" (to use a phrase from a wicked and vicious pamphlet) was built. They should have the right of being properly—which means well—taken care of, and not discarded as useless and nonproductive. Therefore, do not demobilize your hospitals in a wave of enthusiasm for "health centers." You will need both.

And in order to support both, I believe that you—and we—must do away with the easy dreams of futurologists: that paradise will come to us without effort, only as a product of technology and self-perpetuating economic growth. With present-day emphasis on values other than material gain and productivity, we may easily run into a situation with diminishing or discontinuing growth, contracting budgets, and less money available for health purposes.

Medical men may well be playing *two* roles—and those who are fit to do so *should* do so—namely, one *professional* role and one role as *citizen*. It is in the latter capacity, more than in the first, that a medical man may have to attack and try to solve major problems in the society which may cause ill health. These two tasks and two roles should not be confused with each other.

To decide upon priorities in a rising economy is difficult, but to do it in a declining one is worse. I feel we should all remember—and the youth "movement" in particular—what William Osler once said: "The master word in medicine is work."

CRITICAL TIMES FOR SPECIALTY STEELS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. GAYDOS. Mr. Speaker, a recent article published by Steel Service Center emphasizes the inadequacies of the voluntary restraint arrangement negotiated in 1968 by the Department of State and Japanese-European steel producers. Letters of intent from these nations placed well-defined, self-imposed tonnage restrictions on their steel shipments to this country but were vague with respect to product mix. The result has been an unprecedented influx of higher priced specialty steels creating a crisis in our domestic specialty steel industry.

I submit for the record and the attention of my colleagues the article by the Reverend William T. Hogan, S.J., entitled "Critical Times for Specialty Steels." Father Hogan is a professor of economics at Fordham University and is a member of President Nixon's Task Force on Business Taxation. Father Hogan has been associated with the iron and steel industry for 20 years and has authored numerous articles and participated in many conferences dealing with this industry's development and problems. I strongly urge my colleagues to read Father Hogan's most informative report on the critical situation facing our Nation's specialty steel industry.

The article follows:

CRITICAL TIMES FOR SPECIALTY STEELS

Steel's last line of defense against foreign competition, the specialty steel business, has been outflanked by low-priced imports. Armed with prices that have severely undercut those of domestic producers, foreign mills have zeroed in on the elite steels that contain expensive alloys, that are labor intensive, difficult and costly to produce, and suited to special or critical applications. Overall, imports have captured more than 21 per cent of the market for these specialty steels, but in specific product lines the toll has been much higher. In 1970, for example, 68 per cent of the stainless wire rod market went foreign, as did 54 per cent of the market for stainless wire and 34 per cent of that for stainless cold rolled sheets. Even the more sophisticated among the specialty products have been affected, witness a 17 per cent loss of the market for tool steel.

The fact is that import pressure on the specialty steel business has been intensified under the Japanese-European voluntary restraint programs, adopted at the close of 1969 to head off legislated quotas. Since that time, a shift in product mix toward the more expensive steels, including the specialty grades, accompanied by a general increase in prices, has permitted foreign steelmakers to maintain the dollar volume of their business here, despite the voluntary limitation of that business on a tonnage basis. Although total steel imports in 1970 were 25.6 per cent below the level of pre-quota 1968, virtually the same revenues were generated by these imports, $1,967,000,000 in 1970 vs. $1,976,000,000 in 1968, a difference of less than ½ of 1 per cent. Over the same period, imports of specialty steel were up 3.2 per cent, and their dollar value, reflecting stepped up competition for the higher-priced specialty products, increased 24.8 per cent.

For the specialty steel industry, which includes a number of comparatively small companies, the import invasion has meant trouble. It has been coincident with a sharp cost inflation affecting the prices of most raw materials and services used by the industry, and its continued acceleration in the last year or so has run counter to a lower level of domestic demand. The impact on individual companies has started to show up in the most damaging ways: product lines have been dropped, employment lost, facilities shut down, and red ink entries posted to profit and loss statements. In effect, a quick and unexpected reversal has beset an industry that just a few short years ago had become established as a uniquely profitable and growing segment of the steel business.

As late as November 1968, *Fortune* cited the healthy profit margins of a number of specialty companies and concluded that highly complex technology and custom work, primarily in the finer specialty grades, tended to provide a degree of insulation against imports. The article, an industry profile, was keynoted as follows: "A small group of Pennsylvania-based companies have found some expanding markets where even the Japanese can't compete."

Compared to carbon steel products, the specialty steels generally sold at prices that more nearly reflected economics rather than politics, and it had become common for the specialty companies to earn upwards of 10 per cent on their invested capital, even in 1967, when imports, centered in the stainless grades, claimed 16.8 per cent of their market. In 1968, earnings were trimmed somewhat, when labor contract talks occasioned an irregular pattern of production, and the market share taken by specialty imports was boosted to 18.5 per cent. Nevertheless, at year's end, as operating rates returned to normal, improvement was anticipated, particularly with an expected decline in imports under the voluntary quotas then in final negotiation. Within the last two years, however, specialty companies, even those producing the finer tool steels, have run into severe foreign competition that has forced major price concessions to regain lost volume in what were formerly solid markets.

This latest dimension to the steel import problem has stirred up serious concern within the industry, the steelworkers' union and government—concern building to the levels of 1968, when legislative measures against foreign steel became imminent, and voluntary restraints were quickly adopted by Japanese and European steelmakers. This time around, much less in the way of absolute tonnage is at issue, but the products involved are far more costly and strategic in nature, the import penetration of their markets more severe and, so too, the impact on domestic producers. The events of the recent past and the need for relief in the short-term future make these critical times for the specialty steels.

This special supplement to *Center Lines* makes an analysis of the specialty steel industry and its current problems. It discusses in depth the types of specialty steel and their end uses or markets, the companies engaged in their production, the methods of production employed, the recent inflation in raw material costs, and the impact of foreign competition on this most vital and strategic industry.

WHY SPECIALTY STEELS ARE "SPECIAL"

The specialty steel industry, known primarily for its production of stainless and tool steels, caters to a wide variety of "special" material requirements, many of which call for critical performance metals of little or no iron content. More often than not, however, the industry's output is referred to as "specialty steel," and consequently, the term covers a broad range of products, turned out in thousands of variations, each designed for a specific application and frequently tailor-made to meet individual customer needs.

Steel and alloy products can be classified as specialties for a variety of reasons, such as their alloy content, price, volume of production, and end use. Most of the specialty steels are high in alloys, and relative to ordinary carbon steels, they are manufactured in smaller quantities and sell at much higher prices. To a limited extent, however, the specialty classification can also be applied to certain carbon and low-alloy steels designed to perform specialized, critical functions. Specialty steels are generally considered to include stainless and heat resisting steels, tool steels, high temperature steels and alloys, pressure and mechanical tubing, and refractory, reactive, and electronic metals.

In many of their uses, particularly in consumer goods and in architecture, specialty steels are both functional and aesthetic, and in other applications they are critical and strategic, with no available substitutes. Certain stainless steels, for example, because of their attractiveness, strength and resistance to wear and corrosion, are used in monumental construction and for automobile hubcaps, while other specialty steels have essential, high-technology applications in such products and components as aircraft turbine blades, ultra-high strength landing gear assemblies, the high temperature bearings of jet engines and industrial machinery, the structural parts of space vehicles, the grid wires in electron tubes, the seamless tubing for nuclear power plants, and corrosion resistant piping used to carry concentrations of hot sulfuric acid. These are only a few of the ways in which specialty steels are used under severe conditions demanding superior materials with one or more properties, most notably, toughness, hardness, and tensile strength, or resistance to extreme temperatures, corrosion, and abrasion.

Specialty steels obtain the high-performance characteristics from ther alloy content and the meticulous care that must be exerted throughout their production. Among the expensive elements they contain in substantial quantities are chromium, cobalt, molybdenum, nickel, silicon, titanium, tungsten, vanadium, and zirconium. Certain stainless steels require the addition of up to 30 percent chromium and 26 percent nickel; high speed tool steels contain as much as 45 percent of the alloying elements in various combinations, and many of the high temperature specialty products are 100 percent alloy. The chemical compositions of particular specialty steels depend upon their individual uses, and therefore, many of them are ordered, manufactured, and sold in small quantities, often measured in pounds rather than tons. This, together with their alloy content, makes them costly and difficult to produce, with relatively low yields (sometimes 60 per cent) from crude to finished products. In short, it requires a great deal of skillful handling and careful supervision to turn out small orders of many compositions, each meeting specifications of chemistry, size, uniformity, and quality.

Compared to ordinary carbon steel, which is produced in large tonnages, specialty steels have a very high labor content. Their average man-hour requirement per ton of output is approximately 7 times greater than that for carbon steel, and for the tool steel specialties the labor input is about 15 times greater. This labor requirement, their consumption of expensive alloys, and the low yields common to their production are the principal reasons for the high price tags carried by the specialty steels. Stainless steel prices, for example, average more than $1,200 per ton, or 7½ times higher than an average of somewhat more than $160 per ton for carbon steel. Naturally, the differentials on the more sophisticated specialties, which are sold by the pound, are much greater: the selling prices for high speed tool steel range up to $4 per pound, and some high temperature alloys sell for $5 per pound, which tallies out at $10,000 per ton.

Because specialty steels are labor intensive, their domestic producers are at a substantial competitive disadvantage relative to foreign producers with low wage costs. Further, because specialty steels are much higher in price than ordinary carbon steels, shipping costs are a much smaller percentage of the dollar value shipped, and consequently, the competitive disadvantage that accrues to foreign producers via freight charges is minimized.

STAINLESS: THE NO. 1 SPECIALTY STEEL

The specialty steel industry produces thousands of stainless steel products for a broad range of applications. Often classified as "stainless and heat resisting steels," they contain numerous combinations of alloys, primarily chromium and nickel, and are offered to the consuming market in a wide variety of shapes and surface finishes. Stainless is used primarily for its superior corrosion resistance at atmospheric and elevated temperature levels, but it also affords the advantages of attractive surface, toughness at low temperatures, strength, wear resistance, cleanliness, and ease of maintenance, qualities which make it the most widely used specialty steel.

The ability of stainless steels to resist corrosion derives primarily from their chromium content, with the alloying elements aluminum, copper, molybdenum, nickel, and silicon of limited usefulness in this regard. The most popular stainless steels are the iron-chromium and iron-chromium-nickel types, which are generally grouped according to their characteristics and alloy contents into three main categories: martensitic, ferritic, and austenitic.

Stainless steels in the *martensitic* category (400 and 500 series, hardenable by heat treatment) are usually of the iron-chromium type (Chrome 4–18%, Carbon 0.10–1.20%) and have excellent heat resisting qualities at temperatures up to 1100 F. They are more corrosion resistant than alloy steels, but because of their relatively low chromium content, they are not considered "stainless" in the same sense as ferritic and austenitic steels. Responsive to heat treatment, they develop a wide range of mechanical properties and are used to meet the requirements of strength, hardness, and resistance to abrasion in such items as turbine and machine parts, jet engine compressor blades, bearings, coal screens, valve trim, nuts and bolts, surgical instruments, cutlery, and golf club heads.

The *ferritic* stainless steels (400 series, not hardenable by heat treatment) are also of the iron-chromium type (Cr 15-27, C 0.12 max), are suited to high temperature use, and provide good resistance to corrosion and oxidation. Having fair ductility, they can be fabricated by the usual methods, and their surface can be finished to resemble chrome plating, a desirable characteristic for automotive trim applications. Ferritic stainless steels are also used in such items as annealing baskets and nitric acid tanks, which require their high temperature, anti-corrosion properties.

The *austenitic* stainless steels (Cr 16–30, Ni 6-26, C 0.08-0.25 max) are principally of the 300 series iron-chromium-nickel types, but also include 200 series stainless in which all or part of the nickel is replaced by manganese. The most widely used category of stainless, the austenitic steels are not hardenable by heat treatment, but provide maximum resistance to corrosion, maintain their structure at low temperatures, and have good ductility. They are readily adaptable to welding, standard fabrication, severe deep drawing, and forming. The iron-chrome-nickel variety resist oxidation and have high rupture and creep strength values. Some of the major uses for austenitic stainless are in chemical and food processing equipment, architecture, railroad car and truck trailer bodies, pulp handling and photographic equipment, nuclear power plants, aircraft structurals and cowlings, jewelry, and cookware.

STAINLESS STEEL PRODUCTION AND SHIPMENTS

The production of stainless steel in all grades, including the heat resisting types, traditionally has amounted to slightly more than 1 per cent of the nation's total raw steel output. Stainless steel shipments, on the other hand, given relatively low production yields, usually represent slightly less than 1 per cent of the total steel shipped. Compared to the total demand for steel, the demand for stainless, and consequently its production and shipments, is more sensitive to the level of economic activity, particularly as it relates to capital goods spending. This was demonstrated in 1970, when stainless demand dropped 20.1 per cent compared to a reduction of 5.5 per cent in overall steel demand.

STAINLESS STEEL PRODUCTION AND SHIPMENTS, 1960–70 (NET TONS)

	Production	Shipments
Year:		
1960	1,004,000	587,527
1961	1,137,000	564,758
1962	1,085,000	631,860
1963	1,204,000	659,279
1964	1,443,000	771,242
1965	1,493,000	879,170
1966	1,651,000	932,941
1967	1,451,000	837,080
1968	1,432,000	819,042
1969	1,569,000	909,453
1970	1,279,000	709,437

As the table above shows, both stainless production and shipments exhibited strong growth patterns prior to 1967, but during the last four to five years, their trends have been decidedly biased on the downside. An exception was the record steel year, 1969, when stainless tonnages recovered to their second best level in history. However, in 1970, stainless production and shipments were down 18.5 per cent and 22.0 per cent respectively, proportional to the sharp drop in stainless demand. Gauged in terms of apparent consumption (shipments plus imports minus exports), demand fell from a record of more than 1 million net tons in 1969 to just over 800,000 net tons, the lowest level since 1964.

Four-fifths of the decline in stainless shipments during 1970 was accounted for by lower tonnages in three product groups: cold rolled strip, cold rolled sheets, and cold finished bars, which together fell 160,235 net tons. Among these major product categories, cold rolled sheets registered the largest percentage loss (29.5 per cent), while lower tonnage categories were also hard hit, particularly, stainless wire and wire rods, which incurred shipments' losses of 41.9 per cent and 33.1 per cent respectively.

STAINLESS STEEL SHIPMENTS IN 1969 AND 1970 BY PRODUCT CATEGORY

Product	1969		1970	
	Shipments (net tons)	Percent of total	Shipments (net tons)	Percent of total
Cold rolled strip	283,830	31.2	212,124	29.9
Cold rolled sheets	223,611	24.6	157,749	22.3
Cold finished bars	101,812	11.2	79,145	11.2
Plates	67,316	7.4	54,754	7.7
Hot rolled bars	49,454	5.4	42,832	6.0
Blooms, slabs, billets, sheet bars	44,227	4.9	41,786	5.9
Hot rolled sheets	38,578	4.3	34,241	4.8
Pipe and tubing	27,866	3.1	32,119	4.5
Hot rolled strip	29,404	3.2	23,408	3.3
Wire	25,390	2.8	14,748	2.1
Ingots and castings	7,621	.8	9,674	1.4
Wire rods	10,133	1.1	6,778	.9
Structural shapes (heavy)	127		77	
Tube rounds	84		2	
Total[1]	909,453	100.0	709,437	100.0

[1] Includes stainless and heat resisting steels.

Although the specialty steel industry, as noted previously, turns out stainless in a variety of shapes, sizes, and chemistries to meet the needs of its customers, two-thirds to three-fourths of total stainless shipments are usually centered in the top four product categories listed above, and about one-half of all the stainless shipped is in the form of cold rolled sheets and strip. Within these leading product categories, market requirements permit a further concentration into stock sizes and chemical compositions. The resulting high-volume products show up on mill schedules as essential, "bread and butter" tonnage that makes it possible for stainless producers to achieve efficient operating rates and economic returns on their expensive plant and equipment.

Much of the demand for stainless comes from customers who use relatively small tonnages. Thus, there are very few orders for high tonnage production runs from customers who are end users. Consequently, stainless producers count on the steel service centers to consolidate much of the market demand and distribute a significant percentage of their products. Because of this relationship, the steel service centers regularly constitute the largest single outlet for stainless steel shipments.

FACTORS CURTAILING STAINLESS STEEL GROWTH

Cutbacks in stainless consumption and increased import competition have been responsible for the reduced levels of stainless activity during most of the period since 1967. Consumption had experienced strong growth during the 1950's through the mid-1960's, increasing from just under 450,000 net tons in 1950 to 981,027 net tons in 1966, but the trend has since been interrupted for a number of reasons. Stainless has been replaced in some of its applications by lower cost substitute materials, such as plastics, aluminum, and coated carbon steels, while demands for the metal have been scaled down in the automotive and capital goods markets, as well as for military purposes, particularly for the production of gas turbine aircraft engines.

Style changes in auto construction, some made in the interest of economy, have reduced the amount of stainless used per car, from 36 pounds to 23 pounds over the last 15 years, and further reductions are in prospect if the sub-compacts catch on in a big way. Meanwhile, since the mid-1960's, Detroit has run into an import problem of its own, and to the extent that foreign competition has checked the growth of domestic auto production (1965's record car output of

9,335,227 units has not since been equaled), it has also precluded any considerable increase in the auto industry's consumption of stainless steel. Last year, Detroit's demand for stainless slumped badly, as the General Motors strike played a major role in cutting domestic passenger car output by 20.4 per cent, to 6,550,128 units from 8,224,392 units in 1969. So far this year (through June 26), 4,583,981 cars have been turned out, 14.9 per cent more than in the same non-strike period a year ago, but despite the introduction of the Pinto, Vega, and Gremlin, imports are still on the rise. Over the first five months of this year, foreign car imports were running one month ahead of last year's pace. From January through May they totaled 1,089,999 units only 132 units less than in the first six months of 1970.

Another major factor curtailing the growth of stainless consumption, particularly in the last year or so, has been a decline in industrial machinery and equipment production, one of the principal sources of stainless demand. Capital appropriations by manufacturing firms, an advance indicator of investment expenditures, reached their peak in the second quarter of 1969 and trended downward in 1970, when operating rates slipped in relation to industrial capacity. During the current year, according to a recent Department of Commerce-Securities and Exchange Commission survey, business investment should increase by only 2.7 per cent, which amounts to a decline on a real dollar basis.

IMPORTS TAKE TWENTY-TWO PERCENT OF THE STAINLESS MARKET

While the growth of stainless demand has been interrupted in recent years, an increasing percentage of this demand has been supplied by foreign steelmakers. Thus, imports have also contributed to the reduced levels of domestic production and shipments. Because of foreign competition, the record stainless demand in 1969 failed to generate record tonnages for the domestic industry. Demand that year was 2.4 per cent greater than in 1966, but shipments were 2.5 per cent short of their 1966 record. Stainless imports, which accounted for 14.0 per cent of apparent consumption in 1966, increased their market share to 18.1 per cent in 1969 and to 22.1 per cent in 1970.

GROWTH OF STAINLESS STEEL IMPORTS (NET TONS)

Year	Imports	Apparent consumption [1]	Imports as percent apparent consumption
1964	79,352	754,593	10.5
1965	113,460	899,565	12.6
1966	137,390	981,027	14.0
1967	149,321	871,381	17.1
1968	174,031	905,422	19.2
1969	182,224	1,004,303	18.1
1970	177,209	802,923	22.1

[1] Apparent consumption includes domestic shipments plus imports minus exports.

Last year, despite the sharp downturn in domestic demand, stainless imports were sustained close to their peak level, off only 2.8 per cent compared to the 20.1 per cent drop in domestic demand. This in itself had a disruptive impact on the domestic stainless market, but an examination of the import tonnage on a product basis reveals a dramatic shift in its composition, away from semi-finished and into higher priced finished stainless, principally cold rolled sheets, one of the prime, high-volume products that domestic producers must turn out to operate profitably. Imports of semi-finished stainless were cut 44.9 per cent last year, and foreign producers shifted the tonnage into every other product category except pipe and tubing, hot rolled sheets, and wire rods. Singled out for special attention, the cold rolled sheet category jumped 20.6 per cent and accounted for 42.7 per cent of total stainless imports, up sharply from a 34.4 per cent share in 1969.

PRODUCT MIX OF STAINLESS STEEL IMPORTS

Product	1969 Imports (net tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Cold rolled sheets	62,739	34.4	75,681	42.7
Semifinished	49,044	26.9	27,015	15.2
Round wire	13,966	7.7	16,804	9.5
Wire rods	14,864	8.1	13,885	7.8
Strip and flat wire	11,908	6.5	12,848	7.3
Plates	7,153	3.9	8,342	4.7
Cold finished bars	6,121	3.4	7,913	4.5
Hot rolled bars	6,507	3.6	7,283	4.1
Pipe and tubing	7,929	4.4	6,361	3.6
Hot rolled sheets	1,993	1.1	1,077	.6
Total	182,224	100.0	177,209	100.0

During the current year, the shift in stainless imports from semi-finished to finished products has continued. The 80,540 net tons of stainless steel imported through the end of May included 6,656 net tons of semi-finished products, only 8.3 per cent of the total; this was down from 15.2 per cent in 1970 and 26.9 per cent in 1969. Meanwhile, imports in the crucial cold rolled sheet category continued to increase relative to all stainless imports. Over the first five months, they amounted to 36,022 net tons, which represented 44.7 per cent of the import total.

An analysis of the import product mix relative to the domestic markets for individual stainless steel products reveals that the impact of foreign competition has been particularly severe in certain product lines. The 22.1 per cent overall market share taken by stainless imports last year is a matter of serious concern, but domestic producers of stainless wire rods must contend with the fact that 67.5 per cent of their market has already gone foreign. Stainless wire producers have lost 53.7 per cent of their market, and 34.3 per cent of all the stainless cold rolled sheets consumed in this country are produced overseas.

JAPAN ACCOUNTS FOR 61 PERCENT OF STAINLESS IMPORTS

Despite last year's sharp decline in domestic stainless demand, Japanese producers managed a 19.5 per cent gain in their U.S. stainless business. Imports from Japan rose from 86,239 net tons to 103,077 net tons, and with tonnages from other countries down in the aggregate by 22.8 per cent, roughly in line with the drop in our demand, the Japanese share of total stainless imports increased from 47.3 per cent in 1969 to 58.2 per cent in 1970. During the first five months of the current year, 61.2 per cent of our stainless imports originated in Japan.

STAINLESS STEEL IMPORTS BY COUNTRY OF ORIGIN

Country	1969 Imports (net tons)	1969 Percent of total	1970 Imports (net tons)	1970 Percent of total
Japan	86,239	47.3	103,077	58.2
Canada	54,790	30.1	36,757	20.7
France	14,222	7.8	15,173	8.6
Sweden	15,615	8.6	12,961	7.3
United Kingdom	5,099	2.8	3,063	1.7
Belgium-Luxembourg	2,098	1.1	2,212	1.3
West Germany	1,422	0.8	1,425	0.8
Italy	1,385	0.8	748	0.4
Austria	397	0.2	314	0.2
Other countries	957	0.5	1,479	0.8
Total	182,224	100.0	177,209	100.0

The intensity of the Japanese sales effort in stainless was pointed up by a recent full page ad in *Metal Center News*. Placed by Kanematsu-Gosho (U.S.A.) Inc., it reads as follows: "Now—for service centers only, Aichi Steel, Japan's largest producer of quality stainless angles and flats, offers same day service from four local mill depots, Chicago, Rahway, Los Angeles, Toronto." Stainless imports from Japan during January-May of this year totaled 49,290 net tons, more than four times the import volume from Canada, the next largest country of origin.

PRICES OF FOREIGN VERSUS DOMESTIC STAINLESS

Comparisons between foreign and domestic book prices for stainless steel products reveal wide disparities in favor of imports. As an example, the following table provides an up-to-date listing of American published prices for stainless wire in a variety of gauges, as well as French and Japanese price schedules for the same product.

FOREIGN AND DOMESTIC BOOK PRICES FOR STAINLESS WIRE

(Cents per pound)

Type	Gage	French price	Japanese price	Domestic price
304	0.086	77.36	57.50	109.25
304	.128	71.10	55.50	99.00
304	.148	69.63	62.15	96.00
304	.160	69.40	61.45	93.00
304	.203	66.75	60.90	84.75
304	.217	52.00	46.05	76.75
304	.250	52.00	46.05	72.50
304	.280	52.00	46.05	72.50
304	.312	50.00	46.05	72.50
316L	.086	107.61	84.00	140.50
316L	.128	101.35	82.00	130.25

The stainless wire category affected by the price spreads given above is relatively low in tonnage and has incurred particularly severe import competition. However, domestic producers are also faced with substantial price differentials on high-tonnage stainless products. In the market for cold rolled sheets, for example, foreign mills have waged intense price competition, which domestic mills have countered by increasing distributor's allowances from 3 to 18 per cent since the second quarter of 1970. Nevertheless, price disparities favoring imports by 15 per cent continue to affect the market for Type 304 cold rolled sheets, one of the most popular stainless products.

STAINLESS STEEL PROSPECTS

Unless effective measures, voluntary or otherwise are instituted to control stainless imports in regard to product, mix and total tonnage, foreign competition will continue to restrict the growth of domestic stainless activity and ultimately may result in a shutdown of some domestic stainless facilities. This is particularly true if the recovery in demand beyond the near future fails to live up to expectations. Stainless producers anticipate that demand will pick up rapidly as the economy and capital spending recover, and the longer-term outlook is most favorable, as stainless is expected to find new and expanded markets in the nuclear power and pollution control fields. It is also possible that the automotive market for stainless will receive a boost from the development of a catalytic muffler or other device to control auto exhaust emissions. Stainless, therefore, despite current lagging demand, is expected to re-establish its position as a growth metal in the years ahead.

TOOL STEELS: ESSENTIAL, LOW-TONNAGE SPECIALTIES

Tool steels perform the vital function of transforming and shaping materials used in virtually every type of manufacturing. With this role and the absence of economic or readily available substitutes, they represent a class of specialty steel products that is essential to the nation's economy, even though it accounts for just 1/10 of 1 per cent of total steel shipments.

Although tool steels, also referred to as "tool and die" steels, sometimes find their way into non-tool uses that require superior wear resistance, their principal applications are in drills, taps, broaches, reamers, chasers, and milling cutters, as well as high-production dies for cold working operations, for stamping, forming, punching, shearing, trimming, hot heading, hot extrusion, and die casting. Depending on their applications, tool steels vary in chemical composition, ranging from plain carbon types to heavily alloyed high speed cutting types, all capable of hardening and tempering. They are produced in small batches, frequently in hundreds of pounds, under critical tool steel practice and subjected to rigid quality control and inspection procedures.

TOOL STEEL SHIPMENTS

Since 1960, tool steel shipments have followed the same basic pattern as stainless shipments, reaching their peak in 1966 and trending downward over the last four to five years, 1969 excepted. The record 121,345 net tons shipped in 1966 was 39.9 per cent above the annual shipments figure for 1960, but last year's shipment at 88,337 net tons were 27.2 per cent below their 1966 level and 22.5 per cent lower than in 1969.

The decline in shipments since the mid-1960's has paralleled a downturn in tool steel demand, which unlike that for any other category of specialty or carbon steel products, derives almost entirely from the producers of machinery, industrial equipment, and tools. Measured as apparent consumption, demand reached a record 137,184 net tons in 1966, a figure that has not since been equaled. Last year, following a temporary recovery in 1969, demand slipped 17.9 per cent to 103,813 net tons, lower than the level of 1964.

Tool steel shipments, 1960–1970 [1]

	Net tons
1960	86, 784
1961	79, 751
1962	94, 786
1963	94, 097
1964	102, 379
1965	118, 242
1966	121, 345
1967	109, 929
1968	106, 366
1969	113, 921
1970	88, 337

[1] Includes high speed and other alloy tool steels.

IMPORTS SUPPLY 17 PERCENT OF TOOL STEEL MARKET

Despite last year's decline in tool steel demand, imports increased 15.0 per cent to 17,635 net tons. This was nearly double their 1964 volume of 9,081 net tons, and with demand running below the rate of 1964, their share of the tool steel market was boosted to 17.0 per cent, compared to 8.3 per cent in 1964 and 12.1 per cent in 1969.

GROWTH OF TOOL STEEL IMPORTS (NET TONS)

Year	Imports	Apparent consumption [1]	Imports as percent apparent consumption
1964	9, 081	109, 185	8. 3
1965	12, 954	129, 544	10. 0
1966	17, 614	137, 184	12. 8
1967	18, 859	127, 149	14. 8
1968	15, 162	119, 922	12. 6
1969	15, 253	126, 449	12. 1
1970	17, 635	103, 813	17. 0

[1] Apparent consumption includes domestic shipments plus imports minus exports.

The growth of imports has encompassed a broad range of tool steel grades, from those of low and medium alloy content to the higher-priced, high speed types, containing substantial amounts of the expensive alloying elements. Although lower in tonnage, imports of high speed tool steels have been increasing at a much faster rate than those in the other alloy grades. During 1964–1970, they jumped 141.5 per cent, from 2,674 net tons to 6,457 net tons, while other allow tool steels rose from 6,407 net tons to 11,178 net tons, a gain of 74.5 per cent. This increased the share of total tool steel imports in the expensive high speed grades from 29.4 per cent to 36.6 per cent.

FOREIGN COMPETITION IN FINISHED STEELS IS UNDERSTATED

Tool steel imports, including both the high speed and other alloy grades, have been concentrated in three product categories, hot rolled bars, wire rods, and cold finished bars, which in 1970 accounted for 97.2 per cent of total imports. Although hot rolled tool steel bars represent the dominant product category, wire rod imports were up 52.6 per cent last year, with the critical high speed grades accounting for 87.7 per cent of the increase. High speed tool steel wire rod imports totaled 2,772 net tons in 1970, compared to 1,390 net tons in 1969, only 916 net tons in 1968, and 90 net tons in 1964.

PRODUCT MIX OF TOOL STEEL IMPORTS

Product	1969		1970	
	Imports net) tons)	Percent of total	Imports (net tons)	Percent of total
Hot rolled bars	8, 994	59. 0	10, 662	60. 5
Wire rods	2, 996	19. 6	4, 571	25. 9
Cold finished bars	2, 236	14. 7	1, 899	10. 8
Wire	550	3. 6	289	1. 6
Plates and sheets	477	3. 1	214	1. 2
Total	15, 253	100. 0	17, 635	100. 0

The above listed data on the product mix of tool steel imports, like similar statistics for other steel products, represents an accurate accounting made by the U.S. Bureau of the Census when these products entered the United States. However, the imported product mix on tool steels tends to understate the inroads made by imports into the markets for finished products, particularly tool steel wire. This has been the case in the last two years, ever since foreign producers, partially to minimize tariff costs and inventory problems, have established stateside companies with finishing facilities to import their tool steel in semi-finished form for conversion here into finished products. Consequently, in recent years, while domestic producers have encountered more intense foreign competition in the sale of high speed tool steel wire, import statistics in this product category have declined, from 1,717 net tons in 1968, to 550 net tons in 1969, and to 289 net tons in 1970.

STATESIDE AFFILIATES OF FOREIGN TOOL STEEL PRODUCERS

To date, three overseas companies, two Swedish and one Japanese, have established finishing facilities for tool steel in the United States. The first such operation dates back to 1969, when Fagersta Steels Incorporated of Sweden purchased the Sterling Steel Company of McKeesport, Pennsylvania, an offshoot of Firth Sterling. The second company to be established by Swedish interests, Stora-Koppaberg, is located in Northern New Jersey. Basically, the operations of these two Swedish companies involve the importation of tool steel rods, which are drawn into a wide range of wire products, principally for the manufacture of drills and reamers, and the importation of semi-finished tool steel bars on which grinding operations are performed. The Japanese facility, Hi Met, Inc., located at Irwin, Pennsylvania, is patterned after the Swedish operations. Backed by Hitachi Metals of Japan, it is expected to import semi-finished tool steel rods and bars for conversion at Irwin into finished products, which are to be marketed throughout the United States.

SWEDEN IS PRINCIPAL SOURCE OF TOOL STEEL IMPORTS

Sweden, with two successful finishing operations here, is this country's chief source of tool steel imports. Last year, 6,040 net tons or 34.2 per cent of our total imports of tool steel originated in Sweden, almost twice the total from the second largest source, Canada, which accounted for a 17.4 per cent import share. Japan ran a close third, contributing 13.2 per cent of the import total.

TOOL STEEL IMPORTS BY COUNTRY OF ORIGIN

Country	1969		1970	
	Imports (net tons)	Percent of total	Imports (net tons)	Percent of total
Sweden	4, 734	31. 0	6, 040	34. 2
Canada	2, 474	16. 2	3, 066	17. 4
Japan	1, 460	9. 6	2, 329	13. 2
Austria	3, 154	20. 7	2, 014	11. 4
West Germany	1, 527	10. 0	1, 256	7. 1
France	846	5. 6	1, 123	6. 4
United Kingdom	868	5. 7	1, 038	5. 9
Belgium-Luxembourg			207	1. 2
Other countries	190	1. 2	562	3. 2
Total	15, 253	100. 0	17, 635	100. 0

As in stainless steel, foreign producers have concentrated their sales efforts on tool steel products of standard sizes and chemistries. Price competition has been extremely severe, with differentials of up to 40 per cent in favor of imports countered by 10 to 40 per cent price reductions on the part of domestic producers.

SPECIALTY TUBULAR PRODUCTS

Like other specialty steel products, the significance of specialty tubing cannot be assessed in terms of tonnage. The product accounts for a relatively minor 1.5 per cent share of the steel industry's total shipments, and yet, like other specialties, it has critical applications, and more importantly, it is indispensable to the generation of electric power.

Specialty tubing can be either seamless or welded and is produced by a number of methods. The seamless variety is made from a solid, round bar of steel by means of hot piercing, hot extrusion, or cupping and drawing. Welded specialty tubing, on the other hand, is manufactured from flat-rolled strip and is welded into tube form by one of four processes: furnace welding, electric resistance welding, electric flash welding, and fusion welding. Designed for a variety of specialized requirements, specialty tubing is produced in a wide range of carbon, alloy, and stainless steel grades.

Depending on its applications, specialty tubing is classified into two main categories: pressure and mechanical. As the name implies, *pressure tubing* (seamless or welded) is used to transport liquids under pressure, often at high temperatures. Included within this product classifiction are boiler and superheater tubes, oil still tubes, ad heat exchanger and condenser tubes. Pressure tubing is essential to the manufacture of electric power generating equipment, and is used in the key parts of virtually all types of transportation equipment, in the processing of oil, gasoline, and chemical compounds, as well as in food processing. *Mechanical tubing* (seamless or welded) is used for a great number of mechanical purposes and is produced according to specifications in round, square, rectangular, or special shapes. Some of its more significant applications are in automobiles, food processing and handling equipment, aircraft and aerospace equipment, farm and construction machinery, military hardware, and medical equipment.

SHIPMENTS OF SPECIALTY TUBING

The performance of specialty tubing shipments over the past decade closely parallels the movements of other specialty steel product shipments. During 1960–1966, total shipments of specialty tubing, including the pressure and mechanical types, increased by 521,861 net tons, or 50.5 per cent. However, since recording their record tonnage of 1,555,695 net tons in 1966, their trend has been downward, with the exception of 1969, the record year for domestic steel production. The actual decline between 1966 and 1970 was 266,349 net tons, or 17.3 per cent.

SPECIALTY TUBING SHIPMENTS, 1960–70 (NET TONS)

	Mechanical	Pressure	Total
Year:			
1960	762,582	271,252	1,033,834
1961	683,011	256,344	939,355
1962	814,247	248,063	1,062,310
1963	829,371	248,473	1,077,844
1964	1,008,698	287,938	1,296,636
1965	1,132,992	326,357	1,459,349
1966	1,224,050	331,645	1,555,695
1967	1,051,711	260,291	1,312,002
1968	1,219,970	241,558	1,461,528
1969	1,289,902	242,030	1,531,932
1970	1,052,359	236,987	1,289,346

With the exception of 1961, 1967, and 1970, shipments of mechanical tubing have increased during the past decade. They reached a high point of 1,289,902 net tons in 1969, but fell back to 1967's level last year. It must be stressed that many manufacturers of pressure tubing do not report their shipments to the American Iron and Steel Institute, and consequently, the pressure tubing statistics listed above understate actual shipments. On the basis of reports made to AISI, shipments of pressure tubing during 1960–1966 rose by 60,393 net tons, or 22.3 per cent. However, starting with 1967, they fell sharply to a low point of 236,987 net tons in 1970, a decline of 28.5 per cent over four years.

SPECIALTY TUBING IMPORTS UP SHARPLY

As is the case with other specialty steel products, the domestic producers of specialty tubing have met with heavy import competition. Between 1965 and 1970, imports of alloy and stainless (including heat resisting) seamless tubular products increased from 15,108 net tons to 42,995 net tons, a gain of 184.6 per cent. The penetration by imports into the market for these two types of seamless tubing is estimated at about 23 per cent and 30 per cent respectively. Welded alloy pipe and tubing imports have also increased sharply, from 473 net tons in 1964 to 10,730 net tons in 1970. Leading exporters of specialty tubular products are Japan, West Germany, Sweden, the United Kingdom, and Canada.

SPECIALTY STEEL INDUSTRY PROFILE

Because the specialty steel industry's products frequently sell in small quantities and are priced high relative to ordinary carbon steels, this segment of the overall steel industry is much more significant than its tonnage shipments indicate. Stainless and tool steels, for example, account for only 1 per cent of net steel mill product shipments, but they are responsible for about 7 per cent of the steel industry's total dollar revenues; the 1.5 per cent share of net industry shipments represented by specialty tubing generates 4.5 percent of total steel revenues.

The specialty steel industry is composed primarily of companies that are relatively small, judged by the size of their operations and revenues. Although a number of the major steel companies produce specialty steels, they at most contribute one-third of the industry's product shipments. Included in the industry's ranks are 38 integrated producers and many more smaller firms that purchase semi-finished specialty steel and roll, draw, fabricate, or otherwise transform it into finished products. There are, for example, over 100 such non-integrated companies engaged in the manufacture of specialty tubing.

The centerfold of this special *Center Lines* supplement on the specialty steel industry contains a profile of the industry's integrated producing companies. All of the firms listed operate melting furnaces, as well as finishing facilities for the production of specialty steel products. The profile indicates the locations of each firm's facilities, the types of melting practice they employ, and the specialty steel products they produce.

Included among the industry's integrated producers are three types of companies: First, six of the nation's eight major steel companies have varying degrees of participation in the specialty steel business. Their specialty operations range in size and diversity from those at Republic and Armco, which turn out a wide variety of specialty steel products and rank among the leaders in stainless steel output, to those at Bethlehem, where tool steel production constitutes a relatively minor part of the company's activities. Second, the industry has a number of large tonnage producers of its own. Among these industry leaders are Allegheny-Ludlum Industries, Cyclops Corporation, and Colt Industries (Crucible), which produce full lines of specialty products. Third, there are a substantial number of "specialists" in the industry, companies that concentrate on relatively few classes of products, such as tool steels and specialty tubing. Included among these industry members are Latrobe Steel Company and Columbia Tool Steel Company.

As the centerfold profile indicates, some type of electric furnace practice is employed in the production of most specialty steel products, including the stainless steels and tool steels. The most widely used furnace type is the electric arc, while some companies melt in electric induction furnaces or by a vacuum melting process. The open hearth and basic oxygen furnace can be employed to produce some alloy steels, as well as steel used to make mechanical or pressure tubing in certain carbon and alloy grades.

EARNINGS PERFORMANCE OF SPECIALTY STEEL COMPANIES

The earnings performances of 11 specialty steel companies during 1960–1970 inclusive are indicated in the table below. The selection of these companies was based on the availability of financial data and the criterion that specialty steel sales account for a major or substantial share of their total sales revenues. However, even though the companies listed meet this criterion, a number of them are engaged in diverse business activities, and consequently, their earnings trends are likely to reflect other influences in addition to the ups and downs of the specialty steel business. This is particularly true of Allegheny-Ludlum, Colt, Sharon, and Heppenstall.

SALES AND EARNINGS PERFORMANCE OF SELECTED SPECIALTY STEEL PRODUCERS

[Millions of dollars]

Company	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960
Allegheny Ludlum Inds., Inc.[1]											
Net sales	515.04	536.47	487.89	425.37	442.89	335,99	292.55	259.07	258.31	238.24	238.77
Net earnings	14.82	22.35	22.88	24.91	31.19	19.47	15.85	10.85	8.75	11.69	8.75
Stockholders' equity	246.80	249.39	243.23	222.93	200.14	143.43	127.66	119.37	116.18	114.61	110.49
Earnings percent sales	2.88	4.17	4.69	5.86	7.04	5.79	5.42	4.18	3.39	4.91	3.66
Earnings percent equity	6.00	8.96	9.41	11.17	15.58	13.58	12.42	9.08	7.54	10.20	7.92
Carpenter Technology Corp.[2]											
Net sales	174.68	163.53	148.71	150.71	137.84	117.59	94.61	85.62	88.85	66.12	85.08
Net earnings	11.06	11.31	11.81	15.84	14.92	11.14	6.97	5.43	6.14	3.31	6.57
Stockholders' equity	103.76	101.04	98.11	91.63	81.91	70.91	64.16	60.15	57.40	52.99	49.31
Earnings percent sales	6.33	6.91	7.94	10.51	10.83	9.47	7.37	6.35	6.91	5.01	7.72
Earnings percent equity	10.66	11.19	12.03	17.29	18.22	15.71	10.86	9.03	10.69	6.25	13.33
Colt Industries, Inc.[3]:											
Net sales	665.64	729.21	663.86	642.54	610.51	533.83	471.70	427.17	N.A.	N.A.	N.A.
Net earnings	13.27	5.53	28.84	21.96	19.35	15.54	10.63	6.88	N.A.	N.A.	N.A.
Stockholders' equity	245.79	243.13	254.65	214.32	194.00	179.76	164.35	160.48	N.A.	N.A.	N.A.
Earnings percent sales	1.99	0.76	4.34	3.42	3.17	2.91	2.25	1.61	N.A.	N.A.	N.A.
Earnings percent equity	5.40	2.27	11.33	10.25	9.98	8.64	6.47	4.29	N.A.	N.A.	N.A.
Copperweld Steel Co.:											
Net sales	131.62	142.31	136.94	124.03	128.70	132.18	118.31	101.43	93.19	104.74	114.80
Net earnings	2.10	5.18	5.08	3.14	4.69	6.06	6.38	3.65	2.54	1.48	2.44
Stockholders' equity	55.37	55.82	53.56	51.40	51.17	49.39	45.63	41.40	39.98	39.69	47.80
Earnings percent sales	1.59	3.64	3.71	2.53	3.65	4.58	5.40	3.60	2.73	1.41	2.13
Earnings percent equity	3.79	9.27	9.49	6.11	9.17	12.27	13.99	8.82	6.35	3.73	5.11
Cyclops Corp.:[4]											
Net sales	240.64	248.03	234.85	214.73	240.16	217.15	198.93	175.30	164.91	148.81	144.18
Net earnings	1.59	9.35	10.08	6.50	10.11	10.62	8.34	6.67	5.70	4.84	5.06
Stockholders' Equity	114.51	116.72	111.28	104.62	102.03	95.85	88.79	83.63	79.85	76.78	74.63
Earnings percent sales	0.66	3.77	4.29	3.03	4.21	4.89	4.19	3.81	3.46	3.25	3.51
Earnings percent equity	1.39	8.01	9.06	6.21	9.91	11.08	9.39	7.98	7.14	6.30	6.78
Heppenstall Co.:[5]											
Net sales	51.75	54.96	58.57	54.75	52.77	47.91	41.60	37.00	NA	NA	NA
Net earnings	(1.55)	.34	2.11	2.19	2.16	1.92	1.12	.08	NA	NA	NA
Stockholders' equity	18.52	20.79	20.83	19.06	11.82	10.96	9.69	11.07	NA	NA	NA
Earnings percent sales	(3.00)	.62	3.60	4.00	4.09	4.00	2.69	.22	NA	NA	NA
Earnings percent equity	(8.38)	1.64	10.13	11.49	18.26	17.49	11.57	.73	NA	NA	NA

Footnotes at end of table.

SALES AND EARNINGS PERFORMANCE OF SELECTED SPECIALTY STEEL PRODUCERS—Continued

[Millions of dollars]

Company	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960
ITT Harper Inc.[6]											
Net sales	N.A.	26.41	24.22	26.07	26.07	22.51	19.44	16.19	15.85	14.81	12.68
Net earnings	N.A.	1.47	1.09	1.32	1.43	1.03	1.07	.90	1.03	.84	.80
Stockholders' equity	N.A.	13.47	12.56	11.75	10.84	9.73	10.54	9.81	9.44	9.03	5.79
Earnings percent sales	N.A.	5.55	4.50	5.04	5.49	4.58	5.48	5.55	6.52	5.67	6.32
Earnings percent equity	N.A.	10.87	8.68	11.19	13.21	10.60	10.12	9.16	10.94	9.29	13.84
Joslyn Manufacturing & Supply Co.[7]											
Net sales	115.56	118.36	111.47	105.57	107.22	93.49	83.16	77.56	82.89	82.59	85.05
Net earnings	3.66	4.55	4.90	5.11	6.82	4.54	3.73	2.97	3.20	3.42	3.32
Stockholders' equity	59.14	58.27	56.52	54.41	52.09	47.84	44.59	43.94	42.84	41.52	39.68
Earnings percent sales	3.17	3.84	4.40	4.84	6.36	4.86	4.48	3.82	3.85	4.15	3.90
Earnings percent equity	6.19	7.81	8.67	9.40	13.09	9.50	8.18	6.75	7.46	8.25	8.36
Latrobe Steel Co.:[8]											
Net sales	44.93	53.87	46.09	50.70	51.98	42.99	34.91	32.31	32.30	25.57	24.79
Net earnings	(.65)	.78	2.39	2.43	3.08	2.15	1.53	1.77	1.97	.72	1.11
Stockholders' equity	25.21	26.05	25.83	23.99	22.08	19.87	18.27	17.43	16.16	14.72	14.45
Earnings percent sales	(1.45)	1.45	5.18	4.78	5.93	4.99	4.38	5.47	6.11	2.83	4.49
Earnings percent equity	(2.59)	3.00	9.24	10.11	13.97	10.79	8.37	10.14	12.19	4.92	7.70
Sharon Steel Corp.:[9]											
Net sales	225.43	229.84	220.43	184.75	194.79	187.86	161.19	136.44	135.13	126.37	116.09
Net earnings	3.67	7.71	2.93	3.09	4.47	4.43	2.41	.59	1.40	1.09	1.13
Stockholders' equity	107.97	106.78	101.46	100.12	98.48	87.35	82.93	80.37	79.87	79.47	76.03
Earnings percent sales	1.63	3.36	1.33	1.67	2.30	2.36	1.50	.43	1.04	.86	.98
Earnings percent equity	3.40	7.22	2.89	3.08	4.54	5.07	2.91	.74	1.75	1.37	1.49
Washington Steel Corp.:[10]											
Net sales	43.36	41.49	39.58	34.22	26.33	31.53	28.13	24.20	25.55	26.17	32.91
Net earnings	2.84	2.01	2.07	2.29	1.13	1.82	1.82	1.13	1.04	.94	2.14
Stockholders' equity	23.53	21.72	20.57	19.30	17.55	17.25	15.69	14.50	14.01	13.63	13.40
Earnings percent sales	6.54	4.83	5.23	6.68	4.31	5.78	6.47	4.67	4.06	3.60	6.51
Earnings percent equity	12.05	9.23	10.06	11.85	6.47	10.56	11.60	7.79	7.40	6.92	15.99

[1] The figures for 1966, 1967, and 1968 have been adjusted to include accounts (on a calendar year basis) of pooled subsidiaries acquired in 1967, 1968, and 1969, respectively.

[2] Carpenter's fiscal year ends June 30; net sales include other revenues.

[3] Net earnings include extraordinary items.

[4] Figures for 1970 include Detroit Steel Corp. from its date of acquisition, Nov. 12, 1970. The figures for 1968 and prior years have been restated to include the results of Sawhill Tubular Products, Inc., which was acquired on July 31, 1968.

[5] Heppenstall's fiscal year ends Oct. 31.

[6] Net earnings for 1965 exclude a special item charge of $1,000,000.

[7] Net earnings for 1966, 1968, 1969, and 1970 include extraordinary income items.

[8] Net earnings for 1968 and 1970 include extraordinary credit items.

[9] Net sales include other revenues; net earnings exclude special items.

[10] Washington's fiscal year ends Sept. 30.

NA-Comparable data not available.

THE SPECIALTY STEEL INDUSTRY

Company	Locations of specialty steel facilities	Furnace processes	Specialty steel products
Air Reduction Co.: Airco Vacuum Metals Division.	Berkeley, Calif	Electron beam hearth refining	Electron-beam hearth refined stainless and special steel products in the form of cast slabs and blooms.
Allegheny Ludlum Industries, Inc.: Allegheny Ludlum Steel Division.	Brackenridge Works—Brackenirdge, Natrona and Westwood, Pa.; West Leechburg Works—West Leechburg and Bagdad, Pa.; Bar Products Division—Dunkirk and Watervliet, N.Y.; The Wallingford Steel Co.—Wallingford, Conn.; Special Metals Corp.—New Hartford, N.Y.; Ajax Forging and Casting Co.—Detroit and Ferndale, Mich.	Electric arc, vacuum melt induction, vacuum melt electrode, consumable electrode.	Stainless and heat resisting steels in all types, magnetic steels, high temperature alloys—producing a complete range of products, including hot and cold rolled sheets and strip, plates, hot rolled and cold finished bars, wire, seamless and welded pipe and tubes, wire rods and billets; tool and die steels.
Armco Steel Corp	Ambridge and Butler, Pa.; Middletown, Ohio; Baltimore, Md. (Advanced Materials Division); Torrance, Calif. (National Supply Division); Houston, Texas and Wildwood, Fla. (Tube Associates).	Electric arc, vacuum arc	Seamless mechanical and pressure tubing; stainless bars, billets, rods, rounds, wire products, sheet, strip and pipe; also, superalloys, and titanium products.
Athlone Industries: Jessop Steel Corp.	Washington, Pa.; Owensboro, Ky. (Green River Steel Corp.)	Electric arc, electric induction, electric induction vacuum melt.	Stainless sheared plates, hot rolled and cold rolled bars, hot rolled sheets, armor plate, tool bits, tool steel, cold finished tool steel.
Babcock & Wilcox Co.: Tubular Products Division.	Alliance, Ohio; Beaver Falls, Pa.; Elkhart, Ind.; Milwaukee, Wis.	Electric arc	Stainless welded and seamless tubes, pressure and mechanical tubing, seamless rolled rings.
Baldwin-Lima-Hamilton Corp.: Standard Steel Division.	Burnham, Pa	Basic electric arc, vacuum electrode.	Jet engine, missile, nuclear and power generating components, such as forgings, flanges and rings.
Bethlehem Steel Corp	Bethlehem, Pa	Electric arc	Tool steels.
Cameron Iron Works, Inc	Houston, Tex	Vacuum induction, vacuum consumable.	Forgings, rolled rings, extruded heavy wall pipe, vacuum melted specialty alloys.
Carpenter Technology Corp	Reading, Pa., and Bridgeport, Conn. (Steel Division); Union, N.J. (Tube Division); El Cajon, Calif. (Special Products Division).	Electric arc, electric induction, vacuum induction, consumable electrode.	Stainless wire rods, hot rolled and cold finished bars, hot and cold rolled strip, tool steel, electric-weld, mechanical and pressure pipe and tubing.
Colt Industries, Inc.: Crucible Materials Group.	Alloy Division—Midland, Pa.; Magnetics Division—Elizabethtown, Ky.; Specialty Metals Division—Syracuse, N.Y.; Stainless Steel Division—Midland, Pa.; Trent Tube Division—East Troy, Wisc., Fullerton, Calif., Bremen and Carrollton, Ga.; Spaulding Operation—Harrison, N.J.	Electric arc, electric induction, electrode vacuum, vacuum melting induction, vacuum melting electrode arc remelting.	Hot rolled and cold finished bars, tube rounds, tool steels, high speed steels, stainless steel products, including sheets, strip and welded tubing, high temperature alloys, automotive valve steels, titanium alloys.
Columbia Tool Steel Co	Chicago Heights, Ill	Electric arc	High speed, high and low alloy and water hardening tool and die steels.
Continental Copper & Steel Industries, Inc.: Braeburn Alloy Steel Division.	Braeburn, Pa	Vacuum consumable electrode arc remelt.	Rolled and forged tool steel in high temperature alloy grades.
Copperweld Steel Co	Steel Bar Division—Warren, Ohio; Steel Tube Division—Shelby, Ohio.	Electric arc	Stainless tube rounds, hot rolled and cold finished bars, seamless and electric-weld mechanical and pressure tubing
Cyclops Corp	Empire-Reeves Steel Division—Mansfield and Dover, Ohio; Sawhill Tubular Division—Sharon and Wheatland, Pa.; Universal-Cyclops Specialty Steel Division—Bridgeville, Pittsburgh, Titusville, Pa.; Coshocton, Ohio; Tex-Tube Division—Houston, Tex.	Electric arc, vacuum electrode, vacuum induction.	Stainless hot and cold rolled sheets, strip, plates, bars, tube rounds, wire and wire rods; pipe and tubing; high speed tool steels; specialty tubing.
Driver (Wilbur B.) Co	Newark, N.J	Electric induction, vacuum induction.	Stainless wire rods and drawn wire, cold rolled strip and flat wire.
Easco Corp.: Eastern Stainless Steel Co.	Baltimore, Md	Electric arc, electric induction, vacuum melt induction, vacuum melt consumable electrode.	Stainless plates, hot and cold rolled sheets and strip; superalloys.
Harper (H. M.) Co.: Subsidiary of ITT.	Morton Grove, Ill	Electric arc, electric induction	Stainless wire rods, light structural shapes, forgings, hollow bar, hot extruded and cold finished bars, seamless pipe and tubing, wire.
Heppenstall Co	Pittsburgh, Pa. and Bridgeport, Conn.; Philadelphia, Pa. (Midvale-Heppenstall Co.).	Electric arc, vacuum electrode	Stainless steel, billets, forgings and tool steels.
Jones & Laughlin Steel Corp	Aliquippa and Pittsburgh, Pa., Louisville, Cleveland and Youngstown, Ohio; Oil City, Pa. and Gainesville, Tex. (Specialty Tube Division); Warren, Mich. (Stainless and Strip Division).	Electric arc	Stainless wire rods, hot rolled bars, hot and cold rolled sheets and strip, electric-weld mechanical and pressure tubing seamless pressure tubing.
Jorgensen (Earle M.) Co	Los Angeles, Calif. and Seattle, Wash	do	Steel blooms, billets and finish machined forgings in stainless and aircraft grades.

THE SPECIALTY STEEL INDUSTRY—Continued

Company	Locations of specialty steel facilities	Furnace processes	Specialty steel products
Joslyn Mfg. and Supply Co. Joslyn Stainless Steels.	Fort Wayne, Ind	Electric arc	Stainless steels, bars, wire, shapes (angles), billets.
Kaiser Steel Corp.: Metal Products Division.	Los Angeles, Calif.; Kaiser Steel Tubing Plant	Open hearth, BOF	Welded mechanical tubing.
Laclede Steel Co	Alton, Ill	Electric arc	Continuous weld and electric-weld mechanical tubing.
Latrobe Steel Co	Latrobe, Pa	Electric arc, vacuum induction	High speed steels, high alloy steels, extrusion die steels, die casting and die forging steels, plastic mold steels, tool steels, wear-resistant steels, vacuum-melted specialty and high temperature alloys, heat- and corrosion-resistant steels and high strength steels.
Lukens Steel Co	Coatesville, Pa	Electric arc	Clad steel plates including but not limited to stainless, nicke monel, iconel and copper cladding on all types of carbon an alloy backing steel.
McLouth Steel Corp	Trenton, Detroit and Gibraltar, Mich	do	Stainless sheared plates, hot rolled and cold rolled sheets and strip.
National Forge Co	Irvine, Erie and Titusville, Pa	do	Stainless steel ingots and forgings; steel castings.
NVF Co.: Sharon Steel Corp	Farrell, Pa.; Union and New Market, N.J. (Union Steel Corp.)	do	Stainless steel strip and welded stainless tubing.
Phoenix Steel Corp	Claymont, Del. and Phoenixville, Pa	Electric arc, Basic open hearth	Stainless clad steels and mechanical and pressure tubing.
Republic Steel Corp	Massillon and Canton, Ohio—Central Alloy District; Brooklyn, N.Y., Cleveland, Ohio, Detroit, Mich.—Steel and Tubes Division; Massillon, Ohio—Union Drawn Division; Cleveland, Ohio and Gadsden, Ala.—Bolt and Nut Division; Chicago, Ill.—A. Finkl & Sons Co.	Electric arc, vacuum melt electrode.	Alloy, stainless and vacuum-melted steels in semi-finished, bars, sheet and strip, and plates; stainless-clad sheets and strip; carbon and stainless mechanical and pressure pipe and tubing; stainless steel cold finished bars; stainless steel bolt and nut products; tool steel; not work die steels for closed die forging industry; specialty products for plastic mold and die casting industries.
Teledyne, Inc.: Teledyne Columbia—Summerill Vasco Metals Corp.	Teledyne Columbia—Summerill—Carnegie and Scottsdale, Pa. and Union City, Calif. Vasco Metals Corp.: Monroe, N.C. (Teledyne Allvac) and Latrobe, Pa. (Teledyne Vasco).	Electric arc, electric induction, vacuum arc, vacuum melting electrode.	Stainless cold finished bars, seamless pipe, mechanical and pressure tubing, forgings, plates, sheets, cold drawn shapes, drill rod, precision ground tool steel, ground bars, tool bits, ultra high strength steels, vacuum-melted metals, reactive and refractory metals.
Texas Steel Co	Fort Worth Tex	Electric arc	Stainless hot rolled bars and castings.
Timken Co. (The)	Canton and Wooster, Ohio	Electric arc, vacuum melting electrode.	Stainless tube rounds, wire rods, hot rolled and cold finished bars, tool steel forgings, seamless mechanical and pressure tubing.
United States Steel Corp	Duquesne, Pa. and South Chicago, Ill.; Homestead works and Ellwood City, Pa., Gary, Ind., Cleveland, Ohio, Waukegan, Ill.	Electric arc	Stainless sheets, plates, strip, pipe and wire; mechanical and pressure tubing.
Wallace Murray Corp: Simonds Steel Division.	Lockport, N.Y	Electric arc, electric induction, consumable electrode.	Stainless sheared plates, forgings, tool steel, hot rolled and cold finished bars, hot rolled sheets, hot and cold rolled strip.
Washington Steel Corp	Washington and Houston, Pa.; Los Angeles, Calif. (Calstrip Steel Corp.).	Electric arc	Stainless, slabs and cold rolled sheets and strip, titanium sheets and strip.
Wheeling-Pittsburgh Steel Corp	Allenport, Pa	Basic open hearth, BOF	Seamless mechanical and pressure tubing.
Youngstown Sheet & Tube Co.: Van Huffel Tube Corp.	Warren, Ohio	Basic open hearth, BOF	Mechanical and pressure tubing.

Note: This table includes only companies with steel-melting capacity.

Sales and earnings growth for most of the 11 selected companies was quite pronounced during the first seven or eight years of the period, but thereafter a leveling off occurred in most instances, and with a few exceptions, earnings declined during 1969–70. Two of the companies issued deficit reports for last year, and it should also be noted that at least two privately owned specialty steel firms not reporting publicly were also in the red.

EMPLOYMENT LOSSES AND SHUTDOWNS

The specialty steel industry's troubles have been manifested in more than balance sheets and income statements. The loss of steelworkers jobs has been of particular concern. For instance, the number of hourly employees at Armco's Advanced Materials Division in Baltimore, Maryland is down by 40 per cent from its peak, and temporary shutdowns have not been uncommon within the past few years. At one time last fall, Allegheny-Ludlum's Bar Products Division plant at Dunnkirk, New York was operating with roughly 56 per cent of its normal work force, and although a degree of improvement resulted with hedge-buying activity, some workers called back have been furloughed once again. At various times, employment at Latrobe has been down to 1,700 men from a normal level of 2,200. In October of last year, Carpenter was forced to permanently cease operations at a 90-man stainless wire mill in North Brunswick, New Jersey. In addition, at least five companies have left the tool steel segment of the industry; they are Henry Disston Co., Philadelphia, Pennsylvania; Vulcan-Crucible Steel Co., Aliquippa, Pennsylvania; Midvale Steel Co., Philadelphia, Pennsylvania; Firth Sterling Co., Pittsburgh, Pennsylvania; Heller Brothers Co., Newark, New Jersey.

INCREASED COSTS OF RAW MATERIALS

While the products that specialty steel producers sell have met with a lower level of market demand and increased import competition, the prices of raw materials and services they purchase have undergone a substantial price inflation. Reduced earnings in the specialty steel business, therefore have reflected lower levels of production and shipments activity, on the one hand, and worsening cost structures on the other. The principal raw materials used in the production of specialty steels, such as chromium, nickel, and manganese, come almost entirely from foreign sources, and an examination of their availability and market prices in recent years points up the cost problems facing specialty steel producers.

CHROMIUM: SOVIET UNION IS PRINCIPAL SUPPLIER

Chromium, which represents the principal alloying element in stainless steel and is used in other specialties to increase hardenability and improved abrasion resistance and carburization, is found in Rhodesia, South Africa, the Soviet Union, Turkey and Iran. Before 1965, a very large portion of our chrome ore came from Rhodesia. However, with the imposition of sanctions in 1966, our supplies from that source were completely cut off. Two American companies, Union Carbide and Foote Mineral, operated mines in Rhodesia. At present, the Rhodesian government operates these mines, but the two American companies have not been expropriated, and there is every indication that when the sanctions are lifted the mines will be operated again by their owners. The Rhodesian deposits are the largest and richest known to exist in the world. The ratio of chrome to iron is 3.5 to 1 and, in some instances, as high as 4 to 1. The structure of the ore is large and lumpy, and as such, it produces a highly desirable ferrochrome product, which is about 70 per cent chrome.

Since 1966, the greater portion of our chrome ore has come from the Soviet Union. Ore deposits there are extensive and rich, running between three and four parts chrome to one part iron, which at times makes it comparable to the Rhodesian ore.

In 1970, the United States imported a total of 1,405,000 tons of chrome ore. This was in three categories: below 40 per cent chrome, between 40 per cent and 46 per cent, and above 46 per cent chrome. Almost all of the ore in the below 40 percent category is used by the chemical industry and for refractories. The steel industry, for the most part, uses the ore above 46 per cent and some of the material between 40 per cent and 46 per cent. The Soviet Union supplied 409,000 tons of the better than 46 per cent ore. This compared with 135,000 tons from Turkey, 97,000 tons from the Republic of South Africa, 31,000 tons from Iran and 31,000 tons from Pakistan. Thus, the Soviet Union, accounting for 58 per cent of our imports, is by far the principal supplier of high grade chrome ore to the specialty steel industry.

Ferrochrome is made in this country from chrome ore by the electric furnace process. The largest manufacturers are Union Carbide, Airco, Inc., and Foote Mineral. In addition to the imports of chrome ore, ferrochrome is imported in substantial quantities. In 1969, such imports amounted to 61,000 tons, of which 26,000 tons came from South Africa. There are indications that more ferrochrome will be imported and less will be manufactured here. Since all of the ore is imported, it makes economic sense to have the ferrochrome processed at the minesite and the finished product shipped to the consumer.

INCREASES IN CHROMIUM PRICES

The price of ferrochrome has increased substantially in the last two years. In January, 1969, low carbon ferrochrome sold for 23 cents per pound of contained chromium, and by January, 1971, this figure had risen to 38 cents per pound, an increase of 65 per cent. Other types of chromium, such as chromium silicon (containing 40 per cent chromium, 43 per cent silicon, and 12 per cent iron) rose in price between January, 1969 and July, 1970 from 12.5 cents per pound to 17 cents per pound, or 36 per cent. Charge chrome, which makes up a substantial volume of the burden for stainless steel, rose in price over the same period from 16.5 cents per pound to 25 cents per pound, an increase of 51 per cent.

THE SANCTIONS AGAINST RHODESIA

Recently, there have been a number of moves to lift the sanctions against Rhodesia, which would allow the United States to resume trade with that country and again obtain its rich chrome ore. There have been reports that the British government will attempt to reach a solution of its problems with the Rhodesians and resume trade sometime this year. On the American side, a number of bills have been introduced in Congress to resume trade with Rhodesia. One of these H.R. 5445, introduced in the House of Representatives by Mr. Collins (R-Texas) on March 3, 1971, reads: "A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law."

If this move is successful, it is virtually certain that the price paid for Rhodesian ore will be lower than that which is currently paid for ore from the Soviet Union, and thus it will be possible to decrease the price of ferrochrome to the specialty steel industry.

NICKEL: CANADA IS NO. 1 SOURCE

In addition to chromium, nickel is an element used in substantial quantities in the production of stainless steel. Generally it represents a little less than half the amount of chromium. One of the more popular types of stainless steel is the 18–8, which contains 18 per cent chromium and 8 per cent nickel. In addition to its use in stainless, nickel simplifies heat treatment and makes steel particularly suited for case hardening to increase its resistance to wear and fatigue.

A number of countries throughout the world produce nickel, but by far the greatest and richest source is Canada, which provides approximately 60 per cent of the world's supply from ores ranging as high as 4 per cent in nickel content, although the average is closer to 2 per cent. The deposits are located in Sudbury, Ontario, where both International Nickel and Falconbridge have mines. There is also a significant deposit in Manitoba. The largest producer is International Nickel with a capacity of some 600 million pounds per year. Falconbridge is rated at 100 million pounds, and Sherritt Gordon's capacity is some 30 million pounds. There are some nickel mines in the United States; these are located in Oregon and are operated by the Hanna Mining Company. Their capacity, however, is relatively small, amounting to about 30 million pounds per year.

The Canadian nickel, for the most part, is produced from sulphide ores leached by an ammonia process, which takes off the iron and copper and leaves virtually pure electrolytic nickel.

Nickel is found in a number of other countries throughout the world. These include the Soviet Union, (which has a large sulphide deposit in the area which formerly belonged to Finland), Australia, New Caledonia, Colombia, Indonesia and Cuba. For the most part, the nickel mining operations in these countries are open pit, as distinguished from the deep shaft mines in Canada, and their ores are lateritic, ranging from 0.8 per cent to 2.2 per cent in nickel content. They are concentrated in the final product, a ferronickel with 20 per cent to 25 per cent nickel and about 70 per cent iron.

INCREASED NICKEL PRICES

At the present time, there seems to be no problem about the world's supply of this metal, but there have been substantial increases in price during the last three years. Between December, 1968 and January, 1969, the price rose from 97 cents to $1.03 per pound. After labor negotiations were concluded in November, 1969, the price was increased to $1.28 per pound, and in October, 1970 it rose to $1.33 per pound. The lateritic nickel sells for $1.30 per pound.

In the 18–8 steels there are 180 pounds of nickel charged per ton; 100 pounds comes from scrap and 80 pounds from prime nickel, usually 10 pounds are electrolytic nickel and 70 pounds are ferronickel. Thus, it can be seen that the increase of 36 cents per pound during the last three years has had a substantial effect on costs.

BRAZIL AND GABON ARE CHIEF SOURCES OF MANGANESE

Manganese is used in virtually all grades of stainless steel, usually to the extent of 2 per cent of the total content. There are a number of fairly large deposits in the United States located in Wyoming, Nevada and Maine. However, the manganese content is less than 10 per cent, and at the current price, it would not be economical to mine and concentrate these ores.

With imports the total source of supply used in this country, the largest tonnages have come in from Brazil and Gabon. In 1970, of a total of 847,000 tons, 292,000 tons came from Brazil and 261,000 tons from Gabon. U.S. Steel has a 49 per cent interest in a large deposit of rich ore in Gabon; it runs to more than 50 per cent manganese. In Brazil, Bethlehem Steel owns a 49 per cent interest in an extensive ore deposit, the manganese content of its ore running to 47 per cent. Other significant tonnages of manganese were imported from South Africa, 66,000 tons; India 37,000 tons; the Congo, 33,000 tons, down from 105,000 tons in 1969; Ghana, 36,000 tons; and Australia, 33,000 tons. In addition to the imports of ore, some 223,000 tons of ferromanganese were imported. This came principally from France, where U.S. Steel has a 27 per cent interest in a ferromanganese manufacturer called Utro.

In the United States, ferromanganese is made in blast furnaces and electric furnaces. Both U.S. Steel and Bethlehem operate blast furnaces, and Union Carbide and Airco are the principal electric furnace manufacturers. In 1969, some 750 million pounds were produced in blast furnaces and 400 million pounds by the electric furnace process.

MANGANESE PRICES

During the past six years the price of ferromanganese has come down and then risen again. Ferromanganese is divided into two types: medium carbon (80 per cent to 85 per cent manganese) and low carbon (85 per cent to 90 per cent manganese), with the majority of sales made in the medium carbon product. The trends in prices for both products during 1965–1971 are indicated in the following table:

FLUCTUATIONS IN FERROMANGANESE PRICES

[Cents per pound of contained manganese]

Date of price change	Medium carbon manganese	Low carbon manganese
January 1965	18.0	24.5
February 1965	17.4	23.9
June 1965	15.8	23.9
April 1966	16.5	23.5
January 1968	17.0	25.0
July 1969	17.75	27.4
January 1970	18.5	28.65
January 1971	19.5	30.5

The price of medium carbon ferromanganese has increased very little over the last six years, rising from 18 cents to 19.5 cents. Low carbon ferromanganese, however, has fluctuated from 24.5 cents to 30.5 cents, an increase of about 25 per cent.

PRICE INCREASES IN OTHER ALLOYS

In terms of their total tonnage, chromium, nickel, and manganese are the principal specialty steel alloys, but other elements, although required in smaller amounts, have essential uses and have undergone substantial price increase in recent years.

PRICE INCREASES IN SELECTED ALLOYS, 1966–71

[Prices per pound of contained metal]

Alloy	1966	1971	Percent increase
Vanadium	$2.78	$4.12	48.2
Tungsten	3.26	4.60	41.1
Columbium	3.89	5.25	35.0
Cobalt	1.65	2.20	33.3
Molybdenum	2.04	2.21	8.3

Vanadium is used in tool steels, and with chrome and molybdenum in high temperature steels. Tungsten is used extensively in high speed steels to obtain hot strength and hardness, and in tools, as tungsten carbide, it provides shaping and cutting ability. Columbium is used largely in the stainless grades to improve the corrosion resistance of welded structures. Cobalt is added to certain heat resisting steels to increase their high-temperature strength, and it also has applications in high-strength aerospace steels and permanent magnet steels. Molybdenum increases the high-temperature tensile and creep strengths of ferrous alloys, as well as the corrosion resistance of high-chrome and chrome-nickel steels.

THREE SOURCES OF STAINLESS STEEL SCRAP

Stainless steel scrap can be divided into three classifications, depending on its source: home or in-house scrap that is generated in the steel mill itself, industrial scrap that comes from the manufacture of products using stainless steel, and obsolete scrap that results from salvage when these products are discarded. The amount of yield on stainless is sometimes as low as 60 per cent from the ingot to finished steel products, so that specialty steel producers generate considerable in-house scrap. Principal sources of industrial scrap are the automotive industry, which uses a great deal of stainless for wheel covers and trim, the appliance industry, and the manufacturers of stainless flatware. The areas in which much of the industrial scrap is generated are Grenada, Mississippi, where North American Rockwell has a large plant for the manufacture of automobile wheel covers; Oneida, New York, where much of the stainless flatware is manufactured; Detroit, Milwaukee and Dayton. Scrap from obsolete material has been growing in the last few years, as more stainless steel items are being discarded.

The average charge in the furnace for a heat of stainless steel consists of approximately one-third mill generated scrap, one-third purchase scrap, and one-third virgin material. In the production of the most popular stainless grades, the charge consists of 1,600 pounds of iron, 400 pounds of chrome, and 200 pounds of nickel.

PRICES OF STAINLESS STEEL SCRAP

Stainless steel scrap prices have fluctuated violently in the past five years. They rose from a low of a little more than $200 a ton in early 1965 to a high of over $500 a ton in late 1969. Since that time, with the drop in stainless production, there has been a decrease in the demand for scrap, with a consequent decline in price. In July, 1970, the average price for 18–8 nickel chrome scrap delivered at Pittsburgh was $340 a ton; in September, it was $300 a ton; in January, 1971, it was back to $340 a ton; by April it had declined to $300 a ton, and in July, 1971 it fell to somewhere between $250 and $260 a ton.

Scrap is generated completely in the United States, and its price depends on the level of activity in the stainless steel segment of the industry. When output is high, all of the producers are in the market for substantial tonnages, and this drives up the price, as it did in late 1969. The present market price of scrap is a factor on the positive side for the stainless steel industry, but it can be expected that this price will rise when production increases.

VOLUNTARY QUOTAS—POSSIBLE SOLUTION

In mid-1968, while Congressional support for a mandatory quota bill on steel imports was growing, the Japanese and the European Coal and Steel Community voiced their intentions of placing voluntary quotas on their steel exports to the United States. In December of the same year, definite proposals were made whereby the Japanese and the EEC would each restrict their steel shipments here to 5,750,000 net tons, and based on this proposal total world exports to the United States were to be held to about 14 million net tons in 1969, with a 5 per cent increase in each of the following years.

On the subject of product mix, the proposals were somewhat loosely worded, stating that the countries involved would try to maintain their product mix in approximately the same tonnages as previously, or that they would not change it greatly. This to some extent left the door open to a shift in the composition of steel exports to this country, and although their total volume has been reduced, more expensive steel products, including specialty steels, have been imported in increasing tonnages. Consequently, the voluntary restraint programs have intensified the competitive problems in selected steel markets, including those for specialty steels.

Presently, negotiations are in progress to extend the voluntary quota arrangement for the next two years. One of the main points under discussion is the product mix, particularly in regard to specialty steels. If th's can be satisfactorily resolved, it could help materially in easing the crisis facing specialty steels today.

PCB'S: PERSISTENT POISON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RYAN. Mr. Speaker, for the past 2 years I have attempted to get the appropriate Federal agencies to take the necessary preventive action that would safeguard our health and our environment from an extremely persistent, highly toxic industrial chemical—polychlorinated biphenyl—PCB.

Manufactured in the United States solely by the Monsanto Co., PCB's are extremely toxic to animal life, cause birds to lay eggs with shells too thin to protect the embryos they enclose, and have a deleterious effect on the reproductive capacity of animals.

But by far the most frightening hazard is the effect of PCB's on human beings. Polychlorinated biphenyls may be taken into the body by direct action upon the skin, as a vapor through the respiratory tract, or through the contamination of the food supply. The effect on the skin is chloracne; the early symptoms of which are pimples and dark pigmentation, later, more serious eruptions. Persons who have been continuously exposed to PCB's may suffer nausea, vomiting, loss of weight, edema and abdominal pain, increased respiration, lowered blood cell count, and inhibition of the carbohydrate metabolism. More serious effects are those on the kidneys. The principal effect, however, is on the liver—possibly leading to atrophy, followed by death.

Yet despite the severe hazards of this chemical, the Federal Government has displayed a callous disregard for the public health and welfare and has taken none of the necessary actions to forestall serious PCB-contamination.

The result of this inaction are now tragically clear. In recent months we have witnessed an unprecedented number of occurrences of PCB-contamination of our food supply.

Two recent articles point out the serious nature of this contamination and the lack of initiative on the part of the Federal bureaucracy in attempting to deal with it. The first is by Joe Pichirallo and appeared in the September 3 Science magazine. The other is a column by Robert Walters which appeared in the Washington Evening Star on September 23. I commend these articles to the attention of my colleagues:

[From Science magazine, Sept. 3, 1971]

PCB's: LEAKS OF TOXIC SUBSTANCES RAISES ISSUE OF EFFECTS, REGULATION

(By Joe Pichirallo)

Sharp criticism of federal regulatory agencies has followed in the wake of a bizarre contamination of poultry feed marketed in a part of southeastern United States. The controversy reached full steam on 18 August when the Food and Drug Administration (FDA) meekly acknowledged that a shipment of some 60,000 eggs contaminated with toxic polychlorinated biphenyls (PCB's) escaped federal inspectors and apparently got into the stomachs of Washington, D.C., area residents. The announcement came on the heels of FDA's seizure of another batch of PCB-contaminated eggs (75,000) on 13 August—almost a month after the initial discovery that PCB's had gotten into fish meal eaten by millions of chickens in ten southeastern states.

Besides possibly threatening human health through direct contamination, PCB's are considered a long-term potential hazard to the environment. In the United States, PCB's are produced solely as a heat transfer mechanism and an insulating fluid, particularly in cooling systems and big power transformers. In response to mounting evidence that PCB's are a potential hazard, the single U.S. manufacturer of PCB's, Monsanto Chemical Company, in order to restrict their release into the environment has limited the chemicals' uses to sealed systems. In the past, Monsanto widely produced PCB's as an additive in such things as sealants, rubber, paints, plastics, adhesives, printing ink, and insecticides.

Infiltration of PCB's into the environment occurs mainly in three ways

From accidental leaks in industrial equipment, such as heat-transfer systems;

Through the weathering or friction wearing of the many materials that have PCB's as an ingredient. (Since they are fire resistant, PCB's usually remain intact even as a waste product.)

Through interaction with food products in their uses as an ingredient in substances like paint and plastic.

Before the fish meal contamination incident, however, PCB's were virtually unknown except to a few scientists and some professional environmentalists. Critics have now become quite vocal in warning about the threat of PCB's, and, more important, they have expressed doubt about the ability and desire of federal agencies to effectively shield the consumer and the environment from the potential long-term dangers of thousands of synthetic chemicals.

The controversy is fueled by a basic disagreement among the participants as to the precise threat PCB's pose to human health and the environment. Federal officials, while acknowledging a problem, do not feel that PCB's are a serious enough hazard to justify major governmental action. Research on composition of PCB's and toxicity is very incomplete. The actual composition of their product is known only by Monsanto. Present evidence indicates that severe injury or death from short-term exposure to PCB's is unlikely. Like so many other environmental hazards, the potential PCB danger is long-term, low-level exposure, perhaps making it difficult for "crisis prone" regulatory agencies to respond in a big way now. Except for isolated accidents, federal officials contend, PCB's in their present application will not get into the environment or the food chain in harmful amounts.

From an industrial standpoint, PCB is considered very valuable, mainly for its incredible persistence as a chemical, being capable of withstanding temperatures of up to 1600°F (870°C). Like DDT—another, related chlorinated hydrocarbon—PCB's are fat-soluble but do not dissolve in water. For these reasons, industry holds that PCB's are in fact "safety" chemicals that are needed in populated areas to reduce the chances of accidental explosions, especially in big power transformers. It is this very persistence of PCB's that makes them a great concern to environmentalists. PCB's have been detected throughout the world in fish, birds, waterways, and humans. In a study released by the Environmental Protection Agency (EPA), PCB's were detected in samples of human fatty tissue with concentrations as high as 250 parts per million (ppm).

Despite Monsanto's assurances that the present uses of PCB's are safe, critics say the recent fish meal incident vividly illustrates that use of PCB's in any form is too risky to permit. Leading the fight against PCB's are consumer advocate Ralph Nader and New York Democratic Congressman William Fitts Ryan. They argue that, even if Monsanto can stop PCB's from getting into the environment, products containing them are in wide use and will continue to disperse PCB's in the environment in harmful amounts. The government should act now, Nader asserts, to ascertain where PCB's have been used before they cause serious damage to the environment and get into the food chain.

Besides the fish meal incident, there have been two other hazardous leaks of PCB's in the past 2 years. One of these accidents, in Japan in 1968, resulted in 300 people developing a severe skin disease and in babies showing symptoms of chlorobiphenyl poisoning. Indeed, the preliminary research, though incomplete, makes Nader's anxiety about PCB's potential danger quite plausible. University of California research ecologist Robert Risebrough, one of the foremost authorities on PCB's says that while the effects of PCB's on humans are undetermined, the contaminants in PCB's are "among the most poisonous compounds known." Tests of PCB's by the Environmental Protection Agency's Florida laboratory revealed the chemical killed one-half of the test population of pink shrimp exposed to 1 ppm and similarly killed samples of white shrimp. These tests, EPA's Thomas Duke told *Science*, indicate that PCB's are a "potential threat to the environment." Monsanto, however, has reported that its own tests have shown "no adverse effects" to rats or other laboratory species fed PCB's in amounts up to 100 ppm. This conflicts with tests repeated by others that have linked repeated dosages of PCB's to liver damage in mice and lower fertility in birds.

In fact, the recent contamination at the North Carolina plant that manufactures fish meal was detected only after the hatchability of eggs from chickens fed the meal began to diminish alarmingly.

The PCB's were traced to a leak in a pipe in the cooling system at the fish meal plant. Although the leak began in late April, PCB's were allowed to drip into the fish meal until the defect was discovered in mid-July. In the intervening period of 2½ months, approximately 16,000 tons of fish meal had been distributed to more than 60 companies in ten states. One of the purchasers of the fish meal, Holly Farms, the nation's largest poultry producer, voluntarily slaughtered 77,000 fowl after discovering PCB's in amounts above those deemed safe, reportedly as high as 40 ppm. In the meantime, the U.S. Department of Agriculture undertook its own tests of poultry that had been fed the fish meal. On 29 July, USDA said that its tests turned up no evidence that chickens given the contaminated meal were unsafe. The chickens in the ten-state area, USDA reported, were "wholesome," and the consumer could continue to eat chickens "with confidence." But this did not explain why chickens at Holly Farms contained unsafe amounts of PCB's. In response to this apparent disparity, Harry Mussman, director of USDA's laboratory service division, told *Science* that the department "surmised" that Holly Farms got an "extremely contaminated" batch of fish meal while the other producers did not.

CONTAMINATED EGGS SEIZED

Two weeks later, on 13 August, FDA, under prodding from associates of Nader, revealed that it had seized over 75,000 eggs because tests had detected excessive amounts of PCB's in eggs from chickens that had consumed the contaminated fish meal. On 16 August—a month after the leak was detected—USDA took its turn and "detained" more than 50,000 pounds of frozen-egg products in which the level of PCB's was high. When FDA seized the 75,000 contaminated eggs, a spokesman said they knew of no incident in which contaminated eggs had reached consumers but could offer no assurances that this had not happened. Unwilling to stop there, associates of Nader and Ryan conducted their own ad hoc investigation and, to their dismay, discovered that contaminated eggs had reached the consumer. The FDA, on 18 August, confirmed that a shipment of 60,000 contaminated eggs had reached the retail market and apparently had been consumed in the Washington, D.C , area after this information had been released by Ryan's and Nader's associates.

The disclosure prompted both Ryan and Nader to blast the government's handling of the entire fish meal incident as one of the most flagrant examples of misregulation by federal agencies.

In denying that it has lagged on PCB's the FDA points out that since January it has been conducting studies to determine the toxicity of PCB's and their effect on humans. An FDA spokesman said that the test results should be known "within a year." For its part, EPA is doing some research at two field laboratories. Since the beginning of the year USDA, according to Mussman, has conducted a routine surveillance of poultry for PCB's and other related chemicals.

Perhaps some of the difficulties in regulating PCB's can be attributed to the confusing, overlapping jurisdictions of federal agencies. For example, FDA has jurisdiction over PCB's in whole shell eggs and in fish meal, USDA has control over cracked eggs and their products—such as mayonnaise—and poultry, and EPA is in charge of PCB's once they get into the air and water.

In the recent incident, FDA had to recall the contaminated fish meal and locate where it was sold and then, in turn, supply USDA with a list of the fish meal purchasers, so that USDA could check the affected chickens. When associates of Nader raised the possibility of contamination of egg products, they had to go to FDA for testing whole eggs and to USDA for cracked eggs and frozen poultry products.

Such a confusing arrangement makes it almost inevitable that some of the contaminated eggs would slip through this network. As for the eggs that did reach the consumer, an FDA spokesman says there is no immediate danger since "any potential health hazard would come from continued consumption of PCB's over an extended period of time."

PCB's intrusion into the environment is difficult to regulate because of a lack of federal laws and because no one is quite sure how much PCB's have been produced. EPA and FDA officials point out that at present they have no legal authority to halt Monsanto's present uses of PCB's. Last year PCB's in pesticides were banned by USDA's pesticide regulation division, now a part of EPA. According to a spokesman, FDA has, in the past, indicated to Monsanto that it would not allow PCB's to be used in food as an additive.

It is virtually impossible to determine the exact amount of PCB's already present in the environment and where the chemical might be concentrated because no one, except Monsanto, knows what amounts of PCB's have been made. A National Academy of Science panel estimates that, in 1968 alone, 5 billion grams of PCB's were produced in the United States, in addition to those made by PCB's manufacturers in Europe, the Soviet Union, and Japan. Monsanto has refused repeatedly to make available, even to government officials, production and sales figures for PCB's because it regards this information as a "trade secret." Monsanto is backed up by its industrial counterparts and by a law that permits a company in certain situations to withhold information that might seriously jeopardize its competitive advantage. A National Academy of Sciences panel, in disagreeing with Monsanto's refusal to release the important figures, noted "it is not only competitive concerns alone that determine the less than candid posture assumed by industry concerning production figures." A bill now before Congress would give federal agencies the authority to get production figures from companies manufacturing hazardous chemicals.

In a further effort to cut down on PCB's released into the environment, Monsanto recently built a special incineration unit at Sauget, Illinois, to destroy waste PCB's. It has also told government officials that it will not sell PCB's for use in power transformers and cooling systems that will be used near foodstuffs. In the fish meal plant, Monsanto reportedly claims that it was misled by the name—East Coast Terminal, Inc.—into believing that the PCB's sold for cooling purposes would not be used near food products. Monsanto now refuses to comment on PCB's for publication. The reason, a company spokesman told *Science*, is that there are "many investigations under way" of Monsanto and PCB's, and the company does not want "misinterpretations" about Monsanto's production of PCB's.

Associates of Nader and Ryan admit, in part, that their strong criticism of the federal handling of PCB's via the fish meal incident stems from their disagreement with the way federal agencies respond to environmental problems. They dislike what they feel is the slow response of federal agencies to potential hazards like PCB's. The government is geared more to reacting to a crisis, they hold, than to taking the type of preventive action necessary to head off disasters before they occur. Federal officials point out that, as far as they are concerned, PCB's are a rather new problem that they do not consider as "top priority." Since PCB's had not in the past caused any major catastrophes that can be likened even to the fish meal incident, most government officials were not aware of PCB's until recently.

The FDA regards the fish meal contamination as an accident that is not likely to occur again. Blaming FDA for the fish meal incident is "like asking a police department to be responsible every time a crime occurs," one FDA official told *Science*. But critics claim that federal agencies have had sufficient warning about PCB's. In the last year, they say, Campbell Soup Company, a New Jersey firm, discovered soups contaminated with PCB's, and certain Ohio dairymen lost their licenses to sell milk when PCB's found their way into silage consumed by their cows.

MIGHT ENTER FOOD CHAIN

Risebrough points out that in "our throwaway society" PCB's, because of their past wide use, will eventually become wastes and thereby enter the environment. It is believed that the PCB's could make their way to the sea through drainage systems, spillages, and the like, and eventually into the food chain.

No tolerance levels have been determined, Risebrough says, for human food supplies. As an interim guideline, FDA set PCB limits of 5 ppm as safe for human consumption of poultry, and USDA pronounced that chickens below this level in the fish meal incident were "wholesome." Critics claim the 5 ppm guideline is "unfounded" and "arbitrary." "Five parts per million is just a number," Risebrough told *Science*. "I'm sure FDA pulled it out of the air."

FDA officials reply that the interim guideline is based on the "best scientific information available." The guideline was set for the fish meal contamination, FDA says, and can provide an adequate "margin of safety" for the "short-term exposure expected to occur."

"It's not complete," an FDA official told *Science*. 'But you got to go on what you have. We can't be held accountable for every goddam chemical!"

[From the Washington Evening Star, Sept. 23, 1971]

Washington Close-Up—U.S. Ignores the Real PCB Danger

(By Robert Walters)

It's business as usual within the Federal Government.

Officials of two major agencies, the Food and Drug Administration and the Agriculture Department, have spent the past two months facing the growing problem of a potentially serious health hazard while continually minimizing the contamination danger in their announcements to the public.

The hazard is posed by a highly toxic, extremely persistent family of industrial chemicals known as polychlorinated biphenyls or PCBs. In the United States, the sole producer of PCBs is the Monsanto Co. of St. Louis, which markets them under the Aroclor trade name.

The unusual durability of PCBs—the very characteristic which has made them so valuable for a wide variety of industrial uses during the past four decades—now apparently is the principal factor in turning them into an environmental menace. They are highly resistant to heat and fire, insoluble in water and easily transferred through the food chain.

PCB is, however, soluble in animal fat, and that is precisely where an increasing number of reputable researchers are finding that it concentrates in the fatty tissues of birds, animals and human beings.

The principal danger which PCB poses to human health is best described by Dr. Robert Risebrough, a member of the faculty at the University of California at Berkeley and one of the country's leading experts on the subject:

"There is no evidence to indicate that PCBs in the environment are likely to reach levels which would cause severe injury or death from short-term exposure. The possible PCB hazard, like so many environmental hazards, is one of long-term, low-level exposure and perhaps of effects from its combination with other poisons."

When Risebrough, Rep. William F. Ryan, D-N.Y., and others began to warn the country in early 1970 about the potential hazards posed by PCB, Monsanto was indignant about the "political charges, scare tactics and sensational headlines" which the firm said "completely ignore voluntary actions the company has taken to restrict use of the material."

When Ryan wrote to Monsanto in mid-1970 to request copies of the firm's technical bulletins on PCB, annual production and sales figures for the chemical, a complete list of the company's suggested uses for Aroclor and similar data, he was denied all of that information.

Instead, Ryan received an indignant letter from John Mason, Monsanto's assistant general manager, who said the congressman's concerns were based on "a complete lack of factual information." Then he added:

"Monsanto is taking an extremely responsible attitude to this problem and is doing everything within its power to ensure a maximum degree of control to prevent the possibility of the (PCB) escaping into the environment."

Precisely one year after that statement was made, a coolant containing substantial amounts of PCB was dripping onto 16,000 tons of fish meal at East Coast Terminals Inc., in Wilmington, N.C. Among the results of that leak:

The Food and Drug Administration seized 45,000 pounds of Ralston Purina Co. catfish feed in Louisiana, Georgia and Mississippi. Ralston Purina then issued a recall for another 1,000 tons of fish feed.

National By-products Inc., of Mason City, Ill., was forced to recall 48 tons of rendered meat meal, because of high levels of PCB.

Holly Farms, a North Carolina firm which is the nation's largest poultry producer, voluntarily slaughtered 77,000 chickens after discovering high concentrations of PCB in the fowl.

The Agriculture Department has ordered the slaughtering of 250,000 pounds of turkeys in Georgia. Last week, George R. Grange, deputy administrator of the department's consumer and marketing service, warned of another possible "spill" of PCB at an unnamed Minnesota plant.

FDA officials seized 75,000 fresh eggs in Norfolk, Va., but allowed another 60,000 eggs with virtually identical concentrations of PCB to go on sale in the Washington, D.C., area because of inadequate testing and warning procedures, then refused even to discuss the Washington incident until pressured by Ryan and Ralph Nader.

In an equally bizarre action, the Agriculture Department ordered off the market more than 169,000 pounds of processed frozen eggs because laboratory tests had shown high levels of PCB, then partially reversed itself and released 36,000 pounds of the product.

Each time an official action has been taken, the federal officials have emphasized the lack of danger in short-term, low-level consumption—but their announcements have completely ignored the serious, long-term problem of residues in human tissue.

If that performance has failed to inspire citizen confidence in either Monsanto or the two federal agencies involved, the government now has turned to its time-honored solution for serious problems: A six-agency "interdepartmental task force" will coordinate a "government-wide investigation."

WHITEWASH FOR PHOSPHATES

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RONCALIO. Mr. Speaker, the New York Times carried an editorial yesterday which should be required reading for everyone trying to understand the shifting tides of the phosphate controversy.

In homes throughout America, indeed within the House Public Works Committee, confusion as to the proper course of action prevails.

In the words of the Times, a dilemma has been building up in the matter of detergents. Unless it is resolved, the sensitivity to the environment so long and laborious in the making will be seriously blunted.

The following editorial is one of the best statements on the problem I have seen:

WHITEWASH FOR PHOSPHATES

The Federal Government succeeded last week in undoing several years of public education on the harm that detergents do to the nation's waters. In an action as unnecessary as it was sudden and confusing, four of its top health and environmental officials urged a return to phosphate detergents on the ground that alternative cleansers were worse.

Nothing in the Government's explanation justified its panicky reversal. Its explanation, it may be pointed out, followed closely the line of reasoning advanced by leading elements in the soap and detergent lobby. Whether or not it was industry pressure that accounted for the change, people who have been accurately warned of how much damage phosphates can do to lakes and streams will find it difficult to take on faith the next warning that issues from the guardians of the environment.

Admittedly, a dilemma has been building up in the matter of how America should wash its clothes. With the spreading knowledge that phosphates can choke the life out of a lake by nourishing destructive algae and vegetation, alternative cleansers came into use—but they, too, presented problems.

Some contained NTA, a chemical compound that might possibly cause cancer. Other detergents, including some of the biggest sellers at the supermarket, contained caustic soda, though not in its free form; these pose just enough threat of damage to the eyes, nose and throat, not to mention the innards of children, for the Surgeon General to talk of having them banned, though he has so far refrained from directly recommending that course. Old-fashioned soap, it might be added, is not adapted to dishwashers, leaves a scum in laundry machines and is impractical for use on synthetic fabrics designed to be cleaned only by the chemical action of detergents.

The Environmental Protection Agency suggests now that the solution must lie in the building of special sewage treatment facilities, or the adaptation of existing plants, with a view to ridding effluents of all harmful phosphates, not just those from detergents. Such a program, if carried out immediately, would be ideal, since phosphate detergents account for only part of the phosphorus which induces eutrophication in our waters. The rest comes from agricultural fertilizers, animal feeds and industrial products. Phosphorus can be precipitated at a treatment plant without difficulty. The trouble is that governments move at the pace of a leisurely snail; by the time essential equipment is installed, untold damage may be done.

The question, then, is what to do in the meantime. And here the Government's position is untenable. Instead of rescinding bans on phosphate detergents, as the Federal officials now urge, states and localities that have such bans should keep them in force—at least until the E.P.A. completes a proposed study that will identify those endangered waters that might be saved from decay by appropriate sewage treatment.

Less harm would be done for the time being if housewives continued, with reasonable care, to use so-called caustic sodas, especially in combination with regular soap. A nation that suffers the lethal automobile and allows handguns is not likely to be overwhelmed by the presence of washing sodas in the home—along with a dozen other potentially risky substances such as drain cleansers, dangerous drugs or even kitchen matches. Time, moreover, gives promise of producing really harmless detergents, several of which are reported to be well on the way.

A holding pattern of this sort, rather than the implausible course the Government has chosen, would allow a continuing effort to save the nation's waters without causing more than a minimal risk to health. There would perhaps be some social risk in wearing clothes with a touch of tattle-tale grey. But then again, that just might be viewed as a badge of honor.

STUDENTS SHOULD TAKE A LONG LOOK AT THINGS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DERWINSKI. Mr. Speaker, as elementary and high schools of the country have reopened and the new college term is upon us, the subject of the proper course of behavior that students should adopt is a timely one.

A very realistic and responsible commentary, directed to college students in particular, appeared in the September 16 edition of the Harvey Tribune. It contains a great deal of good, old-fashioned horsesense.

The article follows:

STUDENTS SHOULD TAKE A LONG LOOK AT THINGS

Student leaders at some of the American colleges continue to rally followers behind an effort to lead this nation "out of the wilderness." Many are forming political organizations and these, of course, could become a potent factor on every governmental level—if they exercise their rights to vote.

It will be interesting in the forthcoming elections to discover just how important the "young" vote is, particularly because the newly franchised voters have been slow even to register. Candidates can be depended upon to "woo" their votes, nevertheless, and the platforms of many will be geared to attract the younger element.

We don't think it's an unfair statement to say that many student leaders believe they know all the answers to the nation's ills, and not to completely fault them, we believe they do know some of them. They speak positively about their responsibility to turn the nation around and place it on a new path, to show the nation's adults and its workers just what must be done and how new and greater things can be accomplished.

Student interest in politics, government and business, as well, is most desirable. From time immemorial, however, students fresh with book knowledge and theories handed down to them by college professors have often missed one basic fact: they don't know that they don't know it all. So, as they proceed to save the nation and mankind generally, and as they proceed down the path of life, we can hope that the truth might dawn upon them—that Pa and Grandpa might just have a little sense, after all, and that the nation does have some features well worth preserving. Experience is needed to go along with the book knowledge they have spent some years in absorbing.

PIRATES CLINCH EASTERN DIVISION TITLE IN NATIONAL LEAGUE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOORHEAD. Mr. Speaker, the Pittsburgh Pirates last night beat the St. Louis Cardinals, 5 to 1, and thereby won the National League's eastern division title.

I want to congratulate Manager Danny Murtaugh and all of the Bucs for the excellence of their play and the excitement which they served in huge amounts to the Pittsburgh fans.

The Pirates will probably finish the season leading every offensive team department in the league, including highest team average, most hits, most runs scored, most runs batted in, and most at bat. They will also finish with the best won-lost percentage in the older circuit.

Pittsburgh is a great sports town and the Pirates' attendance figure of 1½ million people reflect this. The Pirate management has done much to make attending the games easier for all, including reduction in ticket prices for specific groups, more ticket windows, and overall good service.

But naturally most of the credit goes to the players themselves. Willie Stargell, who led the league for most of the year in home runs and runs batted in; Roberto Clemente, who at 37, is the game's most exciting player; Manny Sanguillen, our catcher who is a consistent .300 hitter and the rest of the Bucco team who played capable, exciting, team baseball.

Pittsburgh is proud of them, so am I. Our next hurdle is the National League playoffs and then the world series. And I am sure the Pittsburgh Pirates will make an excellent showing in those two sets also.

I would like to include some news stories of the Pirates' victory last night and their clinching of the National League eastern division title.

The articles follow:

BUCS BATHE IN BUBBLY

The Pittsburgh Pirates bathed in champagne and the San Francisco Giants were swallowed up with a wonderful feeling as they widened their lead to 2½ games over the Los Angeles Dodgers last night in the hectic National League pennant races.

Manager Danny Murtaugh's Pirates clinched their second straight NL East flag, stopping the runner-up St. Louis Cardinals 5–1.

The Pirates' dressing room was a sea of champagne and ice water, with the liquid well above the shoe soles. In the middle of it all was Murtaugh, a tee-totaler who has a rocker in his quarters in which to recline when the exhaustion of the game grips him.

"It's good to clinch it against a club that's contending," Murtaugh said.

MURTAUGH GIVEN CREDIT

"Murtaugh handled us quite well," said Bob Robertson, the Bucs' first baseman from Frostburg, Md.

Robertson, who made the final putout against Luis Melendez, said, "I did the same thing last year in the clinching game against Art Shamsky." Dave Giusti was the mop-up pitcher last night.

"I think we have a dynasty," Robertson said.

"It's been a team effort," said a drenched Willie Stargell. "Now it's our turn to make it to the World Series."

The Reds eliminated the Bucs in the playoffs a year ago, depriving them of a shot at the Baltimore Orioles.

"It's a lot different when everyone's expecting you to win it," Murtaugh said. "This club had pressure on it, but it responded well. We went into our little slump and then came out of it."

The Bucs built an 11½-game bulge in late July, aided by an 11-game winning streak, then fought off the challenges of the Chicago Cubs and then the Cardinals.

"The 11-game streak was the nucleus of the season," Murtaugh said. "It gave us a cushion when we ran into troubles."

Luke Walker and Giusti limited the Cardinals to six hits last night and beat Bob Gibson, who had pitched a no-hitter against the Bucs on Aug. 14. Manny Sanguillen drove in the tie-breaking run with a single in the fourth inning.

11-GAME STREAK IN JULY BROKE RACE: PIRATES DID IT IN MIDSEASON

PITTSBURGH, Sept. 2.—It was an 11-game winning streak in midseason that propelled the Pittsburgh Pirates to their second National League East Division title in two years.

In the first week of that streak, just before the All-Star break on July 13, the Pirates jumped their grip on first place from 4½ games to 10½ games as contending Chicago and St. Louis faltered.

At the end of the stretch, Luke Walker pitched a one-hitter over the Los Angeles Dodgers and the Pirates moved 11½ games ahead, their biggest spread of the season.

That was enough to tide the Pirates through a drought right after the streak when they lost 23 of 35 games and their lead fell to four games over the Cardinals.

"The 11-game winning streak was the nucleus of the season," said Pirate Manager Danny Murtaugh. "It gave us a pretty good cushion when we ran into troubles."

The Pirates moved into first place permanently on June 11 with the slugging of Willie Stargell and the pitching of Dock Ellis having been major factors.

By the halfway mark of the season, Stargell, the hefty left fielder, had 28 home runs and 80 runs batted in and Ellis had a 13–3 record.

Likewise, Dave Giusti had 16 saves by then (29 when the Pirates clinched the title) and his consistent performance throughout the year provided a stabilizing factor from the bullpen—especially when the Pirates went through a 16-game stretch in the second half without a complete game pitched.

Both Stargell and Ellis tailed off in the second half of the season, but the Pirates had plenty of hitting and pitching strength left.

On the 10th of July, 20-year-old Rennie Stennett joined the Pirates from their Charleston, W. Va., farm club.

Filling in for Dave Cash who was in military reserve camp, Stennett was expected to remain with the Pirates for just a month. But the slick Panamanian stayed on when reserve infielder Jose Pagan broke a shoulder bone and was out for the season.

Stennett couldn't be gotten out of the lineup. He batted over .400 for a month, and went on an 18-game hitting streak.

Even when Cash returned, Stennett, only in pro ball for three years, remained at second. Cash platooned at third with Richie Hebner, who after a flying start tailed off at bat because of interruption for military duty, injury and illness.

When Stargell's bat become somewhat silenced, veteran right fielder Roberto Clemente and catcher Manny Sanguillen kept up their hitting. Both were well above .300 most of the season.

Steve Blass was a workhorse of the pitching staff, never missing a start. With two turns left, Blass had a 15–7 record and a 2.83 earned run average, best of the starting rotation.

And Nelson Briles, a relief pitcher and spot starter, broke into the rotation in early September and won three straight key games.

When the Pirates clinched a tie for the division title, they had five regular players batting over .300 and Stargell's average was .299.

For the season, they have produced an average of almost five runs a game and have a team batting average of .277, tops in the league.

The title was clinched on their 94th victory, most for the club since 1960 when they won the world championship.

TRIBUTE TO MRS. JANET O. DENT

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. McKEVITT. Mr. Speaker, as many of my colleagues know, tragedy touched my office this week. I am speaking of the untimely death of Mrs. Janet O. Dent, who served my Denver constituency by helping people with their individual problems.

Mrs. Dent was my caseworker. She excelled in her work because she cared tremendously about people. When an individual approached my office seeking help, it did not matter to Mrs. Dent whether the problem was a minor one or extremely complicated. To her, each individual problem was of major consequence because it involved a human being. She had compassion, understanding, and patience. She also possessed tenacity and courage. These attributes made her an outstanding caseworker.

In my office files there are dozens of letters of appreciation and thank you notes that directly resulted from Mrs. Dent's work. A portion of one from the wife of a serviceman reads:

> A special thanks to Mrs. Dent for her persistance and determination; we can't really tell you how appreciative we are.

This kind of letter is typical. Perhaps not so typical was the lady who called from Denver in tears of joy because of the help Mrs. Dent was able to give her. There were also the not so happy cases such as the one involving the return to this country of the remains of a constituent's relative who had passed away overseas. And I well remember the night Mrs.

Dent worked very late trying to help the bereaved parents of a young lady from my district who was killed in an automobile accident in Pennsylvania.

But mostly her work gave people happiness.

Mr. Speaker, yesterday I received a letter from my district which read, in part:

> I am stunned by the tragic news in the Denver Post regarding Mrs. Janet Dent. I was very impressed with the speed, perseverance and genuine interest she demonstrated in handling our case. She undoubtedly was a dedicated person and I know she will be missed.

Mr. Speaker, my staff and I feel the same way.

POLITICAL AWARENESS AMONG MEXICAN-AMERICAN PEOPLE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROYBAL. Mr. Speaker, last week the Mexican people commemorated the independence of Mexico from Spanish colonial rule on September 16, 1821. This day has symbolized the cultural solidarity of the Mexican people throughout the Western hemisphere.

But the day is much more than a simple reminder of the past, more than a parochial event. It is a feast, a celebration, of the bicultural and bilingual roots of this country, and of a growing political awareness among the Mexican-American people.

Today the Mexican American is asking for his measure of justice and equal opportunity. He cannot be ignored, for he is no longer a regionalized, Southwest phenomenon. Working together with other Spanish speaking groups, he is developing a national strategy to gain equal opportunity in this country.

In a press conference held today, Senator MONTOYA, Congressmen BADILLO, LUJAN and I announced the convening of a national coalition of over 500 Spanish speaking national and regional representatives to be held October 23–25. The purpose of the conference is to develop national strategies which directly represent the needs and priorities of the Spanish speaking; and to explore the formation of a continuing coalition of Spanish-speaking groups.

Recent statistics show that equal employment has not reached the more than 12 million Spanish-speaking Americans. One of the best measurements of this national neglect is employment.

Data collected over the past 2 years show a de facto occupational caste system in this country. The passage of the 1964 Civil Rights Act, Executive Orders 11246 and 11478, nondiscrimination clauses in Federal contracts, and the whole body of affirmative action programs have not ended this pattern of exclusion.

This indictment applies particularly to the Federal Government which is charged with the moral and statutory responsibility to break down this caste system.

I intend to oppose funding any agency which does not comply with civil rights statutes providing for equal employment of the Spanish speaking.

While the country suffers under a 6-percent unemployment rate, Mexican Americans and Puerto Ricans are facing a significantly higher rate of 10 percent. Nearly twice as many are less likely to be employed than the dominant groups in this country.

In terms of actual employment, twice as many are less likely to be employed as white collar workers, while nearly 80 percent find work as blue collar and service workers.

Reversing our perspective, we find that Anglo males who account for a little over half of the work force command a disproportionate 96 percent of the jobs paying over $15,000. This pattern of exclusion from better paying, more responsible jobs is even more reprehensible in the Federal Government. The Government has acted immorally and illegally. By its indifference it has perpetuated this occupational caste system and turned the ideal of equal employment into another American myth. Despite passage of the Civil Rights Act and Executive Order 11478 in August 1969, over half of GS–1 jobs, or the lowest Federal pay category, are filled by minority groups, while only 2-percent hold GS–18 positions, or the highest white collar category.

Using these figures as a backdrop, we find less than 3-percent Spanish surnamed employed out of 2.6 million Federal employees. By focusing only on the top echelon of Government the pattern of exclusion is even more conclusive: Only one-third of 1 percent are Spanish surnamed. These proportions are grossly inadequate from a purely population basis of 6-percent Spanish-speaking Americans.

One of the worst offenders is the Civil Service Commission, obligated under Executive Order 11478 to execute an equal employment program for the Federal Government including the enforcement of the 16-point program. The 16-point program is designed to increase the number of federally employed Spanish-speaking Americans. Despite this mandate the Commission has failed to act decisively in its own agency. Recent data for 1971 shows that out of a total of over 5,300 employees only 140, or 2.6 percent, are Spanish surnamed, with three-fourths in lower paying jobs. Compared to last year's figures, we find little improvement by percentage—one-fifth of 1 percent—and number—an increase of only 17—despite an increase in employment.

This puts Congress in an awkward position. On the one hand, we are forced to rely on Commission leadership to execute an effective equal employment strategy, and yet must criticize it for failing miserably.

We face a similar situation with the Equal Employment Opportunity Commission, mandated to fight discriminatory employment practices. According to mid-1970 figures, EEOC employs 700 employees with 419 listed as minority. Only 64 are Spanish surnamed with not one holding a top level position.

Similar deficiencies exist in other Federal units, especially those involved in minority development. For instance, the Departments of Commerce, Labor, HEW, and HUD employ less than 2 percent Spanish surnamed with less than three persons in key level jobs. Put in terms of total minority population, Spanish speaking are severely underrepresented. Although comprising 30 percent of total minority, they fall far below this minimum by an average of 20 percent.

In detail, the Commerce Department employs 28,000 with 5,197 listed as minority. Only 189, or less than 1 percent, are Spanish surnamed, with not one found in top management.

The Labor Department employs over 10,100 employees with 2,918 listed as minority. Only 168, or less than 2 percent, are Spanish surnamed, with only two in key level jobs.

The Department of Health, Education, and Welfare employs 104,100 employees with 36,373 listed as minority. Only 1,209, or a little over 1 percent are Spanish surnamed, with only two in top management.

The Department of Housing and Urban Development employs over 14,200 employees with 2,968 listed as minority. Only 186, or less than 1½ percent are Spanish surnamed.

The Department of Justice employs over 37,400 employees with 4,476 listed as minority. Only 844, or less than 2½ percent are Spanish surnamed, with only two in top-level jobs.

Another violator is the Office of Economic Opportunity, mandated to serve the poor and minority groups in this country. OEO employs nearly 2,400 employees with 894 listed as minority. Although Spanish speaking comprise 24 to 27 percent of the poor, only 3.6 percent are Spanish surnamed with only three persons in top-level jobs.

No matter what basis of comparison is used, whether by total general or minority population, Spanish-speaking Americans do not receive equal employment, particularly in top Federal positions. This conclusion extends to other minority groups as well.

As long as this occupational caste system continues, I will oppose funding those agencies which show little improvement in this area. I am now asking for your support of my position within your own committee deliberations and, in the future, on the floor of the House.

CONGRATULATIONS TO RONNIE SOX AND BUDDY MARTIN

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PREYER of North Carolina. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of two fine young men from Burlington, N.C., located in my congressional district—Ronnie Sox and Buddy Martin.

Ronnie and Buddy are members of the Chrysler Motors Corp. factory-supported

Plymouth drag racing team and were among those race drivers honored by the President on Tuesday of this week at a White House reception. Ronnie Sox is the driver and Buddy Martin is the partner-manager of the team. These young men carry out a year-long sales promotion, good will, and ambassador program dealing with highway safety and supervised auto racing. Sox and Martin were members of the U.S. Drag Racing Team in 1964 which made a goodwill trip to England and since that time, they have won every major championship drag race title in the United States and Canada.

These young men pioneered a program in 1967 whereby they conduct performance clinic programs throughout the country at Chrysler-Plymouth dealers which allows them to share their automotive know-how with drag racing and automobile enthusiasts.

They were recently honored in Burlington with a Sox and Martin Day which recognized their contributions to the community and to the youth of our country through their association with racing as well as administering a flourishing high performance parts and race car building business in Burlington. I would like to add my congratulations to Ronnie Sox and Buddy Martin on their fine achievements.

THE CATFISH KID—HIS OWN MAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MAZZOLI. Mr. Speaker, it is never easy to be your own man these days and to say no to conformity and convention when you feel you owe it to do "your own thing."

The Catfish Kid, of Louisville, has been able to say no. He is just the man he wants to be, and does only what he wants to do. Nothing more—nothing less. Most of the time this means throwing four or five lines into Beargrass Creek and waiting for the catfish to bite.

The Catfish Kid may never read this, as he never learned how to read. In many ways, his colorful existence now resembles a grownup Huck Finn. As life flows by him, the Catfish Kid still rules out things like baths as "not my way," and lives for the next time that he can bait his hooks and throw in his lines.

Mr. Speaker, the Catfish Kid is a unique, refreshing individual. He is a piece of Americana. There is a little of him in all of us, but most of us cannot or will not let it show.

For the benefit of our colleagues, I would now like to enter into the RECORD an article by Jerry Bledsoe of the Louisville Times about the Catfish Kid. It is entitled, "Life's No Bag of Worms for the Catfish Kid":

LIFE'S NO BAG OF WORMS FOR THE CATFISH KID

(By Jerry Bledsoe)

Along about twilight is when you would be most likely to spot him. You couldn't help but notice. He would be on his bike. And you could be sure of one thing: he would be headed for the river.

It is quite a splendid bike that he rides. Painted brilliant orange, striped in silver, right down to the spokes, where orange pop-bottle caps whirl in decoration. On the back of the seat, there is a license plate with his initials, JRG, the R being more prominent and in silver.

Dangling from the handlebars are a glowing gasoline lantern, a gallon of fuel, and a bucket holding an assortment of stuff, including a cricket (bait) cage and a transistor radio.

A wire basket is attached to the front of the handlebars, and in it sits a big metal tackle box. Behind the box, five fishing rods stand in a row along with a large landing net, all in bright orange and yellow stripes. The rods are tied together at the top, making the collection look something like a gaudy Christmas tree. The "tree" is topped by an orange and yellow entrenching shovel pointed heavenward.

And there, peering around the whole conglomeration, pumping away, is the Catfish Kid.

He is quite a sight himself. He is short (5-feet-4) and stout (188). His baggy dungarees, spotted with concrete and rolled at the bottom, always appear in dire danger of falling off. A grubby T-shirt droops almost to his knees. Around his middle is a wide belt with an Army canteen and a sheathed Bowie knife. He usually wears a green baseball cap with a brightly shined Army enlisted man's cap insignia and an American flag across the bill. Sometimes he sports a second hat atop this one. It is a construction hat painted orange and yellow with a plastic eagle squatting on top.

Unless you catch him on a Sunday night after he has undergone his weekly cleanup, he will likely be in need of a shave and a bath.

Somehow, even on Sunday nights, there seems always to be a smudge on the end of his nose. People sometimes josh him about it and ask him why he doesn't bathe more often. His answer is short and to the point:

"It's not my way."

Anyway, if you should see him pedaling along, he will probably be smiling, and he'll wave if you do. And you can be certain the Catfish Kid is going fishing again.

Sometimes he fishes down near the Coast Guard station at Third Street, but most often he goes up to the mouth of Beargrass Creek, which is his favorite spot. He can tell you some tales about some catfish that he's taken out of the mouth of Beargrass Creek.

Once at the river, it takes him a while just to untie all the equipment from his bike, and a little longer to get his lines out. He sets all five rods, each line with two hooks baited with dough balls and night crawlers.

When the lines are all out, the Catfish Kid stretches out on the bank and lights one of his pipes. He smokes natural leaf chewing tobacco and it stinks to the heavens. "Keeps away the skeeters," he says with a grin. Along with most other living creatures.

You need only look at the Catfish Kid stretched out on the river bank in the glow of his lantern to know that this is the place and the time that he is happiest. He'll tell you that if you ask him.

"I like to fish at night," he says. "I can have peace and quiet. Not so many boats at night."

After a few hours, he'll curl up and doze off and sleep there on the bank until dawn. "I like to hear the birds sing about daylight," he says. "The birds wake me up in the morning."

Usually there'll be a catfish or two on the lines.

IT'S A GOOD LIFE—NOW

It is a good life, the Catfish Kid will tell you. But the first part of his life was not so easy.

The Catfish Kid came from a big family and he never got along. He'll tell you about beatings and fights. From as far back as he can remember people were telling him that he was "retarded" or "not just right."

"I may be a little bit," he says, "but not much. I got enough sense to know what 'Im doing. Trouble with me, I just can't read. I can look at a sign and tell you what it is. I can take a puzzle and put it together in no time flat. I can make things out of wood. And I can tell you about boats. I know about boats."

When he was 11, the Catfish Kid was sent to Ormsby Village, the home for delinquent youths. "I was accused of setting a fire," he says, "but I didn't do it."

"Catfish wasn't delinquent," says his friend, Sam Draper, "he just didn't have a home. He's a good kid."

Three or four times the Catfish Kid was sent out to foster homes. But like Huck Finn when he ended up with the Widder Douglas the Catfish didn't like it.

"They take you in, buy you clothes and food and stauff and expect you to do all their work," says Catfish, taking a puff on his pipe. One of his foster fathers once beat him with a rosebush, he claims.

Catfish was almost 18 when he got out of Ormsby Village. He didn't go home. "We didn't get along," he explains.

He started living along the river, sleeping on the bank, or taking shelter in people's garages. He gathered pop bottles and sold them, sometimes helped out on a vegetable truck, snagging vegetables to eat when the operator wasn't looking.

Then one day he ran into Draper, a masonry contractor, when they both ducked into the same garage during a rainstorm. They struck up a conversation and before it ended, Draper offered the Kid a job. So the Catfish Kid took up residence in Sam Draper's garage and started learning brickwork.

That was eight years ago.

Now the Catfish Kid has a room up on Broadway where he keeps his worms and dough balls in the refrigerator with his food and the 16-ounce Pepsis that he is partial to. He parks his bicycle with all its paraphernalia beside the bed, where he sleeps during the day when the sun's hot and the fishing's not so good.

He still works with Draper when there are jobs to be done. Sometimes they go rambling about the country together. In the winters they just might go down to Key West for a month or so and fish.

But now it is summer and the river and the catfish beckon, and almost every night the Catfish Kid answers their call. Usually he'll catch five or six, and maybe a fat old carp, that dangle from the stringer on his handlebars as he pedals back up Broadway at daylight. He gives the fish away, usually.

"There's this old couple over in the project I know. He's old and his wife's crippled. He can't go fishing. I take the fish and give 'em to him."

But now he is on the riverbank, and his lines are out, and he is stretched out, puffing away on his foul-smelling pipe, and he has a faraway look in his eye.

"I tell you what I dream for," he says. "A boat."

Just an old, second-hand aluminum boat would do, he says. "That's all you need."

"He's raising hell to take his money and get him a boat," says Draper, "but I keep telling him first you got to use your money to keep a roof over your head and to buy food."

But the Catfish Kid doesn't see it that way.

"You got a boat," he says, "you can fish out there in that channel, you can really catch something. . . ."

TRAGEDY AT ATTICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROSENTHAL. Mr. Speaker, all America watched with heartbreak and horror as the disturbances at Attica Prison culminated in pointless tragedy. Affairs that needed to be handled with delicacy and patience were executed instead with expediency and force. Blazing guns took the place of reason and compassion. Let us hope this is not part of a pattern of resorting to violent action before exhausting all nonviolent options.

This Nation needs to reaffirm its dedication to peaceful solutions to problems if it is to remain at peace with itself. Belligerent alternatives undermine our spirit, our freedom and our very survival.

We are a nation of laws. Laws that structure and reinforce us, that allow our "Government of the people" to function. But Government can become as removed from the spirit of its laws as it can become alienated from its people. It can come to sanctify laws more than the people the laws are created to protect and enrich. It can hold legality more precious than life.

At Attica, deadly recourse was taken rather than prolonging the difficult negotiations toward settlement. Extension of the State's commitment in time and energy to the negotiations in progress was not deemed worthwhile. Postponement in utilizing massive armed force until the negotiations proved fruitful was considered an unacceptable expense. But what expense could it have proved to be compared to the deaths of 40 men? Delay in such a case is not a sign of acquiescence or weakness, but of strength and careful restraint. And in this instance, delay could have meant the saving of two score lives. There can be no better justification for any course of action. Forbearance then could have spared suffering now.

The decision to turn Attica into a bloody citadel should not be taken as an example by others in similar circumstances and adopted as policy. A policy which takes the rhetorical dimensions of law and order and conjures an image of security and stability. For there are too many American remembrances that serve to shatter that ephemeral image. Too many rights infringed upon, too many freedoms revoked, too many lives sacrificed foı the semblance of order. There are too many Kent States and Jackson States, Fred Hamptons, Berrigan Brothers and Maydays to still believe we are merely seeking justice. Too many to still argue that law and order is anything more than an epithet to cry when we are frightened and mutter when we must apologize.

We must not confuse order with tranquillity, nor abandon peaceful alternatives for the expediency of quick solution. Such actions might incorrectly be interpreted as favoring premature violent response as opposed to calm, responsible measures. On either a governmental or citizenry level, this spells potential catastrophe. It leaves the specter of "authorized" violence hovering over the Nation.

Let us remember Attica was no isolated incident. Borne out of prison reform neglect, it was nurtured by inmate frustration. Frustration and grievances that in the future must be afforded viable channels for redress. Neglect that must come to an end right now.

Mr. Speaker, may I bring to your attention an extremely fine and timely article by Mr. Anthony Lewis which appeared in the New York Times of September 18, 1971. I take the opportunity of inserting this commentary into the RECORD at this point:

[From the New York Times, Sept. 18, 1971]

THE PRICE OF VIOLENCE

(By Anthony Lewis)

LONDON.—The events at Attica prison raise terrible questions for Americans: about the racial divide in our society, about the prison system, about official truthfulness and political courage. Tom Wicker, who was there, has written of all these with moving restraint. At a distance, the episode evokes some general thoughts on violence.

Those of us who can take for granted the advantages of life in a political democracy should beware of smugness in denouncing the use of violence to change the system. It is too easy to say that violent tactics can never be justified.

Was it wrong for the American colonists to take arms against King George and his ministers? Were Jewish underground groups wrong in their activities in mandatory Palestine, or Algerians in their guerrilla war against the French? Would it have been morally illegitimate for the inmates of a German concentration camp to use force against their oppressor. if they could have done so effectively?

When the channels of access to political influence are open to everyone in a society, then violent means cannot be justified. But is there such a perfect society anywhere?

It took the explosion in Watts to make many white Americans begin to realize the desperate conditions of life in the urban ghettos of the North. Britain is often cited as a model of democracy, but the Roman Catholics of Northern Ireland acquired civil rights as elementary as equality in voting only after they turned to provocative mass demonstrations.

There are, then, groups with inadequate access to the levers of democratic power. For them violence may be the only effective means of political expression. And there can hardly be a more extreme example of such a case than a group of largely black prison inmates: The undisputed facts of the Attica tragedy show that the prisoners faced appalling conditions and had no peaceful way to challenge them effectively.

But frustration of political grievances does not alone justify violence. Moral judgment depends also, in the end, on the nature of the violent act and its consequences.

It is one thing to block streets, another to kill. And violence does not usually stay under control: it escalates. The consequence may not be the desired social change but reaction. And whatever the political result, any violence involves the risk of brutalization. Even the milder forms of student revolt, restricted to foul language and disrespect, degrade the civility of the classroom. The question is whether any gain is worth these or bloodier costs.

For those reasons, philosophers of liberal democracy argue that the only legitimate use of violence in an open society is to call attention to blocked political channels, to areas of official or public insensitivity. Once the fault has been dramatized, the political process must be left to correct it. That may be slow, but the attempt to force faster change by continuing violence or guerrilla tactics is likely to bring results worse than the disease.

In bitter hindsight, the dangers of violence can be seen clearly enough in what happened at Attica prison. If only the inmates had been able to dramatize their complaints and then accept a reasonable settlement. . . . But of course the situation could never be reasonable. It led to the death of a guard, to fear, to hatred among the forces of law and in the surrounding community. So far had the process gone, so brutalized had public feelings become, that many citizens of Attica simply refused to believe the evidence that hostages had been killed not by the prisoners but by the guns of the attacking guards.

That power of fear and hate to overcome evidence is familiar. After the Chicago convention of 1968. Americans who had seen on television the official brutality that an inquiry called a "police riot" nevertheless said when polled that the treatment of demonstrators had been right.

Which leads to a larger point about the horror at Attica prison: It cannot be seen in isolation from recent American history. Violence leads to violence, and brutality to increased tolerance for more brutality.

For officials to commit or condone violence has the most corrupting social effect, and it is from this that the United States has especially suffered. When the police can club innocent people in a hotel room and go uncriticized, or National Guard men kill students without being prosecuted, the whole society is brutalized. And so it is, of course, when American soldiers are known to take part in the torture of prisoners, or when the President intervenes in behalf of a soldier convicted of killing babies.

The Times of London, in writing about the final assault on Attica, mentioned Kent State and the Mylai massacre and indiscriminate American bombing in Vietnam. All, it said, were disturbing examples of "power being used without the control and discipline expected cf a civilized country."

That is the burden of decent governments: to be civilized: Individual violence is dangerous enough. But it is much worse when Governors and Presidents depart from the path of restraint, for they are meant to speak for civilization.

PAN AM OFFERS NEW LOW FARES TO VIETNAM GI'S

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. O'KONSKI. Mr. Speaker, now that the Congress has passed the draft bill and our attention turns once again to other matters, we should not lose sight of the tremendous progress which has been made in winding down the conflict in Southeast Asia. I know my colleagues join me in hoping that the negotiations in Paris will be successful and that genuine peace will be achieved soon.

Regardless of our differing viewpoints concerning the war, surely we can all agree that it is imperative that we continue to give the highest priority to supporting the needs of our valiant servicemen involved in this conflict.

I am proud to say that Pan American World Airways, this country's pioneer air carrier in the Pacific, under the able and dynamic leadership of its president and chief executive officer Najeeb E.

Halaby, has traditionally supported these needs.

Now, according to an announcement by James J. Rice, Pan Am staff vice president for military transportation, under a new agreement between the Military Airlift Command—MAC—and Pan Am to become effective October 1, 1971, subject to Government approval, Vietnam-based servicemen will be able to fly round trip to the west coast of the United States on 2-week leave.

Mr. Rice said:

> This is another step in Pan Am's program of giving our Vietnam servicemen some relief from the tensions of the combat zone, a program we began with our Rest and Recreation airlift to nearby furlough spots in 1966.

Under the new arrangement, a serviceman will travel between Saigon and Honolulu on daily scheduled 747 service, instead of on military charter flights. This portion of the flight is paid by MAC.

The serviceman then can complete the transpacific trip by flying between Honolulu and California at the low round-trip military fare of $184 confirmed or $124 standby.

Pan Am will also drop the weekend restriction on military fares and will waive the rule that servicemen traveling on these fares travel in uniform.

Mr. Rice said:

> We hope domestic airlines flying from Honolulu to the West Coast to other mainland points will follow our lead and will also waive the weekend restrictions and the uniform regulations for servicemen home on leave from Vietnam.

Although 18 U.S.-flag carriers offer nonscheduled and charter services to Vietnam under contract to Government agencies, Pan Am is the only U.S.-flag airline certificated to offer regular commercial scheduled passenger service into and out of Saigon.

Mr. Speaker, I commend Pan American World Airways and "Jeeb" Halaby for making these new low fares available to our Vietnam GI's in yet another example of this airline's splendid cooperation with our Government.

At this point, I want to share with my colleagues remarks entitled "Pan Am Eases Travel Rule for Viet Home Leave Plan," which appeared in the September 22 issue of Navy Times.

The article follows:

PAN AM EASES TRAVEL RULE FOR VIET HOME LEAVE PLAN

WASHINGTON.—Pan American Airways has liberalized its rules to make it easier for servicemen in Vietnam to take advantage of the new 7 and 7 home leave program set to begin October 1.

Under the program servicemen will be able to fly to the United States, with a stopover in Honolulu, for a total of 14 days away from Vietnam. Seven days will be charged to rest and recuperation and seven to annual leave.

Normally, the Saigon to Honolulu leg of the journey is on chartered Military Airlift Command planes.

Under the new Pan Am arrangement, a serviceman may travel between Saigon and Honolulu on the regularly scheduled 747 flights instead of the charters.

He may then complete the trans-Pacific trip by flying between Hawaii and California upon regular Pan Am flights at his own expense, but at the low military rates.

The round-trip military fare for a confirmed reservation is $185. Standby is $124.

The weekend restriction on military fares and the rule that servicemen traveling on these fares must be in uniform also are being waived by Pan Am for men on leave.

REHABILITATION IS COMPLEX

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MANN. Mr. Speaker, each of us shares a portion of the responsibility for the poor progress made in the vital area of prisoner rehabilitation in recent years. I am sure that the tragedy at Attica has brought home to all of us the necessity for accelerating our efforts for prison reform. At the same time, we must not lose sight of the fact that the vast majority of prisons in this country are State and local prisons and that the substance of reform must primarily be handled by the several States. I am eager to use the Federal resources and the Federal purse to assist them in this effort. Society can no longer tolerate the high rate of recidivism that results in four prisoners out of five finding their way back to prison in a few short years.

The problem is complex, and solutions are not easy. We must nevertheless be about the job. The following editorial from the Spartanburg Herald—Spartanburg, S.C.—of September 20 poses some of the problems that we confront:

NOT SO SIMPLE AS WE'RE TOLD

Ever since their profession was given a name, penologists have been confronted with a curious fact: Punishment works best with those who need it least.

A man who shoots his wife's paramour in a blind rage may never have committed a crime before and will never commit another as long as he lives. The same may be true of a man who, panic-stricken by personal debts, succumbs to temptation and embezzles funds from his employer.

Both are sent to prison because society cannot tolerate such violence and dishonesty, and as lessons to potential murderers and embezzlers.

Yet beyond satisfying certain needs of society and possibly of the criminals themselves, who may feel they have "a debt to pay," of what use is their punishment? Certainly not rehabilitation, for they are as fit to re-enter society on the day of their sentencing as they will be 10 years after it—and perhaps more so.

It is otherwise with the career criminal, the man who has been in and out of trouble since childhood and in and out of reformatories and prisons since he was a teen-ager. For him—and he is in the vast majority—punishment is a degrading and embittering and hardening experience.

Rarely is the career criminal able to admit his own guilt, or if he does, rarely does he accept responsibility for it. It is, as any number of sociologists and psychologists will hasten to assure him, society's fault.

(Strange how society is blamed for the tens of thousands of persons in prison, yet society gets no credit for the tens of millions who have never been and never will be in prison.)

Even rarer is it for this kind of criminal to feel any responsibility for the welfare of his victim or his victim's family, to vow that he will try to make amends for what he may have done.

This should be a part of rehabilitation, yet our laws do not even have any provisions for encouraging the man who wishes to make amends.

Of late, a new dimension has been added to all the other problems of penology—political radicalization.

"Political radicalization is becoming more commonplace in American prisons and the state authorities in charge of prisons are having to become more aware of the concept in dealing with prisoners who see their criminal offenses as strictly political acts," said Race Relations Reporter a week before the shootout at San Quentin in which "Soledad Brother," George Jackson was killed.

Jackson, the No. 1 "political prisoner" in America in some eyes, is now the No. 1 political martyr.

Wrote Journalist Tad Szulc after an interview with Jackson, shortly before his death.

"The convict-politicizing process obviously meshes with the growing opinion among prisoners and outside radicals, including ideologically motivated lawyers and criminologists, that most crimes committed in the United States, particularly by minorities and poor whites, are essentially 'social' and 'political' in nature. This is so, the argument runs, because such crimes derive from sociological and political conditions in the country."

The same sort of nonsense was taken as an article of faith by the architects of the Communist revolution in Russia.

It is worth noting that not only have millions been imprisoned or liquidated in the U.S.S.R. for political "crimes", but that more than 50 years after the overthrow of czarist oppression, there are proportionately just as many bandits, burglars, rapists, murderers and garden-variety crooks in Russian jails as there ever were.

Crime is not as simple as some people including criminals would have us believe.

NATION'S AMBULANCE SERVICES MUST BE REFORMED

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOLLOHAN. Mr. Speaker, on July 19, I introduced two bills designed to increase the effectiveness of the Federal Government in improving the Nation's ambulance services. Presently the National Highway Traffic Safety Administration and the Division of Emergency Health Services of the Department of Health, Education, and Welfare are working on this goal.

And this is a worthwhile goal, and let me explain briefly why we in the Congress should see to it that that goal is reached.

First, according to an estimate from Dr. Henry Huntley, Director of the Division of Emergency Health Services, about 60,000 persons who die each year from highway accidents or medical emergencies, such as heart attacks or poisoning, could be saved if the Nation had a truly effective emergency medical services system of professional ambulance care and improved hospital emergency room treatment.

Second, countless numbers of people are dying each year because of poor medical treatment given to them on ambulances, and this is especially acute in our rural areas where 70 percent of all highway accident fatalities occur. In many areas there are not enough ambulances to serve the population and in most areas of the country ambulances are little more than taxicabs to the graveyard. Only a handful of States regulate ambulance services and prescribe the level of medical training of ambulance personnel and the equipment that each ambulance should carry in order to save lives.

It is a vastly neglected area of health care, for the public has come to take it for granted that an ambulance is simply a hearse or a station wagon and that its purpose is simply to rush a patient to a hospital or carry him to the morgue.

Furthermore, recent surveys of the Public Health Service show that less than half of the ambulance attendants in the Nation have had advanced Red Cross first-aid training.

Now, the National Highway Traffic Safety Administration has been charged with the task of improving the Nation's ambulance service through the Highway Safety Act of 1966. The NHTSA makes grants to States to finance projects to purchase specially built ambulances and to insure that these ambulances carry recommended life-support equipment.

Supposedly this 50-percent Federal aid is only going to those projects which meet standards established by the Secretary of Transportation, but that may not be the case, for the Department has less than desirable methods for overseeing how the States spend this money.

I do feel that the $23 million that the Department has channeled through State highway safety programs since 1966 for improving emergency medical transportation has had its effect, but this effect has mostly been toward pointing the way to better ambulance care. Unfortunately, the States have not shown much progress in this area, and to this day about three-fourths of the States have no laws governing ambulance services.

In most States, a station wagon with a sign on the side reading "ambulance" and a red light on the top of the roof may be called an ambulance. Most States do not even require that ambulance attendants have first-aid training, although mere first-aid training itself is hardly enough to permit an attendant to save lives. A few States have advanced to the level of requiring all ambulances to carry first-aid kits, but statutes in most other States are conspicuously silent about what life-support equipment should be carried aboard ambulances.

For those who wish to go into detail on this, I recommend two publications prepared by the Division of Emergency Health Services of the Department of Health, Education, and Welfare. The publications are entitled, "Ambulance Services and Hospital Emergency Departments," and "A Compendium of State Statutes on Ambulance Services and Good Samaritan Laws."

The Federal Government's role in improving ambulance services is largely confined to the Highway Safety Act. The act requires that States must submit highway safety programs to the Transportation Secretary and these programs must be approved before the State will receive any funds for highway safety programs. Furthermore, if the State plans are not approved, the law declares that it must sustain a 10-percent cutoff in highway construction funds. Although this has been threatened for some time, and although the officials in the National Highway Traffic Safety Administration complain of the lack of progress on the part of the States in fully implementing programs to upgrade ambulance services, the cutoff has not been invoked.

It is my considered judgment that to improve the quality of ambulance care, greater State action is required, and the Federal Government should use its full power to achieve this cooperation. With each year that goes by thousands of persons die needlessly in the back of a hearse or station wagon. Perhaps they are unattended or perhaps they die at the hands of an attendant who lacks even the most basic first-aid training.

What is the role of the Department of Health, Education, and Welfare in this neglected area of health care?

Unfortunately, the Department has not been aggressively pursuing a goal of trying to improve ambulance services. While one division in the Department—the Division of Emergency Health Services—is recommending that ambulances and ambulance attendants meet certain higher standards, another division—the Social Security Administration—is actually paying for ambulance transportation under medicare which may be inadequate.

If the Department of Health, Education, and Welfare were following a program to upgrade ambulance service, it would not be issuing medicare payments to those operators of ambulances which cannot meet those higher standards recommended by the Division of Emergency Health Services.

Federal administration of ambulance programs is in such disarray and suffers from such lack of coordination that it is crucial that the respective congressional committees examine the problems. Such programs have not yet been scrutinized and the problems of inadequate ambulance care have not yet been considered by the Congress.

They should be. At stake are the lives of 60,000 persons who may die each year because of inadequate emergency medical care.

SEVEN MEMBERS OF THE WISCONSIN DELEGATION INTRODUCE SCHOOLBUS SAFETY LEGISLATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ASPIN. Mr. Speaker, today six other Wisconsin Members of the House and I have introduced the Schoolbus Safety Act of 1971.

The House sponsors of this legislation are Mr. ROBERT KASTENMEIER, Mr. DAVID OBEY, Mr. ALVIN O'KONSKI, Mr. HENRY REUSS, Mr. WILLIAM STEIGER, and Mr. CLEMENT ZABLOCKI.

Wisconsin Senators GAYLORD NELSON and WILLIAM PROXMIRE will be introducing this legislation in the Senate.

Last year an estimated 240,000 schoolbuses transported some 18 million children 2 billion miles in the United States at a public cost of $825 million. In 1969, 140 persons—75 of them students—died in accidents involving schoolbuses. In the words of the Nation's No. 1 schoolbus safety administrator, David H. Soule, of the National Highway Traffic Administration:

> The potential for tragedy with schoolbuses is extremely great.

Earlier this year, a schoolboy in Kenosha, Wis.—one of the cities in my congressional district—was killed in a schoolbus accident there. Primarily as a result of that accident, public hearings were held in Kenosha. Many of us who were at those hearings were shocked at how little the Federal Government had done to insure that schoolbuses are reasonably safe. For instance, very often schoolbuses are less safe than municipal and intercity buses. In fact, many schoolbuses are the unsafest vehicles on the road.

The Department of Transportation has gone a long way toward setting standards for schoolbus safety. However, these standards are primarily aimed at the operation of the buses. They do not get at the root of what we believe to be a major problem: The design and manufacture of the equipment. Our bill calls for the setting of safety standards for schoolbuses within 18 months after the bill's date of enactment.

In addition to the safety design provision, our bill would require that:

A prototype or experimental bus be built within 3 years after the bill's passage;

Every manufacturer and dealer certify that each schoolbus had been individually inspected and test driven, and that it conforms to the Federal safety standards.

The Department of Transportation investigate each schoolbus accident which results in a death and publicly report its findings and conclusions.

Mr. Speaker, I believe you will find the bill's provisions to be modest but very important proposals, which are long overdue.

In the near future, we will be asking other Members of the House to cosponsor this legislation. It has received bipartisan support within the Wisconsin delegation for the simple reason that schoolbus safety is not a partisan issue. We are hopeful that we will receive similar support from the other Members of the House, so that we can correct this dangerous problem, which crosses both ideological and party lines.

CONGRESSMAN WYDLER'S 1971 QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. WYDLER. Mr. Speaker, it has become a tradition in the "Fabulous Fourth" Congressional District to send reports of my activities to constituents and, once each year, to ask for their views on important current national issues by means of a questionnaire. The questionnaire is now in its eighth consecutive year.

I send the questionnaire to every resident who lives in the Fabulous Fourth Congressional District, regardless of party. In this way, I can truly test the prevailing opinion on great national issues.

Once again, many thousands of people of the Fourth Congressional District have answered the questionnaire. The results have been carefully tabulated and I am still busy answering the many comments that have been made to me on the returns. The enthusiastic response proves that people do care about their Government.

I am now sending a copy of the questionnaire results to each home in the Fourth Congressional District.

In my judgment there is no better measure of the real feeling in my district than these questionnaire results. They are the voice of the people.

The following comments on these results are my personal interpretation.

The questionnaires were sent out in June and most answers were received by the middle of July. In spite of this a high percentage of the people—58 percent—favored admitting Red China to the U.N., in addition to Nationalist China. This was a great change from past years and preceded the President's announcement of a visit to Peking.

Strong support continued for the President's policy of withdrawal from Vietnam, 52 percent.

There was overwhelming support for the President's domestic proposals on revenue sharing, 84 percent approve, welfare reform, 86 percent approve, and executive branch reorganization, 64 percent approve.

On what can be considered the people's political philosophy of government, 66 percent favored the delegation of Federal programs to regional offices, as opposed to centralization in Washington, D.C.

The complete results are as follows:

RESULTS OF THE 8TH ANNUAL "FABULOUS FOURTH" QUESTIONNAIRE OF THE 4TH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

ON THE DOMESTIC SCENE

	Approve	Disapprove	Undecided
1. Revenue sharing: Do you favor returning a share of Federal tax revenues to State and local governments to help solve local problems?	84.86	9.26	5.88
2. Poverty: As an alternative to the present welfare system, President Nixon has proposed a work incentive and job training program while calling for a basic level of financial assistance. Do you favor his proposal?	86.72	6.88	6.40
3. Health: Regarding national health insurance, which do you favor?			
(a) A program financed and operated by the Federal Government	33.12		
(b) A federally operated program financed by employer and employee contributions		36.54	
(c) Complete reliance on the private health insurance structure	14.52		
(d) No new legislation in this area		12.46	3.36
4. Federal or local control: Do you favor a larger share of responsibility for administering Government programs being delegated to regional offices rather than being centralized in Washington, D.C.	66.44	18.00	15.56
5. Social security: Do you favor automatic social security increases based on the cost of living index?	86.54	8.78	4.68
6. Government reorganization: Do you favor President Nixon's proposal to reorganize the executive branch by reducing the 12 Cabinet departments to 8?	64.28	14.34	21.38
7. Drugs: What action should the Federal Government take in connection with possession and use of marihuana?			
(a) Legalize it and therefore eliminate present penalties	18.92		
(b) Reduce present penalties		24.06	
(c) Retain present penalties	16.62		
(d) Increase present penalties		36.72	3.68

REGARDING FOREIGN ISSUES

	Approve	Disapprove	Undecided
8. Middle East: In the Arab-Israeli controversy, which of the following do you favor?			
(a) Reduction of U.S. assistance to Israel	6.54		
(b) Increase of U.S. military assistance to Israel		21.66	
(c) A neutral position concerning both Israel and the Arab bloc	36.26		
(d) U.S. policy based on the goal of reducing U.S.S.R. intrusion in the Middle East		31.06	4.48
9. Vietnam: What is the best U.S. policy for Vietnam:			
(a) Increased military effort to achieve a military victory	5.36		
(b) The President's policy of withdrawing U.S. combat troops by stages while strengthening the South Vietnamese to assume responsibility for their own security		52.52	
(c) Withdraw all U.S. troops immediately	22.80		
(d) Publicly setting an absolute date for withdrawal, in spite of events		15.70	3.62
10. Red China: Which policy do you favor:			
(a) Not admitting Red China to the U.N	15.88		
(b) Admitting Red China to the U.N. instead of Nationalist China		6.74	
(c) Admitting Red China to the U.N. in addition to Nationalist China	58.44		
(d) Opening diplomatic and trade relations with Red China without recognizing them formally		14.04	4.90

THE PREVENTION OF WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHMITZ. Mr. Speaker, the prevention of war is the subject covered in the last chapter of an excellent new book entitled "The Strategy of Technology: Winning the Decisive War," written by Dr. Stefan T. Possony and Dr. J. E. Pournelle.

In this chapter the authors deal with the nature of modern strategic war, the effect of high and low nuclear force levels on stability, and the possibility of achieving a realistic degree of security through arms control agreements.

The authors contend that two-sided arms races have a stabilizing effect in the nuclear era. At high levels of mutual armament the possibility of gain through utilization of these weapons decreases. Failure of a status quo power like the United States to engage in the arms competition is highly destabilizing. By failing to compete the possibility of war comes closer as calculations of successful war tempt Soviet planners.

The failure to understand this concept of stability and act accordingly, has been one of the factors which has led us into the increasingly dangerous and unstable situation we face today.

Another interesting concept of stability concerned with a specific weapon, equally overlooked and equally important, was made in a recent Library of Congress publication entitled "Projected Strategic Weapons Systems" by Edmund Gannon. Talking about the concept of MIRV Mr. Gannon points out that:

> In the past, neither the Soviet Union nor the United States has been able to predict in absolute terms the military strength of the other; this fact has generated a degree of uncertainty. It is possible that this uncertainty itself may have contributed to deterrence in the sense that neither side could be certain that a first strike could succeed and, secondarily, that a given course of rash action might not constitute a nuclear *casus belli*. If this should be the case, then the introduction of MIRV could prove to be a stabilizing factor rather than a destabilizing one.

MIRVing as it decreases the probability of Soviet calculation of successful attack through introducing the element of uncertainty is stabilizing when carried out with a numerically inferior force such as that possessed by the United States.

Although MIRV at this point does have a real and valuable stabilizing effect this stability is limited in time while vigorous across the board arms competition has a stabilizing effect over an indefinite period. This is because quantitative and qualitative increases in the Soviet strategic forces can overcome increasing the number of warheads in a numerically static force. Eventually the deterrent effect produced by MIRVing becomes nil and quantitative increases in the number of nuclear delivery vehicles, as opposed to warheads, becomes necessary—assuming no radical break-through in anti-ballistic-missile systems.

Anti-ballistic-missile systems such as Safeguard, of course, add to stability as they help assure the survivability of our smaller strategic offensive force and introduce further uncertainty into Soviet calculations of possible successful attack. This short essay which follows is highly recommended for all those who are interested in understanding some of the factors which combine to prevent war in the modern era.

The article follows:

THE PREVENTION OF WAR

WHY WARS ARE NOT FOUGHT

The primary stated objective of the United States is to preserve the state we call peace. The Strategic Air Command, which controls more power than all other military organizations throughout history, has as its motto, "Peace Is Our Profession." Our diplomatic machinery is geared to negotiations for peace, and our alliances are defensive. If intentions alone would produce peace, we would have it.

Our pursuit of peace is complicated by two important factors. The first of these is confusion about the meaning of peace. In legal terms we are at peace whenever the Congress has not declared war. Yet we can be actively engaged in a shooting war, and as this book has shown, the Technological War goes on, without regard to legal niceties, as a permanent conflict.

Many of our international legal institutions were conceived and solidified at a time when there was a far greater distinction, even a chasm, between peace and war. In those nearly-forgotten times, when nations went to war they acquired "rights of belligerency," which they could invoke against other nations. Perhaps today there should be some recognition of the rights of cold-war belligerency and the Technological War. If laws ignore the real situations in which people live and reflect fictitious assumptions, the legal order is decaying and society becomes vulnerable. The point is not to curtail rights, freedom, and democracy, but to keep them working during critical times and to provide a reasonable legal basis for the requirements of security.

The other impediments to the achievement of peace is the paradox known since Roman times: "If you would have peace, prepare thou then for war." The unprepared rich nation without armed allies has never survived for long. Wealthy nations have ever been forced to depend on their readiness for war to preserve peace and survival. Yet history seems to indicate that the greater the state of armaments acquired, the greater the chance for war; and consequently many well-meaning people in the contemporary United States believe that the surest road to peace in the nuclear era is arms limitations which may hopefully lead to disarmament.

This misconception stems from an insufficient appreciation of the modern era. The nuclear weapon has changed the nature of warfare by providing the defensive power with a capability to deny victory to the aggressor, even if the aggressor has successfully destroyed all but a small fraction of the defender's military forces. Unlike conventional weapons, nuclear weapons do not increase the chances of war as both sides acquire them.

This is so because mutual increases in the nuclear power available to the superpowers do not cause mutual increases in their expectations of victory. In fact, the opposite is true. All but madmen recognize that as mutual capability for destruction increases, the possibility of gain through initiating that destruction becomes smaller. Whatever the effect of arms races in conventional weaponry, two-sided arms races in the nuclear era have a stabilizing effect in so far as the outbreak of total war is concerned.[1]

Wars are fought because decision makers conclude that they will be better off after the war than they would be if they did not engage in them. This has been true whenever rational decision processes have governed the war decision.[2] The calculation of success is not a matter of objective reality only, but is in large measure a process in the mind of a strategist controlling military power. It is not sufficient merely to be sure that no one can win against you; all those who might attack must be convinced of it as well. In addition, the definition of win may be different for a potential aggressor than for a popularly-elected chief of state; and it is necessarily different for one aggressor fighting for nationalism or nationalist imperialism than for another aggressor who fights for international communism or Communist imperialism.

The calculation of chances of success is spoiled by uncertainty; indeed, uncertainty about the outcome of a war is a powerful deterrent in the absence of clear indication of the enemy's power. When both sides are engaged in nuclear arms research and deployment, neither will be very certain that he has won the Technological War and can engage in nuclear strikes or blackmail. It is when one side drops out of the race, giving the other a clear shot at technological supremacy, that a strategist can begin to plan on terminating the contest by a nuclear strike.

Deciding on war is also a matter of will, which is essentially willingness to take risks and troubles. Virtually always, the will factors are vastly different for the two parties engaged in conflict. Circumstances that would cause one to initiate a war might not tempt the other. Dictatorial regimes are notoriously generous with human lives; democratic governments fear casualties and usually fight only, and frequently belatedly, to preserve their own security. The will factors change when political systems are on the rise or decline. A dictatorship, for example, its optimistic early in its youth—it may combine determination with caution, or it may be exuberant. But it reacts differently when it is senescent: It then has the rationality of despair, and it may prefer a last chance through war, and even defeat on the battlefield to ignominious overthrow. World War I would hardly have occurred if Russia, Austria-Hungary; the Ottoman Empire, and China had not been decaying. There will be decaying regimes in the future. In particular, the Communist dictatorships won't last, but the period of their departure will be difficult and dangerous, and the rationality of their last leaders may be influenced less by probabilities of success in a nuclear contest, than by considerations of last chance stratagems, envy, revenge, and pure hatred. There is no such thing as equal rationality for all.

Calculation of military results, then, is only a part of the decision to go to war. Strategy serves as a tool for the political decision maker, and the calculation of military success sets the probable price in blood and treasure that must be paid in war. The political objectives are the factors that determine what price a government is willing to pay; and these objectives are not set in absolute terms. If world domination is the objective, then no price is too high provided that the rulers of the aggressor nation will survive and remain in control and all other countries will be reduced to impotence. Conversely, if the probable result of the war will be the overthrow of the ruling structure, no victory, no matter how cheap in lives and property, is worth the winning.

The calculation of political objectives, and the disparity of objectives between the major powers of the present world, are the primary factors in the decision to begin wars. However, they have received less attention than mathematical calculation of military factors, which has become prevalent. It is supposed by many that even if the political objectives of the U.S.S.R. can never be understood with certainty, at least the military calculations on which they must base their decisions can be replicated with some assurance. This assumption needs to be examined in some detail.

THE NATURE OF STRATEGIC DECISIONS

Military calculations must take into account numerous objective factors such as force levels, weapons performance, defense systems, and the like. A strategist's advice will thus be based in part on his predictions of the material factors of battle. Success in war, however, is dependent on the competence of generals and commanders as well as on their equipment. Bad generals can lose wars even though they have the best armies, as witness the performance of the "finest army in Europe" (that of France in 1940), while good generalship can more than make up for numerical and even technical inferiority. The strategist calculates his chances of success on the basis not of statistics but of an operational plan.

His plan must take into account the quantitative factors, but it will also seek to create and exploit opportunities. War is a matter of will as well as equipment, and paralysis of the enemy's will through surprise is one of the most successful of all techniques. In war, there are real uncertainties as well as statistical probabilities. Many factors can never be quantified. The strategist is dealing with the enemy's creative forces, and will counter them with his own. The calculation of destruction by means of slide rule and computer can only be a part of this process.

If this appears vague and uncertain to those more used to scientific calculation, it is because war is uncertain. War is after all an operation primarily against the will of the opponent. In some few cases, of course, the opponent is so reduced in capability that his will is no longer an important factor, but most wars have ended long before the loser's capability to damage the victor was destroyed. The great losses have occurred after surrender, in pursuit or by deliberate execution of prisoners, rather than before the decisive moment of battle. But once a combatant has lost the will to fight, his means are unimportant; and often this failure of will has been caused by surprise, by the opponent doing the unthinkable, and by so doing producing overwhelming paralysis.

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[1] A complete study of the concept of strategic stability, including an analysis of arms races in the nuclear era, will be found in Pournelle, *Stability and National Security,* a policy-planning study prepared for Headquarters, U.S. Air Force, Directorate of Doctrines, Concepts, and Objectives, contract F 44620-67-C. Pepperdine Research Institute document D1-1004, 1968.

[2] This was true of the German's war decision on entry into World War I. The defection of Rumania from the alliance, the growing power of Russia, and the enlargement of the French army, as well as the accelerated decay of Austria-Hungary, Germany's ally, caused Berlin to conclude that Germany must strike before the Entente reached its full military development and attacked at a moment of optimal power.

It is generalship, not a calculus of forces, that decides the outcome of wars. A good general identifies opportunities to paralyze the will of his opponent and exploits them. Indeed, a good strategist creates such opportunities. Generalship operates against the enemy's forces as well, of course, but even then the war is primarily against the will. When the enemy ceases to fight, the war is over, no matter that the vanquished may actually be stronger than the victor—as Darius was at Arbela. Success in war is above all dependent on generalship; it is not that objective factors such as force relationships do not count, but that generalship is far more significant. And generalship means optimal utilization of available strengths and out-thinking the enemy. Bad generalship is a repeat performance, whereas good generalship is an act of creation, hence unpredictable by either side.

Historical experience is explicit on the crucial impact on generalship: a bad general can lose despite superiority in material force and a good general can win despite considerable inferiority. Given reasonable means, and sufficient strike and reserve forces, so that the aggressive side would not be crushed even if mistakes were committed, the aggressor will calculate his chances of success not on the basis of statistics, but an operational plan, as we have pointed out. If he is a sound planner, his plan will take into account all the qualitative factors, but go beyond them to employ surprise in all elements such as strategy, technology, tactics, training, direction, concentration, and phasing. If the would-be aggressor estimates that the defender will be unable to anticipate his plan and will not have ready countersurprise operations to upset the implementation of the operational plan, he will conclude that his chances of success are high.

It is very important to understand that in these matters the calculus of generalship is far more important than the calculus of force relations. A homely example would be an investor who plays the stock market through mutual funds and thus essentially benefits by or losses from the overall movements of the market. Such an investor can calculate his probable successes on the basis of curves depicting the performance of the market in the past. However, the most successful investors operate both with and against the market. In like manner, a good strategist can identify special situations or opportunities and work out a scheme to take advantage of the openings. Naturally, in a war where there are many opportunities there are only a few that hold great promise of massive success, even if they are exploited with the greatest skill. Furthermore, good opportunities may be fleeting and there may not be enough time to exploit them properly. On the other hand, the strategist who possesses large resources, like the market operator controlling large funds, can create suitable opportunities.

These observations apply to both the offensive and the defensive strategist. Success always depends on more than the resources in hand. It results from a clear knowledge of the objectives to be gained by the particular strategy and from seizing the initiative in carrying out the strategy.

Whether planning aggression or defense against aggression, the strategist must calculate the results of the clashes of forces. He must always remember that he is dealing with human action, the essence of which is creativity. As a consequence, he knows he is grappling with uncertainties, with the basic uncertainties that result from the creativeness of the adversary.

OFFENSE AND DEFENSE

In this interplay of creativities, the aggressor has certain advantages that come from his position. The decision to attack is his. Thus, he knows when hostilities will begin. The defender cannot have this certainty. Every moment can be the moment of the attack. To heighten the effects of his blow, the attacker strives for surprise in as many elements of his strategy as possible. One of the problems of the defender is to prevent his being the surprised.[3] This increases his needs for information about the intent of the enemy and requires him to expend resources on being constantly ready.

The attacker can build his plan for aggression around the availability of a decisive weapon. This can take the form of a technical surprise for the defender, but it need not. If the aggressor calculates that the defender cannot counter his new advance in time, he can make his decision on the basis of this crucial superiority.

In the present age of total conflict, the aggressor can manipulate the many facets of his strategy to produce a wide variety of threats and opportunities. Political warfare, economic warfare, propaganda, the struggle for technological supremacy, diplomatic maneuverings, subversion, and military operations, taken together or individually, give the aggressor many opportunities. The defender, for his part, must provide a total defense against all these forms of conflict. Most important, he must avoid being second in technical advances that can lead to a decisive military advantage.

The defensive strategist is not without advantages on his side, provided that he does not passively wait for the blow. He can take initiatives to gain and maintain a position of superiority in the various forms of conflict. By having such superiority, he prevents the aggressor from findng the moment for the attack. The defender can plan and execute his own surprises against the would-be aggressor. The combination of initiative and surprise on the part of the defensive strategist produces the creative uncertainty that negates the advantages of the attacker. It is a military truism that strategic offensive and tactical defensive is often a superior position. Sun Tzu says, "Take what the enemy holds dear and await attack."

It is axiomatic that the objectives of the attacker and defender are asymmetric. Thus, the initiatives they take and the advances they make need not and probably should not be of the same kind. They should be chosen for their potential ability to reach the objectives of the strategy.

THE MODERN STRATEGIC WAR

The strategy of the United States, and indeed free world strategy, is defensive. We seek no political, economic, or territorial aggrandizement. We do seek to prevent war. These objectives are clearly in direct opposition to those of the Communist bloc. They seek world domination. They create opportunities to use warfare to attain it.

We should recognize clearly that our defensive strategy must include initiatives and surprises. Ours need not be a reactive strategy. In fact, the struggle for technological supremacy make a reactive strategy a most dangerous one. Waiting for clear indications of Soviet initiatives can prevent us from acting in time. We must be constantly on the initiative to anticipate their moves and to create situations to which they must react.

In the past, we used technology to overcome the advantages of the Soviets both in the resources they control and in the initiatives we conceded them. We succeeded in negating their quantitative superiority by the qualitative advantages we acquired through a superior technology.

The circumstances today are radically different. The Soviets have challenged us in technology. They have enlarged the spectrum of conflict, taking advantage of the inevitable new struggle, the Technological War. No longer are we free to follow an independent course in implementing our strategy. We must meet the technological threat as well as the threats in other forms of conflict.

This form of warfare has become crucial. A technical advance can lead to a decisive military advantage. It is not enough for us to continue past approaches to our total strategy. The strategist must recast his thinking if he is to make his defensive strategy effective. He must find avenues for the initiative in technology. He must prevent the would-be aggressor from attaining a clear advantage in any aspect of technology that could be translated into a decisive military advantage.

Broader horizons are needed in another aspect of the problem of the defensive strategist. Planning methodology and decision processes reflect the past situation. They are no longer adequate. The time has come to break the shackles of science on planning methodology. We need to rehumanize planning and strategy. This process will have a direct impact on decision making. Decision makers can no longer find refuge in the alleged certainties and probabilities that past planning provided them. We are now in an era of creative, dynamic uncertainty. We must have a strong defensive position. But we must also create strategic diversions, feints, deceptions, and surprises.

Only in this way can the defensive strategist ensure that the attacker will choose not to strike. A viable strategy poses insurmountable problems for the aggressor. The nature of some of these problems is illustrated by the following discussion of possible situations.

THE EFFECT OF NUCLEAR WEAPONS

Nuclear weapons have not changed the nature of strategy; however, they have introduced new complications, just as they have introduced new opportunities. The major new opportunity is that the strategist, once he decides to strike, can apply far more power, over larger areas, than could any of his predecessors who fought with low-energy weapon systems. The main new complication is that the defender, even though deprived of a large portion of his initial strength in the course of the first battle, would still retain enormous firepower to hurt the attacker far more dangerously than it was ever before possible for a defensive force to do. This residual force can be used against the attacker's population, industry, urban areas, government control centers, and armed forces, provided that the defender's will to use it has not failed. The scope of war has grown to include entire populations, not merely military forces.

Also, it is easily conceivable that under some circumstances the attacker, although he may defeat the defender, may achieve only Pyrrhic victory. Or, even if he achieves an unqualified victory, he would not enjoy the fruits because he has paid an excessive price. In fact, he may have lost his country to the blows that his defeated adversary was still able to inflict. Nuclear weapons have not worked totally to the advantage of the attacker.

It would be a grave mistake to assume that this particular strategic problem is new. Even if it were new, the significant aspect is whether the danger of devastating retaliation would prevent war. To put it in different terms, the question is whether such a hazard would prevent the aggressive strategist from planning for war in a rational manner. Obviously a great deal of the strategist's mental effort must be devoted to the security of the aggressor's homeland. If the defender can be induced to leave his weapons unused, the aggressor can still achieve decisive victory.

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[3] See Chapter 5 on Surprise; the surprised need not be the defender.

In order to prevent aggression, the defender must seek safety in strength. He must seek superior technology, modern weapons that can survive attack, and engage actively in the Technological War. He cannot rely on agreements, planned weaknesses, or minimum strength.

In the last analysis, superior strength remains the most reliable insurance for survival of the defender. The strategist of the superior power has some chance of predicting what his enemy might do; the strategist of a greatly inferior power can only hope. A defensive strategy aiming at superiority in power offers the only dependable hedge against errors in planning.

FORCE LEVELS IN THE NUCLEAR ERA

It is clear that as the armaments race takes place on high force levels the aggressor will be hard-put to achieve decisive superiority. The conclusion to draw from this is that relatively low levels of nuclear power are a chief prerequisite for nuclear attack. This is especially true in a period when cities have not been fully dispersed and populations cannot be effectively protected against fall-out. Low levels of forces in being are more of a danger to the United States than high levels—fears of genocide and the arms race notwithstanding. This is an important finding, which casts a very disturbing light on the recent history of U.S. armaments and armament negotiations.

Of the two belligerents, the one who is able to continue the war beyond the initial strike will have an enormous advantage because the side that does not have this capability will cave in morally and will be unable to reconstitute its force. Such a capability can only be provided by vigorous pursuit of technology, including the design and the deployment of weapons.

The survival force is one key to security. As long as we have secure weapon systems that can ride out the initial and follow-on strikes, we will have the decisive advantage. The in-being power that is still effective after the battles are over will determine the final outcome.[4]

Our defensive strategy requires us to have such a survival force. Hardening, dispersal, mobility, and concealment contribute to survival, but they are supporting strategic themes. The single most important element of our defensive strategy is to have in being a clear superiority in effective and reliable numbers. This is the one factor in the strategic equation that is most likely understood and the one the enemy is least likely to misunderstand. Numerical superiority on our side is necessary to convince the aggressor not to strike.

A would-be aggressor, if he were to act rationally, would realize that he cannot cope with high force levels. Therefore, he must make an attempt to bring forces down to a level where he can fight nuclear war—especially if through clandestine armaments of his own he achieves an enormous superiority. It is clear that the aggressors is not particularly perturbed by high force levels of his own, let alone by relative superiority, but is disturbed by a high force level owned by the defender. His problem, therefore, is to achieve a substantial quantitative superiority. To achieve his goal he must persuade the defenders to be content with moderate strength.

Another reason why the aggressor needs the low level of forces is that decisive increments in strength are difficult to conceal if they have to be produced within the framework of high force levels. This means that psychopolitical strategy is an integral part of nuclear strategy, first to achieve some sort of reduction of armament levels, then to provide a cover to conceal the aggressor's armaments and third, to facilitate nuclear blackmail and prevent retaliation.

SECURITY THROUGH ARMS CONTROL

The unending process of armaments has often been criticized as the greatest waste of which mankind is guilty. It is true that if both sides stay in the race and run well the world situation will remain stable and no war will occur; the weapons will then be thought wasted. The argument is that if both sides agree not to engage in such races, peace would be preserved effectively and at far less cost.

However, we have already seen that by lowering the levels of destruction war would bring, reductions in arms make war thinkable and more therefore likely. This, it would seem, is one major argument against arms control and disarmament. However, it is hardly the only such argument.

Since technology is dynamic, no one can agree to stand still. Force relationship change in the course of armament cycles despite the best planning possible. Sudden accretions of military power can come to a side not even expecting them. New technologies create new power.

It is true that the tempo of this eternal race can be accelerated or slowed. Aside from the technological factors that often determine this tempo, the speed of the process is largely set by political factors, including strategic intentions. If no disturber power is at work, the tempo will slacken almost automatically. If there is a disturber power, explicit or tacit slow-down agreements are at best highly unreliable and temporary. The side that takes the risk of slowing down unilaterally will soon be punished.

The history of disarmament agreements teaches an explicit lesson: international promissory treaties are almost invariably broken and are therefore an utterly undependable instrument of national security.[5]

The fundamental reason for the defender to stay in this expensive race, and to run hard in it, is to stay alive and not allow the would-be attacker to achieve such an advantage that he might be inclined to break the peace and impose his will on the naive and gullible defender.

So long as the defender must stay in the arms competition, he does not really have the option of running a selective race. He cannot leave open any geographical or technological flanks, or the opponent will take advantage of his opportunities. Thus, the United States does not really have the free choice of saying that it will stop communism in Europe and defend the East Coast, but ignore Communist advances in Asia. Nor can it say that it will maintain offensive nuclear weapons but not acquire defensive ones, or that it will try to be strong in inner space but will assume that outer space is of no military relevance. Least of all can the United States entrust its security to so-called disarmament treaties, not because it must necessarily and always presuppose bad faith on the part of other nations (although sometimes it must make precisely such an assumption of bad faith), but for the far more elementary reasons that (a) reliable inspection of disarmament agreements is unfeasible, (b) that enforcement against treaty violations requires war, and (c) that disarmament agreements apply to weapons already in existence, but will be speedily outdated and be rendered irrelevant by new weapons, the characteristics of which were unknown at the time the treaty was written.

SECURITY IN THE MODERN ERA

As we have seen, security cannot be guaranteed by Soviet intentions; not only do Soviet theorists predict inevitable victory by the U.S.S.R., and Soviet generals hasten to install the latest weapons, but, even were we convinced that the U.S.S.R. is ruled by men who have lost their aggressive drives, there is no guarantee that a new Stalin will not take power.

Security cannot be guaranteed by passive measures. The most modern force purchased at enormous cost will become obsolete in only a few years. Security cannot be guaranteed by agreements to halt the Technological War; the stream of technology moves on without regard for our intentions. The only way to guarantee security is to engage in the Technological War with the intention of winning it. It is as true today as in Roman times that "If you would have peace, prepare thou then for war."

Regardless of the enormous effects of modern weapons, organized brainpower remains the strongest and ultimately decisive factor. The experience of Vietnam, the test ban, and the Sputnik have shown that we do not excel in that department. It is not that we lack intelligent people but that we lack an effective organization through which we can optimize our brainpower and collective memory. On the contrary, the more we have overorganized, the more we reduced brainpower and the more we forgot. Secretary McNamara even organized strategic amnesia.

We must decide to engage in the Technological War, and we must create the planning staff to guide us in this decisive conflict. To do anything short of this is to risk national suicide. At the same time, we must preserve the values that make our society worth defending; we cannot contemplate ending the Technological War by destroying our enemies without warning. Our goal is the indefinite preservation of peace and order, and our hope is that in such an environment the root causes of conflict will slowly wither.

The era of Technological War has not ended conflict, and that millennium may never come. Technological War does, however, have the advantage of being relatively peaceful, so long as the stabilizer powers remain strong. Despite the greatest threat Western civilization has ever known, since 1945 the amount of blood shed to preserve the peace has been quite small—smaller than that shed on the highways. The Technological War can be kept silent and apparently peaceful so long as we continue to engage in it successfully.

Despite fashionable rhetoric, history shows that American supremacy brings relative peace and stability to the world; where the U.S.S.R. has enjoyed local superiority the results have been quite different. American success in the Technological War is the primary prerequisite for the preservation of world peace.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

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[4] The force must be deplayed and tested; survivability by assumption is insufficient.

[5] For details on the efficacy of 1,000-odd treaties, see Lawrence W. Bellenson, *The Treaty Trap* (Washington: Public Affairs Press, 1969).

PANAMA CANAL BELONGS TO THE UNITED STATES, RARICK TESTIFIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, since becoming a Member of the Congress in 1967, I have addressed this body on many vital subjects but none of them short of nuclear attack on our country is of graver consequence than the Panama Canal enterprise of which the Canal Zone is an indispensable part, necessary for its efficient operation and protection.

In connection with the current negotiations that aim to cede U.S. sovereignty over the Canal Zone to Panama, the people of our country, as shown by letters from all over the United States, strongly oppose any surrender at Panama. In this instinctive reaction, they are far ahead of the executive branch of their Government in recognizing the realities of the situation at Panama.

In hearings on September 22 before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, I testified in support of House Resolution 540, and strongly opposed the present scheme of the State Department to give away this priceless territorial possession of the United States.

I insert the indicated statement as part of my remarks:

STATEMENT OF JOHN R. RARICK BEFORE THE SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS, COMMITTEE ON FOREIGN AFFAIRS, SEPTEMBER 22, 1971

Mr. Chairman, members of the Committee, I appear this afternoon as a cosponsor of H. Res. 540, H. Res. 185, and other related bills to urge this Committee to maintain U.S. sovereignty over the Panama Canal Zone.

More than half a century ago, the Russian revolutionist, Nikolai Lenin, recognizing the Caribbean Sea as the Mediterranean of the Americas, selected that strategic region to be transformed into a Red lake. Theorizing that if Cuba, Guatemala, and Panama could be taken, he felt that the area would fall, separating the two Americas. In fact, one of the important matters discussed by the Reds in 1917, as noted by John Reed, notorious Harvard Communist and writer who covered the November Revolution, was internationalization of the Panama Canal (John Reed, *Ten Days That Shook the World,* Modern Library, 1935, p. 235).

The major tragedies resulting from World War II were the enslavement by Red power of the peoples of Eastern Europe and Mainland China, which made the continued control of the Suez and Panama Canals by Western powers more necessary than ever.

As has been repeatedly emphasized by my most able and scholarly colleague from Pennsylvania, Mr. Flood, whose contributions on isthmian canal policy questions over many years, what happens at one of these interoceanic canals has its influence in the other (H. Doc. 474, 89th Congress).

In July 1954, Great Britain arrived at an argument with Egypt for a phased-out evacuation of British Forces from the Suez Canal Zone over a period of 20 months. This withdrawal had quick consequences. On July 26, 1956, the Egyptian Government nationalized the Suez Canal, creating a world crisis. Panamanian demagogs thereupon started thinking along similar lines and sent emissaries to Egypt to find out how to do likewise at Panama. Egypt thus sent agents to the Isthmus.

Though the attempted Communist takeover of Guatemala in 1954 failed, the pattern of infiltration and subversion of the international Communist conspiracy by early 1957 had reached alarming proportions. In 1959, Castro revolutionaries, encouraged by the *New York Times* and like opinion distorters, aided by suspect elements in the U.S. Department of State, succeeded in overthrowing the Cuban Government and in establishing a Red dictatorship over that strategically located island, which covers the Atlantic approaches to the Panama Canal and now serves as a base of operations against constitutional governments in other Latin American countries.

Two such State Department personnel, who have been identified as aiding Castro in the Communist seizure of Cuba by dereliction of duty through suppression of facts, are William Arthur Wieland and Roy Richard Rubottom, Jr. Both are now retired on full pension.

Wieland in 1959 was in charge of the Caribbean American desk at the Department of State. He blocked incoming reports revealing Castro's communist involvements.

Rubottom in 1959 served as Assistant Secretary of State for Inter-American Affairs. He had previously been assigned to the U.S. Embassy in Bogota, Colombia when Castro was arrested during Communist riots in that country and denounced as a Communist agent—facts which he failed to report. He is now Vice President of Southern Methodist University.

Having weakened the jurisdiction structure of the Panama Canal by compromises to Panama in the 1936 and 1955 treaties, our government faced a series of incursions into the Canal Zone by Panamanian radicals but did not take prompt measures to apprehend the perpetrator. Encouraged by the ill-advised display of the Panamanian flag in the Canal Zone in 1960, against the overwhelming opposition of the House and the intent of the law, the Isthmian situation culminated on January 9–12, 1964, in highly organized mob assaults on the Canal Zone that had to be repulsed by our Army in the Isthmus. This operation was not a commitment of our Armed Forces against Panamanian invaders, as recently stated in a Department of State memorandum, but an assault of Red-led mobs on our soldiers in the Canal Zone who had no other recourse than to defend themselves.

The January 1964 attack on the Canal Zone was not an ordinary riot but a carefully planned invasion facilitated by the Panamanian Government which ordered its own National Guard to remain in its barracks. The disorders were aimed at forcing the United States to agree to renegotiate the 1903 Treaty that granted full sovereign rights, power, and authority over the Canal Zone to the United States. In this sanguinary operation, Panama was successful for the President of the United States on the advice of appeasement from State Department officials supinely agreed to renegotiate. When the texts of the resulting treaties were published in 1967, after completion of prolonged negotiations, an aroused American people protested so strongly that they were never signed.

Now Panamanian and United States negotiators are trying to arrive at a new set of treaties that, among other benefits, will cede sovereignty over the Canal Zone to Panama and provide for the operation of the Canal by a bi-national authority. The same man—Robert B. Anderson, New York banker and former Secretary of the Treasury—who headed our negotiating team for the discredited 1967 treaties, is again our chief negotiator for the present negotiations. In fact it is the same bankrupt policies of the Johnson Administration now being carried forward by the Nixon Administration.

To say the least, the naivete reflected by such actions by our government is beyond comprehension and raises the question, "Who are the people conducting our Canal Zone policy and whom are they representing?" If we should surrender or relax our exclusive control over the Panama Canal and the Canal Zone, Soviet power will step in the resulting vacuum, giving that tyrannical system control over the world canal routes—Suez and Panama.

At this point, Mr. Chairman, I would emphasize the striking parallels between what occurred at the Suez Canal and what is being attempted at Panama. These common factors include such things as the establishment of governments friendly to the U.S.S.R., the giving of economic or military aid, the use of world-wide hostile propaganda against Western powers, the use of terror, and the creation of crises when these powers are heavily involved in distant areas, such as Vietnam or Korea.

Recent changes in the Panamanian Government have placed radicals in key positions, Soviet technicians have arrived in Panama, and its government maintains itself in power by terror and control of the press. One aim of the Panama Canal Revolutionary Government is to end the existence of the Canal Zone because it has given asylum to political refugees from its terror. In the event of a countercoup in Panama, which could occur at anytime, I would predict that General Torrijos—the Castro of Panama—would be among the first to seek sanctuary in the Zone, not withstanding his present effort to do away with that haven of refuge against assassination.

Under Secretary of State for Inter-American Affairs, Charles Meyer, is credited with saying that the time of United States military intervention into other countries is past, even in the most serious circumstances. Not even a communist takeover of a country would change the U.S. attitude, Meyer is reported to have said in the El Panama America newspaper of July 23, 1971. He added that if the communists should cut off Venezuelan oil shipments, or if the Santo Domingo incidents should be repeated, or if communists took over Panama, the U.S. would not intervene. Eight-column headlines at the top of the front page read, "there will be no United States military intervention in Panama States under Secretary Meyer."

The Panama Canal is one of the key strategic points in the world and a focal point for power politics. Because of its importance to the entire free world, under no circumstances should it fall under Soviet domination. The only way to prevent that is for the United States to continue its undiluted control. Surrendering U.S. sovereignty over the Panama Canal Zone makes about as much sense as surrendering sovereignty over Puerto Rico, the Virgin Islands, Alaska, or Hawaii.

For the above, and many other reasons that need not be repeated, I recommend prompt and favorable action by this subcommittee on the pending sovereignty resolutions.

THE NORTHERN IRELAND SITUATION: A REPORT—NO. 5

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BIAGGI. Mr. Speaker, the British Parliament began debate over the problems in Northern Ireland. This is good;

however, the first course of action should be withdrawal of all British troops and repeal of the Special Powers Act. Then discussions could take place.

The use by the British soldiers of this infamous law, which permits them to arrest and detain any citizen without a specific charge, has been the leading cause of unrest in the province. Its implementation has been directed solely at the Catholic minority and as such represents one of the worst forms of oppression—abuse of the power of the state.

Today, I am including in the Record additional reports of these atrocities. As I mentioned yesterday, these reports were taken out of the province by my daughter on her recent visit there. With the censorship of the mails, this information rarely reaches the world public.

The items follow:

Statement No. 1

On the evening of the 9th August, 1971 Springfield Park was invaded by a Protestant mob, we were driven from our homes and part of the escape route was across an open field between Springfield Park and Moyard. We got across the field helping women and children when shots came from the direction of the Springmartin Estate. We were pinned down in an alcove at the side of Moyard flats in which we had a clear view of the field and the people trying to cross it. A man was crossing the field when he was hit and fell, the next thing I saw was Father Mullan, whom I knew, and a man behind him, one of whom was carrying a piece of white material. Father Mullan reached the man who had been shot and whilst bending over him he (Father Mullan) shouted "I've been hit", he then slumped sideways, he scrambled to his feet before being hit again and this time he fell motionless to the ground, in my opinion the person who shot him knew him to be a clergyman. After this the field was riddled with gunfire and looking in the direction of Springmartin I could clearly see soldiers and whilst I did not see them firing it would have been impossible for anyone else to shoot as the soldiers were in the direct line of fire. This was also witnessed by my son Patrick.

P. Meehan.

Statement No. 2

Ardoyne Relief committee are very deeply concerned by the statements being made by or on behalf of the Army and Police with respect to obtaining statements from witnesses in the Ardoyne area. A statement was made on 23rd August, which, by implication attempted to reflect upon the Committee and a number of voluntary legal advisors assisting the committee in its work.

On Wednesday 18th August, 1971 the Committee was approached by Mr. Lodge on behalf of the Army. He indicated that he would like to set up some centre in Ardoyne to interview residents, and obtain statements with a view to bringing Court proceedings for intimidation etc. The Relief Committee indicated that they would like to assist, but they would have to consider how best to deal with his request, and it was agreed to leave the matter in abeyance for a short while.

Before the Committee had time to deal with the request they were approached again by Mr. Lodge on Thursday 19th August, and, as a result he accepted that no arrangement had yet been made. On Friday 20th August, Mr. Lodge asked if the Relief Committee had considered his request. They asked him to submit to the Committee a letter with full details of their request, indicating the nature of the charges to be dealt with, and also to indicate which Police officers would be present. Whilst this discussion was taking place news arrived that two Police officers were, in fact, in one of the local halls to commence their work. It would appear that no complainants arrived to give statements, as it was not known by the Committee, or anyone else that they were commencing work that morning. Subsequently on Saturday 21st August a statement appeared in the press to the effect that voluntary solicitors had advised the Committee that no statements should be made. A complaint was made immediately to Mr. Lodge about this untrue press release, and Mr. Lodge apologised to the Committee and indicated that he had not been consulted about the press statement and was not aware of its contents until our Committee referred it to him.

Ardoyne Relief committee operates for the purpose of assisting local residents and other refugees who have been dis-possessed. The Relief Committee cannot interfere with any investigations being carried out by the Police or by the Army. It was the intention of our Committee to circularise the residents in the area with the written request the Committee expected to receive from Mr. Lodge, so that each resident in the area could consider the request, and decide whether or not to make a statement to the authorities.

In view of the obvious attempt by the Army and the Police to besmirch our good name, and the names of the voluntary legal advisors assisting us we demand an immediate apology.

S. Cooney, *Secretary*.

THE CONQUEST OF CANCER

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. KYROS. Mr. Speaker, the Washington Post editorial "The Conquest of Cancer," which appeared in the edition of September 23, makes two vitally important points deserving the close attention of all Members of Congress. First, is that the goal sought by all of us in the Congress is the same—a cure for our Nation's most dreaded disease, realized through increased research into its causes and prevention. Second and even more important at this time, is the danger that this goal be lost sight of in political considerations and infighting.

The House Public Health and Environment Subcommittee, chaired by our distinguished and able colleague from Florida (Mr. Rogers) is now holding extensive hearings on the various cancer bills pending before Congress. Chairman Rogers' firm determination that the conquest of cancer not be made into a political plaything is to be commended and respected. He has but one goal, which is shared by all of us: That the bill we report provide scientifically the soundest possible means by which the Federal Government might aid in finding a cure for cancer. In the light of that goal, I commend the following editorial to the consideration of my colleagues:

The Conquest of Cancer

There is no disease that haunts Americans more these days than cancer. Only diseases of the heart rank above it, in all its forms, as the agent of death in this country and it seems to be far more feared than those because of the devastating and prolonged course it often runs. Thus, it is deeply distressing to note once again the monumental and, in our view, unnecessary struggle that is going on about the way in which the federal government should mount a stronger attack against cancer.

Some two months ago, the Senate passed by a vote of 79 to 1 a bill which would give cancer research a high national priority, substantially increase the funds for that research, and establish an independent Conquest of Cancer Agency. The opposition to that bill has grown in intensity in the weeks since and a House subcommittee headed by Rep. Paul Rogers is now trying to sort things out and calm tempers down.

The issue is not what priority and what funds should be given to cancer research. No one, so far as we know, has opposed the actions of the administration in calling for greater efforts and of the Senate with only one dissenting vote is evidence of the national consensus about the need for more cancer research. There is no doubt that other senators would have opposed this bill except for the fear such opposition would have been interpreted by their constituents as opposition to cancer research.

The item of contention in the bill—the item that has deeply divided the medical community—is how these increased funds are to be administered. On one side are many of the scientists who are engaged directly in cancer research; they want to see an independent cancer agency established which will have almost total control over its funds and its projects. On the other side are almost all of the scientists who are engaged in other aspects of biomedical research or in managing research; they see the establishment of such an agency as a fragmenting of research that the country (and, indeed, the search for a cancer cure itself) can ill afford.

For our part, we find the latter view overwhelmingly persuasive. The National Institutes of Health, which now has cancer research as one of its major subdivisions, was created to avoid the situation which the establishment of a Conquest of Cancer Agency would bring about, a situation in which independent agencies compete for dollars and researchers with no one in a position to view and to coordinate the entire field of medical research. The charge, made by proponents of the new cancer agency, that NIH has done a poor job in the past of handling cancer research is, in our judgment, not proven. There is much to suggest that cancer research has reached the point at which it is today because of, not in spite of, NIH. Congress would be wise if it simplified and increased the funding for cancer research through NIH and forgot this business—despite its appealing name—of creating a special conquest-of-cancer agency.

THE RIGHT OF FREEDOM FOR ALL MEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RODINO. Mr. Speaker, I join with the Bulgarian National Committee and those everywhere dedicated to the right of freedom for all men, in marking the 24th anniversary of the execution of the Bulgarian national hero, Nikola Petov.

No greater tribute can be paid than to reaffirm our commitment to democratic principles—to permit, indeed to encourage, the free expression of man which has enabled him to question, challenge, grow, and prosper.

ROGERS COMMENDS BOOKLET ON X-RAY USE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ROGERS. Mr. Speaker, 3 years ago the Congress passed the Radiation Control Act in response to evidence that a potential danger exists and that we should be doing more to protect the American public in this area.

Standards were established and a closer look into the practice of using this very important device as a diagnostic tool. One of the most encouraging results of this legislation and the inquiry into the area of radiation was the publishing and dissemination of a booklet which gives guidelines on X-ray examinations.

This booklet, titled, "X-ray Examinations: A Guide to Good Practice," was sent to every physician, a medical student, and X-ray technician in the country last July.

I feel that this booklet will be very helpful in passing on very vital information and I commend the Bureau of Radiological Health for this endeavor. I would also like to commend the American College of Radiology for its role in formulating this information and the American Medical Association, the American Osteopathic Association, the American Podiatry Association, the American Veterinary Medical Association, and the American Registry of Radiological Technologists for their help in distributing the booklet to such a widespread population.

This exchange of information and the cooperation between the private sector and the Government is one which I hope will carry over into many other areas. The American public benefits from such a working partnership.

The thrust of the new booklet is upon the medical judgment of the physician who turns to X-ray procedures to complete his diagnosis. The booklet calls attention to guidelines of good practice, outlining circumstances in which X-ray evidence would be potentially helpful and pointing to other situations where X-ray exposures are apt to be unproductive. We learned in the 1964 national X-ray study that about two-thirds of our medical X-rays are administered under the supervision of radiologists. But since these specialists do not make the basic decision to perform their examinations, it was deemed necessary to reach the physicians who undertake the primary care of all of us.

In addition, there is a reasoned discussion of the current understanding of radiation effects upon persons exposed to radiation and upon their descendants.

It is worth noting that the Pan American Health Organization is already preparing a Spanish-language version of this for distribution in Latin America.

It must be recognized that no booklet can solve our problems of radiation exposure. Medical X-rays are only one source and one which can be controlled by the responsible decisions of our physicians. I think this Congress will need to investigate additional legislation in this area and the medical devices bill which I have introduced should go to this. In the meantime, I commend the action of the further distribution of this booklet.

JERRY FINKELSTEIN CALLS FOR AN ALL-OUT WAR ON DRUGS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. ABZUG. Mr. Speaker, the New York Times of Saturday, September 11, carried on its "Op-Ed" page a call to action for a total war on the drug problem. Written by Jerry Finkelstein, who is chairman of the Democratic Party in New York City and publisher of the New York Law Journal, the article suggests the need for a "Manhattan Project" which would commit massive resources and the best minds of our Nation to solving the drug crisis.

I think that the article is a most thoughtful and provocative one. It would provide instructive reading for all Members, and I include it in the RECORD at the conclusion of my remarks:

UNHOOKING ADDICTS

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be coopted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arabs, which then managed to turn the most fertile part of its world into a desert; and peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use for heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential by-products of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?

Blacks?

Judges and lawyers?

Physicians?

Shopkeepers?

Liberals?

Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more. I would revere any man who could wipe out addiction—and so would you.

Polio crippled, but it did not debase. Cancer kills, but it does not degrade.

We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conqueror of cancer.

Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?

The President has a unique opportunity. Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas from others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish addiction now. We can't wait.

NATIONAL LEGAL SERVICES CORPORATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BELL. Mr. Speaker, we shall soon be considering, as part of the Economic Opportunity Act, legislation to establish a National Legal Services Corporation to furnish legal services to the poor free from political interference.

The compromise bill which was approved by the Education and Labor Committee would create an independent yet publicly accountable program to further open our judicial system to all our citizens.

This piece of legislation embodies the very best of proposals submitted by Members of both parties in Congress, by the organized bar, and by the Nixon administration.

It represents the contributions of both conservatives and liberals to create a means of insuring professionalism and independence as well as public accountability of a program which would offer the opportunity to further make the concept of "equal justice under law" a reality for all our people.

As a member of the Education and Labor Committee, I have watched the legal services program expand and mature to become perhaps the most effective Federal program for fighting the injustices of poverty. The program has waged that struggle through one of our most fundamental institutions—the legal system.

Unfortunately, the program has been inhibited from accomplishing the goal of securing access to the legal system for all our citizens. First, the program has from time to time been forced into the political arena for sometimes unwarranted and unfortunate attacks which impair the ethical and professional responsibility of individual attorneys.

Second, the program has received too paltry a sum of public moneys. Last year, when funding reached its highest level, the total expenditure throughout the entire Nation was just $61 million. That figure is just over what we will be spending this year on each C-5A airplane. It is equal to what we were spending a year ago each day-and-a-half of the Indochina war.

Finally, it is a paltry amount when we know that currently only about 20 percent of the need of the poor for legal services is now being met.

It is my hope that the Congress will recognize a fundamental right for all our citizens to have counsel and access to our legal system in civil as well as criminal proceedings.

Mr. Speaker, a distinguished Californian, Mr. Samuel Palmer III, of Los Angeles, has concisely and eloquently expressed the position of the California Bar in favor of the compromise Legal Services Corporation bill which will soon be before the House. In a July–August California State Bar Journal article comparing the provisions of the major legal services bills before our committee, the article indicates the compelling need for this legislation if we are to improve and perfect our system of public order and public law.

The article follows:

FREE FROM POLITICS: A NATIONAL LEGAL SERVICES CORPORATION: THE LEGAL PROFESSION'S RESPONSIBILITY

(By Samuel C. Palmer III)

(Creation of an independent, non-profit national legal services corporation for the poor, embodied in two bills now before Congress, could open a new era in the equal administration of justice.

(In this comparative analysis of the legislation, including the constitutional and ethical implications, the author points out that both bills seek to "insulate" the proposed corporation from "the debilitating stresses and strains of partisan politics.")

Under consideration in Congress are two similar bills calling for the transfer of the legal services programs for the poor from OEO to a new and presumably autonomous independent non-profit national legal services corporation.[1]

The current approach to legal services programs began in 1964 with the funding by the Ford Foundation of several neighborhood law offices on the Eastern Seaboard. In 1965, President Lyndon B. Johnson initiated a "War Against Poverty." In that year the ABA, through its House of Delegates, unanimously endorsed and gave the President's Poverty Program its full support. The use of Federal funds gave the poor access to our court system and has assisted the indigent in breaking the poverty-cycle.[2]

Serious and multiple conflicts arose soon after the legal services programs began, over legal judgments made by line lawyers, with a breadth ranging from Washington to local advisory councils, including the use of the gubernatorial veto.[3] To put it simply, politics had entered the neighborhood law office.

Recognizing these problems, William T. Gossett, president of the ABA, in 1969 suggested to Cabinet officials of the Administration that an independent agency, foundation, or quasi-public corporation might provide the best solution for administering legal services to the poor.[4] Additionally in 1969, president-elect of the ABA, Bernard G. Segal, also urged the establishment of a separate entity for this purpose in testimony before Congress.[5] Perhaps, the most dramatic call for the formation of a non-profit corporation to administer legal services for the poor has come from Jacob D. Fuchsberg, who has suggested that the proposed and pending legislation will be a "legal service Magna Charta for the indigent."[6]

President Nixon, in a statement on May 5, 1971 to the Congress endorsed a transfer of responsibility to a national legal services corporation and stated its major objectives:

"First, the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital party of the American system of justice."[7]

Hence, the President had fully endorsed the notion of a non-profit corporation, and on May 5 Rep. Quie of Minnesota introduced HR 8163. Earlier, and on March 19, Senator Mondale of Minnesota introduced similar legislation. Both bills fell within the general and sensible criteria laid down by the President.

Structurally the major components of both pieces of legislation are similar.[8] Both call for an amendment to the Economic Opportunity Act of 1964, specifically Sections 901–909, inclusive. Technically, the Mondale Bill, S 1305, would add new sections, 910–913, inclusive; whereas the so-called Quie bill would repeal § 222(a)(3) of the Economic Opportunity Act eliminating responsibility of legal services programs which are funded by OEO through Community Action Programs.

Both bills call for the creation of a non-profit, non-membership corporation, incorporated under the District of Columbia Non-profit Corporation Act,[9] which would be autonomous and independent of political control. Additionally, both bills provide that attorneys working for the Corporation under the Act, shall be independent to carry out their professional responsibility.[10] Both bills seek, generally, to insulate the Board of Directors from the debilitating stresses and strains of partisan politics. It is apparent that the Congressional consensus supporting both bills recognizes that politics should play no part in a law office.

I think the real point of departure between the Quie and the Mondale bills is found, in a very general sense, in the way both legislators and their co-sponsors try to come to grips with the problem of authorizing the birth of an entity which potentially could, through class actions, bite the hand that feeds it. Every sensible or responsible lawyer can empathize with this sort of Congressional dilemma.

The first major variance between Mondale and Quie is in the composition of the Board of Directors. Under the Mondale bill, the Board would be composed of nineteen members, five of which would be appointed by the President from the public-at-large, with the advice and consent of the Senate, and one would be appointed by the Chief Justice of the Supreme Court.[11] Seven Board members would come from legal organizations by virtue of their holding the following offices; the president and president-elect of the American Bar Association; the president of the National Legal Aid and Defenders Association; the American Association of Law Schools; the American Trial Lawyers Association; and the National Bar Association.[12] The balance of the Mondale Board would be selected by the Project Attorneys Advisory Council and the Clients Advisory Council, both to be appointed under enabling legislation in the bill.[13]

TWO DEFICIENCIES

From a lawyers viewpoint, there are two deficiencies with the Mondale Board, once the general criteria of independence and competence is accepted. To require legislatively, the Chief Justice to appoint a Board member would be to require him to perform a non-judicial act or function which may be well outside the scope of his Constitutional power.[14] Secondly, I think that to permit three representatives to sit on the Board who are selected by the Project Attorneys Council is to invite potential conflicts of interest, assuming the Project Attorneys Council appoints project attorneys to the Board, who, in turn, administer programs or work funded by the Corporation. This latter problem could be corrected, if the bill provided that no Project Attorneys Council designee was eligible to become a Board member while employed by a grantee of the Corporation.

On the other hand, under the Quie Bill, all eleven members are to be appointed to the Board by the President. A majority of the appointees would be members of the Bar of the Court of a highest jurisdiction and no more than six would be appointed from one political party.[15] The Quie bill does not set down guidelines for a required profile of prospective Board members. Again, accepting the criteria of independence and competence, I think it may be expecting too much of any President to appoint truly independent individuals as Board members of a national law office. A Chief Executive of lesser stature or without legal training might resort to patronage, instead of merit and thereby frustrate what could promise to be a new era in the administration of justice.

Footnotes at end of article.

With respect to the second variance, criminal representation, the Mondale bill is silent; whereas, the Quie bill specifically provides "no funds made available by the corporation . . . may be used (1) to provide legal services with respect to any criminal proceedings (including any extraordinary writs, such as habeas corpus and coram nobis designed to challenge a criminal proceeding)." [16]

This passage can present an ethical problem. Under EC 2-31, an attorney is obligated to complete legal work undertaken for a client.[17] Yet, criminal cases may arise from the same facts and issues underlying a civil action and the client's best interests could well require representation by one attorney in all proceedings. Professionally, it would be difficult, if not impossible, to explain to a welfare client why the attorney representing him in civil matters must abandon him at the jailhouse door, merely because criminal charges have arisen out of a welfare matter, in the context of a welfare indictment.

This ethical problem could be avoided by specifying that priority be given to civil matters, but that the Board be allowed flexibility in criminal matters, consistent with the Canons of Ethics and Ethical Considerations of the Code of Professional Responsibility of the ABA.

With respect to the third major difference, the Mondale Bill is pretty much silent about restraints upon representing clients before legislative bodies and upon activities and client representation which have political import. The only reference found in S 1305, is in § 907(a) which specifies that the "Corporation may not contribute to or support any political party or candidate for elective office." Surely, this is a broad and understandable limitation.

The Quie bill, on the other hand, carefully proscribes activities of attorneys funded through the Corporation from undertaking legislative advocacy and political activities on their own time.

Section 905(a)(6) of the Quie bill provides that legal services attorneys refrain from all representation in the influencing or defeating the passage of any legislation, unless asked by the respective legislative body.

As both the President and the Quie bill affirm, it is the purpose of legal services programs to provide to the poor that access to the legal institutions of this country which men with means may purchase.[18] The law providing legal services to the poor clearly conceives that poverty lawyers have all the rights and responsibilities, as well as the duties and obligations imposed by the Code of Professional Responsibility on all attorneys.

Those Ethical Considerations set forth in the Code hold that "each member of our society is entitled to seek any lawful objective through legally permissible means . . ." [19] and admonish attorneys to "participate in proposing and supporting legislation and programs to improve the system." [20] Furthermore, EC 8-2 states, ". . . if a lawyer believes that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law." [21] Effective access to the *entire* legal system must include the ability to influence legislation through advocacy. In the past, legislative advocacy by legal service attorneys have been responsible for beneficial revisions for the disaffected in the areas of housing, education, employment, welfare, health and consumer law.[22] From my Frankfurtian viewpoint, legislative advocacy and legislative change is clearly preferable to juridical legislation. Our courts are sufficiently jammed.

The contention that the expenditure of public funds for legislative advocacy is improper does not make much sense. It has been an historically accepted activity for governmental entities, and publicly funded legislative advocacy for the poor can be no less proper.[23] What is good for the goose must be good for the gander.

Furthermore, the U.S. Supreme Court has consistently held that educational and lobbying activities, as well as litigation, fall within the ambit of freedom of expression and association, protected by the First and Fourteenth Amendments.[24]

Section 905(a)(7) of the Quie bill provides that full-time attorneys employed by legal services programs refrain from "any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a national or state political party." [25] These restrictions on both the company time and private time of the attorneys in the program would go much further than the constitutional restrictions of the Hatch act.[26]

Furthermore, the language of the bill forbidding association by an attorney, on legal services time, with a candidate for office or *issue identified with a political party, supra,* is so sweeping as to violate the constitutional proscription against vagueness and overbreadth. (See *Thornhill* v. *State of Alabama* (1940) 310 U.S. 88, 60 S.Ct. 736.) Yet, this type of action, which would be perfectly proper, indeed ethically mandated to a private practitioner, would result in disciplinary action if done by a legal services attorney.[27]

Moreover, one does not have to be creative to conceive of a governor whose ox was gored, deliberately making an issue "political," and thereby quashing redress of claims of the poor. Going one step further, legal services lawyers would be precluded from acquainting and advising persons of their legal rights to commence or further prosecute a suit, if the issue were "identified" with a political party. This, of course, clearly, runs counter to *NAACP* v. *Button,*[28] the entire Code of Professional Responsibility and President Nixon's mandate.[29]

Section 904(b)(3) of the Quie bill, which would empower the corporation to "represent the collective interests of the eligible clients . . . before agencies with a view to identifying and resolving issues which might otherwise result in multiple litigaton arising out of the administration of the agencies' programs," introduces a *serious conflict of interest between the Corporation's presumed mission of promoting legal advocacy on behalf of the poor and a new role as negotiator or intervenor before federal agencies to head off or preclude "multiple litigation."* The vagaries of this passage are immense, and suggest a governmental defense of lack of ripeness or estoppel. Further, the section could create a serious problem, in terms of meeting statute of limitation commitments and the timely exercise of rights of appeal.

Finally, Section 904(b)(3), *supra,* raises the distinct possibility of conflict of interest between Corporation and grantee. A corporation which has an operational mission to stop litigation by "identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs. . . ." might have a chilling effect on grantees with respect to bringing required litigation.[30] The Corporation should not be placed in such a posture that it must choose between pursuing the joint and conflicting objectives of promoting complete and effective legal advocacy as well as heading off multiple litigation.

ETHICAL PROBLEMS

Even more serious ethical problems are raised by another provision in the Quie proposal, Section 905(a)(8), which directs the Corporation to establish "a system for review of appeals . . . to prevent the taking of frivolous and duplicative appeals." The insertion of a reviewing authority between the attorney and his client with respect to the vital decision of whether an appeal should be filed constitutes just that sort of "erosion" of the lawyer's independent professional judgment which is condemned in the Code of Professional Responsibility.[31] Disciplinary Rule 5-107(b) insists that a lawyer "shall not permit a person who . . . pays him to render legal services for another to direct or regulate his professional judgment in rendering such services" and the Code of Professional Responsibility 5-24 requires that a "lawyer shall not accept employment from . . . a legal aid organization . . . unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves." [32] The system of review specified in the Quie bill denies a legal services client the right guaranteed to him under the Code "to make decisions" which "are binding on his lawyer." [33] Moreover, submission of this kind of fragile issue to a reviewing body almost necessarily will require the attorney to reveal privileged information to third parties in direct contravention of the Code.[34]

The success, independence and professional accountability of the Corporation and its programs hinge ultimately, in my judgment, on the delicate attorney-client relationship, the hushed disclosures by a client about a possible claim or defense, the unfettered ability of a lawyer to determine whether the client has a triable issue of fact or law, and the power to select the forum. This really is the ultimate test and anything that detracts from it should be culled out of the proposed legislation.

Furthermore, I can see a real risk down the road in the development of a "Poverty Establishment." [35] Funding, hiring and firing, I should think must be based upon professionalism and an analytical and low-key evaluation of the needs and claim patterns in a particular locale, and not upon political pressures to fund programs or hire personnel.

Lastly, and perhaps most important, it seems to me that both the Quie and Mondale bills miss a fundamental opportunity. Neither bill, in a public-policy pronouncement, declares by legislation a *right* for each citizen to have counsel in civil proceedings.[36] Considering, in our times, the nature of adversary proceedings, the considerable forces that can be mustered by the well-bankrolled client, including a governmental entity and the inherent complexity of legal proceedings, a bill creating a national legal services corporation requires this sort of commitment, if our profession and Congress are to face squarely their obligations in the equal administration of justice.

Consider Deuteronomy's charge to judges embodied in the Canons of Judicial Ethics of the American Bar Association.[37]

"And I charge you judges at that time, saying

"Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; . . ."

When this charge is read together with Canon 1 and EC 1-1, Code of Professional Responsibility, which provides, "A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence . . ." surely it follows then that congressional policy should give, legislatively, a funded right to counsel to each citizen consistent with our professional responsibilities.

The notion of a constitutional, as opposed to a legislative, right to counsel in civil cases, has been put forward by some persuasive language in cases and in some recent articles.[38]

Consider *Truax v. Corrigan* (1921) 257 U.S.

Footnotes at end of article.

312, 42 S.Ct. 124, in which the Supreme Court stated (pages 334–335):

"All persons should be equally entitled to pursue their happiness and acquire and enjoy property; *that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts;* that no impediment should be interposed to the pursuits of any one except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition . . ." (italics added).

More recently, in *Williams* v. *Shaeffer* (1967) 385 U.S. 1037, 87 S. Ct. 772, Justice William O. Douglas, in a dissenting opinion stated (p. 1039):

"We have recognized that the promise of equal justice for all would be an empty phrase for the poor, *if the ability to obtain judicial relief were made to turn on the length of a person's purse.* It is true that these cases have dealt with criminal proceedings. But the Equal Protection Clause of the Fourteenth Amendment is not limited to criminal prosecutions. Its protections extend as well to civil matters." (Italics added)

Jerome J. Shestak probably puts the constitutional right to counsel theory the best, when he states: [39]

"History tells us that a nation's progress to social justice is often painful; it is painful today. Part of our progress must be the realization that access to legal services must be more than an expectation; it must be a right. Learned Hand once observed that if democracy is to survive, it must observe one principal commandment: *Thou Shalt Not Ration Justice.* That commandment is what the right to legal services is all about." (Italics added)

For those in our profession who think either the legislative right or constitutional right to counsel approach accelerate the evolutionary cycle a bit too much, this statement from the National Commission on the Cause and Prevention of Violence in its progress report in January, 1969, should provide food for thought:

"Making legal services widely available to the poor can in fact be an important part of the strategy of public order, for if the disadvantaged have little or no affirmative access to the courts, they may resort to other, more violent solutions of their problems."

The real key, it seems to me, is not so much the particular philosophical bent of each of us who practices law, but rather for each of us, after recognizing the need for counsel for the indigent, to participate as best we can in the congressional debate and dialogue, to the end that a national legal services corporation and the programs implemented under it, will be independent and free from politics, and that the availability, quality, and competence of counsel will no longer be related to the size of a fee. The practice of law, when all is said and done, is quite a reward in itself.

FOOTNOTES

[1] On March 19, 1971, S 1305 was introduced by Senator Mondale, for himself and for Senators Brooke, Cranston, Jackson, Taft, Anderson, Bayh, Harris, Hart, Hughes, Humphrey, Inouye, Magnuson, McGee, McGovern, Moss, Muskie, Nelson, Pearson, Stevenson and Tunney. On March 18, 1971, Representative Meeds and Steiger, together with 23 other Representatives introduced the same legislation in the House of Representatives. HR 8163 was introduced in the House of Representatives by Rep. Quie together with Reps. Ford, Erlenborn, Dellenback and Moss on behalf of the Administration on May 5, 1971.

[2] *Goldberg* v. *Kelly* (1970) 397 U.S. 254, 90 S.Ct. 1011 (hearing is now required before terminating welfare benefits of poor); *Brown* v. *Southall Realty* (1968) 237 A.2d 834 (if there are violations of housing code, the rental contract is illegal and owner cannot now collect rent); *Edwards* v. *Habib* (D.C. Cir. 1968) 397 F.2d 687, *cert. denied* 393 U.S. 1016, 89 S.Ct. 618, (landlord cannot evict tenants for reporting violations of housing code to housing authorities). From some recent unreported poverty cases in California, *see, for example, Blair* v. *Pitchess* (1971) 2d Civil No. 36364, California Supreme Court, (suit to declare unconstitutional California's claim and delivery statute empowering sheriff to repossess property without hearing); *Amezquita* v. *Cal-Roper* (1970) Superior Court, Los Angeles, No. 971 714 (Class action to enjoin consumer fraud in door-to-door water softener sales); *Davis* v. *Kenneth Chevrolet* (1970) Superior Court, Los Angeles, No. 998 821, (suit to challenge the right of a finance company to repossess an automobile without notice and hearing); *Torres* v. *World Savings and Loan* (1970) Los Angeles Superior Court, No. 974 183, (suit to Challenge "late charge" provisions in notes secured by trust deeds on home mortgages); *Ball* v. *Tobeler* (1970) Los Angeles Superior Court, No. 992 182, (suit by low income tenant for speedy repair of hazardous apartments and to permit withholding of rent until the hazards are corrected); *Luna* v. *Housing Authority* (1970) Los Angeles Superior Court, No. 969 666, (suit to enjoin Housing Authority from charging welfare recipients higher rents than persons not on welfare and account for and refund past overcharges); *Charles* v. *Unemployment Compensation Appeals Board* (1970) Los Angeles Superior Court, No. 975 842, (suit to compel payment of unemployment benefits against the Department of Unemployment Compensation after court and referee orders holding the client eligible).

[3] For a comprehensive analysis see "Corporation for Legal Services—a Proposal," a Report of the Committee on Right to Legal Services, Section of Individual Rights and Responsibilities, ABA, January 8, 1971.

[4] Testimony of Edward Wright, President of the ABA, on May 11, 1971 before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[5] Testimony of Edward Wright, President of the ABA, on May 11, 1971, before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[6] Testimony of Jacob D. Fuchsberg, former President of the American Trial Lawyers Association before Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Manpower on May 11, 1971.

[7] Message to Congress, President Richard M. Nixon, May 5, 1971.

[8] S 1305 and HR 8163.

[9] "District of Columbia Nonprofit Corporation Act," 29 D.C.A. § 1001, *et seq.* District of Columbia Code.

[10] Section (901(4) in S. 1305 and § 905(a) (1) of HR 8163.

[11] Section 904(a) (1) of S 1305.

[12] Section 904(a) (2) of S 1305.

[13] Section 904(a) (3) and § 905(a) and (b) of S 1305.

[14] *See: United Steel Workers* v. *United States* (1959) 361 U.S. 39, 43, 80 S.Ct. 1, 4; *Ullman* v. *United States* (1956) 350 U.S. 422, 426, 434, 76 S.Ct. 497, 499 and 504, *rehearing denied* 351 U.S. 928, 76 S.Ct. 777; *I.C.C.* v. *Brimson* (1894) 154 U.S. 447, 468–469, 14 S.Ct. 1125, 1130.

[15] Section 902(a) of HR 8163.

[16] Section 905(b) (1) of HR 8163.

[17] Canon 2, Ethical Consideration 2–31 Code of Professional Responsibility.

[18] *See:* Message to Congress, May 5, 1971, President Richard M. Nixon and § 901(a) of HR 8163.

[19] Canon 7, EC 7–1, Code of Professional Responsibility.

[20] Canon 8, EC 8–1, Code of Professional Responsibility.

[21] Canon 8, EC 8–2, Code of Professional Responsibility.

[22] *See:* Salsich, Peter W., *Reform Through Legislative Action: The Poor and The Law,* 13 St. Louis Law Journal 373 (1968–1969). *See also:* Pye and Cochran, *Legal Aid—Proposal,* 47 North Carolina Law Review 523 (1969).

[23] Public Agencies Represented by Legislative Advocates, as reported by Report of the Committee on Legislative Representation, Dated February 5, 1969, Published, Senate Journal, February 6, 1969, page 338. Alameda, County of; California Junior College Association; County Supervisors Association of California; East Bay Municipal Utility District; East Bay Regional Park District; Irrigation Districts Association of California; Los Angeles, City of; Los Angeles County, Board of Supervisors; Metropolitan Water District of Southern California; Orange County, Board of Supervisors; Redevelopment Agency of the City of Sacramento; The City of San Diego; San Francisco City and County; Santa Clara County, Board of Supervisors; San Diego County, Board of Supervisors; Southeast Recreation and Park District; City of South Lake Tahoe; City of Vernon; City of Inglewood; City of Seal Beach; County of Sacramento; and League of California Cities.

[24] *NAACP* v. *Button* (1963) 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405; *Brotherhood of Railroad Trainmen* v. *Virginia ex rel Virginia State Bar* (1964) 377 U.S. 1, 84 S.Ct. 1113, 12 L.Ed.2d 89; *United Mine Workers of Am., Dist. 12* v. *Illinois State Bar Assn.* (1967) 389 U.S. 217, 88 S.Ct. 353, 19 L.Ed.2d 426. *See Also: Hackin* v. *Arizona* (1967) 389 U.S. 143, 143–152, 88 S.Ct. 325, 19 L.Ed.2d 347 (Douglas, J., dissenting); *Moore* v. *United States* (3d Cir. 1970) 432 F.2d 730.

[25] Section 905(a) (7) of HR 8163.

[26] The Hatch Act, Title 5 U.S.C.A. § 7324 (Pub.L. 89–554, Sept. 6, 1966, 80 Stat. 525.)

[27] Section 904(c) (2) of HR 8163.

[28] *See:* footnote 24, *supra.*

[29] Message to Congress, May 5, 1971, President Richard M. Nixon.

[30] *See Generally:* Canon 7, Code of Professional Responsibility.

[31] *See:* Canon 5, EC 5–1, Code of Professional Responsibility; Canon 5, EC 5–21, Code of Professional Responsibility; Canon 5, EC 5–23, Code of Professional Responsibility.

[32] Canon 5, EC 5–24, Code of Professional Responsibility [context added].

[33] *See:* Canon 7, EC 7–3, Code of Professional Responsibility and Canon 7, EC 7–4, Code of Professional Responsibility.

[34] *See:* Canon 4, EC 4–1, Code of Professional Responsibility and Canon 4, EC 4–2, Code of Professional Responsibility.

[35] *i.e.:* The National Tenant's Organization, The Citizens Advocate Center and the National Client's Council.

[36] A real problem might arise under the Equal Protection Clause of the Fourteenth Amendment, if a right to counsel in civil proceedings is assured only to the poor, unless broad and flexible criteria for eligibility standards, in which income is only one factor are adopted.

[37] Shestack, Jerome J., "The Right to Legal Services," *The Rights of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971); "The Continuing Expansion of the Right to Counsel"; Comment, 41 U.Colo.L.R. 473 (1969);

Cf. Curran, Barbara, *Unavailability of Lawyer's Services for Low Income Persons,* 4 Val.U.L.R. 308 (Sp. '69).

[38] Jerome J. Shestack, a practicing lawyer in Philadelphia, is immediate past Chairman of the American Bar Association Section of Individual Rights and Responsibilities, a member of the National Advisory Committee to the Legal Services Program of the Office of Economic Opportunity, and a member of the Executive Committee of the National Legal Aid and Defender Association.

[39] Shestack, Jerome J., "The Right to Legal Services," *The Rights of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971) at page 126.

WHY ARE WE PAYING OUR FRIENDS TO CONTINUE KILLING OUR CHILDREN?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RANGEL. Mr. Speaker, the press has recently reported that President Nixon may exempt South Vietnam, Cambodia, Laos, and Thailand from his announced 10-percent cut in economic aid.

Official figures reveal that between 5.7 and 14 percent of our servicemen returning from duty in Southeast Asia are drug dependent.

The United Nations Commission on Narcotic Drugs has reported that at least 80 percent of the world's opium is produced in Southeast Asia. Two of those four countries—Laos and Thailand—are part of the "fertile triangle" which raises more than half of the poppy plants grown in the world.

The Criminal Investigation Division of the U.S. Army has allegedly compiled reports linking top South Vietnamese leaders to the heroin trade. Lt. Gen. Ngo Dzu, military commander of South Vietnam's central highlands, and other military and naval personnel and Government officials are leading figures in the narcotics traffic that preys upon American servicemen in Southeast Asia.

There have also been reports that the Central Intelligence Agency is supplying arms, transportation, and funds to drug-producing hill tribes in Laos and northeastern Thailand.

The governments of these four countries have failed to take decisive action to stop the production, processing, and transport of illicit drugs for our GI's. While we continue to expend billions of dollars and thousands of American lives to defend and support these friendly governments, they continue to kill our servicemen.

These are the governments that President Nixon may exempt from his cut in economic assistance. These are the accomplices to murder whom the President may reward.

The administration has even requested an increase in economic aid to South Vietnam of between $150 to $160 million. The Thieu government may get even fatter if President Nixon has his way.

My most recent inquiry to the Agency for International Development in the Department of State indicates that the President has not made a final decision on whether or not to exclude these four countries from the cut in foreign aid. There is still time for Members of Congress to contact the President and urge him not to further feed the already fatted cows who have not cracked down on their merchants of death.

It is about time we stop bringing gifts to our allies when they are murdering American servicemen.

Four articles follow:

[From the New York Times, Sept. 12, 1971]

FOUR INDOCHINESE COUNTRIES ARE REPORTED EXEMPT FROM NIXON'S ORDER TO CUT FOREIGN AID BY 10 PERCENT

(By Tad Szulc)

WASHINGTON.—South Vietnam and three other Southeast Asian countries are being quietly exempted from the 10 per cent cut in foreign economic aid ordered by President Nixon last month, authoritative Administration officials said today.

The Administration has made no public announcement that economic assistance planned for Southeast Asia for the fiscal year 1972, which began July 1, is to remain intact despite the cut in the foreign-aid program. Official spokesmen have insisted for the last four weeks that no decision has been made.

Total economic aid, designed to complement United States military assistance, has been set for $765.5-million this year for South Vietnam, Cambodia, Laos and Thailand.

The largest slice is to go to South Vietnam with $565-million, which is an increase of about $160-million over economic aid given Saigon in the previous fiscal year.

Officials noted that in announcing his new economic policy on Aug. 15, Mr. Nixon confined himself to the statement that "I have ordered a 10 per cent cut in foreign economic aid."

The Administration's request to Congress for foreign assistance in fiscal 1972, prepared before the new Nixon economic policy, was $3.3-billion. But the President ordered the cut only in economic aid, which accounts for $2.09-billion of the total. The balance, $1.21-billion, is earmarked for military grants and foreign military credit sales.

Inasmuch as Mr. Nixon did not elaborate on how the economic aid reduction should be administered, the interpretation now being placed on his order is that the cuts should be applied selectively, according to officials.

This means, they said, that the Administration is free to cut aid for some countries but not for others as long as the economic assistance package is reduced 10 per cent.

Officials concerned with United States policy in Southeast Asia indicated in private conversations that economic assistance to the four "critical" Southeast Asia countries could not be reduced while the war goes on.

They said that the White House took the view that cuts could undermine the economies in the four countries and hurt the conduct of the war.

Therefore, officials said, aid programs in the region are proceeding on the assumption that no cuts will be made unless Congress decides otherwise.

Foreign-aid legislation was approved by the House of Representatives last month and is now before Senate committees.

Officials suggested that the Administration preferred not to publicize the reported exemptions to avoid protests from other nations.

Another reason may be concern over opinion here. President Nguyen Van Thieu has come under considerable criticism for his decision to run unopposed in the Oct. 3 Presidential elections and there has been talk in Congress of reviewing the American assistance to South Vietnam.

The Administration believes, however, that increased economic aid to South Vietnam is vital at a time when American forces are withdrawing and last year's economic reforms are beginning to produce results.

Testifying before a Senate subcommittee on Wednesday, Secretary of State William P. Rogers asked for approval for the full $565-million for South Vietnam that is needed to offset the economic impact of the reduction in United States military expenditures as our troops are withdrawn.

Economic assistance to South Vietnam ranges from the financing of essential imports to agricultural land reform to programs for education, and health. But it also includes support for the South Vietnamese police in counterinsurgency and other activities.

[From the Washington Post, Sept. 9, 1971]

HEROIN PROMOTION

(By Jack Anderson)

WASHINGTON.—At the same time that the U.S. command is striving mightily to stop GI drug addiction in Vietnam, a top South Vietnamese general has been using U.S. military equipment to hustle heroin. This is documented in a number of intelligence reports, all highly classified, which have now reached Washington from Saigon. The reports nail Lt. Gen. Ngo Dzu, military commander of South Vietnam's central highlands, as one of the chief heroin traffickers in Southeast Asia.

The incriminating details, including dates and places of heroin transactions, have been reported by the Army's Criminal Investigation Division, U.S. Public Safety Directorate, and Rural Development Support Team in South Vietnam.

Dzu's accomplices are also named, including a former South Vietnamese Senator, a Chinese businessman from Cholon, the South Vietnamese provost marshal in Qui Nhon, and several South Vietnamese navy officers.

Dzu was first named a heroin dealer by Rep. Robert Steele (R-Conn.), in testimony last July before a House Foreign Affairs subcommittee. The Congressman told of his fact-finding mission to Indochina where, he said, widespread corruption among officials had blocked efforts to halt the heroin traffic.

The day after Steele's testimony, South Vietnam's President Thieu went through the motions of ordering a narcotics investigation. It's doubtful, however, that Dzu will ever be tried and convicted.

One of Dzu's most vigorous defenders was his senior American advisor, John Paul Vann, who assured the press: "There's no information available to me that in any shape, manner, or fashion would substantiate the charges Congressman Steele has made."

The incriminating intelligence reports would indicate that Vann either was woefully incompetent or, worse, was helping Dzu to cover up his dope-smuggling operations.

The first intelligence report linking Dzu to the heroin trade was filed on January 6, 1971, by the CID. Citing highly sensitive sources, the CID charged that the narcotics traffic in the Central Highlands had increased tremondously since Dzu had taken command of the region in September, 1970. The CID's sources asserted that Dzu not only protected the key traffickers who kicked back part of their profits to him but also took a direct part in the smuggling through his father Ngo Khoung. At that time Ngo Khoung was described as an "important" heroin dealer.

It was also alleged that Dzu often used his personal plane—furnished, of course, by the U.S.—to smuggle heroin. A CID report dated May 12, 1971, told how Dzu and his father took ingenious advantage of the funeral of a South Vietnamese general in Saigon to fly in heroin from the highlands.

Yet General Dzu, a power in South Vietnam, is expected to be given a whitewash. In fact, while investigation was going on President Thieu promoted him from major general to lieutenant general.

[From Newsday, May 7, 1971]

IS THE CIA MIXED UP IN DOPE TRAFFIC?

(By Flora Lewis)

NEW YORK.—A weird series of incidents is bringing into focus the question of the CIA's relation to the booming Indochina traffic in heroin and the opium from which it is made.

Ramparts magazine has published a study of the drug trade in Indochina, pulling together many details of the widely but only vaguely known story and making a series of specific charges against top South Vietnamese, Laotian and Thai officials. Further, Ramparts charged that it is CIA operations and subsidies in the area which have made possible the big increase in the supply of heroin from Indochina.

Sen. George McGovern (D-S.D.) wrote a letter to CIA Director Richard Helms on April 13 asking six questions about it. One inquired whether the opium production in Laos was conducted with the knowledge of CIA officials, particularly around the CIA's secret army base at Long Cheng in Laos, and if the effect of CIA operations is to "protect the supplies (of opium) and facilitate their movement."

On April 29, CIA legislative counsel Jack Maury called on McGovern to give oral answers to the questions. He referred to a sheaf of legal-size papers for his information, indicating that the CIA has made a new investigation, but he didn't give McGovern the papers. He denied some of the charges, but said the CIA has been trying to convince the local people not to be in the drug traffic, which obviously implies that the CIA knows about it.

McGovern's query wasn't the first challenge to Helms on the subject. On March 4, Helms went with his wife to an evening event at the Corcoran Gallery in Washington. The star happened to be Allen Ginsberg, the tousle-haired mystic poet. They met at a reception before the poetry reading, and Ginsberg took after Helms for what he says is CIA support of the dope trade.

The poet has been investigating drug traffic for seven years, and he has on the tip of his tongue a lot of precise names and places and figures. For one thing, he said, Long Cheng is a central collecting market for the opium flowing from northern Burma, northeastern Thailand and Laos (the fertile triangle) down into Vietnam and Bangkok and out around the world back to the United States.

Helms said it wasn't true, so Ginsberg said "I'll make you a wager." If he lost, Ginsberg promised to give Helms his "vajra" which he describes as "a Buddhist-Hindu ritual implement of brass symbolizing the lightning-bolt doctrine of sudden illumination." Helms was to meditate one hour a day for the rest of his life if he lost.

Some time later, Ginsberg sent Helms a clipping from the Far East Economic Review saying that a number of correspondents who sneaked into Long Cheng over the years saw raw opium openly piled up for sale in the market there, in full view of CIA armed agents. He also sent a note offering Helms suggestions about how to keep a straight back while meditating, the best sitting position and proper breathing.

He has had no acknowledgement from the CIA chief, but says "I have been tender toward him. It is terribly important to get him into an improved mind-consciousness. Anything that might help save the world situation would be sheer Hari Krishna magic. The hard-headed people have brought us to such an apocalyptic mess."

Helms says that he has received no note from Ginsberg, and only vaguely remembers the bet. He called the charges "vicious," "silly," "ridiculous." He told me: "There is no evidence over the years that any of these people were involved in any significant way. Almost all the opium grown there is in Communist-controlled area, Pathet Lao areas."

I asked about Thailand, and he said "I don't control northern Thailand. I don't control the Royal Laotian government; it's an independent country" (whose national budget and army are subsidized by the United States). "I don't know why you want to lay all this on the poor old CIA.

"We are not involved in the drug traffic in Laos or anywhere else. There is no evidence at all. To have evidence you'd have to get somebody in my office and have him say yes, I ran drugs with your approval."

At another point, he said "Opium's been in that part of the world for centuries," and "most drugs in the United States come from Turkey." He said he didn't know anything about a UN report that 70–80 per cent of the world's supply comes from Southeast Asia. And at another point he said "that part of the country (Laos) is loaded with opium. It's all over the area."

Maury, he said, had told McGovern that "it's all rot. It's not true." Later, Maury told me that he couldn't say anything about his talk with McGovern and that a written report which he has promised to give the Senator "won't be available to you or anybody else for publication."

Meanwhile, the rate of heroin addiction among GIs in Vietnam is soaring dramatically, and drugs continue to pour into the United States. The implications will be discussed in my column that will appear tomorrow.

[From Newsday, May 8, 1971]

Part Two: The CIA and Heroin Traffic

(By Flora Lewis)

New York.—Richard Helms, director of the CIA, is evidently much upset at charges that the CIA is involved in the flourishing drug traffic in Indochina, which is making a very substantial contribution to addiction among Americans. Helms says flatly that the CIA is "not involved in the drug trade anywhere in the world." In the literal, organizational sense, he is probably right, although almost any ex-CIA man will testify that the field doesn't always tell the home office everything it knows. There is a tendency to protect headquarters from embarrassing insights and information.

Certainly, Helms is right when he says that drug control is not the CIA's responsibility. But two facts are inescapable.

1. Drugs are flowing into Vietnam and out of Indochina into the world underground network in dramatically increasing quantity. Not only is there a fearful growth in the amount of opium produced and exported from Southeast Asia, alongside the traditional opium trade, heroin is being produced there now. This is new. The proof that it is true is the ready availability of heroin to GIs in Vietnam. Their power doesn't come all the way from Turkey or France.

While the standard American government position is that Turkey is the main source of the heroin reaching the United States, there is every reason to question whether this remains true. The United Nations Commission on Narcotic Drugs has said that 80 per cent of the world's opium, from which heroin is produced, comes from Southeast Asia. Dr. Alexander Messing, a U.N. narcotics expert says that "If (the supply of opium from) Turkey were shut down overnight, there is still so much of the stuff around that it would hardly make a difference."

2. The CIA provides virtually all the transportation, the arms and much of the money on which the people engaged in the Southeast Asia drug trade depend to keep going. The CIA isn't there *because* of the drug traffic. As Helms says, it does not in any way officially condone the traffic. But official CIA operations have made it much easier for the trade to prosper in security.

Partly, this is because the main producers of opium are the hill tribes in Laos and northeastern Thailand. Many are the Meo people, on whom the CIA doesn't support what they do on the side, but it is their one cash crop. The CIA needs the good will of the Meos. It does not go out of its way to offend them.

Partly, this is because the very nature of CIA operations in Southeast Asia requires the co-operation of high local officials, daredevils, adventurers. Often those who are corrupt co-operate all the more willingly, since it facilitates their illicit enterprises. The CIA doesn't support what they do on the side, but it does support them.

While the extent of the trade is new, the trade itself and corruption have been going on in that area for a very long time. The CIA didn't start it. It went in for another reason, to fight the Communists, and its leaders felt of necessity that they had to work with the people and the situation which they found.

That is the "sophisticated," "realistic," "efficient" view which has been the basis of CIA operations in the area from the start. It seems to make sense. You can't be too choosy about your friends in the face of enemies. That is why many American officials who have been aware of the situation have said nothing.

It is probably why Jack Maury, CIA legislative counsel, said that reports the CIA has made on the subject will "not be available for publication," although it does not seem reasonable that the U.S. government must keep secret from its people what it learns about an acknowledged national enemy—heroin.

But it is a view which does not accept but conceals reality, a view which has come to harm the United States more than it serves intended national purposes. It is the view which made My Lai possible, and made the long ignorance of My Lai possible, and which made it possible for many Americans to sympathize with Lt. Calley when he was singled out for punishment.

It is a view which says that bad things are bound to happen in wartime, and since we are at war we must sacrifice many things including our scruples and our revulsion to drugs. Men have always felt obliged to choose among lesser evils. It is the human condition.

The central question, then, must be which is the lesser evil. What is it that we are doing in Indochina which justifies what we are doing to ourselves, specifically in this instance, what we are doing to promote heroin addiction? What is the value of the CIA operations in Laos and Thailand which so outweighs the evil of the drug traffic which has proliferated as an unintended result?

What is the value of a war, a crusade to give South Vietnamese "a chance" as President Nixon says, against so much death and misery and degradation, in the United States as well as in Indochina? It is time to take another reading of the scales, sacrifice cannot be a principle, it must be for a principle. The problem isn't whether to blame the CIA for the drug traffic. The problem is whether to continue endorsing what the CIA operations and the war have produced. The answer is no.

LOGIC GOES TO POT

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MEEDS. Mr. Speaker, rationalizing the difficult or the inappropriate is a trait that respects no age group. Adults offer explanations for their decision to invade a neighboring country while youngsters justify kooky music and defend radical but violent protest.

Both sides of the generation gap have concocted strained logic to buttress their views on marihuana. Do not or you will become a criminal fiend mainlining on heroin, says uptight dad. Do and you will enter the bright world of meaning and valuable spiritual experience, says hip son.

What a pleasure, then, to read a balanced and coherent treatise on marihuana. I refer to Colman McCarthy's article in the September 14 issue of the

Washington Post. Like Mr. McCarthy, I have long shared the view that smoking pot is a chemical cop-out for young people. It does not enrich; it merely distracts from the relevant. I include in the RECORD at this point Mr. McCarthy's poignant column:

A LETTER TO MARY: THE "WHEN" OF SMOKING MARIJUANA

(By Colman McCarthy)

DEAR MARY: Your talk with me the other evening about marijuana, and how you have been on it for a year, left me unsettled. Not because I am saddened or surprised that you take pot, or that I am worried about the legal risks. The troubling part of our talk came at the end when you said, "Well, that's it—I've taken marijuana for a year, since last summer, and now it's a part of my life. The issue is settled."

That is the dead last thing I expected of you: to close the book on a question and then nestle between the covers, ducking away, as if security can be found that way. You said you had the courage of your convictions, which is true enough; but there is a tougher kind of courage than that: to attack your convictions and strengthen them all the more because they held firm and had no give.

Now that you are back at school—presumably a place where they let you do some thinking—let me offer a few thoughts that you might use as axes to hack away at your convictions. If you have the courage to.

I have no trouble understanding the reasons you take pot. It relaxes you, loosens the tightnesses of your mind and makes reality seemingly more manageable. In short, as you said, "smoking pot makes me feel good." Who couldn't be for that? The billions-of-dollar liquor industry peddles the same line and 80 million Americans drink solely to feel good; or if that hope is too bogus, at least to feel better. The vague sense of doom I have about you smoking marijuana is not why you take it, or where, with whom, but when.

The when questions of life are always the most crucial. When the countryman plants his seed says much about how it will grow. When you marry can mean more to the life of a marriage than anything else. When a baby takes the first step means more to the parents than where the baby stepped to. When the manager pulls a pitcher from the game can win or lose the game. And, looking around now, see how the politicians sweat and labor over the decision of when to announce for the presidency. From the evidence, timing is almost everything in life. To take pot as a student, whether in the first year of high school or in the last of college, strikes me as dangerously too soon. Not because you might end up in jail (possession of marijuana is a felony in 28 states) or that you'll embarrass your parents (maybe that's what they need, a little loss of face), but because you are messing with the fragile timing mechanism that your emotions run on. At this point in your life, your emotions are still limbering up, flexing themselves for an adulthood of heavy use—fearing the dark, loving the good, hating the false. Exposing the emotions now to pot is to throw off the timing. This powerful drug of pleasure has nothing to balance itself against in your soul, because at your age what pain have you felt? The person who takes marijuana at 30 or 40 has already been emotionally kicked around or kicked down by life. This need to smoke a joint is valid, as a glue to pull together his shattered feelings. Or if he doesn't need the marijuana drug, he has a good excuse to take the alcohol drug. The crucial fact is not why or how pot is taken, but when—before there is need or after.

You are still, most emphatically, in the *before* state. To take marijuana in high school or college is to put into the circuit of your feelings an overload of energy. There is nothing there—no crushing pain, no deep misery—to absorb it. What happens then is simple, and to me, dangerous: pot is an escape (and I am all for escapes) at an age when you have really nothing to escape from. All your life, you have been pushed by gentle winds, no worries about food, shelter or clothing, no holes in the road ahead and no bumps in the road behind. It won't be this way long. By 30 or 40, and perhaps brutally so by 50, heavy chains of reality and responsibility inevitably wrap around us. What will you use as a momentary escape then, or relief? A few joints? Hardly. The emotions can't be faked out. You took marijuana when you really had no need for it, and now that you do require a rest from the grind, its force is empty.

What happens at this point is hard telling. Perhaps you turn to hard drugs, the way social drinkers can become addicted to hard use of the alcohol drug. Perhaps you sink into deep depressions, great holes of sickness from which no horizons of calm can be viewed. Or you may emerge from the pot experience just fine, which is the way you are calling it. (Fortune tellers are always rosy about their own futures.) Whatever may happen later, there is no guessing what your use of marijuana means now: a tampering with the value of timing, involving the emotions in deep pleasures long before you are even into the full of the surface pleasures of youth. You could be booked for a double theft—stealing from your future while starving out your present, and both are crimes for which the psyche, unlike a good-guy judge, seldom grants a pardon.

Living in a culture where today's fashions easily decide today's values, it is no surprise that timeliness has replaced timing. So marijuana is timely, and who cares about timing it right so that it enters one's life when the emotions are ready. "It's an inward experience," you say about an evening on pot. Good. But what outward experiences have you had to qualify you to probe your interior? Are you self-supporting? Are you able to love someone? What have you made with your own hands? These are a few of the outward experiences that the majority of people struggle over; not until we are a little worn out or worn down by them can we go to and absorb the luxury of the inward experience. Young people who announce they take marijuana to help themselves find out who they are strike me as fakes; too often, they know very well who they are, they just can't stand it.

People become who they are by what they do. The men and women with the richest interior lives are paradoxically those who labor to improve the outward lives of others—serving the old people in the institutions, teaching sports to retarded kids, visiting the sick in our public hospitals, working with crippled war veterans. If you want an inward experience that is genuine, do something like that. The talk about "getting something valuable" from a night of pot smoking is rubbish. You sound like a boring old banker, always sniffing out the best investment rate on deals even he knows are shams. A joint of marijuana is merely a chance for pleasure, but it has no more potential for "something valuable" than your father's nightly glass of vodka or your mother's scotch. Don't create big hopes from small ideas.

Marijuana is a pleasure. Wanting it is fine. You're normal. All I'm saying is think hard not about why or how you take it, but when. Timing is crucial to every other decision in life, so why not for this one. You are young only once but you are alive all the time.

A TRIBUTE TO CAPT. HOLBERT D. BURNS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ANDERSON of California. Mr. Speaker, we live in an age in which the police officer is often in danger, but seldom honored. On September 30, a group of citizens in the Wilmington-San Pedro area of Los Angeles, which I represent, will do their best to correct that situation by paying tribute to the men of the Harbor Division of the Los Angeles Police Department.

Rev. Ishmael L. Corona is the driving force behind this appreciation dinner, but already some 200 members of the community have indicated their desire to join in the tribute to Capt. Holbert D. Burns, harbor division commander, and the men under his leadership.

Perhaps the best way in which to gain insight into the men of harbor division is to learn a bit about the man who leads them. Captain Burns was born in Bakersfield on September 24, 1922, but had moved to Los Angeles while a youngster and attended Dorsey High School before earning his bachelor's degree at the University of Southern California.

Captain Burns began his police career on August 19, 1946, as a patrolman, advancing up to sergeant just 5 years later on November 1, 1951. He rose to lieutenant's rank on June 9, 1963, and was promoted to captain on January 10, 1971, the date he was given command of harbor division.

During that 25-year span of experience, he has served a broad spectrum of the city and in a wide variety of assignments, including sixth division, 77th division, university division, the business office, parking and intersection control, traffic enforcement, and finally command of the harbor division.

Of all these assignments, however, he still has a special fondness for his days as a motor officer in traffic division. He still serves as the vice president of the Municipal Motorcycle Officers of California, and one of his goals since taking command of the harbor division has been the reassignment of motor officers to the division.

Captain Burns is a member of the San Pedro Chamber of Commerce, working on the chamber's armed forces committee. He also serves on the mayor's advisory committee.

A veteran of the U.S. Coast Guard, Captain Burns was a coxswain for 3½ years. He and his wife, Grace, live in Monterey Park, and they are the proud parents of four children: Ronald, 23, Donna, 22, Donald, 18, and Karen, 12.

So, Mr. Speaker, on the occasion of this tribute to the men who dedicate their lives to protect ours, I am pleased to add my voice of commendation to the men of the Harbor Division of the Los Angeles Police Department, and their captain, Holbert Burns.

CONGRESSMAN DUNCAN'S 1971 LEGISLATIVE QUESTIONNAIRE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues the results of my 1971 legislative questionnaire.

The questionnaire was mailed in the spring to some 130,000 families in my Second Congressional District in Tennessee—one copy for each mailbox or receptacle. This was my seventh annual questionnaire, and it brought a total of some 15,000 responses from nonstudents and students.

Interestingly enough the majority of adults and students said they supported wage and price controls. My question read:

> Do you favor the imposition of wage, price and credit controls?

And 60.8 percent of the adults and 63.7 percent of the students said "yes."

An even higher percentage of nonstudents, 84.5 percent, and students, 74.1 percent, said they supported the President's plan for our withdrawal from Vietnam. The majority also favored unrestricted use of air power to support the withdrawal.

Following are charts that show the results in percentages for the entire district and by country. They also reflect the adult and student responses which vary somewhat:

1971 QUESTIONNAIRE RESULTS

ENTIRE 2D DISTRICT

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	84.5	74.1	Yes.
	15.5	25.9	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	86.3	71.8	Yes.
	13.7	28.2	No.
3. Do you favor the imposition of wage, price and credit controls?	60.8	63.7	Yes.
	39.2	36.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	31.7	38.2	Yes.
	68.3	61.8	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	44.4	52	Yes.
	55.6	48	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	13	25.5	Yes.
	87	74.5	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73	73.2	Yes.
	27	26.8	No.
8. Do you think government workers and other public employees should have the right to strike?	31.9	47.9	Yes.
	68.1	52.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	21.2	29.4	Yes.
	78.8	70.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	7.7	21.2	Yes.
	92.3	78.8	No.
11. Do you think the Federal Government should be involved in birth control education and research?	72.1	76.6	Yes.
	27.9	23.4	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	80.3	70.8	Yes.
	19.7	29.2	No.

BLOUNT COUNTY

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	86.2	76.8	Yes.
	13.8	23.2	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	87.1	76.8	Yes.
	12.9	23.2	No.
3. Do you favor the imposition of wage, price and credit controls?	59.2	58.4	Yes.
	40.8	41.6	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.6	33.8	Yes.
	73.4	66.2	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	40.1	42.3	Yes.
	59.9	57.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	13.1	23.7	Yes.
	86.9	76.3	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.1	70.8	Yes.
	26.9	29.2	No.
8. Do you think government workers and other public employees should have the right to strike?	29.6	44.7	Yes.
	70.4	55.3	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	23.6	26.7	Yes.
	76.4	73.3	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	5.5	19.9	Yes.
	94.5	80.1	No.
11. Do you think the Federal Government should be involved in birth control education and research?	73.3	82.1	Yes.
	26.7	17.9	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	79.1	66.8	Yes.
	20.9	33.2	No.

CLAIBORNE COUNTY

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	92.2	92.5	Yes.
	7.8	7.5	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	92.7	86.6	Yes.
	7.3	13.2	No.
3. Do you favor the imposition of wage, price and credit controls?	64.3	48.1	Yes.
	35.7	51.9	No.
4. Should the entire welfare program be taken over by the Federal Government?	41.2	39.2	Yes.
	58.8	60.8	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	50.0	56.6	Yes.
	50.0	34.4	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	8.0	19.6	Yes.
	92.0	80.4	No.

GRAINGER COUNTY

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	92.7	100.0	Yes.
	7.3	0.0	No.
2. Do you favor unrestricted use of our airpower to support our withdrawal?	89.8	75.0	Yes.
	10.2	25.0	No.
3. Do you favor the imposition of wage, price, and credit controls?	63.8	66.7	Yes.
	36.2	33.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	44.5	29.6	Yes.
	55.5	70.4	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes.	44.6	47.9	Yes.
	55.4	52.1	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	8.8	18.5	Yes.
	91.2	18.5	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.9	79.3	Yes.
	26.1	20.7	No.
8. Do you think government workers and other public employees should have the right to strike?	25.4	25.9	Yes.
	74.6	74.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	19.5	13.8	Yes.
	80.5	86.2	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	4.6	10.7	Yes.
	95.4	89.3	No.
11. Do you think the Federal Government should be involved in birth control education and research?	50.3	40.7	Yes.
	49.7	59.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	92.2	73.1	Yes.
	7.8	26.9	No.

HAMBLEN COUNTY

	Nonstudent	Student	
1. Do you support the President's plan for our withdrawal from Vietnam?	89.4	84.4	Yes.
	10.6	15.6	No.
2. Do you favor unrestricted use of our airpower to support our withdrawal?	91.5	88.5	Yes.
	8.5	11.5	No.
3. Do you favor the imposition of wage, price, and credit controls?	58.6	68.7	Yes.
	41.4	31.3	No.
4. Should the entire welfare program be taken over by the Federal Government?	33.7	34.5	Yes.
	66.3	65.5	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	41.5	56.3	Yes.
	58.5	43.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	11.6	23.1	Yes.
	88.4	76.9	No.
7. Do you favor President's Nixon's proposal for sharing Federal funds with State and local governments?	73.2	66.7	Yes.
	26.8	33.3	No.
8. Do you think government workers and other public employees should have the right to strike?	27.8	35.9	Yes.
	72.2	64.1	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	17.9	19.8	Yes.
	82.1	80.2	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	4.9	15.2	Yes.
	95.1	84.8	No.
11. Do you think the Federal Government should be involved in birth control education and research?	70.2	66.7	Yes.
	29.8	33.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	86.0	83.5	Yes.
	14.0	16.5	No.

1971 QUESTIONNAIRE RESULTS—Continued

ENTIRE 2D DISTRICT—Continued

	Nonstudent	Student	
KNOX COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	83.0	71.8	Yes.
	17.0	28.2	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	85.1	64.2	Yes.
	14.9	25.8	No.
3. Do you favor the imposition of wage, price and credit controls?	60.9	64.3	Yes.
	39.1	35.7	No.
4. Should the entire welfare program be taken over by the Federal Government?	31.8	35.5	Yes.
	68.2	64.5	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	45.4	52.2	Yes.
	54.6	47.8	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	12.9	26.8	Yes.
	87.1	73.2	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.0	73.8	Yes.
	27.0	26.2	No.
8. Do you think government workers and other public employees should have the right to strike?	30.7	50.1	Yes.
	69.3	49.9	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	21.5	31.4	Yes.
	68.5	68.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	8.8	24.9	Yes.
	91.2	75.1	No.
11. Do you think the Federal Government should be involved in birth control education and research?	74.1	78.6	Yes.
	25.9	21.4	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	80.0	66.3	Yes.
	20.0	33.7	No.
LOUDON COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	88.8	84.9	Yes.
	11.2	15.1	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	90.8	82.7	Yes.
	9.2	17.3	No.
3. Do you favor the imposition of wage, price, and credit controls?	64.1	67.6	Yes.
	35.9	32.4	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.0	35.8	Yes.
	74.0	64.2	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	42.6	57.3	Yes.
	57.4	32.7	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	10.3	19.0	Yes.
	89.7	81.0	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	73.8	74.8	Yes.
	16.2	25.2	No.
8. Do you think government workers and other public employees should have the right to strike?	33.1	46.7	Yes.
	66.9	53.3	No.
9. Should striking employees be allowe [illegible] food stamps wtile they are off the job if they are otherwise qualified?	20.6	23.4	Yes.
	79.4	76.6	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	2.9	9.4	Yes.
	97.1	90.6	No.
11. Do you think the Federal Government should be involved in birth control education and research?	63.0	71.7	Yes.
	37.0	28.3	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	87.7	81.3	Yes.
	12.3	18.7	No.
UNION COUNTY			
1. Do you support the President's plan for our withdrawal from Vietnam?	88.4	81.3	Yes.
	11.6	18.7	No.
2. Do you favor unrestricted use of our air power to support our withdrawal?	86.3	70.6	Yes.
	13.7	29.4	No.
3. Do you favor the imposition of wage, price and credit controls?	64.3	50.0	Yes.
	35.7	50.0	No.
4. Should the entire welfare program be taken over by the Federal Government?	26.8	52.9	Yes.
	73.2	47.1	No.
5. Do you favor a national health insurance program to cover catastrophic illnesses for everyone financed by an increase in social security taxes?	43.5	64.7	Yes.
	56.5	35.3	No.
6. Should activities of the Federal Bureau of Investigation be curtailed?	10.5	18.8	Yes.
	89.5	81.2	No.
7. Do you favor President Nixon's proposal for sharing Federal funds with State and local governments?	78.9	70.6	Yes.
	21.1	29.4	No.
8. Do you think government workers and other public employees should have the right to strike?	28.4	47.1	Yes.
	71.6	52.9	No.
9. Should striking employees be allowed to receive food stamps while they are off the job if they are otherwise qualified?	20.0	31.3	Yes.
	80.0	68.7	No.
10. Should we make marihuana legally available to persons over 18 years of age as some proposed?	3.0	0.0	Yes.
	97.0	100.0	No.
11. Do you think the Federal Government should be involved in birth control education and research?	54.7	58.8	Yes.
	45.3	41.2	No.
12. Do you think the United States should establish import quotas on textiles instead of relying on Japan and other countries to voluntarily limit the flow of these goods into the U.S. market?	90.5	76.5	Yes.
	9.5	23.5	No.

CONGRESS HAS SET PACE FOR INFLATIONARY SPIRAL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DUNCAN. Mr. Speaker, today I would like to call attention to the following editorial on congressional contributions to inflation. It appeared in the August 23 issue of the Knoxville, Tenn., Journal. The article follows:

CONGRESS HAS SET PACE FOR INFLATIONARY SPIRAL

"Right now, the federal payroll is a prime factor in the inflationary spiral. Many firms and states are having to raise salaries just to compete with the federal government."

This statement by Joseph W. Kimmel, an official of a firm which specializes in salary research, was published recently in the Wall Street Journal. The data which backs up this assertion provide some interesting insight into one of the moves made by the Nixon administration to combat inflation.

Mushrooming federal government spending has been correctly determined to be one of the main sources of inflationary pressure in the United States. And as part of his anti-inflation package the President plans to cut federal spending $4.7 billion in the current fiscal year by, among other things, reducing federal employment 5 per cent.

Of course, it is largely up to Congress as to whether the President will be able to carry through with his planned spending cut. Too often in recent years Congress has thrown already imbalanced budgets into greater deficits. If this continues even the best laid plans of Richard Nixon would be ineffective in the long run.

But Congress ought to take a long, hard look at how much it and the White House have contributed to the nation's inflationary spiral by expanding federal payrolls in numbers of employes and in levels of compensation.

Just how great an impact this process has had becomes clear when certain aspects are examined.

Last fiscal year government operating expenses (excluding those covered by special trust funds) amounted to $164.7 billion. Federal payroll costs were nearly one-third of that figure—$51.4 billion. This means Washington must spend $3 merely to put $2 to work on a particular program or service.

Swelling of the federal payroll got going in grand style back in 1962 when Congress fashioned a complex system designed to make government salaries comparable with those in private business and industry.

Since that time, according to the Wall Street Journal's analysis, federal salaries have increased an average of 75 per cent while private compensation has grown by only 61 per cent, including increases in fringe benefits.

As an example of the specific effects, high-ranking bureaucrats who received annual salaries of $20,000 nine years ago now get $36,000, an increase of 80 per cent. At the lower end of the totem pole beginning secretaries now average $6,619 a year, which represents a 24 per cent increase during the nine-year period with which is 5.6 per cent above the current average in private industry.

Since there are roughly 2.9 million employes on the federal payroll, the federal government is the nation's biggest employer. And, thanks to the generous system established by Congress, the biggest employer has led the way on pay increases in recent years. (Wage trends in the private sector have not been examples of responsibilities; but the public sector is the greater offender.)

Regardless of how federal employes ranked paywise nine years ago, they are at the top of the heap now. Congress clearly has set the pace of inflation by pushing federal salaries way ahead of those enjoyed by private employes. (Congress did not throw any water on the fires of inflation two years ago, either, when it voted its own members a 42 per cent increase in salary.)

All of this contributed significantly to the runaway inflation that has sapped the purchasing power of all Americans. No nation can long endure such excesses.

Having contributed so much to the erosion of the dollar's value, Congress now should apply its full powers to making the federal system a model of restraint for the rest of nation. It is high time that the vanguard of the economy was setting a slower pace.

CURB ON GLOBAL LENDERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CRANE. Mr. Speaker, the United States has contributed $9 billion to the International Monetary Fund and its sister organization the International Bank for Reconstruction and Development—the World Bank.

How effective has this huge investment been? It is right and proper that Congress assess the program entered into by these organizations before granting requests for additional funds. At the present time the Inter-American Development Bank is asking for $1.8 million and the International Development Association, which operates the Bank's soft loan window, is requesting $900 million.

What are needed are independent, comprehensive audits and evaluations of the worldwide financial activities of these organizations. The executive branch says that it receives full information, but none of this information is available to the Congress.

In an important article in Barron's, that publication's Washington correspondent, Shirley Scheibla, notes that—

> It is impossible to tell if a project conforms with objectives of the banks, since these are far from clear. Consequently, any benefit to the United States is equally elusive.

The World Bank started out to further the reconstruction of Europe after World War II. With the completion of that task, it turned to development. Mrs. Scheibla, whose accomplishments in the field of journalism are well known and widely respected, points out that—

> Since the global need for capital is virtually unlimited, logic dictates the need for some firm policy regarding dispensing of funds for development. But the World Bank has enunciated none.

The World Bank cannot properly be viewed as a means by which we hope to strengthen the free world. In fact, Under Secretary of the Treasury Charles Walker explains that it was never supposed to serve as an instrument of the cold war. If a Communist nation abides by the rules of the Bank, says Walker, it cannot be denied membership loans solely because of its politics. Mrs. Scheibla reports that "As a matter of fact, leftist countries already are making fresh inroads at the World Bank. The People's Democratic Republic of Yemen joined last year, while a relatively new member, the People's Republic of the Congo, already has obtained over $35.6 million."

Dr. Walker has said that the object of such loans is to create stability. Yet Pakistan, the second largest recipient of World Bank funds—over $1 billion—now is in the throes of civil war. India, which has just signed a pact with the Soviet Union, is the recordholder, with $2.558 billion.

Mrs. Scheibla reports the shocking fact that during the last fiscal year, for the first time, gross expenses exceeded interest from loans—$365,803,000 expenses, against $358,958,000 interest. This, some have said, is due largely to additional ventures in social fields like birth control and education, where projects are difficult to get started.

It is clear that a congressional investigation of this question is needed. I wish to share Mrs. Scheibla's article with my colleagues, and insert it into the RECORD at this time:

CURB ON GLOBAL LENDERS—CONGRESS IS PRESSING FOR TIGHTER AUDIT AND CONTROL

(By Shirley Scheibla)

WASHINGTON.—President Nixon's new economic policy, whatever else it may achieve, will surely lead to a reappraisal, sweeping if not agonizing, of the role of the International Monetary Fund. Even before the latest monetary upheaval, Congressional sentiment was growing for an equally hard look at IMF's sister organization, the International Bank for Reconstruction and Development (World Bank), which was set up at the same time under the Bretton Woods Agreement and now has been joined by the International Development Association (which operates the Bank's soft loan window) and the Inter-American Development Bank (IDB). (An Asian Development Bank is just getting started, while U.S. participation in a new African Development Bank is apt to be proposed next spring.)

Behind the scenes, a fight is shaping up between the Executive and Legislative branches over the right of Congress to examine the effectiveness of U.S. participation in these institutions. Congress wants to know what has been accomplished with the $9 billion the U.S. has invested in them before granting requests for billions more ($1.8 million for IDB and $960 million for IDA). In particular, it is pressing for independent comprehensive audits and evaluations of their worldwide financial activities. At this point, however, the lawmakers find it difficult even to tell what the banks are trying to do, much less how they parcel out their billions.

NOT CONGRESS' BUSINESS?

The Administration says it receives full information, but claims it is not the business of Congress, because the banks are international institutions. Inquiries made by Barron's of officials who have this "full information," however, indicate it is far from complete.

Congress believes that more accurate yardsticks of effectiveness are especially important now for several reasons. The U.S. has been channeling more and more money to them, and the Administration continues to allow them to float bond issues in the capital-short U.S. (The IDB sold $100 million last October, but last week, a $175 million World Bank roll-over issue was under-subscribed by $4.1 million because the United Nations decided not to participate.) Now President Nixon has announced that still more foreign aid will be channeled through international institutions.

Today's world, however, is vastly different from that of 1944, when the U.S. first embarked on this route. For one thing, this country no longer controls the institutions the way it did in the early days of the World Bank, when the dollar was dominant and other nations were crippled by World War II. Moreover, the institutions increasingly are moving into social areas like education and population control which, primarily because of the difficulty of administration, once were shunned. And there is a trend toward extension of grants, as well as loans and "credits" by IDA (50-year, interest-free loans, with 10-year grace periods). Finally, loans to Communist countries are growing; their nationals occupy important staff positions, while World Bank officials currently are flirting with the idea of admitting to membership Romania, Czechoslovakia and Poland.

WHITHER M'NAMARA?

Despite its claims that it is satisfied with the data it receives, the Nixon Administration has made several attempts to obtain more complete information from the banks, without notable success. A further effort at increasing its influence is expected later this month, when the World Bank holds its annual meeting here. According to reports circulating in Washington, Secretary of the Treasury John Connally will try to persuade the executive directors to elect a new president to replace Robert S. McNamara. This prospect pleases at least one Congressman, who says, "Mr. McNamara produced the Edsel at Ford and the TFX at the Pentagon; I've been wondering what he's doing at the World Bank."

Responsibility for managing U.S. participation in financial institutions rests with the National Advisory Council on International Monetary and Financial Policies (NAC). With the Secretary of the Treasury as chairman, it has representatives from the Federal Reserve, Export-Import Bank, State Department and Commerce Department. Thus, the NAC acts as the investigatory arm of the Secretary of the Treasury, who directs the American directors of the development banks.

After receiving the latest annual report of the NAC, Rep. Henry B. Gonzalez, chairman of the International Finance Subcommittee of the House Banking and Currency Committee, and six other subcommittee members sent Secretary of the Treasury Connally a scathing letter. It said: "In the interests of informed Committee and Congressional action, we expect the National Advisory Council's annual and special reports to contain a frank and concise analysis of many serious questions that have been asked about United States participation in these institutions. Instead, what we have received in your most recent and previous NAC annual reports is not much more than a compendium of the separate annual reports of these multi-lateral lending institutions, along with some summary statements on the activities of similar U.S. institutions. . . . To the extent policy issues are broached, the discussion rarely departs from bland, uninformative generalities. . . ."

The letter urged NAC to analyze and make recommendations on the use of U.S. capital markets by such organizations; possible adverse balance-of-payments effects of increased U.S. capital participation in international development banks; impact of channeling more U.S. aid through multi-lateral bodies; review of management of U.S. interests in international lending institutions and auditing procedures within the institutions; number of Americans employed; evaluation of new loans; and specific steps being taken to deal with the diversion of scarce resources to unnecessary expenditures.

Secretary Connally replied, "The timeliness and substance of our next report will meet both your desire for information and our intention to be fully cooperative."

FEARS FOR JOB

Each week NAC considers 15 to 20 project proposals, most of which are lengthy. Two NAC members and a former Secretary of the Treasury all say there is not enough time for adequate study. Moreover, NAC sees only the reports by the bank presidents recommending approval. In some cases, however, the proposals have run counter to the advice of staff feasibility studies which do not reach the directors. Asked why the staff doesn't speak out when unsound projects are recommended, one man declared, "There is big money involved; I would fear for my job."

One member of NAC says that by the time a proposal reaches him, it is almost impossible to stop; indeed, he knows of no instance in which directors of the World

Bank or IDB have turned one down. The NAC official feels it is up to American directors to find out about projects while they are in the works, rather than simply rubber-stamping them. But this is a time-consuming procedure and cannot be done by NAC. At the World Bank, by the way, the U.S. has not even had the services of an alternative director since last March. When Robert E. Wieczorowski, the American director, cannot attend board meetings, John M. Hennessy, deputy assistant secretary of the Treasury, sits in for him. Presumably he will do so when Mr. Wieczorowski goes to Poland later this month.

NAC also fails to look into the implementation of the projects approved. Nor does it know how contracts are awarded—what firms are involved in specific bank projects, how they were chosen or their bids—whether cost-plus or otherwise. Neither does Congress.

NO CLEAR POLICY

It is impossible to tell if a project conforms with objectives of the banks, since these are far from clear. Consequently, any benefit to the U.S. is equally elusive. As the World Bank's formal name indicates, it started out to further the reconstruction of Europe after World War II. With the completion of that task, it turned to development. Since the global need for capital is virtually unlimited, logic dictates the need for some firm policy regarding dispensing of funds for development. But the World Bank has enunciated none.

Why is it assumed to be to the advantage of the U.S. to finance development activities? Are they aimed at aiding the Free World? On the contrary, Under Secretary of the Treasury Charles Walker explains that they were never supposed to serve as instruments of the cold war. Moreover, he says that if a Communist nation abides by the rules of the bank, he doesn't see how it can be denied membership or loans solely because of its politics. As a matter of fact, leftist countries already are making fresh inroads at the World Bank. The People's Democratic Republic of Yemen joined last year, while a relatively new member, the People's Republic of the Congo, already has obtained over $35.6 million.

Dr. Walker says the object of development financing is to create stability. Yet Pakistan, the second largest recipient of World Bank funds (over $1 billion), now is in the throes of civil war. India, which has just signed an alliance with the Soviet Union, is the record-holder, with $2.558 billion.

Congress has other reasons for a close look at that institution. One of Mr. McNamara's first actions after he took office in April 1968, was to announce his intention of doubling the lending rate of the Bank, and IDA, during the next five years. Available information suggests that the Bank's lending operations are not as sound as they used to be. During the last fiscal year, for the first time, gross expenses exceeded interest from loans ($365,803,000 expenses, against $358,958,000 interest). According to one bank official, the substantial lag between IDA commitments ($3.363 billion) and its disbursements ($2.011 billion) is due largely to more ventures in social fields like birth control and education where projects are more difficult to get started. Some Congressional critics fear it may mean commitments are being made too soon, before adequate preparation.

ANYBODY'S GUESS

What the repayment picture will be for IDA is anyone's guess. To date, because of its 10-year grace period, it has received exactly $347,000. IDA was created in 1960 and did not start making its interest-free loans in volume until around 1962. (There is a service charge of ¾ of 1%.)

A McNamara innovation, the birth control programs have stumped the Congressional watchdog, the General Accounting Office. It doesn't know how to suggest evaluation of them, since this entails obtaining information on whether devices dispensed are used. Straight statistics on births could be influenced by a number of other elements such as economic conditions and famines.

Mr. McNamara also has stepped up the Bank's technical assistance activities. In this field, it often serves as the executing agency for projects financed by the United Nations Development Program in which the Secretary of State is responsible for managing U.S. participation. After studying the UNDP, the GAO concludes: "The Department of State has not obtained sufficient information to make adequate analyses of proposed UNDP projects, nor has it developed procedures for monitoring project implementation. Consequently, U.S. officials do not have a firm basis for making informed judgments as to whether projects requested for recipient countries should be supported by the U.S."

Mr. McNamara's expansiveness, however, does not apply to public disclosure practices, which have tightened considerably since he took office. His press releases are notable for their brevity. Although the Bank financed tourism directly for the first time when it made a $30-million loan to Yugoslavia last June, only a single paragraph in a press release was devoted to it.

Mr. McNamara has never held a press conference since he became president in 1968. He rarely gives interviews (our request for one was treated with hostility). Harold Graves, an American and the competent, well-liked director of information for the Bank when Mr. McNamara took office, has been kicked upstairs to another post and replaced by Britisher William Clark, founder of the Overseas Development Institute of England, which is financed by the Ford Foundation. Teresa Hayter, former staff member of ODI and self-styled Marxist, has characterized the ODI staff as "mainly liberals concerned to promote increased welfare in the Third World, and thoroughly misled and mystified as to the means of achieving it."

TREASURER RESIGNS

Mr. McNamara's tactics reportedly were too much for the highly-respected treasurer of the Bank, Robert Cavanaugh, who resigned shortly after he took over. Now the resignation of another high official is in the wind.

Whether the executive directors vote to replace Mr. McNamara when they meet here later this month may depend upon the persuasiveness of Secretary Connally. Mr. McNamara signed a five-year contract in 1968. But section 5(a) of Article V of the agreement which established the Bank states, "The president shall cease to hold office when the Executive Directors so decide."

The IDB already has a new president, Antonio Ortiz-Mena of Mexico. He succeeds Felipe Herrera, who headed the institution from its beginning in 1959 until this year, when he returned to his native Chile to "participate in the revolution." This has made Congress more anxious than ever to scrutinize what Sr. Herrera accomplished while at the helm of the Bank. The frustrations it has run into are largely responsible for threats to withhold funds for the IDB unless more complete information is forthcoming.

Back in 1967, Congress passed the Selden Amendment, which directed the Secretary of the Treasury to work toward "independent" and "comprehensive" audits of the IDB. It also instructed the Comptroller General to review them and report to the Secretary of the Treasury and Congress.

NO EVALUATION

GAO believes that reports have been lacking on both counts. Since the audit group was chosen by the reports to IDB, it hardly is independent. On July 20, 1971, GAO put out the first review of the IDB's first two reports under the Selden Amendment of 1967. Of one report, on the Study of Sources and Uses of Funds, GAO said, "It is basically an accumulation of statistics and data from the Bank's annual financial report. There appears to have been little or no independent evaluation of the data presented in the report . . . It would have been more relevant to reveal the number and amount of loans defaulted and written off, as well as those not yet written off, rather than to disclose only the number of borrowers currently in a default status."

Concerning the second report, which examined loans to Venezuela, GAO commented: "The report . . . loses most of its potential usefulness because of its lack of organization and sheer size—190 pages of text and 91 pages of statistical appendices. . . . No central theme or conclusion is presented. Issues, problems and accomplishments are not highlighted or even identified except as can be gleaned from the text of the report. . . . Support for statements made. . . is not always evident. Thus it is difficult for a reader to judge the veracity and reliability of statements made."

LOAN FOR MEXICO

The shortcomings of IDB under Sr. Herrera, including funneling a disproportionate share of loans of Chile, have been dealt with in detail in previous issues of Barron's. One of the innovations of the new Mexican president has been to emulate Mr. McNamara and make a loan for tourism. Sr. Ortiz-Mena's tourism loan is $21.5 million for Mexico.

Announced in August, during the Congressional recess, the loan is bound to raise new questions on Capitol Hill, particularly as to the advantage to the U.S. of providing 75% of the financing for an institution which is starting to make loans for tourism, when the U.S., in the middle of a balance-of-payments crisis, is trying to lure foreign visitors to its own shores.

Rep. Henry S. Reuss, chairman of the International Exchange and Payments Subcommittee of the Joint Economic Committee, thinks the answer might be "to have another Bretton Woods." Rep. Gonzalez, who succeeded him as chairman of the International Finance Subcommittee of the House Banking and Currency Committee, wants to hold hearings in the fall on U.S. participation in financial institutions.

Rep. Thomas E. Morgan, chairman of the House Foreign Affairs Committee, says, "What I would like to see is an external-type audit and management review staff group, somewhat analogous to the General Accounting Office, which would serve all of the contributing governments in their overall need to know that the organization's affairs are being run in a competent and efficient manner. Such a staff would be independent, and the scope of its operations and functions would be determined at the country representative level and not by the President or other top management official."

A Treasury official told Barron's, "What it really boils down to is whether you trust the Secretary of the Treasury." After the stunning financial events of mid-August, the answer should be self-evident.

REAL REFORM OF THE WELFARE SYSTEM

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ARCHER. Mr. Speaker, in recent months we have been repeatedly warned that the rising costs of welfare could not be altered by the States, and the problem was so acute that federalization was the only answer.

The prophets of doom are wrong. There is no valid reason to believe that State officials cannot initiate their own reforms, especially when confronted with discontent of the voters. Our stated goal is to reduce, not expand, welfare. By keeping welfare programs at the State level, the taxpayers have the best opportunity for their desires to be translated into atcion.

The following article from the August 21 edition of the Houston Post demonstrates that the States can adequately tackle necessary welfare reform:

STATES TACKLING WELFARE REFORM

(By Richard Wilson)

For years Gov. Ronald Reagan of California has been trying to pare the relief rolls of his own state of undeserving or fraudulent recipients. Now he has some unexpected support from Gov. Nelson A. Rockefeller of New York who has informed a Senate committee that under new regulations on work requirements 18 per cent of New York state's recipients failed to show up at state employment offices to claim their checks.

Had they shown up and been employable they might have been required to accept a job. "Maybe we are on to something nationally," observed Gov. Rockefeller.

Maybe he is, because if the 18 per cent figure is a valid measure and were applied nationally it could mean that hundreds of thousands of Americans are getting a free ride on welfare without deserving it or needing it.

Just why the 18 per cent did not, as now required, go in person to pick up their relief checks in New York state and expose themselves to the threat of work is not clear. Under a new law in New York, which became effective July 1, welfare recipients designated as employable are required to accept "any kind of job in which they are able to engage."

Some may have been sick. Others may not have understood that they were required to go in person to the state employment offices. Others may have challenged their classification as employable.

But, whatever the reason, they were "no shows," and in New York state their number is said to be increasing. The kind of jobs they would have had to accept, if anything, were not very tempting and it may have been that many of the welfare clients would choose not to accept "work relief" even at the sacrifice of their checks. This would indicate they might have other means of getting along which if disclosed might disqualify them for welfare.

The direction in which all this points is that the states themselves, now aroused by complaining taxpayers, may be able to find a way out of the relief muddle without the income floor and welfare reform proposed by the Nixon administration or in the alternatives for the federalization of all welfare.

It amounts to a crackdown on the New York and California patterns, perhaps quite severe, and aimed at reducing the relief rolls rather than substituting a new system which would increase the number of persons receiving welfare.

That is the weakness of the Nixon plan as adopted in the House of Representatives. It greatly increases the numbr eligible for welfare by double or three times in some instances. Perhaps the work and work-training requirements would counteract this but there still would remain a legal persumption of a $2,400 annual income support for one and all.

In California, despite legal obstructions and political resistance, Gov. Reagan's more restrictive policies have been followed by a drop of 100,000 from the March total of 2,298,000. A great many people have been leaving California after the many decades of its amazing growth so that now it is calculated the emigration from the Gold State may exceed immigration. This demographic change may have reduced the number eligible for relief.

In other states government officials have found the political courage to make or propose cutbacks, some of them arbitrary but all arising from the doubling of the relief rolls in the last decade of great prosperity and the prospect of further increases in the future. Welfare threatens to bankrupt some states.

In something akin to panic, state officials turned to the federal government and out of it arose the proposals for an income floor and the federalization of relief. Now there is at least some hope that the states themselves will be able to put through reforms which will clear the rolls of the undeserving and the fraudulent. That is a trend which should be encouraged.

The alternative of federalization does not inspire too much confidence on the basis of Washington's record in the national administration of social programs.

If the individual states are able to begin making progress toward cleaning up the relief mess, as New York and California show some promise of doing, the need for the federal solution will recede and that will be to the good.

THE PRIVATE ENTERPRISE SYSTEM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BYRON. Mr. Speaker, oftentimes, we Americans, in our hastiness to comment on the state of domestic affairs in our Nation, tend to utter unfair criticism at the one aspect of our democracy which has made us the great country we are today. I speak, of course, of the private enterprise system.

The Hancock News, a respected newspaper in western Maryland, eloquently addressed just this issue in one of its recent editorials. I would like now to take a few minutes to share their views with you:

DESERVED RECOGNITION

President Nixon, in an address to the Chamber of Commerce of the United States, commented on the attitude of youth toward business. He observed, "Everyone . . . has heard some young person—perhaps even his own son—say something like this: 'I don't want to go into business. That nine-to-five rat race is not for me. I want to do something to help people.'" The President then added, "The simple truth is this: No government agency, no philanthropy, no voluntary organization or foundation has done as much to help people as the private enterprise system."

Seldom has a government leader given the private enterprise system its just due. Not only does it keep all who want it at work and receiving regular paychecks, health insurance, pension and other benefits, it continuously donates large sums to charities and provides leadership and funds for civic enterprises. It gives incentives to men and women to work, to improve themselves, their homes, their families and their environment. It pays the large part of the taxes which maintain this great nation and its people.

THE CALIFORNIA SCHOOL FINANCING DECISION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. VEYSEY. Mr. Speaker, the California Supreme Court recently delivered a landmark decision on school financing. The court found that substantial dependence on local property taxes results in wide disparities in school revenue which invidiously discriminate against the poor by making the quality of a child's educational opportunity a function of the wealth of his parents and neighbors.

Although the ruling only directed the lower courts to hold hearings on alternatives to the present school financing system in California, the fundamental nature of the decision, and its implications makes it worth careful study.

In light of the demand for copies of the decision, and the inability of the court to supply any more, I think it is appropriate to share the complete text of the court's opinion with my colleagues and other readers of the CONGRESSIONAL RECORD.

The material follows:

[In the Supreme Court of the State of California]

JOHN SERRANO, JR., ET AL., PLAINTIFFS AND APPELLANTS, VERSUS IVY BAKER PRIEST, AS TREASURER, ETC., ET AL., DEFENDANTS AND RESPONDENTS

We are called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment. We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing. We have concluded, therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause.

Plaintiffs, who are Los Angeles County public school children and their parents, brought this class action for declaratory and injunctive relief against certain state and county officials charged with administering the financing of the California public school system. Plaintiff children claim to represent a class consisting of all public school pupils in California, "except children in that school district, the identity of which is presently unknown, which school district affords the greatest educational opportunity of all school districts within California." Plaintiff parents purport to represent a class of all parents who have children in the school system and who pay real property taxes in the county of their residence.

Defendants are the Treasurer, the Superintendent of Public Instruction, and the Controller of the State of California, as well as the Tax Collector and Treasurer, and the Superintendent of Schools of the County of Los Angeles. The county officials are sued both in their local capacities and as representatives of a class composed of the school superintendent, concluded, therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause.

Plaintiffs, who are Los Angeles County public school children and their parents, brought this class action for declaratory and injunctive relief aganst certain state and county officials charged with administering the financing of the California public school system. Plaintiff children claim to represent a class consisting of all public school pupils in California, "except children in that school district, the identity of which is presently unknown, which school district affords the greatest educational opportunity of all school districts within California." Plaintiff parents purport to represent a class of all parents who have children in the school system and who pay real property taxes in the county of their residence.

Defendants are the Treasurer, the Superintendent of Public Instruction, and the Controller of the State of California, as well as the Tax Collector and Treasurer, and the Superintendent of Schools of the County of Los Angeles. The county officials are sued both in their local capacities and as representatives of a class composed of the school superintendent, attending public schools in many other districts of the State . . ." The financing scheme thus fails to meet the requirements of the equal protection clause of the Fourteenth Amendment of the United States Constitution and the California Constitution in several specified respects.[1]

In the second cause of action, plaintiff parents, after incorporating by reference all the allegations of the first cause, allege that as a direct result of the financing scheme they are required to pay a higher tax rate than taxpayers in many other school districts in order to obtain for their children the same or lesser educational opportunities afforded children in those other districts.

In the third cause of action, after incorporating by reference all the allegations of the first two causes, all plaintiffs allege that an actual controversy has arisen and now exists between the parties as to the validity and constitutionality of the financing scheme under the Fourteenth Amendment of the United States Constitution and under the California Constitution.

Plaintiffs pray for: (1) a declaration that the present financing system is unconstitutional; (2) an order to remedy this invalidity; and (3) an adjudication that the trial court retain jurisdiction of the action so that it may restructure the system if defendants and the state Legislature fail to act within a reasonable time.

All defendants filed general demurrers to the foregoing complaint asserting that none of the three claims stated facts sufficient to constitute a cause of action. The trial court sustained the demurrers with leave to amend. Upon plaintiff's failure to amend, defendants' motion for dismissal was granted. (Code Civ. Proc., § 581, subd. 3.) An order of dismissal was entered (Code Civ. Proc., § 581d), and this appeal followed.

Preliminarily we observe that in our examination of the instant complaint, we are guided by the long-settled rules for determining its sufficiency against a demurrer. We treat the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law. (Daar v. Yellow Cab Co. (1967) 67 Cal. 2d 695, 713.) We also consider matters which may be judicially noticed. (*Id.* at p. 716.) Accordingly, from time to time herein we shall refer to relevant information which has been drawn to our attention either by the parties or by our independent research; in each instance we judicially notice this material since it is contained in publications of state officers or agencies. (Board of Education v. Watson (1966) 63 Cal. 2d 829, 836, fn. 3; see Evid. Code, § 452, subd. (c).)

I

We begin our task by examining the California public school financing system which is the focal point of the complaint's allegations. At the threshold we find a fundamental statistic—over 90 percent of our public school funds derive from two basic sources: (a) local district taxes on real property and (b) aid from the State School Fund.[2]

By far the major source of school revenue is the local real property tax. Pursuant to article IX, section 6 of the California Constitution, the Legislature has authorized the governing body of each county, and city and county, to levy taxes on the real property within a school district at a rate necessary to meet the district's annual education budget. (Ed. Code, § 20701, et seq.)[3] The amount of revenue which a district can raise in this manner thus depends largely on its tax base—i.e., the assessed valuation of real property within its borders. Tax bases vary widely throughout the state; in 1969–1970, for example, the assessed valuation per unit of average daily attendance of elementary school children[4] ranged from a low of $103 to a peak of $952,156—a ratio of nearly 1 to 10,000. (Legislative Analyst, Public School Finance, Part V, Current Issues in Educational Finance (1971) p. 7.)[5]

The other factor determining local school revenue is the rate of taxation within the district. Although the Legislature has placed ceilings on permissible district tax rates (§ 20751, et seq.), these statutory maxima may be surpassed in a "tax override" election if a majority of the district's voters approve a higher rate. (§ 20803 et seq.) Nearly all districts have voted to override the statutory limits. Thus the locally raised funds which constitute the largest portion of school revenue are primarily a function of the value of the realty within a particular school district, coupled with the willingness of the district's residents to tax themselves for education.

Most of the remaining school revenue comes from the State School Fund pursuant to the "foundation program," through which the state undertakes to supplement local taxes in order to provide a "minimum amount of guaranteed support to all districts. . . ." (§ 17300.) With certain minor exceptions,[6] the foundation program ensures that each school district will receive annually from state or local funds, $355 for each elementary school pupil (§§ 17656, 17660) and $488 for each high school student. (§ 17665.)

The state contribution is supplied in two principal forms. "Basic state aid" consists of a flat grant to each district of $125 per pupil per year, regardless of the relative wealth of the district. (Cal Const., art. IX, § 6, par. 4; Ed. Code, §§ 17751, 17801.) "Equalization aid" is distributed in inverse proportion to the wealth of the district.

To compute the amount of equalization aid to which a district is entitled, the State Superintendent of Public Instruction first determines how much local property tax revenue would be generated if the district were to levy a hypothetical tax at a rate of $1 on each $100 of assessed valuation in elementary school districts and $.80 per $100 in high school districts.[7] (§ 17702). To that figure, he adds the $125 per pupil basic aid grant. If the sum of those two amounts is less than the foundation program minimum for that district, the state contributes the difference. (§§ 17901, 17902.) Thus, equalization funds guarantee to the poorer districts a basic minimum revenue, while wealthier districts are ineligible for such assistance.

An additional state program of "supplemental aid" is available to subsidize particularly poor school districts which are willing to make an extra local tax effort. An elementary district with an assessed valuation of $12,500 or less per pupil may obtain up to $125 more for each child if it sets its local tax rate above a certain statutory level. A high school district whose assessed valuation does not exceed $24,500 per pupil is eligible for a supplement of up to $72 per child if its local tax is sufficiently high. (§§ 17920–17926.)[8]

Although equalization aid and supplemental aid temper the disparities which result from the vast variations in real property assessed valuation, wide differentials remain in the revenue available to individual districts and consequently, in the level of educational expenditures.[9] For example, in Los Angeles County, where plaintiff children attend school, the Baldwin Park Unified School District expended only $577.49 to educate each of its pupils in 1968–1969; during the same year the Pasadena Unified School District spent $840.19 on every student; and the Beverly Hills Unified School District paid out $1,231.72 per child. (Cal. Dept. of Ed., Cal. Public Schools, Selected Statistics 1968–1969 (1970) Table IV–11, pp. 90–91.) The source of these disparities is unmistakable; in Baldwin Park the assessed valuation per child totaled only $3,706; in Pasadena, assessed valuation was $13,706; while in Beverly Hills, the corresponding figure was $50,885—a ratio of 1 to 4 to 13. (*Id.*) Thus, the state grants are inadequate to offset the inequalities inherent in a financing system based on widely varying local tax bases.

Furthermore, basic aid, which constitutes about half of the state educational funds (Legislative Analyst, Public School Finance, Part II, The State School Fund: Its Derivation, Distribution and Apportionment (1970) p. 9), actually widens the gap between rich and poor districts. (See Cal. Senate Fact Finding Committee on Revenue and Taxation, State and Local Fiscal Relationships in Public Education in California (1965) p. 19.) Such aid is distributed on a uniform per pupil basis to all districts, irrespective of a district's wealth. Beverly Hills, as well as Baldwin Park, receives $125 from the state for each of its students.

For Baldwin Park the basic grant is essentially meaningless. Under the foundation program the state must make up the difference between $355 per elementary child and $47.91, the amount of revenue per child which Baldwin Park could raise by levying a tax of $1 per $100 of assessed valuation. Although under present law, that difference is composed partly of basic aid and partly of equalization aid, if the basic aid grant did not exist, the district would still receive the same amount of state aid—all in equalizing funds.

For Beverly Hills, however, the $125 flat grant has real financial significance. Since a tax rate of $1 per $100 there would produce $870 per elementary student, Beverly Hills is far too rich to qualify for equalizing aid. Nevertheless, it still receives $125 per child from the state, thus enlarging the economic chasm between it and Baldwin Park. (See Coons, Clune & Sugarman, *Educational Opportunity: A Workable Constitutional Test*

Footnotes at end of article.

for State Fnancial Structures (1969), 57 Cal.L.Rev. 305, 315.)

II

Having outlined the basic framework of California school financing, we take up plaintiffs' legal claims. Preliminarily, we reject their contention that the school financing system violates article IX, section 5 of the California Constitution, which states, in pertinent part: "The Legislature shall provide for *a system of common schools* by which a free school shall be kept up and supported in each district at least six months in every year. . . ." (Italics added.)[10] Plaintiffs' argument is that the present financing method produces separate and distinct systems, each offering an educational program which varies with the relative wealth of the district's residents.

We have held that the word "system," as used in article IX, section 5, implies a "unity of purpose as well as an entirety of operation, and the direction to the legislature to provide 'a' system of common schools means *one* system which shall be applicable to all the common schools within the state." (Kennedy v. Miller (1893) 97 Cal. 429, 432.) However, we have never interpreted the constitutional provision to require equal school spending; we have ruled only that the educational system must be uniform in terms of the prescribed course of study and educational progression from grade to grade. (Piper v. Big Pine School Dist. (1924) 193 Cal. 664, 669, 673.)

We think it would be erroneous to hold otherwise. While article IX, section 5 makes no reference to school financing, section 6 of that same article specifically authorizes the very element of the fiscal system of which plaintiffs complain. Section 6 states, in part: "The Legislature shall provide for the levying annually by the governing board of each county, and city and county, of such school district taxes, at rates . . . as will produce in each fiscal year such revenue for each school district as the governing board thereof shall determine is required . . ."

Elementary principles of construction dictate that where constitutional provisions can reasonably be construed to avoid a conflict, such an interpretation should be adopted. (People v. Western Airlines, Inc. (1954) 42 Cal. 2d 621, 637, app. dism. (1954) 348 U.S. 859). This maxim suggests that section 5 should not be construed to apply to school financing; otherwise it would clash with section 6. If the two provisions were found irreconcilable, section 6 would prevail because it is more specific and was adopted more recently. (*Id.*; County of Placer v. Aetna Gas, etc. Co. (1958) 50 Cal. 2d 182, 189.) Consequently, we must reject plaintiff's argument that the provision in section 5 for a "system of common schools" requires uniform educational expenditures.

III

Having disposed of these preliminary matters, we take up the chief contention underlying plaintiffs' complaint, namely that the California public school financing scheme violates the equal protection clause of the Fourteenth Amendment to the United States Constitution.[11]

As recent decisions of this court have pointed out, the United States Supreme Court has employed a two-level test for measuring legislative classifications against the equal protection clause. "In the area of economic regulation, the high court has exercised restraint, investing legislation with a presumption of constitutionality and requiring merely that distinctions drawn by a challenged statute bear some rational relationship to a conceivable legitimate state purpose. [Citations.]

"On the other hand, in cases involving 'suspect classifications' or touching on 'fundamental interests,' [fns. omitted] the court has adopted an attitude of active and critical analysis, subjecting the classification to strict scrutiny. [Citations.] Under the strict standard applied in such cases, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the law but that the distinctions drawn by the law are *necessary* to further its purpose." (Westbrook v. Mihaly (1970) 2 Cal. 3d 765, 784–785, vacated on other grounds (1971) ——U.S.——; In re Antazo (1970) 3 Cal. 3d 100, 110–111; see Purdy & Fitzpatrick v. State of California (1969) 71 Cal. 2d 566, 578–579.)

A. Wealth as a suspect classification

In recent years, the United States Supreme Court has demonstrated a marked antipathy toward legislative classifications which discriminate on the basis of certain "suspect" personal characteristics. One factor which has repeatedly come under the close scrutiny of the high court is wealth. "Lines drawn on the basis of wealth or property, like those of race [citation], are traditionally disfavored." (Harper v. Virginia Bd. of Elections (1966) 383 U.S. 663, 668.) Invalidating the Virginia poll tax in *Harper*, the court stated: "To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor." (*Id.*) "[A] careful examination on our part is especially warranted where lines are drawn on the basis of wealth . . . [a] factor which would independently render a classification highly suspect and thereby demand a more exacting judicial scrutiny. [Citations.]" (McDonald v. Board of Elections (1969) 394 U.S. 802, 807.) (See also Tate v. Short (1971) 39 U.S. L.Week 4301; Williams v. Illinois (1970) 399 U.S. 235; Roberts v. La Vallee (1967) 389 U.S. 40; Anders v. California (1967) 386 U.S. 738; Douglas v. California (1963) 372 U.S. 353; Smith v. Bennett (1961) 365 U.S. 708; Burns v. Ohio (1959) 360 U.S. 252; Griffin v. Illinois (1956) 351 U.S. 12; In re Antazo, *supra*, 3 Cal. 3d 100; see generally Michelman, *The Supreme Court, 1968 Term, Foreword: On Protecting the Poor Through the Fourteenth Amendment* (1969) 83 Harv.L.Rev. 7, 19–33.)

Plaintiffs contend that the school financing system classifies on the basis of wealth. We find this proposition irrefutable. As we have already discussed, over half of all educational revenue is raised locally by levying taxes on real property in the individual school districts. Above the foundation program minimum ($355 per elementary student and $488 per high school student), the wealth of a school district, as measured by its assessed valuation, is the major determinant of educational expenditures.

Although the amount of money raised locally is also a function of the rate at which the residents of a district are willing to tax themselves, as a practical matter districts with small tax bases simply cannot levy taxes at a rate sufficient to produce the revenue that more affluent districts reap with minimal tax efforts. (See fn. 15, *infra*, and accompanying text.) For example, Baldwin Park citizens, who paid a school tax of $5.48 per $100 of assessed valuation in 1968–1969, were able to spend less than half as much on education as Beverly Hills residents, who were taxed only $2.38 per $100. (Cal. Dept. of Ed., *op. cit. supra*, Table III–16, p. 43.)

Defendants vigorously dispute the proposition that the financing scheme discriminates on the basis of wealth. Their first argument is essentially this: through *basic* aid, the state distributes school funds equally to all pupils; through *equalization* aid, it distributes funds in a manner beneficial to the poor districts. However, state funds constitute only one part of the entire school fiscal system.[12] The foundation program partially alleviates the great disparities in local sources of revenue, but the system as a whole generates school revenue in proportion to the wealth of the individual district.[13]

Defendants also argue that neither assessed valuation per pupil nor expenditure per pupil is a reliable index of the wealth of a district or of its residents. The former figure is untrustworthy, they assert, because a district with a low total assessed valuation but a miniscule number of students will have a high per pupil tax base and thus appear "wealthy." Defendants imply that the proper index of a district's wealth is the total assessed valuation of its property. We think defendants' contention misses the point. The only meaningful measure of a district's wealth in the present context is not the absolute value of its property, but the ratio of its resources to pupils, because it is the latter figure which determines how much the district can devote to educating each of its students.[14]

But, say defendants, the expenditure per child does not accurately reflect a district's wealth because that expenditure is partly determined by the district's tax rate. Thus, a district with a high total assessed valuation might levy a low school tax, and end up spending the same amount per pupil as a poorer district whose residents opt to pay higher taxes. This argument is also meritless. Obviously, the richer district is favored when it can provide the same educational quality for its children with less tax effort. Furthermore, as a statistical matter, the poorer districts are financially unable to raise their taxes high enough to match the educational offerings of wealthier districts. (Legislative Analyst, Part V, *supra*, pp. 8–9.) Thus, affluent districts can have their cake and eat it too: they can provide a high quality education for their children while paying lower taxes.[15] Poor districts, by contrast, have no cake at all.

Finally, defendants suggest that the wealth of a school district does not necessarily reflect the wealth of the families who live there. The simple answer to this argument is that plaintiffs have alleged that there is a correlation between a district's per pupil assessed valuation and the wealth of its residents and we treat these material facts as admitted by the demurrers.

More basically, however, we reject defendants' underlying thesis that classification by wealth is constitutional so long as the wealth is that of the district, not the individual. We think that discrimination on the basis of district wealth is equally invalid. The commercial and industrial property which augments a district's tax base is distributed unevenly throughout the state. To allot more educational dollars to the children of one district than to those of another merely because of the fortuitous presence of such property is to make the quality of a child's education dependent upon the location of private commercial and industrial establishments.[16] Surely, this is to rely on the most irrelevant of factors as the basis for educational financing.

Defendants, assuming for the sake of argument that the financing system does classify by wealth, nevertheless claim that no constitutional infirmity is involved because the complaint contains no allegation of purposeful or intentional discrimination. (Cf. Gomillion v. Lightfoot (1960) 364 U.S. 339.) Thus, defendants contend, any unequal treatment is only de facto, not de jure. Since the United States Supreme Court has not held de facto school segregation on the basis of race to be unconstitutional, so the argument goes, de facto classifications on the basis of wealth are presumptively valid.

We think that the whole structure of this argument must fall for want of a solid foundation in law and logic. First, none of the wealth classifications previously invalidated by the United States Supreme Court or this court has been the product of purposeful discrimination. Instead, these prior decisions have involved "unintentional" classi-

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Footnotes at end of article.

fications whose impact simply fell more heavily on the poor.

For example, several cases have held that where important rights are at stake, the state has an affirmative obligation to relieve an indigent of the burden of his own poverty by supplying without charge certain goods or services for which others must pay. In Griffin v. Illinois, *supra*, 351 U.S. 12, the high court ruled that Illinois was required to provide a poor defendant with a free transcript on appeal.[17] Douglas v. California, *supra*, 372 U.S. 353 held that an indigent person has a right to court-appointed counsel on appeal.

Other cases dealing with the factor of wealth have held that a state may not impose on an indigent certain payment which, although neutral on their face, may have a discriminatory *effect*. In Harper v. Virginia Bd. of Elections, *supra*, 383 U.S. 663, the high court struck down a $1.50 poll tax, not because its *purpose* was to deter indigents from voting, but because its *results* might be such. (*Id*. at p. 666, fn. 3.) We held in In re Antazo, *supra*, 3 Cal. 3d 100 that a poor defendant was denied equal protection of the laws if he was imprisoned simply because he could not afford to pay a fine. (Accord, Tate v. Short, *supra*, 39 U.S. L. Week 4301; Williams v. Illinois, *supra*, 399 U.S. 235; [18] see Boddie v. Connecticut (1971) 39 U.S. L. Week 4294, discussed fn. 21, *infra*.) In summary, prior decisions have invalidated classifications based on wealth even in the absence of a discriminatory motivation.

We turn now to defendants' related contention that the instant case involves at most de facto discrimination. We disagree. Indeed, we find the case unusual in the extent to which governmental action *is* the cause of the wealth classifications. The school funding scheme is mandated in every detail by the California Constitution and statutes. Although private residential and commercial patterns may be partly responsible for the distribution of assessed valuation throughout the state, such patterns are shaped and hardened by zoning ordinances and other governmental land-use controls which promote economic exclusivity. (Cf. San Francisco Unified School Dist. v. Johnson (1971) 3 Cal. 3d 937, 956.) Governmental action drew the school district boundary lines, thus determining how much local wealth each district would contain. (Cal. Const., art. IX, § 14; Ed. Code, § 1601 et seq; Worthington S. Dist. v. Eureka S. Dist. (1916) 173 Cal. 154, 156; Hughes v. Ewing (1892) 93 Cal. 414, 417; Mountain View Sch. Dist. v. City Council (1959) 168 Cal. App. 2d 89, 97.) Compared with *Griffin* and *Douglas*, for example, official activity has played a significant role in establishing the economic classifications challenged in this action.[19]

Finally, even assuming arguendo that defendants are correct in their contention that the instant discrimination based on wealth is merely de facto, and not de jure,[20] such discrimination cannot be justified by analogy to de facto racial segregation. Although the United States Supreme Court has not yet ruled on the constitutionality of de facto racial segregation, this court eight years ago held such segregation invalid, and declared that school boards should take affirmative steps to alleviate racial imbalance, however created. (Jackson v. Pasadena City School Dis. (1968) 59 Cal. 2d 876, 881, San Francisco Unified School Dist. v. Johnson, supra, 3 Cal. 3d 937.) Consequently, any discrimination based on wealth can hardly be vindicated by reference to de facto racial segregation, which we have already condemned. In sum, we are of the view that the school financing system discriminates on the basis of the wealth of a district and its residents.

Footnotes at end of article.

B. Education as a fundamental interest

But plaintiffs' equal protection attack on the fiscal system has an additional dimension. They assert that the system not only draws lines on the basis of wealth but that it "touches upon," indeed has a direct and significant impact upon, a "fundamental interest," namely education. It is urged that these two grounds, particularly in combination, establish a demonstrable denial of equal protection of the laws. To this phrase of the argument we now turn our attention.

Until the present time wealth classifications have been invalidated only in conjunction with a limited number of fundamental interests—rights of defendants in criminal cases (*Griffin; Douglas; Williams; Tate; Antazo*) and voting rights (*Harper;* Cipriano v. City Houma (1969) 395 U.S. 701; Kramer v. Union School District (1969) 395 U.S. 621; cf. McDonald v. Board of Elections).[21] Plaintiff's contention—that education is a fundamental interest which may not be conditioned on wealth—is not supported by any direct authority.[22]

We, therefore, begin by examining the indispensable role which education plays in the modern industrial state. This role, we believe, has two significant aspects: first, education is a major determinant of an individual's chances for economic and social success in our competitive society; second, education is a unique influence on a child's development as a citizen and his participation in political and community life. "[T]he pivotal position of education to success in American society and its essential role in opening up to the individual the central experiences of our culture lend it an importance that is undeniable." (Note, *Development in the Law—Equal Protection* (1969), 82 Harv. L. Rev. 1065, 1129.) Thus, education is the lifeline of both the individual and society.

The fundamental importance of education has been recognized in other contexts by the United States Supreme Court and by this court. These decisions—while not *legally* controlling on the exact issue before us—are persuasive in their accurate factual description of the significance of learning.[23]

The classic expression of this position came in Brown v. Board of Education (1954), 347 U.S. 483, which invalidated de jure segregation by race in public schools. The high court declared: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." (*Id*. at p. 493.)

The twin themes of the importance of education to the individual and to society have recurred in numerous decisions of this court. Most recently in San Francisco Unified School Dist. v. Johnson, *supra*, 3 Cal. 3d 937, where we considered the validity of an anti-busing statute, we observed, "Unequal education, then, leads to unequal job opportunities, disparate income, and handicapped ability to participate in the social, cultural, and political activity of our society." (*Id*. at p. 950.) Similarly, in Jackson v. Pasadena City School Dist., *supra*, 59 Cal. 2d 876, which raised a claim that school districts had been gerrymandered to avoid integration, this court said: "In view of the importance of education to society and to the individual child, the opportunity to receive the schooling furnished by the state must be made available to all on an equal basis." (*Id*. at p. 880.)

When children living in remote areas brought an action to compel local school authorities to furnish them bus transportation to class, we stated: "We indulge in no hyperbole to assert that society has a compelling interest in affording children an opportunity to attend school. This was evidenced more than three centuries ago, when Massachusetts provided the first public school system in 1647. [Citation.] And today an education has become the *sine qua non* of useful existence. . . . In light of the public interest in conserving the resource of young minds, we must unsympathetically examine any action of a public body which has the effect of depriving children of the opportunity to obtain an education." (Fn. omitted.) (Manjares v. Newton (1969) 64 Cal. 2a 365, 375–376.)

And long before these last mentioned cases, in Piper v. Big Pine School Dist., *supra*, 193 Cal. 664, where an Indian girl sought to attend state public schools, we declared: "[T]he common schools are doorways opening into chambers of science, art, and the learned professions, as well as into fields of industrial and commercial activities. Opportunities for securing employment are often more or less dependent upon the rating which a youth, as a pupil of our public institutions, has received in his school work. These are rights and privileges that cannot be denied." (*Id*. at p. 673; see also Ward v. Floyd (1874) 48 Cal. 36.) Although *Manjares* and *Piper* involved actual exclusion from the public schools, surely the right to an education today means more than access to a classroom.[24] (See Horowitz & Neitring, *supra*, 15 U.C.L.A. L. Rev. 787, 811.)

It is illuminating to compare in importance the right to an education with the rights of defendants in criminal cases and the right to vote—two "fundamental interests" which the Supreme Court has already protected against discrimination based on wealth. Although an individual's interest in his freedom is unique, we think that from a larger perspective, education may have far greater social significance than a free transcript or a court-appointed lawyer. "[E]ducation not only affects directly a vastly greater number of persons than the criminal law, but it affects them in ways which—to the state—have an enormous and much more varied significance. Aside from reducing the crime rate (the inverse relation is strong), education also supports each and every other value of a democratic society—participation, communication, and social mobility, to name but a few." (Fn. omitted.) (Coons, Clune & Sugarman, *supra*, 57 Cal.L.Rev. 305, 362–363.)

The analogy between education and voting is much more direct: both are crucial to participation in, and the functioning of, a democracy. Voting has been regarded as a fundamental right because it is "preservative of other basic civil and political rights. . . ." (Reynolds v. Sims, *supra*, 377 U.S. 533, 562; see Yick Wo v. Hopkins (1886) 118 U.S. 356, 370.) The drafters of the California Constitution used this same rationale—indeed, almost identical language—in expressing the importance of education. Article IX, section 1 provides: "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement." (See also Piper v. Big Pine School Dist., *supra*, 193 Cal. 664, 668.) At a minimum, education makes more meaningful the casting of a ballot. More significantly, it is likely to provide the understanding of, and the interest in, public issues which are the spur to involvement in other civic and political activities.

The need for an educated populace assumes greater importance as the problems of our diverse society become increasingly complex. The United States Supreme Court has repeatedly recognized the role of public education as a unifying social force and the basic tool for shaping democratic values. The public school has been termed "the most powerful agency for promoting cohesion among a heterogenous democratic people . . . at once the symbol of our democracy and the most persuasive means for promoting our common destiny." (McCollum v. Board of Education (1948) 333 U.S. 203, 216, 231 (Frankfurter, J., concurring).) In Abington School Dist. v. Schempp (1963) 374 U.S. 203, it was said that "Americans regard the public schools as a most vital civic institution for the preservation of a democratic system of government." (*Id.* at p. 230; Brennan, J., concurring.)[25]

We are convinced that the distinctive and priceless function of education in our society warrants, indeed compels, our treating it as a "fundamental interest."[26]

First, education is essential in maintaining what several commentators have termed "free enterprise democracy"—that is, preserving an individual's opportunity to compete successfully in the economic marketplace, despite a disadvantaged background. Accordingly, the public schools of this state are the bright hope for entry of the poor and oppressed into the mainstream of American society.[27]

Second, education is universally relevant. "Not every person finds it necessary to call upon the fire department or even the police in an entire lifetime. Relatively few are on welfare. Every person, however, benefits from education . . ." (Fn. Omitted.) (Coons, Clune & Sugarman, *supra,* 57 Cal.L.Rev. at p. 388.)

Third, public education continues over a lengthy period of life—between 10 and 13 years. Few other government services have such sustained, intensive contact with the recipient.

Fourth, education is unmatched in the extent to which it molds the personality of the youth of society. While police and fire protection, garbage collection and street lights are essentially neutral in their effect on the individual psyche, public education actively attempts to shape a child's personal development in a manner chosen not by the child or his parents but by the state. (Coons, Clune & Sugarman, *supra,* 57 Cal. L.Rev. at p. 389). "[T]he influence of the school is not confined to how well it can teach the disadvantaged child; it also has a significant role to play in shaping the student's emotional and psychological make-up." (Hobson v. Hansen, *supra,* 269 F. Supp. 401, 483.)

Finally, education is so important that the state has made it compulsory—not only in the requirement of attendance but also by assignment to a particular district and school. Although a child of wealthy parents has the opportunity to attend a private school, this freedom is seldom available to the indigent. In this context, it has been suggested that "a child of the poor assigned willy-nilly to an inferior state school takes on the complexion of a prisoner, complete with a minimum sentence of 12 years." (Coons, Clune & Sugarman, *supra,* 57 Cal.L.Rev. at p. 388.)

C. The financing system is not necessary to accomplish a compelling state interest

We now reach the final step in the application of the "strict scrutiny" equal protection standard—the determination of whether the California school financing system, as presently structured, is necessary to achieve a compelling state interest.

The state interest which defendants advance in support of the current fiscal scheme is California's policy "to strengthen and encourage local responsibility for control of public education." (Ed. Code, § 17300.) We treat separately the two possible aspects of this goal: first, the granting to local districts of effective decision-making power over the administration of their schools; and second, the promotion of local fiscal control over the amount of money to be spent on education.

The individual district may well be in the best position to decide whom to hire, how to schedule its educational offerings, and a host of other matters which are either of significant local impact or of such a detailed nature as to require decentralized determination. But even assuming arguendo that local administrative control may be a compelling state interest, the present financial system cannot be considered necessary to further this interest. No matter how the state decides to finance its system of public education, it can still leave this decision-making power in the hands of local districts.

The other asserted policy interest is that of allowing a local district to choose how much it wishes to spend on the education of its children. Defendants argue: "[I]f one district raises a lesser amount per pupil than another district, this is a matter of choice and preference of the individual district, and reflects the individual desire for lower taxes rather than an expanded educational program, or may reflect a greater interest within that district in such other services that are supported by local property taxes as, for example, police and fire protection or hospital services."

We need not decide whether such decentralized financial decision-making is a compelling state interest, since under the present financing system, such fiscal free will is a cruel illusion for the poor school districts. We cannot agree that Baldwin Park residents care less about education than those in Beverly Hills solely because Baldwin Park spends less than $600 per child while Beverly Hills spends over $1,200. As defendants themselves recognize, perhaps the most accurate reflection of a community's commitment to education is the rate at which its citizens are willing to tax themselves to support their schools. Yet by that standard, Baldwin Park should be deemed far more devoted to learning than Beverly Hills, for Baldwin Park citizens levied a school tax of well over $5 per $100 of assessed valuation, while residents of Beverly Hills paid only slightly more than $2.

In summary, so long as the assessed valuation within a district's boundaries is a major determinant of how much it can spend for its schools, only a district with a large tax base will be truly able to decide how much it really cares about education. The poor district cannot freely choose to tax itself into an excellence which its tax rolls cannot provide. Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option.

It is convenient at this point to dispose of two final arguments advanced by defendants. They assert, first, that territorial uniformity in respect to the present financing system is not constitutionally required; and secondly, that if under an equal protection mandate relative wealth may not determine the quality of public education, the same rule must be applied to all tax-supported public services.

In support of their first argument, defendants cite Salsburg v. Maryland (1954) 346 U.S. 545 and Board of Education v. Watson, *supra,* 63 Cal. 2d 829. We do not find these decisions apposite in the present context, for neither of them involved the basic constitutional interests here at issue.[28] We think that two lines of recent decisions have indicated that where fundamental rights or suspect classifications are at stake, a state's general freedom to discriminate on a geographical basis will be significantly curtailed by the equal protection clause. (See Horowitz & Neitring, *supra,* 15 U.C.L.A. L. Rev. 787).

The first group of precedents consists of the school closing cases, in which the Supreme Court has invalidated efforts to shut schools in one part of a state while schools in other areas continued to operate. In Griffin v. School Board (1964) 377 U.S. 218 the court stated: "A state, of course, has a wide discretion in deciding whether laws shall operate statewide or shall operate only in certain counties, the legislature 'having in mind the needs and desires of each.' Salsburg v. Maryland, *supra,* 346 U.S., at 552. . . . But the record in the present case could not be clearer that Prince Edward's public schools were closed . . . for one reason, and one reason only: to ensure . . . that white and colored children in Prince Edward County would not, under any circumstances, go to the same school. Whatever nonracial grounds might support a State's allowing a county to abandon public schools, the object must be a constitutional one. . . ." (*Id.* at p. 231.)

Similarly, Hall v. St. Helena Parish School Board (E.D. La. 1961) 197 F. Supp. 649, affd. mem. (1962) 368 U.S. 515 held that a statute permitting a local district faced with integration to close its schools was constitutionally defective, not merely because of its racial consequences: "More generally, the Act is assailable because its application in one parish, while the state provides public schools elsewhere, would unfairly discriminate against the residents of that parish, irrespective of race. . . . [A]bsent a reasonable basis for so classifying, a state cannot close the public schools in one area while, at the same time, it maintains schools elsewhere with public funds." (Fn. omitted.) (*Id.* at pp. 651, 656.)

The *Hall* court specifically distinguished *Salsburg* stating: "The holding of Salsburg v. State of Maryland permitting the state to treat differently, for different localities, the rule against admissibility of illegally obtained evidence no longer obtained in view of Mapp. v. Ohio, 367 U.S. 643. . . . Accordingly, reliance on that decision for the proposition that there is no constitutional inhibition to geographic discrimination in the area of civil rights is misplaced. . . . [T]he Court [in *Salsburg*] emphasized that the matter was purely 'procedural' and 'local.' Here, the substitutive classification is discriminatory. . . ." (*Id.* at pp. 658–659, fn. 29.)

In the second group of cases, dealing with apportionment, the high court has held that accidents of geography and arbitrary boundary lines of local government can afford no ground for discrimination among a state's citizens. (Kurland, *Equal Educational Opportunity: The Limits of Constitutional Jurisprudence Undefined* (1968) 35 U. Chi. L. Rev. 583, 585; see also Wise, Rich Schools, Poor Schools: The Promise of Equal Educational Opportunity (1969) pp. 66–92.) Specifically rejecting attempts to justify unequal districting on the basis of various geographic factors, the court declared: "Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race [citation] or economic status, Griffin v. Illinois, 351 U.S. 12, Douglas v. California, 372 U.S. 353. . . . The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote." (Reynolds v. Sims, *supra,* 377 U.S. 533, 566, 567.) If a voter's address may not determine the weight to which his ballot is entitled, surely it should not determine the quality of his child's education.[29]

Defendants' second argument boils down to this: if the equal protection clause com-

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Footnotes at end of article.

mands that the relative wealth of school districts may not determine the quality of public education, it must be deemed to direct the same command to all governmental entities in respect to all tax-supported public services;[30] and such a principle would spell the destruction of local government. We unhesitatingly reject this argument. We cannot share defendants' unreasoned apprehensions of such dire consequences from our holding today. Although we intimate no views on other governmental services,[31] we are satisfied that, as we have explained, its uniqueness among public activities clearly demonstrates that *education* must respond to the command of the equal protection clause.

We, therefore, arrive at these conclusions. The California public school financing system, as presented to us by plaintiff's complaint supplemented by matters judicially noticed, since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny," it denies to the plaintiffs and others similarly situated the equal protection of the laws.[32] If the allegations of the complaint are sustained, the financial system must fall and the statutes comprising it must be found unconstitutional.

IV

Defendants' final contention is that the applicability of the equal protection clause to school financing has already been resolved adversely to plaintiffs' claims by the Supreme Court's summary affirmance in McInnis v. Shapiro, *supra,* 293 F.Supp. 327, affd. mem. sub nom. McInnis v. Ogilvie (1969) 394 U.S. 322, and Burruss v. Wilkerson (W.D. Va. 1969) 310 F. Supp. 572, acd. mem. (1970) 397 U.S. 44. The trial court in the instant action cited *McInnis* in sustaining defendants' demurrers.

The plaintiffs in *McInnis* challenged the Illinois school financing system, which is similar to California's, as a violation of the equal protection and due process clauses of the Fourteenth Amendment because of the wide variations among districts in school expenditures per pupil. They contended that "*only* a financing system which apportions public funds according to the educational needs of the students satisfies the Fourteenth Amendment." (Fn. omitted.) (293 F.Supp. at p. 331.)

A three-judge federal district court concluded that the complaint stated no cause of action "for two principal reasons: (1) the Fourteenth Amendment does not require that public school expenditures be made only on the basis of pupils' *educational needs,* and (2) the lack of judicially manageable standards makes this controversy nonjusticiable." (Fn. omitted.) (293 F. Supp. at p. 329). (Italics added.) The court additionally rejected the applicability of the strict scrutiny equal protection standard and ruled that the Illinois financing scheme was rational because it was "designed to allow individual localities to determine their own tax burden according to the importance which they place upon public schools." (*Id.* at p. 333.) The United States Supreme Court affirmed per curiam with the following order: "The motion to affirm is granted and the judgment is affirmed." (394 U.S. 322.) No cases were cited in the high court's order; there was no oral argument.[33]

Defendants argue that the high court's summary affirmance forecloses our independent examination of the issues involved. We disagree.

Since *McInnis* reached the Supreme Court by way of appeal from a three-judge federal court, the high court's jurisdiction was not discretionary. (28 U.S.C. § 1253 (1964).) In these circumstances, defendants are correct in stating that a summary affirmance is formally a decision on the merits. However, the significance of such summary dispositions is often unclear, especially where, as in *McInnis,* the court cites no cases as authority and guidance. One commentator has stated, "It has often been observed that the dismissal of an appeal, technically an adjudication on the merits, is in practice often the substantial equivalent of a denial of certiorari."[34] (D. Currie, *The Three-Judge District Court in Constitutional Litigation* (1964) 32 U.Chi.L.Rev. 1, 74, fn. 365.) Frankfurter and Landis had suggested earlier that the pressure of the court's docket and differences of opinion among the judges operate "to subject the obligatory jurisdiction of the court to discretionary considerations not unlike those governing *certiorari.*" (Frankfurter & Landis, *The Business of the Supreme Court at October Term, 1929* (1930) 44 Harv. L. Rev. 1, 14.) Between 60 and 84 percent of appeals in recent years have been summarily handled by the Supreme Court without opinion. (Stern & Gressman, *op. cit. supra,* at p. 194.)[35]

At any rate, the contentions of the plaintiffs here are significantly different from those in *McInnis.* The instant complaint employs a familiar standard which has guided decisions of both the United States and California Supreme Courts: discrimination on the basis of wealth is an inherently suspect classification which may be justified only on the basis of a compelling state interest. (See cases cited, part III, *supra.*) By contrast, the *McInnis* plaintiffs repeatedly emphasized "educational needs" as the proper standard for measuring school financing against the equal protection clause. The district court found this a "nebulous concept" (293 F.Supp. 327, 329, fn. 4)—so nebulous as to render the issue nonjusticiable for lack of " 'discoverable and manageable standards.' "[36] (*Id.* at p. 335.) In fact, the nonjusticiability of the "educational needs" standard was the basis for the *McInnis* holding; the district court's additional treatment of the substantive issues was purely dictum. In this context, a Supreme Court affirmance can hardly be considered dispositive of the significant and complex constitutional questions presented here.[37]

Assuming, as we must in light of the demurrers, the truth of the material allegations of the first stated cause of action, and considering in conjunction therewith the various matters which we have judicially noticed, we are satisfied that plaintiff children have alleged facts showing that the public school financing system denies them equal protection of the laws because it produces substantial disparities among school districts in the amount of revenue available for education.

The second stated cause of action by plaintiff parents by incorporating the first cause has, of course, sufficiently set forth the constitutionally defective financing scheme. Additionally, the parents allege that they are citizens and residents of Los Angeles County; that they are owners of real property assessed by the county; that some of defendants are county officials; and that as a direct result of the financing system they are required to pay taxes at a higher rate than taxpayers in many other districts in order to secure for their children the same or lesser educational opportunities. Plaintiff parents join with plaintiff children in the prayer of the complaint that the system be declared unconstitutional and that defendants be required to restructure the present financial system so as to eliminate its unconstitutional aspects. Such prayer for relief is strictly injunctive and seeks to prevent public officers of a county from acting under an allegedly void law. Plaintiff parents then clearly have stated a cause of action since "[i]f the . . . law is unconstitutional, then county officials may be enjoined from spending their time carrying out its provisions. . . ." (Blair v. Pitchess (1971) 5 Cal.3d ——; Code Civ. Proc., § 526a.)[38]

Because the third cause of action incorporates by reference the allegations of the first and second causes and simply seeks declaratory relief, it obviously sets forth facts sufficient to constitute a cause of action.

By our holding today we further the cherished idea of American education that in a democratic society free public schools shall make available to all children equaly the abundant gifts of learning. This was the credo of Horace Mann, which has been the heritage and the inspiration of this country. "I believe," he wrote, "in the existence of natural law, or natural ethics—a principle antecedent to all human institutions, and incapable of being abrogated by any ordinance of man . . . which proves the *absolute right* to an education of every human being that comes into the world, and which, of course, proves the correlative duty of every government to see that the means of that education are provided for all. . . ." (Original italics.) (Old South Leaflets V, No. 109 (1846) pp. 177–180 (Tenth Annual Report to Mass. State. Bd. of Ed.), quoted in Readings in American Education (1963 Lucio ed.) p. 336.)

The judgment is reversed and the cause remanded to the trial court with directions to overrule the demurrers and to allow defendants a reasonable time within which to answer.

SULLIVAN, J.

We concur: Wright C. J.; Peters, J.; Tobriner, J.; Mosk, J.; Burke, J.

DISSENTING OPINION BY MCCOMB, J.

I dissent. I would affirm the judgment for the reasons expressed by Mr. Justice Dunn in the opinion prepared by him for the Court of Appeal in *Serrano* v. *Priest* (Cal. App. 89 Cal. Rptr. 345.

MCCOMB, J.

FOOTNOTES

[1] The complaint alleges that the financing scheme:

"A. Makes the quality of education for school age children in California, including Plaintiff Children, a function of the wealth of the children's parents and neighbors, as measured by the tax base of the school district in which said children reside, and

"B. Makes the quality of education for school age children in California, including Plaintiff Children, a function of the geographical accident of the school district in which said children reside, and

"C. Fails to take account of any of the variety of educational needs of the several school districts (and of the children therein) of the State of California, and

"D. Provides students living in some school districts of the State with material advantages over students in other school districts in selecting and pursuing their educational goals, and

"E. Fails to provide children of substantially equal age, aptitude, motivation, and ability with substantially equal educational resources, and

"F. Perpetuates marked differences in the quality of educational services, equipment and other facilities which exist among the public school districts of the State as a result of the inequitable apportionment of State resources in past years.

"G. The use of the 'school district' as a unit for the differential allocation of educational funds bears no reasonable relation to the California legislative purpose of providing equal educational opportunity for all school children within the State.

"H. The part of the State financing scheme which permits each school district to retain and expend within that district all of the property tax collected within that district bears no reasonable relation to any educational objective or need.

"I. A disproportionate number of school children who are black children, children with Spanish surnames, children belonging to other minority groups reside in school districts in which a relatively inferior educational opportunity is provided."

[2] California educational revenues for the fiscal year 1968–1969 came from the following sources: local property taxes, 55.7 percent; state aid, 35.5 percent; federal funds, 6.1 percent; miscellaneous sources, 2.7 percent. (Legislative Analyst, Public School Finance, Part I, Expenditures for Education (1970) p. 5. Hereafter referred to as Legislative Analyst.)

[3] Hereafter, unless otherwise indicated, all section references are to the Education Code.

[4] Most school aid determinations are based not on total enrollment, but on "average daily attendance" (ADA), a figure computed by adding together the number of students actually present on each school day and dividing that total by the number of days school was taught. (§§ 11252, 11301, 11401.) In practice, ADA approximates 98 percent of total enrollment. (Legislative Analyst, Public School Finance, Part IV, Glossary of Terms Most Often Used in School Finance (1971) p. 2.) When we refer herein to figures on a "per pupil" or "per child" basis, we mean per unit of ADA.

[5] Over the period November 1970 to January 1971 the legislative analyst provided to the Legislature a series of five reports which "deal with the current system of public school finance from kindergarten through the community college and are designed to provide a working knowledge of the system of school finance." (Legislative Analyst, Part I, *supra*, p. 1.) The series is as follows: Part I, Expenditures for Education; Part II, The State School Fund: Its Derivation and Distribution; Part III, The Foundation Program; Part IV, Glossary of Terms Most Often Used in School Finance; Part V, Current Issues in Educational Finance.

[6] Districts which maintain "unnecessary small schools" receive $10 per pupil less in foundation funds. (§ 17655.5 et seq.)

Certain types of school districts are eligible for "bonus" foundation funds. Elementary districts receive an additional $30 for each student in grades 1 through 3; this sum is intended to reduce class size in those grades. (§ 17674.) Unified school districts get an extra $20 per child in foundation support. (§§ 17671–17673.)

[7] This is simply a "computational" tax rate used to measure the relative wealth of the district for equalization purposes. It bears no relation to the tax rate actually set by the district in levying local real property taxes.

[8] Some further equalizing effect occurs through a special areawide foundation program in districts included in reorganization plans which were disapproved at an election. (§ 17680 et seq.) Under this program, the assessed valuation of all the individual districts in an area is pooled, and an actual tax is levied at a rate of $1 per $100 for elementary districts and $.80 for high school districts. The resulting revenue is distributed among the individual districts according to the ratio of each district's foundation level to the areawide total. Thus, poor districts effectively share in the higher tax bases of their wealthier neighbors. However, any district is still free to tax itself at a rate higher than $1 or $.80; such additional revenue is retained entirely by the taxing district.

[9] Statistics compiled by the legislative analyst show the following range of assessed valuations per pupil for the 1969–1970 school year:

Elementary:	
Low	$103
Median	19,600
High	952,156
High school:	
Low	11,959
Median	41,300
High	349,093

(Legislative Analyst, Part V, *supra*, p. 7.)

Per pupil expenditures during that year also varied widely:

Elementary:	
Low	$407
Median	672
High	2,586
High school:	
Low	722
Median	898
High	1,767
Unified:	
Low	612
Median	766
High	2,414

(*Id.* at p. 8.)

Similar spending disparities have been noted throughout the country, particularly when suburban communities and urban ghettos are compared. (See, e.g., Report of the National Advisory Commission on Civil Disorders (Bantam ed. 1968) pp. 434–436; U.S. Commission on Civil Rights, Racial Isolation in the Public Schools (1967) pp. 25–31; Conant, Slums and Suburbs (1961) pp. 2–3; Levi, *The University, The Professions, and the Law* (1968) 56 Cal. L. Rev. 251, 258–259.)

[10] Plaintiffs complaint does not specifically refer to article IX, section 5. Rather it alleges that the financing system "fails to meet minimum requirements of the . . . fundamental law and Constitution of the State of California," citing several other provisions of the state Constitution. Plaintiffs' first specific reference to article IX, section 5 is made in their brief on appeal. We treat plaintiffs' claim under this section as though it had been explicitly raised in their complaint.

[11] The complaint also alleges that the financing system violates article I, sections 11 and 21, of the California Constitution. Section 11 provides: "All laws of a general nature shall have a uniform operation." Section 21 states: "No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens." We have construed these provisions as "substantially the equivalent" of the equal protection clause of the Fourteenth Amendment to the federal Constitution. (Dept. of Mental Hygiene v. Kirchner (1965) 62 Cal.2d 586, 588.) Consequently, our analysis of plaintiffs' federal equal protection contention is also applicable to their claim under these state constitutional provisions.

[12] The other major portion is, of course, locally raised revenue; it is clear that such revenue is a part of the overall educational financing system. As we pointed out, *supra*, article IX, section 6 of the state Constitution specifically authorizes local districts to levy school taxes. Section 20701 et seq. of the Education Code details the mechanics of this process.

[13] Defendants ask us to follow Briggs v. Kerrigan (D. Mass. 1969) 307 F.Supp. 295, affd. (1st Cir. 1970) 431 F.2d 967, which held that the City of Boston did not violate the equal protection clause in failing to provide federally subsidized lunches at all of its schools. The court found that such lunches were offered only at schools which had kitchen and cooking facilities. As a result, in some cases the inexpensive meals were available to well-to-do children, but not to needy ones.

We do not find this decision relevant to the present action. Here, plaintiffs specifically allege that the allocation of school funds systematically provides greater educational opportunities to affluent children than are afforded to the poor. By contrast, in *Briggs* the court found no wealth-oriented discrimination: "There is no pattern such that schools with lunch programs predominate in areas of relative wealth and schools without the program in areas of economic deprivation." (*Id.* at p. 302.)

Furthermore, the nature of the right involved in the two cases is very different. The instant action concerns the right to an education, which we have determined to be fundamental. (See *infra.*) Availability of an inexpensive school lunch can hardly be considered of such constitutional significance.

[14] Gorman Elementary District in Los Angeles County, for example, has a total assessed valuation of $6,063,965, but only 41 students, yielding a per pupil tax base of $147,902. We find it significant that Gorman spent $1,378 per student on education in 1968–1969, even more than Beverly Hills. (Cal. Dept. of Ed., *op. cit. supra*, table IV–11, p. 90.)

We realize, of course, that a portion of the high per-pupil expenditure in a district like Gorman may be attributable to certain costs, like a principal's salary, which do not vary with the size of the school. On such expenses, small schools cannot achieve the economies of scale available to a larger district. To this extent, the high per-pupil spending in a small district may be a paper statistic, which is unrepresentative of significant differences in educational opportunities. On the other hand, certain economic "inefficiencies," such as a low pupil-teacher ratio, may have a positive educational impact. The extent to which high spending in such districts represents actual educational advantages is, of course, a matter of proof. (See fn. 16, *infra.*) (See generally Hobson v. Hansen (D.D.C. 1967) 269 F. Supp. 401, 437, affd. sub. nom. Smuck v. Hobson (D.C. Cir. 1969) 408 F. 2d 175.)

[15] "In some cases districts with low expenditure levels have correspondingly low tax rates. In many more cases, however, quite the opposite is true; districts with unusually low expenditures have unusually high tax rates owing to their limited tax base." (Legislative Analyst, Part V, *supra*, p. 8.) The following table demonstrates this relationship:

COMPARISON OF SELECTED TAX RATES AND EXPENDITURE LEVELS IN SELECTED COUNTIES, 1968–69

County	ADA	Assessed value per ADA	Tax rate	Expenditure per ADA
Alameda:				
Emery Unified	586	$100,187	$2.57	$2,223
Newark Unified	8,638	6,048	5.65	616
Fresno:				
Colinga Unified	2,640	33,244	2.17	963
Clovis Unified	8,144	6,480	4.28	565
Kern:				
Rio Bravo Elementary	121	136,271	1.05	1,545
Lamont Elementary	1,847	5,971	3.06	533
Los Angeles:				
Beverly Hills Unified	5,542	50,885	2.38	1,232
Baldwin Park Unified	13,108	3,706	5.48	577

Note: Id. at p. 9.

This fact has received comment in reports by several California governmental units. "[S]ome school districts are able to provide a high-expenditure school program at rates of tax which are relatively low, while other districts must tax themselves heavily to finance a low-expenditure program. . . . [Par.] One significant criterion of a public activity is that it seeks to provide equal treatment of equals. The present system of public education . . . in California fails to meet this criterion, both with respect to provision of services and with respect to the geographic distribution of the tax burden."

(Cal. Senate Fact Finding Committee on Revenue and Taxation, *op. cit. supra*, p. 20.)

"California's present system of school support is based largely on a sharing between the state and school districts of the expenses of education. In this system of sharing, the school district has but one source of revenue—the property tax. Therefore, its ability to share depends upon its assessed valuation per pupil and its tax effort. The variations existing in local ability (assessed valuation per pupil) and tax effort (tax rate) present problems which deny equal educational opportunity and local tax equity." (Cal. State Dept. of Ed., Recommendations on Public School Support (1967) p. 69.) (Quoted in Horowitz & Neitring, *Equal Protection Aspects of Inequalities in Public Education and Public Assistance Programs from Place to Place Within a State* (1968) 15 U.C.L.A. L.Rev. 787, 806.)

[16] Defendants contend that different levels of educational expenditure do not affect the quality of education. However, plaintiffs' complaint specifically alleges the contrary, and for purposes of testing the sufficiency of a complaint against a general demurrer, we must take its allegations to be true.

Although we recognize that there is considerable controversy among educators over the relative impact of educational spending and environmental influences on school achievement (compare Coleman, et al., Equality of Educational Opportunity (U.S. Office of Ed. 1966) with Guthrie, Kleindorfer, Levin & Stout, Schools and Inequality (1971); see generally Coons, Clune & Sugarman, *supra*, 57 Cal. L.Rev. 305, 310–311, fn. 16), we note that the several courts which have considered contentions similar to defendants' have uniformly rejected them.

In McInnis v. Shapiro (N.D. Ill. 1968) 293 F. Supp. 327, affd. mem. sub nom. McInnis v. Ogilvie (1969) 394 U.S. 332, heavily relied on by defendants, a three-judge federal court stated: "Presumably, students receiving a $1,000 education are better educated that [*sic*] those acquiring a $600 schooling." (Fn. omitted.) (*Id.* at p. 331). In Hargrave v. Kirk (M.D. Fla. 1970) 313 F. Supp. 944, vacated on other grounds sub nom. Askew v. Hargrave (1971) 401 U.S. 476, the court declared: "Turning now to the defenses asserted, it may be that in the abstract 'the difference in dollars available does not necessarily produce a difference in the quality of education.' But this abstract statement must give way to proof to the contrary in this case." (*Id.* at p. 947.)

Spending differentials of up to $130 within a district were characterized as "spectacular" in Hobson v. Hansen, *supra*, 269 F. Supp. 401. Responding to defendants' claim that the varying expenditures did not reflect actual educational benefits, the court replied: "To a great extent . . . defendants' own evidence verifies that the comparative per pupil expenditures do refer to actual educational advantages in the high-cost schools, especially with respect to the caliber of the teaching staff." (*Id.* at p. 438.)

[17] Justice Harlan, dissenting in *Griffin*, declared: "Nor is this a case where the State's own action has prevented a defendant from appealing. [Citations.] All that Illinois has done is to fail to alleviate the consequences of differences in economic circumstances that exist wholly apart from any state action. [Par.] The Court thus holds that, at least in this area of criminal appeals, the Equal Protection Clause imposes on the States an affirmative duty to lift the handicaps flowing from differences in economic circumstances." (351 U.S. at p. 34.)

[18] Numerous cases involving racial classifications have rejected the contention that purposeful discrimination is a prerequisite to establishing a violation of the equal protection clause. In Hobson v. Hansen, *supra*, 269 F. Supp. 401, Judge Skelly Wright stated: "Orthodox equal protection doctrine can be encapsulated in a single rule: government action which without justification imposes unequal burdens or awards unequal benefits is unconstitutional. The complaint that analytically no violation of equal protection vests unless the inequalities stem from a deliberately discriminatory plan is simply false. Whatever the law was once, it is a testament to our maturing concept of equality that, with the help of Supreme Court decisions in the last decade, we now firmly recognize that the arbitrary quality of thoughtlessness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme. [Par.] Theoretically, therefore, purely irrational inequalities even between two schools in a culturally homogeneous, uniformly white suburb would raise a real constitutional question." (Fns. omitted.) (*Id.* at p. 497.) (See also Hawkins v. Town of Shaw, Mississippi (5th Cir. 1971), 437 F. 2d 1286; Norwalk CORE v. Norwalk Redevelopment Agency (2d Cir. 1968), 395 F. 2d 920, 931.) No reason appears to impose a more stringent requirement where wealth discrimination is charged.

[19] One commentator has described state involvement in school financing inequalities as follows: "[The states] have determined that there will be public education, collectively financed out of general taxes; they have determined that the collective financing will not rest mainly on a statewide tax base, but will be largely decentralized to districts; they have composed the district boundaries, thereby determining wealth distribution among districts; in so doing, they have not only sorted educational-consuming households into groups of widely varying average wealth, but they have sorted non-school-using taxpayers—households and others—quite unequally among districts; and they have made education compulsory." His conclusion is that "[s]tate involvement and responsibility are indisputable." (Michelman, *supra*, 83 Harv. L. Rev. 7, 50, 48.)

[20] We recently pointed out the difficulty of categorizing *racial* segregation as either de facto or de jure. (San Francisco Unified School Dist. v. Johnson, *supra*, 3 Cal. 3d 937, 956–957.) We think the same reasoning applies to classifications based on wealth. Consequently, we decline to attach an oversimplified label to the complex configuration of public and private decisions which has resulted in the present allocation of educational funds.

[21] But in Boddie v. Connecticut, *supra*, 39 U.S. L. Week 4294, the Supreme Court held that poverty cannot constitutionally bar an individual seeking a divorce from access to the *civil* courts. Using a due process, rather than an equal protection, rationale, the court ruled that an indigent could not be required to pay court fees and costs for service of process as a precondition to commencing a divorce action.

[22] In Shapiro v. Thompson (1969) 394 U.S. 618, in which the Supreme Court invalidated state minimum residence requirements for welfare benefits, the high court indicated, in dictum, that certain wealth discrimination in the area of education would be unconstitutional: "We recognize that a state has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools." (*Id.* at p. 633.) Although the high court referred to actual exclusion from school, rather than discrimination in expenditures for education, we think the constitutional principle is the same. (See fn. 24, and accompanying text.)

A federal Court of Appeals has also held that education is arguably a fundamental interest. In Hargrave v. McKinney (5th Cir. 1969) 413 F. 2d 320, the Fifth Circuit ruled that a three-judge district court must be convened to consider the constitutionality of a Florida statute which limited the local property tax rate which a county could levy in raising school revenue. Plaintiffs contended that the statute violated the equal protection clause because it allowed counties with a high per-pupil assessed valuation to raise much more local revenue than counties with smaller tax bases. The court stated: "The equal protection argument advanced by plaintiffs is the crux of the case. Noting that lines drawn on wealth are suspect [fn. omitted] and that we are here dealing with interests which may well be deemed fundamental, [fn. omitted] we cannot say that there is no reasonably arguable theory of equal protection which would support a decision in favor of the plaintiffs. [Citations.]" (*Id.* at p. 324.)

On remand, a three-judge court held the statute unconstitutional because there was no rational basis for the discriminatory effect which it had in poor counties. Having invalidated the statute under the traditional equal protection test, the court declined to consider plaintiffs' contention that education was a fundamental interest, requiring application of the "strict scrutiny" equal protection standard. (Hargrave v. Kirk, *supra*, 313 F. Supp. 994.) On appeal, the Supreme Court vacated the district court's decision on other grounds, but indicated that on remand the lower court should thoroughly explore the equal protection issue. (Askew v. Hargrave (1971) 401 U.S. 476.)

[23] Defendants contend that these cases are not of precedential value because they do not consider education in the context of wealth discrimination, but merely in the context of racial segregation or total exclusion from school. We recognize this distinction, but cannot agree with defendants' conclusion. Our quotation of these cases is not intended to suggest that they *control* the legal result which we reach here, but simply that they eloquently express the crucial importance of education.

[24] Cf. Reynolds v. Sims (1964) 377 U.S. 533, 562–563, where the Supreme Court asserted that the right to vote is impaired not only when a qualified individual is barred from voting, but also when the impact of his ballot is diminished by unequal electoral apportionment: "It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. . . . Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. . . . One must be ever aware that the Constitution forbids 'sophisticated as well as simple-minded modes of discrimination.' [Citation.]" (Fn. omitted.)

[25] The sensitive interplay between education and the cherished First Amendment right of free speech has also received recognition by the United States Supreme Court. In Shelton v. Tucker (1960) 364 U.S. 479, the court declared: "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." (*Id.* at p. 487.) Similarly, the court observed in Keyishian v. Board of Regents (1967) 385 U.S. 589, "The classroom is peculiarly the 'market place of ideas.' The Nation's future depends upon leaders

trained through wide exposure to [a] robust exchange of ideas . . ." (*Id.* at p. 603.) (See also Tinker v. Des Moines School Dist. (1969) 393 U.S. 503, 512; Epperson v. Arkansas (1968) 393 U.S. 97.)

[26] The uniquences of education was recently stressed by the United States Supreme Court in Palmer v. Thompson (1971) 39 U.S. L. Week 4759, where the court upheld the right of Jackson, Mississippi to close its municipal swimming pools rather than operate them on an integrated basis. Distinguishing an earlier Supreme Court decision which refused to permit the closing of schools to avoid desegregation, the court stated: "Of course that case did not involve swimming pools but rather public schools, an enterprise we have described as 'perhaps the most important function of state and local governments.' Brown v. Board of Education, *supra,* at 493." (*Id.* at p. 4760, fn. 6.) This theme was echoed in the concurring opinion of Justice Blackmum, who wrote: "The pools are not part of the city's educational system. They are a general municipal service of the nice-to-have but not essential variety, and they are a service, perhaps a luxury, not enjoyed by many communities." (*Id.* at p. 4762.)

[27] In this context, we find persuasive the following passage from Hobson v. Hansen, *supra,* 269 F. Supp. 401, which held, inter alia, that higher per-pupil expenditures in predominantly white schools than in black schools in the District of Columbia deprived "the District's Negro and poor public school children of their right to equal educational opportunity with the District's white and more affluent public school children." (*Id.* at p. 406.)

"If the situation were one involving racial imbalance but in some facility other than the public schools, or unequal educational opportunity but without any Negro or poverty aspects (e.g., unequal schools all within an economically homogeneous white suburb), it might be pardonable to uphold the practice on a minimal showing of rational basis. But the fusion of these two elements in *de facto* segregation in public schools irresistably calls for additional justification. What supports this call is . . . the degree to which the poor and the Negro must rely on the public schools in rescuing themselves from their depressed cultural and economic conditions. . . ." (*Id.* at pp. 508.) Although we realize that the instant case does not present the racial aspects present in *Hobson,* we find compelling that decision's assessment of the important social role of the public schools.

[28] *Salsburg* upheld a Maryland statute which allowed illegally seized evidence to be admitted in gambling prosecutions in one county, while barring use of such evidence elsewhere in the state. But when *Salsburg* was decided, the Fourth and Fourteenth Amendments had not yet been interpreted to prohibit the admission of unlawfully procured evidence in state trials. (Mapp v. Ohio (1961) 367 U.S. 643.) Consequently, the Supreme Court in *Salsburg* treated the Maryland statute as simply establishing a rule of evidence, which was purely procedural in nature. (346 U.S. at p. 550; see pp. 554–555 (Douglas, J., dissenting).)

In *Watson* we rejected a constitutional attack on a statute which required special duties of the tax assessor in counties with a population in excess of four million, even though we recognized that only Los Angeles County would be affected by the legislation. In both cases, the courts simply applied the traditional equal protection test and sustained the provision after finding some rational basis for the geographic classification.

[29] Defendants also claim that permitting school districts to retain their locally raised property tax revenue does not violate equal protection because "[t]he power of a legislature in respect to the allocation and distribution of public funds is not limited by any requirement of uniformity or of equal protection of the laws." As an abstract proposition of law, this statement is clearly overbroad. For example, a state Legislature cannot make tuition grants from state funds to segregated private schools in order to avoid integration. (Brown v. South Carolina State Board of Education (D.S.C. 1968) 296 F.Supp. 199, affd. mem. (1968) 393 U.S. 222; Poindexter v. Louisiana Financial Assistance Commission (E.D. La. 1967) 275 F.Supp. 833, affd. mem. (1968) 389 U.S. 571.) The cases cited by defendants are inapplicable in the present context. Neither Hess v. Mullaney (9th Cir. 1954) 213 F.2d 635, cert. den. sub nom. Hess v. Dewey (1954) 348 U.S. 836, nor Gen. Amer. Tank Car Corp. v. Day (1926) 270 U.S. 367 involved a claim to a fundamental constitutional interest, such as education. (See Coons, Clune & Sugarman, supra, 57 Cal.L. Rev. at p. 371, fn. 184.)

[30] In support of this contention, defendants cite the following quotation from MacMillan Co. v. Clarke (1920) 184 Cal. 491, 500, in which we upheld the constitutionality of a statute providing free textbooks to high school pupils: "[T]he free school system . . . is not primarily a service to the individual pupils, but to the community, just as fire and police protection, public libraries, hospitals, playgrounds, and the numerous other public service utilities which are provided by taxation, and minister to individual needs, are for the benefit of the general public." Whatever the case as to the other services, we think that in this era of high geographic mobility, the "general public" benefited by education is not merely the particular community where the schools are located, but the entire state.

[31] We note, however, that the Court of Appeals for the Fifth Circuit has recently held that the equal protection clause forbids a town to discriminate racially in the provision of municipal services. In Hawkins v. Town of Shaw, Mississippi, *supra,* 437 F.2d 1286, the court held that the town of Shaw, Mississippi had an affirmative duty to equalize such services as street paving and lighting, sanitary sewers, surface water drainage, water mains and fire hydrants. The decision applied the "strict scrutiny" equal protection standard and reversed the decision of the district court which, relying on the traditional test, had found no constitutional infirmity.

Although racial discrimination was the basis of the decision, the court intimated that wealth discrimination in the provision of city services might also be invalid: "Appellants also alleged the discriminatory provision of municipal services based on wealth. This claim was dropped on appeal. It is interesting to note, however, that the Supreme Court has stated that wealth as well as race renders a classification highly suspect and thus demanding of a more exacting judicial scrutiny. [Citation.]" (*Id.* at p. 1287, fn. 1.)

[32] The United States Commission on Civil Rights has stated that "[i]t may well be that the substantial fiscal and tangible inequalities which at present exist between city and suburban school districts . . . contravene the 14th amendment's equal protection guarantee." Relying on the quotation from Brown v. Board of Education, *supra,*—" 'where a State provides education, it must be provided to all on equal terms' "—the commission concluded that this passage "would appear to render at least those substantial disparities which are readily identifiable—such as disparities in fiscal support, average per pupil expenditure, and average pupil-teacher ratios—unconstitutional." The commission also cited the reapportionment decisions and Griffin v. Illinois, *supra,* concluding, "Here, as in *Griffin,* the State may be under no obligation to provide the service, but having undertaken to provide it, the State must insure that the benefit is received by the poor as well as the rich in substantially equal measure." (U.S. Commission on Civil Rights, *op. cit. supra,* p. 261 fn. 282.)

[33] The plaintiffs in *Burruss* attacked the constitutionality of the Virginia school financing scheme. The decision of the district court, which dismissed their complaint for failure to state a claim, was cursory, containing little legal reasoning and relying on McInnis v. Shapiro for precedent. Consequently, the parties to the instant action have centered their discussion on *McInnis,* and we follow suit.

[34] Although the Supreme Court affirmed the *McInnis* decision, rather than dismissing the appeal, Currie's statement is probably entirely applicable anyway. In upholding decisions of lower courts on appeal, the Supreme Court "will affirm an appeal from a federal court, but will dismiss an appeal from a state court 'for want of a substantial federal question.' Only history would seem to justify this distinction. . . ." (Stern & Gressman, Supreme Court Practice (4th ed. 1969) at p. 233.)

[35] Summary disposition of a case by the Supreme Court need not prevent the court from later holding a full hearing on the same issue. The constitutionality of compulsory school flag salutes is a case in point. For three successive years—in Leoles v. Landers (1937) 302 U.S. 656; Hering v. State Board of Education (1938) 303 U.S. 624; and Johnson v. Deerfield (1939) 306 U.S. 621—the Supreme Court summarily upheld lower court decisions which ruled such requirements constitutional. The very next year the high court granted certiorari in Minersville District v. Gobitis (1940) 310 U.S. 586, thereby providing for oral argument and a full briefing of the issue. Although in *Gobitis* it adhered to its earlier per curiam decisions, three years later the court reversed its position and ruled such requirements invalid. (Board of Education v. Barnette (1943) 319 U.S. 624.)

[36] The plaintiffs in *Burruss* also relied on an "educational needs" standard in their attack on the Virginia school financing scheme, causing the district court to remark: "However, the courts have neither the knowledge, nor the means, nor the power to tailor the public moneys to fit the varying needs of these students throughout the State." (310 F. Supp. at p. 574.)

[37] In a comprehensive article on equal protection and school financing, three commentators have stated: "The meaning of McInnis v. Shapiro is ambiguous; but the case hardly seems another Plessy v. Ferguson. Probably but a temporary setback, it was the predictable consequence of an effort to force the court to precipitous and decisive action upon a novel and complex issue for which neither it nor the parties were ready. . . . [T]he plaintiffs' virtual absence of intelligible theory left the district court bewildered. Given the pace and character of the litigation, confusion of court and parties may have been inevitable, foreordaining the summary disposition of the appeal. The Supreme Court could not have been eager to consider an issue of this magnitude on such a record. Concededly its per curiam affirmance is formally a decision on the merits, but it need not imply the Court's permanent withdrawal from the field. It is probably most significant as an admonition to the protagonists to clarify the options before again invoking the Court's aid." (Coons, Clune & Sugarman, *supra,* 57 Cal. L. Rev. at pp. 308–309.)

The Supreme Court's willingness to order a full hearing by a federal district court on the issues raised in Hargrave v. Kirk (see Askew v. Hargrave, *supra,* 401 U.S. 476), indicates to us that it does not consider the applicability of the equal protection clause to educational financing foreclosed by its decisions in *McInnis* and *Burruss*.

[38] Although plaintiff parents bring this action against state, as well as county, officials, it has been held that state officers too may be sued under section 526a. (Blair v. Pitchess, *supra*, 5 Cal. 3d —; California State Employees' Assn. v. Williams (1970) 7 Cal. App. 3d 390, 395; Ahlgren v. Carr (1962) 209 Cal. App. 2d 248, 252–254.)

LARRY ROBINSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. STOKES. Mr. Speaker, it is always a pleasure to recognize someone for outstanding efforts in civic affairs. Larry Robinson, president of the Cleveland-based J. B. Robinson Jewelers, devotes countless hours to worthwhile public projects. Most recently, he used some of his radio advertising time to publicize the fundraising drive of the free clinic, a program making a real impact on the drug problem in our community. The following article, which appeared recently in a Cleveland newspaper, justly praises Larry for his civic achievements:

Happily, He Will Stay: A Look at Larry Robinson

It is dawn and the dark-haired businessman is on the road early. There is a 40-minute ride to Cleveland Hopkins International Airport and then an hour-long flight to Washington D.C. At 8:30 a.m., Larry Robinson is ready for the first of many appointments in the nation's capital.

First there is a visit to the National Foundation for Performing Arts on behalf of the Cleveland Institute of Music. This is followed by a meeting with Under-Secretary of Commerce James T. Lynn to discuss Cleveland problems and to win from him acceptance for a City Club speaking date.

Next, Robinson visits two new Washington jewelry stores to get ideas for his rapidly expanding chain. The day's activities are concluded with a discussion of Cleveland's confused mayoral race with one of the area's congressmen and a conversation with a member of U.S. Sen. Ted Kennedy's staff.

His schedule completed, Robinson heads for Cleveland, arriving at his Shaker Heights home in time to chat with his wife, Barbara, and three children, before bedtime.

Larry Robinson isn't on the road every day, but the pace of his visit to Washington is somewhat typical of that he maintains in Cleveland or out of the city. And the range of his activities typifies what Robinson is—successful businessman, civic leader, patron of the arts and confidant of governmental officeholders.

Robinson, 42, is best known as the president and radio voice of J. B. Robinson Company Jewelers, which has five stores in Ohio, and soon will have two more, including a new unit in Southgate Shopping near Warrensville Rd. and Union Commerce Bank, and his second Columbus store. The Southgate store will open by early August.

A day never goes by without his being heard on one of 14 radio stations in Cleveland, Akron and Columbus, talking about fine diamonds, watches and jewelry.

It has been Robinson's soft-sell approach and his penchant for delivering exactly what he promises that has helped make J. B. Robinson Company Jewelers one of the fastest growing chains in the country.

Robinson first began to make an impact on the Cleveland scene little more than 10 years ago. He had completed four years on the Harvard Business School faculty, where he had obtained a doctorate in business administration, and was working for the wealthy Crown Family in Chicago, when his father died, leaving him a jewelry wholesaling business in downtown Cleveland.

The business hardly seemed appropriate for a young executive in a large corporation. "No one," recalls Robinson, "advised me to abandon the executive suite except for an 80-year-old diamond dealer and one uncle. Both thought it was more rewarding to be in business for yourself. I agreed."

Robinson decided that wholesaling had a limited future in Cleveland. He decided to emphasize the retail business.

"We did it with only one rule," he says, "to try to understand what customers want and to satisfy those desires."

The extent to which he has succeeded is measured in the growth of his company. J. B. Robinson Company has increased its volume more than tenfold in the 12 years since Larry Robinson assumed its leadership.

With his company well along the road to success in the mid-1960's, Robinson also turned his considerable talents toward civic involvement.

"The businessman is always solving problems," Robinson explained. "I felt that people skilled at solving problems professionally might become more involved in solving problems of the city and state."

He plunged headlong into activities at the Cleveland Welfare Federation. As a result of efforts there, Robinson joined in campaigns to get better people in political office and to get better acquainted with those in office "so there was someone you could see when attention has to be drawn to a problem of Greater Cleveland."

Robinson's enthusiastic approach toward civic affairs caught the eye of other organizations and his involvement began to mushroom. Today, he is a trustee and committee chairman of the Greater Cleveland Growth Association, vice president of the Cleveland Institute of Music, City Club board member, a member of the Health Planning and Development Commission of the Cleveland Welfare Federation and also of the Criminal Justice Coordinating Council. He also serves as a director of the Cleveland Convention and Visistors Bureau.

During these activities and many others, he has found time to host a conversation series on WVIZ–TV, to lecture on urban affairs at several college campuses or to walk a university campus and "rap" with students during a period of tension.

A story that illustrates the depth of Robinson's involvement in the problem of the city and its people occurred during the Glenville incident in the summer of 1968.

Robinson was at City Hall, manning a telephone in the mayor's office, marshalling efforts in the business community, when a resident of the Glenville area called. She was frantic. The power was out. There were no lights. Her mother was ill and needed medication. Her father was deaf. The police were busily engaged with the disturbance and the local utility couldn't find anyone willing to risk the trip.

Larry Robinson is no electrician. But he made the trip and replaced a faulty fuse for the family.

Despite his sometimes frantic pace, Robinson makes time so that he can enjoy his growing family. His wife, Barbara, is a classical pianist who has soloed with The Boston Pops Orchestra. Daughter Lisa, 14, is a Junior Olympic horseback rider and racing skiier. Two boys, John, 10, and James, 8, round out the family.

As one Cleveland newspaper pointed out in an editorial a few years ago: "Cleveland is on the go, but it will remain so only if Robinson's type stay on the job."

Just a few weeks ago, Larry Robinson was offered an attractive position as president of a large retailing chain. It would have meant his leaving Cleveland.

Happily, he decided to stay.

THE MILITARY ORDER OF THE WORLD WARS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HOSMER. Mr. Speaker, the Military Order of the World Wars is one of the Nation's oldest and most seasoned organizations of veterans. There follows extracts from resolutions enacted by the order at its recent national convention:

Resolutions

The National Convention of the Military Order of the World Wars actively support legislation which will continue the Selective Service System for at least two years to provide for National Commitments; and,

The Military Order of the World Wars, in national convention assembled, do hereby call upon President Richard M. Nixon to recognize and relieve the great and growing concern, not only of The Military Order of the World Wars, but of all citizens who love the United States and hope to see it survive as a free nation, by clearly re-stating the national goals of the United States in the inspiring terms of the great principles and moral values upon which the nation was founded. We call upon him further to forcefully assert and demonstrate his constitutional powers and his authority and responsibility as our national leader, by commencing and carrying out a vigorous and fully adequate program of strong military preparedness and national defense, starting with the rebuilding of national morale, pride and patriotism, and continuing with the immediate building of whatever modern military equipment and trained forces are required to positively assure this nation of a secure future in the world.

The Military Order of the World Wars, in national convention assembled, do hereby voice our condemnation of any and all wars or military operations by the armed forces of our nation which are not planned and designed to produce a military victory for the United States. We hereby state to our present national leadership and to our future leadership that as to any future military crisis for our nation, if we are not committed to win, we should not be committed at all.

The Military Order of the World Wars, in national convention assembled, do strongly urge the Congress of the United States to provide Federal funds for the support of junior ROTC programs in high schools, sufficient to cover the cost of such programs, with the proviso that schools receiving such financial assistance must grant academic credit for ROTC participation.

The Military Order of the World Wars meeting in national convention August 23–27, 1971 in Seattle, Washington, praises and commends Mr. Hoover for the faithful leadership and guidance he has given to the F.B.I. It expresses its appreciation for the outstanding accomplishments and services which members of the F.B.I. have rendered to our Nation. Further, the Order condemns those who seek Mr. Hoover's removal and the dissolution of the Bureau.

FINANCING URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

FINANCING URBAN TRANSPORTATION

(By Alvin C. Rice)

I think it says something about urban transportation in our lives to note the brood of latter day folk sayings we've already hatched on this subject. For example, there's: "Scratch an urban planner and you'll find a blueprint for a subway." Or, how about—"A man will divorce his wife, but never his automobile."

The urban transportation problem is with us. It's embedded in our conscious—and our sub-conscious. We obviously can't ignore it as we have. More to the point—good urban transportation requires huge financial outlays—and it is extremely difficult to locate the necessary resources.

Though—due to limits of time and knowledgeability—I'm going to talk only about financing urban transportation in the United States, I hope that my comments will have relevance for interested persons from outside this country. Since we're anticipating a time when four-fifths of the people in industrial nations will live in cities, we're all going to have to share any information available which can limit pollution and congestion in our cities, as well as move people more efficiently through this urban tangle.

Though estimates of the cost of urban transportation in the 1970's vary greatly, a study prepared by the Urban Mass Transportation Administration places ten-year requirements for the United States at between 28 billion and 34 billion dollars, an estimate higher than the average, but pretty realistic. (In this regard, remember the good old days when the 60 billion dollar Interstate Highway Program was supposed to cost 34 billion?) . . . In other words beware the hazards of inflation.

So where will we get the billions of dollars for adding new transportation facilities or renovating old systems? The money needed not just to get commuters to and from the city, but to transport them in a way that doesn't harm the environment. After all, since transit companies in the United States may lose more than a third of a billion dollars—360 million—in 1971, it is clear that urban transit cannot finance its own urgently-needed modernization.

Thus far, the most common method of financing has been the general obligation bond. For instance, this type of bond financing was the only feasible method for the San Francisco Bay Area Rapid Transit District. Traffic on the established transit utilities was declining, and responsible investors would not consider transit revenue bonds for the project as a whole.

The voters of the Bay area approved 792 million dollars in general obligation bonds in 1962. However, in the intervening 10 years before completion in 1972, the system had to use an additional 180 million dollars from surplus bridge tolls for the trans-bay tube, seventy-eight million from revenue bonds for the purchase of rolling stock, 114 million dollars from federal demonstration and capital construction grants, and 150 million dollars from a half-cent increase in sales taxes in the three-county area served by BART.

The total cost of about 1.4 billion dollars, one-third higher than the package originally approved by the voters, had to be financed with a combination of methods. It was true in San Francisco, and it will be true in other places (as voter bond rejections in Seattle and Los Angeles show) that though general obligation bonds are the cheapest method of financing, this method will not always be possible. And even where bonds are passed—support from motorist charges, sales taxes or other special tax media will be needed to prevent excessive burdens on realty taxpayers.

Also, as tax-conscious communities become more hesitant about bond issues, and investors, wary of inflation, hesitate to put money into bonds—Federal and State governments are being called on more frequently to foot a bigger part of the bill for necessary urban transportation.

Until recently, the provision of transit was thought to be a local matter. Local government would take over if private enterprise failed (which it did). If public subsidy was needed it was to come from local taxes.

In 1964, the Federal Government first inaugurated a modest program of grants for urban mass transportation. From 1964 to 1970, capital transit grants from the Federal Government totaled only $681 million; but from 1970 to 1982, ten *billion* dollars has been alloted, with additional legislative proposals being constantly introduced.

It is likely that the Federal Government will have to come up with some 50 per cent of the money necessary for urban transportation. So the questions now are "How can we provide this Federal money in an efficient and fair way, and how can state and local governments produce their shares of the funds?"

I venture three suggestions:

One—We must educate the public.

Two—We must encourage flexibility in reactions by financial institutions and governments who are trying to solve the problems.

And Three—We must strive for a more equilateral division of the Federal Highway Trust Fund.

First—financial education. *The difficulty experienced by local officials in recent years in obtaining voter approval has often been due to communications failure.* It will do no good to come up with technological wonders if people will not use the net results—or vote to finance those results. And part of any successful marketing campaign has to emphasize the expense of automobile travel—how much it costs in personal income and working time lost, in insurance costs, in deaths.

It is necessary to improve awareness of public officials, civic leaders and the public generally as to the need for priority action in public transportation. Each of us should know that it costs 5 million dollars to build one lane of urban expressway one mile—a lane which would not have to be built if there were fewer commuter cars. The cost of not building rapid transit systems has to be drilled home.

The commuter railroad reaching from Camden, New Jersey, to Philadelphia has actually succeeded in taking 1,900 vehicles off the roads during rush hour. People have left their cars at home—or in the Lindenwold Line's parking lots. The public relations benefits from such a success story cannot be underestimated—especially since the line is somewhat of a financial success.

Speaking of financial success brings me to my second point. *Government and banks must be flexible in financing urban transportation.* For instance, in Los Angeles, where voters turned down a bond issue for rapid transit—perhaps a combination of equipment leasing, gradual building beginning with busways, development of a strong regional transportation authority, and the inflow of federal grants can eventually provide badly-needed public transportation. In a city where a shrewd entrepreneur can start a car pool for maids charging them eight dollars a day each for travel to their jobs—something has to be done.

Financing possibilities are endless and must all be considered. Potential methods of subsidy are grants-in-aid, loans, contractual use of facilities, guarantees of indebtedness, tax exemptions, tax relief, leasing of equipment or public ownership. Tax incentives, a consortium approach, or public-private corporations are other variations in development of urban transportation. And factors such as an occasionally upset bond market must be considered.

Flexibility in financing plans to meet the varying needs of an operation system is necessary, always keeping in mind investor requirements. Ease of debt occurrence and limitations thereon should be tailored to meet local practices, but should not be so complicated that acceptance is damaged.

Alternative methods of financial support, in addition to the fare box, should be explored to lessen the financial impact, spread the burden to parties affected in every way (such as real estate booms), and produce the most economic result.

Joint exercise of powers must be developed so that highways, freeways, bridges and tunnels owned and operated by other agencies can be used wholly or in part to reduce costs and borrowing needs.

And now—my third and final point. With urban planners everywhere trying to break the vicious cycle of more cars and declining public transport by subsidizing urban transit at motorists' expense (as is the case when bridge tolls subsidize the Lindenwold)—it is totally illogical for the U.S. Highway Trust Fund—and for state gasoline taxes—not to help finance urban transportation.

For instance, President Nixon has proposed a special revenue sharing program for transportation creating a separate 525 million dollar annual fund for use by state and local governments for mass transit. This proposal also includes a two billion dollar annual "revenue sharing" account for use on transportation projects of any kind, which could include mass transit, at the discretion of state and local government officials. These funds would come from the Highway Trust Fund and the general treasury.

It is irrational—with a total of $1.7 billion dollars in the Trust Fund allocated for 1972—that only 475 million dollars was assigned for urban expenditure. Though urban roads account for only 10 per cent of the highways in the country, half of the cars in the United States on the road at any one time are in urban areas. Urbanization—and congestion—are increasing all the time.

Logic demands that taxes on the world's automobile users should go to aid the most heavily traveled areas. Vehicle-related tax monies should help finance congestion-reducing mass transit. In a time when we've realized the necessity of paying to clean up the world—people who add to pollution should assist in eliminating these problems.

SENSELESS LOSS OF A GOOD MAN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. YATRON. Mr. Speaker, a tragic loss has been felt not only in Washington but in Reading, Pa., because Mr. Robert Aleshire is no longer with us. His life was taken on the streets of Washington, a victim of a senseless violent act.

Words will never adequately express his loss, or the contributions he might have continued to make had he not succumbed at a tragically early age.

At this point in the RECORD, I insert a column, which appeared in the Reading

Times on August 23, 1971, written by Mr. Dale Cloutier, in memory of Mr. Aleshire:

SENSELESS LOSS OF A GOOD MAN

(By Dale Cloutier)

Robert A. Aleshire was a dynamic, charismatic, and sometimes seemingly indestructible man who inspired people. He was loved and respected by many. Now he's dead, the victim of a senseless violent act in the jungle our nation's capital has become. The tragedy has left his countless friends drenched with sadness.

To them, the loss is not only immeasurable, but unbelievable.

Bob was a man of many abilities. Although he was cut down on the threshold of what probably would have been his best years, the 29-year-old former director of the local Economic Opportunity Council and the Reading Model Cities Agency, who left Berks County in 1969 for bigger things in Washington, D.C., had already gone further up the ladder of success than most people do in a lifetime. At the time of his death he was a top executive with a national research and consulting firm.

He had his critics—people who said he manipulated others like pawns in a chess game and never stayed in any job long enough to accomplish great things. But his supporters, intensely loyal, numbered far more.

"I think he was a genius," one of Aleshire's former aides said. "He was a cut above everyone else.

"He inspired people because he worked hard and because of his great knowledge."

Aleshire did have a brilliant mind and a tremendous working knowledge of all levels of government, plus a great amount of energy and the ability to keep on top of six things at once. He had a forceful personality and he knew how to convince people.

"Had he lived he might have wound up in a President's cabinet one day," one friend said.

Others knew that Bob loved Reading and they felt he might have returned one day to the local public arena to face new challenges.

But no matter where he might eventually have gone, one thing is certain: he would have continued to put his talents to use helping his country in some way.

For, as he told the freshman class at Albright College three years ago: "You cannot expect to live in an academic cocoon and pursue only personal concerns. We must all pursue national and community concerns if our democracy is to survive and prosper."

Bob believed that, and he did his share. He will be missed.

UNIVERSAL VOTER REGISTRATION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIKVA. Mr. Speaker, I am pleased to reintroduce, along with 14 of my colleagues from both sides of the aisle, the Universal Voter Registration Act.

This proposal for the automatic registration of all citizens to vote in Federal elections was first introduced in August as H.R. 10442. Similar bills have been introduced in the Senate by Senators HUMPHREY and KENNEDY. All of these bills operate from the same premise—that citizens should not be discouraged from participating in the electoral process, and that present voter registration systems which stand as a hindrance to full voter participation must be replaced.

The Universal Voter Registration Act which I have reintroduced today ties voter registration to registration for social security. Anyone who is registered with social security, or who registers in the future, will automatically be issued a Federal voter registration card entitling him or her to vote in all Federal elections. Persons who do not register with social security could register to vote simply by mailing to the Social Security Administration a post card containing a sworn statement as to the registrant's age and address. The massive computer facility maintained by the Social Security Administration would be employed to check for fraud and to produce up-to-date registration lists for the States and localities.

Senator KENNEDY's bill would create a new department within the Census Bureau to administer his automatic voter registration scheme. Senator HUMPHREY would employ the Internal Revenue Service. The means varies, but the end is the same—universal voter registration, and universal voter participation.

The Senate Committee on Post Office and Civil Service has announced that hearings will be held on these various voter registration proposals commencing October 5. This will provide us with an opportunity to determine which administrative technique offers the most promise of achieving our common goal. It is my hope that swift action in the Senate and the House will follow.

THE 24TH ANNIVERSARY OF THE EXECUTION OF BULGARIAN NATIONAL HERO NIKOLA PETKOV

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ALBERT. Mr. Speaker, today is the 24th anniversary of the execution of one of Eastern Europe's great martyrs to freedom, the Bulgarian national hero, Nikola Petkov. I take this time to salute his gallantry and to bring hope to the millions who work behind the Iron Curtain for that longed-for day when the Bulgarian people will once again be free.

Nikola Petkov was the last in a long family line of leaders of Bulgarian democratic movements. He first distinguished himself as a member of the Bulgarian underground resistance against the Fascists during World War II. When the war ended, as head of the Bulgarian Agrarian Party, he first collaborated with the Communists, believing that the terms of the Yalta agreement would guarantee the survival of opposition parties in Eastern European countries which came under Soviet hegemony. But he soon learned that the Russian goal in Bulgaria, as in all of that part of Europe, was to subordinate local self-determination to the complete will and tyranny of the Kremlin.

With this realization Petkov became the spokesman of the opposition party and fearlessly campaigned against the Communists and their puppet Bulgarian candidates in the 1946 elections for the Constituent Assembly. Ignoring direct threats against his life, he continued his demands for independence in debates in the assembly, carrying his advocacy of Bulgarian self-determination to the point where he was arrested in 1947 and his party dissolved.

Petkov fought valiantly at his trial, in which he was falsely accused of conspiracy against the state, which of course meant opposition to Soviet domination of Bulgaria. He was sentenced to die and was hanged on September 23, 1947, refusing to recant or retract his views. He thus became a martyr to the cause of independence and a symbol of the hopes of the freedom-loving Bulgarian people. It is fitting that his fame survives in his long-suffering country today, and that we should keep that memory alive as we, too, look forward to the unshackling of the captive nations of Eastern Europe. Our continuing moral support for this goal, and our diplomatic efforts, must continue to be bent toward this end. The enslavement of great peoples must be ended, so that freedom will be a reality throughout the world. Nikola Petkov's reputation for courage and patriotism is a monument to this cause.

BEHIND THE DEATH OF A PAPER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ASHBROOK. Mr. Speaker, on a number of occasions in the past I have inserted material in the CONGRESSIONAL RECORD from the Government Employees Exchange, whose editor-publisher, Mr. Sidney Goldberg published his last issue in November 1969. During the course of existence since 1947 the Exchange had received many commendations from Government officials for its service on behalf of its Federal employee readers. In the late 1960's the Exchange began featuring specific information on cases of Federal employees whose experiences with agencies of the Federal Government demonstrated unfair practices perpetrated by Federal officials upon employees whose individuality and forthrightness rendered them persona non grata to the ruling cliques. Other exposés dealing with abuses in Federal circles appeared in the Exchange, information not available in other segments of the communications media.

I have seen no explanation for the demise of this crusading newspaper in the press until the August 20, 1971, issue of Tactics appeared. Tactics, for those not familiar with the publication, is published by Mr. Edward Hunter, an expert in psychological warfare, a witness before a number of congressional committees and, incidentally, the author of the term "brainwashing."

I insert at this point excerpts from the above-mentioned issue of Tactics entitled "Behind the Death of a Paper":

Exposed Net of Spies, Vice, Insecuritys Behind the Death of a Paper

(By the Insider)

A tabloid weekly named The Government Employees' Exchange started publishing in Washington, D.C., in August, 1947. Its exclusive concern was with the interests of prospective and actual federal employees. All information pertaining to employment in the government service was considered its specialized area by the publisher, Sidney Goldberg. He himself had been in government service during the previous five years, after some years as a journalist and as a "newspaper doctor" in various parts of the United States.

All went well with the paper during the first 15 years, while the paper concentrated on the structure of government and its staffing. The focus was on service to readers by providing employment data, and explaining regulations, job policies and procedures.

Articles, in cooperation with the federal officials involved, contributed to the passage of the federal employes' salary reform act of 1962, signed by President Kennedy. The same year he signed an executive order recognizing various categories of government employe unions.

All these years were smooth sailing. After these bills were passed, the paper shifted its focus somewhat from broad, overall employment and working conditions to in-depth analysis within the government agencies and bureaus, including the role and status of specific employes. The paper no longer opposed sin as just a generalized evil, but pinpointed specific sins.

"INVASION OF PRIVACY" ISSUE

He continued close collaboration with government personalities, and together they came forth with the issue of "invasion of privacy." This referred, for instance, to excessively intimate questioning of job applicants, as of some 19-year old typist questioned by a psychiatrist regarding her Freudian sex habits. Except for minor remonstrances by some government officials, all continued to go well.

Unexpectedly, though, this opened up a pandora's box of issues and grievances which gradually involved the whole area of national security. Goldberg had begun with the normal liberal approach, not suspecting that his specialized area of federal employment might broaden from the working conditions of the ordinary individual to operating conditions, controls and policies on security matters that determine the survival of a nation. Yet this is what happened.

Hitherto, about the most dramatic of the issues be came up against was to discover the unbridled use of classified base directors put out by each government office, including the most sensitive, for normal convenience. He originally saw this as only a domestic matter of the misuse of such material for private advantage. Its international ramifications were slow in dawning upon him, until he recognized that these directories, contained information invaluable to any unfriendly power.

A State Department functionary one day informed Goldberg of several grievance cases in the foreign service. These presented themselves to him merely as employee-management differences. But before he knew it, they had developed into most crucial issues of national security involving international intrigue and our defense against such complots and infiltration. The Government Employees Exchange, withal its noncommittal name and the liberal outlook of its publisher-editor, found itself confronting the most sensitive part of the cold-hot (psychological) war in which the United States was engaged, despite itself.

Its ramifications seemed open-ended, spreading from the State Department to the Pentagon and the Department of Commerce and practically all government agencies. Naively, although patriotically, he found himself running a crusading newspaper, while trying to retain the publication's original character.

What had appeared to be only trade union grievance cases proved, when investigated in depth, to be national security affairs. The central figures who were being relentlessly squeezed out of jobs (the State Department euphemism was "selected out"), and were being persecuted in Iron Curtain manner were guilty of no more than reasonable adherence to regulations defining job descriptions, or had been tactless enough in reports to correctly project and analyze communist expansion, infiltration and conspiratorial plans against the United States. The roof fell in on them for this, as it was ultimately to fall in upon the Government Employees Exchange.

Practically the first such case was that of Stephen A. Koczak, to which columns of space was given.

"The Federal Spotlight," a column on government employes by Joseph Young in the Washington Star of Dec. 9, 1966 declared: "But it wasn't until recently, when a series of articles in the Government Employees Exchange, a biweekly newspaper edited by Sidney Goldberg, disclosed the facts in the case, that Koczak made any headway."

Koczak had alerted security officials regarding suspicious activities at our Warsaw embassy. A tip of this sort, through channels, if followed through, could have put an end to the horrible "sex and spy" scandal that flourished there during the ambassadorship of Jacob D. Beam, who now heads our diplomatic mission in Moscow. Koczak also had alerted Washington to the communist project to build a Berlin Wall in time for simple diplomatic action to have nipped it in the bud.

In reward, Koczak was eased out of his job.

The paper soon found itself immersed in the case of Otto F. Otepka, the conscientious security chief whom the State Department tried to fire because he refused to violate the law by letting notorious security risks be put quietly onto the department's payroll.

Goldberg's focus was on the civil rights aspects of these cases. The Koczaks and the Otepkas were being deprived of fair hearing supposedly guaranteed under agency procedures and the law. Fair hearings would have brought out the calculated wreckage of our security services in government, with the anti-communist dealt with as if he were the security risk, not the red. What was popularly called "McCarthyism" was being practiced in reverse.

ECONOMICS ALSO MANIPULATED

The ramifications of these cases, as they unfolded, were seen to extend into our economic life. International cartels, infiltrated for objectives hostile to our way of life, were deeply involved. They studiously exploited conflicts in which the United States was a part. They cynically crossed all border, race and religious lines in their composition and operations.

Among the cases taken up in depth by the paper included that of Richard Meechan, Panama Canal Zone police officer summarily fired for expressing his opposition in writing to the employment of Panamanians in what originated as an all-U.S. operation. He won his case in about eight years, being awarded back pay except for the period of a 90-day suspension.

Another case dealt with crusadingly was that of Charles F. Olson, with 20 years experience in the general field of electronics and electro-mechanics. He had an Army assignment to bird-dog its contracts, from each phase of production to shipment overseas.

He reported the sloppy condition of material sent to Viet Nam, and instead of being thanked for saving lives, he was fired. Publicity given the scandal provided him a hearing that resulted in his reinstatement. Typically, he was not returned to the work in which he was so highly qualified, but given clerical tasks that a schoolboy could perform, while retaining his title.

Then there was the case of Kenneth S. Cook, who while working as an analyst-engineer at Holloman Air Force base in New Mexico concluded that the anti-ballistic missile as projected would not fulfill the dependence put upon it. He was ordered to pass favorably on such projects, whether he believed they would deliver as needed in an emergency or not.

He refused, and was accused of "bizarre conduct" and given a medical retirement. Obviously, his attitude in such an environment was "bizarre." He is appealing to the courts. All these are symbolic cases, at a time when the powers-that-be regarded as the new crackpots and the new security risks those, who as Olson and Cook, refuse to wink at defective or inadequate weaponry, or as Otepka, will not look the other way when those with critical character deficiencies or the disloyal are hired.

But such cases are fundamental to the nation's credibility and viability. Their continuance in public and in Congressional attention was due, to an important degree, to the doggedness of this tabloid, which was little known outside of its specialized field and among some Washington correspondents.

Leslie B. Whitten, when a Hearst Headline Service correspondent, recognized the paper's role in a syndicated article, run in the Baltimore News American of Dec. 4, 1966, that referred to "the dogged campaigning of a specialized newspaper, The Government Employees Exchange, of Washington."

Throughout this phase of the education of Sidney Goldberg as editor, he was to a limited degree harassed by some of those, in and out of government, involved in such cases. This was mostly, but not entirely verbal, and ranged from threats of libel suits to threats of physical attack. Included was car-swiping and a bullet through his auto windshield, followed by warning phone calls.

His paper, though, was not endangered; indeed, its readership increased while its advertising held steady. Apparently, while his disclosures were regarded as a nuisance, they were not considered really dangerous, requiring drastic action. This came when least expected.

One of the ramifications of the Koczak case led to the disclosure of what was called the "new team," that spread throughout the executive branch, especially the State and Defense Departments and CIA. The "new team" consisted of the Kennedy mafia inside the government, in turn infiltrated by the extreme left network and the crime syndicates. This achieved the fragmentation of government to such a degree that minority political or espionage elements could manipulate control in vital sectors of our economy and security.

HARASSMENT SUDDENLY INCREASES

His "new team" disclosures led to an increase in the harassment. The editorial offices were visited by a Kennedy henchman, Walter Sheridan, who threatened Goldberg with a libel suit "that will knock you out of business."

What had begun as isolated grievance cases in the employment field showed themselves—probably unrealized by many participants and certainly by the editor of the biweekly—to be interconnected. Each was interlocked in one direction or another to a sprawling pattern of psychological warfare against the United States. The nation was being disarmed morally, mentally and physically.

This operation is coordinated, on a wide scale by a propaganda climate, created by a knowledgeable few. Visible evidence of this can be found in any issue of the underground press, in which allout sex and allout incitation to revolution share the space with guerrilla warfare instructions. Our Presidents have not understood how either communism or crime really operate.

The Otepka case, for instance, led to the discovery of an electronics laboratory in the new building of the State Department. Its supervision was under George Ball, then undersecretary of state for economic affairs.

The electronics room was capable of tuning in on the telephone calls of any employe or newspaperman, and identifying him without him mentioning his name, through what is called a "voice profile." This is a valuable development for use against an enemy, and to protect ourselves against espionage, but used for political purposes, or to build up a fake case against conscientious public servants, it operates as a boomerang.

Ball at once, on May 3, 1968, denied any such room existed. He said this at a confirmation hearing by the Senate Foreign Relations Committee on his appointment as ambassador to the United Nations. The paper thereupon detailed the location and contents of the room, and supplied the committee with its floor plan. Ball, in spite of a delay of 10 days, finally squeezed through by a 3 to 2 voice vote, those favoring him not wanting to have their identity known.

This was not the end of the Ball affair. An unsigned letter dated Aug. 22, 1968, mailed in New York, came to Goldberg's desk, giving explicit details regarding his moonlighting in high finance, while conducting international negotiations for the U.S. at the UN. Anonymous mail usually is disregarded, but this was just too full of specifics. Goldberg consulted some of the top correspondents in the capital, such as Willard Edwards of the Chicago Tribune. The consequences were such that Ball resigned at the request of President Johnson.

TENACLES IN BOTH MAJOR PARTIES

The separate cases, as disclosure followed disclosure, were now seen as unmistakable parts dovetailing in a roughly etched pattern. Republican and Democratic party lines crossed and were entangled with lines that came from outside. The actual source sometimes was recognizable; other times not.

That there was a purpose and a power to it was once more demonstrated in the case of John D. Hemenway. Its arrogance now was also demonstrated, for he was being punished, too, for having supported Richard Nixon vocally for President. He had sinned, too, from State Department viewpoint, by providing correct reports and analyses regarding communist manipulations while he was stationed in the Soviet Union and in West Germany.

The Government Employees Exchange took the case in stride, helping provide the impetus that gave him a Defense Department post. Even so, without a series of editorial page columns in the Chicago Tribune, his support of Nixon during the campaign would have been too glaring an affront to our peculiar State Department to be forgiven. White House intervention obviously was needed to keep him from being boycotted in government.

Soon after the Nixon inauguration, details leaked out of an agreement having been made by William P. Rogers as incoming secretary of state with Dean Rusk, the out-going incumbent, that Otepka not only would not be permitted to stay in the State Department, but would be put out of government completely.

This was only a small facet of a particularly callous deceit perpetrated after Nixon's victory, apart from his campaign pledge to reform the State Department. While Nixon supporters were encouraged to suggest names of those who possessed the background and the character needed, the infiltrated, old crowd routinely went about deciding how the State Department would be organized under Nixon. Indeed, the State Department auditorium was used for meetings with this as their objective.

The Nixon headquarters then in New York had to be in the know regarding this trickery. (See Tactics of Nov. 20, 1968: "Jobs! Who'll Control Whom? Nixon's Fate Hinges on Appointments," that told the details of exactly such a planning session in State Department, at which the program was arranged to play a game of musical chairs, with personnel just shifting about or being replaced by Republicans of the same outlook and connections. The meeting was chaired by none other than Joseph Esrey Johnson, president of the Carnegie Endowment for International Peace, and the tab was paid by the William H. Donner Foundation. Also see Tactics of Oct. 20: "How Echelons Intend to Keep Power," and other issues beginning Jan. 20, 1969.)

One can understand Rusk's role by considering him as an agent for George Ball and the New York international interests he represents. Similarly, the Otepkas, Koczaks and Hemenways all would have fit comfortably in the reformed State Department that Nixon eloquently promised during his Presidential campaign, but would be obstacles and a source of discord in the old State Department as preserved under Rogers. The traditionally contrary roads of Marxism and international finance converged at this point.

The Government Employees Exchange vigorously exposed the Rusk-Rogers maneuver to destroy Otepka. Its courageous, in-depth coverage contributed to the defeat of the crass maneuver when Sen. Everett Dirksen, as one of the last acts of his long career, took up the cudgels. He saw a way to strengthen the Subversive Activities Control Board and undercut the anti-Otepka intrigue by endorsing him for a post on the SACB. Rogers would succeed in getting him out of the State Department, which could make the deal appear as a compromise. As a consequence, Nixon appointed Otepka to a vacancy on the SACB that had remained unfilled for some time.

The lineup in all these cases was significantly similar The State Department, the Eastern Establishment and the "prestige" press conspired together, as proven by the way they managed the news, utilizing omission, selectivity and outright fabrication to put their points across. The strands became visible when the newspapers and radio-television could not evade these cases entirely. The Government Employees Exchange more and more kept tugging at these strands, so captivated by what they were tied to that all caution was thrown to the winds.

Fortunately for the public and Congress, but not for the newspaper and its editor-publisher. Nor for some who were suspected of passing along information, and were harassed by phone and otherwise, in their home and at their work. This is always the price of such enterprise. Only by paying it can a far greater loss to the nation and its people be avoided.

A newspaper clipping that appeared in only one edition of the Washington Star became the catalyst for what developed into a sensational and rather swift climax. The article told about a projected social organization for government secretaries, being organized by a former WTTG television talk show personality named Arthur Lamb. He recently had operated an advertising and public relations company in Washington that went out of business when Westinghouse resumed direct control of a subsidiary, Melpar, Inc., headed by Edward M. Bostick, a close personal and business associate.

A scandal over a vending machine contract at Melpar started the Robert G. (Bobby) Baker inquiry. Figures in the Bobby Baker scandal were frequently seen at the ad agency.

Goldberg became intrigued by this new evidence that wherever one probed in the national capital into any one of these usually sordid affairs, he was sure to come on a number of others. The main cases themselves were found to be similarly related. They were tenacles.

However one looked at it, American security always was a casualty. Sometimes this came about through the firing and persecution of a conscientious public servant. Other times by the assignments given call girls, often by confidences slipped through them to certain news channels. Such operations as that of Bobby Baker had naturally attracted the attention of Soviet intelligence. The affair of the free-wheeling German party girl, Ellen Rometsch, who admitted membership in communist organizations in East Germany, was one such instance. The State Department rushed her out of the country to prevent her from being brought in by Senate investigators as a witness in the Baker case.

A social organization open to Pentagon and State Department girls, no matter how innocently initiated, certainly demanded looking into.

VICE AS FRONT FOR REDS AND SPIES

The Government Employees Exchange kept printing probing articles for about three months without using specific identifications. This was a smoking-out operation. By then sufficient material and verification had been obtained to allow the paper to become specific in its in-depth reportage.

Goldberg wrote about the Jack Anderson-Drew Pearson operation in compiling dossiers for use as desired in the campaigns conducted through their column.

He also told of the role that call girls played in all phases of these transactions, including the groundwork laid for negotiation of government contracts. Official secrets were on the loose in all of this.

One article referred to the visit by a prominent senator to the apartment of a call girl operating in these circles. The articles gave some names and dates, but not yet of members of the Congress who were known by the editor to be involved. They reached high, indeed.

His personal investigatory efforts had alerted members of Congress to the possibility, if not probability, that it was only a matter of time before legislators who were involved would be pinpointed.

This research also led into the Pentagon and the State Department, and showed that official circles were being exploited to smooth the way for participants.

Goldberg was warned by friends strategically situated in and out of government and in the press that he now was penetrating too close to where espionage, vice, crime, and irresponsible or corrupt politics met.

Threats by telephone, ranging from warnings of libel suits to bodily harm, reinforced this advice.

Driving to his office one day, while still in Maryland, Goldberg tells about a bullet going through his windshield and out of the left window. He kept driving.

Actually, Goldberg had taken on more than any small publication should be expected to tackle, especially if lacking powerful allies. He had good friends in strategic areas. These disclosures of his, however, now touched on what obviously was a central nerve in the whole operation, with its international ramifications. This state of affairs was responsible for squeezing the American society into its present weakened state in the cold-hot (psychological) war, and the general lowering of standards all across the board in the United States.

Powerful personalities, or those connected with the major corporative or other financial structures, usually shied away from tackling anything of such widespread proportions. Only a Don Quixote would do so, which is why we so often depend on Don Quixotes to lead the way.

THE WINDMILLS BEGIN TO WHIRL

A precipitous decline in advertising revenue followed his naming of specific personalities, and the promise of further such incriminating disclosures to come. This appeared to be more than a coincidence, but Goldberg was too obsessed in his research and writing to do any investigating so close to home. He assumed at first it was just a coincidence, one of those ebbs in advertising that come to any publication periodically. He was sure he could deal with it later.

On July 9, 1969, Goldberg appeared at his office at his usual time, about 9:30 a.m. Barely an hour later, two men briskly appeared, and introduced themselves as from the Bureau of Deceptive Practices, Federal Trade Commission. They said they had received some complaints, and wanted to go over all his financial records, including circulation and advertising.

"What complaints?" Goldberg asked, and was told there were 11 of them. Further questioning revealed that they were spread over a period of seven years.

"Eleven complaints in seven years! Isn't that quite a fine record?" Goldberg exclaimed. "But why are you dropping in on me just now?" he asked, and when they did not reply, he inquired, "What sort of complaints are they?"

"Oh," he was told, "you've run some ads without authorization, or beyond contract dates, and you've billed some subscribers after their subscriptions had lapsed."

Goldberg didn't recall any of this, but knew well enough that it is impossible to operate a publication without some such errors. Obviously, there had to be some other reason for their being assigned to this task just at this time.

The two men—the shorter of the pair a bit hesitatingly—began pouring through his circulation and advertising files, picking out letters and reading them. They obviously were in search of supporting evidence for whatever case they had been instructed to build up.

This went on for four hours. Goldberg sought to show his cooperativeness and the openness of his business transactions by letting them dip into his files and inspect his mail as they wished.

WORD PASSED; LAWYER APPEARS

His wife, whose name appeared on the masthead of the paper as Barbara Harlos, advertising director, was in the office. Her husband had instructed her that as they had nothing to hide, she should take no action. But as she took all the incoming phone calls during the affair, she did mention it to friends who happened to call. Some apparently did not take it so casually.

About 2.15 p.m., a broad-shouldered, well-dressed man appeared and introduced himself as Bernard Fensterwald, Jr., lawyer. He had been called by a friend and told that a raid of some sort was going on at the office of the Government Employees Exchange. They had agreed that in view of the paper's crusading reportage, this unusual action was highly suspect. So here he was.

Fensterwald, who had been a legislative aide to the former Sen. Edward V. Long, explained his interest, and offered his help, which was accepted on the spot. This was the first time the two had met.

Fensterwald, dignified and in a calm voice, turned to the two agents and asked them what they were doing. On being told, he laughed at them, and said, "If that is the only reason, you have no right here, and you know it. If you want to do any further searching, you'll have to obtain a subpena."

He then added, "No judge, of course, would grant a search warrant on such flimsy charges, so get out of here immediately!" They could tell by his voice that he was not kidding, and they left at once, never to return.

Goldberg tells, however, of seeing one of the two under peculiar circumstances some time later. Goldberg declares this man, Robert A. Smith, visited him in his home in Glenelg, Md., and told him he was quitting the Federal Trade Commission because he had been pressured into taking the case, which he found out later was politically motivated. He said he was going back to Indianapolis, Ind., where he was taking a post as lawyer on the staff of the state's attorney general. He could not leave Washington with clear conscience without unburdening himself this way, he is quoted as saying.

Advertising collections continued slowing down as never before, and the Goldbergs decided that some special checking up was called for. They found out that various agents, including the raiding party of two, had been systematically visiting advertisers and interrogating them in a manner sure to arouse their suspicions concerning the paper. Some advertisers said they were told that payment of bills could be held up pending the completion of some mysterious investigation. Naturally, collections dropped precipitously.

Fensterwald advised Goldberg that this was a case of sheer pressure to force censorship upon the paper, failing which, to destroy it. Goldberg wrote a detailed article in the paper about the raid-like search by the two strange investigators.

DECISIVE PRESSURE IS BY THE BANK

Goldberg felt he held an ace card in his hand. During the past 20 years, whenever the need arose, he had obtained bank loans, as customary with any such enterprise. These always had been moderate sums, and as they always had been properly repaid, he had never had any difficulty meeting his needs. He decided he would take another such loan, and felt sure that with a little personal attention, the crisis over non-payments would be overcome.

Accordingly, he walked over to his bank, for what he was confident would be another such routine although infrequent transaction. This time he came up against a vastly different reception. Instead of being given a loan, he was told the bank was going to call in its outstanding loans, which amounted at most to only $6,000. He had borrowed and paid back more on previous occasions in a completely routine manner.

"Why are you acting any differently now?" he asked, and was told, "You are mixing up too much in the life of the city."

"What do you mean?" Goldberg inquired. He had not anticipated the reply:

"Oh, the girl business." This could refer only to his recent disclosures.

Unable to meet his payroll, or to cover his printing bills, his issue of Nov. 23, 1969 became his last—this was the date he was rebuffed by the bank; it was the first time.

The squeeze play had succeeded. A crusading paper had been liquidated.

Significantly, the definitive pressure had come when he touched what appears to be the central nerve of the octopus that also is trying to put the United States into its embrace.

A number of other strange episodes were to come, but they changed nothing. A paper had been liquidated for coming upon a very big story, and telling about it.

RUSSIAN ROULETTE IS NOT PING-PONG

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PUCINSKI. Mr. Speaker, at a time when our attention is focused toward the East and our ping-pong diplomacy with Red China, we must not lose track of the Russian-roulette game continuing in the Middle East.

Syndicated Columnist Edith Kermit Roosevelt points out a Pentagon study which indicates that it is not in our interest to reopen the Suez Canal, a move which is beneficial primarily to the Russians.

Miss Roosevelt notes the continuing build-up of Russian bases in the Middle East, Africa, and Asia in their quest to control the strategic Middle East crossroads and asks why we should help the Russians in their endeavors. Indeed, why should we?

Mr. Speaker, I place in the RECORD today Miss Roosevelt's excellent and informative article.

The article follows:

RUSSIAN ROULETTE IS NOT PING-PONG

(By Edith Kermit Roosevelt)

WASHINGTON.—The Soviet Union stands to benefit greatly if State Department diplomacy succeeds in prodding Egypt and Israel to enter into an interim agreement to reopen the Suez Canal.

Some months ago, the Office of the Chief of Naval Operations prepared a paper which explains why it is not in the interest of the free world to reopen the Suez Canal.

The CNO document, then used to brief Congressmen on the strategic significance of the Suez Canal, stated flatly:

"Its (Suez) continued closure for the immediate future best serves the strategic interests of the United States. Closure renders Egypt dependent upon the conservative Arab states for replacement revenues which tends to inhibit somewhat Middle East adventurism. Moreover, closure of the Canal is more disadvantageous to the Soviet Union than to the United States."

Pentagon analysts noted that naval units of the Black Sea Fleet operating in the Indian Ocean-Arabian Sea travel some 9,000 miles farther as a result of the closure of the Suez Canal. On the other hand, U.S. Naval units departing from the East Coast of the United States must travel some 2,600 miles further.

In general, the CNO study declared, the cost of each delivery to North Vietnam from the Soviet Union averages about $.9 million dollars more with the Suez Canal closed based on U.S. average worldwide commercial planning factors. From the Black Sea to Dar es Salaam in Tanzania, the headquarters in Africa of assorted Soviet and Red Chinese terrorist organizations attempting to overthrow the governments of Rhodesia and Mozambique, the average additional cost per shipment would be about $.7 million.

The additional funds which the USSR must spend on shipping costs as long as the Suez Canal remains closed means that it has that much less money to spend for military ventures or to finance the subversion of Free World governments.

Furthermore, as the naval study points out, opening the Suez Canal would provide the Soviets with a short direct route and rapid access to the much needed Middle East oil and easy access to the Indian ocean from the Mediterranean area. The CNO paper declared:

"Closure of the Canal relocates the strategic key to control of the Western Indian Ocean from the Red Sea to the Cape of Good Hope in South Africa, an area not yet vulnerable to Soviet exploitation."

If the Suez Canal is reopened, Moscow hopes to reestablish and take over Britain's old route from the Mediterranean through the Suez Canal, across the Arabian Sea to the Indian subcontinent.

In anticipation of such a step, the Soviets are developing a network of harbor facilities at Mauritius, Aden, Hodeida in Yemen and Berbera in the Republic of Somalia. In Mauritius, the Soviet Union already operates a permanent space tracking station for its space program. There is also Soviet naval presence on the island of Socotra in the Indian Ocean, south of Arabia.

Two years ago the Soviets achieved a foothold on the Republic of Somalia on the East African Coast by giving military and economic aid to the military council that seized power that year.

Sudan, which dominates the Red Sea approaches to the Indian Ocean, is another target of the Soviet drive. Soviet arms and advisers are being sent to the leftist military regime that seized control two years ago.

Earlier this year, when leftist Ceylonese Prime Minister Mrs. Sirimavo Bandaranaike asked for help to counter an insurrection by Maoist students, Moscow sent six MIG fighter planes, two helicopters and 20 armored cars. This enabled the Soviets to establish their first military installations in non-Communist Asia.

Moscow is reportedly seeking naval facilities on India's Andaman and Nicober islands and at the submarine base which the Soviets are helping the Indians to build at Vishakhapatnam on the Bay of Bengal. In addition to large-scale economic aid, the USSR is increasing its leverage in India with a billion dollars in military assistance.

Moscow's buildup is not only aimed at countering Peking's influence in Africa and South Asia but also has the objective of countering the nuclear threat created by U.S. submarines in the Arabian Sea, equipped with Polaris and Poseidon missiles. In a House speech on June 30 of this year, Rep. Roman C. Pucinski (D-Ill.), who has made several fact finding trips to the Middle East, summed it up in these words:

"If the Russians gain control of the Suez Canal in an area that is a cross roads, they would be able to outflank Europe as well as Asia, and follow through with major moves in the Far East."

Why should we help them do it?

TAX DEDUCTIONS TO HOMEOWNERS FOR PROPERTY REPAIRS AND IMPROVEMENTS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. LUJAN. Mr. Speaker, today I am introducing legislation giving tax deductions to homeowners who undertake property repairs and improvements.

My bill would allow up to $1,000 per taxable year in deductions for expenses incurred in the normal repair and improvement of a homeowner's principal place of residence. Another provision of the bill would reduce the amortization period for rental properties and encourage landlords to maintain such premises in better condition.

I am sure that although the initial result of this bill, if enacted, would be to reduce revenues, that the longrun effects would be to provide a stimulus to our economy, help to clean up our neighborhoods, and bring more business to those enterprises that are in the field of home repairs and improvements. This should, in my opinion, offset any initial revenue losses.

President Nixon has now set about providing stimuli to our economy through his job development tax credit and removal of the excise tax on autos. My bill, I believe, will also help to carry out the aims of this program.

Our homeowners need a break; the costs of home repair have spiraled recently, and this together with the slowdown in the economy has caused people to put off the many necessary repairs and improvements that help a neighborhood maintain its property values and prevents deterioration. Assisting these individuals provides benefits for all. I urge that hearings begin on this as soon as possible and that it be enacted by the 92d Congress.

Thank you.

A FLEXIBLE, ECONOMICAL, ACCESSIBLE, AND RIGOROUS UNIVERSITY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHWENGEL. Mr. Speaker, recently, Dr. Willard L. Boyd, president of the University of Iowa, addressed his faculty.

His remarks are worthy of consideration by the entire higher education community.

He forthrightly speaks about the challenges and problems faced by higher education today.

What is of great satisfaction to me is his emphasis on the point that the primary obligation of the university is to the student.

The address follows:

A Flexible, Economical, Accessible and Rigorous University

We now commence a second biennium of austerity. We must do so with resolution not resignation, with commitment not complaint. During this biennium we must strive to understand ourselves better and to help others understand us better.

We will differ among ourselves as to how we can use our scarce resources best. Many will argue that we cannot afford to move ahead and that preservation of the status quo is synonymous with quality. Such a posture is in fact the very antithesis of the intellectual process. No intellectual status quo can be maintained. To ignore the future is to incite to revolution. No individual, no institution, no society can be satisfied with itself if it is to survive. We must be as willing to accept change for ourselves as we are willing to advocate it for others.

I do not minimize the difficulties which limited budgets place on our ability to cope with the future. Changes and improvements must be made out of existing as well as new funds.

The University, the Board of Regents, and the General Assembly agree that periodic internal review is essential to the vitality of the institution. We must accept this challenge to review ourselves. As questioning scholars we acknowledge that no college, no department, no program and no degree is eternally valid. Forthright reviews will recommend elimination, modification, or reorganization in some cases.

In determining courses of action we must be cognizant of past and present verities and we must not overly respond to the immediate future to the detriment of future decades. Fundamentally, teaching and research are the mission of The University of Iowa. We not only must disseminate knowledge; we also must create it. The University of Iowa is committed to undergraduate, professional, graduate and continuing education. *Our primary obligation is to students.*

With this mission in mind, new courses of action must be selected after thorough review. To aid in such review, we are in the process of improving and consolidating our internal information system to secure objective data about all aspects of the University. Nevertheless, data do not make decisions. People make judgments based on data. We must not sterilize the University by subservience to rigidly applied formulae based on computer printouts.

To use all of our financial resources most effectively, it is essential to accelerate the integration of capital and operating budget planning of funds from all sources. For example, all decisions on remodeling priorities are as important as new building priority decisions especially in a biennium when state academic capital funds are limited to remodeling and federal construction funds are shrinking.

Even though capital funds are restricted, long range campus physical planning remains of vital concern. Small decisions will continue to be made which will have an impact on the nature of the campus. Moreover, we have an obligation to future generations to develop the opportunities afforded to us for them by urban renewal.

In approaching campus planning I continue to assert that we must be a true University and not simply a collection of departments and colleges held together by a single state appropriation. Iowa is distinctive in a time of multiuniversities. Not only are all of its colleges physically present on one campus, but they are also intellectually present. The core of the University is arts and sciences surrounded by well integrated professional colleges. As the campus moves westward, the river becomes the physical center of our planning. The Grand Avenue Residence Halls students, along with students, faculty and staff in the fields of health, law and the fine arts must be an integral part of the University. The environment demands the elimination of substantial automobile traffic and storage from the center of the campus. With the river as its mall, we can keep the University together physically and intellectually. In the siting and planning of new buildings and remodeling projects, we should be particularly concerned with overall concepts of undergraduate and University-wide education and not limit our horizons solely to the needs of individual departments and colleges.

Academic planning must precede campus physical planning. Through internal review we will come to know ourselves better. We will learn more about our frustrations, but we shall certainly learn more about our aspirations also. We must find ways to implement some of these aspirations. In a time of slowed economic growth and major social changes, education must be flexible, economical, accessible, and rigorous. These general criteria can be reduced to specifics.

1. *Flexible Education.* Iowa students are no longer the homogeneous group of thirty years ago. Moreover, in their lifetimes they will face more diverse problems than prior generations. Taken together these facts mean that the educational needs of our students are expanding rapidly. More needs require more flexibility.

Our faculty and students have new ideas about how to meet these needs. Their suggestions frequently affront tradition and violate existing patterns of organization. Let us not, however, view their suggestions so much as threats to collegiate and departmental autonomy as opportunities for us to work together as a university to meet the changing and multiple needs of our students. It is essential that we think through existing inter-relationships in a time of scarce resources to satisfy these needs. In doing so we must re-identify cores of academic interest and promote exchange among them.

In the company of academic concerns which merit our attention during the coming year are:

a. *Recommendations of the University Committee on Undergraduate and Professional Education.* This committee was established in March, 1970, to examine ways in which the University can work more effectively to advance interdisciplinary studies. Originally concerned with undergraduate intercollegiate cooperation, it has been expanded to include representatives from all the professional colleges. The Committee shares my deep appreciation for the imaginative and dedicated efforts of the colleges to provide their students with more and better academic options. Furthermore, we are agreed that the primary responsibility for curricular matters is collegiate.

Nevertheless, the Committee and I are anxious to assure students access to the resources of the entire University. One possible method of accomplishing this is a University College which could admit students who seek functional, *ad hoc,* or pilot majors. Students would be able to take courses offered throughout the University. Another variation of a University College might be a credit awarding unit which engages a limited number of faculty members each year for a portion of their time to offer interdisciplinary problem-centered courses and seminars. Credits earned in the University College would then be acceptable at the discretion of individual departments and colleges.

Attention is also being given to expanding the educational role of the residence halls. The Committee expects to make a report this fall, and I am confident that its proposals will merit our consideration.

b. *Recommendations of the Environmental Curriculum and Research Development Committees.* In January, 1970, the Office of the Vice President for Educational Development and Research was requested to develop an environmental clearing house for teaching and research ideas related to the environment. Two faculty-student committees were formed to consider environmental curriculum in one case and environmental research in the other. These committees reported on August 1, 1971, and their full report will be distributed for University-wide discussion.

Quite properly these Committees cite the necessity of active University concern with the environment. Among the significant recommendations of the Committees is the proposal that The University of Iowa establish a Center for Environmental Studies. The purpose of the Center would be to serve as an integrating force for the multi-disciplinary approach which environmental studies require. A full-time director is contemplated, and initially four of our present faculty would be given part-time assignments in the Center. To carry out its work in conjunction with existing faculty and departments, the Center would be organized with Divisions of Ecology, Engineering and Health Sciences, and Planning and Public Policy Studies.

In addition to the Center, it is recommended that the University establish a five-year interdisciplinary program in environmental studies culminating in a Master's degree.

Another proposal of the Environment Committees is the creation of a campus group to monitor the effect of Univeristy activities on the immediate community. For example, such a group would evaluate the impact on the environment of emissions from the power generation system, solid waste disposal, campus traffic plans, and river bank development.

The thoroughness of the report made by the Environmental Committees and the urgency of the problems involved demand that we evaluate their proposals with dispatch.

c. *Recommendations From Within the Colleges and Departments.* In this University, educational decisions are collegiate, departmental, and individual. The quality of programs depends on the individual teacher. The colleges, departments, and individual faculty members already have demonstrated vision by the significant alterations being made in their areas. The interdisciplinary and enterprising spirit of earlier times at Iowa which gave rise to work in speech pathology, the performing arts, and religion manifests itself today in such areas as communications, urban studies, mixed media, Afro-American studies and our concern with courses relating to women and to human rights.

The faculty is open minded. As teachers, all of us recognize that sound education involves the untried as well as the tried. The study of new or different subject matter or the use of new or different methods of instruction is neither an excuse, nor a request, for lower standards. Quite the contrary, they can frequently be more demanding of us than the old and familiar.

Greater flexibility and change cost money. Since we are hard pressed for money, logic calls for maintaining the status quo and an indefinite postponement of new ways. But many of you are not blindly logical and in the presence of scarcity have argued that to treat the 1971–73 budget as a status quo budget would sap the University of its vitality. As a consequence, we have sought to build a forward looking biennial budget which meets changing priorities by coupling the increment in legislative appropriations with a reallocation of 5% of the existing University budget. By doing so we view the University budget as an opportunity to meet the future and not merely preserve the past.

Our fiscal plight remains difficult, however. New ways can be financed in part through further reallocation of funds, voluntary reassignment of faculty to new ventures, further economies in operations, additional private and federal support, continuation of University support of instruction and research grant programs, and the newly established University Development Fund.

The concept of a University Development Fund emerged from faculty discussions last spring about budgetary priorities. In general the Fund should be used to launch group proposals of the nature I have been describing. Because of the inadequacy of the Development Fund, other sources will also have to be relied upon to implement portions of these proposals. Grants will be awarded after review of documented proposals. The Faculty Senate Budget Committee will be consulted about the manner in which the Development Funds will be disbursed and the need to expand its funding in subsequent years.

2. *Economical Education.* Historically, the University of Iowa has not been so well supported that it could afford inefficiency. During the past biennium efforts have been intensified to make our operations more economical. Attention has been given to small as well as large matters in order to free funds for more pressing needs. In the coming biennium we will continue to strive for greater efficiencies. In doing so we proceed on the assumption that the state's fiscal condition limits its direct and indirect support of all public and private post high school education, and that, therefore, if programs appropriate to our mission are eliminated or curtailed at The University of Iowa they will not then be reintroduced or expanded in other institutions at state expense. Because we have operated programs economically, the issue is not whether The University of Iowa should continue them but whether the programs can be afforded by the State of Iowa.

In reviewing our efforts we need to consider a variety of factors. Some of them are:

a. *Enrollment.* In recent years The University of Iowa has sought to control its enrollment. It has done so in recognition of the joint responsibility it has with the other Regent institutions, the private colleges, and the community colleges to provide a greater variety of educational opportunities to a larger and more diversified group of students. We are predicting a much slower rate of enrollment growth in the 70's than occurred in the 60's. The bulk of this growth will be in professionally oriented curricula of both the pre- and post-baccalaureate colleges of the University. Unfortunately, these are all expensive programs.

Long before cries of surplus arose, we reduced the rate of increase in the Graduate College. As a consequence the percentage of our enrollment at the graduate level remains approximately the same today as it was twenty years ago.

The issue of surplus and shortage of graduates in all fields and at all levels of of preparation is more easily discussed in the abstract than in reality. The University has the obligation to face the issue in depth and not add and drop programs on the basis of the latest employment figures. Indeed, these figures vary and are interpreted differently by different people. For example, our experience in placing Ph.D's in 1971 has been good.

Educational decisions about contraction and expansion of programs are complicated by the rapidity of social and economic change. Yesterday's shortage may be today's surplus and again tomorrow's shortage. The unpredictability of the future argues for a more general educational process and one which continues through life. Thus, a surplus in a subspeciality does not necessarily mean a surplus within the more general speciality. At Iowa we are attempting to meet the shortages which now exist in the health and biological sciences through increased enrollments and new curricula. Concurrently, we are mindful that there are indications of an abundance of physical scientists and engineers. Even a cursory examination of the nation's agenda for progress, however, indicates that today's over supply may rapidly become tomorrow's need. One of the major items on this agenda is environment which includes such problems as pollution, transportation, and housing. We will need theoretical and applied physical scientists to help solve these problems. Other emerging needs call for engineers and physical scientists. The question then is not whether we should prepare them but rather how we should do so and how we should organize to do so. Like the biological scientists at Iowa, the engineers and physical scientists will have to develop new curricula and new academic frameworks to meet their and our future.

As evidenced by these illustrations, the University must view programs and enrollments from a long range perspective and not merely react to immediate circumstances.

b. *Less Time*. In recent years, the University has been making progress in shortening the time required for degrees. That trend should be accelerated because of its economic and educational soundness. Furthermore, young people who now reach their electoral majority at eighteen are even more anxious to shorten their period of continuous education and have more varied experiences while young.

In economic terms, more students can be served by reduction in the time required for a degree. A better education can also be provided if we do not pursue the impossible task of stuffing all available information about the field into the student. The movement in the 1950's and 1960's toward longer curricula was due to the knowledge explosion and the perceived need to cover the whole subject. Continuing expansion of knowledge makes this an impossibility. We now recognize that we will never be able to teach a student everything about a subject. The purpose of the classroom should be to enhance the ability of the student to analyze. To develop that analytical ability, the student must have some familiarity with a core of knowledge, but he need not know all about the subject. By stressing the analytical process the student is more able to generalize, transfer, and apply the problem solving process to changes in the field and new information can be secured through continuing education programs.

To be more specific, can we not reduce the credit hours required for the B.A. to three years? The level of high school work has advanced so that there is greater likelihood of repetition between late high school and early college studies. High school college preparatory work should be expanded so that such requirements as language can be satisfied before college. At the other end of the bachelor's continuum, might it not also be possible to combine the bachelor's degree with the master of business administration or the master of arts in teaching for a four-year program?

National discussions suggest that the total time devoted to medical education can be reduced to nine years with three years devoted to pre-medicine, three to medicine, and three to residency. The adoption of this time frame at Iowa along with the current Dental College experiment of three years of pre-dentistry might also make sensible the establishment of a human biology core to be taken by all students preparing for the health professions. A reduction in the time required for Law is now being advocated nationally, and the Iowa Law faculty and profession ought not to shy away from being the first to implement such a reduction.

Similarly, the time required for all degrees should be carefully explored by each of the colleges of the University.

c. *Faculty Instructional Loads*. Students, the public, and indeed some faculty cite an increase in faculty instructional loads as one of the most obvious means of doing more within a limited budget. Loads are the proper subject of internal review, but a subject which cannot legitimately be reduced simply to the issue of classroom contact hours.

If society is to advance and instruction improve, research must remain one of the central purposes of the University. Society needs new ideas and we need to convey them to a great variety of students through classrooms and publications, before and after graduation, on or off the campus, with or without credit, formally and informally. The issue is a university is not teaching versus research; it is the proper balance between the two.

Granting the importance of research, some ask if it is necessary for all University faculty members to engage actively in scholarship. Experience indicates that the energetic and able faculty member can be both a good teacher and a good scholar. The roles are not incompatible. Since methods of inquiry are emphasized in advanced study, research becomes an invaluable means of instruction To assure quality instruction, it is critical that the faculty be constantly updated, and this is accomplished largely through continuing research or creative work. Because we expect all faculty to be able to teach advanced and professional students as well as beginning students, it becomes imperative that all maintain and improve scholarly competence.

Many accept this reasoning but go on to ask if we are preserving the proper balance between teaching and research. They ask if we are in fact favoring research over instruction. Clearly our intention and policy is not to do so. If we are doing so, we should rectify this. At the same time we must clarify that a teaching load cannot be measured solely in terms of contact hours throughout the University. The faculty member who teaches several hundreds of students each week in a large class will devote many hours outside of the classroom to the preparation of new and review of older materials, counseling, construction and grading of examinations, and post class questioning. As the level of instruction increases, the need for more individualized instruction increases; yet while the number of contact hours increases, the number of students being served decreases. Given the diversity of the subject matter taught within the University, we must remember that quality methods of instruction must vary from area to area and within areas according to level of study.

Both faculty and administration share the common objective of stressing and improving instruction and to that end are anxious to review continually our instructional effort to be sure that we *place students first*. Each department and college bears this obligation. By such reviews we can improve our instructional efforts and more efficiently utilize our limited financial resources.

d. *Course Reduction*. The same reasons which justify a reduction in the time required to complete degrees also justify a reduction in the number of courses taught. Elaborate course sequences and coverage of all the presently available information in a field will not prepare students adequately for a world in which information quickly becomes obsolete. The reduction of time required for degrees will reduce the number of courses taught. We can further reduce the number of courses if we pursue a more generalized core approach to a particular area and postpone specialization to advanced or continuing study or even to job experience.

To a limited degree we can also reduce the courses needed by giving credit for experience gained outside the classroom if the experience can be evaluated effectively. One excellent way of achieving this is credit by examination.

Class size is also an appropriate matter to be considered in determining whether to offer a course. This measure must not be overestimated because students at all levels need individualized attention if they are to master complex material, if they are to be motivated, and if they are to regard themselves as persons and not social security numbers.

e. *Instructional Tools*. Much is said today about the need to make more extensive use of educational tools such as the library, the computer, television, radio, and audio-visual materials. My experience, however, is that these tools increase rather than decrease the cost of instruction. This is so because they are not designed to eliminate the teacher but to augment and individualize instruction. Even if they could eliminate the teacher, they are expensive methods of instruction. Notwithstanding the expense we must reassess our priorities to be sure that we are improving instruction by utilizing these resources. Our problems in financing them are acute.

This year we open an addition to the main library which will double the capacity of that library. Unfortunately, we have not been able to find funds to add to the library staff or acquisition budget. We must absorb this physical expansion, along with the new Music and Health Science Libraries, within a static library budget.

Another pressing problem is the use of the computer for instruction. Budgetary stringencies and inflation are restricting the Computer Center's activities at the very time when the Center should be able to provide even greater service by a move to the new Lindquist Building. It is essential that we find a way to fund greater instructional use of the computer.

The Audio-Visual Center is also in fiscal trouble and cannot provide needed instructional service.

I cite these tools because of their critical importance to improved instruction. While all of these units strive heroically to be more efficient, I am convinced that we must find additional funds for them. In short, further reallocations within the existing budget will be required to provide us ample access to these tools.

3. *Accessible Education*. We must seek to make the University's programs more accessible. The 1971–72 budget is designed to do so.

Through reallocation a tuition increase has been avoidd. Moreover, additional funds have been budgeted for student financial aid.

The new budget also provides more support for the Educational Opportunity Program. The objective of this program is to make the University more accessible to low income and minority students. We also continue to take affirmative action at the University and Regional level to increase the number of minority faculty and staff members and to assure that we transact our business with firms which also engage in affirmative action programs to diversify their employees.

We must make similar efforts to make the University more accessible to women and part-time students of all ages.

The University of Iowa has long been committed to the principle of equality of opportunity for women. This was among the first public universities in the United States to admit women as students. Failure to include women fully in society results in a waste of human resources and conflicts with fundamental concepts of human rights. Societal barriers have tended to discourage or preclude women from participating fully in the opportunities presented by American life. It is not enough simply to reiterate a well established goal that equal opportunity for women should pervade all aspects of University programs and practices. We must also take affirmative action to achieve this goal.

Affirmative action means we must make efforts to provide and to communicate to women opportunities in all parts of the University community. To this end we must assure that our recruitment processes follow channels likely to discover qualified women. Unnecessary or artificial barriers to the matriculation or employment of women should be eliminated.

Essential to the expansion of educational opportunities for women is the encouragement of part-time study for students of all ages and income levels. This continuing education can take many forms and is an indispensable element of equal opportunity and contemporary education.

One such form is the new Saturday Class Program which receives partial support in this year's budget. This is a new program of flexible scheduling of courses to meet the needs and interests of part-time students. Students who have been admitted to a degree program may take these courses for regular residence credit. Others may prefer not to seek admission to a degree program. Some courses may be offered which carry no credit. Flexibility is the goal in scheduling and in enrollment procedures. Special evaluation and counseling services will be provided.

Another method of making the University more accessible is the so-called "University Without Walls" or external degree concept. Elements of this approach are well known to higher education. Indeed, in the case of correspondence study The University of Iowa has long been a leader, and more recently the College of Engineering has made its offerings available to the individual off-campus student through a comprehensive "Guided Self Study Program". In this same vein the Extension Divisions of the Regents Universities have been exploring the feasibility of a jointly offered Bachelor of Liberal Studies similar to that offered by the University of Oklahoma. This program would enable a student to secure a degree primarily through independent study with only a minimal requirement of on-campus work.

In order to meet an accelerating need for continuing part-time education, I have requested the Provost to examine with the colleges, the Extension Division, and our fellow Regent institutions the best and most economic way of doing so.

To make the University more accessible will require more money. Even with reallocation of existing funds and greater efficiencies, post high school education cannot meet the increasing demands on it without substantial infusion of new funds. In a time of national fiscal uncertainty, the ability and methods to finance post high school education are also uncertain.

Much is being said about a right to post high school education. Some say this is a right to fourteen years of free education with the cost of additional studies borne in large measure by the student. Others says this right extends to the student's entire course of study. Some who advocate this argue that it should be financed through higher tuitions which the student in turn can finance primarily through loans repayable from earnings over a long span of time. Many of the proponents of this approach, however, concede that there also must be additional public and private support to maintain the institutions.

I do not believe that we must now reject the American tradition of accessibility to all post high school study through low tuitions. Students already carry a major share of their total educational costs. Over half of them at Iowa work during the school year to earn sufficient funds to stay in school. A shift in financing to a massive loan program could serve to deny education to lower and middle income students and to women. It is ironic that while higher tuitions are urged in the United States, lower tuitions are being implemented through public support in the previously elitist higher educational systems of western Europe.

Adequate financing for accessibility is the major issue facing American colleges and universities.

4. *Rigorous Education*. Whatever the curriculum, rigor must be stressed. To do less is to deprive students of the full measure of their education. Education must be worthwhile as well as plentiful.

Intellectual rigor can only be achieved if a student is motivated. Motivation is a problem which each teacher, department, and college faces with each student. If we smother the desire to learn by indifference and insensitivity, we fail and our instruction is merely rhetorical monologue. As teachers we must recognize that the quality of our instruction depends in large part on our ability to motivate. Sensitivity to individual student aspirations is essential to a rigorous education.

The elements of a flexible, economical, accessible, and rigorous education are not limited to classroom, library or laboratory. Other significant educational experiences and services exist. These also are being improved through consolidation and reallocation. For example, new facilities for the fine and performing arts will make their programs more accessible to all students. After extensive consultation with students, faculty, and staff a Student Development Center has been established in the Union. Eventually the center will be a place where representatives of most student services will be located. The Center offers counseling support to students at all stages from orientation to placement.

In addition, the Student Senate has embarked on an effort to provide more services for students. These services include the establishment of a campus book exchange and rental of available University and community houses for student organizations devoted to day care. To augment the Student Senate's limited budget without raising student fees, the University has assumed that portion of the cost of the performing arts programs previously financed by student fees and the Senate is engaged in various fund-raising ventures such as the publication of the University telephone directory.

Many problems beset this University. This is a sobering condition but it should not frighten us into despair. To meet its problems the University needs the active support and understanding of its alumni and the public. This we can secure primarily by the excellence of our work on the campus. We want to encourage more people to visit the campus. With the restoration of the Old Capitol, many will come to share the past with us, and this will enable us to discuss the present and future with them.

At the same time, we need to be about the State more. We should afford greater educational and cultural opportunities to people throughout the State, aid the public and private welfare through the availability of our faculty and staff for professional counsel, and discuss the University with the people and the people's representatives. Our fellow citizens do not wish us ill. They too wish to see the University progress. Through continuing contacts both they and we will understand the University better. All are concerned about the future of this University.

Whatever the specific circumstances of our daily contacts with each other as students, faculty, staff, alumni and public, we must always consider the future as well as the moment. I repeat: We are in a time of social dissension and economic uncertainty. We must not destroy the vital assets of our society. Among these assets is The University of Iowa. We betray our future if we regard this University as a wasting asset—to be drawn upon and never replenished.

Because of the imagination and resolve of prior generations, this University has flourished. In turn it has benefited the students and teachers who have labored here and through them has advanced society.

Contemporary society must not only draw on the University but must also replenish it. To do so we must strive for a flexible institution which can meet emerging needs and maintain existing programs of merit. We must emphasize the individual even as we acknowledge our interdependence. We must have a University which is readily accessible to students regardless of race, sex, religion, age, and financial ability. To avoid these obligations in a time of social dissension and economic uncertainty is to waste the University and along with it the future.

AIRPORT AND AIRWAY TRUST FUND: AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1971

Mr. MURPHY of New York. Mr. Chairman, I ask that every Member of the House contemplate the consequences of the legislation passed by this body on Wednesday, September 22. Many of us are familiar with the "death and destruction" statistics compiled by the Airline Pilots Association for the last decade. This timespan saw 19 fatal accidents with a cost of 587 humans, hundreds more maimed, crippled, and burned and $111 million worth of airplanes lost because of the intransigence on the part of the Federal Government to install the precision landing equipment necessary to prevent such tragedies. These figures border on the absurd when we consider the fact that these destroyed lives and equipment could have been saved with remedies and instruments that have been available for over 10 years. In fact, 90 percent of our 1,722 runways at the 530 airports serving our Nation's air carriers do not have ILS systems and the other safety features necessary to guarantee that when a pilot breaks out of the fog or a cloud band at 170 miles per hour, 100 feet above the ground, the runway will be there. This contrasted to six plane crashes and 76 fatalities at airports with ILS systems.

These statistics do not convey the bone-chilling statements of the pilots themselves, however. They have compiled a list of the 12 airports that pilots consider the most dangerous—and why. They are as follows:

Kansas City: This airport has a good safety record because, in the words of one pilot:

> It is so dangerous it keeps us on our toes. Most of us fly our own approaches.

Kona, Hawaii:

> The restrictions and limitations on DC–9's operating into Kona, if known to the passengers, would make them leery of such a critical operation.

Miami International: A pilot said of the 64-foot high Miami airport inn that sits uncomfortably close to the Miami International Airport runway 27L:

> I feel that a structure of such proportions is likely to interfere with the signals of the instrument landing system under certain weather conditions. The slightest miscalculation on the part of the pilot making an instrument approach to this runway is likely to result in a major accident causing heavy casualties among passengers in the air and people on the ground. It must be remembered that the Boeing 747 carrying at least 390 passengers is using this runway.

Lexington, Ky.: Lexington's blue grass airport where 727's and DC–9's land has no effective fire equipment. It has a volunteer fire company and one crash truck available. There is a totally inadequite supply of fire extinguishing agent (foam).

Molokai, Hawaii: Pilots of Hawaii and Aloha airlines believe that safety of operations into Molokai airport are marginal with DC-9 and Boeing 727 aircraft under existing conditions.

Kennedy International: There is a terrible layover problem, congestion, ILS only at certain runways and once you do land there are huge potholes that have been patched and repatched.

The airports at Bradford, Pa., Tweed-New Haven, Conn., and New London, Conn., were singled out by pilots for short runways and a lack of ILS systems.

Two airports in West Virginia are on the pilots "no-no" list. They include the fields at Martinsburg and Charleston's Kanawha airport where there is no ILS under certain weather conditions, and where, if a pilot overshoots the 5,000-foot runway, he goes over the edge of a sheared-off mountain.

Finally, the Greater Cincinnati Airport at Covington, Ky. poses optical illusion problems for the pilots. Because of a dropoff of the land area surrounding the north end of the field, the lighting system causes optical distortions during night landings.

And then there are the 6,000 annual near misses between behemoth commercial aircraft many of which are caused by a system that will allow jets to fly on a collision course on different flight plans, miles above the earth. This is one of the factors that contributed to a DC-9 crash last June that cost the lives of 49 persons.

How many times have many of us been on an airplane and imagined what could happen in the event of an accident. Well, I believe more people would be even more afraid if they knew of the lack of safety equipment and facilities at most airports. Pilots work under terrific handicaps trying to land airplanes without the proper instrument guidance systems, without long enough runways, knowing of the tenseness in the control tower due to the strain of working with outdated equipment.

We have the available technology to correct these shortcomings. Especially in the area of airplane and airport engineering there are thousands and thousands of qualified persons now going begging for jobs, who could solve many of the technological problems that remain. Science is more than prepared to handle these tasks.

Certainly our flying public—and those who live in airport vicinities—welcome advances in the area of airport and airway safety development. Most of the Nation's airports are surrounded by cities and highly populated residential areas. Consider San Diego's municipal airport which is snuggled in the center of that metropolis. Then imagine the devastation that could be caused by the crash of one of our new flying football stadiums into hotels, office buildings and packed schools.

The above are some of the reasons I introduced legislation similar to the bill passed yesterday that will insure that money allocated by the Congress last year for airport safety would be used for that purpose.

The Congress intended, through the enactment of the Federal Airport and Airway Development Act of 1970, to provide not less than $250 million annually for airport construction, development and safety improvements. Because of a narrow interpretation of some language in the law, the administration has attempted to use the funds appropriated for airport safety, and airway operation and maintenance.

The tragic aspect of this neglect is that it would only cost $250 million—a modest sum by today's standards—to place ILS systems on the remaining unprotected 90 percent of our runways not now programed for such installation by 1981.

When we passed the Airport and Airway Development and Revenue Acts of 1970 we established a trust fund which was in part to remedy the lack of ILS systems. Yet the money has not been designated for ILS installations. There are only 310 installed—1,810 more are needed. I would remind Members of the statement of the airport manager of New Haven, Conn., Tweed-New Haven Airport, James Malarkey. He insisted the Allegheny flight that killed 31 persons on June 7, 1971, when it crashed short of the runway could have been prevented. He said:

> The crash would not have happened if the field had an instrument landing system.

The airport has equipment to measure an approaching craft's lateral direction, but not its height.

Mr. Chairman, the bill passed yesterday will not eliminate air crashes altogether, but it will significantly reduce such tragedies by tightening up the language of the airport and airway trust fund which was created to protect user taxes from being diverted to other purposes, and release available moneys for safer skies and runways and taxiways.

I know the people of America want the assurance of safe airports and airways. That is why we in Congress had to act decisively to guarantee that their money is used for that purpose.

JOE McCARTHY RIDES AGAIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BOB WILSON. Mr. Speaker, I have taken the floor in the past to warn of the dangers inherent in the activities and unfounded accusations of overzealous consumer advocates. I reiterate that I am 100 percent in favor of the consumer movement and continue to support realistic, progressive, and sensible consumer programs on all levels of government. What I have been unable to accommodate in good conscience are irresponsible attacks on business as though all were responsible for the sins of the few who purposely deceive the public. I have expressed these views before, but I recently came upon a column by a Jerry Della Femina in the August issue of Marketing/Communications magazine which, I believe, puts the issue in focus. I have never met Mr. Della Femina, but I commend him for having the courage to write the following column. It expresses some thoughts which all Americans should consider. I insert it in the RECORD.

The column follows:

JOE McCARTHY RIDES AGAIN

(By Della Femina)

This is going to be a very unpopular column because to attack the consumerism movement these days is as unpopular a concept as attacking the McCarthy witch-hunters of the early 1950s. And yet, in their own way, the Ralph Naders, the Bess Myersons and the Gaylord Nelsons of 1971 are every bit as potentially destructive to our nation as the McCarthys, the Roy Cohns and the David Schines of 1952. Both groups have many interesting parallels. Both focused on one group. In McCarthy's case, American Communism. In Nader's and his friends' case, the American businessman.

Both groups perfected the blanket accusation technique. In the old days, there was a press conference where a man got up, waved his arms wildly, and shouted, "I have conclusive proof that there are 5,000 card-carrying Communists working in our State Department."

Today, it is the television interview where a man calmly and coldly says, "I am convinced that 75 major food companies are out to destroy our children's health."

Both groups have used the story-hungry press beautifully by getting out news releases with a precision that would have made Joseph Goebbels proud.

Both groups never gave their victims a chance and persecuted them publicly in the Roman colosseum atmosphere of the 6 PM news while millions of gullible, innocent spectators sat and watched the victims systematically destroyed.

Both groups have convinced the innocent that they were honest, sincere and had to do what they did in order to save the country, maybe even the world.

And both groups live in the world of half truths. Yes, in 1952 there were some people who were guilty of treason. And yes, there are some businessmen today who are charlatans and frauds. And yes, they must be stopped. But must they destroy the whole system in order to stop a few?

And isn't it about time we all take an honest, objective look at the consumerist?

Early in the game, no one questioned Joe McCarthy. Now, early into the game no one is ready to question Ralph Nader and his friends. But there are some questions which must be answered. Are all consumerists honest? Are they all telling the truth? The complete truth? Are they looking for legitimate reform? Or pure power for themselves and for their henchmen?

If the consumerists are going to be effective and really help this nation, they must do it quietly. They must inform, not destroy. They must talk to businessmen, not accuse. They must look to destroy the crooked and immoral in business but they must leave the honest businessman alone.

Because if they continue on the reckless path they have taken . . . if they continue to seek unlimited political power over business . . . if they continue to try to regulate business with insane plans that are conceived by bumbling bureaucrats and dedicated to the proposition that the American businessman is nothing more than a common criminal, then the consumerists are going to destroy American business.

And then they will discover a basic fact that even the lowest one-cell parasite knows. That the day a parasite destroys its host . . . is the day a parasite destroys itself.

MR. ALGEE ADVOCATES THE ADOPTION OF THE DECIMAL SYSTEM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. TALCOTT. Mr. Speaker, one of my constituents, Mr. Roger Algee, of Paso Robles, Calif., has submitted a paper to me which raises objections to the adoption of the metric system by the United States.

The basic point raised by Mr. Algee is that the metric system is wasteful and inefficient and that it will eventually have to be replaced by the decimal system which he believes is a more perfect system.

Mr. Algee is a long-time advocate of the decimal system—he has given it careful study and evaluation.

Mr. Speaker, in view of the long range impact changes in our national standard of weights and measures will have on future generations, I believe it is important that every aspect of this important question be considered. I am, therefore, placing Mr. Algee's views in the RECORD for consideration by our colleagues:

MR. ALGEE: DECIMAL SYSTEM

Legislators should propose resolutions favoring the new Decimal system where needed because Metric is so wasteful and full of mistakes. This voluntary plan is much safer than trying to force the unwanted change from British to Metric. Decimal is far more efficient because Decimal is true-metric. This exposé should end the great metric debates because the situation can be understood by anyone:

HERE IS THE SITUATION

National Bureau of Standards publicity agents want to change our existing measuring system from British to Metric. But system analysts are turning against present Metric due to improper revision. They have found that mathematical conflicts within present Metric tend to retard our standard-of-living by disrupting engineering progress. The cure is to adopt Decimal instead of Metric because Decimal is true-metric.

BACKGROUND INFORMATION

Metric has been based upon the meter (earth quadrant), gram (water density), second-of-time, degree-of-angle, centigrade, calorie, ampere, volt, ohm & watt. Decimal is based upon ten-part-days, earth gravity, chemical mass, and electron charge. Each of the following paragraphs begins with Metric claims which are then exposed by Decimal facts backed with examples that are obviously typical:

METRIC QUOTATIONS REFUTED

1. "Metric is a perfect system." That depends upon what kind of metric they are talking about. Yes, the new Decimal system (being true-metrics) is very nearly perfect. But present Metric systems (being false-metric) are all grossly incorrect. For example, all Metric systems claim to count by tens. Yet their calendar dates do not relate to their second-of-time by tens. The meter divided the world by four and does not relate to time, angle, or gravity by tens. And grams of mass came from mere water density while all elements have a known common denominator. The new Decimal system has what Metric only claims to have . . . the genuine property of count-by-tens starting from those things of genuine importance!

2. "Nearly all other countries are adopting metric." Officially yes. But in practice we are all moving away from Metric. Its actual adoption is a physical impossibility due to the way present Metric violates the laws of nature. For example utility meters, gasoline meters, mile & kilo indicators, airplane altimeters, budget illustrations . . . all use ten-part-circles in the Decimal style (rather than Metric degrees, grads, or radians). Likewise g-factors, electrons, days, and other Decimal units are replacing Metric units in practice. This is due to the ever-present need for natural values because they are the basis for engineering equations.

3. "World trade has gone 90% metric." Actually world trade goes about 20% each to the Native, British, Metric, Decimal, and Exotic classes of systems. But all classes of systems are formed out of the Decimal system. For example the second-of-time (Metric) came from the 60th part of the 60th part of the 24th part of the day-of-time (Decimal).

4. "All of our major technical societies have resolved in favor of metric." Yes, but without comparing against Decimal. So such resolutions are worthless.

5. Metric will help free world defense." Because the Communist Bloc is already on Metric, our adoption of it would weaken United States security.

6. "Decimal is new and therefore it is experimental." Yes, the system as a whole is recent (1962) but the basics for it are mostly ageless. Decimal measures are based upon those natural phenomena which are most widely used. For this reason, the Decimal system is far simpler, easier, and safer than Metric. Many of the Decimal basics are older than Metric basics and are always much better. For example, the day is older as a measure of time and date than either the second or the year. For navigation decimal days fit decimal circles and they are one of numbers across the clock and the calendar. (No other system can make this vital claim.) Also the Greenwich features of Decimal are proven safety measures but Metric's Zone & Daylight-Saving aspects cause millions of people to be mangled in billions of dollars worth of wrecks.

7. "Metric has ten-factor multiples with decimal divisions." Only partly. Angle, time, date, and energy are basic exceptions. For example, Metric has 2 π radian circles, 24 hour days, 7 day weeks, and .239 calories per watt-second. The exceptions spread. For example kilometers/hour differ from meters/second for Metric speed.

8. "Metric units came from a natural basis." Yes they did. But the correct ones have been abandoned and the wrong ones kept. For example, the original metric clock & calendar of ten-part-days & ten-day-weeks (being correct) were abandoned. The meter was wrong because it came from 40 million parts to the world circumference (quadri-decimal) instead of 1 million parts (decimal). It was also wrong as a distance standard instead of an angle standard. But the meter (being doubly wrong) has been kept. All present Metric units are unrelated to key natural phenomena. This failure of Metric is mainly what makes it so slow, because key natural phenomena are used repeatedly thruout technology. Metric figures make engineering devious.

9. "Metric has been modernized." Not really. In fact, the water density basis for the gram has been obsolete for over a hundred years. All planetary matter is made of 88 natural elements having the common basis of a universal "chemical mass" also known as deuterium.

Only this part of Metric is obsolete. The rest of Metric was either wrong to begin with or made wrong by subsequent changes. There is no amount of refinement which can improve something that is fundamentally wrong.

10. "The exceptions & mistakes of Metric are only minor defects." Completely false. Basic units are extremely important! Thus if only one basic unit were wrong, much of the whole system would be confused. But as to Metric however, not just one of its basic units is wrong. Instead, all basic Metric units are wrong. Hence, present Metric constitutes a case of extreme chaos. Again . . . all basic Metric units are wrong. See 1, 2, and 7, 8, 9.

11. "Metric has been improved." Not at all. In fact, it has only been made worse. The most essential Metric standards have been fixed slightly off-center, derived in terms of devious historical routes, suffered injection of irrational numbers, or redefined in terms of long, odd-ball numbers. These incredible blunders were made by wasteful bureaucrats trying to increase their salaries by generating scientific red-tape.

12. "The NBS is impartial in its publicity campaign in favor of metric." Our own National Bureau of Standards (NBS) deliberately withholds the most serious disadvantages of Metric while claiming advantages for Metric that are not exclusive. Fraud consists of many varieties of concealment, including the suppression of material facts, where those deceived had a right to rely on full disclosure.

13. "Decimal would be impossible to adopt because it is not widely known." Just one good article can turn the tide. Perhaps the Watkin article at Annapolis is the one which will do it. He shows by example how days and circles match each other and can be divided by tens to simplify enormously. Contrast this with R–1000 written in Moscow Russia and sponsored by the NBS compelling 6.283185 radians to mismatch 43200 seconds as dictated by Official Metric.

14. "Calendar reform is getting nowhere." Nearly all proposals are highly defective. Yet many calendars have been reformed several times. This includes the Egyptians, Chinese, Jewish, Roman and Christian calendars. Reforms usually begin in some specialty where the need is great. Astronomers have been using a day-calendar for several hundred years in order to simplify celestial motion calculations. Now navigation, electronic archaeology, and other specialties are also using day calendars. For example 3 Jan. 1972 will equal 720,260 days AD due to how many days there are in a year. Just multiply 365.242 times 1972 and then add 3 for 3 Jan.

15. "Metric is the one and only system for all people for all time." No one thing has ever satisfied all people, much less for all time. Progress requires improvement. Systems are difficult to modify because to change one basic unit can affect many other derived units. Therefore when an old established system becomes obsolete or is discovered to be wrong, do not attempt a series of extremely expensive modifications. Instead, replace the entire old system with a complete new system where needed in order to hold down the cost of improvement.

16. "If we adopt metric now, we could evaluate decimal later." Why consider changing systems twice? Any change of measuring systems will uproot our way of life, renovate the language, alter our thinking, and impact our paychecks. It has hundred-billion-dollar change costs with trillion-dollar production effects! We must thoroughly compare for merit by analysis and demonstration every conceivable system. Adopt where needed whichever system proves most efficient by comparison. Do not pretend, as the NBS has done, that much better ideas do not exist (to save their own proposition from being defeated by the competition).

17. "Any system will do if everybody uses it." Largely false. Only the Decimal system has natural phenomena which fit the equations used by engineers. This very seriously affects our productive efficiency and ability to educate.

18. "Natural phenomena are not accurate enough." Natural phenomena are the source of both actual events and equations describing events. Therefore, results can only be as

accurate as the natural phenomena from which they came. Using the best average values for each natural phenomenon tends to reduce data discrepancies resulting from normal measuring inaccuracies. NBS accuracy and service work are satisfactory.

19. "Natural phenomena save very little wasted time." That depends upon which natural phenomena they are talking about. A few minor natural phenomena (as in Metric) are only a minor saving. But the major natural phenomena (as in Decimal) are a great saving because they affect so many calculations so often. The savings to be realized in education, computers, and work routines amounts to billions of dollars daily! Improved productivity from better engineering design by a superior measuring system implies even greater differences! Also it should reduce the cost of engineering and make the benefits of engineered design more commonly available.

20. "Metric is essential to leadership in foreign trade." We should lead other countries into greater prosperity with better ideas and more efficient methods. We should not follow other countries into poverty by adopting wasteful, backward, incorrect methods.

AIR FORCE LOGISTICS COMMAND CELEBRATES 50TH ANNIVERSARY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. STEED. Mr. Speaker, this year marks the golden anniversary of service to the Nation by the Air Force Logistics Command. Headquartered at Wright-Patterson Air Force Base in Ohio, the AFLC has worked diligently for its half-century life to maintain its goal of keeping the combat units of the Air Force flying. Tinker Air Force Base, located in Midwest City, Okla., has for the past 29 years provided a strengthening link in the AFLC chain. In this short time span, Tinker has been transformed from wheat fields and prairie grazing lands to Oklahoma's largest single industry. The following articles were prepared by the public relations office of the AFLC to commemorate its 50th anniversary by describing its history and achievements. I believe that the accomplishments of the AFLC deserve our praise and thanks:

AIR FORCE LOGISTICS COMMAND CELEBRATES 50TH ANNIVERSARY

During its half century of service to military aviation, the Air Force Logistics Command has undergone many revolutionary changes to meet the constantly shifting demands of war and peace, force buildup and contraction, and advancing technology. Known at various times by different names, its mission has always remained the same— to keep the combat forces of the Air Force flying. Although Wright-Patterson Air Force Base, Ohio, has always been the center of logistical operations, the office of the commander has from time to time been shifted to Washington, D.C. and then back to Wright-Patterson where it remains today. The era of Mobilization just prior to and during World War II saw rapid change in the command as did the period of demobilization after victory.

The present structure was created in 1961 when the old Air Materiel Command was split into AFLC and the Air Force Systems Command. The Systems Command assumed responsibility for development of new weapon systems and AFLC continues to be responsible for keeping those systems operational throughout their life cycles.

The grades and functional titles of the 25 officers who have led the command over the span of 50 years have also changed from time to time. The first commander was Captain Elmer E. Adler, who had the title of Chief of Field Services and who took charge on 14 July 1921. The present commander, four-star General Jack G. Merrell assumed command of the Air Force's worldwide logistics system on 29 March 1968.

Historical highlights of the command from origin to date have been unearthed from the historical archives:

July 14, 1921—The Office of Property, Maintenance and Cost Compilation was established by the Army Air Service at Fairfield Intermediate Air Depot, Ohio, as a headquarters-type agency to manage the Air Service's supply and maintenance depots. As such, it was the direct progenitor to AFLC. Captain Elmer E. Adler was its first chief. The "air intermediate depots" he managed were located at Fairfield, Ohio; Middletown, Pa.; San Antonio, Tex.; and Rockwell Field, Calif.

January 26, 1924—The Office of Property, Maintenance and Cost Compilation was renamed Field Services Section.

August 21, 1925—The name Wright Field was accorded to the Army Air Service facilities located east of Dayton, Ohio. These properties consisted of land presented to the U.S. Government by the citizens of Dayton for Air Service's use, plus the air field next to Fairfield Depot, then known as Wilbur Wright Field.

October 15, 1926—The Field Services Section was absorbed by the Materiel Division which was established at McCook Field, Dayton, Ohio, to consolidate five logistics functions: engineering, procurement and production, supply, maintenance and industrial war plans.

June 1927—Materiel Division and Wright Field personnel totaled 1,003—921 civilians, 72 commissioned officers, 2 warrant officers and 8 enlisted men.

July 6, 1931—Part of Wright Field, east of Huffman Dam, was named Patterson Field in honor of Lt. Frank S. Patterson who was killed on June 19, 1918 while testing a device for synchronizing machine gun fire with propellers.

March 1, 1941—A Provisional Air Corps Maintenance Command was set up at Wright Field under the jurisdiction of the Materiel Division.

October 17, 1941—The Air Corps Maintenance Command was replaced by the Air Service Command, which became fully responsible for the supply and maintenance functions formerly assigned to the Materiel Division.

March 16, 1942—The Materiel Division was renamed Materiel Center, and a Materiel Command was established in Washington, D.C.

April 1, 1943—The Materiel Command was moved to Wright Field and the Washington, D.C. office became the Assistant Chief of Air Staff, Materiel, Maintenance and Distribution.

August 31, 1944—Materiel Command and Air Service Command were combined to form the Air Technical Service Command.

March 9, 1946—Air Technical Service Command was redesignated Air Materiel Command, the new name winning out over "Air Logistics Command".

April 2, 1951—Research and development functions were split off from the Air Materiel Command and a new Air Research and Development Command was established.

April 1, 1961—Air Materiel Command was renamed Air Force Logistics Command concurrently with the transfer of systems acquisition functions to Air Research and Development Command, which was redesignated Air Force Systems Command.

TINKER AFB: HOME OF OKLAHOMA CITY AIR MATERIEL AREA—CROSSROADS OF THE AIR FORCE

Located in the heart of the nation, midway between the east and west coasts, is Tinker Air Force Base, home of the Oklahoma City Air Materiel Area.

In the short span of 29 years, Tinker has been transformed from wheat fields and prairie grazing lands to Oklahoma's largest single industry. Its central location, level terrain and excellent flying weather have added to its growth in becoming the "crossroads" of the airways and one of the busiest bases in the Air Force.

The history of Tinker AFB began shortly before Japan's attack on Pearl Harbor plunged the United States into World War II. Early in 1941, a group of progressive-minded civic leaders and businessmen was informed that the War Department was developing plans to establish an aircraft maintenance and supply depot somewhere in the central part of the United States.

Working through a booster organization named the "Industries Foundation," the group suggested two sites—one south of the nearby university city of Norman and the other an area east of Oklahoma City.

In the meantime, other cities, including Wichita, Kansas, and Muskogee, Oklahoma, were seeking to become the sites of the proposed installation. Finally, on April 8, 1941, the War Department officially chose Oklahoma City and issued an order to begin the project.

In response, the Industries Foundation purchased 960 acres and signed an option for 480 more.

Today, Tinker covers 4,100 acres, 54 percent of it donated by the community. The community also has acquired large areas of land on three sides of Tinker to make sure that there will be no development that could interfere with the operation of the base.

In selecting a name for the new facility, officials had to disregard "Oklahoma City Air Field" because of an existing airport by that name. On May 21, 1941, after due deliberation, the Army Chief of Engineers adopted the name "Midwest Air Depot."

On July 30, 1941, the construction of the new base began. Under a sun that baked the red plains to a hard sheet, a small group of businessmen and civic leaders staged a simple ground-breaking ceremony. Using a diesel tractor as a speaker's stand, the Oklahoma City Chamber of Commerce President declared: "This is too big a project for hand spades, and this is a mechanized age. I think this tractor is the least we should use for the ground-breaking ceremony and it symbolizes a project of such magnitude."

In August 1942 the Oklahoma City Chamber of Commerce suggested that the War Department name the depot "Tinker Field" after Maj. Gen. Clarence L. Tinker, a native Oklahoman. The one-eighth Osage Indian lost his life on June 7, 1942, while leading his bomber command on a strike against the Japanese at Wake Island. The War Department considered the suggestion and on October 14, 1942 redesignated the base as Tinker Field.

The first assigned project was the installation of tow target releases on 40 BT–13 aircraft. When other Army bases learned that the new depot was ready for operation, they began shipping everything imaginable. One base sent several carloads of obsolete materiel.

When apprised of this fact, Col. Turnbull, depot Commander, ordered, "Send them back and tell 'em we're going to overhaul the big bombers, the B–17s and B–24s."

On July 15, 1943, the depot began modifying the armament on sixty-five B–24 Liberators. Also in 1943, maintenance men completed an engine change project on several hundred B–17 Flying Fortresses.

By the end of the war, Oklahoma City had reconditioned 12,178 R–1820 engines, work horses for the B-17 and other World War II aircraft. The depot also overhauled more than 2,000 aircraft, 90 per cent of which were bombers.

The Boeing Airplane Company delivered the first production B-29 to the Army in July 1943. This aircraft soon became the big workload at Oklahoma City. In November 1943, the depot assumed responsibility for providing intensive depot-level maintenance training for personnel of tactical organizations.

On December 13, 1943, the Air Service Command assigned the first major B-29 modification project to Tinker. The depot was to install extra fuel tanks on 104 aircraft. This would enable the first Pacific-assigned B-29s to stage raids on Japan from bases in India.

In June 1945, the B-29, "Enola Gay" arrived at Tinker for modification to the electrical equipment of the aircraft which would enable it to drop the first atomic bomb at Hiroshima.

The war years had seen the depot grow from prairie to an important logistics center. In the years which lay ahead this phenomenal growth, which slowed for awhile immediately following the end of hostilities, would continue until the depot became one of the most important facilities in the logistical operations of the Air Force.

On July 2, 1946, the Oklahoma City Air Technical Services Command became the Oklahoma City Air Materiel Area, following ASC's redesignation to the Air Materiel Command.

On January 13, 1948, Tinker Field became Tinker Air Force Base. This was the result of the Air Force becoming a separate entity in July 1947.

Early in 1949, the famous B-50, "Lucky Lady II," received modifications which later enabled it to make the first non-stop around-the-world flight.

The outbreak of hostilities in Korea in 1950 placed new demands on Tinker. The maintenance and repair of aircraft increased over 57 per cent, largely in support of the Korean action. In addition, the engine lines went on a three-shift operation to meet increased demands.

Today, OCAMA is big business, with geographical responsibility in 15 central states and the eastern half of Canada for providing technical advice and maintenance assistance and worldwide responsibility for logistics support of assigned weapons systems.

OCAMA's support responsibility to the Air Force is defined in the four principal areas administered by the Directorate of Materiel Management, Directorate of Maintenance, Directorate of Distribution and the Directorate of Procurement and Production.

The Directorate of Materiel Management, with approximately 3,500 people, is the primary management agency for the logistics support of the systems and items assigned to OCAMA.

The systems include the B-52 bomber fleet and its companion aircraft the KC-135 refueler plus the many modified versions of the -135 aircraft such as the EC-135N, eight of which are assigned to the Air Force Eastern Test Range in support of space flights.

In addition, OCAMA is system project officer for the Worldwide Airborne Command Post aircraft. These are specially designed EC-135 aircraft assigned to SAC, Headquarters Command, PACAF and USAFE.

Another OCAMA assignment is program management of the Special Air Mission aircraft or "SAM" fleet. These aircraft which include VC-137s, are used by top level government officials, including the President of the United States. Still another is logistics manager of the latest fighter aircraft to enter the Air Force inventory—the A-7D.

Other management responsibilities include three air launched missiles, the ADM-20 "Quail," the AGM-28 "Hound Dog," and the AGM-69 "SCRAM."

In the ground communications and electronics systems, OCAMA manages a number of units ranging from light weight transportable air traffic control facilities to complex communications systems, such as the Cheyenne Mountain Complex near Colorado Springs.

Jet and fan jet engines—in fact, all the jet engines with the exception of one—that are used on first line combat aircraft, are managed at OCAMA. These include the J-79, which powers the F-4 and F-104; the TF-41 used on the A-7D fighter; the TF-33 used on newer versions of the B-52, C/KC-135 and the C-141; the J-75 used by the F-105 and F-106, and the J-57 which powers the F-100, F-101, F-102, and earlier models of the -135 and B-52.

OCAMA also manages more than 300,000 items of accessories which are grouped in federal supply classes. OCAMA also oversees navigational and flight instruments, automatic pilots, airborne gyroscopes and engine instrument management.

The largest mission directorate at OCAMA is Maintenance. At a currently authorized strength of some 13,000 people, the organization performs a vast program of repair, overhaul, modification and modernization of assigned systems and support items.

One of the main OCAMA aircraft overhaul and modification workloads is on the B-52G. Another includes the overhaul assignment on F-4 fighter aircraft. The F-4 is managed by the AMA at Ogden, Utah. However, OCAMA was named a second overhaul source when an increased workload on the F-4 taxed the resources of the Ogden AMA.

OCAMA operates one of the largest jet engine overhaul facilities in the world. Approximately 3,400 jet engines were overhauled in FY-1970 alone. Much of the equipment overhauled is very complex. For example, a TF-30 main fuel control has approximately 1,500 parts. It requires 17 different operations to overhaul, taking a total of 99 hours. Testing of the control is even more time-consuming, involving 145 hours per control A complete test requires the use of ten different test stands.

The Directorate of Distribution is another OCAMA organization doing a job of worldwide logistics. It has an authorized strength of about 3,900 people. Inside and outside storage facilities of the directorate total more than four and one-half million square feet.

Currently, much of the material is being moved by air. Tinker is a major LOGAIR system terminal and is in its third year as an inland aerial port of embarkation. Cargo loaded at Tinker now travels a direct route in Southeast Asia.

In Procurement, OCAMA expended nearly $700 million, $64 million of which was in the State of Oklahoma.

The Oklahoma AMA also accomplishes two unique procurement functions. First, it buys contract field maintenance team services for all the AMAs and second, it buys contract services to maintain the VIP, or Special Air Missions (SAM) fleet. This consists of approximately 31 aircraft at present, including Air Force One.

There are approximately 27,000 people now at Tinker. The annual payroll is approximately $265 million. Of this work force, 1 in 4 is female, 1 in 5 is handicapped, and approximately 13 per cent are in minority groups.

PRISONS: COLLEGES FOR CRIME

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. MINK. Mr. Speaker, we are indebted to Mr. Louis E. Wolfson for his efforts to draw public attention to the need for prison reform in the United States.

Despite years of concern among many citizens, our Nation has yet to correct its attitude of neglect of those who are imprisoned. As Mr. Wolfson says:

> The penal system in our great nation is a convincing case of dismal failure.

Mr. Wolfson's article, "Prisons: Colleges for Crime," appeared in the summer 1971 edition of Dimensions magazine. I feel it is very timely in view of the recent prison tragedy at Attica, N.Y., which reflects a related situation.

Will our Nation learn anything from the lesson of Attica? In view of our past refusal to accord prisoners their basic human rights, there is little cause for optimism. The tragedy occurred because society, through its agent the prison system, declined to treat the prisoners at Attica as human beings. We tried to rob them of their dignity as individuals by not permitting them to take showers, or place telephone calls, or have a second helping at meals. Such demands by the prisoners should never have been necessary, for the privileges they sought should have been made available to them long ago by prison authorities.

Mr. Wolfson is well qualified to point out the deficiencies of our prison system, and his comments deserve our serious attention and study.

The article follows:

PRISONS: COLLEGES FOR CRIME

(By Louis E. Wolfson)

I have been speaking out as vigorously as is humanly possible against any and all types of injustices and discrimination for the past thirty years, throughout the forties, the fifties, the sixties, and now the seventies. I will continue to do so—regardless of threats—until I die.

Former Chief Justice of the U.S. Supreme Court, Earl Warren, recently stated that crime is the most serious problem in American life today. He also said that organized crime cannot exist unless corruption is prevalent within certain law enforcement agencies. Corruption and graft can be found in public office in every branch of government—executive, judicial, and legislative—and at federal, state, and local levels.

In every major city in America, two of every three arrests are among only 2 per cent of the population, practically all in the slum districts where life expectancy is ten years shorter than in other areas of the community. It is disgraceful and sickening to see in many cities that some civic leaders own these slum properties and do nothing toward stamping out this cancer in our society. Yet many of these slumlords are found on the front rows and the trustee boards of our churches and synagogues.

The penal system in our great nation is a convincing case of dismal failure, and this is confirmed by knowledgeable people in this field. This disheartening fact was recently accepted as a fact by the Nixon administration. The prisons are a proving ground for the breeding of an unlimited supply of criminals for the benefit of some corrupt people who will resist and oppose changes designed to reduce crime in America. In practically every prison, for a price, one can obtain anything he wants—narcotics, liquor, you name it. On an average day, there are 400,000 people in prisons in America. Over 50 per cent are under 25 years of age. Fifty-two per cent are not yet even convicted in the city and county jails. Four out of five are eligible for bail but do not have the money to be released while awaiting trial. Many are kept in jail 9 to 18 months. Many who are acquitted are innocent; but their lives have been destroyed and stripped of human dignity. Many violent, chronic, dangerous criminals are released on bail, even with full knowledge that they will be found guilty. They are free then to commit more crimes to obtain money to pay their attorneys and bondsmen, who know quite well that this is the only way they will be able to pay their fees.

People committed to prison represent only one out of every ten crimes committed and reported, and only one out of every two are reported. They enter these deplorable places as frightened, insecure, hypersensitive people. Those who are first offenders and non-violent are mixed with hardened, tough, violent criminals. They meet mean, sadistic people not only among the inmates but among the prison personnel as well; and destruction of these human beings commences very soon after entering these institutions.

Homosexual affairs within prisons are consummated without consent of both parties, rapes run rampant, and deals are made for special favors. As mentioned above, anything can be bought for a price—with narcotics high on the list. This could not possibly happen without the involvement of prison personnel; too much money is involved to stop it, and too many are participating in this corruption.

A subcommittee of a national psychiatric organization stated in its report that when you place a rat in a maze with no outlet, insanity results, and this leads to violence. If you confine a dog to your home for one year, then release it on the streets, it will go berserk. Yet we keep human beings locked up for years, then release them with only the clothes they are wearing, only $10 or $20 in cash—rarely more—and a bus ticket to their community. Jobs for these ex-convicts are rare, and when their money is gone they must resort to crime. The facts in the record clearly show this. People in authority are aware of these awful truths, but nothing is being done to change the situation. This is the principal reason why about 70 per cent of all inmates are recidivists (more commonly called repeaters.) Eighty per cent of all serious crimes are committed by persons previously in prison and 25 per cent are mentally retarded. If a doctor lost 70 per cent of his patients through death or if an automobile manufacturer produced this percentage of defective cars, both the doctor and the manufacturer would soon be out of business; they would no longer be in practice. Not so with the prison system—it is growing larger and expanding and the profits increase for those corrupt people involved in operating these institutions. Many Americans do understand but are too apathetic regarding these disgraceful conditions. They do not realize that 5 per cent of the inmates are innocent.

The population of our penal institutions comes from all walks of life, and are of every color, creed, and national origin. Most are non-violent, such as tax evaders, moonshiners, those incarcerated by selective prosecutions, selective service violators, counterfeiters, embezzlers, bad check artists, those convicted for theft of motor vehicles, and many other such types of crimes. Very few members of organized crime, or people considered to be a menace to our nation will be found in prison. They apparently can reach, with money, those in authority at all levels, including the judiciary. In New York City, 90 per cent of all organized crime cases are tried among the same few judges and the decisions by the judges in many of these cases are unbelievable, amazing, shocking, and even contrasting and conflicting. The Bar Association, for reasons only known to its members, lacks the courage to speak out and demand the removal of unqualified or corrupt judges. Information has been published that judgeships are sold in New York at an average price of $80,000, which must be paid in currency.

Inmates soon discover the lack of uniform sentencing—sometimes by the same judges—for similar crimes. An inmate may be in prison for stealing a car, his first offense, and another under the same conditions may be in for five years. One person on a marijuana charge may be imprisoned for one year while another is serving 30 years for the same violation.

The parole board will turn down some prisoners eligible for parole, yet grant parole to violent criminals with second, third, and fourth offenses on their records. Parole boards refuse to inform the prisoners of the reasons for denying parole so that applying inmates may correct their deficiencies before they again become eligible for consideration by the board. These two situations—the failure of the parole board to state the reasons for denial and the lack of uniform sentencing—make it very possible for corrupt authorities to receive payment for special treatment. These two factors bring about more anti-American feeling, bitterness, and hatred among inmates than anything else and cause them to seek revenge when they are released. More violent crimes then result!

Criminality originates in the mind and is a product of faulty learning or failure to learn. With criminality regarded as a learned behavior, our schools, our churches, parents, courts, and prisons are obviously failing; and our culture is seriously threatened unless the trend is reversed. Our future points to chaos when the record shows that 40 per cent of all male children will be arrested for non-traffic charges and it is only a matter of time until our free society is completely destroyed.

Remember that 19 out of every 20 persons who enter our prisons eventually *return to society* and a large number of persons who were once human beings have been turned into mad dogs who run loose in our society. Many of the youngsters of today are consciously or subconsciously signaling for help through their behavior, caused by pressures engendered by our complex society; and we close the door on them in many instances. The rising tide of crime is a social problem much like a cancerous sore, and we must understand that, like the cancerous sore, the problem has a tendency to spread and, if not treated in time, will destroy the total body of our society. So, we must treat the whole patient by getting to the root of the causes of these problems.

We design programs expending hundreds of billions of dollars for wars and, after we defeat our enemies in war, rehabilitation takes place. Yet we make little or no effort to provide a small fraction of this amount to rehabilitate our own people in solving some of our social and domestic problems. America has many serious problems, including pollution, but none can approach in its potential tragedy the pollution of the mind. What our country needs is not retribution but therapy, based on this particularly violent state of our national madness which has developed into a society of punishers.

Some prison administrators institute a token rehabilitation program, although they regard protection as the principal function of a prison. All other functions or missions are relegated to a secondary role. Such concern leads to an almost unbelievable fanaticism with regard to security inside the prison. Obsession with security might be amusing were it not so annoying to the men inside who have to put up with frequent head counts, searches, many harassments, and continual surveillance. The extremely low escape rate (over a 30-year period only about 8 prisoners out of 700,000 escaped from the federal prison system) plus the existence of such a large number of unapprehended criminals not in prison, as well as the growing successful use of minimum security prison camps without walls proves how ridiculous this obsession is. Many prisoners are released despite the positive knowledge that they soon will be back in prison, as they are unprepared mentally, educationally, vocationally, or financially for life in our society. They are souls who have no hope or purpose in life and for whom no one cares.

On a long-term basis, then, prisons provide no real protection; escapes are presumably feared because of the bureaucratic problems they create, and because of possible negative reactions among the public. On a short-term basis, prisons may protect those outside the walls, but under present conditions they are unable to protect inmates from the crimes that flourish within the walls. The rapes, beatings, and sometimes murders very rarely become known to the public. These crimes committed against the inmate population by other inmates or guards are almost always neglected when considering the protective aspects of imprisonment.

Prisons are certainly no deterrent to crime. In fact, they are considered as a higher education in breeding and educating criminals—sort of "colleges for crime." Propaganda and political hogwash for votes mislead the American people into believing that stronger, harsher punishments dealt out in longer sentences will reduce crime; but the facts and records do not support this. Psychologists generally believe that rewarding desired behavior is more effective than punishing undesired behavior. Capital punishment has not deterred crimes of murder as opposed to long-term imprisonment. It seems likely that most crimes are not deterrable by imprisonment or any other form of punishment because the decision to commit them is not a rational one in which consequences are weighed in advance. In those cases where the decision to commit a crime is made rationally, certainty of punishment is likely to be a more important factor than the severity of punishment. Since most crimes are not cleared through arrest, most of those arrested are not convicted and most of those convicted initially are not imprisoned, certainty of punishment does not exist in our judicial system, nor is it possible to conceive of a judicial system consistent with civil liberties that could insure such certainty. There is a certain percentage of hardened, chronic, habitual criminals who will return to crime, regardless of the financial opportunities offered them—crime is a way of life for them. These people *must* be treated differently from the majority of prisoners. They are the teachers of serious, major crimes in our "colleges of crime." Many prisoners enter prison the first time for theft, then later for murder or more violent crimes as the prisons educate their inmates.

Sexual tensions and undercurrents of violence are found in most prisons. Most of the violence and murders in prison result from sexual activities and gambling. Conjugal visits, when earned by good behavior and work records, would reduce much violence. Also such visits may give these lost souls some purpose and hope before they are completely destroyed.

The punishment dealt by authorities in some prisons is as barbaric and inhuman as any ever devised by man. These "sadistic animals" should be removed as prison personnel and, if proven guilty, should be criminally prosecuted. By doing this, some changes would take place promptly. A prison Ombudsman to function in these matters would certainly expose such atrocities. When there are riots and violence by inmates, in most cases it is likely to have been triggered by prison personnel since most prisoners want to do their time in the easiest and best way without any trouble. They are usually frightened and helpless against any type of violence for they would be blamed and would receive punishment. The administrator will always accept the word of the guard—never the word of a prisoner. Many guards will be more prone to lie than prisoners. Most guards and certain other prison personnel are uneducated, underpaid, and could not get a job anywhere else; and they are not sufficiently trained in this very important field where human lives—not merchandise—are dealt with. If the humane society had jurisdiction over human lives in these prisons, they would certainly see that animals in their compounds could not withstand the mental and physical brutality so rampant in these institutions. One observes that human beings too often maim or kill their own fellow human beings, but animals *protect* their own—even though they may kill others. It is sometimes confusing as to which really are *humans* and which species are really *animals*.

Law enforcement officers in practically all our cities are so underpaid that they are forced to "moonlight" in order to live; or they are forced to accept payoffs and bribes. We place all the responsibility on them but much of the blame is ours. The responsibility should be ours to see that they are well trained, educated, and paid a living wage for their important, hazardous work.

Too many laws are unenforceable since they have loopholes placed there by corrupt politicians for the benefit of organized crime. People must accept their responsibilities to become involved in these problems, if crime is to be reduced in the future; if not, crime will continue to increase at such a rate that every family in America will be directly affected by a serious crime within the next ten years.

Regardless of the confusing, manipulated, slanted crime figures, crime is increasing and certain elements will lead to further increases. History will show that after every war crime increases among the boys returning home. We expect the approximately three million young men who have been trained to kill in Vietnam to return home to normal life when they are released. But this is not possible—you cannot train human beings to kill and then bring them back and tell them that they are no longer killers. Human minds and human beings cannot be turned on and off like a light switch.

Increased costs of living force some people to crime to meet their obligations. Many recipients of welfare cannot meet living requirements and the constant increase in welfare rolls has reached the danger level. Boston has one out of five people on welfare; New York and other cities, one out of seven. New York alone has 1,160,000 people on the roll receiving some type of welfare. The lack of legal and police protection against the strong-arm tactics of the bill collectors make many people resort to crime to avoid being roughed up and beaten by these characters. The expansion of gambling in many cities and states (in New York off-track betting on horses and a proposed gambling casino bill) will have a tendency to cause more crime. Drugs will continue to create serious crime problems since nothing apparently is being done toward the removal of the immunity of diplomats from our country and those from foreign nations in the trafficking of drugs. Also, the immunity from certain due process of law still exists in our Armed Forces, which is responsible for the smuggling of unbelievable quantities of narcotics.

Some drastic, well-conceived program to take the profits out of drugs must be put into effect immediately. Additionally, with more than 100 million firearms in the hands of the American people, we need a strong gun control law. No other industrial, scientific nation in the world has as much violence and crime as our great nation.

A full disclosure law should be enacted that would require top echelon personnel of the Justice Department, members of the Parole and Probation Boards, and Bureau of Prisons personnel to file disclosure of their financial net worth, and their annual income and expenses, and make such disclosure available to the press and to the public. The full disclosure provision should be rigidly enforced and, if violated—and such violation proven—it should carry a provision for criminal prosecution, the automatic return of any monies, fees, or illegal compensation received; and, wherever applicable, the cancellation of pensions and other employee benefits.

There is nothing that would go farther in restoring the confidence and trust of the American people in our government and its officials.

I think the statements of two very knowledgeable persons can best explain the roots of some of these problems. U.S. Supreme Court Justice Robert Jackson in an address to a conference of U.S. Attorneys in 1940 stated: "A prosecutor has more control over life, liberty, and reputation than any other person in America. . . . He can choose his defendant. . . . A prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone." Famed criminal lawyer, F. Lee Bailey, August 23, 1968, stated.

The judicial system is not concerned with "truth." As I get older and as I get grayer, I'm less convinced that people are really interested in truth.

We're not separating the innocent from the guilty. We separate those against whom the evidence appears to weigh heavily from those against whom the evidence appears thin.

There are very, very few cases that lawyers could not settle as to the truth if they chose to do so. The cases that go to trial are the close, contentious cases, when the opportunities for error are myriad. Jury trials are too often a matter of Russian roulette.

I would like to believe that there still are many people willing to search their minds, hearts, and souls in caring for others and bring the American people back to their senses if we are to preserve the greatest form of government ever known to and devised by man, and if we are in fact to preserve the human race. We *must*, if we are to remain a free society with law and order, and with equal justice for all! We *must* eliminate double standards of justice! You will recall the lack of interest in new drug laws shown by many prominent people in our society, including governors, congressmen, business leaders, and others, until members of their own families were in danger of going to prison. Now they want to revise and change the laws. The youngsters of these prominent people were not imprisoned. Some were placed on probation. Three cases taken at random (there are thousands of others) in which they showed no concern for those involved were: (1) The case of John Sinclair, the poet and political activist who received a ten-year sentence for possession of *two* marijuana cigarettes; (2) Lee Otis Johnson, a S.N.C.C. leader who received a thirty-year sentence for giving (*not selling*) one marijuana cigarette to an undercover agent; (3) William Baugher, who was picked up in Gainesville, Florida and put in jail for smoking a marijuana cigarette (he did not have any others in his possession). Shortly after being jailed, he was found dead in his cell, a victim of rape and beatings. The authorities reported his death a suicide, but a few people demanded a grand jury investigation. An indictment of an 18-year-old youth for the murder of Baugher followed.

The wisdom of George Bernard Shaw sums up the chaotic, deplorable prison system in a short statement: "We have been judging and punishing ever since Jesus told us not to and I defy anyone to make a convincing case for believing that the world has been any better than it would have been if there had never been a judge, a prison, or a gallows in all that time."

WILDLIFE—WHO NEEDS IT?

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RONCALIO. Mr. Speaker, in observance of National Wildlife Week, the Wyoming Wildlife magazine, an attractive publication of the Wyoming Game and Fish Commission accepted essays tailored to the national theme; "Wildlife—Who Needs It?". The two winning essays appear in the September issue of Wyoming Wildlife.

The student division winner is Mr. David L. Zwonitzer of Laramie County. David is a 1971 graduate of East High School in Cheyenne. He is an active member and past president of Cheyenne's 4–H Club. He was also a member of the National Honor Society and was named to Merrit's National High School Who's Who. David plans to study pre-veterinary medicine at the University of Wyoming this fall.

The adult division winner, Mrs. Mae Urbanek, is a dear friend and one of Wyoming's most beloved citizens. It is my pleasure to submit her excellent essay also for the thoughtful consideration of my colleagues.

A writer of note, Mrs. Urbanek's work ranges from poetry and history to novels with a Wyoming flair. Mrs. Urbanek has been a 4–H leader in forestry, home beautification, photography, and geology for 30 years. She belongs to the Wilderness Society and has served as president of the Wyoming Federation of Garden Clubs and Wyoming Press Women. Mae was born in Denver, Colo., raised in North Dakota, and chose to live in Wyoming. She and her husband, Jerry, have resided on a ranch north of Lusk since 1931.

The articles follow:

WILDLIFE—WHO NEEDS IT?

(By David L. Zwonitzer)

For centuries the population of wildlife was regulated by the checks and balances of nature. Even after the appearance of man this held true, because man was not equipped to defend himself against larger predators. As time passed and man found ability in using weapons and hunting, he became a formidable predator and may have been responsible for the early extinction of some animals, such as the mastodon, as early as ten thousand to twenty thousand years ago.

With the introduction of agriculture and domestic animals, and later the construction of railroads and highways, the cutting of forests, and the plowing of grasslands for growing crops, animals' natural habitat was greatly modified. This destroyed our natural cycle, thus depleting some species of life and overstocking the earth with others. Sometimes a valuable or interesting species was totally destroyed, as was the case with the passenger pigeons that once darkened America's skies in their immense numbers. We cannot afford to kill species that may be necessary to the survival of many or to the balance of nature. Today, we have a tremendous challenge.

Where are we to hunt and fish? The signs say *No Trespassing*. Where are we to camp and hike and picnic and just be alone to study nature's creativity?

Wild birds, animals, fish, trees and flowers are not only important for mental and physical reasons but they also play a great role in nature. Mother Nature has set a natural recycling method where animals eat plants and animals eat other animals. Like humans, many kinds of animals need elbow room. As the human population grew, laws had to be provided to protect our wildlife and to give them adequate space to live. They also needed vegetation for protection, reproduction, survival and a multitude of other reasons.

Because of the pioneering tradition, Americans find a particular need to enjoy the great outdoors from time to time. Twice as many Americans buy hunting or fishing licenses as buy tickets for baseball games. Every year, millions of them visit the state and national parks merely to look at the scenery.

It might well be imagined that the vast, untouched wilderness areas of the United States would provide adequate protection for wildlife. But these wildernesses are rapidly being exploited by lumber companies, mining groups, and dam building interests, or are being populated. These operations are turning our wildernesses into commercialized areas.

The continuing growth of tourism and recreational hunting and fishing have created a major economic value for wildlife. Now that no frontiers remain and our country is settled from coast to coast, more people than ever before turn to wildlife, some for pleasure and relaxation, others to satisfy their curiosity. More than 5,000,000 people go fishing, and some twelve million others buy hunting licenses. Hunters do not need the meat for the table, but like to get away from the nerve racking confusion of the city, to think long thoughts, and to get closer to the things of the earth. Millions of other people watch birds, collect butterflies, or indulge in a score of other nature hobbies. Each year more than half a million people in a hundred and forty cities attend "Screen Tours" to enjoy Kodachrome movies of wildlife.

The wildlife in Wyoming is magnificent. We share our land with fascinating wildlife neighbors, yet the five big mediums of public enlightenment: motion pictures, radio, television, magazines and newspapers, do not give our wildlife the coverage they should have. The man who is curious about wild animals or growing plants is never alone in his travels. To him no ocean, desert, or mountaintop is desolate. There is always life; there are new discoveries to be made. Then, if a person is thoughtful, he may become interested in the way things live, their habits, their ecology, populations, migrations, and natural cycles.

One cannot reflect on the forces which make the outdoor world tick without becoming somewhat of a conservationist. All of wildlife refers to some sort of conservation. If one merely looks out the window to watch a bird fly above, then he is enjoying wildlife as do millions of people daily.

Who needs wildlife? Face it, every living form on earth needs wildlife. The smallest insect or the largest whale are both dependent on wildlife in some form or another. All human beings from conservationists, biology classes, forest rangers, business men to every day workmen, are dependent on wildlife. These people study behavior of wildlife, record its heredity, and go into the wilderness to enjoy solitude. The first man could have only survived because he used wildlife to clothe and feed himself. As time passed and settlers and fortune seekers came to America, they used wildlife in war, fur-trading businesses, and for food and clothing. They killed the bison by the million and due to a lack of "intelligence" on the part of the American people they made extinct the once popular and very interesting Labrador duck. When the wars that involved America started, the oil of wildlife animals was used in making ammunition. Not until late in the nineteenth century did man become less dependent on wildlife. This was mainly because of domesticated animals and the modern techniques of agriculture replacing the need for wildlife.

The sledgehammer impact of civilization on wildlife has been softened and geared down in many cases by State Fish and Wildlife programs. They deal primarily in fitting the wildlife to the ever changing environment we impose on them. Crowded by suburbs, jostled by highways, displaced by airports and industries, much of our state's once teeming wildlife is literally pushed back to the wall.

Designed by nature to be residents of the wilderness, needing clean water and clean air, these creatures today find less and less of the environment they require to survive. Some have already toppled over the edge of extinction and the worst part is, more are being forced right to the edge.

Everyone needs wildlife, and everyone is concerned, but few do little in helping preserve it so our future generations can enjoy the same pleasures as we are presently enjoying.

I have noted that in the United States of America, wildlife of all kinds belong to the public. But it has been found that on private land our use of the resource is abridged and our ownership largely theoretical. Somewhere, surely, this national and state asset should be wholly ours. This wildlife is our public livestock, and it needs space and a food supply. It includes not only deer and antelope, but Montana grizzlies, Minnesota wolves, California condors and Arizona cougars. It also includes such lesser creatures as prairie dogs, marmots, chipmunks, magpies, roadrunners, mountain birds and hundreds of others.

It is the people who need wildlife, from the smallest youth to the oldest human being. Let every individual know the importance of wildlife, because it is essential to the survival of every living form on earth.

Wildlife—Who Needs It?

(By Mae Urbanek)

Life is a pyramid. Its foundation is made up of trillions of green leaves, capturing energy from sunshine; mixing it with minerals and moisture from the earth and producing chlorophyll or protein—the food that nourishes all life. In this process plants also purify the air, giving off oxygen for animals to breathe.

Animal life rests upon and depends on plant life. Some animals eat only plants. Some animals eat other animals as well as plants. The humble leaves feed the mighty elephant. Tiny bacteria also live and break down and recondition waste so it can be used again in life's processes. All life is in delicate balance. One species is controlled by or depends on another for its existence.

On the very top of the pyramid sits man, arrogant and possessive. He has no rival except other men. He believes that everything in the pyramid beneath him is his to exploit. Sunlight, caught in the leaves of some Carboniferous tree two hundred million years ago and stored deep in the earth, is his to use now. If some of it spills in the ocean, killing fish and birds, that's too bad. Lost oil; lost money!

Soil that has slowly built up from eroded rocks over billions of years is his to use now. More cows; more wheat; more money. Forests are his to harvest now. He must make more money so his children will not have to work with their hands as their grandfathers and grandmothers did.

And these children who do not need to work with their hands except to press an electric button, are they happy and content? For what functions do they need their bodies? Eyes to see color TV; legs to walk to the refrigerator or press a gas pedal; sex. Life becomes boring to them. Nothing to strive for; nothing to conquer. With the aid of drugs they go on a "trip." They play with bombs and blow up buildings. They are trying to find out what life is; if it is worth living.

Man has sat too long on top of life's pyramid surrounded with artificial luxuries, believing himself to be the master of life. If only each person, especially the young ones, could for a week each year be a guest of the birds and animals in a forest! If only this person could learn to know these simple, happy creatures in their undisturbed homes, far from the grating gyrations of the internal combustion engine!

Under the tall spires of spruce trees this person would find other values in life besides wealth and importance. He would find the peace and quiet to calm his nerves and cure his ulcers. Then relaxed and meditating, he might discover that the green leaf was more important to life than he, the mighty man.

He would find, when he first entered this wilderness world, that all living things feared him, fled and were quiet. The woods, at first, would be silent, empty tombs. But if he rested quietly by some rotting log in the sunlight dappled by busy leaves, the doe and her fawn soon came to drink of the clear water. The beaver ventured out to cut a young aspen; rolled and lugged it back to the water; floated it down to repair a break in his dam. Flies buzzed and laid their eggs in a dead fish, washed high on the bank of the beaver dam. Soon maggots, hatching from the eggs, would clean up the fish. Birds would eat most of the maggots.

As the man watched quietly in the rank grass nourished by the rotting log, the trees came alive with birds singing at their work. Soon there was life everywhere. The simple, busy happiness recreating itself; wasting nothing; leaving no rubbish; making the earth richer for the next generation because it had lived.

Then perhaps, this man slowly realized that he was only a small part of life, which he did not understand any more than the bullfrog hopping in the grass beside him. Hearing no sounds of approaching enemy, the frog croaked its deep "Be drowned"/"Be drowned" song in sheer happiness. The frog believed in itself; in its ability to catch flies enough to eat, knowing it would have to make a living or starve. There is no welfare department for frogs. But the frog was also wise enough not to try to catch and hoard flies so its polliwogs would not need to catch flies as soon as they lost their tails.

The hard-working beaver was busy cutting another aspen, thinning out numerous suckers. The few trees left would have room to grow strong and healthy. With the aspen bark the beaver fed himself, and then used the peeled log to make a larger, better world for himself. Incidentally, he made a better world for many plants, fish, and animals. His dam slowed the fall of water. Evaporation from the dam filled the air with moisture. Even lichens on the rocks benefited.

The dam, the man reasoned, rising to his feet, is the foundation of the beaver's life. He keeps it strong and well protected against floods.

"What are the foundations of my life?" he asked himself as he walked down the spongy woodland path.

"Green things." His hand caught the leaf of an aspen, held and caressed it. "Unmuddied water. Fresh air. Freedom to work and relax. Happiness."

The man turned for a last look at the beaver pond. "That beaver has them all; all the things I need. He is preserving them so his baby beavers will have them too. I wish I was as wise and happy as that toad and that beaver."

The man raised his hand in final salute. "Thanks," he said, "for the lesson you taught me."

WHY THE HOUSE OF REPRESENTATIVES SHOULD EXPRESS ONCE AGAIN ITS FIRM OPPOSITION TO ANY GIVEAWAY OF THE CANAL ZONE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries from early 1957 to January 3, 1971, I think I have made known to all of the Members who served during any part of that period my strong views on the importance of retaining the canal and the Canal Zone as vital components of the defense and the commerce of the United States. The House of Representatives, from time to time over those years, expressed its concurrence in those views through the adoption of appropriate resolutions.

It is now urgent that the House of Representatives in the 92d Congress reiterate the historic position of this body that the canal and the Canal Zone should not be made the pawn in new diplomatic "games" with the Republic of Panama. The urgency arises from the fact that the administration has recently undertaken a new series of negotiations with the Republic of Panama over the future of the canal and of the Canal Zone, and the outcome of such negotiations, in my opinion, can only be mischief—unless the House makes it clear we do not intend to accept a giveaway of our rights in the isthmus.

Because the powers of the House do not extend to the ratification of treaties, the best way we can influence the outcome of these negotiations is to enlist the American people to join us in persuading the President that our national interests would not be served by any new treaty such as is being sought by the Republic of Panama. In an extreme situation, we could make clear that enabling legislation to carry out such a treaty would not be favorably acted on in the House. This would be a most unusual step for the House to take, and one which we would hate to have to take.

But the issues are so serious to our national interests that we should move promptly to express, in a formal resolution adopted by the House, our deep-seated opposition to the kind of treaty again being discussed in negotiating sessions between the two countries.

It was a privilege for me yesterday to have the opportunity to testify before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, under the chairmanship of Representative Dante B. Fascell of Florida, on House Resolution 234, which I introduced on February 17, 1971, and on other resolutions pending before the Foreign Affairs Committee on the subject of our rights in, and jurisdiction over, the Panama Canal and the Canal Zone.

Under unanimous consent, Mr. Speaker, I submit for inclusion as part of my remarks the text of the statement I presented to the Fascell subcommittee yesterday, as follows:

Statement of the Honorable Leonor K. Sullivan

I would like to take this opportunity, Mr. Chairman, to thank you for allowing me to present this statement to your Committee concerning the current negotiations between our Government and the Government of the Republic of Panama, which are intended to lead to new treaties governing the Canal Zone and defense facilities in Panama and the Canal itself. As far as I am concerned, there is not a more crucial matter facing the Administration and the Congress in the coming months than the present treaty negotiations concerning Panama. I served as Chairman of the Panama Canal Subcommittee for 14 years, until this year because the new rules of the 92nd Congress prohibited the chairing of 2 subcommittees, and my interest in Panama goes even much further beyond that time. In light of my deep involvement with the affairs of Panama over this extended period and my intense interest in the Canal and the surrounding region, I cannot help but be anxious and apprehensive over the new round of treaty negotiations which have begun between the negotiators of our country and the Republic of Panama. It is for these reasons, Mr. Chairman, that I have requested this opportunity to present my views to your Committee concerning these critical matters.

Before I get into the substance of my remarks, I would like to ask the Committee's permission to submit the following documents as part of the hearing record. These documents are identified as follows:

(a) A report issued in December, 1970, on the "Problems Concerning the Panama Canal." This comprehensive report was from the Subcommittee on Panama Canal to the full House Merchant Marine and Fisheries Committee. This report has enjoyed wide circulation and favorable comment.

(b) A speech which I made on the Floor of the House on April 1, 1971, when word first reached the House concerning the opening of negotiations for a new set of treaties. (Congressional Record, p. 9431)

(c) A letter of May 20, 1971, from me to the President of the United States, respecfully urging that the Administration not begin these new treaty negotiations. Also attached to this letter are copies of two replies which I have received. (A part of the Congressional Record, p. 25494.)

(d) A speech to the House dated July 15, 1971, Congressional Record pages 25493–25496, in which I inserted certain news stories related to the speeches and promises of General Omar Torrijos and other officials of the Panamanian Government to the people of Panama.

It is pertinent to note that the pattern of Panamanian behavior which led to the 1964–67 negotiations and treaties is being repeated by the Panamanians. This activist behavior is undoubtedly being undertaken as a lever to force new negotiations and treaties which give every indication of being even more retrograde to the interests of the United States than were the last round of abortive negotiations and treaties.

My basic objection, of course, to the present round of treaty negotiations is that they appear to have as their basic purpose the abrogation of United States jurisdiction and sovereignty in the Canal Zone. This is basically objectionable because it is contrary to the best interests of the United States. However, the recent activity of the present Panamanian nonconstitutional provisional military government makes such treaty negotiations all the more inappropriate at this time. It truly seems unwise to negotiate with this nonconstitutional provisional military government at a time when it has terminated our Rio Hato Military Base lease, continually alleged in the news media of Panama improper U.S. conduct, acted illegally and discriminatorily against Canal Zone residents and kept up a constant drumfire of anti-American propaganda publicly.

In order to view the present treaty negotiations in proper perspective, I believe it is necessary to examine some of the premises which led to the prior 1964–67 treaty negotiations and some of the disabilities which were inherent in those treaties. At the time the 1967 treaties were drafted and negotiated it was thought that the Canal was inadequate to meet the requirements of commerce and should be replaced. Subsequent investigation has indicated that there is little in the record to support this conclusion and General Leber, the former Governor of the Canal Zone Government, testified in 1970 that the existing Canal with certain improvements should be able to handle all foreseeable traffic to the end of the century.

At the time the 1967 treaties were drafted and negotiated it was thought that a sea-level Canal was economically feasible and could be inexpensively constructed by nuclear excavation. The Atlantic-Pacific Inter-Oceanic Canal Study Commission Report of December, 1970, eliminates the possibility of nuclear construction for the foreseeable future. As to the cost of constructing a new sea-level Canal by conventional means, it would appear to be in the range of $2 to $3 billion, although the total cost cannot be known because financial arrangements for such construction are inseparably bound to negotiations between the United States and Panama.

It may be concluded, therefore, that treaty negotiations such as those now under way cannot be premised on the assumption that Congress will authorize the construction of a new sea-level Canal or enact legislation to transfer the existing Canal to any other country.

Aside from the fact that the 1967 draft treaties were based on erroneous premises, they were also unsatisfactory from the standpoint of the United States for a number of reasons. For example, they would have resulted in the United States relinquishing its sovereignty over the Canal and would have operated in such a way that the United States would have been unable to provide for its defense. In addition, those treaties contemplated unrealistic and unreasonable increases in toll rates and revenues, and failed to take into account the constitutional authority of Congress over the disposal of United States property. Those treaties would have transferred control of the Canal from the Congress to a nine-man governing authority with the five American members being appointed by the President and subject to confirmation by the Senate and responsible to the Executive, not the Congress. Any arrangements such as this would, in itself, be sufficient to make the treaties unacceptable to the Congress.

It is clear that these 1967 treaties were totally unacceptable to us for the reasons I have just mentioned. On the other hand, the nonconstitutional provisional military government of Panama rejected these treaties outright because they did not go far enough. Thus, it seems elementary that any developments in the new treaty negotiations which would satisfy Panama's predatory and totalitarian demands would be objectionable and unacceptable to the United States.

In addition to the basic objection to any treaty surrendering our sovereignty and jurisdiction over the Canal Zone since it is contrary to the best interests of the United States, I also regard these present negotiations as creating a most unfortunate and dangerous climate in Panama. I say this because General Torrijos and Foreign Minister Tack have made any number of promises to the people of Panama in recent weeks concerning what they intend to get from the United States in these present negotiations. I do not believe the officials of Panama will be able to deliver on these promises to the people of Panama and when these people are frustrated and disappointed in the results, I fear the outlet for their frustrations and anger will be manifested in riot and anarchy, which will be directed unfortunately against the United States presence in Panama

Although I believe I have made my position abundantly clear with respect to the inadvisability of our relinquishing our sovereignty and jurisdiction in the Canal Zone, I do not want you to think that I view this situation in a completely negative fashion. There is a middle ground for consideration and there are concessions which may be made. For example, after a trip to Panama in early 1969, and at the urging of certain commercial Panamanian interests, I suggested in a letter to the President that a portion of the Old France Field which is on the Atlantic side of the Canal Zone might be given over to the Panamanians for use in its free zone. The use of this parcel of land in the free zone by the Panamanians would increase Panamanian commerce and employment considerably. We might also allow Panama to bring its own supermarkets within the Canal Zone to compete with our commissaries. Also, I have continually suggested over the years that the President appoint one or two Panamanians to the Board of Directors of Panama Canal Company so that they may see how the funds received from tolls are poured back into the improvements and upkeep of the Panama Canal itself.

These few suggestions are just a number of more moderate steps which may be taken and perhaps should have been taken in the past. However, I most strongly urge my colleagues, in both the House and the Senate, to resist any effort to force us to relinquish our sovereignty and jurisdiction over the Canal Zone which is so vital and necessary to our commercial and national security interests.

In a recent conversation with Ambassador Mundt, he informed me that they are contemplating an arrangement whereby we would surrender our sovereign control over the 10-mile strip of the Canal Zone but retain our authority over the waterway itself. In other words, our control would end at the water's edge of the Canal. I hope none of us will fall prey to this type of fuzzy thinking. Obviously, the Canal cannot be operated from the water itself without the necessary land appurtenances and facilities.

I would like to thank the Chairman and the Members of this Committee for allowing me to present my views to them on this highly important matter and I am confident that my colleagues in the Congress will not allow the Administration to give away an area which is so vital to our interests.

(Copies of the report mentioned under (a) may be obtained from the House Committee on Merchant Marine and Fisheries, or can be read, along with the materials mentioned under (b), (c), and (d), in any Federal Depository Library.)

AMORY HOUGHTON—A VERY SPECIAL MAN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HASTINGS. Mr. Speaker, recently the Corning, N.Y., Glass Works in my district paid special honor to a very special man, Mr. Amory Houghton, whose career spans more than 50 years of dedicated service to his community, his country, and his company.

Under his farsighted and indefatigable leadership, Corning Glass achieved international renown in the glass industry, and its kitchenware products have become a prized household possession throughout the world; not to mention the contributions made to the Nation's space program.

For example, 2 years ago when man first stepped on the moon, nearly a quarter of the earth's population was able to view what was then the unbelievable because of special glass developed by Corning Glass which made pictures beamed from the Apollo TV camera brighter and clearer.

But his achievements were not limited to the corporate world alone. Distinguished service to his country brought him much deserved acclaim.

During World War II, he served as a member of the War Production Board and later as Deputy Chief of the U.S. Mission for Economic Affairs in London.

From 1957–61, he was U.S. Ambassador to France during the hectic and critical postwar years and was awarded the Grand Cross of the Legion of Honore from a grateful French Government.

So that my colleagues may share in the special tribute to this special man, I include the following article from the Corning Leader in the Record:

Decker Pays Special Tribute: Great Leader A. Houghton Held CGW's Growth Architect

Corning Glass Works Wednesday evening paid tribute to the man who has been the chief architect of its growth for the past 50 years.

The special tribute went to Ambassador Amory Houghton, who received his 50-year pin during the company's 120th anniversary dinner at the Corning Glass Center.

In a special tribute, William C. Decker, honorary chairman of the board, said the former ambassador to France was the man responsible for Corning's growth to worldwide leadership in the glass industry in the last half-century and also cited his contributions to his country and to nonprofit organizations and business institutions.

"During the first 70 years of its existence, Corning was a soundly managed small company," Decker said. "Then, in 1921, an event occurred which was to make a dramatic change in the company. On February 28 of that year, Amory Houghton began work in the blowing room of "B" Factory, and was paid $25 a week.

"Now that he was on Corning's payroll, he decided that he could afford to get married. On October 19 of that year, his wedding to Laura Richardson took place.

"That event, too, was eventually to have a most beneficial effect on Corning Glass. Two of their five children have continued the Houghton tradition of being unusually able businessmen and today Amory Jr. is chairman and James is vice chairman of Corning's board."

"While his various titles over the years have ben executive vice president, president, chairman of the executive committee, chairman, honorary chairman and chairman emeritus," Decker said, "he was always, even when on leave of absence, been in effect the chief executive of Corning, and the great leader with the vision to set very high goals and the human touch to motivate the organization to achieve them."

"Supplementing these rare attributes," he continued, "Ambassador Houghton possesses other qualities of mind and spirit which have made him a great leader."

Decker cited his integrity, interest in people, belief in excellence, his faith in glass as a material, his interest in research and his belief in partnerships.

"He is a man of high principle," Decker said. "There has never been a credibility gap as far as he is concerned."

"His principal achievement," he said, "has been in making Corning Glass the great company it is today. It has a history of excellent relations with employes unexcelled elsewhere in the United States. For a company of its size, it has an unusually fine image and is favorably known to the public."

In service to the country, Decker pointed out, during World War II, Houghton served with the War Production Board and later as deputy chief of the Mission for Economic Affairs in London.

"Then from 1957 to 1961, he was ambassador to France during four critical years in the history of France, when a revolution was averted only by the accession of General de Gaulle to the presidency.

"For his cooperation with France during these difficult years, he was awarded the Grand Cross of the Legion of Honor."

"Finally," Decker said, "his services to various nonprofit and business institutions in this country are too numerous to mention. I know, however, that he got great satisfaction out of being national president of the Boy Scouts of America because holding this office enabled him to be of service to the boys of this country."

"For 50 years," he said in conclusion, "Amory Houghton has been our wise leader and good friend.

"As a token of our esteem and admiration for Ambassador Houghton, let us resolve tonight to continue to keep Corning Glass, in every respect, up to the high standards he has set for us and, as he begins his 51st year with Corning, to wish him good health and happiness in the years to come."

TAIWAN'S STATUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DERWINSKI. Mr. Speaker, one of the major items on the agenda of the United Nations and the General Assembly session of the world organization that has just convened is the question of membership for Red China as well as the Republic of China on Taiwan.

The Chicago Tribune, in its Perspective section of September 13, carried a very timely column by their Washington bureau chief, Frank Starr, on diplomatic developments and the overall status of the Chinese Nationalist Government. Mr. Starr is well equipped to discuss this subject since he was the Tribune's Moscow correspondent before assuming the post as bureau chief here in Washington.

The article follows:

What Happens Now to Taiwan's Status?

Washington.—The handwriting is clearly on the wall. The time has come, for both Taiwanese and Americans, to take stock of Taiwan's long-range future.

Overnight, with Henry Kissinger's trip to Peking, the world has given to understand that when speaking of China the United States henceforth would deal with those in charge there. The weakening credibility of Taiwan's claim to represent China and all its people suffered a possibly fatal blow.

Since that claim has been the basis of Chiang Kai-shek's government, of the United State's relations with Taiwan's international relations, including its membership in the United Nations, the obvious question is, what happens to Taiwan when that foundation erodes?

A FACT OF LIFE

Taiwanese and Americans are going to have to rearrange their thinking around the more realistic concept of Taiwan as a strategically important, economically viable, but geographically small, fact of life.

Altho the United States has pledged to honor its defense commitment to Taiwan and President Nixon has vowed not to develop relations with Peking at the expense of old friends, it doesn't take a soothsayer to see that our governments are on a collision course.

Now, either Taiwan will or will not eventually break relations with the United States, either it will walk out of the U.N. or accept a lesser status there—possibly recognizing it as a province of the mainland or as an independent country. It is consideration of these options that raises the longer-range question of Taiwan's future.

Peking has pledged to "liberate" it, and some experts have suggested that after the death of Chiang Kai-shek his successors may seek an accommodation with Peking that would provide a guarantee of autonomy as a province of the People's Republic of China. The obvious danger is that in the long run this would amount to nothing more than Taiwan's absorption.

Taiwanese independence is something neither Peking nor the minority government in Taipei will hold still for, tho given Peking's inability to take it militarily and the erosion of Taipei's claim to govern China, it may be a realistic alternative.

However power vacuums have a way of being filled. Without the U.S., Taiwan, 130 miles off the southern mainland halfway between South Korea and the Indochina peninsula, would be a plum to be picked or protected by a larger power.

TURN TOWARD TOKYO

For military and economic contacts it could look to Tokyo whose burgeoning technological, economic and military strength is putting it at the threshold of a superpower status that in coming years may replace the United States as the dominant power in Asia.

While the Japanese have a strong sense of affinity for Taiwan, there are some in Japan who are just as interested in the reality of China as Nixon is. Given the Chinese leaders' preoccupation with Japanese economic and military expansion, the development of Japanese contacts with Taiwan might well bring a violent reaction.

The dark horse among Taiwan's options is the Soviet Union, an Asian power for whom the prospects of friendly relations and influence with Taiwan must be extremely attractive.

When the Soviet navy is developing its presence from the Mediterranean to the Indian Ocean, a friendly port in the China Sea could be useful, as would be the opportunity to establish commerce with an economy of the vitality of Taiwan's. A small island off the underbelly of the same China that has a 4,000-mile border with Russia would be a handy place to have a growing and developing influence on a friendly basis.

For Taiwan there is an interesting analogy in the commercial, cultural and diplomatic contacts Moscow has established with the strongly anti-Communist regime in Singapore since it became independent from Britain in 1965.

The Soviets have been putting out feelers to Nationalist Chinese for some time, and the day may come, after Chiang is gone, when younger Taiwanese would want to give it a try if they thought they could protect themselves at the same time.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SPRINGER. Mr. Speaker, the following is the sixth of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 3, 1971:

VERY LITTLE INCOME: OR LOTS OF CUSTODY

(By Carol Ann Smith)

Marilyn Flynn is a social worker. She is a doctoral candidate in the Jane Addams School of Social Work at the University of Illinois and she teaches there.

It was Marilyn Flynn who, with chin resting in hand, quietly observed that "nobody, nobody gives a damn about old people."

Mrs. Flynn has studied the aged in a way she feels is most revealing; she, and others at Jane Addams, have looked at Champaign County to determine what social services are available to them.

A portion of one of the studies is contained in a series of tables, each headed with a quotation which summarizes what is available in Champaign County.

"Society provides a little income or a lot of custody for older people—nothing in between.

"Most of the services older people get are nothing more than routine income payment administration.

"Let's look at the situation this way," Mrs. Flynn said. "The problem is that this is one of the nation's more affluent communities. It is stable, homogenous."

"Then you take that stable setting and ask what are older people getting. You find out they are getting nothing.

"Look at Champaign-Urbana. There are about 15,000 old people here, and there is a good argument that at least 50 per cent of them would need social services of some type.

"The social agencies here which can deal with the problems of older people are not only vestigal, but they are never funded," she said.

The studies of this county indicate that 65 per cent of all contacts are not personal service contacts, but are income program interpretation which means a visit to the Social Security Administration office or the Illinois Department of Public Aid office.

"And those contacts are, almost of necessity, depersonalized contacts," she observed.

The first surveys indicate that about 5 per cent of personal service contacts were employment counseling, 10 per cent were mental health counseling and 20 per cent were outpatient medical contacts.

Hidden in the medical contacts were the numbers, apparently quite significant numbers, of older persons who were given tuberculin tests.

In the month of that survey, October of 1969, 1,020 persons were seen in all categories.

In that month, about 95 per cent of all employment counseling was going to people under 60, about 90 per cent of all outpatient mental health service was going to people under 60, and 80 per cent of all out patient medical contacts was going to people under 60 years.

The whole system in Champaign County, in the personal services provided by the community, is skewed toward those under 60 years. Both the percentage and the number of persons served is greater.

The survey was recently up-dated and the figures reveal that the greatest increase in dollars spent was in direct service, personal contact service. There was nearly a 50 per cent increase.

"That's easy to explain. We were spending $45,000 and we went to $64,000. Anything we would have done would have registered a huge percentage increase," Mrs. Flynn said. Direct cash payments in one month from Social Security alone amounted to more than $1 million.

"We're spending 90 per cent of our money on 'warehousing' of one sort or another, either nursing homes or shelter care homes or mental institutions."

The latest survey also indicates that in terms of health care and employment counseling, the situation in Champaign County is deteriorating. There was a 5 per cent loss in that bracket.

"Another way to define the quality of service is in terms of individual counseling, making people feel better, helping them to adjust," Mrs. Flynn continued.

"We show a 165 per cent increase there and would you like to know why? Because we went from nothing to next to nothing, that's why," she said. "That 165 per cent increase represents 117 people and that registers the influence of services provided by Telecare.

"The most we can say we are doing is that we've done a little more about making old people feel better in their miserable predicament," Mrs. Flynn observed.

"We can't say we're considering role structures or medical services. We can't say we are talking more to old people.

"The trouble is that we find a short-term pallative and that's where we stop. Sure Telecare provides transportation to some aged persons, but is that any kind of substitute for a public transportation system which could serve the entire aged population of the community?

"Very little of what we do has any personal quality. How do the aged feel about what is happening to them and what is happening around them? We don't stop to ask those questions," Mrs. Flynn continued.

"We say we have a national policy about the aged and that is to offer more options for individual living with integrity," she said.

"My data reflects the fact that what we do and what we say are two different things," she went on. "All right, if what we want to do is warehouse old people, then formalize it, say it outright.

She indicated that one had to look no further than Champaign County to see adequate proof in the difference between "what we say and what we do.

"There was no argument about putting old people in a nursing home, the County Board authorized the vote on that County Nursing Home bond issue without too much trouble," she said.

"But Telecare has made repeated applications to the County Board for its $20,000 a year budget and has gotten absolutely nowhere."

That says less about the Champaign County Board of Supervisors, Mrs. Flynn indicated, than it does about the general attitude of the community.

There are three theories about why the aged become "disengaged" from society, she noted. One is that disengagement does not occur, the second is that disengagement is a natural process which affects social policy.

The third theory, is the disengagement of the aged does occur and it comes because of social policies."

Mrs. Flynn subscribes to the third theory her data indicates that that community spends most of its money and time to isolate the aged in what she calls "warehouses," and then declines to spend money in the personal service which aid the aged in maintaining independence and real involvement.

SUBWAY SYSTEMS IN EUROPE AND ASIA—THE PARIS SUBWAY SYTEM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

SUBWAY SYSTEMS IN EUROPE AND ASIA—THE PARIS SUBWAY SYSTEM

(By Pierre Weil)

It is a great privilege for me to speak today to your distinguished audience as it is the second time that you have asked me to come and express my ideas on rapid transit.

I have often said that the world today is living the Second Age of Rapid Transit.

After the opening of systems in a score of big cities, around the turn of this century, and 4 or 5 constructions between the two world wars, in Moscow or Tokyo for instance, it is now a real boom on Metro Construction in the world, owing to the extension of urban areas and to the increasing number of private automobiles.

In all the continents, under all political regimes, subways are extended, being constructed or opened to traffic. Since 1950, fifteen networks have been opened and nearly as many are under construction or in the planning stage.

So far as Paris is concerned, the Regie Autonome des Transports Parisiens, Paris Transit Authority, operates the complete urban and suburban transit systems, subway and buses, in a 520 square mile area with a population of 8 million inhabitants which is supposed to reach 14 millions at the end of the century.

With a staff of 38,000 employees, RATP not only operates subway and bus systems but also makes its own studies and builds new lines.

With a fleet of 3,700 subway cars, the Paris Metro in 1970 carried over one billion two hundred million passengers, that is to say, 4 millions per week-day. This puts it in the lead of world's subway systems, just behind New York and Moscow.

RATP 3,800 buses, as a matter of fact, carried about 530 million passengers in 1970 (an average of 2 million per week-day). One-third of the traffic was within Paris itself and two-thirds coming from the suburbs to the subway entrances.

RATP is an agency which should be able to work as an industrial or commercial firm but it is mostly under control of the French Central Government. So the Government is directly involved in financing RATP investments to which it contributes to a great extent, and in balancing the operating budget.

The annual operating budget, between 1964 and 1970, has been increased from 255 million dollars to nearly 400 millions.

The annual capital investment, during the same period, has similarly and progressively been increased. The payments have soared from 40 million dollars in 1964 to more than 500 millions in 1970 and 1971, and businessmen in this audience know that this increase means many studies and efforts and much research work.

As the tariffs have a social character, there are special weekly cards for workers sold at a discount. And quite recently, the Parliament has voted the creation of a special tax or firms numbering more than 50 employees. The revenue will be added to the traffic receipts which are not sufficient to balance the accounts. At the present time, two-thirds of the deficit are paid for by the State and one-third by the Regional authorities.

RATP has been working closely with regional planning services since 1961 for the purpose of setting up guidelines to develop and equip the Paris Area.

The influence on town-planning of RATP networks is acknowledged by everybody. Accordingly the financing of the regional system, as far as civil engineering and equipment are concerned, is completely subsidized, 50 per cent by the French Government and 50% by a regional agency. RATP purchases rolling stock only by means of loans. It is likely that a financing of this type is soon to be applied to all line extensions.

To give a complete picture of this aspect, I must add that we provide 10% of the operating budget for a special account in charge of renewal of the assets. And let us not forget the recent tax on firms.

RATP subway systems are composed of:

One medium-gauged city subway with a short distance between each of its 337 stations (an average of 500 m); it is made up of 15 lines covering a total of 107 miles in both directions

And a convenient regional rapid transit system which will run through Paris and spread some 15 or 20 miles out from the heart of the urban area.

Two new sections of the regional network have been added, one running southeast of Paris for about 13 miles and the other one—known as the Defense-Etoile shuttle section—is being extended and will also run for some 13 miles west of Paris. There are 368 cars on these regional lines.

RATP PLANS FOR THE FUTURE—COORDINATION WITH URBAN PLANNING PROJECTS FINANCING

In an area which is expected to have a population of 14 million inhabitants by the end of the century, a transit authority has many tasks: modernise the old systems and increase transport capacity especially by building new lines, and also improve the quality of the service provided to the customers that our passengers are.

Accordingly, RATP has for the future a great many plans established in cooperation with regional organizations in charge of general planning and development:

(a) to complete the city network by adding a number of new junctions all over Paris and 8 or 10 extensions to the suburbs: one such extension would link the City to Orly Airport and to the new central food market in Rungis (South of Paris);

(b) to link up the two sections of the East-West line by running through the heart of Paris and to extend the southern line (Sceaux line) to meet at the same central point in Chatelet, which is expected for 1978; to create new branch lines in the regional network to cover sectors now undergoing urban development;

(c) to increase subway lines capacity and comfort so as to reduce train and station overloading to a good extent;

(d) to modernize the present subway system and particularly to replace the old rolling stock.

Indeed, the activity of those in charge of regional urban planning is in close coordination with RATP plans for the future. At a number of locations, administrative and commercial centers, as well as new towns with hospitals and schools, to be created in the midst of open fields, and which are expected to have a population of several hundred thousand inhabitants, are being planned around stations serving extensions of the subway systems.

RATP RECENT ACHIEVEMENT ON THE SUBWAY SYSTEM

Four years ago, I had explained our plane and our proposed constructions. Today, I can tell you what we have achieved and what is brewing.

Some of these developments can easily be appreciated by the public directly:

(a) 4 lines—including the three busiest lines—one-third of the system—have been entirely equipped with modern rolling stock (three of these lines now use rubber-tired rolling stock); this changeover continues at the rate of 1 line every 18 or 24 months, depending on financial possibilities;

(b) 8 stations have been rebuilt or completely redecorated within the past four years and 70 other stations have been improved;

(c) 2 long transfer points at Chatelet and Montparnasse have been equipped with moving sidewalks;

(d) 120 escalators on the old system and 90 on the express regional line are already in service. About 100 more are to be built in a near future;

(e) public address is now in use in 180 stations, that is to say in practically all the main stations;

(f) As you probably know, the Express Regional line (RER) has been opened with a fully automated ticket vending and cancelling system. As it works well, it will gradually be adopted on the city subway where it should be in full use by 1975, the bids having been passed. This will enable us to save about 2,500 employees.

(g) Ventilation and refrigeration are also improved and extended.

Other work, which is more technical but less evident to the public, have widespread influence on subway operation and the economics it involves:

(a) Total conversion of traction and lighting power transformation and supply has been finished in 1969, with teleoperated substations.

(b) Since 1966, central operating control room, with direct telephone line communications with running trains, on five lines and is now being installed on 5 others; this equipment will be finished in 1973.

(c) Total remote control switching operations at terminals on two lines: this is to spread to all lines.

(d) Automatic train operation (ATO) in regular service on two lines, with two more to follow in the next months. Lines equipped in this way require only one operator on board trains, which means that once all the rolling stock has been modernized it will be possible to save 1,500 operators.

(e) Adoption of a new line operation method which limits stopping time and automatically informs each train operator of the exact departure time in each station. Using this method, we have been able to reduce train headway on one of our lines from 115 seconds to 95 seconds. Thus we could put more trains on the line and increase the transit capacity by 20%. This method which is particularly cheap, will be extended to the whole system and we are now working on an even more integrated system using a computer at the central control room which can determine all train movements on each line, regardless of whether they are or not in accordance with the time-tables.

RATP engineers cooperating with manufacturers have also carried out studies and tests in all directions such as noise reduction, automatic train operation (ATO), tracks laid on concrete, ticket, vending and cancelling machines, choppers, all kinds of automation and, for buses, fuel cell, electrical transmission in order to avoid air pollution.

Of course, we keep an interested eye on new techniques and systems being in close contact with their sponsors or manufacturers in order to be ready to use them on our lines when the appropriate time comes. For example, we are in close contact with firms and engineers dealing with the Air-Cushion train, new types of bogies, especially monomotors, and the induction linear motor. As a matter of fact, an air-cushion line is to be built with a transfer at La Defense.

At the same time, administrative methods are modernised and management by computers has been adopted.

To be able to do all these tasks and face all the problems, new departments have been created or developed, especially for civil engineering and new automated techniques. Accordingly more than 400 young engineers have been recruited.

The opening of the new regional line sections, especially the Etoilé-La Defense shuttle service, is the most evident proof of what RATP means by a modern subway line fitting in new urban structures and present-day standard of living in so far as modern techniques. eye-appeal, comfort and amenities for the public are concerned.

A subway line should not only be a purely utilitarian means of transport; it is a place where employees are compelled to spend a large part of their daily lives.

Especially in the evening, at the end of a day's work, the homeward-bound employee should be able to relax for a while. At a time when working conditions are being improved, while new housing development is going up in the midst of gardens, it would be a shame if moving from one area to another one meant a trip under depressing conditions, with people degradingly packed together. This is the reason why we have created a Commercial center at La Defense station, and why we open modern looking shops in many other places, providing all kinds of services.

This is also the reason why in the new stations you can hear music, just to put our passengers in the right mood.

Do not think that what I have tried to sum up for you are just whimsical ideas from technocrats. All this is aimed at serving the human beings that we have to carry. At the same time the firm can balance its budget and we save some 5 to 6 thousand employees.

This effort is just the beginning of plans which enabled us to determine the orientation and solutions to be adopted in rapid transit and which will be realised during the years to come.

There is a financial and technical effort to sustain for at least 15 or 20 years.

The slides I am about to show will give you an idea of the many aspects of this work involving new and reliable solutions which we have been able to select on the basis of our knowledge and experience in Paris indeed, but also in places like Montreal, Mexico City or Santiago de Chile where we have been asked to help build Metros "à la mode de Paris."

ANDREW J. VOLSTEAD, THE ORIGINATOR OF FARM BARGAINING LEGISLATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. ZWACH. Mr. Speaker, our House Committee on Agriculture is presently holding hearings on the National Marketing and Bargaining Act.

I would like to point out, at this time, that a Minnesotan, Andrew J. Volstead, was the originator of farm bargaining legislation.

A Member of Congress for 20 years from the area I now represent, Andrew Volstead was the author of the Capper-Volstead Act, the Magna Carta of farm cooperatives, which for the first time, legalized an association of producers to market their products, whether or not the organization was incorporated and whether or not it was organized on a capital stock basis.

Although he was known worldwide as the father of prohibition, Andrew Volstead believed his work in writing and spearheading the passage of the Capper-Volstead Act was probably his most important accomplishment in Congress.

He once wrote:

> The cooperative marketing law will do more good than any other law that you can name, because it will make it possible for the farmers through farm organizations, to sell their products upon an equal footing with the businessman.
>
> If the farmers are to be successful, it is my judgment that they must become successful in that way. It has been the method relied on by the European farmers. It has been attempted in practically every European country and it is the one thing, above all others, upon which they rely for success.

Cooperatives, as they are now known, were in their infancy at the turn of the century, but as more and more associations began to form, there were several court rulings against them under State statutes and the then recently passed Sherman Antitrust Act.

Legislation was passed in Congress designed to exempt cooperatives, but it was full of loopholes.

In 1919, after months of study and work, Volstead, then chairman of the House Judiciary Committee, drafted a bill and submitted it to farm organizations and other congressional leaders for their recommendations. After further work, he submitted the bill to the House.

The act required that an association be operated for mutual benefit of its members as producers; that no member be allowed more than one vote and that dividends on capital stock or membership capital do not exceed 8 percent a year; and that the association does not handle products of nonmembers to a greater degree than it handles its own members' products.

In 1919, these proposals were considered revolutionary. The bill did not pass until 3 years after Volstead had first submitted it.

Mr. Speaker, I want to pay tribute today to Andrew Volstead, the father of the farm cooperative movement in America. Without the legislation which he originated, our producers would be in much more dire straits than they are today.

It is my fervent hope that our Committee on Agriculture can carry on the work so valiantly started by Andrew Volstead and that as a result of the hearings now in progress we may move forward in this area of farm bargaining and marketing.

THE NO-PHOSPHATE, NON-CAUSTIC MIRACLE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RYAN. Mr. Speaker, for years, a number of us in the Congress along with concerned environmentalists have attempted to increase the public's awareness of the injurious effects of detergents upon our waters. Much of that effort has now been thwarted by the unnecessary and sudden announcement by the Environmental Protection Agency urging a return to phosphate detergents on the ground that alternative cleansers were more dangerous.

Indeed, the dangers of detergents do pose a dilemma. Phosphates nourish destructive algae that can choke the life out of a lake. Some alternative cleansers contain NTA, a chemical compound that might cause cancer. Others contain caustic soda posing a threat of damage to the eyes, nose, and throat.

An article by Steve Lawrence which appeared in the New York Post of Tuesday, September 21, offers a solution, a noncaustic, no-phosphate miracle. It is called soap.

I commend this article to the attention of my colleagues:

[From the New York Post, September 21, 1971]

A NONCAUSTIC, NO-PHOSPHATE MIRACLE: SOAP

(By Steve Lawrence)

You say you're guilt-ridden about adding to New York City's water pollution problems by using phosphate detergents, but at the same time scared by the U.S. Surgeon General's warnings about alternatives that contain harsh caustics?

So try washing your clothes with plain old soap. "There's no reason at all for consumers not to switch to soap in New York City, we have very soft water here," says a spokesman for the Environmental Protection Administration.

"There's no problem at all with soap in soft water areas," says Dr. Herman Forest, biology professor at the State University and a fierce campaigner against phosphates.

"That's what people out here are using now," says Jack Flynn, director of the Dept. of Environmental Control in Suffolk County where most detergents have been banned.

Oh yeah, says the detergent industry, you need detergents and phosphates for those "whiter than white washes." Do you want to be the first one on your block to suffer the curse of washday grey?

It's not quite that simple of course. But even the federal Environmental Protection Agency, which last week urged consumers to go back to using phosphate detergents, admits that this chemical does pollute fresh water lakes and streams.

One kicker in New York City is that we don't empty our wastes into fresh water. They go into the Hudson, the East River and parts of Jamaica Bay, all of which are salty to varying degrees. And even the anti-phosphate forces concede that excessive algae growth, which robs fresh water of valuable oxygen, is not a significant problem from phosphates dumped into salty water.

But the detergent industry finds it cheaper to make one detergent formula for the whole country. So if enough states and localities ban phosphates, the argument goes, we can clear up this pollution where it is a problem. New York State apparently sees it that way and has passed a two-step phosphate ban, limiting the chemical in detergents by next year, and banning it entirely by 1973.

So what would happen if everyone switched to soap? First of all, a spokesman for Procter and Gamble said, the nation would quickly run out of the fats and oils needed to make soap.

"Nonsense," says Dr. Forest, "the industry would simply have to salvage more fats and oils and encourage the production of more agricultural oils."

But then there's the loss of those whiter than white washes, says the industry. The explanation goes something like this: Plain soap suspends the dirt in clothes and then settles it out. That's why you have bathtub rings and other scum left in a tub after washing with soap.

The new detergents, on the other hand, suspend the dirt, and the phosphates keep it suspended so it doesn't settle back into clothes.

"Those new washing machines with the spin-dry cycles will simply force the soap scum back into clothes," says the P&G spokesman.

Environmentalists say the same thing happens to a slightly lesser degree even with phosphates. And they say you can even the odds against soap scum in your wash by adding washing soda. That's washing soda chemically called sodium carbonate—not baking soda, which is sodium bicarbonate, the common cure for a queezy stomach.

"That'll help some," agreed the Procter and Gamble spokesman. "But without phosphates automatic dishwashers would become obsolete."

And, apparently, this is a real problem. Most localities have viewed it as such a minor pollution problem, however, that they have been willing to exempt automatic dishwashing compounds from their phosphate bans. Suffolk County, Connecticut and Canada all have such dispensations. New York, however, does not.

You don't even have to throw out your washing machine and go back to bar soap and a washing board, say the environmentalists. After all, there's still Duz Soap, Fels Naptha, Ivory Flakes, Ivory Snow and a bunch of others.

But, you mumble, these are so-called "light-duty" products and won't produce those blinding-white washes we're all accustomed to.

One answer came from the city's Environmental Protection Administrator last week. Jerome Kretchmer, doffing his EPA hat and donning his home-economist hat, urged the use of soap and washing soda. "Your clothes may not glow in the dark," he said, "but they will be clean and fresh at lower cost and without adding phosphates to our waters."

THE TARIFFS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHMITZ. Mr. Speaker, this short essay on tariffs was written over 125 years ago by Frederic Bastiat. It makes its own point so well that commentary would be superflous.

This piece was extracted from a new book entitled "Frederic Bastiat: A Man Alone," written by George Charles Roche III and published by Arlington House.

The essay follows:

THE TARIFFS

To the Honorable Members of the Chamber of Deputies.

Gentlemen: We are suffering from the ruinous competition of a foreign rival who apparently works under conditions so far superior to our own for the production of light that he is *flooding* the *domestic market* with it at an incredibly low price; for the moment he appears, our sales cease, all the consumers turn to him, and a branch of French industry whose ramifications are innumerable is all at once reduced to complete stagnation. This rival, which is none other than the sun, is waging war on us so mercilessly that we suspect he is being stirred up against us by perfidious Albion [England] (excellent diplomacy nowadays!), particularly because he has for that haughty island a respect that he does not show for us.

We ask you to be so good as to pass a law requiring the closing of all windows, dormers, skylights, inside and outside shutters, curtains, casements, bull's-eyes, deadlights, and blinds—in short, all openings, holes, chinks, and fissures through which the light of the sun is wont to enter houses, to the detriment of the fair industries with which, we are proud to say, we have endowed the country, a country that cannot, without betraying ingratitude, abandon us today to so unequal a combat.

Be good enough, honorable deputies, to take our request seriously, and do not reject it without at least hearing the reasons that we have to advance in its support.

First, if you shut off as much as possible all access to natural light, and thereby create a need for artificial light, what industry in France will not ultimately be encouraged?

If France consumes more tallow, there will have to be more cattle and sheep, and, consequently, we shall see an increase in cleared fields, meat, wool, leather, and especially manure, the basis of all agricultural wealth.

If France consumes more oil, we shall see an expansion in the cultivation of the poppy, the olive and rapeseed. These rich yet soil-exhausting plants will come at just the right time to enable us to put to profitable use the increased fertility that the breeding of cattle will impart to the land.

Our moors will be covered with resinous trees. Numerous swarms of bees will gather from our mountains the perfumed treasures that today waste their fragrance, like the flowers from which they emanate. Thus, there is not one branch of agriculture that would not undergo a great expansion.

The same holds true of shipping. Thousands of vessels will engage in whaling, and in a short time we shall have a fleet capable of upholding the honor of France and of gratifying the patriotic aspirations of the undersigned petitioners, chandlers, etc.

But what shall we say of the *specialties of Parisian manufacture?* Henceforth you will behold gilding, bronze, and crystal in candlesticks, in lamps, in chandeliers, in candelabra sparkling in spacious emporia compared with which those of today are but stalls.

There is no needy resin-collector on the heights of his sand dunes, no poor miner in the depths of his black pit, who will not receive higher wages and enjoy increased prosperity.

It needs but a little reflection, gentlemen, to be convinced that there is perhaps not one Frenchman, from the wealthy stockholder of the Anzin Company to the humblest vendor of matches, whose condition would not be improved by the success of our petition.

Commenting upon his own ridiculous example, Bastiat drove home the point:

When a product—coal, iron, wheat, or textiles—comes to us from abroad, and when we can acquire it for less labor than if we produced it ourselves, the difference is a *gratuitous gift* that is conferred upon us. The size of this gift is proportionate to the extent of this difference. It is a quarter, a half, or three-quarters of the value of the product if the foreigner asks of us only three-quarters, one-half, or one-quarter as high a price. It is as complete as it can be when the donor, like the sun in providing us with light, asks nothing from us. The question, and we pose it formally, is whether what you desire for France is the benefit of consumption free of charge or the alleged advantages of onerous production. Make your choice, but be logical; for as long as you ban, as you do, foreign coal, iron, wheat, and textiles, *in proportion* as their price approaches *zero*, how inconsistent it would be to admit the light of the sun, whose price is zero all day long!

Frankly, is it not somewhat humiliating for the nineteenth century to provide future ages with the spectacle of such childish behavior carried on with such an air of imperturbable gravity? To be hoodwinked by someone else is not very agreeable; but to use the vast apparatus of representative government to hoodwink ourselves, not just once, but twice over—and that, too, in a little matter of arithmetic—is surely something to temper our pride in being the *century of enlightenment*.

CHROME-PLATED FANTASY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. BURKE of Florida. Mr. Speaker, I am sure you are aware of the economic sanctions the U.N. imposed upon the Government of Rhodesia in 1966 after Rhodesia broke away from British rule and created a separate government. But you may not be aware of the chrome-plated fantasy that has resulted from these sanctions.

According to our State Department's interpretation, under section 25 of the 1945 U.N. Participation Act, each member nation "is obligated to accept and carry out the decisions of the U.N. Security Council." The State Department confirmed this interpretation at a recent Senate hearing on the Rhodesian situation.

This interpretation is, to some degree, hampering one of our key industries—the ferroalloy industry. The ferroalloy, and in turn the steel industries, are dependent upon chrome ore, which is vital to the production of stainless steel, tool steel, structural steel, and other items, including an impressive list of defense applications ranging from jet aircraft to nuclear submarines to conventional armaments.

Chrome ore is not found in the United States in commercially acceptable deposits. We must therefore import chrome ore to serve our industrial needs and our defense needs.

The main producers of chrome ore are the Soviet Union, Rhodesia, South Africa, Turkey, and the Philippines. Of this group Rhodesia has an estimated two-thirds of the world supply of high-grade chromite ore. Russia, while being the largest supplier today, has less than one-tenth the reserves of Rhodesia.

Even though Rhodesia has the largest chrome reserves in the world, because of U.N. sanctions our Nation is dependent upon importing our high-grade chrome ore from the Soviet Union. Thus, a Communist nation is supplying our free enterprise society with a key ingredient for one of our major industries.

While the Soviets are selling us chrome, we continue to be the patsy as can be seen by the high prices our country and its industries pay for chrome ore. In 1965, the last year Rhodesia sold chrome to the United States, they supplied about 40 percent of our metallurgical needs at a price of about $25 per ton. Today, the Soviet Union supplies about 60 percent of our chrome needs and since they dominate the market the Communists have increased the price to $72 per ton or a 188-percent increase.

Our industrial officials estimate that the increase in chrome prices imposed by

Russia has had a dire financial impact on our steel industry increasing the costs by $100 million. Of course, the American consumer feels the pinch when buying products requiring chrome ore.

But even with the Russians making a profit at our expense by selling America this ore, our industry still has need for more ore. Just recently the U.S. House of Representatives passed legislation allowing the selling of the ore from our stockpile of strategic materials to alleviate this need.

An even stranger part of this story is that while the U.N. has placed stringent economic sanctions on Rhodesia for breaking away from British control, the Rhodesian economy continues to prosper. There is good evidence that many of the countries who have signed the U.N. economic sanctions are still buying chrome from the African nation. In fact, there is evidence that the Rhodesians may be selling the ore to Russia, who in turn sells it to us at inflated prices.

Recently a U.S. industry spokesman testified before the House Foreign Affairs Committee that tests conducted by his company on chrome imports from Russia indicated certain geological marks showing the ore had to have been mined in Rhodesia.

In checking on this further, I was informed by the U.S. Bureau of Mines that their tests on the questionable chrome indicated that it was mined in Russia, however, suspicion still remains and the Bureau suggests tests be continued on the imported ore.

A partner in all this is the British Government which initiated the sanctions against Rhodesia. Yet, England has completely ignored the U.S. economic embargo against the Cuban Government and the Government of North Vietnam. State Department statistics show that Britain imported goods totaling about $13 million from Communist Cuba in 1969 and exported goods to Cuba in excess of $31 million. The British even did $200,000 worth of business with North Vietnam, a country with which we are technically at war.

Another interesting point is that the U.N. has contended that Rhodesia is not a true democratic nation. But, then how democratic are many of the member nations in the U.N. such as Russia, most of the East European nations and many of the African nations?

In a sense, this entire matter is a chrome-plated fantasy, and America is again the victim of a ridiculous foreign policy.

In an effort to help correct this situation, today I am joining with a group of my colleagues in the House and Senate by introducing legislation which will, if passed, amend the U.N. participation Act of 1945 and provide authority—to the President to import strategic materials from free world nations.

I hope this legislation will pass because it would end our dependence upon the Soviet Union for strategic material and hopefully set the path for some commonsense thinking in our State Department.

SENATE—*Friday, September 24, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, infinite, eternal, and unchangeable, may Thy spirit brood over us and be in each of us to quicken our minds and guide our judgments through this day. Guide us in the wise use of money and the moral use of power.

Teach us, good Lord, so to serve Thee as Thou deservest; to give and not to count the cost; to persevere and not to heed the wounds; to toil and not to seek for rest; to labor and not to ask for reward, except the knowledge that we do Thy will. Guide us in the ways of peace for Thy name's sake. We ask not to be kept safe but to be kept loyal to one another and faithful to the high trust placed in us.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 23, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with No. 362 and ending at No. 376, but not including that measure.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

The resolution (S. Res. 159) authorizing additional expenditures by the Special Committee on Aging was considered and agreed to as follows:

Resolved, That the Special Committee on Aging is authorized to expend from the contingent fund of the Senate not to exceed $2,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 316, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to the problems and opportunities of older people.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–368), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 159 would authorize the Special Committee on Aging to expend not to exceed $2,000 in addition to the amounts it was authorized to expend during the second session of the 91st Congress. During that session, the special committee was authorized pursuant to Senate Resolution 316, agreed to February 16, 1970, to expend $215,000, and pursuant to Senate Resolution 473, agreed to October 14, 1970, to expend an additional $24,000 for a total expenditure authorization of $239,000 for the session.

COMPILATION OF STATEMENTS BY PRESIDENTS OF THE UNITED STATES ON INTERNATIONAL COOPERATION IN SPACE

The resolution (S. Res. 161) authorizing the printing as a Senate document of a compilation of statements by Presidents of the United States on international cooperation in space was considered and agreed to as follows:

Resolved, That the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957—July 1971" be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–367), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 161 would provide (1) that the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957–July 1971" be printed, with illustrations, as a Senate document; and (2) that there be printed 3,000 additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,032.58
3,000 additional copies, at $315.87 per thousand	947.61
Total estimated cost, Senate Resolution 161	5,980.19

DEVELOPMENT OF SYSTEMS TO ATTAIN ESTABLISHED MOTOR VEHICLE AND ENGINE EMISSION STANDARDS

The resolution (S. Res. 164) authorizing the printing of the report entitled "Development of Systems To Attain Established Motor Vehicle and Engine Emission Standards" as a Senate document was considered, and agreed to as follows:

Resolved, That the report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90-148, the Clean Air Act, as amended) entitled "Development of Systems To Attain Established Motor Vehicle and Engine Emission Standards" be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred (2,500) additional copies of such document for the use of the Committee on Public Works.

ORGANIZED CRIME

The resolution (S. Res. 168) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 3 of its hearings entitled "Organized Crime" was considered and agreed to as follows:

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 3 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-365), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 168 would authorize the printing for the use of the Committee on Government Operations of 1,600 additional copies of part 3 of the hearings before its Permanent Subcommittee on Investigations during the 92d Congress, first session, entitled "Organized Crime".

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,600 additional copies at $706.45 per thousand	$1, 130. 32

MAYBELLE I. JENKINS

The resolution (S. Res. 173) to pay a gratuity to Maybelle I. Jenkins was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Maybelle I. Jenkins, widow of William E. Jenkins, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY V. MARSHALL

The resolution (S. Res. 172) to pay a gratuity to Mary V. Marshall was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary V. Marshall, widow of Theron W. Marshall, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

RESOLUTION PASSED OVER

The bill, Senate Resolution 171, relative to extending the privilege of the Senate floor to the Chaplain of the House of Representatives, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The resolution will be passed over.

CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 155) to investigate matters pertaining to constitutional rights which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert:

That the Committee on the Judiciary, or any subcommittee thereof, is authorized to expend, from the date this resolution is agreed to through February 29, 1972, from the contingent fund of the Senate not to exceed the sum of $10,000, in addition to the amount stated in section 2 and the first amount stated in section 6 of Senate Resolution 32, Ninety-second Congress, agreed to March 1, 1971, and for the purposes stated in such section 6 (relating to a study or investigation of constitutional rights), such sum of $10,000 having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee or any subcommittee thereof would incur in conducting such study or investigation.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing supplemental expenditures by the Committee on the Judiciary for a study pertaining to constitutional rights."

COMPREHENSIVE PRESCHOOL EDUCATION AND CHILD DAY-CARE ACT OF 1969

The concurrent resolution (H. Con. Res. 319) to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-370), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 319 would authorize the printing for the use of the Select Subcommittee on Education of the House Committee on Education and Labor of 2,000 additional copies of its hearings during the 91st Congress, first and second sessions, on H.R. 13520, the Comprehensive Preschool Education and Child Day-Care Act of 1969.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1st 1,000 copies	$7, 395. 72
1,000 additional copies	1, 804. 80
Total estimated cost, H. Con. Res. 319	9, 200. 52

ENVIRONMENTAL QUALITY EDUCATION ACT OF 1970

The concurrent resolution (H. Con. Res. 320) to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-371), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 320 would authorize the printing for the use of the Select Subcommittee on Education of the House Committee on Education and Labor of 600 additional copies of its hearings during the 91st Congress, second session, on H.R. 14753, the Environmental Quality Education Act of 1970.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

600 additional copies	$5, 419. 90

DRUG ABUSE EDUCATION ACT OF 1969

The concurrent resolution (H. Con. Res. 337) to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-372), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 337 would authorize the printing for the use of the Select Subcommittee on Education of the House Committee on Education and Labor of 500 copies each of parts 1 and 2 of its hearings during the 91st Congress, second session, on H.R. 9312, H.R. 9313, and H.R. 9314, the Drug Abuse Education Act of 1969.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

500 copies:	
Pt. 1	$3,967.49
Pt. 2	3,844.08
Total estimated cost, H. Con. Res. 337	7,811.57

PRAYERS OF THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The concurrent resolution (H. Con. Res. 359) to provide for the reprinting of the prayers offered by the Chaplain of the House of Representatives was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–373), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> House Concurrent Resolution 359 would authorize the reprinting and binding, with appropriate illustration, of 8,800 copies of the prayers offered by the Chaplain, the Reverend Edward Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States, during the 89th, 90th, and 91st Congresses, for the use of the House of Representatives (20 per Member).
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:
>
> *Printing-cost estimate*

1st 1,000 copies	$3,136.37
7,800 additional copies, at $1,654.98 per thousand	12,908.84
Total estimated cost, H. Con. Res. 359	16,045.21

CONSTITUTION OF THE UNITED STATES

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 365) to print as a House document the Constitution of the United States which had been reported from the Committee on Rules and Administration with an amendment on page 2, after line 2, insert a new section, as follows:

> SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The amendment was agreed to.

The House concurrent resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–374), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> House Concurrent Resolution 365, as referred, would provide (1) that there be printed as a House document the Constitution of the United States, as amended through July 5, 1971, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Emanuel Celler, of New York, to be bound with a paperback cover of the style and design used in printing House Document 124 of the 90th Congress; and (2) that there be printed 240,000 additional copies of such document, of which 20,000 copies would be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives (500 per Member).
>
> The Senate Committee on Rules and Administration has amended House Concurrent Resolution 365 to authorize the printing of 51,500 additional copies of the document for the use of the Senate (500 per Member).
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:
>
> *Printing-cost estimate*

Print as a document (1,500 copies)	$789.50
291,500 additional copies, at $143 per thousand	41,684.50
Total estimated cost, H. Con. Res. 365	42,474.00

CONSTITUTION OF THE UNITED STATES—POCKET-SIZE EDITION

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 367) authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 4, after the word "that", strike out "one hundred and ten thousand shall be for the use of the House of Representatives" and insert "there be printed one hundred thirty-five thousand seven hundred and fifty additional copies of such document, of which one hundred and ten thousand shall be for the use of the House of Representatives and twenty-five thousand seven hundred and fifty shall be for the use of the Senate".

The amendment was agreed to.

The House concurrent resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–375), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Senate Committee on Rules and Administration has amended House Concurrent Resolution 367 to authorize the printing of 25,750 additional copies of the document for the use of the Senate (250 per Member).
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:
>
> *Printing-cost estimate*

To print as a document (1,500 copies)	$423.24
135,750 additional copies, at $49.39 per thousand	6,704.69
Total estimated cost, H. Con. Res. 367	7,127.93

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the minority leader wish to be recognized? If not, under the previous order, the distinguished Senator from Georgia (Mr. TALMADGE) is now recognized for not to exceed 15 minutes.

CONGRATULATIONS TO THE PRESIDENT PRO TEMPORE

Mr. TALMADGE. Mr. President, today is September 24, 1971. Today is the 81st birthday of ALLEN J. ELLENDER, a Senator from Louisiana, President pro tempore of the U.S. Senate, chairman of the Appropriations Committee, and former chairman of the Committee on Agriculture and Forestry.

I wish him a very happy birthday and congratulate him on achieving this landmark in life. May he celebrate many, many more of these days.

In congratulating him I want to say that he has set a goal for all of us. He is noted for his hard work, his diligence, and his stamina that strain the will, the mind, and strength of those of us who work with him. His knowledge, capability, and acuity stand as a beacon in the night for us to follow. I served under his leadership on the Committee on Agriculture and Forestry for 14 years and know of what I speak.

He is now serving his 35th year in the U.S. Senate. He served as chairman of the Committee on Agriculture and Forestry for a total of 18 years, longer than any of the 40 chairmen of this committee since the first was named in the year 1825. He would be serving now except that he relinquished that chairmanship in order to assume the chairmanship of the Appropriations Committee.

Mr. President, it would be difficult indeed to list all of his accomplishments because throughout his tenure he has been deeply involved in all matters relating to agriculture.

When he first came to the Senate in 1937, he was named a member of a special subcommittee which held hearings throughout the Nation on agricultural policy for the future. Subsequently, he assisted in drafting and enacting the Agricultural Adjustment Act of 1938, which still remains the basis for much of our present farm price support programs. He has never waivered from his goal of a prosperous, strong and efficient farm economy.

His interest in conservation and environmental preservation is deep seated. He has played a major role in the development and expansion of programs designed to conserve and protect our land, forests and water.

He has been closely involved in furthering agricultural research by both the Department of Agriculture and the State experiment stations. This effort combined with his support of the Cooperative Extension Service has contributed substantially toward the development of our production and marketing system which is the most efficient and effective in the world.

He has shown a deep interest in rural development, knowing full well that unless our rural areas are prosperous, our Nation suffers.

He has been in the forefront in expanding the availability of farm credit. Both the Farm Credit Administration and the Farmers Home Administration have grown under his chairmanship. In addition, he has worked diligently in order to bring both electricity and telephone service to rural areas through the Rural Electrification Administration.

His humanitarian instincts led him to sponsor the National School Lunch Act, along with our late beloved colleague, Senator Russell of Georgia, which for over 25 years has loomed large in improving the health and well-being of our Nation's children. He sponsored the school breakfast program, and has supported the food stamp and the special school milk program, as well as the commodity distribution program. He was also instrumental in furthering the food for peace program. These programs make constructive use of our Nation's agricultural abundance for the less fortunate at home and abroad.

His concern and desire to protect consumers, as well as farmers has caused him to strengthen and expand departmental activities which assure that consumers have nutritious, wholesome and unadulterated food.

Mr. President, his past achievements are many, but, I expect even greater achievments will be forthcoming as a result of his activities in the future. Indeed, this Nation owes him a debt of gratitude for his contribution to our well-being.

Mr. President, I ask unanimous consent that a resolution adopted by the Committee on Agriculture and Forestry to commemorate Senator ELLENDER's service as a member and chairman of that committee be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RESOLUTION OF U.S. SENATE COMMITTEE ON AGRICUTURE AND FORESTRY

Whereas Honorable Allen J. E. Ellender of Louisiana has served honorably and faithfully as a member of the Committee on Agriculture and Forestry since January 8, 1937, and as the Chairman of the Committee from January 15, 1951 to January 13, 1953, and from January 11, 1955 to January 28, 1971, when he became chairman of the Committee on Appropriations; and

Whereas the term of Allen J. Ellender as chairman has far exceeded that of any previous chairman of this Committee; and

Whereas Allen J. Ellender, as member and chairman, has devoted his abilities and energies for the last thirty-four years, beginning with the Agricultural Adjustment Act of 1938, to legislation improving the economic condition of the farmer, assuring the consumer through war and peace of plentiful supplies of food and fiber, protecting and enhancing the soil, water, forest, and recreation resources of this country, feeding and clothing the needy at home and abroad, providing for nutritional needs of our children, and improving the quality of life in rural areas: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry hereby expresses to Allen J. Ellender its sincere appreciation and gratitude for his faithful and devoted service to the fulfillment of the obligations of this Committee, and commends him for his outstanding contributions to agriculture and to the country.

Herman E. Talmadge, Georgia, Chairman; James O. Eastland, Mississippi; B. Everett Jordan, North Carolina; George McGovern, South Dakota; James B. Allen, Alabama; Hubert H. Humphrey, Minnesota; Lawton Chiles, Florida; Jack Miller, Iowa; George D. Aiken, Vermont; Milton R. Young, North Dakota; Carl T. Curtis, Nebraska; Robert Dole, Kansas; and Henry Bellmon, Oklahoma.

Mr. JORDAN of North Carolina. Mr. President, I am delighted to join my colleagues in celebrating the 81st birthday of the senior Senator from Louisiana.

My good and dear friend, the distinguished President pro tempore of the Senate, has served in this body continuously since January 3, 1937—longer than any other Senator. Through all those years he has provided dedicated and talented leadership in a host of important positions.

We in North Carolina feel we have a special claim on ALLEN JOSEPH ELLENDER. For many years he served as chairman of the Committee on Agriculture and Forestry, and it was through working with him on this committee that I got to know him best. Agriculture is an important business in North Carolina where we have more farmers than any other State in the Union. So in a way, while he was chairman of the Agriculture Committee, North Carolina provided Senator ELLENDER his largest constituency. No man was ever more in tune with the needs of that constituency than the senior Senator from Louisiana. And he still is, as the ranking Democrat on that committee.

But agriculture is not the only common bond between Senator ELLENDER and the people of my State. Until recently he also served as chairman of the important Appropriations Subcommittee on Public Works, a position he retained until he became chairman of the full Appropriations Committee at the death of our beloved mutual friend, the late President pro tempore of the Senate, Richard B. Russell. As chairman of this subcommittee Senator ELLENDER always worked closely with me to see that funds were provided for the water improvements projects which have been so important to the overall development of North Carolina. I am grateful to him for the interest and dedication he brought to this post.

Senator ELLENDER and I also share in common the fact that we will both be running for reelection next year. It can be said without exaggeration that Louisiana has never sent to the Senate a more dedicated and capable public servant than ALLEN JOSEPH ELLENDER. I have no doubt whatsoever that he will be returned for continued service by the same overwhelming mandate which has characterized his previous elections and reelections.

North Carolinians across the State join me, I am sure, in wishing for him a happy birthday and many years of continued service to his State and Nation.

Mr. TALMADGE. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I want to take this occasion to join with the distinguished Senator from Georgia (Mr. TALMADGE) in expressing my personal appreciation and great respect and affection for the distinguished senior Senator from Louisiana (Mr. ELLENDER), the President pro tempore of this body.

There is not much that can be added to the detail with which the Senator from Georgia has honored Senator ELLENDER. I would add that I personally feel very deeply that ALLEN ELLENDER has been a force for immense good, a force for high integrity, and a force that has made this institution of the Senate, a far more effective and efficient body.

As chairman of the Committee on Appropriations, a committee on which I proudly serve under him, ALLEN ELLENDER has performed with great diligence, and in doing so he has been responsible for bringing about a far closer scrutiny of the annual budget presented to the Congress. He has been responsible for expediting the legislative process, particularly as it concerns appropriations measures. At the time the Senate went out in early August, we were on an appropriations par with the House of Representatives. Of course, it is understood in this framework that the Senate cannot act until the House does. ALLEN ELLENDER, however, has worked so as nearly to overcome that hurdle. His devotion has made possible an immense improvement in the entire system.

To my knowledge there has never been a more effective chairman of the Committee on Appropriations than the distinguished senior Senator from Louisiana. His physical stamina is overpowering. His ability to work long hours is already a legend in the Senate. His effectiveness is unquestioned.

I want to close by expressing the hope that the distinguished President pro tempore of this body, Senator ALLEN ELLENDER of Louisiana will be with us for a good many more years to come.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Vermont, a past chairman of the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, a few nights ago on television I saw a rerun of a very interesting story called "The Unsinkable Molly Brown." I think that story could be rewritten and revised and that the title could be "The Unshakeable Allen Ellender."

I became acquainted with ALLEN ELLENDER socially and personally about 31 years ago when I came to Washington and since that time we have served together on the Committee on Agriculture and Forestry. At that time, I was told that when our national debt reached $50 billion, the country would collapse. I have not been able to ascertain quite to my satisfaction whether the increase to over $400 billion since that time constitutes a mortal blow to our economy or not but am optimistic enough to believe that as a nation we still have a long way to go.

At any rate, the Senator from Louisiana apparently believed that a great increase in our national debt would not be good for the country. And in some ways he was not mod then. And apparently he is not mod yet. He actually believed then that we should get a full dollar's value for a dollar spent, whether State or Federal money.

He actually believed we should put in a full day's work for a full day's pay. Of course, the idea that exists today may be quite different than it was 31 years ago.

He actually believed then that to have an adequate staff for a committee to do the necessary work was all that was necessary. That idea has not become more popular as time has gone on.

And politically the senior Senator from Louisiana has probably had the most monotonous career of any Senator according to the record. Listen to this record:

1936, elected to the Senate; no opposition.

1942, reelected; no opposition.

1948, reelected; no opposition.

1954, reelected to the Senate; no opposition.

1960, reelected to the Senate; no effective opposition.

1966, reelected to the Senate; no noticeable opposition.

1972, reelected to the Senate; no opposition.

1978, reelected to the Senate; no opposition.

Maybe I am going too far in reading the future, so I will not go beyond that.

I do not see any hope that he will ever go mod.

He still believes in work. He still believes in getting full value for a dollar. He still believes that we should not overstaff our committees.

At any rate, I see little hope for his acceptance of some modern ideas. There is a saying "if you can't lick 'em, join 'em". Apparently we cannot convert him to all modern ideas so why don't we join him. The sooner we do that, the better off the country is going to be.

I know that the Senator from Louisiana is the Senate's expert in the manufacture of gumbo. However, he flatly refuses to make legislative gumbo.

As I see it, our only other alternative to joining him would be to make him a candidate for President even though that field is already crowded. Certainly his old fashioned ideas have enabled him to make a considerable mark on the Senate as he has done, but the very thought of applying ALLEN ELLENDER's ideas on dollar values to the White House would probably create consternation down town.

I understand that today is his birthday. Birthdays seem to have no noticeable effect on him. Seriously, I do not think he could be elected President, so I say "Let's join him," and work for better government.

Mr. President, I now ask to have inserted in the RECORD at this point a copy of a letter from Secretary of Agriculture Clifford M. Hardin, addressed to Senator ELLENDER, under date of September 24, 1971.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF AGRICULTURE,
Washington, September 24, 1971.
Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The outpouring of birthday greetings you will receive reflect an admiration, respect, and affection that few men ever achieve in their lifetime. I am honored to add my own good wishes to this floodtide.

The tributes are well earned. They laud you as a dedicated public servant, as senior statesman of the U.S. Senate, and as an unfailing friend of agriculture. Never content to be carried along by the rapidly changing currents of our times, you have challenged and channeled those currents.

There is little anyone can say that would add to your many contributions to American life. Let me simply wish you continued good health and more years of service to the nation.

Sincerely,

CLIFFORD M. HARDIN.

Mr. TALMADGE. Mr. President, I yield next to the distinguised senior Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, I rise to congratulate the dean of the Senate, the President pro tempore of the Senate, Senator ALLEN J. ELLENDER of Louisiana, on his 81st birthday.

In spirit, in energy, in outlook, Senator ELLENDER is one of the youngest men in the Senate. Many of us who are younger in years have good reason to envy the great vigor and vitality of the senior Senator from Louisiana. The amount of work he does is astonishing.

Senator ELLENDER came to the Senate in 1937. During the long tenure, he has seen many great changes in our Nation and its Government—and he has kept alert to all those changes. With his sound judgment, his great capacity for work and his dedication to duty, he has made a major contribution toward solving the many difficult problems this country has faced in the last 35 years.

It is my hope that we shall continue to have the benefit of Senator ELLENDER's dedicated service for many years to come.

He is an able Senator, an effective Senator, a hard-working, dedicated Senator—and to me a beloved friend.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from Nevada.

Mr. BIBLE. Mr. President, it is a privilege to join my colleagues in wishing a very happy birthday to the senior Senator from Louisiana.

I have served with Senator ELLENDER for almost half his Senate service and have a great opportunity to observe a conscientious and dedicated public servant as he has gone about the business of this country, always with the thought of helping not just his Louisiana constituents but all of the people of the United States and, indeed, the world.

It is not an empty phrase when I say that no one works harder than ALLEN ELLENDER. He is on the go constantly, putting in long hours at his desk, attending committee sessions and taking an active role in floor debates. He is an expert on any given subject at any given time, and his expertise is sought by all Senators. We rely on his knowledge and his good judgment and we envy him his energy and his capacity for long, tiring hours of work.

Senator ELLENDER's workload increased—if that is possible—when he became chairman of the Senate Appropriations Committee. He is there to chair every meeting of the full committee and his subcommittee on defense. And he is there when other subcommittees are holding their hearings and markup sessions. Unquestionably, no chairman has cracked the whip on appropriations as has ALLEN ELLENDER. That is why we are where we are today, with all but a few of the session's major appropriation bills enacted, most of them before the August recess. If Senator ELLENDER had the same influence over all aspects of legislation in both Houses I am confident we could celebrate his birthday by adjourning. We would be out of work by now.

Senator ELLENDER is a particular expert on appropriations for public works projects and on agricultural legislation. Throughout the United States are many flood control, navigation, and power installations which would not exist except for his interest and his belief in them as necessary to the well-being of the citizens of the United States, to a sound economy, and to the national security of this country. And there are on the statute books many laws sponsored by him which encourage and support the greatest agricultural industry in the world.

Again, I wish him the best for today and for many more birthdays which I trust will be recognized on this floor.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, if I may be recognized for 10 seconds, I have a long list of Senators who wish to speak. I hope the Senator from North Dakota will be recognized.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, today is the 81st birthday of our esteemed colleague, the senior Senator from Louisiana, ALLEN J. ELLENDER.

Your friend and my friend, ALLEN ELLENDER, is one of the most amazing persons I have ever known. No one during my time in the Senate works as hard, is more energetic, or has a keener mind than he. I never cease to be impressed with how one man can do as much in the Senate and do it so well.

Our friend, ALLEN ELLENDER, is blessed with a very searching and inquiring mind and great physical stamina. This, together with his down-to-earth approach to all issues, is one of the reasons why he has established such an outstanding record and over so many years.

Senator ELLENDER, first of all, is a truly patriotic person—one who has a great respect for our system of government. His every action as a Member of this body has been to preserve and strengthen our Government.

He has established a truly remarkable record in many areas of legislation. He is one of the most economy minded Members of the Senate. Yet, he is fair and always ready to help a cause he feels is deserving and worthy.

There are few, if any, Senators, at least in my time, who have been as effective in handling legislation on the floor of the Senate. There are many reasons for this. One is that he always knows his subject well and no one ever doubts his sincerity or fairness. However, he always strongly opposes any legislation he believes to be unwise, no matter who the sponsor may be.

Our friend, ALLEN ELLENDER, has served longer than anyone in the history of the Senate on the Senate Agriculture Committee—35 years; 18 of those years were as its chairman, which is also a record. These were difficult years during a great farm depression and three wars. Years during which practically all of the important farm legislation, especially with respect to price support programs, has been written. He is the author and sponsor of many of our most important farm programs. His contribution to farmers and farm legislation of all kinds is immeasurable. I have been privileged to serve with him on the Agriculture Committee for the past more than 26 years.

Too, I have been privileged to serve with him during the past 16 years on the Subcommittee on Public Works Appropriations. During all of this period, he was its chairman. Hundreds of great public works projects of all kinds in every State of this Nation would not have been constructed if it had not been for him. I doubt if any chairman of any committee of the Senate has ever enjoyed the almost unanimous support and confidence of its committee members as has ALLEN ELLENDER.

Mr. President, I am privileged to serve with him now as the ranking Republican on the Senate Appropriations Committee of which he is chairman. We have always had a very close and friendly working relationship.

Probably the highest recognition that has been accorded this great man is his recent elevation as President pro tempore of the Senate.

Mr. President, our friend has established a truly outstanding record and one of which the State of Louisiana can be justly proud.

I am very proud and happy that I have been privileged to serve with him these many years and to be one of his close personal friends. We all look forward to having the opportunity to observe here in the U.S. Senate many more ALLEN ELLENDER birthdays.

Mr. President, I yield to the distinguished Senator from Arkansas, chairman of the Committee on Government Operations and second ranking majority member of the Committee on Appropriations.

Mr. McCLELLAN. Mr. President, it is a very distinct privilege and I am delighted, indeed, to join in this birthday salute to our esteemed friend and honored colleague, the President pro tempore of the Senate, ALLEN J. ELLENDER.

Senator ELLENDER's service in this distinguished body extends over three decades. His contributions and accomplishments during that long span of service are quite outstanding and extraordinary. He has initiated, been associated with, and has processed many pieces of landmark legislation, beginning as far back as 1938 with his work at that time on the Agricultural Adjustment Act. He later served as chairman of the Agriculture Committee of the Senate for a period of 18 years, but his legislative interest and activities have by no means been limited to that field.

Some of his most effective labors and greatest contributions have been in the area of public works. As chairman of the Subcommittee on Public Works of the Appropriations Committee for the past 15 years, Senator ELLENDER has worked diligently for river and harbor projects that were designed to protect, develop, preserve, and enhance our water resources so as to strengthen our national economy and make the benefits of these resources available to all of the people. He has not only constantly sought and fought for adequate funds to carry on vast river and harbor and flood control programs, but he has also made an earnest effort to see that appropriations for these purposes were so allocated that each and every section of the country would benefit therefrom.

He has given of himself unstintingly to the development of the Mississippi River Valley, the Columbia Basin, and many other major rivers throughout the Nation. His own State of Louisiana has profited immensely by the flood control and drainage projects which he has secured for it. I know the people of Louisiana recognize the valuable service he has rendered and are grateful to him for the tremendous contribution that he has made to the progress and welfare of the State he so ably represents.

And I want to pay particular tribute to him on behalf of the people of Arkansas for his support of and the valuable assistance he rendered to my State in connection with the construction of the Arkansas River navigation system.

Senator ELLENDER worked with Senator Bob Kerr and me shoulder to shoulder on this great river development program and helped nurture this magnificent undertaking to its successful completion. I know that he shares my pride in this project and is proud of the progress that it has already brought and that it will yet bring to the Arkansas River Valley. The benefits of this water resource improvement to date have far-exceeded all predictions and projections. As a result of this inland waterway navigation, new industry is moving into the area, and the amenities of good living in that region have been greatly enhanced. We are now able to provide employment opportunities for many of our young people—inducements for them to remain in the Valley—thus obviating the necessity of their having to migrate to some other section of the country in order to follow their professions or to find employment.

I recall, too, Mr. President, some of the other projects, as well as the Arkansas River navigation project, that vitally affected the State of Louisiana. The Borref Tensas Basin, for instance, is one where Arkansas water was flowing uncontrolled into a large area of Louisiana, causing extensive damage and making it impossible for permanent investments and proper development of a great section of Louisiana. Working together, we were able to secure the authorization necessary and also the appropriations to control and harness the destructive forces of that river and bring them under control to the point where, both in Arkansas and in Louisiana, great areas of highly fertile land are now being brought into a state of production, thus strengthening the whole economy of that valley.

Yes, Mr. President, Senator ELLENDER has vigorously and unrelentingly supported legislative programs and appropriations for the development and conservation of the Nation's land and water resources, and I doubt that there is a section of this country anywhere that has not directly benefited from his dynamic leadership in this field.

And, today, on his birthday, I am proud to pay tribute to him. He has been an inspiration to many of us—especially those of us who serve on the Appropriations Committee under his chairmanship. As chairman of the powerful Appropriations Committee, he provides that quality of able and responsible leadership that moves forward the work of the committee efficiently and expeditiously.

Senator ELLENDER is a great credit to his State; he is an asset to the Nation. I offer him today my sincere congratulations and felicitations, and I look forward with appreciation to the opportunity of continuing to serve with him and to work with him here in the Senate in the initiation and promotion of programs and projects that are intended to further strengthen our Nation and to enhance the well-being of the American people.

So, happy, happy birthday, Senator ELLENDER, and may you have many, many more, and we hope you will celebrate them here in the U.S. Senate.

The PRESIDENT pro tempore. The Chair thanks the Senator.

Mr. YOUNG. Mr. President, I now yield to the distinguished Senator from Mississippi (Mr. EASTLAND), chairman of the Senate Judiciary Committee who is also second ranking on the Senate Agriculture Committee.

Mr. EASTLAND. Mr. President, because of my deep affection for the senior Senator from Louisiana, I am delighted to join my colleagues in recognizing him on his birthday.

His experience gained over many years in public service is tremendous. He began as a city and district attorney and then moved to the State legislature and graduated as speaker of the house. This local and State service fitted him well for the outstanding contribution he has made to our Nation the past 35 years in the Senate.

What he has experienced, he learned and has remembered. His mind is a storehouse of knowledge and, like a computer, it can recall, analyze, and resolve the problems with facts and wisdom. His energy is boundless and his dedication to duty unlimited. He is the hardest working Member of the Senate.

In spite of his national responsibilities, he has maintained close contact with his people and is thoroughly conversant with their problems. Better than this, he is adept at solving them when they relate to government.

I have served with him closely and long on the Senate Committee on Agriculture and Forestry and I know he is the friend and servant of the farmer.

My State, and every State in our Nation, is a beneficiary of his wonderful grasp of the needs for flood control, water resource development, navigation, and harbors. Monuments to his leadership in public works are innumerable and their contribution to safe homes, water for jobs and transportation affect the pocketbook and the level of living of every American family.

He is perhaps best known as a watcher of the public purse. His study of every appropriation has eliminated unnecessary and wasteful spending. His inspection of overseas military facilities and evaluation of foreign aid programs running above $100 billion has saved this country billions of dollars and retarded the erosion of the value of the dollar. Every American should acclaim his service because he has served every American well.

I congratulate my friend ALLEN ELLENDER today. He begins a new year on his long tenure of faithful service. I know he has many more useful years to contribute to the progress of this Nation, which shall be eternally in his debt.

Mr. YOUNG. Mr. President, I now yield to the distinguished chairman of the Senate Committee on Armed Services, who is also chairman of the Subcommittee on Public Works Appropriations.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, it is really a happy privilege for me to be given a chance to say a few words here with reference to one of the finest, most respected Members of our body, and I think a man who covers more legislative ground, both in the committee and on the floor, than any other Member.

I am not going to take very much of the time that remains, but I know that one of the most outstanding achievements of his career has been his work this year, in the way he had led, prodded, and pushed these appropriation bills through the subcommittees, the committees, and this Chamber, so that now I think all the appropriation bills have already been approved—as a matter of fact, they had been before the recess—except that public works was added the other day, and those that remain are only the military, which is tied up by the bill we have under consideration, military construction, which is a companion to it in a large way, and foreign aid.

That, gentlemen, is an amazing achievement, greatly to the benefit of every Member of this body and of the Senate.

In the process of his work, he has come to know more about more things in that Appropriations Committee by far than any other individual Member among us. He not only touches on the areas of those committees of which he is chairman and has been chairman, but all the rest as well. But this long, long record of the constructive work he has done on the Appropriations Subcommittee for what we call public works—which, by the way, includes reclamation, atomic energy, now Appalachia, and a number of other items in addition to the rivers and harbors, dams, flood control, and all those constructive things involving navigation and related points—has given him a most amazing, intimate knowledge of the subject, and firm opinions concerning public works matters all over this Nation. I know, because I have been on the subcommittee with him a long time, and this year it has been my privilege to be chairman of it; and I know how valuable it was to have him there.

I do not see how he managed to be there all the time, but he was. He is the only man I know in our membership who can be in the committee room and on this floor at the same time. He can do that, not quite physically, but he will be leading a committee down there, and also managing the passage of a bill up here, in the magic way that he has. It goes back to his dedication, his hard work, and his inexhaustible energy and untiring effort.

By the way, I want to mention one thing in passing. He is my instructor down at the gymnasium also. He is teaching me how to pull those weights down, and I know he used to pull them just as a warmup getting ready to go out and play golf. That shows his great vitality and his tremendous care of himself.

I want to mention another thing here, and that is the fine example he gives us of frugality of living and frugality of expenses in Government, and his ever-constructive and at the same time conservative approach in spending the taxpayer's money.

But foremost among his duties, I think, is not to forget who sent him here, the people of Louisiana. Their interests and their needs he has never forgotten. It is amazing how much he has done.

My opportunities to observe our distinguished friend from Louisiana stretch over a great many years. My State of Mississippi shares a geographic boundary with his State of Louisiana. The water of the Mississippi River, and the commerce it carries, flows from my State into his. We have shared common problems of many kinds. I want to say, Mr. President, that there has never been a more faithful servant of the people of his State than is Senator ELLENDER.

I repeat, I know of no one man who has done as much as ALLEN ELLENDER toward the development of the water resources of this country. He has demanded, and has received, high standards in terms of the return in benefits for dollars expended. He has been relentless in rooting out and eliminating any semblance of inefficiency or waste. But he has been dedicated to the development of our rivers and waterways, and he has shown vision in accomplishing this.

I also pay tribute also to Mr. Kenneth J. Bousquet, longtime valued and dedicated staff member who has rendered such outstanding service to the Subcommittee of Appropriations for Public Works which was chaired for many years by our colleague.

It would be very difficult to pick out one single characteristic of Senator ELLENDER that makes the strongest impression on me. He is a man of reasoned judgments, a practical man of great logic and courage, and a gentleman of discernment and quiet humor. If I had to pick out a single impression, however, on which to comment, I would have to say it is his great vitality. I cannot recall ever seeing him walking slowly when there was an opportunity to move ahead briskly. His mind works brisky, too, and he is impatient of any delay in getting ahead with the job. He sets an example for all of us in what he can get done in a single day.

Mr. President, there is much more I could say in tribute to our President pro tempore. I have not even mentioned his long service as chairman of the Senate Committee on Agriculture and Forestry, or the vigilance with which he observes the state of our national budget. There are many other Members, however, that wish to speak. Let me only say further of my good friend and respected colleague from Louisiana that I am a better man for having had the privilege of serving with him in the Senate, that I wish him many happy returns on his birthday, and many more years of service in this body.

The PRESIDENT pro tempore. The time of the Senator from North Dakota has expired.

Mr. MANSFIELD. Mr. President, we now go into the morning hour for the conduct of routine morning business. I ask unanimous consent that this time be devoted, for as long as needed, to the continuation of this remarkable series of compliments to a man who has done so much for his State, for the Nation, and for the Senate, and done it so effectively and so well.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I would like to join my colleagues in congratulating the distinguished Senator from Louisiana. At 81, he has the physical vigor and intellectual quality of men half his age.

Critics of the Senate often do not understand what this body means and what it represents. If they would look at the distinguished Senator from Louisiana, they would better understand the integrity of the Senate, and the meaning of the U.S. Senate as an institution for the continuation of this great country of ours.

The Senator from Louisiana represents his State. All the 100 Members here represent their respective States, and they represent the thinking of the people of their States, their philosophy, and their ideas. The genius of this country is that here in this body, we can debate every great issue, domestic and international, and after the debate is over you know what the people of the country are thinking about, and what their philosophy is on any question. Ideas shift and ideas change here as the constituencies of this Nation change.

The Senator from Louisiana combines the great qualities of hard work, integrity, and knowledge. I have listened to many heated debates on this floor in which the Senator from Louisiana has been a participant. I do not recall the Senator ever once casting any aspersion or personally slighting any Member of this body. He always discusses an issue under debate to the fullest extent of his knowledge, which is deep and great.

One of the things that I think all of us appreciate is that special invitation each of us receives each year to go to his office for a Louisiana repast. I can say without equivocation that the single greatest dish I have tasted anywhere in the world is crab gumbo a la Ellender. When it is topped off with the dessert of a praline made by the distinguished chef who presently occupies the Chair, every Member of this body goes away with a sense of warmth and appreciation for a man who has many facets to his ability and his character.

It is a great honor for me to serve in this body and to be associated with Senator ELLENDER. I join my colleagues in paying tribute to his many, many years of service, and wish him great health and continued service to his country and this body for many future years.

The PRESIDENT pro tempore. Is there further morning business?

Mr. FONG. Mr. President, I want to join my colleagues in offering to the distinguished President pro tempore, the senior Senator from Louisiana (Mr. ELLENDER), my warmest felicitations on this happy occasion.

To celebrate 81 birthdays is remarkable, indeed. But to have the vigor, stamina, and vitality that Senator ELLENDER has after fourscore years is even more remarkable.

About ALLEN ELLENDER we can truly say, "He is 81 years young."

In the 12 years I have been privileged to be a Member of this body, I have seen my good friend from Louisiana shoulder an ever heavier burden of responsibility here in the Senate—in the field of agriculture, public works, national defense, and Federal expenditures.

An example of his diligence and efficiency can be seen in the record the Senate Appropriations Committee compiled this year under ALLEN ELLENDER'S chairmanship. Since he became chairman in February, the committee has handled a total of 15 money bills for the 1971 and 1972 fiscal years. Because he prodded committee members to hold hearings and do their preparatory work well in advance, nine of these bills were reported to the Senate either the same day they were received from the House or 1 day later.

When Congress recessed on August 6, only four bills had not passed the Senate. All four are still in the House Appropriations Committee, which cannot act until Congress passes the necessary authorizing legislation.

To the best of my recollection, never in recent years have these very important money bills been handled so expeditiously. As a member of the Appropriations Committee, I take my hat off to my chairman.

I should like very much to know the key to my chairman's energy and longevity. But I shall not ask him to disclose his secret in this public forum in advance of the next election. Probably he would say, "Because I keep healthy and I was born so long ago."

All I can say is that anyone thinking of challenging ALLEN ELLENDER had better be in top physical and mental condition.

In closing, I just say to my friend, may your blessings be as full as the eastern ocean and your life as everlasting as the southern hills.

Mr. CASE. Mr. President, "Praise to the face is open disgrace" is a statement that comes from some literary artist such as V. S. Lean. But this man from Louisiana is sturdy enough to take even this without flinching.

It is a great pleasure to join our colleagues in expressing our respect, affection, and admiration for the Senator from Louisiana. Many of us have known him for a long time, directly and indirectly, as a Member of the House and then the Senate. It has been a quarter of a century in my case, and I am by no means the oldest of his acquaintances.

I have never had any occasion on which to doubt the soundness, the decency, the reliability, or the humanity of this man.

I do not know to what purpose these remarks are going to be put. If it is for his reelection, so be it, even though I am a Republican. On the other hand, if he would like to suppress some for that purpose, such as mine, in his own interest, that is all right, too.

All I want to do is to say that, as a member of the committee on which he serves as chairman, as a Member of this body, in which he has rendered such distinguished service, I am honored and proud because of my association with him.

Whenever one of us thinks he knows something about his own State, I suppose it is an antidote to self-satisfaction to find out that, by gosh, this man has been there before you—even in your own State. He has flown over New Jersey in a helicopter to view problems on which I have been working for quite a while, and he knows about them intimately.

One could ramble on indefinitely, but all I shall say is, ALLEN it is wonderful to be with you, and we look forward—I know you will be here, and I hope I shall be here—to many a long year to come.

Mr. CHURCH. Mr. President, I should like to join in saluting the distinguished Senator from Louisiana today on his 81st birthday.

Among his many attributes, it has already been noted that he is one of the best cooks in the Senate. He is also one of the younger men of the Senate, because, as we all know, age is not measured by counting years alone.

Those of us who have been privileged to serve closely with the Senator appreciate that he displays so many of the qualities of youth. Here is a man, celebrating his 81st birthday, who has preserved throughout his life a young spirit. His agility of mind, his capacity for creative thought, his immense and proven vigor which enables him to do such astonishing amounts of work—all these are the attributes of youth.

So I salute him on his 81st birthday as one of the younger Members of the Senate in the ways that matter most.

Mr. CRANSTON. Mr. President, I rise to join in the tribute to our beloved and esteemed colleague.

One of my great regrets about my service in the Senate is that I have not been able to serve with ALLEN ELLENDER as long as most of my colleagues. Of course, nobody in the Senate has served with him as long as he has served with himself.

His record in this body is truly an incredible one. The great accomplishments he has achieved in the time he has served as chairman of the Appropriations Committee, and moving on such a rapid schedule, have been a benefit to all Members of Congress and to all citizens of our country.

I believe that out of his great experience, his understanding of the issues of our time, his compassion, and his concern we will see some remarkable achievements in the days and months and years ahead in terms of allocating the funds of our country in ways in which they can be used most effectively for all the people of our country.

I am counting upon ALLEN ELLENDER to help bring about a change in priorities that relates to what we spend on military matters and what we do not spend on the tremendously challenging problems we face at home, in this beloved country of ours.

I am everlastingly grateful to ALLEN ELLENDER for the advice and assistance he has given to me, as a relatively newcomer in this body, and the fact that, despite his heavy duties and all the burdens he carries, he is always available to help and guide me and others when we need that help and guidance.

I heartily congratulate him on his birthday and on many, many other things.

(Mr. GRAMBRELL took the chair as Presiding Officer at this point.)

Mr. BENTSEN. Mr. President, I have known Senator ELLENDER for many years, first when I served as a Member of the House of Representatives and then again this year when I became a Member of the Senate. Both experiences have been rewarding.

I have been impressed by both his courtesy and his fairness in dealing with other Members of Congress, especially with new Members. I have been impressed, too, by his dedication and energy. As his neighbor in the Old Senate Office Building, I am aware of the long hours he devotes to his work as President pro tempore, as chairman of the Appropriations Committee, as chairman of the Subcommittee on Defense Appropriations, as ranking member of the Agricultural and Forestry Committee, and as a member of the Democratic Policy Committee. This is a tremendous workload for any many, but Senator ELLENDER attacks it as though he is 18 years old instead of 81. Since he took on the chairmanship of the Appropriations Committee this year, he is in fact just a freshman in that job. He has tackled the job with the experience of a well-seasoned veteran and the energy and enthusiasm of a rookie. That is one reason why the Appropriations Committee has cleared 10 of its 14 bills already this year and why it currently has a clean docket.

Monuments to Senator ELLENDER'S work can be found in Texas, as well as in just about every other State in the Union. Although he looks after his own State very carefully, he has in fact become a national figure and he shows his concern for problems and needs in all our States.

When I speak of monuments, I am speaking in particular about the public works projects that Senator ELLENDER has worked so hard to develop throughout the Nation. As a member of the Senate Public Works Committee, I know that these navigation channels, dams, and reservoirs are helping our people live a better life. These projects produce more jobs, fewer floods, more fresh water, and lower transportation costs. These are lasting tributes to his work. They extend from coast to coast and up and down our Ohio, Missouri, and Mississippi Valleys.

We also enjoy the benefits of his long term as chairman of the Senate Agriculture Committee, a period of 18 years. During this chairmanship—the longest in Agriculture Committee history—Senator ELLENDER has initiated and backed programs that have helped convert America from a land of depression soup lines to a Nation of food and fiber abundance. Our Federal agricultural programs have helped make our Nation the richest land in the world. And, Mr. President, we are still the richest Nation, despite our current inflation and our dollar and gold problems.

As Senator ELLENDER has often said, the real measure of a nation's wealth is not its gold, but its ability to produce food, clothing, and shelter for its people. In the United States today, a family has to spend only 16 percent of its income for food. That is the lowest percentage in the world. In some parts of the world, the people have to devote nearly half of their total income just to feed their families. In the United States we can do this with one-sixth of our income.

Sometimes we take this agricultural abundance and our public works projects for granted. But Senator ELLENDER and his colleagues on the Agriculture and Appropriations Committees have had to fight long, sometimes thankless, battles for these programs. He stuck to his faith in these programs because he knew that they were helping to develop this Nation's land and water resources.

Mr. GURNEY. Mr. President, I, too, want to join my colleagues in this eventful occasion honoring the 81st birthday of the dean of the U.S. Senate, the distinguished senior Senator from Louisiana, ALLEN ELLENDER.

As we have all noted—and I note, also—the most remarkable fact about Senator ELLENDER on his 81st birthday is his youth and vigor. His appearance as well as his energies are of a man 20 years younger, and it is well known and universally regarded that he is the hardest working Senator of all of us. His ability as a Senator is also acclaimed by all of us. His leadership in the field of appropriations, agriculture, and public works has never been excelled by any Senator in this or any other time.

His long service over 35 years in this great legislative body has seen the most constructive, innovative, and sound ideas of ALLEN ELLENDER put into practice which have made major contributions onward and upward to the progress of this Nation.

There is no more respected Member of this body than ALLEN ELLENDER.

It is my fervent hope and prayer that ALLEN ELLENDER, the dean of the Senate, will have other birthdays under the same identical circumstances, and as the President pro tempore of the Senate, so that the Nation may have the benefit of his ever sound and ever wise counsel and judgment.

Many happy returns on your birthday.

Mr. McGEE. It is with pride and great pleasure that I join Senators in paying tribute to the senior Senator from Louisiana on this occasion of his 81st birthday. In addition to being the senior member of this body in terms of length of service, and therefore, President pro tempore, Senator ALLEN ELLENDER is also chairman of the Appropriations Committee—a position which places many awesome responsibilities squarely on his shoulders.

In this body, one soon learns that a measure of a man's ability does not rest so much in agreement expressed for his views, but in the respect and high esteem in which he is held. It was in this manner that I began my first association with Senator ELLENDER. I have served with him all of my 13 years in the Senate as a member of the Appropriations Committee. On those occasions when we have been on the opposite side of an issue, he not only has been tolerant of my differing views but also most helpful to me in presenting my position.

Moreover, since his assuming the chairmanship of the Appropriations Committee, many other qualities have come clearly into view. One of these is his toughness. However, he makes no demands upon the rest of us that he does not first exceed himself.

There are 13 major subcommittees of the Appropriations Committee. The new chairman is invariably present whenever any of them is in session. His energies seem boundless. His singleness of purpose is action. Those of us who are younger in years nonetheless find it difficult to maintain the pace he sets for himself.

But, above all, ALLEN ELLENDER, as a colleague and as chairman of the Appropriations Committee, has always been eminently fair. I daresay that before his service in this body is completed, he will have written a new and admirable record in the Senate.

In this year alone—the first during which the committee itself has been under his leadership—all but four of the appropriation bills were cleared by the Senate prior to the August 6 recess. Those four measures remaining were necessarily delayed pending enactment of authorizing legislation by other committees. This record has no equal in modern times.

As a result of his many years of service on the Committee on Agriculture and Forestry—including, until recently, the chairmanship of that all-important committee—he has been instrumental in formulating and implementing an effective agricultural policy for this Nation.

Just recently the Department of Agriculture conducted ceremonies commemorating the 25th anniversary of the highly successful school lunch program—a program which Senator ELLENDER initiated a quarter of a century ago.

While he has been extremely interested and active in matters involving agriculture, he has by no means limited his activities to that field. He has been a consistent and effective leader in matters of national defense, in development and conservation of our resources, and in fiscal responsibility, as well as many other areas of concern.

Senator ELLENDER has served his State, his country, and this body with honor and distinction throughout his more than 34 years of public service in the U.S. Senate. Those of us who have had the pleasure of serving with him even for a small portion of this time are richer as a result of that opportunity.

His service has been characterized by hard work, long hours, and an extreme sense of dedication of purpose. On this occasion, however, I choose not to look back nor reflect on the past, but to look forward to many more years of association with the senior Senator from Louisiana. And if I can only be as vigorous and perceptive at 61 as ALLEN ELLENDER is at 81, I will indeed be very fortunate.

Mrs. McGee joins me, Mr. President, in extending my congratulations and best wishes on your birthday.

Mr. STEVENSON. I join my colleagues in extending congratulations and good wishes to ALLEN ELLENDER on his 81st birthday. His wisdom, energy, and sense of justice make him a great U.S. Senator; his grace, wit, and exuberance make him a fine human being. It is a pleasure and a privilege to serve with him—and to be educated by him in the workings of this body.

Mr. COTTON. Mr. President, it has been my privilege to serve for 17 years in this body with the distinguished Senator from Louisiana, ALLEN J. ELLENDER. Like all Senators, I have admired and respected him for the forthrightness of his approach to every issue and for the fidelity and tenacity with which he fights for his convictions.

Throughout all these years I have marveled at the boundless energy with which he has pursued his duties and ever-increasing responsibilities as a Senator. I have marveled even more that his energy has not decreased one whit with the passing years. Indeed, his energy and capacity for hard work have seemed to gather momentum with each passing year. We who serve with him and under him on the Appropriations Committee have had striking evidence of this as he has speeded the consideration of appropriation bills and pushed them to the floor of the Senate with almost unprecedented rapidity. His fervor has been contagious and has inspired all of us to renewed activity.

We congratulate him upon his 81st birthday, even though it is one of those statistical facts that has little real significance for obviously he is not 81 years old in mind, body, or spirit.

As I think of ALLEN ELLENDER, the words of an old sage that I learned long ago come back to me:

> Age is a quality of mind.
> If you have left your dreams behind
> And hope is cold;
> If you no longer look ahead
> And your ambition's fires are dead;
> Then you are old.
> But if from life you take the best
> And in life you see the jest,
> And love you hold;
> No matter how the birthdays fly,
> No matter how the years roll by;
> You are not old.

Mr. HOLLINGS. Mr. President, I am pleased to join with Senators to express my best wishes to Senator ELLENDER on this occasion of his 81st birthday anniversary.

The Senator from Louisiana has served here longer than any other Senator, and he certainly has learned how to get things done. As chairman of the Appropriations Committee, of which I have the honor to be a member, he has set a pace that has kept the rest of the members straining to match. We are far ahead of previous years in handling annual appropriations bills. Ten of these bills have already been passed by this body, and the other four are ready to be acted upon as soon as the other body acts.

The chairman has not let speed override thoroughness, and the committee's record, which includes 3,202 witnesses and 183 days of hearings, has been due to comprehensive advance planning by the chairman. His conscious and perceptive awareness of financial matters are obvious to all who have worked with him and his sharp and pointed questioning is often painfully obvious to those who have testified before him.

I am pleased and proud to have had the opportunity to work with my distinguished colleague, Senator ELLENDER. I wish him many happy returns on this special day, and I wish him many more years of continued good health and good fortune.

Mr. CHILES. Mr. President, it is a great privilege for me to join with others of this fine Senate body in paying tribute to Senator ELLENDER on the occasion of his 81st birthday today. Others who have served with him for longer periods of time and have had a chance to work with him and observe him more closely can attest more eloquently to the magnitude of his contributions to the people of this country. I welcome the opportunity, however, of offering some brief comment.

The Senator from Louisiana is a fine man, and outstanding lawmaker, an upstanding public figure, and I stand in awe of his record. I have managed to find one parallel in his and my careers, though. Senator ELLENDER has been a member of the Senate Committee on Agriculture and Forestry, without interruption, since he entered Congress in 1937—some 34 years ago. Well, this Senator from Florida has also been a member of the Senate Committee on Agriculture and Forestry, without interruption, since he entered Congress—only in his case it was just 9 months ago. Still, I hope this is an omen for the future, an indicator that I will be able to serve as well as he has served.

I have been in the U.S. Senate and on the Agriculture Committee for only a short time, as I said. But in that short time I have found the distinguished Senator from Louisiana has left his mark indelibly, playing a major role in the development and enactment of all legislation affecting agriculture. It started in that first year, 1937, when he traveled throughout the country as a member of the Special Senate Agriculture Subcommittee which held grassroots hearings in all the major farm areas of the United States. Subsequently, he assisted in drafting and enacting the Agricultural Adjustment Act of 1938 which still stands as the basis of our present farm price support programs.

He initiated and supported legislation to expand programs designed to conserve our land, forest, and water resources. He fostered and supported legislation for the creation of small watersheds designed to assist in flood prevention, in promoting recreational facilities and in providing water for industrial and municipal uses.

The Senator promoted expanded programs of agricultural research into development of new and improved varieties of agricultural commodities, as well as more efficient production.

His concern and desire were to provide consumers with nutritious and wholesome foods in abundance. To that end, he advocated effective and realistic pest control programs, meat and poultry inspection, and other regulatory measures.

The Senator was influential in regard to other important measures—the rural electrification program, soil conservation, the School Lunch Act which he coauthored, the school milk programs, and the food for peace program. He sponsored and guided passage of the Food and Agriculture Act of 1965, the most far-reaching bill affecting agriculture passed in many years.

It is my belief that Senator ELLENDER's efforts have reflected his philosophy that the Government's function in agriculture is to work for the benefit of both farmer and consumer within the framework of the free enterprise system.

His is an enviable career, and I am happy to have the opportunity to commend him on this special occasion.

Mr. HUMPHREY. Mr. President, today is an important occasion in the Senate, for it marks the 81st birthday of the distinguished senior Senator from Louisiana, Senator ALLEN J. ELLENDER.

Seniority is both an absolute and a relative term when applied to this outstanding colleague. He is, indeed, senior to all Members of the Senate, with terms of continuous service commencing on January 3, 1937, and marked by his elevation to the office of President pro tempore of the Senate this year. It is a seniority well respected by those of us who bear the distinction of Senate "freshmen."

But for the Senator from Louisiana, the seniority of age is a misnomer, for he continues to demonstrate a strength and vigor that is the envy of many of his "younger" colleagues. Anyone acquainted with the heavy responsibilities and continuous work schedule demanded of the chairman of the Senate Committee on Appropriations knows well that "seniority" connotes wisdom and determination in seeing a difficult job through.

As a past and present member of the Senate Committee on Agriculture, I count it a particular privilege to celebrate this occasion by noting the numerous accomplishments of Senator ELLENDER.

A member of this committee since 1937, he served as its distinguished chairman for 18 years—a term of service exceeding that of any other of the 40 chairmen of this committee. From the outset, his goal has been the establishment of a prosperous, strong, and efficient agriculture. He helped draft the Agricultural Adjustment Act of 1938 which still stands as a basis of our vitally important farm price support programs. And it was my pleasure to have his partnership and needed leadership in the enactment of the food for peace and national school lunch program which have accomplished so much in combating malnutrition at home and abroad. And for those of us for whom rural electrification and land, forest, and water conservation programs have been of vital importance, the legislative foundations laid by Senator ELLENDER will not be forgotten.

As he has been a dependable coworker in a presidential election campaign and in legislative action on vital housing and public works programs, so now he fully shares my concern that there be established a firm national commitment to bring revitalization and growth to rural America.

Each of us can relate pleasurable reminiscences of occasions shared with this remarkable gentleman. Senator ALLEN ELLENDER, honored colleague, may there be many more annual gumbo luncheons and may you continue to reign as honored guest at the Louisiana Society Mardi Gras Ball.

Mr. MONTOYA. Mr. President, service to one's nation is in itself a great honor. But today I offer special tribute to our friend and colleague, the senior Senator from Louisiana, ALLEN J. ELLENDER. Today is his 81st birthday, and he has spent most of his life in service to his fellow citizens and our country.

Since 1937, he has devoted his services to a series of vital causes. Today, as chairman of the Committee on Appropriations, he makes perhaps the unique and most important contribution of all.

We who serve on that strategic committee know how much effort he devotes to the appropriations process, painstakingly scrutinizing this legislation. He knows that effective legislation of this sort requires a concerned, involved, and determined chairman who makes it his business to produce finely honed measures that do justice to the appropriations process.

His home State of Louisiana fully understands the scope of his Senate role and has honored him again and again with reelection to this body. As President pro tempore of the U.S. Senate during the 92d Congress, Senator ELLENDER officiates over this body with wisdom and composure from which we all benefit. His intimate knowledge of the democratic process and respect for the traditions of this body significantly contributes to the conduct of the legislative business of the Nation in this Chamber.

Each Member of the Senate has had cause to call upon him for advice, assistance, and knowledge. Never has it been refused to any of us, regardless of party or cause. He has been as ready to understand the problems of an individual State as he is to look at a problem with a national viewpoint.

It is a pleasure to pay tribute to him today, wishing him the best of the day and many more years of distinguished service.

Mr. MILLER. I wish to join with my colleagues in wishing the distinguished Senator from Louisiana, the Honorable ALLEN ELLENDER, a very happy 81st birthday.

His long and distinguished record is well known to all of us, particularly those who have had the privilege of serving on committees with him—as I have had on the Senate Agriculture Committee.

It is exceptional to find a person of his years who has retained such a dynamic, keen, alert, and hard-working character and capacity. Senator ELLENDER has been blessed with excellent health, but he has worked at doing so—setting an example for many of those far younger. More than anything else, however, his great mental ability and sharp interest have undoubtedly contributed to maintaining the physical health he enjoys.

Senator ELLENDER is an outstanding example of the truism that age is not always a criterion of a person's ability to provide great service and outstanding leadership. He carries those 81 years proudly, and he serves the people of Louisiana and the U.S. Senate proudly.

Happy birthday, ALLEN.

Mr. PASTORE. Mr. President, it is not something new that this Senate should pause in its deliberations to pay tribute to the senior Senator from Louisiana (Mr. ELLENDER). For more than a generation the Senate has marked the milestones of his service here—and the repetition has been reassuring and the occasion inspiring.

Year in and year out—as the arduous appropriations bills have the attention of this Senate, we have heard and have seconded the praise of our leaders. We have echoed their declarations of skill and competence and diligence. For the industrious scholarship of our colleague and his management of these measures on this floor have made better Senators of us all.

But annually we transcend from bills to birthdays. It is a chance to remind ourselves how long we have possessed the abilities of this man—and to be reminded how long ago ALLEN ELLENDER was enlisted in causes that claim our most earnest attention at this very hour.

Senator ELLENDER came to Washington in the backwash years of the depression of the 1930's. He came from a grassroots schooling in Louisiana—with a State government grappling at first hand with the problems of the poverty and the people—and to the growing realization that government might have a duty in personal distress and disaster.

A liberal State government projected relief programs far ahead of their time—and ALLEN ELLENDER did not alter his course in Washington. He helped pass the Housing Act of 1937. That act created the U.S. Housing Authority. In the 1940's he joined with the then Senator Taft of Ohio and Senator Wagner of New York in cosponsoring the Housing Act of 1949. He canvassed the Nation personally to generate support for the legislation which forms the basis for many of our present low-cost housing programs.

In all his thinking he has been against abuses but not for abandonment of programs that reach down to the needy.

With all the weight of his responsibilities in public works, agriculture and appropriations, with all his international involvement and experience—with all his expertise in every phase of government Senator ELLENDER has remained the most unaffected, approachable and helpful of colleagues. He is a delightful host in the Louisiana fare that he dispenses with a master's hand. He is the statesman who has remained the good neighbor and good friend—as modest in demeanor as he is earnest in dedication.

That is the dedication—in his own words—to serve his State and Nation as long as he has the capability and his people command him.

May the commitment of the Senator and of his State bring us to many more anniversaries like this.

Mr. BROOKE. Mr. President pro tempore:

Your friends at State
Planned to give you a fete—
But their entertainment budget's no more.

The men in blue
Planned a "fly by" for you—
But their funds have been cut to the core.

Your colleagues here
Hold you specially dear
For your rectitude and great lore

We salute you today
In the only way
That the country and we can afford:
Happy Birthday!

Mr. CURTIS. Mr. President, in order to adequately discuss the public service of Senator ALLEN ELLENDER of Louisiana, it would take not one speech nor 10 speeches, not one book but several volumes. His public service is marked by much more than just the number of years. It has been in-depth public service.

Senator ELLENDER is not one who is willing to take the bows and let somebody else do the work. He is diligent in his committee work. He masters all the details of legislation that comes before the committees upon which he serves. He is thorough. He is a hard worker. These traits of character and habits of work, plus his years of service, give him a storehouse of knowledge that makes him an outstanding legislator.

Senator ELLENDER is admired because of his strong physique, his excellent mind, and his ability to state a position and defend it with clarity and forcefulness.

Mr. President, I can not compete with Senator ELLENDER's biographers. Therefore, I shall be content to say happy birthday to our friend and colleague, ALLEN ELLENDER of Louisiana. I hope he has many more of them.

Mr. ALLEN. Mr. President, it is a real pleasure to felicitate our distinguished colleague, the senior Senator from Louisiana (Mr. ELLENDER), on the occasion of his 81st birthday.

We all know of Senator ELLENDER's many accomplishments for the people of Louisiana and of his great contributions to our country during his 35 years of service in the U.S. Senate. He has been a dedicated defender of the ideals and principles upon which our Nation was founded.

ALLEN ELLENDER has long been recognized as a leader in the important areas of agriculture, water resources development, and fiscal responsibility. He has always fought wholeheartedly to better the lot of our farmers, to benefit the cause of our veterans, to provide more and better health facilities for our people, and to insure the workingman decent hours and decent wages under safe working conditions.

Senator ELLENDER's particular charge has been American agriculture; in fact, the farmers of America have no better friend than the senior Senator from Louisiana. He has been a member of the Senate Agriculture Committee since he entered the Senate in January 1937 and, with the exception of the 83d Congress, has served as its chairman since 1951 until the beginning of the current Congress when he assumed the chairmanship of the Senate Appropriations Committee.

For the past 35 years, Senator ELLENDER has played a vital role in shaping programs for American agriculture. I am confident that every Member of the Senate will agree that it would be difficult to find an American at any point in our history who has done as much for the farmers of America as ALLEN ELLENDER. When I came to the Senate in 1969, I specifically requested to be assigned to the Senate Agriculture Committee and from the moment of our first committee meeting, Senator ELLENDER has been my good friend, wise counselor, and has helped me in so many ways.

Mr. President, the people of Alabama have a special place in their hearts for ALLEN ELLENDER. As chairman of the Senate Public Works Appropriations Subcommittee for many years, Senator ELLENDER consistently supported and assisted our State in the development of the God-given resources that are the great waterways of Alabama.

No other State is blessed with inland waterways as is Alabama, and it has been through the generosity and understanding of Senator ELLENDER that we of Alabama have been able to make great strides toward developing the full potential of our vast water resources.

As chairman of the Senate Appropriation Committee during this, the first session of the 92d Congress, Senator ELLENDER has done yeoman service in speeding up committee consideration and approval of the various spending bills. This feat, in and of itself, has permitted the Senate to schedule its work on a more orderly and timely basis.

My service here in the Senate with Senator ELLENDER has made me deeply aware of his exceptional qualities and capabilities. Yes, Mr. President, every time I think of ALLEN ELLENDER's many wonderful contributions and what he stands for and fights for, my heart grows warm. He is, in truth, one of the great statesmen of America.

The people of Louisiana are most wise and fortunate to be represented by a man of the character, the ability, and the effective leadership of Senator ELLENDER. He has, indeed, been indefatigable in his work in the Congress and in his devotion to the people of Louisiana and the Nation.

I salute you, Senator ELLENDER, and wish for you many, many more years of health and happiness, and a long continuation of your distinguished service in the U.S. Senate.

SENATOR ALLEN ELLENDER—A WINDOW ON THE WORLD

Mr. PROXMIRE. Mr. President, it gives me particular pleasure today to join my colleagues in wishing Senator ALLEN ELLENDER a very happy birthday. The accomplishments of our distinguished President pro tempore are many. As chairman of the Senate Agriculture Committee he has been instrumental in the shaping of farm policy over the years. As ranking member and now chairman of the Senate Appropriations Committee he is a valiant battler against wasteful Federal spending and for the beleaguered American taxpayer.

Perhaps Senator ELLENDER's most characteristic activity has been his wide-ranging world travels for they demonstrate his tremendous energy, his ingrained curiosity about what is really going on in the world, his determination to get the facts at first hand before he takes legislative action, and his passion for seeing that Federal funds are wisely spent.

As chairman of the Foreign Operations Appropriations Subcommittee I can assure this body that Senator ELLENDER, who I am fortunate enough to have as a colleague on the subcommittee, is, in large degree because of his globe girdling trips, one of the most informed Members of the Congress in the field of foreign aid.

Just as he has visited every parish in Louisiana every year for the past 30 years, Senator ELLENDER has toured the world to find out what people are thinking and doing.

Traveling on his own time and at minimum expense to the Government, Louisiana's senior Senator has provided the Congress and the American people with insights into our aid policies that were never before available.

These reports have aided the Senate Appropriations Committee—and have been of special value to the Foreign Operations Subcommittee.

Shortly after being assigned to the Appropriations Committee in 1949, Senator ELLENDER volunteered to make a personal inspection of our aid operations throughout the world and to report his findings to the committee and the Senate. It was to be the first of many such tours abroad, with the scope of inspections expanding to America's embassies, consulates and military missions in every country of the world except Albania.

Seven times the Louisiana lawmaker circled the globe; the other years brought him to Europe four times, to Latin America three times, and to Africa, Southeast Asia, and the Near and Far East.

Reports of nine of his trips have been published and are still in wide use by Members of Congress, agency personnel, and students around the world.

Senator ELLENDER's copious notes present a look into the very life fabric of the world's people—their life styles, their customs, and, perhaps most importantly, their attitudes toward the American presence on their soil.

He has dined with kings and princes, he has mingled with peasants, he has diligently questioned U.S. embassy personnel, and, in exhaustive detail, he has described the strengths and weaknesses of our assistance programs. As Stephen Rosenfeld of the New Republic wrote:

> Ellender rummages beyond a hunt for waste and duplication into a kind of political and economic cost-efficiency analysis.

It is out of this first-hand observation that Senator ELLENDER has come to treat America's yearly multibillion dollar foreign aid package with skepticism. Although he supported the original Marshall plan, undertaken to rehabilitate Western Europe after the Second World War, he became disillusioned by the direction our aid efforts had taken.

His on-the-scene assessments have convinced him that the United States is shouldering too many of the burdens of too many other nations, a view which is becoming increasingly prevalent among his colleagues in Congress. His foreign aid cost-cutting recommendations are legendary. His disclosures of overstaffing and waste have saved the U.S. taxpayer millions, and have kept foreign assistance administrators constantly in search for the most efficient methods of distributing the money that goes abroad.

But his evaluations go beyond economic questions. As early as 1954 Senator ELLENDER argued that America should get out of Southeast Asia and advised President Eisenhower against it. After a visit to Vietnam in 1961 he said:

> It is my belief that much of the trouble (in Vietnam) stems from within. . . . Boiling discontent threatens to erupt at any moment. . . . Some feel that we should send American troops here. I would not do so under any circumstances.

The senior Senator's most incisive commentary on American foreign policy has come from five visits to the Soviet Union. Since his first trip there in 1955, he has preached that there can never be a true detente between the East and West until fear and suspicion are dispelled.

Senator ELLENDER is a strong opponent of Communist ideology but he has attempted to convey to the American people that the Soviet people are just that—people, people who were formerly allies. His films on the Russian way of life, produced with a hand-held camera and at his own expense, have been distributed throughout the United States to high school and college classrooms, to civic groups, and to educational television stations. He has tried to show American that bridges of understanding must be built so that the two superpowers can find some common ground on which to create a lasting peace.

Mr. President, in pursuing a goal of a more responsible and prudent program of U.S. foreign assistance I am glad to do so with the cooperation and assistance of my good friend, ALLEN ELLENDER.

Mr. Chairman, congratulations on this milestone and many happy returns of the day.

Mrs. SMITH. Mr. President, I wish to pay tribute to the President pro tempore of the Senate on his birthday. There are so many of his great attributes that are deserving of recognition and praise. We hardly know where to start or how to end.

Let me be brief and simply say this. At his age, he is twice as active and works twice as hard as many of us in the Senate, including even those who are only half his age. At his age, he is twice as healthy and twice as strong as most of us in the Senate, including even those who are only half his age.

But more than that, he is probably the most productive and most powerful Member of the Senate. He has done an amazing job this year as chairman of the Appropriations Committee. If all other chairmen did half as well as he did, we would have completed our work long ago and have adjourned and returned to our people back home.

And speaking of the people back home, even though I am a Republican from the North and he is a Democrat from the South, I have no hesitancy or reservation in saying that the people of Louisiana would be wise to keep ALLEN J. ELLENDER in the U.S. Senate just as long as he is willing to serve in the U.S. Senate. For he is truly irreplaceable to the State of Louisiana and the people of that great State. When the day comes that he no longer represents Louisiana in the Senate that State will have suffered an irreparable loss.

Mr. BURDICK. Mr. President, I wish to join my colleagues in extending best wishes to the senior Senator from Louisiana (Senator ELLENDER) on this anniversary of his birthday.

In more than three decades of service in the U.S. Senate, Senator ELLENDER has made tremendous contributions in every area of legislation. I particularly want to express my personal appreciation for his thorough, patient, and understanding approach to the problems of agriculture. In 34 years on the Senate Committee on Agriculture and Forestry, serving 27 of those years as chairman, he has proved himself the friend of every farmer, East, West, North, and South.

Coming here in 1937, one of a long series of dark years for farmers, Senator ELLENDER helped shape the landmark Agricultural Adjustment Act of 1938, which still stands on the books as the basis of our present farm price-support programs.

The seventies have brought us new problems and new opportunities in farming and all other areas. I am glad that Senator ELLENDER is here to help us with his wisdom and his experience. I wish him many happy returns of the day.

Mr. HRUSKA. Mr. President, it is a pleasure and an honor to join my colleagues in extending best wishes and congratulations to the senior Senator from Louisiana (Mr. ELLENDER) on his 81st birthday.

We all recognize that our deliberations in this body help us to grow daily in wisdom and understanding of our fellowman. Nowhere is this principle better illustrated than in the case of my good friend from Louisiana.

While it may not be proper to use a superlative and say that he is the wisest and most understanding of us all, we certainly must rank him well up among the leaders in those and other admirable qualities.

It has been my especial privilege to work closely with the Senator for many years on the Agriculture, as well as Public Works Appropriation Subcommittees. Anyone who has been so privileged knows what a tower of strength he has been to the work of the Senate and how beneficial his labors have been to the interests of the Nation as well as his own great State.

It is wise to reflect on this date upon our good fortune at having the Senator with us. I join my colleagues in saying we hope his birthday today is followed by many more as happy as this one.

Mr. CANNON. Mr. President, it is indeed a pleasure to share in paying tribute to our colleague, Senator ALLEN ELLENDER, who is today celebrating his 81st birthday.

The distinguished Senator from Louisiana is in his 36th year of Senate service to his State and Nation, and I have had the honor and privilege of associating with him since I came to this Senate body nearly 13 years ago.

Although I have not had the good fortune of sharing committee assignments with Senator ELLENDER, in my years of association with this statesman I have developed great admiration for his almost unlimited knowledge of Federal finances, public works, and the Nation's agricultural development and needs.

It is this combination of service to his country, knowledge, and leadership which has brought Senator ELLENDER to his respected post as President pro tempore.

ALLEN ELLENDER has said his legislative philosophy holds that the function of government is to stimulate and maintain a fair and competitive atmosphere, permitting no group and no element to gain a stronghold on another. Within that framework his Senate activities have been directed toward efforts in assuring that our citizens are provided with economic opportunity according to their skill, equal educational opportunity according to their ability, and adequate housing and hospitalization at prices people can afford to pay. In his efforts to assure these opportunities, Senator ELLENDER's leadership has been recognized by all his colleagues.

So I join with all other Members of this body in honoring ALLEN ELLENDER in his 81st year, and wish him the best of health and happiness in the years to come.

Mr. JACKSON. It has been said that growing old is nothing more than a bad habit—which a busy man has no time to form. No man proves the point better than ALLEN ELLENDER. He attacks a heavy workload with the energy and enthusiasm of a man half his age. His diligence and attention to detail as chairman of the Appropriations Committee set a high standard for all of us. He is a master of the Federal budget and all its intricacies.

The 81st birthday of the senior Senator from Louisiana is a happy occasion for all of us who are trying to keep up with him. As one who meets him in the Senate gym every day, I can assure the Senate that we have our work cut out for us.

Mr. SPARKMAN. Mr. President, I am delighted to join with my colleagues in wishing the President pro tempore a happy birthday today.

I have known ALLEN ELLENDER from the time I first came to Congress in 1936. Senator ELLENDER came to the Senate in 1936, and it was that year that I was elected as a Member of the House of Representatives. I have known him and valued him as a friend ever since.

Senator ELLENDER and I have always shared a strong interest in and concern over the housing problems of our country. As chairman of the Senate Committee on Banking and Currency, which has responsibility for the primary housing activities of the Government, I would like to take especial note of Senator ELLENDER's record in the drawing and early sponsorship of the Housing Act of 1949. That first legislation, which proved so difficult to get through the Congress, today forms a cornerstone and the foundation of all our major subsequently housing policies.

Senator ELLENDER fought for this early legislation when public housing was not a politically popular concept throughout the country. He did everything in his power to garner support for it both in the Congress and in the Nation. His basic approach to our housing problems can be summed up with the thought that employers could not expect their workers to put in a productive 8-hour day if they were forced to go home to inadequate, decrepit, and substandard housing for themselves and their families.

In addition to his early work in housing, Senator ELLENDER was also a cosponsor of a program which meant so much to my colleague from Alabama, Senator Lister Hill. I refer to the Hill-Burton Act which made possible the construction of so many hospitals throughout the United States.

Senator ELLENDER's State of Louisiana has many of the same advantages as well as many of the same problems that my State of Alabama has. It has been a privilege for me to have worked with him down through the years in an effort to solve these problems and to develop our section of the country.

Few men in the Senate have either the energy or the alertness that ALLEN ELLENDER has. His responsibilities as chairman of the Senate Appropriations Committee, as ranking member of the Agriculture and Forestry Committee, as ranking member on the Joint Committee on Reduction of Federal Expenditures, as ranking member on the Select Committee on Nutrition and Human Needs, as a member of the Democratic steering committee, as a member of the Democratic policy committee, and as President pro tempore of the Senate are enough to burden down a man half his age. And yet, all of us know that he fulfills these responsibilities completely and with distinction. I have no doubt that all of us will have many more opportunities to celebrate the birthday of our President pro tempore. It is an honor and a privilege to remember in this way his 81st birthday. I look forward to doing it again and again and again in the years to come.

Mr. LONG. Mr. President, ALLEN ELLENDER is the best living example I know of that the way to lead a long and healthy life is through diligence, clean living, and hard work.

At age 81, he is just getting his second wind.

The distinguished senior Senator from Louisiana and ranking Member of this body has always been dedicated to the public interest, both for Louisiana and the Nation since he came to the U.S. Senate in 1937.

It is a distinct pleasure to join my colleagues in honoring Louisiana's senior Senator, and to extend my compliments for the diligent manner in which his Appropriations Committee has pushed through important money bills this year with such dispatch.

Mr. President, I would wish my distinguished colleague continued good health and many more fruitful years here in the Senate, which he has served so well. It would be difficult and would take all day to list the accomplishments which the senior Senator from Louisiana has achieved in the almost 35 years he has served his country here.

His interest in the now popular conservation field and preservation of our environment was deep, long before it became fashionable. We in Louisiana and his colleagues in the Senate are familiar with the major role he has played in the development and broadening of programs designed to conserve and protect our land and its people through various public works measures such as flood control and navigation of our inland waters.

In his 18 years as chairman of the Committee on Agriculture and Forestry, which he gave up to become head of the Appropriations Committee this year, he played a major role in drafting laws which are still the basis for the strength in our farm economy.

Mr. President, my distinguished colleague is also noted for having helped develop the essential school lunch program to help feed the Nation's needy children.

His accomplishments are many, of which he can be proud. This Nation owes him its gratitude for the diligence with which he has served, and he has my heartfelt wish that he continue to serve us for many years in good health.

Mr. President, I ask unanimous consent that the official biography of my distinguished colleague be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF SENATOR ALLEN J. ELLENDER

Allen Joseph Ellender, Democrat, of Houma, La.; born in Montegut, Terrebonne Parish, La.; September 24, 1890; lawyer and farmer; graduate of St. Aloysius College, New Orleans, La.; and Tulane University of Louisiana, at New Orleans, with degrees of M.A. and LL.B; married to Miss Helen Calhoun Donnelly (died September 30, 1949); one son, Allen J., Jr.; served in World War I; City Attorney of Houma, 1913–15; District Attorney, Terrebonne Parish, 1915–16; delegate to Constitutional Convention of La. in 1921; member of House of Representatives of La., 1924–36; floor leader, 1928–32, during administration of the late Huey P. Long, Governor; speaker of the House of Representatives, 1932–36; Democratic nominee for U.S. Senator from La., and elected without opposition in the general election held November 3, 1936, for the term ending Jan. 3, 1943; reelected Nov. 3, 1942, in the general election without opposition for the term ending Jan. 3, 1949; reelected without opposition in the general election held Nov. 2, 1948, for the term ending Jan. 3, 1955; reelected without opposition in the general election held Nov. 2, 1954, for the term ending Jan. 3, 1961; reelected Nov. 8, 1960, for the term ending Jan. 3, 1967, and reelected Nov. 8, 1966, for the term ending Jan. 3, 1973; Democratic National Committeeman from Louisiana, 1939–40. (From the Congressional Directory).

Senator Allen J. Ellender, Democrat of Louisiana, was first elected to the Senate in 1936 and has served continuously as a member of that body since January 3, 1937.

Because of his long service and his active interest in matters pertaining to the agricultural and fiscal policies of the nation, Senator Ellender holds high positions on two of the Senate's most powerful standing committees—Appropriations and Agriculture. He is also a longstanding member of the influential Democratic Steering Committee, as well as the Joint Committee on Reduction of Nonessential Federal Expenditures. As of January, 1971, he has become a member of the Democratic Policy Committee and was elected President Pro Tempore of the Senate at the beginning of the 92nd Congress.

APPROPRIATIONS

Although a member of the Senate Committee on Education and Labor through 1948, Senator Ellender resigned that post in January of 1949 to become a member of the Senate Committee on Appropriations. This Committee holds the purse string on virtually all expenditures of the Federal Government, and is considered the most powerful unit in the Congress. Senator Ellender's responsibilities as a member of this Committee advanced steadily and he has been acknowledged by his colleagues as one of the hardest working Senators on the Appropriations Committee, and indeed in the entire Senate. As of January 1971, beginning the 92nd Congress, Senator Ellender assumed the Chairmanship of the Appropriations Committee.

Throughout his years of service on the Appropriations Committee, Senator Ellender has used his influence to cut Government expenditures wherever possible, without curtailing needed Government services. He has been particularly concerned with our country's Foreign Aid Program. Although he supported the original Marshall Plan, undertaken to rehabilitate our Western European allies after the Second World War, he became disillusioned by the direction our aid efforts have taken in recent years. His personal observations of our aid activities caused him to lead a fight in the Senate each year to curtail this multi-billion dollar program.

Shortly after being assigned to the Appropriations Committee, Senator Ellender volunteered to make a personal inspection of our aid operations throughout the world and to report his findings to the Committee and to the Senate. This was to be the first of many such inspection tours taken by Senator Ellender on behalf of the Appropriations Committee. Later his investigative activities were broadened to cover our Embassies and Consulates, as well as our military missions all over the world. These expanded activities have taken him seven times around the world by air, and to all countries except Albania. The information and data gathered by him have proved very valuable to the Committee, to the Senate, and to the various executive agencies active overseas. After each personal examination of the work undertaken by our Government in every foreign country, the Senator has submitted an evaluation of the program. Since his observations are made at the working level, as well as at the Washington level, and because they are based on a "common sense" approach, his recommendations have resulted in substantial savings to our Government. Also, from his position as a ranking Democrat, he has been able to see many of his suggestions carried to completion. His exhaustive, detailed reports on his inspection tours have been and still are in wide use by members of Congress, agency personnel and students all over the world.

Senator Ellender serves as a member of all of the Subcommittees of the Appropriations Committee. His areas of long-time interest have been Agriculture, Public Works and Defense. He currently serves as Chairman of the powerful Defense Subcommittee which has oversight over all of the national defense programs of the United States. He also serves as an Ex-Officio member of the Agriculture Appropriations Subcommittee as a means of continuing his long term interest in this field.

PUBLIC WORKS

For fifteen years, Senator Ellender served as Chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations, and it was here that he exerted some of his greatest influence for the nation's welfare. The Senator has retained his position as ranking member of the Public Works Subcommittee.

The Subcommittee has under its jurisdiction virtually all Government expenditures dealing with flood control, power development, reclamation, Tennessee Valley Authority, Atomic Energy, and rivers and harbors improvements. During his tenure as Subcommitee Chairman, he devoted himself unstintingly to the task of allocating available funds according to the needs of each section of the nation. He actively campaigned to see that the Government received a dollar's value for every dollar spent, while at the same time attempting to ensure that no worthwhile or needed project was neglected. On many occasions, the Senator expressed the hope that in a few years time, no area of the nation would ever again be subject to the ravages of a major flood. The development of the Mississippi River Valley, and the Columbia Basin—to mention but two—have been of primary concern to him, and he bent every effort to make certain that the necessary improvements along our nation's greatest waterways were undertaken and pressed to completion as quickly as available funds would allow.

Senator Ellender was instrumental in promoting navigation on many of our rivers, and in harnessing our streams for the production of electric power from falling water. He strongly believes that water and land resources belong to all the people and that they should be developed for the benefit of all the people; that we of this generation are but trustees of those resources, and that we must protect and preserve them for generations yet unborn.

AGRICULTURE

Senator Ellender has been a member of the Senate Committee on Agriculture and Forestry, without interruption, since he entered Congress in 1937. He served as Chairman during the 82nd Congress (1951–52), and as ranking Democratic member during the 83rd Congress (1953–54). He became Chairman again when the Democrats regained control in the 84th Congress in 1955, and he has served in that capacity ever since, until January, 1971, the 92nd Congress, when he gave up his Chairmanship to assume the Chairmanship of the Appropriations Committee.

From the beginning of his tenure in the Senate, he has been very active in the Agriculture Committee's deliberations. In 1937, he traveled throughout the country as a member of the special Senate Agriculture Subcommittee which held "grass roots" hearings in all the major farm areas of the United States. Subsequently, he assisted in drafting and enacting the Agricultural Adjustment Act of 1938, which still stands as the basis of our present farm price support programs.

As Chairman, Senator Ellender played a major role in the development and enactment of all legislation affecting agriculture. He was in the forefront in developing a prosperous, strong and efficient agriculture, which led him to sponsor and support legislation covering the entire agricultural field.

He initiated and supported legislation to expand programs designed to conserve our land, forest and water resources. He was instrumental in developing and enacting the multiple use concept as applied to our national forest lands. He fostered and supported legislation for the creation of small watersheds designed to assist in flood prevention, in promoting recreational facilities, and in providing water for industrial and municipal uses.

Senator Ellender promoted expanded programs of agricultural research into the development of new and improved varieties of agricultural commodities, as well as more efficient production. He, likewise, proposed and supported increased funds for forestry research and marketing research, looking toward the development of additional uses for agricultural commodities.

His concern and desire were to provide consumers with nutritious and wholesome foods in abundance. To that end, he advocated effective and realistic pest control programs, meat and poultry inspection, and other regulatory measures.

Senator Ellender promoted and participated in the enactment of other laws, including the Sugar Act and subsequent revisions, the Rural electrification Program, Soil Conservation, the School Lunch Act (which he co-authored with the late Senator Russell of Georgia), the School Milk Programs, and the Food for Peace Program. In 1964, he guided to passage the Food Stamp Program, which he feels is an improvement over former methods of handling and distributing surplus agricultural commodities to the needy. Senator Ellender sponsored and guided passage of the Food and Agriculture Act of 1965. This measure was one of the most far-reaching bills affecting agriculture passed in many years.

Senator Ellender's efforts as a member of the Committee on Agriculture and Forestry reflect his philosophy in respect to agricultural policy—that is, that the government's function is to work for the benefit of both farmer and consumer within the framework of a free enterprise system.

ADDITIONAL LEGISLATIVE ACTIVITIES

In addition to his vital and continuing interest in the conservation of our nation's two most important resources—land and water—Senator Ellender has been very active in originating and promoting much of the social legislation which has meant so much to the American people. The Senator has expressed his legislative philosophy as follows: The function of Government is to stimulate and maintain a fair and competitive atmosphere, permitting no group and no element to gain a stronghold on another. Senator Ellender believes that our citizens should be provided with economic opportunity according to their skill, equal educational opportunity according to their ability, and adequate housing and hospitalization at prices people can afford to pay. Under these conditions, he contends, we will never need to fear the inroads of socialism, communism, or any other foreign ideology.

Toward making that goal a reality, Senator Ellender has supported and fostered legislation designed to make these basic needs available to all people. He has always been insistent, however, that social legislation be in the form of a cooperative effort between the Federal Government and the State and local units of government. Likewise, he has always felt, and still feels, that the administration of all programs should be at the local level.

In the field of education, and while a member of the Senate Committee on Labor and Public Welfare, Senator Ellender joined with the late Senator Robert Taft of Ohio in drafting and sponsoring the Education Finance Act of 1949. This bill became the first program of aid to primary and secondary education to pass the Senate in the twentieth century. Although it failed passage in the House, many of its provisions have been incorporated in subsequent legislation.

In the late 1940's, Senator Ellender toured the country in an effort to build support for the Housing Act of 1949, which forms the basis of many of our nation's most important housing programs. He was joined in the sponsorship of this housing program by the late Senators Taft of Ohio and Wagner of New York.

Louisiana's Senior Senator was a co-sponsor of the Hill-Burton legislation, designed to foster the construction of hospitals throughout the United States, through a cooperative effort among Federal, State and local authorities. This legislative effort has become one of the most successful government programs, designed to aid the people directly.

Senator Ellender was prominent in the enactment of the first Fair Labor Standards Act during the second administration of President Franklin D. Roosevelt. This initial minimum-wage law was directly aimed at abolishing sweat shops and raising the standard of living of industrial employees, and those working in service industries. Later, however, he opposed revisions of the Act to provide substantial increases in the minimum wage, contending that such matters should be left for collective bargaining between labor and management. He was instrumental in maintaining exemptions for certain industries and agricultural workers, where application of the minimum-wage and overtime provisions would have been disastrous to those segments of the economy, because of the nature of their operations.

The Labor-Management Relations Act of 1947, better known as the Taft-Hartley Act, has many earmarks of his work in the field of labor relations. Many of its provisions were incorporated as a direct result of his efforts and he has always supported its operation, attempting to maintain a balance between the forces of labor and business. He firmly believes that labor and management should have the tools necessary to settle their differences around the bargaining table, free from government interference.

Mr. ELLENDER. Mr. President, I hardly know what to say after hearing all these wonderful tributes about my work in the Senate.

Of course, all that work which has been spoken about here was not done alone. I had a great deal of cooperation given me on the part of many fine Senators whom I have known during the past 35 years.

I am very much overwhelmed by these sentiments expressed here.

I wish to say, without fear of contradiction, that today, at 81, I feel as well physically as I did 40 years ago. So far as my mental capacity is concerned, I am still able to spot a misplaced decimal point from across the room. Whatever abilities I have will continue to be exercised on behalf of our taxpayers, and in the furtherance of policies I believe to be wise for the Nation as a whole.

Mr. President, as I was sitting in the Presiding Officer's chair, listening to these tributes, I was reminded of a story.

It seems that Sister Mary was present at the funeral of her husband. She was sitting not far from the coffin. The minister arose and began to extol the virtues of the deceased. He said that the deceased was a good churchgoer, that he was kind to children, and that he was a very fine husband.

Whereupon, Sister Mary got up and looked in the coffin. The minister continued to extol the virtues of the deceased, saying that he was a fine man, always kind to his neighbors, helping them out whenever he could; that he rarely drank, and possessed many other fine qualities.

Whereupon, Sister Mary left her place again and took another look in the coffin.

Finally, the tributes ended. Later, the minister walked over to console her. Before he left he said to her, "Sister Mary, while I was speaking I noticed your getting up to take a look in the coffin every so often. Why did you do that?"

She turned to the preacher and said, "Well, you said so many good things about that husband of mine, I had to keep making sure that we had the right man."

Mr. President, I appreciate more than I can say all the fine things that have been said about me this morning.

I hope to continue to be a faithful servant to the Senate, and to my State and Nation.

Mr. MANSFIELD. Mr. President, there will be no question about the recognition accorded today by the Senate to our distinguished President pro tempore, the senior Senator from Louisiana (Mr. Ellender).

What has been said about him has been said from the heart. What has been said has been said out of friendship, because to us in this body the distinguished Senator from Louisiana is the deserving recipient of the warmth and the affection of the entire membership, just as he is and has been the recipient of the warmth and the friendship, the trust and the confidence of the people of Louisiana and the Nation.

Mr. President, on behalf of the distinguished minority leader (Mr. Scott) and myself, I ask unanimous consent that the Record be held open for 10 days, and then that the remarks in praise of our distinguished President pro tempore be printed as a Senate document.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

PROPOSED WHITE HOUSE OFFICE OF DRUG CONTROL

Mr. RIBICOFF. Mr. President, this statement is being made on behalf of the distinguished Senator from Maine (Mr. Muskie) and myself.

No problem is more serious or frustrating in this country than the problem of drug abuse. For 3 months, our Subcommittees of the Government Operations Committee have jointly been considering proposals to coordinate the Federal drug control and treatment effort through a White House Office of Drug Control.

A major question is what functions this office is to have. The administration's proposal is to exclude completely from the concerns of the White House office law enforcement policy and questions involving international traffic in drugs. The administration argues that these matters are better handled by the Department of Defense, the Justice Department, and other agencies.

Letters to me recently have cast great doubt on this position. In response to questioning by Senator Muskie concerning the involvement of officials of Southeast Asian countries in narcotics trafficking, Attorney General Mitchell told the subcommittees on July 7 that—

> The fact of the matter is that there has been involvement by government officials in some of these countries . . .

And he added that our Government had "identified some of them." He further stated that "programs and initiatives" had been taken to remedy these situations.

The Attorney General offered to provide the facts supporting these statements at an executive session of our subcommittees. Because of the importance of this question, we also invited the Secretaries of State and Defense and the Director of the CIA to discuss this problem with us. The implications for treatment programs for servicemen and veterans in Southeast Asia and the United States were serious enough to merit detailed consideration.

The administration's responses to our invitations have been troubling and lead us to conclude that many of the activities of the Department of Defense and the Justice Department in the narcotics field must be among the matters considered by any White House office.

Secretary Laird has informed me that the Department of Defense has "no personnel qualified to testify in regard to the problem of international drug traffic." Drug abuse is certainly one of the major problems facing the Armed Forces in Vietnam. Yet the Department apparently had no personnel able to tell us where these drugs come from and how they are transported into Vietnam and sold to American servicemen. This is certainly the kind of situation that a White House office should be able to look into.

Then last week, Deputy Attorney General Kleindienst refuted the Attorney General's earlier comments by writing:

> We do not have any specific evidence which links any high official in the Southeast Asian countries with the narcotic traffic there.

The Justice Department either has the information to back up the Attorney General's statements or it does not. If it does, we believe the Attorney General has an obligation to come before the committee and share the information with us, as he promised. If the Department does not have the information, the Attorney General should explain his earlier statements to our subcommittees and the public.

In either event, it is clear that no meaningful program of drug control can exclude from the consideration of the White House the problems of law enforcement and the international trafficking in drugs. The bill to be reported out by our subcommittees should reflect this fact.

I ask unanimous consent to have the exchange of correspondence with the Defense Department and the Department of Justice included at this point in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

SUBCOMMITTEE INVITATION TO EXECUTIVE SESSION

(Identical letters sent to above mentioned departments and agency)

JULY 9, 1971.

Hon. John N. Mitchell,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: At the July 7 joint hearings of the Subcommittees on Intergovernmental Relations and Executive Reorganization and Government Research, you stated that you believe an executive session of the two subcommittees would be the appropriate vehicle for discussion of the complicity of top Laotian, Thai and Vietnamese officials in the drug traffic in Southeast Asia.

Certainly, as the President has indicated in his recent message to Congress, our Nation can have no greater priority than stamping out drug traffic both here at home and among our servicemen in Southeast Asia.

The alleged participation of officials in the governments of our allies in Southeast Asia in the heroin traffic that is infesting American troops in South Vietnam is a matter of the greatest concern. It is imperative that the members of the two subcommittees considering the President's new drug legislation know what part officials of allied governments are playing in the drug traffic and what steps our government is taking and can take to stop that illegal activity.

For that reason, we are requesting that you, along with Secretary of State Rogers, Defense Secretary Laird, and CIA Director Helms, appear before our two subcommittees in executive session at the earliest possible date to discuss this critical situation.

Thank you for your co-operation.

Sincerely,

Abraham Ribicoff,
Chairman, Subcommittee on Executive Reorganization and Government Research.

Edmund S. Muskie,
Chairman, Subcommittee on Intergovernmental Relations.

Defense Department Response

July 23, 1971.

Hon. Abraham Ribicoff,
Chairman, Subcommittee on Executive Reorganization and Government Research, Committee on Government Operations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Secretary of Defense has asked me to respond to your letter of July 9, requesting his appearance before your Subcommittee to testify with respect to foreign drug traffic.

This is to advise you that there are no personnel in the Department of Defense qualified to testify in regard to the problem of international drug traffic and we will, therefore, be unable to provide a witness as you have requested.

By separate letter Senator Muskie has been advised of the foregoing.

Sincerely,

Rady A. Johnson,
Assistant to the Secretary for Legislative Affairs.

Justice Department Response

September 13, 1971.

Hon. Abraham A. Ribicoff,
Chairman, Subcommittee on Executive Reorganization and Government Research, Committee on Government Operations, U.S. Senate, Washington D.C.

Dear Senator: This is in reference to your letter of July 19, 1971, inviting the Attorney General to appear, along with Secretary of State Rogers, Defense Secretary Laird, and CIA Director Helms, before an executive session of the Subcommittee on Executive Reorganization and Government Research and the Subcommittee on Intergovernmental Relations to discuss the complicity of top Laotian, Thai and Vietnamese officials in the drug traffic in Southeast Asia.

The delay in the response to this invitation was occasioned by our efforts to canvass the various sources of information to determine what pertinent facts are available.

Certainly, allegations of complicity on the part of some public officials have come to our attention. At the same time, however, we do not have any specific evidence which links any high official in the Southeast Asian countries with the narcotic traffic there. Thus, we do not feel that it would be appropriate to testify. Further, even a closed session on the subject could fan unfounded rumors and cause possible international repercussions.

You are correct in your assessment of the problem of drug traffic among our servicemen as being most urgent. The ready supply of heroin in Vietnam is a very real problem.

The United States Government has taken a very active role in encouraging the South Vietnamese Government to reduce the supply of heroin. Moreover, the United States military is responding to this problem, not only in Vietnam, but on a worldwide basis. It is taking decisive actions to identify servicemen who are using heroin, to detoxify those dependent on heroin, and to offer further rehabilitation to those who need additional assistance.

Let me express our appreciation for the prompt attention which you have given the Administration's important proposal to establish the Special Action Office for Drug Abuse Prevention.

Sincerely,

Richard G. Kleindienst,
Deputy Attorney General.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for the fiscal year 1971 had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of Federal Deposit Insurance Corporation

A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report of that Corporation, for the calendar year 1970 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of that Agency, for the fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

Report on Reclassification of Certain Lands

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, the reclassification of certain lands of the Fort Shaw Irrigation District, Sun River project, Montana; to the Committee on Interior and Insular Affairs.

Report on the New Term of Supreme Court

A letter from the Chief Justice, Supreme Court of the United States, reporting, for the information of the Senate, that the Court will open the October 1971 term on October 4, 1971, and will continue until June 5, 1972, or until all matters before the Court are disposed of; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON (for Mr. Magnuson), from the Committee on Commerce (with the approval of the Committee on Finance), with amendments:

S. 1437. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes (Rept. No. 92-378).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGEE (for himself, Mr. Bayh, Mr. Burdick, Mr. Chiles, Mr. Eagleton, Mr. Hartke, Mr. Humphrey, Mr. Jackson, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Ribicoff, and Mr. Williams):

S. 2574. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 2575. A bill for the relief of William John West. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2576. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 2577. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry. Referred to the Committee on Commerce.

By Mr. BYRD of West Virginia (for Mr. Harris):

S. 2578. A bill to provide for civilian medical care for dependent parents of uniformed services personnel, and for other purposes. Referred to the Committee on Armed Services.

By Mr. BYRD of West Virginia (for Mr. Harris):

S. 2579. A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes. Referred to the Committee on Commerce.

By Mr. BYRD of West Virginia (for Mr. Harris):

S. 2580. A bill for the relief of George S. Smith. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGEE (for himself, Mr. Bayh, Mr. Burdick, Mr. Chiles, Mr. Eagleton, Mr. Gambrell, Mr. Hartke, Mr. Humphrey, Mr. Jackson, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Ribicoff, and Mr. Williams):

S. 2574. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to amend title 13, United States Code, to establish a National Voter Registration Administration in the Bureau of the Census and to provide a national registration system applicable to Federal elections.

Recently, during the consideration of the campaign financing bill, two amendments were introduced by the distinguished Senator from Minnesota, Mr. HUMPHREY, and the distinguished Senator from Massachusetts, Mr. KENNEDY, to amend that bill to establish a national voter registration system. Subsequently, those amendments were withdrawn and referred to the Committee on Post Office and Civil Service which has jurisdiction over legislation relating to the census, and I assured my colleagues that hearings would be conducted in the near future. There was already pending before our committee a voter registration bill introduced by the distinguished Senator from Hawaii, Mr. INOUYE.

On October 5 and 6 the committee will initiate hearings on the bill which I introduce today, as well as the legislation pending before our committee. These bills contain a variety of provisions designed to insure greater participation by the American people in the election process. The history of this Nation is filled with examples of the gradual elimination—by law, by court decisions, and by constitutional amendments—of restrictions upon the right to vote. Our Founding Fathers, foresighted though they were, did not envision that the average man, and certainly no woman, who owned no property and who was not an individual of some standing in the community would play a very active role in the political life of this Nation. But over the years the reservation of Government to the elite has given way to the influence of Government for everybody. Property requirements for voting disappeared after the Civil War; universal manhood suffrage became universal suffrage after the First World War; the white primary fell after the Second World War; the poll tax as a qualification for voting was ruled unconstitutional by the Supreme Court in the early 1960's and eliminated from all States by the 24th amendment; and the guarantce of political participation in the civil rights and voting rights laws enacted in recent years have by law virtually eliminated the last vestige of antidemocratic characteristics of American Government.

The Voting Rights Act of 1970 reduced the residency qualifications for voting for the President and Vice President to 30 days regardless of the residency requirements for participation in State and local elections.

Despite these landmark achievements, less than 60 percent of qualified voters in the United States actually register and vote. In other democratic nations in the free world the percentage of participation is much higher. Certainly there is an irreducible minimum of citizens who do not participate in elections—those who are apolitical; those who would not vote for any of "those rascals;" and those who simply do not want to play a role in the political life of our society. But there are many more who do not register and vote because it is difficult for them to do so. Election laws and procedures vary throughout the Nation. In some States an individual must personally appear in the office of the registrar of the county to be eligible to vote. In some States he must register for each election. In some States he must register considerably in advance of the election, a requirement that obviously is a disadvantage to those who put things off or who do not, as most citizens do not, think about November elections in the spring of the year. The 1970 voting rights amendments resolved this problem insofar as the presidential election is concerned. But the Congress has the power, and I believe should exercise its power, to go a step further and secure maximum participation in all Federal elections by applying a 30-day residence requirement across the board.

The bill which I introduce today is designed to simplify registration procedures and to encourage maximum participation by doing two things. First, it establishes within the Bureau of the Census a National Voter Registration Administration designed to coordinate registration activities for Federal elections and to cooperate with State and local officials to improve and modernize registration procedures on a voluntary basis.

Second, it would provide for a distribution system of postcard-size registration forms to be delivered to all postal patrons and made available in all post offices in the United States. The cards would be filled out by the qualified citizen and voluntarily returned through the postal system to the registrar in each county to be placed on the rolls of registered voters. If the individual were not qualified to vote in State and local elections, he would nonetheless be qualified to vote in Federal elections. Finally, as an inducement to State governments to modernize voter qualifications and to encourage a maximum degree of participation, my bill offers economic incentives to State governments who now bear the full cost of registration. If State governments are willing to accept Federal criteria as to the form of registration and the residence qualifications applicable to Federal elections for their own State and local elections, a significant portion of the cost of registration will be paid by the Federal Government.

Mr. President, I ask unanimous consent that the bill which I introduce today be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2574

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 9—NATIONAL VOTER REGISTRATION ADMINISTRATION

"Sec.
"301. Definitions.
"302. Establishment.
"303. Duties.
"304. Registration form.
"305. Distribution.
"306. Registration through the National Voter Registration Program.
"307. Grants and other assistance.
"308. Regulations.
"309. Penalties."

"§ 301. Definitions.

As used in this chapter, the term—

"(1) 'Administration' means the National Voter Registration Administration;

"(2) 'State' means each of the United States and the District of Columbia;

"(3) 'Federal Officer' means President, Vice President, Senator, Representative, or Delegate to the Congress;

"(4) 'Federal election' means a primary, general, or special election held for the nomination or election of Federal officers, and includes a primary held for the expression of a preference for the nomination of persons for election to the office of President and Vice President and an election held for the selection of delegates to a national nominating convention or to a caucus held for the selection of delegates to such a convention; and

"(5) 'State and local election' means a primary, general or special election held for the nomination or election of officers of the government of any State or political subdivision thereof.

"§ 302 ESTABLISHMENT.

"(a) There is established within the Bureau of the Census a National Voter Registration Administration for the purpose of administering the national voter registration program set forth in this chapter.

"(b) The Administration shall be under the supervision and control of an Administrator and two Assistant Administrators who shall be appointed by the President by and with the advice and consent of the Senate. No more than two of the administrators shall be members of the same political party.

"(c) The Administrator shall be compensated at the rate paid GS-18 under the General Schedule in section 5332 of title 5, United States Code. The Assistant Administrators shall be compensated at the maximum rate paid GS-17 under the General Schedule in such section.

"§ 303. DUTIES.

"The Administration shall—

"(1) establish and operate a national voter registration program in accordance with the provisions of this chapter;

"(2) collect, compile, and publish information concerning voter registration, voter participation, and election results;

"(3) compile, study, and publish copies and analyses of the various State registration and voting laws;

"(4) inform, cooperate with, and (upon request) advise State and local registration and election official concerning registration under the provisions of this chapter; and

"(5) advise the President and the Congress with respect to voter registration and participation in elections throughout the United States, and make such recommendations, including recommendations for additional legislation, as it deems appropriate for measures designed to increase voter registration and participation in elections and improve the election process.

"§ 304. REGISTRATION FORM.

"(a) The Administration shall prepare and distribute registration forms for use by individuals wishing to register to vote in accordance with the provisions of this chapter.

"(b) Registration forms shall be designed for use in a particular State and shall contain information concerning the requirements of the law of that State with respect to registration to vote in State elections and concerning the dates of Federal elections to be held in that State. Each registration form shall contain a statement of the penalty applicable to false or fraudulent registration through use of the form.

"(c)(1) Each registration form shall contain appropriate places for the designation of the registrant's name, address (including zip code), party affiliation (unless party affiliation is secret by State law), date of birth, and whether he is a citizen of the United States. Each form shall also provide a means for the registrant to indicate which of the following two statements is applicable to him (unless the State in which the form is to be used has no durational residency qualification for registration):

"(A) a statement to the effect that the registrant, as of the date of the first Federal election in which he wishes to vote, will have been a legal resident of the State and the locality in which he wishes to vote for the periods of time specified by State or other law as a qualification for voting in a State or local election held on such date; and

"(B) a statement to the effect that the registrant, as of the date of the first Federal election in which he wishes to vote, will have been a legal resident of the State in which he wishes to vote for at least 30 days but not for a period long enough to satisfy the requirements of State or other law for registration to vote in a State or local election held on such date.

"(2) If the State has no durational residency requirement, or a requirement of residency for not more than 30 days prior to the date of an election, the statements required by this subsection shall be appropriately modified.

"(d) Registration forms for each State shall be promulgated and distributed for use during each year in which a Federal election is held. In areas in which the Administration deems that it be appropriate, the forms may be printed in a language other than English. The registration forms shall contain only the information authorized in subsections (b) and (c).

"§ 305. DISTRIBUTION.

"(a) The Administration shall distribute the registration form through the mail to each postal address in each election jurisdiction in the United States in which a voter registration system exists and on each military base located in the United States.

"(b) The Administration shall enter into arrangements with the United States Postal Service so that supplies of such forms shall also be available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms. The registration forms shall be pre-addressed for mailing to the appropriate State or local voter registration office and shall be mailed free of all postage, including air mail. The Administration shall reimburse the Postal Service for the cost of such mail.

306. Registration

"§ 306. REGISTRATION THROUGH THE NATIONAL VOTER REGISTRATION PROGRAM

"(a) Except as provided in this section, nothing in this chapter shall affect or alter the imposition by any State of a residency requirement as a condition of registering to vote or voting in that State. No individual may be registered to vote in any election in a State under the provisions of this chapter unless his registration form is received by the appropriate registration agency on or before the date, if any, on which registration for voting in that election is last closed under law.

"(b) Any individual who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election held in the congressional district or State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this chapter shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this chapter. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

"(c) Each State or local agency which is responsible for voter registration shall notify the Administration, in such manner and at such intervals as the Administration may determine, of each registration form received under this chapter. Whenever an individual who is eligible only to vote for Federal officers upon his registration under this chapter has been so registered in a State for a period of time sufficient to satisfy the residency requirements for voting in State and local elections in that State, the Administration shall—

"(1) notify the individual that he may be eligible to vote in State and local elections held in that State; and

"(2) notify the appropriate registration agency that such individual has apparently satisfied the residency requirements for voting in State and local elections held in that State and request that the agency register that individual to vote in such elections and notify the individual of his registration.

"§ 307. GRANTS AND OTHER ASSISTANCE.

"(a) The Administration shall reimburse State and local agencies for the cost of processing registration forms under this chapter.

"(b) In order to encourage the expansion of voter registration lists and in order to improve the frequency of voter participation in all elections, the Administration is authorized to make the following grants to States:

"(1) Any State which accepts registration forms received under this chapter as registration to vote in State and local elections shall be eligible for a grant from the Administration in an amount not to exceed 15 percent of the total amount reimbursed to voter registration agencies in that State for the cost of processing registration forms under this chapter during the first 12 months in which registration forms are available under this chapter in that State. Grants may be made under this paragraph without regard to whether the State waives any durational residency requirements it may have for voting in State and local elections.

"(2) Any State which reduces its residency requirement for voting in State and local elections to a period of not more than 30 days prior to the date of any such election shall be eligible for a grant from the Administration in an amount not to exceed 50 percent of the total amount reimbursed to voter registration agencies in that State for the cost of processing registration forms received under this chapter during the first 12 months in which registration forms are available under this chapter in that State.

"§ 308. REGULATIONS.

"The Administrator is authorized to prescribe such regulations as may be necessary to carry out the provisions of this chapter.

"§ 309. PENALTIES.

"(a) The provisions of section 11(c) of the Voting Rights Act of 1965 shall apply to false registration under this chapter and other fraudulent acts and conspiracies in connection with this chapter. The provisions of section 1001 of title 18 are made applicable to voter registration forms promulgated under this chapter.

"(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this chapter, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28 for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 and any appeal shall be to the Supreme Court.

"(c) Any person who deprives, or attempts to deprive, any other person of any right secured by section 306 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"9. National Voter Registration Administration . . . . 301"

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HUMPHREY:

S. 2576. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971. Referred to the Committee on Finance.

SOCIAL SECURITY "PASS THROUGH" FOR OLD-AGE ASSISTANCE RECIPIENTS

Mr. HUMPHREY. Mr. President, I am today introducing legislation that would enable those older Americans receiving social security and old-age assistance to obtain the full benefits of any increase in the cash minimums of these programs.

This bill is designed to close a loophole in the 1971 social security increase that mandated a dollar-for-dollar reduction in old-age assistance payments in the event that the recipient was also a social security beneficiary. In the past, Congress has required that the State pass on at least part of any social security increase to old-age recipients. However, in the 1971 social security 10-percent increase, this "pass through" provision was not included.

Mr. President, the social security program has been the mainstay of our national income maintenance system for over 40 years. Social security now covers 27.4 million persons, and annual benefits of about $38 billion are paid to recipients. The proposed 1971 social security amendments will add another $2.1 billion in total benefit payments.

However, with the recent increases in the cost of living, with increasing food cost, transportation cost, and tax increases, many of our older Americans have found that they cannot live on social security benefits alone. Some of the senior citizens do have savings accumulated from a lifetime of work that enables them to pay their current expenses. Others, though, find that they must apply for and receive public assistance payments.

It only seems fair, therefore, that, whenever a social security increase is enacted by the Congress, the full benefits of that increase should be passed on to all recipients.

Mr. President, there are over 2.08 million recipients of old-age assistance in the United States. These recipients receive about $77.25 per month. In my own State of Minnesota, there are 19,300 old-age assistance recipients, and they receive about $76.80 per month.

Under provisions of the recently enacted 10-percent increase, these 19,300 Minnesota recipients would normally expect an increase in their total monthly payments. However, if they were also receiving public assistance as a supplement to their income, they would not retain this net increase because their assistance benefits would be cut by the amount of their social security increase.

This bill would mandate that all States guarantee old-age recipients at least some of the increase in social security benefits. More specifically, at least $6.40 per month in added income—the amount of the minimum 10-percent increase in social security—would be guaranteed to all recipients.

This legislation would apply equally to social security and railroad retirement beneficiaries.

A companion measure to this bill is sponsored in the House of Representatives by Representative Donald Fraser.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2576

A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007 of the School Security Amendments of 1969, as amended by section 2(b) of the Public Law 91–306 and by Public Law 91–669, is amended to read as follows:

"Sec. 1007. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after May 1971 who also receives in such month—

"(1) a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the higher of—

"(A) the sum of the aid which would have been received by him for such month under the State plan as in effect for March 1970, plus the lesser of—

"(i) the monthly insurance benefit which was or would have been received by him in March 1970 without regard to the other provisions of this title, plus $10.40, or

"(ii) the monthly insurance benefit which was or would have been received by him in March 1970, taking into account the provisions of this title, or

"(B) the aid which would have been received by him for such month under the State plan as in effect for May 1971, plus the lesser of—

"(i) the monthly insurance benefit which was or would have been received by him in May 1971 without regard to the provisions of title II of the Act of March 17, 1971 (Public Law 92–5), plus $6.40, or

"(ii) the monthly insurance benefit which was or would have been received by him in May 1971, taking into account the provisions of title II of such Act,

whether the requirement of this paragraph is satisfied by disregarding a portion of such individual's monthly insurance benefit or otherwise; or

"(2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid received by him in such month, plus the monthly payment of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006 of this Act or under section 201(g) of the Act of March 17, 1971), shall not be less than the higher of—

"(A) the aid which would have been received by him for such month under the State plan as in effect for March 1970, plus the lesser of—

"(i) the monthly payment of annuity or pension which was or would have been received by him in March 1970 without regard to the provisions of any Act enacted after May 30, 1970, and before December 31, 1970, which provides general increases in the amount of such monthly payment of annuity or pension, plus $10.40, or

"(ii) the monthly payment of annuity or pension which was or would have been received by him in March 1970, taking into account the provisions of such Act (if any), or

"(B) the aid which would have been received by him for such month under the State plan as in effect for May 1971, plus the lesser of—

"(i) the monthly payment of annuity or pension which was or would have been received by him in May 1971 without regard to the provisions of any Act enacted during 1971 which provides general increases in the amount of such monthly payment of annuity or pension, plus $6.40, or

"(ii) the monthly payment of annuity or pension which was or would have been received by him in May 1971, taking into account the provisions of such Act (if any), whether the requirement of this paragraph is satisfied by disregarding a portion of such individual's monthly payment of annuity or pension, or otherwise."

By Mr. INOUYE:

S. 2577. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, Americans are traveling at home and abroad in ever increasing numbers, and every indication is that this trend will continue to accelerate. Travel has become a multibillion-dollar industry.

The overwhelming percentage of travel agents in the United States are responsible businessmen and women who perform very efficiently and provide a valuable service to many millions of Americans. There are, in fact, more than 6,000 conference-approved travel agencies in the United States. Last year they sold more than $5 billion in domestic and international travel and travel-related services.

Unfortunately however, there is an increasing number of—for want of a better term—"fly-by-night operators" who are primarily responsible for the recent charter strandings of students in Europe and other inconveniences to the traveling public.

It is my understanding that most of the individuals who have victimized the public do not hold themselves out as travel agents, nor do they function in the customary fashion of travel agents. More often than not, they act as a medium for assembling groups rather than as the agent for a carrier.

Although these tour consolidators are perhaps the major problem affecting the travel business, within the last few years, there has also been an accelerating pace of failures of tour wholesalers and individual travel agencies. In some cases these travel agencies may suffer from the general economic decline. In other cases, however, it is clear that the injuries are self-induced by questionable financial practices, overcommitments, and poor administration.

In both cases, however, the public is the ultimate loser, and the public's confidence in legitimate travel agents is undermined.

Presently there is no single Government agency which has jurisdiction over all the activities in which travel agents and tour consolidators engage. Some States do regulate their activities and there is a substantial increase among various States to impose licensing on travel agents.

If, indeed, some form of licensing or registration of travel agents and others engaged directly or indirectly in the business of travel is needed to protect the American public from the abuses I have mentioned, then it would seem to me regulation might more properly and effectively be done at the Federal level in view of the interstate and foreign nature of the industry.

Mr. President, to meet the problems which I have just discussed, I am introducing today for appropriate reference a bill that would establish a system to regulate those involved in the travel agency business. I would like to emphasize that this bill includes flight consolidators since it is in this area that the most serious abuses occur.

This bill would establish a Bureau of Travel Agents Registration headed by a Director of Travel Agents Registration within the Department of Transportation to review the qualifications of individuals desiring to engage in the travel agency business. The Director and his board would be empowered to issue a registration certificate to those agents who met certain minimum requirements. No agent would be permitted to operate a travel agency business without having first received a certificate under the procedures provided in the bill.

The Director would have the additional power to promulgate such regulations as are necessary to carry out the purposes under this title. In extending this regulatory authority to the Director, the bill provides him with far-reaching powers to halt the abuses some agents themselves will inflict on themselves by shoddy administration and risky financial practices that endanger their very existence.

Mr. President, the question of whether this legislation, or, indeed, any Federal legislation, is necessary to safeguard traveling Americans must be resolved, and resolved promptly. I would hope that early hearings will be held on the bill I am introducing today so that the various agencies of Government charged with regulating the travel industry and the industry itself will come forward and tell us just what has gone wrong and what, if anything, the Congress can do. The American public deserves no less.

By Mr. BYRD of West Virginia (for Mr. Harris):

S. 2578. A bill to provide for civilian medical care for dependent parents of uniformed services personnel, and for other purposes. Referred to the Committee on Armed Services.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. HARRIS), I introduce a bill on his behalf. I ask unanimous consent that there be printed in the RECORD a statement on the bill by the distinguished Senator from Oklahoma.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference a bill to provide for civilian medical care for dependent parents of uniformed services personnel.

Presently Federal law excludes dependent parents as eligible beneficiaries for civilian medical care, in that the applicable sections of the statute, 10 U.S.C. 1071–1087, specifically designate spouses and children. Dependent parents are, however, eligible to receive space-available care in uniformed services facilities. To receive this care they must be, or must have been at the time of the member's death, dependent on the uniformed service member for more than one-half of their support and must reside in a dwelling provided or maintained by the member.

That intent is frustrated, however, when dependent parents are excluded from care in civilian facilities. The plight of one of my own constituents sheds light on his problem.

A specialist 5 making $359 a month, she is the sole source of support for her mother. Since June 1967 the Army has recognized the woman's mother as her official dependent.

Because the mother has a terminal lung disease and a heart condition, she has been in and out of hospitals from 1967 until March 1971. Under current Army regulations the mother receives a cash dependent allowance and is permitted to receive treatment in any military hospital in the world.

Unfortunately, the nearest military facility is 110 miles away from this woman and her mother. In July of 1971 the mother had a cardiac arrest with respiratory complications and was hospitalized for 8 weeks. The hospital bill, with doctors' fees included, came to $12,000. Because the medical facilities were not run by the military, my constituent, making $359 a month, was informed that she would have to pay the bill in full

What this case demonstrates is that it is simply not possible for dependent parents to receive care in a military facility. Any number of reasons can prevent their getting that care. There might not be space available in the nearby military facility, there might not be such a facility within reasonable distance, or emergency care might be needed, in which case civilian care might be all that is available.

Many service personnel thus find themselves in the untenable position of having to pay their dependent parents' medical costs, which in many cases prove to be exorbitant. This is a situation that can and should be easily remedied by making dependent parents of uniformed services personnel eligible for civilian medical care. S. 2578 would do that. I urge approval by the Senate.

By Mr. BYRD of West Virginia (for Mr. HARRIS):

S. 2579. A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes. Referred to the Committee on Commerce.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. HARRIS), I introduce a bill on his behalf and ask unanimous consent to have printed in the RECORD a statement by him and the text of the bill.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

Mr. HARRIS. Mr. President, my office and those with whom I have spoken confirm that since the introduction of S. 1315 last March most of us have received from our constituents tens of thousands of letters asking us to pass a strong bill which primarily would do three things: (1) ban the imports of all products from any of these ocean mammals into this country thereby drying up much of the incentives for foreign governments to allow their people to kill these mammals, (2) a complete prohibition on our own citizens from the taking or killing of any of the ocean mammals and (3) a directive to our Government through our State Department to start negotiating immediately with foreign governments for international treaties which would completely protect these ocean mammals from slaughter or extinction.

The American public is now looking again at the Senate on this issue as our own Commerce Committee starts hearings on this bill on October 8. In many respects the world's attention is also focused in the Congress because if we fail to take strong action and weaken this bill, other nations will say that we really don't mean to protect the ocean mammals of the world—that all we have done is placate our people while allowing continued exploitation of certain species of these animals by commercial interests or by some unscrupulous sports hunters.

This is an historic piece of legislation. In the history of the world only two international actions concerning ocean mammals have ever been taken. One is the North Atlantic Fur Seal Treaty of 1911; the other is the International Whaling Commission. This legislation, encompassing every known ocean mammal, would stop needless and inhumane slaughter of these animals and it would say to the world and to our fellow citizens and most of all to our children that they do not need to worry about having to go to a museum to look at the bones of a sperm whale sitting along side a dinosaur to know what such a mammal looks like. . . . By our actions in the Congress this year, our children will know that the sperm whale and every other species of ocean mammal swim and play in the world's oceans where God in his infinite wisdom put them.

When I decided to introduce this bill and to ask those of you who joined me in cosponsoring this legislation I was seriously tempted to make it two bills:

(1) a bill encompassing all ocean mammals except for the Alaskan fur seal and (2) a bill dealing with our Alaskan fur seal treaty and the Pribilof Islands and the Aleut Indians and all of the problems inherent therein. I decided, however, against that separation and I introduced the bill all in one knowing full well that that part of this bill concerning the Alaskan fur seal would draw the most criticism because it contained the most problems. And in fact the main criticism has centered on the charge that if we abrogate the North Atlantic Fur Seal Convention with Japan, Russia, and Canada, then those countries and others might return to pelagic sealing. The opposition has also argued that by "proper management" and "harvesting" we have done a better job to preserve herds and to make them healthier and give them more stable populations, but during the House hearings the Commerce Department admitted that if there were no market for the seals' pelts there "would be no reason to kill them."

Today I reintroduce my bill with an amendment that calls for more effort in the area of seeking world-wide treaties, but also an amendment which would not allow our current treaty to expire unless our Government could negotiate a more protective arrangement. This amendment directs the State Department to do this, but failing, this present treaty shall remain in tact until it shall be renewed.

I think many of the arguments made in the hearing in the House of Representatives advocating the continuation of "management" and "harvesting" do not take into consideration basic moral precepts. We have to ask people who want to manage or harvest ocean mammal species what they really have in mind and the answer always comes back the taking for fun or profit of a certain number of animals a year. This is all there is to it. There is no altruism involved. People who are hired to manage the Alaskan fur seal do so for the purpose of taking thousands of seals a year for profits from their fur coats. I may be old fashioned but I think a seal skin fur looks a lot better on the seal than on someone walking down Fifth Avenue.

Our Commerce Committee starts its hearings on October 8. At this time only one day has been scheduled. I am today asking Chairman Magnuson and Subcommittee Chairman Hart to see if they could find another day or two so that all sides of this issue can be heard to the fullest. Our Government through our Departments of Commerce, State and Interior are vocally opposed to this bill and yet I am convinced it is not a partisan issue. President Nixon said we must make peace with nature. He has appointed such outstanding people in the field of environment such as Dr. Lee Talbot, Russell Train and others who are working for the good of our environment and all who live within it. I am convinced that some of the good people in Commerce and Interior would like to see this bill passed. I am convinced that there are those who fear that if we pass this legislation their jobs will be jeopardized. I am also certain that there are those in the Department of State who are timid about tampering with old treaties and afraid to seek new ones because they fear America's position in the world is not strong enough for us to exercise moral leadership in this field. I say that the Senate and the House can strengthen the hands of our negotiators in the State Department by giving them this legislation so that they can say to the world instead of "if you will, I will" . . . they can say to the world "we have quit killing ocean mammals, will you join us?" By drying up the economic incentive by banning the imports of the products of these mammals into the U.S., such as products from the baby seals killed in Canada by hundreds of thousands, we give a double incentive of foreign governments to join us in an act of moral courage and decency.

Finally, just a word about the native Aleut population, some of whom are employed in the summer months to kill those Alaskan fur seals to death on the Pribilof Islands. We must seek new and different jobs for the Aleuts so that they will not have to be involved in this killing. Perhaps the words of my part-Comanche ten-year old daughter, Laura, who testified at the House hearings for this bill can sum up best of all our feelings in regards to the Aleuts. She said, "As a Comanche Indian. I would not like to put the Aleuts out of business but people do not need sealskin coats. They can just as well use other materials. And I hope you will help the Aleuts get started in other jobs."

Finally, I ask Senators to join me now and through the hearings in our Commerce Committee and through the subsequent debate on this Floor to hold out for this strong bill. There can be many rationales as to why we should exempt this industry or that group from this bill or why we should think of moratoria and continued management and commissions to study the numbers of the mammals involved. But none of these separately or collectively suffice.

Our oceans are already the worst enemies of these mammals. They are becoming polluted and they are causing the deaths of thousands of these animals without a single blow or shot being fired. It is a race against time. We know that the only way to have and protect ocean mammals is simply to stop killing them; and know that, Mr. President, there can be no other alternative but to pass simple, straight-forward, unambiguous legislation which will do just that.

S. 2579

A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Act may be cited as the "Ocean Mammal Protection Act of 1971".

TITLE I—FINDINGS AND DECLARATIONS OF POLICY

FINDINGS

SEC. 101. The Congress finds that ocean mammals are being ruthlessly pursued, harassed, and killed, both at sea and no land by hunters of many nations of the world.

The Congress further finds that many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter.

DECLARATIONS OF POLICY

SEC. 102. (a) It is hereby declared to be the public policy of the United States to protect all ocean mammals from harassment or slaughter.

(b) It is hereby declared to be the further public policy of the United States that negotiations should be undertaken with foreign governments and through interested international organizations with a view to obtaining a worldwide ban on the further slaughter of ocean mammals.

TITLE II—GENERAL PROHIBITIONS

DEFINITIONS

SEC. 201. For the purposes of this title—

(a) "ocean mammals" means all seal, whale, walrus, manatee or sea cow, sea otter, sea lion, polar bear, porpoise, and dolphin;

(b) "person" includes individual, partnership, corporation, association, and Federal and State agencies; and

(c) the terms "take" or "taking" or "taken" mean to harass, pursue, hunt, shoot, dynamite, capture, collect, kill, or attempt to harass, pursue, hunt, shoot, dynamite, capture, collect, or kill.

PROHIBITIONS

SEC. 202. (a) It is unlawful, except as provided in section 203 of this title or in title III, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of ocean mammals either on the high seas or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, ocean mammals or the parts of ocean mammals taken after the enactment of this Act, including but not limited to, raw, dressed, or dyed fur or skins.

(b) The possession of ocean mammals or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that ocean mammal or part thereof was taken, purchased, sold, or transported in violation of the provisions of this Act or the regulations issued thereunder.

EXCEPTIONS FOR INDIANS, ALEUTS, AND ESKIMOS

SEC. 203. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific or Arctic Oceans are permitted to take ocean mammals (except polar bears) for their own use but not for sale: *Provided, however,* That such taking must be done in accordance with customary traditions and as an adjunct of the native culture.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person under the provisions of the Fur Seal Act of 1966 or title III of this Act for the purpose of taking ocean mammals, or who are under contract or agreement to deliver the skins to any person.

EXCEPTIONS FOR MEDICAL AND SCIENTIFIC RESEARCH AND FOR MUNICIPAL AND/OR OTHER NONPROFIT ZOOS

SEC. 204. (a) Nothing herein shall be considered to be a prohibition against municipal and/or other nonprofit zoos from obtaining written consent from the Secretary of the Interior to humanely capture a representative number of the ocean mammals herein defined for replacement for deceased or otherwise ailing members of these species in these zoos.

(b) Further, nothing herein shall be construed to be a prohibition against the humane capture of a select number of these species of ocean mammals for certificate scientific and/or medical research.

(c) Regulations shall be promulgated by the Secretary of Interior for the purposes of subsections (a) and (b) above as to who shall be granted permission and for what purposes. Further, methods of capture, supervision, and transportation shall be subjects of said regulations by the Secretary.

FORFEITURE

SEC. 205 (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this title, including its tackle, apparel, furniture, appurtenances, cargo and stores shall be subject to forfeiture and all ocean mammals or parts thereof taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary, and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 206 (a) Enforcement of the provisions of this title is the joint responsibility of the Secretaries of State, Treasury, Interior, Commerce, and Transportation. In addition, the Secretary of Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act, which relates to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(d) Such person so authorized shall have the power—

(1) with or without warrant or other process, to arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder; and

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this title or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever found, all ocean mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with such regulations.

SEC. 207. The Secretaries of State, Treasury, Interior, Commerce, and Transportation are authorized to issue regulations to carry out the provisions of this title.

SEC. 208. Any person violating the provisions of this title or the regulations issued thereunder shall on the first offense be fined not more than $5,000 or imprisoned not more than one year, or both; on conviction of second and subsequent offenses, the violator shall be fined not more than $10,000 or jailed for not less than one nor more than three years, or both.

SEC. 208. Title III (Protection of Sea Otters on the High Seas) of Public Law 89–702 is hereby repealed.

TITLE III—TREATIES AND CONVENTIONS

NEGOTIATIONS FOR PROTECTIVE TREATIES

SEC. 301. It is the sense of Congress that the Secretary of State should immediately initiate worldwide negotiations for the purpose of obtaining an international agreement or agreements for the protection of all ocean mammals as enumerated in section 201(a).

TO OUTLAW KILLING

SEC. 302. Such treaties or conventions should seek to outlaw all killing of these mammals for any reason.

REPORT BY SECRETARY OF STATE

SEC. 303. The Secretary should report in full his efforts under this title twelve months from the date of enactment of this bill.

TITLE IV—NORTH PACIFIC FUR SEALS

TERMINATION OF NORTH PACIFIC FUR SEAL CONVENTION

SEC. 401. It is the sense of the Congress that the North Pacific Fur Seal Convention, signed on February 9, 1957, should not be continued after its current termination date in 1976.

Further, it is the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the convention and any other concerned States for the purpose of obtaining and international agreement or agreements to ban all killing of North Pacific fur seals whether at sea or on land.

Such a treaty would take the place of the present convention and would take effect immediately upon its signing.

INTERIM ARRANGEMENTS

SEC. 402. And until such treaty can be successfully negotiated, no further North Pacific fur seals shall be killed to fill the United

States "quota" (70 per centum) under the terms of the North Pacific Fur Seal Convention; all skins or parts thereof the Alaskan fur seal shall be banned from import into the United States or in interstate commerce between the States; any agreement under section 104 of the Fur Seal Act of 1966 for the processing of skins in any State other than Alaska shall be terminated.

(b) To honor our treaty provisions, between the enactment of this Act and the expiration of the North Pacific Fur Seal Convention, Japan and Canada shall be given the option of taking the average dollar value (over the last five years) of the 15 per centum of the kill to which they are entitled or to take nine thousand skins each, to be shipped directly from the Pribilof Islands to those countries. If Japan or Canada elects to take the skins, the killing in the Pribilofs shall be done in the most humane manner and as close to the shore as possible. Further, to the extent practicable, such killings shall first be of old or crippled bachelor seals and second of old or crippled female seals; no seal under one year of age shall be killed.

RENEWAL OF PRESENT CONVENTION

SEC. 403. If such treaty cannot be successfully negotiated prior to the expiration date of the existing North Pacific Fur Seal Convention, nothing herein shall preclude the renegotiation and renewal of said present convention, and in fact, to preclude the possibility of a return to pelagic sealing, such present convention should be renewed on or before its expiration date.

HUMANE METHODS

SEC. 404. If the only recourse is to renew the convention as stipulated in section 403, every effort shall be made to see that those seals killed under the provisions of this Act shall be killed by the most modern, rapid, and humane methods of rendering the seals unconscious.

REPORT OF SECRETARY

SEC. 405. The Secretary of Commerce shall report his findings and efforts under section 404 to the Congress within six months of the application of section 404.

ESTABLISHMENT OF PRIBILOF SEAL ROOKERY

SEC. 406. The Pribilof Islands shall be designated a National Seal Rookery Preserve and Bird Sanctuary under the Department of Interior; and the native Aleuts shall be trained and employed for any jobs to be created thereunder.

PRIBILOF ISLANDS COMMISSION

SEC. 407. The President, with the advice and consent of the Senate, shall appoint a Commission to help in the transfer of the Pribilof Islands from a place of killing into a preserve, to help promote tourism, and to develop an economy on the island for the Aleuts to take the place of their participation in the slaughter of the seals.

The Commission shall be comprised of a number of Pribilof Aleut natives, and it shall include the Secretaries or their designates from the Departments of State, Treasury, Commerce, the Administrator of the Small Business Administration, the Governor of Alaska, and two independent scientists in the fields of ocean biology and ecology.

REPEALER

SEC. 408. Such provisions of the Fur Seal Act of 1966 which are inconsistent herewith are hereby repealed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1645

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1645, to amend title II of the Social Security Act to increase benefits thereunder, to provide a minimum monthly benefit of $120 for workers who have 20 or more years of coverage and to provide for future cost-of-living increases in benefits payable under such title; and to amend such act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income sufficient to remove them from poverty.

S. 1957

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Oklahoma (Mr. HARRIS) I ask unanimous consent that at the next printing of S. 1957, a bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes, that my colleague from Nebraska (Mr. CURTIS) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2348

At the request of Mr. INOUYE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2348, to increase the penalties for crimes of violence in the District of Columbia.

S. 2368

At the request of Mr. FANNIN, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 2368, to amend the National Labors Relations Act so as to prohibit the levying by labor organizations of fines against employees for exercising rights under such act or for certain other activities.

S. 2512

At the request of Mr. GURNEY, the Senator from South Carolina (Mr. THURMOND), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2512, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

At the request of Mr. GURNEY, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 2512, supra.

S. 2530

At the request of Mr. GURNEY, the Senator from Tennessee (Mr. BROCK) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 2530 to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails.

S. 2542

At the request of Mr. BIBLE, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 2542, to establish a system for the development of mineral resources on public lands of the United States.

SENATE JOINT RESOLUTION 157

At the request of Mr. TALMADGE, the Senator from Alabama (Mr. ALLEN), the Senator from Florida (Mr. CHILES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Michigan (Mr. HART) were added as cosponsors of Senate Joint Resolution 157, to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

NOTICE OF LABOR SUBCOMMITTEE HEARING ON EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. WILLIAMS. Mr. President, as chairman of the Labor Subcommittee of the Committee on Labor and Public Welfare, I have scheduled hearings on S. 2515 and H.R. 1746, equal employment opportunities enforcement, at 2 p.m., Monday, October 4, and Wednesday, October 6, in Room 4232 of the New Senate Office Building.

At these hearings we will receive testimony from officials of the Equal Employment Opportunity Commission, Department of Justice, Department of Labor, and the U.S. Civil Service Commission concerning the proposed amendments of title VII of the Civil Rights Act, which would make substantial changes in the Federal equal employment opportunity structure. In addition, we will be hearing witnesses and receiving testimony for the record from the Leadership Conference on Civil Rights, Common Cause, American Retail Federation, and others who wish to express views on this legislation.

ADDITIONAL STATEMENTS

EXCISE TAX REPEAL SHOULD INCLUDE SMALL TRUCKS

Mr. CHURCH. Mr. President, the Nixon administration has proposed the repeal of the excise tax on automobiles. I had assumed, as I am sure many other farm State Senators had, that this proposal would include the repeal of the excise tax on small trucks. Unfortunately, I am informed that this is not the case.

Mr. President, in a State such as Idaho, many families have a truck as a second car. For many small farmers, a pickup truck may serve as the family's only car. In addition, the use of pickup trucks as recreational vehicles is extremely important. For the President's program to exclude small trucks from the excise tax repeal discriminates against an agricultural State like Idaho.

I have received several letters from the people of my State expressing their concern. I share that concern with them. It is my hope that the Senate will give this matter its close attention.

I will support efforts to extend the excise tax repeal to this class of vehicle. I can see no reason to deny people who must buy a pickup the tax benefit given those who can afford to buy a Cadillac. I can see no reason why farmers and ranchers should not have the same tax treatment as other automobile owners.

Inasmuch as setting a test between work and pleasure uses would put impossible burdens on both the taxpayer and tax collector, it is my feeling that we could simply change the legislation to provide that pickup truck type vehicles in the 1-ton class or below should receive the benefits of the excise tax repeal.

BUCKEYE, ARIZ., LICKS SALT WATER PROBLEM

Mr. FANNIN. Mr. President, in frontier days, when there was a need for community improvement, the people banded together to get the job done. They could not yell for help and sit back to wait for the Federal Government to come to their aid.

That spirit still lives.

The town of Buckeye, Ariz., had a serious problem just a decade ago. The Buckeye drinking water had an unsavory reputation that was well deserved. It had a mineral content that was hard on water pipes, hard on appliances, and even tougher on humans.

But the people of Buckeye decided to do something about it. They explored the possibilities of using the latest in technology to rehabilitate their town water supply.

It was a wonderful example of private enterprise joining with the determination of people to solve their own problems.

Nine years ago a new plant went into operation in Buckeye to convert the municipal water supply into a product that was fit for humans and much easier on household equipment such as washing machines and evaporative coolers.

This experiment has been a great success, another pioneer triumph. Now other communities are exploring the possibility of using the same program.

On Thursday the Christian Science Monitor carried a story on Buckeye's battle with salt water. It is an inspiring story that may be of value to other communities that have a similar problem. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

United States Aids Desalination: How an Arizona Town Licks Salt Water Snag

Phoenix, Ariz.—What's good for Buckeye, Ariz., might well do for six other Arizona communities as well as towns in Colorado, Montana, and New Mexico.

At least the U.S. Office of Saline Water thinks so, and it has allocated $50,000 to study the feasibility of putting desalination plants in a number of communities. The OSW is negotiating similar agreements in Iowa, the Dakotas, and Kansas.

Buckeye, a small town 35 miles west of Phoenix, nine years ago began a pioneer experiment with desalination of brackish water. Buckeye's own manager, George Hamner, is consultant for the new projects in Arizona. He says the system used there—electrodialysis—has had "no operation problems. It does what it's supposed to do—takes out over 75 percent of the minerals and brings the water down to the 500 parts per million that the U.S. Public Health Service regards as acceptable.

RATE OBJECTIONS STILLED

But the people of any other community that undertakes to upgrade brackish water will have to count on paying rates they probably will regard as steep—at least in the beginning.

Before electrodialysis Buckeye users were paying $3 per 1,000 gallons for the first 5,000 gallons, and the average bill was $5 a month. A rate expert was employed to calculate what the charges should be if an electrodialysis plant were installed. He arrived at $4.40 for each 1,000 of the first 5,000 gallons. Many in Buckeye objected. But the objections stopped when it was shown that each consumer had a "hidden cost" of around $10 a month under the old system. Nearly every family bought bottled drinking water from Phoenix; they had to buy extra soap and detergents to get their clothes and dishes clean; they paid heavily for repair of corroded pipes.

THE $305,000 BOND ISSUE

Buckeye's citizens were struggling to improve the quality of water that averaged 2,200 parts per million in salt, magnesium, and other undesirable contaminants.

A proposed 25-year, $305,000 bond issue was approved by a vote of more than 2 to 1 and sold at 4.452 percent interest. In September, 1962, the Buckeye plant went into operation. An expert earlier had predicted a washing and other general purposes.

In summer, attachments were added to recirculate the water used in hundreds of evaporative coolers, rather than let it run out on lawns.

Water income did not meet costs, and a rate raise to $6 per 1,000 gallons for the first 5,000 brought some grumbling. But that soon faded.

Buckeye probably has the highest water-rate schedule in Arizona now, but it is not much more than what several Arizona towns of similar size pay for untreated water. If anybody complains, he is silenced by old-timers who remember "what we used to put up with."

650,000-GALLON CAPACITY

Plant capacity is 650,000 gallons a day. In summer the system delivers up to 500,000 gallons daily, but in winter this drops to around 200,000.

Actual cost of purifying 1,000 gallons is 63 cents, of which 25½ cents goes for bond interest and installments. There is additional outlay for pumping, maintenance or extension of the distribution system, reading about 660 meters, collections, and incidentals.

The electrodialysis equipment gives surprisingly little trouble. It is tended by just one man, who is not a high-paid technician but, in fact, was once a barber. He spends eight hours a day actually on the job, but an alarm rings in his home if anything goes wrong.

The process is almost 100 percent automatic. It must be started manually but shuts down automatically when the 300,000-gallon reserve tank is full.

TECHNICALITIES EXPLAINED

Although any fairly good mechanic can run the plant, only a scientist can understand how electrodialysis works. One expert has explained that "the dissolved salts are split into charged particles, called ions, which can be collected on oppositely charged electrodes. The water molecules are not affected as they have no charge.

"Special membranes between the salt water and the electrodes trap the salt ions and keep them from reentering the solution. These membranes come in very thin sheets, only a few thousandths of an inch thick. They are made in either positive or negative potentials, so that pairs of them may be used to screen out the ions under a direct current impulse."

From each 1,000 gallons of "raw" water, 15 pounds of white mineral is removed.

FEW AREAS AS BRINY

There are no Arizona settlements with water as highly mineralized as that coming from Buckeye's subterranean "sea of brine." But most would like to have water less salty than what they now get.

Moreover, limited water supplies could hamper future growth in some cases. In some places there are reserves of brackish water that could relieve any shortage if it could only be treated at reasonable cost.

It falls on Arizona's State Water Commission to select the half-dozen towns that are to be investigated, both as to need and as to possibilities for enhancement of both quality and quantity of available water. Selections must be approved by the Office of Saline Water.

Both agencies are likely to rely greatly on the Buckeye experience, both in choosing the towns and in deciding which is the best course for each to pursue.

INTERVIEW OF SENATOR McGOVERN

Mr. CRANSTON. Mr. President, on Friday, September 10, the Los Angeles periodical Heritage published a thoughtful and wide-ranging interview with the Senator from South Dakota (Mr. McGovern) that I believe Senators will find of interest. I ask unanimous consent that the interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

If President—McGovern Would Visit Israel—He'd Use U.N. Veto To Counter "Gangup"

(By Herb Brin)

Senator George S. McGovern of South Dakota, a leading candidate in the Democratic Party for President of the United States, this week voiced dramatic support for the State of Israel in her struggle to survive a power gangup by hostile forces.

McGovern, who was one of the sternest critics of the American policy of involvement in Southeast Asia, said that if he were President and the United Nations was being used as a power base for Soviet and Arab Bloc gangup attacks against Israel—"I would use the veto."

Further, if elected President: "I will go to Israel"—in the interest of peace.

McGovern noted, in the interview which took place in the Century Plaza Hotel, that there was a vast difference—"between day and night"—when contrasting Vietnam with the situation of Israel's survival.

He made this pledge: "If I were President of the United States, I would take whatever steps necessary to insure the survival and to insure the freedom of Israel—no matter what the State Department recommended."

Sen. McGovern underscored a sharp awareness of the fact that very often State Department officials take action in directions which do not reflect the wishes of the Presidency.

"I think that the President of the United States has to make the final decisions on foreign policy matters," he noted.

The senator gave President Nixon credit "on one or two occasions for stepping in and reversing what seemed to be the State Department line, adding:

"There seems to be a Nixon line that was somewhat more dependable as far as Israel is concerned—and then there was a Rogers-Sisco-State Department line which seemed to be moving off in another direction."

McGovern lashed at the so-called Rogers Plan for settlement of the Mideast crisis. He said:

"I think the great weakness in Rogers approach, the one mistake he made of overriding significance, is when he attempted to spell out the boundary settlements in advance; when he said, for example, at a time when negotiations were just in the offing, that Israel ought to return to the prewar boundaries, except for insubstantial changes.

"I thought that was a mistake, because the implication of that is that the United States can somehow impose a boundary settlement, whereas our role ought to be to get the principal parties together."

McGovern called the Rogers tactic "a little bit heavy-handed on his part in attempting to impose a settlement in advance of negotiations."

Asked by Heritage whether the United States should use the veto in the UN by Arab Bloc and Soviet forces against Israel, Sen. McGovern declared:

"Absolutely. We were the country that insisted on the veto being made a part of the UN charter. We have used it sparingly, but if there are circumstances where we saw our vital interests being jeopardized, such as this may very well be, I think we ought not to hesitate to use it."

McGovern voiced continued support for America's Sixth and Seventh Fleets—in the Mediterranean and the Pacific—and said he would support the sale of vital aircraft to Israel without the "unjustified time lag" that troubled Israel in the past.

He then told Heritage it would never happen again, as in the Eisenhower-Dulles handling of the Sinai crisis in 1956, that Jewish leaders would be kept cooling their heels in the hallways of Washington with doors closed to their pleas for assistance to Israel.

"I can tell you that no one with a humane, legitimate appeal would have difficulty getting through to me if I were President of the United States," he promised. "I would surround myself with people who understood that."

Finally, this newspaper suggested that no President of the United States had ever visited Israel. Would McGovern, as President, visit Israel?

"Ike said that he would go to Korea (in the interest of peace), and I'll go to Israel!"

Instead of going before the election campaign next year—"I'll go afterward."

A certain editor suggested he'd like to go along. One never knows!

POINTS OF VIEW—IN COUNTERPOINT: McGOVERN WOULD VISIT ISRAEL

(Following is full text of the interview with Senator George S. McGovern, Democrat, of South Dakota, a leading candidate for President of the United States.

The interview in the Century Plaza Hotel was conducted by Herb Brin. Present were Jewish community leaders Ed Sanders and Marvin Shapiro, as well as Mr. McCovern's Press Assistant, Frank Mankiewicz.)

Question: Senator McGovern, I was very happy to carry your banner in 1968 at the Democratic convention in Chicago. Will I be happy to carry your banner this time in Miami?

McGovern: I think you will. I'm glad you carried it in 1968, as there were not so many then. I feel very good about the '68 effort. I have always been glad I tried it.

Question: Assuming you are President of the United States, what about the role of the President versus the State Department in the matter of decision-making?

McGovern: Well, I think that the President of the United States has to make the final decisions on foreign policy matters. I would view the State Department as an important advisory body, of course. They are a source of information and advice and counsel, but I think the great Presidents in the past have made their own decisions on crucial foreign policy questions.

Let me just say with reference to the Middle East that on that issue, if I were President of the United States, I would take whatever steps necessary to insure the survival and to insure the freedom of Israel, no matter what the State Department recommended.

I think we have a historic and unique relationship there that must be preserved.

I think it is in our interest to stand with the Democratic government which Israel is—a government that has the confidence and respect of its own people, and one that I admire very much. And I think that our commitment there has to be firm.

I would say this: I would be equally adamant in opposing the kind of advice that I think has come from the State Department and Joint Chiefs with regard to Southeast Asia.

I think that President Johnson, President Kennedy and President Nixon have all been in error in involving American troops in that part of the world under the conditions under which they entered.

They went there really in effect to back a government that never had the respect and confidence of its own people, and in that instance would like to think if I had been President of the United States I would have resisted that advice.

As a matter of fact, as United States Senator I spoke out against it from 1963 on. I cite these two illustrations because I think they are indicative of all the kind of independence the President of the United States has to represent when he is getting conflicting advice from his advisors and from the State Department.

Question: Yet, sometimes the State Department can exercise a role beyond the power of the Executive, and that's historic in the United States system. How would you confront that?

McGovern: Well, I know that I worked with President Kennedy in 1961 and 1962, and he was always frustrated by two things:

Number 1, the tendency of the bureaucracy, especially in the State Department, to swallow proposals that he thought were dynamic and creative, especially with reference to his Alliance for Progress efforts in Latin America.

He was always frustrated that the wheels turned so slowly in the State Department.

I also think that the point you make about the State Department engaging in actions on its own is true. I think some things have been done, especially in Southeast Asia, and I suppose arrangements are sometimes made in the Middle East where the State Department is dealing with oil questions that do not represent the policy of the President.

I'll even give Nixon credit on one or two occasions for stepping in and reversing what seemed to be the State Department line.

There seemed to be a Nixon line that was somewhat more dependable as far as Israel is concerned—and then there was a Rogers-Sisco-State Department line which seemed to be moving off in another direction.

Question: May I interrupt? Would you say that the Rogers plan has any validity now in face of the new developments in the Middle East, considering Sadat's federation with Libya and Syria?

McGovern: I think the great weakness in Roger's approach, the one mistake he made of overriding significance, is when he attempted to spell out the boundary settlements in advance; when he said, for example, at a time when negotiations were just in the offing, that Israel ought to return to the prewar boundaries, except for insubstantial changes.

I thought that was a mistake, because the implication of that is that the United States can somehow impose a boundary settlement, whereas our role ought to be to get the principal parties together, namely, the Arab governments and the government of Israel and to abide by whatever negotiated settlement is worked out.

But my criticism of Rogers has been what seems to me to have a little bit heavy-handed on his part in attempting to impose a settlement in advance of negotiations.

Question: Could you spell out, Senator, the difference between your Vietnam and the Middle East policies. I walked with you on the Vietnam issue. I wouldn't underestimate that for a minute. But with reference to strength for the Middle East, how do you stand on that?

McGovern: I think the difference between Vietnam and Israel is the difference between night and day. In Vietnam, we never had a government in Saigon that had the respect of its own people—not once since we have been there, going clear back to our assistance to the French from 1950 on.

From 1950 to 1954, and ever since then, we have been backing more or less puppet regimes that were able to stay in power because we were there, and they were regimes that in a sense we imposed against the indigenous political forces operating in the country.

Now in Israel you have essentially almost the reverse situation. You have a government with the overwhelming backing of its own people. There is no civil war in Israel, not one group of Israelis fighting against another, which is essentially what you have in Vietnam—one group of dissident Vietnamese trying to dump the group that we are holding in power.

What you have in the Middle East are threatening and hostile Arab states that heretofore have not been willing to recognize Israel's right to survive, and are now armed and encouraged by the Soviet Union.

Given that situation, it seems to me that our course is clear.

We have not been asked to bail out Israel with American troops. They have demonstrated their willingness to fight for their own country.

They have asked for the right to purchase aircraft and military equipment, and they have demonstrated to us that they stand for the same ideals that we do, that they are a humane and democratic society, and are asking only for the right to survive in freedom.

And that's the kind of country, if I were President, I would take whatever steps were necessary to see that it survived.

I can't anticipate every move that would be involved, but I would do whatever I felt was necessary to make absolutely certain that the security and survival of Israel was insured.

Question: One thought is very crucial here. We are going to have an international hullabaloo at the United Nations. I believe that the Jordanian resolution comes up at the United Nations, and Egypt and the total Arab block and the Soviet Union are going to come up with all kinds of efforts to force Israel out of the areas which were won in the '67 war. A resolution on Jerusalem is keyed to the whole thing. The question: As President of the United States, in a situation such as the impending gangup, would you use a veto in the UN under those circumstances?

McGovern: Absolutely. We were the country that insisted on the veto being made part of the UN charter. We have used it very sparingly, but if there are circumstances where we saw our vital interests being jeopardized, such as this may very well be, I think we ought not to hesitate to use it.

Now I have got to tell you that I don't know what's going to happen at the United Nations. I haven't followed it as closely as you have, and I don't know exactly what the pattern is that is shaping up there for next week. But I think the way you described it, it is an area where we might very well use the veto.

Question: Then this is a confrontation of two forces—the Soviet block in the Middle East and American interests. What about the Sixth Fleet? As President of the United States, would you sustain the Sixth Fleet in the area?

McGovern: Yes, I would. I am against some of our military spending. I think we can make substantial reductions in American military forces both in personnel and in weaponry, but I would sustain both the Sixth and Seventh Fleets.

I think it is in our interests to remain a Pacific power and to remain a power in the Mediterranean, and the real backbone of our power in the Mediterranean is the Sixth Fleet, which I would keep at whatever strength is necessary to maintain our security interests there.

The areas where I think cuts can be made militarily is on such things as the antiballistic missile system and the B–1 bomber and the MERVing of our missile system.

I think we have made a great mistake at the time the SALT talks were shaping up, that we went ahead on the MERV system and the ABM and the very costly sophisticated new weapons systems, but I have never suggested at any time that we reduce the power of the Sixth Fleet or the Seventh Fleet.

I think they are very important to our security interests.

Question: With reference to security interests, would you say that the sale to Israel of vital planes and sophisticated countermeasures to Soviet missiles in the Middle East is in the interests of the United States?

McGovern: Yes.

Question: Do you have any comments on the fact that a massive effort must be made each time by Israel merely to buy planes and without economic assistance over a long period of time? Israel's a little country, and it is doing something quite unique. It is standing up against a giant.

McGovern: In each case I have been among those Senators that well in advance of the decision by the President to make aircraft available has urged him to do it.

There was a letter signed some time ago by seven senators, in which Senator Cranston of California and I took the lead.

Months ahead of the actual decision to sell aircraft, and as senators who had been critical of our involvement in Vietnam, we wanted to make sure that our criticism of Vietnam was not used by the Administration as an excuse to go slow on the sale of jet aircraft to Israel.

And we signed the first letter, I think, at that time that went to the White House. Some months later there was a larger letter circulated by Senators Symington and Ribicoff and others which was signed, as I remember, by 79 members of the Senate urging the same course.

And the aircraft were made available.

I do think there has been an unjustified time lag in two or three instances in making aircraft available to Israel, particularly since they were willing to pay for it.

It struck me as an odd thing that we were more willing to make unlimited supplies available to Saigon that were all on a gift basis and where we even have to train them how to use them and to fire them.

We were more willing to do that than to make aircraft sales to Israel.

Question: How do you account for that?

McGovern: Well, I think it's partly a fallout from Vietnam. I think this is one of the regrettable things about our involvement in Southeast Asia.

We have been so burned there that our political leadership is reluctant to do anything anywhere in the world without great caution again.

It's an unfair result.

We ought to have the judgment to be able to discriminate between differences, but I suspect that that has something to do with it.

Also, the Administration, I suppose, is trying to keep some appearance of objectivity in the Middle East and maintain what little influence we have with the Arab countries, and I think we have to do that.

They may have made mistakes in the way they proceeded, but I don't think even the most ardent advocate of a pro-Israel stance for the United States would want us to cut off influence in the Arab States.

We are going to have to deal with those countries, and so some caution is doubtless justified in responding to Israeli requests for equipment. But I think it has been an excessive caution at times.

Question: There are one or two smaller thoughts. As President of the United States, would it be possible to approach you with an urgent plea from within the heart of a people? I remember in the Eisenhower Administration how many times our people had to cool their heels out in the hallways before they could even get to see John Foster Dulles. This, at the time of the '56 Sinai campaign.

McGovern: That would never happen if I were in the White House. Some of my critics say that one of my faults is that I am too decent and too open to compassion.

Brin: I can testify to the compassion; I don't think to compassionate.

McGovern: I can tell you that no one with a humane, legitimate appeal would have difficulty getting through to me if I were President of the United States. And I would surround myself with people who understood that.

I think that if I become President, you are going to be delighted with the man I appoint to advise me on matters relating to the Middle East, and that he will be accessible to you and other people who want to talk with him.

Question: Do you have a general windup comment on your position toward the Middle East because this story will go nationally to all the other Jewish newspapers.

McGovern: Let me just summarize, then, what I have tried to say here.

First of all, I think the United States has a unique responsibility and commitment to the people of Israel.

We played an important role in helping to bring the State of Israel into existence as an independent country.

We have cooperated with her closely from the very beginning.

Israel for her part remains the only democracy in the Middle East. They have performed a miracle on the economic and social development side in the Middle East, which has won the admiration, I think, of every American who has visited that part of the world.

They have demonstrated a brand of patriotism that I think commands the respect of all Americans, and that they are willing to fight—and fight hard—for their own country.

They don't depend on the troops of foreign countries to defend themselves.

They have ask from us only necessary military equipment to sustain their own defense, and my position as President of the United States would be that I would continue to provide that aid in whatever amount and in whatever form is necessary to insure the independence and survival of Israel.

Now I think we are right in urging the Government of Israel and the Arab States to enter into negotiations.

I think the Jarring mission, while it has been frustrating and slow and disappointing has been worthwhile.

At some point it's my own conviction that if a settlement is to be arrived at that is lasting, those negotiations will have to move to face-to-face discussions between Israel and the Arab governments.

Neither the United States nor any other outside power can impose a solution, and we ought not to try.

We ought not to try to dictate the boundary settlement or the outline of those negotiations.

Our function is simply to use our good offices and our influence to encourage the negotiating process to proceed.

And meanwhile making certain that the military balance doesn't shift against Israel while negotiations are in prospect.

Question: May I ask one parenthetic question? Do you plan to visit Israel after you are President? You would be the first President to visit Israel as President. There has never been a President who has visited Israel.

McGovern: I didn't know that.

Brin: This is the center of all our faiths. This is where it all began as a religious holy land.

McGovern: Well, maybe I will do that. Instead of going before the campaign, I will go afterward.

Brin: Now we have a promise.

McGovern: Ike said he would go to Korea, and I'll go to Israel!

Brin: And I'll go with you, if they will let me on the plane. Thank you very much.

FORCED BUSING OF CHILDREN

Mr. BROCK. Mr. President, the American people continue to be deeply disturbed by the situation brought on by the forced busing of children to achieve racial balance. I believe our meeting with the administration indicates that the President is very much aware of this situation and that he will continue his efforts to secure some relief.

I have confidence that if my proposed constitutional amendment, Senate Joint Resolution 112, is enacted, relief will be secured.

I ask unanimous consent that an article regarding the meeting and also the text of Senate Joint Resolution 112 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 23, 1971]

SENATORS BAKER AND BROCK FIGHT BUSING ORDER

(By Ken W. Clawson)

Tennessee's two Republican senators yesterday asked the government to intervene against a court-imposed plan that requires daily busing of more than half of Nashville's 98,000 school children.

Sens. Howard Baker and William Brock called school busing to achieve racial balance "intolerable" and an "unconscionable burden" on localities. They asked Attorney General John N. Mitchell and Eliot Richardson, Secretary of Health, Education and Welfare, to intervene in Nashville's appeal of its busing order with the U.S. Circuit Court of Appeals in Cincinnati.

Sources familiar with the Tennessee situation said both senators, and especially Baker, who must run for re-election next year, are under increasing pressure from urban centers in the state.

The mayors of Nashville, Memphis and Chattanooga—all Democrats—accompanied the senators to a red carpet meeting with Mitchell, Richardson, presidential aides John Ehrlichman, Leonard Garment and Ed Morgan at the Justice Department.

In addition to requesting court intervention to roll back a busing plan as the Nixon administration has done in a previous case in Austin, Tex., the Tennesseans said they offered an alternative, that of supporting a constitutional amendment that would prohibit assigning students to schools on a racial basis, Richardson said last week that he would not favor such an amendment.

Sen. Brock said he wanted a neighborhood school concept as advocated by President Nixon. He said Mr. Nixon opposes massive busing, most people favor neighborhood schools and Congress has also indicated it is antibusing. "But the courts continue to violate the will of all . . . it is frustrating to all Americans," Brock said.

While the senators said they hoped for "early and forceful action," they indicated that beyond sympathy, they did not receive any commitments from Mitchell, Richardson or Ehrlichman.

Nashville Mayor Beverly Briley said that already this school year $300,000 of the school budget has been spent for protection of pupils and property. He said the city is losing $15,000 a day in state aid because of the dropouts, especially among whites who oppose being bused all over the metropolitan area.

Briley, a longtime mayor, won by only about 10,000 votes earlier this month in a campaign against a politically unknown Wallacite whose only issue was opposition to busing.

Baker has received additional criticism in the Nashville case because U.S. District Judge L. Clure Morton, who ordered the busing plan, was recommended by Baker.

Baker said yesterday that he originally thought Judge Morton's conservative credentials might jeopardize his confirmation by the Senate. After ordering the Nashville busing plan—50,000 out of 98,000 pupils—Baker said he often wonders what might have occurred if he had recommended a liberal.

BOSTON ABANDONS TWO-WAY BUSING PLAN

BOSTON, September 22.—The Boston School Committee has voted 3–2 to abandon a controversial plan to bus some black pupils to predominantly white neighborhoods and whites to a new school in a black neighborhood.

The plan had been defied by the parents—both black and white—of about half the pupils involved. The decision to scrap the plan, announced at a public meeting Tuesday night, was applauded by most of the 400 parents present.

S. J. RES. 112

Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation."

TESTIMONY OF ARNOLD A. SALTZMAN BEFORE THE JOINT ECONOMIC COMMITTEE ON THE NEW ECONOMIC PROGRAM

Mr. PROXMIRE. Mr. President, the Joint Economic Committee has just completed several weeks of hearings on the President's new economic program. Among the most interesting and constructive testimony we received was that from Mr. Arnold A. Saltzman who is president of the Seagrave Corp. in New York.

Mr. Saltzman has a distinguished background as a businessman, first of all, and as a man who is experienced in the area of price controls and regulations having had actual firsthand dealings with previous programs.

His major point was the need for this country to move into the area of broadly based, comprehensive economic planning, a field we have not pursued with great diligence.

I commend his most thoughtful and constructive testimony both to the Senate and the country. It typifies the high level of competence and expertise we have received in our hearings.

I ask unanimous consent that Mr. Saltzman's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ARNOLD SALTZMAN

The freeze at home and the steps taken to achieve devaluation of the dollar abroad have brought a sudden sense of euphoria to the Administration and a feeling of hope to many Americans. Whether this hope is to be justified will depend not on what has been done but rather what long overdue remedies may now come into being. The overall price freeze and the steps taken with regard to our trading competitors—who are also our principal allies—is similar to grabbing the coat tails of someone about to jump off a building. Neither you nor he can maintain your positions permanently and moreover you had better fix what was in his head that made him need to jump in the first place.

We now have an opportunity—which may not soon come again—to face up to our social and political, not merely economic issues—to attack not only the virus of inflation and the gradual erosion of our preeminence among industrially developed nations, but also to address ourselves to the burden of unemployment bearing down on millions of our people—most cruelly on the unorganized unskilled poor, the young and the black. While doing these things, we must simultaneously remake our cities because unless we do so *now* we can expect intensified social conflict, crime, drug abuse and economic blight at a terrible cost in money and human values across our entire nation.

We do not have only money problems, we have people problems. The man out of work does not read the quotations of dollar devaluation versus the Deutsch mark. The careful economic calculations that might be made must again and again be altered by the needs of people. The most often used and least practiced phrase of late is "we must reassess our priorities." Unless they are reassessed in the light of the reasonable aspirations of all our citizens, no "economic game plan" can work in this democratic society. This is more true today than at any time in recent history. Rich, poor, old young, black, white, business, labor—all have been torn by the multiple problems of war, recession, race and our physically oppressive environment.

The plans that we must make now, while aimed at the economic aberration of price inflation and economic stagnation living side by side in the U.S. today, can and should simultaneously relate to a better life for our people.

Even the unsophisticated among us realize that the economic machine is not managed well if we use unemployment as an acceptable device to curb inflation with a resultant 30 billion dollars of budgetary deficit—and then it doesn't work. We would be far better off with a 30 billion dollar budgetary deficit resulting from things we might have done—like 30 billion dollars worth of new housing—than the deficit of omission. Also, before getting too overjoyed about possibly seeing a dollar devalued by 15% versus our foreign competitors, let us remember that it means that each of us here must work 15% more hours for everything we wish to buy from them. While this may be a necessary course today, our economic well being in the world community will again be outstanding when the reverse is true.

And so we recognize that this is the time of our trial, this is the time to produce something better than what we have had—business, labor, consumers, all are ready for change. The present wage price freeze is only an exclamation point to accentuate the need. In and of itself, it cannot succeed.

Price control efforts during our previous two wars, and in both efforts I participated in policy-making activities, highlighted the inadequacy of General Maximum Price Regulations as well as the unsatisfactory results which flowed from having separate Agencies dealing with Prices, Labor, Wages, and Production Controls. England did far better in World War II by having all economic planning and controls in one body.

The Freeze Regulations—now in effect—perpetuate inequities, leave unregulated items which contribute largely to price inflation such as interest rates, and certain farm commodities, permit wide areas of legal avoidance, encourage inefficiency by putting a premium on job hopping as well as product proliferation, and are accompanied by incredible enforcement problems.

To eliminate controls after 90 days would produce greater problems than existed on August 15th, as well as losing an opportunity to get healthy—it is unthinkable.

There is a course I would recommend, but before suggesting it, let me add one last parenthetical observation to these previously expressed in clarification of my proposal.

The United States, before granting AID to any underdeveloped nation, has insisted on seeing long and short range plans for the economic and social programs of the potential recipients plus the ability of such nation to be able to continue such planning functions. Virtually every nation in the world has formalized long range planning activities except the United States. Our present inadequacies relate in large measure to such lack of advance planning on an overall national economic basis.

Therefore, I propose the formation of an Economic Development Board which shall take regulatory action during periods of economic imbalance and also perform economic planning functions on an ongoing basis, which plans it will periodically recommend to Congress, the President, and to the Nation at large. Such Board shall be a permanent fixture and shall be required to act in accordance with objectives that Congress shall legislate in broad terms aimed at an expanding economy, relatively free from price inflation, with high priority objectives in housing, transportation, health, education, as may be indicated. The use of subsidies should be considered if required to achieve special objectives and price stabilization.

It would be a mistake to try today to lay down specific controls or actions that the EDB should take since flexibility in dealing with our economic problems is essential. Prices, wages, interest rates, rents, even material allocations on a fluctuating basis, are all tools with which to do a job.

And on the international scene the issues are even more complicated and the planning for international economic recovery should be consolidated with domestic planning which relates the dollars available to business to invest abroad versus what is invested at home.

The EDB shall be composed of members drawn from various segments of Society but appointed by the President. They shall also be served by an Advisory Council to the EDB, whose recommendations are not binding, which shall be nominated by Labor, Business Agriculture and Consumer groups.

Gentlemen, I believe that we cannot look backward to the philosophies of Adam Smith or the Maginot Line security of Cold War international economic and political positions. For some years the American people have been out ahead of their government in their feeling that changing times required bold new attitudes and approaches to our domestic and foreign problems.

In March of 1969 I wrote and Senator Proxmire read into your Congressional Record what I felt was apropos then and even more so today.

"The business corporate entity that survives and prospers through the 1970's and beyond will be the one that leans with, and not against, the winds of change which continue to blow across the world. Our world has changed more dramatically in the sixty-eight years of the twentieth century than in all the preceding nineteen centuries since the birth of Christ. No business organization that fails to welcome change can have a future."

And quoting Alfred North Whitehead:

"A race preserves its vigor so long as it harbors a real contrast between what has been and what may be; and so long as it is nerved by vigor to adventures beyond the safeties of the past. Without the ability and the courage to depart from the snug harbor of status quo, nations and companies tend to decay."

If today you will legislate with courage in this crisis, looking to capitalize on our opportunities and not only to correct our mistakes, I believe that Big Business and Big Labor will follow you. It is essential that the purchasing power of our people be upgraded not downgraded, that their standard of living improve. Such expanding wealth for our citizens is the only real security for American Business.

The President has stated that he is "looking over the scene and keeping his options open." I hope you will recommend measures for permanent improvement not temporary expediency and thus provide an "option" of such long range potential benefit that both he and the American people will be pleased to implement.

Words like "tomorrow" and the "future" necessarily must guide the planning of today. The problems of today represent the turbulence from yesterday's unmanaged future. Only the future can be managed; not much can be done about the present.

NATIONAL LEGAL SERVICES CORPORATION: AN ANALYSIS OF LEGISLATIVE ALTERNATIVES

Mr. CRANSTON. Mr. President, on September 9, 1971, the Senate by an overwhelming vote approved S. 2007, the proposed Economic Opportunity Amendments of 1971, a most important part of which would establish a National Legal Services Corporation outside of governernmental structure and control. I was privileged to join with Senators Mondale and Taft as a principal author of these provisions and believe strongly that this new title IX of the Economic Opportunity Act establishing such an independent corporation would provide a vibrant, responsible national program for resolving the grievances of the poor through established judicial and administrative processes.

A constitutent and friend of mine from Los Angeles, Samuel C. Palmer III, has made an important contribution to the dialog within the organized bar regarding the structure and responsibility of such a new, independent national legal services corporation. In the July–August issue of the Journal of the State Bar of California—volume 46, No. 4—this year, Mr. Palmer contributed a scholarly and comprehensive analysis of the two basic legislative alternatives for the establishment of such a corporation: S. 1305, the bipartisan bill in which I joined with Senator Mondale, Senator Taft, and other Senators; and S. 1769, the administration's proposal introduced by the Senator from Kentucky (Mr. Cook)—H.R. 8163 in the other body.

Although I do not agree with all of the points and conclusions in Mr. Palmer's article, and wish to point out that his analysis was based on the original version of S. 1305 and, therefore, does not take account of modifications made when that bill's provisions were incorporated into S. 2007, Mr. Palmer's piece does strongly support the principles and the basic approach embodied in the provisions of the bipartisan bill now approved by the Senate.

Mr. President, for the information of the Senate and the public and to add to the rational and enlightened deliberation on this vitally important new framework for providing legal services to the poor, I ask unanimous consent that the article entitled "A National Legal Services Corporation: The Legal Profession's Responsibility," written by Samuel C. Palmer III, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A National Legal Services Corporation: The Legal Profession's Responsibility

(By Samuel C. Palmer III)

Under consideration in Congress are two similar bills calling for the transfer of the legal services programs for the poor from OEO to a new and presumably autonomous independent non-profit national legal services corporation.[1]

The current approach to legal services programs began in 1964 with the funding by the Ford Foundation of several neighborhood law offices on the Eastern Seaboard. In 1965, President Lyndon B. Johnson initiated a "War Against Poverty." In that year the ABA, through its House of Delegates, unanimously endorsed and gave the President's Poverty Program its full support. The use of Federal funds gave the poor access to our court system and has assisted the indigent in breaking the poverty-cycle.[2]

Serious and multiple conflicts arose soon after the legal services programs began, over legal judgments made by line lawyers, with a breadth ranging from Washington to local advisory councils, includng the use of the gubernatorial veto.[3] To put it simply, politics had entered the neighborhood law office.

Recognizing these problems, William T. Gossett, president of the ABA, in 1969 suggested to Cabinet officials of the Administration that an independent agency, foundation, or quasi-public corporation might provide the best solution for administering legal services to the poor.[4] Additionally in 1969, president-elect of the ABA, Bernard G. Segal, also urged the establishment of a separate entity for this purpose in testimony before Congress.[5] Perhaps, the most dramatic call for the formation of a non-profit corporation to administer legal services for the poor has come from Jacob D. Fuchsberg, who has suggested that the proposed and pending legislation will be a "legal service Magna Carta for the indigent."[6]

President Nixon, in a statement on May 5, 1971 to the Congress endorsed a transfer of responsibility to a national legal services corporation and stated its major objectives:

"First, the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital party of the American system of justice."[7]

Hence, the President had fully endorsed the notion of a non-profit corporation, and on May 5 Rep. Quie of Minnesota introduced HR 8163. Earlier, and on March 19, Senator Mondale of Minnesota introduced similar legislation. Both bills fell within the general and sensible criteria laid down by the President.

Structurally the major components of both pieces of legislation are similar.[8] Both call for an amendment to the Economic Opportunity Act of 1964, specifically Sections 901–909, inclusive. Technically, the Mondale Bill, S 1305, would add new sections, 910–913, inclusive; whereas the so-called Quie bill would repeal § 222(a)(3) of the Economic Opportunity Act eliminating responsibility of legal services programs which are funded by OEO through Community Action Programs.

Both bills call for the creation of a non-profit, non-membership corporation, incorporated under the District of Columbia Non-profit Corporation Act,[9] which would be autonomous and independent of political control. Additionally, both bills provide that attorneys working for the Corporation under the Act, shall be independent to carry out their professional responsibility.[10] Both bills seek, generally, to insulate the Board of Directors from the debilitating stresses and strains of partisan politics. It is apparent that the Congressional consensus supporting both bills recognizes that politics should play no part in a law office.

I think the real point of departure between the Quie and the Mondale bills is found, in a very general sense, in the way both legislators and their co-sponsors try to come to grips with the problem of authorizing the birth of an entity which potentially could, through class actions, bite the hand that feeds it. Every sensible or responsible lawyer can empathize with this sort of Congressional dilemma.

The first major variance between Mondale and Quie is in the composition of the Board of Directors. Under the Mondale bill, the Board would be composed of nineteen members, five of which would be appointed by the President from the public-at-large, with the advice and consent of the Senate, and one would be appointed by the Chief Justice of the Supreme Court.[11] Seven Board members would come from legal organizations by virtue of their holding the following offices: the president and president-elect of the American Bar Association; the president of the National Legal Aid and Defenders Association; the American Association of Law Schools; the American Trial Lawyers Association; and the National Bar Association.[12] The balance of the Mondale Board would be selected by the Project Attorneys Advisory Council and the Clients Advisory Council, both to be appointed under enabling legislation in the bill.[13]

TWO DEFICIENCIES

From a lawyers viewpoint, there are two deficiences with the Mondale Board, once the general criteria of independence and competence is accepted. To require legislatively, the Chief Justice to appoint a Board member, would be to require him to perform a non-judicial act or function which may be well outside the scope of his Constitutional power.[14] Secondly, I think that to permit three representatives to sit on the Board who are selected by the Project Attorneys Council is to invite potential conflicts of interest, assuming the Project Attorneys Council appoints project attorneys to the Board, who, in turn, administer programs or work funded by the Corporation. This latter problem could be corrected, if the bill provided that no Project Attorneys Council designee was eligible to become a Board member while employed by a grantee of the Corporation.

On the other hand, under the Quie bill, all eleven members are to be appointed to the Board by the President. A majority of the appointees would be members of the Bar of the Court of a highest jurisdiction and no more than six would be appointed from one political party.[15] The Quie bill does not set down guidelines for a required profile of prospective Board members. Again, accepting the criteria of independence and com-

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Footnotes at end of article.

petence, I think it may be expecting too much of any President to appoint truly independent individuals as Board members of a national law office. A Chief Executive of lesser stature or without legal training might resort to patronage, instead of merit and thereby frustrate what could promise to be a new era in the administration of Justice.

With respect to the second variance, criminal representation, the Mondale bill is silent; whereas, the Quie bill specifically provides "no funds made available by the corporation . . . may be used (1) to provide legal services with respect to any criminal proceedings (including any extraordinary writs, such as habeas corpus and coram nobis designed to challenge a criminal proceeding)." [16]

This passage can present an ethical problem. Under EC 2–31, an attorney is obligated to complete legal work undertaken for a client.[17] Yet, criminal cases may arise from the same facts and issues underlying a civil action and the client's best interests could well require representation by one attorney in all proceedings. Professionally, it would be difficult, if not impossible, to explain to a welfare client why the attorney representing him in civil matters must abandon him at the jailhouse door, merely because criminal charges have arisen out of a welfare matter, in the context of a welfare indictment.

This ethical problem could be avoided by specifying that priority be given to civil matters, but that the Board be allowed flexibility in criminal matters, consistent with the Canons of Ethics and Ethical Considerations of the Code of Professional Responsibility of the ABA.

With respect to the third major difference, the Mondale Bill is pretty much silent about restraints upon representing clients before legislative bodies and upon activities and client representation which have political import. The only reference found in S 1305, is in § 907(a) which specifies that the "Corporation may not contribute to or support any political party or candidate for elective office." Surely, this is a broad and understandable limitation.

The Quie bill, on the other hand, carefully prescribes activities of attorneys funded through the Corporation from undertaking legislative advocacy and political activities on their own time.

Section 905(a)(6) of the Quie bill provides that legal services attorneys refrain from all representation in the influencing or defeating the passage of any legislation, unless asked by the respective legislative body.

As both the President and the Quie bill affirm, it is the purpose of legal services programs to provide to the poor that access to the legal institutions of this country which men with means may purchase.[18] The law providing legal services to the poor clearly conceives that poverty lawyers have all the rights and responsibilities, as well as the duties and obligations imposed by the Code of Professional Responsibility on all attorneys.

Those Ethical Considerations set forth in the Code hold that "each member of our society is entitled to seek any lawful objective through legally permissible means . . ." [19] and admonish attorneys to "participate in proposing and supporting legislation and programs to improve the system." [20] Furthermore, EC 8–2 states, ". . . if a lawyer believes that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law." [21] Effective access to the *entire* legal system must include the ability to influence legislation through advocacy. In the past, legislative advocacy by legal service attorneys has been responsible for beneficial revisions for the disaffected in the areas of housing, education, employment, welfare, health and consumer law.[22] From my Frankfurtian viewpoint, legislative advocacy and legislative change is clearly preferable to juridical legislation. Our courts are sufficiently jammed.

The contention that the expenditure of public funds for legislative advocacy is improper does not make much sense. It has been an historically accepted activity for governmental entities, and publicly funded legislative advocacy for the poor can be no less proper.[23] What is good for the goose must be good for the gander.

Furthermore, the U.S. Supreme Court has consistently held that educational and lobbying activities, as well as litigation, fall within the ambit of freedom of expression and association, protected by the First and Fourteenth Amendments.[24]

Section 905(a)(7) of the Quie bill provides that full-time attorneys employed by legal services programs refrain from "any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a national or state political party." [25] These restrictions on both the company time and private time of the attorneys in the program would go much further than the constitution restrictions of the Hatch act.[26]

Furthermore, the language of the bill forbidding association by an attorney, on legal services time, with a candidate for office or *issue identified with a political party, supra,* is so sweeping as to violate the constitutional proscription against vagueness and overbreadth. (See *Thornhill v. State of Alabama* (1940) 310 U.S. 88, 60 S.Ct. 736.) Yet, this type of action, which would be perfectly proper, indeed ethically mandated to a private practitioner, would result in disciplinary action if done by a legal services attorney.[27]

Moreover, one does not have to be creative to conceive of a governor whose ox was gored, deliberately making an issue "political," and thereby quashing redress of claims of the poor. Going one step further, legal services lawyers would be precluded from acquainting and advising persons of their legal rights to commence or further prosecute a suit, if the issue were "identified" with a political party. This, of course, clearly, runs counter to *NAACP v. Button*.[28] the entire Code of Professional Responsibility and President Nixon's mandate.[29]

Section 904(b)(3) of the Quie bill, which would empower the Corporation to "represent the collective interests of the eligible clients . . . before agencies with a view to identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs," introduces a *serious conflict of interest between the Corporation's presumed mission of promoting legal advocacy on behalf of the poor and a new role as negotiator or intervenor before federal agencies to head off or preclude "multiple litigation."* The vagaries of this passage are immense, and suggest a governmental defense of lack of ripeness or estoppel. Further, the section could create a serious problem, in terms of meeting statute of limitation commitments and the timely exercise of rights of appeal.

Finally, Section 904(b)(3), *supra,* raises the distinct possibility of conflict of interest between Corporation and grantee. A corporation which has an operational mission to stop litigation by "identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs. . . ." might have a chilling effect on grantees with respect to bringing required litigation.[30] The Corporation should not be placed in such a posture that it must choose between pursuing the joint and conflicting objectives of promoting complete and effective legal advocacy as well as heading off multiple litigation.

ETHICAL PROBLEMS

Even more serious ethical problems are raised by another provision in the Quie proposal, Section 905(a)(8), which directs the Corporation to establish "a system for review of appeals . . . to prevent the taking of frivolous and duplicative appeals." The insertion of a reviewing authority between the attorney and his client with respect to the vital decision of whether an appeal should be filed constitutes just that sort of "erosion" of the lawyer's independent professional judgment which is condemned in the Code of Professional Responsibility.[31] Disciplinary Rule 5–107(b) insists that a lawyer "shall not permit a person who . . . pays him to render legal services for another to direct or regulate his professional judgment in rendering such services" and the Code of Professional Responsibility 5–24 requires that a "lawyer shall not accept employment from . . . a legal aid organization . . . unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves." [32] The system of review specified in the Quie bill denies a legal services client the right guaranteed to him under the Code "to make decisions" which "are binding on his lawyer." [33] Moreover, submission of this kind of fragile issue to a reviewing body almost necessarily will require the attorney to reveal privileged information to third parties in direct contravention of the Code.[34]

The success, independence and professional accountability of the Corporation and its programs hinge ultimately, in my judgment, on the delicate attorney-client relationship, the hushed disclosures by a client about a possible claim or defense, the unfettered ability of a lawyer to determine whether the client has a triable issue of fact or law, and the power to select the forum. This really is the ultimate test and anything that detracts from it should be culled out of the proposed legislation.

Furthermore, I can see a real risk down the road in the development of a "Poverty Establishment." [35] Funding, hiring and firing, I should think must be based upon professionalism and an analytical and low-key evaluation of the needs and claim patterns in a particular locale, and not upon political pressures to fund programs or hire personnel.

Lastly, and perhaps most important, it seems to me that both the Quie and Mondale bills miss a fundamental opportunity. Neither bill, in a public-policy pronouncement, declares by legislation a *right* for each citizen to have counsel in civil proceedings.[36] Considering, in our times, the nature of adversary proceedings, the considerable forces that can be mustered by the well-bankrolled client, including a governmental entity and the inherent complexity of legal proceedings, a bill creating a national legal services corporation requires this sort of commitment, if our profession and Congress are to face squarely their obligations in the equal administration of justice.

Consider Deuteronomy's charge to judges embodied in the Canons of Judicial Ethics of the American Bar Association.[37]

"And I charge you judges at that time, saying . . .

'Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; . . ."

When this charge is read together with Canon 1 and EC 1–1, Code of Professional Responsibility, which provides, "A basic tenet of the professional responsibilty of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence . . ." surely it follows then that congressional policy should give, legislatively, a funded right to counsel to each citizen consistent with our professional responsibilities.

The notion of a constitutional, as opposed to a legislative, right to counsel in civil cases, has been put forward by some persuasive language in cases and in some recent articles.[38]

Footnotes at end of article.

Consider *Truax* v. *Corrigan* (1921) 257 US 312, 42 S.Ct. 124, in which the Supreme Court stated (pages 334–335):

"... all persons should be equally entitled to pursue their happiness and acquire and enjoy property; *that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts;* that no impediment should be interposed to the pursuits of any one except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition ..." (italics added).

More recently, in *Williams* v. *Shaeffer* (1967) 385 U.S. 1037, 87 S.Ct. 772, Justice William O. Douglas, in a dissenting opinion stated (p. 1039):

"We have recognized that the promise of equal justice for all would be an empty phrase for the poor, *if the ability to obtain judicial relief were made to turn on the length of a person's purse.* It is true that these cases have dealt with criminal proceedings. But the Equal Protection Clause of the Fourteenth Amendment is not limited to criminal prosecutions. Its protections extend as well to civil matters." (Italics added)

Jerome J. Shestak probably puts the constitutional right to counsel theory the best, when he states.[39]

"History tells us that a nation's progress to social justice is often painful; it is painful today. Part of our progress must be the realization that access to legal services must be more than an expectation; it must be a right. Learned Hand once observed that if democracy is to survive, it must observe one principal commandmant; *Thou Shalt Not Ration Justice.* That commandment is what the right to legal services is all about." (Italics added)

For those in our profession who think either the legislative right or constitutional right to counsel approach accelerate the evolutionary cycle a bit too much, this statement from the National Commission on the Cause and Prevention of Violence in its progress report in January, 1969, should provide food for thought:

"Making legal services widely available to the poor can in fact be an important part of the strategy of public order, for if the disadvantaged have little or no affirmative access to the courts, they may resort to other, more violent solutions of their problems."

The real key, it seems to me, is not so much the particular philosophical bent of each of us who practices law, but rather for each of us, after recognizing the need for counsel for the indigent, to participate as best we can in the congressional debate and dialogue, to the end that a national legal services corporation and the programs implemented under it, will be independent and free from politics, and that the availability, quality, and competence of counsel will no longer be related to the size of a fee. The practice of law, when all is said and done, is quite a reward in itself.

FOOTNOTES

[1] On March 19, 1971, S 1305 was introduced by Senator Mondale, for himself and for Senators Brooke, Cranston, Jackson, Taft, Anderson, Bayh, Harris, Hart, Hughes, Humphrey, Inouye, Magnuson, McGee, McGovern, Moss, Muskie, Nelson, Pearson, Stevenson and Tunney. On March 18, 1971, Representative Meeds and Steiger, together with 23 other Representatives introduced the same legislation in the House of Representatives. HR 8163 was introduced in the House of Representatives by Rep. Quie together with Reps. Ford, Erlenborn, Dellenback and Poff on behalf of the Administration on May 5, 1971.

[2] *Goldberg* v. *Kelly* (1970) 397 U.S. 254, 90 S.Ct. 1011, (hearing is now required before terminating welfare benefits of poor); *Brown* v. *Southall Realty* (1968) 237 A.2d 834 (if there are violations of housing code, the rental contract is illegal and owner cannot now collect rent); *Edwards* v. *Habib* (D.C. Cir. 1968) 397 F.2d 687, *cert. denied* 393 U.S. 1016, 89 S.Ct. 618 (landlord cannot evict tenants for reporting violations of housing code to housing authorities). From some recent unreported poverty cases in California, *see, for example, Blair* v. *Pitchess* (1971) 2d Civil No. 36364, California Supreme Court, (suit to declare unconstitutional California's claim and delivery statute empowering sheriff to repossess property without hearing); *Amezquita* v. *Cal-Roper* (1970) Superior Court, Los Angeles, No. 971 714, (Class action to enjoin consumer fraud in door-to-door water softener sales); *Davis* v. *Kenneth Chevrolet* (1970) Superior Court, Los Angeles, No. 998 821, (suit to challenge the right of a finance company to repossess an automobile without notice and hearing); *Torres* v. *World Savings and Loan* (1970) Los Angeles Superior Court, No. 974 183 (suit to Challenge "late charge" provisions in notes secured by trust deeds on home mortgages); *Ball* v. *Tobeler* (1970) Los Angeles Superior Court, No. 992 182, (suit by low income tenant for speedy repair of hazardous apartments and to permit withholding of rent until the hazards are corrected); *Luna* v. *Housing Authority* (1970) Los Angeles Superior Court No. 969 666, (suit to enjoin Housing Authority from charging welfare recipients higher rents than persons not on welfare and account for and refund past overcharges); *Charles* v. *Unemployment Compensation Appeals Board* (1970) Los Angeles Superior Court No. 975 842, (suit to compel payment of unemployment benefits against the Department of Unemployment Compensation after court and referee orders holding the client eligible).

[3] For a comprehensive analysis see "Corporation for Legal Services—a Proposal," a Report of the Committee on Rights to Legal Services, Section of Individual Rights and Responsibilities, ABA, January 8, 1971.

[4] Testimony of Edward Wright, President of the ABA, on May 11, 1971 before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[5] Testimony of Edward Wright, President of the ABA, on May 11, 1971, before the Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

[6] Testimony of Jacob D. Fuchsberg, former President of the American Trial Lawyers Association before Senate Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Manpower on May 11, 1971.

[7] Message to Congress, President Richard M. Nixon, May 5, 1971.

[8] S 1305 and HR 8163.

[9] "District of Columbia Nonprofit Corporation Act," 29 D.C.A. § 1001, *et seq.* District of Columbia Code.

[10] Section 901(4) in S 1305 and § 905(a) (1) of HR 8163.

[11] Section 904(a) (1) of S 1305.

[12] Section 904(a) (2) of S 1305.

[13] Section 904(a) (3) and § 905 (a) and (b) of S 1305.

[14] *See: United Steel Workers* v. *United States* (1959) 361 U.S. 39, 43, 80 S.Ct. 1, 4; *Ullman* v. *United States* (1956) 350 U.S. 422, 426, 434, 76 St.Ct. 497, 499 and 504, *rehearing denied* 351 U.S. 928, 76 S.Ct. 777; *I.C.C.* v. *Brimson* (1894) 154 U.S. 447, 468–469, 14 S.Ct. 1125 1130.

[15] Section 902(a) of H.R. 8163.

[16] Section 905(b) (1) of H.R. 8163.

[17] Canon 2, Ethical Consideration 2–31 Code of Professional Responsibility.

[18] *See:* Message to Congress, May 5, 1971, President Richard M. Nixon and § 901(a) of H.R. 8163.

[19] Canon 7, EC 7–1, Code of Professional Responsibility.

[20] Canon 8, EC 8–1, Code of Professional Responsibility.

[21] Canon 8, EC 8–2, Code of Professional Responsibility.

[22] *See:* Salsich, Peter W., *Reform Through Legislative Action: The Poor and The Law,* 13 St. Louis Law Journal 373 (1968–1969). *See also:* Pye and Cochran, *Legal Aid—Proposal,* 47 North Carolina Law Review 523 (1969).

[23] Public Agencies Represented by Legislative Advocates, as reported by Report of the Committee on Legislative Representation, Dated February 5, 1969, Published, Senate Journal, February 6, 1969, page 338, Alameda, County of; California Junior College Association; County Supervisors Association of California; East Bay Municipal Utility District; East Bay Regional Park District; Irrigation Districts Association of California; Los Angeles, City of; Los Angeles County, Board of Supervisors; Metropolitan Water District of Southern California; Orange County, Board of Supervisors; Redevelopment Agency of the City of Sacramento; The City of San Diego; San Francisco City and County; Santa Clara County, Board of Supervisors; San Diego County, Board of Supervisors; Southeast Recreation and Park District; City of South Lake Tahoe; City of Vernon; City of Inglewood; City of Seal Beach; County of Sacramento; and League of California Cities.

[24] *NAACP* v. *Button* (1963) 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405; *Brotherhood of Railroad Trainmen* v. *Virginia ex rel Virginia State Bar* (1964) 377 U.S. 1, 84 S.Ct. 1113, 12 L.Ed.2d 89; *United Mine Workers of Am., Dist. 12* v. *Illinois State Bar Assn.* (1967) 389 U.S. 217, 88 S.Ct. 353, 19 L.Ed.2d 426. *See Also: Hackin* v. *Arizona* (1967) 389 U.S. 143, 143–152, 88 S.Ct. 325, 19 L.Ed.2d 347 (Douglas, J., dissenting); *Moore* v. *United States* (3d Cir. 1970) 432 F.2d 730.

[25] Section 905(a) (7) of HR 8163.

[26] The Hatch Act, Title 5 U.S.C.A. § 7324 (Pub.L. 89–554, Sept. 6, 1966, 80 Stat. 525.)

[27] Section 904(c) (2) of HR 8163.

[28] *See:* footnote 24, *supra.*

[29] Message to Congress, May 5, 1971, President Richard M. Nixon.

[30] *See Generally:* Canon 7, Code of Professional Responsibility.

[31] *See:* Canon 5, EC 5–1, Code of Professional Responsibility; Canon 5, EC 5–21, Code of Professional Responsibility; Canon 5, EC 5–23, Code of Professional Responsibility.

[32] Canon 5, EC 5–24, Code of Professional Responsibility [context added].

[33] *See:* Canon 7, EC 7–3, Code of Professional Responsibility and Canon 7, EC 7–4, Code of Prefessional Responsibility.

[34] *See:* Canon 4, EC 4–1, Code of Professional Responsibility and Canon 4, EC 4–2, Code of Professional Responsibility.

[35] *i.e.:* The National Tenant's Organization, The Citizens Advocate Center and the National Client's Council.

[36] A real problem might arise under the Equal Protection Clause of the Fourteenth Amendment, if a right to counsel in civil proceedings is assured only to the poor, unless broad and flexible criteria for eligibility standards, in which income is only one factor are adopted.

[37] Shestack, Jerome J., 'The Right to Legal Services," *The Right of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971); The Continuing Expansion of the Right to Counsel"; Comment, 41 U. Colo. L.R. 473 (1969);

Cf. Curran, Barbara, *Unavailability of Lawyer's Services for Low Income Persons,* 4 Val. U.L.R. 308 (Sp '69).

[38] Jerome J. Shestack, a practicing lawyer in Philadelphia, is immediate past Chairman of the American Bar Association Section of Individual Rights and Responsibilities, a member of the National Advisory Committee to the Legal Services Program of the Office of Economic Opportunity, and a member of the Executive Committee of the National Legal Aid and Defender Association.

[39] Shestack, Jerome J., The Right to Legal

Services," *The Rights of Americans: What They Are; What They Should Be* (Dorsen ed., Pampheon, 1971) at page 126.

NIKOLA PETKOV—BULGARIAN HERO

Mr. PROXMIRE. Mr. President, today is the 24th anniversary of the death of Nikola Petkov. Mr. Petkov was a leader of the Bulgarian National Agrarian Union in the days immediately following World War II.

His father, Dimiter Petkov, a Prime Minister of Bulgaria, was assassinated in 1907. And his brother Petko was murdered in 1924. Undeterred by these tragedies he continued his education, receiving his law degree in Paris. During the Nazi occupation of Bulgaria he was an underground leader and was imprisoned several times.

After the war Nikola Petkov and three other representatives of the Bulgarian National Agrarian Union formed a coalition government with Communists, Socialists, and other political groups. In the elections of 1945 and 1946, Mr. Petkov contested the attempts of the Communists to take sole control of the Bulgarian Government.

For this he was denounced as a so-called agent of Anglo-American capitalism. Arrested, tried, and convicted, he was executed early in the morning of September 23, 1947.

His death was a loss to Bulgaria and the free world. Yet his memory has not died. He is remembered as an advocate of the principles of freedom and democracy, and is an inspiration to many people.

SENATOR WINSTON L. PROUTY

Mr. BURDICK. Mr. President, the loss of Winston L. Prouty is a blow from which the Senate will not soon recover. It is a dual loss—that of both a Senator of consequence and of a man of personal brilliance and conviction.

Too few persons are given the privilege of favorably affecting the lives of millions of others, but Winston Prouty was not only given that privilege; he respected it and used it wisely. As the ranking Republican on the Education Subcommittee of the Committee on Labor and Public Welfare, he played a major part in forging legislation that has vastly expanded Federal support for education. As a member of the Committees on Commerce and the District of Columbia and of the Special Committee on the Aging, he was ever in the struggle for human rights and dignity. As a Member of the House of Representatives from 1950 to 1958, and as a Senator from 1959 until his death, he was constantly at work in the attempt to expand social security to cover those who had not yet met minimum participation requirements during their working years.

A man of independent spirit, he did and spoke as he thought was right and best for his country. He was one of the finest in the Senate, and I am deeply sorry that he is no longer with us.

ECONOMIC RECOVERY RESOLUTIONS SUBMITTED BY SENATOR HUMPHREY

Mr. HUMPHREY. Mr. President, on September 21, in a letter to Senate Majority Leader MIKE MANSFIELD, I urged that the Senate Democratic caucus endorse promptly a positive and equitable economic policy that will stimulate economic recovery and enable the Nation to move ahead on pressing domestic needs.

I submitted a 12-point resolution to Senator MANSFIELD, urging that the positions be included in the recommendations of the Democratic policy committee and adopted by the caucus.

My resolution proposed:

Development of a national economic policy with the cooperation and advanced consultation of labor, business, agriculture, consumers, government and the general public.

Legislation to immediately produce job opportunities.

The speeding up and making retroactive to January 1, 1971, of personal income tax exemptions scheduled for January of 1972 and 1973.

Delay of the social security tax increase scheduled for January 1972.

An increase in the minimum standard Federal income tax deduction for low-income persons.

Consideration of a range of alternative forms of corporate taxes.

An increase in social security retirement benefits by at least 10 percent.

Extension of unemployment compensation benefits for those unemployed who have exhausted eligibility.

Welfare reform legislation with the original effective date as passed by the House.

Prompt action on financial aid to cities and States.

Legislation to aid the development and revitalization of rural America.

Authority in any statutory provisions for a Wage, Price, and Profits Stabilization Board for regulation over dividends, profits and interest rates as well as wages, prices and rents.

I ask unanimous consent that the text of my resolution and my letter to the majority leader be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SEPTEMBER 21, 1971.

Hon. MIKE MANSFIELD,
Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR MIKE: In reference to my letter of August 25, in which I requested a meeting of the Senate Democratic Conference so that we may constructively consider and evaluate the economic proposals of the President, I am enclosing for the consideration of the Policy Committee a draft resolution.

I urge that these positions be included in the recommendations of the Policy Committee to the Conference.

I am certain that there will be other proposals made; however, I want you to have my thoughts on proposals that the Conference could adopt.

Sincerely,

HUBERT H. HUMPHREY.

RESOLUTIONS PROPOSED BY SENATOR HUMPHREY

Whereas the Democratic Majority in the Senate of the United States welcomes the too long delayed initiative of the Administration with respect to domestic economic policy and herein confirms its intention to act with dispatch on a positive economic program fair and equitable to all segments of our population; and

Whereas national economic policy must both stimulate economic recovery in an equitable manner and allow the United States to meet its pressing domestic needs;

Therefore be it resolved that the Caucus of the Senate Democrats believes that the following are in the public interest:

1. That national economic policy must be developed with the cooperation and advanced consultation of labor, business, agriculture, consumers, professions, and the general public. We urge the President to see that meaningful consultation occurs.

2. That the Senate Labor and Public Welfare Committee, Subcommittee on Employment, Manpower, and Poverty, and the Senate Committee on Banking, Housing and Urban Affairs should report legislation to the Senate directed towards manpower development and job creation. Such legislation could be public service employment, housing construction stimulus or other programs that immediately produce job opportunities.

3. That the Committee on Finance report to the Senate legislation which will speed up and make retroactive to January 1, 1971, tax exemptions scheduled for January 1972 and 1973.

4. That the Senate Committee on Finance report to the Senate legislation which will delay the projected Social Security tax increase scheduled for January, 1972.

5. That the Committee on Finance report to the Senate legislation which will increase the minimum standard deduction for low income persons.

6. That the Committee on Finance consider all alternative forms of corporate taxes including investment credit, removal of the accelerated depreciation, excess profits tax, alternative uses for the excise tax on automobiles. and other proposals that will stimulate immediate job opportunities.

7. That the Committee on Finance report to the Senate this session legislation that will increase the Social Security retirement benefits by at least 10 percent.

8. That the Committee on Finance report to the Senate legislation that will extend unemployment compensation benefits for those unemployed who have exhausted eligibility.

9. That the Committee on Finance report to the Senate this session welfare reform legislation with the original effective date as initiated and passed by the House of Representatives. The President's recommendation for a delay in the effective date of welfare reform is rejected by the Caucus. The request for a delay in the effective date should not be used as an excuse for delaying this long promised and badly needed reform.

10. That the appropriate Senate Committees will act promptly on financial aid to our cities and states considering among other proposals emergency aid to those cities that have lost revenue through excessive unemployment. The appropriate Senate Committees are requested to review again legislation that would provide financial assistance to cities and states, and the House of Representatives is urged to pass some form of financial assistance to these states and cities.

11. That the Committee on Agriculture, Subcommittee on Rural Development report legislation to the Senate that will aid in the development and revitalization of Rural America.

12. That the Senate Committee on Banking, Housing and Urban Affairs report such

legislation as may be necessary to make certain that any future statutory provisions for a Wage, Price, and Profits Stabilization Board are fair and equitable by including authority for regulations over dividends, profits, and interest rates as well as wages, prices, and rents.

PROJECT CANNIKIN CAN CAUSE QUAKES

Mr. PROXMIRE. Mr. President, one of the great environmental hazards of this year is the planned atomic detonation on Amchitka Island, known as Project Cannikin. The Atomic Energy Commission, in trying to defend this project, has attempted to minimize the possibility that this explosion will trigger a severe earthquate. Yet careful reading of AEC statements will show that there is a possibility of Cannikin causing an earthquake.

In a letter to me dated September 15, the AEC stated that Cannikin would not cause a large earthquake unless one was imminent. Yet in their final environmental statement the AEC stated that in this century there has been an earthquake of the magnitude of 7 or greater on the Richter scale every 5 or 10 years and there have been 10 times as many earthquakes of the magnitude of 6 in the same period. Thus in any given 2-week period there is one chance in a hundred that a severe earthquake will occur at Amchitka. Taking the entire Aleutian Island chain into consideration, the probability rises to 1 in 20.

It seems to me, Mr. President, that this is a higher probability than proponents of this project would have us believe. In light of this information President Nixon should use his authority to cancel Project Cannikin.

TO ESTABLISH EQUAL JUSTICE AND OPPORTUNITY

Mr. HUMPHREY. Mr. President, north, south, east, and west, the administration's performance in the field of civil rights has been hesitant and inadequate.

Recently, I called attention to these shortcomings and urged a more vigorous approach in a number of areas. I spelled out my concerns in a statement which I ask unanimous consent to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EQUAL JUSTICE AND OPPORTUNITY—SENATOR HUBERT H. HUMPHREY

The Nixon Administration has demonstrated a basic absence of policy toward establishing equal justice and opportunity for all Americans. It has failed to move forward and vigorously enforce the civil rights laws that are already on the statute books. Most regrettable of all, the President personally has failed to provide moral leadership and education on behalf of equal justice. When the Presidency fails to lead this struggle, America's conscience and resolve falter.

As one who was deeply involved in the struggle to enact our civil rights laws and to promote public support for equal justice, I have been profoundly disturbed by this failure to provide national leadership.

JOBS AND INCOME

Civil rights are meaningless without equal economic and job opportunity rights.

I am an original sponsor of major legislation, recently introduced in the Senate, to strengthen the Equal Employment Opportunity Commission by giving it the cease-and-desist enforcement powers that are essential to its work in ending discrimination in job hiring, advancement, and basic labor rights. The Administration has opposed this reform to give teeth to the E.E.O.C., preferring to follow a circuitous and delayed route to ending employment discrimination.

In fighting this slow path to economic justice, I also recently argued for an increase in EEOC operational funds, subsequently adopted by the Senate, on the basis of statistics showing a 25,000 case backlog and a waiting period of up to 2 years for final disposition of a discrimination complaint.

In addition to strongly supporting expanded Federal efforts to eliminate employment discrimination in the private sector, I have called upon the administration to establish forward-moving policies on equal opportunities in public service jobs, particularly through opening the higher Civil Service grades to qualified minority-group employees.

The bill I have sponsored to strengthen the E.E.O.C. also would extend the jurisdiction of this vitally important Federal agency to include Government employee complaints.

I firmly believe that with respect to both private business and government at all levels, there should be definite plans to end discrimination on the basis of race, national origin, sex, or religion in obtaining not only entry-level jobs, but also higher-level positions on the basis of acquired skills and capability.

There should also be a substantial expansion and improvement in Federal financial and technical assistance for the establishment of minority enterprises and community development corporations.

The goal of these Federal efforts should be the achievement of effective participation in the economic mainstream of America and the development of extensive self-help programs, by those who have traditionally been isolated by economic and racial discrimination.

Right now, we should greatly increase Federal funding to enable minority entrepeneurs to obtain loans at the full level of need. The record is clear that the most frequent cause of business failures is undercapitalization.

I believe there should also be established an advisory committee, both at the federal and at state and local levels, of competent people in the field of business management, who can work with and continuously advise a new enterpriser. And we should build upon present business executive volunteer programs connected with the Small Business Administration, by creating a permanent and expanded service that assigns a business consultant to each minority enterprise loan to provide first-hand management assistance. For years, such assistance has been provided to our farmers through county agents under the Department of Agriculture.

However, the present emergency confronting blacks as well as the Spanish-speaking, Indian, and other minority groups is the absence of job opportunities. Massive unemployment, ranging as high as 50 percent, exists in inner-city areas. A special study last March calculated the unemployment rate for black youth in poverty areas at 41.2 percent.

These facts constitute a crisis which must be met without delay. We must totally reorganize and greatly expand federally financed manpower programs to create real job opportunities, rather than continue with training which is unrelated to labor market needs. Nor can we continue with job training programs that only offer less than a half million jobs over the same period that nationwide unemployment has more than doubled to 5.5 million.

We must move immediately to create new labor markets for unemployed Americans and provide emergency assistance to their families. The role of government is crucial here. That is why I denounced the President's veto of legislation enacted to accelerate public works programs across the Nation—providing facilities desperately needed by our towns and cities and offering hundreds of thousands of new job opportunities. That is why I have urged the Administration to implement immediately the Emergency Employment Act, providing over 200,000 public service jobs of great importance to our communities. And to meet such emergency needs, I have also been pressing for favorable Congressional action on my bill to extend the unemployment insurance program with full Federal financing.

THE RIGHT TO VOTE

We have seen the Justice Department sway back and forth in hesitating to exercise its clear responsibilities under the 1965 Voting Rights Act to assure that new State election laws and voter registration requirements do not result in a result of racial discrimination practices.

I have called upon the Attorney General to exercise his clear responsibility under the law to act on these State changes without delay.

But I also believe the Federal Government can do much more to protect every citizen's right to vote. A government that can find people to tax and to count for a census ought to be able to find people to register to vote. I believe that universal registration is absolutely essential to maintaining the strength of American democracy and to improving the responsiveness of government to the needs of our people.

FREEDOM OF RESIDENCE

I have been deeply disturbed by the long-delayed Presidential statement in June, 1971, on equal housing opportunity, which makes a false distinction between discrimination based on race and discrimination based on income levels.

As the Civil Rights Commission has pointed out, the harsh facts of housing economics suggest that racial integration cannot be achieved unless economic integration is also achieved.

We must establish governmental policies and programs that encourage the integration of good housing for lower and moderate-income families in new developments, and that provide incentives to communities to plan rationally and in a comprehensive manner for multiple forms of decent housing for all income levels through intelligent and productive land-use policies.

And we must insist that the Federal Government enforce the fair housing laws that it already has at hand, recognizing that no man's rights should be diminished or deferred by the color of his skin, particularly the right to raise his family in a decent community and social environment.

The central requirement that must be met, however, is the provision of an adequate supply of lower and moderate income housing. There has been a significant increase in total housing starts, but it remains far short of annual production requirements to meet the ten-year goal of 26 million units.

The major Federally subsidized rental housing and home ownership programs proposed by a Democratic Administration in 1968 and enacted by Congress should now be funded by Congress at the full level of authorizations. And the present Administration should release from impoundment the funds that have already been appropriated for low-income housing.

There must be no further delay in backing up Federal promises of decent housing for all Americans with a firm financial commitment to achieve this goal.

AN EQUAL CHANCE FOR A GOOD EDUCATION

I firmly believe in comprehensive and effective Federal policies to achieve equal opportunities for a quality education for all our children and youth. The Nixon Administration gives every indication of moving in exactly the opposite direction.

Our black colleges continue to be denied a fair share of the Federal dollars for higher education already appropriated by Congress. Education relevant to the critical needs of American Indians remains seriously inadequate.

The Department of Health, Education, and Welfare, through the promulgation of school desegregation guidelines, has sought to improve educational opportunity. However, later statements by President Nixon have created a situation of total confusion regarding the rulings on school desegregation handed down by the Supreme Court. The President's statements have also added to the difficulties and problems which confront school boards and administrators in applying desegregation guidelines.

Our central commitment must be to assure for our children equal access to a quality education. The child who is forced to accept an inferior education is denied an equal opportunity in later life to obtain a good job and to exercise effectively his rights and responsibilities as a voter and citizen.

Parents, both black and white, have been rightly concerned that their children be able to obtain a good education in a school that is within a reasonable distance from home. And we know that full acceptance and participation in the life of the school are essential to a total learning experience for a child. The Supreme Court has recognized this important factor in holding that travel to school must not risk the health of the child or significantly impinge on the educational process.

It is under these guidelines that the employment of school busing should be placed. Busing has its only justification if it improves the quality of education and the equality of educational opportunity.

There can be no retreat from the effort to end the educational and cultural handicaps borne by black and Spanish-American children brought up in a segregated school atmosphere. But we must view busing as only one method, and certainly not always the best solution, for accomplishing the equitable desegregation of school districts. Wherever possible, we should make full use of other methods—such as school district rezoning, or careful location of new school buildings, or more selective approaches to desegregating respective classes in different schools—to promote a stable school situation for all children.

And it is essential that schools in areas of economic and social deprivation should be designed to compensate for the generations of neglect reflected in the critical needs of hundreds of thousands of children. To help these children realize their true potential, their schools must have the most qualified teachers and the most modern facilities.

We know full well that the child of the core city or the impoverished rural county is denied the educational advantages of the child of the wealthier suburb, under the common practice of basing local school budgets primarily on property taxes. This practice recently was ruled unconstitutional by the California Supreme Court, which held that property-tax school financing produces wide disparities in revenue per child between rich school districts and poor ones, thereby denying the equal protection of the laws.

It is imperative that there be adequate funding for the best possible education for all our children. This requires not only increased state aid, but also substantial Federal assistance, with the emphasis placed on correcting imbalances in local levels of financing per pupil.

For these reasons I have cosponsored and strongly urged the enactment in the present Congress of legislation to provide vital Federal financial assistance to encourage demonstration projects in the establishment of quality integrated schools and to provide special aid to help school children overcome the educational and cultural disadvantages of minority group isolation.

This special aid can include the improvement of curricula and instructional methods, remedial and guidance services, in-service teacher training and the employment of teachers' aides, the repair of school facilities, bilingual teaching for children whose dominant language is other than English, and special television programming that reaches the immediate living experiences and broadens horizons for children in minority group isolation situations.

I have also urged the enactment of legislation which I joined in sponsoring to greatly expand post-secondary educational opportunities, with special emphasis on young people from lower-income families. Under this major reform of Federal assistance to higher education, every student can obtain help solely on the basis of need, and the college of his choice will receive direct cost-of-instruction assistance. And by this method of assistance, private colleges now confronting serious financial problems will be given major assistance and incentives to provide a quality education.

I believe these vitally important legislative initiatives reflect the new directions that America should now be taking to assure free access to a quality education relevant to the needs of all our children and youth.

TOUGHER STANDARDS ADVOCATED FOR ADMISSION TO COLLEGE

Mr. FANNIN. Mr. President, I invite the attention of Senators to an editorial published in the Phoenix Gazette and reprinted in the Brewery Gulch Gazette, of Bisbee, Ariz. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELCOME THESIS

In a time when there is considerable pressure on colleges to lower standards for admission and graduation, it is heartening to hear a voice crying out for just the opposite conditions.

Dr. Hermann K. Bleibtreu, the new dean of the College of Liberal Arts at the University of Arizona, says he would like to see tougher admission and grading standards in his college. He believes this would result in fewer dropouts and a general scholastic and academic improvement.

In supporting his thesis, Dr. Bleibtreu says that the complexity of society today demands that people have an education, "simple-minded answers, and unsophisticated views, are disastrous for society." And the dean is not advocating that everyone become a white-collar worker; rather he says he's interested in the quality of people's lives—whether they become a plumber or an executive.

When Russia's sputnik thrust the United States into the Age of the Scientist, liberal arts colleges lived in the shadow of engineering schools. Universities trained those with scientific aptitudes into narrow specialties, and many of these men today discover they lack the flexibility to carve out new careers when their old jobs disappear.

By advocating tougher admission and grading standards, Bleibtreu is advocating competition—not only to get into college but to stay in. And it follows that if there is competition to get that seat at college, there must be competition in the lower echelons of education.

Bleibtreu's beliefs aren't going to set well with the educationists—those who believe that competition is harmful to children. But if the new dean prevails, he might set education ahead 50 years.

Once it was that American business and industry sought liberal arts graduates and groomed them to fill the executive suites. They needed—and still do—people who can think and dream and plan.

Universities everywhere should heed Bleibtreu's philosophy.

THE NEED FOR INTERNAL REFORM

Mr. HARRIS. Mr. President, it is a sad irony that every great internal reform of this century has died on the battlefield abroad—Wilson's New Freedom, Roosevelt's New Deal, and Johnson's Great Society. The circumstances under which the United States entered war in each case differed, but the result was always the same. An opportunity for meaningful change at home passed by.

We are now ending our involvement in the last of these wars and it is now time for natural stocktaking. I believe an article published in Foreign Policy, fall 1971, offers a significant contribution in this regard.

The authors, Anthony Lake, and Roger Morris, discuss the human reality of "realpolitik." Their point is that in discussing foreign questions, our policymakers—indeed I would add those of most countries—ignore the human factor. Concern over "nations," "interests," "prestige," too often encourages an easy inattention to the real people whose lives diplomatic decisions may affect or end.

They call for a more "humanistic" foreign policy. They argue that such a policy would not necessarily always be more interventionist, isolationist or pacifist than our present policy but that it would definitely differ at least in this respect: It would consider the human costs and benefits as one of the "principal and legitimate" considerations of any decision.

I could not agree more. In fact, I would contend that it is imperative that we also give greater attention to the "human factor" in our domestic affairs. For if we do not, we will continue to display a lack of urgency in eliminating hunger in this country. We will continue to permit thousands of ordinary workers to die every year in unnecessary industrial accidents. We will move slowly to end the avoidable carnage on the highways. We will continue the scandalous treatment of the elderly. And we will fight inflation by putting men out of work instead of adopting other effective methods.

There are many reasons why I included idealism in foreign policy as one of the three tenets of what I call the New Populism. But one of the most important is this. Such a policy is not only right, it is also the only policy which is fully consistent with the kind of domestic program which I believe is imperative if we are to bring about meaningful political reform at home. I firmly believe that this Nation cannot adopt one set of values at home and another set with foreign governments. The human costs and benefits which Messrs. Lake, and Morris describe should in other words be one of the "principal and legitimate" considerations of both our domestic and our foreign decisions.

In a firm consistency of moral and political purpose at home and abroad I belive we could gain the strength to reach worthy national goals. With such consistency I believe we could hope to maintain the continued support of the American people for a sustained program of political reform in both our domestic and our foreign policy.

The thoughtful article of Messrs. Lake and Morris will be of interest to all Senators. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HUMAN REALITY OF REALPOLITIK

(By Anthony Lake and Roger Morris)

It would be easy, and somehow consoling, to see in the Pentagon Papers an unprecedented and singular tragedy of American foreign policy.

After all, the papers are unique. Not some distant historical still life, this is a rare look into contemporary government with live actors. The events appear exceptional, the men involved are distinctive in personality and setting. Then there are the peculiar intellectual failures of those particular years: the treatment of Vietnamese politics and nationalism like a production problem in some automated plant; the doctrine of counterinsurgency and the policies of over-involvement which is reflected and supported. Finally, Vietnam itself is a defiantly unique problem, destined for its own special and bloody slot in the history of Western misadventures in Asia.

Once the shock of our experience in Vietnam wears off, we might let ourselves believe that all this is too extraordinary to be anything but an aberration. But the hard truth about the making of our Vietnam policy is that it was not really so unique at all. Leslie Gelb has well described how Vietnam was the product of conscious choice rather than high level inadvertence. The system within the executive branch worked.

Another equally shattering point is that our policy was not only the product of specific mistakes and the normal mechanical perversity of the system. It reflected a basic mental set—the way nearly all of us, in government and out, have been looking at international affairs and foreign policy.

Some readers of the Papers have professed shock that in all those words, in all these options weighed and calculations made, there was so little mention of the enormous human costs and consequences of the policy—either here at home or in Indochina. But such costs and consequences are far too rarely weighed formally in major foreign policy decisions.

The Papers reveal that human costs were almost invariably approached in terms of their effect on public opinion here, or in making tactical decisions (as in choosing bombing targets). They were not formally considered in making the strategic decisions which determined our course of action.

Whether in the State Department, the Defense Department or the White House, whether in Democratic or Republican administrations, this same dehumanized pattern of decision-making on all foreign policy issues has been evident. It is the way nations traditionally carry on their business in the world. Vietnam is only special for the United States in the sheer magnitude of wasted human suffering and the direct toll on our society.

ENTHUSIASM FOR ARCHITECTS

The issue, then, is not the men or the particular period of this tragedy. We cannot forget our own enthusiasm when the architects of our foreign policies in the last decade came in to dispel the malaise of the Eisenhower years. And even in retrospect they remain the epitome of what our society produces to manage its dealings with other nations. To blame the Presidents who heeded them is to dodge the harder question of why they (and to many of us at lower levels along with them) thought and acted as they did.

The answer to that question begins with a basic intellectual approach which views foreign policy as a lifeless, bloodless set of abstractions. A liberalism attempting to deal with intensely human problems at home abruptly but naturally shifts to abstract concepts when making decisions about events beyond the water's edge. "Nations," "interests," "influence," "prestige"—all are disembodied and dehumanized terms which encourages easy inattention to the real people whose lives our decisions affect or even end. This conceptual approach is shared in our school classrooms no less than in our bureaucrats' offices.

Then, too, there is the important influence of bureaucratic rules of behavior. The same bureaucracy which thinks of the world in abstract images, and which prizes at least the illusion of pragmatic decision-making, imposes a style of behavior on its members which precludes open and forceful concern with human issues. The men involved in making decisions on Vietnam in the early 1960's were aware of, and must have been privately concerned with, the human dimensions of their decisions. But such concern as they felt was not allowed to be included in their formal, written recommendations and analyses. It simply is not *done*.

This produces an all too vivid and tangible method and behavior. We remember, more clearly than we care to, the well carpeted stillness and isolation of those government offices where some of the Pentagon Papers were first written. The efficient staccato of the typewriter, the antiseptic whiteness of nicely margined memoranda, the affable, authoritative and always urbane men who wrote them—all of it is a spiritual as well as geographic world apart from piles of decomposing bodies in a ditch outside Hue or a village bombed in Laos, the burn ward of a children's hospital in Saigon, or even a cemetery or veteran's hospital here. It was possible in that isolated atmosphere, and perhaps psychologically necessary, to dull one's awareness of the direct link between those memoranda and the human sufferings with which they were concerned.

Reasonable, decent men around tables in those quiet, carpeted rooms simply cannot imply that the other fellow, who supports a "tougher" policy, is a heartless murderer. Subordinates do not wish to tell superiors that they will be acting immorally if they choose the "tougher" option. Policy—good, steady policy—is made by the "tough-minded." To talk of suffering is to lose "effectiveness," almost to lose one's grip. It is seen as a sign that one's "rational" arguments are weak. So the human factor has been consigned, in the big decisions, to the column of other considerations—regrettably inapplicable because, as we are told so often, we are living in a tough, immoral world.

The implied choice is posed between "people" and the "effectiveness" of a policy. The imagined consequences in those abstract terms—prestige, interests, credibility—are unfailingly greater than the potential price people must pay.

This does not touch on the myriad of other influences that quarantine a decision from contact with the human consequences: the obsessive quality of bureaucratic infighting, the immersion in technical details, or the personal hesitations of men caught up in a career system.

THE HUMAN PRICE

How would a more humanistic foreign policy look? This obviously requires more study to see how specific policies would be affected. It would not necessarily always be more interventionist or isolationist or pacifist. It would have one essential element: it would require weighing human costs and benefits as one of the principal and unashamedly legitimate considerations in any decision. This does not mean simply adding a section on "Human Factors" to National Security Council option papers, in the same way that there is occasionally a pro forma attachment on "Congressional Reaction." These considerations are not somehow external, separable from the substance of a decision. In reality, human beings are what foreign policy, no less than domestic policy decisions—and government itself—are all about. When men sit around a conference table in Washington, or draft options in their quiet offices, this reality must be no less in their minds than the abstract and often fuzzy notions of "national advantage" in which we are accustomed to deal. These abstractions can only have meaning when considered in human terms. Now, they seem to have some grotesque life of their own.

Weighing human considerations does not mean that human costs can be avoided. No policy-maker could freeze himself into automatic inaction whenever faced by a decision which would involve suffering or death.

But we must face the magnitude of the human costs involved in some exchange of short-run sacrifice for long-run advantage. And we must never overstate future fears in order to justify or minimize the horror already with us. For example, invoking the fear of nuclear war or Communist world domination cannot be used to justify the hideous casualties in Indochina unless a far better case can be made that Armageddon would have followed an American failure to fight in Vietnam.

In government today, the assumption is that these choices rarely need to be formally posed, if at all, until domesitc political opposition (and public opinion, informed by media coverage of the human tragedies involved) is stimulated to hinder or stop a particular policy. Even then, the question is how long the government can afford politically to continue to pursue its course of action.

Thus the current administration believes that "interests" have amply justified the further death and suffering in Southeast Asia entailed in its plans for a slow and indefinite withdrawal from Vietnam. When the President evokes the "pitiful, helpless giant," he reflects what has been a national inability to see the other pitiable, helpless human side of the equation. There is a tragic and perverse high-mindedness in the continuing appeal to American men to die for intangible and often transient notions of international balances of power. In the end, such arguments are infinitely elastic. Since the methodology of thought is without humanistic restraints, there is no veto for human considerations anywhere along the way.

Yet marginal benefits of "interest" must yield at some point to human costs. That is the choice—the stopping point—we have never reached in Vietnam.

And so we face the prospect of a withdrawal which may substitute the dimly perceived horror of Laos-style bombing for the presence of American ground forces. We face the prospect of more soldiers, and many more innocent Asian civilians, dying to buy a "decent interval" which would partially preserve one notion of American prestige.

There are other examples outside Vietnam. This abstract approach accounts for raising the level of military aid to Latin American countries while economic aid and reforms for human welfare continue to languish. It also explains why we have sold civilian aircraft to Portugal and South Africa which will almost certainly be used to support their racial tyrannies. It was the reason why we could obscure to ourselves and others—and thus contribute to—the awful magnitude of suffering and death in Biafra after its collapse in the civil war with Nigeria. And we made

> bloodless yet bloody calculations of "national interest" in deciding to keep supplying the arms to Pakistan which had been agreed upon before it undertook the savage repression in East Bengal.
>
> We will be compounding the tragedy of Vietnam if we conclude that our policies there were wrong simply because they didn't work. It would be equally myopic to see in the Pentagon Papers only a tale of blunders and deception. A final, crucial lesson is that American foreign-policy-makers must find the courage to face—formally and explicitly—the *human* consequences of their decisions.
>
> ANTHONY LAKE AND ROGER MORRIS
>
> Both veterans of the State Department and the National Security Council staff of the Johnson and Nixon Administrations, Messrs. Lake and Morris are presently at work on a book that expands on the theme of their Foreign Policy article, joined by another ex-NSC staffer, William Watts. Mr. Morris now works for Senator Walter F. Mondale (D.-Minn.) and Mr. Lake is on the staff of Senator Edmund Muskie (D.-Maine).

JUMPING TO SOLUTIONS

Mr. FANNIN. Mr. President, jumping to solutions appears to be one of the popular pastimes of our age. For every problem we have in the United States, someone has an instant cure.

It is easy to jump on the bandwagon. It is easy to advocate simplistic answers to complex problems.

Wise and honest men look before they leap. Unfortunately, today we have too much leaping with eyes closed.

I invite the attention of Senators to an editorial published in the Holbrook, Ariz., Tribune News of September 9. It offers some good advice: "Wait a Minute." I ask unanimous consent that it be printed in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WAIT A MINUTE

> In just a relatively short time, support of the "environment" has taken the place of common sense in far too many cases, we believe.
>
> Of course, everyone wants to keep our country a decent and healthy place to live. But it might be a little difficult to enjoy "the good life" if every power plant were shut down, for example.
>
> Nearly every major basic industrial company, as well as agriculture, has felt the heavy hand of opposition from groups claiming to protect the environment.
>
> Secretary of Commerce Maurice H. Stans wonders: "Isn't it about time someone said, 'Wait a Minute'." He notes that many areas are suffering from power shortages because of long delays in resolving problems relating to power plant sites. He also mentions the excessive zeal in banishing pesticides.
>
> He raises the question: Isn't it about time to look "at the other side of the coin—at the great need and the tremendous benefits as well as the dangers?"
>
> Mr. Stans asks that environmental problems be met with a balancing of values, a weighing of priorities and a measuring of costs against benefits lest we substitute one problem for an even greater one.
>
> His advice is to "Wait a Minute" before jumping on an emotional bandwagon that threatens to cripple the nation's productive effort and the means by which we all live. This seems like a more sensible approach to us.

SENATOR WINSTON L. PROUTY

Mr. BIBLE. Mr. President, it is with a deep sense of feeling for a capable colleague and a fine friend that I join in expressions honoring the memory and the service of the late distinguished junior Senator from Vermont, Winston L. Prouty.

It was my privilege to come to know Senator Prouty well under many circumstances as we worked together for 12 years on the Committee on the District of Columbia, an assignment that most Senators view as a chore not to be sought. But for him, I believe that service was basically something in keeping with a motivating guidepost that he demonstrated so often during his years in this body; namely, helping out others when and where help was needed.

Win Prouty came to the District Combody, namely, helping out others when I assumed its chairmanship. He became its ranking minority member in 1965. We had a warm working relationship. We left that committee for other assignments at the close of the 91st Congress in 1970.

His service on the District Committee was always marked by his deep interest in the welfare of the District's working men and women, its teachers, its firemen, and policemen. Great credit goes to him for helping to bring about the establishment of the Federal City College here in Washington and for his affirmative interest in bringing about meaningful court reform in the Nation's Capital City. Another of his great endeavors was to seek congressional approval for a professionally staffed commission to weigh the pros and cons of the best form of government for the city of Washington, where there are both benefits and burdens for its citizenry and its businessmen by reason of its role as the seat of our Federal Government.

As a lawyer myself, I recall so very well the preface Senator Prouty used so many times in executive sessions of the committee or in floor debate on knotty District matters. His words were: "Although I am not a lawyer and do not have that experience, I—." I can attest that those apparently apologetic words were always followed by the most incisive, organized, in-depth argument to support his point of view that it was my pleasure to have heard.

He had a fine mind and compassion, and his work and his personality were a great credit to himself and his native State which he served so well in both bodies of Congress.

To Mrs. Prouty and to his family, my wife and I extend our deepest sympathies.

THE OUTMODED PUBLIC WELFARE SYSTEM

Mr. HARRIS. Mr. President, one of the major priorities facing Congress and our country is to revamp our outmoded public welfare system. I am happy to note that the senior Senator from Minnesota (Mr. MONDALE) has provided an introduction to a new book that should make an important contribution to bringing about a better understanding of the issues involved in welfare reform. The book entitled, "Freedom From Dependence: Welfare Reform as a Solution to Poverty", was written by Stanley Esterly and Glenn Esterly and published by Public Affairs Press, 419 New Jersey Ave. SE., Washington, D.C.

As the most up-to-date book on the Nation's welfare crisis, "Freedom From Dependence" outlines the faults of the present system, explores the limitations of antipoverty approaches that have failed in the past, discusses income maintenance within the context of the overall political economy, and analyzes President Nixon's proposed family assistance plan.

In his introduction to the book, Senator MONDALE notes:

> For all of its shortcomings, President Nixon's Family Assistance Plan has opened the way, at long last, to a drastic overhaul of our foundering public welfare system. Why such an overhaul is imperative is set forth in this timely and insighted book.
>
> As the authors point out, the disadvantaged poor need above all else a basic minimum income that they can count upon to relieve their deprivation and assure their clear right to a genuine sense of self-respect. An adequate income maintenance system is essential as part of any strategy to deal with poverty.
>
> If we are to face up to our problems realistically, we must, of course, take into account the tragic facts about the plight of the millions of Americans who through no fault of their own, as the Esterlys show, have been shortchanged by our society and subjected to shameful treatment by a debasing welfare system.
>
> In writing "Freedom From Dependence," the authors have performed an invaluable public service. They provide a comprehensive treatment of the fundamental considerations concerning income maintenance. At the same time abstruse technicalities are avoided, making the book useful for the layman as well as the scholar. The Esterlys shed a great deal of light on problems and issues that should be given thorough consideration by every American citizen.

BOURKE BLAKEMORE HICKENLOOPER

Mr. FANNIN. Mr. President, a short time ago we lost a former colleague with whom I had the privilege of serving in the Senate for 4 years.

Bourke Blakemore Hickenlooper was a kind, considerate, cooperative public servant who earned his record of achievement by hard work, perseverance, and firmness when firmness was needed.

His roots were deep in his native Iowa, and he served the people of that State well as a lawyer, as a State legislator, as Lieutenant Governor, as Governor, and as Senator.

He came to the Senate in 1945 and played an important role in helping to shape national policies during a critical time in our history.

He promoted the peaceful uses of atomic energy, and he opposed proposals that the United States give atomic secrets to other nations.

He received many tributes during his career of public service, which began in

1934 in the State legislature and ended with his retirement from the U.S. Senate in 1969.

"Hick," as he liked to be called, will long be remembered for his accomplishments. We who knew him will also recall the experiences that we enjoyed with a down-to-earth person who was a fine, dedicated American.

PROPOSALS TO IMPROVE RELATIONS WITH CUBA

Mr. FULBRIGHT. Mr. President, although the administration has taken a negative attitude toward proposals to improve our relations with Cuba, there are many who feel that this would be a very sensible step.

Among those who have pointed out the wisdom of attempting to improve relations with Cuba is the Arkansas Democrat, one of my State's leading newspapers. The Democrat takes a very commonsense approach:

> We think it's a good idea, however. After all, if we are going to make overtures to the Chinese on the other side of the world, we at least ought to do the same thing for another Communist country 90 miles off our coast. Cuba is like a worrisome wart that won't go away and that we can't even see to scratch.

The Democrat editorial points out the inconsistency and futility of the current policy. I ask unanimous consent that the editorial, entitled "Time To Test Cuba," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME TO TEST CUBA

Last week Sen. J. W. Fulbright and the Foreign Relations Committee gently prodded the Nixon administration about trying to improve relations with Cuba. There was no outward sign that the effort was getting anywhere, either from Mr. Nixon or Fidel Castro.

We think it's a good idea, however. After all, if we are going to make overtures to the Chinese on the other side of the world, we at least ought to do the same thing for another Communist country 90 miles off our coast. Cuba is like a worrisome wart that won't go away and that we can't even see to scratch.

Some progress is being made. Castro lately has been more cooperative on airplane hijackings, he let our volleyball team in to play last month and expressed hope that there could be more sports exchanges between the two countries and he has yet to condemn the upcoming talks between Chou En-lai and Mr. Nixon, which is really a surprise since he is a puppet on Moscow's string. But it's a string Moscow probably would like to cut. The Soviet Union has to spend about $1 million a day to sustain the Cuban economy, which is in tatters as a result of droughts, swine disease, shortage of spare parts and the failure to harvest enough sugar. Castro might be ripe for some test thumps.

Already there is a movement, started by Venezuela, to end his banishment from the Organization of American States. And why not? Chile is a member and it has a socialist president. The U.S. privately admits that it doesn't think it has enough votes to keep Cuba out if a strong effort is made. If we didn't even try to oppose it—just as we are doing with Communist China and the UN—it could be a beginning of some kind of new relationship.

It's possible that the sudden and unexplained cancellation of the daily refugee flights by Cuba may be the start of something. He may have called them off because they were draining his supply of professional and semi-skilled workers, but he also may have done it as a bargaining chip, knowing what a sucker we are for refugees. There is even a report that he cancelled the flights because he intends, as an economy-booster, to permit U.S. airlines to start regular flights and bring tourists back to Cuba.

Our government would have to okay this, of course. But why shouldn't it? It would be reassuring to have Americans going in and out of that country and looking around. Certainly the advantage would be on our side, because, as Senator Fulbright is fond of pointing out, this bankrupt country of 8 million persons can be a real threat to the United States in only one way: Keeping it isolated, which has been our approach until now.

Castro better have some kind of a plan, now that he's cut off the refugee flights. Almost 250,000 Cubans who didn't like him or socialism have fled to this country, but at least another 100,000 are signed up and waiting their turn to leave. This has been a good escape valve for him because it got rid of those who might make trouble for his government. Plugging it up might be his undoing.

MAJOR SPEECHES BY CHIEF JUSTICE BURGER

Mr. PEARSON. Mr. President, this fall, forensic students in high schools across the country will focus attention on the urgent and important problem of how to improve the administration of justice.

Specifically, student debaters will argue the intriguing proposition:

> Resolved: That the Jury System in the United States Should Be Significantly Changed.

From the many letters I have received to date from students in Kansas, my guess would be that many students are already hard at work studying and preparing for the debate competition, and that they are anxious to study the issues in depth.

During the past 2 years, Chief Justice Warren Burger has distinguished himself as one of the Nation's most articulate and perceptive advocates of judicial reform. His State of the Judiciary address, first delivered in 1970, is destined to become a fixed institution of American Government; and henceforth I suspect that we will heed his advice and give more consideration to the impact of new statutes and new procedures on the operations of our courts.

One need not concur in every proposal advanced by Chief Justice Burger to recognize that his ideas deserve careful study. They are, of course, of special interest and relevance to this year's high school debaters.

In order to bring Chief Justice Burger's ideas and proposals together in one place for the assistance and convenience of all students of judicial administration, I ask unanimous consent that five of his major speeches be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

[From American Bar Association Journal, October 1970]

THE STATE OF THE JUDICIARY—1970

(By Chief Justice Burger)

(NOTE.—A unique event—the first State of the Judiciary address by a Chief Justice of the United States—occurred at the American Bar Association's Annual Meeting in St. Louis in August. Chief Justice Burger's message, which appears here, was carried by all three of the major television and radio networks, providing the Chief Justice with an unparalleled opportunity to reach the American public.)

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you, as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at its meeting sixty-four years ago this summer. He said then that the work of the courts in the twentieth century could not be carried on with the methods and machinery of the nineteenth century.

If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, the same procedures and the same machinery he said were not good enough in 1906. In the supermarket age we are trying to operate the courts with crackerbarrel corner grocer methods and equipment—vintage 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what the Association has accomplished first in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however, is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

CHANGES AND IMPROVEMENTS WILL REQUIRE GREAT EFFORT

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the $200,000,000 cost of the C–5A airplane since the entire cost of the federal judicial system is $128,000,000 annually. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the judicial branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than $2,000,000,000 a year on private security and crime control. Aside from the ominous implications of such private policing in a free society, just think what $2,000,000,000 could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone are not the primary solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping and systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show Congress and the public that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These additions of equipment and personnel will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights, and more detailed treatment of these problems must follow. I hope we can provoke debate—even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these matters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded".

POPULATION GROWTH AND URBAN DEVELOPMENT

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by population growth and the shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal district judge and literally not enough for him to do. As a result he has, for fifteen years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed, and it is there that the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past thirty years?

When we look back, we can see three key factors:

First, the legal profession—lawyers and judges—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76,000,000 in 1900 to 205,000,000 in 1970, and the growth of great cities and increase in the volume of cases.

Third, entirely new kinds of cases have been added because of economic and social changes, new laws passed by Congress and decisions of the courts. All this represents the inevitability of change and progress.

In this twentieth century, wars, social upheaval and the inventiveness of man have altered individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and blacktop; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. The same automobile that altered our society also maimed and killed more persons than all our wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases.

All this ferment of wars, mobility of people, congestion in the cities and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime. In a free society such as ours, these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America, to look to the courts to solve all problems.

From time to time Congress adds more judges, but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile, criminal cases, once a stable figure in the federal courts, were increasing. Added to that the records show that in all federal district courts the time lapse in criminal cases from indictment to sentence has doubled.

To illustrate some of the changes, consider just a few figures: From 1940 to 1970:

Personal injury cases multiplied five times;

Petitions from state prisoners seeking federal habeas corpus relief increased from eighty-nine to over 12,000;

During this period Congress increased the number of judges by 70 per cent, while the total number of cases filed in the federal district courts nearly doubled.

TIME REQUIRED FOR CRIMINAL TRIAL INCREASES

But the increase in volume of cases is not by any means the whole story. Experienced district judges note that the actual trial of a criminal case now takes twice as long as it did ten years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses and evidence seized by the police before depriving any person of his freedom. These changes represent a deliberate commitment on our part—some by judicial decision and some by legislation—to values higher than pure efficiency when we are dealing with human liberty. The impact of all the new factors—and they are many and complex—has been felt in both state and federal courts.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: They love freedom and hate punishment. With a lawyer provided to secure release without the need for a conventional bail bond, most defendants, except in capital cases, are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court-appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hours just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and perhaps debate over preventive detention would subside. But these two acts of Congress came in a period when other forces, including decisions of the courts, were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense; nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human, a defendant plays out the line which society has cast him.

Lawyers are competitive creatures and the adversary system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available. Yet the most experienced defense lawyers know that the defendants' best interests may be served in most cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with eighty-nine in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post-conviction procedures for their own state prisoners, this problem will largely disappear and eliminate a major source of tension and irritation in state-federal relations.

There is another factor. It is elementary, historically and statistically, that systems of courts—the number of judges, prosecutors and courtrooms—have been based on the premise that approximately 90 per cent of all defendants will plead guilty, leaving only 10 per cent, more or less, to be tried. That premise may no longer be a reliable yardstick of our needs. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90 per cent to 80 per cent in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70 per cent trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65 per cent. As recently as 1950, three or four judges were able to handle all serious criminal cases. By 1968, twelve judges out of fifteen in active service were assigned to the criminal calendar and could barely keep up. Fortunately, few other federal districts experienced such a drastic change, but to have this occur in the National Capital, which ought to be a model for the nation and a show place for the world, was little short of disaster.

BEST DETERRENT IS SPEEDY TRIAL OF CRIMINAL CASES

Changes in the laws that are part of what we call the "revolution in criminal justice", which began as far back as the 1930s, have brought this about. Anyone who questions these changes must recognize that until the past two decades criminal justice was the neglected stepchild of the law.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not alter criminal conduct. That is correct, so far as the crimes which trouble most Americans today are concerned. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within sixty days after indictment and then see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice, but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of sixty-one new federal district judgeships by Congress within recent weeks is the result of efforts which began five years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see, therefore, that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs five or more years after they arise. The time to play for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs, nor can we forget that large numbers of people have been without the protection which only the lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program $58,000,000 for legal services. That $58,000,000 is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers, and the burden thus falls on the courts. This allowance for Office of Economic Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

NOW WE MUST ESTABLISH PRIORITIES TO MOVE AHEAD

What this all adds up to is that for at least fifty years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery—and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems two years ago is one of the few bright spots in the past thirty years.

Now we must make a choice of priorities. When we want to dance, we must provide the musicians, and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, twenty-five or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of a single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the jurors' lounge rather than hearing cases in court.

The management of busy courts calls for careful planning and definite systems and organization with supervision by trained administrator-managers. We have at least fifty-eight astronauts capable of flying to the moon, but not that many authentic court administrators available to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the eleven circuits and for every busy federal trial court with more than six or seven judges. We need them to serve as the "traffic managers", in a sense as hospitals have used administrators for forty years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience in the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pretrial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work, it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of judicial seminars, institutes and study centers that have contributed much, and we owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in both state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association along with the American Judicature Society and the Institute of Judicial Administration—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administrators can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the Bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

EIGHT MAJOR STEPS FOR FUTURE ACTION

As to the future I can do no more than emphasize that the federal court system is for a limited purpose, and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the federal courts. Some of these problems are local, and we should look more to state courts familiar with local conditions.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a state-federal judicial council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue their co-operation with the American Bar Association to establish and maintain standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a judiciary council consisting of perhaps six members, one third appointed by each of the three branches of government, to act as a co-ordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in caseloads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise. Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas; (e) study whether there is a present need for three-judge district courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri; (f) continue study and examination of the structure of the federal circuits that are now based largely on historical accident and are unrelated to the demands of modern judicial administration and management.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they could be more efficiently administered in some other way. Pending studies on this problem should be pressed to conclusion.

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile, some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code, we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment to the new code, judicial holdings and the experience of the states.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be re-examined. It is cumbersome and costly, encourages delay and takes too long. Some courts, notably the overworked Fifth Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is

indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case, but we must now make certain that lawyers are adequately trained and that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and always within accepted standards of conduct. This Association has now provided lawyers with comprehensive and authoritative standards, and it is up to the courts and the Bar of every state to make sure they are followed.

CONFIDENCE IN THE COURTS IS ESSENTIAL FOR SOCIETY

I have necessarily left some subjects untouched and others undeveloped, but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people, and three things could destroy that confidence and do incalculable damage to society:

That people come to believe that inefficiency and delay will drain even a just judgment of its value;

That people who have long been exploited in the smaller transactions of daily life come to believe that courts cannot vindicate their legal rights from fraud and over-reaching;

That people come to believe the law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes, at their work and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system, and both are essential to fulfill the promise of equal justice under law.

If we want to maintain these crucial values, we must make some changes in our methods, our procedure and our machinery, and I ask your help to make sure this is done.

REPORT ON THE STATE OF THE FEDERAL JUDICIARY

(Remarks of Warren E. Burger, Chief Justice of the United States, American Bar Association, New York, N.Y., July 5, 1971)

One year ago at the invitation of President Segal I undertook to report to you on problems of the federal courts as they appeared to me, and today I respond to President Wright's invitation to continue that discussion.

Last year's report covered a wide range of accumulated problems embracing developments in Federal Courts beginning with the turn of this century and the problems of deferred maintenance of the judicial machinery resulting from generations of neglect. Today I propose to present some specific current matters against the background of what was discussed in 1970.

Essentially the problems of the federal courts, in common with state courts, and indeed much of the entire fabric of our national life, are suffering from an accumulated neglect. This disrepair became an acute problem as the load increased, and we cannot ignore it any longer.

If the report to you in 1970 can be thought of primarily as a diagnosis of our ailments and a preliminary charting of a general course of treatment in very broad terms, today's report can be considered a diagnosis of specific problems and an examination of what has happened since August 1970.

I wish I could report to you that we have made great progress in the eleven months since the St. Louis meeting. We have made some, not enough, but some, and I will therefore again press on you matters which urgently demanded attention.

INSTITUTE OF COURT MANAGEMENT

Last year I emphasized that one of the basic weaknesses of the federal judicial organization was lack of system and management planning of our work, particularly in light of the enormous growth in case volume in recent years. I spoke of the desperate need for a new category of trained personnel—traffic managers in a sense—to speed up the process and improve its quality. I was then able to report to you that, largely under the leadership of this Association, the Institute for Court Management had been created and in the summer of 1970 had commenced its operations with a full-time, intensive six-months' training course for court administrators at the University of Denver. The first thirty-one formally trained court administrators in our history received their certificates last December. This year the Institute is training two overlapping groups.

COURT EXECUTIVES ACT

The very existence of this facility aided substantially in securing the passage by Congress of the Court Executives Act which authorizes an executive officer for each of the eleven Circuit Councils in the federal system. We knew in the summer of 1970 that it would be virtually impossible at that time to find eleven qualified persons to fill these positions, except by "raiding" such states as New Jersey, New York, California and Colorado where the pioneer work of developing court administrators began.

To ensure that only qualified persons would be appointed to these new positions, Congress wisely provided a Certification Board to prescribe definite standards and to certify those found qualified and eligible for appointment. As you know, the Circuit Councils are required by law to make appointments from the list certified by that statutory board.

Few important developments in judicial administration have moved so swiftly as this one, but the Circuits have yet to appoint the first Court Executive. To carry this totally new program into the federal courts will take time but by the end of 1971 I anticipate that all the various Circuits will have their Court Executives.

Actually the speed of enactment of this particular legislation has been remarkable and we now have a commitment to Congress to make this program show results. When it does I am confident further support from the Congress for other similar improvements will not be lacking. But we have the burden of proof and we must meet that burden.

ABA COMMITTEE ON STANDARDS OF JUDICIAL ADMINISTRATION

We are well aware that the creation of the new position of Court Executive for each of the eleven Circuits and the advent of the Institute to train people in court management will not, alone, solve our problems even under the most favorable circumstances. More than a generation has gone by and crushing new burdens have fallen on the courts since Chief Justice Vanderbilt and Judge Parker propounded The Standards of Judicial Administration in the 1930's. Judges and the Court Executives must now have new standards and guidelines to meet the new problems. For this reason the Association has created the Commission on Judicial Administration to review the so-called Vanderbilt Standards and to pursue the work begun a few years ago by the American Bar Foundation on the problems of speeding the work of the courts.

STATE-FEDERAL JUDICIAL COUNCILS

At St. Louis I urged that a State-Federal Judicial Council be created in each state to deal with all the sensitive problems of relationships between the two court systems. Here I am happy to report real progress. As of today more than 40 states have created such councils by joint action of the state Chief Justices and the federal judges. The Conference of Chief Justices, and Chief Justice Calvert of Texas, its chairman, gave vigorous leadership to this development. Many of these informal Councils have found that once the lines of communication were actively opened between state and federal judges, other important areas of common concern for improvement came to the surface.

NATIONAL CENTER FOR STATE COURTS

An important development emerged following the Williamsburg Conference on the Judiciary in March. There President Nixon strongly endorsed a proposal to create a National Center for State Courts to serve all the states much as the Federal Judicial Center was established to serve the federal courts. This was an idea whose period of gestation had run and the Williamsburg Conference resolved to proceed at once. A series of meetings sponsored by the Conference of Chief Justices, the ABA, The American Judicature Society, and the Institute of Judicial Administration has brought into existence the National Center for State Courts whose Articles of Incorporation were filed on June 15, 1971. When the new Center has demonstrated its value—as I am confident it will—the states should then be asked to assume at least part of its support.

I have felt an obligation to be concerned with problems of state courts as well as the federal courts because the problems of justice are indivisible and if we do not have strong and effective courts in both the state and federal systems, we have a failure of justice. The basic systeem of justice in this country is contained within the state and local courts of the fifty states, while federal courts were created under the Constitution as specialized and strictly limited courts, but time and lack of any consistent policy have brought into federal courts many purely local matters that do not belong in the federal system.

Because I believe profoundly that the state courts are the foundation of the entire system of justice, it becomes important in a period of increasing caseloads in all courts that state courts be strengthened in structure, organization and personnel so they can meet their proper share of the growing demands. Obviously it would be costly and impracticable to have fifty states create separate facilities to accomplish these objectives, and this is one of many reasons why a National Center for State Courts of the kind now being launched is indispensable. That Center can become a clearinghouse for information on problems common to all states, it can develop uniform standards where uniformity of action is desirable, and it can be a marketplace for the best ideas and best techniques to improve justice. It can also become a national forum for cooperation between the state and federal judicial systems.

JOINT JUDICIARY COUNCIL

At St. Louis I proposed that Congress, by statute, create a joint judiciary body with one-third of the members appointed by the President, one-third by the Congress, and one-third by the Judicial Branch. This would be a permanent working body but with advisory powers only. Representing all three branches, it would, I believe, establish a relationship of confidence with all the branches. Its continuing function would be to oversee the needs and problems of the federal court system and its jurisdiction. This function cannot be performed casually, sporadically or intermittently, and it cannot be performed by one branch of government acting alone. It must be an ongoing process so that the members of that body develop wide and expert knowledge and a basis for judgment on all the problems of the Courts. This Commission would draw on studies made by the Committees on the Judiciary of both houses, by the Federal Judicial Center, the Department of Justice and private sources such as The Institute of Judicial Administration. This function is not now being performed in any coordinated or comprehensive way at present, and it cannot be performed except by a joint facility responsible primarily to Congress. It is imperative that some such device be created if we are not to continue the hit-or-miss process of expanding the burdens of federal courts heedless of their capacity to meet the burdens, and heedless of the overall soundness of particular legislation relating to the jurisdiction and operations of the federal courts.

But we cannot stand still while we are waiting for Congress to act. I hope, therefore, that the Association will consider creating some kind of a legislative implementation committee to present to the Congress such programs relating to federal courts as the Association considers worthy.

The broad ramifications of this proposed legislation cannot be adequately dealt with in a few minutes but I hope the Bar will study the matter and lend its support.

CORRECTIONS

If any phase of the administration of justice is more neglected than the operation of the courts, it is the correctional systems. Last year the Association created a Commission on Corrections and Correctional Facilities with a distinguished membership. That Commission has received private funding and now has an expert staff. Its Chairman is former Governor Richard Hughes of New Jersey who was a judge for 15 years and has first hand knowledge of the shortcomings of our penal institutions.

That Commission wisely decided to forego the conventional pattern of preparing reports but has instead moved into direct action programs. One of these will be concentrated in a few states and will seek to provide qualified volunteer caseworkers to assist the badly understaffed probation and parole offices in their important work. The program hopes to attract 1000 young lawyers to engage in this work after providing them with some basic training in counseling for those released on probation or parole. This is much like programs used for several centuries in Holland, Denmark and other countries of Europe.

A second program is also direct action designed to bring extension school education into penal institutions. Another program of the Corrections Commission is directed at helping to provide employment opportunities for released prisoners.

This is the largest undertaking in the corrections field ever undertaken by the organized bar and it deserves continued support. It is a measure of the new horizons of public service of the American Bar.

CRIMINAL PROCEDURE STANDARDS

The diversity of our political institutions has fostered governmental innovation and experimentation in the states and it would be a mistake to try to cast all civil or criminal procedure into a single rigid mold. [The Court Executives Act is but one example of the pioneering work of the state systems, and on which we in the Federal Courts are now trying to build under the Court Executives Act.]

There are certain areas, however, in which both the Federal Constitution and sound public policy argue for a greater degree of common standards and practice than we now have. One of these is the administration of criminal justice, in which, independent of federal constitutional requirements, it is sound policy to avoid wide variation from state to state in society's treatment of criminal conduct.

Over the past 30 years enormous progress has been made in the voluntary development of uniform state codes for civil matters and we now move into a period when the legal profession should seek to extend this voluntary acceptance of uniform patterns into the administration of criminal justice at the state level.

This Association has supplied solid foundations for such a development in the form of studies and reports of the Criminal Justice Project, first chaired by Judge J. Edward Lumbard of New York, and now by Judge William J. Jameson of Montana.

[Time may well prove the Criminal Justice Project to be one of the Association's greatest public service programs up to this point in its history. It is, as you know, a comprehensive set of standards covering every phase and stage of criminal justice and can be used by the states as a starting point for any complete revision of their criminal procedure.]

The drafters of these standards would not make claim to their perfection in any sense. Of necessity many of the standards reflect the traditional compromise of any deliberative process. In the six years work on these Standards I doubt that any one of the 100 lawyers, judges and law professors who worked on the project agreed with every standard on every subject, but taken as a whole the fifteen reports by the Association represent the richest source ever developed to bring the administration of criminal justice up to date.

Mr. Justice Clark, continuing his signal contributions to the law, is Chairman of the Association's Committee to implement these standards and much progress has been made in ten states by his committee.

Every bar association and every member of this Association should press his state to consider these standards as a starting point for improvement.

EDUCATION AND REGULATION OF THE LEGAL PROFESSION

The licensing and admission power over lawyers vested in each of the fifty state jurisdictions, ninety-three federal districts and eleven circuits, has led to a hodge podge of standards for admission, and regulations that are desperately in need of careful reexamination. Much that is being used is archaic and inadequate and must be discarded. This dispersal of authority over lawyers among fifty states and numerous federal courts has prevented meaningful regulation of professional conduct. More stringent discipline is needed in terms of protection of the public from the small minority of lawyers who have exploited uninformed laymen and abused the trust implicit in the franchise to engage in practice. A beginning has been made in the report of The Special Committee on Evaluation of Disciplinary Enforcement. Implementation of the recommendations of that Report is the largest piece of unfinished internal business of the legal profession and it cannot wait.[1]

A strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile, and dynamic, but its very pluralism and creativeness make it capable of both enormous progress or debilitating conflicts that can blunt all semblance of order. The role of the lawyer in a Common Law system is to be the balance wheel, the harmonizer, the reconciler. He must be more than simply a skilled mechanic. He must be that but in a larger sense he must also be a legal architect, engineer, builder, and, from time to time, an inventor as well. This is the history of the lawyer in America and in this respect he is unique among the lawyers of all societies. To fulfill this mission there must first be adequate training—better than it now is—then clear and comprehensive standards of professional conduct and behavior and, finally, established means of regulation of professional conduct. The legal profession cannot claim exemption from the proposition that those having a monopoly on the performance of vital public services should be strictly regulated to protect the public interest. A profession ought to be able to regulate itself, but the truth is that the legal profession has not done so. I suggest that the time may come when, if the legal profession wants to avoid regulation from the outside, it must sternly regulate itself from within.

The basic raw material for comprehensive standards of professional conduct is now available. This Association has promulgated a general Code of Professional Responsibility together with suggested disciplinary enforcement standards, a detailed set of Standards for the Prosecution and Defense Lawyers, the Standards on Fair Trial and Free Press, and the Report on Disciplinary Enforcement. Those standards, taken together, offer the best hope for maintaining an honorable and effective Bar and every State Bar Association should move now to establish means to make sure those standards are rigorously enforced. Without strict enforcement of ethical standards the Bar will fail in its mission and it will never have, and it will never deserve, the confidence of the public.[2]

PUBLIC PARTICIPATION

We need not rely on Dr. George Gallup or Mr. Louis Harris to know that the public is deeply aroused and disturbed about the state of justice and all its works. We must believe that if the people are fully informed they will make the right decisions and to be sure the public is informed it is imperative that the Bar share the leadership for court improvements with all segments of the public—with leaders of Labor and Industry and with civic and community organizations. To break out of the mold of obsolete patterns of court organization, the whole people—not just lawyers—must be drawn into the programs for change.

TRIAL DELAY

Time will not permit a discussion of all the complex of factors which now delay the processing of cases in the Federal District Courts but several examples may be useful. The advantages of the Individual Calendar have now been recognized by most federal courts. It is one of the keys to speedy improvement, especially in metropolitan courts where congestion is the greatest. I hope every District Court in the United States will adopt that proven mechanism of court administration without more delay.

Another matter affecting the trial courts deserves comment.

For thirty-five years English courts have dispensed with juries entirely in virtually all civil cases. The public, judges and lawyers in England show no signs of wanting to return to the jury system. A number of our states have long conducted civil cases with juries of five, six or seven members and in the past year more than a dozen federal districts have followed the examples of some of those states and reduced the size of federal juries for civil trials. With the reduced jury there is a consequent reduction in the confusion and cost of trials. A large court calls several hundred or even a thousand citizens for jury duty and often the court house has no assembly rooms large enough to contain them. Obviously reduced jury demands will reduce the administrative burdens of calling, processing jurors and the confusion involved in handling so many people.

This new development deserves study and I have urged the recently appointed Committee on Rules of Civil Procedure to study the experience of Courts using five, six or seven-member juries.

If we find we can function with five or six-member juries in all federal civil cases we can probably save as much as three million dollars per year directly, and produce other indirect savings that may in the long run be more important than the millions saved directly.

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[1] ABA Report and Recommendations in Disciplinary Enforcement. June 1970.

[2] Very soon two other sets of Standards of the Association will be completed. One is a Code of Judicial Conduct and the other will fix Standards for the day-to-day function of trial court judges.

DELAY IN APPEALS

The factors contributing to delay in processing appeals from the District Courts are somewhat less complex than those of trial courts, but so important that they deserve mention. A simple aspect long overlooked is that we must develop a way for the Courts of Appeals to take active direction and full responsibility for every appeal from the day the notice of appeal is filed. When that notice is filed the District Court loses jurisdiction, of course, and understandably loses interest. Up to now there has been a tendency for the appellate judges to assume that the lawyers will push the cases along but we should know by now that this is not always a safe assumption.

An appeal, like a ton of bricks, moves when it is pulled or pushed. Sometime the appeal lags because the transcript of testimony is not ready, since court reporters must often move on to the next trial thus delaying preparation of transcripts.

Another large factor in the excessive cost and excessive delay in criminal appeals is the tendency to appoint a new lawyer on appeal. The average criminal trial takes 2⅓ days to complete and except in a rare case no trial lawyer who represented the defendant in the trial, and who is worth his salt, needs a full trial transcript to conduct the appeal. But when a new lawyer is appointed he has no efficient way to prepare an appeal except to secure the entire transcript of testimony. Requiring the trial lawyer to conduct the appeal will thus save both time and money. No lawyer should be appointed by the Court in any criminal case unless he is competent and willing to conduct the case to its final disposition if there is an appeal. This should be made the subject of an agreed policy within each Circuit or the Congress should direct it.

We must promptly develop screening methods to identify those appeals that can be heard within thirty or sixty days without printed briefs and without a transcript. An alternate to be explored is to hear such appeals on a written brief but without oral argument. Some courts have experimented with this, with very favorable results.

There is a third factor in delay for which we judges are solely responsible. This is the excessive writing of opinions. We appellate judges tend to write more than is needed or useful and the excessive writing delays the process. Moreover, it often confuses rather than aids the bar and adds needless cost to lawyers and the public and others who are compelled to maintain law libraries. With all deference, it is becoming increasingly apparent that appellate judges must discipline themselves to dispose of more cases without formal opinions and when opinions must be written every effort should be made to do so with greater brevity; moreover some cases should be decided summarily from the Bench. Some important cases require extensive treatment but this should be the exception, not the rule as it is today. I add, by way of confession, that this criticism—and it is criticism—is not confined to any particular level of appellate courts.[3]

With few exceptions in this country appeals move at a glacial pace because we are using the "cracker barrel" methods I spoke of last year to process vastly expanded volumes of cases. It is imperative that we develop some new methods and new procedures for appeals. This is a high priority. At the appellate level ingenuity and determination can bring swift results. Prompt decisions on appeal may well discourage a substantial number of the frivolous appeals taken only for delay. I will ask the Judicial Conference to authorize appointment of a Committee on Appellate Rules to consider these pressing problems.

The public is tired of the spectacle of appeals that lag for years and repeated appeals whose chief purpose is delay. I must repeat what I said to you at St. Louis last August: There must be finality at some point.

THE SUPREME COURT

Of the work of the Supreme Court I will say only what I have said before, that we cannot keep up with the volume of work and maintain a quality historically expected from the Supreme Court. Nine Justices must now deal with approximately 4000 filings each year as compared with 1100 filings in 1940 and 1300 in 1950.

Either the quantity or quality of the work of the Court must soon yield to the realities. This view is shared by a growing number of legal scholars, judges and lawyers. Enlarged supporting staffs can help but the judicial function must be performed by nine Justices. On another occasion I will discuss this problem more fully.

STRUCTURE OF FEDERAL COURTS

One problem of the Federal Courts is of grave and immediate importance. In some courts it can reasonably be called an emergency.

The structure of the eleven federal circuits is at least 100 years out of date and must be reexamined. Everyone who knows the federal system knows this to a normal certainty. The Fifth Circuit almost literally spans the continent from Key West around the Gulf to Western Texas, nearly three thousand miles. No courtroom in North America is large enough for that court to hold, comfortably, an *en banc* hearing of its fifteen Appeals Court judges. The Fifth Circuit is an unmanageable, administrative monstrosity. The Ninth Circuit runs from the Mexican Border to Alaska and out to Hawaii and Guam while the District of Columbia Circuit at Washington contains ten square miles.

An Advisory Committee of the American Bar Association in 1968 reported that reorganization of the Circuits was urgently needed.

The Judicial Conference of the United States has urged that Congress create a special commission appointed by the three branches of the federal government with power to recommend changes in this structure that would become law if approved by the Judicial Conference of the United States, but subject to a veto by the Congress. This is basically the familiar mechanism by which Congressional and Judicial salaries were finally adjusted after long delays. It is a sound procedure and it is the most efficient way to improve the organization and the administration of the Federal Circuits. The Congress is now considering this proposal.[4]

I urge this Association to give this subject prompt study and to consult with the Congress on a solution.

The recital of these vexing problems calls for no summary. There are other problems of the Federal Courts I have not mentioned. I have touched only the most pressing matters that call for prompt action.

I am confident that with the Association's great tradition of public service and your keen awareness of the insistent need and great ferment for change, you will lend your prestige and your support.

The American people look to you. I know you will not fail them.

REMARKS OF CHIEF JUSTICE WARREN E. BURGER

AGENDA FOR CHANGE

You have come to pay tribute tonight to the unique public career of Chief Justice Bell whose record covers the span of a half century. Few men have ever held the highest legislative office as President of the State Senate, the highest executive office as Governor, and the highest judicial office as Chief Justice.

In a period when the burdens on our judicial systems—federal and state—have reached almost a breaking point it is interesting that Chief Justice Bell's 50th anniversary comes at a time when Pennsylvania has taken important steps, in which he has had a large part, to bring its judicial machinery up to the demands made on it. You now have a Unified Judicial System and you have vested broad new powers in your highest court with a Court Administrator to carry out the non-judicial managerial functions. You have upgraded and streamlined your courts dealing with minor cases.

Perhaps one of the most significant steps you have taken is to establish a Judicial Inquiry and Review Board with power to see to it that judges perform their duties in keeping with the high traditions of the legal profession and the Judiciary. The attention of judges everywhere will be focused on how this process evolves. There is a growing body of thought in the profession and among judges that with the vast expansion of courts and growth of judicial power some kind of accommodation must be made between the imperatives of judicial independence and the public interest.

This occasion is an appropriate time, I hope, to discuss just a few modest examples of what we should place on our agenda for change.

Now that the elections are over I trust it will not seem partisan if I quote another distinguished Pennsylvania leader, Senator Hugh Scott. As a classical scholar the Senator rendered in flawless Latin what I will put in English. In speaking of problems of the functioning of Congress he said:

"All things are changing and we are changing with them. . . ."

I would alter this to say, as to the courts, "All things are changing and we . . . must change with them."

I do not mean this in a precisely literal sense but rather that we must be *open* to consider changes to meet new problems and new conditions, as Pennsylvania has just done with sweeping revisions of the Judicial Articles of its Constitution.

In the annals of history our country is still a very young country and all our claims to preeminence and greatness in many fields of human endeavor cannot hide this fact. It is good that we are in our youth as a nation because the young can adjust more readily than the old. Our resiliency and flexibility is a great national resource that makes revolution in the violent sense irrelevant and unnecessary. One aspect of our being a young nation accounts for a national attitude—not universal but widespread—that whatever is American is *best* and that probably we invented it. But this is not an attitude of the young people who are asking questions about our system. One of the genuine values of the questioning unrest of our youth is their tendency and eagerness to reexamine what we have been doing as a people and why. Their probing is irritating and even painful, as all probing is, but even as these young people seem to act immaturely it may be that they are probing for the insight Bobby Burns expressed in his prayer that we "see ourselves as others see us."

We are now well into the final third of this century. Thirty years from now our present 205 million people will have grown to 325 million, but our judicial machinery is not even adequate for the burdens now placed on it. Even if our population remained static and our society, our economy, our science and all other development stood still (and of course they will not do so) our judicial machinery will be unequal to the task.

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[3] More than 4000 cases are filed annually in the Supreme Court; written opinions or memorandum opinions are written in fewer than 200. The two situations are not fully comparable but the comparison is not without some relevance.

[4] H.W. 7378.

Our dynamism will continue on the curves that have taken us, for example, from *no* automobiles in 1900 to 80 million today, and with them the expansion of uncounted thousands of miles of highways. We had a handful of telephones in 1900 and we now have 100 million or more. In 1900 it took about 175 hours of the speediest travel to go from New York to California and today it takes four hours. In that period we reduced the average work week from 60 to 40 hours but increased the Gross National Product 300%.

The rate of change may alter but the change will not stop. More likely the pace will increase, and with it enormous stresses will be placed on all our institutions and particularly on the courts.

For lawyers and judges the question is how we will meet the massive problems flowing from this growth and dynamism. The problems are massive, but so is the opportunity for American lawyers and judges if they will reject both despair and complacency and examine our methods and our procedures with critical and inventive and open minds.

As I read history, the societies that survived have been like the animals that survived. They had the capacity to adapt to new conditions and the resiliency to adopt methods and ideas from others. We took our basic legal and judicial structure from England, of course, and it was then and is now fundamentally one of the best, if not the best, ever developed to resolve conflicts among human beings and between individuals and the State.

When we look back, however, we can see that except for embellishments and minor improvements we have the same basic system today that was confirmed in the Constitutional Convention in this city 183 years ago. In its procedural fundamentals it is so much the same that—as I had occasion to say to the ABA in August—Jefferson, Hamilton and Adams would need only a slight briefing to step into the State or Federal courts in Philadelphia or St. Paul or San Francisco and perform very well indeed.

From past experience I am aware that even an analytical discussion in the field of comparative law—the comparison of our methods and procedures with others—exposes me to the risk that I am advocating some specific changes.

Tonight I advocate nothing except an open-minded and mature willingness to examine our judicial machinery carefully, thoughtfully—and critically to prepare for the onslaught of events of the next 30 years. I am usually inclined to optimism but I will take the risk of saying *flatly* that if we fail to do this we will experience chaos in the courts with enormous and adverse impact on private civil rights and on law enforcement and the security of persons and homes and property, and with all this a loss of confidence in our system.

Let me suggest just a few areas for inquiry in the Federal system—and if these points of inquiry are appropriate for State courts as well, so be it. The points I raise are simply items on the agenda for change, not proposals, not specifics, simply agenda items.

Agenda Item No. 1: When the Constitution was written 183 years ago a few hundred yards from where we dine tonight, the Framers of Article III contemplated a Federal judicial system composed of courts of limited and special jurisdiction. One aspect illustrates a point I wish to make for this hypothetical agenda. In that day Philadelphia was one of the great ports of the world and the greatest in America. Transport and travel was largely by water. Shipping, shipbuilding, fishing were the foundations of our economy. In fixing the jurisdiction of the federal courts, jurisdiction over maritime traffic and the hazards and casualties of water transport loomed at least as large as any single phase of the economy of 1970.

The authors of the Constitution saw that most litigation relating to this basic industry of water transport would arise either in the coastal waters or in navigable inland waters that would often fall between the jurisdiction of two States. They wisely decided that admiralty jurisdiction would be vested in the federal courts.

Now we come to an interesting aspect well known to the lawyers of Pennsylvania: Cases in admiralty, of course, could involve loss of cargo, of passengers, of vessels or damage to vessels in collisions with one another. Fundamentally there is no difference between ship collisions and automobile collisions except that ships generally involve larger stakes. Yet these wise authors left admiralty litigation in the hands of judges without juries. The maritime experts will respond that this was done because admiralty cases were traditionally tried without a jury. But why? Traditions do not spring from arid intellectual processes but from reason fertilized by experience and their reason and experience led them to let admiralty cases to judges. Another example is found in the Federal Tort Claims Act of 1947 in which the Congress after much study provided for trial by a Federal Judge without a jury.

With all their wisdom and foresight in statecraft the men who met here in 1787 could not conceivably anticipate the automobile and its impact on American life and on the courts. When they provided for federal jurisdiction in diversity of citizenship cases they could have had no thought of the mass of personal injury cases that would one day make up the largest single category of civil cases in federal courts.

I submit that if these men had been able to anticipate the automobile and its impact on courts they would have done one and possibly two things: (a) they would have made personal injury cases an exception to federal diversity jurisdiction, or (b) they would have said that if a ship collision is to be tried by a judge without a jury a simple automobile case could be disposed of in the same way.

Perhaps the time has come to ask whether automobile personal injury cases have any more place in the federal courts than overtime parking or speeding on Chestnut Street in Philadelphia.

Many rational experts of the whole field of litigation, more expert than I, go far beyond this modest agenda proposal. They advocate that automobile cases be removed from all courts and juries or at least that they be tried by judges without juries, thus speeding up and reducing the cost of the process. Those who advocate this step can hardly be thought radical or subversive when we remember that 35 years ago England, the Mother Country of The Common Law, abolished jury trial for civil cases with a few minor exceptions such as slander and libel cases.

Agenda Item No. 2: Our Constitution guarantees trial by jury in all civil cases in federal courts involving $20 or more. Congress, by increasing the jurisdictional amount to $10,000 has neutralized much of the impact of this dubious provision of the Constitution which received little consideration in a Convention preoccupied with matters of larger concern in a Philadelphia summer before the advent of air-conditioning.

Until the Supreme Court pronounces a final judgment on what the term "jury" means in federal cases I have no better basis than any other lawyer for an opinion on the subject except as Williams v. Florida of the 1969 Term may shed light. In that case the Court held that a state is free to use six-member juries in criminal cases. But we need not have a final opinion on the constitutionality of a jury of less than 12, in order to say that the subject is an appropriate agenda item for the legal profession if it wishes to keep the courts from a breakdown.

The next budget for the federal courts includes $14 million for jury fees. Ponder a moment on the saving in dollars, the saving in time and the reduced confusion, if we could cut that by 40%, allowing the full 12-member jury for criminal cases, and devote the saving of time, money and lawyers to better use.

While I speak of the jury system let me make it clear that whatever the future may bring with respect to civil litigation juries, and even if we should ultimately follow England as to civil cases, this should not be the pattern for criminal cases.

We know that as Englishmen developed the jury system in criminal cases, it was the shield or barrier between the individuals, the King and the King's Judges of those early days. American judges, as in England today, are blessed with independence from other branches of government. But the very complexity of modern government and the layers of officials, however necessary, render modern government possibly even more remote from the individual in 1970 than he was centuries ago in England. As a lawyer, my choice would be that we never abandon the jury system for criminal cases and of course the Constitution guarantees this protection.

Agenda Item No. 3: Another sample agenda item has a relationship to litigation and juries in civil cases. Here again I turn to the British experience which in many respects is influenced more by the methods and procedures of the Civil Code systems of Europe than are we.

In England, as here, some of the most time-consuming and complex litigation is in the field of business regulation, antitrust and patent cases. England's experience deserves study. In a complex business-economic case they often have two economists or other specialists sit with the judge and join with him as triers of economic issues. In a patent case involving esoteric questions of chemistry or physics or engineering, the lay judges who assist the professional judge are experts in the relevant field. This shortens and simplifies trials, and if the judgment of British judges and barristers can be relied on, the results are far more satisfactory and the process more efficient.

The mere fact that the prolonged trials so common in the United States are virtually unknown in England suggests we ought at least to look more closely at their experience.

Agenda Item No. 4: In 1969 we took a very important first step toward bringing modern business management methods into the courts. This was the creation of the Institute of Court Management largely due to the dynamic leadership of Bernard Segal. That Institute will turn out the first formally trained court executives next month. Important as it is it is only a first step. The problems of court management must remain a high priority on the agenda to make sure that qualified managerial executives are made available and are properly used by the courts for non-judicial functions and that they be given the means to bring the administration of justice into the 20th Century.

These few items of an agenda for the future are merely samples, as I said. I leave it to the resourcefulness and innovativeness of our lawyers, law teachers and judges to fill out agenda and then go to work without delay. It is only by a searching examination of the entire functioning and jurisdiction of the Courts that we can have any chance of being ready for the new burdens that lie ahead.

Korzybski in his work Science and Sanity describes Man as a "time binder" by which he means that unlike animals, Man can start where his forebears left off and improve the quality of life. Man, in short, has the capacity to learn and change and build on the experience of the past; he need not simply exist in a mechanical repetition of a life cycle foreordained by Nature or by his ancestors. In the methods of the law we have tended to let habit and the comfortable security of the familiar ways impede our search for better judicial methods and processes. There must be stability and continuity but there must also be change in order to survive.

After 35 years as a lawyer and judge I have now—for 16 months—had a new and closer look at the problems of justice and at the potentialities of the organized bar. I see a new attitude, a new willingness to change, a deep concern for justice—a new spirit in American lawyers and I am confident this new spirit is equal to the challenge for a generation of change.

[From Vital Speeches of the Day, Apr. 15, 1971]

COURT REFORM—PRIORITY TO METHODS AND MACHINERY

(By Warren E. Burger, Chief Justice, U.S. Supreme Court)

Delivered at the National Conference on the Judiciary, Williamsburg, Virginia, March 12, 1971

The President's appearance here yesterday and perhaps even more his pledge of support for our efforts makes this conference unique and gives it a dimension it could not have without the support of the Chief Executive of the United States. There is nothing very new about judges and lawyers gathering and agreeing that the courts are in trouble. When the President places the prestige and power of his office behind these efforts we have cause to take heart.

We have here today a cross-section of State and Federal judges and of State and Federal law enforcement authorities, and others seeking to avert an impending crisis in the courts. The only counterpart to this conference in this century was the Attorney General's Conference on Court congestion and delay convened by Attorney General Herbert Brownell more than fifteen years ago.

Fifty years before that conference, Roscoe Pound had warned the legal profession in the strongest terms that we were on the threshold of a crisis. That was in 1906. Periodically we respond and experience some relief but we are soon overwhelmed by a new tide of problems.

Today the American system of criminal justice in every phase—the police function, the prosecution and defense, the courts and the correctional machinery—is suffering from a severe case of deferred maintenance. By and large, this is true at the State, local and Federal levels. The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.

As a consequence of this deferred maintenance we see

First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;

Second, those who are apprehended and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial; and

Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean we can ignore the police function or the shortcomings of the correctional systems.

At each of these three stages the enforcement, the trial, the correction—the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is what happens to any machine whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this deferred maintenance crisis is shared by others; by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive—the very glue—that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but a civilized society cannot remain so without an adequate system of justice, and by that I mean justice in its broadest sense.

I have said nothing of civil justice—that is the resolution of cases between private citizens or between citizens and government. This, unhappily, is becoming the stepchild of the law as criminal justice once was. Most people with civil claims, particularly those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

We are rapidly approaching the point where this quiet and patient segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim while they witness flagrant defiance of law by a growing number of law-breakers who jeopardize cities and towns and life and property of law-abiding people, and monopolize the courts in the process. The courts must be enabled to take care of both civil and criminal litigants without prejudice or neglect of either.

This is why we are here today.

This could be the most significant judicial meeting in our time—depending on what will each of us do when we return to the daily tasks we have temporarily laid aside to gather at this conference let me suggest some of the problem areas and then let me venture some thoughts on what we might try to do about them.

There are many areas which we should study and consider, and, indeed, that we must consider but if we try too much at once we may fail in all our endeavors. I am thinking, for example, of substantive problems which cry out for reexamination, including the handling of personal injury claims, which especially clog the State courts; the need to ask questions about other areas of jurisdiction, such as receiverships or insolvent debtors, the adoption of children, land-title registration in some States, and possibly even such things as divorce jurisdiction and child-custody matters. We need a comprehensive reexamination of the whole basis of jurisdiction in order to eliminate whenever possible all matters which may be better administered by others so as to restore the courts to their basic function of dealing with cases and controversies.

We can see in the development of common law institutions many examples of changing jurisdiction and evolution of new remedies. I suggest no specific changes but I trust it will not be regarded as subversive to suggest the need for study and thought on these problems, remembering that subjects once committed to the courts are now the province of the other governmental bodies.

The common law tradition teaches that rights and remedies are never fixed or static but a continuing process of change however slow. For example, working men once had either no rights at all or common law rights based on negligence when they were injured in their work. The deficiencies of the common law remedies inspired lawyers to find other and better ways of dealing with the claims of injured workmen and no one would seriously consider turning the clock back to the old ways. Large area of regulatory activity was once imposed on courts but for the greater part of this century that has been vested in a wide array of administrative and regulatory bodies with limited judicial review.

All of us attending this conference share and are the beneficiaries of the great common law tradition that undergirds American jurisprudence and virtually all aspects of our procedure, both state and federal. As lawyers and judges we can be proud of the great tradition of the common law and even have a pardonable pride in the improvements and developments that American lawyers and judges have added to it. We do not disparage or undermine the common law when we consider change indeed, change is the very essence—the very heart—of the common law concept.

The challenges to our systems of justice are colossal and immediate, and we must assign priorities. I would begin by giving priority to methods and machinery, to procedure and techniques, to management and administration of judicial resources even over the much-needed reexamination of substantive legal institutions that are out of date. That reexamination is important but it is inevitably a long range undertaking and it can wait.

I have said before, but I hope it will bear repeating, that with reference to methods and procedure we may be carrying continuity and tradition too far when we see that John Adams, Hamilton or Burr, Jefferson or Marshall, reincarnated, could step into any court today and after a minimal briefing on procedure and updating in certain areas of law, try a case with the best of today's lawyers. Those great lawyers of the 18th and 19th century would need no more than a hurried briefing and Brooks' Bros. suits. They would not even need a hair cut, given the styles of our day.

This is not necessarily bad, and I propose nothing specific on how we should change our methods of resolving conflicts in the courtroom. But I do know this—and so does anyone who has read legal history and read the newspapers in recent years—that John Adams, and his reincarnated colleagues at the bar, would be shocked and bewildered at some of the antics and spectacles witnessed today in the courtrooms of America. They would be as shocked and baffled as are a vast number of contemporary Americans and friends of America all over the world. They would not be able to understand why so many cases take weeks or months to try. No one could explain why the jury selection process, for example, should itself become a major piece of litigation consuming days or weeks. Few people can understand it and the public is beginning to ask some searching questions on the subject.

I need not burden this well-informed audience on the subject of the tension and the strains existing between the State and Federal courts in recent years. Because of the existence of those problems and the reasons underlying them I urged last August, at the ABA convention in St. Louis, that the chief justice of each State take the initiative to create an informal *ad hoc* State-Federal judicial council in each State. The purpose, of course, was to have these judges meet together informally to develop cooperation to reduce the tensions that have existed in recent years. I was pleasantly surprised, even astonished, at the speed with which the chief justices responded, for I am now informed that such councils are in actual operation in 32 of the States. Many of these councils have been created by formal order of the State supreme court. I am also informed that once the channels of communication were opened these State and Federal judges found other areas of fruitful cooperation and exchange of ideas. I regard this development of such importance that I wish to express my appreciation to the Conference of

State Chief Justices and to Chief Justice Calvert of Texas, its chairman.

In urging the cooperation between the State and Federal judges, and in urging the State judges to call upon the State bar associations and on the American Bar Association, I have no thought whatever that all State court systems or all judges be cast in one mold. Far from this, have an abiding conviction that the strength of our entire system in this country and the essence of true federalism lies in diversity among the States. It will not impair this diversity, I submit, to work together to develop effective post-conviction remedies for example, or common standards of judicial administration, common standards of professional conduct for lawyers, and, indeed, for judges, or the improvement in the method of selection, the tenure, and compensation of judges.

The diversity that has existed in our system and the innovativeness of State judges accounts for many of the great improvements that the Federal system has adopted from the States. One of the most crucial is in the developing area of using trained court administrators or executives in the administration of the courts. The States have been a whole generation ahead of the Federal system in this matter. When we sought to create the Institute of Court Management in 1969 the first step was to call on State court administrators for guidance and advice.

Whatever changes we make, we should never forget that under our federal system, the basic structure of the courts of this country contemplated that State courts would deal with local matters while Federal courts would serve a limited and narrow function. I hope we will never become so bigoted as to think that State judges are any less devoted to the principles of the Federal Constitution than other judges and lawyers.

I do not especially like phrases like "management of judicial resources," or "maximum utilization of judge power." They seem stilted to me as they do to most lawyers and judges. But these phrases are simply "shorthand" and if we accept them as such they become tolerable. The important thing is the concept underlying these "shorthand" terms. Every profession and every area of human activity has had to grapple with the hard realities behind the shorthand. The difference is judges and lawyers have lagged far behind the rest. I do not suggest that justice can ever become automated or that production-line processes are adaptable to courts. Other professions have devised new ways to increase their productivity without loss of quality and we must do so.

In terms of methods, machinery and equipment the flow of papers—and we know the business of courts depends on the flow of papers—most courts have changed very little fundamentally in a hundred years or more. I know of no comprehensive surveys, but spot checks have shown for example that the ancient ledger type of record books, sixteen or eighteen inches wide, twenty-four or twenty-six inches high, and four inches thick are still used in a very large number of courts and these cumbersome books, hazardous to handle still call for longhand entries concerning cases. I mention this only as one symptom of our tendency to cling to old ways. We know that banks, factories, department stores, hospitals and many government agencies have cast off anachronisms of this kind.

With relatively few exceptions, we still call jurors as in the past. We still herd them into a common room in numbers often double the real need because of obsolete concepts of arranging and managing their use. This process is often complicated by the unregulated arbitrariness of a handful of judges, for example, who demand more jurors than they can possibly use to be allocated each day for their exclusive use. There is almost a total absence of even the most primitive techniques in predicting the need for jurors just as there is a large vacuum in the standards and procedures to coordinate the steps of bringing a case and all of its components—the lawyers, witnesses, experts, jurors and court staff—to the same place at the same time.

Happily, a very distinguished committee of the American Bar Association under the chairmanship of Judge Freedman of the United States Court of Appeals of the third circuit is now launching a comprehensive program of bringing up to date the minimum standards of judicial administration.

Independent of what we do in the courtroom itself, we need careful study to make sure that every case which reaches the courtroom stage is there only after every possibility of settlement has been exhausted. Those parties who impose upon the judicial process and clog its functioning by carrying the cases through jury selection before making a settlement which could have been made earlier should be subject to the risk of a very substantial discretionary cost assessment at the hands of the trial judge who can evaluate these abuses of the system. Someone must remind the bar and the public of the enormous cost of a trial.

As litigation has grown and multiple-judge courts have steadily enlarged, the continued use of the old equipment and old methods has brought about a virtual breakdown in many places and a slowdown everywhere in the efficiency and functioning of courts. The judicial system and all its components have been subjected to the same stresses and strains as hospitals and other enterprises. The difference is that, thirty or forty years ago, doctors and nurses recognized the importance of system and management in order to deliver to the patients adequate medical care, this resulted, as I have pointed out on other occasions, in the development of hospital administrators and today there is no hospital of any size in this country without a trained hospital administrator who is the chief executive officer dealing with the management and efficient utilization of all the resources of the institution. Courts and judges have, with few exceptions, not responded in this way. To some extent, imaginative and resourceful judges and court clerks have moved partially into the vacuum, but the function of a clerk and the function of a court executive are very different, and a court clerk cannot be expected to perform both functions.

From the day I took office, twenty-one months ago, this seemed to me the most pressing need of the courts of this country, and particularly so in my area of responsibility, the Federal courts. The first step I took was to help lay the foundations for a facility to train executives and I requested the American Bar Association to take the leadership in accomplishing this. That association did so with the American judicature society and the institute of judicial administration as co-sponsors, together they created the institute of court management at the University of Denver Law School. That institute has now graduated the first group of trainees with an intensive full-time course over a period of six months including actual field training in the various courts. It will train two additional classes this year. This is not a Federal facility and indeed I expect most of its output will go to State court systems.

In the meantime, the Congress has taken one of the most important steps in a generation in the administration of justice by providing for a court executive in each of the eleven Federal circuits. The court executive will work under the direction of the judicial council of each circuit. I need not say, surely, to an audience including so many chief judges and administrative judges, that this will not only relieve judges to perform their basic judicial functions but it will provide a person who will, in time, be able to develop new methods and new processes, which busy judges could not do in the past.

The function of a court executive is something none of us really knows very much about. There are only a handful of court administrators or executives in this country and up to 1970 they are all self-taught. The few who were in being were, in the State courts and we called upon them to be members of the teaching faculty for the new Court Management Institute. The concept of court executive or court administrator will have its detractors but I predict they will not be heard for very long. The history books tell us how the admirals reacted when General William Mitchell insisted that an airplane could sink a battleship.

The desperate need for court executive officers does not alter the fact that it will require great patience and industrious homework on the part of judges and chief judges to learn to utilize these officers for their courts.

A great many of the infirmities in our procedures could be cured if judges had broad rulemaking power and exercised that power. The best example of this was given a generation ago in the Federal Rules of Civil Procedure and later in the Criminal and Appellate Procedure Rules.

For the past 30 years or more State legislatures, like the Congress, have been overwhelmed by a multitude of new problems and it is increasingly difficult to get their attention on mundane subjects like rules of procedure and other internal matters of the courts. In addition, judges, by and large, have been under increasing pressure of their own daily work and have not brought these matters to the attention of legislators.

The rulemaking process as developed in this country beginning 35 years ago is the best solution yet developed for sound procedural change. Since it is a cooperative process involving not only the legislative and judicial branches officially, but lawyers, judges and law professors, it can synthesize the best thinking at every level.

If your state does not provide for rulemaking power comparable to that vested in the Supreme Court of the United States in conjunction with Congress, I urge you to study closely the potential of this mechanism. In Federal habeas corpus review of State cases it could have saved a great deal of confusion in recent years. Flexible rulemaking processes could have promptly developed post-conviction remedy procedures to blunt the impact of the imposition of Federal standards on the States.

The combined experience of this country for nearly two hundred years now, with elective judges in most of the States holding office for limited terms and Federal judges who are appointed with tenure, affords a basis for a careful reexamination of the whole method of the selection of judges. This is part of the long range problem, but it deserves some mention. The aggregate of two centuries of experience should be sufficient to give us material for a comprehensive reexamination of the methods of selection and the tenure of State judges. In saying this, I, of course, intend no reflection whatever on those State systems having elected judges with limited terms and the many splendid judges in those States.

The fine quality of judicial work of State judges is in spite of, not because of, the method of selection.

The election of judges for limited terms is a subject on which reasonable men can reasonably have different views. Nevertheless the very nature of the judicial function calls for some comprehensive studies directed to the alternative methods developed in the last generation in some States. Those alternatives tend to preserve the virtues of popular choice of judges and at the same time develop a high degree of professionalism, offering an inducement for competent lawyers to make a career of the Bench.

We know that while there are certain patterns common in the fifty States as to the selection and tenure of judges, there is at the same time a wide disparity in their compensation in such States as New York, California, and Illinois, to mention but three of the large States, the compensation of judges of the higher courts is as much as three times the compensation of their counterparts in some other States of the Union.

As lawyers and judges we know that the function of the courts in a small State is essentially the same as the function of the courts in the larger State. The size of the State has no relationship to the nature of the function, the degree of the responsibility, and the degree of the professional competence called for. It is, therefore, an anomaly for a wide disparity to continue. I do not suggest, by any means, that there need be a rigid, uniform standard of compensation or tenure for all the States. All I suggest is that the judges in the small States are performing essentially the same function as that of their brothers in a large State, and the conditions of their service should not vary excessively. It is not a wholesome or healthy thing for the administration of justice to have the highest court of a geographically large and economically powerful State receive two or three times as much as his counterpart a few hundred miles away. If we want quality justice we must pay for it.

As I range over this rather wide variety of subjects you will notice that in many instances I have been obliged to refer to matters of common or general knowledge or the result of spot checks, or other sources not wholly trustworthy. This suggests strongly the need for some facility that will accumulate and make available all information necessary for comprehensive examination of the problems of the judiciary in the fifty States. Recently a judical conference developed an accumulation of 500 or more specific problems of courts.

Each of the points I have raised in the list of what seem to me some of the urgent priorities can be more readily treated and with better solutions there is a pooling of ideas and efforts of the States.

For a long time we have talked of the need for a closer exchange and closer cooperation among the States and between the States and the Federal courts on judicial problems. No States are without grave problems in the administration of justice. The problems vary chiefly in degree from those States with grave troubles to those on the threshold of disaster in their courts. The valuable work of the National College of Trial Judges is just one example of the value of cooperative enterprise.

We now have in this country a great ferment for court improvement. It is a ferment that has been gaining momentum slowly over a long period of time. More recently, this has taken on a new thrust and force under the leadership of the American Bar Association. The time has come, and I submit that it is here and now at this conference, to make the initial decision and bring into being some kind of national clearing house or center to serve all the States and to cooperate with all the agencies seeking to improve justice at every level. The need is great, and the time is now, and I hope this conference will consider creating a working committee to this end—before you adjourn. I know that you will do many important things while you are here, but if you do no more than launch this much-needed service agency for the State courts, your time and attendance here would be justified.

I hope that, having raised this long-discussed subject of a need for a facility to serve as a clearinghouse and service agency for States, you will not think me unduly presumptuous if I make some specific suggestions for your consideration.

It seems to me obvious that the States should make the final choices and the final decisions. In offering these thoughts, I draw particularly on my experience in the twenty-one months I have been in my present office. I now see the legal profession's strongest voice, the American Bar Association, from a point of view which I never fully appreciated in my years of private practice or even in the period when I was a member of the court of appeals.

The American Bar Association is a force for enormous, almost unlimited, good with respect to every problem in the administration of justice. It is a force that cannot be directed or controlled by any particular group or any selfish interest because it includes approximately 150,000 lawyers and judges and law professors representing 1700 State and local bar associations and other legal groups. Its governing body, the House of Delegates, represents 90 per cent of all the practicing lawyers in this country. I mention these factors because the American Bar Association is essentially a grassroots institution whose components spring from the 50 States. The facilities and power, the influence and prestige of this association, are literally on the door step of every State capital through the State Bar Association, and that power and influence can be put to work in terms of achieving the objectives I have suggested to you.

My suggestion, therefore, is that in shaping the national organization or center to serve all the States, you consider calling primarily on this great association and its 50 component State associations, along with other groups that specialize in judicial administration. There are additional existing structures representative of all the States and a cross section of the legal profession. I refer now to the American Judicature Society, the institute of judicial administration, the conference of State trial judges, the appellate judge conference, the council of State governments, and the conference of chief justices. I am confident there will be widespread interest in the formation of such a group as this but it will take time to marshal all of the large resources necessary to its accomplishment as a means to an end that we should place high priority on changes in our methods and our machinery. The noblest legal principles will be sterile and meaningless if they cannot be made to work.

In closing, I offer the full cooperation of my own office and the facilities of the Federal Judicial Center and the administrative office of the United States Courts. But bearing in mind my own concepts of federalism I will participate only when and if you ask me to do so.

REMARKS OF CHIEF JUSTICE WARREN E. BURGER

MANCHESTER, VT.,
September 10, 1971.

The public image of justice, like justice itself, is indivisible. It does not distinguish between federal and state courts and it is not concerned with the details.

When riots develop in jails as a protest against long delays in trials or when a notorious case takes 2, 3, 5 or more years to complete, people make judgments. To them "courts are courts," "jails are jails," "delay is delay." And we should not be critical of the news media because they do not emphasize the distinctions between state and federal cases. Even if they did, the readers would not care. They are paying the bills for both and they want results.

These factors, among others, are the reasons why I have tried to give support to the creation of State-Federal Judicial Councils in each state and to encourage the development of the new National Center for State Courts. The sources of the problems are common and the solutions must come from close cooperation at all levels. And I need not remind you that for other reasons our interest and concern in what goes on in the state courts is neither hypothetical nor altruistic for every state case is, of course, a potential habeas corpus case for all of us.

What the public *thinks*, therefore, becomes the measure of public confidence in the courts, and that confidence is indispensable.

To a large extent what people think is shaped by what we do or fail to do with less than 2% of the criminal cases in the federal system. In round figures 98% of those cases are disposed of promptly, and there is little occasion for anyone to write about them. Not all of the 2% factor are newsworthy but within that 2% are those few cases that drag for 2, 3, 4 and more years and are often the "notorious," the "spectacular" cases because of the crime involved, the identity of the accused or his counsel, or all three factors.

In addition, within this 2% figure are the cases in which delay gives rise to public anxiety and concern and even anger. These are the cases that undermine public confidence in the system. If it is one of the relatively rare homicide cases under a federal statute or a crime of violence, it may well add to the mass neurosis that afflicts our large cities. In some cities, Washington, D.C. and New York, for example, there are more homicides currently in one year than in the British Isles plus all of Northern Europe in one year.

Crimes of violence have a harmful effect on the total mental health of the community in which they occur. The swiftly growing traffic in narcotics has a similiar impact. This is not the time to discuss causes and sources of crime. Our concern at the moment is one of procedure and methods. Other authority than that vested in judges must deal with causes.

Our problem is to see to it that the disposition time of that 2% group is reduced and brought as nearly as possible into line with the general run of criminal cases. This is not a matter of giving special treatment or special priority but rather of making sure that no cases are delayed by special treatment or by inertia or indifference or by someone exploiting procedure for the sole purpose of delay whether it be the prosecutor or defense counsel. These delays must stop.

To accomplish that I have requested the Chairman of the Judicial Conference Committee on Court Administration to propose a method of identifying the cases in which delay must not be permitted.

Obviously the so-called "jail case" is one of these. The Constitution gives an explicit guarantee to every accused person that he will have a speedy trial. We know from our own knowledge, although this is happily not common in federal courts, that in some places people have been subject to long periods of detention before trial. The developments in recent years, assuring counsel to all accused persons and enlarged release on bail pending trial, do not alter the basic proposition that the more serious criminal cases must not be allowed to languish whether by the action of the prosecutor, the defense counsel, or both.

If the accused is not guilty, it is a grave injustice for him to be held in confinement awaiting trial, and it is also a grave injustice to have a serious criminal charge hanging over his head for a long period of time without resolution and determination of the facts. On the other hand, if, in fact and law he is guilty, he should be given the speedy trial the Constitution promises. I take it for granted there can be no rational objection to delivering what the Constitution guarantees.

Because of the increasing number of criminal cases coming into the federal courts I have requested the Judicial Conference Committee on Court Administration to take up at a meeting next week the problem of identifying the cases in which delay is likely to occur if we are not alert. I will not undertake to anticipate what their solution will be but any judge who has had either direct experience or close observation can readily see the broad outlines of this problem. Without undertaking to give any particular rank to the classifications, I suggest the following are ripe for consideration by the Committee on Court Administration.

First, every case in which bail is denied and the accused is in custody should be set for trial without any delay.

Another category would be the more serious criminal charges such as homicides, aggravated crimes of violence, charge involving traffic in narcotics.

A third category is charges against persons who have a substantial prior criminal record and whose release on bail may therefore present a larger risk to the community.

There may be other categories to which trial judges, who deal with this problem on a day to day basis, will be able to bring more intimate insight than I can have as an appellate judge somewhat remote from the complex problems of calendars and dockets of trial courts.

This problem may vary to some extent depending on whether cases are handled with a master calendar or an individual calendar. These differences should give no difficulty. Whatever is the method of calendaring and assigning cases, every large district court should have a procedure by which the Chief Judge, or possibly a committee designated by the Chief Judge, will have the power to identify cases in which delays should not be tolerated—the 2% group—and then make certain that those cases are not allowed to take the pace that the lawyers want or that they find tolerable.

Some federal districts now have rules giving prompt attention to cases in which the accused is held in custody. This is one important step but it is not enough. Some districts have rules that protracted cases are to be specially assigned so as to take into account the workload of each judge and other relevant factors so that other duties will not interfere.

This is also a good start. To such rules, however, we need to focus the inherent power of every court to organize and distribute its work so as to meet the new problems arising from the large increase in criminal cases and the consequent public concern and anxiety when serious criminal cases suffer long delays in being brought to trial and then go through an unexplained lengthy appeal process. At the trial court level this will call for discussions with the United States Attorney, the office of the Legal Aid or Public Defender, probably some representative of the practicing bar. We can very likely anticipate objections and suggestions why this cannot or ought not be done. Prosecutors and legal aid offices are often understaffed and overworked. But this program will not make added work; rather it will ultimately reduce work by avoiding repeated postponements and successive hearings.

At the appellate level the same attitude must prevail, but every judge in this conference knows that transcripts, when they are needed for an appeal, can be prepared promptly in particular cases. To accomplish this the courts of appeal must take active control and management of every case as soon as the notice of appeal is filed. That is not being done now. We must reexamine some of the non-essential frills and luxuries of printed briefs and records that we appellate judges have become accustomed to and get on with the substance, which is fair and speedy justice. An appeal can be dealt with as well on modern machine-made copies of typed briefs as on printed briefs. And I have been an appellate judge too long to accept the argument that a court of appeals needs more than one copy of the transcript.

What is desperately needed is to have a few of the serious cases brought on for trial in 60 days after indictment and the appeal disposed of in another 60 days. It can be done. It can be done with complete and total fairness to both sides. It ought to be done and it is your responsibility and mine to see that it is done.

I intend to pursue this and I must have your help. It is not a program for the future, but a program for now, and by "now" I mean September and October of 1971, not some distant date. It needs no lengthy report. It needs action and I want your help to see that it gets done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR ADJOURNMENT TO MONDAY, SEPTEMBER 27, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATORS CRANSTON, MATHIAS, AND CHURCH WEDNESDAY, SEPTEMBER 29, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leadership has been recognized on Wednesday next, the following Senators be recognized for 15 minutes each for the purpose of conducting a colloquy: The distinguished Senator from California (Mr. CRANSTON), the distinguished Senator from Maryland (Mr. MATHIAS), and the distinguished Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I do not know what time we will come in on that day. Other Senators may be engaged in the colloquy being considered. I do not know what the subject matter will be. However, if there are any others, we will get that request later.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair lays before the Senate the unfinished business which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 355 (H.R. 8687), a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. There is a time limitation of 4 hours on amendment No. 432 which the clerk will now report.

The legislative clerk read as follows:

> At the end of the bill, add the following new section:
>
> SEC. 505. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently targeted reentry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics testing and deployment of a MIRV system, deployment of a large-scale antiballistic missile (ABM) system, and other action necessitate the further testing and deployment of the United States MIRV as a guarantee of the United States retaliatory capability. Upon certification to the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The time on the amendment is to be equally divided between the Senator from Minnesota and the Senator from Mississippi. Who yields time?

Mr. HUMPHREY. Mr. President, on July 14 I submitted amendment No. 244 to the Senate military procurement bill proposing to place certain conditions on funds for MIRV. MIRV is the abbreviation for multiple independently targeted reentry vehicle.

I asked that those funds for MIRV be placed in escrow for the duration of the 1972 fiscal year. I testified in support of this measure on the same day before the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee and wrote in conjunction with Representatives HARRINGTON and FRASER a report on the implication of the MIRV program.

At the same time, I wrote a letter to the chairman of the Senate Armed Services Committee, the distinguished Senator from Mississippi, requesting that the committee consider amendment No. 244 before reporting on the military procurement bill, H.R. 8687. I was disappointed to find that there was no discussion of my proposal or MIRV in general in the committee report despite MIRV's control role in our missile system and its overall importance in the arms control debate.

Neither the Department of Defense nor the committee has even identified for public use the amount of funds earmarked for MIRV.

I think that is a rather important observation. The people of this country are entitled to know how much money we are earmarking for a particular program, project, or weapons system. We do know this much, that MIRV is tremendously expensive—somewhere in the range of $1.2 billion to $1.8 billion for fiscal year 1972. And if and when a scheduled MIRV program for our land-based Minuteman missile and submarine Poseidon missile is launched, the total cost will probably be in the range of $12.9 billion.

It is very hazardous to make a guess on

the cost of any military weapons system. I have yet to see one that did not cost about double what it was originally estimated to cost.

This is not because the Pentagon officials seek to deceive us. I am not one who believes that there is a conspiracy on the part of the Pentagon to deny the country proper information. Nor am I one who believes that the industrial-military complex is determined to take over this Nation.

I have great respect for our Armed Forces, and I want this sentiment reflected in the RECORD.

I think one of the great tragedies of today is the demeaning of the Armed Forces. We need our Military Establishment. We need an adequate national defense. Above all, we need respect for those who are in the military for the defense of this country.

I must say, however, with equal candor that we need those who are in command, those who have responsibility, both military and civilian, in the Defense Department to level with us, particularly with the Congress and to give us all the relevant information necessary to arrive at these important decisions.

Mr. President, there is no decision that is more important than a decision to be made for national security. I weigh these decisions very carefully. For example, yesterday I voted for an amendment that would ask for an alternative budget to be forwarded to the Congress in fiscal 1973. That does not mean that I am committed to that budget. It means that I would like to see what a $60 billion budget would buy in terms of national security.

I think we have a right to take a look at alternatives. I want it very clear, however, that, speaking for myself, as one who served in this body and on the Committee on Foreign Relations, and having served on the National Security Council during my term as Vice President, I am not going to knowingly or willingly weaken the defenses of this country. We live in a tough world, and we must understand that, but we must also understand that there is a momentum to the arms race, that it feeds upon itself.

Security is not piling up arms. Security is not, in essence, the amount of armament one country has compared to another. It is sophistication; it is effectiveness and efficiency; but more importantly it is the strength of our economy, its productive capacity, the productivity of our workers, the confidence of our management, and the full involvement of our people in the economic life of the Nation. Finally, security is in the spirit of the people and the trust they have in their Government, in the feelings people have about their country, their sense of dedication and willingness to sacrifice, and all of that is dependent upon whether or not they really believe what the Government says and whether they can place their trust in Government and those who are in Government.

I am not overestimating or overstating the importance of our understanding the essential elements of national security—one, being our military position—ready, prepared, properly organized, under good command, with modern weapons, all related to our commitments in the world, all related to what other people in the world have. That is a number one element in national security.

The second element is to keep in mind that the military is only the cutting edge of the economy, and the greatest threat to our security today is the inflation and unemployment taking place in this country, the disillusionment of our old people, the disenchantment of our young people, the strikes in our cities, the racial bitterness in this country. Those are the real threats to national security, and I have a feeling that our enemies, or those who are our competitors, to put it a more reasonable term, watch what happens in our social and economic structure as much as our military program.

The third element, the spirit, and the morale, of the American people is equally terribly important.

I want to emphasize, as we discuss the military procurement program, that we do not lose sight of the 3 elements of national security: the military, the economy, and the spirit of the Nation.

We are dealing here with the military and its weapons systems, and I am not going to recklessly cut those supplies or those weapons system. I will question them because I think it is fair to say that some of those weapons systems have yet to be proved as being very useful.

Insofar as MIRV is concerned, this is highly advanced and sophisticated part of our nuclear weaponry. It is fair to say we have made amazing strategic technological advances. My amendment today in no way retards or impedes research and development. It is related primarily to the political and diplomatic situation under way, at the SALT talks between the United States and the Soviet Union in Helsinki, and related to the forthcoming talks in Vienna between the United States and the Soviet Union, as these two countries and their two governments seek to find a way to lessen tensions and to find an agreement on both defensive and offensive weapons.

Mr. President, this amendment does not deny the military its money. This amendment merely puts the money in escrow. It is not unilateral disarmament. It is what our beloved President Eisenhower and our beloved President John Kennedy did. Both of those Presidents took unilateral action of a sort, stopping the testing of nuclear weapons pending responsible and reciprocal action on the part of the Soviet Union. I suppose there are no two men more loved and respected in our time. I doubt President Eisenhower was derelict or irresponsible in national security matters, and he was probably one of the greatest generals who ever served this Nation.

It was General Eisenhower, as President of the United States, who authorized unilateral cessation of nuclear testing. And it was John Kennedy who spoke on commencement day at American University on June 10, 1963, and said to the Soviet Union and the world, "We are stopping our testing pending your reciprocity, your similar move"—and he did it. This represents decisionmaking, the greatness of a man, the greatness of a President.

I submit what we are talking about here is within the Eisenhower-Kennedy pattern. I spent several years in the Senate as chairman of the Subcommittee on Arms Control and Disarmament, and at no time did I have anyone accuse me directly or indirectly of irresponsibility, because I believe in a strong defense structure.

But I must say with equal candor that had it not been for the committees of Congress, to keep pressing, we might never have had a test ban treaty.

I remember the beloved Adlai Stevenson in 1956 advocating a nuclear test ban, with the United States halting its nuclear weapons testing, and again, he advocated this suspension pending similar action on the part of the Soviet Union.

I can remember certain political leaders, one who is in high office today, saying that was irresponsible. I remember that Adlai Stevenson paid a high political price for his great foresight and message of real courage and strength. But he was assailed then from public platforms because he was supposedly weakening the defenses of this country, only to have the same administration that accused him do exactly what he recommended. In 1959 and 1960 President Eisenhower invoked nuclear test ban unilaterally across the board, as far as we were concerned, only to have John Kennedy consummate an agreement with the Soviet Union in 1963 which remains one of the great forward steps in the attainment of peace and arms control.

So this historical summary is the basis for my amendment. I do not come to it as a young man, foolish in the ways of national security; I come to it as one tested in this field of arms control.

I was in Moscow when we signed the Nuclear Test Ban Treaty; and I was a member of an administration that helped to negotiate the Nuclear Nonproliferation Treaty. I went to Europe with the President visiting 6 countries to get the details of the treaty ironed out and worked with Mr. William Foster, the chairman of our Arms Control Agency. So this matter to me is of high priority and of great seriousness and one on which I have spent a great deal of my time.

I, therefore, know about nuclear test bans, nuclear weaponry, and about negotiations with the Soviet Union.

The question of MIRV changes the nature and perhaps even the purpose of our missile weaponry. For these reasons, I do not see how we can avoid discussing the issue at a time when the Senate is called upon to pass an expensive and highly significant military procurement bill.

Let me digress to say to the chairman of the committee that I know of the hard work he performed on this bill and the tremendous amount of effort that has gone into the committee report and the amount of savings that have been made. I respect the work of the Committee on Armed Services, and particularly the work of the chairman. I see a great deal of good in the military procurement bill which has been brought before us for action.

I called up my original amendment, and I introduced it as an amendment to H.R. 8687 with some minor changes. By doing so I hope to engage my colleagues in a joint evaluation of the implications of our MIRV program. Hopefully, they will conclude as I have done that a continuation of our MIRV program during fiscal year 1972, which is to say during the strategic arms limitation talks now underway, is not only unnecessary, but harmful to future arms control agreements.

Mr. President, I ask unanimous consent that the amendment to place the funds for MIRV in escrow for the duration of fiscal year 1972 be again printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Sec. 505. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently targeted reentry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics testing and deployment of a MIRV system, deployment of large-scale antiballistic missile (ABM) system, and other action necessitates the further testing and deployment of the United States MIRV as a guarantee of the United States retaliatory capability. Upon certification to the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CRANSTON. I am delighted to join with the Senator from Minnesota as a cosponsor of his amendment to place in escrow the funds for the further testing and deployment of multiple independently targetable reentry vehicles—MIRV's. It is a step that has been long overdue, and one with far-reaching implications for the future stability of the strategic competition between the United States and the Soviet Union. Indeed, if such a step as Senator Humphrey proposes is not taken, the prospects for long-term stabilization of the nuclear arms race do not look bright—even if many other aspects of that competition are effectively frozen or foreclosed by SALT agreement.

I am greatly heartened by reports that a preliminary SALT agreement providing for low limits of anti-ballistic-missile deployment by the United States and the Soviet Union may be imminent, and that the negotiations may also produce an agreement placing an upper limit on the number of strategic offensive missiles each side may possess.

It has taken the SALT negotiators a long time to reach even this point. While the diplomats have conferred in Vienna and Helsinki, the military establishments on both sides have been working industriously to place their strategic forces in the best possible position by continuing to build up nuclear arsenals. While I have no doubt that the continued and rapid deployment of new intercontinental ballistic missiles in the Soviet Union has complicated the chances of early agreement, it has been hindered still more, in my view, and the prospects for future more lasting agreement diminished by the continued U.S. deployment of two very questionable weapons programs: the Safeguard ABM and the MIRV, now being installed on Minuteman III ICBM's and in Poseidon submarines.

Thus it is encouraging that the SALT teams are nevertheless hopeful of reaching meaningful first-step limitations on both offensive and defensive weapons.

Those two desirable outcomes of SALT are what makes Senator Humphrey's amendment on the one hand so logical, and on the other hand so imperative.

It is so logical because the single real justification for MIRV has always been to provide a means of penetrating a large ABM deployment. All Senator Humphrey's amendment would ask is that no further development or deployment of MIRV go on in this country until the Soviet Union takes steps, including deployment of a large-scale antiballistic missile system, which would warrant the equipping of our missiles with MIRV's. If a SALT agreement decrees that there shall be no large ABM deployments, then there is no need for MIRV.

The amendment is so imperative because a SALT agreement that places only quantitative, but not qualitative, limits on offensive missile forces will inevitably provide both the Soviet Union and the United States with strong incentives to incorporate MIRV's and other means of increasing effectiveness into their offensive missiles in ways that I am convinced would work to the disadvantage of both. In their rush to build every conceivable improvement into existing missiles, both would incorporate capabilities into their missiles that the other side could not detect without intrusive and obviously unacceptable on-site inspection—a condition not presently required, and one which Senator Humphrey's proposal would not require either. Once such a qualitative arms race were well underway, each side would soon assume the worst about the other's offensive capabilities, and the fragile stability brought about by the SALT agreement would be short lived indeed.

I am convinced that the United States made a bad mistake when it proceeded in 1970 from the development to the deployment of MIRV's, at the very time that serious SALT negotiations were getting underway at last. The move could hardly have assured the Soviet Union that we were very serious about seeking the "comprehensive" SALT agreement President Nixon had declared to be his goal; but furthermore there was absolutely no strategic reason for the deployment at that time.

Mr. President, earlier this summer Senator Muskie held a series of important hearings in his Arms Control Subcommittee on the arms control implications of the current defense budget. In testimony at those hearings one expert witness after another provided compelling arguments why MIRV is unnecessary and in the end would be to the United States disadvantage. I ask unanimous consent that at the conclusion of my remarks the statement of one of those witnesses, Dr. Herbert Scoville, Jr., be placed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, as Dr. Scoville and other witnesses point out in the hearings, MIRV is useful—if it can be said that any new nuclear weapons program is "useful"—only as a technique for overcoming a massive and effective anti-ballistic-missile defense. While past concern that the Soviet Union might have been planning such an ABM system could have justified developing a MIRV capability in this country, a large ABM system has not been deployed in Russia, and the U.S. MIRV deployment was therefore premature to say the least. If a SALT agreement produces a freeze on further ABM deployment there is no justification for any MIRV at all.

Why, then, are we still going ahead with MIRV? Another witness at Senator Muskie's hearings, Dr. Carl Kaysen of the Institute for Advanced Study at Princeton, observed:

> If there is no substantial ABM, the only excuse for MIRV then is as a counterforce of first strike weapon. I think first strike weapons are very dangerous and . . . the attempt to achieve damage limitation is both futile and dangerous.

I share Dr. Kaysen's concern, though I think he greatly understates the danger and the futility. If the United States is really attempting to achieve a first-strike capability of any sort, it has taken up the pursuit of what I am convinced is an unattainable goal, and one which cannot help but result in an uncontrollable arms race without end. MIRV is not the answer to anything but only the manifestation of a mad and futile pursuit of "security" that will end in no security at all.

Critics of proposals to halt the United States MIRV programs now object that the Soviet Union is going ahead with a MIRV program of its own, but expert testimony this year has established that they are far from achieving such a capability, and may not even have started on a true MIRV. Even if they had, the answer to a Soviet MIRV would not be a U.S. MIRV.

At this point, without a Soviet MIRV program or the deployment of additional U.S. MIRV's, both sides possess so much additional overkill power, beyond the capacity necessary to destroy one another in a retaliatory attack—even after absorbing a surprise first strike—that the idea of adding still more nuclear warheads to our arsenals is pointless. I do not know what the U.S. strategic targeting plan is—the figures are highly classified—but I am willing to accept the conclusions of Senator Symington—who does know—when he stated in a hearing on June 16:

> Knowing the targets which are classified, and knowing the number of warheads classified, I say nevertheless, without fear of contradiction, that we have the capacity to destroy the Soviets hundreds if not thousands of times. What difference does it make if we can destroy them 4,000 times and they can destroy us 2,000, as against our being able to destroy them 2,000 times and they being able to destroy us 4,000 times? This is the logical theory of overkill.

Mr. President, I hope very much that the SALT negotiators, once agreement is reached on limiting numbers of ABM's and offensive weapons, will go on to achieve the more difficult but vastly more important goal of placing firm limits on the kinds of strategic weapons each side can possess, beginning with MIRV, and then begin to negotiate an end to the overkill itself.

Meanwhile, however, it is imperative that for the present we take no more unilateral steps that would jeopardize such a future agreement—Such as the MIRV development that has taken place already—For that reason I wholeheartedly support Senator HUMPHREY's initiative.

The Humphrey amendment is beautiful in its simplicity. It requires no negotiation with other parties; it requires no complex verification procedures; it will in no way weaken or erode U.S. strategic stability—on the contrary, it will strengthen it; it will contribute significantly to the prospects for further negotiated arms control measures at SALT; and it will bring to a halt a weapons program that is totally unnecessary, wasteful, and dangerous.

EXHIBIT 1

STATEMENT OF HERBERT SCOVILLE, JR., BEFORE THE SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL LAW AND ORGANIZATION OF THE SENATE COMMITTEE ON FOREIGN RELATIONS, JULY 14, 1971

Mr. Chairman, it is both a privilege and a pleasure to come again before this Subcommittee which has over the years been such a constructive element in the struggle to increase national and world security by limiting armaments. I am particularly gratified that in this series of hearings, the Committee is attempting to clarify the relationships between arms control and unilateral weapons R & D, procurement and deployment decisions as expressed in the proposed DOD budget. The two are interdependent and cannot be separated. Too often in the past the arms control implications of new weapons developments have been ignored until it was too late to avoid a new round in the arms race.

At the request of the Committee staff the primary subject of my discussion today will be MIRVs (Multiple Independently Targetable Reentry Vehicles), a classic example of such a tragedy. They were originally developed and justified as the most cost effective method for enlarging our nuclear strike capability and the most certain means of insuring penetration of an ABM system while the decision makers gave little or no consideration to their destabilizing characteristics and to the pressures they created for accelerating the arms race. Unfortunately, despite the Senate urging restraint, the U.S. continued MIRV testing and deployment at a pace which is not justified, even by Secretary Laird's own statements of the threat so that as a result their control has been made much more difficult today than it was two years ago.

If MIRV development and deployment is allowed to proceed without any limitation, other new strategic weapons programs will almost inevitably be demanded in order to offset the increased vulnerability of fixed land based ICBMs. These demands will be extremely difficult to resist even though the submarine based deterrent would remain invulnerable if ABMs were restricted to low levels.

Therefore, it is important to determine whether MIRV limitations are indeed a hopeless objective or whether there is still time to restrain this dangerous development.

To explore this issue I shall try to show:

(1) that the U.S. can halt its MIRV deployment for several years without incurring any security risks,

(2) that the Soviet MIRV program is many years behind that of the U.S. and that it would require several years of testing before they could deploy MIRVs which could threaten Minuteman, and

(3) that a U.S.-USSR ban on the production, testing and deployment of MIRVs, verified by national means, is technologically feasible, and in the mutual interest of both nations. Whether it is politically feasible will never be known until the U.S. takes the steps necessary to achieve Soviet agreement.

U.S. MIRV PROGRAM

At the present time the U.S. has completed the development and testing and begun deployment of first generation MIRVs on the Minuteman III and Poseidon missiles. When these programs are completed in the mid 70's, 31 Polaris submarines will carry Poseidon missiles with a reported 10 MIRVs per missile, or 160 warheads per submarine, and 550 Minuteman IIILs each with 3 MIRVs will be emplaced. Two Poseidon equipped submarines have already gone to sea and about 100 Minuteman IIIs are deployed. $1.6 billion is in the FY 72 budget for these programs. The budget also contains $87 million for research on improved MIRV guidance systems in the ABRES program, some of which will undoubtedly go toward improving their accuracy.

Secretary Laird has stated that these MIRV deployments are required to ensure penetration of Soviet ABMs and to provide additional retaliatory weapons in the event of a Soviet first strike against the Minuteman force. He said:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed." [1]

Even with the recently reported resumption of ABM deployment around Moscow and even without any ABM agreement at SALT which President Nixon has stated as goal for this year, the Russians will not have an ABM needing U.S. MIRVs to maintain the deterrent until well after 1975. If an ABM limitation is achieved, MIRVs will never be needed.

In this connection much concern has been expressed in some quarters that the Soviets might secretly upgrade their anti-aircraft defensive missile systems (SAMs) into ABMs. If it is so easy to convert air defenses to ABMs, why is the U.S. dismantling its Nike Hercules SAM batteries and instead proposing to spend more than $12 billion on a new system of limited effectiveness? Moreover, Secretary Laird has recently reaffirmed his view that "an effective (ABM) defense of our population against a major Soviet attack is not now feasible," [2] and this judgment took into consideration all technology available to the U.S. and not just modifications to an existing SAM. The type of logic which adopts a double standard for U.S. and Soviet technical capabilities is, in my view, very dangerous and can in the long run decrease rather than increase U.S. security.

While a SAM system can always have some capability for shooting down a ballistic missile, it is quite another thing for it to have a realistic capability for neutralizing the U.S. deterrent. Soviet SAMs do not have the high performance radars which are required. Coupling Russian HenHouse radars to the present SAMs will still not do the job since these radars are in most cases vulnerable and could be put out of action by a single missile. Then, the SAM-ABM system would be a blinded Cyclops. The Soviets at a minimum would have to build new, sophisticated, and powerful radars providing wide area coverage before their SAMs would have any real ABM capability. These would take many years and be detected long before they were truly operational. Countermeasures could be instituted far in advance. And indeed, as Secretary Laird has argued, no ABM can with existing technology reliably protect countries like ours and the U.S.S.R.

With respect to the other stated justification for MIRVs, i.e., the need for more retaliatory warheads, Secretary Laird stated in early March that the initial threat to Minuteman would not occur until 1975–76.[3] Moreover, since that time it has been shown that the threat from the new construction of large Soviet ICBM launchers was illusory. Finally, as I will discuss shortly in more detail, it becomes increasingly evident as every day passes that the Soviets have probably not even yet begun testing a MIRV system of the type and accuracy which could threaten Minuteman. Thus, even the 1975–76 date is almost certainly premature.

In this connection the program for placing MIRVs on the Minuteman III is particularly unwise at any time for two reasons. Not only is it a bad investment to expend billions of dollars to replace a single warhead with three out of fear that 95% will be destroyed, but also the Minuteman III MIRVs are the most destabilizing because they have the greatest potential as counterforce first strike weapons. Their warhead yield of hundreds of kilotons together with their fixed, accurately known, firing location provide them with a much greater hard target capability than the smaller yield warheads which would be fired from submarines. On the other hand, the fact that Minuteman III will only carry three warheads makes it much less effective in securing the deterrent by penetrating ABMs than Poseidon with 10 or more warheads. All these factors combine to make the Minuteman III MIRV program undesirable in any circumstances.

In sum, even taking the DOD's own justifications, it is apparent that there is no present security requirement for U.S. deployment of Poseidon and particularly Minuteman III MIRVs. While it is true that orderly scheduling would support the continuation of the present deployment program, I would hope that no government official would use such an irresponsible excuse for the continued deployment of MIRVs in light of the risks that such action presents to our ability to halt the arms race.

Recently one further justification for U.S. MIRVs has, however, also been rumored, i.e., the need for MIRVs to provide the U.S. with the option to retaliate, following a Soviet first strike, in some manner other than by destroying Russian cities. President Nixon stated:

"I must not be . . . and my successors must not be . . . limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population. It would be inconsistent with the political meaning of sufficiency to base our force planning solely on some finite . . . theoretical . . . capacity to inflict casualties presumed to be unacceptable to the other side." [4]

No public amplification of this has yet been made, but the use of MIRVs in a counterforce second strike has been hinted as one means of providing such a capability. Unfortunately, a second strike counterforce MIRV cannot be differentiated from a first strike one, and Secretary Laird has categorically denied that the U.S. was seeking such a weapon. The Soviets would inevitably view any counterforce MIRV as a threat to their deterrent as we would view a similar Soviet program as a threat to ours. The Russian fear of the U.S. MIRV program may well be the explanation for their construction of new large holes for possible hardened launchers. A U.S. attempt to achieve counterforce MIRVs would be only a thinly disguised program to raise the arms race to a new level.

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[1] Fiscal Year 1972–76, Defense Program and the 1972 Defense Budget, March 15, 1971. P. 66.

[2] Ibid., p. 63.

[3] Ibid., p. 46.

[4] President Nixon's State of the World Message, February 25, 1971, p. 131.

Finally, I believe that President Nixon's objective, while superficially attractive, is dangerously misguided. The scenario that the Soviets might initiate a surgical first strike to knock out our Minutemen and bombers, an attack which would require thousands of megatons and kill millions of Americans as a byproduct, on the chance that the U.S. might refrain from retaliation, seems to me a fantasy which ignores all the realities of a nuclear war. Far better for the U.S. to expend its energies and resources on means to avoid the outbreak of nuclear war than the means to fight it. It is sometimes argued that having such a second strike capability might be a useful deterrent to Soviet consideration of initiating a limited nuclear war. In my view, the fear of U.S. destruction of the entire fabric of Soviet civilization is an infinitely more potent deterrent than the fear that we might destroy her residual strategic forces.

SOVIET MIRV PROGRAM

There is no question that in the absence of any arms limitations the Soviets can in time develop and deploy MIRV systems which could threaten fixed land based ICBMs. The large payload of their missiles makes this easier in the long run for them than for us. However, no convincing evidence has ever been presented that the Soviets have yet tested a MIRV system with such capabilities.

In the spring of 1969, President Nixon and DOD officials expressed fears that the "footprint" of the Soviet 3–MRV system, which was first test flown in August 1968, had a pattern for destroying Minuteman. As time has passed, this fear appeared to have been unfounded. Then in the fall of 1970, the DOD again announced that new tests indicated the Soviets had for the first time tested a 3–MIRV system using their SS–9. Now, six months later, it again seems that these fears were exaggerated. Recent reports have cast serious doubt as to whether the Soviets tests were of a MIRV system which could realistically threaten Minuteman. (They may have only been malfunctions of the old MRV.) A MIRV which can threaten Minuteman must have accuracies of less than ½ mi. CEP and the flexibility to vary the "footprint" to cover a wide variety of Minuteman deployment patterns. No evidence has ever been presented to support this. It seems likely that this is but another example of the selective public release of partially analyzed intelligence information in order to stampede the Congress and the public into supporting new weapons programs.

It seems most likely that the Soviets have not yet even begun testing a MIRV system which could threaten the Minuteman component of the U.S. deterrent. However, they are technologically capable of doing so at any time. When they do, it will probably be with a missile system capable of dispensing 6 or more independently targetable warheads, rather than the triplet warhead MIRV used in the U.S. SS–9 threat calculations. Six or more MIRVs per missile would reduce the need for the Russians to deploy additional large ICBMs. That is why it is important to try to put a brake on MIRV programs now. This is much more critical to U.S. security than limiting the number of large ICBMs. The Russians already have enough CC–9s provided they have such a MIRV capability.

Yet, why has the Administration, in spite of overwhelming Senate support, (S.R. 211), been so reluctant to take the necessary steps to attempt to get the Soviets to agree to some limitation on MIRVs? Why have we promoted unilateral U.S. MIRV programs which have no present security requirement and yet which make Soviet MIRV programs so inevitable and their agreement to limit them so difficult? Is it because we do not have the political strength to halt a new military technology? Some say we cannot design a negotiable MIRV limitation which would protect our security, but I do not believe this to be a reasonable excuse for our apparent footdragging.

LITIGATION ON MIRV'S

I do believe it is technically possible to have a MIRV limitation which could be verified by national means so as to protect U.S. security. Admittedly, national means are not adequate to detect deployment of MIRVs in a missile system of the same external configuration as a single warhead missile. However, onsite inspection is not adequate for this either, since it is impossible to prevent substitution of the MIRV stage by a single warhead prior to the arrival of an inspector. U.S. attempts to obtain Russian agreement to onsite inspection would be evidence only of our lack of interest in a MIRV limitation.

A ban on the production, testing and deployment of all MIRVs would, however, be a verifiable all inclusive agreement, which would be in the mutual security interests of both countries. Any agreement which allowed even small MIRV deployment would almost certainly be unstable and defeat its purposes. To allow the Russians to achieve our present capabilities would almost inevitably provoke U.S. responses in weapons programs. The presently deployed U.S. Poseidon and Minuteman III MIRVs would have to be replaced with single warheads. A single warhead version of Poseidon has been designed, but the program has not been given priority.

The Minuteman II MIRV is very questionable even if the Russians went ahead with all their strategic weapons programs. A MIRV ban would be much more effective in protecting the Minuteman deterrent than any Minuteman III deployment. The Poseidon MIRVs are unnecessary unless the Soviets deployed a very large ABM which would take many years and may be foreclosed if President Nixon achieves his stated goals at SALT. In the event that a large ABM threat developed, the single warhead Poseidon could be converted to a MIRV in ample time to protect our deterrent.

With respect to the verification it is fortunate that the Soviets have not yet a tested MIRV which can threaten Minuteman. They cannot make such a deployment without tests which could be observed by U.S. national information systems. I testified on our ability to verify MIRV testing before this Committee last year and so will not repeat the details at this time.[5]

The Soviets could also verify such an agreement. Although the U.S. has tested and begun deployment of MIRVs for Minuteman III and Poseidon, the Russians would be certain to know if we continued to produce or deploy these in violation of an agreement. This is made easier for them by the fact that both these new missile systems have different external configurations from the presently deployed Minuteman I and II and Polaris. Thus, the U.S. can verify such an agreement primarily through the testing phase and the Russians primarily through the production and deployment phases.

One must, however, ask the question as to whether such an agreement is politically achievable even though technically feasible. At this point it is impossible to state categorically whether the Soviets would agree to any limitations on MIRVs. Certainly they have given little evidence that they are particularly eager for such an agreement. However, such an agreement would be in their security interest, as well as that of the U.S., since it would eliminate the vulnerability of their land based ICBMs to a U.S. counterforce strike. Despite protests to the contrary by senior DOD officials, the Russians must view the U.S. MIRVs as a threat to their deterrent. The program to improve MIRV guidance systems is further evidence of U.S. intent to develop such a threat. President Nixon's view[6] that U.S. MIRVs are designed to demonstrate our defensive intent and are justifiable, while the Russian MIRVs, which are not even yet tested, are dangerous because they threaten our ICBMs, is likely to be subscribed to only in reverse by the Soviet leaders.

Despite these incentives for Russian agreement to such a ban, I am not optimistic that they would be willing to do so. When the U.S. Senate first urged such action they may have been, but as every day passes and U.S. deployments continue, agreement becomes more unlikely. Past experience has shown that they will neither negotiate from a position of weakness nor agree to freeze themselves in a position of inferiority. They refused even to begin SALT until their missile forces approached parity with the U.S. To forego the development of even a first generation MIRV system when the U.S. has completed testing and begun deployment on two such systems would be a major concession which might be impossible for their political and military leaders to make.

Nevertheless the U.S. should make every effort to persuade the Soviets to do so and take all possible steps to make such a Russian decision easier. The proposal of replacing our existing MIRVs with single warheads should be of interest to them. Certainly until we have explored every avenue for achieving a limitation on such systems, we should postpone further deployment of U.S. MIRVs for which there is no present requirement in the absence of a larger Soviet ABM, and should cancel any programs for further improvements in MIRV accuracies. Proceeding prematurely with our programs and thus destroying any hope of agreement would be a folly and unnecessarily increase the risks to our security. MIRVs are a clear example where proceeding with a unilateral weapons program provides less security than restraint. Parallel with these halts the U.S. should press forward with, and complete the development of a single warhead version of Poseidon and, if necessary, Minuteman III, so that we would be in a position to agree to a complete ban on the deployment of MIRVs by both nations.

RELATIVE IMPORTANCE OF LIMITING MIRV'S

Limitations on MIRV's should be the highest priority item in any attempts to limit offensive strategic weapons because of their destabilizing characteristics and the potential they provide for a first strike. Their deployment produces far greater pressures for escalating the arms race than do increases in the numbers or changes in other characteristics of strategic missiles with single warheads. The difficulties involved in verification, once a tested MIRV system is available, makes it urgent that they be controlled now before this problem becomes much more difficult. However, since MIRVs only threaten the land based portion of deterrent, the failure to ban them completely does not necessarily mean that the strategic arms race is uncontrollable. As long as neither side has large ABMs with nationwide coverage, mutual deterrence will continue to exist. ABMs threaten all portions of the deterrent. Therefore, the U.S. and Soviet governments have acted wisely in agreeing to give highest priority to the achievement of limitations on ABMs this year at SALT. However, while an agreement on ABMs is being negotiated, neither nation should take any unilateral steps which might make more difficult an eventual limitation on MIRVs.

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[5] Verification of Strategic Arms Limitations—Testimony before the Subcommittee on Arms Control, International Law and Organization of the Senate Committee on Foreign Relations—April 13, 1970.

[6] State of the World Message, February 25, 1971, p. 138.

SUMMARY

(1) The U.S. has no security requirement for the deployment of MIRVs at this time. The deployment should be stopped and funds for the Minuteman III and Poseidon MIRV programs should not be provided in the FY 72 Budget.

(2) The Soviet MIRV program is far behind the U.S. and in all probability the Russians have not yet even tested a MIRV system of the type that could threaten Minuteman.

(3) A ban on the production, testing, and all deployment of MIRVs would be in the U.S.-USSR mutual security interest and could be adequately verified without onsite inspections.

(4) In order to persuade the Russians to agree to a MIRV ban the U.S. should postpone any further deployment of MIRVs, cancel all programs designed to improve MIRV accuracy, and press forward with the development of a single warhead for the Poseidon missile.

(5) Even if a MIRV limitation cannot be negotiated, the Minuteman III program should be canceled, and the U.S. should refrain from further deployment of Poseidon MIRVs as long as the Soviet ABM remains limited.

(6) The fear that the Soviets might secretly convert their SAM aircraft defenses into an ABM which would threaten our deterrent has insufficient foundation to warrant any change in the above conclusions.

(7) The U.S. should direct its strategic policy toward maintaining deterrence, and refrain from attempting to develop a capability for fighting a strategic nuclear war which can only increase the risk that a nuclear holocaust will actually occur.

I congratulate the Senator from Minnesota on a most creative and constructive suggestion.

Mr. HUMPHREY. Mr. President, I want to express my thanks to the Senator from California and commend him for his work and efforts in the field of arms control and strengthening the military. I think the Senator has added great strength to our efforts in Congress, and I appreciate his cosponsorship. I appreciate immensely his work in this area and his statement today, which has been very helpful.

Mr. CRANSTON. I thank the Senator.

Mr. HUMPHREY. Mr. President, this amendment should not be considered any more or less than it actually is. It does not deny funds. It does not try to knock out of this bill the money for MIRV. It would place the funds that have been judged necessary by the Committee on Armed Services for our ongoing MIRV program in escrow for a period at this juncture of not more than 1 year. These funds, however, could be released at any given moment if it were determined by the President and the Congress that their release for the continuation of MIRV deployments were essential to our deterrent capabilities.

If the President of the United States were to come here, let us say, 3 or 4 months from now, and say, "The Soviet Union has not responded. The Soviet Union is MIRVing its missiles. The Soviet Union is going full steam ahead in the program of multiple warheads, and I think this leaves our country in serious jeopardy," does anyone really believe that the Congress of the United States would not respond to that? Of course we would.

As a matter of fact, one of the big problems we have had around here is that Congress has been responding almost by automatic reaction to the requests of Presidents—not just this President. This is where the erosion of congressional power in national security has taken place.

I think one of the most important bills that has been introduced in this Congress was by the Senator from Mississippi, which relates to the powers of the presidency in areas of national security and the role that the Congress must play, because, after all, Congress does have a role.

Unless we fully investigate the erosion of the power of Congress vis-a-vis the President and unless we do something about it, we are going to find that all power rests in the President and the Congress has but one authority, and that is to appropriate money, without knowing specific amounts to be appropriated for a specific system. I would hope that would not happen.

I see another crisis on our threshold in the economy, where again we in Congress are almost having to say to the President, "Fix it up. You do it." I would submit to my colleagues in the Congress that we have a role to play, and it does little good for the Congress of the United States to get very upset about Presidential powers if we are unwilling to take some responsibility ourselves.

What I have done through this amendment is say—

> We will appropriate these funds, we will give the benefit of the doubt to the wisdom of the Armed Services Committees and to the advice and counsel of the Defense Department, but we are also taking cognizance of something that is going on today, namely, the Strategic Arms Limitation Talks. And we are taking cognizance of the fact that this Government and the government of the Soviet Union have said they will try, first, to enter into some agreement on defensive missiles, and secondly on offensive missiles.

I submit that this political conference—SALT—and it is a political conference in the best sense of the word "political"—is as important to our national security as any weapons system that we could authorize or any military procurement bill that we could pass; because security is relative.

We are being told, in our NATO alliance, for example, that we have to have so many troops here, and so many tanks and so many planes, that we have to be able to respond in a particular time frame. Why? Because of what the Soviet Union has on the other side of the line, with its allies.

Mr. President, I submit that in nuclear weaponry, the same is true. So what we are proposing is that the moneys be appropriated, and that they be put in escrow. Then, if we find that the Soviet Union is continuing its missile program, particularly the deployment of a large-scale ABM and if it is trying to beef up its missile system with a MIRV program, then the President comes to this body with his message, and says to Congress:

> Here is the situation, here are what we know to be the facts, and these funds should be released.

I think it would work. I want to emphasize that for our part, we are calling upon the Soviet Union to refrain from any testing and deploying of a MIRV, the deployment of a large-scale anti-ballistic-missile system, or from taking any further action which we could conceive as a significant threat.

If this measure I am proposing were adopted, we would be the first to take action with respect to halting MIRV. To that extent, we would be taking unilateral action. But it was the United States, not the Soviet Union, who first developed and is now deploying MIRV. That was just as much a unilateral act as halting further testing and deployment would be now.

While it is true that our MIRV was originally designed to assure us of ability to penetrate Soviet defenses, we have since discovered that these defenses are far from impenetrable. The Soviet Union had deployed a line of air defense missiles and associated radars, the Tallinn system which were at first thought to be the start of a nationwide ABM system. By now, most experts in the field have concluded that the Tallinn system is not part of any nationwide ABM, nor for that matter is it an effective ABM.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering, in his testimony before the Senate Armed Services Committee this year, replied to Senator SYMINGTON's question about the effectiveness of Tallinn as a system to prevent our capacity to retaliate after a nuclear attack launched by the Soviet Union.

He said that he did not see how the Tallinn system could prevent our retaliating. And because our defense strategy is built around a second-strike, as opposed to a first-strike capability, our main concern is to assure our retaliatory capability. There has been some talk of the possibility of the Tallinn system being rapidly upgraded to a high confidence ABM system. This possibility has, however, been largely described due to the changes in equipment which would be necessary before any kind of ABM system could be activated.

I might say, Mr. President, we have found out that it takes quite a little while to build an ABM system. We have been arguing about this ABM system for years here. We authorized the ABM system, here in Congress, in 1968. I do not think there are very many ABM's operative right now. So a few months' lag time will not derail the whole weapons system. And I point out that the original argument for MIRV was that it was necessary because the Soviet Union was building a highly effective ABM system of its own.

That was the original argument. The MIRV was to have independently targeted warheads, which scatter and pick out individual targets, and to penetrate any sophisticated antiballistic missile system. I heard all these arguments as a member of the National Security Council. MIRV research and development was done several years ago. I voted for funds for MIRV research and development. I voted for funds for the antiballistic missile system, for research and development. And, Mr. President, the whole basis of the argument for MIRV was that the Soviets had a big ABM system.

In fact, my colleagues will recall that we had a closed session here of the Senate one time, when I believe the distinguished Senator from South Carolina reminded us, in closed session—a secret executive session, with the galleries cleared—about the Tallinn system and the Galosh system in the Soviet Union. But our National Security Council has never been overconcerned about that development. First of all, it is obsolete. And obsolete technology weakens the capacity of a nation to put up more advanced technology. But we had to put up a second DEW line. Now we are not sure that the second DEW line is even worth having.

At the time we were told that the Soviet Union had put up large numbers of ABM's. Our response? We believed that the best security is an effective offense, so our response was to build a MIRV, which would be an effective retaliatory weapon, that could penetrate any ABM. Now what do we find in the morning paper, the New York Times?

> Accord on ABM's reported close.

That is the lead story in the New York Times today, on the front page. It says:

> ACCORD ON ABM'S REPORTED CLOSE
>
> U.S. AND SOVIET ALSO SAID TO MAKE SOME PROGRESS ON OFFENSIVE MISSILES
>
> Reliable source reported that the United States and the Soviet Union were near an understanding on the limitation of antiballistic missiles as they ended the fifth round of their nuclear arms talks here today.

And they go on to discuss it in more detail:

> On defense weapon, the Soviet Union and the United States were reported moving toward an understanding whereby each side would limit its antiballistic missiles to the number required for the defense of what it considers to be its paramount military objective in its territory. The Russians are said to have selected Moscow and the United States its three largest Minuteman strategic missile bases.

Mr. President, if we have an agreement in the works on the ABM, and the ABM was the reason we needed the MIRV, it would seem that we might have enough common horsesense here in Congress to temporarily put a halt to the MIRV system, which is very expensive, and which lends itself to the arms race if we deploy it. I suggest we wait to see two things: First, they get an agreement in Helsinki or Vienna on limiting the antiballistic missile systems? Second, do we make progress on offensive missile system limitation? And I might add as a third point, if the Russians do not limit their own MIRV, if they do not stop or at least slow down their own MIRVing of their own missiles, then this particular amendment triggers the response where the President says:

> All right, the money is in the bank, the Russians have not reciprocated, they have gone down their own road, putting out these MIRV missiles, and I come now to Congress and ask you to release those funds.

In fact, Mr. President, under my amendment all that would be necessary is for the President to report to Congress, and we could set up whatever mechanism we want here, or through a committee in Congress to receive this report and to act. Or for that matter, we could do it by concurrent resolution. We could even do it by a simple resolution, to say, "Mr. President, the defense of the Nation and its security require the release of the funds."

But I would say that this morning's story, if it has any credibility—and I think it has—tells us that the main argument for MIRV has been shot down, unless we are just determined to keep going simply because we have an initial investment in it.

The actual Soviet ABM system insofar as our intelligence services know, consists of 65 Galosh ABM missiles constructed around Moscow between 1964 and 1968. Up until now, our defense planners have played the perennial guessing game of whether or not the Russians are stepping up their ABM deployments. Usually, around budget time every year, we discover that the Russians are doing everything we feared they might do and even more.

I have been in Congress a number of years, and one can predict, with almost calendar certainty, that every time we are about to discuss the military procurement bill, the Russians seem to have a bigger navy, a bigger air force, and more missiles. I do not know what happens to them after we finally pass the bill, but some miracle takes place, because things seem to get back into some balance. Every time we are about ready to pass one of these huge authorizations or appropriations—and it is even more so on appropriations—we always have the Defense Department alerting us to the possibilities of tremendous Russian developments and breakthroughs.

Once again I want to say that I expect the Defense Department to level with us and give us information. I wish they would do it the year around, not just before the votes on these bills. But I am of the opinion that they have no new evidence that the Soviet Union has constructed any new sophisticated ABM defenses. On the contrary, the evidence is that the ABM that the Soviet has is obsolete and out of date and easily penetrable.

Secretary Laird tells us that the Russians have resumed deployments of the Galosh ABM, which apparently is sufficient evidence to justify the continuation of our MIRV program. But the essential question of whether the Soviets have built or can build a high-confidence ABM in the near future has not been answered in the affirmative by our Government officials. There has been no—I repeat, no—evidence which would show that such a prospect is in sight.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PELL. I ask the Senator from Minnesota what the impact of his amendment would be on the Polaris-Poseidon program; because, as I understand it, this program is pretty well advanced, and some of our nuclear boats—I say "boats" because that is what submarines are called—are already MIRVed or Poseidonized.

If that is the case, would not this amendment stop in midstream a program that is presently underway at shipyards in, I believe, New London, and other places.

Mr. HUMPHREY. This amendment, first of all, would leave all those boats—as the Senator classifies them—the Poseidonized submarines, with their Poseidon missiles. Of course, all those with Polaris missiles likewise would remain as they are.

It would hold up further deployment of Poseidons on new boats or a conversion, until such time as we found that there was need for it, in case the Soviet Union did not respond.

Mr. PELL. What would be the case for submarines presently in the yards, actually being Poseidonized? Would they stop work on them?

Mr. HUMPHREY. No. This relates to fiscal 1972. The funds that are appropriated for fiscal 1971 are available to be used. But as to the new funds, for fiscal 1972, we simply say that those funds that are appropriated now will be put in escrow pending our observation and our reports as to what the Soviet Union is doing.

We do not need Poseidon missiles on submarines if nobody else has anything like it. We already have a superiority in the Polaris system, which I understand the Soviets could overcome in years to come. There is no doubt they could do it.

We are not going to play dead. Every time I hear these arguments, they are presented as if we are going to abolish our entire defense industry.

Mr. PELL. Is the amendment of the Senator from Minnesota designed mainly to affect the land-based MIRV-ed installations and not the submarine-based installations?

Mr. HUMPHREY. No; it is both. It refers to both. But it refers to fiscal 1972, not fiscal 1971. Those that would be completed under fiscal 1971 would be completed, and as to those that would be scheduled for fiscal 1972, under these appropriations, the funds would be held in abeyance, in escrow, unless the President reported that the Soviet Union was not responding in kind.

My entire argument is the relativity of defense structures. I see no reason for us to have, for example, 5,000 bombers if the Soviet Union has 500 or 1,000. Everything is relative.

Mr. PELL. I see the chairman of the Armed Services Committee in the Chamber—I am wondering whether the percentage of our submarines that have been Poseidonized has been mentioned in the public press or is well known, or is this figure not in the public domain?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. This is a good time to get this in the record. We have anticipated questions such as this.

Seven of our submarines already have been converted to the Poseidon from the Polaris, and presumably they are at sea.

Of these, four have been deployed with Poseidon missiles—that is, four already have gone out. Nine more are in the process. This is where we have the problem of changing horses in midstream. Nine more are in the process in the shipyards. Under the terms of the proposed amendment, I suppose it could be argued that those already deployed could remain MIRVed.

Mr. HUMPHREY. Yes, indeed.

Mr. STENNIS. Here are nine that are in the process of the transition. They start in 1971 and they do not finish that year, but they use 1971 funds and the 1972 funds. It might run into 1973, as I understand.

Mr. PELL. How long does it take to convert a Polaris to a Poseidon?

Mr. STENNIS. It does not take the 3 years I mentioned, but the use of the funds could well run into 3 fiscal years. I am advised that the submarine is in the process approximately 30 months. Others are traveling along with it.

Mr. PELL. My understanding was that it is nearer 9 months from the time it goes to the yard until it leaves the yard Poseidonized.

Mr. STENNIS. Somewhere I have been told about something about 9 months of work, but I do not know that they move quite as fast as 9 months. But they can affect 2 or even 3 fiscal years.

Mr. PELL. Would not the adoption of the Senator's amendment, since it only applies to fiscal 1972, mean that those submarines presently in the yards could be converted and that the amendment would hold up any more coming into the yards? Would that be a correct statement?

Mr. STENNIS. I think it is clear that those that are in the process now would be stopped by the 1972 funds, if they had to use 1972 funds.

Mr. PELL. In that case, we could not maintain our positions at sea, because we have a certain number of boats on patrol, and it would upset the cycle, I would think. Would that be so?

Mr. STENNIS. Yes, I think so. The amendment reads:

> Pursuant to this or any other law.

That cuts off all the funds. As I interpret this, it very clearly says that it must stop.

Mr. HUMPHREY. No. The funds for fiscal 1971 are available; and I say most respectfully that funds that are in this program for the Polaris program and for the Poseidon program are not always spent in the fiscal year. As a matter of fact, we are most likely expending some funds from fiscal 1970 and fiscal 1971, because the military programs, as the Senator has noted appropriately, are in advance. May I say that it does not stop us from modernizing the Polaris.

When the Senator says "on patrol," these submarines can still be on patrol, but some of them will not be on patrol with Poseidon. Undoubtedly, there will be some additional submarines that are Poseidonized, over and above the seven we presently have that the Senator from Mississippi has noted.

Let us say it would not be fewer that would come out under the monies presently available.

Mr. STENNIS. It is clear under this language—let me read it:

> All funds appropriated pursuant to this or any other law—

That refers to a law of 1971 or 1970 or, really, refers to future years—

> any other law.

That makes it permanent law. So this will stop the funds in its very tracks according to the terms now for any process going on, making the Polaris into a Poseidon, which means putting in the MIRV's.

Mr. HUMPHREY. As the author of the amendment, may I say most respectfully to the Senator from Mississippi that we are talking about funds for fiscal 1972. That is what this authorization is all about. Funds presently available are funds that are available to be used, and they can be used; but the funds for fiscal 1972 would be put in escrow. I repeat, we are not arguing whether any funds should be appropriated. We have appropriated the funds. As a matter of fact, the President, let me say to the Senator from Rhode Island, has $12 billion in funds in escrow right now, $12 billion to deny us hospitals, $12 billion to deny us sewers and water, $12 billion to deny kids food, $12 billion to deny school lunches; but who gets excited about that?

Mr. PELL. In personal escrow, they are.

Mr. HUMPHREY. Yes. The President does not hesitate to take $12 billion in funds appropriated by Congress for hospitals, sewers, food, and so forth, and putting them in escrow.

What we are talking about here are placing relatively few dollars in escrow from a MIRV program that we do not need, and still the President can come back here and say we have got to have it because the Soviets are not acting in a reciprocal manner. We say it will stop the whole continuity. We have stopped the whole continuity of sewer systems all over the country by this nonsensical attitude of the President. We have stopped building hospitals. We have stopped building roads. We have stopped building houses. Yet I do not hear anyone say that the security of the country is being threatened because of it. We have stopped giving people jobs. There are 6 million of them without jobs. That is a lot more dangerous to the security of this country than my amendment.

Mr. PELL. I am sympathetic to the amendment of the Senator from Minnesota, but I am also very much a believer in the efficiency, the effectiveness, and the importance of the present Polaris-Poseidon program.

Mr. HUMPHREY. So is the Senator from Minnesota. I think it is the best program.

Mr. PELL. I am trying to resolve a question of fact here. The question is, If the conversion of the submarines is held up for a period of time, will it have an adverse effect considering that we have so many stations where they should patrol? If such is the case, as I understand from the Senator from Mississippi, I was wondering whether the Senator from Minnesota might consider exempting submarines from his amendment, because I think there is a difference between this and going ahead with the MIRVing of the land-based missiles which are rimming the Soviet Union. When the Senator from Minnesota and I talked with Premier Kosygin, as he will remember, at different times, we could see the concern that the Soviets have as they look at the globe, and they see themselves surrounded in every possible way. If I were placed in that kind of position, I would be very nervous too.

I am wondering, therefore, if this is something in the Senator's amendment that really would have an adverse effect. Would the Senator consider not including the submarine portion? It would have the same propaganda effect, the same psychological effect, the same expression of the will of Congress as it should have to the Executive, but it would not interrupt the ongoing submarine programs.

Mr. HUMPHREY. May I say to the distinguished Senator from Rhode Island that the whole purpose of my amendment is to try to help along the discussions that are taking place now, to bring about a sensible and reasonable limitation on both defensive and ultimately offensive missile weaponry. The talks that are taking place in Helsinki and will continue in Vienna are crucial to the possibilities for a peaceful world, a world that can save itself from a nuclear holocaust.

When we talk about offensive weapons, we have got to talk about all of them—that is, when we talk about nuclear offensive weapons. It means that we have to talk about the ICBM's, also. We have a schedule for programing of the MIRV's. We have scheduled the MIRVing of the ICBM's. We also have a program of Poseidonizing some of our submarines, both of which are potentially offensive weapons systems. I do not like to think of them in those terms, but from the Soviet's point of view, that is the way they look at it.

My point is that we should take the initiative here and send out a signal that we are prepared to halt or to limit the program—I imagine that it would be a limitation—if we are prepared to take that initiative, provided they reciprocate, that is what I am talking about.

In all candor, let me say that I have looked at the submarine missile program as the better of our programs. While the Soviet Union today has more and higher yield land-based missiles than we have—we have an advantage with the Polaris and now with Poseidon.

May I say that my amendment does not prevent submarines from being on station with Polaris. Polaris is not exactly a toy. It is a rather impressive piece of weaponry. But it would put a halt to the expansion of our Poseidonizing our submarines for whatever period of time—for this year—not more than a year, may I say—provided the Soviet Union did the same. If it did not, then, of course, there would be no halt.

Mr. PELL. Does not the Senator from Minnesota think that if we bring it to a halt, it would mean that there will be some stations, I would think, that would not be manned.

Mr. HUMPHREY. I am trying to get the Senator to explain how that would be, because we do not take submarines out of action——

Mr. PELL. We do. We take them out on a rotation basis.

Mr. HUMPHREY. But the Polaris missile is on that same submarine. That submarine is being converted. It is not a new submarine. It is being converted from Polaris to Poseidon.

Mr. PELL. But they have to come back to the yards for overhaul. Under the amendment the whole cycle would be held up and there would be a piling up of those submarines that needed overhaul, or were pulled off the station. It seems to me it would increase the number of other submarines coming out of service because the yard, in the process of converting, would not know whether to convert them back to Polaris, during a freeze such as the Senator proposes.

Mr. HUMPHREY. But they are in Polaris condition now.

Mr. PELL. But if they are halfway changed, that would be tough.

Mr. HUMPHREY. Those in station.

Mr. PELL. Yes.

Mr. HUMPHREY. I see the Senator's point.

Mr. PELL. That is why I am wondering whether we could limit the amendment here to——

Mr. HUMPHREY. I will have to take a look at that. The Senator from Rhode Island may have a good point there, in terms of the number that may be in station at the time.

Mr. STENNIS. Mr. President, I propose to read from a memorandum from the Navy that refers to the subject matter now being discussed.

It refers first to the seven submarines that have been converted. It says that the submarines already converted to Poseidon cannot carry the Polaris. To refit those converted and out of the yard but not yet deployed would require their return to the yard for approximately 1½ years each.

Mr. HUMPHREY. When the Senator says "deployed"——

Mr. STENNIS. That means the number sent out.

Mr. HUMPHREY. What we are talking about here with my amendment, relates to testing and deployment. Deployment means having the missile in position. A Poseidon missile is in position when it has been put into the submarine, "Whether it has left the harbor or not. I am not trying to regulate the movement of submarines on patrol, but those seven would be, for my purposes, ready—for the purposes of this amendment—ready and able to move as part of our structuring them as a Poseidonized missile.

Mr. PELL. Mr. President, if the Senator would yield for a minute, it is many months after the actual missile system is installed before the submarine is fit to go to sea. So there is a lag of many months.

Mr. HUMPHREY. I understand, but as far as deployment of the missile is concerned, the missile is an ICBM if it is put into the ground. The deployment of the Poseidon is at the time it is fitted into the system of the submarine.

I recognize that once we take a submarine and start to dismantle it and change it to Poseidon, we have made a physical change to the submarine. It is not easy at all to switch back and forth.

My point is that we would not stop the Polaris program for the renovation, repair, and servicing that goes on. That would continue.

Mr. PELL. That has already been reduced because Polaris submarines are being converted to Poseidon.

Mr. HUMPHREY. But during that period of time, if this money were in escrow, it would not stop that program. They would continue the renovation, repairing, and servicing of those Polaris submarines and could do much work on the new Polaris submarines. Where they do, there is a factor of time concerned. However, once the new missiles are fitted into the submarine, it is for all practical purposes a Poseidonized, which is a different matter.

There are only four of those at the present time.

Mr. STENNIS. I believe the Senator is correct.

Mr. HUMPHREY. I will come back to that later. If further clarification is needed here, we will get into it.

Mr. PELL. The thought I had hoped might be acceptable to the Senator was that there might be some exemption of the Polaris-Poseidon program. I think from the viewpoint of what the Senator is driving at, this is only a portion of the total MIRV program.

Mr. HUMPHREY. Mr. President, one of the reasons I have offered the amendment is that we have developed the state of the art of MIRVing beyond the Soviet's present capability. This is not to say that in due time the Soviets will not catch up. However, as of now our multiple independently targeted reentry vehicle, landbased and Poseidon, is a superior weapon to that which the Soviets have. We are further along. I think the estimate is that we are at least a year ahead in our technology, and perhaps longer. Therefore, my amendment would not put us in a position of yielding something in technology that the Russians do not have as yet. We have a lead time. I hope I can demonstrate it to the satisfaction of my colleagues.

The whole purpose of the amendment is related to the present negotiations. I know that some people feel that the only way to negotiate with the Soviet Union is to have the so-called bargaining chips. I think we have to deal with the Soviet Union firmly. I think we have to understand that they are going to negotiate for their own security.

I hope that we are not so foolish as to throw away our security. I do not think we are. I do not think we have fools negotiating for us. We have people of ability at Helsinki. I think we have competent men on our negotiating team.

We are not going to negotiate away anything that will basically affect our security. The Russians will not, either. Therefore, what we are talking about is whether we can take some initiative that might get us off dead center.

Mr. President, I remember a few months ago that our Government was saying that we would not negotiate a separate ABM and weapons offensive agreement, that they had to come together. That was the position taken 5 months ago. Now, fortunately, the President made an announcement, as did one of the leaders of the Soviet Union, that we had arrived at an understanding that we would proceed first on the defensive weapons and then lead into the offensive weapons. That is exactly where I was standing in February when I made my first presentation to the Senate. I said we have to go step by step with the Soviets. If we can get some success in limiting ABM's, then the reason for MIRVing will have been reduced. The argument for the MIRV was because the Soviet Union had deployed some ABM's. That is still my position today.

I think that, while MIRVing may prove to be required because of the intransigence of the Soviet Union, we ought to give some consideration to putting funds in escrow and have them ready and let the Soviet Union know that Congress has voted those funds. We ought to say in substance to the Soviet Union, "If you slow your missile race down and come to an agreement with us, the funds will not be expended. But if you do not, the funds are there. We do not have to go to Congress and ask for them."

Mr. PELL. What would be the effect on the present Polaris-Poseidon program if the amendment were agreed to?

Mr. HUMPHREY. It would put the now scheduling of the Poseidon program for fiscal year 1972 in escrow. It would hold it up.

Mr. PELL. What would be the impact on submarines in the yard that were undergoing the conversion process? We would have to have some kind of weapons system put on them in order to return them to the station with the fleet that is presently in service. Would it hold it in escrow for 6 months?

Mr. HUMPHREY. The Senator is correct.

Mr. PELL. That would be very tough on the submarines on station. It would slow up the movement into those yards.

Mr. HUMPHREY. It would slow up the movement into the yards for poseidonizing the submarines. However, we have submarines with Polaris. We always thought they were pretty good. They still work. It would simply mean that we would not for a period of time put any more submarines in the yard for the purpose of installing the Poseidon missile. We would keep them for Polaris. They would be on station wherever they might be required to be for the purpose of the Navy with Polaris missiles.

Mr. PELL. I am wondering if an amendment would not be acceptable to the Senator to the effect that this would apply to all submarines presently on station, but not to submarines that have already gone into the yard. This is what concerns me, the fate of the submarines in the yard.

I wonder if the Senator could accept an amendment or refinement that would say that it would apply or should apply to new starts and conversion and would not hold up the conversion of the others.

Mr. HUMPHREY. I will consider that suggestion and talk about it later.

Mr. STENNIS. Mr. President, if the Senator would yield to me on this factual matter, the subject of the memorandum from the Navy is the proposal to place MIRV's in escrow would have far-reaching and extremely detrimental effects on the strategic posture, general considerations, questions of sea-based force, and so forth. It goes into this proposition.

We are getting down to submarines that have been converted. Seven have already been converted to Poseidon from Polaris. Four of these have been deployed with Poseidon missiles. Nine more are in the process in different yards.

Now, on that point, let us be sure I understand. They take a Polaris submarine and they first have to take out its insides that relate to Polaris, and then they prepare for the Poseidon, and it is a long time after that happens before they would have a completed submarine again with the Poseidon.

We can get those exact times later, but it takes considerable time, maybe over a year. Then it has preliminary tests before it goes to sea.

Certainly this amendment would stop in the tracks these 9 submarines that are already in process. They would be neither fish nor fowl; they would be neither Polaris nor Poseidon, because once the intestines of the Polaris were removed, it is through until it is re-equipped for Poseidon.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PELL. One problem for the Navy is that their people are on station, waiting to come back in. They have to come back for overhaul anyway.

This is why I could support the amendment if it did not apply to submarines presently going into the yard, but would apply to any new submarines coming to the yards.

Mr. HUMPHREY. Without making a judgment on that subject at this moment, let me again indicate what I am seeking to do. First, let me tell you what I am not seeking to do. I am not seeking to weaken our defense posture. That is No. 1. I would not for a moment offer this amendment, or support this amendment, or support it if someone else offered it, if I thought it would basically weaken our defense posture.

The purpose of the amendment is to get the Soviet Union to stop building its offensive missilery. That is the whole purpose. Otherwise, we will be engaged in a mad arms race, spending billions and billions of dollars on weapons as we have in the past. I can remember when we put up the Nike.

Mr. STENNIS. Mr. President, the Senator has been mighty nice about yielding. Will the Senator yield to me again?

Mr. HUMPHREY. I am happy to yield to the distinguished Senator from Mississippi. This is important enough that we do not have to worry about yielding time.

Mr. STENNIS. With respect to the time element for submarines, I have the exact time now. The full conversion from beginning to end is 21 months. As it moves through that process, naturally it uses funds out of more than 1 fiscal year.

Mr. HUMPHREY. Correct.

Mr. STENNIS. The 21 months can extend over parts of 3 fiscal years; in other words, out of 1 fiscal year, into a full fiscal year, and then into another fiscal year. That is what is going on now.

Mr. HUMPHREY. We are using funds from fiscal 1970.

Mr. STENNIS. And 1971 and 1972.

Mr. HUMPHREY. Yes.

Mr. STENNIS. Those funds are applied as they are needed. It is not yet born but it has money in it for 3 years. Now we are on a continuing resolution. It would stop that in its tracks.

Mr. HUMPHREY. Would the Senator be agreeable to testing what I call open diplomacy, in a matter which is of interest to the public, as well as the Senate? Am I to understand that if the amendment of the Senator from Minnesota were to provide no new funds should be available for Poseidonizing our submarines other than those funds needed for submarines now in port or repair yards, that the Senator would be agreeable?

Mr. STENNIS. I wish to say to the Senator that this matter is almost incidental to some of the basic reasons I oppose the Senator's amendment. We will come to those other reasons later.

Mr. HUMPHREY. I did not think the Senator would want to do that. But I think the Senator from Rhode Island is saying that if the amendment of the Senator from Minnesota would not include the Poseidonizing of those submarines that are presently in yards, he would be prone to support the amendment. What the Senator from Rhode Island is concerned about is that there are a number of submarines off station that have been brought in for MIRVing or Poseidonizing, and this is a change of movement; that if the amendment would not affect these he would be prone to support an amendment which would put in escrow funds over and above what we have presently scheduled. Is that correct?

Mr. PELL. That is my thinking. I would still want to think more on the fundamentals of the issue.

Mr. HUMPHREY. That is what the debate is about. I thank the Senator from Rhode Island. I want to thank the Senator from Mississippi who is tenacious and so well fortified with facts and figures. I wish I had a part of the Pentagon on my side, but I will have to do the best I can with the limited information I have.

Mr. STENNIS. If the Senator will yield, I have just been supplied a memorandum by the Navy. This will show how the money is involved. Under the current continuing resolution $329 million of the 1972 money has been obligated for Poseidon and about $170 million is for Minuteman—3 months. That shows the continuity of the operation in the process and how it goes on year to year.

Mr. HUMPHREY. In other words, we had 3 months of the current fiscal year under which the ratio of obligation is as the Senator stated, so that we are continuing the program. We know these programs are not completed in any 1 year.

The purpose of my amendment affects fiscal year 1972.

I am going to get together with the Senator from Mississippi and the Senator from Rhode Island and see if we can resolve some of these differences.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. As I understand the Senator's amendment it would simply provide that we would put into escrow the funds for MIRVing our missiles.

Mr. HUMPHREY. Correct.

Mr. PROXMIRE. Pending reaching an agreement with the Soviet Union in which they would agree not to MIRV their missiles.

Mr. HUMPHREY. Or if the President would come to Congress and say we have evidence which is demonstrable and can be maintained that the Soviet Union is undertaking an extensive MIRV program and that the continuation of this program affects the balance between ourselves and the Soviet Union to our disadvantage. The Congress, joining with the President, would thereupon release those funds.

Mr. PROXMIRE. It is the contention of the Senator that this would in no way weaken the military forces of the United States with respect to the Soviet Union.

Mr. HUMPHREY. Exactly.

Mr. PROXMIRE. In the event in the President's judgment it was weakening the United States position, the President would be free to come to Congress and we would provide funds for MIRV.

Mr. HUMPHREY. The funds are here. It would be a declaration on the part of Congress that the funds are to be used. I could not imagine any Senator if such evidence were available, who would not say, "Mr. President, go to it." We have done things like this before, without involving Congress, where unilateral action has been taken.

President Kennedy took unilateral action on testing our missiles in 1962 and 1963. President Eisenhower took unilateral action and I think he understood the importance of national security and the defense of our country, so that this is not an effort by the Senator from Minnesota to deny funds.

This is a different argument than the debate which took place a couple of years ago when there was a battle over whether to even appropriate funds for the ABM. I go further. I am willing to authorize funds for MIRV, and rather than have the President decide for himself he is not going to spend them, I say let us lay down guidelines. I remember a couple of Presidents, when Congress appropriated money for airplanes, who refused to spend it. One was a Democrat.

He said, "You can appropriate it, but I would not spend it." He turned out to be right, by the way, because had we built the airplane we were going to spend the money for, it would have been a big waste of money. But he put it in escrow. He just did not spend it.

What we are saying in this amendment is, we want to test the Soviet Union. We have negotiations underway presently, and apparently with some modest success. What we are saying is, "We will authorize the money, Mr. Russian. We are approving the program, Mr. Soviet Union. So do not get funny. The money is there. Congress has approved the program. We have the advice and counsel of our committee and our Defense Department. But we are willing to put aside for a limited time, not more than a year, the use of this money."

By the way, we have more than a year's advantage in technology over the Soviet Union in MIRV. We have more Poseidon submarines than the Soviet Union. So we are saying simply, we will put these funds aside for not to exceed 1 year, and if the Soviet Union does not respond with comparable self-restraint, we are going to go ahead and take care of what our capabilities are. We will release the funds and proceed forthwith.

The advantage that we have is that we are ahead of the Russians in the technology and engineering which are required for MIRVing.

Mr. PROXMIRE. And the position of the Senator is that this would not in any way weaken the advantage we have over the Soviet Union. We would maintain it. There would be no dangers of losing the advantage by withholding the use of the funds. They would be released if necessary.

Mr. HUMPHREY. Exactly. May I say this amendment does not relate to research and development. Funds are in this bill for R. & D. and authorization. We continue the research and development. I do not believe we ought to stand and be frozen into position. I think we ought to continue to try to improve the state of the art.

Mr. PROXMIRE. I would like to ask the Senator from Minnesota a question or two to try to put into perspective ours vis-a-vis the Soviet Union's nuclear capability. Is it not true that in the latest posture statement by Secretary Laird he stated the United States had some 4,600 strategic force loading nuclear heads in our nuclear arsenal?

Mr. HUMPHREY. That is my understanding.

Mr. PROXMIRE. Did he not also say the Soviet Union had some 2,000 such weapons, which means that, as of mid-1971, the Pentagon itself estimated we had twice as many strategic force loadings as the Soviet Union?

Mr. HUMPHREY. That is my understanding.

Mr. PROXMIRE. Is it not also true that we have an additional 3,000 to 4,000, according to public estimates, tactical nuclear warheads positioned on the periphery of the Soviet Union, so that in event of war, they could reach many of the key Soviet military targets?

Mr. HUMPHREY. That is the figure generally accepted. It is a figure, which, may I say, disturbs the Soviet Union a great deal. Whenever one talks to a Soviet representative about arms control, he says, "What about your tactical weapons?" These weapons are not small. As a matter of fact, the tactical weapons are about as big as what we dropped on Japan in 1945.

Mr. PROXMIRE. As I understand the estimated damage table provided by the Secretary of Defense in 1968—there may be some changes since then—was that only 400 strategic force loadings would destroy 76 percent of Russian industry and 30 percent of their population. But we have not 400 or 800 or 2,000 but 4,600. Then we have another 3,000 to 4,000 tactical nuclear warheads on the periphery of the Soviet Union. So we have the capacity to destroy the Soviet Union 10 to 20 times over.

Mr. HUMPHREY. Senator, I sat through many briefings, as have many other Members here, and I heard the former Secretary of Defense—Secretary McNamara—in closed session tell us of the capability of our nuclear missilery and our nuclear power. If the public could only comprehend what has been said, it would know we have enough nuclear power to destroy all the men God has created. We have overkill. Really it is incredible. This is madness. Everybody here knows we have enough nuclear power to burn the earth, to scorch everything. Our nuclear power has not been targeted all over the world. We have been selective as to where we have targeted that power. Let us lay it on the line.

Whenever we discuss this matter, I have heard people say, "If the Soviet Union would attack us first, they would take 100 million people with them." Then somebody says, "Well, we will take 120 million people." They talk like some kids who are off their rocker. What is going to happen if we kill 100 million people? What kind of society are we going to have? If they get 100 million of our people, then somebody wants to kill 120 million of their people and tell them, "We are going to get you."

When people understand what we are talking about, the only rationalization for the whole program is as a deterrent. If we use it, the whole ballgame is over. I do not think anybody in the Senate thinks for one moment that a nuclear war will leave anybody around or leave anything left for anybody lucky enough to crawl out from under the rocks.

Mr. PROXMIRE. So what the Senator's amendment would do would be to try to permit Congress to strengthen our negotiation process in a way that would in no way enfeeble or weaken the power of our military force and would take a big step toward stopping this nuclear arms race madness, this arms race that every Senator opposes, that all of us would like to stop, which could lead to nothing but destruction?

Mr. HUMPHREY. That is my purpose. Like most of us, I may not be able to expedite its purpose to a successful conclusion.

Let me put it this way: There are 2 ways to approach this defense budget on nuclear weapons. One can come here and say, "Vote no funds." Some people do not want to vote for any funds. I would not do that. In other words, if the vote were put to me as to whether we were going to appropriate funds or not, I would vote "Yes."

Mr. PROXMIRE. I would agree with the Senator.

Mr. HUMPHREY. What I am saying is, we will appropriate the funds and vote the authorization and vote the funds, but because there are delicate, and hopefully constructive and positive, negotiations underway, what we are saying in the Congress to our negotiators and to the Soviet Union is, we are not going to be caught short. We are not going to be denying our government the funds for these weapons in case they are needed. But we are not going to jimmy the negotiations, either.

The minute we start MIRVing more, the Russians do it. We have learned that from the past. I do not know how long we have to be around to catch on to what is happening. We were ahead of the Russians in ICBM's. They are ahead of us now. Some people say we have to catch up with them. Meanwhile, the people in the galleries have to pay the taxes, and they find out that the defense budget gets bigger and bigger even though we do not have any wars going on. That is what is happening.

Everybody wants a good defense system. I am not at all sure that we are any better off today with all the weaponry we have than when we used to have single shot rifles. If the other side has only that, then it is a question of how many men one has and how many rifles he has and what his capability in leadership is and, furthermore, who gets the technical advantage. Today we have these technical systems of weaponry, highly dangerous, and very costly. All the Senator from Minnesota is saying is, while these negotiations are on, let us not trip the wire.

Mr. PROXMIRE. I thank the Senator. I support the amendment of the Senator from Minnesota.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the understanding that no time be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HUMPHREY. Mr. President, we have had a very good colloquy here, and I think it has been at least somewhat productive in terms of better understanding of what our posture is in terms of defense and missilery.

I am very much indebted to the Senator from Wisconsin (Mr. PROXMIRE) for the information he has given us. It is information which is incontrovertible, but somehow or other we still tend to believe that we are weak, and do not have the strength we ought to have.

I repeat once more, the Senator from Minnesota is not advocating that we ought not to appropriate these funds. On the contrary, I am advocating that we do appropriate them. I am not advocating that we unilaterally disarm. I am opposed to that.

Mr. MANSFIELD. Mr. President, will the Senator yield, without interrupting the train of his thought, so that I may make a unanimous-consent request?

Mr. HUMPHREY. I yield for that purpose.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment, the Humphrey amendment, occur at 1:45 p.m. and that the time between now and then be equally divided.

Mr. STENNIS. Mr. President, reserving the right to object, that would leave only an hour, and the opposition has not been heard.

Mr. HUMPHREY. We have had a little time for colloquy.

Mr. STENNIS. Yes, there was a colloquy. I think we need more than 30 minutes.

Mr. HUMPHREY. I think I will require another 15 minutes.

Mr. STENNIS. That would leave us 45 minutes.

Mr. MANSFIELD. And that the time be divided as follows: 20 minutes to the sponsor of the amendment, the Senator from Minnesota, and 40 minutes to the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. And there will be a rollcall vote, then, at 1:45 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, if all of our intelligence information were proved wrong, and we did have to face a full-fledged, effective ABM, we are even prepared for such an outcome with our present panoply of nuclear weapons. Secretary Laird is quoted to have said that—

> If some unforeseen danger to the entire deterrent arose earlier (than 1976 when Mr. Laird has said that it can be expected that the accuracy of the large Soviet land-based missile, the SS-9, could be "substantially improved), it would always be possible to deploy our already developed MIRV's before the threat became a reality. Thus, the funds for Minuteman improvements, as well as for the Poseidon conversion are certainly premature.

Those are the words of the Secretary of Defense. Then we are prepared for the worst possibility. What is striking is that not enough weight is put on the best possibility—in this case, an agreement on ABM. On May 20, the United States and the Soviet Union jointly announced that they had agreed to seek an agreement on the limitation of antiballistic missile systems by the end of this year.

Today I have cited a story that appeared in the New York Times, and I am sure in other newspapers, with the headline "Accord on ABM's Reported Close." This is a story from Helsinki and reports coming from Helsinki, where the latest round of SALT talks were finished today, indicate that there will not be the threat of an effective Soviet ABM, against which our MIRV was originally designed.

It is hoped and prayed that that is a fact.

In testimony before the Senate Armed Services Committee, Dr. Foster said:

> If a ban were placed on the ABM in the sense of banning a capability to intercept a ballistic missile attack, then, as I see it at the moment, there would be no need for the United States to deploy a MIRV.

Mr. President, that is the head man for all of the research for our Department of Defense, Dr. Foster.

Secretary Laird said there was no need for it, and Dr. Foster said it. I go back to the statement of Secretary Laird. He said:

> Thus, the funds for Minuteman improvements, as well as for the Poseidon conversion are certainly premature.

This is when Secretary Laird was saying that the Soviet system would not be really effective until 1976, and that large inputs of funds for conversion of MIRVs and Poseidon missiles was premature.

Now we come down here, and we hear Dr. Foster, in his testimony before this same committee that brings this bill in here. Dr. Foster said:

> If a ban were placed on the ABM in the sense of banning a capability to intercept a ballistic missile attack—

And that is what they are working on in Helsinki—

> then, as I see it at the moment, there would be no need for the United States to deploy a MIRV.

What I am saying is that if that ban is not agreed to, if there is not an agreement on ABMs that is satisfactory to our Government, then the money for MIRV is used. It is made available right now by the action of this Congress. But if there is a ban on ABM that is agreeable to our Government, and if the Soviet Union responds in kind through limiting its offensive missiles and stops its MIRV, then we will stop ours.

That is what you call sensible negotiation. There is no hazard involved in this amendment.

I think Dr. Foster's message is perfectly clear—there is no need for MIRV if there is an ABM ban. The rejoinder might be that the ban is a big "if." The information I have received does not confirm such a skeptical conclusion. I predict here and now, that the President of the United States will give us another one of these jolting messages that we are becoming accustomed to, that he will be on television one of these days announcing that we have agreed with the Soviet Union to limitations on the ABM. And I hope he can.

I repeat: I do not think our negotiators in Helsinki or Vienna are going to negotiate away our security. I think they are patriotic, good Americans, and they are very cautious and careful.

Once again, if the worst proves true and there would be no ban or limitation, there is still not sufficient justification for the resumption of our MIRV program.

Secretary Laird and other qualified officials have stated that the United States has a leadtime of at least 1 year in its MIRV program over the Soviet Union. Other experts with access to reliable information question whether the Russians even have a MIRV, which would mean that they are still in the testing stage. Whatever the case, the point remains that the United States is enough ahead of the Soviet Union to suspend its MIRV program as a signal to the Russians of our intention to halt MIRV testing and deployment.

I continue to repeat: The funds are made available, the authorization is made by Congress, the agreement for the system is confirmed by Congress, and the funds are held in escrow only if the Russians halt the deployment and testing of their MIRV's.

Besides, the very nature of MIRV allows us to deploy these multiple warheads before any nationwide ABM system could be employed. We have our own surveillance and intelligence gathering systems which permit us to keep close watch on Soviet activities. We, therefore, would never find or permit ourselves to be in the position of being overwhelmed by a fully deployed, effective antiballistic system.

An anti-ballistic-missile system cannot be hidden from reconnaissance satellites. I think Senators know that our reconnaissance satellites can take photographs in the Soviet Union so precise that one can identify the kind of truck that is on the road.

I recall seeing, in my days in the Security Council, photography of shipyards in which the Soviet Polaris-type submarines were being built and how many were in the respective berths. We get an accurate count, and we knew how many tubes they had, how many missiles they had. They know what we have, too. They are taking good pictures at the same time. There are very few secrets.

Although we have lost our position of vast nuclear superiority which was impossible to retain due to the inevitable technological advances made in the Soviet Union, we are in a position of rough balance—in fact, we have more—with the Soviet Union, and I would support the notion of remaining in that position, as long as it means qualitative as opposed to quantitative nuclear parity.

While all our efforts should be concentrated on arms control, I fully recommend that we remain vigilant. I am not purporting that we take extensive risks, and hence, sacrifice the viability of our deterrence. I think the nuclear deterrent is a contribution to peace. Secretary Laird seems to think differently. I would like to quote from his testimony in mid-July before the Senate Committee on Armed Services. I will read in full the Secretary's remarks concerning the MIRV escrow amendment which I first introduced on July 14 because I think they are far from the mark. In fact, I think the Secretary has opted for rhetorical prose, sacrificing his obligation to responsible criticism:

> Let me address the amendment offered by Senator Humphrey. As we understand it, Senator Humphrey has proposed an amendment, the purpose of which is to establish a mutual freeze on the deployment of offensive and defensive nuclear weapons, to provide a more conducive atmosphere for SALT. Under his proposal, such a purpose is to be accomplished by an amendment to the authorization bill which would place all MIRV funds in escrow, which permit using them only if the President and the Congress jointly determine that such use was needed in order to guarantee U.S. retaliatory capability.
>
> Mr. Chairman, as we have stated many times, there is no other Department in Government as interested as the Department of Defense in reaching agreements on mutual arms limitations. That is the purpose of the Strategic Arms Limitation Talks.
>
> Our objective is to preserve needed capabilities while we seek an effective and ac-

> ceptable agreement through negotiations. We continue to believe that until such an agreement is achieved, the place to bargain is at the bargaining table, rather than through unilateral actions which could adversely affect our national security.

Let me digress for a moment to say that that is not what President Eisenhower thought and that is not what President Kennedy thought, and they did pretty well. They took care of the security of this Nation. We did not have any reason to be afraid that we would not have national security. They took some unilateral actions. We take them all the time. Every time the President decides to close a military base in the name of economy that is a unilateral action.

I know that you do not negotiate with the Soviet Union out of affection and love. The Soviet Union understands power.

I believe in the nuclear deterrent, but I submit that we have nuclear deterrents. I submit that just piling one weapon system on top of another does not give you any more safety, because if the other guy matches it, you do not have any more power simply because you have put up another weapons system.

Then Mr. Laird said:

> As you know, the United States initially suggested at SALT possible approaches involving both quantitative and qualitative limitations on strategic systems, including MIRV's. We did not receive a favorable response to such a comprehensive approach.

I would note, Mr. President, that our Government has suggested that we delay the deployment of MIRV's. So my amendment is not beyond what the Government itself has suggested. It is simply that Congress is getting in on the act, and that bothers the executive branch of Government. They do not like us to be in on these things.

Mr. Laird said:

> I fail to see how taking unilateral actions in this direction now would enhance the prospects of an arms agreement.

We are not taking any unilateral action. We are taking a unilateral initiative to get mutual action; and if the mutuality is not performed, then there is no unilateral action. But as I said earlier in my speech today, we took the unilateral action of deploying MIRV's, and we started it when we had the talks going on at Helsinki. And, at the very time we were telling people that we ought to have a limitation on arms, particularly on nuclear arms, we expanded the nuclear arms race in the MIRV program. The Russians expanded it with their land-based missiles. We took unilateral action.

What the Senator from Minnesota is proposing is that we take an initiative and that we only maintain that initiative to the point where we find that the Russians have responded. If they have not responded to our satisfaction, then the MIRV money is available. If they do respond, we have saved time, money, and danger. I think it makes sense, even if it will not have the votes in this body.

I continue quoting Mr. Laird:

> I do not believe that the national security of the United States should be placed in escrow.

This is a dandy. We are not placing our B–52's in escrow. We are not putting our ICBM's in escrow. We are not denying MIRV the money. We are not going to put our Polaris submarines in escrow. We are not going to put those seven Poseidon submarines in escrow. We have a powerful deterrent force in the Navy today, in the submarine fleet.

Incidentally, I am interested in a good Navy, so that the record may be clear. I am concerned about the Soviet progress in their naval forces. I am not going to be around here voting to slash appreciably this defense budget. But I am going to do what I can to stop unnecessary, costly expenditures in weapons that are going to be matched by the other guy. You do not get ahead, anyway. You just pile them up, and that is what we have been doing.

There is not a person in the Government of the United States who can deny that we have the capability today to scorch the earth of the Soviet Union and to obliterate it. They have the capacity to do the same to us. Now, does not that make everybody happy?

The only thing it really does is that we no longer have a balance of power; we have a balance of terror. We have a situation in which we have to be exceedingly careful, we have created weapons of such a destructive capacity that we can obliterate mankind. But we are not satisfied. We have to get them newer and bigger and better, and we have to spend more money, when we are desperately in need, in the United States—and they are in Russia—of things that are needed to be done for our people.

We ought to be talking about how people live, not how to kill them. If we were to spend nearly as much money on the living department as we do on the killing department, I think we might be a little bit further along.

Well, Mr. Laird says:

> Rather, I believe it is necessary to continue those programs essential for our security—including both Safeguard and MIRV—pending the outcome of our negotiating efforts.

Mr. President, may I say to the Secretary that I am not abolishing MIRV. I am not abolishing the Polaris fleet. I am nöt abolishing our air power. I do not believe in putting any of that in escrow. However, I do believe, before Congress, willy-nilly, comes up with huge expenditures for military weapons, that we have a chance to halt it, to inspect it, and have some reason to verify what we have done—on a mutual basis, or course. That makes sense. I am not just talking about saving money. That is not the only thing involved here. What is involved is something greater—it may be the saving of mankind, saving our countries from destruction.

Secretary Laird make good political oratory. I respect him for that. It is wonderful to get up and say we will not put our national security in escrow, but let me put it on the record now, so that it will be known what the Senator from Minnesota says about it, that I will not put it in escrow, either. I will not even put it in the deep freeze. I will not even put it in limbo. I want national security. I am willing to vote my support for it as a Senator, as I have done in the past and will continue to do so. But, I do not think in any way that we have impaired national security by the Nuclear Test Ban Treaty, although there were many people here who thought so, and thought so sincerely. I do not think we have impaired our national security by the Nuclear Nonproliferation Treaty. I do not think we have in any way demeaned our national security by preventing the orbiting of weapons of mass destruction in outer space. I do not think we have impaired our national security by the Seabed Treaty, prohibiting weapons of mass destruction from being placed in the deep sea. I do not believe that has hurt our national security. I do not think we have injured our national security by denying the placement of weapons in the Antarctica although we have some people that want to put some down there, you know, Mr. President.

I suppose there are even some people who will want to put them on the moon.

All I am saying is that when we are negotiating an ABM limitation, we are negotiating an offensive nuclear weapon limitation as well.

I know, I have heard, do not rock the boat or add fuel to the fire. Do not start speeding up the deployment program and trying to get ahead of the other guy because if we do, the Russians will have to do the same. They will have to delay an agreement until they get caught up. They will not negotiate themselves out of a position at least of parity, as they see it, or at least of sufficiency—whatever the word is.

If we commit ourselves to 31 Poseidon submarines, which I think is our goal, we can rest assured that the Russians will have that many. It may take them longer. But they do not have to worry about public opinion or going out to get the votes. They do not have any television covering everything. They will merely put their money on the line and do it. Whether the Russians can build a good mousetrap, I do not know, but I am sure that they can build a good weapon. I do not believe that we will get far ahead of them unless we want to spend ourselves dizzy in a mad arms race.

May I say respectfully to a man I like very much, Secretary Laird, that I appreciate his rhetoric but I do not find anything convincing in his logic.

Secretary Laird's comments show faulty reasoning and misrepresentation, particularly with reference to the phrase about placing our national security in escrow. I prefer not to engage in a private debate with Secretary Laird on the virtue of his choice of words. Let me just say that it is precisely our national security and world peace that I had in mind when I first introduced this legislation. I still think that these goals are of primordial importance. It is simply that my view of the action-reaction syndrome which is at the heart of the arms race among the great powers, particularly the United States and the Soviet Union, is different from Secretary Laird's.

I do not view American behavior in a vacuum. On the contrary, I think that the history of armaments developments and for that matter, other forms of national competition, is a drama of incorrect assessments and a lust for superiority. The history of MIRV seems to fit perfectly in this pattern. We develop and deploy to counter a weapon which we have not fully evaluated and the Russians then start on the same track. It is a race and a spiraling race, but it does not lead up, just down and down and down.

MIRV is on its way to becoming another historical mistake. Based on past experience, however, the mistake can be corrected. We can well afford to take the first step which is a very small one, smaller than I would truly like, by placing the funds now being authorized for MIRV in escrow.

Although this action would be taken unilaterally—we cannot legislate the defense budget for the Soviet Union—we would be asking the Soviet Union to exercise comparable self-restraint. Specifically, for the funds to remain in escrow, we would be watching to see that the Soviet Union halted any testing and deployment of MIRV, or any buildup of a large-scale ABM system. In other words, the shift from unilateral to mutual would be a quick one. The Soviet Union would have to respond to our own gesture.

We have no reason to think it would not, despite reports to the contrary. The most recently announced news from the Pentagon is that U.S. satellites have spotted more than 80 ICBM silos now being built in the Soviet Union. The conclusion Defense officials would have us make is that the Soviet Union is indulging in some sinister plot to finish up ahead before an arms agreement is reached at SALT. Moreover, because of this "surge" in missile launcher construction, we in Congress are to assume that there is a new threat to our defense capabilities and that, therefore, it will be necessary to approve an even bigger defense budget in the next fiscal year.

Maybe there is a real threat in the latest Soviet construction activities, and maybe there is no deliberate attempt by the Defense Department to scare us. But maybe the threat is more illusory than real.

I would have thought we had reached the point of sophistication that would enable us to exercise a supreme amount of caution in our decisions based on a thorough evaluation of the issue at hand. In this case the discovery of 80 ICBM silos must be assessed in terms of Soviet strategy, goals, and intentions. Then this picture must be matched against our own and placed in the perspective of the future. The final conclusion might be the need for a bigger defense budget, but it could very well be to sit tight and seek agreements on arms limitations.

The Soviet Union has struggled for the past two decades to catch up to the United States in nuclear weaponry, perhaps because it defined security in terms similar to our own—in terms of our vast nuclear stockade. Now that it has reached a rough balance with the United States, it, too, has learned the cost involved in nuclear status seeking. There are real costs involved and the benefit is not as great as either of us expected. The power which accrued from nuclear monopoly was not enough to control the behavior of weaker nations; it was not enough to stave off the inner feelings of insecurity which both superpowers have always felt, and most important, the human welfare costs were tremendous. I believe the Soviet leaders have come to this realization just as much as we have. I am not saying that the Russians will not drive a hard bargain, or that nuclear competition between the two superpowers, and to a lesser extent with China, will stop at once. But I do think chances are better than they have ever been because of recent developments to halt the arms race through a variety of agreements, be they tacit or formal in nature.

To move in this direction, I propose that the United States temporarily suspend the testing and deployment of its MIRV. The prime argument that once was made in defense of our MIRV program will lose all its strength when an ABM agreement is concluded. Even if an agreement is not reached, the present situation does not require the continuation of our MIRV program during the 1972 fiscal year, unless, of course, the Soviet Union took action which would threaten our retaliatory capability. If this should happen, MIRV's could be quickly retrofitted because of the advanced stage of the program and our State of preparedness.

Other arguments in defense of MIRV have been developed lately. These deal with the more fundamental question of deterrence—the survival of our second-strike capacity after a first-strike. The line of reasoning applied there is something like those for the emperor's new clothes. We have MIRV's, originally designed to assure penetrability. Now that we have discovered that the Soviet Union does not have and shows no sign of having a large-scale, high confidence ABM system, we have a new argument for our clothes.

Yet in studying the force structure and capacity of the Soviet Union, there is not any convincing evidence to show that our retaliatory capacity is threatened. So far, our Poseidons remain virtually invulnerable, our bomber defense is still capable of inflicting considerable damage, and our land-based missiles are too many in number, especially when account is taken of the number of multiple warheads already retrofitted on the Minutemen III missile, to be completely knocked out by a Soviet first strike. Hence, our defense triad still stands.

Certainly, it can become outmoded, if the Soviet Union designs a truly effective first strike defense capacity. We are not at that point by a long shot. What I propose today is to keep that point at a long shot. I urge this body to accept this amendment placing the funds for MIRV in escrow.

The precise enumeration of the funds must be left to the Defense Department since, to the best of my knowledge, no one in Congress knows exactly the amount the Defense budget allotted for MIRV. This situation is in itself most unfortunate, since Congress is being asked to endorse expenditures for a program, for which the expense is not fully identified for congressional review. Under the present circumstances, the only alternative is to defer to Defense in this matter. But that does not mean Congress should relinguish its very important role.

Just as it is incumbent upon the Congress to approve funds for weapons systems, so it is also its responsibility to withhold them or suspend their appropriation. The Congress needs the advice and counsel of the President to make these kinds of decisions, but the President also needs to consult the Congress on all related matters. My amendment is built upon the consultative procedures and joint decisionmaking by the President and the Congress which should ideally be the normal procedure of our governmental process. In this amendment the decision to release the funds placed in escrow would be made jointly by the President and the Congress.

The President has moved, at the prompting of Congress, to seek an agreement at SALT. The Congress has played a role in the defining the parameters of the agreement and this is no time to abandon its role. I hope my colleagues will agree that accepting this amendment would mean that the Senate will continue to play its part at SALT and in halting the arms race. It will be acting responsibility, in the interests of this country and the world, by pressing our country to act like a great nation, at minimum risk to itself and at maximum benefit to the world.

Mr. President, I want to thank the distinguished Senator from Mississippi for engaging in this colloquy which I hope will be of some benefit to our colleagues.

Mr. STENNIS. Mr. President, I believe I have 40 minutes, do I not?

The PRESIDING OFFICER (Mr. BENTSEN). The Senator is correct.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. I thank the distinguished Senator from Minnesota very much for his words and his presentation here. There is no more highly esteemed man in this Chamber than the Senator from Minnesota. He is a highly responsible person, especially as a legislator. I know that he is very sincere in his search for peace. He is no pacifist, by any means. I know of his years of searching for peace and his great contribution in that field.

However, the facts of life are such that I wish I could agree with him on this particular amendment.

We all know the old saying, "Don't change horses in midstream." The pending amendment, however, would be crossing two streams and changing horses in each stream at the same time—that is, the SALT talks and the MIRVing or the changing of our Polaris submarine missiles over to the Poseidon and the Minuteman missile being MIRVed.

I will have to be very brief. I do not mean to go into the history of these matters but, many years ago, the Senator from Minnesota was a Member of the Senate when the Government made a basic decision—not Congress—for the big missile. We had the big ones—the Titan;

but we decided to go into the Minuteman field, many small missiles. That is the Minuteman, Minuteman I and Minuteman II.

Then here came the Soviets with the big missiles, the monstrous missiles—the SS–9's—the big ones. This MIRVing of our small capacity missiles is motivated in part—it is our way of having enough capacity and versatility to try to meet the capacity of the big SS–9's. In addition thereto, by putting these MIRV's, or these multiple entry missiles on one shot, we spread it around to many different targets. So that is our main reliance now, on the Polaris submarine. We may make mistakes about tanks and get caught short. We may get a bad airplane and get caught short or some other weapon proves inadequate or insufficient. But in this field of strategic forces, this is the area where we must be right. We must be up to par and a little above, because this is the field in which there is no known adequate defense. This is the field where, if we run second or let the other fellow think we may run second, it will be too late.

I underscore here that I believe that if we ever turn these weapons loose on each other, there will not be much left anyway. We must be certain, as certain as we can be, that we have the capacity, the versatility, and the top weapons and that our adversaries know this.

That is what we are in the process of doing now. We are stepping up our Minuteman to this Multiple Independently Targeted Reentry Vehicle system. We are stepping up our Polaris to a different kind of missile, the Poseidon. However, it is the same principle. And that is our front line of defense in this strategic field.

We have these long-range bombers, and I am glad we have them. However, these others are certainly quick and are front line defenses. Right in the middle of this process there is an amendment that would affect this situation. We have a few of the missiles on submarines. They are completed. The Senator's interpretation of his amendment is that it would leave them where they are. This, it seems to me, would affect all programs that fed money into this plan, whether in this bill or in any other bill.

Some of the money for these weapons comes from the atomic energy appropriation. It is in another bill. It would seem to me that it would cut that off.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. Mr. President, I would be more than happy to modify the amendment, and I will do so. I have the right to modify my amendment by striking out the words "any other."

Mr. STENNIS. Mr. President, I believe it would take unanimous consent after the yeas and nays have been obtained. However, if the Senator will, he can work on that and let me continue. I do not think that I will raise objection.

Mr. HUMPHREY. I thank the Senator from Mississippi very much.

Mr. STENNIS. Mr. President, this is a very serious matter. I regret so much that those who are going to have to vote on the matter are not here to get the basic facts.

PRIVILEGE OF THE FLOOR

Mr. STENNIS. Mr. President, I have a valuable staff member that I desire to have on the floor. I failed to include his name on the list. I therefore ask unanimous consent that George Foster be permitted to be on the floor during the consideration of the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, this proposal cuts the very middle and the heart out of this conversion of the Polaris submarines over to the Poseidon. It is just about as severe and disastrous with reference to the Minuteman program.

These conversions take 21 months. It takes 21 months to convert from the Polaris to the Poseidon. That period of time can run into a series of 3 fiscal years. Nine of these submarines are in what I call the docks. That may not be the correct term. But they are being refitted. That money may be taken out of fiscal years 1970, 1971, and 1972. Perhaps another will take money out of fiscal year 1971, 1972, and 1973. And another one might take money out for three different years.

So this amendment, after being modified, would certainly stop those in their tracks, even though we have gone to work and have spent under the continuing resolution a large sum of money in each one. I gave the amount earlier this morning.

What would it do? It would take us out of business. It would just stop us. What would it do to the Soviets with their SS–9's? It would not do anything. Talk about a balance. We are just standing here and stopping this work in its tracks while the Soviets can go on increasing their capability and using that time.

One might say that I am skeptical and that I expect the worst. Here is the other stream that I was talking about a while ago. We are changing horses in midstream.

The SALT talks are in a critical period if the information we receive is correct.

The New York Times has an article on the front page by Thomas J. Hamilton, Helsinki, Finland, dated yesterday. It says—

> Accord on ABM is Reported Close. U.S. and Soviet also said to make some progress on offensive missiles.

These are offensive missiles that we are talking about. That is the stream we are trying to cross. And there is some indication at least that there is some kind of accord or agreement.

The article also states:

> Reliable sources reported that the United States and the Soviet Union were near an understanding on the limitation of antiballistic missiles as they ended the fifth round of their nuclear talks here today. It was also reported that the two powers had made some but less marked progress here, since the Helsinki round began on July 8 toward agreement on a freeze that would maintain the two arsenals of intercontinental ballistic missiles at about their present levels.

That is a sign of hope. If we come here and unilaterally say that we are taking out the horses now and will stop now, if there is anything to bargaining and trying to negotiate a balance, one against the other, we have thrown away our cards.

I submit, with all due deference to the good intentions of the Senator, that this will take a lot of time. It is too late, according to the mechanics of these missiles. We are certainly in the middle of the stream on the Helsinki talks.

Mr. President, my third point is that if there is any meaning to the word negotiations or getting agreements or anything of that kind, a nation must not speak with two voices, especially if they are saying different things. We must have one voice. And where is that voice? Under the Constitution of the United States it is in the Chief Executive. The people of the United States have elected Mr. Nixon as President.

This is not a matter of saying "Help Mr. Nixon" or, "Don't hurt Mr. Nixon." This is a matter of saying, "Let us stay on the beam. Let us keep our eye on the ball for the country, and let the department of the government that has already started the talks and the negotiations at least have an opportunity to try and let them have a fair chance."

I respectfully submit that we would be meddling, to use a mild term, if we were to come in now.

Mr. President, I was anxious that the Senator from Maine speak at this point. However, first I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I did not intend to speak today upon this amendment. In fact, I did not know it was going to come to a vote. Otherwise I would have spoken earlier after talking with my long-time friend, the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. President, I will vote against the amendment. Because of the position I have taken in the past opposed to the deployment of both MIRV and the ABM, I want to speak briefly so that my position will be clear.

My view about MIRV has not changed from that I held over 2 years ago at the time the Senator from Massachusetts (Mr. BROOKE) and the Senator from New Jersey (Mr. CASE) submitted Senate Resolution 211 which I supported to express the sense of the Senate to halt the deployment of MIRV until some agreement at SALT could be reached with the Soviet Union. The resolution was referred to the Committee on Foreign Relations and approved. In committee I offered an amendment which was agreed to, which urged the President to enter into negotiations with the Soviet Union and not to deploy any additional offensive or defense nuclear weapons systems. The resolution was agreed to by the Senate with 72 for and only six votes against.

Now negotiations are going forward, and I must take the position that I do because of the status of negotiations, as I understand the status.

The President said in May in substance that negotiations would proceed toward reaching an agreement with the Soviet

Union on defensive weapons systems and some agreement on offensive weapons.

Because of my interest in the subject, which all of us share, and because I had introduced, with the Senator from Michigan (Mr. HART) and others over a period of 3 years, amendments concerning ABM in 1968, first to postpone deployment of the ABM; in 1970 and 1971, to limit the deployment of ABM. These amendments were hard fought and only narrowly defeated. I went this year during the Easter recess to Vienna where the SALT talks were being held. I spent over a week in Helsinki at the end of August during the fifth round of the SALT talks being held there.

The PRESIDING OFFICER. The time limit of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. COOPER. Mr. President, I had the opportunity to meet and talk with our negotiators. As a result of my talks with them and as a result of my study of the issue, I believe an agreement can be reached on defensive weapons. I do not believe there is any possibility of reaching an agreement on offensive weapons until an agreement on defensive weapons may be secured. So the hope of the future, the hope for ending the arms race, or at least of some sensible control of the arms race, hinges on an agreement on defensive weapons, which it is hoped will occur this year and which I believe and our negotiators believe is attainable.

I do not believe it will be possible to talk seriously with the Soviet Union on the question of a freeze upon MIRV until that agreement has been reached. Parallel talks are going on on some offensive weapons.

This being the situation, I honor my friend from Minnesota, who held this position for so many years, and who is deeply concerned about the arms race and I agree with him. I think the President should have urged a United States-Soviet Union freeze before we deployed MIRV, to prevent another costly and dangerous level of the arms race. Now negotiations is the issue for if we do not get an agreement on defensive weapons I do see the possibility of discussing a limitation to MIRV or any offensive weapons.

For the hope of the future, the possibility of closing the arms race the United States and the Soviet Union already have a total of over 6,000 deliverable warheads and with one or two warheads capable of destroying Moscow or New York or Washington—it is essential that we continue to urge and support the President toward successful negotiations this year.

I intend to speak on the ABM next week. My reasons are basically the same for my present position on the ABM and for MIRV.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I thank the Senator from Kentucky. May I say most respectfully that nothing would be of greater importance to me than the success of the talks in Vienna and Helsinki, particularly on the antiballistc-missile system, stage 1, so to speak. I respect the Senator's judgment.

Mr. COOPER. I know and admire the Senator's long and deep concern over the nuclear arms race, and his effort toward its control.

Mr. HUMPHREY. There are many absentees here today. The purpose of my amendment today is to bring about debate and discussion. The President is the only one who can negotiate at Helsinki, he and his representatives. Nothing should be done to interfere with that. The purpose of this measure is to say that if we do not get an ABM agreement and if we cannot come to some agreement on MIRV, these funds will be released. I am not trying to lock up the funds and cripple our defense structure. I know the Senator feels the same as I.

Mr. COOPER. I understand thoroughly and I share his concern that we must halt the nuclear arms race.

Mr. HUMPHREY. I thank the Senator for his leadership in this field.

Mr. STENNIS. I thank the Senator from Kentucky.

Mr. PRESIDENT, I yield 3 minutes to the Senator from Nevada, who is eminently qualified in this field.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. CANNON. I thank the Senator for yielding.

Mr. President, I wish to speak against the proposed amendment for placing MIRV funds in an escrow account. I believe the consequences of such an action on our national security to be potentially so serious and so far-reaching as to render the proposal totally unacceptable. I need hardly note that the stakes in the game of strategic deterrence are very high, and most dear to us all. It is a game in which we cannot afford to make a mistake—because our first mistake could well be our last.

I do not believe in taking undue chances with our security. Rather, I believe the old adage, "I'd rather be safe than sorry," holds doubly true in these matters.

The proposed amendment is being raised not in response to a comparable or equivalent move on the part of the Soviet Union, but apparently in the hope that such a reciprocal Soviet move might be triggered thereby, or perhaps that future SALT agreements might make such a U.S. move acceptable.

I do not believe in negotiating in such a manner. At the present time we are engaged in SALT talks with the Soviets. But, also at the present time, the Soviet strategic arsenal continues to grow.

I support the SALT talks. I hope they bear fruit. Until they do, however, I do not wish to cut back our own forces unilaterally. Not only does this reduce our margin of security, but it also reduces the incentive for the Soviets to negotiate in SALT. And have no doubt about it. This proposal does amount to a reduction in our strategic forces. There is no manner of complying therewith which will not, in effect, reduce by a significant amount and for a significant period of time the payload capability of our missile force. Additionally, of course, we lose the capability to penetrate ABM defenses which MIRV provides. Thus we lose doubly—both quantitatively and qualitatively.

Should we take such a step? I sincerely believe we should not.

Can we afford to take such a step? I sincerely believe we cannot.

Is there a need to take such a step? I sincerely believe there is not.

I, therefore, earnestly request my colleagues in the Senate to reject this proposed amendment, firmly and strongly, and thereby emphasize to all the fact that we will not take chances with our national security.

Mr. STENNIS. I thank the Senator from Nevada. I am glad to yield 3 minutes to the Senator from Arizona, who is well versed in this field.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I rise to oppose the amendment offered by my good friend from Minnesota. I oppose the amendment on practical grounds, because since the SALT talks began, the Soviet missile strength has gained 70 percent. I see in this effort the same pattern the Soviets followed before this time, in reaching full development of a weapons system and learning all they have to know about a weapons system, and then suggesting to the United States a treaty that would prevent our going ahead.

I think the nuclear test ban treaty was made when we knew practically nothing and still know practically nothing about the nuclear and X-ray effects the Soviet Union knows all about. We do not know just what the MIRV status is in the Soviet Union. We do know they have been testing. We do know the footprints of the Soviet MIRV's happen to coincide with the placement of the Minuteman sites in the United States.

The statement has been made that the two nations are equal in missile strength. This is not exactly true. If we measure it by number of warheads, we have a standoff. If we measure it in megatonnage, we are away, away behind the Soviets. If we measure it, as is often done, by land based added to submarine launched missiles, while it is true that we are ahead of the Soviets at this time, it is also true that they are embarking on a submarine program that is six to seven times as great as our own and ours is ending and will end in the foreseeable future.

I do not think we could put the program in escrow. I think we might just as well say they cannot spend the money. It is not easy to put money in escrow and to say to our scientific people and other people in that field. "We want you to stop while we take a look-see." It is not that simple. You do not stop developing a complicated system like MIRV any more than you stop developing an aircraft like the B-1, and then begin it just by pushing a button and have progress made on it as if nothing had happened

I fully respect the ideas and wishes the Senator has in his amendment. I join with him and with others who would like to see these talks succeed. I would like to see the day come when we could begin really downgrading all of the military in this world. But I am not naive enough to believe we have reached that point, and I do not think we could even look toward the horizon and see it.

If the Soviets are really sincere in wanting to cut down their missile development, let them take the first step and then come to us, tell us what she has done, and see if it is worthy of our consideration.

I think the amendment is wrong at this time. I hope this body will turn it down.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Maine (Mrs. SMITH).

Mrs. SMITH. Mr. President, I rise in opposition to the amendment offered by the Senator from Minnesota. Adoption of this amendment would seriously weaken the position of the United States in the SALT talks.

It would be nothing less than unilateral action on the part of the United States that would have serious effects on our strategic deterrent posture by reducing our nuclear payload capability.

Let us realistically face the fact that the deployment of MIRV's can be detected only by onsite inspection and the fact that the Soviet Union refuses to permit this.

We have already engaged in too much unilateral disarmament to the end result of dangerously weakening our national security and to the great advantage of the Soviet Union that has been building and increasing her military power instead of reducing it, as we have been doing.

Disastrously in the past years the tragic and fallacious policy of cutting our military strength down to no more than parity with that of the Soviet Union has now placed our Nation in grave danger. It is about time we not only put a stop to this folly, which the Soviet Union has exploited to its great advantage, but that we started rebuilding our national security instead of tearing it down.

Mr. STENNIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. STENNIS. Mr. President, amendment No. 432 to the military authorization bill would propose to place in escrow any funds authorized by this or any other law for the further testing and deployment of multiple independently targeted reentry vehicles—MIRV's. This proposal could have far-reaching and extremely detrimental effects on the strategic posture of the United States and I urge the Senate to reject this amendment.

Let us consider this amendment and what this amendment No. 432 will mean to our strategic deterrent capability as well as the effect on funding for two major weapon systems—the Minuteman III and Poseidon programs.

This amendment provides that funds appropriated pursuant to this or any other law shall be placed in escrow and can only be used when it is determined jointly by the President and the Congress that the Russians are testing and deploying a MIRV system in addition to other action that might necessitate further testing and deployment of the United States MIRV as a guarantee for retaliatory capability.

As you will note, this means that this section, if enacted, would become permanent law rather than being effective only for fiscal year 1972. If this is to become a permanent law for the indefinite future, the Congress would have to repeal it if the conditions in the future made the provision undesirable. I think it is very unwise and perhaps dangerous for us to enact a provision that would freeze us into such a position.

The conditions that the amendment sets out for release of the escrow funds need further explanation. It is important to recognize that there is no known method at present to determine if a MIRV system is deployed without actual onsite inspection of the vehicle. This means that we would have to have a mutual agreement with the Russians at the SALT talk negotiations for this onsite inspection before the conditions of this amendment could be met to release the escrow funds. It is highly unlikely that any negotiations would continue on this subject of MIRV deployment if the United States unilaterally cuts back its forces. The Russians would have no further incentive nor requirement for negotiations and could foreseeably develop and deploy their own MIRV system while our hands are strapped by this amendment.

I might point out further that it was just last year that Senate Resolution 211 was passed by this body, expressing the sense of the Senate on mutual suspension of further deployment of offensive and defensive nuclear strategic weapons systems by Russia and the United States. At that time it was made perfectly clear in the record that there would be no unilateral basis for a resolution of this nature and it would be strictly based on mutuality. I don't believe the Senate should at this time, therefore, revert to a unilateral situation.

This amendment, if enacted, would leave us with limited alternatives that pose unacceptable strategic degradation. The amendment is unclear as to whether the Minuteman III and Poseidon MIRV systems already deployed can continue as deployed units or must be recalled and replaced by a non-MIRV weapon.

The choices given us by this amendment are to regress and revert to the older Polaris and Minuteman II weapon system or deploy the Poseidon and Minuteman III with only one of the MIRV reentry vehicles while at the same time initiating development programs for single large non-MIRV warhead.

To revert our sea-based forces to a Polaris system we must remember that seven submarines already have been converted to Poseidon and nine more are in process at the shipyards. Those submarines already converted to Poseidon cannot carry Polaris and to refit those submarines with Polaris capability would require new manufacture and from 1 to 2 years leadtime. The submarines currently in the shipyards would have to be reoriented toward the Polaris configuration and an additional year would be required to their time in the shipyard. Meanwhile, the payload capability would be drastically reduced and our strategic deterrent seriously degraded during these times.

In addition, we must remember that the Polaris missiles are showing signs of aging and some positive actions, probably new procurement of at least portions of the missile system would be required to offset this aging. This again would require leadtime delays.

Should we wish to revert to MIRV at some later time, further delays of a year to a year and a half must be expected to again reconfigure the submarines. The present equipments and designs do not permit the submarine to have the dual capability of carrying either Polaris or Poseidon, interchangeably.

To revert our Minuteman program to the Minuteman II missile, we would require about 2 years to restart the production capability. Approximately 20 percent of the projected total Minuteman III missiles have already been deployed as replacements for the aging Minuteman I. Because of its age, and its complete lack of nuclear hardening, there seems no question but what the Minuteman I should continue to be replaced. Minuteman II is out of production and has been for a matter of years, therefore, the lengthy delay if we intend to restart the production line.

Considering the alternative of continuing to deploy the Poseidon and Minuteman III in a non-MIRV configuration while at the same time initiating development of a large non-MIRV reentry system, the only way deployment of these weapons could be continued would be to deploy with only one of the MIRV reentry vehicles. These are small RV's with low yield. If this were done then the effectiveness of the Poseidon and Minuteman III missiles would be reduced to a small fraction of what it normally would be. In addition, this condition eliminates the ABM penetration capability of MIRV.

To equip the Poseidon and Minuteman III missiles with single new non-MIRV warheads is a costly and time-consuming process. It is estimated that a new Poseidon single reentry vehicle payload would require about 3 years and up to $700 million for development and procurement.

Similarly a development effort would have to be initiated to provide a single reentry payload for Minuteman III capable of delivering an effective yield equivalent to that of the present MIRV design and appropriate for its payload carrying capabilities. An early interim program adapting the Minuteman I and II reentry vehicles to Minuteman III would require approximately $100 million and still would leave undesirable penetration characteristics. A longer term step requiring about 3 years and $240 million in development alone would be needed to provide a new, larger, single reentry vehicle which would possess better penetration characteristics.

It might be noted also that if a single reentry vehicle were placed on Poseidon and Minuteman III missiles with a yield the same as that covered by the MIRV, then the hard target kill capability would be improved over that of MIRV. It would in fact, if optimized, be a good weapon for attack of hard silos. This could be considered a provocative step since the present MIRV is not a good weapon for use against silos.

It should be readily understood from the above that from the standpoint of U.S. security, none of the alternatives are acceptable. Each degrade seriously our strategic capability for prolonged periods of time and in the case of the sea-based degradation, representing 30 percent of our submarine force, would constitute too much of a strategic imbalance between the United States and Russia.

In addition to the effect that this amendment has on our strategic capability, we must also consider other economic problems.

Through fiscal year 1971, the costs already authorized for the development and acquisition of our Minuteman III and Poseidon missiles were more than $6.7 billion. If we cancel further deployment of MRIV as the amendment proposes, we will in a large part fail to realize the prime objectives for which these missiles were developed, that is, the MIRV capability and the improved defense penetration ability which this provides. Thus, in this sense, the money spent to date could be considered wasted.

In summary, Mr. President, this amendment if passed, would unilaterally degrade the strategic capability of the United States to an intolerable degree. Furthermore, the wording of this amendment is such that without any consent from Russia for onsite inspection we cannot identify whether or not the Russians have deployed a MIRV system and therefore would never be able to reinstitute MIRV as a strategic deterrent capability.

I again urge the Senate to reject this amendment as unworkable and intolerable for our national security.

Mr. President, as far as the Senator from Minnesota has said or as the record sheds light on it by the cold letter of the law, the language of the amendment is uncertain. I refer specifically to the words of the amendment "or any other law." The Senator has asked that those words be stricken.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that those words be stricken.

Mr. STENNIS. Mr. President, the yeas and nays have been ordered, but the Senator's suggestion would bring the amendment into line with the Senator's intent, and I am glad to waive any objection to modifying the amendment.

The PRESIDING OFFICER. Will the the Senator send his modification to the desk?

Mr. HUMPHREY. Mr. President, I propose to strike the words on line 3, page 1 "or any other"—three words.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. I thank the Senator.

Mr. STENNIS. Mr. President, there are present on the floor now Senators who were not present when the Senator from Kentucky made his statement. I think he made a very valuable contribution—he is very knowledgeable on the subject—when he made the point that he was satisfied, on his own investigation and his contacts with the SALT talks, that there had to be an agreement there with reference to defensive weapons. We call ours the ABM. Otherwise there is no reason to talk about limitations on offensive weapons, and that is what we are dealing with today—offensive weapons.

The Senator is going to vote against this amendment for that reason, among others, because he indicated that he had some basis for belief that there is something in the headline that I read from today's New York Times that they perhaps were near an understanding with reference to limitations on defensive missiles, the ABM. I repeat that not only because I was impressed so much by what he said, but because I believe others should have a chance to know what he said.

Not much has been said about the Minuteman program, which is our corresponding ICBM to their SS–9, but, as I am informed, we have about 100 Minuteman missiles—I refer to the Minuteman III or the MIRV system—going through that process now. I think this proposal would be a "Dead Eye Dick," stopping that program in its tracks, to await some future event with uncertainty, when the President and the Congress, by joint understanding or joint method—I do not recall the exact word—would repeal this amendment. I say there is no movement on the other side. It is a unilateral action. That is the second stream that we are crossing, and changing horses right in the middle of it.

So we are faced here with the proposition, however timely this might have been some time ago or some years ago, or however timely it may be some time in the future, that now, right in the middle of these two streams, with the shift in the machinery of the nuclear weapon itself, and this possible ford crossing here in the Helsinki talks, is the wrong time to move.

I am very glad that we have a chance here this afternoon to dispose of this amendment on a rollcall vote. I believe a very decisive vote against it would be, since the issue has been raised—it was raised in good faith, but since it has been raised, a very decisive vote would be not only helpful, but I think virtually necessary, so that our position may remain clear, firm, positive, and well known.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I would like the Senator to understand that this amendment merely places Congress on record in favor of success in the SALT talks. The amendment says that if those talks do not succeed, and if the Soviet Union continues to test, if they act in a recalcitrant manner, we are not going to stand idly by. The amendment has both the carrot and the stick. If there is any interference with the SALT talks at all, it is simply to say Congress hopes and prays they will succeed, and encourages the President in his action, but that if they do not succeed we are not going to stand idly by.

Mr. STENNIS. I thank the Senator very much.

Mr. President, for the remainder of my time, the Senator from Washington (Mr. JACKSON) was compelled to be away today. He is very much concerned and very much interested in this matter, and he left with me a prepared speech on the subject, which he asked me to put in the RECORD. But I am going to do more than that. I am going to read as much of this speech as I have time for.

This is the Senator from Washington speaking. He says:

> Mr. President, the immediate result of a cessation of our MIRV deployment and testing program would be a forced cancellation of the program now underway to convert our Polaris force to accommodate Poseidon missiles. This would decrease by 90 percent the number of deliverable warheads in the ships affected. In terms of the effectiveness of our sea-based deterrent in the coming decade, it would be just like losing 27 Polaris submarines.
>
> Mr. President, I know that many of my colleagues agree that the integrity of the sea-based portion of our deterrent is especially important to the stability of the strategic balance. Yet it is in this component of the triad—the submarine force—that the effectiveness of our force when equipped with MIRV is greatly increased.

That is where the greatest contribution to this strategic force is, Mr. President, in those submarines; and here is the increased effectiveness.

> Without MIRV on the Polaris force we must continue either to use outdated single warheads or make a very substantial investment in a new single warhead to be used in place of the projected Poseidon MIRV. Moreover, termination of the MIRV program on the sea-based force would leave the Navy with a small number of warheads on station—a number too small to give us the security we require at a time when the Soviet Union is moving ahead aggressively in the development of ASW programs and strategic forces generally. As our force deployments are now planned, the number of warheads borne by the sea-based force will increase as a response to these Soviet developments.
>
> Were this amendment adopted we would have to close down the conversion program at once. If we were later to resume the conversion from Polaris to Poseidon, the added cost would amount to many hundreds of million of dollars.

All this confirms the fact that we are in the middle of the stream.

Mr. President, I ask unanimous consent that a copy of a letter I addressed to my colleagues in the Senate concerning the pending amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 24, 1971.

DEAR COLLEAGUE: Today, the Senate will vote on the very important amendment proposed by Senator Humphrey which calls for placing in escrow all funds for testing or deployment of Multiple Individually-Targeted Re-entry Vehicles (MIRVs) under this or *any other* law. This amounts to a unilateral halt to modernization of two-thirds of our strategic offensive forces. I urge you to vote against this amendment.

On the surface, the idea of escrow may appear to be an attractive way of postponing decisions on MIRV. I am sure all Senators want the SALT talks to produce an agreement limiting strategic arms. Actually, however, the amendment proposes a *unilateral* freeze on virtually all U.S. strategic offensive weapon modernization while obtaining nothing in return. This is not a resolution promoting joint Soviet and American efforts to halt the arms race. This is, rather, a unilateral arms limitation by the U.S. in the midst of a highly crucial phase of the SALT talks.

Weapon systems deployments simply cannot be handled as if they were contracts to buy residential property. The "escrow" provided by the amendment would apply to *all* funds appropriated under this or any other law. To mention only one of the serious difficulties which would be created by such an amendment: Polaris submarines must be significantly modified to carry the new Poseidon missile. This modification can be done only when the submarine is scheduled for other regular heavy maintenance work. We cannot park our Polaris submarines outside the shipyards and await joint Presidential and Congressional determinations about Soviet weapon systems programs while the number of our submarines on patrol dwindles. Modernization cannot go forward if this amendment is adopted, since the U.S. has developed no new single-target ICM—or SLBM—warheads. We simply cannot aim such a shattering blow at our strategic forces unless the Soviets have agreed to limit theirs.

I hope you will agree with me that the amendment will work against the national interest and against the success of the SALT talks.

Sincerely yours,

John C. Stennis.

Mr. STENNIS. Mr. President, I ask unanimous consent that the complete text of Senator Jackson's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Senator Jackson

Mr. President, the Senate has before it an amendment whose effect would seriously disrupt both our efforts to negotiate a SALT agreement and important programs to maintain the credibility of our deterrent. The amendment would require that we immediately halt the production and testing of MIRV, and it would continue this unilateral halt until such time as—by a mechanism left to the imagination—the Congress and the President "jointly determine" that the Soviet Union is testing and deploying a MIRV system of its own. It would do nothing to require that the Soviet Union halt research and development on its own MIRV program, or that the Soviets refrain from continuing to build up their strategic offensive and defensive forces.

Mr. President, the immediate result of a cessation of our MIRV deployment and testing program would be a forced cancellation of the program now underway to convert our Polaris force to accommodate Poseidon missiles. This would decrease by 90 percent the number of deliverable warheads in the ships affected. In terms of the effectiveness of our sea-based deterrent in the coming decade, it would be just like losing 27 Polaris submarines.

Mr. President, I know that many of my colleagues agree that the integrity of the sea-based portion of our deterrent is especially important to the stability of the strategic balance. Yet it is in this component of the triad—the submarine force—that the effectiveness of our force when equipped with MIRV is greatly increased. Without MIRV on the Polaris force we must continue either to use outdated single warheads or make a very substantial investment in a new single warhead to be used in place of the projected Poseidon MIRV. Moreover, termination of the MIRV program on the sea-based force would leave the Navy with a small number of warheads on station—a number too small to give us the security we require at a time when the Soviet Union is moving ahead aggressively in the development of ASW programs and strategic forces generally. As our force deployments are now planned, the number of warheads borne by the sea-based force will increase as a response to these Soviet developments.

Were this amendment adopted we would have to close down the conversion program at once. If we were later to resume the conversion from Polaris to Poseidon, the added cost would amount to many hundreds of millions of dollars.

Mr. President, one serious problem with this amendment is that it ties the continuation of the U.S. MIRV program to the Soviet MIRV program. It would prohibit us from deploying (or even testing) our MIRV regardless of what the Soviet Union were to undertake in the way of improved strategic programs. So long as the Soviet Union were not seen to be developing MIRV, our hands would be tied even if the Russians were to vastly increase their strategic forces in ways other than the deployment of MIRVs. This is not the sort of rigid limitation to impose on the President—especially during complex arms control negotiations. The fact is that the effort to bring about serious limitations on strategic arms must proceed in a comprehensive manner in which the interrelationship among all strategic systems is fully considered. To single out MIRVs without regard to, say, ABM, or anti-submarine warfare, or large, modern missiles (like the SS–9) is no way to go about the business of arms control.

Another serious problem is the lack of a mechanism for the determination—for which the amendment calls—that the Soviets are testing or deploying MIRVs. This is a very complex matter. At various times, especially recently, there has been disagreement within the intelligence community as to whether this or that development on the part of Soviet warhead design constituted a MIRV or a step along the path to a true MIRV. The judgment has gone back and forth. One can anticipate that there will continue to be differences of judgment on this matter.

Moreover, it is unclear how we would be required to proceed were the amendment adopted. Would the House, Senate and Executive Branch all meet to examine the latest intelligence reports in order to reach the required determination? What if the Senate believed that the Soviets were testing MIRVs and the House disagreed?

Or should the President be required to introduce legislation to the effect that the Soviets are proceeding with MIRV and then call for a vote of the Congress to sustain or deny his judgment?

Mr. President, I share with my good friend and distinguished colleague, the Senator from Minnesota, the hope that we will be successful in achieving a stabilizing arms control agreement with the Soviet Union. This moment in the history of the negotiations seems to me a moment in which patience is prudence.

The PRESIDING OFFICER (Mr. Chiles). All time having expired, the question is on agreeing to the amendment of the Senator from Minnesota (Mr. Humphrey) as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Missouri (Mr. Symington), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong), are absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), the Senator from Illinois (Mr. Stevenson), the Senator from Indiana (Mr. Hartke), the Senator from California (Mr. Tunney), the Senator from South Dakota (Mr. McGovern), and the Senator from Massachusetts (Mr. Kennedy) would each vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "nay."

On this vote, the Senator from Iowa (Mr. Hughes) is paired with the Senator from New Mexico (Mr. Montoya). If present and voting, the Senator from Iowa would vote "yea" and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Indiana (Mr. Bayh) is paired with the Senator from North Carolina (Mr. Ervin). If present and voting, the Senator from Indiana would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Washington would vote "nay."

Mrs. SMITH. I announce that the Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senators from Ohio (Mr. Saxbe and Mr. Taft), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thur-

Mond), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), and the Senator from New York (Mr. Javits) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senators from Colorado (Mr. Allott and Mr. Dominick), the Senators from Delaware (Mr. Boggs), the Senator from Tennessee (Mr. Brock), the Senator from Pennsylvania (Mr. Scott), and the Senator from Texas (Mr. Tower) would each vote "nay."

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Maryland would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Nebraska (Mr. Curtis). If present and voting, the Senator from New York would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Iowa (Mr. Miller). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 12, nays 39, as follows:

[No. 232 Leg.]

YEAS—12

Church
Cranston
Fulbright
Hart
Humphrey
Inouye
Mansfield
Metcalf
Nelson
Packwood
Proxmire
Williams

NAYS—39

Aiken
Allen
Anderson
Beall
Bennett
Bentsen
Bible
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hruska
Jordan, Idaho
Long
Magnuson
McClellan
Pearson
Pell
Roth
Schweiker
Smith
Stafford
Stennis
Stevens
Talmadge
Young

NOT VOTING—49

Allott
Baker
Bayh
Bellmon
Boggs
Brock
Brooke
Cotton
Curtis
Dole
Dominick
Eagleton
Ervin
Gravel
Griffin
Harris
Hartke
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Mathias
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Pastore
Percy
Randolph
Ribicoff
Saxbe
Scott
Sparkman
Spong
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker

So Mr. Humphrey's amendment (No. 432) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, this year I had the pleasure of serving for the third consecutive year as chairman of the Tactical Air Power Subcommittee. Before I review the tactical aircraft and missile systems that the subcommittee analyzed in considerable depth, I would like to make several major points that I consider to be of extreme importance to the members of this distinguished body and the American people as a whole.

A. CONSTANT ATTACKS ON THE MILITARY ESTABLISHMENT

The first matter that is of increasing concern to me in recent times is the constant and unrelenting attacks made against the Military Establishment, including both its military and civilian employees. They have been the favorite targets for many people to "shoot at." They are frequently represented to the American people as a group of fumbling, bumbling individuals, always guilty of waste and inefficiency. Nothing is further from the truth. Although many people seem to enjoy this game of poking fun at this large group of dedicated individuals, I have become extremely concerned about the grave injustices taking place as a result, not only to the hundreds of thousands of men and women in the service but to our overall national security as a collective matter.

The people in the Military Establishment are not wasteful or inefficient. I know hundreds of them personally, as do my colleagues in this body. They are dedicated as any other group of Americans. As a matter of fact, in this day and age of making them the "whipping boys," I admire their perseverance and patience all the more.

I deplore, as do all other Members of the Senate, those isolated instances where military individuals either committed crimes or took actions not in the best interest of the uniformed services. While this is extremely unfortunate, it is not unusual or unexpected where millions of people are involved. Yet, altogether too frequently many of us come to the snap conclusion that the entire Military Establishment is afflicted and guilty of wrongdoing. Nothing is further from the truth. All of us recognize this fact once we take the time to stop and think the matter through. However, I am concerned that many of us are not taking the time or reflection necessary. We are condemning the whole for the acts of an isolated few.

I recognize further the fact that the American people are "sick and tired" of the Vietnam war, and I myself am increasingly discouraged. I fully share the desire of our people to withdraw our forces as soon as possible. This, of course, should be done consistent with a smooth transition where the South Vietnamese can defend and protect their own interests against North Vietnamese Communists. We have never been in such a protracted, frustrating military operation in our history. Obviously, I do not intend to review that situation today. However, I do want to state that the overwhelming majority of military personnel involved in South Vietnam have discharged their challenging duties ably and responsibly even though constantly risking their life and limb.

Mr. President, it is difficult indeed to fight a limited war with limited objectives, to combine a "butter and gun" philosophy here at home, and still expect U.S. soldiers on the battlefield to acquit themselves with valor at all times.

My thoughts in this regard are and have been that if we commit this Nation's flag, no half-baked measures are or should be adequate. When our Nation's interest is at stake, we must commit the nation, not merely a part of our population, to the exposure of the dangers and hazards involved.

I mentioned Vietnam only in that I recognize that it is the cancerous sore that seems to be the root cause of a great deal of the disillusionment toward our Military Establishment. I want the record to be clear that the Military Establishment as a whole diligently carried out the orders they were given. They did not establish or set policy as to the manner in which this war would be conducted.

B. PROCUREMENT OF WEAPON SYSTEMS

The second important matter that concerns me today, Mr. President, is the additional charge against the Military Establishment that they are a group of fumbling, bumbling, individuals when it comes to the procurement of weapon systems. Many people cite "cost overrun" experiences on many weapon systems as fundamental indicators that the military people involved do not understand or know the basic rudiments of business management.

I want to make it clear that there have been "cost growths" on many weapon systems. I do not criticize anyone for pointing this matter out. However, I do think that in good conscience and as a matter of fairness and equity to all concerned that we should examine in detail the reasons for the cost growth in our weapon systems. Most people automatically term this a "cost overrun" and imply inherent inefficiency or waste was the primary reason therefor. Do most weapon systems cost more today than several years ago? The answer is an emphatic "Yes." Do the weapon systems we are currently producing cost more than we originally estimated they would several years ago? The answer for the most part is a definite and resounding "Yes." Does that mean, however, that we can then automatically infer or conclude that those people involved were wasteful or grossly inefficient? The answer is an equally emphatic "No."

Anyone familiar in the slightest with the rapid inflation that we have realized in the past few years recognizes what has happened and what the primary explanation is. Every American who pays more for his bread, his meat, his clothes, his car, and every item he purchases is thoroughly familiar with the drastic increases in prices for these commodities in the past few years. Yet, there are those people who think that the cost of expensive military weapon systems by some form of magic represents an exception to the rule of inflation. They constantly deplore cost growths as if inflation was not the single most important aspect in the increase in program costs. Inflation is the single most influential factor in the added cost of our weapon systems. I can state this with some authority particularly as to those weapon systems that the Tactical Air Power Subcommittee has examined in detail.

Let us take a simple example. The cost of bread rises 20 percent from 25 to 30 cents a loaf in recent times. The rent on an apartment goes up 20 percent from $150 to $180 per month. People do not like it, but they accept it as an unfortunate and inescapable cost of living. The illustration when it pertains to weapon systems is identical, but it becomes all the more dramatic because the amount of dollars involved are significantly greater. A weapon system which was thought to cost $1 billion a few years ago now rises to $1.2 billion, namely 20 percent. Yet in this instance some people act as if they are completely taken by surprise. Such should obviously not be the case.

Granted, no one is happy, including myself most of all, over the rapid rise in inflation, but it is no secret, and it is not black magic. Most importantly it is not a case of gross waste or inefficiency in the Department of Defense that brought it about. It is a simple fact of life of buying a defense commodity in the American marketplace. It is the cost of doing business, and more importantly it is the cost of protecting our national security.

Inflation, while the single most important contributory reason toward cost growths, is not the only reason.

A second important reason is that the defense industry as a whole has found its employment rolls reduced dramatically in recent years, and the number of weapon systems being purchased by the Defense Department have also been dramtically reduced. What effect does this have on the remaining weapon systems which are being procured? Their costs rise significantly by virtue of a term well understood by all accountants known as "overhead." That means that the cost of the few remaining defense products being produced by a given company rises in cost because the overhead cannot be distributed among several other defense or commercial products that were previously produced.

I am not naive enough, Mr. President, to say that these are the only two reasons for cost growths, but I do know from personal experience on the subcommittee that these are the two principal reasons for cost growths.

A third important reason is the fact that the critics of the military use what are termed "original cost estimates" which were prepared by the military very early in the history of the weapon system when generally only limited data and paper studies were available. Quite obviously even the most dedicated Government employee who attempts to state with any preciseness what a total weapon system will cost the Government and the taxpayer is of extremely limited value. It should be used only as a guide. After all, he is projecting several years in the future. He is normally projecting production cost figures in most cases even before research and development has commenced. Yet, critics of the military accept without question the validity of these original cost estimates merely because it serves their purpose to demonstrate a significant rise in the cost of any given weapon system. Military witnesses are required to provide original estimates because they are the only fragmentary data available at the time to make a determination as to whether a weapon system should or should not be undertaken.

There are, of course, other reasons which although germane are not of equal significance costwise. Design changes and technical problems during the course of research and development or production also in some cases play a significant role toward increasing costs. Another salient reason is the changes in the quantity of aircraft or missiles to be purchased. This is a very important point, frequently misunderstood and I will comment in some detail on it with respect to the F–14 program where it is particularly germane.

The thrust of my concern, Mr. President, is that when people criticize the military for cost overruns that they take the time and effort to sit down and analyze the contributing reasons causing the cost growth. For the most part they will find the reasons I have mentioned as being the cause for the increase in costs.

C. DESIRE FOR "SIMPLE" WEAPONS SYSTEMS

Another matter that concerns me, Mr. President, is the desire by many people for simplicity in our weapon systems. They conclude that any weapon system that is "complex" is automatically bad. In theory I fully support the premise that weapon systems most definitely should be as simple and uncomplicated as possible. However, unfortunately in this day and age when technology has made such rapid strides, it is not always possible to purchase a simple weapon system. The reason for this is that the driving requirement is that we have available for our soldiers the best capability to defeat any potential enemy, and achieving that best capability in most cases involves fairly complex equipment. The reason is simple. The complex equipment based on modern technology affords us a much higher and effective kill potential against a potential enemy. I firmly believe that we cannot resort to simple weapon systems merely because they are simple, which in the final analysis will be inferior to the weapon systems of a potential enemy. I will say that where simplicity can be achieved without compromising our capability and effectiveness on the battlefield that I would most certainly support that "simple" weapon system.

If we had insisted on "simplicity" and lack of complexity in the last few years we would never have developed or deployed the Minuteman, Polaris, Poseidon missile systems which today represent the "backbone" of our nuclear deterrence.

D. OVERALL DEFENSE EMPLOYMENT

There is another matter of grave concern to me, Mr. President. This involves the overall employment situation in the country. One of the largest segments of U.S. industry is and has been the aerospace industry. It has taken probably the largest reduction in employment in recent years of any given industry. Hundreds of thousands of fine solid American citizens are unemployed because of the cancellation of numerous military defense programs and projects. Quite obviously if these people were still gainfully employed by their respective defense companies, they would be substantial taxpayers and contributing toward maintaining a healthy and prosperous economy. Yet, today, tens of thousands of these former taxpayers are on welfare, and in many cases their benefits are about to run out. Instead of contributing toward a healthy and prosperous economy, they are involuntarily forced to be recipients of government aid and tax support from other taxpayers who are still gainfully employed. I want to make it very clear that I am not sponsoring the aerospace industry as a form of WPA to prime the economy, but I do want to make it clear that when these hundreds of thousands of fine Americans are gainfully employed in the aerospace industry, it has always had a resounding and most beneficial effect on the economy. I also feel that it is somewhat ironic that while we terminate and cancel certain weapon programs which put these fine people out of work that we then turn around and seek a solution that costs several billion dollars to put them to work in some other form of employment. Unfortunately, we do not know how to rapidly transplant engineers, skilled machinists, and other individuals in the aerospace industry into other forms of gainful employment. We find it difficult indeed to come up with rational and logical programs for which these people can be gainfully employed. Yet, if they are not gainfully employed, our economy as a whole suffers very materially.

E. THE THREAT

Mr. President, I would now like to say a few words about the threat. I am of the opinion that many American people do not like to hear of the progress being made by the Soviet Union in the area of improving its military establishment. It constitutes "bad news." They would prefer that military threats disappear altogether. While I wholeheartedly agree that this would be a fine state of affairs, it has not and will not most likely occur. The American people have never shirked from their responsibilities when they were made aware of potential hazards and dangers from foreign sources. I want to make sure today that they recognize the possible peril that this Nation may encounter in the near future. By that I mean by the mid-1970's or possibly earlier. I do not want any citizen to ask me the question, "Why didn't you tell me what was going on in 1971 with respect to our potential enemies?" Respected members of this body must recognize and appreciate that it is the decisions that are made today which will determine precisely what the state of our military preparedness will be in the mid-1970's. It takes time and money to purchase military hardware and to achieve a competitive military force structure. We have never been able to overcome the critical element of time with money. This Nation has always relied on a strong national military establishment to protect our safety and welfare. We must continue to do so as long as potential aggressors exist in the world. Anyone who takes the time and energy to study the tremendous strides and accomplishments of the Soviet Union in improving its military arsenal will quickly realize this. I do not intend to belabor it. Suffice it to say that the Soviets with 1,500 ICBM's to our 1,034; a more than 2 to 1 advantage in submarines; the development of a new tactical fighter every 2 years; and the constant updating and modernizing of its ground forces leads to the inescapable conclusion that if this pace continues, which our experts believe it will, that the Soviets will achieve a dramatic military capability significantly greater than ours. There will be no question as to who will have the second best military capability.

History has shown that nations do not build enormous military forces merely to have them lie fallow. They are either used directly for war or to intimidate weaker nations to capitulate without the necessity for war. It is, of course, far easier to "stick our head in the sand" and say that the "bogeyman" will not come. I want to state, Mr. President, while I earnestly hope this is never the case, I for one am not willing to risk our future national security on such an invalid or insecure premise.

I, like everyone, earnestly hope the SALT talks and all other efforts toward reaching a meaningful peace with the Soviets and other nations with interests inimical to ours will bring a lasting and future peace. But history has repeatedly demonstrated that the safest and most secure nations are those that are the strongest. It is the weak in nations, as it is individuals, that invite and suffer the acts of aggressors throughout history.

Mr. President, I shall have more to say in the days ahead on these matters particularly as they concern the individual tactical weapon systems reviewed by the Tactical Air Power Subcommittee.

REQUEST TO ENTER MOTION TO RECONSIDER VOTE ON AMENDMENT 423

Mr. FULBRIGHT. Mr. President, I should like to address an inquiry to the distinguished Senator from Mississippi, preliminary to making a unanimous consent request.

On yesterday, at the time the amendment proposed by the Senator from Wyoming (Mr. McGee) was voted on, I was attending a meeting of the Board of Foreign Scholarships downtown. They called me and I got here about 1 minute after that vote was announced. Of course, I realize that it is my responsibility that I missed the vote, but a motion was made to reconsider by the distinguished Senator from Mississippi and then he withdrew that motion to reconsider.

I should like to ask unanimous consent that I be allowed to enter a motion to reconsider the vote on the McGee amendment.

Mr. MANSFIELD. Mr. President, I think that I would have to object because—I withdraw my objection if no vote is taken today.

Mr. FULBRIGHT. I have no desire to ask for a vote today, but under the rule, a motion should be made within the 2 following days. Because of that odd and unusual situation with the Senator from Mississippi, I merely point to the record where the Senator from Mississippi asked to reconsider the vote and then, when the Senator from Kentucky asked for the yeas and nays, the Senator from Mississippi, in response thereto, asked that the motion to reconsider be withdrawn. Is that not correct?

Mr. STENNIS. That is correct.

Mr. FULBRIGHT. That is what the record shows. All I am asking is the opportunity to enter the motion. I shall certainly not ask for it to be voted on until the leadership and the Senator from Mississippi are agreeable to that. I would not want to do it today but I would like the opportunity to say a few words about that amendment.

The Committee on Foreign Relations has jurisdiction over legislation dealing with the United Nations. While the Committee on Armed Services has broad jurisdiction I do not really believe it should usurp the jurisdiction of legislation dealing with the United Nations and so, in this indirect way, undercut the prestige and the authority of the United Nations. If that is going to be done, it should be done in a regular order.

My understanding is that the administration does not approve of this approach, but because it was disguised as though it were related to procurement, it was accepted here. I really believe that many in the Senate did not understand the situation because there is a large surplus of chrome in the stockpile. As a matter of fact, they are proceeding now to dispose of, I think it is 1 million tons of chrome as surplus, so that there is no issue whatever with regard to the availability of chrome.

Mr. CANNON. Mr. President, if the Senator from Arkansas will yield, that is not quite correct to say that we are disposing of some of it, because the subcommittee on the stockpile turned down the request for the disposal.

Mr. FULBRIGHT. The debate shows that, but the administration, as I understand it, had recommended disposal of the excess.

With that understanding, I ask unanimous consent that that vote be considered.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, if the Senator from Arkansas wishes, I will be glad to give some background on this matter.

The amendment which is in the military procurement bill was originally introduced as a piece of legislation by me, by the Senator from Florida (Mr. Gurney), by the junior Senator from Arizona (Mr. Goldwater), and by the senior Senator from Arizona (Mr. Fannin). That was on March 29.

Under a technicality, it was referred to the Committee on Foreign Relations, although it deals entirely with a defense material, a strategic material.

At my request, the distinguished and able chairman of the Foreign Relations Committee held a hearing or instructed his Subcommittee on African Affairs to hold a hearing on this matter. A 2-day hearing was held.

Immediately following the adjournment of the subcommittee on the second day of the hearing, the distinguished chairman of the subcommittee told the press that he would recommend that the legislation be disapproved.

Subsequently, I took the entire hearings of the Subcommittee on African Affairs and had all of the material from the hearings printed in the Congressional Record.

Many times subsequent to that, I stated clearly on the floor that this matter is of such great importance in my judgment that I was going to do what I could to see that the Members of the Senate had an opportunity to vote on the matter.

How any Senator votes, of course, would be determined by that individual. However, I think that when we get to a situation in which the United States is dependent upon Communist Russia for a vital defense material, certainly that matter should be voted on either up or down by the Senate of the United States. That was the reason that the Armed Services Committee added that measure to the military procurement bill, because it ties in directly with military procurement.

We cannot build these nuclear submarines or jet aircraft or do all that is necessary in the case of military procurement without chrome.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I will yield in a moment.

It occurred to me, and it was the view of a large majority of the membership of the Armed Services Committee, that it is in essence a defense matter to determine whether the United States shall be dependent on Communist Russia for a vital strategic defense material.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I was not intending to discuss that particularly on the merits. This is an additional matter. I have the alternative of offering another amendment with a mere change of words. Since the Senator from Wyoming offered the amendment, and it has been discussed on that basis, I thought it would be a much more regular and orderly procedure for the Senate and more easily understood if I followed that procedure.

All I am suggesting is a procedural question. If anyone objects, I have the alternative of offering an amendment which is almost identical and get the same results. However, it would be easier understood if we were to follow the suggestion I am making.

That is all I was doing. I do not wish to delay the Senate. I was only asking to clarify a procedural situation by asking that the vote be reconsidered. I think that is the most orderly procedure to follow.

If the Senator refuses to allow that, I

will do it the other way. However, I believe it would be sufficient and more convenient for the Senate if there were no objection to a motion to reconsider, to be voted upon at a time mutually agreed upon between the manager of the bill and the Senator in control of the time on the opposite side. I certainly do not want to vote today.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, I ask the Chair to give an opinion on the orderliness and proprietary of the request of the Senator from Arkansas.

Mr. FULBRIGHT. That is why I did it. I asked the Chair and the Chair had already advised me.

The PRESIDING OFFICER. The Chair advises the Senator that only one motion to reconsider is in order. That motion was entered and withdrawn without objection.

Mr. GOLDWATER. Mr. President, would the Chair rule that the motion had been made and then withdrawn and that that counts?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. GOLDWATER. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas entering a motion to reconsider?

Mr. BYRD of Virginia. Mr. President, reserving the right to object, to set the record straight, the Senator from Arkansas said that he was not debating the matter today, that it was merely a procedural question. However, in his comments he mentioned a jurisdictional question between the Foreign Relations Committee and the Armed Services Committee. That was why I wanted to set the record straight.

The legislation had been referred to the Committee on Foreign Relations as a technicality because it technically deals with the United States Participation Act. But the substance of the amendment deals with a military problem. It deals with a strategic material. It deals with a strategic item essential for our military equipment.

So, it is clearly logical that it should be put on a bill which is appropriating $21 billion of tax funds for the purpose of arming U.S. military and equipping the U.S. military to be prepared for a potential aggressor. I would think that the Senator would agree that the most logical potential aggressor would be Communist Russia.

Mr. President, in regard to the question of stockpiling, as the distinguished and able Senator from Nevada has pointed out, if we deplete the stockpile, we would be defeating our purpose. We know that the purpose of a stockpile is to have available for this country the strategic material necessary over a period of time. If we take the material out of the stockpile, then of course after a while that stockpile will be depleted.

But the fact is that 60 percent of all the chrome which is imported into the United States comes from Communist Russia. If Congress wants that to continue, Congress has the right to so vote. The Senate voted yesterday by a vote of 46 to 46 that it does not seem logical to have our Nation dependent upon Communist Russia for a vital defense material.

Mr. President, any Senator has the right to present any amendment he wants at any time or to bring any bill before the Senate for consideration.

I see no purpose to be served in talking about reconsideration this afternoon, when at the most 51 Senators are present and I doubt if there are anywhere near that many. I think I would have to note an objection.

Mr. FULBRIGHT. I am not going to ask for reconsideration today. I am only asking that it be done next week when the Senator from Mississippi and the Senator from Virginia are agreeable to the vote. If the Senator wishes to object he may do so but it is not a good reason to say it is done only because there are 51 Senators here.

I am only asking unanimous consent that the motion be entered and that is the most efficient and the best way to bring it before the Senate. The alternative is to offer the same amendment again with a technical change, which I will do. But all it would do would be to cost more money to print another amendment and inconvenience the staff, and it would not accomplish anything. I am not going to ask for a vote today, but the fact that there are only a few Senators here has nothing to do with it. I would object myself to voting on anything of consequence now. I do not know why the Senator would object, but that is his privilege.

I will offer a similar amendment which will have to be voted on separately. I think it will be confusing and difficult. I am trying to help the administration. The administration is not disposed to sabotage the United Nations just as they are about to meet. I am trying to help the administration. They are not in favor of the amendment of the Senator from Virginia. Whenever I can I like to be in a position of assisting the President in his foreign relations.

I renew the request. I did not want the Senator to be under any misapprehension that I was going to ask for a vote this afternoon.

Mr. BYRD of West Virginia. If the Senator is not asking for a vote today I see nothing to be accomplished by entering a unanimous consent agreement. The same request could be made on a subsequent day.

Mr. FULBRIGHT. Is it on that ground the Senator objects?

Mr. BYRD of West Virginia. I see no purpose that could be gained. The Senator can always make the request. As the Senator pointed out and as I have pointed out, any Senator can present an amendment at any time to this bill dealing with the many phases of the bill.

Mr. FULBRIGHT. Since we had the vote and the debate on this issue I thought it would save time and make clear for the Senate in the future on what question they were voting. It is a normal procedure. I am sure no Member of this body realized that when the Senator from Mississippi said "I withdraw it," after the yeas and nays, that precluded it. It surprised me and it surprised everyone with whom I have discussed the matter that that was the effect when he withdrew it. Any Member could have objected. It happened quickly and no one that I know of recognized that such a procedure would preclude a motion to reconsider.

I gather that the Senator from Arizona, even as learned as he is in the rules, thought this was out of order. I did, too. I was going to make a simple motion until I was advised it was not in order. I was surprised to find the rules could be so peculiar as to say that offering and withdrawing a motion precluded another motion. That was the peculiarity of the motion. I never heard before that offering a motion and withdrawing it has the same effect as tabling it without a vote It is a very efficient way to proceed in the future. Everyone will have to be alert to be sure such motions are not withdrawn. Otherwise a Senator could say, "I move to reconsider," and then withdraw it and there is no opportunity to vote.

The PRESIDING OFFICER. If the Senator will suspend, the Chair wishes to advise that the Senator had no right to withdraw on his own, but on leave of the Senate.

Mr. FULBRIGHT. I said no Member of this body realized that happened. I doubt the Senator from Mississippi realized he had thereby precluded a motion to reconsider when he withdrew it. I think this is a peculiar, archaic rule.

Mr. BYRD of West Virginia. Mr. President, will the able Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BYRD of West Virginia. The rules are in the rule book, and there are only 44 standing rules. Every Senator should know about that particular rule. There is a rule dealing only with reconsideration—rule XIII.

Mr. FULBRIGHT. The Senator from West Virginia is the only Member familiar with all the rules, and he knows them very well. Since the passing of the Senator from Georgia, the Senator from West Virginia inherited that mantle of knowledge of the rules.

Mr. BYRD of West Virginia. The Senator pays me a great compliment and it is not deserved.

Mr. FULBRIGHT. It is deserved. This is a very peculiar rule. If a Senator wants to object, he can; I would only say I think it is only an inconvenience for the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas to enter a motion to reconsider?

Mr. HANSEN. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question now pending is whether there is objection to the request of the Senator from Arkansas' entering a motion to reconsider.

Mr. HANSEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

PHOENIX

Mr. CANNON. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) in his remarks on the floor of the Senate on September 14, 1971, against the F–14 fighter program, also chose that occasion to make a series of statements criticizing the Phoenix missile which will be carried by that airplane. Some of the wire services and press reported the charges, emphasizing the alleged problems and deficiencies of the Phoenix missile in particular, and these charges reached the reading public in the next day's newspapers.

The speech itself contained a great number of incorrect facts and statements about the Phoenix missile system and about its use as an air-to-air weapon. I believe that the RECORD should be corrected so that our debate and decisions on the F–14 and the Phoenix will take place based on true and correct information. For that reason, I will point out some of the erroneous statements that were made and will place in the RECORD a side-by-side refutation of its claims.

The speech claimed that—

> Tests conducted by Hughes Aircraft Corporation, manufacturer of the Phoenix system, confirm that it has no capability against maneuvering targets except over the shorter stretches of its range. Beyond a certain point, the tests showed, the Phoenix rocket motor burns out and it cannot get the maneuver energy needed to keep up with a target which can quickly change directions.

Now that is erroneous from several standpoints. In the first place, what was done to evaluate Phoenix capability against sharply maneuvering fighters was a thorough analysis and simulation by the Navy's Air Development Center at Johnsville, Pa. These evaluations, done in March, 1971, compared the Phoenix with the advanced version of the Sparrow missile. Their findings were that the Phoenix could defeat even the most highly maneuverable fighter at long ranges, and that the Sparrow was better for short range aerial combat. They also reconfirmed that after the missile's rocket motor stops burning and the missile is slowing down, it does have less energy left for performing violent maneuvers to knock down an evasively-turning fighter. This fact is not a new discovery, of course, since it is a limitation of all air-to-air missiles. Like a spent bullet, a missile, too, eventually will fall out of the sky. But the evaluation of the Phoenix did show that it has much more long distance capability than even the advanced version of the Sparrow because its rocket motor burns much longer, in fact, twice as long.

Second, the only test by the Hughes Aircraft Corp. resulted in a hit on a highly maneuvering fighter. Therefore, the true facts about the Phoenix are that it can intercept and kill the best fighters the enemy has and can do so at much longer ranges than any other missiles that we have today in inventory or in development. Phoenix will add a great improvement to the Navy's long range air defense capabilities.

The speech also said:

> Second, hardware tests at the Naval Weapons Center's Corona Laboratory have shown that the Phoenix can be effectively countermeasured by simple low power techniques.

The tests, although not specifically identified in the speech, were made in 1968 at Corona. They actually showed that the Phoenix is unaffected by "simple low power techniques" of countermeasures, and that the only countermeasures that could begin to affect the Phoenix were devices of high power and great complexity that were of the late 1970–80 time frame and were not practical for a real-world tactical enemy fighter environment. As a result of these tests certain modifications were made to the missile to meet these countermeasures.

A third charge was that a study had shown that—

> The Phoenix will have severe reliability problems due to many of the same complexity of design features which have made the Sparrow unable to withstand rigorous combat handling procedures.

This charge also was undocumented, and neither the Navy nor the Hughes Aircraft Corporation has been able to find any study reporting severe reliability problems. Both report that the Phoenix will meet or exceed its reliability specifications.

The latter part of the statement about the cause of Sparrow reliability problems was in error. Severe problems were discovered when the Sparrow missiles were used in combat conditions in Southeast Asia, but the cause of these problems was old design technology—the old Sparrow missiles were built with vacuum tubes, and carrying those missiles on airplanes in combat caused severe wear and tear, even when the missiles were not fired, because these vacuum tubes were turned on and running on every flight in the combat zone. The solution to this particular problem was obvious. The advanced Sparrow missile has been designed with solid state transistors, which removes the reliability problems caused by vacuum tubes and also gives the Sparrow a quickstart capability much like a transistorized radio. The Phoenix also is completely transistorized, too, and it will not have the problems that plagued the old Sparrow missiles.

A fourth claimed weakness of the Phoenix as a system was that it could not be fired at long range against targets not identified visually. This is a general problem for all air-to-air combat with long range missiles and not a deficiency peculiar to the Phoenix. The solution to the IFF—for identification, friend or foe—problem is in precise command and control and in secure communications systems. There are methods for IFF identification in existence today, and they are being improved upon all the time. It is just not correct to state, "there is no demonstrated solution yet in sight"; it would be more accurate to say that an absolutely foolproof system has not been devised to date.

Nevertheless, there would be no mistaking the intentions of a wave of unidentified aircraft heading toward a carrier task force at high supersonic speed. Such a sighting would not be confused with a stray commercial airliner that had wandered off course, as was implied in the speech.

Another error was made with the statement that the Phoenix missile was estimated to cost $400,000 per shot. It is true that total procurement costs for the Phoenix system are in the neighborhood of $400,000 if based on a production run of 2,000 missiles, the average quantity assumed in the speech. But when we talk about procurement costs, it is necessary to have a pretty careful accounting of just what is included. The $400,000 would encompass all of the costs to the Navy, not only of buying missiles themselves, but also of buying all of their support equipment and of outfitting carriers and shore stations to store, test, and repair the missiles. The point I am making is that when the pilot pulls the trigger to fire the Phoenix missile, the only part of the total procurement package that is launched into the air is the actual flyaway missile itself; and if we want to calculate the cost of a missile shot, then we should look at the cost of the missile itself. Phoenix missile flyaway cost, even in this first year of production when the manufacturer is at the top of his learning curve, is about $320,000. This will go down as the production rate builds up. The average missile flyaway cost is expected to be about $270,000, and this price includes a generous estimate for inflation. The estimated cost of $400,000 per shot assumed that all of the test equipment and other support items were lost at the same time, and that, of course, does not happen. Once that equipment is bought and in place in the Navy, additional missiles can be purchased to replace ones used up for just the flyaway price of the missile.

The speech also was wrong when it stated that the search radar on the F–14 operates only in a narrow cone in front of the airplane. The correct fact is that the Phoenix missile system radar has a 130° wide search path in front of the airplane, which is over one-third of a complete circle. Another point to keep in mind is that the airplane will be making turns when it is on a loiter patrol station looking for possible attackers, and it can sweep its radar through a complete circle in a constant search for surprise intruders. The long range of the radar will give ample warning time of even very high speed attackers approaching the fleet from any direction.

The charge was made that the Phoenix could not intercept cruise missiles as it was doubted "whether the Phoenix would have the maneuverability to correct for errors in its estimates of their direction and velocity." This statement exhibits a fundamental ignorance of missile guidance systems. The easiest target for an air-to-air missile to intercept is a cruise missile which is proceeding on a straight course at steady speed toward a target. Compared with trying to knock down a maneuvering enemy fighter, a cruise missile is duck soup, the easiest possible task, and besides it is a missile guidance problem and not a missile maneuverability problem. The correct facts are that the Phoenix AWG–9 computer can simultaneously direct the intercept of six different missiles at six separate targets, and at the same time it can be following other targets that are within radar range. The Phoenix absolutely will not have any problem with intercepting cruise missiles or enemy bombers as was charged at another point in the speech.

Another assertion made was that a total missile procurement on the order of 2,000 missiles was unrealistic and an inadequate buy for combat purposes. It was contended that—

> These 2,000 missiles would be wholly expended if 12 planes a day flew fully loaded in a 30-day conflict with the Soviets—even if all the missiles somehow could be rushed to the scene.

We could take another approach to the usefulness of those 2,000 missiles; namely, where are the Soviets going to get 2,000 military targets from in a 30-day war? The point to be made is that when force planners formulate an inventory plan, they consider the number of potential targets that are likely, the number of sorties our forces could generate utilizing the missile, and also our own complementary inventory assets that will be used against the enemy targets. In planning for Phoenix procurement for war reserve purposes, the planners would also consider that we have Sparrow and Sidewinder air-to-air missile inventories and also our own ship-launched SAM's and ship-based guns for air defense. These other defensive weapons complement the Phoenix, and this overall defensive system is taken into account when allocating the portion of it that will be handled by Phoenix. In summary, a Phoenix missile inventory on the order of 2,000 or so missiles is not at all an unreasonable quantity.

There were other errors of fact about the Phoenix made in the speech, but instead of making a point-by-point rebuttal now, let us see what a positive look at the Phoenix will reveal. In the first place, an overall look at the air-to-air missile family is in order. Our present missiles are the Sidewinder, which weighs about 250 pounds; the Sparrow, about 500 pounds; and the Phoenix of about 1,000 pounds. These form an orderly progression in terms of size, effective range, warhead lethality, and guidance capabilities. Also, as they get bigger—and better—they cost more.

The Soviets, too, have built their missiles to match ours. Their Atoll is similar to our Sidewinder; their Anab is similar to our Sparrow; and their Ash is of the same general size as our Phoenix. Further, the Foxbat airplane is reported to have a new missile in the same class as the Phoenix. The important point to remember is that our Sparrow outranges our Sidewinder and their Atoll; likewise our Phoenix outranges our Sparrow and their Anab, and also their Ash. The new missile apparently approaches the Phoenix in capability.

This raises a fundamental question about air combat: Are we willing to face a potential enemy while outflown by his aircraft and outranged by his missiles? I believe it would be foolhardy for us to do that.

It is well known that the Foxbat can fly at mach 3, or three times the speed of sound, and at altitudes of over 70,000 feet. Our tactical airplanes, including the F-14, were not designed for and cannot match this performance. The only counter that we will have that can intercept this threat, carrying its own long-range missile, is the Phoenix when fired from a supersonic aircraft at reasonably high altitude—say 35,000 feet. Also, note that the only aircraft that we have that can meet these launch conditions with Phoenix is the F-14.

These are very compelling reasons for having the Phoenix missile capability. I believe that the debate on the F-14 and Phoenix should center about the real choices that we are making—Is the added capability needed, and is it worth its cost—and not about a series of undocumented and incorrect charges. It is a worthy subject for debate, but in my own mind the answer is obvious. I do not think we can afford to be second best in air-to-air missilery. I do not think we can let ourselves be outranged by our potential adversaries. The stakes are too high. They are the survival of the fleet against the maximum potential of the threat.

For these reasons, I will support the Phoenix and the F-14 programs in this Defense bill. I urge other Senators to consider these facts as they reach their own decisions.

I ask unanimous consent to have printed in the Record a side-by-side comparison of the principal charges made in the speech of September 14 and the rebuttal as prepared by the Navy.

There being no objection, the comparison was ordered to be printed in the Record, as follows:

SENATOR PROXMIRE'S SENATE SPEECH, SEPTEMBER 14, 1971

ISSUE	COMMENT
Mr. President, there are many issues to be resolved in deciding whether to buy the F-14, but they reduce themselves essentially to two. First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack carrier to protect that carrier and its task force from the spectrum of threats which the Soviets can throw against them? Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy Fighter? These are the questions I want to answer. I will talk today about the Phoenix missile and the fleet air defense mission of the F-14. I will then address myself in a few days to the dogfighting capabilities of the F-14 and several of its competitors. These are the points I hope to make today:	
First, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. And even if it could, it could not be resupplied to carry out its offensive operations.	One of the most overstated claims by opponents of the aircraft carrier is its supposed vulnerability. Yet this vulnerability is seldom defined or treated in either application: how open is the carrier to successful attack *and* crippling damage *if* an attack is successful. Nothing more than subjective opinion supports the notion that the carrier could not stand up to a concentrated Soviet attack. In reality, factual data of the past thirty years fully justifies the Navy's confidence that modern aircraft carriers are the most difficult ships afloat to attack and disable. For example, none of the oldest class of carriers which are still in the fleet today—the Essex-class carriers which were in World War II—were ever sunk. Many of them took up to five and six hits by the first "guided missile" in history—the Japanese Kamikaze aircraft—each carrying payloads equivalent to the warheads of current Soviet antiship missiles. Many of them took several torpedo hits. In case after case they were back in action within a relatively short period of time—frequently an hour later. When the time came, they went into port for repairs. Since that time, the modern carriers of postwar construction have been given even greater protection—heavier armor, more compartmentation, much better damage control features—so that, although carriers may take some hits, they will have a high degree of survivability. Additionally, an often forgotten fact is that the World War II carriers, while surviving the most concentrated attacks in history, decimated the attackers. The battleship was not discarded as a weapon system because of its vulnerability but because its guns were outranged by the carrier's bombs. Carrier aircraft still outrange any Soviet tactical system—specifically the cruise missile.

SENATOR PROXMIRE'S SENATE SPEECH, SEPTEMBER 14, 1971—Continued

ISSUE	COMMENT
Second, there is no substantial evidence that the more than ten years old yet still untested Phoenix missile system could give it a new lease on life. The Phoenix probably could not handle the Soviet bomber threat against which it was designed, let alone those facets of the overall Soviet anti-carrier capability which have been expanding in recent years.	The AIM-54 Missile is this Country's most advanced air-to-air guided missile. As an integral part of the F-14/AWG-9 Weapon System it has been *designed* to cope with the *entire* air threat spectrum of the 1970-1980 time frame, ranging from low altitude (subsonic and supersonic) to high altitude Mach 3 weapons. These threat weapons include high performance fighteraircraft (Foxbat, Flagon, Fitter) carrying medium and long-range air-to-air missiles; surface launched cruise missiles (Styx and Shaddock); and supersonic bombers carrying long-range air-to-surface missiles (Kangaroo and Kitchen). The AIM-54 can be launched in multiple missile attacks as required against hostile forces varying in size from large groups to a single aircraft. As many as six AIM-54 Phoenix Missiles can simultaneously be guided to six widely separated targets. As an integral part of the F-14 supersonic fighter aircraft, the AIM-54 Phoenix Missiles will provide the potential for more kills per sortie than any existing air-to-air weapon. Although Phoenix has not yet been employed operationally, tests to date demonstrate that all design performance requirements are being satisfied. Thus far, 42 missiles have been fired with unprecedented success. Many of these launchings were impossible to accomplish with any other known missile; for example, hits were made by: A Phoenix launched at a target 78 nautical miles away Two Phoenix simultaneously guided at two targets 10 miles apart A Phoenix fired in launch-and-leave mode, independent of launch aircraft radar illumination Phoenix against a low-altitude simulated hostile cruise missile Phoenix against a high-altitude, supersonic simulated foxbat Phoenix fired against a highly maneuvering fighter A live warhead test against a fighter target Several look-down, shoot-down attacks on low-altitude targets (in clutter background) One missile fired against two closely spaced targets (less than 1,000 feet apart) resolved and came within the lethal range of the intended target. Of the forty-two missiles launched, twenty-seven have been completely successful; four were considered "no tests," due to causes outside the missile. This 71% success ratio includes initial factory-produced weapons and is beyond that ever achieved by any other air-to-air guided missile program. This progress clearly points the way toward attainment of the desired reliability and guidance accuracy requirement for Fleet service. The basic design has proven to be sound. Changes have been incorporated that will prevent recurrence of any failures which have been experienced. None of the design modifications have involved the design concept; all changes have merely involved detailed implementation.
Third, only the Soviet Union has the power to neutralize our carriers. China does not, nor do the lesser powers against which we might be involved. Therefore, we should plan now on a force level of nine attack carriers and the systems needed to defend them in conflicts where Soviet naval forces are not involved.	This statement amounts to a recommendation that the United States concede to the Soviet Union control of the seas because the Soviets have a strong Navy. It implies that we should maintain naval forces capable of combat only against a threat weaker than Soviet naval forces. This in turn implies acceptance of defeat or withdrawal from any showdown situation involving Soviet naval forces, with no alternatives available. Denial of use of the seas to the U.S. and her allies would spell victory for the Soviets, who recognize our dependence on the use of the seas. President Nixon recognized the difference in geographical situations in July 1970 when he stated: "One other point I would make briefly is this. What the Soviet Union needs in terms of military preparedness is different from what we need. They're a land power, primarily, with a great potential enemy on the East. We're primarily, of course, a sea power and our needs, therefore are different." It is in the context of U.S. need to use the seas in support of its vital interests, sometimes with and sometimes without strong allied naval forces, that the direction of the recent buildup of the Soviet Navy has its real significance. The general purpose forces of our Navy have been designed to control the sea lines of communication and to project the power with which to defend our vital overseas interests. The new Soviet Navy with its main power in weapons designed for interdiction—submarines and antiship missiles launched from Long Range Aviation, Naval. Aviation, surface and submarine platforms—have been designed to counter our naval forces and deny us the use of the seas to support our allied and overseas forces. Once isolated, the U.S. would be denied a forward defense posture and our allies would be forced to seek accommodations with the Soviets or the CPR. Sufficient evidence in peacetime of Soviet capability to do this would be enough to start the erosion of our alliances and lay the basis for accommodations by our allies with the USSR. Considering the possibility of such a consequence, it is illogical that a serious proposal could be made to reduce the carrier force level below the minimum required to meet the primary threat at sea. Unless one chooses unequivocally to dismiss the Soviet naval threat to our national interests, the only logical proposal would be an *increase* in the size of our carrier force. The carrier force of the United States Navy constitutes our margin of superiority over the Soviet navy. The aircraft carrier provides the essential umbrella of airpower at sea, without which other naval forces could not safely operate. Without the carrier force we would lack any capability to control and use the seas.

SENATOR PROXMIRE'S SENATE SPEECH, SEPTEMBER 14, 1971—Continued

ISSUE

Finally, I will add a caveat: if these arguments are not accepted—if we do want to provide fleet air defense against the Soviet anticarrier threat—we don't need the F-14 to do it. There are other equally effective yet much less expensive alternatives available. We could put the new Sparrow missile on either a modified F-4 or the F-15, or we could put the Phoenix itself on a modified A-6. In addition to saving money, these approaches would give us what the F-14 does not—a chance of getting the first-rate Navy fighter development task, would be required.

COMMENT

Cost must be related to mission success. The advanced capabilities of the F-14/AWG-9/PHOENIX weapon system provide the only means of assuring success on future air superiority missions. Effectiveness and need must be the measure to determine value of the requisite investment. We could purchase the World War II F-6F for far less dollars than the F-4J requires, increase the quantity of aircraft in the Navy inventory, but not be effective against the current and projected threat.

A similar comparison can be made between the F-4J and, the F-14. The F-14 will meet the threat; the F-4J will not, regardless of the quantities procured. We are forced to spend more money per unit to attain needed performance levels. There is no known substitute way to accomplish the stated missions against the anticipated fighter, interceptor, and cruise missile threat.

Modifications to the AIM-7 could certainly expand and improve its capability. However, the physical size of the missile is a limiting factor for seeker range, target resolution, aerodynamic range (total rocket motor impulse), and warhead size. The ability to approach this upper boundary would be further limited by the degree of development risk desired and the extent of modification that would be tolerated. For example, if compatibility with existing AIM-7 fire control systems and interchangeability with existing AIM-7's is required, the improvement would be minimal. If the only constraint is for physical fit in existing aircraft semisubmerged cavities, performance capability could be maximized. In either event, if the performance of the AIM-54 is to be approached, a larger missile is required. Also, to provide in the AIM-7 even a limited multi-shot capability against widely spaced targets, a major development task, would be requred.

Although a modified A-6 may be a feasible platform for the Phoenix missile system it is certainly not an acceptable alternative to provide area defense against the Soviet anticarrier threat in itself. The threat is already in being and serious *now*, and is becoming more severe because Soviet investment in military technology has reached the pay-off stage.

To ignore or doubt the severity of threat predictions and not adequately prepare to counter them is strategically unsound. Inherent delays in the development required to achieve an operational capability with a new fighter design are not acceptable to national security. If we do not face the facts realistically and introduce the advanced superiority possessed by the F-14 against the entire threat spectrum, the long term costs will be immeasurable.

I. THE BASIC VULNERABILITY PROBLEM

The main function of attack carriers is to serve as floating air bases, which can be used to provide tactical air support to deployed land forces. No respectable defense expert has ever questioned the need to maintain some aircraft carriers for this purpose. The carrier debate has focused instead on important subsidiary issues: how many carriers do we need and in what kinds of conflicts do we plan to use them?

A common misunderstanding, shared by many carrier critics, concerns the primary mission of the Navy in general and aircraft carriers in particular.

The primary mission of the United States Navy is to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign. In summary, the primary mission of the Navy is to gain, maintain, and assure the continued control of the seas, and the air above them, as required in support of our national objectives.

The aircraft carrier is the principal ship of the surface fleet through which our Navy maintains its supremacy at sea. The attack carrier fills this role because it represents airpower at sea. History has demonstrated that naval surface forces cannot survive in the face of a strong air threat without air superiority.

The most comprehensive review of the entire concept of naval carrier forces was conducted in 1970 by the Joint Subcommittee of the House of Representatives and Senate Committee on Armed Services. Following their extensive study of past and projected costs, effectiveness of attack aircraft carriers and their task forces, and thorough review of the factors considered in the decision to maintain the [then] present number of attack carriers, the Joint Committee Report stated:

ON ROLES AND MISSION OF CARRIER

The attack aircraft carrier has in the past and will into the foreseeable future, continue to perform a vital and indispensable role in insuring the control of our sealanes essential to our commerce. Our industrial operations could not last more than a very short time if our strategic materials were to be cut off from overseas.

In addition, carrier air forces are able to provide tactical air in support of land forces operating far beyond existing American air bases or where such bases have been rendered inoperative. In particular, with the current emphasis on reducing American commitments abroad in both Europe and the Pacific, the highly mobile carrier provides a unique means of providing American air power in distant locations without establishing bases and installations ashore.

The relative costs of land-based and sea-based tactical air forces and the uncertain availability of land bases in other countries are important factors to be considered in answering this question. But the most critical factor of all is the growing vulnerability of our carriers. It goes without saying that we should not employ our carriers in situations where they and the aircraft on them are certain to be neutralized or destroyed.

Nothing "goes without saying" in warfare, nor are there any certainties involved. In fact, it is the very uncertainty of war which makes the employment of military forces an art that is mastered by so few and misunderstood by so many. This is particularly true in the employment or airpower, whether it be sea- or land-based.

The certainty with which Hitler committed the Luftwaffe to "finish off" Britain marked the beginning of the end for Germany.

SENATOR PROXMIRE'S SENATE SPEECH, SEPTEMBER 14, 1971—Continued

ISSUE	COMMENT
	The certainty with which Admiral Yamamoto's superior forces approached Midway marked the beginning of the end for Japan. In each case the defenders recognized the certainty that they would suffer losses, but wisely and courageously accepted such risks in order to inflict unacceptable losses upon the enemy. No knowledgeable leader of any military branch asserts the invulnerability and certainty of survival of all his forces in a war.
The Navy argues correctly that it is very difficult to sink an aircraft carrier and that no modern carrier (Essex class or later) was sunk in the Second World War. But the significance of this admitted truth should be placed in context at the outset. It is true as far as it goes, but it doesn't go very far.	The Navy expounds this premise because it is factual and provides a graphic point of departure for better understanding of the postwar improvements made in our modern carriers to make them even more survivable. There are other factual data available gained from accidents such as that which occurred in USS Enterprise in 1969, when nine major caliber bombs (equivalent in weight of explosive to more than six anti-ship missiles) detonated on her flight deck. On that occasion, all essential system were maintained in an operable status, effective damage control contained the effects of fire, and the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the flight deck. It is not possible to demonstrate by simulation the toughness of our modern active carriers more effectively than was accomplished by this unfortunate accident.
The fact of the matter is that it is comparatively easy to damage a carrier enough to make flight operations impossible and force the ship to return to port for a long period of time for repairs. Any in anything but a very protracted conflict, to force a carrier out of action for three months or more would be almost as good, from the enemy's point of view, as sinking it.	It should be noted that in wartime conditions humanitarian considerations receive lower priority than in a non-combat situation. A damaged carrier such as Enterprise would bury the dead, repair the damage and continue to fight. Actually, repair time for carriers damaged in World War II averaged four weeks, suggesting that a more accurate statement might be: "In anything except a *very short war* the enemy might be quite reluctant to commit the main body of his bomber strength against carrier task forces and risk the severe attrition that would likely result."
It is against this background that World War II experience should be evaulated. As one former defense analyst has noted: In the Second World War, 60 percent of the carriers that took one hit by a Kamikaze and all the carriers that were hit more than once were forced to return to port for repairs. New carriers with improved damage control features that came into action toward the latter part of the war—Essex class and later—did not fare any better.	Data avaliable from a recent review of the World War II Kamikaze campaign can be interpreted to support the statement displaying how statistical analyses can be misleading. While it is true that carriers hit by Kamikazes generally returned to port eventually for repair of damage, in most cases they were not immediately "forced to return to port," but were withdrawn only as they could be spared. During World War II, of the 30 fast carriers operated in combat none were sunk or permanently put out of action by Kamikaze attacks even with multiple hits. At the height of the Kamikaze offensive, during the battle for Okinawa, over 1,800 Japanese sorties were launched resulting in five hits on carriers by single Kamikazes and two hits by two Kamikazes—a hit rate of five per 1,000 sorties. Of those carriers taking one hit, two continued in operation, two were only temporarily out of action and one was forced to return to port for repair (it had been hit by two Kamikazes 30 days earlier and had continued in action). Of the carriers taking two hits, one was temporarily out of action, while the other was forced to return to port for repair. Additionally, in February 1945 the USS *Saratoga*, a pre-Essex class carrier, received four Kamikaze hits and two bomb hits in a 1¾ hour period and resumed flight operations 1½ hours after the last hit. Overall there were a total of 16 Kamikaze hits (from over 5,000 sorties) on fast carriers during the period October 1944-August 1945. Ten of the 12 carriers hit by one Kamikaze (83%) were able to conduct air operations after being hit. Three of the six hit twice in each attack were able to continue air operations (50%). Therefore, 76% of the Kamikaze-damaged carriers were capable of continuing air operations. The average number of weeks in repair yard per hit was 1.8.
And the anti-carrier weapons available today to the Soviet Union are a lot more sophisticated than the Kamikaze tactics of World War II. In testimony last year during the joint hearings on the CVAN-70 aircraft carrier, the Navy listed the following threats to the carrier in the following alleged order of their severity today: Nuclear weapons Submarines with cruise missiles Long range bombers with cruise missiles Cruise missile-equipped surface ships Tactical aircraft Long range bombers with conventional weapons Gun equipped ships Ballistic missiles Granted that we must size all our conventional forces on the assumption that nuclear weapons will not be employed at the outset of a conflict and granted that some of the latter threats can probably be defeated, the list is nonetheless impressive. Interestingly enough, one threat not included in the Navy's list is submarine torpedoes, one of the oldest and surest forms of enemy attack against any surface shipping. Submarine torpedoes were used with devastating effect by the Germans in World War II, as indicated in more detail later. The Russian submarine force today is about seven times as large as the force with which the Germans entered World War II. Moreover, these submarines are a great deal quieter and difficult to detect than the German subs. Using wolfpack tactics they would have a significant chance of penetrating close enough to our much more detectable carriers to launch their torpedoes against it. And these torpedoes, now of the acoustic homing variety, will still wreak substantial damage. The Navy's devotion to its own Mark 48 torpedo program itself makes the point rather well.	The order of the listed threats is correct, but the statements are incomplete. The submarine threat was actually stated, and printed in the record of the joint hearings as follows: Submarines in general, but particularly nuclear submarines with cruise missiles." The Navy considers the torpedo to be part of the weapon load of "submarines in general." The extensive hearings considered far more information than this, however, and one of the many statements printed in the record of hearings of the Joint Committee states: "Of the major weapons which constitute threats to the carrier, torpedoes are by far the least effective. The submarine must reach a point within several miles of the carrier to fire torpedoes. Furthermore, the torpedo protective system of modern attack carriers is extremely effective. Recent technical analyses at the Naval Ship Research and Development Center show that a significant number of torpedoes are required to put a modern Forrestal or subsequent class carrier out of action."

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Moreover, these advances in anti-carrier weaponry have been accompanied by advances in the surveillance capabilities needed to bring these weapons to bear. Satellite and long-range aircraft reconnaissance have greatly reduced the ability of naval task forces to hide in the broad expanses of the oceans. And more sensitive submarine sonars and higher speed submarines to make it much easier for submarines to find and attack the carriers.	This assessment grants advanced capabilities only to the attacker, who also apparently has no vulnerabilities. The "defender", is denied any advances in hardware or techniques. Furthermore, the offensive capabilities of the "defender" are ignored, creating an impression that no capability really exists. For example, "long range aircraft reconnaissance" could be denied to an enemy at our choosing. Unescorted aircraft that perform this mission are the most vulnerable of all enemy forces, yet the enemy is granted this service throughout most such arguments of this nature. Similarly, sensitive submarine sonars make it much easier for the attacker, while a few paragraphs later it will be stated as a liability to the Task Force in that, "The effectiveness of anti-submarine warfare (AWS) measures in any particular engagement is limited by the inherent variability of the underwater acoustic environment and the unreliability of sophisticated sonars." But it is not stated that these same water conditions appreciably increase the difficulties facing an attacking submarine. The attacker's more sensitive sonars are apparently unsophisticated and highly reliable while his high speed contributes nothing to the defender's capability to hear higher noise levels generated by that speed. The case against the aircraft carrier is thus biased by summing all such inconsistencies to the advantage of an attacker who would suffer no attrition to the defense in depth or far-reaching offensive striking power of carrier task forces. Carrier task forces can concentrate sustained air strike power against Soviet combat ships since aircraft are in a sense reusable missiles. Soviet logistics support shipping, essential to their ability to sustain action, can also be destroyed. The ability to concentrate air strike forces against Soviet naval targets, simultaneously in widely separated areas, outranging them in the process, is a fundamental advantage our Navy enjoys.
For all these reasons it is virtually impossible today to find a single defense expert outside the Navy who believes that our carriers could effectively survive a determined onslaught by the Soviet Union even with nonnuclear weapons.	The most noted defense expert outside the United States Navy—Admiral Gorshkov, head of the Soviet Navy—embarked on a massive program to modernize the Soviet Navy. The Soviets have diverted a disproportionate amount of their resources into the effort to counter the U.S. Navy's sea control and mobile striking power embodied in our carrier forces. From their continuing high-paced efforts to meet the threat of our carrier force, one must conclude that Soviet military experts are gravely concerned about the capabilities of our striking forces to survive their best efforts. Furthermore, a large number of defense experts, both members and witnesses of the Joint Senate-House Armed Services Subcommittee on CVAN-70 Aircraft Carrier, compiled 758 pages of study effort on this subject. The Joint Subcommittee's opinion that long lead funds for the CVAN-70 should be approved indicates the belief of experts that the attack carrier capability must be retained as an integral part of our Nation's striking power. As recently as March, 1971, Secretary of Defense Melvin Laird stated: "I am convinced that our responsibilities in the Atlantic, the Pacific, the Mediterranean and other ocean areas will require construction of an additional nuclear-powered carrier for the Navy to insure adequate attack carrier capabilities for the 1980's and beyond."
Many observers have noted, for example, that four or five hits by Soviet cruise missiles—whether from aircraft, surface ships, or submarines—would force a carrier to retire. Similarly it has been suggested that a few hits on the carrier's four screws by submarine-launched acoustic homing torpedoes would cause enough loss of propulsion power to make normal flight operations impossible and to greatly reduce the carrier's ability to avoid further damage.	The identity and qualifications of the observers are unidentified. It is believed that the only qualified observers who have noted empirical data on Soviet cruise missiles are the crew of the Israeli destroyer Elath sunk in 1967. The Elath, a vintage World War II destroyer acquired from the British, possessed a minimal air defense capability against high speed attack and her thin-skinned hull was typical of such old ships, which were small and inexpensive. Unlike old destroyers, modern aircraft carriers are designed and constructed to prevent penetration of warheads to their vital areas. Comments of a similar nature apply to the "suggestion" about submarine-launched acoustic homing torpedoes. No mention is made of weapon reliability or speed, or the submarine's problem of attaining a suitable firing position against a task force proceeding at high speed and defended by surface ships, their antisubmarine airplanes and helicopters, maritime patrol planes, hunter-killer submarines. The changing formations and dispositions of the force, coupled with high ambient noise levels from other maritime shipping also aggravate the submarine's problems which must remain undetected to be effective, but at the same time must make high speed generating high noise levels in an attempt to maneuver into a firing position.
The problems of defending against this limited number of hits has also been pointed out. The effectiveness of antisubmarine warfare (ASW) measures in any particular engagement is limited by the inherent variability of the underwater acoustic environment and the unreliability of sophisticated sonars. And antiair warfare (AAW) improvements are likely to be overwhelmed by improvements in offense, such as higher speed and lower altitude missiles. The net effect is that both types of defense can cause substantial enemy attrition over a long period of time but cannot provide strong assurances that a carrier could survive a determined attack.	This rationale does not recognize that the mission of the Navy is to gain, maintain, and assure the continued control of the seas against any enemy. The carrier force constitutes the Navy's most effective means of accomplishing this mission because of its far-reaching offensive capability. Against a major seapower such as the Soviet Union, the margin of superiority provided by the aircraft carriers is vital. If one were to accept the notion that the problems of defense are too great, we would sacrifice our offense by keeping the whole Navy safely in port.
And that is precisely the kind of attack which the Soviets would throw against them. Testimony to Congress by Navy spokesmen in recent years has stressed the Soviets' growing anti-carrier capability. Attempts have also been made to calculate the effects of a concentrated attack against the two or three carriers we could hope to have deployed somewhere at any one time.	Fortunately for the Nation, neither the Navy nor our responsible leaders have this defeatist attitude. Instead of retreating from the possibility of a limited number of hits from an all-out enemy effort, the Navy would employ its forces—and especially the carrier forces—to inflict unacceptable damage upon the enemy *before* he could achieve his purpose.

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One such calculation is set forth in the Brookings Institution analysis of the fiscal 1972 defense budget. It suggests that the modest Soviet bomber force *alone* could completely neutralize our carriers:

"This fundamental point is worth elaborating by a purely illustrative and highly simplified model. Suppose the USSR is willing to expend twenty-five bombers, each capable of carrying one air-to-surface missile, and their fighter escorts, in order to disable one carrier. (The Soviets have in their naval aviation force some three hundred ASM-capable bombers, whose primary mission would be to attack U.S. carriers.) Suppose also that the ASMs have 80 percent reliability and, very optimistically, that our fighter defense would have a 40 percent chance of shooting down a bomber in a single engagement and our surface-to-air missile systems (SAMs) an 80 percent probability of shooting down an incoming ASM. With these assumptions, the bombers would get six hits on the carrier more than enough to force it to retire. Less optimistic assumptions on defense would sharply reduce the number of bombers needed to put a carrier out of action."

If anyone thinks this is an exaggerated analysis, let me stress its assumption that each Soviet bomber is capable of carrying but one ASM. According to testimony last year in the CVAN-70 hearings, some of these Soviet aircraft have a multi-missile capability.

Another calculation, by former defense official Leslie H. Gelb in testimony before the Senate Defense Appropriations Subcommittee this year, reached even more pessimistic conclusions. Gelb's calculations were based on the realistic assumption that the Soviets would not rely on their bomber force alone but use submarine cruise missiles and surface-to-surface antiship missiles as well:

The Soviet Union would, in all probability, launch a large number and variety of missiles against our carriers. Assuming the carrier defenses against this attack could destroy as many as 80 percent of the incoming missiles (and this is a very optimistic assumption), the probabilities amount to a virtual certainty that our carrier would take about a dozen hits. . . . Recent tragic experience with the *Forrestal* and *Enterprise*—where in each case an accidental firing of one of our rockets led to many deaths and extensive damage by fire and explosion—indicate how little it might take to put a carrier out of operation and force it to retire.

And some analysts suggest that these calculations are conservative, that even one well-placed hit might put a carrier out of action. They note that carriers have to be moving into the wind at a fast clip to permit normal flight operations and that one hit alone might prevent this. They also note that the Soviets might use incendiary cluster bombs as the warheads of their cruise missiles and that one such missile could wipe out most of the aircraft sitting on the carrier's deck. Even more conservative is the complete omission of the torpedo threat.

None of these arguments are new, however. The carrier debate has raged for years, with little apparent effect within the Navy itself. The Navy admits the increasing vulnerability of its carrier force, but refuses to admit that the danger point has been reached. It cites the defenses of the carrier against possible attack. It notes that all carriers present mobile targets, and that nuclear carriers have unlimited endurance at high speed. And it cites the extensive protection features, such as armor flight decks and torpedo side protection systems, designed into our latest carriers.

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Critics of the aircraft carrier fail to recognize that the more numerous the Soviet fleet, the more attractive aircraft carriers are in quickly reducing the overall effectiveness of this force. Only the aircraft carriers provide the opportunity of quickly overcoming this threat.

Therefore, the Navy requires adequate numbers of the most capable aircraft carriers we can build to meet the threat of worldwide naval power. If the carrier force level were cut down to the level proposed herein, it probably *would* be true that the Soviet forces could concentrate their attack against such a small force. The adoption of such an unwise proposal, however, would relegate the United States Navy to at least second class status, which would be contrary to the statement made by its sponsor only four days earlier from the floor of the United States Senate:

"I want to make it absolutely clear that the Senator from Wisconsin and virtually all the Senators who may join us in proposing some reductions do not want to see a United States of America second militarily. We feel very strongly that we must have a military force that can match and meet and prevent any kind of aggressive action by the Soviet Union against this country or the interests of this country."

This is the first mention of the source that provided anti-carrier material. It is from "Setting National Priorities: The 1972 Budget," sponsored by the Brookings Institution. The foreword notes, ". . . . it also examines in some depth the defense programs relating to tactical air forces, tactical nuclear weapons, naval forces, and strategic nuclear forces." The foreword continues, "To produce a volume of this size, with its many tables and numerical references, in a short period of time incurs serious risk of factual errors."

This book is the source of anti-carrier material being presented piecemeal to the World's greatest deliberative body as possibly erroneous evidence attributed to numerous unidentified sources.

The manner in which the Brookings publication "examines in some depth" is demonstrated by "one such calculation" and "another calculation" which follows—each a variation of the same opinion by members of Brookings Institution—differing only in the added degree of vagueness in the second example.

Taking the first "purely illustrative and highly simplified model," accepting the author's percentages and his 300 Soviet air-to-surface missile capable bombers, and assuming the Soviets would perform thus, we find:

Twenty-five bombers expended per carrier times; 14 carriers in today's force equals 350 bombers lost; 50 more than their whole force of 300.

But even supposing the Soviets decide to expend their entire air-to-surface missile force against the carriers leaving none for other targets on land or sea, the following results are obtained from the Brookings numbers:

25 bombers attack, minus 10 shot down by fighters armed with at least six missiles each but with an incredibly low 40% chance of shooting down *a* bomber in a single engagement equals 15 bombers remaining with ASMs that are 80% reliable times 80, equals 12 missiles that work minus 9.6 misisles shot down by our SAMS (12 times 80%) which apparently can't shoot at bombers, as the fighters apparently can't shoot at cruise missiles, equals 2.4 missiles that might hit *some* ship in the force.

Considering the large number of ships in a task force, their multiple defenses, their passive and active electronic deception and jamming capability as well as the capability of the carrier to absorb damage if hit, Brookings offers very desirable odds for a strategist who is looking for a way to eliminate the Soviet air-to-surface missile force with small risk.

"Another calculation" by Mr. Gelb also of Brooking is so imprecise as to amount to nothing more than echo of the previous opinion.

The delivery of incendiary cluster bombs as cruise missile warheads is certainly a possible future option for the Soviets but does not appear compatible with currently predicted guidance systems. The problems confronting a torpedo attacker have been discussed previously.

All military systems are "vulnerable" if any enemy devotes sufficient resources to locate, identify, track if sea-based, and attack the system. The term "vulnerable" is vague and argumentative and should not be the basis for force level decisions. Aircraft carriers have demonstrated a very high survivability rate at all levels of conflict.

Against virtually all threats the aircraft carrier depends significantly upon its mobility. An aircraft carrier cruising at 17 knots can be anywhere within an area of some 25,000 square miles in three hours; if prewarned, a carrier can maintain higher speeds—in the area of 30 knots—for sustained periods. Thus, an enemy cannot pre-target a carrier for an attack of any kind; he cannot say that 10 o'clock tonight or at noon tomorrow or Sunday he will

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I am simply not persuaded by these arguments. Little confidence should be placed in a carrier's 30-knot speed as a means of preventing detection of its position—particularly in view of the tremendous increase in underwater noise generated at this speed. Moreover, the carrier can maintain this speed for extended periods only if it foregoes the protection of its slower escorts and while not conducting flight operations. As far as carrier protection features are concerned, great progress was made during the course of Wold War II, but developments since have been much slower, since there was really little more left to do. I am firmly convinced that our carriers are already sitting ducks for the kinds of multiple attacks the Soviets could mount against them. And whatever the situation which exists today, it will clearly be worse yet when the new nuclear carriers already under construction finally enter the fleet.	attack. He cannot predict where the carriers will be; even if he could maintain continuous and reliable tracking, at the planned attack time the carriers could be outside the range of his striking forces, especially if they are aircraft or submarines. In contrast, the location of all land airfields are known to an enemy and they can be pre-targeted for a first-strike attack. Advanced detection methods such as satellites and long-range search aircraft improve the capability of detecting ships. Yet these systems are liimted by weather, darkness, tactical evasion, electronic jamming, and electronic emission control. Assuming a surface force is located, the enemy has the additional problem of identifying which ship is the carrier. In contrast to the tight, circular formations of World War II with the carrier always in the center, modern carrier task force formations cover hundreds of square miles, often with the carrier in random position. This coupled with extraneous sea traffic—for example there are some 2,000 merchant ships in the Mediterranean Sea on a normal day—make specific identification of the carrier both difficult and necessary. Once positive identification of the carrier is made the target data must be transmitted to the attack force. Under certain circumstances this data transmission will provide warning of a possible attack. Further, unless the attack is immediately forthcoming, the carrier must be trailed or redetected and the target data updated.
After the above conditions are met, the enemy may attempt to attack the carriers. The primary threats to aircraft carriers are anti-ship missiles fired from hostile aircraft, ships, and submarines. The carrier, by operating at sea has a clear "radar horizon" of open sea that facilitates radar detection of approaching threats. During periods of crisis or when in range of a hostile threat the carriers normally keep aloft E–2 radar warning aircraft that further extend the "radar horizon" several hundred miles. Underwater detection is provided by screening surface ships and submarines operating with the carriers, and ship-launched helicopters and, from specific carriers, fixed-wing ASW aircraft. In certain operating areas, such as the Mediterranean, land-based patrol aircraft provide general reconnaissance and ASW patrols. Thus, a carrier is able to detect an approaching threat—air, surface, or submarine—take evasive and, if necessary, defensive actions. As the attacking force approaches a firing position the carrier and her escorts can counter with their own weapons. Against missile-carrying aircraft the carrier would employ fighter-interceptors and the escorts can enagage the aircraft with long-range surface-to-air missiles.	
	Surface ships can be engaged by carrier fighter and attack aircraft with air-to-surface missiles and bombs. Carrier escorts have a limited anti-ship missile capability with their surface-to-air missiles and soon a number of these escorts will receive the Standard, and subsequently Harpoon, anti-ship missiles. Submarines can be attacked by carrier-based helicopters and ASW aircraft, ship-launched ASW weapons of escorts (torpedoes, ASROC) and by escort-based helicopters (LAMPS). If geographically available, land-based patrol aircraft also supplement the ASW capability and can be armed with anti-ship missiles. Should the attacking forces survive to launch their missiles, the carrier can electronically intercept the missile with EA–6 electronic warfare aircraft or shoot down the missile with fighter-aircraft. The F–14/Phoenix weapon system will have considerable capability in this regard. As surviving missiles approach the carrier task force they will be engaged by point defense surface-to-air missiles launched from the carrier and escorts, by decoys that will distract the missiles, and by the planned Vulcan-Phalanx rapid-fire gun system. In addition, the carrier can maneuver at high speeds to reduce its vulnerability. If an enemy missile should evade this in-depth defense and strike the carrier the amount of damage sustained by the ship will depend upon the point of impact and the type and size of the missile. The modern aircraft carrier has an armored flight deck that can withstand severe damage. The effectiveness of armored flight decks was demonstrated in World War II when British aircraft carriers were repeatedly struck by Japanese suicide planes (kamikazes) and generally were able to resume flight operations as soon as the debris could be cleared away. Today's armored-deck carriers are even tougher. This was demonstrated by an accident on the nuclear carrier *Enterprise* in 1969 when nine major caliber bombs exploded on her flight deck. This was the equivalent of several cruise missiles scoring direct hits. Yet the ship could have resumed air operations within a few hours. At no time was her speed or maneuvering capability impaired. The modern carriers are armored and have internal damage-control compartmentation to reduce the effect of torpedo explosions. Obviously, after a sufficient number of missile hits at vital points the carrier could be put out of action for a time although the probability of being sunk is remote.

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II. THE PROBLEM OF RESUPPLY Nonetheless, I would like to turn briefly at this time to one element of the carrier vulnerability problem which has received too little attention to date. The vulnerability of carriers on station against the Soviets is bad enough. But the vulnerability of their logistics systems and the carriers themselves in the process of being supplied is actually a good deal worse. The Navy itself has recognized as much. First, Admiral Holloway on the comparative aspects of the problem; during the CVAN-70 hearings last year: "All ships are vulnerable to the anti-ship missile. Most vulnerable are the unarmored tankers, ammunition ships, and troop carriers which support our overseas allies and our own deployed forces. Also vulnerable are our attack carriers, but due to their high speed, protective armor, and self-defense capability, attack carriers are the least vulnerable of any of our forces at sea."	The problem of resupply must be looked at in perspective. First, the Soviets have an equally or even more severe problem, particularly with respect to weapons. Each USSR unit carries a maximum load out of only six to eight surface-to-surface missiles. This compares to the 1,000 weapon carrying aircraft sortie capability of the large CVAs. The U.S. Navy also has a well developed and tested underway replenishment (UNREP) organization and capability. The UNREP ships travel in protected task group formations which either create their own submarine sanitized areas under the protection umbrella of carrier based fighter aircraft or retire and rendezvous with CVs in more permissive areas where the threat is manageable.
Next Admiral Rickover on the actual magnitude of the supply ships' problems, in testimony earlier this year to the Joint Committee on Atomic Energy: *The World War II experience:* "I am sure you remember the large number of tankers sunk in World War II by German U-boats—submarines that were much slower and far less capable than those the Soviets have today. Moreover, Germany started the war with only 57 submarines. The United States lost over 130 tankers in the Atlantic Campaign, mostly to German submarines. By mid-1942 the situation was desperate. So many tankers were being sunk that the supply of military fuel to Europe and the Pacific was threatened. Then, too, the deciding factor in our defeat of Japan—also an island empire—was the ability of United States submarine and air forces to interdict the flow of oil from overseas to the Home Islands; this strangled Japan's industrial and military effort and brought about her collapse.	Certainly we could expect to lose some resupply ships, but many would get through. Particularly since above stated auxiliary ships are protected by escorts in task groups. As the war progresses the threat forces are attrited and barriers are put in place at the choke points. The histoy of the WW II Atlantic campaign was not carried far enough, stopping in mid-1942. The experience of that war shows that the German submarine was finally removed as a menace by the coordinated efforts of air (land and sea based) and surface ASW units which were finally deployed in sufficient numbers to do the job. It is only the prospect of having far too few forces that causes doubt that we could win the battle for control of the sea lines of communication to Europe in a NATO war with the Soviets.
Tankers then and now: "During World War II we had a large number of small tankers. Most tankers were of 10,000 to 15,000 tons full load, with the largest about 25,000 tons. Therefore sinking a tanker at that time did not have anywhere near the impact as would be the case if one of the large tankers we have today were sunk. Presently, many tankers are over 100,000 tons, and plans are being made to build tankers of 500,000 tons and larger. One such tanker carries many times the oil of the World War II tankers; also they offer a much larger target and so can be sunk more easily. *Present military implications:* "The greatest vulnerability of surface warships results from operating restrictions required to conserve propulsion fuel and to supply the propulsion fuel. The refueling ships must steam at slow speeds and on fixed courses. They would be "sitting duck" targets for attack by torpedo or missile firing submarines. Further, the fuel oil must be brought to the warships by tankers which themselves are slow targets vulnerable to enemy submarines and air attack. "As I see it, in a war the Russians would immediately sink the tankers, which would immediately shut off oil supples to Western Europe and to our oil-powered forces at sea. It would then make no difference what supplies we tried to get across. Without propulsion fuel modern armies are powerless. In a short time prepositioned fuel would be used up and we would be facing overpowering odds . . . Ships with short cruising radius will not survive a war with the Soviets." These are rather forthright statements and it is important to recognize the purpose for which they were made. Actually, they form the backbone of the Navy's argument that any future carriers we build—and their escort ships as well—should be nuclear-powered rather than conventional models.	
Nuclear ships, the Navy argues, are not dependent on external fuel for their own propulsion. They can transit the oceans to a new station at high speed and without refueling. They can hold these stations without the periodic reductions in a task group's readiness which would be occasioned by refueling. Tanks otherwise used to store carrier and escort fuel can carry aircraft fuel instead. And the higher speeds of nuclear ships reduce vulnerability and increase target coverage.	True.
But while the Navy points out the great difficulties of resupply operations at sea in order to shore up its case for more nuclear-powered surface ships, it fails to call any attention to another implication of these difficulties. Nuclear-powered carriers may not need refueling to propel themselves, but they must be supplied with aircraft fuel and ammunition if they are to provide any punch in the first place. And the supply problems here are every bit as grave as the tanker problems to which the Navy admits.	One of the primary advantages of nuclear propulsion as discussed in Joint Senate-House testimony and subsequent hearings is the extra volume *not needed* to store propulsion fuel for the ship. Within this saved space there is stored enough *additional* aircraft fuel and aircraft ordnance to permit the nuclear carrier to transit (if not already on station) at high speed to any combat area, fight its way in if necessary, and sustain high tempo combat operations with its internal supply of combat consumables for a longer period than its conventional counterpart.
There is no single answer to the question of how long a carrier can go without being resupplied with aircraft fuel and ammunition. Nuclear carriers have twice the capacity for aircraft fuel and 50 percent more for ammunition compared with conventional carriers. Any carrier's consumption rates are obviously going to depend on the intensity of the operations conducted. But in conflicts involving the Soviet Union the operations would be intense, perhaps approaching one sortie per day at maximum gross weight of ammunition and fuel for each aircraft on the carrier. Even granting the differences between carriers, the simple fact of the matter is that no carrier could hope to keep operations going under these conditions for more than a few days at a time!	

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The precise time involved is not important, but its relative shortness is critical. After only a very short time, the carrier would be in need of resupply, and its logistics system—composed of underway replenishment ships, tankers, and ammunition boats—would be subject to all the difficulties of other surface shipping. These supply vessels would move slowly, having to be refueled, and without the many defensive systems protecting the carriers themselves. The implications are devastating. Even *if* we could succeed in protecting our carriers through multi-billion dollar investments in sophisticated defensive gear, we would still be unable to get through to them the supplies needed to permit continuation of the offensive operations they provide. The front door might be guarded, but the back door would still be ajar. And suppose that a few supply ships did get through, Navy statements above notwithstanding. Our carriers would have to reduce their own readiness in order to be supplied. They would have to leave their stations, move to a replenishment area out of range of land-based enemy aircraft, and then slow down for the actual transfer. At this point they would still be in range of Soviet submarines, with both their acoustic homing torpedoes and their cruise missiles. It is clear from published sources that these missiles, touted by the Navy as the most serious threat to the carriers, can be launched from a submerged position, many miles away, on the basis of intelligence received. With the missile traveling at the speed of sound probably undetected before launch (we can't have ASW planes everywhere at the same time), it poses a formidable threat indeed.	
III. FLEET DEFENSE AND THE F–14 Much more could be said about the vulnerability of attack carriers. But where does the F–14 fit into this basic picture? The Navy's interest in providing its carriers with a means of defense which would permit their use in high intensity—even nuclear—conflicts with the Soviet Union dates back a good many years. In the 1950's the main concern was Soviet employment of their new nuclear capability against the carriers. It was clear even then that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. The Navy desperately wanted a weapon that would destroy 100 percent of the Soviet's missile launching bombers—then the chief threat—in a massed attack against the task force. The original proposal was called Eagle-Missileer and work was started on it in 1958. The F–14 is a rather straightforward outgrowth of that work. The Missileer was a low performance, long loiter aircraft capable of functioning as a missile platform, and its objective was the simultaneously tracking and firing of six missiles against the postulated threat of massed Soviet naval bombers. The Eagle was the missile it would launch. Eagle-Missileer was cancelled in 1961 due to technical infeasibility, and a similar verdict was soon pronounced on the use of carriers in any future nuclear wars. But the Navy never abandoned its basic concept for the missile. As our conventional forces were beefed up in the early 1960's, the Navy resubmitted its requirement for an anti-bomber fleet air defense missile to protect the fleet against the new threat of non-nuclear bomber attack in the performance of its tactical air support role.	The Navy has always attempted to ensure ship survival under all expected threat conditions. In the mid to late 1950's, the Eagle-Missileer system was considered a sound defensive concept. In 1960, because of its subsonic speed, the Missileer was adjudged to be too single purposed and insufficiently adaptable to offensive operations. Its cancellation was in no way connected to "technical infeasibility". In 1961, it became apparent that the Navy could produce a high performance, versatile fighter with much smaller and lighter avionics and missiles that would accommodate all expected threats for the foreseeable future. This was made possible by virtue of a practical variable sweep wing arrangement plus advances in avionics and missile technologies. Unfortunately, despite its resistance, the Navy was forced to merge its requirements with the dissimilar ones of the Air Force. It was apparent from the outset that the result of this merger, the F–111B, would not be the desired versatile fighter. It is important to note that the Eagle missile, more than 40 percent heavier than Phoenix, had 100% heavier avionics than the F–14's AWG–9. Had the Navy been allowed to develop its own fighter instead of the F–111B design practices would have produced a well balanced aircraft with required dog fighting capabilities. This was done in the case of the F–4 and is being done in the F–14. The success of the F–4 and its adoption by our Air Force as well as our allies attest to the efficiency of Navy methodology.
The tests at Bikini indicated the toughness of even the old prewar carriers lacking the protective features designed into today's carriers. For example, the old *Saratoga* having survived World War II damage from 2 torpedoes, 4 Kamikazes and 2 bombs, was located slightly over a mile from Surface Zero at Bikini. She suffered slight damage from fires, some wooden parts of the flight deck burned. Planes standing on the flight deck did not suffer and there was slight deformation of the superstructure and stacks.	The Soviet's nuclear capability had been considered as early as the 1964 Bikini tests. Here the Navy gained invaluable data on which to base new hardness requirements for ships. New construction major combatants, as well as aircraft carriers, have since been hardened to assure a high degree of survivability against anything but a direct hit by a nuclear weapon. Appropriately enough, the new missile was named the Phoenix, and until 1968 it remained tied to the ill-fated F–111B airplane. This is neither the time nor the place for a complete analysis and apportionment of blame for the TFX fiasco, but a few words are necessary to place in context the decision to proceed with the F–14. Whatever the wisdom of Secretary McNamara's insistence on a single plane to meet the Air Force's desire for a fleet of interdiction bomber and the Navy's desire for a fleet of air defense interceptor, the Navy was opposed to the F–111B from the outset. One of the initial concessions it extracted was the right to incorporate in the new plane both a new version of the cancelled Eagle missile and the cancelled TF–30 engines which had been developed for the Missileer.
Little consideration was given by anyone at the time to the dogfighting capabilities of the new plane. The F–111B was regarded simply as an interceptor. The main advantage it offered over the Missileer was a significantly increased speed and acceleration capability which was intended to enable it to get into its intercept position more quickly than the old plane. The Phoenix itself could shoot everything out of the sky, the Navy said, so forget maneuverability. It would not be unfair to say that the Navy first became concerned with the dogfighting capability of the F–111B when it saw this as an opportunity to kill the plane and get a true Navy aircraft of its own. Working together with several aerospace companies, such as Grumman Aircraft Company—then a subcontractor to General Dynamics on the F–111B—it encouraged the design of new airplanes which would still carry the Phoenix missile but also be better dogfighters than the F–4 Phantom, then and now our first-line Navy fighter.	The Navy tried to undertake development of a multi-mission fighter, the VFAX, in the 1966–68 time period. This project, dropped in the paper stage, could not out-perform the known threat or the F–4J in aerial combat. The Navy had two options at the time the VFAX was dropped: (1) Modify the F–4J to increase its capabilities, or (2) begin development of an air superiority fighter, the VFX. The latter was chosen because the F–4J could not be adequately modified to increase its capabilities. The VFX, at the time of contract award, was designated the F–14A. It has been extremely difficult to obtain recognition that the F–14 has been designed, first and foremost, as an *air superiority* fighter with performance exceeding any projected threat aircraft of the 1970's through the 1980's. This design has never been compromised during its development. The F–14 has been designed not as a multi-mission fighter, but as a balanced weapon system, emphasizing *system* as contracted to an airplane only. The distinction between the two is of paramount importance in understanding the

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The improved capabilities of alternative planes—and the technical problems with the F–111B—were argued vigorously in testimony on Capitol Hill, and in 1968 both the Senate and House Armed Services Committees deleted all funds for the F–111B from the budget. Working feverishly, the Navy then saw to it that a contract with Grumman for the F–14 was rushed through before the Nixon Administration could carefully review it after taking office.	air superiority mission requirements. A misunderstanding of the distinction sometimes leads to the invalid assumption that the air superiority role can be satisfactorily performed by a "light weight, simplified, airplane" whose operational attributes are noted only in terms of its low gross weight.
	The fleet air defense role of the F–14 is accomplished utilizing removable pallets for carriage of the Phoenix missiles. This "missionizing" concept does not exact any weight, size or complexity penalties to the basic air superiority F–14. Air-to-ground capability of the F–14 is not a dictating design requirement. Such a capability exists, to a limited degree, as a "fall-out" from the other governing design features of the F–14. The fact that the F–14 can carry air-to-ground ordnance does not in any way compromise the airframe or system design for its primary air superiority mission. With the demise of the unacceptable F–111B in 1968, Requests for Proposals (REP) were forwarded to five contractors with the ultimate contract award issued to the Grumman Aircraft Corporation in February 1968. In order to minimize developmental costs, and help insure a minimum risk program, the F–14A does make maximum and judicious use of the technology gained during the development of the F–111B. This procedure has also permitted the F–14 to reach first flight 22 months after contract award, a feat believed to be unmatched in the development of any other comparable weapon system. No attempt was made by the Navy to rush the contract through before the Nixon Administration could take appropriate review action. An orderly flow of data was presented to the Congress through established procedures in support of the F–14 program.
The F–14 is thus the *third* Navy plane to carry the Eagle/Phoenix missile and to be powered by a version of the TF–30 engine. And it is *still* primarily a fleet air defense interceptor. After the F–111B was killed, the Navy never seriously evaluated the possibility of incorporating a Phoenix fleet air defense missile capability in a first-rate fighter aircraft. But this was then and remains now a technical impossibility, as I hope to explain in a few days. Unfortunately, our need for a first-line carrier based fighter to replace the F–4 is a good deal greater today than in either 1958 (when the F–4 was itself in development) or 1968.	The F–14 is the result of a Navy competition among five contractors. From inception, the F–14 was designed as an air superiority fighter around four Sparrow missiles and a 20mm. gun. The F–14 is an optimized combination of speed, acceleration, maneuverability and radius of action and includes a weapons control system with multiple weapon options. It is *indeed* a first-rate carrier fighter, specifically designed to accomplish the missions of a carrier fighter. No other aircraft or weapons system in design now or within the current state-of-the-art can better accomplish the carrier fighter mission against the increasing Soviet determination to counter our fleet. The F–14 air superiority fighter is a weapon system that can shoot down long-range multi-raid aircraft and missiles as well as engage enemy fighters in close-in combat. Weight reducing microminiaturization of avionics, balanced with airframe and engine design, has eliminated performance penalties formerly associated with multimission fighters. In the F–14 one percent of the aircraft weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used for the Dogfight configuration. Navy performance estimates of the F–14A and F–14B have been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded the multi-mission performance estimates were attainable without degrading the pure fighter capability.
Another thing which has changed since 1958 is the nature of the Russian threat to our carriers. What was envisaged then was a dramatic increase in the number of Russian naval bombers, the threat against which the Phoenix was designed. While there is extreme doubt whether the Phoenix could handle the Russian bomber threat which exists today, that threat has never expanded as predicted for the past ten years. As House Appropriations Committee Chairman George Mahon, noted in 1968: "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has, of course, not developed to date." What has developed is the many faceted threat described earlier. It is worth evaluating the role of the Phoenix in the spectrum of defenses we have now erected against this threat to see why it would almost surely be ineffective.	From time to time, missile carrying Soviet bombers fly over or near units of the U.S. fleet. Although detected early and intercepted, these overflights make clear this threat does exist. New Foxbat, Fiddler, and Flagon fighters have long-range escort capabilities with advanced avionics and missiles, adding to the threat. Surface-to-surface, as well as air-to-surface missile threats also exist. They will certainly become more advanced. The F–14 Phoenix system in addition to its fighter capabilities, will provide a significant capability to counter the Soviet submarine-launched cruise missile threat. A look-down shoot-down, capability against small multiple targets has been successfully demonstrated during development, and clearly indicates a capability against such attack.
The Phoenix is a long-range air-to-air defensive missile, which the Navy claims will be capable of destroying "multiple targets in a heavy electronic countermeasures environment in all weather conditions." It will be guided by the F–14's AWG–9 fire control system, which is also designed to handle six single shot Sparrow missiles. According to the Navy, the Phoenix already has an enviable test record on which to stand, with a success record of approximately 70 percent in the 40 or so firings to date. This claim deserves some rather careful scrutiny. In the first place, Navy statistics do not include the substantial number of unsuccessful firings in which the missile never left the launch rail because the launch system failed prior to the actual launch. These failures, which should obviously be included on any realistic scoresheet must be carefully distinguished from the much smaller number of recorded "no test" firings—firings in which the missile was launched but failed to hit its target due to defects in the test conditions not related to the missile system itself.	The Phoenix is not launched from a rail, it is ejected. The launch systems used to date have not failed prior to actual launch. The launch system failed subsequent to launch during the four "no tests" the Navy has reported in the firing record. This launch system was unique to the F–111B design and necessary corrective action was a part of the F–14.

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Moreover, all the tests conducted to date have been engineering tests, held in a laboratory-controlled environment, and almost all have been against single targets with artificially augmented radar signals and little or no maneuvering capability. Operational tests, under conditions representative of actual combat experience, have yet to begin. Due to the incredible amount of concurrency in the whole F–14 program, these operational tests are not scheduled to be completed for another several years, by which time any decision on the F–14 will long since have been made.	Tests to date have been conducted on the Pacific Missile Range under actual conditions. Tactical significance has been a consideration in nearly every PHOENIX launch mission. The missions covered a large part of the launch envelope—low-altitude and high-altitude targets, maneuvering and non-maneuvering targets, long and short ranges, subsonic and supersonic launches. Twenty of the 36 missions were "look-down" missions with the target below the launch aircraft. Eighteen of the 42 missiles were launched at targets with less than 5 square meters radar cross-sections. Three missiles were launched at unaugmented BQM–34A target drones, which have roughly the same dimensions as a STYX Cruise Missile and a cross-section of about 0.25 square meters on the nose. Eight missiles were launched at unaugmented QT–33 droned airplanes with a radar cross-section of about 2.25 square meters. Seven missiles were launched at unaugmented QF–9 droned airplanes. Two missions against QF–9s were maneuvering target missions. The QF–9 cross-section is approximately 3.5 square meters. For reference purposes, the cross-section of the F–4 is greater than 10 square meters. All test launches are conducted under as realistic conditions as possible and with a view toward gathering required data to determine true PHOENIX missile capability.
Finally, this terribly artificial test program has itself been very limited in scope. Virtually all of the test firings to date have been tests of the *old* AWG–9 Phoenix system developed for the F–111B. The new version for the F–14 has more than one-third less weight and has been completely redesigned for tandem seating and to accommodate the Sparrow missile.	The repackaging of the AWG–9 for the F–14 and the resultant weight reduction of the system has not significantly affected the interface with the Phoenix missile. All previous missile flight data is valid, since the postlaunch functions provided by the AWG–9 remain essentially unchanged. The prelaunch functions have been tested using the new system by performing over one hundred launch-to-eject cycles while carrying Phoenix missiles in captive flight on a TA3B aircraft with the production version of the F–14 weapons control system installed. Missiles will be launched from the F–14 system early in 1972.
And despite the Navy's claim that the system will be capable of near simultaneous launch against up to six widely separated targets, no more than two simultaneous firings—even of the old version—have been attempted at any time to date. Thus it is difficult to evaluate the argument of some critics that the AWG–9 tracking capacity would be swamped if it ever attempted to fire six missiles simultaneously in the presence of one or two dozen targets on the radar scope. Yet even in the last multi-shot test, one of the two missiles missed its target.	In actual evaluation tests conducted in September 1971, on the Pacific Missile Range, tracks were maintained and displayed on 12 airborne targets simultaneously. The targets were divided into three groups approaching from three different directions at different speeds and altitudes. Four different types of aircraft were used in the raid. Attackable targets are assigned a launch priority by the Weapons Control System computer for all missiles aboard. The computer will select the targets with the closest range and highest closing rate to be launched against first. The operator may override this assignment and designate any target as "next launch." He could, however, launch six missiles at targets sequenced entirely by the computer regardless of how many additional tracks are displayed on the radar scope or maintained by the computer. Optimum resource utilization and funding limitations require that evaluation and acceptance of the Phoenix missile for Fleet use be a responsible combination and correlation/extrapolation of live tests, laboratory tests, and sophisticated simulations. Testing to date has shown three-on-three capability, by launch of two missiles and pseudo launch of a third. This exactly tests the AWG–9 and missile capability for three-on-three, since additional targets only load the AWG–9 (as was done in the test). Each missile in flight is guiding to its own target and is independent of other missiles in flight at the same time. Extensive analytical simulations, the parameters of which have been verified by test, satisfactorily verify six-on-six capability. To date, all system modes and features of the Phoenix missile have been demonstrated, individual missiles have been assigned to a wide variety of target conditions and encounters. Committing six R&D missiles to a previously verified condition was not considered cost effective. Actual testing of the six-on-six capability will be performed with pilot production missiles to reduce costs and confirm design and will be conducted in a Navy only test. The dual launch record is as follows. Six missions have been conducted, with two considered as "no tests" for failure unassociated with the Phoenix missile. The remaining four missions were successful or partially so. None of the failures were attributable to having two missiles guiding simultaneously. In no way do the failures cast doubt on the multiple-launch capability of the system. Of the eight missiles fired under dual launch conditions five have guided to a successful intercept, a 62.5% success ratio.
But one need not dwell on the scarcity of test data on the Phoenix. It is really quite similar to other air-to-air missiles which have entered our inventory in the past several years. Some of these missiles had initial test records every bit as "promising" as the Phoenix but exhibited serious deficiencies when used in Vietnam. Our experience with the Sparrow missile is instructive in this regard. It is a radar guided missile like the Phoenix, but somewhat less sophisticated and expensive. (The present version of the Sparrow costs $40,000 per shot, the Phoenix $400,000.)	Radar guided missiles in Southeast Asia, (particularly Sparrow) have experienced problems in five distinct areas: (1) missile reliability; (2) aircraft weapon control system radar, and computer accuracy and reliability; (3) launch envelopes—many missiles were launched outside their guidance envelopes; (4) fuze effectiveness; (5) launcher reliability. Consideration of these factors has been continually emphasized in the design, test, and evaluation of the Phoenix Missile. In addition, the Phoenix has been designed and integrated with an adequate aircraft environmental control system to minimize the potentially damaging effects induced by typical carrier operation. (1) MISSILE RELIABILITY Through means of the on-board digital computer, all six Phoenix Missiles carried on each F–14 can be thoroughly tested in flight. This test, called MOAT, Missile-on-Aircraft-Test, takes less than 20 seconds to effectively test each missile. Design and test of many Phoenix Missiles to date demonstrates the overall missile reliability requirement will be met or exceeded in Fleet use.

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	(2) AMCS OPERATION Proper operation of the Weapon Control System (AWG-9) is assured through use of BIT (built-in-test) similar in operation and performance to the MOAT described previously. In dogfights, experience has shown that present operational aircraft radars may lose lock or intentionally break off to avoid being unfavorably engaged by another enemy plane. To overcome this problem, the Phoenix Missile has a self-contained guidance mode, this permits the F-14 crew to launch and leave, providing one added degree of flexibility and safety. (3) LAUNCH ENVELOPE The Phoenix provides a launch zone more than four times as large in range as any other operational air-to-air weapon. The AWG-9 digital computer is used to generate steering commands and to predict when the F-14 is in a region that will satisfy missile guidance launch requirements. The digital program will accurately compute and display missile launch envelopes even in a maneuvering dogfight environment. Thus, the possibility of launching outside the missile envelope causing unsuccessful missile intercept is remote. (4) FUZE EFFECTIVENESS Most fuze problems in Southeast Asia were associated with non-directive semiactive radar fuzes tied to the missile radar guidance system, requiring illumination by the launch aircraft's radar. There is no protection provided from firing prematurely on false targets. The PHOENIX missile fuze has taken these problems into consideration and corrective design features have been incorporated. (5) LAUNCHER RELIABILITY Of all the launching failures experienced in Southeast Asia, approximately one-half were because of the launcher and one-half of those resulted from lack of motor ignition after missile separation. A new launcher has been developed and integrated into the F-14 airframe. Problems, such as corrosion and handling in the Fleet environment, are being overcome in the new design. In the test of forty-two guided missiles and three powered separation missiles, one motor ignition problem occurred. The design has been altered and verified to preclude recurrence of the problem.
One problem the Sparrow has had has been its inability to distinguish between friendly and enemy targets. It has been designed for launch at a range of roughly 15 miles, well beyond the range of visual contact. Unfortunately, its radar system can pick up aircraft blips at this distance, but can't tell who the blips belong to. This has had a significant effect on use of the Sparrow in Southeast Asia. Despite the fact that it was designed for stand-off launch, orders have been in effect prohibiting its stand-off use at times when friendly aircraft might be present. Until billions of dollars had been spent, nobody realized that we wouldn't be able to fire at will on nonresponding radar blips—because they might be Laotian airliners flying to Hanoi or Air Force planes not tied in to the Navy's communications system. And part of the reason for the Sparrow's poor record under *visual* launch conditions has been the fact that many of these launches were from inside its minimum effective range.	The Phoenix can be used any time the operational commander deems necessary. Dramatic improvements in both identification of radar blips and the routing of air traffic through radar/navigational techniques can quickly be introduced which would assure the Phoenix has demonstrated excellent performance under launch conditions not requiring standoff.
Another problem of the Sparrow has been its poor reliability—its failure to even launch and fly. The artificial nature of its initial test program has been only partly responsible. More important has been the fundamental complexity of design which made it unable to withstand rigorous combat handling procedures.	The reliability of the AIM-7E/E2 has not achieved the goals set for the missile. However an agressive reliability program during the past 2 years has appreciably increased Sparrow reliability. Sparrow production monitoring tests since July 1969 have demonstrated better than an 82 percent reliability. Improved reliability has been built into the AIM-7F as a result of solid state construction and a unique firing mode.
When conditions did permit its use and it was able to be fired, the Sparrow and its radar search system may have scared away as many enemy aircraft as they found. The explanation is simple. One of the problems of all airborne search radars and active radar missiles is that they broadcast their position for miles around, thus alerting enemy aircraft to their presence.	Any time U.S. aircraft are flying over hostile territory, detection by enemy radars is assumed. This was especially true in North Vietnam, where a vast radar and intelligence network was in operation. It therefore made no difference if the aircraft's radar was on. Protection is the reason for escorting strike aircraft with fighters. If the enemy is "scared away" by the presence of friendly radars, the mission has been accomplished.
Moreover, these airborne radars have an effective search pattern only in a very narrow cone directly in front of the airplane and cannot locate more dangerous and undetectable targets flying elsewhere. As a result, enemy aircraft guided from the ground have been able to avoid this narrow search pattern and pop up unsuspected and undetected on the tails of our aircraft.	It is not true that the AWG-9 radar search pattern is limited to a very narrow cone directly in front of the airplane. The cone has a very wide scan angle and can be searched by both sensors (radar and infrared) either slaved together or searching different volumes. Against a small fighter target, the effective horizontal scan pattern is more than 150 nm wide and 100,000 ft. high at maximum range. When penetrating enemy territory with a scan pattern of this dimension, the probability of detecting all approaching enemy aircraft is very high. Escort studies conducted indicate that several F-14 maneuver choices are available to provide "all-around" coverage.
When we have in fact acquired enemy aircraft (almost always visually) they have often been able to outmaneuver the Sparrow by hard turns at normal combat g's. This has been the result of inherent physical limitations in the maneuverability and response times of the missiles themselves.	The current AIM-7E-2 and advanced AIM-7F have sufficient maneuvering capability to guide and intercept enemy aircraft maneuvering at normal combat g's (5-7). This has been demonstrated by both missiles.
Finally, the Sparrow has shown itself susceptible to simple electronic countermeasures which degrade its performance.	The Sparrow has not shown itself susceptible to simple countermeasures. Electronic countermeasures and counter-countermeasures have greatly influenced military warfare in recent years. It is extremely unwise to publicly discuss the countermeasures capability of a missile which is presently in the U.S. inventory.

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The actual performance record of the Sparrow in terms of targets killed per firing remains classified, but this much can be said. Due to the target differentiation problem, it simply has not been used much of the time under the conditions for which it was designed. And when it has been used, its demonstrated performance has been only 10% as good as the performance originally expected.	It is possible but extremely difficult to predict all eventual situations. The AIM–7E version of the Sparrow missile was originally designed for use against bombers, before the Soviets produced in quantity and exported the short-range highly maneuverable MIG's to their Satellites. Previously, including the Korean action, guns were the principal air-to-air weapon. The Korean action resulted in a 10 to 1 U.S. kill ratio using guns. Guns underwent the same development and refinement processes as missiles are today. For instance, the "dogfight" version of the Sparrow (AIR–7E–2), a modified design to cope with the air combat maneuvering environment, was just coming into the inventory in 1968. It was never used against the MIG's in Vietnam. The success rate of Sparrows would have been significantly better had the AIM–7E–2 been available. The AIM–7F, an advanced Sparrow, has a dogfight capability incorporated into the design. Current test programs demonstrate superior performance over the older AIM 7–E–2.
There is every reason tc believe that the Phoenix will fare no better and might fare worse. Much of what has just been said is directly applicable, but let me cite a few particulars.	The Navy has every reason to believe that Phoenix will achieve desired performance. The statement concerning reliability was answered previously.
First, one of the advertised advantages of the Phoenix is its significantly longer range than the Sparrow. (According to the DMS Market Intelligence Report, "Phoenix was initially intended to have a range of more than 200 nautical miles, but has since been scaled down to an estimated 80 n.m. range.")	The Navy Type Specification (TS–3007) and the original Specific Operational Requirement, dated 1961 concerning the Phoenix missile, requires a 60 nautical mile aerodynamic range. However the Phoenix has already successfully intercepted a target from a launch range of 76 nautical miles.
Yet tests conducted by Hughes Aircraft Corporation, manufacturer of the Phoenix system, confirm that it has no capability against maneuvering targets except over the shorter stretches of its range. Beyond a certain point, the tests showed, the Phoenix rocket motor burns out and it cannot get the maneuver energy needed to keep up with a target which can quickly change directions:	Targets can be expected to use violent maneuvers in an attempt to escape air-to-air guided missiles. These tactics have proven to be effective against the SA–2 Russian surface-to-air missiles and the older U.S. air-to-air missiles that are maneuver limited and have exceptionally small launch zones (such as the AIM–9B/Sidewinder). The Phoenix Missile has benefited from the experience in Southeast Asia by being provided with a large launch zone, quicker response to target maneuvers and modern fuze with a large warhead. Recent studies by the Navy and contractor demonstrate that these capabilities provide the Phoenix with the ability to counter evasive target maneuvers up to 8 g's at twice the range of the Advanced Sparrow (AIM–7F). This superiority results from the higher energy in the Phoenix at intercept, and the more efficient tail control design that conserves energy during missile maneuvers. An important factor in the evasive target maneuver tactic is the question of how will the enemy know when to commence evasive action after the Phoenix Missile is launched in a track-while-scan mode, the AWG–9 radar does not stop its scan to illuminate the target, but continues to sweep, illuminating all targets in the scan pattern. The AWG–9 digital computer aids in the solution of the maneuvering target problem by providing steering signals and accurate launch zone displays to optimize the probability of launching inside the missile's envelope in a maneuvering environment.
Second, hardware tests at the Naval Weapons Center's Corona Laboratory have shown that the Phoenix can be effectively countermeasured by simple low power techniques.	Contractor and Navy tests have been made on the entire Phoenix Missile and elements within the missile, using projected 1980 ECM threats and experimental ECM devices specifically conceived to defeat the missile's circuits. The weapon successfully copes with all these ECM techniques. An important item in the initial Navy specification for the Phoenix Missile was the requirement to operate in the severest ECM environment. To that end, the Navy developed a comprehensive threat definition, design, test, and evaluation program that would continually monitor the Phoenix capability versus the expected ECM environment. The Naval Air Development Center (NADC) was tasked to update the ECM threat description on an annual basis, using the latest intelligence data and information based on U.S. ECM technology. The Naval Ordnance Laboratory Corona was tasked to conduct an independent test of the Phoenix ECM capability. Their purpose was to determine system capability in not only the defined ECM environment, but using their detailed knowledge of the complete Phoenix system, to design and build special experimental ECM devices that might defeat the system. The Naval Missile Center/Point Mugu (NMC) was tasked to monitor the ECM tests at Hughes and supply ECM gear that represented the best that the enemy could be expected to produce. Hughes was, and is, required to conduct ECM tests on the early breadboard system, the first flyable models, the pilot production and production models, and after every significant design modification. After each series of tests, the information gathered is used to incorporate minor modifications in either the software (AWG–9 digital computer) or the missile's own built-in logic to insure no degradation across the complete ECM spectrum. A new series of laboratory and flight tests are scheduled this fall to reconfirm the system's ECCM (Electronic Counter-Countermeasure) capability. To date, it is the opinion of NADC, NWC Corona, NMC, and Hughes, no system has ever been designed or as thoroughly tested with as much consideration to ECM. The results indicate that the Phoenix Missile System in a tactical environment will have no significant ECM weakness. In summary, the missile, through its inherent design and coupled with the highly capable AWG–9 Weapon Control System, promises to be virtually immune to the predicted enemy countermeasure threat.
Third, a study has been conducted which indicates that the Phoenix will have severe reliability problems due to many of the same complexity of design features which have made the Sparrow unable to withstand rigorous combat handling procedures.	The studies referred to essentially point out ways and means to correct design and operational deficiencies of Phoenix and earlier missiles so that Phoenix will *not* suffer from rigorous combat handling.

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	Any weapon development is an evolutionary process. The lessons learned in Vietnam combined with modern technology are being reflected in the latest air-to-air missile designs. For instance, the Sparrow, originally designed against a bomber threat which has existed since the 1950's and is even more formidable today, was marginally successful against the highly manueverable Soviet Mig in Vietnam. However, the "dogfight" version of the Sparrow was only introduced in mid-1968 and never used in Vietnam. Phoenix missiles have been handled and loaded aboard aircraft by naval enlisted personnel. Repeated handling and enviromental tests of this sort have shown that the missile is rugged and no damage results from rigorous handling. In addition, digital computer processing now gives a better correlation of actual missile envelopes in a real time display for the aircrew. In addition, the digital computer provides improved training and operational capability. The Phoenix, expected to be as reliable in combat as it has been in development, currently has a success ratio never before achieved in air-to-air missile development.
Fourth, the very nature of the F-14's dual role as fighter aircraft and fleet defense interceptor aggravates the target discrimination problem, i.e., distinguishing friendly aircraft from foes. About the only time a long-range Phoenix launch could be used to protect the carrier is when there are no friendly attack aircraft or F-14 escorts carrying out tactical air operations from the carrier. But one of the main reasons for having and protecting carriers in the first place is to conduct such operations! Opinions differ as to whether a solution to this identification problem will be found, but there is no demonstrated solution yet in sight. And even if a secure and reliable communications system were established between our own airplanes, it would still be very risky to fire at will against unresponding radar blips in all theaters. Crowded areas like the Mediterranean, for example, would still contain friendly aircraft not tied in to our communications system. The E-2C (essentially a Navy AWACS) might keep track of some of their movements, but it is far from foolproof and terribly vulnerable.	Phoenix is required not only in the defense of attack carriers and other elements of the fleet but is also needed wherever a protective air umbrella is required. There are solutions to visual identification problem for all Navy fighter missions. The visual identification rule increases the probability of friendly aircraft losses since the enemy will likely launch his weapons without visual identification before friendly aircraft can employ their own weapons. Hostile ground control intercept (GCI) and long-range radar detection capability provide effective vectoring for enemy use of standoff weapons against our aircraft. In the wartime situation where friendly aircraft are lost to enemy air-to-air missiles or friendly surface targets are threatened by standoff missiles fired from beyond the visual range, the visual identification rule will be changed. Therefore, the whole discussion of visual identification becomes academic.
	During the early phases of thé Vietnam conflict, the rules of engagement required mandatory visual identification prior to launch of our air-to-air missiles against enemy aircraft. Later, the Navy developed a command, control, and communication capability to obtain, without visual contact, positive identification of all friendly aircraft in a war zone. The unprecedented surveillance capabilities of the AWG-9 radar/IR sensors, coupled with the data link will make the F-14 a natural extension of this successful Command and Control environment. Navy air-and-surface Tactical Data Systems will receive all F-14 sensor information for direct use in the network. In addition, the F-14 weapon system itself will include provisions for positive identification of friendly airplanes. These unique capabilities, exercised with appropriate doctrine, will satisfy the positive air control and identification requirement to employ the Phoenix Missile in support of the fundamental missions of the attack carrier. At the long ranges desired for initial Phoenix launches, identification and "clear to fire" will be available. After attrition at standoff ranges, engagements at short range with remaining hostiles may, depending on the particular situation, require visual identification. Phoenix will have equalized the threat at long range to permit efficient use of short-range weapons in a close-in visual identification encounter. The E-2C is one element of the Command and Control System and to assert that the E-2C mission is to keep track of all friendly aircraft in a positive identification situation is misleading and incorrect. The E-2C is protected by the same fighter aircraft that protect the carrier.
These deficiencies would be serious enough if the Phoenix had nothing but Russian bombers to defend against! But they would be magnified if it were pitted against the expanding Soviet cruise missile threat, to say nothing of the highly maneuverable fighter aircraft which would be well within range of a carrier in the Mediterranean. As far as cruise missiles are concerned, there must be doubt in the first place whether the Phoenix would have the maneuverability to correct for errors in its estimates of their direction and velocity. And even if it were successful in meeting its design specifications against high speed, low flying targets with small radar cross sections, the F-14 would have to be in a narrow cone directly ahead of the missiles if it were to see them at all.	The Phoenix missile system capability versus the cruise missile threat has been examined and tested in realistic test environments. Important parameters that must be considered in countering the small, fast, low altitude threat are radar look down capability, system detection and tracking ranges, radar scan area, system response time and the number of missiles in the air simultaneously. Maximum required missile maneuver capability is not determined by the cruise missile threat, but is based on engagements versus highly maneuverable enemy fighters turning at a maximum rate. The Phoenix system possesses a multi-shot pulse doppler capability, large transmitter power and antenna gains, flexible selection of wide radar scan areas both in azimuth and elevation, rapid firing solutions in the AWG-9 digital computer and rapid AIM-54A missile response to correct errors in launch position and target heading changes. The total system will provide the fleet with a weapon system capable of countering the expected cruise missile threat whether launched from bombers, surface vessels or submerged submarines. Verification of actual missile performance was attained in several successful firings conducted against small, unaugmented drones smaller both in radar cross-section and physical dimensions than the expected cruise missile threat.
The search patterns of airborne radars, it should be noted, is especially limited in the look down mode. And it is also significant that the more clutter suppression one designs into such a radar, the more vulnerable it will be to countermeasures.	The AWG-9 radar has been specifically designed to overcome the look-down deficiency and countermeasures vulnerability of older radars. The Phoenix missile system has demonstrated the capability to look down and shoot down into clutter in the most sophisticated countermeasures environment.
But let's suppose that these problems were solved! The Russian bombers might still be able to defeat the system by a simple choice of tactics. A simple example, without specific numbers, will suffice to demonstrate the point.	Two fighter squadrons of F-14 airplanes will be deployed aboard each attack carrier. Each squadron will be equipped with 12 F-14's. When operating in areas where tensions are high and an air attack could be initiated against the carrier, an air defense pos-

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We will have only a limited number of F–14's aboard a carrier and only a handful—with a maximum at 6 Phoenix missiles each—will be in the air at one time. Against these F–14's the Soviets could concentrate a significantly larger number of naval bombers, since the bombers could strike at a time of their choosing and would not be on serial airborne alert. These bombers could then be deployed in waves, the first bombers exhausting the limited number of missiles in the air and the next wave moving in on the carrier before reinforcements reached the scene. The tactics would be aided, moreover, if the bombers were able to maneuver out of the way when warned that a Phoenix was coming, if they were preceded by more maneuverable fighters, if they carried the jamming equipment we already know works, or if a few submarine launched missiles were used to create a diversion.

There is one other related point. If a war at sea ever did break out between the Soviet Union and the United States, it would probably be initiated by a surprise Soviet attack on our carriers, at a time when their defenses were low. We have worked very hard since the dawn of the nuclear age to minimize the chances of any direct engagements with the Soviets, and it is very unlikely that we would initiate one. Such an engagement would probably come, therefore, only if we miscalculated the Soviet response to one of our actions or if the Soviets made an irrational and unprovoked move of their own. Under these surprise attack conditions we could expect only a small fraction of the F–14's aboard a carrier to be either in the air or serviced for immediate use.

I have purposely saved till last a discussion of the staggering costs of the Phoenix and its fire control system. When the missile first rose from the ashes in 1962 and became a part of the F–111B program, total development costs, according to DMS Market Intelligence Report, were estimated at $175 million. They have now risen, the Report says, to well over $500 million and development is far from complete.

More worrisome are the likely production costs of the Phoenix, already estimated at $400,000 per shot, without any allowance for deficiency correcting modification costs. Another factor which could drive costs upward is a smaller than anticipated Phoenix buy. Published estimates of the buy have ranged from a low of 1,400 to a 3,700 high, with the lower part of the range associated with the small F–14 buy which is probably inevitable even if the program continues.

It cannot be stressed too much that the cost of one F–14's six Phoenix missiles, even at the $400,000 price, would be $2.4 million. That is the approximate price for three Mig-21's and for one of our own F–4 fighters! And this would be in addition to the $16 million price tag on the F–14 itself!

Actually, the high costs of the Phoenix would do more than affect our pocketbooks. They would also have an adverse impact on the already poor effectiveness of the missile.

For one thing, these high costs would inevitably affect Navy training programs for the Phoenix, just as training programs for the Sparrow have been affected by its comparatively cheaper costs. With the costs of each Phoenix firing approaching a half million dollars, very few Navy aviators would be allowed even one training

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ture would be set. This posture would vary between Deck Launched Interceptors (DLI) and airborne Combat Air Patrol (CAP) or a combination of both in proportion to the threat.

The Navy has conducted many studies using many different techniques and many different people. Over the course of these studies a wide variety of tactics have been tested. The typical approach is to begin with realistic tactics based on Soviet *anti-carrier exercises that have been observed*. From these base-case tactics, variations are devised to determine if other tactics would be better for the Soviets to use. Results are obtained for the base-case as well as worst case variations to both U.S. and Soviet capability.

Study results have consistently confirmed that Phoenix-equipped supersonic aircraft are significantly better than those equipped with Sparrow missile systems. The superiority of Phoenix relative to Sparrow increases as the threat becomes more severe. A current Navy study has as one of many scenarios a case such as suggested where waves of Soviet Backfire bombers attack a carrier task force. The bombers are preceded by Foxbat fighters with radar-guided air-to-air missiles and are also protected by sophisticated jamming equipped aircraft. The results show that the F–14 is at least three times more effective than aircraft armed with the improved Sparrow 7F. Further, F–14 with Phoenix is the only aircraft/weapon system that can kill enough enemy bombers and air-to-surface missiles (ASM) so surface-to-air missile (SAM) ships can effectively cope with those missiles penetrating the F–14 defenses.

When submarine launched cruise missiles are considered, the F–14 with Phoenix is still significantly superior to the Sparrow equipped planes.

It is in these environments that the effectiveness of the multi-shot F–14/AWG–9/Phoenix system is of most value by providing a maximum defense capability per airplane launched. The increase in capability thus provided over the single-shot F–4 or any single shot fighter is measured in *orders of magnitude*. The issue taken that a saturation attack on a carrier could penetrate a Phoenix defense barrier is quite true—a determined saturation attack on any target will eventually succeed. The real point of significance is *how the cost to the enemy to penetrate to the target will escalate when faced with multishot Phoenix-equipped F–14's over that with single shot fighters*. In situations such as this it is readily apparent that the "effectiveness" portion of the cost/effectiveness parameter is of utmost importance.

Assuming that all Phoenix missiles aboard the carrier had been fired at incoming raids, F–14 still retains the capability of employing Sparrow, Side-Winder, and 20mm. Cannon.

A study conducted by the Naval Air Development Center determined that Phoenix has three times the capability at twice the range against a highly maneuvering target. It emphasized that targets flying at extremely high altitudes have very limited maneuvering capability, and bombers or escorts flying at lower altitudes are little match for the F–14.

As stated before, the Phoenix missile is designed to operate in an electronic countermeasure (ECM) environment; its multiple guidance phases and multiple control frequencies make it effective against all predicted ECM techniques.

The Phoenix missile development costs in the R&D program were $144M. An additional $20M will be spent subsequent to the development program for continued monitoring of the F–14/Phoenix interfaces and testing of the missile capabilities with particular emphasis on ECM.

The AWG–9 development program for the F–111B cost $266M. Upon cancellation of the F–111–B by Congress a dedicated effort was made to take maximum advantage of the advancement in Air to Air Radar technology the system represented.

To meet the new air superiority fighter roles, including dog-fighting, that the F–14 would fulfill the system was modified at a cost of $129M to fire Sparrow 7E, 7E–2, 7F, an internal cannon, Sidewinder and meet the tandem fighter cockpit requirement of the F–14.

The production cost of the Phoenix missile for the present Navy program of 3,370 missiles is 322 thousand dollars, and includes costs of correcting deficiencies and is based on the contractors option prices for the missiles. The above cost includes all Government Furnished Equipment for the missile, testing including production monitoring, support equipment and data, spare parts, training material, production tooling, and Navy repair facilities equipment.

It would seem that the cost of a Phoenix missile load would be more meaningfully compared to the cost of the targets a Mig-21 escorted bomber raid might destroy rather than comparing the missile cost to that of a Mig-21.

Military aircraft are designed to destroy military targets without regard for the cost of the target. Air-to-air missiles are designed to destroy military aircraft and cruise missiles. The F–14 and Phoenix are designed to maintain air superiority over the oceans and over the beaches of our allies.

Traditionally, fighter pilots and radar intercept officers (RIO's) have predicted their confidence in the capability of particular weapon systems to achieve the desired task in combat by the successful or unsuccessful results obtained in actually firing the weapon involved, be it missiles or guns. This is to the pilot proof that all elements in the system have performed the task for which they were designed. Today, considering the relative expense of sophisticated weapons, the economics of the situation demand

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shot. Most of their training would consist of dry runs, where they locked on targets with the AWG-9 system and then pressed the button which in battle would launch the Phoenix. There would be some value in this limited training, but it would not inspire confidence for combat use.	every effort be made to insure the same confidence level with a minimum expenditure of weapons. Live missiles fired for training are planned to evaluate total weapon system performance, including fuze function and warhead effectiveness, that cannot be accomplished without real launches against airborne maneuvering targets. It is planned to expend a sufficient number to maintain an acceptable level of confidence in missile performance. In addition, advances in Built-in Testing (BIT) and Missile on Aircraft Test (MOAT) capabilities, through the employment of a very high capacity, high speed digital computer, provide rapid assessment of the entire AWG-9 system and a vast majority of AIM-54 missile readiness. Finally, sophisticated trainers will provide a level of training to the pilot and RIO in a controlled environment that will assess the crew's performance without actually firing a missile. One of these trainers has been delivered and is now in operation at the Naval Missile Center, Point Mugu. The AWG-9 has also been designed and built with an in-flight training mode in which ten to twenty, only limited by design ingenuity, combat problems can be programmed into the weapon control system computer. During the training mission against simulated airborne targets, the MCO and pilot may perform all of the normal armament control functions, including the initiation of a simulated launch. Appropriate cockpit indications are displayed including a "hot trigger" indication. These training simulations can be called up as desired by the flight crew, either in flight or on the carrier deck. In summary, each pilot/MCO team will fire one missile in a training environment, the requirement for additional firings being off-set by superior BIT/MOAT checkouts as well as innovative ground and in-flight training devices.
Moreover, it is doubtful whether any purchase within the 1,400 to 3,700 range now contemplated would provide us with the number of missiles combat could realistically require. A buy of 2,000 missiles, for example, would give us only one full load for 300 F-14's, with 200 extra for training and spares. One full sortie per plane is not a very comfortable margin. Looked at another way, these 2,000 missiles would be wholly expended if 12 planes a day flew fully loaded sorties in a 30-day conflict with the Soviets—even if all the missiles somehow could be rushed to the scene! I recognize that these calculations make no allowance for the fact that on many sorties some or all of the missiles would not have to be fired. It is highly unlikely, however, that all unfired missiles would actually be brought back on board the carrier. There are two aspects to this problem.	The CVA with the F-14 weapons system is part of a balanced striking force that depends upon various armaments to destroy the enemy threat. Normally, targets within a certain range from the CVA are assigned to the surface ships escorting the carrier for destruction. These ships are armed with surface to air missiles, surface to surface missiles, and Naval guns. The air arm of this strike force is responsible to attrite only a certain number of targets at a greater range from the CVA. Therefore, any number of targets in a threat would be destroyed by a balanced Naval force. The number of Phoenix missiles to be procured is determined in accordance with these factors in mind. Twelve fully loaded (six Phoenix) sorties represent 72 missiles, a number that approximates those required to counter the admittedly pessimistic fleet-air defense threat quoted from Mr. Leslie Gelb's testimony. Thirty such operations, as mentioned, represents an incredible USSR threat. Furthermore, not all fleet air defense fighters need to be loaded with six AIM-54A's, in many cases a mixed load of Phoenix and Sparrow missiles will be employed.
The first aspect concerns the degradation of its already limited dog-fighting capability which the F-14 would suffer if it attempted to engage in aerial combat carrying a full load of Phoenix missiles. Navy planning for the F-14 fully recognizes that the extra weight and drag of these missiles would significantly degrade the plane's maneuverability. Accordingly, the Phoenix is designed to be carried in readily removable pallets, attached to the plane's fuselage. When programmed for a dogfighting mission, neither these pallets nor the missiles would be carried. And when they were carried for fleet defense purposes and a dogfight situation arose, they could be dropped in the ocean to maximize fighter capability. This last prospect is rather disturbing. In the Mediterranean, for example, it would not be possible to operate out of range of land-based fighter aircraft when configured for the fleet defense mission. Under these circumstances, the F-14 could be set upon by enemy fighters at any time. When this occurred, the prospect is that $2.4 million worth of missiles—more than the likely cost of the enemy aircraft itself—would be quickly released to the ocean depths.	In the fleet defense mission the F-14 can carry 6 Phoenix missiles to maximize the full capability of the weapon system. It would be unrealistic to assume that the F-14 would be surprised into a dogfight role because of the inherent detection capabilities of the AWG-9 system and the friendly GCI environment in which the combat air patrol operates. If for some unforeseen reason the F-14 was engaged by unfriendly fighters it would not jettison its Phoenix missiles, but use them as an offensive weapon, for the missile has a very good close-in dogfight capability. The Navy F-14 is designed for air superiority. There has been no compromise in air superiority performance because of the fleet air defense capability. The air superiority mission requires dogfighter performance superior to the threat at distances compatible with the Navy attack aircraft to be escorted. The fleet air defense capability resulting from the air superiority mission emphasis is achieved by external fuel tanks and adding the Phoenix missiles to the fighter fuselage with easily removed pallets. Thus, both Navy mission requirements are met without adversely affecting the design for the primary air superiority mission and without conflict in design emphasis and overall mission priorities.
The second aspect of the problem is more serious. Notwithstanding Navy statements that F-14 "design specifications require that any combination of fuel and unexpended ordnance up to a total of 10,000 pounds can be brought back aboard the carrier," there remain serious doubts about the ability of the F-14 to land on a carrier with a full Phoenix load. For one thing, Navy pilots have an understandable aversion to landing on a carrier with a dangerous ordnance load, especially in bad weather conditions, and might be tempted to lighten up. Moreover, the weight of six Phoenixes and their pallets has been publicly estimated at between 6,000–7,000 pounds, which reduces to 3,000–4,000 pounds the margin of error remaining. This margin is reduced even further if allowance is made for necessary fuel landing reserves, dogfight missiles, and the cannon pallet, and it could be eliminated altogether by weight increases on the plane. It is worth noting in this regard that the Navy is already projecting a 700 pound weight increase for the F-14, an increase which will be slightly more significant without the "B" engine, given its own lesser weight than the "A". Any further weight increases, perhaps necessitated by modification work, could easily break the camel's back.	The F-14's present weight will enable it to land on a carrier while carrying a full Phoenix load. The F-14 combat weight with a full six Phoenix load is 57,982 pounds, the landing weight of the aircraft is 49,732 pounds and at that weight the approach speed is 137 knots. This is 5 knots less speed than used for carrier approaches by F-4 fighter aircraft today in a similar mission. The F-14 will be fully capable of landing aboard with any combination of fuel, missiles, and internal cannon, whatever the tactical situation requires, with a comfortable margin of safety. Navy pilots have routinely brought air-to-air missiles back aboard ship during night and bad weather for the past six years. There is no reason to believe Phoenix will be considered any different. Finally, it can be safely stated the aircraft remains within 2% of design weight, a remarkable achievement in the development of tactical aircraft.

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III. THE POLICY IMPLICATION Mr. President, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. And even if it could, it could not be resupplied to carry out its offensive operations.	Previously discussed.
Nor is there any evidence that the more than 10 years old yet still untested Phoenix missile system could give it a new lease on life. The Phoenix probably cannot handle the limited threat against which it was designed, let alone those facets of the overall anti-carrier capability of the Soviets which have been expanding in recent years.	Previously discussed.
These considerations do not mean that we should retire all our carriers from the force. Only the Soviet Union possesses the spectrum of threats capable of jeopardizing the carriers. China could not do so, nor could the lesser powers against which we might be involved. All these countries have is a small and obsolete bomber threat, a few old and noisy submarines (about 30 in the case of China), and possibly some new Soviet-provided patrol boats with their Styx missiles. They would also have some new fighters exported by the Soviets, but these could best be defended against by a new light-weight fighter of our own.	As previously discussed, these points allude to the concession of naval supremacy to the Soviets, leaving no area of the world to employ our fleet against a third country without confronting the Soviet fleet which has established a world-wide presence. It would seem that Soviet weaponry employed by a third country is not as frightening as it was in the anti-carrier scenario with the Soviet Navy. The array of modern, Soviet-supplied weaponry in Egypt, North Vietnam, and Korea today is evidence of what we will face in the future from third countries if we concede supremacy of the seas to the Soviets.
If we made the needed decision to size our carrier force for use in conflicts involving these countries, it would reduce to nine the force level required. This force level would allow one carrier to be continuously on station in the Mediterranean and two in the Pacific, or vice versa. And each of these deployed carriers could be re-inforced during a crisis by one or two of the back-up carriers. In a war time situation, an even larger number could be rushed to the scene.	Any future conflict will most probably be fought with the ships in the active inventory. A force of only 9 carriers with 3 deployed leaves 6 in reserve. If each of the 3 deployed carriers is reinforced by 2, the reserve of 6 is depleted, leaving none to rush to the scene in war time. Of course this limitation would be in keeping with the proposal that we not prepare ourselves for any kind of aggressive action by the Soviet Union against this country or the interests of this country.
Such a decision would also permit a drastic reduction in the large number of programs now underway to protect the carrier, programs which make no sense except in terms of the Soviet anti-carrier threat. Consider for a moment some of the presently ongoing programs designed to provide carrier protection against the Russian cruise missile threat alone: The Condor missile, which can be fired from attack aircraft at long range against ships, patrol boats, or surfaced submarines; The Harpoon missile, which is being developed to do the same job from our surface warships and from aircraft; The E-2C long range detection aircraft; The S-3A carrier-based anti-submarine warfare aircraft; The Lamps helicopter which will operate from escort ships; The Aegis surface-to-air missile system; The Improved Point Defense Missile System; The Close-in Weapon System; Advanced electronic warfare systems such as Shortstop and of course. The F-14 and the Phoenix. Many of these programs—some with problems of their own—would not be needed to protect our carriers in non-Soviet engagements. In other potential conflicts, we could rely on a much less complex but probably more reliable set of defenses. The primary elements of these defenses would be simple electronic countermeasures, anti-aircraft guns, and existing shipboard surface-to-air missiles. We might also want to keep reliable modifications of a few other systems in which we have invested so heavily.	All weapon programs are for the purpose of improving the entire Navy's capability to control the seas and protect the sea lines of communication—not just aircraft carriers. If the carrier force were to be cut to the dangerous level proposed, even a *greatly increased* level of effort and expenditure in these areas would be insufficient to compensate for the loss of sea control capability. The observation also assumes third country stagnation in weapons development and military capabilities. Additionally, none of these systems, without aircraft carriers, can accomplish the collateral mission of the Navy—projection of power ashore.
As far as defensive missiles are concerned, it is important to recognize that any reasonably reliable shipboard missiles have a significant advantage over their airborne counterparts. They would not be chasing elusive aircraft and missiles on their way to other targets, but would instead be located with the targets themselves and have the much easier task of intercepting directly incoming missiles. We could complement these shipboard missiles with a fleet air defense capability, but we would not need the F-14 or Phoenix. We could if we wanted use the F-4 and the Sparrow. But all we would need against the few obsolete bombers of other countries is a good new fighter with anti-aircraft guns and reliable missiles like the Sidewinder. If steps of this kind were taken, significant economies could be realized and funds made available for other high priority Navy programs, such as submarine fleet expansion and programs to reduce the carrier dependence of our surface Navy itself. It makes little sense and is highly dangerous to keep concentrating our surface forces around an increasingly vulnerable focal point. Some means must be found to disperse those forces if their abilities are to be preserved.	In any non-Soviet potential conflict the "enemy" will most probably have and utilize Soviet equipment of varying sophistication. It is probable that this "enemy" will, in some future conflict, acquire Soviet anti-ship cruise missiles as has the UAR. A portion of the Soviet capability today may well be the capability of other non-friendly countries in the future. The fact that it is far better and easier to shoot down the launch platform before it launches its missile(s) is ignored. The all-aspect Phoenix and Sparrow missiles permit them to intercept incoming aircraft or missiles in the same manner as shipboard missiles. The destruction of aircraft and missiles by fighters many miles from the carrier reduces the number of missiles penetrating the defenses and decreases sharply the probability of a missile hit. Today's surface force disposition cannot be confused with the familiar pictures of tightly spaced formations in World War II where short range guns were the ship's only protection against an attacker who had managed to get past the fighters. The tight groups of ships provided mutual protection with their over-lapping arcs of fire, similar to the tightly spaced B-17 formations, a tactic also invalidated by the missile age. The dispersed and varying dispositions of our surface forces today makes the enemy's problems of location and identification of each element not only extremely difficult but dangerous.
A FINAL CAVEAT I have discussed the problem of carrier vulnerability and the failings of the Phoenix in such detail for three reasons. First, the fleet defense mission is central to the basic rationale of the F-14. What the Navy has wanted for almost 15 years is an airplane from which to launch the Eagle-Phoenix to protect its carriers. The Missileer, the F-111B, and the F-14—all have been fleet defense interceptors above all else. Just how poor a fighter the F-14 is I'll explain in a few days. Its fleet defense syndrome is *why*.	The primary mission of the Navy is to gain and maintain control of the seas through the coordinated combat actions of all Navy forces while denying such use to an enemy. The aircraft carrier and the F-14 are vital parts of the overall effort, providing the highly mobile and far reaching umbrella of air superiority above the seas necessary to conduct successful naval surface operations, and to support our own and allied forces. The mobile umbrella of air superiority can cover an area of more than a million square miles, and when projected inland also provides essential protection for forces ashore and the carrier based strike aircraft supporting those forces.

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Second, I wanted to explain in full what I think is a basic truth—that any money spent on air-to-air missile defense against the Soviet anti-carrier threat will be money down the drain. It will be money diverted not only from important domestic programs, but from other defense programs which could serve our interests better.	This is in consonance with the belief that the U.S. will not engage Soviet Naval Forces except in a nuclear exchange.
Third, the fleet defense emphasis in the F-14 program is symptomatic of a far more pervasive problem in the Navy today. There are many other items in the Navy budget at this time which make no sense at all except in terms of the Soviet anti-carrier threat. Money spent on them may be wanted too. We should keep this in mind as other carrier-related issues keep coming before us.	This was previously discussed in detail and demonstrates once more the thinking that if we had no aircraft carriers Soviet weaponry would not threaten the rest of our naval forces.
But I would like now to make a final caveat. If, despite all the evidence of its futility, we still want to provide air-to-air missile defense of our carriers against the Soviets, we don't need the F-14 to do it. There are other ways which would be equally (in)-effective, far less expensive, and which would not rob us of the first-rate Navy fighter our security may require at this time.	Extensive studies have demonstrated that the F-14/AWG-9/Phoenix weapons system can *effectively* accomplish the assigned missions and that there is not a cheaper system that can approach its performance.
One approach would be to put the Phoenix itself on the A-6 one of the Navy's interdiction aircraft. This option was seriously considered by the Navy during the dying days of the F-111B. It might well have been chosen if so much emphasis had not been placed on the F-111B's own inability to carry the Phoenix and still be a fighter in the attempt to finish it off.	During the late 1950's the A-6 was considered as a Missileer candidate and rejected because of severe limitations of space, payload capacity and performance. It would have taken a complete redesign of the A-6 to make it a reasonable but hardly optimum Missileer. In the mid 1960's various versions of the A-6 were considered as interim back-ups to the F-111B pending the introduction of a new fighter. All A-6 versions that were studied were found to be markedly inferior and less cost effective than even the F-111B.
The A-6 would be similar to, but an improvement over, the old Missileer. It has all the range, loiter and payload capabilities needed in a fleet air defense interceptor. It would be able, in all probability, to loiter longer and to carry even more than the six Phoenix missiles carried by an F-14. The only possible advantage of the F-14 would be the greater acceleration it could provide. It is supersonic, while the A-6 is subsonic, so it would get into its intercept position faster. It is doubtful, however, that this advantage would ever matter. The F-14 itself would have poor acceleration with a full external Phoenix load, poor enough that it is highly doubtful that an F-14 not already on station could be brought to bear in defense against a fast bomber raid. The key to such a defense would be loiter time on station and here the A-6 would get the nod.	The implication that A-6's in the current inventory might be used in the fighter role appears to show a lack of appreciation of the magnitude of the changes involved. The more attractive versions of the airplane in the contractors anti-air warfare study in 1962 incorporated new engines, a larger wing and increased landing strength, in addition to the weapon system changes. New production models would undoubtedly be more economical than modification, even if the suggestion that surplus aircraft existed were true. Most important, the motor for the Phoenix or any missile would have to be greatly enlarged making the missile very large, one of the objections to Eagle-Missileer. The energy imparted to the Phoenix by the F-14 is required to give it the long range and high speed target kill capability.
We already have a great many A-6's. We have been buying them for almost 10 years and 12 of the latest version, the A-6E, are included in this year's budget. The basic cost of an A-6 inframe, without avionics, is under $3 million. We could buy more A-6's for the fleet air defense role. With the AWG-9 avionics system substituted for the avionics now on board, the cost would be about $6-$7 million per plane.	Reconfiguration of the AWG-9 to match the A-6's side-by-side crew arrangement, and redesign and testing of the A-6 to make it usable as a fighter would require $100 M in development funds over a 3-year period. The mixture of A-6 with Phoenix and F-4/Sparrow to replace the F-14 would cost more, take longer, and provide less capability.
Or we could change avionics packages on some of the planes we now have. Another thing the Navy doesn't need is more interdiction aircraft. It already has about twice as many aircraft supporting the interdiction mission as it has fighters aboard its carriers, despite the limited pay-offs of interdiction. This restructuring of its aircraft mix would also solve any deck crowding problems which might result if we were to add both A-6 interceptors and a new fighter to the carrier air group. The real source of the crowding problem in any event is no longer the aircraft deck space available, but an inability to house the large number of maintenance personnel needed to handle the increasingly complex and difficult to maintain expensive new aircraft we like to buy.	The A-6 with Phoenix cannot do the job against high-speed penetrators. First, long-range cruise missiles or supersonic escorts require supersonic intercepts to provide large launch zones which are relatively insensitive to the direction of approach. Second, supersonic bombers would reach their ASM launch point before the subsonic A-6 launched from the CVA could get within missile range. Third, if the escorts chose to dogfight with the interceptor, the A-6 would be no match. Fourth, the A-6 could not be used to escort strike aircraft, so the deck-space required for escorts would not be available.
Another approach would be to rely on the Sparrow missile for fleet air defense. It might actually be better for the job than the Phoenix. I spoke earlier about the performance record of the Sparrow in Vietnam. It should now be noted that Raytheon Corporation, manufacturer of the Sparrow, is at work on a completely new version—the AIM-7F—which hopefully will solve some of its problems. The new version is expected to have fully twice the maximum range of the old, as well as a shorter minimum range to permit use under conditions when the presence of friendly aircraft prevent its stand-off launch. It will be solid state and will fly dormant until activated just prior to launch in an attempt at better reliability (its ability at least to launch and fly). And it is hoped it will have much greater capability against maneuvering or high-speed enemy targets. These points should be kept in mind in comparing the capabilities of the two missiles.	The advanced Sparrow, or AIM-7F, will be superior to the rest of the Sparrow family. It will have greater range and solid state technology has been incorporated to assure greater reliability. It should be noted that the F-4J will remain in the Navy's inventory for a number of years. Development and introduction of the AIM-7F is a part of the evolutionary process conceived to improve the F-4J's capability to counter the Soviet threat. But the Sparrow cannot provide an acceptable kill probability against high altitude-high speed raids or air-to-surface and surface-to-surface threats to ships at sea.
	As has been previously stated, targets can be expected to use violent maneuvers in an attempt to escape air-to-air guided missiles. These tactics have proven to be effective against the SA-2 Russian surface-to-air missiles and the older U.S. air-to-air missiles that are maneuver limited and have exceptionally small launch zones (such as the AIM-9B/Sidewinder). The Phoenix missile has benefited from the experience in Southeast Asia by being provided with a large launch zone, quicker response to target maneuvers, and a modern fuse with a large warhead. Recent studies by the Navy and contractor demonstrate that these capabilities provide the Phoenix with the ability to counter evasive target maneuvers up to 8g's at twice the range as that of the advanced Sparrow (AIM-7F). This superiority results from the higher energy in the Phoenix at intercept, the more efficient

SENATOR PROXMIRE'S SENATE SPEECH, SEPTEMBER 14, 1971—Continued

ISSUE	COMMENT
The Phoenix would appear to have two advantages. The first is its significantly longer range. This advantage is greatly minimized, however, by the fact that the Phoenix has poor capability against maneuvering targets, especially over those stretches of its range which are beyond the maximum of the new Sparrow.	tail control design that conserves energy during missile maneuvers, a larger warhead, and a unique fuse design. An important factor to the evasive target maneuver tactic is the question of how will the enemy know when to commence evasive action against the Phoenix missile? When the Phoenix missile is launched in a track-while-scan mode, the AWG-9 radar does not stop its scan to illuminate the target, but continues to illuminate all the targets in the enemy formation. Success in F-14 mission can be achieved by not only killing targets, but causing them to waste fuel and range by conducting unnecessary and wasteful evasive maneuvers. While doing this, they can't launch missiles or reach their targets. The AWG-9 digital computer aids in the solution of the maneuvering target problem by providing steering signals and accurate launch zone displays to optimize the probability of launching inside the missile's envelope even in a maneuvering environment.
The Phoenix also has a simultaneous multiple-shot capability which the new Sparrow lacks. But here too the advantage may be small. The AWG-9 fire control system, by the Navy's own admission, cannot Launch six Phoenix missiles at sufficient speed that six might be simultaneously in the air. And even this has never been demonstrated.	In actual AWG-9 evaluation tests conducted in September 1971 on the Pacific Missile Range tracks were maintained and displayed on 12 airborne targets simultaneously in the track-while-scan mode. The targets were divided into three groups approaching from three different directions at different speeds and altitudes. Four different types of aircraft were used in the raid. Attackable targets are assigned a launch priority by the Weapons Control System computer for all the missiles aboard. The computer will select the targets with the closest range and highest closing rate to be launched against first. The operator may override this assignment and designate any target as "next launch." He could, however, launch six missiles at targets sequenced entirely by the computer regardless of how many additional tracks are displayed on the radar scope or maintained by the computer. Optimum resource utilization and funding limitations require that evaluation and acceptance of the Phoenix missile for Fleet use be a responsible combination and correlation/extrapolation of live tests, laboratory tests, and sophisticated simulations. Testing to date has shown a three-on-three capability, by the launch of two missiles and the pseudo launch of a third. This exactly tests the AWG-9 and missile capability for three-on-three, since additional targets only load the AWG-9, as was done in the test. Each missile in flight is guiding to its own target and is independent of other missiles in flight at the same time. Extensive analytical simulations, the parameters of which have been demonstrated by test, satisfactorily verify six-on-six capability. To date, all system modes of the Phoenix missile have been demonstrated and individual missiles have been assigned to a wide variety of target conditions and encounters. Committing six R&D missiles to a previously verified condition was not considered cost effective. Actual testing of the six-on-six capability will be performed with pilot production missiles to reduce costs and confirm design and will be conducted in a Navy test. The dual launch record is as follows. Six missions have been conducted, with two considered as "no tests" as a result of failures not associated with the Phoenix missile. The remaining four missions were successful or partially so. None of the failures was a result of two missiles guiding simultaneously. In no way do the failures cast doubt on the multiple-launch capability of the system. Of the eight missiles fired under dual launch conditions five have guided to a successful intercept, a 62.5% success ratio.
Moreover, a simultaneous multiple-shot capability is more a function of an aircraft's fire control system than a function of the missile itself. And AWG-10 contractor, Westinghouse, has already completed Navy-funded design studies of new F-4 fire control systems designed to accommodate the new Sparrow. One design would replace the present AWG-10 analog system with a more reliable digital version, the AWG-14. Another would simply give the present AWG-10 system a simultaneous multiple-shot capability.	Simultaneous multiple-shot is considered impossible largely because the crew can only commit one missile for each pull at the trigger. The radar and missile contractor could develop a two Sparrow near simultaneous launch capability but it would be very costly and would not appreciably improve the present Sparrow capability and certainly could not approach the F-14/AWG-9/Phoenix six-on-six capability. The design referred to was not conceived to accommodate the new Sparrow, but rather it advances the state-of-the-art in computer technology by replacing analog with digital processing. This would improve the "dogfight" capability of the F-4J by better displaying the envelope of the Sparrow, whether AIM-7E2 or AIM-7F, in "real time." Increased reliability is also inherent in the design. Although the Navy is investigating the digital version for the F-4J, it has yet to make a decision on incorporation of the system. The AWG-9 already contains both the improvements in reliability and the digital computer.
Range and simultaneous shot capability aside, the advantages would lie with the Sparrow. It would be more maneuverable over its range. It would not have to be dropped into the ocean if a dogfight developed, but could be used in theory as a dogfight weapon. And it would cost only one-fourth as much, so we could afford to buy a few more.	All of the issues mentioned have been commented on previously.
The new Sparrow could be carried on either of two planes. As indicated, there are new F-4 fire control systems which could handle it. And it is already earmarked for use on the F-15, which might well be adaptable for carrier use.	The new Sparrow (AIM-7F) can be carried on the present F-4J, the F-14, and the F-15, without regard for new fire control systems; although the F-15 will have a new fire control system. As has been repeatedly stated, the F-14 with the AWG-9/Phoenix is the only aircraft either in being or under development which can meet the Navy's needs.
These, then, are clear alternatives to fleet air defense against the Soviets. I do not mean to endorse them. I have already made clear my basic feelings in this regard. But they are available and if we want an anti-Soviet fleet air defense system, we don't need the F-14 to get it. In fact, these alternatives have three clear cut advantages over the F-14, in addition to costing far less.	The achievement of long-term air superiority requires the proper combination of system performance in order to provide tactical options to meet the changing environment. The balance achieved in the F-14 between performance, system integration, and a two-man crew provides superior performance plus a long-range, stand-off missile capability. A two-man crew provides tactical flexibility in a

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ISSUE	COMMENT
	variable ECM environment. The F-14A utilizes the TF-30-P-412 engine, the most advanced engine that has been developed to date. The AWG-9 is the most advanced and versatile fire control system being developed in the free world, and to our knowledge in the Communist world as well. Minimum weight is achieved through the structural arrangement and use of newest state-of-the-art materials. The F-14 will maintain long term air superiority capability through easily achievable evolutionary changes. While pure airplane performance might be increased by sacrificing carrier suitability, strength or other features, the F-14 is the best performing air superiority fighter that can be developed at this time to meet overall Navy requirements.
To the extent timing were considered critical, it should be noted that both the A-6/Phoenix and F-4/2 Sparrow alternatives could be deployed ahead of the present schedule for the F-14. More important, if we were reasonable, these alternatives would give us an opportunity to conduct realistic operational tests of both the Phoenix and the new Sparrow before billions of dollars were committed on the missiles themselves or on any plane designed to use them. The F-14 alternative simply won't permit this, tied as it is to a hopelessly concurrent contract schedule.	An A-6 capable of employing Phoenix has been fully investigated by the Navy. With modifications an A-6 could be adapted to a 4 Phoenix system, but would take 3 years from go ahead and would not have the performance required to launch Phoenix at the long range required to counter the high speed high altitude threat. Phoenix tests to date have been conducted under extremely realistic, demanding operating conditions and have duplicated many of the situations that the missile will be expected to encounter.
And I am convinced that realistic operational tests would only confirm what I have suggested here—that the Phoenix could be easily outmaneuvered and hopelessly countermeasured, while proving totally unreliable in the field.	The Phoenix R&D program has been extremely successful. To date 27 of 42 development missiles have guided to either direct hits or lethal near misses. These include hits by one missile fired at a range of 78 miles, two missiles fired only seconds apart and guided simultaneously at two targets with 10 miles separation, one missile fired in the active mode for the "close-in" situation and a look-down missile at a small low flying target simulating a cruise missile. The Phoenix to date has demonstrated every design performance requirement. In addition Phoenix will have the ability to counter a target maneuvering at 8 "G" at twice the range of the new Sparrow. We have not been able to countermeasure the Phoenix effectively ourselves and we *know* the missile.
Nor am I very sanguine about the prospects of the new Sparrow. It was originally expected to enter production this year, but it has encountered sufficient disasters even in its artificial engineering test program to be kept in development for more debugging. It is also certain to cost at least $100,000 per missile—much less than the Phoenix, but more than twice as much as the old Sparrow.	The new Sparrow AIM-7F should prove to be highly reliable with its solid state circuitry and improved fusing and will be compatible with the F-4J. The missile was returned to R&D because it was not ready for production. When it proves ready for production it will be bought. The present schedule calls for fleet introduction in September 1974. Fly away costs will be $60,000 per missile. The Sparrow AIM-7E2 will remain the primary weapon on the F-4J until that time.
Most important of all, these alternatives would not rob us of the new air superiority fighter the Navy and our security may badly need. That's my subject for next time. I'll try to prove in a few days that the F-14 costs the most yet has the poorest performance of all the fighter options that we have.	F-14 costs are a result of our economy and advanced technology required to counter the threat. The airplane has been designed to counter the extremely complex threat posed at the extremes of the altitude, speed and ranges of modern airplanes. As has been explained no other airplane possesses even a minimum acceptable capability.

ORDER OF BUSINESS

Mr. TALMADGE obtained the floor.

Mr. NELSON. Mr. President, will the Senator yield for 10 seconds in order that I may make a unanimous-consent request?

Mr. TALMADGE. I yield to the Senator from Wisconsin provided I do not lose my right to the floor.

ORDER TO PRINT S. 2007, ECONOMIC OPPORTUNITY AMENDMENTS OF 1971, AS PASSED BY THE SENATE

Mr. NELSON. Mr. President, I ask unanimous consent that the Economic Opportunity Amendments of 1971, S. 2007, which was passed by the Senate on September 9, 1971, be printed as passed by the Senate.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. TALMADGE. Mr. President, as the distinguished chairman of the Armed Services Committee knows, by June of 1973, Lockheed will complete production and delivery of all C-130's to be built under existing contracts with the U.S. Government and friendly foreign nations.

Lockheed expects that in 1972 foreign countries will place additional C-130 orders. However, because the leadtime for ordering basic material and components is approximately 22 months from the time that orders are placed, production of these aircraft could probably not begin until 1974. Therefore, there will be a period of several months during which Lockheed's C-130 operations will be idle.

Since neither Lockheed nor any other company could suspend a production line of this magnitude for such a period of time, the company would be forced to completely shut down the C-130 production.

This would pose serious problems in terms of national security and employment in my State. We already know that U.S. Government C-130 requirements extend through fiscal year 1976 and that no replacement for the C-130, the only aircraft we have which is capable of operating in a tactical airlift role, is planned for at least 10 years. Obviously, a source must be continued to satisfy future needs for both new aircraft and maintenance of the more than 1,200 C-130's now in operation throughout the world.

Furthermore, a shutdown of operations at Air Force plant No. 6 would throw some 3,600 Georgians out of work in an area in which unemployment has already reached serious proportions.

For these reasons, a shutdown of the production line at Air Force plant No. 6 would be, at the very least, unfortunate. Unless, however, the U.S. Government takes positive action to procure 15 C-130's in fiscal year 1972, production of this airplane cannot be sustained beyond June of 1973.

As the distinguished chairman knows, the other body authorized the procurement of 15 C-130's but this item was deleted by the committee. For the reason of keeping 3,600 Georgians employed, and for the reason that it will be in the interest of this country's security that new aircraft and replacement and component parts for that aircraft be readily available to our Government and friendly foreign countries, I hope that my friend, the distinguished chairman of the Armed Services Committee and other Senate conferees will give this matter very careful consideration when they go to conference with Members of the other body.

Mr. STENNIS. Mr. President, in response to the statement and inquiry of the Senator from Georgia, I can readily assure him that we will give special consideration to this item in the conference, as he has stated, and also any effects along the line the Senator has mentioned that differ from what they were when we passed on the matter. I remember clearly that the question did come up about an order from a foreign country and the question about the line being kept open. So we will go into this item and we will give it consideration.

Mr. TALMADGE. I appreciate the assurance of the chairman of the Armed Services Committee to give serious consideration to it. Since the leadtime for ordering component parts for new aircraft is about 22 months, I think the chairman and the conferees will agree it is vital to keep the production line going and not let it be completely shutdown.

Mr. STENNIS. The Senator certainly has a valid point, and we will look into it.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, near the close of business yesterday, the Senator from Wisconsin (Mr. Proxmire) and I became engaged in a colloquy relative to the F–14, the new Navy fighter. During the course of that discussion the Senator from Wisconsin referred to a paper from the Pentagon which stated that with leading edge flaps, the F–4 would be a superior airplane to the F–14.

That interested me, because I am interested in the F–4 and the F–14. I finally found what I think is the paper he referred to. It is a report made in October 1969, by the Naval Air Test Center, "Final Report, Military Evaluation of the F–4 Wing Leading Edge Slats."

I dislike to clutter up the Record with technical data, but because there is going to be an argument about the F–14 and its deficiencies and importance, I would like to discuss the conclusions very briefly by reading from them:

Conclusions

General

64. The installation of the wing leading edge slats has significantly improved the maneuvering capability of the F–4 airplane.

65. Longitudinal stability when compared to that of the basic F–4 airplane has been degraded throughout the flight envelope tested.

They are the general conclusions. Here are the specific conclusions:

Specific

66. Airplane performance was improved over that of the basic F–4 airplane in that:

a. Lift limited turning performance was significantly improved (paragraphs 50, 51, and 61).

b. Maximum A/B thrust limited turning performance was improved throughout the flight envelope tested (paragraph 47).

c. Onset buffet occurred 5–6 units AOA higher than the basic F–4 (paragraphs 38 and 60).

d. Excess thrust characteristics were improved at angeles-of-attack above 10 units (paragraph 44).

67. Stall characteristics were improved over those of the basic F–4 airplane in that:

a. Onset buffet occurred at 17–18 units AOA with flaps up (paragraph 36).

b. Buffet intensity was reduced throughout the flight envelope tested (paragraph 33).

c. Artificial stall warning (rudder pedal shaker) was more effective (paragraph 38).

d. Directional stability was apparently increased at high angle-of-attack (paragraph 29).

68. Tracking capability was improved over that of the basic F–4 airplane (paragraph 60).

69. The test airplane was less susceptible to loss of control than the basic F–4 (paragraphs 29, 36, and 62).

70. The static longitudinal stability characteristics of the test airplane (configured with the prototype slat installation) in approach configurations preclude mission accomplishment with a satisfactory degree of safety (paragraph 19).

71. The maneuvering longitudinal stability characteristics preclude mission accomplishment with a satisfactory degree of effectiveness (paragraph 23).

72. Approach airspeeds were essentially unchanged from those of the basic F–4 airplane (paragraph 53).

73. The stall margin of the J79–GE–17 engines was inadequate for satisfactory engine operation during low airspeed, high altitude, high angle-of-attack flight (paragraph 57).

One conclusion was reached that the Navy disagrees with respect to the air speed being changed from the basic F–4 airplane. These tests were held on land. None of the tests were made over water or made of the carrier takeoff or carrier landing. The very fact is that the addition of these slats can, for maneuvering purposes, with the three-position flap control from the cockpit, add 1,000 pounds of weight, which would add dangerously to the weight with respect to the speed of the airplane on final approach, so that the Navy does not feel the carriers could safely handle them.

As I have said, this study was made back in 1969. The F–14 has come into being since that time. The conclusions had been reached by the Navy already in its limited test flying. It must be remembered that the first test aircraft crashed, and they had about 10 hours on the air frame on the second aircraft, but the F–14 is a better airplane in all instances except one. Let me read:

The F–14A has significantly better dogfight performance than any F–4 version, even in the slow-speed turning arena:

40% better in Turn radius.
21% better in Sustained "G".
21% better in Acceleration.
20% better in Rate of Climb.
21% better in Roll performance.

I know the hour is late, and I do not want to detain the Senate with a lot of aeronautical jargon, so I ask unanimous consent that the full opinion of the Navy on the comparison of the F–14A with the F–4J be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Slatted F–4J vs. F–14A

The story of the Slatted F–4 is an interesting one. Both the Navy F–4J and the Air Force F–4E are deficient in a slow speed turning dogfight. This has required specific tactical restrictions when fighting the MIG 17 and 21. By bolting on a slat to the leading edge of the F–4 for evaluation purposes, the slow speed turning capability of an F–4E's performance was improved in the slow speed arena.

To produce a technically feasible slat installation for the Air Force and German F–4, a two-position slat (either "in" or "out") is being developed. That two-position slat installation will not permit safe carrier landings for the Navy F–4J where landing speeds are critical. A three-position slat is required for the Navy F–4J. That minimum installation is not the "simple addition" of a slat. It is essentially a new wing. The installation of a slatted wing for the carrier F–4J is costly and adds slightly more than 1000 lbs, half a ton, to the overall non-payload weight of the airplane.

The only performance area where the slatted F–4J is better is in a slow-speed turning fight. In all other mission areas it is degrading to performance in a thousand pounds degrading.

The F–14A has significantly better dogfight performance than any F–4 version, even in the slow-speed turning arena:

40% better in Turn radius.
21% better in Sustained "G".
21% better in Acceleration.
20% better in Rate of Climb.
21% better in Roll performance.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a letter written by the Deputy Secretary of Defense, Mr. Packard, to Senator Proxmire on this problem be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Deputy Secretary of Defense,
Washington, D.C., September 3, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you for your August 9th letter on the F–14 aircraft program. The interest and concern of the Congress in the acquisition of the F–14 weapon system is appreciated. As a result of speculation regarding possible cost growth in the F–14 this program has been subjected to a very careful and thorough review by the Department of the Navy, by the Defense Systems Acquisition Review Council, which is my management group that addresses these problems, and by myself. In addition, I testified before the Senate Armed Services Committee on July 14th in depth concerning the concept and progress of the F–14 in an effort to insure that they and, in turn, the entire Congress are fully informed and satisfied on all facets of the program.

In responding to your specific inquiries, I feel that it would be convenient to refer directly to the numerical listing in which your questions were stated:

1. As you have stated, the Senate Armed Services Committee restored all F–14 procurement funds on a basis that 48 production aircraft would be purchased with Fiscal Year 1972 funds. I have been provided assurance by the Grumman Aerospace Corporation that they will build 48 F–14A aircraft for the Lot IV contract price.

2. It is hoped that final necessary Congressional action to permit the discharge of the obligations of the United States Government under its existing contractual arrangements will be completed in timely fashion. The Department of Defense will take such action utilizing the funds made available under the Continuing Resolution as may be necessary to accomplish this and, as in the past, will keep the Congress informed

through the appropriate committees. $232 million is the current estimate of funds required to exercise the Lot IV option with Grumman by October 1st.

3. I am sure you recognize that the matter of termination costs is very involved, and depends on the conditions and timing of the termination. The answer changes as each day goes by; determination of appropriate figures is highly dependent on the time and circumstances under which termination is effected. We do not contemplate the need for any such action, however.

4. Should the Government find it impossible for the Grumman Aerospace Corporation to continue to perform under the existing contract, the Government and Grumman have adequate protection in Public Law 85–804, as implemented by Section 17 of the ASPR Regulations. In this unlikely event, we would assure that the appropriate Committees of the Congress are kept informed.

5a. I do not believe it to be prudent to speculate now on economic forecasts as they relate to the F–14 contract beyond Lot IV. The Navy has initiated a "should-cost" review of the F–14 program which is expected to provide data for a valid assessment of the contractor's costs and assist in reducing these costs if necessary. Also, it will provide a baseline for continuous attention to the costs of this program. These actions will permit us to take appropriate steps should contractor losses appear to imperil the Grumman Corporation in the future.

Any contractor loss that may occur during production of Lot IV aircraft is not projected now to be serious enough to threaten the viability of the Corporation or to warrant renegotiating the Lot IV contract.

b. Although the program has a degree of concurrency, progress in development of the F–14 is satisfactory and I am of the opinion that it is not in the overall best interests of the Government to require renegotiation of the existing contract to reduce that concurrency. The Navy examined this option in great detail and I agree with their findings that retention of the existing contract best protects the Government's interest.

c. The Navy, my own staff and the appropriate Congressional staffs have monitored and will continue to monitor the disbursement and expenditure of all funds appropriated for the F–14; I see no danger that the FY 72 funding will be insufficient for the full purchase of 48 aircraft.

6. I have approved the Navy plan to orient the F–14 program to the A model aircraft. As you know, much of the Advanced Technology Engine is being developed for common use by the Navy F–14 and Air Force F–15. When the development status of the Navy version of this engine and financial considerations warrant, we will consider its introduction into the F–14 program.

7a. Defense Department planning envisages procurement of 301 F–14's at this time. Additional procurement of F–14's will be reviewed at appropriate times in the future.

bi. The alternative of using an improved F–4 was examined very carefully but was ruled out because we cannot put the Phoenix system on the F–4 without getting into a very unsatisfactory design and expensive modification program. Were we to put Phoenix/AWG–9 on the F–4, the resultant heavier modified aircraft would still be greatly outranged, out-accelerated and outclimbed by the F–14A, and we could not have the growth potential available in the improved F–14B engine.

bii. At my direction, adaptation of the F–15 for use on carriers is currently under study by the Navy.

biii. The Navy is in process of identifying future aircraft requirements for the prototype program. If we move in the direction of a light Navy fighter, we would still need to decide on its applicability to the CVA's, sea control ships, or both.

In summary, the Navy F–14 Fighter Program is achieving the goals that were set out three years ago. An advanced Soviet fighter, bomber and missile threat was clearly emerging at that time. Subsequent events have validated the Navy's concern that the Soviets are embarked on an ambitious program to wrest control of the seas from the free world. There is no other U.S. aircraft in inventory or under development which can meet the totality of the Navy's need for sea control and force projection. This is a most important program for the Navy and for the Defense Department as well. I urge your support. You may be sure that the Department will keep the Congress informed of the progress of the F–14 program.

It is hoped that the above information will be of use to you and your staff. The Navy Staff will be pleased to provide any additional details of the F–14 program as you may desire.

Sincerely,

DAVID PACKARD.

Mr. GOLDWATER. Mr. President, I ask unanimous consent, to complete the F–14 presentation today, that the study entitled "F–14 Briefing Notes" be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

F–14 BRIEFING NOTES

1. Contracts Status
2. Advanced Technology Engine Status (F–14B)
3. Flight Test Status
4. Major Problems
5. Aircraft IX Tasks
6. Number of F–14A Aircraft by 1 January 1972

CONTRACTS STATUS

1. Authorization received to date:	
Lot I: F–14A, R.D.T. & E., 6 A/C:	
Funding received	$399.9M
Funding due	1.1M
Supp. funding received	3.7M
Lot II:	
F–14A, 6/AC: Funding received	115.1M
F–14B, R.D.T. & E., 2 A/C:	
Funding received	21.7M
Funding due	7.2M
NAMT: Funding received	14.7M
Support: Funding received	39.8M
Lot III:	
F–14A, 26 A/C: Funding received	224.4M
OFT: Funding received	14.5M
Support: Funding received	36.1M

F–14B STATUS

The F–14B development has had a major schedule slippage because of rescheduling of engine deliveries. The F401 engine encountered fan and compressor efficiency problems. The Pratt & Whitney Aircraft proposed corrective design changes impact the initial engine deliveries as follows:

X401 Ground Test Engine, was June 1971; is October 1972.

Y401 (PFRT) Engine, was March 1972; is December 1972.

F401 (QT) Engine, was February 1973; is September 1973.

By TWX, NAVAIR officially informed Grumman of the above engine delays and requested that by 27 August Grumman submit a revised Flight Test Plan and its associated cost impact.

Two Flight Test Plans are currently being studied, one plan utilizes Aircrafts No. 2 and No. 7 as previously planned and has a BIS in November 1974, while the other plan adds a third test aircraft and has BIS in May 1974. Both of these plans propose first flight of a prototype F–14B in April 1973. The previously proposed testing of a Hybrid F–14B with one TF30 and one X401 engine has been cancelled because now only one X401 engine for ground test purposes will be delivered.

The Grumman F–14B development effort has been drastically reduced in view of the engine delay. Anticipated August corporate F–14B manpower expenditure will be approximately 90 men as compared to a previously anticipated budget of 347 men.

Production of Aircraft No. 7 as an F–14B has been halted and the F–14B only parts put in storage. F–14A and B common parts will be utilized on Aircraft No. 11. Production of Aircraft No. 7 will be resumed late next year.

It should be noted that while the Navy is accepting 401 engine delivery delays in order to obtain improved engine performance, the Air Force is proceeding with the existing performance deficient configuration of their F100 and no delivery delays. Consequently, the F–15 first flight date of July 1972 remains unchanged and the first flight of a 401 engine in the F–14 has slipped from September 1971 (Hybrid configuration) to April 1973.

For detailed schedule information refer to memo dated 11 August 1971, J. W. Coursen to M. Pelehach/J. Rees, "Restructured F–14B Program (Based on Revised Engine Delivery Schedule)".

FLIGHT TEST STATUS

Number 2 F–14A has flown 18 flights totaling 36.7 hours with the planned monthly flight rate of 12 hrs./month exceeded. Overall vehicle evaluation is as follows:

Approach Characteristics: Good to excellent. 77 Mirror approaches, 45 with APC. CL at approach alpha as predicted. Problems: High Lift airframe buffet and unsatisfactory stick geometry. At NPE I improvements incorporated.

Engine/Airplane Compatibility: Generally excellent. Mach .75; 40,000 ft. Self clearing, low energy engine stall M .6; 20,000 ft. MCB will eliminate.

Cruise Performance: S. R. Slightly below Spec. (3.5%) using A/C #2. A/C #1X Tests to be production representative.

Flying Qualities: Static and dynamic stability and control parameters agree with predictions and satisfactory in approach and cruise.

Systems: Generally excellent. Problems: Wheel brake controllability and ECS. A/C #1 taxi tests show brake improvement. Changes to ECS on A/C #2 and 1X to be flight tested.

Number 1X F–14A has flown 3 flights totaling 5.5 hours. Highlights of these flights are as follows:

On the second flight, the wings were swept to 45° manually through the central air data computer.

Touch and go landings were performed in actual carrier approach attitudes with outstanding flying qualities. (Old style nose high, banked attitude approaches were made to point of touch down.)

On the third flight, the wings were swept to 68° and maximum speed achieved was M .76.

AREAS OF CONCERN

Areas of concern are categorized as follows: Hydraulics, Overwing Fairing, Tail Clearance, Speed Brakes, Hi-Lift, Stability in Phoenix Configuration.

Hydraulics—Grumman pushed technology with the use of an all titanium pressure and return line hydraulic system. This titanium hydraulic system in the F–14A is 200 lbs. lighter than an all steel hydraulic system used in past fighter designs. In addition, the pump capacities were increased by a factor of two times over the F–111B and about four times over the F4 aircraft. This resulted in smaller diameter tubing (hence less weight) because the hydraulic fluid traveled significantly faster. In addition, because two pumps were used (one per engine) instead of four as on the F4, significantly fewer hydraulic lines crossed the centerline of the aircrafts thereby reducing vulnerability. Another important feature of the F–14A hydraulic system is the use of mechanical fittings (cryofit) which result in a "dry" hydraulic system—a first in Naval Aviation.

After the loss of aircraft No. 1, Grumman changed all one-quarter and three-sixteenths inch lines to steel and increased wall thickness because steel in the small diameters is more forgiving from a production assembly point of view. In addition, lines were rerouted to reduce significant bends and pump cavitation was eliminated. The backup module was redesigned and the pilot was given both manual and automatic control of the backup module in the cockpit.

Subsequent to these design changes and successful flight testing, a "pin hole" leak was discovered in one of the bends in larger diameter titanium pressure lines. This "pin hole" leak was attributed to the quality of the cold drawn titanium tubing, the manner in which it was bent to a radius and subsequent fatigue at the bend under pressure.

Both the NAVPRO and NAVAIR desire an all titanium hydraulic system. In order to get aircraft into the air with the minimum of time and risk, it was decided to use steel in the pressure lines of the flight system, backup module and speed brakes with the standard "leaky" fittings and pre-stress the combined pressure system titanium lines to 1400 psi (over 4 times max. design pressure). The pre-stressing increases the fatigue life of the titanium lines.

All Lot III and subsequent aircrafts will use annealed titanium tubing in all combined and flight pressure lines with mechanical fasteners.

Overwing Fairing—Grumman originally proposed an overwing fairing constructed of titanium and aluminum honeycomb; however, during transonic wind tunnel testing, it became apparent that the proposed design was not inherently stiff enough to counter expected air loads. A "flight test" overwing fairing design was proposed with external siffeners (fences) and tested. Since the loads were not fully known (to be determined from flight test) a conservative weighty design (150 lbs. heavier) was built and successfully operated subsonically. During aircraft 1X testing, airloads will be measured in-flight and the design of the overwing fairing modified thereby saving weight.

Tail Clearance—If the tail clearance angle of the F–14A is compared to past Navy aircraft with and without tail bumpers, it appears that the F–14A is on the "dividing line". The F–14A with DLC stowed and speed brakes extended does not meet the specification tail clearance of 6 in. with a ± 7° pitch attitude variation. The problem is further complicated with DLC in the neutral position, since the pitch attitude penalty is slightly more than 3°.

Only through more flight testing will the actual tail clearances of the F–14A be established with and without DLC engaged. There is evidence that the F–14A will not require DLC in its final configuration due to excellent approach characteristic and handling qualities. Only through *thorough* flight testing will the value of DLC in the F–14A be determined (in the F8, DLC is very useful).

Speed Brakes—The speed brake modification has been incorporated on aircraft 1X and 2 and has been successfully flight tested on aircraft #2. During the design development phase, it was found that the static margin in the 6 Phoenix power approach configuration was negative. By modifying the upper speed brake from a rectangular shape to a "butterfly" shape, the static margin was significantly improved. Although the static margin is still below specification limits, further flight testing in the 6 Phoenix configuration should indicate acceptable levels of stability and trim.

Hi-Lift—A Hi-Lift wind tunnel investigation was undertaken by Grumman to fulfill a NAVAIR desire to improve maximum lift coefficient and reduce angle of attack (thereby increasing tail clearance angle and eliminate potential tail strike). The study was completed successfully and the results submitted to NAVAIR. A pivoted double slotted flap was selected as the most likely flap arrangement since it provided more maximum lift coefficient than the present F–14A pivoted single slotted flap at 3° less angle of attack. The pivoted double slotted flap could use much of the existing hardware of the present F–14A design. However, further flight testing will bear out the necessity of such a flap change.

Stability In Phoenix Configuration—As previously mentioned, the dive brakes were modified to improve the static margin of the F–14A in the 6 Phoenix configuration. The resulting static margin with the new dive brake configuration is still below specification levels; however, further flight testing will indicate satisfactory stability and trim levels. Should these levels appear questionable, a simple-sheet metal tail flap can be added to the non-structural, inboard portion of tail trailing edge to determine the improvement in static margin with 6 Phoenix onboard.

AIRCRAFT 1X

Aircraft 1X will be used to "open" the speed envelope of the F–14A such that at NPE I Navy pilots will be able to fly the F–14A to M=1.8. More specifically its tests will be as follows:

FQP, Flutter
NPE I
Inlet Surveys
NPE II
Stability Augmentation System Failure Modes
Inlet, Autopilot Checkout
Vibration & Acoustics Checkout
Hydraulics Demonstration
NPE III
Separation Testing
A/G Separation Buildups

Tasks cover time period from August, 1971 through May, 1973.

Flight test aircraft by January 1, 1972—A/C and test

2 Low Speed Performance, FQ, Spins
1X Speed Build Up
4 Hughes AWG–9 System
3 Structural
5 Grumman AWG–9 System
6 Missile Separation/Equipment Demo
8 Aero Performance Demonstration
9 Hughes AWG–9 System
10 Carrier Suitability

Mr. GOLDWATER. Mr. President, before I yield the floor, I have been rather amused and intrigued by some of the comments made relative to the B–1 and the North American handling—I might say the North American-Air Force handling—of the B–1 contract, and the progress made.

Mr. President, I have visited many aircraft plants in my life, particularly as a Member of the Senate, to see how programs are going. I have never seen such a well balanced Air Force-management team as the one that is handling the B–1; and, contrary to some of the reports we have heard on this floor, the program is in excellent shape. It is just about at the price level that we thought it would be at this time. It has not had great increases, and we do not expect great increases, in spite of the fact that inflation continues to run a little rampant in this country.

Mr. Barry J. Shillito, the Assistant Secretary of Defense, recently completed a visit to the North American plant in California, and he has submitted a memorandum to Secretary Packard on that visit which I think should be read by Members of the Senate as we prepare to go into debate, which will certainly include another effort to destroy this much needed carry-on bomber.

With this report is a clarification of the funds requirements for the continuing development of this aircraft. I ask unanimous consent that the letter and the funds requirements be printed in the RECORD at this point.

There being no objection, the letter and attachment were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 11, 1971.

Memorandum for Secretary Packard
Subject: North American Rockwell/B–1

As you know, I had the opportunity to spend a little time at North American Rockwell last Wednesday and did briefly cover the B–1 program in the time available. While it is early in the program, it was possible to gain a number of impressions. A few of these are:

Within the next year, about 80% of the Los Angeles Division of North American will be B–1. The balance of the Division's operations will be about 2,000 people.

The Air Force is very deeply involved in the contractor's day-to-day operations—possibly as involved as has ever been the case on a major Defense program. No major decisions as regard this program are made without Air Force awareness and participation, as necessary. The Air Force participates in the weekly program management meetings and all make or buy decisions.

The Air Force has collocated a significant percentage of the SPO in the middle of the contractor's operations.

The management arrangements and type contract, involving complete engagement, have led to a significant decrease in paper, reports, etc. Recurring reports, for example, have been cut from over 300 to under 40.

The percentage of supervisory personnel as related to the total has come down significantly. It presently is 6.5% of the total. This includes the company's program management personnel.

One of the most interesting things deals with the average monthly salaries to members of the technical staff. In today's environment, this has been hard to maintain at a level rate, let alone cut.

However, due to significant cutbacks that North American has had, plus the availability of experienced technical people in the area, the average monthly salary for technical staff members has been cut from $1400 to $1183 since the second quarter of 1970.

During July, overhead rates in the Los Angeles Division were cut by over $5 million.

There have been over 100 engineering changes to date. This is not abnormal for a program of this size. The thing that is abnormal, however, is that the time for processing these changes has been cut in half. It is also abnormal to note that only 6 of these changes have not been definitized. To me, this was very impressive and results from the constant contractor—Air Force involvement in managing the program.

The mock-up is progressing well and appears to be about 6 weeks from completion.

The first award fee review of North American was recently completed. Conceivably, having visited the company shortly after this review improves one's impression in that this review was undoubtedly a very thorough candid assessment of the operations. The company and the Air Force appear to have significantly benefited from this.

The only problem that warrants mentioning is the fact that the company is aware of the need to stay on top of the aircraft weight situation. This was mentioned in briefings and informally by a few of the company officials. Their cognizance of this at this stage of the program is, in itself, healthy. A point that warrants recognizing is that with the constant day-to-day Air Force-company involvement, we must concern ourselves with assisting the SPO in minimizing the number of additional major group reviews that take place as regard this program. Each of these reviews is time-consuming and costly. Twenty-one have been conducted to date. Attached for your information is a summary recap as to the 1972 fund requirements (versus the '73 fund requirements) and how these funds will be distributed.

(S) BARRY J. SHILLITO.

FUNDS REQUIREMENTS

[In millions]

North American Rockwell, LAD	$265.3
Wind tunnel	13.0
Engineering design	63.3
Test specimens	59.0
Verification testing	46.0
Tool design and fabrication	35.5
Subsystems development	48.5
Air vehicle fabrication	------
General Electric: Engines	80.7
Other Government costs	24.3
Total	370.3

Mr. GOLDWATER. Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, it seems likely that an effort will be made to override what the Senate did yesterday in regard to the chrome amendment to the military procurement bill. The distinguished chairman of the Committee on Foreign Relations has indicated that he will present legislation to knock out of the military procurement bill section 503.

That section is simple and clearcut. What the section says is that the President of the United States may not prohibit the importation of a strategic material from a free world country if the same material is being imported from a Communist-dominated country.

The Senate yesterday debated that matter at considerable length. The roll was called, and the Senate, by a vote of 46 to 36, sustained the position of the Committee on Armed Services. That position, Mr. President, is that it is not logical for the United States to be dependent on Communist Russia for a strategic material.

I want to say I am rather pleased that the chairman of the Committee on Foreign Relations does plan to open up this subject again, because I think the more the American people can understand what is being done to them, the more likely the people will be to support the position of the Senate Committee on Armed Services.

It was 5 years ago, Mr. President, that the President of the United States, by unilateral action, decreed that Americans could not trade with Rhodesia. A complete embargo was put on trade between the United States and Rhodesia. During that 5-year period, it was not until yesterday that a vote was taken in either House of Congress in connection with this vital matter.

The action of the President of the United States was a unilateral action on his part. Congress did not participate in it. I am sorry the chairman of the Committee on Foreign Relations is not present at the moment, because I was under the impression that he, probably foremost among Members of the Senate, was anxious that the Senate take back some of the power that it has given to the President of the United States in the past.

I think it is high time that Congress express itself on the issue of this unilateral action taken by the President 5 years ago.

Mr. President, a short while ago, in this Chamber, the chairman of the Committee on Foreign Relations said that he wanted to open the question up as a favor to the administration, because the administration does not approve of section 503, which the Committee on Armed Services wrote into the military procurement bill.

Those who have been interested in section 503, those who have been active in its behalf, with specific reference to the chairman of the Committee on Armed Services, the Senator from Mississippi, the Senator from Nevada (Mr. CANNON), the Senator from Texas (Mr. BENTSEN), and the Senator from Virginia—all of us have stayed on this floor and plan to stay on this floor day after day after day until this military procurement bill is disposed of, in order to help the administration on these vital defense matters, to help the administration obtain approval of this $21 billion military authorization bill.

We are doing that because we think it is in the best interests of the Nation, and we are also doing it as a service, to help the administration. So I would certainly hope, as one who has agreed, together with the distinguished chairman of the committee, to spend hour after hour on this floor in regard to this military appropriation bill, that the administration will not now come down here and try to sabotage us on a very vital and important section of this procurement measure.

Yes, the chairman of the Committee on Foreign Relations says he is doing this as a favor.

He wants to knock out this section as a favor to this administration.

Mr. President, the Senator from Mississippi, the Senator from Virginia, the Senator from Texas, the Senator from Nevada, and other Senators on that committee are devoting hours and days to fighting the battle of the administration for these military appropriations, which we consider essential if we are to have a strong national defense.

I feel it rather unusual, shall we say—I might think of a different word to use in a moment—that the administration or part of that administration comes down here in an effort to sabotage our efforts. It is no fun to stay here in the Senate day after day and hour after hour. I have the honor to represent 5 million people in the State of Virginia. I like to get out and see those people sometimes. Being close to Virginia, dozens and dozens and dozens of people come to my office all the time, and I want to see them. Being close to Virginia, the phone calls that come into my office are numerous, and I want to talk with as many people as I can.

So I am not anxious to stay on the floor all the time and look after the administration's military defense appropriation measures. I am willing to do it. But I do not think very kindly about having the same administration come down here and attempt to sabotage the vast majority of the Committee on Armed Services on a vitally important part of this military procurement bill.

Here we are, Mr. President, being asked by the Government, by the executive branch, to appropriate $21 billion for new weaponry. The matter was considered by the Committee on Armed Services, and a reduced sum was requested. The request was more than $21 billion. We made some economies in it which we felt could be made without jeopardizing national defense, but the bill now before the Senate totals $21 billion.

To me, it is completely illogical to vote $21 billion of the taxpayers' money and then continue our policy of being dependent on Communist Russia for a vital war material—a vital material necessary for nuclear submarines, for jet aircraft, and for many other items of military necessity.

The chairman of the Committee on Foreign Relations has made the assertion that the inclusion of section 503 is detrimental to the United Nations and that that is the purpose of it. I want to say that, so far as the Senator from Virginia is concerned, that is not the purpose of this proposal. The purpose of this proposal is to attempt to protect the United States in regard to a vital defense matter. I think the time has come to give more consideration to the United States.

I feel rather keenly toward the United Nations. I came back from the Pacific in World War II, in 1945, on the same day that the United Nations was organized; so, over the years I have felt a sort of rapport with that organization. I had hoped that here was a world organization created to maintain peace, so that persons like myself would not be called upon to go overseas to fight in future years. So I had been a supporter of the United Nations.

I must say that it is not exactly the same United Nations now that it was 26 years ago. When it was organized, there were 51 members, all with a long history of self-government of one type or another. They were established nations. Today, we have 126 nations in that world organization, many of which are new nations and have not gained the experience and have not had the opportunity to learn the art of government.

Be that as it may, throughout the years, the Senator from Virginia has been a supporter of this world organization. So it certainly is not the purpose in any way to be detrimental to the United Nations.

I think that the primary concern of a U.S. Senator should be for the United States itself.

I think it is highly desirable that the Senator from Arkansas, the chairman of the Committee on Foreign Relations, intends to present proposed legislation—which he can do at any time—to amend the military procurement bill in regard to section 503. I think the more debate we can have on this matter, the better off the country will be. So I look forward to additional debate on this subject. Many extraneous issues will be brought into it, which I think is not too desirable; but, be that as it may, that cannot be helped.

I was pleased yesterday, in showing how widespread the support is for this proposal—which was written into the bill by the Armed Services Committee—to insert in the RECORD a very significant telegram from the head of the steelworkers' union in Pennsylvania, saying that unless this amendment is kept in the bill, unless this proposal is enacted into law, the specialty steel industry, as he expressed it, in Pennsylvania and throughout the United States will no longer exist.

What is going to happen to the jobs of those people? We need jobs in this country. We have unemployment. With the tremendous price that the Soviet Union now requires us to pay for chrome coming into this country, it is far more difficult for our domestic industry to be competitive, and we are losing markets. As the director of district 19 of the United Steelworkers stated in his telegram yesterday, unless something is done about it, the specialty steel industry in Pennsylvania and throughout the United States will go under. That is just one of the many ramifications.

Yes, I think it is desirable and nice to give consideration to the attitude and views of the United Nations. But I think the No. 1 problem in regard to military defense is what is in the best interests of the United States. That is what the Senate should give foremost consideration to, in my judgment.

Thus, Mr. President, I welcome further discussion of this matter and assume that the chairman of the Committee on Foreign Relations will, in due course, present an amendment to the procurement bill which will lead to further discussion.

SCHOOL BUSING

Mr. BYRD of Virginia. Mr. President, I was most interested to read the Philadelphia Inquirer today. Under date of today, September 24, the newspaper quotes the Republican candidate for mayor of that city—I happened to meet him some years ago, although I have not seen him in years, but he impressed me very well at the time—that if he is elected mayor:

> There will be no busing to achieve racial integration while I'm Mayor of Philadelphia. Black parents don't want it. White parents don't want it. We'll spend that money to teach the kids how to read and write properly.

That is what Mr. Thacher Longstreth, candidate for mayor in the city of Philadelphia said.

Now, Mr. President, to my mind, that further dramatizes that the question of compulsory busing to achieve racial balance is not a regional question or a Southern question. It is not a black question. It is not a white question. It is a question of sound commonsense.

Philadelphia is not a southern city. It has a substantial black population, but it is not a southern city in any sense of the word. It is a northern-eastern city. Yet in that city, the candidate for mayor says, that if they elect him mayor, there will be no busing of school children for the purpose of creating artificial racial balance, that black parents do not want it, that white parents do not want it, and let us use that money to teach the kids how to read and write properly.

Mr. President, that is what we should be doing with our educational funds. We should be spending them to teach our children how to read and write, how to do mathematics, how to understand history, the many different cultures in the world, and so forth, and not squander the money on the dubious sociological experiment of taking children from one end of the community to the other, and vice versa, merely for the purpose of creating a so-called racial balance.

Mr. President, I mention this today on the floor of the Senate because, too often, the question of busing is regarded as a Southern question and oriented to the South. However, I think that people everywhere resent such a foolish program. It is highly significant, I think, that in the city of Philadelphia, one of the two candidates for mayor and I think, perhaps—I do not want to state that for the RECORD, because I am not certain, but I think perhaps that the other candidate also said that if he was elected mayor he would not permit the busing of schoolchildren for that purpose.

I hope that the Department of HEW in Washington is beginning to understand that the people of this country are becoming much exercised about the harassment they are being subjected to by officials in the Department of HEW here in Washington, D.C.

I was interested to note the words of President Nixon not long ago, when he came out forthrightly and unequivocally against busing.

I think it is up to Secretary of HEW Richardson to see that the President's orders are carried out in regard to the busing problem. I would like to see him use the words of Ron Ziegler, the President's press secretary, to those officials or persons in the Department of HEW who are not willing to follow the President's program of no busing, and let them either be transferred to other duties or present their services elsewhere.

The President has spoken. These appointees are his appointees. I think that the executive branch, now that the President has spoken, has an obligation to see that the officials in their departments do not go around the country harassing the people and forcing little children to be bused all over communities for the sole purpose of achieving an artificial racial balance.

Mr. President, if they are not willing to do that all over the country, to keep their harassment away from all areas of the country, I certainly want them to keep their harassment away from the State of Virginia anyway. They have been harassing the State of Virginia too much.

Just a couple of days ago, the superintendent of education of the county of Albemarle—Thomas Jefferson's county, whose people still believe in individual liberty and freedom, just as Thomas Jefferson did, who do not like to be pushed around by people from Washington telling them what to do—wrote me a long letter which I am going to place in the RECORD in a few minutes, pointing out how unreasonable the Department of HEW people are, and what kind of demands they are making on that fine county, which borders the city of Charlottesville. Charlottesville is the home of the University of Virginia and Albemarle County surrounds it. It is located in the Piedmont section of the State. There are very few university towns anywhere—if any—that can compare with the charm of that historic community which was long the home of Thomas Jefferson.

Even though it was a long time ago, Thomas Jefferson instilled into the people of Albemarle County, as well as the people of the State of Virginia generally, a spirit of independence, a desire for individual liberty.

Accordingly, I take my stand, along with the school board of Albemarle County and the superintendent of education there, in expressing resentment at the harassment they are being subjected to by officials in the Department of HEW.

I hope that Secretary Richardson—and I want to put into the RECORD in a few minutes a letter I wrote him—will take as his No. 1 priority the cleaning out from his Department those who are going contrary to the President's views on the question of compulsory busing and who, in many cases, are harassing the people of this Nation.

Incidentally, I would much prefer to see Secretary Richardson devote time and attention to that problem than I would see him devote so much time to trying to push so quickly through the Congress a new welfare proposal which proposes to double the number of people on welfare. The proposal lacks work incentives. The costs will be terrific. I think the proposal should be fully aired and fully discussed. There should be ample hearings in the Finance Committee. There should be considerable debate on the floor of the U.S. Senate before this measure is enacted.

It is a program that, once it is put into effect, will be in effect a long time. Instead of having something in the neighborhood of 150,000 or 120,000 people on welfare in a State such as Virginia, Virginia would have some 400,000 people on welfare. And the same would be true throughout the various other States.

When we total the number of people in all of the States, if this new program is enacted, it will just about double the number of people that are presently drawing public assistance.

So instead of pushing this program, I would like to see the Secretary of Health, Education, and Welfare direct his attention to keeping the officials of his Department from harassing the people of our Nation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I am pleased to yield to the distinguished and able Senator from Louisiana, the chairman of the Committee on Finance.

Mr. LONG. Mr. President, I agree with

what the Senator is saying with respect to the harassment of his people, which ought to be brought to an end, and I also agree with what he is saying about pressing for undue haste in the consideration of a program that the Senate Finance Committee has great difficulty in agreeing to because of the prospect of paying out many billions of dollars to people not to work.

Some of us are convinced that if this program were put into effect, in short order the costs would increase to many billions of dollars each year. The Department of HEW told the Finance Committee that Federal welfare costs would total $19 billion if H.R. 1 were enacted. And the cost would rise, because we could not very well defend an income maintenance program that purported to maintain the level of income below the poverty level. Those who are fighting for this program will have to insist that they would like to pay a lot more money. It is only a matter of time before they will raise the guaranteed income level to the so-called poverty level.

Mr. President, I have made a quick calculation that the program would mean that the average man and wife who pay taxes—and there are 70 million taxpayers in the country—would be paying more than $500 a year in taxes just to pay Federal welfare costs.

Mr. President, I submit that we are paying enough money to people not to work now without adding to the tax burden for that purpose. We ought to pay money to people for working and not pay it to them for not working.

Mr. BYRD of Virginia. Mr. President, I agree with the chairman of the Committee on Finance. I want to say that the Senator from Louisiana has done a magnificent job in presenting facts to the public in regard to this proposed new legislation. Incidentally, I have heard a great deal of very fine comment on the speech which the Senator from Louisiana made before the Governors' Conference in San Juan, Puerto Rico. I did not have the privilege of hearing that speech because I was here in Washington. However, I have received very fine comment on that speech from a number of sources.

I think it is so important that the people understand this bill, this gigantic bill, this bill that is so difficult to understand, this complex bill. Sitting in the committee day after day, it is difficult for us to understand. So we can well judge how difficult it must be for the individual citizen to understand.

The Senator from Louisiana is rendering an extremely important service to the people of our country in his speeches in which he points out the various aspects of this gigantic piece of legislation.

Mr. LONG. Mr. President, if the Senator would yield further, there is a parallel between our welfare mess and the education mess. To a large degree, both of them are created down there in the Department of Health, Education, and Welfare.

As the Senator knows, the world knows when people talk about the welfare mess they are talking about the program of Aid to Families with Dependent Children, and to a large degree they are talking about a lot of the ill-advised regulations that are ground out in the Department of Health, Education, and Welfare, such as the requirement that even when a welfare cheater is found ineligible to be on the welfare rolls, the payments must continue until a hearing is held. The Department even wanted to require that a lawyer be made available. And lawyer paid for by the Government. During the period of the appeal, the person is of course drawing welfare benefits to which he is not entitled. After the appeal, after it is established that the person was not entitled to the money, the Government still cannot recoup the taxpayers' money that was fraudulently paid out to begin with.

That is the kind of situation that people think of as part of the welfare mess. As the Senator knows, none of that situation would be corrected in the bill—in fact some of it would be written into law. All of the ineligible people would continue to draw benefits from the taxpayers of this country until after the matter had been appealed, and the taxpayers would have to pay for that appeal. What does that do but provide an incentive for a person to cheat the Government when the Government has to pay for the lawyer and for the appeal and then if the Government succeeds in the case, the person keeps the money he gained by cheating the taxpayers.

Mr. BYRD of Virginia. Mr. President, it is a powerful incentive, it seems to me. As I recall it, when the new welfare bill was first brought in, the proposal was to let someone come down and fill out a form and then be on welfare without any investigation at all.

As I understand it, the committee has been able to force the Department to make a change in that proposal so that they can no longer let people be on welfare by merely signing a piece of new paper if the new legislation is enacted.

Mr. LONG. Mr. President, to show the Senator how idiotic it is, as a deathbed request, we might say, former Secretary Cohen, the day before he left the Department of Health, Education, and Welfare, issued a regulation aimed at ordering every State in the Union to put these welfare applicants on the rolls merely by virtue of the fact that they filled out a form and mailed it in.

Mr. BYRD of Virginia. Does the Senator mean that they did not have to establish any need?

Mr. LONG. They would not have to furnish proof. The welfare agency would simply rely on the applicant's word. The person would fill out a simple form, state he is entitled to the money, and answer a few questions, and the answers might be totally incorrect. So far our evidence is that at least 10 percent of these self-certifications are completely invalid, that the people are not entitled to the payments.

The former Secretary of Health, Education, and Welfare, Mr. Cohen, signed this deathbed regulation aimed at requiring the States to put on the rolls everyone who said he should be entitled to benefits on his own certification, without checking into it.

Now, the Ways and Means Committee of the House has finally seen what the Committee on Finance in the Senate saw. The Committee on Finance in the Senate said that recipients should not be put on the rolls on their own certification; that someone would have to look into the matter to see that the facts are correct.

We said that these self-declarations should not be accepted to place people on welfare. The Ways and Means Committee in the House agreed in that they said the new law should be that these people would be investigated before they are placed on welfare rolls.

So the Ways and Means Committee of the House said it is wrong, the Committee on Finance of the Senate said it is wrong, and HEW agrees to change it. Notwithstanding all that, they are still requiring the States to put people on the welfare rolls on their own certification, even though all the evidence is that any State that does that is going to go broke doing it.

Mr. BYRD of Virginia. And many are.

Mr. LONG. They are loading up the welfare rolls. Even if they do find the people were ineligible, they are required to hold hearings before they can take them off the rolls.

They wanted to require by regulation that the person must be provided with a lawyer for his appeal, on account of his own erroneous statements and that payments must continue until the matter is finally decided, which might be several months or a year later, and in the meantime all this money is received by the person without the person being entitled to a penny of it.

Let some veteran who fought and bled in Vietnam receive 5 cents more than he was entitled to receive and they will sue him and get back every nickel, while at the same time people on the welfare rolls receiving money fraudulently are kept on the welfare rolls even after they are found to be on the welfare rolls fraudulently. It is not required that $1 be recouped even if the whole thing was a fraud from the first day.

Mr. BYRD of Virginia. That is an astonishing thing. I know it is accurate, but it is astonishing that our Government could be operating in such a fashion.

Mr. LONG. It makes one wonder why they do not find a single man in that Department with commonsense, instead of encouraging everyone to load on the welfare rolls, letting them keep the money they received, continuing the payments while the appeal is made, urging that a Government lawyer be provided to prosecute the appeal, paying the lawyer for a case that should not be appealed, and paying the benefits all of the time that the matter is dragged through appeal, even though the person might be worth $100,000 and drawing $10,000 a year and not entitled to the first nickel.

Mr. BYRD of Virginia. Does that not help explain why the Federal Government is $30 billion in arrears?

Mr. LONG. Of course, it does.

Furthermore, to go back to the subject of the harassment the Senator was talking about. If one used commonsense, all he could conclude from the original Brown against Topeka case is that a child is entitled to go to the school nearest his home and that it is discrimination to deny that right.

Now, we are confronted with people contending that children must be bused from here to kingdom come to achieve some sort of racial balance that neither the whites nor the blacks desire. It is the same type of upside down silly thinking in the Department of Health, Education, and Welfare which meets itself coming back that causes so much distress on the part of the people of this country.

Can the Senator explain to me why, when the people who created the welfare mess come in and ask to reform it by making it more of the same, but only twice as expensive, we should pursue that logic instead of taking it away from them and putting it in the hands of someone who knows what he is doing?

Mr. BYRD of Virginia. This new proposal would be not welfare reform, but welfare expansion.

Mr. LONG. Or welfare exaggeration.

Mr. BYRD of Virginia. Yes, or welfare exaggeration. That is a good way to express it. There are 16 members of the committee, and I can only speak for myself. I would hope that the committee would take enough time on this bill. It is not going into effect immediately. The President does not want to put it into effect until 2 years from now. I hope the committee would take enough time so that each member of the committee can fully understand it and so that the Senate and the American people can understand it.

I do not see any reason to rush through the matter if it is not going into effect until July 1973, and the President does not want it before then. I see no particular reason to rush through it to the extent that we do not know the full ramifications of it.

In addition, I understand that HEW wants to push it through right away. Do they want to take priority over the President's economic program? We have much unemployment in this country. The President is trying to get inflation under control. He recommended a new tax package, and he will come up with other recommendations after the 90-day freeze. Do we want to put all that aside for a bill that will not be effective for another 2 years or until 1973?

Mr. LONG. They should call it the welfare explosion bill. That is what it would do. It would explode the number of welfare recipients. If we are going to pass a tax package before we get to that bill to try to provide more opportunities for investments and to create jobs, we would do well to take a careful look to see if in connection with that we could not further expand job opportunities.

For example, I have in mind to give a tax deduction to a working mother so she could hire someone to look after the house while she tries to increase her own job opportunities. Of course, the Senator from Georgia (Mr. Talmadge) has a proposal that we considered last year for a tax credit for employers hiring a welfare recipient and keeping that person at the job for a year. Anything we can do along the line of encouraging work and job opportunities should take precedence over this matter of guaranteeing a $2,400 income for not working.

As the Senator knows, once we start by giving them $2,400 a year plus medicaid, there would not be a single session of Congress before it would be lifted to the so-called poverty level. When they brought in the welfare explosion bill, they apologized that the benefits were so low.

They felt you ought to at least guarantee everybody an income for not working so he would be above the poverty level. If that is put into effect, sooner or later, if we are going to guarantee everybody a minimum standard of living without working, we will have to get him out of poverty. It would be only a matter of time, probably one session of Congress, before we would be forced to vote to guarantee $3,900 for a family. That would not satisfy them.

While we were considering last year's welfare measure, they were shouting "$5,500 or fight. Kill, kill, kill." We will hear those shouts again this year, only this time it will be "$6,500 or fight. Kill, kill, kill."

Once you start yielding to that sort of thing, it is only a matter of time before you have to go beyond that to get them above the so-called poverty level, or redefine "poverty" so that everybody is in poverty unless he is making $6,500, or redefine "prosperity" to mean that unless one is making $12,000, he is not in prosperity and should be brought up to that point.

By the time you get the National Welfare Rights Organization recommendation into effect, guaranteeing everybody, including single people and married couples, a level of benefits up to $6,500 for a family of four, we will have 112 million on the welfare rolls, which is more than 50 percent of the entire population of the country. That is the direction in which we will irretrievably go once we decide that we are going to guarantee everybody a desirable standard of living whether he works or not.

Mr. BYRD of Virginia. When we establish that principle, there is no end to where it leads. Would it not become a political football in each campaign, each candidate trying to outbid the other as to how much to increase the welfare payments?

Mr. LONG. Of course, it will. By the way, if we put that many people on welfare, we will never have 70 million jobs as we have now. People making less than $6,500 will long ago have given up their jobs, because work requires toil and sweat, and receiving the $6,500 would not require one to work.

If we assumed that the labor force would not be diminished—which is an erroneous assumption, in my judgment—by the time we got around to taxing 70 million people who did pay income taxes, we would have to increase every taxpayer's tax by $1,000 if he were single, or $2,000 per family, on the average, which would apply only to those who work.

Mr. BYRD of Virginia. That would be an increase over and above the taxes they are now paying?

Mr. LONG. Yes. An additional $2,000 for a married taxpayer, on the average, and $1,000 for the single taxpayer, on the average.

Mr. BYRD of Virginia. I think many of our wage earners feel they are overtaxed now. This would be a smashing tax increase.

Mr. LONG. The Senator knows that when you have 70 million people on the taking down end, you would not have 70 million taxpayers, because why would you want to put people on welfare at $6,500 and then charge them an income tax on the welfare payment? So, theoretically, those on the taking down end would not be on the putting up end. So it would naturally mean there would be a great reduction in the number of income taxpayers available to pay taxes.

Mr. BYRD of Virginia. The increase which the Senator has mentioned, it seems to me, would be additional reason why the committee should act with some care and take a reasonable amount of time in finding out just how far reaching this proposal is.

The Senator from Louisiana mentioned the question of busing. He was not in the Chamber when I read a short paragraph, but I want to read it, because it is of some significance. This is from the Philadelphia Inquirer of today. It was in a speech made by one of the major candidates for mayor of Philadelphia. Here is what he said:

> There will be no busing to achieve racial integration while I'm Mayor of Philadelphia. Black parents don't want it. White parents don't want it. We'll spend that money to teach the kids how to read and write properly.

It seems to me that that is how funds appropriated for education purposes ought to be used—for education to teach children—and not used for sociological experiments in carting children hither and yon.

It seems to me that it is interesting and significant that this quotation did not come from a southern city or southern political leader, but came from a large northern city, the city of Philadelphia, and presumably, if he is a major candidate for the important office of mayor, he is a man of some consequence. Presumably he is well in tune with the feeling of the people of that city, which, I emphasize is not a southern city. That statement has considerable significance, and I wanted to get it in the Record.

Mr. LONG. I thank the distinguished Senator for bringing this matter to our attention. I fully agree with what he has said here. If he desires to have my remarks appear at the conclusion of his remarks, I shall be glad to ask unanimous consent that they do so.

Mr. BYRD of Virginia. I would like them to come just where they did come. I am grateful to the able and distinguished Senator from Louisiana. I want to say again I think he is rendering this Nation a great service in making these facts known.

Mr. President, I have a few insertions, and then I shall yield the floor.

Mr. President, I ask unanimous consent to insert in the Record at this point a letter from Clarence S. McClure, division superintendent, Department of Education, County of Albemarle, Va. I ask unanimous consent to then insert a letter written by me, dated September 20, to the Secretary of Health, Education, and Welfare, Mr. Richardson, inclosing Mr. McClure's letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF EDUCATION,
Charlottesville, Va., September 10, 1971.

Hon. HARRY BYRD, JR.,
Winchester, Va.

DEAR MR. BYRD: On September 7, 1971, I had occasion to meet with Congressman J. Kenneth Robinson to discuss certain actions of the Department of Health, Education and Welfare which are described below. I thought that you also should be advised of this situation, and the Albemarle County School Board has asked that I request that you take whatever action you deem appropriate in a case such as this.

On July 16, 1971, I received a telephone call from Mr. N. E. King of the Department of Health, Education and Welfare suggesting that according to information programmed in a computer Albemarle County was in violation of the Swann decision unless we submitted a plan for further desegregation of the Albemarle County School System. The specific action that Mr. King said needed to be taken was

(1) improve the black-white ratio of students at the Stone Robinson School,

(2) distribute black teachers in the system evenly among the schools,

(3) accomplish a racial balance at the Yancey School and reduce the number of black teachers in that school.

Apparently Mr. King was using an old report which indicated that Stone Robinson School had sixty percent black and forty percent white. He seemed surprised when I told him that we had added to the Stone Robinson School and to the school district and that our ratio now is more than sixty percent white and less than forty percent black. I also assured him that we had made some progress in redistributing the black teachers we have among the schools and that I was attempting even now to make further changes that would better the distribution. With regard to the Yancey School he indicated that five black teachers in such a small school (fourteen faculty members and approximately 200 students) was not in proper proportion. I informed him that we had three not five black faculty members but at the request of black members of that community we had plans for five blacks for the 1971–72 school year. I also told him that if he thought it necessary I would make an attempt to transfer one of those teachers to Stony Point, the only school in the county which had no black faculty members. The school I refer to here is a very small elementary school which has only seven regular faculty members. We now have one black teacher there. In concluding this conversation with Mr. King I asked that he submit his order for further desegregation to me in writing.

On Saturday, July 24, a letter was delivered to my office from Dr. Eloise Severinson, Regional Civil Rights Director of the Department of Health, Education and Welfare. Since our office is not open on Saturday, this letter was opened on Monday, July 26, 1971, and as you can see by the enclosed copy of that letter, we were instructed to submit a plan to accomplish full compliance with the law no later than July 28. I immediately wrote Dr. Severinson indicating that I was not in a position to submit a plan on such short notice but that I would take the matter up with the School Board as soon as I could get them together. Since we were at the height of the vacation season I decided to call each School Board member that I could contact and tried to get some feeling of how they would respond to the suggestions of HEW. The consensus of this informal poll was that the Board members felt that we have a unitary school system and that busing children from Yancey to Scottsville and from Scottsville to Yancey to achieve racial balance would not improve the education of any children involved. At our next meeting the Board officially affirmed this position. The next communication I had from HEW came as a phone call from Mr. N. E. King, and I told him the position that the School Board had taken and asked what the next step of HEW might be. He responded that he did not know. The only other correspondence that I have had with HEW is a letter dated September 2, 1971, which is attached, indicating that enforcement proceedings have been recommended.

Albemarle County has been making continuous progress over the past six years in reaching the point where today it can be said that we have a unitary school system. Our school district lines have been drawn without racial bias and reflect the makeup of the various communities served by the eighteen schools in Albemarle County. It happens that Yancey School is in the middle of a predominantly black community where a large number of its students live within a radius of one mile of the school. Prior to the involvement of HEW in this matter, the people of Albemarle County were working harmoniously together and making progress in solving our problems. That is not to say that we had no differences between the blacks and the whites. There were differences but the lines of communications were open, the blacks were being heard, and I can say that my office was responding to the grievances expressed by the blacks. Since HEW's involvement, a few black leaders are leading a fight to see that the demands of HEW are met.

I do not believe that the action which the Department of Health, Education and Welfare is taking is in line with the position that President Nixon took recently on the matter of busing.

Thank you for your interest in this matter.

Sincerely,

CLARENCE S. MCCLURE,
Division Superintendent.

SEPTEMBER 20, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

MY DEAR MR. SECRETARY: Enclosed is a letter I recently received from the Superintendent of Education for Albemarle County, Virginia. In this letter, Mr. McClure recites certain recent occurrences in the course of his department's relationship with HEW's Office of Civil Rights.

At the heart of this matter is the demand by your Department that the County of Albemarle undertake further bussing of school children to achieve a mathematical and artificial racial balance. Dr. Eloise Severinson has demanded that the 200-pupil Yancey School be paired with the elementary school at Scottsville, Virginia. In addition, there are other demands which would place an unreasonable hardship on the far flung school system of this county, which has a population of 37,800 spread over an area of 740 square miles.

I am outraged at the tenor of the correspondence between various officials in HEW and the Albemarle School authorities. In particular I refer to the fact that HEW has decided that it alone can rule whether a school system, which is not in any way involved in litigation, is in compliance with a Supreme Court decision—a decision which in fact dealt with the public schools of North Carolina.

Secondly, it is perfectly obvious that the Philadelphia Regional Office was not even in possession of accurate data concerning Albemarle County; in fact the actual racial ratio in one of the schools in question was precisely the opposite from the assumptions of the Regional Office.

Finally, I believe that it is high time that you took positive action and removed Dr. Eloise Severinson from any position from which she can continue to issue meddlesome demands upon the educational system of Virginia. I have communicated with your office in the past on this subject and have indicated to you the overwhelming proof that this lady has far overstepped her legal bounds. Other Congressmen have done the same. Her letter of Thursday, July 22, which demanded by July 28 a plan which would contain voluminous statistical data, is the epitome of bureaucratic arrogance.

Albemarle is not involved in any litigation regarding the operation of its school system, yet according to Mr. McClure's memorandum of September 10, which is attached, Dr. Severinson's assistant, Mr. N. E. King, is attempting to propagate litigation by contacting various citizens of the area.

I invite your attention to this case especially since it both antedates and postdates the President's statement of August 3. In view of the President's statement of August 3, I would assume that the Department of Health, Education and Welfare acknowledges that it does not have the authority to require forced bussing of school children. In addition, responsible personnel in HEW should be aware of the fact that the Congress, has, on three occasions, expressed its disapproval of the whole idea of bussing to achieve racial balance.

Mr. Secretary, this incident, along with recent pressure brought by Dr. Severinson upon the Accomack County, Virginia School Board, convinces me that the President's clear-cut disavowal of the forced bussing concept is being ignored by personnel in the Civil Rights Office of HEW. Only recently, I read that you agreed with the stand of the President; therefore, I would hope that immediate, forthright action is taken to assure that members of your department begin to comply with the directions of their superiors.

Mr. Ronald Ziegler said on August 11: "Those who work within the government are going to be responsive; those who are not responsive will find themselves involved in other assignments or quite possibly in assignments other than the federal government."

Would it not be well to start with Dr. Severinson?

Mr. Secretary, the educational systems of the Commonwealth of Virginia are attempting to cope with an intolerable situation forced upon them by constantly changing and contradictory demands for unitary school systems. I would think that the role of the United States Department of Health, Education and Welfare would be one of assistance and not one of continuous harassment.

I hope that you will take the needed action to insure that this form of harassment is brought to a halt.

Sincerely,

——— ———.

Mr. BYRD of Virginia. Mr. President, finally, I ask unanimous consent that an article by James J Kilpatrick which appeared in the Washington Post of Thursday, September 23, be inserted in the RECORD. This article deals with a speech made by the distinguished majority whip of the Senate, the able Senator from West Virginia (Mr. BYRD), who discusses the problem of public education and, as he always does, he discusses it with clarity and with vision. I think the distinguished whip is one of the finest and able persons with whom I have been associated.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DRASTIC RESPONSE TO A DRASTIC ERROR

(By James J. Kilpatrick)

It has been an exercise in futility, these past 17 years, for a Southerner to raise his voice against any requirement having to do with the desegregation of public schools. He is licked before he starts. It is as if John Roche of General Motors were to expound an objective view of Ralph Nader.

Sen. Robert C. Byrd, though he was born in North Carolina, suffers from no such bill of attainder. He was reared in the Yankee hills of West Virginia. He has devoted his life to public service in that distinctly non-Southern state. Byrd holds a rating of 65 from the AFL–CIO Committee on Political Education, which puts him in a class with such moderates as Mathias of Maryland and Case of New Jersey. He won his post as assistant majority leader with liberal support.

Byrd's speech of Sept. 3 in Houston, before the national convention of Young Americans for Freedom, thus qualifies as the expression of a veteran lawmaker whose personal or political motives cannot be challenged. His devastating attack on what he terms the "madness" of compulsory busing is clear and convincing.

Simply on its merits, apart from the law, mass busing strikes the West Virginian as a "senseless" waste of money. He deplores its effect upon the cities: "When the children are going to be hauled willy-nilly away from their homes and neighborhoods, it lessens the chances for improvement of the inner-city schools which are most in need of improvement."

Far from enhancing "quality education," in Byrd's view, busing tends to destroy education—especially for the black children whose needs are paramount. He sees only "increasing mediocrity in education" as a consequence of the "nonsensical obsession these days with racial quotas." Byrd flatly denies the contention that forced integration will teach children of different races to live in harmony together. "Polarization of the races is intensified when neighborhood and school identities are destroyed."

Byrd is a lawyer. He has steadfastly supported the Supreme Court's landmark decision of 1954, holding that children cannot lawfully be assigned to schools by reason of their race. He continues to defend that proposition. But he looks at the court's recent line of decisions, upholding the busing of children by reason of their race, and he sees a perversion of the 14th Amendment. "What a distorted, twisted interpretation of the equal protection clause!"

In Byrd's view, "the equal protection clause forbids segregation but it does not command integration." That distinction seems to him fundamental. He agrees with the court—the court of 1954—that a state violates the Constitution when it undertakes to treat children differently because of the color of their skin. He is thus baffled by the court's 180-degree turn: Now the states are told they must treat children differently because of the color of their skin. This is lunacy, says Byrd; and many will agree.

What is to be done? "Voices must be raised throughout the country which will move this nation's highest tribunal to the realization that its position . . . is going to impair public support of the public school system and will continue to produce chaos in the public schools." But Byrd acknowledges that the court has been unanimous in its racial opinions. Mere protest, however widespread and eloquent, may accomplish little.

One takes a long breath. Constitutional amendment is like matrimony, not to be entered into lightly. Yet amendment may now offer the only effective recourse. Since his speech in Houston, the assistant majority leader has endorsed a resolution sponsored by Sen. William E. Brock, R.-Tenn., and eight others. It would write this into the Constitution:

"No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school."

That is Senate Joint Resolution 112. It demands prayerful thought. As the "madness" spreads beyond the South, to California, to Michigan, to Indiana, perhaps the Judiciary Committee will hold hearings on the resolution's drastic response to drastic error.

SULFUR SITUATION

Mr. LONG. Mr. President, there continues to be great cause for concern in the condition of the domestic sulfur mining industry. Eight sulfur mines in Louisiana and Texas have been shut down since 1969, hundreds of jobs have been lost, and production has been significantly reduced. Companies producing sulfur as a principal business in this country have been dealt severe injury and they have long since quit exploration for new sources of sulfur.

A year ago, when I introduced a bill—S. 4075 of the 91st Congress—to limit importation of sulfur, I said that unless corrective steps were taken, we would witness the drying up of the domestic sources of sulfur upon which the Nation now relies. That is still the situation and I continue to be very much concerned.

A principal reason for the current sulfur problem has been the pricing policies of western Canadian producers forcing into U.S. markets, which were already fully supplied, large amounts of sulfur recovered from sour natural gas. The volume of these imports is pertinent—an annual rate exceeding 900,000 tons—but more significant is the prices at which the sulfur is being sold. The most recent price I have seen published by the Alberta Oil and Gas Board shows an f.o.b. Alberta price in June 1971 of $7.62 a ton as compared to $38 in June 1968. A study conducted by Arthur D. Little, Inc., and filed with the Tariff Commission shows that this price is actually significantly below the true costs of producing the sulfur. What seems to be happening is that the Canadian producers are in effect subsidizing the sale of sulfur through the high prices they are getting for natural gas. Putting it another way, the United States purchases of Canadian natural gas are making it profitable for Canadian gas and sulfur producers to drive our sulfur industry out of business. Domestic sulfur producers either have to meet the price of the foreign sulfur or lose the customer. It is an intolerable set of circumstances for our sulfur producers and the signs are that it can get a lot worse as Canadian natural gas production—and with it, sulfur production—continues to rise.

Now, the Canadian authorities are not unmindful of this situation and I would like to insert in the RECORD at this point a letter I have received from the Secretary of Commerce, along with the text of an announcement by the Minister of Mines and Minerals of the Province of Alberta:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., August 26, 1971.
Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: As you may recall from my letter to you of July 14, 1971, we have been vigorously exploring possibilities for achieving a more orderly marketing of Canadian sulphur and to this end we have been engaged in discussions with Canadian Government authorities and with representatives of the domestic Frasch sulphur industry. As a result of these and other efforts, the Province of Alberta in Canada has recently moved to curtail sulphur shipments with the aim of bolstering the current sagging market price.

In a policy statement July 22, 1971, the Minister of Mines and Minerals of Alberta outlined an inventory control scheme to go into effect on January 1, 1972. Producers of sour gas sulphur will be issued inventory control guidelines indicating on a monthly or quarterly basis the amount to be added by each producer to existing stockpiles. Depending upon the experience with its guideline control program, the Provincial Government may consider legislation to create a sulphur marketing agency; it is hoped that under this program of regulated inventory control, about one-half of next year's output of approximately 7.5 million long tons will be withheld from the market. Although details of the Albertan policy are still to be finalized, the full text of the Albertan Government policy statement has just become available, a copy of which is enclosed for your information.

As the bulk of the Canadian production is centered in Alberta, it is to be hoped that this unilateral action by that Province will help U.S. Frasch producers who have been facing a growing imbalance in supply versus demand, resulting principally from expanded output of sour gas sulphur.

Sincerely,
(S) MAURICE H. STANS,
Secretary of Commerce.

Enclosure.

ALBERTA GOVERNMENT POLICY STATEMENT ON ALBERTA SULPHUR INDUSTRY

INTRODUCTION

Sulphur in the form of hydrogen sulphide is a commonly occurring constituent of Alberta natural gas. The concentration of hydrogen sulphide varies from trace amounts to over 30 per cent but in all cases it must be removed before the gas can be marketed. If the amount of sulphur in the produced gas is more than a few tons per day, the hydrogen sulphide in addition to being extracted must be converted to sulphur. This is necessary both for conservation and for pollution control reasons. Alberta is an involuntary producer of sulphur—its production is not related to the market demand for sulphur—but is controlled by the nature of our gas reserves and the demand and sales of gas.

During the past two decades, there has been a dramatic rise in the production of sulphur in the Province of Alberta. Production increased from a few thousand long tons per year in the early fifties to some 350,000 long tons in 1960. In the past decade Alberta sulphur production has increased 12-fold, being almost 4.2 million long tons in 1970.

Two factors have led to the substantial growth in Alberta sulphur production. The increase in demand for Alberta gas, primarily in Eastern Canada and the United States, has resulted in many more sulphur extraction plants being built to process additional volumes of gas. Also most recent new gas discoveries have been in the foothills regions of the Province where gas contains more hydrogen sulphide.

Alberta sulphur production will continue to increase rapidly over the coming years with the continued high demand for natural gas and more drilling in the foothills regions. A number of independent forecasts all suggest that sulphur production in Alberta will exceed eight million long tons per year by 1973 or 1974 and will be about 10 million long tons per year by 1976. Nearly all of the forecast production for the early future years is from existing processing plants or plants now under construction so the forecast may be considered highly reliable to 1974 and fairly accurate to 1976.

WORLD DEMAND AND SUPPLY

The major use of sulphur is in the manufacture of sulphuric acid, which in turn is a basic industrial raw material, particularly in the chemical, fertilizer, pulp and paper, and metal industries. For this reason, world consumption has paralleled the industrial growth over the past twenty years. Western world consumption of sulphur in all forms grew from some 11 million long tons per year in 1950 to almost 18 million long tons per year by 1960. The rate of growth has averaged about 5.5 per cent per year over the past decade, resulting in 1970 consumption in excess of 29 million long tons. The consumption of sulphur in the western world is expected to continue its recent history of growth in the coming years.

The total western world demand for sulphur is supplied from several sources. These include sulphur produced from the Frasch mines of the United States and Mexico, sulphur recovered from natural gas, sulphur from pyrites, sulphur from mined ores, and sulphur recovered from pollution abatement programs including the clean-up of gases from smelters and from refineries processing sour crude oils. Alberta sulphur normally does not directly compete in the market with sulphur recovered from pyrites, smelter gas, native ores or sour crude oil. Also sulphur from natural gases in the United States finds its own separate market. Sulphur from all these sources is usually sold locally and recently has amounted to slightly more than 50 per cent of the total western world sulphur demand. This leaves a "net brimstone demand" of less than one half of the total western world sulphur demand to be supplied from United States and Mexican Frasch production, sulphur recovered from natural gas in France, Polish exports to the western world, and sulphur recovered from natural gas in Alberta. The recent history of sulphur marketing from these sources has shown a substantial decline in exports of Frasch sulphur from Mexico and United States and a substantial increase in exports by Alberta and in exports to the western world from Poland.

Problems in forecasting both the total consumption and the production from these many other sources make it difficult to predict the future net brimstone demand and the prospects for marketing Alberta sulphur. These uncertainties result in forecasts of net brimstone demand ranging from ones that show substantial increases to forecasts reflecting decreases. However, since production from other sources, particularly from pollution abatement programs, is expected to grow more rapidly than total consumption over the coming years, the growth in the net brimstone demand in the next few years, if any, is likely to be modest. The forecast which I consider most reasonable indicates a net brimstone demand in 1976 of about 15.6 million long tons compared with the demand of some 13.8 million long tons in 1970.

ALBERTA SALES HISTORY

In the early years of the Alberta sulphur producing industry, Alberta sold most of its sulphur production in Canada, primarily in the west. In the late 1950's Alberta began selling sulphur in the United States and within a few years began shipping sulphur to off-shore markets. Annual sales increased slowly during the 1950's but jumped from about 85,000 long tons in 1959 to some 210,000 long tons in 1960. Sales continued to increase rapidly and approximately one million long tons were sold in 1963. In 1964, the first year of a world sulphur shortage, sales amounted to some 1.5 million tons and substantially exceeded production. This undersupply situation prevailed until about 1967 when annual sales by Alberta producers topped two million tons. In 1968 sales reached some 2.2 million long tons but were much less than the annual production of about 3 million long tons. In 1970 sulphur sales by Alberta producers amounted to about 3.1 million long tons as compared to total Provincial production of 4.2 million long tons.

Inventories built up slowly during the early producing years and by the end of 1958 totalled only some 40,000 long tons. They then increased rapidly and by 1964 amounted to some one million long tons. The inventories were reduced to about 600,000 long tons by the end of 1967. Since then inventories have built up very rapidly, in fact by more than one million long tons per year in 1969 and 1970, and by the end of 1970 were over 3.5 million long tons. It is fortunate that sulphur can be stored at low cost in the open air with practically no deterioration but still inventories or stockpiles represent deferment of sales and therefore a loss of present worth income.

The value of Alberta sulphur sales, FOB the producing plant and on a unit basis, has varied considerably over the years. The value was reasonably constant in the range of $20.00 to $25.00 per long ton in the early years when sales were small and mostly local. In the early 1960's a surplus supply situation, particularly on a local basis, brought about a substantial decline in selling prices resulting in an average plant value of the order of $11.00 per long ton in 1964. The world sulphur shortage of the mid-1960's resulted in large price increases and Alberta plant values reached $35.00 per long ton and higher in 1968. The natural increase in involuntary sulphur production on a worldwide basis, particularly in Alberta, and a further increase in involuntary sulphur production from Frasch mines brought about by the very high prices rapidly reversed the world situation to create one of over-supply by early 1969. Prices decreased rapidly to the point where the average 1970 FOB plant value for Alberta sulphur sales was less than $9.00 per long ton.

As I mentioned earlier, sales of Alberta sulphur were essentially limited to markets within Canada until the late 1950's. Exports to the United States began at that time and grew to volumes in the range of 700,000 to 900,000 long tons per year where they have remained for the past five years. Off-shore shipments became significant in the mid-60's and by 1967 amounted to almost 900,000 long tons per year, over 40 per cent of the total sales of Alberta sulphur. By 1970 the total off-shore sales of Alberta sulphur amounted to some 1,550,000 long tons or about 50 per cent of total sales. Of this amount some 680,000 long tons were sold in Asian markets; about 400,000 long tons went to Europe and about 360,000 long tons were sold in Australia and New Zealand. A total of about 110,000 long tons were sold in other markets in Africa and Central and South America. Alberta sales of sulphur have grown most rapidly over the past couple of years in Europe where sales have increased from some 86,000 long tons in 1968 to about 400,000 long tons in 1970.

Both the total revenue to the plant owners and the royalties to the Alberta Government from sulphur sales have declined substantially in recent years. Total industry revenue FOB plant reached a peak of some 75 million dollars in 1968 and has declined to about 27 million dollars in 1970. This was despite an increase in sulphur production from about 3.0 million long tons to 4.2 million long tons, and an increase in sales from 2.2 million long tons to 3.1 million long tons.

The Alberta Government royalty on the production of sour natural gas is calculated on the value of the gas and other products, including sulphur, after processing. Naturally a decline in the revenue from sulphur sales affects the royalty. It is difficult to segregate the royalty attributable to sulphur but there is no doubt that the decline in sulphur sales revenue from 1968 to 1970 caused a loss in Government royalty of several million dollars.

OUTLOOK

Projections of western world sulphur supply and consumption lead to the conclusion that an over-supply situation is likely to exist for many years into the future. This world over-supply situation is particularly serious to Alberta because, as I mentioned earlier, our production is involuntary and it is expected to increase very rapidly from 4.2 million long tons in 1970 to as much as 10 million long tons by 1976. Accordingly, those sources of supply of the net brimstone demand or which compete for the sulphur markets not supplied from local sources (namely, the United States and Mexican Frasch producers, Poland, and the producers of sulphur from natural gas in France and Alberta) will face increasing competition from each other, and particularly from Alberta. In the absence of any arrangement for the regulation of production and inventories on the part of those producers competing for the net brimstone market, prices will undoubtedly continue the decline of recent years. We cannot forecast this decline with real accuracy but a conservative appraisal of the situation suggests that the average sulphur price in the principal marketing areas could decline even further and by a substantial amount.

The Alberta Government believes that if present marketing practices continued Alberta sulphur producers would be able to continue to market substantial volumes of sulphur in export markets, but only with the previously mentioned downward movement of prices. Projections of individual markets where Alberta competes for sulphur sales lead to the conclusion that Alberta would be able to market over 4 million long tons in 1972 and that sales could grow over 6 million long tons by 1976 under present marketing practices. The increased sales would be accompanied by a reduced price possibly reflecting a netback to the Alberta plants of as little as $3.00 to $5.00 per long ton. The projected sales under present practices would continue to be considerably below forecast production and would result in a tremendous increase in inventories. Projections suggest that sulphur inventories could amount to as much as 25 million long tons by 1976 and would be growing at some 4 million tons per year by that time. Coupled with the further erosion of the dollar netback to Alberta producers and of the royalty to the Alberta Government this is not an attractive outlook.

The lower world price for sulphur and the lower netback to the plant site for Alberta producers would have a most serious impact on the Alberta Government's conservation and environmental control programs administered by the Energy Resources Conservation Board. With respect to conservation, if Alberta sulphur were to be valued at as low as $3.00 to $5.00 per long ton FOB plant site, recovery of sulphur would become economically unattractive in nearly every plant in the Province. Consequently, the Conservation Board would find it difficult to require increased sulphur recovery under such conditions of distress sulphur values. Furthermore, the sulphur not recovered would still have to be removed from the gas but would be directed to the atmosphere in the form of sulphur dioxide. The low sulphur prices would place an additional roadblock in the way of the Government's program of pollution control.

The reduced selling price for sulphur would have its impact on the economy of the Province due to the reduced total revenue to the industry. The royalty revenue to the Government would also continue to decrease. With sulphur prices at the plant as low as $3.00 to $5.00 per long ton royalty revenue attributable to sulphur would drop to the vanishing point.

RECENT ACTIONS

The Alberta sulphur producing industry and the Alberta Government have both been greatly concerned about the difficulties in marketing sulphur over the past few years and the related decline in revenue from sulphur sales. The industry, both on an individual company basis and in certain instances collectively, has taken steps to improve the competitive position of Alberta sulphur in world markets. Improvements have been made in the methods of handling, storing and shipping of sulphur. One of the more widely publicized developments is that of the movement of sulphur to tidewater at Vancouver by unit train, a method which is now commonly used. Also, an exchange arrangement has been worked out so that sulphur going to off-shore markets is taken from key shipping plants which produce sulphur in slated or flaked form. Another development for the future will see the creation of common stockpiles at shipping terminals thus reducing storage charges and facilitating movements to off-shore markets. Negotiations are continuing between the Alberta industry and Canadian railroads to improve further the economics of shipping Alberta sulphur to distant markets. Research directed to finding new uses for sulphur such as in asphalt mix and as building materials is being carried out in Alberta under cooperative industry sponsorship. I hope and expect that these efforts will continue and will meet with even greater success in the future.

The Alberta Government has also been actively studying the sulphur situation and has convened a series of meetings with Alberta producers. Since mid-1970 I have been working with an industry committee which has been advising me on sulphur matters. The committee has been very helpful and has done much work towards the solution of our problem. In fact, many of the statistics and projections referred to in this statement result from work of the industry sulphur committee. The Energy Resources Conservation Board also has provided me with much useful statistical information and technical advice. It has become apparent to me that Alberta's actions have, and will in the future have, a major influence on the world-wide marketing of sulphur. In particular I have become convinced that Alberta, in its own interests as well as in the interests of stability for both producers and consumers of sulphur, must regulate the amount of sulphur that is marketed. This would not constitute a control of price but, frankly speaking, I would hope that it would lead to a stabilization of prices at realistic levels. This would be better for all concerned than the wild swing of the recent past from over $35.00 to below $6.00 per long ton FOB Alberta plant or from $50.00 to $20.00 or so per long ton delivered to the customer.

The Canadian Government also has recognized the sulphur marketing problem and is working towards a long term solution. It recently served as host for a meeting of government officials from twelve countries, including both major exporters and importers of sulphur. It plans further international meetings to analyze the problems facing the world producers and consumers of sulphur now and over the long term and to develop solutions to them.

SUMMARY

Let me now summarize the overall situation as the Alberta Government sees it.

1. Alberta production has become a major force in the world sulphur industry—Alberta is now the second largest producer and within a year will be the largest producer; already it is the largest exporter of sulphur, a position it will maintain.

2. The sulphur industry is important to the economy of the Province and of Canada. It bears an important share of the total cost of processing sour natural gas to fuel gas specifications.

3. The chaotic marketing of sulphur resulting in distress prices impairs the economics of both our resource conservation program and our programs for the prevention of atmospheric pollution due to sulphur compounds.

4. Controlled stockpiling of part of Alberta's involuntary production of sulphur with deferment of income from its sale is in the overall and long term interest not only of the Alberta producers and the Alberta Government but of the producing industry as a whole. The world consumers of sulphur would surely also welcome the stability of price at realistic levels which should result.

5. Alberta's concern about the state of the industry is shared by the producers in the other major exporting countries and these producers are looking to Alberta for leadership in actions to bring stability to the industry.

6. Alberta's concern also is shared by the Canadian Government which has recently taken steps to initiate inter-government discussions. These discussions may in time lead to some form of inter-government commodity agreement but, even if successful, this could take several years.

7. The Province of Alberta has too much at stake for the Government to permit the present situation to continue to deteriorate or even to wait in anticipation that the meetings sponsored by the Canadian Government will eventually prove helpful.

POLICY STATEMENT

Because of the importance of the matter to our Provisional economy, our royalty revenues and our conservation and pollution control programs the Alberta Government has decided to take the following steps.

1. It will continue and increase its joint efforts with the Alberta producers of sulphur to seek improved methods, increased efficiency and lower costs for the stockpiling, land transportation, terminalling and ocean transportation of sulphur.

2. Effective January 1, 1972, the Alberta Government, through my office as Minister of Mines and Minerals, and to preserve and strengthen the economic viability of Alberta's resource conservation and pollution control programs, will issue inventory control guidelines for the Alberta producers of sulphur. These guidelines will indicate, for each sulphur producing plant in Alberta, the percentage of the sulphur produced which in the Minister's judgment should be added to inventory or stockpile. The guidelines will be issued either on a monthly or a quarterly basis and suitably in advance of the period to which they apply. All producers will be asked and expected to comply with the guidelines. I expect that this program of inventory control will lead to a return to reality and stabilization in world sulphur prices to the benefit of all concerned. It should allow Alberta to proceed with its programs of resource conservation and pollution control. It should result in more realistic royalty payments as the sulphur is marketed.

3. Prior to the next session of the Alberta Legislature detailed consideration will be given to the possible need for special legislation for the creation of a sulphur marketing agency or to permit other actions by the Government as may be required. These will be dictated by our experience with the inventory control program.

In announcing this program of the Government I wish to assure you that the decision to take these steps has not been made lightly. The whole matter has been the subject of study and discussions for a full year. The Government, as custodian for the people of the natural resources of the Province, is convinced that it would be failing in its responsibilities if it were not to take action at this time. Also, I should say that the Alberta Government is not opposed to the actions being taken by the Canadian Government. We hope their actions will eventually be successful and that they may be suitable to replace at least part of the Alberta Government program. Meanwhile, however, we must proceed.

Mr. LONG. Mr. President, I commend the Secretary of Commerce and others in his Department for their efforts in this respect. I welcome any action that might alleviate the pressures being exerted upon the domestic sulfur industry and restore some economic sanity to the marketing of sulfur. I hope the announcement from Alberta will be translated into some sort of action in January of 1972, which is the earliest time at which the outlined scheme could become effective.

Destruction of the sulfur industry in Louisiana and Texas and the resulting dependence upon foreign sulfur sources are neither inevitable nor permissible. I will be watching the Canadian proposals with the hope of seeing meaningful results, and I will remain prepared to seek other means for relief in this critical situation.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, following which the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, on Monday, the Senate will resume consideration of the unfinished business, the military procurement authorization bill.

Several amendments are at the desk. They have been printed, and can be called up for action. The leadership expresses the hope that Senators will be prepared to call up amendments on Monday, and that progress can continue on the bill.

There will definitely be amendments called up on Tuesday, Wednesday, Thursday, and Friday, and possibly Saturday, the leadership having indicated upon several previous occasions that Senators may anticipate Saturday sessions when necessary in order to facilitate progress on this bill and on the remaining program which is to be enacted before adjournment sine die.

Senators can anticipate rollcall votes, certainly, on Tuesday, Wednesday, Thursday, and the rest of the week.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 47 minutes p.m.) the Senate adjourned until Monday, September 27, 1971, at 12 noon.

EXTENSIONS OF REMARKS

AMBASSADOR GEORGE BUSH IS MAKING FINE START AT U.N.

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, I am delighted with the selection of our former distinguished colleague George Bush, of Texas, as U.S. Ambassador to the United Nations.

He was an excellent legislator whom I personally came to know and respect very much during his service in the House.

His new role in the field of international diplomacy is one of great responsibility as our Nation's voice in this world forum. I am confident he is going to prove a great credit to his country as well as to himself.

As part of his remarks, I include an excellent Associated Press article from the Buffalo Courier-Express of September 19.

The article follows:

NEW U.S. DELEGATE TO U.N. HAS LONG WORK DAY

(By William L. Ryan)

UNITED NATIONS.—The way he tackles diplomacy, Ambassador George Bush doesn't really have to be an athlete in top condition. But it helps.

The former Navy flier, who will pilot U.S. policy through the U.N. session starting this week, finds that a 16-hour working day has become more rule than exception.

Evidently he thrives on it. His enthusiasm for the job seems to have infected his entire staff at the 12-story U.S. mission building across the street from the U.N. complex.

The session opening Tuesday will, among other things, consider the complex question of China's representation. In his first General Assembly appearance as ambassador, Bush has a tough assignment: to champion President Nixon's "two-Chinas" policy, which both Red China and the Nationalists on Taiwan reject.

NO LACK OF EFFORT

How will it work out? Ambassador Bush says that if the two-Chinas policy does not succeed, it will not be for lack of trying on his part.

"Some people are saying the United States isn't really trying very hard to keep Taiwan in, but if that's so, nobody's told me about it," he says.

Bush's remarks to an interviewer suggested two outstanding traits: loyalty and irrepressible optimism. He is loyal—some say to a fault—to President Nixon and frequently quotes him in conversation. And his personality is such that pessimism for Bush would seem next to impossible.

George Herbert Walker Bush is a self-made Texas oil millionaire. He had been transplanted to Texas, however, from New England, and he combines shrewd Yankee humor with Texas affability.

ANSWER TO LINDSAY?

As a Republican congressman from Texas, Bush once was considered a strong possibility for the 1972 vice presidential nomination. Despite loss of a 1970 U.S. Senate race, he still looks to some Republicans like a prospective answer to the Democrats' acquisition of New York's mayor, John Lindsay.

At 47 he's handsome and has the engaging manner of a natural-born vote-getter.

"I sure wish he was a Democrat," a Democratic leader was once heard to murmur wistfully.

President Nixon noted the potential in a bantering way last February when Bush was sworn in as ambassador. Nixon recalled how President William McKinley had lost an Ohio race and gone on to become president, "but I'm not suggesting what office you should seek and at what time."

HE'S NOT "POLITICAL" NOW

What about political aspirations as of now? Bush grinned.

"In this job I am not a political person. I can't be. You can't indulge in political partisanship in this job. If you asked me could I conjure up a set of facts involved in the elective political process, I would have to admit that yes, I am still a political animal and keep my interest in elective politics. But there's no time here to think of such things.

"As a Cabinet member, of course I keep up with domestic affairs and would be prepared to discuss domestic and international issues. But I am a strong believer in the policies President Nixon is embarked on now in the United Nations, and he is entitled to total advocacy here."

Bush approaches his job from the standpoint that his first duty is to his own country.

"If I became an international civil servant, that would be wrong. What is going to make the United Nations stronger is its function as a melting pot for different viewpoints. The United States should be strongly represented and we should try to bring out what's good about our country, be prepared to stand up in behalf of our country whenever necessary."

EAGER SALESMAN FOR U.N.

At the same time he is an eager salesman for the U.N. ideal. He wants to stimulate interest in it around the world, possibly by means of a U.N. session once in a while in another country.

"For example, let's see what happens if a U.N. session is held in a Communist bloc country. Why not let others see what the problems are, what it means? It could revitalize the whole organization. The costs would be high, but if the Olympic games, for instance, can be taken to Tokyo, why not the United Nations to another country?"

Approaching his first assembly session, Bush seems assured of enthusiastic support from his staff, who seem, by the large, to have become avid admirers of their new boss.

One staff member, obviously a Bush fan, thinks he may be even too outgoing.

"Sometimes," the staff member muttered, "the ambassador is too honest for his own good. Even his enemies would say that. They might disagree with him, but they still respect him."

CUSTOMS BROKERS AND FOREIGN FREIGHT FORWARDERS: SMALL BUSINESSMEN WHO EXPEDITE INTERNATIONAL TRADE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. WOLFF. Mr Speaker, it is with pleasure that I draw to the attention of my colleagues and others, inside and outside the Government who are concerned with various aspects of international trade, an article entitled "From Limousines to Casaba Melons" that appeared in the August issue of Nation's Business.

The subject of this interesting account in the magazine published by the Chamber of Commerce of the United States is the professional and expert service performed by small businessmen in this country known as customs brokers and foreign freight forwarders. Their years of training, experience and expertise in the highly technical area of arranging the movement and clearance of goods into and out of this Nation's port and air terminals have earned for them the fitting sobriquet of international traffic managers for U.S. importers and exporters.

Customs brokers and forwarders have employed their unique talents to reduce the complexities of international commerce for their export-import clients over the past 130 years. Their vital aid in contributing to Federal revenues and saving the Customs Bureau countless dollars of expense has gained them quasi-governmental status. An estimated 3,000 licensees today operate in this area, customs brokers being licensed by the Treasury Department and foreign freight forwarders by the Federal Maritime Commission, with many firms combining both functions.

While not well known to the general public, they are familiar to and respected by the Government officials of the Customs Bureau of the Treasury Department, the Federal Maritime Commission, and at least a dozen other Federal agencies with whom they are in contact on behalf of their clients. For their importer customers, customs brokers perform a myriad of indispensable tasks, including selecting customs classifications as to rates of duty for each product imported, calculating duties and evaluating the way in which Customs appraises merchandise, handling bonding requirements, arranging for storage, negotiating marine insurance, arranging for inspection services, and handling inland transportation distribution. For exporters, foreign freight forwarders arrange ocean and air transport, negotiate U.S. Government export licenses, advise clients on worldwide customs requirements, prepare consular invoices, assist clients in buying and selling foreign exchange, prepare drafts and documents, and arrange export packing.

In total, as the Nation's Business article states:

> Eighty to 90 percent of U.S. imports and exports pass through their hands. . . . Without them the Customs Bureau would have to provide an enormous amount of technical guidance and consultation to importers and exporters.

These small business entrepreneurs, many of whom, I am proud to say, are from my district, are equally well known to a number of congressional committees which have called upon them for testimony and counsel in attempting to solve some of the recent challenges which have beset them. In recent months, for example, Leonard M. Shayne, president of the National Customs Brokers & Forwarders Association of America—NCBFAA—the only nationwide organization representing the industry, has testified on the mounting problem of cargo pilferage at the Nation's ports and air terminals, as well as on prohibiting bank holding company inroads into such normally nonbanking activities as customs brokerage.

Founded in 1897, the NCBFAA is both a membership organization and an association of associations. U.S. firms engaged in customs brokerage and foreign freight forwarding are regular members, while individuals and firms operating overseas are associate members. In addition, 17 local and regional associations across the country are affiliated with the NCBFAA.

In an era when commerce and industry are undergoing increasing consolidation into large-scale enterprises, the survival of small businesses is dependent to an ever greater degree on their ability to provide highly personalized service by people who are truly expert in their fields. Nowhere is this more true than in the specialized area of customs brokerage and foreign freight forwarding, with all of the firms being small ones which typically employ between half a dozen and 50 persons. Because of the intensifying challenges facing this industry, it is well that we should know more about them and the important work its members perform.

For this reason, I include the following article from Nation's Business which provides an informative insight into the invaluable and special character of this country's customs brokerage and foreign freight forwarding industry, at this point in the RECORD.

The article, interestingly written by Morris Victor Rosenbloom follows:

[From Nation's Business, Aug. 1971]

FROM LIMOUSINES TO CASABA MELONS

Suppose you are a customs broker and foreign freight forwarder.

Suddenly, one cold mid-December day, you get word that 10 crates of casaba melons from a Spanish shipper have hit the pier with no advance notice. Then a letter arrives from Spain. It says, in effect: "Please keep one crate for yourself as a Christmas gift. One is for the President of the United States and the others for the following list of my customers. Bill me all costs."

What would you do?

The succulent Spanish winter melons are not only perishable in the freezing weather but subject to regulations of the Agriculture Department's divisions of quarantine and entomology—and Customs Bureau red tape. And time, of course, is short.

This is no hypothetical case.

The customs broker involved drew on his long experience in dealing with government agencies. He cleared the White House gift and the State Department took over delivery. He paid all duties and inland freight on the crate to Washington as well as on the eight crates to the lucky customers all over the country, arranging for special care to assure unfrozen arrival by Christmas.

Finally, he picked up his own crate, anticipating an unusually tasty treat for his Christmas guests. He found only one melon buried in the excelsior. The rest had been pilfered on the pier.

Telling the story now, he relates ruefully that the Spanish shipper never did reimburse him for his costs, although they had done business for several years.

"That beautiful casaba winter melon," he says, "was sweet, but for me it was bittersweet—especially when I figured out that it cost me $59 a slice for my family and guests for Christmas dinner."

QUASI-GOVERNMENTAL

Red tape, collection losses and pilferage are not the only problems faced by customs brokers, whose field is imports, and foreign freight forwarders, who handle exports. (Many firms perform both functions.)

Eighty to 90 per cent of U.S. imports and exports pass through their hands. Their expertise releases importers' and exporters' staffs for their major role of merchandising.

Customs brokers and freight forwarders enjoy a quasi-governmental status. Without them, the Customs Bureau would have to provide an enormous amount of technical guidance and consultation to importers and exporters.

Congress, recognizing their vital contributions, has long required the Treasury to license customs brokers and the Maritime Commission to license foreign freight forwarders. Some 3,000 licensees have met the rigorous federal requirements.

Customs brokers help importers select customs classifications as to rates of duty for each product imported. They calculate duties and evaluate the way in which Customs appraises merchandise. They handle bonding requirements, arrange for storage, negotiate marine insurance, arrange for inspection services, and handle inland distribution.

Foreign freight forwarders arrange ocean and air transport, negotiate U.S. government export licenses, advise clients on world-wide customs requirements, prepare consular invoices, assist clients in buying and selling foreign exchange, prepare drafts and documents and arrange export packing.

In short, the brokers and forwarders serve as international traffic managers for U.S. importers and exporters.

COLD WAR COUP

They must be able to deal satisfactorily with foreigners in all sorts of situations.

For example, several years ago Soviet Foreign Minister Andrei Gromyko was about to return home from an appearance at the United Nations.

Shortly before he left, he wandered into a New York showroom and was overcome with an irresistible yen for the fanciest of new cars—a most expensive limousine, equipped with every luxury from a built-in bar to television.

Naturally the dealer was delighted, and promised shipment within the week, shortly after the diplomat's departure by plane. He called his foreign freight forwarder to arrange the details.

Then, consternation! The Commerce Department ruled that the limousine did not meet government requirements for an export license. License denied.

But years of learning how to snip red tape paid off. After hours of working through State Department channels, the forwarder reached the right official on export policy to the communist bloc.

He put it something like this: "Doesn't the State Department realize what a publicity windfall it has here? Imagine what the press will do with it—a $20,000 automobile for a peoples' commissar to ride down the streets before his ragged countrymen."

The State Department saw the point, the export license came through and the beautiful capitalist toy went on its way.

The story went around the world. Of course, it drew a rebuttal from the communist official. The car was to be used by visiting American dignitaries, he claimed.

But the car dealer and the forwarder knew the true story, and the image of the communist servant of the people grasping for royal splendor was on the record.

ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DINGELL. Mr. Speaker, so that my colleagues may be aware of the information contained therein, I insert the text of the September 1971 issue of the Council on Environmental Quality's "102 Monitor" at this point in the CONGRESSIONAL RECORD:

[From 102 Monitor, vol. 1, No. 8, September 1971]

THE CALVERT CLIFFS DECISION

FIRST FEDERAL APPELLATE DECISION ON SECTION 102 OF NEPA

AEC issues revised NEPA procedures

There is reproduced below the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Calvert Cliffs Coordinating Committee v. AEC* (Nos. 24839 and 24871, July 23, 1971). This is the first decision of a Federal appellate court construing Section 102 of the National Environmental Policy Act. Although it applies specifically to the Atomic Energy Commission, it has broad implications for the environmental impact analysis of all Federal Government actions subject to NEPA. The AEC has announced that it will not seek reconsideration of the *Calvert Cliffs* decision by the Court of Appeals and that it will recommend to the Justice Department that the Government not seek Supreme Court review. In response to the *Calvert Cliffs* decision the AEC has issued revised NEPA procedures which are reproduced following the opinion.

Mr. Anthony Z. Roisman, with whom

Messrs. Myron M. Cherry and *Lewis Drain* were on brief, for petitioners.

Mr. Marcus A. Rowden, Solicitor, Atomic Energy Commission, with whom *Messrs Howard K. Shapar,* Assistant General Counsel, Licensing and Regulation, Atomic Energy Commission, and *Edmund Clark,* Attorney, Department of Justice, were on the brief, for respondents. *Mr. William C. Parler,* Attorney, Atomic Energy Commission, also entered an appearance for respondent Atomic Energy Commission.

Mr. George F. Trowbridge, with whom *Mr. Jay E. Silberg* was on the brief, for intervenor in No. 24,839.

Messrs. George D. Gibson and *Arnold H. Quint* filed a brief on behalf of Duke Power Company *et al.* as *amici curiae* in No. 24, 871.

Mr. Roy B. Snapp filed a brief on behalf of Arkansas Power and Light Company as *amicus curiae* in No. 24,871.

Messrs. Arvin E. Upton, Leonard M. Trosten and *Henry V. Nickel* filed a brief on behalf of Consolidated Edison Company as *amicus curiae* in No. 24,871.

Mr. Jerome E. Sharfman filed a brief on behalf of Consumers Power Company as *amicus curiae* in No. 24,871.

Messrs. H. Edward Dunkelberger, Jr., Christopher M. Little and *Peter M. Phillipes* filed a brief on behalf of Indiana and Michigan Electric Company and Portland General Electric Company as *amici curiae* in No. 24,871.

Before Wright, Tamm and Robinson, *Circuit Judges.*

Wright, *Circuit Judge:* These cases are only the beginning of what promises to become a flood of new litigation—litigation seeking judicial assistance in protecting our natural environment. Several recently enacted statutes attest to the commitment of the Government to control, at long last, the destructive engine of material "progress."[1] But it remains to be seen whether the promise of this legislation will become a reality. Therein lies the judicial role. In these cases, we must for the first time interpret the broadest and perhaps most important of the recent statutes: the National Environmental Policy Act of 1969 (NEPA).[2] We must assess claims that one of the agencies charged with its administration has failed to live up to the congressional mandate. Our duty, in short, is to see that important legislative purposes, heralded in the halls of Congress, are not lost or misdirected in the vast hallways of the federal bureaucracy.

NEPA, like so much other reform legislation of the last 40 years, is cast in terms of a general mandate and broad delegation of authority to new and old administrative agencies. It takes the major step of requiring all federal agencies to consider values of environmental preservation in their spheres of activity, and it prescribes certain procedural measures to ensure that those values are in fact fully respected. Petitioners argue that rules recently adopted by the Atomic Energy Commission to govern consideration of environmental matters fail to satisfy the rigor demanded by NEPA. The Commission, on the other hand, contends that the vagueness of the NEPA mandate and delegation leaves much room for discretion and that the rules challenged by petitioners fall well within the broad scope of the Act. We find the policies embodied in NEPA to be a good deal clearer and more demanding than does the Commission. We conclude that the Commission's procedural rules do not comply with the congressional policy. Hence we remand these cases for further rule making.

I

We begin our analysis with an examination of NEPA's structure and approach and of the Atomic Energy Commission rules which are said to conflict with the requirements of the Act. The relevant portion of NEPA is Title I, consisting of five sections.[3] Section 101 sets forth the Act's basic substantive policy: that the federal government "use all practicable means and measures" to protect environmental values. Congress did not establish environmental protection as an exclusive goal; rather, it desired a reordering of priorities, so that environmental costs and benefits will assume their proper place along with other considerations. In Section 101(b), imposing an explicit duty on federal officials, the Act provides that "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy," to avoid environmental degradation, preserve "historic, cultural, and natural" resources, and promote "the widest range of beneficial uses of the environment without * * * undesirable and unintended consequences."

Thus the general substantive policy of the Act is a flexible one. It leaves room for a responsible exercise of discretion and may not require particular substantive results in particular problematic instances. However, the Act also contains very important "procedural" provisions—provisions which are designed to see that all federal agencies do in fact exercise the substantive discretion given them. These provisions are not highly flexible. Indeed, they establish a strict standard of compliance.

NEPA, first of all, makes environmental protection a part of the mandate of every federal agency and department. The Atomic Energy Commission, for example, had continually asserted, prior to NEPA, that it had no statutory authority to concern itself with the adverse environment effects of its actions.[4] Now, however, its hands are no longer tied. It is not only permitted, but compelled, to take environmental values into account. Perhaps the greatest importance of NEPA is to require the Atomic Energy Commission and other agencies to *consider* environmental issues just as they consider other matters within their mandates.

This compulsion is most plainly stated in Section 102. There, "Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act * * *." Congress also "authorizes and directs" that "(2) all agencies of the Federal Government shall" follow certain rigorous procedures in considering environmental values.[5] Senator Jackson, NEPA's principal sponsor, stated that "[n]o agency will [now] be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions."[6] He characterized the requirements of Section 102 as "action-forcing" and stated that "[o]therwise, these lofty declarations [in Section 101] are nothing more than that."[7]

The sort of consideration of environmental values which NEPA compels is clarified in Section 102(2)(A) and (B). In general, all agencies must use a "systematic, interdisciplinary approach" to environmental planning and evaluation "in decisionmaking which may have an impact on man's environment." In order to include all possible environmental factors in the decisional equation, agencies must "identify and develop methods and procedures * * * which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."[8] "Environmental amenities" will often be in conflict with "economic and technical considerations." To "consider" the former "along with" the latter must involve a balancing process. In some instances environmental costs may outweigh economic and technical benefits and in other instances they may not. But NEPA mandates a rather finely tuned and "systematic" balancing analysis in each instance.[9]

To ensure that the balancing analysis is carried out and given full effect, Section 102(2)(C) requires that responsible officials of all agencies prepare a "detailed statement" covering the impact of particular actions on the environment, the environmental costs which might be avoided, and alternative measures which might alter the cost-benefit equation. The apparent purpose of the "detailed statement" is to aid in the agencies' own decisionmaking process and to advise other interested agencies and the public of the environmental consequences of planned federal action.

Beyond the "detailed statement," Section 102(2)(D) requires all agencies specifically to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." This requirement, like the "detailed statement" requirement, seeks to ensure that each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

Moreover, by compelling a formal "detailed statement" and a description of alternatives, NEPA provides evidence that the mandated decision making process has in fact taken place and, most importantly, allows those removed from the initial process to evaluate and balance the factors on their own.

Of course, all of these Section 102 duties are qualified by the phrase "to the fullest extent possible." We must stress as forcefully as possible that this language does not provide an escape hatch for footdragging agencies; it does not make NEPA's procedural requirements somehow "discretionary." Congress did not intend the Act to be such a paper tiger. Indeed, the requirement of environmental consideration "to the fullest extent possible" sets a high standard for the agencies, a standard which must be rigorously enforced by the reviewing courts.

Unlike the substantive duties of Section 101(B), which require agencies to "use all practicable means consistent with other essential considerations," the procedural duties of Section 102 must be fulfilled to the "fullest extent possible."[10] This contrast, in itself, is revealing. But the dispositive factor in our interpretation is the expressed views of the Senate and House conferees who wrote the "fullest extent possible" language into NEPA. They stated:[11]

"* * * The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in * * * [Section 102(2)] unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance with one of the directives impossible. * * * Thus, it is the intent of the conferees that the provision 'to the fullest extent possible' shall not be used by any Federal agency as a means of avoiding compliance with the directives set out in section 102. Rather, the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section 'to the fullest extent possible' under their statutory authorizations and that no agency shall utilize an excessively narrow construction of its existing statutory authorizations to avoid compliance."

Thus the Section 102 duties are not inherently flexible. They must be complied with to the fullest extent, unless there is a clear conflict of *statutory* authority.[12] Considerations of administrative difficulty, delay or economic cost will not suffice to strip the section of its fundamental importance.

We conclude, then, that Section 102 of NEPA mandates a particular sort of careful and informed decisionmaking process and creates judicially enforceable duties. The re-

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viewing courts probably cannot reverse a substantive decision on its merits, under Section 101, unless it be shown that the actual balance of costs and benefits that was struck was arbitrary or clearly gave insufficient weight to environmental values. But if the decision was reached procedurally without individualized consideration and balancing of environmental factors—conducted fully and in good faith—it is the responsibility of the courts to reverse. As one District Court has said of Section 102 requirements: "It is hard to imagine a clearer or stronger mandate to the Courts."[13]

In the cases before us now, we do not have to review a particular decision by the Atomic Energy Commission granting a construction permit or an operating license. Rather, we must review the Commission's recently promulgated rules which govern consideration of environmental values in all such individual decisions.[14] The rules were devised strictly in order to comply with the NEPA procedural requirements—but petitioners argue that they fall far short of the congressional mandate.

The period of the rules' gestation does not indicate overenthusiasm on the Commission's part. NEPA went into effect on January 1, 1970. On April 2, 1970—three months later—the Commission issued its first, short policy statement on implementation of the Act's procedural provisions.[15] After another span of two months, the Commission published a notice of proposed rule making in the Federal Register.[16] Petitioners submitted substantial comments critical of the proposed rules. Finally, on December 3, 1970, the Commission terminated its long rule making proceeding by issuing a formal amendment, labelled Appendix D, to its governing regulations.[17] Appendix D is a somewhat revised version of the earlier proposal and, at last, commits the Commission to consider environmental impact in its decision making process.

The procedure for environmental study and consideration set up by the Appendix D rules is as follows: Each applicant for an initial construction permit must submit to the Commission his own "environmental report," presenting his assessment of the environmental impact of the planned facility and possible alternatives which would alter the impact. When construction is completed and the applicant applies for a license to operate the new facility, he must again submit an "environmental report" noting any factors which have changed since the original report. At each stage, the Commission's regulatory staff must take the applicant's report and prepare its own "detailed statement" of environmental costs, benefits and alternatives. The statement will then be circulated to other interested and responsible agencies and made available to the public. After comments are received from those sources, the staff must prepare a final "detailed statement" and make a final recommendation on the application for a construction permit or operating license.

Up to this point in the Appendix D rules petitioners have raised no challenge. However, they do attack four other, specific parts of the rules which, they say, violate the requirements of Section 102 of NEPA. Each of these parts in some way limits full consideration and individualized balancing of environmental values in the Commission's decision making process. (1) Although environmental factors must be considered by the agency's regulatory staff under the rules, such factors need not be considered by the hearing board conducting an independent review of staff recommendations, unless affirmatively raised by outside parties or staff members. (2) Another part of the procedural rules prohibits any such party from raising non-radiological environmental issues at any hearing if the notice for that hearing appeared in the Federal Register before March 4, 1971. (3) Moreover, the hearing board is prohibited from conducting an independent evaluation and balancing of certain environmental factors if other responsible agencies have already certified that their own environmental standards are satisfied by the proposed federal action. (4) Finally, the Commission's rules provide that when a construction permit for a facility has been issued before NEPA compliance was required and when an operating license has yet to be issued, the agency will not formally consider environmental factors or require modifications in the proposed facility until the time of the issuance of the operating license. Each of these parts of the Commission's rules will be described at greater length and evaluated under NEPA in the following sections of this opinion.

II

NEPA makes only one specific reference to consideration of environmental values in agency review processes. Section 102(2))(C) provides that copies of the staff's "detailed statement" and comments thereon "shall accompany the proposal through the existing agency review processes." The Atomic Energy Commission's rules may seem in technical compliance with the letter of that provision. They state:

> "12. If any party to a proceeding * * * raises any [environmental] issue * * * the Applicant's Environmental Report and the Detailed Statement will be offered in evidence. The atomic safety and licensing board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license may be granted, denied, or appropriately conditioned to protect environmental values.
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> "13. When no party to a proceeding * * * raises any [environmental] issue * * * such issues will not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review processes, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process."[18]

The question here is whether the Commission is correct in thinking that its NEPA responsibilities may "be carried out in toto outside the hearing process"—whether it is enough that environmental data and evaluations merely "accompany" an application through the review process, but receive no consideration whatever from the hearing board.

We believe that the Commission's crabbed interpretation of NEPA makes a mockery of the Act. What possible purpose could there be in the Section 102(2)(C) requirement (that the "detailed statement" accompany proposals through agency review processes) if "accompany" means no more than physical proximity—mandating no more than the physical act of passing certain folders and papers, unopened, to reviewing officials along with other folders and papers? What possible purpose could there be in requiring the "detailed statement" to be before hearing boards, if the boards are free to ignore entirely the contents of the statement? NEPA was meant to do more than regulate the flow of papers in the federal bureaucracy. The word "accompany" in Section 102(2)(C) must not be read so narrowly as to make the Act ludicrous. It must, rather, be read to indicate a congressional intent that environmental factors, as compiled in the "detailed statement," be *considered* through agency review processes.[19]

Beyond Section 102(2)(C), NEPA requires that agencies consider the environmental impact of their actions "to the fullest extent possible." The Act is addressed to agencies as a whole, not only to their professional staffs. Compliance to the "*fullest*" possible extent would seem to demand that environmental issues be considered at every important stage in the decision making process concerning a particular action—at every stage where an overall balancing of environmental and nonenvironmental factors is appropriate and where alterations might be made in the proposed action to minimize environmental costs. Of course, consideration which is entirely duplicative is not necessarily required. But independent review of staff proposals by hearing boards is hardly a duplicative function. A truly independent review provides a crucial check on the staff's recommendations. The Commission's hearing boards automatically consider nonenvironmental factors, even though they have been previously studied by the staff. Clearly, the review process is an appropriate stage at which to balance conflicting factors against one another. And, just as clearly, it provides an important opportunity to reject or significantly modify the staff's recommended action. Environmental factors, therefore, should not be singled out and excluded, at this stage, from the proper balance of values envisioned by NEPA.

The Commission's regulations provide that in an uncontested proceeding the hearing board shall on its own "determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support affirmative findings on" various nonenvironmental factors.[20] NEPA requires at least as much automatic consideration of environmental factors. In uncontested hearings, the board need not necessarily go over the same ground covered in the "detailed statement." But it must at least examine the statement carefully to determine whether "the review * * * by the Commission's regulatory staff has been adequate." And it must independently consider the final balance among conflicting factors that is struck in the staff's recommendation.

The rationale of the Commission's limitation of environmental issues to hearings in which parties affirmatively raise those issues may have been one of economy. It may have been supposed that, whenever there are serious environmental costs overlooked or uncorrected by the staff, some party will intervene to bring those costs to the hearing board's attention. Of course, independent review of the "detailed statement" and independent balancing of factors in an uncontested hearing will take some time. If it is done properly, it will take a significant amount of time. But all of the NEPA procedures take time. Such administrative costs are not enough to undercut the Act's requirement that environmental protection be considered "to the fullest extent possible," *see* text at pages 9–11 *supra*.

It is, moreover, unrealistic to assume that there will always be an intervenor with the information, energy and money required to challenge a staff recommendation which ignores environmental costs. NEPA establishes environmental protection as an integral part of the Atomic Energy Commission's basic mandate. The primary responsibility for fulfilling that mandate lies with the Commission. Its responsibility is not simply to sit back, like an umpire, and resolve adversary contentions at the hearing stage. Rather, it must itself take the initiative of considering environmental values at every distinctive and comprehensive stage of the process beyond the staff's evaluation and recommendation.[21]

III

Congress passed the final version of NEPA in late 1969, and the Act went into full effect on January 1, 1970. Yet the Atomic Energy Commission's rules prohibit any consideration of environmental issues by its hearing boards at proceedings officially noticed before March 4, 1971.[22] This is 14 months after the effective date of NEPA. And

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the hearings affected may go on for as much as a year longer until final action is taken. The result is that major federal actions having a significant environmental impact may be taken by the Commission, without full NEPA compliance, more than two years after the Act's effective date. In view of the importance of environmental consideration during the agency review process, *see* Part II *supra*, such a time lag is shocking.

The Commission explained that its very long time lag was intended "to provide an orderly period of transition in the conduct of the Commission's regulatory proceedings and to avoid unreasonable delays in the construction and operation of nuclear power plants urgently needed to meet the national requirements for electric power." [23] Before this court, it has claimed authority for its action, arguing that "the statute did not lay down detailed guidelines and inflexible timetables for its implementation; and we find in it no bar to agency provisions which are designed to accommodate transitional implementation problems." [24]

Again, the Commission's approach to statutory interpretation is strange indeed—so strange that it seems to reveal a rather thoroughgoing reluctance to meet the NEPA procedural obligations in the agency review process, the stage at which deliberation is most open to public examination and subject to the participation of public intervenors. The Act, it is true, lacks an "inflexible timetable" for its implementation. But it does have a clear effective date, consistently enforced by reviewing courts up to now. Every federal court having faced the issues has held that the procedural requirements of NEPA must be met in order to uphold federal action taken after January 1, 1970.[25] The absence of a "timetable" for compliance has never been held sufficient, in itself, to put off the date on which a congressional mandate takes effect. The absence of a "timetable," rather, indicates that compliance is required forthwith.

The only part of the Act which even implies that implementation may be subject, in some cases, to some significant delay is Section 103. There, Congress provided that all agencies must review "their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance" with NEPA. Agencies finding some such insuperable difficulty are obliged to "propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act."

The Commission, however, cannot justify its time lag under these Section 103 provisions. Indeed, it has not attempted to do so; only intervenors have raised the argument. Section 103 could support a substantial delay only by an agency which in fact discovered an insuperable barrier to compliance with the Act and required time to formulate and propose the needed reformative measures. The actual review of existing statutory authority and regulations cannot be a particularly lengthy process for experienced counsel of a federal agency. Of course, the Atomic Energy Commission discovered no obstacle to NEPA implementation. Although it did not report its conclusion to the President until October 2, 1970, that nine-month delay (January to October) cannot justify so long a period of noncompliance with the Act. It certainly cannot justify a further delay of compliance until March 4, 1971.

No doubt the process of formulating procedural rules to implement NEPA takes some time. Congress cannot have expected that federal agencies would immediately begin considering environmental issues on January 1, 1970. But the effective date of the Act does set a time for agencies to begin adopting rules and it demands that they strive, "to the fullest extent possible," to be prompt in the process. The Atomic Energy Commission has failed in this regard.[26] Consideration of environmental issues in the agency review process, for example, is quite clearly compelled by the Act.[27] The Commission cannot justify its 11-month delay in adopting rules on this point as part of a difficult, discretionary effort to decide whether or not its hearing boards should deal with environmental questions at all.

Even if the long delay had been necessary, however, the Commission would not be relieved of all NEPA responsibility to hold public hearings on the environmental consequences of actions taken between January 1, 1970 and final adoption of the rules. Although the Act's effective date may not require instant compliance, it must at least require that NEPA procedures, once established, be applied to consider prompt alterations in the plans or operations of facilities approved without compliance.[28] Yet the Commission's rules contain no such provision. Indeed, they do not even apply to the hearings still being conducted at the time of their adoption on December 3, 1970—or, for that matter, to hearings initiated in the following three months. The delayed compliance date of March 4, 1971, then, cannot be justified by the Commission's long drawn out rule making process.

Strangely, the Commission has principally relied on more pragmatic arguments. It seems an unfortunate affliction of large organizations to resist new procedures and to envision massive roadblocks to their adoption. Hence the Commission's talk of the need for an "orderly transition" to the NEPA procedures. It is difficult to credit the Commission's argument that several months were needed to work the consideration of environmental values into its review process. Before the enactment of NEPA, the Commission already had regulations requiring that hearings include health, safety and radiological maters.[29] The introduction of environmental matters cannot have presented a radically unsettling problem. And, in any event, the obvious sense of urgency on the part of Congress should make clear that a transition, however "orderly," must proceed at a pace faster than a funeral procession.

In the end, the Commission's long delay seems based upon what it believes to be a pressing national power crisis. Inclusion of environmental issues in pre-March 4, 1971 hearings might have held up the licensing of some power plants for a time. But the very purpose of NEPA was to tell federal agencies that environmental protection is as much a part of their responsibility as is protection and promotion of the industries they regulate. Whether or not the spectre of a national power crisis is as real as the Commission apparently believes, it must not be used to create a blackout of environmental consideration in the agency review process. NEPA compels a case-by-case examination and balancing of discrete factors. Perhaps there may be cases in which the need for rapid licensing of a particular facility would justify a strict time limit on a hearing board's review of environmental issues; but a blanket banning of such issues until March 4, 1971 is impermissible under NEPA.

IV

The sweep of NEPA is extraordinarily broad, compelling consideration of any and all types of environmental impact of federal action. However, the Atomic Energy Commission's rules specifically exclude from full consideration a wide variety of environmental issues. First, they provide that no party may raise and the Commission may not independently examine any problem of water quality—perhaps the most significant impact of nuclear power plants. Rather, the Commission indicates that it will defer totally to water quality standards devised and administered by state agencies and approved by the federal government under the Federal Water Pollution Control Act.[30] Secondly, the rules provide for similar abdication of NEPA authority to the standards of other agencies:

> "With respect to those aspects of environment quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose." [31]

The most the Commission will do is include a condition in all construction permits and operating licenses requiring compliance with the water quality or other standards set by such agencies.[32] The upshot is that the NEPA procedures, viewed by the Commission as superfluous, will wither away in disuse, applied only to those environmental issues whole unregulated by any other federal, state or regional body.

We believe the Commission's rule is in fundamental conflict with the basic purpose of the Act. NEPA mandates a case-by-case balancing judgment on the part of federal agencies. In each individual case, the particular economic and technical benefits of planned action must be assessed and then weighed against the environmental costs; alternatives must be considered which would affect the balance of values. *See* texts at pages 7–9 *supra*. The magnitude of possible benefits and possible costs may lie anywhere on a broad spectrum. Much will depend on the particular magnitudes involved in particular cases. In some cases, the benefits will be great enough to justify a certain quantum of environmental costs; in other cases, they will not be so great and the proposed action may have to be abandoned or significantly altered so as to bring the benefits and costs into a proper balance. The point of the individualized balancing analysis is to ensure that, with possible alterations, the optimally beneficial action is finally taken.

Certification by another agency that its own environmental standards are satisfied involves an entirely different kind of judgment. Such agencies, without overall responsibility for the particular federal action in question, attend only to one aspect of the problem: the magnitude of certain environmental costs. They simply determine whether those costs exceed an allowable amount. Their certification does not mean that they found no environmental damage whatever. In fact, there may be significant environmental damage (*e.g.,* water pollution), but not quite enough to violate applicable (*e.g.,* water quality) standards. Certifying agencies do not attempt to weigh that damage against the opposing benefits. Thus the balancing analysis remains to be done. It may be that the environmental costs, through passing prescribed standards, are nonetheless great enough to outweigh the particular economic and technical benefits involved in the planned action. The only agency in a position to make such a judgment is the agency with overall responsibility for the proposed federal action—the agency to which NEPA is specifically directed.

The Atomic Energic Commission, abdicating entirely to other agencies' certifications, neglects the mandated balancing analysis. Concerned members of the public are thereby precluded from raising a wide range of environmental issues in order to affect particular Commission decisions. And the special purpose of NEPA is subverted.

Arguing before this court, the Commission has made much of the special environmen-

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tal expertise of the agencies which set environmental standards. NEPA did not overlook this consideration. Indeed, the Act is quite explicit in describing the attention which is to be given to the views and standards of other agencies. Section 102(2)(C) provides:

> "Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public * * *."

Thus the Congress was surely cognizant of federal, state and local agencies "authorized to develop and enforce environmental standards." But it provided, in Section 102(2)(C), only for full consultation. It most certainly did not authorize a total abdication to those agencies. Nor did it grant a license to disregard the main body of NEPA obligations.

Of course, federal agencies such as the Atomic Energy Commission may have specific duties, under acts other than NEPA, to obey particular environmental standards. Section 104 of NEPA makes clear that such duties are not to be ignored:

> "Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency."

On its face, Section 104 seems quite unextraordinary, intended only to see that the general procedural reforms achieved in NEPA do not wipe out the more specific environmental controls imposed by other statutes. Ironically, however, the Commission argues that Section 104 in fact allows other statutes to wipe out NEPA.

Since the Commission places great reliance on Section 104 to support its abdication to standard setting agencies, we should first note the section's obvious limitation. It deals only with deference to such agencies which is compelled by "specific statutory obligations." The Commission has brought to our attention one "specific statutory obligation.": the Water Quality Improvement Act of 1970 (WQIA).[33] That Act prohibits federal licensing bodies, such as the Atomic Energy Commission, from issuing licenses for facilities which pollute "the navigable waters of the United States" unless they receive a certification from the appropriate agency that compliance with applicable water quality standards is reasonably assured. Thus Section 104 applies in some fashion to consideration of water quality matters. But it definitely cannot support—indeed, it is not even relevant to—the Commission's wholesale abdication to the standards and certifications of any and all federal, state and local agencies dealing with matters other than water quality.

As to water quality, Section 104 and WQIA clearly require obedience to standards set by other agencies. But obedience does not imply total abdication. Certainly, the language of Section 104 does not authorize an abdication. It does not suggest that other "specific statutory obligations" will entirely replace NEPA. Rather, it ensures that three sorts of "obligations" will not be undermined by NEPA: (1) the obligation to "comply" with certain standards, (2) the obligation to "coordinate" or "consult" with certain agencies, and (3) the obligation to "act, or refrain from acting contingent upon" a certification from certain agencies. WQIA imposes the third sort of obligation. It makes the granting of a license by the Commission "contingent upon" a water quality certification. But it does not *require* the Commission to grant a license once a certification has been issued. It does not preclude the Commission from demanding water pollution controls from its licensees which are *more strict* than those demanded by the applicable water quality standards of the certifying agency.[34] It is very important to understand these facts about WQIA. For all that Section 104 of NEPA does is to reaffirm other "specific statutory obligations." Unless those obligations are plainly mutually exclusive with the requirements of NEPA, the specific mandate of NEPA must remain in force. In other words, Section 104 can operate to relieve an agency of its NEPA duties only if other "specific statutory obligations" clearly preclude performance of those duties.

Obedience to water quality certifications under WQIA is not mutually exclusive with the NEPA procedures. It does not preclude performance of the NEPA duties. Water quality certifications essentially establish a *minimum condition* for the granting of a license. But they need not end the matter. The Commission can then go on to perform the very different operation of balancing the overall benefits and costs of a particular proposed project, and consider alterations (above and beyond the applicable water quality standards) which would further reduce environmental damage. Because the Commission *can* still conduct the NEPA balancing analysis, consistent with WQIA, Section 104 does not exempt it from doing so. And it, therefore, *must* conduct the obligatory analysis under the prescribed procedures.

We believe the above result follows from the plain language of Section 104 of NEPA and WQIA. However, the Commission argues that we should delve beneath the plain language and adopt a significantly different interpretation. It relies entirely upon certain statements made by Senator Jackson and Senator Muskie, the sponsors of NEPA and WQIA respectively.[35] Those statements indicate that Section 104 was the product of a compromise intended to eliminate any conflict between the two bills then in the Senate. The overriding purpose was to prevent NEPA from eclipsing obedience to more specific standards under WQIA. Senator Muskie, distrustful of "self-policing by Federal agencies which pollute or license pollution," was particularly concerned that NEPA not undercut the independent role of standard setting agencies.[36] Most of his and Senator Jackson's comments stop short of suggesting that NEPA would have no application in water quality matters; their goal was to protect WQIA, not to undercut NEPA. Our interpretation of Section 104 is perfectly consistent with that purpose.

Yet the statements of the two Senators occasionally indicate they were willing to go farther, to permit agencies such as the Atomic Energy Commission to forego at least some NEPA procedures in consideration of water quality. Senator Jackson, for example, said, "The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to [WQIA]." [37] Perhaps Senator Jackson would have required some consideration and balancing of environmental costs—despite the lack of a formal detailed statement—but he did not spell out his views.

No, Senator, other than Senators Jackson and Muskie, addressed himself specifically to the problem during floor discussion. Nor did any member of the House of Representatives.[38] The section-by-section analysis of NEPA submitted to the Senate clearly stated the over-riding purpose of Section 104: that "no agency may substitute the procedures outlined in this Act for more restrictive and specific procedures established by law governing its activities." [39] The report does not suggest that NEPA procedures should be entirely abandoned, but rather that they should not be "substituted" for more specific standards. In one rather cryptic sentence, the analysis does muddy the waters somewhat, stating that "[i]t is the intention that where there is no more effective procedure already established, the procedure of this act will be followed." [40]

Notably, however, the sentence does not state that in the presence of "more effective procedures" the NEPA procedure will be abandoned entirely. It seems purposefully vague, quite possibly meaning that obedience to the certifications of standard setting agencies must alter, by supplementing, the *normal* "procedure of this act."

This rather meager legislative history, in our view, cannot radically transform the purport of the plain words of Section 104. Had the Senate sponsors fully intended to allow a total abdication of NEPA responsibilities in water quality matters—rather than a supplementing of them by strict obedience to the specific standards of WQIA—the language of Section 104 could easily have been changed. As the Supreme Court often has said, the legislative history of a statute (particularly such relatively meager and vague history as we have here) cannot radically affect its interpretation if the language of the statute is clear. *See, e.g., Packard Motor Car Co.* v. *NLRB*, 330 U.S. 485 (1947); *Kuehner* v. *Irving Trust Co.*, 299 U.S. 445 (1937); *Fairport, Painesville & Eastern R. Co.* v. *Meredith*, 292 U.S. 589 (1934); *Wilbur* v. *United States ex rel. Vindicator Consolidated Gold Mining Co.*, 284 U.S. 231 (1931). In a recent case interpreting a veterans' act, the Court set down the principle which must govern our approach to the case before us:

> "Having concluded that the provisions of § 1 are clear and unequivocal on their face, we find no need to resort to the legislative history of the Act. Since the State has placed such heavy reliance upon that history, however, we do deem it appropriate to point out that this history is as best inconclusive. It is true, as the State points out, that Representative Rankin, as Chairman of the Committee handling the bill on the floor of the House, expressed his view during the course of discussion of the bill on the floor that the 1941 Act would not apply to [the sort of case in question] * * * But such statements, even when they stand alone, have never been regarded as sufficiently compelling to justify deviation from the plain language of a statute. * * *"

United States v. *Oregon*, 366 U.S. 643, 648 (1961). (Footnotes omitted.) It is, after all, the plain language of the statute which *all* the members of both houses of Congress must approve or disapprove. The courts should not allow that language to be significantly undercut. In cases such as this one, the most we should do to interpret clear statutory wording is to see that the *overriding purpose* behind the wording supports its plain meaning. We have done that here. And we conclude that Section 104 of NEPA does not permit the sort of total abdication of responsibility practiced by the Atomic Energy Commission.

V

Petitioners' final attack is on the Commission's rules governing a particular set of nuclear facilities: those for which construction permits were granted without consideration of environmental issues, but for which operating licenses have yet to be issued. These facilities, still in varying stages of construction, include the one of most immediate concern to one of the petitioners: the Calvert Cliffs nuclear power plant on Chesapeake Bay in Maryland.

Footnotes at end of article.

The Commission's rules recognize that the granting of a construction permit before NEPA's effective date does not justify bland inattention to environmental consequences until the operating license proceedings, perhaps in the future. The rules require that measures be taken now for environmental protection. Specifically, the Commission has provided for three such measures during the pre-operating license stage. First, it has required that a condition be added to all construction permits, "whenever issued," which would oblige the holders of the permits to observe all applicable environmental standards imposed by federal or state law. Second, it has required permit holders to submit their own environmental report on the facility under construction. And third, it has initiated procedures for the drafting of its staff's "detailed environmental statement" in advance of operating license proceedings.[41]

The one thing the Commission has refused to do is take any independent action based upon the material in the environmental reports and "detailed statements." Whatever environmental damage the reports and statements may reveal, the Commission will allow construction to proceed on the original plans. It will not even consider requiring alterations in those plans (beyond compliance with external standards which would be binding in any event), though the "detailed statements" must contain an analysis of possible alternatives and may suggest relatively inexpensive but high highly beneficial changes. Moreover, the Commission has, as a blanket policy, refused to consider the possibility of temporarily halting construction in particular cases pending a full study of a facility's environmental impact. It has also refused to weigh the pros and cons of "backfitting" for particular facilities (alteration of already constructed portions of the facilities in order to incorporate new technological developments designed to protect the environment). Thus reports and statements will be produced, but nothing will be done with them. Once again, the Commission seems to believe that the mere drafting and filing of papers is enough to satisfy NEPA.

The Commission appears to recognize the severe limitation which its rules impose on environmental protection. Yet it argues that full NEPA consideration of alternatives and independent action would cause too much delay at the pre-operating license stage. It justifies its rules as the most that is "practicable, in the light of environmental needs and 'other essential considerations of national policy'." [42] It cites, in particular, the "national power crisis" as a consideration of national policy militating against delay in construction of nuclear power facilties.

The Commission relies upon the flexible NEPA mandate to "use all practicable means consistent with other essential considerations of national policy." As we have previously pointed out, however, that mandate applies only to the substantive guidelines set forth in Section 101 of the Act. *See* pages 9–10 *supra*. The procedural duties, the duties to give full *consideration* to environmental protection, are subject to a much more strict standard of compliance. By now, the applicable principle should be absolutely clear. NEPA requires that an agency must—to the *fullest* extent possible under its other statutory obligations—consider alternative to its actions which would reduce environmental damage. That principle establishes that consideration of environmental matters must be more than a *pro forma* ritual. Clearly, it is pointless to "consider" environmental costs without also seriously considering action to avoid them. Such a full exercise of substantive discretion is required at every important, appropriate and nonduplicative stage of an agency's proceedings. *See* text at pages 16–17 *supra*.

The special importance of the pre-operating license stage is not difficult to fathom. In cases where environmental costs were not considered in granting a construction permit, it is very likely that the planned facility will include some features which do significant damage to the environment and which could not have survived a rigorous balancing of costs and benefits. At the later operating license proceedings, this environmental damage will have to be fully considered. But by that time the situation will have changed radically. Once a facility has been completely constructed, the economic cost of any alteration may be very great. In the language of NEPA, there is likely to be an "irreversible and irretrievable commitment of resources," which will inevitably restrict the Commission's options. Either the licensee will have to undergo a major expense in making alterations in a completed facility or the environmental harm will have to be tolerated. It is all to probable that the latter result would come to pass.

By refusing to consider requirement of alterations until construction is completed, the Commission may effectively foreclose the environmental protection desired by Congress. It may also foreclose rigorous consideration of environmental factors at the eventual operating license proceedings. If "irreversible and irretrievable commitment[s] of resources" have already been made, the license hearing (and any public intervention therein) may become a hollow exercise. This hardly amounts to consideration of environmental values "to the fullest extent possible."

A full NEPA consideration of alterations in the original plans of a facility, then, is both important and appropriate well before the operating license proceedings. It is not duplicative if environmental issues were not considered in granting the construction permit. And it need not be duplicated, absent new information or new developments, at the operating license stage. In order that the pre-operating license review be as effective as possible, the Commission should consider very seriously the requirement of a temporary halt in construction pending its review and the "backfitting" of technological innovations. For no action which might minimize environmental damage may be dismissed out of hand. Of course, final operation of the facility may be delayed thereby. But some delay is inherent whenever the NEPA consideration is conducted—whether before or at the license proceedings. It is far more consistent with the purposes of the Act to delay operation at a stage where real environmental protection may come about than at a stage where corrective action may be so costly as to be impossible.

Thus we conclude that the Commission must go farther than it has in its present rules. It must consider action, as well as file reports and papers, at the pre-operating license stage. As the Commission candidly admits, such consideration does not amount to a retroactive application of NEPA. Although the projects in question may have been commenced and initially approved before January 1, 1970, the Act clearly applies to them since they must still pass muster before going into full operation.[43] All we demand is that the environmental review be as full and fruitful as possible.

VI

We hold that, in the four respects detailed above, the Commission must revise its rules governing consideration of environmental issues. We do not impose a harsh burden on the Commission. For we require only an exercise of substantive discretion which will protect the environment "to the fullest extent possible." No less is required if the grand congressional purposes underlying NEPA are to become a reality.

Remanded for proceedings consistent with this opinion.

FOOTNOTES

[1] *See, e.g.*, Environmental Education Act, 20 U.S.C.A. § 1531 (1971 Pocket Part); Air Quality Act of 1967, 42 U.S.C. § 1857 (Supp. V 1965–1969): Environmental Quality Improvement Act of 1970, 42 U.S.C.A. §§ 4372–4374 (1971 Pocket Part); Water and Environmental Quality Improvement Act of 1970, Pub. L. 91–224, 91st Cong., 2d Sess. (1970).

[2] 42 U.S.C.A. § 4321 *et seq.* (1971 Pocket Part).

[3] The full text of Title I is printed as an appendix to this opinion. (See 102 Monitor, Vol. 1 No. 1, pp. 3–5, for reprint of NEPA's Title I.)

[4] Before the enactment of NEPA, the Commission did recognize its separate statutory mandate to consider the specific radiological hazards caused by its actions; but it argued that it could not consider broader environmental impacts. Its position was upheld in *State of New Hampshire* v. *Atomic Energy Commission*, 1 Cir., 406 F.2d 170, *cert. denied*, 395 U.S. 962 (1969).

[5] Only once—in § 102(2)(B)—does the Act state, in terms, that federal agencies must give full "consideration" to environmental impact as part of their decision making processes. However, a requirement of consideration is clearly implicit in the substantive mandate of § 101, in the requirement of § 102(1) that all laws and regulations be "interpreted and administered" in accord with that mandate, and in the other specific procedural measures compelled by § 102(2). The only circuit to interpret NEPA to date has said that "[t]his Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment." *Zabel* v. *Tabb*, 5 Cir., 430 F.2d 199, 211 (1970). Thus a purely mechanical compliance with the particular measures required in § 102(2)(C) & (D) will not satisfy the Act if they do not amount to full good faith *consideration* of the environment. *See* text at pages 14–18 *infra*. The requirements of § 102(2) must not be read so narrowly as to erase the general import of §§ 101, 102(1) and 102(2)(A) & (B).

On April 23, 1971, the Council on Environmental Quality—established by NEPA—issued guidelines for federal agencies on compliance with the Act. 36 Fed. Reg. 7723 (April 23, 1971). The Council stated that "[t]he objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action * * *." *Id.* at 7724.

[6] *Hearings on S. 1075, S. 237 and S. 1752 Before Senate Committee on Interior and Insular Affairs*, 91st Cong., 1st Sess. 206 (1969). Just before the Senate finally approved NEPA, Senator Jackson said on the floor that the Act "directs all agencies to assure consideration of the environmental impact of their actions in decisionmaking." Cong. Rec., vol. 115, pt. 30, p. 40416.

[7] *Hearings on S. 1075, supra* Note 6, at 116. Again, the Senator reemphasized his point on the floor of the Senate, saying: "To insure that the policies and goals defined in this act are infused into the ongoing programs and actions of the Federal Government, the act also established some important 'action-forcing' procedures." Cong. Rec., vol. 115, pt. 30, p. 40416. The Senate Committee on Interior and Insular Affairs Committee Report on NEPA also stressed the importance of the "action-forcing" provisions which require full and rigorous consideration of environmental values as an integral part of agency decision making. S. Rep. No. 91–296, 91st Cong., 1st Sess. (1969).

[8] The word "appropriate" in § 102(2)(B) cannot be interpreted to blunt the thrust of the whole Act or to give agencies broad discretion to downplay environmental factors in their decision making processes. The Act requires consideration "appropriate" to the problem of protecting our threatened environment, not consideration "appropriate" to the whims, habits or other particular concerns of federal agencies. *See* Note 5 *supra*.

[9] Senator Jackson specifically recognized the requirement of a balancing judgment. He said on the floor of the Senate: "Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted." Cong. Rec., vol. 115, pt. 21, p. 29055.

[10] The Commission, arguing before this court, has mistakenly confused the two standards, using the § 101(B) language to suggest that it has broad discretion in performance of § 102 procedural duties. We stress the necessity to separate the two, substantive and procedural, standards. *See* text at page 37 *infra*.

[11] The Senators' views are contained in "Major Changes in S. 1075 as Passed by the Senate," Cong. Rec., vol. 115, pt. 30, pp. 40417–40418. The Representatives' views are contained in a separate statement filed with the Conference Report, Cong. Rec., vol. 115, pt. 29, p. 39702–39703.

[12] § Section 104 of NEPA provides that the Act does not eliminate any duties already imposed by other "specific statutory obligations." Only when such specific obligations conflict with NEPA do agencies have a right under § 104 and the "fullest extent possible" language to dilute their compliance with the full letter and spirit of the Act. *See* text at pages 28–35 *infra*. Sections 103 and 105 also support the general interpretation that the "fullest extent possible" language exempts agencies from full compliance only when there is a conflict of statutory obligations. Section 103 provides for agency review of existing obligations in order to discover and, if possible, correct any conflicts. *See* text at pages 21–22 *infra*. And § 105 provides that "[t]he policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies." The report of the House conferees states that § 105 "does not * * * obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their existing statutory obligations." Cong. Rec., vol. 115, pt. 29, p. 39703. The section-by-section analysis by the Senate conferees makes exactly the same point in slightly different language. Cong. Rec., vol. 115, pt. 30, p. 40418. The guidelines published by the Council on Environmental Quality state that "[t]he phrase 'to the fullest extent possible' * * * is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible." 36 Fed. Reg. at 7724.

[13] *Texas Committee on Natural Resources* v. *United States*, W.D. Tex., 1 Envir. Rpts—Cas. 1303, 1304 (1950). A few of the courts which have considered NEPA to date have made statements stressing the discretionary aspects of the Act. *See, e.g., Pennsylvania Environmental Council* v. *Bartlett*, M.D. Pa., 315 F.Supp. 238 (1970); *Bucklein* v. *Volpe*, N.D. Cal., 2 Envir. Rpts—Cas. 1082, 1083 (1970). The Commission and intervenors rely upon these statements quite heavily. However, their reliance is misplaced, since the courts in question were not referring to the *procedural* duties created by NEPA. Rather, they were concerned with the Act's substantive goals or with such peripheral matters as retroactive application of the Act.

The general interpretation of NEPA which we outline in text at pages 4–11 *supra* is fully supported by the scholarly commentary. *See e.g.*, Donovan, *The Federal Government and Environmental Control: Administrative Reform on the Executive Level*, 12 B.C. Ind. & Com. L. Rev. 541 (1971); Hanks & Hanks, *An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969*, 24 Rutg. L. Rev. 231 (1970); Sive, *Some Thoughts of an Environmental Lawyer in the Wilderness of Administrative Law*, 70 Colum. L. Rev. 612, 643–650 (1970); Peterson, *An Analysis of Title I of the National Environmental Policy Act of 1969*, 1 Envir. L. Rptr 50035 (1971); Yannacone, *National Environmental Policy Act of 1969*, 1 Envir. Law 8 (1970); Note, *The National Environmental Policy Act: A Sheep in Wolf's Clothing?*, 37 Brooklyn L. Rev. 139 (1970).

[14] In Case No. 24,871, petitioners attack four aspects of the Commission's rules, which are outlined in text. In Case No. 24,839, they challenge a particular application of the rules in the granting of a particular construction permit—that for the Calvert Cliffs Nuclear Power Plant. However, their challenge consists largely of an attack on the substance of one aspect of the rules also attacked in Case No. 24,871. Thus we are able to resolve both cases together, and our remand to the Commission for further rule making includes a remand for further consideration relating to the Calvert Cliffs Plant in Case No. 24,839. *See* Part V of this opinion, *infra*.

[15] 35 Fed. Reg. 5463 (April 2, 1970).

[16] 35 Fed. Reg. 8594 (June 3, 1970).

[17] 35 Fed. Reg. 18469 (December 4, 1970). The version of the rules finally adopted is now printed in 10 C.F.R. § 50, App. D, pp. 246–250 (1971).

[18] 10 C.F.R. § 50, App. D, at 249.

[19] The guidelines issued by the Council on Environmental Quality emphasize the importance of consideration of alternatives to staff recommendations during the agency review process: "A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects." 36 Fed. Reg. at 7725. The Council also states that an objective of its guidelines is "to assist agencies in implementing not only the letter, but the spirit, of the Act." *Id.* at 7724.

[20] 10 C.F.R. § 2.104(b) (2) (1971).

[21] In recent years, the courts have become increasingly strict in requiring that federal agencies live up to their mandates to consider the public interest. They have become increasingly impatient with agencies which attempt to avoid or dilute their statutorily imposed role as protectors of public interest values beyond the narrow concerns of industries being regulated. *See, e.g., Udall* v. *FPC*, 387 U.S. 428 (1967); *Environmental Defense Fund, Inc.*, v. *Ruckelshaus*, —— U.S. App. D.C. ——, 439 F. 2d 584 (1971); *Moss* v. *C.A.B.*, 139 U.S. App. D.C. 150, 430 F. 2d 891 (1970); *Environmental Defense Fund, Inc.*, v. *U.S. Dept. of H. E. & W.*, 138 U.S. App. D.C. 381, 428 F. 2d 1083 (1970). In commenting on the Atomic Energy Commission's pre-NEPA duty to consider health and safety matters, the Supreme Court said "the responsibility for safeguarding that health and safety belongs under the statute to the Commission." *Power Reactor Development Co.* v. *I.U.E.R.M.W.*, 367 U.S. 396, 404 (1961). The Second Circuit has made the same point regarding the Federal Power Commission: "In this case, as in many others, the Commission has claimed to be the representative of the public interest. This role does not permit it to act as an umpire blandly calling balls and strikes for adversaries appearing before it; the right of the public must receive active and affirmative protection at the hands of the Commission." *Scenic Hudson Preservation Conference* v. *FPC*, 2 Cir., 354 F. 2d 608, 620 (1965).

[22] 10 C.F.R. § 50, App. D, at 249.

[23] 35 Fed. Reg. 18470 (December 4, 1970).

[24] Brief for respondents in No. 24,871 at 49.

[25] In some cases, the courts have had a difficult time determining whether particular federal actions were "taken" before or after January 1, 1970. But they have all started from the basic rule that any action taken after that date must comply with NEPA's procedural requirements. *See* Note, *Retroactive Application of the National Environmental Policy Act of 1969*, 69 Mich. L. Rev. 732 (1971), and cases cited therein. Clearly, any hearing held between January 1, 1970 and March 4, 1971 which culminates in the grant of a permit or license is a federal action taken after the Act's effective date.

[26] *See* text at pages 12–13 *supra*.

[27] As early as March 5, 1970, President Nixon stated in an executive order that NEPA requires consideration of environmental factors at public hearings. Executive Order 11514, 35 Fed. Reg. 4247 (March 5, 1970). *See also* Part II of this opinion.

[28] In Part V of this opinion, we hold that the Commission must promptly consider the environmental impact of projects initially approved before January 1, 1970 but not yet granted an operating license. We hold that the Commission may not wait until construction is entirely completed and consider environmental factors only at the operating license hearings; rather, before environmental damage has been irreparably done by full construction of a facility, the Commission must consider alterations in the plans. Much the same principle—of making alterations while they still may be made at relatively small expense—applies to projects approved without NEPA compliance *after* the Act's effective date. A total reversal of the basic decision to construct a particular facility or take a particular action may then be difficult, since substantial resources may already have been committed to the project. Since NEPA must apply to the project in some fashion, however, it is essential that it apply as effectively as possible—requiring alterations in parts of the project to which resources have not yet been inalterably committed at great expense.

One District Court has dealt with the problem of instant compliance with NEPA. It suggested another measure which agencies should take while in the process of developing rules. It said: "The NEPA does not require the impossible. Nor would it require, in effect, a moratorium on all projects which had an environmental impact while awaiting compliance with § 102(2) (B). It would suffice if the statement pointed out this deficiency. The decisionmakers could then determine whether any purpose would be served in delaying the project while awaiting the development of such criteria." *Environmental Defense Fund, Inc.* v. *Corps of Engineers*, E.D. Ark., 325 F.Supp. 749, 758 (1971). Apparently, the Atomic Energy Commission did not even go this far toward *considering* the lack of a NEPA public hearing as a basis for delaying projects between the Act's effective date and adoption of the rules.

Of course, on the facts of these cases, we need not express any final view on the legal effect of the Commission's failure to comply with NEPA after the Act's effective date. Mere *post hoc* alterations in plans may not be enough, especially in view of the Commission's long delay in promulgating rules. Less than a year ago, this court was asked to review a refusal by the Atomic Energy Commission to consider environmental factors in granting a license. We held that the case was not yet ripe for review. But we stated: "If the Commission persists in excluding such evidence, it is courting the possibility that if error is found a court will reverse its final order, condemn its proceeding as so much waste motion, and order that the proceeding be conducted over again in a way that realistically permits de novo consideration of the tendered evidence." *Thermal Ecology Must Be Preserved* v. *AEC*, 139 U.S. App. D.C. 366, 368, 433 F.2d 524, 526 (1970).

[29] *See* 10 C.F.R. § 20 (1971) for the standards which the Commission had developed to deal with radioactive emissions which might pose health or safety problems.

[30] 10 C.F.R. § 50, App. D, at 249. Appendix D does require that applicants' environmental reports and the Commission's "detailed statements" include "a discussion of the water quality aspects of the proposed action." *Id.* at 248. But, as is stated in text, it bars independent consideration of those matters by the Commission's reviewing boards at public hearings. It also bars the Commission from requiring—or even considering—any water protection measures not already required by the approving state agencies. *See* Note 31 *infra*.

The section of the Federal Water Pollution Control Act establishing a system of state agency certification is § 21, as amended in the Water Quality Improvement Act of 1970. 33 U.S.C.A. § 1171 (1970). In text below, this section is discussed as part of the Water Quality Improvement Act.

[31] 10 C.F.R. § 50, App. D, at 249.

[32] *Ibid.*

[33] The relevant portion is 33 U.S.C.A. § 1171. *See* Note 30 *supra*.

[34] The relevant language in WQIA seems carefully to avoid any such restrictive implication. It provides that "[e]ach Federal agency * * * shall * * * insure compliance with applicable water quality standards * * * ." 33 U.S.C.A. § 1171(a). It also provides that "[n]o license or permit shall be granted until the certification required by this section has been obtained or has been waived * * *. No license or permit shall be granted if certification has been denied * * *." 33 U.S.C.A. § 1171(b)(1). Nowhere does it indicate that certification must be the final and only protection against unjustified water pollution—a fully sufficient as well as a necessary condition for issuance of a federal license or permit.

We also take note of § 21(c) of WQIA, which states: "Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards * * *." 33 U.S.C.A. § 1171(c).

[35] The statements by Senators Jackson and Muskie were made, first, at the time the Senate originally considered WQIA. CONG. REC., vol. 115, pt. 21, pp. 29052–29056. Another relevant colloquy between the two Senators occurred when the Senate considered the Conference Report on NEPA. CONG. REC., vol. 115, pt. 30, pp. 40415–40425. Senator Muskie made a further statement at that time of final Senate approval of the Conference Report on WQIA. CONG. REC., vol. 116, pt. 7, p. 8984.

[36] CONG. REC., vol. 115, pt. 21, p. 29053.

[37] *Ibid. See also id.* at 29056. Senator Jackson appears not to have ascribed major importance to the compromise. He said, "It is my understanding that there was never any conflict between this section [of WQIA] and the provisions of [NEPA]. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings." *Id.* at 29053. He added, "The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged." *Id.* at 29055. Senator Muskie seemed to give greater emphasis to the supposed conflict between the two bills. *See id.* at 29053; CONG. REC., vol. 115, pt. 30, p. 40425; vol. 116, pt. 7, p. 8984.

[38] The Commission has called to our attention remarks made by Congressman Harsha. The Congressman did refer to a statement by Senator Muskie regarding NEPA, but it was a statement regarding application of the Act to established environmental control agencies, not regarding the relationship between NEPA and WQIA. CONG. REC., vol. 115, pt. 30, pp. 40927–40928.

[39] *Id.* at 40420.

[40] *Ibid.*

[41] 10 C.F.R. § 50, App. D, ¶ ¶ 1, 14.

[42] Brief for respondents in No. 24,871 at 59.

[43] The courts which have held NEPA to be nonretroactive have not faced situations like the one before us here—situations where there are two, distinct stages of federal approval, one occurring before the Act's effective date and one after that date. *See* Note, *supra* Note 25.

The guidelines issued by the Council on Environmental Quality urge agencies to employ NEPA procedures to minimize environmental damage, even when approval of particular projects was given before January 1, 1970: "To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of [NEPA] on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program." 36 FED. REG. at 7727.

TITLE 10.—ATOMIC ENERGY

CHAPTER 1.—ATOMIC ENERGY COMMISSION

Part 50.—Licensing of production and utilization facilities

Implementation of the National Environmental Policy Act of 1969

On July 23, 1971, the United States Court of Appeals for the District of Columbia Circuit rendered its decision in *Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.*, Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the Court's opinion.

Revised Appendix D set forth below is an interim statement of Commission policy and procedure for the implementation of NEPA in accordance with the decision of the Court of Appeals.

The effect of the revised regulations will be to make the Atomic Energy Commission directly responsible for evaluating the total environmental impact, including thermal effects, of nuclear power plants, and for assessing this impact in terms of the available alternatives and the need for electric power.

The Commission intends to be responsive to the conservation and environmental concerns of the public. At the same time the Commission is also examining steps that can be taken to reconcile a proper regard for the environment with the necessity for meeting the Nation's growing requirements for electric power on a timely basis.

The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

Revised Appendix D is divided into five sections. Section A deals with the basic procedures for implementing NEPA, including an identification of the information required of applicants, the circulation of environmental reports and detailed statements for comment, and the role of Atomic Safety and Licensing Boards in the environmental review process.

Section B deals with procedures applicable to the specified facility and materials licenses issued during the period from January 1, 1970, the date of enactment of NEPA, to the effective date of this revision.

Section C deals with the procedures applicable to construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Section D deals with the procedures applicable to pending hearings and hearings to be conducted in the near future. It makes provision for NEPA review and hearing opportunity on NEPA matters following such review and also provides for possible authorization of fuel loading and limited operation of nuclear power reactors, consistent with appropriate regard for environmental values, during the period of ongoing NEPA environmental review. Operation beyond twenty per cent (20%) of full power would require the specific prior approval of the Commission and would not be authorized except in emergency situations or other situations where the public interest so requires. (Counterpart provisions for certain materials licensing actions are contained in Section A.)

Section E sets forth the factors which will be considered by the Commission in determining whether to suspend, pending the required NEPA environmental review, permits or licenses of the specified types issued during the period from January 1, 1970, and the effective date of this revision and construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Sections B, C and D provide that the Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the times within which the proceedings subject to those sections will be completed. These provisions are in keeping with the Commission's continuing objective of minimizing undue delay in the conduct of its licensing proceedings. They would not impinge upon the basic requirements for a fair and orderly hearing on the NEPA issues.

Because the revision of Appendix D which follows is necessary to comply with Court of Appeals' decision in the *Calvert Cliffs* case, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and impracticable and for making the revision effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following revision of Appendix D of 10 CFR Part 50 is published as a document subject to codification, to be effective upon publication in the Federal Register.

The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the revision to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the Federal Register. Consideration will be given to such submission with the view to possible further amendments. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Appendix D is revised to read as follows:

APPENDIX D.—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91–190)

Introduction

On July 23, 1971, the United States Court of Appeals for the District of Columbia Circuit rendered its decision in *Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.*, Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the Court's opinion.

The Court of Appeals' decision required, in summary, that the Commission's rules make provision for the following:

1. Independent substantive review of environmental matters in uncontested as well as contested cases by presiding Atomic Safety and Licensing Boards.

2. Consideration of NEPA environmental issues in connection with all nuclear power reactor licensing actions which took place after January 1, 1970 (the effective date of NEPA).

3. Independent evaluation and balancing of certain environmental factors, such as thermal effects, notwithstanding the fact that other Federal or State agencies have already certified that their own environmental standards are satisfied by the proposed licensing action. In each individual case, the benefits of the licensing action must be assessed and weighed against environmental costs; and alternatives must be considered which would affect the balancing of values.

4. NEPA review, and appropriate action after such review, for construction permits issued prior to January 1, 1970, in cases where an operating license has not as yet been issued. The Court's opinion also states that, in order that this review be as effective as possible, the Commission should consider the requirement of a temporary halt in construction pending its review and the backfitting of technological innovations.

As summary background, the National Environmental Policy Act of 1969 (P.L. 91–190) became effective on January 1, 1970. The Commission published on April 2, 1970, in its initial implementation of the Act, an Appendix D to Part 50 stating general Commission policy and procedure for exercising AEC responsibilities under the Act in its licensing proceedings (35 F.R. 5463). Substantial amendments to Appendix D were published on December 4, 1970 (35 F.R. 18469), and further minor amendments on July 7, 1971 (36 F.R. 12731).

The amendments to Appendix D issued herewith have been adopted by the Commission to make interim changes in its regulations for implementation of NEPA in AEC licensing proceedings in light of the Court of Appeals' decision.

A. *Basic Procedures.*

1. Each applicant[1] for a permit to construct a nuclear power reactor, testing facility or fuel reprocessing plant, or such other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact on the environment, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility or fuel reprocessing plant, or two hundred (200) copies, in the case of such other production or utilization facility, of a separate document, entitled "Applicant's Environmental Report—Construction Permit Stage," which discusses the following environmental considerations:

(a) the environmental impact of the proposed action,

(b) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(c) alternatives to the proposed action,

(d) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(e) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

2. The discussion of alternatives to the proposed action in the Environmental Report required by paragraph 1 shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to section 102(2) (D) of the National Environmental Policy Act, "appropriate alternatives . . . in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

3. The Environmental Report required by paragraph 1 shall include a cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis shall, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they shall be discussed in qualitative terms. The Environmental Report should contain sufficient data to aid the Commission in its development of an independent cost-benefit analysis covering the factors specified in this paragraph.

4. The Environmental Report required by paragraph 1 shall include a discussion of the status of compliance of the facility with applicable environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State and regional agencies having responsibility for environmental protection. In addition, the environmental impact of the facility shall be fully discussed with respect to matters covered by such standards and requirements irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act[2]). Such discussion shall be reflected in the cost-benefit analysis prescribed in paragraph 3. While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis prescribed in paragraph 3 shall, for the purposes of the National Environmental Policy Act, consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility.

5. Each applicant for a license to operate a production or utilization facility described in paragraph 1, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility, or fuel reprocessing plant, or two hundred (200) copies, in the case of any other production or utilization facility described in paragraph 1, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same environmental considerations described in paragraphs 1–4, but only to the extent that they differ from those discussed in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. With respect to the operation of nuclear power reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full-power operation of the facility,[3] except that such report shall be submitted in connection with the conversion of a provisional operating license to a full-term license.

6. After receipt of any Applicant's Environmental Report, the Director of Regulation or his designee will cause to be published in the Federal Register a summary notice of the availability of the Report, and the Report will be placed in the AEC's Public Document Rooms at 1717 H Street, N.W., Washington, D.C. and in the vicinity of the proposed site, and will be made available to the public at the appropriate State, regional and metropolitan clearinghouses.[4] In addition, a public announcement of the availability of the Report will be made. Any comments by interested persons on the Report will be considered by the Commission's regulatory staff, and there will be further opportunity for public comment in accordance with paragraph 7. The Director of Regulation or his designee will analyze the Report and prepare a draft Detailed Statement of environmental considerations. The draft Detailed Statement will contain an assessment of the matters specified in paragraph 1; a preliminary cost-benefit analysis based on the factors specified in paragraph 3; and an analysis, pursuant to section 102(2) (D) of the National Environmental Policy Act, of appropriate alternatives to the proposed licensing action in any case which involves unresolved conflicts concerning alternative uses of available resources (i.e., an analysis of alternatives which would alter the environmental impact and the cost-benefit balance). The Commission will then transmit a copy of the Report and of the draft Detailed Statement to such Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate,[5] and to the Governor or appropriate State and local officials, who are authorized to develop and enforce environmental standards, of any affected State. The transmittal will request comment on the Report and the draft Detailed Statement within forty-five (45) days in the case of Federal agencies and seventy-five (75) days in the case of State and local officials, or within such longer time as the Commission may deem appropriate. (In accordance with § 2.101(b) of Part 2, the Commission will also send a copy of the application to the Governor or other appropriate official of the State in which the facility is to be located and will publish in the Federal Register a notice of receipt of the application, stating the purpose of the application and specifying the location at which the proposed activity will be conducted.) Comments on an "Applicant's Environmental Report—Operating License Stage" and on the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ from those previously considered at the construction permit stage. If any such Federal agency or State or local official fails to provide the Commission with comments within the time specified by the Commission, it will be presumed that the agency or official has no comment to make, unless a specific extension of time has been requested.

7. In addition, upon preparation of a draft Detailed Statement, the Commission will cause to be published in the Federal Register a summary notice of the availability of the Applicant's Environmental Report and the draft Detailed Statement. The summary notice to be published pursuant to

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Footnotes at end of article.

this paragraph will request, within seventy-five (75) days or such longer period as the Commission may determine to be practicable, comment from interested persons on the proposed action and on the draft Statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.[6]

8. After receipt of the comments requested pursuant to paragraphs 6. and 7., the Director of Regulation or his designee will prepare a final Detailed Statement on the environmental considerations specified in paragraph 1., including a discussion of problems and objections raised by Federal, State and local agencies or officials and private organizations and individuals and the disposition thereof. The Detailed Statement will contain a final cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they will be discussed in qualitative terms. In the case of any proposed licensing action that involves unresolved conflicts concerning alternative uses of available resources, the Detailed Statement will contain an analysis, pursuant to section 102(2)(D) of the National Environmental Policy Act, of alternatives to the proposed licensing action which would alter the environmental impact and the cost-benefit balance. Compliance of facility construction or operation with environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State and regional agencies having responsibility for environmental protection will receive due consideration. In addition, the environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by such standards and requirements, irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act[7]). While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of the National Environmental Policy Act consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility. On the basis of the foregoing evaluations and analyses, the Detailed Statement will include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is issuance or denial of the proposed permit or license or its appropriate conditioning to protect environmental values.

Detailed Statements prepared in connection with an application for an operating license will cover only environmental considerations which differ from those discussed in the Detailed Statement previously prepared in connection with the application for a construction permit and may incorporate by reference any information contained in the Detailed Statement previously prepared in connection with the application for a construction permit. With respect *to the operation* of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility,[8] except that such a Detailed Statement will be prepared in connection with the conversion of a provisional operating license to a full-term license.

9. The Commission will transmit to the Council on Environmental Quality copies of (a) each Applicant's Environmental Report, (b) each draft Detailed Statement, (c) comments thereon received from Federal, State and local agencies and officials and private organizations and individuals, and (d) each Detailed Statement prepared pursuant to paragraph 8. Copies of such Report, draft Statements, comments and Statements will be made available to the public as provided in this Appendix and as provided in 10 CFR 9[9] and will accompany the application through, and will be considered in, the Commission's review processes. After each Detailed Statement becomes available, a notice of its availability will be published in the Federal Register, and copies will be made available to appropriate Federal, State and local agencies and State, regional and metropolitan clearinghouses. To the maximum extent practicable, no construction permit or operating license in connection with which a Detailed Statement is required by paragraph 8 will be issued until ninety (90) days after the draft Detailed Statement so required has been circulated for comment, furnished to the Council on Environmental Quality, and made available to the public, and until thirty (30) days after the final Detailed Statement therefor has been made available to the Council and the public. If the final Detailed Statement is filed within ninety (90) days after a draft Statement has been circulated for comment, furnished to the Council and made available to the public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. In addition, to the maximum extent practicable, the final Detailed Statement will be publicly available at least thirty (30) days before the commencement of any related evidentiary hearing that may be held.

10. In a proceeding for the issuance of a construction permit or an operating license for a production or utilization facility described in paragraph 1 in which a hearing is held, the Applicant's Environmental Report, comments thereon, and the Detailed Statement will be offered in evidence. Any party to the proceeding may take a position and offer evidence on environmental aspects of the proposed licensing action in accordance with the provisions of Subpart G of 10 CFR Part 2.

11. In a proceeding for the issuance of a construction permit for a production or utilization facility described in paragraph 1, and in a proceeding for the issuance of an operating license in which a hearing is held and matters covered by this Appendix are in issue, the Atomic Safety and Licensing Board will (a) determine whether the requirements of section 102(2) (C) and (D) of the National Environmental Policy Act and this Appendix have been complied with in the proceeding, (b) decide any matters in controversy among the parties, (c) determine, in uncontested proceedings, whether the NEPA review conducted by the Commission's regulatory staff has been adequate, and (d) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit or license with a view to determining the appropriate action to be taken.

The Atomic Safety and Licensing Board, on the basis of its conclusions on the above matters, shall determine whether the permit or license should be granted, denied, or appropriately conditioned to protect environmental values. The Atomic Safety and Licensing Board's initial decision will include findings and conclusions which may affirm or modify the contents of the Detailed Statement described in paragraph 8. To the extent that findings and conclusions different from those in the Detailed Statement are reached, the Detailed Statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9. If the Commission or the Atomic Safety and Licensing Appeal Board, in a decision on review of the initial decision, reaches conclusions different from the Atomic Safety and Licensing Board with respect to environmental aspects, the Detailed Statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9.

12. The Atomic Safety and Licensing Board, during the course of the hearing on an application for a license to operate a production or utilization facility described in paragraph 1, may authorize, pursuant to § 50.57(c), the loading of nuclear fuel in the reactor core and limited operation within the scope of § 50.57(c), upon compliance with the procedures described therein. Where any party to the proceeding opposes such authorization on the basis of matters covered by this Appendix, the provisions of paragraph 11 shall apply in regard to the Atomic Safety and Licensing Board's determination of such matters. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

13. The Commission will incorporate in all construction permits and operating licenses for production and utilization facilities described in paragraph 1, a condition, in addition to any conditions imposed pursuant to paragraph 11, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

14. The Commission has determined that the following activities subject to materials licensing may also significantly affect the quality of the environment:[10] (a) licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial. Applicants for such licenses shall submit two hundred (200) copies of an Environmental Report which discusses the environmental considerations described in paragraphs 1–4. Except as the context may otherwise require, procedures and measures similar to those described in Sections A, B, D and E of this Appendix will be followed in proceedings for the issuance of such licenses. The procedures and measures to be followed with respect to materials licenses will, of course, reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. Ordinarily, therefore, there will be only one Applicant's Environmental Report required and only one Detailed Statement prepared in connection with an application for a mate-

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rials license. If a proposed subsequent licensing action involves environmental considerations which differ significantly from those discussed in the Environmental Report filed and the Detailed Statement previously prepared in connection with the original licensing action, a supplementary Detailed Statement will be prepared. In a proceeding for the issuance of a materials license within the purview of this paragraph where the requirements of paragraphs 1–9 have not as yet been met, the activity for which the license is sought may be authorized with appropriate limitations, upon a showing that the conduct of the activity, so limited, will not have a significant, adverse impact on the quality of the environment. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, the conduct of such activities may be warranted during the period of the ongoing NEPA environmental review. Accordingly, the activity for which the license is sought may be authorized with appropriate limitations after consideration and balancing of the factors described below: *Provided, however,* that such activity may not be authorized for a period in excess of four (4) months except upon specific prior approval of the Commission. Such approval will be extended only for good cause shown.

Factors

(a) Whether it is likely that the activity conducted during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the license result from the ongoing NEPA environmental review.

(b) Whether the activity conducted during the prospective review period would foreclose subsequent adoption of alternatives in the conduct of the activity of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in the conduct of the activity upon the public interest. Of primary importance under this criterion are the needs to be served by the conduct of the activity; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the activity, and any license issued will be conditioned to that effect.

B. *Procedures for Review of Certain Licenses to Construct or Operate Production or Utilization Facilities and Certain Licenses for Source Material, Special Nuclear Material and Byproduct Material Issued in the Period January 1, 1970—(effective date of this amended Appendix D).*

1. All holders of (a) construction permits or operating licenses for production or utilization facilities of the type described in Section A.1, (b) licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride, (c) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride, and (d) licenses authorizing commercial radioactive waste disposal by land burial, issued during the period January 1, 1970—(effective date of this amended Appendix D) shall submit, as soon as possible, but no later than (sixty (60) days after effective date of this amended Appendix D), or such later date as may be approved by the Commission upon good cause shown, the appropriate number of copies of an Environmental Report as specified in Section A.1–5.

If an Environmental Report had been submitted prior to the issuance of the permit or license, a supplement to that Report, covering the matters described in Section A.1–5 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. After receipt of any Environmental Report or any supplement to an Environmental Report submitted pursuant to paragraph 1 of this section, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thrity (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comments to make. The Detailed Statement (or supplemental Detailed Statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to Section A.8 will, on the basis of the analyses and evaluation described therein, include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license or its appropriate conditioning to portect environmental values.

3. Upon preparation of a Detailed Statement or supplemental Detailed Statement as specified in Section A.8 and paragraph 2 of this Section B, the Director of Regulation will, in the case of construction permit for a nuclear power or test reactor or a fuel reprocessing plant, publish in the FEDERAL REGISTER a notice of hearing, in accordance with § 2.703 of this chapter, on NEPA environmental issues as defined in Section A.11, which hearing notice may be included in the notice required by paragraph 2. Upon preparation of a Detailed Statement or supplemental Detailed Statement as specified in Section A.8 and paragraph 2 of this Section B for any other permit or license for a facility of a type described in Section A.1, the Director of Regulation will publish a notice in the Federal Register, which may be included in the notice required by paragraph 2, setting forth his, or his designee's, conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license, or appropriate conditioning to protect environmental values and providing that, within thirty (30) days from the date of publication of the notice, the holder of the permit or license may file a request for a hearing and any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing held pursuant to this paragraph, the provisions of Sections A.10 and 11 will apply. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

C. *Procedures for Review of Certain Construction Permits for Production or Utilization Facilities Issued Prior to January 1, 1970 for Which Operating Licenses Have Not Been Issued.*

1. Each holder of a permit to construct a production or utilization facility of the type described in Section A.1 issued prior to January 1, 1970, for which an operating license has not been issued, other than holders of construction permits subject to Section D, shall submit the appropriate number of copies of an Environmental Report as specified in Sections A.1–4 of this Appendix as soon as possible, but no later than sixty (60) days after effective date of this amended Appendix D, or such later date as may be approved by the Commission upon good cause shown. If an Environmental Report had been submitted prior to (effective date of this amended Appendix D), a supplement to that Report, covering the matters described in Sections A.1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. Upon receipt of an Environmental Report or supplemental Environmental Report submitted pursuant to paragraph 1, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thirty (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comment to make. The Detailed Statement (or supplemental Detailed Statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to Section A.8 will, on the basis of the analyses and evaluations described therein, include a conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values. Upon preparation of the Detailed Statement, the Director of Regulation will publish in the Federal Register a notice, which may be included in the notice required by Section A.9, setting forth his, or his desginee's, conclusion as respects the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values. The notice will provide that within thirty (30) days from the date of its publication, any person whose interest may be affected by the proceeding may file an answer to the notice setting forth any reasons why the license should not be continued, modified, terminated or conditioned as proposed. Any such person may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing, the provisions of Sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

3. The review of environmental matters conducted in accordance with this Section C will not be duplicated at the operating license stage, absent new significant information relevant to these matters.

D. *Procedures Applicable to Pending Hearings or Proceedings to be Noticed in the Near Future.*

1. In proceedings in which hearings are pending as of (effective date of this amended Appendix D) or in which a draft or final Detailed Statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated prior to said date, the presiding Atomic Safety and Licensing Board will, if the requirements of paragraphs 1–9 of Section A have not as yet been met, proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act pending the submission of Environmental Reports and Detailed Statements as specified in Section A and compliance with other applicable requirements of Section A. A supplement to the Environmental Report, covering the matters de-

scribed in Sections A.1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report. Upon receipt of the supplemental Environmental Report, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thirty (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comment to make. In any subsequent session of the hearing held on the matters covered by this Appendix, the provisions of Sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed.

2. In a proceeding for the issuance of an operating license where the requirements of paragraph 1–9 of Section A have not as yet been met and the matter is pending before an Atomic Safety and Licensing Board, the applicant may make, pursuant to § 50.57(c), a motion in writing for the issuance of a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c). Upon a showing on the record that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c), the presiding Atomic Safety and Licensing Board may grant the applicant's motion. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the presiding Atomic Safety and Licensing Board may, upon satisfaction of the requirements of § 50.57(c), grant a motion, pursuant to that section, after consideration and balancing on the record of the factors described below: *Provided, however,* that operation beyond twenty per cent (20%) of full power may not be authorized except upon specific prior approval of the Commission.

Factors

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

If any party, including the staff, opposes the request, the provisions of § 50.57(c) will apply with respect to the resolution of the objections of such party and the making of findings required by § 50.57(c) and this paragraph. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

3. This paragraph applies to proceedings on an application for an operating license for which a notice of opportunity for hearing was issued prior to October 31, 1971, and no hearing has been requested. If, in such proceedings, the requirements of paragraphs 1–9 of Section A have not as yet been met, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c), upon a showing that such licensing action will not have a significant, adverse impact on the quality of the environment and upon making the appropriate findings on the matters specified in §50.57(a). In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the Commission may issue a license for limited operation after consideration and balancing of the factors described in paragraph 2. of this section and upon making the appropriate findings on the matters specified in § 50.57(a): *Provided, however,* that operation beyond twenty per cent (20%) of full power will not be authorized except in emergency situations or other situations where the public interest so requires. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect. When the requirements of paragraphs 1–9 of Section A have been met, the provisions of Section B.3 applicable to operating licenses will be followed.

E. *Consideration of Suspension of Certain Permits and Licenses Pending NEPA Environmental Review.*

1. In regard to proceedings subject to Sections B and C, the Commission will consider and determine, in accordance with the provisions of paragraphs 3 and 4 of this Section E, whether the permit or license should be suspended, in whole or in part, pending completion of the NEPA environmental review specified in those sections.

2. In making the determination called for in paragraph 1, the Commission will consider and balance the following factors:

(a) Whether it is likely that continued construction or operation during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of the permit or license result from the ongoing NEPA environmental review.

(b) Whether continued construction or operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

3. Each holder of a permit or license subject to Sections B or C shall furnish to the Commission, before (forty (40) days after effective date of this amended Appendix D) or such later date as may be approved by the Commission upon good cause shown, a written statement of any reasons, with supporting factual submission, why, with reference to the criteria in paragraph 2, the permit or license should not be suspended, in whole or in part, pending completion of the NEPA environmental review specified in Sections B or C. Such documents will be publicly available and any interested person may submit comments thereon to the Commission.

4. The Commission will thereafter determine whether the permit or license shall be suspended pending NEPA environmental review and will publish that determination in the Federal Register. A public announcement of that determination will also be made.

(a) If the Commission determines that the permit or license shall be suspended, an order to show cause pursuant to § 2.202 of this chapter shall be served upon the licensee and the provisions of that section followed.[11]

(b) Any person whose interest may be affected by the proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of the Commission's determination on this matter in the Federal Register. Such request shall set forth the matters, with reference to the criteria set out in paragraph 2, alleged to warrant a suspension determination other than that made by the Commission, and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the Federal Register.

(c) The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which a proceeding, or any portion thereof, conducted pursuant to this paragraph shall be completed.

(Sec. 102, Stat. 853; secs 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201.)

FOOTNOTES

[1] Where the "applicant", as used in this Appendix, is a Federal agency, different arrangements for implementing the National Environmental Policy Act may be made, pursuant to the guidelines established by the Council on Environmental Quality.

[2] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[3] This Report is in addition to the Report required at the construction permit stage.

[4] Such clearinghouses have been established pursuant to Office of Management and Budget Circular A–95 to provide liaison and coordination between Federal and State, regional or local agencies with respect to Federal programs. The documents will be made available at appropriate State, regional and metropolitan clearinghouses only with respect to proceedings in which the draft Detailed Statement is circulated after June 30, 1971, in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[5] Requests for comments on Environmental Reports and draft Detailed Statements from the Environmental Protection Agency will include a request for comments with respect to water quality aspects of the proposed action for which a certification pursuant to section 21(b) of the Federal Water Pollution Control Act has been issued, and with respect to aspects of the proposed action to which section 309 of the Clean Air Act is applicable.

[6] This paragraph applies only with respect to proceedings in which the draft Detailed Statement is circulated after June 30, 1971,

in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[7] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[8] This Statement is in addition to the Statement prepared at the construction permit stage.

[9] 10 CFR Part 9 implements the Freedom of Information Act, Section 552 of Title 5 of the United States Code.

[10] Additional activities subject to materials licensing may be determined to significantly affect the quality of the environment and thus be subject to the provisions of this paragraph.

[11] 10 CFR § 2.202 among other things, provides for institution of a proceeding to modify, suspend or revoke a license by issuance of an order to show cause and provides an opportunity for hearing.

SEPTEMBER 1, 1971.

SCOPE OF APPLICANTS' ENVIRONMENTAL REPORTS WITH RESPECT TO TRANSPORTATION, TRANSMISSION LINES, AND ACCIDENTS

In addition to information called for in the Draft AEC Guide to Preparation of Environmental Reports for Nuclear Power Plants, the Applicant's Environmental Report should deal with the following matters:

I. TRANSPORTATION

Transportation to and from the facility being licensed. In the licensing of nuclear power reactors, the Applicant's Environmental Report should describe, to the extent practicable, the environmental effects of the fuel transportaion of fuel elements from the fuel fabrication plant to the reactor as well as the transportation of spent fuel elements from the reactor to the fuel reprocessing plant and the transportation of packaged radioactive material from the reactor to low level waste burial grounds. In the licensing of fuel reprocessing plants, the Applicant's Environmental Report should describe the environmental effects of the transportation of spent fuel to the plant and the transportation of high level and low level wastes from the plant to the location of storage or disposal offsite. This information should, to the extent practicable, include the method of transport (i.e., rail, highway, or water) to and from the facility being licensed; anticipated frequency of each type of shipment; and the type of transport containers for each type of shipment.

II. TRANSMISSION LINES

In the licensing of nuclear power reactors, the Applicant's Environmental Report should contain a general description of the environmental effects of transmission lines whose construction is necessitated by the additional electric power to be supplied from the reactor. In general, such transmission lines will include lines running from the reactor to the location where the new line feeds into a substation, major existing grid, or other existing systems. The Applicant should also identify any authorizations or approvals obtained from Federal, regional, State and local authorities.

III. ACCIDENTS

Postulated accidents are discussed in another context in Applicants' Safety Analysis Reports. The principal line of defense is accident prevention through correct design, manufacture, and operation, and a quality assurance program is used to provide and maintain the necessary high integrity of the reactor system. Deviations that may occur are handled by protective systems to place and hold the plant in a safe condition. Notwithstanding all this, the conservative postulation is made that serious accidents might occur, in spite of the fact that they are extremely unlikely, and engineered safety features are installed to mitigate the consequences of these unlikely postulated events.

In the consideration of the environmental risks due to postulated accidents, the probabilities of their occurrence and their consequences must both be taken into account. It is not practicable to consider all possible accidents, so the spectrum of accidents, ranging in severity from trivial to very serious, is divided into classes in the attached table. Each class can be characterized by an occurrence rate and a set of consequences. Ideally, the classes would be small and homogeneous; practically, each of the classes in the table includes events with different probabilities and consequences. Using typical or average characteristics for each class is nevertheless satisfactory, since occurrences of greater or less severity are covered in other classes.

For each class except Classes 1 and 9, the environmental consequences should be evaluated using assumptions as realistic as the state of knowledge permits. Those classes found to have significant adverse environmental effects should be evaluated as to probability, or frequency of occurrence, to enable estimates to be made of environmental risk or cost arising from accidents of the given class.

Class 1 events need not be considered because of their trivial consequences.

Class 8 events are the ones considered in Safety Analysis Reports and Safety Evaluations. They are used, together with highly conservative assumptions, as the design-basis events to establish the performance requirements of engineered safety features. The highly conservative assumptions and calculations legitimately used for safety evaluations are not suitable for environmental risk evaluation, because the probability of occurrence is so low for the unfavorable combinations of circumstances used. For this reason, Class 8 events are to be evaluated realistically, and will have consequences predicted in this way that are far less severe than those given for the same events in Safety Analysis Reports, using conservative evaluations.

The occurrences in Class 9 involve sequences of postulated successive failures more severe than those postulated for the design-basis for protection systems and engineered safety features. Their consequences could be severe. However, the probability of their occurrence is so small that their environmental risk is extremely low. Defense in depth (multiple physical barriers), quality assurance for design, manufacture, and operation, continued surveillance and testing, and conservative design are all applied to provide and maintain the required high degree of assurance that potential accidents in this class are, and will remain, sufficiently remote in probability that the environmental risk is extremely low. For these reasons it is not necessary to discuss them in Applicants' Environmental Reports.

TABLE.—*Classification of postulated accidents and occurrences*

No. of class, description, and example(s)

1. Trivial Incidents: Small spills, Small leaks inside containment.

2. Misc. Small Releases Outside Containment: Spills, Leaks and pipe breaks.

3. Radwaste System Failures: Equipment failure, Serious malfunction or human error.

4. Events that release radioactivity into the primary system: Fuel failures during normal operation. Transients outside expected range of variables.

5. Events that release radioactivity into secondary system: Class 4 & Heat Exchanger Leak.

6. Refueling accidents inside containment: Drop fuel element, Drop heavy object onto fuel. Mechanical malfunction or loss of cooling in transfer tube.

7. Accidents to spent fuel outside containment: Drop fuel element, Drop heavy object onto fuel. Drop shielding cask—loss of cooling to cask. Transportation incident *on site*.

8. Accident initiation events considered in design-basis evaluation in the Safety Analysis Report: Reactivity transient; Rupture of primary piping, Flow decrease—Steamline break.

9. Hypothetical sequences of failures more severe than Class 8: Successive failures of multiple barriers normally provided and maintained.

SOURCE FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from NTIS rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Ave., N.W., Washington, D.C. 20036. Envelopes bearing orders should be marked "Document Service." The Institute charges $0.10 per page. The number of pages is indicated at the end of each summary in the *Monitor*, as well as an order number. Please enclose the correct amount of money with your order. It is not necessary to be a subscriber to the *Environmental Law Reporter*, available from the Institute for $50.00 per year, to take advantage of this service.

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record*. You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 and 3: Congressional Record—April 28 (Extension of Remarks), page E3607.

Vol. 1, No. 4: Congressional Record—May 27 (Extension of Remarks), page E5151.

Vol. 1, No. 5: Congressional Record—June 16 (Extension of Remarks), page E6023.

Vol. 1, No. 6: Congressional Record—July 28 (Extension of Remarks), page E8458.

On the following pages are environmental impact statements received by the Council from August 1 through August 30, 1971. (The listing of statements by agency is in a different alphabetical order.)

Note: at the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388-7803.

Agricultural Research Service

Final

Title, description, and date

Pilot Boll Weevil eradication experiment. *Mississippi Area.* Trial eradication program will be undertaken this year and will consist of a series of population suppression techniques (cultural, insecticides, defoliants, sterile male release, etc.), integrated into a season-long control effort. Involves 4,000 acres of cotton. (ELR Order #PB-201 861-F) 8/17.

Consumer and Marketing Service

Final

Title, description, and date

Regulation for the Egg Products Inspection Act. Signed by the President 12/29/70. Provides for mandatory inspection of egg products in interstate, and foreign commerce, etc. Comments made by EPA. (ELR Order #PB-202 151-F) 8/23.

Forest service

Final

Title, description, and date

Washakie Wilderness, Shoshone National Forest, *Wyoming.* Proposal recommends that 189,024 acres of the Stratified Primitive Area in the Shoshone National Forest, Wyoming and 7,366 contiguous acres be designated as Wilderness by Act of Congress and be added to the National Wilderness Preservation System. Also the South Absaroka Wilderness, (483,130) be combined with this area. Total acreage would be 679,520 acres and would be called Washakie Wilderness, Shoshone National Forest. Comments made by USDA, FPC, DOI, FAA, various State of Wyoming agencies. No draft statement received. (ELR Order #413, 76 pages) (NTIS Order #PB-201 677-F) 8/4.

Flat Tops Wilderness, Routt and White River National Forests, *Colorado.* USDA proposes that a total of 142,230 acres be classified and added to the National Wilderness Preservation System (99,489 acres are part of the Flat Tops Primitive Area) and 2,635 acres be declassified because they do not meet the minimum criteria of wilderness or need minor boundary adjustments. Comments made by USDA, COMMERCE, DOD, HEW, DOI, DOT, FPC, State of Colorado, County Commissioners of Rio Blanco County, Colorado. No draft statement received. (ELR Order #504, 98 pages) (NTIS Order #PB-201 862-F) 8/13.

Council Bluff Reservoir Project: Clark National Forest, Iron County, *Missouri.* Involves turning a free-flowing stream into a reservoir. 175 acres of timber will be cleared. Timber and other debris not sold will be burned. 440 acres of upland game habitat will be inundated. Purpose: recreation. Comments made by DOI, EPA, ARMY: COE, State-Inter Agency Council for Outdoor Recreation, Missouri Water Resources Board. (ELR Order #501, 20 pages) (NTIS Order #PB-201 863-F) 8/17.

Rural Electrification Administration

Draft

Title, description, and date

Transmission line between Beaver Creek, Colorado and Wray, Colorado. Statement relates to application of Tri-State Generation and Transmission Association, Inc. (Tri-State) for a change-of-purpose of $3,088,000 of loan funds (together with general funds) for use in constructing 77 miles of 230 kV transmission line. This line will be integrated into the interconnected transmission systems of the Bureau of Reclamation, Tri-State and the Public Svs. Co. of Colorado. In addition, a new switching station will be constructed at Beaver Creek and a substation addition at Wray. Purpose: expand service to meet consumers' requirements. (ELR Order No 520, 37 pages) NTIS Order No. PB201 993-D) August 14.

Soil Conservation Service

Draft

Title, description, and date

Oolenoy River Watershed Project, Pickens County, South Carolina. Involves installing 6 floodwater-retarding structures, one multiple-purpose flood prevention and recreation reservoir with supporting recreation facilities, 7 miles of channel improvement, 115 acres of stabilization and conservation land treatment throughout the entire watershed. Purpose: reduce erosion, reduce flood water damages on 1,080 acres, etc. (ELR Order No. 431, 13 pages) (NTIS Order No. PB-201 687-D) August 4.

Dividing Creek Watershed, Wicomico Worcester, Somerset Counties, *Maryland.* Involves conservation land treatment (drainage mains and laterals, ditch bank seeding, etc.) supplemented by approximately 87 miles of channel improvement. Purpose: reduce flood damage, improve condition of soil. Changes in wildlife ecology due to partial drainage of 30 acres of wooded swamp. (ELR Order #478, 15 pages) (NTIS Order #PB-201 761-D) 8/4.

Boxelder Creek Watershed, *Colorado.* Project located in Larimer and Weld Counties, *Colorado* and Albany and Laramie Counties, *Wyoming.* Involves installation of conservation land treatment throughout the watershed supplemented by five floodwater-retarding structures and one stabilization structure. Sediment and flood water-retarding pools will periodically inundate about 4.2 miles of intermittent stream channels. About .6 mile of rangeland will be used to construct dams and spillways. Purpose: reduce flood damages, reduce sedimentation in irrigation reservoirs, etc. (ELR Order #554, 8 pages) (NTIS Order #PB-202 072-D) 8/18.

Final

Title description, and date

Starkweather Watershed project, North Central *North Dakota.* Involves conservation land treatment of 79,760 acres during 8-year period and channel improvement for 60.6 miles including 4 grade stabilization structures. 75% of certain types of wetlands to be maintained. Purpose: flood prevention and agricultural water management. Comments made by ARMY:COE, DOI, HEW, Governor of North Dakota and north Dakota Dept. of Health. No draft statement received. (ELR Order #617, 9 pages) (NTIS Order #PB-202 150-F) 8/23.

Guadalupe Watershed Project, Maricopa County, *Arizona.* Includes plans for a dam, the Guadalupe Diversion and an outlet pipeline. About 42.9 acres of native vegetation will be destroyed. Comments made by EPA, DOI, DOT, Various State of Arizona agencies. (ELR Order #474, 10 pages) (NTIS Order #PB-199 141-F) 8/6.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973-7531.

Final

Title, description, and date

Radioactive Waste Repository, Lyons, *Kansas.* Final sent 6/4, this is a supplement to the final. Includes an addition to the bibliography referencing testimony before the subcommittee on Public Works of the House Committee on Appropriations and the exchange of correspondence between the Commission and Representative Joe Skubitz, 5th district, Kansas. (ELR Order No. 531, 102 pages) (NTIS Order No. PB-202 120-F 8/18.

Note: This supplement and the final statement will be sold as one document by NTIS at a cost of $6.00.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230 (202) 967-4335.

Economic Development Administration

Final

Title, description, and date

Financial grant assistance for development of an industrial park, Swinomish Indian Reservation, Skagit County, *Washington.* Involves two phases: (1) dredging and filling operations, changing land use, etc., and (2) occupying the site with industrial facilities and monitoring/controlling waste discharges. Purpose: to provide long term employment for members of the Swinomish Tribal community and residents of Skagit County. Comments made by HEW, USDA, DOD:COE, COMMERCE, North West Air Pollution Authority, various State of Washington agencies. (ELR Order #599, 52 pages) (NTIS Order #PB-199 871-F) 8/26.

DEPARTMENT OF DEFENSE—DEPARTMENT OF AIR FORCE

Contact: Colonel Whitehead, Room 5E 425—The Pentagon, Washington, D.C. 20330. (202) 697-1147.

Draft

Title, description, and date

Development and testing of 3 flight-test B-1 aircraft, a high subsonic low altitude penetrator (⅔ size of B-52). Plane will be capable of supersonic speed at high altitude. First flight is scheduled for April 1974, with a decision to enter into production about 12 months later. Describes measures being developed to lessen noise and air pollution. (ELR Order #365, 33 pages) (NTIS Order #PB-201 711-D) 7/30.

Development of the F-15 aircraft. A single-place, fixed-wing, twin-turbofan fighter in the 40,000 pound weight class. Capable of speed in excess of Mach 2. Plans are for a first flight in 1972, with in initial operational capability in the mid-1970's. The F-15 is in the advanced development stage, it will fill the Air Force's need for an "Air Superiority Fighter." (ELR Order #366, 34 pages) (NTIS Order #PB-201 710-D) 7/30.

DEPARTMENT OF ARMY—OFFICE OF THE SECRETARY

Contact: Colonel Wm. T. Gardiner, Chief of Construction Division, Office, Deputy Chief of Staff for Logistics, Washington, D.C. (202) 694-4380.

Draft

Title, description, and date

Airfield Complex, Phase I, Fort Campbell, *Kentucky.* Involves construction of 4 maintenance hangars for a total of 149,972 square feet, a direct support hangar of 32,400 square feet and a natural gas-fired central heating plant. Purpose: provide permanent maintenance and operational support for 62 helicopters. (ELR Order #577, 5 pages) (NTIS Order #PB-202 080-D) 8/16.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office—Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-6329.

For the readers convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description, and date

Chena River Lakes flood control project, Fairbanks, *Alaska.* Construction of two earthfill dams on the Chena and Little Chena Rivers and also construction of a levee system on the Tanana River. Project will impound 2 miles of free-flowing stream habitat and will inundate 10,000 acres of marsh and stream habitat during peak flood levels. Purpose: provide protection from flooding, recreation, etc. (ELR Order # 325, 27 pages) (NTIS Order # PB–201 532–D) 7/23.

Gillham Lake, Howard, Polk & Sevier Counties, *Arkansas*. Remaining work on this dam and lake project involves completing the embankment, clearing the reservoir area and constructing recreation facilities. Purpose: flood control, water supply, water quality, etc. NOTE: in connection with current litigation on this project, work has been stopped and a complete reassessment of environmental effects and alternatives has been undertaken. Consequently, this is a *new* environmental statement that will eventually supersede the final statement transmitted to CEQ on 1/21/71. (ELR Order # 605, well over 400 pages) (NTIS Order # PB–202 134–D) 8/26.

Lower Klamath River flood control project, Del Norte County, *California*. Flood control measures for the lower Klamath River involve: (1) a levee around the town of Klamath California (completed Nov. 1968). (2) a similar levee system surrounding the town of Klamath Glen, California, presently under construction, and (3) bank protection on the north bank along a two mile reach beginning at the mouth of the River (contract to be awarded in August). (ELR Order # 348, 8 pages) (NTIS Order # PB–201 519–D) 7/29.

Flood protection project, Waterloo, *Iowa*. Consists of construction 15 miles of earthen levees and 2 miles of concrete floodwalls, a small dam and detention reservoir, deepening and widening Cedar River channel, etc. Purpose: provide protection to Waterloo from the flooding of Cedar River, Black Hawk Creek and Verden Creek. (ELR Order #487, 17 pages) (NTIS Order #PB–201 850–D) 8/5.

Fort Scott Lake, Marmaton River, *Kansas*. Initiate construction upon receipt of funds of a dam and lake in Bourbon County. The lake will inundate 5,000 acres of land and eliminate 25 miles of Marmaton River. Purpose: flood control, water quality control, etc. (ELR Order #349, 8 pages) (NTIS Order #PB–201 520–D) 7/29.

Pearl River navigation project, *Mississippi* and *Louisiana*. Consists of working on existing navigation project by the construction of cutoff channels and easement of bends at 8 locations in the River. Located in St. Tammary Parish, Louisiana. Purpose: reduce navigation difficulties and shorten navigation channel 3.6 miles. (ELR Order #592, 5 pages) (NTIS Order #PB–202 074–D) 8/20.

Long Branch Lake, East Fork, Little Chariton River, *Missouri*. Initiate construction upon receipt of funds of an earthfill dam and lake in Macon County. The lake would inundate 2,430 acres of land and eliminate 14 miles of the East Fork of Little Chariton River and associated habitat. Purpose: flood protection, water quality control, etc. (ELR Order #347, 7 pages) (NTIS Order #PB–201 518–D) 7/29.

Chesapeake Bay Hydraulic Model, Matapeake, *Maryland*. Construction of a shelter to house a hydraulic model and technical center with attendant parking facilities. Site is located on Maryland Rte. 8, about 3 miles south of the eastern terminus of the William Presta Bridge. Will cover about 14.5 acres of land. Purpose: to serve as a tool in a comprehensive examination of present and predicted land and water use patterns in Chesapeake Bay and its tributaries. (ELR Order #324, 31 pages) (NTIS Order #PB–201 531–D) 7/23.

Zumbro River, Wabasha County, *Minnesota*. Channel modification work on 3 miles of river from Kellog to mouth of River. Involves enlarging, constructing of new channels and clearing of streamside trees, brush, etc. Will change or eliminate about 1.3 miles of existing stream. Purpose: provide flood protection. (ELR Order #481, 16 pages) (NTIS Order #PB–201 851–D) 8/6.

Buffalo Creek channel improvement project, Meadow Grove, *Nebraska*. Enlarging and straightening 5,700 feet of natural channel. Purpose: provide flood protection to village of Meadow Grove. (ELR Order # 593, 12 pages) (NTIS Order # PB–202 081–D) 8/20.

Battery Park City Authority bulkhead and fill project, Hudson River, *New York*. The Battery Park City Authority requests approval of plans of bulkhead and fill to be placed in Hudson River between Battery and Reade Street, extending about 600 to 950 ft. offshore. Involves demolition of old Marine structures and dredging of silts and sediments from the river bottom, etc. Purpose: create land (90 acres) to be occupied by low and middle income and conventional housing, office buildings, commercial facilities, open recreational spaces, etc. (ELR Order # 584, 29 pages) (NTIS Order # PB–202 086–D) 8/18.

Manitowoc Harbor, Manitowoc City and County, *Wisconsin*. Project provides for extension of the channel upstream in the Manitowoc River for a distance of 720 feet at a depth of 12 feet to within 50 feet of the existing shore structures. Purpose: improve light-draft commercial and recreational navigation. (ELR Order # 494, 8 pages) (NTIS Order # PB–201 843–D) 8/10.

Modifications for peaking, The Dalles to Vancouver, Columbia River, *Oregon* and *Washington*. This project to provide more efficient use of the hydroelectric potential of Columbia River, involves installing 8 new generating units at the Dalles Dam powerhouse, modifications to the margins of the Bonneville Reservoir to enable larger and faster changes of pool elevation, more flexible spillway operation, etc. Will result in loss of spawning areas and of some fur bearers during whelping season. (ELR Order # 610, 55 pages) (NTIS Order # PB–202 133–D) 8/17.

Second Powerhouse, Bonneville Lock and Dam, Columbia River, *Oregon* and *Washington*. Construction of an 8-unit second powerhouse on the Columbia River at the Bonneville project. Excavation for powerhouse will total 18 million cubic yards of soil, etc. and 20 thousand cubic yards of rocks. Material not used for backfill will be placed on a low elevation area lying on the Washington shore (400 to 600 acres). Will necessitate the removal of the town of North Bonneville. Purpose: increase electrical energy production for the Pacific Northwest power system. (ELR Order No. 612, 31 pages) (NTIS Order No. PB–202 125–D) 8/20.

Final

Title description, and date

Baldwin and Hannon Sloughs, *Alabama*, River Basin. Project consists of clearing and snagging 1.3 miles of Baldwin Slough and straightening and enlarging 2.5 miles of Hannon Slough Channel. Purpose: provide flood protection for 1,022 acres of Montgomery. Comments made by DOI, EPA, DOT, and Alabama Development Office. (ELR Order No. 557, 23 pages) (NTIS Order No. PB–200 023–F) 8/20.

Danbury flood protection project, Still River, Danbury, *Connecticut*. Construction of a 3,625 foot long concrete channel and a 2,695 foot long riprapped trapezoidal channel. In areas where river will be relocated, the natural channel will be filled in with material from the new channel. Purpose: flood protection. Comments made by DOI, Various State and local agencies of Connecticut. No draft statement received. (ELR Order No. 426, 5 pages) (NTIS Order No. PB–201 675–F) 8/11.

Grand Lagoon Navigation Project, *Florida*. Consists of dredging a channel (8 ft. x 100 ft) from Panama City Ship Channel to a point near the bridge over Grand Lagoon. From this point 2 branch channels with a connecting channel at the West terminals will be constructed. Dredged material will be deposited along Gulf Beach, forming large berms. Purpose: to accommodate a large number of recreational vessels. Comments made by HUD, DOT, EPA, DOI. (ELR Order No. 572, 25 pages) (NTIS Order No. PB–199 874–F) 8/23.

Lafayette Lake-Wildcat Creek, Wabash River Basin, *Indiana*. Multipurpose reservoir project consisting of damsite 7.2 miles upstream from the mouth of Wildcat Creek with resulting impoundment located in Tippecanoe, Clinton and Carrol Counties. Purpose: flood control, water quality control, etc. 21 miles of free-flowing stream and natural stream habitat will be inundated and 2,400 acres of woodland will be lost. Comments made by USDA, EPA, DOI, various State of Indiana agencies. No draft statement received. (ELR Order # 546, 26 pages) (NTIS Order # PB–202 057–F) 8/20.

Ohio River, Dayton, *Kentucky* (flood protection project). Project consists of constructing an earthen levee, a concrete wall and associated interior drainage facilities. Purpose: provide flood protection for about 140 acres of urban development in the flood plain. Would obstruct the view of the Ohio River. Comments made by DOI, EPA, Various State of Kentucky agencies. No draft statement received. (ELR Order # 423, 24 pages) (NTIS Order # PB–201 673–F3 8/11.

Paintsville Lake, Paint Creek, Big Sandy River Basin, Johnson County, *Kentucky*. Construction and operation of a dam and other facilities which will regulate the runoff from a 92.5 square mile watershed. Purpose: provide water storage which will be used for water quality control, recreation and flood control. Will require clearing 1,139 acres (450 acres are forest land). Comments made by USDA, DOI, EPA, Various Commonwealth of Kentucky agencies. No draft statement received. (ELR Order # 565, 30 pages) (NTIS Order # PB–202 058–F) 8/19.

Great Falls flood control project, Sun River, *Montana*. Involves about 10 miles of levees, $1\frac{1}{5}$ miles of interceptor ditches, channel rectification, appurtenant work, etc. Levee construction will reduce tree cover along Sun River, Comments made by DOI, and Various State of Montana agencies. (ELR Order # 558, 23 pages) (NTIS Order # PB–198 918–F) 8/19.

Port Jefferson Harbor Navigation Project: Suffolk County, *New York*. Involves hydraulic dredging of a channel from deep water in the Long Island Sound to the head of the harbor and a turning basin. Purpose: to allow larger vessels to carry in petroleum, etc. Comments made by DOI, EPA, USDA, DOT, and various State of New York agencies, Towns of Brookhaven and Port Jefferson and concerned citizens. (ELR Order #588, 39 pages) (NTIS Order #PB–199 137–F). 8/23.

Drum Inlet navigation project: *North Carolina*. Includes dredging an ocean bar channel 150 feet wide and 9 feet deep below mean low water, restoring an existing connecting channel in Core Sound, etc. Purpose: to provide a safe passage through inlet for commercial-fishing, sport-fishing and recreational vessels. Comments made by USDA, EPA, DOI, and various State of North Carolina agencies. (ELR Order #556, 28 pages) (NTIS Order #PB–199 253–F). 8/19.

Red River of the North at Pembina, *North Dakota*. Involves construction of levees, floodwalls, interior drainage facilities and initiating floodplain management measures. Purpose: improve and supplement existing flood protection measures in Pembina. Comments made by DOI, USDA, HEW, North Dakota State Water Commission. No draft statement received. (ELR Order #428, 25 pages) NTIS Order #PB–201 674–F). 8/11.

Lower Branch Rush River, Cass County, *North Dakota*. Channel enlargement and straightening of 17.3 miles of Lower Branch Rush River and work on 7.5 miles of its southern tributary. Purpose: flood protection for farm land. Comments made by EPA, DOI, Various State of North Dakota agencies. No draft statement received. (ELR Order #425, 21 pages) NTIS Order #PB-201 676-F). 8/11.

Open Channel work, Ohio River, *Pennsylvania, West Virginia, Ohio, Kentucky, Indiana* and *Illinois*. An annual program which consists mainly of removing obstructive bars or shoals and widening or deepening the channel within the various navigation pools, to authorized depth of 9 ft. Purpose: permit continued operation of water oriented industrial facilities. Comments made by EPA, DOT, DOI, USDA. Various agencies from the States listed above. No draft statement received. (ELR Order #559, 49 pages) (NTIS Order #PB-202 065-F) 8/19.

Cascadia Lake, Santiam River Basin project, Linn County, *Oregon*. Rock fill embankment dam and a lake 10 miles in length behind it. Purpose: flood control, navigation, irrigation and downstream power generation. Would result in loss of 10 miles of free-flowing stream and anadromous fish spawning area. Comments made by USDA, DOI, COMMERCE, EPA, Various State of Oregon agencies. (ELR Order #427, 51 pages) (NTIS Order #PB-201 672-F) 8/11.

Highland Bayou, *Texas*. Enlargement and rectification of the natural bayou channel and diversion of flows from the upper part of the watershed through an artificial channel. Construction of an earthen dam and excavation of a diversion channel. Comments made by DOI, EPA, USDA, COMMERCE, Various State of Texas agencies. Purpose: flood control. (ELR Order #437, 43 pages) (NTIS Order #PB-201 790-F) 8/11.

Ice Harbor additional generating units, Lake Sacapawea, *Washington*. Installation of 3 additional generating units at this project on the Snake River. Purpose: to meet high power demands during peak times. Comments made by DOI, FPC, COMMERCE, EPA, DOT, Various State of Washington agencies and Idaho Fish and Game Dept. (ELR Order 560, 40 pages) (NTIS Order #PB-202 069-F) 8/19.

Burnsville Lake, Little Kanawha River, *West Virginia*. Construction and operation of a dam and other facilities. Dam will be located on the Little Kanawha River, 124.2 miles upstream from its confluence with the Ohio River, in Braxton County, West Virginia. Purpose: flood control, recreation, water quality control, etc. A reach of natural stream will be lost. Comments made by USDA, DOI, HEW, Various State of West Virginia agencies. No draft statement received. (ELR Order # 566, 38 pages) (NTIS Order # PB-202 056-F) 8/19.

Paint Creek, Pax, *West Virginia*. Snagging and clearing project. Banks would be stripped of trees, underbrush, and channel cleared of debris, snags, underbrush for 20,900 feet. Purpose: to reduce flooding at Pax. Comments made by DOI, EPA, USDA, Town of Pax, Various State of West Virginia agencies. (ELR Order # 424, 17 pages) (NTIS Order # PB-201 671-F) 8/11.

DEPARTMENT OF DEFENSE—DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0892.

Draft

Title, description, and date

Naval Station, Norfolk, *Virginia*. Acquisition of 508 acres of railroad yard facilities at Sewell's Point, Norfolk, Virginia. Removal of marginal, base-dependent business will be followed by eventual construction of administrative storage/supply and waterfront facilities. Purpose: to increase efficiency and fleet readiness. (ELR Order # 512, 13 pages) (NTIS Order # PB-201 855-D) 8/16.

Ammunition Pier, P-500, Sella Bay, *Guam*, Mariana Islands. Relocation of ammunition ship loading/unloading from Apra Harbor, Guam to Sella Bay, Guam for purposes of explosive safety. Relocation involves construction of a 350 foot by 700 foot pier with navigational aids etc. and acquisition of 845 acres of privately owned land and 2,875 acres of Government of Guam land within a 10,400 radius of the proposed pier as an explosive safety zone. (ELR Order # 602, 93 page.) (NTIS Order # PB-202 138-D) 8/26.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1129 20th Street—Room 608, Washington, D.C. 254-6806.

Draft

Title, description, and date

Proposed waste treatment project, Col. 261, Greeley, *Colorado*. EPA project involves relocating a substantial portion of the present system capacity, 5 miles east of the city. Construction consists of 4 anaerobic lagoons, 2 aerated ponds etc. Purpose: initial effort to centralize treatment facilities for the drainage basin. (NTIS Order #PB-201 386-D) (ELR Order #322, 8 pages) 7/29.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C., 20426, (202) 386-6084.

Draft

Title, description, and date

Distrigas Corporation (Docket No. CP70-196) seeks authorization to import liquefied natural gas (LNG) into the United States from Algeria. Proposes delivery of 14 ship loads of LNG per year over a 20-year period at Everett, *Massachusetts* and Staten Island, *New York*. Construction at these two sites involves dredging of docking areas and clearing of suitable sites for terminal facilities. In addition, Distrigas proposes to construct a 30,000 barrel cryogenic barge at a cost of approproximately $2.5 million. (ELR Order No. 510, 13 pages) (NTIS Order No. PB-201 854-D) 8/12.

Following companies have applied for authorization to import liquefied natural gas (LNG) into United States from Algeria. Columbia LNG Corporation (Docket No. CP-71-68, CP71-289); Consolidated Gas Supply Corporation (Docket No. CP71-153; Consolidated System LNG Company (Docket No. CP71-298, CP71-290); Southern Energy Company (Docket No. CP71-151, CP71-264); and So. Natural Gas Com. (Docket No. CP-71-276). Construction at the 2 selected sites: Cove Point, *Maryland* and Savannah, *Georgia*. Involves dredging of docking areas and the clearing of suitable sites for terminal facilities. Pipeline construction at both locations will total approximately 391 miles and will require 5 river crossings, the traversing of state owned land, approximately 4 miles of a national wildlife refuge and a national park. A 5,900 foot unloading pier will be constructed into the Chesapeake Bay at Cove Point and a ship turning basin will be required in the Savannah River. (ELR Order No. 515, 17 pages) (NTIS Order No. PB-201 853-D) 8/17.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD, (202) 343-4161.

Draft

Title, description, and date

Disposal of approximately 425.75 acres of land, comprising a portion of Government-owned property known as Fort Lawton Military Reservation, Seattle, *Washington*. Proposes to assign property to Interior for public park and recreation use subject to consideration of HEW's request for a portion of it (ELR Order No. 335, 16 pages) (NTIS Order No. PB-201 526-D) 7/30.

Disposal of a portion of Camp San Luis Obispo, San Luis Obispo County, *California*. (Approximately 1909.19 acres) 47 acres for school purposes by negotiated sale. 289.46 for park and recreation use. 1,572.73 acres to public by sealed bid sale. (ELR Order No. 334, 10 pages) (NTIS Order No. PB-201 525-D) 8/2.

Disposal of Pantex Sewage Effluent Holding Reservoir, Amarillo, *Texas*. Involves the negotiated sale of 1,077.1 acres of land to Carson County, Texas. This land upon which the Holding Reservoir is located, comprises a portion of the AEC's Pantex Ordnance Plant. (NTIS Order No. PB-201 569-D) (ELR Order No. 399, 7 pages) 8/5.

Final

Title, description, and date

Former US Naval Retraining Command, Camp Elliott, *California*. GSA proposes to dispose of 2,690.6 acres of this land as follows: 1) 219 acres to NASA (who will sell it to real estate investors in exchange for 55.5 acres adjacent to their Moffett Field facility), 2) exchange of 1,074.6 acres for 30,000 acres of land in Joshua Tree National Monument, 3) exchange of 169.9 acres with San Diego for a Federal office building site, 4) 730 acres to DOI for park and recreation use by San Diego, 5) sealed bid sale to public of 497 acres. Comments made by various State of California agencies and Congressman Bob Wilson. (ELR Order #336, 9 pages) (NTIS Order #PB-201 493-F), 7/30.

Disposal of approximately 322 acres of land and structures comprising a portion of the former Naval Measurement Station, Border Field, San Diego County, *California*. Will be used for park and recreation facilities. Comments made by EPA, DOI, various State of California agencies. (ELR Order #353, 20 pages) (NTIS Order #PB-201 502-F), 8/3.

Proposed sale of Upper Bethlehem, Fredensborg and Slob (247 acres) to the Government of the *Virgin Islands* for various purposes including housing and a commercial area. Comments made by HUD. (NTIS Order #PB-198 716-F) (ELR Order #381, 8 pages) 8/5.

Proposed negotiated sale of 143.014 acres (remainder of Bonne Esperance and Estate Slob, St. Croix) *Virgin Islands* to the Government for use as a park, cemetery, zoo, etc., Comments made by HUD. (NTIS Order #PB-201 585-F) (ELR Order #382, 7 pages), 8/5.

Disposal of Penitentiary Honor Farm No. 2: Panthersville, *Georgia*. Substantial part of this 579 acre farm will be conveyed to State and local public agencies for park, school and hospital uses. Comments made by HUD, EPA, DOI, ARMY:COE, HEW, DeKalb County and various State of Georgia agencies. (NTIS Order #PB-198 871-F) (ELR Order #422, 20 pages), 8/6.

Disposal of Red Bluff Air Force Station, Red Bluff *California*. Approximately 35.04 acres are involved of which small portion is to be assigned to FAA. The rest to be disposed of by sealed bids. Comments made by EPA, DOI. (NTIS Order No. PB-198 830-F) (ELR Order No. 480 7 pages) 8/13.

Disposal of a portion of AEC's Argonne National Laboratory, Argonne, *Illinois*. Plans to convey 2,040 acres and several buildings either to the State of Illinois or to DuPage County for park and recreation uses. Comments made by AEC, EPA, Northeastern Illinois Planning Commission, Office of the Governor and private citizens. (NTIS Order No. PB-201 871-F) (ELR Order No. 513, 55 pages) 8/17.

Disposal of 141 acres of Fort Snelling Hospital Reservation, St. Paul, *Minnesota*. Involves assigning this land to the Bureau of Outdoor Recreation for transfer to the State of Minnesota. Purpose: provide park and recreation. Fort Snelling is an historic landmark. Comments made by DOI, City of St. Paul, State of Minnesota. (NTIS Order No.

PB-200 786-F) (ELR Order No. 529, 11 pages) 8/18.

Disposal of the 119.11 acre tract of land comprising the former Castle Valley Job Corps Conservation Center, Price, *Utah*. Proposed sale of this land to Carbon County. The County plans to establish a light industry type industrial park on this land. Comments made by EPA, various State and local agencies of Utah and the Governor of Utah. (ELR Order No. 596, 15 pages) (NTIS Order No. PB 199 737-F) 8/26.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. George Wright, Environmental Clearance Office, Washington, D.C. 20410 (202) 382-2914.

Draft

Title, description, and date

New Community of Riverton, Monroe County, *New York*. Proposed HUD offer of commitment to guarantee up to $12 million for development over a 16 year period for a New Community in the Township of Henrietta (a small portion of land in Wheatland). New community comprises 2,350 acres and is planned for an ultimate population of about 25,600 residents in 8,010 dwelling units. 170 acres of commercial and community space will be provided. (ELR Order No. 321, 52 pages) (NTIS Order No. PB-201 391-D) 7/27.

Final

Title, description, and date

Legislative proposal to provide Federal insurance for lending institutions with respect to loans made to restore historic residential properties. It would permit coverage of loans at higher amounts and with longer terms than now authorized. Comments made by DOI, and the Advisory Council on Historic Preservation. (ELR Order No. 352, 5 pages) (NTIS Order No. PB-201 500-F) 7/30.

Legislative proposal: "Legacy of Park". It provides for the coordinated use of existing HUD and Interior open-space programs, and Federal Surplus Lands authority to increase the supply and variety of park and recreational resources, particularly to people in central cities and urban areas. It also provides for budget increases and amendments to the Land and Water Fund Conservation Act and Federal Property and Administrative Services. Comments made by GSA, DOI, OEO, USDA. (ELR Order No. 351, 19 pages) (NTIS Order No. PB-201 501-F) 7/30.

Auraria Urban Renewal Project: Denver, *Colorado*. Involves clearing approximately 173 acres near the central business district and developing a Higher Education Center. Extensive park and recreation spaces will be part of the Center. Purpose: to eliminate environmental deficiencies in area, such as noise, dirt and visual pollution. Project No. Colorado No.-24. Comments made by State of Colorado. (ELR Order No. 502, 11 pages) (NTIS Order No. PB-201 864-F) 8/13.

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

Bureau of Land Management

Draft

Title, description, and date

Proposed Oil and Gas Lease Sale, Outer Continental Shelf, Gulf of Mexico. Lease sale consists of 86 tracts of submerged lands offshore Louisiana, Mississippi and Alabama. Would add 396,250 acres to the total 3,782,796 presently under Federal lease offshore *Louisiana*. 75 to 125 additional platforms and other structures may be necessary to develop these tracts. Also may require 40 new pipelines. (ELR Order #350, 66 pages) (NTIS Order #PB-201 517-D) 8/4.

Bureau of Reclamation

Draft

Title, description, and date

Crystal Dam, Curecanti Unit, Colorado River Storage Project, *Colorado*. Involves construction of a dam and reservoir, as well as a hydroelectric powerplant on the Gunnison River, 15 miles east of Montrose. Purpose: reduce high flows and provide minimum flows to enhance fishery habitat, increase public use of canyon area, provide revenues from sale of power, etc. Will channelize 8,000 feet of river and inundate a scenic area of Black Canyon and 6.5 miles of trout fishery. (ELR Order 552, 32 pages) (NTIS Order #PB 202 071-D) (This is a revised draft—1st draft sent March 4, 1971), 8/4.

Final

Title, description, and date

Cosumnes River Division, Central Valley, *California*. Plan for development for initial phase involves construction of 3 dams and reservoirs: Nashville on the main Cosumnes River; Aukum on the South Fork; and Pi Pi on Middle Fork. Purpose: irrigation, flood control, water supply, etc. About 25 miles of free flowing streams will be inundated, as well as historical and archeological sites. Comments made by DOT, Commerce, HUD, HEW, Army COE, USDA, EPA, various local and State of California agencies. (ELR Order #640, 63 pages) (NTIS Order #PB-202 185-F) 8/30.

Yolo County Flood Control and Water Conservation District Small Reclamation Project Act loan application, Woodland, *California*. Money would help build the Indian Valley project (a dam and reservoir) located on the North Fork of Cache Creek. About 4,000 acres of intermittent flowing stream and grazing land would be inundated. Three rare plant species may be endangered. Purpose: irrigation, flood control, etc. Comments made by EPA, Army COE, DOI and the Resources Agency of California. (ELR Order #639 30 pages) (NTIS Order #PB-202 184-F) 8/30.

Geological survey

Final

Title, description, and date

Installation of 2 more drilling and producing platforms on Federal oil and gas leases in the Santa Barbara Channel off California's coast. Statement covers Union Oil's Platform "C" and Sun Oil's Platform "Henry." The government has received bonus payments on these leases amounting to $99,798,032.00. There will be slots for 56 wells on "C" and for 30 wells on "Henry." The major possible adverse effects are pollution from an accidental oil spill, and visual unattractiveness. Platforms would remain for 10 to 50 years. Comments made by EPA, DOT, DOI, Army, City and County of Santa Barbara, various State of California agencies, oil companies, citizens and citizens groups such as GOO ("Get Oil Out"). (ELR Order #606, 175 pages) (NTIS Order #PB-198 979-F)

(Note a mistaken NTIS order # was given for the final statement on Exploratory Drilling Operations, Santa Barbara (pg. 36, Vol. 1 No. 7). The correct NTIS order # is: PB-201 549-F.) 8/27.

NATIONAL PARK SERVICE

Draft

Title, description and date

Proposed master plan for the orderly development of Carlsbad Caverns National Park, Eddy County, *New Mexico*. Park consists of 46 753 acres with visitation of 850,000 per year. Proposed action consists of a self-guiding system in caverns, road to the back country (6 mile nature loop and 15 mile road the length of the park), other road construction, etc. To be administered in conjunction with Guadalupe Mountains National Park. Purpose: provide a plan for management and development of park for future visitor use and preservation of area. (ELR Order #489, 10 pages (NTIS Order # PB-201 996-D)

Master plan for Guadalupe Mountains National Park, Culberson and Hudspeth Counties, *Texas*. Statement outlines the proposed development and management of the area for future visitor use, protection and preservation. Development includes operation of headquarters area, visitor center, tramway, trail network, etc. Administration of park and Carlsbad Caverns will be consolidated. Park consists of 77,500 acres. (ELR Order #490, 16 pages) (NTIS Order #PB-201 997-D) 8/16.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546 (202) 962-8107.

Draft

Title, description and date

Pioneer F/G Program. 6th and 7th of an ongoing series of planetary and interplanetary space exploration missions which will be launched by an Atlas Centaur Rocket from Cape Kennedy, *Florida* to the vicinity of the planet Jupiter in 1972 and 1973. Potential radiation hazard from fuel capsule under study. Purpose: to provide the 1st investigation of the interplanetary medium beyond Mars. (NTIS Order #PB-202 085-F) (ELR Order #579, 4 pages) 8/24.

Final

Title, description and date

Ames Research Center, Moffett Field, California. Description of the facility, its mission, and possible environmental impact. Work is done with radioactive isotopes, toxic chemicals, etc., that are disposed of by a contractor. Exhaust from arc jets, sawdust accumulation in the carpenter shop and noise from the wind tunnel are mentioned. (NTIS Order #PB 202 055-F) (ELR Order #567, 26 pages.) 8/17.

Flight Research Center, Edwards, *California*. Description of facility and its environmental impact. Conduct liquid and solid propellant research. Noise from jets and rockets, sonic booms, air pollution from exhaust gases are potential environmental effects. (NTIS Order #PB 202 054-F4 (ELR Order #568, 9 pages) 8/17.

Lewis Research Center, Cleveland and Plum Brook, Stations. *Ohio*. Covers the impact of these facilities on the environment (how they dispose of radioactive wastes, etc.) as well as describing their work in pollution control and other areas. No adverse comments received. (NTIS Order #PB 202 052-F) (ELR Order #570, 25 pages) 8/17.

Langley Field Research Center, Langley Field, *Virginia*. Description of the Center and its mission as well as its impact on the environment. (Explains how radioactive waste is disposed of, etc., and environmental control projects submitted for inclusion in the FY '72 budget. (NTIS Order No. PB 202 053-F) (ELR Order No. 569, 47 pages) 8/17.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development (615) 755-2002.

Draft

Title, description and date

Shelby 500 kV substation and transmission line connections. Construction of a 500 kV substation with interconnecting lines in eastern and northeastern portions of Shelby County and the central portion of Tipton County, *Tennessee*. Involves some 43 miles of transmission lines. Purpose: to provide adequate transmission facilities to supply summer 1972 electric requirements for consumers in Covington, Tennessee area. (NTIS Order No. PB-201 385-D) (ELR Order No. 323, 10 pages) 7/28.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,* Director, Office of Program Co-ordination, 400 7th Street, S.W., Washington, D.C. 20590, (202) 462-4357.

For the readers convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, and description and date

Autauge County Airport, Prattville, *Alabama*. Construction of a General Aviation Airport to accommodate propellor aircraft under 12,500 pounds. Requires use of 55 acres of land for airport. (ELR Order #375, 16 pages) (NTIS Order #PB-201 580-D), 8/3.

Morton Municipal Airport, Tuskegee, Macon County, *Alabama*. Land acquisition for airport development and clear zones, construct mark and light runway, etc. Purpose: accommodate propeller and business jet aircraft. (ELR Order #591, 32 pages) (NTIS Order #PB-201 401-D), 8/22.

Fairhope Municipal Airport, Baldwin County, *Alabama*. Involves land acquisition, runway extension, power line relocation, etc. (ELR Order #586, 10 pages) (NTIS Order #PB-202 088-D) 8/22.

Chignik Lake, *Alaska*. Construction of new landing strip, aprons, taxiways etc. Purpose: provide a utility airport to serve both commercial carriers and general aviation traffic. (ELR Order #302, 7 pages) (NTIS Order #PB-201 401-D), 7/27.

Dillingham Airport project, Dillingham, *Alaska*. Involves land acquisition, extending and widening runway, installing a new lighting system, relocating a road, etc. (ELR Order No. 338, 60 pages) (NITS Order No. PB-201 523-D) 7/30.

Chandler Municipal Airport, Chandler, *Arizona*. Involves extending runway, taxiway, paving access road, etc. Will result in shift in traffic pattern. (ELR Order No. 377, 15 pages) (NTIS Order No. PB-201 578-D) 8/3.

Thompson-Robbins Field Airport Project, Phillips County Helena-West Helena, *Arkansas*. Acquisition of land for airport development and clear zone at northwest corner of existing airport, overlaying and extending N/S runway, etc. Purpose: accommodate jet powered aircraft and larger aircraft. (ELR Order No. 363, 15 pages (NTIS Order No. PB-201 521-D) 8/3.

Santa Barbara Municipal Airport Project, Santa Barbara, *California*. Involves constructing a portion of a parallel taxiway to serve the main instrument runway at the Municipal Airport and installation of lights. A portion of this taxiway will be constructed on the edge of a tidal lagoon, which is a haven for birds and other small wildlife known as the Goleta Slough. (ELR Order 300, 85 pages) (NTIS Order No. PB-201 533-D) 7/27.

Liberty County Airport project, Hinesville, *Georgia*. Involves extending and widening runway, installation of medium intensity lighting system, etc. 12 acres of clearing will be necessary for project. Purpose: accommodate 60% of the business jet fleet. (ELR Order 401, 19 pages) (NTIS Order No. PB-201 691-D) 8/5.

Waterloo Municipal Airport Project, Black Hawk County, *Iowa*. Extension of existing runway, connecting taxiway, and strengthening of taxiways, etc. Purpose: to accommodate the Boeing 727-200 aircraft. (ELR Order No. 435, 17 pages) (NTIS Order No. PB-201 686-D) 8/9.

Fort Dodge Municipal Airport Project, Webster County, *Iowa*. Construction of a new asphalt runway, widening and overlaying of existing taxiways, etc. Purpose: accommodate jet aircraft. (ELR Order 439, 59 pages) (NTIS Order No. PB-201 767-D) 8/9.

Lafayette Airport, Lafayette, *Louisiana*. Involves construction of a new runway and taxiways, relocation of communication towers etc. (ELR Order 378, 21 pages) (NTIS Order # PB-201 577-D) 8/4.

Ohio State University Airport, Franklin County, *Ohio*. Involves extending and paving E/W runway, etc. (ELR Order # 433, 15 pages) (NTIS Order # PB-201 706-D) 8/9.

Andrews County Airport Project, Andrews, *Texas*. Involves extending runway, acquisition of land for clear zone, etc. Purpose: enable larger aircraft to use airport. (ELR Order # 379, 14 pages) (NTIS Order # PB-201 576-D) 8/4.

Tooele Valley Municipal Airport, Tooele County, *Utah*. Construction of an air cargo airport with a 10,000' x 150' runway including associated taxiways and aprons. Initial phase will consist of land acquisition and construction of a 5500' x 75' runway, connecting taxiway, aprons, etc. (ELR Order # 364, 24 pages) (NTIS Order # PB-201 522-D) 8/3.

Wittman Field airport project, Oshkosh, *Wisconsin*. Involves acquisition of land (117.43 acres) for clear zone, expansion of existing apron; construction of an entrance and service road, etc. (ELR Order # 473, 42 pages) (NTIS Order # PB-201 766-D) 8/11.

Airport project at Gillette-Campbell County, *Wyoming*. Involves land acquisition (10 acres), runway extension, etc. to existing airport. Purpose: improve conditions for executive jets and larger multi-engine planes. (ELR Order # 376, 11 pages) (NTIS Order # 201 579-D) 8/3.

Final

Title, description, and date

Airport Project at El Dorado, *Arkansas*. Runway and parking ramp extension, installation of lighting, etc. To improve Goodwin Field, Union County, Arkansas. Comments made by: EPA, USDA, DOI, Arkansas Planning Commission, Various State of Arkansas agencies. (ELR Order No. 496, 27 pages) NTIS Order No. PB-201 869-F) August 17.

Mariposa-Yosemite Airport project, Mariposa, *California*. Involves construction of a runway, taxiway, apron, access road, etc. Purpose: to serve light single engine and twin engine aircraft of the general aviation fleet. Comments made by HUD, Army Corps of Engineers, DOI, USDA, DOT, HEW, a large number of concerned citizens, various State of California agencies. (ELR Order No. 472, 57 pages) (NTIS Order No. PB-199 262-F) August 11.

Boundary County Airport project, Bonners Ferry, *Idaho*. Land acquisition, runway extension, taxiway and apron rehabilitation, etc. Comments made by DOI, USDA, Army: COE, HUD, EPA, City of Bonners Ferry. (ELR Order No. 506, 24 pages) (NTIS Order No. PB-199 884-F) August 17.

Pittsfield Municipal Airport Project, Pittsfield, *Illinois*. Involves acquisition of land for a proposed airport. Future development will involve construction of paved runway etc. Purpose: to replace an existing "restricted landing area." Comments made by City of Pittsfield; various State of Illinois agencies, local businesses, private citizens. (ELR Order No. 438, 74 pages) (NTIS Order No. PB-199 730-F) August 11.

Baer Field Airport project, Fort Wayne, *Indiana*. Acquisition of land, extension of runway, etc. Comments made by City of Fort Wayne, Indiana Air Pollution Control Board, and other State of Indiana Dept. (ELR Order No. 315, 10 pages) (NTIS Order No. PB-199 870-F) July 29.

Arthur N. Neu Airport, Carrol, *Iowa*. Involves land acquisition, extension of runway, construction of asphalt overlay and connecting taxiway and apron, etc. Comments made by DOI, City of Carroll, various State of Iowa agencies. (ELR Order #484, 10 pages) (NTIS Order # PB-201 870-F) 8/13.

Taylor County Airport, Campbellsville, *Kentucky*. Consists of extending and reconstructing the existing runway and also acquiring land for clear zone. Purpose: to accommodate an increasing number of single and double engine aircraft. Comments made by USDA, various Kentucky State and local agencies. (ELR Order # 532, 34 pages) (NTIS Order # PB-199 883-F) 8/19.

Douglas Municipal Airport, Charlotte, *North Carolina*. Improvements on existing airport, acquisition of land for construction of second parallel runway. Approximately 2,500 acres of land will be used for airport. Comments made by HUD, DOT, EPA, City of Charlotte, Office of the Mayor, various State of North Carolina agencies. (ELR Order # 332, 32 pages) (NTIS Order # 198 669-F) 7/28.

Airport project at Fort Yates, *North Dakota*. The Standing Rock Sioux Tribe requests assistance for constructing a new airport facility. Purpose: to complement and complete objectives of building an industrial park-airport facility (the area is presently economically depressed). Comments made by DOI, FHWA, HEW, Various State of North Dakota agencies and local agencies. (ELR Order # 333, 32 pages((NTIS Order # PB-199 885-F) 7/28.

Mott Municipal Airport project, Mott, *North Dakota*. Involves construction of a runway extension, taxiway, runway edge, lighting, etc. Purpose: to improve facility for single engine aircraft. Comments made by DOI, DOT, Various State of North Dakota agencies and local citizens. (ELR Order # 316 23 pages) (NTIS Order # PB-199 743-F) 7/29.

Airport Project at Shamokin *Pennsylvania*. Involves acquisition of land, construction of runway, stub taxiways, apron, turn around, etc. To be built on site of present Elysburg-Shamokin airport. Comments made by Army: COE, HUD, DOI, Commonwealth of Pennsylvania, USDA. (ELR Order #634 25 pages) (NTIS Order #PB-200 345-F) 8/26.

Ogden Municipal Airport project, Ogden, *Utah*. Construction of runway extension and lighting, parallel taxiway, etc. Comments made by EPA, AEC, USDA, FPC, DOI, Army COE, HUD. (ELR Order #354, 29 pages) (NTIS Order #PB-201 499-F) 8/4.

Chesterfield County Airport, *Virginia*. Development of a general utility-type airport with a 3,700 foot paved runway to accommodate single engine and light twin engine aircraft. (Ultimately will be expanded to accommodate business jets, etc.) Requires 572 acres for project. Comments made by DOI, TVA, COMMERCE, USDA, HEW, ARMY: COE, AEC, DOT, EPA, and various State of Virginia Agencies and Citizens Group of Chesterfield County. (ELR Order #573, 84 pages (NTIS Order #PB-198 759-F) 8/20.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Title, description, and date

FAS. Route 09: Clay County, *Alabama*. Involves replacement of a bridge over Crooked Creek and the Seaboard Coast Line Railroad Main Line with a 2-lane travelway and erosion control measures. (ELR Order #309, 5 pages) (NTIS Order #PB-201 374-D) 7/28.

U.S. 82: Bibb County, *Alabama*. Adding 2 lanes, making a 4 lane divided facility, from the Tuscaloosa-Bibb County line to a point about .8 miles west of Eoline (5.5 miles). Highway Project F-397(1); (State-320-I) (ELR Order #326, 5 pages) (NTIS Order #PB-201 381-D) 7/28.

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*He will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 137).

Seaboard Coastline Railroad Overpass and approaches, Dale County, *Alabama*. Improvement of present two lane Alabama 85 and Seaboard Coastline Railroad overpass to a multilane highway. Project S-2322. (ELR Order #342, 7 pages) (NTIS Order #PB-201 513-D) 7/30.

U.S. 90: Baldwin County, *Alabama*. Improvements at the intersection with Alabama 59 (approximately 1.0 miles) and in the center of existing U.S. 90 near Blackwater River (approximately .5 miles). A rural type two lane facility is planned. Project F-FG-184 (7). (ELR Order #396, 8 pages) (NTIS Order #PB-201 566-D) 8/2.

Project S-451-C: Morgan County, *Alabama*. Construction of urban type four lane curb and gutter highway with sidewalk area. From U.S. 31 in Hartselle to Interstate 65. Describes 2 proposed routes. (ELR Order #469, 10 pages) (NTIS Order #PB-201 769-D) 8/5.

Walker County, *Alabama*. Purpose of the proposed project is to complete a much needed route improvement through the midsection of Walker County, beginning at Oakman and terminating on U.S. 78 at Sumiton. The project will require two bridges over streams and also 2 overpasses over railroad crossing. Project S-6408 and S-547-C. (ELR Order No. 493, 9 pages) (NTIS Order No. PB-201 846-D) 8/12.

Improvements U.S. 431 and County Road 9; Henry County, *Alabama*. The proposed typical section is an ultimate rural type four lane facility. Project F-129(6). (ELR Order No. 595, 11 pages) (NTIS Order No. PB-202 076-D) 8/19.

Highway project F-061-1(6): Fairbanks, *Alaska*. Construction of a divided 4-lane, controlled access facility from Gaffney Road northerly to the intersection of the Farmer's Loop Road and the Steese Highway. Includes construction of a bridge crossing the Chena River. A 4(f) report is attached since project requires use of land within the park strip in the north side of Chena River. (ELR Order No. 637, 101 pages) (PB-202 141-D) 8/24.

Nome-Taylor Highway (FAS-141): Nome, *Alaska*. Widening and realigning highway from Dexter Creek to 1 mile north of Banner Creek (5 miles). Highway project S-0141 (3). (ELR Order No. 620 45 pages) (NTIS Order No. PB-202 130D) 8/25.

Fairbanks-Anchorage Highway: *Alaska*. Realigning and upgrading a 22.6 mile segment from Cantwell to a point 1.5 miles inside of Mt. McKinley National Park. Much of this segment parallels the eastern boundary of Mt. McKinley National Park. A 4(f) is attached. Highway project F-037-2( ). (ELR Order No. 635, 111 pages) (NTIS Order No. PB-202 124-D) 8/26.

Ehrenberg-Phoenix Highway: Yuma County, *Arizona*. Involves construction of two 38 foot roadways to complete section of Interstate Highway 10 in Ehrenberg (1.5 miles) Project I-10-1(21). (ELR Order No. 398, 13 pages) (NTIS Order No. PB-201 568-D) 8/4.

Arizona, Forest Highway Project 3-2(2). Flagstaff-Clints Well (FAS 209), Coconino National Forest, Coconino County, *Arizona*. Construction of two-lane, modern facility (61 miles). This is the final segment involving major realignment and reconstruction. (ELR Order #397, 13 pages) (NTIS Order #PB-201 567-D) 8/5.

SH-37: Sonoma and Solano Counties, *California*. Project consists of grading and paving two additional lanes to provide a four-lane divided highway and construction of another two-lane bridge at Sonoma Creek, etc. (8.1 miles). Purpose: provide better service to Mare Island Naval Yard and Skaggs Island Naval Reservation. Highway projects 10-SON-37, 10-SOL-37. (ELR Order #371, 8 pages) (NTIS Order #PB-201 527-D) 8/3.

El Camino Real (State Route 82) and Lafayette Street, City of Santa Clara, *California*. Existing traffic signals will be removed and a new multi-phase signal control system will be installed. The existing streets will be widened and channelized to provide for orderly left turn movements. (ELR Order #498, 21 pages) (NTIS Order #PB-201 842-D) 8/16.

State Highway Route 99, Tehama County, *California*. Construction of a portion of SH 99 as a freeway on new alignment from the Los Molinos area to the Proberta area. Project 02-TEH-99 R10.6-18.3. (ELR Order #518, 16 pages) (NTIS Order #PB-201 995-D) 8/17.

Route 83 and 94: Glastonbury, *Connecticut*. Improvement and realignment of approaches to the intersection of Conn. Route 83 and 94. Project SU-S-9(5). (ELR Order #368, 21 pages) (NTIS Order #PB-201 529-D) 8/3.

Route 69, Woodbridge, *Connecticut*, Realignment of .85 mile road from point north of Clark Road along Lake Dawson to Sargent River Bridge. Project 167-72. (ELR Order #370, 26 pages) (NTIS Order #PB-201 528-D) 8/3.

State Route 66 and State Road 597: Cheshire and Southington, *Connecticut*. Relocation of S.R. 66 from I-84 east to Meriden and the construction of a multi-directional interchange with proposed State Road 597. Both new highways will consist of dual-lane limited access roadways. (ELR Order # 389, 28 pages) (NTIS Order # PB-201 527-D) 8/5.

I-95: Old Saybrook and Old Lyme, *Connecticut*. Construction of highway from Route 154 in Saybrook to Lyme Street in Old Lyme. Also it is proposed to convert the existing Baldwin Bridge to 4 lanes westbound. 4(f) determination attached as route would require use of 4.3 acres of tidal wetlands near the Lieutenant River in Old Lyme and 0.6 acre of historical land. (ELR Order # 587, 82 pages) (NTIS Order # PB-202 094-D), 8/19.

Delaware Route 14 (Rehobeth Bypass and New Savannah Road Bridge): Sussex County, *Delaware*. Construction runs from Intersection of Route 14A north of Rehobeth Beach. Southerly for 1.4 miles to existing Route 14 and consists of the addition of 2 travel lanes parallel to existing 2-lane route 14. Also to be constructed is a new twin fixed high level bridge over the Lewes and Rehobeth Canal. Highway project 67-10-015. (ELR Order # 553, 11 pages) (NTIS Order # PB-202 096-D) 8/20.

State Road 780: (Fruitville Road) Sarasota County, *Florida*. Involves construction in 2 sections. The first sector serves as a connector from State Road 683 (US 301) to the approved location for I-75 (5.2 miles). The second sector runs from proposed I-75 to Verna Road and involves acquisition of an expanded right-of-way. (Appears to be about 11 miles). 4(f) determination attached as route requires land from the Bobby Jones Golf Course and the Sarasota County Fairgrounds and park land. Highway project US-S-552(4), State Project 17040 and 1507. (ELR Order # 301, 69 pages) (NTIS Order # PB 201 393-D) 7/26.

FAS-252 State Road 808 (Glades Road) Palm Beach County, *Florida*. Improvement of a 2.1 mile segment of highway between I-95 and State Road 5 (U.S. 1) to a multilane facility. Portion of project that will run from State Road 7 (US-441) to State Road 5 (US-1). State Highway 93004-1501. (ELR Order #411, 11 pages (NTIS Order #PB-201 690-D) 8/6.

US-319 (SR-377): Wakulla County, *Florida*. Replacement of 0.04 mile bridge over Sopchoppy river and 0.17 mile length of Ochlockonee river bridge and approaches. Highway project S-715(2) and State Project 59030-1502. (ELR Order #540, 16 pages (NTIS Order #PB-201 999-D) 8/17.

State Road 24: Alachua County, *Florida*. Reconstruction from 2- to 4-lane highway from northeast of Gainesville to Waldo (total distance 9.3 miles). Highway project F-008-1(9); State Project 26050-1506. (ELR Order #585, 10 pages) (NTIS Order #PB-202 089-D) 8/20.

State Road No. 400 (I-4) Seminole County, *Florida*. Rest areas, 0.8 mile north of S.R. 424 on S.R. 400 (I-4). Construction of two rest areas, with air-conditioned toilet facilities, drinking water, etc. (ELR Order #600, 20 pages) (NTIS Order #PB-202 140-D) 8/26.

Spur and SR-247: Houston County, *Georgia*. Construction of a new highway facility, beginning on Watson Boulevard extending to Robins Air Force Base. Will be 2-lane free access, then turning into multilane controlled access. 82 families may be displaced and some pasture and farm land acquired. Highway projects R-AD-18(2), S-2041. (ELR Order #497, 17 pages (NTIS Order #PB-201 844-D) 8/13.

Kahekili Interchange: Oahu, *Hawaii*. Upgrading intersection at Kahekili and Likelike Highways to improve safety. Project F-063-1 and F-083-1. (ELR Order #373, 54 pages) (NTIS Order #PB-201 582-D) 8/4.

Interstate H-I, Nimitz Spur Oahu, *Hawaii*. Completion of the remainder of the Interstate between Pearl Harbor Interchange and the Pearl Harbor Naval Reservation and the Hickman Air Force Base. (8 lanes) Noise increase at Mokulele Elementary school may be a problem. (ELR Order #388, 22 pages) (NTIS Order #PB-201 571-D) 8/4.

Interstate 90: Shoshone County, *Idaho*. Construction of a 4-lane limited access facility through City of Wallace (1.7 miles) 4(f) considerations, included since project affects Captain John Mullan Park. (ELR Order #390, 38 pages (NTIS Order #PB-201 573-D) 8/3.

I-494 (Chicago Crosstown Expressway): Cook County, *Illinois*. Construction of a 20 mile expressway and a public transportation line along an L-shaped route extending from the intersection of Kennedy and Edens Expressways, on Chicago's northwest side, south to Midway Airport and continuing southeasterly to the Dan Ryan Expressway. Sections of project will affect schools, parks and recreational facilities. Project I-494-1. (ELR Order #339, 79 pages) (NTIS Oder PB-201 510-D) 7/27.

FAI Route 72 and FAP Route 412, Macon County, *Illinois*. FAI 72 is last segment to complete Interstate between Champaign and Springfield. (16 miles) F.A. 412 will be first link of an extensive high-type roadway facility which will provide a circumferential freeway west of Decatur. (ELR Order #306, 40 pages) (NTIS Order #PB-201 378-D) 7/30.

FA Route 405 (Supplemental Freeway F-5): Peoria, Marshall, Putnam, and Bureau Counties, *Illinois*. Construction of freeway on new location from intersection of I-74 and I-474 west of Peoria north to I-180 west of Hennepin (40 miles). 4(f) report attached as route may require the use of a portion of Peoria Park District lands and Illinois Nature Preserve Lands. Project F-405. (ELR Order #414, 32 pages) (NTIS Order PB-201 704-D) 8/6.

Supplemental Freeway F-4 (FA Route 404): Knox and Warren Countries, *Illinois*. Involves freeway construction between Monmouth and Galesburg. (10.3 miles) (ELR Order #415, 15 pages) (NTIS Order #PB-201 703-D) 8/6.

FA Route 17, Shelbyville to Windsor, Shelby County, *Illinois*. Improvement involves reconstruction and widening of the existing route. Requires acquisition of 183 acres of additional right of way, new dual bridge across the Kaskaskia River, etc. 4(f) statement included as project requires taking a portion of land from the Shelbyville Reservoir. (ELR Order # 448, 10 pages) (NTIS Order # PB-201 768-D) 8/9.

US-45 (FA Route 26): Effingham County, *Illinois*. Upgrading to 4-lane highway from Wabash Ave. in the City of Effingham to south of Township Road 123 (2 miles). Highway project F-85( ). (ELR Order # 430, 15 pages) (NTIS Order # PB-201 712-D) 8/10.

FA Route 128 (marked Illinois Route 127): Clinton and Bond Counties, *Illinois*. Reconstruction of highway from the limits of Carlyle to I–70. Includes widening roadway, bridges, shoulders, etc. 4(f) determination attached as route requires use of 1.62 acres of Twin Oaks Golf Course. Highway project F–237. (ELR Order # 479, 14 pages) (NTIS Order # PB–201 765–D) 8/12.

FA Route 64 (Illinois Route 47) Sections 129, 136, 137, (W.R.S.) Champaign County, *Illinois*. Reconstruction along the existing alignment utilizing all the existing right-of-way with additional right-of-way to be purchased where necessary. (ELR Order # 597, 29 pages) (NTIS Order # PB–202 077–D) 8/14.

FA Route 48 (Illinois Route 125); Section 3X: Cass County, *Illinois*. Improvement consists of a bypass around the north edge of Ashland, Illinois, Approximately 1.5 miles in length. Project F–46 and F–133. (ELR Order # 550, 5 pages) (NTIS Order PB–202 084–D) 8/19.

FA Route 403, Section (161–1, 195–1, 195–2): Whiteside and Rock Island Counties, *Illinois*. Construction of a 4-lane freeway traversing an area beginning west of the existing interchange with I–80 and continuing 36 miles, terminating on R. 2. Highway project F–403. (ELR Order # 548, 14 pages) (NTIS Order # PB–202 082–D) 8/19.

FA Route 413, Jacksonville to Industry, Morgan, Cass and Schuyler Counties, *Illinois*. Construction of a supplemental freeway originating at Rock Island and following the existing U.S. 67 alignment south to the St. Louis, Missouri area. Project F–413. This is part of a new program of highway planning and design which will provide new freeways to supplement the service of the Interstate system. (ELR Order #547, 26 pages) (NTIS Order #PB–202 073–D) 8/19.

FAP Route 411 (Illinois Supplemental Freeway F–11), Sections V1–V5: Vermilion County, *Illinois*. Construction of a 4-lane divided segment of highway from Georgetown to the Vermilion County Airport north of Danville (18 miles). 4(f) description is included since project will pass just west of a seasonal pool incorporated in the Army Corps of Engineers plans for a flood control and recreation reservoir. (ELR Order #607, 48 pages) (NTIS Order #PB–202 135–D) 8/25.

U.S. 231–SR 43: Montgomery County, *Indiana*. Construction of a 4-lane divided segment extending from the intersection of US 136 and Washington Street in Crawfordsville to about ½ mile north of interchange of SR–43 with I–74 (3.2 miles). Highway project F–191(15) PE. (ELR Order #625, 11 pages) (NTIS Order #PB–202 126–D) 8/27.

Iowa Highway 401: Polk County, *Iowa*. Relocation and reconstruction of highway from Johnston north and east across the Saylorville Dam to US–69. (ELR Order #311, 7 pages) (NTIS Order #PB–201 403–D) 7/28.

Iowa–2: Taylor and Ringgold Counties, *Iowa*. Reconstruction of 28.2 miles of highway (widening from 18 to 24 feet) from the Page-Taylor County Line along the general alignment of existing Iowa–2 to near the southern corner of section 6–T68N–R31W. (ELR Order #555, 10 pages) (NTIS Order #PB–202 095–D) 8/17.

US–50: Ford County, *Kansas*. Realignment and upgrading of highway to 4-lane for approximately ¾ mile within the City of Dodge City. Highway project 50–29 U050–2(29) (ELR Order #468, 8 pages) (NTIS Order #PB–201 771–D) 8/10.

I–70: Shawnee County, *Kansas*. Involves construction of multi-lane divided facility and interchanges between Fairlawn Ave. and Gage Blvd. (.6 mile). Consists of right-of-way acquisition, grading, etc. Project 70–89 I–70–5(55). (ELR Order 307, 12 pages) (NTIS Order # PB–201 379–D) 7/29.

K–179: Harper County, *Kansas*. Upgrading and widening highway including bridges over Bluff and Spring Creek, grading and surfacing from 3 miles south of Anthony north to 1½ miles south of Anthony (1.5 miles) (ELR Order # 341, 31 pages) (NTIS Order # PB–201 514–D) 7/29.

Whitesburg By-pass: Letcher County, *Kentucky*. Construction of a segment of the Appalachian Developmental System (Corridor I) to serve as a by-pass of Whitesburg. Construction begins of KY 15 and ends at a junction with US–119. Will touch upon property belonging to the Whitesburg Appalachian Regional Hospital and displace 29 residences, a business, etc. (ELR Order # 470, 63 pages) (NTIS Order # PB–201 762–D) 8/9.

US 460 (Salyersville-Paintsville Road Section II): Johnson County, *Kentucky*. Widening and realigning highway to connect the Mountain Parkway with the newly constructed US–23 at Paintsville (7.5 miles). Highway project SP 58–97–4L F 75(4). (ELR Order # 539, 15 pages) (NTIS Order # PB–201 998–D) 8/19.

KY–1426 and KY–979: Floyd County, *Kentucky*. Project consists of replacement of Bailey Bridge over Mud Creek and reconstructing portion of KY–979 in that vicinity. Highway project S 661 and S 612. (ELR Order # 544, 10 pages) (NTIS Order # PB–202 001–D) 8/19.

Pikeville-Jenkins-U.S. 23–119 Road: Pike County, *Kentucky*. Project begins just northeast of Robinson Creek, runs northeasterly through Collins and then to the Gap at the head of Fords Branch. From there it crosses Levisa Fork at the mouth of Fords Branch and terminates with an intersection with Corridor Q, relocated KY–80, the Pikeville-Elkhorn Road (4.95 miles). Project is portion of Corridor B of the Appalachian Development Highway System. Highway project APD 127 (30). (ELR Order # 543, 20 pages) (NTIS Order # PB–202 002–D) 8/19.

US–119 (Pikesville-South Williamson Road): Pike County, *Kentucky*. Construction runs from just north of Huddy to a point south of Belfry and consists of widening to a 4-lane highway. (Portion of Corridor G of Appalachian Development Highway System) Highway project ADP 506 (9) (ELR Order #538, 17 pages) (NTIS Order #PB–202 003–D) 8/19.

Harlan-Cumberland-Whitesburg Road (Corridor "F", Appalachian Development Highway System): Harlan and Letcher Counties, *Kentucky*. Construction of a by-pass around Cumberland beginning at Cloverlick Creek and extending eastward to a point 1.3 miles east of the Harlan-Letcher County Line (6.6 miles). Requires 330 acres of land and will displace 3 churches, 6 businesses and 63 residences. 4(f) report is attached since project passes through Cumberland City Park. Project APD 140(10) AP 48–8–5L; AP 67–159–6L. (ELR Order 626, 35 pages) (NTIS Order #PB–202 131–D) 8/26.

Kenner Overpass and Approaches (US–61): Jefferson Parish, *Louisiana*. Upgrade segment beginning near St. Charles-Jefferson Parish line and extending easterly for 2.2 miles. Involves constructing a 4-lane divided facility. Highway project U–173(19). (ELR Order #337, 14 pages) (NTIS Order #PB–202 131–D) 7/30.

Route 135: Garrett County, *Maryland*. Reconstruction of existing route from Md. Rte. 38 to Md. Rte 495 (3.4 miles). Project S–9073 (1). (ELR Order #369, 13 pages) (NTIS Order #PB–201 516–D) 8/2.

Maryland Route 16: Dorchester County, *Maryland*. Consists of rehabilitating the existing roadway to insure 50 mph design speed. Construction work runs between Parsons Creek and Slaughter Creek (2 miles). Maryland D–359–6–771. (ELR Order #395, 7 pages) (NTIS Order #PB–201 565–D) 8/3.

U.S. Route 113: Worcester County, *Maryland*. Relocation of route on east side of Pocomoke City (2.4 miles). Involves 1.6 miles of dual highway and .8 mile of dualization of existing highway. Project F 918–1(3). (ELR Order #392, 10 pages) (NTIS Order #PB–201 562–D) 8/5.

I–170: from Pulaski Street to Pine Street in the City of Baltimore, *Maryland*. Design and construction of a six-lane depressed freeway for a total length of 15 city blocks. Project I–170–8(1). (ELR Order #594, 15 pages) (NTIS Order #PB–202 079–D) 8/25.

City Boulevard: from I–170 to Mount Royal Avenue in the City of Baltimore, *Maryland*. Design and Construction of a six-lane surface street from I–170 to Mount Royal Ave. Will displace 148 residential units and 36 businesses. Highway project U–142–1(25). (ELR Order #598, 13 pages). (NTIS #PB 202 079–D) 8/25.

I–895: Southeastern, *Massachusetts*. Part of a circumferential highway around the periphery of the Providence/Pawtucket/Attleboro, Metropolitan area. Construction consists of a divided, limited-access, expressway. Project runs from Attleboro to the Rhode Island State Line, (16.5 miles). Action will require the removal of 86 single family dwellings and 9 house trailers. There would be possible increase in salt and truck and spill pollution of public water supply watersheds in the Kickemuit River Basin. 3,500 acres of land, predominantly oak forest will be committed to highway use. (ELR Order #400) (NTIS Order #PB–201 693–D) 8/6.

U.S.–31 in Mason County, *Michigan*. Construction of freeway from the Oceana-Mason County line north to US–31/US–10, Summit, Pere Marquette, Amber and Riverton Townships. (10.8 miles) Highway Project F 2–5. (ELR Order #603, 26 pages) (NTIS Order #PB–202 137–D) 8/24.

Intersection of Howdershell Road, Charbonier Road and Shackelford Road: Florissant, *Missouri*. Involves eliminating the offset in alignment and widening road between Howdershell Road and Shackelford Road at Charbonier Road (less than ½ mile). 4(f) report is attached since project involves Henry F. Koch Park. St. Louis County project No. 32. (ELR Order 614, 10 pages) (NTIS Order #PB–202 132–D) 8/27.

Route 152: Platte and Clay Counties, *Missouri*. Construction of a 4-lane divided freeway from I–29 east to I–35 (11 miles). Will displace 95 people living in 27 residence. Highway project US–370(7) (8). (ELR Order #611, 10 pages) (NTIS Order #PB–202 143–D) 8/27.

I–80 and Dix Spur: Kimball and Cheyenne Counties, *Nebraska*. Involves 3 construction projects. The first two projects (I–80–1(8) and (I–80–1(9)) represent 14.5 miles of 4-lane construction of I–80 from southeast of Kimball to Potter. The other project (S–590–B) represents 1 mile of construction of Dix Spur between old US–30 in Dix and I–80. Requires 400 acres of right of way. (ELR Order #516, 18 pages) (NTIS Order #PB–201 856–D) 8/13.

Dodge Street: 96th to Cass St., Douglas County, *Nebraska*. Improvement of a .9 mile segment of U.S. 6 in Omaha. Will include rebuilding Dodge Street into an urban six-lane divided facility with left turn lanes and on 90th St. an urban four-lane facility. Highway project F–20(36) (ELR Order #509, 8 pages) (NTIS Order #PB–201 857–D) 8/17.

Veteran's Memorial Drive-Gilbert Ave.: Rockland County, *New York*. Widening and reconstructing route between Route 304 and Orangeburg Road in Orangetown. A 4(f) review will be forwarded to DOT since project affects Blue Hill Golf Club. Highway Project PIN 8444.01. (ELR Order #313, 16 pages) (NTIS Order #PB–201 382–D) 7/29.

Solvay-State Fair-Syracuse, SH 1353 and SH 1353 A, Bridge Street: Onondaga County, *New York*. Involves replacing bridge over Penn-Central Railroad, reconstructing and upgrading Bridge Street, including work at intersections with Milton Ave. and County Road 80, etc. (ELR Order #372, 69 pages) (NTIS Order #PB–201 581–D) 7/29.

County Line-Arcade, S.H. 1155-Route 39: Wyoming County, *New York*. Involves upgrading Main Street in Village of Arcade, including grade separation structure over the Pennsylvania Railroad and the Attica and Arcade Railroad, and widening Liberty Street at east end of project. Length of project 2.1 miles. (ELR Order #374, 9 pages) (NTIS Order #PB-201 583-D) 7/30.

Route 23, Columbia County, *New York*. Involves relocation and construction of a two-lane controlled access facility between Buckley Corners to a point near Hollowville (5.5 miles) Project PIN 8169.00 (ELR Order 314, 12 pages) (NTIS Order PB-201 383-D) 7/30.

Interstate Route Connection 571 Forest Interchange-Jamesville Onondaga County, *New York*. Construction of final link of southeasterly quadrant of the Syracuse Bypass involves work on 4.1 miles of I-481. Purpose: connect with Route 81 on west side of Syracuse. Highway project PIN 3007.111. (ELR Order #522, 65 pages) (NTIS Order #PB-201 992-D) 8/9.

SR-23: Columbia County, *New York*. Reconstruction of 2-lane highway from Hollowville to Craryville, primarily on existing alignment (5 miles). Highway project PIN 812.01. (ELR Order #475, 17 pages (NTIS Order #PB-201 763-D) 8/10.

Country Road 29 (west road): Lewis County, *New York*. Reconstruction of 7.3 miles of highway from a point on Route 12D near Whetstone Gulf State Park northwesterly to the junction of Route 177 and Route 12. Proposes to change jurisdiction of CR-29 to a state highway and change Route 194 from State to County jurisdiction highway project PIN 7022.00. (ELR Order #477, 16 pages) (NTIS Order #PB-201 764-D (8/1).

US-23 and 441: Jackson and Macon Counties, *North Carolina*. Involves widening highway from 2 to 4 lanes beginning at the Franklin Bypass and ending just north of US-23-441-SR 1300 intersection (8.1 miles). 20 families and 2 businesses will be relocated. Project 6.801820, formerly project 8.3023104. (ELR Order #340, 25 pages) (NTIS Order #PB-201 515-D) 8/3.

US-52 business (W. Lebanon St.): Surry County, *North Carolina*. Proposed project extends from South St. in Mt. Airy to US-52 Bypass (1.25 miles) and consists of widening highway from 2-to-5 lanes, curb and gutter street. Also involves improvement of Grace Street—South St. intersection. 4(f) determination attached as highway requires 15 feet of Veterans Memorial Park, Inc. (ELR Order #417, 18 pages) (NTIS Order #PB-201 708-D) 8/9.

U.S. 64, Edgecombe County, *North Carolina*. Involves building a freeway facility on new location between Rocky Mount and Tarboro. Requires 460 acres of farm and wooded land. Project 6.803219, FA Project F-36-2. (ELR Order #495, 19 pages) (NTIS Order #PB-201 845-D) 8/16.

N.C. 53-210, Cumberland County, *North Carolina*. Widening community highway from NC 24 to Cedar Creek (9.3 miles). Purpose: part of Fayetteville Thoroughfare Plan. Project 6.801882. (ELR Order #492, 12 pages) NTIS Order #PB-201 848-D) 8/17.

Connector from I-40 north to US 321 and south to NC 127 at Hickory, Catawba County, *North Carolina*. Length of project 2.8 miles. Project crosses Henry Fork River and several streams. Highway project 9.8121630. (ELR Order 542, 18 pages) (NTIS Order #PB-201 989-D) 8/19.

SR-1707 (Charles Street): Pitt County, *North Carolina*. Involves widening and minor relocation from US-264 bypass northerly to 264 business (10th Street) in Greenville (about 1.14 miles). Highway project 9.8022032. (ELR Order #583, 13 pages) (NTIS Order #PB-202 087-D) 8/19.

NC-68: Guilford County, *North Carolina*. Construction on new location, but parallel to existing NC-68, from SR-1839 to SR-2011, just north of the Greensboro-High Point-Winston Salem Airport. (4 miles) Highway project 6.801736. (ELR Order #581, 18 pages) (NTIS Order #PB-202 091-D) 8/20.

S.R.-2147 (Friendly Road): Guilford County, *North Carolina*. Widening from 2 to 5 lanes with curb and gutter intersection approach from Westridge Road westward for 3.4 miles to Sherwin Road. Additional right-of-way will necessitate the taking of some lands from Guilford College. Highway project 6.801924 and 9.8070830. (ELR Order #582, 17 pages) (NTIS Order #PB-202 090-D) 8/20.

S.R. 73, Adams County, *Ohio*. Construction of new highway bridge over Ohio Brush Creek to replace old bridge and upgrading of approaches (0.6 mile). 4(f) documentation sent to DOT on March 22, 1971 since project requires land from the Ohio Historical Society. Highway project S-553(9); ADA SR-73-3.41 (ELR Order #387, 22 pages) (NTIS Order #PB 201 570-D) 8/3.

SR-41 (West Main Street): Miami County, *Ohio*. Widening of existing highway from just north of Experiment Farm Road to the westerly approach to the bridge near I-75 and improvement of the I-75 interchange. Highway project MAI-41-11.24 (unprogrammed S-1262(6)) and MAI-75-9.71 (unprogrammed) (ELR Order #580, 11 pages) (NTIS Order #PB-202 092-D) 8/24.

US-224: Seneca County, *Ohio*. Relocation of highway beginning south of Tiffin and extending eastward to northwest side of Attica (11.8 miles). Involves constructing a 4-lane divided limited access highway. Highway project LUC-US 224-14.59 (unprogrammed) (ELR Order #619, 15 pages) (NTIS Order #PB-202 144-D) 8/26.

S.H. 33: Mays and Delaware Counties, *Oklahoma*. Development of a primary State Highway, on a new alignment from Chouteau, east for 31.8 miles to SH 10 near Kansas. Involves relocation of 16 families and it may cause water pollution of Grand River and Fort Gibson Reservoir. Project bisects the Fort Gibson Public Use Area and is therefore subject to requirements of Section 4(f). Project F-398. (ELR Order #312, 29 pages) (NTIS Order #PB-201 404-D) 7/28.

Perkins Road (FAS Route 6012): Payne County, *Oklahoma*. Extension of road in Stillwater for 2 miles from its present terminus. The existing facility is a gravel county road, construction warrants a 24 ft. surface (two 12′ lanes) with paved shoulders. Highways project S-6012. (ELR Order #505, 7 pages) (NTIS Order #PB-201 849-D) 8/13.

Cincinnati Avenue: Tulsa, *Oklahoma*. Upgrading Avenue with partial construction on new alignment from East 31st Street north to East 42nd Street north (1 mile). Highway project SU-7251 (100)C. (ELR Order No. 507, 45 pages) (NTIS Order No. PB-201 859-D) 8/13.

71st Street (Kinosha): Broken Arrow, *Oklahoma*. Construction of a 4-lane divided facility from intersection of 161st East Avenue and South 71st Street to Broken Arrow Expressway (1.5 miles) First segment of a proposed 20.5 mile facility. Highway project SU-7238 (100)C. (ELR Order No. 517, 57 pages). 8/16.

Stillwater Metropolitan Area Transportation Study: Payne County, *Oklahoma*. Statement discusses recommended plans and alternatives for a transportation system for the city over the next 20 years. (ELR Order No. 609, 23 pages) (NTIS Order No. 202-142-D) 8/24.

SH-51: Payne County, *Oklahoma*. Adding 2-lanes making highway a 4-lane segment from I-35 east for 9.5 miles. Highway project F-198. (ELR Order No. 627, 8 pages) (NTIS Order No. PB-202 122-D) 8/26.

Umpqua Highway, Wells Creek and Jack Creek Section: Douglas County, *Oregon*. Construction within a 26 mile section of the highway between Wells Creek and Jack Creek of eleven passing bays. Also includes work to control slide area at Sawyer Rapids. Project FAP F-142. (ELR Order No. 305, 9 pages) (NTIS Order No. PB-201 377-D 8/2.

West Pendleton Interchange: I 80 N. Umatilla County, *Oregon*. Reconstruction of the Interchange to accommodate the proposed County Road that will connect Rieth Road (FAS 470). Highway project S-578. (ELR Order No. 491, 11 pages) (NTIS Order No. PB-201 847-D) 8/16.

L. R. 288, Section 18: Allegheny County, *Pennsylvania*. Widening 1.9 mile section of road to 4 lanes beginning at intersection of Foster Road and Lincoln Way and ending at Jacks Run Road. (ELR Order No. 367, 4 pages) (NTIS Order No. PB-201 530-D) 8/4.

L.R. 1005, Section 2A: Dauphin County, *Pennsylvania*. Construction on new alignment in the City of Harrisburg and Susquehanna Township, includes grading, drainage, paving, etc. It will be a six-lane limited access facility and will be a section of I-81, A. 4(f) statement is enclosed as project will traverse Wildwood Lake and Park. (ELR Order # 420, 69 pages) (NTIS Order # PB-201 688-D) 8/10.

L.R. 1089, Sections 1 and 2: Dauphin County, *Pennsylvania*. Involves relocation of U.S. Route 22 and U.S. Route 322 from Maclay St. in Harrisburg north to Linglestown. 4(f) approval was given by the Secretary of Transportation in May 18, 1970 for project traversing Wildwood Park. (ELR Order # 421, 651 pages) (NTIS Order # PB-201 689-D) 8/10.

Legislative Route 1010, Section A3 (Mid County Expressway): Delaware County, *Pennsylvania*. Construction of 2.1 mile portion of Expressway beginning in town of Nether Providence and proceeding north through Springfield. An interchange will be provided to connect the Baltimore Pike. A 4 (f) statement is included since one section of route traverses Smedley Park (requires 4 acres). (ELR Order #482, 42 pages) (NTIS Order #PB-201 852-D) 8/13.

Thorn Hill Industrial Park, Access Road: Allegheny and Butler Counties, *Pennsylvania*. Project involves constructing an access road approximately 1000 feet west of the PA Turnpike. (ELR Order #521, 6 pages) (NTIS Order # PB-201 990-D) 8/17.

Portion of L.R. 1045 (I-78): Lehigh and Northhampton Counties, *Pennsylvania*. Construction of route involves parts of Section 1 and 7, all of Sections 2-6 and will be constructed as a 6-lane limited access facility. Length is 15.7 miles. Purpose: provide high speed highway for commuters, etc. from Allentown, Bethlehem and Easton. Will displace 223 individuals and families. (ELR Order # 519, 45 pages) (NTIS Order # PB-201 994-D) 8/18.

L.R. 11084, Section 3: Cambria County, *Pennsylvania*. Upgrading route to provide better access to Prince Gallitzin State Park from Patton and areas to the west. A 4(f) submission is attached since project requires 14 acres from Prince Gallitzin State Park and 0.7 acre from State Game Lands No. 108. (ELR Order # 549, 26 pages) (NTIS Order # PB-202 083-D) 8/20.

Legislative Route 266, Section A06 (PA Route 44): Lycoming County, *Pennsylvania*. Upgrade route in village of Waterville and replace bridge (.53 mile). (ELR Order # 636, 8 pages) (NTIS Order # PB-202 121-D) 8/26.

Legislative Route 18, Section 23T: Lycoming County, *Pennsylvania*. Construction of free access highway between Washington Blvd. and High St. and a modification to the Market St.-Hepburn St.-Rural Ave. intersection in Williamsport. (ELR Order #608, 15 pages) (NTIS Order #PB-202 139-D) 8/26.

US-25 Bypass (Route S-10): Edgefield, *South Carolina*. Upgrading the existing US-25 Bypass from a 2-lane highway to a multi-lane facility (about 4.6 miles). (ELR Order #444, 7 pages) (NTIS Order #PB-201 770-D) 8/11.

Multi-lane widening of U.S. 25 section. Aiken and Edgefield Counties, *South Carolina*. Project will entail multi-lane widening of an approximate 5.4 mile segment of U.S. Route 25, extending from I.R. 20 to Secondary System Road S–388. Highway project F–023–1. (ELR Order #511, 7 pages) (NTIS Order # BP 201 860–D) 8/17.

Cliff Avenue: Minnehaha County, *South Dakota*. Project consists of grading, surfacing, curb and gutter, sidewalk and storm sewer between 8th St. and 17th St. (Appears to be about 1 mile). Also involves replacement of bridge over Big Sioux River. 4(f) determination attached as route requires about .05 acre of Nelson Park. Unprogrammed highway project F–057–1. (ELR Order #410, 15 pages) (NTIS Order #PB–201 692–D)

Secondary Route 2423: Blount County, *Tennessee*. Upgrading of 8/20. 4.43 miles of highway from Secondary Route 2550 near *Midway* to Secondary Route 2423 near Singleton. Highway project S–2423(10). (ELR Order #578, 4 pages) (NTIS Order #PB–202 093–D).

S.H. 36: Coryell County, *Texas*. Construction of byass around Gatesville consisting of sections of 4-lane divided and 2-lane highway on right of way adequate for 4-lane development throughout length (5.6 miles) Highway project S–801. (ELR Order #310, 13 pages) (NTIS Order #PB–201 402–D)

Dryden Road: Jefferson County, *Texas*. Extending road from Ninth Ave. through a corner of Pioneer Park to intersection of Gulfway Drive (SH–87) via Seventh Ave. (0.3 miles). 4(f) documentation required since project will use 1.5 acres of Pioneer Park. Highway project T9017(3). ELR Order #344. 8 pages) (NTIS Order #PB 201 511–D) 8/2.

Ninth Avenue: Jefferson County, *Texas*. Widening of approximately .2 mile to a four lane divided roadway with protected left turn lanes. Begins at 17th Street and continues north to St. Mary's Hospital in Port Jefferson. Includes a 4(f) determination since project requires use of a small portion of Pioneer Park. Project T 9017(2). (ELR Order # 343, 12 pages) (NTIS Order # PB–201 512–D), August 2.

U.S. Highway 81 and 287: Wist County, *Texas*. Construction of a limited access 4-lane highway from Montague County Line to section south of Alvord (8.2 miles). Highway project F–14. (ELR Order # 391, 12 pages) (NTIS Order # PB–201 547–D), August 5.

S.H. 35: Houston, *Texas*. Relocation of highway between Dixie Drive and Almeda-Genoa Road (4 miles). Construction consists of a controlled access facility providing 8 lanes. 4(f) documentation attached as route requires land from the future site of Frances Mann Law Park. Highway project F–679. (ELR Order # 394. 24 pages) (NTIS Order # PB 201 564–D), August 6.

I–27: Lubbock County, *Texas*. Upgrading to interstate standards along existing route, from loop 289, north of Lubbock northerly to 1.5 miles of Monroe Overpass (6.5 miles). 5 residences and 4 businesses will be displaced. Highway project I 27–7. (ELR Order # 416 18 pages) (NTIC Order # PB 201 709–D), August 9.

U.S . Highway 287: Montague County, *Texas*. Construction of a four lane divided highway from the Clay-Montague County line along present route to FM 174, a distance of 5.8 miles. then continuing southeast a distance of 5.0 miles on a new location (10.8 miles). Highway project F 86. (ELR Order #418, 13 pages) (NTIS Order #PB–201 702–D), August 9.

I–35: Bell County, *Texas*. Construction from north of Leon River to loop 363 in Temple involves widening highway to 6-lanes, adding frontage road, etc. (3.5 miles) (ELR Order # 623, 11 pages) (NTIS Order # PB–202 127–D). August 26.

4700 South Street, 4000 West Street to I–215: Salt Lake County, *Utah*. Widening and surfacing 3 miles of highway in Salt Lake County, proposed facility is a 4-lane road. Project S–0144(9). (ELR Order 601, 28 pages) (NTIS Order # PB–202 136–D) 8/26.

S.R. 169, Maplewood Golf Course to S.R. 405: Renton, *Washington*. Realignments and improvements to S.R. 169 which is presently a winding series of bottlenecks. The improvements are in the preliminary design stages and are mentioned only as an illustration of the overall plan for this area. (ELR Order # 508, 13 pages) (NTIS Order # PB–201 858–D) 8/16.

S.R. 112, Jim Creek Bridge Replacement: *Washington*. Replacement of bridge with an arch culvert and constructing approximately 850 feet of approach roadway to the new structure. Located on SR 112 approximately 33 miles west of Port Angeles. Project C, S0533R. (ELR Order # 523, 6 pages) (NTIS Order # PB–201 991–D) 8/18.

I–90 (Argonne Road Interchange): Spokane County, *Washington*. Upgrading/relocation of portions of Argonne Road and Stout Road to include a new over-crossing structure of I–90. Highway project I–90–6( ). (ELR Order # 419, 10 pages) (NTIS Order # 201 707–D) 8/9.

U.S. Route 119 and WVA Route 3, Charleston, *West Virginia*. Construction of a high type highway with a design speed of 60 mph. beginning at intersection with WVA Route 3 in Danville and ending at the interstate near Charleston. (ELR Order # 304, 42 pages) (NTIS Order # PB–201 384–D) 7/30.

Appalachian Corridor Q, Project APD 200 (24) Bluefield Segment, Mercer County, *West Virginia*. Highway construction from the Virginia-West Virginia State line at Bluefield to the junction of Mercer County Route 34 (2.8 miles). Will displace 33 residences and 1 business. (ELR Order # 434, 60 pages) (NTIS Order # PB–201 705–D) 8/11.

S.T.H. 15: Beloit-Elkhorn Road, Rock and Walworth Counties, *Wisconsin*. Freeway construction between Beloit and Elkhorn (approximately 26 miles). Highway project F 015–1 and 1093–0–00 and 1091–0–00. (ELR Order No. 308, 18 pages) (NTIS Order No. PB–201 380–D) 7/30.

Hawthorne (US–2 Road); US 53: Douglas County, *Wisconsin*. Upgrading to freeway standards on new location between Hawthorne and the junction with US–2 (6 miles) 380 acres of land will be required. Will cross the Amnicon and Middle Rivers. (ELR Order No. 380, 11 pages) (NTIS Order No. PB–201 575–D) 8/2.

USH 45: Washington County, *Wisconsin*. Construction of a dual-lane highway to freeway standards beginning north of interchange with STH–145 and terminating north of West Bend (13 miles). It will be necessary to relocate approximately one mile of STH 143 to a feasible interchange site with the new freeway. Project F–027–1. ID 2221–1–00, ID 2221–2–00. (ELR Order No. 393, 11 pages) (NTIS Order No. PB–201 563–D) 8/6.

Milwaukee-Green Bay Road (Bellevue USH 41 Section): Brown County, *Wisconsin*. Approximately 11.7 miles of four-lane highway with a 1.5 mile fixed span bridge over the Fox River. 4 (f) determination attached since project will be constructed adjacent to a wildlife sanctuary, Bay Beach Park and Baird's Creek Park. Highway project I–57–1. (ELR Order No. 541, 21 pages) (NTIS Order No. PB–201 988–D) 8/20.

U. S. 41–I57 Road: Brown County, *Wisconsin*. Involves constructing a bridge across the Fox River and approaches beginning at Ashland Ave. in Ashwaubenon and ending at Webster Ave. in Allouez. A 4 (f) determination is attached since project will take place adjacent to a historical site and on lands planned to be incorporated in historical site expansion. Highway project F–081–1; ID 1211–1–00. (ELR Order No. 622, 26 pages) (NTIS Order No. PB–202 128–D) 8/25.

West County Line—Lake Mills Road (CTH "B"): Jefferson County, *Wisconsin*. Upgrading and widening road primarily on same alignment beginning west of Jefferson County Line and extending easterly about 4.5 miles to the junction of Rock Lake Road near Lake Mills. 4(f) report attached since project requires .6 acres of land from Rock Lake Park. Highway project S 1089(5) ID 3580–2–00. (ELR Order No. 621, 13 pages) (NTIS Order No. PB–202 129–D) 8/25.

Final

Title, description, and date

US–280: Shelby County, Alabama. Replacement of a 2-lane highway with a 4-lane highway between Birmingham and Chelsea (5.6 miles) Comments made by DOT, HUD, EPA. DOI and various State of Alabama agencies. Highway project F–214(9). (ELR Order #320, 30 pages) (NTIS Order #PB–201 506–F) 7/28.

I–65: Chilton County, *Alabama*. Construction of rest areas with toilets, picnic areas, etc. on north and south bound lanes 1.5 miles north of Alabama 145. Highway project I–65–2(18). Comments either supporting or stating no comment made by AEC, USDA, DOI, HEW, DOT, EPA, Army Corps of Engineers, HUD and Alabama Development Office. (ELR Order #386, 10 pages) (NTIS Order #PB–201 586–F) 8/4.

US–231: widening 1.4 miles from a 4-lane to a 6-lane facility from Drake Ave. intersection to Clinton Ave. intersection. Slip ramps to one way; frontage roads are planned. Huntsville, *Alabama*. Highway project F–216( ). Comments made by EPA, DOT, Army COE, TVA, various State of Ala. agencies, Ala. Oil Co., Standard Oil Co. and other local businesses. (ELR Order #441, 37 pages) (NTIS Order #PB–201 787–F) 8/11.

County Road 27 and 17: replacement/improvement of 7.7 miles of road in Escambia County, *Alabama*. Highway projects S–2702 ( ), S–2711 ( ), S–1660–A. Comments made by DOI, Army Corps of Engineers, DOT, EPA, HUD and various State of Alabama agencies. (ELR Order #500, 27 pages) (NTIS Order #PB–201 (865–F) 8/17.

US–80: Lowndes County, *Alabama*. Construction of 2 additional lanes from 1 mile west of Big Swamp Creek to beginning of existing 4 lanes toward Montgomery (on attached map it appears to be about 11 miles). Highway project F–139(6). Comments made by DOT, DOI, EPA, Army COE, HUD, various State of Alabama agencies. (ELR Order #534, 23 pages) (NTIS Order #PB–201 984–F).

US–31: Montgomery County, *Alabama*. Project consists of eliminating a hazardous intersection near Mosely's Store, by providing right and left turn lanes, widening shoulders, flattening slopes, etc. (about .7 mile). Highway project F–205( ), S–283–D. Comments made by DOT, DOI, AEC, Army COE, USDA, EPA, Commerce and various State of Alabama agencies. (ELR Order #545 24 pages) (NTIS Order #202 059–F) 8/19.

Western Bypass: Coffee County, *Alabama*. Construction of 6.6 miles of highway on new location in Enterprise. Highway project S–319–D. Comments made by DOI, DOT, USDA, Army COE and Alabama Development Office. (ELR Order #652, 16 pages) (NTIS Order #PB–202 062–F) 8/20.

US–31: Birmingham, *Alabama*. About 0.7 mile of highway construction between 37th Ave. and 41st. Highway project FAUP U–UG–56(6). Comments made by HUD, Army COE, DOT, EPA, DOI, City of Birmingham and various State of Alabama agencies. (ELR Order #561, 30 pages) (NTIS Order #PB–202 070–F) 8/20.

FAS Route 09: Chilton County, *Alabama*. Paving and widening route from Alabama Highway 183 near the Chilton-Perry County line to a point on the Chilton-Bibb County line (2.8 miles). Project lies within Talladega National Forest. Highway project S–1109 (101). Comments made by Chilton County, DOI, AEC, USDA, DOT, Army COE, Commerce, EPA, HUD and various State of Alabama agencies. (ELR Order #632, 37 pages) (NTIS Order #PB–199 576–F) 8/26.

US-231: widening, realigning and grading of 3.2 miles of highway in Troy, *Alabama*. Part of over-all project to improve highway between Dothan and Montgomery. Highway project F-219(6). Comments made by DOT, DOI, EPA and State of Alabama. (ELR Order #629, 16 pages) (NTIS Order PB-202 149-F) 8/26.

Project S-068-0(17): *Alaska*. Upgrading/reconstruction of roadway between the North Fork of the Tolovana River on the Elliott Highway and Manley Hot Springs Rd., southwest of Livengood on new location. No comments received. (ELR Order #499, 48 pages) (NTIS Order PB-201 873-F) 8/17.

Kodiak, *Alaska*. Construction of 3.7 miles of 2-lane gravel road. Purpose: provide an all-weather road to the water-shed of Monashka Creek, where a city water supply reservoir will be built. Highway project S-0391 (2). Comments made by DOT, State of Alaska, DOI, USDA. (ELR Order #499, 48 pages) (NTIS Order PB-201 873-F) 8/17.

Kodiak, *Alaska*. Construction of 3.7 miles of 2-lane gravel road. Purpose: provide an all-weather road to the water-shed of Monashka Creek, where a city water supply reservoir will be built. Highway project S-0391 (2). Comments made by DOT, State of Alaska, DOI, USDA. (ELR Order #361, 29 pages) (NTIS Order #PB-201 498-F) 8/4.

Kodiak Naval Air Station Highway Improvement, *Alaska*. Construction of 9.5 miles of two 12-ft. lanes, all within the Naval Station. Purpose: provide efficient travel from Kodiak to the commercial air terminal on the Naval Station. Highway projects S-0391(4) and F-011-1(9). Comments made by DOI, DOT, HUD, Alaska Conservation Society, and various State of Alaska agencies. (NTIS Order #PB-201 796-F) 8/11.

Nenana-Fairbanks Highway: Ester, *Alaska*. Reconstruction of roadway between Ester and 25 miles west of Ester on the Fairbanks to Nenana Highway. Highway project F-037-1 (25). Comments made by DOI, DOT, various State and local agencies of Alaska. (ELR Order #615, 59 pages) (NTIS Order #PB-202 145-F) 8/26.

Oak Street-Hill Street Section of Phoenix-Globe Highway (US-60): Gila County, *Arizona*. Realignment to eliminate downtown congestion. Highway Project F-022-3-202. Comments made by HUD and the Office of the Mayor of Globe. (ELR Order #456, 15 pages) (NTIS Order #PB-201 779-F) 8/10.

State Highway Route 177: Pinal County, *Arizona*. (Winkleman-Superior Highway, Superior south section) Replacement of 3 miles, from US-60 south, of old stretch of SR-177 that has poor horizontal and vertical alignment. Project falls within the boundaries of the Tonto National Forest. Highway project S-316-505. Comments made by USDA, DOI, and Arizona Game and Fish Dept. (ELR Order #463, 12 pages) (NTIS Order #PB-201 793-F) 8/11.

SH-64: (Williams Grand Canyon-Cameron Highway) (Dead Indian Canyon Section): Coconino County, *Arizona*, New alignment of 2 miles as part of facility providing access to south rim of the Grand Canyon from the east. Some scarring of natural landscape will occur. Highway project FLH-033-1(2). Comments made by Arizona State Museum, HUD, DOI, USDA, and various State of Arizona agencies. (ELR Order #465, 18 pages) (NTIS Order #PB-201 797-F) 8/11.

I-19: Santa Cruz County, *Arizona*. (Otero-Carmen section of the Nogales-Tucson Highway) Construction of 4.8 miles of highway. Study is in progress on where highway should be located in vicinity of the confluence of Josephine Wash and Santa Cruz River. Highway project I-19-1(25). Comments made by DOI. (ELR Order #454, 16 pages) (NTIS Order #PB-201 785-F) 8/11.

I-17: Yavapai County, *Arizona*. (Copper Canyon to McQuireville section of the Cordes Junction to Flagstaff Highway) 5.4 mile project crosses northwest corner of Montezuma Castle National Monument. Involves building a new road for northbound lanes, etc. Highway project I-17-1(48). Comments made by Arizona State Museum, DOI, DOT, USDA. (ELR Order #447, 23 pages) (NTIS Order #PB-201 773-F) 8/11.

I-10: Ehrenberg-Phoenix Highway (Perryville Rd. to Bullard Rd., Bullard Rd. to 107th Ave., 107th Ave. to 67th Ave.): Maricopa County, *Arizona*. Involves construction of 14.8 miles of 4-lane highway through desert, agricultural and rural residential areas. Highway projects I-10-2(34), I-IG-10-2(37), I-10-2(40). Comments made by HUD, USDA, DOI and Arizona Game and Fish Dept. (ELR Order #460, 19 pages) (NTIS Order #PB-201 777-F) 8/11.

I-40 (Flagstaff-Holbrook Highway): Navajo County, *Arizona*. Joseph City Interstate section. About 4.1 miles of construction of grade and drain. Highway project I-40-4(49). Comments made by Arizona Game and Fish Dept. (ELR Order #483, 13 pages) (NTIS Order #PB-201 868-F) 8/13.

I-19 (Nogales-Tucson Highway): Santa Cruz and Pima Counties, *Arizona*. Construction of 4 sections of highway (Tubac, Amado, Canoa Ranch, Canoa Ranch-Continental). Runs from a point just north of Carmen on US-89 northerly to a point just south of Green Valley (20 miles). Federal Aid Highway project nos. are, respectively: I-19-1(29), I-19-1(32), I-19-1(41), I-19-1(57). Comments made by DOI. (ELR Order #486, 23 pages) (NTIS Order #PB-201 866-F).

I-40 (Kingman-Ash Fork Highway): Mohave County, *Arizona*. 2 sections are covered: Lookout Wash and Yavapai County Line-West. New alignment for I-40 between Kingman and Ash Fork. Involves construction of 9.7 miles of 38-ft. wide road across prime antelope and deer country. (Will replace dangerous section of US-66). Comments made by HUD, DOI and Arizona Game and Fish Dept. Highway projects I-40-2(41) & I-40-2(44). (ELR Order #524, 24 pages) (NTIS Order #PB-201 982-F) 8/17.

I-40 (Hualapai Mountain Park): Mohave County, *Arizona*. Construction of a 4-lane secondary highway to serve as a primary means of access between isolated districts of both north and south Kingman and the central business district. Highway projects US-356(4) (Kingman City limits to US-66); US-356(2) (US-66 to Detroit Ave.), US-356(*) Detroit Ave. to I-40 T.I.). Comments made by DOI. (ELR Order #533, 28 pages) (NTIS Order #PB-200 190-F) 8/19.

US-65: construction of 21.8 miles of 4-lane divided highway between Little Rock and Pine Bluff, *Arkansas*. Highway project F-025-2(24). Comments made by DOI, DOT, State of Arkansas. (ELR Order #362, 31 pages) (NTIS Order #PB-201 503-F) 8/2.

I-40: Pulaski County, *Arkansas*. Construction of a safety rest area adjacent to eastbound lane 3.5 miles east of Morgan interchange. Highway Project I-40-3(59). Comments made by HEW, DOI, and METROPLAN. (ELR Order #466, 11 pages) (NTIS Order #PB—201 775-F) 8/11.

US-67: White County, *Arkansas*. Construction of US-167 on new location from south end of present Searcy Bypass to junction with existing US-67-167 north of Bald Knob (13.6 miles). Highway projects 201-3(15) & 021-3(24). Comments made by DOI, Commerce and various State of Arkansas agencies. (ELR Order #575, 23 pages) (NTIS Order #PB-202 061-F) 8/20.

Route 13 (Dover Bypass): Kent County, *Delaware*. Construction of a bypass beginning at existing Route 13 north of Woodside, curving northerly to west of Dover. Also construction of a connecting spur from Frederica to Woodside. Length of two projects about 19.8 miles. Highway projects F-89(23), F-106-12, & F-116(14). Comments made by HUD and State Clearing House. (ELR Order #530, 38 pages) (NTIS Order #PB-199 587-F) 8/17.

I-20-1: Haralson & Carroll Counties, *Georgia*. Completion of construction of 4-lane highway between the Alabama State line and SR-61 in Villa Rica. Involves 2 projects—I-20-1(23) 00 is 11.4 miles long and I-20-1(27) 11 is 12.3 miles long (total distance 23.7 miles). Comments made by DOT, USDA, EPA, Army COE, DOI, HUD and various State of Georgia agencies. (ELR Order #318, 44 pages) (NTIS Order #PB-201 505-F) 7/29.

I-85: Troup-Meriwether Counties, *Georgia*. Completion of construction between SR-219 in Troup County and FAS Route 2016 in Meriwether County. On new location, it will involve 19.7 miles of 4-lane limited access highway. Highway projects I-85-1(44) 20 & I-85-1(33) 12. Comments made by USDA, HUD, Army COE, DOI, EPA and various State of Georgia agencies. (ELR Order #432, 22 pages) (NTIS Order #PB-201 684-F) 8/6.

East First Street Extension: 1.6 miles of realignment and upgrading, partly on new location. From intersection of SR-53 and Ross St. to Church St., Rome, *Georgia*. Highway project SU 1778(1). Comments made by EPA, DOT, HUD, various State of Georgia agencies and local city organizations. (ELR Order #457, 25 pages) (NTIS Order #PB-201 780-F) 8/11.

I-185-1: construction of 35 miles of freeway from north of Columbus to I-85. Troup, Harris, Muscogee Counties, *Georgia*. Purpose: to provide access from Columbus to the interstate highway system. Highway project I-185-1(63). Comments made by DOI, HUD, USDA, Army COE, EPA and various State and local Georgia agencies. (ELR Order #536, 69 pages) (NTIS Order #PB-201 983-F) 8/19.

I-75: Atlanta, *Georgia*. Construction of 2 additional lanes (making it a 8-lane highway) beginning just south of North Ave. and terminating near 16th St. (1.5 miles). Parts of 3 educational institutions will be required for right-of-way. Highway projects I-75-2(41) UL-75-2(52). Comments made by EPA, HUD, DOT, DOI, various State of Georgia agencies, City of Atlanta and a concerned citizen. (ELR Order #618, 62 pages) (NTIS Order #PB-202 148-F) 8/26.

K-10: Johnson County, *Kansas*. Realignment of 7.5 miles of highway from ¾ mile south of DeSoto to just southeast of K-7 (part of a connection between Kansas City and Lawrence). Highway project 10-46 F-078-6(16). Comments made by USDA, DOI, Army COE, EPA and various State of Kansas agencies. (ELR Order #327, 22 pages) (NTIS Order #PB-201 507-F) 7/28.

US-75: Osage & Coffee Counties, *Kansas*. Involves 4 projects to upgrade highway from its junction with US-50 to a point north and east of Melvern Reservoir, including a connection with I-35 (about 10 miles). Highway projects F-063-2(23), F-603-2(25), F-063-3 (1) & K-1035(4). Comments made by DOT, FPC. Commerce, DOI, EPA, Army COE, USDA, HEW, various State of Kansas agencies, and concerned citizens. (ELR Order #429, 88 pages) (NTIS Order #PB-201 794-F) 8/9.

US-69: construction of between 2 and 3 miles of 4-lane highway within the cities of Overland Park, and Lenexa, *Kansas*. Highway project 69-46 U-083-3(22) Parts I & II. Comments made by HEW, DOI, USDA, Army COE, AEC, various State of Kansas agencies and a large number of concerned citizens. (ELR Order No. 514, 49 pages) (NTIS Order No. PB-201 874-F) 8/11.

US-156 & US-283: Hodgeman County, *Kansas*. Most construction is upgrading intersection of US-156 & US-283, involving a change in grade, alignment, 2 new bridges and adequate right-of-way near Jetmore. Highway projects 156-42 F 062-1(10) & 283-42 F 021-2(4) Parts I & II. (ELR Order No. 526, 23 pages) (NTIS Order No. PB-201 987-F) 8/17.

K-119: Washington County, *Kansas*. From Greenleaf, .8 miles south to an intersection with K-9 & K-15. Highway project 119-101 S 115(14). Comments made by USDA, HEW, DOI, Army COE, EPA and various State of Kansas agencies. (ELR Order No. 528, 26 pages) (NTIS Order No. PB–201 980–F) 8/17.

US–283: Graham County, *Kansas*. Upgrading .8 mile in and near Hill City. Highway project 283–33 F–021–3(7). Comments made by EPA, USDA, DOI, DOT, and various State of Kansas agencies. (ELR Order No. 535, 27 pages) (NTIS Order No. PB–201 985–F) 8/19.

21st Street: Tyler St. to AT&SF Railroad Tracks, Topeka, *Kansas*. Widening to provide for 4 lanes, etc. Highway project 89–T–4005 (1). Comments made by EPA, HUD, DOI, USDA, Army COE, HEW and various State of Kansas agencies. (ELR Order No. 590, 23 pages) (NTIS Order No. PB–199 143–F) 8/23.

I–35: proposed 27.4 miles of 4-lane divided highway in Wright and Franklin Counties, *Iowa*. Purpose: to link 2 existing sections of the Interstate system. Highway project I–35–6. Comments made by DOT, DOI, EPA, HUD, USDA, and various State of Iowa agencies and concerned citizens. (ELR Order No. 462, 22 pages) (NTIS Order No. PB–201 776–F) 8/10.

Jefferson Freeway: Jefferson County, *Kentucky*. Freeway segment from just south of Louisville-LaGrange Rd. to just south of Westport Rd. Highway project F–552(8). Comments made by HUD, DOI, DOT. (ELR Order #328, 21 pages) (NTIS Order #PB–201 508–F), 8/28.

Kentucky 864 (Poplar Level Road): Jefferson County, *Kentucky*. Widening 3.95 miles. Highway project SP 56–28 U 553(2). Comments made by HUD, DOT, and the Metropolitan Council of Governments. (ELR Order #446, 15 pages) (NTIS Order #PB–201 789–F), 8/11.

US–90: St. Landry Parish, *Louisiana*. Construction of 2.5 miles from Eunice Country Club to 12th St. in Eunice. Highway project FAP F–199(15) and State highway project 12–11–20. Comments made by Commerce, DOI, HEW, AEC, USDA & various State of La. agencies. (ELR Order #589, 28 pages) (NTIS #PB–202 060–F), 8/23.

US–165: upgrading and improving existing 2-lane highway to a divided 4-lane highway. From south of the US–165—US–80 interchange in Monroe to SR–2 in Sterlington. *Louisiana*. Highway projects F–U–204(6), F–204(7), F–204(8). Comments made by USDA, Commerce, DOT, DOI, FPC, AEC and various State of Louisiana agencies. (ELR #449, 39 pages) (NTIS Order #PB–201 783–F), 8/11.

Route 632: Washington County, *Maryland*. Proposed location of the Norfolk and Western Railway grade elimination structure. Highway project USG 9613(1). Comments made by various State of Maryland agencies. (ELR Order #464, 13 pages) (NTIS Order #PB–198 863–F), 8/11.

I–69: Clinton & Shiawassee Counties, *Michigan*. Construction of highway from I–96 across the north side of the Lansing-East Lansing Metropolitan area. The 2 segments of construction consist of one corridor west of existing US–27 and one corridor east of existing US–27. Highway project I–69–3. Comments made by USDA, DOI, DOT and various State of Michigan agencies. (ELR Order #331, 35 pages) (NTIS Order #PB–201 504–F), 7/28.

SR–15 (*Mississippi* Highway): relocation of highway between interchange with I–20 and a point on SR–15, 3.5 miles south (around the east side of Newton). Highway project SP 0022–2(18). Comments made by Army COE, HUD and State Clearinghouse. (ELR Order #384, 12 pages) (NTIS Order #PB–201 584–F) 8/4.

SR–57: between I–10 and US–90 in Jackson County, *Mississippi*. Upgrading of existing route from 2 to 4 lanes. Highway project S–0119(12)A. Comments made by Army COE, HUD, USDA, various State of Mississippi agencies and State Clearinghouse. (ELR Order #461, 31 pages) (NTIS Order #PB–201 792–F) 8/11.

SR–13 in Lamar and Pearl River Counties between the N.O & N.E. Railroad in Lumberton to the SR–13 interchange on I–59, *Mississippi*. Reconstruction of narrow, deteriorating section. Highway project F–23–1C27. Comments made by Army COE, HUD and State Clearinghouse. (ELR Order #467, 14 pages) (NTIS Order #PB–201 798–F) 8/11.

SR–39: Lauderdale County, *Mississippi*. Relocation of SR–39 approximately 5.5 miles. Highway project SP–025–2(3). Comments made by USDA, HUD, Army COE, East Central Economic Development District, Inc. and State Clearinghouse. (ELR Order #445, 13 pages) (NTIS Order #PB–199 144–F) 8/11.

US–49: construction of 25 miles of 4-lane highway from Jackson, *Mississippi* to 2 miles north of Bentonia. With exception of the location of road through Flora and Bentonia, the existing 2-lane road will be used. Highway projects SP–0008–3(8), SP–0008–3(9) & SP–0008–4(7). Comments made by HUD, Army COE, and various State of Mississippi agencies. (ELR Order #616, 33 pages) (NTIS Order #PB–201 147–F) 8/26.

SR–15: Neshoba and Newton Counties, *Mississippi*. About 5 miles of highway relocation. New facility will ultimately be 4 lanes. Highway project FAP 022–2. Comments made by Army COE & HUD. (ELR Order #631, 10 pages) NTIS Order #PB–198 867–F) 8/26.

I–89: Sutton Rest Area, on southbound lanes in Sutton, *New Hampshire*. Highway project I 89–1(106)25, P–1410. Comments made by HEW, HUD & DOI. (ELR Order #442 12 pages) (NTIS Order #PB–198 857–F) 8/11.

New Zealand Road—Route 107: Seabrook, *New Hampshire*. Improving alignment, etc. of 1.7 miles. Highway project S 68(3); S–1544. Comments made by USDA, DOI, Commerce, and DOT. (ELR Order #443, 21 pages) (NTIS Order #PB–198 978–F) 8/11.

SR–32: improvement from 13.5 miles south of Gallup to Gallup, *New Mexico*. Highway projects S–1300(14) & (15). Comments made by DOI, various State of New Mexico agencies. (ELR Order #357, 12 pages) (NTIS Order #PB–199 014–F) 8/4.

Lockport Expressway, Sections I, II, III: Amherst, *New York*. Involves construction of 7 miles of freeway entirely within Amherst (from I–290 between the Niagara Falls Blvd. and Millersport Highway interchanges to New Road). Purpose: relieve congestion. Comments made by HEW & DOT. (ELR Order #450, 24 pages) (NTIS Order PB–201 774–F) 8/11

SH–258 (Peru Bridge): construction of a new bridge over Little Ausable River and improvement of approaches. Peru, Clinton County, *New York*. Highway project PIN 7130.04. Comments made by EPA, HUD, USDA. (ELR Order #630, 20 pages) (NTIS Order #PB–200 037–F) 8/26.

Railroad Separation & Street Connection: Grand Forks, *North Dakota*. Project begins at the intersection of 6th Ave. south and Washington St. and ends near South 5th & 4th Streets on Demers Ave. (.8 mile). Highway project F–FG–6–802(01)002. Comments made by DOI, HUD and North Dakota State Outdoor Recreation Agency. (ELR Order #527, 18 pages) (NTIS Order #PB–199 321–F) 8/17.

SH–13: Richland County, *North Dakota*. Adding 2-lanes, making 4-lane divided facility, between I–29 and Wahpeton (12 miles). Highway project F–8–013(02)179. Comments made by HUD, DOI, and various State of North Dakota agencies. (ELR Order #633, 21 pages) (NTIS Order #PB–202 152–F) 8/26.

US–69: *Oklahoma*. Relocation/construction of freeway from Summit northeasterly 20.9 miles to SH–51 at Wagoner. Highway project F–593. Comments made by Oklahoma State Grant-in-Aid Clearinghouse. (ELR Order #385, 12 pages) (NTIS Order #PB–198 837–F) 8/4.

Athens County Road C–23: *Ohio*. Construction of a 2-lane facility with truck passing lanes from intersection with US–33 and Athens Township Rd. T–251 (3.5 miles). No problems or objections have been raised in the coordination with local, State or Federal agencies. Highway project S–1611(1). (ELR Order No. 358, 7 pages) (NTS Order PB–199 571–F) 8/2.

SR–95 to Blaine Avenue., SR–US30S to Blaine Ave.: west side of Marion, *Ohio*. Replacement of 2-way roads with multiple lane highway and separation of major railroad crossings. Between 99 and 134 residences will be taken. Highway project MAR–95–11.54, MAR–302–15.22, MAR–30S–15.82. Comments made by DOI. (ELR Order No. 359, 10 pages) (NTIS Order No. PB–201 497–F) 8/2.

Pleasant Valley-Green Timber Road Section, Oregon Coast Highway: Tillamook County, *Oregon*. Length: 3 miles. Some parts on new alignment (most follows US–101). Comments made by several State and local agencies of Oregon, private citizens, DOI, HUD, DOT. (ELR Order No. 356, 35 pages) (NTIS Order No. PB–201 469–D) 8/2.

Legislative Route 1126: Erie County, *Pennsylvania*. Purpose: to provide connection for So. Tier Expressway to I–90. Corridor's total length is 11.3 miles at a construction cost of $18,620,000. An alignment to be developed to avoid encroachment on State Game lands. Comments made by USDA, DOT, DOI, HUD, various Commonwealth of Pennsylvania agencies (ELR Order No. 355, 24 pages) (NTIS Order No. PB–201 495–F) 8/2.

Southeastern Beltway: Richland & Lexington Counties, *South Carolina*. Proposed multi-lane freeway from I–26 (just south of US–301) to an interchange with S.C. Route 555 (about 19 miles). Purpose: a circumferential freeway around the Columbia area. About 157 residences would have to be removed (⅔'s are mobile homes) and about 40 businesses. May be property value depreciation in some middle and upper middle class neighborhoods. Highway project U–045–1. Comments made by HUD, S.C. Wildlife Resources Dept., and Greater Columbia Chamber of Commerce (ELR Order No. 317, 33 pages) (NTIS Order No. PB–201 491–F) 7/28.

Road S–145 (Burtons Lane): Charleston County, *South Carolina*. Upgrading .3 mile of road in northern section of Charleston Peninsula. Highway project NAD–14 (1). Comments made by HUD, DOT & S.C. Wildlife Resources Dept. (ELR Order No. 330, 20 pages) (NTIS Order No. PB–201 492–F) 7/28.

US–76: widening of highway to make it a 4-lane facility. Begins at S–83 in Timmonsville, *South Carolina* and ends at Jefferies Creek near Florence (about 8 miles). Comments made by HUD, City of Florence and Pee Dee Development and Planning Comm. (ELR Order No. 403, 13 pages) (NTIS Order No. PB–201 685–F) 8/4.

S.C. 61: Charleston County, *South Carolina*. Upgrading to a multi-lane highway from S.C. 171 to just beyond S.C. 7 at Wallace School Rd. (1.5 miles). Located partially in West Ashley section of Charlesto. In draft statement had planned to extend highway to point near Ashley Hall Plantation (2.7 miles) thereby involving the destruction of a number of old oak trees. Comments made by HUD, DOT, and County of Charleston. (ELR Order No. 407, 25 pages) (NTIS Order No. PB–201 678–F) 8/6.

South Carolina Route 11 Extension: construction of about 20 miles of highway on a new location from S.C. 28 at West Union, *South Carolina* to I–85 near Fair Play. Purpose: to provide a scenic route through Oconee County as well as provide a primary access route from I–85 to completed portion of S.C. 11. Highway Project APL–5007 (001). Comments made by Army COE, HUD, South Carolina Appalachian Regional Planning and Development Comm. (ELR Order No. 445, 16 pages) (NTIS Order No. PB–201 781–F) 8/10.

South Carolina Route 41: Johnsville to

Hemingway, *South Carolina*. Widening segment to 4-lanes (about 5 miles). Comments made by HUD and Town of Johnsonville. (ELR Order No. 451, 13 pages) (NTIS Order No. PB–201 786–F) 8/11.

US–321: widening road (4-lane) from I–20 to point near Crane Creek Elementary School (2.7 miles) Richland County, *South Carolina*. Comments made by HUD, Central Midlands Regional Planning Council and Greater Columbia Chamber of Commerce. (ELR Order No. 453, 15 pages) (NTIS Order No. PB–201 782–F) 8/11.

US–81: Codington County, *South Dakota*. Upgrading from US–212 in Waterton north on US–81 (for about 3 miles) then east to an interchange on I–29 (about 2.5 miles). Involves grading, surfacing and curb and gutter. Highway project F 053–7. Comments made by DOT, DOI, HUD, USDA, EPA and the Small Business Adm. (ELR Order No. 404, 18 pages) (NTIS Order No. PB–201 679–F) 8/4.

From I–29 to SR–13: Brookings County, *South Dakota*. Reconstruction of 8.5 miles. Involves grading, widening, a new bridge over Medary Creek, etc. Highway project S–5271. Comments made by DOI, USDA, HUD, EPA, Commerce. (ELR Order No. 485, 15 pages) (NTIS Order No. PB–201 876–F) 8/13.

SR–34: Hamblen County, *Tennessee*. Widening of route to 5 lanes on south side between point near Thompson Creek and Jaybird Road (1.1 miles). Highway project–F–034–1(37). Comments made by Army COE, DOI, HUD, USDA and various State of Tennessee agencies. (ELR Order # 319, 22 pages) (NTIS Order # PB–201 494–F) 7/29.

SR–53: Jackson County, *Tennessee*. Begins at junction of SR–85 with SR–53 and extends northwesterly 8.6 miles to south of the Clay County line. Purpose: better alignment of existing road, to promote industrial and recreational growth of this economically depressed region. Highway project APD–063–2( ). Comments made by Army COE, TVA, DOT, USDA, various State of Tennessee agencies. (ELR Order # 402, 11 pages) (NTIS Order # PB–201 683–F) 8/4.

SH Loop 9: Dallas County, *Texas*. Construction of 22.9 miles of controlled access highway from I–20 north to Denton Tap Road. 149 families, 551 individuals and 8 businesses will be displaced. Comments made by Commerce, HEW and various State of Texas agencies. (ELR Order # 574, 27 pages) (NTIS Order # PB–202 788–F) 8/23.

SA#1: Lyndon, *Vermont*. Slight realignment to provide safe intersection with US–5. Involves rerouting of vehicular traffic around covered bridge. Bridge to be retained for pedestrians. Highway project S 0254( ) SA & SAB 7101. Comments made by DOI and DOT. (ELR Order # 440, 21) (NTIS Order # PB–201 788–F) 8/11.

SR–291: Campbell County, *Virginia* (west of Lynchburg). Also known as Northwest Expressway. Construction of 4-lane divided highway on new location from junction of Route 460. (State projects 0291–015–102, PE–101, RW–201, C–501. Federal highway project F–0381(6)). Comments made by DOI and Virginia Planning District Commission. (ELR Order # 458, 8 pages) (NTIS Order # PB–201 778–F) 8/11.

SR–6: Goochland County, *Virginia*. Widening of 5.6 miles of present road from 2 to 4 lanes. From the Henrico-Goochland County line west. Highway project S–528( ). State highway project 006–037–108, PE, 101, RW 201, G. 501. Comments made by several Commonwealth of Virginia agencies (ELR #360, 8 pages) (NTIS Order #PB–200 321–F) 8/2.

SR–101 (Evergreen Parkway): construction of a 4-lane parkway from existing SR–101 northerly to Evergreen State College, *Washington* (1.9 miles). Highway project FAS 1069. Comments made by DOT, HUD, DOI, Commerce and various State of Washington agencies. (ELR Order #329, 30 pages) (NTIS Order #PB–201 509–F) 7/28.

I–182: Franklin County, *Washington*. Construction of 1.5 miles in vicinity of SR–12 and SR–395 interchange. Comments made by EPA, DOT, Army COE, HUD and various State of Washington agencies. (ELR Order #525, 19 pages) (NTIS Order #PB–201 981–F) 8/17.

Elma Rest Area: *Washington*. Construction of a rest area on SR–8 on the westbound lane identical to rest area on eastbound lane. Grays Harbor County, Washington. Highway project F–010–1. Comments made by EPA, HUD, USDA and various State of Washington agencies. (ELR Order #563, 16 pages) (NTIS Order #PB–202 063–F) 8/20.

S.T.H. 13: Taylor County, *Wisconsin*. Reconstructing 6.1 mile segment of arterial highway from point ¾ mile south of Chelsea to Taylor-Price County line. Involves relocation around Westboro. Highway project 1610–00; F 04–4 ( ). Comments made by USDA, DOT, DOI and various State of Wisconsin agencies. (ELR Order #405, 17 pages) (NTIS Order #PB–198 680–F) 8/5.

Lake St.-Johns St. Bridge: Eau Claire, *Wisconsin*. Replacement of Grand Avenue bridge over the Chippewa River structure and approaches. Under Section 4(f), approval has been given by the Secretary of DOT for an approach street that will be constructed on a portion of Owen Park. Comments made by Army COE, DOI, DOT, various State of Wisconsin agencies. Highway project S 0150. (ELR Order #408, 28 pages) (NTIS Order #PB–201 682–F) 8/9.

S.T.H. 69: (Illinois State line-Monroe Road). Reconstruction of 5.6 miles of road between Wisconsin-Illinois State line and Monroe, *Wisconsin*. Involves relocation of 1.2 miles. Project requires 156 acres of agricultural land. Highway project F 036–1(21). Comments made by USDA, DOI, DOT, HUD and various State of Illinois and Wisconsin agencies, and also City of Monroe. (ELR Order #452, 21 pages) (NTIS Order #PB–201 784–F) 8/11.

Washburn County Trunk Highway "A": Wisconsin. Upgrading about 3 miles of existing road. Highway project FAS 0761( ) ID–8803–1–00. Comments made by DOI, DOT, USDA, State of Wisconsin Natural Resource Dept. (ELR Order #459, 15 pages) (NTIS Order #PB–201 791–F) 8/11.

Riverton-Hudson Road: Fremont County, *Wyoming*. Construction of 4-lane highway from 1 mile south of Riverton to 1 mile east of Hudson, *Wyoming*. Purpose: to reduce high rate of pedestrian–vehicle and animal–vehicle accidents on existing local travel road. Highway project PSF–5895. Comments made by DOT, DOI, Commerce, Army COE, EPA and various State of Wyoming agencies. (ELR Order #564, 21 pages) (NTIS Order #PB–202 064–F) 8/20.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f).—These statements cannot be ordered through NTIS.

Title and Description, and Date

SR–252: San Diego, *California*. Highway construction requires .15 acres of Southcrest Park. (ELR Order #345, 3 pages) 8/2.

US–101: Mendocino County, *California*. Highway construction requires the use of land from Standish-Hickey State Recreation Area. (ELR Order # 613, 2 pages) 8/25.

SR–A–1–A: Ft. Pierce, *Florida*. Highway construction requires use of 2 acres from Indian River Memorial Park. (ELR Order #488, 4 pages) 8/13.

Forest Highway Project FH–24–2(2), Banks-Lowman Highway: Boise County, *Idaho*. Highway construction requires use of 2.8 acres from Hot Springs Campground. (ELR Order #624, 5 pages) 8/26.

Project SU–1639(104): Sangamon County, *Illinois*. Highway construction requires use of land from Pasfield Park and Washington Park. (ELR Order #643, 6 pages) 8/27.

Colerain Expressway (US–27): Cincinnati, *Ohio*. Highway construction requires the use of ¼ acre of land from Mt. Airy Forest Park. (ELR Order #346, 3 pages) 8/2.

I–680: Youngstown, *Ohio*. Highway construction requires the use of .3 acres from Gibson Field, 6 acres from Ipe Field and 11 acres from Pine Hollow Park. (ELR Order #409, 8 pages) 8/9.

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Title and description, and date

Early action program for a rapid transit system in Allegheny County, *Pennsylvania*. The Port Authority of Allegheny County has applied for on-going federal assistance to design, engineer and construct the following: 1) the South Hills Transit Expressway Revenue Line; 2) the South PATway for mass transit buses; 3) the East PATway; and 4) rehabilitation of rolling stock and fixed facilities for trolley routes 35 and 43. This is the first phase of a comprehensive program to provide a 60-mile county-wide rapid transit system. Comments made by USDA, HUD, DOD, DOI, EPA, various State of Pennsylvania agencies. (ELR Order #476, 45 pages) (NTIS Order #PB–201 795–F) 8/12.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1—(Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.). Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054. Tel: (518) 472–6476.

Region 2—(Del., Ohio, Md., W.V., D.C., Penna., Va.). Administrator: August Schofer, Rm. 1633, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201. Tel: (301) 962–2361.

Region 3—(Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.). Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd., NW., Atlanta, Georgia 30309. Tel: (404) 526–5078.

Region 4—(Ill., Ky., Wisc., Indiana, Mich.). Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430. Tel: (312) 799–6300.

Region 5—(Iowa, Neb., Minn., Mo., Kan., N.D., S.D.) Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113. Tel: (816) 361–7563.

Region 6—(Ark., Oklahoma, La., Texas). Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102. Tel: (817) 334–3232.

Region 7—(Arizona, Hawaii, Calif., Nevada). Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102. Tel: (415) 556–3951.

Region 8—(Alaska, Montana, Wash., Idaho, Oregon). Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204. Tel: (503) 226–3454.

Region 9—(Col., Utah, N.M., Wyoming). Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225. Tel: (303) 233–6721.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH AUG. 31, 1971 (BY AGENCY)

Agency	Draft[1]	Final[2]	Total[3]
Agriculture, Department of	34	79	113
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	28	23	51
Commerce, Department of	0	7	7
Defense Department of	3	2	5
Air Force	3	0	3
Army	4	3	7
Army Corps of Engineers	131	225	356
Navy	9	0	9
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	2	8	10
Federal Power Commission	14	4	18
General Services Administration	14	13	27
HEW, Department of	1	0	1
HUD, Department of	8	6	14
Interior, Department of	43	27	70
International Boundary and Water Commission—United States and Mexico	3	2	
National Aeronautics and Space Administration	18	4	22

Agency	Draft[1]	Final[2]	Total[3]
National Science Foundation	2	0	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	12	0	12
Transportation, Department of	748	271	1,019
Treasury, Department of	0	3	3
U.S. Water Resources Council	1	0	1
Total	1,083	678	1,761

[1] Draft 102's for actions on which no final 102's have yet been received.

[2] Final 102's on legislation and actions.

[3] Total actions on which final or draft 102 statements for Federal actions have been received.

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH AUGUST 31, 1971 (BY PROJECT TYPE)

	Draft[1]	Final[2]	Total[3]
AEC nuclear development	9	6	15
Aircraft, ships and vehicles	3	2	5
Airports	22	98	120
Buildings	1	4	5
Bridge permits	17	3	20
Defense systems	2	0	2
Forestry	1	3	4
Housing, urban problems, new communities	8	2	10
International boundary	4	2	6
Land acquisition, disposal	12	16	28
Mass transit	2	1	3
Mining	5	1	6
Military installations	8	1	9
Natural gas and oil:			
Drilling and exploration	5	3	8
Transportation, pipeline	4	2	6
Parks, wildlife refuges, recreation facilities	6	11	17
Pesticides, herbicides	4	10	14
Power:			
Hydroelectric	17	3	20
Nuclear	23	16	39
Other	12	1	13
Transmission	8	4	12
Railroads	1	0	1
Roads	605	160	765
Plus roads through parks	101	7	108
Space programs	8	0	8
Waste disposal:			
Detoxification of toxic substances	3	1	4
Munition disposal	1	3	4
Radioactive waste disposal	1	1	2
Recycling	0	0	0
Sewage facilities	1	4	5
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	1	20	21
Irrigation	13	7	20
Navigation	30	84	114
Municipal and industrial supply	3	1	4
Permit (Refuse Act, dredge and fill)	4	0	4
Watershed protection and flood control	109	183	292
Weather modification	7	3	10
Research and development	13	5	18
Miscellaneous	8	10	18
	1,083	678	1,761

[1] Draft statements for actions on which no final statements have yet been filed.

[2] Final statements on legislation and actions.

[3] Total actions on which final or draft statements for Federal actions have been received

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EXEMPT FARMERS FROM OCCUPATIONAL HEALTH AND SAFETY ACT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to join the distinguished gentleman from Kansas (Mr. Sebelius) in introducing legislation to exempt small farmers from the Occupational Health and Safety Act, which requires extremely detailed safety records and inspection procedures.

Small farmers make up a large segment of the population in North Carolina's Fifth Congressional District, which I represent, and many of these farmers have indicated to me that these time-consuming, exhaustive reports on their small-scale operations, are a needless exercise in bureaucratic paper pushing. To put it in words they have used, the whole matter is "a pain in the neck."

The intent of the law was to safeguard and study the laborer's working conditions in industry. Small farm operations could not possibly have been intended for inclusion under this act.

The fact that they were included by bureaucratic directive, and not by the intent of Congress, seems quite clear to me, and the need for correcting the situation seems equally clear.

The bill we are introducing today provides that farms with three full-time employees or less shall be exempted from the recordkeeping requirements of the new Health and Safety Act.

I urge consideration of this new legislation by the appropriate committee at the earliest possible date, and I will continue to work for swift passage of this much-needed measure.

URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Speech Delivered on September 8, 1971, by Mr. W. L. Henry, Executive Vice President, Gulf Oil Corp., to Fifth International Conference on Urban Transportation in Pittsburgh, Pa.

Not too many years ago, scientists were predicting that 21st Century Man would rarely need to leave his home. Instead of fighting congested streets and highways or putting up with overcrowded, inadequate public transportation, he would keep in touch with his office or factory by means of a high-speed, broad-band communications system.

Sitting at the console of a powerful communications terminal in his own living room, he would perform practically all of his duties by remote control. His wife would do her shopping by closed-circuit TV. Even his children would be educated from elementary school through college without once having had to actually sit in a classroom.

Imagine! After thousands of years of striving to increase his personal mobility and freedom, man would finally end up confined to his house as a prisoner of his own technology.

Life is movement. Without it, our minds and our bodies quickly disintegrate. The human body was not designed to be permanently nailed down in front of a television screen—not even a wall-sized, full-color, three-dimensional one. We must walk, run, visit new places, see new things and participate in a wide variety of interesting and challenging experiences. Only then are we really alive.

We are gathered here today to discuss urban transit and, hopefully, to share with each other the valuable lessons of our successes and disappointments in solving the people transportation problems of our respective cities and countries. Let us not forget, however, that in freeing people from the age-old restrictions of time and distance, we are perhaps doing more to enhance the quality of their lives than has ever been accomplished in the history of mankind.

In many ways, Pittsburgh is an appropriate site for these international conferences. Here you can see the whole life cycle of urban transportation—initial public indifference being replaced by awakening interest and growing public support; concrete plans and programs arising out of turmoil and controversy; local, state and federal resources being welded together to form a sturdy financial bridge; and, finally the beginning of construction on the first phase of a modern, 60-mile-long rapid transit system that will eventually serve every resident of Allegheny County.

In other cities, urban transportation has grown from infancy to adulthood in less than a decade. Here in Pittsburgh, it has taken us several decades to bring it to the point where we can now begin counting off the months until when we will start moving people on upgraded existing facilities while we build for the future.

There are a number of reasons for the long-awaited arrival of modern mass transit in Pittsburgh. In the first place, the very topography of this area defies the successful implementation of a single mode of urban transportation.

Three rivers divide the county. The approaches to the bridges which span them present innumerable opportunities for traffic jams. Beyond the rivers are high hills whose steep slopes must be tunneled. The people who will use the system and the places to which it will take them are scattered throughout the area is random concentrations of homes, stores and factories. In short, Pittsburgh comes very close to being an urban transportation planner's nightmare.

Secondly, mass transit is fair political game in most communities. Pittsburgh is no exception. Who will get the improved service first? Whose property will increase in value in proximity to the new lines? Who will be lucky enough to have a station in his own neighborhood? And so the controversy raged on and on for years. It even extended into the technological area, with the merits of various types of systems hotly debated.

Community inertia, a limiting factor in every public undertaking involving the commitment of large sums of tax money, was another obstacle that had to be overcome. Sometimes, it takes almost a crisis situation to motivate people. When traffic becomes intolerable; when buses become crowded enough; people start paying attention to appeals for mass transit planning.

We reached this point in the mid-60's, when public opinion in Pittsburgh and Allegheny County determined that something must be done to alleviate the urban transportation problem. The Port Authority of Allegheny County or "PAT" for short was established as the central governmental agency and given the responsibility for developing a solution.

The private rail, bus and trolley transportation companies which formerly attempted to collectively meet the County's public transportation needs were acquired and merged into a single unified transportation system. This existing system now includes approximately one thousand vehicles and provides basic—and I emphasize the word, "Basic"—transportation daily for more than 350,000 riders. We have invested over $30 million in recent years in upgrading this system to meet the interim public transportation needs of Pittsburgh area residents until a permanent solution could be developed and implemented.

We have been studying our urban transportation problems in Pittsburgh for a long time. Down through the years, over a dozen comprehensive studies have been made for us by competent consulting firms. With each of these studies, we have gained greater insight into our constantly changing needs. Together, they have enabled us to formulate ambitious plans for the future with great confidence.

Pittsburgh has had to wait a long time for mass transit. But we have not wasted that time. Instead, we have used it to carefully evaluate each new technological development in the urban transportation field. We knew that the solutions to our unique problems would, at least in part, require innovative approaches to transporting large numbers of people under very difficult conditions. We studied the various types of systems adopted by other cities with more than casual interest. Could we relate Pittsburgh's problems to theirs? Would their solutions be valid here?

In the end, we had our answers. Not canned, textbook solutions to academic problems, either, but realistic, objective, workable answers to hard-nosed problems. And now that we have the answers, we're going to use them.

We call the first stage of our rapid transit developmental effort in Pittsburgh the Early Action Program. By "early action," we mean early action. We intend to move ahead very rapidly during the next few years. Now that we have the necessary funds, we are putting them to work immediately, so that the people can begin reaping the benefits from our years of planning at the earliest possible date. Early Action, in our book, means early results.

Briefly, the Early Action Program consists of the construction of an 11-mile Transit Expressway line between Downtown Pittsburgh and the South Hills section of the city and Allegheny County. Beginning near the new U.S. Steel Building, the new Transit Expressway line will use completely automatic, electrically-powered, rubber-tired vehicles to transport many thousands of residents quickly and comfortably between their homes and downtown offices, stores and entertainment centers.

The Early Action Program also calls for the construction of a four-mile-long, high-speed highway—we call it a PATway—between Downtown Pittsburgh and the South Hills area. PAT buses will use this highway and its associated tunnel on an exclusive basis to carry passengers through Mt. Washington, which looms over the Monongahela River. Another PATway, eight miles in length, will be built between Downtown Pittsburgh and the Eastern sections and suburbs of the city.

We also decided to rehabilitate the two major streetcar lines serving the South Hills. Streetcars, although severely limited in terms of capacity, have served us well over the years. We do not intend to abandon this form of public transportation until the new Transit Expressway line has been completed. We believe it is essential that public transportation users should be provided with the best possible service in the meantime.

Finally, the Early Action Program includes the acquisition and use of a reserved right-of-way on Federal Highway I-79, scheduled to serve the North Hills section of the city and Allegheny County. It is an opportunity to receive maximum public benefit from land already reserved for transportation purposes at minimum cost. The system to be employed on this leg of the overall system has not yet been determined. It could be a PATway or another Transit Expressway line. We intend to construct the most efficient system possible, considering both the terrain and the transportation needs of the people who will use it.

We estimate the cost of the Early Action Program—exclusive of the I-79 section—at $228 million. The work is underway. We have hired most of the key technical people. The final design of the Transit Expressway and PATways is more than 25 per cent completed and we are rapidly acquiring the right of way needed for construction.

The Early Action concept is based largely on the use of both innovative technology and conventional technology used in an innovative manner. When we talk of innovation, we refer to the logical and effective combination of ideas, components and technologies in a unique and innovative manner to solve a specific urban transportation problem.

For example, the Transit Expressway, developed jointly by government and private industry, represents the first entirely new concept in fixed roadway transportation since the development of the streetcar. Individual vehicles on the Transit Expressway developed for use in Pittsburgh will ride on pneumatic tires traveling over a fixed concrete roadway. This combination is in use every day on countless highways and roads around the world. In itself, it is neither new nor radical.

The Transit Expressway will be controlled entirely by computers—the same type of computers which control steel mills and other complex installations. We plan to operate the Transit Expressway without operators. Again, this is nothing new. Elevators run without operators and, in fact, our Apollo spacecraft—even though they were manned—were automated for remote control from earth in the event of an emergency.

Transit Expressway cars will be lightweight compared to the typical heavy steel wheel, steel rail cars used on other rapid transit systems. But, then again, there are large, heavy vehicles on our highways—each engineered to offer its own, distinctive advantages.

Now, put together all of these individual, tried-and-true engineering concepts into a single package and you have innovation. But remember, innovation based on proven urban transportation technology. And, although we have departed from the conventional steel wheel, steel rail rapid transit concept, we have done so while remaining on firm, technological ground. Our approach, as you know, has attracted a good deal of attention in the urban transportation field. I urge all of you to visit the demonstration line at nearby South Park while you are in Pittsburgh. Transportation has been arranged and we will be happy to assist you. Ride our system and then judge for yourself.

The PATways are equally innovative, although this may not be as readily apparent. We plan to use conventional diesel-powered buses on the PATways. The exclusive right-of-ways will enable them to completely bypass highway congestion, and thus provide urban transit users with a faster and more comfortable ride. For instance, we estimated that the PATway which will link Downtown Pittsburgh with the city's Eastern neighborhoods and suburbs will save commuters as much as 30 minutes of travel time each way or one hour per day. That extra hour will mean more time with their families, more time for recreational activities and more time to simply enjoy the advantages of suburban living—advantages now offset by the drudgery of commuting.

In developing the PATways, we plan to take advantage of every available opportunity to utilize existing transportation facilities in order to minimize our costs. For example, the Penn Central Railroad owns a major right-of-way through the hills east of Pittsburgh, but does not use all of it. In developing the PATway East, we intend to acquire some unused portions of this right-of-way and to convert it for exclusive-lane use by our buses.

Construction of this roadway will be relatively inexpensive. Thus, while we will be providing considerably improved transportation at a moderate cost, we will also be holding the right-of-way for future use by a fixed roadway system—possibly another Transit Expressway or even something third generation not yet on the production line. The point is we feel we are doing something that ought to be seriously considered by other cities—improvising.

The cost savings produced by these improvisions will reduce our initial investment and, at the same time, enable us to complete the first phase of our rapid transit system in the shortest possible time. In the meantime, our upgraded streetcar lines will continue to carry thousands of riders until the Transit Expressway is in full operation.

We have commited ourselves to the development of a modern urban transit system in Pittsburgh and Allegheny County, but we have not restricted ourselves to a single, all-encompassing system which might prove ideal in one area and a veritable disaster somewhere else. Our options are open. And we intend to exercise them in producing a multi-model system which will serve all of our needs all of the time, and for a very long time to come.

We view urban transportation as a constantly evolving animal. There are no "off-the-shelf" solutions because there are no off-the-shelf problems. Our problems—and everybody else's as far as we can tell—are homebrewed.

Pittsburghers are a very resilient people. We have a unique capacity to take it—floods, dirt, congestion, air pollution—you name it—and yet bounce back again and again, ready for more. We argue and complain a lot about our problems, but, in the end, we roll up our sleeves and get the job done.

We beat the floods in 30's, and banished the bulk of our air pollution in the 40's. In the 50's, our urban renewal programs earned Pittsburgh the name "Renaissance City." We began a frontal assault on our urban transportation problems in the 60's, and it's not over yet. We don't expect miracles. We have the answers and we're on our way.

PITT PROFESSOR SPEAKS OUT ON DOLLAR POLICY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOORHEAD. Mr. Speaker, the University of Pittsburgh is fortunate to have on the staff in the economics department an outstanding individual who previously served with the President's Council of Economic Advisers. She is Dr. Marina Whitman.

Dr. Whitman, writing in the Pittsburgh Post-Gazette, discusses the President's action to no longer convert U.S. dollars into gold upon demand of nations holding U.S. currency.

I think my colleagues will find stimulating and quite pertinent the comments of Dr. Whitman. I know I did.

I would like to put these remarks into the RECORD at this time:

WHY THE U.S. SENT SHOCK-WAVES ABROAD

President Nixon's announcement on the evening of August 15 that the United States was suspending the convertibility into gold of the dollar balances held by foreign official institutions made official what had been recognized privately for some time: the end of the international monetary system under which the world has been functioning for the last quarter century.

It was a drastic move, creating a shockwave of surprise and resentment abroad and ushering in a period of widespread uncertainty. Each country now had to decide for itself how to play a game in which there are no longer any clear rules.

But it was also a necessary one, since the system had shown itself increasingly unable to cope with the strain placed on it. Its rules had already been effectively suspended by the floating of several major currencies. The U.S. trade and payments position was deteriorating rapidly. The nations of the world showed no signs of taking constructive steps to correct the situation.

We are now in the process of developing a new international monetary system. To be successful, such a system must start out with a major realignment of exchange rates, to reflect the realities of 1971 rather than of 1946. It was in order to obtain such a realignment (as well as to improve the U.S. trade position in the meantime) that the President imposed the temporary 10 per cent imports surcharge.

If this ploy fails, or if for any other reason such a system of import restrictions becomes permanent, the world will have taken a large step backwards.

But no set of exchange rates can remain appropriate as time passes and conditions change. Partly for this reason, the new system should provide for greater flexibility of exchange rates than the old. But because world trade needs a measure of certainty, this flexibility should be limited, and still grounded in a system of fixed—though adjustable—parities.

If we are to be able to change our exchange rate like everyone else—within the limits imposed by our sheer size and importance in world trade—then the new system must move away from the dollar as the major official reserve money and the standard to which other countries peg the values of their currencies.

The most effective system, I believe, would be based on neither gold nor any national currency, but some managed international reserve asset. Such an asset already exists, in embryonic form, in the Special Drawing Rights (SDRs) issued by the International Monetary Fund (IMF).

As SDRs grew in importance as an international standard and reserve money, the IMF would take on increasing importance as the institution for collective decision-making by the nations of the world regarding the rules of the international monetary system.

In the present state of unsettlement all things are possible. The world could easily slip back into a state of monetary disorder. without common rules but with widespread controls and barriers to international transactions.

In such a reversal of the steady liberalization and increasing cooperation of the past two decades everyone, including the United States, would lose. Or the world could move forward to construct a new international monetary order within which trade and investment would prosper and countries could pursue their national economic goals with maximum effectiveness.

At this time of decision the risks are great, but so are the possibilities.

MARINA V. N. WHITMAN.

PITTSBURGH.

ROOSEVELT SWEARING-IN SITE IS RESTORED IN BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, Tuesday, September 14, was the 70th anniversary of the swearing in as President of Theodore Roosevelt.

The inauguration of the new President took place in the living room of a downtown mansion in my home city of Buffalo, N.Y., after the tragic death of William McKinley.

That mansion on Delaware Avenue stands today as a national historic site dedicated to the memory of that event 70 years ago.

Through the labors of many, many people and organizations, business and social, the mansion looks today as it did on that day in September 1901, when Theodore Roosevelt returned hurriedly from a hunting trip to take over the leadership of this country.

The Theodore Roosevelt National Historic Site was dedicated at impressive ceremonies attended by many of those who have had a role in saving this property from the bulldozers and restoring it as a testimonial to our Nation's history.

I am proud to have been able to obtain the Federal legislation which authorized the acquisition of the property and its designation as a national historic site.

The ceremony was opened by a color guard from the U.S. Marine Corps, followed by an invocation by the Reverend Thomas Penney Stewart of the Westminster Presbyterian Church. The Star-Spangled Banner was played by the Clarence, N.Y., High School Band. The master of ceremonies was Peter B. Seevers, treasurer of the site foundation.

There were remarks by William W. Kimmins, Jr., president of the Theodore Roosevelt Inaugural Site Foundation; Frank D. Leavers, chairman of the fundraising committee; Crawford Wettlaufer, president of the Buffalo and Erie County Historical Society; and by myself.

Honored guests included Buffalo's mayor, Frank A. Sedita; Erie County executive B. John Tutuska; Mrs. William F. Hall, president of the Junior League of Buffalo; Chester Brooks, northeast regional director, National Park Service; and Keith Hopkins, representing the New York State Historic Trust.

The parade of visitors to the restored mansion began following the traditional ribbon-cutting by Mr. Kimmins and Mrs. Owen B. Augspurger, widow of one of the original stalwarts in support of the project.

So now, the Theodore Roosevelt National Historic Site is a reality and I am pleased by the reports I have received of the number of people who have been visiting the mansion and recognizing its role in our heritage.

Mr. Speaker, as a part of my remarks, I include several of the texts from the dedicatory ceremony:

REMARKS BY WILLIAM W. KIMMINS, JR.

The purpose for my being here this morning is to thank those who have given so generously of their time, toward the acquisition and restoration of the Wilcox Home and to assist Mrs. Owen Augspurger in the ribbon cutting ceremony of the Theodore Roosevelt Inaugural Site Foundation.

Our thanks go to the following: The Buffalo Evening News, the Buffalo Courier-Express, Alfred H. Kirchhofer, Howard W. Clothier, former Congressman Leo W. O'Brien of Albany.

The late Senator Robert K. Kennedy, former Congressman Richard D. McCarthy, Judge James L. Kane, Crawford Wettlaufer, Henry C. Bryce, Edwin F. Jaeckle.

Junior League of Buffalo, National Parks Service—Lemuel A. Garrison and Frank Barnes, Floy Taylor, Historic Trust of the State of New York; Buffalo & Erie County Historical Society and its director, Dr. Walter Dunn, Paul Redding, Curator of the Foundation.

Congressman Hugh L. Carey of New York, Congressman John P. Saylor of Pennsylvania, Congressman Durward G. Hall of Missouri, Congressman Henry P. Smith, III, of New York.

An expression of thanks to those persons and organizations for monetary contributions, will be forthcoming by one of my colleagues. Forgive us if we shall miss anyone.

Very little has been heard about the efforts, that went into acquiring the Wilcox Home. I would like to spend a few moments to tell you about three men who gave so much of their time, money and energies that made this morning's dedication possible.

I often like to quote from another great public servant, the late Alfred E. Smith former Governor of the State of New York, who said "Let's Look at the Record."

Owen Augspurger—lawyer, veteran and public servant

E. Perry Spink—Chairman of the Board of the Liberty National Bank & Trust Company

Congressman Thaddeus J. Dulski

Owen spearheaded the drive for the preservation and acquisition. It was a long and arduous task, so frustrating, it is a wonder Owen had the intestinal fortitude to carry on. No one had more of a community spirit than he.

May I read to you a passage, from a letter Owen wrote on September 17th, 1964, to Perry Spink in Zurich, Switzerland. He said: "I was sitting here this morning feeling down in the dumps and wondering what in hell to do next."

This letter was the opening wedge in the acquisition of the Wilcox Home by the Liberty National Bank and Trust Company. Through this letter to Perry Spink in Zurich was the saving of the Wilcox Home, for the owners were about to have it demolished within a few days.

I won't bore you with the financial aspects of the acquisition by the Liberty National Bank and Trust Company, but will state for the record, that the "out of the pocket" for the Liberty National Bank and Trust Company was about six figures.

The acquisition by the Liberty Bank was October 29th, 1964. The agreement of the National Parks Service and acquisition was made in May of 1969. There was a lapse of five years in which the Bank held the property.

So I say—We, the citizens of Western New York and the Nation are deeply indebted to Perry Spink and his Bank.

The next big step: The "ball" was then handed to our esteemed public servant. Congressman Thaddeus Dulski—and what a public servant he is. The work and intestinal fortitude he has shown through the years is almost beyond comprehension. No one knows all the enormous problems that emerged except our good friend, Congressman Dulski.

Thaddeus it has been an honor and a privilege to have this association with you through these years. May the Lord provide you with Good Health, and Good Fortune, so that you may continue to serve the people of this Nation as a true public servant.

In closing, I again want to refer to the late Owen Augspurger.

On the morning that Owen left on that ill-fated trip, he called me and in that soft, melodious voice of his, said, "Uncle Bill," (which he liked to call me) "Carry on while I'm away". He is still away—and carry on we did. I wonder what Owen would say if he could speak to us this morning.

Remarks by the Honorable Thaddeus J. Dulski

This is indeed a momentous occasion and I am glad to be able to share it with you.

A few weeks ago I heard there was a movement afoot to substitute my participation in this dedication ceremony with a higher ranking official from Washington.

I am glad that did not materialize because I wanted to be here today, and to share with you the sweet fruits of victory over odds that often seemed insurmountable in our efforts to make the Ansley Wilcox Mansion a national historic site.

It is a proud day for all of us, and the most important date for this home since 1901!

This is just not another memorial to that great President and statesman, Theodore Roosevelt. It is that, and more.

It belongs to history. In addition to being one of only four sites outside Washington, D.C. where the Presidential oath has been administered, a total of nine American Presidents are associated with this mansion.

SYMBOL OF OUR HERITAGE

It is also historically significant as an example of post colonial architecture and a majestic symbol to our American youth of their heritage.

It is a house that has grown up with Buffalo and the nation. It is as much a part of the fabric of our history as it is a part of a dynamic city. It is as much a part of our national heritage as a national forest or the Grand Canyon.

The Wilcox Mansion is a tribute to Buffalo's past, both historically and architecturally; its preservation is a tribute to its citizens who were determined to save it for future generations.

I do not need to remind those, who were close to the scene, of the bleak days during the early sixties when the bulldozer threatened to destroy this magnificent property before we had sufficient time to get legislation through the Congress.

Many, many people share in the success of this endeavor—they gave unselfishly of their time, their talents, and material possessions.

Time does not permit me to name them all.

ROLE OF E. PERRY SPINK

But there is one person to whom we might refer as the "savior" in this undertaking—Mr. E. Perry Spink of the Liberty National Bank. When our efforts to make it a national historic site were at a crawling stage, and it looked as if we could no longer stall the bulldozer from destroying the building for commercial purposes, Mr. Spink—with his usual foresight, and faith that we would succeed—came to the rescue. We owe him an immeasurable debt of gratitude.

Another individual, who worked tirelessly and unceasingly to make this day a reality, was my good friend—the late Owen P. Augspurger. Early he recognized the historic significance of this building and he left no stone unturned to save the Ansley Wilcox Mansion.

And, of course, any project such as this requires the devoted attention of organizations as the Buffalo and Erie County Historical Society and the Theodore Roosevelt Inaugural Site Foundation.

These two organizations carried on the administrative detail without which the undertaking would have been severely handicapped, and we also owe them a great debt of gratitude.

All of you who have been intimately connected with this project know the background and history of the Wilcox Home. So I will just touch briefly on some of the highlights in the legislative process which finally led to the purchase of the property by the Federal Government.

THE ROAD THROUGH CONGRESS

I am sure many of you have some inkling of the rocky road we travelled in getting my bill through the Congress.

After the introduction of my first resolution in the House, providing for the acquisition and preservation of the property as a national historic site, I was successful in persuading Congressman Leo O'Brien, Chairman of an Interior Subcommittee, to hold a hearing in Buffalo. As a result, we were assured by the three-man Subcommittee that they would do all they could to save the mansion.

We then went to Interior Secretary Udall, who had already expressed his opposition to the proposal because he felt we already had enough Theodore Roosevelt landmarks, and gave him additional information and evidence of community support. He agreed to take the issue up with the Advisory Board on National Parks, Historic Sites and Monuments, at its next meeting.

Meanwhile, the Interior Subcommittee recommended approval of the legislation. However, all efforts to obtain full Interior Committee approval failed. I then attempted to obtain passage of the bill in the House on the consent calendar which requires unanimous approval.

That attempt failed because of a Member's objection to the fact that there was on the consent calendar which requires unanimous approval.

PROSPECTS LOOK DIM

The 88th Congress adjourned, and our prospects for acquiring the Mansion were dimmer than ever, and demolition by its owner appeared certain.

It was at this point that the Liberty National Bank entered the picture which provided us with the time we needed to try again, legislatively, to make it a national historic site.

We were then faced with an urgent need to solve the problems of repair, renovation, etc. By early November of that year—1964—offers of material, labor, and service poured in. It was almost unbelievable, and proved to me once more what our city can do by working together for a common cause.

The organizations and individuals who helped deserve unstinting praise for the many ways in which they provided the wherewithal to accomplish this.

The following January—1965—Congressman O'Brien joined me in the introduction of a new bill. In February, Senators Javits and Kennedy co-sponsored a similar measure in the Senate.

Again, we were met with objections which we tried to overcome with petitions and proof of our community's interest and backing for this undertaking.

NEW PLEA TO SECRETARY UDALL

We went to Secretray Udall again and persuaded him to present the issue to the Department's Advisory Board.

By the end of 1965, we succeeded in overcoming all objections and we obtained the approval of the House Interior Committee, the Department of the Interior, and final passage in the House.

Throughout the summer of 1966, the legislation was stalled in the Senate. It was not until after we had another crucial meeting of interested Buffalonians, with representatives of the National Park Service, our two Senators, and myself, that we were able to effect a compromise on the costs of preserving this property which finally resulted in Senate passage on October 17, 1966.

However, since the Senate-passed version differed from the House-passed bill, we had to come back to the House for approval which was quickly given.

So, as you can see, it took almost four years of tender loving care to get this legislation through the Congress of the United States.

I am proud to have fathered it, and I am grateful for the help and support I received from my colleagues on both sides of the aisle.

REQUIRED HELP OF GREAT MANY

But, believe me, without the help of the dedicated persons I have referred to and the many Buffalonians who provided support and encouragement, we would not have been successful in enacting the legislation and making this day of dedication a reality.

For my part, I can say it was a challenge and an effort which I consider to be among the greatest since I have been in Congress.

Cooperation in the best American tradition was evidenced in most concrete fashion by everyone joining together for a common cause.

We are known to be a city of "good neighbors", and once again we proved that we are not only a city of good neighbors—but also a city and county with a real community spirit.

Too, I think we have done something here in the Niagara Frontier that needs to be done more throughout the nation.

Americans are too quick to do away with the old and substitute the new. True, we are a young country, comparatively speaking, and we cannot boast of cathedrals and architecture centuries old—as in Europe—but we need to preserve more of that which is old, not just for the generations living today but for those who will come after us.

MUST KEEP LINKS WITH PAST

If we are to keep alive our links with the past, we must resist the destruction of places that throw light upon our history and the development of our culture. We cannot afford to lose these buildings, sites, objects, or environment of substantive historical or cultural importance.

This is why I fought so hard to save the Ansley Wilcox Mansion.

This is Americana and it behooves all of us to awaken to the crisis that threatens our historical places and to act so that they may be saved for the future.

In closing, I want to express my personal gratitude to each and everyone without whose help we would not now have this beautiful structure. I especially want to congratulate the young people in our area who recognized the value of this project, and who helped so much to make it a success.

And I would be remiss if I did not mention the important role of our local news media—the newspapers, television, and radio—which performed a distinct public service in keeping our citizenry alerted to the need to save this historic mansion.

Thank you—and God Bless You.

Remarks by Mrs. William F. Hall, Jr.

How privileged I feel to be able to speak for all those Junior League members who made our financial participants possible and who have worked so diligently these past few years on the restoration.

The goal of our organization is to continually aim to improve the quality of life for each citizen in Buffalo.

Historically and artistically, I believe the Wilcox Mansion to be a truly magnificent contribution. I would like to thank all those people who aided us in this endeavor.

Remarks by Erie County Executive B. John Tutuska

In dedicating this historic Wilcox Mansion—where Theodore Roosevelt was inaugurated during a grave period in our Nation's history—we also are paying a well-deserved and merited tribute to the many people, both in the public and the private sector of our community, who did so much and who worked so hard to make this red-letter day possible.

The restoration of this national historic site is a splendid example of what can be accomplished—when the efforts of Government are combined with those of dedicated citizens. We, here in the county of Erie, are proud to have had a part in this remarkable partnership and to have co-operated in the financing of the restoration project with the State and Federal Governments and the many organizations and individuals who contributed their money, time and efforts in helping make it a success.

The county's initial contribution of $15,000 is an indication of our desire to join the community in preserving for future generations the significance of this historic site and we will continue to do our share in helping make this community asset self-sustaining.

Officially, from this day on, which as you know is the 70th anniversary of Theodore Roosevelt's inauguration as the 26th President of the United States, the Wilcox Mansion will be known as the Theodore Roosevelt inaugural historic site.

But to all of us who participated directly or indirectly in this remarkable joint community effort, namely the restoration of this historic landmark, it will always be a symbol of community togetherness and a perpetual source of community pride.

I would like, on behalf of all the people of Erie County and myself personally, to express my deep appreciation as county executive to every one who co-operated in this remarkable joint community effort.

Remarks by Mr. Keith R. Hopkins

It is my pleasure to represent the New York State Historic Trust. I regret that Commissioner Sal Prezioso of the State Office of Parks and Recreation and Mr. Mark Lawton, Director of the State Historic Trust seem to be in a holding pattern between here and Albany. Because unlike Mr. Leavers, I did not have four months notice that I would be asked to say a few words. However, like Mr. Leavers, I also will not speak for an hour and a half.

I think, however, I feel I can acknowledge the appreciation on the part of the State of New York, the Office of Parks and Recreation, the State Historic Trust and the Niagara Frontier State Park Commission, to be a part of this very worthwhile project.

It took an act of Legislature on the part of the State of New York to be able to participate and was done without hesitation.

I am sure that we have presented our share and so I bring nothing other than deep appreciation for our participation and I thank you for asking me to be a part of this occasion.

Proclamation by Mayor Frank A. Sedita

Whereas, this day marks the official opening of the restored Wilcox residence at the Theodore Roosevelt National Historic Site; and

Whereas, on this same day of September, in the year 1901—seventy years ago—Theodore Roosevelt took the oath of office as the twenty-sixth President of the United States here in the library of the Ansley Wilcox residence, 641 Delaware Avenue; and

Whereas, by Act of Congress, the Wilcox home has been officially declared a National historic site to be forever preserved as Federal Government property, with the Theodore Roosevelt Inaugural Site Foundation as custodian; and

Whereas, today's ceremony climaxes long and tireless efforts by many dedicated and determined groups and individuals to restore the Wilcox home and preserve it as a permanent and lasting historic treasure; and

Whereas, from this day forward, the former Wilcox residence officially will be called the Theodore Roosevelt National Historic Site and will be open to the public for its enjoyment and appreciation,

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim this 14th day of September 1971 as "Theodore Roosevelt National Historic Site Day" and extend the City's sincere gratitude and congratulations to all of the groups, individuals, organizations and agencies whose time, effort and contributions made this historic achievement possible.

Frank A. Sedita,
Mayor of Buffalo.

Remarks by Dr. Walter Dunn

"Auction Signifies the End for Kathryn Lawrence's. Sale Scheduled at Closed Restaurant Thursday; It's Historic Site Where T. R. Took Oath"—this headline appeared in the *Buffalo Evening News* on October 24, 1961 along with a separate plea to "Save This Landmark". Thus began the second campaign to set aside the old Wilcox Mansion as a Theodore Roosevelt Memorial.

What made this house worthy of being saved? During the 1830's the land had been leased by the federal government for the purpose of building the Poinsett Barracks. This was a period of tense relations with Canada and England and the barracks were used to house a battalion of infantry. The double house built for the use of the Commanding Officer and the surgeon was the core of the house which became the Wilcox House.

After the emergence the land was sold to private interests and all the buildings removed except the house of the Commanding Officer which was used as a residence by various leading Buffalonians.

Finally in the 1880's the house was purchased by Dexter Phelps Rumsey as a wedding present to his daughter who married Ansley Wilcox, a leading reformer, attorney and civic leader. The house was extensively modified by architect George Cary.

It was the friendship between Wilcox and Theodore Roosevelt that brought the Vice-President to the house after his return to Buffalo on September 14, 1901. McKinley had been shot at the Pan American Exposition and when his death seemed near, Roosevelt was summoned from the Adirondacks.

The inaugural, the first to take place out of the capital of the United States, took place in the library. (George Washington's were in New York City and Philadelphia when they were capitals of the United States.)

STOOD BEFORE BAY WINDOW

When Roosevelt took the Inaugural Oath he was standing before the south bay window in the library and wearing a frock coat lent by Wilcox for the occasion. Afterwards Wilcox presented the coat to the Buffalo and Erie County Historical Society to be preserved for posterity. It is now on display in the house.

Since the time of Roosevelt's inauguration Ex-President Grover Cleveland, Presidents Howard Taft and Woodrow Wilson have been guests at the home. The historic value of the Wilcox mansion is evident. Even today it remains one of the only four sites outside of Washington, D.C. where the Presidential Oath has been administered and is one of the oldest houses in Buffalo.

The first campaign to preserve the house ended in 1935 when, under the direction of Spanish War Veterans and the Veterans of Foreign Wars, the drive failed to raise $47,599 to establish a Theodore Roosevelt Institute for Better Citizenship.

The house, as a result, was sold to Oliver Lawrence who operated the Kathryn Lawrence Tea Room until 1959 when Lawrence closed the restaurant and leased the property to the Benderson real estate development interests. Thus in 1959 the Wilcox Mansion was again without occupants and faced destruction to make room for a more efficient building and parking in downtown Buffalo.

DULSKI ASKS PRESERVATION

By December, 1961, Rep. Thaddeus Dulski (D. Buffalo) had proposed the introduction of a bill to make the Wilcox Mansion a national shrine and to provide necessary funds for its operation as a permanent historic site.

The Benderson Development Co. had already made a public statement to the effect that there would be no immediate plans which might involve demolition of the building until interested parties could develop a plan to save the historic mansion.

Rep. Dulski and New York's two senators did their best to enact a bill which would provide the needed funds to acquire the Wilcox Mansion as a national historic site; however, then Secretary of the Interior Stewart L. Udall opposed the move in April 1962 on the grounds that the federal government already had various Theodore Roosevelt parks and memorials, and the Wilcox Mansion "would not add appreciably" to this group.

By this time the campaign had sufficient support in the Buffalo area with the Buffalo & Erie County Historical Society and prominent citizens working in its favor, and the two leading newspapers printing strong editorials to support the action.

The drive received further encouragement from Rep. Leo W. O'Brien of Albany who was a member of the House Interior and Insular Affairs Committee which was considering the legislation on the Wilcox Mansion.

On February 7, 1963, Rep. Dulski introduced HR 3500 which provided for the acquisition of the house as a national historic site. In reaction to the opposition of the Interior Department, an intensified public effort was made to persuade Secretary Udall to change his opinion.

OUTPOURING OF PUBLIC SUPPORT

An outpouring of mail both from the local citizenry and Congressional representatives was launched along with a public hearing conducted in Buffalo on June 17, 1963 by a sub-committee of the House Interior and Insular Affairs Committee on the proposed bill.

The result of the hearing was a unanimous vote in behalf of the legislation by numerous civic groups and individuals and the promise of the three-man sub-committee to do what it could to save the Wilcox Mansion.

Due to the wide community support expressed for the Mansion and the personal pleas of Rep. Dulski and Rep. O'Brien, Secretary Udall on August 28, 1963 said that he would ask for a further study of prospects at the November 1, 1963 meeting of the Advisory Board on National Parks, Historic Sites and Monuments.

However, on August 27, 1963 the Benderson Development Co. warned that it would raze the Wilcox Mansion and lease the land for a restaurant and motel unless the government decided to make the building a national historic site within thirty days.

Within three weeks of this announcement, on September 12, 1963, the sub-committee of the House Interior and Insular Affairs Committee recommended approval of the legislation. In response to this action, Nathan Benderson said, "While efforts in Washington to designate the building an historic site proceed, we will wait . . ." for the approaching meeting of the Advisory Board on National Parks.

An elaborate brochure on the Wilcox Mansion was delivered by Rep. Dulski to the National Park Service without whose approval Congress would be reluctant to appropriate funds to purchase the house. Failing to get the bill out of committee through normal procedure, Rep. Dulski attempted to obtain passage on the consent calendar which required unanimous approval.

OBJECTION IN THE HOUSE

On August 17, 1964 when the bill came up for a vote, Rep. Ford of Michigan objected due to the fact that there was no provision in the bill for local contribution or assistance in acquiring the Wilcox Mansion. The following day, Nathan Benderson confirmed that his company had obtained a city building permit to demolish the mansion.

Shocked into immediate action, a bipartisan committee of civic leaders was formed to discuss the situation and to make proposals. The Theodore Roosevelt Memorial Committee, organized in September 1964, was sponsored by the Greater Buffalo Development Foundation, the Buffalo Area Council of Boy Scouts of America, and the Buffalo & Erie County Historical Society, and was dedicated to the preservation of the Ansley Wilcox Mansion.

The best solution to the problem appeared to be the local or state purchase of the property, and it was to this end that the eight-man committee worked.

In order to gain greater attention and support for the campaign, the Young Democrats of Western New York staged a "Hike for History" on October 27, 1964, Theodore Roosevelt's birth date. About 200 western New Yorkers marched up Delaware Avenue to the Wilcox Mansion in this demonstration to preserve the building as a national historical site. Richard D. McCarthy, then a Democratic candidate in the 39th Congressional District, remarked at the rally that, "Right now, we need someone urgently . . . who will preserve this building temporarily so we can get legislation to preserve it permanently."

BANK PURCHASES PROPERTY

Two days later, on October 29, 1964 the Liberty National Bank and Trust Co. and the president of the Buffalo & Erie County Historical Society, Owen B. Augspurger, in a joint statement disclosed that the bank would be acquiring title to the property to buy time and give Rep. Dulski an opportunity to introduce another bill to preserve the house.

Following the purchase of the Wilcox House and property by the Liberty National Bank, the interested parties were faced with several immediate problems: (1) the need for labor and material to repair damage by vandals, and (2) renovation of the house to prevent further deterioration.

Winterizing, exterior painting, new roof and window installation, and some interior repairs were needed to present a "decent front" by the time the new bill was introduced in January.

By early November 1964 offers of material, labor and service were pouring in:

A review of the building and grounds and suggested lists of repairs and refurbishing to make the building more presentable and to prevent further deterioration was provided by Thomas Justin Imbs & Associates, Buffalo architects.

An offer to provide all wallpapers and installation was made by The Birge Company.

White exterior paint was donated by Pratt & Lambert.

350 man hours to brighten up the exterior were provided by Buffalo District Painters Council 4 (AFL-CIO).

Contribution of roofing materials to prevent water damage was pledged by Weaver Metal & Roofing Co.

An offer of assistance with any roofing problems were made by Jos. A. Sanders & Sons.

Broken pipes were replaced by Joseph Davis.

Oil to heat the house for the winter of 1964–65 was furnished by the Oil Heat Institute.

Any sheet steel or rods necessary for repair were offered by Stanley Steel Service.

Materials for restoration (plaster and wallboard) were offered by National Gypsum Co.

Broken windows were replaced by Sterling Glass.

Electrical repair work was offered by Frey Electric.

Urgently needed repairs were done to various parts of the building by William W. Kimmins & Son.

Service in connection with draperies was offered by Charles Griffasi.

Authentic floral pieces or arrangements of the period were offered by Hodge Florist.

A green thumb was applied to the landscaping by the Federated Garden Clubs of Western New York.

Any photography necessary was offered by Greenberg Studio.

The present large billboard on the lawn was furnished by Flexlume Sign and Winters Sign Co.

An historic site sign was offered by Whitmier & Ferris.

Maintenance services were done at cost by Harry Frank General Maintenance to remove trash from interior, rake lawns and prune bushes.

Furnco Construction Co. provided a jet plane for the flight to Washington by four civic leaders to support the Wilcox bill.

NEW EFFORT IN 1965

On January 13, 1965, two years after the first House bill was introduced and subsequently defeated, Rep. Dulski along with Rep. O'Brien introduced into the House a new Wilcox House measure with no basic changes in the text. On February 9, 1965 Sen Jacob Javits introduced a similar bill in the Senate. Sen. Robert F. Kennedy had his name added as co-sponsor.

The key objection was still that the Buffalo community had not participated sufficiently in financial support of the bill. The Theodore Roosevelt Memorial Committee sought to overcome this objection and presented Rep. Dulski with a scrapbook of newspaper clippings and offers to refurbish the Wilcox House.

The Liberty National Bank sponsored an exhibit at the Better Homes Show in April 1965 which displayed photographs of the Wilcox House as it was on September 14, 1901, and obtained thousands of signatures on a petition to preserve the historic house.

On May 20, 1965 Rep. Dulski and a group of interested Congressmen met with Interior Secretary Udall to urge his backing of the campaign. Sec. Udall said he was impressed by the local community interest shown in preserving the house and would re-study the issue. However, his final approval had to wait another meeting of the Interior Department's Advisory Board on National Parks.

On September 15, 1965 the House Interior and Insular Affairs Committee for the second time gave its appproval to the bill. At the second semi-annual meeting of the Interior Department's Advisory Board on National Parks on October 14, 1965, the Board supported the preservation of the Wilcox House.

INTERIOR DEPARTMENT OKAYS

On October 22, 1965 the Interior Department formally notified the House Interior and Insular Affairs Committee of its full support of the Wilcox House legislation which meant that the historic mansion was considered a worthwhile addition to the National Parks System.

Once the Interior Department withdrew its objection, the legislation won unanimous approval in the House of Representatives. On February 7, 1966, the last day of Congressional session, the House approved legislation to make the Wilcox House a national historic site.

Through the summer of 1966 the bill was debated and stalled in the Senate. On August 5, 1966 four Buffalonians, E. Perry Spink, Owen B. Augspurger, James L. Kane and Henry W. Bryce, met with Rep. Dulski, National Park Service representatives and New York's two senators to work out a compromise regarding the costs of preserving the Wilcox House.

The original Senate resolution called for an annual federal appropriation for upkeep of the home which met with opposition. The Senate compromise was $250,000 for acquisition and $50,000 for initial restoration, the rest of the restoration and maintenance to be financed by local donations on the Niagara Frontier. As a result, the Senate passed the bill on October 17, 1966.

The bill was returned to the House of Representatives to vote on the amendment made in the Senate. The House bill which passed in February of 1966 simply imposed a $250,000 ceiling on acquisition cost with no specifications on restoration and operation, whereas the Senate bill called for $250,000 for acquisition and $50,000 for restoration. The House agreed to the compromise on October 18, 1966.

PRESIDENT JOHNSON SIGNS

On November 2 or 3 (?), 1966, President Johnson signed the act to make the Wilcox Mansion a national historic shrine.

Public Law 89–708 provides that the Secretary of the Interior shall acquire the Ansley Wilcox House property. It further provides for operation and maintenance by a local group at no expense to the United States. It authorized the appropriation of not more than $250,000 for acquisition and not more than $50,000 for restoration.

The law states, "The Secretary shall not obligate any funds nor establish the property as a national historic site in Federal ownership unless and until he has obtained commitments for donations of funds or services which he judges to be sufficient to complete restoration of the property and to operate and maintain it."

The law further states that even after the Department of the Interior acquries the property, if local support is dropped for renovation and maintenance costs, the Department can sell the property and return the money to national land and water conservation funds.

On March 17, 1967 the Theodore Roosevelt Memorial Committee was replaced by the Theodore Roosevelt Inaugural Site Foundation, Inc. as the legal body to develop and administer the site in cooperation with the National Park Service. Work began with these two organizations to develop a program for the restoration of the Wilcox Mansion.

MASTER PLAN READY IN 1967

The Master Plan, completed on September 18, 1967, included the history of the site and the historic event that made it significant, the relation of the site to its surrounding community, a statement of broad, general objectives for its development and operation, and general plans for the physical development of the site.

The Master Plan called for the full restoration of only one room, the library, in which Roosevelt took the oath as president. Other areas to be developed on the first floor were the exhibition space, and a visitor reception area.

A committee of the Junior League worked with the Buffalo & Erie County Historical Society to complete additional parts of the program for the Mansion. The Historic Structures Report, Part II, and the Interpretation Prospectus and Furnishing Plan were completed by 1970.

At the time the federal law became effective, the state conservation law covering historic site projects, would not allow the state to appropriate funds for the Wilcox House.

The conservation law was amended by an act proposed by State Senator Adams on February 28, 1968 and passed on April 10, 1968 (S-5009) to allow the state to share in the cost of restoration of this project in an amount equal to all funds, exclusive of federal funds, or 50% of the cost, whichever were less.

STATE SUPPORT ASSURED

With state financial support assured, plus a donation of $50,000 from the Junior League of Buffalo, and a promise of financial contributions from the following Buffalo interests on a basis of five years, plus the support of the citizenry in general, the federal requirement of a commitment of local support was fulfilled.

Among the leading donors were: Buffalo Evening News, Buffalo Courier Express, Marine Midland Trust Company of Western New York, Buffalo Savings Bank, Liberty National Bank and Trust Co., Bank of Buffalo, Western Savings Bank, Lincoln National Bank, and Manufacturers & Traders Trust Co.

On May 23, 1969 the National Park Service and the Theodore Roosevelt Inaugural Site Foundation, Inc., signed an agreement outlining the program for the preservation of the Ansley Wilcox Mansion where Theodore Roosevelt took the oath of office as president and conducted his first Cabinet meeting.

Representing the National Park Service were Lemuel A. Garrison, Regional Director of the Northeast Region of the National Park Service, and Frank Barnes, Regional Chief of Interpretation of the Northeast Region.

Congressman Dulski will be present along with the members of the Theodore Roosevelt Inaugural Site Foundation. After thirty years the battle to preserve the Wilcox Mansion was won.

Subsequently the property was purchased by the federal government and restoration began. Shelgren, Marzec and Patterson were engaged as architects and final plans were drawn. Contracts were let in the fall of 1970. Exhibit planning and work was continued by the staff of the Buffalo and Erie County Historical Society with the aid of the Junior League of Buffalo, Inc.

In the winter of 1970 preliminary negotiations began with the Associated Art Organizations for lease of the non-restored area of the house. A proposed lease was initiated in August 1971 and renovation of the remainder of the house began with the aid of the Historical Society and the Western New York Foundation.

The Theodore Roosevelt Inaugural National Historic Site will be dedicated on September 14, 1971. The first exhibit of the art group will open on October 28, 1971. This marks the end of a decade of concerted effort on the part of many to make reality out of hopes.

WHY THE DRAFT BILL PASSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, foreign events and occurrences have long been used by the opinion molders of the United States to manipulate U.S. policy and politics.

At no time has this truism been brought to light clearer than in the circumstances that led to recent passage of the draft extension law.

When Congress adjourned for summer recess on August 6, the draft bill was hopelessly snarled in the Senate with amendments involving withdrawal of troops from Vietnam, pay raises, and in the throes of a filibuster. In fact, at that time, the draft had expired and looked so dead that even the antiwar movements had lost their "cause celebre." Then, with unbelievable rapidity, which has been attributed to the dedication and patriotism of the distinguished Senator from Mississippi (Mr. STENNIS) and with the assistance of the White House and the President's very able staff, as if by magic, the filibuster against the draft was stopped by invoking cloture and the bill easily passed by 11 votes on September 21.

On the surface, it appears as if a miracle did occur, but the lateral events of those hours must be considered and their effect weighed to understand the change in opinion and political strategy of some who made a complete about-face on their politics of peace to vote for extending the draft. No world event had a greater bearing on the passage of the draft bill than activity in the Middle East. A comparison of the vote for the draft bill on September 21 with earlier votes on military involvement reveals a remarkable number of converts to the cause of military preparedness.

On September 16, Egyptian President Sadat, in a radio and television address to the Egyptian people repeated his warning that 1971 would decide the question of war and peace in the Middle East and reaffirmed his statement that Egypt was willing to sacrifice a million lives to win back the land lost. Sadat was quoted as saying:

> We will pay a high price. But the United States must tell its pet Israel that they also must be completely prepared to sacrifice one million. . . .

On September 18, the American newspapers carried front page stories with pictures showing an Israeli four-engine transport plane which had been shot down by the Egyptian forces. The Egyptians were said to have installed scores of Soviet antiaircraft missiles in the area.

This action has been followed by unrealistic reactions in this country. The presidential hopefuls are either demanding or promising more arms and equipment for Israel and even the Vice President has testified that one of the latest Soviet jet fighters, capable of outperforming the U.S. F-4 Phantom used by Israel, is now operational in Egypt.

Can there be any conceivable conclusion, but that the financial and political powers in this country forgot their opposition to war in their sudden shift for enactment of the draft law to prepare U.S. men for impending hostilities in the Middle East? As was the case in the Far East, the American people will be told that their sons must serve, fight, and die to stop aggression.

The official announced policy of the United States in the Middle East under the Nixon administration is said to adhere to the precedent established by President Eisenhower's Middle East policy during the Lebanon crisis; that is, one of strict neutrality except to deter aggression by protecting territorial integrity. However, the policy has been most flexibly applied since the Eisenhower administration.

Under the Eisenhower administration, 5,000 U.S. marines were sent into Lebanon to protect its ancient and peaceful territorial integrity. From the period 1966 through 1971, Israel has been condemned by the United States as aggressors in 12 instances. As late as June of 1971, Israel was accused of violation of the Geneva Convention by the U.S. State Department for transferring part of its population into the militarily occupied territory of Jordan. No U.S. troops were dispatched. The U.S.S. *Liberty* was the only U.S. casualty.

What is the real U.S. policy and interest in the Middle East that our political leaders have determined preempts all interests of the American people, including the drafting of American men in preparation for another war on foreign soil?

I am inserting related newspaper clippings, the text of U.N. condemnations against Israel, and the full text of the remarks of Egypt's President Sadat in the RECORD at this point:

[From the New York Times, Sept. 18, 1971]

EGYPTIANS DOWN ISRAEL TRANSPORT; CAIRO CONCEDES CRAFT WAS CARGO PLANE AFTER FIRST CALLING IT PHANTOM JET

(By Peter Grose)

JERUSALEM, September 17.—The Israeli military command said today that an air force cargo plane was shot down this afternoon by Egyptian ground-to-air missiles. The plane was flying 14 miles behind Israel's frontline positions on the Suez Canal, the command said.

One airman parachuted safely into the Sinai Desert, an Israeli spokesman said. The fate of seven other crewmen was not yet known.

[Egypt's official Middle East News Agency conceded that the downed plane was a transport, according to an Associated Press dispatch from Cairo. Earlier, Cairo reported that the plane was a Phantom jet.]

The Israeli Government immediately protested to the United Nations Truce Supervisory Organization, and early this evening United Nations observers reportedly arrived at the crash scene, about 15 miles east of the southern tip of Lake Timsah.

This was the first known occasion in which the Soviet-supplied missile defense system on the Egyptian-held side of the canal had been used in action.

The attack came one week after Israeli ground fire downed an Egyptian Sukhoi-7 jet fighter-reconnaissance plane in the northern sector of the canal. Israeli spokesmen were quick to say that the Egyptian plane was fired upon while flying low over Israeli-held territory. It then crashed on the Egyptian bank of the canal.

The plane shot down today, according to the Israeli spokesman, was a heavy and slow-moving Stratocruiser transport plane, flying at an altitude of 20,000 to 25,000 feet, parallel to—but not near—the canal on a "routine mission."

Israeli officials declined to speculate that the missiles could have been fired at the Israeli aircraft by Soviet crews. The military spokesman said he "assumed" that the missiles were of the less modern SAM–2 type, which the Russians are known to have turned over to Egyptian crews.

He said there was clear evidence "that this was an initiated action prepared in advance by the Egyptians," presumably as a retaliation for the earlier Israeli strike at a plane said to have intruded across the truce line.

At a hastily called news briefing for correspondents, the spokesman said, "We have no doubt that the attack was premeditated—it was almost like an ambush."

He said the Stratocruiser was flying without escort, well behind the front lines. The missiles he said, were fired from as much as 13 or 14 miles behind Egyptian lines—the SAM–2 missile has an effective range of 25 or 30 miles—from a launching site constructed many months ago, but not previously armed with missiles ready for firing.

The attack, he said, took place at about 2:10 P.M. News of it was delayed until the families of the crewmen could be notified and search parties immediately set out for the wreckage and nearby areas in hope of finding other crewmen who might have succeeded in bailing out.

"Several missiles were fired at our plane—we don't know how many yet," the spokesman said. "The one crewman who bailed out successfully told us that they heard a loud noise or explosion. The captain ordered the crew to bail out and the plane went into a spin, crashed and caught fire."

Western sources believe that Israel has six Stratocruisers in operation. They date from the early nineteen-fifties and were built by the Boeing Corporation of the United States.

[From the Washington Post, Sept. 24, 1971]

Agnew Says Egypt Has Top Soviet Jet

Vice President Spiro T. Agnew said last night that the newest Soviet jet fighter, capable of out-performing the American F–4 Phantom used by Israel and all other Western aircraft, "is now operational in Egypt."

Agnew's statement marked the first official U.S. acknowledgement that the Soviet plane, called the Mig–23 Foxbat, has been deployed in the tension-filled Middle East.

Informed sources said that at least a dozen Foxbats are being flown by Soviet pilots operating out of more than one air base in Egypt.

The Vice President disclosed the information about the Soviet fighter in a single sentence of an 8-page speech to a meeting of the National Security Industrial Association.

Throughout the address, Agnew stressed the dangers of attempting to cut back on military spending, and accused four Democratic senators—Muskie of Maine, McGovern of South Dakota, Kennedy of Massachusetts and Humphrey of Minnesota—of "reckless and appalling" statements advocating such cutbacks.

After describing several areas where the Soviet Union has made major military gains in recent months, he said:

"Their newest fighter, the Foxbat, is now operational in Egypt and cannot be matched in performance by anything we have in operation."

[From the Washington Post, Sept. 24, 1971]

Jackson Urges Approval of Funds for Israeli F–4s

(By Marilyn Berger)

Warning that Egypt is "perfecting operational plans" for a 100,000-man invasion across the Suez Canal, Hon. Henry M. Jackson (D-Wash.) yesterday urged approval of a $500 million appropriation for Israel, half of it for the purchase of F–4 Phantom jets.

In a speech on the Senate floor prior to a presidential campaign swing through Pennsylvania, Jackson said, "There are new and profoundly disturbing indications that the delicate balance on which peace is based is gravely threatened in the Middle East."

Jackson said he had "evidence of extensive Egyptian training missions aimed at perfecting operational plans for an invasion across the Suez Canal involving as many as 100,000 Egyptian troops."

He said that access ramps to facilitate emplacement of pontoon bridges have been built along the west bank of the Suez Canal and that bridges adequate to sustain an invasion have been positioned along side the waterway. He also said that surface-to-air missiles are being moved "to the very edge of the canal."

The United States "must act to remove any doubt that an Egyptian military adventure might succeed," he said. He added that the administration has been indecisive, that it must reaffirm its determination to maintain the miltary balance and that it must recognize that basic to the Middle East conflict is "a Soviet drive for hegemony" that affects U.S. security interests.

To shore up the fighting capacity of Israel, which he described as being "in the front line in resisting the historic imperial ambitions that lie behind Soviet policy," Jackson said he would soon offer an amendment to provide $500 million in military credits, half of it for Phantoms.

Authorization for such an appropriation already exists under the so-called Jackson amendment to the Defense Procurement Act signed into law in October, 1970. This allows the President to send unlimited amounts of equipment to Israel until Sept. 30, 1972. Under this provision, Congress already has appropriated $500 million that has been spent.

State Department spokesman Charles W. Bray said yesterday that the United States "fully intends to make sure that the balance of power is maintained." U.S. officials said they had been aware that Egypt was receiving amphibious equipment that could be used in a canal crossing and that there is nothing new in the fact that there may be some practice maneuvers. Israel is known to have received countermeasures and warning devices against amphibious attack.

Jackson warned that a crossing could be undertaken by November or December. The prevailing opinion, however, among both American and Israeli officials, is that neither Egypt nor the Soviet Union wants to attempt a military solution.

Israeli sources stress that this will be true only so long as the other side remains convinced that it cannot win in a military engagement. If Israel appears isolated or cut off from its sources of supply, according to this reasoning, Egypt might try to strike.

Israel has asked to purchase some 50 to 60 Phantom jets to help counter the reportedly extensive Soviet buildup of Egyptian forces. Although both Israeli and American officials deny that there is any link between the supply of the jets and concessions by Jerusalem in the negotiations to reopen the Suez Canal, there is a widespread feeling that the sale would be more readily approved by Washington if some interim Suez solution could be worked out.

Israeli newspapers have reported that Premier Golda Meir is interested in speaking directly to President Nixon about these matters. It was understood that Israeli officials here have been sounding out the possibility of a Meir-Nixon meeting before the end of the year.

[From the Washington Star, Sept. 12, 1971]

Israeli Bond Sales Reach $138.4 Million

Proceeds from sales of Israel bonds for the first eight months of this year totaled $138,834,200. The sum, reported yesterday, is an increase of 34 percent over the same period a year ago, according to Sam Rothberg, general chairman of the Israel Bond Organization.

The funds are used for housing, irrigation, building towns and villages, expanding industry and various constructions, Rothberg said. He is attending the National Leadership Conference of Israel Bonds held here this weekend.

[From Foreign Broadcast Information Service]

Sadat Statement on Reorganization of State Apparatus

In the name of God, brother compatriots, my sisters, people of Egypt: I begin with my congratulations. These are congratulations on all our achievements in the recent period. Congratulations to you on the emergence of the state of the federation. I had asked something of you. I am proud of the result of the referendum. The second congratulation is on the permanent constitution, which we have granted to ourselves. We have made it with our own hands. It has been nobody's gift to us. We have created it out of the state of affairs of the past period, out of our present, and out of our hope which, God willing, we pin on the future.

I have come to talk to you on this day. With God's help, I will come to talk to you whenever there is something to talk to you about, because I believe that it is true democracy that we should all participate in all important matters which might face us. The truth must be clear to us all as a people. This does not at all signify that I am bypassing the constitutional establishments. No, on the contrary, this entrenches the democratic concept. Our constitutional establishments are performing their role. They are playing their role, particularly after the recent change, in a manner that has truly made me happy and which makes every man and woman among our compatriots happy. Had you attended the recent debates of the ASU Central Committee on the constitution and had you heard the views aired by the peasants, the workers, the intelligentsia, the university professors, and by all the groups, you would have realized that the debate was held on a level above every consideration but Egypt's interest and the freedom and dignity of the individual. All those participating in the debate took care to face up to their national responsibilities.

I again say that my talk to you is no bypassing of the constitutional establishments. It is merely that we are undergoing one of the most critical stages in our life. In this the responsibility belongs neither to individuals nor to establishments. The responsibility is everyone's. The entire people must be aware of the matter. Why? We are entering a stage in which we must make a firm decision. This firmness and this decision must be with the knowledge of every one of us. We must all be aware of all the information and of the entire situation.

I have talked to you before—more precisely, it was in my May Day speech. I said then that if we do not transform the defeat sustained in 1967 into a point of departure for construction of a new state, then even if we triumph in our present battle, we will have failed ourselves and coming generations.

We can no longer afford to lag behind. I said that other states had suffered a similar fate before us: the Soviet Union in its war with the Germans in 1941. The Germans had then gone to within 15 kilometers of Moscow. More than one-third of the Soviet Union's industry, its agricultural production, and its basic production had fallen into the hands of the Germans. The Soviet Union had definitely not yet attained a high industrial level. As you know, its revolution had only broken out in 1917. The Soviet Union then began to build and develop its country. It was, nevertheless, still in the stages of construction. The Soviet Union received a shock in 1941. It was considerably more violent than the shock we sustained in 1967. It was more violent and severe from all angles. The Soviet Union, nevertheless, used this defeat as a point of departure toward construction of a new state. The Soviet Union is now one of the two states in the world called a superpower. It is one of the two states in the world as far as development, science, technology, and everything is concerned.

I say, therefore, that if we do not use the 1967 battle as a point of departure toward construction of a new state, we will neither be able to complete the present battle nor to face our responsibility to the coming generations for which we are responsible.

You expect me to speak to you today about the change and the reorganization of the state. However, this is not the aim at all. The aim we should always keep in mind is that whatever we do, whether it is effecting change, reorganizing the state, or anything—anything we build—we must not forget that the aim should be the battle.

As you know, in the past period or rather in the past few months a very great achievement was made, thank God, despite the fact that these were summer months. We have been able to rebuild the entire ASU from top to bottom, re-elect all the professional unions and trade unions, complete the federation state's constitution, and complete the permanent constitution which, according to the 30 March declaration, we were supposed to complete after (the elimination of) the aggression. We have already completed it. We have achieved all this in the past few months. Furthermore, we have completed a plan to rebuild the state. As I have told you, this is not the goal. We are reorganizing the state because we must reorganize the state in order to proceed toward building the state of science and faith.

But the basis is, as I have told you, that anything we do is, above all, for the battle because the battle today and tomorrow is our life, our hope, our honor, and our dignity. Let our enemies not think that in the past we were preoccupied with matters other than the battle and that we overlooked the battle and turned to domestic matters because we did not want the battle or that we were ready to surrender. No. We have put our house in order. That has been done. We have put our house in order because it was necessary to do so. It was necessary for us to provide for ourselves, for our new construction, and for our new state in Arab Egypt after the enacting of the permanent constitution; a new foundation which above all serves the battle.

After that it is a long road. The lines I will talk about are applicable over a long period and will naturally be applied over a long period. Nobody believes that we will change everything overnight or that a magic wand will remove the system and everything and change things overnight. It is impossible. Nothing in the lives of nations or in government can possibly be achieved overnight. A plan is drawn up and then the plan is implemented. The plan's aims become known to us all and to the people, and then those who implement it each perform their duties in their own fields. It is a continuous operation. There will be wrong and right in it. We will right the wrong and reward the right.

However, there is something which cannot tolerate delay or postponement. It is the battle. Therefore allow me first to speak about this latest stage we are now going through, the stage of the battle. I will then speak about the reorganization, because, as I have told you, the reorganization, the change, or anything we say is meant first to serve the battle and then the construction, which, God willing, will continue during the battle and after the battle.

What are facts at present regarding the battle? I promised you in an earlier speech that I would talk to you about the U.S. attitude. Really, today I must speak to you—nay, not only you, but also to all the Arab nation and all the world so that they may hear—because we are back to the methods of crooked policies and deception.

Let us hear the story from the beginning. We accepted the Rogers initiative. A cease-fire was declared once and then again. A third time we voluntarily refrained from firing for a month, and after that we announced that we were not committed to a cease-fire or to refrain from firing.

U.S. Secretary of State Rogers asked to visit us. I told him: You are welcome. He visited us. We talked for 2 and ½ hours. I asked him: What do you want us to do? He said: Nothing. Nothing else is required of Egypt after its declared initiative and after its positive reply to Jarring and its constructive attitude. We ask nothing of Egypt.

Nothing is asked of us. What is the basis, the story, and the background of the initiative that I took?

Western Europe is suffering from the closure of the Suez Canal. The price of oil went up twice: Once because of the diversion around the Cape of Good Hope when the canal was closed, and once again when the OPEC decided to raise the price of oil. Well, we are prepared to open the Suez Canal but on a condition—that the whole problem should start moving. In other words, Israel should complete the first stage of withdrawal within a program for complete withdrawal. Not a partial settlement. No. A first stage within a complete withdrawal or within a program for a complete withdrawal from Arab territory and for the settlement of the problem.

I had then declared the conditions of our initiative. This is that our forces must cross to the eastern bank of the canal and a cease-fire will be observed for only 6 months so that Jarring will be able to complete the solution during those 6 months. After this the second stage of the withdrawal will be completed, withdrawal to our international border and from the Arab territory occupied after 5 June.

Our statements were clear in this respect. When Rogers came here I told him all this and made it clear to him. This is our stand. Rogers went to Israel and afterward he sent Sisco here. Sisco said that the Israelis were still reluctant and did not want the crossing of (Egyptian) forces, and that they still wanted to carry out discussions and talks. I told him that our final stand is clear and unequivocal. Our forces must cross to the east bank of the canal in order to carry out their national duty and to protect the canal and the canal cities. There will be a cease-fire for 6 months but we will never accept an indefinite cease-fire as long as there is one single foreign soldier on our soil. We will never accept an indefinite cease-fire as long as there is one single foreign soldier on my soil. I have fixed a cease-fire for 6 months and for a definite date. When we conclude an agreement the date (of the cease-fire) will be fixed. If no settlement is reached within this date, the forces that crossed the canal have a right to complete their task of liberating Egyptian land.

Our border is the international border, which is indisputable and beyond argument. The question of Sharm ash-Shaykh, the things which are being said about it, the day dreaming involving it, and all that has been said about it—I told them that this is something that we refuse even to talk about. We will not surrender one inch of our land or of the Arab land. I told this to Rogers and Sisco.

On 6 July—that is approximately 2 months and 10 days ago—the director of the Egyptian desk at the U.S. State Department came to me carrying a message from the U.S. President and Secretary of State Rogers. He met me here. What was the message? The role of Rogers and Sisco, as well as of the United States thus far, was called the postman's role. In other words (the United States) would sit with us and listen, then go to Israel and listen, and then come back to us with a message—that is a postman's job.

You will recall that I said then that I wanted the United States to determine its stand. I want to know the attitude of the United States. I am not angry. Let the United States tell me about any stand. I will not tell the United States "I am angry with you." All I want is for the United States to declare its stand to all the world and to the Arab nation in particular. It should say: "My stand is such and such."

As I told you, on 6 July—that is 2 months and 10 days ago—the director of the Egyptian desk at the U.S. State Department came to me with a message from President Nixon and Rogers. The message said that the United States—that is, the U.S. President decided to adopt a specific stand toward the problem. That is well and good. This is what we have been asking for all along; tell us about your stand. The message also said that the postman's role would be stopped. Now they would adopt a specific stand. They said that they would like to ask for certain explanations. I said: Go ahead.

Will you accept the United States adopting such an attitude and defining its stand? I said that I have been demanding this for a long time. I do want the United States to define its stand.

[The United States asked] whether the Soviet-Egyptian treaty had changed or affected relations? [between the Soviet Union and Egypt] That is—according to their understanding, of course—are we in control of our will or not? I told them that the Soviet-Egyptian treaty changed nothing in our position. The treaty has shaped the Soviet-Egyptian relationship within a framework which is the treaty. But our will is free; it has been free, it is now free, and, God willing, it will remain free forever. This is our problem with all the world, or rather with Western imperialism in particular—that we insist that our will remain free.

Well, they said that Sisco would go to Israel on 26 July. Afterward he would either come here or return to the United States. In any case, after Sisco's return the United States would define its stand in a clear document and in a clear attitude which it would make public. I said well and good. We are ready and waiting to see.

As I told you, this happened on 6 July 1971. Since this date and until today, 16 September—that is 2 months and 10 days—no contact whatsoever has taken place between us and the United States.

However, when we insisted and inquired about the outcome of Sisco's trip, they sent a note saying that Sisco had gone to Israel and held three long meetings with Mrs. Meir, Alon, Dayan, and Eban; that he had also met separately with Eban to discuss bilateral relations; and that Mr. Sisco had centered his discussions on the following topics: 1) The relations between a phased settlement and the general settlement; 2) the question of Israel's use of the canal; 3) the nature of the cease-fire; 4) the question of the Egyptian presence east of the Suez Canal; 5) the extent of the area from which Israel would withdraw; and 6) the nature of the means of supervision. That was all. In other words, they said that Sisco had these three meetings and had discussed all these things. But what was the U.S. attitude, what did Israel say, what was the U.S. view on the settlement, and what had become of the U.S. President's decision to stop playing the role of mailman and to transform that role into a specific U.S. attitude? Nothing was said about all these things.

In other words, the relations and contacts between us and the United States have been at a total standstill for 2 months and 10 days.

I said at the outset of my speech that I took a look and found that at the present time a major process of distraction, misleading, and deception is going on before the world, the Arab world—that is before our people first and then before the Arab world and the whole world. What is the reason? America says everywhere that contacts between it and Egypt are continuing, that there is optimism, and that a solution is on the way. In fact, the United States has also said that Egypt has accented a partial solution. It said this even to the Soviet Union—that Egypt has accepted a partial solution. Its alternate delegate at the meetings of the four great powers said at the last meeting something to the effect, "Take it easy and be quiet. We are in contact with Egypt and Egypt is going along with us in the solution. Contacts are going on, and the solution is on its way."

I declare to our people in their capacity as the people who have a cause and to the Arab nation as the people who have a cause and to the whole world that contacts between us and the United States have completely stopped for 2 months and 10 days, that there is no agreement, and that the United States did not submit its stand to us, nor has it offered us anything specific.

Our position is the one I have spoken about. The U.S. attitude is just as I have said, that is, Sisco has gone and chatted about six points. I consider these six points a reversion from the position we had reached with Rogers and Sisco when they came to Egypt, because when Rogers and Sisco visited Egypt we defined matters in connection with the first stage of the withdrawal in a specific manner. Now they are again talking about the chatter Sisco brought from Israel about the list of ways a phased settlement relates to the general solution. Our viewpoint on this matter is clear. Rogers admits it, and he knows that we do not accept a phased settlement without a general solution, that is, without the phased solution being a part of a general settlement.

Regarding point number two, that is, Israel's use of the canal: This is rejected until Israel implements all its obligations under the Security Council resolution. The United States is aware of this. They also know about the nature of the cease-fire. We have told them: We will not declare an eternal cease-fire. I even say here, irrespective of whether they deny it there in the United States, that they said: You are right—you cannot allow the cease-fire to go on indefinitely while a single foreign soldier remains on your territory. They said this. Perhaps they will deny it. But I repeat this fact. I said that I will not accept an eternal or indefinite cease-fire as long as a single foreign soldier remains on my land. They said: You are right. Rogers and Sisco said this. They may deny this. Nevertheless, this is what happened. Even to this day they repeat these words.

Regarding the Egyptian presence east of the canal. I have clarified our stand on this point to them. They know that any discussion of this subject is out of the question. East of the canal is Egyptian, not Israel territory. This is Egyptian territory. We will not enter into a discussion with Israel. An Egyptian presence east of the canal is our right.

Regarding the extent of the area of withdrawal and the nature of the means of supervision: This means that regarding Sisco's chat [in Israel], we simply say that the United States has not given up the role of mailman just because, as they said, it wanted to specify its attitude. No. The United States has not even acted as a mailman. It has conceded the role of mailman and the matter has become one of just chatting. Sisco would go and chat there in Israel and the United States would not reply to us for 2 months and 10 days, up to this day.

Therefore, I declare to our people, to the Arab nation, to the entire world, and to the United Nations which will meet in a few days that the United States has again resorted to deception and misleading. No contacts have taken place between us and the United States for 2 months and 10 days. There are no agreements between us and the United States. The United States has not submitted a paper to us specifying its attitude.

Therefore, of what use is the talk with which the United States is filling the world to the effect that the United States is holding contacts, the statement by the U.S. alternate delegate at the big four meeting that "the matter has been settled—Egypt has reached an agreement or it is about to do so," and their statement to the Soviet Union that Egypt has accepted a partial settlement? This talk is unfounded. It is deliberately geared to mislead and deceive in Israel's favor. They want 1971 to pass. They also want the 1972 election year to pass so that we can pass into another decade and come to the day when the matter will have become a fait accompli and when we will keep silent or accept Israel's terms.

As I announce these things today, I add that they were calling for quiet diplomacy that we should not talk nor make statements. We said we would comply. We kept silent. We told them that we would not make statements and would not talk. But we were putting our house in order. I said: There is no problem. We will neither make statements nor talk. But today, and in view of the campaign of deception and misleading unleashed by the United States throughout the world, I must tell the truth to our people, to the Arab nation, to the world, to the big four, and to the United Nations which will meet in a few days.

The big four must face their responsibilities. The Security Council must accept its responsibility. The UN secretary general must face his responsibilities. I want the UN secretary general to submit a report to the Security Council on Israel's attitude and on our stands. It is about time for him to do so, while the United Nations is now in session. I want Jarring to report to the Security Council and the secretary general on Israel's attitude and on our position.

I want the Security Council at one stage to convene at the foreign ministers level because this is the decisive point where everyone should define his attitude before it [the Security Council] and where the United States should define its attitude before it.

We have waited a long time and have shown much good will, and still do, but there is a limit to everything. I have issued instructions to the foreign minister that we will go to the United Nations and explain all this frankly to the international community so that the international community may shoulder its responsibility.

As regards Arab action, we have not been lacking. With God's help the federation state has emerged. The follow-up committee, consisting of the deputy heads of state, will meet shortly and will set a date for a meeting of the federation state's Presidential Council to begin assuming its duties directly. The will of our people, exquisitely expressed in the referendum, has become clear to all the world, to friend and foe. Arab unity has indeed been achieved and the federation state has emerged. The Arab people's will has become quite clear to friend and foe.

I will never forget that when I visited King Faysal, he was indeed fully understanding, particularly of the U.S. stand. He fully understood the situation and was not content to merely understand and respond to me, but also undertook an initiative of his own in this connection in the hope it might succeed. Nevertheless, this is the U.S. stand I told you about. I had to cite King Faysal's solidarity with us particularly regarding the current U.S. stand. This stand leads to responsibilities on our part which are not new because the U.S. stand is not new. We disregarded the fact that it participated in the aggression and that U.S. President Johnson personally approved the plan of the aggression. The plan was submitted to him. He approved and supported it and supplied Israel with everything. We disregarded this. We disregarded the 17-hour raids on our lines, our sons, and our cities. We disregarded the raid on our workers in Abu Za'bal factory and the raid on our little children in the Bahr al-Baqa school—the children who died from U.S. napalm, dropped from Phantoms with half-American-half-Israeli pilots. We disregarded all this and said let us begin a new page because we want peace, but this is the result.

The United States has even retreated from the mailman role with which it had been disgusted and which it wanted to abandon. What is the secret behind this? It will certainly surface because even what went on between Eden, Guy Mollet, and Ben Gurion eventually surfaced. What is going on between the United States and Israel is bound to become known one day. The facts and the plots are bound to become known and so will the comedy—the United States asks Israel's permission to send Sisco and Israel tells the United States that it would consider whether to agree or not, all under the eyes of the whole world.

The United States is a big power. It sends Israel everything from a loaf of bread to the Phantom. Without the United States Israel could not survive for 2 months. We disregarded many things and said we would see and we would talk peace.

This, regrettably, is the U.S. attitude. I put it to all the world. I put it to our people first, to our Arab nation, to the world, and to the entire international community so that the United Nations, the Security Council, the secretary general, and Jarring may shoulder their responsibilities.

I said in an earlier speech and I have been continuously saying that 1971 will be the decisive year whether through fighting or a peaceful settlement. In saying this I was motivated by the real interest of the cause not because we bore a grudge against anyone or only because we were running short of patience. No. It was based on a complete study of the interest of this homeland and the cause. We are not at all supposed to let our cause, as the United States and Israel want, remain 20 years at the United Nations and then, like Berlin or the Oder-Neisse borders, become a fait accompli and finished—they sit on the east of the canal and that is that. This is what the Israelis say. I do not care much about what the Israelis say but I was primarily interested in the United States defining its attitude. I had very much hoped that President Nixon would keep his word.

The year 1971 will be a decisive year whether through peace or fighting. The issue canwait no longer. We have prepared our house internally and must begin preparing ourselves to confront the responsibilities of the coming phase. Here I must tell you that everything depends on us. This battle is our battle. It is not the battle of the United States, of the Soviet Union, or of anybody else. This is our battle and is connected with our will and our determination.

Therefore, we must prepare ourselves from this moment to confront the decision and the decisiveness required by the coming phase. As long as our will is united and our domestic front united, there is no weapon in the world that can defeat the peoples' will. The best example is Vietnam. The entire U.S. arsenal of modern, electronic, and other weapons is being employed in Vietnam but has not been able to defeat the will of a people who have their own will and their domestic unity and who are united and have one objective. Thank God, having completed this, our domestic unity is strong, our objective is one, and our will is one and we will never be afraid. We will pav a high price. But in this connection, the United States must know that Israel will also pay dearly. When I say depth for depth, napalm for napalm, and an eye for an eye and a tooth for a tooth, I mean exactly what I say. If I say that I am prepared to sacrifice 1 million for the sake of my independence and to liberate my land, then the United States must tell its pet Israel that they also must be completely prepared to sacrifice 1 million, because I will not sacrifice 1 million of my people here without 1 million being sacrificed there. Never, regardless of the cost.

This has been our position on the battle, because I believe that the position on the battle is the basis. It is for this position that we are building, changing, and reorganizing ourselves.

Reorganization is very easy and I will speak about it in very simple words. Having completed our permanent constitution, this constitution must necessarily be the first starting point for reorganization. Why? Because, as stated by the preamble of the constitution, the individual in our country is a force and the homeland's total force will result from the force of each of us. Through the total force of our homeland and our domestic unity we will triumph, God willing, as I have already told you, similar to what is now taking place in Vietnam, despite all the modern weapons.

The first starting point has been the permanent constitution. Thank God, we have completed the permanent constitution in the most splendid manner possible.

There remain a few principles on the reorganization. If I wanted to explain the reorganization in detail, then I would have to talk to you about this complete file. [A file of documents on the reorganization] It would take me 2 hours to speak about the entire file. Having studied this file, I will send it to the prime minister, to all our brothers, and to the new cabinet because it contains everything, including the decisions, so that the new cabinet, which will carrry out the implementat can prepare itself. All the new organization will be announced in accordance with complete decisions and laws within a week following the formation of the new cabinet, God willing. Everything is ready.

But what concerns me is to speak to you about the basic principles governing this organization. Later you will hear and see the details.

As I have already told you, the permanent constitution was the starting point. What does the permanent constitution contain? It contains two fundamental things: It explains the authority, rights, and duties of the state and it stipulates the supremacy of the law. Therefore, the first point in the reorganization I am going to tell you about is that we must respect the authority of the state—having taken it upon ourselves that the state authority should be the authority of the alliance of the people's working forces. I will never allow anybody to tresspass against the authority of the state. Never. Let everything be done through democratic dialog. Let us differ—and it is 100 percent sure that we will differ. Each of us has his own demands and troubles. Let us discuss them through democratic dialog. But let nobody imagine that he can seize the authority of the state. No.

The second point is the supremacy of the law. Every measure in the state should be governed by the law. Everything must have a legal justification.

By God, if our legislation is incomplete, then our legislative power will complete it. However, as I have stated, no power, group, faction, organization, or anybody will take the state powers into his own hands. The sovereignty of the law will prevail. Moreover, the constitution—and this is a basic change necessary to begin the rebuilding as I have told you—provides for the authority of the state and sovereignty of the law. Furthermore, we will build the state on the basis of institutions, not individuals. In other words, we want a state of institutions, including political, executive, and legislative institutions. The constitution explains all this. These institutions must assume their full powers and conditions.

As I have told you before, this will not be done overnight. We have planned all this, and the necessary laws and everything else will be issued. However, implementation will take time. But we as a people must be the guardians of the implementation of it. It will be a state of institutions and not of individuals at all. The powers of these institutions and the relation between them will be clear.

Moreover, as the constitution stipulates, the president of the republic will be the umpire among all and not a party siding with anyone. He will be an umpire among all, and if he fails, he will resort to the people in a direct public referendum. This is the philosophy on which the constitution is based. The first point is the authority of the state and the sovereignty of the law and the second point is the state of establishments. The third point is the liberalization of the government routine, the public sector, and agricultural regulations, and those things that I said long ago are paralyzing everything.

Today, according to this organization, this change, and the reorganization, there will be full liberalization. There will be liberalization in agriculture. The strange thing you must know is that we have reclaimed lands and paid hundreds of millions of pounds to do so. What the people do not know is that up till now, we have been spending millions of pounds annually on this land, suffering losses instead of collecting profits from them. This is due to the existing laws and routine. All this will change. For example, the new reclaimed land will be turned into productive units that will specify productive aims and specific responsibilities for themselves and will turn a certain profit. They themselves will benefit from any increase above that profit. They will benefit from the profits just like any socialist factory. Agriculture will be completely liberalized.

The same applies to industry. We established a public sector and put the government cadre in charge of it. The government wants to reform its cadre and the routine paralyzing it. Do we put them in charge of the public sector to paralyze it? We will end all this. New bylaws are ready again. If we create too many institutions and they interfere in the work of the productive units, then we will put an end to the action of these institutions. The productive unit will be responsible for production. It will be responsible for formulating the regulations concerning its production.

It is not logical for me to formulate the same regulation for those producing chemicals, as for those spinning textiles and producing iron and steel. The productive units are not governments. Every productive unit has its nature, incentives, and regulations suiting its work. Therefore, we have freed all the productive units from all this. Every productive unit will formulate its regulations, and incentives. Each unit will have a productive aim. It will achieve this aim. According to the socialist method we are applying, it will benefit from a surplus and will be made to account for a deficit. The bylaws have been changed and are ready.

The workers complained, demanding the amendment of the regulations. I promised to introduce amendments in the program of national action that was presented to the conference on national action on 23 July. The conference approved the implementation of all of them. The executive decisions are ready. God willing, they will be issued within a week after the formation of the new cabinet.

We have spoken of the authority of the state and sovereignty of the law. We said that the state is a state of establishments. Agriculture and industry as well as economy will be liberalized. In other words, we will tackle the restrictions we are placing on our economy for one reason or another. For example, I buy supply goods for the people worth about 100 million pounds in hard currency. The commission obtained on this 100 million pounds smells terribly. Therefore, I will establish a free bank and a free zone. Free zones will be attached to this bank. The terrible smell reeking inside and outside will disappear, and the commission will go to the people and to this bank, which is a free zone. The bank will be a free zone, and other free zones will be attached to it. Any of our Arab brothers wishing to deposit capital will have the opportunity to find a free zone bank in which to deposit and withdraw his money at any time without any restrictions.

In addition to this, there is the law governing the investment of Arab and foreign capital. As you know, we have foreign capital in the oil industry and in some medicine factories. We hope to get more foreign capital in oil and tourism and in the field of building luxury houses, so that we, as a state, can devote ourselves to building popular housing projects.

I do not build villas and buildings for just anybody. I will not go to build in Al-Ma'murah. This year I discovered that we are building houses in Al-Ma'murah worth 2 million pounds every year? I asked the housing minister: Why? Why should I spend 2 million pounds to build in Al-Ma'murah? There are some who are prepared to spend 10 million pounds to build in Al-Ma'murah in order to accomodate those who can afford it. But I will take that 2 million pounds and add it to the housing budget to build for the ordinary people who cannot find houses; I will build ordinary houses for our ordinary people.

There is a law ready to be issued regarding all the fields in which capital can be invested on the one hand without harming our economic system, while on the other hand enjoying guarantees.

I have spoken about the sovereignty of the state, the rule of law, and the rule of establishments, and the liberalization of agriculture, industry, and economy. After this comes the sixth point: the reorganization of government.

The government departments were in a state of chaos. In this study we tried to do away with duplication. Some ministeries are to be amalgamated and others are to be abolished. New ministries will be created. The Ministry of Maritime Transport is one example.

Why should we pay 53 million pounds sterling annually to foreign ships to ship our goods? Why don't we establish a fleet to transport these goods? I will invest half of this sum in my fleet, and the other half will be paid to other companies. Never mind, let them take it, but at the same time I will also build a fleet. It is bad enough not to build a fleet and even worse to pay 53 million pounds. For this reason I will establish a Maritime Transport Ministry.

Also, I have invited bids from abroad for those who wish to participate with us in the first stage of building a fleet. We are very, very backward in this field. We should have never been so backward in building a maritime fleet. A maritime fleet is one of the criteria by which the status of states and nations are judged these days.

Once again I return to the state authority and the rule of law, the state of establishing the liberalization of agriculture, industry, and economy, and the reorganization of the state departments. In these decisions I have raised the minimum wage. But I did not raise it to the level I want. Why? Because, as you know, we are engaged in a battle and in a state of war. I wish I was able to increase the minimum wage tenfold. After the battle, God willing, we will do so. But first we want to start walking from the beginning of the road. I have raised the minimum wage. God willing this will be included in the decisions that we have made and which are all here.

One point remains. That is that I do not believe that Cairo should be the center—that Cairo is everything. As the old saying goes, when a jar is broken in Qina the minister in Cairo is informed to approve the breakage. I have given the governors the powers of the president of the republic. This will come into effect as of 1 Oct God willing; that is, in 14 days.

All the provincial ASU committees and the ASU district secretaries will become people councils in the provinces. A people's council means the small council of the province. The governor and the heads of departments will become a miniature cabinet. Beginning 1 October, the people's council will meet with the governor and the heads of departments and will ask them to account for everything. The people's council, which is the ASU council, represents all the districts. It also includes the district secretaries. Not every grievance and complaint will come to Cairo. They must be solved there.

The terrible centralism that existed must end and the provinces must begin to assume their own powers. The powers will then be actually for the people, as I promised in the 30 March statement and as is stipulated in the constitution. This will begin on 1 October, God willing.

If a people's council in one of the provinces withdraws its confidence from any of the heads of the departments in the province concerned, this head of department will submit his resignation and will not be transferred by the ministry to another province. He will submit his resignation. He will not be given the satisfaction of transferring to another province. He must resign, because he has failed. The people will ask for an accounting on matters of irrigation, health, education, and everything else. The people will bring their rulers to account just as the People's Assembly here in Cairo will hold the government responsible.

I will sum up for you the principles of change that I told you about and that are contained in the constitution—which I am not supposed to read to you to avoid delaying you any further, because, of course, you are all waiting to spend the usual Thursday night watching television or listening to the radio—but these, God willing, will be issued by the cabinet in a week.

Therefore I will sum up the changes as follows: the sovereignty of the state and the rule of law; the state is a state of establishments; the liberalization of agriculture, industry, and economy; the reorganization of the government; the local administration and its application in letter and in spirit—not only words written in the constitution or mere slogans—as of 1 October, God willing; the raising of the minimum wage, and the implementation of work regulations.

This is the new organization in general.

Before I conclude my address to you I must reaffirm a concept I have spoken to you about. We are building a new state and we are using the defeat as a point of departure. We are doing all this for the battle. As I have said, the battle is our life, honor, and dignity. As I have said, the homeland's force will be commensurate with the force of every one of you. Everyone of us must indeed be a force by himself. His talents must be released for the sake of the prospective new edifice, to which each one of us is required to contribute. These decisions will not be implemented unless we all participate in their implementation. We should not only participate in their implementation, we must also safeguard their implementation. We should be on the lookout to prevent them from being deviated from, exactly like the constitution, which we must protect and guard while we are implementing it. Nobody should ever misinterpret it.

Again I say that the force of every individual among us ultimately constitutes the homeland's might. We are engaged in strife between right and evil. The battle will continue. The struggle between right and evil will last as long as their is life on this earth. These days, evil is fierce. It has resorted to lies, deception, and misleading. By God, let us endow right with ferocity. We will not, however, lie, deceive, or mislead. It will be a fierce right. We will not lie, deceive, or mislead like the evil I have mentioned is doing.

Despite all difficulties, brother men and women compatriots, and despite all difficulties I am confident that God almighty will grant us victory as long as our will power is one, our front is one, and as long as our objective are the same. The will of the people is the voice of almighty God. May God make you successful. Peace be with you.

[From the New York Times, June 10, 1971]

UNITED STATES SAYS ISRAEL VIOLATES GENEVA CONVENTION

(By Terence Smith)

The State Department says Israel violated the 1949 Geneva Convention by constructing large apartment projects in the former Jordanian sector of Jerusalem.

Charles W. Bray, the Department spokesman, said yesterday the United States continues to oppose any action by the Israeli government in occupied Arab territories which "could prejudice a peace settlement."

He specifically mentioned the sprawling apartment projects that have been constructed in the hills and valleys on the eastern side of Jerusalem, calling them a violation of the 4th Red Cross Convention on the protection of civilians in wartime that was signed in Geneva in 1949.

The convention, to which Israel is a signatory, prohibits an occupying power from transferring part of its population into occupied territory.

"We interpret this to include construction of permanent facilities which have the intent of facilitating a transfer of population," Bray said.

Despite American and international objections, Israel has formally annexed the former Jordanian sector of Jerusalem. Israeli citizens already have moved into the area that was under Arab control from 1948 until the June 1967 war.

Brady's remarks came in response to a question about whether Israel was using U.S. aid funds to develop the occupied areas. He said that the United States is satisfied that the funds were not being used for that purpose.

The spokesman said he had no specific knowledge of the reported construction of an Israeli factory in the Golan Heights, Israeli-occupied Syria, but that such an installation also would constitute a violation of the 1949 convention if it were built.

The United States first voiced its objection to the Jerusalem housing projects in February. The protest incensed many Israeli leaders and the minister of housing, Zev Sharef, promptly announced Israel's intention to proceed with the construction.

[From U.N. Monthly Chronicle, June 1970]

RECORD OF THE MONTH

SITUATION IN THE MIDDLE EAST

Security Council Condemns Israel for Action Against Lebanon.

The Security Council on 19 May condemned Israel for its premeditated military action against Lebanon on 12 May in violation of its obligations under the Charter and deplored its failure to abide by Council resolutions of 1968 and 1969. The resolution condemning Israel, sponsored by Zambia, was adopted by a vote of 11 in favour to none against, with 4 abstentions (Colombia, Nicaragua, Sierra Leone, United States).

The Council declared in the resolution that such armed attacks could not be tolerated and warned Israel that, if repeated, it would consider taking adequate measures, in accordance with the relevant articles of the Charter, to implement its resolutions. It also deplored the loss of life and damage to property inflicted as a result of the violations of Council resolutions.

On 12 May, the Council voted unanimously to demand the immediate withdrawal of all Israeli armed forces from Lebanese territory, when it adopted a proposal presented by Spain as an interim measure, without prejudice to further consideration of the matter.

The Council met on 12 May at the request of the delegations of Lebanon and Israel.

TEXT OF RESOLUTION 280 (1970)

THE SECURITY COUNCIL,

Having considered the agenda contained in S/Agenda/1537.

Having noted the contents of the letter of the Permanent Representative of Lebanon (S/9794) and of the letter of the Permanent Representative of Israel (S/9795),

Having heard the Statements of the representatives of Lebanon and of Israel,

Gravely concerned about the deteriorating situation resulting from violations of resolutions of the Security Council,

Recalling its resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969.

Convinced that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

Recalling its resolution 279 (1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory.

1. *Deplores* the failure of Israel to abide by resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969;

2. *Condemns* Israel for its premeditated military action violation of its obligations under the Charter;

3. *Declares* that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would in accordance with resolution 262 (1968) and this resolution consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

4. *Deplores* the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council.

[Record of the Month, July–August 1969]

Political and Security Situation in the Middle East—Security Council Censures Israel

The security Council on 3 July voted unanimously to censure in the strongest terms all measures taken to change the status of Jerusalem and deplored the failure of Israel to show any regard for General Assembly and Security Council resolutions on that city.

The Council had begun consideration on 30 June of a complaint by Jordan against Israel regarding measures taken in Jerusalem. The complaint stated that the measures were contrary to the Security Council resolution of 21 May 1968 concerning that city, and to the United Nations Charter.

The Council, in the resolution—which was submitted jointly by Pakistan, Senegal and Zambia—urgently called once more on Israel to rescind all measures tending to change the status of Jerusalem and refrain from all actions likely to have such an effect. It confirmed that all legislative and administrative measures and actions purporting to alter the status of Jerusalem, including expropriation of land and properties, were invalid and could not change that status. The Council requested Israel to inform it without further delay of its intentions regarding implementation of the resolution. The Council, in addition, determined that, in the event of a negative response or no response from Israel, it would reconvene without delay to consider further action. Finally, the Council requested the Secretary-General to report to it on the implementation of the resolution.

The paragraph calling on Israel to rescind all measures tending to change the status of Jerusalem was voted on separately and was adopted by 14 votes in favour to none against, with 1 abstention (United States).

TEXT OF RESOLUTION 267 (1969)

The Security Council,

Recalling its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES–V) and 2254 (ES–V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);

2. *Deplores* the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;

3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

4. *Confirms* that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

[Record of the Month, April 1969]

Political and Security Situation in the Middle East

Security Council Condemns Israel Air Attacks.

The Security Council on 1 April voted to condemn the "recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions". It warned Israel that if such attacks were repeated "further more effective steps as envisaged in the Charter" would have to be considered, and deplored the loss of civilian life and damage to property.

The Council acted by adopting a revised text of a draft resolution submitted by Pakistan, Senegal and Zambia. The vote was 11 in favour to none against, with 4 abstentions (Colombia, Paraguay, United Kingdom, United States). The draft, which was submitted on 29 March, was revised to include an operative paragraph reaffirming Council resolutions 248 (1968) and 256 (1968). Previously, the Council had considered complaints by Jordan and Israel at six meetings held between 27 and 29 March.

TEXT OF RESOLUTION 265 (1969)

The Security Council,

Having considered the agenda contained in document S/Agenda/1466,

Having heard the statements made before the Council.

Recalling resolution 236 (1967).

Observing that numerous premeditated violations of the cease-fire have occurred,

Viewing with deep concern that the recent air attacks on Jordanian villages and other populated areas were of a pre-planned nature, in violation of resolutions 248 (1968) and 256 (1968),

Gravely concerned about the deteriorating situation which endangers peace and security in the area,

1. *Reaffirms resolutions* 248 (1968) and 256 (1968);

2. *Deplores* the loss of civilian life and damage to property;

3. *Condemns* the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions and warns once again that if such attacks were to be repeated the Council would have to meet to consider further more effective steps as envisaged in the Charter to ensure against repetition of such attacks.

[Record of the Month, December 1968]

Political and Security Situation in the Middle East

SECURITY COUNCIL CONDEMNS ISRAEL

The Security Council condemned Israel on 31 December "for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions" following an attack against the civil International Airport of Beirut, Lebanon, on 28 December.

In a unanimously adopted resolution, the Council considered that such premeditated acts of violence endangered the maintenance of peace. A solemn warning was issued to Israel that "if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions". And the Council considered that Lebanon was "entitled to appropriate redress for the destruction it suffered, the responsibility for which has been acknowledged by Israel".

The Council had been called into urgent session three days earlier at the separate requests of Lebanon and Israel. Both requests were included in the revised agenda adopted by the Council. Also before the Council for its consideration were communications from the United Nations Truce Supervision Organization (UNTSO), regarding an inquiry conducted at the Beirut Airport on 29 December by United Nations Military Observers (UNMO). The Council debated the substance of the complaints by Lebanon and Israel on 29 and 30 December, adopting the resolution the following day.

TEXT OF RESOLUTION 262 (1968)

The Security Council,

Having considered the agenda contained in document S/Agenda/1462,

Having noted the contents of the letter of the Permanent Representative of Lebanon (document S/8945),

Having noted the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add. 107 and 103,

Having heard the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,

Observing that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,

Gravely concerned about the deteriorating situation resulting from this violation of the Security Council resolutions,

And deeply concerned about the need to assure free uninterrupted international civil air traffic,

1. *Condemns* Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;

2. *Considers* that such premeditated acts of violence endanger the maintenance of the peace;

3. *Issues* a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions;

4. *Considers* that Lebanon is entitled to appropriate redress for the destruction it suffered, responsibility for which has been acknowledged by Israel.

[Record of the Month, May 1968]

Political and Security Situation in the Middle East

SECURITY COUNCIL CALLS ON ISRAEL TO RESCIND MEASURES ON JERUSALEM

The Security Council on May 21 called urgently on Israel to rescind all measures already taken which tended to change the legal status of Jerusalem and to desist forthwith from further action of that kind. The Council took this action when it adopted a resolution sponsored by Pakistan and Senegal in a vote of 13 in favour, none against, with 2 abstentions (Canada, United States).

In the resolution, the Council deplored the failure of Israel to comply with General Assembly resolutions 2253 (ES–V) and 2254 (ES–V) on Jerusalem, adopted in July 1967, and stated that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem, were invalid and could not change that status. The Secretary-General was asked to report on the implementation of the resolution.

The Council, which on April 27 called unanimously on Israel not to hold a military parade scheduled for May 2 in Jerusalem to mark the anniversary of its independence, was informed on that date by the Secretary-General that the parade had been held as scheduled. The Council then adopted a second resolution by unanimous decision stating that it deeply deplored the fact that Israel, disregarding the Council, decision of April 27, had held the parade.

At meetings held from May 3 to 21, the Council continued consideration of Jordan's complaint about the situation in Jerusalem.

TEXT OF RESOLUTION

(S/RES/252 (1968))

THE SECURITY COUNCIL

Recalling General Assembly resolution 2253 (ES–V) and 2254 (ES–4) of 4 and 14 July 1967,

Having considered the letter (S/8560) of the Permanent Representative of Jordan on the situation in Jerusalem and the report of the Secretary-General (S/8146),

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions, Israel has taken further measures and actions in convention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

[Record of the Month, March 1968]

POLITICAL AND SECURITY

SITUATION IN THE MIDDLE EAST

Security Council condemns Israeli Military action.

The Security Council on March 24 voted unanimously to condemn the military action launched by Israel on March 21 on the territory of Jordan "in flagrant violation of the United Nations Charter and the cease-fire resolutions.

The Council, which met on March 21 to take up complaints by Jordan and Israel of renewed fighting in the Middle East, stated in its resolution that it "deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire" could not be tolerated and that it would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts.

Deploring the loss of life and heavy damage to property, the Council called on Israel to desist from acts or activities in contravention of resolution 237 of June 14, 1967, which asked it to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place. Finally, the Council requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

An earlier draft resolution, submitted on March 23 by India, Pakistan and Senegal, which would have had the Council condemn the military action launched by Israel "in flagrant violation of the United Nations Charter and the cease-fire resolutions" was not pressed to a vote. Under that proposal, the Council would also have warned Israel that military reprisals could not be tolerated and that it would have to consider measures envisaged in the Charter to ensure against repetition of such acts; call upon Israel to desist from acts or activities in contravention of the Council's resolution 237 of June 14 1967; and request the Secretary-General to keep the situation under review and to report to the Council as appropriate.

TEST OF RESOLUTION (S. RES. 248 (1968))

Having heard the statements of the representatives of Jordan and Israel,

Having noted the contents of the letters of the Permanent Representative of Jordan and Israel in documents S–8470, S–8475, S–8478, S–8483, S–8484 and S–8486,

Having noted further the supplementary information provided by the Chief of Staff of UNTSO as contained in documents S–7930—Add.64 and Add.65,

Recalling resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,

Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature.

Considering that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,

Recalling further resolution 237 (1967) which called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place.

1. Deplores the loss of life and heavy damage to property;

2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

4. Calls upon Israel to desist from acts or activities in contravention of resolution 237 (1967);

5. Requests the Secretary-General to keep the situation under review and to report to the Security Council as appropriate.

[July 1967]

THE SITUATION IN THE MIDDLE EAST

Resolution 2254(ES–V), as proposed by 8 powers, A/L.528/Rev. 2, adopted by Assembly on *14 July 1967, meeting* 1554, by roll-call vote of 99 to 0, with 18 abstentions, as follows: *

"The General Assembly,

"Recalling its resolution 2253(ESV) of 4 July 1967.

"Having received the report submitted by the Secretary-General,

"Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253(ES–V),

"1. *Deplores* the failure of Israel to implement General Assembly resolution 2253 (ES–V);

"2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution."

* * * * *

Abstaining: Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Iceland, Jamaica, Kenya, Liberia, Madagascar, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

Resolution 2256(ES–V), as proposed by 3 powers A/L.529/Rev. 1, adopted by Assembly on 21 July 1967, meeting 1558, by a roll-call vote of 63 to 26, with 27 abstentions, as follows:

"The General Assembly,

"Having considered the grave situation in the Middle East,

"Considering that the Security Council continues to be seized of the problem,

"Bearing in mind the resolutions adopted and the proposals considered during the fifth emergency special session of the General Assembly,

"1. *Requests* the Secretary-General to forward the records of the fifth emergency session of the General Assembly to the Security Council in order to facilities the resumption by the Council, as a matter of urgency, of its consideration of the tense situation in the Middle East;

"2. *Decides* to adjourn the fifth emergency special session temporarily and to authorize the President of the General Assembly to reconvene the session as and when necessary."

In favour: Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian SSR, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, Gabon, Ghana, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Japan, Laos, Liberia, Luxembourg, Madagascar, Malawi, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Sierra Leone, Singapore, Sweden, Thailand, Togo, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom, United States, Upper Volta, Uruguay.

Against: Afghanistan, Albania, Algeria, Burundi, Democratic Republic of Congo, Cuba, Guinea, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Pakistan, Saudi Arabia, Somali, Sudan, Syria, Tunisia, United Arab Republic, United Republic of Tanzania, Yemen, Zambia.

Abstaining: Cameroon, Ceylon, Congo (Brazzaville), Cyprus, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Guyana, Honduras, Indonesia, Iran, Israel, Kenya, Malta, Nigeria, Panama, Portugal, Senegal, South Africa, Spain, Turkey, Uganda, Venezuela, Yugoslavia.

[July 4, 1967]

Resolution 2253 (ES–V), as proposed by 6 powers, A/L.527/Rev. 1, adopted by Assembly on 4 July 1967, meeting 1549, by roll-call vote of 99 to 0, with 20 abstentions, as follows:

"The General Assembly,

"Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

"1. *Considers* that these measures are invalid;

"2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from talking any action which would after the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption."

Abstaining: Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Dahomey, Gabon, Iceland, Italy, Jamaica, Kenya, Liberia, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

[July 4, 1967]

Resolution 2252 (ES–V), as proposed by 26 powers A/L.526, adopted by Assembly on 4 July 1967, meeting 1548, by roll-call vote of 116 to 0, with 2 abstentions as follows:

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* At the same meeting, the representative of Malaysia stated that had he been present at the time of voting, his delegation would have voted in favour of the draft resolution.

"The General Assembly,

"Considering the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East.

"1. *Welcome with great satisfaction* Security Council resolution 237(1967) of 14 June 1967, whereby the Council:

"(*a*) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

"(*b*) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

"(*c*) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict;

"(*d*) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

"(*e*) Recommended to the Governments concerned the scrupulous respect to the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949,

"(*f*) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

"2. *Notes with gratitude and satisfaction* and endorses the appeal made by the President of the General Assembly on 26 June 1967;

"3. *Notes with gratification* the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

"4. *Notes further with gratification* the assistance which the United Nations Children's Fund is providing to women and children in the area;

"5. *Commends* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

"6. *Endorses,* bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

"7. *Welcomes* the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

"8. *Calls upon* all the Member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

"9. *Appeals* to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other inter-governmental and non-governmental organization concerned;

"10. *Requests the Secretary-General, in* consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;

"11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly."

Abstaining: Cuba, Syria.

[June 1967]

Resolution on humanitarian aspects of problems arising from hostilities; S/7968/Rev. 1–3. Argentina, Brazil, Ethiopia: revised draft resoluton.

Resolution 237(1967), as proposed by 3 powers, S/7968/Rev.3, and orally amended by Mali, adopted unanimously by Council on 14 June 1967, meeting 1361.

"The Security Council,

"Considering the urgent need to spare the civil population and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

"Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,

"Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict,

"1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

"2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;

"3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council."

[November 1966]

Resolution 228 (1966), as proopsed by Mali and Nigeria (S/7598) adopted by Security Council on 25 November 1966, meeting 1328, by 14 votes to 0, with 1 abstention (New Zealand).

"The Security Council,

"Having heard the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966,

"Having noted the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November (S/7593 and Corr. 1 and Add. 1),

"Observing that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,

"Reaffirming the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

"Recalling the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

"Reaffirming the necessity for strict adherence to the General Armistice Agreement,

"1. *Deplores* the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;

"2 *Censures* Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

"3. *Emphasizes* to Israel that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;

"4. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate."

S/7603. Note of 29 November 1966 by Secretary-General.

S/7656. Letter of 30 December 1966 from Israel.

McCULLOCH INTERNATIONAL AIRLINES: 1 YEAR OLD AND BOOMING

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HOSMER. Mr. Speaker, a year ago next month, a small supplemental air carrier opened its doors in Long Beach, Calif., despite a turbulent and generally pessimistic outlook for the air charter industry.

But the imagination and enthusiasm of McCulloch International Airlines has paid off to the tune of an estimated $14 million in gross revenue for 1971. The company's secret has been charter flights emphasizing personalized service and comfort for its passengers.

The September issue of Air Transport World magazine contains a cover story about president Jack Gallagher and McCulloch International. They have been a welcome addition to the Long Beach community and I am pleased to include this fine article in the RECORD.

The article follows:

McCULLOCH INTERNATIONAL SHOWS PROFIT IN DELUXE CHARTER HOPS: CALIFORNIA-BASED SUPPLEMENTAL SPECIALIZES IN FLIGHTS FOR GROUPS OF 50 TO 72 PERSONS

(By Ben H. Scarpero)

McCulloch Int'l Airlines is celebrating its first birthday as a certified supplemental U.S. carrier next month—with an already-established name for new ideas and new ways of creating charter business.

During the first quarter of 1971, a financially dismal period for a great many carriers, the Long Beach, California-based company turned in a profit of $257,000. Jack Gallagher, its president and chief executive officer, predicts that both the airline and its wholly-owned engineering and maintenance subsidiary, McCulloch Airmotive of Muskogee, Oklahoma—which he also heads—will stay firmly in the black and, in fact, become increasingly profitable.

Gallagher anticipates at least $14 million in gross revenues for 1971 from air carrier operations combined with payments for performance of outside engineering and maintenance.

For 18 years Gallagher was with New York Airways, the scheduled East Coast helicopter airline, in capacities which included those of chief pilot, and later, chief executive officer. Before that he flew for United.

Today, he has McCulloch Int'l doing things quite a bit differently from most supplementals.

At a time when many are concentrating on international group charters with large stretched-jet equipment employing saturation seating, or carrying large amounts of air cargo, McCulloch is selling charter flights stressing personalized and gracious service and comfort for groups of no more than 50 to 72 passengers.

Based on a "Discover America" (as well as "Discover Canada and Mexico") philosophy, these charters are being flown in 400-mile-an-hour Lockheed Electra II turboprops having deluxe interiors, with equipment kept spotless and in top maintenance at all times. Charters for smaller groups of seven to nine also are available in fanjets and other twins.

As a working base for its current efforts to expand its deluxe-type charter business, the supplemental carrier has a large backlog of charter contracts from its parent corporation, McCulloch Properties, Inc., at rates approved by the U.S. Civil Aeronautics Board.

It has landed several good government contracts during the past nine months, including ones with the U.S. Navy and National Aeronautics and Space Administration, and is looking for more business in this area.

For the time being, at least, the carrier's management team couldn't care less about air cargo and freight.

A year or so ago the outlook wasn't particularly promising. Gallagher and other executives of the diversified McCulloch organization certainly saw the many, frequently somber, headlines and articles about the air charter industry appearing throughout 1970—and responded to their challenge!

An *Air Transport World* story appearing in the issue of May, 1970, for instance, was headed: "Supplementals Hit by $7 Million Loss."

Despite this pessimistic industry picture, Gallagher and his management team pressed on with full throttle, in their decision to enter the turbulent air charter arena. And, during the same month in which the story above appeared, a CAB examiner recommended approval of the McCulloch interests' application to acquire Vance Int'l Airways Inc., of Seattle.

This certificated supplemental carrier took in total revenue of less than $200,000 for the first half of 1970, and it ranked last financially among the other 12 active U.S. supplemtntal airlines.

On September 18, McCulloch Properties, Inc. (MPI) acquired Vance for $1.5 million, climaxing three years of negotiations. MPI, the developer of colorful Lake Havasu City in Arizona and other new communities, is a subsidiary of the highly prosperous McCulloch Oil Corporation of Los Angeles. It employs about 500 salesmen in its U.S. real estate offices.

MPI owns the Lake Havasu City Airport, and bought and had shipped over from England historic London Bridge, to supply a traditional note to its Arizona property.

Virtually overnight, MPI transferred Vance carrier operations to Long Beach International Airport in Southern California, where MPI's aviation division, supporting its extensive land sales activities, had been located for almost seven years.

NAME WAS CHANGED

The big reason why McCulloch acquired the Vance certificate was to make maximum use of MPI aircraft in a potentially profitable mixture of land development and expanding commercial/military charters.

Three weeks after changing owners Vance also changed names. On October 7th, it became McCulloch International Airlines, Inc., a wholly-owned subsidiary of MPI and Southern California's only certificated supplemental carrier. Other events which also occurred both before and after that date, contrast vividly with the situation in most other sectors of the airline industry.

President Gallagher calls the airline's outlook right now "very bright, highly promising, and extremely challenging."

The bulk of 1971 business, according to Gallagher will be in real estate charters for MPI. But, by the end of this year Gallagher hopes the real estate charters will add up to only about 60% of total volume, compared with around 90 per cent at the beginning. The other 40 per cent is expected to come from various types of *outside* charters.

Gallagher foresees the ideal McCulloch Int'l market to be one comprising middle-size groups who want an exceptionally high type of service. Gallagher notes:

"The Electra II we fly is just the right size, and suits our purposes very well." We specialize in a configuration large enough to be economical, yet small enough to be informal. We are certain a large, untapped market exists for the type of service we provide. Future plans call for acquisition of small transport category pure jets, but these will be ordered only after the McCulloch Int'l management team is confident the move will be economically sound."

Most of the existing supplemental airlines, Gallagher feels, have barely scratched the surface in the field comprising the U.S. domestic scene and that of Mexico and Canada, where McCulloch Int'l also is authorized to fly.

The McCulloch Int'l story really goes back to 1963, when the MPI aviation division was started with one airplane. A fleet of Constellations was built up to fly up to 25,000 land sales prospects annually. By the end of 1969, five Lockheed Electra II aircraft having deluxe passenger accommodations had replaced the Connies.

Two more Electras were added in early 1970, as plans jelled for the anticipated acquisition of Vance.

And, in a $2.2 million transaction with American Airlines, MPI obtained additional aircraft and spares originally worth $17.5 million. Included were six more Electras, one of which was quickly sold at a profit; 19 engines (14 being quick change); 15 propellers; and thousands of spare parts. Additionally, there were varied items such as a completely-equipped work dock, shop testing equipment, and a fully-instrumented Electra cockpit simulator/procedural trainer.

Of the new Electras purchased, two probably will go into service very shortly, and the remaining three are available for outside purchase.

In the initial McCulloch aviation div. inventory were one luxurious 500-mile-an-hour Dassault Fan Jet Falcon seating nine passengers; one North American Rockwell Aero Commander carrying seven, and a plush Convair 240 fitted with 18 seats. These aircraft are being used primarily for executive corporate charter flights.

A second Falcon and a second Aero Commander were obtained in late 1970, and in February, 1971, a third Commander having turboprop engines making it nearly 70 miles an hour faster than the other McCulloch Commanders, was purchased.

Jack Gallagher joined McCullough Properties, Inc. on April 1, 1970 to become president of its future airline. An aeronautical engineer, airframe and engine mechanic, and also an airline pilot having both fixed and rotary wing aircraft ratings, Gallagher was with United Air Lines for eight years before helping to organize New York Airways in 1952.

Gallagher brought with him to Long Beach Edward S. Propper, a longtime assistant at New York Airways. Propper now holds the same title of VP-technical services which he had in the helicopter operation.

All the other key officers in McCulloch Int'l have wide backgrounds of air transport experience. Douglass E. Hofmann, the VP-operations, is a veteran pilot with 21,000 hours in his log book, and many years of service with Transocean Air Lines, a pioneering charter operation.

Francis J. Crews, VP-general services, is a long-time McCulloch aviation employe, and Richard Slee, the director of accounting, formerly was with Slick Airways and Airlift International. Laurence E. Jones, the director of marketing, is another Transocean veteran.

McCulloch Int'l recently increased its Electra flight crews to 15, bringing the total number of captains and co-pilots to 30. There are 15 flight engineers; 35 stewardesses are under Kathy Vaillancourt, the chief stewardess.

Operations, engineering, maintenance, communications and other basic functions in McCulloch Int'l are on full airline standards. Structures used by the carrier are being refurbished and expanded, and the carrier's facilities presently occupy a total of about three acres of leased Long Beach airport ground.

An additional maintenance hangar for the smaller aircraft called "The Falcon's Nest" has just been constructed and new office, shop, technical and training facilities added.

Cost studies and surveys are the order of the day at Long Beach.

COMPUTER USE

Engineering and maintenance functions, performed by about 80 people, have been reorganized and put under Propper's guidance. The maintenance people now are set up to feed data constantly into McCulloch Oil Co. computers to insure maximum engine and systems reliability through constant surveillance.

The supplemental airline also uses the corporate computers in many other ways, in an increasingly sophisticated approach to the air charter business.

Other airlines and aviation organizations are beginning to contract increasingly with McCulloch Int'l to obtain reliable maintenance, training and other services.

To qualify as a McCulloch Int'l Electra pilot, a minimum of 2000 hours of flight time is required. Each new pilot also must complete a two-month ground school program.

Last year McCulloch Int'l Electra IIs rang up more than 85 million passenger miles. They were flown 6156 hours, with an overall load factor of about 65 percent.

New charter operations of various types really got going during the last quarter of 1970.

The new activities included flying university football teams; campaign tours for Governor Ronald Reagan of California; flights for top motion picture performers and production crews, and transport of professional golfers from California to Arizona and Florida for championship tournaments.

Three *regularly scheduled* flights are made each week between Houston, Texas, and Huntsville, Alabama, to accommodate personnel of the U.S. National Aeronautics and Space Administration.

Current marketing efforts are being directed particularly at travel agents, tour operators, corporations conducting sales meetings and employe-incentive flights, cultural associations, and specialized military ops.

The supplemental airline began flights for the U.S. Navy in February, 1971, under a newly-obtained contract for transportation support between mainland facilities and San Clemente Island off the California coast. In April, there were 68 Navy flights, all on time, involving 2668 passengers.

Early in 1971, McCulloch Int'l received CAB approval of its application to operate regularly scheduled commuter service between Los Angeles/Long Beach and Lake Havasu City.

No direct service between these points had been available previously, and air passengers have had to fly 357 miles by doglegs, to traverse the 235-mile "crow flight" actually involved.

The 1971 McCulloch Int'l travel promotion program envisions "holiday tours" of three days and two nights to Lake Havasu City, with a look at London Bridge included.

The newest contract signed calls for five scheduled flights each week between California and Arizona for Lockheed Aircraft Corp. personnel.

Beside its Long Beach headquarters, the supplemental airline maintains stations at Lake Havasu City; Pueblo, Colorado; Fayetteville, Arkansas and Muskogee, Oklahoma. Operations, maintenance and catering personnel are at each place.

Gallagher predicts a minimum of 9320 flight hours on the Electras during 1971, compared with 6156 in 1970—an increase of more than 50%.

Monthly figures for the first quarter of 1971, however, far exceed his projections.

Of the two Falcons, one already has a block of 600 hours under lease, and the other has around 750 hours committed to McCulloch elements.

Gallagher feels that each of the company's two Falcons can hit the 900-hour mark—and even the 1000-hour one.

Two of the three Commanders are expected to fly at least 1350 hours on various charters, while a third one is already under full-time lease. Falcons and Commanders flew 579 hours during the first quarter of 1971.

The wholly-owned subsidiary of McCulloch Int'l—McCulloch Airmotive—primarily has the job of supporting the airline's overall needs. But already it is doing considerable outside work, and has several months of firm work orders.

At press time, new contracts for aircraft maintenance at Muskogee has just been signed with Reeve Aleutian Airways, one of Alaska's oldest scheduled carriers, and with Universal Airlines, a supplemental airline.

Wally Hanks, a former Boeing man, is VP and general manager of the facility.

Annual revenues at Muskogee have been about $327,000, but Gallagher—who is president and chief executive officer of McCulloch Airmotive—is confident that its first year under new management will produce revenues of approximately $2.2 million.

Says Gallagher of McCulloch Int'l and its first year of operations: "We know we have made a swift and clean takeoff and we look for clear skies ahead."

THE POLISH WOMEN'S ALLIANCE OF AMERICA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. COTTER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the 26th annual convention of the Polish Women's Alliance of America.

This outstanding group of 90,000 Polish-American women has been noted for its numerous humane activities. For example, 3 years ago the alliance was instrumental in establishing an artificial lens factory in Katowice, Poland. The reason for this activity was that many citizens had not had new glasses since World War II because of the lack of production facilities. This new plant helped remedy that serious situation.

Even earlier, at the close of World War II this dedicated group of Polish-American women worked actively to finance the reconstruction of a number of convents that had been destroyed during the war, and the alliance still contributes to the support of these convents.

These and other similar activities of the alliance deserve the highest praise. The Polish Women's Alliance of America represents the finest humanitarian instincts. It is a measure of the alliance's dedication that they are unwilling to rest from their labors.

Their future activities include strengthening their scholarship program for deserving students and the continuing support of various religious orders. I wish them every success in their current and future efforts.

We in Hartford are honored that the Polish Women's Alliance of America will hold its annual meeting in Hartford, Conn., this year. This meeting, which extends from September 25 until September 30, marks the first time that the alliance has held its convention in New England. The State president, Mrs. Julia K. Leniart, will preside and Mrs. Barbara A. Mikulski of the Community College of Baltimore will be guest speaker. The program will include a pontifical mass at the Sts. Cyril and Methodius Church.

Mr. Speaker, I know the other Members of the House will want to join with me in wishing success to this great humanitarian organization.

RALPH NADER AND THE AMERICAN AUTOMOBILE ASSOCIATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. KOCH. Mr. Speaker, this week the American Automobile Association is holding its annual convention in New York City. This event might have gone unnoticed if it had not been for the AAA's refusal to allow Ralph Nader to address the convention. Surely, there is no single man in this country who has more effectively represented and promoted the auto consumer's interests.

Mr. Speaker, I cannot say that I was surprised by the AAA's refusal to allow Mr. Nader to speak. The organization has always warmly embraced the auto industry and undoubtedly subscribes to its favorite adage:

> What's good for General Motors is good for the country.

Ralph Nader, more than any other single individual has challenged this concept and the safety of the automobiles sold to the American public.

What I did find shocking, however, was the personal attack leveled against Mr. Nader by AAA's president, Mr. William B. Bachman. In a statement before the convention, Mr. Bachman stated that Mr. Nader is not a consumer spokesman but a "dictator" supported by "sycophants."

How a man who, with relatively little help from others, challenges the establishment and status quo can be called a dictator is difficult to understand. And for the president of an organization, so unwilling to challenge the automobile industry that it still does not support mandatory seat belts and shoulder harnesses, to call Mr. Nader's supporters "sycophants" is ludicrous.

Mr. Bachman indicated that the AAA had refused Mr. Nader's request to speak because "we knew what he would say." Was it that they knew what he was going to say or thought they would not like what he was going to say—and perhaps feared the challenge he would present them?

Mr. Bachman says that he thinks the AAA has been doing a good job in representing consumer interests. And yet, while the AAA generates about $1 billion annually and holds the position that seat belts should be optional, it has not been able to launch a large educational seat belt campaign because of "limited resources." Mr. Nader has suggested that the AAA run a new car test program, but again the AAA pleads insufficient funds.

The Triple A has great road maps, but what else is it doing for the consumer?

MR. WENDELL KEIGER IS STOKES COUNTY, N.C., FARMER OF THE YEAR

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIZELL. Mr. Speaker, I am pleased to announce to my colleagues at this time that Mr. Wendell Keiger, of King, N.C., has been selected as Stokes County Conservation Farmer of the Year for 1971.

With a great deal of help from his family, Mr. Keiger has continued a successful tradition of dairy farming that dates back to 1804 when Mr. Keiger's great-great-great-grandfather first established the farm.

Now, five generations later, Mr. Keiger and his family continue to demonstrate how that same farm has prospered through the years. Last year, the Keiger family was named one of North Carolina's Century Farm Families, and this latest award is further testament to their hard work, dedication, and skill.

The King Times-News edition of September 9, 1971, published a front-page article heralding the selection of Mr. Keiger as Stokes County Conservation Farmer of the Year and at this time, I would like to include the text of that article in the RECORD.

I am sure my colleagues in the House join me in extending congratulations to Mr. Keiger and his family for this outstanding achievement.

The article follows:

STOKES "FARMER OF YEAR" IS NAMED HERE

Wendell Keiger, of King, has been selected as "Stokes County Conservation Farmer of the Year." He and his son, Weldon, operate a 159 acre dairy farm. Mrs. Keiger and the Keiger daughter, Beth, complete the team of the successful farm operation in King.

At the present the Keigers are milking 35 head of cows and have another 25 head of heifers and calves.

Aside from farming the Keigers are active in the Farm Bureau, FCX in King, American Legion, Trinity United Methodist Church and are a member-producer of Dairy Incorporated.

Last year the Keigers were guests at the N.C. State Fair at Raleigh where they were presented a certificate as being one of the Century Farm Families of North Carolina. The farm has been in the family since 1804. Mr. Keiger is the 5th generation and his son will be the 6th generation on the farm. One daughter is away at school and one is a senior at South Stokes High School.

Aside from her many outside activities Mrs. Keiger has found time to beautify the yard with a lovely grouping of flowers and shrubbery.

Some of the established conservation practices that Mr. Keiger practices on the farm are crop rotations, grass waterways, field borders, strip cropping, terracing, pasture seeding and management, a farm pond and his most recent is corn and sorghum planted to no-tillage.

He has a two-row coulter typer for planting his corn or sorghum to no-tillage. The only soil disturbed is a narrow slit made by a rolling coulter and a press wheel firms the soil over the seed. It has proven to be one of the best methods in preventing soil erosion; it also conserves moisture and the farmer operator's time. It allows more crops to be grown on the land due to the reduction in land preparation time prior to planting.

As an example, this spring on some fields Mr. Keiger was able to make a hay crop and then seed to no-till corn or sorghum. This year he has no-tilled approximately 11 acres of corn and three acres of sorghum.

Soon a picture of the Keiger barn will be exhibited in FCX stores across the state of North Carolina. This beautiful barn is painted a dark red and trimmed in white.

The Soil and Water Conservation District is especially pleased with the good conservation practices that the Keiger family is carrying out on their farm and the contribution they are making toward the preservation of our natural resources in Stokes County.

ON THE MORALITY OF BUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, the Scripture teaches us "to love thy neighbor as thyself."

Unfortunately, our pseudo-intellectual extreme left-wing super-liberal leaders refuse to follow this commandment in dealing with their neighbors' children. They continue to demand that busing be used to forcibly integrate America's schools and establish some unnatural theory of "proper racial proportions." Yet, they would not countenance sending soldiers with fixed bayonets to force adult Americans to attend a cocktail party or jump into a swimming pool and would react violently to any attempt to force them into such a situation and deny them the right to chose their associates.

But, children and adults are one and the same—human beings being forced to do something against their choice and in many instances against their conscience. It is immoral and unthinkable in these progressive times; it is "no different from the tramping boots" of the Communist, Nazi, Fascistic or liberal police state.

I include a related editorial from the Wall Street Journal of February 26, 1971, discussing in rational terms the immorality of the situation, in the RECORD and call the attention of my colleagues to its clear, logical statement of fact:

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is, *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any pleas that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions, there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the talk of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preference—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "Tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation, but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus badly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard, bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the

forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be re-stated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

MISS IDA ROWAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I think it is appropriate that I call to the attention of the House the death of Miss Ida Rowan, of Tupelo, Miss., who for many years was associated with the Committee on Veterans' Affairs. She was one of the first persons I met on the staff of the committee after I was elected to Congress and assigned to the committee. She had worked for many years for the chairman of the committee, the late Honorable John E. Rankin, who came from her hometown. She was possessed of an exceedingly pleasant personality and was the soul of cooperation with me and with all other members of the committee during the years of her service.

Prior to the 90th Congress, she had served not only as clerk of the Committee on World War Veterans Legislation, but also had seen service in the office of the chairman, Mr. Rankin. When the Legislative Reorganization Act was placed into effect on January 1, 1947, she was assigned to the professional staff of the committee. She remained on the staff of the committee until she retired in 1960. I am sure that all the Members who are here today and who had personal contact with "Miss Ida" will be sorry to know of her passing and will sympathize with me in our loss since another friend has left us.

CONSERVATISM—THE WAVE OF THE FUTURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CRANE. Mr. Speaker, it has long been said that conservatism could not win at the polls, that the American people had somehow rejected that political philosophy in 1964, and that the movement toward total government, national weakness, and an acquiescent foreign policy was, somehow, inevitable.

Yet, despite the frequent announcements of its demise, conservatism remains a vital and vibrant force on the American political scene. There are many today, and not all of them conservatives, who believe that the majority of the American people support such traditional concepts as a society which maximizes freedom, maintains order, provides for security, and strives for lasting peace through continued strength.

Recently, the Young Americans for Freedom, an organization of students and other young Americans who are devoted to the advancement of a free society, met in convention in Houston, Tex. Addressing this group was the junior Senator from New York, a conservative leader from what we had always been told was the heartland of a different and contrary political philosophy.

Senator James L. Buckley told the young people in Houston that—

> I stand before you as 1970's Exhibit A to the fact that the currents of conservatism continue to run strong and deep in the American spirit.

He pointed out that YAF had assisted in his victorious campaign for the U.S. Senate and had "provided leadership and organizational strength to the largest group of student volunteers to work for any candidate anywhere in the United States during the 1970 campaign."

Senator Buckley stated that—

> I believe a majority of Americans now sense that the liberal creed has proven its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic.

He cautioned his audience about the deterioration of America's strategic position:

> We have reached a point where we have already fallen behind Russia in important areas of conventional armament, and where the credibility of our strategic deterrent capacity will soon have reached the vanishing point.

Senator Buckley's speech was hailed in an editorial in the New York Daily News. The News stated that—

> It seems more than possible that it was a preview of the way most Americans are going to be thinking and acting for some years to come.

I wish to share Senator Buckley's eloquent remarks, as well as the editorial from the New York News with my colleagues, and insert them into the Record at this time:

ANOTHER SPEECH

—which we'd like to discuss here was delivered by another distinguished American.

This one was uttered at the Young Americans for Freedom convention in Houston by Sen. James L. Buckley (C–R–N.Y.); and it seems more than possible that it was a preview of the way most Americans are going to be thinking and acting for some years to come.

A key passage in the speech:

"You and I know, as I believe a majority of Americans now sense, that the liberal creed has proved its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic. But the myths of liberalism, the ghosts of liberalism, still haunt the land, and it will take time and patience and faith to exorcise the last of them."

That some of those myths and ghosts already are blowing away on a conservative wind was noted with great satisfaction by Sen. Buckley and his YAF listeners.

It now is fashionable, said Buckley, "to urge a firm stand against violence on the campus . . . to warn against the faceless bureaucrats in Washington . . . to support the volunteer army . . . outside the South to suggest that forced busing [of schoolchildren to further integration] will not work."

To which, permit us to add that the time may not be far off when Congress will get up the courage to cut over-ambitious and too-powerful labor moguls down to size via right-to-work and antitrust laws, and to put some real restraints on welfare and relief dispensers who now seem bent on bleeding the taxpayers into fiscal anemia.

We could be wrong (it wouldn't be the first time), but Sen. Buckley and the Conservative Party in New York State look like triple threats to the professional liberals in both of the old parties. And certainly they are persons for all students and connoisseurs of politics to keep under close and interested observation for a long time to come.

YAF Convention, September 3, 1971, Houston, Tex.

As a long time admirer of Young Americans for Freedom, I am delighted that I am finally able to catch up with so large and representative a group of you.

The mundane demands of earning a living made it impossible for me to be present at your founding convention at my family's place in 1960. Nor could I be on hand for your tenth anniversary celebration in Sharon last year—this time because of the superior claim of the San Gennaro Festival in Lower Manhattan on any New York political candidate's time.

But here I am, just one year later, as your breakfast fare—mirabile mirabilorum, as a United States Senator, a product of those same forces which brought you into existence in the first place and which you in turn have done so much to strengthen.

I stand before you as 1970's exhibit A to the fact that the currents of conservatism continue to run strong and deep in the American spirit. And in a very real sense, I stand before you as exhibit A of what can be accomplished through the well-coordinated, intelligently channeled and constructive enthusiasm of which YAF seems uniquely capable.

So, I want to take this occasion to say "thank you" to the board of directors and officers and members at large of Young Americans for Freedom. Most especially, I want to express my thanks and appreciation to the members of your New York chapter. They provided leadership and organizational strength to the largest group of student volunteers to work for any candidate anywhere in the United States during the 1970 campaign. New York's political commentators are still trying to find some explanation other than the obvious one as to why so many intelligent young men and women should have poured so much of their time and money into a campaign dedicated to such neanderthal ideas as to the proper conduct of this country's affairs. Most particularly, I want to express my appreciation to Herb Stupp and Lynn Courter for their splendid job in directing my youth volunteer operation. My admiration for their skill and perseverance is unlimited.

Ladies and gentlemen, I thank you from the bottom of my heart. When the call for help went out, YAF was there . . . and YAF stayed on the job right through election day.

I hope that what you helped accomplish in New York last fall will prove antidote enough against the creeping despair which sometimes blunts the edge of conservative efforts. When we see the reckless path on which the country continues to move, when we contemplate the enormity of the obstacles which must yet be overcome, it is easy to yield to the temptation to wonder whether the struggle is worth the while. Yet if we take an objective view of American political developments over the past decade, we find ample signs of progress, ample reason for confident hope.

In 1960, when YAF was founded among snickering predictions that it would have a life of a year or two at the most, who would have predicted a Goldwater candidacy just four years away? It is fashionable, I know, to write off that candidacy as an unmitigated disaster, as the great political debacle of the age. I respectfully submit, however, that this assessment is profoundly wide of the mark. I am convinced that future historians will record that in 1964, a man of courage and principle from Arizona mobilized forces which ultimately changed the course of American politics. The Goldwater campaign measured the depth and the extent of conservative sentiment in this country. For the first time in years, the true issues were sharply defined; and conservatives throughout the land came to know that they weren't alone, that their views on the critical issues continued to have an authentic appeal for the American public.

I submit that the Goldwater campaign sparked the reawakening of a broad-based, conscious conservatism which is reflected today in the robust growth of YAF, in the spawning of a dozen significant new conservative authors, and in the election and reelection of a Phil Crane in Illinois and a Ronald Reagan in California, and most recently by the election of a Bill Archer in Texas and of a Jack Kemp in New York. And I most firmly believe that but for the forces set in motion by the Goldwater campaign in 1964, I would not today be addressing you as the junior Senator from New York.

But a counter-revolution is not effected overnight. We must accept the fact that even dead ideas have their own momentum; and that in the political process, there is an inertia which will return incumbents to office long after they have ceased to reflect the views of their constituents. It is not enough, therefore, that the liberal panaceas have been proven unworkable, or that a majority of Americans now take the conservative view on most of the major issues. We as a nation will not achieve true reform until we have rid ourselves of habits of thought implanted by decades of liberalism, or until we have effected a basic shift in the balance of power within the United States Congress.

The persistence of liberal myth in the face of devastating failure is nowhere better illustrated than in my own backyard. I speak, of course, of New York City. You will recall that just six years ago, in the year of our Lord 1965, young John V. Lochinvar came riding out of the left to rescue our fair city from those tired Tammany hacks who had brought her to such low repute. In due course, he was annointed lord mayor, and he promptly proceeded to apply to New York all the magic nostrums known to the elders of the liberal party and of the New York Times, that he might rid the city of unemployment and crime and slums and welfare and bossism.

But lo, by the sixth year of his reign, the city had become a veritable wasteland. Violent crime had not only stubbornly failed to vanish, it had insisted on rising to new highs year after year, with 1971 promising to be the banner year of them all. Welfare rolls had more than doubled to 1.2 million persons, one out of every seven New Yorkers, even as half a million residents sought refuge in presumably greener and certifiedly safer pastures elsewhere. Though he managed to balance the budget while holding the rise in city expenditures to an austere 100%, this did require certain upward adjustments in the sales and property and income and beer and cigarette and stock transfer and even hot dog taxes. He did succeed in driving out a large number of bosses. The only trouble was that they didn't happen to be political bosses. Rather, they were of that other variety who invest money, create jobs, and pay taxes. Now all the sages of Manahatta—the chieftains of the media and of academe—all agreed that whereas evil times had most certainly befallen fun city, none of the blame therefor was to be attached to the lord mayor or to the magic remedies he had applied—which were, after all, the remedies which they themselves had long been advocating. Rather, the blame was to be fixed on the insensitive parsimony of the Duke of Albany or on that of Camelot itself. And so they applauded young John V. Lochinvar when he determined to venture forth to challenge the reigning monarch for control of Camelot; in order, no doubt, that he might apply to all the realm those same remarkable remedies which had achieved such astonishing results in New York City.

Now I wish this little tale could be written off as a fable of doubtful current relevance. Unfortunately, as you all know, it is an all too true-to-life adventure which reveals so very much about the character of contemporary liberalism and of the times in which we live.

You and I know, as I believe a majority of Americans now sense, that the liberal creed has proven its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic. But the myths of liberalism, the ghosts of liberalism still haunt the land, and it will take time and patience and faith to exercise the last of them.

This is the great task which lies ahead of us. We must bear effective witness to the great truths which alone can make men free. This is the mission which young Americans for Freedom have adopted as their own from their earliest days, a mission which they have pursued with a sure grasp of essentials which time and again have placed them in the vanguard of American thought. What is more they have shown the moral, and at times the physical, courage to advance hard but correct positions in the face of fierce hostility.

Time and time again, the nation at large has had to discover what YAF knew long before. One hates to say "I told you so," but sometimes it needs saying:

It is now fashionable, for example, to urge a firm stand against violence on the campus. But let the Nation recall: YAF was urging it years ago.

It is now fashionable to warn against the faceless bureaucrats in Washington. But let the Nation recall: YAF was issuing that warning years ago.

It is now fashionable to support the volunteer Army. But let the Nation recall: YAF was advocating one years ago.

It is now fashionable outside the South to suggest that forced busing will not work. But let the Nation recall: YAF was saying it years ago.

YAF has never been afraid to stick its neck out when it thought principle was at stake; it has never feared to champion unpopular causes; and it has never had occasion to consult with George Gallup or the New York Times before acting.

For all this, you have just cause to be proud. But it is time once again to match your past acomplishments with a program for the future. You are assembled here to map your course over the next 2 years. As you deliberate, I would like to suggest a few areas on which you may wish to concentrate your fire.

The first and foremost of these has to do with the re-recordering of our priorities. In saner times, it would be apparent to all that the first obligation of any society is to assure its own survival; and any objective view of the alinement of forces around the globe today should satisfy the most wistful optimist that our National Security, and therefore the security of the West, has never been under so great a potential threat. Yet today, as a result of a decade of neglect on our part, and as a result of an astonishingly energetic and sustained program by the Soviets to modernize and expand every element of their forces, we have reached a point where we have already fallen behind Russia in important areas of conventional armaments, and where the credibility of our strategic deterrent capacity will soon have reached the vanishing point. This is not an exercise in scare talk of the kind which the pentagon is accused of unleashing at defense appropriation time. It is the sober judgment of the editors of the authoritative *Jane's Fighting Ships* whose latest edition predicts that by 1975, the Soviets will have the capacity to destroy, in a first strike attack, virtually all of our strategic nuclear weapons; to destroy, that is, the American deterrent force on which the free world has relied for its security since the end of the second world war. The implications are as self-evident as they are ominous. To put it graphically, if we do not begin to rearm and to develop new and more sophisticated offensive and defensive weapons on a crash basis, we will soon find that in a future Cuban missile confrontation, it will be the United States and not the Soviet Union which will be forced to back down. And once we begin backing down under pressure here and there around the globe, we will court the disaster of a third world war. Because aggressive nations seem inevitably to overestimate the readiness of free men to retreat.

I suggest, therefore, that no more important task faces you than to help sound the alarm and to alert the American people as to the sober facts regarding our deteriorating military power. I have no doubt that once the American public is convincingly informed of the deadly seriousness of our position, they will demand that we once again place defense at the top of our list of national priorities. Because to do otherwise is to court national disaster.

On the domestic front, I know of no better standard by which to measure any and every new proposal for action at the Federal level than that which is provided by the central theme of this year's state of the Union message. I speak of Richard Nixon's assertion that this country's most urgent need is to reverse the historic flow of power to Washington. To my mind, this statement of purpose, and I believe it to be a totally sincere one, is the most refreshing and significant proposal to be made by any American President in this generation. It is a statement of purpose which provides us with a clear standard against which to assess and plan for new Federal action—A standard, I might add, which from time to time we will need to apply to proposals which emanate from the White House itself.

By this standard, the proposals for six special revenue sharing programs which would collapse more than 10 existing Federal bureaucracies and return their powers to the States and localities, these programs deserve your active support. By the same token, the family assistance program which has emerged from the House Ways and Means Committee clearly fails to meet the test, and therefore deserves to be opposed with equal vigor.

I believe that if you analyze these and other proposals in terms of their effect on the concentration or diffusion of power, you will be speaking in terms which the average American increasingly understands as he increasingly finds himself crowded by bureaucratic decisions which he feels powerless to control.

There is one area, however, where I fear the American public still needs a great deal of basic educating—understandably so, because local and State officials and the so-called opinion makers have still to learn the basic fiscal fact of American life. We need to constantly remind the public that money is not created in Washington; that the money which Washington so freely spends is money which it either picked out of their pockets in the form of taxes, or which is in effect embezzled from their savings and insurance policies and pensions through the attrition of inflation.

I hope you will devote a considerable part of your energies to helping the American public realize that the Federal Government is on the verge of spending itself into oblivion. A recent study by the Brookings Institution—hardly a conservative organization—concluded that between now and 1976, already programed growth in existing Federal commitments will use up virtually all the extra Federal revenue generated by the growth of the economy—and that is assuming (a) that no new programs are enacted, and (b) that we have unemployment of 4% or less. Yet in the few months since the Brookings Institution issued its report, the Congress has already enacted a number of totally new programs which will ultimately cost tens of billions of additional dollars. Quite clearly, something has got to give somewhere.

If we are finally to achieve some sort of fiscal self-discipline at the national level, we must reach not the politicians who will seek the easy way out, but the public who ultimately has to pay the bill and who can develop new standards by which to judge political performance. We must convince the voter—we must convince, most especially, the voters who earn between $7,000 and $15,000 a year and who provide the Federal Government with the great bulk of its personal income tax revenues, that dollars spent by Washington are the most expensive dollars—expensive because of the inherent waste associated with centrally directed programs; expensive in terms of the inflation which robs the prudent of their savings and which condemns increasing numbers of our aged to a state of dependency; and expensive in the whittling away of individual freedom because of the controls which are inevitably attached to monies dispensed by Washington.

During the years immediately ahead, I would also urge you to take an active interest, a constructive interest, in two areas of great current concern which conservatives have too often left to liberals by default. The first of these has to do with the necessary task of coming to terms with our environment. For millennia, man had assumed that the earth and water and air had an infinite capacity to absorb his wastes. We have found out the hard way, however, that these resources are finite, and that we must now seek effective ways to make our activities compatible with the natural world in which we live and on which our lives depend. The kind of balanced judgment and perspective which is the hallmark of conservative thinking is vital to the analysis of our environmental problems and to the proposal of sound, workable solutions to them.

The other area which so clearly demands conservative thought and action has to do with the very real problems still faced by some of our minorities. We must recognize that still too many black Americans are afflicted by that centuries-old legacy of dependency which is their unique burden. Therefore, special measures are not only justified but required by considerations of elemental justice.

Again, because conservative thinking and analysis is predicated on the realities of human nature and human experience, we are in a special position to propose measures which will achieve real progress. We understand that human beings can never achieve dignity and self-confidence except through self-achievement; that the surest way to true equality lies through economic integration and the mutual respect and self-respect which will come with it. These will not be achieved by exercises in paternalism or by using human beings as pawns in experiments in social engineering.

As we seek to widen the opportunities open to all Americans; as we work to make sure that each American child has access to the best education and training required to develop his innate capacities, we must at the same time have the courage to oppose those programs, however fashionable, which we know will have the opposite effect, knowing that some will impugn our motives. Specifically, it is time to acknowledge, along with growing numbers of thoughtful minority leaders, that forced busing aids neither the cause of education nor that of racial harmony.

The time, the money and the expertise now being squandered on the logistics of busing ought instead to be invested in quality education and training for each American child, recognizing that those from the most deprived backgrounds will require the greatest assistance and the most skilled instruction. Let us work together, then, to create better schools for all. Let us move to remedy the effects of racial injustice. But let us not use the children as pawns to please some current social theory that was not here yesterday and may not be here tomorrow. But in speaking out against forced busing to achieve racial balance, we must guard against the counsels and the voices of the past. The true conservative response is not exemplified by the Governor of Alabama. George Wallace standing in the school house door isn't going to solve anything. We passed that point, and God willing, we will never go back.

Lastly, I want to encourage you to continue your fine work among the youth of this Nation. The next few years will be critically important ones. The enemies of freedom have never been more powerful. Over the next crucial period we shall need young men and women of great heart and of courage, of vision and of honor—young men and women whose understanding of the good life is contaminated neither by dreamy visions of Utopia nor by the ignoble appeal of sensuality.

Above all, do not yield to the temptation to throw up your hands and say "What's the use?" Emigrating to Australia or joining a commune are not the answer. If the United States surrenders to the authoritarian forces of our times—whether they be external or internal, it does not matter—then the world will follow us into an eclipse of freedom. Given today's realities, there will be no hiding place down here if America ceases to be free and strong.

But I am not urging you to a holding action. I suggest that the tide is turning, and that you can help channel its future course. The spotlight is being focused as never before on what you do and what you say; and the views which you articulate, the views of a responsible young America which has kept the faith, which understands America and her institutions, those views will be listened to and weighed by the public and, I have reason to believe, by the White House itself.

In the days ahead, the Nation will be increasingly dependent upon the virtues which have marked YAF since its earliest days. It will fall to the conservative movement to show the world that the American political system continues to be essentially sound; that it remains—warts and all—the noblest frame of government ever created by man; and that we shall not stand idly by while some desiccated group of despairing liberals try to run it down.

Let us resolve, therefore, to renew our faith in this great land, and to acknowledge our debt to the past by continuing to work for the future. I know that YAF will lead the way.

LEST WE FORGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PICKLE. Mr. Speaker, 7 years and 182 days ago Capt. Floyd Thompson became a prisoner of war in Vietnam. He is still there. He is still a prisoner.

In the past 7 years and 182 days we have held two presidential elections. We have put a man on the moon. We have seen the coming of the 18-year-old vote, and we have seen the passing of most of an entire generation of political leaders.

In the past 7 years and 182 days the Vietnam war has gone through a drastic wind up and the current wind down. We have watched the coming and the full fury of the race and ghetto riots. And the Army in which Captain Thompson served has itself changed more than probably he could imagine.

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On the domestic front, I know of no better standard by which to measure any and every new proposal for action at the Federal level than that which is provided by the central theme of this year's state of the Union message. I speak of Richard Nixon's assertion that this country's most urgent need is to reverse the historic flow of power to Washington. To my mind, this statement of purpose, and I believe it to be a totally sincere one, is the most refreshing and significant proposal to be made by any American President in this generation. It is a statement of purpose which provides us with a clear standard against which to assess and plan for new Federal action—A standard, I might add, which from time to time we will need to apply to proposals which emanate from the White House itself.

By this standard, the proposals for six special revenue sharing programs which would collapse more than 10 existing Federal bureaucracies and return their powers to the States and localities, these programs deserve your active support. By the same token, the family assistance program which has emerged from the House Ways and Means Committee clearly fails to meet the test, and therefore deserves to be opposed with equal vigor.

I believe that if you analyze these and other proposals in terms of their effect on the concentration or diffusion of power, you will be speaking in terms which the average American increasingly understands as he increasingly finds himself crowded by bureaucratic decisions which he feels powerless to control.

There is one area, however, where I fear the American public still needs a great deal of basic educating—understandably so, because local and State officials and the so-called opinion makers have still to learn the basic fiscal fact of American life. We need to constantly remind the public that money is not created in Washington; that the money which Washington so freely spends is money which it either picked out of their pockets in the form of taxes, or which is in effect embezzled from their savings and insurance policies and pensions through the attrition of inflation.

I hope you will devote a considerable part of your energies to helping the American public realize that the Federal Government is on the verge of spending itself into oblivion. A recent study by the Brookings Institution—hardly a conservative organization—concluded that between now and 1976, already programed growth in existing Federal commitments will use up virtually all the extra Federal revenue generated by the growth of the economy—and that is assuming (a) that no new programs are enacted, and (b) that we have unemployment of 4% or less. Yet in the few months since the Brookings Institution issued its report, the Congress has already enacted a number of totally new programs which will ultimately cost tens of billions of additional dollars. Quite clearly, something has got to give somewhere.

If we are finally to achieve some sort of fiscal self-discipline at the national level, we must reach not the politicians who will seek the easy way out, but the public who ultimately has to pay the bill and who can develop new standards by which to judge political performance. We must convince the voter—we must convince, most especially, the voters who earn between $7,000 and $15,000 a year and who provide the Federal Government with the great bulk of its personal income tax revenues, that dollars spent by Washington are the most expensive dollars—expensive because of the inherent waste associated with centrally directed programs; expensive in terms of the inflation which robs the prudent of their savings and which condemns increasing numbers of our aged to a state of dependency; and expensive in the whittling away of individual freedom because of the controls which are inevitably attached to monies dispensed by Washington.

During the years immediately ahead, I would also urge you to take an active interest, a constructive interest, in two areas of great current concern which conservatives have too often left to liberals by default. The first of these has to do with the necessary task of coming to terms with our environment. For millennia, man had assumed that the earth and water and air had an infinite capacity to absorb his wastes. We have found out the hard way, however, that these resources are finite, and that we must now seek effective ways to make our activities compatible with the natural world in which we live and on which our lives depend. The kind of balanced judgment and perspective which is the hallmark of conservative thinking is vital to the analysis of our environmental problems and to the proposal of sound, workable solutions to them.

The other area which so clearly demands conservative thought and action has to do with the very real problems still faced by some of our minorities. We must recognize that still too many black Americans are afflicted by that centuries-old legacy of dependency which is their unique burden. Therefore, special measures are not only justified but required by considerations of elemental justice.

Again, because conservative thinking and analysis is predicated on the realities of human nature and human experience, we are in a special position to propose measures which will achieve real progress. We understand that human beings can never achieve dignity and self-confidence except through self-achievement; that the surest way to true equality lies through economic integration and the mutual respect and self-respect which will come with it. These will not be achieved by exercises in paternalism or by using human beings as pawns in experiments in social engineering.

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In the past 7 years and 182 days we

"This was ridiculous," I declared, but my protest fell on deaf ears.

Both Mr. Shuster and I then proceeded to make personal statements, both to protest the highhandedness of the Soviet action and record some of our observations relating to the status and rights of Jews in the Soviet Union.

SPIRITUAL GENOCIDE

We insisted that a deliberate campaign to eradicate the soul, spirit and heart of our Jewish heritage—spiritual genocide—had been undertaken. The lack of Jewish books, Jewish music, Jewish culture was no accident. It was part of a calculated campaign to extinguish Jewish identity and pride.

In our statement, we pointed out that in Kiev, a determined effort to blot out the tragic death of 100,000 or more Jews at Babi Yar was insulting to the next of kin of these victims and to all Jews. For over 25 years, not a single marker to record the site of this tragic massacre was erected.

Now, a small monument marks the site but local residents told us it's on the wrong side of the road and, further, makes no mention of any Jews being involved. It only identifies the fact that Russians were killed.

My wife and I and Mr. and Mrs. Shuster left Moscow for London the following morning on the first plane available. Intourist pressed all of the buttons to get us out fast. They discovered seats on planes where none existed previously, cars quickly "appeared" and "flew" us to the airport at a speed of about 100 miles an hour.

"WE ARE PRISONERS"

As we were leaving Moscow, one final incident still haunted me. I recall that I had been walking from the plane to the Kiev air terminal when a woman came alongside me and in a whisper she asked "are you a Jew?" I acknowledged I was. She responded in a low voice: "Tell them, tell everybody, we are prisoners. Tell them they will not let us leave. I'm so afraid, I can't even talk to my husband. I want to go to Israel with my son. I'm afraid to talk to you."

INTRODUCTION OF THE DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FRASER. Mr. Speaker, I have introduced a bill, H.R. 10839, entitled the "District of Columbia Educational Personnel Act." A summary and justification of the bill prepared by the city government is submitted for the RECORD:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

The HONORABLE,
The SPEAKER,
United States House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill entitled the "District of Columbia Educational Personnel Act". The purposes of this proposed legislation, which are more fully set out in the attached summary and justification of the various titles of the bill, can be stated briefly as follows:

Title I authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel.

Title II authorizes the advancing of emergency leave to temporary teachers and attendance officers. Such advancement of leave is presently available only to permanent and probationary teachers and attendance officers.

Title III amends the District of Columbia Teachers' Leave Act of 1949 to increase from ten days to thirteen days the amount of cumulative sick and emergency leave available for use by school teachers during the school year.

Title IV allows temporary teachers in the District public school system to voluntarily apply for Federal life insurance and health benefits coverage after completion of one year's service, rather than after service of two years as required at present.

Title V amends existing law to transfer coverage of temporary teachers in the District public school system from the Civil Service Retirement System to the system established under the District of Columbia Public School Teachers Retirement Act. This title would also authorize the transfer of all retirement deductions from the salaries of such teachers and all matching funds made by the District Government from the Civil Service Retirement and Disability Fund to the District of Columbia Teachers Retirement and Annuity Fund.

Title VI authorizes summer employment of District school teachers in Congressional offices. This title negates a restrictive provision of law that the Commissioner believes was not intended by the Congress.

For the various reasons stated in the attached justification, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will be of substantial benefit to personnel employed in educational activities of the public school system and will contribute to the advancement of education in the District. He therefore urges favorable consideration of the bill by the Congress.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

Attachments.

SUMMARY AND JUSTIFICATION OF PROVISIONS OF THE DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

TITLE I—INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

Title I of the bill authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel. This title is designed to provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems.

Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enactment of title I will allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

Title I is in the nature of enabling legislation. It provides the necessary legal authority whereby the Board of Education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the Interstate Agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The Interstate Agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislatures of 17 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise.

The Commissioner believes that the enactment of title I will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation.

TITLE II—EMERGENCY LEAVE FOR TEMPORARY TEACHERS AND ATTENDANCE OFFICERS

Section 4 of the District of Columbia Teachers' Leave Act of 1949, as amended (D.C. Code, sec. 31-694) provides:

"In cases of serious disability or ailments, and when required by the exigencies of the situation, and in accordance with such rules and regulations as the Board of Education may prescribe, the Superintendent of Schools may advance additional leave with pay not to exceed thirty days to *every probationary or permanent teacher or attendance officer* who may apply for such advanced leave." (Emphasis supplied.)

The Government of the District of Columbia, with the concurrence of the Board of Education, is recommending that this provision be expanded to include teachers and attendance officers classified as temporary employees. In view of the fact that some teachers or attendance officers may remain in a temproary status for some time while earning their accreditation for probationary status, while others classified as temporary teachers or attendance officers cannot for various reasons qualify for permanent appointment, the authority to advocate emergency leave to permanent or probationary teachers or attendance officers should, in all fairness, be extended to temporary teachers and attendance officers. The amendment of section 6 of the Teachers' Leave Act proposed by title II would make temporary teachers and temporary attendance officers eligible for the advancement of emergency leave by the Superintendent of Schools, under the same rules as apply to other public school teachers and attendance officers.

TITLE III—INCREASE IN SICK AND EMERGENCY LEAVES FOR TEACHERS

Under existing law, teachers and other educational employees in class 15 of the teachers' salary schedule receive one day of cumulative sick and emergency leave with pay for each month from September through June, or ten days a year. The employee may use three days of such cumulative leave during the school year for any purpose, and unused leave may be accumulated without limitation.

In actual practice, the yearly leave entitlement of ten days represents only seven days of sick leave, since an estimated 75 percent of the teachers, by necessity, use all three days of general or emergency leave each school year. The latest available nationwide study of paid leave provisions for teachers indicates that ten days is the prevalent annual allowance for sick leave alone.

Title III of the bill would increase to thirteen days the annual allowance for cumulative leave to which teachers are entitled. After subtracting the three days of emergency leave that the majority of teachers use each year, ten days would remain for sick leave credit. This increase in the amount of allowable annual sick leave is justified not only in view of prevailing practices in other school systems, but in the need to provide a more reasonable sick leave reserve for teachers who become ill. In 1969 most teachers at the time of retirement had accumulated an average of only 23 days of sick leave. It is anticipated that enactment of title III will double the accumulation of sick leave, thereby giving teachers a greater sense of security in the event of frequent or lengthy loss of time because of illness.

The cost of the benefits provided by title III for a fiscal year is estimated at $200,000, based upon an assumed ten percent increase in the use of sick leave by teachers and the resultant added need for substitute teachers. The following additional annual costs, projected from fiscal year 1973 through fiscal year 1980, reflect the financial impact of the proposed increase in sick leave on the District's share of funding liberalized retirement benefits provided by the District of Columbia Teachers' Retirement Amendments of 1970 (Public Law 91-263) approved May 22, 1970:

Fiscal Year:	*Cost*
1973	$2,800
1974	5,400
1975	8,000
1976	10,700
1977	13,400
1978	16,000
1979	18,600
1980	21,300

Section 1 of the Teachers' Retirement Amendments of 1970 provides that unused sick leave credited to a teacher at the time of eligibility for retirement shall be used in determining length of service for purposes of computing his annuity. Since, as previously indicated, the average accumulation of 23 days of sick leave is expected to double, the above additional yearly costs are anticipated.

TITLE IV—LIFE AND HEALTH INSURANCE BENEFITS FOR TEMPORARY TEACHERS

The purpose of title IV is to permit temporary teachers in the District public school system to elect coverage under the Federal life insurance and health insurance programs after completion of one school year of service. At present, temporary teachers may not apply for coverage under these programs until after the completion of two school years of service.

Section 9 of the District of Columbia Teachers Salary Act of 1955 (D.C. Code, sec. 31-1534) authorizes the Board of Education to appoint temporary employees for periods that do not extend past June 30 of the fiscal year in which the employee is appointed. However, temporary teachers can be and are reemployed in subsequent school years and constitute a substantial portion of the teaching force in District public schools. Of approximately 8,000 teachers employed in the school system, 1,020 are classified as temporary teachers. Of the 1,020 temporary teachers, approximately 637 or almost two-thirds have served for periods of time totaling two years and are thus eligible for coverage under the life insurance and health benefits programs.

Temporary employees in other positions in the Federal and District Governments are not eligible for life or health insurance coverage when employed for periods of less than one year regardless of how many such periods they serve. The amendment proposed by title IV recognizes the unique status of temporary teachers who, in contrast to other temporary employees, are not hired to fill positions which are expected to be of short duration. Temporary teachers do not possess all of the qualifications needed to receive probationary appointments, but nevertheless fill continuing positions in the school system in the absence of fully qualified teachers. Title IV does not, therefore, establish a new principle of law but expands an existing exception for temporary teachers who, by completing one school year and commencing a second one, indicate their intention to enter into a continuing employment relationship.

Presently 145 temporary teachers with more than one year but less than two years of service in the public schools would become eligible for life insurance and health benefits coverage upon enactment of title IV. Although participation in both plans is voluntary, should all of the eligible temporary teachers elect coverage, costs to the District of Columbia for the first full fiscal year is estimated as follows:

	Average annual cost per teacher	Number of teachers	Full fiscal year cost
Health insurance	$90	145	$13,000
Life insurance	36	145	5,200
Total			18,200

This cost figure has not been adjusted to reflect the fact that temporary teachers in the group who attain two years of school service during the fiscal year would become eligible for coverage under existing law. Nor has it been determined how many of the 238 temporary teachers with less than one year's service who would attain eligibility upon enactment of title IV after completion of service of one year will be employed during ensuing school years.

TITLE V—TRANSFER OF RETIREMENT COVERAGE FOR TEMPORARY TEACHERS

Title V of the bill amends existing law by striking references to "probationary" and "permanent" teachers and employees of the Board of Education, thereby effecting the inclusion of "temporary" teachers (i.e., those teachers whose employment contracts do not exceed periods of one year) in the teachers' retirement system. Pursuant to provisions of section 19 of the District of Columbia Teachers Salary Act of 1955 (D.C. Code, sec. 31-1548), the teachers' retirement system is made applicable only to permanent and probationary employees of the public schools and thus excludes temporary teachers who do not fall within either of these classes. Temporary teachers are presently subject to coverage under the Civil Service retirement program, pursuant to paragraph (ii) of section 8331 (1) of title 5 of the U.S. Code, since they are employees not subject to another retirement system for Government employees.

Section 502 of the bill would authorize the transfer of all retirement deductions and deposits from the salaries of temporary teachers and all matching funds contributed by the District Government for such teachers from the Civil Service Retirement and Disability Fund to the credit of the District of Columbia Teachers Retirement and Annuity Fund. The transfer of funds would be made only with respect to deductions and contributions affecting those temporary teachers on the rolls of the public schools as of the effective date of such section 502.

The replacement of Civil Service retirement coverage with the system established for teachers in the public schools will result in a reduction of an estimated $1,000,000 annually in the amount now paid by the District Government into the Civil Service retirement system. Upon receiving a probationary or permanent appointment, or upon leaving the employment of the District Government, most temporary teachers withdraw their contributions to the Civil Service retirement fund, a practice which causes a loss of the matching amounts contributed by the District for each such employee. Coverage under the teachers' retirement system does not require the contribution of matching amounts by the District of Columbia.

In addition to the monetary savings, the proposed transfer of retirement coverage will reduce the administrative paper work involved in transferring retirement monies between the respective funds when a temporary teacher qualifies for a probationary appointment. It is estimated that the transfer of coverage from the Civil Service system to the teachers' retirement system will eliminate one thousand paper transactions a year.

Section 503 of title V is designed to correct an inequity caused by current salary placement provisions in the District of Columbia Teachers' Salary Act as applied to educational personnel employed at the District of Columbia Teachers College who, pursuant to an agreement consumated under the authority of the District of Columbia Public Education Act (D.C. Code, sec. 31-1603(a)(12)), were transferred from the control of the Board of Education to that of the Board of Higher Education. Teachers currently above step 10 in salary class 15 of the Teachers' Salary Act who wish to accept appointment in the public schools without a break in service can only be reappointed at step 10. Section 503 provides that these employees will be treated for salary placement and retirement purposes as if they had never left the employ of the Board of Education.

Section 504 provides an effective date for sections 501 and 502 of the bill with the first pay period which begins on or after 60 days after enactment of title V.

TITLE VI—SUMMER EMPLOYMENT OF DISTRICT TEACHERS IN CONGRESSIONAL OFFICES

Title VI would amend section 5533 of title 5 of the United States Code, as amended by section 477(d) of the Legislative Reorganization Act of 1970 (84 Stat. 1195), so as to negate a restrictive provision contained in subsection (c) of such section which has the effect of precluding the employment of District public school teachers in Congressional offices during the summer months of the school year.

Section 5533(c) of title 5 of the United States Code provides in pertinent part as follows:

"(c)(1) Unless otherwise authorized by law . . . appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year,

* * * * *

"(3) For the purposes of this subsection 'gross pay' means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.".

A position is defined by section 5531(2) of title 5, as a civilian office or position in the legislative, executive, or judicial branch of the United States Government or in the municipal government of the District of Columbia. Inasmuch as the basic annual pay of District school teachers exceeds the limitation contained in section 5533(c), this latter provision effectively precludes their employment in positions in the offices listed in paragraph (1) of such subsection (c) during the summer vacation period, at a time when many such teachers are not drawing salary from the District Government and are not actually engaged in teaching in the school system.

It would appear that this is not one of the results intended or anticipated by Congress, especially in view of the fact that under paragraph (c) of section 5533(d) of title 5, the Congress specifically excepted pay received by teachers for employment in a position during the summer from the prohibition in section 5533(a) against the receipt of basic pay from more than one position for more than an aggregate of forty hours of work in one calendar week. The anomaly of existing law, therefore, is that District teachers may, during the summer months, work anywhere in the District Government and in the executive or judicial branches of the Federal Government, but may not work for the legislative branch.

Under the temporary authority provided in annual District of Columbia Appropriation Acts, public school teachers working for Congress during the summer months are now exempted from the provisions of section 5533(c) of title 5.

In view of the matters recited above, the Commissioner believes it is fair and equitable to provide permanent authority for District school teachers to obtain employment in Congressional offices during the summer vacation period when they are not engaged in teaching activities, and, therefore, recommends the amendment of section 5533 of title 5, United States Code, as provided by title VI.

TITLE VII—EFFECTIVE DATE

Title VII provides an effective date for sections 401, 501, and 502 of the bill on the first day of the first pay period which begins on or after sixty days after the date of enactment.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, the following is the seventh of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 4, 1971.

WHERE THEY EXIST . . . SERVICES FRAGMENTED

(By Carol Ann Smith)

There are social services available in Champaign County to its aged residents; they are not non-existent. But they are fragmented, uncoordinated and no one of them serves more than 200 persons at a given time.

Most of them are church-sponsored and are considered to offer basically social outlets. Churches, as in the case of other disadvantaged groups, can be quite effective in helping to bring services to bear on a given individual whose undeniable need comes to their attention. The churches understandably are concerned with taking care of their own.

There are state agencies which have various service-programs, some of them pilot programs involved in the aged with the very young, some providing housekeepers or homemakers to the aged.

There are county agencies which provide health and mental health services, but extant data indicates these reach smaller proportions of the population and the funds are state funds.

In terms of the community and community-wide social service organization, Champaign-Urbana can point to only three agencies which purport to reach the entire community.

Telecare serves the entire county and its $20,000 a year budget comes from federal funding and local contributions. The Champaign Park District and Urbana Park District Senior Citizens groups also have mixed funding, but are based primarily on a park district taxing power.

Telecare is perhaps the best publicized of the three, perhaps because it is unique and because it depends so heavily on volunteer help.

Its avowed purpose is "to help older people maintain their independent living arrangements as long as possible and help them make satisfactory adjustments whenever this is no longer feasible."

It maintains several types of services, telephone and referral service transportation, friendly visiting, reassurance calls to shut-ins, employment (the Senior Talent Employment Pool), counseling, and a variety of other services.

It is Telecare personnel who have a real idea of what's happening to some of the aged in the county:

An 85-year-old woman living alone in a trailer who has a pathological fear of storms and does not feel free to call her two daughters, another woman who has since her sister's death isolated herself to the point that no one is certain she is eating;

The victims of consumer fraud, the problems of housing in buildings which are devoted to the elderly but which have no handrails on the stairways, the falls, the disastrous effect of recovery from a serious illness, and the families.

Conflicts between mothers and daughters-in-law, the dislocations of shunting a parent from one home to another, the desire to work and having no way to get there if there were work.

They hear a lot of it in reassurance calls to the very lonely, they see it in the real problems of getting in and out of an automobile and they try to do what can be done on their budget.

And Janie Bloomer, coordinator of Telecare, understandably wonders about those they don't reach, those who believe that Telecare is for everyone else but themselves, and the black community.

"Take this business of loneliness," she said. "Most people wouldn't even think about it but many of these people don't eat properly. They don't like to or want to cook for themselves and poor eating habits can leave you wide open to debilitating disease.

"A lot of the aged are afraid to complain—most of them have lost so much they are afraid to risk losing any more," she continued.

"I think we've been effective in a lot of areas, but we've had a couple of notable failures, like the Mass Transit District," Mrs. Bloomer observed.

"We tried to get the district to put an extra step on the new buses and they gave us a bunch of ballyhoo about how it couldn't be done."

Other groups attempted to influence the routing of the buses thinking in terms of areas where large groups of the aged lived, and got no farther than Telecare. Nor do the buses run on Sunday, leaving the aged with no public transportation to church.

And Telecare has its financial problems. In June, 1972, its three-year Action on Aging Grant expires and no one is sure of what will happen then.

Some of its most avid supporters are convinced that Telecare will die, if not in June, at least in the foreseeable future.

"You look at this place, look at the histories of its social service groups and you'll see that all of them died," said one observer, "And they all died of the same thing: strangulation by financial squeeze."

The Champaign Park District Senior Citizens is another visible group and a unique one. It had a stormy history and survived it.

The Champaign Senior Citizens is recreation-oriented, and that is what it was designed to be, according to Nelle R. Hays, its coordinator.

Miss Hays, a determined, hard-working woman who is active politically in terms of the White House Conference on Aging, believes strongly in the recreation offered by the park district to its aged residents.

"I really believe in it," she said, "because I have seen the results and they have been so very positive. My life has been strengthened because of my contact with these people."

Recreation at "C" Center, the park district facility out of which Miss Hays works, involves handicrafts of real quality, educational programs, trips, "making friends."

"We aren't reaching people, I know," she said. "It's a real problem—they have to want to come here and there are some misconceptions about what we are doing."

"Many of them are frightened to push out, and furthermore this is the generation for which "recreation" was a bad word. Recreation was a luxury as they grew up and certainly during their working lives—they almost have to be sold on it," she said.

While its membership is high, only 30 to 40 persons are active at "C" Center.

"We just can't go out and recruit," Miss Hays said. "I wish we could, but we can't."

The Committee on Aging is the only community-wide organization which purports to consider the problems of the aged from all perspectives. It too has serious trouble.

Right now the group has no sponsoring agency, although the Council of Congregations has agreed to "work along" with the Committee.

"We used to be sponsored by the United Fund," said Mrs. Susie Powell, a committee member, "but they had to drop us. I guess because there wasn't enough money to go around."

It was designed to be primarily a research and study group, but Mrs. Powell, for one sees possibilities for coordination and problem-solving. Her perspective caused her to "blow up" at a committee meeting.

"I just got sick and tired of talking about things when what we need is action," she said as she looked back on the incident. "I was tired of hearing 'This is a problem' and then seeing nothing done about it."

"Services are very fragmented, you know, if there are any. I just think something has to be done."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHERLE. Mr. Speaker, a child ask: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How Long?

RURAL DEVELOPMENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PICKLE. Mr. Speaker, I commend the House Agriculture Committee for opening hearings on rural development.

These are indeed long-range and far-sighted hearings. They attack a problem which has long needed just this kind of highlight in order to get in motion the forces which can help set us on a more healthy track.

In seeking to reform farm credit, in going beyond credit into all phases of rural life to build a viable and vibrant rural America, this committee deserves the highest regard of all America.

I. INTERDEPENDENCE OF RURAL AND URBAN AMERICA

Probably one of the most important realizations which must come out of these hearings is one the committee is all familiar with—the realization that rural development is not a matter only for Congressmen with rural districts. Rather, the health of our rural areas and the health of our urban areas are closely tied together—far more closely I think than has been given full credit in the past.

In my district, with one-half the population in a sizable urban district and one-half the population in a more rural setting, the links are easy for me to see—the interchange of people, goods, and services, the interrelated health come clear. This interdependence may not come so clear in a district which is not half and half like mine—but the fact of that interdependence holds nevertheless. We must never forget that.

Indeed, I wonder if it would not be a good idea to combine some of our rural and urban development programs under a single bill—to bring this point home to the voters and to the Congress as well.

II. GETTING INDUSTRY INTO RURAL AREAS

The second major point which will get full floodlighting in these hearings I am sure is one we are also all well acquainted with—the fact that we have a lot of work to do in rural America.

About three-fourths of our people live in urban areas—but about one-half of our poor people live in rural areas. We hear much about urban blight, and urban problems are in the headlines daily. But many of our rural areas are equally, or more desperately, in need of help.

The call not only is to provide basic services for rural America—good schools, adequate electricity and power, adequate health facilities, and housing—the call is to provide them in high quality. Only then can we perform the dual task of revitalizing rural America and easing the pressure on our cities.

One matter gives me great hope: As much as there is still a heavy inflow of population to our urban areas, there is increasing evidence of a reverse trend as well.

The Bureau of Business Research at the University of Texas notes that in the nonmetropolitan counties of Texas during the years 1960–70 there was a very modest 1.3 percent growth rate—substantially less than the rate of 16.9 percent for the entire State of Texas.

But the Bureau goes on to note,

> Even though the rate of population growth in nonmetropolitan areas of Texas was small, the fact that there was any growth is significant. In the 1950's the areas had shown a slight decline.

So, in spite of the call of the city, the call—or the peace and quiet—of the country still has its lure, and many believe it is getting stronger all the time as people become fed up with the hassle of city life.

What this boils down to, in my opinion, is that the time is now ripe to move on rural development.

More and more industries are expressing an interest in locating in less crowded areas. Our primary job is to get those areas ready for industry.

To do this requires, as you well know, an assault on almost every facet of life. Industry can now think about moving to rural areas because modern transportation lines make rural America more accessible—but the job is far from complete. Industry can now think about moving to rural America because of the magnificent job FHA has done in getting water and sewage facilities installed in rural areas—but the task before us here looms still gigantic.

Housing needs are critical. A recent report from USDA indicates rural America, while it contains 30 percent of the Nation's people, contains 60 percent of her substandard housing. Here again is a gigantic task for the Farmers Home Administration which they cannot do without our substantial assistance. And the list goes on—schools, hospitals, trained personnel in all fields.

We are taking one good step in the right direction with the health manpower bill, especially with its specific provisions to attack head-on the shortage of doctors in rural America. Hopefully the bill will soon be out of conference and on its way to operation.

And we took two more good steps toward preparing rural America for industry recently with the creation of a rural telephone bank and with the increase of funds for loans to our rural electric cooperatives. But now we must see that those funds make it through the bureaucracy—particularly the OMB—and do indeed reach our co-ops. And at the same time, we need to be looking for further sources of funds for our electric co-ops. It will be a long time yet before their own Cooperative Finance Corporation can handle their needs itself. I think we should look again at the possibility of some sort of revised REA bank bill.

III. NEED FOR SPECAL DROUGHT LEGISLATION

Rural electric cooperatives are as well a great service to another part of rural America—the original part—the farm and the ranch.

I am sure others of my colleagues have reminded the Congress of the words of Daniel Webster.

> When tillage begins, other arts follow. The farmers, therefore, are the founders of civilization.

More than that, they are the maintainers of civilization. All the turmoil and problem we face in this country today would be miniscule compared to the turmoil that would arise should we lose our farm productivity—should we suddenly find ourselves facing the stark realization that this country could no longer feed itself.

Our farm and ranch areas must be kept healthy if we are ever to hope to attack successfully any other problem this country faces.

And, in spite of all the advantages and advances of modern agriculture, farming remains a risky business.

We have developed better types of crops—crops more productive, more resistant to wet and to dry weather, to disease and pests. We have slowed soil erosion and found ways to keep the soil healthy year after year. But still nature asserts her freedom over the farmer.

And one of the most devastating tools she uses is the drought.

In July of this year, I proposed that our present drought relief programs are fraught with glaring deficiencies. A drought is a special kind of disaster, and our farmers need special help to recover from it.

In July I said:

> "A drought is probably the most deadly of disasters which can strike a farmer or rancher. It is so deadly because it is so enduring. It comes up on him slowly, it saps his strength slowly, and it only slowly yields to recover efforts. Even if it does rain in the meantime, a lost crop is gone forever; a decimated foundation herd will take years to build up; top soil will take generations to rebuild.
>
> There are things which the Federal Government can do to help—but mostly right now Federal assistance is one mass of stumbling blocks. Perhaps this is because a drought is not so dramatic a disaster as a hurricane or a tornado or a flood. Those disasters come quickly—and go quickly, and we can all go down and survey the damage and rush in aid and rebuild. But a drought is harder to follow and the aid not so dazzling.
>
> I think it is time for the Congress to plant its feet in the good—if dry—soil of this country and look a drought in the face. I think it is time for us to clear the dust from our eyes and give our farmers and ranchers an aid program which will help them.

I pointed out that the drought in the headlines at that time centered in the Southwest, but:

> Each of us here with a rural constituency knows that his time will come—his time to be faced with major farm disasters and only piles of red tape to scatter over decimated fields. And each of us here with urban constituencies need only watch the price of meat, of corn, of cotton goods, of bread—even of bread—to know that his time is coming, too, when his people back home will feel the drought dipping into their own pocketbooks.

I then proposed some legislation to help correct some of the deficiencies in our current drought program. I here again call for speedy action on these proposals and on the issue of drought relief in general. I am sure the committee will be able to put its long and deep wisdom in agricultural matters behind a good drought relief program—something we must have if we are to have a viable rural America.

I was pleased to see that the Agriculture Department removed the infamous so-called pauper's oath which a farmer was forced to sign before he could qualify for emergency hay and feed. I was pleased that the legislation we had introduced along these lines proved unnecessary after the Agriculture Department decided to go ahead and act along these lines on its own.

I had also introduced a bill which seeks to aid recovery from a drought by keeping a farmer's support payments on a more even keel. As I explained it in July:

> A farmer's support payment is based on an average yield, called the history, computed over the 3 preceding years of the farmer's operation. But whenever there is a drought year, there is every possibility that the crop yield will be extremely low—and the farmer's average pulled way down. This means that not only must he contend with the bad year but that he is penalized for the next 3 years—years in which he is trying to get back on his feet—by the low average. My bill would simply ignore drought years in computing that farmer's history, with the concurrence of the county ASCS Committee.
>
> I recognize that the 1970 Agriculture Act gave the Secretary the discretion to take drought years into account when computing a farmer's history. And I am glad to see that this administration has finally come around to do so. It is not that I do not trust this administration or any other administration, but I simply think that this matter ought to be one of law, not of discretion. Even when an administrator recognizes the need for taking drought years into account the delays in getting the thing into operation have brought our farmers down to the fall line before they know if they are going to live or die. This bill would clear the matter up for both sides.

I also introduced a bill which is identical to one introduced by my good colleague from Oklahoma, the Honorable **Ed Edmondson**. This bill attempts to remove much of the redtape surrounding a disaster declaration and expands the provisions of the forgiveness clause relating to loans made by the Farmers Home Administration.

As I again explained when I introduced these bills:

> This bill authorizes the Secretary of Agriculture to designate an area of a State as a drought emergency area upon a request from the Governor of that State. He may do so if he finds that total precipitation for at least 3 of the previous 6 months has been less than one-half normal, as determined by the Environmental Science Service Administration, or if he finds that the need for agriculture credit in the area is the result of a drought.
>
> The Secretary may then move immediately to furnish emergency hay and feed to drought-stricken farmers and ranchers, to institute emergency FHA loans, and to provide unemployment compensation up to the maximum amount or duration of payment under that State's unemployment program.
>
> The Secretary may further cancel all portions of loans which were meant to cover losses due to a major disaster or due to a drought deemed by the Secretary to be an emergency to the extent that those losses are not compensated for by insurance or any other means.

I urged then, and I urge now that this committee include a viable drought relief program in its formation of legislation for rural development.

IV. INHERITANCE TAX REFORM

The sad truth is, that more than nature stands in the way of the farmer today. Some of our own laws produce key roadblocks to the livelihood of our family farm. I introduced a bill last month to correct one of those roadblocks—inordinate inheritance taxes based not on the earning power of an estate but on its estimated gross value.

My bill is designed to correct some inequities in our present Federal inheritance tax system—inequities which are hard hitting our small farms, ranches, and businesses. Specifically, I propose to base the amount of tax not on the estimated gross value of the estate, but on the basis of its earning power.

At the present time, the tax value of an estate is based on local market value. In the case of small farms and ranches, however, this can turn out to be grossly unfair.

In a growing number of instances, the market value of a farm or ranch is being based not on the amount the farmer or rancher might get per acre were he to sell his land to another farmer or rancher—but is based on the amount a nearby land speculator pays per acre for land he intends to develop or he purchased for tax purposes.

The earning power of a small farm is often small compared with the total value of the property, especially when speculative figures are used. This means that without a substantial source of outside income it is often impossible to pay the staggering inheritance tax.

And the alternatives are simple—the recipient can sell the property or he can borrow money to pay the taxes. But there may be no speculators around when he needs to sell—and instances are common where the tax is so high and the earning power so low that the annual interest on a loan to pay the taxes would outstrip the earning power of the farm.

I do not think a family should be forced to sell inherited property simply because they are middle or lower income and cannot pay the Federal inheritance taxes. Often the property is already heavily mortgaged and other taxes on ownership of property are also high.

I am not changing the tax rate. That would still be in effect. But it would not prohibit a middle or lower income family from inheriting an estate because it would be proportionate to the amount of capital the property brings in.

Mr. Speaker, I urge my colleagues to support this long-needed proposal. It attempts to correct a situation which was not foreseen but which can be corrected. I hope that in the near future it will once again be possible for families to receive what should be theirs—particularly with respect to our small farms, our small ranches, and our small businesses.

Statisticians tell us the family farm is disappearing—and surely this is one ambush we can remove from his path.

V. BENEFITS OF THE FAMILY FARM

The family farmer, the farmer who wants to pass his farm on to his children, is not as extinct as some reports would have us believe. Many of the corporation farms, for instance, are simply family-owned corporations, set up to reap better benefits from Uncle Sam.

But the family farm is in trouble, deep trouble, and this is a shame. It is becoming more and more clear just what the benefits of our many family farms are—benefits besides the nostalgic picture we all have of the rugged American pioneer and individualist tilling his own land with his sons nearby.

Reports are showing now that the family farmer is productive—at least as productive as his corporate giant neighbor. Reports are showing that the family farmer cares for his land with the care that can only come from knowing that his son's livelihood will someday depend on the health of that land. Reports do not need to show the benefits small towns nearby reap from farmers who do their living and shopping and purchase their feed and equipment in the area instead of in a far-away headquarters.

I want to make it clear that this is not to say that the large corporate, absentee-owned farm is not productive, not good for this country or the economy. What I am saying is that we are realizing that this is not the only way to farm productively—and that we need to have a balance in our attitude toward farmers—big, medium, and small.

BRITAIN EXPELS COMMUNIST SPIES AT RUSSIAN EMBASSY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, the expulsion by the British Government of 105 Soviet Communist employees at the Russian Embassy in London as announced in today's Washington Evening Star is additional proof that there still exists an international Communist conspiracy.

According to the news account, a Soviet defector to the West, an officer of the KGB, turned over to British authorities information and documents revealing a Russian spy network and plans for infiltration of agents for the purpose of sabotage.

The latest British move to expel the Reds recalls to mind similar action taken by the Mexican Government in March of this year in expelling five members of the Soviet Embassy staff in retaliation for alleged Soviet support of a plot to overthrow the Mexican Government—See CONGRESSIONAL RECORD of April 27, 1971, page 12294. Officials had uncovered a plot by Mexican guerrillas trained in Moscow and North Korea to overthrow the Mexican Government.

While British and Mexican authorities take stern measures to deal with communist conspirators and recognize the communist threat to their people, this country allows them the freedom to teach in our schools as well as to work in our defense plants and for our Government.

While recent subversive activities of Soviet agents in England and Mexico manifest that there is a worldwide criminal conspiracy, this body on September 14 gave legislative approval to the notion that there no longer is a world Communist conspiracy threatening the American people and the rest of the free world by, in effect, repealing title II of the Internal Security Act of 1950 (50 U.S.C. 811–826)—See CONGRESSIONAL RECORD of September 15, 1971, pages 32049–32050. The title contained "congressional finding of necessity" that clearly stated:

> There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise) espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

The Government of Great Britain has rightfully earned the respect and admiration of all free citizens of the world for its courageous leadership in expelling Soviet spies and saboteurs who were in England disguised as Soviet Embassy employees.

We, in the United States, can only hope that our Soviet ally does not transfer these agents and their plans to the Russian Embassy in Washington, D.C., or to the U.N. delegation in New York City which they must regard as easier duty generally assigned to fledgling spies.

I insert a related newsclipping:

[From the Washington Evening Star, Sept. 24, 1971]

SOVIET AGENT DEFECTS WITH SPY PAPERS

LONDON.—A senior Soviet intelligence agent defected to Britain with documents on a Russian spy network, the Foreign Office announced today. It ordered 105 Soviet employes of the embassy, the trade delegation, the tourist agency Intourist, the Moscow Narodny Bank and the Aeroflot airline to leave Britain.

Ninety on duty here were given two weeks to leave. Another 15, currently abroad, will be denied permission to return to London.

The mass expulsion is the biggest in modern diplomatic history except in case of countries breaking off relations.

NONE WILL BE REPLACED

Sir Denis Greenhill, permanent secretary acting for Foreign Secretary Sir Alec Douglas-Home, gave the decision in written form to Ivan Ippliotov, the Soviet chargé d'affaires.

None will be replaced, the British said. This would reduce the Soviet population to 445. The Foreign Office said anyone else detected in espionage activities would be ejected without replacement.

The Foreign Office said: "Evidence of the scale and nature of Soviet espionage in Britain conducted under the auspices of the Soviet Embassy, trade delegations and other organizations, has been provided by a Soviet official who recently applied for and was given permission to remain in this country.

KGB OFFICER DETECTS

"This man, an officer of the KGB, brought with him certain information and documents including plans for infiltration of agents for the purpose of sabotage."

The Russians ordered to quit Britain apparently work for the Soviet trade delegation, the airline Aeroflot, the tourist agency Intourist and the Moscow Narodny Bank as well as the embassy.

Foreign Office sources said: "This is a matter we have tried to settle discreetly with the Russians and it is because they have not replied or in fact admitted that a problem existed that we have been obliged to take this action."

LARGE DELEGATION

The Soviet diplomatic empire in London, including its trade, banking and other economic branches, is larger than anywhere else outside Moscow, including the United States.

Reports of the defector broke into the open today in London newspapers and the Foreign Office earlier declined comment only to say it was "a security matter."

The reports coincided with recent developments in which Sir Alex has complained to the Soviet Embassy about the conduct of its staff here in "unacceptable activities."

A week ago, British special branch detectives were reported hunting down a spy ring believed to be operating at secret military and naval bases in southern England.

Space scientist Anately Fedeseyev defected from the Soviet delegation to the Paris Air Show in June and came to Britain.

Fedeseyev, 61, was identified as an electronics expert whose work had application in the Soviet space effort. Unofficial reports billed him as deputy director of the Soviet space program, but this was denied by the British.

PRIESTS HELP AT ATTICA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, the tragic sequence of events which occurred recently at the Attica, N.Y., correctional facility is a source of wide concern—and rightly so.

Investigations of all factors in the incident are underway at several levels of government, as well as by independent sources. It will be some time before these reports are complete—the sooner the better, but we cannot afford to sacrifice quality of study and recommendations for speed.

There has been wide criticism of prison conditions, and many particular items have been conceded by the responsible officials. In hindsight—so much more clear than foresight—many changes are long overdue and will be forthcoming.

Those who are paying the penalty of wrongdoings against society should not be caged like animals, but neither can they expect to be held under sentence in a country club atmosphere. Some of these individuals are hard-core criminals who have long police records and have been convicted of the worst crimes that can be imagined.

Besides our rightful concern for the inmates, we also must have concern for the people who are employed at penal institutions, particularly the guards such as those who became hostages at Attica. These individuals, doing their jobs, are required to take risks which in some ways are greater than those doing police duty on our city streets, and so forth.

Among the forgotten men in the stories about the Attica crisis are the men of cloth who have been working with the inmates on a continuing basis over the years.

I am particularly pleased to read the story in the Buffalo Roman Catholic Diocese publication, the Magnificat, about Rev. Eugene V. Marcinkiewicz. I have known Father Gene for over 25 years and I have come to know of the great work which he has been doing.

As part of my remarks I include the article from the September 16 edition of the Magnificat:

PRIESTS HELP IN ATTICA TRAGEDY

(By Nancy De Tine)

"It was kind of an ordeal," he reflected—but it was the "prayerful atmosphere" of the town during the five troubled days of the insurrection in Attica Correctional Facility which seemed more prominent in the mind of Rev. Alton LaRusch pastor of St. Vincent de Paul Church in that village.

Father LaRusch spoke to Magnificat reporters early Tuesday, the day after control of the facility was regained by officials.

With true priestly humility, Father LaRusch praised the inexhaustible devotion and service of Rev. Eugene V. Marcinkiewicz better known as Father Gene, chaplain at the Attica institution since the beginning of the disturbance last Thursday. He lives just outside the prison and also is a weekend assistant at St. Vincent's.

During the disturbance however, Father LaRusch emphasized it was he who was the assistant.

"Father Gene has welcomed my assistance, which I was glad to give," he said. "We did all we could—we stayed right there and were able to take care of the men.

"Father Gene has been on constant duty since Thursday morning. I assisted him Monday in absolutions and anointings."

ON CONSTANT DUTY

Still on duty at the prison on Tuesday, Father Gene could not be contacted by Magnificat reporters.

"Father Gene is probably in the prison hospital giving what consolation he can," Father LaRusch explained when repeated phone calls to the chaplain brought no response.

"And there are probably other needs he is taking care of also."

Besides the help he provided at the institution, Father LaRusch has been busy with special religious services for the intentions of the persons involved in the disturbance and their families.

"Clergy of all denomination have cooperated to give all the help and consolation they can," he said.

A ministerial group in Attica met Saturday morning to plan a spiritual program for the next day.

At St. Vincent's, Father LaRusch arranged a special rosary service and Mass for 7:15 p.m. Sunday which was later canceled because of a curfew imposed on the town.

The regular 5:15 p.m. Sunday Mass was offered for the intention of the Attica institution, the men and their families, and the Blessed Sacrament was exposed from noon until 5 p.m. Sunday.

Rosary services and Masses also were scheduled for Monday and Tuesday afternoons.

FOUR DEAD WERE IN PARISH

Four of the men who were killed in the insurrection were members of St. Vincent's parish. They were: William Quinn, who died Saturday as a result of injuries suffered Thursday; Elmer Hardie, Edward Cunningham and John G. Monteleone, all hostages.

"There has been a very prayerful atmosphere in the town," Father LaRusch reported. Besides good attendance at the special Masses, "many people were seen saying their rosaries during the day.

"Over these days especially when the problem began to become more acute people were in and out of the Church," he said.

"I was up at the prison practically every day," Father LaRusch added, repeating that Father Gene never left the institution.

"When the list of hostages was given out, I did contact their families and visited some of them. Yesterday I visited the wives of the men who died and tried to give all the consolation I was able to give them."

The pastor had special praise for members of various Attica organizations, including the Lions Club, the Salvation Army and his parish Altar and Rosary Society.

"All the organizations turned out to give all the help they could"—mainly providing coffee and sandwiches for the persons keeping the long vigil just outside the prison gate.

"The village was trying to work together," he said. "It was united. Members of all denominations joined in prayer. Clergy of all denominations have cooperated to give all the help and consolation they can."

HOUSE OF REPRESENTATIVES—*Monday, September 27, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Yea, though I walk through the valley of the shadow of death, I will fear no evil: For Thou art with me.—Psalms 23: 4.

Our Heavenly Father, who art waiting to receive and to answer each sincere prayer, we come to Thee in our sorrow praying for light in our darkness, strength for our weakness and deliverance from our doubts and fears.

We commit to Thy loving care our beloved John C. Watts. We thank Thee for him who so faithfully and so truly lived—for his integrity of mind, his sincerity of heart, his kindly thoughts, and generous deeds, his courage to stand firm for what he believed, his untiring devotion to his country, his State, and his district, his love of home and church and for the great ideals which motivated his quiet spirit.

Sustain his family in their bereavement and comfort us in our sorrow by a confident faith in Thy living and loving presence. Teach us to live as those who are prepared to die and eventually to die as those who are prepared to live, that nothing may separate us from Thy love which is in Christ Jesus our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969"; and

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution providing for a deletion in the enrollment of H.R. 4713.

PERMISSION FOR ALL MEMBERS TO EXTEND THEIR REMARKS IN THE EXTENSIONS OF REMARKS SECTION OF THE RECORD TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, without establishing a precedent, all Members may be permitted to extend their remarks in the Extensions of Remarks section of the Record today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to announce that the District bills scheduled for today will be scheduled at a later date to be announced. Also, Mr. Speaker, the suspensions scheduled for today will be rescheduled for Monday next, which is a suspension day.

REQUESTING SECRETARY OF STATE TO FURNISH COMMUNICATIONS PERTAINING TO VIETNAMESE PRESIDENTIAL ELECTION

Mr. MORGAN reported the following privileged resolution (H. Res. 595) which was referred to the House Calendar and ordered to be printed:

H. Res. 595

Resolved, That the Secretary of State be directed to furnish the House of Representatives within one week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for extensions of remarks and unanimous-consent requests that do not involve speeches.

THE WILLIAMS FAMILY—A GREAT AMERICAN LEGEND

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, one of America's truly great family legends has to do with the Williams and their kin in west Florida. They are the best known family group in Florida's first and finest district—not only for numbers but for their contributions to leadership and progress. Their activities are not limited to west Florida. They have a good name throughout the State, and in fact, throughout much of the Nation.

It all started many, many years ago. In the year 1806 three brothers, John, David, and Owen Williams, left Duplin County, N.C., with their families and possessions and headed for Florida. It took them 11 months to make the journey because they had to stop over in South Carolina and make a crop before moving on. They stopped at what is now known as Campbellton, Fla., and John and Owen Williams settled there. David went on to Santa Rosa County.

Jackson County was created in 1822, and John and Owen Williams wasted little time in exercising their duties as good citizens. They seem to appear first in the public records by serving as jurors in the April term of the U.S. district and superior court in 1824 at Big Spring in Jackson County. They were paid $2.50 each for serving, plus $10 each for mileage traveled. The record indicates that they were each credited with 50 miles of travel, from the Campbellton-Graceville area and back home again.

Later, Owen moved with his family to Texas, where he settled just west of Fort Worth. He died there in 1874.

Among John's children was a son named Andrew Elton, who was born May 23, 1800, in Duplin County, N.C. Andrew Elton, as a 22-year-old cattleman, married Patsie Britt in Campbellton, Fla., near where they settled.

They became the parents of 10 children—John, William, Mary, Joseph, Henry, Creacy, George, Martha, Owen, and Rebecca—and these children, in turn, married and became the parents of a combined total of 50 children.

Andrew Elton moved with his family in 1845 to the Holmes Creek Settlement in Washington County, where his wife died. He married Melissa Underwood a year later, and they lived for a while in Holmes County before returning to Jackson County. To this couple were born 13 children—Jasper, Wesley, Sarah, Ellen, Jensie, Emily, Ann, Aaron, Melessie, Tom, Council, Jefferson, and Wiley—and they, in turn, became the parents of a known combined total of 95 children.

Thus, Andrew Elton Williams was the progenitor of 23 children and at least 145 grandchildren. He set for his children an example of deeply religious conviction, frontier frugality, love of family, and country, and hard work. He thus, with the help of his equally God-fearing and hard-working wives, set the tone and molded the character for one of Florida's—and the Nation's—great families.

In 1903 the children of Andrew Elton and David Williams' children decided to hold a family reunion at Reddick's Mill which is 6 miles west of Graceville, Fla. They wanted to have it in the fall of the year, after they had gathered their crops. They checked the almanacs and found that it had not rained on the first Thursday in October for 50 years prior to 1903, so they had the first Williams family reunion on that day. Furthermore, it did not rain on the first Thursday in October until 1963. The delightful and time-honored custom of holding a family reunion once each year has been carefully observed since 1903. The meeting place is near the original family home in western Jackson County. Galilee is one of several churches in which the pioneer family played a prominent role in establishing.

A large tabernacle has been built on the grounds to provide a meeting place and shelter in case of rain, since the church sanctuary is far too small to accommodate the crowd.

Each family brings boxes of food, representing some of the Nation's finest home cooking, to be spread on long tables under the shade of giant oaks. Then, following a prayer of thanksgiving, the Williams and their kin and friends gather around the tables under the oaks to share a bountiful picnic-style lunch.

The meeting is indeed a festive occasion, but the joy of seeing loved ones and friends is often tempered by the knowledge that the ranks of the older kinsmen are being thinned. Prayers are always given for the departed, after their names are called. Special recognition is given to the older members present, and distinguished guests are introduced.

A member of the family is designated each year to give an inspirational address. The speaker seldom fails to pay tribute to the family's pioneer ancestors and to reaffirm faith in the lofty principles they exemplified. They often remind younger members of the family of their Christian heritage and of their responsibilities for keeping the faith.

On occasion they have been reminded that "what we enjoy today did not come by the labors of our own hands," and they have been warned against looking to the Government for problem answers—for fear of compounding the problems.

The annual reunion is many things—fellowship, feasting, praying, and singing together, visiting, reminiscing, but it is perhaps mostly a day of family thanksgiving. It is a wonderfully fine custom, one that commends itself to the Nation at a time when family ties seem to be weakening instead of being made stronger.

Someone has estimated that the descendants of Andrew Elton Williams and their kin in Florida alone today number more than 25,000. Although most of them remain in west Florida, hundreds of them live elsewhere in Florida, in many other parts of the Nation, and abroad. They are represented in virtually all walks of life, including the professions, and in many positions of responsibility, leadership, and influence.

In Florida alone, this family has produced scores of county and city officials, members of the judiciary, including State appeals court and Supreme Court Justices, at least one member of the State cabinet, numerous members of the Florida House and Senate, one or more candidates for Governor, and business, civic, and professional leaders. They say that when there's something going on in Florida that is worthwhile, you just look around and you will find a Williams helping with it. One cousin, Henry Williams, helped to select the site for the capital at Tallahassee. Another was Speaker of the House of Representatives from 1865 to 1866. They had to call on several Williams to help get the men to the moon. Last but not least there are many outstanding ministers that come from this illustrious family.

I am happy to state that in 1947 one Bob Sikes was made an honorary member of the Williams family and when the roll is called on the first Saturday in October at the Williams family reunion he nearly always is there to answer—present.

WHY OBJECT TO MR. THIEU'S ELECTION?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I wonder about the concern which is expressed so often in America because President Thieu's reelection in Vietnam is unopposed. This is, after all, the business of the Vietnamese. Originally there were three announced candidates for President. Two of them have seen fit to drop out or failed to qualify. This would seem to indicate there is no strong demand for a contested election.

If we are so much concerned about contested elections, let me suggest that we give first thought to insuring competition in the elections in Communist countries. One-man elections are the rule there and the election is openly a farce. Yet I do not hear protests in our country about the fact that only one slate of candidates is offered. Instead of trying to manage the affairs of our friends, would it not be more productive for America's emissaries to encourage opposition candidates in these countries and to make speeches about the fallacy of the Communist system? We seem to make an especial effort to offend those who want to be our friends and we prate them about the kind of government they should have. They could very well remind us that we are not doing as well as we should with our own. When will we show sense enough to let well enough alone and to appreciate the friends we have? We need friends too much to offend them needlessly.

ACTIONS SPEAK LOUDER THAN WORDS

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, I have on occasion before, taken the floor of this House to denounce the deception practiced by this administration in the matter of excessive interference in public education. If it happened only now and then, such action might be excused as bureaucratic bungling—the left hand not knowing what the right one was doing, if you will—but the overwhelming evidence points to a systematic approach.

While issuing statements, proclamations and press releases telling the Nation how much the Nixon administration believes in local control of local institutions and insisting further that never will the Departments of Justice or Health, Education, and Welfare press for more than the constitutional requirements, what has actually been happening? Mr. Speaker, the letter that follows from a responsible and respected public official in my district, Hon. Fred Ramsey, superintendent of Marengo County schools, reveals clearly disruptive and unreasonable actions that speak louder than words:

Superintendent of Education,
Marengo County,
Linden, Ala.

Hon. John Mitchell,
U.S. Attorney General,
Washington, D.C.

Dear Mr. Mitchell: Will you please, for once and all, give me yours and Mr. Nixon's position on school desegregation? Is this administration really concerned about the educational program and the welfare of the local people, especially the children? Has political expediency become the chief concern of this administration, even if it destroys public systems and causes turmoil and strife among the local people?

Mr. Mitchell, the Marengo County Board of Education operated under a plan of desegregation this past year which the local people, both Black and White, accepted and supported. There was no complaints, boycotts, demonstrations, court suits or any other form of opposition, whatsoever. However, the Justice Department for some unknown reason appealed this plan and the Marengo County Board of Education was ordered to operate under another plan. The Justice Department was requested to meet with the Local Board so that we might improvise a plan whereby we could operate a public school system and at the same time get the Justice Department to stop harassing and intimidating us. (No one gives this Board any trouble except the Justice Department). It took a second and third request before we finally got an attorney from the Justice Department to meet with us and then it was just before our schools opened on August 30. Your Justice Department was of little help as the Attorney had no recommendations whatsoever, but did say that we had a ten percent chance of having our proposed plan being accepted.

The Marengo County plan was submitted and approved by District Judge Daniel Thomas and schools were opened in a quiet and peaceful manner. People, as a whole, accepted the plan but, lo and behold, here comes your Justice Department again filing a notice of appeal. I assume you would like to tear our schools apart and rearrange them here after schools have started to achieve some kind of racial ratio so that you might use it for some kind of political propaganda and to hell with the educational program. In the meantime, adjoining school systems operating under the H.E.W. and Justice Department's school plans are having riots, demonstrations, personal injuries and even people getting killed. Is this what your Department wishes? I always thought the Justice Department served to protect people not destroy them.

Again, Mr. Mitchell, just what are you trying to do or wish to do? I will appreciate a personal, direct answer from you.

Sincerely,

Fred D. Ramsey,
Superintendent, Marengo County Schools.

OF BASEBALL AND GREED

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today offering legislation to end the antitrust exemptions enjoyed for the past half century by organized baseball. As events of the past few weeks have so abundantly demonstrated, the concept of professional baseball as our "national pastime," deserving of special treatment, has become a ludicrous anachronism. Baseball is clearly a business—the most hardheaded, self-serving kind of business—and should be regulated as such.

The immediate cause of my personal discontent is the cynical and secretive effort of a group of Washington officials and media barons to grab the San Diego Padres, now that Bob Short is taking the Senators to Dallas-Arlington-Fort Worth.

"Did that blackguardly boy, Bob Short, steal all our marbles and take them to Texas?" asks columnist Tom Dowling in the Washington Star. "Well, then, we'll turn around and steal San Diego's marbles, or San Francisco's."

It is this type of public-be-damned mentality that is most characteristic of the big league moguls, as well as their allies and kindred souls in the upper echelons of the news business.

After all the bleeding and bleating about the callous circumstances of the departure of the Senators in the Post, the Star, and the Daily News, and on Washington TV, it is doubly upsetting when the proprietors of these same organs gather secretly to plot doing the same thing to San Diego. Particularly so in the case of the eminent local broadcasters, licensed, ostensibly, to serve the public interest.

Likewise, the District of Columbia Armory Board seems to play fast and easy with its public trust. How else can we explain flexibility of these worthies, in hinting at a sweeter deal for whatever club owner might be prevailed on to follow Mr. Short as summer tenant at District of Columbia stadium? Who paid for this stadium, anyway—or has the Armory Board conveniently forgotten?

In the eyes of the law, baseball itself has enjoyed preferential treatment since a 1922 court decision that it was essentially the "national pastime" instead of a for-profit business.

That decision might have made sense a half century ago, when owners were seemingly more serious about their civic responsibilities. But with club owners giving the back of their hands to fans all over the country, it makes no sense today.

My legislation, which would apply provisions of the Sherman Antitrust Act to organized professional baseball, is identical to a bill introduced last week by our distinguished colleague, Bernie Sisk.

Similar proposals have been made in the past, but have foundered on the reluctance of many Congressmen to risk antagonizing club owners in their cities. But even this reservoir of good will may at last be dried up by widespread revulsion to the tactics of arrogant owners.

At this point, I am including Mr. Dowling's column plus a news account, also from yesterday's Washington Star, of the secret meeting Saturday to plot the theft of another team to replace the Senators:

Of Baseball and Greed

(By Tom Dowling)

Baseball is a boy's game played by kids and grown men alike.

Thus, the Senators' departure has released a full measure of pouting and raving, even the infantile fantasy that everything will turn out all right. Did that blackguardly boy, Bob Short, steal all our marbles and take them to Texas? Well, then, we'll turn around and steal San Diego's marbles, or San Francisco's.

The American League owners are ruthless businessmen devoid of principle. That is all the more reason to stand with San Diego's fans and not against them. We share a common enemy and only a united front can roll back the damage already done; prevent it from happening again.

The chief fantasy the American League owners have foisted upon the land is the notion that Tuesday's meeting in Boston was convened to seriously debate the future of the Washington franchise. Multi-million dollar business decisions are not just made on the spur of the moment.

DOLLARS-CENTS THINKING

After all, Joseph Danzansky was offered a chance to buy the Senators a full six months ago. Neither Danzansky nor Short are fools. Both knew that a Washington franchise is worth $9 million at most, that a Dallas-Fort Worth franchise is worth $12 million for starters. The American League owners are not a whit less long-headed.

If one of their number fell asleep at the Boston meeting, as has been reported, it was not the act of a decrepit simpleton, but the natural reaction of a busy executive bored to slumber by the charade being enacted behind closed doors. The Texas decision was made months ago and it was a money decision.

Characteristically, the owners produced two fantasy figures to becloud their manipulations. Bowie Kuhn was sent wandering up and down the hotel corridors to boast of his valiant efforts to save the Senators. Danzansky, the "Savior," was pulled out of the hat at the last minute to confer the appearance of hope where none existed.

In the fantasy world of childhood, every villain must be counterbalanced by a hero. There are villains aplenty in the pre-scripted fall of the Senators, but no heroes. Giant food shareholders may regard their president as a heroic publicizer of their corporation, but Danzansky, quite properly, acted throughout as a sensible, hard-headed businessman with no taste for acquiring a costly lemon on unfavorable terms.

The American League owners understand the Kafkaesque business parameters of baseball.

PARABLE EXAMINED

For example, let's examine the parable of B.S. the baseball owner and J.D. the potential buyer. B.S. bought his team back in 1969 for $9 million. The assets involved in this transaction are (1) the franchise, which consists of the right to play ball in certain American cities (2) the contracts of his ballplayers (3) the right to any radio-TV contract (4) scouting reports on any future prospects (5) an existing lease with a stadium and (6) contractual arrangements with farm clubs.

Of these six assets only the franchise which has an unlimited life, is nondepreciable. After bargaining with the Internal Revenue Service, B.S. conceivably will emerge with around $7½ million in depreciable assets. His players alone will probably constitute a $7 million tax write-off spread over a five-year period. Thus B.S. has a tidy $1.4 million annual write-off to apply against his income tax for five years. Since B.S. is in the fifty-percent tax bracket or above, his depreciated ballplayers save him $7,000,000 in unpaid taxes annually.

Unhappily, B.S.'s other businesses turn sour and his income drops, leaving him no large profit from which to subtract his $1.4 million in annual player depreciation. No matter; if B.S. can restore his other enterprises to prosperity he can carry forward his depreciations for from five to 10 years beyond the purchase date of his ball club.

Still, the future is uncertain. His creditors are pounding at the gates. His franchise is only worth the $9 million he paid for it, unless he moves it to another city, where increased gate attendance, an attractive package of concessions and new media contracts can increase the value of the franchise to $12 million or more. This will allow B.S. to pick up as much player depreciation as the law allows and sell the franchise for a handsome capital gains, although he will have to pay IRS for some recapture of prior depreciation.

Fortunately, B.S. has no roots or business interests in the city he plans to desert, so there can be no local consumer reprisal against him for the move.

Enter J.D. He and his partners are all men with taxable personal income of several hundred thousand dollars a year. J.D. will buy B.S.'s ball club, liquidate the old corporation and set up a partnership, a subora Chapter 5 corporation that will allow him and his associates to subtract that $7 million of depreciable assets from their own income tax.

But, unlike B.S., J.D. is stuck with keeping his ball club put, since his local business holdings depend on consumer goodwill.

NO LOSERS ALLOWED

Thus, J.D. knows that $9 million is a sound deal; anything higher a potential disaster. So J.D. bids $9 million, $6.5 million in nonrecourse loans, knowing full well that B.S. can get $12 million elsewhere. The offer is ludicrous. But, it is always remotely possible that four American-League owners will surprise everyone by voting against greed and Texas.

The way baseball is structured, neither the B.S.'s nor the J.D.'s are allowed to lose. It's called the business ethnic, and it's played by grown men and not boys.

These grown men are protected by immunity from Federal antitrust legislation. This immunity was granted years ago on the proposition that baseball is an asset to the community, a sort of public trust.

The Congressional intent and the public trust have been violated repeatedly by the baseball businessmen. This is no time to compound the disgrace by stealing San Diego's team. In the long run the Nation's Capital can live without a baseball team, if it must. The public interest transcends the games that boys play and men connive at.

A Dallas-Fort Worth franchise shrinks to financial insignificance when compared to a loss of antitrust immunity. The owners, being tough businessmen, know that. And now it is up to the Congress to determine whether the baseball owners are bigger than the public interest.

AN EMISSARY TO SAN DIEGO

(By Morris Siegel)

Edward Bennett Williams, president of the Washington Redskins, has been named a special emissary to acquire a major league baseball team for the Nation's Capital.

Williams will go to San Diego early this week to sound out Buzzie Bavasi on what possible interest the president of the Padres might have to move his team to Washington to replace the Senators.

Williams was chosen for the job by Mayor Walter Washington at a private meeting of D.C. government and leading officials in the communications business. The mayor hosted a meeting of leading citizens at the Shoreham Hotel, hopeful of enlisting their aid to find a major league team for the city.

Williams, on his trip to San Diego, also will confer with C. Arnholt Smith, chairman of the board of the Padres.

Both Bavasi and Smith indicate they will listen to all proposals, "out of politeness alone," according to Bavasi, who said the Padres have received several bids to move to other cities.

The Padres are in their third year in the National League and attendance is yet to reach 700,000 for any of the three expansion seasons. It is extremely remote that the Padres are interested in moving here.

But the object of Williams' trips is not to make a flat offer to the Padres to move here. He has no outright proposals to make. Instead, he will try to find out if San Diego is interested in moving for the 1972 season and then will report back to the mayor's committee.

In addition to Mayor Washington and Williams, others attending the meeting were John Kauffman, president of The Evening Star Newspaper Co., Katherine Graham, president of the Washington Post Co.; Ray Mack, publisher of the Washington Daily News; Richard Stakes, general manager of The Evening Star Broadcasting Co.; Larry Israel, president of the Washington Post Broadcasting Co.; Bill Sanders, general manager of Radio WWDC; Francis Kane, chairman of the Armory Board; Arthur (Dutch) Bergmann, manager of the Armory Board; Gilbert Hahn Jr., D.C. council chairman and Joseph Danzansky, the president of Giant Food who finished runner-up to Texas at the American League meeting last week which sent the Senators to Dallas-Forth Worth.

It was learned that the Armory Board's handling of its negotiations with Short came in for severe criticism from several persons, including the mayor, at the meeting.

WILL THE U.N. BLUNDER ON SOUTH-WEST AFRICA

(Mr. ABERNETHY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, the reliable and well-informed columnist, James J. Kilpatrick, has just called to our attention a very dangerous situation that is developing with regard to United Nations and international policy toward South-West Africa. His views on this situation appeared in the Sunday, September 26 edition of the Washington Star.

I ask that his column be included as a part of my remarks and strongly commend its reading and consideration to my colleagues and high authorities in the Department of State.

The situation, as outlined by Mr. Kilpatrick, follows:

WILL THE U.N BLUNDER ON SOUTH-WEST AFRICA?

(By James J. Kilpatrick)

PRETORIA, SOUTH AFRICA.—In undertaking to identify the greatest blunder in the history of the United Nations, one ought to take pause for reflection. A dozen incidents compete for the nomination. But every dismal failure of the past will be eclipsed in the next few weeks if the Security Council pursues a suicidal course in the matter of South-West Africa.

The impending crisis is not of large interest to Americans. Few persons know the background; few are concerned with the fate of a largely primitive land, thousands of miles away. Yet the implications are fateful; and the explosive consequences of folly could undo the work of generations and see Africa in flames.

South-West Africa is twice the size of California, but its population probably numbers no more than 750,000. It lies south of Angola on the west coast of Africa. A former German colony, it became a mandated territory under the League of Nations after World War I. For the past 50 years it has been administered by South Africa; for all practical purposes, it has been a part of South Africa; but for the past 15 years, the Afro-Asian bloc in the United Nations, egged on by the Communists, has been trying vainly to snatch it away. Now that unlawful and irresponsible effort is coming to a head.

The matter cries out for understanding. Most of us tend loosely to think of the U.N. as "the successor to the League." Historically this is true enough. As a matter of law, it simply is not so. The very charter of the U.N. makes this clear. Yet for purposes of punishing South Africa for its internal racial policies, both the General Assembly and the World Court (in an outrageous advisory opinion last June) have chosen recklessly to ignore the law.

Under the charter, the General Assembly has no substantive powers whatever. It can discuss and recommend—that is all. This provision of law has been equally disdained. On its own arrogant motion, the Assembly has undertaken to revoke South Africa's mandate over the territory; the Assembly has in fact given the territory a new name of "Namibia," and created a paper commission to run it. The Assembly has ordered South Africa to get out—and South Africa, for excellent reasons, has paid no attention whatever to these toothless assaults.

Now the Afro-Asian bloc, with Somalia as front man, is demanding action by the Security Council leading to "Namibian independence." This could mean sanctions and ostracism, in the futile fashion of Rhodesia; it could see South Africa expelled from the U.N.; conceivably, it could mean U.N. troops as a peacekeeping force—in one of the most peaceful areas of the world! Under the bogus fiction of "self-defense," some of the Communist-backed African nations could embark upon naked aggression.

These are the grim prospects. What of the facts? South West Africa is not a "nation" in any conceivable sense of the word. A part of it—the part inhabited by the seven Ovambo tribes—might possibly make it, with massive help from South Africa. As for the rest? The rest embraces 19 tribes, among them Bushmen and Hottentots still clinging to a Stone Age civilization. The land has come a long way under South Africa's patient mandate—a long way in terms of roads, water supplies, sanitation, medical care—but persons who have not visited this wild corner of the dark continent cannot fathom the darkness there.

To South Africa, the territory is a mixed burden and asset. Mostly it is burden. All the revenues produced by South West Africa are ploughed back into its development, plus heavy infusions of capital from South Africa itself. There is some diamond mining, some commercial fisheries, almost no industry. The asset is strategic: South Africa could not possibly permit this vast coastal area to pass into Communist control. South Africa will fight for its rights—and God help Africa, and the U.N., if this is not understood.

The Nixon administration can prevent this catastrophe. The United States can, and should, veto any extreme resolution presented to the Security Council; and the United States ought then to extend a friendly and helping hand to South Africa—a great and greatly troubled nation seeking earnestly to solve what may be insoluble problems.

REPRESENTATIVE EVANS OF COLORADO INTRODUCES LEGISLATION TO ENABLE FOOD AND DRUG ADMINISTRATION TO MONITOR THE COSMETICS INDUSTRY

(Mr. EVANS of Colorado asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, I shall shortly introduce a bill to enable the Food and Drug Administration to monitor the cosmetics industry more effectively. This bill will attempt to close serious gaps in the present law regulating cosmetics.

Cosmetics are legally defined as—

> Articles, intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and . . . articles intended for use as a component of any such activities; except that such term shall not include soap.

In other words, cosmetics are used by almost every man, woman, and child from the day they are born to the day they die. Yet, in fact, there are virtually no controls on their safety.

The Food and Drug Administration in the justification of the budget admitted this fact noting that:

> Hundreds of new cosmetic products are introduced each year. Even though these products come in contact with the skin and sensory organs, there is no legal requirement for cosmetic manufacturers to obtain premarketing clearance for their products. As a consequence, consumer complaints are the primary source of information about hazardous cosmetics. American insurance companies report that cosmetics are the basis for the second largest group of personal injury claims.

Thus, in the pungent words of Representative LEONOR SULLIVAN, the public becomes the "guinea pig" to test the safety of cosmetics.

In this regard it is interesting to note that the National Commission on Product Safety has reported that cosmetics injure 60,000 persons annually, with injuries ranging from skin eruptions, to loss of hair, severe allergic reactions, burns, itching, and lacerations.

While drugs must be proven to be safe before they are marketed, and all ingredients used in food products are now subject to premarket checks, the $6 billion cosmetic industry is free from meaningful controls.

Particularly disturbing is the fact that there is no requirement that the cosmetic industry open their complaint files to FDA inspection. The FDA is seriously short handed in the cosmetics area, allocating less than $2 million to regulate this $6 billion industry. Therefore, it is imperative that FDA immediately be alerted when complaints about a product are received by a cosmetic company.

Apparently, Commissioner Edwards realizes the critical nature of this need for he has been quoted as stating that—

> At this time, the FDA receives only a fraction of the total number of cases of adverse reactions. The feedback simply must be greater, and the industry can help by opening their complaint files to us. I do not see any workable alternative if we are going to establish a valid base for preventive actions.

Unfortunately to this moment the industry has not voluntarily agreed to open up its complaint files. Clearly if voluntary agreement is not quickly reached a legislative remedy will be required.

These facts alone would require action, but recently a whole new rash of problems have made the need for strong remedial legislation urgent. For example, mercury, an extremely toxic substance, was found to be utilized in a number of cosmetics as a preservative. The Food and Drug Administration has now recommended that mercury be replaced with less toxic substances, while Representative MINK with 53 cosponsors has introduced a bill to require that cosmetics containing mercury be required to state this fact on its label. Representative MINK emphasized that—

> Since mercury is a highly poisonous substance, it is imperative that consumers be given the right to decide on the basis of content labelling whether they wish to expose themselves to the risk of using products containing these ingredients.

But certain other experts have begun to believe that the mercury problem is only the tip of the iceberg. Esther Peterson, President Johnson's consumer adviser, has strongly argued that—

> If there is any cosmetic item which contains anything which can hurt you or me then I say the manufacturer shouldn't be allowed to sell it without at least a clear warning.

A similar position has been taken by Virginia Knauer. Mrs. Knauer stated:

> I find it difficult to understand why commonly occurring ingredients aren't listed on cosmetics labels to facilitate the purchasing decisions of consumers, a fraction of whom may be sensitive to particular ingredients.

Dr. Alexander Fisher, the author of an important text on contact dermatitis, has written to me in the same vein urging that—

> All cosmetics, whether labled hypo-allergenic or not, should be required to provide testing results and be required to label their ingredients so that sensitized individuals can be advised as to what cosmetics to avoid. Such labeling should be made mandatory and would be of great aid to physicians. Labeling, particularly of photosensitizing chemicals in soaps or other cosmetics should be a "must". Many photosensitized patients become "persistent light reactors" and have to avoid sunlight for months or years even though they no longer come in contact with the offending cosmetic.

Dermatological and allergic reactions, however, are not the only serious problems associated with cosmetics. Dr. Louis A. Wilson, in a study of ocular cosmetics, found that many of these cosmetics after a period of use become contaminated with bacteria and fungi in high density. One of the contaminants he found was pseudomonas aeruginosa, which when it infects an eye can cause permanent corneal damage within 48 hours. Dr. Wilson concluded:

> Considering the high density of this cosmetic contamination, and their daily application about the outer eye, we feel a clear and present danger exists for infection to occur.

Dr. Wilson in a letter to me was very cautious in drawing definitive conclusions from this original study, but he did note that he now had been able to document a number of cases of corneal infections due to contaminated makeup. Dr. Wilson went on to conclude that—

> Simply put, the preservative system employed in most of these cosmetics is inadequate to do the job. It is our contention that government regulations regarding the preservative system in cosmetics to be applied about the outer eye may be necessary in order to insure continued use of a safe product by the user.

A look at the FDA recall files for fiscal year 1971 shows that bacterial and particularly pseudomonas contamination has been the primary cause of recalls. An interesting example of the potential danger was FDA's recall of a toy shaving lather kit for children contaminated with pseudomonas aeruginosa. It was feared that the children might be careless and get the lather in their eyes potentially leading to serious infection.

Another area of growing concern is whether there should be greater controls on the use of hexachlorophene. The number of products containing hexachlorophene has increased drastically in the last 20 years. Hexachlorophene, for example, is found in soaps, underarm deodorants, acne creams, hand and body lotions, shampoos, makeup, mouthwash, and feminine hygiene deodorant products.

Despite this widespread use, recent scientific studies have raised serious questions about the indiscriminate utilization of hexachlorophene by the general public. It has been known for some time that hexachlorophene is acutely toxic. But in the past it was felt that the main danger was from the direct ingestion of hexachlorophene in large quantities. However, recently it has been learned that hexachlorophene is dangerous in other ways.

It has been found, for example, that severely burned infants, when washed with hexachlorophene develop a response referred to as burn encephalopathy, manifested by convulsions and brain seizures, which may be fatal.

Furthermore, it has recently been proven that hexachlorophene can be absorbed through intact and uninjured human skin into the blood stream. Curly and his fellow researchers who carried out this study for the Environmental Protection Agency concluded:

> These data raise questions about the safety of hexachlorophene when it is allowed to accumulate on the skin without rinsing and suggest that the technique of washing infants with hexachlorophene be re-evaluated. It would seem advisable to rinse the skin carefully after the application of hexachlorophene.

This conclusion dovetails with the findings of Renate Kimbraugh who carried out an independent analysis of the toxicity of hexachlorophene published in the Archives of Environmental Health. After detailing that hexachlorophene ingested by rats leads to progressive paralysis and brain degeneration, Dr. Kimbraugh went on to assert that—

> At the present state of our knowledge, the use of concentrated hexachlorophene preparations should be curtailed, and residues on food products should be reviewed and restricted when appropriate.

No one knows whether those who use large numbers of products containing hexachlorophene over long periods of time may be absorbing sufficient quantities to seriously endanger their health. Clearly studies must be undertaken immediately by FDA to determine safety criteria for hexachlorophene. In the interim, all products containing hexachlorophene should be so labeled and contain a clear notice indicating the potential toxic nature of the contents and suitable information as to its proper utilization. Furthermore, all unnecessary uses of hexachlorophene in soaps and cosmetics should be eliminated.

Thus, though the safety record of cosmetic companies has been generally good and though the cosmetic industry has recently taken some useful voluntary steps, there are clearly sufficient problems to warrant more stringent regulation. I hope in the coming weeks comprehensive hearings will be held to draft legislation to give greater protection to the American consumer in this area.

IT IS TIME TO RECONSIDER BASEBALL'S REPUTATION AS "THE NATIONAL PASTIME"

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, despite dwindling enthusiasm, baseball has continued to enjoy a reputation as "the national pastime." But the removal of professional baseball from the Nation's Capital—the center of a large and fast-growing area—should make us wonder if that reputation is appropriate.

It certainly was, at one time. There were games on every corner lot and strongly supported and strongly community-oriented teams. You could name a major city and, automatically, its baseball team sprang to mind. The community supported its team through thick and thin, and the team remained wedded to the community and its institutions.

But that is not the case today, when millionaire owners pick up their teams—like the spoiled kid who would take his ball home if he did not get to pitch—and move those teams again and again in search of ever sweeter deals. The American people have been turned off by this capacity of baseball's owners to forget community and forget sport—and remember only the business ethics of the 19th century.

Today, basketball appears to be the sport of the neighborhood. Professional football appears to attract the spectators. Meanwhile, active adults are boating and swimming, bowling and skiing, playing golf, tennis. You have to get on a waiting list these days to buy a fine bicycle.

People are fishing and hiking—and playing the first American game, the Indian's lacrosse. Americans are showing a pluralism in their sport, as in other aspects of their lives. It is time to wonder if there is anything that can be called "the" national pastime, and time to doubt, in particular, if that is baseball.

REVIEW OF LITERATURE ON THE ENVIRONMENT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a recent edition of Library Journal, Mr. George H. Siehl, formerly of Johnstown, Pa., a member of the staff of the Environmental Policy Division, Legislative Reference Service, of the Library of Congress, has provided us with an updated review of the environmental literature which has flooded the country over the past few years. As one who has tried to keep pace with this material, I can assure you that the compilation of such a review is no small task.

Mr. Siehl places the "environmental scare books" which have captured a great deal of the public's attention in their proper perspective. While he does not discount the necessity—and value—of this type of book, considering the magnitude of the environmental problems facing the Nation, he does offer "leavening" in the notice and review of more substantive and potentially more important works. He cites specifically a paraphrased quote from an essay of Benjamin DeMott which all of us would do well to remember:

> Tonal extremism, in the defense of truth, can be an incitement to skepticism.

The Siehl article, "Literature Subsequent to the Environmental Nova," is one of the best guides through the maze of published environmental material that it has been my pleasure to read. I say that knowing I could be accused of favoritism because Mr. Siehl is a former constituent, but I am sure our colleagues will be impressed with the completeness and the fairness with which the author treats his huge topic. His comments on the "anthologizing" of various environmental articles was particularly welcomed by one who must read selectively in this field. I have long thought that the publishers of these books would better serve the cause of making the public aware of the problems facing the Nation and the world by printing the works of more authors, with more opinions, and on more—limited—subjects, rather than concentrating on the "big names" in the movement and on the so-called big picture. Perhaps when Mr. Siehl writes a third "update," we will find that the environmental publishing industry has found experts dealing with more detailed problems, thus encouraging more citizens to become interested and involved in environmental problem solving.

I am sure our colleagues will find the current article of value, but in order to make the series complete, I have included Siehl's earlier article on the same subject, "Our World—and Welcome to It."

The articles follow:

[From Library Journal, July 1971]

LITERATURE SUBSEQUENT TO THE ENVIRONMENTAL NOVA

(By George Siehl)

The brightness grew steadily, with periodic flashes, until all the Nation basked in the brilliance of Earth Day—April 22, 1970. Within weeks the intensity vanished and the environmental issue was stabilized at a level somewhat above its pre-explosive glow. The great display, though brief, marked the environment's place in the world's galaxy of problems.

Such was the course of America's Environmental Nova.

George Gamow wrote of novae in *Matter, Earth, and Sky* (Prentice, 1959): "These violent stars were given the name, *novae*, i.e., 'new ones,' because it was originally believed that they were not in the sky before they were first seen. However, later observation proved that these 'new stars' were actually not new at all, but rather old stars which, because of some catastrophic process, suddenly increased their luminosity."

A year ago, *Library Journal* carried a rather broad-brush review of "the literature of the environmental crisis" (April 15, 1970, p. 1443–47). In preparing that review, it was not surprising to find a veritable mountain of literature because the article traced the history of man's concern with his environment. It *was* a surprise that the 1970 contribution to the environmental literature should be almost as voluminous as all that went before. If a slight amount of exaggeration can be excused, the experience does certainly justify all that is being said about the information explosion.

One area of omission in last year's review is that of wildlife conservation, particularly the conservation of species whose existence is threatened. The oversight is corrected herewith, and thankfully with several excellent books which have appeared in the last year or so.

No American animal is more symbolic of the vanishing natural heritage of our continent than is the wolf. No other animal is so deeply embedded in our folklore and fairy tales as is the wolf.

Dr. L. David Mech in *The Wolf* (Natural History Pr., 1970) has provided the most authoritative and readable account of a major endangered predator. The book is based on years of field experience in conducting research on Isle Royale National Park in Lake Superior; and in the forests of Northern Minnesota. Mech's Isle Royale work was previously published in the National Park fauna series as *The Wolves of Isle Royale* (GPO, 1966). The present work, however, covers a much broader range.

Mech admits to a bias in favor of the wolf, but adds that "I have tried throughout this book to regard the animal objectively. It is my firm belief that such a view is not only much more enlightening than the usual unfounded and mythical view of the creative but also is much more interesting."

A reader of *The Wolf* is likely to come away questioning the subtle shaping force of fairy tales and fantasy on young minds. The wolf, as Mech presents it, is much more interesting.

In his conclusion, Mech discusses those who see the wolf only as "dirty killers." In one paragraph, he manages to condense a philosophy of man's behavior toward man; the means to achieve environmental victory through the political process; and his innermost feelings toward the real—but vanishing world. He wrote:

"These people cannot be changed. If the wolf is to survive, the wolf haters must be outnumbered. They must be outshouted, outfinanced, and outvoted. Their narrow and biased attitude must be outweighted by an attitude based on an understanding of natural processes. Finally their hate must be outdone by a love for the whole of nature, for the unspoiled wilderness, and for the wolf as a beautiful, interesting, and integral part of both."

With all the environmental problems facing the world, or just with the matter of all the animals facing extinction, it may seem strange to dwell at such length on one book about one species. Perhaps it is that in the plight of the wolf, with whom we have shared much of our existence, we find some reflection of the plight of man.

The pace of extinction for earth's creatures has been quickened by man's activities. Some animals will probably be eliminated before we know they are (or were) even here. Conservationists have made the seriousness of the problem well known in recent years. As a result, legislative efforts have been made to save the species known to be endangered.

The United States Congress, for instance, passed a law late in 1969 which prohibits the importation of animals or parts of animals (i.e., spotted cat pelts) deemed to be endangered. It was under the provision of that act that Walter Hickel carried out one of his last acts as Interior Secretary. Eight species of whales were placed on the endangered species list by Hickel, thus preventing the importation of their oil, meat, and other products. The United States is the largest single market for whale oil, and with the elimination of that market after the current harvest is sold, commercial hunting pressures on the remaining whale populations are expected to decline.

The efforts to save the world's wildlife suffered a tragic loss late last year with the death of James Fisher. Two major works in which he played a key role were published before his death, however.

The first, *Wildlife in Danger* (Viking, 1969), was done with Noel Simon and Jack Vincent. The book is based on information in the files of the International Union for the Conservation of Nature, the prestigious organization which publishes the official world list of endangered species. That list is known as the Red Data Book. *Wildlife in Danger* is arranged in encyclopedic fashion, providing a capsule of information on each of the animals listed.

The second book was prepared in collaboration with His Royal Highness Prince Philip. It is *Wildlife Crisis* (Cowles, 1970) and is highlighted by three chapters written by Prince Philip and a number of his outstanding wildlife photographs. There follows a discussion of the animals considered in danger of extinction, but they are discussed by geographical groupings rather than appearing in alphabetical or Linnean order. The text also provides background and interpretive material.

Both books contain fine illustrations in black and white and in color. Both are also similar in that proceeds from their sale go toward the protection of world wildlife. If a choice had to be made between the two, Fisher's excellent introduction to *Wildlife in Danger* might tip the scales. He summarizes "the erosion of the variety of wild life" since 1600, and catalogs the pressures which now threaten to eliminate several other species.

Fisher described the tenor of the book in this way in his introduction:

"This book has been compiled from I.U.C.N files as dispassionately as its compilers could find possible. Confronted with a list of species on the verge of extinction, and the high likelihood that three-quarter of them have become so because of man (and thus avoidably), a certain amount of rage might seem justified. Rage, however, does not cure. We hope that we can arouse righteous indignation with the accounts in this book, which are as true as we, and our many helpful naturalist friends and correspondents, have been able to make them."

World Wildlife: The Last Stand (Scribner's, 1970) was written by the United States Ambassador to Norway, Philip Kingsland Crowe. He is a longtime conservationist and one of the founders of the World Wildlife Fund. This book, like his previous *The Empty Ark* (Scribner's, 1967) is based on his personal observations of the animals of which he writes. Last August, when *World Wildlife* was published. Crowe was in Spitsbergen observing polar bears in their natural habitat. Intermingled with his comments on the animals are numerous observations on the country he is visiting and its history, economy, and politics. Crowe is probably the only author capable of providing an assessment of many national leaders' feelings for wildlife conservation. Such personal concerns, particularly in the less developed nations, are often the key to success in conservation programs.

Much of what was written about the environment shortly before Earth Day was emotionally charged. There was a message to be delivered and little was spared to ensure its delivery. This approach was continued throughout the year, but at a significantly lower frequency. The change in tone was caused partly by the realization that the message had been delivered—the public was aware, finally, of the danger of environmental deterioration.

Having attracted public notice with the emotional, the hard-hitting, the just-plain-scare approach, many environmentalists realized that any effective follow-through would have to be based on a more rational approach.

Man's Impact on the Global Environment (M.I.T. Pr., 1970) is probably the outstanding example of the change in technique. The book is the report of a month-long interdisciplinary panel on Study of Critical Environmental Probelms (SCEP). The study acknowledged that "Some concerned individuals, including well-known scientists, have warned of both imminent and potential global environmental catastrophes." To assay the validity of those warnings, the study was based on these questions:

What can we now authoritatively say on the subject?

What are the gaps in knowledge which limit our confidence in the assessments we can now make?

What must be done to improve the data and our understanding of their significance so that better assessments may be made in the future?

What programs of focused research, monitoring, and action are needed?

What are the characteristics of the national and/or international action needed to implement the recommendations of the Study?

The study deflates many of the environmental monster balloons paraded out last year. Global oxygen starvation was considered so unlikely in view of scientific evidence that it was dismissed as a "non-problem."

The study did not find that *all* is well, however. Doubts about the effect of the supersonic transport (SST) on the stratosphere were voiced by the group. As a result, the Department of Transportation agreed to further research designed to remove those doubts.

In summary, *Man's Impact on the Global Environment* shows scientists working as scientists to relate their specialized skills to a major social problem in a responsible way. Any bookshelf that contains some of the environmental "scare" books should also contain the SCEP report—for leavening.

Another source of scientific data on global environmental problems comes from a symposium held at the 1968 meeting of the American Association for the Advancement of Science. S. Fred Singer has edited the symposium papers for publication as *Global Effects of Environmental Pollution* (Reidel, Dordrecht, Holland, 1970). This is not a book for light reading. It is a compilation of scientific papers which examine various measurable aspects of the pollution problem. The audience to which it is best directed is composed of scientists or other serious researchers.

STATING THE ENVIRONMENTAL PHILOSOPHY

Max Nicholson has drawn upon his extensive global travels and his training as ornithologist and ecologist to create *The Environmental Revolution* (McGraw, 1970). It is, at once, a history of conservation in America and in Britain, and a philosophical reflection on the course of environmental consciousness. Nicholson, after reviewing some of man's continuing abuses of the environment, is able to view the future optimistically. He states, "The 1970's will mark the first moment during man's tenure of this earth when the nature and conduct of his stewardship will be continuously under critical scientific scrutiny, not too far separated from the seats of power and from the enforcement of accountability."

Nicholson believes the new age will develop through conservation "leaving behind the period of missionary exhortation and protest, and of assuming a responsible and constructive share in the management of the planet."

There is no place like the mountains or the sea to reflect on man, life, and cosmic meanings. Rolf Edberg recorded his thoughts developed while hiking and sailing in his native Scandinavia during 1966. *On the Shred of a Cloud* (Univ. of Alabama, 1969) is now available to Americans. Many will find the concerns Edberg expresses all too familiar—overpopulation, pollution, toxic chemicals loose in the environment. What is unique is the skillful weaving of these somber threads into the brighter tapestry of Scandinavian land and seascape.

Revelations granted and philosophies created amid Scandinavian spendor is not the lot of most Americans. Theirs must be, most often, a glumly accepted recognition of existence, reinforced daily by the pressures of one megalopolis or another. *Challenge for Survival* (Columbia Univ. Pr., 1970) offers some assistance in formulating a bit more positive approach. Pierre Dansereau has edited these proceedings of a 1968 symposium concerned with "land, air, and water for man in megalopolis." The fact, theory, and stimulating ideas contained in the book make for interesting reading. Particularly enjoyable were the contributions of Frank Egler and David Lowenthal in the "Land" section.

Lynton Caldwell in *Environment: A Challenge to Modern Society* (Natural History Pr., 1970) traces the emergence of the philosophy of environmental protection into the realm of public policy. The book is much more than a history, however. Caldwell views the administrative acceptance and application of "ecologically sound ethics" as far from complete. The author is without peer in his grasp and presentation of the subject—the book is a landmark on the environmental scene.

HIGH SCHOOL DEBATE TOPIC

Librarians have probably discovered that the high school debate topic for this academic year is "How can our physical environment best be controlled and developed?"

The Environmental Policy Division of the Congressional Research Service compiled the basic document for the debate. *A Collection of Excerpts and Bibliography* was printed as Senate Document No. 91–66 (GPO, 1970), and is now available only from the GPO.

The debate may be considered in simplistic terms as pitting environment vs. economics. Newspapers, especially the *Wall Street Journal*, have provided a respectable file of articles on this topic in the last year. The common chain of events in these articles seems to be the establishment of pollution control standards by state or local government; a response from the offending plant that reduction of the pollution emission to desired standards is too expensive, coupled with a threat to close the plant. The result varies from instance to instance, but often the governmental unit sticks with the designated standards—and the industry complies or closes.

Environmental Side Effects of Rising Industrial Output (Heath, 1970), edited by Alfred J. Van Tassel, provides a wealth of information. Plenty of statistics and references on a wide range of industries are included. Researchers should find this an extremely useful tool.

One of the three lectures by Henry Ford II under the title *The Human Environment and Business* (Weybright, 1970) is also germane. His remarks to the Harvard Business School touch on the role of the auto industry in reducing air pollution, as well as dealing with other social problems.

A pro and con treatment on "The Question of the Federal Role in Pollution Control" was included in *Congressional Digest,* the August-September 1970 number. Information on federal actions to stop the increase in polution is included, as are statements from a number of congressional members.

The point of view of an important industrial component—the oil and gas industries—is contained in *Current Key Issues Relating to Environmental Conservation* (National Petroleum Council, Washington, D.C., 1970).

Current History devoted its June, July, and August 1970 issues to an indepth examination of America's environmental problems. The debaters should find the material as useful as the general reader will find them interesting.

Several bibliographies that should prove helpful are: *Environment and Man* (National Press Bks, 1970) by Robert Durrenberger; *Natural Resources in the Governmental Process* (Univ. of Arizona, 1970) by David Paulsen; and *Bibliography on Environmental Affairs* by the Advisory Commission on Intergovernmental Relations, Washington, D.C. The latter two bibliographies are annotated.

A Complete Handbook on Environmental Control (National Textbook Co., 1970) is certainly worth considering inasmuch as it is identified as "a reference manual for debaters." The authors are Thomas McClain and David Zarefsky.

THE ESTABLISHMENT AS AUTHOR

The year 1970 saw the establishment of the Council on Environmental Quality in the Executive Office of the President. One of the first tasks facing the three-man council was the preparation of the first annual report on the state of the American environment. *Environmental Quality* (GPO, 1970) was transmitted to the Congress in August. As a first effort in "getting it all together" for environmental problems, the report does a good job. It was criticized in some quarters for not providing more solutions and for advocating the President's proposals.

Ocean Dumping: A National Policy (GPO, 1970) was issued by the Council in October. Ocean pollution through use of the sea as a dump for sewage, garbage, industrial and radioactive wastes, dredge spoils, and unwanted munitions has resulted in increasingly severe economic losses to commercial fishermen. Recreational use of beaches and of the sea itself have been reduced. In some cases threats to human health have developed as a reult of ocean dumping. *Ocean Dumping* details the kinds, quantities, and locations of wastes disposed of at sea. The report also offers alternate means of dealing with the wastes, both on an interim and a long-term basis.

In February 1971, the Council on Environmental Quality began publication of the *102 Monitor*. It is a listing of statements filed by federal agencies with regard to the environmental impact of any proposed action by that agency. Such statements are required by section 102 of the National Environmental Policy Act, hence the name *102 Monitor*. Availability of the information allows interested citizens to voice their comments and thus exert an influence on the project in its formative stage. For all too often in the past, conservationists and other interested groups have been confronted with a *fait accompli*.

The Council states that the *Monitor* will be published monthly, and "available on request with preference given to those representing groups with a continuing interest in the 102 process not restricted to a single project."

The Congress issued a large number of hearings, reports, and other documents which are concerned with the environment. To list all of those publications would require too much time and space, and besides, there is a happy alternative. *Environmental Affairs of the 91st Congress* (GPO, 1971) was prepared by the Environmental Policy Division, Congressional Research Service. Congressional activities in over two dozen areas of environmental concern are discussed in this Committee Print issued by the Senate Interior Committee. Each section provides details on legislation passed, legislative proposals which did not secure final action, a review of recent reports of interest, and a listing of pertinent events in each subject area.

GUIDES TO CITIZEN ACTION

The condition of our environment is of more than academic interest. No amount of reading, listening, or television watching is going to improve the situation. It is what the citizen does, with the information he has received and the motivation he has developed, that matters. The obvious question then becomes, "What is the environmentally concerned citizen to do?" An evaluation of his actions as a consumer is a good place to start. Do those actions add unnecessarily to the environmental burden? He may volunteer to serve on committees or governmental bodies, or even run for office.

The list could go on at length, but the concerned citizen might prefer to read a book about what he can do. If he wants to get a few of his neighbors to help him, *Community Action for Environmental Quality* (GPO, 1970) may prove useful. This guidebook was prepared by the Advisory Committee on Environmental Quality and provides information on how to organize and follow through on action projects. Included are a list of federal and state agencies, private organizations, and publications which can provide assistance.

The Sierra Club's *Ecotactics* (Ballantine, 1970; Trident, 1970) also provides suggestions for individual involvement, including accounts of successful efforts and some interesting essays. The emphasis is on youth involvement, but Sierra Club executive director McCloskey cautions, "Changes are made only when the controlling institutions are forced to make them through the political process."

The American Association of University Women has provided a sourcebook for environmental activists in *A Resource Guide on Pollution Control* (AAUW, Washington, D.C., 1970). For each type of environmental problem the guide provides a directory of public agencies and private organizations concerned with that particular problem. Some background information is provided, along with a bibliography, in each section.

The National Wildlife Federation, Washington, D.C., annually publishes a *Conservation Directory* which gives information on the location and staff members of governmental and private organizations dealing with the broad range of conservation topics. That broad range is what we now include under the term "environment."

When all else fails the citizen can always combat pollution by following the advice of enviromental lawyer Victor Yannacone—"Sue the bastards."

A new and useful guide to suing the environmental "bad guys," whatever their parentage, is Joseph L. Sax's *Defending the Environment: A strategy for Citizen Action* (Knopf, 1971). Sax cites a number of case histories in the emerging field of environmental law. He includes a copy of the environmental protection bill which his own state of Michigan has adopted.

On the specific matter of clearing the air, *Your Right to Clean Air* is a "manual for citizen action," published by the Conservation Foundation, Washington, D.C., 1970.

READINGS—WE'VE GOT READINGS

Books of readings on ecology, pollution, or the environment are proliferating. Many of them tend to reprint the same authors and frequently the same articles that have appeared in other books of readings.

It is nearly to the point where, if you've seen one book of reprinted environmental articles, you've seen them all. If the trend last year was for authors to "outscare" one another, the trend this year seems to be for editors to "outreprint" their counterparts. It is disheartening to think that some of those who are publishing on the environmental crisis are doing so only for personal financial gain.

There are a few bright spots, however. One bright spot is *The Crisis of Survival* (Morrow, 1970) which is basically a hard cover edition of the April 1970 issue of *The Progressive*. Added to the magazine articles were several brief essays, including one by Benjamin DeMott, "Ecology and Self-Scrutiny: A Cultural Overview." It should certainly be included in the next round of environmental anthologies. He notes that "everywhere pseudoevents are laid on for electronic newsmen (car burials, Earth Days, and the like)" and cites the danger of overripe rhetoric; "Tonal extremism, in the defense of truth, can be an incitement to skepticism."

In paperback, *The Arthur Godfrey Environmental Reader* (Ballantine, 1970) also draws, in part, on some less overworked sources. The appeal of this book lies, perhaps, in its departure from crisis and foulness to catch a glimpse of beauty. The selections from Victor Scheffer's *The Year of the Whale* and from Henry Beston's *The Outermost House* provide those glimpses.

The following three readers are available in paperback editions:

Eco-Crisis (Wiley, 1970) is a collection of readings selected by Cecil E. Johnson. One of the best selections is Garret Hardin's "The Economics of Wilderness." The usefulness of the book is reduced because nearly one-third of the pages are devoted to environmental problems following nuclear or chemical and biological warfare. Certainly such problems would be severe, but they do not fall within the context of most discussions of environmental pollution.

Glen and Rhoda Love have included a few nonstandard selections in their *Ecological Crisis* (Harcourt, 1970) "The Fog" by Berton Roueche recounts the Donora, Pennsylvania air pollution disaster, and an excerpt from William O. Douglas's *A Wilderness Bill of Rights* outlines the functions of a proposed office of conservation.

A volume which presents previously unpublished material is *The Environmental Crisis* (Yale, 1970), edited by Harold Helfrich. It consists of the lectures delivered in the Yale School of Forestry symposium on Issues in Environmental Crisis, held in 1968–1969. A number of the "standard" environmental names are included, along with some authors less frequently heard although they have something interesting to say. Among the latter is Charles Ross, former member of the Federal Power Commission, who discusses the role of federal government as an "Inadvertent Advocate of Environmental Degradation."

Protecting Our Environment (H. W. Wilson, 1970) is one of "The Reference Shelf" series. Editor Grant McClellan has done a fine job of selecting good material from a broad environmental range.

Walt Anderson has similarly selected generally interesting and relevant material for *Politics and Environment* (Goodyear, 1970). The section on the urban environment is weak, however, with only a Lewis Mumford piece to save it.

In future readers which endeavor to deal with the urban environment, *Superhighway—Superhoax* (Doubleday, 1970) is a certain candidate for inclusion. Author Helen Leavitt faced eviction from her Washington, D.C. home at the hands of the highway builders, but turned the tables on them to stop the District's freeway program by going to court. Her report on the role of the highway in contemporary America is critical and hard-hitting. Mass transit could get a healthy boost from this book—and that would transform the urban environment faster than a whole year's crop of sociologists.

IN CLOSING

The Diligent Destroyers (Doubleday, 1970) catalogs some of the many single-minded activities by both federal agencies and private enterprise which have resulted in lasting, serious disruption of the natural environment. The Corps of Engineers, Bureau of Reclamation, federal and state highway agencies, and the strip miners all appear. Laycock writes strongly in opposition to much that these agencies do. He does not merely criticize; he offers suggestions whereby broader considerations could determine the fate of individual projects, considerations which include protection of wildlife, landscape, and the condition of the world we pass along to the next generation.

Third Pollution (Praeger, 1971) makes surprisingly interesting the process whereby one small step for the consumer becomes an uphill treadmill for the garbage collector. William Small's book on the problem of solid wastes has already been tagged in a *Library Journal* review (January 15, p. 200) as "essential for libraries." The casual tossing of an item into the trash can, when multiplied by the population of the United States, leads to a bill of $4.5 billion every year. The book details some of the pending changes in management and technology designed to reduce that bill and return much of the waste material to use.

Gordon Taylor surveys the "future of the human race" in the light of our broad scale environmental assault upon ourselves in *The Doomsday Book*. His cases are of the frightening variety, and his prognosis not particularly hopeful.

A broad survey of environmental issues and the Congressional treatment of those issues is contained in *Congress and the Environment* (Univ. of Washington Pr., 1970). The book is based on research papers prepared by graduate students at the University of Washington, and is edited by Richard Cooley. It can serve as a guide to others interested in pursuing similar studies. The chief criticism of the book has been of its lack of depth, a factor stemming in large part from its extensive reliance on secondary sources.

The sensational is still with us. It does serve a purpose, but that purpose—raising an alarm—has by now been largely accomplished. This review has, by and large, been confined to those books and authors who have moved to the second stage. It is at that second stage that we examine the facts, establish priorities, and begin the job of cleaning up our planet.

This review is far from being a complete listing of all the good sources which became available during Year One of America's Environmental Decade. In fact, five more likely candidates for inclusion on the list were dropped on my desk as I typed this conclusion. I'm glad. It means that there are, as Benjamin DeMotte in his *Crisis of Survival* essay described them, "many spokesmen for the ecological cause [who] say their piece moderately, cooly—yet nevertheless press just as firmly the point that mankind cannot have known an equivalent crisis before."

[From Library Journal, April 1970]

Our World—And Welcome to It!

(By George H. Siehl)

Cartoonist John Monroe gets a half-hour in which to solve the familiar human problems which exist in his Thurberesque world every Monday evening.

Scientists give us about a half-century to solve the familiar environmental problems which exist in *our* world. At stake in solving those problems is the survival of the human race.

The exact number of years may vary somewhat, depending upon which scientific jeremiad one listens to. The range seems to be from about 30 to 100 years before mankind succumbs to the lethal combinations of solid, liquid and gaseous waste products. To quibble over the precise time remaining is simply to engage in a morbid hair-splitting contest. Something obviously is wrong, and dealing with that wrong is considerably more important.

The earliest recorded instance of man suffering the consequences of abusing his environment deals with a young couple who made excessive use of the natural productivity of their garden in a place called Eden.

Since then, we have gained the capability of massively degrading the environment to the point where the reaction threatens to become physical, rather than theological. Before examining the current situation in some detail, it may be useful to trace briefly the evolution of the man-environment theme.

Perhaps the outstanding work of scholarship in tracing the origins of man's attitude toward the natural world is that of Clarence J. Glacken in *Traces on the Rhodian Shore* (Univ. of Calif. Pr., 1967). His account carries from the time of the ancient Greek philosophers until the end of the 18th Century. It is certainly the most difficult period in which to identify the threads of environmental concern. Most research leads back only to such early conservationists as Thomas Jefferson and Edmund Ruffin of Virginia. The contributions of Ruffin and his predecessors are detailed in U.S. Department of Agriculture Miscellaneous Publication No. 449, "Early American Soil Conservationists."

Man and Nature, by George Perkins Marsh (Harvard Univ. Pr., 1965), first published in 1864, is one of the best expositions on the part man played in adversely modifying the landscape. No broad national action program to correct the abuses he identified was to follow for many years—indeed, until the close of the 19th Century.

The "first wave" of conservation in America began with a growing national concern over the need to protect our natural resources. It is Teddy Roosevelt, Gifford Pinchot, and, perhaps, Steve Mather of the National Park Service that we associate with the first conservation era. The federal government was then structured to deal with the management of our resource base. In addition to the Park Service, which was established in 1916, the Forest Service was created in 1905 and the Geological Survey even earlier, in 1879.

Then, as now, the relationship between man and the natural world was not to be arbitrated solely by bureaucrats. Many of the major conservation organizations active today were founded in the late 1800's and early 1900's. The Sierra Club was established by John Muir and his friends in the Sierra Nevada in 1892. The Audubon Society started in 1905, the National Parks Association in 1919, the Society of American Foresters in 1900, and the International Association of Game, Fish and Conservation Commissioners in 1902.

The broad outlines and some interesting detail of this seminal period are contained in Stewart Udall's *Quiet Crisis* (Holt, 1963).

The hallmark of conservation's first wave was protection of natural resources. The second wave, in the 1930's, was characterized by efforts to restore a battered land—a parallel to the social and economic programs of the day.

The Soil Conservation Service, Tennessee Valley Authority and the Civilian Conservation Corps must stand as the outstanding conservation components of the second Roosevelt's "alphabet soup" administration.

World War II diverted the nation's attention from resource problems. The end of that war was followed by an orgy of growth in population, industrialization, housing—and environmental deterioration. The abuses, however, were ignored or excused by all but a few traditional conservationists both in and out of government.

Henry C. Hart expressed the fundamental changes which had taken place in man's relationship with the world. In a brief, but pivotal, essay in *Perspectives on Conservation* (John Hopkins, 1958), a book keynoted by the former director of the Library of Congress Legislative Reference Service, Ernest Griffith, Hart wrote: "Nature made the world Theodore Roosevelt's Americans lived in; men made ours." The men obviously did not prove as skilled in fitting their handiwork together into a smoothly functioning system as did nature.

An international symposium was held in Princeton, New Jersey in 1955 to discuss the man-land relationship. The proceedings of the symposium *Man's Role in Changing the Face of the Earth* were published in 1956 by the University of Chicago Press. The book, organized to treat the subject in major sections no "Retrospect," "Process," and "Prospect," is a rich mine for researchers.

Traditional conservation organizations devoted their energies largely to the protection of a single resource such as wildlife, forests, parks, or wilderness. By closely monitoring and, when necessary, resisting the activities of governments or industries, the conservationists have achieved a high degree of success in their protective efforts. These groups have also performed a vital service in educating the public to the threats as they developed, and to the importance of the resource involved. This is a role which will continue to be of importance in the future.

Even though many of these conservation groups have been widening their areas of concern, the environmental crisis calls for a holistic approach and the involvement of large numbers of people who would not ordinarily become involved with specific resource issues.

Conservation has written the prologue to the environmental crisis.

THE ENVIRONMENTAL CRISIS

The term "environmental crisis" is a convenient—and not overstated—means of referring to the deteriorating quality of the natural world. The environmental crisis stems from the fouling of some environmental components and the monumental consumption of others. The contributors to the crisis may well be characterized as the three "P's"—Population, Pollution and Progress.

Population is the most sensitive topic of the three. Discussion of the need to curtail the population growth rate is greeted in some quarters with cries of "racial genocide," and in other quarters as an intolerable nfringement of religious liberty. Anyone who has participated in the great search of our time—for a downtown parking space—or held his children aloft behind 15 ranks of fathers doing the same thing to provide a view of Old Faithful, is probably willing to concede that *someone* had better stop breeding. Library patrons who find, as a matter of course, that the book they want is "not on shelf" may also be prone to feelings that the population level should have been stabilized some time ago.

The impact of growing population levels on a fixed rseource base is continually under review. *Resources in America's Future* (Johns Hopkins, 1963), prepared by Resources for the Future, is one such review. A more recent, and less sanguine, assessment is *Resources and Man* (Freeman, 1969). It was prepared by the National Academy of Sciences Committee on Resources and Man, chaired by Preston Cloud. In his preface, Cloud states: "Serious dangers beset us already, and greater ones loom in the future. People are in trouble, even around the North Atlantic—in large part because there are too many of them."

Garrett Hardin has assembled a number of controversial ideas in *Population, Evolution and Birth Control* (Freeman, 1964).

A source of continuing information is the Population Reference Bureau, Inc., 1775 Massachusetts Ave., N.W., Washington, D.C. 20036. Especially useful as a guide to further information is their *Sourcebook on Population*, which contains an extensive bibliography as well as a guide to other population organizations and programs.

Two recent titles which enjoy wide circulation are Paul Ehrlich's *The Population Bomb* (Ballantine, 1968), and Gordon Taylor's *The Biological Time Bomb* (NAL, 1969).

POLLUTION

Pollution is a much more obvious problem, and not nearly so controversial as population. Billowing plumes of smoke, debris-clogged rivers, and beaches strewn with poisoned fish are visible indicators of environmental damage. There are equally serious, but obscure, pollutants to be considered also, such as the increasing levels of carbon monoxide, carbon dioxide and various stray chemicals such as lead and asbestos in the atmosphere. Chemical fertilizers rich in nutrients wash from the soil into rivers and streams where they foster rapid growth of algae, upsetting the normal balance between plants and animals. The return to a river of water which has been used for cooling purposes, and thus warmed, also alters the ecology of the receiving water body.

To identify pollutants, trace them through the environment, and evaluate their effects requires considerably more sophistication than does dealing with smoke or trash.

In terms of dealing with the complex problems of pollution in a broad, coordinated sense, the period from November 1965 to August 1966 has assumed considerable significance. In that time four key reports dealing with environmental quality were issued.

The first, *Restoring the Quality of Our Environment*, was prepared by a panel of the President's Science Advisory Committee. It consists of a brief report, a series of recommendations, and over 250 pages of appendices which provide a basic background on a wide range of pollution problems.

The second report, *Waste Management and Control*, also treats pollution in comprehensive fashion. It was prepared under the direction of Athelstan Spilhaus for the National Academy of Sciences (Publication 1400, 1966).

In June 1966 the oceanography panel of the President's Science Advisory Committee issued its report *Effective Use of the Sea*. Pollution is considered in this report, but is not the dominant theme. The consideration of a management program for 70 percent of the earth's surface has great environmental significance.

The August 1966 report is *Alternatives in Water Management* (National Academy of Sciences Publication 1408). The scope is greatly reduced from the other three reports, but the treatment is nonetheless environmentally oriented.

These four reports, carrying the common theme of environmental protection, and appearing in quick succession, had a considerable effect in stimulating the growing public interest in improving the quality of the environment.

Beyond these basic information sources, there has been a literature explosion on the topic of pollution which outstrips the general growth of information. A survey of entries in the *Congressional Record* for a several month period last year showed the environment to be second only to Viet Nam in number of occurrences.

The popular press is devoting a great amount of space to environmental problems at the moment. A more reliable source of continuing information is *Environmental Science & Technology*, published monthly by the American Chemical Society, Washington, D.C.

To determine just what the effects of pollution are, some idea of what is "normal" is necessary to provide baselines from which change can be measured. Unspoiled types of anything in the natural world are hard to find these days. Antarctic penguins have been found to contain traces of DDT although none was ever used in that area. Thor Heyderdahl, on his recent transatlantic raft voyage, found trash and sewage floating in mid-ocean. The list is depressingly long.

Ecology is the science which attempts to discover in the planetary wreckage the "normal" relationships between living things and their physical surroundings. Several ecology textbooks are Eugene P. Odum's *Fundamentals of Ecology* (Saunders, 1959), and G. K. Reid's *Ecology of Inland Waters* (Reinhold, 1961), Paul Shepard and Daniel McKinley have assembled a fine group of ecological essays in *The Subversive Science* (Houghton, 1969).

A more direct treatment of pollution is found in *Air Conservation* (American Association for the Advancement of Science, 1965), and The League of Women Voters' *The Big Water Fight*. (Stephen Greene, 1966).

PROGRESS

Progress, the third "P," is here broadly defined to include the harvesting of resources, construction of dams and highways, and the innovations provided by advanced technology, such as the supersonic transport. Clearly, some of each of these categories must continue; the problem is how much.

An examination of progress as a contributor to the declining quality of our environment often moves quickly into the center of an emotionally charged argument. This is the arena in which traditional conservationists have been battling for nearly a century.

The early fights had all the complexity of a barroom brawl. Conservationists won a few—saving the egrets and the bison from extinction at the hands of commercial hunters. Exploitation has come out on top in some cases, too—building the Hetch Hetchy reservoir in a California valley deemed by many to be more beautiful than Yosemite Valley, which is now a National Park; and the construction of a steel mill on the Indiana Dunes of Lake Michigan serve as examples.

Those simple conflicts are still taking place. A copper company wants to mine in an unspoiled area of the Cascade mountains of Washington; biologically rich and essential wetlands in Maryland are given away by the state to land developers. These battles will probably last until there is nothing left to develop.

The defense of the environment has become much more difficult in recent years because of the adverse effects of advancing technology. As Pogo has said, "We have met the enemy, and they is us!"

Scientist Barry Commoner has observed, "The moral issues of the modern world are embedded in the complex substance of science and technology. The exercise of morality now requires the determination of right between the farmers whose pesticides poison the water and the fishermen whose livelihood may thereby be destroyed." (*Science and Survival*, Viking, 1967).

In his previously noted essay, Henry C. Hart expressed much the same thought, writing, "The modern issue is seldom conservation versus exploitation; it is often prudent exploitation for one purpose against prudent exploitation for another."

Our technology permits us to do things we have never done before; there are so many of us that we do these things on a mammoth scale, unaware of the consequences of our actions until tragedy strikes.

Rachel Carson in *Silent Spring* (Houghton, 1962) forcefully brought to public attention the fact that science and technology are not unswerving benefactors of man. Her account of the unforeseen side effects of pesticides could serve as a model for the analysis of other problems of progress.

A recent examination of another area of technology finds the nuclear power program, sponsored by the Atomic Energy Commission, severely criticized by Sheldon Novick in *The Careless Atom* (Houghton, 1969). The health hazards associated with nuclear reactors and the overall safety of such facilities are the reasons for Mr. Novick's concern.

Much additional information on health, safety, and the environmental pollution aspects of nuclear reactors may be found in the various printed hearings of the Joint Committee on Atomic Energy, Congress of the United States.

The Congress, by the way, is probably unsurpassed as a source of information on the many aspects of environmental quality. Among the committees and their areas of environmental involvement are: The House and Senate Interior and Insular Affairs Committees, which deal with matters pertaining to parks, recreation, minerals, public lands, and water and power resources. (It was in the Senate Interior Committee that the environmental quality act originated); the Public Works Committees, which deal with pollution, flood control and highways; and the Senate Commerce Committee and the House Merchant Marine and Fisheries Committee, which are responsible for environmental legislation as it pertains to fish and wildlife; and on the Senate side with problems related to the automobile.

Both the Carson and Novick books are generally assigned to the "scare" category, but this should not be allowed to discredit the important questions which they raise. Many scientists are becoming more outspoken in their public comments because of the great threat they see in environmental pollution problem, and similar major issues. Thus, important decisions, which would have been quietly accepted in the past, will increasingly be called into question.

Young people can be expected to maintain the strong pressure for questioning those decisions which they have exhibited in recent years. One of the topics they plan to concentrate on is the environment.

April 22, 1970 has been designated "Earth Day" and will be the occasion for a nationwide teach-in on the environment. This is one more indicator of the deep student concern with environmental ills, a concern which many observers feel is well on its way to replacing the war in Viet Nam as the focus of student unrest.

Campus librarians may rest a bit easier if a crowd of the bearded ones starts moving toward the library—they may be looking for information. Burning the building is considered very bad form—air pollution, you know.

Two additional references in closing. First is on outstanding review of natural history and conservation literature by Richard G. Lillard (*Wilson Library Bulletin*, October, 1969). Second is *The Environmental Handbook* edited for Friends of the Earth by Garrett De Bell (Ballentine, 1970). The *Handbook* consists of an environmental anthology and, more importantly, suggestions for individual and group action to improve the quality of the environment. This is most likely to be what the studens are looking for.

Two forthcoming sources of environmental information should also be mentioned. The Scientists' Institute for Public Information, 30 East 68th St., New York City, plans to have available by April 1, 1970 a series of eight *Environmental Workbooks*, each of which will deal with a single area of environmental concern. Among the titles are: air pollution; water pollution; pesticides; hunger; environmental costs of electric power; envi-

> ronmental education, 1970. Each workbook will consist of a nontechnical essay, some reprinted articles, accounts of successful local initiatives and in some cases, bibliographies.
>
> The Senate Interior Committee is also planning to issue a series of Committee Prints which document the evolution of the environmental protection concept. Heavy emphasis will be made of the involvement of the Congress.
>
> It's hazardous to drink the water or breathe the air, the elbow room is getting scarce, but it's our world—and welcome to it!

ECONOMIC OPPORTUNITY ACT AMENDMENTS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, this week we will consider the Economic Opportunity Act amendments.

Prior to our consideration of this measure, I would like to call to my colleagues' attention, an article which appeared in the Washington Star on September 16, 1971. This article indicates that the Office of Economic Opportunity has awarded a $1,019,761 Federal grant to the Urban Law Institute to aid in establishing a new Antioch School of Law.

Law Institute Gets Million for School

(By Fred Barnes)

> A $1,019,761 federal grant was awarded to the Urban Law Institute today to aid it in setting up the new Antioch School of Law here.
>
> The law school, affiliated with Antioch College in Ohio, is scheduled to open in September 1972 and will emphasize the "clinical" approach to legal education which allows students to learn by participating in a variety of public interest legal cases.
>
> The grant from the U.S. Office of Economic Opportunity, which has financed the law institute's activities in the past, was announced at a press conference by D.C. Delegate Walter E. Fauntroy and Jean Camper Cahn, director of the institute.
>
> "The money will be used to plan the school and to begin to pull its curriculum together," Mrs. Cahn said. It will also "let us keep on with our current client services," she added.
>
> Among other things, the institute is bringing in well-known legal figures as consultants to help in planning the law school. "It's the most exciting venture I've ever been involved in," Mrs. Cahn said.
>
> The school is expected to have an entering freshman class of about 125, plus about 30 or 40 second-year transfer students. An ultimate enrollment of about 400 is anticipated.
>
> From the time of its inception in 1963, the institute was sponsored by George Washington University Law School. The university channeled more than $1 million in OEO funds to the institute.
>
> But Robert Kramer, dean of GW law school, decided to terminate sponsorship last July, contending that GW shouldn't be involved in "the direct practice of law" and that the institute "was evolving into a large public interest law firm over which the university has no control."
>
> Under the clinical type of legal education pioneered by the institute, GW law students worked on many cases, including a suit against the Federal Communications Commission for renewing the broadcast license of WMAL–TV and one charging that Anacostia residents were short-changed in the allocation of city services.
>
> The institute has also developed a series of courses in poverty law and related fields, and many of these have been adopted by other law schools.
>
> These courses, plus some new ones in the same field, will be taught at Antioch School of Law under the clinical teaching system, Mrs. Cahn said.
>
> The progressive law school will probably have a different set of entrance tests than the normal law boards, she said, adding that the boards "test whether you'll be a good law student, not whether you'll be a good lawyer."
>
> And a new application process will be used, with prospective students being asked "questions that no law school has ever asked before," she said.
>
> The GW faculty made one effort to retain the institute, urging the creation last spring of a nonprofit corporation that would maintain a loose affiliation between the university and the institute. But Mrs. Cahn rejected this, saying she would "create" a new law school to carry on the institute's activities.

Mr. Speaker, I call this article to the attention of my colleagues because I question the wisdom of allowing a Federal poverty agency to fund the founding of a new law school, particularly when, as in this case, the George Washington University Law School as recently as July of this year terminated sponsorship of the Urban Law Institute. One cannot help but wonder if OEO program directors even investigated this grant request, or if they inquired as to why the GWU Law School terminated its sponsorship of the institute, or even if the more than $1 million in OEO funds already channeled into the program under GW's sponsorship was wisely spent.

Mr. Speaker, if the Office of Economic Opportunity is not going to investigate these kinds of grant requests, perhaps it is time that the Congress do so. For this reason, I would urge my colleagues to look closely at the OEO bill which is coming to the floor this week. Many Americans question the spending of their tax dollars in this way.

THE LATE HONORABLE JOHN C. WATTS, OF KENTUCKY

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Speaker, rising in this Chamber to note the death of a colleague is always a sad occasion, but for me it is doubly distressing to remark upon the passing of a good and close personal friend, Representative John Watts, of Kentucky.

Mr. Speaker, those of us who have been privileged to serve with John Watts over the last two decades know what a tower of strength he has been. He was not a showy Member, but a very effective Member. He was a Congressman's Congressman. He was a worker in his committee, a quiet effective man who knew how to get things done.

Mr. Speaker, I talked with John for the last time at a political dinner in Louisville a week ago this past Saturday night. He obviously was not feeling well, but, nevertheless, he kept on going. He was never an individual to complain about anything.

I first became acquainted with John nearly a quarter century ago, when he was majority leader of the Kentucky House of Representatives, and I was counsel to the State highway department. The friendship that began there did, I am proud to say, last as long as he lived.

Over the years, I came to rely on his counsel and his sound judgment, and never failed to marvel at the breadth of his knowledge.

John Watts gave of himself unstintingly during a long career of public service. He was a farmer, a lawyer, and a banker. His first public service was as police judge of his hometown of Nicholasville, Ky., more than 40 years ago. He was subsequently county attorney of his home county, Jessamine, for a dozen years from 1933 to 1945. After his service in the Kentucky Legislature, John was appointed commissioner of motor transportation in the administration of Gov. Earle C. Clements, who had left this House in 1947 to seek the governorship. John was serving in the motor transportation commissionership when he was elected in a special election to fill the unexpired House term of Thomas Underwood, who had been in 1951 appointed to fill a vacancy in the U.S. Senate.

John was familiar with the workings of government on all levels, and that knowledge was put to use.

Mr. Speaker, his colleagues on the Committee on Ways and Means will miss John Watts and the vast store of his knowledge and his efficient service. He will be missed by his friends both from his home State as well as elsewhere across the Nation. His wise and patient counsel was often sought and never denied.

I am sure the entire House joins me in expressing the deepest sympathy to his wife Nora and his daughter Lillian.

The likes of John Watts will not come this way again.

Mr. Speaker, I yield to our distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I appreciate the distinguished gentleman from Kentucky yielding to me. I feel particularly sad, standing here this morning, to say farewell to a man who was one of my dearest friends.

I sat next to John Watts on the Committee on Ways and Means for at least 10 years, maybe longer. When I first came to know him when he arrived here in Washington I was impressed with his grasp of the problems that confront us day by day; by his hard work, by his tenacity, and, as the distinguished gentleman from Kentucky has said, by his quiet effectiveness.

But as I sat with him day after day on the Committee on Ways and Means, and as we had to make decisions on the complex economic issues that come before that great committee, I found that he possessed one of the greatest qualities that a Member can have, and that is good judgment.

I remember the late Speaker Sam Rayburn saying here on occasion that a man could have a lot of things, a lot of attributes and lot of qualities, but if he lacked judgment then he lacked the most important attribute of all. John Watts had good judgment and commonsense.

As he analyzed these complex issues and as I would talk to him about them I would find almost invariably that his judgment was based on sound principles, and upon what he considered to be in the best interests of this country of ours—and in being concerned about our Nation as a whole he was nonetheless concerned about one of the great States of this Nation, Kentucky. The interests of that State were so well represented on the Committee on Ways and Means by JOHN WATTS. Again, not in an intrusive fashion. Seldom did he take the well and make a speech, but there was never a day when something involving Kentucky came up in that committee, and I know this is true on the House floor as well, that he did not make his presence felt and known.

Finally, but certainly not least, JOHN WATTS was a good and dear friend. I suspect that the longer we stay here and the more experiences we have, and the more we are battered back and forth in trying to carry out the trust that our people have given to us, we come more and more to appreciate a man who is indeed a good friend.

JOHN WATTS stood tall when the going was rough in that committee, on the floor of the House, and elsewhere.

Mr. Speaker, it is very difficult for me to realize that he has left us. His quiet presence was something that I always felt. I would say to the distinguished gentleman from Kentucky that I shall feel that presence as long as I am a Member of this body.

Mr. Speaker, I join with the distinguished gentleman from Kentucky (Mr. PERKINS) in extending, on behalf of Mrs. Boggs and myself, the very deepest sympathies to the loving wife of JOHN WATTS, and his family.

Mr. PERKINS. Mr. Speaker, I yield to my colleague, the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Speaker, I rise to pay humble tribute to the memory of my friend, JOHN C. WATTS.

His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interests of our people. In every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty.

Beginning the year 1929, Congressman WATTS served as police judge of Nicholasville, Ky., and occupied this position for 4 years. Next he was elected county attorney of Jessamine County and served from 1933 until 1945. Following his service as county attorney he served as a member and as majority leader of the House of Representatives of the Kentucky State Legislature from 1947 to 1948. When experience and ability were very much required he offered to serve as commissioner of motor transportation of the Commonwealth of Kentucky and occupied this position from 1948 until 1951. In the year 1951 he was elected a Member of Congress and served until the time of his death.

Few men in any walk of life have attracted so large a share of public attention or maintained for so long a period an equal degree of mental distinction. He was always loyal to his friends and to the people of his district and of the Commonwealth of Kentucky. All down through the years he was a man of great patience and tolerance and made every effort to understand thoroughly every problem presented and to clearly indicate the fact that he not only understood the facts but was ready to act at the proper time. JOHN WATTS had not been well for sometime, and, notwithstanding the fact that on a great many occasions he did not feel well, he continued to carry out the duties of a Representative of the Congress of the United States in the proper manner. He was a tower of strength and an outstanding example of responsible legislative leadership for his colleagues in the Congress. Friendly and sympathetic to all of the problems of the Members of the States that he advised with as a member of the Committee on Ways and Means, he indicated at all times his understanding and willingness to serve. The genuine affection and respect that he commanded on both sides of the aisle is the mark of this great man of the people. In these times when many of the problems confronting this country and to us seem almost incapable of solution, we can ill afford to lose a man with the experience and ability of JOHN C. WATTS.

Mr. Speaker, I have lost a good friend, and the Commonwealth of Kentucky has lost a great leader. At this time we pay tribute to his magnificent leadership and the fine influence he had on his State and Nation. The House of Representatives has lost a magnificent public servant. I extend to his wife and daughter my deepest sympathy in their bereavement.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, the news of the passing of JOHN WATTS was, I know, a shock to all of his friends. It leaves us all sad. We who knew him in the House of Representatives know that we have lost one of our very fine legislators. Kentucky has certainly lost one of its noble men and a Representative who thought always of the welfare of his State and his Nation. He dedicated his life to them.

JOHN was a kindly man, a quiet man, and always diligent in addressing himself to the duties of the job at hand. Those of us who served with him on the Committee on Ways and Means know how dedicated he was to the work of that committee.

He was above all a practical man. He brought to the committee and to his legislative action a degree of practicality that was helpful to all of us who worked with him. We here in the Congress and, certainly, we on the Committee on Ways and Means particularly will greatly miss him and I am sure all of us in the House will find there has been a void created by his leaving us.

To the people of Kentucky and of his district and to his family I do want to express my deepest sympathy at their loss.

Mr. PERKINS. I yield to our distinguished Speaker.

Mr. ALBERT. Mr. Speaker, like all Members of the House, I was shocked on Friday night when the Sergeant at Arms called me to advise me that my good friend and distinguished colleague, JOHN C. WATTS, had left us after suffering a massive cerebral hemorrhage.

I knew JOHN well from the time he first became a Member of the House back in 1951. I have known him as a coworker, as a fellow legislator, and as a personal friend. Shortly after he came to the House he was assigned to the Committee on Agriculture. He and I worked together on that committee and on the subcommittees thereof until he was elected to the Committee on Ways and Means.

In the life and personality of JOHN WATTS were concentrated many qualities that made him a very constructive and able Member of this body. He was quiet, but he always knew where he was going, and there was a resolution about him possessed by few men. I do not know of anybody who was more familiar with the problems of his own district or who was a better advocate of the interests of his constituents than this distinguished Kentuckian. But I can say also that his legislative interests were much more than parochial. His contributions were far greater than either the public or the Members of the House in general were sometimes aware.

I remember when he became chairman of the Poultry Subcommittee of the Committee on Agriculture and handled one of the first pure food bills ever to be presented to the House of Representatives in my time in his fight for clean poultry for the American people. I think it is little known that his name and fingerprints are on one of the first important pieces of consumer legislation enacted in Congress in modern times.

In recent years he has, of course, served with great distinction on the Committee on Ways and Means. He had the balance and the judgment which the major issues considered by that committee require. He was an attentive Member of the House. There was seldom a day that did not see JOHN sitting on the second or third row as I looked out across the Chamber from the Speaker's chair.

He knew what was going on and he tended to his business and the business of the House. Beyond this JOHN was my personal and dear friend. Only a few days before he left us he had invited me to try to arrange a day when we could go hunting together this fall and go fishing together next spring. He was a great outdoor sportsman, as all of those serving in this House who love the outdoors well know.

JOHN was a kind and friendly person, calm and deliberate at all times. But he was willing to fight for the justice of any cause in which he believed. I shall miss him as a distinguished legislator. I shall miss him as a warm friend.

Mrs. Albert joins me in extending to his beloved widow, Nora, and their daughter, Mrs. Lillian Davidson, our deepest sympathy in their bereavement.

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, John Watts combined a rare quality of warm and human personality with an unusual degree of shrewd and perceptive legislative ability. Nothing slipped by him in the deliberations of our Ways and Means Committee without his complete understanding. Not infrequently our bills bore his unmistakable personal imprint. Those of us who have served with him will always think of him with warmth and affection. His passing must be a tragic blow to his family: it is also a most unhappy loss for his country. We all will miss him.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, the Nation is saddened and shocked by the sudden death of Congressman John C. Watts of Kentucky. For 20 years, this great gentleman served his State and his Nation well in the Congress, and I am proud to have been able to claim this distinguished colleague as a close friend. During that time few Members of Congress, in the House or Senate, have rendered more capable or effective service.

As the second ranking member of the Ways and Means Committee, John Watts went about his job quietly and well, keeping always as his goal a free and strong America. His contributions toward this goal were meaningful and highly important to the future of our country.

Born in Nicholasville, Ky., John Watts studied at the University of Kentucky where he received his law degree. As a successful businessman, banker, and farmer as well as an attorney, John Watts held many important State and county offices before coming to Congress in 1951.

In the 20 years he served in this body, he gained the respect and admiration of his colleagues on both sides of the aisle. The work which he did here constitutes a lasting monument to the memory of an outstanding colleague. I consider him one of our soundest and most valuable Members. He will be sorely missed in the work of the House.

Those of us who knew and respected John Watts extend our sincere expressions of sympathy to his wife and daughter and to the people of Kentucky whom he served so well.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas, the Chairman of our Committee on Ways and Means, Congressman Wilbur Mills, be permitted to extend his remarks in the Record at this point. Unfortunately, the gentleman from Arkansas is out of town. He has called John Watts his good right arm on the Ways and Means Committee, they worked very closely together, and I am sure the gentleman from Arkansas wants his words to be placed here in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, on last Friday, this House and the Nation suffered the loss of a dedicated public servant, the Committee on Ways and Means lost one of its most able and respected members and we all lost a very close friend.

John Watts was my strong right arm on the committee and its ranking majority member. Members on both sides of the aisle held him in highest esteem and respected very greatly his mature judgment and wisdom. I do not know of anyone on the committee who had more expertise in the exceedingly difficult and technical areas falling within the committee's jurisdiction, including our internal revenue system, the tariff structure, the public debt, and the social security system, including medicare and the welfare programs.

John Watts' distinguished career spans over four decades of service to his native Nicholasville, Ky., his beloved State of Kentucky and the U.S. House of Representatives. It is from this wellspring of long experience, innate commonsense and profound knowledge of government that John Watts drew to effectively serve for so long his district, Kentucky and the Nation. We shall miss him greatly in the committee and in this House.

Our deepest sympathy is extended to his wife, Nora, their daughter and others of the family. All of us in this body feel a very deep sense of loss and sorrow in the passing of this superb lawyer, devoted legislator and warm personal friend.

Mr. ULLMAN. Mr. Speaker, it was my privilege and honor to sit next to the gentleman from Kentucky, John Watts, on the Ways and Means Committee, just below him, for over 10 years, and to know and understand and love this man who, in his own quiet way, was one of the most effective persons we have had in this whole body. He took the stance of a country lawyer, but when he stood up to speak in the committee, one became aware immediately that this was not an ordinary man. He had a kind of steel-trap mind—extremely effective. He was both competitive and articulate. He knew where he was going, and he knew the legislative process and the political process, and he knew how to get there.

He was also my friend—and when John Watts was your friend, he was your friend all the time. His word was his bond. He cherished and prized nothing higher than his word and his commitment.

John Watts was a great outdoorsman. I have been on many fishing excursions with him. He loved the outdoors and he loved the competition of a fishing or hunting expedition. I have never seen him come back without his bag filled. He would return to the river time and again to make sure that his bag was fuller than that of anyone else in the group.

He came with me to Oregon to visit the Warm Springs Indians. They took him, this man from the mountains of Kentucky, to their hearts. I want to express here their feeling of bereavement and their feeling of loss, just as I do mine. He became one of them. He returned at their invitation time and again. They appreciated the tremendous assets that were his as an extrordinary and warm human being.

I feel a great personal loss in the death of my good friend, John Watts, and I express my sympathy to his wife Nora and to his daughter. I also wish to express my sympathy to the people of Kentucky; they have lost a rare and honest leader.

Mr. PERKINS. I yield to my colleague from Kentucky.

Mr. CARTER. I thank the gentleman from Kentucky, my colleague, for yielding to me.

Mr. Speaker, I first became acquainted with John Watts when he was speaker of the House of Representatives of the State of Kentucky. At that time my cousin served as minority leader with him and they were great friends.

John Watts had been city attorney of Nicholasville, director of motor transportation of the State of Kentucky, and served, as I mentioned, as a distinguished majority leader of the House of Representatives of the State of Kentucky.

When I began my service here in the House of Representatives John and I became fast friends. I found him to be forthright and honest. He always spoke exactly what he thought.

This body has lost a great Member. The Sixth District of Kentucky and Kentucky have lost a wonderful Representative.

Today I want to extend my sympathy to his loved ones.

Mr. PERKINS. I yield to the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Speaker, I thank my colleague from Kentucky for yielding to me.

I wish to associate myself with my other colleagues today in the statements made about my dear and beloved friend John C. Watts.

This Nation is experiencing a great loss. This House is experiencing a great loss. I am experiencing a great personal loss, because John Watts to me was a great and loyal friend. His word was his bond.

I first became acquainted with the great work of John Watts in this Congress when I joined the House Committee on Ways and Means in 1961. I was impressed by his astuteness, by his great legal mind.

John had a habit, before he would question a witness, of always prefacing his remarks by saying he was just a country lawyer. But, believe me, John Watts could recite the Internal Revenue Code verbatim. He had a brilliant mind—a very brilliant mind.

He knew how to get things done. He was an architect of a great deal of the legislation which has passed through this House during the past decade. I recall that many times, when he had amendments on various bills before that committee, he always kept the interest of the Nation first. He placed that first. He was a great, God-fearing man. But he always served the State of Kentucky and his district.

The finest thing, I believe, about John Watts was his warmth, his personality.

One could go to him and could present to him a problem of one's own region. I am speaking for the people of New England now when I say to the House that New England has lost a great friend, because he could always understand the other fellow's problem.

He was very broadminded in his views. He was a dedicated, hard-working man. We all know that during the past 3 or 4 years, when he was suffering from really serious illness, he was on the job every day. He carried on, and carried on in the finest traditions of this House.

As someone said a few moments ago, he was a Congressman's Congressman. To me he will always be an inspiration. I will always feel his presence because of the great work he has accomplished over the years as a fine, dedicated, devoted public servant.

I know I express the sympathy of Mrs. Burke as well as myself, and we extend this and our prayers to his wonderful, loving wife and his devoted daughter.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I thank the distinguished dean of the Kentucky delegation for yielding to me.

It was with great sorrow that I learned of the death of my long-time friend and colleague, JOHN CLARENCE WATTS. But we must remember the words of Richter:

> Each departed friend is a magnet that attracts us to the next world.

And somehow I know that JOHN, who represented a Kentucky tobacco-growing, racehorse breeding district for 20 years, would not want us to say he had died, but rather that he had beat us in from the home stretch.

In all the years JOHN served here in Congress, he never forgot for one moment that his prime reason for being here was to minister to the needs of his State and his Nation. JOHN had been a banker, a farmer, as well as a lawyer, and held several county offices before winning election to Congress in 1951.

Quiet, dedicated, and shunning the limelight, he used great commonsense in reviewing and perfecting complex legislation. I had known JOHN for over 9 years, but it was after joining him several months ago on the House Ways and Means Committee that I was at a vantage point in noting his countless contributions in taxation, trade, social security and welfare. JOHN will be missed from the Bluegrass country of Kentucky to the cloakroom on Capitol Hill, but his distinguished record of service to his State and Nation will live on and on.

And so, along with his many, many friends, I extend my sympathy and condolences to his wife and family.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, I would not want to let this opportunity pass without joining in the expressions of sympathy for the family of JOHN WATTS and without joining in the expressions of loss on the part of the House. Most of the Members of this House are good and faithful Members, and JOHN WATTS was a good man and a faithful Member, a hard worker and a conscientious Representative.

On the other hand relatively few of the Members of this House are outstandingly able men. JOHN WATTS was one of those. He was an outstanding leader here and in the Nation.

As Members of the House we have lost a personal friend. The whole country has lost an able, stalwart public servant.

I join in extending sympathy to the family and expressing my own loss from the standpoint of the Congress and of the Nation.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Kentucky for yielding to me.

Mr. Speaker, the State of Kentucky has sent to the Halls of this great House of Representatives many outstanding legislators, but I do not know of any in this century more beloved by his colleagues or more effective in his representation of his State than JOHN C. WATTS of Kentucky.

He was a quiet man, he was a strong man, he was a warm and friendly man, he was a man who did not give his word lightly but who, having given that word, would go to any lengths to make it good. He was indeed a legislator's legislator, a man who spoke not often but always forcefully and effectively and to the point when he took the well of the House.

I ask him in the course of my own long friendship with him for only two favors to me as a friend and colleague. Both of them he graciously and very generously performed. I feel I have lost a dear friend. I know that Kentucky has lost a great representative and the House of Representatives has lost one of its finest Members.

Mr. Speaker, my wife joins me in expressing our deepest sympathy to Mrs. Watts and to the family.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with my colleagues from the State of Kentucky in paying a brief but sincere tribute to the memory of our late colleague, Representative JOHN WATTS, who passed away last week.

Certainly I was shocked and saddened to learn of the passing of this fine gentleman—an outstanding legislator and good friend. JOHN WATTS was able, dedicated, energetic and devoted to the public interest.

As a senior member of the influential Committee on Ways and Means he had an important part in preparation and enactment of legislation concerning taxation, trade, social security, and welfare reform. At the time of his passing he was especially interested in the President's economic proposals and had been working on legislation in this connection.

JOHN WATTS was also known for his effectiveness in representing his district—the Sixth District of Kentucky—as well as the State of Kentucky in the Congress. He rendered outstanding service to his district, State, and Nation and his passing is a great loss to the people of Kentucky and the Nation. He will be greatly missed in the Congress.

I wish to take this means of extending to his wife and other members of the family this expression of my deepest and most sincere sympathy in their loss and bereavement. My wife, Ann, joins me in these sentiments.

Mr. JONES of Alabama. Mr. Speaker, I want to join in the tribute to the memory of our late colleague and friend, the Honorable JOHN CLARENCE WATTS.

He established an outstanding record of public service in his community and his home State of Kentucky long before he joined us in this Chamber more than 20 years ago. Here, JOHN WATTS was recognized for his considerable knowledge of the complexities of our revenue laws and his unusual skills in the preparation and handling of tax legislation.

He devoted his efforts to improvement of our Nation's revenue laws and was recognized for his sympathetic consideration of any inconsistencies which might contribute to an inbalance in their administration.

He served his district and his State with great credit to the people who elected him. Beyond that, he was attentive to the problems which Members from other States would bring to him.

His friendly and courteous manner served him well and earned for him the affection of those of us who knew him as his skills and knowledge in legislative affairs earned for him our respect.

All of us will miss his companionship and his leadership. To his wife and daughter I extend my sincere sympathy in this time of their great loss.

Mr. BURLESON of Texas. Mr. Speaker, perhaps the most of us could spend a very long time in expressing our feelings about JOHN WATTS from the standpoint of a legislator and as a warm personal friend. By his nature, I think he would want any tribute to be made rather simple and a few words can describe him and express the deep personal feeling which I hold for him, as I know the many here do also, as is obvious.

Probably the Secretary of the Treasury, Hon. John B. Connally, described him most succinctly. He is quoted as saying of JOHN WATTS, "one who shunned the limelight but addressed himself with diligence and great commonsense to the demanding task of reviewing and perfecting complex legislation."

JOHN WATTS was my personal friend for more than 20 years here in the Congress. Soon after our acquaintance it only took a short time to measure him as a man to be depended upon and one who responded with a warm friendship. No man in this body was more highly respected and in him was recognized leadership unusual ability and dedication.

He will be missed in the role of a leader in the Ways and Means Committee and in this House of Representatives. Even more, he will be missed as a dependable friend.

Mr. MORGAN. Mr. Speaker, I want to join my fellow Members of the House in expressing sorrow at the passing of our distinguished colleague from Kentucky, JOHN C. WATTS.

As one who served with him during his 20 years in the House, I had an opportunity to know him as an able and influential legislator and to value him as a friend.

His passing will deprive the Committee on Ways and Means of one of its key members. I know that it will take a long time for that committee to readjust to the fact that he no longer is present to make available his experience and judgment during its deliberations.

I want to express my sympathy to Mrs. Watts and to his daughter and granddaughter in their bereavement. They can derive comfort from the fact that he enjoys the esteem and friendship of his colleagues who recognize him as a dedicated public servant who truly deserves the designation of "statesman." He was a man of integrity and a warm and loyal friend. He will be long remembered.

Mr. ANDERSON of California. Mr. Speaker, I would like to join my colleagues in paying tribute to our late colleague from Kentucky, the Honorable John C. Watts. He gave 20 years of outstanding service to his district and to the House of Representatives.

While he was a quiet man, he worked diligently in the Ways and Means Committee in order to bring about needed reforms in our tax laws and in our social security system. His compassion for his fellow man was matched by his legislative skill, and his contributions to landmark legislative achievements will not be forgotten.

In addition to his noteworthy service on the Ways and Means Committee, Congressman Watts gained a well-deserved reputation for his ability in ministering to the needs of his home State and the Sixth Congressional District. As a lawyer, farmer, and banker in his hometown of Nicholasville, Ky., John Watts never forgot his roots, and the experience that comes from serving in local and State assemblies served him in good stead in the U.S. Congress.

John Watts will be greatly missed in the Halls of Congress.

On behalf of myself and Mrs. Anderson, I want to take this opportunity to extend to Mrs. Watts and their daughter, Mrs. Lillian Davidson, this expression of our deepest and most sincere sympathy.

Mr. ABBITT. Mr. Speaker, all of us have sustained a great loss in the passing of our friend and colleague, the Honorable John C. Watts, of Kentucky, who died last Friday afternoon. His death not only came as a shock to us; his passing leaves a great void in the Congress and also among the people in the Sixth Congressional District, whom he served so faithfully for the past 20 years.

John was a dear friend and one of the closest associates I had in the Congress.

As the press has so aptly pointed out, John Watts was one of the band of quiet servants in Congress who give themselves untiringly to the role of legislator, without seeking publicity or getting the full recognition they deserve. His work on the House Ways and Means Committee has been noteworthy in the highest degree. He has contributed tremendously to the arduous task of shaping tax legislation and the considerable achievements in the field of social security, trade, welfare reform, medicare, and economic policy which has come from that committee during his tenure as a member. His has been a large role, but he has preferred to do what he did without seeking the limelight or caring who received credit for the ultimate achievements.

Before going on the Ways and Means Committee, he was a very valuable member of the House Agriculture Committee, on which we served together. He has played a major role in tobacco legislation and his advice and counsel were always helpful, long after he left our committee. John was a man who did his homework and who spoke both with authority and knowledge. His influential voice was respected and his full contribution to the affairs of this Nation may never be adequately appraised.

This diligence for detail and quest for full knowledge of every subject was also reflected in his service to his district. He gave of himself untiringly and he was loved and admired by his constituents.

As is true of so many public servants, John's life was a catalog of interest in the affairs of his community, his State, and his Nation. He contributed considerably to the betterment of all of them. Born in Nicholasville, Ky., on July 9, 1902, he became a lawyer, farmer, banker, police judge in his hometown, county attorney for Jessamine County, a member and majority leader of the Kentucky House of Representatives, county Democratic chairman and commissioner of motor transportation for Kentucky, before coming to Congress.

To his wife and family, we extend our deepest sympathy and in their loss they can have the consolation that his life was well spent in the service of others and his loss will be felt directly or indirectly by every American.

Mr. MADDEN. Mr. Speaker, I join the Kentucky delegation in expressing my sorrow at the passing of our colleague, John Watts. I met him shortly after he came to Congress 20 years ago. During the last 10 years we were, across the corridor, neighbors in the Rayburn Building.

He was highly conscientious, industrious, and a devoted Member of the House of Representatives. He spent long hours and hard work in his office serving his constituents who have rewarded his outstanding congressional work for 10 successive elections. As a member of the Ways and Means Committee over the years, he was an authority on the complicated problems of taxation, social security, international trade, and welfare problems. He not only served the interests of his constituents by his record and ability as a Member of Congress, but was a great contribution to his community, State and Nation.

I join all our colleagues in mourning his passing and extend my sympathy to his wife and family in their bereavement.

Mr. CORMAN. Mr. Speaker, it was a great shock to learn Saturday of the death of the Honorable John Watts.

For the past 3 years, I have had the privilege of serving with him on the Ways and Means Committee and came to know him for the kindness and powerful leadership which characterized his 20 years of service in the Congress.

John was a quiet man who shunned publicity and personal recognition but one who worked unceasingly within the committee to perfect each piece of legislation with his own touch of gentle humanity.

Though he served on a committee which dealt with issues of such important national significance as taxes, trade and welfare, he never neglected the needs of his own people and was a champion of legislation benefiting his home State of Kentucky.

To Mrs. Watts and his family, my wife and I extend our deepest sympathies.

Mr. MANN. Mr. Speaker, John Watts was indeed a man who towered among his colleagues like a giant oak tree among saplings. His good and faithful counsel was a balm to those, such as myself, who came to this Congress and earnestly sought what knowledge they must have to perform usefully in the service of America. He gave this counsel unstintingly to newer Members of this body whether they were of his party or not, whether they were of his ideological beliefs or not. For John Clarence Watts well knew that this House, if it is to be representative of the world outside its walls at all, must be composed of men who know its customs and unwritten traditions by heart.

He was such a teacher, such a wise and faithful counsel, that in his passing I am reminded of those words which have been used in this House only for those of the most wide-ranging influence and good will:

> God, gives us men! A time like this demands
>   Strong minds, great hearts, true faith, and ready hands;
> Men whom the lust of office does not kill;
>   Men whom the spoils of office cannot buy;
> Men who possess opinions and a will;
>   Men who have honor; men who will not lie;
> Strong men, who live above the fog.
>   In public duty and in private thinking.

John Watts was such a man. To these Halls he brought all the country fervor of his years as a rural lawyer who served his community as police judge, county attorney, and member of the Kentucky State Legislature. In his capacity in this House as the second-ranking Democratic member of both the House Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation, John Clarence Watts had a strong hand in shaping major policies and in preserving fiscal soundness. Both Kentucky and Congress will miss him, as will, indeed, the Nation.

Mr. ABERNETHY. Mr. Speaker, the passing of John Watts came as a distinct shock. Only a few days ago he and I were having lunch together, as we often did, in the Members' dining room. As usual he was happy, friendly, talkative, and entertaining. It is difficult for me to believe that his voice is now hushed and he is removed from our midst.

John Watts was a dedicated public servant. I recall when he first came to the Congress he sought and secured an assignment to the Committee on Agriculture on which I serve. During the years he served on this committee he represented his farm people as well as the consumers exceedingly well. He was the author of numerous pieces of legislation quite beneficial to his farming constituents. And John never had much trouble getting his bills passed because he always made a good case and the members of the committee had confidence in him.

He and I have been good friends. And his friendship was one that I greatly cherished.

We shall miss John Watts on this Hill. His district and State will also miss him because he was such a fine man and a great Member of this body.

To his family and his constituents I extend my deepest sympathy.

Mr. DORN. Mr. Speaker, John Watts was a Congressman's Congressman. He was a truly great American who effectively advocated a strong and sound economy. He will be greatly missed by the people he served so well and faithfully, the people of the region that sent Henry Clay to national leadership. John Watts will be missed in the Congress, where, as a ranking member of the Committee on Ways and Means, his wise counsel was sought after and followed.

He was a noble Representative of the great culture, heritage and traditions of his region, the heart of the great Bluegrass country. Farmer and lawyer, he embodied the great qualities of the Bluegrass State.

Mr. Speaker, it was my privilege to serve in this body with Congressman Watts for more than 20 years. He was for us a constant source of strength and wise counsel.

Mrs. Dorn joins me in my deepest and most heartfelt sympathy to Mrs. Watts.

Mr. FUQUA. Mr. Speaker, the passing of Congressman John Watts, of Kentucky, came as a particularly personal loss to me. He was one of the first men I met when I came to the Congress nearly 10 years ago.

Like so many others, I was to learn to respect his wise counsel and to appreciate his friendship. There are 435 Members of the House—not including the delegate—and there are giants among that number. John Watts was one of those giants.

In 1951 he was elected to Congress in a special election following a long career of public service that began with his graduation from the University of Kentucky in 1925.

A lawyer, a farmer, a banker, a magnificent individual.

He leaves at his passing his devoted wife and a loving daughter. To them I extend my deepest sympathy.

Congressman Watts was a fighter, a great competitor; there was nothing he enjoyed more than a good scrap. His influence on the Ways and Means Committee was a powerful one and he had a profound effect on much of the major legislation passed by the Congress over the past decade.

During the debate in the Congress, I enjoyed his counsel and his guidance. There was always something unique about John Watts, he had a basic feel for the legislative process and was always willing to share his wisdom with his friends.

There have been few Members whose passing caused more genuine concern than did that of our late colleague. He joins the rank of the great Kentuckians whose service to this Nation will never be forgotten.

Mr. FISHER. Mr. Speaker, the death of John Watts of Kentucky is a severe blow to this Congress, to his State, and to the entire country. He was a quiet, methodical, intelligent Member who performed with great dignity and influence. John commanded universal respect, and he left an imprint on many legislative enactments. He made a record here of which any Member could be proud.

To me John Watts was a personal friend. He officed across the hall from me and our paths crossed every day. We had many things in common, and it was always exhilarating to be in his presence. Through the years I spent many hours with John and I admired him very much. He was a devout patriot and indeed a truly great American.

To Mrs. Watts and other members of his family I extend my profound sympathy in their bereavement.

Mr. SNYDER. Mr. Speaker, John Watts was my friend. He proved it many times. Not only Kentucky, but the entire Nation suffered an irreparable loss in the death of John Watts.

The passing of John has been a sad blow to me personally, but more important, we all recognize the loss to the Nation of this dedicated public servant.

I had a high esteem for John and our relationship was truly a rewarding and gainful experience to me. John enriched the lives of many I know for I have heard them say so. I had a reverential regard for him and I am sure many on this floor today felt the same. From the first day I came to know John he made it clear that at home in Kentucky or here in the Congress, our friendship would transcend partisan politics. That same relationship grew with the years right up to his departure from our midst last week.

He had a reputation of ministerial skills in Government representation in serving the needs of the Sixth District which borders on seven of my 10 counties in the Fourth District. We worked closely on many State and Federal matters in which his counsel was sought not only by me, but by many officials on multigovernment levels. He carried that same dedication over in his duties and rank on the Committee on Ways and Means and the Joint Committee on Internal Taxation.

Mr. Speaker, John Watts was truly a gentleman of Kentucky in the noblest sense of the word. A philosopher once said that we never forget a person in our hearts unless his greatness is forgotten. If this is true, then those of us that were privileged to know John will never forget him.

He was a man that was close to the Kentucky bluegrass roots from which he came. He brought his vast experience as a farmer, a banker, and as a lawyer which were united in a considerable contribution in landmark legislation in taxation, trade, welfare, and social security.

In this hour of loss, I think we should remember the words of John Whittier which exemplify some of the greatness of John Watts:

> Formed on the good old plan,
> A true and brave and downright honest man!
> He blew no trumphet in the market place,
>
> * * * * *
>
> Loathing pretense, he did with cheerful will,
> What others talked of while their hands
> were still.

May I express my sympathy and condolences to his wife, Nora, and the family in their great loss. For my own part, I have lost one of my dearest friends.

Mr. Speaker, my life is richer because I knew John Watts. He passed my way for which I am thankful. But, Mr. Speaker, I have lost a friend. Richer I am for having known him—I have a great void because my friend is gone.

Mr. CHAMBERLAIN. Mr. Speaker, the news over the weekend of the death of our colleague, John Watts, was appalling and I regret very much that it was not possible for me to join those who spoke yesterday in this Chamber of their warm friendship and deep respect for this kind man who left us so suddenly.

Although John Watts and I served together in the House for many years, it was not until my appointment to the House Ways and Means Committee that I came to know him well and to understand and appreciate fully his tremendous service to his constituency, to the Congress, and to our Nation. John was a quiet but effective legislator, accomplishing his objectives through a comprehensive knowledge of the facts, through industry and perseverance, and through his rapport with his colleagues. As he set about to win advocates to his causes, he never lost the respect of his legislative opponents.

To Mrs. Watts and their daughter, I express my deep sympathy and my hope that knowing how much John was loved during his lifetime will be of some comfort to them in their loss for John will be missed here in the Congress as he is missed at home by his family.

Mr. MATSUNAGA. Mr. Speaker, with the passing of John C. Watts of Kentucky, we in the House have lost an able and competent colleague; his constituents in Kentucky have lost a dedicated and effective Representative.

In the course of a career that spanned four decades of public service, John Watts displayed a quiet astuteness and a grasp of complex legislation which belied his protestations that he was "just a country lawyer." He was, in fact, a man of extraordinary talents, a tenacious and articulate advocate of the best interests of the people of Kentucky and all America.

During my 9 years in the House, I had occasion to work closely with John Watts on several pieces of legislation. His knowledge of a pending measure's content was certain and complete, his judgment on crucial issues sure and true.

As a former educator, I had a special appreciation of John Watts' longstanding support for better educational programs. In a recent interview, stressing the need for "an educated populace," he pointed out:

> Education is one of the most essential things this country can have.

In a sense, we in the House who were fortunate enough to know John Watts, received an education in how to achieve legislative goals effectively, while remaining true to principle. For he was a man of principle, who served his district, his State and his country as few others ever have.

I join my colleagues in extending my sincerest condolences and sympathy to his wife, Nora, and members of his family, in this hour of sorrow.

Mr. O'NEILL. Mr. Speaker, I would like to take the opportunity to join my colleagues in expressing sorrow over the death of the Honorable JOHN C. WATTS. As a member of the Ways and Means Committee, Congressman WATTS made a great contribution to legislative achievements in the fields of taxation, trade, and social security, as well as chairing the Democratic Party in his home county for 28 years. The people of Kentucky have lost a great friend and public servant with the passing of JOHN WATTS. A Member of the House for 20 years, JOHN WATTS was a dedicated, hard working Representative of the people of the Sixth District of Kentucky, whose needs and problems he never neglected. Mrs. O'Neill and the entire O'Neill family offer our most sincere condolences to the family and intimate friends of the late Congressman from Kentucky in their time of mourning.

Mr. RARICK. Mr. Speaker, on last Friday, this House, the Commonwealth of Kentucky, and the Nation lost a noble and dedicated patriot and public servant; the Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation lost a most capable and respected member, and all of us who knew JOHN WATTS lost a loyal friend.

For the past 5 years, I have had the good fortune to serve with him in this House. I have known him to be a kind, soft spoken, and considerate person. He was also a practical and down to earth man who faced the reality of hard facts. He was endowed in large measure with commonsense, a quality which is sorely needed today. This attribute plus his sound judgment and background as a lawyer and banker equipped him admirably for membership on the prestigious Committee on Ways and Means where he rendered yeoman service to the Nation.

JOHN WATTS believed charity should begin at home. His first obligation as a public servant was to his constituents. Yet, in looking after the interests of those who elected him, he always considered the common good of his State of Kentucky and of the Nation.

I express my heartfelt sympathy to his wife and other members of his family in their loss and sorrow.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it is with heavy heart that I join my colleagues in marking the death of my dear friend JOHN CLARENCE WATTS, my colleague for many years—since my election to the Congress.

For some 7 years, since the opening of the Rayburn House Office Building, I had the honor and the pleasure of occupying the suite next to him, and I cannot count the times we walked together down these Halls. And now he is gone.

His career of service to the people of Kentucky and his Nation is well known and honored—as a judge in his native city of Nicholasville at the age of only 27; county attorney of his native Jessamine County at 31; majority leader of the House of Representatives of the great Commonwealth of Kentucky; and a Member of this body for more than 20 years.

His service was long and honorable. His death is a great loss to all of us. To his family we offer our heartfelt condolences. We share their loss. We share their love for him.

Mr. ROSTENKOWSKI. Mr. Speaker, I am deeply grieved, as are all our colleagues in the House of Representatives, by the untimely death of our good friend, JOHN WATTS, late a Congressman from Kentucky. He was a giant both in representing his beloved Kentucky district, and in serving the best interests of his country.

The passing of JOHN WATTS shall affect me in many ways. As a native Kentuckian, he rose from the position of a county police judge, to the role of a legislator of national prominence, yet never lost the sense of his humble beginnings. I shall miss his candor and his humility. As a member of the House Ways and Means Committee, his adroitness as a legislator was unsurpassed and his methodical approach to the most difficult of problems always showed us the best path to follow. I shall miss his leadership and his counsel. As a very accessible and congenial legislator, with a unique sense of humor, he was a definite asset to this often austere body. I shall miss his kindness and friendship.

But, more than anything else, Mr. Speaker, I shall miss the time each week that we had dinner together. For, it was during these times, that someone could really get to know JOHN WATTS. In the evening, when things were quiet, I enjoyed sitting back with JOHN and listening to his stories. It was obvious that his love for people and for the bluegrass of his native State dominated most of his thought. He was, during these times, a thoroughly enjoyable and relaxing friend.

Yes, I shall miss all these things as I am sure will most of the Members of this House—a House which has so long benefited from his good services and his sound counsel. We shall miss him but we shall not, however, forget either the man or his contributions.

On behalf of Mrs. Rostenkowski and myself, I would like to express my sympathy to Mrs. Watts and the entire Watts family.

Mr. HALEY. Mr. Speaker, with great sadness I join our colleagues in expressing my deep sense of loss at the passing of our good friend JOHN C. WATTS. Although words are always so inadequate to comfort loved ones at a time like this, JOHN'S wife, daughter, and other members of his family will surely draw strength in these dark days from the legacy of outstanding public service JOHN has left over four decades in his home State of Kentucky and the U.S. Congress.

JOHN was a man of great integrity and sound judgment. He contributed immeasurably to his important assignment on the Ways and Means Committee of which he was the second-ranking member. His love of the outdoors and his capacity to understand and act on complex issues of the day made him a very special representative of the people. He was the kind of man the Nation desperately needs in these crucial times.

As one who sincerely appreciated JOHN and what he stood for, I hope that we will work a little harder and walk a little taller to try and close the gap in our ranks that losing this fine patriot has caused.

Mr. ROONEY of New York. Mr. Speaker, it is with a heavy heart that I join my colleagues in this tribute to the late Honorable JOHN C. WATTS, of Kentucky, who for 20 years served so admirably here in the House of Representatives. JOHN was a dedicated man of quiet determination who knew how to get things accomplished. In the best sense of the word he was a "pro." He was a man who had many friends and was one to whom friendship meant much. His leadership and his brand of responsible legislative action were a guide for us all. As the second ranking member of the House Committee on Ways and Means, JOHN WATTS earned the respect of all, from both sides of the aisle. As a warm and patient human being he earned the affection of us all. He will be sorely missed both as a legislator and as a friend. His wife and daughter have our deepest sympathy in their loss.

Mr. MAZZOLI. Mr. Speaker, the constituents of Kentucky's Sixth District have suffered a terrible loss by the death of our respected and beloved colleague, Representative JOHN WATTS, of Nicholasville. Though he never sought fame, or the limelight of publicity, JOHN WATTS will be remembered always for his dedication to public service—to his district, to his State, and to the Nation.

We, in the Kentucky delegation, worked closely with him and were particularly grateful for his many achievements on behalf of our Commonwealth. Over the years since he came to Congress in 1951, Congressman WATTS was directly responsible for the location in Kentucky of much new industry, for the growth and expansion of existing business, and for additional jobs for our people. He worked tirelessly to promote the welfare of Kentucky and Kentuckians, and during his lifetime he saw many of his most cherished plans come to successful fruition.

Farmer, banker, lawyer, legislator—his career embraced a wealth of experience shared by few men. To his post on the House Ways and Means Committee, Mr. WATTS brought a breadth of knowledge which contributed to landmark legislative achievements in the fields of taxation, trade, social security, and welfare. His careful preparation and intuitive grasp of detail often enabled him to propose a compromise acceptable to all when an issue seemed deadlocked. He was a quiet man who commanded the respect and admiration of everyone who knew him.

The Congress, the Commonwealth of Kentucky, and the Sixth Congressional District will be poorer without him. There is none who can fully take his place. He will occupy a special place forever in the hearts of his colleagues, friends, and admirers.

My deepest sympathy goes out to his bereaved family in this time of grief.

Mr. BENNETT. Mr. Speaker, all of us join in deepest sympathy for the family of our beloved colleague, JOHN WATTS of Kentucky. He was born and reared in the blue grass section of Kentucky, and ably represented that beautiful area in the Congress for the past two decades. That land is one where my own ancestors lived when it was still a part of Virginia; and as a boy I used to work there on the farms of my relatives at Versailles, Georgetown, Midway, and Great Crossings. I know that verdant country and its fine people; and JOHN WATTS vigorously represented them here in his work for measures that would strengthen and improve our country in the changing times in which we live. I sincerely hope that the knowledge his widow and family have of his many great contributions to the American way of life and to mankind may be of some comfort to them in their grief.

Mr. SCHNEEBELI. Mr. Speaker, the Members of Congress are distressed and saddened by the sudden passing of our fine colleague, JOHN WATTS. I knew JOHN well, since we served on the Ways and Means Committee together for more than 10 years.

JOHN WATTS was one of the most friendly, cooperative, and effective Members of the House of Representatives.

He displayed a great grasp of tax law, and studied all legislation in committee executive sessions thoroughly to make sure his understanding was complete. He was most resourceful and persistent in searching out the facts, and was justly considered to be one of the most knowledgeable members of the committee.

In his very quiet and friendly manner he was most effective and persistent in furthering his objectives, and he was appreciated by his colleagues for his cooperation and loyalty. Among his outstanding qualities were his good judgment and commonsense, which led his colleagues to consult with him and regard him as a tower of strength during deliberations on legislation.

On a personal side, he was an ardent, enthusiastic, and capable sportsman and displayed a great sense of warmth and an excellent sense of humor. He was self-effacing, and his humility was both evident and sincere. He was a grand person and thoroughly good American. We shall all miss having his genial personality among us.

Mr. BIAGGI. Mr. Speaker, it is a sad occasion to note the passing of our distinguished former colleague, the Honorable JOHN C. WATTS.

JOHN WATTS was not known as the most vociferous Member of this body. His voice did not ring loudly in this Chamber during debate. He was a quiet man. He was a fine man. However, his expertise and ability were well known by every Member. His effectiveness on the Committee on Ways and Means ranks among that of the greatest in history.

Throughout his life he served his fellow countrymen ably and well. His public career started with service as a county attorney. Then he took the mandate of his people to the State legislature followed by a post in the Governor's cabinet. However, his pinnacle was reached as a Member of the U.S. House of Representatives.

Throughout his service here, his presence was greatly felt. Whether it was on a measure before his committee or discussing the major topics of the day, his knowledge and dedication were essential to the sound completion of this body's works. Without a doubt his presence in this Nation will be missed.

My sympathies go out to his wife and daughter in their time of sorrow.

Mr. PASSMAN. Mr. Speaker, I wish to join with my colleagues in paying tribute to the memory of my dear friend and colleague, JOHN C. WATTS.

It was my privilege to serve in the House with JOHN for 20 years. During that time, it was my good fortune to develop a close friendship with JOHN WATTS. My respect and admiration for his great ability, humane concern about his fellow man, and devotion to duty increased with each passing year. His passing is a grave loss to this body, to his country and to his friends, but certainly this world is a better place in which to live for JOHN's having lived in it.

I extend my heartfelt sympathy to his family and pray that our Heavenly Father will comfort them in their great loss and sorrow.

Mr. KLUCZYNSKI. Mr. Speaker, the death of our colleague JOHN WATTS has brought great sorrow to this body, to the State of Kentucky, and to the Nation. We mourn the passing of a man whose quiet dedication marked a career spanning four decades of public service.

During his 20 years in the House of Representatives, Congressman WATTS brought his wealth of experience in law, banking, farming, and State and local government to bear on many of the most complex problems of our society. He made outstanding contributions in the area of tax, trade, social security, welfare reform, and health legislation. At the same time, he was loved and admired by his constituents for his untiring efforts on their behalf and his success in achieving legislation benefiting his district and the State of Kentucky.

To his colleagues, JOHN WATTS showed unfailing generosity, loyalty, and warmth. Shunning publicity and personal recognition, he worked long hours to perfect the details of legislation, and his knowledge and wise counsel were often a tremendous help to younger Members and those who sought him out for advice. All those of us who had the opportunity to know him and work with him, the constituents he served so well, the State of Kentucky which was home to him all his life, and the Nation, which has lost one of its finest legislators, will miss him terribly. His was the kind of patriotism that is not based on rhetoric or loud displays, but on a profound and confident love of this country and its values. He was an example to all of us.

Mrs. Kluczynski and I join my colleagues in expressing our heartfelt sympathy to his bereaved loved ones.

Mr. STUBBLEFIELD. Mr. Speaker, JOHN WATTS' death was a great shock to all who knew him. He was my long-time, personal friend since the years he was majority leader in the Kentucky Legislature, where he served his State with great distinction.

JOHN's great talents were recognized by all of the Members of Congress. His great capacity to understand and solve the complex problems that confront us daily moved him up to a seat of power and influence in the U.S. Congress. JOHN gave his time unselfishly to new Members, who constantly sought his advice and wise counsel in their efforts to gain knowledge and guidance in order to perform their multiple duties.

JOHN's quiet manner, his kindness, his honesty and frankness endeared him to all Members regardless of ideology or party.

During his congressional tenure of 20 years, he was a member of the House Committees on Public Works, Agriculture, and Ways and Means. In all these assignments, JOHN served with dedication to improve the lot of all the people of this Nation, and he never failed to champion legislation that would benefit his home district and his State of Kentucky.

JOHN WATTS will be missed in the Halls of Congress, the State of Kentucky, and the Nation.

My wife joins me in extending our sincere sympathy to his wife, Nora, and daughter, Lillian.

Mrs. HANSEN of Washington. Mr. Speaker, may I join my fellow Members in expressing a deep sadness in the death of JOHN C. WATTS—a colleague, a friend, and a man whom I held in the highest esteem.

When I came to Congress 12 years ago I was like all junior Representatives, having much to learn of my new position. Among the most willing to help was the Congressman from Kentucky, and no better instructor could have been provided. I and many others in Congress owe much of any success we might achieve to our association with the late Congressman WATTS.

A quiet, soft-spoken man, JOHN WATTS was an effective legislator who knew and practiced those methods by which accomplishments can best be realized. He did not employ sensationalism, verbosity or antagonism; he practiced hard work.

Over the 40 years that our beloved colleague spent in serving the public, as a lawyer, jurist, and legislator, he so developed his abilities and maintained his integrity that he was truly a professional. Knowledgeable about his work and sincere in his effort to perform to the maximum, Kentucky can be proud of the contribution that their son gave to the House of Representatives, his State, and to the Nation.

Mr. SMITH of Iowa. Mr. Speaker, I want to join my colleagues who have expressed sorrow at the passing of our esteemed late colleague JOHN C. WATTS.

I knew him personally as a person with whom I held many discussions concerning current economic and social problems and ways Government might help people. He was a person who kept in touch with the current problems and attitudes of people in his district and was always anxious to compare his observations with the impressions of those from other areas. He was a people's Representative.

His death is mourned by all Members of the House. As a result of his knowledge and years of service on the Ways and Means Committee JOHN WATTS was respected by all Members for his contribution to effective and progressive legislation. He was a most dedicated servant of the people. This body has lost a truly fine man and good friend.

I extend my sympathy to his family for whom his life and service must serve as a great source of comfort.

Mr. BETTS. Mr. Speaker, John Watts and I came to Washington in the 82d Congress and we were friends ever since then. I admired and respected him for many reasons all of which, in my opinion, made him a great Congressman.

He was completely frank. Everyone knew how he stood on every issue. And he was a practical person. He was able to look at legislation in terms of how it fitted into the present order of things rather than theorizing on possibilities.

As a fellow member on the Ways and Means Committee, I had the opportunity to observe him at close range over many years. Without reservations, he was capable, conscientious, and forthright. His contributions to the committee were tremendous.

I will miss him, as will the entire Congress and his district, because he was a friend and a dedicated American.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and service of our late colleague, JOHN C. WATTS.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of medically ordered recuperation.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2260. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the Fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

THE LATE HONORABLE JOHN C. WATTS

Mr. PERKINS. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 618

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN C. WATTS, a Representative from the State of Kentucky.

Resolved, That a committee of 34 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. PERKINS, Mr. BOGGS, Mr. NATCHER, Mr. STUBBLEFIELD, Mr. CARTER, Mr. SNYDER, Mr. MAZZOLI, Mr. POAGE, Mr. MILLS of Arkansas, Mr. ABERNETHY, Mr. BYRNES of Wisconsin, Mr. BURLESON of Texas, Mr. ABBITT, Mr. BETTS, Mr. BROYHILL of Virginia, Mr. LANDRUM, Mrs. GRIFFITHS, Mr. VANIK, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. ROSTENKOWSKI, Mr. SCHNEEBELI, Mr. CAREY of New York, Mr. CORMAN, Mr. WAGGONNER, Mr. FULTON of Tennessee, Mr. GIBBONS, Mr. GREEN of Pennsylvania, Mr. CONABLE, Mr. DUNCAN, Mr. BROTZMAN, and Mr. PETTIS.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 28, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1165. A letter from the commander, Naval Facilities Engineering Command, Department of the Navy, transmitting a report covering the 6 months ended June 30, 1971, on military construction contracts awarded on other than a competitive basis by the Department of the Navy, pursuant to section 604 of Public Law 91-511; to the Committee on Armed Services.

1166. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report of the Corporation for calendar year 1970, pursuant to section 17(a) of the Federal Deposit Insurance Act; to the Committee on Banking and Currency.

1167. A letter from the Chairman, Commission on the Organization of the Government of the District of Columbia, transmitting a report on the activities of the Commission to date, pursuant to Public Law 91-405; to the Committee on the District of Columbia.

1168. A letter from the Secretary of the Interior, transmitting a report on the disposal of surplus Federal real property for park and recreation purposes during fiscal year 1971, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1169. A letter from the Assistant Secretary of the Interior, transmitting a report on a request for the reclassification of certain lands by the Fort Shaw Irrigation District, Sun River project, Montana, pursuant to the act of August 4, 1939; to the Committee on Interior and Insular Affairs.

1170. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued sale of antiques and reproductions of the colonial period at the Swan Tavern, Colonial National Historical Park, Yorktown, Va., for a 2-year term to end December 31, 1972, pursuant to 67 Stat. as amended; to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

1171. A letter from the Comptroller General of the United States, transmitting a report on problems in accomplishing the objectives of the work incentive program administered by the Departments of Labor and Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on Sept. 23, 1971, the following report was filed Sept. 25, 1971)

Mr. POAGE: Committee on Agriculture. H.R. 10729. A bill to amend the Federal Insecticide, Fungicide and Rodenticide Act, and for other purposes; with amendment (Rept. No. 92-511). Referred to the Committee of the Whole House on the State of the Union.

(Submitted Sept. 27, 1971)

Mr. MORGAN: Committee on Foreign Affairs. House Resolution 595. Resolution requesting the Secretary of State to furnish the text of all communications pertaining to the forthcoming Vietnamese presidential election (Rept. No. 92-512). Referred to the House Calendar.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 6568. A bill to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs; with amendments

(Rept. No. 92-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10879. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents (Rept. No. 92-514). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 10880. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery (Rept. No. 92-515). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 8083. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; with an amendment (Rept. No. 92-516). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 10888. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

H.R. 10889. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. ASPIN (for himself, Mr. Bingham, Mr. Corman, Mr. Dellums, Mr. Eilberg, Mr. Halpern, Mr. Hamilton, Mr. Hanna, Mr. Harrington, Mr. Helstoski, Mr. Hillis, Mr. Obey, Mr. Rangel, Mr. Rees, Mr. Stokes, and Mr. Zablocki):

H.R. 10890. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 10891. A bill to repeal the manufacturers' excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 10892. A bill to facilitate and regulate the exchange of criminal justice information and to insure the security and privacy of criminal justice information systems; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.R. 10893. A bill to amend the Disaster Relief Act of 1970 to increase the portion of the first $3,000 (in principal amount) of any disaster loan made by the Small Business Administration, or of any emergency loan or rural housing loan made by the Secretary of Agriculture, which may be canceled in the case of loss, damage, or injury resulting from a major disaster as determined by the President; to the Committee on Public Works.

By Mr. EVINS of Tennessee (for himself, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Baker, Mr. Blanton, Mr. Caffery, Mr. Downing, Mr. Duncan, Mr. Flowers, Mr. Fulton of Tennessee, Mr. Henderson, Mr. Jones of Tennessee, Mr. Kluczynski, Mr. Kuykendall, Mr. McKevitt, Mr. Roncalio, Mr. Roy, Mr. Runnels, Mr. Sikes, Mr. J. William Stanton, and Mr. Waldie):

H.R. 10894. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Halpern, Mr. Corman, Mr. Fauntroy, Mr. Harrington, and Mr. Gude):

H.R. 10895. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALPERN (for himself, Mr. Steele, Mr. Morse, Mr. Broyhill of North Carolina, Mr. Bingham, Mr. Mitchell, Mr. Gude, Mr. Donohue, Mrs. Chisholm, Mr. Riegle, Mr. Conte, Mr. Addabbo, Mr. Rosenthal, Mr. Brinkley, Mrs. Hicks of Massachusetts, Mr. Harrington, Mr. Nix, Mr. Rangel, Mr. Begich, Mr. Scheuer, Mr. Biaggi, Mr. McCloskey, Mr. Winn, and Mr. Aspin):

H.R. 10896. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 10897. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

H.R. 10898. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on the District of Columbia.

H.R. 10899. A bill to establish a Joint Committee on National Security; to the Committee on Rules.

By Mr. KASTENMEIER:

H.R. 10900. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas (for himself and Mr. Sebelius):

H.R. 10901. A bill to repeal the manufacturers excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 10902. A bill to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 10903. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of January 2, 1971 (Public Law 91-646); to the Committee on Public Works.

By Mr. YOUNG of Florida:

H.R. 10904. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. PERKINS:

H.J. Res. 889. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mrs. ABZUG (for herself and Mr. Helstoski):

H. Res. 619. Resolution requesting the Secretary of State to furnish the text of all communications pertaining to the forthcoming Vietnamese presidential election; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H. Res. 620. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. MATSUNAGA:

H. Res. 621. Resolution disapproving the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

273. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Federal Highway Beautification Act, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 10905. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mrs. GRASSO:

H.R. 10906. A bill for the relief of Antonio Fortunato D'Anna, and his wife, Carmina D'Anna, and his son, Felice D'Anna; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 10907. A bill for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 10908. A bill for the relief of Juan Jorge Rodriguez, Magalis Sobera Sanchez Rodriguez, and Ana Iris Rodriguez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

139. By the SPEAKER: Petition of the National Association of Regulatory Utility Commissioners, Washington, D.C., relative to the national economic stabilization program; to the Committee on Banking and Currency.

140. Also, petition of the FBI National Academy graduates, section I, relatives to the Director of the FBI; to the Committee on the Judiciary.

141. Also, petition of the Executive Board, California Lathing & Plastering Contractors Association, Inc., Los Angeles, Calif., relative to research in building regulations; to the Committee on Science and Astronautics.

SENATE—*Monday, September 27, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of the years that are passed and God of the years to come, we pray for this Nation, its President, its lawmakers, its interpreters of the law, its custodians of the law, its diplomats and its Armed Forces personnel that they may have Thy grace and strength in full measure. Help them to search for Thy will and having found it, give them wisdom and courage to do it.

O Lord, strengthen all of the people in morality and righteousness. Teach us the lesson that it is only what we give in love and service to others which endures forever.

In the name of Him who went about doing good. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 24, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING THE ACT OF SEPTEMBER 26, 1970 (84 STAT. 884)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 376, S. 1733.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1733, to amend the act of September 26, 1970 (84 Stat. 884).

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "To authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs", approved September 26, 1970 (84 Stat. 884), is amended by striking out "Secretary of the Interior" where it twice appears and inserting in lieu thereof "Secretary of Commerce".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–376), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

S. 1733, as introduced by Senators Jackson and Allott (by request), was submitted and recommended by the Department of the Interior.

The Act of September 26, 1970 (Public Law 91–427) provided for the joint administration of the "Crown of Thorns" starfish study and control program by the Secretaries of the Interior and the Smithsonian Institution.

Subsequently, on October 4, 1970, Reorganization Plan No. 4 established in the Department of Commerce the National Oceanic and Atmospheric Administration to provide coordination of oceanic activities of the Federal Government. Enactment of S. 1733 would place joint responsibility with the Smithsonian Institution for administration of Public Law 91–427 in NOAA through the Secretary of Commerce rather than the Secretary of the Interior.

This proposed amendment will not affect Interior's ability to participate fully in starfish programs affecting Guam, American Samoa, or the Trust Territory of the Pacific Islands, but will facilitate coordination in NOAA of the several research and control efforts which have been or are being conducted by diverse agencies and institutions at the national and local levels.

SENATOR CHILES OF FLORIDA CHAMPIONS HELP FOR LOW MAN ON INCOME LADDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a thought-provoking article published in the Los Angeles Times for today, entitled "Senator Chiles Champions Help for Low Man on Income Ladder," written by Nick Thimmesch, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR CHILES CHAMPIONS HELP FOR LOW MAN ON INCOME LADDER

(By Nick Thimmesch)

WASHINGTON.—Florida's Democratic senator, Lawton Chiles, the man who walked himself into office last fall, has chosen to walk into the thorny welfare reform issue. Chiles is skeptical of the President's family assistance plan, believes it will increase the numbers of dependent people and doesn't like the way lower-income people have to pay fast-climbing Social Security taxes.

"Under the Nixon plan," says Sen. Chiles, "we broaden the welfare class so that one in four people will be on some kind of government program. His family assistance plan alone would cover 24 million people, 10 million more than we have now on welfare.

"When I was walking across Florida last fall, guys, black and white, came up to me and right away said, 'I don't get no government check. All I earn is $3,600 a year.' That kind of a man has pride. When he finds out how the family assistance plan works and his Social Security taxes are going up, he's not going to like it.

"Those guys who make $3,000 to $8,000 a year make this country go. I particularly don't like the way lower-income people have to pay Social Security taxes at the same rate as higher-income people do."

That sounds like good Populist talk, but Chiles' argument is a bit oblique. The family benefits under the President's plan, passed in the House as "H.R. 1," are paid out of general revenues, not the Social Security system.

But those people getting minimum Social Security benefits ($74 a month), according to Chiles, should be put under a new adult assistance program financed out of general revenues. Thus the low-income wage earner wouldn't have to contribute through his Social Security tax toward the $15 billion a year it costs to cover "minimum benefit" recipients.

Moreover, Chiles argues, under "H.R. 1," the workingman's Social Security taxes will increase to 5.4% in 1972 and zoom to 7.4% in 1977. If those $74-a-month people are paid out of general revenues, the aforementioned hikes in Social Security taxes would be cut in half—to the delight of the low-income guy.

Chiles also argues that low-income people shouldn't have to pay more in Social Security taxes than they do in income tax. For example, the head of a family of four, making $4,000 a year, presently pays $52 in income tax, but $216 in Social Security. Under Chiles' formula, the Social Security tax on this man would be cut to $70.

Chiles also notes that employers can write off Social Security contributions as an expense. Thus a sizable portion of the employers' Social Security tax burden is transferred to general revenues because the employers' corporate tax payments are reduced.

Now Chiles, a 40-year-old freshman with a wide smile and a willing manner, isn't going to get very far with his recommendation that those $74-a-month people be paid out of general revenues. The reason, simply, is that House Ways and Means Committee Chairman Wilbur Mills is against any use of general revenues to finance Social Security cash benefits.

Administration officials reply to Chiles' strong criticism that low-income people pay too much Social Security tax by pointing out that income taxes are nearly wiped out for such lower-income people. As Social Security taxes go up, income taxes go down at the bottom of the income scale. And the thinking persists that if a person will one day use Social Security, he should pay for it now, whatever his income.

Chiles has struck a sensitive nerve among the lower-income working stiffs, whose every dollar counts. He is to be admired for digging into the complex world of welfare payments, Social Security benefits and intricate government financing. Many a senator or congressman comes down here huffing and puffing about how he is going to help the poor, the black and the alienated, leaving a trail of rhetoric. Lawton Chiles, whose father was a hard-working trainman, and who knows what hard work is himself, is trying to be practical and provide a square deal for the celebrated guy on the lower end of the income ladder.

SPEECH BY SENATOR MATHIAS, OF MARYLAND, BEFORE THE DEFENSE INDUSTRY EXECUTIVE SEMINAR

Mr. MANSFIELD. Mr. President, I asked unanimous consent that a thoughtful speech by the distinguished senior Senator from Maryland (Mr. MATHIAS), delivered before the Defense Industry Executive Seminar of the National Security Industrial Association, at the Sheraton Park Hotel here in Washington on September 23, 1971, be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, my belief is that there is a good deal of merit in the speech by the distinguished Senator from Maryland. Like the thoughts of the Senator from Florida (Mr. CHILES), the thoughts of the Senator from Maryland should be given the consideration of the Senate because of its perception, its detail, and I think an understanding of what confronts this Nation today.

EXHIBIT 1

ADDRESS OF SENATOR CHARLES MCC. MATHIAS, JR.

In January 1790, in his first annual address to Congress, George Washington put forward the philosophy that has guided our defense posture to this day.

"To be prepared for war is one of the most effectual means of preserving peace."

Now, 181 years later, as we face the bleak prospect that American strategic superiority may be ending, this sage advice could well serve as the keynote for this conference.

And so, let me express my profound gratitude to the National Security Industrial Association for giving me this opportunity to participate in the Defense Industry Executive Seminar and to discuss with you how best to maintain our strategic edge. For only by maintaining our own strength, can we hope to preserve world peace.

To say that this nation is beset by deep and serious troubles is to resort to understatement. On the one hand we are increasingly disturbed by the somber specter of Soviet military and technological advance: the steady development of her air force and missile system; the progress of her modern and expanding navy; the rapid advances of her technology. On the other hand we are overwhelmed with domestic woes: 205 million people seriously divided along lines of geography, age, income and race; a country still mired in a wasting and unpopular war, wracked by economic deficits and adverse trade balances; a military establishment seriously discredited and rent by its own internal difficulties; a citizenery filled with cynicism and suspicion rather than unity and trust.

I need not go on. Both the external threat and our internal weaknesses are amply evident. What is not so clear is the remedy. So while it is safe to say that our problems will be with us for many years to come, it is far less easy to suggest what we ought to do to deal with these problems.

Let me suggest three areas in which I see some prospects for decisive remedial action. First, we must get out of Vietnam. Second, we must restore the vitality and confidence of our armed services. Third, we must reduce the cost of military procurement in order to get maximum defense for the money.

Let us begin—as we always seem to begin—with Vietnam. I have for years urged that we get out of Vietnam and have initiated or backed innumerable measures in Congress to end that war. No matter how you view our involvement there, it seems fair to say that Vietnam has been at the core of much of the dissent and confrontation that has wracked this nation. Whether you believe, as I do, that Vietnam has been the source of many of our problems, or as others assert, that it has been only the symptom of a deeper national distemper, the point is moot for present purposes. I would only interject here that like Senator Jackson, Senator Montoya, and many other distinguished colleagues, I find it exceedingly bitter to contemplate that the 45,000 American boys killed, the 300,000 wounded, and the more than 100 billion dollars spent have brought us the one-man "democracy" we see in South Vietnam today—a democracy I find difficult to distinguish from that of the Soviet Union, where the people's vote serves only to confirm the party's choice.

I bring up the subject of Vietnam, not to explore the agonizing questions it raises, but simply to point out what a tremendous toll it has taken of our once unquestioned strategic superiority. Look, for example, at the role Russia plays in that war. The total Soviet-Chinese combined contribution to the war has probably never exceeded $3 billion per year. The Soviet share was never higher than $1.5 billion and is now likely less than that. By contrast, the war has cost us some $30 billion annually at the height of our involvement. This is more than ten times the combined annual cost to Moscow and Peking and more than twenty times the cost to Moscow alone. Nor does this include the inflation and the other economic and social effects felt here at home which are not felt by the Soviet Union.

Understandably the Soviets have taken full advantage of this situation. The money they have not spent in Indochina has been used to modernize and expand their armed forces. Their navy, is growing in quality and size and threatens to relegate our own to second place. Their air force and missile system are near parity with ours and exceed ours in some important respects. The preponderance of power we had only a few years ago simply no longer exists.

Equally disquieting, their vigorous research and development programs are threatening our technological superiority. And even if we now decide to spend what it takes, there is no way to make up the lead time. A Poseidon submarine begun today would not sail for five years. A new submarine class could hardly be operational before 1980.

Yet, however late the decision may be, we must hasten to end our involvement in Vietnam and apply our resources to the areas that count. Our war costs have diminished from $30 billion to something less than $8 billion yearly. But this is still an extremely significant sum.

Let me add here that I believe we can also effect some savings in Europe—not only through budgetary offset but possibly in terms of reduced troop levels. Unlike the situation in Vietnam, the presence of American forces in Europe has had a positive and pronounced effect on the strength and stability of Europe and on our strategic balance with the Soviet Union. Consequently any change in our troop levels must be approached with caution and effected only in full consultation with our NATO allies.

In no respect has the Vietnam war so sapped and subverted our strategic position as in its impact upon our armed forces. A deep and pernicious malaise has spread like a cancer through most of our military forces and has rendered them demoralized and near collapse. The Washington Post has recently carried a series of dramatic articles examining such military ills as the drug situation, the wanton violence, the racial strife and the loss of discipline and morale. Few other situations have caused such widespread commentary and concern in the press and elsewhere. And with good reason, for the problems plaguing our armed services have cast into doubt their reliability as our effective fighting force.

In an article in the *Rome Daily American* on September 7, Colonel Robert D. Heinl, Jr. reports the following:

"Under current contingency plans we have to be ready to fight at least one-and-a-half wars (until recently it was two-and-a-half.)

"Yet the hard reality, given the present collapse of their morale, discipline, self-esteem, and battle-worthiness, is that the armed forces, by private admission of numerous senior officers, are today not fit to fight half a war, let alone one-and-a-half—even if we had 33½ divisions and a thousand percent military pay raise, too.

"If the Russians were to march next week, the true state of affairs would become quickly evident, just as the condition of our divisions in the Far East became quickly apparent in July 1950 when we tried to stem the North Korean onslaught."

The far-reaching implications of this assessment upon the credibility of our commitments through the world needs no elaboration.

Clearly we must take whatever measures are necessary to restore our military services to an effective fighting force. It is my view that to do so we must move from a draft to a volunteer service. I do not propose this as a matter of principle but as a necessary expedient in response to a grave crisis. Examining our ailing military, one finds that the most consistent cause of the problems is the draftee himself. Some of the problems like drug addiction he brings with him. Others develop after he enters the service. What results—instead of a positive, dedicated soldier—is an unhappy, unwilling, and unreliable individual. While the development of this situation can be explained in a dozen ways, what is important here is the need to take immediate corrective measures. By an increase in military pay and an accelerated phase out of draft calls, we should aim for a smaller but better military service. Emerging from Vietnam, we have little cause to maintain almost three-million men under arms. Without prejudice to our defense needs or our strategic commitments, our forces can be reduced to 2.5 million men almost immediately and to 2-million men by the end of 1972.

The need for taking this decisive action is well presented by Colonel Heinl:

"An unwilling, demoralized draftee is, under today's conditions, a gap disguised as a soldier.

"To test that proposition we have only to look at our remaining forces in Vietnam: seditious, near-mutinous, avoiding combat, drug-ridden, murdering their officers, racially tormented, and unfit and unwilling (save among such brave exceptions as the chopper pilots and the advisors) to fight.

"In Europe (according to senior commanders who will speak frankly) disintegration and loss of military control, though less dramatic, are nearly as appalling.

"Given these awful givens, certain facts have to be faced. The Armed Forces, with some exceptions, need to be rebuilt from the ground up. Nothing less will do. The only serviceable building materials for the new armed forces will be men who want to be soldiers, sailors, or airmen. 'True Volunteers' is what the Gates Commission called them, and true volunteers alone will serve the purpose."

Our third major objective, and the one of most immediate concern to defense industries, is to reduce the cost of military procurement.

To resort to a sad cliche, the dollar does not buy what it used to. But nowhere is this fact more evident than in the field of military technology. This fact is taking on ominous dimensions. For if we continue the present trend we will price ourselves right out of the strategic race. This warning was made in very clear terms several weeks ago by the Senate Armed Services Committee in its report on the Military Procurement Authorization Bill now before the Senate. The importance of this problem to our future defense posture, in my view, would be hard to overstate.

Some salient facts: the savings of more than $18 billion dollars per year realized by our phasedown in Vietnam has largely been consumed by inflation. Though the military budgets for fiscal years 1968 and 1972 were about the same, ($76–78 billion), the 1972 budget buys about $20 billion less. I repeat: $20 billion less. It boggles the mind.

At the same time the costs of our modern weapons systems have increased astronomically. Let me quote from the Armed Services Committee Report:

"The purchase cost of modern weapon systems has increased by many times even within the last few years. It was to be expected that a new fighter aircraft for the mid-1970's would cost considerably more than the fighters of World War II vintage. It is striking, however, that fighter aircraft now being developed for procurement in the mid-1970's will cost five to six times more than comparable aircraft at the beginning of the 1960's. The cost of tanks is increasing over fourfold during the 1965–1975 decade. A burst of .50 caliber machinegun fire, our primary air-to-air munition until the end of the Korean War, costs about $20; we are now developing tactical air-to-air munitions costing several hundred thousand dollars per round—an increase by a factor of tens of thousands. The avionics package in some types of new military aircraft will alone weigh 2 or more tons and cost several million dollars. At over $1,000 per pound this is about twice as costly as gold."

Recognizing the skyrocketing costs of modern weapons, we must ruthlessly identify and eliminate all unnecessary expenditures so that we may obtain the maximum defense benefit for our dollar.

I have long been convinced that significant savings can be achieved by the expedient of producing the simplest weapon adequate to the job. From the simplest hand gun to the most sophisticated aircraft, there is persuasive testimony suggesting that we have loaded them with refinements both unnecessary and costly. I am pleased to note that the Armed Services Committee shares this view. Again to quote its report:

"We have produced some weapons too complex to be effective . . . Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity. When the Navy wished to arm its proposed new class of PF escorts with a modern 35-millimeter gun, it was necessary to use a gun of Italian make because none had been developed in the United States."

Another source of savings is the elimination of unnecessary overlapping or concurrency. According to the Armed Services Committee, a large degree of concurrency between development and production in some weapons programs has resulted in "commitment to production while great technological uncertainties still remain to be solved. Thus, when changes prove necessary in weapons design in the later stages of development, concurrency has maximized the cost of these changes." It is therefore gratifying to note that the Department of Defense has underscored the necessity of eliminating unnecessary concurrency.

Finally, yet another source of significant savings is the exercise of the greatest possible selectivity. We must be exhaustive in ensuring that we choose the right weapon for the job. We can no longer afford to permit considerations of inter-service rivalry to hinder the selection of the superior weapon or cause the development of redundant weapons for the same task. We must apply critical, selective criteria to every stage of development and be prepared to scrap even the most advanced program if the product proves to be less than satisfactory.

A recent example of this kind of critical examination is a detailed report on three aircraft now being funded for the task of close support: the Cheyenne Helicopter; the Harrier, a British built V/STOL aircraft; and the fixed-wing STOL aircraft, the AX. Among other things, this report recommends that the Cheyenne program be terminated, that the purchase of the Harriers be limited to 60 aircraft, and that the AX program should go forward. These recommendations, if carried out, will result in a $6 billion savings over the next ten years.

I mention this report here, not to unfold its details to you at this time, but simply to illustrate the kind of critical examination that must be focused on all of our defense procurement expenditures if we are to be able to afford the advanced technology essential to maintaining our strategic position in the world.

The Armed Services Committee has defined your challenge with dramatic clarity:

"If the geometric cost increase for weapons is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries . . . because our systems are about five times more expensive than theirs. . . . Then a future crisis may find us at a sharp numerical disadvantage."

I cannot overemphasize how important it is that you in the defense industries face up to this challenge.

I sense a growing consensus among the American people—at all points of the political spectrum—not that we spend too much on defense, but that far too much of what we spend on defense is wasted. I do not believe there is a single American who does not want a strong and a secure America. But there are a great many Americans who cannot understand why the defense budget should eat up an increasing amount of our public money while buying a proportionately decreasing amount of security. There are a great many Americans who cannot understand why we seem able to expend billions upon billions of dollars in the name of defense, and never seem able to spare even minimum amounts of money for our immense domestic needs.

There are a great many Americans, beginning with the late Senator Robert A. Taft, who have begun even to question the credulity of our defense and military establishment, and who will no longer accept without intense and exhaustive scrutiny their assurance that this expenditure is essential, that piece of hardware vital.

The American people will no longer underwrite mammoth defense budgets that do not buy them what they pay for—real strength and security.

Nor can the country forever afford excessive defense budgets that not only bring us far less strength and security than they should, but do so at the expense of domestic peace and welfare.

Billions for defense, but not one cent for waste—that is what the American people demand and deserve.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that I may be recognized at the conclusion of the morning business and the morning hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON TUESDAY THROUGH SATURDAY

Mr. BYRD of Virginia. Mr. President, for the RECORD, I would like to ask of the distinguished majority leader that the Senator from Virginia be recognized for 15 minutes on tomorrow, Tuesday; 15 minutes on Wednesday; 15 minutes on Thursday; 15 minutes on Friday; and if the Senate is in session on Saturday, for 15 minutes on that day also.

I plan to speak on one subject; that is, section 503 of the military procurement bill.

I do this because the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) has stated that he will seek to reverse the decision of the Senate last week.

I plan to speak, if the leadership gives me that permission, each day this week. If I can get away from my office in the afternoon, after the legislative session is over, I also plan to speak in the afternoon because I think the more the American people can know about this subject, the better off everyone will be.

I make that request of the leadership.

I make a second request, that it is my intention to stay on the floor virtually every minute that the military procurement bill is under consideration. The nature of man is such that it is somewhat more graceful, every once in a while, to leave the floor for a few minutes. If I am out of the Chamber, I would like to ask that the leadership of both sides of the aisle protect me on any unanimous-consent requests concerning section 503, because I shall object to any unanimous-consent requests in that regard.

Mr. MANSFIELD. The distinguished Senator from Virginia has that assurance. He can rely on it.

So far as the 15 minutes recognition

each day is concerned for the rest of this week, that is fine, too, with one proviso: we have three Senators who have time on Wednesday morning next, and I would assume it would meet with the approval of the Senator from Virginia that if he speaks that morning, he will follow the Senators for whom agreement has already been made.

Mr. BYRD of Virginia. Absolutely. Anytime. I thank the distinguished majority leader.

The PRESIDENT pro tempore. Does the Senator from Virginia mean to speak for 15 minutes today?

Mr. BYRD of Virginia. Today? No. I do not want any time today.

Mr. MANSFIELD. I have asked for time after morning business has been finished as well as at the conclusion of the morning hour.

The PRESIDENT pro tempore. Tomorrow?

Mr. MANSFIELD. Today.

The PRESIDENT pro tempore. Very well.

Mr. MANSFIELD. Mr. President, has the request of the distinguished Senator from Virginia been granted yet?

The PRESIDENT pro tempore. Not yet because it is not certain——

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be recognized for not to exceed 15 minutes on tomorrow; on Wednesday for 15 minutes; on Thursday for 15 minutes; on Friday for 15 minutes; and if the Senate is in session on Saturday, for 15 minutes on that day.

The PRESIDENT pro tempore. At what period? At the beginning? I do not understand the Senator.

Mr. BYRD of Virginia. Under the normal procedure, Mr. President.

The PRESIDENT pro tempore. The Senator from Montana stated that there was an agreement on Wednesday for other Senators to speak.

Mr. MANSFIELD. For Wednesday only. My understanding is that, under the usual procedure, the Senator from Virginia can be recognized.

Mr. BYRD of Virginia. Yes, Mr. President under the usual procedure, before the Senate goes into the morning hour for the conduct of morning business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now proceed to the consideration of routine morning business, for not to exceed 15 minutes, with each Senator being limited to 3 minutes.

Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. I do not seek recognition

The PRESIDENT pro tempore. Is there any morning business?

The Senator from Virginia is recognized.

SENATOR COOPER'S ANNOUNCED INTENTION TO RETIRE

Mr. BYRD of Virginia. Mr. President, today in the Baltimore Sun, there is published an article written by Marquis Childs entitled "Cooper of Kentucky—Senate Will Be Less for His Leaving."

It is an excellent article which points out how beloved the Senator from Kentucky is among his colleagues in the Senate and the very valuable service that he has rendered over the years to the people of Kentucky and the United States.

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cooper of Kentucky—Senate Will Be Less for His Leaving

(By Marquis Childs)

Washington.—The recent bombing of North Vietnam, the most massive in three years, is a manisfestation of America's continuing involvement in a war deeply dividing the nation. On no one does this weigh more heavily than on the senior senator from Kentucky, a Republican, John Sherman Cooper.

Mr. Cooper's opposition to the bombing goes back to 1964. Whle voting for the Gulf of Tonkin resolution in August of that year, he said on the Senate floor that to be granted such broad powers the President was obligated immediately to search for ways to negotiate an end to the fighting and perhaps even to refer the question to the Geneva powers.

The following year and again in 1966 he drove hard for a stop to the bombing of the North. The weight of his influence had not a little to do with Lyndon Johnson's decision to negotiate and halt bombing in the North. The thousands of tons of bombs rained down north of the border buffer zone a few days ago is a grim commentary on the power that persists once the guns start firing.

In his opposition to the war and in every field Mr. Cooper's record is in many respects unique in its scope and in the independence it reflects. After his re-election in 1966 he said he would not seek another term and he has repeated this several times.

Usually when an elected officeholder makes such an announcement the scramble to succeed him becomes a stampede. Petitioners from Kentucky, and among them are Democrats as well as Republicans, urge him to run again next year. They agree he could win with virtually no campaign.

Some of Mr. Cooper's close allies in the Senate despair over the way the power of the executive overshadows Congress, and they point to the resumption of heavy bombing as proof. Mr. Cooper disagrees. It may be his Kentucky heritage of grit but he does not give up for all his bruising encounters with power.

During the congressional recess he flew to Helsinki, Finland, to get a reading on the strategic arms limitation talks. After lengthy conferences with the American delegation he brought back the word, now on the front pages that an agreement limiting defensive weapons is likely before the end of the year.

Mr. Cooper joined senator Philip A. Hart (D. Mich.) to knock out funds for the antiballistic missile in the defense budget of 1969. They lost by a single vote. A second attempt the following year was defeated by 52 to 47. The Senate's present intention in light of a probable agreement is not to challenge the funds for the ABM this year.

In 1958 in partnership with John F. Kennedy then a Senator from Massachusetts, Mr. Cooper initiated the consortium of a half-dozen nations supplying aid to India and Pakistan. It worked well until the rivalry between Moscow and Peking accentuated the enmity between the states that share the subcontinent. Mr. Cooper was ambassador to India in 1955 and 1956 between different terms in the Senate.

At times, voting for civil rights measures, he runs afoul of his comparatively conservative constituency. His was one of three votes against the measure giving the attorney general greatly broadened powers to wiretap. Addressing the Louisville Chamber of Commerce a little later on pollution, as he finished a voice from the back of the hall boomed out:

"We want to know why you voted for crime the other day."

The senator, who has served longer in the Senate than Henry Clay, longer than any Kentuckian except Alben Barkley, can tell that kind of anecdote with the dry humor that is out of his roots in his home town of Somerset.

When he goes back, people line up to talk to him not just about politics but about their personal problems. For all his years in Washington, New Delhi and in New York at the United Nations he is still the man from Somerset.

The other day Mr. Cooper had his 70th birthday. His knowledge and experience give him a remarkable perspective on the political scene both at home and abroad. If he goes through with his intention of retiring is this experience to be lost? The young today would reject anyone over the age of 25 or maybe 30. That loud, arbitrary cut-off denies the wisdom of men such as Mr. Cooper who have come through the struggle of our times bloody but unbowed.

THE MONETARY SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, yesterday, the Washington Post published the text of a talk made just recently by Secretary of the Treasury John Connally to the representatives of nations meeting in London.

So far as I know, that is the first time the text of Secretary Connally's talk has been published. It seems to me it was an excellent talk, conciliatory yet firm. He pointed out the difficult position in which the United States finds itself today. He cites the need for other nations to recognize the plight of the United States.

Mr. President, I ask unanimous consent that three tabulations I have prepared to show the financial situation of the United States be printed in the Record.

The first is a tabulation of the U.S. gold holdings, total gold reserves, and liquid liabilities to foreigners; the second is the deficits in Federal funds and interest on the national debt, 1961–72 inclusive; and the third tabulation is the Federal finances, fiscal year 1971, showing the outlays and the deficits.

I also ask unanimous consent that following the tabulations there be printed in the Record the text of Secretary Connally's talk in London to which I have already referred.

There being no objection, the material was ordered to be printed in the Record. as follows:

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
August 1971	10.2	12.1	[1] 49.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961-72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt Interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972 [1]	150.0	180.0	−30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

TEXT OF CONNALLY TALK TO RICH NATIONS IN LONDON

(NOTE.—Treasury Secretary Connally's tough stance in London on September 15 was greeted variously as "uncompromising," "hardnosed," and "intransigent." The Washington Post has obtained a transcript of Mr. Connally's dramatic remarks, which is published in full below.)

Let me first express my deep gratitude to you for the opportunity to meet here today and to you as Chairman of this Group. We are grateful today to the Chancellor of the Exchequer, Chancellor Barber, for his hospitality, and to this nation. I also am indebted to each individual and to each of the nations represented here for the concern, for the obvious interest, which they are displaying in a common problem that we have.

I further want to congratulate Dr. Ossola for what I think is a very fair and objective analysis of the meeting of the Deputies, outlining the problem. Because he made such a full report, I will not go into a great many of the elements of the facts that he set forth. I doubt that it would be news to you. I think that, with his evaluation and his statement of the points under consideration, the parameters of the problem are fairly well in focus.

There are several points which I think need emphasizing, however. I would start with the basic problem that Minister Ferrari-Aggradi also alluded to, in which he characterized our statement of our position with respect to our balance of payments as overly ambitious. I want to take exception to that, in the sense that we have tried, in the development of the figures to which Dr. Ossola referred—namely the swing of the $13 billion—not to be overly ambitious, or not ambitious at all as matter of fact, but rather factual in trying to set forth the magnitude of the problem that we think we are confronted with.

I think it is important to note that in the development of these figures there was no provision made for a net outflow of long-term capital to developed countries. There was an assumption that there would be none as matter of fact. It may be indeed a rash assumption but nevertheless that was the assumption that was made. There was, indeed, no provision for short-term capital flows at all in the calculation that produced the $13 billion figure, and I won't spend further time on the defense of that particular figure. Obivously, in the development of a figure based on so many varied items, and in any attempt to arrive at a single figure, there is of course some statistical difference that might arise and that might be questioned.

I also want to allude to one of the first statements that Minister Ferrari-Aggradi made, as I want to refer to one of the last that he made, and I'll refer to the latter first. He pointed out that we were gathered here in a spirit of friendliness and cooperation that has characterized our relationships, particularly between the United States and all of the countries represented at this table, as well as with many other countries of the world over the past 25 years. And it is certainly in that spirit that we are here, in a spirit of friendliness as well as cooperation, to solve what understandably is a mutual problem. But I must again remark on Minister Ferrari-Aggradi's statement that the world economy has become adapted to a U.S. deficit. I think that is right but, unfortunately, we cannot continue to operate on that basis. We've done it for quite some time and, as disappointing as I know it is, we simply can't accept that premise anymore, that we can run a continual deficit, and so we think that some change has to be made because the external position of the United States is no longer acceptable.

I think again one of the problems that plague this conference and the people with whom we have talked—it has been alluded to a number of times—is that to achieve the United States' goal of this tremendous swing in a relatively short period of time is going to be very difficult—the inferences are that it is almost impossible. Well, I might point out that we recognize full well that statistically there is no way (even if action were taken today) in which we could correct that imbalance in the next calendar years.

But it is important, it is essential, it is absolutely essential, that a formula be developed in the very near future which would anticipate that the balance of payments would be corrected in a relatively short period of time. That's the important thing; the development of a formula that would produce a small surplus (or small margin of safety I should call it—it's not a surplus at all) because again when you project the figures that we have in dealing with as many uncertainties that we necessarily must have in the development of a precise figure, I don't think that the $13 billion provides for any surplus at all but rather a margin of safety, and a very small one as well.

Now with respect to controls on capital, I think it's rather ironic and perhaps anachronistic that we are here talking about re-establishment of the International Monetary Fund system and international monetary stablity at the same time that we talk about esablishment of capital controls. This appears to me to be somewhat inconsistent. Frankly, we don't necessarily propose to maintain our controls on capital permanently any more than we propose to maintain the surcharge, the import surcharge, permanently, and I think I ought to make it abundantly clear that the President described the import surcharge as a temporary surcharge. And it is temporary. In my judgment it is not a permanent contribution to the elimination of the disequilibrium that exists today in the United States balance of payments.

Now, at what point the surcharge might be lifted I am unable to say today, simply because I am unable to speak for so many nations in the basic decision that has to be made to rectify or to help rectify the monetary problems and the trade problems that surround the United States. We also have to talk about two other things, it seems to me, in addition to the strictly monetary matters that so concern us all and with which the IMF is particularly and peculiarly concerned.

It is our very great hope—it is more than a hope, it is a very determined objective—that in this period of uncertainty we might also raise the question of burden-sharing among the nations of the world.

We must also raise the question of elimination of restrictive trade barriers—by whatever name they are called or in whatever form they exist. This is by way of saying that the United States is not in any sense interested in going to a system of protectionism, nor are we interested in building a wall around the United States.

On the contrary, I think that our past behavior has indicated, and this should be ample evidence to everyone present in this room, to every nation represented here as well as elsewhere, that we are forward-thinking and outgoing in terms of international trade. We believe in it, we fostered it, we spent much of the resources of our nation to promote it and to bring it about over the last 25 years and it is not now our position that we want in any way to digress or to step back from the international trade that has been built up over this period of time, because we think it's to the interest of all the countries.

Now let me at the same time point out that we do not think that any nation ought to look on foreign trade and experts as a means of balancing their budgets at home or solving their domestic problems. Every nation has a responsibility to conduct its own affairs within its own boundaries to the degree where, through fiscal and monetary matters, they can provide for the prosperity and the well-being and the employment that is so essential to their own ambitions and their own goals. But no nation should, over any period of time, assume that the export markets should be used, or can be used, for the purpose of providing prosperity at home to the detriment of other nations around the world.

So it is with this view that the United States in 1969, when this administration came into power, recognized that we had many problems at home—and we are not here trying to say that we have not been guilty of ineffective action in some areas. Obviously in the latter part of the 1960s the United States was facing a period of high prosperity, high employment, tremendous economic expansion and a growing rate of inflation.

There is no question about it—this administration when it came to power recognized this fact and instituted fiscal and monetary—primarily monetary—policies that resulted in the tightest money, in the highest rates in the history of the United States of America. As a result we developed a very high percentage of unemployed in the country, which reached the point of unacceptability. Now obviously progress against inflation was being made as a result of these policies that were in effect. Nevertheless we went through a traumatic time in 1970 and the earlier part of 1971.

Progress was being made but it was not sufficient. Because not enough progress was taking place, the President on August 15th, needed to impose an important surcharge and suspend the convertibility of the dollar. He also imposed very stringent restraints on the domestic economy he put the entire economy under a wage-price freeze.

As chairman of the Cost of Living Council, I am here to tell you that in spite of the hundreds of requests that we have had for exemptions under that freeze, the Cost of Living Council has yet to make its first important exemption. We have been, we have tried to be, consistent, we have tried to be stringent, we at the same time have tried to be reasonable. When I hear talk about how we must all suffer, we must all sacrifice—indeed we all see things obviously through our own eyes and we are all the product of our own experience—so, looking through my eyes at least, I can over the past 25 years see where perhaps the United States has sacrificed something. Over the past several years I can readily see where we have sacrificed something. We sacrificed it in many ways.

The point I am making is simply not to elicit your sympathy to the point of inducing tears on our behalf, which I seriously doubt that I could extract from you this afternoon, but rather to tell you that we are indeed sincere, we are determined that we are going to whip inflation in the United States. I must say that I think in all candor the actions which we have taken have been by far the most stringent actions to control inflation of any industrialized nation in the whole world and we intend these policies to continue. The President had made it abundantly clear that they will continue. So we think we have taken the actions that indeed each nation must take in order to get its own domestic house in order.

Now as to the impact of the surcharge—let me put that in perspective as well. I think that there are two other points which should be made when speaking of the import surcharge. One, let me assure you that it was not, and will not be, used as a political weapon. I know there has been considerable talk here amongst the various individuals about the fact that, well, there has not been any hope of getting the surcharge off until after the elections next year. I assure you it was not put on with that in mind and I assure you that will not determine the time that it is eliminated.

Secondly, let me try to put it in perspective in terms of its impact. It's difficult to evaluate, again in terms of producing a precise figure that can be absolutely defended. But suffice it to say that you well know if it is not applicable to non-dutiable items it is not applicable to those items that are not under a mandatory quota system of any kind in the United States. As a matter of fact our people estimate that it will probably reduce imports by $1.5 to $2 billion total value below what then would other wise be. That will be about the extent of the reduction—if indeed the surcharge is kept on for a year.

Now I might point out that some of the countries represented at this table could absorb the full impact of this surcharge and still have a very, very strong trade position—now I am not recommending that they do it, I am not insinuating that they should, I am merely trying to put it into perspective and see that it does not get completely out of hand.

I feel very much the same way about the discussion of the price of gold that has been referred to in the public press on many occasions—it is referred to constantly here. I think I need say nothing more about that except that I think everyone here is very familiar with my government's position with respect to that point.

I want to again emphasize that I know the Group of Ten was not organized for the purpose of considering problems other than those strictly monetary in character but I know of no better existing group to concern itself with other problems. Let me point out to you again that I don't want to inject items into the discussion here that are not soluble here, but they at least and indeed are soluble in the councils of the nations which we represent. And that is simply that we again think we have a right to ask that there be a greater sharing of the defense burden among the nations of the world who can afford to do so. Now it is significant that 8.9 per cent of the total GNP of the United States is wrapped up in this figure. It is significant that 36 per cent of the total United States' budget is in the defense area and I submit to you that there's not any industrialized nation in the world that is even close to it.

"Now, I don't want to pursue that, other than to say that if indeed this poses a problem in dealing with it as a particular and a separate item, then at least it should be discussed and it should be considered in the overall realignment and the realignment suggested ought to take care of this item as well.

Another and equally pressing item which I'll again repeat is that I think, in a consideration of the entire problems that are now on the table, largely as a result of what has been going on for the last 25 years, and considering the most recent proximate cause of the actions of the United States, that we ought to look at restrictive trade practices wherever they exist in the world, if indeed we are interested in promoting international free trade and if indeed we do want a fair and equitable trading system and a stable international monetary system.

I think finally, Mr. Chairman, without covering any other items—obviously there are a great many additional things that could be discussed and a great deal of elaboration that I could give to each one of these points—but without doing so at this point let me conclude by simply saying that I suppose we of all countries would be most grieved to see a deterioration in the expansive world trade policies that have been built up in the last quarter century. Without in any sense being immodest I think the United States can at least claim some small part of the credit for the development of those policies.

I know that nothing is quite as old as what happened yesterday or the day before or last week or last year, so I won't spend any time on that except to say that I would hope that our past actions might be interpreted in the minds of all as an indication of the type of interest that we have in the future and the type of future that we think is in the best interests of all the trading nations in the world. We will cooperate, we will help. We have not come here with any precise plans or details worked out, simply because it's obvious here that there are going to have to be, very frankly, considerable negotiations between countries.

If indeed we are going to turn the situation around, it seems to me we have to first have a basic agreement on the parameters of the problem. We think we have been very conservative in pointing them out but this has to be established. Then if indeed we are going to get some redress for out deficits then somebody has to make it up and it has to be done some way.

We are certainly in no position to arbitrarily say which nation shall do it and how much each shall do. This is a matter that has to be decided by the nations here represented and I think we need first to establish these two things: one, the magnitude of the problem which we think is very clearly established and, secondly, at least the acknowledged willingness on the part of nations to assume their share of the burden.

I am grateful for your time, I am grateful for the opportunity and appreciate the attentive reception I have received. Mr. Chairman, thank you very much.

JEWISH WAR VETERANS CALL FOR TOTAL WITHDRAWAL FROM VIETNAM

Mr. CHURCH. Mr. President, perhaps nothing in recent months has underscored the dwindling support for our open-ended military involvement in Indochina than that displayed last month at the 1971 national convention of the Jewish War Veterans of the U.S.A. During its gathering, this major national veterans' organization, through its convention delegates, approved a resolution supporting a total withdrawal of our Armed Forces from Indochina by December 31, 1971.

This, of course, is in line with the amendment offered to the Selective Service Act by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). Unfortunately, his amendment was diluted in the course of a conference of House and Senate Members on the bill and, as a result, the Senator from Montana is reintroducing his amendment today in an effort to make it a part of the military procurement authorization bill H.R. 8687.

I commend the JWV for its position, and I ask unanimous consent that the approved resolution, which speaks for itself, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

VIETNAM

As much as any war in the history of the United States of America the Vietnam conflict has been a vortex of frustration, vituperation, division and hopelessness.

Through four administrations, Presidents from the entire spectrum of political attitudes and both major political parties have agonized over the United States participation in the war.

There is little to be gained from extensive arguments over how, why or who is responsible for the decisions that resulted in our country becoming mired in the bottomless pit of Indo-Chinese geo-politics. Hindsight will contribute nothing to the solution of the Vietnam quagmire.

The Jewish War Veterans of the U.S.A., cognizant of all the foregoing, calls upon the President of the United States of America to announce the total withdrawal of all U.S. armed forces from Indo-China by December 31, 1971.

MORE PRAISE FOR SENATOR LEN B. JORDAN

Mr. CHURCH. Mr. President, on September 13, I had printed in the CONGRESSIONAL RECORD a sampling of news articles and editorial opinion from newspapers throughout Idaho commenting upon the announced retirement of my colleague, Senator LEN JORDAN. I pointed out at the time that it is a mark of the respect which Senator JORDAN enjoys in our State that his planned retirement has brought expressions of regret from newspapers of all political persuasions.

Since my first insertions in the RECORD, numerous other articles have come to my attention in the form of editorials, news articles, and letters to the editor.

I ask unanimous consent, Mr. President, that this commentary be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Twin Falls (Idaho) Times-News, Aug. 29, 1971]

LEN JORDAN

Len Jordan has had a long and distinguished career in government. If there is one man in Idaho who is close to being respected by everyone it just has to be Senator Jordan.

His decision to retire came as a bombshell because it was generally believed he would seek another term. The announcement of his plans, however, made nearly 14 months ahead of the election, was typical of the thinking of this man. This step, he said, would enable others seeking the post to have adequate time to make their plans.

Senator Jordan will be missed in the Senate. His years as a member of that body have been highlighted by cooperation with anyone interested in the betterment of the State of Idaho.

He will be a hard man to replace. We hate to see him retire but feel that he has earned that right.

We are proud of Len Jordan. We wish him well.

[From the Meridian Valley News-Times (Idaho) Aug. 26, 1971]

WIDE OPEN RACE FOR SENATOR JORDAN'S SEAT

The announcement by Senator Len Jordan that he will not be a candidate for re-election has opened the gate for a fast rush of would-be replacements.

Replacement will be no easy task in this case. Senator Jordan has compiled a long and excellent record, both as governor and in the U.S. Senate. Although basically of a conservative nature, he has kept abreast of modern changes, and has not hesitated to take a firm stand on whichever side he thought was right. Measured by his senatorial record alone, he must be rated as one of Idaho's better political figures.

The choice of his successor, therefore, is of great importance to our state. Some of those who have already announced that they are "definitely interested" are far short of what Idaho needs.

That is particularly true of those who are out of step with the national trend toward conserving our natural resources.

There are others whose eager candidacy for Senator Jordan's seat is based solely upon a greedy desire for one of the state's most powerful offices. Some of them, representing both parties, have already been coldly dismissed by voters in past elections—and have done nothing since to warrant any new trust.

Our state has been indeed fortunate to have two such respected and effective U.S. Senators as Len Jordan and Frank Church. We should be calmly insistent that only an equally qualified person be elected to the important post.

Our sincere salute to Senator Len Jordan, and our sincere hope that Idaho will find a worthy person to take his place in the U.S. Senate.

[From the Burley (Idaho) South Idaho Press, Aug. 30, 1971]

JORDAN'S RECORD RANKS WITH THE FINEST

Much has already been said and written concerning Sen. Len Jordan's retirement from the U.S. Senate. Before the esteemed senator relinquishes his seat in January of 1973, a good many more laudatory salutations will have been heaped upon this distinguished record of public service. It ranks with finest in the history of Idaho.

As a young man Jordan and his wife, Grace, and family ventured forth into the depths of Hells Canyon on the Middle Snake to work out a livelihood in the cattle business. It was there that he learned to love this mighty river and perceive of its vast potential, the fate of which would prove an integral part of his public career. The experiences, hardships and success of these years have been told in several books written by Grace Jordan and are familiar to many Idahoans.

The first venture in politics came as a legislator from Idaho County where Jordan later entered business as an auto dealer and a seed grower on the famed Camas Prairie in Grangeville. His first term in 1947 as a legislator was so striking and impressive that his Republican colleagues were smitten by the man. He served in the House of Representatives of a Democratic stronghold, one of the few Republicans to ever achieve such a distinction.

Consequently, when Gov. C. A. Robbins retired in 1950, due to the two-term restriction on gubernatorial tenure, Rep. Jordan was singled out as the leading contender.

He won the party nomination and the election, serving from 1951 to 1955 during one of the most hectic periods in Idaho history. His leadership thwarted the Hells Canyon high dam and the Columbia Valley Authority which would have integrated and divided Idaho's precious water and rights thereto into a Northwest river authority directed by an all-powerful federal commission.

Many outstanding accomplishments were attributed to Jordan's administration in Boise. The institution of the Idaho Highway Commission was one which lifted the state's road building responsibilities from the arena of politics and boondoggle. For the first time, Idaho started to build highways out of necessity rather than expediency and the record of accomplishment is still being written. Jordan also acted on his own conscience when he closed both Albion Normal and the Lewiston Normal colleges. Cassia County was greatly affected by this decision but it is generally admitted by the professional educators and public generally to have been a wise decision.

During the Eisenhower administration, Len Jordan served on the International Joint Commission for water resources where he acquired far-reaching understanding with Canada and its vast river and lake system in the Western provinces. Tiring of the Washington scramble, Jordan returned to Idaho, ventured once more into business. The death of the late Sen. Henry Dworshak brought his wisdom and leadership to the fore once more. The party leadership sought him out to fill this important vacancy. He was appointed by Gov. Smylie in 1962 to fill the unexpired term. He was elected to his present term in 1966.

In the Senate he has been categorized as a solid conservative. He had led the onslaught against appropriation of Idaho water to the Southwest and still spearheads this state's position on this aggrandisement by thirsty Arizona and California. Jordan is undoubtedly one of the best informed leaders the state has at present on the Snake River, its tributaries and the vital importance Idaho's constitution attaches to its free-flowing rivers.

For Idaho, it will be imperative that Len Jordan's successor understands and cherishes its land and waters. Much is to be said about a successor. Meanwhile, the South Idaho Press extolls the integrity and esteem of a fine gentleman who has served his state well. While it has not been announced yet, but it would be this writer's guess that Len Jordan will return to Idaho and his livestock interests in the Council area where he can always be close to that spectacular view of the Middle Snake and mediate about the river which has been so closely entwined in his life.

[From the Eastern Idaho Farmer, Idaho Falls (Idaho) Aug. 26, 1971]

SENATOR JORDAN'S DECISION

U.S. Senator Len Jordan isn't going to be a candidate to succeed himself.

Probably this announcement came as a surprise to everybody in Idaho. But it was no surprise to the members of his family who urged him to pursue this course: to quit at the peak of a long and distinguished public service career in Idaho and Washington; while in possession of physical and mental health.

All of the accumulating evidence of recent months indicated that Senator Jordan would seek to return to his Senate seat in 1972. His re-election was almost a foregone conclusion. Bill Hall, editor of the Lewiston Tribune, has often commented that no Democrat could expect to compete with Senator Jordan for votes in north Idaho. We suspect that judgment is well supported by the political facts of life in Idaho.

But Senator Jordan, aside from purely personal reasons, has a longer range viewpoint. If he were re-elected, his next six-year term would undoubtedly be his last. The age factor would be all pervading at the end of another term. And that, as Senator Jordan is well aware, would make him in his final term as something of a "lame duck" Senator.

Perhaps that would not impair Senator Jordan's ability to serve the nation and Idaho effectively, but it certainly wouldn't help, either.

Like so many other Americans, Senator Jordan is gravely concerned at the growing disaffection with the entire governmental structure and the men and women who manage it. He felt deeply the recent action of Bonneville county voters in recalling two legislators. He probaby feels that if that is to be accepted as evidence of the public's reaction toward anyone identified with the "Establishment," what's the use? The long, arduous and exhausting hours of effort—the Senate was in session 12 and 14 hours each day for some time before recessing—it is easy to arrive at the conclusion that enough is enough.

Senator Jordan, over the years, has provided Idaho with gifted and able guidance in many areas of public service. It is unfortunate that the clock cannot be turned back to permit him to carry on. But that, of course, cannot be.

We applaud him for making this retirement announcement so long in advance of the time when it could no longer be delayed. There's time and opportunity for everyone inclined to try for that Senate seat to get at the task of being elected to succeed him. It's obvious already that's going to be quite a chore for quite a few aspiring citizens of Idaho. The reward is there: membership in the most exclusive group in the entire world; one of 100 holding a seat in the Senate of the United States of America.

[From the Boise (Idaho) Idaho Statesman, Sept. 5, 1971]

PRAISE GIVEN SENATOR JORDAN

EDITOR, THE STATESMAN:

Under the quiet dignity of Sen. Len B. Jordan as he represents Idaho in the austere halls of Congress of the United States there smolders a determination to serve the people of his state and nation in accordance with his conscience for what is right and best for his country.

During the years of his tenure in the U.S. Senate, the magnitude of the stature of Senator Jordan has become increasingly evident. Political partisanship has receded, giving way to stalwart statesmanship. His presence in the U.S. Senate has afforded Idaho the privilege of having firm, steady, representation, a keen sense of analytical disposition of world affairs, state, national or international.

In the course of crucial global developments, we need such men in Congress who possess stability of character and indisputable ability. Men, who in the face of partisan pressure, can stand alone if necessary in determination of what in their own conscience is right. Senator Jordan has emerged from the doldrum, unreasoning pressure of political partisanship to take his predestined place among world statesmen. That, as U.S. senator from the Gem State of Idaho.—GLADYS KNIGHT.

COUNCIL.

[From the Blackfoot (Idaho) News, Sept. 2, 1971]

NEW GRASS . . . CROSSING OVER JORDAN

(By Perry Swisher)

What United States Senator Len B. Jordan will do with his time when he retires I don't know. What I hope is that he will spend part of it with young Idahoans in the places where it is professed they are obtaining a higher education, and that he will be invited to do so.

Senator Jordan is the first Idaho senator to retire voluntarily, so he has no precedents to go by. He is bone-tired, I realize. But rest, too, can be overdone by a man with his lifelong habits.

Len Jordan has never stopped learning. Because of that trait, and because of the decisions he went through the process of making in the Senate, he knows more than most of us can hope to know about some of the basic ingredients of national questions. I think of the conflicts between environment and the technological society, between weapons systems and nonmilitary programs, between national security and reducing international tensions, between the powers of the President and the powers of Congress and the effect of both on the character of the judiciary.

There are students, including future officeholders and future lawyers and present voters who would listen to him and who would be heard by him. I thought of this last night while eavesdropping over an hour and a half interval on an incredible outpouring of bigotry from two ex-GIs who had taken their locally-acquired prejudices to the Far East with them, merged them with the professional Southern white-supremacy rationales that permeate the Army, and added the nonhuman category of "gook" to their litany of hate. Both are students at ISU, but neither seemed to carry on ordinary conversation without demeaning most of mankind, most of the top brass since and including Eisenhower, all races except their own, all holders of public office and virtually all teachers.

Degrees are routinely awarded to the like, certifying them to be educated. But they are nonlearners, surely more receptive to the world around them when they were five years old than they are now. One, who grew up on a wheat ranch, of all places, * * * aid as being on a "crutch" in contra-distinction to himself, and both are attending a public institution in the ignorant belief that when they pay their student fees they are "paying their own way."

In the area of self-knowledge, and the reconciliation of unlike people, Senator Jordan shines. I cannot recall any other major Idaho officeholders who reacted as positively as he did to the experience of entering into a public responsibility quite unprepared for the scope of the office he'd won. He'd had as little exposure to the duties of governor when he became governor 20 years ago as the voters had had exposure to him. In that mutual cloud some bad things happened, but Jordan's return to elective office as a senator showed that he learned as few of us do. I had a front-page editorial fit when he was proposed for the office, judging him only by his initial posture as governor. I've eaten a lot of words, editorially and politically, but none so often and so deservedly as that tirade.

Such intemperance—I like to think it has modified, but that is probably a conceit—is endemic among the young in their examination of public affairs, and not just among the activists. The presence in academic forums and Student Union bull sessions of someone of Jordan's demeanor and experience would help to provide some of the self-assessing insight that is tabu in public schools and accidental on campuses.

In crossing over Jordan, a young student would come out a little wiser on the other side.

[From the St. Maries (Idaho) Gazette-Record, Sept. 9, 1971]

A WONDERFUL JOB FOR US

Idaho has lost respected and effective representation in the U.S. Congress with the announcement by Senator Len Jordan that he intends to retire at the end of his present term of office.

The Senator has devoted many years and much effort to public service. No one begrudges him the fact that he wants to get away from the pressures and furor of service in the senate.

Instead, we can be thankful that we have been represented by a man such as Senator Jordan.

Again and again, Senator Jordan has shown that he has been guided by his principles in deciding how to vote. For example, he resisted great pressures in the Supreme Court nomination vote.

The senator has always believed that steady, hard work is required in the U.S. Senate. He has been willing to do that work—and as a result, has become one of the most respected members of the senate.

We are sorry to see the Senator leave—and we wish him the best of everything.—RMH

[From the Lewiston (Idaho) Morning Tribune, Sept. 4, 1971]

A SCRAP FOR JORDAN

(By Chris Carlson)

WASHINGTON—Sen. Len B. Jordan, R-Idaho, is first and foremost a competitor. Paradoxical as it seems, Jordan's competitive sense played a prominent role in his recent decision to retire from the Senate in 1972, though he easily could have been re-elected.

"I like a good scrap. I've never run from anything," Jordan said in a recent interview, and immediately began talking about the Middle Snake. Almost lost among the speculation of who is going to succeed Jordan, was a statement Jordan made on the same day in Boise about the Middle Snake.

In the statement, Jordan tore into Sen. Bob Packwood's Snake National River Bill on which hearings will be held Sept. 16 and 17 before the Senate Interior Committee. Jordan acknowledged that announcing his retirement frees him to concentrate on getting the Snake River moratorium passed.

PREMATURE

Jordan charged no one really knows what a national river is, that it is premature to prohibit dam-building forever, and that upstream water-uses will be adversely affected if Packwood's measure became law.

He scoffed at Packwood's reference to the Snake as a free-flowing river, pointing out that the Snake has and will continue to be a "working river" because of numerous dams and upstream irrigation uses.

"Obviously a working river like the Snake with its numerous impoundments and diversions cannot be called free flowing any more than the water in a kitchen tap can be called free flowing as long as a valve may be used to increase or diminish the flow," the Idaho Republican said.

He expressed worries about what would happen to up-stream users in "ciritical water years and talked to the news conference about the "basin of origin" rights he believes Idaho should begin to assert over the Snake. He termed Packwood's bill the Idaho Water Export Act of 1971. He also discussed the impending power crisis and the possibility there may have to be another hydroelectric dam on the Snake.

In short, Jordan's statement of renewed support for the Snake River moratorium was tantamount to a polite declaration of hostility against Packwood and his bill, and for the next 14 months, Jordan will concentrate all of his considerable energies on this one last "scrap."

Another factor in Jordan's decision to retire was the example of Sen. John Williams, R-Del., who retired in 1970. Williams was one of Jordan's closest friends, but the crusty Delaware senator has always been an advocate of senators retiring when they reached their 70s. Despite having been in the Senate since 1946, Williams stuck to his words.

"I truly tried to talk him out of retiring because the Senate needs men like him," Jordan said. "The time to step aside is when you're on top, and John Williams is the example," Jordan added.

"I've never crowded my credit to its limits, and I've never wanted to crowd my political fortune to the point where a next term was likely to be the last," the former governor said, and pointed out that such crowding can make one a "lame duck" for six years.

Even this factor, though, is an aspect of Jordan's competitive spirit. "I've been independent since I was 16 and I've always been a competitor even when I was in high school." Jordan graduated in 1915 from the Enterprise (Ore.) high school, and after serving in World War I as a second lieutenant at the age of 19, he entrolled at the University of Oregon where, despite working and playing football, he graduated Phi Beta Kappa in 1923.

Competitors who excel, as Jordan has, always do want to go out while still ahead.

Two other factors which Jordan did not reveal at his press conference were his desire to do something else, and the long-term best interests of his constituents.

"There's much I still want to do without the 10 to 12 hours a day demand the Senate places on my time," Jordan said. He wouldn't elaborate, but he hinted his future plans might include a book—on the Middle Snake, of course.

Jordan also said he had been looking at the future from his constituents' point of view. "No one knows what the future holds. My constituents are entitled to full efficiency, and while I've never felt that I was impaired in any way, I recognized the possibility something could happen."

MONEY RETURNED

He also reported he had been thinking about his decision for several years and acknowledged turning back a large contribution in 1969 from someone who was pleased with his vote against the nomination of Judge Clement Haynsworth to the Supreme Court. He added, though, "I've always been wary of any kind of support that might be interpreted as a reward."

Jordan also emphatically denied that his general displeasure with certain of the administration's recent moves, such as Lockheed, had any role in his decision, and reaffirmed his loyalty to the President.

Though there were numerous factors in Jordan's decision, the dominant factor appears to be his strong feelings on the Middle Snake. The months ahead should see Jordan at his peak, in the midst of a fight for what he thinks is best for the Snake, and best for Idaho.

[From the Idaho Falls (Idaho) Post-Register, Aug. 25, 1971]

JORDAN SURPRISES GOP IN QUITTING

Sen. Len B. Jordan's announcement Tuesday that he will not seek another term in the Senate in 1972 apparently caught many Republican leaders flatfooted. One top GOP county official said it is anyone's guess as to who will replace the top Republican in the state.

Dane Watkins, chairman of the Bonneville County GOP Central Committee, appeared astounded at the senator's announcement. "He is the leader in the state as far as the GOP is concerned. I can't think of anyone offhand to replace him.

"He has been a real stalwart that people have been able to look up to. He has done a good job for the state and the nation as a real statesman. It's going to be difficult to fill his shoes."

Watkins said the local GOP organization used Jordan as a position of strength in election campaigning, since he often lent his prestige to area issues. Jordan's resignation could, he said, weaken the position of the party.

Since former Gov. Don Samuelson's defeat in 1970, Jordan had assumed the top GOP position in the state. His seniority in the Senate gave him more strength in committee work and floor votes, Watkins said.

The senator's recent work in Congress included funding for the Ririe Dam flood control project in eastern Bonneville County, a bill for a seven year moratorium on dams on the Middle Snake River, pending legislation establishing a national recreation area in the Sawtooth and White Clouds area; and setting up controls on mining of public lands.

In his conservative position, Jordan generally supported President Richard M. Nixon's programs, both foreign and domestic, but most of his efforts were accented upon problems within the state. He joined Democratic Sen. Mike Mansfield in a futile fight to save passenger train service in East Idaho. He opposed the President in rejecting funding of the SST project.

Other positions taken by the Senator in recent years were support of Vietnam veterans benefits, and refusal to force the President into a speeded up withdrawal from Vietnam as proposed by the Hatfield amendment, and co-sponsoring a bill to prohibit pornography in the mails.

A rancher himself, Jordan supported various farm legislation for Idaho agricultural area.

Jordan grew up in Enterprise, Ore., near the Hell's Canyon area which divides Oregon and Idaho.

In 1933 the Jordan family moved to Idaho in the Snake River area below Hell's Canyon, after a Portland bank offered him a ranch if he would manage the property and get back the bank's investment. In 1941 he paid the bank with interest, sold the ranch and moved to Grangeville, where he was engaged in seed growing and crop farming. He also managed a grain elevator, established a farm implement business, a real estate agency, and auto dealership, and took part in a variety of civic enterprises.

GOVERNOR

He entered politics in 1946 as a Republican member of the State Legislature, and in 1950 successfully sought the governorship. As Idaho's governor, from 1951 to 1954, he concentrated on governmental reform in state agencies, and showed particular interest in promoting States in conservation and development of water resources in the Snake-Columbia Basin.

After serving four years as governor, he was appointed by President Dwight D. Eisenhower to head the U.S. section of the International Joint Commission negotiating with Canada on agreements for the St. Lawrence Seaway, the Columbia Basin Treaty and Libby Dam. In 1956, Jordan also led a team of U.S. engineers and economists on a survey of American water development assistance in Afghanistan.

In 1962, following the death of incumbent Republican U.S. Sen. Henry Dworshak, Jordan returned to public life. He was appointed to fill out the unexpired portion of Dworshak's term by then-Gov. Robert E. Smylie. Jordan was elected in a special election held that year, and was decisively re-elected in 1966 in a race with former Congressman Ralph Harding.

In the Senate, Jordan has continued a long interest in natural resource matters through service on the Senate Interior and Insular Affairs Committee. He belongs to the following subcommittees of this body: Minerals, Materials and Fuels; Public Lands; Water and Power Resources. Related assignments have included membership on the Public Law Review Commission and the Lewis-Clark Trail Commission. Other committee appointments have included the Senate Finance Committee, the Joint Economic Committee, and the Select Committee on Standards and Conduct also known as the Ethics Committee.

He has also taken an active interest in young people and forests, and is a supporter of the Volunteers In Forest.

Jordan has also served on the Interior and Insular Affairs Committee, the Public Land Law Review Commission, Finance Committee, and the Veterans Committee. He is a former member of the Atomic Energy Commission Affairs Committee, and recently resigned his seat in favor of 2nd District Congressman Orval Hansen.

Jordan has been described as a conservative politically, but has generally been considered a moderate one. He has generally supported the foreign policies of the Nixon Administration and some domestic policies. However, he has also shown his own independence, and in 1969 helped in the successful Senate fight against confirmation of President Nixon's U.S. Supreme Court appointee, Judge Clement Haynsworth of South Carolina.

His wife, Grace, is a well-known author and writes a weekly newspaper column.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JOHN C. WATTS, late a Representative from the State of Kentucky, and transmitted the resolutions of the House thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2260. An act to amend further the Peace Corps Act (75 Stat. 612), as amended;

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and 25th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DISPOSAL OF SURPLUS FEDERAL REAL PROPERTY

A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the disposal of surplus Federal real property for park and recreation purposes, for the fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Accomplishing Objectives of the Work Incentive Program—WIN," Department of Labor, Department of Health, Education, and Welfare, dated September 24, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION PERMIT AT SWAN TAVERN, COLONIAL NATIONAL HISTORICAL PARK, YORKTOWN, VA.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession permit at Swan Tavern, Colonial National Historical Park, Yorktown, Va. (with accompanying papers); to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHILES, Mr. ELLENDER, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, and Mr. WILLIAMS):

S. 2581. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on Government Operations.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 2582. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for school buses, to require certain safety standards be established for school buses to require the investigation of certain school bus accidents, and for other purposes. Referred to the Committee on Commerce.

By Mr. MILLER:

S. 2583. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 2584. A bill for the relief of Jean George "Ioannis" Taglis. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHILES, Mr. ELLENDER, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, and Mr. WILLIAMS):

S. 2581. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on Government Operations.

THE IMPOUNDMENT PROCEDURES BILL

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds, and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

The bill also establishes a procedure whereby the Senate and the House of Representatives can approve each impoundment reported by the President.

The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March of this year on the constitutional issues raised by the practice of Executive impoundment of appropriated funds. The bill which I introduce today is, I believe, the most practical and reasonable solution to the issues raised during the subcommittee's hearings.

Earlier this year I introduced a similar bill, S. 2027, which provides that the Congress can disapprove an impoundment within 60 calendar days after the President reports his action to the Senate and the House of Representatives. This new legislation, while retaining many features of S. 2027, would provide that the President must cease a specific impoundment unless he receives the approval of the Congress. The difference is one of negative and affirmative approval, which is all the difference in the world.

The new bill requires the President to notify each House of the Congress by special message of every instance in which he impounds funds or authorizes such impoundment by any officer of the United States. Such a special message must specify the amount of impounded funds, the specific projects or governmental functions affected by the impoundment, and the reasons for such impoundment of funds.

The bill further provides that the President shall cease the impounding of funds set forth in each special message within 60 calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with a procedure set forth in the bill.

Finally, the bill provides that the approving concurrent resolution shall be privileged business, and it specifies rules of procedure which will provide for ease of consideration and a reasonable period of debate. The concurrent resolutions would not be referred to committee.

This bill would establish effective congressional oversight of Executive impoundment, which is yet another in a long line of developments in the operation of our National Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantic choice—is not a new concept, and when undertaken for lawful purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings or expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, unfortunately impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle.

Neither I nor my colleagues in the Congress who are concerned over this problem desires that the executive branch expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem, for impoundment has occurred under Democratic and Republican administrations. It is as objectionable under one as under the other.

Perhaps the most disturbing feature of this Executive practice is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary. The bill I introduce today will in effect give the Congress a chance to override this illegal type of veto.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

I send the bill to the desk, and ask unanimous consent that its text appear in the RECORD following these introductory remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2581

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each house.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with re-

spect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated ——, Senate (House) Document No. ——.

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

By Mr. NELSON (for himself and Mr. Proxmire):

S. 2582. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for school buses, to require the investigation of certain schoolbus accidents, and for other purposes. Referred to the Committee on Commerce.

SCHOOL BUS SAFETY

Mr. NELSON. Mr. President, Senator Proxmire and I are introducing today the School Bus Safety Act of 1971 which has been introduced in the House of Representatives by Representative Les Aspin and six other Members of the Wisconsin delegation.

The bill establishes standards for the design and construction of schoolbuses. At the present time, there are no such Federal standards.

On September 18, 1971, a schoolbus carrying a Gunnison, Colo., high school football team careened down Monarch Pass, Colo., and crashed, killing a coach and eight junior varsity players, and seriously injuring the driver.

The Department of Transportation Accident Investigation Division has not yet been able to pinpoint whether the tragedy occurred because of mechanical or structural defects or driver error. The real issue, however, is the structural and mechanical quality of the bus, which was almost new. It had logged only 3,500 miles on the road.

In addition, it has come to my attention that the Department of Transportation Office of Defects Investigation has been studying the brake systems of that particular model bus for some time, but that no action has been taken to insure that the brakes are safe.

A number of things occurred in that accident which we believe might have been averted had the standards which we are calling for today been implemented.

The roof of the bus collapsed to the level of the seats and separated along the roof line when the bus rolled over. The windshield shattered. Most of the occupants were ejected from the bus on impact. There were no seat belts. For some reason, it appears that the driver could not get the gears to mesh. The strain was too great for the brakes.

Mr. President, an estimated 240,000 schoolbuses transport some 18 million children 2 billion miles a year in the United States at a public cost of $825 million.

A total of 42,000 schoolbus accidents occurred in 1970. The Department of Transportation blames mechanical breakdown for 3 to 5 percent of the accidents annually, with defective brakes as the most common cause. Driver error is blamed for about 50 percent of the accidents. In 1970, 140 persons—75 of them pupils—died in accidents involving schoolbuses.

It is important to note that more than 15,000 schoolbuses have been recalled in the past 4 years for possible brake or other mechanical defects, such as worn throttles, burned-out clutches, weak tail pipe hangers, broken mirror mounts, radiator and electrical problems.

A 1968 schoolbus accident in Huntsville, Ala., which resulted in one child's death, was traced to brake failure, prompting an investigation of such defects by the Department of Transportation.

The National Transportation Safety Board issued detailed recommendations following its investigation of the Huntsville accident and another Alabama schoolbus crash, urging the National Highway Safety Administration—of the Department of Transportation—to adopt a schoolbus structural strength standard. The NHTSA has not acted on the recommendation. It has proposed a State program standard for pupil transportation, which should go into effect in the near future.

Most of the Department's school bus standards, however, cover operational rather than structural features.

This bill would get at the root of what we believe to be a major problem: The design and manufacture of the equipment. Even if schoolbus crashes occur—and they will—schoolbuses should be built to provide a protective rather than a hostile environment in an accident.

Significant research has been conducted on schoolbus designs which we believe should be utilized to improve construction of the equipment. An entirely new concept in design may be one answer. This bill calls for an experimental prototype bus to be built within 3 years after the bill's passage.

There is a need for more thorough inspection and testing of the buses before they leave both the manufacturers' and the dealers' hands. The bill requires that every manufacturer and dealer certify that each schoolbus has been individually inspected and test driven and that it conforms to the Federal safety standards.

There is a need for more accurate data on just what causes accidents. The bill requires the Department of Transportation to investigate each schoolbus accident that results in a fatality, and to publically report findings.

Most importantly, the bill requires the Department of Transportation to issue schoolbus design standards dealing with but not limited to: Emergency exits; interior protection; floor strength; seat anchorages; crash worthiness; vehicle operating systems; windows and windshields; fuel systems; exhaust systems; and flammability of interior materials.

The vehicle Equipment Safety Commission, a 10-year-old interstate compact agency, issued minimum requirements for schoolbus construction and equipment in January of this year. The State of Maryland this past summer became the first State to adopt a safety standard aimed at strengthening schoolbus structures. The standard is based on the Vehicle Equipment Safety Commission regulation and affects schoolbuses manufactured after December 31, 1972.

This bill is a vehicle for the Department of Transportation to adopt similar standards nationwide. Schoolbus tragedies and equipment are not bound by State lines.

The bill calls for simple amendments to the National Traffic and Motor Vehicles Safety Act of 1966.

Schoolbus mechanical or structural defects should be eliminated on the drawing board and the assembly line, before such vehicles embark on their precious journeys.

By Mr. MILLER:

S. 2583. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation. Referred to the Committee on Labor and Public Welfare.

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to amend the Labor-Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

The Subcommittee on Labor of the Senate Labor and Public Welfare Committee recently held hearings on several bills designed to provide a mechanism for the settlement of labor disputes which threaten the national health or safety. I am pleased that the committee has taken the step of holding these hearings and I am hopeful that they will go on to report a bill to the Senate. All of us, I believe, feel a sense of frustration when we have to deal with emergency situations caused by labor disputes on an ad hoc basis. Surely we can develop a more workable system of settling these disputes which would be equitable to all the parties involved, and above all to the general public.

In my opinion, however, existing law or any new mechanism the Congress might establish must be able to deal with emergency disputes which affect a major region of the Nation. The bill I am introducing would accomplish that objective, and I would encourage the Labor and Public Welfare Committee to consider this aspect of the problem in connection with its discussions of the other legislative proposals before it.

Mr. President, under the Taft-Hartley Act, the President is given the authority to seek, and the courts to issue, a strike injunction where a strike or lockout affects all or a substantial part of an industry engaged in interstate or foreign commerce if the strike or lockout will imperil the national health and safety. Thus, if the President and the courts find that there is a national emergency, the 80-day strike injunction may be issued. The effectiveness of the provision has been demonstrated several times.

The bill I am introducing today would broaden this authority to make it applicable where there is a strike or lockout creating not a national emergency, but one affecting a major region of the United States.

There are numerous examples which could be given authority such as that contained in my bill would have prevented substantial hardship to a particular region of the country. Last year the tieup in the motor transportation industry in Chicago seriously affected many businesses, both large and small, in the Midwest, causing many of them to either close down or lay off workers, because they were not able to obtain supplies, materials, or equipment necessary to operate at full strength or to ship their finished products.

A more recent example is the west coast dock strike which has tied up all shipments from west coast ports since July 1. This strike has hit particularly hard at agricultural producers in several regions of our Nation. The Department of Agriculture estimated that a $15 million loss in July alone in agriculture exports to Asia was due to the strike, with buyers going elsewhere to meet their needs. More recently Secretary Hardin estimated that $215 million worth of farm products would have moved through west coast ports in July and August if the strike had not been underway. It is quite clear that our farmers are losing some of their export markets, because of the strike, particularly the important Japanese market. Japan is the world's largest cash wheat market and usually buys 50 percent of her wheat from the United States. Most of this moves through Pacific coast ports, although some shipments have been moving through gulf ports. The importance of the Japanese market is easily understood when it is considered that 4.5 million metric tons of corn, 2.3 million metric tons of wheat, and 1.9 million metric tons of milo, among other commodities, were exported to Japan in 1970. In that year Japan accounted for a record $1.2 million of U.S. agricultural exports. Furthermore, the labor situation at the gulf and Atlantic ports appears to be deteriorating, and a work stoppage appears likely on October 1. If these ports are also closed down, the farmers of this Nation will be in serious trouble indeed.

I commend the President for his recent meeting with the negotiators in the west coast dispute and hope that his efforts to bring about a settlement will be fruitful. I also second Agriculture Secretary Hardin's statement that he is "getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market." If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when it is ready then the whole national economy will suffer from the hardship felt by a basic industry.

Mr. President, the bill I am introducing would change the Taft-Hartley Act to authorize the same procedures in the case of national emergencies. It seems quite clear that if the President had the authority in my bill, he could have invoked the Taft-Hartley Act and put a stop to the west coast strike. I hope the Senate Labor and Public Welfare Committee will give this measure their earliest and most favorable consideration.

I ask unanimous consent to have printed in the RECORD the press release issued by the Department of Agriculture containing Secretary Hardin's statement on the dock strike and an article from the August 28, 1971, Wallaces Farmer concerning the impact of labor disputes on farm exports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wallaces Farmer, Aug. 28, 1971]

LONGSHOREMEN MAY STRIKE: LABOR DISPUTE COULD HURT FARM EXPORTS

(By Al Bull)

When you rely on someone else for your food supply, you want him to have plenty of extra food and to be dependable.

The United States with excess productive capacity in agriculture has had the extra supply. And it's always been available—almost always.

This dependable supply helped attract customers for our grains. The biggest single customer is Japan which must import feed and foodstuffs on a regular basis.

Now, transportation problems—strikes and the threat of strikes—are giving the Japanese some second thoughts about the dependability of U.S. supply.

Here's how Nobuo Nikki, who deals in Japanese-American trade, outlines the effects of the threatened shipping strike on Japan:

"The impact from strikes is getting far more serious in Japan each year, simply because her requirements of the imported agricultural product increase every year at a fast pace.

"Our monthly import requirements for the present are 400,000 tons wheat, 650,000 tons corn and grain sorghum for feed purpose, 120,000 tons corn for industrial usages, and 250,000 tons soybeans. Under normal circumstances, roughly 60 or 80% of these requirements is being supplied from the United States with most of it being shipped out of Gulf ports except for wheat.

Those agricultural products are used for human consumption and animal feeding. So we cannot stand idle against a possible labor dispute. We must always take protective measures.

"Here are some of the assumptions behind our recent actions. The International Longshoremen's Association and management groups are far apart on thorny problems of work rules and job security plus guaranteed working hours. The U.S. government will not intervene by invoking the Taft-Hartley Act. A strike will be called about Oct. 1, and will continue at least 30–45 days.

"On such assumptions, we started to make various arrangements as early as late May.

"First, we released practically all of the large grain carriers which were scheduled to arrive at Gulf ports during October and November. These were large grain carriers under charter by Japanese interests for the sole purpose of maintaining uninterrupted movements of grains between Gulf ports and Japan.

"Secondly, we made a drastic change in the traditional pattern of feed grain purchase.

"In the case of corn, we covered our October and part of November requirements heavily from outside the United State. We bought 250,000 tons from Thailand, 90,000 tons from Argentina and South Africa, and 75,000 tons from U.S. Lakehead instead of Gulf.

"Because of our bitter experiences in the past, we did not schedule a single bushel of corn from the Gulf ports during the possible strike period this year.

"In the case of milo, we bought 150,000 tons from Argentina, 50,000 tons from Australia, and 15,000 tons from South Africa. Altogether this 215,000 tons of milo is not sufficient if the strike is prolonged. We may have to buy some U.S. milo for shipment from Pacific Coast ports in spite of extra cost involved.

"It is more expensive to haul grain from South America to Japan. This is particularly so when we try to get supply for the late season position when their stocks of grain are being depleted. But, we cannot let our ever increasing numbers of livestock and poultry starve.

"Thirdly, in the case of soybeans, the picture is different. There is no substitute crop or supply source in the world. Japan, therefore, was forced to take additional soybeans to be shipped out of the Gulf prior to Sept. 30, on top of normal September purchase.

"As a matter of fact, Japan bought a total of 370,000 tons of soybeans for shipment from Gulf during September, which is about 150,000 tons more than normal requirements for this shipping period. Those extra purchases will overload our handling and storage facilities when they arrive in Japan.

"We also bought considerable volume of soybeans for shipment from the Chicago Lakehead during October. It reached about 150,000 tons, which is about 120,000 tons more than normal. The longer haul means higher ocean freight cost, but we have no other choice.

"These are only some of the direct consequences of fear over the possible dock strike this year. Indirect effects of threats of strike and actual stoppage of work cannot be measured.

"We place the greatest importance on regular continuity of supply. In this respect, a more or less chronic threat of strikes by the International Longshoremen's Association and railway unions in U.S. brings serious danger of loss of some of your market for agricultural products. Your competitors would certainly welcome a chance to take your established place in the traditional market.

"For the importing countries, the threat of a strike results in a profound impact, regardless if strike is called or averted at the last minute.

"Such being the case, I would like to urge that the U.S. government consider enacting legislation to deal with those transportation strikes which have serious adverse consequences on both American national and international interests."

"DOCK STRIKE DOING IRREPARABLE DAMAGE TO FARMERS," HARDIN SAID

WASHINGTON, August 16.—"The West Coast dock strike is doing irreparable damage to U.S. farmers," Secretary of Agriculture Clifford M. Hardin said today. "Farmers are losing valuable cash markets for exports every day. Foreign buyers are turning to other sources, and it will be hard for us to win them back," Secretary Hardin said.

"This strike is running rough shod over farmers," the Secretary declared. "It is high time that the principal parties in this strike think about farmers for a change—and worry how farmers are going to keep up their income and meet their mounting costs," Secretary Hardin said.

"If this West Coast dock strike drags on through the rest of the month there will be $215 million worth of farm products that would have moved through West Coast ports in July and August, which didn't," Secretary Hardin said. "About $40 million of that will be in fresh fruits and vegetables—these are perishable products that can't wait for a strike to end, and 90 percent of that business will be lost."

Secretary Hardin said: "Wheat farmers are getting hit; our wheat is sitting there all tied up while our competitors are walking off with our markets. Livestock farmers are also losing sales."

Japan is our largest export customer and it depends heavily on Pacific Coast ports for its imports. "Already the Japanese are developing new sources of supply through investments in less developed countries because they can't depend on our farm products moving when they need them," Hardin said.

"I'm getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market," the Secretary said. "We are working as hard as we can to build up foreign markets for farm products so that we can ease up on acreage controls in this country and help farmers do a little better.

"This year we have managed to set a new record on farm exports of $7.8 billion. This is $1 billion higher than a year ago. And the increase is in cash. It is one of the bright spots in our national export picture. It is made possible mainly because our farmers are so productive and efficient," Secretary Hardin said.

"If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when it's ready, then agriculture will be in worse trouble," Secretary Hardin declared.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2470

At the request of Mr. TAFT of Ohio, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2470, to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers.

SENATE JOINT RESOLUTION 147

At the request of Mr. DOMINICK, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution with respect to the election of the President and the Vice President of the United States.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 439

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PACKWOOD submitted amendments, intended to be proposed by him, to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

MILITARY PROCUREMENT AUTHORIZATIONS BILL, 1972—AMENDMENT

AMENDMENT NO. 440

(Ordered to be printed and to lie on the table.)

ITS TIME TO FLY BEFORE WE BUY

Mr. PROXMIRE. Mr. President, as debate on the military procurement bill continues, there are going to be many disagreements among us. Do we need the B-1 and the F-14? Should we disengage now from Southeast Asia? Should we continue to maintain 300,000 men under arms in Europe? Such issues have—and will continue—to divide us.

It is well and good that there should be disagreements on these issues. It is through debate on such questions that decisions are made in a democracy such as ours.

But while we debate such specific issues, we should not lose sight of some basic goals which should unite us:

The need to provide our combat troops with reliable weapons which will not let them down; and

The need to get a dollar's worth of defense from a dollar of defense spending.

PERCEPTIVE COMMITTEE POINTS

Unfortunately, we have not been achieving these basic goals. And there is no better testimony to this fundamental fact than the excellent "basic considerations" section of the Armed Services Committee's report on this bill. Let me quote for a minute from the report:

First, with respect to the reliability of our weapons:

> It is striking that in many cases we have developed and produced aircraft of extraordinary capabilities without demonstrably reliable and effective air-to-air munitions, bombers without long-range air-to-surface missiles, submarines without reliable and effective torpedoes or antiship missiles, and surface escorts without any surface-to-surface missile of any kind. Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

Second, with respect to the value we are getting for our defense dollar:

> If the geometric cost increase for weapons systems is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at a sharp numerical disadvantage.

Mr. President, these are eloquent words well spoken. We simply must develop more reliable weapons than we have been turning out. And we must start getting better value for our defense dollar.

I agree with the committee that there are no "easy solutions to these difficult problems." But I do feel that there are some basic steps we can take, steps which are a prerequisite to any real solution, and steps on which we should be able to agree.

The place to start, it seems to me, is with some basic reforms of our present weapons procurement system. Everyone agrees that procurement is now a mess. And everybody is agreed on one aspect of the solution. It is summed up in the phrase "Fly Before You Buy." We must start doing a better job of testing our weapons before we buy them.

BETTER TESTING IS NEEDED

I want to talk today about the deficiencies of our testing programs. I want to analyze the reasons for their past failure and I want to propose a small, partial solution the implementation of which is a prerequisite to any real improvements.

My solution is in the form of an amendment to the bill now before us. I will describe the amendment in more detail later, but I will say now that it has two main provisions. First, it calls for organizational changes within the Department of Defense designed to increase the priority given to all testing programs. Second, it calls for changes in the nature of these programs themselves, changes designed to make this testing more realistic and to insure that it takes place at a time when it can influence important procurement decisions.

But before discussing my solution, I want to talk about the problem. I want to look first at the deficiencies of our testing programs, as demonstrated by the weapons systems we have provided to our troops in Vietnam. And I want to talk about the reasons for these deficiencies, as analyzed so brilliantly in the report last year by the Fitzhugh Commission, whose own recommendations on the testing issue have been ignored completely. In fact, it is really these recommendations which my own amendment is designed to implement.

I. THE VIETNAM EXPERIENCE

We need to look no further than the war in Vietnam to document the present deficiencies in our testing programs. Very few of the weapons we have used in Vietnam were tested with even minimum adequacy before they were deployed. Even worse, in some of the few cases where adequate tests were conducted, the results were ignored by the superiors to whom they were reported. It is a simple fact that we have provided our boys in Vietnam with very unreliable weapons—weapons that exposed them to unnecessary risks, led to many unneeded deaths, and often let them down in combat.

First. The M–16. Perhaps the most famous example is the M–16 rifle, the case history of which has been brilliantly investigated in 1967 and 1968 reports of a House Armed Services Subcommittee. Due to the courage and perseverance of a few dedicated officers, the M–16 was realistically tested for combat usefulness, but the results of those tests were ignored—perhaps willfully—by higher echelons of the Army. The M–16 was thoroughly tested at Fort Ord in 1965 and found to be extraordinarily and dangerously unreliable due to several simple and easily remedied defects introduced by the Army arsenals. The test findings were directly submitted to the highest level of the Army prior to deployment of the M–16. Unfortunately, the Army proceeded with deployment of the weapon and as everyone knows today, many Americans died needlessly with jammed M–16's in their hands.

Second. The Sheridan tank. A second example, also investigated by a special House Armed Services Subcommittee, is the deployment of the Sheridan tank to Vietnam. Despite plenty of indications in artificial engineering tests that the vehicle, the cannon, and the missile were all unreliable and that the system would be dangerous to use due to the flammability of the caseless ammunition and the excessive noise of the engine, the Army rushed the vehicle to Vietnam without performing stringent operational tests of the system. In combat, all the previously suspected faults were confirmed in spades and new ones were also uncovered, such as the need to tighten all chassis bolts after firing a few rounds.

Third. Aircraft vulnerability. As far as aircraft are concerned, not a single modern helicopter or fighter deployed to Vietnam was ever specifically tested in advance for vulnerability. The UH–1, the CH–47, the F–4, the F–105, and the F–8 all proved dangerously vulnerable to even .50 caliber bullets because they had been neither designed nor tested to minimize combat vulnerability. Finally, after 3 years of continuing losses, the Air Force installed expensive and by no means adequate protection kits on their F–4's and F–105's. The Navy's F–8, meanwhile, proved so dangerously vulnerable to fire and hydraulic failure that it was eventually removed from most bombing missions. All told, we have lost several thousand helicopters and aircraft in Vietnam, fully 1,000 to 2,000 of which need never have been lost if they had been adequately tested for vulnerability. And despite this experience, there has been little or no increase in live firing tests of aircraft component vulnerability, though there has been a massive increase in paper studies of the problem.

Fourth. Air-to-air missiles. And we have no more dismal record anywhere than in the area of air-to-air missiles, where there have been artificial tests galore to confirm the success of major missile programs, while the results of the few realistic tests conducted have been completely suppressed and ignored. Two classic examples which have consistently let our pilots down at the moment of victory have been the Sparrow and the Falcon. Each missile has cost the taxpayer over $1 billion. Each was reported to be highly successful on the basis of inadequate engineering tests. And each missed its performance expectations by about a factor of 10 when used in the skies over North Vietnam. Here, too, we have learned nothing from our experience. We are about to embark on production funding of the Phoenix missile at 10 times the cost of the Sparrow on the basis of far less testing than the Sparrow received before combat revealed its hopeless inadequacy.

Fifth. Air-to-surface munitions. Our experience with air-to-surface munitions has been similiar. Consider the Navy's Walleye, a much-touted television guided missile when it was first introduced. Combat experience in Vietnam soon demonstrated that Walleye delivery—because of the time required to set up and fire—exposed pilots to much greater risk that experienced in ordinary dive bombing techniques. Experience demonstrated also the inaccuracy of the Walleye against small fixed targets such as bridges, which it was unable to hit under combat conditions, despite being designed with them in mind. In fact, the Walleye's inaccuracy led to its being banned from use in close support of ground forces due to fear of injuries to friendly troops. The Air Force has had a similiar experience with its laser-guided bombs, which have required such dangerous delivery tactics that they have not been used except in areas where there have been no medium and high-altitude defenses. The most regrettable thing once again is that all these deficiencies could have been revealed through realistic peacetime testing, without risking pilots' and ground troops' lives.

Sixth. All-weather avionics. Finally, in our fascination with fancy avionics gear, we deployed the A–6 and then the F–111 to Southeast Asia in the hope that they would allow us to hit targets at night by the use of radar. Without knowing in advance through realistic testing how few targets could be accurately acquired and hit by radar, we risked thousands of air crewmen's lives in combat against targets which proved to be hopeless. And now, with the evidence of combat behind us, we still refuse to conduct realistic tests at home and still continue to buy and support the expensive A–6 and F–111 for combat use abroad. In fact, we are in the process of adding $112 million to this bill for 12 more F–111's which the Air Force itself never initially requested.

Mr. President, this is a very dismal record. In fact, it is a tragic record. It is high time that we did something about it.

II. THE FITZHUGH COMMISSION ANALYSIS

Mr. President, many voices have been raised in recent years about the need for an improvement in our testing programs. Concern has been expressed by the Office of Management and Budget, the General Accounting Office, and scientific advisory committees of all kinds. And the Pentagon itself has talked a great deal about the new "fly before you buy" policies it has installed.

Unfortunately, very little has actually been done. Do not get me wrong. I recognize that there have been some changes in the right direction. But this administration's milestone policy for weapons system developments is itself a very minor change, which reduces rather than eliminates concurrency. And it is too early to tell how far the administration will go in its much more significant new "prototyping" policy.

And virtually no change has been made in our testing programs, which are the real key to a "fly before you buy" policy. In fact, the conclusions and recommendations of the most thorough study yet conducted of our testing deficiencies have gone largely ignored. I refer to the study conducted last year by the Fitzhugh Commission—the President's Blue Ribbon Defense Panel—as part of its overall review of Defense Department operations.

I expressed my disagreement last year with a number of the committee's recommendations. But I can find no fault with its treatment of the testing issue. The commission devoted several pages of its report to this problem. In addition, the conclusions and recommendations in the report were supplemented by a 200-page staff study.

A. THE EXISTING MASS

Let us look first at the commission's description of the existing state of our testing policies.

The commission began its discussion of the testing issue by making a distinction which is far too often overlooked—the distinction between engineering tests, on the one hand, and operational tests, on the other.

Engineering tests, the commission noted, are designed to determine whether or not a system will meet its technical requirements. And engineering tests were "not a major problem area." There were some deficiencies—due largely to the failure to fully test systems until they were committed to production—but generally the Commission found that we did get around at some point to tests which determined whether a system's technical specifications would be met.

Operational testing, however, was in far worse shape. The commission described operational testing as follows:

> Operational testing, on the other hand, is done to determine to the extent possible whether systems and materiel can meet operational requirements. It must provide advance knowledge as to what their capabilities and limitations will be when they are sub-

> jected to the stresses of the environment for which they were designed (usually combat). Operational testing must take into account the interface with other systems and equipment, tactics and techniques, organizational arrangements, and the human skills and frailties of the eventual users.

Operational testing, in other words, concerns itself with such things as the maintainability and reliability of a system under combat handling conditions, its survivability in the face of hostile fire, the techniques a resourceful enemy would employ to counter it short of its destruction, and the soundness of the tactics worked out for its use.

It is easy to understand the importance of such testing. These considerations are really much more important than a system's ability to simply meet its technical specifications. In fact, a system's specifications are going to be rather worthless unless they have been established with operational requirements and limitations clearly in mind.

NO DATA AVAILABLE

The commission found, however, that very little operational testing was conducted in many areas, and that system designers often had no operational testing data on which to rely in establishing specifications:

> Unfortunately, it has been almost impossible to obtain test results which are directly applicable to decisions or useful for analyses. Often test data do not exist. When they do, they frequently are derived from tests which were poorly designed or conducted under insufficiently controlled conditions to permit valid comparisons. It is especially difficult to obtain test data in time to assist in decision-making.

Moreover, the commission found that the little operational testing and evaluation—O.T. & E.—conducted was conducted by the individual military services, with little coordination at a Defense Department-wide level:

> The most glaring deficiency of OT&E is the lack of any higher-than-Service organization responsible for over-seeing Defense OT&E as a whole. . . . Currently, there is no effective method for conducting OT&E which cuts across Service lines, although in most actual combat environment, the United States must conduct combined operations. The interactions among Services become extremely important during combat, and critical military missions transcend Service boundaries and responsibilities (for example, Close Air Support, Reconnaissance, and Air Supply). Because of the lack of joint OT&E, it is not only very difficult to detect certain kinds of deficiencies and to predict combat casualties in advance, but it is also difficult to make decisions relating to overall force composition.

THE FEW DOLLARS AVAILABLE GET LOST

The commission criticized also the limited funding available for O.T. & E.:

> Funding throughout the Department of Defense has been and continues to be inadequate to support much necessary OT&E. Also, the funding of OT&E is confused, both at the OSD level and within the individual Services, and neither in OSD nor in any Service is there a single agency responsible for insuring that OT&E is adequately funded. In fact, there is no agency that can even identify the funds that are being spent on OT&E. . . . Because funds earmarked for OT&E do not have separate status in the budget, or in program elements, they are often vulnerable to diversion to other purposes.

Such, in brief, is the bleak picture which the commission painted of operational test and evaluation in the Defense Department today. Very little O.T. & E. was done in the first place. What little there was was not subject to departmentwide coordination. And part of the inadequate funding could be easily diverted to other purposes.

B. The Proposed Solution. In considering possible steps to remedy these deficiencies, the commission noted that earlier attempts had been made to deal with the problem but had not gotten very far.

> A Directorate of OT&E was established in 1966 within the Office of the Director of Defense Research and Engineering (ODDR&E) under the Deputy Director (Administration and Management.) Although establishment of this organization was an acknowledgement of the need for attention to the operational aspects of testing and evaluation, the authority and resources of this Directorate were very limited initially and have decreased since. It has had little, if any, influence, on OT&E.

The commission's staff study went even further in describing the failure of the D.D.R. & E. directorate:

> There is extremely little productive relationship between the Assistant Director (OT&E) and Service OT&E personnel and agencies. Sometimes the latter were not aware that there was such an organization within the OSD.

Equally unsuccessful was a 1968 attempt to establish better operational testing programs through the auspices of the Joint Chiefs of Staff:

> In 1968, the Deputy Secretary of Defense requested the JCS to consider the establishment of a small Joint Test and Evaluation Agency. The JCS replied that such an agency was unnecessary, and expressed the belief that there already existed within the organization of the JCS, the Services, and the other agencies the capability to plan, conduct, and evaluate the results of operational tests, including tests involving joint forces. However, it is evident that this capability does not exist and that the *ad hoc* testing on which the JCS relies produces very little useful data in support of decision-making.

The commission made several recommendations to deal with the "dismal" situation it had described.

FLY BEFORE YOU BUY

First, it recommended basic changes in our policies for the development of new weapons systems, a move away from the present concurrency of development and production to a new "fly before you buy" system. It advocated establishment of "a general rule against concurrent development and production, with the production decision deferred until successful demonstration of developmental prototypes." This basic change was a prerequisite if operational testing was to play any real role in individual weapons system production decisions.

NEW ASSISTANT SECRETARY

Second, it made three recommendations which dealt directly with the operational testing issue:

> The responsibility for Defense test and evaluation policy should be assigned to [a new] Assistant Secretary of Defense (Test and Evaluation).
>
> A separate program category should be established for Test and Evaluation.
>
> The responsibility for overview of Defense test and evaluation effort should be assigned to [a new] Defense Test Agency. In addition, the Agency should be responsible for design or review of test designs, performing or monitoring of tests, and continuous evaluation of the entire test and evaluation program.

The commission advocated an organizational solution—a new Assistant Secretary of Defense, separate funding, and a Defense Test Agency under the new Assistant Secretary—because it saw the problem as being largely organizational in nature. Operational testing had received short shrift, the commission believed, because of the organizational interests of the people who had been put in charge of it in the past.

NO INDEPENDENT WATCHDOG

At the departmentwide level, responsibility had been lodged in the Director of Defense Research and Engineering, the man responsible for developing new weapon systems. Putting responsibility there, the commission believed, invited failure. It amounted to asking weapons developers to be their own watchdog:

> In connection with testing and evaluation, it should be emphasized that responsibilities for any evaluation function should be exercised independently. When they are subordinated to or combined with responsibilities for the development of the item or subject being evaluated, the requisite objectivity is seriously jeopardized.

A similar problem existed in the services themselves, where O.T. & E. was found to be either under the control of weapons developers or denied the access to higher echelons necessary to assure any real impact. The commission's staff study summed up service O.T. & E. as follows:

> There are three major reasons for the conclusion that Service OT&E has been of uneven quality and generally much less successful than would be desirable. First, OT&E in the Services has lacked much of the independence that encourages objectivity and high level action when the results of OT&E call for it. Second, throughout the Services there has been very little guidance from high levels as to what is desired from OT&E activities. Third, there has been too little support and encouragement. Third, there has been too little support and encouragement of OT&E from high levels within the Services.

THE HOUSE SHERIDAN TANK INVESTIGATION

Further evidence of the pressures preventing adequate performance of the O.T. & E. function are contained in the findings and conclusions of the excellent House Armed Services Committee study of the Sheridan tank fiasco I referred to earlier. Let me quote two of the committee's findings:

> 6. In its rush to develop the Sheridan and M60A1E2 tanks equipped with the Shillelagh guided missile, the Army ordered mass production of these weapons and their related equipment before there were adequate assurances that the designs were suitable, and, in some cases, even before the production or funds requests had been officially approved. The fear of a loss of program funds appears to have been the principal reason why the Army's top management level approved the mass production against the advice of qualified user and testing agencies and personnel who had persistently attempted to convey the true facts of their sadly lagging development efforts.
>
> 15. The facts as developed by this subcommittee make almost unavoidable the conclu-

> sion that so much time and money had been spent in developing the Sheridan/Shillelagh system that the developers felt irrevocably committed to production. Under such circumstances the project manager became more of a captive than a manager of his project, and might understandably feel that a failure of the project to reach fruition could be interpreted as demonstrating his own lack of managerial skills and thus affect his Army career. Such a condition must inevitably result in management of doubtful quality and questionable management concepts.

Because test and evaluation responsibility was lodged in the wrong places—both at a departmentwide level and within the services—the Fitzhugh Commission recommended an organizational change to correct the problem. The recommendation was approved unanimously by the members of the commission. In fact, one of the members was moved to write a concurring statement underlining the urgency of the change. I quote from the statement of Dr. George J. Stigler:

> The vast, horrendously expensive, weapon systems which now consume so large a part of the budget of the Defense Department may be our saving or our downfall. The great difficulty is that presently we do not know. Operational testing is almost nonexistent in the weapons acquisition process. The recommendation of the report that systematic operational testing be introduced deserves highest priority.

III. THE PENTAGON'S RESPONSE

Despite the clear-cut evidence that a change in our operational testing policies was urgently needed, the Department of Defense chose to ignore the Fitzhugh Commission's recommendation. It chose to keep departmentwide responsibility for O.T. & E. under the control of the Director of Defense Research and Engineering. It created a new subordinate office under his control to replace the office which had first been created in 1966 and which had proven itself ineffective ever since. Clearly this is only a token change. Our weapons system developers are still policing themselves, and there is no evidence that they are about to start doing a better job than they have.

The Armed Services Committee, in its own report on this bill, lamented the Pentagon's response:

> The Secretary of Defense testified that he had decided not to accept the President's Blue Ribbon Panel recommendation of establishing an Assistant Secretary of Defense for Operational Testing and Evaluation; instead a subordinate office has been established under the Director of Defense Research and Engineering. The Blue Ribbon Defense Panel pointed out what it considered weaknesses inoperational test and evaluation—lack of testing independent of weapons system developers, service opposition to independent operational test and evaluation, lack of funds and facilities, and lack of high-level attention and management. While the Committee hopes that the modified approach will succeed in correcting these weaknesses, other steps along the lines suggested by the Panel may be necessary if the present modified approach does not prove successful. Insufficient operational test and evaluation in the past has meant that we have produced some weapons too complex to be effective. Evidence of this tendency was illustrated by testimony concerning the failures of our air-to-air munitions.

Mr. President, I fully share the Armed Services Committee's concern.

CONGRESS MUST ACT

I think, in fact, that the time has come for the Congress to assist the Pentagon in constructive fashion in this area. I think we need to do so by means of direct legislative guidance—guidance which is firm enough to produce results, yet flexible enough to permit sound administrative initiative by experts in the Pentagon itself.

I do not think the Pentagon can solve the problem by itself. There are just too many pressures working in the direction of preserving the status quo. Only if the Congress truly demonstrates its interest will the problem be brought under control.

I would like to introduce at this time an amendment I have drafted to meet these objectives. I ask unanimous consent to introduce my amendment at this time.

Let me describe briefly what my amendment does.

TEST SYSTEMS UNDER DEVELOPMENT

First, it directs the Department of Defense to submit all major weapon systems under development to operational—as well as engineering—tests. The precise nature of these tests is left for experts in the Pentagon to work out—as should be the case. All the amendment does is to prescribe in general terms the kinds of factors the tests should explore:

The maintainability and reliability of a system under combat handling and operating procedures;

The combat survivability of a system;

The extent to which a system can be rendered ineffective by a resourceful enemy through the use of tactics and countermeasures; and

The soundness of the tactics developed for the system's combat use.

The importance of these factors is self-explanatory. It is because we have not tested for them in the past that we have had such poor results with our systems in Southeast Asia.

Second, my amendment requires that these tests be completed and a report on their results submitted to Congress before procurement funds have been expended on a system in an amount greater than 10 percent of the R.D.T. & E. funds which have been appropriated by the Congress for that system. In other words, my amendment requires that we test before we buy, before we are totally committed to a system.

Rigorous operational tests conducted early in a system's life—that is a goal we can all agree on. My amendment will move us closer to that goal. And it will not put the Department of Defense in a straightjacket. Let me explain briefly the flexibility built into my amendment.

For one thing, the testing and reporting provisions I have just described can be suspended by the President at any time by declaration that a national emergency exists which would make their applicability dangerous to the security of the United States.

PROSPECTIVE ONLY

Moreover, these testing and reporting amendments are prospective only. They do not apply to systems already in production. And they do not require us to rip up any contracts now in existence or about to be entered into. The look instead to the future in an attempt to prevent the mistakes of the past.

And there is nothing to prevent future exceptions either. If the Department of Defense feels that any given system should be exempted from the general rule, all it needs to do is ask Congress to grant such an exception. I recognize that exceptions may be necessary. And I can say in all candor that I would weigh carefully the merits of any requests for exceptions which might be presented.

Up till now, however, "fly before you buy" has been the exception and concurrently the basic rule. We must turn this around. We must get a handle on the real costs and capabilities of our systems before, not after, we get in the kinds of messes we have on the C–5A and F–14. And the only way we can get such a handle is if we in Congress establish a "fly before you buy" rule and require the Defense Department to justify all exceptions to it.

Mr. President, my amendment has two other provisions which I would like to describe briefly.

AN INDEPENDENT WATCHDOG

One of these provisions directs the Secretary of Defense to appoint an official, who shall report to him directly and not through anyone else, to supervise all operational testing programs in the Department of Defense. This is essential, in my opinion, if we are going to get vigorous leadership and new initiatives in the operational testing area. We must put responsibility for this important function in an independent, objective place. It cannot remain the responsibility of our weapon system developers themselves, as the Fitzhugh Commission so ably recognized.

Where it is to be placed, however, is up to the Secretary of Defense. He could appoint a new Assistant Secretary, as the commission recommended, or he could decide on some other organizational solution. The choice—and flexibility—is his. The only requirement is that he designate a single individual, with direct access to himself, to supervise all operational testing programs. Surely such testing is important enough to warrant such independence and access.

ANNUAL PROGRESS REPORT

Finally, my amendment requires the Secretary of Defense to report to the Congress annually on the funds spent for and steps taken to improve operational testing in the Department of Defense since the preceding year. This report could form the basis of a continuing dialog between the Department of Defense and the Congress about this important subject. Operational testing has many roles to play. Tests of already developed systems can tell us what new systems are most worth developing. Tests of such systems can tell us the reasonableness of the tactics which new systems are planning to use. And tests of such systems can help us make wise decisions about the precise mix of systems in our total force structure. Right now we are not testing our new weapons before they enter production and we have no data for use in making these other kinds of decisions. We do not even know how much we are spending on operational testing, and some testing funds—according to the Fitzhugh Commission—are being diverted to other uses. This annual reporting requirement will keep us abreast of the changes being made to correct things.

That, Mr. President, is my "test before you buy" amendment. I made its text available to the Armed Services Committee last week and I understand that the Defense Department is now preparing comments on it. The precise terms of my amendment are subject to negotiation and I will not call it up for a vote today. I introduce it so that as many constructive comments as possible can be made in advance of a vote, while changes are still possible.

My own feeling, however, is that changes are required less in the terms of my amendment than in the operational testing policies of the Department of Defense.

The complex and expensive weapon systems we are now developing may some day be either our saving or our downfall in combat. Which it might be we do not know. And we will not know unless we change our testing policy.

Mr. President, I ask unanimous consent that full text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 440

At the end of the bill add a new section as follows:

"SEC. 505. (a) The Congress views with concern the present lack of emphasis on operational testing within the Department of Defense. In order to ensure that systematic operational testing is introduced into the weapons acquisition policies of that department, it is hereby required—

"(1) that the Department of Defense shall conduct operational tests of all aircraft, missiles, tracked combat vehicles and other weapons (excluding naval vessels) under development for which funds are authorized annually for the purpose of determining the likely effectiveness of such systems under actual combat conditions. These tests shall examine as thoroughly as is practicable:

"(A) the maintainability and reliability of each such system under anticipated combat handling and operating procedures;

"(B) the combat survivability of each such system;

"(C) the extent to which each such system could be rendered ineffective by a resourceful enemy through the use of tactics and countermeasures;

"(D) the soundness of the tactics developed for each such system's combat use, with specific emphasis on the human limitations and personal safety of the military personnel who will be called upon to use it; and

"(E) any other factors in the combat environment likely to affect the operational effectiveness of each such system;

"(2) that the Secretary of Defense shall appoint an official, who shall report directly to him without any intervening authority, to administer the operational testing program prescribed in subsection (a)(1) of this section and to establish other operational testing programs to assist the Department of Defense in is long-range planning programs; and

"(3) that the Secretary of Defense shall report to the Congress annually, at the time the budget for the Department of Defense is submitted to the Congress, regarding the funds spent on and the steps taken to improve the effectiveness of operational testing programs in the Department of Defense during the preceding year, together with planned programs and funding for operational testing during the coming year.

"(b) The tests required by subsection (a)(1) of this section with respect to any weapon system shall be completed and a comprehensive report of the results thereof shall be submitted to the Congress by the Secretary of Defense prior to the expenditure of procurement funds (including expenditure for long-lead items) on any such system in an amount greater than 10 percent of the research, development, testing, and evaluation funds which have been appropriated by the Congress for that system. The Secretary of Defense shall certify in each such report that the system in question has been tested for operational effectiveness in accordance with the criteria prescribed in subsection (a)(1) of this section and that the tests were adequate to demonstrate and did in fact demonstrate that it will meet the combat performance specifications which have been established for it.

"(c) Subsections (a)(1) and (b) of this section shall not apply to any system for which procurement funds have been appropriated or for which contractual arrangements which could not be performed if those subsections were applicable have been entered into the Department of Defense either prior to or within six months after the date of enactment of this section. The President may suspend the application of these subsections at any time by declaring that a national emergency exists which makes their application dangerous to the security of the United States."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Kansas (Mr. DOLE), and the Senator from New Hampshire (Mr. McINTYRE) were added as cosponsors of Amendment No. 347, to S. 1437, to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. ALLOTT, the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. GURNEY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. STAFFORD), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Amendment No. 430, to H.R. 8687, the military procurement authorizations bill.

SENATOR ERVIN LISTS WITNESSES FOR FIRST WEEK OF FREE PRESS HEARINGS

Mr. ERVIN. Mr. President, I wish to announce the list of witnesses for the first week of hearings on freedom of the press being conducted by the Senate Subcommittee on Constitutional Rights.

On Tuesday, September 28, at 10 a.m. in room 318 of the Old Senate Office Building, the subcommittee will hear from Senator JAMES PEARSON, of Kansas; Congressman CHARLES WHALEN, of Ohio; Mr. Harding Bancroft, executive vice president of the New York Times; and Mr. Norman Isaacs, of the Columbia School of Journalism.

The subcommittee also invited Mr. Earl Caldwell, a New York Times reporter, to testify on September 28. Although Mr. Caldwell expressed his desire to appear and had planned to attend, upon the advice of counsel he has decided not to testify. Mr. Caldwell is a party to an important case now pending before the Supreme Court. I regret Mr. Caldwell's decision but appreciate his dilemma.

Representative OGDEN REID, of New York, the ranking minority member of the House Subcommittee on Foreign Operations and Government Information and former president and editor of the New York Herald-Tribune, and Dr. Frank Stanton, president of the Columbia Broadcasting System, will present testimony before the subcommittee on Wednesday, September 29. On this day the hearings will be held in room 1202 of the New Senate Office Building, beginning at 10 a.m.

On Thursday, September 30, the subcommittee's witnesses will be Mr. Walter Cronkite, of CBS news; Prof. Philip Kurland, of Chicago Law School; and Mr. James J. Kilpatrick, columnist and television commentator. This final day of hearings of the first week will be held in room 318, Old Senate Building at 10 a.m.

Additional days of hearings on freedom of the press will be held on October 12, 13, and 14 and on October 19 and 20. On these days, as is the case for the first week of hearings, the subcommittee will be hearing from Americans with considerable experience and knowledge in the area of freedom of the press.

In addition, Mr. President, I wish to call the Senate's attention to an editorial in the New York Times commenting upon one of the problems which the subcommittee will be considering in the course of its hearings. This problem has developed as the Government issues increasing numbers of subpenas for newsmen and their notes in connection with judicial and legislative investigations.

As the New York Times editorial of September 26, 1971, suggests, balancing the interest of the press and the interests of the administration of justice is not an easy task. The case of United States against Earl Caldwell, now pending in the Supreme Court, illustrates the difficulty in reconciling these conflicting interests.

The New York Times editorial cautions that—

> To do their job, reporters develop sources among radicals or in the underworld or among persons who, though entirely conventional, fear loss of jobs or other harassment if publicly identified. Such relationships would be destroyed—to the detriment of the public—if at the whim of prosecutors, reporters could be forced to become police informants. Only proof of the most overriding and pressing public necessity could justify subpena of information gathered by newsmen in the performance of their duties.

Many of the witnesses scheduled to appear during the Constitutional Rights Subcommittee's hearings on freedom of the press will comment upon the subpena controversy. I am confident that the hearings will contribute to a greater understanding of the issues involved.

Mr. President, I believe that the New York Times editorial of September 26 effectively sets forth the questions which must be considered in weighing the Government's interest against those of a free press. I commend its reading to all Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, Sunday, Sept. 26, 1971, editorial]

The Public Sentinel

In recent years, press and Government have appeared to be increasingly on a collision course. The Justice Department's attempt's to restrain publication of the Pentagon papers and the House Commerce Committee's effort to examine the unused film prepared for a Columbia Broadcasting System documentary both ended in failure, but both were significant efforts by Government to constrict the traditional freedom of the press. Grand juries investigating criminal cases have increasingly resorted to the practice of subpoenaing reporters and their notes in an effort to use the press as an arm of the law.

In the light of the wide uneasiness stirred by these developments, the Senate Subcommittee on Constitutional Rights chaired by Senator Ervin of North Carolina has decided to hold public hearings this week on the present status of the press's liberties. These hearings are certain to bring forward at least three distinct viewpoints with regard to the rights of the press under the First Amendment.

One view is that when the authors of the Bill of Rights wrote that Congress shall make no law abridging freedom of the press, they meant exactly that—no law. In numerous opinions, most recently in his concurrence in the Pentagon papers case, the late Justice Hugo Black vigorously and eloquently argued this absolutist construction. It is a position which commands the support of the American Society of Newspaper Editors and of many civil libertarians.

A conflicting view is that the press's right to publish or broadcast news and opinion is not overriding and that there are competing claims which should take precedence. Thus, the Solicitor General argued in the case of the Pentagon papers that the Government had a right to prevent the publication of documents which it deemed prejudicial to the public interest. Similarly, local prosecutors have contended that newsmen have no right to protect the confidentiality of their news sources if they have knowledge of a criminal act.

In a "friend of the court" brief filed the other day on behalf of The Times and several other newsgathering organizations in a case pending before the Supreme Court involving Times reporter Earl Caldwell, Prof. Alexander M. Bickel of the Yale Law School sets forth an intermediate position which this newspaper believes is both reasonable and realistic. In essence, he argues that, although the reach of the First Amendment is broad and strong, it is not all-encompassing. A free society's vital interest in an enterprising, uninhibited press has to be reconciled with society's other interests such as the effective administration of justice.

The crucial question is what are the terms on which this necessary accommodation should take place. Such an accommodation is not impossible. Indeed, much of the time of appellate courts is taken up with the sensitive, unremitting work of defining and interpreting means of cushioning valid but conflicting interests. Where a grand jury's right to know contradicts a reporter's right to protect his sources, the problems in need of resolution are comparable to those involved in reconciling freedom of the press and the right of every individual to a fair trial—an area in which considerable progress toward rational guidelines has been made.

The press obviously cannot serve society effectively if it prints only what Government officials say or what private persons want known about their activities. Nor is it likely to serve society effectively if it recognizes no responsibilities in respect to the individual's right to fair trial or if it claims for its agents an absolute immunity from their obligations as citizens.

To do their job, reporters develop sources among radicals or in the underworld or among persons who, though entirely conventional, fear loss of jobs or other harassment if publicly identified. Such relationships would be destroyed—to the detriment of the public—if at the whim of prosecutors, reporters could be forced to become police informants. Only proof of the most overriding and pressing public necessity could justify subpoena of information gathered by newsmen in the performance of their duties.

The First Amendment was not written to protect anyone's career or profits. Those are private concerns. The Constitution protects the press because the press serves a high and essential public interest. When it does its work with courage and enterprise and integrity, the press acts as a sentinel guarding every citizen against tyranny, corruption and injustice. Government itself is also one of society's sentinels but with different and far stronger powers. Citizens are best served when press and Government operate independently in their different ways to defend the public interest.

ADDITIONAL STATEMENTS

JUSTICE HUGO F. BLACK

Mr. McGEE. Mr. President, since its inception as a nation the United States has been extremely fortunate to be blessed with a wealth of leadership capability at all levels of government. Amidst this wealth of talent which has driven this Nation to levels never before achieved by mankind in his continual search for a free and just society, there have been few men who have risen to towering heights. However, one of these men who achieved this distinction was Hugo LaFayette Black, a Supreme Court Justice for the past 34 years.

This Nation must, therefore, mourn the passing of Justice Black. It must mourn the loss of Justice Black not only because he was a man, but also because he was a towering intellectual force in shaping the course of American constitutional law for more than three decades.

As we mourn the passing of a great man, we can all be grateful that Justice Black responded to the call of a higher sense of duty to this great Nation. Justice Black did not just fulfill the duties of his office. Justice Black displayed the courage and foresight which will continue to play a vital role in the constitutional law of this Nation for many decades in the future as it had in the past.

In Sunday's edition of the Washington Post, staff writer Alan Barth wrote:

> He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

I join in agreement with Alan Barth in paying this tribute to a great man.

I ask unanimous consent that Mr. Barth's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Black Championed New Deal, Civil Rights

(By Alan Barth)

Hugo LaFayette Black has long been recognized as one of the authentic giants in the history of the United States Supreme Court. He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

A police court judge, a prosecuting attorney, an influential lawyer in private practice in his native Alabama, a formidable champion of the New Deal in the United States Senate, Black was President Franklin D. Roosevelt's first appointment to the Supreme Court, serving as an associate justice for 34 years, from his installation in October, 1937, until his retirement this month at 85.

The imprint of his rural Southern background was always strong upon him—in his Populist impulses, in the style and intonation of his speech, in a modesty of manner, in colloquialisms of expression that belied his erudition and, above all, in an awareness of and sympathy for the problems of ordinary men and women.

Many who resisted the imperatives of the civil rights movement called Hugo Black a traitor to the South because he played a leading role in the 20th century emancipation of the American Negro. Many called him a radical because he believed in according freedom of expression to odious opinions and in assuring all the protections of due process of law to odious defendants. Those who admired the Justice attributed these beliefs to an inveterate commitment to the ideas of human equality and individual liberty.

Through the whole of his career, he was at the center of controversy. It never seemed to ruffle his poise or disturb his dignity; and he rarely sought to justify or explain his views except in his formal written opinions as a member of the Court.

WROTE WITH LUCIDITY, FORCE

He wrote with extraordinary simplicity, lucidity and force. In a number of great causes—the right of indigent defendants to be given the assistance of counsel at public expense, for instance, and the right to equal representation in legislative bodies—dissents written by him in his early years on the Court came, in time, to win majority acceptance.

Although largely self-educated, he brought broad reading and great learning to his work as a jurist, often illuminating his opinions with apt references to history. Passionate in his convictions and often bitingly and even aggressively incisive in his expression of them, he nevertheless held the warm affection of almost every one of his colleagues on the Court. Over a 20-year span, he and Felix Frankfurter carried on an unrelenting intellectual conflict over the meaning and application of the due process clause of the 14th Amendment—a bitter battle between Titans—without any diminution of respect and regard on either side.

When Justice Black retired on Sept. 17 from the Supreme Court citing health reasons, he had served longer than any other justice except Chief Justice John Marshall and Justice Stephen J. Field. The record for length of service was held by Justice Field, who retired in 1897 after serving 34 years, six months and 11 days. Marshall was on the Court for 34 years, four months and two days.

One-fourth of the justices who have sat on the Court and one-third of the chief justices had served during Black's long tenure. At 85, he ranked as the third oldest sitting justice in the history of the Court. Justice Oliver Wendell Holmes stepped down in 1932 at the age of 91 and Chief Justice Roger B. Taney died in office in 1864 at 87.

YOUNGEST OF EIGHT CHILDREN

Hugo Black, born Feb. 27, 1886, in Clay County, Ala., as the youngest of eight children in the family of William Black, a farmer of Scotch-Irish descent. The circumstances of his childhood were neither privileged nor penurious. The family lived when he was very young in a log farmhouse with a privy at the rear. Soon after he was born, however, his father abandoned farming, moved to Ashland, a town of about 350 people, and became co-owner of a store.

The move to Ashland was made primarily to enable the children to attend school. Hugo contributed to the family finances by picking cotton and setting type for a weekly newspaper. He had time for sports; and he was encouraged in a natural bent for reading. Politics was a pervasive part of his environment. Although his father was a conservative Democrat and Hugo himself never strayed from the party, he was exposed during his youth to egalitarian ideas and the agrarian radicalism that William Jennings Bryan brought into the Democratic Party.

One of the ablest of Black's biographers, John P. Frank, says of this period: "The anti-monopoly and rate regulation philosophies of the Populists and most of the rest of their social outlook on government and business have been a part of Black at least from young manhood. In terms of most of his social values, Black was an incipient New Dealer before he ever left home."

ATTENDED MEDICAL SCHOOL

At 17, when he had graduated from a slightly glorified community high school called Ashland College, Black went to medical school for a year. At the end of that time, bypassing any undergraduate college education, he entered the University of Alabama Law School.

There followed a year of law practice in Ashland, and in 1907 he went to Birmingham, rented a desk in an attorney's office for $7 a month, joined just about every fraternal organization in the city and did such odd legal jobs as he could get his hands on.

His first real case was a damage suit for 15 days' pay for work done by a Negro convict leased to a steel mill and kept overtime on the job. He won an award of $137.50 for his client. He won, also, appointment as a part-time police court judge for the city of Birmingham. This meant handling an enormous caseload of unfortunates, mostly black, charged with drunkenness, disorderly conduct and other petty offenses. Black brought both compassion and efficiency to the task.

In 1914, Black became county prosecutor. The most spectacular aspect of his career in this office grew out of his discovery that the police department of Bessemer, a Birmingham suburb, was running a third-degree torture chamber to get confessions from black defendants. He presented evidence to a grand jury, persuading it to change the use of third-degree tactics "in a manner so cruel that it would bring discredit and shame upon the most uncivilized and barbarous community." Hugo Black never forgot what he learned in Bessemer.

After a brief tour of military service in World War I, Black engaged in private practice in Birmingham. Although he had few corporate clients, he achieved exceptional success as a personal injury lawyer and as counsel for labor unions.

In 1925, he ran for the U.S. Senate. Without organization support and with almost no financing beyond his own pocketbook, he reached every part of Alabama in his Model-T Ford, won the nomination and was elected.

Black's 10-year Senate career was marked by great vigor in two areas. He became a tough, formidable, implacable investigator, looking relentlessly into merchant marine subsidies, airline subsidies, utility lobbies and lobbying in general. Legislatively, Black was the sponsor of the bill that became the Fair Labor Standards Act, a major New Deal measure more commonly known as the wage-hour law.

Black was a stalwart champion of FDR's policies and programs in the Senate. When impatience with the Supreme Court's frustration of his major social reforms led the President to propose a Supreme Court reorganization scheme—generally referred to as the court-packing plan—Black supported it vigorously. He opposed the President, however, in regard to the National Industrial Recovery Act on the ground that it gave too much price-fixing power to business.

SUMMONED BY ROOSEVELT

Justice Van Devanter's retirement in 1937 gave Mr. Roosevelt his first opportunity to nominate a Supreme Court Justice. As John Frank tells the story, the President summoned Sen. Black to the White House and, taking an appointment form from a desk drawer, said: "Hugo, this is a form for the nomination of a Supreme Court Justice. May I fill in your name?" Black answered: "Mr. President, are you sure that I'll be more useful in the Court than in the Senate?" To this, the President answered: "Hugo, I wish you were twins because Barkley says he needs you in the Senate; but I think you'll be more useful on the Court." Black's nomination went to the Senate where it was promptly confirmed 63 to 16.

Not long after the confirmation, an anti-New Deal newspaper published stories showing that Black had been a member of the Ku Klux Klan. In fact, in September, 1923, at a time when he joined a variety of organizations in an effort to promote his fledgling law practice, he became a member of the Birmingham Klan unit. In June, 1925, when he declared his Senate candidacy, he resigned, believing that a Klan member ought not to run for public office.

Disclosure of this Klan membership to a national audience—it had been no secret in Alabama—produced a furor. There were wide spread demands for Black's resignation or impeachment. Republican Sen. George Norris came to his defense. "Actually," he said, "Justice Black is being subjected to all this criticism because he is a liberal, because he wants to bring the Supreme Court closer to the people—not because he is a Klansman."

MADE RADIO STATEMENT

Black himself retained his characteristic calm. Importuned by newspaper reporters, he declined comment until his return from a trip abroad, and then made a brief statement to the American people over the radio: "The insinuations of racial or religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. I never have considered and do not now consider the unsolicited card given me shortly after my nomination to the Senate as a membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it. Before becoming a senator I dropped the Klan. I have had nothing to do with it since that time . . . I have no sympathy with any group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest with complete religious freedom."

Early in his long tenure on the court, Black became a leader and forceful spokesman for a changing group of justices who were called judicial activists. Felix Frankfurter was the most powerful and vocal exponent of those who were called advocates of judicial restraint. The labels are liable to be misleading.

Frankfurter and his adherents believed in marked judicial deference to the judgment of legislatures, while Black and his associates placed emphasis on the obligation of the judiciary to check headstrong legislative acts impinging upon individual rights protected by the Constitution. "The essential protection of the liberty of our people," he said, "should not be denied them by invocation of a doctrine of so-called judicial restraint."

CLASHED WITH FRANKFURTER

On the other hand, Black believed that a true sense of judicial restraint required judges to stay strictly within the boundaries of the Constitution's language. "Judges," he put it, "take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to 'adapt the Constitution to new times.' "

Black and Frankfurter clashed repeatedly on this issue in a series of cases decided by the court in the 1940s, especially in regard to interpretation of the due process clause of the Fifth and Fourteenth amendments.

In Frankfurter's view, due process of law "conveys neither formal nor fixed nor narrow requirements. It is the compendious expression for all those rights which the courts must enforce because they are basic to our free society. But basic rights do not become petrified as of any one time, even though, as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in its standards of what is deemed reasonable and right. Representing as it does a living principle, due process is not confined within a permanent catalogue of what may at a given time be deemed the limits or the essentials of fundamental rights."

To Black, this seemed to give altogether too much leeway and discretion to judges. Nothing in the Constitution, he contended, justified a transient majority of the Court in deciding at any given time what constituted "eternal verities" or rights "basic to our free society" or "standards of what is deemed reasonable and right."

The authors of the Constitution themselves, he insisted, had expressly fixed these standards in the Bill of Rights; and courts had authority to do no more than apply the prohibitions of the Bill of Rights to legislative enactments or to prosecutorial practices. "I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a state legislature," he wrote, "with no more justification than that the judges believe the law is 'unreasonable.' "

Black argued throughout his career on the bench that the due process clause of the 14th Amendment was designed to make the articles of the Bill of Rights (originally applicable only to the federal government) binding as well upon the states. This view was set forth by him an a major dissenting opinion in a case called *Adamson* v. *California* decided in 1947.

He never succeeded in persuading a majority of the Court to accept this view. One by one, however, through a process of selective incorporation, the Court has ruled over the years that the 14th Amendment protects against infringement by the states the liberties accorded by the First Amendment, the Fourth Amendment, the Fifth Amendment's privilege against self-incrimination, the Sixth Amendment's rights to notice, confrontation of witnesses and the assistance of counsel, and the Eighth Amendment's prohibition of cruel and unusual punishments.

PLAYED A DOMINANT ROLE

These decisions, taken together, wrought a revolution in the criminal law of the United States—a revolution in which Justice Black played a dominant role. In sum, they assured to criminal defendants in every part of the country almost all of the protections guaranteed in the country's federal courts.

Nevertheless, it was in regard to First Amendment rights—the freedoms of conscience, expression and association—that Black did his most important work and expressed himself with the greatest force. In this area particularly, he believed in taking the Constitution altogether literally. He was, in short, an absolutist or strict constructionist.

"My view," he wrote, "is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that 'Congress shall make no law . . . abridging the freedom of speech or of the press'."

Black applied this absolutist attitude not only to all political expression, no matter how "subversive," but to all forms of censorship and to all kinds of laws punishing libel. "So far as I am concerned," he said, "I do not believe there is any halfway ground for protecting freedom of speech and press. If you say it is half free, you can rest assured that it will not remain as much as half free."

DIFFERED WITH HOLMES TEST

He had scant patience with Justice Oliver Wendell Holmes' "clear and present danger" test adopted by the Court and argued vehemently against it in a dissenting opinion in the *Dennis* case that found leaders of the Communist Party guilty of "advocating" overthrow of the government.

"Freedom to speak and write about public questions," he declared in another opinion, "is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death."

Black took an almost equally absolutist position with respect to the First Amendment's stricture against any law "respecting an establishment of religion or prohibiting the free exercise thereof." He was the author of powerfully argued opinions of the Court limiting the use of public money for aid to church-related schools and forbidding the recitation of prayers or Bible readings in public schools.

In these decisions, he called effectively upon his knowledge of history to show that such limitations upon any government encouragement of religious worship, far from being hostile to religion, were, in fact, essential to the maintenance of religious liberty.

MARRIED MINISTER'S DAUGHTER

In 1921, when he was almost 35 years old, Hugo Black married a minister's daughter, Josephine Foster. Their marriage of 30 years ended with her death in 1951. It was, according to family friends, a marriage of singular happiness and companionship, yielding two sons and a daughter.

After six extremely lonely years as a widower—made more difficult for him by the anti-libertarian trend of the McCarthy era—Black married Elizabeth Seay DeMeritte, herself widowed and a still youthful grandmother. She was the daughter of a close friend of the Justice and was serving, at the time they became engaged, as his secretary.

Black's home in Alexandria is a place of singular charm and extraordinarily suited to his personality, spacious though without pretension, Georgian in style, informal, inviting. Books are its most conspicuous feature and especially in the comfortable second-floor study where the Justice and his law clerks did a great deal of their work.

There is a tennis court on the ample grounds of the house—a tennis court on which Black and his wife played constantly, indefatigably and remarkably well until a cataract operation in 1967 slowed him down considerably. Any ball hit within his reach was pretty likely to come back to his opponent.

The simplicity of the Justice's private life matched the simplicity of his judicial philosophy. What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. And he believed in the utility of freedom, in the survival value of a free society.

THE SOURCE OF LOYALTY

No one has expressed this faith better than he expressed it himself in his James Madison lecture on the Bill of Rights: "Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one."

VACILLATING POSITION OF COMMUNIST NEGOTIATORS

Mr. DOMINICK. Mr. President, an article published in the Sunday Washington Post concerning the Vietnam peace talks and the vacillating position of the Communist negotiators is worthy of the attention of all Senators. Columnists Rowland Evans and Robert Novak have analyzed what they call "the deliberately misleading, ambiguous triple-speak emanating from the peace negotiators at Paris who represent both Hanoi and the Vietcong—and they conclude that spokesmen for the Communists have one plan for the "unofficial peaceseekers" who drop into Paris quite regularly these days, and another for the official U.S. negotiators. The column reports what is called a surprising confession of mental anguish experienced by Washington Post Paris correspondent Jonathan Randal in trying to get at the true position of the Communist negotiators on any part of the latest peace plan.

This is an objective analysis by two respected journalists which places the blame for lack of progress at Paris where it belongs—in the laps of the equivocating Communist negotiators. Mr. President, I ask unanimous consent that the article entitled "Hanoi's Whipsaw in Paris," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANOI'S WHIPSAW IN PARIS

(By Rowland Evans and Robert Novak)

The whipsaw now being used so effectively by Hanoi to undercut President Nixon's negotiating posture at the Vietnam peace talks in Paris, already near rock-bottom, has now severed the last strand of credibility here in what the Communists seem to be saying in Paris.

Indeed, the deliberately misleading, ambiguous triple-speak emanating from the peace negotiators at Paris, who represent both Hanoi and the Vietcong "provisional government" in South Vietnam, rung a surprising confession of mental anguish from the Washington Post's Jonathan Randal at the Sept. 16 briefing by Hanoi's Nguyen Thanh Le.

Pressing Le for an explanation on the stark contradiction between what South Dakota Sen. George McGovern said he had learned about the Communist settlement plan a few days earlier, and what chief Hanoi negotiator Xuan Thuy had said to U.S. Ambassador William Porter on Sept. 16, Randal exclaimed to Le:

"Do you understand why we no longer understand anything? Do you understand the confusion in our minds? Either things are not clear or I am a fool, and if I am a fool I am ready to withdraw from active life."

Randal, the Post's chief correspondent in Paris, is no fool. His mental anguish accurately reflected the growing credibility gap between what the Communists have been telling such unofficial peaceseekers as McGovern, a Democratic presidential candidate, and what they have been telling Porter and the U.S. government.

Ever since the unveiling on July 1 of Hanoi's seven-point peace plan, peace-bloc leaders in the U.S. Senate such as McGovern have been hounding President Nixon to set a date for U.S. troop withdrawals, as demanded by point one of the peace plan. If he would only do that, they proclaim, the Communists would release U.S. prisoners of war in a percentage ratio equal to U.S. troop withdrawals.

Thus, emerging from his own negotiating sessions with Xuan Thuy and Thuy's Vietcong colleagues on Sept. 10 and 11, McGovern said: "There is no doubt in my mind whatsoever that our prisoners will be released if we withdraw our forces. Mr. Xuan Thuy . . . confirms the July 7 New York Times statement by Mr. Le Duc Tho (a Hanoi politburo member) that such an arrangement can be carried out before consideration of a new government in Saigon"—which is demand number two of the Communist peace plan.

It has been the official U.S. position since July 1 that Hanoi in fact was demanding U.S. agreement on *both* points one and two as preconditions for the release of American POWs. But always, in *ex parte* negotiations with U.S. politicians and interviews with the press, the Communists had gone far out of their way to encourage the view that troop withdrawals alone would lead to prisoner release. By seizing on just such wisps of encouragement, as McGovern did in his Sept. 12 press conference and many other politicians have similarly done, unofficial negotiators have led the American people to believe that Mr. Nixon was deliberately stalling the July 1 Communist peace overture.

Thus, McGovern said on Sept. 13: "It is not the other side (the Communists) which links point one and point two in the seven-point program. Those two points . . . are linked by the Nixon administration but not by the (Communist) delegates with whom we discussed this matter yesterday."

That was Sept. 12. Just four days later, reporter Randal made his confession of mental anguish. Its root cause was Nguyen Thanh Le's flat assertion in the press briefing: "There are two fundamental problems: the military (withdrawal of U.S. troops) and the political (an end of U.S. support for the present government in Saigon), which *are tied to one another.*"

In other words, no prisoner release until Mr. Nixon (1) sets a date for total withdrawal and (2) agrees publicly to end U.S. support for the present government in Saigon. That's not what McGovern thought he was told, but it stands as the official Communist position until the whipsawing starts on something else.

TOWARD A MULTINATIONAL ECONOMY

Mr. RIBICOFF. Mr. President, at a time when the highest degree of statesmanship is needed to find solutions to the current world monetary and trade crisis, the role of the multinational corporation becomes increasingly crucial.

On September 20, the Wall Street Journal published on its editorial page an unusually perceptive article by Mr. Samuel Pisar on the great changes taking place in the world economy as a result of the rapid rise of the multinational corporation and the internationalization of production.

Mr. Pisar, who has testified before my Subcommittee on International Trade of the Committee on Finance and also before the Joint Economic Committee, brings a unique blend of theoretical insight and practical experience to the subject of international trade. Already the author of a book which has been described as "the bible" of East-West trade, Mr. Pisar, I am delighted to say, is continuing to speak out on the basic philosophical issues involved in maintaining order and prosperity in the world economy.

I commend Mr. Pisar's timely comments to all those who are concerned with the broad international implications of the events now taking place in the international community in the wake of President Nixon's new economic policies.

I ask unanimous consent that Mr. Pisar's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWARD A MULTINATIONAL ECONOMY

(By Samuel Pisar)

The world economy is clearly entering a new stage.

Awakened from the inspirational vision of the Marshall Plan, a defensive American digs in behind primitive economic weapons, a prosperous Europe scatters in unseemly disarray and a dynamic Japan contemplates its destiny with apprehension.

Washington is afraid of the yen, Paris is afraid of the mark. All Western capitals are at once afraid of the dollar and afraid for the dollar—fearing it as the harbinger of galloping inflation, craving it as the fuel of continued prosperity.

While governments are groping for reasonable adjustments, a simple truth begins to emerge from the confusion: Traditional tools of national policy cannot cope with the unprecedented intensity of international business life that characterizes our era. The state itself is no longer a meaningful economic entity, capable of mastering the new opportunities and risks which have come upon the horizon. Everywhere, West and East, inexorable forces are pushing toward a unified global economy, in virtual disregard of political frontiers and ideological boundaries.

I make this statement from the vantage point of a day-to-day participant in American commercial and financial dealings with Western Europe's Common Market and Eastern Europe's Comecon Market.

WITNESSING A TREND

In the West we are witnessing the uninhibited rise of the multinational corporation and the progressive establishment of a worldwide production and distribution system governed by the imperatives of economic advantage alone. The proliferation of Eurodollars, the emergence of eminently respectable speculators juggling the currencies of the finest firms, the dissemination of technology, the rapid growth of communications and the increasing mobility of management are all instruments of this trend and a foretaste of what the future could be like.

In the East, a comparable trend staggers the imagination. Within the last decade the bulk of China's foreign trade has been literally redirected from his former socialist allies to the capitalist world. Small wonder that America has come to be viewed by China as a little less imperialist, Russia as a little more revisionist. The Soviet Union itself, moved by an instaliable appetite for the latest industrial technology, is involved in external business transactions on a larger scale, in terms of volume, variety and geography, than at any time since Lenin's death.

In the rest of Eastern Europe Communist state firms and capitalist private firms are forging joint ventures for mutual profit in a dogma-shattering development which raises the promise of transideological enterprise.

Whether we like it or not, the "American Challenge" postulated in Europe four years ago has not been met. Nor has it remained still with folded arms. Feeding upon itself like a sorcerer's apprentice it has detached from its American moorings and surfaced on all continents as something infinitely more complex without allegiance to any sovereign nation or political doctrine—a new, stateless, multinational challenge.

At its worst, it takes on the sombre guise of I.O.S. and roams the globe in disregard of national law, fiscal supervision or prevalent business standard. At its best, it spells the majestic initials of IBM, observes the honored practices of the market-place, but shows growing impatience with petty parochial constraints.

For most nation states, the hundred odd multinational corporations that constitute the contemporary aristocracy of economic power are objects of an erratic love and hate affair. They are ardently courted for their unmatched capacity to create jobs, to bring industrial innovation, to expand exports, to develop effective management and to pay sizeable tax bills. They are vehemently despised for their propensity to overwhelm local competition, to make crucial decisions anonymously and from afar, and to remain faithful only to the logic which furthers their own growth on a universal scale.

History teaches that every major challenge generates a response, often creating a new epoch. The spreading power of the international enterprise and the receding power of the national state unleash chain reactions whose magnitude and direction we can hardly divine, much less control. For the long term these reactions across the entire planet from East to West and from North to South.

Meanwhile, if the corrosion of the old trade and monetary structure continues unchecked, if no determined effort is being made to erect a durable framework appropriate for the present and the future, it is because those who wield political authority within states and blocs, in the capitalist as well as the Communist world, are impaled on the horns of a dilemma: Should the burgeoning international economy be sliced into pieces that can once again be held in the grasp of national and ideological control, or should it be allowed to surge forward along its fertile but elusive course?

Ultimately, the solution to this dilemma will come from the concrete new reality of global business life, rather than the sterile processes of conventional diplomacy. Since time immemorial, the great merchant communities have found either the wisdom to accept, or the means to create orderly ground rules needed for their own protection and perpetuation. Now that the need has become multinational, the same pragmatic spirit may safely be counted on to prevail. If political power is unable to lead, it will have to follow economic power in the creation of a supranational system of rules and institutions without which the emergent world market cannot thrive. It is not too far fetched to expect that even Communist countries, acting out of practical self-interest, will be tempted to join in this endeavor.

AN URGENT TASK

The remarkable postwar structure founded on a mixture of American magnanimity toward the West and apprehension toward the East, has served well for a quarter century. Now it has been irrevocably consigned into honorable retirement, together with the tired, abstract debate of protectionism versus free trade. In approaching the urgent and concrete task of construction that lies ahead, those who have the primary political responsibility and the necessary legal authority, here and abroad, would do well not to overplay the cards of nationalism or dogma.

In the finely balanced universe of multilateral economic relations it is much easier to shatter than to build. The economic war of nerves that is now being waged on a worldwide scale must produce no victors and no vanquished, otherwise all are courting disaster. True statesmanship calls for a closely measured and sensitively negotiated settlement which would leave all parties in viable economic condition and allow the unprecedented vitality of the world market to carry man to a new threshold of prosperity and peace.

The challenge is transnational and transideological. It is not superhuman.

Mr. Pisar is an international lawyer based in Paris. He is the author of "Coexistence and Commerce" (McGraw-Hill).

SENATOR WINSTON L. PROUTY

Mr. DOMINICK. Mr. President, the passing of Winston Prouty is deeply mourned by all of us. He was a member without peer of the Committee on Labor and Public Welfare championing the rights and needs of the elderly, the need for better higher education for all, and elimination of poverty. He came to the Senate with years of experience at the State level, fighting for these same goals.

Every American, regardless of party or allegiance, notes with regret the loss of a great champion of our liberties and the safety of our country. America has lost a statesman, the Senate has lost a beloved colleague, and the State of Vermont has lost a distinguished son. I have lost an admired and respected friend.

NATIONAL AUDUBON SOCIETY DEFENDS BALD AND GOLDEN EAGLES

Mr. McGEE. Mr. President, for a number of reasons, there seems to be a strong tendency to look for the simple answer, to overgeneralize, to categorically believe and accept an opinion until it becomes sanctified as fact.

Even in this highly technological society in which we live, where painstaking and carefully controlled study is the hallmark of science, there are still many situations in which the occurrence of one action persuades some that an immutable law has been established.

This has been the case in the unqualified belief that bald and golden eagles destroy a major portion of the lamb crop of sheepmen each year.

Mr. President, a recent summation by the National Audubon Society of scientific studies seems substantially to refute the sheepmen's claims. In fact, data collected in Texas suggests that eagles subsist off jackrabbits and rodents who are in competition with sheep for range grass. Other studies estimate the loss of lambs to be significantly below Department of Agriculture estimates which are secured by questionable statistical methods.

The studies strongly suggest to me that eagles have been conveniently blamed for much more loss of lambs than has actually been the case. I intend to investigate this entire matter further, during hearings before my Appropriations Subcommittee on the Environment.

I ask unanimous consent that an article written by Mr. C. Boyd Pfeiffer, summarizing the Audubon Society report, and published recently in the Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Audubon Society Studies Show Sheep Losses Exaggerated—Eagle Shooters Are Mostly Misguided

(By C. Boyd Pfeiffer)

The national furor raised recently over the illegal shooting of eagles continues to mount. Helicopter pilot James Vogan of Murray, Utah, described the wholesale slaughter of both golden and bald eagles by airborne bounty hunters in sworn testimony to a Senate subcommittee.

The killings were supposedly made because of losses by western sheep ranchers whose flocks were depredated by the birds. Now the National Audubon Society has rebutted ranchers' claims of serious economic damage by the eagles.

The 66-year-old conservation society, with chapters in 40 states, released a summary of scientific studies that contradict claims by federal and state agriculture agencies that 8,400 lambs and 200 sheep were killed by eagles in Wyoming during the past year.

It was in Wyoming that at least 570 bald and golden eagles were shot and two dozen others poisoned since last September in illegal operations financed by sheep ranchers, according to testimony.

Shooting or otherwise molesting bald eagles has been illegal since 1940, with golden eagles currently also protected by law.

"Department of Agriculture estimates of livestock losses to predators are secured by the unscientific and unreliable method of circulating a questionnaire to ranchers," the Audubon Society said.

"Ranchers think that it is in their interest to pad their loss figures for tax deduction purposes, and also to back up their demands for federal subsidies."

State legislator John F. Turner of Moose, Wyo., a graduate wildlife ecologist, points out that some ranchers may mistakenly believe that eagles seen feeding on carrion of sheep, ewes and lambs were their killers.

"Both bald and golden eagles take carrion readily," he emphasizes. "The bodies of stillborn lambs and of lambs and ewes that have died of malnutrition or disease are commonplace on overgrazed ranges of the western sheep country.

"Sheepmen also prefer to blame their losses on wild animals rather than admit to mismanagement of their flocks and to overgrazing."

In its summary of scientific findings, the Audubon Society cited four separate studies as disproving claims that eagles are a major sheep rancher problem:

Dr. Wallace R. Spofford, of the Cornell Laboratory of Ornithology, went to western Texas for the National Audubon Society in 1963 and 1964 specifically to study eagle-sheep relationships.

Dr. Spofford, a foremost authority on eagles, concluded that there weren't as many eagles in Texas as the ranchers claimed, and that the resident eagles were feeding chiefly on rabbits and rodents. Rabbits and rodents, it was noted, are competitive with sheep for forage.

Jerry McGahan, doing graduate research under Dr. John Craighead of the University of Montana, analyzed eagle pellets from 38 golden eagles' nests within a 1,260-square-mile area of southern Montana foothill country. He found that 80 per cent of the prey species were rabbits, with the remaining 20 per cent principally marmot, blackbilled magpie and blue grouse.

In one area of investigation, where approximately 28,000 sheep were grazed and 18,000 lambs produced, not one sign of sheep was found among the 702 remains items. The remains of one lamb, which could have been taken as carrion, were found at the foot of a nest in another area.

Biologist Leo G. Heugly, in research supervised by the Cooperative Wildlife Research Unit of Colorado State University, and financed in part by the society, spent upward of 1,000 hours on west Texas ranches trying to observe eagles capture prey during lambing seasons in 1967, 1968 and 1969.

During this entire period, he did not witness any eagle killings of lambs, although on three occasions apparent eagle kills occurred where his vision was obscured. As a result, Heugly calculated the actual loss of lambs due to eagle predation at between 1 and 2 per cent, or only about 5 per cent of all range mortality.

An even smaller estimate of lamb losses to eagles emerged from a 1968 field study sponsored jointly by the National Audubon Society, the National Wool Growers Association, and the U.S. Bureau of Sport Fisheries and Wildlife.

The field investigation was carried out by Texas Technological College with Drs. Robert L. Packard and Eric G. Bolen as project leaders. In a western Texas area where 249,000 lambs were reared, they estimated the loss of lambs to eagles as between .06 and .30 of 1 per cent. This survey like the others found rabbits and rodents to be the principal food of golden eagles, while bald eagles were found also to feed extensively on fish.

Now the National Wildlife Federation has announced a $500 reward for information leading to the conviction of anyone shooting a bald eagle anywhere in the United States.

With the announcement it was emphasized that the bald eagle, America's national bird and symbol, is already in serious trouble from hard pesticides and a rapidly diminishing habitat. The southern race of bald eagles, found in the eastern U.S., is already classified as an endangered species, and the total bald eagle population in the 48 contiguous states may total no more than 4,000 birds.

The furor over illegal killings, the research cited and the reward for the conviction of eagle killers should focus attention on the eagles' plight. Heed to the message just might keep the bald eagle a living—rather than extinct—symbol of freedom and our country.

COMPENSATION FOR DISPLACED GERMANS

Mr. TAFT. Mr. President, as a result of World War II, many people of German ethnic background were displaced from their homelands in Yugoslavia, Russia, and Hungary. They were temporarily placed in territories then belonging to the Third Reich—consisting of present-day Austria, the Federal Republic, and Democratic Republic of Germany.

Those who were relocated in the Federal Republic of Germany and those who remained in Austria, received some measure of compensation from the Federal Republic of Germany. Compensation, however, was not extended to those displaced persons who left Austria to emigrate to the United States and became citizens of this country.

I can see no justice in the denial of compensation simply because people chose to emigrate to the United States. Their brothers and sisters who lost property under the same circumstances and who remained in Germany and Austria have received their compensation.

The basic right of compensation stems from losses sustained in being forced to flee from their homes during and after World War II. The fact that they chose the United States as the land in which to settle, rather than Germany or Austria, should not alter their original right of compensation.

The Federal Republic of Germany considers itself successors to the Third Reich and was required by the Four Power Control Commission to pay for the property losses. I do not believe that the Federal Republic of Germany should be absolved from its obligations to make proper compensation on the basis that the claimants have settled in the United States and become American citizens.

American citizenship should not be equated with second-class citizenship and I would hope that our State Department would address itself forthrightly to this question.

PUBLIC HEARINGS FOR REVENUE RULINGS NEEDED

Mr. PROXMIRE. Mr. President, Taxation with Representation, a public interest tax lobby, has written to Secretary of the Treasury Connally urging that the public be given an opportunity to be heard before the Internal Revenue Service issues revenue rulings which could cost the taxpayers over $5 million in lost revenue. Mr. President, I wholeheartedly support that request and have written to Secretary Connally urging him to adopt it.

Literally, billions of dollars of revenue have been lost because of little known revenue rulings which were issued by the Internal Revenue Service without any public hearing. In at least two instances, Congress had to pass legislation to stem the loss of revenue; the so-called "electrical rulings of 1964" cost the taxpayers over $400 million in lost revenue and the 1966 "production payment rulings" cost the taxpayers about $200 million a year until Congress acted in 1969.

Requiring public hearings before revenue rulings can be issued which could cost the American taxpayers over $5 million would have a very salutary effect on the rulemaking process. Although I have no doubt as to the integrity of the experts in the IRS who draft these revenue rules, bringing the process out into the open will alleviate the doubts expressed by others as to the propriety of the contacts with those seeking revenue rulings. But, even more important, public hearings would give those experts who do not have an ax to grind an opportunity to present facts which could influence the decision of the IRS. Full and fair discussion in public is the best insurance the taxpayers have that their interests will be adequately protected.

As a matter of fact, rumors have been floating through Washington that improper pressure has been brought to bear on Treasury Secretary Connally by some copper companies who are applying for a revenue rule that could cost the taxpayers about $175 million in lost revenue. Whether this is true or not I cannot say, but I can say that making the hearings on the revenue rule public, with appropriate safeguards for protecting proprietary information, would go far toward scotching these rumors.

I ask unanimous consent that the letter from Taxation With Representation be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Taxation With Representation,
Arlington, Va., September 24, 1971.
Hon. John B. Connally,
Secretary of the Treasury, Room 3330, Main Treasury, Washington, D.C.

Dear Mr. Connally: I am writing to suggest the need for a public hearing regarding a matter now under consideration in the Internal Revenue Service.

As you probably know, our organization is a nonprofit, nonpartisan body whose goal is to insure that the general public is represented by skilled professionals when tax issues are under discussion in Congress and in the Executive Branch. Obviously, our activities are impeded when the Treasury fails to provide an opportunity for public comment on pending tax issues.

It has come to my attention that the Internal Revenue Service now has under consideration a series of requests for revenue rulings regarding the U.S. tax treatment of losses resulting from expropriation by the Chilean Government of copper properties owned by three United States firms. The salient facts, as I understand them, are as follows:

1. These ruling requests present questions regarding the applicability of Sections 165, 166, and 1231 of the Internal Revenue Code to the losses suffered as a result of the Chilean Government's actions.

2. If the Internal Revenue Service rules in the fashion requested by the copper company applicants, the revenues of the United States Government will be reduced by approximately $175,000,000. The earnings of the three firms involved will be increased by roughly the same amount.

3. The legal arguments for and against issuance of the requested rulings are highly technical and the issues are not free from doubt. In addition, equity considerations are involved because the U.S. firms in question have traditionally conducted their foreign operations through subsidiaries that have paid little or no U.S. tax.

These circumstances pose, once again, a recurrent problem in the administration of the Internal Revenue Service's rulings program. The problem, in substance, is whether the Internal Revenue Service should—through the rulings process—enjoy virtually unlimited discretion to adopt, without public hearings, interpretations of the tax laws that result in huge changes in tax liabilities. Other prominent instances in which this problem has arisen are:

1. The "Electrical Rulings." In 1964, the Internal Revenue Service ruled, without public hearing, that amounts paid by antitrust violators in satisfaction of treble damage claims are fully deductible as ordinary and necessary business expenses. (Revenue Ruling 64–224, 1964–2 Cum. Bull. 52). The resulting revenue losses exceeded $400,000,000. Corrective legislation was not enacted until 1969.

2. The "Production Payment Rulings." Starting in December 1966, the Internal Revenue Service issued, without public hearing, a series of unpublished rulings approving so-called "carved out production payments" and "ABC transactions" by oil and hard minerals producers. By the time that corrective legislation was enacted in 1969, the resulting revenue losses were approximately $200,000,000 per year.

In my view, the Internal Revenue Service should provide an opportunity for public comment and hearing whenever it has under consideration a request for a revenue ruling that presents a novel issue, may affect a substantial number of taxpayers, or is likely to result in annual changes in tax liabilities exceeding some specified amount—say $5,000,000. This is particularly the case when, as with the proposed copper rulings, the arguments on both sides of the issue are closely balanced. In cases of this sort, public hearings are needed for the following reasons:

1. The Dollar Amounts Involved. The general public, particularly wage earners, must pay higher taxes to compensate for the tax losses resulting from revenue rulings such as the proposed copper rulings. When these tax losses seem likely to be substantial, the public should be given an opportunity to comment before the rulings are issued.

2. The Likelihood of Improper Pressure. When huge dollar amounts depend solely on the decisions of tax administrators, the danger of improper pressure increases. I understand, for example, that you have already been importuned by the affected copper companies to influence the decision of the Internal Revenue Service with respect to their pending ruling requests. These pressures are likely to be abated to some extent if the issues are aired at a public hearing.

3. The Need for Congressional Scrutiny. As outlined earlier, Congress has repeatedly found it necessary to reverse revenue rulings by legislation. A public hearing would give Congress an opportunity to exercise its oversight powers before, rather than after, major tax losses occur. Under Section 6405 of the Internal Revenue Code, Congressional review of tax refunds in excess of $100,000 is already required; similar review seems appropriate in the case of revenue rulings likely to give rise to substantial revenue losses.

4. The One-Sided Nature of the Debate. Under present procedures, the only persons able to comment regarding a pending revenue ruling request are the officers of the firms involved and their attorneys. Disinterested individuals have no opportunity to comment because they have no knowledge of the pendency of the ruling or have only inadequate knowledge of the technical arguments being made. This means that the Internal Revenue Service does not have the benefit of hearing both sides of the issue, as is customary in the case of proposed regulations.

I therefore request that the Treasury schedule a public hearing regarding the proposed copper rulings now under consideration by the Internal Revenue Service. This can be done by publishing in the Internal Revenue Bulletin or Federal Register a notice containing a statement of the pertinent facts and the questions presented by the pending ruling requests. Identifying details could be deleted to prevent the disclosure of confidential company data, as is now done routinely in the case of published rulings.

Whether a hearing of the sort here requested is required by either the Internal Revenue Code or the Administrative Procedure Act is a question outside the scope of this letter. It may be that hearings regarding important revenue rulings are—or should be—required by statute. My point at present is simply that a hearing regarding the proposed copper rulings should be granted as a matter of common sense and Treasury discretion.

In closing, I wish to emphasize that our group expresses no opinion on the merits of the proposed copper rulings. Our group does not take organizational stands, and we frequently sponsor testimony that expresses opposing viewpoints on tax issues. Accordingly, I am not here expressing an opinion as to how the Service should rule in this particular case. However, I certainly do feel that the public and Congress should be given an opportunity to comment before the Service rules on an issue of this magnitude.

In view of the public and Congressional interest in this matter, I am furnishing copies of this letter to interested members of Congress and to the press.

Sincerely yours,

Thomas F. Field,
Executive Director.

TUSCARORAS AND NORTH CAROLINA SIGN "SCROLL OF FRIENDSHIP"

Mr. ERVIN. Mr. President, during the past summer the people of North Carolina and the Tuscarora Indian Nation formally made peace with one another, officially ending an Indian war that began 250 years ago and which resulted in the Tuscaroras leaving their native North Carolina and settling in New York.

A scroll of friendship, which I understand marks the official conclusion of the Tuscarora Indian War of 1711–13, was presented by Chief Edison Mount Pleasant to Mr. Wade Lucas, a distinguished North Carolinian, at a ceremony in Lewiston, N.Y., on July 10. Mr. Lucas represented the Honorable Robert W. Scott, Governor of our State, at the ceremony.

The scroll, made of white doeskin and reportedly the only one of its kind, is now on display in the North Carolina Department of Archives and History, at Raleigh. It conveys the good wishes of the Tuscaroras to the people of North Carolina.

Mr. President, in this day of strife and turmoil both at home and abroad, it is refreshing to see two groups of people express their friendship and extend to each other their good wishes for peace. And in this period of history when wars seem to drag on for years, it is most pleasing to see that the Tuscarora Indian war finally has been concluded as a matter of record.

The immediate cause of that war was the settlement by English and Swiss pioneers of the region around the present city of New Bern, N.C., in the early 1700's. The conflict began on September 22, 1711, when the Tuscaroras allegedly massacred 130 persons in the vicinity of New Bern.

Not all of the Tuscaroras of that far removed time were hostile to the white settlers. Many of them remained neutral during the war and, as a reward, they received a large tract of land in what is now Bertie County, N.C.

The North Carolina colonists defeated the Tuscaroras in two battles with the help of Col. John "Tuscarora Jack" Barnwell of South Carolina, who besieged the Indians until a truce was arranged early in 1712. Under the terms of the truce, the Tuscaroras were to surrender their claims to land settled by the colonists, and within a few years the Tuscaroras had moved to New York, where they joined with their distant relatives, the Iroquois.

Mr. President, the events surrounding the making of peace between the people of North Carolina and the Tuscarora Indian Nation were reported in two articles published in the Raleigh News and Observer. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the News and Observer, July 12, 1971]

Indians "Make Peace" With N.C.

Lewiston, N.Y.—A good-will emissary representing the state of North Carolina presented the Tuscarora Nation a can of tobacco Saturday, then sampled it himself in a peace-pipe ceremony marking his honorary entry into the tribe.

"I feel deeply honored to be a Tuscarora; said Maj. Wade Lucas after he shuffled about in two friendship dances with a dozen other Indians and whites.

Presenting a can of tobacco to Chief Edison Mt. Pleasant, Lucas referred to North Carolina's historic ties with the Tuscaroras. "This tobacco was grown on the same land that your forefathers once lived on," he said.

The Tuscaroras settled in this area near Niagara Falls in the early 1700s after white settlers displaced them from their Carolina lands.

After passing the peace pipe to Lucas and several other honorary tribe members, Chief Mt. Pleasant explained that the pipe's smoke carries men's words to the Great Spirit, thus giving divine sanction to oral agreements made by the smokers.

In another National Outing ceremony, Lucas, an aide of Gov. Robert Scott, certified Chief Arnold Hewitt and Chief Elton Green as honorary Tar Heels. In return, the chiefs gave Lucas a doeskin scroll conveying good wishes to the people of North Carolina.

The Tuscaroras also adopted a second Southerner, Gen. Donald Ramsey of Tennessee, and a local resident, J. Paul Hewitt, chairman of the Niagara County Legislature.

Records of the N. C. Department of Archives and History in Raleigh show the Tuscaroras owned large sections of land between the Neuse and Pamlico Rivers prior to going to war with the whites in 1711, the year a large number of whites were massacred near New Bern.

Distantly related to the Iroquois Indians of upstate New York, the Tuscaroras joined them in 1766 and have lived there ever since.

[From the News and Observer, Aug. 6, 1971]

Tuscaroras Send Scroll to Scott, North Carolina

An unusual scroll of friendship, believed to be the first of its kind, will be formally presented to Gov. Bob Scott "and the people of North Carolina" at 11 a.m. today.

The scroll was brought back to the state by Wade Lucas of Erwin, retired Raleigh newsman and state employe, and Malcolm Fowler of Lillington, Harnett County historian.

It will be accepted for Scott and people of the state by Lt. Gov. Pat Taylor.

The document, written on white doeskin, is signed by Chief Arnold K. Hewitt, chairman of the Chiefs Council, Tuscarora Indian Nation, located near Niagara Falls, N.Y.

Chief Hewitt presented the document to Fowler and Lucas, who has been made an honorary chieftain of the Tuscaroras with the request it be placed on permanent display in the North Carolina Department of Archives and History in Raleigh.

The Tuscaroras, whose forefathers were forced to leave colonial North Carolina in the early 1700s after being defeated in the Tuscarora Indian War (1711–1713), expressed their friendship for Scott, whom they have never met, and people of the state. They ended their statement with this paragraph:

"May the Great Spirit always smile upon the land of our forefathers."

NOTHING COULD BE FINER THAN TO BE IN CAROLINA

Mr. MOSS. Mr. President, of all elective offices which I do not seek, the mayoralty of the fine city of Winston-Salem, N.C., would stand out as No. 1. I have nothing but admiration and respect for the wood people of Winston-Salem, and their city is the most charming and pleasant.

But the Twin City Sentinel, the medium through which the citizens of Winston-Salem receive a considerable portion of their news, has taken a dislike to some of my activities, and as we are all too well aware, a hometown political figure does have need for support in the news media.

It is my belief, and the mail I receive from all parts of the country, even from some residents of North Carolina, supports this belief, that the United States can no longer afford to subsidize the growth, export, advertising, promotion, and grading of a plant which will result in thousands of deaths this year from lung cancer, heart disease, and noncancerous lung diseases such as chronic bronchitis and emphysema. We cannot face our young people and tell them of the virtues of our form of government, when the left hand and right hand seem to be working at cross purposes. We spend large sums of money to educate our citizens on the injurious effects of smoking tobacco and more money to care for the ill and disabled from smoking while at the same time we subsidize the growing, grading, and selling of tobacco.

I do not want to harm the hard-working farmers who are struggling to make a decent living. I have offered legislation and amendments, and I will continue to offer legislation and amendments, which would lessen the hardship brought about by the discontinuance of tobacco subsidization.

And those who cry loudest about my harming the poor tobacco farmers are the very ones who last March pushed through an amendment to the Agricultural Adjustment Act which effectively eliminates the guaranteed minimum half-acre allotment for burley tobacco. The allotment for flue-cured tobacco, which is the predominant type in North Carolina, currently average about 3.5 acres. How long will it be before this allotment is reduced? And what efforts are being made to help the poverty stricken farmer who will eventually find his allotment cut off? I submit that I am the only Member of this body who is constructively working for adjustment assistance for these people. And if the Committee on Agriculture and Forestry would open its ears and eyes and schedule hearings, we might have something to offer these people.

On another front, I have been criticized for going too slow in tobacco. Many have said in frustration over the snail's pace decline of smoking that we should legislate absolute prohibition of the use of tobacco—make the product contraband. But human and governmental experience prove such action repugnant and costly beyond results and fortified with other drawbacks and evils to our society—not the least of which is loss of personal freedom of choice. Free men should choose not to smoke, because of the terrible health penalty to themselves personally and the burdens of care and loss thrown upon society.

Education, persuasion—economic and personal—are alternatives to the most harmful aspects of the habit; these are the courses we must pursue.

Mr. President, I ask unanimous consent that two editorials published in the Twin City Sentinel be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Senator Moss' Vendetta

Before the passage of last year's subsidy limiting the bill, the federal government each year paid out millions of dollars to cotton and wheat farmers, much of this amount for commodities produced but almost as much for commodities *not* produced. In other words, some farmers grew rich simply by agreeing to keep their cropland out of production.

By comparison with most cotton-producing magnates the average flue-cured tobacco farmer is a rather penurious fellow. Very few tobacco growers have accumulated great wealth, and those who have did not do so with the connivance of the government. Not only has the tobacco program cost the government relatively little in tax dollars, it has, generally speaking, been free of the scandalous surpluses which for many years plagued the growers of other basic commodities.

Nevertheless, Sen. Frank E. Moss, the Utah Democrat whose career in Washington has been one long vendetta against the tobacco industry, is again promoting legislation that would bring an end to all tobacco supports for all time.

We might note that Sen. Moss would not ban the growing of tobacco—only the payment of subsidies.

This being the case, Moss obviously would not accomplish his primary purpose, which is to break the back of the tobacco industry. We would merely find ourselves once more in an era of uncontrolled production. Each farmer would grow as much as he pleased and market it where he could. This, in turn, would hurry the shift to large corporate style farming: The small and less efficient farmers would quickly give way to producers who can afford to invest heavily in land and mechanical harvesters.

We would have more tobacco than ever. And the government would have to spend more than ever in an effort to find a place to store it.

What kind of logic is this?

Why doesn't Sen. Moss simply be honest about what he wants and introduce a bill flatly outlawing the production of tobacco?

The reason, no doubt, is that he understands the futility of it. The government would be about as successful stopping the smoking of cigarettes as it was in stopping the traffic in bootleg liquor during prohibition.

These are some of the problems that arise when we set out to legislate morality. Yet Sen. Moss will not rest until he has closed the door of every tobacco factory in the country and seen every once-lush tobacco field choked with ragweed and Johnson grass—even if it means that the government has to spend more to bring this about than it now spends on supporting the production of tobacco.

So far the tobacco industry has had to accommodate itself pretty much to Sen. Moss's wishes. But there comes a time when even a moral crusade exceeds the bounds of common sense. We believe Sen. Moss's crusade has now reached that point.

THE PAST AS PROLOG

Sen. Frank Moss of Utah seems sincere in his emotional crusade against tobacco. His stance is partly political, of course. Taking a strong stand against tobacco in some parts of the country today is as safe as arguing against animal vivisection in Edwardian London: no risk at all. But, as a working premise, let's give Frank Moss credit for sincerity.

Part of his feeling is undoubtedly moral. Tobacco is the old devil sotweed, evil in conception (pleasure), wickedly resilient in its ability to survive against learned opinion and crusaders like Sen. Frank Moss.

To read, for example, that cigarette smoking levels have not been affected by the ban on television and radio advertising must have hit critics like Moss right where they live. After all of the speeches and sermons and antismoking campaigns, after a broadcast ban so stringent that the name of our own city could scarely be uttered on one televised sports show; after all the effort of tobacco's foes—nothing. Perhaps this is what threw the good senator from Utah into his latest fit: The abolition of all federal support and subsidy programs for tobacco, as he proposed earlier this week.

Morality plays a role in this new campaign, too, but a muted role. Sen. Moss emphasizes, in fact, not the moral aspects of the federal tobacco support programs, but what the boffins call the socio-economic aspect.

Being a man of the frontier, the last refuge of rugged individualism, it was only natural for Sen. Moss to integrate his prejudices: Price supports for tobacco are bad, but federal "handouts" of any kind in support of a crop that is unnecessary is wickedly sybartic. Let tobacco stand on its own economic feet with Big Brother in Washington giving it a periodic boost with taxpayers' money. If tobacco can survive in an unsupported, free market O.K. If it cannot, then Frank Moss won't shed too many tears.

Federal support, however, is not confined to tobacco.

Indeed, this form of support accounts for about $53 million out of the billions spent each year by Washington to tidy up the markets in this country.

So Sen. Moss's southern colleagues might tender him a modest proposal: They will vote to abolish federal handouts for North Carolina or Virginia or South Carolina if Moss will vote to abolish federal handouts for Utah. The exchange would certainly work a hardship on North Carolina's citizens, but it would literally wipe out the great state of Utah. For Sen. Moss, though he wouldn't admit it even under sedation, represents a western state that is little more than one big federal reclamation project.

There are good reasons for Utah's peculiar situation. The states brought into the union through Mexican cession were primitive, unpopulated territories at the mercy of old, established commercial and political interests in the East. The important thing was to become as well-developed, as stable and as strong as the older states, and to do it by tomorrow.

This urgency, once it locked in on the logical theme of parity among the states, transformed the undeveloped West.

Capital improvements such as schools and sewage plants and secondary roads built at great state and community expenses back East were built by the U.S. Army in the West—the Army functioning then as a military force as well as a kind of Peace Corps for the settlers.

Army engineers laid out roadways, while railroad crews (at railroad expense) built primary roadbeds in exchange for rights-of-way and replenished water towers. Most of the environs of Salt Lake City in and around old Ft. Douglas were planned and, in part, built by War Department surveyors and horse-soldiers. Even fertilizer was purchased with federal funds and freely distributed to farmers in the western states (ironically, some of the fertilizer distributed in Utah was tobacco, then popular as a fertilizer-fungicide).

And when all else failed, the Army simply bought up cattle at inflated prices and passed out free meat to every man and woman in need. A 19th century tobacco farmer in North Carolina could have starved to death as far as Washington was concerned. But not the western farmer. While the cavalry killed Indians and outlaws to protect him, while federal agencies gave him seedlings and supplies and tools, War Department survey crews planned his towns for him, and federal soldiers helped build them.

And when it came time to graduate from penny-ante charity to the Big Dole, Washington began building great hydroelectric systems, dams to harness and redirect the rivers, as well as primary highways between towns often not even worth a secondary roadway—plus Indian reservations to keep the few surviving Utes out of the frontiersman's hair.

National monuments that would make Russian war memorials look small abound in all directions in Utah, together with federal maintenance crews for all of them. Man-made lakes and reservoirs (compliments of Uncle Sam) are everywhere. Missile plants (Utah has three of the biggest, which may be one reason Sen. Moss remained in the Air Force Reserve), air bases, military reservations, Indian reservations, federal reclamation projects, federal soil banks (even in places where crops wouldn't grow anyway), federally financed sewage systems, hiking trails, roads, etc. The list of federally financed projects is endless.

And when Utah's great smelting and copper industries went to war in 1917 and 1941, federal subsidies and grants tripled their capacities in each instance, compliments of the united taxpayers of America.

Private growth through federal charity is certainly not as heinous as child-molesting or dope-peddling. We are all guilty of it; and to our credit we don't much like it. We would rather get along without price supports for this crop and subsidies for that one and federal grants for something else.

But out where the skies are not cloudy all day, they won't even *admit* that they are wards of the federal government.

Sen. Barry Goldwater preaches "less government" and wheedles still another big federal spending scheme for Arizona. Sen. Moss rants about federal support for tobacco—and has a fit whenever the hard-pressed Pentagon tries to phase out an unnecessary Utah air base or military post or missile facility.

This recitation is not meant to denigrate the men and women who struck out westward in the 19th century, particularly the hard-working, harried Mormons who settled in Utah and pioneered crop irrigation and dry-farming in the United States. Anyone who numbers Mormons among his friends is aware of their energy, self-reliance and generosity toward others.

But we shouldn't assume that pioneer fortitude accomplished super-human feats on the frontier. With few exceptions—among them the naturally fertile valleys along the Colorado and San Juan rivers, and along the Pacific seaboard—western settlements remained stricken, primitive, *mean* places until federal subsidies ushered in the new prosperity.

The great accomplishment of the western pioneer, in fact, was that he endured the wild country *without* conquering it. He stayed. Though miserable, he endured. Nothing can change this heritage of courage and self-reliance; and nobody wants to. The pioneer who moved westward against enormous odds was part of *our* heritage, too.

But when politicians, for reasons partly or wholly self-serving, exploit the folklore of Rugged Individualism to strip one group of citizens of benefits enjoyed by similar groups—and when they do it with such blatant hypocrisy—someone ought to remind them of these older facts of life.

There is nothing bad about working for parity among states. Developed states should help newer states develop. This is the nature of federal government. Besides if we hadn't spent our hard-earned money building Utah, we'd have probably squandered it on wild women and strong drink.

But in a nation like ours—desperately in need of the civility between persons and the comity between states that make for true union—we all ought to remember how interdependent we Americans are, how much we rely on one another for aid and comfort.

Too interdependent, really, for men in public life to condemn and intimidate—and, it would almost seem in Sen. Frank Moss' case, even to hate—legitimate industries that have always contributed their fair share (and sometimes more) to the American commonwealth.

BRITISH EXPULSION OF SOVIETS

Mr. CHILES. Mr. President, the events of this past Friday offer a message that must be of deep concern to all of us.

With a stunning, very firm announcement the British Government made known its intent to expel 105 Soviet diplomatic representatives from the country for continued and somewhat blatant spying and even planned sabotage. Adding to the severity of the situation is the fact that two letters on these Soviet activities—written last December and again last month by Sir Alec Douglas-Home, British Foreign Secretary, to Andrei Gromyko, Soviet Foreign Minister—were never even answered or acknowledged.

Meanwhile, on Friday, Secretary of State William P. Rogers was playing host to Andrei Gromyko in an atmosphere of conviviality as the SALT talks continue in an effort to find a common ground of understanding.

The message I think these contrasting events offer is one of warning, a signal to us that in our great enthusiasm and hope for establishing grounds for lasting peace, we must remain alert; we must maintain the security of our Nation. We keep talking about how things are going fine, about how much progress is being made. Well, I want very much to believe this, but at the same time I am absolutely sure we must know positively at each point along the way the well-being of our Nation and its people is being fully protected. So perhaps we need to remember the many faces—the changing faces—of the Russian bear.

Because of the significance of the British action, Mr. President, I ask unanimous consent that the text of the British Foreign and Commonwealth Office statement on the expulsion and a news account of the move—both published in the Washington Post of Saturday, September 25, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRITISH EXPEL 105 RUSSIANS FOR SPYING

(By Alfred Friendly)

LONDON, September 24.—In an astonishingly tough move, accompanied by an angry official statement, the British government announced today that it was expelling almost one-fifth of the huge number of Soviet diplomatic representatives here because of their persistent espionage activities.

The government acted in part on the basis of information about Russian spying and intended sabotage disclosed by an officer of the KGB, the Soviet secret police, who recently applied for asylum here. The officer, reported as high ranking, is believed to have defected earlier this month.

In its sweep and magnitude, the British expulsion order appears to be unprecedented in a peacetime situation. It ordered 90 members of the total 550 Russian officials here to leave the country within two weeks, and barred another 15, not now here but holding reentry visas, from returning.

Furthermore, the British Foreign Office told the charge d'affaires of the Soviet embassy, the allowable number of total Russian officials here would be reduced from now on by the number of persons expelled and barred. That is, the combined size of the Russian embassy, trade delegation and Soviet-owned commercial establishments would be cut back by 105 places.

As of now, the number of Soviet officials here is higher than in any other Western country, including the United States.

According to British newspapers which broke the story of the turncoat KGB official before the Foreign Office announcement later in the day, the defector was described as a "considerable catch" and a triumph for British intelligence agents whose "blandishments" induced him to divulge material of the highest importance.

The Foreign Office statement said he "brought with him certain information and documents, including plans for infiltration of agents for the purpose of sabotage."

The aide memoire that Sir Denis Greenhill, permanent undersecretary of the Foreign Office, presented to the Russian Embassy charge, related a history of continuing Russian espionage, continued official British complaints about it to the Soviet Union, and continued lack of correction of the situation.

A matter that "repeatedly caused friction in Anglo-Soviet relations," the document said, was "the scale of intelligence-gathering activities by Soviet officials in the country."

The subject has been raised by the foreign secretary, Sir Alec Douglas-Home, with his Russian opposite number, Andrei Gromyko, first in conversation and then in two letters, last December and last month.

"These letters have not been answered or even acknowledged," the aide memoire said. "Meanwhile, inadmissible activities by Soviet officials in Britain have continued."

The document noted that Sovet officials on the staffs of the embassy and the Soviet trade delegation in Britain "far out number" British officials in the Soviet Union, but that Britain had never tried to bargain on relative numbers or to negotiate "fixed relationships" in representation.

"Evidence has, however, been accumulating," Sir Denis's note continued, "that this tolerance has been systematically abused."

In an icy paragraph, it said: "The Soviet government can hardly fail to be conscious of the contradiction between their advocacy of a conference on European security and the security of this country which * * * scale of operations against the Soviet officials and agents controlled by them have conducted. Her Majesty's government would like to see this contradiction resolved before the preparation of a conference on European security begins."

After ordering the permanent reduction in the size of the Soviet delegations here, the aide memoire went on to say that for every additional man caught in espionage and expelled, the future size of the mission would be reduced by one.

For more than a year, American officials here have known how seriously disturbed the British have been about Russian espionage. Striking evidence of the alarm and anger came today in the unusual freedom and detail with which British sources spoke of the developments.

Government officials expatiated on the importance and power of the Russian KGB and on its practice of securing for its operatives foreign posts with diplomatic immunity.

In Britain today, they said, large numbers of these men, masquerading as diplomats and commercial representatives, were conducting their espionage.

Soviet representatives in Britain, it was pointed out, had steadily increased, growing in 10 years from 1950 from 138 to 249 and to 550 in the following decade.

Three years ago, the British imposed a ceiling, about double the size of the 78-member British delegation in the Soviet Union, but this was circumvented when the Russian officials here put their wives to work.

In any event, the ceiling did not apply to employees of Soviet commercial establishments and to inspectors of Soviet contract work in the United Kingdom.

The constant increase could not be accounted for by any growth in 20 years of Anglo-Soviet trade which, in fact, had stood still or declined in the last few years.

CONSTANT ACTIVITY

So blatant had been the activity of Soviet spies here in the last 10 years, informed sources said, that no less than 27 Soviet officials had been expelled outright, and several more offenders had been withdrawn by the Russians themselves in anticipation of their expulsion.

During the same period, the investigation of Russian spying had resulted in the conviction of 12 British subjects, caught up in the operations. The British intelligence services knew of many more where the evidence was insufficient to bring legal action, the sources said.

In particular, they added, the KGB's Scientific and Technical Directorate had concentrated on commercial espionage, carried out on a vast scale and using ruthless techniques such as blackmail.

The targets were information on electronics, transformers, Zena diodes, semi-conductors, computer circuits and confidential commercial information about items that were on the official embargo lists. The Russians also tried to get full technical details on the supersonic Concorde airpline and the Olympus 593 engine.

British experts characterized Russian assurances that their official had been instructed not to engage in illicit activities as "worthless."

CONVICTED BRITONS

To substantiate their complaints, British sources recalled the details of three British citizens who had been convicted of working with the Russian spies and statements by the courts of the "serious harm" they had done to British security.

Also, apparently for the first time, records were made available on the background of five Soviet representatives here who had been expelled for blatant espionage.

As if to underline its sense of outrage and to document its case, the foreign office today published the two letters which Douglas-Home sent to Gromyko on Dec. 3, 1970, and Aug. 4 this year.

BRITISH STATEMENT: "PLANS FOR INFILTRATION"

LONDON, September 24.—The following is the text of the British Foreign and Commonwealth Office statement on the expulsion of 90 Soviet officials.

On the instructions of the secretary of state, the permanent under secretary, Sir Denis Greenhill, asked the Soviet charge d'affaires to call today and handed him an aide memoire containing the following points:

(A) The Soviet embassy are asked to arrange for a number of Soviet officials, all of whom have been concerned in intelligence activities, to leave the country within two weeks.

(B) The numbers of Soviet officials in the various categories (embassy, trade delegation and other organizations) will in future be limited to the level at which they will stand after the withdrawal of the persons referred to.

(C) If a Soviet official is required to leave the country in future as a result of his having been detected in intelligence activities the ceiling in that category will be reduced by one.

(D) A further number of Soviet officials, not now present in this country but holding re-entry visas which are still valid, will not be permitted to return to Britain.

2. The number of Soviet officials in Britain and the proportion of them engaged in intelligence work has been causing grave concern for some time. The size of the Soviet embassy was limited in November, 1968, following the case of Chief Technician Britten, but the numbers in other categories have continued to grow. The total is now over 550, which is higher than the comparable figure for Soviet officials appointed to any other Western country, including the United States.

3. In the last 12 months several Soviet officials have been withdrawn at the request of the FCO after being detected in intelligence activities; others have left the country of their own accord after being so detected before their withdrawal could be requested. In addition a number of Soviet officials have applied to come to Britain in various capacities but have been refused visas because they are known to be intelligence officers.

4. Further evidence of the scale and nature of Soviet espionage in Britain conducted under the auspices of the Soviet embassy, trade delegation and other organizations has been provided by a Soviet official who recently applied for and was given permission to remain in this country. This man, an officer of the KGB, brought with him certain information and documents, including plans for infiltration of agents for the purpose of sabotage.

5. British policy is to strive for the best possible relations with the Soviet Union. This was re-stated only this week in the speech made by Sir John Killich on the presentation of his credentials as ambassador to

the Soviet Union. In this spirit, the foreign and commonwealth secretary has tried repeatedly to find a way of solving the problem of Soviet espionage by persuasion.

He raised the matter privately with Mr. Gromyko during the latter's visit to London in October, 1970, and at his request he wrote him a personal letter on the subject, dated 3 December 1970. Having received no reply or acknowledgement, Sir Alec Douglas-Home wrote to Mr. Gromyko again on August 4, 1971. This letter also has been neither answered nor acknowledged. During all this time, Soviet officials have continued to engage in espionage against this country on an undiminished scale.

6. Her majesty's government have thus had no alternative but to take the action announced today. They sincerely desire to improve both Anglo-Soviet relations and East-West relations in general and they hope that the Soviet government will recognize this. The purpose of today's measures is to remove an obstacle which in recent years has seriously hampered the development of closer Anglo-Soviet understanding.

FLEXIBILITY ON THE PRICE OF GOLD

Mr. PROXMIRE. Mr. President, when Secretary of the Treasury Connally met with the finance ministers of other major industrial nations in London on the 15th of this month, the issue of a change in the dollar value of gold proved to be one of the major sticking points. At that meeting, U.S. representatives refused to consider an increase in the dollar price of gold as part of the mechanism to bring about the exchange rate realinement desperately needed to strengthen the U.S. balance of payments.

TREASURY MODIFIES STAND

The Treasury has now modified its stance, and is willing, according to press reports, to consider dollar devaluation as part of a compromise to resolve the ongoing crisis provided it did not continue to tie gold to the dollar. A large part of the credit for this ostensible change in the U.S. position must go to my colleague from Wisconsin, Representative HENRY S. REUSS. Congress has long been regarded as unwilling to exercise its statutory authority to alter the dollar value of gold, and Representative REUSS had long been one of the stanchest opponents of any increase in the dollar value of gold.

In a speech given on the House floor last Tuesday, however, Representative REUSS announced that the United States should be willing to devalue the dollar by a modest amount if free dollar gold convertibility is not restored and if the physical quantity of monetary gold reserves now in the system does not increase.

Representative REUSS' position, which I do not necessarily support, is this: Since this action would not bring windfall profits to gold producers or hoarders, would not be inflationary, would not fuel speculation based upon the expectation of another price rise in the future, would not reinforce the importance of gold as a reserve asset, and would not break faith with other countries, he maintained that a small increase in the dollar price of gold—which would be entirely costless to the United States—is the minimal concession that the United States can make toward an agreement to bring about exchange rate realinement and strengthen the international monetary system.

WIDER MARGINS

The following day, last Wednesday, the Senator from New York (Mr. JAVITS) suggested that the margin between the rates at which the International Monetary Fund buys and sells gold might be widened to permit a small increase in the price of the metal. The Javits position would also signify that the United States should be willing to compromise, within reason, on the price of gold if that is an essential ingredient for an agreement that will benefit the United States.

Yesterday the Washington Post in an editorial endorsed the Reuss position on gold. On the same day, the New York Times also adopted the same substantive position. This morning's newspapers announced that the Treasury has now apparently modified its adamant stance against any increase in the price of gold and that agreement has been reached on an agenda of issues to be resolved between the United States and other major industrial nations. It is important that the financial and monetary leaders meeting here this week understand that we in Congress believe an early solution to the current international monetary impasse is imperative and that we might be willing to consider appropriate concessions by the United States on the price of gold if—and I repeat the if—other countries are also willing to make similar necessary concessions.

I ask unanimous consent that the two editorials and an analysis by Hobart Rowan, published in today's Washington Post, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post. Sept. 26, 1971]

THE DOLLAR AND THE CROSS OF GOLD

Old myths may not die, but they do fade away, and recent events have given welcome evidence of the fading of the once-popular myth that the dollar has value only because it is convertible into gold. President Nixon suspended international convertibility of the dollar into gold without evoking any visible public protest and no one is branding Congressman Reuss a traitor or a threat to the American way of life for suggesting that the U.S. devalue the dollar in terms of gold (raise the dollar price of gold). The average citizen seems to have decided—quite rightly—that the role of gold in the international monetary system is a technical and arcane matter that has little to do with the size of his paycheck or the price of potatoes.

But in foreign capitals emotions about gold run higher. The Europeans and the Japanese feel keenly that the U.S. now has a moral obligation to devalue the dollar in terms of gold. The issue will be hotly debated, officially and unofficially, at the International Monetary Fund meetings this week.

At first it is difficult to understand why our trading partners ar so hung up on gold. Most of them would agree, at least in principle, that gold is an anachronism on the international monetary scene and should play a diminishing role in the future. International monetary reserves must expand to meet the needs of international transactions; it no longer makes any sense to have international money bound up with the erratic increases in supply of a rare metal, which is produced in only a few countries and whose flow into industrial uses fluctuates unpredictably.

Moreover, our trading partners agree that the dollar should be revalued with respect to other strong currencies, especially the yen and the mark. To reduce its massive balance of payments deficits the U.S. needs to make its exports more attractive to foreigners, especially compared with Japanese and German products, and to make foreign goods less attractive to Americans.

There are two ways to accomplish such a realignment of currencies values. One would be to raise the dollar price of gold by, say, 10 per cent or from $35 an ounce to $38.50. If other countries acquiesced, this would be equivalent to devaluing the dollar 10 per cent with respect to all other currencies. This sounds so easy that one might wonder why President Nixon did not do it on August 15. Actually, he had at least four good reasons. First, such a move would be unfair to countries that keep most of their reserves in dollars and would be a windfall to those, notably France, that keep most of their reserves in gold. (The old argument that it would be politically undesirable to give a free gift to gold producers like South Africa and Russia no longer carries much weight, since the commercial price of gold is currently well above the monetary price of $35 an ounce.) Second, raising the price of gold would constitute a uniform revaluation of the dollar against all other currencies, while differential revaluations are clearly in order. A 10 per cent devaluation of the dollar would be too much against the pound and too little against the yen. Third, the President cannot raise the price of gold himself. He has to go to Congress, and quite apart from the need for speed and secrecy, it was not clear in August—and perhaps is still not clear—that the gold myth had faded entirely in the halls of Congress. Finally, and perhaps most important, raising the price of gold would reemphasize the role of gold in the international monetary system at precisely the moment when it ought to be diminishing, and might enable the system to creak along for a few more years at new exchange rates, rather than undergoing needed overhaul.

For these reasons the United States has so far refused to devalue the dollar in terms of gold. Instead, it simply announced that it was not selling gold for dollars any more, and put pressure on the major trading countries, by invoking the temporary 10 per cent surcharge, to allow their currencies to float upward on international money markets. With some resistance the major countries have permitted the revaluation of their currencies against the dollar, although not by as much as the U.S. thinks desirable.

But now comes the moment of truth—the attempt to reach agreement in the IMF on a new set of exchange rates. In this process the United States wants to ignore gold, leaving the hypothetical price at $35 an ounce, while reaching agreement on a new set of rates at which other currencies are exchanged for the dollar.

Other strong currency countries do not appear to be resisting realignment in principle, although they have reservations about the amounts necessary. They are insisting, however, that part of the realignment be accomplished by raising the dollar price of gold and part by allowing especially undervalued currencies like the yen to appreciate more than the others.

The reasons for this insistence on the gold price are psychological and emotional rather than economic. If the U.S. raises the gold price it will appear to have confessed error, by admitting that the gold price was wrong and implicitly accepting partial blame for the monetary crisis. Although the effect on their trade will be the same, other countries do not want to appear to be doing all the adjusting and tacitly accepting the onus for the problem. They want the U.S. to "meet them half way" by agreeing to at least a modest rise in the price of gold.

We concur with Congressman Reuss that the U.S. should give in gracefully at this point—softening the high-handed bully image it has projected in the last few weeks—and should agree to a minimal increase in the price of gold as part of a general realignment in which some currencies appreciate against the dollar by more than the minimum amount. The U.S. should not, however, actually resume paying out gold, because to do so would be to reduce the chances of near-term reform of the monetary system.

Of course, announcing a price at which nothing is to be sold is a curious kind of make-believe, but it may have the desired effect. It would say to the world that the U.S. cares very much both about currency realignment and about monetary reform, and that we have gotten over our emotional hang-up about gold. It would say clearly that the U.S. wants to eliminate gold (or at least drastically reduce its important) in the international monetary system, but that when the time comes to do so the U.S. is not going to be unnecessarily stubborn and traditional about the rate at which gold is converted to dollars. We think such a move would help to put gold in its proper—and not very important—place on the monetary scene and contribute to an atmosphere of international accommodation in which basic reform of the monetary system can proceed.

[From the New York Times, Sept. 26, 1971]

A New World Monetary System

The International Monetary Fund is opening its 1971 meetings in Washington under the shadow of the worst threat to the economic and political unity and stability of the non-Communist world since World War II.

The crisis was brought to a head by President Nixon's decision last month to cut the dollar loose from gold—in effect, ending the Bretton Woods system created before V-J Day. Under that system all other currencies were pegged to the dollar, and the dollar was tied to gold at the fixed rate of $35 to the ounce.

In fact, however, this crisis has been brewing for a long time—at least since the early 1960's when redemption claims against the United States overleaped this nation's gold reserves. The world slid onto a paper dollar standard, which gave this country the unique power to use its national currency without limit to cover deficits in its balance of payments. When those deficits reached flood proportions this year, Mr. Nixon slammed shut the gold window.

The President's immediate purpose is to end the deficits that have weakened the dollar and undermined the competitiveness of American goods in world markets. But foreign governments have been shocked by the severity of his specific moves and by his chauvinistic rhetoric, despite Mr. Nixon's insistence that he does not want to build a wall around the American economy.

Angry and confused as they are, however, other governments are anxious to take the President at his word. The last thing they want is a trade war, which can hurt them even more than the United States. The I.M.F. meetings can provide a forum for action on both sides to cool the immediate animosities.

But the deeper issue facing the finance ministers and central bankers is how to replace the shattered Bretton Woods monetary system. That system entered its time of troubles not just because it depended for liquidity upon huge and continuous deficits in the United States balance of payments but also because it was wedded to fixed exchange rates. Nation after nation has been driven to protectionist measures, export subsidies, and capital controls because exchange rates were inflexible.

The task facing the I.M.F. this week is to make a beginning toward creating a new system that will solve the two key problems of exchange-rate flexibility and an adequate growth of secure monetary reserves.

The way the immediate dollar crisis is handled will, in large measure, determine whether and when a new and more stable international monetary system can emerge. The first priority should go to an acceptable realignment of the dollar and other currencies—one that will remove the threat of trade war and beggar-my-neighbor actions by many countries. The United States must be prepared to make its own contribution to easing this danger by dropping its 10 per cent import surcharge as soon as a satisfactory structure of exchange rates is worked out.

Whether the dollar should be devalued in terms of gold as part of this process, or whether other currencies should do all the adjusting upward, is an issue that transcends national prestige or even the immediate impact on each country's economy. It bears directly on the future of the world monetary system—and whether it is to be based on gold or on created reserves, such as Special Drawing Rights, the so-called "paper gold," which would provide more stable growth for the world economy. If foreign governments are willing to move toward making S.D.R.'s the fundamental reserve medium, the United States should accept a moderate devaluation of the dollar in terms of gold—although it should continue to refuse to buy or sell gold.

Whatever the transitional steps, the basic need is for the world to begin moving off both gold and the dollar standard toward a monetary system that will insure all countries greater security and equilibrium.

[From the Washington Post, Sept. 27, 1971]

Optimism on Money Issue: U.S. Shift Makes IMF Accord Likely

(By Hobart Rowen)

Highly placed and authoritative sources said last night that the major freeworld nations, including the United States, had moved closer to an eventual agreement over disputed international monetary issues than anyone had imagined likely.

The willingness of the United States government to discuss a modest increase in the price of gold and to place the abolition of the controversial 10 per cent import tax surcharge on a fixed agenda for discussion are the key elements in the more hopeful mood.

On the European side, compromise has been expressed in willingness to put forward for discussion "other measures" apart from realignment of exchange rates which would help resolve the U.S. balance of payments problem. Most of these relate to existing trade barriers.

Thus, just prior to the initial meetings this morning of the International Monetary Fund, a new degree of restrained optimism about the future has replaced the tension which has existed since President Nixon announced his New Economic Policy on Aug. 15. This hope, to be sure, can be overstated because the relaxed mood relates to a willingness to negotiate difficult questions not to an actual agreement on their substance.

According to one report circulating last night, the political repercussions of Treasury Secretary John B. Connally's rigid stand at a London meeting of major nations Sept. 15 and 16 had been filtered back to President Nixon through Secretary of State William Rogers. A continuation of the monetary stalemate, it was suggested by State Department officials, would unduly strain political relationships in the western world.

Another important element in the modified American position, it was reported last night, was a high-level meeting last week at which technical monetary experts told both Connally and White House aide Peter Peterson that there is a good case for a small increase in the price of gold as the easiest way to achieve the kind of overall realignment of exchange rates sought by the United States.

Support of this move by Rep. Henry S. Reuss (D-Fis.) and the prospective support by Sen. William Proxmire (D-Wis.), who is chairman of the Joint Economic Committee of Congress, may have helped defuse the idea that a gold price increase would be a Republican campaign liability in 1972.

In any event, there were smiles last night on the faces of high officials of the Group of Ten nations, the IMS, and most European officials at the initial reception for the governors and other officials and guests at the forthcoming meeting of the Fund and the World Bank. A key source said that "movement" by the United States was the main reason for the new ebullience.

"The ministers (of the major nations) showed that they were much wiser than their deputies," one European official said at the reception last night.

This was a reference to yesterday's communique issued by the Group of Ten industrial nations, which instructed their deputies to study solutions to the "magnitude and the method" of a realignment of currencies, temporary use of wider margins around par, the abolition of the U.S. surcharge, and "other measures" to improve the U.S. balance of payments.

"Method" was said to be the most important operative word, indicating American willingness to discuss the question of a gold-price increase, since this is one way that a realignment of currencies can be accomplished.

A Saturday meeting of the Group of Ten deputies had failed to come up with even this definition of the problems.

Helping along in the more optimistic appraisal of the monetary crisis was the press conference given yesterday by Secretary Connally. He took a decidedly less adamant position against an increase in the price of gold, although he restated, for the record, the formal position of the United States which opposes an increase. But for the first time, he said that he recognized that "gold is primarily a political problem," and that the United States wanted to help its friends solve their political problems.

EDUCATION: PRESENT AND FUTURE

Mr. TAFT. Mr. President, Dr. Warren G. Bennis, who began as president of the University of Cincinnati, September 1, 1971, pointed out two main problems of higher education today in his first major address, which was given before the Greater Cincinnati Chamber of Commerce on September 9. Dr. Bennis has emphasized the overwhelming size of our universities and student apathy toward education as critical problems which are overshadowed only by financial problems and student unrest.

Dr. Bennis is the 18th president of the university. He replaced Dr. Walter C. Langsam, who retired on August 30. Dr. Bennis came to Cincinnati from New York State University at Buffalo, where he served as academic vice president. We are fortunate in having such a distinguished educator to carry on in the tradition of Dr. Langsam.

I associate myself with the views of Dr. Bennis, commend them to the attention of Senators, and ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

EDUCATION: PRESENT AND FUTURE

(By Warren G. Bennis, President, University of Cincinnati Greater Cincinnati Chamber of Commerce, September 9, 1971—12:30 P.M.)

I want to say at the very beginning how great it is to be in Cincinnati. How great it is to be at the University. I think it is particularly apt that Bill Whittaker introduced me. After accepting the University post April 6 this year we flew here from California where we were. We spent several days here and managed to eat and greet with members of the Board and go to a Cincinnati Reds game. Upon our return to Buffalo, the first telephone call we received the morning of April 8 was from Howard Barnett of Cincinnati Bell, who's in the audience, with probably the most thoughtful thing he could do which was to tell us that the 'phone directory was going to press the next day. Would we like a telephone, one line or two, would the following number suit us? And sure enough if we hadn't gotten in that day we would not have been in the directory this year—which may in fact be something of a mixed blessing, by the way. But I know it represented a phenomenal amount of friendliness that I've felt from the very first day we arrived in Cincinnati on April 6: The friendliness, and a respect for institutions, and a constructiveness that I've never felt or experienced in any city in which I've lived. As a matter of fact, we received from the chief of police to the Cincinnati Reds to the Mayor's office. Not even including in that 300 the number of letters I received from insurance agents, real estate people, and movers.

We did love Buffalo; we lived there four years and before that Boston. But I must say that it is nice to live in a city for a change which does not define summer as three weeks of bad ice skating. I'm also delighted today that not only has my wife been invited, but that I have the opportunity, which I rarely get, to address my in-laws and I'm just so pleased that they're here. What Bill Whittaker didn't say is that "Wigs" Williams has had over a hundred patents to his name. On our way driving from Cincinnati to Buffalo we stopped, on July 8, and had dinner with the Williams in Cleveland. The headlines of the paper that night—the Cleveland Plain Dealer, I believe, stated that Cleveite which was the company that Brush Development sold or was acquired by, I should say, that Cleveite "gets largest industrial contract ever granted in Cleveland." That contract was a billion and a half dollars for an invention based on sonar and the torpedo which Wigs himself developed. He also is the man who, when I asked his permission for his daughter's hand in marriage, asked a lot of difficult questions and had a lot of overly frank things to say, I believe. My wife had just given him—I think by mistake—a copy of my very first book which had just come out, actually the week we had decided to get married. It was a young man's book—a first book—dense with jargon and difficulties. And Wigs said, "You know I want to thank you for that book because every once in a while when I get overworked and too tired I like to take a sleeping pill before I go to bed. I no longer require that. I just open up your book and I'm off in seconds."

I just want to mention one more thing which is partly related to Bill Whittaker's comment about economists, and economics. I don't think many economics courses, Bill, and this is even a more serious worry, ever teaches its students anything about that bottom line.

And having written all too many books which have gotten dusty on bookshelves, and then trying my hand, actually trying to administer a large university; having taught management for years at M.I.T.; having been called an expert on organizational change; then when I remember getting to Buffalo and trying to adopt some of my ideas to my administration there as academic vice president, I remember that not only my ideas I had written about seemed not to work, but that my faculty and students who were always close readers of their administrator's material they were continually discovering embarrassing discrepancies between what I said in those books and what I did. And so I began keeping a double entry bookkeeping system of my theories on one side and my practice on the other which someday I will publish posthumously. And these are the books (holding up several) and I have almost a dozen of them which I filled at Buffalo. These are related to the Wall Street Journal editorial which I haven't read concerning the gap, and I think an unfortunate gap, between theory and practice; between men who make history and men who write it. And I continue to face that in my own work—continue to face that in the University.

I was reminded of an incident that happened to me before I left M.I.T. to go to Buffalo. I was then a professor, leading a comfortable life in the Cambridge-Boston area which I now refer to as the Holy Roman Empire because its limits and achievements are well known and finished at the moment, I think. I was contemplating a move to what I then considered the far West. I had a heck of a time deciding what I wanted to do and couldn't make up my mind. I went through a very irresolute Hamletic period and decided I would visit a friend of mine at the Harvard Business School who is the world expert on decision theory, decision process, particularly mathematical models. And I went over and had lunch with him, really to ask him if he could give me any help, to apply one of his models on my dilemma about whether I should leave M.I.T. and go to Buffalo and whatnot. He looked at me after I discussed the thing for awhile and said, "Hell, don't ask me. I was exactly in the same jam you are about a year and a half ago—a very attractive offer from a west-coast university—didn't know what to do so I thought I would visit my dean. Thought maybe he could give me some advice." And the Dean, George Baker, at the time, was there, and my friend told him the problem. George Baker said to my friend, the great decision-maker, "Why don't you use one of your models on yourself?" The fellow said, "Yeh, but this is important!"

It seems to me that a question on everybody's mind with whom I have spoken since coming to Cincinnati, although sometimes it isn't stated as directly as this, is: "What kind of man in his right mind would take on a role of being a University president today?" In fact, Robert Hutchins, the man who at the age of 29 became president of the University of Chicago, told me when I saw him this spring in Santa Barbara that any man who would want to accept the job, by definition, is not qualified. And he also pointed out to me that I once likened the role of University president in an article I wrote to something a little bit rougher than a hockey referee. So it is an interesting question and, talking to somebody at Harvard on the selection committee, I asked him what criteria they were using for presidential selection. "What we want," he said, and I almost think he was serious, "is a Messiah with a good speaking voice," "and the stomach of a goat."

But I think the reasons I wanted to not only be a university president, but come to Cincinnati, are basically three and I'd like to repeat them to you. They were all in my mind when I received that call from Arthur Schubert that morning of April 6. They gave me a lot of time to think it over. Art said, "Could you give us an answer" I said, "uh" Art said, "Take your time. Take your time." I said, "I'd like to talk it over with Clurie." He said, "Sure. Could you call me back in an hour?"

It was pretty clear. I did go out and find Clurie. We were staying at the Beverly Hills Hotel and she was out in the garden with the kids and I brought her back and she couldn't figure out what was on my mind. And there was no question in my mind because I'd thought about Cincinnati a lot. And I felt (my first reason) Cincinnati, (and may even feel more strongly about it now) may be one of the few urban centers in this country that has the capacity, determination, and the resources to make it as one of the finest American cities—that is to walk into the 21st century, not to back into it as so many cities have done, or are doing.

And, second, because I felt that the tradition of UC in particular, and especially its tradition of having roots in the city (the cooperative program being one example), roots in the community with its great potential, could become one of the foremost and hopefully the most eminent urban university in this country.

Third: because I believe we're entering a period of time in American higher education when we no longer have to—and really shouldn't—copy the obsolete models of other great universities systems. We're at a time when different patterns can emerge—when we can do things in a way that we don't have to copy Oxbridge, or we don't have to copy Harvard, Yale, or M.I.T. We're at a whole new point in time which I think gives us great advantage. We have to roll our own, I'm saying.

I remember when I first came to Buffalo I was told by the then president that "we want to make Buffalo the Berkeley of the East." And I didn't like that for two reasons—first, who wants to be Berkeley? And second, I don't like the Avis syndrome. I don't like being number two. I'd rather be whatever we can be, the best we can be and not to try to copy or be an anemic carbon copy of other places.

The interesting thing, by the way, about this was that some people began calling us the Berkeley of the East. Then when I was out in Santa Cruz over a year ago (California Santa Cruz), they were calling themselves the Buffalo of the West. A month later I went to the University of Maryland to give a speech and they were referring to themselves as the Santa Cruz of the East. We don't want to be the anything of anything else. We have to be our own unique kind of university that develops and uses the resources and history and the people within which it can flourish.

And, finally, I should say about this question which many people have asked me is that I cannot think, without being corny or using cliches, I cannot think of a more interesting or challenging or exciting thing for a person to be doing these days than to try to head up and lead a major institution, particularly an educational institution. I am personally sick and tired and weary of administrators of universities, or mayors of cities, who kind of look as if the whole world were upon their shoulders. "My God, how tough it is!" The "phone keeps ringing all night—how burdened they are. But I do remember what Harry Truman said—and I mean it—that "if it does get too hot in the kitchen, somebody ought to get out."

I see a table of UC vice presidents here. I want to remind Ralph Bursiek, George Rieveschl, Frank Purdy, I'll even extend this down the line, Kenneth Wilson, the registrar's here, John Goering, and others, that if you ever see me looking overly burdened and not having enough fun on the job, tell me to take off a week, will you? I'll do the same for you.

This is all by way of introduction. I want to talk about what that title was—a hopefully leave time for questions.

Having said what I've just said about my own hopes and optimisms, how I think we have a great chance to do something in Cincinnati, that no other university, city university, urban university, can rival, my eyes are open.

Higher education is in a very difficult situation. The situation is difficult for a whole lot of reasons, some of which are obvious. I think, as a matter of fact, that higher education deserves to some extent the mess it's in. And I think in other ways we have to do some very hard thinking and review of where we have been. And I think it's all too easy for educators and people to blame the Vietnam war or the economy—external facts. It's always far easier to blame on somebody out there than it is to take a look at what's going on inside. I don't want to do that. I don't say they're unrelated. Certainly the draft had an impact on the mood of students. No question about that. But I do think we have some serious problems and I want to mention a couple of them. I do think, in a way, higher education is at a point—at a crossroads. It is in a crisis. That's what my book is about and this is not a plug for my book which won't come out until maybe spring or a year from now. But I'd like to have the cover of the book use the Chinese symbol for crisis, if I use the title University Crisis, for the Chinese symbol for crisis has two idiographs. One is danger and the other is opportunity. And I'm more impressed with the opportunities. But I want to mention before I get to those and talk a little bit about what's ahead. I want to mention to you two real problems which I don't think have been given the emphasis they deserve and which are not necessarily *the most* important because it is a multi-causal. I don't believe in a one-cause theory of history or anything else. But what I want to mention to you has been somewhat overlooked; to say this I'm not really ignoring the question of student disruption or mass civil disobedience that we faced. I'm not going to mention today the financial problems that we have that are substantial. I'm not going to mention the other things like we occasion here and there, weak leadership, and so on and so on.

I want to mention two problems and then go on to talk about some of the opportunities. If you had asked me at a cocktail party what the three basic causes of university disruption are I would say the following: "One: size. Two: size. Three: size." Size and scale. American higher education in a curious way is cursed by success.

When I was going to the university, thanks to the GI bill, one out of nine high school graduates, one out of nine eligible people went to college. When I went to college—when most of you went to college—I'm sure it was still considered hard to get into, difficult to stay there and a great tribute to go. At least it was in my family and I think it was the same in a great many other families—one out of nine. Today, we have a situation where by 1980 I suspect—it's true already in the state of California—at least 70% will go on to college. We have 9 million students registering this fall and the figure will be at least 12 million by 1980. We've grown big. We had 200,000 faculty members in 1945 we have 650,000 faculty members today.

Jane Earley, one of the UC Board members, told me the other day that when she joined the UC Board the budget was $3 million. This year, I think I'm right on this, it is $120 million. M.I.T., where I am an alumnus, had a budget in 1939 of $3 million with a $25,000 grant from government. (Doesn't that sound quaint?) Today, M.I.T.'s budget is $210 million of which 80% was granted by federal government.

In 1940, there were two universities in this entire country which had enrollments of 20,000 or over. There are over 60 today with that dubious distinction, including UC which is large. In 1970 we graduated 1 million students, for the first time, with baccalaureate or advanced degrees. When Stanford was founded in the last decade of the 19th century there was considerable speculation whether California had need of a second university, in addition to the University of California at Berkeley. The University of Michigan enrolled, last year, just under 400,000 students. It had 3,712 students in 1900 and that made it one of the largest institutions of that day. And I think one of the interesting things here is that only since about 1955 have there been more students in the public rather than in the private institutions. 1955, I think, was the turning point year. Sixty or seventy percent will be in universities in 1975 or '80; one percent in Latin America; twenty percent in western Europe; compared with 1¼ percent at the time of the Civil War in this country. So in a way what we're facing is a huge scale increase. Psychologically speaking college may become simply high school with ashtrays. That is, everybody's expected to attend.

Now what are the consequences of just this one fact—size and scale? There are several I want to review with you quickly. One: It is obvious from study after study, including one done by a research committee in the state of Ohio appointed by the State Legislative committee, that student disruption is highly correlated with size of institution over and over again. I'm not saying that smaller places did not have it, but size was a very pivotal factor. Also, of course, this leads to a kind of impersonalization—a sense of "where do I find myself?" In the freshman class at UC this year of over 6000, where's their home base? Where's their sense of community? Where are their peers? What people do they learn from when their classroom is over? Which I think is the way most of us remember learning took place.

Another thing about scale, which I mention to you because I think people are often fooled by this, this is a day and age of percentages and sometimes these percentages mean such large numbers that we can be fooled. I was on a TV program a couple of years ago in Buffalo, and I used the Fortune magazine poll for January 1970 to review some statistics on attitudes of students. I pointed out at that time that three percent of the students are what's called revolutionary—that they'd use violence. (Yankelovich poll in Fortune). But five percent had radical thoughts, radical ideology, but would not use violence. I received a postcard saying "What in the world's wrong with you administrators at Buffalo? Can't you deal with three percent of your student body, for Gods sake?" Three percent of 25,000 students is not trivial. Three percent of 9 million students is not trivial. Somehow we're living in an age when we just can't use the percentage because of the phenomenal scale. This reminds me of an American Airlines ad a couple of years ago which I was delighted to see George Spater remove when I told him about this story. The American Airline ad read "We lose only one percent of our luggage each year." When I asked George Spater how much is one percent of the luggage he said, "about 100 million pieces."

I leave an even more fundamental aspect of size and scale in the lack of what I see as a commitment. Commitment to go on to the university on the part of our students was pointed out by an American Council of Education report which Sol Lenowitz, former chairman of the board of Xerox, was conducting. His published report and mind you this is not a scientific finding gave the task force of ACE. (I believe Task Forces never really do any good, by the way). His task force reported that between forty and sixty percent really don't want to be there. They felt forced to go—"involuntary servors."

Now a lot of people as widely disparate as Mr. S. I. Hayakawa and Mr. Kingman Brewster made the same kind of remark—and I'm joining that duo for the moment. I think there is—and I'm going to develop this a bit more—a kind of an education craze in our society. It is egged on by ambitious parents, by employers (I'm not excluding many of the people I'm looking at) who, I think, use excess credentialism when they could hire people who may not have had all that college background, by counselors in high schools, and by, I suppose in some way, the draft. Also by the fact that there are a whole bunch of high school kids all dressed up and no place to go. So where do they go? The university

I want to develop this point a bit more because it leads me to the second major problem as I see it. By major I mean one that doesn't get looked at enough. Let's take this question of education and jobs. Part of the reason for the educational craze that has hit this country since the end of World War II, and it has always been part of our system, is predicated on the assumption that a college education is a necessary requirement for job achievement and success. And this is not untrue. I know it may sound strange to you to have a university president say he doesn't think all those people ought to be in college, but that is what I am saying. Job achievement and success *are* predicated on education. As a matter of fact, in America a college graduate of 25 can expect an income fifty percent larger than that of a high school graduate of the same age. So one thing about going to college is it helps in recruitment. But people pick, by and large, in recruitment—it's not necessarily the fact that persons get more proficient, more competent with a university education.

In fact, a major study just completed last year points out that there is no positive correlation between proficiency—measure it any way you want, grades scored or anything else—and later performance on the job. Actually, there is zero correlation. There are certain areas where there was even a strong negative correlation. In the area of teachers for one, but there were others, too. The better students were in college, the worse they were when they got out. OK? The only positive finding relating to the amount of education to anything else was job dissatisfaction. The longer you went to school, the more you were dissatisfied on the job.

The subtitle of this book, Education and Job, melts my heart because it is something I wish I had written. The subtitle is: "The Great Training Robbery." And I think it adds a major indictment of many of our education processes.

I wrote in my book, just finished this summer, that if I had to guess at the number one cause of student unrest it would be related to this. Students get trapped in the four years of college induced by the carrot of employment opportunities. They are pushed and plodded by the education craze, by mindless counselors, over-certification standards set by employers and ambitions of parents. I think that this accounts for forty percent of the students enrolled today and about ninety percent of the problems facing our universities. What's more important to me is that I don't think for many people this age (between 18 and 21) that they have reached that time in life where they are capable of a certain extent of contemplation of inquiries of ideas, of not acting directly on the world but by trying to understand the world.

I don't think necessarily that for many students going to a university for four years is good training. I don't think it develops character, or inner strength, or conviction because they don't face real life. There is a lovely line in Dr. Zhivago, when I think he was saying about himself, "life is for living, not to prepare for living." And we have to think about this, particularly those parents of you in the audience who have to shell out enough money for four years of college, which has become the norm. Indeed, this has been changing over the last year or so, for many students now spend eight years in a university if they go into graduate school.

The fourth basic danger, one that I don't think I have to say much about, because we faced it all over the country, has been the loss of public trust, the loss of public confidence and high evaluation of the university. Fortunately, I think UC has, to my great delight and even surprise, been less hurt by this than other major universities. I know there were some chancy days back there when the University closed, and I heard a lot about it. I know what kinds of decisions the Board, Faculty, Students, and Administrators had to make. It was not easy for them. I read some of the letters to the editor, but still and all the kind of crisis you faced here at Cincinnati was a spring zephyr compared to what was happening in places like Buffalo or Stanford or UCLA. To me the most serious problem affecting the University is how do we regain that public trust because to make an analytic point sharp which I don't think many of the universities understand, particularly faculty, is this: While the universities are tremendously rich today in their terms of management and control of financial resources and property, we are not self-supporting. We get our money from the likes of you and other people who think that the ideas generated there, the people graduated from there are worthy of your support and esteem. The minute we lose the public support and esteem and high evaluation we cannot have much of a free university, and it is as simple as that.

These three areas have not been uncovered enough and it is the loss of public trust which I will certainly make every effort here at Cincinnati to try to develop and continue. I know that Dr. Langsam, while I am on the subject, has done simply an heroic job in this area, and I hope to do my best to not fill his shoes because I couldn't do that, but simply to continue in many of the paths he has taken.

My voice got a little melancholy as I was talking about those three things. I'm probably thinking what we are going to do about them and I'm not going to tell anybody what we will do about them.

I would like to move on to some of the positive opportunities that we might see in the seventies. I'm talking now of my hopes about all of American higher education not just UC, although I know we will be at the leading edge of this. Let me put these in terms of propositions and say a few words about them and then open up to some questions from you. I am only going to mention three or four because there is not much time for more and maybe it's all we can digest at one sitting anyway.

I said this in the Educational Creed which both of our local newspapers so kindly published. I said it is time to up-grade and talk about what must be done now; it is time to up-grade the art of teaching, and to create an environment in which learning is as important for the professor as it is for the students. That is in the Creed and it is pretty terse so I want to develop it a little bit. We know quite a bit about teaching, incidentally. We know practically nothing about learning. The learning and teaching process is still at the level of a craft, even a college industry. And I do know that it is very difficult to be really actively involved in learning if you are sitting in a lecture room of 1400 people. Particularly when you can not hear too well because of the speaker service, or the professor is not to alive, or what not, and then you get questions on multiple choice tests that go something like this: "Describe the Universe and give three examples." Secondly, about teaching, it is interesting that the Ph. D.'s who make up most of our teaching staff spend ninety percent of their time in graduate school learning how to do research, and luckily in some cases ten percent teaching or getting in some practice teaching.

It is not quite the thing to do to do teaching. Whereas in real life when they leave the University and get their Ph.D., it turns out they spend ninety percent of their time teaching, or I hope they do, and ten percent of their time doing research. Which seems to me a very strange kind of education for people who are going to do something opposite of what they get much experience in doing. I think one of the problems here is, and one I am sure you are all familiar with, is by and large our faculty are professional first like psychologists, economists, philosopher, astronomer, zoologist, anesthesiologist, exologist, whatever. He's a professional first, and an educator maybe third or fourth, possibly second in some cases. I'd like to reverse that priority. I'd like to see our professors become educators first and competent professionals second, I think that's a very important emphasis. I might also add that, this will be interesting to you I believe, that faculty and researchers have a great capacity to study everything: Natural environment, industrial enterprise, business organization, federal government. They study the French villagers, the Zulie, and the number seven with great intensity. But oddly enough most of us have never really studied the university or ourselves which leads me to say that in most universities across the land it is interesting that we don't evaluate a thing like teaching. We rarely systematically evaluate teaching of a professoriate, and even when we do it's shoddy and we rarely use it for promotions or merit increases. So to end my first point about trying to elevate the centrality in teaching and learning I have a new slogan that I hope will replace "publish and perish" because this has been mainly the reward of most faculty. I want to replace "publish and perish" with a new slogan which is "teach or travel."

The second general point I want to make, and even with some faculty here today I can say it that way—I think it will travel back. The second general point I want to make about the future or the near present is also from the Educational Creed but I want to read that and say a few more things about it. It went like this: "trained individuals from the creative, professional and intellectual endeavors of the most disparate kind" (by the way, note to the Cincinnati Enquirer did I say desperate?) I meant to say the most disparate kind ought to be welcomed to the colleges and universities on a part-time basis or full-time basis to broaden and enrich the academic world. Trained individual without the usual academic credentials but with unique experiences to communicate to the young, with an ability to reflect on their lives. Neil Armstrong, a man that Walter Langsam had his eye on for at least a year and a half, or two, and like a good angler kept him in view most of the time, pulled him in in the last month of his office. It is a great appointment if for no other reason than it is bringing into the University people who have different backgrounds and who have not necessarily as yet in their lives been corrupted by the academy. And they make splendid teachers usually. Oddly enough my experience has been that people from outside of the academy have this funny respect for us which they don't lose and they take teaching very seriously and they are marvelous people to have around because they really care about teaching.

I'll tell you why I feel so strongly about this because it has to do with a story that partly includes my in-laws and wife. In 1966, a man called me from New York and said that he had just read an article in Fortune that included a couple of paragraphs from a book of mine that had just come out on changing organizations. And this man was a great admirer of my boss and teacher who had just died the year before—Douglas MacGregor. I had taken over Doug MacGregor's chair at M.I.T. He said I read about you and I was always a great admirer of Doug's can I come up and see you, I was living in Boston then, I said sure; he said can I come up tonight, I said well my in-laws were there but I think they would like company come on up. So it turns out this fellow comes up, he just sold within the last year the Avis Motor Company, a rental company to I.T.T. He made it big and famous advertising: "We're Number Two But Trying Harder." He had made his millions, he was then 44, a marvelous man, young and vital, handsome and all the rest and filled with ideas. In fact he was the man who came to dinner and stayed three days and he really charmed and enchanted us. My wife was taking notes as he talked he was so interesting. I then called Howard Johnson who was then president of M.I.T. I said, "Howard we've got to bring this man to M.I.T. He's phenomenal. He ought to be in the Business School where I am." Howard tried his best, but we were not able to swing it because he didn't have the credentials. "What's he written?" the faculty asked. I then suggested he go out somewhere else and he did. He got a post for six months actually as a kind of consultant observer to the Salk Institute in La Jolla, California. And he wrote a book about the place and about organizations reflecting his experience at Avis. As a matter of fact, there were two Cincinnatians in my office in Buffalo the day that book arrived in the galley proofs. It is called *Up The Organization*, the man is Bob Townsend. Now he won't have anything to do with the universities you see, hell, he didn't want them then why should he want them now. There are a lot of Bob Townsends. I don't mean with that particular career, but there are a lot of men in mid-career, there are a lot of people with unique experiences that we really need and could and want to bring in, like Neil Armstrong and Bob Townsend and plenty of others.

The third general point I want to make is something like this: You read this a lot in your Alumni Bulletins but I am going to say it anyway. I truly, deeply, passionately believe that the University has a commitment and responsibility for the life long learning of its students—I mean Alumni. I wasn't on the reception line for all the time because we couldn't fill up the place and start on time, but I met a lot of UC alumni and I'm partly talking only to you but I really mean this in a more general sense. Somehow or another we've been satisfied with the idea that students come in only four sizes 18, 19, 20, and 21. And I must tell you that I am far more interested and concerned about old folks, as people 30 and over, and for a lot of reasons and I wish I had time to develop them. One reason is that it may be that people really won't understand the grand inquisitor or the Greek plays before they have some life to live, before they have a chance to spend a year abroad which I have always found more useful than any single year of my education in the greatest of universities.

The Army where I spent four years, I think, was capable of making me a man and making me open to higher education. That's why I think the G.I. Bill is so great. Not just because a lot of people could get to go but because people really wanted to go and because they had some living under their belts.

I think also that in this age of ours of rapid obsolescence of jobs, and increased longevity, that it is really silly to think about one career, one job for life. We've got to start thinking about two, three, four careers. The Killian Report done at M.I.T. indicated that M.I.T. engineers, and this was done in 1963, were obsolete eight to ten years after they graduated from M.I.T. It's probably less now if we just extrapolate the rate of increase of a certain kind.

I noticed in this morning's *Enquirer* that Xerox is now offering to some of its employees a year's leave, sabatical if you will, if they are interested in doing an important project on social welfare, or some socially involved problem. I'd like to see more and more, and I think this is happening—industries and other organizations providing these same kinds of educational leaves.

To alumni in particular now—I think you must ask whenever you are asked to contribute your dollars this old fashioned question, "What have you done for me recently?" I don't think we have done very much, and I am not talking about UC, because UC has probably done more than most universities and has more support from its alumni. I am talking in general. We have a responsibility, I think, to our graduates and not just our recent graduates and this goes for faculty, too. Because I think they have to keep getting renewed by what I like to call repotted, at least once every seven years or so. The corollary of all of this is that maybe more high school graduates should go to work and gain experience rather than just go on to the university. One college in the East is now making it mandatory for all students to work two years before they come. I think it is a good idea. What they do is give deferred admission. Very few colleges give deferred admission; it's now or never. One is accepted at M.I.T. or Amherst or UC and most of the time one must go. I don't even know our own policy at UC. I just know that some people shouldn't go at the time they are going, and if they had an opportunity for deferred admission, they might put it off a couple of years.

I want to end with just a very short paragraph that is the last page of my book which, thank God, I finished on my vacation the last two weeks in August. I knew very well that a year's work might go down the drain if I didn't have a chance to finish it. This is not edited, and is probably in a rough shape, but I would like to read you the last few lines in that book as an ending. "What the University might look like in the coming years," based on suggestions throughout the book, "will be a student body of all ages and all programs.

A University vigorously related to the community it serves. Teaching as facilitation rather than rate and regurgitation. Teachers from all arenas of experience, different combinations of general education and professional training." For example, do you know that we don't have any courses on health taught by the Medical School faculty in undergraduate work? I think they want to. We don't have any courses on crime taught by our law professors, and I think they want to. But isn't it interesting that we so segmentalize the University that the only law you can get is, and imagine not getting law as an undergraduate today, is if you are a pre-law student. The only kind of medicine you can get, and that would be organic chemistry or biology, is if you are pre-med. I think we have got to bring the professional schools into the general education area they are too important not to do so.

"Combinations of general education and professional training are shifts in the ecology of learning away from solely the classroom teaching situation and into a variety of problem areas and learning centers and augmented, and this is something faculty are very resistant to, but augmented by electronic media. Experimentation with university without walls and an end to the obsession with bricks and mortar as the key element in education."

"Education should contain for various students more voluntarism, more options, less time for some and more time for others who want to fuse education more organically with their lives. The university has played a very great role in the making of our civilization. It can play a similar role in the creation of a new civilization which has to be created in the new conditions of our time The university will do so if it becomes a responsible university working in and for a responsible society. Only in that way can we restore or can we deserve the public trust upon which a free university depends."

COUNCIL OF BETTER BUSINESS BUREAUS, INC.

Mr. MOSS. Mr. President, the revised Council of Better Business Bureaus, Inc., has again demonstrated its commitment to changing its traditional role as an apologist for industry. This development is most pleasing, and I commend the CBBB and its initiative. Of course, particular credit must go to Elisha Gray for his work as the guiding force behind rekindling of concern for the consumer by the CBBB.

The Federal Trade Commission is currently engaged in a trade regulation rule proceeding which would eliminate the doctrine of the "holder in due course." Currently, consumers buying merchandise on credit find that they have no recourse should the merchandise prove defective. They are not even able to withhold payment, because the original merchant has assigned the liability to another party. The third party in such cases is not at all interested in the consumer's problems with the dealer or retailer; the third party only wants to collect, and under present law he is not responsible for defects in the product.

At a recent Federal Trade Commission hearing on this trade regulation rule, the CBBB testified that—

> Holder in due course does not fairly protect the consumer and should be completely eliminated from the laws of this land so far as consumer product contracts are involved.

Traditionally, the holder in due course doctrine has allowed fly-by-night operators and shady dealers to bring in the operating capital necessary to dupe the public. Unfortunately, those who buy "paper" have not been sufficiently concerned with the parties from whom they buy; thus many consumers have suffered severely.

To the Council of Better Business Bureaus I offer my congratulations for another significant step in its efforts to protect the American public.

Mr. President, I ask unanimous consent that the statement of Dean W. Determan, vice president, Government and Legal Affairs, Council of Better Business Bureaus, Inc., be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DEAN W. DETERMAN, VICE PRESIDENT, GOVERNMENT AND LEGAL AFFAIRS, COUNCIL OF BETTER BUSINESS BUREAUS, INC., BEFORE THE FEDERAL TRADE COMMISSION ON PROPOSED TRADE REGULATION RULE: PRESERVATION OF BUYERS CLAIMS AND DEFENSES IN CONSUMER INSTALLMENT SALES, SEPTEMBER 20, 1971

My name is Dean W. Determan, Vice President, Government & Legal Affairs of the newly established Council of Better Business Bureaus, Inc. The Council, with executive offices in New York and operational headquarters in Washington, replaces the former National Better Business Bureau, Inc. and the Association of Better Business Bureaus International, Inc. The mission of the Council is to provide vastly expanded support services to 144 local Better Business Bureaus so they will become a cohesive force in consumer affairs.

Better Business Bureaus constitute the major national effort to give front-line protection to the consumer. And the American public knows this. A recent national opinion survey showed that almost 20% of the people in this country have gone to consumer protection agencies with complaints about products and services which they have purchased. Of this multi-million person group, more than 85% indicated to the survey that they had gone to the Better Business Bureau with their complaint. Only slightly more than 5% of the people came to the *FTC and every other governmental agency with their complaint.* These results dramatically portray the position of the Better Business Bureaus as a well-known bridge between the American consuming public and business.

Thus, we are not "just another trade group" representing the interests of its members in testifying here today on this important proposal. For nearly 60 years, Better Business Bureaus have had an impressive record of investigating and exposing frauds, swindles, and misleading or dishonest business practices.

Better Business Bureaus pioneered the movement for "truth in advertising" and have monitored local advertising in every community where Better Business Bureaus are found. For example, in 1968 they investigated more than 50,000 advertisements, communicated with more than 25,000 advertisers and logged in excess of 30,000 contacts with media representatives. The new Council, which I represent, is expanding this program even further, as we are about to embark on a major national program of advertising self-regulation. This program, which will be in operation shortly, constitutes only one of five Council priorities, but is well known to the Federal Trade Commission and I will not go into details here.

A second priority of this Council, and one which should lend itself to the goals of this hearing and many other hearings contemplated by the Federal Trade Commission, is our National Consumer Data Computer Bank. One of the difficulties faced by the Federal Trade Commission and other regulatory agencies is that they are sometimes obliged to establish regulations in a factual vacuum. Much information about "holder in due course" is not readily available. We intend to change this situation very soon with our new computer system which will be underway within a month. By October, twenty major metropolitan areas will be tied into our consumer data system, and a total of 50 cities will be tied in on or about the first of the year.

This system will contain information on consumer attitudes, sales promotion and advertising practices and product and service performance. We hope that, at hearings like this in the future, we will be able to testify, for example, that so many thousands of consumer complaints were derived from the "holder in due course" doctrine. We would also anticipate providing information on the current resolution of these inquiries and complaints.

A third priority for the new council, which we believe merits special attention in this hearing, is the expansion and upgrading of our Bureaus' informational services to the consumer. Nearly eight million "instances of service" were handled by Better Business Bureaus last year on the telephone alone. This does not include an estimated 4 million in calls that did not get through because of busy signals. In a typical Better Business Bureau, all lines are lit up and one consumer is helped on an average of every 28 seconds. Every inquiry or problem is handled individually.

Many inquiries come into Bureaus from consumers who are about to enter into an installment contract with a particular business. If Bureau records indicate that the business in question has failed to carry out its contracts satisfactorily, it will so inform the consumer. In this fashion, Better Business Bureaus have served to prevent many potential abuses of the "holder in due course" doctrine. In our desire to increase consumer services, the Council has set an immediate goal to provide additional reporting capabilities in each local BBB. We have earmarked $2.3 million of our funds, of which more than $500,000 has already been committed to local Bureaus, to simply improving Bureau telephone, response, and retrieval systems.

Another Council priority is to expand and improve our program of consumer education, which to date has reached literally millions of people. Films, brochures, books, pamphlets, newspaper columns, and mobile education units are only some of the ways now used by Better Business Bureaus to make our consuming public more knowledgeable about the procedures and pitfalls of the marketplace. This priority, too, will assist in preventing abuses in the "holder in due course" doctrine. However, I wish to emphasize that our efforts, like other preventive efforts by many institutions and in a variety of areas, is clearly not enough.

The fifth and final priority of the Council is an arbitration network to resolve disputes between consumers and businesses before they reach court. If every consumer and every financial institution, which now buys installment contracts for consumer products, were to agree in advance to submit to binding arbitration all disputes between the consumer and the original contractor, the proposed regulation now being considered by the FTC would not be necessary. Instead of raising the defense of "holder in due course," the financial institutions would agree to let a knowledgeable, neutral third person resolve any issue. This would be preferable to a court action in which the consumer has no right to raise any defenses to a contract, but our program of arbitration does not have universal acceptance as yet and we have no guarantee that it will have. If the reverse were true, we would be promoting this as the answer to prevent such abuses.

I have described some of the priorities of the new Council of Better Business Bureaus, Inc., as they relate to the subject of this hearing. I think it is evident that, despite the inroads which BBBs have been able to make and are planning to make in eliminating the most objectionable aspects of "holder in due course," we alone cannot stop the abuses.

Thus, in our unique position as the "middleman" to whom most consumers turn when they are faced with this kind of problem, we now take a national position that "holder in due course" does not fairly protect the consumer and should be completely eliminated from the laws of this land so far as consumer product contracts are involved.

Better Business Bureaus around the country have for many years testified for the elimination of this doctrine before State and local legislative bodies. We do not consider our expertise such that we can comment on the jurisdictional validity of this Commission to issue a regulation eliminating this doctrine in consumer sales contracts. But we do believe such a national goal is appropriate, whether by regulation, by national law, or by action of the several States.

Further, we believe that changes in this doctrine will materially help the consumer while not seriously hurting legitimate businesses. Our experience has shown that alteration or elimination of the "holder in due course" doctrine has the beneficial result of eliminating the "fly-by-night" operators and dishonest businessmen, whose "paper" will not be purchased—even at a significant discount—by responsible financial institutions.

It is these fringe operators who will be unable to obtain financing for their operations. To make doubly sure, let me pledge here and now that Better Business Bureaus throughout this land will, as in the past, provide forthright and accurate reports on all consumer-oriented businesses. If any fiancial institution is in doubt about any business from whom it is considering a purchase of discounted installment contracts, it need only contact the nearest Better Business Bureau for a factual, up-to-date evaluation of that business' dealings with the public. Thus the customer will turn to the legitimate businessman with a history of fair dealing. And any bank or other financial institution will know that such businesses can be relied on to discount "paper" based on contracts which will be fulfilled.

We have heard that eliminating the "holder in due course" doctrine may result in a tightening of credit which will hurt the marginal consumer. While we believe this argument has been raised to "scare" proportions, we should point out the simple fact that the same shady operators who rely on "holder in due course" to shield their own liability, also prey upon consumers who are least likely to obtain credit for their purchases. We are not doing the marginal credit consumer any favor by permitting the least reliable businessmen to deal with them. Such a consumer, under present conditions and law, simply ends up like the poor man in the once-popular folk song who "owes his soul to the company store."

One of the most famous slogans of the Better Business Bureau has been "investigate before you invest." Such an investigation is not limited to the consumer; indeed, businesses are cautioned in the same fashion. BBB reports have always been available to the businessman as well. Financial institutions have traditionally checked with Better Bureaus to see if a merchant backs up his product or service. If they continue to do so in the future, they will not have to fear the possibility of being "stuck with" a discounted contract that is invalid.

We do not believe that by completely eliminating "holder in due course" will eliminate the fly-by-night operator. He will simply deal in cash transactions, which will be limited to smaller contracts—or he will adopt other techniques which will permit him to eke out a living. But we are closing in on this fringe operator. Last Spring, we testified for the "cooling off" period to permit consumers some time to reconsider a high-pressure sales approach. At present we are testifying for a proposition to eliminate his financial support, and this Fall we shall undertake a national advertising campaign to make sure he cannot misrepresent his wares or services to the public. In short, we are seeking new ways to reach our goal of cleaning up the marketplace.

As I indicated earlier, we are now setting up our national consumer data bank, so it is premature for the Council to provide you with the kind of statistics needed for basing a regulation of this type on factual data. However, although it is a somewhat longer process, we are currently polling our BBBs across the country to ascertain the fact already known—that the "holder in due course" doctrine creates considerable unfairness to the consumer. As soon as these cases are sent into our operational offices, we will compile the data and submit it for the record of this hearing.

To conclude, the Council of Better Business Bureaus, having carefully weighed the anticipated effects of any change in the "holder in due course" doctrine and representing both the consumer and the best businesses in our nation, feels that both would be better served by the complete elimination of this doctrine in consumer sales contracts.

GENOCIDE: THE NUREMBERG PRECEDENT

Mr. PROXMIRE. Mr. President, any discussion of war crimes inevitably raises the precedent of the Nuremberg trials at the conclusion of the Second World War. The American people can rightfully feel proud of their role in the prosecution of persons guilty of some of the most horrendous crimes in human history.

But what would have happened if the war had not ended so triumphantly for our side? I am not speaking of a United States defeat; I am speculating about a situation which would have been regarded as something less than an American victory. I am speculating about a hypothetical stalemated situation in which neither side achieved dominance.

In such a situation would genocide acts on the scale of the Nazi atrocities have gone unpunished or even untried? Would the lives of murdered millions have passed without remark?

We cannot afford to allow an omnipotent fate to determine the quality of justice in international affairs. That is the purpose of law.

That is the purpose of the Genocide Convention, which would establish genocide as an international crime and create procedures for the trial and punishment of violators.

Civilization calls for decent nations to join together against crimes as monstrous as genocide. Let us remember that 75 sovereign nations have ratified the convention, but the United States is not one of them. In my opinion, it is our duty to raise the acceptable level of civilized conduct. That is why the Senate should ratify the Genocide Convention now.

I ask unanimous consent to have printed in the Record the conclusion of the opening statement by the chief U.S. prosecutor at Nuremberg, Justice Robert H. Jackson.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt From Opening Statement at Nuremberg by the Chief U.S. Prosecutor, Justice Robert H. Jackson, 1945

The real complaining party at your bar is Civilization. In all our countries it is still a struggling and imperfect thing. It has been blameless of the conditions which made the German people easy victims to the blandishments and intimidations of the Nazi conspirators.

But it points to the dreadful sequence of aggressions and crimes I have recited, it points to the weariness of flesh, the exhaustion of resources, and the destruction of all that was beautiful or useful in so much of the world, and to greater potentialities for destruction in the days to come. It is not necessary among the ruins of this ancient and beautiful city, with untold members of its civilian inhabitants still buried in its rubble, to argue the proposition that to start or wage an aggressive war has the moral qualities of the worst of crimes. The refuge of the defendants can be only their hope that International Law will lag so far behind the moral sense of mankind that conduct which is crime in the moral sense must be regarded as innocent in law.

Civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude by criminals of this order of importance. It does not expect that you can make war impossible. It does expect that your judicial action will put the forces of International Law, its precepts, its prohibitions and, most of all, its sanctions, on the side of peace, so that men and women of good will in all countries may have "leave to live by no man's leave, underneath the law."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning businesss? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Under the previous order, the Senator from Montana is recognized for 15 minutes.

AMENDMENT NO. 437

Mr. MANSFIELD. Mr. President, in the past several months I have received at least 10,000 cards that all read as follows:

JULY 31, 1971.

To you, Sir, and your Party Members:

Do you realize that it has been over seven years since the first U.S. servicemen was taken prisoner in Southeast Asia? It is the responsibility of the elected officials of this country to take all possible actions to bring about treatment of these men as required by the Geneva Convention of 1949.

Further, it is the responsibility of our elected officials to bring about a *release* of all prisoners of war.

What have you done?

Mr. President, in an effort to seek out and bring back Americans held captive or missing in Indochina, the issue of Vietnam will be raised again, and, may I say, if necessary, again and again this year. It will be raised in the form of an amendment to the pending measure. The Senate will be asked once again to join in seeking a conclusion to this tragedy that continues to wrack and split the Nation. It should not take long to consider the amendment because it expresses an action which the Senate has taken already. In every respect, save one, the amendment is identical to the Vietnam withdrawal amendment adopted decisively just 3 months ago.

The amendment calls for a total withdrawal from Indochina within 6 months on condition only that our Americans held captive or located among the missing-in-action be released. The change is solely an adjustment in time from the 9-month span of the previous amendment to allow for the lapse of 3 months.

In simple terms, this amendment would fuse the cooperation of the Congress—the legislative branch of our Government—to the President's direction of policy in order to bolster this Nation's objective of withdrawal from Indochina. It would assure withdrawal on a single condition—that the President reach an agreement whereby our prisoners of war and those missing in action who can be located—the POW's and MIA's—be returned home. The time frame, I repeat, is 6 months, 6 months from the date of enactment of this bill.

It is my hope that this effort will be accepted in the spirit in which it is made. Within the context of the independent responsibilities of the Senate, it is an effort to cooperate with the President in bringing about an end, once and for all, to this tragic mistake.

There are good reasons for joining the Congress and the President in a national policy of full withdrawal from Vietnam. The repeal of the Tonkin Gulf resolution, for instance, struck down last year what many believe was the sole legal foundation for involvement. There is, moreover, the upcoming election in South Vietnam, the circumstances of which have led others to note the increasing urgency of our withdrawal. Insofar as I am concerned, the most over-riding reason has been and remains the utter waste of this involvement. It is the waste of lives, the waste of tens of billions of dollars as the needs of cities and towns and other urgencies within the Nation are compelled to stand aside. It is the waste of spirit as the Nation remains torn by the divisiveness of the war.

So there is ample cause to get out. That is what the amendment proposes, a final getting-out of Vietnam with 6 months, tied only to the complete release of the POW's and recoverable MIA's. It proposes, in a sentence, a decisive end to this tragic chapter in the Nation's history.

In meeting that objective it should be said that the amendment works hand in hand with the tripod approach which has been set down by the President by protecting the three parties most affected. The assurances are there for all: assurances to the South Vietnamese people themselves that they be given a reasonable chance to survive freely and elect their own government; assurances to the POW's and surviving MIA's that they be guaranteed safe passage home; assurances to young Americans—draftees in large part—who are still being compelled to lay down their lives in Southeast Asia, that there will be a quick end to the killing.

That is the threefold objective of the amendment and it fits with the tripod of the President's approach. It should be noted in this connection that next Sunday the South Vietnamese go to the polls in an election which, with justification, has come under a cloud. Such as it is, nevertheless, it is an election and it forms the first leg of the tripod of the President's approach which is to give the people a chance to choose a government.

In going to the polls next Sunday, moreover, the people of South Vietnam do so under an armed-forces umbrella of more than a million South Vietnamese. For the last 17 years, they have been advised, trained and supported by the United States. They stand as one of the world's largest military establishments. There is, thus, no question that the South Vietnamese have that reasonable chance to survive freely. That is the second leg of the tripod which the President has set up as a basis for U.S. withdrawal.

The third is based on the POW's and MIA's who, to me, represent the most tragic aspect of this entire issue. Insofar as I am personally concerned, the fate of these men, at this late date, is the only significant basis for this Nation to remain any longer in Vietnam. To the POW's and MIA's, this amendment offers not an expressed intention or a helicopter in the sky but a sober assurance of action on their release and recovery. It is the assurance that inside of 6 months after a ceasefire, concrete steps will be taken to locate them and to secure their release. No more pressing issue exists at this late date in the war than that of seeking out and bringing back the men held captive or the recoverable MIA's. Indeed, it must be faced in all candor that the prospects are dim for the return of any of these men unless and until we decide that for this Nation the war in Vietnam is completely over and act accordingly. It is unfair and irresponsible to stimulate the hopes of those men and their families with promises of action where action is not feasible. Unless and until this Nation moves in the direction set forth in the amendment, either by Presidential directive or law, I repeat, it is highly doubtful that the POW's or the MIA's will return to this Nation. That is the true warranty of the amendment. It is a sober assurance of the release, forthwith, of the POW's and MIA's who survive.

The purpose of the amendment is clear. Except as indicated, its content is unchanged from what the Senate, by vote of 61 to 38, has already adopted. If the Senate votes to restate its position and the House now concurs, it would represent, I think, a constructive action by the legislative branch of Government which complements the administration's policy to the end that the tragedy in Vietnam will be concluded at last.

I send the amendment to the desk, Mr. President, and ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill add a new title as follows:

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. AIKEN. Mr. President, I had hoped that the majority leader would not find it necessary to reintroduce this amendment at this time, but apparently progress in reaching the desired results which were incorporated in his earlier amendment or proposal has not been very satisfactory.

I want to say I have tried to support the President down the line in his efforts, his apparent efforts to bring the war in Indochina to a close. I have felt that he was going in the right direction. I still feel he is going in the right direction and give him a high mark in the conduct of foreign relations, but I am beginning to be rather apprehensive that the desired results may not be attained.

I have felt, for myself, that next July 1 is the deadline for the time when our military forces should be completely out of Vietnam. I have made this clear not only to people in our own Government, but also to people in other governments, including the South Vietnamese Government. I have come to the conclusion that continued participation by our Armed Forces beyond that date could be a liability rather than an aid to that Nation.

Now, the Senator from Montana has reintroduced this amendment with the 6-month limitation of time after the bill becomes enacted into law. Assuming that may be in early December, it would still give us until some time in the month of June to complete this withdrawal.

I have felt deep concern, indeed, for the families of the prisoners of war who have been held over there, some of them now for almost 7 years. It was over a year ago I had a suggestion which had been made to me which I passed on to the Defense Department relative to an attempt to rescue some of these prisoners by helicopter raid. I got a letter back from the Department of Defense telling me why it would not work, and then they tried it and it did not work, so they were absolutely right in their earlier judgment.

I am afraid that the war in Southeast Asia will be written down as the most disastrous chapter in American history. There is no question about that. The small country of Laos has been torn to pieces. In Cambodia, 90 percent of the economy has been destroyed, as far as their export business goes, since Cambodia was invaded. South Vietnam itself is in terrific political turmoil, with the outcome in doubt. And the United States economy, thanks to the losses we have sustained in this abortive effort in Southeast Asia, at a cost of over $200 billion, is now in the most critical situation it has been at least for the last 35 years. It is something that we should all worry about.

As I have said, I think next July 1st is about the limit for our participation, in a military sense, in South Vietnam or in Southeast Asia. I would still support reconstruction in Indochina and would hope to undo the damage which has happened there insofar as our resources will permit, but I do not know at this time whether our resources will permit steps in that direction.

International finance associations are now meeting here in Washington, and I do not know just what they will want. I suppose they will want the United States to participate as generously as we have done in the past, providing amounts running into billions upon billions upon billions of dollars. I would like us to participate with those who are trying to establish and maintain adequate international financing in this world, but I have to say in all truth that I do not know what we can do and I do not see how we can contribute further to the World Bank, the International Monetary Fund, the IDA, and the other organizations, until we know with certainty, or almost with certainty—nothing is ever quite certain—what we are going to do from now on in Indochina.

So, while I had hoped that we would have progressed far enough now—I notice we are still withdrawing a few troops from that area; I do not expect we will withdraw them in increasing numbers until after the South Vietnamese election next week—I do think the President has it in his power to straighten out this matter. Approval of the Mansfield amendment as reintroduced will certainly demonstrate not only to the executive branch of Government but to the rest of the world the position that the U.S. Senate holds in this matter. We might, perhaps, have settled it in connection with the draft bill. I do not feel too badly that we did not, because we had two or three different subjects to deal with in that bill.

So, under the circumstances, I feel that I will vote for the new amendment offered by the Senator from Montana, in the hope that it will contribute toward an early and a decent settlement of a situation which we should never have gotten into in the first place.

Mr. STENNIS and Mr. COOPER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, are we under a limitation of time?

The PRESIDENT pro tempore. There is no limitation.

Mr. COOPER. Mr. President, I rise to support the amendment introduced by the distinguished majority leader, MIKE MANSFIELD, the main provision of which declares that it is the policy of the United States to withdraw all its forces from Vietnam by the spring of 1972 provided that all U.S. prisoners of war are returned by the North Vietnamese and its allies.

I have joined with Senator MANSFIELD, Senator AIKEN, Senator CHURCH, and other Senators, in previous efforts to prevent the expansion of the war by U.S. forces in Laos, Cambodia, and Thailand and I am happy to join him in this effort to bring U.S. participation in the war to a close.

The Senate approved a similar amendment to the Draft Extension Act by a substantial majority, and by so voting reflected, I believe, the majority will of the people of this country to withdraw its forces from Vietnam and end its participation in the war in Southeast Asia.

I agree with the Senator from Montana that with the repeal of the Gulf of Tonkin Resolution, the Government of the United States has no constitutional authority to keep its forces in Indochina or to engage in hostilities there except to protect our troops from imminent danger as they are withdrawn. In the absence of any approval by the Congress through constitutional processes, the President is without authority except to withdraw and to protect our forces against imminent danger as they withdraw. In fact, he has steadily withdrawn U.S. forces, keeping every commitment and reversing past policies, for which he deserves full credit and support. More than half of the 535,000 ground troops in Vietnam when he assumed office have been withdrawn. But the pace of future withdrawal is said to be linked to the ability of the Government of South Vietnam to take over the continuation of the war.

South Vietnam has over 1 million men under arms, and after over 30 years of war and as the recipient of tens of billions of dollar of direct assistance ought to be in a position to conduct its own military effort without U.S. forces.

I do not believe there is any constitutional or practical reason why the United States should any longer determine its rate of withdrawal upon the strength or weakness of any particular government in South Vietnam or upon the outcome of elections there. As a matter of logistics, the time provided by Senator MANS-

FIELD's amendment is ample, particularly since over half of our forces have already been withdrawn since President Nixon assumed office almost 3 years ago.

I have always believed the final solution to the Indochina war should not hinge upon military force but through negotiations, by all the nations concerned. Expanded war, and the application of force—massive firepower and bombing, have not brought a peaceful settlement. When U.S. forces are withdrawn the United States may have little control over the nature of the settlement. But our lessened influence in a settlement does not preclude a stable, peaceful settlement—in fact, it may enhance it. For I doubt that other countries, our adversaries in the war—North Vietnam, China, and Russia, or our friends, the United Kingdom and others, or the neutrals, or the U.N. will seriously assist in negotiations as long as the United States maintains forces—even residual forces in Vietnam.

This is confirmed by the history of negotiations at Paris. In August, on my return from the SALT talks in Helsinki I met with Ambassador Habib, now appointed as Ambassador to Korea, and then our chief negotiator in talks with the North Vietnamese and Vietcong. He confirmed, as the Senate well knows, that there has been no progress in Paris and the war has continued. I believe failure is due primarily to the intransigence of North Vietnam and the Vietcong and that an international settlement offers the best chance for a stable peace for the entire area. The reconvening of a Geneva Conference consisting of all the countries involved, or as Senator AIKEN has wisely suggested an Asian conference, or possibly the U.N., will provide the best means of achieving a political settlement when U.S. forces are withdrawn.

The interest of the United States is to have a stable peace in Southeast Asia and certainly it is the desire of all people, and particularly the people of Cambodia, Laos, Thailand, and South Vietnam.

The United States made an error in continuing its presence in Vietnam after it was clear it was not in our national interest or necessary for our security, but I recognize the difficulty in changing our course, as President Nixon has done. But through a series of legislative actions the Congress, and particularly the Senate, has moved to end our military involvement in Indochina, first to end the widespread bombing of the North, later by amendments to contain the war to Vietnam, and not to enlarge the engagement in hostilities by U.S. forces to Thailand, Cambodia, and Laos.

It is now the time to end U.S. military involvement in Indochina completely. Senator MANSFIELD's amendment is a fair and proper way to express the support of the Senate, the Congress, and the country for the complete withdrawal of U.S. forces. It is the proper role of the Congress to declare such a fundamental policy. I would hope that the administration, which has reversed the policy of past administrations would concede the right of the Congress to carry out its duties under the Constitution to affirm a fundamental policy clearly desired by a majority of the people of this country. The people of this country want an end to U.S. participation in the war in Indochina, and the Congress should express this national will. For these reasons the Congress should support the amendment offered today by Senator MIKE MANSFIELD.

Mr. STENNIS. Mr. President, regarding the amendment just filed by the Senator from Montana, I shall be quite brief, but shall undertake, along with other Senators, to discuss it on its merits more fully later.

I want to start with two points here. I appreciate so very much the fine attitude of the Senator from Montana, all the way through regarding this subject, at every turn, down to now. Also, the second point is, in his remarks on this subject about the war and the POW's, he certainly started off with an expression of interest and sympathy and desire for the termination of this conflict as soon as possible, consistent with our mission and all of the matters that go in connection with our intervention there. Certainly we want the POW's to be released not only at the earliest month possible, but the earliest time possible, even at the earliest hour possible.

But, Mr. President, I submit there is much more involved in this amendment than just subject matter itself, as offered as a part of this bill, and I most respectfully submit that as legislation on a bill of this kind, or the draft bill, the subject matter of the amendment has already had its day in court. There are many other far-reaching matters involved in this bill, and it is a bill that must move along; it must make its legislative tracks and move to its ultimate end, because it is just obviously necessary to authorize weaponry, and it cannot be appropriated for until it is authorized. Appropriation bills are hanging up, waiting for the passage of this bill.

That is not enough reason for keeping the war going, Mr. President, or keeping the POW's in prison, but it is merely a legislative fact of life on the 27th of September 1971, when we are faced with all these other legislative problems in this bill and beyond this bill; and I shall urge that upon the Senate for consideration later with a detailed statement of the facts with which we are confronted.

The second point I wish to make is that I believe—and I have been rather close to this subject—that in the first place we already have a legislative expression on this subject; even in a bill as controversial otherwise as the draft bill was, we already have that expression. But I believe it would be a far more effective legislative expression and legislative determination if the substance of this amendment could just travel on its own, and not as a part of another bill—especially a bill that must be enacted—dealing with other subjects.

I think it is relevant to this bill; I am not arguing that it is not. The bill has money in it for use in connection with this war. But I think it would be a far better, more effective legislative expression; even if the President of the United States should veto a resolution to this effect by Congress, it would be clearer and more positive, and would not be the result of a compromise in conference, as sometimes is necessary. If it were passed purely on its merits as an independent resolution, I think it would go much futher. I believe it would gain more support in Congress, frankly, and would be more effective as a legislative determination of what should be done about this war.

Frankly—and I say this with the utmost respect—we have two members of that fine committee on the floor now who have just spoken in favor of this proposal.

Mr. AIKEN. Three.

Mr. STENNIS. Yes, three. I think that Congress and the people are entitled to a resolution on this subject that has been before the Committee on Foreign Relations of the two Houses, with the great eminence of their members, and their experience and background of knowledge of this subject matter, and their activity in it—to have the Committee on Foreign Relations pass on it directly and come here with a report from their committee on this subject matter. It has been fully debated, but we have not had the benefit of a report yet.

The same would apply in the other body, and I think there would then be a far better chance to pass it, frankly, than there would when piling it on the so-called military bills.

I am not dodging the work nor dodging the issue, but just talking common sense; and frankly, I have not understood why it does not go that route. I just do not see yet—and I have raised this point more than once—why the Committee on Foreign Relations of the United States Senate, where the debate is going on, on this matter, has not taken up the matter in the form of a resolution, or in such form as they see fit, and given us a definite, concrete recommendation here in the form of some legislative proposal backed up with their opinions and consideration, and the testimony and the evidence. I just do not understand why that does not happen. This is not said critically of the committee, because obviously this is a problem of the Nation, and members of that committee have worked here on the flood. But as a Member of Congress and a Member of this body, I have expressed, as I said last year, a desire to have that committee pass on it, and the House Committee on Foreign Affairs, if they see fit.

So, Mr. President, at a later date I shall seek the privilege of speaking further on this subject. The Senator from Montana has spoken to me about agreeing to a time to vote on the amendment. I certainly do not want to delay a vote. I want those who want to speak to have an opportunity to do so. We have to know something about the prospects of attendance on certain days, and when I speak again on the bill, and I shall speak briefly, at that time I intend to say something especially about agreeing to a limitation of time and a vote on all the amendments. The committee will be ready, and, subject to information about attendance, we are ready to make agreements.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Vermont.

Mr. AIKEN. I hope an early determination can be made on this amendment, because we not only have to deal with the Asian Bank, the Inter-American Bank, the International Monetary Fund, and so forth, but the committee is now working on the foreign aid bill, and we have got to know where we are going and how long we are supposed to be going in that direction before we can really take these other matters up and work on them intelligently.

Mr. STENNIS. I can make this suggestion to the Senator: the way to control that is to take jurisdiction of this subject matter and hold hearings on the resolution as introduced by the Senator from Georgia, and then you can control when it comes up.

Mr. AIKEN. Well, if the Senator from Mississippi, the chairman of our Armed Services Committee, can only persuade the House of Representatives to act favorably on the Mansfield amendment and send it over here, I am sure the whole matter would be settled without much, if any, delay.

Mr. STENNIS. I thank the Senator. We will get to a vote on this matter, as far as I am concerned, very soon, and I hope it can be disposed of.

Mr. MANSFIELD. Mr. President, as always, the distinguished Senator from Vermont has hit the nail on the head. In emphasizing the part which the House of Representatives could, should, or might play, he approaches the nub of the situation which confronts the Senate.

May I say that I appreciate the courtesy and consideration shown by the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services and the manager of the bill now before us. May I say also that in my opinion nothing is more important than this amendment as far as the future of this country is concerned. I cannot think of the Senate voting on a more important issue than the one which hopefully will be before us in the next 2 or 3 days.

As the Senator from Mississippi has indicated, I did discuss with him the possibility of a time limitation on the amendment just offered, preferably tomorrow, Wednesday, or Thursday—even Friday. The day makes no difference to me. All I want is a vote, an expression of the sentiment of the Senate. I think this issue is so important that perhaps on this occasion a great majority of the Senators will be in attendance to face up to it, one way or the other.

As I say, there is no issue of greater importance. When we think of drug addiction in this country, what do we think of? Vietnam? Turkey? Not much. It comes from the golden triangle—northeast Burma, northeast Thailand, and the Kingdom of Laos. That is where nine-tenths of the white stuff comes from.

I do not have to talk to anybody in this country—certainly no one in this Chamber—to emphasize the effects of what drugs have done and will do to Americans, not only in Southeast Asia but in this Nation as well. We have the rise in crime, attributable in considerable degree to the rise in drug addiction. We have our ghettos in disrepair. We have the question of racial animosities in this country, in Vietnam, in Western Europe.

What this country is going to have to do is to get together to combat these difficulties. We are going to have to cut down on the spending and the waste and the adventurism which have marked our foreign policy since the end of the Second World War, under both Democratic and Republican administrations, and face up to the problems at home.

Maintaining troops or even maintaining bombers in Southeast Asia is not the answer. Nor, incidentally, is the maintaining of 525,000 U.S. military personnel and dependents in Western Europe the answer. Nor is the maintenance of approximately 2,000 bases, scattered throughout the world and encompassing every continent, the answer.

We know the kind of economic situation which confronts us today. We are in trouble, deep trouble. That, too, along with just about all other issues which confront us, can be traced indirectly or directly to Vietnam. It is a cancer on the soul and the body of America, and it will not be cured until the cause is removed and we withdraw—lock, stock, and barrel—not just from Vietnam but from Laos, Cambodia, and Thailand as well. That area is not and never has been vital to the security of this Republic.

The distinguished Senator from Mississippi said or suggested that the Gambrell-Talmadge resolution, which is the same as the resolution introduced today, should be referred to the Committee on Foreign Relations and that a report should be issued.

Mr. President, may I say that a report already has been issued. It has been issued by the Department of Defense and is contained in the figures, in the statistics in the casualties—the dead and wounded bodies, if you will—which are enumerated on a weekly basis to the American people but to which, unfortunately, too few people pay attention.

Here are the figures for Thursday last: 301,700 Americans wounded; 45,514 Americans dead in combat; 9,781 Americans noncombat dead; the dead total, 55,295. None of us can take solace in that figure, because those figures mean Americans, men of this Nation, mostly draftees, men who died in the prime of their lives and did not have a chance. Total casualties, 356,000 as of last Thursday—356,995; missing, 1,601; totally disabled, roughly 35,000 Americans.

What about the other combatants? South Vietnam, 138,001 dead. Other free world forces, 4,697 dead. North Vietnam and the Vietcong, 770,850 dead. Those total 913,548 dead. Regardless of the color of a man's skin, regardless of his cultural or social background, these men were men—animate, human, living, breathing beings.

Yes, we have permitted a great deal; so many Americans have been lost; so many Americans have been disabled; so much of the Nation's treasure has been spent. The figure 356,995 American casualties is 356,995 too many. The figure of $130 billion, roughly, spent in this war—and it will treble into the next century—is $130 billion too much.

The length of this war, almost 10 years—although we have been involved there for 17 years—makes it the longest war in the history of the Republic, and that is too long—much too long.

Yes, I agree with the distinguished senior Senator from Vermont (Mr. AIKEN). Insofar as our capacities will allow, we do have a duty and an obligation to participate in the reconstruction of what used to be one of the Associated States of Indochina, but which is now four separate entities. Reconstruction will only resurrect in part what has been destroyed in human spirit, what has been destroyed physically through napalming, defoliation, and ruthless destruction. There is a moral obligation to do what can be done to compensate. There was no moral obligation to become engaged in the war.

I want to say one thing in conclusion that I have said many times; in this I am in the great minority. It is my belief that the assassination of Ngo Dinh Diem in 1963 was a tragedy of the greatest magnitude, because Ngo Dinh Diem was an honest man, incorruptible, and he gave a measure of stability to South Vietnam. With his assassination—and evidently this Nation played a part in that tragedy—we found a succession of coups by the generals taking place.

Finally, 4 years ago, we saw an election which brought into office the present president and vice president. They were minority victors. Now we approach another election, 17 years after we became involved in Vietnam. What we have is not democracy but one man on the ticket and that one man is going to win.

I think there has been enough said and done about Vietnamization by this country. There has been enough American blood spilt. Yes, Mr. President, there has been enough South Vietnamese, North Vietnamese, Vietcong, Laotian, and Cambodian blood spilled.

The Senate, if it desires, can make a move which I think could help to shorten the war. It is a move which is well within the constitutional responsibilities of this body. It would call for a cease fire, it would call for negotiations, and it would call for the simultaneous withdrawal of U.S. personnel from Vietnam with the simultaneous release of U.S. prisoners of war and all recoverable of the missing in action.

We have to face up to this matter. We cannot avoid it. So far as I am concerned, it will be brought up again and again—and, if need be, again, and this year.

There is no more overriding issue. I want no more blood on my hands. I want to see these men brought home. I want to see, wherever possible, the MIA's recovered and the POW's released as soon as it can be done.

Thus, I would hope that it would be possible within the next 1, 2, or 3 days to reach a decision to vote on this.

So far as the Senator from Montana is concerned, there is not much that I can add to what I have already said. My time spent on this issue will be very brief.

What I want is a vote, and a vote in this body soon.

Mr. **FULBRIGHT.** Mr. President, I want to associate myself——

Mr. **STENNIS.** If the Senator will excuse me for asking the Senator from Arkansas to yield to me——

Mr. **FULBRIGHT.** Certainly. I yield, without losing my right to the floor.

Mr. **STENNIS.** Just this, Mr. President. The committee already has agreed to time on the amendment by the Senator from Missouri concerning the tank, for 3 hours. The Senator from Montana did not have in mind wanting a vote today, did he? Does the Senator wish a vote today on his amendment? I am not saying that I would agree——

Mr. **MANSFIELD.** Would the Senator from Mississippi agree to a vote on tomorrow?

Mr. **STENNIS.** I want to find out something about it first.

Mr. **MANSFIELD.** The same arguments would prevail today as tomorrow.

Mr. **STENNIS.** We will set something right away.

Mr. **MANSFIELD.** Fine.

Mr. **STENNIS.** But I will agree on this tank matter and any other so-called minor amendment that comes in. I do not know of any others. We are ready, Mr. President, on any other amendments that have been printed and are now at the desk.

I thank the Senator from Arkansas for yielding to me.

Mr. **FULBRIGHT.** Mr. President, I wish to associate myself with what the Senator from Montana has just said. He said it very eloquently. He has said it before. As he said, he may have to say it again and again. It needs to be said.

I understand that comment was made that on a bill of this kind an amendment of this kind is inappropriate, that it should be separately considered by the Committee on Foreign Relations. Of course, that committee has been deeply involved in various matters concerning the war in Vietnam for some 6 or 7 years now. I do not have the slightest doubt in my mind that a clear majority of members of the Foreign Relations Committee supports this amendment.

But even more important than that, the Senate itself has already passed on the issue which is involved in the amendment. It was passed just a short time ago. Therefore, I would think it wholly unnecessary, at this late date, to submit a measure of this kind to the Committee on Foreign Relations. We would merely be spinning our wheels. The Senate has spoken.

I congratulate the Senator from Montana for stating once again the basic reason why it is so important at this time for the Senate to make its decision, that it is time to bring this war to a close.

In that connection, I hold in my hand a résumé of American and South Vietnamese casualties. I am not going to repeat what the Senator from Montana has said, but in the latest list I notice, for this year, that while the Americans killed in action will be down from over 14,000 in 1968 to about 2,000 this year South Vietnamese casualties are likely to be higher this year than ever before.

The significant thing is that the killed in action of the South Vietnamese, for whom we are supposed to be fighting this war, is projected to be over 30,000, up from 27,900 in 1968. Thus we have an increase in the killed in action of the South Vietnamese.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of articles bearing on this question about the ending of the war in South Vietnam.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C.,
September 7, 1971.

Subject: KIA Reports (1965–1971)

	1965	1966	1967	1968	1969	1970	[1] 1971
United States	1,369	5,008	9,378	14,592	9,414	4,221	1,176
South Vietnam	11,243	11,953	12,716	27,915	21,833	23,346	16,255
Total	12,612	16,961	22,094	42,507	31,247	27,567	17,431

[1] Through July 17.

[From the New York Times, Sept. 27, 1971]

REVERSE PRESSURE IN SAIGON

Having refused to use the leverage of American aid to assure the South Vietnamese people a meaningful choice in their presidential election next Sunday, the United States is now employing that leverage bluntly to try to block the most likely alternate means for changing the leadership in Saigon. Administration officials passed the word to South Vietnamese generals that any coup d'état against President Nguyen Van Thieu would lead to the ending of American support.

The plain effect is to commit the United States to maintain President Thieu in power in Saigon, regardless of the wishes of the South Vietnamese people. This flies in the face of President Nixon's repeated pledge to guarantee to the South Vietnamese the right of self-determination. It is also a hazardous gamble that could bring disaster for both Presidents.

The rising clamor against President Thieu has already extended to the normally subservient national Senate, which has called for postponement of the elections, and to important elements of the Catholic community, also customary backers of the Government. Unrest throughout the country is on the rise, and it is questionable that any amount of American intervention can stem this tide.

In underwriting the Thieu regime, President Nixon inescapably identifies the United States Government with Mr. Thieu's policies. These include the "four no's," constantly emphasized by the Saigon leader during his one-man campaign—no coalition government, no neutralism, no Communist participation in politics, no loss of territory. In short, no peace.

Americans can find little hope in such policies of ever extricating themselves from the Vietnam tragedy. If the Administration refuses to withdraw United States support from the intransigent dictator in Saigon, then Congress must do so through speedy enactment of the withdrawal mandate which Senator Mansfield plans to reintroduce as an amendment to the military procurement bill this week.

[From the New York Times, Sept. 27, 1971]

THE NONWAR WAR

(By Herbert Mitgang)

The uncontested nonelection next Sunday for the South Vietnamese presidency has its counterpart in creative fantasy for over 200,000 Americans there: from the Delta to the DMZ and beyond they are shooting and being shot at in an unofficially undeclared nonwar.

The biggest public relations triumph of the Administration thus far is planting the impression that, like Pan Am's commercial, President Nixon is making the going great. He told Congress and the country this month about "our success in winding down the war" but, skeptical Senators and Vietnam-watchers say, he has only succeeding in winding down persistent opposition to the war.

This year the casualties and body counts have dropped sharply but the going is slow, costly, still perilous and pegged to politics. Senator Mansfield's original amendment to the draft-extension law calling for a nine-month troop withdrawal deadline was weakened into phrasing that is open-ended. The only "date certain" for withdrawal there is considered to be the '72 election here.

It was not Mao but Confucius who said that the best way to leave is simply by going through the door. But the revived fury of United States aerial strikes in the last fortnight indicates that our exit is through the bomb bays.

The air war is very costly in human and financial terms. A year ago about 5,000 American planes (1,000 fixed-wing and 4,000 helicopters) were operating over Indochina. There are still 3,500 American planes (500 fixed-wing, 3,000 helicopters) in action today. One and at times two aircraft carriers are in costal waters. Plane losses by hostile fire and accidents have been heavy: more than 3,300 fixed-wing and more than 4,500 helicopters in the war up to now.

Nor has the theater of combat been narrowed in this twilight time of disengagement. Five states are still directly involved. Thailand remains the base of operations for B–52 missions; Laos and Cambodia are regularly interdicted to hinder the enemy's supply system; North Vietnam above the demilitarized zone is photographed by reconnaissance planes and struck by fighter-bombers on "protective reaction" missions; South Vietnam is one big free-fire zone when required to bail out Saigon's soldiers.

In the semantic acrobatics of the Vietnam war, "protective reaction" strikes against antiaircraft emplacements and missile and fuel sites have been stressed. But far more dangerous in the future are the actions behind two less-familiar phrases: "pre-emptive attack" against troop infiltration on the trails and "ancillary effect" bombing—meaning, in support of South Vietnamese forces. When ARVN troops retreated from a Cambodian town a few months ago, under heavy United States air cover, Gen. Creighton Abrams remarked, "Dammit, they've got to learn they can't do it all with air. If they don't, it's all been in vain."

In this withdrawal phase of Vietnamization, American troops are supposed to be in a defensive posture. On-the-ground combat responsibilities now belong to the ARVN; it is their turn to search-and-destroy and carry the fight. But an Air Force colonel explains. "Consistent with this concept we support ARVN ground operations with air and artillery. Both B-52's and tactical fighter-bombers have been involved." In these operations the American Air Force's role is restricted to "air logistical support and close air support."

Translated into what has taken place this month alone, the clear implication of these terms seems to be that American "advisers" and fliers are very much part of offensive actions. They have been engaged in a two-front war in September: carrying South Vietnamese infantrymen into battle deep in the Mekong Delta 145 miles southwest of Saigon and backing them up with helicopter gunships; bombing in the southern panhandle of Laos in direct support of Royal Lao forces and C.I.A.-trained guerrilla battalions. Those activities hardly accord with the periodic announcements from Washington about "winding down the war" through Vietnamization.

It is difficult to predict what American casualties will be in the next twelve months of nonwar if no settlement is achieved in the Paris talks (and the Administration shows no eagerness to advance the prospect of a settlement there). The present rate of fewer than 100 killed a month is an encouraging drop but it could go up or down, depending not on American-originated actions but on the support given to sustain the governments of client states. The United States has become their hostages militarily.

The probability at this point is that the Air Force activity will be kept at a steady level. Two years ago there were 1,800 sorties (one aircraft on one mission) a month; currently the monthly rate is 1,000. It has gone up this month. The cost of one B-52 sortie in Southeast Asia today—for fuel and bombs alone—is between $35,000 and $45,000. Multiplied, this comes to more than $35 million a month.

Many moribund national programs—for education, housing, employment, parklands—could be revived by the hundreds of millions of dollars now falling out of the bomb bays on Southeast Asia. Perhaps a more meaningful local measure, even though Federal funds are not directly involved, is to compare just the financial costs of the B-52 bombings with what it would take to reopen the main branch of the New York Public Library evenings ($350,000), Saturdays ($350,000) and Sundays and holidays ($200,000) for a full year.

A few nonflying days, not to mention peace, would do it.

[From the Washington Post, Sept. 25, 1971]

WHILE LAIRD CRIES FOR SOLDIERS, VETERAN REENLISTMENT BARRED

(By Robert A. Dobkin)

While Secretary of Defense Melvin R. Laird was warning Congress of a serious military manpower crisis unless the draft was renewed, the Army was telling its recruiters to turn away veterans wanting to re-enlist.

". . . current re-enlistments of individuals on active duty are sufficient to maintain the career-content of the Army under its reduced structure. Thus, there is no present need for the enlistment of prior service personnel from the civilian community."

These were the instructions in a Sept. 14 letter from Maj. Gen. A. H. Smith of the Army's personnel office to the recruiting command at Ft. Monroe, Va. The orders then were passed on to recruiting offices across the country.

Four days earlier, Laird wrote Senate Armed Services Committee Chairman John C. Stennis (D-Miss.) urging immediate passage of the draft bill "in the interest of national security."

The bill renewing the draft for two years was approved by the Senate Tuesday and is awaiting President Nixon's signature.

"There may be some seeming inconsistencies," Pentagon spokesman Daniel Z. Henkin conceded yesterday, "as manpower needs of the Army and the other services are realigned in light of continuing withdrawals from Vietnam and manpower reductions directed by Congress."

The Army is budgeted to shrink to 892,000 men by June, down from its 1968 Vietnam war peak of 1.5 million.

Henkin said Laird, who has been pushing the administration's effort to find jobs for returning Vietnam veterans, was unaware of the recruiting order. There are currently, 310,000 Vietnam-era veterans between the ages of 20 to 29 unemployed, according to the Labor Department. As a group they have the second highest rate of unemployment, 8.2 per cent compared to the national rate of about 6 per cent.

Smith's Sept. 14 order applies only to veterans wanting to come back into the service and not to young men signing up for the first time. The Army figures it will need 20,000 new men a month if it is to end reliance on the draft and become an all-volunteer force by mid-1973.

"We still need people, there's no question about that," an Army spokesman said. "But we need enlistees for the combat arms otherwise we'll be top-heavy with sergeants and no privates."

Veterans coming back into the service—20,000 did last year—would retain their old rank. A man with two or three years prior service would in most cases be a sergeant E-4 or E-5.

There are two exceptions to the order barring veterans. The Army will take back men trained in any of 18 critical job skills, mostly in electronics, and those holding either of the three highest combat awards—the Silver Star, Distinguished Service Cross or Medal of Honor.

Mr. FULBRIGHT. Mr. President, we have been proceeding for about 2 years now on the assumption that the war was being wound down. It has been a long, drawn out affair. It is nearly 3 years now since the new administration came into being.

A meeting is being held this week in Washington of some of the leading financial experts from all over the free world, the non-Communist countries. They are concerned about matters of balance of trade, balance of payments so far as this country is concerned, and they have taken a firm and adamant attitude about what our allies and our friends in the non-Communist world have to do regarding assistance toward reestablishing our balance of payments in this country.

I notice in most of the discussions I have seen on television or before the Committee on Foreign Relations and other committees on this subject, that there is a tendency for the financial experts to overlook completely the cause of the financial and economic dislocations in this country. Unless questioned specifically, they will not mention the fact that the real and basic reason for the terrible economic dilemmas, and the difficult problems we face in this country, originate in the war and the military expenditures over the past 15 to 20 years, but especially in the past 6 to 8 years.

The other day, there was an open hearing before the Joint Economic Committee, chaired by the Senator from Wisconsin (Mr. PROXMIRE). The president of the National Association of Manufacturers, an intelligent and able businessman, was describing the effects of the economic difficulties we were facing but he never referred to the war as being one of the causes.

Mr. President, we had the same experience with Secretary Connally before the Foreign Relations Committee just 2 or 3 days ago. He never mentioned the war until asked if he did not believe that the war and the military expenditures accompanying it had contributed greatly to the economic difficulty of the country. Of course he did not admit that. He pleaded that that was not within his Treasury Department jurisdiction, that it was a matter of foreign policy, although I demurred to that and said that I thought it could not be disassociated and that he should interest himself in it. At any rate, those who are today struggling with our balance-of-payment difficulties probably will not attribute to the war in Vietnam and to the military expenditures of the country any relationship to the difficulty in our balance of payments.

When the Secretary of the Treasury appealed to our non-Communist allies and friends to support us, they intimated that our own practices have contributed to this—and they have to some extent. However, the real culprit in this matter is the war in Vietnam.

Many of our foreign friends did not approve the war and made it quite clear in the last several years that they did not approve of our war in Vietnam. I think it is very unbecoming to attribute a major cause of our difficulty to them, although some of them have engaged in practices which I think were discriminatory. I hope that they can be persuaded to change. I do not like the idea of attributing to them falsely and erroneously such things as their activities as being the major reason why we are in such great financial difficulty.

If we want to stop the war in Southeast Asia, as the Senator from Montana has proposed, we should withdraw our troops lock, stock, and barrel from a war that has accounted for some hundreds of thousands of Americans dead and and wounded and has also caused a drain of tens of billions of dollars on the American budget. If we include such a measure to provide for the withdrawal of our troops from Southeast Asia. I will certainly support it. And I hope that the Senate will support the amendment offered by the Senator from Montana.

ASSESSMENT NO. 438

Mr. President, I send an amendment to H.R. 8687 to the desk for printing.

The PRESIDING OFFICER. The amendment will be received and printed and will be on the desk; and without objection the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 16, line 11, after the quotation mark, strike out the word "On" and insert the following:

"Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress, on"

Mr. FULBRIGHT. Mr. President, on last Friday I asked unanimous consent that I be allowed to enter a motion to reconsider the vote by which the so-called Byrd amendment to the military procurement act was agreed to.

It was a very unusual procedural situation. Much to my surprise, the Parliamentarian ruled that even though the Senator from Mississippi (Mr. STENNIS) had moved to reconsider the vote—and this is on page S 14947 of the RECORD—and the Senator from Mississippi had then said:

> Mr. President, I withdraw my motion.

The Parliamentarian ruled that had been the equivalent of a motion having been put, because he said it required unanimous consent to withdraw it, that I was precluded from offering any motion to reconsider.

I personally think that is a ruling much against the interest of orderly procedure. It will be noted that the Senator from Mississippi did not ask unanimous consent to withdraw his motion.

The Senator from Mississippi said: "I withdraw my motion."

Then, subsequent to that, there being no objection, the Senator from Mississippi (Mr. STENNIS) said the second time, "I withdraw the motion."

The Senator from Mississippi did not ask unanimous consent, but the Presiding Officer said, "Without objection, the motion is withdrawn."

The way the matter was handled and the rapidity with which it was handled, I think, created the impression, if anyone noticed it at all, that it did not require unanimous consent to withdraw his motion. Just as an ordinary procedure here in offering a motion, Senators may withdraw it without having it consented to.

At any rate, I only explain this because it shows the necessity for the offering of a new amendment which has an effect similar to the McGee amendment. The McGee amendment struck this provision. All this does is, in order to change it a bit and also, I hope, to make it more palatable for some of those who would vote against the motion to strike the provision relating to Rhodesia, is to give the President the option to determine whether it is in the national interest or whether a treaty obligation requires him to abide by the embargo which was voted on and approved by the United Nations.

Mr. President, I remarked a moment ago about what seemed to me to be the unusual comment of the Senator from Mississippi when he said that the Mansfield amendment should be referred to the Foreign Relations Committee.

The Senator from Mississippi seemed to be very concerned at that time with the jurisdiction of the Foreign Relations Committee. Actually, the Byrd amendment to the bill which had been passed upon by his committee had as its main thrust an amendment to the United Nations Participation Act which would undermine the United Nations.

The amendment was put in the procurement bill by the Armed Services Committee after it had been submitted to the Foreign Relations Committee, and the Foreign Relations Committee—after hearings—rejected it, declined to act upon it, or tabled it, if we like to put it that way. However, as a procedural matter, in that case the Foreign Relations Committee did disapprove of it. Yet the Committee on Armed Services proceeded to consider this same amendment and agreed to it.

Then on the floor of the Senate there was exhibited this irresistable power to dominate the Senate by rejecting the McGee amendment by a vote of 46 to 36, I believe.

It does not come as any news that the Armed Services Committee is a very powerful and distinguished committee and is under the bureaucratic influence of the Pentagon when it comes to voting on the floor of the Senate on those bills. However, I think it comes not very graciously for the Senator from Mississippi to suggest that the Senator from Montana is out of order in offering an amendment to end the war which has already been voted on by the Senate and at the same time proceeding to agree to an amendment, the primary thrust of which is to undermine the United Nations and say with respect to the embargo that the United Nations voted to support, that the United States unilaterally would no longer abide by the embargo authorized by the United Nations Charter.

That is, in effect, what it says. I will not at this time repeat the argument in favor of the McGee amendment. However, I will at the time the amendment is before the Senate.

I think the Senator from Wyoming and others who participated in the debate on this amendment a few days ago discussed the basic factors which demonstrated that this matter concerning the purchase of chrome from Rhodesia is of little if any significance with regard to our national security.

The amount of chrome in our stockpile is far more than we need; as a matter of fact, it has been found specifically to be far in excess of our needs, so that their is no real urgency or any need for this chrome at the present time.

The effect of the amendment of the Senator from Virginia is simply to undermine and show further a lack of confidence in the United Nations. It could not come at a worse time since the United Nations is just opening and the General Assembly is just meeting. Great problems are involved. The admission of Mainland China will be taken up for action in the near future, and our representatives are doing all they can to get support for the position of this country.

I think to take this action and to have it widely advertised in the press that Congress has shown a lack of interest and confidence in the United Nations and lack of support for the embargo on Rhodesia would be a most unfortunate development at this time.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I address myself to the pending question, which includes consideration of the amendment just offered by the distinguished chairman of the Committee on Foreign Relations.

Mr. President, I am rather amused that the Senator from Arkansas (Mr. FULBRIGHT), who has been perhaps the foremost advocate—at least I thought he was—of trying to have the Senate take back some of the power it has given to the President over the years, now present, an amendment, which, to use the Senator's words, leaves the options with the President on a vitally important matter——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield for a question.

Mr. FULBRIGHT. I would like to say I did not choose—this was not my first choice, as a procedure. As the Senator knows, I asked simply to reconsider the vote. I would have preferred that procedure, but as an alternative this was the best I could come up with. This is not my first choice, as the Senator knows.

Mr. BYRD of Virginia. I would hope the Senator would vote against his own amendment because it goes completely contrary to all the arguments he has made on the floor of the Senate, going back to 1966.

I do not know how many times I have had the privilege and pleasure of hearing the distinguished and able Senator from Arkansas argue before the Senate that the President of the United States, whether it be Mr. Johnson or Mr. Nixon, has too much power, that the Senate has given away too much power. I agree with him on both of those matters.

Mr. FULBRIGHT. I still think so.

Mr. BYRD of Virginia. I agree with him on those matters, and now he comes in, and I find this whole matter very interesting and amusing.

I have another matter in that regard I want to comment on in a moment. But first, the Senator from Arkansas is proposing an amendment to give additional power to the President. My goodness gracious, Mr. President. My goodness gracious. This is an interesting situation; almost as interesting, not quite but almost as interesting, as the Senator from Arkansas becoming the new quarterback for the administration in regard to a military procurement matter.

I say that because this past Friday on the floor of the Senate the distinguished and able chairman of the Committee on Foreign Relations said that he wanted to move to reconsider the vote in section 503 of the military procurement bill as an effort to help the administration, which does not favor the amendment, which the Senate approved by a vote of 46 to 36 last Friday.

I thought the administration had a very effective team here in the Senate in handling military matters and in handling national defense matters.

I was under the impression that the quarterbacks for this team were the able and dedicated Senator from Maine, Senator MARGARET CHASE SMITH, and the able and dedicated Senator from Mississippi, Senator JOHN STENNIS.

But it appears now that a new quarterback has been brought in, one from the opposing team, to do the quarterbacking on this proposal which was approved in the Committee on Armed Services by every single Republican member of that committee and by a majority of the Democratic members.

So I think it is a very interesting turn of events which we see, very interesting and to me very amusing. But so far as the Senator from Virginia is concerned, I am glad that the Senator from Arkansas is pursuing this question.

Now, what does section 503 do? Section 503 eliminates the dependency of the United States on Communist Russia for a vital defense materiel, namely, chrome. The more the people can understand this, the more the people know about this matter, the more likely I think the people will be to see the logic of what the Committee on Armed Services in the Senate did and what the Senate itself did by a vote of 46 to 36 last Thursday.

Mr. President, chrome is a vital defense materiel. It is essential for the construction of nuclear submarines, for aircraft, and many items of a defense nature.

The greatest source of chrome is Rhodesia. But by unilateral action of a President, President Johnson, taken some years ago, the United States cannot buy chrome from Rhodesia; the United States is not permitted to trade with Rhodesia. As a result of that, the United States is dependent upon Communist Russia for 60 percent of its chrome needs.

Mr. President, another interesting aspect of the Senator from Arkansas becoming the quarterback for the administration on this matter is that the State of Pennsylvania; represented by the distinguished minority leader, the Republican leader in the Senate, is being badly hurt by this embargo on chrome.

So I would hope and assume that the distinguished and able Republican leader (Mr. SCOTT) of Pennsylvania, will be working side by side with Senator SCHWEIKER of Pennsylvania, and with the great majority of the members of the Committee on Armed Services in support of section 503.

You see, Mr. President, if section 503 is not approved, the director of district 19 of the United Steelworkers of America in a telegram to me last week said this:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. If favorable disposition of the Byrd proposal is not obtained, there will be no specialty steel industry in Pennsylvania or in the United States.

Mr. President, there is a question of jobs. One of the great problems facing this Nation today is unemployment, the need for jobs. Here is an opportunity to strike a blow for jobs——

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. And to approve this proposal.

I shall yield in just a moment.

I do not pretend to know the details of the specialty steel industry in Pennsylvania. I do not have the responsibility of representing Pennsylvania. But I accept the statement of the representative of district 19 of the United Steelworkers of America which says that this industry will be put out of business, which means that black and white workers in that industry will be put out of jobs, if the proposal approved by the Senate itself last week is not continued to enactment.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. The Senator has stated that certain Republican Members of the Senate have voted in support of this section. Is it not a fact that the administration does not agree with the Senator from Virginia's view on this?

Mr. BYRD of Virginia. Whom does he speak of as the administration?

Mr. FULBRIGHT. The President and the Secretary of State.

Mr. BYRD of Virginia. The President has not taken me into his confidence. I realize that he takes the Senator from Arkansas into his confidence at times, but he has not taken the Senator from Virginia into his confidence on this particular matter.

Mr. FULBRIGHT. With regard to jobs, the other day the big argument was that this amendment was necessary in the interest of national security.

Mr. BYRD of Virginia. That is right. This is another reason—an additional reason—for section 503.

Mr. FULBRIGHT. Is it not true that in the stockpile of the United States there are over 500 million tons of chrome?

Mr. BYRD of Virginia. The purpose of the stockpile is to protect the United States Government over a period of time in this strategic material, just as in many other strategic materials.

Mr. FULBRIGHT. Is it not true that the agency in control of the stockpile stated that we have in excess of our requirements 1,300,000 tons of chrome? Is that not a fact?

Mr. BYRD of Virginia. I am not certain of the figure, but the agency has recommended that a certain amount of it be released from the stockpile, but the stockpiling subcommittee headed by the able distinguished Senator from Nevada (Mr. CANNON) has not agreed with that.

Mr. FULBRIGHT. That is another matter. The Armed Services Committee is more partial in its attitude even than the Pentagon, but the agency recommended that, and it was in the debate, and it was not challenged. The Senator from Wyoming has sponsored repeal of the chrome amendment, stating that 1,300,000 tons have been determined by the agency, not by the committee, to be in excess of the stockpiling needs, in other words, beyond normal needs.

Mr. BYRD of Virginia. That does not solve the basic problem that the United States, over a period of time, must have a source of chrome from a free world country. Its chief source of chrome now is a Communist country.

Mr. FULBRIGHT. There are other sources. Turkey and the Philippines are sources. It is true that before there was any embargo or before the Rhodesian question came up we were buying chrome from Russia because it was the most economical place to buy it.

Mr. BYRD of Virginia. I will read the figures on that.

Mr. FULBRIGHT. They are in the RECORD.

Mr. BYRD of Virginia. I will read the figures into the RECORD at this point.

In 1960, the United States obtained 1 percent of its chrome from Communist Russia.

The Senator mentioned Turkey. I will give the figures on the reserves, because I think it is important that these figures be brought out.

Of the chromium reserves of the world, high grade chromite, the Republic of South Africa has 22.5 percent. Rhodesia has 67.4 percent. The Senator mentioned Turkey. Turkey has only 2 percent. The United States has less than 1 percent, practically nothing. The Senator mentioned the Philippines. The Philippines have less than 1 percent of the world reserves. The U.S.S.R. has 5.6 percent. Other nations, 1.8 percent.

So, as a practical matter, only the Republic of South Africa, Rhodesia, and Russia are the countries that, as a practical matter, have any chrome and they are the only countries from which chrome can be obtained. So, I think it is important to keep that in mind.

The reserves figures show that the United States has been and is now cut off from the one country that has chromium reserves totaling two-thirds of all the known reserves of chromium in the world.

That is why it is vitally important that the United States be in a position, not just for a short period of time, not just for this year or next year, to obtain reserves from a free world country.

If the Senator from Arkansas wishes to challenge the next statement I am going to make, it is certainly his privilege, but I would think most of us in the Senate, and most of the American people, and most of the Members of Congress feel that the most likely potential aggressor against which the United States needs to arm itself is Communist Russia. If there were no potential threat from Communist Russia, then I see no reason to pass these big military appropriation bills, totaling billions and billions and billions of dollars.

But, of course, most people feel there is a potential threat there. All of us hope that threat will not be realized, but most of us feel that the United States cannot rely on Russia's intentions.

We must be aware of her capabilities and we must have a strong defense. We must have adequate military equipment, such as the pending bill provides for, to protect the United States in the event that Communist Russia should become an aggressor. We must remember Berlin and Cuba and Czechoslovakia.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator.

Mr. FULBRIGHT. I would say I do not agree with the Senator. I do not think the Russians are planning to attack us. I think, on the contrary——

Mr. BYRD of Virginia. The Senator from Virginia did not say the Russians plan to attack us. I want to make that clear. The Senator from Virginia did not say what the Senator from Arkansas imputes to him.

Mr. FULBRIGHT. He inferred it. He did not say it.

Mr. BYRD of Virginia. Let the Senator state what the Senator from Virginia said.

Mr. FULBRIGHT. I understood what the Senator said.

Mr. BYRD of Virginia. Apparently he did not. The Senator from Virginia said if there were not the possibility of aggressive intentions on the part of the Soviet Union, there would be no real need for these bills.

Mr. FULBRIGHT. I submit to the Senator that we do not deal in possibilities, we deal in probabilities, when we try to evaluate our foreign policy, and there is no probability, in my opinion. The Russians know what nuclear weapons are. They know how many we have. They are less likely to do it than anyone else because they know the consequences. Some uninformed country might do it. The fact is that we have had two world wars in which this country has been involved, and in neither case were the Russians the aggressors. I do not know why the Senator wants to emphasize the cold war. As a matter of fact, we are at war today, not with Russia, but with a small Southeast Asia country called North Vietnam.

Mr. BYRD of Virginia. The Senator from Arkansas and the Senator from Virginia are in fundamental disagreement. I do not trust the Russians.

Mr. FULBRIGHT. I know the Senator does not.

Mr. BYRD of Virginia. The Senator from Arkansas does.

Mr. FULBRIGHT. The Senator is quite entitled to his attitude. It is not a question of trust. We are dealing in probabilities, as to what is a wise policy.

Let me ask the Senator one other thing. He voted, I believe, to report the pending bill to the Senate from the Committee on Armed Services, did he not?

Mr. BYRD of Virginia. That is correct.

Mr. FULBRIGHT. And he has made a great deal of to-do and a great deal of fun of the provision I added to this amendment; but did the Senator not vote for the provision in title V which reads as follows:

> On such terms and conditions as the Secretary of Defense may determine.

In other words, the Senator says he is in agreement with my views about questionable delegation of power to the President, and I am glad he is. I have said before and I still think we in Congress have gone much too far in our delegation of power, and I would not have chosen to take the route I have if the Senator or one of his supporters had not objected to reconsidering the previous motion.

This does occur, and I do not apologize for that. This is a very minor delegation, and is not any consequence as far as the overall idea of restricting the untrammeled power, I may say, of the executive branch, especially in the field of foreign policy, is concerned.

Mr. BYRD of Virginia. The Senator is advocating giving the executive greater power.

Mr. FULBRIGHT. I happen to know, or I think I know for sure, that the administration does not approve of the Senator's move, and in view of the administration's efforts to make an agreement with Russia on arms limitations—the SALT talks where we have invested over 2 years of effort, and in view of the United Nations meeting now, which this amendment is directed at, I think it would be a tragedy to put obstacles in the way of the President to success at the SALT talks, if he possibly can attain it. The possibility of agreement is there, even though the probabilities are not too good, except that we are all hopeful. But I think it would be too bad, in the midst of efforts by this administration to reach some kind of a reasonable detente or reasonable understanding with the Russians about this idiotic arms race, to continue to say, "We think you are going to attack us; you are the only one who possibly might attack us." I just do not want to be a party to that, and I hope the Senate will not give its approval to expressions of this kind, because the only hope of prolonged peace is to make some kind of an accommodation of a reasonable kind with the Russians, and also to strengthen the United Nations.

I think the Senator's amendment undermines both of those efforts, and I believe, on reconsideration, that the Senate will see the wisdom of that course, and will reverse the action it took the other day by adopting this committee amendment.

Mr. BYRD of Virginia. What the Senator from Arkansas seeks to do—and he has a right to do it—is say that in this particular case we do not want Congress to speak, we want to turn that over to the President, to do whatever he wants to do with it.

That is completely contrary to everything the Senator from Arkansas has been arguing for the last 5 or 6 years. It seems to me to be a complete aboutface from everything he has been arguing for.

I supported the very fine resolution which the Senator from Arkansas proposed in this body a year or two ago. I may have been a cosponsor, I do not recollect. But in any case, I voted for it, I favored it, and I spoke in behalf of it, trying to get the Congress of the United States to stop giving away power to the President.

We have given too much power to the President, and the Senator from Arkansas agrees with that, except that when Congress will not do what he wants them to do, he then wants to reverse himself and say, "In this case, we want to turn it over to the President, because the President wants to do what I want to do."

That is one way of looking at it. But I do not think it is a very consistent, or logical, or desirable way to look at it. I say I am glad this amendment——

Mr. FULBRIGHT. Then why did the Senator agree to this provision to turn over $2.5 billion to the Secretary of Defense, to do as he wants?

This chrome amendment is, after all, a relatively insignificant matter; but in the case of giving $2.5 billion to the Secretary of Defense—who, after all, is the President's appointee, and it is equivalent to giving it to the President—the Senator is agreeable to saying, "Here is $2.5 billion, to do with what you please."

I regret this type of delegation, but——

Mr. BYRD of Virginia. I do not think the Senator from Arkansas wants the U.S. Senate to attempt to fight the war in Vietnam.

Mr. FULBRIGHT. No; I want to end it everywhere I can.

Mr. BYRD of Virginia. This permits the Secretary of Defense to make the military decisions necessary to end the war. That is entirely different from the proposal the Senator is making. Entirely different.

If the Senator from Arkansas wants to give more power to the President in regard to letting the President make vital defense and foreign policy decisions instead of Congress making them, that is all right. I just do not happen to agree. I do not see why Congress cannot stand on its own feet and say, "This is what we think. This is what we think ought to be done."

That is what the Senator from Arkansas has been arguing for over 5 years; but now the Senator from Arkansas says: "Congress disagrees with me, but the President will agree with me; therefore, I want to give him authority to make this decision, rather than the Senate and the House of Representatives making the decision."

As I say, it is an approach—an approach that Congress has used time and time again. I submit that because of that approach, this country is in the worst mess and the worst condition it has been in the history of the Republic, probably. The Senate has continued to give away power. We have continued to refuse to face the facts here on the floor of the Senate—and the Senator from Arkansas proposes legislation to continue such a policy.

Last week the Senate did face the facts on this issue, for the first time in the 5 or 6 years that the embargo has existed on trade with Rhodesia. Last Thursday was the first time there has been any vote in Congress on the matter.

The trade embargo was done unilaterally, by one man, the President of the United States, President Johnson. Congress never had an opportunity to pass on it until last Thursday. There was no vote on any aspect of it.

Last Thursday, the Senate spoke, loud and clear. The Senate said:

> We do not want the United States to be dependent on Communist Russia for a vital war material.

I have no quarrel with those who take a different view, but it seems to me that is a logical view. Every single Republican member of the Committee on Armed Services thought that was a logical view, and supported that position. A majority of the Democrats on the committee took that position, and the vote in the Senate itself supporting that position was 46 to 36.

Mr. President, national defense is the most important issue involved here, but there is also the question of jobs.

As I mentioned earlier, the Senator from Virginia does not have the responsibility of representing the great State of Pennsylvania, but I am going to fight together with the Pennsylvania Senators to try to protect the jobs of steelworkers who are losing their jobs, because of this very foolish policy of embargoing trade with a friendly country, a small landlocked country in Africa.

I want to read into the RECORD again a telegram from William J. Hart, director, District 19, United Steelworkers of America. I shall read only a couple of sentences, and then I ask unanimous consent that the text of the telegram be printed in the RECORD.

Mr. Hart, in his telegram, states:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry . . . if the Pennsylvania specialty steel companies do not receive favorable disposition of the Byrd bill. . . . there will be no specialty steel industry in Pennsylvania or the United States.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TARENTUM, PA.,
September 22, 1971.

Hon. HARRY F. BYRD, Jr.,
Old Senate Office Building,
Washington, DC.:

I was in attendance on July 8, 1971, when Allegheny Ludlum Industries Inc. vice president E. F. (Andy) Andrews appeared before the African Affairs Subcommittee of the Foreign Relations Committee of the United States Senate in Washington, D.C. I fully endorse the position taken by Mr. Andrews. I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. As you know Western Pennsylvania is the specialty steel capital of the world and if the Pennsylvania specialty steel companies do not receive favorable disposition to the Byrd bill section 503 of H.R. 8687 or S. 1404, there will be no specialty steel industry in Pennsylvania or the United States. As a member of the executive board of the United Steelworkers of America I wish to be recorded as in favor of the Byrd bill Section 503 of H.R. 8687 or S. 1404 and I would appreciate any assistance you can render on this important subject.

Sincerely,

WILLIAM J. HART,
Director, District 19, United Steelworkers of America.

Mr. BYRD of Virginia. What is going to happen to those people? They will be put out of work. I thought we wanted to be putting people to work in this country.

Of course, I know a great big welfare bill has been presented, to put people on welfare.

But I submit, Mr. President, that while I do not know the steelworkers of Pennsylvania, I feel that they are very similar to the factory workers of Virginia, the coal miners of Virginia, and the other working people in Virginia, in that they want a job; they want an opportunity for a job, to support themselves, to support their families. They do not want to go on welfare. They want the opportunity for a job.

Yet, by the very foolish unilateral action of our Government—never submitted to Congress, never approved by Congress—those jobs are being destroyed; especially the specialty steel industry in Pennsylvania is being destroyed.

So I hope that those of us in the committee and the 46 Senators who voted as they did last Thursday will have the support of the Republican leader of the Senate, the distinguished senior Senator from Pennsylvania (Mr. SCOTT), in this fight. I will fight alongside him, just as I have been fighting alongside the junior Senator from Pennsylvania (Mr. SCHWEIKER), to protect the jobs of those people in the steel industry of that great Commonwealth.

Mr. President, I am glad the Senator from Arkansas has opened this question again, although, of course, it takes the time of the Senate, and the Senate already has voted on it.

I am glad he has opened the question again, because I think the more the American people can know about this proposal, the better off every one will be.

I plan to discuss it each day, to do what little one Senator can do to bring out the facts, to develop information on this embargo on trade with Rhodesia.

I say again that I think it is very amusing that the chairman of the Foreign Relations Committee, who has never been known particularly as a supporter of the administration, now comes in here and suggests that he will be the quarterback for the team in this vital military procurement matter.

As I mentioned earlier, I think that this team has two good quarterbacks in the Senator from Maine (Mrs. SMITH) and the Senator from Mississippi (Mr. STENNIS). Certainly, the team of Senator SMITH and Senator STENNIS has been most effective for the administration.

Does the administration want the distinguished and able chairman of the Committee on Foreign Relations to handle all aspects of this bill? He is against most of it. Or does the administration want him to handle only one aspect of it?

What I find very amusing, also, is that the man who more than any other Member of the Senate has been condemning the giving of more power to the President has now submitted an amendment to this bill which would give the President the option of doing whatever he wanted to do in regard to the vital defense matter of the importation of chrome.

I have heard dozens and dozens, perhaps hundreds, of speeches—and all of them were good—by the eloquent and distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT). But I must say that I did not think the day would come when he would submit an amendment which would turn over more power to the President.

I disagree fundamentally with the Senator from Arkansas as to the giving of additional power to the President. I have agreed with him in the past. I signed his resolution urging the Senate not to give more power to the President. I favored his resolution. I think I signed it. In any case, I voted for it. I am in favor of it. I advocated it. I have spoken in behalf of it. That resolution, in effect, urged Congress to assume its own prerogatives and its own responsibilities and to stop giving more power to the President.

Now the Senator from Arkansas comes in today with an amendment to do just that, because he does not want to tackle the problem head on.

It seems to me that this is a matter on which the Senate should express itself. I do not care how any Senator votes. Each Senator has his own ideas, his own views, his own philosophy, and his own reasoning. All Members of the Senate are sincere and conscientious in what they are doing. I have no quarrel with how any Senator votes, but I do not want to give more power to the President.

I am not speaking of President Nixon. I spoke the same way when Lyndon Johnson was President. I will speak the same way 2 years from now, regardless of who is President—even 4 years from now or any other length of time.

I think we ought to have three coequal branches of Government—the executive branch, the legislative branch, and the judicial branch. I submit that the executive branch has assumed power to which it is not entitled. In addition, the legislative branch has given to the executive branch, voluntarily, more and more power.

Here we are with our champion, the Senator from Arkansas, the man who has been championing the cause of not giving more power to the President, and he comes in today with an amendment to give the President more power.

Of course, the reason he is doing that—he has not changed his fundamental philosophy, I feel certain—is that on this particular issue he thinks the Senate and the House of Representatives will not agree with him. That being the case, he is willing to turn it over to the President and let the President do what he feels the President will do in conformity with the views of the Senator from Arkansas.

I submit that that is why, as I visualize it, the President has received so much power—because for special personal reasons Senators say, "We'll turn it over to the President. We'll let the President do it. We'll give him the option. We'll give him the power."

In a way it is amusing, but in another way it is sad. How do we know whose leadership to follow, if the leader is going to shift and go in the opposite direction just because it happens to be a pet proposal of his that the President will approve and Congress will not approve?

Mr. President, I will discuss this matter in more detail at a later date. I just want to point out to the Senate that if it follows the proposal submitted by the distinguished and able chairman of the Foreign Relations Committee, to turn over to the President this question, we will be reversing and nullifying a great deal of the good which I think has been accomplished in the past 2 or 3 years, in trying to bring back to the Senate and to the elected representatives of the people the power and the responsibilities which justly belong in the House of Representatives and the Senate.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the distinguished Senator from Virginia (Mr. BYRD) has been recognized tomorrow, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Texas (Mr. BENTSEN) and the remarks of the Senator from Indiana (Mr. HARTKE) tomorrow, there be a period for the transaction of routine morning business not to exceed 15 minutes, with a time limitation of 3 minutes attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. CANNON. Mr. President, I wonder whether I might ask the distinguished majority leader if he has any idea when some of these amendments will be called up for action, or is that still unsettled?

Mr. MANSFIELD. No. It is settled, so far as today is concerned, because we spent several days last week trying to get some amendments slated for floor action today but, unfortunately, we were not successful. So all we will have today is discussion, unless someone incidentally brings up an amendment, which would be quite all right with the joint leadership. We hope that shortly after we come in tomorrow, when morning business has been concluded and the morning hour finished, we may have an amendment down at that time, either the Nelson amendment, the Eagleton amendment or some other amendment. So we will have votes beginning tomorrow but, unfortunately, because of circumstances over which the joint leadership had no control, not today.

Mr. CANNON. I thank the distinguished majority leader.

Mr. GOLDWATER. Mr. President, could I ask the distinguished majority leader when he intends to call up his amendment.

Mr. MANSFIELD. I have stated to the distinguished Senator from Mississippi, the chairman of the committee and the manager of the bill, that I would be open to a suggestion for a time limitation. He indicated interest and I would hope, therefore, that we could probably come to a vote on the amendment introduced today on tomorrow or Thursday. There will be other amendments in between.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 27, 1971, he presented to the President of the United States the enrolled bill (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorizea personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. CANNON. Mr. President, today I wish to present a report on the findings and recommendations of the ad hoc Subcommittee on Tactical Air Power, as they were approved by the full Committee on Armed Services. The chairman, the distinguished Senator from Mississippi (Mr. STENNIS), asked that I head this special subcommittee again this year, the third year that we have made a special review of tactical air programs in conjunction with the full committee's work on the Department of Defense authorization bill.

I wish to take this opportunity to thank the other members who served on this subcommittee, Senators SYMINGTON, JACKSON, HUGHES, THURMOND, TOWER, and GOLDWATER, for their individual contributions to the hearings and to the discussions of our recommendations on the individual programs. Their work was essential and invaluable to the functioning of the subcommittee.

Before discussing our specific recommendations, I would like to give a brief summary of the scope of our hearings this year and a short overview of the tactical air force structure of the services as it was brought out in our hearings.

The subcommittee reviewed a total of 24 separate weapons programs, 13 tactical aircraft and 11 air-to-air and air-to-ground missile programs. The following programs were reviewed by the subcommittee: Air Force aircraft—the F-15, A-7D, AX, F-5E, and F-111; Navy aircraft—the F-14, A-6E, EA-6B, A-7E, and E2C; Marine aircraft—the AV-8A Harrier; Army aircraft—the AH-56 Cheyenne and AH-1 Cobra/TOW; Air Force missiles—the Maverick, Shrike, and Sidewinder; Navy missiles—the Condor, Phoenix, Agile, Sparrow, Sidewinder, and Shrike; Marine missiles—the Bulldog; and Army missiles—the Dragon.

These accounted for most of the tactical air programs included in the budget request, and we did include all programs where initial production was requested or where major funding increases were being called for. The dollar value of the programs which were reviewed totaled $3.302 billion, with $2.899 billion requested for aircraft and $403 million requested for missiles. The subcommittee held hearings on 11 days, between March 8, 1971, and May 5, 1971. Two hearings were held on the F-14 program and two on the F-111 program because of the special emphasis and significant funding attached to these aircraft.

The transcript of the hearings on six of the aircraft programs was published in part V of the full committee hearings. The record published was for the F-14, F-15, F-111, AX, Harrier, and Cheyenne. The subcommittee felt that these covered the programs of major interest and with the most significant funding requirements. The AX, Harrier, and Cheyenne programs, of course, are those with implications for the future forces devoted to close air support.

TACTICAL FORCE STRUCTURE REVIEW

The subcommittee requested the services to present an overview of their tactical force structures, both now and for the next 5 years, in order to provide a perspective from which the fiscal year 1972 programs could be reviewed. This review of the force structure was most helpful to the subcommittee, and I would like to summarize the broad aspects of it at this time.

The dominant impression gained is that the number of tactical air wings in the Air Force and Navy is declining quite markedly. The Air Force has lost two wings since last year, dropping from 23 to 21 wings. This happened primarily because of the phaseout of the old F-100 from active squadrons to the Air National Guard. The F-105's are on their way out and will be deactivated soon. Partially taking the place of these older attack aircraft are the F-111's and A-7's now coming into the Air Force inventory. The F-111's will perform the long-range heavy attack strike missions of the F-105, while the A-7's will replace the F-100's in light attack roles of close air support and interdiction. In the air superiority mission, the Air Force must rely on the F-4 until the F-15 begins to enter the inventory in the mid-1970's. Thus, in summary, we do see a needed modernization taking place in the Air Force's aircraft at the same time that we see an overall decline in the number of active squadrons. I should add that this decline appears to be caused by budgetary considerations rather than a decline in the threat that faces us.

The Navy, similarly, is experiencing a decline in the number of active fighter and attack aircraft. The number of fighter and attack squadrons has decreased by 30 percent since 1964, from 84 to 60 squadrons. It has decreased by 10 squadrons in the last year. Marine Corps air strength, on the other hand, has remained relatively stable and has even gained slightly during the last 3 to 4 years. The Navy has a deficit this year of eight squadrons needed to fill the decks of the 13 carriers they presently are authorized.

Navy force modernization is taking place very slowly in this year's budget. Small buys of A–6E night and all-weather heavy attack and F–7E close support and interdiction light attack aircraft are included. The F–14 program absorbs roughly half of the Navy's tactical aircraft budget and is to improve the air superiority capability of the fleet. Much of the Navy's force modernization budget is going into supporting tactical aircraft, that is, into airborne radar warning in the E–2C and into tactical ECM jamming in the EA–6B. The Harrier buy for the Marine adds to their close support capability.

In the next 5 years, the principal additions to the Air Force's tactical force structure will be F–15's and AX's. These will complement the F–111's and A–7D's already procured, and the early models of the F–4's will begin phasing out of the inventory. The force mix that the Air Force is building towards in the next 5 years thus will be made up of, fighters: F–15 and F–4; and attack: F–111, A–7D, and AX. The two new additions, as a result of current research and development expenditures, will be the F–15 and AX.

The Navy's force structure will not change markedly by type in the next 5 years, except that F–14's will begin replacing F–4's. The A–6A heavy attack aircraft will be modernized to the A–6E version, which is only a change to more modern solid state electronics. The A–7A's and B's will be replaced by A–7E's, which again is an avionics improvement plus a more powerful engine. Similarly, E–2C's will replace earlier versions of the radar warning E–2A and B, and EA–6B's will replace EA–6A's. Both of these programs represent new avionics. The most notable point about Navy tactical air is the paucity of new development effort. The only new tactical combat aircraft currently in R. & D. is the F–14. Navy emphasis apparently is on force modernization rather than new development.

EFFECTS OF BUDGETARY CONSTRAINTS ON UNIT COSTS

When we look at the total numbers of tactical aircraft in the fiscal year 1972 procurement plans for the Air Force and Navy, we see not only extremely limited totals but also very small quantities of each individual type being procured, with the one exception of the A–7D buy of 97 aircraft for the Air Force. Producing aircraft at a low production rate, one, two, or three a month, is very uneconomical and results in high unit prices because the manufacturer's fixed overhead costs are spread over a small number of units. This is one reason that we see what looks like overly high unit costs for the tactical aircraft that are in this year's procurement.

I would also add that this effect is caused in large measure by our present budgetary constraints. As the percentage of our gross national product, and of our total government spending that we allocate to our defense continues to decline, the numbers of aircraft procured also will decline, and their unit costs will increase due to the proportionately higher overhead burden each plane must share. This certainly is one contributing factor to the higher unit costs we are paying for tactical aircraft. As long as we keep our defense spending at the relatively low current levels, we will have this deleterious effect on unit costs. For instance, this year we are allocating 6.8 percent of our GNP to defense, which is the lowest percentage since the pre-Korean war era.

SUMMARY OF TACTICAL AIRCRAFT PROGRAMS

I would like now to summarize briefly the programs reviewed by the subcommittee with their authorization as recommended by the subcommittee and reported out by the Armed Services Committee. I then will speak at greater length on the programs with the highest funding requests and consequently greater interest.

The Army aircraft were the AH–56 Cheyenne and the AH–1 Cobra/Tow. The Army request for $13.2 million for the advanced production engineering on the Cheyenne was denied. The Army request for $6.8 million to complete development and begin modification of Cobra gunships with the Tow missile was approved. The $13.2 million would have been used to do work preliminary to a full production go-ahead that would shorten the leadtime between start of production and delivery of the first aircraft. Tasks such as review of old Cheyenne engineering drawings and identification of the usable inventory from the earlier Cheyenne production contract would have been included. Because of a Department of Defense recommendation for operational testing before making a production decision, plus the need for more development work on the rotor control system, the subcommittee believed that this advanced production engineering effort was not needed this year. The subcommittee and full committee did endorse completing Cheyenne development at the earliest practical time. Accordingly, the full Armed Services Committee approved a Defense Department reprograming of $44.3 million of earlier Cheyenne production funds over to the Cheyenne R. & D. account.

Navy aircraft programs that we reviewed and approved included the A–6E heavy attack all weather bomber, 12 aircraft and $102.3 million; the E–2C radar warning and control plane, 11 aircraft and $304.8 million; the A–7E light attack airplane for close air support and interdiction, 24 aircraft and $89.7 million; and the F–14 fighter, 48 aircraft and a total of $1,029.8 million. On one Navy aircraft program, the EA–6B electronic countermeasures and jamming airplane, the subcommittee recommended reducing the requested procurement from 19 to 12 aircraft in fiscal year 1972 and the full committee concurred. The reason for this reduction is that the airplane's production rate would have had to be increased by 50 percent, from one per month to 1½ per month, under the proposed procurement plan. However, there was not sufficient funding to buy all of the support equipment for the planes, and also this was to be the last year of production for this plane under present defense planning. The subcommittee is highly impressed with the EA–6B's capabilities and felt it would be desirable to maintain the present production rate so that the production line would stay open into another fiscal year. In essence, the committee has deferred the seven aircraft until fiscal year 1973 and recommends authorization for 12 EA–6B's and a total of $198.6 million.

The Marine request for the AV–8A Harrier was for 30 aircraft and a total of $110.8 million to build the planes in Great Britain. The subcommittee recommended, and the full committee concurred, that production of the Harrier airframe be phased over to the United States. An additional $23.7 million was added to the authorization to begin this process in this fiscal year. The committee has taken this position for the last 2 years and reaffirms it again this year. The V/STOL technology exemplified in the Harrier should be imported into the United States, and phasing the Harrier airframe production line over to this country will accomplish that purpose. In addition, this move will provide a domestic source of production which will free us from dependence on foreign sources in time of crisis. These are two compelling reasons which the subcommittee felt did warrant the extra cost of domestic production.

Air Force aircraft programs that were reviewed and for which we recommend authorization included the F–15 fighter, $414.5 million for continued R. & D.; the F–5E international fighter for our free world Asian allies, 26 aircraft for R. & D. and procurement and a total of $128.4 million; the A–7D light attack bomber, 97 aircraft and $208.1 million to fill out the third wing; the AX close-support airplane, $47 million to continue the competitive prototype program; and the F–111 heavy attack all-weather bomber, for which the subcommittee recommended and the full committee concurred with authorization of $373.3 million for the prior year's program plus another $112 million for 12 additional aircraft. I will have more to say about the F–111 program later in my remarks.

SUMMARY OF TACTICAL MISSILE PROGRAMS

The Army's missile program which we reviewed as the Dragon medium antitank missile, for which the Army requested, and the committee recommends, approval of $38.9 million to go into production this year.

The Navy missiles included the Sidewinder short-range air-to-air missile, $16.4 million; the Phoenix long-range air-to-air missile, $108 million; the Agile, a future air-to-air dogfight missile now in development, $24.5 million; the Shrike antiradar air-to-ground missile, $8.4 million; the Condor long-range air-to-ground missile, $19.9 million for continued development; the Bulldog air-to-ground close-support missile for the Marines, $7.1 million; and the Navy Sparrow air-to-air missile program, $61.6 million.

The Air Force missiles recommended for authorization are the Maverick air-to-ground missile for which $86.9 million is recommended to begin production this year; a buy of Shrike missiles, $11.7 million; and Sidewinders, $4 million. The Air Force also is supporting development of the AIM–7F version of the Sparrow, for which authorization of $7.8 million is recommended.

PROGRAM REDUCTIONS AND SUMMARY

The particular programs where reductions were recommended are the EA-6B, $50.6 million, for the reasons already discussed; deletion of the Air Force Falcon missile modification, $5.5 million, which was canceled by the Air Force after the budget was submitted; an A-7E modification program for the extended-range version of the Walleye missile, $1.3 million, which the subcommittee felt was premature and required more development; concurrence with the Research and Development Subcommittee for deferral of $5.5 million in Sparrow AIM-7F R. & D., as the funds were not needed this year; and deletion of $13.2 million for advanced production engineering of the Cheyenne helicopter gunship. The total reductions recommended were $76.1 million. The additions mentioned previously were $112 million for the F-111 program and $23.7 million for the Harrier, so the net addition to the authorization request recommended by the subcommittee and reported out by the full committee is $59.6 million.

PROGRAMS OF SPECIAL INTEREST—CLOSE AIR SUPPORT, F-111, AND F-14

The Tactical Air Power Subcommittee examined two aircraft programs in greater depth this year, the F-111 and the F-14. In addition to two hearings on each of these aircraft, published in part V of the Armed Services Committee hearings, the staff of the subcommittee made additional field investigations of the F-14, with emphasis on the contract funding problem which has received so much publicity. I will give a short summary of both of these programs.

Before doing so, however, I would like to review briefly the status of the current inquiries being made into close air support. Two questions in particular have been raised about close air support, first, what types of weaponry are needed to perform the mission and second, how should command and control of the close support air power assets be exercised. One reason for the current interest in close support is that two new aircraft capable of close support are now in R. & D., the Air Force AX fixed-wing attack bomber and the Army AH-56 Cheyenne helicopter gunship. At the same time, the Marines are making a limited procurement of three squadrons of the AV-8A Harrier V/Stol attack bomber for close support. These three programs represent three very different technical approaches to filling the need for close air support firepower; each of the three systems has unique capabilities, but the question has been raised whether one or more of these systems duplicates the others and could be eliminated to cut defense costs.

The Department of Defense performed a special review of close support aircraft under the direction of Deputy Secretary Packard, with their initial report issued in June of this year. This report recommended continuing development of the AX fixed-wing aircraft and the Cheyenne helicopter gunship and also continuing the limited procurement of the Harrier for the Marine Corps. The report also pointed out some operational uncertainties about each of these systems which should be answered before beginning large quantity procurements. It recommended operational evaluations of the three aircraft to resolve the unknown question areas. Specifically mentioned potential problems included the survivability of the AX in heavy antiaircraft fire, the capability of Cheyenne pilots to acquire and identify targets at the maximum ranges of its weapons, and the ability of logistics systems to sustain high sortie rates of forward-based Harriers. This report with its recommendations was considered by the Tactical Air Power Subcommittee in making its recommendations on these three programs.

The Armed Services Committee also will perform a special review of close support, and a special ad hoc subcommittee has been appointed by Senator STENNIS for this purpose. I am very pleased that he has asked me to be chairman of this ad hoc subcommittee. It is expected that our review will be completed before the examination of next year's budget authorizations. We will look at the question of roles and missions as well as the individual weapons systems used in close support.

F-111

The F-111 is the only modern long range supersonic attack airplane in production in the United States today. The Tac Air Subcommitte believes it would be extremely unwise to close down the production line for this capability. It was for this reason, plus the need for more F-111F's to fill out the fourth wing of tactical F-111's, that the subcommittee recommended concurrence by the full committee with the House action of adding 12 F-111F's and $112 million to this year's budget. This will keep the production line open for another 18 months.

The F-111 program has encountered fiscal difficulties over the years, of course, with the latest requirement for additional funding coming up this year. An additional $375 million was required to complete the prior years authorized program, and these funds were provided from a formal budget amendment and a reprograming of funds from other sources. The Air Force has assured the committee that these funds will be sufficient to complete the prior years program.

There were two major causes of these prior year overruns. One was an extremely large backlog of authorized contract change orders which had not been negotiated for pricing. At one point in 1969 this backlog totaled an estimated $1.8 billion, and as this backlog was reduced the negotiated prices overran the estimates considerably. The Air Force had succeeded in reducing this backlog to about $300 million by the spring of 1971, so further large overruns would not be expected from this source.

Another cause of financial problems was technical difficulties encountered with the Mark II avionics system for the F-111D. In particular the integrated displays were found to be impossible to build as originally specified; the requirements were simply beyond the state of the art. The subcontractor now has been able to design a system which is acceptable to the Air Force, and an agreement has been negotiated which resolves all subcontractor claims and sets a ceiling price on the display sets. The funding requirements for this system are included in the recent reprograming. Therefore, it is reasonable to expect that the prior years program has indeed been covered.

This short summary of the F-111's status does not go into great depth on the characteristics of the weapons system, but I suspect that most of us are familiar with the details of the F-111 program. Suffice it to say that the F-111 has long range, heavy payload, high speed, sophisticated avionics, and perhaps most important of all, pilot enthusiasm. These add up to make it an invaluable part of our Air Force arsenal, and we should not close down our capability to produce this plane.

F-14

Today I will give a short summary of the F-14 program as I intend to go into much greater depth very soon in another speech. A detailed description of the F-14 will be quite lengthy. The highlights, however, can be given quite briefly.

The F-14 program was progressing on schedule until a series of events occurred early this year which gained the airplane a great deal of publicity and perhaps some notoriety.

The first of these was the crash of the No. 1 test airplane on its second flight due to hydraulics failures. Although the cause was quickly discovered and soon remedied, it did set back the test program. Shortly thereafter, the prime contractor, the Grumman company, announced that it would suffer severe financial losses under the terms of the production contract with the Navy. The next thing that happened was that the advanced technology engine in development for the B version of the F-14 encountered technical problems which will delay its readiness for production.

The effect of these three events was to cause the Navy to make an intensive review of the whole program, including performance, cost, and scheduling factors. One immediate result of that review was the decision to postpone production of the F-14B version with the higher thrust advanced technology engines and to continue production of the F-14A with its already production-qualified P-412 engine. The present F-14 program is predicated on production of the F-14A version through 301 aircraft, or, alternatively until the engine for the F-14B version is ready for production.

Another result of the program review was the determination that any cost problems that the prime contractor, the Grumman company, might have were not immediate. Thus, it was decided to continue the program for the next fiscal year within the terms of the existing contract, but to purchase all F-14A airplanes rather than the mix of "A's" and "B's" which originally had been intended.

The Tac Air Subcommittee very carefully reviewed these facts, and all of the financial data available, before they concurred with the Navy and with Deputy Secretary Packard that the present program of 48 F-14A aircraft, and a total F-14 authorization of $1,029.8 million represented the most advantageous course for the Government this year. It should be emphasized that any other course of action would have broken the Government's contract with Grumman and would have caused the costs of the F–14 program to increase exorbitantly.

As I said before, I will present a very detailed summary of the F–14 program in a subsequent statement, but this gives a brief rundown on the rationale behind the Tac Air Subcommittee recommendation on the program.

In closing I would like to say again that I deeply appreciate the work of my colleagues on the subcommittee. We have had a most interesting series of hearings on these many programs and have had many vigorous and fruitful discussions leading up to the formulation of our recommendations. The Armed Services Committee accepted all of our recommendations as presented, and I welcome the chance to give more details on any of these programs during the course of our debates on this bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as a member of the Tactical Air Power Subcommittee, I wish to compliment the chairman for a well prepared and well presented outline of the activities of the subcommittee this year, and also to call attention to the fact that very few subcommittees in either body have the advantages that we have in the Tactical Air Power Subcommittee, with a chairman who has had such long and vast experience in the air. I want to compliment him and tell him what a pleasure it is to serve under him.

I am happy to note that in the course of his remarks, he touched on the fact that the subcommittee will review the roles and missions as well as the individual weapons systems used in close support. I am interested in this because I feel we are wrong in having four tactical air forces all doing about the same job, when back in the early fifties, the last previous study of the roles for tactical air decided we should have one tactical air force. Now, we have four.

The cost of aircraft being what it is today and the chances of reducing that cost being what they are, I think this study will be a fruitful one. I have no idea how it will turn out, but I am happy the Senator is to be the chairman in that effort also. I always look forward to serving with him, as I look forward to serving with him on the Tactical Air Subcommittee.

Mr. CANNON. Mr. President, I want to thank the distinguished Senator from Arizona for his complimentary remarks. Again, as I said in my statement, I really appreciate what he and the other members of the subcommittee have done. Without their great assistance, we could not have had as comprehensive a report available for the Senate as we have. I, too, join with him in the concern about the proper role of close air support and tactical air support. It does appear that we may have some duplicative effort in various types of aircraft and various arms of the service that are trying to perform the role.

I want to assure him and my other colleagues that we intend to look into this matter very thoroughly in our forthcoming hearings, and see if we cannot develop a little more unified program and try to eliminate some duplication if, in fact, it does exist.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CANNON. I am delighted to yield.

Mr. STENNIS. First, Mr. President, for the committee and also for myself, I want to thank the Senator from Nevada and the entire committee membership for another year of very fine work. There is no more important or complicated part of our entire military program than that part. These members of our committee have taken this special responsibility of tactical airpower. As I know, they have done a splendid job. It was not in just a cursory, ordinary fashion that the committee sustained them in their findings. I believe there was one alteration there, but it was not an overruling. It was something the subcommittee agreed to itself. We did go into every major phase of that work and approved or disapproved all the major ones. It amounted to approval, with a modification of one.

The Senator from Arizona has mentioned the matter of close air support. There is no more important mission than close air support of our men on the ground, who carry the rifles.

I am delighted that the Senator from Nevada and the other members of the committee could serve on that particular assignment. I know the Senator made some headway, although the pressure of time on other matters kept the committee from getting as far as it would like. I was hopeful, and I know the Senator is, that he could do something on that matter before the calendar year ends. What is the Senator's idea on that?

Mr. CANNON. I stated in my remarks that I hoped we would have some results before the consideration of the authorization bill for the next year. I am not certain that we will have the time to have the hearings in the remainder of this calendar year, because we do have the press of much other work. But if not, we shall certainly get at it very early in the spring and try to have a report available in ample time for the consideration of next year's procurement bill.

Mr. STENNIS. That is fine. It is almost necessary, however, to have the recommendations out by the time the budget recommendations are really considered, because if we go too far into that without the benefit of the report and the dissemination of it, why, we will not be as fruitful.

I just regret, for my part, that I did not get this matter to the Senator earlier, but this year I know the Senator did not have a chance to do any more than he has done. I believe it will be coming to a head next year, and the Senator's recommendations will be helpful to us. I thank the Senator again for his fine presentation.

Mr. President, I yield to the Senator from Kentucky without losing the floor.

DEATH OF REPRESENTATIVE JOHN C. WATTS, OF KENTUCKY

Mr. COOPER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 618.

The Chair laid before the Senate House Resolution 618, which was read as follows:

H. Res. 618

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN C. WATTS, a Representative from the State of Kentucky.

Resolved, That a committee of thirty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. COOPER. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 174) was read, as follows:

S. RES. 174

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN C. WATTS, late a Representative from the State of Kentucky.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from Kentucky (Messrs. COOPER and COOK) as the committee on the part of the Senate to attend the funeral of the late Representative JOHN C. WATTS.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, will the Senator from Nevada yield under the same condition?

Mr. CANNON. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. HARTKE) be allowed to proceed for not to exceed 15 minutes at the conclusion of the remarks of the distinguished Senator from Texas (Mr. BENTSEN) tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CANNON. I am delighted to yield.

Mr. DOMINICK. Mr. President, I want to join the Senator from Mississippi and the Senator from Arizona in expressing my appreciation for the work which the Senator from Nevada and the Senator from Arizona have done on tactical air problems and other problems in the aviation field.

As a long-time aviation enthusiast and as one who tries his best, as a member of the Senate Armed Services Committee, to stay abreast of the problems coming up in aviation, it seems to me that the important thing which was well emphasized in the Senator's speech was the modernization of the various forces.

As far as I can tell, we really have not introduced any new tactical air since about 1956. I think 1959 was the date of the F-4. It is long overdue. On the other hand, I also think that although we need modernization, that does not mean we need 4 tactical air forces.

I shall be very interested in following the hearings the Senator will have on this particular problem. It has struck me for a long period of time that, although naturally each service is desirous of having jurisdiction of its own aircraft so it can determine when and where they ought to be at any particular moment, one could stretch it so far that, in effect, each service would be its own army. This is duplicative and extremely costly.

So the hearings that the Senator from Nevada will be conducting will be extremely important in determining what the future of our armed services is going to be. I look forward to working with him.

Mr. CANNON. I thank the Senator.

If there are no other questions of me at this time, I am prepared to yield the floor. I know some of the amendments at the desk are related to some of the problems that we have referred to very briefly, and I am prepared to meet them at such time as they arise, including an amendment on aircraft——

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. STENNIS. I was going to say we want the Senator to be heard from further on the very matters he has mentioned in his speech, because his statement will be brought into play on some of these amendments.

I say, for his information now, and for the information of the rest of the Senate, and I call this to the special attention of our leader, that we have pending amendments that I shall call out in a moment. I am going to announce that our committee is ready to present the arguments against those amendments to the Senate. We are ready today on quite a number of them.

One amendment that has been filed will perhaps require a little time on which to have a committee meeting. But there is amendment No. 218, by the Senator from New York (Mr. JAVITS), on recycling. Another amendment, No. 425, by the Senator from Wisconsin (Mr. NELSON), requires joint studies by the Armed Services Committees for the Department of Defense budget for 5 years ahead, with various findings to be filed on strategies and policies, and so forth.

We are ready to take that amendment up, Mr. President. We have an amendment here by the Senator from Ohio, a valued member of our committee, amendment No. 427, concerning the Harrier aircraft. We will be ready on that.

The Senator from Colorado has the military pay proposal, amendment No. 430. We will be ready on that.

I really hope, though, that we can dispose of these amendments concerning matters like the tanks and planes, dealing directly with the weaponry, first.

Here is the question of terminating our obligations for the F-14 program, amendment No. 435. We are ready on that.

Amendment No. 436, offered by the Senator from New Hampshire, involves $25 million for research and development in connection with a light fighter prototype aircraft; that is a companion to another amendment, and I would think that the other one would be expected to be taken up first.

Then, Mr. President, we have information here about amendments that have not been filed, but the information is that the Senator from Missouri is considering filing an amendment with reference to the new tank, to strike it out. We are ready on that now.

The ABM deletion; we have had that up for years heretofore, and I am not advised definitely at all whether anyone will file an amendment on that this year or not, with reference to a reduction, but the committee is ready; and when I say ready, that means ready to agree upon time limitations and a day certain to vote.

A few of these matters may require some further facts to be determined at the time. There is another amendment here by the Senator from New Mexico regarding the cutoff of military operations. The Senator had to be away for a few days on that.

Another amendment has been filed by the Senator from Missouri, No. 434, involving limitation on the Laos funds. The committee will be ready on that.

Amendment No. 294 involves certain language with reference to eliminating Thai irregulars from within the definitions of local forces in Laos. We will be ready on that, Mr. President.

Shortly I expect to be ready to announce to the Senator from Montana, if he can suggest a time to take it up, that we are ready on the amendment he filed this morning.

I thank the Senator.

Mr. CANNON. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, reluctantly, but if there is no further business to come before the Senate—

Mr. STENNIS. Mr. President, will the Senater yield on that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I want to express again my disappointment that amendments that have been filed are not ready to be taken up here. I know of the majority leader's interest in moving forward, and I think the entire membership is interested. The Senate is entitled to have these matters brought up.

We are here, and we are ready. As to the amendment concerning the tank, if it is not going to be filed, we would like to know about it. I am sure the Senator from Missouri has done a lot of good work on it. If we could find out about that, we could take it up tomorrow; and this F-14 matter has been debated already 2 or 3 days, and we could take it up tomorrow, if we can get an agreement on it.

Mr. President, I just hope that arrangements can be made. The F-14 matter has been debated already. I hope its disposition can be arranged. As chairman, I feel that it will just have to be called up by Wednesday.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I express my complete accord with what the distinguished chairman of the committee has just said. I would hope and anticipate that tomorrow we could get up to the Nelson amendment, and I believe also the Eagleton amendment on tanks. I hope that the distinguished Senator from Ohio (Mr. SAXBE) will be ready with his amendment. I do not think it should take too much time. Then the distinguished Senator from Colorado, with his pay amendment, would be able to get underway, and it is my belief—you know, we live in hope and do not often reach what we want to achieve—that tomorrow we can get started, and hopefully arrive at a series of agreements, subject, of course, to the approval of the distinguished manager of the bill and the distinguished minority leader, so that we can get going on these proposals.

I do not think we ought to drag our consideration of this bill out too long. We have dragged out a good many bills this year, with a lot of work yet to be done in committees. We face a heavy load next month, when we get the legislation from the House of Representatives. We have, I believe, five more appropriation bills, including a supplemental, and if we want to get out between November 15 and December 1, it behooves us to get down to brass tacks, get to work on these amendments, dispose of them, and get on with the business of the people.

Mr. STENNIS. I thank the Senator very much. I believe that his remarks will be effective.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 174, as a further mark of respect to the memory of the deceased Hon. JAMES C. WATTS, late a Representative from the State of Kentucky, and in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 28, 1971, at 10 a.m.

EXTENSIONS OF REMARKS

HEW-ING THE LINE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 27, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of September 25 contains an excellent editorial concerning the activities of Dr. Eloise Severinson, regional civil rights director in the Philadelphia office of the Department of Health, Education, and Welfare, in connection with Virginia schools and colleges.

Dr. Severinson has consistently made unreasonable demands on Virginia educational institutions. Her efforts to achieve artificial racial balances—even on the majorette squad of a county high school—have gone far beyond the intent of Congress in civil rights legislation and far beyond the policy of the President of the United States.

The Times-Dispatch editorial details many of her activities. I have asked Secretary Richardson of HEW that Dr. Severinson be placed in a position where she will no longer be able to harass the school officials and students of Virginia. I hope that Secretary Richardson will accept my recommendation.

I ask unanimous consent that the editorial entitled, "HEWing the Line," be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HEW-ING THE LINE

The name of Dr. Eloise Severinson is coming to be as familiar to Virginians as that of the state superintendent of public instruction or the president of one of the state's universities.

And it's no wonder, because this imperious bureaucrat has acted consistently as though she were both. In actuality, Dr. Severinson does her superintending and presiding from afar—the Philadelphia regional office of the Department of Health, Education, and Welfare (HEW). There, in her capacity as regional HEW civil rights director, she decides what's best for Virginia's school systems with the aid of her computers, balance sheets, and, of course, her telephone.

When Dr. Severinson, in a July 22 letter, demanded that the Albemarle County School Board produce a plan by July 28 for the busing of children for racial-balance purposes, she was not embarking upon a particularly novel course by her own standards.

We can remember Dr. Severinson, on other occasions, presuming to tell the College of William and Mary, one of the nation's strongest institutions academically, that its admission standards should be lowered in order to conform to the Eloise Severinson Standard of Ideal Ethnic Quotas.

We can remember Dr. Severinson demanding from the Prince George County School Board an explanation for the racial composition of the 15-member majorette squad of a county high school. No details of the school lives of Virginia children is considered too trivial, apparently, to prompt the solicitude of the Philadelphia overseer. A great many Virginia educators likewise have their recollections of arrogant and unreasonable (and frequently 11th hour) demands from Dr. Severinson's office.

Well, perhaps, just perhaps Dr. Severinson has presumed to be the law and a lord once too often. For on August 11, President Nixon stressed his desire that busing be minimized and indicated, through his press secretary, that federal employes who are unresponsive to his view "will find themselves involved in other assignments or quite possibly in assignments other than the federal government."

U.S. Sen. Harry F. Byrd Jr., in a letter to HEW Secretary Elliot Richardson, suggests with regard to the President's announced get-tough policy, "Would it not be well to start with Dr. Severinson?"

Wouldn't it, Mr. Nixon?

TRANSPORTATION—A SOCIAL PRIORITY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS BY R. MICHAEL ROBBINS, MANAGING DIRECTOR (RAILWAYS), LONDON TRANSPORT AT INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, PITTSBURGH, SEPT. 8, 1971

Your Conference Committee have allocated me a very few minutes to expand on the statement that transportation fulfils a tremendous social need in man's life today. (These are their words.) This is a conference on urban transportation, so it is the city-dweller that we are concerned with; and as I have come from London, I shall use London's policies and practices as illustrations.

We in London Transport and our direct predecessors have been in the urban bus business since 1829 and in the underground railway business since 1863. These lengths of time mean that we have probably made more mistakes in these fields than anyone else. We like to think that we have learned from them, and can pass on some of our painfully acquired wisdom.

We operate in an area containing some 7½ million inhabitants. About ¾ million more come from in from outside the area every working day. We carry nearly 7 million passengers on a working day, 4½ million in buses and 2¼ million on the underground railway system. Over 5½ million visitors from overseas came to London in 1970; so far, 1971 is beating that figure by 12 per cent. We operate 6,400 buses and 4,400 railway cars. We have 241 miles of rapid transit route. So London is in the big league. In 19 months we carry a number equal to the total population of the world.

I shall turn first for a few minutes to the main theme: the essential importance of mobility in modern society; and then say something of London's approach to securing it through public transportation.

Mobility is precious to man. It is one—one of the most important—of the distinguishing marks of civilisation that a man's area of activity is not limited by the carrying capacity of his two legs. As a society, we are increasingly dependent for our very survival on regular, reliable, economic, and ever more sophisticated means of supplying us with things over considerable distances. As individuals, we need the personal mobility that assured, regular, reliable, and economic means of transportation are able to give to us. We need transportation to free us from the tyranny of distance. We need to have our homes at a distance from our places of work—to escape from the necessity which in previous centuries forced men to live over the shop, whether they liked it or not, and other men to live in the shadow of the mill or the factory; and their lives and families with them. Men are entitled to have the freedom to take employment within wider bounds than walking distance. For shopping and schooling, mobility extends the range and frees the family from local limitations. For recreation and entertainment, transportation supplies variety to select from. To most people the very idea of holidaying (what you call vacation) *means* travelling, in which direction, at what pace, at what range of price they choose to adopt.

Mobility opens up possibilities of choice. Ability to choose between different options as to our preferred way of life is a sign of a developed civilisation. The medieval peasant had precious little choice how he was to live out his days; twentieth-century man is better off, in this respect at least. Some of the publicity for this conference was headed "Mobility—the Fifth Freedom?" with a question mark. But the thing is surely self-evident! I propose that we unanimously resolve to remove that question mark from all future references to the subject.

But what brings us here is not the need to agree to a proposition which almost every one of us must be convinced needs no demonstration. I have not come 4,512 miles, by air-line reckoning, to beat that old drum. What brings us together is a paradox—again so familiar that I need do no more than mention it: in cities and city regions the proliferation of the means to achieve this desirable end of personal mobility contains within itself the cause of defeat—and a large-scale defeat which is already visible. Individual motorised transportation in city areas after multiplying to a certain point produces strangulation. It is counter-productive. Mobility is worsened, not improved, as each additional vehicle starts to occupy the space on the highways. The environment suffers harmful deterioration. Personal freedom is reduced. This point has already been reached in most cities; in some it has long been passed.

These observations have no high news value. The statement to which we responded in coming here says: "the emphasis is no longer on awareness of this problem; it is now on solving it".

I believe that the difficulties of solution do not lie primarily in the technical area. I speak with all possible respect in face of the technicians to whom we shall be listening attentively later on, and with acknowledgment to the engineering and technical skills which have made this city of Pittsburgh what it is. I am sure that the skill and energy of these devoted men will overcome whatever technical problems may be found to arise in the process of reintroducing mobility into our cities through well-considered schemes of collective transport. (If you will forgive me, I must declare that I hate your American expression "mass transportation", which seems to me an extraordinarily ill-chosen phrase to attract the public with. "Collective" or possibly "public" transportation seem to me more appealing, and truthful, adjectives.)

I have leapt over the stages in the argument which demonstrate that collective systems are essential to reinstate human mobility in cities; I am sure you are all familiar with them. It is a subject on which I cannot think of anything to say which is both new and true; and I prefer not to bore you with repeating other men's words, because I believe that you have all got the message already.

Let me turn for a few minutes to the policies that inform our thinking and action in London on what we firmly call "public transport."

The way our public transport is organized in relation to national and city government is, of course, important to us but not I think particularly relevant to this occasion. Every country and city has to work out its own political and administrative arrangements in accordance with its own characteristics and opportunities. There is no ideal pattern. I content myself with observing that some are better than others. I will just add that, in our London situation, we have adopted it as a principle that public transport shall run on a commercial basis, including full depreciation, on the annual revenue account; we look to public funds only for new capital investment and, exceptionally, to cover the cost of specific operations which are separately identifiable as ones which do not have in themselves any conceivable commercial justification but which the community has called for.

What then, if we are held to operate on an overall commercial basis, are our social obligations? Certainly there must be some, otherwise public money could not justifiably be put into providing the capital equipment and installations which we operate. Now the word "social" is one that commercial men normally approach with some suspicion. It is frequently adopted by people who think that certain things which they personally consider valuable ought to be provided at someone else's expense. People are usually in favour of subsidies when they think they are going to get more out of the arrangement than they put in. We must be careful that we don't fall, or appear to fall, into this kind of attitude.

We believe in London that the social duty of the city's public transport system is to carry as many passengers as possible while maintaining financial integrity as I have just defined it. Our social duty as we see it is to maximise travel by public transport, always within the overriding aim of remaining in the black on our revenue account.

How do you maximise passenger journeys? By providing a good service, of course. And how do you decide what is good in a local passenger transport, undertaking? First, it must be regular and reliable. It should, day in day out, in fog or ice or heat or cold, operate as near as humanly possible as your schedules have promised to the public. Then, it must take the passenger as near as possible from where he is to where he wants to be—and if your service's destination is not just where he wants to be, then to make it convenient for him to interchange to the next stage of the journey, by bus or train or car or on foot or by air, as easily and agreeably as possible. Third, the conditions of the ride (and of the wait preceding the ride) should be pleasant enough to attract the passenger to make subsequent rides. Fourth, the price charged to him should not be felt to be excessive in return for the service given. No passenger likes paying any fare; but the natural distaste for paying anything at all can be mitigated if the fare tariff is seen to operate in a way that conforms with natural justice. So we charge by the length of the ride. (Thus we have not inherited in an inflationary age the horrible head-on battles with the whole traveling public which those of you have to live with flat-fare systems get engaged in.) Fifth, and not necessarily last, our approach to the passenger and the potential passenger must be seen to be intelligent, friendly, informative; and this we try to achieve principally through training the staff in the right attitudes to their public-service job, and simultaneously by high quality design in all the equipment, installations, information signs, general publicity, and every other manufactured thing that we use. You cannot fool the people into thinking a bad transport service is a good one by smart publicity and attractive displays; but you can emphasise the advantages of a good service by high-quality presentation. We claim and get public financial support for our installations and equipment; so we try to ensure that they are identifiable at a glance as London Transport's and as products that the citizens can be proud of. And this is the way to make them respected and not become neglected, dejected, and inviting targets for vandalism.

Very briefly stated, these are our policy aims. They command the assent of the major political party in London, and to a considerable extent of the minority party as well, except that this is at present committed to a policy of keeping fares down by means, presumably, of operating subsidies. There is thus a large area of consensus about the desirable place of public transport.

We cannot rely on this acceptance continuing for ever—not even for the next few years. We have always to keep the people around us steady in the faith, by managing the business well and achieving financial stability, by imaginative collaboration with well-conceived plans of city authorities and other parties, and by never letting our great argument be lost by default. "A man", said Dr. Samuel Johnson, "should keep his friendship in constant repair". So, I add, must a public transport undertaking.

We here have all got the message of the vital importance of public transport in cities. But have enough people outside this hall got the message? Do enough of the influential people, the opinion-formers, the civic leaders, let alone the mass of opinion right down to the bar-room philosophers, share the convictions that we have on this subject?

I pay tribute to those who labour to convince outside opinion that what we hold to be self-evident truths really are unassailable in fact and logic, and ought urgently to be acted upon. We devote a lot of time and energy to assuring each other within the circles represented here how strong are our convictions on this vital matter. Might we not expend these more usefully in telling other people who are not as yet convinced? I have not come here to tell you that the holding of this conference is a mistake; it would be ungracious to you, and to the organisers; and it would not in any case be my opinion. But I do say that we should all conscientiously determine that after leaving Pittsburgh this week, and before we assemble again at some other agreeable function of a similar character, each of us in his own way will devote thought and time and energy to persuading those who are not yet converted.

This is where the battle ground lies: in the corridors of legislative and executive power, in the offices of opinion-forming agencies and communications media, in the minds of a large number of ordinary citizens. You have shown, by some striking examples in the United States, that enough minds can be moved to initiate and support great works of public—collective—mass (call it what you like)—transportation. You can, if you try, persuade enough people that well-considered, well-designed, thoroughly planned and integrated transportation systems are an essential element in the good life in our cities. High-quality transportation is too often lacking from their present equipment. This may not be our own fault; but we have a positive duty in this regard, as I see it, to pass on to the next generation something much better than we ourselves received—to think harder, to repair neglect, and to do better for our society. If this conference does anything towards spreading those convictions, then it will have been abundantly justified. To secure that happy result is a responsibility resting on every person here.

FORCED BUSING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, September 27, 1971

Mr. GRIFFIN. Mr. President, last Friday in Detroit, I issued a statement concerning forced busing of schoolchildren for the sole purpose of achieving racial balance.

As the statement indicated, I have urged the Justice Department to intervene in appropriate cases now pending to make certain that the position of the President on this issue will be pressed as vigorously as possible in arguments before the Supreme Court.

It should not be necessary to add more and more amendments to the Constitution of the United States. However, I have no doubt that Congress stands ready to approve a constitutional amendment on this issue unless the Supreme Court moves much closer to the views of the President and the views of a large majority of the American people, black and white.

One such proposed constitutional amendment was introduced recently by the two Senators from Tennessee (Messrs. BAKER and BROCK). It reads as follows:

> No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR ROBERT P. GRIFFIN, SEPTEMBER 24, 1971

Most parents, black and white, want quality *and* equality in educational opportunity for their children.

These goals can eventually be reached if we make sure—

That job opportunities are really equal;

That housing opportunities are really equal;

And if we reform the system of financing education so that the quality of public education available to children in poorer districts is raised to the level of education available to children living in wealthy areas.

As one who wants to make more and more progress toward racial equality and an integrated society, I am deeply concerned that forced busing solely for the purpose of achieving racial balance is counter-productive. Instead of helping in the effort to promote better race relations, it is resulting in more bitterness and more polarization. Unfortunately, forced busing is greatly accelerating the flight to the suburbs and beyond.

Along with President Nixon and Senator Muskie, I don't like forced busing. And that is the position of the overwhelming majority of the people, black and white.

I don't believe I have to say that I am, and have been, for equal rights and against discrimination. During my 15 years in Congress I've had the opportunity to support and vote for every civil rights bill that has become law since Reconstruction days following the Civil War.

I believe the laws of the land must be enforced—even those who do not like. Court orders must be observed—including those that are being appealed. I deplore the criminal acts of the few who resort to violence and take the law into their own hands. They should be swiftly prosecuted.

I know that most people are willing to obey the law—even a law they don't like. But in fairness, it is essential that they know exactly what the law of the land requires.

Recently Chief Justice Burger indicated that some of the Federal district courts are going beyond constitutional requirements in ordering forced busing. The position of the President of the United States is at odds with what seems to be the position of the Supreme Court.

Needless to say, there is too much confusion at present; and it is important to have clarification as soon as possible.

There are a number of suits involving forced busing which are on their way to the Supreme Court right now. At present, the Justice Department is not a party to these suits. I refer, for example, to suits such as those affecting Pontiac, Michigan and Nashville, Tennessee.

Yesterday I met with Attorney General John Mitchell. I suggested and urged that the Justice Department intervene in these cases and perhaps in others. Because the public interest is so important and overriding, I do not believe the Justice Department should remain on the sidelines and leave the argument of such cases to counsel for private parties. Such a move by the Justice Department would make sense, particularly since the Administration already has a position which has been spelled out by the President.

While I hope that forced busing can be kept to a minimum, I want to reiterate a position I took in 1967. I would not favor a cut-off of federal funds for voluntary busing.

The magnet school plan in the City of Detroit is a good example of how busing can be an important part of a voluntary program to improve the quality of education.

Back in 1967, Senator Dirksen offered an amendment which read as follows:

"No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance."

I offered an amendment to his amendment which read as follows:

"Following the word 'imbalance' and before the period at the end of the amendment, insert the following: 'unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.' "

I disagreed with Senator Dirksen at that time because he wanted to cut off federal funds for *voluntary* busing as well as forced busing.

EVERS ALINES POOR OF TWO RACES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RANGEL. Mr. Speaker, Charles Evers, the independent candidate for Governor of Mississippi, has taken decisive steps to bridge the generations-old gap between poor blacks and poor whites in the South. As he recently told an interracial crowd in Jones County:

> We're beginning to realize that we're all in the same bag. And most important of all, we're beginning to do something about it.

In the short time he has been mayor of Fayette, Evers has brought new occupational and educational opportunities to what had been one of Mississippi's most impoverished towns, benefiting all the residents of his community. He hopes to do the same for the entire State.

The Washington Post recently carried an account of Evers' campaign to persuade Mississippi to turn its back on the racism that has scarred its history for so long.

The article follows:

[From the Washington Post, Sept. 25, 1971]

EVERS ALINES POOR OF TWO RACES

(By Philip Carter)

LAUREL, MISS.—"We've either all got to run together or we're all going to sink together," Charles Evers shouted, and no one clapped louder than Justin Pulliam.

Pulliam is a poor white woodcutter, raised on hard work, hard knocks, little schooling and less money in the pine woods and pulp yards of South Mississippi. Evers is a black man, mayor of the small town of Fayette and the first Negro to run for governor of this state.

By the savage logic of generations of racism, he and Pulliam and the 200 other whites and blacks who gathered here in the Jones County Courthouse the other night should be mortal enemies. But this year they are allies, and at least for the moment the old Southern dream of "black and white together" is thriving—however precariously and improbably—in this recent stronghold of the Ku Klux Klan.

The reason is money. Last month the huge Lauren plant of the Chicago-based Masonite Corporation installed new wood-laying scales and changed its system for paying woodcutters for the pulpwood used in manufacturing Masonite "hardboard." According to Pulliam and other woodcutters, the result was a 20 per cent to 25 per cent cut in their pay.

Under the old system of paying by volume rather than weight, Pulliam said, he cleared only $2,700 last year for cutting trees and trucking them to Masonite's woodyard. Under the new system, he said, he could no longer afford to work.

So he and most of his fellow Masonite woodcutters, perhaps half of whom are black, went on strike against the corporation last month, organized their first union and started looking for political help.

Evers, running as an independent against Democratic nominee William Waller, denounced Masonite and endorsed the strike. He was the only Mississippi politician to come to the strikers' aid and Pulliam said he and other white woodcutters planned to vote for Evers.

"In the South," Pulliam said in an interview, "the politicians are the ones who started all this about race. The poor whites have never been against colored people.

"I admit there are some white people who are against colored people, but they're what I call the big shots around here . . . People coming to see the rich people are after one thing: money, more money. And the only way we can get anywhere is for all the poor people to stick together, white people and colored people."

Invited to speak to the strikers, Evers said much the same thing. "We're beginning to realize that we're all in the same bag," he declared. "And most important of all, we're beginning to do something about it."

But it was only a beginning. Desipte heavy black voter registration gains since passage of the 1965 Voting Rights Act, white voters outnumber black voters more than two to one in Mississippi this year. Even with his Laurel breakthrough and others like it elsewhere in the state, Evers is still conceded no chance of gathering enough white votes to win.

For the woodcutters, the odds seem even more formidable. About 200 blacks and whites have formed a local chapter of the Gulf Coast Pulpwood Association, a three-year-old Southern union with no affiliation with the AFL–CIO They are contending with a powerful corporation with 1,900 employees in Laurel alone, 325,000 acres of its own trees in South Mississippi, plants in a dozen states, Quebec and South Africa.

"Masonite is just too big a company to go around trying to beat people out of something," said corporate spokesman Sneed McInvale in a telephone interview. "We wouldn't think of having a policy that would beat people out of their money." But he said the company would close its Laurel woodyard if necessary and take all its wood shipments by rail from other areas.

The union was brought to Laurel by a blunt-talking white Alabamian, James Simmons, a former woodcutter who founded the group three years ago in his home state. He and the local chapter have the help of a handful of organizers from the Southern Conference Education Fund (SCEF), an old-line militant integrationist group with long experience with the frustrations and legal and political hazards of trying to organize the South's poor whites and blacks.

SCEF and its white directors, Carl Braden of Louisville, Ky., and his wife, Ann, were frequently accused of "Communist activities" during the 1950s and '60s. Braden once served a year in federal prison on a contempt of Congress charge after he refused to answer questions before the House Un-American Activities Committee. In 1954, he was convicted of "sedition" in a Kentucky court and sentenced to 15 years in prison, a sentence subsequently overturned by a federal court. A similar conviction in 1967 was overturned when Kentucky's sedition law was declared unconstitutional.

According to Simmons, he first met Braden one year ago and "he has been helping us ever since." In an interview he said that Southern woodcutters and their families number about 250,000, and that they were unrepresented and unprotected before he, the Pulpwood Association and Carl Braden came along.

In the eyes of the South's pulp and paper corporations, the cutters who supply them with raw materials are independent contractors and entrepreneurs who are not eligible for company insurance, workmen's compensation, corporate retirement and health benefits or the legal minimum wage. But in fact, Simmons and his woodcutters argued, they are sharecroppers totally dependent on the companies for employment and often even for their tools.

Typically, Simmons said, a cutter buys his truck and power saw on credit furnished by a corporation or by a private wood supplier, and his payments are taken out of his wages—often with little or no formal accounting. After a week of backbreaking toil in the woods, he said, cutters often clear no more than $35.

"It's worse than sharecropping," he said. "At least the sharecropper had a corn crib, a collard patch, a milk cow." Now, he said, cutters go into the woods before daylight and break only to dine on the standard chopper's fare of a soft drink, a can of Vienna sausages and a 10-cent store-bought cake. "Here you have to haul if you're going to eat."

After the Laurel strike began last month, Masonite spokesmen first denied that the strike existed, then denied that the old pay system had been changed, and then threatened to close the woodyard.

Before the latest meeting, several cutters confessed anxiety about "everybody being tarred with the same kind of brush," as one man put it. "People around here don't go for that stuff," he said. "We didn't know what he (Braden) was before he came in here. We wouldn't have had him in here."

But during the meeting James Simmons argued, in effect, that the allegations about Braden were beside the point, and most of the woodcutters seemed to agree with him. "As long as they can get somebody to run something on Carl Braden, they can sit back and laugh and say we're handling people'. . . "

Their faces set, two plainclothes detectives from the Laurel police force listened along with the crowd while a black woodcutter named John Padue exorted his fellow blacks to join him on the plant picket line, where he was the only Negro. "Don't let me down, pick up and be out there with me,' he said to stormy applause from whites. Two mules can pull a heavy load, he said, as long as they pull together.

Other speakers proclaimed the same message of black and white unity. But Evers won the heaviest applause.

Toward the end of the meeting at Evers' heavy prodding, 16 whites and six blacks added their names to the list for picket duty, and virtually every man in the room signed up to join the union. And when it all was over, the black men and white men together filed out of the courthouse, pausing to shake Evers' hand.

"We're going to change this state," he told them, "if it's the last thing we do." Justin Pulliam said he would help the best he could.

FTC UNDER CHAIRMAN KIRKPATRICK

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, September 27, 1971

Mr. MOSS. Mr. President, the long beleaguered Federal Trade Commission has been at the front of the consumer protection movement in the United States for the past 18 months. Two successive chairmen, Casper Weinberger and Miles Kirkpatrick, have transformed the agency into a vigorous organization dedicated to protecting the consumer as Congress originally intended. Special praise must also be directed toward the three bureau chiefs at the Commission, Robert Pitofsky, Alan Ward, and Dr. Michael Mann, who in their roles have given direction and enthusiasm in the staff.

If the Federal Trade Commission is to continue its function as the Government agency regulating trade practices, then it must have the support and respect of the public, the business community, and Congress. Although each of us may take issue with a particular decision of the Commission, we must not attempt to force ourselves into the middle of the regulatory function. The Commission is a regulator for all the people; it is subject enough to pressures from adversaries in its proceedings, without the necessity of fending off congressional incursions.

It is now 1 year since Chairman Kirkpatrick was sworn into office. I wish the chairman continued success in the 6 years which remain to his term of office. As chairman of the Subcommittee for Consumers, I feel confident to say that Chairman Kirkpatrick has served with honor and fairness to all. At each of the hearings where we have called upon him to present the Commission's viewpoint in legislative matters, we find his insight and analysis particularly useful in designing ways in which legislative efforts are directed to meet the needs of the consumer in the 20th century.

The Business Lawyer of the section of Corporation, Banking, and Business Law of the American Bar Association published, in its July number, an article entitled "The Federal Trade Commission—A Study in Survival." written by Robert E. Freer, Jr. I ask unanimous consent that it be printed in the Extensions of Remarks. I urge Senators to read the article and take note of the significant progress which has been made in awakening the sleeping lady of Pennsylvania Avenue.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE FEDERAL TRADE COMMISSION—A STUDY IN SURVIVAL

(By Robert E. Freer, Jr.*)

Washington, D.C.—In fulfillment of a request by President Nixon to the American Bar Association in the spring of 1969, a blue ribbon panel of attorneys and economists under the leadership of the immediate past-Chairman of the Antitrust Section of the ABA, Miles W. Kirkpatrick,[1] filed their report on the Federal Trade Commission on September 15, 1969.

Although the report had some kind words for the Commission, its tone was generally critical and supported in substance the highly critical *Nader Report on the Federal Trade Commission*,[2] which had been compiled by a small group of students working under Mr. Nader's auspices in the summer and fall of 1968.

In the conclusion of the ABA report, it was recommended that it be the last of a long line of study groups and committees to insist that drastic changes were essential. The report states:

"The case for change is plain. What is required is that the changes now be made, and in depth. Further temporizing is indefensible. Notwithstanding the great potential of the F.T.C. in the field of antitrust and consumer protection, if change does not occur, there will be no substantial purpose to be served by its continued existence; the essential work to be done must then be carried on by other governmental institutions."[3]

In its indictment of the Commission, the ABA report pointed in the following way to particular areas where immediate attention should be given.[4]

We believe that the F.T.C. has mismanaged its own resources.

Through an inadequate system of recruitment and promotion, it has acquired and elevated to important positions a number of staff members of insufficient competence.

The failure of the F.T.C. to establish and adhere to a system of priorities has caused a misallocation of funds and personnel to trivial matters rather than to matters of pressing public concern.

. . . [B]itter public displays of dissension among Commissioners have confused and demoralized the F.T.C. staff and the failure to provide leadership has left enforcement activity largely aimless.

In view of this criticism of the Commission from all sides, it is a somewhat miraculous development that within 18 months of the ABA report the Commission has been transformed into a "Growling Watchdog" which has set out to prove it is the consumer's friend[5] and has garnered raves from Ralph Nader[6] and Virginia Knauer.[7] Rather than being in dire peril for its life, the Commission has been pronounced "very much alive and in an increasing state of health and vigor,"[8] and has even been favorably considered in President Nixon's Consumer Message of February 24, 1971, containing his legislative recommendations for the 92nd Congress.[9]

How this Cinderella-like transformation from "little old lady" to "growling watchdog" occurred is an interesting lesson in effective management, and its import to businessmen and corporate practitioners wary of where the agency may strike next cannot be overstated.

Thanks to the excellent job of Mr. Kirkpatrick and the ABA Commission, the blueprint for the transformation was readily at hand when President Nixon nominated Caspar W. Weinberger to be a Commissioner and Chairman with a mandate to revive the agency.

In addition to the criticism of the Commission, the ABA report spelled its suggestions for improvement in terms which can now be used to gauge the success of its implementation.

The report suggests improvement in the following terms:

"We recommend a new and vigorous approach to consumer fraud. The F.T.C. should establish task forces in major cities to concentrate exclusively on this problem. These task forces should be given ample manpower and authority to pursue localized frauds expeditiously and effectively.[10]

"In the antitrust field, we believe that the F.T.C. can perform valuable service in bringing the administrative process to bear on difficult and complex problems. We therefore propose that the concurrent jurisdiction of the F.T.C. and the Department of Justice in antitrust enforcement be retained. We urge, however, that the present allocation of enforcement resources be reexamined and realigned in a manner more nearly consistent with the objectives of antitrust policy.

"[I]t is imperative that the F.T.C. embark on a program to establish goals, priorities and effective planning controls.

"We recommend establishment of a special staff committee to review the current backlog of pending matters and to recommend to the Commission the closing of files of marginal significance.

"We further propose the immediate expansion and invigoration of the Office of Program Review to take primary responsi-

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bility for proposing to the Commission ways and means of coordinating future operations.

"Second, the agency must recognize that some of its most serious problems—such as excessive delay and the conflict at the Commissioner level between the functions of prosecutor and judge—can be solved by greater delegation of authority to the staff. We recommend that the Commission confer on its bureau directors the authority to issue complaints and close investigations, on its General Counsel the authority to seek preliminary injunctions, and on its projected consumer protection task forces the authority to initiate and close investigations, issue complaints, and otherwise act as operating bureaus with respect to its own programs.

"Third, Commissioners have been criticised for making themselves available to those representing respondents or potential respondents on an *ex parte*, off-the-record basis. The Commission should define and publish criteria concerning the circumstances under which businessmen and their attorneys may confer with Commissioners at all stages of its proceedings." [11]

To the Commission's credit the response to these critical suggestions was positive and almost immediate. The Commission established on its own motion a special committee on caseload screening to review in depth the then existing backlog of pending matters and to recommend to the Commission the closing of those matters that had been pending so long that effective agency action would be difficult or impossible to achieve. As to those pending matters not closed out, the special committee was to impose realistic deadlines and see that they were strictly observed. As a result of their efforts, the Commission closed more than 450 matters and established realistic deadlines on the remainder of its caseloads.[12]

Soon after Caspar Weinberger was sworn in as Chairman, the Commission took the next step in its revitalization. For years the Commission's eleven field offices had served; more or less, as field investigators for matters which had their origin and ultimate control in Washington. Under the old system, the field investigators, all attorneys in their own right, would sift through the corporate files, interview witnesses and prepare the completed files for forwarding to Washington with their own summary memorandum of facts and law. The decision to draft and forward a complaint was that of the Bureau staff assigned to the matter and the field office attorney was thereafter used only as a witness or for supplemental investigation.

Soon after Chairman Weinberger was sworn in, he asked the attorneys in charge of the field offices to submit their views on improving their effectiveness in the area of consumer protection. After a meeting with the full Commission, however, it became clear that a thorough consideration of the full role of the field office attorneys was needed.[13] In this age of consumerism, the Commission cannot affort the "luxury" of not utilizing fully the untapped legal skills of the fields offices' attorneys. In line with the recommendation of the ABA, the Commission decided that the field offices themselves could be the "hard hitting" task forces equipped to knock out consumer fraud on a regional basis, and greatly expanded the responsibility of the field offices—making them in effect miniature FTC's on their own. Chairman Weinberger best described the benefits and nature of the new field office responsibility in the following way:

"As a result of our meeting with these representatives of the field offices, they have been given the authority to conduct investigations in regional and local deceptive practice matters on their own initiative without reference to Washington except for the routine housekeeping chores required by good management principles. This authority has as well been delegated to the field offices in all restraint of trade matters except mergers. In order to make implementation of this new policy practical, the Commission has also delegated to the attorney in charge of a field office and to his assistant the power to issue investigational subpoenas. Field Office attorneys will also prepare their own complaints and trial memoranda and will try their own cases.

"Though these changes appear minor, we hope to achieve major results. First of all, delay and duplication of effort should be reduced because one attorney will handle both investigation and trial. Second, we hope that now promising law school graduates of Law Review caliber who are interested in trial work will be attracted to careers in our field offices. Most important however we feel that this change assures that local and regional problems will be given prompt and effective attention." [14]

To make this delegation of authority to the field practical, the Commission created the new position of "Consumer Protection Specialist." Their function is to assist the field offices in the investigative work which was formally done by the field office attorneys and to work in the community carrying out the Commission's new consumer protection and education program.

Approximately 110 of these specialists have now been hired, trained and dispatched to the field offices where they are quickly fulfilling the promise of their creation.[15]

Closely following the expansion of field office authority, the Commission announced that it was going to establish joint consumer protection coordinating committees in major cities throughout the United States. There are now six [16] of them in operation—all of them greatly facilitating the Commission's attempt to assure that consumers and honest businessmen are protected from unfair and deceptive schemes by those who are not as ethical.[17]

Essentially these coordinating committees, composed of representatives of federal, state and local agencies, are accomplishing their goal of consumer protection in two ways. First, they are a one stop complaint service. An aggrieved consumer need only fill out one complaint form, and he is assured that the agency with the jurisdiction to help him will receive his complaint. Second, they and the field offices themselves are the eyes and ears of the Commission at the local level. As such, the data collected by them on a number of complaints and types of practices complained about are now providing a computerized picture of what really is most troubling the consumer. This is an invaluable input for the Office of Policy Planning and Evaluation to have when recommending to the Commission where it should spend its very limited budget.[18]

Perhaps another advantage which has accrued to the consumer from this new arrangement is the almost daily dialog which is occurring among the different government agencies. Now officials at all levels of government are thinking in terms of the problem at hand and the most efficient way of solving it. Rather than passing it off as one their agency is powerless to handle, they now can, on a first name basis, call another official, perhaps at a different level of government, who can help.

The Commission has also created consumer Advisory Boards as a nongovernmental supplement to the consumer protection coordinating committees. These advisory panels consist of area representatives of private and public service organizations, labor unions, industry associations and citizen groups. Their primary function will be to advise the Commission field offices on consumer problems and to suggest possible solutions for Commission consideration and action.[19]

Carl Swanson in his article in the *ABA Journal* on the changes which have occurred in the field offices calls them "A Quiet Revolution." [20] "Revolution" is perhaps a bit strong to describe the new profile of the field offices, but when viewed in conjunction with the reorganization of the Commission which took place under Chairman Weinberger on July 1, 1970, it is perhaps appropriate.

Chairman Weinberger in discussing the reorganization before the Commonwealth Club of California noted that it was not "paper reform" but was . . . "a clear response to President Nixon's mandate for a consumer-oriented, revitalized Federal Trade Commission. It is a scheme of organization that should allow for initiative to be taken in the Field and for policy and leadership to be executed by the Five Commissioners." The basic recognition reflected in the reorganization is the need for agency efficiency.[21]

Basically, the Commission reorganization has consolidated six disjointed bureaus into the two main areas of Commission responsibility with the addition of a supporting Bureau of Economics which assists both.[22] The Commission's new bureaus of Consumer Protection, Competition, and Economics are now organized to pare down the unnecessary and time-consuming layers of review that handicapped the Commission in former years and which previously delayed the Commission from acting fast enough to moot the Commission's enforcement effort. The Commission's functional alignment has also given the Commission a more efficient method of seeing that its budget is spent consistent with its determination of priorities, and that the results can be measured in terms of the Commission's overall effort in consumer protection and the enforcement of antitrust laws.

The most frequent criticism of the Commission in this regard is its failure to analyze its enforcement effort and to plan the allocation of resources in terms of priorities and agency goals. Along with the Commission's reorganization, additional steps were taken to strengthen the Commission in this area of policy planning which the ABA Commission found to be so deficient.

As part of the Commission's reorganization, there is now in operation an Office of Policy Planning and Evaluation with broad responsibility to advise the Commission on resource allocation.

July 1, 1970, the day that the Commission's reorganization plan became effective was also the date that the Budget Bureau was replaced by the Office of Management and Budget. The President's selection of Chairman Weinberger as Deputy Director of the New Office with primary responsibility for the budget, thus brought to a close his brief but accomplishment-laden six months as Chairman of the FTC.

Chairman Weinberger's own view of the progress during his tenure in increasing the Commission's effectiveness distinguishes three principal areas of improvement:

"*First,* procedures at all levels of the Commission have been speeded up by the recent reorganization, effective July 1, 1970, which has also established a special office to help the Commission determine its priorities in allocating manpower and resources.

"*Second,* there has been a substantial increase in the number of points of contact between the Commission and the public, which has increased the public's understanding of the requirements of the laws the Commission enforces and administers and the Commission's ability to discover violations of these laws.

"*Third,* the Commission has been probing the limits of its statutory powers, seeking to require novel types of relief as is necessary to deal with changed modern market practices." [23]

Before leaving the Weinberger era, a fourth area should be mentioned—personnel. Chairman Weinberger, with the assistance of a professional management specialist, interviewed scores of applicants for senior positions with the Commission and succeeded in bringing to the Commission in key policy positions the brightest and most energetic of these candidates.[24]

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One indication of the splendid job Chairman Weinberger did in this regard is the large percentage that have been retained by his successor.[25]

In summary in terms of the ABA suggestions, the Weinberger reorganization and leadership gave the Commission better control of its own resources and through an upgraded Office of Policy Planning and Evaluation a modern management method of monitoring the effectiveness of its expenditures.

The delegation to the field of greater responsibility and the added help of the Consumer Protection Specialists have greatly speeded up the Commission's investigations, and Chairman Weinberger was intent as well upon modernizing its adjudicatory procedures,[26] to assure that unnecessary delay would not occur after a complaint was issued.

Priorities have been established in major investigations and the backlog of cases eliminated. In addition, the Commission has been fortunate in avoiding the bitter public displays of past years and is now working together as a team. Finally the Commission's complaints are giving every indication that the ABA recommendations are being excelled in this area of cases that the Commission under Chairman Kirkpatrick has brought. Interestingly enough this is one area in which the results of the reorganization clearly indicate that more than a paper reform has taken place.

RECENT CASE ACTIVITY AND FUTURE DIRECTION

Early in 1970, the Commission signaled its awakening by a directive to the staff that the "Commission is receptive to novel and imaginative provisions in orders seeking to remedy alleged violations for future submission to the Commission recommending issuance of complaints."[27]

The response has been almost immediate and has dramatically shown that the Commission can be an effective, innovative and independent guardian of the consumer. During the last year there have been more than a score of complaints reflecting an imaginative use of the Commission's statutory powers. Some of these complaints have since been settle, and others have not as yet been tested either before the Commission or the courts, but they all represent a well motivated and carefully considered attempt by the Commission under Chairman Kirkpatrick's leadership to imaginatively use its statutory powers to eliminate practices which make it difficult for the great majority of honest businessmen to effectively compete, and are marring the quality of life in America today.

Perhaps the first of these notable cases involved the allegedly deceptive advertising of Campbell Soups.[28] The FTC complaint involved advertisements that included pictures of a ready-to-eat bowl of Campbell's soup, apparently prepared according to directions on the can. Solid ingredients appeared at the top of the bowl. Not so, alleged the Commission. There were marbles in the soup which forced the solid ingredients to the top, thus exaggerating the amount of solid ingredients in the soup.

In this particular instance, a consent order was obtained and duly published for comment. At this time a group composed of law students organized themselves and adopted an appropriate acronym for their group's name—S.O.U.P., Inc. (Student's Opposing Unfair Practices). S.O.U.P. thereafter filed a petition asking the Commission to withdraw its provisional acceptance of the agreed-to order as being inadequate, and to grant it permission to intervene.

The basic remedy which S.O.U.P. requested in its petition was inclusion of a paragraph in the order which would require Campbell to include an affirmative disclosure in all its future advertising of the deceptive practices discovered by the Commission in order to alert the public to these practices.

The Commission, after hearing S.O.U.P.'s arguments, accepted the consent agreement without the suggested alterations. However, in its opinion by Chairman Weinberger, the Commission noted that there was no basic disagreement between it and S.O.U.P. as to the Commission's power to require affirmative disclosure.

In deciding that affirmative disclosure was not appropriate in this instance, the Commission did, however, give some indication of the criteria to be used by it in evaluating not only the limited question of corrective advertising but also its approach in determining whether any proffered consent agreement is appropriate.

First, the Commission accepted as accurate S.O.U.P.'s three principal criteria:

1. Whether the public will be adequately informed of respondent's alleged deception and thus able to protect themselves from future recurrences.

2. Whether the order contains sufficient assurances that the alleged violations will not be repeated in the future.

3. Whether the order adequately insures that the effects of the deception alleged here have been adequately dissipated.

The Commission then added some additional criteria of its own:

"These questions are, of course, among those which the Commission must consider in determining whether final acceptance of the proposed order is in the public interest.

"There are also other questions which we should consider—among them the extent and type of the deception, whether it involves a danger to health or safety of consumers, and, what is particularly important where a proposed order has been agreed to by respondent, whether the matter merits further expenditure of the Commission's limited resources when compared with other matters within our jurisdiction."[29]

The Kirkpatrick Commission has very quickly followed up on this pronouncement in several ways.

First, the Commission has allowed intervention by S.O.U.P. in a case involving alleged misrepresentations by a major tire company for the limited purpose of presenting relevant material and noncumulative evidence on the issue of whether the proposed order adequately protects the public interest.[30]

The Commission in allowing intervention by S.O.U.P. in this case seems to have been particularly influenced by the fact that S.O.U.P.'s request to have an affirmative disclosure requirement in the *Firestone* order might be more appropriate than in the *Campbell Soup* case because an alleged misrepresentation of added safety was involved in the latter case and intervention would not unduly lengthen the case. The Commission did state, however:

"In allowing intervention in the present case, we are beginning a delicate experiment, one requiring caution and close observation. Nothing in this opinion should be construed as a permanent or irreversible policy decision; we have many apprehensions concerning this step, and we find a need for a period of probation."[31]

What this means practically is that the Commission believes that in the vast majority of cases the staff attorneys charged with the duty of drafting and supporting the Commission's complaints will do a competent job of representing the public interest, but that where a good showing for intervention can be made by responsible persons or groups that the Commission will seriously consider such requests.

Also as a result of the original S.O.U.P. intervention, the Commission has included in other proposed orders where it was deemed appropriate a requirement that the respondents "clearly and conspicuously disclose in all advertising for one year that the Federal Trade Commission has alleged that ——— has been falsely advertised as ———"

Two major cases in which the Commission has tentatively agreed that such relief would be appropriate involve allegations of false antipollution claims by Standard Oil Company of California for its Chevron gasoline with "F 310" and allegations that ITT–Continental Baking Company has falsely advertised Wonder and Profile Breads and Hostess Cupcakes. Wonder and Hostess have allegedly misrepresented nutritional qualities, and Profile Bread was charged with misrepresenting that it is effective for weight reduction.

The Commission's toughened stance in regards to the deceptive advertising of nutritional claims can most clearly be seen in the proposed orders both in the ITT–Continental case[32] and the Commission's complaint against alleged misrepresentations of Coca-Cola's Hi-C Fruit Drink. In addition to requiring corrective advertising,[33] these orders would also act against the trade marks "Profile" and "Hi-C" as being inherently deceptive and thus forbidden to respondent. Neither of these cases has been settled, and it appears that it will be a long time before there is a final answer to the Commission's authority to require this stringent relief.

In further response to the Commission's memorandum requesting innovative remedies where such are necessary to alleviate consumer abuses, the Commission's Division of Food and Drug Advertising forwarded a novel complaint against the Charles Pfizer Company to the Commission early in the Spring of 1970 which was issued on April 16, 1970, as a proposed complaint (now Docket No. 8819 under issue date of July 6, 1970).[34] The complaint charges that Pfizer's advertising of its "Urban Sunburn Treatment Preparation" represents that it actually anesthetizes nerves in sensitive sunburned skin and that it relieves pain fast. The complaint states that the advertising represents implicitly that its advertising statements have been susbtantiated by adequate and well-controlled scientific studies and alleges that this is not the case. If the Commission eventually issues a cease-and-desist order in this case, and if it is upheld in the courts, the effect would be to require manufacturers of analgesic and other specified claims for its products to have available substantial data fully corroborating the claims it makes for them. It is also interesting to note that, perhaps as a result of the Commission's complaint against "Unburn," Ralph Nader and Aileen Cowan have filed a petition with the Commission requesting a Trade Regulation Rule requiring that whenever claims are made as to the formulations, capabilities, safety or efficacy of any product, the advertisers must have supporting data available. It is expected that by the time this article is printed, the Commission will have made its decision as to whether such a rule should be formally proposed and set for a public hearing.

A perusal of the subject matter of the cases which have been discussed so far indicates another interesting facet of the current trend in Commission enforcement, and a trend which apparently will continue. Each of these cases has a great deal of impact in terms of consumer protection on a nationwide basis. Each is topical and is of more immediate concern to consumers than the myriad of Commission cases in former years which were concerned with violations of the so-called "Labeling Act" and such ever present petty frauds as chinchilla farming and the home improvement rackets which have been the subject of many Commission complaints in the past. This is not to say the Commission is not bringing such cases now or in the future, but rather that it is devoting the majority of its resources to matters of greater concern to and impact upon the national populace.

Another indication of this interest in obtaining the most enforcement for the consumer's tax dollar can be seen in the Commission's efforts in the field of sweepstakes

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and other games of chance. The amount of mail which the Commission receives on this one problem alone from all parts of the country indicates the great concern that such games of chance have caused the public. Recently, the Commission has announced several actions against major national users of such sweepstakes, games of chance and so-called games of skill. In one instance, the Commission has included in the proposed relief a requirement that the respondent must "cease-and-desist from wrongfully withholding the earned prize of $100 from contest entrants who submitted entry cards which were complete and correct under a reasonable interpretation of the published contest rules . . ." [35] and it is anticipated that a court test of the Commission's powers in this area will follow any final determination by the Commission that it has the power to require such cash payouts. Thus, if one intends to use such games to promote one's products, it would be wise to retain experienced trade regulation counsel. A review of one's promotional program will insure that it will pass muster under the increased vigilance of the Commission. I might add that in most of the recent cases the Commission has joined in its complaints the major products of such games along with the sponsor corporations.

Other interesting complaints in the sweepstakes area have involved McDonald's Hamburger Chain and D. L. Blair Company, the promoter of "McDonald's $500,000 Sweepstakes." In this particular complaint, McDonald's is charged with misrepresenting that $500,000 worth of prizes would be awarded when only $13,000 in prizes was actually distributed.

Unlike the Coca-Cola "Big Name Bingo" complaint, the proposed order would act prospectively to require that in all future games all prizes be distributed.[36] The Commission has continued this emphasis upon cases of major impact in such actions as its complaint against the major manufacturers and sellers of enzyme containing detergents for misrepresentations of their claims of "unique efficacy" for their product.[37] As in the sweepstakes cases just discussed, the Commission joined the manufacturers' advertising agencies in its proposed complaints.

Recently, the Commission has accepted proposed consent agreements in the enzyme efficacy cases,[38] but its previously announced investigation regarding enzyme safety is continuing and perhaps by the time this article appears, a Commission decision will have become public.

Another interesting area into which the Commission has delved is that of consumer privacy. In Docket No. C–1864, *Metromedia, Inc.*, the Commission [39] has indicated its concern that companies which obtain names for the purpose of compiling lists of prospective customers for various products and services clearly reveal the purpose of their questionnaire or other method of obtaining said names so that the consumer's privacy will not be unduly infringed.

Perhaps a greater indication of this very real concern for the consumers' privacy is the Commission's recent public announcement that it had directed the staff of the Bureau of Consumer Protection to expeditiously look into the possibility that income tax services which have recently become so popular are using the information obtained from their clients to compile lists which can be sold to finance and insurance companies who greatly value the refined financial data thus provided on prospective customers. As yet, no cases have been issued in this area, but should preliminary indications be borne out, action in this field might be expected in the near future.

Still another interesting development in respect to the Commission's request for innovative remedies is contained in the Commission's recent complaint against the DuPont Company.[40] DuPont has allegedly misrepresented in its advertising for "Zerex Anti-Freeze," certain anti-leak attributes of the product and, further, has failed to reveal that Zerex may damage the car's cooling system. The proposed order in this case would require DuPont to clearly disclose this damage potential. Additionally, if the record in this case indicates that such relief is inadequate, the Commission will consider ordering DuPont to stop marketing Zerex. This case most likely will be litigated.

Perhaps a good indication of another area of great interest to the Kirkpatrick Commission can be found in its recent cases brought against Mattel and Topper Companies, for the misrepresentation of certain characteristics of toys marketed by these companies.[41] In a further development in this area, the Commission has issued a joint statement with the Federal Communications Commission stating that both agencies are considering joint hearings on the question of advertising addressed primarily to children.

In evaluating further action by the Commission in this area, it is important to add that the Commission will use a more stringent standard when reviewing advertising which is addressed primarily to less-experienced and much more impressionable marketing groups such as children. It is perhaps possible that in regard to certain advertising specifically directed to such groups the Commission may test its powers to ban such advertising.

Though the most novel of the Commission's recent complaints have concerned the consumer protection field, the Commission's activities regarding anti-trust violations have also been marked by the innovative use of the Commission's powers. Last fall, the Commission announced its intention to issue a complaint against the nation's five largest tire manufacturers [42] charging that their leasing of and refusal to sell bus tires has eliminated competition among themselves and foreclosed potential competition. Perhaps the most unique feature of the Commission's complaint was that its charge was based upon the parallel action over a period of time by these major companies and that no allegation of conspiracy was included.

A test of the Commission's authority to interpret the law in this fashion must, however, await a future case since the Commission has tentatively accepted consent agreements in these cases [43] which avoid any contest on this issue.

In another action, the Commission has issued complaints [44] against major manufacturers and franchisers of bottled soft drinks. The complaints allege that the licensing agreements unduly restrict bottlers from selling outside of designated geographic areas, thus eliminating competition between bottlers and depriving retailers and customers of their rights to purchase at a competitive price.

There has been a great deal of fear among smaller bottlers that these complaints will eliminate them as a competitive factor in the market and that it could eventually put them out of business. However, this was not the intention in issuing the complaints. On the contrary, the desire was to enable smaller and medium-sized businesses to compete on the basis of price for the large market which exists for soft drinks. These complaints will undoubtedly be fully litigated, and the Commission will very carefully consider the competitive effect of any orders which might be issued.

These, then, are all major cases during the past year which are indicative of the Commission's intent to be increasingly active as a protector of honest business and the consumer.

Increasingly, as the effects of the Commission's Office of Policy Planning and Evaluation become felt, the majority of the Commission's resources will be directed toward areas in which its limited budget can do the most good. Also, the Commission is placing an emphasis upon the creative use of statutory powers which in the past have not proven sufficient to permit the Commission to carry out its responsibilities.

The Commission remains eager to obtain the assistance of business through self-regulation and cooperation in performing its duties. It recently accepted, on a trial basis, the proposals of the major manufacturers of the cigarette industry to voluntarily include the latest information on the tar and nicotine content of their cigarette product in advertising and promotional materials.[45]

Further, the Commission has cooperated fully with other Government agencies and industry in its inquiries into the safety of detergents containing enzymes and in another area has been willing to explore with the advertising industry its proposals for self-regulation.

The Commission has become increasingly aware of the bridge which exists between its responsibilities in the areas of advertising and antitrust.[46] It has announced major investigations of franchising and six major concentrated industries which will perhaps, when completed, give the Commission more information on this important relationship.[47]

Preliminary indications, however, in the Commission's franchise and cereal industry investigations strongly suggest that concentrated industries are characterized by little physical and real product differentiation and extremely large advertising budgets. One might look for future developments in this area.

Practitioners and businessmen affected by the Commission will also note in the future that in addition to the Commission's emphasis on initiating cases of major impact that the Commission will increasingly resort to tightly drafted Trade Regulation Rules which will be marked by the same originality which is currently appearing in the prohibitions of the Commission's proposed complaints. The Commission now has under consideration proposals affecting the negative option procedure used by major book and record clubs, new car pricing practices, unfair billing practices, and a proposal which would affect the rights of creditors handling commercial paper for many consumer credit items to assert the "holder in due course" concept as a defense.

The Commission is also increasingly active through its General Counsel's Office in the use of its seizure powers under the Flammable Fabrics Act and in its request for preliminary injunctions against advertising which is alleged to be violative of Section 12 of the Federal Trade Commission Act.

The Commission, through its General Counsel, Joseph Martin, Jr., has also shown itself able to act quickly where matters of general safety are involved.

In the Commission's complaint against the American Safety Razor Company, a subsidiary of Phillip Morris, the Commission acted in less than a week to draft a complaint designed to prevent the distribution of sample razor blades to members of the general public by means of home delivery newspapers, and to prepare the necessary papers for an injunction suit (which proved to be unnecessary).[48]

The Commission, through its General Counsel was prepared in this case, had it been necessary to request the United States district court for a preliminary injunction under general equity power to prevent this distribution. While there may be some doubt whether the Commission has such powers, the Commission was willing in this instance had it been necessary to test its rights in this regard because it was felt the public welfare required such action.

The Commission, in the months ahead, will probably continue to pursue its current enforcement direction. The Commission's enforcement will become increasingly

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sophisticated as a result of the work which is being done in its Office of Policy Planning and Evaluation under the direction of Lawrence G. Meyer.[49] At the current time, this Office is heavily involved in the development of a computer methodology to measure in term of standard industrial codes the Commission expenditures of both time and money. This codification by industry, when successfully completed, will give the Commission a continuing grasp of where it is devoting its energies and thus a method to refine the Commission's enforcement to areas of greatest need and to improve its management of individual Commission matters. Further, this Office is involved in research into behavioral aspects of markets and consumers on a level of sophistication which has been lacking in previous Commission action.[50]

Before concluding, there is one additional area which should be discussed—the possibility of changes imposed on the Commission from the outside.

On January 30, 1971, the President's Advisory Council on Executive Organization, under the leadership of its President, Roy L. Ash, filed a report on selected independent regulatory agencies which recommended a new regulatory framework.

As regards the Federal Trade Commission, the so-called "Ash Committee" recommended that "the Federal Trade Commission be abolished and its consumer protection responsibilities vested in a new federal trade practice agency headed by a single Administrator, and that antitrust enforcement responsibilities of the Federal Trade Commission be transferred to a new federal antitrust Board." [51]

At the same time that the "Ash Committee" was recommending that the Federal Trade Commission be abolished, Senators Magnuson and Gurney, and Congressmen Dingell and Erlenborn were introducing bills on Capitol Hill which would have a far different effect upon the Commission. In S. 986, (H.R. 4809), the Consumer Product Warranty and Federal Trade Commission Improvements Act of 1971, Senator Magnuson and Congressman Dingell have introduced a bill which would greatly increase the powers of the Federal Trade Commission to protect the consumer's interest.

Title I of S. 986, provides minimum disclosure standards for written consumer product warranties and would vest in the Federal Trade Commission the requisite authority to enforce these standards. Title I provides effective features for the elimination of much of the warranty abuse which exists today.

Title II contains those powers which would be most beneficial to the Commission's enforcement of its consumer protection responsibilities. It would modernize the Federal Trade Commission Act to give the Commission jurisdiction over unfair methods of competition and unfair or deceptive acts or practices which *affect* interstate commerce. Other sections of this bill would allow the Commission to initiate suits in the district courts to obtain penalties for violations with actual or implied knowledge of Section 5 or rules promulgated under Section 6 of the Federal Trade Commission Act. This also would be a valuable weapon for the Commission to have.

Section 203 of the Act would provide clarification of the Commission's powers by spelling out that the Commission's cease-and-desist authority extends the power to the Commission to require such other action as may be determined necessary to remedy the violations of law found by the Commission. This specific endorsement of the Commission's recent practice of including in appropriate proposed orders a requirement that respondents allow rescission of contracts and restitution (only where appropriate) as well as corrective advertising, would be desirable in that it would eliminate the delay which protracted litigation will have upon the Commission's use of these powers.

In Sections 206, 209 and 210 of S. 986, the penalty for violations of final Commission orders is raised from $5,000 to $10,000 and the Commission is authorized to act through its own attorneys, thus eliminating the Commission's reliance upon the Department of Justice. This legislation also makes explicit the Commission's powers to promulgate trade regulation rules, and in Section 212 gives the Commission the right to seek preliminary injunctions after the Commission has shown a federal district court that it has reason to believe that an act or practice is unfair or deceptive to the consumer and that the enjoining thereof would be in the public interest.

Congressman Erlenborn's and Senator Gurney's proposal would increase the Commission's responsibility in still another fashion. Title II of S. 1205—H.R. 3809, instead of establishing a separate consumer protection agency would grant statutory recognition to the Bureau of Consumer Protection within the Federal Trade Commission, and would grant to the Bureau of Consumer Protection most of the powers and responsibilities now being suggested in Congressman Rosenthal's bill, H.R. 14, as being necessary and desirable for a separate consumer protection agency. By legislatively recognizing and extending the responsibilities of the Bureau and by increasing the stature of its Director to that of a Presidential appointment, these bills would greatly enhance the Commission's ability to protect the consumer interest in a comprehensive fashion.

In forwarding his recommendation to Congress for consumer legislation in February of 1970, President Nixon specifically asked for some of the powers mentioned in the bills which have been introduced by Senator Magnuson and Congressman Dingell, and the President recommended an interim measure that the "advocacy function" be placed within the Federal Trade Commission.[52] President Nixon specifically did not pass upon the recommendation of the Ash Committee to abolish the Federal Trade Commission so that he might judge the commentary received by the Bar and other interested parties before making a recommendation.[53]

Concurrently with the drafting of this article, a special subcommittee of the Antitrust Section of the American Bar Association has come out solidly against the Ash Committee recommendation to dissolve the Federal Trade Commission but has recommended that the adjudicative functions be transferred to a new administrative court.[54]

It is not the purpose of this paper to choose between the alternative proposals presented by these differing outside attempts to affect the Commission's future. It would seem, however, that there is a very real need for an active agency such as the Federal Trade Commission to protect consumers and honest businessmen from practices which are inherently unfair whether they be traditionally characterized as antitrust violations or unfair or deceptive practices.[55] In the months ahead, the Commission will, through its own actions, continue to make a case for its continued existence, and it is my opinion that the revitalized Federal Trade Commission will be around for quite a long time.

EDITOR'S NOTE

In the interim between the time this article was completed and its publication in this journal, the Commission has continued its accelerated pace. In the *Coca-Cola Hi-C* case (supra), the Commission has issued a formal complaint and has dropped the order previously affecting the trademark "Hi-C." An eventual test of the Commission's powers to require the termination of the advertising of a trademarked brand name, however, most surely will not be long in coming. In addition to the *Profile Bread* case which remains, the Commission has now challenged a recent case against the J. B. Williams Corp.'s (Trade Reg. Rep. ¶ 19591) advertising the trademark "Pro-Slim" and "Pro-Slim's 7-Day Reducing Wafers and Diet Drinks."

The Commission has brought an additional case against gasoline anti-pollution claims and in the antitrust area has challenged the Warner-Lambert merger with Parke, Davis and ruled against the Peabody Coal Co. merger with Kennecott.

FOOTNOTES

[*] Member of the Virginia and District of Columbia Bars. The views stated are those of the author and not necessarily those of the Commission or any individual Commissioner.

[1] Mr. Kirkpatrick was sworn in as Chairman of the Federal Trade Commission exactly one year later on September 15, 1970.

[2] Cox, Fellmeth, Schultz, The Nader Report on the Federal Trade Commission (1969, Richard W. Baron, New York), hereinafter cited as Nader Report.

[3] Report of the ABA Commission to Study the Federal Trade Commission, September 15, 1969, Committee Print, at 3.

[4] *Id.* at 1.

[5] Wall Street Journal, Feb. 10, 1971, at 1.

[6] *Id.* Mr. Nader is quoted in the article as stating, "The Commission is waking up to its responsibilities, which is attributable to a new and more vigilant staff. If they keep up the accelerated pace, the FTC may become a prime recruiting ground for idealistic young lawyers who want to use the authority of a democratic government to protect consumers and root out anti-competitive practices."

[7] *See, infra* note 9.

[8] Address by Chairman Miles W. Kirkpatrick, International Newspaper Advertising Executive, Jan. 8, 1971.

[9] 117 Cong. Rec. No. 22, Feb. 24, 1971, at 1879–1882. *See also,* Statement of Virginia H. Knauer, Special Assistant to the President for Consumer Affairs Concerning the President's Consumer Message of Feb. 24, 1971. Mrs. Knauer notes that:

"[N]o review of the President's message would be complete without a review of the proposals for the Federal Trade Commission. We are pleased with the great strides made thus far by the dedicated leadership of Chairman Miles Kirkpatrick.

"The President asks that the FTC be given authority to seek preliminary injunctions in Federal courts against what it deems are unfair or deceptive business practices. He has also asked the authority of the FTC be expanded to include activities 'affecting' interstate commerce as well as those activities which are 'in' interstate commerce. In addition, he has requested civil penalties to be increased up to $10,000 for each violation of Commission cease-and-desist orders.

"We all know that consumers have been troubled for some time by deceptive and unclear warranties. The President has proposed that the Federal Trade Commission be given authority to require full and complete disclosure of warranty terms in language consumers can understand, and Department of Justice enforcement of disclosure requirements would be added to the Commission's efforts."

[10] ABA Report, at 2, Committee Print (1969).

[11] *Id.* at 2–3.

[12] Address by Caspar W. Weinberger, ABA Antitrust Section Spring Meeting, April 9, 1970. *See*, 39 Antitrust L. J. 414.

[13] *See*, 39 Antitrust L. J., *supra*, note 12, at 415–16.

[14] Address by Caspar W. Weinberger, Ohio State Bar Association, Akron, Ohio, May 14, 1970. *See also,* Swanson, *Revolution at the Federal Trade Commission*, 57 ABA Rep. 132 (1971). It might be noted that Basil Mezines, Chairman Weinberger's Executive Assistant, played an extremely important role in the transfer of authority to the field and in the subsequent reorganization of the Commission. Chairman Kirkpatrick has appointed Mr. Mezines to the position of Executive Di-

rector of the Commission. As the Chief Staff Official, Mr. Mezines is in excellent position to insure that changes in the Commission's structure which he helped draft are efficiently carried forward.

[15] In announcing this new position, Chairman Weinberger stated:

"[O]ur team of highly mobile specialists will complement the work of our investigatory personnel, giving our field offices far greater coverage of their territory. Local consumer problems will not be spotted more promptly and field office attorneys can respond just as promptly in resolving the complaints. Washington need not be contacted except for actions that by law only the Commission itself can take.

"These specialists help the field attorneys enforce the Truth in Lending Act, the Wool, Fur, Textile, and Flammable Fabrics Laws, and are deeply involved in general investigation consumer education programs and community relations. This corps of consumer protection specialists is a highly competent and motivated group of men and women who will provide the added measure of strength that the FTC field offices have long needed to conduct an unflagging campaign countrywide against fraud, deception, and unethical business practices . . . . a campaign that is really designed to serve the best interests of consumers and businessmen alike." Press Release, *FTC Dispatching Consumer Protection Specialists to Field in Broad Attack on Deception, Fraud,* July 2, 1970.

[16] Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, Boston.

[17] Weinberger before Ohio State Bar Association, *supra* note 13.

"Further indicative of the Commission's and the field offices' new vitality is the creation in major metropolitan areas of consumer protection committees.

"One such committee has already been established in Chicago and the creation of such committees in all fifteen largest population centers is our goal for the immediate future.

"These committees, composed of federal, state and local agencies, have as their target consumer fraud in all its most virulent forms. As part of the one stop complaint service provided by these committees, a consumer complaint that may have been filed with the wrong agency will be automatically forwarded to the appropriate destination. No longer will frustrated consumers face the depressing aggravation of being shunted from one agency to another until they give up in their attempt to achieve redress totally disillusioned with all levels of government."

[18] The Commission's budget for fiscal 1971 is $20,500,000 for all activities. This can be contrasted with Procter & Gamble's *advertising* budget for 1969 of $275,000,000, $187.6 million of which was in measured media (radio, television, magazines, etc.).

[19] Consumer Advisory Board found in New Orleans, FTC Press Release (June 4, 1970). *See,* FTC policy announcement of February 5, 1970. There are now Consumer Advisory Boards operating in Chicago, New Orleans, and one in the midst of development in San Francisco.

[20] 57 ABA Rep., *supra* note 13, at 132.

[21] Address by Caspar W. Weinberger, Commonwealth Club of California, San Francisco, June 19, 1970.

[22] Chairman Weinberger announces Reorganization Plan for F.T.C., FTC Press Release (June 9, 1970). The attached chart shows the Weinberger reorganization with the current organization; the original Weinberger reorganization also included the positions of Economic Adviser, Executive Assistant to Chairman, and the Office of Congressional Relations, which have been eliminated. The second chart is the pre-Weinberger alignment.

[23] Recent FTC Achievements Reviewed, FTC Press Release, Aug. 13, 1970, with accompanying letter to Honorable Edward M. Kennedy.

[24] It is obviously people who make any organization run. The best organizational table imaginable is useless without capable and energetic personnel to fill the listed positions. Chairman Weinberger had a distinct ability to find people with the ability to "make things happen" and to convince them to accept the challenge of turning this agency around. *See,* 2 Natl. J. No. 14, (April 11, 1970), for information on some of these recruits, and, Consumer Report/FTC's New boldness tests limits on its authority, 3 Natl. J. No. 4 (Jan. 30, 1971), for a complete article on Commission personnel today.

[25] *Id.* Chairman Kirkpatrick has exhibited this same ability to attract highly capable men to accept senior staff positions. To head the Bureau of Consumer Protection he has chosen Professor Robert Pitofsky, Counsel to the ABA Committee, for the Bureau of Competition he has chosen Mr. Alan Ward, an eminent member of the Washington Antitrust Bar, and he has chosen as head of the Bureau of Economics Dr. Michael Mann, head of the Economics Department at Boston College.

[26] FTC Forms Advisory Council to Review Rules of Practice and Procedures, FTC Press Release, May 27, 1970.

[27] Highlights of 1970, FTC Press Release (undated). *See also,* 116 Cong. Rec. E10, 837 (daily ed. Dec. 30, 1970) (remarks of Honorable John N. Erlenborn).

[28] Campbell Soup Co., et al, Docket C 1741 (1970). See the final order and opinion of the Commission by Chairman Weinberger dated May 25, 1970. Trade Reg. Rep. ¶ 19,261 (1970).

[29] *Id.* at ¶ 21.423.

[30] Firestone Tire & Rubber Co., D. No. 8818 1970). *See,* Trade Reg. Rep. ¶¶ 19,373, 21,501 (1970), for the Commission's opinion and order granting limited intervention. S.O.U.P. was also permitted necessary discovery rights.

[31] *Id.* at ¶ 21,502.

[32] Standard Oil Co. of California, D. 8827 (1970), Trade Reg. Rep. 19,352, 19,428 (1970). ITT-Continental Baking Co., Inc., proposed complaint No. 712 3447, Trade Reg. Rep. ¶ 19,539 (1970). Other cases in which the Commission has issued proposals or adjudicative complaints which have proposed orders requiring corrective advertising and involving similar nutritional product misrepresentation are in *Ocean Spray Cranberry Juice,* and in *Coca-Cola* for the alleged misrepresentation of Hi-C Fruit Drink. In addition, in its complaint against Chemway for the alleged misrepresentation of the therapeutic value of Dr. West's Toothbrushes, the Commission ordered corrective advertising. The Commission, however, specifically rejected the inclusion of corrective advertising in the proposed order against the Swift Baby Food Company because of its fear that Swift, which has only a minor share of the baby food market, would be irreparably injured thereby. It should be noted that the complaints which have been tentatively found to be appropriate for the inclusion of corrective advertising have involved either environment, health or nutritional claims.

[33] It is interesting to note that in the *Ocean Spray* case, the suggested corrective advertising relief has been strengthened to require Ocean Spray to devote at least 25% of each beverage advertisement for the next year to a clear disclosure that the FTC has alleged the firm has falsely described its cranberry drink as a juice and has falsely described the beverage's nutritional content. Trade Reg. Rep. ¶¶ 19,477, 21,556 (1970).

[34] Trade Reg. Rep. ¶ 19,209, 19,370 (1970).

[35] The Coca-Cola Company, D. 8824 (1970). *See,* Trade Reg. Rep. ¶ 19,290 (1970).

[36] McDonald's Corp., D. 8837 (1970), Trade Reg. Rep. ¶¶19,295, 19,512 (1970). McDonald's and its advertising agency, D'Arcy Advertising, have filed a consent order which has been provisionally accepted by the FTC. D. L. Blair, the promoter, is not a party to this consent agreement and the complaint is being litigated.

[37] Trade Reg. Rep. ¶ 19,353 (1970).

[38] Trade Reg. Rep. ¶ 19,511 (1970).

[39] *See,* Trade Reg. Rep. ¶ 19,441 (1970), for the Commission's provisional acceptance of the consent order.

[40] Trade Reg. Rep. ¶ 19,395 (1970).

[41] Trade Reg. Rep. ¶ 19,398. *See also,* Trade Reg. Rep. ¶ 19,386, for the Commission's action against Mars, Inc. for allegedly misrepresenting the nutritional value of its Milky-Way chocolate bar.

[42] Goodyear Tire & Rubber Company, Trade Reg. Rep. ¶ 19,381 (1970).

[43] Trade Reg. Rep. ¶ 19,522 (1971).

[44] Trade Reg. Rep. ¶ 19,433 (1971).

[45] Trade Reg. Rep. ¶ 50,292 (1970).

[46] *New Challenges for Consumer Movement,* Address by Commissioner Mary Gardiner Jones, Fifth Consumer Assembly of Greater New York, March 6, 1971.

[47] Address by Miles W. Kirkpatrick, 19th Annual Spring Meeting, Antitrust Section, American Bar Association, April 1, 1971. *See also,* Statement by Casper W. Weinberger, Joint Economic Committee of Congress, July 10, 1970.

[48] Phillip Morris, Inc., D. 8838, Trade Reg. Rep. (1971).

[49] Mr. Meyer has given an excellent view of enforcement trends of the Commission in the petroleum industry and in franchising and product safety in three separate speeches which should be reviewed by those desiring more material on the trends of enforcement at the Federal Trade Commission:

(a) *Some General Observations on the Petroleum Industry,* National Congress of Petroleum Retailers, Aug. 12, 1970;

(b) Before the International Franchise Association, Miami, Florida, January 21, 1971;

(c) *Some Observations on the Emerging Trends in Product Liability,* University of Wisconsin, March 16, 1971.

[50] For an indication of the depth and breadth of the work being done in this Office, the speech by Fred L. Woodworth, Assistant Director of this Office, before the Distinguished Lecture Series in Consumer Behavior at the Ohio State University on February 22, 1971, is highly recommended. Copies may be obtained from the Commission's Office of Public Information.

[51] President's Advisory Council on Executive Organization, A New Regulatory Framework Report on Selected Independent Regulatory Agencies 87 (January 1971).

[52] The "advocacy function" is a shorthand notation for the right to intervene in the proceedings of other federal agencies to represent the interests of consumers. The alternative versions of the proposals before Congress give this right to either the FTC or an independent executive agency as a matter of right in proceedings which are not solely for obtaining penalties, and at the option of the other agency where a penalty is the purpose of the proceedings.

[53] 117 Cong. Rec. Rep. (daily ed. Feb. 24, 1971).

[54] Report of the Section of Antitrust Law To Study the Ash Council Report, April 1, 1971.

[55] Although it is not the purpose of this paper to choose from among the various proposals affecting the agency, the address by Chairman Miles W. Kirkpatrick before the 19th Annual Spring Meeting of the Antitrust Section of the American Bar Association presents an excellent defense of the Commission's current procedures and joint responsibilities.

STABILITY AND CHANGE IN DRUG USE PATTERNS AMONG HIGH SCHOOL STUDENTS

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. WIGGINS. Mr. Speaker, my activity as a member of the Select Committee on Crime has alerted me to the serious problem of drug abuse among our Nation's youth. Testimony before this committee has indicated that the use of marihuana by youths of high school age is widespread, while the use of more harmful hallucinogens, amphetamines, and barbiturates is increasing.

It is my privilege to speak to thousands of high school students each year. I am continually impressed by their vitality and by the sharpness of their minds. In the light of medical evidence attesting to the harmful effects of drug abuse, I am deeply troubled by the thought that so many of these young adults, while in the prime of life, have found it necessary to jeopardize their future mental, physical and emotional development for momentary escapes from reality.

It is clear that there remains much to be learned concerning the causes and the effects of drug usage and drug addiction among youth. Only a few extensive studies have addressed themselves to the various aspects of this problem.

Recently, I had the opportunity to read one such study concerning the use of drugs among high school students in the district which I represent. It was prepared by Dr. Michael Brown, with the aid of a staff of student research assistants. Dr. Brown is an assistant professor at California State College in Fullerton, Calif., and a consultant for the Fullerton High School district. He is the author of a number of books and articles concerning the politics of youth and drug abuse among youth.

Based on data compiled over a 4-year period, the study provides a statistical analysis of patterns of drug usage among high school students in the Fullerton High School district. This study is of particular significance in that it constitutes the only long-term analysis of an adolescent community, based upon highly reliable scientific survey techniques, to be compiled in this country.

I commend Dr. Brown and his staff on their work in compiling this worthwhile and thought-provoking study. I include this study in the RECORD and recommend it to the entire membership for reading.

STABILITY AND CHANGE IN DRUG USE PATTERNS AMONG HIGH SCHOOL STUDENTS

(By Michael Brown)

INTRODUCTION: THE FULLERTON FORMULA

The predominantly suburban north Orange County (California) area began to feel the impact of the growing drug subculture among the young in 1967-68 as marijuana and hallucinogen use began its spread from city to middle-class suburb. Unprepared to cope with what was rumored to be drug experimentation of near-epidemic proportions, police and educators, as well as community groups, involved themselves in numberless attempts to control the drug "problem."

In restrospect, most attempts at solution were hasty, ill-informed, and generally ineffective; all too often the attention and attendant publicity glamorized the drug subculture and stoked the risk-taking predisposition of many adolescents.

The Fullerton High School District, composed of seven high schools with an enrollment of 14,000 students, followed a policy of notable restraints in their approach to drug use within their community. The immediate problem in 1967-68 was to provide some guidance and educational continuity for drug users apprehended by law enforcement agencies. By creating an extended day educational situation for students suspended from their regular high schools, the District was able to maintain contact with students who would otherwise be left to their own devices, which under the circumstances would doubtless lead to continued or increased drug-taking during the long days of enforced isolation. In addition to educational continuity, the students had access to regular counseling. This formula satisfied both the needs of the community and the personal and educational needs of the suspended students.

A concurrent program was undertaken by the District to establish the precise nature and extent of drug use among their student clientele. Not satisfied with the unsubstantiated estimates offered by law enforcement agencies and the media, District administrators with the full support of the Board of Education commissioned this investigator to ascertain the dimensions and extent of drug use within the seven high schools. The findings of the first study in May, 1968 were released in February, 1969 and summarized in a letter to every parent in the school district. It was decided at that time to relegate the survey in May, 1970, in order to chart changes over the two-year-period.

THE FULLERTON STUDY (1970): METHODOLOGY

The Student Attitude Survey included twenty-two drug use and drug-related attitude items and was administered to a statistically random selection of students in each of the high schools in the District. The questionnaire was of the self-administered type, and was a partially revised and expanded version of the 1968 instrument. All students were anonymous and participation was voluntary, although no student opted not to participate. Administration at each school was executed by this investigator and research staff, after preparatory organization by the Dean of Guidance at each school.

The 1108 questionnaires were hand-coded and checked for error in two separate processes before keypunch, verification and storage procedures. Computer operations were executed through the facilities of the Computer Center, University of Southern California.

SCOPE OF THE 1970 STUDY

This report summarizes the extent of the use of marijuana, hallucinogens (LSD and mescaline), amphetamines, and barbiturates. Drug use frequency is controlled by sex, grade level, and economic-education level. In addition, the patterns and characteristics of users are controlled by the extent of use and inter-relationships of types of drug use. Special attention is given to the rationales for use and non-use of marijuana. Drug use data is compared, where reliable, to 1968 patterns.

MARIJUANA [1]

Changes in use from 1968 to 1970

In 1968 the ongoing use of marijuana was reported by 22.5% of our sample which was a statistical representation of our seven high school universe. That figure, low in comparison to general estimates, proved to be congruent with concurrent studies executed, on various sampling bases, in several suburban areas in California. In 1970, 34.2% of our sample reported *having ever tried* marijuana; however, 29.6% of marijuana experimenters had stopped using and another 20.2% reported decreasing use. The actual ongoing use of marijuana was little different in 1970 than in 1968, and of the 23% using in 1970, one-fifth indicated decreasing use. This confirms what many in the field have suggested, that is, that marijuana use in this particular area probably peaked during the 1968-69 school year and is in a phase of incipient decline.

Several significant changes in patterns of marijuana experimentation are apparent in a comparison of the 1968 and 1970 characteristics of users. For example, boys were not much more likely than girls to use marijuana in 1968; however, in 1970 marijuana use was much more likely to be the province of boys: 40.7% of the boys had tried marijuana but only 27.9% of the girls had ever experimented. Further, girls were more likely to have stopped use (36.4%) than boys (24.8%). This emerging sex difference in marijuana use bears a closer association to more traditional "delinquent" patterns among adolescents which have pointed to the higher availability of males for social and legally deviant behavior.

Similarly, the differences in use between grade levels were not very great in 1968, at which time 9th and 11th graders reported use at the median level (22.5%) with 10th graders registering less (16%) and 12th graders more (29%). However, in 1970 the 9th grade experimentation (25.6%) was considerably below the over-all figure of 34.2% and not much more than that indicated in 1968. If the pattern of decreasing usage apparent in the later grades (11th and 12th graders are more likely to decrease or stop use) can be projected for the 9th graders, both the experimentation and ongoing use figures should decline radically over the next few years. Should this trend hold, it is likely that incoming freshman will evidence lower levels of experimentation. However, if marijuana use follows the scenario of other youth movements, it is probable that after the passing of the highmark in usage there will remain a small hard-core group of regular users.

SOCIAL CLASS AND MARIJUANA USE

Traditional delinquent behavior among adolescents has generally demonstrated a strong relationship to family economic-educational stratification. However, there is no significant relationship between family socio-economic indicators and marijuana use among adolescents. Marijuana use tends to cut across social strata within our universe and is not to be explained by economic deprivation; if it is an escape or distraction from living conditions, then we must reevaluate our traditional explanations of "condition" based on "resource deprivation" in the light of largely middle-class suburban environments, such as ours, which have spawned drug-escapist behavior in these economically nondeprived environments. It is likely that "deprivation" simply mutates into more subtle forms in relatively affluent circumstances.

FRIENDSHIP GROUPS AND MARIJUANA USE

Although marijuana use cuts across social class cleavages, it appears to create and reinforce peer-friendship cleavages. As Table 1 indicates, there is an exceedingly strong relationship between marijuana use and the proportion of friends who use marijuana. Conversely, non-users tend to sharply limit their friendship interactions with users with three-fourths reporting that they have "none" or "hardly any" friends who use marijuana.

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[1] See Appendix A for tables.

TABLE 1.—PROPORTION OF FRIENDS USING MARIHUANA[1]

[In percent]

	All	Most	Half	Less than half	Hardly any	None
Marihuana users	10.8	36.8	24.5	13.9	13.2	0.8
Nonusers	.3	4.0	7.8	14.0	40.0	33.8

[1] Question: How many of your friends would you estimate use marihuana?

Similarly, among the user population there is a clear relationship between the *extent* of use and the proportion of the friendship group which uses marijuana; the heavier the use of marijuana, the greater the proportion of marijuana using friends. (Table 2)

TABLE 2.—EXTENT OF USE IN RELATION TO PROPORTION OF FRIENDS USING MARIHUANA

Number of times used	Percentage						
	All	Most	half	Less than half	Hardly any	None	(N)
1-2	1.2	21.4	23.8	25.0	27.4	1.2	(84)
3-9	1.2	21.2	32.5	21.2	2.5	1.2	(80)
10-25	8.1	43.5	40.3	3.2	3.2	1.6	(62)
26-50	14.9	44.7	14.9	17.0	8.5	0	(47)
50+	25.2	53.3	14.0	4.7	2.8	0	(107)

The program of friends using marijuana apparently has a strong impact upon whether the user increases or stops use. For example, of those reporting that all of their friends use marijuana, 53.7% *increased* use and only 22% reported a decrease (12.2%) or stoppage (9.8%) of use. Of those users having "hardly any" friends using, only 16.3% increased use while 73.5% decreased (18.4%) or stopped (55.1%) use.

This creation and sustaining of marijuana-based friendship groups has a *time* dimension as well. Of those who have been using marijuana for four years or more, 45.5% report that *all* their friends are users; on the other hand, of those who have used for a year or less, only 5.2% report that *all* their friends use marijuana.

It appears, in summary, that marijuana is likely to be a central factor in the creation and maintenance of friendship groups among our adolescent sample and that the heavier the use, the more likely the user is to consort exclusively with other users. The more the user limits his friendship group to other users, the greater the likelihood of his own heavier use, and the less likely he is to limit or stop his use of marijuana. And the longer he uses marijuana, the more likely the user is to have little or no contact with nonusers. This represents a pattern of circular reinforcement in which marijuana is the central commonality of a friendship group. Regardless of the rationales for original experimentation, it appears that the effect of time and frequency of use is to create dependence upon a friendship group which is centered around marijuana use. Exclusive of the long-term effects of marijuana use (which are still unclear), many of the characteristics observed among users may well be attributable to attitude sets and behavior patterns learned and reinforced within the tightly-knit association of users. It is likely, further, that the illegality and social disapprobation of drug use provide further impetus for the maintenance of the drug-oriented community in terms of "out-group" status and consequent strong out-group identity for the user. For the marijuana user who reports that most of his friends use, stopping use would have the effect of isolating him from the friendship group. It is unlikely that many adolescents would give up a tight-knit friendship group once formed.

Perceptions of the extent of marijuana use

In 1968 we reported that the overestimate of ongoing marijuana use by high school students themselves was as inaccurate as the inflated figures bandied about the community and suggested through the media. As Table 3 indicates, student perceptions in 1970 are nearly identical to those in 1968, even though there has been considerable change in use patterns around them.

TABLE 3.—PERCEPTIONS OF MARIHUANA USE—1968 AND 1970

	Student estimate of percentage using—								
	10	20	30	40	50	60	70	80	90+
1968	8	14	16	18	13	11	13	6	1
1970	7	10	16	18	13	13	12	9	2

This perceptual set of students, unchanged by shifts in the actual use patterns about them, deserves consideration in coping with drug use and in the creation of drug education programs. One of the popular legitimations for marijuana experimentation and for the legalization of marijuana has been the assertion that "everybody is doing it"—a particularly powerful legitimation among adolescents. On the other side, those labelling marijuana as a "problem" have also contributed to the general perception that marijuana use is widespread. The value of basic research is in providing the information that can put the lie to mistaken perceptions which, on the part of the young and on the part of the community, can lead to judgments and behavior which can only be harmful. In this instance, inflated perceptions of drug using behavior by an adolescent's peers, particularly if glamorized by the media and lent an aura of excitement and risk-taking by establishment outrage, ease the recruitment of new marijuana users. Perceptions that "everyone is using it" tend to lower the threshold of resistance to experimentation. As will be noted later, once the threshold of resistance to one drug is crossed there is a much stronger likelihood that the adolescent will be available for other drugs.

As Table 4 indicates, those who have used marijuana to one degree or other are much more likely to overestimate the extent of use than non-experimenters.

TABLE 4.—ESTIMATE OF MARIHUANA USE—USERS AND NONUSERS

STUDENT ESTIMATE OF PERCENTAGE OF MARIHUANA USERS

	All	Most	Half	Less than half	Hardly any	None
Marihuana users	10.8	36.8	24.5	13.9	13.2	0.8
Nonusers	.3	4.0	7.8	14.0	40.0	33.8

Theoretically, this could either indicate that behavior (marijuana use) colors perceptions, or that perceptions tend to promote behavior congruent with the perceptions, as we have suggested above. The latter supposition is supported by the fact that when users are controlled by the *extent* of use there was no difference in the perceptions of general marijuana use. Neither did long-term users differ in their perceptions from short-term (a year or less) users. If behavior colored perceptions we would expect in this instance that the more extensive and long-term the marijuana use, the stronger the overestimate of general use. While we cannot divine the perceptions of users prior to use, it is likely that their perceptions of use were inflated and this "universality" of marijuana use within their peer community promoted experimentation. That there is no significant change in perceptions after sustained use of marijuana is interesting and may be related to the "threshold" concept. That is, once drug use (and perhaps other risk-taking behaviors) is perceptually legitimated and experienced, the original perceptions are unimportant and become rather static, nonreferents for further drug behavior.

There is an agency, however, which does reinforce inflated perceptions of general marijuana use: the friendship group. The data indicates the following pattern: to the degree that a student reports friends using marijuana (regardless of whether he is a user), he is likely to overestimate the actual use in his high school community. The more friends using, the greater misperceptions of widespread use, and consequently the greater likelihood the student is to experiment.

The process of induction into the drug subculture is a complex interaction of several components, but the outlines are clear. A set of community and student perceptions which are highly inflated focus attention upon drug use, the curious student with high availability (discussed later in terms of rationales for marijuana use) and legitimating perceptions of widespread drug use makes contact at the threshold of experimentation. At that point his perceptions of the scope of drug using are reinforced by his evolving drug-oriented friendship group, not by the drug use itself. It is the friendship group which then becomes the most important factor in promoting heavier drug use; the perceptions merely legitimated initial experimentation.

If this analysis has been slightly extended, it has been for a purpose. The implications of this process are vital for drug education and rehabilitation of the self-destructive. Drug use among the economically nondeprived, as in our suburban community, does not necessarily develop nor is it sustained by the pleasure or escape offered by the drug itself. Certainly the reasons for the availability of adolescents for drug use is an important aspect, but the process of induction is quite as important. And that induction begins with inflated perceptions of drug use within a community which are often fanned by law enforcement agencies, voluntary associations, local government officials, and the local and national media. Only basic research in each school community can effectively counter these overinflated figures and provide school administrators the time and latitude to go about dealing with the actual drug use extant in a rational manner. The first educational program should be based on fact, and directed to the community, which should cause the "polarizers" of the "drug problem" to assume a lower profile. While particular drug education programs for dealing with users and potential users will vary, their success is dependent upon the recognition that drugs, *per se*, play a limited part in the process of induction and motivations of users. As the data makes clear the problem is one of tight-knit friendship groups which tend to center around drugs as the vehicle for recruitment and maintenance—and the importance of those groups for sustaining and strengthening the illusion that drug use is widespread. The problem of rehabilitation cannot be directed to urging the end of drug use,* but must deal with changing student perceptions concurrently with offering alternative vehicles for the creation of new friendship groups. This may not be as difficult as it seems, as will be discussed in the conclusions to this paper.

Characteristics of the user population

While a relatively larger number of boys have experimented with marijuana than girls, a much more marked difference in 1970 than in 1968, among the user population boys do not appear to demonstrate patterns of more extensive use than girls. Nor does it appear that boys were any more likely to start use at an earlier period than girls, indicating that there is little in the ways of sex differences within the marijuana subculture.

A considerable portion of our user population (29%) had begun marijuana use before entering high school in the 9th grade. Another 29% began in the first year of high school, 24% in 10th grade, 13% in 11th grade, and 5% in 12th grade. This indicates that those predisposed to marijuana experimentation will use it before or within their first two years in high school. However, these figures may be applicable only to this sample, since 68% of our user population began over a two year period (1967–8: 35%; 1968–9: 33%) which we have suggested previously as the high point of marijuana experimentation. Only 25% of our users started in 1969–70 (including the summer vacation). This decrease is particularly notable among the 9th grade population who had no higher percentage of initiates into marijuana use than had upperclassmen when in the 9th grade, but who had a considerably lower percentage of over-all use. This substantiates the trend, strongest in the 9th grade, toward a decline in experimentation.

Marijuana users are not only more likely to have more friends using than non-users, but the heavier the use of marijuana, the more likely the user to have all or most of his friends as users.

The heavier the use, the more likely the user is to have a marijuana using friendship group, and the less likely the user to report stopping or decreasing use. Three-fourths of the 1–2 time experimenters decrease or stop use, while only 28% of the heavy (50+ times) users do the same. And the heavier the use, the more likely the user to report increasing his use.

Rationales for marijuana use among users

In 1968 and 1970 users were queried as to the "best reasons for using marijuana." As Table 5 indicates, the predominant reasons have little relation to the sophisticated rationales preferred by marijuana advocates.

Further analysis indicates that light users of marijuana are much more likely to give peer-friendship reasons and distraction-anxiety rationales than are heavy users; the former response supports that thesis that friendship groups are particularly important in promoting initial experimentation. Light users were considerably less likely to respond that marijuana helped them toward awareness or that they used out of boredom. Heavier users are apt to give more sophisticated rationales (self and environmental awareness).

TABLE 5.—MARIHUANA USERS: RATIONALE FOR USE

[In percent]

	1970	1968
Pleasure: To feel good	40	37
Boredom: To give me something to do when nothing else is happening	14	[1] 27
Distraction: To take my mind off of things around me	18	
Awareness (environment): To let me appreciate things around me better	11	16
Awareness (self): To help me understand myself better	7	13
Peer-friendship relationships:		
Because most of my friends use it	5	13
To make me feel closer to my friends	3	

[1] The boredom dimension was reconceptualized into 2 aspects in 1970; the distraction aspect elicits stronger anxiety motivation for use.

Regardless of the extent of marijuana use, 40% respond that pleasure is the primary reason for use. Girls, however, are slightly less likely than boys to give pleasure as a reason in favor of the dimensions of self-awareness, closeness to friends, and distraction.

While no distinctive pattern emerges among grade levels, 9th and 10th graders are more likely to give anxiety-distraction as a rationale which may be partly accounted for by the more recent and lighter use patterns at those levels, but may also be attributable to anxieties arising from attempts in the first two years of high school to create a satisfactory peer-friendship situation.

Rationale for non-use of marijuana

The entire sample was asked to indicate the best reasons for *not* using marijuana. As Table 6 illustrates, there was a considerable difference in the responses of users as against non-users.

Over two-thirds (69%) of the users give reasons of authority fear (either formal or informal) while, on the other hand, only one-fifth (21%) of non-users consider the authority factor significant as a reason not to use marijuana.

These differing rationales for use between users and non-users are significant for drug education. It appears that the greatest effect of drug programs is on non-users; not that the programs necessarily keep them from experimenting, but provide them a rationale for not experimenting. Similarly one suspects that the high proportion fearful of the effect of marijuana on other activities carries with it a substantial self-justification dimension. This could be better phrased as the "I don't *need* it" attitude. Nevertheless, that a high proportion of users as well as non-users feels that marijuana is not the ultimate answer to leisure activity is important.

TABLE 6.—MARIHUANA: RATIONALE FOR NONUSE

[In percent]

	Users	Nonusers
Authority fear (formal-legal):		
Because there is a law against it	26	14
Because I might get caught by the police	26	3
Authority fear (formal): Because I might get kicked out of school	3	1
Authority fear (informal): Because my parents might find out	14	4
Peer-friendship relations: Because my friends don't use it	3	1
Effects of marihuana:		
Because films and talks on narcotics show what marihuana leads to	7	31
Because the effect of marihuana might interfere with other things I like to do	22	44

It should be stressed that the fact that users fear getting caught does not seem to inhibit their use. Authority fear is likely to be supportive of the risk-taking factor in drug use. However, it must be noted that the threat of being suspended or expelled from school is not a very powerful one among users.

Marijuana Use and Cigarette Smoking

Over the entire sample, only 23.3% smoke cigarettes, a considerably lower percentage than uses marijuana. There appears to be a strong relationship between marijuana use and cigarette smoking. Further, the heavier the use of marijuana, the greater the use of cigarettes. A similar pattern emerges in the relationship between cigarette smoking and both hallucinogenic and amphetamine use. In summary, the degree of drug use appears to vary regularly with the extent of tobacco use. We have no way to ascertain which precedes the other.

HALLUCINOGENS [2]

LSD

Experimentation with LSD doubled from 1968 (5.5%) to 1970 (10.4%). However, as with the increase in marijuana experimentation, there has been considerable "putting down" of LSD over the past few years. For example, of those experimenting with LSD, over one-half (55.8%) stopped using entirely while another 11% reported a decrease in use. Only 17% increased their use. Those stopping use were predominantly 1–2 time users, while those decreasing use were predominantly heavy users. This data suggests the tendency, observed in the field, for many long-term users to taper off use, and for those first time users with unfortunate experiences to stop. Over-all, however, the heaviest users of LSD were likely to either increase or remain constant in their level of use.

Interestingly, 9th and 12th graders were less likely to have used LSD (8%) than 10th and 11th graders; girls were only slightly less likely to have used LSD than boys. Of the LSD user population, 11th and 12th graders are apt to have had more experiences with the drug (probably due to a simple time factor), girls exhibit lighter use patterns than boys, and they are slightly more likely to decrease or stop LSD use than boys.

Contrary to general belief, LSD use is lower among children from the higher economic-education strata. While the socio-economic variations are not glaring, they are considerably more differentiating than found among marijuana users. The assumptions based upon prior research that LSD tended to be a middle or upper-middle class phenomenon may have been colored by the universes investigated which were primarily college and university student populations. It is also possible that the reported general decline of LSD use among the middle class drug using avant garde further implies that latecomers to hallucinogen use (or to any social movement) are more likely to be from lower economic-education strata. It could also be possible that the extremely high personal risk potential of LSD is more easily tolerated by the less advantaged and the less well socialized.

Mescaline

13.1% of our sample had ever tried mescaline; however, 46% report having stopped use altogether and another 18% have decreased use. As with LSD, 17% reported an increase in use. Users are more likely to be boys (14.7%) than girls (11.5%), and least likely to be 9th graders. However, the more experienced users in the 11th and 12th grades are the most likely to have stopped or decreased use. Girls are more likely to stop entirely (52.5%) than boys (41.3%). Mescaline use appears to cut across the economic-educational strata in a similar manner to marijuana use. This supports, in part, the thesis that adolescents from upper social strata are less likely to take extreme personal risks with drugs than are those from other strata.

Amphetamines

In 1968, 16% of our sample had used amphetamines of some sort. In 1970, there was a slight increase to 19% of the sample. However, 71.3% of the users reported only using "sometimes," while 19.1% reported using often (12.9%) or regularly (6.2%), and another 8.1% used them "whenever available." The heaviest users of "uppers" (among the user population) were 10th graders, the lightest users were 11th and 12th graders. Contrary to patterns of use among other drugs, however, amphetamine use is nearly the same between the sexes, although girls are more likely to use uppers heavily than are boys.

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[2] Tables on hallucinogen use, Appendix B.

Barbiturates

The use of barbiturates among our population was lower than would have been suspected by school administrators. Only 12% have ever used "downers," and of the user population three-fourths (76.9%) report using "sometimes," 13.8% use "often" (11.5%), and 6.9% use when barbiturates are available. While barbiturate use does not seem to vary by grade or sex, there is a significant difference between economic-education strata. Barbiturate use is more likely to be found among adolescents from lower socio-economic strata. The observation by many school and law enforcement officials that barbiturate use has increased radically over the past two years may have less to do with the actual percentage of the student population using than with the social class location of "downer" use. The actual observable effects of a young person under the influence of barbiturates is much easier to spot in his "drunken" behavior patterns than are the effects of marijuana or amphetamines. It is likely that the use of a drug which has very observable effects by a less cannily socialized young person creates an over-all impression that barbiturate use is on the rise.

INTERRELATIONSHIP OF DRUG USE

There is an extraordinarily strong relationship of one type of drug use to another. This does not mean necessarily that there is a linear causative effect, that one drug necessarily leads to another. It means that a young person who crosses the threshold of experimentation with one drug is more prone to experiment with others. It does not mean that the drug itself is responsible for "hooking" the child, it means that he is particularly available for drug experimentation and has that predisposition reinforced and mobilized by his friendship group.

Marijuana and Hallucinogens

29.5% of those who have used marijuana have also tried LSD. Marijuana then does not necessarily lead to LSD. However, if one has used LSD, he almost inevitably has used marijuana; 99.9% of LSD users are marijuana users. Only one person in our sample of LSD users had not used marijuana.

Heavy use of LSD is related to heavy use of marijuana; *all* of those who have used LSD twenty-five times or more have used marijuana more than 50 times.

Conversely, 92% of LSD users who report having stopped marijuana use have also stopped using LSD. This does not operate in the reverse, however, for only 31% of those increasing their use of marijuana have also increased LSD use.

A similar pattern holds in regard to mescaline and marijuana use: 38% of marijuana users are also mescaline users while only .6% of marijuana non-users have used mescaline. 97% of mescaline users are also marijuana users. Similar to the pattern found among LSD users, the heavier the mescaline use, the heavier the marijuana use.

The relationship between mescaline and LSD users is strong, but not as strong as that between marijuana and those hallucinogens. The relationship between mescaline and LSD is stronger the more extensive the hallucinogen use. For example, of those having used LSD 1-2 times, one-half (51%) have never used mescaline; however, of those using LSD 3-7 times, only 17% have never used mescaline. Of those having used LSD 25 times or more, 57% have used mescaline 25 times or more. Of those using mescaline 25 times or more, 80% have used LSD at a similar rate.

It is apparent that there is a "hardness" factor in drug use; the initiate may or may not pass through the levels of risk involved with marijuana, mescaline, and LSD. But, the heavier his use at any point, the more likely he is to become involved with another drug with a higher risk factor. It is highly probable that passing on to higher drug risk levels is facilitated by a friendship group which is exclusively made up of other drug users.

Amphetamines and Marijuana Use

One-half (51%) of those using amphetamines to one degree or another have also used marijuana; only 4% of nonusers of marijuana have used amphetamines. Of the amphetamine-using population, 87% have tried marijuana. Heavy users of marijuana have heavier rates of amphetamine use.

Barbiturates and Marijuana Use

31.7% of those who have used marijuana have also used barbiturates; only 2% of those never using marijuana have tried barbiturates. 90% of barbiturate users are also marijuana users. While heavy "downer" users are also likely to use marijuana heavily, the relationship is not exceptionally strong.

CONCLUSIONS

Implications for drug education

The effectiveness of drug education among high school students is reliant in large part, if we are to follow the lead provided by the data, on discriminating more clearly between users and non-users. It is clear that educational programs have little effect upon marijuana users, but they have at least a reinforcement effect upon non-users. It is also apparent that users of marijuana are not affected by the fear of legal or parental authority, and are particularly unconcerned by the possible actions of school authorities. It seems, as well, that non-users are not much affected or hindered from use by fear of legal authority. The data does suggest that non-users are more likely than users to fear of getting caught by parents, perhaps indicating that a parent is well disposed to express strong feelings about marijuana use. Certainly parental concern and discussion can only help in impressing upon the adolescent the parent's concern over the potentials of drug use.

The more important direction for drug education is the more positive approach indicated by the rationales for the best reason to use marijuana. Disregarding the pleasure motivation, which is likely related to the other reasons proffered, boredom and distraction seem widespread as reasons for drug use. It is vital, however, to recognize that these rationales are strong among heavy users as well as experimenters. This suggests that on-going drug use of heavy proportions does little to "cure" boredom; if that is a sufficient reason to use, it is not apparently a successful solution. As mentioned earlier, the process of induction is heavily reliant upon friendship group use, but it seems that even with drug using friends and the consequent sense of community and identity, the users still feel bored and aimless for the most part.

This anxiety, even among users, is clear in the high proportion stating that the best reason not to use marijuana is that it would interfere with other things the adolescent likes to do. This assertion from users, and particularly strong among light users, implies that they would actually prefer to do something more exciting with their time than smoking marijuana.

Thus, it is clear that "drug" education is potentially more effective as the vehicle to promote self-awareness ("what is it I like to do," "what are the potentials within my community for developing some strong involvements") and evaluation of one's real desires and values for creating a strong and viable set of interests and a consequent friendship group which would sustain itself on a more constructive basis than drug use.

The business of drug education is not unrelated to the functions of education itself—to stimulate and guide the adolescent into personally fulfilling activities that hold the key to his development of personal potency and self-esteem. Friendship groups based on common creative activity have the potential of maintaining themselves and deepening from the original common interest. This is not true of most drug-based friendship groups as any honest drug user will admit. These pseudo-communities are based upon superficial secondary characteristics and hostility to the outside "establishment" world. The actual physiological effects of drug use make communication and common action with the group almost impossible—drug users in groups tend to lethargy, withdrawal into personal fantasy worlds, and intellectual inactivity. Their development of personal values also tend to the shallow, unidimensional aspects of the "rights" to dress as they wish and smoke marijuana at will. Worse, for the drug user expecting some type of tight-knit and continuing personal interaction, drug users demonstrate very casual inter-personal relations and very low levels of continuity within their friendship groups. In short, a young person looking for a sustaining network of relationships would be well advised to look carefully at the real nature of drug friendship groups.

However, and this is of course the great difficulty, do educators know what their community offers for youth involvement? This definitely does not mean the creation of organized youth centers and other formalized activities. They have not proved a sufficient source in deterring drug use communities to this time and it is doubtful that another "center" or authority-innovated program can have much effect. The need, among a youth population highly organized from childhood into school and non-school activities, is for the encouragement of individual fulfillment *first*, and provision for establishment support later.

But, how many educators in the classrooms and in administrative offices can claim for themselves personal excitement in other people and in creative interests? How many parents have transmitted through their actions the joy of engagement in physical and intellectual involvements? Who can transmit the electricity of discovery, self and environmental, which can effectively motivate an aimless adolescent? How many educators and parents can communicate through personal style and action a model and a motivation? For drug education, of the type suggested here, those people must be found. Perhaps these are even the criteria for the worth and effect of educators and parents themselves.

APPENDIX A.—MARIHUANA

TABLE 1.—MARIHUANA—EXTENT OF USE

	Percent
1 to 2 times	22.1
3 to 9 times	21.1
10 to 25 times	16.3
25 to 50 times	12.4
50 plus times	28.2

TABLE 2.—MARIHUANA—EXTENT OF USE BY SEX

[In percent]

	Never used	1–2 times	3–9 times	10–25 times	25–50 times	50+ times
Male	59.3	21.9	21.4	17.9	8.0	30.8
Female	72.1	22.4	20.5	14.1	18.6	24.4

TABLE 3.—MARIHUANA: EXTENT OF USE, BY GRADE

[In percent]

	Never used	1 to 2 times	3 to 9 times	10 to 25 times	25 to 50 times	50 plus times
9th	74.2	23.2	25.6	18.3	13.4	19.5
10th	62.6	23.9	20.4	12.4	11.5	31.9
11th	64.1	18.8	18.8	17.8	12.9	31.7
12th	59.5	21.7	20.5	18.1	12.0	27.7

TABLE 4.—MARIHUANA: FATHER'S EDUCATION BY MARIHUANA USE

[In percent'

	8th grade	9 to 11 grades	12th grade	1 to 2 college	3 years college	4 years college	5 years college	6-plus college
MJ use	6.2	10.2	30.6	15.6	4.5	19.0	2.8	11.0
MJ nonuse	4.2	9.6	30.5	11.7	3.9	22.2	6.2	11.8

TABLE 5.—MARIHUANA—FATHER'S OCCUPATION BY MARIHUANA USE

[In percent'

	Professional	Managerial	Business	Clerical	Manual work	Protective service	Farmer	Deceased
Marihuana:								
Use	20.8	7.2	15.8	18.8	23.0	10.5	0.6	3.3
Nonuse	22.4	5.4	17.4	16.8	25.1	9.8	0	3.0

TABLE 6—MARIHUANA USERS BY SEX—FRIENDSHIP GROUP USE

[In percent]

	All	Most	Half	Less than half	Few	None
Male	4.7	16.5	13.3	13.6	29.3	22.5
Female	3.0	14.1	14.0	14.3	32.2	22.4

TABLE 7.—MARIHUANA USERS BY GRADE: FRIENDSHIP GROUP USE

[In percent]

	All	Most	Half	Less than half	Few	None
9th	3.8	10.0	11.9	9.4	32.6	32.3
10th	4.3	16.2	13.5	16.2	30.4	19.5
11th	3.9	17.5	13.6	15.7	31.1	18.2
12th	3.4	19.4	16.0	15.5	28.2	17.5

TABLE 8.—MARIHUANA: RATIONALE FOR NONUSE

[In percent]

	Law	Parents	Friends don't	Police	School	Education programs	Interferes
MJ use	25.9	13.5	2.7	25.6	2.7	7.3	21.8
MJ nonuse	13.6	4.0	.7	3.1	1.3	31.1	44.4

TABLE 9.—MARIHUANA—RATIONALE FOR NONUSE BY SEX

[In percent]

	Law	Parents	Friends don't	Police	School	Education programs	Interferes
Male	20.6	6.7	2.0	13.5	2.4	20.2	34.3
Female	15.2	8.0	.7	8.0	1.1	15.7	38.9

TABLE 10.—MARIHUANA—RATIONALE FOR NONUSE BY GRADE

[In percent]

	Law	Parents	Friends don't	Police	School	Education programs	Interferes
9th	13.3	8.5	1.6	7.3	1.9	26.9	40.2
10th	18.5	7.7	1.0	14.1	1.7	23.2	32.8
11th	18.2	6.9	1.1	11.6	1.8	21.5	36.4
12th	23.8	5.4	2.0	9.9	1.5	18.8	37.6

TABLE 11.—MARIHUANA USERS: USE OF CIGARETTES BY MARIHUANA USE

[In percent]

	None	Few per day	½ pack a day	Pack a day	Pack plus, a day
1 to 2 times	63.4	19.5	13.4	1.2	2.4
3 to 9 times	61.2	16.2	10.0	8.7	3.7
10 to 25 times	49.2	14.8	16.4	16.4	3.3
25 to 50 times	47.8	19.6	15.2	17.4	0
50 or more times	34.3	19.0	20.0	20.0	6.7

APPENDIX B.—HALLUCINOGENS, AMPHETAMINES, BARBITURATES

TABLE 1

	Percent
LSD users—Frequency distribution:	
1 to 2 times	42.0
3 to 7 times	22.3
8 to 12 times	10.7
13 to 25 times	6.3
25+ times	18.8

TABLE 2.—LSD—FREQUENCY OF USE BY SEX

[In percent]

	1 to 2 times	3 to 7 times	8 to 12 times	13 to 25 times	25 plus times
Male	36.1	27.9	6.6	6.6	23.0
Female	49.0	15.7	15.7	5.9	13.7

TABLE 3.—LSD: FREQUENCY OF USE, BY GRADE

[In percent]

	1 to 2 times	3 to 7 times	8 to 12 times	13 to 25 times	25-plus times
9th	46.2	23.1	11.5	7.7	11.5
10th	44.4	13.9	13.9	11.1	16.7
11th	36.4	27.3	9.1	3.0	24.2
12th	41.2	29.4	5.9	0	23.5

TABLE 4.—LSD: USE FREQUENCY, BY PATTERN CHANGE—DIRECTION OF USE CHANGE

[In percent]

LSD frequency	Increased	Remained same	Decreased	Stopped
1 to 2 times	2.1	8.5	4.3	85.1
3 to 7 times	16.7	25.0	12.5	45.8
8 to 12 times	36.4	18.2	18.2	27.3
13 to 25 times	14.3	28.6	14.3	42.9
25-plus times	33.3	23.8	23.8	19.0

TABLE 5.—LSD: USE DECREASE BY SEX

[In percent]

	Increased	Remained same	Decreased	Stopped
Male	20.9	17.9	10.4	50.7
Female	13.2	13.4	11.3	62.3

TABLE 6.—LSD: USE DECREASE BY GRADE

[In percent]

	Increased	Remained same	Decreased	Stopped
9th	23.1	26.9	7.7	42.3
10th	18.4	15.8	7.9	57.9
11th	14.7	14.7	17.6	52.9
12th	13.6	4.5	9.1	72.7

TABLE 7.—AMPHETAMINE USE BY GRADE

[In percent]

	Use	Nonuse
9th	15.7	84.3
10th	18.6	81.4
11th	21.9	78.1
12th	23.0	77.0

TABLE 8.—AMPHETAMINE USERS: FREQUENCY BY SEX

[In percent]

	Sometimes	Often	Regularly	When available
Male	75.2	11.4	6.7	5.7
Female	67.3	14.4	5.8	10.6

TABLE 9.—AMPHETAMINE USERS: FREQUENCY BY GRADE

[In percent]

	Sometimes	Often	Regularly	When available
9th	66.7	20.8	6.3	6.3
10th	59.3	16.7	9.3	14.8
11th	81.7	5.0	3.3	6.7
12th	76.6	10.6	6.4	4.3

TABLE 10.—BARBITURATE USE BY GRADE

[In percent]

	Use	Nonuse
9th	10.8	89.2
10th	12.0	88.0
11th	11.7	88.3
12th	13.9	86.1

TABLE 11.—BARBITURATE USE BY SEX

[In percent]

	Use	Nonuse
Male	11.8	88.2
Female	12.1	87.9

TABLE 12.—BARBITURATE USERS: FREQUENCY BY SEX

[In percent]

	Sometimes	Often	Regularly	When available
Male	84.1	7.9	1.6	4.8
Female	70.1	14.9	3.0	9.0

TABLE 13.—BARBITURATE USERS: FREQUENCY BY GRADE

[In percent]

	Sometimes	Often	Regularly	When available
9th	87.9	12.1	0	0
10th	71.4	11.4	5.7	11.4
11th	66.7	12.1	3.0	12.1
12th	82.8	10.3	0	3.4

APPENDIX C.—INTERDRUG USE RELATIONSHIPS

TABLE 1.—MARIHUANA USE BY LSD USE (MARIHUANA USE)

[In percent]

LSD use	1 to 2 times	3 to 9 times	10 to 25 times	25 to 50 times	50 plus times
1 to 2 times	2.1	10.6	29.8	17.0	40.4
3 to 7 times	4.2	0	8.3	16.7	70.8
8 to 12 times	0	0	0	16.7	75.0
13 to 25 times	0	0	14.3	14.3	71.4
25 plus times	0	0	0	0	100.0

TABLE 2.—MARIHUANA USE BY AMPHETAMINE USE (MARIHUANA USE)

[In percent]

Amphetamine use	1 to 2 times	3 to 9 times	10 to 25 times	25 to 50 times	50 plus times
Sometimes	66.7	75.7	65.5	71.4	64.5
Often	25.0	18.9	6.9	14.3	13.2
Regularly	0	0	10.3	3.6	11.8
When available	8.3	2.7	10.3	10.7	10.5

TABLE 3.—LSD BY MESCALINE USE FREQUENCIES

[In percent]

	Mescaline use					
	Never used	1 to 2 times	3 to 7 times	8 to 12 times	13 to 25 times	25+ times
LSD use:						
1 to 2 times	51.1	31.9	10.6	6.6	0	0
3 to 7 times	16.7	33.3	16.7	20.8	8.3	4.2
8 to 12 times	18.2	18.2	36.4	9.1	9.1	9.1
13 to 25 times	14.3	0	42.9	42.9	0	0
25+ times	9.3	4.8	9.5	4.8	14.3	57.1

TABLE 4.—MESCALINE USE BY LSD USE

[In percent]

	LSD Use					
	Never used	1 to 2 times	3 to 7 times	8 to 12 times	13 to 25 times	25+ times
Mescaline use:						
1 to 2 times	62.9	21.4	11.4	2.9	0	1.4
3 to 7 times	30.8	19.2	15.4	15.4	11.5	7.7
8 to 12 times	13.3	20.0	33.3	6.7	20.0	6.7
13 to 25 times	14.3	.0	28.6	14.3	.0	42.9
25+ times	6.7	.0	6.7	6.7	.0	80.0

TABLE 5.—MESCALINE USE BY AMPHETAMINE USE

[In percent]

Amphetamine use	1 to 2 times	3 to 7 times	8 to 12 times	13 to 25 times	25+ times
Never	31.4	20.0	13.3	0	28.6
Sometimes	48.6	48.0	33.3	57.1	35.7
Often	8.6	16.0	20.0	28.6	14.3
Regularly	1.4	12.0	13.3	14.3	14.3
When available	10.0	0	13.3	0	7.1

AMERICA HAS POTENTIAL TO LEAD TECHNOLOGICAL ATTACK ON POLLUTION PROBLEM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BELL. Mr. Speaker, an article in last Sunday's New York Times makes very clear the fact that environmental pollution has become a worldwide problem in need of international attention and cooperation in attacking it.

We are barely beginning to face up to that problem here in the United States. We are just beginning to acknowledge that the cost of dirty air, filthy streams and rivers, and spoiled land must be recognized as part of the real cost of doing business.

But it is especially distressing to see that countries which are just in the process of industrializing—nations which are moving at a rapid pace from farm to factory and country to city—are also following our path by polluting their portions of the environment.

The traveler sees this developing international tragedy when he visits one of these countries in the process of rapid industrialization. The waters there are clear to the bottom, but already industrial and human waste are being nonchalantly dumped into the waters. As long as the waters and the air remain clean in appearance, no one sounds the alarm.

But in the very near future nearly every nation on earth will be distressed and alarmed by the pollution problem. In this time of "crisis politics" it will be the era of the "pollution crisis" all over the globe.

Most important, nations all over the globe will be seeking the technological methods and devices to reverse the trend toward a polluted environment.

The United States should be proceeding at a rapid pace—now—to develop the technological leadership necessary to enable the nations of the earth to put a halt to pollution.

We should begin now applying the same kind of commitment to environmental technology which we have given to space technology.

We should be working now in cooperation with other nations to put a halt to further pollution of our environment in developing nations as well as in heavily developed nations.

An indication of where the failure of truly bold leadership in the area of environmental technology is leaving us is indicated by the articles to which I referred earlier by Richard Curtis and Dave Fisher in the Sunday, September 26, 1971, New York Times.

The article follows:

[From the New York Times, Sept. 26, 1971]

THE SEVEN WONDERS OF THE POLLUTED WORLD

(By Richard Curtis and Dave Fisher)

(NOTE.—Richard Curtis is a freelance who specializes in environmental subjects. His latest book, "The Case for Extinction," a satire published under the pseudonym Professor Morton Stultifer, advocates the destruction of most living things. Dave Fisher is a reporter for Life magazine.)

Rather than always spend your vacation seeking out virgin forests, umblemished beaches and unspoiled natural wonders, how would you like to try something downright polluted? Before you say no, stop and think for a moment. Wouldn't you appreciate the beauties of the earth more keenly after having exposed yourself to a ravaged wilderness, a fetid waterway or a decayed town?

Well, all right, if you won't actually expose yourself to such things, perhaps you will at least read about them. So come, let us take you by the hand and lead you on a modern-day Grand Tour, a globe-circling expedition to the Seven Wonders of the Polluted World.

The journey begins at Manhattan's piers. We board our cruise ship, steam out of New York Harbor toward Ambrose Point and travel a scant 12 miles before encountering our first wonder—a dead sea of sewage sludge and industrial wastes covering 20 square miles of what once was ocean.

Sludgeophiles, as authorities on this sort of thing are called, have long hailed New York as the liquid waste capital of the world. Each year, under permits issued by the Army Corps of Engineers, five million cubic yards of treated sewage are towed by barge to this site and dumped here. To this are added six million tons of dredging spoils annually and 365 million gallons of raw sewage from the Hudson River *daily*. The result is a chemical broth that has destroyed all marine life in the vicinity.

Marine biologists and Army engineers regularly lower buckets into this gunk and haul up samples. One Army man described the bottom as "a gooey mess," but the surface of the ocean out here is something to write home about, too. Depending on the season, its color ranges from phew-green to feh-brown, with odors to match. Fred Ulrich, senior sanitation engineer of the Interstate Sanitation Commission, says a catalogue of the junk floating around would awe even a seasoned garbage collector, and he concludes somewhat anticlimactically that "the water is definitely not safe for swimming." Since "huge chunks of decayed piers" are among the more prominent detritus he mentioned, one would imagine that it's not only not safe for swimming but scarcely safe for anything smaller than dreadnought-class ships.

Like most unnatural wonders, this dead sea was not created overnight. Dumping has been going on here for at least 40 years, and there are no signs that it will end soon. But dead though it is, this titanic cube of gumbo is by no means immobile. Subject to winds and currents, it occasionally drifts toward the New York-New Jersey coastline, tantalizing residents with the prospect that the Metropolitan area may become the first excrement-locked region in the world. In fact, fringes have already brushed New Jersey and contributed, in the opinion of some scientists, to an occasional "red tide"—an invasion of highly toxic microorganisms that turn the water red and render the ocean unfit for bathing.

Should a capricious breeze of current decide to deposit even a portion of this sea of goop on our doorsteps, Fun City residents might one day find themselves participating in an unscheduled summer festival. "If the bottom was ever agitated and this stuff turned up on the beaches, it would be disastrous," says Joseph L. Brown, pollution control specialist for the Army Engineers. "You couldn't possibly swim without picking up some sort of disease." Arthur Ashendorff, assistant director of the Bureau of Sanitary Engineering for the New York City Department of Health, cites typhoid and dysentery as some of the more interesting possibilities.

With a prayer of thanks that our ship's hull hasn't corroded beneath our feet, we proceed eastward to serene—and noisome—Venice. Although Europe offers plenty of contenders for odor pollution honors, the laurels must go to Venetians for stubborn resistance to the evidence of their own nostrils. Fumes from the fertilizer plants, steel mills and oil refineries in the surrounding industrial area of Mestre-Marghera mingle with noxious naphtha produced by the burning of soft coal to heat homes, then blend with sewage and garbage ordors rising from the canals plus oily wastes from multitudes of *vaporetti*—motor-driven canal boats. Not wishing to leave anything to the winds of chance, public-spirited citizens deposit their refuse in the watery streets, and drowned rats and poisoned fish lend a final exquisite touch to the fetid atmosphere of the city once called the Queen of the Adriatic.

FOULED CANALS

One of the Great Moments in Pollution History took place here in mid-summer, 1970. Wastes from the Marghera factories filled the water and air with such a concentration of sulphur that the canals turned dark brown, eyes bright red, and exposed silver a tarnished rust color. True, many municipalities are subject to sulphurous effluvia due to industrial activity, but the damp Venetian climate tends to trap residues close to the ground so that they form a heavy blanket over the city. Although Venetians suffer mightily, the prime victim of the virulent air is the city's fabled statuary. Marble that survived hundreds of millions of years of geological upheaval is beginning to disintegrate after a mere century of exposure to Venice's least-talked-about manufactured item—sulphuric acid, the result of rain, mist and sea spray combining with sulphurous effluents. According to Prof. Francesco Valcanover, Superintendent of Fine Arts in Venice, more than one-third of the city's buildings and sculpture have been corroded by what locals quaintly term "marble cancer." Moreover Professor Valcanover estimates that the erosion is taking place at the rate of 5 per cent of the marble works every year, to say nothing of Venice's glorious frescoes and paintings. Luckily, for many statues, the nose is the first part to go.

From Venice we wing to London, exchanging nasal for visual pollution. London, this sublime city whose residents like to think of themselves as divinely ordained defenders of Western tradition, is rapidly yielding to a form of architectural barbarianism that has been dubbed The New Brutalism. No doubt about it, London leads the European League in historic structures batted down.

More than a quarter of Britain's capital city was leveled by the blitz in World War II, but the peacetime blitz symbolized by the wrecker's ball has proven even more effective: 14 acres are being knocked down and rebuilt every week. Bridget Cherry, an architectural historian, has actually furnished proof that more of central London is being destroyed by developers than was ever done by the Luftwaffe.

The fact is, however, that it's hard to say which is the more appalling—the widespread demolition or the quality of the new construction. The first replacement structure to horrify everyone was the 28-story London Hilton, a towering, gleamingly sterile box wedged into the genteel five-story serenity of Mayfair back in 1963. It sounded a clarion call to every mediocre architect in the city to see if he couldn't outdo it. Many succeeded. The ensuing building boom in the Mayfair area wrote finis to at least a hundred Georgian terrace houses, the famed Carlton Mews and numerous other examples of a glorious heritage.

Not content with Mayfair, developers have sought to wreak mischief elsewhere. St. Paul's, for example, is being pushed out of the picture by the 600-foot National Westminster Bank under construction a half-mile away. The Thames is the setting for the monstrous 34-story Vickers office tower overshadowing the Houses of Parliament, Westminster Abbey and Big Ben, which Britons are wryly coming to call Little Ben. Across the river stands the 24-story Shell Tower, described as "a tombstone of boardroom architecture." A new project planned for the area combines a skyscraper headquarters for the International Paper Company with a housing project and tropical resort-style hotel.

"Miami Beach" is rapidly becoming London's favorite building style, according to Ada Louise Huxtable, architecture critic of The New York Times. "There is a new London rising and all that is missing is the palm trees," she says.

For the next leg of our journey we fly southeast, and if you're the gregarious sort you'll be sublimely happy almost from the moment you touch down at the aptly named Dum-Dum International Airport in India, just outside Calcutta, for you'll never get closer to people than here. In Calcutta you may observe the ultimate fulmination of the population bomb: 7.5 million people living on the city's 135 square miles of usable land. Of course, many cities, such as Tokyo, Amsterdam, Copenhagen and even New York, are densely populated, but in the core of Calcutta roughtly 100,000 people occupy each square mile, and that's a record. In addition, it must be explained that population density isn't as significant as the capacity of an area to support its inhabitants. And that's where Calcutta is really unsurpassed. Four and a half million of its residents are housed in squalid slums and nearly a quarter of a million live on the sidewalks.

To 77 per cent of Calcuttans, 40 square feet is home, a little larger than one of our king-size water beds. Indeed, it might be said that Calcutta itself becomes the world's bigger water bed whenever it rains, because the sewage system backs up. Built in 1888, it was designed for a city of no more than two million, which is why Calcutta has become the earth's permanent convention center for cholera bacilli. At least 200,000 Indians die of cholera annually, according to World Health Organization statistics.

What holds Calcutta's mass of human beings together is a stoical belief in an underpopulated afterlife plus a sense of humor. A favorite saying here is, "Calcutta would simply go down the drain—if there was one." And an Indian economist, asked what he would do if elected mayor of the city, replied, "Buy six feet of wire and hang myself." Oh, Calcutta! An absolute must for Zero Population Growth freaks!

From India to South Vietnam is a longish passage, but no tour of defiled areas would be complete without a visit to this masterpiece of technological desecration. In the last nine years United States "advisers" have managed to defoliate one-seventh of the total area of the country. Over four million acres have been sprayed with a variety of green-killing chemicals, converting the soil into something approaching the texture of concrete. More than one-third of the dense jungle comprising half of the country's forest land has been stripped by defoliants sprayed from planes in an enterprise appropriately named "Operation Hades." The fledgling Vietnamese timber industry has been devastated: 6.5 billion board feet have been lost. In addition, according to Time magazine, "Trees are so riddled with shrapnel that sawmills lose 1 to 3 hours a day repairing damage to saw blades."

But if recent studies are indicative, greenery may not be the only victim of this chemical warfare. In the spring of last year the United States Government acknowledged that one of the substances sprayed extensively over South Vietnam was capable of producing birth defects in rats and mice, and debate now rages in scientific circles about the future genetic effects of this spraying of 60,000 tons of a certain chemical called 2,4,5-T on Vietnamese people. As one health official laconically observed, "It can't help."

GIANT BULLDOZERS

To get back to trees, chemical pollutants are not the only tools of destruction diligently applied to them here. Gigantic 38½-ton bulldozers specifically designed to ram down forests are being employed on a wide scale. Over 40 per cent of South Vietnam's pine plantations have been burned out, some by fires purposely set by combatants, others ignited by artillery shells. Naturally the Air Force is not to be outdone by land forces. B-52 bombers have dropped over 2.5 million 500- and 750-pound bombs, leaving craters as deep as 30 feet and as wide as 35, and giving the countryside a surface-of-the-moon aspect—and one showing about as much life in many places.

Of more recent vintage is a piece of ordnance affectionately dubbed "the cheeseburger." Weighing in at 15,000 pounds, it is the world's biggest non-nuclear bomb. Because it is too heavy for a conventional bomber to carry, it must be borne in the bay of a giant C-13 cargo plane. The cheeseburger explodes horizontally and is capable of leveling an area the size of a football field to instantly create a landing place for helicopters. In the words of one airman, "It kills everything within a hundred yards, even the worms in the ground." People standing more than a mile from ground zero may be deafened. Judging by the effectiveness of this anti-tree campaign, it is little wonder that the fastest-growing cash crop of South Vietnam is marijuana.

Incidentally, one intriguing by-product of the war has been a probable increase in Vietnam's tiger population. Gordon H. Orians and E. W. Pfeiffer, in a recent issue of Science, reported that over the last 24 years of struggle, involving first the French and then the U.S., tigers have "learned to associate the sounds of gunfire with the presence of dead and wounded human beings in the vicinity. As a result, tigers rapidly move toward gunfire and apparently consume large numbers of battle casualties. . . . It is likely that the tiger population has increased, much as the wolf population in Poland increased during World War II."

To our next destination bring a gas mask. With luck and radar our plane will make it safely through the soupy air of Tokyo.

The Japanese are determined to become the most industrialized nation in the world even it kills them, and they are well on the way to fulfilling their ambition. The country's phenomenal postwar recovery has created forests of smokestacks around every major city and some 75,000 of them around Tokyo alone daily belch hundreds of tons of noxious sulphur, nitrous oxides, ammonia and carbon gases into an atmosphere already saturated with chemical dust and ashes. Add emissions from the 1.5 million vehicles clogging Tokyo's streets and what do you get? Something pretty awful. On a recent summer day the density of carbon monoxide in the air rose to 74.5 on a scale where 20.0 represents serious peril.

VISIBILITY ZERO

The result of this outpouring is permanently visible air, which, unfortunately, tends to make everything else invisible. Visibility along the heavily traveled sea route between Tokyo and Yokosuka, for example, fell to zero more than 50 times during one recent 12-month period, resulting in over one hundred maritime collisions. Among the famous sights that have largely vanished is the view of Mount Fuji once so dear to postcard senders. Only one day out of every nine will get you a clear look at the mountain because of the miasma, which has also decimated Tokyo's cherry tree population. Indeed, the cherry tree mortality rate is so high that the Japanese have asked Washington for sprigs from the very trees they bestowed on America five decades ago.

In the best tradition of devilish Oriental cleverness, citizens of Tokyo have taken exciting steps to adapt to their smog problem. Traffic policemen, for example, return to their headquarters several times a day for oxygen boosters. The man in the street may purchase oxygen in shops at the equivalent of two bits a whiff. Gauze surgical masks are in common use on particularly bad days. Thus, once again, the Land of the Rising Sun has pointed the way to the future—a future with no rising sun.

From Tokyo we proceed to our last stop for a look at what is probably the most attractive form of pollution from the viewpoint of those seeking to cause maximum harms with minimum effort—radioactivity. We land at the Tri-City Airport just 10 miles outside of Richland, Wash., back in the U.S.A.

Richland is the home of the Hanford atomic facilities, where 140 huge steel and concrete tanks lie buried just below the surface of the ground. They contain approximately 55 million gallons of concentrated radioactive waste, the by-product of plutonium manufactured for nuclear weapons. So intensely hot is this waste that it boils by itself for years, will be violent toxic for tens of thousands of years, and is so nasty that a few gallons released in a city's watershed might contaminate it for the indefinite future.

RISK OF DISASTER

It seems that some of these tanks leak a little, and there have been a few instances of near-rupture. Since they are situated only 240 feet above the water table of the Columbia River, the possibility of a Really Big Show is always imminent. In addition, the chance of tank ruptures at Hanford is enhanced by the fact that it is in a seismically unstable area that is part of the earthquake belt that rings the Pacific, the one responsible for chronic temblors in Alaska, California, South America and Japan. Some geologists have theorized that an offshoot of a major fault runs underneath the atomic facilities and it is known that there was an earthquake in the general area as little as 52 years ago.

Though a quake might not damage the tanks themselves, it could harm the elaborate cooling and stirring systems that keep the tanks from developing hot spots. A breakdown might burst the seams and release radioactive gases into the air. If atmospheric conditions were right, these gases could blanket an extremely large territory like a killer smog, only far more virulent—yea, the havoc could prove worse than that wrought by the atomic bomb over Hiroshima.

Dr. Chauncey Starr, founder and past president of the American Nuclear Society, is a great believer in the development of nuclear power, but even he admitted in a recent interview in Look magazine that "I do not conceive of leaking tanks as acceptable storage." Other experts, not given to couching their opinions quite so conservatively, have averred that the situation scares them to death.

So here we have the seventh wonder—tanks built to last 10 or 20 years but required to hold radioactive wastes for thousands, for periods "longer" to quote one Atomic Energy Commission spokesman, "than the history of most governments that the world has seen." Hanford, Wash., is future pollution at its finest, splendid climax to a splendid tour.

WHY U.S. CARS LAG IN IMPORT-EXPORT RACE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the rising flood of foreign-made automobiles into this country last year reached a point where imports accounted for more than 14 percent of all U.S. car sales. Market indications during the first half of 1971 suggest that they may reach 16 percent this year. Concern over this situation is one of the reasons that prompted President Nixon to impose a 10-percent import surcharge and to request repeal of the 7-percent automobile excise tax. While I share the hope that this 10-percent duty level will not be required for too long a time, it should also be borne in mind that much higher tariffs and taxes have for years been imposed on American cars by foreign countries. Mr. Richard Ryan, of the Washington bureau of the Detroit News in an article appearing September 19, provides an informative analysis of many of the factors involved in this situation and I commend it to the attention of my colleagues:

WHY U.S. CARS LAG IN IMPORT-EXPORT RACE

(By Richard A. Ryan)

(NOTE.—The role of Michigan industry in international commerce is strikingly illustrated in this story comparing U.S. auto imports and exports, and describing a situation typical of those that influenced President Nixon's decisions in drawing up his new economic policy. The writer, Richard Ryan of The News' Washington Bureau, drew his figures together from both auto and Commerce Department sources.)

WASHINGTON.—A 1971 Chevrolet Impala that sells for $3,859 in the United States costs $8,164 in West Germany.

That same Impala sells for nearly $8,000 in London and Stockholm.

A 1971 Vega sells for $2,200 in the United States. It would cost $4,000 to purchase that same vehicle in Japan.

Only the very rich in most foreign countries can afford to purchase an American made car. This did not result by accident. It was by design.

Most foreign governments have created a system of tariffs and taxes that are aimed directly at making the price of an American automobile prohibitive for the majority of its citizens to purchase.

Meanwhile, foreign imports have gained an increasingly larger percentage of the American automobile market. In 1970, for example, 1,230,961 imported cars excluding those brought in from Canada, were sold in the United States.

Imports in 1970 accounted for 14.67 percent of the total automobiles sales in the United States. In contrast, in 1953 imports accounted for only 0.50 percent of the domestic car market.

More than one million of the cars imported last year came from West Germany and Japan, with the German-made Volkswagen being No. 1. Other countries exporting cars to the United States were the United Kingdom, Sweden, Italy and France.

All of them sent more cars to this country than they imported from it. Much of the disparity between exports and imports can be traced directly to discriminatory tariffs and taxes levied against the U.S.-made cars by foreign countries.

A mitigating factor, however, is that U.S. auto makers also manufacture cars in foreign countries for domestic sale within those countries as well as for export to this and other countries. In fact, such "captive" imports into this country this year jumped 71 percent in the first eight months.

Until President Nixon raised the tariff to 10 percent last month, the only discriminatory levy against foreign manufacturers was a 3.5 percent duty on their automobiles.

In addition to the tariff, foreign manufacturers also are required to pay the 7 percent auto excise tax. This tax is passed on to the customer.

The excise tax, which President Nixon has asked to be repealed, is not discriminatory, however, in that it is levied equally on domestic as well as foreign manufacturers.

In comparison to the U.S. levied tariffs, the following is a sample of some of the charges placed on American automobiles by foreign countries:

Germany—13.2 percent tariff, an 11 percent value added tax and an annual road use tax of $3.60 per 100 cubic centimeters displacement. Like many nontariff barriers levied on automobile imports, the road tax is aimed directly at the larger American-made cars.

Japan—10 percent tariff; a commodity tax based on the size of the car, ranging from 15 percent on small cars to 40 percent on larger cars; an annual road tax also related to car size, ranging from $50 to $250, and a 3 percent purchase tax.

United Kingdom—13 percent tariff and a 36⅔ percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓ percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of .5 percent; a stamp tax of .2 percent of duties and other taxes, and an annual road tax based on horsepower.

Sweden—13 percent tariff; a sales tax of 11.11 percent of vehicle and duty paid, and a transaction tax based solely on vehicle size.

Numerous other countries restrict imports in other ways. Several countries, for example, require that any car sold within their borders must contain a certain amount of locally produced materials.

Such content requirements are in force in most developing nations in Africa, Asia and South America. Spain and Portugal, however, also have such requirements.

Requirements vary from country to country, ranging between the 5 to 14 percent called for in Venezuela to the 95 to 100 percent requirement of Brazil.

Another factor driving up the price of American cars abroad is the considerably higher shipping costs, resulting from both dockside charges to actual freighter costs.

Major foreign exporters have special car-carrying freighters which considerably reduce the shipping costs per car and their dockside costs, mainly because of lower wages, are less.

Still another reason for the higher prices is that foreign countries base their tariffs and taxes on American cars on the wholesale price of the car plus marine insurance and freight costs.

The U.S. tariff on foreign cars, on the other hand, is levied on the wholesale price of the auto only and not on insurance and freight costs.

Although foreign manufacturers pay less duty to export their cars to the United States, they must conform to all U.S. imposed safety and pollution control standards. Meeting these requirements has resulted in increasing the cost of the imports.

While a considerable portion of the disparity between U.S. imports and exports of automobiles can be traced to taxes that discriminate against large cars there are other reasons too.

A major deterrent to the use of the larger American cars in Europe, for example, is the exorbitant price of gasoline resulting from high taxes.

In some European countries fuel taxes are 175 percent to 450 percent higher than in the United States. As a result, European auto manufacturers have designed cars that place an emphasis on low fuel consumption.

Road conditions and city congestion also are more suited for the smaller European car than they are to the larger American-built automobile.

"Europeans don't have anything like the number of freeways we have here," said one automobile company spokesman. "And they usually don't have to drive very far at one time. Europeans just don't jump into their cars for a 2,000 mile trip as we do," the spokesman asserted.

While American companies have been effectively barred from exporting large numbers of cars by tariffs and taxes, they have not been prohibited from investing abroad. And that they have done in a significant way.

IMPORTS AND EXPORTS—THE 1970 FIGURES

Following is a comparative list of foreign auto imports, which include cars made by U.S. firms abroad, and U.S. auto exports for 1970:

	Exports to United States	Imports from United States
West Germany	674,945	2,476
Japan	381,338	159
United Kingdom	76,257	434
Sweden	57,844	1,091
Italy	42,523	159
France	37,114	394

A factor that should be considered in any relative comparison of these statistics is the widely-differing populations of each country: The United States—204,000,000; West Germany—60,842,000; Japan—102,322,000; United Kingdom—55,534,000; Sweden—7,978,000; Italy—53,170,000; and France—50,330,000.

General Motors, for example, is one of the largest auto producing companies overseas. GM's Opel manufacturing plant in Germany produced 807,000 cars in 1970. The firm's Vauxhall plant in England turned out 269,797 automobiles in the same year.

"We don't really expect to export the Vega to Europe," conceded one GM spokesman, "when we manufacture Opels and Vauxhalls there."

Currently, overseas car production accounts for almost 24 percent of GM's car output.

The firm also is involved in exporting its Opel into the United States. Last year, 86,630 Opels were sold in the United States. Through August of this year, 65,330 German-made Opels were sold here.

Ford Motor Co. also has an extensive overseas operation with major plants in Germany and Britain.

In 1970, Ford of Britain sold 480,948 automobiles. Ford of Germany sold 643,649. Ford's foreign operations in 1970 accounted for 26 percent of its sales and 24 percent of its net income.

Ford also imports its overseas-built Capri into the United States. Last year more than 41,000 foreign-built Ford's were sold here.

Chrysler Corp., the remaining member of the Big Three auto fraternity, also has a large overseas manufacturing operation.

Chrysler of France, which produces the Simca, turns out about 400,000 cars a year and has about 18 percent of the French car market.

Until recently the Simca also was exported to the United States. The company discontinued exports of the car this year because, as a company spokesman explained it, the cost of installing safety and pollution control equipment became too high to justify selling the car here.

Chrysler-United Kingdom produces the Sunbeam and Hillman. A car similar to the Hillman Avenger is exported to the United States where it is sold as the Cricket.

The Dodge Colt is produced in Japan by Mitzubishi Motors. Chrysler recently purchased 15 percent control of the Japanese plant and agreed to acquire 35 percent over a three-year period.

Approximately 35,000 each of the Crickets and Colts are expected to be brought into the United States this year.

While American auto firms have invested heavily in overseas plants in recent years, there has been little investing here by foreign firms.

The reason, according to industry spokesmen, is that the much higher wages paid to auto workers in the United States would make the cost of their cars and parts considerably higher, and thus uncompetitive.

An industry spokesman said that although the additional tariff levied on foreign imports by President Nixon may be helpful in curtailing import sales in the short run, the industry favors complete free trade between all countries.

GM board chairman James M. Roche appeared to sum up the industry's feeling in an interview on the Today show one week after President Nixon raised the import tariff:

"I am a firm believer in free trade," Roche said, "because I think free trade among the nations is essential to peace and prosperity in the world.

"On the other hand, we have some very important differences in this country. Our labor rates are four times as high as they are in Japan; twice as high as in Germany, and three times as high as in Great Britain.

"These are economic factors which we have to recognize in this country and we have to find some way of competing . . . with these countries if we expect to maintain our economy on a sound basis."

CONFIDENCE DAYS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. TERRY. Mr. Speaker, an event taking place in Syracuse today can serve as an example of what can happen when an idea, the right people, and faith get together. Last Friday, yesterday and today are confidence days in Syracuse—confidence in the economy and in the President's efforts to set it right.

President Nixon has called on individual businessmen and consumers to help in getting the economy back on its feet—his policies, in fact, depend on their help. Many times all it takes is one man to start the ball rolling. It then starts to snowball and soon things begin to happen. Confidence starts coming back. The Syracuse newspapers—the Herald-Journal, Post-Standard, and the Sunday combined edition, the Herald American—are to be commended for their efforts in picking up the snowball and delivering it, on target, in the form of confidence days.

About 2 months ago, Mr. Wilber Liberman, executive vice president of Franklin Furniture in Syracuse, explained to me a proposal he had for increasing consumer spending. The snowball was ready for delivery.

Mr. Liberman believes people lack confidence in the economy and are not planning to spend their money until economic conditions improve. They must, he explained, be induced to spend now. People are basically afraid to spend and are scared by negative economic views.

Mr. Liberman's proposal was to businessmen and what he suggested, plus what was subsequently achieved, shows the effect one man's idea can have if people are willing to help. An article containing his ideas appears in the CONGRESSIONAL RECORD, July 28, 1971, on page 27806.

The proposal is simple—run a sale, any kind of a sale, and people will find the money to buy things. Several years ago Mr. Lieberman staged a prosperity sale in Franklin Furniture's eight stores. His advertisements and displays read "buy now—create jobs," and "back to work prosperity sale." In the first 6 hours, 3,900 customers visited the stores and the volume of business was greater than at any time in the store's previous 40-year history.

It was this idea that caught the attention and imagination of the Syracuse papers. A letter, which they sent to more than 800 retailers, urged their participation in this great event.

Faith in the economy can be contagious. If every city in the country conducted a campaign similar to confidence days, the vitality our economy needs would be with us.

I would like to commend the Syracuse Post-Standard, the Herald-Journal, the Herald American, Bob Hennessy of the advertising staff, and the merchants in the area for their willingness to support a "new prosperity."

RECOGNITION DESERVED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SHRIVER. Mr. Speaker, it was my pleasure and privilege to be present in Newton, Kans., on Sunday, September 19, 1971, for the Newton and Harvey County Centennial Fiesta. Citizens of Newton had paused to observe Mexico's Independence Day on September 16 and those of Mexican heritage staged the fiesta as part of the centennial observance for the city of Newton and Harvey County.

One of the highlights of the Fiesta event was the appearance of Los Alacranes, Juarez, Mexico, Mariachi Band. The community arranged for the participation of the band and housed their visitors in homes of citizens to further emphasize the spirit of goodwill.

The Newton Kansan effectively discussed the significance of the Fiesta observance and its relationship to the centennial in the following editorial:

RECOGNITION DESERVED

Newtonians Thursday afternoon took time off to observe Mexico's independence day, and Saturday and Sunday those of Mexican parentage who now live in Newton will stage a fiesta that's part of the Newton and Harvey County centennial observance.

It's well that all of us took time off to honor those who fought for freedom from overseas powers in Mexico, for their fight for their own government by their own people parallels that of the United States.

Both countries were colonized by European powers, and both felt that the yoke they had to bear as colonies of what then were super powers was too heavy. Successful revolutions were fought in both countries.

And it is well that the area's centennial observance recognizes the part that those who came here from Mexico and their descendants have played in the history of the area.

Most of the original group who came here from Mexico came as track laborers for the Santa Fe railroad. It was their job to maintain the miles and miles of track and roadbed that crisscross this area. And as such they were an important part of the railroad organization.

Their descendants have found work in other industries both as workers and supervisors and they have taken a growing part in many community endeavors.

We are sure that in the future their part in the life of the community will continue to increase in importance.

And we are sure that all of us can learn and profit from the work of each other as we work together for a better community.

A DEDICATED LEADER CHARTS FUTURE COURSE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. EDMONDSON. Mr. Speaker, one of Oklahoma's great leaders, Mr. W. W. Keeler of Bartlesville, has been elected by an overwhelming majority vote as Chief of the Cherokee Nation of Oklahoma, a position he previously held by appointment.

Chief Keeler has provided the Cherokees with an enlightened leadership. He has dedicated himself and his tribal administration to providing educational opportunity for Cherokee children and jobs for Cherokee adults, and these efforts have been singularly successful.

Chief Keeler was one of the leaders in the successful effort to change the law and give the five civilized tribes of Oklahoma the right to elect their own chiefs. In this first election in more than 60 years the Cherokees have shown their appreciation of his many years of service by making Mr. Keeler their first elected Chief under the new election law.

In his inaugural address at the Cherokee capitol of Tahlequah, Chief Keeler gives evidence that the Cherokees will continue to progress under his elected leadership as they have under his appointed leadership. I am inserting his inaugural address in the RECORD at this point:

INAUGURAL ADDRESS

(By W. W. Keeler)

Deputy Commissioner Crowe, Chaplain Ketcher, Senator McSpadden and Chiefs of the Indian tribes of Oklahoma who honor us by their presence here today. Fellow Cherokees, Friends, Ladies and Gentlemen.

This is a historic moment for all Cherokees, Delawares and Shawnees. It marks the return of the management of their tribal affairs into the hands of the people. We have not had this responsibility of self-determination for more than three score years. I am proud and happy to see this day. I am honored to be your elected leader.

The Cherokees were a free and independent nation, with a constitutional government elected by the people, almost a century and a half ago. In the years between then and now, our forebears and we suffered internal strife, removal to an alien land, a civil war that was not of our making, loss of our land without fair compensation, discrimination because of our color, and indignity because we were few in number.

Our Delaware and Shawnee brothers joined us by purchase agreement to share in our hopes and sorrows and in the lean production of the rocky hillsides to which the Cherokees had been driven.

But we are a dauntless people. Our fathers would not bow to a stronger force. Neither have we ever bowed to it. Not when we were penniless; nor when we were without food to fill our children's stomachs. Not when we were without clothing to shield us against the bitter winds that howl in the forgotten hollows between these hills; nor when these hallowed grounds on which we stand were a place of mockery and contempt for those who had herded us onto them.

We were dauntless in our defeat. We remembered the hardships of those, who gave us our heritage. We took courage from their example. We would not be overcome. The blood of our fathers beats strongly in our veins; and we can still hear the distant drums that echo against the mountainsides of the lost and lonely memories that whisper along the byways of our hallowed heritage.

Today we see the beginning of the realization of everything that was only a dream during the lifetime of most of us here today. The Cherokee Nation was never dead; only asleep. Today it stirs and begins to awaken. Today our children see the dream that you and I have had for so many bleak years.

We are again entrusted with the management of our own affairs. We are now free to elect our own leaders. We are free to train our people for jobs; to improve the educational opportunities of our children; to provide adequate medical care for all who need it; to record and promote our noble heritage.

We must be united if we are to accomplish the heavy work that lies ahead. We must join hands with all of our brothers as never before in the history of our people.

Past mistakes and animosity must be laid aside. All of us have been mistaken at some time in the past. We must learn from these mistakes. If we fail in this, the opportunity of this moment will be lost—perhaps beyond recall.

We must think of the work to be done in the future; not of what we should have done in the past.

My opponents in the election came forward with many good proposals. I intend to ask their help and support in making them part of the goals of my administration for the coming four years. I ask everyone to join with me in bringing about their benefits for the Cherokees and their brothers, the Delawares and the Shawnees.

We must develop the human resources of our people. We must end any inequities of tribal activities that may have developed in the past years. All of our programs must be fair to all of our people. The tribal rolls must be brought up to date to include our children as well as our fathers. We must standardize the Cherokee language. I agree that the chief or vice chief should speak Cherokee.

I recognize that our Cherokee Executive Committee of which I have been a member has been criticizd. But, I also know that they have given great service to the Cherokees. During the time that I've been Chief they have served only in an advisory capacity. I want to express my thanks to them for their unselfish assistance to me. Certainly they should be continued until we have had time to rewrite our Cherokee Constitution and make it possible for tribal leaders to be more responsive to individual Cherokees. I would like to see an executive and a legislative branch based on the pattern of our early-day Constitution. The tribal government must reflect the will of all of the people.

I pledge to you today, in this historic setting, my time and the best of whatever talents I have.

I thank you for your support in years past and for your confidence in me to lead the tribe for the next four years.

I humbly and sincerely ask for your support and for your best advice in the years ahead.

Together, we can accomplish even greater things than have been accomplished in the past. With God's help, we can bring about miracles even greater than the accomplishments of this day.

Cherokees! Give me your trust and your united support. Thank you.

PROBLEMS OF INDIANA CITIES AND TOWNS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech I gave at a Jefferson County candidates breakfast in Madison, Ind., September 18, 1971. The speech concerns the problems of Indiana cities and towns:

REMARKS BY HON. LEE H. HAMILTON

I want to talk for a few minutes with you about Indiana cities and towns:

What are their problems?

What approach we, as Democrats, should take toward the solution of the problems?

I. THE FEDERAL SYSTEM

The first thing I want to say is that we cannot separate the problem of cities and towns in Indiana from the general attitude of the American people toward the nation and its government.

The American people are disturbed about the present state of their nation. They are losing confidence in the ability of their government to govern and their leaders to lead. They wonder if the nation and its communities will martial the will and the way to meet the challenges before them. They know that the Federal system is not working as well as it should.

They doubt:

Whether their government in Columbus, Indiana and Washington, D.C. is responsive.

Whether they can make a difference in the decision making processes.

Whether government can meet its problems before they occur or merely react to crises after they occur.

The challenge, then, is to make government work better:

To make it more responsive
More efficient
Less costly
Less confusing

It is no exaggeration that the fate of the American federal system, which has had a remarkable capacity to adapt to changing circumstances depends on its ability to adapt quickly enough to meet the challenges of today.

What concerns me is that although we fight and die for the principle of self-determination in other lands and for self-government in our own, we are often negligent in maintaining the vitality of local, state and federal governments, the very instrument through which self-government is provided.

We have this overwhelming array of public problems that will occupy our energies for decades to come:

Pollution
Poverty
Health
Education
Housing
Transportation
Crime
Drugs
Discrimination

Our federal system simply isn't going to solve these problems until all the parts work, and I don't think they are working adequately today.

Some people argue that we should scrap the federal system and start over. These people, instead of confronting these problems, want to confront each other, sometimes violently in the streets. They want to solve those problems outside the accepted political processes.

But they do not represent the bulk of the American people. You and I believe we have to solve these problems within the system. We have to make the institutions we have work and, if we don't make them work, then our society is in deep trouble.

Some want to try to deal with these problems as individuals. But, we cannot, as individuals, have clean air, clean water, adequate transportation, safe streets, good schools. The only way we can have these things in a society is to organize ourselves in such a way as to achieve them.

Some people argue that all we need to do is elect good men and everything will be well. I want to elect good men to public office, too, but I also say that we need to focus on much more than electing good men. We cannot forget the process in which good men are involved and that process can neutralize and frustrate good men. The system, if it is not a good one, can make it all but impossible for good men to deal adequately and intelligently with the problems.

The federal system doesn't work unless all parts of it are alive and well. Cities that are too feeble, too fragmented to grapple with the problems that confront them will be engulfed by those problems.

II. THE PROBLEMS OF INDIANA'S CITIES AND TOWNS

One part of the federal system we have to take a hard look at is the cities. In Indiana, with city elections ahead, now is a good time to think hard about our cities.

The future of these cities and towns is crucially important to the future of the federal system and the nation. If they cannot establish justice, insure domestic tranquility, promote welfare and secure the blessings of liberty, then the nation cannot be expected to do the same.

The cities deal with the problems closest to the people. They are responsible for the basic services. They are responsible for services you would miss most if they stopped: water, sanitation, orderly growth, traffic control. If this grand experiment in democracy is going to work, it has got to work in the cities.

Several fundamental facts lie at the base of the problems of Indiana cities and towns.

1. Lack of money

Not long ago I asked an Indiana expert on cities what the major problems of the cities were in Indiana. With tongue in cheek, he summarized the problems of Indiana cities in three words: Revenue, finance, and money.

Lack of money and the source of local tax money are the major concerns of every Indiana city. Our local money comes from a number of sources—state and federal aid, fees, assessments, fines—but the property tax supplies 55% of Indiana's local revenues, and is, by far, the most important single revenue source.

The property tax is a poor source:

It's inequitable because it is not tied to the income of the property owner;

It is unproductive because it does not grow with the economy;

Variations in local assessment overburden some owners;

It deters building improvement and urges speculation in land.

Unfortunately, Indiana relies especially heavily upon the property tax. We raise 15 to 20% less from income tax than does the average state.

2. Lack of size

Another fundamental fact of Indiana cities and towns is their littleness. Most local governments lack the territory, the population and resources to deal effectively with problems.

They have a built in inefficiency.

They cannot hire a full time mayor.

They cannot attract the kind of full time expertise needed to solve many problems of today.

They cannot take advantage of savings from data processing, automation, modernization.

3. Lack of authority

Another fundamental fact is that in Indiana, cities lack authority to deal with their problems. This lack of authority involves the state government as well as the city, since cities and towns in Indiana are creatures of the State, and the State must act if improvements are to be made.

Cities have granted authority and, even with the limited home rule bill which was passed in the last legislature, they have very little inherent power.

Let me give you an example of how state law restricts the power of the city to act. We have a debt limitation in Indiana which restricts municipal indebetedness to 2% of the value of taxable property within a city. We often compliment ourselves for this provision, but the result really has been to put the city in a financial strait jacket. It has prompted the creation of special taxing districts, revenue bonding practices, lease arrangements, additional municipal corporations and special authorities with boundaries overlapping those of the cities. The structure of city government has become unduly complicated and more expensive, not less. The power and authority of the mayor and the city council have been diluted.

4. Lack of interest

There is also the fundamental fact of public apathy in the problems of the cities. This may be the single greatest obstacle in the way of effective local government.

People just don't care about the necessity to revitalize long established and often outmoded practices of municipal government. Only about 30% of Americans vote in separately held city elections. This compares with about 60% who vote in the Presidential contest.

We often say that government closest to people is the best government, but I have my doubts about that because, given the nature of the news media in this nation, most people today know more about what is happening in Washington than in City Hall.

III. WHAT SHOULD WE DO FOR EFFECTIVE LOCAL GOVERNMENT?

Given the challenge to the federal system and the nature of the municipal problems before us, what, should we, as Democrats, be striving for in city government, not just as we approach these municipal elections, but after the tumult and the shouting of the election are over, and we are faced with the stark responsibility of governing.

You probably know the story of the mother who was concerned about her small son who had just learned to swear. She became quite exasperated by his bad habit. Finally, she told him if he swore one more time, he would have to pack his bags and leave home. Well, of course, he swore again. His mother made him pack, and pushed him out the front door. He stood on the porch for a long time and did not move.

Finally, the mother, who had watched him the entire time, was sure he had learned his lesson. She triumphantly opened the door and said, "Well, Johnny, why don't you go on?" Johnny responded, "I would, but I don't know where the hell to go."

As we look at the problems of Indiana cities, we want to be sure we know where we want to go.

Above anything else I want to see a mayor and city administration that are constantly seeking to do a job better.

1. Organization of city government

They ought to be exploring better ways to organize the city to deal with the problems:

What type of organization is best for governing this city?

Should we have a commission plan, with a small number of commissioners, with all powers, legislative and executive, for the city government?

Shall we have a council-manager plan, with a small council elected at large and a trained professional administrator?

Shall we have a mayor-council plan, and if we do shall we have a weak mayor and a strong council or a strong mayor and a weak council plan?

Should we have a local review commission to study improvements in municipal government. A review commission need not be a witch hunt for municipal inefficiencies. It can be a balanced study of the strengths and weaknesses of current city operations and organization; and it can make recommendations on how to proceed more effectively.

2. Public apathy

The mayor or city council ought to be searching out ways and means to overcome public indifference.

What can be done to increase the knowledge of municipal residents on local issues?

Successful local government depends not just on organization, or finances, or even people. It also depends upon the response and the contributions the citizens of the community make.

What kinds of programs of continuing education ought we to have in this city? Should the mayor give a "State of the City" address each year, as the President gives a State of the Union address? Should we have an annual municipal report? Shouldn't we have in the city a kind of ombudsman office where citizens' complaints can be received and channeled for proper official response?

Could we have more public hearings on crucial topics?

In short, I want to see a city administration exploring every possible measure to help build local interest in municipal affairs.

3. Attracting good people to work on city problems

They ought to be searching for the best people to work on city problems. The complexity of local government today requires that public employees be chosen carefully and that they be selected from experienced and professionally trained people. If this means increasing the salaries of mayors, city councilmen, and other city officials to attract the best people, then I support this increase.

4. Utilization of resources

They ought to be analyzing and utilizing the sources of the community.

Is the city taking stock of the resources available to it—individual, private, and governmental? Is it trying to channel the resources of creative and alert individuals in the community?

People who really care about their community are the most important and potent force for good that any community has.

There are scores of such people in all of our communities who want to find ways to channel their energies and their abilities for constructive work in their communities. It is not an easy job to organize them, but every city ought to be trying.

Is the city taking advantage of private resources to the maximum extent? Every community that I know about in the Ninth Congressional District has a problem with low cost housing. Government alone is not going to solve that problem. It has to have the help of the private sector. I know towns where the private sectors have helped create parking lots, develop attractive stores and office buildings, provide recreation facilities, remove blight, improve airports, even built city halls, and improved educational facilities.

5. Cooperation with State and Federal government

They ought to be exploring every avenue of cooperation and assistance with federal and state officers.

Is it working with them to develop the resources at their disposal from the state and federal governments? Federal and state governments can do an incalculable amount of good in our local communities. There is evidence of that at every turn in almost every community—schools, hospitals, streets, public buildings, welfare agencies.

One of the tasks of city government is to encourage and foster programs of state and federal government which help them get the job done better.

It is only if you have a mayor and a city council who are persistent, aggressive, competent and with a sophisticated knowledge of government and politics that you can develop a working partnership with your state and local governments.

Is the city government working with state officials to modify provisions in the Indiana law to bring about municipal government reforms, and to give the cities the authority they need to deal effectively with their problems.

Among the constitutional issues that need to be explored are:

Whether consolidation of overlapping and duplicating units of government should not be an inherent power of cities. (After all consolidation means better police and fire systems, better pay for local officials, more diversity of work, a better trained staff and more advanced technological assistance.)

Whether the debt limitation provision really saves money and promotes efficiency.

Whether cities should have the opportunity to formulate their own charters, tailored to meet the needs of their municipalities.

Obviously, you have to work in cooperation with the state, but as it is today, the General Assembly handles an enormous volume of strictly local legislation. I am told that it occupies as much as a 25% of the time of the state legislature. The General Assembly ought to be dealing with more important problems that have a statewide impact.

6. Financial resources

They ought to be especially vigilant in the collection and spending of money.

Is the city exploring ways and means to improve their tax resources? This includes:

A review of the procedure of assessing taxes;

Eliminating variations in local assessment practices;

The exploration of alternative tax sources;

The possibility of piggy-backing a city sales tax on top of a state sales tax to promote taxpayer convenience and administrative simplicity;

A local income tax and a variety of other measures. It also includes action by the state and federal governments to help to relieve the burdens of the cities.

As we approach these elections we ought to be saying two things to the people:

1. I am listening to you and I understand what you are saying.

2. Here is what we, as Democrats, are going to do about it. Come with us to the top of the mountain and let me show you a better land, a better way.

CONCLUSION

I want to see a city government—

That reflects its diverse citizenry;

That pays its public servants adequately;

That is open to citizens of any social, religious, racial, or economic group;

That has a close two-way communication with the people;

That follows procedures which are understandable;

Whose business is open so that the public will know what it is doing, why, and who is responsible.

I want to see a city that is organized to concentrate on the people's business with the care and attention the people deserve.

I want to see a city:

That can innovate in the development of public policy;

That will exercise continuing oversight over its programs;

That will undertake comprehensive, long range planning for its economic and social development;

That will evaluate and review its own performance;

That will identify and provide for the future needs of the city before they become critical.

A LETTER TO RUSSIAN AMBASSADOR DOBRYNIN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BINGHAM. Mr. Speaker, on Thursday, September 23, I had the honor to participate in a vigil protesting the Soviet Union's treatment of Russian Jewry which was held in a dignified fashion across the street from the Soviet Embassy.

Participating in the vigil were a number of women representing the Leadership Conference of National Jewish Women's Organizations. They had attempted to deliver a letter to Ambassador Dobrynin but had been told by the doorman at the Embassy that no communication of that type would be accepted and that they should send their letter through the mail.

I insert herewith the letter to Ambassador Dobrynin together with the names and affiliations of the signers. Communications of this kind to the Government of the Soviet Union should be given maximum visibility, both in this country and throughout the world, so that the Soviet Union may feel the pressure of world public opinion:

LEADERSHIP CONFERENCE OF NATIONAL JEWISH WOMEN'S ORGANIZATIONS,
New York, N.Y., September 23, 1971.

His Excellency ANATOLY F. DOBRYNIN,
Ambassador of United Soviet Socialist Republics, Washington, D.C.

Representing nine national Jewish women's organizations with more than one million members throughout the United States, we join with Jewish women leaders throughout the world in expressing our concern for the treatment of Jewish prisoners of conscience in the Soviet Union.

Unlike other political prisoners, these young men and women have not planned any action against the Soviet state or its people. Their only "crime" is their desire to leave the country and go to Israel where they can live as Jews, a right defined by the Universal Declaration of Human Rights of the United Nations.

These people have been given harsh prison sentences—up to 15 years in some instances. They have been subjected to a brutal prison regime with meagre food rations. In effect they have been sentenced to a slow death by starvation and exhaustion.

In particular we abhor the treatment of Mrs. Silva Zalmonson, one of the eleven in Leningrad sentenced in December of 1970 to ten years in a prison camp. She has been deliberately starved, given a calory intake that would be insufficient to sustain a child. Mrs. Zalmonson was pregnant at the time and has since lost her baby. Since her imprisonment she has begun losing her hearing and her general physical and mental states have begun to deteriorate. She has told her friends she will not be able to survive the long sentence.

We urge the Soviet Union to cease harassment of those who wish to live openly as Jews within the USSR, a right granted to all nationalities by the soviet constitution, and to allow those who wish to go to Israel to do so. We urge, in the interests of humanity, that these prisoners of conscience, who have been victims of political persecution, be freed.

We deplore the fact that when we wanted to see you to discuss these humanitarian issues, neither you nor any responsible official of the Soviet government would agree to meet with us. We are therefore forced to deliver this to the embassy in the hope that it will find its way to the proper officials.

Mrs. Charles Snitow, President, Leadership Conference of National Jewish Women's Organizations.

Mrs. Nathan Holstein, President, B'nai B'rith Women.

Mrs. Milton Jacobson, President, Mizrachi Women's Organization of America.

Mrs. Joel Dolkart, Vice President, National Council of Jewish Women.

Mrs. David Levitt, President, National Federation of Temple Sisterhoods.

Mrs. Henry Rapaport, President, National Women's League of the United Synagogue.

Mrs. Charles Stein, Vice President, Pioneer Women's Organization.

Mrs. Monroe Rosenthal, President, Women's American Ort.

Mrs. Meyer Karlin, President, Women's Branch, Orthodox Jewish Congregations of America.

Mrs. Howard Levine, President, Women's Division, American Jewish Congress.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FRASER. Mr. Speaker, I recently concluded 3 days of public hearings in Minneapolis. Those hearings generated a number of letters from concerned citizens who were unable to attend.

The lack of dental insurance is one area of health care of particular concern to all age levels of our society. As the following statement from the Minneapolis Model City Health Committee indicates, dental care is of great concern to the elderly. This statement by Mrs. Ione M. Brown, Mr. Ward Edwards, and Mrs. Esther Schones, deserves wide dissemination, thoughtful consideration, and an attempt at implementation. The failure of medical programs and health insurance to provide dental coverage for the elderly is a major shortcoming.

Dr. Bruce Keyworth provided a copy of an article written by Dr. Viron Diefenbach. This article sketches the position of the American Dental Association Task Force on National Health Programs.

Mr. William Jones, an Executive Board Member of the Laundry, Drycleaning and Dye House Workers suggests the inclusion of a program of dental care in health reforms. I share Mr. Jones' concern and am hopeful that the Congress can respond to these particular, but very important needs.

THE MINNEAPOLIS MODEL CITY PROGRAM,
Minneapolis, Minn., July 16, 1971.

Representative DONALD FRASER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FRASER: We are writing to you with the authorization of the Minneapolis Model City Health Committee stating some of the dental needs of the elderly in the community.

Good health is highly related to the prevention of illness, and proper dental care is one important facet of our health needs.

The following data have been found in various community surveys:

1. 50% of the population of the United Stats have lost their teeth by the time they reach the age of 55 years.

2. 50% of the adult seniors have not visited a dentist in two years. This is a need that should be attended to.

3. 25% cannot chew their food properly.

4. 30% find dental care too expensive.

5. 15% have a fear of the dentist.

6. 20% do not want to go to the dentist alone.

The above information indicates that some government help through private insurance companies, Medicaid Insurance, or Medicare must be given. Education as well as coordination of the present dental services should be the starting point for improving our nation's dental health systems.

A trained neighborhood senior (adult) visitor could be a useful resource person for giving encouragement and information on the available dental care, as well as for gathering helpful facts on the very important need for transportation to the various dental services in a community.

The Minneapolis Model City Senior Citizens Health Task Force felt that some health insurance should be guaranteed through the company that persons have been employed by, and dental care must be included in the policy.

The senior citizens are wholeheartedly in accord with the concept that proper dental care starts from birth and continues throughout one's life, but we are particularly concerned with dental care for senior citizens.

Action should start now, and we are urging you as our representative in Washington to take necessary steps to help with the dental needs of the elderly.

Thank you for your consideration and your aid on this urgent matter.

Very truly yours,

IONE M. BROWN,
Chairman, Senior Citizens Health Task Forces.

WARD EDWARDS,
Chairman, Health Committee.

Mrs. ESTHER SCHONES,
Chairman, Policy and Planning Committee.

ADA TASK FORCE ON NATIONAL HEALTH PROGRAMS

(By Viron Diefenbach, DDS, MPH)

In anticipation of the increasing impetus of the movement toward national health programs and the significance of this development, the 1969 House of Delegates approved a resolution (*Trans* 1969:269) creating a "broad-based dental health task force to design the Association's position with respect to the partcipation of the dental profession in national programs concerned with the delivery of health care to the public." A progress report will be delivered to the House in 1970 and the final report will be submitted through the Board of Trustees to the House of Delegates at the 112th annual session in Atlantic City, October 1971.

The recommendation was initiated by Harold Hillenbrand, now executive director emeritus, in his final report to the Board of Trustees and was implemented on the recommendation of Hubert A. McGuirl, then president of the Association.

The resolution also directed the Council on Dental Care Programs and the Council on Dental Health "to review as a matter of high priority all existing Association policies relating to national health programs." Their joint meeting in December 1969 reviewed policies under the general headings of national control of health care services, availability and accessibility of dental care, organization of dental care programs, and financing of dental services. Review of these policies confirmed the notion that a complete reevaluation of the Association's position on national health care programs was needed.

COMPOSITION OF THE TASK FORCE

President Harry M. Klenda subsequently appointed a 14-member Task Force composed of eight dentists representing a wide range of the dental profession and six nondentists representing interests significant to the consideration of national health programs. Doctor McGuirl, immediate past president, was appointed chairman. President Klenda and President-elect John Deines are ex-officio members of the Task Force.

Of the eight dentists, five are in full-time private practice and all five are engaged in additional responsibilities for the profession: Doctor McGuirl, a general practitioner, is executive secretary, Rhode Island State Dental Society; Eddie G. Smith, a general practitioner, is speaker of the house for the National Dental Association and is associated with Community Group Health Foundation, Inc.; Edward A. Cheney, an orthodontist, is an ADA trustee; I. Lawrence Kerr, an oral surgeon, is president of the Dental Society of the State of New York; and Lynden M. Kennedy, a general practitioner, is editor of the *Texas Dental Journal*. Another dentist, Roy L. Lindahl, chairman of the ADA Council on Dental Care Programs, is in part-time pedodontic practice in the intramural private practice of the University of North Carolina Dental School where he is on the faculty.

The other dentists are: Donald J. Galagan, dean, University of Iowa College of Dentistry, representing dental education, and F. Gene Dixon, vice-president and managing director, California Dental Service, representing dental prepayment plans. Doctor Diefenbach, originally named to the Task Force, has since joined the Association staff as assistant executive director for dental health. On becoming the ADA staff director of the Task Force, he resigned from Task Force membership. Lynden M. Kennedy was appointed to fill the resultant vacancy.

The nondental representatives are: Ray E. Brown, executive vice-president, Northwestern University, McGraw Medical Center; Lester Breslow, MD, professor of health services administration, School of Public Health, UCLA; Robert D. Eilers, PhD, executive director, Leonard Davis, Institute of Health Economics, University of Pennsylvania; Herbert L. Meyers, president, Consolidated Dental Services Company; Daniel W. Pettengill, vice-president, group division, Aetna Life & Casualty, and John G. Tomayko, director, Pension and Insurance Department, United Steelworkers of America.

FIRST MEETING

At the first meeting of the Task Force on May 20, the base lines and procedures for operation were established. Operations will cover an 18-month period, as dictated by the timing of the 1971 annual session. A progress report will be made to the 1970 House and final recommendations will be submitted to the 1971 House. It was emphasized that deliberations of the Task Force should not be bound by existing Association policies since the House of Delegates will act on its ultimate recommendations.

There was a consensus among the members that some type of national health program would be a reality in the future; estimates of the time when such a program can be expected ranged from four to six years. It was pointed out, however, that the dental profession needed a position on this vital matter at the earliest possible date. Furthermore, the term "national health insurance" may be used loosely in the months ahead to describe programs that may not actually constitute a new national program, such as an extension of Medicare to more categories of recipients.

Background information was reviewed on essential prerequisities for developing an acceptable national dental program—adequate dental manpower, adequate resources for educating and training dentists and auxiliaries, assurance of quality of dental services, and priorities. Consideration of all these broad subject areas is necessary to formulate a position for dentistry in national health programs.

ORGANIZATION STRUCTURE

Five committees under the following headings, were created to conduct basic studies of the Task Force:

These are:

Manpower;

Delivery of Services,

Priorities of Services and Review of National Health Proposals,

Quality Review and Methods of Payment, and Consumer Concerns.

Committee chairmen, all members of the Task Force, are, respectively: Doctor Galagan, Doctor Kerr, Doctor Cheney, Doctor Lindahl, and Mr. Tomayko. Each committee has five members from outside the Task Force. Overall, the membership of the committees totals 22 dentists and eight nondentists. The structure of the Task Force and its relation to the Association's policy-making body are shown in the chart.

WHY THE TASK FORCE IS SO IMPORTANT

The timeliness and importance of the Task Force are confirmed with every new proposal on national health legislation that is announced or introduced in Congress. By the end of summer, proposals were advanced by the Committee of 100, led by the United Auto Workers, the AFL–CIO, American Medical Association, Health Insurance Association, Health Insurance Association of America, the National Governors' Conference, Senator Jacob Javits, and Senator Edward Kennedy. Several of these proposals include dental care for children of specified age groups, but several have omitted dental services completely. All of the present proposals would change the financing of health services.

The omission of dental services in a national health program would relegate dental care to a subordinate and separate position from total health care. If dentistry were not included, the current provision of dental services to publicly supported beneficiaries could be affected by cuts in dental expenditures because the federal health funds now going into dental services would likely be diverted to the national health care program. Yet inclusion of dental services in a national health program raises crucial questions of dental manpower and funds to pay for treatment of the gigantic backlog of unmet dental needs in the nation.

The plans proposed thus far have indicated that the dental profession cannot assume dental services will be included automatically in national health programs. It is, therefore, urgent that the profession determine its position on the inclusion of dental services. The American Dental Association Task Force on National Health Profession Programs was created to assist the dental profession in developing its position.

LAUNDRY, DRY CLEANING & DYE
HOUSE WORKERS,
INTERNATIONAL UNION LOCAL 183,
Minneapolis, Minn, February 27, 1971.

I am in support of the DFL Health Plan, and I would like to make a suggestion to what is currently proposed:

I would like to see included in the plan a program of dental care.

WILLIAM D. JONES,
Executive Board Member.

CULVER CALLS FOR NEW U.S. INITIATIVES IN INTERNATIONAL ECONOMIC NEGOTIATIONS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. CULVER. Mr. Speaker, President Nixon's new economic policy has changed the outlook for international economic relations more profoundly than any single step since World War I. It opens the possibility for dramatic improvements in the international monetary and trade systems and the network of international cooperation to meet the new economic needs of the 1970's and beyond. However, the "new economic policy" could also seriously damage the world trading system and the network of international cooperation which over the last 25 years has tripled foreign trade. The outcome will depend on the skillfulness of the administration taking reasonable advantage of the opportunities it has created, and the responsiveness of other countries in working with us to achieve them.

We are now about halfway through phase I of the President's "new economic policy." We are on the eve of the most important regular economic and monetary meeting that takes place every year—the world meeting of the International Monetary Fund, and within a few days, the President will receive the recommendations of his senior advisers on how we proceed in phase II. This is, therefore, a good moment to pause and take stock.

One cannot doubt that much of the President's announcement has powerful validity and enjoys a wide measure of support in both parties. Certainly the time was long due for a wage-price stabilization program. One can argue about details, but still the objectives are inescapable. By effectively controlling inflation we will do much to improve our domestic economy, as well as our trade and balance-of-payments position. We will no longer be pricing ourselves out of competition because of uncontrolled inflation.

Likewise, though one can disagree about the most effective mix of tax measures and incentives, the President did properly fix our attention on the need for better productivity and performance in many sectors of our economy. In addition to the tax measures and incentives already proposed, the United States should also undertake a major program to increase U.S. exports by assisting research and development in the export sector, and by expanding facilities for export credit.

The second keystone of the President's program for which there is full justification and where delay would have been debilitating is the uncoupling of our currency from gold. Gold convertibility had become archaic, unworkable and a constant temptation to volatile speculative money and capital movements. Our action was proper for its own sake, and the best means for setting in motion a more realistic realinement of major world currencies.

At this halfway mark, we have made at least halfway progress in the necessary progress of currency adjustments. The major currencies of the world, including the Japanese yen, are floating though most governments are not yet permitting them to reach a "free market" level.

However, it is also evident at this point that the "new economic policy" has not been adequately meshed with our foreign policy. To many of our closest friends—Canada, Mexico, Japan, Europe—as well as many detached and wholly innocent nations of the third world, the President's actions had a blunt indiscriminate and almost retaliatory character.

Not all of these charges have to be taken at face value, especially since some of these countries have been comfortably avoiding hard decisions of their own by using our deficit as their cushion. We have every right to expect that these countries assume a full measure of responsibility for taking whatever measures are necessary to correcting our serious balance-of-payments problem.

To some extent, the imposition of a broad program of the sort which has been undertaken cannot be pinpointed to take into account all individual or special situations. Nonetheless, the experience of the last several weeks leaves no doubt that one of the President's instruments—the import surcharge—coupled with a buy American clause in the new investment credit exceeds the real needs of the situation and may in fact ultimately impede the proper reconstruction of the world monetary system.

The surcharge has, more and more, become a weapon by which to obtain ill-defined concessions across an ever-widening front. Whereas in its original formulation, it appeared to be largely related to a movement toward currency realinement and monetary reform, it has now been translated into a temporary measure of extended duration and is tied to concessions in all kinds of commercial and even military and political spheres of interest.

Though it must be acknowledged that we are not the first nation to adopt a surcharge for a period of time—Canada and Great Britain are examples of trading partners who have adopted it— it has not been used by a major power as a principal weapon of political and economic threat in negotiations.

By our use of the surcharge under the haziest ground rules and without putting forward a negotiating package of any specificity, we are raising the prospect of economic retaliation by other countries, creation of vested interests in our own country which oppose its removal, and a recoil effect which may make our whole effort to improve the world economic situation self-defeating.

The surcharge has become a bone in the throat which may suffocate progress in all areas of mutual interest. It could set back the progress of international trade by many years and could invite barren forms of economic warfare. Moreover, its undue maintenance could, in fact, propel the world monetary and trade system backwards instead.

It is all very well to say that as a Nation we are far less dependent than Japan, Great Britain, Italy or India on foreign trade, but this would offer no satisfaction when one takes into account the great importance of trade to U.S. Agriculture, particularly major U.S. industries and firms and especially patterns of international investment, the inevitable leadership role which the American economic position commands, and the vital stimulus of fair competition. And we in Iowa certainly have no cause to rejoice in American isolationism or a trade war:

Agricultural commodities shipped from Iowa to foreign markets accounted for $505 million in fiscal year 1970. The State was third in the Nation in total as well as per capita exports of farm products. Most important, Iowa's growth rate in agriculture leads the Nation.

Iowa is the Nation's leading exporter of tallow and lard, meat products, and hides and skins, with foreign sales in fiscal year 1970 valued at $30.7 million, $25.2 million, and $18.2 million respectively.

In addition, the State is the second largest exporter of four other commodities of major importance to its farm economy—soybeans, with supplements abroad valued at $166.9 million; feed grains, $135.4 million; protein meal, $49.4 million; and soybean oil, $21.7 million.

Iowa's exports of dairy products, third largest in the country, were valued at $9.4 million.

Exports of manufactured goods from the State of Iowa were $412 million in fiscal 1970. Iowa ranked 11th among the States in per capita exports of these products.

Foreign shipments of nonelectrical machinery nearly doubled during the last decade to a level of $173.5 million in fiscal year 1970.

Cedar Rapids is the State's major producer of manufactured goods, predominantly electrical, and nonelectrical machinery and food products.

Waterloo sells large amounts of nonelectric machinery.

Other important export centers are Dubuque, Des Moines, and the metropolitan area of Davenport.

As chairman of the House Foreign Affairs Subcommittee on Foreign Economic Policy, I have recently had occasion to preside over two sets of hearings dealing with the new trade trends of the common market, and more recently, to examine the international effects and consequences of the President's "new economic policy."

I cannot pretend to be a professional economic analyst or expert in the intricacies of international monetary mechanisms; however, without pretending to know the exact prescriptive requirements for resolution of the current international economic crisis, I have reached these general conclusions:

First, I believe it is crucially important that the United States offer to negotiate, based on a set of specific proposals it puts forward to deal with the growing international economic crisis.

I do not believe that we have much to gain any longer from a poker style policy in which we take a temperance oath from all policy recommendations and projections of what a new international trade and monetary system might look like.

Negotiation requires, to begin with, an agenda. I cannot believe that much progress will occur if we do not fulfill our leadership responsibility, rather than just invite others to come forward with their solutions and expect them to unconditionally surrender to our massive economic retaliation.

Second, it is important to keep our priorities straight. I believe that it is imperative that the United States differentiate between its viable short-term objectives which are on the point of being won, and longer-term objectives that will require protracted negotiations.

Over the short term, I believe the most immediate, most valuable and most promising area of reform lies in the monetary field. I believe our trading partners should realine their currencies against the dollar. As this is done we should move at once to negotiations which will allow wider permissible bands of currency fluctuations and greatly enlarge the reserve base for world currencies. In addition, we should get their agreement to a timetable to conduct negotiations on the basis of evolving toward a fairer trading system and a more equitable sharing of defense burdens.

I would classify longer-term objectives as a more equitable sharing of the defense burden and a reordering of the international trading system.

In this perspective, a change in the gold parity of the dollar and the surcharge take on a different character. I personally do not attach great importance to an upward change in the price of gold. I doubt that this would really achieve agreement on the necessary reform of the international system. It might be a mildly stimulating form of tokenism and probably would do no great damage since revaluation would be modest in any event. However, it would also have, somewhat, the effect of enthroning gold once again at the very time we are trying to develop complementary if not surrogate forms of international reserves.

Third, at the very minimum, we must begin to elaborate quite clearly what are the preconditions for lifting the surcharge. These should be kept simple and should not hinge on remote contingencies or unrealizable objectives.

I would myself be fully prepared for the United States unilaterally to lift at least one-half the surcharge at once as a good faith first move toward future negotiating and attempt to set a target for removal of the remainder by the end of the year. A halfway removal now would be realistic in view of the currency revaluations already made by Japan, Germany, and several other nations.

The longer the surcharge stays operative, the more it is likely to slam doors rather than open them. This is especially true for the lesser developed countries who do us no damage to either our trade or our balance-of-payments situation. Furthermore, the passage of time makes removal of the surcharge more and more difficult to remove. It must also be remembered that if the surcharge remains, the realinement of currencies will have a partially artificial character since our trading partners must hedge against the surcharge and the new buy America program when they revalue.

Fourth, the United States could ease passage of needed monetary and trade reform if the President would send to Congress a request for new trade legislation and negotiating authority. This would open doors for progress beyond monetary reform.

I would freely grant that chances for quick or automatic passage are not now favorable, but we cannot even begin negotiations until the President stakes new grounds and makes it clear to other nations that tools for negotiating are not held in long or permanent suspense.

At the moment, there is no room for maneuver and it makes it very difficult for us to get real concessions from others, for example, to mitigate the discriminatory features of the common agricultural policy of the European community.

Fifth, the time has come to better mesh our political and foreign economic objectives. Inherent in this is the need for closer cooperation between the State and Treasury Departments than has characterized our public statements since August 15.

It is dangerous to entrust the entire game plan to economic experts and improvisers who do not understand the intricacies of foreign policy. We are dealing in several instances with leaders who could well suffer, if not fall from U.S. political miscalculations, bringing on governments whose political complexion is much less welcome to us than those now in power. We need to take into account too the inevitable pull toward political and economic isolationism and retrenchment in this country.

There is no doubt that we can inflict serious wounds on our foreign policy if we become trigger happy and issue careless economic threats.

It is time, therefore, for the executive and congressional branches to focus on real solutions, on finding bridges for agreement, and place in the foreground our objectives as a responsible world power so that together with our major economic and political partners we can solve the current international crisis and build a more viable and fairer economic system for the 1970's and beyond.

TEACHER SALARIES

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, earlier this month, hundreds of thousands of teachers returned to their duties in schools across the country not knowing how much they were entitled to be paid. In spite of the fact that contracts had been signed and ratified prior to the initiation of the August 15 freeze on salaries and prices, the administration, the Cost of Living Council, and the Office of Emergency Preparedness first issued statements indicating that teachers could not receive either their annual increments or their negotiated increases of those annual increments. Thereafter, conflicting and contradictory statements were issued by all of these agencies resulting in confusion and anger on the part of many teachers.

After a great deal of effort I have been able to obtain from the Office of Emergency Preparedness a set of statements which, I have been advised, represent the position of the Cost of Living Council and the Office of Emergency Preparedness as of September 24, 1971.

In order to make these statements available to my colleagues who may also want to provide assistance to their own constituents, I am reprinting them in the Congressional Record. The statements from the Office of Emergency Preparedness follow:

Office of Emergency Preparedness, Supplemental Guidance

(7108251400, 4.0504, Stabilization Program Guidelines, Category 4)

Topic: Determination of wage price freeze on teachers salaries.

The determining factor in establishing whether or not individual teacher system salaries are subject to the wage price freeze is the determination of the effective date of the system contract. The effective date of the teaching system contract is defined as having occurred whenever teachers either began to perform services under the system contract (which to be eligible for increase in pay must have been before August 15) or when they were eligible to receive increased payment under the contract (which must have been before August 15).

The freeze applies to system wide teachers contracts regardless of the date an individual may have signed his or her contract. In addition, a teacher whose system contract went into effect prior to August 15 and who was eligible to be paid from that date would receive the pay raise regardless whether or not he or she choose to wait until the beginning of school in the fall term to receive any pay under the contract.

Although longevity increases for teachers are frozen, a teacher who has been awarded a master's degree or completed other required or recommended advanced training can receive the increment normally given. However, if the system contract date is after August 14, the increment must be the amount that was granted last year.

Office of Emergency Preparedness Supplemental Information

(7108271100, 4.0506, Stabilization Program Guidelines, Category 4)

Cost of Living Council today issued the following summary of decisions on wage and salary contracts in the field of education.

If a teacher (or other educational personnel) in a school system has either performed work prior to August 15 under a new contract calling for a wage increase or if the teacher was eligible to have earned a salary at the new rate prior to August 15 the new rate is permissible. To be eligible means that the teacher in fact accrued earnings (at the new rate) which covered a period prior to August 15, although he or she may not have *actually* performed any work during that period.

In many cases a contract may read that its effective date is July 15 or some other day prior to August 15. The effective date of the pay increase for purposes of the wage-price freeze for individual contracts is determined by the two criteria—when the work is performed or when the individual is eligible to receive the new increase. Eligibility is proven by the period covered by and indicated on the pay check (which may be issued after August 15). As an example, if a college has five cafeterias, three of which close down for the summer, and if the cafeteria workers are employed under a wage scale and under individual contracts keyed to those scales, the increase applies only to the summer employee who performed work prior to August 15. Those returning in September who have not performed work under the new contract do not receive the increase. If, however, there was one uniform system contract for all, then those cafeteria workers returning in the fall also receive the increase.

In the case of school systems that have negotiated a system-wide contract which is applicable to all teachers in the system and which makes all teachers eligible to receive payment prior to August 15, all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15.

The question has arisen as to whether this applies to cafeteria workers and others. Where there is a system contract that meets the above criteria it applies. Otherwise the rule that applies is that before the increase is granted work must be performed under the new individual contract or the individual must have been eligible to accrue pay during a period prior to August 15.

A distinction is drawn between a systems contract negotiated for all teachers, or for other personnel, and a pay schedule on which individual contracts are based. Under the former, all teachers are eligible for increases if one teacher has performed under the contract prior to August 15 or was eligible to earn under it; under the uniform pay schedule each individual is dealt with individually; if he or she has performed work under a contract prior to August 15 or has been eligible to earn the new increase prior to that date the increase is allowed.

Another question involves multi-year contracts calling for annual increases on a date after the August 15 freeze. The increases may not go into effect.

What about longevity increases due after August 15? The longevity increase is frozen even though the pay raise is approved under conditions described here.

Does a teacher who has completed courses and received additional degrees making her eligible for the higher pay rate get a new salary level? Yes. This is a promotion, not a pay raise.

Can a newly-hired teacher whose contract is signed after the freeze date collect the higher pay in a school system where all the wages are frozen under these rulings? No.

The question has been asked as to how this applies to college teachers. Where there is a system contract uniformly applying to college teachers in a college or university system, the same rule applies—if work was performed by any one faculty member under the new contract prior to August 15, or if any faculty member accrued the new salary prior to that date even if no work was performed, all faculty members affected by the contract are eligible for the increase. Where there are individual contracts, the two criteria of work performed or eligibility for accruing salary apply.

It is apparent that variations in contracts will continue to raise questions. School related organizations needing further information for their particular situations should wire Teacher Information at one of the 10 OEP regional centers (see list below), and state their specific questions or problems. A response will be made as soon as possible. Only requests from school related organizations will be honored.

Date: Augut 20, 1971.

Source: *Cost of Living Council News*.

Office of Emergency Preparedness Supplemental Information

(7108281100, 4.0507, Stabilization Program Guidelines, Category 4)

At the request of Dr. Sidney P. Marland, U.S. Commissioner of Education of the Department of Health, Education, and Welfare, George A. Lincoln, Director of the Office of Emergency Preparedness, released today the supplementary guidance he is sending to field offices on teachers' salaries affected by the current stabilization program.

The guidance follows:

Since the issuance of the August 26 statement summarizing the decisions of the Cost of Living Council as regards increases in salaries to education personnel, several questions have arisen which suggest further explanation.

First, a newly hired teacher may be hired at the new salary rate if he or she comes to a school district operating with a master or system-wide contract which includes wage increases and is in effect because teachers have already performed work or accrued pay under it prior to August 15. If the contract providing for new increases is not in effect, the new teacher, regardless of whether he or she may have signed the contract before August 15, may not receive the new salary rate but must be employed at the rate existing prior to the freeze.

Where a newly hired teacher enters a school system governed by individual contract which has been signed prior to August 15, he or she may draw the new increased rate adopted for that school district only if he or she has performed work under the contract prior to August 15 or has accrued earnings prior to that date. If he or she signs the contract after August 15, the old rate applies.

Second, where a teacher has selected a 10-month contract in a school area where there was an option on a 12-month contract, the teacher will not be penalized for having selected a 10-month contract where the 12-month contract would have qualified for the increase. This applies only to situations where 10 months of work is involved but where there is the option to spread the payments over a 12-month period.

Third, even if in a system-wide contract situation some of the teachers had received longevity or merit increases prior to August 15 which were provided for under the new contract, other teachers eligible for such increases under the same contract after that date are subject to the freeze and their longevity and merit increases are specifically prohibited.

Office of Emergency Preparedness Supplemental Information

(7109151100, 4.0510, Stabilization Program Guidelines, Category 4)

The following represents further specific guidance for use in answering inquiries on teacher salaries.

Eligibility: The previous guidance is contained in Annex 2 of OEP ES #5, which reads as follows:

"In the case of school systems that have negotiated a system-wide contract which is applicable to all teachers in the system *and which makes all teachers eligible to receive payments prior to August 15,* all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15."

The reference to "any one teacher" apparently has been misinterpreted to apply regardless of the individual eligibility of other teachers in the school system even in the absence of a system-wide contract. The CLC statement of September 3 carefully stresses that the eligibility of each individual teacher governs. This statement, therefore, is consistent with the above which refers to system-wide contracts, which, by their terms, make all teachers within a system eligible to receive payment prior to August 15. Such a system-wide contract would be a contractual agreement which covers all teachers in the system, includes uniform criteria for pay eligibility, and allows all to draw pay on 12-month basis, if they choose. If, in fact, such a contract makes all teachers eligible to accrue pay prior to August 15, it is irrelevant whether "any one teacher" performed work or accrued pay prior to August 15. If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

Thus, the eligibility of any single teacher does not *per se* qualify everyone else. Each teacher's eligibility is determined individually on the basis of his or her terms of employment.

If a teacher had the option to take a 12-month contract under which he or she would have been eligible to accrue salary prior to August 15, but instead chose a 10-month contract, he or she is considered eligible.

Definition of "Accrual." The CLC statement of September 3 contains the following provisions:

"The eligibility of teachers for pay increases is determined by the date when the teacher became eligible to *accrue* wages at a higher rate."

* * * * *

"To be eligible means that the teacher in fact *accrued* earnings (at the new rate) which covered a period prior to August 15, although he or she may not have actually performing work during that period." (emphasis added).

A common definition of accrue: "to come into existence as a legally enforceable claim." Under this definition a teacher accrues for a specific period prior to August 15 once that teacher has a legal right to payment and the school district has a legal obligation to pay. Adoption of the foregoing definition gives the word "accrual" a precise legal definition.

An expanded operational definition is:

"Accrual of earnings is determined by the existence of a legal right (on the part of the teacher) and obligation (on the part of the employer) to pay a salary covering a period prior to August 15, 1971 (regardless of when actual payment is made)."

The crediting of a teacher's account on the books of the employer, clearly applicable to a period prior to August 15, or issuance of a check attributable to that period, shall be evidence of such a contractual right, but is not the only test of legal obligation and accrual. The substance of the terms of employment must be considered in each case.

Under this definition outlined above a teacher with a continuing individual employment arrangement commencing before August 15, would be entitled to an increase in pay if the following two conditions are met:

(1) Agreement with the individual teacher must have been reached before August 15, even though signing did not take place until later. This is the same as the principle approved by the Council for labor union contracts. Par. 502(b) of ES Circular No. 7. Records must be available to establish the existence of such an agreement.

(2) The pay schedule reflecting an increase rate of pay was established and effective before August 15.

If an agreement was made with the teacher before August 15, the fact that the teacher elected to take a ten-month pay rate effective September 1 would not invalidate the teacher's right to the agreed increases, *but only if the teacher had the option to be paid at the higher rate on a 12-month schedule and the 12-month schedule would have met the eligibility criteria.*

Continuing Teacher Employment Arrangements. In many school districts teachers have continuing employment arrangements that continue in effect until formal severance from the school district.

In such school districts a salary schedule is established and is published prior to the beginning of the school systems' fiscal year. At the time of publication teachers have an enforceable right to the salary indicated in the schedule and the school board has an obligation to pay, even though the teacher's right may be contingent on the teacher's reporting for duty on a specified date.

For purposes of the wage freeze under the principles outlined above, the critical factor is, once again, when each individual teacher is eligible to accrue pay under such an employment arrangement. If a teacher accrued pay for a period which commences prior to August 15, 1971 (regardless of when actual payment is made), the higher salary specified in the schedule may continue to be paid to that teacher.

Salary Schedule. Another common pattern exists whereby school districts mail to each teacher an annual offer of employment for the coming year, which must be accepted within a prescribed period. Acceptance of the offer constitutes a binding employment obligation for both parties. Each teacher then becomes eligible to be paid at rates in a salary schedule either in existence or to be established.

In this case the following guidance would usefully clarify existing problems:

If an agreement between a teacher and a school district were reached prior to August 15, 1971, and if the employment agreement provides that the teacher is eligible to accrue payment at the new rate for a period prior to the freeze, he or she may be paid at the higher rate published in the salary schedule.

Even if the individual contract were not signed prior to August 15, a teacher may be paid the higher salary indicated in the schedule if all the following conditions are met: (1) the teacher had accepted an offer of employment prior to August 15; (2) such acceptance created a binding obligation on both parties to enter into employment at the published salary schedule rate; (3) the higher salary were adopted prior to August 15, 1971; *and* (4) the teacher were eligible to accrue salary for a period prior to August 15, 1971.

Fringe Benefits. A subsidiary question arises when a teacher accrues increased fringe benefits or an increased stipend other than salary (such as increased insurance coverage) effective at a specified time before August 15, 1971, but does not become eligible to accrue increased salary under the terms of his contract until a specified time after August 15, 1971.

In such cases, the benefits which were in effect prior to August 15, 1971, may be continued during the period of the wage freeze; the pay increase, however, may not be paid since it was not in effect prior to August 15.

WEST VIRGINIA WELCOMES RALPH NADER

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, Ralph Nader may not rank first in the hearts of those in the White House, but he certainly does in my hometown of Huntington, W. Va., where he spoke last Wednesday in the Marshall University Forum Series.

To say Mr. Nader was a smashing success would be putting it mildly. He cuts across party lines, and age and class differences in his crusade for the dignity of the individual consumer. I would like to include articles on his appearance, published in the Huntington Advertiser and the Herald-Dispatch along with a glowing editorial in the Herald-Dispatch, a Republican newspaper, which is the second largest paper in my home State.

Miss Becky Dial, who doubles as a correspondent for the Herald-Dispatch as well as being a student journalist at Marshall University wrote the following article:

[From the Herald-Dispatch, Sept. 23, 1971]

CRUSADER SAYS YOUTH VOTE WILL BRING CHANGE—STUDENT ROLE NADER TOPIC

(By Becky Dial)

"Power to the students."

That appeared a primary message delivered to a packed house at the Keith Albee Theatre Wednesday night by consumer advocate Ralph Nader, opening speaker for the Marshall University Community Forum Series.

He termed "sheer boredom the biggest obstacle to learning" and asked the audience of students, faculty and community members of recall the student nodding in the library over a book, "reading about eight pages an hour" while studying.

"But I have yet to see a student bored with work in a subject that challenges both his mind and value center," Mr. Nader said.

He said the 18-year-old vote law would "change the whole ballgame" of government when four million college students out of the 13 million young Americans granted suffrage by the law "organized, focused and learned about citizenship—taking a participatory role in government.

"And when they're committed to citizenship, their force will spill into the whole population —the students have a lot to contribute," Mr. Nader said.

But students weren't the only group Mr. Nader urged to organize. He suggested that "senior citizens" also combine their skills to "develop concrete thoughts about citizenship."

Mr. Nader cited efforts of West Virginia students to form a Student Public Interest Research Group to study problems in state organizations and encouraged its formation.

"No reading can quite compare with going out there and doing it."

Mr. Nader said students came upon the Phoenix in the 1960's, when they "lost their Ivory Tower innocence" and developed a sense of injustice—"without which there can be no justice."

At the end of the decade, students were despairing and had concluded it was impossible to change the situation.

"They couldn't see the changes they had already instigated," Mr. Nader said, including an awareness of ecology, war and the 18-year-old vote.

Mr. Nader said America had "hardly a problem without the technology and the economical resources to solve it."

He reminded his audience of the recent Federal warning concerning particular color television sets, which advised viewers to sit six to 10 feet away from the screen.

"Why do the people have to adjust to the television? Why not just recall the sets and adjust them?

He said the same thing had happened with Black Lung disease for years until there came a time when man could no longer adjust to the coal dust levels in mines.

He called the example of Black Lung "one of the greatest case studies I know, where a growing awareness of the plight of the miners, coupled with the leadership of skilled professionals, forced organizations to do something.

"There's still Black Lung in the mines, but we're at least aware of it and are doing something." He said "there are so many solutions to problems that we have, but just aren't using."

Mr. Nader said much of this is caused by the fact that the bureaucracy which has the power to invoke such controls is often a wealthy one which can manipulate its way out of laws.

"There's a disrespect for the law and its double standard. If the law is not for the wealthy, then we're proud when we can afford not to follow it.

"Our prisons are filled with minority group members, but there aren't too many from executive suites. But what's the difference between a man in Attica who forges a $113 money order and the company that systematically steals thousands of dollars by pumping water and fat into processed meat products? Instead of jail, they have higher revenues and profits," Mr. Nader said.

[From the Herald-Dispatch, Sept. 23, 1971]

NADER PREDICTION: DIRECTOR OF EPA "MAY WELL RESIGN"

Consumer advocate Ralph Nader, in Huntington on Wednesday, charged he was snubbed by President Nixon in regard to the national consumers conference this week because the Chief Executive didn't want any dissenting voices at the discussions.

Mr. Nader made his accusations at a news conference at the Hotel Frederick at 3:30 p.m. He is in Huntington as a lecturer at Marshall University. He spoke Wednesday night at 8 p.m. at the Keith-Albee Theater on the MU Community Forum.

(During his evening address, Mr. Nader challenged Marshall students to become involved in promoting reforms in government and business, saying "it's not enough to have the proper values without the dedication.")

Mr. Nader also predicted that Environmental Protection Agency Director William Ruckleshaus "may well resign" if subjected to continued "political overridings." He said Ruckleshaus had been overruled in the past by Secretary of Commerce Maurice Stans and other members of the Nixon administration on questions of environmental control.

He praised the EPA for "doing some surprisingly good things," but said the agency had not approached its potential.

The consumer conference was called to detail the current 90-day wage-price freeze ordered by the president and to outline the steps planned at the termination of the freeze.

But, he claimed, the President's move backfired and many of the consumer groups taking part in the meeting did lodge protests against the freeze because it wasn't controlling the profits and dividend portion of the economy.

Asked what he would do if he were the man to decide what is to follow the freeze he outlined a four-point program highlighted by a short-range wage-price-profit board.

This unit would concentrate on selected industries that have been highly inflationary in the past, he said.

To this he added tax cuts aimed at stimulating new jobs, a very strong anti-trust law and a new excess profits tax plan.

On a subject very familiar to West Virginia, Nader said the state must face up to an ultimate decision on strip mining and outlined two choices open to the state.

He said the practice should either be banned entirely or new legislation passed to demand strict reclamation processes.

If the latter is used, he called for huge bonds to be posted by the strip mine operators or else a requiremnt that they place millions of dollars in escrow from what he termed the operators "huge profits" to insure reclamation.

He said if stripping isn't curbed nationally it will ravage an area at least as large as Ohio in the next 10 years.

Nader said no state has ever been able to enforce the provisions of strip mining laws and any state that can't enforce them has a weak strip mining law and should ban stripping.

In the same field of interest, Nader termed the 1969 Coal Mine Health and Safety Act a good law, but said enforcement is not strong.

Commenting on claims by operators the law is crippling or closing many smaller mines, he said he did not feel the provisions of the act are unfair.

"The act must be enforced equally . . . all miners deserve the same level of protection regardless of the size of the mine," said Nader.

Asked about his movement's participation in West Virginia, Nader said two young lawyers associated with him have "been trying to toilet train Union Carbide" and referred to a study completed last year about the coal industry.

[From the Huntington Advertiser, Sept. 24, 1971]

ADJUST MACHINES TO MAN—NADER

(By Richard Carelli)

Consumer advocate Ralph Nader told an audience here Wednesday night machines need to be adjusted to man, not man to machines.

He also cited recent moves to bring about healthier conditions in coal mines and the fight against black lung disease as praiseworthy examples of technology having sooner or later to conform to men's needs.

He called such efforts "one of the greatest case studies I know where the growing awareness of the plight of miners coupled with the leadership of skilled professionals forced organizations to do something."

Nader was speaking at a Marshall University forum at the Keith-Albee theater.

Earlier in the day, at a news conference at the Hotel Frederick, he said he favored abolition of surface mining since he could see no adequate state plan for restoration enforcement.

"Stripping unabated could ravage a portion of this country at least as large as the state of Ohio in the next decade," he said. "Some fundamental damage will never be corrected."

He said, "West Virginia must face up to the fact that if it can't enforce restoration it must consider banning strip mining."

Nader accused the U.S. Bureau of Mines of being controlled by coal operators and by a United Mine Workers union leadership which had abdicated its responsibilities to union membership.

Turning to a discussion of a Consumer Protection Agency bill presently before Congress, Nader called the proposed measure one of the most important pieces of legislation in consumer history. He said it was, however, receiving strong opposition from various lobbies.

He said the bill would create a general structure for future consumer action in the nation.

As to his movement, Nader said, "We haven't begun to open up the way citizen action groups can have an impact on their communities."

"We have so many more solutions in this country than we use," he added.

Nader predicted Federal Environmental Protection Agency head William Ruckelshaus "may well resign" if subjected to continued "political over-ridings."

Nader said Ruckelshaus had been overruled in the past by Nixon administration officials on questions of environmental control.

He praised the EPA for "doing some surprisingly good things," but said the agency had not approached its potential.

He again lashed out against what he sees as the unsafe structure of Volkswagens and predicted Japanese imports would soon outsell the German-made auto.

Asked about his movement's activities in West Virginia, Nader said two young lawyers associated with him have "been trying to toilet train Union Carbide" and referred to a study completed last year on the coal industry.

[From the Herald-Dispatcher, Sept. 24, 1971]

Nader Consumer Activism Powerful Force

You had a feeling a crusade was forming.

The speaker, low-key, articulate, disdaining exercises in forensic agility, and almost unconsciously evoking a ripple of laughter, held the rapt attention of his audience.

The speaker was Ralph Nader, and his appearance in Huntington Wednesday night added stature to an already growing awareness of his role as the consumer's advocate.

And, well we might greet such a champion of consumer protectionism. The response to his nearly two hours of declamation underpinned the main thrust of his presentation, that citizen power must overcome victimization.

Mr. Nader demonstrated what many have known all along—his approach is a potentially powerful political force. By his championing of causes in the fields of consumerism and the environment, he is appealing to the aspirations of the young, the senior citizens, those from labor.

The Huntington audience crossed all age brackets; if a head count had been made, youth would have prevailed. But, Nader had comments of importance for all, be it on consumer or governmental levels.

He dealt with manipulation of government, noting the dominance of the executive branch over the legislative branch, wherein the people's representation is diluted. He found that great wealth brings great problems, as he ticked off concern areas in automobile safety, mass transit, hospitals, food, housing, pollution, medical care and government corruption.

He exhorted, without being strident, the assumption of citizen power to guarantee quality, rather than quantity, in the consumer's economic future. And, we felt he demonstrated what he asked his followers to delineate:

A stamina of organization.

This can be achieved, Mr. Nader believes through the aforementioned citizenship role, which he equated with patriotism. The consumer activist feels that the involvement of an individual citizen in problems within his own community is basic form of patriotism, which is generally reserved for devotion to country as its involvement outside its borders rallies support for a cause.

The speaker, the first of the Marshall University Forum series, alluded to the citizenship roles of Thomas Paine, Thomas Jefferson and Benjamin Franklin, which were achieved long before their rise to national leadership.

The efforts of a small group of West Virginia physicians to unmask a reluctance to admit the inherent, and lasting, dangers of black lung disease drew attention from the speaker. By inference, his comments on this state crusade, which had grown into the coalfields of the nation and the world struck at another conclusion:

Present and past administrations have been woefully lax in their attention to the problems of the "little guy," who becomes the "second-class citizen" when he seeks recourse for an obvious "skinning" in the marketplace.

And, individuals are long past accepting the delays and procrastination of industry when environmental cleanup is demanded.

Mr. Nader, in acquitting his case for the young, pointed to students who "lost their innocence and plunged forth into involvement in citizenship, turning despair and discouragement into changing things." These included new attitudes on the Vietnam war, preservation of the ecology, achievement of the 18-year-old vote, and investigations of companies, said to be ignoring the consumers, through task forces.

Ralph Nader, before and since his visit to Huntington, presents a strong and able case for consumer protectionism. He has said what many of us have muttered to ourselves, that inimical forces, straining at their corporate bonds, have bestowed the "sucker" label on the consumers.

And, the individual is getting sick and tired of it.

The Nader approach is not tilting at windmills. It is an articulate exposure of the problems. He has rallied many to this consumer cause through "citizen power."

And, his Huntington audience was listening attentively. It will be interesting to see how many sparks he generated here this week.

MORE ON PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SCHWENGEL. Mr. Speaker, the Evening Star published Friday, September 24, 1971, contains an excellent editorial on the proposed constitutional amendment regarding prayers in our schools. The editorial hits the nail on the head, and I concur wholeheartedly with the sentiments which it expresses. The editorial follows:

[From the Evening Star, Sept. 24, 1971]

Religion and the Schools

New life has suddenly been breathed into a proposed constitutional amendment to allow prayer in the public schools, and we can only view this development with misgivings. Congress has too many ponderous matters on its hands and the country has too many volatile divisions to undertake an emotional debate over religion in the schools.

Nonetheless, that now seems ordained, at least in the House. The senators should leave well enough alone and thereby embalm the proposition if it reaches their domain.

That's what the House has wisely done until recently. For eight years Representative Emanuel Celler of New York has kept a parcel of school-prayer proposals bottled up in his Judiciary Committee. But the other day he was overruled by a majority of House members, whose signatures on a discharge petition took the matter away from his committee. A House vote is probable in November on a First Amendment alteration permitting "nondenominational prayer" in schools.

The amendment is aimed at nullifying Supreme Court decrees of 1962–63 that prohibited organized prayers in public schools, and its proponents think they can muster the required two-thirds majority in the House. In the Senate, the resistance would be stiffer, for that body never was cordial to a similar proposal advanced with evangelistic passion by the late Everett Dirksen.

But House members shouldn't burden the Senate with that decision. They should summon the courage to reject the measure, as an affirmation of the founding principle that religion and the state must be separate. Any amending of the Constitution is a serious matter, to be approached with great caution. But to set in motion history's first revision of the Bill of Rights would be an act of the profoundest gravity, fraught with peril. It could be the precedent for making the charter a patchwork in which basic rights would be diluted.

Not only would the amendment intrude into the area of religious-state separation, it also promises to create more confusion than currently exists on the subject. For, as 38 religious leaders and organizations pointed out in opposing the measure, it is impossible for the major faiths to agree on what constitutes "nondenominational prayers." Hence that task would fall to school boards, and government would be into religion, establishing forms of worship. That's no way to protect religious beliefs, which is the business of government, or to spread religion around, which is not the business of government.

Religion in all its diversity is a vital element of strength in American life, and its erosion is a cause for deep concern. But it is folly to expect the schools to transmit it to the young, when many homes and churches are failing in that task, and to propose writing that desperate wish into the Constitution. Religious enrichment must flow from the family and the church; it cannot be legislated into being.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

ELLSBERG, THE JUDAS PATRIOT, HONORED BY FCC MEMBER AND OTHERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RARICK. Mr. Speaker, it is small wonder that our Government is no longer able to conduct business as usual. More than 900 Government employees, whose average salary is more than $13,000 a year, gathered recently here in Washington to honor Daniel Ellsberg, a member of the CFR and admitted thief of the Pentagon papers. A spokesman for the group said:

> We believe that people should do this sort of thing.

Included in the group was Nicholas Johnson, member of the FCC who told the group:

> I have a different problem than Dan's. I've been looking for some classified documents over at the FCC, but the problem there is that they just keep doing it out in the open.

When treason prospers, traitors become heroes.

I insert a related news article in the Record at this point:

[From the Washington Post, Sept. 24, 1971]

Secret Papers Figure Feted by U.S. Workers

(By J. Y. Smith)

More than 900 persons, most of them government employees and one a member of the Federal Communications Commission, turned out last night to pay homage to Daniel Ellsberg, the man who made public the Pentagon papers.

Said Ellsberg: "I admire you for being here. I made notes for a very depressed crowd, but I have had the feeling since I first stepped into this room that this is a celebration.

"You've certainly given me something to be happy about."

The tribute was organized by a group called Federal Employees for Peace. According to Susan Strauss, chairman of the group's coordinating committee, FEP has no membership lists, no dues, no newsletter and no office.

Miss Strauss, an employee of the U.S. Commission on Civil Rights, said the idea of honoring Ellsberg has been in the works since June. Regarding the release of the Pentagon papers concerning the history of U.S. decision-making in Vietnam by Ellsberg, she said:

"We believe that people should do this kind of thing. We are also against secrecy and believe that policy decisions should not be made in secrecy."

Miss Strauss said 920 persons had paid $5.50 for dinner at the La Gemma restaurant, 1320 G St. NW., to show that they agreed with her.

Prominent among them was Nicholas Johnson, outspoken member of the FCC.

"I have a different problem from Dan's," Johnson told the audience. "I've been looking for some classified documents over at the FCC, but the problem there is that they just keep doing it out in the open."

In a more serious vein, he urged his listeners to make their own "moral decisions" as Ellsberg had in regard to the publication of the classified material.

Sen. ——— was to have been there but had a prior engagement in New York. He sent a telegram saying that Ellsberg's actions "have been in the highest tradition of American patriotism."

Ellsberg has been indicted by the federal government on charges of unlawful possession of the Pentagon study and of converting the study to his own use by giving it to the press. He has pleaded innocent and a hearing in federal court in Los Angeles has been set for Jan. 4.

Ellsberg told reporters that his last visit to Washington was July 28, when he met with 17 congressmen. The time before that, he said, was during the Mayday demonstrations, when antiwar groups tried to paralyze Washington by tying up traffic.

Organizers of the dinner presented Ellsberg with a large papier mache model of a rubber stamp with the word "declassified" printed on the side. They also gave him a scroll which had printed on it a statement that is tacked up in all government buildings. It reads in part: "Put loyalty to the highest moral principles and to country above loyalty to persons, party or government department."

Then Ellsberg, a former employee of the Defense Department and the Rand Corp., began to describe why he had made the war study public.

Decisions on matters of war and peace should not be made in secrecy, he said. "The Pentagon papers do show that this is a criminal war."

He compared the Pentagon papers to the Nuremburg war criminal documents of World War II.

"It is intolerable and outrageous," he said, that draft resisters and other persons who have resisted the war in a nonviolent way should be in prison while the war goes on.

Ellsberg said that his usual remarks on Vietnam were aimed at "a very depressed crowd." He said he had a set of such notes for last night's talk, but that he had discarded them because of the good mood of the audience.

Miss Strauss said the tribute, like other FEP activities, was organized largely through volunteers who passed out leaflets to government workers.

She said that the average government grade of those at the meeting was probably GS–12, meaning that those in attendance make more than $13,000 a year.

Miss Strauss said the audience was drawn from the full spectrum of government departments and agencies.

She said that the peace movement seemed to find support in agencies such as the Department of Health, Education, and Welfare, the Labor Department and the National Institutes of Health.

WILL THE U.N. BLUNDER ON SOUTH-WEST AFRICA?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SIKES. Mr. Speaker, we in America are a long way from South-West Africa. Not all of us are even certain where it lies and few of us know about its past, present, or future. There are some among us who have been disturbed by what appears to be the machinations of the United Nations in attempting to determine the future of South-West Africa. Let it be said that what has transpired there thus far indicates that august body is as ignorant about the subject as the most misinformed among Americans.

One of the few logical, down-to-earth statements on this subject that I have seen is by James J. Kilpatrick. It appeared in the Washington Sunday Star of September 26. Mr. Kilpatrick seems to know the facts about his subject, and this has been a rare thing in the commentaries which I have noted previously. It is to be hoped that the membership of Congress will study his comments, and even more it is to be hoped that the U.S. Government will see the importance of a sound program for South-West Africa. We have made ourselves look ridiculous on too many occasions by attempting to follow the tortuous maneuvering of the U.N. It is time for the United States to adopt and stand by a commonsense policy on matters of this importance.

I submit Mr. Kilpatrick's comments for the Record:

Will the U.N. Blunder on South-West Africa?

(By James J. Kilpatrick)

Pretoria, South Africa.—In undertaking to identify the greatest blunder in the history of the United Nations, one ought to take pause for reflection. A dozen incidents compete for the nomination. But every dismal failure of the past will be eclipsed in the next few weeks if the Security Council pursues a suicidal course in the matter of South West Africa.

The impending crisis is not of large interest to Americans. Few persons know the background; few are concerned with the fate of a large primitive land, thousands of miles away. Yet the implications are fateful; and the explosive consequences of folly could undo the work of generations and see Africa in flames.

South West Africa is twice the size of California, but its population probably numbers no more than 750,000. It lies south of Angola on the west coast of Africa. A former German colony, it became a mandated territory under the League of Nations after World War I. For the past 50 years it has been administered by South Africa; for all practical purposes, it has been a part of South Africa; but for the past 15 years the Afro-Asian bloc in the United Nations, egged on by the Communists, have been trying vainly to snatch it away. Now that unlawful and irresponsible effort is coming to a head.

The matter cries out for understanding. Most of us tend loosely to think of the U.N. as "the successor to the League." Historically this is true enough. As a matter of law, it simply is not so. The very charter of the U.N. makes this clear. Yet for the purposes of punishing South Africa for its internal racial policies, both the General Assembly and the World Court (in an outrageous advisory opinion last June) have chosen recklessly to ignore the law.

Under the charter, the General Assembly has no substantive powers whatever. It can discuss and recommend—that is all. This provision of law has been equally disdained. On its own arrogant motion, the Assembly has undertaken to revoke South Africa's mandate over the territory; the Assembly has in fact given the territory a new name of "Namibia," and created a paper commission to run it. The Assembly has ordered South Africa to get out—and South Africa, for excellent reasons, has paid no attention whatever to these toothless assaults.

Now the Afro-Asian bloc, with Somalia as front man, is demanding action by the Security Council leading to "Namibian independence." This could mean sanctions and ostracism, in the futile fashion of Rhodesia; it could see South Africa expelled from the U.N.; conceivably, it could mean U.N. troops as a peacekeeping force—in one of the most peaceful areas of the world! Under the bogus fiction of "self-defense," some of the Communist-backed African nations could embark upon naked aggression.

These are the grim prospects. What of the facts? South West Africa is not a "nation" in any conceivable sense of the word. A part of it—the part inhabited by the seven Ovambo tribes—might possibly make it with massive help from South Africa. As for the rest? The rest embraces 19 tribes, among them Bushmen and Hottentots still clinging to a Stone Age civilization. The land has come a long way under South Africa's patient mandate—a long way in terms of roads, water supplies, sanitation, medical care—but persons who have not visited this wild corner of the dark continent cannot fathom the darkness there.

To South Africa, the territory is a mixed burden and asset. Mostly it is burden. All the revenues produced by South West Africa are ploughed back into its development, plus heavy infusions of capital from South Africa itself. There is some diamond mining, some commercial fisheries, almost no industry. The asset is strategic: South Africa could not possibly permit this vast coastal area to pass into Communist control. South Africa will fight for its rights—and God help Africa, and the U.N., if this is not understood.

The Nixon administration can prevent this catastrophe. The United States can, and should, veto any extreme resolution presented to the Security Council; and the United States ought then to extend a friendly and helping hand to South Africa—a great and greatly troubled nation seeking earnestly to solve what may be insoluble problems.

SANITY IN THE AIR AN IMPOSSIBLE DREAM?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. MILLER of California. Mr. Speaker, Mr. Edward J. Driscoll, president of the National Air Carrier Association recently addressed the International Aviation Club on the subject, "Sanity in the Air—an Impossible Dream?"

Mr. Driscoll is eminently well qualified to discuss the matter of air transportation; he is quite knowledgeable with the problems confronting it today, and I commend his remarks to my colleagues:

"SANITY IN THE AIR—AN IMPOSSIBLE DREAM?"

(By Edward J. Driscoll)

In looking at the title I selected for this talk several weeks ago, I begin to wonder if I might not have the gift of ESP.

For the events and actions of recent days could make one believe that "Sanity in the Air" is truly an impossible dream.

It is really ironic that an industry like ours, so advanced in technology, could have become so irrational and self-destructive.

All of us associated with the International Aviation Club can be proud of the role we play in a 20th century industry that has become the keystone of the world's transport system. We are proud to play a socially significant role in bringing the people of the world closer together and in transporting the products of industry and agriculture to every corner of the globe. But I dare say that we are not equally proud of the evolving practices which make us appear like peddlers in a Casbah bazaar, apparently with little worry as to the morrow.

Let me make it clear from the outset that when I chose the title for my talk, I did not anticipate the so-called "transatlantic rate war." I say "so-called" deliberately because to my mind the situation that some of my scheduled airline friends consider "fun and games" is nothing more than an outright plan to eliminate effective competition in air transportation. This was made clear when Lufthansa admitted that it would lose money during the first year of operation under its recently announced new fare structure.

The charter airlines favor low fares. We introduced them. We promoted them. We built our success on the conviction that the consumer has the right to the lowest cost of air transportation that could be provided by the carrier—without burdening other classes of passengers, without government subsidy—while still earning a fair and reasonable profit. It's history. It's a fact.

The latest fare announcements are merely outward symptoms of a much deeper problem. Even without them, we still feel that psychiatric advice is needed by an industry that refuses to take rational actions to cure its ills.

Perhaps we were so successful in riding the crest of a new and booming business that we never took the time to learn how one operates a public service business; how new markets are developed; and how one must operate within a budget. Isn't it time to forget the "glamor" of aviation, to put aside the notion that we're in show business, to stop dealing in such irrelevancies as live entertainment in 747 lounges, gourmet meals, exotic wines, and get about the business of air transportation? Isn't it about time that we thought less about pirating the other guy's customers and thought more about that vast and untapped market of Americans who have not yet been exposed to the advantages of safe, dependable and low-cost air transportation?

Let me cite some examples of the kind of irrational behavior that we accept as normal in the air transportation industry.

Is it rational that a youth or student pay less than another passenger for his transportation? Does he take less room? Does he eat less? Does it really cost less to furnish him air transportation or is the adult in the next seat paying an unnecessary premium to make this bargain possible? Think for a minute. Does he pay for his typewriter, or his clothes, or his records? Are his tuition fees lower than those of an adult who goes to night school? The answers are no. Now it can be argued—with justification—that it is socially desirable for young people to have the educational experience of international travel. But we all know that these opportunities are already available, through student charters pioneered by the supplemental carriers. Each student pays his pro-rata share of the cost for such flights. These types of charters are available to students through their schools and through other arrangements, by scheduled and supplemental carriers. If we are going to furnish below-cost fares as a social service, why not provide them to our senior citizens? Why not increase rates again so that discounts can be given to low-income workers?

If students and youth fares are to be allowed, shouldn't we at the same time adopt the regulations which are followed in Europe, where all students are able to participate in charters without the necessity of adhering to any affinity regulations.

Is it rational behavior to create a fare structure that tells consumers that the longer they stay abroad the cheaper the fare, while at the same time announcing that they can secure reduced rates on domestic transcontinental travel of four days or less? It's Alice in Wonderland for the travel agent who tries to explain this to one of his customers. If it costs the airline less to carry the passenger who goes abroad for 14 to 28 days, and even less for those who have 29 to 45 days to spend abroad, a reasonable person would expect to travel free if he spends a year abroad. And if he is informed about our dollar drain and the Visit USA program, how can he understand a policy that encourages longer trips abroad but penalizes him if he wishes to take more than a four-day trip across his own country?

Is it rational to tell the customer who wishes to purchase a fixed price Inclusive Tour to a particular vacation spot that government regulations require a minimum stay of 7 days, 3 overnight stops—50 miles apart even though he wishes to visit one particular vacation area. Yet that is what is required if he is to be eligible for the savings of an ITC—an inclusive tour charter. With our holidays now falling on Monday, these archaic rules make it impossible for us to exploit the vast potential of three-day holiday trips. We pride ourselves in the United States in being a progressive industry, yet in Europe a gigantic inclusive tour industry has been built on the ability of charter carriers there to offer short tour packages to a single destination.

Is it rational for U.S. charter carriers to be subject to daily bureaucratic whims of foreign civil aviation authorities concerning landing and uplift rights when governments protect the rights of scheduled carriers through bilateral agreements? Why isn't the American citizen who carries a valid passport and visa and who chooses to travel on a charter flight given the same government protection as his neighbor who travels on an individually ticketed basis on a route carrier?

Look at the situation that exists in so many foreign countries with regard to landing uplift rights for U.S. supplemental air carriers. Now, I ask you, is there really any rational basis for giving preferential treatment to a charter operated by a scheduled carrier over one operated by a supplemental airline?

Neither are covered by any inter-governmental agreement. But, in most cases, a scheduled carrier can fly a charter between points A and B merely by filing notice, whereas the charter carrier must obtain prior approval for each and every flight—with no guarantee that approval will be granted in any given instance. How long can the United States go on being "Mr. Nice Guy," handing out licenses and permits on a non-reciprocal basis—providing foreign carriers with five year operating permits for charters, while U.S. carriers must ask permission for each and every flight to those same countries. Where is the reciprocity? By what stretch of the imagination can this be considered good for the United States, or even good for world aviation?

We must, therefore, come up with a system whereby permits for charter services, whether performed by independents, IATA carriers, or their charter subsidiaries, are provided for in bilateral agreements covering air transport services between respective countries.

Is it rational for our government to allow foreign charter carriers the right to carry transatlantic cargo to or from the United States, while at the same time prohibiting its own charter carriers—the U.S. supplemental airlines—from transporting a single pound of commercial cargo on transatlantic flights? Why can't we develop a cargo industry that will be truly responsive to the needs and cost requirements of American shippers?

Let's not take piecemeal action such as restricting the right of air freight forwarders to charter. Before we take precipitous action, let's analyze the whole structure and system and develop a program for expanding the cargo market—for I believe a balanced system requires not only an individually way-billed system but equally an efficient cargo charter system.

Is it rational to have non-IATA charter subsidiaries of IATA airlines? Lufthansa, BOAC, KLM, and others have formed such companies. What kind of relationship can we expect to see between these non-IATA "daughter" carriers and their IATA fathers. I have chosen the father-daughter analogy carefully, because I have the feeling that these young things are going to be well-protected and well-cared-for by their doting parents. Will these "subsidiary" charter carriers be permitted to operate without restriction in the United States while the governments that spawned them practice an exclusionary policy against the U.S. charter airlines that have Presidential approval to operate internationally.

I am not in any way opposed to scheduled carriers operating charter flights, and governments certainly should not try to dictate to any country what type of carrier should be used to perform its transportation services.

Just who is going to get reciprocal rights when these non-IATA daughter carriers start operating in and out of the U.S.? Certainly not Pan Am and TWA. They are expressly prevented by law from establishing any kind of non-scheduled subsidary. And you can rest assured that foreign governments aren't planning to voluntarily grant reciprocal rights to the U.S. supplementals. Reciprocity must be obtained if these carriers are to be permitted to operate into the United States.

One of the things that troubles me most is that in any given situation, more often than not, it's the U.S. carriers—and I'm talking about scheduled airlines as well as supplementals—who come out with the short end of the stick.

Is it rational to force consumers to join an organization before they can secure the benefits of low-cost charter travel? Would it not make more sense to allow any group of individuals to band together to buy bulk transportation at plane load rates? The CAB has moved in this direction in its nonaffinity charter proposal, which we hope soon will be adopted.

Is it any wonder then that I question whether sanity in the air is an impossible dream?

The latest thrust, and I am sure that we may be in for more of the same, is that of the comic strip's Red Baron who advertises his "Everybody's Fares." If it is truly everybody's fare, why does the businessman or government traveler who cannot stay abroad for 14 days or more have to pay double the price for the same transportation?

I might remind the U.S. scheduled carriers who will have to match this fare that the Red Baron is eligible for a subsidy from his government . . . and when the damage has been done, and they count their losses for '72, it will do them no good to run around like Snoopy, shouting, "Curse you, Red Baron!"

Our industry's basic problem is that it still does not understand that the consumer will support an everybody's fare that really *is fair* to all; that does not discriminate on the basis of length of stay, time of year, day of week, time of day, and age of passenger. Once the scheduled airline industry recognizes this and comes up with a low-cost, across-the-board rate structure in which the cost of service is borne equitably among all the passengers, I believe that regularly scheduled service will again begin to prosper.

The Department of Transportation recognized this principle in its recent opposition to youth fares. It said, in essence, that if the youth fare is not discriminatory, then it must be predicated upon reasonable cost. If it is, why not make it available to everybody? You can bet that if they did make it available to everybody, the airlines would accelerate their losses. You can't continue to amass the kind of losses that they have been suffering in recent years—and which some are going to experience in 1971—and then expect that a lower yield per passenger will put you in the black.

The IATA carriers apparently do not recognize what was so well stated in the President's International Air Transportation Policy, namely that there is a need for two separate and distinct types of air services to move goods and passengers. These are the scheduled and the charter services. There is a need for both in a properly balanced system of air transportation.

Ladies and Gentlemen:

It is time for a return to reason.

It is time to forget the past, to dispense with "traditional" solutions to our problems, and to start finding answers that do more than shuffle passengers back and forth from one class of service to another, or from one class of carrier to another. We are just kidding ourselves if we think that is any way to fill the empty seats that have resulted from the vastly increased capacity of the past few years.

It is time for action.

As you know, Senators Magnuson and Cannon have announced that hearings on international air fares and other matters will be held on October 19, 20 and 21. In thirty days, the Senate Commerce Committee will hear the views of government, industry and the public.

In the past, the divergent views of every special interest have often side-tracked vital legislation. In the present crises, I believe that all of us have a higher duty. We have the duty to come to some consensus on what is best for all elements of the industry and the American public. More of the same old claims and counterclaims will only serve to prevent constructive action.

Therefore, I respectfully request that responsible government leadership bring all parties to the conference table. Let's make the maximum use of the next thirty days to assess the views of government—the CAB, the Department of Transportation and the Department of State; the industry—both scheduled and supplemental carriers; and the consumer of our services—the traveling public.

First, let's get an overview of our problems and the proposed solutions. Let's stop taking piecemeal action.

Then, let's see if we can agree on a plan, a program, and what needs to be done by Congress, the executive branch and the industry.

I'm not talking about another study designed to gather dust in government archives. I believe a properly designated representative group given a mandate for action, and irrevocable deadlines, can overcome parochialism and bring back some sanity in our air transportation system. We will all have to make some concessions if we are to right our ailing industry and restore it to its proper role in world aviation.

All of us will have our own ideas for consideration by this blue-ribbon panel. For my part, I would suggest that it consider the following five-point program.

First, broaden the base of air travel for both the scheduled and supplemental transportation systems. For example, this can be accomplished by the introduction of one-stop inclusive tour charters, non-affinity charters, and properly structured individually-ticketed promotional systems designed to reach the untapped markets which now exist. Markets such as low-income groups, the weekend holiday set, ski charters within the U.S. and the like. Let's make the three-day weekend really mean something. Let's develop two vacations a year rather than one. Let's not only make the people air-minded, let's make them air travelers.

Second, create a balanced air transport system which recognizes retail and wholesale concept of air transportation, and that individually ticketed and charter—or bulk—services are complimentary. Basic to the establishment of such a system would be a greatly simplified and rational fare structure. Adoption of two basic elements, cost and service, should be the guiding criteria in setting figures that benefit both the public and the airline industry.

Third, safeguard the U.S. market, which is the largest air transport market in the world into which all countries enjoy traffic-generating operations. Give the Civil Aeronautics Board adequate authority to deal with complex and destructive loss leader fares proposed or filed as tariffs by international scheduled carriers. Foreign scheduled carriers, of course, are protected by their governments and are subsidy eligible.

Fourth, recognize that landing rights are government rights, not carrier rights. Each government has the right to designate and certificate the carriers which will provide the services for its country. Once designated and certificated by the President, attempts to frustrate these rights must be vigorously opposed.

Rights into this country should not be granted under the bilateral agreement or pursuant to a permit, except on a satisfactory record that insures reciprocal rights to U.S. designated and certificated interests.

Permits must be conditioned to terminate rights granted by the U.S. should reciprocal rights be withdrawn!

And fifth, protect the consumer's right to reasonably priced air transportation and guarantee that his rights to free movement are not inhibited or abridged by reason of arbitrary and anticompetitive rules or regulations rifled against a particular class of carrier. Insure that the consumer is adequately represented in fare-setting and other regulatory proceedings.

I make no claim that these five points offer an all-inclusive cure to the current problems of the aviation industry. They merely represent my perspective. The blue-ribbon panel I have proposed should examine and assess everyone's ideas, for there are no pat solutions. All of us must recognize the claims of others. But above all, we must realize that our first priority is the perfection of a sound and balanced air transportation system that meets the needs of all travelers and all shippers.

I know the thirty day time-limit I have suggested may sound like an unrealistic deadline. But we are faced with a rate war in which there can be no victors. We are in a crisis situation that calls for emergency measures.

I think we owe it to the future of world aviation to make this effort.

SPEECH BY COLIN G. CAMPBELL, PRESIDENT OF WESLEYAN UNIVERSITY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. STEELE. Mr. Speaker, ignorance is our common enemy. Against it we, as a nation, must muster our common purpose if we are to succeed in the search for truth and the advancement of human understanding. This quest can neither approve nor abide any generation gap. Therefore, Mr. Speaker, it gives me great pleasure to present the following installation address by the youngest president in the history of renowned Wesleyan University of Middletown, Conn. President Colin G. Campbell, 35, accepts the challenge of today's rapidly changing world as a beginning of a new era that will require boldness, generosity of spirit and breath of vision. His remarks concern all of us. Therefore, Mr.

Speaker, under the leave to extend my remarks in the RECORD. I include the installation address of President Colin G. Campbell:

INSTALLATION ADDRESS BY COLIN G. CAMPBELL

At a ceremony which marks a beginning such as this, most who are part of a university, or are touched by it, or simply care about it, look to the future with hope. For all of us, I am sure, hope is tempered with feelings of apprehension and sober concern. Yet hope persists. For a university is almost by definition the collective embodiment of our hope for the future.

We cannot know the future—of the university or of the world. But certainly is not essential. However tentative our assumptions, we can face the future with well-founded confidence if we examine the past and the present with clear and comprehending eyes.

Much of the human race suffers today, as it always has, from the indignities and horrors of war, disease, injustice, poverty, oppression, and casual inhumanity. All of us, no matter how favored, lie under the threat of nuclear catastrophe. Even this planet we inhabit is endangered as we waste its resources and upset its vital balance. The alienation from society of many of those who could best contribute to its improvement simply echoes the apparent discord between man and nature.

Where, then, do we derive the hope that we share today? We draw it from our stubborn belief that these evils—war, poverty, injustice and the rest—need not exist; and that man himself need not be any less than he can be.

The celebration of continuity we observe today is no evasion of the cheerless realities. It is our recognition of our involvement in the world and our commitment to its service in all ways appropriate for a community of scholars. The university, however imperfect, is an instrument—and perhaps the best that man has devised—for bringing wisdom into human affairs.

Yet our own affairs do not suggest that wisdom is easily attained. Campuses, including this one, have been in turmoil for at least some part of the past decade. Faculties have been split, students have been diverted from their studies, administrators have been baffled and frustrated, tolerance and civility have been abused, precious freedoms have been endangered. Often the university has appeared more a center of confusion than a source of clarity. Efforts to make sense out of turmoil have been hampered by staggering financial pressures, inadequate and sometimes unresponsive governing structures, and the distraction of dealing with constant crises.

Understandably, then, we have found little opportunity for reflection on the full meaning of change. But change—uncomfortable and disorienting yet alive with opportunity—is the modern condition of life. Individuals, institutions, and society itself will thrive to the extent that they are willing to understand, to accept and, in fact, to engineer change.

We of the university are fortunate in many ways. We enjoy unusual freedom. But we are not exempted from the reality of change.

It has been said that the "object of the university . . . is understanding. Its organizing principle is that everything must be seen in the light of everything else."

Yet such is the pace of life today that even as we strive for understanding we are forced to act. We do not have the luxury of sufficient time for detached and perfect contemplation.

Today, amidst the change, we mark a beginning. It comes in the early days of a new era in the evolution of all of higher education and of this university. Wesleyan's fourteen decades are a heartening chronicle of dedication, self-sacrifice, persistence and imaginative innovation. The era we are now entering will continue to demand all these qualities and more.

It will demand of us the boldness to plunge ahead despite the inevitable doubts. It will demand a generosity of spirit and breadth of vision:

That recognizes knowledge to be indivisible;

That perceives structures as flexible instruments rather than rigid enclosures;

That views other programs within the university not as competitors but as elements of a total process on whose vitality our own depends;

That values cooperation over competition; and

That welcomes other institutions as allies and potential partners in the complex enterprise of learning.

Anything less than this measure of boldness, and generosity of spirit, and breadth of vision, would be a disservice to Wesleyan's heritage. That change of which we have been speaking is so compelling a force that no longer may one man or one group work patiently for careful improvement, with time as an ally. Today, a community effort, a commitment to employ all our wit and all our resources, for the sake of the university as a whole, is required to achieve understanding.

During the past year we have devoted considerable attention to putting our house in order, to ensuring that our fiscal situation is such that our future is not imperiled. This has been a difficult and painful exercise, diverting untold hours of effort away from our central purpose. But necessity is an uncompromising taskmaster, and if we consider it important that there be in this country independent universities free to set their own educational courses, then we have no choice but to continue our vigilance in the coming year, and in the years ahead.

Yet fiscal responsibility, effective management, and efficient use of our resources are only means to an end, not ends in themselves. Our mission is education. It is a mission which is not postponable or subject to expediency. It is the sole reason for this university's existence. We are here to teach and to learn.

Wesleyan today has an uncommon opportunity to concentrate on education. The generosity of alumni and friends and the wise management of our endowment by the Board of Trustees have provided us with a substantial, though clearly limited, financial base. We require many millions of additional dollars to implement already-identified educational needs in the coming decade. Still to be identified needs are likely to call for even further financial support. Raising such sums will not be easy. Yet we are not dismayed. Our strength enables us to seek this support with confidence.

We can be certain that whatever the demands and pressures we face, we can, by working together, resist those that must be resisted, ignore those that may be ignored, and—using our own judgment as to what is fitting for this institution, meet those that may properly be met.

Thanks to the solid groundwork of Wesleyan leaders through the years, we have the mechanisms to discover and develop the best ideas emanating from any source in this community. We need not spend precious hours assuring legitimately concerned constituencies that their voices will be heard. Involvement and participation are the processes of this institution.

Financial crisis and marathon debates about power and procedure need not sidetrack us. And fortunately so. For, if ever liberal education needed new definition, new impetus, new energy, it is now. Liberal education is ours to define. That impetus is ours to give. That energy is ours to release.

Despite our differences—of political belief and social outlook, of intellectual style, of cultural tradition and academic discipline—we have a common purpose. Our overriding responsibility is to provide society with men and women of developed intellectual capacity, moral sensitivity, and commitment to a humane social order.

We cannot presume to take on the burden of saving the world. History reminds us that human institutions are not infallible, however noble their aims; that efforts to heal the ills of the world have mixed and unforeseen results; that today's stirring crusade may become tomorrow's sad memory. What the liberal university can do, and what it has always done at its best, is:

To awaken individual men and women to the mystery of life.

To introduce them to the victories and defeats of the human spirit.

To help them escape from the confinement of self and the artificial restrictions of caste and category.

To introduce them to paradox and variety and to the enduring simplicities that lie beyond complexity.

To help them discover for themselves the extraordinary accomplishments of the creative imagination in all the diverse areas of man's endeavor.

To afford them the opportunity to know the deep satisfaction of achievement.

At the turn of the century, the psychologist William James noted that "as a rule men habitually use only a small part of the powers which they actually possess and which they might use under appropriate conditions." Does this not suggest our fundamental task? To move young men and women to discover the untested range of their individual powers. To prod them, to awaken them, to encourage them, to stimulate and to challenge them to exercise these powers of intellect, imagination and character to the fullest. It is our unusual opportunity—with the aid of all the scholarly resources available to us—to do just that. And to advance man's knowledge of himself, his capacities, and his world as an essential part of the process.

Even if we all subscribed without reservation to everything that has been said thus far, there would remain many vexing questions. Among them are the deceptively simple appearing trio: Whom do we teach? What do we teach? How do we teach?

These questions will always occupy much of our attention. So will any number of other concerns. The list is inevitably long in an institution which cannot do everything but which aspires to do so much.

To achieve even a tentative resolution of our problems will require clarity of purpose and confidence in ourselves.

Two immediate questions before us cannot be effectively resolved if approaches in an atmosphere of imprecision and self-doubt. The first is the thorny subject of academic standards, a topic capable of polarizing and perhaps immobilizing this community if not approached with imagination and generosity. One polar position might be characterized as sloppily permissive and its opposite as rigidly orthodox. But such a characterization misses the point. For we must be clear about what we mean by learning and how we measure performance in widely differing systems of knowledge and modes of experience. This is no mere administrative matter of tests, grades, and standing. This is the substantive problem of what constitutes respectable intellectual and aesthetic achievement in a rich curriculum that includes the physical, behavioral and social sciences, the humanities and the arts. Our concern must be for serious work seriously pursued, and for meaning assessment of that achivement.

No less thorny and no less demanding of scholarly humility and tolerance toward intellectual differences, will be the question of curricular change. New times demand new programs. Both from within and from outside the academy there will be pressures for new subject matter, new teaching approaches, new combinations and groupings of skill and interest. How successful we will be depends on how innovative we are, how responsive to new ideas, how broadly we conceive our role and how modestly we each regard our sphere of expertise.

Every man speaks from his own experience and learns according to his own nature. Knowledge has come to be so vast that we are necessarily dependent on one another. All of us bring to this community specialized disciplines and unique personalities, highly individual talents and varying levels of education and breadth of experience. However sophisticated we may be in particular fields, we are naive in others. But our limitations as individuals decline to the degree that we accept our need for one another; our strength increases insofar as we are able to draw from one another. Ignorance is our common enemy. Against it we muster our certainties, our humility in the face of uncertainties, our mutual interdependence, and our common purpose as a community.

That common purpose can best be served if we are clear in our definition of problems, clear in our enunciation of philosophical differences, clear in our consideration of practical alternatives. It requires that we be painstaking in our planning, our performance and our evaluation. In the absence of clarity and diligence, there is drift and confusion, to the jeopardy of all we would undertake.

In The American Scholar Emerson said, "If there is any period one would desire to be born in—is it not the age of revolution when the old and the new stand side by side and admit of being compared; when the energies of all men are searched by fear and hope; when the historic glories of the old can be compensated by the rich possibilities of the new era; This time like all times is a very good one if one but knows what to do with it."

For Wesleyan this is a very good time if we but know what to do with it. At a beginning, when the spirit of renewal can be persuasive, it is particularly appropriate to remind ourselves that we are wealthy beyond measure in human resources; there is no institution of comparable size with such a gathering of talent. That we have students who are eager to learn, and eager to commit themselves in a world that needs them. That we are solidly though not extravagantly endowed. That we have a research tradition that makes the discovery and creation of knowledge a prime concern. That we have a national reputation for teaching excellence and innovative education. And, above all, that we have the spirit of this place which calls on each of us to welcome the new day, to be steadfast in what we profess, to be bold in our understanding, to be humble in our learning, to be always inquiring, to be generous in our differences, and to commit ourselves without reservation—as we do this university—to the search for truth and the advancement of human understanding.

RESOLUTION AGAINST USE OF SPECIAL POWERS ACT IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BIAGGI. Mr. Speaker, the United Irish Counties Association of New York has passed a strong resolution condemning the use of the Special Powers Act in Northern Ireland. For those who have been noting my special series on the situation there, the revolting nature of this act is clear.

It is ironic that this body has just passed legislation repealing the Emergency Detention Act in this country. Yet in Northern Ireland a similar affront to humanity and human rights continues with the implementation of the Special Powers Act.

For the benefit of my colleagues and others, I am inserting the resolution at this point in the CONGRESSIONAL RECORD:

RESOLUTION

At the September meeting of the United Irish Counties Association of New York, Inc., the delegates assembled voted unanimously to protest the cruel and inhuman treatment of our Irish people in Northern Ireland.

The idea of the Stormont Government invoking the Special Powers Act, which allows arrest and internment, without trial, in the year of 1971 we find particularly revolting. We call on the British Government and the Stormont Government to take steps to correct this shameful situation and remove the British Occupying Forces before it is too late.

PETER J. O'NEILL,
President.
M. P. HIGGINS,
Resolutions Committee.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SPRINGER. Mr. Speaker, the following is the final of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 5, 1971.

A "CONSPIRACY OF SILENCE" ABOUT THE OLD

(By Carol Ann Smith)

"Something has to be done . . ." is the comment one hears time and again from those who work with the problems of the aged. You hear it from the aged themselves, although it is rarely stated so explicitly.

The picture for "doing things" at the local level is not exactly pleasing: There are predictions of the demise of Telecare for financial reasons, the Committee on Aging goes without a sponsor to provide funds for even study of problems, and a study which was to have begun in the fall at the University of Illinois has not been funded.

The Illinois study, under the direction of Dr. Queenie Mills of the department of child development, is currently "up in the air" according to William Delaney, who is working with Dr. Mills.

Its approach is basically anthropological, a study of individuals who are aged to determine how those individuals have "made it" through old age, how they have adjusted, if they have.

"The study is about how human decline comes about," Delaney said. "I've been doing preliminary work this summer, getting the feel of the institutional framework, but we don't know what's going to happen in the fall."

There is someone else interested in "human decline," decline in physical terms. As early as 1969, Cong. William L. Springer of Champaign, United States Representative from the 22nd Congressional District, had proposed a National Institute of Gerontology.

In February, 1971, Springer introduced a bill in the House of Representatives authorizing the creation of such an institute for the purpose of "conducting and supporting (1) research of treatments and cures for the diseases of the aged and (2) training related to such diseases and other special health problems and requirements of the aged. . . ."

It would be on a par with other national research institutes.

"I don't think," Springer said, "that you can do anything adequately in this area until you know more about what aging is.

"How much of it is hereditary? How much of it is good care over a lifetime? We just know next to nothing about the process of aging."

There are other factors about the aged Springer has also considered.

"I've advocated for years that the earnings test be eliminated altogether from the Social Security Act," he said.

"I can't for the life of me see why a man or woman shouldn't work if he wants to," Springer continued. "It makes no sense to say that you can earn up to $1,680 and then your benefits will be cut.

"After all, Social Security was enacted during the Depression when the labor market situation was severe. We're hardly at a depression level now," he commented.

"I can't seem to get anywhere with the removal of the earnings test," he went on, and intimated that his suggestions to raise the permissible earnings limit run straight into Wilbur Mills, chairman of the House Ways and Means Committee, who hardly looks with favor on them.

"I'm convinced I have the public with me on this," Springer said. "A survey we did indicates that 8 out of 10 persons favor the removal of the earnings limit."

Springer also favors a system of phased retirement, which has been adopted in many of Great Britain's industry: the program had been urged by the British government.

Under the program, retirement actually begins three years before retirement occurs. The first year, for example, the person approaching retirement works only nine months of the year, the second less than the first and is retired during the third.

"It's just too much to pull out all at once, the way I see it," Springer said. "The mental factors are just as important as the medical factors, and this is one area where the effect can be seen clearly."

Nor does Springer believe that the aged are receiving their fair share of the public budget, no matter how that share of the budget is ultimately used.

"All of the other groups which want a share of the public funds are exerting pressure for the money," he said, "and priorities are being given to other programs rather than for those of the aged.

"Even welfare groups are organized today," he noted.

Springer was saying what others have said in different ways: the aged are an unorganized, dispersed, virtually unrepresented when it comes time to hand out money.

Springer himself put it this way in a 1969 newsletter: "We hear a lot these days about the problems of our young people, of our urban poor . . . of our minorities. But not so much attention is paid to the problems of another large group of citizens. In fact, there seems to be a conspiracy of silence about the problems of our old people."

In 1969, President Nixon issued his "formal call" for the second White House Conference on Aging to meeting in Washington, D.C., in November, 1971.

"With careful advance planning and with broad, representative participation, this Conference can help develop a more adequate national policy for older Americans.

"I hope," the President said, "that it will fully consider the many factors which have a special influence on the lives of the aging and that it will address precise recommendations, not only to the Federal government, but also to government at other levels and to the private and voluntary sectors as well."

The problems, some of them set out in the

"First Reader" on the Conference on Aging, sound achingly familiar:

"The older people met together and they talked about not being wanted.

"We've always had problems but it seems like the problems get worse the older you get.

"They said an elderly person living on insufficient income simply had to let some things go. They said often these were medications, visits to doctors or hospitals, home repairs and balanced diets.

"It is very difficult to have nutritious meals on $30 a month.

"They said that, lacking transportation, they could not go to the doctor, buy food, visit friends.

"And in many places they were afraid, afraid to leave their homes, afraid of what might happen to them tomorrow, next week, next year—not afraid of death, but of what might happen to them in life."

THE NEED FOR AN INTEGRATED APPROACH TO CANCER RESEARCH

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. KASTENMEIER. Mr. Speaker, the question of how this country shall proceed in its efforts to conquer cancer is now before this body. On September 16, Senator Gaylord Nelson of Wisconsin appeared before the House Subcommittee on Public Health and Environment, which was holding hearings on cancer legislation. The following is a detailed argument by Senator Nelson against the establishment of a "separate" Conquest of Cancer Agency. I commend the Senator's testimony to all of my colleagues who wish to understand more fully the issues involved in this important and far reaching question.

The article follows:

Testimony of Senator Nelson on Cancer Legislation, S. 1828, Before House Subcommittee on Public Health and Environment, September 16, 1971

I appreciate the opportunity to appear before this Committee to comment on the Senate-passed measure, S. 1828, sometimes called, inappropriately I think, the Conquest of Cancer Bill.

This Committee and its chairman, Mr. Rogers, have a well deserved reputation for knowledgeability in the health field. I am moved to hope that this Committee would preserve and even enhance its reputation and distinction in affairs of health by saving the country from the folly of the Senate bill. One of the fundamental strengths of the bicameral system is the opportunity afforded one body to correct the errors of the other. I think it is fair to say that not more than a handful of Senators addressed themselves to the implications of that provision of S. 1828 which creates an independent Cancer Authority outside of the jurisdiction of the National Institutes of Health. Declaratory language in the bill attempts, without success, to paper over this fundamental if not fatal assault on the organizational structure of NIH.

There should be no misunderstanding on this critical point. If the Congress adopts the language of the Senate bill it is the first giant step in the dismantling of the National Institutes of Health. Next will follow the National Heart and Lung Institute with a political case for independent status equally as compelling as the political case for cancer. I emphasize the word political as contrasted with scientific because no scientific case whatsoever has been made for separatism. In fact, the scientific case is overwhelmingly against it.

What we are dealing with in S. 1828 is a mischievous political compromise of a very important scientific matter. I do not in any way question the good intentions of those who support an independent Cancer Authority, but I do question their judgment. The independent authority concept originated with the Panel of Consultants, half of whom were laymen and half scientists. Some of the Panel's most distinguished scientists have now publicly stated their opposition to this provision of the bill.

S. 1828

S. 1828 as passed by the Senate sets up a Conquest of Cancer Agency which the bill says is "within NIH", but in fact the Agency has independent status. Its Director would report directly to the President and the Office of Management and Budget.

The only statutory ties with the NIH—where the present National Cancer Institute is the largest and central Institute—is a requirement for the Cancer Agency Director to "take necessary action together with the Director of the NIH so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this act between the National Cancer Institute and the other Institutes of Health shall be maintained between the (Cancer) Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical and biomedical disciplines." (Sec. 407 E(a)(11).

This language will have only whatever meaning the Director of the Cancer Institute wishes to give it. The Cancer Agency Director would, in fact, be at the same grade level as the NIH Director. He would statutorily *bypass* the NIH Director in all matters pertaining to cancer budget and program plans.

The Cancer Agency Director *AND* the Deputy Director would be politically appointed by the President, by and with the consent of the Senate. This in itself is an unprecedented situation as regards the head of any federal biomedical activities. Not even the Director of NIH is politically appointed; he is a career public servant.

The bill, therefore, sets several precedents: it calls for politically appointed heads of one phase of federally-supported research; and it opens the door for other research areas to seek comparable status, thereby spelling the future demise of the cohesive agency known as the National Institutes of Health. I believe this would be counter-productive to cancer research in particular, and to biomedical research in general. The NIH is a unique arrangement, and probably the finest institution of its kind in the world, and certainly is the undisputed leader in the field of biomedical research.

The Senate-passed bill, then, presents a number of problems.

It doesn't make clear exactly what is meant by "within NIH".

It presents enormous operational problems as regards the role of the NIH Director in Cancer plans and budget formulations, and in management of NIH facilities which will be used by the Cancer Agency.

It portends even worse management problems for the Executive Branch. Once two or more Institutes report directly to the President, then what? He will have to delegate the responsibility to some qualified scientist. Who will he be and what will be gained by such a procedure? It will soon become obvious the logical next step would be to return the Institutes back to the jurisdiction of NIH.

This bill is a bad approach for furthering cancer research. The effort can best be advanced through utilization of the NIH facilities, expertise and peer review system as devised and refined through the years for coordinating all biomedical research.

Testimony on the cancer legislation before the Senate Health Subcommittee overwhelmingly opposes a separate agency approach.

There *are* areas within NIH and the National Cancer Institute where change is warranted to expedite decision-making, funding of grants and contracts, and other things. As you yourself have stated, Rep. Rogers, a look at the entire NIH is a good idea; Director Marston says he welcomes this.

As you know, I proposed, along with Senators Cranston and Schweiker, that NIH be established as an independent agency. It may be that a separate Department of Health is a better step, as you have indicated.

However, after reviewing the Panel's recommendations and the Senate-passed bill, it is my opinion that many of the recommendations have been in effect for a long time, already have been implemented, or can be brought about without dismantling NIH, or creating a new bureaucracy.

Each of the Panel's arguments should be carefully examined.

ADMINISTRATION POSITION

First of all, the Administration's position has been one of about-face.

A separate Cancer Agency is not what the President originally wanted, not what the President's Science Advisor, the Secretary of HEW or the scientific community wanted.

HEW Secretary Richardson testified before the Senate Health Subcommittee June 10: "The Administration regards it as vitally important that the cancer conquest effort go forward within the framework of the National Institutes of Health."

He testified strongly in favor of such an integrated effort, despite the fact that the "compromise" had been worked out at staff levels with tacit high-level approval prior to his testimony.

It is quite clear that the Administration changed its position on the separate agency concept as a face saving political compromise when it became obvious that S. 34 was going to be adopted despite Administration objections. A compromise was reached which simply changed the bill number from S. 34 to S. 1828, changed some language without changing the substance and substituted Republican primary sponsorship for Democratic primary sponsorship. It as an unfortunate and mistaken compromise of a fundamental principle. The President and his administration were right in the first place and their position against independent status should be supported.

Proponents of a separate agency argue that the Panel of scientific and lay experts unanimously recommended a separate Cancer Authority.

In the early deliberations of the 26-member Panel, many in the scientific half strongly opposed a separate cancer research effort, and, at one point, we are told, the concensus was 60% in favor, 40% against a separate Authority. That represents a 16–10 vote. Eventually, of course, the Panel endorsed the separate Authority unanimously. Since that time, however, three representatives of the scientific group have changed their minds and oppose a separate Authority.

Thus, the image of a unanimous panel of scientists is erroneous.

In addition, it is clear that the Panel did not interview Secretary Richardson or Dr. Marston until after the Panel's decisions had been made, and that they did not talk in depth to the top administrative officials of NIH or HEW about cancer research and what is currently being done at the federal level.

In response to Sen. Dominick's request that the hearing record "reflect to what extent members of the Panel consulted with officials within the Department of HEW and the NIH regarding the scientific and managerial aspects of cancer research during the course of their study," Secretary Richardson wrote Sen. Dominick on April 5:

"The Panel staff was quartered within the Office of the Director of the National Cancer Institute during the time of the study (May 1970 to mid-February 1971). Officials and employees of the NCI, the Panel of Consultants and their staff did not interview Department and NIH top management officials during the study. Specifically, the Director of NIH received courtesy calls from the staff at the beginning and the end of the study, but no substantive discussions on either scientific or management questions were held with him. The Deputy Director, the Deputy Director for Science, the Associate Director for Program Planning and the Associate Director for Administration are key officials within the Office of the NIH Director, and each is particularly well qualified to comment knowledgeably upon the questions of administrative overlap, duplication and delay, and the problem of competition for funds. None of these officials was interviewed during the study by the Panel staff.

"The Office of the Secretary did not participate in the conduct of the study either. . . .

"It is thus clear that, with the exception of the officials and employees of the NCI, members of the Panel did not consult with top management officials either of the Department or NIH with regard to the scientific and managerial aspects of cancer research."

NIH CAPABILITIES

The enormous irony of proposing a moonshot-type agency for cancer is that the breakthroughs to date have occurred *because of the capabilities of* the National Institutes of Health and its National Cancer Institute, *not in spite of them.*

All of the major discoveries, including numerous ones which fell out inadvertently from non-cancer research, have occurred largely because of the present broad-based multi-disciplinary system of federally-supported research embodied in the NIH.

Secretary Richardson testified June 10:

"It is the existence of these capabilities, the research accomplishments to date, and the vigor and vitality of present programs that makes it possible to consider launching an expanded effort of the kind now proposed."

He further stated:

"From a scientific point of view, . . . the work done during the past 15 years—not merely under the aegis of the Cancer Institute but of the National Institutes of Health as a whole—has created the opportunities that now exist for the further expansion and acceleration of cancer research. There is a solid foundation on which to build an enlarged program."

PLAN

Dr. Carl Baker, National Cancer Institute Director, and Secretary Richardson, have outlined in several hearings the plans for cancer research.

The National Cancer Institute has a comprehensive and complex plan for long-range research. The plans involves all research areas that touch on cancer, including chemotherapy and viral oncology. Extramural panels of experts are presently being appointed to draw up plans for other cancer research areas.

Therefore, the charge by the Panel that "At the present time there is no coordinated national program or program plan" is simply incorrect. The Panel further asserts, "the overall research effort (in the NCI) is fragmented and, for the most part, uncoordinated."

Where can such plans be better coordinated—given the basic nature of the research—than by the Institutes which conduct all forms of research touching on cancer?

The Panel also urged greater cooperation on an international level in cancer research. The NCI is heavily involved with the activities of the International Agency for Research on Cancer, a body associated with the World Health Organization, in coordinating such research world wide. In fact, it is probably safe to say that NCI is the fulcrum of such international efforts.

PERSONNEL

The separate agency proponents also argue that better personnel will be attracted to a Cancer Agency. Given the accomplishments of the NIH-NCI to date, are we to say that the men who directed these efforts were not of the highest quality? It would seem that these accomplishments were effected because of the wisdom and leadership of such men as Dr. Shannon, former and long-time NIH Director, Dr. Baker, and now Dr. Marston, and their predecessors.

It occurs to me that a real danger lies in making these scientific leadership positions into political appointments, as the Panel recommends and the Senate bill proposes. Under the Senate bill, the two top persons in charge of cancer research would be the only politically appointed directors of a segment of federally-supported biomedical research. This raises enormous questions about the potential pork-barreling of federal scientific research. Such a situation is not possible under the present NIH setup with its careful peer review of funding applications.

It must also be remembered that scientists are not attracted by a managerial approach to research. The best scientists are turned off by being told that they must limit themselves to one direction.

BIOMEDICAL OPPOSITION

The biomedical community almost unanimously opposes such a separate Agency. Thirteen noted scientists—including five Nobel Prize winners—in a letter to the New York Times July 29 stated:

"Senator Javits (in his July 24 rebuttal to the Times' cancer editorial) implied that there is widespread scientific support for this legislation. There is not." Their letter concluded: "The bill passed by the Senate does not offer a rational approach to the conquest of cancer because it narrows the scientific focus."

The list of opponents to the separate Agency approach is impressive, and the impact of such an effort on the morale of the nation's and the world's best scientists must be considered by Congress in passing any legislation. These are the men and women who are doing the research.

The only major organization that testified in favor of a separate Agency was the American Church Society. The American Heart Association testified in favor of S. 34, but only if heart research could be given the same status as cancer research.

Scientific organizations which oppose the separate Agency bill include: The Federation of American Societies for Experimental Biology, representing six scientific societies and 11,000 scientists; the Association of American Medical Colleges, representing 103 medical schools and 401 major teaching hospitals; the American Medical Association; the National Tuberculosis and Respiratory Disease Association; the American College of Physicians; the American Association of Pathologists; and Bacteriologists; the American Physiological Society; the Federation of Associations of the Schools of the Health Professions; the American Hospital Association; the American Society of Biological Chemists; and the Chairman of Departments of Biochemistry at American Medical Schools. The Association of Professors of Medicine, representing 77 heads of departments of medicine, unanimously opposed the idea of a separate cancer agency at their meeting in Atlantic City last May.

The President of the American Society of Biological Chemists, Dr. Eugene P. Kennedy, in prepared testimony, stated:

"It would seem highly desirable to incorporate the new program into NIH. In this way, wasteful duplication of programs, competition of two separate agencies for limited funds, and the expenses of two separate administrative structures would be avoided."

Dr. Philip Handler, President of the National Academy of Sciences, in a letter to Senator Kennedy March 15, wrote:

"It is my view, and that of all knowledgeable colleagues with whom I have discussed this matter, that the public purpose would be best served by utilizing this opportunity to strengthen the National Institutes of Health in a variety of ways most particularly the National Cancer Institute, rather than create a National Cancer Authority. I know this view to be shared essentially unanimously by the membership of the Institute of Medicine of the National Academy of Sciences and by the membership of the President's Science Advisory Committee."

Handler went on to say that: "Those responsible for the proposed National Cancer Authority will find it necessary to re-invent virtually all of the National Institutes of Health within the Authority if the actual charge to the Authority is ultimately to be successful."

OTHER RESEARCH

The promoters of the separate authority argue that "cancer is the no. 1 health concern of the American people." Indeed, it is, and no one argues that the public fears this disease more than any other. The fact remains, however, that heart disease is the world's number one killer. Of course, we recognize that eventually, everyone's heart must give out with age. But, the case can be made for independent status for the National Heart and Lung Institute equally as strongly as the case for cancer research. Advocates of heart research already have asked for status comparable to cancer's.

Tens of thousands of Americans suffer from arthritis, a crippling disease. The case can just as strongly be made for independent status for the National Institute of Arthritis and Metabolic Diseases.

While the Panel argued that, for every person in the United States, only 89 cents was spent on cancer research in 1969, it is important to note that—while the sum is small compared to $410 per person spent for national defense—cancer received more money than any other federally-supported research area.

Seventy-nine cents per person went for heart and lung research; 55 cents for mental health; 50 cents for neurological diseases and stroke; 50 cents for allergy and infectious diseases; 14 cents for dental research; 68 cents for research on arthritis and metabolic diseases.

STATE OF THE ART

As for the state-of-the-art, proponents of a separate agency argue that "a national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge" and a "moonshot"-type agency is warranted "whose mission is defined by statute to be the conquest of cancer at the earliest possible time." (from Panel report)

The overwhelming opinion of the biomedical community disputes this view of the state-of-the-art in cancer research. Most scientists believe that cancer research is not at the "moonshot" stage, not far enough advanced to establish which areas should be the target of concentrated efforts.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in HEW, testified in the Senate: "Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, mutifaceted challenge at least as perplexing as the problem of the various infectious diseases. We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Even the Panel acknowledged that "the nature of cancer is not yet fully known. It is erroneous to think of cancer as a single disease with a single cause. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways."

The view of the biomedical community may be best summed up by the statement of Dr. Sol Spiegelman of Columbia University: "An all-out effort to cure cancer at this time would be like trying to land a man on the moon without knowing Newton's laws of motion."

BUDGET PROCESS

The Panel argues that a major reason for setting up a separate agency is to give cancer more budget visibility.

No one opposes giving cancer research more money. In fact, the President has already requested $100 million on top of the cancer budget, the Congress has already appropriated it, and part of the money has been made immediately available by the Budget Bureau, in a unique demonstration of funding for a priority.

The argument for separate budget authority is based on the assumption that without it government officials will keep cancer budgets low because they want (1) to keep federal expenditures down, and (2) to give all research a fair share of available funds. Thus cancer would suffer as one of the many areas competing for funds.

The fact remains that the budget people are responsible for keeping all federal expenditures within a budget, and will consider the cancer budget accordingly, REGARDLESS OF whether it is independent or not.

It is important to remember that the budget process does not start at the bottom program level. It starts at the top, with the setting of fiscal policies and prorities and dollar ceilings.

These priorities will affect the cancer budget, regardless of its independence. A separate Cancer Agency, like NASA and the National Science Foundation, would be subject to overall fiscal policies established in the Executive Office of the President, and would be obliged to defend the President's decisions before Congress.

It is clearly demonstrated, by the actions of the Administration and Congress, that cancer has a high priority as regards its budget, and is getting the money without delay.

It is the commitment and the national climate surrounding an issue that gives it real priority, not independent budget status in the organizational framework. Broad public support, and the commitments of the President and Congress, will insure ample funding, whatever the organizational setting.

FUNDING DELAYS

The Panel recommended that several specific administrative powers be given the cancer authority to expedite contract and grant-making approval.

Most of the recommendations have already been implemented or have been recommended in a report by the Comptroller General's Office on the "Administration of Contracts and Grants for Cancer Research," made at the request of the Senate Labor and Public Welfare Committee (reported March 5, 1971).

Specifically, one recommendation was to grant the Cancer Agency the power to enter into prime contracts. HEW already has granted the National Cancer Institute this power.

Another recommendation—to enable the Cancer Agency to commit available funds until expended rather than on a year-to-year basis—must be acted upon by Congress in terms of advance funding. Congress could appropriate funds for the Cancer Institute to be available for succeeding fiscal years. Thus, cancer projects, which often extend for 3 to 5 years, would be funded in advance, rather than on a yearly basis.

This type of advance funding has been authorized for certain other programs, including aid to educationally deprived children under Title I of the Elementary and Secondary Education Act of 1965.

Another cause for delay in funding is the recent practice followed by both Congress and the Executive Branch of setting annual spending ceilings. Such ceilings might be eliminated for cancer budgets.

Again, the fault is not with the NIH–NCI structure. Establishing a separate Cancer Agency would not correct these problems without attending action by Congress and the Executive Branch—and the problems can be corrected without establishing a new agency.

DELAYS IN GRANTS, CONTRACTS APPROVAL

As for the length of time presently allotted for approval of grant applications and contract proposals, I have several observations to counter the Panel's objections to these time periods.

Grants: Grants during the calendar year 1970 required an average of 6 to 8 months for review and approval.

In fiscal year 1971, NCI awarded 354 research grants amounting to $23 million dollars. Grants considered totalled 903, of which 688 were approved for funding, and 354 were funded. Study sections consider some 80–100 at each session. The National Advisory Cancer Council considers 400–500 applications at each meeting.

It is evident from the GAO report that some may be eliminated from the 6 to 8 month review process, particularly in waiting periods between review steps. Most of the grant applications reach the first review step, the study section, within 3 months. It then may take 6–10 weeks after consideration by the Advisory Council.

Part of the delay is caused by the fact that the study sections and the Advisory Council meet only three times a year. It is difficult, however, to require the members of these bodies who are eminent scientists engaged in other work in laboratories and schools—to meet much more often than that.

They might meet four times a year. Furthermore, the review process no doubt, could be expedited at the administrative levels.

However, it is the opinion of distinguished scientists that the peer review system as now structured is one of the best ever devised, and should not be tampered with at the expense of its merits.

Grants are reviewed first for scientific merit by the study sections, then for relevance and priority by the Advisory Council. The reviewers are non-federal and eminently qualified in their respective fields. The system has a built-in check and balance to preclude the funding of poorly-qualified projects, or duplication of projects.

Any time-saving improvements would be worthwhile, but it is questionable whether the system should be dropped or significantly modified simply to expedite the handing out of federal research money.

The GAO recommended that one way to expedite the grant review process would be to award grants up to a specified dollar amount without review by study sections but with review and recommendations of the Cancer Advisory Council.

This suggestion seems to have merit, in light of the fact that 45% of the 1,182 grants funded in 1970, representing 12% of the total dollar amount (12% of $71.4 million), were for grants of under $30,000 each.

Contracts: As for the Panel's recommendation that more use be made of the contract mechanism in funding cancer projects, it should be noted that NCI in recent years has made extensive use of contracts for collaborative research programs. Of the Institute's $181 million in fiscal 1970 obligations, NCI awarded 333 research contracts for $49.7 million (more than one-fourth the total obligation.)

In addition, as previously noted, the Cancer Institute has been given the legal authority to enter into prime and sub-contracts, as recommended by the Panel.

The contracts require an average time of 7 months for review and approval. The GAO found that about 1½ months of that time was the result of unnecessary duplicative reviews by both NIH and NCI.

Contract awards are not subject to the same peer review system as grant applications. There is a problem in recruiting outside peer consultants with no conflict of interest. Contracts are reviewed by standing in-house NCI program committees and then by the Scientific Directorate, an in-house body unique to the Cancer Institute, because of the number and various types of contracts which the Institute lets out. (The Directorate is composed of 5 members: the NCI Director, the Director of Laboratories and Clinics, the Scientific Director for Chemotherapy, the Scientific Director for Etiology, and the Associate Director for extra mural programs.) The Cancer Advisory Council periodically reviews plans and status of the contract program. A report in 1966 (known as the Ruina Report) recommended against a project-by-project review by the Advisory Council of contracts like that done for grants.

The GAO recommended dividing the process of contract development and award into two phases. No doubt the contract review process, like the grant review process, can be speeded up, but this can be accomplished administratively, also. The duplication of review by both NIH and NCI can be eliminated, if the total contract award process is concentrated in the Cancer Institute.

STRAIGHT LINE OF AUTHORITY

Now we come to the most crucial part of the problem, as I see it, in the Senate-passed bill—the concept of bypassing the Director of NIH in formulating cancer budgets and programs. This is anomalous, if the intention of an expanded cancer effort is to work closely with NIH and to "maintain the existing balance between fundamental and targeted research," as Dr. H. Marvin Pollard, President of the American Cancer Society, stated in a letter to the editor of the New York Times, July 28.

Secretary Richardson testified before the Senate Health Subcommittee, June 10:

"The primary purpose (of a cancer program) is to keep cancer research in close and constant contact with the mainstream of biomedical research of which it is an integral part. Such contact is, in fact, essential. Cancer research has in the past profited greatly from work done in other fields, and, as you know, some of the most promising leads in the search for the causes and the cellular mechanics of cancer have come from work done in other fields. . . .

"To create the optimum conditions for a major attack on cancer, the relationships that have been so productive in the past must be maintained. Moreover, the indivisibility of knowledge and understanding in the life sciences is such that research on other diseases will also have much to gain from close contact with a greatly expanded cancer research effort," Richardson said.

This is sound advice, but in order to accomplish such a cohesiveness among the biomedical sciences, it is necessary to have the heads of all areas of research share information and funnel it through a single source. The NIH Director is the most logical person through which to funnel and coordinate such information regarding programs and budget. The NIH Director is in the most logical position to know what programs are being conducted throughout the biomedical community, where duplication might occur, and to adjudge priorities.

The argument is made that lines of command must be direct between the cancer agency Director and the President and OMB, that the bureaucratic layers in HEW must be eliminated in order to facilitate the cancer program.

The Panel argued that 6 layers of bureaucracy above the National Cancer Institute slowed decision-making for cancer activities. Three of the layers which the Panel cited are not even involved in cancer decision-making. Those involved under the present arrangement are the Director of NIH, the Assistant HEW Secretary for Health and Scientific Affairs, and the Secretary of HEW. The Deputy Director of NIH, the Under Secretary of HEW and the Surgeon General—whom the Panel cited—are not involved in cancer program decision-making.

Two of these channels can be eliminated by having the Cancer Director report directly to the NIH Director, who then reports directly to the President.

Without some overall direction on the part of the NIH Director, unnecessary and competitive lines of communication and command will be set up between the Cancer Director and the NIH Director, who then reports directly to the President.

The thirteen scientists who wrote the New York Times, July 29, stated: "It is hard to imagine a scheme with more potential for undermining the scientific integrity of the NIH and the authority of its Director."

There is even the danger that a separate research entity will create its own bureaucracy. It would seem better to eliminate those now in existence, than to create potential new ones.

The major argument in favor of involving the NIH Director lies in the fact that little evidence, if any, exists to support the conclusion that progress in cancer research has been significantly impeded by administrative problems, and that existing inadequacies are not correctable within the organizational framework of NIH.

OTHER POINTS IN PANEL REPORT

No one quarrels with the recommendation of the Panel that more manpower be trained to conduct cancer research. There appears to be a clear need for this. At the present time, there is not enough manpower to fill a large number of cancer research centers. The Panel would like to see more such centers built, but more manpower is the first necessity. There is also a need for more demonstration treatment centers, where new forms of treatment can be tried on larger populations than at present.

These recommendations of the Panel can be fulfilled with a substantial monetary support.

The Panel also recommended a central data bank and information retrieval center. This is also a good idea, but, I am told, difficult to accomplish. The NIH presently has a computerized data bank listing grants by type of project, and a list of contracts is being added to the information. The Smithsonian Institution maintains a general Scientific Information Exchange.

However, it is evident that progress in cancer research is not held up for want of an easy information system.

Serendipity, and the Relationship to NIH Broad-based Research

Cancer research has produced some very heartening steps in recent years, particularly in controlling some forms of the disease such as leukemia and Hodgkin's disease. Many of the breakthroughs were the outgrowth of basic research, which was not cancer-targeted.

The discovery of the cancer-uses for several drugs—including methotrexate and prednisone—fell out of basic research in other areas.

These drugs are now used to treat various leukemias and lymphomas.

There are many examples like these of how basic research turns into applied research.

This kind of basic research must be continued. I believe that the present NIH structure is the best source of support for such basic, multiphase research.

The Panel, in its "afterword", agreed that, "Concerted, large, broadly-based research efforts are required" to facilitate cancer research, stating further: "It is the Panel's opinion that a large and essential component of any future effort must be the continued accumulation of fundamental information, in order to provide the rational basis on which to build better methods of prevention, diagnosis and treatment."

It is my belief that such an effort can best be moved forward through the NIH.

REDUCE CONGRESS SPENDING NEED TO HALT INFLATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. COLLINS of Texas. Mr. Speaker, time and time again I have spoken on the importance of Congress reducing Federal spending. The most active fuel to our national inflation spiral is the deficit overspending here in Congress. Year by year we ignore this money crisis. The present fiscal year will produce the largest negative overspent budget in America's history. The deficit will be over $30 billion and some estimates are as high as $40 billion. I just picked up the daily statement of the U.S. Treasury dated September 21. Fiscal year beginning July 1 for less than 3 months showed a U.S. debt increase of $16,600,000,000.

Congress must accept the blame as the authorizing legislative body. This deficit is not the responsibility of the President or any Member of the Cabinet.

In Congress, we pass bills. The press statements made are that we are giving more money for a needed project. We are not giving away anything—we are just borrowing more money.

Spending and borrowing with a heavier and heavier deficit budget is the cause of this inflation headache. Spending more will only accentuate it, so let's cut all nonessential spending.

Yesterday's Dallas Times Herald had a clear-cut appraisal of this budget deficit. The economic consultant for the Herald is Dr. Arthur A. Smith. Dr. Smith was chairman of the economics department at Southern Methodist University. Then he moved into private business serving as the senior vice president and economist for the First National Bank in Dallas. Smith's analysis reflects the political pressures for spending and how Congress has overlooked its opportunity for fiscal balance in prosperous years.

Here is the economist report of September 26, 1971, Dallas Times Herald by Dr. Arthur A. Smith.

Stripped of all its veneer, the basic cause of U.S. monetary troubles and, hence, of inflation is the perennial deficit in the federal budget.

To now, there has been no indication whatsoever that authorities in Washington propose to do anything about it. In fact, there is not much evidence that they are the least concerned. In the fiscal year which ended June 30, 1971, Uncle Sam ran a deficit of $23.2 billion. This brought the total deficits of the past five years to $56.7 billion.

Is there any improvement in sight? None. Treasury Secretary Connally told the Ways and Means Committee recently that the current fiscal year budget would end in the red by as much as $27- or $28 billion.

There is little hope of stopping inflation and stabilizing the dollar as long as such fiscal irresponsibility continues. Wage, price and rent controls, devaluation, the import surcharge, and all the other moves of the new economic game plan will prove to be only temporary expedients at best. They are futile and ineffective because the floodgates of inflation remain open.

A friend of mine was in Washington recently in a two-day conference with a group of economists who work with the Treasury Department and the Joint Committee on Internal Revenue Taxation.

He raised the question of how we can "continue operating at a deficit without heading into disaster."

The substance of the economists' reply was that "disaster would result if we tried to operate on a balanced budget at the present time."

The main implication of the reply is that the current economic situation requires deficit financing in order to stimulate the economy; in other words, to pump life into the economy so as to revive it.

This is a faulty doctrine for the simple reason that, coming at this time, such stimulation will make the dollar even weaker and will accelerate inflation, both of which are likely to nullify the intended effects of the stimulation; or even worsen the economy's condition.

Inflation has long since reached a point where it contributes nothing at all toward full employment, if it ever really did. In fact, at this stage inflation causes unemployment.

But another implication of the economists' reply is that after the economy is revived and we attain full employment we can balance the budget.

This is dreaming. It has been said before, but we still do not get around to a balanced budget, let alone reduce the federal debt, even in the most prosperous of times.

A good example is what Congress did in 1964 and 1965 when the nation's economy was at the highest level in history up to that time. Taxes were cut and federal spending actually increased. This was done despite the fact that competent analysts warned that the action was inflationary.

Some observers asked: If the government cannot put its financial house in order in the most prosperous of times, when will it? The question went unanswered.

Those who defend deficit fiscal policy seem to overlook the basic truth that the net economic effect of the policy is to substitute high prices (inflation) for taxes. But since this is subtle and not well understood by the electorate, Congress, mostly for political reasons, regards deficit financing as the easier way to support the kind and magnitude of federal spending that the people might not approve if they had to pay enough taxes to equal the spending.

I think it is an even bet that Congress will cut taxes this fiscal year without reducing spending and that Secretary Connally's estimates of a deficit of $27- or $28 billion will be way too low.

CLIFF CARTER: THE MAN WHO MADE THE PEOPLE FEEL CLOSER TO THEIR PRESIDENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. PICKLE. Mr. Speaker, last Wednesday signaled the end of an era in campaigning and in many fields of civic concern. On that day Cliff Carter died, and Cliff Carter was one of a kind.

As Liz Carpenter put it so well in an article in the Austin, Tex., paper:

> Cliff Carter was the kind of guy you always sent in first—because he made the going easier.

He had that unique ability to listen and a soft-spoken concern for all around him which endeared him to the big and the small he worked with across this land. And the numbers who knew him are vast, because for 34 years he gave of these natural talents to our former President, Lyndon B. Johnson.

Cliff Carter came from the heartland of this country. Down in Smithville, Tex., the "heart of the megapolis" of the 10th Congressional District of Texas, he learned early the basics of life that he was to apply to his work throughout the world.

Public service came easy to Cliff Carter. It ran in his family. Just a few weeks ago, I was in Smithville to help dedicate the new Smithville Public Library, a civic triumph dedicated in the memory of Cliff Carter's mother, Zetta Crawford Carter. The dedication was in every sense a tribute to this outstanding family.

Around every national or State leader there must be a group of dedicated men and women who do the heavy lifting. These are the people who listen patiently, who get things done, who wade through the mountains of correspondence and regulations, who soften the criticism and inspire enthusiasm. These are the "wood and water men," who burn the midnight oil to get every task done in a commendable manner.

Such a man was Cliff Carter, for he gave the attention and the dedication to make his man always look good.

I was privileged to know Cliff Carter from his first days of association with Mr. Johnson. Indeed some of us in the early days were able to talk Cliff Carter into joining forces with Mr. Johnson. We recognized in him a leader who could lead others for a national leader. It was a great and good day in the life of our former President and for the country that Cliff Carter chose to render service through the eyes and person of Lyndon B. Johnson. Hundreds and hundreds have been helped because of this man who would give this type of special service.

This kind of granite dedication takes long hours from a man and from his family. Yet through it all, Cliff Carter remained one of the finest family men in America. He was gracious, thoughtful, and intensely proud of his children. If Cliff Carter had a fault, it was a spontaneous willingness to tell you about his children. And this he did with good reason, for his fine wife Mary Jane and his four children are all in the Carter tradition.

Liz Carpenter gives us some insight into just what it was like to be around Cliff Carter. Mr. Speaker, I'd like to reprint her article in the RECORD at this time:

CLIFF CARTER RECALLED AS GREAT CAMPAIGNER

(By Liz Carpenter)

WASHINGTON.—Cliff Carter was the kind of guy you always sent in first—because he made the going easier. . . . whether it was a beachhead in Sicily with the 36th Division or a political meeting for "the man," Lyndon B. Johnson, whom he served for 34 years. He always called LBJ "the man."

I never saw him in action in World War II. But those who did gave him the Bronze Star and the Legion of Merit and the Croix de Guerre.

But I have watched him a hundred times on campaign trips, move into a town two days before a political speech, and produce a political success out of the inevitable confusion and local jealousies that always accompany campaign gatherings. Somehow he made every volunteer feel like the most vital ingredient in the whole show.

Smoke filled rooms were home to him but he was always their master, never their victim.

If you love politics, and I do, watching Cliff was sheer pleasure. Half a dozen local people would have accompanied him in from the airport bending his ear with complaints: "You have to pad in more time for this"—"He's gonna be spending too much time doing this"—on the arrangements. And Cliff would calmly listen and nod, and smile and pat them on the hand.

Then, he would locate a telephone in a corner, out of ear-range. His hand would reach into the coat pocket. Out came the little telephone book jammed with names and numbers collected through the years.

His whole frame enveloped the phone, shoulders hunched over it for hours, listening, talking softly, and then always the inevitable sign-off, "We sure do appreciate everything you're doing."

Each phone call producing the trappings that go into the hurly-burly of a campaign; The bunting, the balloons, the bodies—crowds and enthusiasm, and the volunteers. Once, he had the national president of Coca-Cola Co. paintings signs all night before a Johnson arrival in Miami. "Most fun I've ever had," the Coca-Cola man told me.

How did he do it—town after town, state after state?

"The key is listening," Cliff confided. "When you get to a town, everyone has his mind made up on the way the meeting should be. So you listen a while, and then you move in with a suggestion here or there. First thing you know, they think they changed the whole thing."

When it was set, he was back on the phone to Washington for hours, filling in the minute by minute details from the time "the man" steps off the plane, through the speech, to his exit, filling in on names and reminding him of old associations for conversation purposes.

Then, back to the room of volunteers to pass on a personal message from "the man." In contrast to other political camps, Cliff and the Johnson people said their thank-you's for him. No worker was too big or too small to be remembered.

Now the big and the small remember him, the smooth and soft-spoken man who made the people feel closer to their president.

THE SHARPSTOWN FOLLIES-XXXIX

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. GONZALEZ. Mr. Speaker, if the enterprises of Frank Sharp had any hallmark, it was the inside deal. When Sharp got hold of a company, it instantly became the source of new loans to Sharp's other companies. Then too, Sharp and his pals took every advantage of their positions of privilege and responsibility to enrich themselves. As far as those who were in the know were concerned, there was no such thing as a losing deal; insiders never made a bad deal.

Will Wilson was among the insiders, and he was not immune to placing a few side bets based on his inside knowledge of Sharp's companies. If anybody was going to make money by trading in Sharp stocks, Will Wilson was not about to be left out, and he acted with alacrity when he foresaw a good thing.

For instance, on August 19, 1968, Wilson wrote a letter to the president of National Bankers Life Insurance Co., giving his opinion of the legality of a proposed selloff of NBL stock and assets. Wilson was counsel for the insurance company, and so his letter was a report to his boss. The company buying up NBL stock and other assets was of course the good old reliable Sharpstown Realty, which had been the conduit for so many of Sharp's great deals.

After giving his opinion of the legality of the proposed transaction, Wilson noted, and I quote—

> All of the shareholders will benefit proportionately from the increased earnings made possible by this transaction.

He reiterated this point by concluding his letter—

> I see nothing illegal about the proposed transaction and, all things considered, it seems to me to be a very beneficial contract to the National Bankers Life Insurance Co.

Armed with the knowledge of this deal, and in the belief that it would enhance the earnings of NBL, and thereby increase its market price, Wilson went into the market and bought up considerable chunks of NBL stock. The better part of all the NBL stock Wilson ever bought was purchased in the 3-month period after he wrote that letter.

Wilson wrote the letter on August 19, 1968. On August 30 and September 3, he sold 200 shares of NBL, and then started buying great chunks: 200 shares on September 13, 2,500 shares on September 20, 300 shares on September 23, 1,000 shares on October 7 and 200 shares on November 28. Altogether, Wilson bought a net total of 3,800 shares of NBL in the period immediately following his letter to Osorio, in which he confidently predicted brighter days for NBL, and richer portfolios for all who owned its stock.

When Wilson bought that stock, he had access to information that ordinary buyers did not. He, and all insiders, could make a quick profit. And he certainly wasted no time in buying up all the stock he could lay his hands on. Wilson's trading pattern never looked so frantic as in that period.

Just why Wilson sold out his NBL stock before its price peaked—it eventually leaped from $8 a share to $29—I cannot say. He says that he sold it all before that peak. Maybe he had overextended himself in speculating on that stock, and needed cash to help him out of the throes of the recession and bear market. One thing is for sure: he never quit dealing in stock after he became Assistant Attorney General, and he did not sell his NBL just because of that appointment. He bought it because he knew, based on an insiders knowledge, that he had a good thing. He probably sold it only because he had to.

Well, there's another reason to wonder why Will Wilson is still Assistant Attorney General. Lesser lights have been known to have incurred the wrath of the SEC—not to mention stockholders—for insider trading. Wilson was just about as opportunistic as any other member of the Sharp gang; he was no saint then, and he is not one now. All that shiny armor he likes to display to the public is somehow becoming rusty and ugly, and the old sheriff might be better off leading a posse in a rodeo parade than sitting in his deep leather chair down at the Department of Justice, if they are still calling it the Department of Justice.

IMF DEMANDS RAPID DEPRECIATION OF U.S. DOLLAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RARICK. Mr. Speaker, the IMF is in Washington and presumes not only to tell us how to run our financial business but demands that we do it hastily.

The big-hearted American people have become so used to giving their money like so much charity for world welfare, through such as foreign aid, the United Nations, and no-win wars, that they have become too weary to say "No." Now our once impoverished cousins have become so affluent and powerful that they invade our shores and would dictate the value of our money.

Pierre-Paul Schweitzer, managing director of the International Monetary Fund, has called for direct devaluation of the dollar through an increase in the price of gold. Although Schweitzer did not state the amount of devaluation, a devaluation percentage of 7 percent or 8 percent has been mentioned in the press frequently. If the United States is to devalue by any percentage, the devaluation must be against gold and the United States would have to renew the convertibility of dollars for gold. Assuming a devaluation of 10 percent, then gold would have to be convertible into U.S. dollars at $38.50 per ounce of gold. If the United States did this, the in excess of 30 billion U.S. dollars held by foreigners would more than empty our U.S. Treasury gold holdings. But as usual the American people and their elected representatives in Congress have no voice or vote in the rape of our money. We have surrendered the value-fixing of the U.S. dollar to "experts"—and international bankers at that; who by the way are the same international "whiz kids" who got us into this mess.

If past performance of American negotiators can be relied on, one thing can be certain about the present goings-on called "negotiations" by the International Monetary Fund here in Washington—the American people will lose.

Negotiations to American leaders have deteriorated to where they only mean "How much more of what we have do we have to give?"

I include a related newsclipping and a part of an article "And Now Comes the Dollar Freeze" by the eminent columnist, Don Bell, follow:

[From the Evening Star, Sept. 27, 1971]

FAST ACTION DEMANDED ON DOLLAR—CHIEF OF IMF FEARS DELAY PERILS TRADE

(By Lee M. Cohn)

The dollar crisis must be settled quickly to prevent a breakdown of world commerce, Pierre-Paul Schweitzer, managing director of the International Monetary Fund, warned today.

If the crisis drags on, he said, there will be "real dangers . . . of serious disarray in international monetary and trade affairs, and . . . abandonment of rules by law providing for orderly and just international economic relations.

"The longer necessary international action is delayed, the greater becomes the prospect of serious disorder and discrimination in currency and trade relationships, with a consequent impact on the economic well-being of our members," he said.

As Schweitzer addressed the opening session of the annual joint meeting of the 118-nation IMF and the World Bank, the United States was showing a little more flexibility about bargaining on trade barriers and the price of gold, in exchange for foreign concessions in negotiations to settle the crisis.

AGREED ON AGENDA

With both sides bending a bit finance ministers and central bankers of the 10 leading non-Communist nations agreed yesterday on the agenda for negotiations.

This broke the initial procedural deadlock and created the bare possibility of a settlement by late November. But American and foreign sources said it probably will take longer because they are nowhere near agreement on the subtance of the issues that have shaken the world monetary and trade system.

Robert S. McNamara, president of the World Bank, appealed in his speech to today's meeting for protection of the interests of underdeveloped countries in negotiations to settle the monetary crisis.

McNamara, former U.S. secretary of defense, said the rich nations must make sure that their reform of the monetary and trade system will permit the poor countries to increase their exports and receive adequate amounts of aid and capital.

Schweitzer said the "first priority" is to agree on new currency values, with simultaneous removal of the surcharge—additional tariffs—imposed on imports by President Nixon.

"The surcharge can be justified as a means of improving the U.S. balance of payments only until it is possible to supplant it by effective action in the exchange rate field," Schweitzer said.

He renewed his call for direct devaluation of the dollar through an increase in the price of gold, along with upward revaluations of major foreign currencies.

NEED IS URGENT

While urging concessions by the United States, Schweitzer also called on other countries to "cooperate with the United States in the task of achieving a fundamental improvement in its balance of payments."

This amounted to endorsement of American demands for reduction of foreign trade barriers and increased foreign contributions to mutual defense costs.

But Schweitzer said a realignment of currency values and removal of the U.S. import surcharge "can and should be dealt with urgently," while other issues "may require intensive work and negotiation before decisions are feasible."

The crisis has led to a variety of monetary and trade restrictions by many nations, including the U.S. surcharge, Schweitzer said. He said, "The protective measures that are being taken may become progressively harder to dismantle."

TEST OF COOPERATION

These measures and uncertainty about currency values are particularly harmful to smaller and poorer countries, he said. "All this is not an auspicious beginning for the second development decade."

Karl A. Schiller, West Germany's economic and finance minister, co-chairman of the meeting, agreed in his opening speech that "we have first to deal . . . with the immediate danger of avoiding international conflict in trade and payments and an escalation of restrictive and protectionist policies."

"We have to demonstrate to the world that international cooperation will stand the most difficult test the world monetary system has undergone since the creation of the Bretton Woods institutions," he said, referring to the agreement at the end of World War II establishing the IMF and the World Bank.

The "major jolt" dealt to the system by President Nixon's actions Aug. 15 "can act as a powerful catalyst for comprehensive reform," Schiller said.

He joined Schweitzer in calling for U.S. participation in a realignment of currencies through direct devaluation of the dollar.

Until the compromise reached at yesterday's meeting of the finance ministers and central bankers of the Group of 10, the foreign nations had insisted on removal of the 10 percent import surcharge in exchange for a realignment of currency values to give U.S. industry a competitive advantage in world trade.

In addition to upward revaluations of their currencies, they wanted the United States to devalue the dollar directly by raising the $35-an-ounce official price of gold. Other issues would be negotiated at later stages.

The United States had refused to consider raising the price of gold and had insisted on keeping the surcharge until there was agreement on reduction of foreign trade barriers and increased foreign contributions to mutual defense costs, in addition to higher values for major currencies.

Resolving the impasse and opening the way to substantive negotiations, Treasury Secretary John B. Connally and the finance ministers of the nine other nations issued a communique agreeing on "a work program for the more immediate issues," including:

"The magnitude and the method of a realignment of currencies, the temporary adoption of somewhat wider margins around par, the abolition of the surcharge and some other measures, outside the exchange rate field, designed to improve the U.S. balance of payments."

Measures to improve the U.S. balance of payments could include reduction of foreign trade barriers against American goods, and increased foreign contributions to defense costs.

Thus, the nine other countries agreed at least to discuss these U.S. demands in the first stage, instead of postponing the trade and defense issues until after removal of the import surcharge.

Connally indicated at a news conference later that he might settle initially for smaller foreign concessions in the trade and defense areas than he had been demanding.

His agreement to a listing of issues, including the surcharge, was another American concession. A more vaguely worded alternative communique was rejected.

The communique's reference to the "method" of currency realignment kept the issue of a gold price increase alive. Connally told the news conference the United States still does not intend to raise the gold price, but he did not foreclose the possibility. His agreement to the communique assured that the issue will be considered in negotiations.

The ministers directed their deputies to work on the prescribed agenda in October. If the deputies progress, the ministers probably will meet again in November.

Apart from agreement on an agenda, the main achievement of yesterday's meeting was its cordial atmosphere, in contrast to the acrimonious Group of 10 meeting in London earlier this month.

Connally contended that "the position of the United States has not changed at all," but his remarks on the trade and gold issues suggest more flexibility.

OPEN TO NEGOTIATIONS

Asked if reduced foreign trade barriers and increased contributions to defense costs still are preconditions to removal of the import surcharge, he said the trade and defense questions will be resolved in large part through bilateral rather than multilateral negotiations.

But he maintained that the Group of 10 also has a role in these areas. If this is not a proper forum for trade bargaining, he said, then the communique should not have mentioned the surcharge.

Other American sources said the United States will not insist on complete settlement of trade and defense issues before removing the surcharge. They said it may be enough to obtain assurances of future progress, along with some initial specific action.

"We've never said it had to be all at once," an official said, "but we do want some real movement."

The amount of progress on trade and defense required as a condition for removing the surcharge is open to negotiation, officials said. If not much is done in those areas, they said, needed increases in foreign currency values will be that much bigger.

What the United States wants, Connally said, is "a formula and a procedure agreed to that will indeed rectify the balance of payments situation." He emphasized that he does not expect to eliminate the payments deficit within one year, but only over a "reasonably short period of time" which he refused to define.

On gold, Connally said there has been no change in the position that the United States does not "anticipate" any price change.

But, he said, the United States recognizes that the gold price is "a political problem" for some other countries. He added, "To the extent that we can contribute to solution of other countries' political problems, we're going to be as helpful and as cooperative as we can."

BIRTH RATE REDUCTION

Besides urging rich nations to protect the interests of the poor countries in reforming the monetary and trade system, McNamara in his speech emphasized the dangers of rapid population growth in the underdeveloped world.

Even if these countries were to reduce the birth rate to an average two children per couple by the year 2040, he said, "their present population of 2.6 billion will increase more than five-fold to nearly 14 billion."

[From Don Bell Reports, Sept. 24, 1971]

THE INTERNATIONAL MONETARY SYSTEM

There is one area over which Nixon and his White House aides will have no further control; the establishing of the new international monetary system. The European Common Market Countries and the other countries with favorable export trade balances, will never again bow to the power of the dollar. The Nations of Europe now speak of the United States as a "banana republic," in that its sole important export now is the airplane (which helps to explain the Lockheed and the super-passenger-carrier controversies).

As a matter of fact, the other Central Bank Nations of the world are so fed up with so-called American monetary leadership, that there is talk of firing Robert Strange McNamara as head of the World Bank, and putting in a better qualified European Bankers' agent.

An excellent description of what is likely to be set up as the new international monetary systm appeared in the Paris-published *International Herald Tribune* of Aug. 30, 1971. Your editor feels that this article is of sufficient importance to deserve reprinting. Therefore:—

A EUROPEAN VIEW: END OF A MONETARY SYSTEM

(This is a translation of an article which will appear today in the French newsmagazine L'Express. Mr. Servan-Schreiber, publisher of L'Express, is the author of "The American Challenge," and a deputy in the French National Assembly from Nancy).

(By Jean-Jacques Servan-Schreiber)

Paris—The current general disorder came as no surprise; nor for the moment is it any cause for concern.

The end of the monetary system in force for the last generation is the most important event that could take place, except for war. The construction of a new system is a challenge which is political in the extreme. Thus, it is only normal that the public debate should be animated.

If, as Clemenceau said, "War is too serious a matter to be left to the generals," there can be no question of allowing monetary experts alone to negotiate a solution to the present problem. The solution will be found only after collective consideration.

And within the last few days, two men, among others, have added the weight of their experience to the question. Ralf Dahrendorf, who, at the GATT meeting, replied in the name of the European Commission to Nathaniel Samuels, the American delegate, put things very clearly: The monetary problem of the dollar (and, thus of the whole system) is not due to "an unfavorable American balance of payments, but to the constant increase of American investment throughout the world."

He described this increase with just a few figures: American investments in the Common Market came to $2 billion in 1958, they were $10 billion in 1969 and $13 billion last year. This phenomenon has grown so fast that the U.S. government itself is unable to cope with it. The "American Challenge" also defies the United States.

Pierre-Paul Schweitzer, the head of the International Monetary Fund, has created a bit of a fuss by revealing, unofficially, the real value of the various currencies, which are hidden under artificial parities. He was, thus, able to give an idea of the market value of each national currency. Through this, we learned that the major currencies should be allowed to float up to their true levels: the Japanese yen should be revalued by 15 percent compared to the dollar; the West German mark by 14 percent; the Canadian dollar by 10 percent and the pound sterling and French franc by about 7 percent.

This fascinating revelation by the IMF will probably be considered to be the harbinger of the new economic system. And this new system will be a universal stock exchange—an adjunct to the international market place—where the economies of nations will have to agree to be quoted at their real value, much as commercial firms are on the stock exchange. This is precisely what West German Economic Minister Karl Schiller is aiming at—although he hasn't said so explicitly—when he proposes that all currencies be allowed to float.

The Economist, of London, has come out for the Schiller system: "We are fully in favor of allowing currencies to float. This system will produce many fewer shocks to the economy than the frequent crises which resulted from the vain pretense of trying to maintain fixed parities."

There will, of course, be many reflex reactions, uncounted ancient customs, as well as national pride and ideological barriers to reject, and to reject violently, the idea of rating national economies—and consequently the management of government and their policies—in a world market.

But a light is shining through the dark cloud of nationalism. And this light is beginning to give shape to the new economic system. The value of a currency will no longer be quoted in relation to gold, but in relation to the management of a nation's economy. Economic experts will decide—as speculators now do—on the rating of a currency by basing their opinions on the current situation and forecasts of future management. The study of a nation's economy will have a direct effect on the credit given to the nation's credit. Currency will bear the value of the credit allotted to it and credit will depend on management. That will be the new system.

But what sort of management can there be? This is where the revolutionary ideas which overthrew the ancient economic regime (and which will help to establish the next one) become clear. Let us say, for a start, that management will be a question of the use made of public funds.

The main question that will be asked on the universal stock exchange, the one asked by investors as well as speculators, will be: "Is each dollar of public funds, each mark of public funds, each franc being properly employed (that is, to facilitate expansion) or is it being squandered?

It is obvious that each dollar of public funds which for so many years has been earmarked for the Vietnam war cannot be considered as a productively employed dollar. The same is true for the Lockheed subsidy as well as the upkeep of military bases. It is just as clear that the management of public funds in Britain has been unwise in many ways; the too-extended upkeep of military forces in the Far East, annual expenditures for nuclear weapons, public subsidies for Concorde and to Rolls-Royce.

The West German "miracle" as well as that of Japan were based on the diametrically opposite notion, that is, on the idea that all public expenditures must be productive.

This new standard helps to shape the form of the future system. It will be a combination of good management and floating currencies. It will be the opening of a world market without national barriers, but where public funds will be used to further the state's only productive goal: to fill the needs of society. . . . Let us look and look very cautiously all around before we leap. The revolution which began with a loud clap of thunder is not that of a technical reform of the monetary system but that of the political system. (End of article).

* * * * *

So here we have a form of world dictatorship wherein monetary "experts" control governments by telling the governments how they may spend the taxpayers' money (public funds), a "reform of the political system" that will complete the building of a Socialist World Government—and here again, Nixon might be called the illegitimate father.

WHO WANTS TO BE THE LAST AMERICAN KILLED IN VIETNAM?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RYAN. Mr. Speaker, the tragedy of Southeast Asia continues. The statistics of American deaths have improved, and that is all to the good. But meanwhile, the peoples of Southeast Asia still suffer the burdens of war, including American bombing.

For so many years, this Nation has, save for a few, chosen to ignore the devastation wreaked upon these hapless people. For so many years, the catalog of slain civilians, destroyed villages, ravaged fields, and disrupted cultures has been completely obliterated under the zealous concern of successive administrations to sustain this war.

I cannot condone this. But if the argument of self-interest will get us out of the war, I will make it. In the September 19, 1971, issue of the New York Times Magazine, Donald Kirk has written a devastating article, entitled "Who Wants To Be the Last American Killed in Vietnam?" Mr. Kirk writes of the total loss of morale of those American troops still assigned to South Vietnam—the fodder being used to sustain the administration's position of refusal to announce a specific date for withdrawal.

As Mr. Kirk writes:

> It is a limbo between victory and defeat, a period of lull before the North Vietnamese again seriously challenge allied control over the coastal plain, as they did for the last time in the Tet, May and September offensives of 1968.

And Mr. Kirk describes the bleak situation of the American men still caught in the war:

> For the average "grunt," or infantryman, the war is not so much a test of strength under pressure, as it often was a few years ago, as a daily hassle to avoid patrols, avoid the enemy, avoid contact—keep out of trouble and not be "the last American killed in Vietnam."

Mr. Kirk quotes a captain:

> "I mean, what does it accomplish—what does it gain," asks our forward observer, a captain who attended Officer Candidates' School after having graduated from the University of Southern California in Los Angeles. "Even if we kill 500 dinks, to me it's not worth it." The F.O. calls in artillery strikes on suspected targets in the nearby hills, but he does so with notable lack of relish. "I just saw three dinks down in that rice field," he says. "One of them was carrying a shiny tube. They were probably V.C., but maybe they were civilians with an old shell. I don't think it's right to look for some excuse for shooting at them.

Mr. Kirk also quotes some of the GI's in the captain's patrol unit:

> "The dinks are just playin' with us, waitin' for us to go home, then they'll beat the ——— out of the ARVN (Army of the Republic of Vietnam)," says the rifleman in front of me, reiterating a view held by many of his superiors. "It's a lifer's playground, a chance for the generals to test their strategies," the G.I. enlarges, in thick Georgian tones, as we scramble up from the steam bed. . . .

Mr. Kirk makes this devastating report:

> In a month visiting units in the field and rear areas around Military Region One, I found literally no young G.I.'s in favor of the war, none who didn't think we should "get out," few who didn't hate the "lifers" almost as such as the "dinks".

Mr. Kirk writes of the drugs rife in South Vietnam, the fragging of officers, the racial conflict, observing that the "talk of fragging, of hard drugs, of racial conflict, seems bitter, desperate, often dangerous" in the rear areas.

I commend this article to my colleagues. It is penetrating and devastating. It is mandate, without any caveat, for an end to this tragic, immoral conflict.

Donald Kirk's article, entitled "Who Wants To Be the Last American Killed in Vietnam?" follows:

[From the New York Times magazine, Sept. 19, 1971]

WHO WANTS TO BE THE LAST AMERICAN KILLED IN VIETNAM?

(By Donald Kirk)

MILITARY REGION ONE, SOUTH VIETNAM.—If there is any war, that is, an American war, involving American troops and costing American lives, it is mainly here in Military Region One, once known as "I Corps," whose mountains and rice fields have absorbed more American blood in the past six years than South Vietnam's other three regions combined.

"We lost 18 men in our company last month to booby traps," says a platoon sergeant encamped on one of the outcroppings of Charlie Ridge, a forbidding dark rise on the skyline some 10 miles west of here. "All we get out of it was killing two dinks in an ambush." Just two nights before I spoke with the sergeant, down the same ridge, he and his men heard the whine of Soviet-made 122-millimeter rockets whistling overheard—aimed not at them but at a South Vietnamese firebase in the lowlands. "They was shootin' from the rocket belt behind us," says one of the G.I.'s, pulling out his canteen during a break on a patrol through thick underbrush toward a small stream hidden at the base of the slope. "There was nothin' we could do but call in artillery. That was some hilarious fight, listening to them rounds goin' back and forth above us."

The morning after the rocket attack half a dozen of the G.I.'s were sitting around an old shell-hole eating C-rations when one of them tripped a hidden wire, setting off a booby trap concealed in the hole. Three men were wounded—two of them partially blinded, one with possible brain damage. "There all night and nothing happens," says a rifleman, recounting the incident as we pause by the stream. "Sit here and watch a buddy get blown away. The whole thing's pointless. We'll never win."

It is, in reality, a desultory kind of struggle, punctuated by occasional explosions and tragedy, for the last Americans in combat in Vietnam. It is a limbo between victory and defeat, a period of lull before the North Vietnamese again seriously challenge allied control over the coastal plain, as they did for the last time in the Tet, May and September offensives of 1968. For the average "grunt," or infantryman, the war is not so much a test of strength under pressure, as it often was a few years ago, as a daily hassle to avoid patrols, avoid the enemy, avoid contact—keep out of trouble and not be "the last American killed in Vietnam."

"I mean, what does it accomplish—what does it gain," asks our forward observer, a captain who attended Officer Candidates' School after having graduated from the University of Southern California in Los Angeles. "Even if we kill 500 dinks, to me it's not worth it." The F.O. calls in artillery strikes on suspected targets in the nearby hills, but he does so with notable lack of relish. "I just saw three dinks down in that rice field," he says. "One of them was carrying a shiny tube. They were probably V.C., but maybe they were civilians with an old shell. I don't think it's right to look for some excuse for shooting at them." Although the F.O. is a captain, he articulates the views of the G.I.'s with whom I go on patrol down the ridge.

"The dinks are just playin' with us, waitin' for us to go home, then they'll beat the — out of the ARVN [Army of the Republic of Vietnam]," says the rifleman in front of me, reiterating a view held by many of his superiors. "It's a lifer's playground, a chance for the generals to test their strategies," the G.I. enlarges, in thick Georgian tones, as we scramble up from the stream bed—only to stop again a minute later so our "pigman" can test-fire his machine-gun. "Git them cows down there," another G.I. yells, grinning while the M–60 spews a torrent of bullets into the bushes in front of us. The cows, grazing on a rise half a mile away, amble off at the urging of a boy who hears the shots. A couple of the grunts idly curse all the "lifers"—the C.O., the N.C.O.'s, anyone vaguely responsible for issuing them orders and threats. "If the lifers don't get you," says one, explaining why we don't radio a false location and rest instead of walk, "then the V.C. will."

Their chatter is hardly unique. In a month visiting units in the field and rear areas around Military Region One, I found literally no young G.I.'s in favor of the war, none who didn't think we should "get out," few who didn't hate the "lifers" almost as much as the "dinks"—a term sometimes used to describe ARVN as well as enemy forces. For all the complaints, though, cases of refusal to fight or go to the field are quite rare—perhaps an average of two or three per battalion per month. Virtually every G.I. in the bush theoretically yearns for a softer job somewhere else, but almost all of them admit that time slips by faster here, that "lifers don't hassle you so much" over petty matters of haircut and dress, that drugs are less available and duty not so dull as in the rear.

Nor are there more than slim odds these days that a combat G.I. will die despite the danger of mines set and re-set daily by V.C. sympathizers—often farmers or small boys selling PX cokes by the road at 50 cents a can. Casualty figures in July receded to the lowest ebb in six years, 11 killed one week, 29 another, about 70 for the month—the first since 1965 in which the number of American "K.I.A.'s" (killed in action) was below 100. (The U.S. command now emphasizes low American casualties with the same enthusiasm that it once accorded such statistics as enemy "body counts." At a briefing in the middle of August, for instance, a military spokesman proudly disclosed a weekly average of 19 American K.I.A.'s for the previous two and a half months, "exactly half the average of 38 K.I.A.'s for the year to date." These figures, he noted happily, compared with an average of 81 killed each week of last year.) Specifically ordered to hold down casualties, commanders rarely invade traditional enemy base areas among shadowy crags and valleys to the west—and carefully disengage from battles in the lowlands if heavy losses seem inevitable or even conceivable.

Only occasional incidents or intelligence reports still remind G.I.'s—and commanders—that "a war's going on here, y'know." On the "Arizona Territory," a shell-pocketed stretch of abandoned rice fields southwest of Danang, Vietcong guerrillas intermittently fire on armored personnel carriers and tanks rumbling through land that Marines failed to secure in six years before the last of them pulled out of here several months ago. One night at the end of August, for instance, the V.C. killed five and wounded seven G.I.'s sitting behind their vehicles in a circular night defensive position. Commanders put all 70,000 U.S. troops remaining in Military Region One on special alert in anticipation of small-scale attacks by North Vietnamese regulars and local terrorists bent on exploiting Vietnam's unending political problems.

But the American military posture remains basically defensive and low-keyed. No more than 8,000 U.S. troops are "beating the bush" in Military Region One these days—and they rarely pursue the enemy beyond the first few ridgelines.

"There's no longer that intense aggressiveness," laments Lieut. Col. Lee Roberts, who enlisted in 1948 at the age of 19, attended O.C.S. after having been turned down for West Point—and now commands a battalion from a mountain firebase 20 miles southwest of Danang. "Instead of going on lengthy sweeps, our companies set up defensive positions from which they send out patrols," he explains, sipping coffee from a paper cup in front of his sandbagged command bunker, overlooking an undulating velvet-green valley. "If they get into contact," he says, surveying his A.O.—area of operations—through baleful, slate-gray eyes, "they back off and call in air and artillery."

"What we're performing is defense-in-depth," summarizes the information officer at the headquarters of the Americal division, which totals some 20,000 troops south and west of Danang, including those patrolling Charlie Ridge and the Arizona territory. "We're interdicting enemy supply routes and infiltration of troops to the lowlands." Off-duty, in the officers' club behind the headquarters, built on rolling sand dunes at Chulai, for which marines fought bunker to bunker in 1965, a couple of R.O.T.C. lieutenants joke about the Americal's notorious past. First there was exposure of the massacres at Mylai, a few miles to the south, followed by the case of a former brigade commander charged with mowing down civilians from his helicopter and, late last year, revelation of the use of a chemical defoliant capable of inducing cancer. Then, in June, the commanding general was relieved in the aftermath of an attack on a firebase in which 33 G.I.'s were killed.

"I'm afraid to tell anyone back in the world I'm with the Americal," says one of the lieutenants, laughing sardonically. "No one has much pride in the division. That's one reason morale is so bad."

Despite the image, however, this mission of the Americal—and the attitude of its men—is no different from those of the only other full-strength U.S. division in Vietnam, the 101st Airborne, based at Camp Eagle, midway between Danang and the DMZ. Just as the Americal defends Danang and the coast to the south, so the 101st patrols the lowlands and hills beyond the one-time imperial capital of Hue, for political and cultural reasons South Vietnam's most important city after Saigon. Once regarded as the toughest of U.S. divisions, the 101st now appears as wary of combat, as reluctant to fight, as lax in discipline, as the Americal. Commanders proudly evoke its traditional nickname "Screaming Eagles," but G.I.'s these days prefer to call it, not without a certain touch of reverse pride, "the one-oh-worst."

"I have seen the Screaming Eagles in action—in the jungles and air and assisting the people of northern Military Region One— and can testify that the outstanding reputation enjoyed by the 101st is completely justified," brags the division commander, Maj. Gen. Thomas M. Tarpley, somewhat defensively, perhaps, in a letter on the inside front cover of the division's slick-paper magazine, Rendezvous With Destiny. The cover itself, however, testifies to the war-weariness of the men whom Tarpley tries to praise. In a water-color sketch of defoliated trees etched against glowering gray clouds, three G.I.'s are standing on a truck, reaching toward a crane helicopter hovering above them. Black peace symbols adorn drab army-green cannisters containing 155-millimeter artillery shells, and the twisted limbs of three leafless trees form the initials F.T.A., —the Army.

Already a legend around the 101st, the cover evokes the mood of the grunts whom I accompany on a couple of patrols by a stream along which the V. C. slip men and supplies into the lowlands. The platoon leader is a gungho career soldier, a first lieutenant out of O. C. S., airborne, ranger and jungle schools, who inwardly regrets he's arrived in Vietnam a couple of years too late for "the real war." He has been here only three weeks, and he wants to play by the rules. Maybe, if he succeeds, there's still enough time for him to get a regular—as opposed to a reserve—commission, a promotion to captain and command of a company in the field, if not exactly in full-fledged combat.

"Shoot to capture, not to kill," the lieutenant, an athletic, lifeguard type with close cropped hair and finely chiseled features that remind me of a carving of a Roman centurion, earnestly abjures his troops, in an upstate New York twang. The men, saddled up for a RIF (reconnance in force) through abandoned rice fields and one-time hamlets, erased except for occasional cement foundations by air and artillery strikes, grin and snicker. "I shoot for K. I. A.'s, not P. O. W.'s," retorts Specialist 4 Robert Latchaw, a wiry Pole from South River, N.J., laughing at the lieutenant's naiveté. "Whaddya want us to do, shoot an ear off?" jibes Doc, the medic. The lieutenant, unfazed, insists he's following policy set down by "higher higher" headquarters. "We're not after body counts anymore," he says. "We'd prefer information. K. I. A.'s don't talk." With that, we sally forth through tall grass toward a stream near which our platoon sergeant, remaining behind with a squad, swears he saw "two dinks running that way."

It is clear to everyone but the lieutenant, though, that we're not seriously pursuing "the dinks," who were fleeing a fight with some South Vietnamese near the ruins of an old French fort, first boobytrapped by the V.C. and then leveled by American bombs, dropped to set off the booby traps. "Just walkin' around don't accomplish nothin'," says Latchaw, church-going Catholic with a wife "back in the world" who sends him weekly packages of "world food," good canned stuff to supplement the boring, bland diet of C-rations. "I been here nine months, and I ain't been in no firefight yet. Most I did was spend 100 days in the mountains during the monsoon without changing my clothes once." We are, by this time, beside the stream, filling canteens, after an hour-long stroll broken by frequent halts for rest and talk. If there are any V. C. in the area, they are as eager to keep out of our way as we are to keep out of theirs.

All of us, that is, except for the lieutenant: next morning, around 10, he leads another RIF toward the stream, this time aiming for the "draw," the ravine down which the water tumbles from the last ridgeline into the lowlands. It seems like another easy walk in the sun before we begin, but our point man is still hacking away with his machete several hours later. (Murmurs from the grunts behind me: "I want to be back in Kentucky rabbit-huntin'." "When I get back to the world I don't even care if I see another forest. I'm stayin' in the city.") The lieutenant sends a couple of riflemen—a bull-necked Chicano named Quito and the Kentuckian—into the brush in hopes of finding an easier route. They return a few minutes later. "Gettin' too theek," says Quito. "Might see some dinks we don't want to see." We plunge straight ahead, find a trickle of flowing water, fill canteens, keep going another hour until we stumble on the same stream we reached, lower down, on yesterday's patrol. Some of the men flop in, lying on their backs in the fast-running water, cleansing bodies, fatigues and socks. We would be easy marks for an ambush. No one is standing guard.

Across the stream we see clear signs of V.C. movement—little footpaths leading across open clearings. For the first time we spread apart, a routine precaution. Behind us rises the slope of the ridgeline, burned off by a fire ignited by one of the Delta Tangos—"Defense Target" artillery rounds—called in by the lieutenant a couple of nights ago. we follow the path along the stream, wade in the water for a while, then emerge about where we'd been the day before. A couple of hundred yards from the bank a neat path cuts a straight line through the brush—the kind of trail along which guerrilla soldiers could run full-speed if necessary, dropping for cover at the sound of approaching helicopters.

"We're going to work this area really well," the lieutenant advises his men, who remain sullenly silent. "We're gonna set up ambush positions in here and set out a couple of claymore mines—get them as they fall back from fighting the ARVN." As soon as we return to our original position, the lieutenant announces his plan to our platoon sergeant, a hard-talking Midwesterner who's been with the unit only a couple of days, but knows how to handle eager young officers.

The sergeant reminds the lieutenant a resupply helicopter is about to arrive, that it'll take a while sorting out the stuff, burning off the waste. He says he's found a "beautiful N.D.P."—night defensive position—"over there by the trees." The lieutenant hesitates, wavers. He senses that his men, from the new sergeant on down, are against him. "We don't have enough men for an ambush," the sergeant argues. "We get into a fight, we'll get waxed." The lieutenant finally settles for setting a single claymore on the trail this side of the stream.

That night we hear the crackle of small arms from over near the ARVN positions, a mile or so away. Helicopters circle overhead, muttering machinegun fire, and artillery and mortar rounds thud across the fields. Next morning, the lieutenant is beside himself with anger and frustration. "Should have sent out that goddam ambush," he says, not looking at the sergeant. "Could have gotten them running away. Goddammit, we gotta get moving. It's late already. This happens again, I'm gettin' everyone up at 5 o'clock."

It is 10:30 before the men are ready. Then the lieutenant gets more bad news, this time over the radio. The battalion commander, on a firebase a couple of miles away, is ordering the entire company in to guard the base perimeter. "Just routine rotation." In vain the lieutenant pleads that he needs "a couple more days to work the area by the stream." His men curse him silently. "Goddammit, if no one was looking, I'd frag the sonuvabitch," says one of them.

The threat of a fragging—explosion of a fragmentation or hand grenade—in this case is probably not serious. The G. I. who makes it not only walked point the morning before but willingly went on patrol again in the evening to plant the mine. An Iowa farm boy, he criticizes the war on the grounds that "we're not fightin' it like we should." Since we failed to invade North Vietnam, H-bomb Hanoi and Haiphong and declare "free fire zones" of V.C. hamlets, he says "we oughta quit wastin' time and go home." Like most of the grunts in the field, he may lack motivation but he's not really bored—an intrinsic factor in turning casual threats into deeds.

It is mainly in the rear, among the troops whom the grunts disdainfully call the REMF's, for Rear Echelon Mother ———, that talk of fragging, of hard drugs, of racial conflict, seems bitter, desperate, often dangerous. At the combat base at Quangtri, the last provincial capital below the DMZ, I walk into a dimly lit single-story barracks one afternoon hoping to find perhaps a couple of G. I.'s with whom I can talk—and count 16 of them reclined in the shadows of a lounge shielded by blankets and curtains hanging from the windows. "Welcome to the head hootch," says a thin, hollow-cheeked private first class of 18 or 20, waving me to a spot on the couch after I convince him I'm a reporter, not a criminal investigator. The G. I.'s proudly explain that their hootch is a meeting place for potheads from all over the base, but I don't smell any marijuana in the air. "How many of you smoke scag [heroin]," I asked. They all raised their hands.

Who are the heads in the hootch—and why have they "graduated" from pot to heroin? They are, for the most part, white, with 10 to 12 years of education, a few with records of juvenile delinquency or petty crime in civilian life. While some might not perform well under any circumstances, all of them seem hopelessly demoralized both by the war and by their immediate surroundings. "I was supposed to be a heavy-equipment operator but all I do is pick up beer cans," says one. "They haven't got anything for us to do," says another. "They just want to keep us busy." Several are aimless drifters, too strung out for work, awaiting courts-martial or undesirable discharges, demotions and restrictions. Many, if they report for duty at all, put in only a few hours a day before finding some excuse to return to the hootch—or else they just go back with no excuse at all.

It's far from clear whether the men are more at odds with their commanders and sergeants or the war in general. "They tell you to do something, then they yell at you for doing it," says the equipment operator. "They harass you about haircuts and beards and burn you for sleeping on guard when you've been working all day." Most of the complaints are petty, often unjustified, but they also suffer from the same sense of futility, of pointlessness, that affects thousands of other G.I.'s in the midst of withdrawal of American troops. "The gooks are winning this war," says one. "The ARVN are afraid to fight. They run away. The gooks can have the place when we leave."

While we are talking one of the heads slowly stirs a plate of "hard times," all but powerless marijuana seeds and stems. "It's what I got left," he says. "It's gettin' so hard to score marijuana around here, guys have to turn to scag"—which doesn't smell, comes in much smaller quantities and is easier to hide. Another G.I. idly tells a story, verified by his friends, of ordering more than 300 vials of heroin at $2 a vial from a Vietnamese "cowboy" on a motorcycle by the gate of the base. "I gave him $200 for a hundred and robbed the rest and ran," says the G.I. "He drove away grinning, and I knew I was the one that was ripped off. It was all salt and sodium acid." The next day the G.I. armed with his M-16, bought 200 vials from a trusted pusher in a nearby village. "I sell it here for $5 a vial," says the G.I., a personable, fair-haired Midwesterner who served six months of a five-year term "back in the world" before enlisting in the Army.

That night a couple of the G. I.'s—a black and a Chicano—invite me to a pot party at a helicopter hangar on the other side of the runway. The air in the little room in the back of hanger is heavy with the sweet smell of "dew." A helicopter pilot tells me he's been "stoned ever since getting to Vietnam"—that he performs better that way but is "scared ——— of scag." Beside him is a doctor, an army captain, silently smoking pot in a corncob pipe. Some of the helicopter crewmen pass freshly rolled cigarettes around. A couple of other G. I.'s stand lookout, glancing from time to time over the walls to see if M. P.'s are coming. One of the chopper pilots argues convincingly for legalization of pot—says it's not habit-forming, is no more harmful than beer. He doesn't know it, but several of the enlisted men in the room have laced their marijana with heroin. Some of them plan to go to "the party after the party"—an all-night get-together in one of the perimeter bunkers for speed freaks, pill-poppers who get the pills by mail from home or buy them on the local market, often at ordinary pharmacies.

It is difficult to quantify the use of drugs in the rear. It is obvious though, that a relatively high proportion of the REMF's, perhaps 20 per cent, is on the hard stuff, as opposed merely to marijuana, while only a marginal few indulge in the bush. ("We see a guy using it out here, we take care of him, or the C. O. sends him back to the rear," one of the men on Charlie Ridge tells me. "Otherwise hel'll be high some time when we're under attack. You can't hardly walk if you're high all the time.") The use of drugs in base camps accounts for widespread thefts—and also is a major factor in fraggings. G. I.'s on drugs will steal almost anything, ranging from stereo sets to food from the mess hall, to sell in exchange for heroin, peddled by small boys and women, cowboys on Hondas, even South Vietnamese soldiers operating near Americans.

Addicts resort to fraggings—or threats and intimidation—whenever commanders order shakedown searches, restrict them to quarters or otherwise attempt seriously to cut down the flow. At each camp I visit there are tales of incidents in which G. I.'s have blown up orderly rooms, sometimes wounding or killing the wrong man, or have merely exploded grenades outside windows for shock effect. One of the favorite techniques is to set off a tear-gas canister—a harmless antic that creates momentary chaos and serves a warning of more violence later. At the rear headquarters of one of the battalions of the 196th Brigade, on a road leading to Freedom Hill outside Danang, the battalion's new executive officer, in the midst of a crusade against drugs, walks into his quarters one day and finds a grenade pin on his pillow—a symbol of what may happen to him if he keeps up his campaign.

"Its like war: you take chances," says the exec. Maj. John O'Brien, a bluff, outspoken man with a strong Massachusetts edge to his voice, who served 10 years in the enlisted ranks before attending O. C. S. The major, on his second tour in Vietnam, arrived here in June totally unprepared for the new mood among G. I.'s in the rear. He found heroin vials, empty, discarded around battalion headquarters, in the latrines, under barracks. At least 20 of more than 100 men assigned to his battalion "rear" were perpetually too high and too weak to perform. At the same time, a number of others were not only opposed to the use of drugs but willing to work with him to prevent it. "We had a couple of meetings just brainstorming," says O'Brien, who, unlike many career officers, seems capable of talking with young G. I.'s on an informal basis. "We were receptive to any ideas anyone wanted to offer. The situation was so desperate, we had to be open to everything." The result was a well-balanced combination of force and propaganda.

"As of this date I'm declaring war on drug abuse in this battalion," begins the mimeographed "Open Letter to All Drug Users," posted on bulletin boards around the battalion area. "I will seek out and find every drug user and pusher" in the battalion. The letter recounts what many of the G. I.'s already known—that the major, assisted by a special "drug squad" of half a dozen men, has already confiscated more than 100 vials filled with heroin. "Things are going to get a hell of a lot tighter before the problem is satisfactorily resolved," the letter promises. "There will be more shakedowns and inspections. The flow of traffic in and out of the compound is going to be dramatically reduced. My officers and senior N. C. O.'s are now authorized to conduct unannounced search of any man on this compound." The letter invites addicts to turn themselves in voluntarily to the army's amnesty program, under which they can spend several days in a special ward getting over the immediate physical effects of the habit—or else face prosecution and court-martial.

Major O'Brien has no real illusions, however, about the long-range efficacy of his program. He thinks he's drastically reduced the use of heroin in his own compound but points out a couple of cases in which addicts went through amnesty withdrawal, only to pick up the habit again a few days later. He doesn't like to talk about the grenade pin left on his pillow—fears that publicity might encourage a fragging—but points with a grin at a copy of his "open letter," scrawled with defiant notations. "Happiness is a Vial of Smack," says one of them. "Major O'Brien is a Smack Freak," says another. "Stay A Head." Perhaps overoptimistically, the major views the comments as a good sign. "It shows they're worried," he says. "At least I'm getting a response."

Major O'Brien's program, I discover, is the exception, not the rule. By far the majority of the commanders and executive officers whom I meet are simply not aware of the scope of the problem in their own units. They tend, in many cases, to rely on the word of their N.C.O.'s—most of whom are so conservative, not to mention so hooked on alcohol, as to distort their whole attitude toward the drug problem. Another complication is that officers and N.C.O.'s also must cope with racial conflict—protests against authority by young blacks who claim the army discriminates against them. Racial tension, like drugs, is of secondary importance in the field, but it threatens to explode in base camps where blacks have time to form their own Panther or antiwar "liberation" organizations—and chafe under petty harassment by lifers who often, in fact, do reveal instinctive, subconscious, if not explicit, forms of prejudice.

The racial question is so sensitive at Camp Baxter, on a road lined with military installations and Vietnamese refugee shanties near Marble Mountain, just south of Danang, that military officers don't want me on the base. Finally the camp commander, Col. Joseph Otto Meerboth, a graying West Pointer, agrees to let me talk to G.I.'s—but asks me to "come back tomorrow" when I show up for my appointment. As I am escorted toward the gate, he orders military policemen to seal off the post to intruders and search the barracks for half a dozen blacks, whom he's convinced are plotting a major racial disturbance. The next day, Colonel Meerboth explains that the blacks, transferred four days ago to another base, returned without warning to pick up their possessions—and that one of them, at least, is "extremely dangerous."

"He's organized an extra-legal confederacy," says the colonel, who admits having had little experience with either drug or racial problems before his assignment to Camp Baxter last fall. "The traditional method for rendering extralegal confederacies ineffective is to dismember them. Last night I brought in three of these men one by one, talked to them and told them they had to leave. They have been escorted elsewhere." Colonel Meerboth's decision, however, has not necessarily conquered the problem, characterized by intermittent demonstrations, a couple of killings, secret meetings and threats, spread over the past 8 or 10 months. At the service club, where he reluctantly permits me to interview G.I.'s, both blacks and whites criticize the transfer of troublemakers—and claim the one singled out by the colonel as the "ringleader" was actually instrumental in keeping the blacks from staging an armed, open revolt.

"A white man just don't understand the problem," says Sgt. Clarence Chisholm, a graduate of the Tuskegee Institute who was drafted into the Army and works as a communications specialist. "Whenever you try to explain what's happening, you're branded as a 'militant'." Chisholm, due to rotate home from Vietnam in a couple of days, charges the white officers and N. C. O.'s with practicing *de facto* segregation by recommending transfers mainly for blacks and leaving the camp, once 20 per cent black, almost entirely white. Some of the whites whom I meet agree with Chisholm's interpretation. "Our sergeant told me it's 'open season on blacks,'" says one of them. "The thing is this Colonel Meerboth cannot control this compound," says another, shouting excitedly in the middle of a circle of white soldiers who rush to the service club to talk to me when word gets around "there's a reporter there."

The G.I.'s charge all the "undesirables"—Black Panthers, drug addicts, whatever—were transferred to three or four nearby units reputed as dumping grounds for those not wanted elsewhere. The black "ringleader," I learn, has gone to Chulai, where he's now on permanent guard duty with the 277th Supply and Service Battalion. "I'm scared to go there," says another G.I., a Chicano, who's also been transferred to the 277th but has returned to Camp Baxter to pick up his stuff—and has somehow escaped the colonel's notice. "I hear they're *all* scag freaks down there." Intrigued, I go to Chulai the next day to meet the colonel's nemesis, Specialist 4 Loyle Green Jr., a tall, polite one-time student at Malcolm X University in Chicago, who once had visions of attending O. C. S. and making a career in the Army but has since decided "to help the brothers back in the world."

"They gave us five hours to pack our bags and leave after they notified us to our transfers," says Green, whom I meet in battalion headquarters. "We started to protest, but there was nothing we could do. We were railroaded to Chulai. The majority of the transfers were from minority groups—blacks, Spanish, Indians." Green attributes his transfer to his role in leading a sit-in outside Colonel Meerboth's headquarters in protest against the pretrial confinement of a black G. I. charged with assaulting a white. "It was so tense that a lot of blacks had gotten weapons," Green recalls, "but it was going to be a peaceful protest." The blacks, he notes with pride, simply turned their backs, got up and left when Colonel Meerboth emerged to order them to disperse. "Then there was the plan to destroy the entire compound," large enough for several thousand men, says Green. "I talked to a couple of the blacks and told them there was no way. We were already infiltrated by informants. We had the weapons, grenades to do it, but we would have lost in the end."

Green, acknowledged by Colonel Meerboth as a "persuasive speaker" and a "natural leader," appears less than militant in his outlook. Rather, he displays a sensitive judgment of power realities, an understanding of the limits to which the blacks can go—and determined, passive defiance of white authority. One factor that may have cast him as a sinister figure, in Meerboth's mind, was the funeral service in March for a black killed by a white in a brawl in the middle of the camp. "The blacks didn't want the chaplain to speak," says Green. "We had 200 or 300 there. We just turned our backs to the chaplain while he kept rattling on. We chanted, 'Black Power!' and put up a liberation flag—it had a black fist in the middle with the words 'Black Unity' in black letters on top, with a red background. The colonel stood there shaking his head. I told him we didn't want any American flag there. No blacks are American. I don't consider myself an American. I consider myself a black."

Green, like many of the black G.I.'s, wears the black-power band, made of black shoelaces, around his wrist. A black-power ring, in the form of a clenched fist, gleams from the index finger of his right hand. In defiance of authority, he is growing a full-scale beard, in addition to the regulation mustache. Ironically, in view of his antiwhite, antiwar outlook, he has never been disciplined, court-martialed or reduced in rank. He does not refuse to work, as do many blacks, particularly those on drugs. "I was a clerk-typist and a driver," he says. "It was challenging at first, but there wasn't enough to do"—an explanation, combined with opposition to the war, that may account for most of the Army's problems in the rear.

Unlike Green, however, black G.I.'s whom I meet at the 277th headquarters in Chulai seem not only depressed but openly, dangerously rebellious, possibly on the verge of armed revolt. One of them, interviewed in the presence of the battalion executive officer, tells me the blacks have a "secret arms cache" and plan to start using it "if things don't let up around here." The exec, Maj. Robert DeBiasio, who has been trying to work with the blacks to find the causes of their problems, listens without interrupting. Later he tells me he doesn't think the black is kidding. "We've searched those barracks time and again and found nothing much," he says. "I think they have the arms underground somewhere. The only way we could find them would be to order everyone out of the barracks early in the morning, keep them under guard and go over the whole area with a mine detector."

Major De Biasio may face a tougher problem than does Major O'Brien at Freedom Hill. At the 661st, one of four companies in his battalion, G.I.'s estimate that 20 per cent of more than 100 troops don't work at all. The company commander, a pleasant, open man with eight years' enlisted time behind him before he went to O.C.S., may be afraid to impose tight discipline. He arrived several months ago—after the fraging of the quarters of his predecessor, who escaped unharmed but severely shaken. "We have some outstanding young men here," the C.O. blandly observes, venturing that only a dozen men in the entire battalion "use drugs on a somewhat irregular basis." In view of the C.O.'s easy-going tolerance, if not essential blindness to reality, it is not surprising that many of the troops whom I meet at the 661st focus their complaints on their sergeants rather than on the officers. Ironically, the most feared of the N.C.O.'s is a black, a 33-year-old Georgian known for his skill as a boxer and judo expert and nicknamed, as a token of both respect and dislike, "Karate Joe."

Karate is sipping beer with another N.C.O., a white sergeant from Tennessee, when I see him in his hootch. He's afraid to go to the enlisted men's club—doesn't want the men thinking he's trying to harass them off-duty. He's stopped counting the times he's found grenade pins on his pillow or been threatened verbally. "It doesn't even bother me any more," he says, but it is clear he is intensely unhappy. "My first tour here, we were all together," he says. "We worked as a team. I was doing the same thing then, running the ammo supply point, humping ammo into helicopters to take to the field. I never had no problems with the men. This time they don't really care no more."

Karate shouts and curses at the troops to get them to work, but he's beginning to feel he's engaged in a lost cause. "You discipline them so much and eventually the C.O. gets started on getting them 212's"—discharges on grounds of unsuitability or unfitness for service. "I just don't know what the answer is," he says, clenching his beer can. "It's not the same Army any more."

The only real answer, as far as *this* war is concerned, may be to keep withdrawing the men on an accelerated timetable and send only volunteers over here for the remaining advisory and rear-area jobs. Wherever I go in the northern provinces, whether in the field or in rear areas, I find the problem of motivation so overwhelming as to defy rational "solutions" and "programs" other than withdrawal. Below Charlie Ridge, on the Arizona Territory, I talk with a young captain on his first tour. He is a West Point graduate, in command of a troop of armored personnel carriers—an ideal position for a career-minded military man. He has been here only one week, but already he is filled with doubts and questions.

"They train you, send you to schools," says the captain, as we begin a bumpy ride through fields planted with mines and booby traps, "but nobody's prepared to see a guy killed or wounded. I had the most sobering experience of my life yesterday—I saw one of my men wounded with shrapnel. He's the first guy I've ever seen wounded. Once we've decided to get out, and then keep fighting, it seems kind of worthless. Nobody wants to be the last guy to die in Vietnam." That night, after the A.P.C.'s—or "tracks"—have formed a defensive circle in a small river, a lone guerrilla fires an AK-47 rifle from a couple hundred meters in front of us, sending bright red tracers over our position. The G.I.'s leap onto the tracks, answering with machine guns and M-16's. Helicopter gunships arrive, spraying the bushes with bullets. It is an eerie late show, played against the black backdrop of the sky and mountains, and it lasts for an hour.

"They got some nerve opening up against all our firepower like that," says one of the G.I.'s as the guns falls silent and we stretch out to sleep on cots unfolded behind our track. "Far as I'm concerned, they can have this whole country. There ain't no reason for us bein' here. We was fightin' to win, that'd be one thing, but we're just wastin' time." It is a typical G.I. commentary—one I hear countless times around Military Region One—at the butt end of a bad war.

THE LATE GEORGE HUDDLESTON, JR.

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FISHER. Mr. Speaker, the late George Huddleston, of Alabama, served with much distinction in the House of Representatives. It was my pleasure to serve with him on the Armed Services Committee. There he displayed extraordinary ability in promoting legislation to strengthen our armed forces. Having been a naval officer himself, he made good use of his knowledge and understanding of our defense problems. There he was honored and respected by his colleagues.

As a Member of the House, George Huddleston was at all times alert, courageous, and statesman-like. A great patriot, he always placed the welfare of the country ahead of petty partisanship. To me he was a personal friend. His outstanding legislative achievements are a matter of record. He gave an excellent account of his stewardship.

To Mrs. Huddleston and other members of the family I extend my deepest sympathy in their bereavement.

SOCIAL SECURITY AND MEDICARE IMPROVEMENT ACT OF 1971

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. YOUNG of Florida. Mr. Speaker, it appears that the millions of senior citizens who were gravely disappointed when the 91st Congress failed to complete action on the Social Security Amendments of 1970 will be forced to continue doing without many of the necessities of life unless immediate action is taken to update the social security system during this session of the 92d Congress.

While H.R. 1—the Social Security and Welfare Reform Amendments of 1971—has been passed by the House, it has been "tucked away" in the Senate Finance Committee until completion of the necessary economic and tax reform legislation. Couple with this President Nixon's recent decision to delay action on the welfare reform program for a year, not to mention the amount of time which will surely be expended in committee debating the controversial welfare reform aspect of H.R. 1, and the elderly must accept the fact that improvements in the social security system will be stalled for yet another year.

Most of us readily admit that inflation hits hardest those senior citizens living on fixed incomes. However, as the Representatives from a district which embraces a large percentage of senior citizens, I am compelled to point out the fact that we have not met our obligations to the elderly.

As I see it, one of the major reasons the Congress has failed to assure these Americans the full benefits they rightly deserve is the practice by some of my colleagues to continually tie social security legislation in which legislation of a totally different nature. For example, last year's social security bill contained provisions relating to international trade. This year, the Ways and Means Committee decided to lump social security and welfare recipients in the same category. Lumping these two issues together is fair to neither, for social security recipients are not, and must not be branded, welfare cases. Therefore, both issues must be considered on their individual merits.

Mr. Speaker, we can no longer ignore those older Americans who have contributed so much of their lives toward the betterment of our great Nation. We can no longer conceal the vital need to update the social security and medicare systems by using this issue as a vehicle to carry unrelated and less popular issues.

Therefore, as an alternative to H.R. 1, I am today introducing a comprehensive bill which deals solely with social security and medicare reform. This legislation has been introduced in the other body by my colleague, Senator EDWARD J. GURNEY, the senior Senator from the State of Florida. The following is a brief description of the major provisions of this bill:

Title I calls for: First, a 5-percent across-the-board increase in social security benefits; second, an automatic increase—tied to the rising cost-of-living—in benefits, wage base, taxable rate, and the earnings test; third, a raise in the maximum outside earnings limitation allowed to $3,000 a year; fourth, an increase in the widow's and widower's insurance benefits so that a widow—or widower—would be entitled to receive an amount equal to 100-percent of her deceased husband's social security benefits; fifth, a reduction in the age when men may receive full social security benefits to age 62 and reduced benefits to age 60; sixth, a reduction in the waiting period for disability benefits from 6 months to 4 months; and seventh, the inclusion of disability insurance benefits for the blind.

Title II calls for: First, medicare coverage for the disabled; second, an improvement in the operating effectiveness of medicare-medicaid by giving the Secretary of Health, Education, and Welfare the authority to terminate payment for services by a supplier of health and medical services found to be guilty of abuse; third, the establishment of a provider reimbursement review board to rule on appropriateness of payments by State medicare providers; fourth, public access to records concerning an institution's qualificatitons, particularly nursing homes which fail to meet qualifications for medicare; and fifth, the treatment of children under 21 years of age in mental hospitals.

Title III calls for: First, an increase in the standard of need for aged, blind, and disabled recipients; and second, some fiscal relief for the States through increased Federal funds for State assistance programs for the aged, blind, and disabled.

The time has long past for us to recognize the plight of the elderly living on fixed incomes and, in doing so, provide them with the drastically needed relief through strong and effective legislation. In this regard, I believe the Gurney-Young bill merits your close consideration and is worthy of your strong support.

SELLING THE PUBLIC TRANSIT SYSTEM—A STEP IN THE RIGHT DIRECTION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech of Messrs. Robert W. Lang and Robert W. Nightengale on behalf of Greater Wilmington, Del., Development Council, delivered September 8, 1971, at the Fifth International Conference on Urban Transportation, Pittsburgh, Pa.:

SELLING THE PUBLIC TRANSIT SYSTEM—A STEP IN THE RIGHT DIRECTION

(Speech of Messers Robert W. Lang and Robert W. Nightengale)

A little less than a year ago Wilmington, Delaware's Public Transit System was struggling to reestablish itself as a healthy and progressive public service to its community. Its efforts to overcome a negative image, however, were not meeting with success. For the past few years a number of factors had combined to place a cloud of suspicion, doubt and disdain upon the role and the future of Public Transit in the Wilmington area. These factors included a disinterested absentee owner, a crippling five month strike, numerous severe cuts in service accompanied by increases in fares, a lack of positive, public identification with a new public authority and limited support from the Legislature, especially from representatives of districts not served by the system. It became painfully apparent that if public transportation was to survive, some immediate steps were necessary to reverse this negativism in the public domain. A three-pronged attack on the problem was decided upon by a number of key transportation people at the State and local levels. First of all, a sound financial base must be established for public transportation throughout the State, as well as the development of a long range capital improvement program. Secondly, a comprehensive study must be taken of operations, routes and fares and modifications instituted to update the system. Thirdly, and probably most important was the development of a *new public image.*

Since the situation was considered critical it was decided that the "new image" could and should be created as soon as possible otherwise there might be no need for the other two parts of the program. Since the Authority had neither the staff nor the funds to undertake such a project and, had no active public relations or advertising program in existence, a citizens steering committee was immediately formed to begin developing the program. Our job was to create public awareness of the existing service and to dramatize the value of the transit system to the community. The new image program would have to generate immediate positive public response. It must be exciting, innovative, and most importantly, inexpensive. It must reach every segment of the community in a positive manner so as to gain instant acceptance.

The results of this citizen effort are known today. The new image program received widespread public acclaim. It generated a broad base of community support, opened lines of communication with the Legislature, helping to ensure desparately needed financial assistance in the form of the first operating subsidy to mass transit in the history of the state. Best of all, ridership over the past four months has been steadily climbing in spite of the traditional summer slump. While all of these factors are not fully attributable to the new image program, we believe that *without it, none* of these things would have been possible, in fact, today we might not even have a transit system.

Let me indicate to you how we went about developing and presenting this program. A key factor was the early involvement of expert public relations guidance provided by Mr. Robert Nightengale and his dedicated staff at Communications Consultants. This involvement helped produce the ultimate size and scope of the program which included the following elements; the new name "DART" which stands for Delaware Authority for Regional Transit; a new symbol to go with the name; a new slogan; a new format for the route schedules; a new bus stop sign; and on-vehicle advertising program; new radio and newspaper advertising; an ongoing public relations program and; lastly a gala kickoff celebration, known as "DART Day", which was scheduled for May 17, the first day of National Transportation week.

After the program was defined we then had to convince the Board of Authority that this new image was essential now, that it could succeed and that it could be done with a *minimum* of dollar outlay by the Authority. We received their permission to proceed a scant two months prior to the planned date of presentation to the public, which meant a lot of hard work was ahead if the program was to succeed.

The key to implementing our program had to come from voluntary citizen participation. To this end we called together leaders of many local civic organizations such as the League of Women Voters, American Association of University Women, the Chamber of Commerce, the Civic League of New Castle County, the Model Cities Organization, and the Local Transit Union. Their response to this program was overwhelming and was evidenced by their willingness to participate voluntarily in any way in the promotion of public transportation in the Wilmington area. Whether motivated by concern for the ecology or a simple dislike of the ever-increasing numbers of highways and parking lots—citizens in Wilmington used this opportunity to band together to actually *work* for an improved public transit program.

The total program was divided into two segments: (1) the kick-off celebration, DART Day, plus other special events following it; (2) the development of publicity, advertising, public relations materials and their distribution. I coordinated the DART Day festivities subcommittees and Mr. Nightengale headed up the subcommittees on advertising, public relations and distribution. With our goals and time known, and time of the utmost importance, we set about the task of reserving the public square in Wilmington for the formal program, arranging for two local high school bands, (one to lead a procession and one to entertain in the public square). We contacted all our local, county, state and national public figures to solicit their active support. We arranged for an open air bus to transport the dignitaries in the procession to the public square. Hostesses were selected to distribute the new route schedules, DART stickers, balloons, questionnaires, and balloting information on the new signs. We arranged for static displays of different kinds of vehicles, shelters and signs. May 17, our Dart Day, brought fair, sunny weather and a large enthusiastic crowd which more than satisfied our expectations.

Following speeches by the Governor, the County Executive, the Mayors of Wilmington and Newark, and our State Director of Transportation, a luncheon was held at the DART headquarters for local public officials and legislators. We also arranged for hostesses to be in Center City for a week, during the noon and evening rush hours, to dispense information about new schedules and to answer questions and promote ridership. As further follow-up, a special Express Schedule was developed and is being distributed throughout the major office buildings and public places in the downtown area.

You have witnessed a sample of our approach to the public by the DART girls here at the Conference. We hope you will get your sample copy of our Express Schedule. And now for further information about the specifics of the publicity program and the promotional material, here is Mr. Robert Nightengale.

Is it possible to convert habitual automobile users to mass transportation believers? This is the problem we in Delaware face and so does every other mass transit company in the United States. It has proven in our State to be an interesting problem.

Yes . . . no problem converting our car pool rider, even our chronic "I intend to have the freedom to go whenever I want to" driver . . . If we will provide service that is convenient to everyone. Naturally, with few dollars, just the bare beginnings of governmental support and a long history of declining service and ridership . . . and we knew we could far from turn the old "traction" company into the answer to all our transportation problems.

This premise, then, led us to our theme: A Step in The Right Direction. We believed that the best approach to the public was a straightforward and honest one . . . appealing as best we can on their instincts and desire to help. We hear so much these days about our younger people wanting to become involved, wanting to make a contribution, we decided to give everyone the opportunity to help . . . simply by riding Dart.

An image change was necessary . . . in fact vital. Few Delawareans knew precisely what to call the "Bus Company": it had been Delaware Coach, then The Greater Wilmington Transportation Authority. We selected DART as its new name for many reasons . . . obviously, we arrived at DART and then defined each letter, Dart gives us action, it enables us to expand the feeling of the organization from Wilmington City to Delaware State—and it is a State Agency . . . and it has the feeling of newness.

It was this feeling of newness we strived for in all elements of the program: name, logo, new schedule format, letterhead—all designed to be simple . . . appealing . . . colorful . . . and memorable. And at the same time not to seem as if thousands of dollars were being poured into promotion. It was ticklish . . . we had to effect an image change and at the same time not hurt the effort to gain a State subsidy so that operations could continue.

As a businessman the answer was heartbreaking to me . . . even if dollars had been available they should not be spent. The involvement of the public was and remains vital to the success of DART. We structured every aspect of the kick-off promotion so that volunteers could be used not only for implementation but for planning and ideas as well. We involved young and old, black and white alike for we immediately found every individual has different feelings toward bus riding: not different needs, different feelings.

Our appeal for riders brought immediate division of these feelings. We appealed to some to help reduce traffic conjection, others to take a step toward reducing air pollution . . . diesel buses not only eliminate approximately 30 cars on the road but we discovered that all DART buses emit less carbon dioxide than *one* car. Our major approach, however, is to the commuter . . . that's where the bulk of riders are and where the dollars are very frankly.

Have we succeeded? Not yet . . . and we knew we couldn't in any short time period . . . especially with limited funds. Yes we have made an impact. Delawareans are aware of DART. We find most are sympathetic, most are considering riding . . . but it is not as convenient. A bus is not necessarily available at the very minute any of us are ready to be transported. And it's ironic. I believe firmly that the changeover from auto riding—commuting let's say—to bus commuting will be a greater change than back 20 years ago from bus to auto. When we all changed to autos the major problem was expense of buying a car—even a second car. But once you have that car, bus riding is an additional expense, plus probably not as convenient. It will take time in any suburban locale such as Wilmington.

Will we ever succeed totally? Can DART or any other transportation system operate profitably? It would seem to us that the answer to this question lies in the overall approach. Do we believe in mass transportation? Do our governments believe mass transit should be a service or a profitable operation. One quick thought in closing. DART could be operated profitably if only profitable service were provided. This would mean eliminating all non-commuting service, all weekend service . . . it would mean concentrating strictly on putting the buses where the most people are. Is this the answer? I don't believe so.

Public education, to me, is the answer. Our efforts at DART are just beginning. We now have a full time Public Relations staff member at DART, we have an ongoing program to insure that the public will remain constantly aware of DART and how and when they can—and more importantly should use DART. Our approach for the future is beginning now with new kinds of bus service . . . subscription service for companies and organization, park and ride service. Our goal is a positive image for DART. We've taken a step in the right direction—now Delawareans you take a step: Ride DART.

Now, Bob and I would like to see you visually the impact our new DART image has had on our State.

A STEP IN THE RIGHT DIRECTION—10 MINUTE SLIDE PRESENTATION

Left screen camera I	Right screen camera II	Time	Sound track
Dart symbol (1)	Blank	0:00 to 0:10	Opening fanfare.
Blank	Dart symbol (1)	0:10 to 0:20	Arrows to target.
Map—2 titles—map (4)	Scenes of city (12)	0:20 to 1:20	Music.
Buses in city (10)	Prom. mat'l. (5)	1:20 to 2:12	Number 4 spot.
Prom. mat'l. on vehicle (6)	Buses in city (12)	2:12 to 3:12	Music.
Buses in suburbs (12)	Suburb and city scene (6)	3:12 to 4:10	Number 1 spot.
City scenes (7)	Buses in city (14)	4:10 to 5:20	Music.
Buses in city (11)	Prom. mat'l. (5)	5:20 to 6:13	Number 3 spot.
People (5)	City scenes (10)	6:13 to 7:05	Music.
Prom. mat'l. on buses (11)	Buses in city (6)	7:05 to 8:00	Number 2 spot
Prep and shelters (6)	Title and statics (6)	8:00 to 8:30	Slow band music.
Bands still (5)	Bands moving (5)	8:30 to 8:55	Fast band music.
Other speakers (7)	Gov. (2)	8:55 to 9:30	Gov. message.
Buses in city (5)	Dart girls (9)	9:30 to 10:15	Number 5 spot.
Dart logo (1)	Evening city scene (1)	10:15 to 10:25	Closing fanfare.

Note: Sliders and soundtrack taken and prepared by Robert W. Lang and Robert W. Nightengale.

AN EPIC OF FAILURE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. KOCH. Mr. Speaker, much will be written concerning the prison rebellion at Attica. There are at least five investigations taking place. It is important that responsibility for the tragedy be established and I await the reports of those investigations now underway. Information already available makes it clear that at the very least some State officials exercised poor judgment, and in attempting to shore up their judgment have issued statements which were fabrications.

I would submit that those who are using Attica to make heroes of hardened criminals are not assisting in the drive for prison reform. What we do not need is a simple division of opinion, with one side supporting the State authorities in their actions and on the other eulogizing the deceased convict rioters. While blame should be established in an expeditious judicious investigation and hearing, we do not have to await the outcome of such an investigation to come to the immediate conclusion that reform of the penal system is an absolute necessity in New York and elsewhere and must be undertaken immediately.

Much has been written on what ensued at Attica. I know of no report published to date that is the equal of one which appeared in the Village Voice of September 23, 1971, entitled "An Epic of Failure" authored by Mary Breasted. I know the author personally. She not only is a great writer, but she also has an essential quality, too often lacking in many, of setting forth "facts" only when she is absolutely certain that they are indeed facts. Her report on the Attica Negotiating Committee is must reading for anyone interested in this recent horrendous tragedy:

ATTICA NEGOTIATING COMMITTEE: AN EPIC OF FAILURE

(By Mary Breasted)

"I knew I should have gotten up and gone to the microphone and said they're saying things here that they may believe, but there's no hope that you're gonna get complete amnesty.

"I didn't have the courage to say that to that particular crowd. I should have."

In a subdued and sorrowful voice, Tom Wicker thus indicted himself for having failed the men in the yard at Attica.

For four days of the prison rebellion, Wicker and more than 20 other outsiders had been involved in at least some of the 24-hour negotiations with the defiant inmates and the state authorities. And though the full and total blame for the final massacre cannot be leveled at anyone or any group until 1,000 questions have been answered, Wicker and other key members of the negotiating team have already said they deserve part of the blame.

During extensive interviews with Clark Whelton and myself, several members of this essential group listed a number of reasons for their failure. They didn't all cite the same reasons, but of those they gave us and those we gleaned from their statements are from newspaper reports, the following points stand out:

(1) The committee never clearly defined its role to itself, to the prisoners, or to the authorities. Though the prisoners had specifically requested a group of men to "negotiate thru," most of the men they requested considered themselves more prisoner advocates than negotiators. In addition to those people, the committee included conservative Republican legislators, liberal Democratic legislators, two young Washington lawyers, a Harlem minister who generally sided with Rockefeller and probably still more, whose names were never reported. The Friday night the entire committee first assembled and went into the prison yard, its members didn't even know all of each others' names.

(2) Some key members of the committee actually believed the Governor would grant the rebellious inmates some degree of criminal amnesty up until Saturday night—when they first learned of Guard Michael Quinn's death—and even after that, committee members sometimes led the prisoners to believe they would still fight for amnesty on their behalf.

(3) An air of expectation was built up around Bobby Seale in the minds of committee members, inmates, and perhaps also state officials that seems inexplicable now. All of the committee members except Tom Soto and Minister Jabarr Kenyatta were disappointed by Seale's performance. They had pinned what seem now like *all* their hopes on Seale, incredibly unmindful of the splits in the Panther Party, unmindful of Seale's own political loyalties and insecurities, not even seeming to have suspected—until Seale left the prison for the last time—that he would fail to act as a negotiator.

(4) At the worst of all possible moments—after Seale had disappointed the prisoners, after the 28 authority concessions had been read to them and jeered by them—the inmates learned of the injured guard's death, which immediately escalated the prisoners' anxieties about official revenge. Kunstler broke this news to them unwittingly while giving them his toughest mediation speech Saturday night. There is speculation that a few of the inmates already knew of Quinn's death before Kunstler mentioned it, but the gasps that he and other committee members heard from the men in the yard at that moment led them to believe the great mass of inmates had not known of it until then.

(5) Kunstler and Lewis Steel, a criminal lawyer who formerly worked with the NAACP, both gave the inmates rough *legal* advice, yet both seem to have had small understanding of the *political* realities that made *amnesty*—a crucial question for their clients—impossible. Up until the time of Kunstler's this-is-the-best-we-could-get-for-you speech Saturday night, he and Steel discussed the amnesty question with the inmates in such a way as to make them believe it was both a legally and politically plausible demand.

(6) The governor's people so undermined the committee's efforts throughout—whether by design or by blunder—that its members were constantly in fear for their lives whenever they entered the prison yard. This was done by frequent state or prison-controlled delays in getting committee members back into the yard when they'd promised the inmates they'd be there at specific times. And it was done finally by an ultimatum sent to the inmates from the authorities against the wishes of the committee members and without their knowledge.

(7) The committee never impressed upon the inmates the seriousness of their predicament, may indeed never have been aware of it themselves, for one of the key elements of the inmates' bargaining power, the lives of the hostages, ultimately proved less important and thus less powerful to the state than the committee members assumed it to be.

(8) The treatment of committee members by authorities on all levels was so contemptuous—at times openly threatening—that they were increasingly driven into deeper sympathy with the inmates, a sympathy which ironically crippled their efforts to avert the massacre. State troopers pointed rifles at committee members when they approached the jail, and relatives of hostages and working guards taunted them and called Wicker a "nigger lover" outside the jail as troopers shoved black members of the press. And Bobby Douglas, the Governor's secretary and man-on-the-scene, refused for 20 minutes to come down the hall—a mere 20 feet—to talk with committee members at a crucial point on Sunday.

(9) Rank physical fear—and its odd companion, wild courage—seem to have affected the judgments of committee members throughout their time at Attica. Confronted by hostile troopers outside and hostile convicts inside, they were all made painfully aware of the limits of their own physical courage. Terror often dictated what they said to the inmates, making them too soft on the amnesty question when they should have been firm. Any courage eventually separated a small and perhaps too optimistic group from the more pessimistic committee members, who could not face the yard again after Seale had left. Establishing one's courage became so important by Sunday afternoon that one member, Julian Tepper, tried to sneak into the yard with others, even though Oswald hadn't said he could go, and even though his presence could serve no useful purpose.

The prison blew up on Thursday afternoon, September 9. The observer (or negotiator) committee did not assemble until Friday evening. Through extensive interviews with committee members, newspaper accounts, and cross-checking with other reporters, the following analytical chronology was compiled:

Herman Schwartz, a University of Buffalo law professor and the ACLU's national director for prisoners' rights, had entered the yard with Commissioner Oswald on Thursday. So had a black Democratic Buffalo Assemblyman named Arthur Eve. Schwartz came away with an understanding that some kind of amnesty was absolutely vital to a resolution of the difficulties. Eve came out with a list of negotiators the prisoners wanted. Wicker, Kunstler, and representatives of the Young Lords and the Fortune Society were requested, along with Judge Constance Baker Motley, Minister Farrakhan of the Black Muslims, and Huey Newton, head of the West Coast faction of the Black Panther Party.

Apparently with Oswald's approval, Eve sent word to all the requested negotiators. And Schwartz went off on a frantic journey to reach Federal Judge John Curtin of Buffalo (Curtin was in Vermont) to get an injunction barring the authorities from taking administrative reprisals against the inmates.

The Muslims never sent Farrakhan or anyone else, but Jabarr Kenyatta, who told everyone he was a Muslim, told some people he was head of a black nationalist group, and was recognized by Eve's staff as a former Buffalo welfare rights advocate, appeared at the jail on Friday. Kenyatta looked like a "jive artist" to some of the black press outside the jail. He wore a long blue robe with a blue turban and carried a small oriental rug over one arm. He called himself an Orthodox Muslim—which is a sect separate from Elijah Muhammad's church. No one we interviewed knew exactly how Kenyatta got himself into the jail; there were rumors he had passed himself off as Minister Farrakhan. But every committee member interviewed said either on or off the record that Kenyatta was a disastrous, disruptive force—and that it was he, not Kunstler, who spouted rhetoric to the inmates at a terrible, perhaps fatal time. (Kenyatta never made himself available for an interview, though I told him directly I wanted to hear his version.)

Tom Soto, of Youth Against War and Fascism's Prisoner Solitarity Committee, Jose Paris and Juan Ortiz of the Young Lords, Kunstler, Wicker, State Senator John Dunne, and others got word from Eve's office Thursday and Friday and came quickly to Attica. Kunstler was later to call the Panthers to get Newton or Seale, and Eve paid at least one of the air fares of the Seale contingent plus the fares of the two Young Lords. (Wicker and Clarence Jones, publisher of the Amsterdam News, each paid for the return tickets for the Young Lords.)

The people Rockefeller and Oswald summoned, among these Reverend Wyatt T. Walker (of Harlem's Canaan Baptist Church) and Congressman Herman Badillo, were flown up to Attica in the Governor's private plane.

Early Friday morning, Herman Schwartz came back with his court order, the substance of which barred the prison authorities from taking administrative reprisals against the rebel inmates. He was met at the prison gate by Tom Soto, who looked at the injunction and said it was unacceptable to his group. (Soto couldn't possibly have consulted the inmates at that point because he wasn't allowed into the jail until late Friday.) Schwartz told me that Soto, who is not a lawyer, said the order could be appealed and thus meant nothing. Schwartz, quite angry with Soto, explained that the order was not appealable because it was an order by consent (which means that both parties consented to it). In any case, Soto said protection from administrative reprisals meant nothing. His organization felt there was a large issue—freeing all prisoners on the grounds that their crimes were only crimes of "survival."

Soto also spoke to the press about the court order, and he so angered Assemblyman Eve by doing this that Eve recommended to Oswald that Soto not be allowed in the jail. (Soto was eventually allowed in when Kunstler argued on his behalf, however, and committee members later complained even more about his actions than they did about Kenyatta. And Soto never granted The Voice an interview, in spite of the fact that I told him there were many complaints he might want to answer.)

When Eve, Schwartz and Oswald took the injunction into the jail, however, they realized that Soto's protests had been fair warnings of the prisoners' reaction. A jailhouse lawyer literally tore up the order, explaining correctly that it was good only for one day—and that it did not deal at all with the prisoners' main demand: criminal amnesty. At some point Friday, Lewis Steel (a New Yorker who referred to himself as a "Movement Lawyer" also gave the prisoners this assessment of the order, and explained to them some of the technical steps by which criminal amnesty could be granted—although he later told me he ultimately came to believe criminal amnesty would never be granted.

Also at some point Friday, an inmate suggested—audibly to the mass of inmates and in Oswald's presence—that Oswald be taken hostage. This notion was shouted down, but it seems to have had a profund effect upon Oswald, for never again did he enter the yard—which meant both he and the prisoners had to take their terrified go-betweens' words for each others' positions, hour-by-hour.

Although some committee members went into the yard Friday afternoon and early Friday evening, it was not until about 11 p.m. Friday night that the entire committee was assembled. Present at that point were at least 20 men, some of whom were to leave Attica the following morning, and some of whom were never to figure largely in the subsequent discussions or negotiations. The key people—all except Seale—were there by then, and these included:

Herman Badillo, Democratic Congressman from the Bronx; State Senator John Dunne, a Republican from Garden City Long Island and head of the Joint Legislative Committee on Crime and Corrections; State Senator Thomas McGowan, a Republican whose district includes Attica; State Senator Robert Garcia of the Bronx, who insisted he go along with Badillo; Tom Wicker, New York Times columnist and white Southerner, Jabaar Ali Kenyatta, perhaps a former Attica inmate; Tony Fitch, from a goo-goo law project in Washington; Julian Tepper, same as Fitch; Lewis Steel, New York criminal lawyer fired by the NAACP three years ago for criticizing the Supreme Court; Jose Paris, a Young Lord, also known as "G.I."; Juan Ortiz, a Young Lord; Tom Soto, representative of the Prisoner Solidarity Committee, an offshoot of Youth Against project in Washington; Julian Tepper, War and Fascism; Ingram, a black reporter from the Michigan Chronicle; Minister Franklyn Florence, founder of FIGHT in Rochester, and William Gaiter, director of BUILD in Buffalo.

If all those names are hard for you to keep track of imagine how the bearers of them must have felt when they tried to work together. A group that numbered at least 17 tried to work out solutions until Saturday night—until the point when many members lost hope. And even after that, members who had essentially given up hope of resolving the impasse lingered on, making suggestions to those members who were still communicating with both sides.

Hardly or not at all aware of each other's identities Friday night, they had a half-hour conference together before they all went into the yard.

"In a hurried but careful manner," Tepper and Fitch wrote of this meeting, "we decided that we must remain neutral intermediaries if we are to have any chance of preventing the loss of the hostages' lives. . . . The committee also prevails upon the Commissioner to allow Tom Soto, a Puerto Rican requested by the inmates, to join the committee."

Thus they went into the yard, to spend four hours to introduce themselves to the inmates, hear their speeches, and eventually make a list of their demands. To the inmates, their appearance must have seemed an incredible victory. For last year, during the second Tombs rebellion, Herbert Blyden and others in the Tombs tried to get Dunne and Judge Motley inside as negotiators. New York City Correction Commissioner George McGrath paid no attention to this request, and now, nearly a year later, there was Blyden, with some 70 counts of indictment against him for alleged crimes committed during the Tombs revolt, and there were some six or seven other men indicted for their alleged roles in the Tombs explosion number two, and they were commanding the attention of, not two, but some 20 negotiators from the outside world. (Also those six or seven inmate leaders—or alleged leaders—of the Tombs revolt had seen George McGrath's signed promises of no reprisals turn to ashes in the District Attorney's office.)

David Rothenberg of the Fortune Society described his queasy feelings that night in the yard in last week's Voice. Wicker told me he too was frightened: "I'm sittin' there countin' my beads and wonderin' what the hell I'm gonna say, with *my* accent!" he recalled, in his unmistakable Carolina drawl.

As it turned out, Wicker never had to introduce himself because there was an interruption, which Dunne later claimed was a false alarm—designed to show off to the mediators the highly organized inmate security system. A man appeared to be going crazy in the yard; he was seized, and the mediators were rushed behind tables, and a human wall of security people were lined up in front of the tables—between them and the mass of inmates.

When the panic, real or contrived, receded, the meeting was resumed, but everyone seemed to have lost the original thread of thought, forgetting to call on some still unintroduced mediators (Wicker among them), and began a kind of prison town meeting.

At this juncture, Herbert Blyden moderated, asking the inmates to state their demands. Kunstler was writing them down and occasionally giving legal opinions. At some point during the night, he told the inmates what the legal procedures involved in establishing criminal amnesty for them would be. Neither he nor other committee members said later that he discouraged this avenue of discussion in the yard. He was to tell me that he sincerely believed there was precedent for the granting of amnesty in Britain's and other nations' releasing of prisoners following plane hijackings and ambassador kidnappings. (Of course, if Kunstler were to have told me he didn't believe amnesty possible when he discussed it with the inmates—the prisoners had asked him to represent them and he had accepted that role—he could have risked disbarment, for deliberately misinforming his clients.)

The speeches made that night—both by the inmates and by the committee members—were often grandiose and fiery. There was a great deal of talk about the nobility of men brave enough to die for their beliefs. There was fantastic talk about passage of "non-imperialistic" countries. (Kunstler later told me that the non-imperialistic countries motion was not popular with the majority of the prisoners, however, and said that contrary to news reports, it was never a concrete prisoner demand.) There was reiterated protest against the inhumanity of prisons, and frequent plaintive assertions by the inmates that they were "men, not animals." Lou Steel talked later of how some inmates seemed "larger than life" that night and impressed him with their transcendent "sense of history." Kuntsler and Eve also talked of the prisoners' nobility, of their intelligence, and their highly organized, non-racist rebel government.

There were moments, however, when inmates objected to all the fantastic talk of noble death or visions of various flight to Algiers. Wicker took down a quote by an inmate named Phillip Shields who was upset by an inmate leader's speech about non-imperialistic countries, a quote which should go down in history as the all-time ultimate plea of the forgotten man: "I stand on my own," said Shields. "If amnesty can be had for all of us, and it's guaranteed that we get it, I'm ready to do what we've gotta do to get behind that. But the silent majority ain't sayin' ———. I'm not concerned about Algiers, Africa, or anywhere else."

At about 4:30 a.m., the committee left the yard, leaving behind Tom Soto, two of the Young Lords, and Minister Kenyatta. Soto would later tell his friends in Youth Against War and Fascism that he "was the only one who was able to speak with hundreds of prisoners" during this period in the yard. One wonders what the thought his three companions were doing at that time—but he was not a man who seemed to care about accuracy. To a roomful of YAWF members and supporters, he said *only* he and the Young Lords stayed on in the yard, hearing prisoners' complaints, collecting notes for their loved ones, and encouraging them to stand firm. Actually, Kenyatta was also in the yard then.

"Most of the time, when I was not with the prisoners, I was under house arrest," Soto later told his political brothers in YAWF. "I never participated in any so-called committee."

"Actually, he begged to be on it," one of the committee members told me when I relayed that Soto quote to him.

Soto, the Young Lords, and Kenyatta were all summoned from the yard within an hour—at Oswald's vehement request. They joined the other committee members in a meeting room within the prison, and from then until about 7:15 they participated in the discussion.

(Soto may or may not have been accurate about what he termed "house arrest." He sometimes stayed away from committee discussions at later points and no one seems to know precisely how the authorities treated him—but on Saturday afternoon, when he claimed he and the other "third world" peoples were held "under threat of being shot," there were actually a number of other committee members detained in a room with him.)

The discussion early Saturday morning was a disaster. When I asked Wicker how the committee had functioned then he said: "It didn't. It was an encounter group."

Although most committee members didn't want to be quoted by name, they corroborated his view, admitting that there were shouting matches, bombastic speeches, and severe disagreements about what they all ought to be doing—for much of that meeting, so much dissension reigned among them that they couldn't begin to deal with the two contending forces that had brought them there.

Eve, who served as an ad hoc committee chairman, reprimanded both Soto and Kenyatta at various points. Other committee members criticized Kunstler—he said because he had earlier encouraged the inmates to state their demands. There was a dramatic clash between Eve and either Soto or Kenyatta, at one point, when Eve said in a choked voice something like this: "You're talking about all these other places and you're going on with your rhetoric —— when we're concerned about the lives of men right here in this prison! You're wasting our time, so just shut up!"

Apparently it was after this outburst that Eve really seized control and the committee settled down to work, eventually selecting a subcommittee of 10 to negotiate the prisoner demands with Oswald, and selecting another group to fetch a statement from the local District Attorney on the amnesty qustion.

Although Kenyatta was a member of the 10-man subcommittee, some of its other members said he seemed to want to stay away from the negotiations with Oswald—one said, "on purpose, so he could say he had nothing to do with them to the inmates." Soto's name had been suggested for the 10-man committee, but he asked to be kept off it, saying he wasn't willing to negotiate any of the prisoners demands. (In Soto's defense, all committee members interviewed did say that Soto consistently defined his role as that of a prisoner advocate.)

Wicker, Jones, and Tepper (whom some committee members characterized as "a spoiled brat,") went off to the District Attorney. Meanwhile, the 28 points were being worked out with Oswald—and Kunstler, who helped to write them, was generally praised as being very effective at this point. The 28 points were *not*, as the Times improperly headlined them, prisoner demands accepted by Oswald. They were written *jointly* by Oswald and the committee like a kind of contract worked out by both its signers (except the inmates never signed this one). The points were considerably watered down versions of what the prisoners had asked for as the examples set in the box on page 30 of this issue show. Perhaps the only significant concession to the inmates on the amnesty question was Oswald's offer to abstain from charging the inmates with crimes against property.

The emissaries to the D. A. Louis James came back with a letter from him in which he promised to "prosecute without fear or favor all substantial crimes committed or apparently committed within the county." The D. A.'s letter also said: "Under the present situation at Attica, I deem it to be my obligation to prosecute only when, in my judgment, there is substantial evidence to link a specific individual with the commission of a specific crime," and that "I am unalterably opposed to the commencement of indiscriminate mass prosecutions" or to "prosecutions brought solely for the sake of vindictive reprisals."

Kunstler told me he was the only member of the committee who argued against showing this letter to the inmates. He said he he had told the committee the letter was nothing more than a promise to uphold the law, and that there was a danger the committee might give legitimacy to future Attica prosecutions should they seem to be endorsing the substance of it.

All day Saturday there was an air of expectation building up around Seale's pending arrival. Everyone from Kunstler to John Dunne was hopeful that Seale would urge the inmates to accept the 28 points. And no one seemed to have thought of a contingency plan—in the event that Seale refused to do the committee's bidding. And it was, by that time, the committee's bidding—unless committee members substantially misrepresented themselves to me. In effect, they wanted Seale to go in and cast his radical blessing on those 28 points—and "they" includes Kunstler.

Around 7 p. m., committee members learned that the injured prison guard, Michael Quinn had died. That is only a vague time estimate—incredibly enough, no committee member I questioned could remember precisely when he'd heard of Quinn's death—and Dunne couldn't even remember which day he'd heard it. Kunstler and Steel told me they naturally assumed the inmates had heard of it when the committee did—which was definitely sometime before they went into the yard Saturday night.

Seale arrived around 8.30 p. m. Saturday night. He read the 28 points quickly in the committee room and said he wouldn't do anything until he had heard from "the brothers" (the inmates). He also said he'd have to consult Newton. The committee members urged him to "at least go in and show them your face" in the yard. He complied.

Seated at a table inside the yard, Seale gave a rather subdued and brief talk. He told the inmates what he had said to the committee. "The most remarkable thing about Seale's talk," Tepper and Fitch wrote of this moment, "is that really it is having no effect at all; the inmates seem to have too much self-control to be inflamed or disappointed by his presence."

"There were a few 'powers,' you know, 'power to the people'," Steel later told me, and then Seale left.

But according to Dunne, Seale didn't leave before Kunstler gave a litle pep talk during which he indicated that amnesty was a reasonable demand.

Most of the committee members went out with Seale. Steel, Kenyatta, Jones, Soto, and perhaps others whose names weren't mentioned during interviews stayed behind.

Against the judgments of just about everyone on the committee, Clarence Jones then decided to read the inmates the 28 points and the D. A.'s letter.

Meanwhile, Kunstler was escorting Seale to his car.

When Kunstler returned to the yard, he told me, he could sense immediately there was something terribly wrong. "The committee's faces were ashen." Jones had gotten through reading the 28 points and must have been just finishing the D. A.'s letter. The inmates had jeered and laughed bitterly from point three—the amnesty point—on. Jones was terrified. When he read the D. A.'s letter, the reaction was even worse. Jones told Wicker later he thought then that the prisoners might break through the lights and tables and get at him. But now, with Kunstler back, an inmate asked icily, "and what do you think, counsellor?"

He, Steel, and Eve all say he told the inmates those 28 points were the very best concessions the committee could get. He also reportedly told them that they could die if they wanted to—that was their choice, he would respect them either way—but those 28 points were "the best we could do."

When he sat down Steel whispered to him: "I think you just saved all our lives."

But while still explaining his assessment of their chances, Kunstler had said to the prisoners something like: "I realize that the amnesty section is not acceptable to you, especially now that a guard has died." There were gasps, a shocked silence, then a quick series of staccato questions about Quinn. This in the middle of Kunstler's firmest, sternest speech, in the middle of perhaps the only speech which really told the inmates where they stood.

And then; after Kunstler had finished, Kenyatta gave what other committee members present then called "a rhetoric thing," a fiery speech. He told the prisoners he'd had nothing to do with drawing up those 28 points. Soto then said he'd had nothing to do with writing them either.

After they left the yard this time—with a message from the inmates that the committee's "best" just wasn't good enough for them—Kunstler reportedly blew up at Kenyatta. He and Eve both admitted he had screamed at Kenyatta, accusing him of jeopardizing their lives. Kunstler said the fight ended "with both of us crying and in each other's arms."

But the damage had been done—whether by the news of Quinn's death, by Seale's noncommittal attitude, by the answers to their demands or by Kenyatta's rhetoric.

From that point on, the prisoners were continually disappointed. Seale failed to return in four hours, as he had promised. Kunstler told me Seale—or he on Seale's behalf—was to return at 4 a.m. At three, Seale called him to say he would return to the jail—but not until 7 a. m. Kunstler never explained why he did not return himself at four to tell the inmates Seale would be delayed.

Seale did return in the morning. He met first with the committee, a segment asking him what he intended to say to the inmates. He replied that he wouldn't tell the committee. They said they didn't want him going to the yard unless they knew what he'd say there. Oswald told Seale he'd forbid him to go in unless he promised to recommend the 28 points. Seale and Kunstler walked out of the room.

Outside the jail, Seale read reporters the Panther statement recommending that "all political prisoners who want to be released and allowed to go to non-imperialistic countries".

"Let's try not to compromise the demands," he told Kunstler, and then left.

Kunstler returned to the committee room and disclosed that Seale had gone off.

"*Why?*" asked the committee.

"Because he doesn't want to go in there and die, that's why," Kunstler is reported to have said. And he added something to this effect, "I'm a white liberal, and even I'm afraid to go in there." Dunne told me Kunstler's implication seemed to be that anyone who went before the inmates and again told them to accept the 28 points would be killed.

From Sunday morning on, the committee members seem to have become strongly polarized. Eve says the dividing line was clear between those members of the committee who dared to go back into the yard and those who did not. This may indeed have been the demarcation, but Eve tended to stress the daring of the final group so much, it seemed impossible that all that prisoner talk about dying a noble death had gotten to him after a while. Certainly, there were other divisive issues for the committee, such as the amnesty question.

But Sunday was a day of acrid fear for the committee. They believed they were dealing with men inside the prison who would coldbloodedly kill the hostages. At the same time they knew the State troopers and other law enforcement people outside were growing impatient and increasingly hostile to them.

In this atmosphere, and as the inmates were indeed growing less and less trustful of the committee, Bobby Douglas and Oswald had an easy time unnerving both the committee and the inmates—whether by design or inadvertence made no difference. They didn't let the committee back into the yard until 4:30 p.m. Sunday, although the prisoners had been expecting Seale since 4 a.m. During the day, Eve and other committee members had made two trips down to the gate of the yard, or to No Man's land, to keep the inmate leadership posted.

During their second trip, other committee members finally got the Governor on the phone to make their last-ditch plea for his presence on the scene. Eve told me he was annoyed that Douglas facilitated this phone call while he was not present.

Soon after Eve returned to the committee room, Oswald told the group he'd just sent the inmates his ultimatum. The committee members had seen it earlier and they'd made Oswald promise not to deliver it for an indefinite time. Despite assurance he'd made to them, he eventually sent it in without their knowledge or consent.

"I urgently request you to release the hostages unharmed, now, and to accept the recommendations of the committee of outside observers, which recommendations were approved by me," was a sentence in Oswald's letter to the inmates, the one which Eve claims clearly double-crossed the committee. Some of the committee members don't agree.

But Oswald did make the last small contingent to enter the yard sign waivers exempting the state from all responsibility for their safety. Only seven members said they would go—and Clarence Jones said he would go only if Wicker would.

An inmate leader told them as they came through the No Man's Land hallway, "There are men in there (the yard) who would like to kill you."

And Eve insists that if a member of the Young Lords (Jose Paris) had not firmly asserted then that Oswald had sent his ultimatum in without the committee's knowledge, they might indeed have been killed or taken hostage.

The purpose of this last visit into the yard was for the committee and reporters they had brought with them to speak with the hostages and record their appeals to the governor. Inmates had asked that reporters be allowed in to see the hostages. But, both Eve and Kunstler made impassioned speeches to the inmates (see Clark Whelton's article on page 19) which must have raised the trapped rebels' hopes vastly beyond the gloomy realities of the hour.

"We wanted complete amnesty. . . . We want it, and we want the Governor here *now*!" Eve told the prisoners.

Kunstler gave them Seale's message about the "third world" representatives waiting to give them asylum across the street. And he said, "Bobby Seale would not enter this prison compound today because he would not compromise you."

Later Kunstler explained his final speech to them this way: "I thought if they were going to die, at least they should know that people were with them all over the world."

From Sunday evening on, things were out of the committee's hands, though they were not really fully aware of it. They had one more desperate meeting with Oswald, during which Wicker proposed the Commissioner meet with inmates in D Block one hour a day in exchange for the release of one hostage per day. Oswald rejected that proposal immediately.

And Sunday evening Wicker held a news briefing outside the prison during which relatives of inmates shouted epithets at him, state troopers shoved black cameramen, and one was overheard saying, "I wish they'd hurry up and let us in there so we could kill every single one of those black ———."

Sunday night, Bobby Seale later claimed he called the Commissioner and told him he was on his way back to the prison from Oakland. "The Governor knew I was on my way Monday morning," he said at a news conference in Harlem last Saturday. Seale looked drawn, tired, and very unhappy then, and he didn't stay to answer many questions.

Seale, the man Kunstler publicly defended as the uncomprising advocate of Attica inmates, was reportedly on his way back that black Monday to ask that the hostages be released in exchange for Angela Davis's and one of the Soledad Brothers' release. Or such was implied in a New York Times editorial that has not been refuted. The release of neither prisoner extraordinaire was among the demands of the Attica inmates.

The rest is history. The raid took place on Monday morning, and early Monday afternoon the legislators still in Attica were taken on a grisly tour by a deputy commissioner of corrections. This official took particular pains to point out the man who allegedly stuffed hostage Michael Smith's genitals in his mouth and slit his throat. Eve swears this inmate—whom he claims was dead and displayed prominently—had been the last prisoner to see the committee on Sunday. He was, says Eve, the chief of inmate security, a man whom state officials had seen embrace the committtee members as they left the yard for the last time. (Michael Smith is alive and uncastrated.)

Dunne claims that the committee, as it now continues to meet, is made up of men who consider themselves pro-prisoner. He has not joined them.

And the ugliness of politics begins to reassert itself, as Dunne clearly defends Rockefeller more strongly than he ever defended John Lindsay after the Tombs revolts. Badillo is attributing evil motives to Rockefeller that seem at least in part, visible to him through anti-Republican eyes. Emery and Anderson—who were never in as much danger as Kunstler was and never heard his Saturday night speech—are tending to point the finger too often at him.

Eve and Wicker seems to have been profoundly moved and changed by the experience. They both seem confused about whether or not they want to continue in their pre-Attica incarnations. Steel seems unmoved—although he's disturbed about what's happening to Kunstler. Dunne seems exhausted and his mood restrainedly bitter. Badillo seems troubled, too, and sincerely angry at Rockefeller despite the politics. Even Soto seems saddened, in the brief moments when he isn't polemicizing.

Kunstler—well, Kunstler says he is sad. He told me last Friday: "I don't think what we did brought or averted the tragedy—except we had bought four days. I wish to God we had bought 14. But I guess I'll go to my grave wondering about many things."

Wicker had said simply, "when 40 men are dead, that's a failure of epic proportions."

ROCHE INSTITUTE OF MOLECULAR BIOLOGY IN NUTLEY, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RODINO. Mr. Speaker, on September 24, 1971, an event transpired in Nutley, N.J., which is of importance not only to the whole United States of America, but to people all over the world. This event was the official dedication of the Roche Institute of Molecular Biology in Nutley, N.J. This is the first time in history that a pharmaceutical company has sponsored a major research institute wholly dedicated to long-range basic research, designed to shed light on fundamental life processes. I am proud that this event happened in the State of New Jersey and in the district which I have the privilege of representing.

The sole purpose of the Roche Institute of Molecular Biology is the disinterested pursuit of scientific truth. The scientists at the institute will do research that is bound to advance our understanding of fundamental biological principles. This deeper understanding is an indispensable prerequisite for long-range progress in the fight against cancer, heart attacks, high blood pressure, virus infections, mental disease, and many other scourges of mankind.

The Roche Institute of Molecular Biology combines the academic freedom of a university environment with the flexibility and the resources of a leading, research-oriented pharmaceutical company. It is, therefore, bound to yield substantial benefits to humanity in terms of scientific progress. Generations yet unborn will benefit from this research, because it represents an essential foundation for major advances in the prevention and treatment of disease.

The Roche Institute of Molecular Biology will accommodate a staff of approximately 200 scientists and ancillary personnel. These scientists enjoy full independence in their choice and pursuit of research problems, guided solely by the scientific importance of a project. The institute also provides opportunities for promising young scientists to obtain advanced training and to engage in fundamental research under conditions which encourage professional growth.

At a time when our country is faced with so many serious problems at home and abroad, this new institute represents an encouraging manifestation of corporate citizenship and industrial statesmanship of the highest order.

The Roche Institute of Molecular Biology represents the last, and probably the most important, contribution to humanity by the late president of Hoffmann-La Roche, Inc., Dr. V. D. Mattia, who was also responsible for many other forward-looking civic projects. For example, he sponsored the Roche indigent patient program which provides all physicians in private practice with a means of obtaining all Hoffmann-La Roche pharmaceutical products at no charge whatever for any patient for whom their cost might represent economic hardship. In addition, Dr. Mattia launched numerous projects to assist handicapped and underprivileged people and to provide opportunities for the disadvantaged and the poor.

It is, therefore, particularly gratifying that Hoffmann-La Roche, Inc., has honored the memory of Dr. Mattia by establishing a special lectureship in his name at the institute. The thinking that led to both this lectureship and the foundation of the institute is best exemplified by the remarks which the president of Hoffmann-La Roche, Inc., Mr. Robert B. Clark, made at the dedication of institute on September 24 1971. I quote, Mr. Clark's remarks:

REMARKS BY ROBERT B. CLARK

We are grateful to all of you for joining us today to help celebrate another milestone for our company. The commitment of Hoffmann-La Roche to the future can in no way be better exemplified than the dedication of this magnificent building with our concomitant dedication to the vision of the future which it represents.

It is a familiar truism that research is the foundation of future progress. By and large, pharmaceutical companies have conducted product-oriented research, leaving the attack on fundamental problems to government and academic establishments. While product-oriented research is essential and has produced major new weapons against pain and disease, in all candor most of these developments were the results of basic biologic and chemical knowledge discovered years earlier. Therefore, we have determined to supplement our already extensive research commitment by providing these facilities for free investigation in an academic setting into the area of molecular biology. It is our conviction that out of this fundamental research will come clues for future progress in areas such as the cardiovascular diseases, cancer, virus infections, arthritis and other diseases that have yet to yield to the advances of science.

Many times since we announced our plans for the Roche Institute for Molecular Biology four years ago, we have been asked, "What's in it for Roche?" Such questions, of course, came from people who are thinking primarily in terms of products. Obviously, we hope for products, possibly in the distant future, but what is truly "in it for Roche" is a renewed dedication to our long-held belief that as a leader for many years in pharmaceutical research, we must not be content with pursuit of the ordinary; we must reach out for the stars! This is our interpretation of enlightened corporate citizenship.

Time and again in the fields of medicine, physics, and other areas, scientific advances have not been joined with corresponding advances in the social conscience involved in the use of these discoveries. On behalf of this company, I pledge to you that as we advance our knowledge into fields such as genetics, antiviral agents and other areas provocative of social controversy, we shall do our utmost to remember we are not only scientists seeking the truth but also social beings and members of the human race.

So on this day of dedication, we equally dedicate ourselves to the proposition that Roche wishes to be proudly known not only for its scientific achievements but also for its employment of them in socially responsible ways.

And now I come to the concluding part of my remarks which at one and the same time will be sad and joyful—sad because on July 4 of this year Roche lost a great leader, the community lost a great citizen, and all of us on the Executive Committee lost a great friend—joyful because all of us can rejoice not only in the fact that we knew him but also in his outstanding achievements. In honor of his memory and particularly in the light of the enormous contributions he made to this company and to mankind during his too short life, it is my pleasure to read to you a resolution which has been adopted by the Executive Committee of our company for this dedication.

RESOLUTION OF EXECUTIVE COMMITTEE OF HOFFMANN-LA ROCHE, INC.

Whereas, Dr. V. D. Mattia, the late President and Chief Executive Officer of the Company, played a vital role in the creation of the Roche Institute of Molecular Biology; and

Whereas, he consistently stressed the importance of fundamental research as an indispensable prerequisite for progress in the fight against pain and disease; and

Whereas, his philosophy of enlightened modern management and forward-looking corporate citizenship is reflected in the creation of the Roche Institute of Molecular Biology;

Now therefore, it is

Resolved that in honor of the memory of Dr. V. D. Mattia the Executive Committee of the Board of Directors of Hoffman-La Roche Inc. hereby establishes the V. D. Mattia Lectureship of the Roche Institute of Molecular Biology, to be awarded annually to a scientist in recognition of outstanding contributions to the biomedical sciences; and

Resolved further that the lecturer to whom the award will be made will be selected each year by a panel of scientists representing the various disciplines and will receive $5,000 and formal certification of his selection.

May I ask Mrs. Alice Mattia who is in the audience to please step forward and receive an engrossed copy of this resolution as a token of our deep and abiding respect for her late husband.

In conclusion, I should like to express my hope and firm conviction that the building which we stand before as well as the programs of research and investigation which will be conducted here in the years to come represent long range planning in its best sense, for the year 2,000 and beyond and for the benefit of generations yet unborn.

THE STATE OF NATIONAL EMERGENCY AND EXECUTIVE ORDERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RARICK. Mr. Speaker, the declaration of a state of national emergency by the President of the United States, like a declaration of war, should be an historical event which a free press should be expected to bring to public attention with banner headlines. Yet, the recent declaration of a national emergency proclaimed by President Nixon on August 15, 1971, through proclamation No. 4074 (F.R. vol. 36, No. 159, Aug. 17, 1971) strangely went almost without comment by the Nation's press.

In an article entitled "State of National Emergency Legalizes Executive Orders" appearing in the Borger Texas News Herald, Lt. Col. Archibald E. Roberts, AUS, retired, national director of the Committee To Restore the Constitution, points out:

> The state of "national emergency" declared by President Nixon in August "legalized" the imposition of Executive Orders and other socialist directives under the guise of a "time of increased tension, and economic and financial crisis."

The Executive orders of 1962 through 1966 referred to in Roberts' article, with the exception of Executive Order 11051, were among 21 Executive orders and two defense mobilization orders that were consolidated in an all-inclusive Presidential directive, Executive Order 11490, signed by President Nixon on October 28, 1969, entitled "Assigning Emergency Preparedness Functions to Federal Departments and Agencies." (F.R. vol. 34, No. 209, Oct. 30, 1969.) Assignments to departments and agencies were adjusted to conform to changes in organization which occurred subsequent to the issuance of the earlier Executive orders and defense mobilization orders. Executive orders effectuated by the President's proclamation of August 15, 1971, would be under Executive Order 11490.

Because of the vast powers which, without further congressional approval, Executive Order 11490 places in the hands of the President and his heads of departments and agencies over food supply, money and credit, transportation, communications, public utilities, and other facets of the lives of our people; and in order that our colleagues may have this vital information more readily available for themselves and their constituents, I insert in the RECORD at this point the President's 1971 Proclamation No. 4074, its companion Executive Order 11615, the 1969 Executive Order 11490, and a newsclipping from the Borger Texas News Herald:

[From the Federal Register, vol. 36, No. 159, Aug. 17, 1971]

PROCLAMATION 4074: IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE-OF-PAYMENTS PURPOSES

(A proclamation by the President of the United States of America)

Whereas, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

Whereas, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

Whereas, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under, trade agreements with foreign countries;

Whereas, under the Tariff Act, the TEA and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

Now, therefore, I, Richard Nixon, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. (1) I hereby terminate in part for such period as may be necessary and modify prior Presidential Proclamations which carry out trade agreements insofar as such proclamations are inconsistent with, or proclaim duties different from, those made effective pursuant to the terms of this Proclamation.

(2) Such proclamations are suspended only insofar as is required to assess a surcharge in the form of a supplemental duty amounting to 10 percent ad valorem. Such supplemental duty shall be imposed on all dutiable articles imported into the customs territory of the United States from outside thereof, which are entered, or withdrawn from warehouse, for consumption after 12:01 a.m., August 16, 1971, provided, however, that if the imposition of an additional duty of 10 percent ad valorem would cause the total duty or charge payable to exceed the total

duty or charge payable at the rate prescribed in column 2 of the Tariff Schedules of the United States, then the column 2 rate shall apply.

C. To implement section B of this Proclamation, the following new subpart shall be inserted after subpart B of part 2 of the Appendix to the Tariff Schedules of the United States:

SUBPART C—TEMPORARY MODIFICATIONS FOR BALANCE-OF-PAYMENTS PURPOSES

Subpart C headnotes:

1. This subpart contains modifications of the provisions of the tariff schedules proclaimed by the President in Proclamation 4074.

2. *Additional duties imposed*—The duties provided for in this subpart are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved. The provisions for these duties are effective with respect to articles entered on and after 12:01 a.m., August 16, 1971, and shall continue in effect until modified or terminated by the President or by the Secretary of the Treasury (hereinafter referred to as the Secretary) in accordance with headnote 4 of this subpart.

3. *Limitation on additional duties*—The additional 10 percent rate of duty specified in rate of duty column numbered 1 of item 948.00 shall in no event exceed that rate which, when added to the column numbered 1 rate imposed on the imported article under the appropriate item in schedules 1 through 7 of these schedules, would result in an aggregated rate in excess of the rate provided for such article in rate of duty column numbered 2.

4. For the purposes of this subpart—

(a) *Delegation of authority to Secretary*—The Secretary may from time to time take action to reduce, eliminate or reimpose the rate of additional duty herein or to establish exemption therefrom, either generally or with respect to an article which he may specify either generally or as the product of a particular country, if he determines that such action is consistent with safeguarding the balance of payments position of the United States.

(b) *Publication of Secretary's actions*—All actions taken by the Secretary hereunder shall be in the form of modifications of this subpart published in the Federal Register. Any action reimposing the additional duties on an article exempted therefrom by the Secretary shall be effective only with respect to articles entered on and after the date of publication of the action in the Federal Register.

(c) *Authority to prescribe rules and regulations*—The Secretary is authorized to prescribe such rules and regulations as he determines to be necessary or appropriate to carry out the provisions of this subpart.

5. *Articles exempt from the additional duties*—In accordance with determinations made by the Secretary in accordance with headnote 4(a), the following described articles are exempt from the provisions of this subpart:

* * * * *

THE PRESIDENT

Item	Article	Rates of duty	
		1	2
948.00	*Articles*, except as exempted under headnote 5 of this subpart, which are not free of duty under these schedules and which are the subject of tariff concessions granted by the United States in trade agreements.	10% ad val... (See headnote 3 of this subpart.)	No change.

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

In witness whereof, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

RICHARD NIXON.

[From the Federal Register, vol. 36, No. 159, Aug. 17, 1971]

EXECUTIVE ORDER 11615 (Providing for stabilization of prices, rents, wages, and salaries)

Whereas, in order to stabilize the economy, reduce inflation, and minimize unemployment, it is necessary to stabilize prices, rents, wages, and salaries; and

Whereas, the present balance of payments situation makes it especially urgent to stabilize prices, rents, wages, and salaries in order to improve our competitive position in world trade and to protect the purchasing power of the dollar:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91–379, 84 Stat. 799), as amended, it is hereby ordered as follows:

SECTION 1. (a) Prices, rents, wages, and salaries shall be stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly in any transaction prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay in any transaction wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder. whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 hereof shall not apply to the prices charged for raw agricultural products.

SEC. 2. (a) There is hereby established the Cost of Living Council which shall act as an agency of the United States and which is hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) Under the direction of the Chairman of the Council a Special Assistant to the President shall serve as Executive Director of the Council, and the Executive Director is authorized to appoint such personnel as may be necessary to assist the Council in the performance of its functions.

SEC. 3. (a) Except as otherwise provided herein, there are hereby delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970.

(b) The Council shall develop and recommend to the President additional policies, mechanisms, and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries after the expiration of the 90-day period specified in Section 1 of this Order.

(c) The Council shall consult with representatives of agriculture, industry, labor and the public concerning the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries.

(d) In all of its actions the Council will be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

Sec. 4. (a) The Council, in carrying out the provisions of this Order, may (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, and (iv) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order.

(b) The Council may redelegate to any agency, instrumentality or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each Executive department or agency is authorized and directed, consistent with law, to furnish the Council with available information which the Council may require in the performance of its functions.

(d) All Executive departments and agencies shall furnish such necessary assistance as may be authorized by section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

SEC. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions from any requirement otherwise imposed as are consistent with the purposes of this Order. Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

SEC. 6. The expenses of the Council shall be paid from such funds of the Treasury Department as may be available therefor.

SEC. 7. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation.

(b) The Council shall in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 205 of the Economic Stabilization Act of 1970 whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order.

RICHARD NIXON.

THE WHITE HOUSE, *August 15, 1971.*

[From the Federal Register, vol. 34, No. 209, Oct. 30, 1969]

EXECUTIVE ORDER 11490 ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO FEDERAL DEPARTMENT AND AGENCIES

Whereas our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

Whereas effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

Whereas effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

Whereas the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

Whereas this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

Now, therefore, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered as follows—

PART 1—PURPOSE AND SCOPE

SECTION 101 *Purpose.* This order consolidates the assignment of emergency preparedness functions to various departments and agencies heretofore contained in the 21 Executive orders and 2 Defense Mobilization orders listed in Section 3015 of this order. Assignments have been adjusted to conform to changes in organization which have occurred subsequent to the issuance of those Executive orders and Defense Mobilization orders.

SEC. 102 *Scope.* (a) This order is concerned with the emergency national planning and preparedness functions of the several departments and agencies of the Federal Government which complement the military radiness planning responsibilities of the Department of Defense; together, these measures provide the basic foundation for our overall national preparedness posture, and are fundamental to our ability to survive.

(b) The departments and agencies of the Federal Government are hereby severally charged with the duty of assuring the continuity of the Federal Government in any national emergency type situation that might confront the nation. To this end, each department and agency with essential functions, whether expressly identified in this order or not, shall develop such plans and take such actions, including but not limited to those specified in this order, as may be necessary to assure that it will be able to perform its essential functions, and continue as a viable part of the Federal Government, during an emergency that might conceivably occur. These include plans for maintaining the continuity of essential functions of the department or agency at the seat of government and elsewhere, through programs concerned with: (1) succession to office; (2) predelegation of emergency authority; (3) safekeeping of essential records; (4) emergency relocation sites supported by communications and required services; (5) emergency action steps; (6) alternate headquarters or command facilities; and (7) protection of Government resources, facilities, and personnel. The continuity of Government activities undertaken by the departments and agencies shall be in accordance with guidance provided by, and subject to evaluation by, the Director of the Office of Emergency Preparedness.

(c) In addition to the activities indicated above, the heads of departments and agencies described in Parts 2 through 29 of this order shall: (1) prepare national emergency plans, develop preparedness programs, and attain an appropriate state of readiness with respect to the functions assigned to them in this order for all conditions of national emergency; (2) give appropriate consideration to emergency preparedness factors in the conduct of the regular functions of their agencies, particularly those functions considered essential in time of emergency, and (3) be prepared to implement, in the event of an emergency, all appropriate plans developed under this order.

SEC. 103 *Presidential Assistance.* The Director of the Office of Emergency Preparedness, in accordance with the provisions of Executive Order No. 11051 of September 27, 1962, shall advise and assist the President in determining national preparedness goals and policies for the performance of functions under this order and in coordinating the performance of such functions with the total national preparedness program.

SEC. 104. *General and Specific Functions.* The functions assigned by Part 30, General Provisions, apply to all departments and agencies having emergency preparedness responsibilities. Specific functions are assigned to departments and agencies covered in Parts 2 through 29.

SEC. 105. *Construction.* The purpose and legal effect of the assignments contained in this order do not constitute authority to implement the emergency plans prepared pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

PART 2—DEPARTMENT OF STATE

SECTION 201 *Functions.* The Secretary of State shall prepare national emergency plans and develop preparedness programs to permit modification or expansion of the activities of the Department of State and agencies, boards, and commissions under his jurisdiction in order to meet all conditions of national emergency, including attack upon the United States. The Secretary of State shall provide to all other departments and agencies overall foreign policy direction, coordination, and supervision in the formulation and execution of those emergency preparedness activities which have foreign policy implications, affect foreign relations, or depend directly or indirectly, on the policies and capabilities of the Department of State. The Secretary of State shall develop policies, plans, and procedures for carrying out his responsibilities in the conduct of the foreign relations of the United States under conditions of national emergency, including, but not limited to (1) the formulation and implementation, in consultation with the Department of Defense and other appropriate agencies, and the negotiation of contingency and post-emergency plans with our allies and of the intergovernmental agreements, and arrangements required by such plans; (2) formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral States; (3) formulation and execution of political strategy toward hostile or enemy States, including the definition of war objectives and the political means for achieving those objectives; (4) maintenance of diplomatic and consular representation abroad; (5) reporting and advising on conditions overseas which bear upon the national emergency; (6) carrying out or proposing economic measures with respect to other nations, including coordination with the export control functions of the Secretary of Commerce; (7) mutual assistance activities such as ascertaining requirements of the civilian economies of other nations, making recommendations to domestic resource agencies for meeting such requirements, and determining the availability of and making arrangements for obtaining foreign resources required by the United States; (8) providing foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs, and determination of the value thereof; (9) protection or evacuation of American citizens and nationals abroad and safeguarding their property; (10) protection and/or control of international organization and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States; (11) documentary control of persons seeking to enter or leave the United States; and (12) regulation and control of exports of items on the munitions list.

PART 3—DEPARTMENT OF THE TREASURY

SECTION 301. *Functions.* The Secretary of the Treasury shall develop policies, plans, and procedures for the performance of emergency functions with respect to (1) stabilization aspects of the monetary, credit, and financial system; (2) stabilization of the dollar in relation to foreign currencies; (3) collection of revenue; (4) regulation of financial institutions; (5) supervision of the Federal depository system; (6) direction of transactions in government securities; (7) tax and debt policies; (8) participation in bilateral and multilateral financial arrangements with foreign governments; (9) regulation of foreign assets in the United States and of foreign financial dealings (in consultation with the Secretaries of State and Commerce); (10) development of procedures for the manufacture and/or issuance and redemption of securities, stamps, coins, and currency; (11) development of systems for the issuance and payment of Treasury checks; (12) maintenance of the central government accounting and financial reporting system; (13) administration of customs laws, tax laws, and laws on control of alcohol, alcoholic beverages, tobacco, and firearms; (14) suppression of counterfeiting and forgery of government securities, stamps, coins, and currency; (15) protection of the President and the Vice President and other designated persons; (16) granting of loans (including participation in or guarantees of loans) for the expansion of capacity, the development of technological processes, or the production of essential material; and (17) to the extent that such functions have not been transferred to the Secretary of Transportation, enforcement of marine inspection and navigation laws.

SEC. 302. *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4—DEPARTMENT OF DEFENSE

SECTION 401. *Functions.*—In addition to the civil defense functions assigned to the Secretary of Defense by Executive Order No. 10952, the Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnish quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting require-

ments for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Office of Emergency Preparedness in developing a national system of production urgencies.

(4) Advise and assist the Office of Emergency Preparedness in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Office of Emergency Preparedness measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Office of Emergency Preparedness, for purposes of processing applications for defense loans under Title II of the Defense Production Act of 1950, as amended.

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Office of Emergency Preparedness in the development and review of standards for the strategic location and physical security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Office of Emergency Preparedness and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Office of Emergency Preparedness in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Office of Emergency Preparedness in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Office of Emergency Preparedness in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Office of Emergency Preparedness in (1) determining what key foreign facilities and operating rights thereto are important enough to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National Censorship Agreement between the Department of Defense and the Office of Emergency Preparedness.

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working for United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Management (OEP) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

PART 5—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Preparedness, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would

exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custoday and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

PART 6—POST OFFICE DEPARTMENT

SECTION 601 *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Post Office activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the Post Office Department.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Office of Emergency Preparedness).

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Civil Service Commission)

(d) Emergency leasing of space for Federal agencies. (General Services Administration)

(e) Registration of enemy aliens. (Department of Justice)

PART 7—DEPARTMENT OF THE INTERIOR

SECTION 701 *Résumé of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702 *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means water from all sources except water after its withdrawal into a community system, or an emergency system for treatment, storage, and distribution for public use.

SEC. 703. *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop plans with respect to water, including plans for the treatment and disposal, after use, of water after its withdrawal into a community system or an emergency system for treatment, storage, and distribution for public use. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

PART 8—DEPARTMENT OF AGRICULTURE

SECTION 801 *Résumé of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control; (4) defense against biological and chemical warfare and radiological fall out pertaining to agricultural activities; and (5) rural defense information and education.

SEC. 802 *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803. *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* In addition to the food stockpile functions identified in Executive Order No. 10958, take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

SEC. 804 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Development of Defense, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Biological, chemical, and radiological warfare defense.* Develop plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops, or products thereof; (b) protective measures, treatment, and handling of livestock, including poultry, agricultural commodities on farms or ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Plans shall be developed for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from biological and chemical warfare, radiological effects, and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilties.

PART 9—DEPARTMENT OF COMMERCE

SECTION 901 *Résumé of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities

(except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Atomic Energy Commission), the control of all construction materials, and the furnishing of basic industrial services except those involving the following:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Production, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction and use of highways, streets, and appurenant structures.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(a) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions, essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capability, including, but not limited to:

(a) Meteorological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968.

SEC. 902 *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify and evaluate the national security essentiality of those products and services, and their producing or supporting facilities, which are of exceptional importance to mobilization readiness, national defense, or post-attack survival and recovery.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

SEC. 903 *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities.

SEC. 904 *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of post-attack surveys to provide information on the status of surviving populations and resources as required for the programs of the Office of Emergency Preparedness.

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

SEC. 905 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropriate.

PART 10—DEPARTMENT OF LABOR

SECTION 1001 *Résumé of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002 *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and, in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, in-

cluding investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1101 *Résumé of Responsibilities.* In addition to the medical stockpile functions identified in Executive Order No. 10958, the Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, credit union operations, and educational programs as defined below.

SEC. 1102 *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of their specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services; rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to radiological, chemical, and biological warfare agents; sanitary aspects of disposal of the dead; food and milk sanitation; community solid waste disposal; emergency public water supply; and the determination of the health significance of water pollution and the provision of other services pertaining to health aspects of water use and water-borne wastes as set forth in an agreement between the Secretary of Health, Education, and Welfare and the Secretary of the Interior, approved by the President, pursuant to Reorganization Plan No. 2 of 1966, which plan placed upon the Secretary of the Interior responsibilities for the prevention and control of water pollution. It shall be understood that health services for the purposes of this order, however, do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication, wholesomeness of meat and meat products, and poultry and poultry products in establishments under continuous inspection service by the Department of Agriculture, veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Secretary of Agriculture, livestock, agricultural commodities stored or harvestable on farms and ranches, agricultural lands and water, and registration of pesticides.

(2) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Office of Emergency Preparedness after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Credit union operations" means the functions of any credit union, chartered either by a State or the Federal Government, in stimulating systematic savings by members, the investment and protection of those savings, providing loans for credit union members at reasonable rates, and encouraging sound credit and thrift practices among credit union members.

(7) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

SEC. 1103 *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Emergency public water supply.* Prepare plans to assure the provision of usable water supplies for human consumption and other essential community uses in an emergency. This shall include inventorying existing community water supplies planning for other alternative sources of water for emergency uses, setting standards relating to human consumption, and planning community distribution. In carrying on these activities, the Department shall have primary responsibility but will make maximum use of the resources and competence of State and local authorities, the Department of the Interior, and other Federal agencies.

(3) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(4) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(5) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(6) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

SEC. 1104 *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of an enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

SEC. 1105 *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social Security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program.

SEC. 1106 *Credit Union Functions.* With respect to credit union functions, the Secretary of Health, Education, and Welfare shall:

(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

(2) *Economic stabilization.* Provide guidance to credit unions that will contribute to stabilization of the Nation's economy by helping to establish and maintain a sound economic base for combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.

SEC. 1107 *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be affected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Department of Defense, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

PART 12—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 1201 *Résumé of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202. *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203. *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204 *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Office of Emergency Preparedness, develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

SEC. 1205 *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

PART 13—DEPARTMENT OF TRANSPORTATION

SECTION 1301 *Résumé of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership in transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of overall national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity, or any portion thereof, to meet over-all essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and nongovernmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Nation's transportation systems; and

(7) Provisions for port security and safety, for aids to maritime navigation, and for search and rescue and law enforcement over, upon, and under the navigable waters of the United States and the high seas.

SEC. 1302. *Transportation Planning and Coordination Functions.*

In carrying out the provisions of Section 1301, the Secretary of Transportation, with assistance and support of other Federal, State and local governmental agencies, and the transport industries, as appropriate, shall:

(1) Obtain, assemble, analyze, and evaluate data on current and projected emergency requirements of all claimants for all forms of civil transportation to meet the needs of the military and of the civil economy, and on current and projected civil transportation resources—of all forms—available to the United States to move passengers or materials in an emergency.

(2) Develop plans and procedures to provide—under emergency conditions—for the collection and analysis of passenger and cargo movement demands as they relate to the capabilities of the various forms of transport, including the periodic assessment of over-all transport resources available to meet emergency requirements.

(3) Conduct a continuing analysis of transportation requirements and capabilities in relation to economic projections for the purpose of initiating actions and/or recommending incentive and/or regulatory programs designed to stimulate government and industry improvement of the structure of the transportation system for use in an emergency.

(4) Develop systems for the control of the movement of passengers and cargo by all forms of transportation, except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, including allocation of resources and assignment of priorities, and develop policies, standards, and procedures for emergency enforcement of these controls.

SEC. 1303. *Departmental Emergency Transportation Preparedness.* Except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, the Secretary of Transportation shall prepare emergency operational plans and programs for, and develop a capability to carry out, the transportation operating responsibilities assigned to the Department, including but not limited to:

(1) Allocating air carrier civil air transportation capacity and equipment to meet civil and military requirements.

(2) Emergency management, including construction, reconstruction, and maintenance of the Nation's civil airports, civil aviation operating facilities, civil aviation services, and civil aircraft (other than air carrier aircraft), except manufacturing facilities.

(3) Emergency management, of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and appurtenant structures, including:

(a) The adaptation, development, construction, reconstruction, and maintenance of the Nation's highway and street systems to meet emergency requirements;

(b) The protection of the traveling public by assisting State and local authorities in informing them of the dangers of travel through hazardous areas; and

(c) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units or other agencies concerned.

(4) Emergency plans for urban mass transportation, including:

(a) Providing guidance to urban communities in their emergency mass transportation planning efforts, either directly or through State, regional, or metropolitan agencies;

(b) Coordinating all such emergency planning with the Department of Housing and Urban Development to assure compatibility with emergency plans for all other aspects of urban development;

(c) Maintaining an inventory of urban mass transportation systems.

(5) Maritime safety and law enforcement over, upon, and under the high seas and waters, subject to the jurisdiction of the United States, in the following specific programs:

(a) Safeguarding vessels, harbors, ports, and waterfront facilities from destruction, loss or injury, accidents, or other causes of a similar nature.

(b) Safe passage over, upon, and under the high seas and United States waters through effective and reliable systems of aids to navigation and ocean stations.

(c) Waterborne access to ice-bound locations in furtherance of national economic, scientific, defense, and consumer needs.

(d) Protection of lives, property, natural resources, and national interests through enforcement of Federal law and timely assistance.

(e) Safety of life and property through regulation of commercial vessels, their officers and crew, and administration of maritime safety law.

(f) Knowledge of the sea, its boundaries, and its resources through collection and analysis of data in support of the national interest.

(g) Operational readiness for essential wartime functions.

(6) Planning for the emergency management and operation of the Alaska Railroad, and for the continuity of railroad and petroleum pipeline safety programs.

(7) Planning for the emergency operation and maintenance of the United States-controlled sections of the Saint Lawrence Seaway.

PART 14—ATOMIC ENERGY COMMISSION

SECTION 1401. *Functions.* The Atomic Energy Commission shall prepare national emergency plans and develop preparedness programs for the continuing conduct of atomic energy activities of the Federal Government. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States and, consistent with applicable provisions of the Atomic Energy Act of 1954, as amended, shall be closely coordinated with the Department of Defense and the Office of Emergency Preparedness. The Atomic Energy Commission shall:

(1) *Production.* Continue or resume in an emergency essential (a) manufacture, development, and control of nuclear weapons and equipment, except to the extent that the control over such weapons and equipment shall have been transferred to the Department of Defense; (b) development and technology related to reactors; (c) process development and production of feed material, special nuclear materials, and other special products; (d) related raw materials procurement, processing, and development; and (e) repair, maintenance, and construction related to the above.

(2) *Regulation.* Continue or resume in an emergency (a) controlling the possession, use, transfer, import, and export of atomic materials and facilities; and (b) ordering the operation or suspension of licensed facilities, and recapturing from licensees, where necessary, special nuclear materials whether related to military support or civilian activities.

(3) *Public health and safety.* Shut down, where required, in anticipation of an imminent enemy attack on the United States, and maintain under surveillance, all Commission-owned facilities which could otherwise constitute a significant hazard to public health and safety, and insure the development of appropriate emergency plans for nuclear reactors and other nuclear activities licensed by the Commission whether privately-owned or Government-owned.

(4) *Scientific, technical, and public atomic energy information.* Organize, reproduce, and disseminate appropriate public atomic energy information and scientific and technical reports and data relating to nuclear science research, development, engineering, applications, and effects to interested Government agencies, the scientific and technical communities, and approved, friendly, and cooperating foreign nations.

(5) *International atomic energy affairs.* Maintain, in consultation with the Department of State, essential liaison with foreign nations with respect to activities of mutual interest involving atomic energy.

(6) *Health services.* Assist the Department of Health, Education, and Welfare, consistent with the above requirements, in integrating into civilian health programs in an emergency the Commission's remaining health manpower and facilities not required for the performance of the Commission's essential emergency functions.

(7) *Priorities and allocations.* Plan for the administration of any priorities and allocations authority delegated to the Atomic Energy Commission. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

PART 15—CIVIL AERONAUTICS BOARD

SECTION 1501 *Definitions.* As used in this part:

(1) "War Air Service Program" (hereinafter referred to as WASP) means the program designed to provide for the maintenance of essential civil air routes and services, and to provide for the distribution and redistribution of air carrier aircraft among civil air transport carriers after withdrawal of aircaft allocated to the Civil Reseve Air Fleet.

(2) "Civil Reserve Air Fleet" (hereinafter referred to as CRAF) means those air carrier aircraft allocated by the Secretary of Transportation to the Department of Defense to meet essential military needs in the event of an emergency.

SEC. 1502 *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall:

(1) *Distribution of aircraft.* Develop plans and be prepared to carry out such distribution and redistribution of all air carrier civil aircraft allocated by the Secretary of Transportation among the civil air transport carriers as may be necessary to assure the maintenance of essential civil routes and services under WASP operations after the CRAF requirements have been met.

(2) *Economic regulations.* Develop plans covering route authorizations and operations, tariffs, rates, and fares charged the public, mail rates, government compensation and subsidy, and accounting and contracting procedures essential to WASP operations.

(3) *Operational controls and priorities.* Developed plans and procedures for the administration of operational controls and priorities of passenger and cargo movements in connection with the utilization of air carrier aircraft for WASP purposes in an emergency.

(4) *Investigation.* Maintain the capability to investigate violations of emergency economic regulations affecting air carrier operations.

(5) *Contracting.* Prepare to perform as a contracting agency, if such an agency is necessary, in connection with distribution and redistribution of aircraft for WASP.

PART 16—EXPORT-IMPORT BANK OF THE UNITED STATES

SECTION 1601 *Functions.* (a) Under guidance of the Secretary of the Treasury, the Export-Import Bank shall develop plans for the utilization of the resources of the Bank, or other resources made available to the Bank, in expansion of productive capacity abroad for essential materials, foreign barter arrangements, acquisition of emergency imports, and in support of the domestic economy, or any other plans designed to strengthen the relative position of the Nation and its allies.

(b) In carrying out the guidance functions described above, the Secretary of the Treasury shall consult with the Secretary of State and the Secretary of Comemrce as appropriate.

PART 17—FEDERAL BANK SUPERVISORY AGENCIES

SECTION 1701 *Financial Plans and Programs.* The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, and the Federal Deposit Insurance Corporation shall participate with the Office of Emergency Preparedness, the Department of the Treasury, and other agencies in the formulation of emergency financial and stabilization policies. The heads of such agencies shall, as appropriate, develop emergency plans, programs, and regulations, in consonance with national emergency financial and stabilization plans and policies, to cope with potential economic effects of mobilization or an attack, including, but not limited to, the following:

(1) *Money and credit.* Provision and regulation of money and credit in acoordance with the needs of the economy, including the acquisition, decentralization, and distribution of emergency supplies of currency; the collection of cash items and non-cash items; and the conduct of fiscal agency and foreign operations.

(2) *Financial institutions.* Provision for the continued or resumed operation of banking, savings and loan, and farm credit institutions, including measures for the recreation of evidence of assets or liabilities destroyed or inaccessible.

(3) *Liquidity.* Provision of liquidity necessary to the continued or resumed operation of banking, savings and loan, credit unions, and farm credit institutions, including those damaged or destroyed by enemy action.

(4) *Cash withdrawals and credit transfers.* Regulation of the withdrawal of currency and the transfer of credits including deposit and share account balances.

(5) *Insurance.* Provision for the assumption and discharge of liability pertaining to insured deposits and insured savings accounts or withdrawable shares in banking and savings and loan institutions destroyed or made insolvent.

SEC. 1702 *Sharing of war losses.* Heads of agencies shall, as appropriate, participate with the Office of Emergency Preparedness and the Department of the Treasury in the development of policies, plans, and procedures for implementation of national policy on sharing war losses.

PART 18—FEDERAL COMMUNICATIONS COMMISSION

SECTION 1801 *Definitions*. As used in this part:

(1) "Common carrier" means any person subject to Commission regulation engaged in providing, for use by the public, for hire, interstate or foreign communications facilities or services by wire or radio; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(2) "Broadcast facilities" means those stations licensed by the Commission for the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

(3) "Safety and special radio services" includes those non-broadcast and non-common carrier services which are licensed by the Commission under the generic designation "safety and special radio services" pursuant to the Commission's Rules and Regulations.

SEC. 1802 *Functions*. The Federal Communications Commission shall develop policies, plans, and procedures, in consonance with national telecommunications plans and policies developed pursuant to Executive Order No. 10705, Executive Order No. 10995, Executive Order No. 11051, the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", and other appropriate authority, covering:

(1) *Common carrier service*. (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with overall national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(2) *Broadcasting service*. Construction, activation, or deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(3) *Safety and special radio service*. Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency

(4) *Radio frequency assignment*. Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(5) *Electromagnetic radiation*. Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in any emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(6) *Investigation and enforcement*. Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

PART 19—FEDERAL POWER COMMISSION

SECTION 1901 *Functions*. The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in the areas as set forth in the Memorandum of Agreement dated August 9, 1962, between the Secretary of the Interior and the Chairman of the Federal Power Commission.

PART 20—GENERAL SERVICES ADMINISTRATION

SECTION 2001 *Résumé of Responsibilities*. The Administrator of General Services shall prepare national emergency plans and develop preparedness programs designed to permit modification or expansion of the activities of the General Services Administration under the Federal Property and Administrative Services Act of 1949, as amended and other statutes prescribing the duties and responsibilities of the Administrator. These plans and programs shall include, but not be limited to: (1) operation, maintenance, and protection of Federal buildings and their sites; construction, alteration, and repair of public buildings; and acquisition, utilization, and disposal of real and personal properties; (2) public utilities service management for Federal agencies; (3) telecommunications to meet the essential requirements of civilian activities of executive departments and agencies; (4) transportation management to meet the traffic service requirements of civilian activities of Federal agencies; (5) records management; (6) Emergency Federal Register; (7) Government-wide supply support; (8) service to survival items stockpiles; (9) national industrial reserve; (10) guidance and consultation to Government agencies regarding facilities protection measures; (11) administration of assigned functions under the Defense Production Act; and (12) administration and operation of the stockpile of strategic and critical materials in accordance with policies and guidance furnished by the Office of Emergency Preparedness.

SEC. 2002 *Functions*. The Administrator of General Services shall:

(1) *Public buildings*. Develop emergency plans and procedures for the operation, maintenance, and protection of both existing and new Federally-owned and Federally-occupied buildings, and construction, alteration, and repair of public buildings. Develop emergency operating procedures for the control, acquisition, assignment, and priority of occupancy of real property by the Federal Government and by State and local governments to the extent they may be performing functions as agents of the Federal Government.

(2) *Public utility service management*. Develop emergency operational plans and procedures for the claimancy, procurement, and use of public utility services for emergency activities of executive agencies of the Government.

(3) *Communications*. Plan for and provide, operate, and maintain appropriate telecommunications facilities designed to meet the essential requirements of Federal civilian departments and agencies during an emergency within the framework of the National Communications System. Plans and programs of the Administrator shall be in consonance with national telecommunications policies, plans and programs developed pursuant to Executive Order No. 10705, Executive Order No. 10995, Executive Order No. 11051, and the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System," or other appropriate authority.

(4) *Transportation*. Develop plans and procedures for providing: (a) general transportation and traffic management services to civilian activities of Federal agencies in connection with movement of property and supplies, including the claimancy, contracting, routing, and accounting of Government shipments by commercial transportation in time of emergency; and (b) motor vehicle service to meet the administrative needs of Federal agencies, including dispatch and scheduled Government motor service at and between headquarters, field offices, relocation sites, and other installations of the Federal and State governments.

(5) *Records*. Provide instructions and advice on appraisal, selection, preservation, arrangement, reference, reproduction, storage, and salvage of essential records needed for the operation of the Federal Government after attack, on an emergency basis, including a decentralized system.

(6) *Federal Register*. Develop emergency procedures for providing and making available, on a decentralized basis, a Federal Register of Presidential Proclamations and Executive Orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress during a national emergency.

(7) *Government-wide procurement and supply*. Prepare plans and procedures for the coordination and/or operation of Government-wide supply programs to meet the requirements of Federal agencies under emergency conditions, including the development of policies, methods, and procedures for emergency procurement and for emergency requisitioning of private property when authorized by law and competent authority; identification of essential civil agency supply items under the Federal catalog system; development of emergency Federal specifications and standards; determination of sources of supply; procurement of personal property and non-personal services; furnishing appropriate inspection and contract administration services; and establishment, coordination, and/or operation of emergency storage and distribution facilities.

(8) *Survival item stockpiles*. Assist the Department of Health, Education, and Welfare, insofar as civil defense medical stockpile items under its jurisdiction are concerned, and the Department of Defense, insofar as survival items under its jurisdiction are concerned, in formulating plans and programs for service activity support relating to stockpiling of such supplies and equipment. The Administrator shall arrange for the procurement, storage, maintenance, inspection, survey, withdrawal, and disposal of supplies and equipment in accordance with the provisions of interagency agreements with the departments concerned.

(9) *National industrial reserve and machine tool program*. Develop plans for the custody of the industrial plants and production equipment in the national industrial reserve and assist the Department of Defense, in collaboration with the Department of Commerce, in the development of plans and procedures for the disposition, emergency reactivation, and utilization of the plants and equipment of this reserve in the custody of the Administrator.

(10) *Excess and surplus real and personal property*. Develop plans and emergency operating procedures for the utilization of excess and surplus real and personal property by Federal Government agencies with emergency assignments or by State and local governmental units as directed, including review of the property holdings of Federal agencies which do not possess emergency functions to determine the availability of property for emergency use, and including the disposal of real and personal property and the rehabilitation of personal property.

(11) *Facilities protection and building and shelter manager service*. In accordance with the guidance from the Department of Defense, promote, with respect to Federal buildings and installations, a Government-wide program (a) to stimulate protection, preparedness, and control in emergencies in order to minimize the effects of overt or covert attack, including disposal of facilities; and (b) to establish shelter manager organizations, including safety and service personnel, shelter manager service, first aid, police, and evacuation service.

SEC. 2003 *Defense Production.* The Administrator of General Services shall assist the Office of Emergency Preparedness in the formulation of plans and programs relating to the certification of procurement programs, subsidy payments, and plant improvement programs provided by the Defense Production Act of 1950, as amended.

SEC. 2004 *Strategic and Critical Material Stockpiles.* The Administrator of General Services shall assist the Office of Emergency Preparedness in formulating plans, programs, and reports relating to the stockpiling of strategic and critical materials. Within these plans and programs, the Administrator shall provide for the procurement (for this purpose, procurement includes upgrading, rotation, and beneficiation), storage, security, maintenance, inspection, withdrawal, and disposal of materials, supplies, and equipment.

PART 21—INTERSTATE COMMERCE COMMISSION

SEC. 2101. *Résumé of Responsibilities.* The Chairman of the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, shall prepare national emergency plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency (other than for the Alaska Railroad—see Section 1303(6)); motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to States regarding development of their transportation plans in assigned areas.

SEC. 2102 *Definitions.* As used in this part:

(1) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage;

(2) "Public storage" includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises;

(3) "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes;

(4) Specifically excluded, for the purposes of this part, are pipelines, petroleum and gas storage, agricultural food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or pre-allocated to the military.

SEC. 2103 *Transportation Functions.* The Interstate Commerce Commission shall:

(1) *Operational control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(2) *Emergency operations.* Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

PART 22—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 2201 *Functions.* The Administrator of the National Aeronautics and Space Administration shall:

(1) *Research and development.* Adapt and utilize the scientific and technological capability of the National Aeronautics and Space Administration, consistent with over-all requirements, to meet priority needs of the programs of the Federal Government in an emergency. This will include the direction and conduct of essential research and development activities relating to (a) aircraft, spacecraft, and launch vehicles, (b) associated instrumentation, guidance, control and payload, propulsion, and communications systems, (c) scientific phenomena affecting both manned and unmanned space flights, (d) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (e) atmospheric and geophysical sciences.

(2) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This may include (a) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (b) developing methods to counter novel or revolutionary enemy weapons systems, (c) providing technical advice and assistance on matters involving air and space activities, and (d) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

PART 23—NATIONAL SCIENCE FOUNDATION

SECTION 2301 *Functions.* The Director of the National Science Foundation shall:

(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) maintaining the Foundation's register of scientific and technical personnel in such form and at such locations as will assure maximum usefulness in an emergency; (b) being prepared for rapid expansion of the Foundation's current operation as a central clearing house for information covering all scientific and technical personnel in the United States and its possessions; and (c) developing, in consultation with the Department of Labor, the Selective Service System, the Department of Defense, and the Office of Science and Technology, plans and procedures to assure the most effective distribution and utilization of the Nation's scientific and engineering manpower in an emergency.

(2) *Special functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate nongovernmental organizations, the ability to mobilize scientists, in consonance with over-all civilian manpower mobilization programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's scientific institute program for science, mathematics, and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as government facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and analysis of hazards to human life in the aftermath of enemy attack; and (d) prepare to carry on necessary programs for basic research and for training of scientific manpower.

PART 24—RAILROAD RETIREMENT BOARD

SECTION 2401 *Functions.* The Railroad Retirement Board shall:

(1) *Manpower functions.* Within the frame work of the over-all manpower plans and programs of the Department of Labor, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts.

(2) *Benefit payments.* Develop plans for administering, under emergency conditions, the essential aspects of the Railroad Retirement Act and Railroad Unemployment Insurance Act consistent with overall Federal plans for the continuation of benefit payment after an enemy attack.

PART 25—SECURITIES AND EXCHANGE COMMISSION

SECTION 2501 *Functions.* The Securities and Exchange Commission shall collaborate with the Secretary of the Treasury in the development of emergency financial control plans, programs, procedures, and regulations for:

(1) *Stock trading.* Temporary closure of security exchanges, suspension of redemption rights, and freezing of stock and bond prices, if required in the interest of maintaing economic controls.

(2) *Modified trading.* Development of plans designed to reestablish and maintain a stable and orderly market for securities when the situation permits under emergency conditions.

(3) *Protection of securities.* Provision of a national records system which will make it possible to establish current ownership of securities in the event major trading centers and depositories are destroyed.

(4) *Flow of capital.* The control of the formation and flow of private capital as it relates to new securities offerings or expansion of prior offerings for the purpose of establishing or reestablishing industries in relation to the Nation's needs in or following a national emergency.

(5) *Flight of capital.* The prevention of the flight of capital outside this country, in coordination with the Secretary of Commerce, and the impounding of securities in the hands of enemy aliens.

PART 26—SMALL BUSINESS ADMINISTRATION

SECTION 2601 *Functions.* The Administrator of the Small Business Administration shall:

(1) *Prime contract authority.* Develop plans to administer a program for the acquisition of prime contracts by the Administration and, in turn, for negotiating or otherwise letting of subcontracts to capable small business concerns in an emergency.

(2) *Resource information.* Provide data on facilities, inventories, and potential production capacity of small business concerns to all interested agencies.

(3) *Procurement.* Develop plans to determine jointly with Federal procurement agencies, as appropriate, which defense contracts are to go to small business concerns and to certify to the productive and financial ability of small concerns to perform specific contracts, as required.

(4) *Loans for plant modernization.* Develop plans for providing emergency assistance to essential individual industrial establishments through direct loans or participation loans for the financing of production facilities and equipment.

(5) *Resource pools.* Develop plans for encouraging and approving small business defense production and research and development pools.

(6) *Financial assistance.* Develop plans to make loans, directly or in participation with private lending institutions, to small business concerns and to groups or pools of such concerns, to small business investment companies, and to State and local development companies to provide them with funds for lending to small business concerns, for defense and essential civilian purposes.

PART 27—TENNESSEE VALLEY AUTHORITY

SECTION 2701 *Functions.* The Board of Directors of the Tennessee Valley Authority shall:

(1) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the Tennessee Valley

Authority power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(2) *Waterways.* Assist the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, prepare plans for the management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

(3) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River System and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(4) *Emergency health services and sanitary water supplies.* Assist the Department of Health, Education, and Welfare in the development of plans and programs covering emergency health services, civilian health manpower, and health resources in the Tennessee Valley Authority area and, in collaboration with the Department of the Interior and the Department of Health, Education, and Welfare, prepare plans for the management, operation, and maintenance of the Tennessee River System consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(5) *Coordination of water use.* Develop plans for determining or proposing priorities for the use of water by the Tennessee Valley Authority in the event of conflicting claims arising from the functions listed above.

(6) *Fertilizer.* Assist the Department of Agriculture in the development of plans for the distribution and claimancy of fertilizer; assist the Department of Commerce and the Department of Defense in the development of Tennessee Valley Authority production quotas and any essential expansion of production facilities, and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(7) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(8) *Land management.* Develop plans for the maintenance, management, and utilization of Tennessee Valley Authority-controlled lands in the interest of an emergency economy.

(9) *Food and forestry.* Assist the Department of Agriculture in the development of plans for the harvesting and processing of fish and game, and the Department of Commerce in the development of plans for the production and processing of forest products.

(10) *Coordination with Valley States.* Prepare plans and agreements wth Tennessee Valley States, consistent with Federal programs, for appropriate integration of Tennessee Valley Authority and State plans for the use of available Tennessee Valley Authority resources.

PART 28—UNITED STATES CIVIL SERVICE COMMISSION

SECTION 2801 *Functions.* The United States Civil Service Commission shall:

(1) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and to meet emergency demands.

(2) *Utilization.* Develop policies and implementing procedures designed to assist Federal agencies in achieving the most effective utilization of the Federal Government's civilian manpower in an emergency.

(3) *Manpower policies.* As the representative of the Federal Government as an employer, participate, as appropriate, in the formulation of national and regional manpower policies as they affect Federal civilian personnel and establish implementing policies as necessary.

(4) *Manpower administration.* Prepare plans, in consonance with national manpower policies and programs, for the administration of emergency civilian manpower and employment policies within the executive branch of the Government, including the issuance and enforcement of regulations to implement such policies.

(5) *Wage and salary stabilization.* Participate, as appropriate, with the Office of Emergency Preparedness and the Department of Labor in the formulation of national and regional wage and salary stabilization policies as they affect Federal civilian personnel. Within the framework of such policies, prepare plans for the implementation of such policies and controls established for employees within the executive branch of the Government, including the issuance and enforcement of necessary regulations.

(6) *Assistance.* Develop plans for rendering personnel management and staffing assistance to new and expanding Federal agencies.

(7) *Recruiting.* Develop plans for the coordination and control of civilian recruiting policies and practices by all Federal agencies in order to increase the effectiveness of the total recruitment efforts during an emergency and to prevent undesirable recruitment practices.

(8) *Reassignment.* Develop plans to facilitate the reassignment or transfer of Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in order to meet the most urgent needs of the executive branch during an emergency.

(9) *Registration.* Develop plans and procedures for a nationwide system of post-attack registration of Federal employees to provide a means for locating and returning to duty those employees who become physically separated from their agencies after an enemy attack, and to provide for the maximum utilization of the skills of surviving employees.

(10) *Deferment.* Develop plans and procedures for a system to control Government requests for the selective service deferment of employees in the executive branch of the Federal Government and in the municipal government of the District of Columbia.

(11) *Investigation.* Prepare plans, in coordination with agencies having responsibilities in the personnel security field, for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(12) *Salaries, wages, and benefits.* Develop plans for operating under emergency conditions the essential aspects of salary and wage systems and such benefit systems as the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, the Federal Employees and Retired Federal Employees Health Benefits Programs, and the Federal Employees Compensation Program.

(13) *Federal manpower mobilization.* Assist Federal agencies in establishing manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems of individual Federal agencies and the Federal Government as a whole in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and develop Government-wide plans for the use of surplus Federal civilian manpower.

(14) *Distribution of manpower.* Participate in the formulation of policies and decisions on the distribution of the nation's civilian manpower resources, obtain appropriate civilian manpower data from Federal agencies, and establish necessary implementing policies and procedures within the Executive Branch.

(15) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employes.

PART 29—VETERANS' ADMINISTRATION

SECTION 2901 *Functions.* The Administrator of Veterans Affairs shall develop policies, plans, and procedures for the performance of emergency functions with respect to the continuation or restoration of authorized programs of the Veterans Administration under all conditions of national emergency, including attack upon the United States. These include:

(1) The emergency conduct of inpatient and outpatient care and treatment in Veterans Administration medical facilities and participation with the Departments of Defense and Health, Education, and Welfare as provided for in interagency agreements.

(2) The emergency conduct of compensation, pension, rehabilitation, education, and insurance payments consistent with over-all Federal plans for the continuation of Federal benefit payments.

(3) The emergency performance of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various emergency conditions.

PART 30—GENERAL PROVISIONS

SECTION 3001 *Resource Management.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051 of September 27, 1962, and subject to the provisions of the preceding parts, the head of each department and agency shall:

(1) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which he has been assigned responsibility.

(2) *Requirements.* Assemble, develop as appropriate, and evaluate requirements for assigned resources, taking into account estimated needs for military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(3) *Evaluation.* Assess assigned resources in order to estimate availability from all sources under an emergency situation, analyze resource availabilities in relation to estimated requirements, and develop appropriate recommendations and programs, including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource analysis purposes of the Office of Emergency Preparedness.

(A) *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services which would be needed to carry out assigned responsibilities and other essential functions of his department or agency, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

SEC. 3002 *Facilities protection and warfare effects monitoring and reporting.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of

Emergency Preparedness under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the head of each department and agency shall:

(1) *Facilities protection.* Provide facilities protection guidance material adapted to the needs of the facilities and services concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on facilities or other resources for which he has management responsibility. Guidance shall include, but not be limited to, organization and training of facility employees, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, dispersal of facilities, and mutual aid associations for an emergency.

(2) *Welfare effects monitoring and reporting.* Maintain a capability, both at national and field levels, to estimate the effects of attack on assigned resources and to collaborate with and provide data to the Office of Emergency Preparedness, the Department of Defense, and other agencies, as appropriate, in verifying and updating estimates of resource status through exchanges of data and mutual assistance, and provide for the detection, identification, monitoring and reporting of such warfare effects at selected facilities under his operation or control.

(3) *Salvage and rehabilitation.* Develop plans for salvage, decontamination, and rehabilitation of facilities involving resources under his jurisdiction.

(4) *Shelter.* In conformity with national shelter policy, where authorized to engage in building construction, plan, design, and construct such buildings to protect the public to the maximum extent feasible against the hazards that could result from an attack upon the United States with nuclear weapons; and where empowered to extend Federal financial assistance, encourage recipients of such financial assistance to use standards for planning design and construction which will maximize protection for the public.

SEC. 3003 *Critical skills and occupations.* (a) The Secretaries of Defense, Commerce, and Labor shall carry out the mandate of the National Security Council, dated February 15, 1968, to "maintain a continuing surveillance over the Nation's manpower needs and identify any particular occupation or skills that may warrant qualifying for deferment on a uniform national basis." In addition, the Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall carry out the mandate of the National Security Council to "maintain a continuing surveillance over the Nation's manpower and education needs to identify any area of graduate study that may warrant qualifying for deferment in the national interest." In carrying out these functions, the Secretaries concerned shall consult with the National Science Foundation with respect to scientific manpower requirements.

(b) The Secretaries of Commerce and Labor shall maintain and issue, as necessary, lists of all essential activities and critical occupations that may be required for emergency preparedness purposes.

SEC. 3004 *Research.* Within the framework of research policies and objectives established by the Office of Emergency Preparedness, the head of each department and agency shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving each agency's interest.

SEC. 3005 *Stockpiles.* The head of each department and agency, with appropriate emergency responsibilities, shall assist the Office of Emergency Preparedness in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items.

SEC. 3006 *Direct Economic Controls.* The head of each department and agency shall cooperate with the Office of Emergency Preparedness and the Federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

SEC. 3007 *Financial Aid.* The head of each department and agency shall develop plans and procedures in cooperation with the Federal financial agencies for financial and credit assistance to those segments of the private sector for which he is responsible in the event such assistance is needed under emergency conditions.

SEC. 3008 *Functional Guidance.* The head of each department and agency in carrying out the functions assigned to him by this order, shall be guided by the following:

(1) *National program guidance.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense, technical guidance shall be provided to State and local governments and instrumentalities thereof, to the end that all planning concerned with functions assigned herein will be effectively coordinated. Relations with the appropriate segment of the private sector shall be maintained to foster mutual understanding of Federal emergency plans.

(2) *Interagency coordination.* Emergency preparedness functions shall be coordinated by the head of the department or agency having primary responsibility with all other departments and agencies having supporting functions related thereto.

(3) *Emergency preparedness.* Emergency plans, programs, and an appropriate state of readiness, including organizational readiness, shall be developed as an integral part of the continuing activities of each department or agency on the basis that that department or agency will have the responsibility for carrying out such plans and programs during an emergency. The head of each department or agency shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determinations by the President.

(4) *Professional liaison.* Mutual understanding and support of emergency preparedness activities shall be fostered, and the National Defense Executive Reserve shall be promoted by maintaining relations with the appropriate non-governmental sectors.

SEC. 3009 *Training.* The head of each department and agency shall develop and direct training programs which incorporate emergency preparedness and civil defense training and information programs necessary to insure the optimum operational effectiveness of assigned resources, systems, and facilities.

SEC. 3010 *Emergency Public Information.* In consonance with such emergency public information plans and central program decisions of the Office of Emergency Preparedness, and with plans, programs, and procedures established by the Department of Defense to provide continuity of programming for the Emergency Broadcast System, the head of each department and agency shall:

(1) Obtain and provide information as to the emergency functions or assignments of the individual department or agency for dissemination to the American people during the emergency, in accordance with arrangements made by the Office of Emergency Preparedness.

(2) Determine requirements and arrange for prerecordings to provide continuity of program service over the Emergency Broadcast System so that the American people can receive information, advice, and guidance pertaining to the implementation of the civil defense and emergency preparedness plans or assignments of each individual department or agency.

SEC. 3011. *Emergency Actions.* This order does not confer authority to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

SEC. 3012 *Redelegation.* The head of each department and agency is hereby authorized to redelegate the functions assigned to him by this order, and to authorize successive redelegations to agencies or instrumentalities of the United States, and to officers and employees of the United States.

SEC. 3013 *Transfer of Functions.* Any emergency preparedness function under this order, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director of the Office of Emergency Preparedness. Any new emergency preparedness function may be assigned to the head of a department or agency by the Director of the Office of Emergency Preparedness by mutual consent.

SEC. 3014 *Retention of Existing Authority.* Except as provided in Section 3015, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any department or agency or officer thereof made by statute. Executive order or Presidential directives, including Memoranda

SEC. 3015 *Revoked Orders.* The following are hereby revoked:

(1) Defense Mobilization Order VI-2 of December 11, 1953.

(2) Defense Mobilization Order I-12 of October 5, 1954.

(3) Executive Order No. 10312 of December 10, 1951.

(4) Executive Order No. 10346 of April 17, 1952.

(5) Executive Order No. 10997 of February 16, 1962.

(6) Executive Order No. 10998 of February 16, 1962.

(7) Executive Order No. 10999 of February 16, 1962.

(8) Executive Order No. 11000 of February 16, 1962.

(9) Executive Order No. 11001 of February 16, 1962.

(10) Executive Order No. 11002 of February 16, 1962.

(11) Executive Order No. 11003 of February 16, 1962.

(12) Executive Order No. 11004 of February 16, 1962.

(13) Executive Order No. 11005 of February 16, 1962.

(14) Executive Order No. 11087 of February 26, 1963.

(15) Executive Order No. 11088 of February 26, 1963.

(16) Executive Order No. 11089 of February 26, 1963.

(17) Executive Order No. 11090 of February 26, 1963.

(18) Executive Order No. 11091 of February 26, 1963.

(19) Executive Order No. 11092 of February 26, 1963.

(20) Executive Order No. 11093 of February 26, 1963.

(21) Executive Order No. 11094 of February 26, 1963.

(22) Executive Order No. 11095 of February 26, 1963.

(23) Executive Order No. 11310 of October 11, 1966.

THE WHITE HOUSE, *October 28, 1969*.

RICHARD NIXON.

[From the Borger (Tex.) News Herald, Sept. 19, 1971]

STATE OF NATIONAL EMERGENCY LEGALIZES THE EXECUTIVE ORDERS: THE NATIONAL EMERGENCY

(By Archibald E. Roberts, Lt. Col., AUS. ret.)

The state of "national emergency" declared by President Nixon in August "legalized" the imposition of Executive Orders and other socialist directives under the guise of a "time of increased international tension, and economic and financial crisis."

When published in the Federal Register Executive Orders, without any concurring action by the Congress, become law. In combination these documents achieve the objective of those who have long sought to dismantle the Constitution and erect a socialist state upon the ruins of the Republic.

The implications of "national emergency" may be best understood by examining a few of the Executive Orders published in the Federal Register during February and September, 1962:

Executive Order No. 11051 Details responsibility of the Office of Emergency Planning and gives authorization to put all Executive Orders into effect in times of increased international tensions and economic or financial crisis.

Executive Order No. 10995 Provides for the take over of communication media.

Executive Order No. 10997 Provides for the take over of all electrical power, gas, petroleum, fuels, and minerals.

Executive Order No. 10998 Provides for the take over of food resources and farms.

Executive Order No. 10990 Provides for the take over of all modes of transportation and control of highways, seaports, etc.

Executive Order No. 11000 Provides for mobilization of civilians into work brigades under government supervision.

Executive Order No. 11001 Provides for government take over of health, education, and welfare functions.

Executive Order No. 11002 Designates the Postmaster General to operate a national registration of all persons.

Executive Order No. 11003 Provides for the government take over of airports and aircraft.

Executive Order No. 11004 Provides for the Housing and Finance Authority to relocate communities, build new housing with public funds, designate areas to be abandoned, and established new locations for populations.

Executive Order No. 11005 Provides for the government to take over railroads, inland waterways, public storage facilities.

Executive Order No. 11310 Published in the Federal Register, 11 October, 1966, grants authority to the Department of Justice to enforce the plans set out in Executive Orders, to institute industry support, to establish judicial and legislative liaison, to control all aliens, to operate penal and correctional institutions, and to advise and assist the President.

In all respects the Attorney General will be an all powerful commissar with life and death authority over virtually all aspects of American life.

In a public speech at Casper, Wyoming, 7 March, 1969, I predicted that, "America is within two years of being taken over by an international cartel," and, "Nixon will be the one to lead us into total world government."

"An international monetary crisis will be the tipoff to the takeover of the world by an organization of large bankers and businessmen intent on power," I said.

Contemporary events confirm our worst apprehensions.

On 15 August, 1971, President Richard M. Nixon, in Proclamation No. 4074, announced, "I hereby declare a national emergency," thus effecting delivery of the Untied States to a cabal of international money lenders and industrialists. Pressures of economic coercion spelled out in Executive Order No. 11615 of the same date, are intended to expedite the transfer of Americans into an Orwilian, 1984, animal farm.

The Order of "Stabilization of Prices, Rents, Wages, and Salaries," which is the title of Executive Order 11615, reveals that Arthur F. Burns, Chairman of the Board of Governors, Federal Reserve System, is the advisor (controller) of the Council.

The Federal Reserve System is a private banking cartel which controls the American economy by regulating the flow of Federal Reserve notes in circulation, by controlling interest rates, the stock market, and other facets of American life.

The Council (read Federal Reserve System) is also charged under the Order with the responsibility for developing additional policies, mechanism, and procedures to control prices, rents, wages, and salaries "after the expiration of the 90-day period.

In consonance with the provisions of Executive Order 11310 dated 11 October, 1966, the Order of 15 August, 1971, directs the Department of Justice to "bring actions for injunctions whenever it appears that any person has violated the regulations set out by the Council (F.R.S.).

It will take a little time for the loose ends to be tidied up—three months say the planners—but ultimately all of us will experience the crunch of a controlled society.

The die is cast in Proclamation 4074 and companion Executive Order 11615.

Through these acts, and certain other Executive Orders published during the Kennedy and Johnson Administrations, one man, on behalf of hidden sponsors, has completely ignored the Constitution, the authority of Congress, and the people.

By implementing Executive Orders a dictatorship can be imposed on the American people.

This is the political reality of Mr. Nixon's declaration of a state of "national emergency."

All else is rhetoric.

The success of the conspiracy can, however, be temporary . . . if the people will it. Covert control of the Federal Government is dependent upon secrecy until full consolidation of power is achieved.

The moment an aroused and indignant people commit themselves to exposing and neutralizing the Financial "Elite" who pull the strings the "Day of the Wizard" will end.

Ref: "Proclamation 4074," and "Executive Order 1615," the Federal Register, Vol. 36, No. 159, Tuesday, August 17, 1971, pp. 15724–15729.

HIDDEN PROPAGANDA COSTS AND LACK OF CIVILIAN CONTROL IN DEPARTMENT OF DEFENSE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BINGHAM. Mr. Speaker, long before CBS aired its "Selling of the Pentagon," a number of us in Congress were concerned about the extent of the promotional activities of the Department of Defense. Senator FULBRIGHT and I have, for example, offered amendments for several years to limit expenditures for this purpose. Nevertheless, in 1970, the amount the Defense Department admitted spending for this purpose jumped to $40 million—as compared to $29 million in 1969. That startling 1-year increase was explained as a change in accounting procedures.

I noted, however, in looking at the $40 million figure, that expenditures by a number of agencies which appear to be engaged in significant public information activities were omitted. The combined budgets of these omitted agencies alone in 1970 amounted to over $48 million.

I therefore asked the General Accounting Office to investigate in detail the activities and expenditures of three of these agencies—the Aerospace Audio-Visual Service, the Office of Information for the Armed Services, and the Military Recruiting Service. I asked the GAO to determine to what extent these agencies might, in fact, be engaged in military promotion that has not been reported as such to the Congress as part of the Public Affairs budget.

The report was presented to me in August 1971, and I released it to the public on August 21.

The report leads me to two major conclusions. First, it confirms that there are nests of public information activities and expenses in the vast defense establishment that continue to be hidden from the Congress. In most cases, these activities are hidden by the fact that they involve the production and use of materials ostensibly intended for internal use by the military, but which, in fact, are also widely distributed and presented to the public.

The Aerospace and Audio-Visual Service, for example, provides protographic and video services for the Air Force. Its budget in 1970 was $12 million. This report suggests, however, that it also serves, in effect, as a second press agent for the Air Force. In 1970, it spent $407,000 on materials designed specifically for public showing. In addition, the many films in its library were shown untold thousands of times to public groups free of charge. A small sample of these films studied by the GAO were shown 26,000 times to public groups in only a 4-month period.

Similarly, this study reveals that the Office of Information for the Armed Forces, which is also primarily an internal information bureau, allowed more than 48,000 public showings of its internal films and other materials in 1970 alone.

My second conclusion from this report is that there continues to be a disturbing lack of central civilian control over the public affairs and information activities of the military. The Assistant Secretary of Defense for Public Affairs is charged with that responsibility. Yet this report reveals that there is plenty of military propagandizing going on outside his direct control. The Department of Defense is still a very leaky keg, so to speak, as far as public information is concerned. It has failed to meet congressional and executive branch directives to channel all public information expenditures and activities through a single spigot.

This report indicates, for example, that the only contact the Assistant Secretary for Public Affairs has with the public information activities of the Office of Information of the Armed Forces and the Aerospace Audio-Visual Service is to clear certain materials for "security" purposes. He exercises no say in their production. After clearance for the public, they remain under the full control of the producing agency with no control whatsoever by the Assistant Secretary. Only in the case of recruiting information does the Assistant Secretary have a voice in the production of informational materials.

The significance of the specific findings of this report is not so much in the costs involved, but rather the impact of the activities revealed on the public. With that in mind, I made two specific recommendations in a letter to Secretary of Defense Melvin R. Laird, dated August 21.

First, I recommended and urged that a substantial portion of the costs of recruitment advertising and information should be budgeted and reported as public affairs cost, and the role and control of the Assistant Secretary for Public Affairs—Daniel Z. Henkin—in the production, distribution, and presentation of the recruitment materials to the public should be expanded even beyond what it is now, as described by this report. Recruitment, advertising, and publicizing of the military and military careers is increasing sharply in amount and prominence as we move toward a volunteer Army. But for every volunteer this massive advertising and public affairs campaign brings in, it also influences and shapes the attitudes of untold numbers of other Americans toward the military. It is therefore more a public information function than anything else and should be budgeted and managed as such.

Similarly, all public information activities revealed in this report, and the materials involved, should be transferred to the direct jurisdiction and control of Assistant Secretary Henkin, and an appropriate portion of the total costs involved should be reported as part of the Department's Public Affairs budget. Only in that way can the Congress be fully and accurately informed of the full cost and extent of Public Affairs activities by the Defense Establishment. Only in that way, too, can civilian control over this extremely important and sensitive function be assured.

I intend to continue my efforts in Congress to cut down total public affairs expenditures by the armed services by imposing a legislative limit. As I have indicated in my letter to Secretary Laird, however, such efforts by the Congress, as well as some that have been made by the executive branch, are certain to fail so long as substantial public information functions, like the ones cited in this report, continue to be performed by widely scattered military groups outside the direct jurisdiction and centralized control of the Office of the Assistant Secretary for Public Affairs over these and all other public information activities—in effect, to plug the holes in the Pentagon's bulging, leaky public information barrel.

Following is a letter from Congressman Jonathan B. Bingham to Secretary of Defense Melvin R. Laird, concerning Department of Defense Public Affairs and Public Information Activities, August 21, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense, the Pentagon, Washington, D.C.

DEAR MR. LAIRD: I want to bring to your attention the results of a study I requested from the General Accounting Office concerning certain aspects of the Defense Department's Public Affairs and Public Information program. A copy of the GAO report, along with a statement of my assessment of it, are enclosed for your information.

It is my judgment that this report indicates the Defense Department has, so far, failed to bring all of its widespread public information activities and expenditures under centralized civilian control. Such control should be exercised by the Assistant Secretary of Defense for Public Affairs (Daniel Z. Henkin), and I strongly urge you to take immediate steps to expand his jurisdiction to include direct operational control of the public information and public affairs activities and expenditures of the agencies examined by this study, as well as any others which may be performing substantial public information and public affairs functions outside his direct control.

I hope, also, that you will give serious consideration to my recommendation, prompted by the findings of this study, that the Assistant Secretary of Defense for Public Affairs assume greater control and financial responsibility for the publicity aspects of the military recruitment program.

As you are undoubtedly well aware, there are continuing efforts in Congress, as well as in the Executive Branch, to set strict limits on expenditures for public information and public affairs, and to assure careful monitoring of the type of information presented to the public by the military. But these efforts are certain to fail so long as substantial public information functions, like the ones cited in the enclosed report, continue to be performed by specialized units outside the direct central control and jurisdiction of the Office of the Assistant Secretary of Defense for Public Affairs.

I look forward to learning of your progress in remedying this situation.

Cordially,
JONATHAN B. BINGHAM,
Member of Congress.

Copies: Honorable F. Edward Hébert, Chairman, House Committee on Armed Services.

Honorable George H. Mahon, Chairman, House Committee on Appropriations.

The text of the GAO report follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

Hon. JONATHAN B. BINGHAM,
House of Representatives.

DEAR MR. BINGHAM: This is our report on the influence of public affairs organizations on information and advertising programs in the Department of Defense. Our review was made pursuant to your requests of June 4, and June 19, 1970.

We have not followed our usual practice of obtaining agency comments on this report. No further distribution of this report will be made unless copies are specifically requested and then only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

We trust that this information meets your needs. If we can be of further help, we will be glad to comply with your requests.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL'S REPORT TO THE HONORABLE JONATHAN B. BINGHAM, HOUSE OF REPRESENTATIVES

DIGEST: WHY THE REVIEW WAS MADE

Congressman Jonathan B. Bingham requested the General Accounting Office (GAO) to investigate certain public relations activities and recruiting services of the Department of Defense (DOD).

This request was based upon data furnished to Congressman Bingham, which stated that DOD had revised its estimates for public relations and information activities in 1970 from $29 million to $40 million. Congressman Bingham was concerned because several organizations, including the Armed Forces Radio and Television Service (which is part of the Office of Information for the Armed Forces under the Assistant Secretary of Defense, Manpower and Reserve Affairs) and the Aerospace Audio-Visual Service (part of the Department of the Air Force), had budgeted $48 million in fiscal year 1970 and had responsibilities in this area but were not among the organizations accounting for the $40 million.

Specifically GAO was asked to determine (1) the extent to which the material and services produced by the information and advertising programs were used for public consumption and (2) the extent to which the formal public information and public affairs organizations of DOD were consulted when the above organizations decided what kind of materials and services they would provide.

FINDINGS AND CONCLUSIONS

The Office of Information for the Armed Forces, the Aerospace Audio-Visual Service, and the military recruiting services produce a large volume of films, broadcast material for radio and television, and printed material.

Materials produced by the Office of Information for the Armed Forces are used primarily for internal information and entertainment of military personnel. Some of the material is available to the public by purchase from the Government Printing Office or by loan from military base film libraries after approval for public release by the Assistant Secretary of Defense (Public Affairs). (See p. 4.)

The Assistant Secretary of Defense (Public Affairs) has no role in the production of materials or services by the Office of Information for the Armed Forces. For security purposes, the Assistant Secretary does review all publications, motion pictures, and television and radio shows disseminated by the Office of Information for the Armed Forces. (See p. 4.)

The Aerospace Audio-Visual Service provides photographic and video services and products to meet the requirements of the Air Force. Aerospace Audio-Visual Service expenditures for fiscal year 1970 totaled $12.4 million, of which $407,000 was for materials produced specifically for public showing. (See p. 8.)

GAO analyzed a sample of films produced specifically for internal Air Force use, to determine the extent to which such films were viewed by the general public. The films are available to civilian organizations such as schools, colleges, universities, churches, and civic groups. GAO estimates that, from March through June 1970, 596 films, costing about $13,300,000, were shown 26,300 times to civilian organizations and 49,000 times to Air Force personnel and/or Government employees. In 1969, 427 films, costing about $9,000,000, were shown 8,360 times to civilian organizations and 172,540 times to Air Force personnel and/or Government employees. It should be noted that most of these films were produced prior to the year of showing and will be utilized also in future years. (See pp. 9 and 10.)

The Director of Information, Department of the Air Force, and the Assistant Secretary of Defense (Public Affairs) review and approve all Air Force films shown to the public. (See p. 11.)

Each of the military services has an organization responsible for planning and directing its recruiting program. The material created for and by the military recruiting services is directed to the general public. DOD requires audio-visual projects—television, radio, still photographs, etc.—of national interest, such as recruiting projects, to be submitted to the Assistant Secretary of Defense (Public Affairs) for approval before release to the general public. (See p. 12.)

With respect to public affairs organizations in the individual services, GAO was informed that the production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs and information organizations in their services. The Army and Air Force public affairs and information organizations, however, do participate in the development of recruiting materials in their respective services. (See p. 16.)

CHAPTER 1: OFFICE OF INFORMATION FOR THE ARMED FORCES

The Office of Information for the Armed Forces—under the Assistant Secretary of Defense (Manpower and Reserve Affairs)—is responsible for developing and conducting the Armed Forces Information and Education Program. This responsibility includes the production of materials concerning national policies and commitments on such topics as—

Democracy and Communism,
World Affairs,
Forces for Freedom (U.S. and friendly forces),
Citizenship (including voting),
Orientation for Overseas Duty, and
Code of Conduct.

We were informed by officials of the Department of Defense that the program currently included information on such subjects as equal opportunities, drug abuse, and all volunteer force, human goals, police recruiting, domestic action, and open housing.

The main operating divisions of the Office of Information are the (1) Armed Forces Radio and Television Service and (2) Media Operations Division. Total expenditures for these divisions during fiscal year 1970 amounted to $6,389,000, as follows:

Armed Forces Radio and Television Service		$2,315,000
Media Operations Division:		
Motion Picture Service	$400,000	
Publication Service	397,000	
Press Service	217,000	
Production Service	44,000	
Visual Communication Service	36,000	1,094,000
Other costs (including payroll, administrative support, transportation, and equipment and supplies applicable to all the above)		2,980,000
Total		6,389,000

The Assistant Secretary of Defense (Public Affairs) has no role in the production of materials or services by the Office of Information. For security purposes, the Assistant Secretary, however, does review all Office of Information publications, motion pictures, and television and radio shows.

Materials produced by the Office of Information are used primarily for internal information and entertainment of military personnel. Some of the material is available to the public by purchase from the Government Printing Office or by loan from military base film libraries after approval for public release by the Assistant Secretary of Defense (Public Affairs).

ARMED FORCES RADIO AND TELEVISION SERVICE

The Armed Forces Radio and Television Service produces and distributes programs and materials to 328 military radio outlets and 90 military television outlets. Programs are selected from a cross section of news, current events, documentary, general information, and entertainment programs obtained from commercial radio and television stations at nominal cost; from the Directorate of Armed Forces Information and Education; and from other Government departments and agencies. The Armed Forces Radio and Television Service edits all programs selected for use by affiliated military radio and television networks. The networks are responsible for developing their own programming schedules.

DOD directives do not require the Armed Forces Radio and Television Service to consult with public affairs and public information organizations of DOD on material used in the Service's affiliated radio and television outlets.

MEDIA OPERATIONS DIVISION

The Media Operations Division consists of five activities which support the military internal information programs through the production of motion pictures, publications, press releases, still photographs, and other items. All the materials and services provided by these activities are intended for the entertainment and information of military personnel, but some are made available to the general public.

Motion picture service

The Motion Picture Service produces or purchases and distributes about 30 films annually for military information programs. During fiscal year 1970, 26 motion pictures were either produced or purchased at a cost of about $400,000. The films, which vary in length from 10 to 35 minutes each, are distributed in quantities up to 1,000 prints to the military departments as needed. Examples of the films purchased in fiscal year 1970 are: "Changing Face of Communism-Eastern Europe," "Your Tour in Vietnam," and "People Versus Pot." Some of these films are available to the public by loan from military film libraries after the films have been cleared for public showing by the Assistant Secretary of Defense (Public Affairs).

We attempted to determine the extent to which motion pictures produced by the Office of Information were being used by the military services and by civilian organizations. In this regard, we noted that nearly 200 films had been produced or purchased during the period 1950 through 1970 and that approximately 170 of these films had been cleared for public showing to schools, churches, civic groups and other civilian organizations. Both the Army and the Air Force maintain machine listings which indicate the number of times a film has been shown in a given period and the total number of people who have attended. These listings do not show, however, how many of the people attending were military personnel, Government employees, or civilian organization members.

Of the 170 films cleared for public showing, the Army used 99 during a 12-month period ending March 1970. These films were shown a total of 165,431 times—129,512 showings to military personnel and Government employees and 35,919 showings to civilian organizations.

Identical information on Air Force showings of the films to civilian organizations was not available. The Air Force categorizes loans of films as either short-term—less than 2 weeks—or long-term—over 2 weeks. We found that 101 films had been used on a short-term basis. These films were shown a total of 29,936 times during the period March through June 1970—17,177 showings to Air Force personnel and Government employees and 12,759 showings to civilian organizations. We found that 100 films had been used on a long-term basis. These films were shown a total of 37,395 times during calendar year 1969—35,261 showings to Air Force personnel and Government employees and 2,134 showings to civilian organizations.

We were unable to obtain similar information from the Department of the Navy because its records were incomplete. We were informed that only about 15 percent of actual film-use information was being reported to the office responsible for accumulating such information.

Publication service

The Publication Service prepares and edits information publications, which are printed by the Government Printing Office, for use by the military services. Approximately 100 publications, such as pamphlets, fact sheets, pocket guides, brochures, and similar items, were produced in fiscal year 1970 at a cost of about $397,000. Examples of such publications are pamphlets entitled "Federal Source Book—Answers to Most Frequently Asked Questions About Drugs," "Pocket Guide to Korea," and "Voting Information." Many of these publications are available to the public through the Government Printing Office book store.

Press service

The Press Service produces three publications. The "Armed Forces Press File" is distributed weekly to assist military editors in the field in publishing their periodicals. Currently there are over 1,700 such periodicals. The "Galley Guide" is a monthly four-page publication of instruction and professional comments advising editors how to write, edit, print, and publish their newspapers. The "Commanders Digest" is distributed weekly to military units, embassies, and missions and provides military staffs with authoritative information on national and DOD policies.

Visual communication service

The Visual Communication Service produces illustrations, charts, photographs, and sketches for all Office of Information publications. In fiscal year 1970, 17 art work and poster projects were listed as completed.

Production service

The Production Service produces and distributes about 100 video-taped programs a year for dissemination to military television stations and interested Government agencies. At present these programs include a series on activities in Vietnam and other areas around the world, which are believed to be of general interest to military audiences, and a panel discussion series covering topics of general military and command interest, such as drug use, cost reduction, military compensation, and medical care programs.

CHAPTER 2: AEROSPACE AUDIO-VISUAL SERVICE

The Aerospace Audio-Visual Service (AAVS) is an organizational unit of the Department of the Air Force Military Airlift Command. AAVS provides photographic and video services and products to meet the requirements of the Air Force, its major commands, and separate operating agencies. All films produced by AAVS for public showing are reviewed and approved by the Director, Office of Information, and the Assistant Secretary of Defense (Public Affairs).

During fiscal year 1970 AAVS expenditures totaled $12.4 million, of which $407,000 was spent on material intended specifically for public showing.

Motion picture films	$47,600
Film clips	197,700
Still photography	161,700
Total	407,000

MOTION PICTURE FILMS

Two films were produced during fiscal year 1970. One film, entitled "Friends, Neighbors and People We Know," was produced at a cost of $44,755. The film portrays how members of the Air National Guard contribute to national defense. The National Guard Bureau, Washington, D.C., requested production of this film, to emphasize the theme that the Air National Guard is not a haven for draft dodgers. The other film, a short one entitled "NORAD Tracks Santa," was produced for $2,879. The film portrays Santa Claus' trip from the North Pole to homes of children in the United States and Canada as tracked by the men and equipment of the North American Air Defense Command. The Director of Public Affairs in the Command's radio and television branch requested production of the film to publicize the Command.

AAVS was not reimbursed for the cost of producing these films. AAVS files did not disclose any other films produced during fiscal year 1970 specifically for public exhibition.

AAVS prepares a consolidated inventory and use report which identifies films in the inventory and the number of showings of the films to authorized civilian organizations, Air Force personnel, and Government employees. One part of the report lists the inventory of films at the Audio-Visual Center and the monthly distribution of films loaned directly to users on a short-term basis, i.e., for 2 weeks or less. The other part of the report shows the inventory of films released to Air Force film libraries on a long-term basis—for a period over 2 weeks—and the use of those films during a 6-month period as reported by the libraries to the Audio-Visual Center.

As of June 26, 1970, 6,312 films were in the AAVS inventory. Because of the large number of films in the Air Force inventory and the number of times the films had been shown, we selected a statistical sample of the film inventory (a sample of films produced specifically for internal Air Force use), to arrive at the cost of the films and the extent to which they had been shown to authorizd civilian organizations.

Air Force films cleared for public showing may be used by such civilian organizations as schools, colleges, universities, civic groups, and churches. Films are made available free of charge to civilian organizations with the stipulation that no admission or other fees may be charged.

Our samples were selected from the consolidated report prepared by Audio-Visual Center employees. They told us, however, that, except for the report covering the period March through June 1970, the short-term report was not reliable because of automatic data processing problems. Also the latest long-term report, which was processed in July 1970, included all of 1969 rather than 6-month periods. Because these were the best source documents available at the time of our review, we used the March through June 1970 report for our short-term sample selection and the report processed in July 1970 for our long-term sample selection and based our cost and public-showing projections on these two reports.

On the short-term report we identified 596 films produced at a cost of about $13.3 million. About 26,300, or 35 percent of the 75,000 showings of these films, were made to the public. On the long-term report we identified 427 films produced at a cost of $9 million. These films were shown about 180,900 times, of which 8,360 showings, or about 5 percent, were made to the public.

It should be noted that most of these films were produced prior to the year of showing and will also be utilized in future years.

FILM CLIPS

AAVS initiated a film-clip program at the request of the Director, Office of Information, in 1968. Film clips are produced in color and are distributed to local television stations weekly. They are intended to show activities of Air Force personnel throughout the world.

During fiscal year 1970, 52 film clips were completed for the Office of Information. On the basis of an average cost of $3,803 a film clip, the 52 film clips cost about $197,700. These costs were expended from AAVS funds without reimbursement from the Office of Information.

STILL PHOTOGRAPHY

AAVS supports public information programs through its Central Still Photo Depository, Arlington, Virginia; the Audio-Visual Center, Norton Air Force Base; and various field units.

The Central Still Photo Depository maintains an inventory of photographs of subjects of Air Force interest and supplies copies to all Air Force activities within the Metropolitan Washington, D.C., area including the Air Force Office of Information. The Audio-Visual Center provides regional photographic support to Air Force activities.

Costs of photographic services supporting public information programs cannot readily be identified from AAVS records. With the assistance of AAVS officials, we estimate that, during fiscal year 1970, AAVS spent about $161,700 to provide still photographic support for public viewing to the Air Force Office of Information.

COORDINATION WITH PUBLIC AFFAIRS ORGANIZATIONS ON PRODUCTION OF FILMS

As stated previously AAVS is a service organization directed by the Military Airlift Command as to the kinds of products and services it will produce. Consequently AAVS officials stated there was no need for them to consult DOD public information and public affairs organizations about these matters.

In the production of motion-picture films, the Air Force Office of Information reviews the original film proposal, the completed script, and the completed film produced for public showing. The approval of the Assistant Secretary of Defense (Public Affairs) is required before funds are committed for the production of any film intended for public showing.

The Air Force Office of Information reviews also, for compliance with policy, scripts and films for internal use. Air Force films produced for internal use but later released for public showing must have the approval of the Air Force Office of Information and the Assistant Secretary of Defense (Public Affairs).

CHAPTER 3: MILITARY RECRUITING SERVICES

The mission of the military recruiting services is to recruit qualified persons, to meet military needs for enlisted personnel, officer candidate training schools, and specialists required by the services. Each of the military services has an organization responsible for planning and directing its recruiting programs.

The material created for and by the military recruiting services is directed to the general public. DOD requires that audio-visual projects—television, radio, still photographs, etc.—of national interest, such as recruiting projects, be submitted to the Assistant Secretary of Defense (Public Affairs) for approval before release to the general public.

With respect to public affairs activities in the individual services, we were informed that the production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs and information activities in their services. The Army and Air Force public affairs and information organizations, however, do participate in developing recruiting materials in their respective services.

MATERIALS USED BY THE MILITARY RECRUITING SERVICES

In fiscal year 1970 operations and maintenance funds were spent for advertising and publicity programs for the recruiting services, as follows:

Army	$3,079,000
Navy	2,460,381
Air Force	1,618,599
Total	7,157,980

These amounts are not included in the $48 million mentioned on page 1 of this report. Of the above total amount, $2.5 million was budgeted for services of commercial advertising agencies in preparing various portions of the military services recruiting programs.

The U.S. Army Recruiting Command budgeted $1,737,525 for the services of N. W. Ayer and Sons, Inc., of Philadelphia, Pennsylvania; the Air Force budgeted $231,000 for the services of MacManus, John and Adams Inc.; the Navy budgeted $336,000 for the services of Young and Rubicam of New York; and the Marine Corps budgeted $226,000 for the services of the J. Walter Thompson Co.

All available media—television, radio, film, magazines, newspapers, etc.—are used by the recruiting services to recruit qualified persons.

Radio and television

Radio programs are of two types—spot announcements and variety shows. Spot announcements, which are usually 10, 20, 30, or 60 seconds long, contain a brief message about the opportunities of military life. Variety shows, which are usually 15 to 25 minutes long, combine the recruiting message with a musical program. Examples of variety shows are the Army's three 15-minute weekly programs entitled "It's Music," "Country Express," and "America's Best." The Army Recruiting Command supplies programs to Army recruiters who distribute them to local radio stations.

Television programs are usually 20-, 30-, and 60-second spot announcements depicting educational, career, training, and travel opportunities in the military services. For example, the Navy supplies about 600 television stations with a set of current Navy television spot announcements which are replaced regularly. The Navy also makes films available to all television stations through an annual summer series entitled "Navy Film of the Week." The series is revised yearly, and recruiters receive promotional packages to aid them in distributing the series and obtaining broadcast time on local television stations.

The radio and television industry schedules a certain amount of time each week for public service. Much of the above material is used to take advantage of this public-service requirement. For example, we were provided with information from two reports purchased by the Air Force from a commercial organization which monitors television announcements. The reports showed the number and length of Armed Forces public-service spot announcements televised in 1 week, broken down into figures for each of the 75 United States television markets. The first study, made in November 1967, showed that 399 Air Force television spot announcements had been made at an estimated cost of $23,733. The second study made in August 1969 showed that there had been 665 spot announcements telecast and that the value of free television time had been $65,892.

Rather than depend upon public-service scheduling by local stations, which is rarely prime time, the Army Recruiting Command purchased major television network time from March to May 1971 for a recruiting campaign aimed at spring graduates. The Command estimated that it would spend about $3 million for advertising during prime time, when a heavy concentration of prospective recruits would be in the television viewing audience. The Army introduced a similar project for radio broadcasting in prime time.

The Army Recruiting Command plans to evaluate this pilot project to determine whether the additional expenditure for advertising on network prime time attracts a large number of recruits.

Magazines and newspapers

In fiscal year 1970 magazines were the principal advertising medium used in the Army recruiting program. Army recruiting programs were advertised 272 times in various types of magazines, such as "Life," "Look," "Ebony," "Popular Mechanics," "Popular Electronics," "American Bar Association Journal," "Outdoor Life," "Field & Stream," "Student Weekly," "Newsweek" (College Edition), "Time" (College Edition), and "Playboy."

The Army's advertising agency produces a weekly newspaper column entitled "The Army Green." The column has been distributed weekly since September 1968 to Army recruiters for distribution to local newspapers and is carried regularly in about 600 newspapers across the United States.

It contains interesting facts about the Army, is tailored for local readers, and contains references to the area's recent enlistees.

Motion picture films

The Army Recruiting Command now uses seven movie films in its recruiting programs. During fiscal year 1970 the Command produced two of these films—one entitled "Four Faces High" at a cost of $71,426 and the other entitled "Medicine Plus" at a cost of $51,269.

The Marine Corps uses four films in its recruiting program. The titles are "Engineer Up," "Something in Reserve," "Straight Up and Away," and "Dewey Canyon." The four films cost about $90,000.

Recruiting publicity items

A variety of recruiting publicity material is prepared and distributed by each of the recruiting services. These items are posters, brochures, stickers, displays, fact folders, bookmarkers, handbooks, and book covers. Posters and displays are aimed at group audiences and are not given directly to individuals; while bookmarkers, book covers, stickers, etc., are designed for individual presentation. The Army Recruiting Command has about 150 different publicity items. During fiscal year 1970, about 23.8 million prints were made of 83 recruiting publicity items at a cost of about $646,000 and about 20.5 million prints of various recruiting publicity items were distributed.

COORDINATION WITH PUBLIC AFFAIRS ORGANIZATIONS

DOD requires that audio-visual projects of broad national interest, such as recruiting programs, be submitted through appropriate channels to the Assistant Secretary of Defense (Public Affairs) for approval before release to the public. Audio-visual materials include still photography, motion pictures, television films, live television productions, video tapes, radio tapes, kinescope recordings, motion-picture-stock footage, and associated materials.

With respect to public affairs organizations in the individual services, we were informed that production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs organizations in those services but that, in the production of Army and Air Force recruiting materials, public affairs and information organizations did participate in developing some of the materials.

The Army Recruiting Command is required to have the plot and script of motion pictures reviewed and approved by the Chief of Information, Department of the Army, before the shooting begins. The stated purpose of this review is to prevent duplication of content.

In regard to Air Force recruiting, the Office of Information participates in the development of recruiting material. This Office furnishes information objectives, materials, and briefings and also participates in the creative and review stages of the recruiting program from the initial proposal to the finished product. This is intended to ensure that the materials produced are consistent with Air Force information objectives.

CHAPTER 4: SCOPE OF REVIEW

We examined into the production of information material and services by the Armed Forces Radio and Television Service, Los Angeles, California; the Media Operations Division, Office of Information for the Armed Forces, at the Pentagon and at their offices located in Arlington, Virginia; the Department of the Army Film Distribution and Utilization Center, Tobyhanna, Pennsylvania; and the Department of the Air Force Aerospace Audio-Visual Service, Norton Air Force Base, California.

Our review of the development and use of public information materials by the recruiting services was conducted at the U.S. Army Recruiting Command, Hampton, Virginia; the U.S. Navy Recruiting Service and Recruiting Aids Division, Washington, D.C.; the U.S. Air Force Recruiting Service and Military Personnel Center, Randolph Air Force Base, Texas; and the U.S. Marine Corps Military Personnel Procurement Branch, Arlington, Virginia.

APPENDIX I

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1970.

Mr. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office Building,
Washington, D.C.

DEAR MR. STAATS: In the enclosed House speech, I noted that the Department of Defense has revised its earlier estimates for spending in public relations and information in 1970 from $29 million to $40 million. This represents a 38% increase beyond original figures. Moreover, several agencies which spent $48 million in Fiscal 1970 had responsibilities in this area, but were not included in the $40 million figure. These agencies include the Armed Services Radio and Television Services and the Aerospace Audio Visual Services.

A significant portion of the funds these agencies expend are used for public information and relations. I therefore wish to request a formal investigation by the General Accounting Office to determine the full and precise extent of expenditures of public funds by the Defense Department for the purpose of public affairs during the Fiscal Year 1970. Such an investigation would provide an invaluable public service and encourage more accurate accounting in the future.

Cordially,

JONATHAN B. BINGHAM.

FEEDING THE MILITARY PROPAGANDA MACHINE: HOW MUCH IS ENOUGH?

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I have been concerned for some time about spending by the military for "public relations" and "public information." The military's own figures indicate that expenditures to "inform" the public of military actions and activities have recently increased out of all proportion to increases in the total military budget, and I have obtained new information which suggests that total public relations and public information spending by the military may be much higher than the Pentagon has ever admitted.

According to DOD figures, which I placed in the RECORD during debate last December on the fiscal year 1970 defense appropriation bill, the amount of military spending on public information and relations over the last decade increased by about 1,000 percent—from $2,755,000 to $29 million—as compared with a 65-percent increase over the same time span in the Defense Department's total budget—from $43 billion to $76 billion.

Just recently the Department of Defense revised its procedures for computing expenditures in this area. As a result of this revision, the Department now admits it spent $40.447 million on public affairs in fiscal year 1970 and is proposing to spend $37.675 million during fiscal year 1971. These amounts are reported on page 65 of volume III—Operation and maintenance—of the hearings before the Defense Subcommittee, House Committee on Appropriations, on the fiscal year 1971 defense appropriation bill.

These figures alone indicate that this situation is out of hand. I recognize that the military must maintain a sufficient public relations and information program, but when the amount for that purpose has increased at almost 20 times the rate of the total military budget, it is clear that something must be done.

Last December, I proposed an amendment to the Defense Department appropriation bill which would have limited spending for public affairs to $10 million. Although that amendment was defeated, it attracted substantial support. Concern was expressed by a number of Members over the DOD's burgeoning public relation activities. I hope that the Appropriations Committee will insist on extensive reductions in the $37.675 million the Defense Department proposes to spend on public affairs in fiscal year 1971. If the committee does not do so, I shall at the appropriate time offer an amendment to set a limit on expenditures for this purpose comparable to the amendment I offered last year.

Even in light of the revised DOD figures, the magnitude of the total problem is not clear from the amounts the DOD admits are being spent for public information purposes. In the course of my continuing investigation of this matter, I requested budget figures of certain Defense agencies which were not included by DOD as public relation and information agencies, but which appear to have responsibilities in this area. I submit herewith for the RECORD a fact sheet supplied by Assistant Secretary Moot in response to a letter from me. This fact sheet shows a breakdown of the expenditures of those specific agencies about which I inquired, together with the official responsibilities of each:

FACT SHEET

In response to your request for information concerning DOD Public Information functions, the following data is submitted:

Public information, estimated fiscal year 1970 level of funding:

Army	$4,961
Navy and Marine Corps	12,034
Air Force	9,000
Defense agencies	8,443
Total	25,438

It should be pointed out that none of the Departments accounting systems record costs in these categories; the above figures represent a headquarters' estimate of the amounts.

Data on the following items are provided in response to your specific mention of them. The Department of Defense does not consider them to be public information activities.

	Army	Navy and Marine Corps	Air Force	Defense agencies	Total
Legislative liaison	244	242	976	210	1, 060
Legislative affairs	1, 095	684	1, 442	294	3, 695
Office of Information; director's office, information program and media operations				2, 144	2, 144
American forces radio and TV services	7, 955	1, 484	5, 038	4, 433	16, 979
USAFI				6, 522	6, 278
Aerospace audio-visual services			24, 504		24, 504
Total	9, 294	2, 410	31, 358	13, 658	56, 728

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[1] The term Armed Forces information and education includes the U.S. Armed Forces Institute ($6,522,000) and the Office of Information for the Armed Forces ($6, 642, 000) of which the American Forces Radio and Television Service ($4,408) is a part.

FUNCTIONS OF THE AEROSPACE AUDIO VISUAL SERVICE—AAVS

The AAVS is a motion picture still photograph production agency. If the Air Force requires a film, it is the responsibility of this organization to produce it. For example, if the Strategic Air Command needs a film to explain its mission, AAVS will be contacted. These are used by the Air Force only; however, should a Congressman or a qualified civic organisation (such as the Kiwanis Club) desire to show a particular film which has been cleared for public exhibition, a request may be made through Air Force Headquarters to the Office, Secretary of Defense for Public Affairs Security Review. The AAVS has no authority to release materials to the national press or public media.

OFFICE OF INFORMATION FOR THE ARMED FORCES: MISSION AND RESPONSIBILITIES

The basic mission of the Office of Information for the Armed Forces (IAF) is to provide:

1. An Armed Forces Information Program (AFIP) in support of the Military Services and their internal information functions. This program provides information products of common usage by the Services so that U.S. military personnel:

Comprehend the values of our Government and our National Heritage;

Understand both the freedoms they are called upon to defend, and other ideologies inimical to the free institutions upon which the U.S. is founded;

Are fully aware of the threat of Communism;

Realize the responsibilities and objectives of the individual military citizen through the use of all communications media, including the production and distribution of motion pictures, publications, posters and support materials for Armed Forces newspapers for use by the Military Departments in their respective internal information programs. This program is developed in conjunction with the Military Departments and includes such areas as Democracy/Communism, World Affairs, U.S. and Friendly Military Forces, Citizenship (including voting). Code of Conduct, Orientation for Overseas Duty, and Personal Affairs.

2. Continuous coverage of international, national and local U.S. news, seat of government, military and sports news and special events to U.S. military personnel overseas.

3. General radio and television program materials for use by American Forces Radio and Television stations representing the best from American networks and industry.

4. Policy and technical guidance governing Armed Forces newspapers, Civilian Enterprise publications and American Forces Radio and Television outlets and networks.

5. For the evaluation of information materials for use in, and support of, the Military Departments' internal information programs.

6. Policy and operational guidance to all components of the Department of Defense to assure a free flow of information to military personnel.

7. For the development of long-range plans supporting the objectives of the Armed Forces information Program.

OPERATIONAL ELEMENTS AND SCOPE OF ACTIVITIES

A. American forces radio and television service

1. AFRTS—Los Angeles—Provides the basic program materials which are used by the AFRT outlets overseas. The weekly AM program packages provide 80 hours of music, drama, fine arts, and information material, and a five-hour library of latest hits and specials. A 12-hour package is produced for FM stereo automated outlets. The weekly 55-hour television package contains programming received from the major commercial broadcast networks, feature films, film syndicators, and filler materials. The activity annually produces 1,000 radio and 300 television spot announcements supporting military information themes. Over 50,000 slides and 50 filler programs are produced annually for television outlets. The worldwide AFRT system includes approximately 350 radio and 90 television overseas stations.

2. AFRTS—Washington—Provides continuous transmittal of international, national, seat of government, military and sports news and special events. This news, gathered from the major U.S. commercial networks, wire services and military correspondents, is transmitted 24 hours a day, seven days a week, by shortwave, direct voice cable and teletype to all American Forces Radio and Television networks and outlets worldwide. Provides facsimile photo service to American Forces Television stations worldwide.

B. Armed forces information programs and media operations

1. *American Forces Press Service* produces the following publications for the Armed Forces newspapers:

(a) *Commanders Digest* distributed weekly to military commanders of all the Services, the Reserves, and ROTC components. It is designed to provide commanders and their staffs with authoritative information of National and Department of Defense policies and goals and other events of significance.

(b) *American Forces Press File* distributed weekly to military editors in the field to assist in publishing their newspapers. Copy and photographs are sent to all Armed Forces newspapers throughout the world. Currently these number more than 1,800.

(c) *Galley Guide*. A monthly four-page publication of instruction and professional comments advising newspaper editors and military journalists on how to write, edit, print and publish their newspapers.

2. *Armed Forces Motion Pictures Service* includes the annual production and distribution of films for Service information programs, distributed in quantities of up to 1,000 prints, depending on Service requirements. In the production of films, this office works with commercial film companies and service production agencies.

3. *Armed Forces Publications Service* provides for the editing and preparation of information publications printed by the Government Printing Office and used by all Military Departments. Approximately 100 publications a year are produced; half of these are contracted and half produced in-house. These materials take the form of pamphlets, fact sheets, pocket guides, brochures and similar printed materials.

4. *Visual Communications Service* produces 12 or more original posters annually; produces 4 or more *Art Files* annually for use by Service newspaper editors; provides for support—including design, layout and original art for all IAF publications printed by GPO—and monitors GPO for printing phase; supports Production Service's twice-weekly programing; provides support for briefing; and handles the reprint program of the Military Services.

5. *Armed Forces Production Service* produces and distributes approximately 100 videotaped programs for dissemination to American Forces Television stations and other Military Services for direct viewing. These include *Television Journal*, a half-hour news program produced weekly on activities in Vietnam and other areas around the world of general interest to military audiences; *Pentagon Forum*, a discussion series covering topics of general military and command interest such as drugs. Cost Reduction, Military Compensation, and Medical Programs, also produced weekly in a half-hour format; and selected variable length *Television Journal* "Special Reports" produced as sound-on-film interviews.

ASSISTANT TO THE SECRETARY OF DEFENSE—LEGISLATIVE AFFAIRS

The Assistant to the Secretary of Defense (Legislative Affairs) is the principal staff assistant to the Secretary of Defense for Department of Defense relations with the Congress. He performs functions in his assigned fields of responsibility such as: (1) advising and assisting the Secretary of Defense and other officials of the Department on congressional aspects of Department of Defense policies, plans, and programs; (2) coordinating Department of Defense actions relating to congressional consideration of the legislative program of the Department; (3) coordinating the development, clearance, and furnishing of information in response to requests received in the Defense Staff Offices from members of Congress and the committees of Congress and their staffs; (4) arranging for the designation and appearance of witnesses from the Department of Defense at congressional hearings on Defense matters; and (5) maintaining direct liaison with the Congress, the Executive Office of the President, and other Government agencies with regard to legislative investigations and other pertinent matters affecting relations of the Department of Defense with the Congress.

These agencies account for $56.728 million in expenditures. Of that amount $48.062 million—the fiscal year 1970 expenditures for legislative liaison, legislative affairs, the Armed Forces radio and TV services, and the aerospace audio visual services—is not reflected in the $37.675 million the Pentagon is now requesting for spending in this area. While it is clear that not all the expenditures of these agencies are devoted to public information and relations, an examination of the official descriptions of their responsibilities, and the types of materials they produce, make it clear that a significant portion of the funds they expend are, in fact, used for public information and public relations.

From this information, it appears that the figure of $37 million stated by the Defense Department as the level of its public information and public relations expenditure is far too low. The true figure could run as high as twice that amount.

Accordingly, I am asking the General Accounting Office to investigate the expenditures of these agencies in question and determine exactly how much is being used for public information. I hope to have this material available when the defense appropriation bill comes before the House.

Last year the Congress expressly prohibited DOD propaganda unless specifically authorized by Congress. However, it appears that more stringent restrictions will have to be placed on the Pentagon's tendency to advertise its own actions and to promote its own causes.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 19, 1970.

Mr. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office Building,
Washington, D.C.

DEAR MR. STAATS: The purpose of this letter is to reaffirm several agreements reached today in my conversations with Mr. Rothwell and others of your staff.

In my letter of June 4, I requested "the full and precise extent of expenditures of public funds by the Defense Department for the purpose of public affairs during the Fiscal Year 1970." It is now my understanding that the GAO will limit its investigation to the Armed Services Radio and Television Service, the Aerospace Audio-Visual Services, and military recruitment activities of all agencies involved therein. In specific, your investigation will seek to determine in as much detail as practicable (1) the extent to which the materials and services produced by these agencies are utilized for public consumption, and (2) the extent to which the formal public information and public affairs agencies of the Department of Defense are consulted by these agencies in the process of deciding what kinds of materials and services they will produce. This information will allow me to make more accurate judgments about the proportion of the budgets of these agencies that might reasonably be regarded as "public affairs" and "public information" expenditures.

As I indicated to Mr. Rothwell, I would hope to request and receive a brief status report from the GAO on its progress in this investigation at the time the Defense Appropriations Bill for FY 1971 comes before the House, probably some time in mid-July. Thereafter I will expect to receive additional information contained in the investigation as it becomes available.

Cordially,

JONATHAN B. BINGHAM.

IMPACT OF MODERN MASS MEDIA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. MILLER of California. Mr. Speaker, when we consider the unprecedented impact of the modern mass media upon the minds and attitudes of the public, it is important to recognize initiative and to applaud constructive achievement in improving the quality of television programing

Therefore, I want to call the attention of my colleagues to a bright spot upon the public programing horizon.

The members of the Science and Astronautics Committee, its professional staff and many invited guests have recently had the pleasure of witnessing a preview screening of a new film called "Space in the Age of Aquarius."

This entertaining and informative hour-long special, designed for national television, will begin to fill a gap in public understanding.

Our committee has received thousands of letters asking how the national space program and its spin-off space technology benefit the taxpaying citizens. This filmed program, produced by Hugh O'Brian and Bill Gibson and starring Mr. O'Brian and Jonathan Winters, as well as Dr. Wernher von Braun and other space age pioneers, successfully answers many of the questions in terms that anyone can appreciate.

On behalf of the committee which I chair and those responsible for our historic space achievements, we wish to express our gratitude to Mr. O'Brian and his associates for helping us communicate the benefits of space to the American people so effectively.

We understand that the program has already received the sponsorship of General Foods and the Faberge Co., which also contributed the initial production costs. Two of the major TV networks have expressed an interest in this imaginative production and it is hoped that arrangements can be made to show it on prime time early next year. The leadership of the National Space Club has assured us of their enthusiastic support in acquiring the widest possible national distribution.

We congratulate the sponsors for their active interest in the national space effort. We sincerely hope that Mr. O'Brian's excellent achievement will encourage others to produce programs on equally constructive themes in the future, aimed not just at the limited audiences of educational television, but at the large audiences available on network television at prime time.

THE TRAGEDY OF NORTHERN IRELAND

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RYAN. Mr. Speaker, the newspaper headlines have made us all well aware of the ongoing tragedy in Northern Ireland. Bitter conflict has been raging; human lives are being lost.

The root of these troubles lies in the discrimination which has been visited upon the Catholic minority of Northern Ireland for some 300 years. I cite the 1969 Cameron report, an official document of the British Government, which refers to, and I quote, "well documented" cases of discrimination in the making of local government appointments. This same report describes "well documented" cases of deliberate manipulation of local government electoral boundaries—political gerrymandering. Housing allocations have been employed discriminatorily against the Catholics of Northern Ireland. Low-paying, dead-end jobs have been the lot of this minority.

Some steps have finally been taken to change these invidious devices. But even as the Government of Northern Ireland claims that it is making progress in eradicating discrimination against Catholics, that Government has revived internment, a device employed to deprive citizens of their most basic rights by detaining them without right of appeal or any other legal remedy.

At the September meeting of the United Irish Counties Association of New York, a resolution was adopted which is very much relevant to this state of affairs. At this point, I should like to include this resolution in the CONGRESSIONAL RECORD:

RESOLUTION UNANIMOUSLY ADOPTED BY THE UNITED IRISH COUNTIES ASSOCIATION ON SEPTEMBER 15

At the September meeting of the United Irish Counties Association of New York, Inc. the delegates assembled voted unanimously to protest the cruel and inhuman treatment of our Irish people in Northern Ireland.

The idea of the Stormont Government invoking the Special Powers Act, which allows arrest and internment, without trial, in the year of 1971 we find particularly revolting. We call on the British Government and the Stormont Government to take steps to correct this shameful situation and remove the British Occupying Forces before it is too late.

PETER J. O'NEILL,
President,
M. P. HIGGINS,
Resolutions Committee.

LOOKS FORWARD TO DAY WHEN POLAND WILL BE FREE AGAIN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. EILBERG. Mr. Speaker, September 17 marks the 32d anniversary of the Red Army invasion of Poland. The Polish American Congress has commemorated this tragic event in a recent statement which gives those who hold liberty in esteem reason for sober reflection. May we all look forward to the day in the future when Poland will again be free.

While joining with the Polish American Congress in its fervent desire that Poland and the other captive nations may know true freedom once again, I insert this statement in the RECORD and commend it to the thoughtful consideration of my colleagues:

POLISH AMERICAN CONGRESS,
Washington, D.C.

Thirty-two years ago, on September 17, 1939, the Red Army swooped down from behind on Polish troops fighting the Nazi invaders. This perfidious act started the Soviet conquest of Central-Eastern Europe.

After varying fortunes of war, the rule of Moscow extended up to the River Elbe and many nations, formerly independent, became Soviet satellites.

However, these people do not accept the bondage, and courageously struggle for freedom. Although their efforts have been brutally crushed, hope or despair will undoubtedly push them to new and desperate deeds. An explosion may easily cause general upheaval ominous to world peace.

It is in the interest of all nations to prevent such a dangerous development. The surest way to do it is by loosening Soviet control of Central-Eastern Europe and by ending Moscow's selfish use of its peoples.

The U.S. Government should always retain these goals as an object of its policy and every opportunity should be utilized to hasten their realization. Negotiations conducted with the Soviet rulers, from commerce to disarmament, should never contribute to the consolidation of the Soviet rule over Central-Eastern Europe and never approve the exploitation of this area by the Kremlin.

BILINGUAL PROBLEMS AND DEVELOPMENTS IN THE UNITED STATES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FISHER. Mr. Speaker, Dr. Garland Cannon, professor of linguistics, at Texas A. & M. University, while a visiting professor at the University of Michigan last year, completed a research on bilingualism. It is a very learned document, and in view of the interest in bilingual matters it becomes a useful and welcome contribution. It was published in the May, 1971 issue of Publications of the Modern Language Association of America.

A copy of the document follows:

BILINGUAL PROBLEMS AND DEVELOPMENTS IN THE UNITED STATES

(By Garland Cannon)

When an individual's language is not accepted in his speech community, social and economic discrimination may follow for a child or adult. The possibility of acceptance of someone who speaks a language different from that of the majority tongue is diminished by the fact that, around the world until recently, as a child he was likely to have been enrolled in the monolingual curriculum of his country's formal educational system. That is, nothing was done to help him overcome his special linguistic problems. The result frequently has been and often continues to be poor achievement and even school dropout. The Mexican-American in the United States has an average eighth-grade education, two years less than blacks and four years less than other whites with a commensurately lower income. Perhaps 40% of the Chicanos in Texas are functional illiterates, and only a quarter of the Mexican-Americans in Los Angeles speak English fluently.

The original linguistic causes can help lead to rebellion against the seemingly deliberate oppression, as in the recent disturbances between the Chinese and Malays or in the persistent difficulties in Quebec. The extremes are a spontaneous riot or almost systematic bloodshed. They may culminate in demands for a separate language state, like the Punjabis and Gujaratis in India, and the militant Chicanos who call for a Spanish state in the U.S.

Five million American children have a non-English mother tongue, and Center for Applied Linguistics estimates that 20 million Americans do not speak English natively. Of the 3 million children whom the U.S. Office of Education estimates to still be using their native language, 1.75 million are of Spanish background, not counting 317,000 Cuban refugees. Another 144,000 are Indians enrolled in various schools, with a million from some 30 other languages like French, German, Polish, Italian, and Czech. Immigration of school-age children is rising.[1] Yet in 1967 only about 142,000 of the 3 million received special instruction. This question is not as advanced or explosive in the U.S. as in Canada or the Punjab, but the ultimate political ramifications are well known to Republicans who seek the votes of Latin Americans and other minorities.

The more jingoistic historians laud America's linguistic richness and the successful melting-pot tradition. What is not said and is sometimes not understood is that the tradition induces the immigrant to discard his native language and culture as fast as possible, if he is to advance vocationally and socially. An especially disturbing result is that the person, particularly a child, may become reluctant to speak his own language. He thereby moves into a kind of linguistic no man's land, where his English is inadequate and yet his command of his ancestral language is criticized by his parents. Mexican-Americans or Italians may chide their children for bad Spanish or Italian, while the children are encountering obstacles in the "Anglo" curriculum. Meanwhile, American monolinguals lose the opportunity for the real association needed with them, in order to move toward the ultimate acquisition of bilingual skills that many Europeans possess.[2]

The United States has always been a monolingual nation. It is true that several bilingual programs were flourishing by the mid-nineteenth century, especially German-English ones in such places as Milwaukee and Cincinnati. However, the German programs disappeared completely with World War I. Until World War II, the great majority of non-English children were thrust into a monolingual curriculum. Since 1945 there has been a considerable expansion of programs in English as a second language, including the beginning of needed research by linguists and other scholars. But concentration was on intensive English drills designed to permit later instruction in English in school subjects, with no effort to develop the child's pride in and appreciation of his cultural heritage. Though work of the Bureau of Indian Affairs dates back a century, linguistically oriented methods and materials, based on a comparison of English and the Amerind tongue and the expected interference from the mother language, have been introduced only in the last decade. Despite these instructional improvements, Indian children continue to score below national norms on various kinds of standardized tests and then fall farther behind as they proceed through the grades. A major effort is being made on the Navajo Reservation, where 20,000 children attend Bureau schools. Additional extensive work is being done with the Alaskans and Mississippi Choctaws. Overall, about 150,000 Indian children, 80% of whom do not speak English natively, are receiving special instruction.[3]

When the National Defense Education Act was expanded in 1964 to include English as a second language, some existing programs were improved. Title XI of the Act provided a million dollars in fiscal 1967 specifically for such a purpose. To this were added roughly $5 million under the Adult Education Act, $1 million under Title V of the Higher Education Act of 1965, and $10.5 million for Cuban refugee assistance. By far the largest assistance came through the Elementary and Secondary Education Act of 1965, with $7 million under Title I and $5.5 million under Title III, for a total of $30 million in fiscal 1967 to help meet the linguistic needs of non-English speakers.

The multiplicity of legislation by 1967 resulted in overlapping, and yet too few people were being assisted. The minority view on the Bilingual Education Act nonetheless maintained that existing legislation could give "far greater emphasis" to bilingual needs, since Title XI, e.g., was funding only one institute for bilingual teachers of the total 517 NDEA teacher institutes. Thirty-seven individual bills in the House of Representatives were coalesced, eleven Senators coauthoring similar bills, so as to amend the Elementary and Secondary Education Act "to provide assistance to local education agencies in establishing bilingual education programs, and to provide certain other assistance to promote such programs." Specifically, the Bilingual Education Act permits grants to local school agencies for planning and pilot projects, pre-service and in-service training of teachers and teacher-aides, administration of such programs, acquisition of needed equipment and materials, and securing of teachers to teach their native language where it is the students' dominant one. The general purpose is to help children be comfortable in their own tongue plus English, while appreciating the two cultures represented thereby, in contrast to the former rather mechanical purpose of instructing only in English, as in second-language programs. The children served are to be from three to eighteen years of age and are to come from low-income families.

Passed in late 1967, the Act carried no funds. Finally the Congress appropriated 7½ million for one-year projects beginning in September 1969. Several successful programs were in existence by then, some funded locally, some by state or federal sources, and most by a combination which included federal money. Miami (where the annual cost per student in Coral Way Elementary School was $25 for materials and teacher-aides, funded by the Ford Foundation as the first phase of a larger project), Laredo, Edinburg, and San Antonio were among the best known. Once the $7.5 million was appropriated, school districts, university scholars, private scholarly and research groups, and others flooded the Office of Education with proposals, requesting $41 million for 315 projects in 41 states.

Seventy-six projects were approved.[4] Of these, 65 were in Spanish-English, hardly a surprising percentage, since two-thirds of the children who need to be reached by bilingual education speak Spanish. There was one each in Cherokee, Chinese, French, Japanese, Navajo, and Portuguese. One in Grants, New Mexico, involved three Indian languages, plus Spanish and English. The one at P.S. 1 in the Bronx served 270 children, where 45% are Chinese and 33% are Puerto Rican. More than half the projects were in California and Texas. The program reaching the largest number of students was in San Antonio, involving 1,650 from kindergarten through most of the grades. One component of that program was the training of bilingual secretaries and office workers. The most costly was in Chula Vista, California, where $570,774 was expended for Spanish programs for 595 students, eventually to affect all grades in five urban districts.

The Office of Education required all 76 projects to undergo the usual evaluation procedures plus a new kind of auditing, whereby detached outsiders would also assess results. The total assessments are to be refined into an annual composite, to be sent to those involved in each project and possibly to others who are interested. The Office deliberately made such elaborate preparations, recognizing that the projects represented one of the most enlightened, coordinated attempts at bilingual-bicultural education in the U. S., if not the world, excepting countries like Switzerland, where natural linguistic grouping has historically produced bilingual or even polylingual citizens. The hope was that colleges and universities in the states repre-

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sented would cooperate fully as their services were needed, some having been directly involved in a project from the beginning.

The hope has been partly realized. Among the 58 projects approved for 1970–71, Whittier College is providing in-service training for aides, teachers, and others in the Montebello Unified School District project. Hunter and Lehman Colleges are providing bilingual training to teachers and auxiliary personnel. The two have initiated degree programs in bilingual education, in a consortium with the New York City Board of Education that has been funded for $275,000. The 1970–71 projects, costing $8,025,652, have been generally devised in terms of five-year goals, as opposed to the narrow, one-year goals usually imposed in the 1969–70 projects. Spanish again dominates, with 47 of the total 58. One in Chamorro is on Guam, and there are three in French. California has 19 projects; Texas 12. The least expensive is the $20,000 allocated to King City, California, for instruction of Mexican immigrants' children. Except for the $486,666 granted to the Los Angeles schools for instruction in kindergarten and the first grade, by far the most expensive and far-reaching is the $500,000 given the Dade County schools to develop "a national core curriculum for Spanish-speaking children in grades one through three." The curriculum will then be field tested in selected bilingual education programs around the country beginning in September 1971, in a four-year effort.

Meanwhile, some bilingual activity has continued in other governmental groups. The U.S. Commission on Civil Rights, recognizing that an individual's language often helps explain his economic and other difficulties, in 1970 completed a study of the nature and extent of educational opportunities for Mexican-American youths in Southwestern public schools. The Cabinet Committee on Opportunity for the Spanish-Speaking is a dedicated group directly charged with finding possible linguistic solutions. A mark of the increasing sophistication in such endeavors is that the narrower title of *Mexican-American Affairs Unit* of the Office of Education has become *Office of the Spanish-Speaking,* so as to embrace the many Cuban, Puerto Rican, and other non-Mexican Spanish speakers. There are numerous related federal programs, such as the Department of Labor's "Philadelphia Plan," where bidders on federally assisted contracts costing more than a half million dollars must pledge minority-group hiring goals—e.g., 20% of the craftsmen must be Negroes, Orientals, persons with Spanish surnames, and/or American Indians.

Since grants under the Bilingual Education Act go to state and local school agencies, these dramatically expanded their own efforts for a time, until financial retrenchment across the nation began to affect them. Not long ago some states had laws, even constitutional provisions, prohibiting instruction in any language other than English in content courses. States like Colorado, New Hampshire, and Texas have overcome the restriction through repeal, or passage of permissive legislation. Perhaps no state now has such a law. It is hoped that the not-infrequent situation of the past is gone forever, where the teacher gave instructions in English, and the Spanish-speaking child, upon asking what he was supposed to do, was slapped for violating the rule of "English only" which supposedly helped him learn the language faster. This change in attitude is quite recent. Not until 1965 did New York pass the Rodriguez-Ramos-Lopez Act exempting voter applicants from English literacy tests if proof of a sixth-grade education is provided. Only in 1969 did El Paso's Bowie High School (where most students are Mexican-American) abolish the rule prohibiting Spanish on the grounds.

Texas, with the largest number of bilingual programs, had a total of 28 in 1969–70, a rise from the 12 to 15 of 1968–69. It is implementing a new Statewide Design for Bilingual Education, since a half million students, comprising a fifth of the public-school enrollment, have Spanish surnames. Moreover, at least half of these begin formal education knowing little or no English. Arizona, California, Florida, New Mexico, and New York are also dedicated. The Dade County program is so famous that its administrators must spend much of their time in accommodating the stream of observers from around the world. The Office of Economic Opportunity is assisting states through large literacy and other English programs for migrant workers, all federal and state efforts reaching some 1.5 million Mexican-Americans in 1968.

Private and professional groups are equally involved. The Center for Applied Linguistics sponsored conferences in 1969 on the teaching of English to speakers of other languages as a worldwide problem, on a national program for constructing English bilingual dictionaries, and on social dialectology and its pedagogical implications, with particular attention to underprivileged blacks. Ford and other foundations have continued making grants, while the National Education Association conducts workshops and cooperates in various ways.[5] The NEA devoted its Ninth Annual Invitational Conference on Civil and Human Rights in Education, in March 1971, to the theme of "developing an instructional program to implement cultural pluralism.' Regional education laboratories are participating in programs, some being directed by distinguished scholars who have temporarily left university posts to devote themselves full time to the work. *Time* and *Life* magazines collaborated with KOGO-TV of San Diego in making *Mañana Is Today,* a color film depicting a Mexican-American child's difficulties when he enters school with only limited English. Seemingly unrelated movements like Cesar Chavez's *huelgas* in California and Reies Lopez Tijerina's *Alianza* in New Mexico have contributed in their own way to greater public awareness.

As the problem is worldwide, international cooperation would seem to be the best hope for America and other countries. Wales, where half the subjects are taught in English in bilingual schools and where a government-appointed commission recommended that Welsh have equal status with English as the legal or official language, hosted an International Conference in Aberystwyth in 1960. Several successful regional conferences, notably in Africa, have been held. Thirty-six scholars and key federal officials held a National Conference on Bilingual Education in Washington in June 1969, funded by the Office of Education. There, a National Committee for Study of Bilingual Education was formed under the chairmanship of William Mackey, the leading Canadian scholar on the subject and the Chairman of the Laval International Center. The Committee was charged with the plotting of basic research necessary for successful programs; however, it has not met since its formation. The Conference was noteworthy in that almost half the participants were Latin Americans, unlike some previous small gatherings where the handful in attendance might have been called *lagartos* (lizards) by some Puerto Ricans as the counterpart of the blacks' Uncle Tom.

The Conference discussed methods and materials, teacher preparation, evaluation, and language acquisition of the child. A bilingual clearinghouse was suggested, to keep track of the host of ambitious experiments completed or in process around the world, with mushrooming publications and teaching materials, almost too many to read. The paucity of good bilingual teachers was strongly lamented. One scholar noted the paradox that Puerto Rican schools have few native English teachers as models, while mainland schools have few native Spanish models for bilingual education. The Conference discussed colleges of education, which evince interest but still have not substantively altered their traditional curricula in order to create the first real bilingual teacher-training institute in the U.S. Drastic changes are needed in teacher training; perhaps guidelines should be developed, so as to permit existing institutions to break their present unsuccessful molds more easily. Finally, the familiar standardized tests were criticized at the Conference as being both culture-biased and verbal. Many blacks or non-native English speakers usually do more poorly than middle-class native speakers on these tests, but score comparably well on a test that is fair to them. The elaborate San Diego program is developing a placement test which, when available, could help eliminate a common practice of placing the Puerto Rican child on a slower track in school because of his poor score on the biased English test. This practice assures his falling even farther behind and perhaps never reaching the biased admissions tests which may reject him from college. Numerous college departments of anthropology, educational psychology, linguistics, psychology, sociology, and related disciplines need involvement in the construction of appropriate tests at various levels.

A decade ago the general situation for nonnative English speakers in the U.S. was quite bleak. Now it is somewhat brighter in terms of the amounts being spent on the numbers of children and the numbers of programs. The Center for Applied Linguistics is comprehensively engaged in the work, and there is widespread interest in the problems of language minorities. Dozens of university scholars are concentrating on research in bilingualism and/or Negro social dialects. Nonetheless, at least one formidable barrier remains: no reliable means of evaluation has yet been devised.[6] Not only is it not known whether funds for a given program are being spent efficiently to advance selected people toward the right goal, but it is not even known absolutely that the program will ultimately prove helpful in the right way. Past evaluation of a project was primarily by people who developed and implemented it. Since a generally positive assessment was necessary in order to secure funding for the following year, some of their conclusions may have been less than dispassionate. The new concept of "outside" auditors is providing more detachment. Still, it may be necessary for many children to grow up and be closely observed in adult life before the nation can be relatively certain of the real results of bilingual education and can then make any needed refinements toward the kind of national program envisioned in the Dade County plan for a core curriculum.

Two other problems persist. Not nearly enough people are being systematically and progressively reached, and there remains some formlessness in the general direction and national shaping of policies toward bilingualism in the U.S. as elsewhere in the world.[7] Officials in the Office of Education, as well as scholars, acknowledge the magnitude of the dual tasks of informing the nation about the importance and value of bilingualism, and of establishing its direction. One innovation which is being carefully studied is Mexico's large-scale experimentation in beginning with the native Indian language, so as to speed the child's movement into Spanish speech and writing. Peru has a similar pilot project. Actually, American-based groups like the Summer Institute of Linguistics (Wycliffe Bible Society) have been utilizing the premise for some time. They prepare certain Eskimo texts to help the child preserve his language and culture. After he becomes literate in Eskimo, his experience in associating Eskimo sounds with their written representation simplifies his similar association of English sounds with their spelling.

Countries like Canada are constitutionally

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forbidden to use federal funds for bilingual programs. Strategic provinces like Ontario have had to operate under provincial authority. Yet Canada moves toward the vanguard, particularly because of the resplendent International Center for Research of Bilingualism, subsidized by the Ford Foundation in 1967 through a three-year grant of $400,000 for the purpose of basic research and documentation. There is a new Royal Commission on Bilingualism and Biculturalism, which issues periodic reports, among other contributions. The U.S. has no comparable international center, though the Bilingual Education Act did establish in the Office of Education and Advisory Committee consisting of the Commissioner of Education and eight appointed members.

One compelling fact remains: when a person studies a subject through a language which he knows only imperfectly, he is likely to do more poorly than natives of that language. His performance has rather direct correlation to his possibly dropping out of school later. In bilingual education, he is finally given a real change, unlike his parents, who may be migrant laborers too tired to attend an adult education program when it is available in the evening. Blacks whose social dialect of English is not accepted pose special linguistic problems. They are technically not included under the Bilingual Education Act, since most linguists agree that underprivileged blacks are native English speakers who need command of an additional dialect which will permit them to be accepted socially. A special complication in all bilingual and social-dialect projections is a shifting population. Thus in one Chicago school the Spanish-speaking enrollment went from 300 to 3,000 in two years, in a city where the Spanish-speaking population is estimated at 320,000, as compared with Detroit's 34,000.

In the past, such situations have helped lead to a group of people disregarded by their fellow citizens and country, except for condemnation and perhaps a political backlash if they protest too militantly. Immediate movement toward large scale, sequenced programs in bilingualism-biculturalism and social dialects is imperative in the U.S. and elsewhere. Perhaps not even the restoration of peace in Vietnam and the Middle East has larger ramifications than the problems resulting from the presence of language minorities in given political or geographical areas. The Punjabis are no less serious about forcing India to establish a Punjabi state than are some Chicanos in their muted demand for a Spanish state in the U.S. Of course, it would be hoped that the positive, human advancement would be the real motivation for resolution of linguistic problems, rather than the forestalling of confrontation in the streets and on the campuses.

The implications for higher education are patent. Neither the causes nor the solutions derive from colleges and universities, but it is their responsibility to assist to their utmost those young people of Spanish or other non-English background who have somehow advanced through the present educational system to reach college. That utmost may require abandonment of some cherished precepts and methodology, together with bold experimentation. At present, such students must be accommodated within a structure not designed for them. Meanwhile, higher education must be anticipating the creation of a possible complementary structure to assist future students who, it is hoped, will have been trained and enriched by bilingual programs in pre-college years.

The difficulties at San Francisco State College and then at the City College of New York suggest that higher education may have little alternative, The Black and Puerto Rican Student Coalition at CCNY rejected existing "special programs" as an inadequate response to the shortcomings of urban education. In the spring of 1969 they demanded a quota system for the freshman class, the requirement of black and Puerto Rican history and Spanish-language courses for all education majors, and possible separate degree-granting schools. The ensuing violence helped lead to uniquely positive results. The Board of Higher Education approved a plan of open enrollment for 1970, with all high school graduates to be admitted to the nine senior colleges and seven two-year colleges of the City University. The plan stipulated that "the quality of the degree shall be preserved."

The result is well known: the number of full-time freshmen rose from 20,000 in 1969 to 35,000 in the fall semester of 1970. Some 9,000 of these, from the "low academic" high schools and vocational schools, are engaged in special programs in reading, writing, mathematics, and study skills. Many of the one thousand new faculty members, often holding unrelated research doctorates, are assigned to such remedial teaching. City University officials believe that blacks and Puerto Ricans comprise one-third of the freshman class, as opposed to 22% last year. Of course, the crush of 190,000 students, the critical shortage of space and funds, and other major uncertainties have strengthened pessimists' fears that the open-door policy will become a revolving door for disadvantage students.[8] Optimists are hopeful of success, and undoubtedly the eyes of the educational world are on this critical experiment. The question now is whether there can be expanded funding from cities, states, and federal sources, particularly since Governor Rockefeller has pledged a program of "full opportunity" for the entire state.

Other institutions have taken less ambitious steps. The University of Texas at El Paso instituted a program of Mexican-American and Black Studies in the spring of 1970. Financial difficulties are now causing curtailment of some of these innovative endeavors. One bold plan which is being systematically pursued is at the University of Michigan, which has pledged to raise the enrollment of black students at Ann Arbor to 10% by the fall of 1973. Special recruiting and counseling programs have increased the total black enrollment to 5% in the fall of 1970, so that the plan is apparently on schedule. The Spanish-speaking are not formally included in the quota, for there were only 165 Spanish surnames among the total 32,940 Michigan students questioned in the fall of 1970.

Clearly, admissions policies need adjustment until present culture-biased tests can be replaced by more appropriate measuring instruments for minority-language groups. The individual professor may wish to rethink some of his methods and measurements for these students. There should be optimum use of and addition to existing programs for financial assistance, such as the College Work-Study Program, the Educational Opportunity Grants Program, and Guaranteed Loans for College Students. Efforts to finance special scholarships would be helpful, as in the students' decision at the University of San Francisco to assess themselves an extra $5 each in the spring of 1970 in order raise the $15,000 which the president then matched. At Miami, St. Lawrence, and Southern Illinois, the minority student renders minimum language-teaching services in exchange for a scholarship or assistantship. Slightly different is UCLA's Amigos-Friends, which includes the tutoring of Mexican-American children and a Peace-Corps type of operation in Tecate, Baja California.

Yet temporarily adjusted admissions policies and enhanced financial aid are peripheral to the real needs: the establishment of special teacher-training programs and materials-development centers, cooperation with the Office of Education's bilingual projects and with the numerous local and state programs, and related activities that might well require a consortium of some of the best minds in higher education from various disciplines. Then American colleges and universities can begin to make their necessary contribution toward solution of the complex linguistic problems facing the country. Perhaps some U.S. institution will have the vision to emulate Laval and establish the first comprehensive bilingual institute in America. It might be a miniature university in terms of the disciplines represented and the talent which may have to be borrowed periodically from other campuses and even from outside the U.S.[9]

Comprehensive language programs—in the streets, in cities, and on campuses—will be enormously costly of time, effort, talent, and money. involving the total coordinated commitment of many people. The programs may ultimately require as much professional competence as has the space program that has spent 21.1 billion dollars on Apollo missions to land the first men on the moon. If America can uncomplainingly spend such sums upon preliminary lunar exploration, then surely it can lead the way in a genuine search for the solution of bilingual problems. To do so, the United States must consecrate its compassion and rich resources toward that partly spiritual but very humane goal.

FOOTNOTES

[1] Text of the Bilingual Education Act of 1967, Tables 1–v, pp. 16–23.

[2] Some basic sources on the subject are Uriel Weinreich's *Languages in Contact* (New York: Linguistic Circle of New York, 1953), Einar Haugen's *Bilingualism in the Americas* (University, Ala.: American Dialect Society, 1956), Joshua Fishman's collection *Language Loyalty in the United States* (The Hague: Mouton, 1966), John Macnamara's *Bilingualism and Primary Education: A Study of Irish Experience* (Edinburgh: Edinburgh Univ. Press, 1966), and Theodore Anderson and Mildred Boyer, *Bilingual Schooling in the United States*, 2 vols. (Austin, Tex.: Southwest Educational Development Laboratory, 1970).

[3] See Evelyn Bauer's "Teaching English to North American Indians in BIA Schools," *Linguistic Reporter*, 10 (Aug. 1968), 1–3.

[4] The projects are described in the Office of Education's "Notification to Members of Congress" of 20 May and 29 May 1969. Similar "Notifications" describe the 1970–71 projects, dated 18 June and 30 June 1970.

[5] See, e.g., *The Invisible Minority*, the 1966 Report of the NEA-Tucson Survey on the Teaching of Spanish to the Spanish-Speaking (Washington, D.C.: NEA, 1966).

[6] See *Description and Measurement of Bilingualism*, ed. L. G. Kelly (Toronto: Univ. of Toronto Press, 1969).

[7] Problems beset even long-established literacy movements like Mexico's Campana de Alfabetismo, Paraguay's determined efforts to help Guarani Indians learn Spanish, or largely English-speaking Ireland's policy of using Irish as the language of instruction in the primary grades in the national schools.

[8] Leonard Buder, "Open-Admissions Policy Taxes City U. Resources," *New York Times*, 12 Oct. 1970, p. 1.

[9] An alternative is discussed in Howard Ray Rowland's "A National University: Lost Cause or Hidden Reality," *Educational Record*, 50 (1969), 309–18.

MRS. RITA HAUSER ON MARRIAGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RARICK. Mr. Speaker, among the prominent Republicans reportedly being considered by the President for appointment to the Supreme Court of the United States is said to be Mrs. Rita Hauser, presently U.S. Representative to the United Nations Human Rights Commission.

Possibly some of her proponents base her qualifications as a Supreme Court Justice on her speech before a section meeting of the American Bar Association last year when she was reported to have said that laws banning marriage between persons of the same sex were unconstitutional. She is further reported to have said that the notion that reproduction is the purpose of marriage is outdated and that marriage between the same sex could solve the population problem.

I include a related news clipping in the Record at this point:

Homosexual Marriages Defended by U.N. Aide

St. Louis, August 10.—Mrs. Rita E. Hauser, the U.S. *Representative to the United Nations Human Rights Commission,* said today that laws banning marriages between persons of the same sex were unconstitutional.

Speaking on "Women's Liberation and the Constitution" at a section meeting of the American Bar Association, Mrs. Hauser said that such laws were based on what she called an *outdated notion that reproduction is the purpose of marriage*. She argued that overpopulation had made this rationale outmoded.

Limiting reproduction has now become the social goal, she said, "and I know no better way of accomplishing this than marriage between the same sexes."

Mrs. Hauser, a New York lawyer and a prominent Republican, is the wife of Gustave M. Hauser, a vice president of General Telephone and Electronics International, Inc.

WOC COMMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SCHWENGEL. Mr. Speaker, recently Bill Gress of WOC television in Davenport, commented on the hearings Senator Sam Ervin will be holding on the relationship between the Government and the press.

It is an editorial that is worth reading:

WOC Television—An Editorial Comment

September 16, 1971

Hello, I'm Bill Gress, and this is Comment!

Venerable Senator Sam Ervin of North Carolina has set up a series of hearings later this month that will bear a little watching. The Senate Constitutional Rights Committee, which Ervin heads, will probe into the relationship between the government and the press. As Senator Ervin put it, the subcommittee's study and hearings are prompted in part by recent developments which have caused many Americans to question the vitality and significance of the Constitution's free press guarantee. The North Carolina Senator said it sometimes appears that some government officials assume the role of the press is to present news about government policies and actions in only the best possible light. He added that it sometimes appears that some members of the press unjustifiably interpret any official response to their criticism, other than acquiescence, as a threat to their freedom to criticize. The hearings the Senator proposes to hold can either be a witch-hunt or a really good airing of the whole problem. We hope it is the latter. For it is about time we blew away some of the smoke that has obscured our free American press in the last few years. The whole question of the free press needs a good recharging of the batteries. This sort of thing might be just the right idea at the right time.

Bill Gress, and Comment.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FRASER. Mr. Speaker, at the recently concluded Minneapolis health hearings, Mr. Robert P. Janes, the Deputy Chief for Health Planning of the Health Services and Mental Health Administration testified.

Mr. Janes presented a lucid and comprehensive statement concerning the need for and activities of comprehensive health planning agencies. As Mr. Janes points out, health planning agencies must be in accord with the needs of the communities which they serve. This emphasis is one step toward insuring that health care becomes a consumer oriented and directed program.

State officials directly concerned with health planning also testified at the hearing. Dr. Ellen Fifer is the health planning director for the State of Minnesota Planning Agency. Her statement was submitted by Mr. Steve Mosow who also discussed the State health program in detail.

One of the main points Dr. Fifer raises in her statement is that categorical grants are a "cumbersome, inefficient, and fragmented method of assisting States and communities"; rather she favors expanding formula and block grants in order to encourage comprehensive services. The statements follow:

Statement by Robert P. Janes

Thank you for the opportunity to be with you today and to participate in Congressman Donald Fraser's public hearing on the important subject of health. I am pleased to have the opportunity to tell you about a relatively new and interesting Federal partnership program under HSMHA sponsorship known as Comprehensive Health Planning. This program is truly a partnership effort. It is a partnership effort between the Federal, State and local areas of government as well as a partnership effort between the providers and consumers of health services. What I'm going to say is partly some of what I have been thinking about comprehensive health planning—the whys and whats of it, if you will—and partly some of the instances the staff have been relating to me—with considerable pride, I might add. They could hardly wait to tell me about the great job the Minnesota State CHP agency did in its study and recommendations on residential care a couple of years ago.

But to go back to the beginning—the why of comprehensive health planning—I am sure this audience knows well the problems that have emerged in our health service system—or our health service non-system, as some call it. Take what health service is costing, for instance: Over $67 billion in 1969–70—more than 18 times what it was in 1940. This constitutes about 7 percent of our gross national product and makes us the highest spenders for health in the world—both in total and capita.

And in spite of all this money spent, health services in every community are imperfect. If a city excells in hospital care, it still may not have enough care for people at home. There may be splendid service for cardiac patients and in all too many instances a mediocre one for keeping youngsters health. I am sure you could fill in many examples.

Along with the increase in expenditures and thus in services have come increases in number of agencies and organizations engaged in health work and an almost unbelievable complexity in the total picture of health services. Some organizations are built around functions, some around diseases or professional specialties and others around the need of specific population groups. The confusion and frustration of ordinary citizens trying to get the health services they know are there somewhere—and that they are increasingly thinking of as a right—is something we all understand, and indeed most of us share.

The realization that something needs doing has brought in recent years various kinds of action from both the public and the private sectors. At the Federal level there were such measures as medicare to help with the costs of care for older pople and medicaid to help pay for health service for people who cannot afford it. The Hill-Burton facilities planning provisions were aimed at holding down the cost of hospital care, closing gaps in services, and eliminating duplication that is expensive in both money and manpower. The Regional Medical Programs set up under the heart disease, cancer, and stroke amendments were aimed at an orderly approach to providing quality services for those and related diseases and to get the fruits of our research to people where they live. In the community mental health centers, there is an effort to simplify and tie together the formerly completely fragmented services for the mentally ill. Similar efforts are being made in mental retardation. Similarly the Health Maintenance Organizations, a new legislative proposal soon to come up before Congress, would be addressed to the need to keep people well, not just care for them when they are sick. I would point out to you that all of these programs are what in the jargon of public health are known as categorical. That is, they are focused on a disease or condition, or on a population group, and usually on an aspect of the total need. Although broader in their impact than programs used to be they are by no means completely comprehensive in nature.

In the private sector, much has been done to overcome obstacles to good health services. For example, in financing medical and other health services, the greatest push has come from private and voluntary insurance. In 1968, almost 80 percent of the population under age 65 had some form of non-governmental health insurance. This is without either medicare or medicaid. Patterns of private health services have also been changing to try to lessen the consumer's confusion. The group practice of medicine, for instance, has grown. In many communities, home care programs offering a variety of types of out-of-hospital health services are not only relieving hospital shortages but providing good care in better circumstances. Even the training of physicians and other health professionals is undergoing change.

With all these developments, governmental and voluntary and private, there has been increasing attention to planning, and it is now generally recognized as an essential for any health activity. No health agency today would dream of rushing into a new service—a home care program, or a mental retardation center, say—without first investing in time-consuming and costly planning, and that planning almost never involves a single agency or professional group, but must pull together all the potential contributors in the community, both public and private, resolve differences, set objectives, and select the best from among alternative courses of action. This, however, is program planning—planning for a specific program for which a need has already been agreed upon.

Program planning is an essential to good health services. But what programs should be planned for? This is the question, and it has been one that the Federal Government has been to a very great extent deciding by the funds it has made available for particular purposes. Quite rightly, the feds have been asked what gives them the knowledge and judgment to decide what programs should get first attention. Can the wise men in Washington make such decisions for central Minnesota?

Comprehensive health planning is the means to resolve some of these difficulties and overcome some obstacles. It is a *means,* I would emphasize. It is not an end in itself. Let no one think planning has its own virtues, without its products.

Like program planning, comprehensive health planning must be based on a consensus about what the planning needs of a community are—by a community, we mean either a State or an area. To arrive at that consensus, comprehensive health planning must involve all of the people who serve health needs, and who plan their own programs.

What should the consensus be based upon? The pattern of the past was to base it upon a definition of need as defined by professional experts. The categorical programs that have been financed by the Federal Government have, it was felt, represented generally the wishes of the body politic. Generally, people have wanted tuberculosis controlled, mental illness combated, the ravages of cancer minimized. But the determination of what programs should be undertaken and what should come first has been based upon professional consensus, or the closest thing to it that could be obtained. After the decisions were made by the professionals, then in most instances they confided in the people, who incidentally were then asked to pay for and support and respond to these programs. If the people were not always responsive, it was put down to their less-than-professional understanding of their own problems.

Comprehensive health planning is professionals looking at people's health needs with them—seeing how they see them, what they would put first. The law provides that representatives of consumers are to have a majority voice in advisory councils. Comprehensive health planning is partnership—and the consumers are no longer to be silent partners.

Such a change in our ways of looking at health needs, problems, services takes some dedicated effort—effort on the part of consumers to understand the professionals' point of view—and on the part of professionals to see their own interests in new light. It is in the nature of the dedicated specialist to see his own field looming largest, and the results are sometimes almost ludicrous, one of my favorite examples is the instance of a mental health plan I heard about some time ago. It was a careful, well-developed plan, with proper projections of population needs, and it set forth, the numbers of professional man years that would be required to meet them. What it showed was that every graduate of the State's medical schools for the next ten years would have to enter the full-time practice of psychiatry, and a considerable proportion of present practitioners as well. I do not question the dedication and sincerity of the developers of this plan, nor in one sense their program planning competence. But their point of view was limited. Perhaps if they had been planning with colleagues in other fields and with people who represented the public that needs mental health services, as well as other health service, they would have seen some alternatives to their impractical plan. I think they would have seen other ways of serving mental health than a corner on medical manpower.

Many people have been—still are—skeptical about comprehensive health planning, there have been dire predictions of conflict and deadlocks. Well, there are skirmishes, of course. I gather that when things are too calm, our people suspect that nothing is happening. But there are results, too, and let me tell you some I've heard about already.

Yesterday the director of the Miami CHP Agency, Wood McCue, stopped in to see me and left a document showing 1970 accomplishments and 1971 objectives. It's a fascinating piece of reading and you might want to ask him for a copy, here's one point, for instance: in 1970 the agency certified the need for 13 hospital construction projects involving 2,070 beds and about $72.5 million, but it denied certification of need to 17 proposed projects for a total of 2,964 beds and some $10 million dollars. If those three thousand beds had been built, they would have cost the community nearly $60 million a year in operating costs.

Other agencies have been successful in tackling the problem of too many or the wrong kind of hospital beds. In Phoenix, the council recommended a moratorium for a year—not without some opposition, I understand, put on the basis of their data showing the area had enough acute care beds.

In Syracuse, two hospitals located across the street from each other had a history of no communication, not to say cooperation. A study by the CHP agency, and I am sure some gentle prodding coupled with hard facts, has resulted in actual merging of the two.

Environmental concerns have received a good deal of attention, too. In Albuquerque, a water supply study conducted by the mid Rio Grande CHP agency in the fringe area around the city produced recommendations that stirred the city manager's office into a complete review of policies on water and sewer line extension. And through the efforts of the environmental health task force of the Jacksonville council, the city is now spraying open drains and sewers to control mosquitoes and has committed itself to cover these as soon as possible.

These examples are all examples of planning based on orderly assessment of area's priority problems. But, you know, the CHP agency has another kind of task. It is the advocate of all the people in its area, and sometimes just that role in itself provides opportunities that are windfalls. Out in San Diego, the CHP agency director went to a meeting where the main topic was better communications. Some of the talk was pretty high-flown, full of behavioral science concepts and so forth. Dick Jacobsen, the director, went back to his office and put his feet on his desk and thought about it. And it came to him that most of the poor people in San Diego and Imperial Counties speak Spanish and little English, and most of the health professionals who serve them speak English and little Spanish. Well, Dick didn't need much science, just common sense, people he knew, and a little effort. A couple of months later, there were 300 health professionals taking basic Spanish in night courses at the local junior college. That may not be planning but it will make for a healthier community.

In the few minutes I have remaining I would like to indicate some of the advantages that a CHP approach has to offer.

First, it provides means for decision-making about health at the State and local levels. Health needs in Alaska vary tremendously from those in Chicago or rural Alabama or Utica, New York. Furthermore, life style and therefore preceptions about money spending are different in San Francisco from those in Western Massachusetts, in St. Cloud, Minnesota, or Miami, Florida. I cannot prove it, but I am willing to guess that patterns of medical practice vary in the same way from one place to another. While there certainly are standards that can and should be nationally applied, I do not think they need necessarily be applied the same way in Wichita as they are in the District of Columbia.

Second, comprehensive health planning looks at all the factors that affect the health of all the people—including housing, transportation and traffic lights, as well as personal health services. There is an apocryphal story that has gone the rounds, so you may have heard it, about the town that had a terrible accident rate, all centered around one road that suddenly disappeared over a cliff. The local health authorities spent vast sums on ambulances, built new emergency rooms, added hospital beds—but the accidents still happened. The CHP came to the community. The Council members went to the highway people, persuaded them to turn the road before it got to the cliff—and the accident rate went down at once.

That's not as far out as it may sound. The areawide CHP agency in San Diego had been a facilities planning agency, naturally focused on personal health care services. With its first grant from CHP, it had received the word from the Regional Office about becoming comprehensive. So when they were only beginning to move that way, they looked around and discovered that neither San Diego nor Imperial counties had ordinances against open trash burning. And that council, which incidentally has strong medical leadership, went out and stirred up the community and got the county boards to pass such ordinances.

The third concept of comprehensive health planning that I think is an advantage is that it is concerned with bold public and private resources. We heard recently about the effort that one of the areawide agencies was putting into developing coordinated home health services for its area. After some weeks of negotiating (some of it could probably qualify as wheedling), the comprehensive health planning agency had gotten representatives, the four providers sitting together around a table. They found out things about each other they had not known before, and some of the competitive legends that had grown up were dispelled. One of these myths was a notion about the inability of public and private agencies to share or dovetail responsibility. It has not happened yet, but my wager is on that area having a coordinated home health service before too long, and the money will come from both public and private pockets.

Another CHP concept that I believe gives it strength is that it prescribes joint consideration and action on the part of those who provide health services and those who receive them, and for participation by a variety of both. That is, the consumer majority on councils is expected to represent all segments of the State's or area's population, and the providers are expected to represent the variety of health professions and interests. This is a really new pattern and one that has given some people trouble. For instance, at one time, both the Division of Comprehensive Health Planning at headquarters and the regional office received protests about a group which had announced that it was organizing a CHP agency for its area. The protests came from hospital administrators, organized medicine, from local government, a union, and a poverty organization. Our regional staff man went to meet with the group, whom he found to be an assemblage of well-to-do men and women who prided themselves on "doing good" and undoubtedly had in the past done a great deal of good. He began by saying, "I want to tell you about comprehensive health planning. The first thing about it that's important is that it is planning *with* people, not *for* them." He stopped to look at their faces—and saw real bewilderment. It took a good deal of time and effort, a number of field visits, and much correspondence, and most of all, recognition by local leaders, but that area now has a going CHP agency that represents the community of providers and of consumers—no slight accomplishment.

I do not see Comprehensive Health Planning as becoming the manager of the health service system. In my opinion its value will be greater if it can maintain some space between itself and the system—space to allow for objectivity.

The review and comment responsibilities which Congress has mandated to the CHP agencies may offer some temptation to go the regulatory route: We have however, developed some guidelines concerning these responsibilities. These guidelines describe the purpose of review and comment "to help insure that individual health projects and activities which are Federally funded are in accord with the principles, goals, and priorities of a Comprehensive Health Planning body (and thus with a community's needs)."

Ideally, in time, the CHP agency would have developed a complete set of health goals and priorities and because all interested parties had participated throughout the development process, the proposed project would be in accord with the needs of the community. Thus, the review and comment responsibilities would become routine.

In summary, the future of Comprehensive Health Planning depends of course on the continued interest of the Administration and Congressmen such as Donald Fraser. Definite evidence of this interest exists with the new responsibilities proposed by the Administration and enacted into law by the Congress. The program has also been fortunate in obtaining budgetary increases for areawide planning as well.

I appreciate the opportunity I have had to talk with you this morning. In the time remaining I will try to answer any questions you might want to raise.

FEDERAL GOVERNMENT'S ROLE IN REFORMING AND FINANCING THE DELIVERY OF HEALTH SERVICES

(By Ellen Z. Fifer)

The Comprehensive Health Planning Program established by the federal congress in 1966 directed us to plan in the areas of health manpower, services, and facilities in order to promote and assure "the highest level of health attainable for every person, in an environment which contributes positively to healthful individual and family living".

Since the Program was established in Minnesota in December 1967, we have proceeded with the advice and assistance of our consumer-provider Advisory Council to develop a "Partnership for Health" to study health problems, establish priorities and issue recommendations which we then attempt to implement through legislation, through state agency action, and through other means. We have worked closely with the Northlands Regional Medical Program, professional associations, and consumers to develop the five reports available at this time: *Goals for Comprehensive Health Planning in Minnesota; Recommendations for Action Concerning Parent and Infant Health; A Policies Plan for the Provision of Residential Care; Summary of the Conference on Health Care Costs;* and a new publication entitled *Recommended Health Manpower Policy*. An examination of these brief reports will give an indication of some of the problems perceived and solutions recommended.

The provision of health services is a highly complex process. The problems do not lend themselves to simple, ready solutions. I will address only a few areas of concern and suggest appropriate action.

HEALTH MANPOWER

The central element of all health care services are the people who deliver the care, including nurses, pharmacists, physicians, therapists, technicians, and aides. There are a number of established specialties as well as new, emerging careers. We need (1) to enlarge the manpower pool, (2) to utilize manpower wisely, and (3) to see that distribution throughout the state is more equitable. In Minnesota we have examined the effect licensure laws have on these three problems and proposed solutions.

Federal action can be most effectively applied through support of health professions education. Health personnel are a national resource. Mobility between states makes it unrealistic to expect that the individual states can or should assume the total responsibility. Grants for training to vocational-technical schools, colleges and universities should be provided on a per-student basis, with allied health personnel receiving support as well as physicians, dentists and nurses. Problems of utilization and distribution are being confronted at the state and community level, with legislation in these areas currently before the state legislature.

HEALTH FACILITIES

The mechanism for planning and regulation of health facilities—to see that hospitals and nursing homes are constructed only when necessary to fill a real need in a community—is already becoming established through areawide comprehensive health planning agencies. *Sufficient support for this federal program of comprehensive health planning at the areawide level is essential in order to establish responsible agencies* with trained staff and with consumer-provider boards which can then build and demonstrate planning competence. We have four established and funded areawide comprehensive health planning agencies in Minnesota, including the Metropolitan Council's Metropolitan Health Board. Three areas of the state have incorporated boards, as yet without funds or staff. Only one section of southern Minnesota is as yet unincorporated. Sufficient funds to get these agencies firmly established would be a small investment for the value received. One hospital bed costs roughly $45,000 to build and $25,000 to maintain on an annual basis. Savings sufficient to pay for the planning program could be promptly realized, from one, unnecessary bed prevented or deferred.

HEALTH SERVICES

The organization and financing of health services is the most complex and most critical problem of all. Planning, organization, and management functions should be assigned to states and communities so that consumers and providers can work together in developing systems for more effective delivery. Universal insurance coverage, whether primarily through federal or other auspices, should be developed. Our Council has not taken a stand on which of the many health insurance proposals they consider best. Our experience with Medicare would tend to illustrate the problems that arise with a centralized system. The reduction in payments and tightening up of rules has been most drastically applied to Home Health Care—which is potentially the most important care concept of recent years, important in the sense that it permits earlier discharge from hospitals, postpones nursing home and other institutional care, and utilizes, under public health nursing supervision, personnel who can be readily and rapidly trained for such duties. It is ironic that this, of all programs, should be subject to overly rigid and restrictive federal controls, at a time when home health care agencies were beginning to give effective service. The stress on preventive care, family planning, well-child care, home health care and so-called primary care must be emphasized in any payment program.

A general statement concerning federal support for health services:

Categorical grants are a cumbersome, inefficient, and fragmented method of assisting states and communities, with resulting fragmentation of the health services themselves. One of the major causes of fragmented and specialized health services, which are confusing to the consumer and expensive to the payor, has been the categorical grant system. Formula and block grants must be expanded in order that comprehensive services may be encouraged.

Finally, one comment on the status of the health of the people of Minnesota and the health services provided here. Statistics can be and are being used to prove all points of view relating to health services. Briefly stated, the usually quoted statistical data including maternal mortality, infant mortality and age-specific death rates indicate that Minnesota has an enviable position relative to most other states. Similarly, in terms of gross numbers per 1,000 population, we have more nurses, more physicians and more health personnel than is generally available elsewhere in the nation. The quality of our training institutions and of our personnel is second to none.

We have tremendous assets on which to build, and we are committed to change and improvement in health care for all citizens.

We look to the federal government for assistance, both financial and otherwise, and advice in a real "Partnership for Health," with a sharing of power and leadership with the states, with the planning areas within states, and with the communities where health care really takes place.

Thank you for the opportunity to present our statement.

LETTER OF APPRECIATION TO VA HOSPITAL

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues a most thoughtful letter of appreciation written by my constituent, Mrs. W. J. Austen, to the Director of the Veterans' Administration hospital in Washington, D.C. It is unusual to see such a magnificent display of appreciation for the efforts of our public servants. I know all of my colleagues would be delighted to learn of the outstanding job being performed by the VA hospital here in Washington and how the family of one of our veterans feels about the service.

The letter follows:

SEPTEMBER 21, 1971.

Mr. A. A. GAVASSI,
Hospital Director,
Veterans' Administration Hospital.

DEAR Mr. GAVASSI: Thank you so much for your letter of Sept. 15, expressing your sympathy to me and my family in the death of my husband, Wenzel J. Austin.

May I take this opportunity to thank you and your staff for the excellent care given my husband while he was a patient in your Hospital.

I can not say enough for the wonderful and deep concern in which they attended him.

Their duty and sincere desire for his medical and emotional well being is deeply appreciated by me and my family.

It would please me greatly if this letter of my appreciation could be publicly displayed and placed in the Congressional Record, so that all who serve on your staff may be duly recognized and commended for their devotion to any and all patients in your Hospital.

Sincerely yours,

Mrs. Elizabeth Austin.

PCB'S: POISON IN PACKAGING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RYAN. Mr. Speaker, another potentially serious source of food contamination from polychlorinated biphenyls, PCB's—the cardboard used to package certain grocery products—has been discovered.

Despite the fact that the Food and Drug Administration knew about this problem in June 1971, FDA has not yet alerted the consumer that the integrity of his food is being threatened. Rather, FDA officials met in a "closed" meeting with representatives of the food and packaging industries on September 14 to discuss this situation.

This is all too typical of FDA's failure to notify consumers of such potentially serious health hazards. There is absolutely no justification for a food inspection agency failing to make timely and full disclosure about the quality of the food supply. Yet, the FDA appears to be more concerned about the image of American industry and its sales figures than the level of public knowledge of the wholesomeness of its food.

Analysis of the FDA's total diet market basket showed PCB residues in the grain and cereal products composite. Further analysis traced the PCB's to shredded wheat biscuits in the composite; and subsequently the shredded wheat packaging material was identified as the source of the contamination.

According to a letter to me from the FDA dated September 24, the manufacturer of the shredded wheat packaging material was immediately inspected by FDA's Cincinnati district office, and it was learned that the firm uses about 95 percent recycled paper to manufacture paperboard containers. Analysis of five different types of the firm's paperboard showed that PCB levels ranged from 1.7 ppm to 433 ppm.

Various types of packaged food products, some of which used this unidentified firm's paperboard, were also analyzed as part of this investigation. Of the 28 packaged food samples examined, nine samples were positive for PCB's in the food portion. With one exception, FDA found that the cardboard containers examined also contained PCB's.

As a result of these findings, the FDA commenced a nationwide survey on September 8 to determine the extent of food contamination from food packaging materials.

According to a report by Robert Walters in today's Washington Evening Star, items to be investigated include crackers, bread crumbs and related products; macaroni and noodle products; pretzels, chips and specialty items; ready-to-eat breakfast cereals; prepared mixes, including cakes, pancakes, and biscuits; dried milk and dried milk products; dried desserts and pudding mixes, including unflavored gelatin; infant cereals; cookies; refrigerated unbaked specialties; rice, oatmeal, and farina; chocolate and cocoa products; dried fruits; and frozen fruit juices.

The implications of this situation are staggering. Not only are we faced with the possibility of massive contamination of our food supply, but unless something is immediately done to remove and destroy these containers, we will face this contamination again and again.

Ironically, this problem is apparently the product of a growing practice related directly to efforts to clean up the environment—the recycling of waste paper for use in packing material.

It is believed that the wide use of "carbonless" carbon paper and its introduction into food packaging material through recycling is the cause of this problem.

The food additive order for pulp from reclaimed fiber—21 CFR 121.2546—clears salvage from used paper and paperboard but specifically excludes "that which bears or contains, or has been used for shipping or handling, any poisonous or deleterious substance which may reasonably be expected to be retained in the recovered pulp." Thus, any food packaging from recycled pulp found to contain PCBs is illegal and subject to seizure. Yet, to the best of my knowledge no plans for such seizure are planned by FDA.

> After the extent of the problem has been fully assessed, the Food and Drug Administration will pursue the appropriate course of action for protecting the consumers from any risks associated with PCB in foods.

One might well ask what of the known contamination that now exists? A full investigation is certainly necessary, but it is imperative that the FDA immediately undertake all possible actions to eliminate contaminated food and food packaging from the marketplace. What is to protect the consumer from the hazards of the myriad of food products now on the shelves bearing high concentrations of a persistent, highly toxic chemical?

Perhaps the FDA needs another closed meeting with industry representatives to determine what course of action it should follow. After all, FDA seems to think that industry is a better judge of the need for wholesome food than the public. And that is where FDA and I differ.

At this point, I include in the Record correspondence with FDA in regard to this situation. I also include an article by Robert Walters, which appeared in the September 27 Washington Evening Star detailing the finding of PCBs in cardboard packaging.

I also include the recent testimony of Dr. Robert Risebrough before the Senate Commerce Committee in regard to the hazards of PCBs and an article by Carl Gustafson that appeared in the October 1970 edition of Environmental Science and Technology.

The material follows:

Food and Drug Administration,
Rockville, Md., September 24, 1971.

Hon. William F. Ryan,
House of Representatives,
Washington, D.C.

Dear Mr. Ryan: Commissioner Edwards has asked me to respond to your letter of September 9, 1971 requesting a full report on the polychlorinated biphenyl (PCB) contamination of certain packaging material from recycled paper.

The FDA learned of this problem in June 1971. Analysis of the FDA's Total Diet market basket showed low level PCB residues in the grain and cereal products composite. Further analysis traced the PCB to the shredded wheat biscuits in the composite and subsequently, the shredded wheat packaging material was identified as the source of the PCB in the food.

The manufacturer of the shredded wheat packaging material was immediately inspected by our Cincinnati District office. We learned that the firm uses about 95 percent recycled paper to manufacture paperboard containers. Analysis of five different types of the firm's paperboard showed PCB levels ranging from 1.7 p.p.m. to 433 p.p.m.

Various types of packaged food products, some of which used this firm's paperboard, were also analyzed as part of this investigation. Of the 28 packaged food samples examined, 9 samples were positive for PCB in the food portion. With one exception, the cardboard cartons examined also contained PCB.

As a result of this limited investigation, the FDA, on September 8, 1971, initiated a nationwide survey for determining the extent of food contamination from packaging material that may contain PCB. Evaluation of the data obtained from this survey will provide us with the necessary scientific information to make an informed judgment of the risk of PCB in foods from packaging material.

The use of reclaimed paper and other fibers is regulated under 21 *CFR*, 121.2546, which prohibits the salvage of used paper and paperboard which bears or contains any poisonous or deleterious substance for food packaging material. The wide use of "carbonless" carbon paper and its introduction into food packaging material through recycling apparently has resulted in this problem. We have been informed that the use of PCB in this type of paper was discontinued in June 1971.

The FDA is evaluating alternative courses of actions for coping with this PCB problem. We have had meetings with the involved industries to discuss this matter. The industries are cognizant of the FDA's limited findings and they are actively exploring solutions to the problem. We will continue to work closely with these groups.

The Interdepartmental Task Force on PCB, which we described to you in our letter of September 8, 1971, has also been fully apprised of this PCB problem. The PCB Task Force brings together the combined resources and authorities of cooperating Government agencies for coordinating a Government wide investigation into the total PCB problem, including PCB in recycled paper.

After the extent of the problem has been fully assessed, the Food and Drug Administration will pursue the appropriate course of action for protecting the consumers from any risks associated with PCB in foods.

Sincerely yours,

M. J. Ryan, *Director,*
Office of Legislative Services.

[From the Washington Evening Star, Sept. 27, 1971]

PCB in Cardboard Packages Launches Investigation by FDA

(By Robert Waltors)

The Food and Drug Administration has discovered a new source of potentially serious food contamination from the industrial chemical compound known as polychlorinated biphenyls or PCBs—the cardboard used in packaging 15 popular grocery products.

The items include crackers, bread crumbs and related products; macaroni and noodle products; pretzels, chips and specialty items; ready-to-eat breakfast cereals; prepared mixes, including cakes, pancakes and biscuits; and dried milk and dried milk products.

Others are dried desserts and pudding mixes, including unflavored gelatin; infant cereals; cookies; refrigerated unbaked specialties; rice, oatmeal and farina; chocolate and cocoa products; grated cheese and cheese products; dried fruits; and frozen fruit juices.

The FDA has known for more than three weeks that preliminary tests showed trace amounts of PCBs existed in the packaging materials and in some of the food items, but no notification of the problem has been provided to the public.

Instead, FDA officials convened a secret meeting on Sept. 14, where they discussed their growing concern about the situation with representatives of the food and packaging industries.

In addition, FDA officials here have instructed personnel in their 17 field offices throughout the country to conduct a high-priority survey of the packages and foods in the 15 different categories to determine the scope of the problem.

PCBs are a highly toxic, extremely persistent chemical compound manufactured exclusively by the Monsanto Co. of St. Louis for a wide variety of industrial uses. There is little available scientific data on their effect on humans, but they have caused serious liver damage and birth defects in laboratory test animals.

Rep. William F. Ryan, D-N.Y., who has pressed for a ban on future use of PCBs, said the current case was "typical of the FDA's failure to notify consumers of potentially serious health hazards."

Ryan added: "Unfortunately, the FDA seems to be more concerned about the image of American industry than the level of public knowledge of the integrity of its food supply."

Despite the lack of public notice, the problem of PCBs in packaging materials known within the industry as "grayboard" and "combination board" is reliably reported to be a matter of high concern among both government and Monsanto officials.

During the past year, PCB spills have led to the seizure or hasty withdrawal from the market of wholesale lots of chickens, turkeys, eggs, fish, animal feed, meat by-products and a number of other items.

In most of those cases, federal officials have been able to isolate the contaminated products by identifying the source of the PCB leak and then locating the specific items which came into contact, directly or indirectly, with the chemical compound.

The packaging problem is potentially a far more pervasive and complex one. It also involves an area in which the government's scientific knowledge and experience both are extremely limited.

For example, although the level of PCBs found thus far in food packages is considerably below the 5 parts per million tolerance level established by the FDA for edible tissue in meat, fish and poultry, the FDA has never established any "action level" for PCBs in food packages.

Similarly, although PCBs are generally inert, the FDA is known to be concerned about the possibility that the chemical compound can migrate or transfer to the food itself. The FDA already is reported to have found PCBs in some noodles and shredded wheat.

RECYCLING A FACTOR

Ironically, the problem apparently is the product of a growing practice related directly to efforts to clean up the environment—the recycling of waste paper for use in packaging materials.

Some government officials believe that the PCBs were contained in printing inks used in the original paper, a use for which Monsanto has long promoted the compound.

Another suspected source is the so-called "no-carbon" carbon paper, whose principal manufacturer relied heavily on PCBs until last June. Tests on that paper have shown that it contains PCB levels as high as 30,000 parts per million.

The FDA first disclosed its data on PCBs in food packages to other government agencies at a Sept. 1 meeting. It was at that session that the decision was made to establish an interdepartmental task force, coordinated by the White House Office of Science and Technology, to conduct a government-wide investigation into PCB contamination.

COMPANY EXPECTS ATTENDED

Among the representatives of the food and packaging industries summoned to the Sept. 14 meeting were officials of the Grocery Manufacturers of America, who coordinated the effort within the food industry, and the American Paper Institute, which is conducting technical studies in cooperation with the FDA.

In addition, technical experts from a number of individual companies were present. One industry publication said the meeting "was being veiled in utmost secrecy," but an FDA spokesman objected to that description, explaining that it was simply a "closed" session which was not announced to the public.

Statement of Robert Risebrough Before the Committee on Commerce, U.S. Senate, August 4, 1971

My name is Robert Risebrough. Since 1965 I have been employed by the Institute of Marine Resources at the University of California, Berkeley. On July 1, 1971 I joined the staff of the Bodega Marine Laboratory of the University of California, where I am an Associate Research Ecologist. With colleagues from several universities and other scientific institutions I have carried out research in the field of environmental pollution, primarily with the chlorinated hydrocarbons. These substances include several of the insecticides and the polychlorinated biphenyls. With my colleagues I have prepared approximately forty technical and semi-technical papers in this field.

In 1970 I was a member of the panel on Monitoring Persistent Pesticides in the Marine Environment of the Committee on Oceanography of the National Academy of Sciences. I also served as chairman of the Committee on Halogenated Hydrocarbons of the Seminar on Methods of Detection, Measurement and Monitoring of Pollutants in the Marine Environment, organized by the Food and Agriculture Organization of the United Nations in Rome, Italy. Currently I am a member of the panel on Marine Aquatic Life and Wildlife of the Committee on Water Quality Criteria of the National Academy of Sciences.

I am appearing before this committee as a scientist and a private individual. I welcome the opportunity to discuss before this committee the polychlorinated biphenyls, a class of industrial chemicals that have become widespread pollutants in the global environment. The polychlorinated biphenyls, or PCB, are among the toxic substances that would be regulated under the provisions of Senate Bill 1478. I shall therefore try to review briefly our current knowledge of the distribution and environmental effects of PCB. Scientific statements are documented by reference to the original research. The interpretation of these studies and all opinions expressed are necessarily my own, and not those of any public or private organization.

CHEMISTRY OF THE POLYCHLORINATED BIPHENYLS

The structure of chlorinated biphenyls is shown in Figure 1. Chlorine atoms may occupy any combination of the positions of the biphenyl molecule. Many such combinations containing one to 10 chlorine atoms in the various positions are therefore possible. PCB consists therefore of a mixture of chemical compounds. Commercial preparations in the United States, where the Monsanto Company is the only manufacturer, are designated by the tradename "Aroclor" followed by a number that indicates the approximate chlorine composition of the preparation. Thus, "Aroclor 1254" contains approximately 54% chlorine by weight.

PCB is frequently compared to the DDT compounds. Like them it is very insoluble in water, but highly soluble in oils, fats and non-polar liquids. It is highly resistent to degradation by heat, by the biological processes that degrade most chemicals released into the environment, and to chemical attack. These properties have made them useful in many industrial applications.

INDUSTRIAL USE OF PCB

PCB has been used as an additive to sealants, rubber, paints, plastics, adhesives, printing inks, insecticides, and many other commodities. The major uses, however, have been as insulating fluids in electrical equipment and as heat transfer fluids. These are considered to be "closed" systems.

Following the discoveries first made in Sweden (1) and later in other parts of Europe (2, 3) and in North America (4) that PCB had become a widespread and locally abundant environmental pollutant, the Monsanto Company recognized the ecological hazard of PCB, and sought to restrict all usage to that of closed systems. The sale of PCB for plasticizer use was discontinued on August 30, 1970. The industrial and hydraulic fluids manufactured by Monsanto were reformulated to exclude PCB, and a high temperature incineration unit was built by Monsanto at Sauget, Illinois, to destroy waste PCB (5).

OCCUPATIONAL EXPOSURE TO PCB

Occupational exposure to PCB has in the past produced a high incidence of chloracne, a severe skin disease, among factory workers. Although known as "chloracne" the skin lesions are not produced by chlorine gas, nor by inorganic compounds of chlorine. The disease has also been prevalent among workers in factories manufacturing chlorinated napthalenes, chlorinated phenols, and compounds derived from them (6). The literature in this field was very adequately reviewed during the hearings held by this committee in April of 1970 which dealt with the effects of 2,4,5-T on man and the environment. Several of the most important papers in this field were reprinted in the Record of those hearings. The production of chloracne by chlorinated compounds among industrial workers has been extensively studied in Germany. The most potent inducers of chloracne were found to be the chlorinated dibenzodioxins. The chlorinated dibenzofurans were also shown to be potent inducers of chloracne. The structures of both the chlorinated dibenzodioxins and the chlorinated dibenzofurans are shown in Figure 1. Both groups of compounds are highly poisonous (7, 8). Very small amounts of the chlorinated dibenzodioxins will produce embryonic defects in chicks, as Dr. Verrett described to this committee last year (9).

The chlorinated dibenzofurans have recently been discovered to be contaminants in some PCB preparations. The toxicity of three PCB preparations containing approximately the same amounts of chlorine was found to vary widely and to be correlated with very small amounts of the benzofurans present as contaminants. The French preparation was found to be more poisonous than the one from Germany, while the American preparation possessed the lowest toxicity when all three were fed to chickens (10, 11). The contaminant in the French preparation was estimated to be present in the order of 20 ppm of the PCB preparation (11). So poisonous are the dibenzofurans that the Dutch scientists studying the relative toxicity of various PCB preparations did not wish to work with the pure dibenzofurans.

From the literature it is not clear whether chloracne conditions produced in the past by PCB preparations have been caused by the PCB or by very minute amounts of the contaminants. The Monsanto Company no doubt possesses considerable data on this subject.

A CASE OF NON-OCCUPATIONAL EXPOSURE TO PCB

In 1968 an outbreak of a peculiar skin disease occurred in Japan. More than 300 people were affected. Exhaustive studies were made by a number of Japanese scientists and an extensive series of papers describing their findings has been published. Unfortunately they are in Japanese, but each has an English summary. Several of these are attached as part of my testimony. The results may be summarized briefly. The disease was traced to a shipment of commercial rice oil used for cooking that had been contaminated with PCB used as a heat transfer fluid in the manufacturing equipment. Nine of the women affected were pregnant. Two of the babies were dead at birth, and all showed symptoms of chlorobiphenyl poisoning.

None, however, possessed birth defects. Feeding of the oil to mice and monkeys produced comparable symptoms. One of the studies reported that the concentration of PCB in the rice oil was about 200 ppm, and that the amount of oil consumed by a family of four for over a month was in the order of 1.8 liters. The first symptoms appeared in March 1968 and it had been determined that the contamination occured on or about February 5, 1968. It is of interest to make a very rough calculation to determine how much fish or poultry contaminated with PCB at a level of 5 ppm in the edible flesh a person would have to eat to ingest a comparable amount of PCB. On the assumption that half a liter of cooking oil was sufficient to produce the symptoms, 45 pounds containing 5 ppm of PCB of contaminated fish or poultry might produce the same effect.

It is not clear, however, whether the symptoms produced by consuming the contaminated cooking oil in Japan were in fact produced by the PCB or by very small amounts of the contaminants mentioned above. Studies to determine this should clearly receive a high priority.

It is also of interest to compare the levels found in the fat of the people affected with the few values so far obtained for PCB concentrations in human fat in the United States. Biopsy of samples of subcutaneous fat in the affected Japanese ranged from 13 to 76 ppm.

In our laboratory we have measured PCB in nine samples of human milk from Berkeley, California, and 7 samples from nursing mothers in the Los Angeles area. Concentrations in the fat portion of the milk averaged 2.6 ppm in the Berkeley samples, and 2.1 in the Los Angeles samples. Minute amounts were also detected cows milk. Confirmation of the occurrence of PCB in human fat by mass spectrometry has recently been reported by research workers of the Food and Drug Administration (12).

BIOLOGICAL EFFECTS OF PCB

An earlier study sponsored by the Monsanto Company of the toxicity of the vapors of two PCB preparations, Aroclor 1242 and Aroclor 1254 (13) demonstrated no injury to several animals at concentrations in the air of Aroclor 1242 below 8.6 micrograms per liter. Reversible degenerative changes in some of the viscera were produced by comparable concentrations of Aroclor 1254. A study reported by the United States Public Health Service in 1944 (14) showed that liver and skin damage was produced in guinea pigs, rats and rabbits exposed to Aroclor 1242 by subcutaneous injections and applications to the skin. The skin lesions were comparable to those found in the chloracne condition in man.

Three studies have recently reported data on the toxicity of PCB to birds. A British study carried out at the Monks Wood Experimental Station (15) found that Aroclor 1254 had only 1/13 the toxicity of DDT to Bengalese finches. The Bureau of Sport Fisheries and Wildlife at the Patuxent Wildlife Research Center has reported toxicity data of 6 PCB preparations to mallard ducks, pheasants, bobwhite quail and Japanese quail. In general, the insecticide dieldrin was approximately 4 times as toxic as any of the PCB preparations, and DDT was approximately 4 times as toxic. Toxicity tended to increase with increasing chlorine content of the PCB (16). A Dutch study (10) found, however, that toxicity of PCB preparations containing the same amount of chlorine varied widely because of different concentrations of chlorinated dibenzofurans present as contaminants. Until the amounts of these contaminants have been measured in each PCB preparation, it is not possible to determine how much toxicity derives from PCB and how much from the contaminants. The recent studies of the Monsanto Company, which I have not yet had the opportunity to examine will no doubt clarify this point.

PCB, like most other chlorinated hydrocarbons, and like many chemicals foreign to the animal body have the capacity to increase the activity of certain liver enzymes (4, 17). This is an adaptive response since the enzymes permit the body to eliminate foreign compounds which are frequently harmful. The more highly chlorinated of the PCB preparations, however, appear to induce the sythesis of these enzymes and the associated supporting material known as the smooth endoplasmic reticulum without being degraded themselves. Some of the naturally occurring compounds in the body, including sex hormones and other steroids, are then broken down at more rapid rates than is usual. The regulatory mechanisms, however, cause more of the steroidal compounds to be synthesized so that the levels frequently do not change.

The significance of the phenomenon either to the environment of the human health is not clear. One of the Japanese studies of the Yusho disease reported hypertrophy of the smooth endoplasmic reticulum in liver biopsy specimens. Much of the cholesterol synthesized by the liver is produced in the smooth endoplasmic reticulum fraction. A study carried out in Israel (18) on the effect of organochlorine insecticides on serum cholesterol level in people occupationally exposed to those compounds reported that while serum cholesterol increased with age in both the exposed workers and the control groups, the increase was greater in exposed workers. These scientists concluded that the organochlorine compounds induced an increase of cholesterol synthesis, but that the regulatory processes of the body were able to increase the rate of breakdown in younger people. In older people past the age of 45, however, the regulation mechanism worked less well, and cholesterol levels increased.

Several studies (11, 19) have shown that PCB may produce symptoms in chicks identical to those produced by chick edema factors. These were discussed extensively in the hearings held by this committee to consider the environmental effects of the herbicide 2,4,5-T (9). It is likely that this effect is caused by the dibenzofuran contaminant (11).

PCB IN THE NORTH AMERICAN ENVIRONMENT

PCB is now universally distributed in the terrestrial, fresh-water and marine environments of North America. On the west coast concentration of PCB in a collection of northern anchovies from coastal waters of southern California was in the order of 1 ppm (20). Concentration in the body of a Peregrine Falcon in California was 65 ppm of the wet weight and 2000 ppm of the body fat (4). All specimens examined of several species of petrels and shearwaters from the Pacific Ocean all contained PCB (4). These are pelagic species which rarely approach land. Sixty-five eggs of the Brown Pelican from Anacapa Island, California, almost all of which were broken when found because of excessive shell thinning contained an average concentration of 210 ppm of PCB in the yolk lipid (21).

PCB levels in the coastal waters of southern Florida are somewhat lower. 87 eggs of the same species from Florida, obtained in 1969 and 1970, contained an average concentration of 72 ppm (21). PCB concentrations in the yolk lipids of Ospreys, like the Brown Pelican a fish-eating bird, were highest in Massachusetts and Connecticut with values ranging between 500 and 2300 ppm and lower in New Jersey (22). PCB was found in all plankton analysed from the coastal waters of the northeastern United States. Concentrations were highest in the waters off Long Island and decreased southwards towards Maryland and eastwards towards the deeper water of the Atlantic (21). The PCB detected in the human milk samples most likely came from residues in food.

MOVEMENT OF PCB THROUGH THE ENVIRONMENT

In November and December of 1970 we measured PCB concentrations in the effluent waters of the major sewage treatment plants of California (23). Several were discharging PCB into the local marine environments at rates equivalent to a ton per year. The high concentrations found in the waters near New York and New England most likely derive mainly from sewage outfalls. Once in an aqueous medium PCB readily passes into the fatty tissue of organisms because of its very low solubility in water and high solubility in fat and oils.

In order to look for the origins of the PCB reported in polar bears by the Canadian Wildlife Service we travelled in the summer of 1970 to remote lakes in the arctic terrain of northern Quebec. These are rarely if ever visited by man. All of the fish so far analysed contained measurable amounts of PCB. One lake trout had 12 ppm in its fat, equivalent to the amounts found in many ocean fish (21). We concluded that PCB, like the DDT compounds, is also dispersed through the atmosphere to fall out in areas remote from the sites of application.

ENVIRONMENTAL EFFECTS OF PCB

In attempting to assess the environmental impact of PCB, the pollution ecologist finds himself in a position he was in up to 1968 in attempting to assess the environmental effects of the DDT compounds. Circumstantial evidence suggested effects upon wildlife populations, but the conclusive scientific evidence was not yet in. The most spectacular and the best documented of the environmental effects of pollutants has been the shell thinning of a number of species of fish-eating and raptorial birds. Several laboratories have investigated the possible effects of PCB upon shell-thinning, but no significant effect has been found. The laboratory of the Bureau of Sport Fisheries and Wildlife has fed PCB to mallard ducks and bobwhite quail but has found no shell thinning effects (16). Similarly the PCB given to doves produced no changes in shell thickness, whereas the DDT compound DDE did so (24).

In attempting to determine the environmental pollutants responsible for phenomena such as shell thinning in birds, ecologists have attempted to correlate the magnitude of the effect with the measured concentrations of one or more pollutants. Frequently high amounts of PCB are found together with high amounts of other pollutants such as the DDT compounds. It is therefore difficult to sort out the effects of each pollutant. In examining both west coast and east coast samples of Brown Pelican eggs, containing many different proportions of PCB and the DDT compounds, we have concluded that PCB has no significant effect upon the shell thinning, which correlated well with the measured concentrations of the DDT compound DDE. (25).

An environmental effect that may be caused by PCB is the lowered fertility of some bird populations and the failure of eggs to hatch.

This effect was noted by a commercial poultry breeder who became alarmed at the low rate of hatching of his eggs. The hens were subsequently shown to have accumulated PCB from contaminated fish meal. The source of this PCB was traced to a leak from the heat-exchange fluid in the factory equipment (26). This observation appears to be inconsistent with the findings reported by the U.S. Bureau of Sport Fisheries and Wildlife (16) that PCB had no significant effects upon the reproduction of mallards and of bobwhite quail. The inconsistency could be explained if the PCB in the heat-transfer fluid leaking from the machinery had higher amounts of the dibenzofuran contaminants.

A crucial factor in assessing the environmental impact of PCB is the accumulation rate in "sinks" such as the sea which receive waste materials, including waste chemicals. We can assume that most of the PCB produced is so far still on the land, from which it is slowly leaching into the atmosphere, into sewage systems, and into rivers. It is difficult to estimate the fraction of the PCB now on the land that will eventually enter the sea, because of insufficient data on the amounts of PCB present and on the systems in which it is used. One of the principal research problems in pollution ecology at the present time is to predict future rates of accumulation in the world-wide environment of synthetic chemicals. Most degrade readily to primary materials, but those with certain chemical properties that are produced in large amounts inevitably become pollutants. Necessary data are production figures, reliable estimates of the proportion of total production that will eventually enter the environment, present distribution of the pollutant in the water, air, soil, and biomass, and estimates of the rates of degradation and withdrawal into the sediments of the ocean bottom.

If the amounts of PCB already manufactured are sufficient to increase concentrations in fish in the coastal waters by a factor of 10 over the next 25 or 50 years, the coastal fisheries would be destroyed for the purpose of human consumption. We can not seriously approach this problem, however, without knowing how much is already on the land and how much more is introduced each year. If input were sufficiently low, a steady-state concentration could be maintained in the sea that would be acceptable in environmental terms. We can not yet estimate, however, the magnitude of this concentration. When countries such as Brazil which are now in a state of rapid development begin to manufacture PCB in large quantities, pollution of the sea will undoubtedly become worse.

The toxicity of the degradation products of PCB has not been determined, and I am not aware of any studies in progress. It is not known whether the highly toxic dibenzofurans can be derived from PCB by biological or chemical means in the environment.

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PCB's—PREVALENT AND PERSISTENT INTENSIFIED RESEARCH IS NEEDED TO MINIMIZE THEIR DANGERS

(By Carl G. Gustafson, Federal Water Quality Administration, Athens, Ga.)

During the past three years, a special class of compounds, called polychlorinated biphenyls (PCB's), has claimed the attention of ecologists and pesticide analysts in this country. These compounds were not discovered in the environment until 1966 in Sweden and 1967 in the U.S., despite the fact that they have been available commercially for 40 years. Interest in PCB's has arisen because they are frequently found in fish, bird, water, sediment, and other environmental samples when such samples are examined for chlorinated pesticide residues. That a wide variety of samples containing PCB's has been collected from England, Scandinavia, The Netherlands, Antarctica, Central America, and many different parts of the U.S. makes them truly ubiquitous pollutants.

Polychlorobiphenyls are made by substituting chlorine atoms for one or more of the hydrogen atoms at the numbered positions of the biphenyl structure.

In the process of replacing hydrogen atoms with chlorine atoms, a large number of substitution combinations arise. For example, three monochlorobiphenyl isomers are possible, 12 dichlorobiphenyl isomers, 21 trichlorobiphenyl isomers, and so on. Theoretically 210 compounds can be prepared by this substitution process; a typical example would be 2,4,6,2'4'-pentachlorobiphenyl.

Whenever aromatic hydrocarbons such as biphenyls are chlorinated, the product is a mixture of compounds, including isomers. It is quite difficult to synthesize single, specific chlorobiphenyl compounds in the laboratory unless involved procedures are employed. Consequently few of the individual compounds have been prepared in the pure form for study.

In the commercial process for PCB manufacture, biphenyl is chlorinated with anhydrous chlorine in tall cylindrical towers with either iron filings or ferric chloride as the catalyst. The by-product is a mixture of several PCB's. The degree of chlorination is determined by measuring the specific gravity of the mixture or, when the product is more viscous, the ball-and-ring softening-point test is used. The whole process takes from 12 to 36 hours.

In the U.S., the sole manufacturer of PCB's is the Monsanto Co., which markets them under the trade name Aroclor. PCB's are also manufactured in Europe and Japan, under trade names such as Phenochlor and Clophen. The various Aroclors are differentiated by a four-digit number, with the last two digits indicating the percentage of chlorine in the mixture.

PROPERTIES

The three most important physical properties of the PCB's are low vapor pressures (they have high boiling points), low water solubility, and high dielectric constants. They are miscible with most organic solvents and compatible with many types of polymers. Although some individual polychlorobiphenyl compounds are crystalline, the Aroclor mixtures are either liquids or resins.

The chemical properties that make PCB's desirable industrial materials are their excellent thermal stability, their strong resistance to both acidic and basic hydrolysis, and their general inertness. They are quite resistant to oxidation. Monsanto reports, in a technical bulletin on PCB's, that they can be heated to 140° C. under 260 p.s.i. of oxygen pressure "without showing any evidence of oxidation as judged by development of acidity or formation of sludge."

The physiological properties of the PCB's make them potentially significant contaminants of the environment. For any pollutant, two factors are involved: acute toxicity, which is immediately evident because of a high death rate or other maiming effect; and chronic toxicity, which is the result of a slow accumulation of the poison in the body and is a sublethal effect. Whenever acute toxicity is high, a pollutant will be readily recognized and appropriate remedial actions will be introduced. If, on the other hand, acute toxicity is low, the physiological effects will go unnoticed until the chronic effects make themselves evident. When this happens, the problem may have advanced beyond immediate or easy correction.

ACUTE TOXICITY

All studies of PCB's in animals indicate that acute toxicity is not a significant factor. Their acute toxicities are on the order of those of other chlorinated aromatic compounds. Monsanto has sponsored two investigations of the acute toxicities of Aroclor mixtures. In the first, at the Kettering Laboratory at the University of Cincinnati, Dr. J. F. Treon and his coworkers investigated the toxicity of Aroclor vapors for guinea pigs, mice, rabbits, and rats. All animals survived a 24-day exposure to 0.83 p.p.m. of Aroclor 1242 for 7 hours per day on 17 of those days. Even after more prolonged tests, there were no severe effects from Aroclor 1242. In the second investigation, still in process, three groups of beagles are fed Aroclor 1242, 1254, and 1260, respectively, at a rate of 100 p.p.m. in their diets. After three months no significant abnormalities have been noted.

Similar studies on fish have been performed in several laboratories. Dr. Richard Schoettger of the Sport Fisheries and Wildlife Fish-Pesticide Research Laboratory in Columbia, Mo., reports that 96 hour-TL$_{50}$ toxicities of the Aroclors to trout range from 1.17 to 60 p.p.m. Compared to DDT, whose 96 hour-TL$_{50}$ toxicity is 0.002 to 0.009 p.p.m. for trout, the PCB's have a relatively low acute toxicity. With the more sensitive bluegill, the 96 hour-TL$_{50}$ for Aroclor 1248 is 0.278 p.p.m., while that of DDT is 0.008 p.p.m. Aroclor toxicities appear to be inversely proportional to the chlorine content of the mixture.

Shellfish, oysters, and shrimp are more sensitive to PCB's. Dr. Tom Duke, of the Bureau of Commercial Fisheries Pesticide Field Station, reports 100% mortality of juvenile pink shrimp exposed to 0.10 p.p.m. of Aroclor 1254 in water for 48 hours. This concentration of Aroclor 1254 will cause a 100% decrease in shell growth of oysters after 96 hours. To achieve the same effects with DDT in these experiments, only 0.0006 p.p.m. and 0.01 p.p.m., respectively, were required.

There is very little evidence that PCB's are toxic to insects. Studies to date show that they are less toxic than dieldrin or DDT. As with fish, their toxicity appears to be inversely proportional to the chlorine content of the mixture.

Based on the above data, it is understandable why the polychlorobiphenyls, commercially availabe for 40 years, have only recently attracted attention as toxic environmental contaminants.

CHRONIC TOXICITY

The chronic toxicities of PCB's present a more disturbing situation; several chronic effects have been observed. It was discovered, quite by accident, that PCB's have a toxic effect on chickens. Professor E. L. McCune and his coworkers at the University of Missouri found their chickens dying after they were placed in a feeding house, parts of which had been freshly painted with an epoxy paint. Careful investigation revealed that the toxic factor was Aroclor 1242, a binder in the paint. When Aroclor 1242 was fed to the chicks it produced the same characteristic effects as chick edema factor. McCune reported: "Gross pathology included hydropericardium, hydroperitonium, enlarged heart, liver, and kidneys, and hemorrhage of internal organs. Microscopically the kidneys showed marked tubular dilation and numerous casts."

Another chronic effect of PCB's is related in wildfowl. The accumulation of high concentrations of chlorinated hydrocarbons in birds resulted in disruption of normal breeding behavior and in the formation of thin-shelled eggs. A dramatic example of this effect has been observed in the case of the brown pelican. On the Anacapa Islands off the California coast, no young were hatched last year from 300 pairs of nesting birds. The shells of most eggs laid were so thin that a dent occurred when the egg was picked up.

There are two possible causes for the laying of thin-shelled eggs by wildfowl. One is a low calcium reserve in the bird; the other is the inability of the bird to deliver the needed calcium to its oviduct, where the eggshell is forming. The calcium level in the avian biosystem and the calcium reserve in the secondary bone structure or medullary bone, found only in female birds when they are breeding, are controlled by the hormone estrogen. A high estrogen level is associated with the formation of this calcium reserve. Chlorinated hydrocarbons, such as DDT, chlordane, dieldrin, and PCB's, activate enzymes in the liver which transform estrogen into a more water-soluble compound that is readily eliminated from the bird's body. This means that when estrogen levels are low, calcium reserves will also be low, and therefore very little calcium will be available for strong eggshell production. Dieldrin and PCB's are more effective than DDT in this type of enzyme-induction activity. Aroclor 1262 has an estradiol degrading potential four to five times that of *p,p'*-DDE or technical grade DDT.

The ability of the female bird to deliver calcium to her oviduct during the last 20 hours, when the eggshell is being formed, is related to the functioning of the enzyme carbonic anhydrase. When birds that have exhibited the ability to lay normal eggs are injected with a metabolite of DDT (DDE) just prior to the formation of the eggshell, they will lay thin-shelled eggs. This indicates that DDT also inhibits the activity of carbonic anhydrase, the enzyme that controls the flow of calcium from the blood stream of the bird into its oviduct.

Since dieldrin seems to have no effect on carbonic anhydrase, we may assume that neither do the PCB's. However, these compounds delay breeding time significantly. Many ornithologists feel that late breeding has a stronger influence on the reduction of bird populations than does the laying of thin-shelled eggs. If this is true, PCB's are a more potent threat than DDT to our declining bird populations, especially for predatory birds that accumulate fairly high levels of PCB's because they eat smaller animals that already have concentrated PCB's in their own tissues.

Other investigators have produced evidence to show that PCB's are similar to DDT in their activity. Dr. Joseph Street at Utah State University has shown that when PCB's accumulate in the liver, they induce microsomal enzyme activity by bringing about more rapid metabolism of drugs, insecticides, and other foreign compounds. He fed rats a diet containing 50 p.p.m. of Aroclor 1254 or Aroclor 1260. After 10 days on this diet, the test animals were administered hexobarbitol at a dose of 100 p.p.m. to induce sleep. In comparison with a control group, the sleeping time for these rats was reduced by 65 to 80%. Street also found that Aroclor, when fed at the same level, will reduce dieldrin storage in adipose tissue by 90 to 95%; increase aniline oxidation by 200 to 300%; and increase EPN detoxification by 430 to 470%. In addition, the PCB's cause activation of organothiophosphate compounds, which adversely affect the system. This latter effect counterbalances the detoxification of dieldrin.

Normally, when a substrate activates an enzyme, it is converted to a water-soluble form that will be eliminated from the system; however, this is not the case with PCB's. Because they remain in the system for prolonged periods of time, their enzyme induction activity is always present. In this way the normal concentration of important body chemicals may be lowered to the point of bringing about malfunctions in the system. For example, Street believes that the PCB's bring about steroid degradation, which can lead to altered endocrine relationships.

The chronic toxicity to man is as follows:

"Like the chlorinated naphthalenes, the chlorinated diphenyls have two distinct actions on the body, namely, a skin effect and a toxic action on the liver. The lesion produced in the liver is an acute yellow atrophy. This hepato-toxic action of the chlorinated diphenyls appears to be increased if there is exposure to carbon tetrachloride at the same time. The higher the chlorine content of the diphenyl compound, the more toxic it is liable to be. Oxides of chlorinated diphenyls are more toxic than the unoxidized materials.

"The skin lesion is known as chloracne, and consists of small pimples and dark pigmentation of the exposed areas, initially. Later, comedones and pustules develop. In persons who have suffered systemic intoxication, the usual signs and symptoms are nausea, vomiting, loss of weight, jaundice, edema, and abdominal pain. Where the liver damage has been severe, the patient may pass into coma and die."

Sax, N. Irving, "Dangerous Properties of Industrial Materials," 3rd ed., Van Nostrand-Reinhold, New York, 1968.

The ubiquity of PCB's is related to the wide spectrum of applications that have been found for them. The largest single use of PCB's is related to their electrical properties—as coolant-insulation fluids in transformers. For this purpose the Aroclors are also sold under such trade names as Chlorextol (Allis-Chalmers Mfg. Co.), Dykanol (Federal Pacific Electric Co.), Inerteen (Westinghouse Electric Co.), Noflamol (Wagner Electric Co.), Pyranol (General Electric Co.), and Therminol (Monsanto Co.).

Other uses of PCB's include formulation into ballasts for fluorescent fixtures; impregnation of cotton and asbestos for braided insulation of electrical wiring; a plasticizer in wire and cable coatings; capacitors and askareltype transformers; and plasticizers of vinyl transformers; and plasticizers of vinyl chloride polymer films. Because of their thermal stability and fire resistance, the PCB's also find application in high-pressure hydraulic fluids, specialized lubricants and gasket sealers, heat transfer agents, and machine tool cutting oils. Miscellaneous uses include: formulation into some epoxy paints; protective coatings for wood, metal, and concrete; adhesives; and in carbonless reproducing paper. One of the primary manufacturers of carbonless reproducing paper also sells Aroclors in an encapsulated form.

Generally the kinds of applications described above mean that the PCB's will be in many types of products that eventually find their way to the domestic market. When used in manufacture of ballasts for fluorescent fixtures they will be found in kitchens, bathrooms, stores, and offices throughout the country. Wherever office forms are used that do not use carbon paper, one may find PCB's formulated into the microcapsules of dye that comprise the reproducing layer of the business form. PCB's have also been found on the transparent receipts used in credit card charge forms. As plasticizers they can be expected to appear in many consumer plastics.

Since the chronic toxicities are so significant, it becomes important to know just how extensively the PCB's are distributed in the ecosystem, and just how they find their way into the environment. Rainwater in England, brown seals off the coast of Scotland, white-tailed eagles in Sweden, cod in the Baltic Sea, mussels in The Netherlands, adelie penguin eggs in the Antarctica, brown pelican eggs in Panama, Arctic terns, shrimp in Florida, river water in Japan, waters in the Great Lakes, human hair, and human adipose tissue—samples of all these have been found to contain PCB's, thus making them a class of widely dispersed pollutants.

READILY ABSORBED

The properties of PCB's that make them industrially useful are the same properties that cause them to persist in the environment. These include thermal stability, resistance to oxidation and hydrolysis, solubility in a wide range of organic solvents, water insolubility, high dielectric constant, and compatibility with many types of macromolecules. Their resistance to oxidation and hydrolysis also makes PCB's more stable and persistent than DDT. Consequently, they could eventually accumulate to a higher concentration than DDT, especially if the use of DDT is sharply curtailed in the U.S.

The solubility of PCB's in nonpolar solvents explains why they are readily absorbed into fatty tissue and into the liver. Their resistance to oxidation or other types of chemical degradation explains their persistence in the environment and accumulation in animal tissue. The latter effect is enhanced both by their insolubility in water and solubility in organic solvents. Their chemical inertness and resistance to metabolism account for their low acute toxicity. But as they slowly build up in a living system their concentration approaches toxicity levels, at which point chronic effects make themselves evident.

It has been established that fish-eating birds will accumulate large concentrations of PCB's as in the case of the white-tailed eagle, which has been found to have as much as 14,000 p.p.m. of PCB's. Peregrine falcons taken off the coast of California, were found to have as much as 2000 p.p.m. in their lipid tissue. When shrimp were exposed to 10 p.p.b. of Aroclor 1254 for 48 hours, they accumulated 1300 p.p.b. of PCB's which represents a 130-fold concentration in a very short time. Oysters, exposed to an identical concentration of PCB's for several days, hours and then placed in PCB-free water for four days, still had a concentration of 33,000 p.p.b. of PCB's which constitutes a 3300-fold concentration. This means that even though the concentrations of PCB's are in the parts-per-billion range in the environment, their high lipid, solubility causes them to collect in fatty tissues of lower animals and of a food chain will also accumulate PCB's in their bodies, particularly in their lipid tissue and liver, in much the same way as they accumulate DDT and other chlorinated pesticides.

Because of the low solubility of PCB's in water, when a solution or dispersion of them is discharged into a river or lake, they will accumulate on the sediment in relatively high concentrations. Subsequently, they will redissolve very slowly in the water as conditions change. Therefore, it will usually take a long time to flush out a contaminated area.

ACCIDENTAL OCCURRENCE

The reason that PCB's have not been found in the ecosystem as extensively as DDT, and are not present in environmental samples at as high a concentration as DDT, is that PCB's find their way into the environment accidentally. DDT is deliberately spread because this is the only way its insecticidal properties can be utilized. PCB's are not intended to get into the environment, but they do because their unique chemical properties prevent them from being destroyed by our usual waste disposal methods. Thus, they inadvertently escape and become widely dispersed.

In Sweden, where the use of DDT has been banned, and where the main power source is hydroelectric, investigators find that the concentration of PCB's in the environment is as high as that of DDT.

There are several ways by which PCB's get into the ecosystem. One of these is by incineration. Products containing PCB's, such as carbonless reproducing paper in business forms, plastics (especially polymer film and sheeting that contain PCB's as plasticizers), spent ballasts from fluorescent light fixtures, and objects coated with PCB-formulated coatings, all find their way to the city dump or incinerator for burning. The PCB's do not burn but are vaporized. They are then carried into the atmosphere, where they collect on particulate matter and are subsequently returned to the surface of the earth, into the rivers, lakes, and oceans. In this way they become widely distributed throughout the global environment. Another source is probably land run-off from industrial wastes and dumps. A third source is the point of manufacture and the plants where PCB's are processed into other products. They can escape through the plant ventilation and exhaust systems into the atmosphere and through its waste treatment system into sewers or directly into waterways.

It is interesting to note that the incidence of PCB's in environmental samples is highest in industrialized and urbanized areas. Birds whose primary habitat is the San Francisco Bay area have a larger concentration of PCB's per unit of body weight than those located in Baja, Calif., which is completely rural. Aquatic life in the Archipelago of Stockholm, the most industrialized area of Sweden, were found to have a higher concentration of PCB's than fish samples taken from the western coast of Sweden, a less developed area. Sediment samples taken from southern portions of Lake Michigan have a higher concentration of PCB's than those from other parts of the lake.

Monsanto states that until a recent change in marketing policy (see inset, page 814), sales of Aroclors were increasing at the rate of 8% per year. While this increase does not seem significant, it may be important if the increased consumption was in consumer products and thus would find their way into our normal solid waste disposal systems. Such an occurrence would mean a definite increase of PCB residues in the environment, and therefore a marked increase in their chronic toxicity effects.

DETECTION

PCB's were not discovered in environmental samples until very recently for several reasons. First, as indicated above, they have not been deliberately distributed about the ecosystem. Secondly, because of their relatively low acute toxicities, their presence was not immediately evident. Finally, they are difficult to detect analytically.

The PCB's were first detected as interfering peaks in the gas chromatographic analysis (GC) of environmental samples being analyzed for chlorinated pesticide residues. When PCB's are present in a sample they give a pattern of several GC peaks, whose retention times are similar to those of dieldrin, DDT, DDE, aldrin, and heptachlor oxide. Because the peaks were not large or sharp, investigators tended to ignore them until S. Jensen, in Sweden, and R. Risebrough, at the University of California at Berkeley, identified them as corresponding to common constituents of environmental samples being analyzed for persistent pesticides.

The problem of the interferences of PCB's with the analysis of other chlorinated pesticides has been largely overcome by prior treatment of the sample. Several investigators have used column chromatography to separate PCB's from chlorinated pesticides. At a recent meeting, sponsored by the FWQA's National Water Quality Laboratory, Duluth, Minn., a general procedure was recommended for separation of PCB's from pesticides. In this procedure for biosamples, the sample is extracted with hexane as in regular pesticide analysis. It is then partitioned with acetonitrile to remove fats, the cleaned-up extract is passed through a Fluorisil column and then through a silicic acid column. Finally, the sample is analyzed by gas chromatography, with a chloride-specific detector. In this way the pesticides are retained on the silicic acid column for later elution and identification.

RESEARCH NEEDS

To assess fully the significance of PCB's as environmental pollutants, additional research is needed. No one really knows the extent of the chronic effects of these chlorinated hydrocarbons. Some problems that need to be considered are:

Although PCB's are known to accumulate in human organs we do not know at what concentration they will begin to exhibit toxic effects. Will these chronic effects be simillar to those shown in animals—microsomal enzyme activity, calcium metabolism inhibition, and so on? What are other possible chronic effects?

Which of the many PCB compounds in the commercially available mixtures are responsible for their toxicity? Can commercial PCB mixtures be modified to eliminate the toxic components? Pure samples are required to answer these questions. At the present time work is continuing at the FWQA's Southeast Water Laboratory to separate each of the Aroclor mixtures into its many components, and to identify each component.

We need to know all the uses for the PCB's. What is the annual production of limited and needs to be expanded. These facts should be known if we are to accurately determine how they get into the environment, and take steps to prevent further environmental contamination by them.

In view of the complexity of the isolation and accurate quantitative analysis of PCB's in chlorinated residues, a straightforward, unambiguous measurement of them needs to be developed.

What is the fate of the PCB's in natural waters? More needs to be known of their partition coefficients between bottom sediments and water. This is vital if we are to estimate how long it will take for a river bed to clean itself of contamination. It will also be useful when assessing the effects of PCB's on marine life that feed on the bottoms of lakes, rivers, and estuaries. We should also learn more about PCB solubility in water of various ionic strengths.

Are present waste treatment systems adequate to handle PCB's? Do special measures need to be taken when PCB's are part of the waste effluent being treated?

By trying to get some of these answers now, we may find that we are in a position to control the escape of PCB's into the environment before additional damage is done. So frequently, action is taken only after it is evident that massive damage has resulted from a particular pollutant. In the case of the PCB's we may have an opportunity to resolve the situation before that happens.

ADDITIONAL READING

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THE HIGH COURT: A TIME OF WEAKNESS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. CORMAN. Mr. Speaker, in the 2 weeks since the resignation of Justices Black and Harlan there has been considerable attention given the future direction of the Supreme Court. For the first time in 30 years a President of the United States has been called upon to fill two Supreme Court positions, simultaneously. The task of the President is an awesome one.

In both newspaper accounts and television news broadcasts, correspondents have repeatedly analyzed the qualifications demanded of a member of the Court and to second-guess who the President's new appointees may be. They have reviewed the Court's role in interpreting our laws for nearly two centuries and have attempted to foresee the monumental responsibility it will have in determining our Nation's future.

Yesterday in the Outlook section of the Washington Post there appeared an article by Philip B. Kurland entitled "The High Court: A Time of Weakness." In his article, Mr. Kurland was successful in not only paying tribute to Justices Black and Harlan whom he described as "assuming the mantles of intellectual leaders of the court" but he also eloquently depicted the wisdom one must exercise when choosing a new Justice to sit on the High Court. I would like to recommend this article to all my colleagues in the House believing that we all have a responsibility to encourage the President to lay political considerations aside and select men for the Court on the basis of their greatness and not their political persuasion. His decision will ultimately affect not only the composition of the Court but the manner in which our laws are interpreted in the ensuing decades which will in turn influence the very fabric of American life.

I submit Mr. Kurland's article for the RECORD in its entirety:

THE HIGH COURT: A TIME OF WEAKNESS

(By Philip B. Kurland)

". . . the court may disintegrate into a purely political body whose decisions are merely euphemistic expressions of partisan preferences."

"And so the great man is gone." This was Justice Brandeis' response to the news of the death of Oliver Wendell Holmes. "And so the great men are gone." This must be the response to the news that both Justice Black and Justice Harlan have departed the court. For it was these two justices who, in recent years, assumed the mantles of intellectual leaders of the court. And, even in the Age of Aquarius, intellect is the stuff of which Supreme Court justices are made.

That the resignation of two justices whose judgments were so often in conflict should deprive the court of the same quality will seem strange only to those who measure votes and not reasons, who are concerned with ends but not means. For Black and Harlan, as for their great predecessors, the obligation of a high court judge was to resolve the issues brought to them only after recognizing and dealing with the complexities of the problems and not by ignoring them.

No matter who their replacements might be, the Supreme Court is likely to be a sadly debilitated institution for some time to come. For history has made it clear that great justices are made, not born; that experience on the Supreme Court is itself a necessary though not a sufficient condition for judicial eminence that it takes time for any new appointee, however vast his prior judicial experience, to meet the extraordinary challenges that inhere in the job. No less accomplished justices than Charles Evans Hughes and Robert H. Jackson have given personal testimony that they felt inadequate to their task during their periods of apprenticeship.

The court, then, would seem to be moving into a condition unfortunately similar to that which resulted when the Roosevelt Court under Stone was transmuted into the Truman Court under Vinson. Indeed, conditions are worse. For during the Truman period the court had the strengths of Hugo Black and Felix Frankfurter and Robert Jackson. There is none left on the present court to carry the same traditions of greatness. Unless Justices Stewart and White, both of whom have the potential, emerge from the shadows to lead the court in justifying its conclusions by adequate reasons, the court may disintegrate into a purely political body whose decisions are merely euphemistic expressions of partisan preferences.

It has been said, and it is true, that justices often have a way of growing into their jobs. Justice Black was himself an example of that phenomenon. Unfortunately, this is not the usual pattern. For the most part, mediocrities appointed to the Supreme Court have remained mediocrities. To appoint a small man, with the hope—it certainly cannot be an expectation—that he will gain stature, is a far greater risk than the appointment of a man of talents who, admittedly, might squander them as some justices have done.

Judge Learned Hand once spoke of the appropriate qualifications of a great jurist. He said: "I venture to believe that it is as important to have a judge, called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucyclides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have specifically been written on the subject. For such matters everything turns upon the spirit in which he approaches the question before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles nor supply institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems: more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which makes it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined." Such a judge as Hand prescribed was John Marshall Harlan.

Felix Frankfurter, too, spoke many times to the question of what makes the great jurist. On one occasion he said: "Human society keeps changing. Needs emerge, first vaguely felt and unexpressed, imperceptibly gathering strength, steadily becoming more and more exigent, generating a force which, if left unheeded and denied response so as to satisfy the impulse behind it at least in part, may burst forth with an intensity that exacts more than reasonable satisfaction. Law as the response to those needs is not merely a system of logical deductions, though considerations of logic are far from irrelevant. Law presupposes sociological wisdom as well as logical unfolding . . . A judge whose preoccupation is with such matters should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him—to make some forecast of the consequences of his action—is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time is the gift of imagination . . . These judges, you will infer, must have something of the creative artist in them; they must have antennae registering feeling and judgment beyond the logical, let alone quantitative, proof." Such a judge as Frankfurter prescribed was Hugo Lafayette Black.

Both the statements of Hand and Frankfurter and the judicial careers of Black and Harlan attest that to talk of "strict constructionists" is to use a meaningless phrase to cover some different criterion. The grand provisions of the Constitution—whether they be "due process of law," "equal protection of the laws," or "privileges and immunities of citizenship," whether they are "cruel and unusual punishment," "abridging the freedom of speech, or of the press," or "the right to a speedy and public trial"—are not susceptible to dictionary definition. These and many others are concepts that have to be adapted to each new development in a swiftly changing society. It is their connotations for today, not their denotations of yesterday, that must guide the Supreme Court to its decisions. Anyone who asserts that there can be "strict construction" of the Constitution is only displaying naivete about the Constitution and the role of the court as its expositor.

For some: "strict constructionist" means one who wishes to return to the rulings of an earlier era. For some, "strict constructionist" means one who readily jumps from the premise that courts cannot by themselves bring about social change to the conclusion that courts have no role at all to play in bringing about social change. For some, "strict constructionist" means only one who rejects the concept that the Constitution is a totally plastic document to be fitted to the whims of the justice appointed to interpret it. In short, there is no "stict construction" of the phrase "strict construction."

What ought to be recognized is that, in a day when more and more power over the lives and fortunes of every American is more and more concentrated in the national government—indeed, in the executive branch of the national government—the vital role of the court is to protect the individual against the incursion of the Leviathan. The court may well be the last bulwark of freedom as well as the schoolmaster of the nation. It would behoove a President of the United States to make his judicial appointments with cognizance of the important and difficult job that he is filling. It would behoove a President to rise above himself and not use the appointments for the satisfaction of partisan political objectives.

Alas, it has been too seldom true in the past, and it is not likely to be true in the immediate future, that quality will be the only measure of the men chosen for the high court. It matters little whether the new justices will vote the way their predecessors did. It matters much that they will perform their task in a way that will preserve the majesty of the law, for "law alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised."

And so, as clerics who were divines before they became politicians used to say: "Let us pray."

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Asked what she liked about America, the 1971 Miss America, Phyllis George said:

> Until I became Miss America last year, I never had a chance to travel much. Of course I know that Texans are supposed to be big braggers, but honestly, I hardly knew that there was any other state! But now that I've had an opportunity to see our country, east to west and north to south, and an opportunity to observe so many different people and occupations, I've learned to love it more than ever.
>
> Why?
>
> First of all, because I think Americans have a sense of humor. I like to kid people, and with rare exceptions, they don't mind. I found that Americans usually respond pretty much in kind. The way you behave is the way they react. If one shows interest in another person, it is almost always returned because Americans are basically outgoing, honest, straightforward.
>
> Before I started traveling, I had grown alarmed by what I'd read about extremists and revolutionaries—about terrible things our young people are supposed to say, feel, do. Yet I found that only a small minority think and act in a way that frightened me. Most of them are like me—concerned Americans. Outspoken. Critical. Ready for a change—but wanting to promote it peacefully.
>
> If there's anything I've learned it's that basically the vast majority of Americans are good people. Positive people. Beautiful people. The more I see of them, the more I talk to them, the better I get to know them, the more I want the opportunity to tell them how proud I am to be a part of this great nation.

THE BUS BACK TO FREEDOM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, Arlington Post No. 139, the American Legion, in Arlington, Va., celebrated its 50th anniversary in ceremonies at the post home on Sunday, September 26, and I was privileged to be the guest speaker for the occasion.

As I told my audience, I might have chosen any number of vital subjects to discuss with them. However, because of its great impact on all the people of this Nation both now and in the future, I chose to discuss forced school busing, its history, the confusion surrounding court decisions concerning it, and the solution to the problems, enactment, and ratification of a constitutional amendment prohibiting it.

As I believe my colleagues would find some of the points made in clarification of this issue of interest, I include my remarks, in full at this point in the RECORD:

THE BUS BACK TO FREEDOM

Commander Cahill; Members of the American Legion Post No. 139: I consider it a great honor to have been invited to speak to you today on the fiftieth anniversary of the first meeting of this Post. We have come a long way since that first meeting in 1921. I congratulate you on this happy occasion.

It is a genuine pleasure to be with you, to see so many familiar faces, to greet so many old friends. I congratulate you especially on your courage over the years in meeting the challenge to American principles, not only with words but also with deeds. Words are important—bearing witness to the truths we believe in is half the battle—but deeds are necessary for the winning of the battle.

I refer especially to your participation in the community service programs here in Arlington, notably the programs pertaining to youth.

All of us know the American principles of limited constitutional government to protect the inalienable right of every individual to life, liberty and the pursuit of happiness—so long as he or she does not interfere with the life, liberty of the pursuit of happiness of others; the principles of human dignity, of honesty, of integrity, of good-neighborliness, of "one country under God"—the principles we fondly think of as basic to the "American way of life."

We all know that today these principles are under attack. Our freedoms as Americans and as individuals are being undermined and are ebbing away at an ever-increasing rate. Certainly the progressive loss of our freedoms has been due in part to the "population explosion," the "technological explosion," and the phenomenal trek of people to cities. It is hard enough to live, much less to exercise liberty and to pursue happiness without treading on anyone's toes when there is no elbow room in an "asphalt jungle."

But our loss of freedom has also been due largely to relaxing our own vigilance while those who believe they know better than we do what is good for us have never been idle. I offer just two examples—one in the realm of persuasive theory and the other in the realm of active enforcement of a Supreme Court opinion at wide variance with the will of the Congress and of the people of the United States.

Harvard Professor Burrhus Fredric Skinner—called by friends and foes alike "the most influential of living American psychologists" has written a book, about to be published, entitled "Beyond Freedom and Dignity." In this he seriously suggests that what threatens the survival of the human race is not the ambition and inhumanity of the rulers of the totalitarian states, nor even the danger that nuclear war might be triggered by human mistake or technological error. Instead, Dr. Skinner declares, according to Time magazine, that the threat to survival is Western man's illusion of individual free will and individual dignity. Freedom and dignity must go, says the professor—they were only illusions anyway. He proposes instead a kind of benign tyranny, a peace on earth arrived at through "behavioral technology," a programming of people by a system of rewards, to behave just as the programmer wishes.

Lest anyone suppose that Professor Skinner has his tongue in his cheek and is merely pulling the gullible public's leg with his "way-out" proposal, or that there are none who, consciously or unconsciously, would engage in behavioral engineering, as a beginning to the implementation of the professor's pipedream, let us consider my second example of men who would deprive us of some part of our inalienable right to liberty and the pursuit of happiness, for what they feel is our own good. I speak of the Supreme Court's unanimous mandate, in the case of *Swann v. Charlotte-Mecklenburg Board of Education*, decided April 20, 1971, to require the busing of public school children out of their neighborhoods for the purpose of achieving racial desegregation.

In considering what subject I should discuss with you today, I might have chosen President Nixon's new foreign policy and "ping-pong diplomacy." I might have chosen the nation's economy and the pros and cons of the wage and price "freeze." I might have chosen the question of future flights to the moon. However, I chose the question of forced public school busing because:

(1) It affects every one of us here present, personally in one way or another; it affects Arlington; and it affects the Nation.

(2) According to the latest poll, eighty-two percent of the American people are opposed to forced school busing.

(3) It is an expression of judicial force which further restricts our freedom of choice.

(4) It callously infringes our inalienable right to liberty which does not infringe the right to liberty of anyone else.

But the main reason I chose forced school busing as my topic for discussion at this meeting is that there is a specific solution at hand. There is a remedy which would restore the freedom we have lost in this field. Under this remedy no public school student—be he or she black, white, American Indian, Chinese, or whatever—would be "assigned to or required to attend a particular school." He or she could "bus" or not "bus" as he or she (or his or her parents) saw fit. This is the purpose of House Joint Resolution 651, of which I am a sponsor. This resolution can become *the bus back to freedom*.

Now before I go into the particulars of House Joint Resolution 651 and what we can do about it, I would like to clarify, if I can, some of the misunderstanding, dispel some of the confusion swirling around our heads and blinding our vision concerning this sizzling "hot potato." I would like: firstly, to give a very brief history of forced school busing in the United States. Secondly, I would like to present the facts as to what the Supreme Court has decreed, what Chief Justice Burger has said, what President Nixon has said, and what the lower courts and the Department of HEW have done, with respect to interpretation of the Supreme Court's mandate. Thirdly, I would like to report a few of the incidents over the Nation which illustrate the madness that has ensued.

BRIEF HISTORY OF FORCED SCHOOL BUSING IN THE UNITED STATES

My friends, we all know that there is nothing new about the public school bus. It is as old, at least, as the Model T Ford. In rural areas the public school bus has for half a century picked up children in the morning, transported them to the nearest school, and back home again in the afternoon. There has been no great hardship involved for the rural children in a fifteen or twenty minute bus ride—or even in a longer one when it has been necessary to reach the nearest school. Certainly a bus ride may be considered a luxury compared to the *walk* of a couple of miles or more, to and fro, that many country children had to take before the time of the public school bus.

No, it is not school busing per se that has hundreds of thousands of parents up in arms and ready to fight. Nor is it the related question of desegregation, per se, which is the cause of their fury today. Many black parents, Chinese parents, American Indian parents and Mexican-American parents are angry and vigorously protesting busing. As regards white parents: It was primarily in the South that *de jure* segregation—that is segregation by law—existed. The Supreme Court's decision in the case of *Swann v. Charlotte-Mecklenburg* dealt with *de jure* segregation only. And in the South, white parents as well as the public authorities have long since accepted the 1954 command of the Supreme Court in the case of *Brown v. Board of Education*, even though the Supreme Court decision in that case infringes the legislative prerogative of the Congress.

In support of the South's record of compliance with the *Brown* decision I submit the following:

On June 18, 1971, the Secretary of Health, Education and Welfare, Elliot L. Richardson, announced the "final results of HEW's second national survey of racial and ethnic enrollment in the public schools, comparing the 1968–69 and 1970–71 school years state by state." Mr. Richardson said in part:

"Compilation of the statistics confirms a January 14, 1971, projection by HEW that the 11-state South more than doubled the percentage of Negro students in majority white schools, up from 18 percent in the fall of 1968 to 39 percent in fall 1970.

"Nationwide, the total of Negro students in majority white schools rose from 23 to 33 percent. In the six border states and in the District of Columbia, the regional percentage rose slightly to almost 32 percent in 1970. The 32 Northern and Western states remained unchanged at 28 percent. Hawaii was not included in the survey.

"In terms of numbers, 756,000 more Negro students were in majority white schools in the fall of 1970 than in the 1968 survey. A total of 690,000 of these students were in the 11-state South, and 66,000 in 38 other states.

"The number of Negro students in 100 percent minority schools decreased from 40 percent (2.5 million) in 1968 to 14 percent (941,000) in 1970 on a national basis. In the 11-state South, the decrease in Negro students who are totally isolated with minorities was even more marked, down from 68 percent (2-million) in 1968 to 14 percent (443,000) in 1970. Almost 79 percent of the Negro students in the 11-state South were in schools with 80 to 100 percent minority enrollment in 1968, but two years of change reduced this total to 39 percent."

Thus, it can be seen clearly that neither busing per se, nor integration per se is the cause of the widespread turmoil among parents today. What is making millions of parents angry is the *forced* busing of children out of their neighborhoods, away from the neighborhood school—the school that they have been attending and could be attending still—to another school perhaps miles away, in order to achieve some arbitrary, "unitary," racially "balanced" school system. What is making these millions of parents made is the madness of forced busing. It represents infringement of personal liberty and of cultural preferences "without rhyme or reason." It is what appears to be to many men and women of goodwill, an act, not of justice as it is purported to be, but of injustice.

What, for example, do you think is the ultimate goal of a court order to bus Chinese children out of Chinatown if not to achieve the sociological goal of a fully homogenized society? Do you want that?

The idea of forced public school busing to achieve racial balance no doubt was born in the minds of our social planners long ago, perhaps even before the case of *Brown v. Board of Education*. However, it first surfaced as a potential evil to be avoided in the Civil Rights Act of 1964 which specifically forbade the use of Federal funds for such practice.

In Title IV, Section 401(b) of the Civil Rights Act of 1964, the Congress expressed its will in the following language:

"Desegregation means the assignment of students to public schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Title IV, Section 407(a) (2) authorizing the Attorney General to file suit to desegregate, is even more explicit. It reads in part:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Nineteen sixty-six was a big year for the "battle of the buses" fought within the Administration, in Congress, in the courts and in the press.

U.S. Commissioner of Education, Harold Howe II, made headlines with his famous "Guidelines for School Desegregation"; with his attacks on *de facto* segregation in the North and West as well as *de jure* segregation in the South; and with the publication of the *Equality of Educational Opportunity Report*, a report funded by the U.S. Office of Education, of a survey of 645,000 pupils and 60,000 teachers tested in 4,000 schools. Johns Hopkins Professor James S. Coleman, principal conductor of the survey, came up with some pretty explosive findings. Children were tested at the beginning of grades 1, 3, 6, 9, and 12. The tests showed "that achievement of the average American Indian, Mexican-American, Puerto Rican and Negro (in this descending order) was much lower than the average white or Oriental American, at all grade levels . . ." This inequality was due, according to the professor, not so much to unequal buildings and equipment as to unequal social environments; and he recommended, among many other things, educational "parks." The Howe-sponsored "Coleman Report" was both hailed and denounced as a "bombshell." But Commissioner Howe reached the peak of his notoriety with his Office of Education draft bill (leaked to the Congress) entitled "The Equal Educational Opportuntiy Act of 1967." This amazing draft bill (which has been proved to be a blueprint of much that is taking place today) proposed in effect the complete restructuring of the American public school system, this to be accomplished through Federal bonuses (denounced as "bribes" by opponents) to school districts willing to comply.

Howe and his associates proposed that Title IV of the Civil Rights Act of 1964 be amended "to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities." Such techniques might include (according to the proposal) comprehensive, district-wide rezoning of school attendance areas; pairing, grouping, or clustering of ajacent Negro and white schools by grade level; teacher assignment to assure faculty integration at all schools; careful site selection to locate new schools so as to maximize integration of residentially segregated student populations; development of "magnet" high schools, open to the entire school district on the basis of interest rather than ability; supplemental educational centers, comprehensive community schools, and shared time programs to draw district-wide participation (usually called "educational parks"); open enrollment, voluntary enrollment, and free transfers; creation of metropolitan school districts to include urban and suburban areas; suburban-inner-city pupil exchanges; and—yes, you guessed it—*forced busing* of pupils.

Predictably Mr. Howe was roundly denounced by conservatives in Congress and out, as not only wanting to break up the neighborhood school system and local control of education, but also for apparently wanting to go beyond the Supreme Court decision in the case of *Brown* v. *Board of Education* which out-lawed deliberate segregation. Seemingly Mr. Howe wanted legislative action which would lead to deliberate integration. In other words, the color-blindness of equal justice under the Brown decision would be replaced by the acute color-consciousness necessary for the attainment of "racial balance."

An attempt was made in the House of Representatives to restate the intent of Congress expressed in the Civil Rights Act of 1964, defining "desegregation" as not meaning "the assignment of students to public schools in order to overcome racial imbalance" and expressly forbidding busing to achieve racial balance. To accomplish this the Congress added similar language to the 1966 Amendments to the Elementary and Secondary Education Act of 1965.

Debate raged in and out of Congress over what Congress really meant by the terms "desegregation" and "racial balance". Some insisted that the Congress meant that whereas the nation must desegregate and assign no pupils on the basis of race, color or creed, at the same time no Federal money was to be spent for deliberate integration whether by busing or any other means. Others insisted that the Congress meant that while *de jure* segregation must be overcome by whatever means (including busing if necessary), no Federal money was to be spent to overcome *de facto* segregation, that is, segregation in the North.

In the case of *United States* v. *Jefferson County Board of Education*, 372 F. 2d. 836 (1966), the Fifth Circuit Court of Appeals in its opinion asserted: "It is clear . . . from the hearings and debates that Congress equated the term (racial imbalance), as do the commentators, with *de facto* segregation." In other words Federal money for busing was O.K. in the South to overcome *de jure* segregation, but forbidden in the North and West to overcome *de facto* segregation.

Judge Howard W. Smith of Virginia, the then Chairman of the Committee on Rules, did not see it as clear at all that Congress intended to equate "racial imbalance" with *de facto* segregation. In remarks on the floor of the House, during consideration of amendments to the Elementary and Secondary Education Act, Judge Smith said that trying to get a clear explanation of "racial imbalance" was like "trying to catch an eel in a barrel of lard."

Well, there are still Senators, Representatives, judges and Federal and local officials with their hands in the lard barrel, trying to catch that eel. Nevertheless, although "racial balance" certainly means different things to different people, the Congress has expressed its intent not only in the Civil Rights Act of 1964 but in legislation to outlaw forced busing no less than five additional times. Anti-forced-busing provisions were part of appropriate measures for the U.S. Office of Education in the years 1968, 1969, 1970, and 1971. Today the *Commissioner* of Education is prohibited by law to make any Federal grants of money appropriated under P.L. 92–48 for the purpose of forced busing.

Meanwhile, *de facto* segregation was increasing in the North, with many thousands of blacks moving to the big city "ghettos" and many thousands of whites moving to the suburbs. In the South, some re-segregation was occurring under "freedom of choice" plans with many blacks and whites alike choosing their own schools.

In the case of *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), the Supreme Court cracked down, ruling, in effect, that "freedom of choice" plans were only constitutional when the choice would lead to desegregation. The Court also ruled, in *Raney* v. *Board of Education*, 391 U.S. 433, that district courts were to maintain jurisdiction in segregation cases—thus keeping the courts in the business of controlling the affected schools.

While throughout the South freedom-of-choice plans were declared unconstitutional, the Department of Health, Education and Welfare demanded new desegregation plans satisfactory to that Department, which threatened a cut-off of Federal funds unless its demands were met. Before all of these plans were approved, the Supreme Court handed down its decision in the case of *Alexander* v. *Holmes Board of Education*, 396 U.S. 19 (1969), calling for immediate integration—as always, ruling regarding *de jure* segregation only.

In the pell mell rush to obey the new command to avoid the cut-off of funds, the courts and the school boards formulated assignment plans which in some instances simply could not be put into effect without the use of—yes you guessed it again—forced busing. The only alternative to forced busing in some instances was to leave the neighborhood schools as they were or to use some other means of forced transportation. To leave the neighborhood schools as they were under "freedom of choice" was to defy the Supreme Court and risk the loss of funds; and to use Federal funds for forced transportation was to break the law as enacted by Congress in the Civil Rights Act of 1964 and in the current appropriations statute.

This brings us to the case of *Swann* v. *Charlotte-Mecklenburg Board of Education.*

THE COURT VERSUS THE CONGRESS

When, in the case of *Swann* v. *Charlotte-Mecklenburg Board of Education,* the Supreme Court by unanimous decision ruled that "Title IV of the Civil Rights Act of 1964 does not restrict or withdraw from the Federal courts their historic equitable remedial powers", the "nine old men" of the Court apparently caught the eel in the barrel of lard. Those "nine old men" found "no basis for holding that school authorities may not be required to employ bus transportation as one tool of school desegregation". They said that their objective was "to eliminate from the public schools all vestiges of State-imposed segregation . . ." They said that the courts have "broad power to fashion remedies that will assure unitary school systems." They said that the first remedial responsibility of school authorities, "is to eliminate invidious racial distinctions" with regard to faculty, staff, transportation, extracurricular activities and facilities. They said that teachers may be assigned under court order "to achieve a particular degree of faculty desegregation." They said that resegregation must not take place. They said that racial quotas may be permitted—but that the constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole." They said that the existence of a few one-race schools "does not in itself denote a system that still practices segregation by law," but that the court should "scrutinize such schools". They said that the pairing and grouping of noncontiguous zones "is a permissible tool . . ." Et cetera, et cetera.

The press saw this historic decision as having a nationwide impact; and it did. The battle over school busing was raging again. The lower courts looked upon it as a green light to order integration via massive busing, and it was so ordered in many cities throughout the South and in some other parts of the nation as well.

Chief Justice Warren E. Burger must have found the eel slipping back into the barrel of lard because he said, in substance, that he thought the lower courts were perhaps misinterpreting the *Swann* decision and were going too fast, too far.

Senator John Stennis of Mississippi, in righteous indignation, termed the decision discriminatory against the South. He introduced an amendment to the $1.5 billion Emergency School Assistance Act providing for a uniform national policy in dealing with *de facto* and *de jure* segregation. The measure, together with Senator Stennis' amendment, passed the Senate and is now bottled up in the House Education and Labor Committee. President Nixon announced that his administration would "hold busing to a minimum required by law." He also instructed HEW Secretary Elliot L. Richardson to submit an amendment to the Emergency School Assistance Act that would "expressly prohibit" the use of Federal funds for the purchase of buses.

THOSE WHOM THE GODS WOULD DESTROY

There is an old saying: "Those whom the gods would destroy they first make mad." Let me give you a few examples of the kind of madness that has beset the nation as a result of the Supreme Court's decision of April 20, 1971.

The declared purpose of busing for racial balance under the equal protection clause of the Constitution is to benefit the ethnic minorities, yet there are numerous blacks, Chinese and Mexican-Americans being bused against their will.

Even several years ago Fred M. Hechinger pointed out in the *New York Times* that demands for "black schools for black children," under Negro control, had replaced earlier demands for school integration.

Numerous blacks are now rebelling against the closing of their black schools and being bused to white schools. They are continuing to demand "black schools for black children", following the thinking of James Farmer, former director of the Congress of Racial Equality, who said: "Decentralization and local control may seem a paradox but I see them as a forerunner of integration." He said that through control of their own black schools blacks could develop a sense of "cohesiveness and pride" thus preparing themselves for the "ultimate goal".

The *Washington Post's* black columnist William Raspberry, points out that "convoluted efforts to achieve racial balance are not likely to produce educational improvements for the black children on whose behalf they are undertaken." And Mr. Raspberry adds: ". . . in financially strapped school districts throughout the country, it makes more sense to spend available resources for improving education than tripling bus fleets in order to funish every black child with a white seat mate."

In Hobson City, Alabama, an all-black community, parents are outraged over the HEW plan to bus their children out of town to white schools. Mayor Joe Striplin called the plan "nothing less than the destruction of our school system."

In San Francisco's China Town a group called WLAK (We Love All Kids) planned a boycott of the court-ordered plan to bus Chinese-American children for miles to white or black schools. Dr. Dennis Wong of the Chinese Chamber of Commerce told the Associated Press that he did not think the City of San Francisco could provide enough jails for all who would boycott the busing plan. Dr. Wong explained that Chinese-American parents want their children to have the best of both American and Chinese education. This means attending neighborhood public schools in the morning and private Chinese schools for classes in Chinese languages, history, art, and respect for elders, in the afternoon and evening. Extensive busing would break up this cherished cultural pattern. So the Chinese made good on their threat to boycott and opened four "freedom schools" which still must pass the test of accreditation.

In Corpus Christi, Texas, U.S. District Judge Woodrow Seals ordered the busing of 15,000 Mexican-Americans who were not segregated in the first place—in order to get just the mix he wanted of Anglo-Saxons, Mexican-Americans and blacks.

A mother in La Grange, Georgia, has six children—three in grammar school, three in junior high school. They have been ordered to five different schools, all far away from home.

In Cordele, Georgia, another mother lives across the street from an elementary school, three blocks from a high school, four blocks from a junior high school. Until this year her four children always walked to school. Now two are being bused across town to two different schools; and she complains that she is "not about to join four PTA's."

In Pontiac, Michigan there was violence at the beginning of this school year. The school buses were fire-bombed and burnt in a parking lot by extremists. Women chained themselves to the parking lot gates to try to prevent the remaining school buses from transporting their children against their will. The press reported that the city was gripped in fear, and told how the lives of the people, black and white, were being dominated by that fear. Harold Kunkle, chief of the Pontiac Police Officers Association said that the people were so worked up over busing that *anything* could happen. He said that they were even more tense than during the Detroit riots of several years ago.

And so it goes. Arbitrarily changing from its earlier command that we be color-blind in the assignment of children to the public schools, the Supreme Court now commands that we be acutely color-conscious in the use of quotas, or any other means, in order to achieve not *desegregation* but deliberate *integration.*

This judicial tyranny has caused great divisiveness throughout the country: between the races, among the branches of government, between the Federal government and the states, between the North and the South. It has created a climate of fear and aroused antigovernment feeling and a distrust of the lawmakers and of the courts.

This judicial tyranny has incited violence. Its principle victims have been the children—both black and white. It has undermined public education, and the neighborhood schools. It has made millions of Americans angry. It has robbed us all of a part of our freedom.

It has thown us law-makers into a particular dilemma. We cannot advise doing nothing, "going along" without protest because in this direction lies the loss of more and more freedom.

Happily there is a solution. There is a way out, a way to regain the freedom which both black Americans and white Americans have lost by the Supreme Court's most recent, conflicting and confusing edicts.

Now there are three possible means by which this could be accomplished:

(1) The Court could reverse itself. This has occurred on occasion in the past after a change in the Court's membership.

(2) The Congress, under Title III, Section 2 of the Constitution, could limit the appellate jurisdiction of the Supreme Court in the field of teacher and pupil assignment.

(3) The Congress could pass and the legislatures of three fourths of the States could ratify a Constitutional amendment to return to the American people their freedom from force in the matter of teacher and pupil assignment.

After much thought I have come to the conclusion that there is little hope that the Court will reverse itself (even with the three changes in membership which seem to be pending) or that the Congress will take steps to limit the appellate jurisdiction of the Supreme Court—at least in the forseeable future. I therefore have chosen to sponsor H.J. Res. 651 which provides for a constitutional amendment as the only likely solution. H.J. Res. 651—the "Bus Back to Freedom"—reads in part as follows:

"AMENDMENT—FREEDOM FROM FORCE

"*Section 1.* No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

"*Section 2.* No public school teacher or other public employee of the United States of America or one of the several States or any political subdivision thereof shall, because of his race, creed, or color, be employed, promoted, or assigned to or required to work at any particular job or location."

In closing I want to stress one point very strongly: H.J. Res. 651 would have no effect whatsoever on the Supreme Court's decision in the case of *Brown* v. *Board of Education* invalidating State segregation laws. Indeed, H.J. Res. 651 would uphold and reinforce the Supreme Court's ban, in the Brown case, on assignment of pupils to schools on the basis of race. It would merely do away with the compulsory assignment. by busing and other means permitted in the case *Swann* v. *Char-*

lotte-Mecklenburg, of public school teachers and pupils on the basis of race, creed or color.

I am hoping, and I am sure that other sponsors of the resolution are also hoping, to have the enthusiastic support of Northerners and Southerners, liberals and conservatives, blacks and whites alike—in fact of every one who wants his—freedom to send his children to the school of his choice restored. I am sure H.J. Res. 651 if passed by the Congress and ratified by the States would give us all what we want in this matter—that it would provide a "bus back to freedom." If you agree with me, please write and tell me so.

You have been a wonderful audience. I am grateful for the attention you have given to my remarks. Thank you very much.

OUR FIRST PRIORITY—NATIONAL DEFENSE; ADDRESS BY THE VICE PRESIDENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. CRANE. Mr. Speaker, there is little doubt among military experts that our strategic position in relationship to that of the Soviet Union is at an all-time low. This was confirmed in recent days by reports from the Institute of Strategic Studies in London and from "Jane's Fighting Ships," the recognized world authority on comparative national naval strength.

The naval study, for example, details a phenomenal increase in the strength of the Soviet Navy since the Cuban missile crisis 10 years ago. The Soviet Union now has three times as many submarines as does the United States. It has developed a large, modern surface Navy that now threatens to dominate the Mediterranean, the Indian Ocean, and the North Atlantic. The Soviet Union has also achieved superiority in ballistic missiles and it has test-flown a supersonic bomber while our own B–1 is still awaiting congressional approval.

In the midst of this dramatic change in the world's strategic balance it is particularly surprising to see so many calls for still further cuts in our own defense spending, in the name of what advocates of such cuts call a "reordering of priorities." Addressing the National Security Industrial Association on September 23, Vice President AGNEW pointed out that—

> Reordering our priorities has become one of the most bandied about terms in Washington. But it means different things to different people. When it is used by the President, it means that this year, for the first time since 1950, we are spending a greater percentage of the national budget on human needs than on defense. When used by his critics, it means that we have not cut defense costs nearly enough.

How prudent the cuts of the Nixon administration thus far have been is a matter about which military authorities disagree. It is clear, however, that when one of the announced presidential candidates of the Democratic Party, Senator GEORGE MCGOVERN, calls for cutting $40 billion from the defense budget, he is advocating, in effect, an end to the Nation's ability to defend itself. Discussing such political pronouncements, Vice President AGNEW declared that—

> He does not specify what could be cut, but he has glibly accounted for $40 billion of the $76 billion total in the national defense budget. That leaves just about enough to pay our already severely trimmed defense forces. The Senator would apparently have us do without aircraft, submarines, carriers, missiles, radars, ground force weapons, and ammunition—and, of course, the research and development so critical in a technological world.

Similar calls for further cuts in the defense budget have been heard from most of the other announced and unannounced candidates for the presidential nomination of the Democratic Party. The former Vice President, in fact, has said that—

> We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.

Such statements, argues Vice President AGNEW, are both "reckless and appalling."

When our First President, George Washington, addressed the first joint session of the Congress January 8, 1790, he declared that—

> To be prepared for war is one of the most effectual means of preserving peace.

Those who would leave America defenseless before her potential enemies are by no means advancing the cause of peace. Disarmament after World War I, many seem unable to remember, did not bring peace but war. Vice President AGNEW points out that—

> In this nuclear age there will be no lead time for leisurely rearmament. We cannot allow a small but influential minority of neoisolationists—in and out of Congress—to cripple our defense capability. Nor can we countenance the false pretense that dismantling our defense establishment is an intelligent way to provide the funds to cure all of our social ills.

I wish to share the Vice President's important and timely remarks with my colleagues, and insert it into the RECORD at this time:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

"To be prepared for war is one of the most effectual means of preserving peace." These words were directed by the first President of the United States to the first joint session of the Congress. The date was January 8, 1790.

And two weeks ago the 37th President of the United States had this to say to a joint session of the current Congress: "If we do not stay a great power, the world will not stay safe for free men."

In President Nixon's time, as in President Washington's time, strength remains the key to peace and national security. It has always been so.

Horace, writing in 30 B.C., said: "In peace, like a wise man, he has provided for the needs of war."

And in 375 A.D., the Roman military authority, Flavius Vegetius Renatus, offered the sound advise: "Let him who desires peace prepare for war."

Preparedness is an age-old lesson that periodically has had to be relearned throughout history. Most of you are aware of the pain with which it was relearned by Americans after World War I and again after World War II. That strength preserves peace while weakness invites aggression is an immutable truth, indelibly inscribed in the pages of history.

Today, incredibly, there are many signs that we may have forgotten that lesson, that we may be on the threshold of relaxing our guard again. To say that we are drifting toward imminent peril, to say that our national survival is at stake is no exaggeration. In this nuclear age there will be no lead time for leisurely rearmament. We cannot allow a small but influential minority of neo-isolationists—in and out of the Congress—to cripple our defense capability on the basis that our disengagement from an unpopular war in Southeast Asia leaves us serene and secure. Nor can we countenance the false pretense that dismantling our defense establishment is an intelligent way to provide the funds to cure all of our social ills.

"Reordering our priorities" has become one of the most bandied about terms in Washington. But it means different things to different people. When it is used by the President, it means that this year, for the first time since 1950, we are spending a greater percentage of the national budget on human needs than on defense. When used by his critics, it means we have not cut defense costs nearly enough.

The call to "reorder our priorities" even beyond the dramatic change already accomplished is heard most often from the presidential aspirants in the Senate, only one of whom purports to support a strong national defense posture for the United States.

The only declared Presidential candidate to date, the junior Senator from South Dakota, has stroked the far left with such rehetoric as this: ". . . I think in addition to the say $20 billion that we might save by ending the war in Southeast Asia . . . . that there is at least another $20 billion in that defense budget that we could cut down."

He does not specify what could be cut, but he has glibly accounted for $40 billion of the $76 billion total in the national defense budget. That leaves just about enough to pay our already severely trimmed defense forces. The Senator would apparently have us do without aircraft, submarines, carriers, missiles, radars, ground force weapons, and ammunition—and, of course, the research and development so critical in a technological world.

And the Senator from Maine, who is always portrayed in the press as the "front-runner" for the Democratic presidential nomination, regularly calls for "reordering our priorities" to give less of the budget to defense and more to social programs. "If this Administration fails to revise our national priorities," he says, "then a new coalition will."

The young Senator from Massachusetts, also considered by the pundits to be a Presidential prospect, is quoted in the June 29th Congressional Record as saying:

"I fully accept the Proxmire-Mathias amendment to limit Pentagon spending to $68 billion for Fiscal Year 1972. (A cut of $8 billion from the President's already carefully pruned request.)

"Today," he continued, "the Senate has the opportunity to translate our action on the SST earlier this Spring into an across-the-board vote on the principle of reordering our national priorities."

(Secretary Laird has said that the Proxmire-Mathias amendment referred to by the Senator would require reductions of up to 50 percent of our planned military and civilian manpower at the end of the current fiscal year, a cutback of up to 40 percent in on-going weapons systems, and a cutback of 30 percent in operational levels.)

And a man who really should know better, the former Vice President of the United States, who was the Democratic presidential candidate in 1968, said: "The priorities of the America of the 1970's are not the ABM and a continued arms race. *We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.*"

I find this sort of talk reckless and appalling.

But I did not come here tonight to castigate my Senate colleagues. All of those gentlemen are well motivated, sincere citizens. But, in my judgment they are terribly wrong—dangerously wrong—and they should be held accountable if they disastrously tamper with the national security.

None of them, I am sure, would draw any comfort from the fact that Gus Hall, General Secretary of the Communist Party, USA, agrees fully with their oft-stated goal of forcing a U.S. withdrawal from Vietnam and further "reordering" the Nation's priorities. And I'm sure I'll catch a few editorial slings and arrows for using his name in the same speech with theirs. But what he says is germane to our discussion.

Writing in the August 21, 1971 issue of the Communist newspaper, *Daily World*, Mr. Hall says:

"A forced retreat from Indo-China . . . would force an agonizing reappraisal, a basic searching review within the United States. The basic direction of U.S. policy would come under heavy pressure and criticism. It would most likely force a basic realignment of political forces, *a rearrangement of all priorities*. It would be a devastating setback for the military-industrial complex."

The last reference, gentlemen, was to you, and I trust Mr. Hall's contempt for the industrial power that keeps America militarily strong was not misplaced. Congratulations!

I find more rational the opinion of the former Chairman of the House Armed Services Committee, the late Mendel Rivers, who said in a House speech last year:

"Decisions on the defense budget should be based on the simple question of national survival—and nothing more.

"The issue should be 'what is required to survive?'; and not 'how should we allocate the national budget between defense and domestic programs?'"

As President Nixon has said:

"In determining the strength of our defenses, we must make precise and crucial judgments. We should spend no more than is necessary. But there is an irreducible minimum of essential military security; for if we are less strong than necessary, and if the worst happens, there will be no domestic society to look after."

Most of you who have worked so closely with our national defense over the years are familiar with the economic problems that are unavoidable in a period of adjustment from war to peace, and you are equally aware of the pressures to drastically reduce military spending in such a period. The temptation to slash first and think later is almost irresistable. Yet, it is crucial that we maintain our defense capability in a world that has proven no less hostile than the one which spun while the bitter lessons of history were written—lessons that the United States cannot afford to ignore.

Let's look at the current defense budget that some of these critics are so anxious to start dismembering.

It calls for spending $76 billion in the current fiscal year. This is some $3.2 billion more than the Congress allowed last year for defense purposes. But that doesn't mean it will buy more military hardware. It will buy less when we take into account the rising costs of material and the increased salaries of civilian and military personnel. Pay and allowances account for $39.8 billion of the $76 billion total. This leaves $10.6 billion for other operating costs and $25.6 billion for procurement, research and development and construction.

As I said earlier, for the first time since 1950 the Fiscal 1972 budget calls for spending more on human resources than on defense—42 percent for human resources, 34 percent for defense. Now any fair-minded citizen would have to agree that this in itself is a substantial, even ambitious, "reordering of priorities." But I guarantee you it will not satisfy the defense critics. They will be satisfied with nothing less than spending levels that mandate an inferior state of readiness to defend the interests of the United States.

The budget now before the Congress, in the opinion of the President and the Secretary of Defense, constitutes the minimum needed to keep this country secure in the face of evergrowing Soviet power. Secretary Laird warned strongly just this past weekend against cuts which would jeopardize our tenuous military capability.

The special targets for cutting are likely to be such vitally needed strategic arms as the B–1 bomber, which is to replace the aging B–52; the Safeguard anti-ballistic missile system; multiple-missile warheads; and new naval ship construction so vitally needed to modernize our Navy. Defense critics have already singled these out.

Our Navy in particular is in need of a drastic overhaul. Last year the Congress cut $2 billion from the amount the President had requested for modernizing the Navy. But it may be that the axe wielders will be checked this year by the widespread publicity currently being given to the recent edition of *Jane's Fighting Ships*, the recognized world authority on comparative national naval strength, which is published in Great Britain. It has brought new attention to previously unheeded voices in this country.

This report details a phenomenal increase in strength in the Soviet Navy since the Cuban missile crisis 10 years ago. They now outnumber us in submarines by 3 to 1, and have developed a large, modern surface Navy that is showing the Soviet flag in the Mediterranean, the Indian Ocean and in some other areas of the world where it has been seldom seen before. They also now outnumber us in ballistic missiles, have test flown a supersonic bomber (while our sorely needed B–1 is still awaiting Congressional approval), and have developed a large striking force of modern jet fighter planes. Their newest fighter, the Foxbat, is now operational in Egypt and cannot be matched in performance by anything we have in operation. And perhaps most disturbing of all, while our Congress has haggled they have stepped up their spending on research and development and now exceed us by $3 billion a year in that vital area. Their total for research and development was $17 billion to our $14 billion in 1970.

That $3 billion buys a lot of research and development, gentlemen, as you well know. Here's the way Dr. Eberhardt Rechtin, the Deputy Director of Defense Research and Engineering has put it:

"The $3 billion difference per year between the U.S. and Soviet R&D budgets is the equivalent of the development costs of the Minuteman, Poseidons. Polarises, Safeguards, B–1 bombers, F–14 and F–15 aircraft, main battle tanks, Cheyenne helicopters, CS–A, F–111's and several dozen other major systems."

Admiral Moorer, Chairman of the Joint Chiefs of Staff, issued the warning clearly and bluntly in a statement to the House Armed Services Committee last March. The Nation would do well to heed his words:

"The overall strategic balance, during the last five or six years, has drastically shifted in favor of the Soviet Union," Admiral Moorer said. "Our comfortable lead has now all but vanished, and within the next five or six years we could actually find ourselves in a position of overall strategic inferiority."

In the continuous campaign to whittle down America's military strength we always see snide references to the "military-industrial complex". (In prouder days you were known as the "Arsenal of Democracy.") And we read and hear sensational complaints about cost overruns and how you are gouging the taxpayers. Seldom are you credited for the technological advancements and continuing benefits for mankind that have come from your sustained efforts in our aerospace and defense industries. More often, you are charged with greed.

(I was amused to read in National Review some weeks ago that General Elwood Quesada decided to find out just how powerful our dreaded military-industrial complex is. He totaled the market value of the common stocks of the ten biggest defense contractors and compared that with the value of the common stock of one middle-sized company in the consumer-beauty complex. The result: $4.7 billion for the 10 big defense contractors, *combined;* $6.5 billion for *Avon.*)

To sharpen their barb, defense critics are fond of pointing out that President Eisenhower coined the phrase "military-industrial complex" in his farewell address to the American people in 1961 and that he warned the Nation of dangers to its survival from this combination of a large military establishment and the arms industry.

In the few minutes remaining, let's examine *exactly* what President Eisenhower said and the context in which he said it.

"Until the latest of our world conflicts," President Eisenhower said, "the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions . . .

"This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. *We recognize the imperative need for this development.* Yet we must not fail to comprehend its grave implications . . .

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes."

It is obvious from this statement that while this revered President and World War II military leader warned of possible, unforeseen abuses of power from the combination of a large defense establishment and the arms industry necessary to its strength and survival, he did not call for the *dismemberment* of such complex, as those who constantly misquote him today seek to imply. He said, to the contrary, "We recognize the imperative need for this development." But you will never see *that* quoted when his words are evoked by the neo-isolationists.

President Eisenhower saw so clearly and saw so well that without strength we could never move from an era of confrontation into an era of negotiation. Hopefully, we are now moving into that era. But it is axiomatic that one can only negotiate from strength.

I share President Eisenhower's admonition, expressed in that same speech, that "a vital element in keeping the peace is our military establishment."

"Our arms must be mighty," he said, "ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

And his former Vice President, Richard Nixon, certainly shares that view.

"Peace requires strength," President Nixon said. "So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations."

And at West Point last summer he told the Cadets:

"American strength is the keystone in the structure for peace . . . We all pray for a time when military strength will be unnecessary, but as long as strength is essential, we shall maintain the preparedness which is essential to protect the peace."

With the help of you and all those who understand how vital it is to keep America strong, we shall see that all would-be aggressors never have a chance to make dangerous miscalculations on grounds that we have become weak.

We shall fight those who would weaken us in the Congress and in the public. And we will not let them obscure the issue of this struggle under such hollow rhetoric as "reordering our priorities." There can be no reordering of the priority of peace. And when the American people understand that the stake is liberty, I have no doubt that they will rally around.

OEO DOES NOT SERVE THE ELDERLY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SCHEUER. Mr. Speaker, last June, Education and Labor Special Field Hearing Subcommittee No. 1, chaired by my distinguished colleague from California (Mr. HAWKINS), conducted hearings in New York on the poverty program.

I was particularly interested in, and astonished by, the testimony of one of the witnesses—Mr. Elly Rosen, who represented the Association of Jewish Anti-Poverty Employees.

Mr. Rosen alleged that, contrary to appearance, there are substantial numbers of poor Jews in New York and throughout the country and that these poor Jews are "systematically" denied participation in the poverty program.

I immediately asked the Office of Economic Opportunity and the New York City Human Resources Administration to conduct investigations of the charges, and also requested the General Accounting Office to supervise the preparation of the reports by these two agencies.

Mr. Speaker, I have now received the two reports and the results are significant. In the words of the OEO report, the allegations, "while imprecise, are not totally devoid of validity."

These two reports highlight a problem which is of concern to all ethnic groups. In essence, the reports find that the 5 million elderly individuals who live below the official poverty line are seriously underserved by the OEO program.

This neglect of the elderly poor—one out of every five poor persons in the country—is the result of two causes. First, many of the aged poor became poor upon reaching old age. Many of them, therefore, continue to reside in the same areas as they did prior to the decline in their income below the poverty line. These areas were never designated as areas with significant concentrations of poor to be served by the poverty program and they are not so designated today. Thus, these individuals are effectively excluded from participation in the poverty program.

Second, in those instances where the elderly poor do reside in target areas, they are excluded from participation for another reason. The poverty program was and still is primarily intended to help poor people change their condition—to break the shackles of the cycle of poverty—and not simply to make life below the poverty line more comfortable. As a consequence, the program has been directed at the young, whom we hope to help move out of poverty. The elderly poor have been more or less written off as condemned to live the rest of their lives in penury below the poverty level.

This emphasis is reflected in the administration of the program. Although the OEO bill, as amended, provides for a special program for the elderly poor, the funding has been parsimonious and niggardly. It is in a real sense a fraud. The appropriation in recent years has not exceeded $8 million—an appropriation which has resulted in an allocation to the city of New York last year of less than $500,000. Moreover, the position of Assistant Director for programs for the elderly has been consistently downgraded since the post was first established in the late 1960's.

Mr. Speaker, I do not disagree with the program's emphasis upon youth, indeed, I applaud it. I do believe, however, that more emphasis ought to be given to the elderly poor—Irish, Italian, Jewish, Puerto Rican, black—and to the poor, whether young or old, who live outside the original target areas.

Therefore, I intend to offer an amendment to the bill which will permit the Director to utilize an additional $50 million for new programs to serve the poor, particularly the invisible elderly poor, who are being pathetically underserved by the current program. I must emphasize the fact that this amendment would provide for additional funds for new programs. It is in no way intended to take funds from existing programs.

Fifty million dollars is a modest amount compared to the $2.2 billion authorization contained in this bill. The National Council on the Aging has indicated that projects totaling at least this amount have already been prepared by the community action agencies but have not been funded due to a lack of funds.

Mr. Speaker, this amendment is designed to enable the Director to help the poor who do not reside in target areas and to strengthen programs for the elderly who do reside in those areas. It will help bring the expertise of OEO in innovative and imaginative programing to bear upon the economic, social, and health problems of the elderly poor and help them to lead useful productive lives. I can conceive of no better way of beginning the year of the White House Conference on Aging than to help the elderly poor.

I hope my colleagues will support this amendment.

The text of the reports follow:

WASHINGTON, D.C.,
September 23, 1971.

Hon. JAMES H. SCHEUER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHEUER: By letter dated June 28, 1971, you requested the General Accounting Office to make an investigation relative to testimony by Mr. Elly Rosen before a Special Field Hearing Subcommittee, House Committee on Education and Labor, which charged that Jews in New York City are systematically denied participation in anti-poverty programs. You also requested the Office of Economic Opportunity (OEO) and the New York City's Human Resources Administration (HRA) to make investigations into the charges. As agreed with you during a meeting with our representatives on July 8, 1971, staff members of our Washington, D.C., and New York offices monitored the investigations conducted by OEO and HRA, but did not supervise, or participate in, the investigations.

As monitors we discussed with OEO and HRA officials the approach to be taken in conducting the investigations and followed their progress in periodic meetings held with the officials. On the basis of our review of the final reports of OEO and HRA and our observations during the investigations, we believe that the investigations were carried out in a competent and satisfactory manner. The two reports, which have been furnished to you, seem to be adequately responsive to Mr. Rosen's charges and provide an objective analysis of the extent of participation in antipoverty programs by Jews in New York City.

Sincerely yours,
ELMER B. STAATS,
Comptroller General
of the United States.

MEMORANDUM OF INSPECTION DIVISION OF OFFICE OF ECONOMIC OPPORTUNITY

During our survey of Jewish participation in the New York City poverty program, staff members in four of the twenty-five area corporations (Crown Heights, Mid-West Side, Lower East Side, South Jamaica) were unable or unwilling to provide an estimate of the ethnic breakdown of their program participants.

In more than one case, management of the area corporations excused their lack of knowledge by explaining that they did not get any reports from their delegate agencies, that these reports go directly to CDA. If this is true, how can they discharge the critical function of programmatic and administrative oversight, normally the key part of any prime-delegate agency relationship?

Furthermore, when questioned, the assistant deputy commissioner of CDA stated "CDA does not require the corporations to submit a statistical record of the participants served."

It is difficult to comprehend how these corporations can select appropriate programs for their areas or adequately administer poverty programs without a comprehensive knowledge and understanding of the beneficiaries of the services.

BACKGROUND

The New York City poverty program is directed by the Council Against Poverty which was established by executive order of the Mayor in 1966. The Council is composed of fifty-one members; twenty-five from the designated poverty areas of the city, seventeen public officials, and nine from the private sector.

The Council is the policy-making body for the distribution of some $70,000,000 annually of anti-poverty funds.

OEO versatile funds account for approximately $16,000,000 annually of the total funding. These OEO funds for the most part are channelled into twenty-six target areas based on a "Fair Share" allocation. "Fair Share" is determined by a formula involving the number of persons receiving welfare, juvenile delinquency rates, number of live births on general service and six other contributing factors.

Each of the twenty-six poverty areas designated is represented by a community corporation which administers the funds allocated to its area.

The elected Board of Directors of each community corporation approves program proposals for its area within its budget allocation which must then receive final approval from the Council Against Poverty.

BASIS OF SURVEY

Mr. Elly Rosen, representing the Association of Jewish Anti-Poverty Employees, testified June 25, 1971 before an ad hoc subcommittee on Education and Labor that "Jews in NYC, are systematically denied participation in anti-poverty programs."

Pursuant to this allegation, Congressman James Scheuer requested Mr. Frank Carlucci, Director of OEO, to look into the validity of the complaint.

METHODOLOGY

All efforts to locate valid conventional statistical data on the current location, number, and income of Jews in New York City were fruitless. It was therefore conceived that the executive directors, board members, and other key staff personnel of the twenty-six area anti-poverty corporations should be able to provide the most reliable ethnic estimates of their constituencies. Consequently, all twenty-six corporatitons were contacted and estimates obtained.

While the technique appears to have yielded reasonably consistent data, there were some exceptions. In the Lower East Side, for example, the staff people interviewed contend that there were less than a thousand income-eligible Jews. More authoritative data from a Census Bureau study and another from the Department of Labor plus information from local settlement houses indicate considerably more.

A similar situation exists in Morrisania and Brownsville, where the staff indicated there were no eligible Jews, yet local Jewish leaders and sociologists contend there is an appreciable number of impoverished elderly Jews living in the areas.

It must also be noted that personnel in four of the area corporations were unable to furnish an estimated ethnic or religious breakdown on the number of participants in the poverty programs in their area. Some of these officials excused their inability to provide this information on the fact that delegate agency reports go directly to the Community Development Agency (CDA), which is the administrative staff of the Council Against Poverty.

In his testimony Rosen also made allegations of specific anti-Semitic incidents. In agreement with the General Accounting Office the Human Resources Administration of New York City will file a separate report on the finding of their investigation into these specifics.

FINDINGS

Mr. Rosen's allegation that Jews are systematically excluded from New York's poverty program participation, while imprecise, is not totally devoid of validity. The two poverty areas (Williamsburg and Crown Heights) with an appreciable number of Jewish poor have good Jewish participation as recipients, staff and board members. This survey strongly indicates two things. First, where and insofar as Jews are excluded from poverty program participation, it is less because they are Jewish than because they are elderly. Second, their group characteristics do not relate to the indices originally used by the Poverty Council to determine target areas. Prime examples of this situation are Far Rockaway and Coney Island. Ninety thousand of the ninety-seven thousand total population of Far Rockaway are estimated to be Jewish.

It is further estimated that approximately eighteen thousand of these are impoverished elderly Jews. The Far Rockaway poverty program, however, limits its services to five small target areas consisting of five thousand poor, of whom ninety per cent are black, eight per cent are Puerto Rican and two per cent of whom are "white" and predominantly Jewish.

A similar situation exists in Coney Island where the poverty program target area encompasses forty thousand poor, seventy per cent of whom are black or Puerto Rican. Yet most of the remaining seventy thousand people on Coney Island are low-income, elderly Jews, many of them living in public housing projects. It is reported that they participate in large numbers in senior citizen organization activities, although these are not funded by OEO anti-poverty funds.

In three other poverty areas, (Lower East Side, Brownsville, and Morrisania) the area corporation staff members interviewed contend there are few if any impoverished Jews. But Jewish leaders as well as other authoritive sources insist these areas contain significant numbers of elderly Jewish poor. The fact that these folk seem invisible to their area poverty program staff gives credence to Rosen's allegation that Jews are underserved.

Unlike most other area corporations which have been operational to some degree for some four years, the Bronx River Corporation is only now becoming incorporated. The lag is reflected in the fact that the BRC has but one active program, Neighborhood Youth Corps, in which participation is estimated at fifty-five per cent black, forty per cent Puerto Rican, four per cent other, and one per cent Jewish. By comparison, Jewish low-income folk are estimated to constitute about three per cent of the target area population. This discrepancy appears to corroborate the comments that a high proportion of the low-income Jews are elderly and that for the elderly all too little provision is made.

The fledgling BRC is now conducting neighborhood surveys to identify needs and Jewish and other elderly participation may rise as appropriate programs are initiated.

By contrast in nearby Tremont, with seven thousand impoverished Jews out of a total target area population of 118,853, the area corporation runs a senior citizens program in which elderly Jewish participation is estimated at almost one-fifth.

The other area corporations have essentially no low-income Jewish residents.

While OEO allocates but $492,000 annually for senior citizens' programs in New York City (out of its $8,000,000 national budget) the City's elderly are not entirely without assistance. The City of New York operates twenty-six senior citizens' centers and these are augmented by like operations funded by private organizations.

The attached table shows the funding and the population and participation breakdowns of the twenty-five area poverty corporations.

ESTIMATED POVERTY PROGRAM PARTICIPATION—NEW YORK CITY—AUGUST 1971

Corporation	Funding (thousands)	Population (thousands)			Staff			Percentage participation				Board members Jewish
		Total	Poverty	Jewish-poverty	Jewish	Other	Total	Spanish speaking	Black	Jewish	Other	
Fort Greene	$1,100.0	102	85	0	0	180	180	40	55	0	5.0	0
Bronx River	137.0	160	128	5.0	0	22	22	40	55	1.0	4.0	0
Tremont	697.2	119	101	7.0	0	57	57	46	37	(1)	17.0	7
Hunts Point	1,500.0	172	154	0	4	198	202	76	24	0	.1	0
Morrisania	1,180.0	170	136	[2] 0	4	83	87	33	66	0	1.0	0
South Bronx	447.2	110	61	0.5	5	51	56	50	40	1.0	9.0	1
East Harlem	462.0	145	101	[2] 0	2	93	95	50	40	0	10.0	0
Lower East Side	1,700.0	200	180	[3] 1.0	15	85	100	(1)	(1)	(1)	(1)	2
Lower West Side	729.0	169	54	6.4	3	22	25	53	17	7.0	23.0	6
Mid-West Side	482.0	208	51	0	0	37	37	(1)	(1)	(1)	(1)	13
Upper West Side	480.0	209	135	2	1	111	112	48	38	.5	14.0	6
Central Harlem	3,600.0	287	160	0	0	800	800	5	95	0	0	0
Coney Island	476.1	110	[4] 40	6.0	3	20	23	55	45	0	0	3
South Brooklyn	1,180.9	221	148	[4] 0	0	207	207	47	39	0	14.0	0
Sunset Park	219.0	75	52	0	0	11	11	80	6	0	14.0	0
Williamsburg	1,380.3	190	175	33.0	55	199	254	39	28	33.0	0	13
Bedford-Stuyvesant	2,100.0	476	450	.2	6	804	810	20	80	0	0	2
Brownsville	979.5	130	100	[2] 0	7	69	76	34	66	0	0	1
Bushwick	750.4	200	75	[2] 0	1	25	26	30	40	0	30.0	0
Crown Heights	695.0	250	215	56.2	7	17	24	(1)	(1)	(1)	(1)	18
East New York	1,218.0	100	70	.7	0	22	22	50	50	0	0	1
Rockaway	200.0	[5] 97 [4] 5	[5] 25 [4] 5	[5] 18 [4] .1	1	20	21	20	75	0	5.0	5
Corona-East Elmhurst	272.8	80	36	0	0	21	21	25	75	0	0	0
Long Island City	547.7	78	59	[2] 0	2	15	17	30	70	0	0	2
South Jamaica	971.0	218	72	0	0	137	137	(1)	(1)	(1)	(1)	0
Staten Island	200.0	90	15	.15	0	14	14	20	70	1.0	9.0	2
Totals:												
Number		4,274	2,858	138.14	116	3,320	3,436					
Percent		100	66.6	3.1	(3.5)	(96.5)	(100)					

[1] Sources claim no knowledge.

[2] No known Jewish population but Jewish staff members.

[3] Inaccurate estimate; other sources indicate considerably more.

[4] Target area only.

[5] Total area population.

REPORT OF FINDINGS ON CHARGES RAISED BY S. ELLY ROSEN REGARDING THE NEW YORK CITY POVERTY PROGRAM AND THE JEWISH POOR

(The Office of Review, Human Resources Administration, September 10, 1971)

INTRODUCTION

Occasion for this Report: S. Elly Rosen ("Rosen") testified before the Special Field Hearing Subcommittee #1 of the United States House of Representatives Committee on Education and Labor ("House Committee") on Friday, June 25, 1971 at the Federal Office Building, 26 Federal Plaza, New York City, N.Y. Rosen's appearance, which had been scheduled through the intercession of Congressman Herman Badillo, a member of the Subcommittee, was in behalf of the Association of Jewish Anti-Poverty Workers, ("Association") of which Rosen is Director. Rosen's poverty work is as a member of the staff of the Crown Heights Community Corporation, which is one of the community action agencies contracted by the Community Development Agency ("CDA")—in behalf of the Council Against Poverty ("CAP")—which administers the Office of Economic Opportunity ("OEO") grants for New York City. The OEO appropriations bill was under consideration by the House Committee at the time.

The purport of Rosen's testimony was that poor Jews were not receiving their fair share of the poverty program.

Following Rosen's testimony, Congressman James Scheuer, also a member of the House Committee, contacted Frank Carlucci, Director of OEO, and requested "a serious investigation" in a letter dated June 28, 1971 (See Attachment 1). Scheuer also contacted Jule Sugarman, Administrator of the Human Resources Administration ("HRA") the New York City social services umbrella agency of which CDA is a part. Scheuer asked Sugarman to cooperate with an investigation into the charges.

Accordingly, Sugarman requested the HRA Office of Review ("Office") to investigate the charges. After preliminary consultations, the Office committed itself to a comprehensive inquiry. At a meeting on July 22, 1971 between staff members of City and Federal agencies, including the Government Accounting Office ("GAO") and the OEO Office of Inspection ("OEO Inspection"), the agencies agreed to work together, with our Office carrying primary responsibility since it is indigenous to the scene of the charges. Reports on matters investigated by OEO Inspection were to be made a part of the report.

On August 2nd, a briefing was held in Congressman Scheuer's Washington Office. Present were staff members of our Office, OEO Inspection, GAO, and a staff member of the House Committee. Preliminary findings on the charges were discussed in general, and over-arching matters were considered in detail. It was understood that our Office would be reporting to the HRA Administrator, and that he would forward copies of the report to the concerned persons in Washington, including Congressman Scheuer, who requested the report by the beginning of the next Congressional Session. This is that report.

Method of this Report: The Office has culled the charges, eight in number, from the following sources: a) the typescript of the prepared statement which Rosen made at the House Committee Field Hearing on June 25th (see Attachment 2); b) the typed transcript of the question and answer period which followed Rosen's prepared testimony (see Attachment 3); and c) notes taken at a meeting between Rosen and staff of our Office, GAO, and OEO Inspection which took place on August 4th. The Office, has composed the charges for this report, using direct quotation from Rosen wherever possible, but re-wording the charges where comprehension, clarity, and economy demanded it. Great care has been taken to state the charges in a way faithful to their author.

Scope and Focus of this Report: In the next section the reader will find data and information on the context of Jewish poverty in New York City, such as we have come to understand it during our investigation. This is presented as background information necessary to appreciate the charges and the findings, which are given in the following section.

THE CONTEXT OF THE MATTER: JEWISH POVERTY IN NEW YORK CITY

There are a few general factors which relate to Rosen's charges directly or indirectly. We submit that one can better understand his charges and our findings if these factors are stated at the outset. We acknowledge that our sociology is superficial; these matters deserve more research and thoughtful consideration than is within our time-frame and expertise. Hopefully, however, the following considerations will set the available parameters.

1) There exists no comprehensive and recent hard data on the component ethnic groups of the White poor in New York City—not locally, not nationally; not at the community corporations, not at the Jewish philanthropic agencies. Estimates abound, but despite the claims put forth for them, they are at best approximations of varying unacceptability. What hard data does exist comes to us from the 1950's mainly, and is based on too small a sample to be reliable 15 or more years later.

The records of the New York City social services agencies—CDA, the Department of Social Service ("DSS"), the Neighborhood Youth Corps ("NYC")—equally lack such information. Welfare clients are not required to identify their ethnic or religious background on applications for aid. CDA, in conjunction with the New York Regional Office of OEO has recently revised its management information forms, which the CDA contracting agencies (e.g. community corporations) must use for periodic reporting of the serviced population. A new feature of these new forms is that the Spanish-speaking groups are broken out into Cuban, Dominican Republican, Puerto Rican, etc., which will make the "Caucasian" and "Black" categories more meaningful. However, there will be no breakout of non-Spanish-speaking Caucasians. Jews, Poles, Italians, Irishman, Greeks, etc. continue to be lumped together.

The United States Census of 1970 failed to collect information on the ethnic components of White and Black: it did not ask questions such as country-of-origin and language-spoken-in-the-home, which would have assisted in identifying various ethnic groups.

Nor will the data we now lack become available in the future if plans are not made deliberately to tabulate it. The population and Census uuit of the New York City Department of City Planning informs us that a special and expensive project would be necessary to tabulate the ethnic components of the White poor in New York City's neighborhoods from the raw data of the 1970 Census. At present, even Puerto Rican is mixed in with "White and Black".

2) The Congressional legislation which brought the poverty program into being intended to deal at first only with the worst concentrations of poverty. The officials who framed the law expected the OEO appropriations of succeeding budget years to grow to enable the regions to expand their programs into areas of lesser but significant poverty, whether contiguous to or isolated from the original target areas.

As is well-known, OEO funds have not increased since 1965, but decreased.

And poverty in New York City has grown. In the poor areas which were not serviced originally and in some areas which did not need services originally, the living conditions of many individuals and families have worsened considerably. This is reflected in the concept of "the changing neighborhoods," where the middleclass is growing poor and poor poorer.

This has significance for the Jewish poor, many of whom are living not in the original target areas, which continue as the present target areas, but in adjacent neighborhoods which are deteriorating.

3) Two sociological matters regarding the Jewish poor affect the degree of participation in the community action program. Rosen states, and knowledgeable people confirm, that a large number of the poor Jews are Orthodox and that Orthodox Jews avoid public charity. One of the nine indices of poverty which was weighted the most in determining the target areas for the New York City poverty program was welfare-recipiency, which would not lead to enclaves of Orthodox Jewish poor.

The second matter is that a large percentage of the Jewish poor are elderly, estimated by one authority as more than one-half and maybe as much as two-thirds (60+ years of age). (See p. 10, and Attachment 4). Two of the weighted indices—live births in hospital wards and juvenile delinquency—would thus not lead to Jewish enclaves. (For the complete list of indices, see Attachment 5.)

The job of identifying the worst areas of poverty was done by the Office of the New York City Administrator in 1965, assisted by City departments and committees concerned with social services. The results were incorporated into "The Sviridoff Report," the work of the Institute of Public Administration, with which the City contracted to plan the local poverty program. HRA, CDA, and CAP were brought into being on the recommendation of this report, officially called Developing New York City's Human Resources. (See Attachment 5) Thus, as bodies, CAP/HRA inherited the target areas. And, as we have already pointed out, the OEO appropriations shrank in succeeding years and prevented an expansion of the poverty program.

Further, as for elderly persons, the emphasis of OEO has always been on helping poor people escape poverty, not helping those who cannot escape bear it. CDA's high priorities as mandated by OEO for the use of the "versatile" funds are Job Referral, Economic Development, Consumer Action, and Housing Action. Elderly persons can benefit from the third and fourth of these. OEO does grant a small amount of money earmarked for the aged—$329,000., to which CAP adds some of the versatile funds and tax-levy (City) funds to mount a program costing $512,000. in the current fiscal year.

4) What Rosen calls the "poverty program" is NOT the total of the social services available to the poor of New York City. This is important because poor Jews are among the beneficiaries of other kinds of public aid. DSS distributes $2 Billion from the U.S. Department of Health, Education, and Welfare, supplemented by State and City funds, directly to individuals and indirectly via social service organizations, some being Jewish.

We have said that DSS is not permitted to collect data on the ethnic or religious background of its clients. Unofficial estimates are available for certain categories, however.

Referring to the surname, family name, and, especially, affiliated institutions, the Medicare and Medicaid office at DSS estimates that at least 10% of the funds go to the Jewish residents of private Jewish nursing homes. At the DSS-funded senior centers, Jews are said to account for an average 41% of the client participation. There are 35 Jewish-sponsored and DSS-funded children's day-care centers in New York City, where, again by estimate, the majority of the children are Jewish. Other programs funded by DSS are Homemakers, Housekeepers, Foster Care for Children, Foster Care for the Aged, Child Shelters, Telephone Reassurance, and Food Stamps. The DSS Department of Program Planning informed us that Jews participate in all of these programs.

As for income maintenance, Rosen states that Orthodox Jews are culturally indisposed to "seeking welfare." Rosen sees one of the tasks of The Association of Jewish Anti-Poverty Workers as altering some aspects of the Orthodox consciousness regarding societal matters. He also would like to see DSS seek ways to foster the enrollment of Orthodox Jews.

5) Where the applicant for government financial aid is a religious institution, the issue of the separation of church and state is raised. Many Jewish organizations which apply for aid to finance social service programs are religious institutions. Each case would require legal consultation and perhaps interpretation by the courts. The First Amendment to the Constitution stipulates that government money may not be used to support religious institutions.[1] While each case must be judged on its own facts, in a broad sense this has traditionally been taken to mean that the giving of financial aid cannot be classified as conferring a benefit to or a burden upon the particular religious institution.

CHARGES AND RELATED FINDINGS

Note: We batch Rosen's charges according to topic. In order to locate the charges in their context, we give the page number for each. The Prepared Statement is Attachment 2, and the transcript of the Question and Answer period Attachment 3.

We refer to data in discussing some of the charges. In each case, we identify the source. It should be understood that our statement (*supra*, p. 4) that "there exists no comprehensive and recent hard data on the component ethnic groups of the White poor in New York City" is not unsaid by any of the data we offer, most of which refers to larger groupings or to previous periods of time. The available data gives indications only. We have tried, however, to stay away from estimates.

Charge No. 1: Contrary to appearances, there are poor Jews in New York City. (Prepared Statement, p. 1)

Finding: This is true according to everyone consulted. It is the single uncontested fact of Rosen's charges. It is a relatively "new" fact, even to Jews. Ann G. Wolfe, Social Welfare Consultant to the American Jewish Committee, pointed this out in a speech last June at the Chicago Chapter meeting of her organization. (See Attachment 4.)

"In 1969, after three summers of turmoil in our cities, we recognized that the domestic tranquility which we believe to be an ultimate goal, cannot be achieved in a society in which a large number of people subsist on incomes inadequate to maintain health and decency. We moved to help in public welfare reform, and in a rather curious by-path, discovered a truth which had been buried for too long. *In our activity around welfare reform in behalf of the poor, we 'discovered' our own poor.*" (p. 13 of the typescript; the emphasis is ours.)

Charge No. 2: "Jews in New York City comprise the third largest poverty population, right after Blacks and Puerto Ricans." (Prepared Statement, p. 1)

Finding: This is an assumption of Rosen's which there is no hard data to support; although the Jewish philanthropic agencies have estimated it to be true.

There is some hard data, although based on a small sample, on the percentage of each ethnic group that is poor, and the groups can be ranked accordingly.[2] The percentage of families within their ethnic groups which earn less than $3000, a year is as follows:

	Percent
Negro	23.8
Puerto Rican	16.3
Irish	13.3
Other Catholic	12.3
Jewish [1]	10.8
Other Protestant	9.5
Italian	8.2
(Unclassified)	5.8

(See Attachment 6.)

[1] The source data separates "Foreign-born Jewish" from Native-born Jewish. The figures are 15.7% and 5.4% respectively.

However, it is not necessary to make a horse race out of the component groups of the White ethnic poor; Jews, Irish, and Italians stand out as ethnic groups with a notable incidence of poverty in New York City.

Charge No. 3: "Jews in New York City, are systematically denied participation in the poverty program . . ." They do not sit on the boards of directors of the community corporations; they do not receive corporation funding for their programs; they do not serve as members of the corporation staff, "except in Crown Heights, where a diligent Jewish leadership . . . was able to secure its proper share." (Prepared Statement, p. 2)

* * * * *

Morrisania, the north Bronx poverty area, is not "60% Black and 35% Puerto Rican," as Dennis Gardner, the Executive Director, claimed, but "there is a great percentage of Jewish poor there," according to "a Jewish community representative" from the area. Yet "there is no representation on the (Morrisania) Board, not one person, who is Jewish . . ." (Questions and Answers, p. 209–10)

Finding: In the Crown Heights and Williamsburgs sections of New York City, where the concentration of poor Jews is large, they *do* participate in the programs of the two community corporations. In areas where Jews live in smaller numbers and/or where they are inactive, they do not participate in the corporation programs.

CDA has reported the following data on Jewish participation in the poverty programs of the 26 community corporations. The data is taken from corporation reports required once a year for "program package" purposes.

1. Jewish membership on the boards of directors of the community corporations:

Crown Heights, 19.
Williamsburg, 12.
Lower East Side, 1.
Coney Island, 1.
Mid West Side, 1.
(Remaining 21 corporations, 0).

2. Jewish membership on the staff of the corporations and their delegate agencies:

Crown Heights, 22.
Williamsburg, 52.
Qualicap (Long Island City), 8.
Lower East Side, 6.
Brownsville, 5.
(Remaining 21 corporations, 0).

3. Funding for Jewish programs in the corporation areas:

Crown Heights—2 agencies receive $180,772.
Williamsburg—6 agencies receive $254,116.
Lower East Side—6 agencies receive $575,000—(but do not serve Jews exclusively).
(Remaining 23 corporations—0).

Note: The figures in the first and second categories are at variance with information which OEO Inspection collected directly from the executive directors of the corporations. Please see report by OEO Inspection.

The first part of the Morrisania charge appears to be true: HRA data contradict Gardner's figures. The breakout is as follows:

	Gardner [1]	1960 Census data [2]	1965 estimated [3]
Black	60	42.18	48.28
Puerto Rican	35	23.64	28.13
White	[4] 5	34.18	23.59
	100	100.00	100.00

[1] We checked with Gardner, who stands by these figures, claiming that they are based on the 1960 census.

[2] These figures were worked up by the HRA Research Department from 1960 census data.

[3] These figures are estimates made by the HRA Research Department, using 1965 welfare data as a "corrective" to the 1960 census data.

[4] Implied.

Whether the White population of Morrisania is Jewish we do not know, since (once again) figures on the ethnic components of the poor White population do not exist. The "Jewish community representative" to whom Rosen led us is Solomon Leibowitz, who explained that some time ago he approached Gardner and on another occasion Nicolas Quilles, the Chairman of the Morrisania Board, concerning the 10,000 to 25,000 Jews, predominately poor and elderly, whom he claims live in a neighborhood on the western edge of the Morrisania area. That neighborhood is bounded by Webster Avenue on the west, 161st Street on the south, the Concourse on the east, and 170th Street on the north.

Leibowitz states that Gardner and Quilles agreed with him that the neighborhood was within the Corporation area but said that it was not a Corporation priority. Leibowitz told us that he was so discouraged by this that he did not make a formal or written approach to the Corporation on behalf of the neighborhood. When we querried him, Gardner said that he was "not in a position to say how many poor Jews were living in that area," but that he understood it to be a neighborhood in transition. He also explained that the Corporation has funded a senior citizen program for Jews before 1969 but that the "community" had decided to drop it when the Corporation budget began to shrink.

Rosen is correct that there is no Jewish representative on the Morrisania Board. There is one (non-Jewish) White.

Rosen has mentioned several other corporations areas where he claims poor Jews are living unnoticed and unserviced by the poverty programs. These are the Lower East Side, Coney Island, Brownsville, East New York, and Tremont. Ethnic data on this is, of course, unavailable; however, it is instructive to review the 1960 and 1965 population breakdown by "Black," "White," and "Puerto Rican" for those areas.

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[1] The exact wording is that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

[2] "Family Income by Ethnicity," *Ethnic and Educational Data on Adults in New York City 1963–1964;* by Jack Elinson, Paul W. Haberman and Cyrille Gell; School of Public Health and Administrative Medicine, Columbia University, 1967, page 63.

	1960 census data	1965 estimated
Lower east side:		
Black	12.51	14.09
Puerto Rican	23.09	24.05
White	64.39	61.86
Total	99.99	100.00
Coney Island:		
Black	7.25	8.67
Puerto Rican	5.23	5.42
White	87.51	85.91
Total	99.99	100.00
Brownsville:		
Black	22.35	45.58
Puerto Rican	18.63	21.39
White	59.02	33.03
Total	100.00	100.00
East New York:		
Black	8.38	20.14
Puerto Rican	5.35	13.93
White	86.26	65.93
Total	99.99	99.99
Tremont:		
Black	6.74	19.67
Puerto Rican	10.12	23.33
White	83.12	57.00
Total	99.98	100.00

In all of the areas a high percentage of White is immediately discernible. Only in Brownsville and Morrisania is the White population less than 50% of the whole. Some of the Whites are not poor, but middle class, and the emigration rate for Whites since 1965 has been extremely high. These figures, in other words, must be taken only as an indication that there are Whites in the ghettos, from which one can reason that some of them are poor, and that some of those are Jewish.

The 1970 Census data on localities is only now being released. From raw census data provided by the Department of City Planning we have worked up figures on the elderly Whites in the poverty areas. These will serve as a corrective to the foregoing figures on Whites in general.

WHITES WHO ARE ELDERLY (65+) AS OF 1970 CENSUS

	Number of whites over 65	Percentage of whites over 65
Poverty areas:		
Lower East Side	20,599	13.1
Coney Island	4,594	19.3
Brownsville	4,457	12.3
East New York	9,837	9.0
Tremont	6,886	9.8
Morrisania	3,963	7.8
Remaining corporation areas:		
South Bronx	5,905	8.5
Hunts Point	4,350	4.2
East Harlem	7,189	7.7
Central Harlem	479	6.7
Lower West Side	24,279	20.3
Mid West Side	20,934	17.2
Upper West Side	9,343	13.8
Corona-East Elmhurst	1,708	6.7
Sunset Park	4,869	12.8
Qualicap (Long Island City)	8,075	14.1
South Brooklyn	18,765	12.0
Crown Heights	9,860	19.5
Fort Greene	3,086	11.5
Williamsburg	10,168	7.7
Bedford-Stuyvesant	2,452	8.1
Bushwick	8,467	9.9
South Jamaica	3,662	16.4
Staten Island	8,309	5.7
Bronx River	(1)	(1)
Rockaway	(1)	(1)
Total	203,136	11.2

[1] Unknown.

Charge #4: "There are pockets of poverty in many parts of the City, particularly in the changing neighborhoods;" that is, outside the community corporation areas, and CDA has not funded programs for the poor Jews living in these pockets, although it has a mechanism for doing so which has been used to reach other groups. (Prepared Statement, p. 6)

Finding: We have been able to confirm this charge only impressionistically, but since that is how Rosen made it—he did not have data either—it should be an acceptable response. Poor Jews are apparently living in small but concentrated numbers in tracts located outside designated poverty areas in Flushing and Bensonhurst. And on the West Side of Manhattan from 96th Street to 125th Street and in Corona, Queens, a portion of the White middle-class Jewish population appears to be gradually subsiding into poverty. In addition to those areas, which knowledgeable people have confirmed to us, Rosen also claims that poor Jews live in Borough Park, East Flatbush, Forest Hills, Laurelton, and Rockaway Park.

The New York City community action program is not in touch with those neighborhoods. According to CDA, the corporations whose target areas are contiguous to those neighborhoods do not have programs aimed at poor Jews or any other poor—including Blacks, Puerto Ricans, Chinese, etc.—who live there.

The reasons for this—that the poverty program has not received the funds for the geographical expansion originally envisioned and that the three weighted indices of poverty used in creating the original target areas do not lead to the Orthodox and elderly who make up the majority of the Jewish poor—we have already discussed. (See *supra*, pp. 6–7.)

Rosen is correct that CDA has a mechanism for reaching specific groups—the City-Wide Program, through which several large organizations are funded to deliver services throughout the City. (See Attachment 7.) And he is right that no Jewish agency is funded via this program. The trend of city-wide funding, however, has been downward for the past few years, due to the shrinking OEO appropriations and the growing "earmarking" of funds for specific purposes by OEO.

Charge #5: "Too often, poverty elections . . . cause a greater (ethnic) polarization in the community than might have existed before." (Prepared Statement, p. 4)

* * * * *

"When anti-poverty elections were held in some communities, Jews who sought to gain entrance into the so-called polling places, were physically prevented from voting, assaulted, in many instances knived. 'Leaders' in the community, would make statements over the microphones, inside public buildings where polling takes places, such as 'Too bad that Hitler did not kill all of you,' etc. Many would-be Jewist voters were literally maimed and taken to the hospital." (Prepared Statement, pp. 2–3)

* * * * *

In Crown Heights "last year, Jews turned away at three voting sites. . . . (Jews) were not permitted at the polls. . . . (In) the polling areas where there are higher concentrations of Blacks than Jews, (some) Jews nevertheless did have to go to these polls" and they "just were forcibly prevented from going to the polls. There were people at the door, and they simply said that you do not come in here. If you come in here, you do not walk out. A few Jews that attempted to walk in were beaten up. They simply were not permitted to vote." (Questions & Answers, pp. 210 & 213–214)

Finding:

It is true that polarization exists within the New York City community action program between certain groups of Blacks, Puerto Ricans, Jews, and Italians; although it is important to state that inter-group cooperation exists also. Election time does heighten polarization since members of the groups openly solicit support at that time. In some areas, large segments of the community seem to be politicized ethnically. Crown Heights is one such area, and recently some Jews have contributed—as have some Blacks. We do not know of any area, however, where the competitiveness reached the extent it did in Crown Heights between 1968 and 1970.

The bulk of the other two statements is exaggerated and rhetorical, especially that which Rosen expressed during the question and answer period, all of which is noticable—and unavoidably—"looser" than his prepared statement.

Rosen told us that these charges referred to the 1969 election in Crown Heights, which occurred on February 18th. His own experience was limited to spending a short time in a polling site at a public school at Schenectady Avenue and Empire Blvd., where he claims to have heard Blacks verbally abuse Jews, including the threat that the Jews would be knived if they did not clear out. Rosen claims to have seen one man with a knife on his person, which lent credence to the threat. That physical assault actually occurred, however, is hearsay, and we have not been able to substantiate it. In fact, Rabbi Gorodetsky told us that physical assault did not occur in the 1969 election. In checking with the Detective Squad, 71st Precinct which covers the subject area, we learned that there were no complaints of assault and no complaints at all from persons with Jewish names on February 18th or 19th, 1969.

The last charge refers to alleged incidents at three election districts north of Eastern Parkway—the part of Crown Heights where Blacks predominate. Again, Rosen told us that his charge was based on hearsay statements. We did, however, check with the Detective Squads at the 77th and 80th Precincts. The record showed no complaints of assault from persons with Jewish names for the 18th.

At Rosen's suggestion, we checked with Rabbi Sholom Gorodetsky, the Crown Heights representative to CAP and a long-time participant in the Crown Heights poverty program. Gorodetsky said that in 1969 he had received complaints from Jewish residents that they had been turned away from polling sites in the Black section of Crown Heights.

He had been unable to verify any of the alleged incidents since when he arrived at the suspect sites nothing irregular was happening.

Gorodetsky further explained that the election of 1968 was the one when assaults on Jewish voters occurred at one or more of the polling sites in the Black area. He explained that the police were summoned, and that they advised the Jews to disperse since they could not guarantee safety to them. The election was re-done in those areas because of the suspicion that the incidents threw on the vote tallies.

The 1968 election was the first election in Crown Heights: its purpose was to set up the Planning Committee. In 1969, the Corporation came into existence. In 1971, things went much more smoothly, since the Corporation and CDA both took steps to prevent embarrassment of voters. CDA monitoring staff spread throughout Crown Heights on election day and cooled out disagreements before they developed into open hostility. (Our Office studied the conduct of this election, as a supplement to our report on the September, 1970 elections, and we found that Jews had ample opportunity to express themselves at the polls, where indeed, most of the winning candidates were Jewish—see Attachment 8.)

Charge #6: Community corporations do not "distribute public relations materials to the Jewish people in the areas. At the present time materials are published in English and in Spanish, and no materials are ever published in Yiddish, except on special request, with the result that the majority of the poor Jews, for whom English is a second language, "cannot obtain service." During the last corporation board election, CAP "issued funds for the Black and Puerto Rican newspapers and radio stations. They turned down requests for funds to the Jewish stations and Jewish Press." (Questions & Answer, p. 209)

* * * * *

In 1970, CAP scheduled community corporation board elections for a Saturday, and ignored the pleas for a change of day from the Jews, who could not vote on the Sabbath. The Association of Jewish Anti-Poverty Workers otbained a show-cause order from the New York State Supreme Court against the Saturday elections, and also obtained a resolution in the New York City Council against it, after which CAP changed the election date in several areas with sizeable Jewish population. (Prepared Statement, p. 3)

Finding: The first part of the first charge is true; the corporations do not as a rule issue materials in Yiddish. Only the Crown Heights Corporation made election publicity available in Yiddish; although the delegate agencies which serve Jews in Williamsburg also distributed election publicity in Yiddish.

The other part of the charge, accusing CAP of authorizing funds for the Black and Puerto Rican newspapers and radio stations but not the Jewish ones during the 1970 election campaign, is not true regarding the publicity allotment in the CAP-authorized election budgets for the corporations, which were not told where to place advertisements. It is true, however, that the city-wide publicity placed by HRA Public Affairs was mandated by CAP/CDA to be spent only on English and Spanish language media.

There is one significant mitigating factor, however. That is that HRA, whose Deputy Director of Public Relations had recommended using the Jewish press (as well as the Italian and Chinese), and whose former and current Administrators had both known of the protest which representatives of the Jewish community made on the issue, mandated that an additional $5000 of public relations money be spent largely in the Jewish sector. Accordingly, there were spot announcements by Jewish radio commentators, advertisements on WEVD, and advertisements in the Jewish press during the week before the election, when most of the publicity occurred.

The second charge is essentially incorrect; although some of the events which Rosen mentioned did occur.

CAP originally scheduled city-wide elections for April 18, 1970, a Saturday. This was announced on January 23, 1970, and apparently the Jewish community made its protest known at that time. When CAP had to postpone the elections, a Tuesday was chosen, namely May 5, 1970. A further postponement became necessary, and CAP moved the elections to September, but mandated that it was up to each corporation to chose a Tuesday—September 15th—or a Saturday—September 19th—for its elections. Four corporations chose the Tuesday (Coney Island, Williamsburg, Bronx River, and Crown Heights: the last was further delayed till Tuesday, March 2, 1971). The other 14 corporations chose Saturday, September 19th.

Since some of the corporation areas which had chosen Saturday contained Jews who were concerned about voting on the sabbath, CDA was prepared to keep the polls open until 10:30 PM, affording Jews the chance to vote after the end of the sabbath.

An injunction against the Saturday election was sought by Suzanne Tannenbaum, an employee of the Crown Heights Corporation who lives in the Mid West Side Corporation area. She was represented by an attorney who Rosen claims to be an associate member of the Association of Jewish Anti-Poverty Workers.

Judge Arnold Fein heard the motion on Friday, September 18th, and ruled that the Mid West Side election could go ahead on Saturday as planned, on condition that the polling sites remain open until 10:30 PM, which HRA/CDA mandated. Judge Fein admonished CAP and CDA through its counsel to be more mindful of the religious dictates of the eligible voters in planning future elections.

Rosen is correct in saying that the New York City Counsel spoke out on the Saturday elections; in Resolution No. 262 entitled "Resolution Requesting That Public Elections for Membership to Community Corporation Boards Not Be Held on the Sabbath," introduced by Councilman Theodore Silverman of Brooklyn. (See Attachment 9). The City Council passed the resolution on September 29th, much too late to have an effect on the September 19th elections.

Charge No. 7: "There is no recourse (in these matters), no place to go for adjudication, for a hearing, for a fair resolution of problems", since CAP, which is the mandated recourse, makes resolutions "strictly on a racial basis" and is hostile to Jews, of whom "several Rabbis were brutally beaten" at a CAP meeting. (Prepared Statements, P. 4)

* * * * *

Except in Crown Heights, where CAP "has been more responsive to the Jewish problems . . . because the Jews in Crown Heights make the loudest noise of any Jewish poor groups in the City," CAP has done nothing for the poor Jews. "We . . . did come down to the Council Against Poverty to protest an injunction against Crown Heights about a year ago and . . . were beaten up. Antisemitic names were thrown around, and a 75-year old Jew had his nose broken. A Jew wanted to use the Council Against Poverty office to telephone the police. He was told this is a staff phone, you cannot use it. No effort was made on the part of the staff to prevent the trouble from happening." (Questions & Answers, P. 215)

* * * * *

CAP has two members who are Jewish elected representatives of community corporations, but no at-large delegates "from Jewish representations." Thus CAP does not have "Jewish participation . . . truly representatives of the Jewish poor, from the various agencies which do still deal with Jewish poor." (Questions & Answers, P. 208)

Finding: These charges are a combination of accurate and exaggerated information.

Rosen's claim in the first charge that CAP adopts resolutions "strictly on a racial basis" is without factual substantiation. Like most organizations, CAP responds to pressures, and most of these come out of the Black and Puerto Rican community groups; although the "loud noise" recently made by the Crown Heights Jews has received a great deal of attention from CAP, as Rosen attests.

Rosen is correct, however, that the alignments in CAP reflect the constituencies of the poverty areas, at least among the 25 of the 51 CAP members who represent those areas. Among those community representatives there are only three Jews; hence voting which accords to the community alignments does not benefit Jews as a group.

The beating of "several Rabbis" is an exaggeration. During the question and answer period Rosen mentioned that a 75-year old Rabbi was punched after a CAP meeting on April 29, 1970. This was a meeting of the Crown Heights Panel of CAP at 349 Broadway—one of a series of CAP meetings in response to the increasing strife between Blacks and Jews in Crown Heights. The community factions attended the meeting in large numbers. A scuffle occurred as they were leaving in order for the Panel to continue in executive session. Apparently, a young Black punched the elderly Rabbi Kellner, who required medical assistance. Another injury was sustained by Elliot Rosman, the Manpower Director of the Crown Heights Corporation. The police were called; although the CAP Director, James Greenidge, did initially deny a request to use the Chairman's telephone.

Rosen told us that Rabbi Wolfe, a member of the Crown Heights community group, had requested the Panel Chairman to insure a safe exit to the Jews, and that the request was denied. We have been unable to confirm this. The several CAP meetings on the Crown Heights problems were all so volatile and polarized that CDA and CAP staff find it difficult in retrospect to distinguish the events of one meeting from those of the others.

Greenidge wrote a report on the matter, which has the most internal consistency of the accounts that we have heard. (See Attachment 10.)

We contacted the Detective Squad of the 4th Precinct, which covers the area, and learned that Rosman filed a complaint of harassment the next day, as Rosman has also told us. The records show, however, that no arrest was made at the time of the incident or afterwards. The offending youth, whose name is not known, was not apprehended. We have been unable to reach Rabbi Kellner.

The persons involved in the punching were members of the community, rather than CAP members. All parties agree that community persons who attend CAP meetings should be able to do so safely. Since that incident and following upon another incident, in which the police entered the CAP chamber and struck a CDA staff member and the Chairman of CAP as well, CAP has paid more attention to security, trying, however, to balance that with the important matter of being accessible to community people.

As of June, 1971, CAP had a total of 51 members, of which 12 or 23% were Jewish. Rosen is off slightly when he says that only two of them represent corporation areas—there were 3 at the time—and then he says that there are no at-large delegates from Jewish "representations"—there was one from the Federation of Jewish Philanthropies (and one each from the Catholic Charities of the Archdiocese of New York and the Federation of Protestant Welfare Agencies). The remaining nine Jewish members are public officials who represent their agencies.

Rosen makes a distinction in this third charge, which occurred during the question and answer period, between Jews who have assimilated into American culture and orthodox Jews who have not. (The latter includes the Hassides sect.) His call for representation of Orthodox Jews, is based on his contention that they constitute great percentage of the Jewish poor, and that they are not represented in CAP. One of the three Jewish community representatives on the Council is an Orthodox Rabbi, Sholom Gorodetsky of Crown Heights. Whether the other Jewish Council members are insensitive to the Orothodox Jewish poor is beyond our competence to determine.

Charge # 8: "Many poor Jewish youngsters are being turned away" from Neighborhood Youth Corps registration on the basis of a mandate from HRA Administrator Sugarman that 50% of the 44,000 summer jobs must go to the children of adults on welfare. This is prejudicial to Jews because many eligible poor Jews refuse welfare, and because "every time a Jewish kid shows up at the window for a job he belongs to the wrong 50%." (Prepared Statement, pp. 4–5)

* * * * *

On June 22, 1971, two Hassidic Jewish youths were derided and assaulted while trying to register as NYC enrollees while several Williamsburg Corporation employees looked on. (Prepared Statement, p. 3)

* * * * *

"Neighborhood Youth Corps regulations are invented against 'Jewish Job Sites', which are mainly (residential) summer camps . . . everyday Neighborhood Youth Corps management in this City invents new provisions, regulations, stipulations all geared to harass Jewish participants." (Prepared Statement, p. 5)

Finding: In the aftermath of the 10% cut in welfare funds by the New York State

Legislature last spring, HRA Administrator Sugarman requested the Youth Services Agency ("YSA") to assign 50% of the NYC enrollment to children of welfare families (see Attachment 11). NYC Director Paul Kurzman told us that about 30% of the enrollees were from welfare families in 1970, and that his office honored Sugarman's request for 50% this year.

Rosen claims that Orthodox Jews are culturally indisposed to welfare and for that reason Sugarman's request has a built-in bias toward poor Jews. The 22,000 NYC slots left for children of non-welfare families, however, would be more than enough for White children whose parents are poor but not on welfare.

Rosen further charges, however, that the registration centers turned non-welfare Jewish youngsters away by claiming that the 50% quota of non-welfare children was already filled for that center. We have not been able to get information substantiating or denying this charge. Impressionisticly, it is inconceivable as a generality; although it is a possibility in densely Black or Puerto Rican areas, especially since the majority of the NYC slots are distributed through the community corporations. (YSA also distributes additional slots directly to the agencies.).

Rosen also charges that children *not* living in poverty areas could not obtain slots; although of the 11 independent organizations having slots two of them are Jewish: the Torah Umesorah (National Society for Hebrew Day Schools) and the Federation Employment and Guidance Service.

Kurzman was unwilling to estimate the total number of Jewish enrollees (except for the summer camps, see *infra,* p. 39) since in his view a guess would be so impressionistic that it would mislead.

The recent date of the incident described in the next charge afforded us the opportunity to obtain specific information.

According to Beverly Jackson, Director of the Williamsburg NYC, some Jewish youths attempted to enroll on June 22, 1971 and were harassed by a group of Puerto Rican and Black youngsters, who threw tomatoes, rocks, and bottles from a school yard facing the registration center at 50 Humboldt Street, Brooklyn.. Two Jewish boys were reported to have sustained minor injuries. Registration for Jewish youths was moved to the YM-YMHA for June 24, 25, 28 and 29, 1971. Subsequently, it was resumed at 50 Humboldt Street for July 13, 14, 15, 16, 1971, without further incident.

The last charge concerning harassment is an exaggeration.

There are two kinds of regulations for the residential summer camps. The first is the 15-page "Summer Camp Guidelines" issued by NYC-Central which explains how a camp may qualify and what it obligates itself to do in the 1971 Summer NYC program. The document is clear, comprehensive, and, in our view, not unduly strict. (See Attachment 12.)

The other regulations on the camps come from the United States Department of Labor which funds the NYC program. The Labor Department was not going to permit residential camps as work sites in the 1971 Summer program because of their dubious programmatic accountability in past summers. The newly-organized Association of Orthodox Jewish Camps of which former NYC Director Rabbi Samuel Schrage is the chairman, and Rosen was at the time the Liaison Officer, was formed as a self-policing organization made up of representatives of the camps. The Association helped convince YSA and the Labor Department that it would succeed in making the camps accountable, and the Labor Department rescinded its decision.

Four stipulations were made, however:

"1. That all appropriate steps be taken to insure that all enrollees are adequately supervised and that all safety regulations are strictly enforced.

"2. That assignment of Neighborhood Youth Corps enrollees shall not be based directly or indirectly on religious affiliation.

"3. That employment of enrollees shall not result in the displacement of regular employees or in the release of other employees for the performance of religious duties.

"4. That enrollees assigned to camps run by sectarian organizations shall not participate in religious activities during working hours."

It is conceivable that some camps have found these regulations troublesome, but that is a far cry from what Rosen has charged. We have heard both sides on the day-by-day, blow-by-blow difficulties of last spring when camps were being signed up, and the differences do not amount to harassment. Schrage told us that only two camps were disallowed by NYC, which he considered a just decision.

This year there are 55 Jewish camp sites with about 1200 enrollees. (There are 16 non-Jewish camps and six mixed.)

SKYLAB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. TEAGUE of Texas. Mr. Speaker, in 1973 the National Aeronautics and Space Administration will embark on one of the most significant man-benefit oriented programs of the space age. While doing this, NASA will simultaneously conduct the most comprehensive scientific astronomical observations of the sun ever devised and undertaken. These two diverse, but complementary objectives, will be done in the Skylab program—a program of three manned visits to a low earth orbital workshop. This workshop is a third stage of a Saturn V rocket converted to a laboratory and launched, unmanned, by the first two stages of a Saturn V. The Skylab hardware is a dividend from the highly successful Apollo lunar landing program modified to provide a prototype space station.

As a layman I have been interested and concerned as to our opportunities and limitations in using space for man's benefit as well as for new knowledge and exploration. A recent study conducted by the McDonnell Douglas Astronautics Co. for NASA defined 19 basic areas of investigation in manned space-based research. These were further divided into 136 research areas. My initial reaction as a layman to the formidable list of research activities was one of confusion. However, an ingenious answer to a layman's examining the merit of these opportunities was found by Mr. George Butler of McDonnell Douglas Astronautics Co. By using Mr. Butler's relatively simple evaluator I was able to satisfy myself that there are at least 20 areas of investigation in manned space-based research that are of significant national importance, low enough cost and within our current capability that they not only should, but must be undertaken.

To arrive at this conclusion I employed Mr. Butler's evaluator to ask a number of questions:

What experiments can be done for less than $5 million each in Skylab?

How many of these experiments can be available before 1975?

How many of these experiments can be attached to the Skylab?

Which of these experiments will require intermittent manned activity?

Which of these experiments will provide major national and international benefits?

Which of these experiments will provide direct benefits to man?

Which of these experiments will provide economic social and/or political benefits?

Which of these experiments can be instituted on the Skylab?

In manipulating the evaluator device I found 20 areas which satisfied all eight of these practical benefit questions:

Identification of volcanic activity.

Crop inventory and land use.

Soil type mapping.

Crop identification.

Crop vigor and yield prediction.

Photographic and multisensor mapping.

Rock and soil type identification.

Mineral and oil deposit discovery.

Identification of land forms and structural forms.

Detection and monitoring of atmospheric pollutants.

Determination of Pollution in Water Resources.

Flood Warning and Damage Assessment.

Synoptic Inventory of Major Lakes and Reservoirs.

Survey of Hydrolic Features of Major River Basins.

Ocean Pollution Identification, Measurement, and Effects.

Solar Energy Partition and Heating in the Sea Surface Layer.

Ocean Population Dynamics and Fishery Resources.

Ocean Currents and Tide Forecasting.

Ocean Solid Boundary Processes.

Ocean Surface Activities Foresting.

As a layman some of these listings are not familiar. Undoubtedly an investment of more than $5 million in several of the more familiar areas would bring returns many times greater than whatever investment is made.

It seems to me that the most important result of this exercise is to highlight the practical importance of the Skylab flights of 1973. Additional hardware also will be available for one additional Skylab system. Based on Mr. Baker's ingenious evaluator it is obvious to this layman that it would be a prudent and wise investment to fly a second Skylab while a low-cost space shuttle is being developed. With the space shuttle available a permanent manned space station will be economical based on the accomplishments and promise of Skylab.

YAKOV A. MALIK'S ANTISEMITISM MUST NOT GO UNCHALLENGED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. KOCH. Mr. Speaker, today our colleague Benjamin S. Rosenthal and I issued a statement which we would like to bring to the attention of the House commenting on the anti-Semitic slurs uttered by Yakov A. Malik, the U.N. delegate of the Soviet Union.

We, as Members of Congress and as Jews, believe it imperative that we respond to the remarks made by Yakov A. Malik in a debate which took place on Saturday in the United Nations Security Council on the subject of Jerusalem. That debate centered on the issue of the actions taken by Israel after reuniting Jerusalem following the 6-day war in 1967. Our observations are twofold and relate to the issue of Jerusalem, but what is even more personally and immediately demanding is the need to respond to the abusive anti-Semitic statements by Yakov A. Malik, the Soviet delegate to the United Nations during the Council's meeting. We will not dwell on his shameful references accusing Israel of "Hitlerite tactics." Those who are familiar with the Soviet Union, its repression of minorities, its concentration camps, its murder of millions of its own citizens since the Soviet Union was formed in 1917, are most assuredly not going to accept those slurs upon Israel uttered by the spokesman for a ruthless and totalitarian government.

But Mr. Malik's other slanderous remarks cannot go without challenge. The Soviet delegate is reported as having said—

> Zionism and Fascism are both racist ideologies . . . the chosen people, people elected by God—in the 20th century, this is a criminal and absurd theory.

Surely it will shock the consciences of decent people everywhere to have "Zionism," expressing the love that Jews have had for their ancestral homeland from time immemorial equated with Fascism. There are many Jews and non-Jews who believe in the ancient ties of the Jewish people with the land of Israel and believe in the covenant made between God and Abraham. Here we are, proud Members of the United States Congress devoted to the United States and also proud to be referred to as "Zionist."

The Soviet Union does in fact define Zionism as a crime. Even in the Soviet Union it is not acceptable to openly encourage anti-semitism, and so, an acceptable codeword, "Zionism" has been found, making it respectable for Soviet citizens to revile Jews in the Soviet Union—only they are reviled not as Jews but as Zionists. When a Russian of Ukrainian origin lives elsewhere in the Soviet Union or even the United States, he has a special place in his heart for his old homeland and speaks in loving terms of his ancestral Ukrainian Republic. This is acceptable, as it should be, even in the Soviet Union. Indeed we here in the United States always have found it not only acceptable but admirable that those of us of Italian, or French, or Irish extraction, or the many other nationalities represented in our pluralistic society, think lovingly of our ancestors and cherish our traditions and heritage.

The attempt by Mr. Malik to stir the bestial prejudices that rise so quickly when sparked is abundantly clear. His intent to slur the Jews and the phrase, "chosen people," which we do indeed employ . . . and which appears in ancient Talmudic writings and in the Old Testament revered by Jews and non-Jews alike was a blatant attempt to set Jews and non-Jews against one another. So many religions have cardinal principles which set them apart from other religions and this is accepted by all as it should be. To illustrate, the Japanese have their national Shinto religion maintaining that the Emperor is the direct descendent of the Gods, and the Christian faith for many is based on a virgin birth and an ascent unto heaven by one having the body of a mortal but the divinity of God. Those who do not accept these creeds do not scorn them or revile them but indeed respect them. Would Mr. Malik make similar references and use his crude obscene language to the Japanese delegation or to any of the Christian delegates sitting at that table. We know he would not dare. What then brought him to this fury so as to make him lose even an outward show of decency? It is clear why. On past occasions the only delegate in the United Nations willing to stand up to the Soviet Union and unmask Mr. Malik's pretense and expose his savagery, has been the delegate from Israel. Yes, the small State of Israel.

Let us tell you what the phrase "the chosen people" really means. But first let us tell you what it does not mean. It does not mean that the Jews see themselves as superior human beings. Indeed the history of the Jews refutes that. Surely Mr. Malik knows that one of the most revered women in the history of the Jews, a progenitor of King David, is Ruth, a non-Israelite who converted to Judaism. Mr. Malik might also be interested in knowing that while Jews do not proselytize because we respect the religious traditions of all people, any non-Jew, without regard to his or her race, nationality or place of origin, may convert to Judaism if that is his or her desire.

Now let us tell you what the concept of the "chosen people" is. The Jews believe that God imposed upon the Jews, and the Jews willingly accepted the obligation, no matter what the cost, to speak out against injustice and to be ever faithful to God and to the concept of monotheism. Rather than give up these cardinal principals, Jews through the centuries have died horrible deaths in almost every country—Russia being one of the foremost to have that infamous honor. A single prayer uttered around the world every day and at every service, "Shema Yisrael, Adonai Elohenu, Adonai Echud" which means "Hear oh Israel, the Lord Our God, the Lord is One" sets forth our devotion to God.

This is not the time or the place to instruct Mr. Malik. We feel compelled to make one more reference to the concept of the "chosen people." It also means that we have taken on greater obligations than are required of others in pursuing the adoration of God. To Jews this means that a non-Jew who fulfills the seven laws of Noah will find his place in heaven while Jews are required to carry out the 613 commandments.

Our distress today is even greater than it would otherwise be had Mr. Malik uttered his obscenities free from response by others in Moscow. We are distressed because not one delegate other than Israel's rose to challenge or denounce Mr. Malik's anti-Semitic remarks and our own delegate, George Bush, sat silently by. Once again the United States stood mute while the Jewish people were being slandered.

We have commented before concerning the unification of the city of Jerusalem. We will not restate the reasons why it would be utter insanity to divide the City of Jerusalem now that it has been reunited. Those familiar with what Jordan did when it occupied East Jerusalem and the old city of Jerusalem know whereof we speak. They desecrated the holy places of the Jews and literally demolished the Jewish synagogues in the old walled city. And they violated the ancient Jewish cemetery on the Mount of Olives using the tombstones for road building. For us and we hope for many others, Jews and non-Jews alike, the memory of the holocaust will always be with us and new Jew-baiters will be denounced when they raise their ugly heads, wherever they may be, including in the United Nations.

We think that the response by Benjamin Disraeli in 1837 to another anti-Semite is particularly appropriate for Mr. Malik:

> Yes, I am a Jew, and when the ancestors of the right honorable gentleman were brutal savages in an unknown island, mine were priests in the Temple of Solomon.

HEXACHLOROPHENE: A HEALTH HAZARD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. RYAN. Mr. Speaker, hexachlorophene has been extensively used for the past 20 years as an antibacterial agent in soap, detergents, deodorants, antiperspirants, mouthwashes, toothpastes, cosmetics, and infant preparations. Yet, recent scientific evidence has linked hexachlorophene to severe neurological disturbances in children and laboratory animals.

These studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that laboratory animals fed high doses developed paralysis, brain lesions, and poisoning.

The implications of these findings are obvious. In light of the multitude of household products in which hexachlorophene is used, it is essential that the responsible Federal agencies take every possible action to insure that the consumer is protected from the possible hazards of this chemical. Thus, on September 12, I called upon the Food and Drug Administration to undertake a comprehensive program to safeguard the public from any danger from hexachlorophene, including restriction of its use and adequate labeling to alert the citizen to the hazards presented by this chemical.

In its response to me on September 22, FDA acknowledged that it was "cognizant of the concern for possible hazards" of hexachlorophene, and that it was undertaking an investigation into the matter.

With this I am entirely in accord. Comprehensive research into this matter is essential. But although such study is needed, I do not believe that we can afford to wait until all the evidence is in before the public is alerted to the potential harm from this chemical. The public should be made aware immediately of the current status of research in this field and the severe hazards it has uncovered.

It is my firm belief that at the present state of our knowledge, the unnecessary use of concentrated hexachlorophene preparations should be curtailed. If the Food and Drug Administration is unwilling to undertake regulatory action at this time, then consumers must be alerted to the potential dangers hexachlorophene poses, thus allowing them to curtail use of this chemical voluntarily.

Therefore, I am including in the RECORD my correspondence with the Food and Drug Administration and a number of recent articles relating to the health hazards of hexachlorophene.

The first of these articles is by Dr. Renate Kimbrough. Entitled "Review of the Toxicity of Hexachlorophene," it appeared in the Archives of Environmental Health, volume 23, August 1971.

The second article is entitled "Dermal Absorption of Hexachlorophane in Infants" from the Lancet, August 7, 1971, written by August Curley, Robert Hawk, Renate Kimbrough, George Nathenson, and Laurence Finberg.

I also include an article by Ellen Graham which appeared in the Wall Street Journal of March 30, 1971, and a news story from the August 22 edition of the New York Times.

The articles follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 12, 1971.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Aministration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: I am deeply concerned by the medical hazards of hexachlorophene, widely used as a disinfectant in soap, detergents, cosmetics, mouthwashes and infant preparations.

Recent studies have linked the use of hexachorophene with severe neurological disturbances in children and laboratory animals. These studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that rats fed certain doses developed paralysis, brain lesions, and poisoning.

In light of the wide variety of products in which hexachlorophene is used, I urge you to take every possible effort to insure that the consumer is protected from its hazards, including restriction of its use and adequate labeling which will alert the citizen to the dangers presented by this chemical.

I would appreciate a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or reviews you have undertaken.

With kindest regards,
Sincerely,

WILLIAM F. RYAN,
Member of Congress.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., September 22, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: This is in reply to your September 12, 1971 request for a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or review undertaken.

We are fully cognizant of the concern for possible hazards which have been suggested as attributable to the use of hexachlorophene.

Scientists in the Food and Drug Administration are completing comprehensive investigation of hexachlorophene which includes methods of chemical analysis, amounts of contamination of commercial samples with toxic dioxins, toxicologic studies in man and animals and metabolism of hexachlorophene *in vivo* and *in vitro*.

In the near future a report will be prepared which will consolidate the information we have on hexachlorophene. When this report is completed we will forward a copy to you together with any other information we have available at that time.

If we can furnish any further assistance, please let us know.

Sincerely yours,

M. J. RYAN,
Director, Office of Legislative Services.

UPDATED RESPONSE STATEMENT ON HEXACHLOROPHENE—JUNE 16, 1971

(To be used to answer inquiries)

(Prepared by the Office of Public Information, FDA)

Hexachlorophene has been used extensively for the past twenty years as an antiseptic for application to the skin. In addition to soaps and solutions, it has also been used in recent years as a constituent of some deodorants, anti-perspirants, feminine hygiene products, mouthwashes, toothpastes, cosmetics, and certain OTC drugs.

Hexachlorophene as an active ingredient in various formulations was cleared for safety through the new drug procedure early in the history of the 1938 Food, Drug and Cosmetic Act. More recent experience has indicated that in certain circumstances toxic amounts can be absorbed. Studies by FDA toxicologists and other FDA scientists, as well as outside investigators, are currently under way to extend our knowledge of hexachlorphene under various conditions of use.

FDA scientists have also asked cosmetic manufacturers (as reported in the Cosmetic, Toiletry and Fragrance Association, Inc. *Scientific Newsletter*, April 1971) to reevaluate the use of hexachlorophene in their products, with respect to its need, and the optimum levels required. With these data, FDA will then be better able to ascertain the need—if any—to curtail its use.

A CT&FA survey conducted last year indicated that hexachlorophene is used at levels as low as .0003% and as high as 3%. Most uses were, well below 1%.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 24, 1971.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: This letter is in further regard to my correspondence of September 12, 1971, relating to the possible health hazards of hexachlorophene.

In his letter to me of September 22, Mr. Ryan, Director, Office of Legislative Services, informed me that the Food and Drug Administration is currently undertaking a comprehensive investigation of hexachlorophene and its uses. Although such a study is absolutely essential, I believe that the public should be made aware immediately of the findings of past research in this field and the severe hazards that it has uncovered.

Specifically, I bring to your attention the article by Dr. Renate D. Kimbrough which appeared in the Archives of Environmental Health, Vol. 23, August 1971, and the study by August Curley, Robert Hawk, Renate Kimbrough, George Nathenson, and Laurence Finberg which appeared in the Lancet, August 7, 1971, entitled "Dermal Absorption of Hexachlorophene in Infants."

These studies have linked the use of hexachlorophene with severe neurological disturbances in children and laboratory animals. The conclusions of both these articles raise serious questions as to the safety of this chemical, and indicate that excessive or unnecessary use be avoided.

In light of these findings and the wide variety of products in which hexachlorophene is used, I urge that the Food and Drug Administration make every possible effort to alert the public of the potential harm of hexachlorophene and that the FDA advise a restriction of its use, pending the final results of those studies currently being undertaken by your agency.

Again, I urge you to take all appropriate action to insure that the consumer is protected from any dangers that might be posed by this chemical.

I look forward to receiving a full report on any steps taken by the Food and Drug Administration in regard to hexachlorophene including the results of those studies that FDA now has underway.

With kindest regards,
Sincerely,

WILLIAM F. RYAN,
Member of Congress.

[From the Archives of Environmental Health, August 1971]

REVIEW OF THE TOXICITY OF HEXACHLOROPHENE

(By Renate D. Kimbrough, M.D.)

Hexachlorophene has been used extensively as an antibacterial agent for the past 20 years. A review of the literature revealed several cases of human poisoning. A single dose of 250 mg/kg of hexachlorophene administered orally seems to be fatal in children, and daily doses of 20 mg/kg taken for three days cause toxic symptoms. Hexachlorophene is also absorbed by the intact and denuded skin. Central nervous system symptoms developed in a normal infant who was treated with a 3% hexachlorophene solution as a lotion after bath for four days. Work in our laboratory and reports in the literature indicate that rats and pigs develop paralysis when they are exposed to high doses, but the effect on the central nervous system is reversible when exposure to hexachlorophene is discontinued.

Hexachlorophene, 2,2'-Methylenebis (3,4,6-trichlorophenol), was patented in 1941 by Gump (US patent 2,250,480). For the past 20 years, it has been used extensively as an antibacterial agent. It is incorporated in soaps, cosmetics, and antiseptic solutions, and is used by many people in the United States and foreign countries.[1] According to Hirschler, it has anthelmintic properties against liver flukes (Inaugural Dissertation, College of Veterinary Medicine, Vienna, 1957). It is also used for the treatment of chlonorchiasis sinensis in China.[2] More recently, hexachlorophene has occasionally been used as a broad-spectrum fungicide and bactericide on food crops. It is also recommended for the control of rust mites on citrus and rhizoctonia in soil.[3]

Throughout the years, a number of cases of human poisoning have been reported in the literature, most of which were cited by Gump [1] in his review article. Wear et al [4] reported the accidental ingestion by ten patients of a preparation containing hexachlorophene. In most instances the preparation was mistaken for milk of magnesia. The major symptoms of toxicity were anorexia, nausea, vomiting, abdominal cramps, and diarrhea. Dehydration was sometimes severe and associated with shock. The radically fatal dose of hexachlorophene (2 to 10 gm) was contained in 67 to 300 cc of the preparation used.[4] Lustig [5] reported a fatal case of poisoning in a retarded six-year-old child who drank about 4 or 5 oz of hexachlorophene lotion (pHisoHex) and died nine hours later. It was estimated that the ingested lotion

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Footnotes at end of article.

contained approximately 250 mg of hexachlorophene per kilogram of body weight. The autopsy findings disclosed that the hexachlorophene was an irritant poison.

Liu et al [2] observed some toxic reactions to hexachlorophene in eight patients who received three successive doses of 20 mg/kg/day. One patient in this group became comatose during the fourth day with temporary loss of light reflex, alternating dilation and contraction of the pupils, and positive pyramidal signs. Fundus examination showed mild papillary edema; there was also low-grade fever, This patient improved and completely recovered within three days. Diarrhea occurred in one half to two thirds of the patients, usually within one to two hours after medication, accompanied by mild abdominal pain. Vomiting also occurred in some patients; gastrointestinal irritation was marked in this group. In patients with pronounced reactions of the central nervous system, the gastrointestinal symptoms were usually mild. On the other hand, those with severe diarrhea usually showed less neurological reaction.

Herter [6] described a newborn infant who after being discharged from the hospital was treated by the mother with a 3% hexachlorophene lotion after his bath. The lotion was left on the skin. After four days of this treatment, excoriations appeared on the infant's buttocks and face, and there were slight twitchings of the arms, legs, and face which progressed to convulsions. The child was admitted to the hospital when he was 11 days old. The skin of the entire body was diffusely red, the arms and legs jerked, and the face twitched. There was roving nystagmus. The left side of the child's face was paralyzed. On the 16th day of hospitalization, except for peeling skin, the infant was in good health and was discharged.

Pilapil [7] observed a case of hexachlorophene intoxication after continued oral administration of hexachlorophene to a 17-day-old infant for seven days. On the fourth day of this treatment, the child developed bulging of the fonticulus anterior. He also showed spasms of the extremities with twitchings of the face, sucking movements of the lips, and lateral shaking movements of the head. The mistake of treating this child with hexachlorophene apparently was the result of erroneously pouring the hexachlorophene preparation into a Gantrisin-labeled bottle. After the hexachlorophene administration was discontinued, the infant recovered gradually and, by the end of that week, showed only persistent spastic flexion of the fingers, hands, and arms. By the end of a month the hands were only slightly flexed at the wrists and were not spastic.

The horizontal nyatagmus noted at that time cleared up later. In this instance it was estimated that the infant received approximately 257 mg/kg of hexachlorophene in divided doses for one week. In a study by Larson,[8] blood levels of hexachlorophene were determined in burned patients to whom 3% hexachlorophene detergents had been applied. Larson found that these detergents pass readily through the burn wound. When serum levels of hexachlorophene become sufficiently high, convulsions may result in both the child and the adult. Other symptoms produced are diplopia, weakness of the lower extremities, nausea, vomiting, and irritability. Thus, if 3% hexachlorophene solutions are used to wash patients with large burns, it should be remembered that toxic symptoms secondary to absorption of hexachlorophene may develop.

Larson also discussed burn encephalopathy,[8] which he says has been cited frequently in the literature to describe the burned patient who develops stupor, coma, confusional status, muscle twitching, conculsions, cerebral deficits, choreo-athetosis, hyperkinesia, and cerebral edema. Burn encephalopathy has been found predominantly in children. He points out that a review of the literature presents many etiologic possibilities, such as cerebral edema, colistin sulfate, massive intravenous doses of pencillin, and hypoxia. His recent survey of possible causation of this syndrome in burned children at the Shriner's Burn Institute, Galveston, Tex., has suggested hexachlorophene treatment as a possible etiological agent.

Newcomer et al,[9] describing a melanosis of the face termed "chloasma," state that the etiological factors have varied from time to time and from place to place, but are generally caused by externally applied cosmetics or are of occupational origin. In their study, hexachlorophene was the only active ingredient common to the cosmetics employed by each patient. However, they were not able to produce any pigmentation experimentally which could be attributed to hexachlorophene. McDonald and Woodruft [10] reported 12 cases with a reaction of the scrotal skin to hexachlorophene detergent solution. Prolonged contact of the scrotal skin with the lotion produced severe, painful dermatitis.[10,11] It was advocated that a few extra seconds be devoted to rinsing the hexachlorophene detergent solution off the scrotum, following preoperative preparations, to obviate this distressing complication.

Toxicity studies performed in animals, which Gump [1] discussed in details, have not been cited again in this article. Larson [8] exposed the skin of rats and pigs to hexachlorophene detergent solutions. The rats were subjected to 40% scale burns before they were treated with hexachlorophene. All exposed rats died within two to 15 days. The pigs were washed vigorously for 20 minutes with 3% hexachlorophene detergent prior to obtaining skin grafts for burned patients. Five days later, the pigs that were used in this experiment exhibited weakness in their hind extremities.

We studied the oral toxicity of hexachlorophene in Sherman strain rats in our laboratory (Atlanta Toxicology Branch, FDA). During the course of these experiments, it was found that two weeks after onset of exposure, rats fed 500 ppm (25 mg/kg/day) hexachlorophene in their diet showed weakness in their hindquarters, which progressed to paralysis. Microscopic examination of the brain and spinal cord of these rats revealed a peculiar edema of the white matter resembling spongy degeneration of the white matter in infants.[12] When the animals were removed from the poisoned diet, they recovered gradually over a period of weeks.

Carroll et al [13] studied the absorption of isotopically tagged antimicrobial agents by exposing the tail of a rat to solutions of hexachlorophene labelled with carbon 14 at various stages of injury. They found that the hexachlorophene labelled with carbon 14 in a detergent solution is absorbed by the intact tail skin of the rat at the average rate of 1.7μg/sq cm of exposed surface area per hour. Immediately after the development of the second-degree burn, the average absorption rate increases to 2½ times that of the normal skin surface. After 24 hours, the absorption rate drops to normal or even subnormal levels. A similar pattern of hexachlorophene absorption is noted with the traumatized rat tail, except that immediately after injury the rate of absorption is greater than that observed after second-degree burns.

Following oral ingestion, hexachlorophene is excreted mainly in the feces, and only a small amount is excreted slowly in the urine. [14, 15] The remainder, and possibly a large proportion of the ingested amount, is thought to be metabolized in the body. Maximum excretion occurs during the first 72 hours, and after five days only very minor amounts may be excreted.[15] Absorption in the intestinal tract is affected to a certain extent by solubility, the pH of bile in intestinal fluids, and also the degree of diarrhea occuring after ingestion.[14] According to Carroll et al,[13] hexachlorophene is absorbed through the intact skin and even more through denuded skin. Manowitz and Johnston [16] found that hexachlorophene was left on the skin after soaking in a bath containing very low concentrations of it. A great amount of hexachlorophene can be rinsed off in a shower, according to these authors. However, a residue was found on the skin when it was cleaned with alcohol after it had been rinsed with water.

It can be concluded from published data that large doses of hexachlorophene affect the central nervous system of both rats and humans Pigs are similarly afflicted, although histologic examination of their central nervous system has not been reported. Hexachlorophene is absorbed by the gastrointestinal tract and by the intact and denuded skin. It is possible either that infants and children are more susceptible to the toxic effects of hexachlorophene than adults or the absorption of the chemical may be more efficient in them. Apparently, a single dose of 250 mg/kg hexachlorophene is fatal in children.[5] This is comparable to about 300 mg/kg or more in adults.[4] It is possible, of course, that somewhat lower doses may still be fatal. Repeated oral doses of 20 mg/kg seem to cause toxic symptons in children.[2] This dose is comparable to the dosage level of hexachlorophene in rats (25 mg/kg/day) which produces symptoms of toxicity when given repeatedly. *The United States Pharmacopoeia* [17] lists hexachlorophene liquid soaps which should contain 225 to 260 mg/100 gm of liquid soap or more. This would correspond to at least a 0.2% solution. Hexachlorophene preparations are available commercially as bar and liquid soap containing 2% to 3% of hexachlorophene which would correspond to 2 to 3 gm/100 gm of soap.[18] When these preparations are applied to the skin, they are usually further diluted with water. Dermatologic preparations are applied undiluted in concentrations of 0.25% to 1% of hexachlorophene. The amount of hexachlorophene applied depends on the surface area of skin covered, the number of applications, and the time interval between the applications. Gump [1] recommends that hexachlorophene-containing preparations should not be left on damaged skin, especially on large denuded areas of burns where systemic toxicity may lead to convulsions.

The information reviewed previously shows that severe toxic symptoms develop from certain high exposures; however, toxicity data from controlled scientific studies are meager. No comprehensive studies to establish a "no-effect" level (the highest level of administration at which no toxic symptom is shown) have yet been performed in man or in any animal species. It is well established that hexachlorophene is absorbed through the intact skin, but no comprehensive studies to establish the quantitative relationship of absorption under different conditions and degrees of exposure have yet been made. At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene preparations should be curtailed, and residues on food products should be reviewed and restricted when appropriate.

FOOTNOTES

[1] Gump WS: Toxicological properties of hexachlorophene. *J Soc Cosmetic Chemists* 20:173–184, 1969.

[2] Liu, J, Wang C. Yu J, et al: Hexachlorophene in the treatment of chlonorchiasis sinensis. *Chinese Med J* 82:702–711, 1963.

[3] 2,2'-Methylenebis (3,4,6-trichlorophenol): A broad-spectrum foliage fungicide and bactericide, in *Farm Chemicals Handbook*. Willoughby, Ohio, Meister Publishing Co, 1969, p E219.

[4] Wear JB Jr, Shanahan R, Ratliff RK: Toxicity of ingested hexachlorophene. *JAMA* 181: 587–589, 1962.

[5] Lustig FW: A fatal case of hexachlorophene (pHisoHex) poisoning, *Med J Aust* 50 (1):737, 1963.

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[6] Herter WB: Hexachlorophene poisoning. *Kaiser Foundation Med Bull* 7:228, 1959.

[7] Pilapil VR: Hexachlorophene toxicity in an infant. *Amer J Dis Child* 111:333–336, 1966.

[8] Larson DL: Studies show hexachlorophene causes burn syndrome. *Hospitals J Amer Hosp Assoc* 42:63–64, 1968.

[9] Newcomer VD, Lindberg MC, Sternberg TH: A melanosis of the fact ("chloasma"). *Arch Derm* 83:284–299, 1961.

[10] McDonald HP, Woodruff MW: Scrotal reaction to pHisoHex. *J Urol* 86:266–268, 1961.

[11] Baker H, Ive FA, Lloyd MJ: Primary irritant dermatitis of the scrotum due to hexachlorophene. *Arch Derm* 99:693–696, 1969.

[12] Kimbrough RD, Gaines TB: Hexachlorophene effects on the rat brain: Study of high doses by light and electron microscopy. *Arch Environ Health,* to be published.

[13] Carroll FE, Salak WW, Howard JM, et al: Absorption of antimicrobial agents across experimental wounds. *Surg Gynec Obstet* 125:974–978, 1967.

[14] Chung HL, Ts'ao WC, Hsu HC, et al: Hexachlorophene (G-11) as a new specific drug against chlonorchiasis sinensis: Its efficacy and toxicity in experimental and human infection. *Chinese Med J* 82:691–701, 1963.

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[16] Manowitz M, Johnston VD: Deposition of hexachlorophene on the skin. *J Soc Cosmetic Chemists* 18:527–536, 1967.

[17] *The United States Pharmacopoeia Seventeenth Revision 1965,* pp 280–281.

[18] Osol A, Pratt R, Farrar GE: *The United States Dispensatory and Physicians Pharmacology*. Philadelphia, JB Lippincott Co., 1967, pp. 561–562.

[From the Lancet, August 7, 1971]

DERMAL ABSORPTION OF HEXACHLOROPHANE IN INFANTS

(By August Curley, Robert E. Hawk, Renate D. Kimbrough, Gerald Nathenson, and Laurence Finberg)

SUMMARY

Hexachlorophane is widely used as an antibacterial agent. It has been reported that repeated high oral doses of hexachlorophane (25 mg. per kg. per day) in rats produced paralysis and a pronounced oedema of the white-matter of the central nervous system. To see whether hexachlorophane may be absorbed through the intact infant skin, its concentration in the blood of the umbilical cord of fifty infants and in the blood of the same infants obtained on discharge from hospital was determined by gas chromatography. While in the hospital the infants were washed several times with hexachlorophane solutions to prevent staphylococcal infections. The range of hexachlorophane levels in the umbilical cord was 0.003–0.182 p.p.m. (μg. per g.), with a mean of 0.022 p.p.m., and for the blood at the time of discharge from the hospital 0.009–0.646 p.p.m., with a mean of 0.109 p.p.m. It is suggested that infants' skin be rinsed after the use of hexachlorophane.

INTRODUCTION

Hexachlorophane [2,2'-methylene-bis-(3,4,6-trichlorophenol)] is used extensively as an antibacterial agent. It is incorporated in soaps, cosmetics, and antiseptic solutions. Kimbrough and Gaines have found that high doses (25 mg. per kg. per day) of hexachlorophane given for 2 weeks in the diet of adult rats was followed by paralysis of their hindlegs.[1] After a single dose of 100 mg. per kg. hexachlorophane given by stomach tube, weaning rats became paralysed.[2] Histological examination of the rat brains revealed striking vacuolisation of the white-matter. Electronmicroscopy disclosed that the large vacuoles in the white-matter lined by portions of myelin sheaths. The vacuoles contained very little electron-dense material or seemed to be completely empty. These lesions were interpreted as oedema of the cerebral white-matter, and resembled the diffuse spongy degeneration of the white-matter of the brain described in infants.[3] They seemed identical with the lesions produced in animal brains with triethyl-tin.[4]

A review of the toxicity of hexachlorophane[5] suggested that this compound when applied dermally might be absorbed through intact skin. This was substantiated in animal experiments and by analysis of human blood from fourteen adults with no unusual exposure to this compound.[6]

Washing of newborn infants with hexachlorophane emulsions is advocated to reduce stapyhlococcal colonisation and infections in hospital nurseries.[7] It is also recommended that thorough rinsing be avoided to allow a film of hexachlorophane detergent solution to remain on the infant's skin.

To test for absorption of this substance through the intact skin, hexachlorophane concentrations were determined in the umbilical cord blood of fifty healthy newborn babies at birth and in their blood after several washings.

METHODS

Fifty newborn infants at a single hospital during the late autumn of 1970 comprised the study population. The established nursery routine specified daily washings with hexachlorophane following the technique of Gluck and Wood.[7] No new instructions were issued during the study period. The hexachlorophane washes had been in use for 2 years after a staphylococcal outbreak in the nursery.

At birth 1.5 ml. of cord blood was collected in an oxalated tube. A second sample of 1.5 ml. of blood was collected in an oxalated tube from a peripheral vein of each infant on the day of its discharge from the hospital. During the hospital stay, 1–11 days, the infants were washed once daily with a diluted 3% hexachlorophane detergent solution. The diluent varied from 50 to 100 ml. of warm water. At times, the hexachlorophane solution was gently rinsed off and at other times it was left on the skin according to to the interpretation of the physicians' instructions by the individual nurses. The amount of the applied commercial hexachlorophane-containing detergent solution averaged approximately 3.5 g. The hexachlorophane applied was thus slightly over 100 mg. Except for seven cases, accurate records of the washings were available in the infants studied.

1 ml. of blood was taken from each sample and extracted with 4 ml. of ether. The method described in detail by Curley and Hawk[6] was used for the determination of hexachlorophane.

The extracts were methylated with diazomethane in ether. The diazomethane was prepared from N-meth'-Nyl nitro-N-nitrosoguanidine by the method of Stanley[3]. The extracts were allowed to react at least 4 hours. The methylated extracts were evaporated to dryness at 35°C and purified on silica-gel microcolumns.

Electron-capture gas-liquid chromatography ('Varian 2100') was done on a ¼ in. × 16 in. column of 3% diethyleneglycol succinate/2% phosphoric-acid on 30/60 acid-washed 'Chromosorb W'. The column and injector temperatures were 190°C and 215°C, respectively. The carrier-gas (nitrogen) flow-rate was 50 ml. per minute. The retention-time of the derivative was approximately 4 minutes. The minimal detectable amount of the methylated derivative was 0.04 ng. or less, depending on the settings of the instrument. The results were expressed as ug. hexachlorophane per g. whole blood (p.p.m.).

RESULTS

The concentrations of hexachlorophane for whole cord blood ranged from 0.003 p.p.m. to 0.182 p.p.m., with a mean of 0.022 p.p.m., standard error ±0.005. For whole blood taken at time of infant's discharge from hospital, concentrators ranged from 0.009 p.p.m. to 0.646 p.p.m., with a mean of 0.109 p.p.m., standard error ±0.016. In most cases the hexachlorophane concentration found in the blood of the infants was higher on the day of discharge from hospital than at birth. The highest concentration (0.646 p.p.m.) was in a baby boy after five washings. After fourteen washings the concentration of hexachlorophane in another infant was 0.250 p.p.m. The concentration of hexachlorophane in five infants was higher at birth than it was at the time of their discharge. In one infant, hexachlorophane was not detected in the cord blood, but was present in the discharge blood. Neither weight nor sex seemed to influence the hexachlorophane blood-levels.

DISCUSSION

Any hexachlorophane found in umbilical cord blood, assuming it was not a contaminant during delivery, would have had to pass through the placenta. In an earlier study,[6] hexachlorophane blood-levels were determined in fourteen blood-samples from adults with no unusual exposure to the compound. These blood concentrations ranged from <0.001 to 0.089 p.p.m., with a mean of 0.028, S.E.M. ±0.008 p.p.m. Three cord-blood samples had concentrations higher than that of the highest adult concentration. The use of hexachlorophane preparations by the mother (e.g., in a vaginal spray) may have contributed to the higher blood-levels. In addition, a "prep" solution containing hexachlorophane was used on every woman varying from several hours before to immediately before delivery. Large variations in the concentration of hexachlorophane in the blood were found at the time of discharge of the infants from the hospital. This fact could not be correlated with the number of washings. Two factors might have influenced these concentrations. Probably, less hexachlorophane was absorbed when the material was rinsed off after washing, but we do not know which babies were rinsed or how thoroughly rinsing was carried out. The interval between the last washing and the time when the blood-sample was taken could possibly influence the concentration of hexachlorophane in the blood.

Alter oral ingestion in animals hexachlorophane is metabolised in the body, and excreted in the urine and to a greater extent in the feces. Maximum excretion is reported to occur during the first 72 hours.[9] When a dose of 10 mg. per kg. of hexachlorophane 3% detergent solution was applied to intact rabbit skin, the highest mean blood-level (0.424 p.p.m.) was reached in 7 hours. After 48 hours, the mean concentration in blood was 0.074 p.p.m.[10] The work of Shemano and Nickerson[11] indicates that hexachlorophane accumulates on the skin even through gentle rinsing for 30 seconds is practised. Whether hexachlorophane is absorbed or metabolised as rapidly in man as it is in laboratory animals is not known.

The dietary intake of 100 p.p.m. (5 mg. per kg. per day) hexachlorophane in rats for 97 days or longer slightly affected the brains of some rats and slightly reduced the survival rate of offspring of the F_1 but not the F_2 generation.[2] The concentration of hexachlorophane in the blood of these rats ranged from 0·985 to 1·48 p.p.m., with a mean of 1·21 p.p.m., S.E.M. ±0·17 p.p.m. These concentrations were not reached when infants were washed with hexachlorophane-containing solutions. The highest level obtained in the infants (0·646 p.p.m.) was about two-thirds that of the lowest concentration of hexachlorophane in the blood of rats showing a slight toxic effect.

Our findings indicate that hexachlorophane is present in the umbilical cord blood of infants at birth, implying, in the absence of direct contamination during delivery, a placental transfer. After birth when hexa-

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Footnotes at end of article.

cholorophane has been applied to the skin the blood concentration generally increases. Some of it may be ingested if the material is left on the babies' hands, but most of it is absorbed through the skin. Thus far, no toxicity has been described in infants washed in this way. Convulsions in an infant 4 days after repeated applications of the 3% emulsion to the skin without subsequent rinsing have been reported.[12]

These data raise questions about the safety of hexachlorophane when it is allowed to accommulate on the skin without rinsing and suggest that the technique of washing infants with hexachlorophane be re-evaluated. It would seem advisable to rinse the skin carefully after the application of hexachlorophane.

FOOTNOTES

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[From the Wall Street Journal, Mar. 30, 1971]

Government Studies Neurological Effects of Hexachlorophene—Widely Used Disinfectant Tied to Brain Seizures in Infants, Paralysis, Lesions in Rats

(By Ellen Graham)

Hexachlorophene, widely used as a disinfectant in soap, detergents, cosmetics, mouthwashes and infant preparations, is being carefully scrutinized by the government after several recent studies have linked it to neurological disturbances in children and laboratory animals.

The studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that laboratory animals fed high doses developed paralysis, brain lesions, and poisoning.

Industry suppliers of hexachlorophene products and officials of the Food and Drug Administration assert that adverse effects on humans have occurred only in cases where hexachlorophene was misused, and that its toxic effect on animals came only after high doses were administered. Nevertheless, FDA officials concede they're continuing to take a careful look at the bactericide—particularly its effect on infant and on human mucous membranes.

In a paper presented at the American Chemical Society's annual meeting in Los Angeles, two chemicals with the federal Environmental Protection Agency report that some rats fed five parts of hexachlorophene per million parts body weight for 258 days showed signs of cerebral swelling. Most of the rats fed five times this daily intake developed brain lesions and paralysis, and those given a single oral dose of 50 parts per million hexachlorophene were "acutely poisoned".

August Curley and Robert E. Hawk, research chemists at the agency's Pesticides Community Problems division in Chamblee, Ga., began their toxicity study two years ago after hexachlorophene was proposed for use as a broad-spectrum fungicide and bactericide for agricultural products. The agency currently registers 300 to 400 products containing hexachlorophene, mostly for household use.

FOUND IN HUMAN BLOOD

The government researchers also reported that they detected low levels of hexachlorophene, ranging from one to 89 parts per billion, in 14 human blood samples taken from persons who had been exposed to the disinfectant.

In an interview, Mr. Curley said he couldn't be sure whether the hexachlorophene in the patients' blood had been absorbed through the skin. "There are many ways these patients could have been exposed to the material," he said—swallowing a hexachlorophene-containing product such as mouthwash soap, shaving lotion or toothpaste, for example.

However, rabbits he treated with hexachlorophene showed blood levels of the substance that increased with time, beginning one hour after application, reaching a maximum within seven hours and beginning to decrease between 14 and 24 hours after application. "The hexachlorophene was rapidly eliminated from the body," he added.

Even rats that became paralyzed after being fed high doses of hexachlorophene recovered when removed from the diet, Dr. R. D. Kimbrough, an associate of Mr. Curley's, said. Dr. Kimbrough has reported in earlier studies that rats fed extremely high doses of hexachlorophene after a month developed paralysis in their hind legs due to edema, or swelling in the white matter of the central nervous system. "But when we removed them from hexachlorophene they recovered in several months," she said.

There are indications that hexachlorophene absorption in humans can occur most rapidly when patients suffering from burns or abrasions are washed repeatedly with the disinfectant.

CHILDREN HAD SEIZURES

Dr. Duane Larson, chief of staff at the Shriner Burn Institute, Galveston, Texas, noticed several years ago that several children being treated for burns at the hospital developed brain seizures.

"After six children had seizures in six months, and after ruling out other causes, we decided to test the 3% hexachlorophene detergent we were using to clean their wounds," he said in an interview.

A group of rats injected with hexachlorophene developed seizures and Dr. Larson, also associate professor of surgery at the University of Texas Medical Branch began a study of 300 rats with burns. The injuries were washed daily with hexachlorophene detergent, and, within three weeks some of the animals developed neurological symptoms, including paralysis and seizures. Autopsies showed the affected rats were suffering from severe cerebral edema, he said. Samples of blood taken from the animals during the test showed that hexachlorophene blood levels increased after each successive washing with the detergent. Similar results showed up in tests with pigs and dogs."

Human burn patients also showed increasing higher levels of hexachlorophene in their blood and cerebral spinal fluid after repeated washings with the detergent. Dr. Larson said. However, nurses, who wash their hands repeatedly with hexachlorophene, showed "no significant levels" of the disinfectant in their blood.

"We've stopped using hexachlorophene deterent in the treatment of burn patients," Dr. Larson said, adding that there haven't been any cases of seizures since the hospital discontinued its use.

Reports from other physicians using hexachlorophene in the treatment of burns indicate that when the substance is well diluted and is properly rinsed off the patient's skin, difficulties don't arise, Dr. Larson said.

FDA TESTS TO CONTINUE

The Food and Drug Administration will continue to test hexachlorophene, particularly its effect on infants.

"I'll guarantee you we're going to continue to investigate hexachlorophene," said Dr. Dale Lindsay, FDA assistant commissioner for science. "However, any good germicide has to be toxic to be effective." Hexachlorophene is a particularly valuable antiseptic aid because its effect lasts longer than similar disinfectants, he explained, adding: "It would be an awful blow if it turned out to be as hazardous as some studies seem to indicate."

The Winthrop Laboratories division of Sterling Drug Inc., which makes pHisoHex, a leading hexachlorophene-containing cleanser, asserted that its product has been used "safely and effectively" for 20 years to reduce bacteria on the skin and that it is particularly effective against staphyloccocic bacteria, which cause most wound infections.

A company spokesman said that "pHisoHex has been used by millions of people of all ages in and out of hospitals and all over the world without harmful effects.

[From the New York Times, Aug. 22, 1971]

Detergent Solution Used in Baby Baths Viewed as a Peril

Hexachlorophene, a common ingredient in many germicidal products recommended for the bathing of infants, can be absorbed through the child's skin in quantities approaching potentially toxic levels, a team of doctor's and pesticide researchers has found.

They note that it is common practice in many hospitals for babies to be washed daily with a detergent solution containing hexachlorophene to kill dangerous staphylococcal bacteria.

The findings, the researchers reported in a recent issue of Lancet, a British medical journal, "raise questions about the safety of hexachlorophene when it is allowed to accumulate on the skin without rinsing and suggest that the technique of washing infants with hexachlorophene be re-evaluated.

"It would seem advisable to rinse the skin carefully after the application of hexachlorophene," the article said.

The researchers said that studies in which rats were fed high doses of hexachlorophene showed the animals developed varying degrees of paralysis. Although no babies are known to have been affected by hexachlorophene, the studies reveal that infants washed in the conventional way develop concentrations of the chemical approaching the lowest level at which rats showed evidence of mild toxicity.

The research was done by August Curley, Robert E. Hawk and Renate D. Kimbrough of the United States Environmental Protection Agency's Division of Pesticide Community Studies in Chamber, Ga., and by Gerald Nathenson and Laurence Finberg of the Albert Einstein College of Medicine in the Bronx.

UNITED NATIONS REFORM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. SIKES. Mr. Speaker, the Christian Science Monitor frequently provides the best available analyses of major world problems. More than most publications, it gives the pros and cons of a controversy and it does not editorialize the news to the extent that it is unpalatable and distorted. I have noted a number of cogent discussions of the United Nations in recent issues of this publication. One, which appeared on September 21, is entitled "Empty Coffers Underline U.N. Flaws."

It brings out the fact which I have referred to on more than one occasion, that U.N. finances are in deplorable state. The article does not say this, but it is true that the U.N. to a very considerable degree is operating on the American contribution. That contribution is $108 million a year.

On the same date there was a sound editorial about the need for U.N. reform.

I submit both for inclusion in the Congressional Record:

Empty Coffers Underline UN Flaws

(By David Winder)

United Nations, N.Y.—The United Nations is in urgent need of reform, and everyone here from the Secretary-General and member states to individual Secretariat staff members knows it.

This is the depressing cloud that hangs over the international organization as its General Assembly session gets under way.

It is a gloom that has not been dispelled even by the revived public interest in the world body occasioned by the possible entry of Peking.

A senior spokesman of one major Western country says: "It goes without saying that a good deal of the members feel the UN has reached a very critical point in the need for financial and administrative reform."

He bluntly describes the situation as "extremely critical" and adds, "I really feel the UN is right smack against a financial crisis and I believe that if between now and the end of the General Assembly there is no breakthrough I seriously see the prospect of the UN Secretary-General cutting back UN personnel."

FORCED TO BORROW

A working-capital fund has long since disappeared, and the world body has been forced to borrow from trust funds to meet its financial obligations. Secretary-General U Thant himself has spoken of the great difficulties in reaching the UN's payroll on several occasions during the past year. He said he was saved only because some member nations had agreed to pay their contributions before they were due.

"The United Nations, after 10 or more years of deficit financing of peace-keeping operations, must very soon face the fact that it is a bankrupt organization," the Secretary-General wrote in his new report.

The acute financial situation is taken as a reflection of a much deeper malaise within the UN.

The problem is not entirely centered in the 38-story plate glass UN Building fronting the East River. New irritation is also directed abroad at France and the Soviet Union, whose unwillingness to pay their contributions to the UN peace-keeping operation assists the UN financial slide.

The whole question of peace-keeping operations is in itself a conspicuous example of the UN's sagging morale these days.

One view is that "it is scandalous the committee of 33 [the Special Committee on Peace-keeping Operations] achieved absolutely nothing" last year.

Because of the $400 million peace-keeping operation in the Congo in the 1960's, the world body is still faced with a disastrous financial burden. On this operation alone the UN still owes contributing states $19 million.

With the Cyprus operation, the Security Council's debt to member states is more than $13 million.

Beyond any single issue though, there remains the pervasive feeling here that the need for the UN to get its house in order is imperative. The call specifically is to secure bold, vital leadership for financial and administrative reform.

NEW DYNAMISM URGED

The reason is that despite loyal, faithful, and conscientious service, Secretary-General U Thant comes under attack for allowing the UN to drift into a state of administrative disorderliness.

One Western ambassador speaks strongly of a "desperate" need now for a new dynamic secretary-general to correct this.

A French Secretariat member cites various draft resolutions that he believes, with stronger leadership, could have subsequently proved more innovative in their approach and purpose.

U Thant—who, many believe, regards himself as a servant of the UN rather than a figure to take a strong lead—attributes much of his present difficulty to the fact that his power is so severely circumscribed. In his annual report he pleads for the world organization to give his successor more power.

In choosing his successor, administrative qualifications seem to be a much greater determinant than in the past, though obviously not the exclusive factor.

This is precisely why a Western ambassador thinks that a Soviet preference for the secretary-generalship—Dr. Gunnar V. Jarring, Swedish Ambassador to Moscow and the UN special representative in the Middle East—will not prove acceptable. Besides, in the ambassador's opinion, being "too old" and "not rigorous enough," Dr. Jarring "hasn't the administrative drive, hasn't the leadership the UN desperately needs now."

This is one indication why Finnish Ambassador Max Jakobson is so well thought of right now.

According to representatives of a country whose approval of a new secretary-general really counts: "He is a brilliant diplomat and observer. A very impressive operator in the UN, and he knows [it] backward" and forward.

RUSSIANS POSE SNAGS

There are, however, Russian snags to his candidacy. One objection is that his Jewish ancestry makes him offensive to the Arabs. The other arises from the Russian tactic that seeks to maximize the Security Council and minimize the secretary-generalship through the selection of a weak compromise candidate.

To U Thant and to the man who follows him, the most important and pressing problem is undoubtedly the financial dilemma facing the UN.

The gravity of the situation was quite clear even last year. Then U Thant gloomily reported that "the organization's financial situation is worse than ever before and steadily deteriorating."

The financial sky becomes blacker this year. The principal cause: delay in some member states' payments, and a refusal of others, among them France and the Soviet Union, to maintain costs arising from past peace-keeping operations.

$164 MILLION ARREARS

Unpaid assessed contributions to the regular budget amounted to $164.5 million by last June. Aside from France and the Soviet Union, concern is also voiced about U.S. faith in the UN. It is so because of a congressional subcommittee decision to withhold a $20 million appropriation for projected UN building expansion in New York.

The concern is that this will further increase the groundswell to transfer a number of Secretariat offices from New York to Geneva.

And as if the financially squeezed UN has not enough problems, the staff is despondent over pay conditions and threatens a strike.

All these are telltale signs that all is not well in that collective international state known as the United Nations. It also underlines the enormous problems and responsibilities facing the incoming secretary-general.

Reform Should Be a Priority, Too

The United Nations 26th General Assembly now getting under way promises to be more than usually interesting.

Two issues of major importance will dominate the debates: the question of Peking's admission and the elusive search for peace in the Middle East.

The Assembly also will have to choose a new Secretary-General to succeed U Thant, who has confirmed his intention to withdraw after 10 years' dedicated service as the world's top civil servant.

With People's China almost certain to be admitted to the UN this year or next, a panel of American experts on international affairs has called for still wider application of the principle of universality and "political relevance" in the organization. The panel, which included such prominent statesmen and diplomats as Nicholas deB. Katzenbach, former Undersecretary of State, and Harlan Cleveland, former Ambassador to NATO, urges the admission of all divided countries—the two Germanys, the two Vietnams, and the two Koreas.

U Thant, in his annual report, also recommends admission of the divided nations on the ground that this would facilitate solution of their problems.

However, we do not believe that the world is yet ready for such a pragmatic step, however logical it might seem in the light of the growing momentum behind the drive to seat People's China. If the two Germanys can reach a satisfactory modus vivendi in the wake of the four-power agreement on Berlin, this might well open the way to the wider acceptance of East Germany as a sovereign state and eventually to the admission of both German states to the UN. But in the two halves of Vietnam and Korea the situation is very different, and the question of their admission to the international organization would seem at the least to be premature.

At the beginning of every Assembly there is always hope that a stronger UN will emerge before the session is over. Unfortunately, as Assembly after Assembly comes and goes, the tendency is to feel that nothing will ever come of the reform moves and that the organization will drift on as before, in a state of semibankruptcy and with its wings severely clipped in the vital role of peace-keeping which should be its main concern.

Reforms can only come if the big powers contribute their goodwill and good offices. Until this happens, there is little the UN can do to reform itself. But the demands for reform must be pressed ceaselessly. This is where such voices as those of the American panel of experts can help. The panel has put forth a list of recommendations for strengthening the UN which deserves close attention.

U Thant himself, in his annual report, reaffirms his conviction in the "potential and absolute necessity of the UN." He admits there is much to criticize in what it does or does not achieve, but adds: "I am convinced that the institution itself is sound, and that it can, must and will be made to work."

Yes, the UN is an "absolute necessity." It must be made to work. We would like to see reform of the institution being treated as one of the top priorities of the 26th Assembly.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FRASER. Mr. Speaker, Mrs. Jane E. Thomas, R.N., was unable to attend the hearings I recently held in Minneapolis due to illness. However, Mrs. Thomas set forth her views on the need for reform, based on her personal and professional experience. Mrs. Thomas made two recommendations concerning the universality of health insurance. One, she strongly recommended that health care be available to all, without the stigmatization attached to those who cannot afford to pay for the insurance. The administration's bill would keep the various insurance programs separate, based on ability to pay, and would therefore continue this outrageous practice. Second, Mrs. Thomas recommends that public health insurance cover all expenses, including home care, hospital care, and office visits.

I strongly support these recommendations made by Mrs. Thomas and am hopeful that the Congress can provide enlightened leadership in reforming our health-care system. Her remarks follow:

MINNEAPOLIS, MINN.,
February 22, 1971.

Congressman DONALD M. FRASER,
Fifth District, Minnesota,
House of Representatives,
Washington, D.C.

DEAR SIR: I cannot attend your health care hearings this month because my family is ill, but I want to tell you anyway that I strongly support your "Health Security Act of 1971."

As a registered nurse, I have often thought that my critically ill patients' recovery was obstructed by worry about how they would *pay* for that recovery. I have seen fathers hospitalized for heart attacks who wept because they couldn't think how to pay their medical expenses, without considering how they would handle the living expense of their families while they were incapacitated. They were unwilling to accept the complete bed rest *essential* for their recovery because they thought they had to get back on their feet and earn a living. I have seen others who allowed malignant tumors to grow beyond hope of treatment because they couldn't afford the operations they knew they needed. And as a young emergency room nurse, I have seen *countless* children whose illnesses had advanced to the serious or critical stage because their parents had tried to avoid the expense of an office call. These were not only poor and ignorant people, but often those whose financial condition had seemed stable until illness swept away their savings and earning capacity.

Now my family and I are suffering the consequences of illness ourselves. During the past three years, we have paid about $1,500 each year for medical expenses not covered by our "good" health insurance policy. (There are three of us, my husband and I and a baby born in August, 1970.) During the year preceding November, 1970, I was hospitalized three times, for surgery, a depression, and the delivery of our baby. Our son was born with a birth defect requiring an operation in November and possibly more surgery later. Now my husband has a ruptured disc which may require surgery. For the past week, I have cared for him in traction at home, although he should have been in the hospital, to save expenses. In January, 1971, we paid about $150 in medical bills just for office calls and traction equipment.

As it happens, we are a middle-class family, for whom such high costs are not (yet) catastrophic. We are paying our bills and even saving a little bit. But our savings would hardly pay for another year of luck like the last one. And we can't imagine how people with more children or smaller income can manage.

On the basis of my experience as a registered nurse and as a private citizen, I know that such a bill as the one you propose is urgently needed. I am especially pleased by your hope to establish local health boards, because I think matters of health care must be considered close to home, so that the laws are as flexible as possible. I also support your interest in helping "all of us," for I have seen the contempt of some nurses and doctors who were caring for patients stigmatized by the labels of "AFDC" or "welfare." I further recommend that public health insurance cover all expenses, including hospital costs and also office and home care and medicines and dental care, beyond a certain minimum. Perhaps that minimum could be on a sliding scale taking account of income and the number of people in a household. In any case, the non-hospital expenses should be paid to encourage people to seek treatment early, before their illnesses become critical, at a time when they can be treated as easily, successfully, and inexpensively as possible. I also hope that the laws and paper work will be as simple as possible to avoid burdening sick people and their doctors with clerical concerns. I further urge that patients be allowed a free choice of doctors.

I am sure you will have to buck opposition from organized medicine to achieve your goal of good health care for everybody. I wish that I had an M.D. after my name to add weight to my views. But if I can help you as I am, I will be delighted to do so.

Sincerely,

JANE E. THOMAS, R.N.,
Mrs. Richard L. Thomas.

REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on a proposed consumer protection agency:

WASHINGTON REPORT—SEPTEMBER 27, 1971

The National Commission on Product Safety, which recently completed a two-year study of consumer complaints, reported that 20 million Americans are injured each year—30,000 of them fatally—from incidents connected with common household items. Accidents with such products as household chemicals, power tools, lawn mowers, children's toys, or appliances—to name a few—cost more than $5 billion annually in time lost, disability, patient care, and physical or mental distress.

Despite the efforts of 39 federal departments and agencies now conducting more than 100 consumer programs, state programs, and industry's own efforts, there is growing interest in consumer legislation.

Consumer complaints have already prompted the Congress to enact stringent laws governing food inspection, flammable fabrics, drugs, automobile and highway safety and the manufacture of children's toys. This year, legislation was introduced to permit class action lawsuits, new standards for warranties, auto insurance reform, and increased powers for the Federal Trade Commission.

The focus of Congressional activity, however, has been on the creation of a consumer product safety agency. The Senate Commerce Committee has completed extensive hearings on legislation to establish a consumer protection agency and is expected to offer it for a Senate vote in the near future. Even if the bill is approved by the Senate, however, it is doubtful that it can be cleared by the House before the end of the current Session.

The Senate hearings have centered on two proposals which differ on the administration of the agency and the extent of its authority. The Commission on Product Safety has recommended the creation of an independent agency, free of restrictions by any parent government agency, and which would have strong powers to set minimum safety standards and to remove dangerous products from the marketplace.

The President has recommended an agency with broad powers to outlaw dangerous consumer products, but asks that it be under the administration of the Department of Health, Education and Welfare (HEW), and its actions subject to administrative and judicial review. Other major differences include:

THE SETTING OF STANDARDS

Under the Commission plan, the consumer agency would declare a product as hazardous and invite "outside" individuals or organizations to develop standards to eliminate or reduce the hazard. The maximum time between the decision that a product is hazardous and the implementation of new safety standards would be about one year. Under the President's plan, industry would have extensive opportunity to participate in the setting of safety standards, and there would be no time limit on making a standard effective.

A CONSUMER ADVOCATE

The Commission plan would establish a consumer advocate to represent the public in government safety proceedings. The President's plan would not.

BANNING A HAZARDOUS PRODUCT

Both approaches contain provisions to remove products from the market if (1.) the products are too hazardous to allow sales until new standards are developed, and (2.) when the hazard cannot be reduced by new safety standards. The President's bill would remove hazardous products through federal court action, while the Commission plan would permit the safety agency to act without court approval.

RIGHTS AND REMEDIES

The Commission plan would (1.) permit full public disclosure of investigations of a hazardous product, including trade secrets, if necessary, (2.) permit a person injured by a product violating a safety standard to sue the company for treble damages, and (3.) require manufacturers to notify all purchasers of newly-discovered hazards in products and to remedy any product defect without charge to the consumer.

The President's plan would (1.) prohibit the disclosure of trade secrets in any agency investigation and permit the company to respond to the agency's charges before they are made public, (2.) authorize any person to sue for enforcement of a safety standard, and (3.) require manufacturers to notify the public of new hazards and make repairs, replacements, or refunds.

It has been estimated that perhaps as many as 80 percent of the injuries associated with consumer products probably cannot be prevented, no matter how much is done to promote safety. Nevertheless, the remaining 20 percent represents 6,000 lives and about 4 million injuries each year, 22,000 of them disabling injuries.